

Regional Council

NOTICE IS GIVEN

that the next meeting of the **Regional Council** will be held in **Council Meeting Room One, Bay of Plenty Regional Council, 5 Quay Street, Whakatāne** on:

Thursday, 29 June 2017 commencing at 9.30 am.

Chris Ingle
Acting Chief Executive
22 June 2017



Regional Council

Terms of Reference

Purpose

- Enable democratic local decision-making and action by, and on behalf of, Bay of Plenty communities.
- Meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- Set the overarching strategic direction for Bay of Plenty Regional Council as an organisation.
- Hold ultimate responsibility for allocating financial resources across the Council.

Membership

All councillors are members of the Regional Council.

Quorum

In accordance with Council standing order 10.1(a), the quorum at a meeting of the Regional Council is seven members, consisting of half the number of members.

Meeting frequency

Six-weekly.

Role of Council

- Address Local Electoral Act matters and Local Government Rating Act matters.
- Oversee all matters relating to identifying and contributing to community outcomes.
- Consider and agree on matters relating to significant new activities or areas of involvement such as infrastructure which are not the responsibility of a specific committee.
- Provide regional leadership on key issues that require a collaborative approach between a number of parties.
- Develop, adopt and review Council's Policy on Significance and decision-making policy and processes.
- Develop, adopt and implement the Triennial Agreement and the Code of Conduct.
- Consider and agree on matters relating to elected members' remuneration matters.
- Appoint the Chief Executive Officer, and review their contract, performance and remuneration at least annually.
- Approve all delegations to the Chief Executive, including the authority for further delegation to staff.
- Establish committees, subcommittees, and working parties and appoint members.
- Receive and consider recommendations and matters referred to it by its committees, joint committees, subcommittees and working parties.

- Approve membership to external bodies and organisations, including Council Controlled Organisations.
- Develop, adopt and review policies for, and monitor the performance of, Council Controlled Organisations.
- Review and approve strategic matters relating to the sale, acquisition and development of property for the purposes of meeting Council's organisational requirements and implement approved Regional Council policy.
- Address strategic corporate matters including property and accommodation.
- Institute any proceedings in the High Court that are not injunctive proceedings.
- Exercise the powers and duties conferred or imposed on Council by the Public Works Act 1981.
- Consider and agree on the process to develop the Long Term Plan, Annual Plan and Annual Report.
- Adopt Council policies as required by statute (for example Regional Policy Statement and Regional Land Transport Strategy) to be decided by Council or outside of Committee delegations (for example infrastructure policy).
- Delegate to commissioners to exercise the powers, functions and duties of the Council as a consent authority under the Resource Management Act 1991 including to hear and decide a consent application.
- Monitor Council's financial and non-financial performance in-year.
- Develop, review and approve Council's Financial Strategy and funding and financial policies and frameworks.

Delegations from Council to Committees

- Full Council has a role to monitor the functioning of all committees.
- Full Council will consider matters not within the delegation of any one Council committee.
- Full Council may at any time, revoke or modify a delegation to a Council committee, either permanently, for a specified time or to address a specific matter, if it considers there is good reason to do so.
- The delegations provided to committees may be further delegated to subcommittees unless the power of further delegation is restricted by Council or by statute.

It is accepted in making these delegations that:

- The committees, in performing their delegated functions, powers or duties, may, without confirmation by the Council, exercise or perform them in a like manner and with the same effect as the Council itself could have exercised or performed them.
- The delegated powers given shall at all times be subject to their current policies and principles or directions, as given by the Council from time to time.
- The chairperson of each committee shall have the authority to exercise their discretion, as to whether or not the delegated authority of the committee be used where, in the opinion of the chairperson, circumstances warrant it.

Powers that cannot be delegated

Under Clause 32 Schedule 7 of the Local Government Act 2002, Full Council must make the following decisions:

- Make a rate.
- Make a bylaw.
- Borrow money or purchase or dispose of assets, other than in accordance with the long-term plan.
- Adopt the long-term plan, annual plan, or annual report.
- Appoint a chief executive.
- Adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement.
- Adopt a remuneration and employment policy.

Public Forum

1. A period of up to 15 minutes may be set aside near the beginning of the meeting to enable members of the public to make statements about any matter on the agenda of that meeting which is open to the public, but excluding any matter on which comment could prejudice any specified statutory process the council is required to follow.
2. The time allowed for each speaker will normally be up to 5 minutes but will be up to the discretion of the chair. A maximum of 3 public participants will be allowed per meeting.
3. No statements by public participants to the Council shall be allowed unless a written, electronic or oral application has been received by the Chief Executive (Governance Team) by 12.00 noon of the working day prior to the meeting and the Chair's approval has subsequently been obtained. The application shall include the following:
 - name of participant;
 - organisation represented (if any);
 - meeting at which they wish to participate; and matter on the agenda to be addressed.
4. Members of the meeting may put questions to any public participants, relevant to the matter being raised through the chair. Any questions must be asked and answered within the time period given to a public participant. The chair shall determine the number of questions.

Membership

Chairman:	D Leeder
Deputy Chairman:	J Nees
Councillors:	N Bruning, W Clark, J Cronin, S Crosby, D Love, T Marr, M McDonald, A Tahana, P Thompson, L Thurston, A von Dadelszen, K Winters
Committee Advisor:	S Kameta

Recommendations in reports are not to be construed as Council policy until adopted by Council.

Agenda

E te Atua nui tonu, ko mātau ēnei e inoi atu nei ki a koe, kia tau mai te māramatanga ki a mātau whakarite mō tēnei rā, arahina hoki mātau, e eke ai te ōranga tonu ki ngā āhuetanga katoa a ngā tangata ki tō mātau rohe whānui tonu. Āmine.

“Almighty God we ask that you give us wisdom in the decisions we make here today and give us guidance in working with our regional communities to promote their social, economic, environmental and cultural well-being. Amen”.

1 Apologies

2 General Business and Tabled Items

Items not on the agenda for the meeting require a resolution under section 46A of the Local Government Official Information and Meetings Act 1987 stating the reasons why the item was not on the agenda and why it cannot be delayed until a subsequent meeting.

3 Petition - Tauranga School Bus Retention

To be presented by Councillor Thurston on behalf of petitioners.

4 Public Forum

5 Declarations of Conflicts of Interests

6 Previous Minutes

6.1 Regional Council Minutes - 1 June 2017

17

7 Statutory Committee Minutes

- 7.1 Te Maru o Kaituna River Authority Minutes - 16 May 2017 27
- 7.2 Civil Defence Emergency Management Group Joint Committee Minutes - 2 June 2017 33

8 Reports

- 8.1 Chairman's Report 41
- 8.2 Adoption of the Resource Management Act and Building Act Charges Policy 2017/2018 45

APPENDIX 1 - 2017-2018 Resource Management Act and Building Act Charges Policy 49

- 8.3 Adoption of the Annual Plan 2017/18 85

SUPPORTING DOCUMENT - Annual Plan Summary 2017/18 91

SUPPORTING DOCUMENT - Annual Plan 2017/18 for adoption 93

- 8.4 Setting of Rates 2017/18 95

- 8.5 Appointment of an Informal Voting Member to Te Maru o Kaituna River Authority

Please note this report will be circulated under separate cover.

- 8.6 Presentation from Tauranga City Council on the Tauranga Marine Precinct 111

- 8.7 Awatarariki Fanhead Risk Reduction 113

- 8.8 Update on Local Government Act Amendment Bill (No.2) 119

APPENDIX 1 - Summary of BOPRC submission to LGA Amendment Bill - 28 July 2016 125

APPENDIX 2 - Summary of Select Committee report back on LGA Amendment Bill - 15 June 2017 129

9 Public Excluded Section 135

Resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
9.1 Public Excluded Regional Council minutes - 1 June 2017	Please refer to relevant clause in the meeting minutes.	Good reason for withholding exists under Section 48(1)(a).

9.2 Quayside Holdings Limited - 2017/18 Statement of Intent	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Good reason for withholding exists under Section 48(1)(a).
9.3 April 2017 Flood Event - Update	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	Good reason for withholding exists under Section 48(1)(a).

9.1	Public Excluded Regional Council Minutes - 1 June 2017	137
9.2	Quayside Holdings Limited - 2017/18 Statement of Intent	143
	APPENDIX 1 - Quayside Holdings Limited Statement of Intent For the year 30 June 2018	147
9.3	April 2017 Flood Event - Update	163
10	Confidential business to be transferred into the open	
11	Readmit the public	
12	Consideration of General Business	
13	Closing karakia	

Petition - Tauranga School Bus Retention

Previous Minutes

Minutes of the Regional Council Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Thursday, 1 June 2017 commencing at 9.30 a.m.

Present:

Chairman: D Leeder

Deputy Chairman: J Nees

Councillors: J Cronin, T Marr, L Thurston, P Thompson, D Love, N Bruning, W Clark, S Crosby, K Winters, A von Dadelszen, M McDonald, A Tahana

In Attendance: C Ingle (Acting Chief Executive), M Taylor (General Manager Corporate Performance), E Grogan (General Manager Regulatory Services), J Graham (General Manager Corporate Solutions), D Phizacklea (Regional Integrated Planning Manager), D Hyland (Finance Manager), S Craig (Communications Manager), S Hey (Manager Chief Executive's Office), Y Tatton (Interim Governance Manager), S Kameta (Committee Advisor); Attendance in part: C Stevenson (Rangitāiki Community Board Chair); R Whalley, R Welsh and approximately 20 residents (Matatā Action Group); Whakatāne District Council: J Gardyne (Recovery Manager), M Grenfell (Chief Executive); Staff: A Payne (Principal Advisor); G Howard (Senior Planner – Organisational Planning), C Naude (Director, Emergency Management Bay of Plenty)

Apologies: A Tahana (for lateness)

1 **Opening Karakia**

Councillor Marr.

2 **Apologies**

Resolved

That the Regional Council:

- 1 **Accepts the apology for lateness from Councillor Tahana tendered at the meeting.**

**Leeder/Winters
CARRIED**

3 **General Business and Tabled Items**

3.1 **Late item**

Council was advised of the following late item for consideration and the reason why it was not on the agenda and could not be delayed:

1) **Late Item 11.3, Appointment to Tauranga City Council's Environment Committee (Tabled Document Number 1)**

The reason why the item was late was because the information was not available at the time the agenda was published. The reason the item could not wait until the next meeting of Council on 29 June 2017, is because a decision was needed in time for the next meeting of TCC's Environment Committee on 27 June 2017.

Resolved

That the Regional Council:

Pursuant to section 46A of the Local Government Official Information and Meetings Act 1987, considers the following late item at the meeting:

1) **Late Item 11.3, Appointment to Tauranga City Council's Environment Committee (Tabled Document 1)**

**Leeder/Nees
CARRIED**

4 Public Forum

4.1 Charelle Stevenson - Rangitāiki Community Board

Refer Tabled Document Number 3

On behalf of Edgecumbe residents, Rangitāiki Community Board Chair Charelle Stevenson submitted to Council, a report of questions titled 'Edgecumbe Community Flood Response Inquiry', in relation to the failure of the Rangitāiki River stopbank on 6 April 2017 (refer Tabled Document Number 3). In submitting the report, Ms Stevenson requested that a response to the report be provided within 21 days, if possible.

Ms Stevenson highlighted the community's frustration and emotional distress and questioned Council's understanding of the affected community and their needs, its corporate responsibility and lack of visibility after the emergency.

Councillors queried what could be done to assist the community's recovery process. Ms Stevenson considered an iwi engagement plan would be well received, along with additional resource and staff in the Edgecumbe support office (Te Tari Awhina) to guide people to the right areas of support and provide community engagement support and feedback to the Whakatāne Recovery office. Ms Stevenson noted that consultation with the Rangitāiki River Scheme Review Panel to date had been good, with a community drop-in session to be held on Saturday 3 June. Ms Stevenson advised she had presented to the Whakatāne District Council in the week prior, with update reports being provided on a weekly basis.

The Chairman and councillors thanked Ms Stevenson for her attendance. It was noted that a copy of the submitted report would be made available to councillors for information.

Attendance

Councillor Tahana entered the meeting at 9:46 am.

4.2 **Matatā Action Group – Awatarariki Fanhead Debris-flow risk reduction**

Refer Tabled Document Number 4.

Mr Rick Whalley and Mr Rob Welsh from the Matatā Action Group addressed Council on behalf of residents living in the Awatarariki Fanhead at Matatā, in opposition to Whakatāne District Council's (WDC) proposal of a plan change to remove existing use rights within their area of residence. Mr Whalley advised that while WDC had consulted with a consensus group on a range of options, it had made its decision (on a preferred option) without consulting or providing sufficient time for residents to comment.

Council was informed that the majority of landowners from 2005 still resided in the affected area, were opposed to having their existing use rights removed and considered the risk to be tolerable, as described under the Regional Policy Statement. Mr Whalley noted prior approval had been given to residents to rebuild their homes, at costs above the current market value. He and Mr Welsh considered the uncertainty and long-term stress placed on residents was unacceptable and that residents had been marginalised and treated unfairly.

Mr Whalley provided a copy of his written statement for councillors' information (refer Tabled Document Number 4).

The Chairman thanked the gentlemen and residents for their attendance and assured them that no Regional Council policy had been made and that due process would be followed, which would include consultation with affected residents.

5 **Declaration of conflicts of interest**

Councillor Clark declared a conflict of interest in relation to public excluded agenda item 12.5, April 2017 Flood Event – Update.

Change to order

To accommodate timing constraints of external presenters, the Chairman advised that public excluded item 9.1 'External Presentation – April 2017 Flood Event – Update' would be received next on the agenda.

6 **Public Excluded Section**

Resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
9.1 External Presentation - April 2017 Flood Event – Update	To protect information which is subject to an obligation of confidence, where the making	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely

	available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.	to result in the disclosure of information for which good reason for withholding would exist.
--	--	---

Leeder/Thurston
CARRIED

7 Previous Minutes

7.1 Regional Council minutes - 20 April 2017

Resolved

That the Regional Council under its delegated authority:

- 1 Confirms the minutes of the Regional Council Meeting held on 20 April 2017.

Thurston/Bruning
CARRIED

7.2 Extraordinary Council minutes - 18 May 2017

Resolved

That the Regional Council under its delegated authority:

- 1 Confirms the minutes of the Extraordinary Council Meeting held on 18 May 2017.

Crosby/Winters
CARRIED

7.3 Regional Council minutes - 19 May 2017

Resolved

That the Regional Council under its delegated authority:

- 1 Confirms the minutes of the Regional Council Meeting held on 19 May 2017.

Leeder/Nees
CARRIED

8 Statutory Committee Minutes

8.1 Civil Defence Emergency Management Group Joint Committee minutes - 11 April 2017

Resolved

That the Regional Council under its delegated authority:

- 1 Receives the minutes of the Civil Defence Emergency Management Group Joint Committee Extraordinary Meeting held on 11 April 2017.

Love/Crosby
CARRIED

8.2 SmartGrowth Leadership Group Minutes - 19 April 2017

Resolved

That the Regional Council under its delegated authority:

- 1 Receives the minutes of the SmartGrowth Leadership Group Meeting held on 19 April 2017.

Thompson/Nees
CARRIED

9 Chairman's Report

The report updated Council on the Chairman's activities, upcoming events and items of interest.

Additional to the report, discussion was raised on key issues presented at the LGNZ Freshwater Symposium held on 29-30 May 2017 in Wellington. Members that attended regarded the Chair's address to be exemplary. It was noted that presentation material would be available on the LGNZ website in due course. Comment was noted on future considerations and complexities for consent processing, increased weather events, modelling alternatives and the need to address these matters further.

Resolved

That the Regional Council:

- 1 Receives the report, Chairman's Report.

Leeder/Cronin
CARRIED

Adjournment

The meeting adjourned at 11:08 am and reconvened at 11:26 am.

10 Chief Executive's reports

10.1 Update on Bay of Plenty Local Government Futures project

The report summarised the findings from Phase One of the Local Government Futures project and noted the direction provided by the Bay of Plenty Triennial meeting on 24 February 2017. At the request of the Chairman, Principal Advisor Anne Payne noted impressions from working the project included that there was a level of resistance to

any structural change, but there was a definite appetite for collaboration on some functions, particularly at the sub-regional level. General Manager Corporate Solutions noted Council's commitment to collaborate on shared services through BOPLASS.

Comment was raised on continuing to identify opportunities within the Chief Executive's Innovation & Excellence programme and to collaborate with willing players, provide regional leadership and explore areas for leverage.

Resolved

That the Regional Council:

- 1 Receives the report, Update on Bay of Plenty Local Government Futures project;**
- 2 Notes that Phase One of the Local Government Futures project was completed with receipt of the final Indicative Business Case reports for Transportation and Water/Wastewater by the Local Government Futures Governance Group on 6 September 2016;**
- 3 Notes that the Bay of Plenty Triennial Meeting of 24 February 2017 directed Chief Executives to prepare a short concluding report for the Local Government Futures project and to further investigate advancing ways of working together on integrated water management, including establishment of a regional forum for waters; and**
- 4 Notes that the Bay of Plenty Triennial Meeting of 24 February 2017 directed the Chief Executives of Rotorua Lakes Council and Bay of Plenty Regional Council to develop a strategic / spatial planning workshop for the region.**

**Nees/Thompson
CARRIED**

10.2 Service Delivery Reviews under section 17A of the Local Government Act 2002

The report provided an update on the approach and progress of Local Government Act Section 17A Service Delivery Reviews. General Manager Corporate Performance Mat Taylor noted the pragmatic approach taken in considering the service delivery reviews and other opportunities for reviewing services outside of the S17A review process.

Councillors considered it was difficult to determine whether the assessment was sufficient without understanding the key principles, criteria and detail. A workshop was requested to provide further explanation and detail on the wider aspects for the delivery of service reviews.

Resolved

That the Regional Council:

- 1 Receives the report, Service Delivery Reviews under section 17A of the Local Government Act 2002;**
- 2 Approves that section 17A review requirements have been met for Transport through the Local Government Futures project, with any future steps arising from the LGF project work on Transport to be closely monitored and;**

- 3 Notes that Geothermal Services is currently being assessed for a review with Waikato Regional Council;
- 4 Approves that for the first tranche of reviews which are due by 8 August 2017, no other service reviews have a favourable cost benefit ratio;
- 5 Notes that a report back to Council on future s17A delivery (beyond August 2017) will be made later this calendar year.
- 6 Requests a Council workshop on wider aspects of the delivery of service reviews.

von Dadelszen/Thompson
CARRIED

10.3 Appointment to Tauranga City Council's Environment Committee

The report advised of the invitation for Council to nominate a member to be appointed to the Tauranga City Council's Environment Committee.

Resolved

That the Regional Council:

- 1 Receives the report, Appointment to Tauranga City Council's Environment Committee;
- 2 Nominates Councillor Paula Thompson as Bay of Plenty Regional Council's representative, as a non-voting member, on Tauranga City Council's Environment Committee.

Leeder/Thurston
CARRIED

11 Public Excluded Section

Resolution to exclude the public

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
12.1 Public Excluded Regional Council Minutes – 20 April 2017	Please refer to the relevant clause in the meeting minutes	Good reason for withholding exists under Section 48(1)(a).

12.2 Public Excluded Extraordinary Regional Council Minutes - 18 May 2017	Please refer to the relevant clause in the meeting minutes	As above.
12.3 Awatarariki Fanhead Debris-flow Risk Reduction	To protect information which is subject to an obligation of confidence, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.	As above.
12.4 Rena Resource Consents Environment Court Decision	To maintain legal professional privilege.	As above.
12.5 April 2017 Flood Event - Update	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	As above.
12.6 Directors of Council Controlled Organisations Independent Appointments Panel - Panel Membership	To protect the privacy of natural persons, including that of deceased natural persons.	As above.

**Leeder/Thurston
CARRIED**

The meeting closed at the conclusion of the public excluded items at 2:16 pm.

Confirmed

Chairman Bay of Plenty Regional Council

Date

Statutory Committee Minutes

Minutes of the Te Maru o Kaituna River Authority Meeting held in Taheke (Opatia) Marae, 119 Okere Falls Road, Okere Falls, Rotorua on Tuesday, 16 May 2017 commencing at 9.30 a.m.

Present:

Chairman: D Flavell (Tapuika Iwi Authority Trust)

Deputy Chairman: Councillor A Tahana (Bay of Plenty Regional Council)

Appointees: Councillor K Marsh (Western Bay of Plenty District Council), Councillor J Scrimgeour (Alternate, Western Bay of Plenty District Council), S Morris (Tauranga City Council), M Tapsell (Tapuika/Waitaha), H Maxwell (Alternate, Tapuika/Waitaha), H Paul (Te Pumautanga o Te Arawa), P Thomas (Alternate, Te Pumautanga o Te Arawa), P Callaghan (Alternate, Tapuika Iwi Authority Trust), R Hancock (Alternate, Ngati Rangiwewehi), N Chater (Alternate, Lakes Community Board)

In Attendance: M Pene (Te Komiti Nui o Ngāti Whakaue), P Tangohau (Chairperson, Te Komiti Nui o Ngāti Whakaue); BOPRC: Councillor K Winters, A Vercoe (Maori Policy Team Leader), C Koopu (Maori Policy Advisor), D Llewellyn (Legal Specialist), J Watts (Policy Analyst), K O'Brien (Strategic Engagement Manager), N Poutasi (Water Policy Manager), N Moore (Committee Advisor), P Howe (Senior Advisor (Treaty)), P de Monchy (Kaituna Catchments Manager), R Garrett (Committee Advisor); Rotorua Lakes Council: J Riini (Partnership Advisor), E Jonker (Senior Policy Advisor, Strategy), J Stanton (Rotorua Lakes Community Board); WBOPDC: C Nepia; J Fitter (Maketū Ongatoro Wetland Society, Kaituna Freshwater Futures Group); B Roderick; G Ford; P Tapsell.

