

Minutes of the Regional Council Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Thursday, 10 May 2018 commencing at 9.30 a.m.

Present:

Chairman: D Leeder

Deputy Chairman: J Nees

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

In Attendance: M Macleod (Chief Executive), M Taylor (General Manager Corporate Performance), J Graham (General Manager Corporate Solutions), F McTavish (General Manager Strategy & Science), C Ingle (General Manager Integrated Catchments), S Omundsen (General Manager Catchment Management), E Grogan (Principal Regulatory Advisor), S Hey (Manager, Chief Executive's Officer), Y Tatton (Governance Manager), A Dixon (Management Accountant Team Leader), S Rossiter-Stead (Communications Manager), N Willems (Team Leader, Eastern Rangitāiki Catchments), S Kameta (Committee Advisor)

Attendance in part: SOLGM Challenge Team: N Newman, H Dean, H Singh, C Cook, D Smith, C Brewer; C Naude (Director Emergency Management Bay of Plenty).

Apologies: S Crosby, N Bruning, A Tahana (for lateness)

1 **Karakia**

Cr T Marr.

2 **Apologies**

Resolved

That the Regional Council:

- 1 **Accepts the apologies from Councillors: Stuart Crosby, Norm Bruning and Arapeta Tahana (for lateness) tendered at the meeting.**

Thurston/Winters
CARRIED

3 **Acceptance of Late Items**

Resolved

That pursuant to section 46A of the Local Government Official Information and Meetings Act 1987 the following items be considered at this meeting.

1) Public Excluded Agenda Item 13.10, Chief Executive Officer Recruitment (refer Tabled Item 1)

The reason why the item was late is because the information was not available at the time the agenda was published. The reason the item cannot wait until the next meeting of Council on 29 June 2018 is due to employment related matters.

**Winters/Leeder
CARRIED**

4 General Business

The following matter was raised for discussion under General Business:

- 1) Public Excluded Audit and Risk matter

5 Order of Business

With the leave of Council, the Chairman advised that some reordering of items would be required to accommodate the arrival of the external presenter of Public Excluded Agenda Item 13.4 'Tauranga Tertiary Campus Update' at 11:00 am and the early departure of the Chairman at 2:00 pm. Furthermore, he noted that the timing of Agenda Item 12.6 'Rotorua April 2017 Flood Event' would be dependent on the timing of the matter being considered by Rotorua Lakes Council meeting which was currently taking place the same day.

6 Confidential Business to be transferred into open

Nil

7 Declaration of conflicts of interest

Deputy Chair Jane Nees and Councillor Lyall Thurston declared an interest in relation to Agenda Item 13.9 'Quayside Holdings Limited – Director Appointment Process'.

After further discussion and consideration Councillor Thurston withdrew his declaration of conflict of interest.

8 Previous Minutes

8.1 Regional Council Minutes - 29 March 2018

Resolved

That the Regional Council:

- 1 Confirms the Regional Council Minutes of 29 March 2018, as a true and correct record.**

**Winters/Love
CARRIED**

8.2 Rangitāiki River Forum Minutes - 16 March 2018

Resolved

That the Regional Council:

- 1 Receives the Rangitāiki River Forum Minutes of 16 March 2018.

Clark/Winters
CARRIED

8.3 Civil Defence Emergency Management Group Joint Committee Minutes - 23 March 2018

Resolved

That the Regional Council:

- 1 Receives the Civil Defence Emergency Management Group Joint Committee Minutes of 23 March 2018.

Love/Leeder
CARRIED

8.4 Ōhiwa Harbour Implementation Forum Minutes - 19 March 2018

Resolved

That the Regional Council:

- 1 Receives the Ōhiwa Harbour Implementation Forum Minutes of 19 March 2018.

Marr/Clark
CARRIED

8.5 SmartGrowth Leadership Group Minutes - 21 March 2018

Correction

Page 59 of the agenda – Councillor Andrew von Dadelszen advised his attendance at the SmartGrowth Leadership Group Meeting on 21 March 2018, in Chairman Leeder’s absence, had been omitted.

Resolved

That the Regional Council:

- 1 Receives the SmartGrowth Leadership Group Minutes of 21 March 2018, noting the foregoing correction to be made.

von Dadelszen/Thompson
CARRIED

8.6 Eastern Bay of Plenty Joint Committee Minutes - 28 March 2018

Resolved

That the Regional Council:

- 1 Receives the Eastern Bay of Plenty Joint Committee Minutes of 28 March 2018.

Clark/Leeder
CARRIED

9 Presentation

9.1 Australian Management Challenge

Refer PowerPoint Presentation and Video Clip (A2866996).

