

Minutes of the Regional Council Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Thursday, 9 March 2017 commencing at 9.30 a.m.

Present:

Chairman: D Leeder

Deputy Chairman: J Nees

Councillors: J Cronin, T Marr, P Thompson, D Love, N Bruning, W Clark, S Crosby, K Winters, A von Dadelszen. Attendance in part: L Thurston

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

Attendance in part: C Naude (Director, Emergency Bay of Plenty), N Zaman (Regulatory Compliance Manager), T White (Incentives Programme Director), C Stephenson (Relationship Manager), J Meldrum (Operational Readiness), D Hyland (Finance Manager), A Dixon (Management Accountant Team Leader), A Bruere (Lake Operations Manager); Guests and visitors: University of Waikato Professor B Clarkson (Deputy Vice Chancellor Research) Professor D Hamilton (Chair, Lake Management and Restoration), Professor C Battershill (Chair, Coastal Science)

Apologies: A Tahana, P Thompson (for lateness)

1 **Opening karakia**

Provided by Councillor Marr.

2 **Apologies**

Resolved

That the Regional Council:

- 1 **Accepts the apology from Councillor Tahana and apology for lateness from Councillor Thompson tendered at the meeting.**

**Thurston/Bruning
CARRIED**

3 **Chairman's announcements**

The Chairman made the following announcements:

1) **Briefing updates**

Refer Tabled Document Number 1.

In lieu of the Public Forum, the Chairman advised that Council would receive next on the agenda, briefings on the following matters:

- a) Water Protest Rallies – Communications Manager Sue-Ellen Craig gave a communication update on water protest rallies that would be taking place within the community on 14 March 2017, as part of a petition and campaign being coordinated by the New Zealand Water Forum – Bung the Bore. Members were provided with an information summary about the protest rallies, water takes and community interest in relation to the Otakiri bottling plant (refer Tabled Document Number 1).
- b) Civil Defence Emergency Management update – General Manager Integrated Catchments Chris Ingle and Director Emergency Management Bay of Plenty Clinton Naude briefed councillors on recent heavy rainfall events and informed that emergency management staff would be monitoring the situation.
- c) Environment Court Appeal Proceedings for Rena Consent Hearing Decisions – General Manager Regulatory Services Eddie Grogan advised that appeal proceedings had commenced that week, to be held over the next four weeks. Mr Grogan confirmed that Regional Council would be maintaining its position, with Council's Consent Manager involved as a witness to the proceedings.

2) **Agenda item 7.2 withdrawn**

The Chairman advised that following advice from staff, agenda item 7.2, 'Proposed Changes to Port Charges (Harbour Dues) for Consultation' was to be withdrawn from the agenda. The reason for the withdrawal was that it was more appropriate that Port charges be reviewed as part of the Long Term Plan process.

Resolved

That the Regional Council:

- 1 **Agrees to withdraw from the agenda, item 7.2, Proposed Changes to Port Charges (Harbour Dues) for Consultation.**

**Leeder/Cronin
CARRIED**

4 **Declaration of conflicts of interest**

No conflicts of interest were declared.

5 **Previous Minutes**

6 Regional Council Minutes - 14 February 2017

Matters arising

Minute Item 10.1, Bay of Plenty Regional Navigation Safety Bylaw 2017 adoption (page 20 of the agenda) - Clarification was sought regarding the inconsistencies referred to in Maritime New Zealand's letter. It was confirmed that the adopted Bylaw was consistent with the Maritime Transport Act and that the inconsistencies were related to Maritime New Zealand's proposed policy, to which minor amendments had been made to the Bylaw in response to the letter.

Resolved

That the Regional Council under its delegated authority:

- 1 Confirms the minutes of the Regional Council meeting held 14 February 2017, as a true and correct record.**

**Leeder/Cronin
CARRIED**

Attendance

Councillor Thompson entered the meeting at 9:41 am.

7 Chairman's Report

The Chairman updated Council on his activities and matters of potential interest.

