

Minutes of the Regional Council Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Thursday, 20 April 2017 commencing at 9.00 a.m.

Present:

Chairman: D Leeder

Deputy Chairman: J Nees

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

In Attendance: M Macleod (Chief Executive), M Taylor (General Manager Corporate Performance), E Grogan (General Manager Regulatory Services), C Ingle (General Manager Integrated Catchments), D Phizacklea (Acting General Manager Strategy & Science), J Graham (General Manager Corporate Solutions), S Hey (Manager Chief Executive's Office), D Hyland (Finance Manager), D Lewell (Legal Advisor), R Garrett, S Kameta (Committee Advisors)

Attendance in part: K O'Brien (Strategic Engagement Manager), C Kopu, S Hohepa (Maori Policy Advisors), K Heitia (Strategic Engagement Coordinator), J Waldon (Internal Services Manager), C Taia (Customer Services Officer), P Sisam (Communications Partner), C Woods (Health & Safety Manager), C Naude (Director, Emergency Management Bay of Plenty); Whakatāne District Council: Mayor A Bonne, M Grenfell (Chief Executive), J Farrell (Strategic Project Manager), S McGhie (Principal Planner), A Kranenberg (Policy Planner), S Boyle (Chief Executive Officer, BOPLASS Limited)

Apologies: J Cronin (for lateness)

1 Commencement of meeting

A pōwhiri/welcome took place at 9:00 am to welcome newly elected member Councillor Matemoana McDonald.

2 Final declaration of election results

Chief Executive Mary-Anne Macleod gave a verbal account of the final election results for the Mauao Constituency By-election, which had been publicly notified in the *Bay of Plenty Times* on Saturday, 15 April 2017.

3 **Making and attesting of declarations by elected members**

Council Chairman called upon Councillor McDonald to come forward to make and attest the declaration by elected members as required under clause 14(3) of Schedule 7 of the Local Government Act 2002.

Councillor McDonald elected from the Mauao Māori Constituency attested her declaration out loud in Te Reo Māori.

A karakia was provided by kaumatua Minita Pahu Akuhata to close formalities.

Adjournment

The meeting adjourned at 9:30 am and reconvened at 10:05 am.

4 **Apologies**

Resolved

That the Regional Council:

- 1 **Accepts the apology for lateness from Councillor Cronin tendered at the meeting.**

von Dadelszen/Love
CARRIED

5 **General Business and Tabled Items**

Council received the following late and tabled items for consideration.

- 1) **Late Agenda Item 12.1, Final Declaration of Mauao Māori Constituency By-Election Results**

Refer Tabled Document Number 1

The information was not available at the time the agenda was distributed however, was listed in the agenda and should not be delayed.

- 2) **Public Excluded Tabled Item - Eastern Bay of Plenty Flood Event of April 2017**

Refer Tabled Document Number 2

The item was in response to the region-wide State of Emergency that was declared the day the agenda was published and could not be delayed, as a decision was required to assist Whakatāne District Council to move into the Civil Defence Emergency Management recovery stage commencing on 21 April 2017.

Resolved

That the Regional Council:

- 1 **Pursuant to section 46A of the Local Government Official Information and Meetings Act 1987, agrees to consider late item 12.1, Final Declaration of**

Mauao Māori Constituency By-Election Results and tabled Item, Eastern Bay of Plenty Flood Event of April 2017, at the meeting.

- 2 Confirms under section 48(1) of the Local Government Official Information, tabled item 'Eastern Bay of Plenty Flood Event of April 2017', will be considered with the public excluded and that good reason for withholding exists to protect information which is subject to an obligation of confidence, or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest.**

**Thurston/Marr
CARRIED**

6 Chairman's announcement

The Chairman made the following announcements:

1) Withdrawal of Agenda Items

Agenda item 12.4, Proposed Terms of Reference for Komiti Māori was to be withdrawn from the agenda. The reason for its withdrawal was that further work was required on the item before seeking a decision.

In addition to the above, the following items were sought to be deferred to a subsequent meeting due to potential time constraints on the meeting and a request that further detail and rationale be provided for agenda item 12.10.

- a) Agenda item 12.9, Update on Bay of Plenty Local Government Futures project
- b) Agenda item 12.10, Service Delivery Reviews under section 17A of the Local Government Act 2002

2) Reordering of agenda items

The Chairman advised some resequencing of agenda items would be required to accommodate the timing of external presenters.

