Minutes of the Regional Council Meeting held in Mataatua Room, Bay of Plenty Regional Council, 5 Quay Street, Whakatāne on Thursday, 26 September 2019 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, , D Love, N Bruning, A Tahana, W Clark, S Crosby, K Winters, A von Dadelszen, M McDonald

**In Attendance:** BOPRC: Fiona McTavish – Chief Executive, Mat Taylor – General Manager Corporate, Namouta Poutasi – General Manager Strategy & Science, Sarah Omundsen – General Manager Regulatory Services, Chris Ingle – General Manager Integrated Catchments; Mark Townsend – Engineering Manager, Yvonne Tatton – Governance Manager, Debbie Hyland – Finance and Corporate Planning Manager

Other: Ben Halford – Audit New Zealand

**Apologies:** Cr P Thompson, Cr T Marr (early departure), Cr Bruning and Cr Tahana (late arrival)

# Karakia

A karakia was provided by Cr T Marr.

# Apologies

Resolved

That the Regional Council:

1. Accepts the apologies from Cr P Thompson, Cr T Marr (early departure) and Cr A Tahana and Cr N Bruning (both late arrival) tendered at the meeting.

Thurston/Nees

CARRIED

# Public Forum

Nil

# Acceptance of Late Items

1. Late Report: Public Excluded Draft Chief Executive’s 2019/20 Performance Agreement; and Attachment

Reason for Lateness: Discussion was unable to be finalised between the EERC and Chief Executive in time for this last Council meeting of the triennium. Discussion cannot wait because the next ordinary meeting of Council is in December 2019.

**Winters/Thurston**

**CARRIED**

# General Business

Nil

# Confidential Business to be Transferred into the Open

Nil

# Declaration of Conflicts of Interest

Cr S Crosby – Quayside Holdings Ltd (Public Exclude item).

# Previous Minutes

## Regional Council Minutes - 29 August 2019

Resolved

That the Regional Council:

1. Confirms the Regional Council Minutes - 29 August 2019 as a true and correct record.

**Thurston/Love**

**CARRIED**

Matters Arising

* The delay in sending the letter to NZTA expressing Council’s concern regarding the Bayfair underpass was caused by changes requested by the affected TAs
* NZTA had attended the recent public meeting regarding the lack of walking/cycling facilities for the B2B (Baypark to Bayfair) project and further consultation with the public had been requested
* Re-send email update from the Bay of Connections update regarding Waiū Dairy Plant; Kawerau Container Terminal and commercialisation of trout.

9.35 am – Cr Tahana and Cr Bruning **entered** the meeting.

# Previous Minutes for Information Only

## 2019-08-16 Tauranga Moana Advisory Group Minutes - 16 August 2019

Resolved

That the Regional Council:

1. Receives the Tauranga Moana Advisory Group Minutes - 16 August 2019.

**Bruning/Nees**

**CARRIED**

## Eastern Bay of Plenty Joint Committee Minutes - 03 September 2019

Resolved

That the Regional Council:

1. Receives the Eastern Bay of Plenty Joint Committee Minutes - 03 September 2019.

**Clark/Bruning**

**CARRIED**

## SmartGrowth Minutes - 17 April 2019

Resolved

That the Regional Council:

1. Receives the SmartGrowth Leadership Group Minutes - 17 April 2019.

**Nees/Crosby**

**CARRIED**

## SmartGrowth Minutes - 19 June 2019

Resolved

That the Regional Council:

1. Receives the SmartGrowth Leadership Group Minutes - 19 June 2019.

**Nees/Crosby**

**CARRIED**

## SmartGrowth Minutes - 17 July 2019

Resolved

That the Regional Council:

1. Receives the SmartGrowth Leadership Group Minutes - 17 July 2019.

**Nees/Crosby**

**CARRIED**

## Chairman's Report

Chairman Leeder presented this item.

Resolved

That the Regional Council:

1. Receives the report, Chairman's Report.

**Thurston/Winters**

**CARRIED**

## Chief Executive's Report

Fiona McTavish – Chief Executive presented this item.

Key Points

* BOPRC was submitting to the Freshwater Futures proposal, with the extended deadline being 31 October 2019
* Free buses would be provided for Climate Change strike day tomorrow, Friday 27 September 2019
* Climate Change:
* Fund implications would be brought back for Councillors’ consideration
* Adaption framework was being developed
* Implications would be included in all Council/Committee reports in the next triennium.

In Response to Questions

* As a Regional Council, there was inevitably an element of travel throughout the region and council staff was conscious of travelling together to minimise carbon emissions
* Māori consultation and engagement would be discussed post-election
* Eastern Bay hui regarding Māori consultation and co-operation had been well attended; however the Western Bay hui had not generated the same level of positive engagement.

