

Minutes of the Regional Council Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Tuesday, 14 February 2017 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, N Bruning, W Clark, S Crosby, K Winters, A von Dadelszen, A Tahana

In Attendance: M Macleod (Chief Executive), F McTavish (General Manager Strategy & Science), M Taylor (General Manager Corporate Performance), E Grogan (General Manager Regulatory Services), J Graham (General Manager Corporate Solutions), C Ingle (General Manager Integrated Catchments), M Le Comte (Organisational Planning Manager), S Craig (Communications Manager), Y Tatton (Interim Governance Manager), S Hey (Manager Chief Executive's Office), P Sisam (Communications Partner), S Kameta (Committee Advisor)

Attendance in part: G Maloney (Transport Policy Manager), D Llewellyn (Legal Specialist), P Buell (BOP Harbourmaster/Manager), A Dixon (Strategic Accountant), M Norris (Planning Coordination Officer), A Chappell (Property Manager); Member of the public: M Lewis; E White (Director, Bancorp Treasury Services Limited)

Apologies: For lateness: A Tahana (10:00am), D Leeder (10:30am)

1 **Opening remarks**

In the Chairman's absence, Deputy Chair Nees assumed the chair and asked Councillor Marr to open the meeting with a karakia.

2 **Apologies**

Resolved

That the Regional Council:

- 1 **Accepts the apologies for lateness from Chairman Leeder and Councillor Tahana tendered at the meeting.**

Winters/Cronin
CARRIED

3 **Chairperson's announcements**

The Deputy Chair made the following announcements:

- Agenda items 5.4 and 5.5, Council Workshop Reports of 3 February 2017 had been circulated to members under separate cover. Members also received material provided by Mr Max Lewis for his public forum address.
- Agenda item 9.2 'Nomination to Tauranga City Council's Transport Committee' had been withdrawn, following advice received from TCC's Transport Committee Chair.
- A change to the order of business was advised as follows:
 - 1) Agenda item 8.1 'Chairman's Report' would be deferred to accommodate the arrival of the Chairman.
 - 2) Public excluded agenda item 10.4 'Regional Property Update' would be taken first under the public excluded part of the agenda, to accommodate the arrival of presenters.

Resolved

That the Regional Council:

- 1 **Notes agenda item 9.2, Nomination to Tauranga City Council's Transport Committee, is withdrawn from the agenda.**
- 2 **Agrees to a change in the order of business to accommodate the arrival of the Chairman and guest presenters.**

**Nees/Thompson
CARRIED**

4 **General Business and Tabled Items**

4.1 **Late item**

Council received the following late item for consideration.

- 1) **Late Agenda Item 10.5, Appointment of an Independent Member for Regional Council Audit and Risk Committee**

The item was not available at the time of the agenda distribution and could not be delayed as a decision was required prior to the Audit and Risk Committee on 2 March 2017.

Resolved

That the Regional Council:

- 1 **Pursuant to section 46A of the Local Government Official Information and Meetings Act 1987, considers the late agenda item 10.5 'Appointment of an Independent Member for Regional Council Audit and Risk Committee' at the meeting.**

**Nees/Thompson
CARRIED**

4.2 **General business item**

A member raised concern about technical issues being experienced with electronic meeting appointments and asked for the issue to be investigated. The matter was dealt with immediately at the meeting.

5 **Public Forum**

Refer Tabled Document Number 1 – Mr Max Lewis submissions 1, 2 and 3.

Mr Max Lewis addressed Council on public transport matters that were outlined in his submission papers and pre-circulated to members in advance of the meeting. Mr Lewis expressed his disappointment at the low patronage of Tauranga's public transport and outlined solutions for increasing patronage, reducing single car use, transforming transport within the city business district and through the East Coast Main Trunk rail corridor.

Regarding Driverless Transportation Vehicles (DTVs), Mr Lewis advised he would be making submissions to the Tauranga City Council to move towards DTVs, noting there were private operators willing to fund and operate DTVs at no cost to councils. He advised he would be willing to work with the respective councils regarding his suggestions.

The Deputy Chair thanked Mr Lewis for his presentation, noting that the Public Transport Committee would be meeting on Friday if he wished to attend.

