

Minutes of the Regional Direction and Delivery Committee Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Wednesday, 27 June 2018 commencing at 9.34a.m.

Present:

Chairman: P Thompson

Councillors: Chairman D Leeder, J Cronin, T Marr, L Thurston, D Love, N Bruning, J Nees, B Clark, S Crosby, K Winters, M McDonald

In Attendance: BOPRC: M Macleod (Chief Executive), J Graham (General Manager, Corporate Solutions), N Poutasi (Acting General Manager, Strategy & Science), S Omundsen (Acting General Manager, Regulatory Services), S Hey (Manager, Chief Executive's Office), G Maloney (Transport Policy Manager), D Phizacklea (Regional Integrated Planning Manager), S Lamb (Natural Resources Policy Manager), A Miller (Compliance Manager, Primary Industry & Enforcement), G Corbett (Biosecurity Manager), K O'Brien (Strategic Engagement Manager), I Morton (Strategy & Science Manager), S Mellor (Compliance Manager, Urban, Industry & Response), N Newman (Principal Advisor), J Low (Water Policy Team Leader), H Dean (Team Leader, Tauranga Catchments), R Feist (Senior Planner, Regional Integrated), N Green (Senior Planner, Water Policy), K Parcell (Senior Policy Analyst, Natural Resources Policy), S Pickles (Regulatory Compliance Specialist), E Farquhar (Planner, Regional Integrated), N Ridler (Community Engagement Advisor), L Baty (Planning Coordinator), J Durham (Committee Advisor)

External: Shad Rolleston (SmartGrowth Tāngata Whenua Forum), Claire Gibb (Ministry for the Environment), Tina Porou (Resource Management Practitioner), Mary Hill (Legal Counsel, Cooney Lees Morgan)

Apologies: A Tahana, A von Dadelszen (Leave of Absence)

1 Apologies

Resolved

That the Regional Direction and Delivery Committee under its delegated authority:

- 1 Accepts the apologies from Crs Tahana and von Dadelszen tendered at the meeting.

Thompson/McDonald
CARRIED

2 Acceptance of Late Items

Nil.

3 Tabled Items

Document No.	Agenda Item	Description	Title
Tabled Document 1	Agenda Item 9.2 Confirmation of Direction from May 2018 Freshwater Workshop	Workshop Report	Workshop Report of Regional Direction and Delivery Committee Workshop held 3 May 2018 Thompson/Thurston

4 General Business

Resolved

That the Regional Direction and Delivery Committee consider the following general business items in Public Excluded in order to maintain legal professional privilege:

- 1 Ōpōtiki District Council meeting with Hawkes Bay Regional Council.
- 2 Tarawera sewerage scheme.
- 3 Bell Road flooding.

Bruning/Winters
CARRIED

5 Confidential Business to be Transferred into the Open

Nil.

6 Declaration of conflicts of interest

Nil.

7 Previous Minutes

7.1 Regional Direction and Delivery Committee minutes - 15 May 2018

Resolved

That the Regional Direction and Delivery Committee under its delegated authority:

- 1 Confirms the Regional Direction and Delivery Committee minutes - 15 May 2018 as a true and correct record.

Thurston/Nees
CARRIED

Chair's Announcement

To accommodate external presenters Agenda Item 8.4 Operating Environment was considered next, followed by Agenda Items 8.3 Urban Development, 8.1 Te Mana Whakahono, then 8.2 Te Mana o Te Wai.

8 Presentations

8.1 Operating Environment

Refer Objective Id zA221164 for PowerPoint presentation.

Staff provided an overview of the internal, local, and national operating environment.

Namouta Poutasi (Acting General Manager, Strategy & Science) outlined recent freshwater developments and the situation surrounding the Land and Water Forum, including Ministerial feedback.

Cr Crosby gave a brief LGNZ update on water matters, particularly water management and compliance in cities and regions. Minister Mahuta was openly considering amalgamating water providers and systems to ensure network maintenance and compliance for everyone.

Staff follow-up:

- A workshop to be scheduled early-August to discuss the potential amalgamation.

Stephen Lamb (Natural Resources Policy Manager) and Nic Newman (Principal Advisor) updated Councillors on Climate Change workstreams.

Key points:

- The Zero Carbon Bill discussion document had been released and the Bill itself was expected in late 2018.
- Councillors commented on the discussion document and raised key points for inclusion in Council's submission, namely:
 - A Climate Change Commission should be established with the role of exploring and recommending targets and emission budgets.

- The national target should be Net Zero long-lived gases and stabilised short-lived gases (with detail to be defined).
- Staff needed to consider what Council was doing for climate change and the Bill's effect on Council planning.

