

# Regional Council

## **NOTICE IS GIVEN**

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

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**Thursday, 1 November 2018 commencing at 9.30 am.**

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Fiona McTavish  
Chief Executive  
24 October 2018





# 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

<b>Chairman:</b>	D Leeder
<b>Deputy Chairman:</b>	J Nees
<b>Councillors:</b>	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
<b>Committee Advisor:</b>	T Nerdrum-Smith

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 Opening Karakia

### 2 Apologies

### 3 Public Forum

### 4 Acceptance of Late Items

### 5 General Business

### 6 Confidential Business to be Transferred into the Open

### 7 Declarations of Conflicts of Interests

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**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:**

<b>General Subject of Matter to be Considered</b>	<b>Reason for passing this resolution in relation to this matter</b>	<b>Grounds under Section 48(1) LGOIMA 1987 for passing this resolution</b>

<b>10.1 Public Excluded Regional Council Minutes - 27 September 2018</b>	<b>Please refer to the relevant section in the open minutes</b>	<b>Good reason for withholding exists under Section 48(1)(a)</b>
<b>10.2 Bay of Connections Review</b>	<b>To protect this information so it doesn't prejudice similar information</b>	<b>Good reason for withholding exists under Section 48(1)(a)</b>
<b>10.3 Confidential - Arotake Tuatahi PMR 2018/19 Quarter 1 - Appendix 1</b>	<b>To prevent improper gain or advantage</b>	<b>Good reason for withholding exists under Section 48(1)(a)</b>
<b>10.4 Results of the Chief Executive's 90 Days Key Performance Indicators</b>	<b>To protect the privacy of an individual</b>	<b>Good reason for withholding exists under Section 48(1)(a)</b>

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# Previous Minutes



# Minutes of the Regional Council Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Thursday, 27 September 2018 commencing at 9.30 a.m.

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## Present:

**Chairman:** D Leeder

**Deputy Chairman:** J Nees

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

**In Attendance:** Bay of Plenty Regional Council: Fiona McTavish – Chief Executive, Mat Taylor – General Manager, Corporate, Namouta Poutasi – General Manager, Strategy and Science; Sarah Omundsen – General Manager, Regulatory; Yvonne Tatton – Governance Manager, Debbie Hyland – Finance and Corporate Planning Manager; Andy Dixon – Accounting Team Leader; Sam Rossiter-Steed – Communications Manager, David Phizacklea – Regional Integrated Planning Manager, Rebekah Waltham – Planner, Ian Morton – Strategy and Science Manager, Anaru Vercoe – Māori Policy Team Leader, Tone Nerdrum-Smith – Committee Advisor

Other: Craig O’Connell – BOPLASS, Ben Halford and Anton Labuschagne – Audit NZ, Sue Laurence - on behalf of WBOPDC

**Apologies:** B Clark and A von Dadelszen

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## 1 Karakia

An opening Karakia was provided by Cr Tahana.

## 2 Apologies

### Resolved

That the Regional Council:

- 1 Accepts the apologies from Cr Clark and Cr von Dadelszen tendered at the meeting.

Thurston/Love  
CARRIED

### 3 **Acceptance of Late Items**

#### **Resolved**

Nil

### 4 **General Business**

Nil

### 5 **Confidential Business to be Transferred Into the Open**

Nil

### 6 **Declaration of Conflicts of Interest**

- Cr Crosby declared an interest in agenda item 9.8 – Quayside Holdings Ltd Annual Financials and Public Excluded agenda item 10.6 – Quayside Holdings Ltd Director Appointments.

### 7 **Previous Minutes**

#### 7.1 **Regional Council Minutes - 6 September 2018**

#### **Resolved**

That the Regional Council:

- 1 **Confirms the Regional Council minutes - 6 September 2018.**

**Leeder/Bruning  
CARRIED**

#### Matters Arising

- The Chief Executive was progressing the matter of a Council representative on the Department of Conservation Board. If supported, expressions of interest would be called from the Councillors.

#### 7.2 **Annual Report and Annual Report Summary for 2017/18; and Capital Expenditure Budget Carry Forward from 2017/18 to 2018/19**

*PowerPoint Presentation – Reference A2969488*

Debbie Hyland - Finance and Corporate Planning Manager, supported by Ben Halford and Anton Labuschagne – Audit NZ presented this item.

#### Key Points of Presentation

- 2017/18 Annual Report: For Adoption



- Financial Performance 2017/18 Highlights – Council and Group
- Additional Capital Items to be Carried Forward into 2018/19
- Non-Financial Performance (key performance indicators)
- Audit Process.

#### Staff in Response to Questions

- Flood recovery work that had been budgeted for through Annual Plan 2017/18 as operating expenditure, had been reclassified as capital expenditure. This was approved by Council as part of the in-year monitoring.
- An operating deficit was recorded for the 2017/18 year mainly due to funding certain expenditure from reserves including third party infrastructure grants consistent with Annual Plan 2017/18.
- Clarified the definition of uncalled capital, which was unpaid shares, owned by Council
- Council did not have a specific strategy for the uncalled capital as it sat within the broader financial strategy.
- Closing reserve balances for Annual Report 2017/18 (note 27) were in line with opening balance sheet figures for Long Term Plan 2018-2028. The closing balance of Council's investment reserves included \$46 million in the infrastructure fund reserve and \$50 million in the regional fund reserve.

#### Ben Halford and Anton Labuschagne – Audit NZ

##### Key Points

- Presented unmodified audit report on the Annual Report 2017/18
- Recognised the early availability of the draft annual report and the positive cooperation with Council staff
- Identification and valuation of assets was a key factor
- Had reviewed Council's transactions
- Council's reporting was fully compliant with regards to Quayside Holdings Ltd as a major council controlled organisation.

##### Key Points – Members

- Sought update reports from the Rotorua Lakes Incentives Board on its performance against agreed KPIs.

## **Resolved**

### **That the Regional Council:**

- 1 Receives the report, Annual Report and Annual Report Summary for 2017/18; and Capital Expenditure Budget Carry Forward from 2017/18 to 2018/19;**
- 2 Receives the audit report and audit opinion from Audit New Zealand.**
- 3 Adopts the Bay of Plenty Regional Council Annual Report and Consolidated Financial Statements for the year ending 30 June 2018.**
- 4 Adopts the Bay of Plenty Regional Council Annual Report Summary 2017/18.**

- 5 Authorise the Chief Executive to make minor numerical, editorial or presentation amendments prior to final publication.
- 6 Approves additional capital expenditure budget of \$1.4 million to be carried forward from 2017/18 to 2018/19 and that this is to be funded from external borrowing.
- 7 Confirms that the decision has a low level of significance.

Nees/Thompson  
CARRIED

## 8 Public Forum

### Craig O'Connell – Independent Chair BOPLASS

#### Key Points

- Was keen to engage with shareholders on a more regular basis to ensure the Statements of Intent were not the only document guiding the relationship with BOPLASS
- Board had decided to defer the independent review of its governance structure, with the rationale being the current uncertainty regarding the strategic direction of BOPLASS as well as the local/regional government sector
- There had been a shift in the strategic focus of the Board meetings to being a forum to foster opportunities and areas for collaboration with shareholders
- BOPLASS was currently focussed on share procurement, which generated positive results
- If a business case to change BOPLASS' focus did not pass the scrutiny of shareholders, it would not be progressed by the Board.

#### Speaker in Response to Questions

- LG Futures had identified potential opportunities that had not been progressed at this stage
- Recognised that shareholders may not have been listened to sufficiently in the past and was looking at ways to improve this situation
- Considered the composition of the Board to be appropriate and that it was more a case of re-defining the focus of BOPLASS
- Suggestions had been made with regards to alterations to the BOPLASS Board, which a higher component of Independent Directors, rather than Council CEs, which would change its focus
- The board was conscious of the pressure placed on its staff and that at this stage there was limited capacity to adapt to changed focus
- BOPLASS would be responsible for gathering information in preparation of a joint shareholders meeting to discuss the strategic direction and scope.

#### Key Points – Members

- Concerned that the Board's Terms of Reference limited the ability of the Directors to expand their scope
- Recognised that BOPLASS performed well in what was done and that the issue pertained to what was currently not being done

- An independent governance review should be undertaken in accordance with the wishes of its shareholders; opportunities be discussed and agreed on; then the composition of the Board and its Directors further considered.
- Suggested that a meeting of shareholders and the BOPLASS Board be arranged, with the purpose being to discuss the scope, strategic direction and parameters for collaboration.

## 9 Reports

### 9.1 Chairman's Report

Chairman Leeder presented this item.

#### Key Points

- Had accepted the invitation from the Officer of Auditor General to be a member of the OAG Advisory Panel
- Freshwater hui in Rotorua had identified two 'philosophies', being either reaching solutions via the Court system or attempting a more collaborative approach with Local and Central Government
- Work was underway in establishing an operative protocol between BOPRC and Te Arawa Lakes Trust.

### Resolved

That the Regional Council:

- 1 Receives the report, Chairman's Report.

Leeder/Nees  
CARRIED

10.27 am The meeting **adjourned**.

10.50 am The meeting **reconvened** and it was noted that Cr Thompson had **withdrawn** from the meeting.

### 9.2 Western Bay of Plenty District Council Boundary Alteration - Tauriko West

Namouta Poutasi – General Manager, Strategy and Science introduced the presenters; David Phizacklea – Regional Integrated Planning Manager, Rebekah Waltham – Planner and Sue Laurence (on behalf of WBOPDC).

#### Key Points

- Provided an outline of the reasons for the boundary change and the process undertaken to date.

### Resolved

**That the Regional Council:**

- 1 Receives the report, Western Bay of Plenty District Council Boundary Alteration;**
- 2 Supports the application by Western Bay of Plenty District Council to the Local Government Commission for the Boundary Alteration Application for Tauriko West, as attached to this report.**

**Love/Thurston  
CARRIED**

### 9.3 Chief Executive's Report

Key Points

- This would be a standing item on the Council agenda
- The intention was for Council's vehicle fleet to be gradually replaced with e-vehicles
- A number of public transport options, beyond traditional buses, was being explored
- Confirmed the permanent appointment of Namouta Poutasi as General Manager Strategy and Science and Sarah Omundsen as General Manager Regulatory Services.
- 

Staff in Response to Questions

- Passenger vehicles were suitable to be replaced by e-vehicles
- Recognised the current limitation of e-vehicle technology, however rapid improvements were taking place
- Council had approached other councils and DHBs with regards to bulk procurement of e-bikes as an alternative means of transport for staff.

Staff Follow-up

- Include Provincial Growth Fund updates in the future reports.

### **Resolved**

**That the Regional Council:**

- 1 Receives the report, Chief Executive's Report;**
- 2 Request a collective meeting of BOPLASS shareholders to discuss the purpose and future direction;**
- 3 Request that the Chief Executive allocate funding to support an independent report of future collaboration, direction, governance and opportunities to inform this collective shareholders meeting**

**Leeder/Thurston  
CARRIED**

## 9.4 Eastern Bay of Plenty Regional Leadership Group Report

Namouta Poutasi – General Manager Strategy and Science and Ian Morton – Strategy and Science Manager presented this item.

11.07 am Cr Thompson **entered** the meeting.

### Key Points

- Noted that the report requested Council to re-assess the Ōpōtiki Harbour Development as it was currently being re-scoped.

### Key Points – Members

- Noted that any amendments to the Regional Land Transport Plan would require a resolution by the Regional Transport Committee.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Eastern Bay of Plenty Regional Leadership Group Report;**
- 2 Endorse the Eastern Bay of Plenty Regional Development reports (Summary and Full);**
- 3 Assign the BOPRC Chief Executive delegated authority to approve minor amendments to final report, prior to public distribution.**

**Marr/Bruning  
CARRIED**

## 9.5 Residents Survey Proposal

Mat Taylor – General Manager, Corporate and Sam Rossiter-Steed – Communications Manager presented this item.

### Key Points

- There had been no residents' survey undertaken since 2010
- LGNZ Council Mark, which Council participated in, required a survey to be undertaken in 2019.