1 Apologies

Resolved

That Te Maru o Kaituna River Authority under its delegated authority:

1 Accepts the following apologies tendered at the meeting:

G Mohi, R Pou Poasa, T Molloy, J Nees, T Tapsell, M Horne, M McDonald, E Grogan.

**Marsh/Tahana
CARRIED**

2 Chairperson's announcement

The Chairman informed the meeting that Agenda item 7.5: Rotorua Lakes Council – Wastewater Treatment Plant Update had been deferred to the June meeting of Te Maru o Kaituna River Authority.

3 General Business and Tabled Items

The following items were tabled:

Tabled Document 1	Agenda Item 7.3	Te Komiti Nui o Ngāti Whakaue letter to Te Maru o Kaituna 10 April 2017
Tabled Document 2	Agenda Item 7.3	Letter from Raewyn Bennett to Te Maru o Kaituna 15 May 2017

4 Declaration of conflicts of interest

No conflicts of interest were declared.

5 Te Maru o Kaituna River Authority minutes - 16 February 2017

Resolved

That Te Maru o Kaituna River Authority under its delegated authority:

- 2 Confirms the Te Maru o Kaituna River Authority minutes, 16 February 2017

Tahana/Morris
CARRIED

6 Reports

6.1 Approval of the Proposed Kaituna River Document for Public Notification

Refer PowerPoint presentation Obj reference: A2586850

Water Policy Manager Namouta Poutasi, Māori Policy Team Leader Anaru Vercoe and Senior Planner Jo Watts presented this report which sought formal approval from members to proceed with public notification of the Proposed Kaituna River Document ***Kaituna, he taonga tuku iho – a treasure gifted to us***. Ms Poutasi summarised the process to date and outlined the different documents involved in notification.

Members noted the change to the cover page which highlighted the document as a Te Maru o Kaituna River Authority document not a Bay of Plenty Regional Council document; and made various suggestions regarding design and graphics. Members

agreed to hold a workshop to give direction on the design elements of the document before the final approved document is printed.

Staff advised that due to this meeting being rescheduled from 13 April, the date for public notification of the document was now 27 May 2017.

Resolved

That Te Maru o Kaituna River Authority under its delegated authority:

- 1 Receives the report, Approval of the Proposed Kaituna River Document for Public Notification;**
- 2 Approves the Proposed Kaituna River Document *Kaituna, he taonga tuku iho – a treasure gifted to us* for public notification pursuant to section 126 of the Tapuika Claims Settlement Act 2014.**
- 3 Notes that public notification is planned for 27 May 2017, with a submission period of 40 working days.**
- 4 Authorises the Chairman of Te Maru o Kaituna River Authority to make minor editorial and formatting changes for the purposes of graphic design and publishing in order to prepare a version of the Proposed Kaituna River Document *Kaituna, he taonga tuku iho – a treasure gifted to us* for public notification on 27 May 2017.**

Tahana/Hancock
CARRIED

6.2 Approval of the Engagement and Communications Plan for the proposed Kaituna River Document

Refer PowerPoint presentations Obj references: A2586850 and A2607604

Māori Policy Team Leader Anaru Vercoe and Senior Planner Jo Watts updated members on the engagement and communications process around the notification of the proposed Kaituna River Document and sought approval from members for the suggested Engagement and Communications Plan. Mr Vercoe outlined the proposed engagement process, methods and timeline; and noted that, with the notification date being 27 May 2017, the submission period would close on 24 July 2017. Staff would prepare a summary of submissions as well as all submissions being available to members. Mr Vercoe clarified that the notification and consultation process being followed was not a Resource Management Act process but a process under the Tapuika Claims Settlement Act 2014.

Members asked for clarification around proposed engagement with landowners adjacent to the river, both tribal and non-tribal. Staff agreed to include a mail-out to all adjacent landowners in the engagement process and to investigate further rural delivery mail-outs to ensure all interested landowners were reached.

Members congratulated staff on their hard work getting the River Document to its notification and engagement stage.

Resolved

That the Te Maru o Kaituna River Authority under its delegated authority:

- 1 Approves the Engagement and Communications Plan for the proposed Kaituna River Document

Tahana/Morris
CARRIED

6.3 Confirmation of Ngāti Whakaue relationship with Te Maru o Kaituna River Authority

Refer Tabled Documents 1 and 2.

Chairman Dean Flavell addressed the members regarding this report and the relationship of Ngāti Whakaue with Te Maru o Kaituna River Authority, and outlined the available two options for Ngāti Whakaue membership status. Mr Flavell surveyed the members and determined that there was consensus among members that Ngāti Whakaue be invited to become an informal voting member of Te Maru o Kaituna River Authority rather than retain observer status only. Mr Flavell noted that the Ngāti Whakaue entity that takes up the membership and the representative who sits at the table was up to Ngāti Whakaue to decide and was not the business of Te Maru o Kaituna River Authority; and also noted that the scope of the informal voting membership would be addressed at the next Te Maru o Kaituna River Authority meeting. Regional Council Legal Counsel Donna Llewellyn provided clarification for members regarding possible options for scope for the Ngāti Whakaue membership.

Mr M Pene and Ms P Tangohau thanked members for their consideration of this matter and their support for Ngāti Whakaue.

Resolved

That the Te Maru o Kaituna River Authority under its delegated authority:

- 1 Receives the report, Confirmation of Ngāti Whakaue relationship with Te Maru o Kaituna River Authority; and
- 2 Invites Ngāti Whakaue to become an “informal voting member” of Te Maru o Kaituna River Authority.

Marsh/Tahana
CARRIED

Attendance

Councillor S Morris left the meeting at 12 noon.

6.4 Freshwater Futures Update

Refer PowerPoint presentation Obj reference: A2586850

Water Policy Manager Namouta Poutasi updated members on national and regional activity and decisions within the Freshwater Futures programme since the last Te Maru

o Kaituna River Authority meeting, and explained how the proposed Kaituna River Document *Kaituna, he taonga tuku iho – a treasure gifted to us* interacts with those activities.

A discussion was held around the implications of the government's *Clean Water* consultation document, particularly regarding the swimmability targets. Members asked for clarification about which water bodies in the Kaituna catchment would be included in the "fourth order" category; staff explained the definition of "fourth order", noted that most Kaituna River tributaries would not be considered "fourth order" and therefore would not be included in the government's swimmability targets, and also noted the importance of addressing these tributaries through the Kaituna River Document.

Members expressed concern about the consultation being undertaken regarding the development of Water Management Areas and the progression of Plan Change 12. Members emphasised that iwi consultation should be explicit and targeted with iwi as statutory stakeholders and not confined to iwi representation on community groups. Staff confirmed that iwi had been contacted in March regarding appropriate engagement and that they would follow-up to confirm engagement arrangements.

Members asked for clarification regarding the interaction between the Kaituna River Document and the various plan processes. It was noted that there are multiple documents and mechanisms in the freshwater area that will affect the Kaituna River, but that it was not possible for one document to capture all processes. Staff highlighted the importance of the timing of approval of the Kaituna River Document, in that it will be the only document of standing for some time and will inform other processes such as Plan Changes 9 and 12.

Attendance

H Maxwell and P Callaghan left the meeting at 12.30pm and returned at 12.30pm.

Resolved

That the Te Maru o Kaituna River Authority under its delegated authority:

- 1 Receives the report, Freshwater Futures Update.**
- 2 Notes changes to the plan change 12 timeline, key resource management issues for the Kaituna River, reconfirmation of the 'involve' approach to engagement and invitation to iwi about preferred option/s for engagement.**

**Flavell/Tahana
CARRIED**

6.5 Membership Update

Committee Advisor Robyn Garrett updated members regarding the expiry of current three-year member appointments and the requirements of re-appointment, and advised that iwi members should consult with their appointing organisations and confirm their representatives to Te Maru o Kaituna River Authority. Ms Garrett also noted that the office of Chairperson is also due for reappointment in July 2017.

Resolved

That the Te Maru o Kaituna River Authority under its delegated authority:

1 Receives the report, *Membership update*

**Flavell/Paul
CARRIED**

6.6 Kaituna Catchments Operations Update

Refer PowerPoint presentation Obj reference: A2626253

Kaituna Catchments Manager Pim de Monchy updated members regarding recent Council activities in the Kaituna catchment. Mr de Monchy outlined the impact of recent flood events on the Kaituna River and the catchment and answered questions from members regarding operation of the Okere gates and flood management services provided by Council. Mr de Monchy also briefly outlined the requirements around drain water quality and summarised options available to improve quality of drain discharges; and updated members on progress with the re-diversion project.

7 Updates from members

No updates were provided.

The meeting closed with a karakia at 1.20pm.

**Minutes of the Civil Defence Emergency Management Group
Joint Committee Meeting held in Council Chambers, Rotorua
Lakes Council, Civic Administration Building, 1061 Haupapa
Street, Rotorua on Friday, 2 June 2017 commencing at 12.30
p.m.**

Present:

Chairman: Mayor G Brownless (Tauranga City Council)

Deputy Chairman: D Love

Appointees: Mayor J Forbes (Opotiki District Council), Mayor M Campbell (Kawerau District Council), Deputy Mayor D Donaldson (Alternate, Rotorua Lakes Council), Mayor A Bonne (Whakatane District Council), Deputy Mayor F Tunui (Alternate, Kawerau District Council)

In Attendance: T Corser (Policy Analyst Local Government Regulation, Department of Internal Affairs); C Naude (Director, Emergency Management Bay of Plenty), C Morris (Recovery & Special Projects Manager), D Llewellyn (Legal Specialist), M Harrex (Manager, Planning and Development), A Thompson (PA to Director BOP Emergency Management), S Collins (Senior Emergency Management Advisor - Planning), R Garrett (Committee Advisor); P Baunton (Manager, Emergency Management, Tauranga City Council); S Vowles (Regional Emergency Management Advisor (MCDEM))

Apologies: Mayor S Chadwick, Mayor G Webber; G Poole, C Jensen, K Taylor

1 General Business and Tabled Items

The following item were tabled:

Tabled Document 1	Agenda Item 7	Interim Report on Whakatane District Recovery and Record of Exercise of Powers
-------------------	---------------	--

2 Declaration of conflicts of interest

None declared.

3 Previous Minutes

3.1 Civil Defence Emergency Management Group Joint Committee minutes - 24 February 2017

Resolved

That the Civil Defence Emergency Management Group Joint Committee under its statutory authority:

- 1 Confirms the Civil Defence Emergency Management Group Joint Committee minutes, 24 February 2017
- 2 Resolves to record the confirmation of the Public Excluded Civil Defence Emergency Management Group Joint Committee minutes, 24 February 2017 in the public minutes as no reason for withholding this information from the public exists.

Love/Donaldson
CARRIED

3.2 Civil Defence Emergency Management Group Joint Committee Extraordinary minutes - 11 April 2017

Resolved

That the Civil Defence Emergency Management Group Joint Committee under its statutory authority:

- 1 Confirms the minutes of the Civil Defence Emergency Management Group Joint Committee Extraordinary meeting, 11 April 2017

Love/Donaldson
CARRIED

4 Reports

4.1 Costs incurred supporting the Kaikoura earthquake response

Director, Emergency Management Bay of Plenty Clinton Naude explained the recommendation to absorb the Kaikoura earthquake costs incurred by the Civil Defence Emergency Management Group, and noted that this was in line with accepted emergency response practice.

Resolved

That the Civil Defence Emergency Management Group Joint Committee under its statutory authority:

- 1 Receives the report, Costs incurred supporting the Kaikoura earthquake response;
- 2 Resolves to absorb the costs incurred by the Group supporting the response to the Kaikoura earthquake through members' existing budgets and

confirms the Group does not seek to recover costs from the agencies the Group were supporting.

**Bonne/Donaldson
CARRIED**

4.2 Bay of Plenty Civil Defence Emergency Management Group Funding Model

Director, Emergency Management Bay of Plenty Clinton Naude updated members on the development of the Group Funding Model. Mr Naude explained that, while the recommendation for a regional targeted rate to be adopted as the new funding model had been unanimously endorsed by the Bay of Plenty Civil Defence Emergency Management Group Coordinating Executive Group (CEG), recent feedback received from Rotorua Lakes Council (RLC) was that RLC would only support a regional targeted rate to fund Group services not shared services and that a split funding model might be required.

Members acknowledged the concerns raised by RLC regarding the cost implications of a regional flat targeted rate on its ratepayers and the risk of “double rating”, as RLC had opted out of the shared service model and was rating separately for those services. Members also expressed concern about the equity of applying a flat targeted rate across every rateable property with no differentiation based on demand for civil defence services, which varied with property size and function.

Members agreed to refer the report back to the Bay of Plenty Civil Defence Emergency Management Group CEG for further consideration, and noted the need to ensure that local authority CEG members were fully briefed.

Resolved

That the Civil Defence Emergency Management Group Joint Committee under its statutory authority:

- 1 Receives the report, Bay of Plenty Civil Defence Emergency Management Group Funding Model;**
- 2 Refers the report back to the Civil Defence Emergency Management Group Coordinating Executive Group for further consideration to take account of the concerns raised by Rotorua Lakes Council regarding the differential between the Group service and the shared services and the further issue raised by Ōpōtiki District Council regarding rating equity.**

**Love/Forbes
CARRIED**

4.3 Whakaari/White Island Memorandum of Understanding

Director, Emergency Management Bay of Plenty Clinton Naude outlined the main points of the proposed Memorandum of Understanding between the Minister of Local Government and the Bay of Plenty Civil Defence Emergency Management Group for the delivery of emergency management activities for Whakaari/White Island, and sought members' approval of the Memorandum. Mr Naude explained that, although the Minister was the territorial authority for the Island, emergency management

services had been provided by Emergency Management Bay of Plenty rather than the Department of Internal Affairs and that the Memorandum formalised the current arrangement.

Mr Naude introduced Department of Internal Affairs Policy Analyst Tom Corser. Mr Corser briefly addressed the members, acknowledged the work put into the Memorandum and highlighted the importance of formalising the arrangement. Mr Corser noted the Minister's interest in having officials regularly attend Civil Defence Emergency Management Group meetings and in exploring similar arrangements for other Bay of Plenty offshore islands.

Members queried the enforceability of the Minister's contribution to costs under the Memorandum. Mr Corser clarified that the Department's understanding was that the Memorandum was not a contract so therefore was not enforceable although the expectation was that the Minister would meet reasonable costs and expenses incurred. Members invited the Minister to attend their meetings and suggested that Department representation on the Bay of Plenty Civil Defence Emergency Management Group Coordinating Executive Group was appropriate.

Members noted that while the Island tour operator had not been consulted regarding the proposed Memorandum, the existing Emergency Management Plan for Whakaari/White Island had been developed with participation by the tour operator.

Resolved

That the Civil Defence Emergency Management Group Joint Committee under its statutory authority:

- 1 Receives the report, Whakaari/White Island Memorandum of Understanding;**
- 2 Approves the Memorandum of Understanding between the Bay of Plenty Civil Defence Emergency Management Group and the Minister of Local Government;**
- 3 Approves the Chair of the Bay of Plenty Civil Defence Emergency Management Group Joint Committee to sign the Memorandum of Understanding between the Bay of Plenty Civil Defence Emergency Management Group and the Minister of Local Government on behalf of the Bay of Plenty Civil Defence Emergency Management Group.**

**Forbes/Love
CARRIED**

4.4 Controller Appointments and Delegations

Director, Emergency Management Bay of Plenty Clinton Naude sought approval from members to reconfirm or revoke resolutions made at the extraordinary meeting held on 11 April 2017 in response to the Edgumbe flood event, and to appoint two new Local Controllers. Mr Naude informed members that the resolutions passed at the extraordinary meeting had now been legally reviewed, with the advice received being that the resolutions be confirmed with the exception of one resolution, where the recommendation was for revocation. The delegation of the power of appointment during a state of emergency was now contained in recommendation 4 of this report which provided more precision around the delegation process.

Bay of Plenty Regional Council In-house Counsel Donna Llewellyn answered various questions of clarification asked by members, and noted that any delegation included responsibility and that the body with statutory authority retained legal responsibility even when a power was delegated.

Members highlighted the importance of those delegated the power of appointment being informed by the Civil Defence Emergency Management Group appointment policy as well as individual knowledge when making emergency appointments.

Resolved

That the Civil Defence Emergency Management Group Joint Committee under its statutory authority:

- 1 Receives the report, Controller Appointments and Delegations;**
- 2 Confirms the resolutions passed at the Civil Defence Emergency Management Group Joint Committee meeting on 11 April 2017 remain extant post the management of the Edgecumbe Flood Event.**
- 3 Revokes resolutions 7, 7a and 7b confirmed by the minutes of the Civil Defence Emergency Management Group Joint Committee dated 11 April 2017.**
- 4 Delegates under section 18(1) of the Civil Defence Emergency Management Act 2002 powers under section 26(2) to appoint a Group Controller and section 27(1) to appoint a Local Controller for a state of emergency to the Bay of Plenty Civil Defence Emergency Management Group Chairperson for the duration of that emergency.**
 - a) In the absence of the Group Chairperson, the authority under resolution 4 passes to the Deputy Chairperson of the Bay of Plenty Civil Defence Emergency Management Group Joint Committee.**
 - b) In the absence of the Chairperson or Deputy Chairperson, the authority under resolution 4 passes to any other member of the Bay of Plenty Civil Defence Emergency Management Group Joint Committee.**
- 5 Approves the amended *Policy for the Appointment and Development of Controllers* (Appendix 1) to confirm Local Controllers are appointed to act as a Local Controller within any district or city council within the Bay of Plenty Civil Defence Emergency Management Group boundary.**
- 6 Appoints under Section 27(1) of the Civil Defence Emergency Management Act 2002 Dayle Johnston as a Local Controller for the Bay of Plenty Civil Defence Emergency Management Group.**
- 7 Appoints under Section 27(1) of the Civil Defence Emergency Management Act 2002 Lee Barton as a Local Controller for the Bay of Plenty Civil Defence Emergency Management Group.**
- 8 Approves amendments to Schedule 1 – *Bay of Plenty Civil Defence Emergency Management Group Appointed Controllers* to reflect the appointment of new controllers.**

**Forbes/Bonne
CARRIED**

5 **Adjournment**

The meeting adjourned at 1.10 pm and reconvened at 1.15 pm.

6 **Presentation: Whakatāne District Recovery Project – Kia manawanui**

Refer Tabled Document 1: Interim report on Whakatāne District Recovery and Record of Exercise of Powers

Refer Powerpoint presentation Obj reference: A2629562

Local Recovery Manager Julie Gardyne and Whakatāne National Recovery Facilitator Marama Edwards updated members on progress with the Whakatāne District Recovery Project. Ms Gardyne outlined the structure of the Recovery office and the Recovery Action Plan and noted that the Action Plan was separated into four environments - community, natural rural, built and economic – with each environment having its own objectives, priorities, actions and outcomes. Ms Gardyne discussed key projects underway in each environment and highlighted current issues, achievements and challenges. Ms Gardyne briefly summarised costs experienced and outlined the potential financial impact of the Recovery on Whakatāne District Council.

Members asked for clarification on various topics including emergency waste management, the liveable homes project, status and cost of roading repairs, and insurance implications for homeowners and council. Members acknowledged Mayor Bonne and his team for the work undertaken around management of this emergency event.

Director, Emergency Management Bay of Plenty Clinton Naude informed members that a report reviewing the event response should be available within two months while there would be a longer timeframe for review of the recovery process.

The Chairman thanked Ms Gardyne, Ms Edwards and Mayor Bonne for their presentation.

The meeting closed at 2.03 pm.

Reports



Receives Only - No Decisions

Report To: Regional Council

Meeting Date: 29 June 2017

Report From: Douglas Leeder, Council Chairman

Chairman's Report

Executive Summary

Since the preparation of the previous Chairman's Report (for the 1 June 2017 Council meeting) I have attended and participated in a number of meetings and engagements as Chairman on behalf of the Bay of Plenty Regional Council.

This report sets out those meetings and engagements and highlights key matters of interest that I wish to bring to Councillors' attention.

Recommendations

That the Regional Council:

- 1 Receives the report, Chairman's Report.**

1 Purpose

The purpose of this report is to update Council on meetings and engagements I have attended and participated in as Chairman and to highlight key matters that will be of interest to Councillors.

The following section summarises these meetings and engagements. I will provide further detail at the meeting in response to any questions you may have.