David Phizacklea (Regional Integrated Planning Manager) provided an update on recent national changes, including:

- A new Housing and Urban Development Ministry which would advise on housing issues such as homelessness, rentals and support for first home buyers.
- A new compliance monitoring and enforcement unit within the Ministry for the Environment.
- Work programmes were being developed for the five Urban Growth Agenda pillars; infrastructure funding and financing, transport pricing, improved planning, spatial planning, and legislative coherence.
- The Future Development Strategy for Western Bay of Plenty (FDS) would show how 43,000 houses could be accommodated in the region over the next 30 years. Development of the FDS had been through the SmartGrowth Leadership Group.

Attendance

Cr Cronin left the room at 10.27am.

Councillors raised concerns regarding the following:

- Suggested locations for housing developments. It was reiterated the proposed map was a discussion document and further discussion and decisions would be required on where houses might be built.
- Council's ability to cope with the major changes feeding down from Central Government. It was suggested a conversation to that effect take place with Central Government.
- Resourcing other growth components such as transport and education.
- Inevitable urban sprawl and protecting productive soil.
- Streamlining the planning process.
- Review of Council's processes, systems, and governance structure to ensure it was fit for purpose.

Attendance

Cr Cronin returned to the meeting at 10.37am.

Changes to the Resource Management Act 1991 (RMA) were summarised as follows:

- The RMA Reform would likely allow for bulk reviews of consents and enable reviews whilst unrelated plan provisions were under appeal.
- The Amendment Bill was expected late 2018 and the wider Reform Bill by 2021.
- Consultation was underway on National Planning Standards intended to make council plans and policy statements under the RMA faster to prepare and easier for plan users to understand.
- Submissions to the Draft National Planning Standards were due 17 August 2018. The Ministry for the Environment were holding meetings in Tauranga on 4 July 2018 to consult on draft standards.
- Council's submission would be presented at the August Regional Direction and Delivery Committee ("Committee") meeting for approval.

Garry Maloney (Transport Policy Manager) outlined the process to align land use and transport planning to get effective results. It was confirmed the Chief Executives of Bay of Plenty Regional Council, Tauranga City Council, and Western Bay of Plenty District Council were working together to advance the Tauranga-Western Bay of Plenty Centre for Transport.

Adjournment

The meeting adjourned at 10.56am and reconvened at 11.10am.

8.2 Urban Development

Refer Objective Id A2906518 for PowerPoint presentation.

Shad Rolleston (Tu Pakiri Advisor, SmartGrowth Tangata Whenua Forum) presented tāngata whenua's views on urban development. Growth was noted as a challenge for Māori, with concern for continuing kaitiakitanga responsibilities.

Māori Census demographics highlighted the difficulties of developing Māori land and providing affordable housing within funding constraints. Consideration was being given to expanding Papakāinga developments to meet demand, intensification and providing housing for the wider community in a manner that would offset housing costs for Māori.

The difficulty of including mata-waka as well as tāngata whenua in development discussions was noted.

Councillors suggested investigation of marae-based housing, engaging with land trusts and leasing land for development.

8.3 Te Mana Whakahono

Refer Objective Id A2911764 for PowerPoint presentation.

Claire Gibb from the Ministry for the Environment discussed Te Mana Whakahono a Rohe agreements.

Key points:

- Te Mana Whakahono a Rohe agreements provided an opportunity for iwi authorities and local authorities to identify ways to work together more effectively in implementing the RMA and achieving kaitiakitanga.
- Local authority staff should be delegated parameters within which to negotiate in order for agreements to progress effectively.
- Arrangements were legally binding and in perpetuity unless otherwise agreed.
- Te Mana Whakahono a Rohe agreements did not require a rohe be set out and did not transfer Regional Council decision making powers to iwi authorities.

8.4 Te Mana o Te Wai

Refer Objective Id A2906961 for PowerPoint presentation.

Tina Porou (Resource Management Practitioner) outlined how to practically give effect to Te Mana o Te Wai, in particular:

- The key facet of Te Mana o Te Wai was that the first right of water goes to water, not to people.

- Once minimum limits were set for a water body to ensure sustainability and protection of Te Mauri o Te Wai, then limits for efficient take could be set.
- Local iwi and tāngata whenua partners should be leading the conversation of identifying values and characteristics of Te Mana o Te Wai.
- The principle of putting water first was to focus on matauranga Māori and protecting the water, not who would be notified of consent applications.

Adjournment

The meeting adjourned at 12.27pm and reconvened at 12.29pm.

Chair's Announcement

To accommodate presenters Agenda Item 9.2 Confirmation of Direction from May 2018 Freshwater Workshop was considered next, with Agenda Item 9.1 Approval of Draft Plan Change 14 (OSET) to the Regional Natural Resources Plan deferred until later in the meeting.