Chief Executive Mary-Anne Macleod introduced Council's Australian Management Challenge team, 'Puffer Fish & Pineapples' members: Nic Newman, Hamish Dean, Harry Singh, Catherine Cook, Daniel Smith and Chris Brewer. Challenge Team Leader Emma Purnell who was unable to attend was acknowledged. Council was informed that the organisation had participated in the SOLGM annual challenge for 4-5 years and that the organisation was very proud of the team's participation and success.

Team members provided background on the competition format. A video was played, which they had created as a pre-challenge task following feedback from the Leadership Team and community on their views of some key challenges that Council could face in the future. The video focused on using digital technology and developing ideas to improve public engagement and contributions to assist Council to meet changing environmental needs and community expectations, focusing on three key issues: climate change, digital voting and incorporating citizen science and real-time data.

Attendance

Cr Tahana entered the meeting at 9:43 am.

As the winning team, they would represent New Zealand at the Australasian Management finals on 20-24 August 2018. The accompanying report to the video could be made available for information.

Council commended the team for their success and exemplary efforts and wished them well for the forthcoming competition.

Resolved

That the Regional Council:

- 1 Receives the Australian Management Challenge presentation.

Leeder/Nees
CARRIED

10 Chairman's Report

The report updated Council on the Chairman's activities and highlighted matters of potential interest.

Clarification was provided on the following matters:

- Lack of clarity and certainty on what projects could access the Provisional Growth Fund, requiring further questions to be raised and considered by Central Government. It was confirmed that roading projects could access the Fund and that other projects of this type could be considered and incorporated into the Regional Land Transport Plan by the Regional Transport Committee at any point.
- The National Supply Chain Study was essentially a Port study with its membership and Terms of Reference were still to be developed and confirmed.
- In addition to the report, it was noted that the launch for the Scion Innovation Hub had been held on 30 April, with the Innovation Hub anticipated to be built in 2019.

Resolved

That the Regional Council:

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

**Leeder/Nees
CARRIED**

11 Chief Executive's Reports

11.1 Representation Review Initial Proposal

The report recommended to Council an initial representation proposal for community consultation.

Clarification was provided on the timeline for consultation and decision process. It was noted that Council could amend its initial proposal if submissions were received, which would be submitted to LGC to make a determination on whether to uphold it. It was clarified that local government reorganisation proposals were out of scope of the submission process and that staff were taking a watching brief on the current LGA Amendment Bill 2018.

Resolved

That the Regional Council:

- 1 **Receives the report, Representation Review Initial Proposal;**
- 2 **Determine that under section 19I of the Local Electoral Act 2001 the number of constituencies, the proposed names of each constituency and the number of members proposed to be elected by the electors of each constituency is to remain as status quo, being:**

General Constituencies

Eastern Bay of Plenty 2 Elected Members

Rotorua	2 Elected Members
Tauranga	5 Elected Members
Western Bay of Plenty	2 Elected Members

Maori Constituencies

Mauao	1 Elected Member
Kohi	1 Elected Member
Okurei	1 Elected Member
Total	14 Elected Members

- 3 Under section 19U of the Local Electoral Act 2001 determines that:
 - (a) the proposed number of boundaries of constituencies will provide effective representation of communities of interest within the region;
 - (b) the proposed constituency boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes;
 - (c) as far as is practicable, constituency boundaries coincide with the boundaries of 1 or more territorial authority districts.
- 4 Under section 19V of the Local Electoral Act 2001 has determined that the number of members to be elected by the electors of the proposed constituencies will receive fair representation having regard to the population of each constituency in the region.
- 5 Notes that the review is subject to the provisions of the Bay of Plenty Regional Council (Maori Constituency Empowering) Act 2001, and is therefore not required to consider section 19ZH or schedule 1A of the Local Electoral Act 2001 as part of its review.
- 6 Notes that the Council's recommended representation option does not comply with section 19(V)(2) of the Local Electoral Act 2001 and therefore must be referred directly to the Local Government Commission for its determination.

**Thompson/von Dadelszen
CARRIED**

11.2 **Remit to 2018 LGNZ AGM on Climate Change Investment Issues**

The report asked Council to consider supporting a remit from the Greater Wellington Regional Council to the LGNZ AGM. Council was advised that staff had not been able to analyse the remit further within the short timeframe required to respond back to Greater Wellington Regional Council.

Councillors considered there was insufficient information and analysis available to make a decision on the matter and it was suggested discussion regarding Council's own position on sustainable investments would be more appropriate in the first instance.

Resolved

That the Regional Council:

- 1 **Receives the report, Remit to 2018 LGNZ AGM on Climate Change Investment Issues;**
- 2 **Declines to support the Greater Wellington Regional Council's remit to the 2018 Local Government New Zealand AGM on Climate Change Investment Issues.**

**Thompson/Cronin
CARRIED**

11.3 Appointment of Electoral Officer

The report sought approval to seek expressions of interest for an independent electoral officer and for an interim electoral officer to be appointed.