2 Meetings and Engagements

Date	Meeting/Engagement	Comment
29 May	Regional Sector Group meeting with Professor David Maidment – <i>Wellington</i>	Informal meeting to discuss the item Professor Maidment will be speaking to at the LGNZ Water Symposium on <i>How data and large scale computation can support better management of water – towards a National Water Model for New Zealand.</i>
	Local Government New Zealand Water Symposium (Day 1) – <i>Wellington</i>	This is covered in more detail in the following section.
30 May	Local Government New Zealand Water Symposium (Day 2) – <i>Wellington</i>	
1 June	Bay of Plenty Agricultural Advisory Committee meeting – <i>Te Puke</i>	Attended.
2 June	Meeting with Tauranga City Council Mayor Greg Brownless and Western Bay of Plenty District Council Mayor Garry Webber - <i>Tauranga</i>	Discussion around gaining a better understanding and appreciation when liaising and connecting with Iwi. Councillor Arapeta Tahana also attended, along with staff.
	Meeting with John McRae, President of Rotorua Chamber of Commerce - <i>Rotorua</i>	Introduced to the Rotorua Chamber of Commerce Interim Chief Executive Alison Lawton.
7 June	Eastern Bay of Plenty Mayors, Chairs and Chief Executives quarterly meeting - <i>Kawerau</i>	Attended.
9 June	Zone Two meeting – <i>Tokoroa</i>	This is covered in more detail in the following section.
13 June	Meeting with the New Zealand Transport Agency (NZTA) Chief Executive Fergus Gammie and Regional Director Waikato and Bay of Plenty Parekawhia McLean - <i>Tauranga</i>	Discussion about the future of transport and the direction NZTA are heading.
14 June	Meeting with Western Bay of Plenty District Council and Tauranga City Council Mayors and Chief Executives – <i>Tauranga</i>	Attended.

Date	Meeting/Engagement	Comment
16 June	Local Government New Zealand's Rural and Provincial Sector meeting – <i>Wellington</i>	Provided a Regional Sector update including achieving swimmability under the National Policy Statement for Freshwater Management.

3 Matters of Potential Interest

3.1 Local Government New Zealand Symposium: Freshwater 2017

As discussed at the last Regional Council meeting on 1 June 2017, the Freshwater Symposium was a two day event which was held in Wellington on 29 and 30 May 2017. It was attended by central and local government, business and non-governmental organisations.

The theme of the symposium was '*Freshwater – focus on managing water quality, quantity and funding: how do we move to integrated policy that gets the right outcomes for communities*'.

I contributed to the opening comments, along with President Lawrence Yule, which focussed on identifying what the strategic issues are around fresh water for New Zealand, local government and its communities. We also both provided closing comments.

Presentations provided at the symposium are available on the Local Government New Zealand website, and covered the following:

- Te Mana o te Wai: How will we implement this together?
- The Government's work programme for 2017.
- Meeting the challenge of improving water quality.
- What do increased water standards mean for communities?
- How local government is meeting the challenges around fresh water.
- The Primary sector – getting on the ground behaviour change.
- Quality data is fundamental to water management – connecting land with water.
- Fresh water management – challenges for New Zealand, for local government and for the key sectors.
- How do we tell the real fresh water story and get our communities focussed on the change ahead?
- Government work programme for 2017- drilling into the detail.
- What are the game changers to achieving better water management?
- Science is key to improving our fresh water.

3.2 Local Government New Zealand Zone Two meeting

The Zone Two meeting was hosted by South Waikato District Council (SWDC) in Tokoroa on 9 June 2017. A wide range of topics were covered including:

- The Packaging Forum – comprises around 200 of New Zealand's leading brands, recyclers and retailers. The forum operates three voluntary packaging product stewardship schemes for glass, public place recycling and soft plastics.
- Civic Financial Services – a brief update on the 'state of play' of Civic Financial Services and explanation of how they are still committed to exclusively serving Local Government across New Zealand.
- Safe Communities Foundation of New Zealand – created to specifically support communities adopt the safe community model and become effective advocates and enablers of injury and violence prevention at community level.

There were also a couple of site visits to the following local initiatives.

- Tokoroa road/rail terminal – consists of a rail siding, hard stand, container loading area and access road. This is a SWDC Public-Private Partnership initiative which has created jobs, reduced the number of trucks on the road and enhanced the south Waikato area as a distribution hub.
- Tokoroa Trade Training Centre – promotes trades training and provides practical work experience in the south Waikato district. The centre is focussed on engineering and automotive, with carpentry and agriculture training. This is a collaboration between the SWDC and Toi-Ohomai and industry.

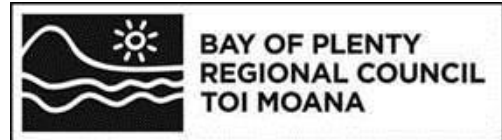
4 Recent Appointments

Congratulations to Councillor Stuart Crosby who has been declared to be Vice President elect of Local Government New Zealand (LGNZ). The role will commence at the conclusion of the LGNZ Annual General Meeting on 25 July 2017. A new President will be elected at this meeting.

Doug Leeder
Chairperson

for Council Chairman

21 June 2017



Report To: Regional Council

Meeting Date: 29 June 2017

Report From: Eddie Grogan, General Manager, Regulatory Services

Adoption of the Resource Management Act and Building Act Charges Policy 2017/2018

Executive Summary

This report seeks Council's adoption of the Resource Management Act and Building Act Charges Policy 2017/2018 (Charges Policy) under the Resource Management Act 1991.

Council has consulted on proposed changes to the Charges Policy 2016/17, through a Special Consultative Procedure following its workshop on 29 March 2017 and considering public submissions and staff recommendations at its deliberations meeting on 19 May 2017.

The main changes to the Charges Policy are as follows:

- Increase the fixed charge component of the general application fee for resource consents from \$575 to \$633 (GST inclusive) to reflect the increased administration required.
- Replace the fixed fee for processing short term consents for On-Site Effluent Treatment systems with the general application fee and recovery of actual and reasonable costs for consent applications;
- Maintain the fixed fee for transfer of consent applications that are complete, but introduce recovery of actual and reasonable costs for incomplete transfer applications;
- Increase the base charge by \$10 (plus 2% inflation) for all consent activities;
- Increase the Building Act Charges by inflation (2%);
- Remove the 'credit factor' allowance applied to the fixed supervision/compliance charge for self-monitoring;
- Simplify the categories for staff charge-out rates;
- Increase Schedules A (staff charge-out rates), 1A (annual fixed fee) and 1B-12B (regional impact/monitoring) charges by inflation of 2% and round to the nearest \$5;
- Amend Schedule 11B (Coastal management) to provide a charging structure that better reflects the extent of aquaculture in the region.

A final version of the Resource Management Act and Building Act Charges Policy 2017/2018 is attached as Appendix 1. Once adopted, the Charges Policy will be effective from 1 July 2017 and will be publicly available in hardcopy and on the Regional Council's website.

Recommendations

That the Regional Council:

- 1 Receives the report, Adoption of the Resource Management Act and Building Act Charges Policy 2017/2018;**
- 2 Notes that the Council has followed the Local Government Act 2002 special consultation procedure in preparing and consulting on the Resource Management Act and Building Act Charges Policy 2017/2018.**
- 3 Adopts the Resource Management Act and Building Act Charges Policy 2017/2018, to come into effect on 1 July 2017.**
- 4 Confirms that the decision has a low level of significance.**

1 Introduction

Consultation on Resource Management Act and Building Act Charges Policy 2017/2018 (Charges Policy) was conducted using the Special Consultative Procedure. Three submissions were received on the Charging Policy.

Submissions on the Charging Policy, and changes recommended by staff, were considered at the Council's deliberations meeting of 19 May 2017. The Council did not direct that any changes be made to the Charging Policy as a result of the consultative process and approved the staff recommendations

2 Adoption of the Resource Management Act and Building Act Charges Policy 2017/2018

Council is required to adopt the 2017/2018 Charging Policy before they come into effect on 1 July 2017. The new Resource Management Act and Building Act Charges Policy is attached to this report as Appendix 1.

- Increase the fixed charge component of the general application fee for resource consents from \$575 to \$633 (GST inclusive) to reflect the increased administration required.
- Replace the fixed fee for processing short term consents for On-Site Effluent Treatment systems with the general application fee and recovery of actual and reasonable costs for consent applications;
- Maintain the fixed fee for transfer of consent applications that are complete, but introduce recovery of actual and reasonable costs for incomplete transfer applications;
- Increase the base charge by \$10 (plus 2% inflation) for all consent activities;
- Increase the Building Act Charges by inflation (2%);
- Remove the 'credit factor' allowance applied to the fixed supervision/compliance charge for self-monitoring;

- Simplify the categories for staff charge-out rates;
- Increase Schedules A (staff charge-out rates), 1A (annual fixed fee) and 1B-12B (regional impact/monitoring) charges by inflation of 2% and round to the nearest \$5;
- Amend Schedule 11B (Coastal management) to provide a charging structure that better reflects the extent of aquaculture in the region.

In addition to the changes to our charging structure, the following administrative changes were also proposed:

- Rename 'Certificates of Compliance – Onsite Effluent Treatment Regional Plan' to 'OSET Approval Inspection Fee' to reflect the wording in the new Onsite Effluent Treatment Regional Plan;
- Amend the annual invoice payment due date to the 20th of the month following the month the invoice was issued i.e. invoices issued in September will be due on 20th October;
- Quote all charges in the policy as GST inclusive for consistency and ease of use.

2.1 Community Outcomes

This proposal directly contributes to the Water Quality & Quantity, Environmental Protection and Resilience & Safety Community Outcomes in the Council's Long Term Plan 2015-2025.

2.2 Long Term Plan Alignment

This work is planned under the Resource Regulation and Monitoring Group of Activities in the Long Term Plan 2015-2025.

Current Budget Implications

This work is being undertaken within the current budget for the Resource Regulation and Monitoring Group of Activities in the Annual Plan 2017/18.

Future Budget Implications

Future work by the Resource Regulation and Monitoring Group of Activities is provided for in Council's Long Term Plan 2015-2025.

Nick Zaman
Regulatory Compliance Manager

for General Manager, Regulatory Services

21 June 2017

APPENDIX 1

2017-2018 Resource Management Act and Building Act Charges Policy FINAL PDF



Resource Management Act and Building Act Charges Policy 2017/2018

Bay of Plenty Regional Council
5 Quay Street
P O Box 364
Whakatāne
NEW ZEALAND

ISSN: 1175-9546 (Print)
ISSN: 1174-2305 (Online)

Resource Management Act and Building Act Charges Policy 2017/2018

Table of Contents

1	Introduction	1
1.1	Resource Management Act Charges.....	1
1.2	Building Act Charges.....	2
2	Resource Management Act Application charges	4
2.1	Application for preparation/change to a policy statement or plan.....	4
2.2	Application for resource consents, certificates of compliance and transfers.....	4
2.2.1.	<i>General application fee</i>	4
2.2.2.	<i>Other application fees</i>	5
2.3	Resource management discount regulations for late applications.....	5
3	Resource consent charges	7
3.1	Base charge.....	7
3.2	Compliance/supervision charge (Schedule 1A and 2A).....	7
3.3	Regional/impact monitoring charge (Schedules 1B to 12B).....	8
4	Miscellaneous administrative charges	9
4.1	Information requests.....	9
4.2	Photocopying and documents.....	9
4.3	Royalty collection.....	10
4.4	Enforcement.....	10
4.5	Forestry Operators Accreditation System (FOAS).....	10
5	Building Act Charges	11
6	General matters	12
7	Worked examples	13
8	Schedules	14

1 Introduction

This policy sets out the Resource Management Act and Building Act charges that apply from 1 July 2017. Under section 36(7) of the RMA and section 243(2) of the Building Act, the Regional Council may decline to perform the action to which the charge relates until the charge has been paid in full.

1.1 Resource Management Act Charges

Under the Resource Management Act (RMA) the Bay of Plenty Regional Council is responsible for managing the use of a wide range of natural resources including air quality, geothermal energy, groundwater and surface water. In order to carry out this function we are required to undertake a significant level of activity including:

- Processing and administration (e.g. in regard to regional plans and resource consents).
- Monitoring and supervision of resource consents.
- Monitoring of natural resources.

The RMA gives Council the power to recover the 'reasonable' costs associated with these functions using charges made under Section 36.

In order to achieve a fair and equitable sharing of costs the Bay of Plenty Regional Council has evaluated these functions and decided what proportion of each work programme and consent related activity should be recovered directly from individuals (either holders of resource consents, consent applicants or people using environmental resources), and what should be funded by the regional community through general funds.

Section 36(4) specifies the criteria for reaching decisions about the apportionment of costs and these are reproduced below.

- (a) *The sole purpose of a charge is to recover the reasonable costs incurred by the local authority in respect of the activity to which the charge relates:*
- (b) *A particular person or persons should only be required to pay a charge —*
- (i) *To the extent that the benefit of the local authority's actions to which the charge relates is obtained by those persons as distinct from the community of the local authority as a whole; or*
 - (ii) *Where the need for the local authority's actions to which the charge relates is occasioned by the actions of those persons; or*
 - (iii) *In a case where the charge is in respect of the local authority's monitoring functions under section 35(2)(a) (which relates to monitoring the state of the whole or part of the environment), to the extent that the monitoring relates to the likely effects on the environment of those persons' activities, or to the extent that the likely benefit to those persons of the monitoring exceeds the likely benefit of the monitoring to the community of the local authority as a whole, —*

and the local authority may fix different charges for different costs it incurs in the performance of its various functions, powers, and duties under this Act —

- (c) *In relation to different areas or different classes of applicant, consent holder, requiring authority, or heritage protection authority; or*
- (d) *Where any activity undertaken by the persons liable to pay any charge reduces the cost to the local authority of carrying out any of its functions, powers, and duties.*

1.2 Building Act Charges

The Bay of Plenty Regional Council is responsible for the following Building Act functions that relate to dams:

- maintaining a Register of Large Dams (s.151);
- administering and monitoring the Dam Safety Scheme (s.13);
- adopting and implementing a policy on dangerous, flood-prone and earthquake-prone dams (s.13);
- taking action if necessary, if a dam poses an immediate danger (s.157);
- issuing Project Information Memorandum for new dams (s.34 and s.14);
- issuing Certificates of Acceptance where work has been done without a Building Consent (s.96 and s.14); and
- enforcing the provisions of the building code and the Building Act 2004 and regulations that relate to dams (s.13).

Bay of Plenty Regional Council has determined that the costs incurred in processing Building Act related applications should be recovered based on the principle of 'user pays'. The Council is not expecting any revenues to be generated from these fees and charges.

Section 243 of the Building Act 2004 enables us to recover costs through imposing fees or charges.

The charges are set out in this policy as follows:

Section 2: Application charges:

- Preparation/change to a policy statement or plan
- Resource consents/certificates of compliance/transfers

Section 3: Resource consent charges:

- Base charges
- Compliance/supervision charges
- Regional monitoring charges

Section 4: Miscellaneous administrative charges:

- Information requests
- Photocopying and documents
- Royalty collection
- Enforcement
- Forestry Operators Accreditation System (FOAS)

Section 5: Building Act charges

- Register of dams
- Reviewing Impact Classifications and Dam Safety Assurance Programmes
- Compliance charges
- Building Act consent application/certificate of acceptance charges

2 Resource Management Act Application charges

Sections 36(1) (a) and (b) of the RMA allow Council to fix:

- (a) *Charges payable by applicants for the preparation or change of a policy statement or plan, for the carrying out by the local authority of its functions in relation to such applications.*
- (b) *Charges payable by applicants for resource consents, for the carrying out by the local authority of its functions in relation to the receiving, processing, and granting of resource consents (including certificates of compliance and existing use certificates).*

2.1 Application for preparation/change to a policy statement or plan

Applicants shall pay a deposit of \$5,000 (including GST) in advance for any requests for a change to an existing regional plan or policy statement, or for the preparation of any new plan or policy statement.

The full actual and reasonable costs of assessing and completing the change or preparation process set out in Schedule 1 of the RMA that exceed the deposit, will be charged as an additional charge in accordance with section 36(3) of the RMA. The charge will be assessed using the fixed charge out rates set out in Schedule A of this policy. Interim invoicing will be carried out to recover costs that exceed the deposit in the same financial year that they are incurred.

Actual and reasonable costs include but are not limited to council staff time, peer review, meeting and hearing costs, and commissioner charges.

Despite the above charges, the Strategy & Science General Manager is authorised to set an appropriate deposit fee for complex plan or policy statement changes (or new plan requests) up to a maximum of \$50,000 (including GST).

Note that the provisions pertaining to private plan changes under the RMA apply, and the charging or provision of payment does not infer approval or acceptance of any plan change request.

2.2 Application for resource consents, certificates of compliance and transfers

Council's charges under sections 36(1)(b) and 36(3) are given in Table 1 and are described further below.

2.2.1. General application fee

The General Application Fee is \$774 (including GST). This is made up of a fixed charge (under section 36(1)(b)) of \$633 (GST inclusive) and a deposit (section 36(3)) towards processing of \$141 (GST inclusive). Any additional costs will be invoiced by way of additional charges in accordance with section 36(3) (refer notes in Table 1). The fixed charge covers:

- All administrative activity for non-notified applications including, but not limited to, receiving applications, data entry, and file preparation. Notified applications will incur additional administrative costs associated with notification, submissions and hearing processes.
- Internal peer review of the reporting officer's report and recommendations including proposed conditions.
- Vehicle running costs.
- Decision making (for decisions made by staff acting under delegated authority).

2.2.2. Other application fees

These are fixed charges (section 36(1)(b)) with no additional costs payable.

2.3 Resource management discount regulations for late applications

In August 2010 the RMA Discount Regulations were introduced. The Regulations require the Regional Council to provide a discount of 1 per cent per day, up to a maximum of 50 working days for resource consent applications not processed within RMA timeframes.

Table 1: Consent application fees

General Application Fee (GST inclusive) – Note: this is a deposit and other fees incurred will be recovered on an actual and reasonable basis	
<ul style="list-style-type: none"> • Resource Consent applications (except those specified below as fixed charges). • Certificates of Compliance. • Changes or cancellation of conditions of consents. • Review of consent conditions. • Transfer of consent to another site or another person at another site. • Lapsing period extensions. 	\$774
<ul style="list-style-type: none"> • Publicly Notified Applications. 	\$10,000
Other application fees (GST inclusive) Note: these are fixed charges with no additional costs payable.	
OSET Approval Inspection Fee	\$50
Land use consent to construct a single geotechnical, freshwater bore or domestic geothermal bore.	\$390
Applications for activities listed in regional plans that have zero fee ¹ .	\$0
Transfer of consent to another person at the same site where a complete application is submitted.	\$90
Application to reduce the allocated rate of a surface water take consent or allocated annual volume of groundwater take consent.	\$0
<p>Notes:</p> <p>A. Where fees are deposits only the applicants will be charged all actual and reasonable costs above the deposit fee. Such costs may include, but not be limited to staff time (see Schedule A), advertising, hearing costs (including costs of Committee members, Commissioners, Technical Appointees and the Minister of Conservation's representative), disbursements and costs of consultants.</p> <p>B. Where an application is withdrawn the fixed fee of \$500 will be retained and any actual and reasonable costs incurred will also be charged.</p> <p>C. Where costs are incurred that exceed \$2,000 above the deposit, or at the end of every quarter, the applicant may be requested to pay an additional amount by way of an interim payment against the final total costs.</p> <p>D. In accordance with section 36(7), the processing of any application may be suspended until any relevant charge is paid in full.</p> <p>E. Where the deposit fee exceeds the processing costs by \$25 or more, the difference will be refunded to the applicant.</p> <p>F. Despite the above fee structure, the Consents Manager may require an appropriate application deposit fee for complex, multi-consent projects or limited notified applications up to a maximum of \$10,000 (GST inclusive).</p> <p>G. Costs for Hearing Committee members and Commissioners will be recovered from applicants at their set charge-out rate. Disbursements will be charged at actual and reasonable cost.</p> <p>H. The deposit fee for a Review of Consent Conditions is payable by the 20th of the month following service of notice by Council.</p> <p>I. All charges apply from 1 July 2017.</p> <p>J. An application to reduce the allocated volume/rate in a water take consent for zero cost must reduce the environmental effect of that take.</p> <p>K. Where an incomplete application for a 'transfer of consent to another person at the same site' results in more than one hour of staff time being required to process the transfer, actual and reasonable costs will be charged to the transferee for the additional time required to process the incomplete application.</p>	

¹ At the time of writing this includes some bore permits under the Rotorua Geothermal Regional Plan (rule 19.6.3(d)) and some wetland works under the Regional Water and Land Plan (rule 80 and method 261).

3 Resource consent charges

The following charges, made under sections 36(1) and 36(3) of the RMA, are payable by holders of resource consents to cover Council's costs associated with the administration, monitoring and supervision of those consents. The charges also cover a portion of Council's costs of carrying out regional and impact monitoring and specific investigations into the state of the environment.

Resource consent charges will be payable on the 20th of the month following the month the invoice was issued e.g. invoices issued in September will be due on 20th October². The annual charge is calculated as below:

$$\text{Annual Charge} = \text{Base Charge} + (\text{Compliance/Supervision Charge} \times \text{Credit Factor}) + \text{Regional/Impact Monitoring Charge}$$

3.1 Base charge

The base charge is \$130 (GST inclusive) per consent that is subject to annual charges. This charge covers the costs associated with:

- Maintaining and improving the consent database and associated records.
- Compiling and monitoring accounts, dealing with general enquiries from consent holders (including surrenders) and general administrative actions.
- Section 36 policy development and maintenance.

The base charge is not applicable in the following cases, in accordance with decisions adopted by Council at its meeting on 9 March 2017:

- (a) Long term consents for structures, reclamations or diversions in the Coastal Marine Area, rivers and lakes unless an inspection has been carried out (in which case the consent holder is charged as per Schedule 1A or 2A).
- (b) "Consequential" consents such as the discharge permit in an activity that involves a diversion and discharge, or the discharge permit in an activity that involves taking and discharging water (e.g. to heat a pool). To qualify, the "consequential" consent must occur as a natural consequence of the primary activity and have no significant environmental effect compared to the primary consent.
- (c) Onsite wastewater (OSET - low risk) consents required under the Onsite Effluent Treatment Regional Plan for 2017/2018.
- (d) In addition to the base charge, a special administrative charge is payable where multiple holders of one consent request separate invoicing and correspondence to each consent holder. An additional fee of \$115 (GST inclusive) will be charged to each additional consent holder requiring this service.