Resolved

That the Regional Council:

- 1 Agrees to withdraw agenda item 12.4, Proposed Terms of Reference for Komiti Māori.**

**Thurston/Marr
CARRIED**

- 2 Agrees to defer consideration of the following items to a subsequent meeting of Council:**

- a. **Agenda item 12.9, Update on Bay of Plenty Local Government Futures project**
- b. **Agenda item 12.10, Service Delivery Reviews under section 17A of the Local Government Act 2002.**

Thompson/von Dadelszen
CARRIED

7 Declaration of conflicts of interest

No conflicts of interest were declared.

8 Previous Minutes

8.1 Regional Council Minutes - 9 March 2017

It was noted that resolution 2d under Minute Item 8.1, 'Statement of Proposal to amend the Bay of Plenty Regional Council Resource Management Act and Building Act Charges Policy' (refer page 26 of the agenda), was rescinded with subsequent amendment made at the Extraordinary Council Meeting held on 29 March 2017.

Resolved

That the Regional Council under its delegated authority:

- 1 Confirms the minutes of the Regional Council Meeting held 9 March 2017, as a true and correct record.

Nees/Love
CARRIED

8.2 Extraordinary Council Minutes - 29 March 2017

Resolved

That the Regional Council under its delegated authority:

- 1 Confirms the minutes of the Extraordinary Council Meeting held 29 March 2017, as a true and correct record.

Love/Leeder
CARRIED

9 Statutory committee minutes

9.1 Te Maru o Kaituna River Authority Minutes - 16 February 2017

Resolved

That the Regional Council under its delegated authority:

- 1 Receives the minutes of the Te Maru o Kaituna River Authority Meeting held on 16 February 2017.

Tahana/Nees
CARRIED

9.2 **Civil Defence Emergency Management Group Joint Committee Minutes - 24 February 2017**

Resolved

That the Regional Council under its delegated authority:

- 1 **Receives the minutes of the Civil Defence Emergency Management Group Joint Committee Meeting held on 24 February 2017.**

Love/Leeder
CARRIED

9.3 **Rotorua Te Arawa Lakes Strategy Group Minutes - 10 March 2017**

Discussion was raised on Minute item 4.7, Disposal of Treated Wastewater: Position Statement from TAG and Proposed Nutrient Accounting approach for Rotorua City (page 57 of the agenda). A report would be provided to a future meeting of the Regional Direction and Delivery Committee on the proposed nutrient accounting method associated with the Rotorua Wastewater Treatment Plan was noted.

Resolved

That the Regional Council under its delegated authority:

- 1 **Receives the minutes of the Rotorua Te Arawa Lakes Strategy Group Meeting held on 10 March 2017.**

Winters/Leeder
CARRIED

9.4 **Rangitāiki River Forum Minutes - 21 March 2017**

Regarding Minute Item 6.2, Central North Island Iwi Land Management Limited presentation (page 61 of the agenda), the Chairman advised he would be seeking a meeting with CNIILML in the near future.

Resolved

That the Regional Council under its delegated authority:

- 1 **Receives the minutes of the Rangitāiki River Forum Meeting held on 21 March 2017.**

Winters/Marr
CARRIED

9.5 **Regional Transport Committee Minutes - 30 March 2017**

Resolved

That the Regional Council under its delegated authority:

- 1 **Receives the minutes of the Regional Transport Committee Meeting held on 30 March 2017.**

**Crosby/Nees
CARRIED**

9.6 **SmartGrowth Implementation Committee Minutes - 15 February 2017**

Resolved

That the Regional Council under its delegated authority:

- 1 **Receives the minutes of the SmartGrowth Implementation Committee Meeting held on 15 February 2017.**

**Thompson/Nees
CARRIED**

9.7 **Ōhiwa Harbour Implementation Forum minutes - 13 March 2017**

Resolved

That the Regional Council under its delegated authority:

- 1 **Receives the minutes of the Ōhiwa Harbour Implementation Forum Meeting held on 13 March 2017.**

**Marr/Leeder
CARRIED**

10 **Chairman's Report**

The report updated Council on the Chairman's activities and items of interest. It was noted that discussions were occurring around the future role of the Upper North Island Strategic Alliance (UNISA) and that positive feedback had been received from Members of Parliament regarding the Central Government Local Government Forum held on 6 April.