Advice and discussion was raised on environmental monitoring and reporting matters from the Regional Sector Group (RSG) meeting held on 17 February 2017. The Chairman confirmed a combined RSG response would be submitted to the Minister for the Environment, in response to work and correspondence received on the *Clean Water* consultation document, including proposed amendments to the National Policy Statement for Freshwater Management 2014. Members were informed of the fourth tranche and second reading of the Resource Management Amendment Bill. Comment was raised on the importance of receiving further information on these matters to inform a Council workshop on water taking place on 16 March.

Regarding the Local Government Futures work, the Chief Executive advised that the local government Bay of Plenty Chief Executives are in the process of scoping a closeout report that would include key findings of the various reports produced in the project, the process followed and lessons learnt. The report will not include any recommendations.

In addition to the report, members were advised that a Productivity Commission report was due to be released the following week.

Resolved

That the Regional Council:

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

**Leeder/Love
CARRIED**

8 Chief Executive's reports

8.1 Statement of Proposal to amend the Bay of Plenty Regional Council Resource Management Act and Building Act Charges Policy

General Manager Regulatory Services Eddie Grogan and Regulatory Compliance Manager Nick Zaman presented the report that recommended Council adopt the Proposed Bay of Plenty Regional Council Resource Management Act and Building Act Charges Policy 2017/2018 (Charges Policy).

Clarification was sought and provided on the proposed increases. It was explained that the proposed change to OSET fees would align them with other water consent fees. Cost recovery for monitoring complaints was recuperated through consent actual and reasonable charges. It was noted that the most significant jump in charges was the overall increase in inflation (BERL) and science and monitoring charges. Regarding complaints associated with reverse sensitivities, members were advised that officers were trained to deal with these issues. An in-depth report on compliance complaints would be reported to the Regional Direction and Delivery Committee.

Resolved

That the Regional Council:

- 1 **Receives the report, Statement of Proposal to amend the Bay of Plenty Regional Council Resource Management Act and Building Act Charges Policy.**
- 2 **Agrees to the proposed changes to the Charges Policy as outlined in Section 2.2 of the report, as set out below:**
 - a. **Increase the \$500 fixed charge component of the general application fee for resource consents (Section 2.2.1 of the Charges Policy) by \$50 to \$550 (GST exclusive), to reflect the increased administration required in the Accela database system. Based on an estimated receipt of 500 applications in the next financial year, this will result in additional revenue of \$25,000;**
 - b. **Replace the fixed fee for processing short term consents for On-Site Effluent Treatment (OSET) systems 'in future reticulation zones' and where 'properties require a community solution' (Table 1 of the Charges Policy) with the general application fee and recovery of actual and reasonable costs for consent applications;**
 - c. **Maintain the fixed fee for transfer of consent applications that are complete (Table 1 of the Charges Policy), but introduce recovery of actual and reasonable costs for incomplete transfer applications;**
 - d. **A \$10 (plus BERL) increase to the base charge (Section 3.1 of the Charges Policy) for all fixed fee consent activities (from \$99 to \$111, GST exclusive). This would apply to approximately 2,950 consents and provide an increased revenue of around \$30,000/pa;¹**

¹ Resolution rescinded with amendment; refer Item 3.1, Extraordinary Council Meeting 29 March 2017.

