

# Minutes of the Regional Council Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Thursday, 15 February 2018 commencing at 9.30 a.m.

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## Present:

**Chairman:** D Leeder

**Deputy Chairman:** J Nees

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

**In Attendance:** M Macleod (Chief Executive), M Taylor (General Manager Corporate Performance), F McTavish (General Manager Strategy & Science), C Ingle (General Manager Integrated Catchments), J Graham (General Manager Corporate Solutions), S Omundsen (General Manager Catchment Management), D Hyland (Finance and Corporate Planning Manager), A Dixon (Management Accountant Team Leader), S Hey (Manager, Chief Executive's Office), Y Tatton (Governance Manager), K O'Brien (Strategic Engagement Manager), S Lamb (Natural Resources Policy Manager), I Morton (Strategy & Science Manager), N Newman (Principal Advisor), D Llewellyn (In-House Legal Specialist), L Mason (Integrated Catchments Project Manager), M Le Comte (Organisational Planning Manager), P Sisam (Communications Partner), S Kameta (Committee Advisor)

Attendance in part: B Gardner (Project Manager/Technical Advisor), Fonterra representatives: P Fourie, Dr M Scarsbrook, L Payne (Farm Source Bay of Plenty), Mr B Halford (Director, Audit New Zealand)

**Apologies:** J Cronin (for lateness), D Leeder (early departure)

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## 1 **Opening Karakia**

Cr L Thurston.

## 2 **Acknowledgements and Tributes**

Councillors paid tribute to the passing of Tauranga City Councillor Gail McIntosh.

## 3 **Apologies**

### **Resolved**

**That the Regional Council:**

- 1 **Accepts the apologies of Councillor J Cronin for lateness and Chairman D Leeder for early departure.**

Leeder/Nees  
CARRIED

#### 4 **Acceptance of Late Items and General Business**

Nil.

#### 5 **Confidential Business to be transferred into open**

Nil.

#### 6 **Declaration of conflicts of interest**

No conflicts of interest were declared.

#### 7 **Previous Minutes**

##### 7.1 **Regional Council Minutes - 14 December 2017**

###### **Matter arising**

Minute item 10.3: Mash Up Competition 2018 – councillors were advised a level of sponsorship funding had been approved and that messaging around the 15 March 2018 competition was being progressed.

###### **Resolved**

That the Regional Council:

- 1 **Confirms the Regional Council Minutes of 14 December 2017 as a true and correct record.**

Leeder/Nees  
CARRIED

##### 7.2 **Regional Transport Committee Minutes - 22 November 2017**

###### **Resolved**

That the Regional Council:

- 1 **Receives the Regional Transport Committee Minutes of 22 November 2017.**

Crosby/Nees  
CARRIED

##### 7.3 **Civil Defence Emergency Management Group Joint Committee Minutes - 4 December 2017**

**Resolved**

That the Regional Council:

- 1 Receives the Civil Defence Emergency Management Group Joint Committee Minutes of 4 December 2017.

Love/Leeder  
CARRIED

7.4 **Te Maru o Kaituna River Authority Minutes - 7 December 2017**

**Resolved**

That the Regional Council:

- 1 Receives the Te Maru o Kaituna River Authority Minutes of 7 December 2017.

Nees/Tahana  
CARRIED

7.5 **Rotorua Te Arawa Lakes Strategy Group Minutes - 8 December 2017**

**Resolved**

That the Regional Council:

- 1 Receives the Rotorua Te Arawa Lakes Strategy Group Minutes of 8 December 2017.

Leeder/Winters  
CARRIED

7.6 **Eastern Bay of Plenty Joint Committee Draft Minutes - 6 December 2017**

**Matter arising**

Minute Item 2 – in regard to the Eastern Bay of Plenty Spatial Plan referenced on page 62 of the agenda, councillors were informed that the spatial plan had been adopted by all councils and that the Chief Executive would provide further advice regarding the status of implementation.

**Resolved**

That the Regional Council:

- 1 Receives the Eastern Bay of Plenty Joint Committee Draft Minutes of 6 December 2017.

**Bruning/Clark  
CARRIED**

## 7.7 **SmartGrowth Leadership Group Minutes - 13 December 2017**

### **Matter arising**

The Chief Executive advised a councillor briefing would be scheduled in advance of the 22 February 2018 SmartGrowth Workshop. It was requested that a copy of the NPS for Urban Development Capacity be provided to councillors for their information prior to the briefing and workshop.