### Presenters in Response to Questions

- Councillors would be able to view and comment on the questions in the survey, before they were released
- Different methods of engaging with residents would be used, e.g. mail, telephone, face-to-face, social media channels etc.

### Key Points – Members

- Emphasised the importance of getting the questions right and reaching as wide a group of residents as possible, ideally beyond the 1300 considered to be a representative sample.

## Resolved

That the Regional Council:

- 1 **Receives the report, Residents survey proposal;**
- 2 **Approves the appointment of Key Research to undertake a residents survey**
- 3 **Instructs the Chief Executive to provide a report, based on the results of the research, to a future meeting of Council**

Love/Crosby  
CARRIED

## 9.6 Update on Treaty Claims and Settlements in the Bay of Plenty

Namouta Poutasi – General Manager Strategy and Science and Anaru Vercoe – Māori Policy Team Leader presented this item.

### Key Points

- The Waitangi Tribunal enquiry into the mandating process requiring a reconfirmation of the Whakatōhea Settlement Trust's mandate will begin on 1 October 2018
- A further two Mana Whakahono a Rohe (Iwi Participation Agreements) were being considered
- A number of applications under the Marine and Coastal (Takutai) Moana Act 2011, were either before the High Court or the Minister. At this stage, the processing of applications was expected to take some time and staff would provide an update on progress towards the end of 2018.
- The Crown, Council and Te Whānau a Apanui had been in discussions to identify options on how the iwi would like to participate in Council decision making processes, as well having some autonomy over the management of natural resources. The Crown was currently drafting options to present to Cabinet.

## Resolved

That the Regional Council:

- 1 **Receives the report, Update on Treaty Claims and Settlements in the Bay of Plenty;**

Crosby/Thurston  
CARRIED

## 9.7 Quayside Holdings Limited Annual Financial Statements for the year ended 30 June 2018

Mat Taylor – General Manager, Corporate presented this item.

Noted the declarations of interest from Cr Crosby, Cr Nees and Cr Thompson who all abstained from discussion and voting.

### Resolved

That the Regional Council:

- 1 Receives the report, Quayside Holdings Limited Annual Financial Statements for the year ended 30 June 2018;
- 2 Adopts the Annual Financial Statements for Quayside Holdings Limited for the period ended 30 June 2018.
- 3 Reappoint the Office of the Auditor-General, as the Auditors of the Company, and authorise the Directors of Quayside Holdings Limited to negotiate with the Office of the Auditor-General pursuant to the Public Audit Act 2001 to fix the Auditor's remuneration for the ensuing year.
- 4 Agrees that, on the basis of seven directors, the aggregate remuneration pool for Quayside Holdings Limited directors is increased by \$7,500.00 to \$197,500.00 (plus GST if any), and that it be noted that Quayside Holdings Limited intends to approve an equivalent limit to be divided between directors of Quayside Holdings Limited's subsidiaries – Quayside Securities Limited and Quayside Properties Limited.
- 5 Confirms that the decision has a low level of significance.

Cronin/Marr  
CARRIED

## 9.8 Public Excluded Section

### Resolved

#### 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
Regional Council minutes -	Please refer to the relevant	Good reason for

<b>06 September 2018</b>	<b>sections in the open minutes</b>	<b>withholding exists under Section 48(1)(a)</b>
<b>Pare-Hauraki Deed of Settlement</b>	<b>Disclosing the information may prejudice the maintenance of the law</b>	<b>Good reason for withholding exists under Section 48(1)(a)</b>
<b>Opotiki Harbour Transformation</b>	<b>To carry out commercial and industrial negotiations</b>	<b>Good reason for withholding exists under Section 48(1)(a)</b>
<b>Third Party Infrastructure Funding Request - Sir Howard Morrison Centre</b>	<b>To carry out commercial and industrial negotiations</b>	<b>Good reason for withholding exists under Section 48(1)(a)</b>
<b>Regional Property Update</b>	<b>To protect the commercial position of an individual</b>	<b>Good reason for withholding exists under Section 48(1)(a)</b>
<b>Quayside Holdings Limited - Director Appointment</b>	<b>To protect the commercial position of an individual</b>	<b>Good reason for withholding exists under Section 48(1)(a)</b>
<b>Chief Executive's KPIs 2018-19</b>	<b>To protect the privacy of natural persons, including that of deceased natural persons</b>	<b>Good reason for withholding exists under Section 48(1)(a)</b>

**Leeder/Thurston  
CARRIED**

## 10 **General Business**

Nil

**The meeting closed at 1.55 pm**

Confirmed DATE

\_\_\_\_\_  
Doug Leeder  
Chairman Bay of Plenty Regional Council



# Reports



Receives Only – No Decisions



**Report To:** Regional Council

**Meeting Date:** 01 November 2018

**Report From:** Douglas Leeder, Council Chairman

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## Chairman's Report

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### Executive Summary

Since the preparation of the previous Chairman's Report (for the 27 September 2018 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
20 to 21 September	Zone Two meeting - <i>Gisborne</i>	This is covered in more detail in the following section.
25 September	Meeting with the New Zealand Transport Authority (Stakeholder event) – <i>Tauranga</i>	Discussed the new National Land Transport Programme

Date	Meeting/Engagement	Comment
	Meeting with the New Zealand Transport Authority – <i>Tauranga</i>	Attended by Tauranga City Council and Western Bay of Plenty District Council Mayors and CEs. Discussed a collaborative way forward to accelerate achievement of urban development and transport connectivity goals in the Western Bay of Plenty.
3 October	Hui with Te Arawa Lakes Trust Board – <i>Rotorua</i>	Attended.
	Meeting with Dr Helen Anderson, Chair at Scion - <i>Rotorua</i>	Introductory meeting and discussed the relationship between Scion and Council.
4 to 5 October	National Council Strategy days – <i>Wellington</i>	Attended.
7 to 11 October	Local Government New Zealand Regional Sector Study Tour - <i>Australia</i>	This will be covered by a separate presentation.
16 October	Welcoming address and setting the scene for the Bay of Plenty region, at the New Zealand Association of Resource Management Conference – <i>Mount Maunganui</i>	The theme was ' <i>Catchments, Partnerships and Implementation Getting it Done</i> '. I spoke about the Bay of Plenty region and highlighted the: progress being made by approaching the future through catchments; the vast range of partnerships; and the focus on implementation and the resource that is required.
	2018 Biosecurity Excellence Symposium – <i>Tauranga</i>	The theme of the symposium was <i>Leading and taking collaborative action towards biosecurity excellence</i> .
	University of Waikato Council Cocktail Function – <i>Tauranga</i>	Hosted by University of Waikato Chancellor Rt Hon James Bolger and Vice-Chancellor Professor Neil Quigley.

### 3 Matters of Potential Interest

#### 3.1 Zone Two meeting

The Zone Two meeting was hosted by Gisborne District Council in Gisborne over two days, 20 and 21 September 2018. There was a range of presentations, some of which are noted below.

- Nadine Thatcher, Chief Executive at Gisborne District Council spoke about the Tairāwhiti Economic Transformation and the range of initiatives underway in Gisborne.
- Richard Ward, Partnerships Director, Central Local Government Partnerships, at the Department of Internal Affairs provided an update on the Three Waters Review.
- Paul Evans, Chief Executive at WasteMINZ spoke about topical issues around waste and recycling including the Local Government Waste Manifesto.
- Peter Bray, Manufacturing Manager at Golden Bay Cement spoke about end of life tyre recovery and the use of tyres as fuel when making cement.
- Colin Crampton, Chief Executive at Wellington Water shared what his organisation does and spoke about their submission to the Government's Three Waters Review.

Doug Leeder  
**Chairperson**

**for Council Chairman**

**18 October 2018**





**Receives Only – No Decisions**

**Report To:** Regional Council

**Meeting Date:** 01 November 2018

**Report From:** Fiona McTavish, Chief Executive

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## **Chief Executive's Report**

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### **Executive Summary**

The purpose of this report is to provide Council with a regular update on progressing council strategic issues as well as identifying the related Council papers in this agenda.

It shows that the current focus is on several strategic issues and there are also related Council agenda papers on these issues.

This report will continue to evolve based on Councillor feedback.

### **Recommendations**

**That the Regional Council:**

**1 Receives the report, Chief Executive's Report.**

#### **1 Purpose**

The purpose of this report is to provide Council with a regular update on progressing council strategic issues as well as identifying the related Council papers in this agenda.

## 2 Strategic Issues Update

Strategic Issue	Update	Key Focus for Past Month
<b>Confirming BOPRC Role and Priorities</b>	Over the past month, I have consulted on a change proposal that seeks to improve role clarification and ensure the organisation is fit for purpose to implement the Council's long term plan.	Yes
<b>Climate Change</b>	<p>An update report has been provided to RDD (30 October 2018) covering Council's climate change activities.</p> <p>The development of a draft Action Plan remains a focus for staff. The recent reporting from the Intergovernmental Panel on Climate Change has increased community awareness of the climate change issue.</p> <p>Work is continuing on incorporating climate change into Council's decision—making, adaptation planning and CEMARS certification.</p>	
<b>Biosecurity and Urban Growth</b>	<p>The Regional Pest Management Plan has now been released for submissions and there was a paper prepared for RDD on wallabies and the merits of a bounty scheme.</p> <p>The Tauranga Moana Biosecurity Capital initiative was launched at a symposium on 16 October at the Tauranga Yacht Club. Deputy Chair Jane Nees spoke at the symposium and the Minister of Agriculture Hon Damien O'Connor also attended.</p>	Yes
<b>Regional Development</b>	<p>Staff have been working towards Progressing the Eastern Bay of Plenty Regional Leadership Group Report as well as the Western Bay Urban Form and Transport Initiative.</p> <p>There is also an agenda item on the Bay of Connections review.</p>	Yes



<b>Strategic Issue</b>	<b>Update</b>	<b>Key Focus for Past Month</b>
<b>Uncertain Operating Environment</b>	Work is being prioritised to enable key staff to be involved in national water advisory groups.	Yes
<b>Managing Iwi Expectations</b>	<p>There continues to be a focus on working together with the Te Arawa Lakes Trust on how we strengthen our partnership. There is a council agenda paper related to the Rotorua Te Awara Lakes Strategy Group.</p> <p>There is a Council agenda item on Rotorua Te Arawa Lakes Strategy Group Agreement Amendments.</p> <p>Rangitāiki River Forum – post Change 3 (to recognise and provide for the Rangitāiki River Document in the Regional Policy Statement) the Forum Chair is eager to explore options for the Forum to provide leadership within the scope of its legislative mandate.</p>	Yes
<b>Strategic Conversations/Partner Consequences</b>	<p>A key highlight was attending the Murray Darling Basin Study Tour in Australia, with fellow regional council Chief Executives, the respective Chairs, the LGNZ Chief Executive, Senior Ministry for the Environment Officers, and Senior regional council managers and staff. There will be a presentation at this meeting about the tour from one of our Senior staff that also attended.</p> <p>A key focus over the last month is working with TLA CEOS to progress council priorities, especially in Rotorua and the Western Bay. RLC and BOPRC Leadership Teams will meet on 29 October.</p>	Yes

Fiona McTavish  
**Chief Executive**

**22 October 2018**



**Report To:** Regional Council

**Meeting Date:** 01 November 2018

**Report From:** Chris Ingle, General Manager, Integrated Catchments

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## **Integrated Catchments and Biosecurity Procurement 2019/20 - 2024/25**

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### **Executive Summary**

This report requests approval of the attached Procurement Plan for contract services to support Councils Integrated Catchments and Biosecurity work over the next five years.

The proposal is that Council develop a 'Supplier Panel'. It is expected the majority of work completed under these programmes will be covered by the proposed supplier panel, noting that at times staff will need to procure services outside of the panel.

The attached Procurement Plan is designed to secure the services of skilled and capable contractors through an open and transparent process. It aligns with government best practice and Council's own internal contracts procedures. It will also provide flexibility to support the dynamic nature of Integrated catchment and Biosecurity work.