3.2 Compliance/supervision charge (Schedule 1A and 2A)

This section of the policy is based on both Council's requirement to monitor consents issued (section 36(1)(c) RMA) and where applicable, Council's specific compliance monitoring programme. It is Council policy that the majority of costs of compliance/supervision of consents should be recovered from consent holders.

² Note that some resource consents are only invoiced if they have been the subject of a compliance inspection. These can be identified as consents that have a zero charge in both the compliance/supervision schedule (1) and the regional/impact monitoring schedules (1B to 12B).

Compliance/supervision activity involves the checking of consent conditions (validation) including such aspects as:

- Undertaking site inspections to ensure the activity complies with the consent requirements.
- Ensuring compliance with plans (including site plans, management plans and contingency plans) and quality criteria.
- Quality checking and filing of monitoring returns.
- The preparation of reports for file or Council.
- Day to day contact with individual consent holders such as enquiries, minor complaints and non-compliance issues via telephone calls and correspondence.
- Administrative tasks including entering and distributing field sheets and returns.

The compliance/supervision charge has been set as specified in the Compliance Monitoring Programme 2017/2018, shown in Schedule 1A and 2A. Where the level of monitoring is undetermined the consent holder will be charged actual and reasonable costs including staff time (see the charge out rates in Schedule A).

This policy also provides that Council can recover from consent holders covered by Schedule 1A and 2A the actual and reasonable costs associated with:

- Second and subsequent inspections and follow-up work as necessitated by previous non-compliance. This includes time spent, and costs associated with, investigating confirmed non-compliances with a consent. These are subject to separate invoice following the inspection/follow-up/investigation.
- Auditing information required by consent conditions (for example management plans, engineering plans, landscape designs, approvals, etc.) or participation in peer review panels (as detailed in consent conditions). This includes the costs associated with managing these processes and any specialist technical advice required.

A fixed fee of \$230 (GST inclusive) for the late submission of records and monitoring reports as required by consent or Resource Management Act Regulations.

Holders of consents to take and/or discharge geothermal water and or contaminants will be invoiced separately for actual and reasonable costs of monitoring of temperature and flow, where such monitoring is required to be carried out by the consent holder, but the monitoring is not carried out by the consent holder. Actual and reasonable costs are based on staff or consultants actual time spent (including travel time) charged at the relevant rate for the staff/consultant involved as set out in Schedule A, actual and reasonable vehicle running costs and any additional costs incurred.

Note: The compliance/supervision fee in Schedule 1A will not be invoiced for Low Risk Onsite wastewater consents (OSET - low risk) for the 2017/2018 year, in accordance with decisions adopted by Council at its meeting on 9 March 2017. However, as detailed above, actual and reasonable costs associated with follow-up work, as necessitated by previous non-compliance, will be charged.

3.3 Regional/impact monitoring charge (Schedules 1B to 12B)

Section 36(1)(c) of the RMA allows Council to fix:

- (c) *Charges payable by holders of resource consents, for the carrying out by the local authority of its functions in relation to the administration, monitoring, and supervision of resource consents (including certificates of compliance), and for the carrying out of its resource management functions under section 35.*

The resource management functions detailed under section 35 of the RMA include monitoring:

- (a) *the state of the whole or any part of the environment of its region or district to the extent that is appropriate to enable the local authority to effectively carry out its functions under this Act, and*
- (b) *the efficiency and effectiveness of policies, rules, or other methods in its policy statement or its plan, and]*
- (c) *the exercise of any functions, powers, or duties delegated or transferred by it, and*
- (d) *the exercise of the resource consents that have effect in its region or district, as the case may be,*

and take appropriate action (having regard to the methods available to it under this Act) where this is shown to be necessary.

Section 35 requires that local authorities gather information and undertake or commission such research, as is necessary to effectively carry out its functions under the RMA.

The Bay of Plenty Regional Council carries out a range of environmental monitoring under its Natural Environmental Regional Monitoring Network (NERMN). The NERMN includes monitoring of land resources, terrestrial ecology, water quality, freshwater and marine ecology, groundwater, river and stream flows, geothermal energy and air quality. Specific additional investigations are also carried out on a project basis where resources are under pressure (e.g. the regional groundwater study, harbour sedimentation studies). Finally, impact monitoring is carried out to assess activities with higher risk potential (e.g. large sewage and industrial effluent discharges).

The regional/impact monitoring charges are given in Schedules 1B to 12B.

Note: The regional/impact monitoring charge in Schedule 2B will not be invoiced for Low Risk Onsite wastewater consents (OSET - low risk) for the 2017/2018 year, in accordance with decisions adopted by Council at its meeting on 9 March 2017.

4 Miscellaneous administrative charges

Under sections 36(1)(e), 36(1)(f) and 36(1)(g) of the RMA and section 13 of the Local Government Official Information and Meetings Act (1987), Council is able to charge for the provision of information in respect of plans and resource consents, the supply of documents and any kind of charge authorised by regulations. The various charges fixed by Council under these sections are set out below.

4.1 Information requests

Any information requests, including those under the Local Government Official Information and Meetings Act (1987), will be charged actual and reasonable costs with the first hour being free.

4.2 Photocopying and documents

The following charges include GST:

Photocopying	6c per A4 page (Black and White)
	10c per A3 page (Black and White)
	50c per A4 page (Colour)
	75c per A3 page (Colour)
Copies of BOPRC reports and publications	\$10 per document up to 25 pages
	\$12 per 25-50 page document
	\$15 per 50-100 page document

Copies of the following New Zealand Standards:

AS/NZS 1546.1:2008 On-site domestic wastewater treatment units – Septic tanks	\$115
AS/NZS 1546.3:2008 On-site domestic wastewater treatment units – Aerated wastewater treatment systems	\$110
AS/NZS 1547:2012 On site domestic wastewater management	\$215

4.3 Royalty collection

The Administration Fee for collection of Government Royalties is \$120 (GST inclusive).

4.4 Enforcement

Issuing an abatement notice is \$220 (GST inclusive) which will be charged to the holder of the consent, even if the notice itself is issued to a representative of the consent holder (e.g. farm manager, contractor, etc.). Note that this is for the issuing of the notice and does not include any additional costs associated with non-compliance as outlined in 6(h).

4.5 Forestry Operators Accreditation System (FOAS)

As per Schedule 12, clause 4.6(b) and (c) of the Bay of Plenty Regional Water and Land Plan, the following fees apply for the processing of a FOAS application and the Auditing of an Approved Operator:

- Forestry Operators Accreditation application fee: \$115 (GST inclusive);
- Application processing costs: The cost of the Accreditation Panel's associated with the processing of any application through to a recommendation, and the council staff time involved in assessing and processing the recommendation (this includes processing recommendation to decline) will be charged to the applicant on an actual and reasonable costs basis;
- Auditing fee: All actual and reasonable costs associated with the Auditing of any activity carried out under FOAS, including time and mileage. Actual and reasonable costs will also be invoiced to the Operator where the Audit is the result of a substantiated complaint.

5 Building Act Charges

Charges are set for technical processing and other functions under the Building Act 2004. These charges have been set using the principle that the full cost is to be recovered, including the base charge and any actual and reasonable additional costs.

Table 2: Building Act Charges

Activity	The base charge (including GST)	Additional cost
Administration cost for Register of Dams		
Lodge dam potential impact category	\$240	On an actual and reasonable costs basis
Lodge dam safety assurance programme	\$240	On an actual and reasonable costs basis
Lodge annual dam compliance certificate	\$240	On an actual and reasonable costs basis
Review		
Review of potential impact classifications submitted by dam owners	Actual and reasonable costs	
Review of dam safety assurance programme	Actual and reasonable costs	
Compliance		
Standard labour cost and extra cost of expert advice, on an actual and reasonable costs basis.		
Building Consent for Dams		Additional cost
Apply for Project Information Memorandum (PIM)	\$155	On an actual and reasonable costs basis.
<p>The Bay of Plenty Regional Council has transferred its building consent authority functions to the Waikato Regional Council for efficiency and cost reduction reasons. Please contact Waikato Regional Council or see its website www.waikatoregion.govt.nz/damsafety for relevant up-to-date fees and charges for building consents, which may include:</p> <ul style="list-style-type: none"> • Processing of building consents. • Inspection processes. • Issuing dam code compliance certificates. • Issuing compliance schedules. 		
Certificate of Acceptance		Additional cost
<p>The charges vary due to the complexity and scale. The base charge (including GST but excluding BRANZ levy and DBH levy) for a dam:</p> <p>Valued over \$100,000 is \$4,690.</p> <p>Valued between \$20,000 and \$100,000 is \$2,345.</p> <p>Valued up to \$20,000 is \$585.</p>		On an actual and reasonable costs basis, including tax and levies.
Other functions		
<p>Charges for other functions, such as Compliance Schedule or amending of Compliance Schedule, are based on labour cost and extra cost of expert advice, on an actual and reasonable costs basis.</p> <p>Note other costs that may be charged back to the applicant include the actual cost of photocopying and printing, vehicle use and fuel, travel and accommodation, administration, including data digitising and data storage, site notices, advertisements, testing charges, commissioners, consultants (including engineers, specialists and scientists), staff time, and other disbursements.</p>		

6 General matters

- (a) The charges will cover the financial period from 1 July 2017 – 30 June 2018, but will continue for following financial years unless replaced through a new special consultative procedure.
- (b) If an activity is consented during the year which is not accommodated on the existing steps and schedules of the policy, an interim charge will be set based on the actual and reasonable costs to Council of carrying out the compliance monitoring/supervision and the regional/impact monitoring of the consent.
- (c) When a consent to which this policy applies expires or is surrendered or lawfully terminated during the year and the activity ceases, then in any case the minimum base charge of \$130 (GST inclusive) will apply and the remainder of the fee will be on a pro-rata basis having regard to what monitoring had been undertaken.
- (d) Where a consent to which this policy applies expires or is surrendered or lawfully terminated during the course of a year but the activity continues and is subject to a renewal process, then the full charge shall apply.
- (e) Where a consent is varied during a financial year to which this policy applies, any change in charge will apply on a pro-rata basis from when the variation is approved.
- (f) When a consent is issued part way through the financial year the charge will be on a pro-rata basis, but in all cases the minimum base charge of \$130 (GST inclusive) will first be payable.
- (g) Council may remit any charge made, in part or in full, in cases of inequity to be determined by resolution of Council. In doing so Council will credit the appropriate account.
- (h) The charges and scales of charges are set to recover a proportion of Council's costs identified in the Ten Year Plan, under sections 36(1) and 36(3) of the Resource Management Act 1991, assuming responsible use and compliance with consents and associated conditions.

Where non-compliance requires additional visits to those defined in the Compliance Monitoring Programme (Schedule 1A and 2A), the costs of any further visits and investigation will be charged at:

- (i) Officers actual time spent charged at the relevant rate for the staff/consultant involved (Schedule A), including travel and vehicle running costs.
- (ii) Incidental costs (e.g. laboratory analyses, specialist advice) at actual and reasonable costs incurred. If this was to apply the consent holder will be advised that additional costs are to be recovered.

Council will also recover the costs of investigating and reporting substantiated complaints relating to consented activities.

- (i) For accounts greater than \$5,000, payment can be made in three instalments on the following due dates:
 - 20 November 2017 50%
 - 20 February 2018 25%
 - 20 May 2018 25%

All fixed fee accounts less than \$5,000 should be paid by 20 November 2017. Actual and Reasonable fee accounts will normally be billed on a monthly basis.
- (j) Council may impose an additional administrative charge to cover the cost of debt recovery from individual consent holders.

7 Worked examples

The following are examples of annual charges (GST inclusive) for a range of consented activities. Note that actual charges will be determined on a case by case basis.

<i>Small cooling water discharge to a river (Compliance Category = ID Min)</i>				
	Base Charge	Schedule 1A	Schedule 1B, 3	Total
Charges	\$130	\$185	\$140	\$455

<i>Small sewage discharge, land treatment, annual inspection (Compliance Category = STP Min)</i>				
	Base Charge	Schedule 1A	Schedule 2B, 3	Total
Charges	\$130	\$435	\$140	\$705

<i>Farm dairy discharge – Low risk, good infrastructure, land treatment. Three yearly monitoring. (Compliance Category = DairyLR)</i>				
	Base Charge	Schedule 1A	Schedule 3B, 2	Total
Charges	\$130	\$55	\$70	\$255

<i>Small to medium stormwater discharges, flood pumping schemes without contaminants to surface water. (Compliance Category = SW)</i>				
	Base Charge	Schedule 2A Actual and reasonable costs for inspections	Schedule 4B, 2	Total
Charges	\$130		\$115	\$245 plus A+R

<i>Geothermal take/discharge in the Rotorua field, 3 yearly compliance inspection (Compliance Category = GeoR)</i>				
	Base Charge	Schedule 1A *	Schedule 5B, 3a	Total
Charges	\$130	\$155	\$0	\$285 plus A+R

* Takes in the Rotorua geothermal field may incur actual and reasonable costs for flow and temperature monitoring by Council

<i>Water take for irrigation, >5L/s, 5-yearly compliance inspection (Compliance Category = Irri large)</i>				
	Base Charge	Schedule 1A	Schedule 6B, 4	Total
Charges	\$130	\$175	\$875	\$1,180

<i>Water take for irrigation, <5L/s, 3-yearly compliance inspection (Compliance Category = Irri small)</i>				
	Base Charge	Schedule 1A	Schedule 7B, 3	Total
Charges	\$130	\$115	\$515	\$760

<i>Large industrial geothermal take (Compliance Category = Geol)</i>				
	Base Charge	Schedule 2A Actual and reasonable costs for inspections	Schedule 8B, 8	Total
Charges	\$130		\$16,915	\$17,045 plus A+R

<i>Hydro-dam, full compliance check every year (Compliance Category = Hydro)</i>				
	Base Charge	Schedule 2A Actual and reasonable costs for inspections	Schedule 9B, 6	Total
Charges	\$130		\$3,170	\$3,300 plus A+R

<i>Sand blaster, discharge to air (Compliance Category = Air min)</i>				
	Base Charge	Schedule 1A	Schedule 10B, 2	Total
Charges	\$130	\$125	\$210	\$465

<i>Earthworks (0.9 ha) for subdivision (Compliance Category = EW)</i>				
	Base Charge	Schedule 2A	Schedule 12B, 1	Total
Charges	\$130	Actual and reasonable costs for inspections	\$70	\$200 plus A+R

<i>Low Risk Onsite Effluent Treatment (OSET) discharge, 8 yearly inspection (Compliance Category = OSET LR)</i>				
	Base Charge	Schedule 1A	Schedule 2B, 1	Total
Charges	\$130	\$85	\$45	\$0

8 Schedules

Note: all charges in the following schedules are GST inclusive.

- Schedule A: Fixed Charges - Staff and Consultants.
- Schedules 1A and 2A: Compliance/Supervision monitoring charges.
- Schedules 1B to 12B: Regional/Impact monitoring charges.

Schedule A - Fixed charges for staff, consultants/contractors (GST inclusive)

Group	Hourly rate (including GST)
Administration	\$105
Officers/Planners	\$145
Senior Officers/Planners	
Engineers/Scientist/Regulatory Project Officer (RPO)	
Compliance Monitoring Officer (externally contracted)	
Maritime Officer	
Team Leaders/Senior RPO/Works Engineer/Senior Maritime Officer	\$160
Senior Engineer/Senior Scientist/Harbourmaster	
Managers/Regional Harbour Master	\$210
Consultants/Contractors	As charged by consultant/contractor
Regional Council staff mileage	Current IRD rate

Note: Some positions may not be listed. In such cases the charge will be calculated from actual time (including travel time) charged at rates determined from annual salary plus on-cost.

Schedule 1A – Consents subject to Annual Fixed Fee (GST inclusive)

Compliance Category	Code	Inspection Frequency	Comments	Annual Charge
Air Discharge - small industry	Air min	3 yearly	Sandblasters, spray painters, etc. Some are also audited by other agencies	\$125
Air Discharge - medium industry	Air med	1 yearly	Generally visited at the same time as rest of industrial visit. Some of these do require monthly checking of returns, as described above for Industrial discharges.	\$495
Dairy Sheds - low risk	DairyLR	3 yearly	Pasture Irrigation (PI) systems: adequate pond storage (lined in Rotorua lakes), appropriate irrigator technology for soil types and slopes, good compliance history	\$55
Dairy Sheds - moderate risk	DairyMR	2 yearly	All disposal systems that don't meet DairyLR or DairyHR criteria, but have good compliance history and systems that can be managed in a way that ensures compliance	\$155
Dairy Sheds - high risk	DairyHR	1 yearly	Any consent authorising a discharge to surface waters, or other High Risk dairy systems that don't meet DairyLR or DairyMR criteria	\$310
Industrial Discharges - small	ID Min	3 yearly	Small sites with small discharges and a low risk when managed well	\$185
Industrial Discharges - medium	ID Med	1 yearly	Medium sites with potential to result in moderate effects if not managed well	\$870
Landfills - closed	Landfill min	5 yearly	Closed landfills and managed cleanfill sites	\$175
OSET - low risk	OSET LR	8 yearly	All septic tanks and AWTs that are not within the OSET HR category. Inspected at time of installation and then on an 8 yearly basis	\$85
Piggeries	Pig	2 yearly	Low risk when managed correctly	\$135
Smaller Plants - small	STP Min	1 yearly	Not an OSET HR or OSET LR system, and up to 50m ³ /day	\$435
Transfer Stations	Transfer	1 yearly	Operational Transfer Stations	\$310
Timber Treatment Plant	TTP	1 yearly	Sites generally have tight environmental controls with a significant amount of reporting. Risk is high if uncontrolled discharges occur	\$555
Minor Dams	Dams	10 yearly	Mostly farm dams. Does not include Hydro-electric dams	\$40
Geothermal Abstraction - excluding Rotorua field	GeoO	3 yearly	All geothermal abstractors who are not large commercial operators, and are located outside of the Rotorua Geothermal field	\$175
Geothermal Abstraction - Rotorua field only	GeoR	3 yearly	All geothermal abstractors who are not large commercial operators, and are located inside of the Rotorua Geothermal field. Cost of undertaking temp and flow charged at A+R if not done by Consent holder	\$155
Industrial Abstraction - minor	Ind Min	5 yearly	As most of these water takes will fall under the NER, inspections can be reduced as records will be good indicator of compliance. Generally inspect the industrial takes at the same time as the industrial discharge consents are inspected	\$160
Hort/Agr Abstraction - >5L/s	Irri large	5 yearly	Larger takes covered by NER so require meter and verification. LTP target aims for reduced non-compliance	\$175

Hort/Agr Abstraction - <5L/s	Irri small	3 yearly	Small takes that do not generally require metering and verification, so require more frequent inspection.	\$115
Municipal Abstraction - minor	MA Min	5 yearly	These water takes will generally fall under the NER, and as such records will be good indicator of compliance	\$170
Geothermal Abstractors (Warm Water Bores Tga)	Warm	3 yearly	All warm water abstractors in the Western Bay area who are not Industrial or Municipal abstractors	\$175

Schedule 2A – Consents subject to Actual and Reasonable charges

Compliance Category	Code	Inspection Frequency	Comments
Air Discharge - large industry	Air Maj	3 monthly	In addition to regular visits, these require very frequent review of compliance returns, technical reports, etc. throughout year.
Aquaculture	Aqua	1 yearly	Aquaculture monitoring
Bore Installations	Bore Ins	As required	Administration only. Generally no site visit undertaken
Comprehensive Catchment Stormwater	CCSW	1 yearly	Regular review of returns and reports
Dewater	Dewater	As required	Short term consents usually associated with earthworks, so inspected during earthworks site visit
Other Disturbance	Disturb	1 yearly	Inspected during works
Diversions	Div	As required	Inspected as per earthworks during construction, then not at all
Dredging	Dredge	1 yearly	Inspected during works
Earthworks	EW	As required	An estimated annual monitoring time has been allocated for this category, as only a portion of all consents are "active" at any one time. Inspections are usually once every month, but can increase or decrease depending on site risk
Forestry	Forest	As required	An estimated annual monitoring time has been allocated for this category, as only a portion of all consents are "active" at any one time. Inspections are once every 2 months, but can increase or decrease depending on site risk
Geothermal Abstractors (Large scale industrial)	Geol	6 monthly	Complex sites, Peer Review Panels, Community Liaison Groups, etc.
Hydro Dams	Hydro	1 yearly	Large hydro schemes are generally well managed however impact of non-compliance can be very significant
Industrial Discharges Major	ID Maj	3 monthly	These require very frequent review of compliance returns, technical reports, etc. throughout year
Industrial Abstraction - major	Ind Maj	As required or 5 yearly	As most of these water takes will fall under the NER, inspections can be reduced as records will be good indicator of compliance. Generally inspect the industrial takes at the same time as the industrial discharge consents are inspected
Landfills - Open	Landfill Maj	6 monthly	Open landfills and managed cleanfill sites
Mangroves	Mangrove	1 yearly	Inspected as and when required when removal is taking place
Municipal Abstraction - major	MA Maj	As required or 5 yearly	These water takes will fall under the NER, and as such records will be good indicator of compliance
OSET - high risk	OSET HR	1 yearly	All septic tanks and AWTS within 200m of Rotorua Lakes, or within Maintenance Zones as shown in OSET Plan, or where the system receives more than 2m ³ /day, or where there has been a poor history of compliance
Quarries - large commercial	Quarry Lge	6 monthly	Large commercial quarries
Quarries (small)	Quarry Sml	3 yearly	Example: Forestry, farm quarry