Key Points – Members

* Noted the release of the Central Government climate change framework and the potential impact on Regional Council’s work
* Lack of cohesiveness between iwi and hapū in the Bay of Plenty region slowed down consultation and co-operation in the Māori engagement space, and this should be a particular consideration for the three Māori Representatives
* 1/3 of all iwi was based in the Bay of Plenty region, which made consultation more complex than in other areas, e.g. Waikato
* Suggested that Council’s Māori Policy Unit be expanded to meet the increasing demand
* Noted that increased consultation was a direction by Central Government, yet there was not accompanied by financial support.

Items for Staff Follow-up

* Report on the success/support for Car Free Day, e.g. availability of buses, to be forwarded to Councillors
* UFTI spend to date to be provided to Councillors.

Resolved

That the Regional Council:

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

**Marr/von Dadelszen**

**CARRIED**

## Public Excluded Section

Resolved

**Resolution to exclude the public**

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

1. **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** |
| **Quayside Holdings Limited Annual Financial Statements for the year ended 30 June 2019** | **To carry out commercial activities** | **Good reason for withholding exists under Section 48(1)(a)** |

1. **Permits Scott Hamilton (Chief Executive), Rob McLeod (Chair), Rob Tait (Retiring Director) and Warren Parker (Director) – Quayside Holdings Ltd to remain after the public have been excluded due to their knowledge of the Quayside Holdings Ltd item.**

**Leeder/Thurston**

**CARRIED**

11.14 am – The meeting **adjourned**.

11.30 am – The meeting **reconvened**. Chairman Leeder **vacated** the Chair and **withdrew** from the meeting. Cr Nees **assumed** the Chair. Cr Cronin **withdrew** from the meeting.

## Annual Report and Annual Report Summary for 2018/19; and Capital Expenditure Budget Carry Forward from 2018/19 to 2019/20

*PowerPoint Presentation – Objective Reference A3377053 and Tabled Item 1 – Annual Report 2018/19 Schedule of Changes*

Ben Halford – Audit New Zealand attended the meeting for this item.

Mat Taylor – General Manager Corporate, Debbie Hyland – Finance and Corporate Planning Manager and Graeme Howard – Corporate Planning Lead presented this item.

Key Points of Presentation

* Highlights
* A healthy environment
* Freshwater for life
* Safe and resilient communities
* A vibrant region
* Council financial performance 2018/19
* Council borrowings and debt limits
* Non-Financial Performance
* Equalisation Reserve
* Capital Carry Forward.

11.49 am – Chairman Leeder **entered** the meeting and **resumed** the Chair. Cr Cronin **entered** the meeting.

In Response to Questions

* Re-valuation of the Port of Tauranga options had created some of the surplus, however the operational surplus was primarily due to the lack of spend in the Te Arawa Lakes activity
* Progress has been made on the Regional Pest Management Plan in the current financial year and it would also form part of the 2019/20 Annual Plan discussions
* There were no material concerns with regards to Council’s financial prudence.

Ben Halford – Audit NZ

* Provided Audit NZ’s unmodified opinion – tabled items 2 & 3

Items for Staff Follow-up

* Change the wording regarding the Regional Pest Management Plan to clarify that the Plan was still under development
* Make reference to the Bay of Connections review
* Detailed list of consolidated and aggregated reserves to be distributed to Councillors.

Resolved

That the Regional Council:

1. Receives the report, Annual Report and Annual Report Summary for 2018/19; and Capital Expenditure Budget Carry Forward from 2018/19 to 2019/20;
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 ended 30 June 2019;
4. Adopts the Bay of Plenty Regional Council Annual Report Summary for the year ended 30 June 2019;
5. Approves additional capital expenditure budget of $4.1 million to be carried forward from 2018/19 to 2019/20, or later years as set out in this report, and that this is to be funded from external borrowing;
6. Authorise the Chief Executive to make minor numerical, editorial or presentation amendments prior to final publication;
7. Confirms that the decision has a low level of significance.

**Love/Winters**

**CARRIED**

## Chief Executive Delegation - Refinancing LGFA Borrowing

Resolved

That the Regional Council:

1. Receives the report, Chief Executive Delegation - Refinancing LGFA Borrowing;
2. Delegates to the Chief Executive to refinance $45 million of borrowing maturing in December 2019, including rolling short term maturities, until 30 April 2020. Noting that details of transactions will be reported to Council following the process.

**Cronin/Love**

**CARRIED**

## Procurement Plan for Rivers and Drainage Capital Works 2019/20

*PowerPoint Presentation – Objective Reference A3376379*

Chris Ingle – General Manager Integrated Catchments and Mark Townsend – Engineering Manager presented this item.