9 Reports

9.1 Confirmation of Direction from May 2018 Freshwater Workshop

James Low (Water Policy Team Leader) and Nicola Green (Senior Planner, Water Policy) confirmed the objectives, risks, engagement approach, and modelling approach discussed at the May workshop. It was noted the modelling was based on a combination of Council modelling and Ministry for the Environment e-coli land use mapping. Further modelling would be available in August.

Resolved

That the Regional Direction and Delivery Committee under its delegated authority:

- 1 Receives the report, Confirmation of Direction from May Water Workshop.**
- 2 Approves continuing work on NPSFM implementation, noting advice that current work was flexible and could adapt to likely future national changes.**
- 3 Approves staff discussing the draft measurable objectives with community groups and starting to explore limits and what mitigations might be needed to achieve the draft measurable freshwater objectives.**
- 4 Directs staff that a communication strategy is needed when trends and implications are better understood.**
- 5 Directs staff to present all catchment modelling results for the current and reference state scenarios to the Committee prior to any circulation or discussion with the public, including community groups, iwi and hapū.**
- 6 Directs staff to present surface water quantity modelling results and implications to the Committee prior to any circulation or discussion with the public, including community groups, iwi and hapū.**
- 7 Approves staff sharing current surface water quality modelling key points as outlined in this report as/when required.**

- 8 Directs staff to bring a paper for Rangitaiki WMA groundwater limit setting options to RDD for decisions after PC9 decisions are notified.
- 9 Approves staff continuing to develop and model scenarios for Kaituna-Pongakawa-Waitahanui WMA groundwater and discussing implications with community groups.
- 10 Approves engagement proceeding, subject to confirming science and modelling outputs and a balanced engagement approach being achieved.
- 11 Approves progressing region wide components for inclusion in to Plan Change 12, subject to working through implications for engagement.

Thompson/Thurston
CARRIED

10 Public Excluded Section

Resolved

That the Regional Direction and Delivery Committee under its delegated authority exclude the public 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	Ground(s) under Section 48(1) for the passing of this resolution
10.1 Public Excluded Regional Direction and Delivery Committee minutes - 15 May 2018	Good reason for withholding exists under Section 48(1)(a)	Please refer to the relevant clause in the open meeting minutes.
10.2 Freshwater Futures Update	Good reason for withholding exists under Section 48(1)(a)	To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

Thompson/Clark
CARRIED

10.1 Reports Continued

10.2 Approval of Draft Plan Change 14 (OSET) to the Regional Natural Resources Plan

Refer Objective Id A2898093 for PowerPoint presentation.

David Phizacklea (Regional Integrated Planning Manager) and Ruth Feist (Senior Planner, Regional Integrated) outlined the proposed consultation on Plan Change 14, including special consultation for a new maintenance zone in Matatā.

Resolved

That the Regional Direction and Delivery Committee under its delegated authority:

- 1 Receives the report, Approval of Draft Plan Change 14 (OSET) to the Regional Natural Resources Plan.**
- 2 Approves Draft Plan Change 14 (OSET) to the Regional Natural Resources Plan for community consultation.**
- 3 Delegates to the General Manager Strategy & Science the authority to make any minor editing changes to Draft Plan Change 14 (OSET) prior to public release.**
- 4 Notes community consultation will occur between July and October 2018.**

**Leeder/Winters
CARRIED**

Adjournment

The meeting adjourned at 1.08pm and reconvened at 1.35pm.

Chair's Announcement

To accommodate presenters, Agenda Item 13.4 Environment Court decision on the Proposed Regional Coastal Environment Plan - Marine Spatial Planning was considered next.

10.3 Environment Court Decision on the Proposed Regional Coastal Environment Plan - Marine Spatial Planning

David Phizacklea (Regional Integrated Planning Manager) and Mary Hill (Legal Counsel, Cooney Lees Morgan) provided an overview of the recent Environment Court decision on the Proposed Regional Coastal Environment Plan relating to marine spatial planning, in particular:

- The decision suggested Council had a responsibility to manage effects on marine biodiversity (including fish and shellfish) under the RMA and would set nationwide precedent.
- The Court took care not to focus on fishing as such, but instead the taking of indigenous flora and fauna in areas of significant ecological value.

Attendance

Chairman Leeder returned to the meeting at 1.38pm.

- The rules would not take effect until the Court of Appeal clarified the legal position on control of fishing under the RMA, and could be appealed through to the Supreme Court.
- Enforcement of the prohibition would be self-policing and was not budgeted for in the 2018-2028 Long Term Plan (LTP) due to the potential retraction arising from the appeal. However Council needed to be in a position to implement the rules if they were carried.
- Collaborative models that included the Ministry for Primary Industries, such as those in Hauraki Harbour and Hawkes Bay, were being investigated.

Attendance

Cr Cronin returned to the meeting at 1.53pm.