A query was raised and noted regarding the Chairman's time and whether some commitments could be shared given current circumstances. The Chairman advised that he expected the Committee Chairs and Council's Deputy Chair to assist, as to his Deputy Chair of the Regional Sector Group.

Resolved

That the Regional Council:

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

**Leeder/Nees
CARRIED**

11 Chief Executive's reports

11.1 Late Item - Final Declaration of Mauao Maori Constituency By-Election Results

Refer Tabled Document Number 1.

The report provided the final declaration of election results for the Mauao Māori Constituency By-election.

Resolved

That the Regional Council:

- 1 Receives the report, Final Declaration of Mauao Māori Constituency By-Election Results.**

**Marr/von Dadelszen
CARRIED**

11.2 Councillor Appointment to Committees

The report sought that the newly elected member for the Mauao Māori Constituency be appointed to various committees and co-governance partnerships.

Resolved

That the Regional Council:

- 1 Receives the report, Councillor Appointment to Committees;**
- 2 Appoints Councillor McDonald to Komiti Māori and to Te Awanui Tauranga Harbour Advisory Group as a member for the Bay of Plenty Regional Council.**

**Leeder/Nees
CARRIED**

Order of Business

The Chairman advised that agenda item 12.12, 'Awatarariki Fanhead Hazard Risk', would be received next to accommodate the arrival of external presenters.

Attendance

Councillor Cronin entered the meeting at 10:35 am.

11.3 Awatarariki Fanhead Hazard Risk

Refer PowerPoint Presentation Objective ID A2594997.

Whakatāne District Council (WDC) Mayor Tony Bonne and Chief Executive Marty Grenfell were in attendance with Strategic Project Manager Jeff Farrell, Principal Planner Shane McGhie and Policy Planner Alice Kranenberg to introduce proposed

options to address the natural hazard risk of debris flow to residents living in the Awatarariki Fanhead area at Matata.

Background was provided on the 2005 flood event, the nature and extent of the hazard risk area and next steps for retreat, as the only viable option. Members were informed that WDC would be initiating a district plan change to amend its rules for landuse control, but that existing landuse rights for natural hazards could only be addressed by way of a regional plan change.

It was noted for Council's consideration that a parallel (plan change) process would enable efficiencies and that a regional plan change could be initiated voluntarily by the Regional Council or by WDC via a private plan change request. Council was informed that staff would like to provide further detail and seek direction from the Regional Direction and Delivery Committee in due course, which was supported by councillors.

The timeframe for notification of a district plan change was anticipated in July or soon thereafter. Information was provided on the status of land, communications held with the community and WDC's desire to partner with the Regional Council and Central Government.

Resolved

That the Regional Council:

- 1 Receives the report, Awatarariki Fanhead Hazard Risk.**
- 2 Requests that staff report to the next meeting of the Regional Direction and Delivery Committee on matters arising from the meeting.**

**Thompson/Leeder
CARRIED**

Order of Business

With the leave of Council, the Chairman advised that the following items would be received next on the agenda:

- Agenda item 12.5, Council Performance Monitoring Report 2016/17 July - February, Months 1 to 8
- Agenda item 12.6, Health, Safety and People Report
- Agenda item 12.3, SmartGrowth Leadership Group Agreement

11.4 Council Performance Monitoring Report 2016/17 July - February, Months 1 to 8

Refer Supporting Document, 'Council Performance Monitoring Report 2016/17 Months 1 to 8 (July to February)'

The report provided Council with information to review financial and non-financial performance for all Council activities for the first eight months of 2016/17. General Manager Corporate Performance Mat Taylor advised that due to the recent flood events and region-wide state of emergency, the information that was reported was outdated and that financial impacts and effects would be ongoing for some time.

Resolved

That the Regional Council:

- 1 Receives the report, Council Performance Monitoring Report 2016/17 July - February, Months 1 to 8;**
- 2 Notes the financial and non-financial performance monitoring information provided, including variations from the budget.**

**Love/Nees
CARRIED**

11.5 Health, Safety and People Report

The report updated elected members on occupational health and safety matters to satisfy their due diligence requirements, as officers under the Health and Safety at Work Act. As the first report of its type, it was expected that over time a broader overview of statistics would be provided.

Consideration was sought that peer benchmarking and comparisons be provided in future reporting, which was noted by staff.