Reclamations	Rec	As required	Inspected as per earthworks during construction, then not at all
Disturb, excavate foreshore or seabed	Sand	5 yearly	Inspected during works
Sewage Plants - large	STP Maj	6 monthly	Not an OSET HR or OSET LR system, and greater than 50m ³ /day
Shingle extraction	Shingle	1 yearly	Inspected during extraction - irregular basis
Spray - herbicides, etc.	Spray	As required	Inspected on an infrequent basis depending on whether the activity is taking place
Stormwater	SW	As required	Variety of low risk consents. Generally only monitored at installation, unless issues arise

Schedule 1B - Water management (GST inclusive)

Scale of regional/impact monitoring charges for consents to discharge industrial or process related water and/or contaminants

Step	Annual charge	Examples
1	\$45	Negligible individual impact but cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. Small volume, often intermittent.
2	\$70	Minor individual impact but cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. Small volume, low concentration waste. May not be continuous.
3	\$140	Individual and cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. Regular discharge. Contains contaminants. Volume <20 m ³ /day.
4	\$355	Individual and cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. Range of contaminants. Volume <50 m ³ /day, regular. Discharge to surface water. No impact on other users. For land discharge volume up to 150 m ³ /day increase in contaminant concentration.
5	\$1,410	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Monitoring of receiving water classification standards where relevant. Noticeable effect on resource, other users. Regular discharge volume <100 m ³ /day. Noticeable effect on resource, other users. Regular discharge volume <100 m ³ /day. Range of contaminants. For land discharge volume up to 250 m ³ /day and increase in contaminant concentration.
6	\$28,200	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Monitoring of receiving water classification standards where relevant. Significant potential effect on resource, but does not exclude other users. Volume <1,000 m ³ /day. Range of contaminants. For land discharge volume up to 2,000 m ³ /day and increase in contaminant concentration.
7	\$7,045	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major receiving water impact monitoring investigation annually. Report prepared. Monitoring of receiving water classification standards where relevant. Significant potential effect on resource, but does not exclude other users. Volume <10,000 m ³ /day. Range of contaminants. For land discharge, volume up to 20,000 m ³ /day and increase in contaminant concentrations.
8	\$14,095	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major receiving water impact monitoring investigation annually. Report prepared. Monitoring of receiving water classification standards where relevant. Significant potential effect on resource, but does not exclude other users. Volume <20,000 m ³ /day. Contaminants discharge to receiving waters, utilises significant portion of assimilative capacity of receiving water. Likely to exclude other significant users.
9	\$21,140	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major receiving water impact monitoring investigation annually. Report prepared. Monitoring of receiving water classification standards where relevant. Significant effect on resource, other users. Volume exceeds 20,000m ³ /day. Contaminants discharge to receiving waters, utilises substantial proportion of assimilative capacity of receiving water. Likely to exclude other significant users.
10	\$28,190	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major receiving water impact monitoring investigation annually. Report prepared. Monitoring of receiving water classification standards where relevant. Very High Impact; as a result of individual discharge or combined effect with other discharges. Substantial effect on resource or other users. Substantial range of contaminants. Can exclude other significant users.
11	\$56,375	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major receiving water impact monitoring investigation annually. Report prepared. Monitoring of receiving water classification standards where relevant. Severe impact. The individual discharge has a substantial effect on resources and other users. Substantial range of contaminants. Excludes other significant users. May alter habitat and impact ecosystem.

Schedule 2B - Water management (GST inclusive)

Scale of regional/impact monitoring charges for consents to discharge sewage related water and/or contaminants

Step	Annual charge	Examples
1	\$45	Negligible individual impact but cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. No offsite Impacts. Small scale on site disposal. Individual household, up to 2 m ³ /day.
2	\$70	Minor individual impact but cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. No offsite Impacts. Small scale on site disposal. Up to 30 m ³ /day.
3	\$140	Individual and cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. Limited offsite Impacts. Small scale communal system. Land based system 30-50 m ³ /day.
4	\$420	Individual and cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. Potential offsite impacts. Small communal system. 50-100 m ³ /day. For land based 50-200 m ³ /day.
5	\$1,410	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Monitoring of receiving water classification standards where relevant. Potential and occasional offsite impacts. Significant community. Up to 2,000 m ³ /day. For land discharge up to 4,000 m ³ /day. No trade wastes.
6	\$3,525	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major receiving water impact monitoring investigation annually. Report prepared. Monitoring of receiving water classification standards where relevant. Moderate impact. Small town treatment system. Potential effect on resource, but does not exclude other users. Limited trade wastes.
7	\$7,045	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major receiving water impact monitoring investigation annually. Report prepared. Monitoring of receiving water classification standards where relevant. Moderate Impact. Medium scale treatment system. Identifiable effects on resource, but does not exclude other users. Trade wastes.
8	\$14,095	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major receiving water impact monitoring investigation annually. Report prepared. Monitoring of receiving water classification standards where relevant. Moderate to high impact. Identifiable effects on resource, can exclude other users. Significant trade wastes.

Schedule 3B - Water management (GST inclusive)

Scale of regional/impact monitoring charges for consents to discharge agricultural related water and/or contaminants

Step	Annual charge	Examples
1	\$45	Negligible individual impact but cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. No offsite impacts. Land discharge <20 m ³ /day.
2	\$70	Individual and cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. Discharge to surface water and land discharge >20 m ³ /day. Potential effect on resource, but does not exclude other users.
3	\$280	Individual and cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. Small to moderate Impact. Some impact on resource, minimal impact on other users.
4	\$845	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Monitoring of receiving water classification standards where relevant. Moderate impact. Utilises significant amount of receiving water capacity. May impact on other users. <50 m ³ /day.
5	\$1,410	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major receiving water impact monitoring investigation annually. Report prepared. Monitoring of receiving water classification standards where relevant. Moderate to high impact. Utilises substantial amount of receiving water capacity. Excludes other users.

Schedule 4B - Water management (GST inclusive)

Scale of regional/impact monitoring charges for consents to discharge stormwater, quarrying, dredging, leachate and miscellaneous related water and/or contaminants

Step	Annual charge	Examples
1	\$55	Negligible individual impact but cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. No offsite effects. Land based disposal only.
2	\$115	Minor individual impact but cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. Low concentration of limited contaminants. Intermittent discharge. Insignificant impact on resource.
3	\$170	Individual and cumulative impacts require monitoring. Monitoring of receiving water classification standards where relevant. Small Impact. Low concentration of limited contaminants. Intermittent to regular discharge.
4	\$420	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Monitoring of receiving water classification standards where relevant. Moderate impact. Minor effect on resource. Does not exclude other users. Low to medium concentration of limited contaminants. Intermittent to regular discharge.
5	\$1,410	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Monitoring of receiving water classification standards where relevant. Moderate to Significant impact. Has impact on resource and may affect other users. Increase in concentration and number of contaminants discharged.
6	\$4,225	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Monitoring of receiving water classification standards where relevant. Significant impact. Has impact on resource, can exclude other users. Can have impact on biota and alters habitat. May contain toxic substances.
7	\$8,455	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major receiving water impact monitoring investigation annually. Report prepared. Monitoring of receiving water classification standards where relevant. Major impact. Has impact on resource, can exclude other users. Has impact on biota and alters habitat.

Schedule 5B - Water management (GST inclusive)

Scale of regional/impact monitoring charges for consents to discharge warm water/geothermal fluid into the ground

Step	Annual charge	Examples
1	\$30	Negligible individual impact but cumulative impacts require monitoring. No foreign contamination.
2a	\$0	Reinjection (Rotorua Geothermal Field), small volume <25 m ³ /day. Regular discharge.
2b	\$55	Soakage (Rotorua Geothermal Field), small volume <25 m ³ /day. Regular discharge. Minor individual impact but cumulative impacts may require monitoring. Minor impact. No foreign contamination.
3a	\$0	Reinjection (Rotorua Geothermal Field), volume <250 m ³ /day. Regular discharge.
3b	\$140	Soakage (Rotorua Geothermal Field). Regular discharge. Volume <250 m ³ /day. Individual and cumulative impacts require monitoring. Small impact. No foreign contamination.
4a	\$0	Reinjection (Rotorua Geothermal Field), volume <500 m ³ /day. Regular discharge.
4b	\$565	Soakage (Rotorua Geothermal Field). Regular discharge. Volume <500 m ³ /day. Individual and cumulative impacts require monitoring. Small to moderate impact. No foreign contamination.
5a	\$0	Reinjection (Rotorua Geothermal Field), volume <2,000 m ³ /day. Regular discharge.
5b	\$1,410	Soakage (Rotorua Geothermal Field). Regular discharge. Volume <2,000 m ³ /day. Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Moderate impact. No foreign contamination. Has potential to affect resource or other users.
6	\$2,820	Discharge to reinjection. Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Moderate impact. No foreign contamination. May affect resource and other users. Regular discharge. Volume <5,000 m ³ /day.
7	\$7,045	Discharge to reinjection. Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. High impact. No foreign contamination. Resource affected. Can exclude other users. Volume >5,000 m ³ /day.

Schedule 6B - Water management (GST inclusive)

Scale of regional/impact monitoring charges for consents to take surface water

(Note: these charges vary depending on the volume of water permitted to be taken under the consent as per the examples below and apply regardless of whether the allocation is being used).

Step	Annual charge	Examples
1	\$60	Negligible individual impact but cumulative impacts require monitoring. Includes environmental protection or enhancement activities. Plentiful resource 0-250 m ³ /day. Frost protection - up to 1,000 m ³ /day.
2	\$120	Minor individual impact but cumulative impacts require monitoring. Includes environmental protection or enhancement activities. No significant impact on other users. Plentiful resource 250-500 m ³ /day. Frost protection - up to 2,000 m ³ /day.
3	\$220	Individual and cumulative impacts require monitoring. Small Impact. Some impact on flow particularly in combination with other users. Not detrimental to in-stream values. 500-1,000 m ³ /day. Frost protection - up to 3,000 m ³ /day.
4	\$875	Individual and cumulative impacts require monitoring. Small to moderate impact. Impact on flow may exclude other users. 1,000-2,000 m ³ /day (municipal and industrial takes). Up to 5,000 m ³ /day (irrigators). Frost protection - >3,000 m ³ /day.
5	\$2,265	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Moderate Impact. Impact on flow may exclude other users. May be detrimental to in-stream values. Up to 10,000 m ³ /day.
6	\$6,790	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Moderate to Large Impact. Significant abstraction. Can have impacts on the resource and other users. Up to 30,000 m ³ /day.
7	\$11,315	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major resource impact monitoring investigation annually. Report prepared. High impact. Significant water abstraction. Has significant impact on resource. Up to 50,000 m ³ /day.
8	\$22,630	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity require specific monitoring techniques. Major resource impact monitoring investigation annually. Report prepared. High impact. Significant water abstraction. Has significant impact on resource. Up to 100,000 m ³ /day.
9	\$45,260	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity require specific monitoring techniques. Major resource impact monitoring investigation annually. Report prepared. Substantial Impact. Has significant impact on water availability and capacity to receive discharges. Utilises large proportion of stream flow >10% of Q5. Potential to exclude other users. Up to 200,000 m ³ /day.

Schedule 7B - Water management (GST inclusive)

Scale of regional/impact monitoring charges for consents to take groundwater excluding geothermal

(Note: these charges vary depending on the volume of water permitted to be taken under the consent as per the examples below and apply regardless of whether the allocation is being used).

Step	Annual charge	Examples
1	\$140	Negligible individual impact but cumulative impacts require monitoring. Plentiful resource. Up to 250 m ³ /day. Frost protection - up to 1,000 m ³ /day.
2	\$280	Minor individual impact but cumulative impacts require monitoring. No significant impact on other users. Plentiful resource. Up to 500 m ³ /day. Frost protection - up to 2,000 m ³ /day.
3	\$515	Individual and cumulative impacts require monitoring. Small impact. Resource may be limited. Can impact other users. Up to 1,000 m ³ /day. Frost protection - up to 3,000 m ³ /day.
4	\$2,060	Individual and cumulative impacts require monitoring. Moderate impact. Resource may be limited. Can impact resource and other users. Up to 2,000 m ³ /day (municipal and industrial takes). Up to 5,000 m ³ /day (irrigators). Frost protection - >3,000 m ³ /day.
5	\$2,895	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Moderate Impact. Other users potentially affected. Resource may be impacted. Up to 5,000 m ³ /day (municipal and industrial takes). Up to 7,500 m ³ /day (irrigators).
6	\$5,325	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Moderate to Large Impact. Other users affected or excluded. Resource impacted. Up to 10,000 m ³ /day.
7	\$15,975	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major resource impact monitoring investigation annually. Report prepared. Large Impact. Other users affected or excluded. Resource impacted. Up to 30,000 m ³ /day.
8	\$26,620	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity require specific monitoring techniques. Major resource impact monitoring investigation annually. Report prepared. Major Impact. Localised effect on complex resource. Can limit or exclude other users. Up to 50,000 m ³ /day.

Schedule 8B - Water management (GST inclusive)

Scale of regional/impact monitoring charges for consents to take geothermal fluid and geothermal heat/energy

Step	Annual charge	Examples
1	\$30	Negligible individual impact but cumulative impacts require monitoring. Geothermal fluid <5 m ³ /day. Warm water bores (Tauranga Field) <25 m ³ /day.
2	\$55	Minor individual impact but cumulative impacts require monitoring. No significant impact on other users. Geothermal fluid <25 m ³ /day. Down-hole heat exchangers <5 kw. Warm water bores (Tauranga Field) <100 m ³ /day.
3	\$80	Individual and cumulative impacts require monitoring. Small impact. Resource may be limited. Can impact other users. Geothermal fluid < 50 m ³ /day. Down-hole heat exchangers >50 kw. Warm water bores (Tauranga Field) >100 m ³ /day.
4	\$475	Individual and cumulative impacts require monitoring. Moderate impact. Resource may be limited. Can impact resource and other users. Geothermal fluid <150 m ³ /day.
5	\$1,410	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Moderate impact. Other users potentially affected. Resource may be impacted. Geothermal fluid <350 m ³ /day.
6	\$3,525	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Moderate to large impact. Other users affected or excluded. Resource impacted. Geothermal fluid <2,000 m ³ /day.
7	\$7,045	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major resource impact monitoring investigation annually. Report prepared. Large impact. Other users affected or excluded. Resource impacted. Geothermal fluid up to 20,000 m ³ /day.
8	\$16,915	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity require specific monitoring techniques. Major resource impact monitoring investigation annually. Report prepared. Major impact. Localised effect on complex resource. Can limit or exclude other users. Geothermal fluid >20,000 m ³ /day.

Schedule 9B - Water management (GST inclusive)

Scale of regional/impact monitoring charges for consents to dam and/or divert

Step	Annual charge	Examples
1	\$45	Negligible individual impact but cumulative impacts require monitoring. Intermittent flood control, permanent stream diversions and realignments. Environmental protection or enhancement activities. Dams:- less than 1.5 m. Diversions: - mean stream flow less than 0.5 m ³ /sec.
2	\$70	Minor individual impact but cumulative impacts require monitoring. No significant impact on resource. No impact on in-stream values. Permanent stream diversions and realignments. Environmental protection or enhancement activities. Dams:- less than 3 m. Diversions:- mean stream flow less than 1 m ³ /sec.
3	\$140	Individual and cumulative impacts require monitoring. Small impact. Potential effect on resource. Some impact on in-stream values on a more sensitive stream/river. Permanent stream diversions and realignments. Dams:- less than 3 m. Diversions:- mean stream flow less than 2 m ³ /sec.
4	\$420	Individual and cumulative impacts require monitoring. Small impact. Effect on resource. Some impact on in-stream values. Permanent stream diversions and realignments. Dams:- less than 5 m. Diversions:- mean stream flow less than 10 m ³ /sec. Diversion of water (power schemes) less than 10% of mean flow of river system.
5	\$1,125	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Small to moderate impact. Significant effect on resource. Impact in-stream values. Ecosystem impacts. Minimal compensation flow. Dams:- less than 10 m. Diversions:- (a) Permanent stream diversions and realignments - mean stream flow less than 20 m ³ /sec. (b) Diversion of water (power scheme) less than 20% of mean flow of river system.
6	\$3,170	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Moderate impact. Impacts flow regime of part of catchment. Significant impact on stream ecosystem and in-stream values. Limits and may exclude other users. Diversion of water (power schemes) less than 30% of mean flow of river system.
7	\$5,640	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity may require specific monitoring techniques. Major resource impact monitoring investigation annually. Report prepared. Large impact. Other users affected or excluded. Resource impacted. Geothermal fluid up to 20,000 m ³ /day.
8	\$9,865	Individual and cumulative impacts require monitoring. Impacts of consent holder's activity require specific monitoring techniques. Major resource impact monitoring investigation annually. Report prepared. Large Impact. Impacts flow regime of part of catchment. Substantial impact on stream ecosystem and in-stream values. Likely to exclude other users. Diversion of water (power schemes) greater than 50% of mean flow of river system.

Schedule 10B - Air management (GST inclusive)

Regional/impact monitoring charges for consents to discharge contaminants into air

Step	Annual charge	Examples
1	\$45	Small landfills.
2	\$210	Sand blasters, small incinerators. Predominantly former Class "B" processes. Medium/large sewage plant air discharges.
2a	\$45	Spray painters. Small/medium sewage plant air discharges.
3	\$210	Hot dip galvanising. Asphalt manufacture.
4	\$565	Rendering plants.
5	\$1,410	A range of chemical processes. Larger boiler plant.
6	\$4,230	A range of chemical processes with higher risk of offsite effects.
7	\$8,455	Fertiliser Manufacturing Plant.
8	\$16,915	Major pulp and paper mill.

Schedule 11B - Coastal management (GST inclusive)

Regional/impact monitoring charges for coastal consents (other than takes and discharges)

Step	Annual charge	Examples
1	\$0	No charge as there is no specific regional/impact monitoring programme associated with this category of consents.
2	\$115	Aquaculture – marine farms <10 hectare consented area.
3	\$1,175	Aquaculture – marine farms >10 hectare consented area.

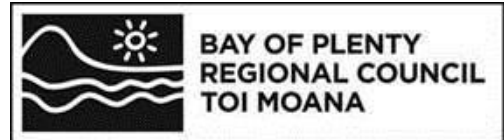
Note: The Regional/impact monitoring charges for marine farms apply from the time the consent is exercised (i.e. once marine farm equipment is installed in the water) and are based on the area consented.

Schedule 12B - Land use management (GST inclusive)

Regional/impact monitoring charges for land use consents

Step	Annual charge	Examples
0	\$0	Minor earthworks not covered by Steps 1-5 (e.g. installation of structures such as culverts and jetties).
1	\$70	Earthworks and forestry operations <1 hectare (total land area covered under the consent)*.
2	\$210	Earthworks and forestry operations 1-10 hectares (total land area covered under the consent)*.
3	\$420	Earthworks and forestry operations >10 hectares (total land area covered under the consent)*.
4	\$70	Quarries <2 hectare (total land area allowed to be worked under the consent).
5	\$140	Quarries >2 hectare (total land area allowed to be worked under the consent).

* Note: earthworks include those associated with land development, tracks, roads, forestry, vegetation clearance and rehabilitation works. It does not include consents for installation of structures (e.g. culverts and jetties).



Report To: Regional Council

Meeting Date: 29 June 2017

Report From: Mat Taylor, General Manager, Corporate Performance

Adoption of the Annual Plan 2017/18

Executive Summary

This report seeks Council's adoption of the Annual Plan 2017/18 under section 95 of the Local Government Act 2002. The Annual Plan 2017/18 is the second that Council has prepared under new Local Government Act requirements, which allowed for a streamlined community engagement process, and requires that the Annual Plan 2017/18 sets out changes to the Long Term Plan 2015-2025, and only references unchanged material.

The Annual Plan 2017/18 is based on year three of the Long Term Plan 2015-2025 with minor updates. The headline financial estimates for 2017/18 are:

- Total real rates increase, was projected to be 8.5% has been reduced to 4.6%
- The overall planned operating expenditure has increased from \$123 million to \$128 million
- The overall planned capital expenditure has increased from \$25 million to \$43 million

Through the Long Term Plan 2015-2025, Council adopted an unbalanced budget for each of the ten years. Annual Plan 2017/18 includes an unbalanced budget, for which the primary reason is that we are contributing funding to third-party infrastructure projects. Council has sufficient operating revenue and reserves to meet all operating and capital obligations as they fall due. Council is required to formally resolve to set an unbalanced budget pursuant to s100(2) of the Local Government Act 2002.

Once adopted, the Annual Plan 2017/18 will be effective from 1 July 2017 to 30 June 2018. The Annual Plan 2017/18 will be publicly available in July 2017 in both hardcopy and on Council's website. In addition to the full Annual Plan 2017/18, a non-statutory Summary Document has been prepared that summarises all activity work programmes and the main changes for 2017/18.

Procedurally, Council is required to adopt the Fees and Charges Policy, then the Annual Plan 2017/18 then set rates.