There are no budget implications associated with the Plan as the required funding is already provided through the Long Term Plan 2018 - 2028. Procurement will be staged over six months, beginning from January 2019, and contracts terms will not be greater than five years, ending at 30 June 2024.

The attached Procurement Plan relates only to the panel supplier process. Procurement outside of this process is also detailed in this report and will follow normal Council procedures. It is also noted that the proposal is for an open supplier panel meaning capacity can be added, as needed.

### **Recommendations**

**That the Regional Council:**

- 1 Receives the report, Integrated Catchments and Biosecurity Procurement 2019/20 - 2023-24;**
- 2 Approves the Procurement Plan for Integrated Catchments and Biosecurity (attached);**
- 3 Notes the procurement process proposed for remaining Integrated Catchments and Biosecurity contract work outlined in this paper.**

- 4 Delegates the Chief Executive the authority to award contracts procured through the Procurement Plan.**
- 5 Confirms the decision has a low level of significance.**

## **1 Purpose**

This report seeks Council's approval of the attached Procurement Plan for Integrated Catchments and Biosecurity services covering the years 2019/20 to 2023/24. For context, it also describes the approach staff will take to secure the remaining contract services required to deliver these activities.

## **2 Background**

Council uses a wide range of contracts to support the delivery of the Integrated Catchments and Biosecurity activities. Contractors range from divers for aquatic and marine surveillance to dog handlers and trail camera specialists for finding wallabies to fencers and earthmoving machinery for constructing and protecting wetlands.

Historically, the activities have procured contracts on a project or species basis in line with Council contract requirements. In many cases these contracts have not been well coordinated - with some suppliers holding multiple contracts with differing contract terms. This has added complexity to contract management.

The majority of current contracts are due to expire before 30 June 2019. Staff have taken this opportunity to review and streamline the proposed approach to procure services to deliver the activities in the future. Desired outcomes for contracted services for the next five years are:

- Adaptability to accommodate changes anticipated with the Regional Pest Management Plan review.
- Ensuring improved quality and value for money.
- Developing the contractor market by increasing capacity and capability.
- Ensuring flexibility to allow for the dynamic nature of integrated catchments and biosecurity work.
- The ability to add skilled contractors as they arise.
- Open and transparent processes.

## **3 Proposed Procurement Approach for 2019/20 to 2024-25**

Staff propose taking a multifaceted approach to procuring contractor services over the next five years. The proposed approach includes 'Panel Supplier' contracts for the majority of integrated catchments and biosecurity work. The biosecurity programme has been working under this type of arrangement for their pest plant contract work for the last 2.5 years. The panel has been highly regarded by staff and managers and some learnings will be built into the upcoming process.

For specialist services not covered by the supplier panel, normal Council procurement procedures will be adhered to.

Council will also look for opportunities to provide income opportunities to our communities, particularly those that are low socio-economic areas. Council are currently working with communities on Matakana Island and the East Cape, providing contract opportunities to local residents.

### 3.1 Integrated Catchments and Biosecurity Panel Supplier contracts

Staff propose the development of a panel supplier contract for a variety of services utilised by the catchments and biosecurity teams. Under this approach a number of panels will be developed as shown in Table 1. The majority of work undertaken under the activities, and funded through the Long-Term Plan 2018-2028 will be covered by these panels. It requires multiple contractors to maintain skills and capacity to minimise the risk of contract failure. There is also a need to grow contractor capacity to support this work.

A Procurement Plan for setting up the panel has been developed and is attached to this paper for Council's consideration. The Plan mirrors the approach of previously approved procurement plans developed by Biosecurity, Rivers and Drainage, Engineering and Property.

The Plan outlines the proposed tendering process, evaluation methodology, risk assessment and probity to establish a panel of contractors with the expertise to deliver a variety of work. The term of the Panel will not exceed five years, ending on 30 June 2024.

Health and safety and public liability concerns will be addressed as part of the tender evaluation process. This will include the requirement of successful candidates to become SHE registered. Table 1 below outlines the structure the Supplier Panel is proposed to take:

Panel Number	Panel Title	Services sought under the panel
1	Pest plant services	<ul style="list-style-type: none"> <li>• Surveillance, monitoring and small scale control.</li> <li>• Pest plant control (small and large scale).</li> </ul>
2	Pest animal services	<ul style="list-style-type: none"> <li>• Surveillance and monitoring (general).</li> <li>• Pest animal control (general).</li> <li>• Feral goat control (specialised).</li> <li>• Wallaby surveillance and control (specialised).</li> </ul>
3	Restoration planting services	<ul style="list-style-type: none"> <li>• Site preparation.</li> <li>• Planting services.</li> <li>• Plant release services.</li> </ul>
4	Infrastructure and earthworks services	<ul style="list-style-type: none"> <li>• Fencing.</li> <li>• Track construction and maintenance.</li> <li>• Earthworks.</li> <li>• Wetland construction.</li> <li>• Detention bund construction.</li> <li>• Erosion control structures.</li> </ul>
5	Aquatic services	<ul style="list-style-type: none"> <li>• Pest fish surveillance, monitoring and control.</li> <li>• Aquatic pest plant control.</li> <li>• Diving services.</li> </ul>

Panel Number	Panel Title	Services sought under the panel
6	Specialist services	<ul style="list-style-type: none"> <li>• Arborist services.</li> <li>• Mulching services.</li> <li>• Abseiling services.</li> </ul>

There may be occasions where work that could be covered by the panel is offered to other providers for variety or to develop a contractor new to the market. This is likely to be infrequent and on these occasions senior management approval will be sought.

### 3.2 High value specialised contracts

Not all of the work undertaken by the integrated catchments and biosecurity teams will be covered under the Supplier Panel. There will be occasions where other services will need to be procured, it is envisaged that this will be infrequent. In these instances, Councils agreed Procurement procedures will be adhered to. Due to the dynamic nature of our work the amount or value of this work cannot be estimated.

### 3.3 Ad-hoc, community focussed and urgent ‘incursion’ related contracts

The remaining contract work will be procured via quotes or negotiation in line with Council procedures the majority of the time. Council will, where possible, look to engage with and support local Contractors and communities, particularly in some of the low socio-economic parts of the region. Utilising local knowledge and established relationships within their communities has many benefits to Council and the local community. This is currently happening on Matakana Island and on the East Cape and Council will look for other opportunities into the future. Where these opportunities are in conflict with standard Council procedures, staff will seek senior management approval.

Services associated with surveying or containing new incursions generally need to be procured quickly and the time needed to carry out a formal procurement process may present some operational risk. In these circumstances, staff will seek senior management approval to directly negotiate with an appropriately skilled contractor.

### 3.4 Implications for Maori

This Supplier Panel Procurement Plan has no specific implications for Māori. In seeking improved quality and value for money the procurement plan benefits all ratepayers in the region, including Māori. The ability to add skilled contractors to the Panel, as they arise, may be of direct benefit Māori who are involved in developing contracting businesses.

Shane Grayling  
**Biosecurity Team Leader**

**for General Manager, Integrated Catchments**

**23 October 2018**

# APPENDIX 1

## **2019 0027 - Procurement Plan for Integrated Catchments Supplier Panel - SIGNED TO GM**





## PROCUREMENT PLAN

1. Overview of procurement	
Short description	Services to support the Integrated Catchments programmes of work across the Bay of Plenty region. Includes a number of Services regularly utilised by the Integrated Catchment and Biosecurity Teams.
Project name (if applicable)	Integrated Catchment Supplier Panel.
Procurement Project Leader	Shane Grayling, Biosecurity Team Leader.
Date of Procurement Plan	4 <sup>th</sup> October 2018.
Proposed supply arrangement	Panel of suppliers.  Proposed term of contract is 5 years (1 July 2019 to 30 June 2024) – Initial term of 3 years followed by +2 years right of renewal based on satisfactory performance.

2. Summary of requirements	
The requirements	Services being sought under this panel are varied and comprehensive. Experienced, technically sound Contractors with the appropriate equipment are required to support a number of Council programmes.
Mandatory requirements	Contractors to be H&S pre-qualified with SHE Software Limited. All other mandatory requirements for specific services will be communicated during the tender process.
Requirements relating to health and safety, sustainability, cultural needs or environmental protection.	H&S pre-qualification with SHE and appropriate Health and Safety plan specific to the services they seek to deliver under the panel. Site specific Health and Safety requirements will be considered under Works Orders.
Users	<ul style="list-style-type: none"> <li>- Biosecurity Team.</li> <li>- Eastern Catchments team.</li> <li>- Rotorua Lakes team.</li> <li>- Kaituna team.</li> <li>- Tauranga Harbour team.</li> <li>- Other Council teams as required and by approval.</li> </ul>

3. Estimate of total cost	
Estimated total cost of the supply arrangement	Totals are estimated based on Councils current Long-Term Plan (LTP). The LTP is due to be reviewed in 2021, before the end date for the panel, therefore Contractor allocation will be subject to change.  <b>Up to \$15,000,000</b>

Confirm budget available and cost centre code	Budget confirmed under Councils Long-Term Plan. Work will be completed under a number of Cost Codes.
External funding	Yes, cannot provide the specific detail at this stage but likely that external funding will be utilised under this arrangement.

<b>4. Overview of sourcing approach</b>	
Degree of competition	Open.
Stages and type of request	Standard RFP
Submissions	One envelope, emailed submissions are allowed.
Proposed form of contract	Panel Supplier contract.
Commentary to support any departure from the standard procurement procedures	No departures from Procurement Policy.

<b>5. Selection criteria</b>	
Evaluation method	Weighted attributes.
Criteria with weightings	Relevant experience in completing the services – 30% Track record in delivering similar services – 20% Technical skills (Personnel) – 20% Plant and equipment to complete the Services – 20% Management and quality assurance systems – 10%
Due diligence (if any)	Reference checks to assess quality of work if they have not completed contract work for Bay of Plenty Regional Council.

<b>6. Key milestones for procurement</b>	
Approach market by:	17 January 2019
Submissions closing date:	18 February 2019
Suppliers selected by:	30 May 2019
Contract commencement by:	1 July 2019

<b>7. Staff Involved</b>	
Procurement Project Team	Astin Jose – Procurement Advisor Shane Grayling – Integrated Catchments lead Nancy Willems – Eastern Catchments representative Scott Kusabs – Rotorua Lakes representative Pim de Monchy – Kaituna representative

	<p>Hamish Dean – Tauranga Harbour representative</p> <p>NOTE : The assessment of applications may be delegated to staff with the teams.</p>
Others	<p>Due to the size and nature of this procurement process a number of staff from the Catchments and Biosecurity teams may be required to support this process.</p>

<b>8. Commentary</b>	
Summary of risks (if any)	<ol style="list-style-type: none"> <li>1) Contractors renege on Contractual requirements or too busy to complete work as required. <b>Mitigation:</b> Ensure enough capacity across the different services to cover scenario.</li> <li>2) Not enough capable Contractors are identified during the procurement process. <b>Mitigation:</b> Inform potential applicants of the process. This includes networks, current panel-suppliers and other Contractors utilised for the Services being sought.</li> <li>3) Small but effective Contractors are disadvantaged compared to professional tenderers due to inexperience in tender applications. <b>Mitigation:</b> Ensure application documentation is clear, concise and prescribed so application is intuitive and simple.</li> <li>4) Pressure from community to engage and support local Contractors and provide income to their communities. <b>Mitigation:</b> Allow flexibility and transparency to allow the utilisation of local Contractors outside of this panel when the justification is appropriate. See further comments below.</li> </ol>
Issues or complexities (if any)	<ul style="list-style-type: none"> <li>- Described above, capacity in the market, and utilisation of local Contractors where appropriate.</li> </ul>
Further comments (if any)	<ul style="list-style-type: none"> <li>- Where appropriate Council may choose to engage local Contractors outside of this panel. This will include, but is not limited to the East Cape and Matakana Island. The justification for this is to develop and maintain key relationships within the community and inject income to communities in need of employment opportunities.</li> </ul>
Monitoring	<ul style="list-style-type: none"> <li>- Overall Supplier performance will be evaluated annually (Supplier Performance Evaluation Scorecard)</li> </ul>



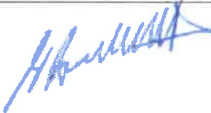

<b>9. Procurement process approvals</b>	
Invitation is fit for release	Procurement Advisor & Contract Manager
Draft contract is appropriate	Procurement Advisor & Contract Manager
Supplier Selection and Contract	Chief Executive – sub-delegated by Regional Council as applicable

Award (offer acceptance)	
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<b>10. Probity</b>
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Probity in this procurement will be managed by:

- acting fairly, impartially and with integrity, acting lawfully, and being accountable and transparent.
- ensuring compliance with the Council's code of conduct is complied with.
- ensuring that financial authority for the procurement is approved before proceeding to tender.
- identifying and effectively managing all conflicts of interest.
- protecting the supplier's commercially sensitive and confidential information.
- offering each supplier a comprehensive debrief at the end of the tender process.