Resolved**That the Regional Council:**

- 1 **Receives the report, Appointment of Electoral Officer;**
- 2 **Seek Expressions of Interest from electoral services providers for the role of Independent Electoral Officer for the Bay of Plenty Regional Council.**
- 3 **Appoints Yvonne Tatton as the Bay of Plenty Regional Council Electoral Officer in the interim.**

**Thompson/von Dadelszen
CARRIED**

11.4 Whakatane and Ōhope Sites Environmental Programme project

The report recommended Council delegate authority to the Chief Executive to approve and sign the Ōhope and Whakatane Sites Environmental Programme.

Councillors commended the programme initiative. Replicating the programme in other catchments was queried. General Manager Catchments Management Sarah Omundsen and Team Leader Eastern & Rangitāiki Catchments Nancy Willems advised this would be dependent on substantial buy-in of volunteers and partners, as the programme was heavily reliant on and driven by volunteers, partner collaboration and apportioning of costs.

Resolved**That the Regional Council:**

- 1 **Receives the report, Whakatane and Ōhope Sites Environmental Programme project;**
- 2 **Delegate authority to the Chief Executive to sign the Whakatane and Ōhope Sites environmental programme for the Regional Council.**

**Thompson/Marr
CARRIED**

11.5 Health, Safety and People Report

The report updated Council on occupational health and safety and employment matters.

More in depth qualitative information was requested on staff satisfaction, culture, health and wellbeing, state of employment, including personal grievance trends. The Chief Executive advised the matter would be referred to the People & Capability Manager and incoming Chief Executive to consider. She noted further that the Workwell programme that had been implemented was run by staff volunteers and had attained gold accreditation and was a key platform for the organisation's culture.

In response to other questions, members were advised:

- Health and safety monitoring and reporting for contractors was in progress.
- Recent near miss events related to frontline staff during recent confrontations at two Council meetings, which had led to procedural changes. Councillors were advised to seek support if similar situations arose where they felt threatened or in put in danger.

Resolved

That the Regional Council:

- 1 Receives the report, Health, Safety and People Report.

Leeder/Thompson
CARRIED

Order of Business

With the leave of Council, the Chairman advised that Agenda Item 12.6, 'Rotorua April 2017 Flood Event' would be deferred until later in the agenda when the required information on the item would become available.

12 Public Excluded Section

Resolution to exclude the public

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

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

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
13.1 Public Excluded Extraordinary Regional Council minutes - 7 March 2018	To protect the privacy of natural persons.	Good reason for withholding exists under Section 48(1)(a).

13.2 Public Excluded Regional Council Minutes – 29 March 2018	Please refer to the relevant clause in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).
13.3 Public Excluded Rangitāiki River Forum Minutes - 16 March 2018	Please refer to the relevant clause in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).
13.4 Tauranga Tertiary Campus Update	To carry out commercial activities	Good reason for withholding exists under Section 48(1)(a).
13.9 Quayside Holdings Limited - Director Appointment Process	To protect the privacy of natural persons, including that of deceased natural persons.	Good reason for withholding exists under Section 48(1)(a).
Late Item 13.10 – Chief Executive Officer Recruitment	To protect the privacy of natural persons, including that of deceased natural persons.	Good reason for withholding exists under Section 48(1)(a).

**Leeder/Thompson
CARRIED**

Order of Business

It is noted that Public Excluded items 13.9 and 13.10 were brought forward and considered before other items to accommodate external presenters and the early departure of the Chairman.

Advice was received that information in regard to Agenda item 12.6 had just come to hand and that this item would be taken next.

12.1 Rotorua April 2017 Flood Event

Refer Tabled Item 1 and Presentation Map (A2873992, A2874014).

General Manager Integrated Catchments Chris Ingle and Director Emergency Management Bay of Plenty Clinton Naude gave a report on the severe rain event that occurred in the Rotorua District on Sunday 29 April 2018 (refer Tabled Item 1), with the following advice provided:

- 1) Regarding the severe flooding impact to the Ngongotaha community, stream inspections and works were being carried out to ensure flood carrying capacity of streams, in case of further rainfall events.
- 2) A helicopter flyover of the stream following the event confirmed there was no evidence of a debris dam forming and failing that may have caused or contributed to the flooding.
- 3) Council has a clear responsibility to manage flood protection assets where flood protection schemes were in place however, it has no legal responsibility to monitor streamside vegetation or debris in non-scheme waterways, where it generally relies on adjacent landowners to advise of any in-stream detritus. It is the landowner's responsibility to remove their vegetation that enters the stream, though Council may provide assistance in some cases. The Chief Executive advised that some information and guidance to clarify river and stream management responsibilities with the public would be helpful.
- 4) Rotorua Lakes Council (RLC) staff were advised prior to the affected sub-division being granted that the sub-division was in a 100-year flood plain and was at risk of

flooding. Since then, the Regional Policy Statement included stronger provisions on natural hazard risk.