Resolved

That the Regional Council:

- 1 Receives the submissions from Mr Max Lewis.**

**Nees/Thurston
CARRIED**

6 **Declaration of conflicts of interest**

No conflicts of interest were declared.

7 **Previous minutes and workshop reports**

A query was raised regarding workshop reports attached to Council agendas, as workshops were not considered formal meetings of Council or committees. The Chief Executive acknowledged the query and undertook to provide a response following the meeting.

7.1 **Regional Council Strategic Issues Workshop Report - 13 December 2016**

Resolved

That the Regional Council under its delegated authority:

- 1 Receives the Council Strategic Issues Workshop Report - 13 December 2016.

Nees/Thurston
CARRIED

7.2 **Regional Council Annual Plan 2017/18 Workshop Report - 13 December 2016**

Resolved

That the Regional Council under its delegated authority:

- 1 Receives the Regional Council Annual Plan 2017/18 Workshop Report - 13 December 2016.

Nees/Bruning
CARRIED

7.3 **Regional Council Minutes - 15 December 2016**

Matter arising

Further to minute item 8.1 'Further appointments to Regional Council Committees' (agenda page 29), Councillor Winters advised of his appointment as Council's representative to TB Free New Zealand.

Resolved

That the Regional Council under its delegated authority:

- 1 Confirms the minutes of the Regional Council meeting held 15 December 2016, as a true and correct record.

Nees/Crosby
CARRIED

7.4 **Regional Council Treaty of Waitangi Settlements: Strategic Issues Workshop Report – 3 February 2017**

Resolved

That the Regional Council under its delegated authority:

- 1 Receives the Regional Council Treaty of Waitangi Settlements: Strategic Issues Workshop Report – 3 February 2017.

Marr/Love
CARRIED

7.5 Regional Council Annual Plan 2017/18 Workshop Report – 3 February 2017

Resolved

That the Regional Council under its delegated authority:

- 1 Receives the Regional Council Annual Plan 2017/18 Workshop Report – 3 February 2017.

**Thurston/Winters
CARRIED**

8 Statutory committee minutes

8.1 Regional Transport Committee Minutes - 16 December 2016

Resolved

That the Regional Council under its delegated authority:

- 1 Receives the Draft minutes of the Regional Transport Committee meeting held 16 December 2016.

**Crosby/Nees
CARRIED**

8.2 Rotorua Te Arawa Lakes Strategy Group Minutes - 20 December 2016

Resolved

That the Regional Council under its delegated authority:

- 1 Receives the Draft minutes of the Rotorua Te Arawa Lakes Strategy Group meeting held 20 December 2016.

**Winters/Bruning
CARRIED**

9 Joint committee minutes

9.1 Draft SmartGrowth Implementation Committee Minutes - 14 December 2016

Matters arising

Item SG16/12.7 page 53 of agenda - Clarification was sought and provided on the potential change in name of the SmartGrowth Implementation Committee (SGIC), to align with its strategic leadership role. Members were informed of further considerations regarding the widening of the scope and focus of the SGIC, both of

which would be considered at the Committee's meeting the following day. The Committee's jurisdiction and its financial status and sustainability were questioned.

Resolved

That the Regional Council under its delegated authority:

- 1 Receives the Draft Minutes of the SmartGrowth Implementation Committee Meeting held 14 December 2016.**

**Thompson/Crosby
CARRIED**

9.2 Draft Eastern Bay of Plenty Joint Committee Minutes - 14 December 2016

Resolved

That the Regional Council under its delegated authority:

- 1 Receives the Draft Minutes of the Eastern Bay of Plenty Joint Committee Meeting held 14 December 2016.**

**Bruning/Clark
CARRIED**

10 Chief Executive's reports

10.1 Bay of Plenty Regional Navigation Safety Bylaw 2017 adoption

Refer Supporting Document: Draft Bay of Plenty Navigation Safety Bylaw 2017; PowerPoint Presentation Objective ID A2545996.

The report sought decisions from Council to make the Bay of Plenty Regional Navigation Safety Bylaw 2017 operative and to commence associated revision of regulations to enable the enforcement of the Bylaw through the Ministry of Transport.

Organisational Planning Manager Mark Le Comte, Legal Specialist Donna Llewellyn and Independent Commissioner and Hearing Chair Les Porter were in attendance. Background was provided on the Bylaw review, hearing process, key issues and recommendations from the Commissioner's review, options available to Council, including implications for rejecting or referring recommendations back to the Commissioners for consideration.