- e. An increase of 2% (BERL) for Building Act Charges (Section 5. Table 2 of the Charges Policy);
 - f. Remove the 'credit factor' allowance (Section 3.2.1 of the Charges Policy) applied to the fixed supervision/compliance charge for self-monitoring. Resource consents covered by this category are now charged on an actual and reasonable basis thereby removing the need to apply a credit factor to a fixed charge;
 - g. A change to the hourly rates structure in Schedule A, Table 1 of the report.
- 3 Adopts the Statement of Proposal on Resource Management Act and Building Act Charges Policy 2017/2018 for public consultation through the special consultative procedure under the Local Government Act (appended to this report).
- 4 Confirms that Council will continue to waive charges for consented Low Risk Onsite Effluent Treatment Systems for the 2017/2018 financial year.
- 5 Confirms that Council agrees the three exceptions to the base charge, as outlined in section 2.4 of the report, set out below:
- (a) Long term consents for structures, reclamations or diversions in the Coastal Marine Area, rivers and lakes unless an inspection has been carried out (in which case, the consent holder is charged as per Schedule 1A or 2A).
 - (b) "Consequential" consents such as the discharge permit in an activity that involves a diversion and discharge, or the discharge permit in an activity that involves taking and discharging water (e.g. to heat a pool). To qualify, the "consequential" consent must occur as a natural consequence of the primary activity and have no significant environmental effect compared to the primary consent.
 - (c) In addition to the base charge, a special administrative charge is payable where multiple holders of one consent request separate invoicing and correspondence to each consent holder. An additional fee of \$115 (GST inclusive) will be charged to each additional consent holder requiring this service.

Von Dadelnszen/Nees
CARRIED

8.2 Draft Annual Plan 2017/18 - Approval of Information Document and Supporting Information

Refer Supporting Document: Annual Plan 2017/18 Information Document.

The report sought the approval of the 2017/18 Annual Plan draft Budget, Information Document and supporting documentation for public release. Members were provided with a hard copy of the draft Information Document for their information. General Manager Corporate Performance Mat Taylor and Organisational Planning Manager Mark Le Comte highlighted key changes within the draft budget and the process for communication, engagement and the special consultative procedure.

Mr Taylor confirmed the public would have the opportunity to feedback and address Council at its meeting on 19 May 2017. Councillors would have the opportunity for further Draft Annual Plan discussion at the Council workshop scheduled the same day.

Council supported the recommendations and approval of the 2017/18 Draft Annual Information Document and supporting information, subject to a cost breakdown of general, targeted and total rates to be included in the graph shown on page 19 of the Information Document, which was noted and acknowledged by staff.

Requests were made for a copy of the distribution list of stakeholders receiving the Information Document to be provided to councillors for information; and that information be provided for the Annual Plan Council Workshop on 19 May on: air quality monitoring, levels of service, the status of marine spatial plan monitoring, environmental enhancement funding, trend analysis of the volunteer growth base (to include bait trapping) and whether Council support was keeping pace.

Resolved

That the Regional Council:

- 1 Receives the report, Draft Annual Plan 2017/18 - Approval of Information Document and Supporting Information;**
- 2 Approves the draft Budget for 2017/18 and financial statements in appendices 1-5 for the purpose of public information.**
- 3 Notes that the draft Budget 2017/18 is unbalanced, mainly due to payment of operating grants for infrastructure projects.**
- 4 Approves the draft total real rates revenue increase of 6.6%, which is less than the forecast 8.5% increase of for year three of the Long Term Plan 2015-2025, for the purpose of public information.**
- 5 Agrees that, pursuant to section 95 2A of the Local Government Act (2002), the variances from Long Term Plan year 3 are not significant or material enough to require a full special consultative procedure including formal submissions and hearings.**
- 6 Approves the Annual Plan 2017/18 Information Document ‘Thriving Together – The journey continues’.**
- 7 Delegates to the Chief Executive to make any minor editorial changes to the Annual Plan 2017/18 Information Document.**
- 8 Approves the release of the Annual Plan 2017/18 Information Document and draft budget 2017/18 for public information and feedback.**
- 9 Confirms that the decision has a low level of significance.**

**Leeder/Bruning
CARRIED**

8.3 Update on Lake Rotorua Incentives Committee Activities

Incentives Programme Director Te Taru White updated Council on progress made by the Lake Rotorua Incentives Committee (LRIC) towards achieving its nitrogen reduction

targets within its terms of reference and approved budgets. Mr White outlined points from the report and highlighted the importance of building relationships with landowners to move forward with agreements. LRIC Committee Chair Councillor Bruning provided comment on the Committee's progress and stated he was pleased with how it was working.

Assurance was sought regarding protection of intellectual property. Although this was covered by a 999 year deed of term, the Chief Executive undertook to check that protection was safeguarded.