Recommendations

That the Regional Council:

- 1 **Receives the report, Adoption of the Annual Plan 2017/18;**
- 2 **Notes that Council has followed the Local Government Act 2002 requirements in preparing the Annual Plan 2017/18 including appropriate disclosure and consultation based on the significance and materiality of decisions.**
- 3 **Notes that the activities contained in the Annual Plan 2017/18 are consistent with the Council's assessment of existing work programmes and it is satisfied that they meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions, and that the cost-effectiveness of its programmes will be considered on an on-going basis.**
- 4 **Resolves that it is financially prudent for the Annual Plan 2017/18 to have an unbalanced budget pursuant to s100(2) of the Local Government Act 2002.**
- 5 **Adopts the Annual Plan 2017/18 to come into effect on 1 July 2017.**
- 6 **Delegates to the Chief Executive to make minor editorial changes to the Annual Plan 2017/18 before publishing for reasons of consistency or correction.**
- 7 **Confirms that the decision has a medium level of significance as determined by the Council's Significance and Engagement Policy. Council has identified and assessed different options and considered community views as part of making the decision, in proportion to the level of significance.**

1 Previous Council Decisions

This report is the final step in the process for the adoption of Annual Plan (AP) 2017/18. The AP has been developed based on year three of the Long Term Plan (LTP) 2015-2025 with the inclusion of minor updates.

The Local Government Act 2002 (LGA) was amended in 2014 to streamline the Annual Plan process and to elevate the LTP to the primary financial and strategic planning document for Council. As a result of the amendments:

- Council is only required to undertake a formal consultation process under the LGA Special Consultative Procedures if there is a significant or material change to the relevant year of the LTP.
- The AP must only set out the changes to the relevant year of the LTP, in this case, Year three LTP 2015-2025.
- Other information provided in the AP is 'by reference to' rather than duplication of the LTP.

At the Council Meeting on 9 March 2017, Council resolved that "pursuant to section 95 2A of the Local Government Act (2002), the variances from year three of LTP 2015-2025 are not significant or material enough to require a full special consultative

procedure including formal submissions and hearings”. At the same meeting, Council approved “the release of the AP 2017/18 Information Document and draft budget 2017/18 for public information and feedback”.

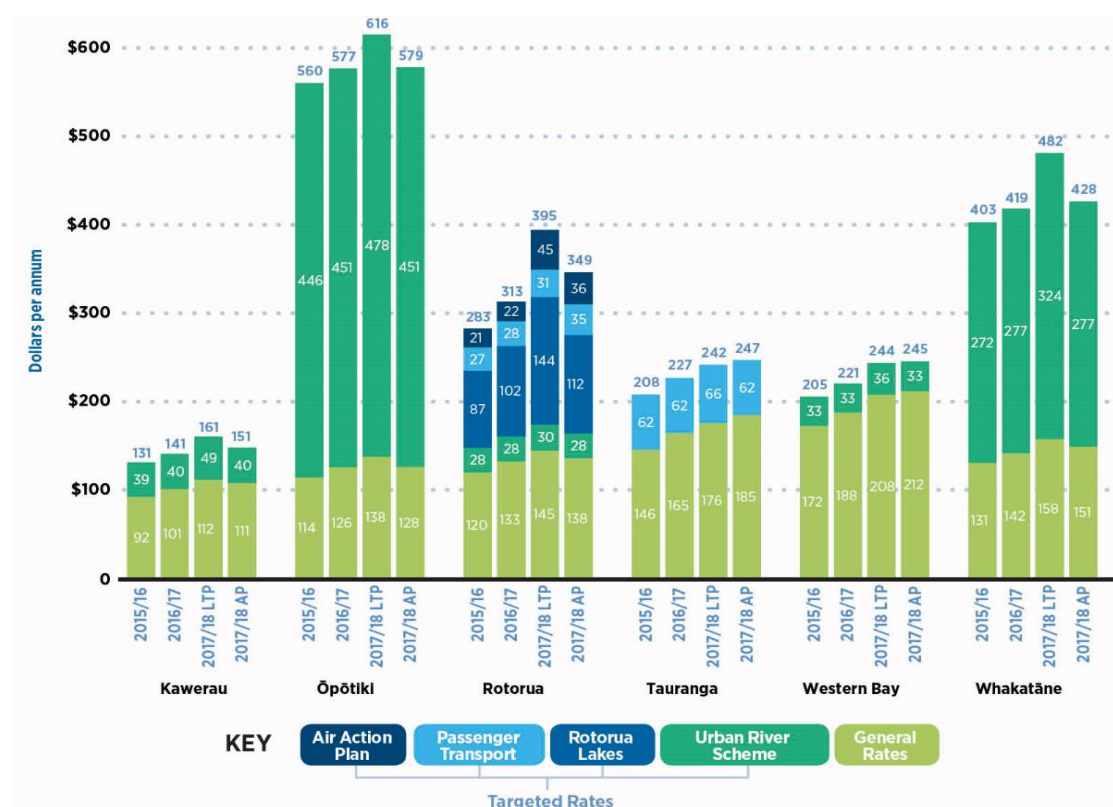
2 Council workshop direction and Public feedback

A final Council AP Workshop was held on 19 May 2017. This workshop included information on public feedback and public presentations where requested. A range of issues and recommendations were presented to Council, and the AP 2017/18 has been prepared, based on the direction provided at this workshop.

Staff have prepared the AP 2017/18 based on direction provided by Councillors at the final Council AP workshop held 19 May 2017. The headline changes to year three of LTP 2015-2025 are:

- Total real rates increase, was projected to be 8.5% has been reduced to 4.6%
- The overall planned operating expenditure has increased from \$123 million to \$128 million
- The overall planned capital expenditure has increased from \$25 million to \$43 million

Total Rates by Territorial Authority – Annual Average Median Properties 1000m²



The main reasons for the changes to operating expenditure are:

- A need to increase resourcing for core environmental work to meet legislative requirements and community expectations

- Increased pressure to protect the region's natural resources and biosecurity, respond to pollution complaints and manage and monitor resource consents
- Increased work across our five catchments to improve water quality and protect our environment
- Timing changes for Regional Infrastructure Activity grants to third parties.

In addition, some capital projects have been re-profiled in order to better align with current project timelines. These capital projects include:

- Flood assessment and remediation work following the April 2017 flood events
- Dredging the Opureora Channel in the Tauranga Harbour, in order to improve access to Matakana Island for residents
- Kaituna River Re-diversion and Te Awa o Ngatoroirangi / Maketū Estuary Enhancement Project
- The Kopeopeo Canal Remediation project to remove, contaminants and bio-remediate dioxins in the Kopeopeo Canal

Full financial statements and descriptions of changes are included in the AP 2017/18.

In addition to the full AP 2017/18, a non-statutory Summary Document has been prepared that summarises the work programme and the main changes for 2017/18 and is attached.

2.1 Unbalanced Budget

Through the LTP 2015-2025, Council adopted an unbalanced budget for each of the ten years. AP 2017/18 includes an unbalanced budget, for which the primary reason is that we are contributing funding to third-party infrastructure projects. Using established reserves to fund these contributions is considered a prudent use of funds instead of increasing rates. Council has sufficient operating revenue and reserves to meet all operating and capital obligations as they fall due.

Council is required to formally resolve to set an unbalanced budget pursuant to s100(2) of the Local Government Act 2002.

3 Steps following adoption

Following adoption of the AP 2017/18 staff will carry out the following steps to complete the AP 2017/18 development project:

- Make the printed copy of the final AP 2017/18 and Summary Document publicly available upon request and upload an electronic copy on Council's website.
- Send letters explaining/responding to members of the public who provided feedback on the AP 2017/18 Information Document *Thriving Together - The journey continues: Kia Momoho Ngātahi – te anga whakamua*.
- Send copies of the AP 2017/18 to the Secretary for Local Government, the Auditor General, and the Parliamentary Library as required by section 95 (7) of the Local Government Act 2002.

- Commence delivering on AP 2017/18 commitments.
- Begin monitoring progress of the organisation's performance in 2017/18

4 Analysis of options

Options for all proposed changes to year three LTP 2015-2025 including expenditure, the use of reserves, investment dividends or rates were presented and considered at workshops. The AP 2017/18 has been prepared based on direction from the workshops.

5 Community views

Council decided that the changes from year three of the LTP 2015-2025 were minor and did not require a formal special consultative procedure.

Community feedback were sought and received as part of the development of the LTP 2015-2025. Community views received via feedback on the AP 2017/18 Information Document were considered at the 19 May 2017 Annual Plan Council workshop.

As a result of the community feedback, Council allocated funding to:

- Mōtū Trails Charitable Trust to manage and extend the Mōtū Trails Cycleway
- Bay of Plenty Film to assist in the establishment and marketing of a Bay of Plenty Film Office
- Sustainable Business Network for a Smart Transport Forum, subject to additional agreement on the event timing and format
- Bay of Connections Regional Growth Study Action Plan – Visitor Economy Sector
- Bay of Connections Regional Growth Study Action Plan – Agri-business Sector

6 Council's Accountability Framework

6.1 Community Outcomes

This project directly contributes to all Community Outcomes in the council's LTP 2015-2025.

6.2 Long Term Plan Alignment

This work is planned under the Organisational Planning and Finance Activities in the LTP 2015-2025.

Current Budget Implications

This work is being undertaken within the current budget for the Organisational Planning and Finance Activities in the AP 2016/17.

Future Budget Implications

Future work on LTP 2018-2028 is provided for in Council's AP 2017/18. LTP 2018-2028 meets the requirement to produce an AP 2018/19.

The AP 2017/18 sets an unbalanced budget, which is consistent with the estimates set in the LTP 2015-2025.

Graeme Howard
Senior Planner (Council Strategy)

for General Manager, Corporate Performance

20 June 2017

**SUPPORTING DOCUMENT - Annual Plan Summary
2017/18**

SUPPORTING DOCUMENT - Annual Plan 2017/18 for adoption



Report To: Regional Council

Meeting Date: 29 June 2017

Report From: Mat Taylor, General Manager, Corporate Performance

Setting of Rates 2017/18

Executive Summary

This report is to recommend the setting of rates, due dates for the payment of rates and penalties for 2017/18 in accordance with sections 23, 24, 57 and 58 of the Local Government (Rating) Act 2002.

The report sets out;

- The general and targeted rates Council will set for 2017/18, and
- The dates of instalments and penalties.
- The appointment of the local district and city councils to collect the rates assessed by Bay of Plenty Regional Council in accordance with section 53 of the Local Government (Rating) Act 2002.

Recommendations

That the Regional Council:

- 1 Receives the report, Setting of Rates 2017/18;**
- 2 Confirms that the rates for the financial year 1 July 2017 to 30 June 2018 are set and assessed in accordance with the Local Government (Rating) Act 2002.**
- 3 Confirms that the significance of the decision has been assessed as MEDIUM, and under Section 79 of the Local Government Act 2002 (LGA) confirms the written record of the manner in which section 77 and section 78 matters have been addressed.**
- 4 Notes that, as required by the Local Government Act 2002, Council followed the special consultative procedure on the funding impact statement that was part of the Long Term Plan 2015-2025 process. In terms of section 95 of the Local Government Act 2002, the Council decided in February 2017 to not consult on the rates for the 2017/18 year because no significant or material changes were being made to the funding impact statement for 2017/18 compared to the funding impact statement in the Long Term Plan 2015-2025.**

- 5 Confirms that the amounts of the rate specified in the rate tables of the resolution, for the financial year commencing 1 July 2017 to 30 June 2018, includes the Council's Goods and Services Tax component.
- 6 Sets a general rate based on land value, calculated as a rate in the dollar of the rateable land value of each rateable rating unit in the region. The rate in the dollar is different according to the location of the land within each district and city council as land values are equalised.

General Rates Land Value	\$14,215,112
Constituent Authority	Rates expressed as cents per dollar of rateable land value
Kawerau	0.050554
Ōpōtiki	0.032220
Rotorua (Pt)	0.036860
Taupō (Pt)	0.032220
Tauranga	0.042144
Western Bay of Plenty	0.032220
Whakatāne	0.032220
Offshore Islands	0.136099

- 7 Sets a uniform annual general charge as a fixed amount per rating unit on all rateable land in the region.

Uniform Annual General Charge	\$12,416,052
Fixed amount per rating unit	\$99.05

- 8 Sets targeted rates for Kaituna Catchment Control Scheme. These rates are set differentially for all rateable land situated in the Kaituna Catchment Control Scheme within the Tauranga, Western Bay of Plenty and Rotorua constituent districts.

The two targeted rates are set as follows;

- (i) Where the land is situated and calculated using the area of land within the rating unit,
- (ii) Where the land is situated and calculated using the extent of provision of service to the rating unit.

Kaituna Catchment Control Scheme targeted rates

Category	Rate per hectare \$	Site component \$	Revenue sought \$
A1P	208.12	208.12	427,503
A2P	166.50	187.31	26,297
A3P	124.87	166.50	21,188
A4P	83.25	145.68	22,762
A1	166.50	156.09	104,015
A2	135.28	135.28	48,433

A3	104.06	135.28	48,764
A4	72.84	135.28	28,151
A5	62.44	135.28	48,437
A6	52.03	114.47	19,874
A7	37.46	104.06	20,604
A8	24.97	0.00	2,760
A9	8.32	0.00	719
A10	4.16	0.00	802
A11	2.08	0.00	440
B1	24.97	62.44	21,556
B2	18.73	52.03	6,876
B3	10.41	41.62	19,249
B4	6.24	31.22	32,165
B5	4.16	31.22	33,819
C1	6.24	31.22	6,271
C2	3.64	31.22	102,824
C3	2.50	31.22	29,668
C4	2.08	0.00	4,353
C6R	1.25	0.00	1,337
C8	0.83	20.81	6,544
C5	2.50	20.81	105,328
C6	1.46	16.65	16,222
C7	0.83	62.44	2,204
C9	0.62	16.65	4,182
R01	41.62	83.25	20,856
R02	0.00	62.44	65,219
R03	31.22	26.01	626,129
TP1	20.81	31.22	90,816
Total			2,016,367

- 9 Sets a targeted rate for the Rangitaiki-Tarawera River Scheme. The rate is set differentially for all rateable land situated in the Rangitāiki-Tarawera Rivers Scheme catchment within the Whakatāne, Kawerau, Rotorua and Taupo constituent districts.

The targeted rate is set as follows;

- (i) Where the land is situated and calculated using the area of land within the rating unit.

Rangitaiki-Tarawera Rivers Scheme targeted rate

Category	Rate per hectare \$	Revenue sought \$
A1	112.42	906,845
A2	79.63	124,946
A3	60.90	112,223
A4	46.84	52,678
A5	39.82	274,840
A6	14.05	2,273
B1	70.26	149,001
B2	56.21	27,283

B3	42.16	29,917
B4	32.79	281,439
B5	23.42	37,544
B6	8.43	312
B7	6.56	1,178
C1	6.09	50,506
C2	4.22	217,316
C3	1.41	133,384
C4	0.94	58,739
C5	0.70	15,295
U1	3,583.50	143,358
U2	3,372.70	193,449
U3	608.96	15,278
U4	398.17	310,419
U5	281.06	28,625
Total		3,166,848

10 Sets a targeted rate for Whakatāne-Tauranga Rivers Scheme. These rates are set differentially for all rateable land situated in the Whakatāne-Tauranga Rivers Scheme catchment within the Whakatāne constituent district.

The two targeted rates are set as follows;

- (i) Where the land is situated and calculated using the area of land within the rating unit,
- (ii) Where the land is situated and calculated using the extent of provision of service to the rating unit.

Whakatāne-Tauranga Rivers Scheme targeted rates

Category	Rate per hectare \$	Site component \$	Revenue sought \$
A1	144.77	144.77	108,972
A2	122.50	122.50	48,765
A3	100.22	105.79	158,721
A4	83.52	94.66	253,906
A5	61.25	0.00	14,790
A6	44.54	77.95	19,285
A7	33.41	66.82	24,925
A8	22.27	61.25	53,930
A9	11.14	0.00	1,438
B1	50.11	0.00	110,513
B2	27.84	50.11	78,537
B3	22.27	33.41	40,325
B4	16.70	27.84	7,362
B5	2.23	0.00	1,008
C1	6.68	55.68	29,162
C2	4.45	22.27	44,170
C3	3.34	22.27	31,578
C4	2.23	5.57	5,230
C5	1.11	5.57	26,577
U1	501.12	150.34	401,466
U2	367.49	116.93	115,441

U3	194.88	77.95	182,135
U4	122.50	66.82	87,674
U5	11.14	0.00	8
Total			1,845,918

11 Sets targeted rates for the Waioeka-Otara Rivers Scheme. The rates are set differentially for all rateable land situated in the Waioeka-Otara Rivers Scheme catchment within the Opotiki constituent district.

The two targeted rates are set as follows;

- (i) Where the land is situated and calculated using the area of land within the rating unit,**
- (ii) Where the land is situated and calculated using the extent of provision of service to the rating unit.**

Waioeka-Otara Rivers Scheme targeted rates

Category	Rate per hectare \$	Site component \$	Revenue sought \$
A1A	298.76	344.72	17,773
A2	160.87	252.80	21,913
A2A	229.82	287.27	10,384
A3	137.89	206.83	104,047
A3A	183.85	252.80	5,279
A4	114.91	160.87	61,988
A4A	149.38	206.83	3,478
A5	103.42	160.87	47,574
A6	80.44	160.87	732
A7	68.94	160.87	8,308
A8	57.45	160.87	74,849
B1	45.96	0.00	12,395
B2	6.89	0.00	117
C1	11.49	137.89	33,870
C2	6.89	137.89	11,572
C3	4.60	114.91	11,310
C4	3.45	45.96	16,369
C5	2.30	45.96	2,551
C6	0.92	45.96	8,241
R	2.30	0.00	218
U1A C	1,378.89	1,011.19	38,467
U1AR	689.45	505.59	57,602
U1C	1,103.12	827.34	124,138
U1R	551.56	413.67	347,721
U2AC	1,011.19	735.41	13,469
U2AR	505.59	367.71	42,098
U2C	735.41	643.48	8,327
U2R	367.71	321.74	99,173
U3R	91.93	183.85	76,079
Total			1,260,042

- 12 Sets a targeted rate for the Rangitaiki Drainage Rating Area. The rate is set differentially for all rateable land situated in the defined Rangitāiki Drainage Rating Area situated on the Rangitāiki Plains within the Whakatāne constituent district.

The targeted rate is set as follows;

- (i) Where the land is situated and calculated using the area of land within the rating unit.

Rangitaiki Drainage targeted rates

Category	Rate per hectare \$	Revenue sought \$
A	50.03	387,764
B	45.03	50,015
C	42.02	60,631
D	36.52	223,553
E	30.02	79,749
F	22.51	55,570
G	17.01	63,432
H	12.51	1,395
I	6.00	4,397
U1	100.06	35,578
U2	50.03	3,145
Total		965,229

- 13 Sets a targeted rate for passenger transport. The rate is set differentially as an amount per rating unit on all rateable properties within the defined boundaries of Tauranga City and Urban Rotorua.

The passenger transport targeted rate is set as follows;

- (i) Where the rateable unit is situated.

Passenger Transport targeted rate		
Category	Rate per rating unit \$	Revenue sought \$
Tauranga City	62.05	3,396,277
Rotorua Urban	34.55	758,047
Total		4,154,324

- 14 Sets a targeted rate for the Rotorua Lakes Programme. The rate is set differentially as an amount per rating unit on all rateable properties within the Rotorua constituent district.

The Rotorua Lakes programme targeted rate is set as follows;

- (i) Area of land within the rating unit.

Rotorua Lakes Programme targeted rate		
Category - All Properties	Rate per rating unit \$	Revenue sought \$
0 - 1.9999ha	111.64	2,822,288
2 - 9.9999ha	238.17	165,765
10ha and over	763.01	584,464
Total		3,572,517

- 15 Sets a targeted rate for Rotorua Air Action Plan Implementation. The rate is set differentially as a fixed amount per rating unit on all rateable properties within the defined boundary of Urban Rotorua.**

The Council sets the Rotorua Air Action Plan Implementation targeted rate as follows;

- (i) Where the rateable unit is situated.

Rotorua Air Action Plan Implementation targeted rate		
Category	Rate per rating unit \$	Revenue sought \$
Rotorua Urban	36.24	794,807

- 16 Sets a targeted rate for Rotorua Air Clean Heat Conversion. The rate is set differentially as an amount per rating unit within the defined boundary of Rotorua Airshed Area with liability to Council.**

The Council sets the Rotorua Air Clean Heat Conversion Implementation targeted rate as follows;

- (i) Where the rateable unit is situated, and calculated based on the extent of loans provided by Council under the Clean Heat Conversion scheme.

Rotorua Air Clean Heat Conversion targeted rate		
Category	Rate \$	Revenue sought \$
CH001	680.00	23,120
CH002	660.00	7,920
CH003	640.00	12,160
CH004	620.00	14,260
CH005	600.00	5,400
CH006	580.00	1,740
CH007	560.00	7,280
CH008	540.00	3,240
CH009	520.00	1,560
CH010	500.00	1,000
CH1	460.00	165,140
CH2	455.00	25,480
CH3	450.00	18,450
CH4	445.00	14,240
CH5	440.00	25,080
CH6	435.00	15,660
CH7	430.00	25,370
CH8	425.01	13,600
CH9	420.00	8,400
CH10	415.00	16,185
CH11	410.00	11,070
CH12	405.00	10,530
CH13	400.00	8,400
CH14	395.00	19,355
CH15	390.00	17,940

CH16	385.00	19,250
CH17	379.99	5,700
CH18	375.00	10,125
CH19	370.00	11,840
CH20	365.00	7,300
CH21	360.00	6,120
CH22	355.01	2,840
CH23	350.00	5,250
CH24	345.00	11,730
CH25	340.00	4,080
CH26	335.00	5,695
CH27	330.00	9,570
CH28	325.00	13,975
CH29	320.00	4,160
CH30	315.00	3,780
CH31	310.01	2,480
CH32	305.00	2,135
CH33	300.00	5,700
CH34	295.00	4,720
CH35	290.00	2,610
CH36	285.00	1,140
CH37	280.00	2,240
CH38	275.00	1,100
CH39	270.00	540
CH40	265.00	530
CH41	260.00	520
CH42	255.00	510
CH43	250.00	1,250
CH44	245.00	490
CH45	240.01	480
CH46	235.00	705
CH47	230.00	230
CH48	225.40	1,127
Total		622,502

17 Sets targeted rates for the minor rivers and drainage scheme rates. The rates are set differentially for all rateable land situated in the defined communal pumped drainage and defined minor river and drainage schemes areas.