Mr Le Comte advised of a correction required to recommendation 4, to include reference to section 33M of the Maritime Transport Act (1994).

Attendance

Councillor Tahana entered at 10:20 am.

Councillors received advice regarding the recommended changes and letter of response from the Ministry of Maritime New Zealand (MNZ). It was noted that some minor amendments had been made to the Bylaw in response to MNZ's letter, with no further inconsistencies with the Maritime Transport Act 1994 advised. It was confirmed

that Maritime staff would be actively providing education to the public and enforcing provisions under rule 3.1 (Minimum Age for Operating Powered Vessels), rule 3.2.8 relating to wakes and rules 5.4 and 5.5 that were associated with registration and naming of vessels.

While support was noted for the Independent Commissioner's Report and recommendations, opposition was expressed to rule 2.1.4, which enables a skipper of vessels under 6m to decide when lifejackets are not required to be worn. The Deputy Chair sought that the recommendations be decided and taken in part, which were resolved as follows:

Resolved

That the Regional Council:

- 1 Receives the report, Bay of Plenty Regional Navigation Safety Bylaw 2017 adoption.**
- 2 Receives the Independent Commissioners Report on Hearings on the Bay of Plenty Region Navigation Safety Bylaw.**

**Thompson/Tahana
CARRIED**

Moved: Councillor Nees

Seconded: Councillor Bruning

- 3 Adopts the recommendations contained within the attached Independent Commissioners Report, November 2016: Revocation of the Bay of Plenty Regional Navigation Safety Bylaw 2010, and the making of the Bay of Plenty Regional Navigation Safety Bylaw 2017.**

A **SHOW OF HANDS** was requested and a **DIVISION** was called and recorded as follows:

FOR (8)

Cronin
Love
Bruning
Thompson
von Dadelszen
Clark
Crosby
Nees

AGAINST (4)

Thurston
Winters
Marr
Tahana

The MOTION was **CARRIED**

- 4 Adopts the attached Bay of Plenty Regional Navigation Safety Bylaw 2017 pursuant to section 33M of the Maritime Transport Act (1994), and in accordance with processes set by section 86 and 156 of the Local Government Act (2002)**
- 5 Makes the Bay of Plenty Regional Navigation Safety Bylaw operative on 01 July 2017.**
- 6 Adopts the attached Schedule of infringement fees for offences and apply to review the Local Government (Infringement Fees for Offences: Bay of plenty Regional Navigation Safety Bylaw 2010) Regulations 2010.**

- 7 Revokes the Bay of Plenty Regional Navigation Bylaw 2010 on 01 July 2017.
- 8 Revokes New Zealand Gazette Notice 2014-au3530 (Page 1693 Issue 61) – Notification of Speed Uplifting under Part 91 of the Maritime Rules.
- 9 Notes the recommendations made by the Independent commissioners on matters that are outside of the scope of the Navigation Safety Bylaw.

Thompson/von Dadelszen
CARRIED

Adjournment

The meeting adjourned for morning tea at 11:00 am and reconvened at 11:21 am.

Attendance

Chairman Leeder arrived at 11:00 am and assumed the Chair upon the meeting reconvening.

Order of business

With the leave of Council, the Chairman advised that public excluded agenda items 10.1 through to 10.4 would be received next on the agenda, followed by the remaining open items.

11 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:

<i>General Subject of Matter to be Considered</i>	<i>Reason for Passing this Resolution in Relation to this Matter</i>	<i>Grounds Under Section 48(1) LGOIMA 1987 for Passing this Resolution</i>
10.1 Public Excluded Regional Council minutes - 15 December 2016	Please refer to the relevant clause in the meeting minutes.	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
10.2 Public Excluded Regional Transport Committee minutes – 16 December 2016		
10.3 Public Excluded Rotorua Te Arawa Lakes Strategy Group minutes - 20 December 2016		
10.4 Regional Property Update	To protect information where the making available of the information would be	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be

	likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.	likely to result in the disclosure of information for which good reason for withholding would exist.
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**Leeder/Thompson
CARRIED**

12 Chairman's Report

The Chairman spoke to his report that updated Council on his activities and matters of interest. The Chairman provided a verbal update on matters discussed at recent meetings in Wellington, particularly around water.