<b>11. Procurement Plan (this document) endorsements and approvals</b>			
Description	Name / Position	Signature	Date
Prepared:	Shane Grayling Biosecurity Team Leader		8/10/2018
Endorsed (if applicable):	Astin Jose, Procurement Advisor		5/10/2018
Endorsed by:	Greg Corbett, Biosecurity Manager, Biosecurity		15/10/18
Endorsed by:	Chris Ingle General Manager Integrated Catchments		15/10/18
Approved: (Delegated Financial Authority):	Mat Taylor, General Manager, Corporate		

**Report To:** Regional Council

**Meeting Date:** 01 November 2018

**Report From:** Chris Ingle, General Manager, Integrated Catchments

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## **Contract plant supply to flagship restoration projects**

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### **Executive Summary**

Over the next 3-5 years Bay of Plenty Regional Council will be delivering several environmental restoration projects. These involve undertaking restoration planting within the Pāpāmoa Hills Regional Park, Kaituna wetland (via 'Te Pourepo o Kaituna wetland creation project') and Te Paika saltmarsh (via 'Kaituna river re-diversion and Maketū estuary enhancement project').

To reduce administration costs and improve buying power it is recommended we undertake a competitive multi-year tendering process amongst local nurseries for native plant supply. The total value range is between \$885,000 - \$1,050,000. This proposal is planned and budgeted for within council's Long Term Plan 2018-2028.

### **Recommendations**

**That the Regional Council:**

- 1 Receives the report, Contract plant supply to flagship restoration projects;**
- 2 Approves the value of this contract (total value range is between \$885,000 - \$1,050,000) as required by the Procurement Manual.**
- 3 Delegates responsibility to the Chief Executive for awarding the contract to the successful tenderer(s)**

#### **1 Purpose of the report**

To provide a brief overview of the flagship restoration projects and the extent of planned revegetation within each and gain approval to tender and award this contract as required by the Procurement Manual.

#### **2 Background**

The following three projects will be the focus of council-led restoration over the next 3 years:

### 1. Pāpāmoa Hills Regional Park

Steep land within the Pāpāmoa Hills Regional Park has been selectively retired from grazing over the past 10+ years and replanted with native plant species in line with the park's management. This also includes the replanting of cutover pine forest logged in 2017. A revegetation programme prioritises and sets out a staged approach to land retirement and replanting in a way that aligns with the aspirations of tangata whenua and the community.

### 2. Te Paika saltmarsh

Historically, wetlands made up most of the coastal strip between Tauranga and Whakatane. The Lower Kaituna Wildlife Management Reserve (LKWMR) protects all that is left of a once vast, shallow wetland that was formerly a much larger wetland complex known as Kawa Swamp which spanned 6,500ha across the plains inland from the Maketū and Waihi estuaries.

'Te Paika' is a 27 hectare site that was acquired as part of the Kaituna River re-diversion and Maketū/Ngaitoroirangi estuary enhancement project. This site will be converted from pasture to saltmarsh and coastal dune forest over the next 3 years.

### 3. Kaituna wetland

'Te Pourepo o Kaituna' wetland creation project will see the construction of up to 73ha of freshwater wetland in the lower catchment adjacent to the Lower Kaituna Wildlife Management Reserve, the Bay of Plenty's largest freshwater/palustrine wetland. This project aims to return significant amounts of Kahikatea and Pukatea to the plains, a significantly under-represented ecosystem type.

## **3 Next Steps**

Upon approval of the contract value, staff will prepare required documentation, run the tender process and award the contract.

## **4 Implications for Maori**

The objectives of the restoration projects noted above are well supported by tangata whenua stakeholders and align with the environmental aspirations of iwi/hapū management plans.

## **5 Council's Accountability Framework**

### **5.1 Community Outcomes**

This proposal to undertake planting as part of the aforementioned projects directly contributes to the Healthy environment and Freshwater for life Community Outcomes in the council's Long Term Plan 2018-2028.

Amalgamating multiple years of known supply requirements for native revegetation into one procurement process will improve buying and negotiating power while reducing ongoing and repeated administrative contract management requirements.

### **5.2 Long Term Plan Alignment**

This work is planned under the Kaituna Catchments Activity and Regional Parks Activity in the Long Term Plan 2018-2028.

Funding has been set aside for within the respective activities for these restoration projects.

## **6 Financial Implications**

### **6.1 Current Budget Implications**

There is no change to overall budgets. This work is being undertaken within the current operational budget for the Kaituna Catchments Activity and Regional Parks Activity during years 1-3 in the Long Term Plan 2018-2028.

### **6.2 Future Budget Implications**

Funding for the aforementioned projects is within the operating budgets of the Kaituna Catchments Activity and Regional Parks Activity in the Long Term Plan 2018-2028.

Courtney Bell  
**Senior Projects Officer (Kaituna Catchments)**

**for General Manager, Integrated Catchments**

**24 October 2018**





# **APPENDIX 1**

## **BOPRC Procurement Plan - 2019 0019 Supply of Native Plants - Kaituna Catchments**



## PROCUREMENT PLAN

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1. Overview of procurement	
Short description	To source, propagate, grow, deliver and plant approx. 300,000 high quality eco-sourced indigenous native plants into the Kaituna Catchment from 2019-2021
Project name (if applicable)	2019 0019 - Supply of Native Plants Kaituna Catchments
Procurement Project Leader	Courtney Bell
Date of Procurement Plan	9/10/2018
Proposed supply arrangement	Single Supplier Contract Term (Dec 2018 - Aug 2021)

2. Summary of requirements	
The requirements	<p>The services to be provided by the Contractor include:</p> <p>Sourcing, propagating and growing of high quality eco-sourced indigenous revegetation plants fit for immediate planting onto four large restoration sites in the Kaituna Catchment:</p> <p><b>2019</b></p> <p>Propagate and deliver 100,000 native forest, coastal, and wetland species between May-July 2019.</p> <p><b>2020</b></p> <p>Propagate and deliver 100,000 native forest, coastal, and wetland species in May-July 2020.</p> <p><b>2021</b></p> <p>Propagate and deliver 100,000 native forest, coastal, and wetland species in May -July 2021.</p>
Mandatory requirements	Ability to meet the above requirements
Requirements relating to health and safety, sustainability, cultural needs or environmental protection.	It is essential that all of the propagated plants are 'eco sourced' from the Tauranga Ecological District.
Users	Kaituna Catchments Activity

3. Estimate of total cost	
Estimated total cost of the supply arrangement	<p><b>2019</b> -\$350,000</p> <p><b>2020</b> -\$350,000</p> <p><b>2021</b> -\$350,000</p>

	<b>Total Contract - \$1,050,000</b>
<b>Confirm budget available and cost centre code</b>	The works are budgeted through the Kaituna Catchment Activity Multiple cost centres: Papamoa Regional Park – GL 10.5301.46.380.2500 Te Pourepo o Kaituna – OP 100002394 Papahikahawai Island – OP 100001189 Te Paika Wetland – OP 100002593
<b>External funding</b>	No

<b>4. Overview of sourcing approach</b>	
<b>Degree of competition</b>	Open
<b>Stages and type of request</b>	Standard RFQ
<b>Submissions</b>	Two envelope submission. Email submission allowed where price and non-price marked separately.
<b>Proposed form of contract</b>	Contract for Services
<b>Commentary to support any departure from the standard procurement procedures</b>	No departure from the standard procurement procedures

<b>5. Selection criteria</b>	
<b>Evaluation method</b>	Weighted Attributes
<b>Criteria with weightings</b>	Relevant experience 30% Eco Sourcing 20% Track Record & Local Presence 30% Methodology 10% Cost 10%
<b>Due diligence (if any)</b>	Reference Check

<b>6. Key milestones for procurement</b>	
<b>Approach market by:</b>	2 <sup>nd</sup> November 2018
<b>Submissions closing date:</b>	23 <sup>rd</sup> November 2018
<b>Supplier selected by:</b>	30 <sup>th</sup> November 2018
<b>Contract commencement by:</b>	20 <sup>th</sup> December 2018

<b>7. Staff involved</b>	
Procurement Project Team	Astin Jose , Pim de Monchy, Courtney Bell
Others	





<b>8. Commentary</b>	
Summary of risks (if any)	<p>A Summary of the risks include:</p> <p>Plant losses (wasted resources), due to environmental factors (Climate and competing weed growth) or poor planting or poor quality plants- these will be mitigated as far as possible by undertaking a weed control site preparation programme prior to planting and maintenance after planting, and ensuring plants are in the ground no later than August each year. Quality of planting will be checked before delivery to site.</p> <p>Nursery is unable to supply due to biological outbreak such as Myrtle Rust or similar. This is an unavoidable risk. If the nursery becomes infected plants cannot be supplied and the contract is cancelled.</p>
Issues or complexities (if any)	
Further comments (if any)	

<b>9. Procurement process approvals</b>	
Invitation is fit for release	Contract Manager
Selection / shortlisting recommendation is approved	Staff member with Delegated Financial Authority
Draft contract is appropriate	Contract Manager
Award of contract (offer acceptance)	Staff member with Delegated Financial Authority

<b>10. Probity</b>
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Probity in this procurement will be managed by:

- acting fairly, impartially and with integrity, acting lawfully, and being accountable and transparent.
- ensuring compliance with the Council's code of conduct is complied with.
- ensuring that financial authority for the procurement is approved before proceeding to tender.
- identifying and effectively managing all conflicts of interest.
- protecting the supplier's commercially sensitive and confidential information.
- offering each supplier a comprehensive debrief at the end of the tender process.

11. Procurement Plan (this document) endorsements and approvals			
Description	Name / Position	Signature	Date
Prepared:	Courtney Bell/Senior Projects Officer		
Endorsed (if applicable):	Astin Jose/Procurement Advisor		
Endorsed:	Pim De Monchy/ Kaituna Catchments Manager		24/10/18
Endorsed:	Chris Ingle/ GM Integrated Catchments		23/10/18
Approved: (Delegated Financial Authority):	Mat Taylor/GM Corporate (on behalf of CE)		

**Attachments**

1. Conflict of Interest Declarations (all Procurement Project Team members)



**Report To:** Regional Council

**Meeting Date:** 01 November 2018

**Report From:** Chris Ingle, General Manager, Integrated Catchments

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## **Amendments to Rotorua Te Arawa Lakes Strategy Group Agreement and Terms of Reference**

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### **Executive Summary**

Members of the Rotorua Te Arawa Lakes Strategy Group requested a review of the Agreement in order to amend the membership to make provision for a non-voting Independent Chairperson. An agreement to amend the Agreement will have no effect until recorded in writing and signed by each of the Organisations of the Strategy Group. Council is therefore asked to approve the membership amendment on the recommendation of the Strategy Group.