Resolved

That the Regional Council:

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

**Leeder/Love
CARRIED**

11.6 SmartGrowth Leadership Group Agreement

The report sought approval from Council to the updated SmartGrowth Leadership Group Agreement and Terms of Reference, as required under clause 30A and clause 5 of Schedule 1AA of the Local Government Act 2002.

Resolved

That the Regional Council:

- 1 Receives the report, SmartGrowth Leadership Group Agreement;**
- 2 Approves the updated SmartGrowth Leadership Group Agreement and Terms of Reference attached as Appendix 1 with clause 5 amended to read: "This agreement may be varied from time to time, but only with the agreement of each of the partner Councils."**
- 3 Confirms Councillor von Dadelszen as the voting alternate on the Strategic Leadership Group.**

**Thompson/Nees
CARRIED**

Order of Business

With the leave of Council, the Chairman advised that agenda item 13.8, 'Presentation from Opotiki District Council on the Opotiki Harbour Transformation Project', would be received next to accommodate the arrival of external presenters.

12 Public Excluded Section

Resolution to exclude the public

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

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

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
Presentation from Ōpōtiki District Council on the Ōpōtiki Harbour Transformation Project	To enable any local authority holding the information 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.

Leeder/Thompson
CARRIED

Adjournment

The meeting adjourned at 12:28 pm and reconvened at 1:00 pm.

Order of Business

With the leave of Council, the Chairman advised that agenda item 12.8, 'Bay of Plenty Local Authority Shared Services (BOPLASS) Draft Statement of Intent 2017/18, and Half Yearly Report 2016/17' would be received next on the agenda, followed by agenda item 12.7, 'by Local Government Funding Agency (LGFA) Draft Statement of Intent 2017/18, and Half Yearly Report 2016/17'.

13 Chief Executive's Reports continued

13.1 Bay of Plenty Local Authority Shared Services (BOPLASS) Draft Statement of Intent 2017/18, and Half Yearly Report 2016/17

Refer PowerPoint Presentation Objective ID A2594551.

The report provided BOPLASS Limited's Half Yearly Report 2016/17 and sought Council feedback on its Draft Statement of Intent 2017/18. BOPLASS Limited Chief

Executive Officer Stephen Boyle was in attendance and highlighted key outcomes, strategic priorities and further opportunities for shared services and innovation.

Council was comfortable with the recommended feedback set out under section 2 of the report. Advice was received that a Terms of Reference scope for a governance review was currently under development, which would form part of an independent review and include a level of consultation across the partner councils.

Resolved

That the Regional Council:

- 1 Receives the report, Bay of Plenty Local Authority Shared Services (BOPLASS) Draft Statement of Intent 2017/18, and Half Yearly Report 2016/17;**
- 2 Notes the Half Yearly Report to 31 December 2016;**
- 3 Notes the draft SOI 2017/18;**
- 4 Provides to the BOPLASS Board the feedback set out in Section 2 of this report prior to the Board finalising the SOI 2017/18.**

**Crosby/Love
CARRIED**

13.2 Local Government Funding Agency (LGFA) Draft Statement of Intent 2017/18, and Half Yearly Report 2016/17

The report provided the Draft Statement of Intent 2017/18 and Half Yearly Report 2016/17 from the Local Government Funding Agency (LGFA). General Manager Corporate Performance Mat Taylor outlined highlights from the report and answered questions of clarification around dividend forecasts, shareholdings and interest rates.

Resolved

That the Regional Council:

- 1 Receives the report, Local Government Funding Agency (LGFA) Draft Statement of Intent 2017/18, and Half Yearly Report 2016/17;**
- 2 Notes the Local Government Funding Agency Annual Report 2015/16.**
- 3 Notes the 2016/17 Half Yearly report, and performance of the LGFA for the period.**
- 4 Notes the draft SOI 2017/18 and feedback provided to the LGFA by the Shareholders Council, and confirms that there are no further changes suggested prior to the SOI being adopted.**

**Cronin/Love
CARRIED**

13.3 **Science Services - Procurement Plan for Monitoring Bore Installation (Drilling) and Maintenance**

The report sought approval of a Science Services Panel Contract to be made open to the market for capital works budgeted under the Long Term Plan 2015-2025.