### **Resolved**

**That the Regional Council:**

- 1 Receives the SmartGrowth Leadership Group Minutes of 13 December 2017.**

**Leeder/von Dadelszen  
CARRIED**

## **Order of Business**

The Chairman advised that some reordering of items would be required to accommodate the arrival of presenters and the early departure of the Chairman and Chief Executive.

With the leave of Council, the Chairman advised that Item 10.1, Chairman's Report would be deferred until later in the agenda and that Item 11.1 would be received next.

## 7.8 **Fonterra's "50 Catchments" project**

*Refer PowerPoint Presentation Objective ID A2809819.*

Fonterra Manager Regional Engagement Philippa Fourie, Programme Manager Water Dr Mike Scarsbrook and Head of Farm Source Bay of Plenty Lisa Payne presented an overview of Fonterra's Water Plan and 50 Catchments Project. Members were advised of Fonterra's commitment to achieving community values for freshwater. An outline was given of Fonterra's water plan, focus areas and timeline, selection criteria, draft sites and deliverables for the 50 Catchments Project for the region, noting that decisions on sites were due in July 2018.

### **Attendance**

Cr Cronin entered at 9.44 am.

The following matters were clarified:

- The recently established Tiaki Sustainable Dairying Programme would provide proactive support to improve on farm practices and sustainability.
- Purchasing of nitrogen off farmers was not within the scope of the project, with focus being made on non-regulatory improvements.

- Finding ways to improve limiting factors for native fish and linkages to water quantity and water quality would be looked at.
- A key area of work for Fonterra's Dairy Action Plan on Climate Change was to measure and reduce greenhouse gases (GHGs) and integrate this with work that was occurring on water quality. While this would be a challenge, research would look at co-benefits for GHGs and overall numbers of animal footprint. It was noted that guidance was needed from Central Government and Regional Councils on where targets should be set.
- Mitigation work was occurring with farmers in the region, with the intention to collaborate with the Regional Council.
- Plans for working on the 50 Catchments project would not exclude other work such as a commitment for farm plans to deliver community values that were identified for the catchment over time.
- As a member of the Land and Water Forum (LAWF), Dr Scarsbrook advised that over the last year, LAWF had given good advice to Central Government, with future directives being sought on allocation issues, sediment attributes, holding the line and making further progress.

Council requested regular updates on the project which was noted and acknowledged.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Fonterra's "50 Catchments" project.**

**Leeder/Winters  
CARRIED**

## **7.9 Adoption of the 'Statement of Proposal: proposed changes to Bay of Plenty Regional Council's Resource Management Act charges' for public consultation**

The report sought Council adopt the Statement of Proposal for public consultation. Councillors were satisfied with proposal and accepted the recommendations without further discussion.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Adoption of the 'Statement of Proposal: proposed changes to Bay of Plenty Regional Council's Resource Management Act charges' for public consultation;**
- 2 Approves the proposed charges in relation to resource consents for the purposes of consultation as follows:**
  - a. the change to the general consent application deposit, to be set in three tiers;**

- **Tier 1 - \$775 (GST inclusive)<sup>1</sup>**
    - **Certificate of compliance**
    - **Re-consenting existing unchanged lake structures**
    - **Lapsing period extensions**
  - **Tier 2 - \$1,770 (GST inclusive)<sup>1</sup>**
    - **Onsite effluent discharge (septic tanks)**
    - **Onsite dairy effluent discharge**
    - **Remediation of contaminated land**
    - **Multiples bores(more than three)**
    - **Changes, cancellation or review of consent conditions**
    - **Transfer of consent to another site or another person at another site**
  - **Tier 3 - \$2,700 (GST inclusive)<sup>1</sup>**
    - **All other consent categories**
- b. **the move to a single ‘bore fee’ of \$475 (incl. GST) which will incorporate both consent and compliance staff time;**
  - c. **the fee for transfer of a consent to another person at the same site will increase to \$165 (incl. GST);**
  - d. **the change to the deposit for ‘publicly notified applications’ to a deposit for ‘publicly notified applications which proceed to a hearing’. The level of the deposit remains the same at \$10,000 (incl. GST);**
  - e. **the introduction of a fee of \$5,000 (incl. GST) for ‘limited notified application fees which proceed to a hearing’;**
  - f. **the deposit for complex plan or policy statement changes or new plan requests is set at \$50,000 (incl. GST);**
  - g. **the introduction of a charge for the ‘issue of a notice stating whether an activity is a permitted marginal and temporary activity’ on an actual and reasonable basis, with the first hour being free;**
  - h. **the OSET approval inspection fee remains at \$50 (incl. GST);**
  - i. **that “applications to reduce the allocated rate of a surface water take consent or allocated annual volume of groundwater take consent” and “applications for activities listed in regional plans that have zero fee” remain at a zero fee;**
  - j. **the recovery of costs associated with an objection to be charged on an actual and reasonable basis. The Council may ask the hearings commissioner(s) to make a recommendation as to whether these costs should be remitted;**
- 3 **Approves the following in relation to the proposed base charge for the purposes of consultation:**
    - a. **the re-naming of the ‘base’ charge to ‘administration’ charge;**
    - b. **a \$5 increase in the administration charge to \$135 (incl. GST);**