### **Recommendations**

**That the Regional Council:**

- 1 Receives the report, Amendments to Rotorua Te Arawa Lakes Strategy Group Agreement and Terms of Reference;**
- 2. Approves the following amendment to the Rotorua Te Arawa Strategy Group Agreement:**

**2. Membership:**

**The membership of the Group shall comprise of six members:**

- 2.1 Two members of the Te Arawa Lakes Trust Entity appointed by that entity one of whom is a governance member and one of whom is a senior executive; and**
- 2.2 Two members of the Bay of Plenty Regional Council appointed by that Council one of whom is the Chairperson of that Council; and**
- 2.3 Two members of the Rotorua Lakes Council appointed by that Council one of whom is the Mayor of that Council.**

**2.4 Plus one non-voting Independent Chairperson appointed by the members for a three year term in alignment with the Local Government triennium.**

**3. Approves the additional minor amendments to the Rotorua Te Arawa Strategy Group's Terms of Reference.**

## **1 Background**

At its meeting on 15 June 2018, Rotorua Te Arawa Lakes Trust Strategy Group's (RTALSG) members recognised the need to ensure RTALSG membership remained effective.

While the Strategy Group members acknowledged the principles of the Agreement at the time it was signed between the three parties, it had not adhered to the requirement of annual rotation of the Chair and felt it appropriate to amend the Agreement's membership to meet current needs.

The Strategy Group therefore supported Te Arawa Lakes Trust's request to consider amending the membership to allow for the appointment of an Independent Chairperson without voting rights and therefore enabling both Te Arawa members to fully participate in the meetings.

Members also discussed the need for RTALSG's Terms of Reference to remain cognisant of changing environmental issues whose impacts should be considered and included in the Strategy Group's function. These included: climate change impacts, lake related biosecurity matters, fisheries bylaw enforcement, Lake Tarawera as a priority lake.

The recommended changes to the Agreement and Terms of Reference were reviewed and supported by the RTALSG Project Steering Group.

## **2 Legislation**

RTALSG was established under the Te Arawa Lakes Deed of Settlement. The RTALSG Agreement (2004) forms part of the Relationship Schedule (Schedule 1, Part 1) of the Te Arawa Lakes Deed of Settlement, under the umbrella of the Te Arawa Lakes Claims Settlement Act 2006. The Agreement informs the functions and membership of RTALSG.

On further investigation it is deemed the legislation is not a constraint to changing the Agreement and in fact accommodates amendments so far as they are done in a manner provided for in the Agreement, which requires consensus of all three parties (not including the Crown).

The definition of Rotorua Lakes Strategy Group Agreement as stated in the Te Arawa Lakes Claims Settlement Act 2006 also accommodates further amendments to the Agreement.

## **3 Rotorua Te Arawa Lakes Strategy Group Agreement**

Section 8.1 of the Agreement enables the Agreement to be amended with the consent of each of the partner organisations.



Under section 8.2 an agreement to amend the RTALSG Agreement will have no effect until recorded in writing and signed by each of the Organisations of the Group.

Section 4.2 and 4.4 of the Agreement identify the Strategy Group's functions as identifying significant existing and emerging issues affecting the Rotorua Lakes; and the identification, monitoring and evaluation of necessary actions by the Organisations and other relevant organisations. These sections enable the Strategy Group to include emerging environmental issues and the monitoring and evaluation of necessary actions without the need to specifically identify these in the Agreement.

## **4 Agreement Amendment Required**

At the request of the Te Arawa Lakes Trust the RTALSG members supported the inclusion of a non-voting Independent Chairperson to preside at meetings. The role of the Independent Chairperson sits outside the voting membership of the Group and therefore is not deemed to be a member for the purposes of a quorum. The amended Agreement is [Appendix 1](#). The amendments have also been reflected in the revised Terms of Reference along with minor wording changes to provide clarity of meaning ([Appendix 2](#)).

Once agreed by all parties the amended Agreement will replace the Rotorua Lakes Strategy Group Agreement 2004 (renamed Rotorua Te Arawa Lakes Strategy Group in 2009) and becomes the defining Agreement and the current Terms of Reference for the meetings will be updated.

## **5 Implications for Māori**

The amendments to the Rotorua Te Arawa Lakes Strategy Group are responding to a request from Te Arawa Lakes Trust to ensure their members' participation on the Strategy Group is fully effective without the need to act in the role of facilitation while enabling Te Arawa Lakes Trust greater flexibility in determining their representation. In agreeing to the amendments Council is actively responding to the representation needs of Te Arawa.

## **6 Council's Accountability Framework**

### **6.1 Community Outcomes**

This project/proposal directly contributes to A Vibrant Region and A Healthy Environment Outcomes in the Council's Long Term Plan 2018-2028 through the partnership Agreement between Te Arawa Lakes Trust, Rotorua Lakes Council and Bay of Plenty Regional Council.

### **6.2 Long Term Plan Alignment**

This work is planned under the Governance Activity in the Long Term Plan 2018-2028.

#### **Current Budget Implications**

The Independent Chairperson will receive a meeting fee of \$200 per meeting in line with the current Elected Members and Appointed Members Remuneration and Expenses Policy which is within the current budget for the Governance Activity in Year 1 of the Long Term Plan 2018-2028.

Yvonne Tatton  
**Governance Manager**

**for General Manager, Integrated Catchments**

**23 October 2018**

# **APPENDIX 1**

## **2018.10.10 Amended Rotorua Te Arawa Lakes Strategy Group Agreement November 2018**



**TE ARAWA LAKES TRUST**

**ROTORUA LAKES COUNCIL**

**BAY OF PLENTY REGIONAL COUNCIL**

**ROTORUA TE ARAWA LAKES STRATEGY  
GROUP AGREEMENT**

Amended 2 November 2018 from the original Agreement dated 8 October 2004

*Amendments are shown in italics*

**THIS AGREEMENT** includes Amendments to the original 2004 Agreement and is made on the 2nd day of November 2018 6

**PARTIES: TE ARAWA LAKES TRUST** (previously ARAWA MAORI TRUST BOARD) on behalf of **TE ARAWA**)

**AND: ROTORUA LAKES COUNCIL** (previously known as ROTORUA DISTRICT COUNCIL)

**AND: BAY OF PLENTY REGIONAL COUNCIL**

**BACKGROUND:**

- A. The Parties have established the Rotorua Lakes Strategy Joint Committee (*now known as the Rotorua Te Arawa Lakes Strategy Group*) on the basis set out in the Rotorua Lakes Strategy Co-management Options Report dated October 2001 ("the Report").
- B. As expressed in the Report the Parties wish to ensure that Te Arawa is a member of the joint committee as of right formalised through Te Arawa's Settlement Legislation, so that the joint committee is a permanent committee, which is not able to be discharged on or following a local authority triennial general election.
- C. The Deed of Settlement between the Crown and the Arawa Maori Trust Board will record that the Settlement Legislation will provide that:
  - (i) the Bay of Plenty Regional Council and the Rotorua District Council will establish, with the Te Arawa Governance Entity, the Rotorua Lakes Strategy Group ("the Group") no later than the Settlement Date;
  - (ii) the Group is deemed to be a joint committee within the meaning of clause 30(1)(b) of Schedule 7 of the Act, despite the Te Arawa Governance Entity's membership of that Group as of right;
  - (iii) despite anything to the contrary in Schedule 7 of the Act, the joint committee is to be permanent and the quorum at meetings of the Group is to be as herein provided.

**OPERATIVE PART**

Conditionally upon Settlement Legislation so enabling them, the parties agree as follows:

**1 Interpretation**

1.1 In this Agreement:

'Act' means the Local Government Act 2002;

"Organisations" means the Te Arawa Governance Entity (*now known as Te Arawa Lakes Trust*), the Rotorua Lakes Council and the Bay of Plenty Regional Council, sometimes referred to as "Partner Organisations";

"Rotorua *Te Arawa* Lakes" means Lakes Rotorua, Rotoiti, Rotoehu, Rotorua, Okataina, Tikitapu, Okareka, Tarawera, Rotomahana, Rerewhakaaitu, Okaro.<sup>1</sup>

- 1.2 Unless the context requires otherwise, terms or expressions defined in the Deed of Settlement between the Crown and Te Arawa and the Settlement Act have the same meaning in this Agreement.

## 2 Membership

The membership of the Group shall comprise:

- 2.1 *Two members of the Te Arawa Lakes Trust Entity appointed by that entity - one of whom is a governance member and one of whom is a senior executive; and*
- 2.2 Two members of the Bay of Plenty Regional Council appointed by that Council one of whom is the Chairperson of that Council; and
- 2.3 Two members of the Rotorua Lakes Council appointed by that Council one of whom is the Mayor of that Council.

*Plus one Independent non-voting Chairperson appointed by the members for a three year term in alignment with the Local Government triennium and is to be reviewed and confirmed at the first meeting of the Group following the local government elections.*

*The Independent Chairperson is not deemed to be a member of the Rotorua Te Arawa Lakes Strategy Group for the purposes of a quorum.*

*The Independent Chairperson shall assume the role and responsibilities as defined in the Rotorua Te Arawa Lakes Strategy Group Independent Chairperson Guidelines.*

## 3 Quorum

- 3.1 The ordinary quorum for a meeting of the Group will be one member from each of the Organisations.
- 3.2 The special quorum for a meeting of the Group will be four members of the Group.
- 3.3 In the event that the ordinary quorum is not satisfied at three consecutive meetings of the Group in circumstances , where in the case of each such meeting:
- 3.3.1 It was notified in accordance with the Standing Orders;
- 3.3.2 Order papers were sent to each member of the Group in accordance

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<sup>1</sup> Notes the deletion of Lake Rotokakahi as from the original Agreement as Rotorua Te Arawa Lakes Strategy Group has no jurisdiction over this lake.

- 3.3.3 The meeting had not been cancelled for any reason, then the
- 3.3.4 member in attendance may declare the third meeting inquorate according to the Standing Orders and the special quorum will then be substituted.
- 3.4 At any subsequent meeting, the ordinary quorum will be restored as soon as clause 3.1 is satisfied.
- 3.5 No matters that were not on the order paper for the meeting at which the special quorum was established under clause 3.3 can be considered by a special quorum meeting.

#### 4 Functions

The Group will initially have the following functions:

- 4.1 The provision of leadership to the Organisations and the community in relation to implementation of the *Vision and Strategy for the Lakes of the Rotorua District*;
- 4.2 The identification of significant existing and emerging issues affecting the Rotorua Lakes;
- 4.3 The preparation, approval, monitoring, evaluation and review of agreements , policies and strategies to achieve integrated Outcomes for the Rotorua Lakes;
- 4.4 The identification, monitoring and evaluation of necessary actions by the Organisations and other relevant organisations;
- 4.5 The receiving of reports on activities being undertaken by the Organisations and other relevant organisations;
- 4.6 Involvement during the preparation of statutory plans in relation to significant issues. Such plans include but are not limited to iwi and hapu management plans, district and regional plans, reserve management plans, and annual plans;
- 4.7 Involvement in applications for activities in relation to significant issues not addressed by existing policies of the co-management partners. Such activities include but are not limited to resource consents, designations, heritage orders, water conservation orders, restricting access to the lakes (during special events or in particular circumstances), and transferring and/or delegating of statutory authority.
- 4.8 *Consider the effects of Climate Change in all work within the Rotorua Te Arawa*



- 4.9 Respond to declining water quality in all Rotorua Te Arawa Lakes by pursuing appropriate intervention and funding to respond. This may include lakes not currently funded by Deed funding e.g. Tarawera.

## **5 Prior committee discharged**

- 5.1 Contemporaneously with the establishment of the Group the Bay of Plenty Regional Council and the Rotorua District Council will discharge, pursuant to clause 30(5) of Schedule 7 of the Act, the joint committee known as the Rotorua Lakes Strategy Joint Committee.

## **6 Standing Orders**

- 6.1 The New Zealand Standard Model Standing Orders for Meetings of Local Authorities and Community Boards (NZS9202:2003) will apply to the Group unless the members of the Group unanimously agree to vary those orders as they apply to the Group ("*Standing Orders*").
- 6.2 An agreement to vary the Standing Orders as they apply to the Group will have no effect until recorded in writing and signed by each of the members of the Group.