A report was requested on relevant matters at the national level to be provided at the next meeting of the Regional Direction and Delivery Committee.

Information regarding regional sector priorities, following the Regional Sector SIG convener's plenary session, was also requested for circulation to councillors.

On behalf of Council, the Chairman congratulated Councillor Stuart Crosby on his appointment, in the New Year's Honours List 2017, as an Officer of the New Zealand Order of Merit (ONZM) for his services to local government.

Resolved

That the Regional Council:

- 1 Receives the report, Chairman's Report;**
- 2 Notes that Council have supported the nomination of Councillor Jane Nees to be considered for a position on the Local Government New Zealand National Council Policy Advisory Group.**

**Leeder/Nees
CARRIED**

13 Chief Executive's reports continued

13.1 June 2016 Flood Damage Costs

The report was presented by Rivers and Drainage Programme Leader Roger Waugh and General Manager Integrated Catchments Chris Ingle and sought approval for additional expenditure to complete the flood damage repair programme of work from the June 2016 flood. Clarification was provided on the scheme flood damage reserves. It was noted that the additional expenditure being sought was seeking to use funds from works' reserves, but that reserves for major flood repair would be left untouched.

Mr Ingle sought a change to the recommendations better clarity, to remove recommendation two and to include at the end of recommendation three additional wording to read, 'to be funded from the relevant schemes' reserves as required'.

Resolved

That the Regional Council:

- 1 Receives the report, June 2016 Flood Damage Costs;
- 2 Approves additional expenditure in the 2016/2017 financial year of \$1,023,900 to complete the flood damage repair programme of work; to be funded from the relevant schemes' reserves as required.
- 3 Notes that progress on flood damage repairs will be discussed at each scheme liaison group meeting during March 2017.

Bruning/von Dadelszen
CARRIED

Adjournment

The meeting adjourned at 12:43 pm and reconvened at 1:17 pm.

13.2 Council Performance Monitoring Report 2016/17 July - December, Months 1 to 6

The report provided Council with information to review financial and non-financial performance for all Council activities for the first six months of 2016/17 and sought approval for an increase in operating budget relating to Plan Change 10 (Lake Rotorua Nutrient Management) to the Regional Water and Land Plan and non-cash expenditure to provide for accelerated depreciation of Regional House.

Clarification and advice was provided on several matters, including the revised budget requests. Comment was raised on the need to review the KPI for public transport farebox recovery and the budget shortfall for Hearing Commissioners in the next Long Term Plan.

Resolved

That the Regional Council:

- 1 Receives the report, Council Performance Monitoring Report 2016/17 July - December, Months 1 to 6.
- 2 Notes the reported financial and non-financial performance for all Regional Council Activities.
- 3 Notes the reported variations to estimates and targets for the period, and forecast for 2016/17.
- 4 Approves an increase in operating budget of \$214,800 relating to expenditure to provide the level of resources required for the hearing process for Plan Change 10, as set by the Independent Hearing Panel. This is to be funded from reserves at the end of the year should there be no compensatory operating underspend.
- 5 Approves an increase in the operating budget of \$3 million relating to non-cash expenditure to provide for accelerated depreciation of Regional House. This is a non-cash transaction and does not require funding.

- 6 Notes that a separate paper titled 'June 2016 Flood Damage Costs' will be presented at the Council meeting on 14 February seeking approval for an increase in expenditure for 2016/17 to meet flood damage costs.

Cronin/Thurston
CARRIED

14 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:

<i>General Subject of Matter to be Considered</i>	<i>Reason for Passing this Resolution in Relation to this Matter</i>	<i>Grounds Under Section 48(1) LGOIMA 1987 for Passing this Resolution</i>
10.5 Appointment of an Independent Member for Regional Council Audit and Risk Committee	To protect the privacy of natural persons.	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist
10.6 Confidential Appendix 1 - Investment Performance Report 2016/17 Months 1 to 6	To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist
10.7 Confidential Appendix 2 - Investment Fund Valuation and Report for December 2016		

Leeder/Thurston
CARRIED

The meeting closed at 2:17 pm.

Confirmed

Chairman Bay of Plenty Regional Council

Date