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<sup>1</sup> Refer amendment – Item 7.1 Regional Council Meeting Minutes 29 March 2018



- a. the revised charges for staff as listed in Schedule A of the supporting information document (Appendix 2) and inclusion of an additional category for a Māori Technical Advisor;
  - b. the introduction of a standard travel time policy, with each site visit attracting a charge of 0.5 hours of staff time plus 50km at the applicable IRD mileage rate;
- 8 Adopts the attached supporting information document for the purposes of consultation on the proposed changes to some of the Resource Management Act charges;
  - 9 Adopts the attached 'Statement of Proposal: proposed changes to Bay of Plenty Regional Council's Resource Management Act charges' (the consultation document) for public consultation using the special consultative procedure under the Local Government Act, to be consulted on concurrently with the LTP;
  - 10 Delegates authority to the Chief Executive to make minor editorial and formatting amendments to the Statement of Proposal and supporting information document if required.

Thompson/Crosby  
CARRIED

#### 7.10 **Adoption of Consultation Document and supporting documentation for the Long Term Plan 2018-2028 public consultation process**

*Refer Tabled Document and PowerPoint Presentation Obj ID A2809888.*

The report sought Council adopt the Consultation Document and supporting documentation for the Long Term Plan (LTP) 2018-2028 public consultation process. A schedule of changes was tabled for information and a presentation was provided that outlined key building blocks and a budget overview for the draft LTP, key topics and a timeline for consultation through to final adoption.

<sup>2</sup>It was clarified that preferred options for consultation topics may change depending on the outcomes from the hearing of submissions.

Additional wording was requested in the Consultation Document to note that forecasted estimates were based on what was known now, which was noted and acknowledged.

Councillors noted their satisfaction and approved the Draft Consultation Document in preparation for the signing of the Audit Opinion.

Audit New Zealand Director Mr Ben Halford was in attendance and issued an unmodified audit opinion for the LTP consultation document and supporting documents. He reported he was satisfied that the consultation document met the requirements and basis for decisions on the LTP and that the underlying information and controlled environment was sound, robust, effective, thorough and complete. He noted he was satisfied with the unbalanced budget, considering this to be financially prudent and said the five points of consultation were well set out and that providing options was good practice.



Mr Halford noted that Bay of Plenty Regional Council was the first council to have completed the draft LTP process, which was a reflection of the level of organisation of Council and staff. Councillors congratulated and commended staff for their work.

It was noted that a correction to the Special Consultative Procedure closing date, under recommendation number 10, should be amended from 19 March 2017 to 19 March 2018.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Adoption of Consultation Document and supporting documentation for the Long Term Plan 2018-2028 public consultation process;**
- 2 Notes that the following draft supporting documents for the draft Long Term Plan 2018-2028 have been subject to an Audit process:**
  - a. Draft Asset Management Plans including:**
    - a. Rivers and Drainage Asset Management Plan 2018-2068**
    - b. Rotorua Te Arawa Lakes Asset Management Plan 2018-2028**
    - c. Maritime Operations Asset Management Plan 2018-2028**
    - d. Regional Parks Asset Management Plan 2018-2028**
    - e. Property Asset Management Plan 2018-2028 (Confidential)**
  - b. Draft Financial Policies including:**
    - a. Revenue and Financing Funding Needs Analysis**
    - b. Treasury Policy (incorporating Investment Policy and Liability Management Policy)**
    - c. Third Party Infrastructure Funding Policy**
    - d. Development Contributions and Financial Contributions Policy**
    - e. Remission and Postponement of Rates Policy**
  - c. Draft Activity Work Plans incorporating levels of service; key performance indicators; draft financial estimates for operating and capital expenditure; and resourcing (full time equivalents) for Years 1-10, for each activity and group of activity.**
  - d. Draft Volume Rua incorporating:**
    - a. Financial Strategy**
    - b. Infrastructure Strategy**
    - c. Prospective Financial Statements**