## **7 Te Arawa Governance Entity to execute Covenant**

- 7.1 The Arawa Maori Trust Board will procure the execution by the Te Arawa Governance Entity of a deed of covenant in the form set out in Schedule 3 of the Deed of Settlement.

## **8 Amendments to this agreement**

- 8.1 This agreement may be amended with the consent of each of the Organisations of the Group.
- 8.2 An agreement to amend this agreement will have no effect until recorded in writing and signed by each of the Organisations of the Group.
- 8.3 Amendments as italicised in this Agreement are agreed to by and on behalf of the entity below.

**IN WITNESS WHEREOF** those present have been executed the day and year first hereinbefore written.

**EXECUTED** for and on behalf of **TE ARAWA LAKES TRUST**  
by its authorised signatories:

Trust Chairman

Chief Executive

**EXECUTED** for and on behalf of **ROTORUA LAKES COUNCIL**  
by its authorised signatories:

Mayor

Chief Executive

**EXECUTED** for and on behalf of **BAY OF PLENTY REGIONAL COUNCIL**  
by its authorised signatories:

Chairman

Chief Executive

## **APPENDIX 2**

### **2018.10.10 Rotorua Te Arawa Lakes Strategy Group Terms of Reference Draft Amendments**





# Rotorua Te Arawa Lakes Strategy Group Terms of Reference

## Interpretation

“Organisations” means the Te Arawa Lakes Trust, the Rotorua Lakes Council, and the Bay of Plenty Regional Council; **sometimes referred to as “Partner Organisations”.**

“Rotorua /Te Arawa Lakes” means Lakes Rotorua, Rotoiti, Rotoehu, Rotomā, Ōkātina, Tikitapu, Ōkāreka, Tarawera, Rotomahana, Rerewhakaaitu, Ōkaro. **and Rotokakahi.**

“Group” means the Rotorua Te Arawa Lakes Strategy Group, formed as a Joint Committee under Clause 30 of Schedule 7 of the Local Government Act 2002; **Sometimes referred to as the “Strategy Group”.**

**Comment [YT1]:** Deleted as RTALSG has no jurisdiction over this lake.

## Purpose

The purpose of the Group is to contribute to the promotion of the sustainable management of the Rotorua **Te Arawa** Lakes and their catchments, for the use and enjoyment of present and future generations, while recognising and providing for the traditional relationship of Te Arawa with their ancestral lakes.

## Membership

The membership of the Group comprises of six members:

- **Two members of the Te Arawa Lakes Trust Entity appointed by that entity - one of whom is a governance member** and one of whom is a senior executive; and
- Two members of the Bay of Plenty Regional Council appointed by that Council - one of whom is the Chairperson of that Council; and
- Two members of the Rotorua Lakes Council appointed by that Council - one of whom is the Mayor of that Council.

**Comment [YT2]:** Previously the Chairman

**Plus one non-voting Independent Chairperson appointed by the members for a three year term in alignment with the Local Government triennium and is to be reviewed and confirmed at the first meeting of the Group following the local government elections.**

**The Independent Chairperson is not deemed to be a member of the Rotorua Te Arawa Lakes Strategy Group for the purposes of a quorum.**

**The Independent Chairperson’s shall assume the role and responsibilities as defined in the**



Rotorua Te Arawa Lakes Strategy Group Independent Chairperson Guidelines.

The Deputy Chairperson shall be appointed from the membership at the first meeting of the Group following the local government elections.

## Quorum

The quorum for a meeting of the Group will be one appointed member from each of the partner organisations

The special quorum for a meeting of the Group will be four members of the Group.

In the event that the ordinary quorum is not satisfied at three consecutive meetings of the Group in circumstances, where in the case of each such meeting:

- It was notified in accordance with the Standing Orders;
- Order papers were sent to each member of the Group in accordance with the Standing Orders; and
- The meeting had not been cancelled for any reason, then the members in attendance may declare the third meeting inquorate according to the Standing Orders and the special quorum will then be substituted.

At any subsequent meeting, the ordinary quorum will be restored

No matters that were not on the order paper for the meeting at which the special quorum was established can be considered by a special quorum meeting.

## Term of the Committee

The Rotorua Te Arawa Lakes Strategy Group is a permanent joint committee established under the Te Arawa Lakes Settlement Act 2006 (Te Arawa Lakes Deed of Settlement - Cultural Redress: Lakes Management and Relationships, clauses 9.1 to 9.3 -December 2004) and is not disestablished as a consequence of a local government election.

The Group's Terms of Reference are derived from the Rotorua Lakes Strategy Agreement included in Part 1 of the Relationship Schedule to the Deed of Settlement, December 2004.

## Specific Responsibilities and Delegated Functions

The Group has the following functions:

- Provide leadership to the Organisations and the community in relation to implementation of the Vision and Strategy for the Lakes of the Rotorua District originally adopted in 2000 and refreshed version adopted by the Strategy Group in 2013.
- Identify significant existing and emerging issues affecting the Rotorua Te Arawa Lakes and respond appropriately.
- Approve, monitor, evaluate, and review agreements, policies and strategies and all other proposals to achieve integrated outcomes for the Rotorua Te Arawa Lakes.



- Identify, monitor, and evaluate necessary actions by the partner organisations and other relevant organisations.
- Receive reports on activities being undertaken by the partner organisations and other relevant organisations.
- Participate in the preparation of statutory plans in relation to significant issues. Such plans include but are not limited to Iwi and hapū management plans, district and regional plans, reserve management plans and annual plans.
- Participate in applications for activities in relation to significant issues not addressed by existing policies of the partner organisations. Such activities include but are not limited to resource consents, designations, heritage orders, water conservation orders, restricting access to the lakes (during special events or in particular circumstances), and transferring and/or delegating of statutory authority.
- Consider the effects of Climate Change in all work within the Rotorua Te Arawa Lakes Programme.
- Respond to declining water quality in all Rotorua Te Arawa Lakes by pursuing appropriate intervention and funding to respond. This may include lakes not currently funded by Deed funding e.g. Tarawera.

### **Power to Recommend**

To the partner organisations on any matters within the Strategy Group's delegated functions as it deems appropriate.

The Rotorua Te Arawa Lakes Strategy Group report directly to their own Organisations.







**Report To:** Regional Council  
**Meeting Date:** 01 November 2018  
**Report From:** Mat Taylor, General Manager, Corporate

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## **Appointment of Bay of Plenty Regional Council Independent Electoral Officer**

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### **Executive Summary**

Council sought Proposals from Election Providers to provide the role of an Independent Electoral Officer for the Bay of Plenty Regional Council in time for the 2019 local authority elections.

### **Recommendations**

That the Regional Council:

- 1 Receives the report, Appointment of Bay of Plenty Regional Council Independent Electoral Officer;**
- 2 Appoints Warwick Lampp from electionz.com as the Bay of Plenty Regional Council Electoral Officer, effective from 3 November 2018 to 2 November 2021.**

### **1 Background**

At its meeting, 10 May 2018, Council agreed to seek Requests for Proposals from election services providers to undertake the role of Independent Electoral Officer for the Bay of Plenty Regional Council.

Requests for Proposals were sought from the two election service providers: electionz.com and Independent Elections Services to undertake both the role of Electoral Officer and administration and processing of voting documents.

A procurement team comprising of Yvonne Tatton, current Electoral Officer and Tone Nerdrum-Smith, (both with previous Deputy Electoral Officer experience at Tauranga City Council) and Astin Jose, Procurement Advisor established an Evaluation Weighted Attribute Matrix comprising of proposed methodology, quality assurance and risk management, added value and price.

While both proposals were similar in price Electionz.com offered better services in terms of reporting and communication with Regional Council staff and candidates.

The price offered by both proposals was within the current allocated elections budget.

## **2 Council's Accountability Framework**

### **2.1 Community Outcomes**

This project/proposal directly contributes to A Vibrant Region Community Outcome in the council's Long Term Plan 2018-2028.

### **2.2 Long Term Plan Alignment**

The elections are planned under the Governance Activity in the Long Term Plan 2018-2028.

#### **Current Budget Implications**

This work is being undertaken within the current budget for the Governance Activity in Year 2 of the Long Term Plan 2018-2028.

#### **Future Budget Implications**

Future work on a by-election if required is not specifically budgeted for in the Council's Long Term Plan 2018-2028 but can be met within the Governance Activity budget.

Yvonne Tatton  
**Interim Governance Manager**

**for General Manager, Corporate**

**18 October 2018**

Receives Only – No Decisions



**Report To:** Regional Council

**Meeting Date:** 01 November 2018

**Report From:** Chris Ingle, General Manager, Integrated Catchments

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## **Rangitaiki Floodway - Consultation on Proposed Change of Consent**

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### **Executive Summary**

Staff have been consulting with the Rangitāiki community on proposed consent changes to the Rangitāiki Floodway spillway design and the proposed provision of a ponding area to reduce the amount of stopbank raising required in the floodway. These consent changes are necessary as a result of a review of the spillway and floodway capacity as well as a need to alter the frequency at which flow is triggered down the Rangitāiki Floodway.

Consultation has been undertaken with directly affected parties (landowners within and adjacent to the floodway), interested parties and representatives of community groups, on possible changes to the resource consent for the Rangitāiki Floodway.

This report outlines the consultation completed to date as well as the way forward up until a recommendation is made to council at its December meeting. Council is asked to note the consultation process to date. At the December meeting the proposal to change the resource consent will be presented, taking into account all consultation feedback received.

The consultation and consent change process is a key requirement of the Rangitāiki River Scheme Review (the Cullen review).

### **Recommendations**

**That the Regional Council:**

- 1 Receives the report, Rangitaiki Floodway - Consultation on Proposed Change of Consent;**

#### **1 Purpose**

To advise Council of the consultation process that is taking place on proposed changes to the Rangitāiki Floodway Resource Consent. Figure 1 shows a schematic of the general floodway consent change process, as presented to the community.

## Process forwards



Figure 1: Rangitāiki Floodway Consent Change Process

## 2 Background

In 2009, resource consent was granted to construct a new spillway structure, an inflatable rubber dam, to enable more flood flows to be diverted down the Rangitāiki Floodway. The sizing of this new spillway structure was based upon 1D modelling that was the modelling standard at that time. This 1D model was also used to assess what was required within the floodway itself to increase the capacity.

In reviewing this modelling a number of anomalies were uncovered. With advancements in modelling technique, a 2D model was used in 2013 to check the findings of the 1D modelling. This uncovered that the proposed consented spillway was under-capacity and needed to be widened. The review also questioned whether an inflatable rubber dam was actually the best option for the new spillway structure.

A report was commissioned from Pattle Delamore Partners looking into the spillway options. Their 2014 report put forward three options:

1. A lower level fixed crest;
2. A collapsible tipping block; or
3. A widened inflatable rubber dam.

The collapsible tipping block option has since been ruled out due to uncertainties in its operational reliability and that it would create a rapid increase of flow down the floodway that would cause scour. The other two options have thus been selected for further consideration. However, through the consultation process staff are looking at other flow control options which could involve a range of spillway gates to manage and fine tune flows during a flood event.