- 5) Regarding Emergency Management Bay of Plenty's (EMBOP) response, the severe rain event was monitored by the flood manager and duty controller. The event escalated on Sunday when a State of Emergency (SOE) was declared in Rotorua, after Fire and Emergency New Zealand began evacuating people from their homes. Under legislative protocols, local controllers managed the response. Support was offered by EMBOP, but was declined at that stage. Support was repeatedly offered until support was eventually requested on Tuesday 1 May, via the Ministry of Civil Defence and Emergency Management. The current status was that the response had been scaled back and was moving into recovery phase, with Council's Catchment and Rivers & Drainage staff support still occurring and EMBOP still providing support at the Emergency Operations Centre.
- 6) In terms of the CDEM model, Rotorua Lakes Council had opted to deliver local emergency functions themselves.
- 7) Chief Executive Mary-Anne Macleod advised Council that verbal advice had been received from Rotorua Lakes Council (RLC) advising that RLC had met and agreed to: Setup a Mayoral Fund and donate approximately \$13,000 to that fund; Seek consideration from the Regional Council of a proposal to establish a Panel to understand what happened and how the risk may be prevented or minimised in the future, comprising a review of matters such as stormwater and catchment management, with a recommendation in regard to Panel membership.

Ms Macleod asked Council to consider making a donation to the Mayoral Fund and advised that discussion had taken place between both Council Chief Executives prior to the RLC meeting regarding the scope of the review and membership of the panel.

Council sought further advice that required those discussions to be considered with the public excluded.

13 Public Excluded Section

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General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
12.6 Rotorua April 2018 Flood Event (discussion in part)	To maintain legal professional privilege.	Good reason for withholding exists under Section 48(1)(a).
13.5 Awatarariki Indicative Business Case and related planning matters	To carry out commercial and industrial negotiations.	Good reason for withholding exists under Section 48(1)(a).

13.6 Rangitaiki Wetland Restoration Project - Award contract Project Management and Operations Coordination	To carry out commercial and industrial negotiations.	Good reason for withholding exists under Section 48(1)(a).
13.7 Rotorua Office Accommodation	To carry out commercial and industrial negotiations.	Good reason for withholding exists under Section 48(1)(a).
13.8 Regional Property Update	To prevent improper gain or advantage.	Good reason for withholding exists under Section 48(1)(a).
General Business - Public Excluded Audit and Risk Matter	To protect the commercial position of an individual.	Good reason for withholding exists under Section 48(1)(a).

Thurston/Winters
CARRIED

14 Confidential Business transferred into open

The restatement confirms the resolutions transferred into the open section of the minutes for the following items.

14.1 Chief Executive Officer Recruitment

Resolved

That the Regional Council:

- 1 In accordance with Section 42 and clauses 33 and 34 of Schedule 7 of the Local Government Act 2002, approves an offer of employment for a five year term as the Chief Executive of the Bay of Plenty Regional Council, be made to Fiona McTavish, commencing 30 June 2018.

14.2 Rotorua April 2018 Flood Event

Resolved

That the Regional Council:

- 1 Receives the report, Rotorua April 2018 Flood Event.
- 3 Requests the Chief Executive to scope a policy regarding providing relief from natural hazard events to communities.

von Dadelszen/Thompson
CARRIED

- 4 Approves the establishment of an independent (suitably qualified) advisory panel to understand the circumstances and contributing factors which led to the Ngongotaha flood event of 29 April 2018 and to make recommendations to the Rotorua Lakes Council and Bay of Plenty Regional Council on measures, which may prevent or minimise the risk and effects of future flood events.

- 5 **Directs the Chief Executive to work with the Chief Executive of the Rotorua Lakes Council and report back on an agreed Terms of Reference and Independent Advisory Panel by the end of May 2018.**
- 6 **Notes that:**
 - i) **The review will primarily focus on the serious flooding which took place in the Ngongotaha area, however, it is expected that learnings relevant to others parts of the district will also be identified.**
 - ii) **The Advisory Panel will undertake community consultation to ensure a complete understanding of the event and pertinent contributing factors.**
 - iii) **The Advisory Panel will consider regional and district planning matters, engineering options, storm water, catchment management, future land use and subdivision development considerations.**
 - iv) **The intent is to provide both Councils with a final report by the end of August 2018.**
- 7 **Agrees that the final members of the Advisory Panel shall be approved by both Councils.**
- 8 **Requests an urgent meeting between Rotorua Lakes Council and Bay of Plenty Regional Council to review mitigation and responses to the severe rain event on 29 April 2018.**

**Thompson/von Dadelszen
CARRIED**

The meeting closed at 2:52 pm.

Confirmed

Chairman, Bay of Plenty Regional Council

Date