- d. Accounting Policies
  - e. Council Controlled Organisations
  - f. Funding Impact Statement
  - g. Revenue and Financing Policy
  - h. Rates Funding Impact Statement
  - i. Significant Forecasting Assumptions
  - j. Significant Negative Effects
- 3 Notes that the Consultation Document, and its underlying information of the draft Long Term Plan 2018-2028 budget, contains operating deficits for years one, two three and four.
- 4 Notes that the overall financial position of the Council remains sustainable.
- 5 Agrees that the Consultation Document, and its underlying information of the draft Long Term Plan 2018-2028, contains operating revenue at a lower level than operating expenditure (unbalanced budget) for years one, two, three, and four, and that it is financially prudent to do so.
- 6 Approves the Consultation Document (Draft for Council Approval for Consultation) in preparation for the signing of the Audit Opinion.

Leeder/Thompson  
CARRIED

*And following the signing of the Audit Opinion by the Audit Director:*

- 7 Receives the Audit Report and signed opinion by the Auditor pursuant to s93C(4) of the Local Government Act (2002) to be included in the Consultation Document.
- 8 Agrees the Strategic Framework and Activity Structure, which were adopted at the December 2017 meeting are publically available during the Special Consultative Procedure.
- 9 Adopts the following draft supporting documents for the Long Term Plan 2018-2028 to be publicly available during the Special Consultative Procedure pursuant to section 93C(3)(c) of the Local Government Act (2002):
- a. Draft Asset Management Plans including:
    - a. Rivers and Drainage Asset Management Plan 2018-2068
    - b. Rotorua Te Arawa Lakes Asset Management Plan 2018-2028
    - c. Maritime Operations Asset Management Plan 2018-2028
    - d. Regional Parks Asset Management Plan 2018-2028

- e. **Property Asset Management Plan 2018-2028 (Not publicly available in full, sections available on request)**
  - b. **Draft Financial Policies including:**
    - a. **Revenue and Financing - Funding Needs Analysis**
    - b. **Treasury Policy (incorporating Investment Policy and Liability Management Policy)**
    - c. **Third Party Infrastructure Funding Policy**
    - d. **Development Contributions and Financial Contributions Policy**
    - e. **Remission and Postponement of Rates Policy**
  - c. **Draft Activity Work Plans incorporating levels of service; key performance indicators; draft financial estimates for operating and capital expenditure; and resourcing (full time equivalents) for Years 1-10, for each activity and group of activity.**
  - d. **Draft Volume Rua incorporating:**
    - a. **Financial Strategy**
    - b. **Infrastructure Strategy**
    - c. **Prospective Financial Statements**
    - d. **Accounting Policies**
    - e. **Council Controlled Organisations**
    - f. **Funding Impact Statement**
    - g. **Revenue and Financing Policy**
    - h. **Rates Funding Impact Statement**
    - i. **Significant Forecasting Assumptions**
    - j. **Significant Negative Effects**
- 10 **Adopts the Consultation Document (including Audit Opinion) for the proposed Long Term Plan 2018-2028 Special Consultative Procedure from 19 February 2018 to 19 March 2018 pursuant to section 93 of the Local Government Act (2002).**
- 11 **Notes that consultation on the Long Term Plan 2018-2028 has been designed to comply with the Special Consultative Procedure as defined under s83 and s93A of the Local Government Act (2002)**
- 12 **Delegates authority to the Chief Executive to make any final editorial or post-audit amendments to the Consultation Document and draft supporting documents, if required, prior to commencement of the consultation period on 19 February 2018.**

**13 Confirms that the decision has a medium level of significance.**

**Nees/Thompson  
CARRIED**

## **Adjournment**

The meeting adjourned at 10:51 am and reconvened at 11:11 am.

## **Order of Business**

With the leave of Council, the Chairman advised that Agenda Item 10.1, Chairman's report would be received next on the agenda.

### **7.11 Chairman's Report**

The Chairman updated Council on his activities, upcoming events and items of interest.

## **Resolved**

**That the Regional Council:**

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

**Leeder/Thurston  
CARRIED**

## **Order of Business**

With the leave of Council, the Chairman advised that agenda item 13.3, Chairman's Report: Confidential Appendix 1 and item 13.6, Chief Executive Recruitment, would be taken next on the agenda.

