

# Minutes of the Regional Council Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Thursday, 1 June 2017 commencing at 9.30 a.m.

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## 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, M McDonald, A Tahana

**In Attendance:** C Ingle (Acting Chief Executive), M Taylor (General Manager Corporate Performance), E Grogan (General Manager Regulatory Services), J Graham (General Manager Corporate Solutions), D Phizacklea (Regional Integrated Planning Manager), D Hyland (Finance Manager), S Craig (Communications Manager), S Hey (Manager Chief Executive's Office), Y Tatton (Interim Governance Manager), S Kameta (Committee Advisor); Attendance in part: C Stevenson (Rangitāiki Community Board Chair); R Whalley, R Welsh and approximately 20 residents (Matatā Action Group); Whakatāne District Council: J Gardyne (Recovery Manager), M Grenfell (Chief Executive); Staff: A Payne (Principal Advisor); G Howard (Senior Planner – Organisational Planning), C Naude (Director, Emergency Management Bay of Plenty)

**Apologies:** A Tahana (for lateness)

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## 1 **Opening Karakia**

Councillor Marr.

## 2 **Apologies**

### **Resolved**

That the Regional Council:

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

Leeder/Winters  
CARRIED

## 3 **General Business and Tabled Items**

### 3.1 **Late item**

Council was advised of the following late item for consideration and the reason why it was not on the agenda and could not be delayed:

1) **Late Item 11.3, Appointment to Tauranga City Council's Environment Committee (Tabled Document Number 1)**

The reason why the item was late was because the information was not available at the time the agenda was published. The reason the item could not wait until the next meeting of Council on 29 June 2017, is because a decision was needed in time for the next meeting of TCC's Environment Committee on 27 June 2017.

## **Resolved**

**That the Regional Council:**

**Pursuant to section 46A of the Local Government Official Information and Meetings Act 1987, considers the following late item at the meeting:**

1) **Late Item 11.3, Appointment to Tauranga City Council's Environment Committee (Tabled Document 1)**

**Leeder/Nees  
CARRIED**

## **4 Public Forum**

### **4.1 Charelle Stevenson - Rangitāiki Community Board**

*Refer Tabled Document Number 3*

On behalf of Edgecumbe residents, Rangitāiki Community Board Chair Charelle Stevenson submitted to Council, a report of questions titled 'Edgecumbe Community Flood Response Inquiry', in relation to the failure of the Rangitāiki River stopbank on 6 April 2017 (refer Tabled Document Number 3). In submitting the report, Ms Stevenson requested that a response to the report be provided within 21 days, if possible.

Ms Stevenson highlighted the community's frustration and emotional distress and questioned Council's understanding of the affected community and their needs, its corporate responsibility and lack of visibility after the emergency.

Councillors queried what could be done to assist the community's recovery process. Ms Stevenson considered an iwi engagement plan would be well received, along with additional resource and staff in the Edgecumbe support office (Te Tari Awhina) to guide people to the right areas of support and provide community engagement support and feedback to the Whakatāne Recovery office. Ms Stevenson noted that consultation with the Rangitāiki River Scheme Review Panel to date had been good, with a community drop-in session to be held on Saturday 3 June. Ms Stevenson advised she had presented to the Whakatāne District Council in the week prior, with update reports being provided on a weekly basis.

The Chairman and councillors thanked Ms Stevenson for her attendance. It was noted that a copy of the submitted report would be made available to councillors for information.

### **Attendance**

Councillor Tahana entered the meeting at 9:46 am.

## 4.2 **Matatā Action Group – Awatarariki Fanhead Debris-flow risk reduction**

*Refer Tabled Document Number 4.*

Mr Rick Whalley and Mr Rob Welsh from the Matatā Action Group addressed Council on behalf of residents living in the Awatarariki Fanhead at Matatā, in opposition to Whakatāne District Council's (WDC) proposal of a plan change to remove existing use rights within their area of residence. Mr Whalley advised that while WDC had consulted with a consensus group on a range of options, it had made its decision (on a preferred option) without consulting or providing sufficient time for residents to comment.