Key Points of Presentation

* Process for Capital Works inclusion in Procurement Plan
* Exceptions
* Rangitāiki Floodway
* Te Rahu Pump Station Outlet
* Lower Waitangi Stream Erosion.

In Response to Questions

* The budget allocations referred to in the report reflected the updated 2019/20 Annual Plan
* Had undertaken comprehensive consultation with affected property owners
* Council’s engineers met on a regular basis with the engineers from Whakatāne District Council
* There had been no staff level discussions at this stage between BOPRC and WDC with regards to Sullivan Lake
* River and Drainage Capital Works programme was mainly funded through borrowing, off-set by insurance recovery where applicable.

Resolved

That the Regional Council:

1. Receives the report, Procurement Plan for Rivers and Drainage Capital Works 2019/20;
2. Approves the attached Procurement Plan for 2019/20 Capital Works;
3. Approves going to market to invite tenders for the capital works projects as set out in the attached Procurement Plan;
4. Delegates to the Chief Executive the authority to award the contract for each capital project, providing the tender price is within the approved capital project budgets as set out in the Long Term Plan 2018-2028 (see section 2.1);
5. Delegates to the Chief Executive the authority to execute the contracts with the successful tenderers.

**Winters/Bruning**

**CARRIED**

## April 2017 Flood Repair Project Update and Procurement Approval

*PowerPoint Presentation – Objective Reference A3376527*

Chris Ingle – General Manager Integrated Catchments and Paula Chapman – Project Manager, supported by Mark Townsend – Engineering Manager presented this item and responded to questions.

Key Points

* The flood repair project was 50% completed
* The $45m repair budget was based on staff assessment.

Key Points of Presentation

* Programme Progress – all years
* Programme Progress
* Resources
* Recoveries
* Programme budget vs expenditure
* Tauranga River – WH179 Wallace
* Whakatāne River WH139 Te Manawa o Tūhoe
* Work Plan.

In Response to Questions

* Although the Rangitaiki River stop banks were prone to rabbit infestation, it was more likely that the increased monitoring of the stop banks had better identified the rabbit issue, rather than it being worse than usual
* During the repair phase, the river banks were more susceptible to sedimentation if there was a flood event, however long term, the repairs provided increased protection
* A new quarry was currently undergoing a consenting process and, if/once approved, would assist in addressing the rock supply shortage in the Eastern Bay of Plenty
* Some minor LTP 2018-28 budget adjustments in the 2018/19 and 2019/20 financial years were reflected in the figures in the report
* The future of flood repairs and funding reserves would be discussed at a strategic level post-election.

Key Points – Members

* Concerned that the repairs might negatively impact on sediment targets for the waterways
* The repair project and associated use of funding reserves should be clearly identified in Council’s risk register
* The option of retiring flood prone land, rather than undertaking continued repairs, should be a consideration for the future.

Resolved

That the Regional Council:

1. Receives the report, April 2017 Flood Repair Project Update and Procurement Approval;
2. Approves the Procurement Plan - April 2017 Flood Repair Project, and approves repairs up to $1M in cost, subject to existing LTP budgets for flood repairs, and subject to the procurement process outlined within the Procurement Plan.

**Bruning/Clark**

**CARRIED**

## Floodway and Drainage Bylaw 2008 Review - Community Engagement

*PowerPoint Presentation – Objective Reference A3376197*

Chris Ingle – General Manager Integrated Catchments, Mark Townsend – Engineering Manager and Kirsty Brown – Rivers and Drainage Assets Manager presented this item.

Key Points of Presentation

* Key Amendments
* 2004 Edgecumbe – Sullivan’s Breach
* Site 4 – Langdons
* Typical cross section highlighting topography
* Geotechnical investigations
* “Ploughing a field can break up the hard cap that is keeping pore water pressures under control”
* Proposed fence and other post remedial treatment.

Resolved

That the Regional Council:

1. Receives the report, Floodway and Drainage Bylaw 2008 Review - Community Engagement;
2. Notes that informal consultation and community engagement of the Floodway and Drainage Bylaw review commences in October/November 2019;
3. Notes that the hearings panel is recommended to be made up of 2-3 elected Councillors.

**Bruning/von Dadelszen**

**CARRIED**

## End of Triennium Matters

Yvonne Tatton – Governance Manager presented this item.

Chief Executive - Key Points

* Noted the 2016-19 Triennium Highlights publication.