### **8 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:**

<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>13.3 Chairman's Report: Confidential Appendix 1</b>	<b>To protect this information so it doesn't damage public interest.</b>	<b>Good reason for withholding exists under Section 48(1)(a).</b>
<b>13.6 Chief Executive Recruitment</b>	<b>To carry out commercial activities</b>	<b>Good reason for withholding exists under Section 48(1)(a).</b>

**Leeder/Thurston  
CARRIED**

## **Attendance**

Cr Winters exited at 10:35 am and re-entered at 11.38am.<sup>3</sup>

<sup>3</sup> Refer amendment – Item 7.1 Regional Council Meeting Minutes 29 March 2018

## 9 Chief Executive's Reports

### 9.1 Public Transport Committee Recommendations

The report outlined staff recommendations that were reported to the Public Transport Committee meeting on 9 February 2018. Confirmation was provided at the meeting that the Committee subsequently resolved to recommend them to Council to adopt.

It was clarified that Council would need to consider the inclusion of the projects in the final Long Term Plan.

#### Resolved

That the Regional Council:

- 1 Receives the report, Public Transport Committee Recommendations.
- 2 In regard to the recommendations relating to the '*Tender Award Process – Western Bay of Plenty Bus Service Tender*':
  - a. approves the Western Bay of Plenty Bus Service proposed tender award process set out in that paper and delegates authority to the Chief Executive to receive the Tender report and award the contract, conditional to the tender specifications being met, and the tendered price being within the 2018 – 2028 Draft Long Term Plan budget; and
  - b. notes that if these conditions are not met, the Tender report and the contract award decision shall be brought to Council (at a time and date to be determined).
- 3 In regard to the recommendations relating to '*Rotorua CCTV*', agrees to implement and fund CCTV on Rotorua Cityride urban buses from the start of the 2018/19 financial year at an estimated cost of approximately \$164,000 with the operational cost to be funded from targeted rates being approximately \$21,300 per year.
- 4 In regard to the recommendations relating to '*Passenger Wi-Fi*', agrees to implement and fund passenger Wi-Fi on Rotorua and eastern Bay bus services (excluding Ruatahuna, Matatā and Pōtaka) from the start of the 2018/19 financial year at a cost of approximately \$69,500 with the operational cost to be funded from targeted rates being approximately \$33,500 per year
- 5 In regard to the recommendations relating to '*Waihi Beach Trial Service*', agrees to make the Waihi Beach trial service permanent and extend it to two days of operation per week from 1 July 2018, at an estimated total cost of \$41,600 per annum.

Thurston/Winters  
CARRIED

### 9.2 Council Performance Monitoring Report 2017/18 July to December 2017

The report provided Council with information to review financial and non-financial performance for all Council activities for the first six months of 2017/18 financial year.

Members received the following clarification:

- The Key Performance Indicator for the Rotorua Lakes' water quality covered a percentage reduction in exports of nitrogen from the Lake Rotorua catchment, noting that Council's work covered a range of lakes in the catchment. The current KPI from the Long Term Plan 2015-2025 was developed using best information that was available at the time. Through the development of the Long Term Plan 2018-2028, the KPI had been improved and would focus on a range of lakes in the catchment to better reflect the target.
- Unavailability of public transport information was due to the timing of consolidated survey information. It was noted that research and monitoring of how people were using transport was important.
- Major engineering project capex was raised as a concern and it was noted that deliverability would be looked at across the region.

Councillors were encouraged to attend detailed briefing sessions that were offered to keep abreast of key trends.

## Resolved

**That the Regional Council:**

- 1 Receives the report, Council Performance Monitoring Report 2017/18 July to December 2017;**
- 2 Notes the financial and non-financial performance monitoring information provided, including variations from the budget.**
- 3 Approves a budget revision in the Rivers and Drainage Activity moving \$3.7 million from the Annual Plan 2017/18 reserve funded operating expenditure budget to the capital expenditure budget for the Flood Recovery Project as work has been reclassified.**

Love/Thompson  
CARRIED

## Order of Business

With the leave of Council, the Chairman advised that Item 11.7 would be received next on the agenda.

### 9.3 Health, Safety and People Report

The report updated Council on organisational health, safety and people matters. While some difficulty was raised with reconciling graph data on the people report, the quality of reporting was commended and noted as being assisted by councillor input.