## 2D v 1D Modelling

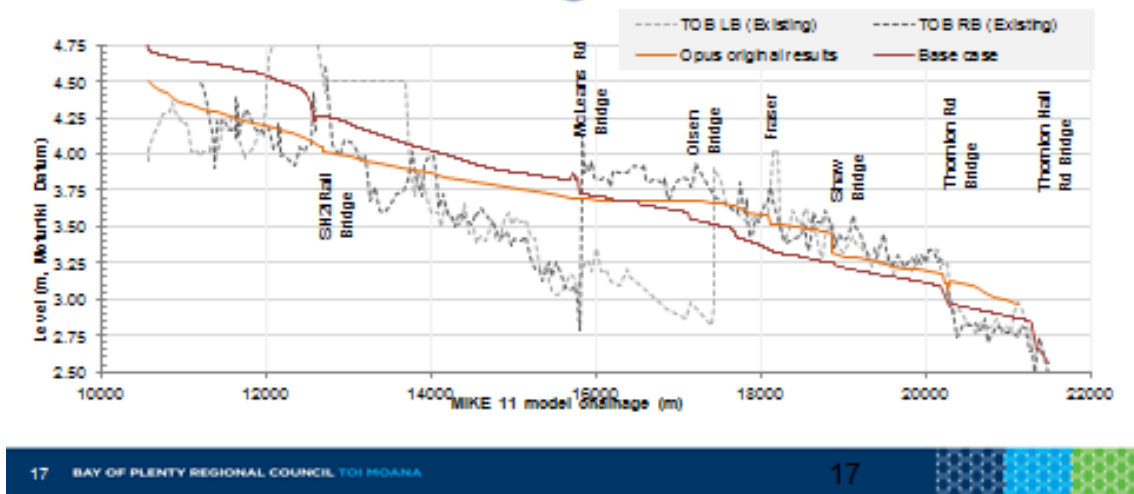


Figure 2: Comparison of 2D and 1D modelling of 100 year flood levels in the Rangitāiki Floodway

Figure 2 above shows the results of the initial 1D (orange) and subsequent 2D modelling (red). The 2D modelling highlighted that the 1D model was under predicting what the 100 year flood levels would be within the upper floodway. This change added an estimated \$8 million to the cost of the floodway project as a result of a requirement for higher stopbanks, in particular upstream of the McLeans Road bridge. Rather than raising the height of the upstream floodway stopbanks, alternative solutions were investigated.



Figure 3: Proposed Ponding Area (VM3)

The alternative solution determined to be most beneficial was spilling some of the floodway flow into a ponding area. The ponding would occur onto land outside the current floodway and be triggered during river flow events greater than a 1:50 year event. Figure 3 below shows the general layout for the ponding option. This land is currently in private ownership and is not part of the Rangitaiki Floodway.

### **3 Consultation to date**

Before any recommendation is made to Council to change the consent, an extensive amount of consultation is necessary. The following actions have been undertaken:

- May 2018 Information Day - specific sessions with landowners whose property lies within, or adjacent to, the floodway and a session with representatives of community groups,
- 1 on 1 meetings with affected landowners,
- Meeting with Federated Farmers representatives,
- Meeting with affected landowners representative (Peter Askey).
- August 2018 – Rangitāiki Information Day (Edgecumbe): Spillway Options Information Day (3 sessions – iwi and local government committees, landowners, community)

There were a number of queries that needed to be followed up as a result of the consultation. These are being worked through and are expected to be complete before any final recommendations are made.

The proposed schedule for reporting is as follows:

- 1 November 2018 - Report to Council on consultation process (this report).
- Mid November 2018 – Information Day for interested parties on recommendations to Council.
- 13 December 2018 – Recommendation on consent change or changes to Council.

### **4 Mid November 2018 - Information Day**

Council needs to be aware of what is proposed to be presented at the information day. The list below is what is anticipated to be presented:

#### Spillway Options

- Spillway option details
  - Widened Inflatable Rubber Dam with adjustable mechanism for flow management during flooding event,
  - Lowered fixed spillway with adjustable mechanism for flow management during flooding event,

- Estimated construction costs
- The effects of the option (particularly related to frequency of use)
- Estimated construction period
- Land purchase
- Compensation options
- Recommendation to Council

#### Ponding Area

- Ponding area detail
- Alternative options (incl. raising stopbanks)
- Estimated construction costs
- The effects of the ponding option (particularly related to frequency of use)
- Estimated construction period
- Land purchase
- Compensation options
- Recommendation to Council

## **4. Implications for Maori**

Two iwi have been engaged with during the consultation process: Ngāti Awa and Ngāti Tūwharetoa Bay of Plenty. Early engagement occurred, which also involved a site visit in April for one of the iwi. Iwi are comfortable with the level of engagement, and have not raised any specific issues regarding the proposal at this stage, although Ngāti Awa have submitted on the bifurcation consent variation, downstream.

Iwi have asked that they be kept informed of changes in the proposal as the project proceeds.

## **5 Community Outcomes**

This project/proposal directly contributes to the Safety and Resilience Community Outcome/s in the council's Long Term Plan 2018-2028.

### **Long Term Plan Alignment**

This work is planned under the Rivers and Drainage Activity in the Long Term Plan 2018-2028.

### **Current Budget Implications**

This consultation work is being undertaken within the current budget for the Rivers and Drainage Activity in Year 1 of the Long Term Plan 2018-2028.

### **Future Budget Implications**

Future work on the Rangitāiki Floodway is provided for in Council's Long Term Plan 2018-2028.

Mark Townsend  
**Engineering Manager**

**for General Manager, Integrated Catchments**

**23 October 2018**





Receives Only – No Decisions

**Report To:** Regional Council

**Meeting Date:** 01 November 2018

**Report From:** Mat Taylor, General Manager, Corporate Performance

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## **Arotake Tuatahi 2018/19 - Performance Monitoring Report, July to September 2018**

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### **Executive Summary**

This report provides information to review Council's performance and the progress of our work for the first quarter of the 2018/19 financial year (July to September 2018). This report includes *Arotake Tuatahi 2018/19*, included as a supporting document with the Council agenda. This is our new performance monitoring report and 'first review' of our progress against the Long Term Plan 2018-2028 for 2018/19.

Arotake Tuatahi 2018/19 provides an overview of Council's key performance focus areas. This includes a focus on our four Community Outcomes and the set of Objectives that drive their delivery; financial and non-financial performance for our nine Groups of Activities; major capital projects as well as a performance update on our treasury portfolio (investments and external borrowings). Arotake Tuatahi 2018/19 also includes people and culture, and health and safety reporting all coming together for the first time in one comprehensive and succinct performance report. Brief case studies to profile our working principles which are termed The Way We Work are also included in Arotake Tuatahi 2018/19.

For the three months ending 30 September 2018 we are forecasting an annual operating deficit of \$10 million which is \$4 million favourable against the budget deficit of \$14 million. Forecast operating revenue of \$122 million is \$1 million lower than the revenue budget of \$123 million. Forecast operating expenditure of \$132 million is \$5 lower than the operating expenditure budget of \$137 million.

The annual capital budget for 2018/19 has been revised by an additional \$1.4 million and this is due to capital budget carry forwards from 2017/18 which were approved by Council on 27 September 2018. Forecast capital expenditure of \$60 million is \$1 million higher than the revised budget of \$59 million. The forecast for capital grants and subsidies, and capital insurance recoveries is consistent with the annual capital revenue budget of \$12 million.

Our total investment portfolio is \$183 million. We have borrowed \$90 million from the Local Government Funding Authority and invested these funds with maturity dates aligning to expected cash flow requirements. \$15 million of this pre-funding has matured from the investment portfolio to meet capital expenditure requirements in 2018/19. The confidential Appendix 1 Treasury Report provides Council with detailed investment and borrowing analysis.

There are 32 Long Term Plan KPI's measured and reported this financial year. Currently 20

KPIs are on-track, one is tracking off-target and 11 do not have data available. As at 30 September 2018, the forecast is that all KPIs will be achieved by 30 June 2019.

## Recommendations

That the Regional Council:

- 1 **Receives the report, Arotake Tuatahi 2018/19 - Performance Monitoring Report, July to September 2018;**
- 2 **Provides feedback to staff on the new format and content of Arotake Tuatahi 2018/19.**

### 1 Introduction

This is the first performance monitoring and reporting update to Council under the Long Term Plan 2018-2028. The new performance monitoring report 'Arotake Tuatahi 2018/19', which is included in the agenda as a supporting document, replaces the Council Performance Monitoring Report provided under the previous Long Term Plan.

Arotake Tuatahi 2018/19 provides performance information for the first quarter of the 2018/19 financial year (July to September 2018) as set out in the Long Term Plan 2018-2028. Arotake Tuatahi 2018/19 provides an overview of our key performance focus areas.

This new report builds on previous reporting to Council and includes a focus on our four Community Outcomes and the set of Objectives that drive their delivery; financial and non-financial performance for our nine Groups of Activities; major capital projects as well as a performance update on our treasury portfolio (investments and external borrowings).

Arotake Tuatahi 2018/19 also includes people and culture, and health and safety reporting all coming together for the first time in one comprehensive and succinct performance report. Brief case studies to profile our working principles which are termed The Way We Work are also included in Arotake Tuatahi 2018/19.

### 2 Supporting documents and appendices

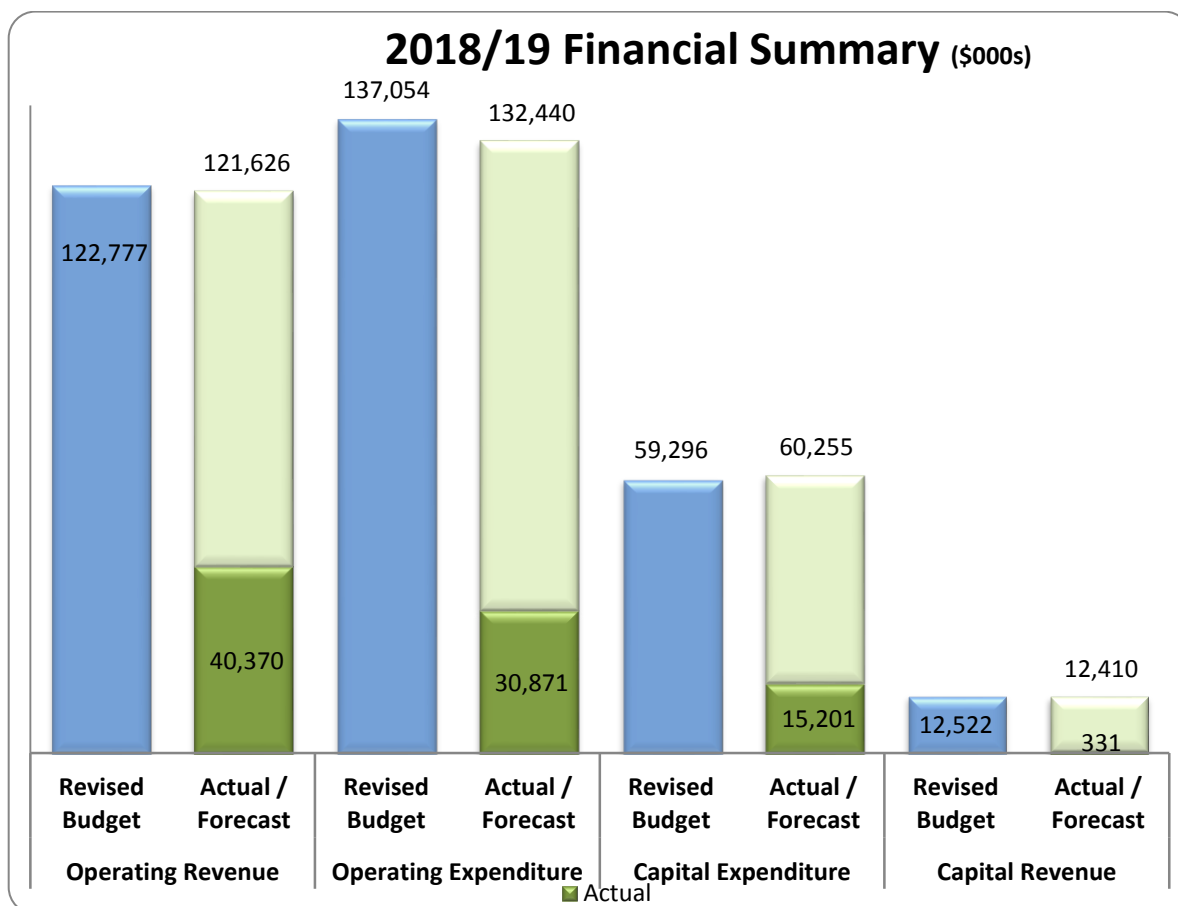
- 2.1 **Supporting document:** Arotake Tuatahi 2018/19 - Performance Monitoring Report, July to September 2018.
- 2.2 **Confidential Appendix 1:** The Treasury Report for September 2018, is provided by Bancorp Treasury Services Limited (our treasury advisors) and is available under the confidential part of the agenda.