Resolved

That the Regional Council:

- 1 **Receives the report, Science Services - Procurement Plan for Monitoring Bore Installation (Drilling) and Maintenance;**
- 2 **Approves going to market for a Science Services Panel Contract for Monitoring Bore Installation (Drilling) and Maintenance;**
- 3 **Provides the Chief Executive with the delegated authority to approve the final multi-year Science Services Panel Contract;**
- 4 **Notes that the capital budget for this work under the Long Term Plan 2015-2025 is approximately \$280,000 per annum and the contract is for a three-year term, with up to two extensions of one year;**
- 5 **Notes that the overall value of the contract will exceed the Chief Executive's delegation limit of \$400,000 as defined in the BOPRC Procurement Manual as it is a multi-year contract.**

Love/Nees
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:

General Subject of Matter to be Considered	Reason for passing this resolution in relation to this matter	Grounds under Section 48(1) LGOIMA 1987 for passing this resolution
13.1 Public Excluded Regional Council minutes - 09 March 2017	Please refer to the relevant clause in the meeting minutes	Good reason for withholding exists under Section 48(1)(a).
13.2 Public Excluded Extraordinary Council minutes - 29 March 2017	Please refer to the relevant clause in the meeting minutes	Good reason for withholding exists under Section 48(1)(a).
13.3 Public Excluded Civil Defence Emergency Management Group Joint Committee Minutes - 24 February 2017	Please refer to the relevant clause in the meeting minutes	Good reason for withholding exists under Section 48(1)(a).

13.4 Public Excluded Rotorua Te Arawa Lakes Strategy Group minutes - 10 March 2017	Please refer to the relevant clause in the meeting minutes	Good reason for withholding exists under Section 48(1)(a).
13.5 Public Excluded Regional Transport Committee minutes – 30 March 2017	Please refer to the relevant clause in the meeting minutes	Good reason for withholding exists under Section 48(1)(a).
13.6 Confidential Appendix 1 - Investment Performance Report 2016/17 Months 1 to 8 13.7 Confidential Appendix 2 - Investment Fund Valuation and Report for February 2017	To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Good reason for withholding exists under Section 48(1)(a).
13.9 Quayside Holdings Limited Half Yearly Report 2016/17 and Draft Statement of Intent 2017/18	To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	Good reason for withholding exists under Section 48(1)(a).
13.10 Quayside Holdings Limited - Councillor Director Selection Process	To protect the privacy of natural persons, including that of deceased natural persons.	Good reason for withholding exists under Section 48(1)(a).
Tabled Item - Eastern Bay of Plenty Flood Event of April 2017	To protect information which is subject to an obligation of confidence, or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest.	Good reason for withholding exists under Section 48(1)(a).

Leeder/Winters
CARRIED

15 Restatement in open meeting

15.1 Eastern Bay of Plenty Flood Event of April 2017

The restatement confirms the decisions made by Council that approved funding for the setup and operation of a Recovery Office function and donation amount to support people affected by the April 2017 Eastern Bay of Plenty flood event.

Resolved

That the Regional Council:

- 1 Receives the report, Eastern Bay of Plenty Flood Event of April 2017;

- 2 Approves the ring-fencing of up to \$200,000 from the current 2016/17 year to be used for set up and operation of a Recovery Office function for the April 2017 Eastern Bay of Plenty flood event, contingent on:**
- a. A matched contribution from Whakatāne District Council for the same purpose; and
 - b. The Recovery Manager developing a recovery plan to the satisfaction of the Bay of Plenty Regional Council Chief Executive;
- 3 Approves a donation of \$500,000 from the current 2016/17 year to support people affected by the April 2017 eastern Bay of Plenty flood event; with the mechanism for distribution yet to be determined.**

A **DIVISION** was called and recorded as follows:

FOR (7)

Clark
Thurston
Thompson
Marr
Cronin
McDonald
Winters

AGAINST (5)

von Dadelszen
Bruning
Nees
Love
Crosby

Chairman Leeder abstained from voting.

The MOTION was **CARRIED**.

- 4 Notes that a draft Terms of Reference for the Rangitāiki River Scheme Review – April 2017 Flood Event is to be provided to Council for approval at a Council meeting in May 2017;**
- 5 Confirms that the decisions have a low level of significance.**

**Thurston/Clarke
CARRIED**

It is noted for the record that Councillor Tahana was not present for this item.

The meeting closed at 3:48 pm.

Confirmed

Chairman Bay of Plenty Regional Council

Date