It was clarified that:

- ACC levies were impacted for accidents that resulted in lost time off work.
- Measurements of staff morale were undertaken via formal 2-year engagement surveys. The Chief Executive sensed that staff were refreshed and in good spirits after the summer holidays and were working hard.

Due to timing constraints, members were advised that an accompanying training presentation to the Health and Safety report would be provided later in the meeting.

## **Resolved**

**That the Regional Council:**

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

**Leeder/Crosby  
CARRIED**

## **Order of Business**

With the leave of Council, the Chairman advised that agenda item 12 would be taken next on the agenda.

### **10 Acknowledgements & Tributes**

On behalf of Council, the Chairman paid tribute to retiring staff member Bruce Gardner, commending his term with Council since 1987 and his outstanding contribution to Council over the past 30 years.

Mr Gardner thanked Council for their acknowledgment. He paid tribute to Council, councillors, senior management and staff and noted his involvement in various facets of Council that had been rewarding.

## **Order of Business**

With the leave of Council, the Chairman advised that agenda item 11.6 would be received next on the agenda.

### **11 Chief Executive's Reports continued**

#### **11.1 Havelock North Drinking Water Inquiry: Stage 2**

The report provided a summary of key findings and recommendations of Stage 2 of the Havelock North Drinking Water Inquiry and to highlight potential implications for Council. The report was taken as read and the recommendations accepted without further discussion.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Havelock North Drinking Water Inquiry: Stage 2;**
- 2 Notes the potential for future additional work and expenditure, as a result of the Inquiry recommendations.**

**Leeder/Nees  
CARRIED**

## **Adjournment**

The meeting adjourned at 11:57am and reconvened at 1:18pm.

### Attendance

Chairman Leeder and the Chief Executive left the meeting during the adjournment. Crs Winters and Bruning were attending a Lakes Rotorua Incentives Committee briefing and were not in attendance at this time.<sup>4</sup>

Deputy Chair Nees assumed the chair for the remainder of the meeting.

### Order of Business

With the leave of Council, the Deputy Chairman advised that the Health & Safety Presentation that had been deferred would be received next on the agenda.

## 11.2 Health, Safety and People Report – Presentation continued

*Refer PowerPoint Presentation Objective ID A2810219.*

Health & Safety Manager Chris Woods and General Manager Corporate Solutions James Graham gave a presentation regarding a Zespri WorkSafe investigation and relating to the fatality of a contracted worker and Zespri's enforceable undertaking with WorkSafe and subsequent regulatory environment, learnings and considerations to duty of care.

It was clarified that volunteers who worked for care groups would not impose a health and safety duty on Council, as Council were not controlling the work they do.

Members were advised that the next Health & Safety report would include an update and training advice for councillors.

## 11.3 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
3.1 Public Excluded Regional Council Minutes - 14 December 2017	Please refer to the relevant clause in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).
13.2 Public Excluded Civil Defence Emergency Management Group Joint Committee Minutes - 04 December 2017	Please refer to the relevant clause in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a).

<sup>4</sup> Refer amendment – Item 7.1 Regional Council Meeting Minutes 29 March 2018.



<b>13.4 Council Performance Monitoring Report - Confidential Appendix 2: Investment Performance Report 2017-18 Months 1-6 (July to December)</b>	<b>To carry out commercial and industrial negotiations.</b>	<b>Good reason for withholding exists under Section 48(1)(a).</b>
<b>13.5 Council Performance Monitoring Report - Confidential Appendix 3: Investment Fund Valuation Report for January 2018</b>	<b>To carry out commercial and industrial negotiations.</b>	<b>Good reason for withholding exists under Section 48(1)(a).</b>
<b>13.7 Update on Treaty Settlements</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>13.8 Rangitāiki Floodway Stage 4 - Contract Award</b>	<b>To protect the commercial position of an individual.</b>	<b>Good reason for withholding exists under Section 48(1)(a).</b>
<b>13.9 Kaituna River Re- diversion and Te Awa o Ngatoroirangi / Maketū Estuary Enhancement Project Construction Procurement Update</b>	<b>To carry out commercial and industrial negotiations.</b>	<b>Good reason for withholding exists under Section 48(1)(a).</b>

**Nees/Thurston  
CARRIED**

#### **Attendance**

Crs Winters and Bruning re-joined the meeting during the public excluded part of the meeting at 1:36 pm.

**The meeting closed at the conclusion of the public excluded section at 2:44 pm.**

Confirmed

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

\_\_\_\_\_  
Date