### 3 Financial Information

#### 3.1 Financial Summary

The overall financial variances for all Council activities for the three months ending 30 September 2018 are shown in detail in the attached supporting document and

confidential appendix. Arotake Tuatahi 2018/19 provides an updated annual forecast and variations for revenue and expenditure based on current information.



The report highlights:

- A forecast end of year decrease in the net *operating deficit* of \$4 million is based on:
  - forecast lower revenue of \$1 million mainly due to less Ministry for the Environment subsidies for Rotorua Lakes land use change incentives in 2018/19; and
  - \$5 million forecast underspend mainly due to land use incentives agreements (\$3.8 million underspend) and passenger transport ticketing system (\$1.1 million underspend).
- A forecast end of year net *capital overspend* of \$1.0 million is mainly due to:
  - forecast overspend of \$1.9 million associated with Kaituna River Re-diversion Project being ahead of schedule;
  - forecast underspend of \$0.9 million due to the Tikitere Diversion Project review in the Rotorua Lakes Activity (\$0.5 million) and several technology projects (\$0.4 million).

### 3.2 Capital budget revisions

As part of the adoption of the Annual Report 2017/18 on 28 September 2018 Council approved the carry forward of \$1.4 million of capital projects into the 2018/19 budget. This was made up of:

- \$0.7 million for Rivers and Drainage Activity;

- \$0.3 million for Passenger Transport Activity;
- \$0.3 million for Information and Communication Technology Activity; and
- \$0.1 million for Technical Services Group of Activities.

### 3.3 Council Investments and External Borrowings

The Council's detailed investment performance for 2018/19 is provided in a confidential appendix included with the Council agenda.

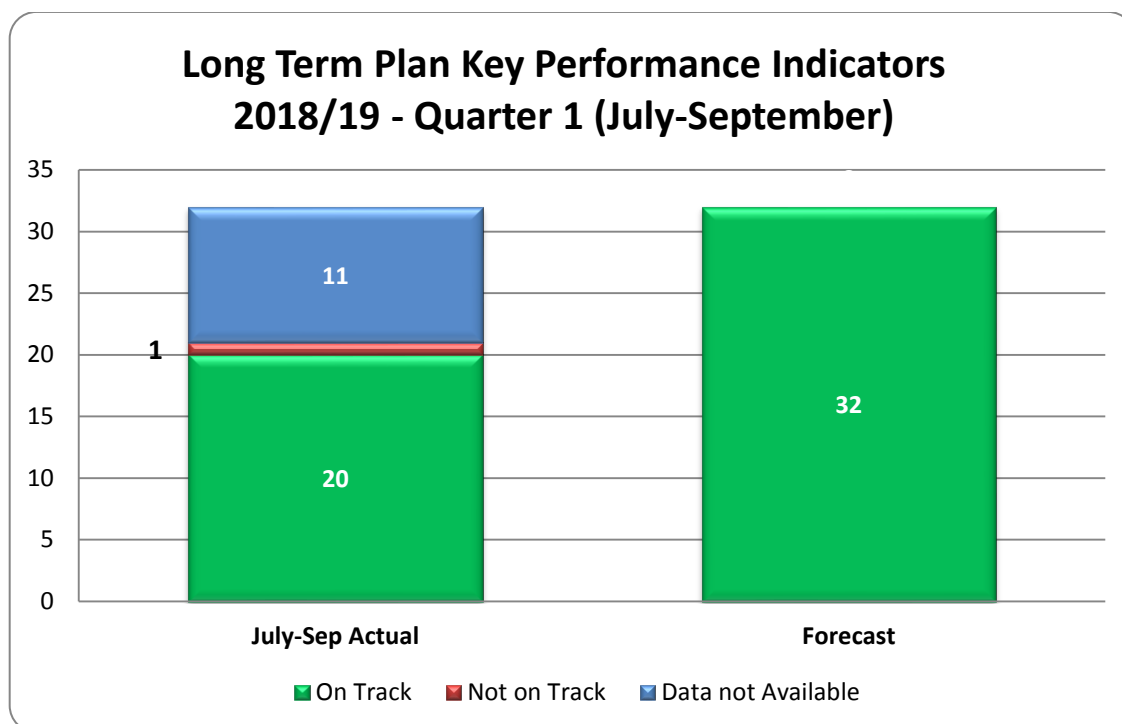
Our total investment portfolio is \$183 million. The average interest rate on our investments is 3.44%. The \$45 million Toi Moana Fund has not yet been transferred to Quayside Holdings Limited (Quayside) to manage on our behalf however this is anticipated to take place once all legal and taxation implications have been finalised.

We have borrowed \$90 million from the Local Government Funding Authority and invested these funds with maturity dates aligning to expected cash flow requirements. \$15 million of this pre-funding has matured from the investment portfolio to meet capital expenditure requirements in 2018/19. No borrowing has been undertaken to on-lend to Quayside during the period.

## 4 Non-Financial Performance – Key Performance Indicators (KPI's)

There are 32 Long Term Plan KPIs being measured this year. The KPIs performance for the first three months, and the year-end forecast position is included in the supporting document.

The current and forecast KPI performance overview is shown in the graph below.



## **5 Financial Implications**

### **5.1 Current year budget**

There are no financial decisions sought in relation to this paper which would impact on the 2018/19 budget.

### **5.2 Future years budget**

There are no financial decisions sought in relation to this paper which would impact on the future year's budget for Council.

Debbie Hyland  
**Finance and Corporate Planning Manager**

**for General Manager, Corporate Performance**

**23 October 2018**



**SUPPORTING DOCUMENT - Appendix 2 - Arotake  
Tuatahi 2018 July-September**







**Receives Only – No Decisions**

**Report To:** Regional Council

**Meeting Date:** 01 November 2018

**Report From:** Mat Taylor, General Manager, Corporate Performance

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## **Local Government Information and Meetings Act 1987 Requests for the Period 1 July 2017 to 30 June 2018**

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### **Executive Summary**

This report provides Council with information relating to the Local Government Information and Meetings Act 1987 (LGOIMA) requests for 2017/18.

There were 126 requests for official information during the period.

Council has also responded to five investigations of complaints to the Office of the Ombudsman during the period.

### **Recommendations**

**That the Regional Council:**

- 1 Receives the report, Local Government Information and Meetings Act 1987 Requests for the Period 1 July 2017 to 30 June 2018;**

### **1 Background**

The Local Government Information and Meetings Act 1987 (LGOIMA) established processes for interested parties to request and receive official information relating to written material held by local government agencies.

The grounds for withholding information are limited and generally speaking any information held in documentary or written form that is not subject to privacy, confidentiality, commercial sensitivity, considered free and frank advice within an organisation, prejudicial to negotiations or commercial activity, or subject to legal professional privilege - can be requested under LGOIMA.

Part 2 of LGOIMA prescribes the processes, statutory timeframes and the duty to provide assistance for requests. There is an ability to charge the requester an administration fee to cover the costs of researching, collating and providing official information.

## 2 Information Requests and Charging

There were a total of 126 requests processed during the 2017/18 financial year.

We have dealt with 16 requests concerning the Edgcumbe Flood and breach of the College Road stop bank / floodwall. Due to litigation risk, six of these requests were vetted by Council's litigation solicitors (Heaney & Partners).

From our LGOIMA tracking and reporting system to date, the numbers demonstrate an increasing trend for official information requests.

FINANCIAL YEAR	NUMBER OF REQUESTS
2017 / 18	126
2016 / 17	80
2015 / 16	67
2014 / 15	59
2013 / 14	63

Table 1 - Number of Requests

The majority of information requests concerned our operational activities. Table 2 sets out the percentage of requests across the groups. The table also provides the number and percent of requests where charging was imposed.

The ability to charge, when this is considered justifiable, is one tool to discourage potentially frivolous and multiple requests for information that would otherwise be a cost to ratepayers, and as a way of ensuring that third party costs incurred in collating information can be passed on to the requester.

For the 2017/18 financial year, we achieved 95% compliance in meeting statutory timeframes under LGOIMA (i.e. 6 out of 126 requests were responded to after the 20 working days).

	Regulatory Services	Corporate	Strategy & Science	Integrated Catchments	Total
<b>No. requests</b>	58	26	22	20	126
<b>Percent of total</b>	46%	20.6%	17.5%	15.9%	100%
<b>No. requests with charging</b>	24	12	7	8	51
<b>Group charging percent of their requests</b>	41%	46%	32%	40%	

Table 2 - Group Breakdown for Requests

## 3 Office of the Ombudsman

If a requester is not satisfied with how their information request has been dealt with, the person has the right to seek an investigation by the Ombudsman under section 27(3) of LGOIMA.

For the 2017/18 financial year, Council responded to five investigations:

- Refusal to disclose Council's legal advice on Plan Change 9 (requested by Federated Farmers NZ). This matter was reported in last financial year as *decision pending*. The Ombudsman decided in Council's favour.
- Refusal to disclose information about the College Road breach (requested by Radio NZ). This matter was reported in last financial year as *under investigation*. The Ombudsman decided Council's reliance on section 17(d) of LGOIMA (i.e. that information would soon be publicly available) was inappropriate.
- Request for information relating to use of methyl bromide at the Port of Tauranga (requested by Ms Anna Woolfrey) and complaint that Council omitted to inform the requester that Genera had applied to vary conditions of their resource consent. The Ombudsman was satisfied with our explanation and decided it was unnecessary to investigate further and the complaint was closed.
- Investigation into confiscation of mooring OE10 and decision to charge for release of information (requested by Mr Nicholas Gear in 2015). The Ombudsman decided Council's decision to fix charges was unreasonable but that Council's process and decision to confiscate Mr Gear's mooring was reasonable.
- Decision to charge \$304.00 for release of information on alleged dumping of coal ash from Whakatāne Mill (requested by Mr Daryl Dawson). This matter was settled through the Ombudsman's informal investigation process. Council resolved to withdraw the charge, provide the information requested and the complaint was closed.
- Request to disclose information about investigations and reconstruction of College Road stop bank / floodwall and extending the statutory timeframe (requested by Kate Dillon, WMC Chambers). This matter was also resolved through informal investigation process. The Ombudsman decided there had been a failure to meet timelines imposed by the LGOIMA. Noting that all material proposed to be disclosed had to be vetted by Council's litigation solicitors (Heaney & Partners) so on provision of the information, the Ombudsman decided it was unnecessary to investigate further and the complaint was closed.
- Request for information about Awatarariki Fanhead, Matatā and withholding documents (requested by Mrs Rachel Whalley). Council disclosed significant amount of information but withheld 35 documents on various grounds (i.e. confidence and prejudice the supply of similar information, free and frank expression of officials and legal professional privilege). Through preliminary inquiry from the Ombudsman, Council decided to release 16 documents but maintained its withholding grounds for other documents. We are awaiting the Ombudsman's decision.

The Office of the Ombudsman has issued two new guidelines during the 2017/18 financial year relating to principles of charging for requests and dealing with frivolous, vexatious and trivial requests. These guidelines have been shared with key managers dealing with LGOIMA requests. Based on the tenor of these guidelines (as well as Council's experience this financial year) it is fair to say that charging and dealing with difficult and persistent requests are finely balanced exercises due to the Ombudsman's emphasis on countervailing public interest reasons.

There is a growing trend for the Ombudsman's investigators to resolve a complaint through informal engagement and thereby avoiding formal investigations.

## **4 Council's Accountability Framework**

### **4.1 Community Outcomes**

This work indirectly contributes to the Community Outcomes in the council's Long Term Plan 2018-2028.

### **4.2 Long Term Plan Alignment**

This work is planned under the Corporate Services in the Long Term Plan 2018-2028.

#### **Current Budget Implications**

This work is being undertaken within the current budget for the Corporate Services Activity in Year 1 of the Long Term Plan 2018-2028.

Donna Llewellyn  
**In-House Legal Counsel**

**for General Manager, Corporate Performance**

**19 October 2018**