In Response to Questions

* The Inaugural Council meeting would take place in Whakatāne on 21 October 2019
* Plan Change 9 and Plan Change 10 Appeal Subcommittees were being retained, rather than disestablished at the end of the triennium, as staff’s advice indicated that they might have to meet prior to the adoption of the new committee structure post-election
* Staff did not anticipate that Plan Change 13 Appeal Subcommittee would have to meet during the hiatus period, however, if so, it could be re-established at the Inaugural meeting of Council
* The Council meeting 27 November 2019 would be held in Tauranga, preceded by the official opening of Regional House. Start time of the meeting would be set to accommodate the official opening
* Workshop topics were based on Councillors’ requests and suggestions, as well as legislative and regulatory requirements
* Co-operation with other councils made the induction process more cost-effective and encouraged regional collaboration
* LGNZ/Equip provided induction modules that BOPRC could access.

Key Points – Members

* Suggested that Councillors meet informally in the first week post-election to work through upcoming decisions, e.g. appointment of Chair and Deputy Chair.

Resolved

That the Regional Council:

1. Receives the report, End of Triennium Matters;
2. Resolves to not discharge the Plan Change 9 Appeals Subcommittee and Plan Change 10 Appeals Subcommittee at the end of the triennium to enable the subcommittees to progress Environment Court matters as required, prior to the new Council establishing its committee structure;
3. Authorises the Chief Executive to act on any emergency matters arising from the time the present Council and its committees are discharged until the members of the new Council are sworn in;
4. Instructs the Chief Executive to report any such matters to the incoming Council at the first appropriate opportunity.

**Winters/Crosby**

**CARRIED**

# Chairman’s Recognition of Cr John Cronin and Cr Arapeta Tahana

**Cr Arapeta Tahana**

**Chairman Leeder:**

* Opening statement in Te Reo
* Recognised Cr Tahana’s significant effort for the community and Council
* Ōkurei Māori Constituency Councillor for since 2013
* Current Chair of Komiti Māori and Deputy Chair of Te Maru o Kaituna
* Recognised the impact felt by Cr Awanui Black’s passing
* Had led the design of Te Arawa Lakes Trust partnership with Rotorua Lakes Council
* Presented a book of photographs and messages on behalf of Council.

**Cr Arapeta Tahana:**

* Originally not intended to become a Councillor, but had been encouraged to do so by kaumātua
* Impressed by staff and Councillors in their open, approachable and co-operative way of working
* Decided to join Rotorua Lakes Council as a staff member to be able to make a more direct impact on the Rotorua rohe
* The experience as a BOPRC Councillor had provided a valuable perspective of the bigger picture for the Bay of Plenty Region.

**Cr John Cronin**

**Chairman Leeder:**

* Recognised as a kaumātua
* Longest serving Councillor, entering local government in 1985
* Current Chair of Audit & Risk and previous Chairman of Council
* Drove the establishment of Bay of Connections and had worked actively for the economic development in the Bay of Plenty region
* Previous National Council member and past Director of the Port of Tauranga Board
* Recognised by LGNZ for contribution to the local government sector
* Founding member of SmartGrowth; UNISA; involved in the post-Rena marine re-establishment; driving force behind the University of Waikato - Tauranga Campus
* Awarded a Member of the New Zealand Order of Merit
* Presented a book of photographs and messages on behalf of Council.

**Cr John Cronin:**

* Acknowledged the kind and generous words from the Chairman
* Privileged to serve the community as a Councillor
* Government appointee to the climate change commission approximately 25 years ago
* Important to embrace and foster young people with drive and passion for the community
* The Rena disaster had brought the community and councils together
* Chris Battershill, University of Waikato, and the Marine Research Centre had been an integral part of the Rena recovery and in minimising the damage to the surrounding marine environment
* Recognised the contribution by BOPRC, TCC and TECT to the establishment of the University of Waikato – Tauranga Campus
* Acknowledged the contribution and tireless support by his family as he would otherwise have been unable to carry out his role as Councillor
* It had been a privilege to work with the BOPRC Councillors and the management team.

## Public Excluded Section

Resolved

**Resolution to exclude the public**

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

1. **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** |
| **Public Excluded**  **Regional Council Minutes -**  **29 August 2019** | **Please refer to the relevant**  **minutes** | **Good reason for withholding exists under Section 48(1)(a)** |
| **Chief Executive's**  **2019/20 Performance**  **Agreement** | **To protect the privacy of**  **natural persons** | **Good reason for withholding exists under Section 48(1)(a)** |

**Leeder/Tahana**

**CARRIED**

**The meeting closed at 2.30 pm.**

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Confirmed 11 October 2019 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Doug Leeder

Chairman Bay of Plenty Regional Council

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Confirmed 11 October 2019 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Fiona McTavish

Chief Executive Bay of Plenty Regional Council