Resolved

That the Regional Direction and Delivery Committee under its delegated authority:

- 1 Receives the report, Environment Court Decision on the Proposed Regional Coastal Environment Plan - Marine Spatial Planning.**

**Thompson/Thurston
CARRIED**

10.4 **Regulatory Compliance Update: June 2018**

Sarah Omundsen (Acting General Manager, Regulatory Services), Alex Miller (Compliance Manager, Primary Industry & Enforcement), Stephen Mellor (Compliance Manager, Urban, Industry & Response), and Steven Pickles (Regulatory Compliance Specialist) updated Councillors on Regulatory Compliance matters, including Aerodrome Road monitoring and dairy effluent compliance.

Staff follow-up:

- A report on urban stormwater consent compliance and municipal wastewater consent compliance to be presented at a future Committee meeting.

Resolved

That the Regional Direction and Delivery Committee under its delegated authority:

- 1 Receives the report, Regulatory Compliance Update: June 2018.**

**Thompson/Nees
CARRIED**

10.5 **Regional Policy Statement Implementation - Air Quality Workstream**

David Phizacklea (Regional Integrated Planning Manager), Karen Parcell (Senior Policy Analyst, Natural Resources Policy), and Esta Farquhar (Planner, Regional Integrated) updated progress of the Regional Policy Statement (RPS) implementation.

Key points:

- The air quality provisions of the Regional Policy Statement were being implemented, primarily through the new air plan (Proposed Plan Change 13).
- Methods for monitoring spray drift would be considered.
- Staff were working with other organisations such as Toi Te Ora, WorkSafe, and Tauranga City Council to solve complex issues, such as dust nuisance at Aerodrome Road.

Resolved

That the Regional Direction and Delivery Committee under its delegated authority:

- 1 Receives the report, Regional Policy Statement Implementation - Air Quality Workstream.**
- 2 Notes that the Air Quality provisions of the operative Bay of Plenty Regional Policy Statement are well on track to be implemented prior to the formal review of the second generation Regional Policy Statement in 2024, due primarily to the Air Quality Plan Change (Proposed Change 13) to the Regional Natural Resources Plan.**

**Thompson/Crosby
CARRIED**

10.6 Air Quality (Plan Change 13) - Summary of Submissions

Stephen Lamb (Natural Resources Policy Manager) and Karen Parcell (Senior Policy Analyst, Natural Resources Policy) summarised the submissions received on Plan Change 13 and noted Rotorua air quality was the most contentious issue and no submissions were received regarding streamlining or amalgamation of air provisions into the Regional Natural Resources Plan.

Resolved

That the Regional Direction and Delivery Committee under its delegated authority:

- 1 Receives the report, Air Quality (Plan Change 13) - Summary of Submissions.**

**Thurston/Love
CARRIED**

10.7 Mycoplasma Bovis Update

Greg Corbett (Biosecurity Manager) provided an update on the latest figures of infected properties and those on restrictions. There were no confirmed cases of mycoplasma bovis in the Bay of Plenty.

Resolved

That the Regional Direction and Delivery Committee under its delegated authority:

- 1 Receives the report, Mycoplasma Bovis Update.

Winters/Nees
CARRIED

10.8 Integrated Catchment Management Update

Greg Corbett (Biosecurity Manager) provided an integrated catchment management update.

In response to questions:

- The Amazon Basin Armoured Catfish found in the Pāpāmoa stormwater system was suspected to have been released from an aquarium and no others had been found.
- Carp had been released to manage mosquito larvae.

Resolved

That the Regional Direction and Delivery Committee under its delegated authority:

- 1 Receives the report, Integrated Catchment Management Update.

Thompson/Thurston
CARRIED

10.9 Taiohi Taiao Youth Jam 2018

Refer Objective Id A2903068 for mp4 presentation

Kataraina O'Brien (Strategic Engagement Manager) and Natalie Ridler (Community Engagement Advisor) presented a video of the 2018 Taiohi Taiao Youth Jam and discussed school participation and communication strategies, such as incorporating Te Reo into the programme. Minister Faafoi (Minister of Civil Defence) had expressed interest in rolling out the programme nationally.

Resolved

That the Regional Direction and Delivery Committee under its delegated authority:

- 1 Receives the report, Taiohi Taiao Youth Jam 2018.

Thompson/Nees
CARRIED

11 Consideration of General Business

Public Excluded Section

Resolved

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General Business Item 2 Tarawera sewerage scheme.	Good reason for withholding exists under Section 48(1)(a)	To maintain legal professional privilege.
General Business Item 3 Bell Road flooding.	Good reason for withholding exists under Section 48(1)(a)	To maintain legal professional privilege.

**Thompson/Thurston
CARRIED**

The Chair offered her appreciation on behalf of the Regional Direction and Delivery Committee to Mary-Anne Macleod, outgoing Chief Executive, for her support and contribution to the Committee.

The meeting closed at 2.53pm

Confirmed

Chairperson

Date