Resolved

That the Regional Council:

- 1 Receives the report, Update on Lake Rotorua Incentives Committee Activities.**

**Bruning/von Dadelszen
CARRIED**

Adjournment

The meeting adjourned at 10:50 am and reconvened at 11:15 am.

Attendance

Councillor Thurston left the meeting and tendered his apology for his early departure at 11:15 am.

8.4 Update from the University of Waikato

Refer PowerPoint Presentation A2563218.

University of Waikato Vice Chancellor Research Professor Bruce Clarkson was in attendance with Coastal and Lake Chairs Professors Chris Battershill and David Hamilton, to provide an update to Council on the activities of the University of Waikato.

Further to the report, Professor Clarkson informed Council that earthworks and scoping of course requirements were underway for the Tauranga Campus. In regard to the proposed Marine Centre, development of a purpose built centre that would focus purely on project research to assist entrepreneurial activity was being progressed. The joint establishment of Te Waiora Freshwater Management Institute had received Central Government funding for incentivising joint research collaboration models. The proposal for a Regional Research Institute was a further opportunity to obtain a share of contestable funding that was available and aimed at converging innovation and performance institutes.

Chair in Lake Management and Restoration Professor Hamilton followed with a presentation that highlighted progress and ongoing challenges for lake management and restoration. Professor Hamilton acknowledged the range of academics and funding support, as a focal point of the programme and expressed the importance of maintaining a routine monitoring programme as being critical to gaining long-term trends. He considered future technology advances in modelling would assist decision-making and noted that data analysis, alum dosing, natural occurrence of phosphorus, recycling of nutrients, agricultural practices and lakeweed were ongoing challenges for the programme.

Attendance

Councillor Cronin exited at 12:02 pm.

A further opportunity for discussion with Professor Hamilton was requested, which the Chief Executive noted.

The Chairman thanked the gentlemen for their attendance and presentation, with acknowledgement expressed from members to Professors Bathershill and Hamilton for their outstanding work.

As Professor Hamilton's contract was coming to an end, on behalf of Council, the Chairman paid special tribute to Professor Hamilton. He thanked him for his tenure and exceptional efforts in a challenging area of work and wished him well for the future.

Resolved

That the Regional Council:

- 1 Receives the report, Update from the University of Waikato.**
- 2 Notes that staff intend to initiate an independent review of the University Chairs with findings to be delivered before the end of this financial year.**

**Marr/von Dadelszen
CARRIED**

Attendance

Councillor Cronin entered the meeting at 12:20 pm.

8.5 Update on local government reorganisation in other regions

Manager Chief Executive's Office Shelley Hey presented the report that updated Council on local government reorganisation initiatives in other regions. Ms Hey advised since her report was written, the Local Government Commission had released a report on its community engagement on Auckland local government arrangements. The summary of feedback revealed that many people think improvements could be made to reflect the local needs of more isolated and/or rural areas in Auckland, however, there is a variety of views about what improvements are needed and how they could be attained.

Resolved

That the Regional Council:

- 1 Receives the report, Update on local government reorganisation in other regions.**

**Love/von Dadelszen
CARRIED**

Adjournment

The meeting adjourned at 12:40 pm and reconvened at 1:00 pm.

9 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
8.1 Public Excluded Regional Council Minutes - 14 February 2017	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.
8.2 New Aquaculture Opportunities - Eastern BOP	To carry out, without prejudice or disadvantage, commercial activities.	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.
8.3 Regional Integrated Ticketing System Interim Solution	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.
8.4 Whakatāne and Tauranga Building Upgrades	To prevent the disclosure or use of official information for improper gain or improper advantage.	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.
9.1 Presentation: Chief Executive's 6-monthly Performance Review	To protect the privacy of natural persons, including that of deceased 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.

**Leeder/Bruning
CARRIED**

The meeting closed with a karakia at 3:50 pm, at the conclusion of the public excluded items.

Confirmed

Chairman Bay of Plenty Regional Council

Date