The Council sets one targeted rate for each scheme as follows;

(i) Where the land is situated and calculated using the area of land within the rating unit.

Waiootahi River District targeted rates

Category	Rate per hectare \$	Revenue sought \$
A	42.37	4,602
B	33.90	5,512
C	25.42	4,860
D	14.12	718
E	8.47	643
F	4.24	800
Total		17,135

Huntress Creek Drainage District targeted rates

Category	Rate per hectare \$	Revenue sought \$
A	19.45	4,098
B	14.91	1,183
C	9.73	706
D	6.48	346
E	4.54	149
F	1.95	649
Total		7,131

Waiootahi Drainage District targeted rates

Category	Rate per hectare \$	Revenue sought \$
A	23.78	2,031
B	19.82	4,119
C	15.85	1,001
D	11.89	534
E	7.93	34
F	3.96	907
Total		8,626

Omeheu West Communal Pumped Drainage Scheme targeted rate

Category	Rate per hectare \$	Revenue sought \$
A	30.91	1,081
B	27.48	467
C	6.87	292
Total		1,840

Awaiti West Pumped Drainage Scheme targeted rate

Category	Rate per hectare \$	Revenue sought \$
A	283.33	3,570
B	130.33	19,184
C	56.67	11,183
D	28.33	1,368
Total		35,305

Withy Communal Pumped Drainage Scheme targeted rates

Category	Rate per hectare \$	Revenue sought \$
A	188.26	12,417
B	112.95	5,257
C	37.65	1,646
Total		19,320

Omeheu Adjunct Communal Pumped Drainage Scheme targeted rates

Category	Rate per hectare \$	Revenue sought \$
A	43.16	444
B	32.37	2,594
C	23.74	1,322
D	12.95	1,131
E	6.47	351
F	2.16	51
URBAN	114.37	4,918
Total		10,811

Lawrence Communal Pumped Drainage Scheme targeted rates

Category	Rate per hectare \$	Revenue sought \$
A	303.44	8,557
B	242.75	1,117
C	151.72	1,074
D	75.86	1,097
Total		11,845

**Murray's Communal Pumped Drainage Scheme
targeted rates**

Category	Rate per hectare \$	Revenue sought \$
A	73.84	11,267
B	53.17	875
C	47.26	2,265
D	20.68	1,119
Total		15,526

18 Sets targeted rates uniformly for all rateable land situated in the defined drainage and defined minor river and drainage schemes areas.

The rates are set as follows;

(i) Where the land is situated and calculated using the land area of each scheme.

Minor Drainage Schemes targeted uniform rates

Category	Rate per hectare \$	Revenue sought \$
Angle Road	58.38	13,398
Awakeri	19.94	5,693
Baird-Miller	45.96	6,325
Foubister	31.78	3,335
Gordon	173.02	17,020
Greigs Road	45.77	32,660
Hyland-Ballie	86.39	20,355
Riverslea Road	224.44	6,900
Kuhanui	42.97	3,565
Longview-Richlands	47.62	5,520
Luxton	12.09	2,645
Massey	47.99	20,470
Nicholas	21.45	6,210
Noord-Vierboon	0.98	115
Omeheu East	92.15	38,640
Reynolds	16.98	2,185
Robins Road	83.06	15,525
Thompson-Ernest	30.09	16,330
Travurzas	24.97	4,945
Poplar Lane	32.72	1,840
Awaiti East	104.10	14,835
Total		238,511

19 Sets the following instalment due dates for all rates other than the Minor River and Drainage Scheme rates as set out below. The due dates for each territorial constituent area are for an equal amount of the rates.

(i) The respective instalment due dates are as follows;

Kawerau District	
Instalment One	25 August 2017
Instalment Two	24 November 2017
Instalment Three	23 February 2018
Instalment Four	25 May 2018
Opotiki District	
Instalment One	25 August 2017
Instalment Two	24 November 2017
Instalment Three	23 February 2018
Instalment Four	25 May 2018
Rotorua District	
Instalment One	20 August 2017
Instalment Two	20 November 2017
Instalment Three	20 February 2018
Instalment Four	20 May 2018
Taupo District	
Instalment One	21 August 2017
Instalment Two	20 November 2017
Instalment Three	20 February 2018
Instalment Four	21 May 2018
Tauranga City	
Instalment One	31 August 2017
Instalment Two	28 February 2018
Western Bay of Plenty District	
Instalment One	22 September 2017
Instalment Two	23 February 2018
Whakatāne District	
Instalment One	25 August 2017
Instalment Two	24 November 2017
Instalment Three	23 February 2018
Instalment Four	25 May 2018

20. Sets the following penalties regime for all rates other than the Minor River and Drainage Scheme rates;

- 1. Pursuant to sections 57 and 58(1)(a) of the Local Government (Rating) Act 2002, with respect to rates assessed in the 2017/18 year, a penalty of 10% for all areas other than the Kawerau District and 5% for the Kawerau District will be added to the amount of any instalment that has been assessed after 1 July 2017 and which is unpaid after the relevant due date set out in section 19. The penalty will be added on 6 July 2017.**
- 2. Pursuant to sections 57 and 58(1)(b) of the Local Government (Rating) Act 2002, with respect to rates assessed before 1 July 2017, a penalty of 10% for all areas other than the Kawerau District and 5% for the Kawerau District will be added to any rates unpaid on 6 July 2017.**

The respective additional penalty dates are as follows;

	Penalty assessed date	Penalty application date
Rotorua District	1 July 2017	6 July 2017
Taupō District	1 July 2017	6 July 2017
Western Bay of Plenty District	1 July 2017	6 July 2017
Kawerau District	4 July 2017	6 July 2017
Tauranga City	1 July 2017	6 July 2017
Whakatāne District	1 October 2017	2 October 2017

3. Pursuant to sections 57 and 58(1)(c) of the Local Government (Rating) Act 2002, with respect to rates assessed in previous financial years, a further penalty of 10% for all areas other than the Kawerau District and 5% for the Kawerau District will be added on any rates to which a penalty has been added under (b) if the rates remain unpaid six months after the previous penalty was added.

The respective additional penalty dates are as follows;

	Penalty assessed date	Penalty application date
Western Bay of Plenty District	1 January 2018	6 January 2018
Rotorua District	1 January 2018	6 January 2018
Kawerau District	4 January 2018	6 January 2018
Tauranga City	5 January 2018	6 January 2018

- 21 Set that Minor River and Drainage Scheme rates shall be payable at the office of the Bay of Plenty Regional Council, Quay Street, P O Box 364, Whakatāne in one instalment on or by 20 January 2018.
- 22 Set the following penalties regime for the Minor River and Drainage Scheme rates:
- (i) Pursuant to sections 57 and 58(1)(a) of the Local Government (Rating) Act 2002, with respect to the Minor River and Drainage Scheme rates assessed in the 2017/18 year, a penalty of 10% will be added to the amount that remains unpaid after the date stated above, on 20 February 2018.
 - (ii) Pursuant to sections 57 and 58(1)(b) of the Local Government (Rating) Act 2002, with respect to Minor River and Drainage Scheme rates assessed before 1 July 2017, a penalty of 10% will be added on any rates that remain unpaid on 6 July 2017. The penalty will be added on 7 July 2017.
 - (iii) Pursuant to sections 57 and 58(1)(c) of the Local Government (Rating) Act 2002, with respect to Minor River and Drainage Scheme rates, a further penalty of 10% will be added on any rates to which a penalty has been added under (ii) if the rates remain unpaid six months after the previous penalty was added. The penalty will be added on 20 February 2018.
- 23 Pursuant to section 27(7) of the Local Government (Rating) Act 2002, the Council delegates' authority to the constituent district and city councils of the Bay of Plenty region to keep and maintain the rating information database for those areas on its behalf.
- 24 Appoints in accordance with section 53 of the Local Government (Rating) Act 2002 the constituent district and city councils of the Bay of Plenty region, i.e.

Kawerau District Council, Ōpōtiki District Council, Rotorua District Council, Taupo District Council, Tauranga City Council, Western Bay of Plenty District Council, Whakatāne District Council, to collect the rates assessed by Bay of Plenty Regional Council, excluding Minor River and Drainage Scheme targeted rates.

- 25 Agrees that in respect of the Minor River and Drainage Scheme targeted rates which are collected directly by the Bay of Plenty Regional Council, where the total amount of rates payable, in respect of any property is \$9.99 or less, pursuant to Section 54 of the Local Government (Rating) Act 2002, the rates payable in respect of the property will not be collected.**
- 26 Confirms that the decision has a medium level of significance as determined by the Council's Significance and Engagement Policy. Council has identified and assessed different options and considered community views as part of making the decision, in proportion to the level of significance.**

2 Introduction

The Local Government Act 2002 section 95 (2A) provides that Council does not have to consult if the proposed Annual Plan does not include significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates.

At the 9 March 2017 Council meeting, it was agreed that the community would be informed of changes to the Long Term Plan 2015-2025 year three, and that no formal consultation be conducted.

The Information Document for the Annual Plan 2017/18 was made available to the public on 10 March 2017.

Subject to the adoption of the Council's recommendations, a resolution is required to set the rates for the 2017/18 financial year.

3 Analysis of Options

Council participated in a comprehensive series of workshops and meetings as part of the development of the Annual Plan 2017/18. A number of rates options and scenarios were considered on different components of the Plan during the course of this process. Further options on a number of key matters were considered following the release of the Annual Plan 2017/18 Information Document.

4 Community Views

Council determined under section 95(2A) of the Local Government Act 2002 that the Annual Plan 2017/18 did not contain significant or material changes from the Long Term Plan 2015-2025. Therefore, consultation was not required.

Council did invite and receive informal feedback on the Annual Plan 2017/18.

5 Council's Accountability Framework

5.1 Long Term Plan Alignment

This work is planned under the Corporate Activity in the Long Term Plan 2015-2025.

Current Budget Implications

Future implications only.

Future Budget Implications

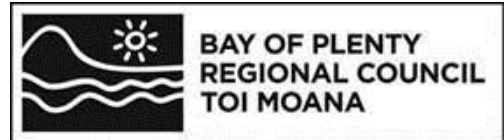
These have been included in the Annual Plan 2017/18.

Andy Dixon

Management Accountant Team Leader

for General Manager, Corporate Performance

20 June 2017



Receives Only – No Decisions

Report To: Regional Council

Meeting Date: 29 June 2017

Report From: Mat Taylor, General Manager, Corporate Performance

Presentation from Tauranga City Council on the Tauranga Marine Precinct

Executive Summary

Tauranga City Council staff will present an update on the Tauranga Marine Precinct Project. The Tauranga Marine Precinct is a commitment under the Regional Infrastructure Fund, and has a maximum \$5 million funding contribution from BOPRC.

Construction is progressing, with the majority of work expected to be completed in the 2016/17 financial year.

Recommendations

That the Regional Council:

- 1 Receives the report, Presentation from Tauranga City Council on the Tauranga Marine Precinct;**
- 2 Notes the progress achieved for this project**

1 Presentation

Phil Wardale from Tauranga City Council will present an update on the Tauranga Marine Precinct project. This project is a partnership with the Tauranga City Council and the Bay of Plenty Regional Council has allocated \$5 million towards infrastructure for the Marine Precinct.

The Tauranga Marine Precinct, when fully developed, is estimated to contribute an additional 130–195 jobs and \$24–\$27 million in revenue by 2022–2023. This is the first Regional Infrastructure Fund project to enter construction phase.

Construction is progressing, with the majority of work expected to be completed in the 2016/17 financial year. The main component that will not be completed until 2017/18 is the travel lift, which is required to undergo full on site testing before BOPRC payment.

2 Council's Accountability Framework

2.1 Community Outcomes

This project directly contributes to the Economic Development Community Outcome in the council's Long Term Plan 2015-2025.

The Tauranga Marine Precinct will create and retain marine industry jobs in Tauranga, and enable efficient maintenance of commercial vessels.

2.2 Long Term Plan Alignment

This work is planned under the Regional Infrastructure Activity in the Long Term Plan 2015-2025.

Current Budget Implications

This work is being undertaken within the current budget for the Regional Infrastructure Activity in the Annual Plan 2016/17.

Future Budget Implications

Future work on the Tauranga Marine Precinct is provided for in Council's Annual Plan 2017/18. This cost primarily relates to the purchase of the travel lift and project retentions. Final payments will be made after the travel lift is tested and certified for use.

Mark Le Comte
Organisational Planning Manager

for General Manager, Corporate Performance

20 June 2017

Report To: Regional Council
Meeting Date: 29 June 2017
Report From: Chris Ingle, Acting Chief Executive

Awatarariki Fanhead Risk Reduction

Executive Summary

Council is asked to consider a regulatory response to reducing high debris flow risk to people and property in the Awatarariki Fanhead area at Matatā.

The Audit & Risk Committee met on 13 June 2017 and considered a number of risk issues for the Regional Council. The key principles recommended by the Committee to Council are:

1. In terms of overall leadership, reducing debris flow risk in the Awatarariki fanhead is for the Whakatāne District Council to continue to take the lead role on.
2. The community affected feel this matter needs to be resolved and concluded without further delay, noting that the event was 12 years ago and there is still no certainty for affected landowners.
3. This uncertainty is made worse for residents by recent discussions around managed retreat and potential for extinguishing existing use rights.
4. The District Plan Change to identify the Awatarariki fanhead area as a high risk hazard area can and should proceed without delay.
5. If requested by Whakatāne District Council, Regional Council will consider a private plan change request to include provisions in the relevant regional plan that extinguish existing use rights for affected residents, in accordance with the requirements of the Resource Management Act 1991.
6. In the interests of natural justice, this issue should be considered in an open and transparent planning process, where all who have an interest or a view on the issue have the right to make a submission and to present that submission to an independent qualified panel of decision makers.

Council may be asked by Whakatāne District Council in future to consider assisting the funding of managed retreat, however no formal request has been made to the Bay of Plenty Regional Council at this time.

Recommendations

That the Regional Council:

- 1 Receives the report, Awatarariki Fanhead Risk Reduction;**

- 2 Notes the direction provided by the Audit & Risk Committee at its meeting on 13 June 2017 in confidence and that the position of Council is as follows:**
- **Whakatāne District Council is leading a process to manage the Awatarariki fanhead debris-flow risk.**
 - **The state of the Awatarariki fanhead as a high risk debris-flow and the solutions to reduce risk need to be identified by Whakatāne District Council.**
 - **Planning decisions need to be expedited as soon as possible to give certainty to the Matata community and residents.**
 - **Any request to Bay of Plenty Regional Council for a private plan change to introduce a regional rule to extinguish existing use rights will require a public process and independent hearings panel.**
- 3 Advises Whakatāne District Council that if they wish to seek a regional rule extinguishing existing use rights in the Awatarariki Fanhead area, a request for a private change to the relevant regional plan can be made which the Regional Council will consider under Schedule 1 of the Resource Management Act 1991.**

1 Purpose

The purpose of this report is to respond to regulatory options to address the high natural hazard risk to residents living in the Awatarariki Fanhead area at Matata.

It follows from the Audit & Risk Committee meeting held on 13 June 2017 which considered the risk and exposure for Council in responding to options to address the Awatarariki Fanhead debris flow hazard risk.

Some key principles recommended by the Audit & Risk Committee are presented for consideration.

2 Introduction

Whakatāne District Council has proposed to reduce the high debris flow risk in the Awatarariki Fanhead by managed retreat and rezoning of land, underpinned by a rule in a regional plan. A regional plan change would seek to introduce a regional rule to limit existing use rights.

Council received at its meeting on 1 June 2017 a report on the Awatarariki Fanhead Debris-flow risk reduction. That report advised on the approach proposed by Whakatāne District Council to reduce debris-flow risk to people and property in the Awatarariki Fanhead area at Matatā and sought direction on whether to progress a regional plan change.

The agenda report and attachments from the 1 June 2017 Council meeting and 13 June 2017 Audit & Risk Committee meeting are relied upon in presenting this report to Council. That includes legal advice tabled prior to the meeting from Cooney Lees Morgan dated 9 June 2017 and made available to all member through the councillor Stellar Library.

Representatives for residents living in the Awatarariki Fanhead addressed elected members as part of the Public Forum at the Council meeting. They were supported by a number of Matatā residents.

The key points made were:

- Residents want certainty as the issue has been unresolved since the 2005 event
- Residents wish to remain in their homes and self-evacuate as needed
- Compensation could be considered but approaches to date by Whakatāne District Council have not been around a fair market value in their view
- They wish to be engaged on the solutions and communicated with.

The submissions from Mr Rick Whalley and Mr Rob Welsh presented to the 1 June 2017 Council meeting were made available on the councillor Stellar Library for members following the meeting.

3 Audit & Risk Committee Direction

The Audit & Risk Committee gave direction on Awatarariki Fanhead risks at its 13 June meeting. The Committee considered the exposure and risk for Council in responding to options to address the high natural hazard risk to residents living in the Awatarariki Fanhead area at Matata.

Discussion was held on legal advice to the Committee and options open to Council with a regional plan change.

The Audit & Risk Committee meeting resolved that it:

1. Receives the report 'Awatarariki Fanhead Risk and Liability';
2. Requests staff report back to the full Council meeting in August with the direction provided by the Committee.

Direction from the Committee included that Whakatāne District Council needs to show leadership and expedite matters for residents. The Committee also recommended that Whakatāne District Council be advised that the Regional Council will consider a request for a private plan change to the relevant regional plan to limit existing use rights in the Awatarariki Fanhead area. Members recognised the uncertainty that still exists for residents living in the fanhead and for landowners and the wider Matatā community.

The options to consider in regulating through a regional rule, were presented in the report to Council on 1 June 2017. A full public process would allow the merits of a proposed regional rule to be thoroughly tested should Whakatāne District Council choose to progress with a managed retreat approach.

The Audit & Risk Committee noted that a regional rule could create a precedent for other areas in the region, noting the requirement to reduce natural hazard risk in both new and existing settlements.

4 Regional Plan Change

The Awatarariki Fanhead area at Matatā is subject to high risk of debris flow. Whakatāne District Council has examined a range of options for reducing the risk and has concluded that it's preferred option includes incentivising voluntary managed

retreat and a change to a regional plan to bring into force a rule limiting landowners' existing use rights.

Should a private plan change be requested by Whakatāne District Council the Regional Council would need to consider the request and either:

1. *reject* it (on one of the grounds set out in Schedule 1 RMA)
2. *accept* it and continue to process it as Whakatane District Council's request; or
3. *adopt* it and process it as its own Regional Council plan change.

There are slight differences in process depending on whether the Regional Council adopts or accepts the plan change request, with the key ones relating to the level of Whakatane District Council's involvement and which council bears the processing costs. Regional Council will not be in a position to decide which approach to take until it has considered the information provided to support the plan change request, including the level of consultation with affected residents that has occurred.

If Council decides to accept or adopt the request, the proposed plan change will be publicly notified and processed in accordance with a Schedule 1 process, with opportunity for public input. The Regional Council would be responsible for processing and making a decision on the private plan change request. Any such decision would be based on its merits, including the section 32 evaluation reports and evidence in support of the proposed provision(s) and public submissions.

Should the plan change proceed then submissions and hearings would be held. It is recommended that a fully independent hearing panel comprising relevant expert hearing commissioners hear submissions and make recommendations. The decision can be appealed to the Environment Court and the Regional Council will be the Respondent (defending any decision it makes) on any appeal.

5 Council's Accountability Framework

5.1 Community Outcomes

Consideration of risk reduction in the Awatarariki Fanhead contributes to the Resilience and Safety, and Regional Collaboration and Leadership Community Outcomes in the council's Long Term Plan 2015-2025.

5.2 Long Term Plan Alignment

Natural hazard planning sits within the Regional Planning activity in the Long Term Plan 2015-2025.

Current Budget Implications

A regional plan change and managed retreat approach is outside the current budget for the Regional Planning Activity in the Annual Plan 2016/17 and the Long Term Plan 2015-2025.

Future Budget Implications

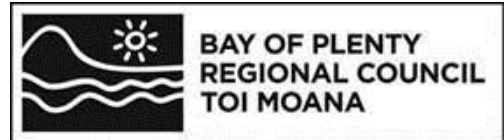
Council has not been formally asked to consider supporting funding towards managed retreat by Whakatāne District Council. An Indicative Business Case is being prepared by Whakatāne District Council which proposes a cost sharing arrangement between Whakatāne District Council, Bay of Plenty Regional Council and central government.

The costs of a regional plan change will depend on whether Council *adopts* the private plan change request as its own or *accepts* the private plan change request by Whakatāne District Council. If the Council *accepts* the plan change request, the costs of processing it are met by the District Council. Council could choose to contribute to the District Council's costs, in this scenario, either with in kind or cash contributions. A decision whether to reject, accept or adopt the plan change request will need to be made by Council if, and when, a request is received.

David Phizacklea
Regional Integrated Planning Manager

for Acting Chief Executive

22 June 2017



Receives Only – No Decisions

Report To: Regional Council

Meeting Date: 29 June 2017

Report From: Shelley Hey, Manager Chief Executive's Office

Update on Local Government Act Amendment Bill (No.2)

Executive Summary

The Local Government Act 2002 Amendment Bill (No.2) (the Bill) gives effect to the Government's Better Local Services reform package. Better Local Services sought to create an enabling legislative framework that would allow councils to achieve change to better create conditions for local innovation, local collaboration and local solutions.

The Bill seeks to give local authorities more flexibility to coordinate and combine resources and infrastructure networks across regions and towns, by enabling more transfer of functions between councils, joint governance arrangements for areas of common or shared interest, greater use of joint council controlled organisations for core services such as water and transport, and flexible reorganisation processes that could be led by the Local Government Commission or by councils.

The Bill received its first reading in Parliament on 15 June 2016, with public submissions then closing on 28 July 2016. The Bay of Plenty Regional Council submitted on the Bill, along with many other councils, related organisations and other interested parties. Council's submission supported the general aims of the Bill, but did not support the Bill as drafted due to concerns over process matters as well as many aspects of the Bill's proposals themselves. Many submitters noted the lack of engagement with local government or its representative organisations during the Bill drafting process.

The Local Government and Environment Select Committee report back to the House was postponed twice before taking place on 15 June 2017. The Select Committee has recommended substantial changes to the Bill following a lengthy consideration process which included engagement with both Local Government New Zealand and the Society of Local Government Managers.

This Council paper recaps on key aspects of the Better Local Services reform package and the Bill in particular, and on the Bay of Plenty Regional Council's submission to the Bill. It also includes some very initial information about the Select Committee's recommended changes to the Bill, with the full implications still being worked through at the time of writing this paper.

Recommendations

That the Regional Council:

- 1 Receives the report, *Update on Local Government Act Amendment Bill (No.2)*.**

1 Introduction

The Local Government Act 2002 Amendment Bill (No.2) (the Bill) gives effect to the Government's Better Local Services reform package. The Bill received its first reading in Parliament on 15 June 2016 and public submissions closed on 28 July 2016. The Local Government and Environment Select Committee (the Select Committee) was initially scheduled to report back to the House by 28 October 2016. The aim was that legislation would be passed before Christmas 2016, enabling new triennium councils to take full advantage of the changes the reforms would bring.

The Select Committee report back to the House was initially delayed from 28 October 2016 to 31 March 2017, then again to 16 June 2017. During this time advisors to the Select Committee engaged with a range of stakeholders, including Local Government New Zealand (LGNZ) and the Society of Local Government Managers (SOLGM).

The Select Committee reported back to the House on 15 June 2017. This Council paper recaps on key aspects of the Better Local Services reform package and the Bill in particular, and on the Bay of Plenty Regional Council's (BOPRC's) submission to the Bill. It also includes some very initial information about the Select Committee's recommended changes to the Bill, with the full implications still being worked through at the time of writing this paper.

2 Background

2.1 Better Local Services reform package

The Better Local Services reform package recognised that: councils are building blocks for economic growth and positive social and environmental outcomes; councils face significant long term challenges (including demographic changes, economic shifts, environmental pressures and technological innovations); and that current legislation limits councils' ability to respond to these challenges.

In response to the challenges facing councils and communities, some have in recent years:

- Sought new funding tools.
- Sought efficiencies by establishing joint council controlled organisations (CCOs), but have struggled to develop and implement optimal models.
- Entered into shared services arrangements which have seen some cost savings and better integration.
- Applied for reorganisation for greater efficiency and scale, but the proposals have failed to reach implementation.

From Government's perspective, these outcomes suggested that current council reorganisation processes and models are not flexible enough and are not advancing change at the level and pace required.

The Better Local Services reform package sought to create an enabling legislative framework that would allow councils to achieve change to better create conditions for local innovation, local collaboration and local solutions.

At a high level, the key proposed changes within the Bill (colloquially referred to as the Better Local Services, or BLS, Bill) were to enable:

- More joint services and infrastructure, including transport CCOs, 'three waters' CCOs and joint committees.
- Greater ability to transfer functions between councils, both through and outside a reorganisation process.
- More opportunities for joint governance over areas of shared and common interest, including protection of Treaty settlement provisions.

And to implement:

- Flexible reorganisation processes including new council-led reorganisations and improved Local Government Commission-led reorganisation processes.
 - Councils would be able to perform any kind of reorganisation if there was agreement of all affected councils and community support. Councils would have to follow the same processes and criteria as the Commission, which includes ensuring the affected communities are supportive of the proposal.
 - Checks and balances, such as polls of affected communities, were proposed regardless of whether reorganisation processes were led by the Local Government Commission (the Commission) or by councils.
- Enhancements to the Commission's powers along with a number of additional checks and balances to ensure best outcomes for communities. The Bill proposed that the Commission would be able to:
 - Establish shared CCOs, such as for water, transport or economic development; and joint governance over common areas of interest, such as a combined RMA plan – without a poll
 - Propose major transfers of water, transport and RMA functions between councils – which would likely go to a poll, and
 - Propose amalgamations of councils – with a poll being a mandatory requirement, therefore petitions would no longer be required.

An observation made by many submitters to the Bill was that, while the Ministers of Local Government clearly signalled their intention to amend the Local Government Act 2002, there was very little, if any, engagement with the local government sector during the initial drafting of the Bill.

2.2 BOPRC submission to the LGA Amendment Bill (No.2)

Along with many other councils and related organisations across New Zealand, BOPRC submitted on the Bill in July 2016. Council's submission was developed

through workshops with staff and Councillors, and took into account content from both Local Government New Zealand (LGNZ) and the Society of Local Government Managers (SOLGM).

The final BOPRC submission to the LGA Amendment Bill (No.2) was reported to Council on 25 August 2016.¹

In its submission, BOPRC provided general support for the Better Local Services reform programme aims of providing a wider range of options to enhance local service delivery, and giving councils and their communities the right to initiate their own solutions. However, BOPRC did not support the Bill as drafted, and did not believe the Bill would enable delivery of these aims.

The BOPRC submission outlined overarching concerns regarding both the process and content of the Bill, with the latter being supported by more detailed points grouped into three key areas, being:

- LGC and the Minister's powers and changes to reorganisation provisions
- Proposed CCO provisions, and
- Mandatory performance measures and performance reporting.

The BOPRC submission also noted support for the submissions of Quayside Holdings Limited, LGNZ and SOLGM, advising that any differences to the LGNZ or SOLGM positions would be noted.

A summary of the key points from BOPRC's submission is provided in **Appendix 1**.

3 Select Committee report back to the House, 15 June 2017

The Select Committee reported back to the House on 15 June 2017, recommending by majority that the Bill be passed with the amendments noted.

Initial reading of the Select Committee's report has provided a number of points that may be of interest to Councillors.

The Select Committee received submissions from 75 local authorities and council controlled organisations (CCOs), LGNZ and SOLGM, 59 individuals, 13 community organisations as well as iwi, developers, mayoral forums, local boards and interest groups. The Select Committee's advisors consulted with LGNZ and SOLGM to inform their advice to the Committee about the Bill.

The Select Committee's recommended changes to the Bill's proposals relate to:

General changes:

- Commencement and timeframes
- Written consent from the LGC for transfer proposals and for proposed transport and water CCOs

¹ Bay of Plenty Regional Council Agenda 25 August 2016, refer page 213: <http://www.boprc.govt.nz/media/555573/2016-08-25-bay-of-plenty-regional-council-meeting-agenda-25-august-2016.pdf>

- Reviewing and replacing rules specifying performance measures

Reorganisation and investigation processes:

- Scope of reorganisation
- More consultation in the reorganisation initiation process

The Minister and the LGC:

- Minister's expectations of the LGC
- Process for resolving disputes that are referred to the LGC
- Membership of the LGC
- Transitional arrangements for employment of LGC's staff

CCOs and council organisations:

- Replacing Part 5 of the principal Act (CCOs and council organisations), including recommending changes to the Bill's proposals relating to:
 - Appointing CCO directors
 - CCOs consulting Māori before making significant decisions
 - Statements of expectations for substantive CCOs
 - Governance of multiply-owned CCOs
 - CCO service delivery plans
 - Transport and water services CCOs acquiring and disposing of land
- Recommending other changes to the Bill's CCO proposals relating to:
 - Substantive CCOs
 - Transport CCOs to have bylaw powers

A summary of the Select Committee's recommended changes to the Bill's proposals, providing further information on each of the points noted above, is provided in **Appendix 2**.

Staff will attend a SOLGM webinar on the Select Committee's report back and recommended changes to the Bill on or shortly after 29 June 2017. We will keep Council informed of any pertinent matters arising from the webinar discussion, and on progression of the Bill as further information comes to hand.

4 Next steps

To become law the Bill is required to go through its second reading in the House, followed by its third (and final) reading.

The Green Party, Labour Party and New Zealand First Party have issued a joint commentary on the Bill (included in the Select Committee report) in which they indicate disagreement with many of the Bill's provisions. This being the case, it is likely that the Government will need the agreement of its support parties to pass the Bill.

Further amendments can be made to the Bill during its committee stage through a supplementary order paper.

Parliament will rise for the last time prior to the September general elections on 31 July, which leaves few sitting days to progress this Bill. At this stage it is unknown what level of priority this Bill will have against other aspects of the Government's legislative programme, therefore whether we can expect legislation to be enacted before the September general elections.

5 Council's Accountability Framework

5.1 Community Outcomes

This proposal directly contributes to the Regional Collaboration and Leadership Community Outcome in the Council's Long Term Plan 2015-2025.

5.2 Long Term Plan Alignment

This work is planned under the Governance Services in the Long Term Plan 2015-2025.

Current Budget Implications

This work is being undertaken within the current budget for the Governance Services Activity in the Annual Plan 2016/17.

Future Budget Implications

As far as is currently known, any future work on Local Government Act 2002 compliance is provided for in Council's Annual Plan 2017/18 and Long Term Plan 2015-2025.

Anne Payne
Principal Advisor

for Manager Chief Executive's Office

21 June 2017

APPENDIX 1

Summary of BOPRC submission to LGA Amendment Bill - 28 July 2016

BOPRC submission to LGA Amendment Bill (No.2) (BLS Bill), 28 July 2016

1. Submission overview (refer submission points 1 and 2)

BOPRC generally supported the Better Local Services reform programme aims of providing a wider range of options to enhance local service delivery, and giving councils and their communities the right to initiate their own solutions. However, BOPRC did not support the Bill as drafted, and did not believe the Bill would enable delivery of these aims.

BOPRC supported the submissions of Quayside Holdings Limited, LGNZ and SOLGM, advising that any differences to the LGNZ or SOLGM positions would be noted.

The BOPRC submission outlined overarching concerns regarding both the process and content of the Bill, with the latter being supported by more detailed points grouped into three key areas.

2. Submission points on process (refer submission point 3)

BOPRC's view was that development of good legislation should be a priority, and that sufficient time and appropriate engagement processes are key to achieving this. BOPRC was concerned that the current timeframes for development and enactment of the Bill were extremely tight and this could preclude sufficient research, analysis or engagement with the sector. BOPRC believed this had the potential to negatively impact on the quality of resulting legislation, and that the Bill as drafted contained uncertainties that could well drive unnecessary legal challenge.

BOPRC strongly recommended that the Select Committee ensured sufficient time was taken to adequately analyse submissions, including taking into account the raft of other proposed legislative changes that would also impact local government.

BOPRC also reiterated the importance of working with stakeholders, including councils and their representative national organisations, in the development of legislation. BOPRC strongly recommended that stakeholders be more fully engaged in development of this legislation before it progressed any further.

3. Submission points on content of the Bill (refer submission point 4)

LGC and Minister's powers and changes to reorganisation provisions (refer submission table A). Submission points included that:

- The Bill proposed a large number of substantive changes to the provisions that govern reorganisations including changing the purpose of reorganisation, the types of reorganisation that can be made, and the processes through which the change is made. At the same time, BOPRC's view was that the Bill lacked clarity or certainty in regard to what would and would not be a reorganisation, and what this would mean in practice. This meant that the Bill's provisions would be open to interpretation and the risk of unintended consequences.
- The LGC was proposed to have significantly extended powers to what is currently the case, which BOPRC believed was both concerning and unnecessary.
- The Bill appeared to remove almost all requirements for community support to be demonstrated for LGC-led reorganisation activity, which taken with the previous point, BOPRC believed was most concerning.

- BOPRC also believed that the Bill gave the Minister too great a level of powers, with a very high level of control over the LGC and no obligation to consult or to make public Ministerial direction given to the LGC.

Proposed CCO provisions (refer submission table B). Submission points included that:

- BOPRC's view was that the proposed CCO provisions also lacked clarity and certainty, and were therefore also open to interpretation and the risk of unintended consequences. It was not clear to BOPRC that there was sufficient understanding of the impacts of the CCO proposals in the Bill, e.g. in the LGC's ability to require other councils to join a CCO, or for an existing CCO to take on other councils as shareholders.
- The CCO provisions appeared to focus on infrastructure and service delivery, but BOPRC was concerned that other CCOs would be caught up in the provisions, particularly with the overly low \$10 million threshold for a substantive CCO. It appeared to BOPRC that the potential impacts of the CCO proposals had not been fully worked through.
- BOPRC noted one of the biggest risks arising from the Bill's CCO provisions was to integrated planning, particularly if transport planning and land use planning were decoupled through the introduction of transport services CCOs.
- BOPRC did not agree with the proposal that elected members would be prohibited from directorship of multiply owned substantive CCOs. BOPRC's view was that all CCO directors, regardless of the CCO type, should be selected on merit based on appropriate skills, experience and knowledge.
- BOPRC considered that the expanded definitions of CCOs were sometimes confusing and that the accountability and reporting requirements of each were sometimes unclear.
- In regard to transport services CCOs, the linkages between the Land Transport Management Act 2003 requirements and the proposed requirements of this Bill appeared to be unclear. BOPRC was particularly concerned about the potential democracy impact in comparison to the current linkages and processes.

Mandatory performance measures and performance reporting (refer submission table C). Submission points included that:

- BOPRC's view was that setting of mandatory performance measure requirements for a wide range of groups of activities, as proposed by the Bill, was not likely to lead to data that is relevant for comparison or to inform the community on good performance. Further, that the setting of levels of service and performance measures is a key part of appropriate council governance and of delivering the services expected by each council's local communities. BOPRC also noted that the mandatory measures already in place were being used as benchmarks between councils rather than measures of good performance per se.
- BOPRC's final point was that councils' accountability is to their communities first and foremost, not to the Minister. That it is a council's communities that must be able to see, and select, a council's performance measures and the locally-determined levels of service that they represent.

APPENDIX 2

Summary of Select Committee report back on LGA Amendment Bill - 15 June 2017

Select Committee report back on LGA Amendment Bill (No.2), 15 June 2017

1. Aim of the Bill

The Select Committee report introduction notes that the aim of the Bill is *'to give local authorities more flexibility to coordinate and combine resources and infrastructure networks across regions and towns'*, by enabling:

- More functions to be transferred between local authorities
- Joint governance arrangements for areas of common or shared interest
- Greater use of joint CCOs for providing core services such as water and transport
- Flexible reorganisation processes, led by local authorities or the LGC, that can focus on service delivery arrangements for specific activities.

2. Changes to the Bill recommended by the Select Committee include:

2.1. General changes

Commencement and timeframes – some deadlines specified in the Bill are no longer workable and amendments have been recommended throughout the Bill to extend these deadlines. Generally however, the Bill is still intended to come into effect on the day after the date of Royal Assent.

Written consent from the LGC for transfer proposals and for proposed transport and water CCOs – these proposed requirements are recommended to be retained, with it being made clear in the legislation that the expectation is that the LGC would only decline a proposal if it had significant concerns about its desirability or likely results. The Select Committee notes that the requirements are intended to stop local authorities from adopting sub-optimal arrangements that may prevent later reform.

Reviewing and replacing rules specifying performance measures – deletion of the proposed clause permitting the Minister to direct the Secretary for Local Government to make rules specifying performance measures beyond those currently listed in the principal Act. Instead that the Minister be given a new power to direct the Secretary to review the effectiveness of existing rules. Additionally, including the provision that the Secretary may revoke and replace rules, following a prescribed process; and that the Secretary be required to review the effectiveness of rules at least once every seven years.

2.2. Reorganisation and investigation processes

Scope of reorganisation – the Select Committee agreed that internal matters such as creation of CCOs or committees within an individual council should not be the primary outcome or focus of a reorganisation. The recommendation is to limit establishment of new CCOs to multiply-owned CCOs, and to remove the proposed power to create single-council committees (but leave the power to create joint committees).

More consultation in the reorganisation initiation process – the Select Committee considered it important that local authorities and stakeholders be involved and consulted during reorganisation and investigation processes. To this end the Select Committee recommends that:

- The LGC be required to notify local authorities that would be affected by a proposed reorganisation or investigation, or an investigation of its own motion, before it decides whether or not to undertake it.
- The scope of the LGC's self-initiated reorganisation investigations must be limited to matters specified in the LGC's annual work programme.
- Affected iwi and hapū must be included in reorganisation investigation processes.
- Proposed processes for reorganisation investigations must offer interested people, entities and organisations an opportunity to present their views to the LGC.
- The LGC be required to receive written agreement from all shareholding local authorities before the LGC can proceed with creating or modifying their multiply-owned CCO. The Select Committee considered it important that local authorities are able to agree to take up a shareholding in a multiply-owned CCO, even when the CCO may be created through a reorganisation.

2.3. The Minister and the LGC

Minister's expectations of the LGC – the Select Committee acknowledged submitters' concerns about safeguarding the independence of the LGC, however the majority also considered it appropriate for the responsible Minister to be able to influence how the LGC's taxpayer funding is used. Several amendments are recommended to promote transparency around this process.

Process for resolving disputes that are referred to the LGC – recommended to include chairs of regional councils and local boards, as well as mayors, recognising that local boards and regional councils may also be parties to disputes.

Membership of the LGC – the Select Committee agreed that local government experience is invaluable on the LGC. It recommended amendments to require one of the LGC to have local government experience as an elected member or as a chief executive, and that this commissioner be appointed after consultation with LGNZ.

Transitional arrangements for employment of LGC's staff – the Bill provides for the LGC to employ a chief executive officer, who would have responsibility for employing staff, with no transition around this role so it would come into effect the day after Royal Assent. Transitional arrangements are recommended that would provide for transfer of selected staff from the Department of Internal Affairs to the LGC. The LGC chief executive officer is currently employed by the Department of Internal Affairs. The LGC itself does not currently employ staff.

2.4. CCOs and Council organisations

Replacing Part 5 of the principal Act (CCOs and council organisations) – the Bill proposes 33 new sections and amends several existing sections in Part 5 of the principal Act. The Select Committee has recommended several substantive changes to the Bill's proposals, and for simplicity and clarity has also recommended that Part 5 of the principal Act be replaced in its entirety.

Some of the Select Committee's recommended changes to the Bill's proposals that may be of interest to Councillors include:

- *Appointing CCO directors* – inclusion of a requirement that, when identifying the skills, knowledge, and experience required of the directors of a CCO, the local

authority must consider whether knowledge of tikanga Māori may be relevant to governance of that CCO.

- *CCOs consulting Māori before making significant decisions* – inclusion of a requirement for substantive CCOs to take a series of considerations into account before making any decision that may affect land or a body of water. These considerations are the relationship of Māori, and their culture and traditions, with their ancestral land, water, sites, wahi tapu, valued flora and fauna, and other taonga.
- *Statements of expectations for substantive CCOs* – inclusion of a requirement that shareholders in a substantive CCO prepare a statement of expectations for the CCO setting out various aspects of the CCOs conduct, such as relationships with shareholders and stakeholders, and consistency with shareholders' statutory and relationship obligations.
- *Governance of multiply-owned CCOs* – the Select Committee considered that joint committees governing multiply-owned CCOs should be flexible arrangements and that the local authorities involved should be allowed to determine how these joint committees operate through new 'participants' agreements'.
- *CCO service delivery plans* – the content of the new service delivery plans for CCOs (proposed by the Bill) to be extended to make CCOs more publicly accountable. Additionally, that the new CCO infrastructure strategy (also proposed by the Bill) would be required to be included in the CCO's service delivery plan.
- *Transport and water services CCOs acquiring and disposing of land* – inclusion of a requirement for such CCOs to access Public Works Act powers in a similar way to network utility operators, which would entail requesting the relevant local authority to exercise these powers on the CCO's behalf. Additionally, inclusion of a clarification that such CCOs would also be expected to honour local authority obligations toward former landowners when disposing of land acquired for public works.

Additional CCO-related recommendations of the Select Committee include:

- *Substantive CCOs* – removal of one of the Bill's proposed criteria for a substantive CCO. The Select Committee recommend that a CCO owning or managing assets with a value of more than \$10 million does not require that CCO to be considered as a 'substantive CCO'. Additionally, the Select Committee noted that the intention is that holding companies would not fall under the definition of substantive CCOs.
- *Transport CCOs to have bylaw powers* – clarify that transport CCOs with responsibility for bylaws would also take responsibility for any relevant existing bylaws.

Note in regard to the Bill's proposal that elected members of a local authority would be prohibited from directorship of multiply-owned substantive CCOs:

- The Select Committee has not amended this proposal in the Bill. The relevant clause has been recommended to be retained (refer proposed new section 60 (4) and (5), page 31 of the Select Committee's report).