Council was informed that the majority of landowners from 2005 still resided in the affected area, were opposed to having their existing use rights removed and considered the risk to be tolerable, as described under the Regional Policy Statement. Mr Whalley noted prior approval had been given to residents to rebuild their homes, at costs above the current market value. He and Mr Welsh considered the uncertainty and long-term stress placed on residents was unacceptable and that residents had been marginalised and treated unfairly.

Mr Whalley provided a copy of his written statement for councillors' information (refer Tabled Document Number 4).

The Chairman thanked the gentlemen and residents for their attendance and assured them that no Regional Council policy had been made and that due process would be followed, which would include consultation with affected residents.

## 5 **Declaration of conflicts of interest**

Councillor Clark declared a conflict of interest in relation to public excluded agenda item 12.5, April 2017 Flood Event – Update.

### **Change to order**

To accommodate timing constraints of external presenters, the Chairman advised that public excluded item 9.1 'External Presentation – April 2017 Flood Event – Update' would be received next on the agenda.

## 6 **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>9.1 External Presentation - April 2017 Flood Event – Update</b>	<b>To protect information which is subject to an obligation of confidence, where the making</b>	<b>That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely</b>

	available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.	to result in the disclosure of information for which good reason for withholding would exist.
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Leeder/Thurston  
CARRIED

## 7 Previous Minutes

### 7.1 Regional Council minutes - 20 April 2017

#### Resolved

That the Regional Council under its delegated authority:

- 1 Confirms the minutes of the Regional Council Meeting held on 20 April 2017.

Thurston/Bruning  
CARRIED

### 7.2 Extraordinary Council minutes - 18 May 2017

#### Resolved

That the Regional Council under its delegated authority:

- 1 Confirms the minutes of the Extraordinary Council Meeting held on 18 May 2017.

Crosby/Winters  
CARRIED

### 7.3 Regional Council minutes - 19 May 2017

#### Resolved

That the Regional Council under its delegated authority:

- 1 Confirms the minutes of the Regional Council Meeting held on 19 May 2017.

Leeder/Nees  
CARRIED

## 8 Statutory Committee Minutes

### 8.1 Civil Defence Emergency Management Group Joint Committee minutes - 11 April 2017

## Resolved

That the Regional Council under its delegated authority:

- 1 Receives the minutes of the Civil Defence Emergency Management Group Joint Committee Extraordinary Meeting held on 11 April 2017.

Love/Crosby  
CARRIED

## 8.2 SmartGrowth Leadership Group Minutes - 19 April 2017

### Resolved

That the Regional Council under its delegated authority:

- 1 Receives the minutes of the SmartGrowth Leadership Group Meeting held on 19 April 2017.

Thompson/Nees  
CARRIED

## 9 Chairman's Report

The report updated Council on the Chairman's activities, upcoming events and items of interest.

Additional to the report, discussion was raised on key issues presented at the LGNZ Freshwater Symposium held on 29-30 May 2017 in Wellington. Members that attended regarded the Chair's address to be exemplary. It was noted that presentation material would be available on the LGNZ website in due course. Comment was noted on future considerations and complexities for consent processing, increased weather events, modelling alternatives and the need to address these matters further.

### Resolved

That the Regional Council:

- 1 Receives the report, Chairman's Report.

Leeder/Cronin  
CARRIED

### Adjournment

The meeting adjourned at 11:08 am and reconvened at 11:26 am.

## 10 Chief Executive's reports

### 10.1 Update on Bay of Plenty Local Government Futures project

The report summarised the findings from Phase One of the Local Government Futures project and noted the direction provided by the Bay of Plenty Triennial meeting on 24 February 2017. At the request of the Chairman, Principal Advisor Anne Payne noted impressions from working the project included that there was a level of resistance to

any structural change, but there was a definite appetite for collaboration on some functions, particularly at the sub-regional level. General Manager Corporate Solutions noted Council's commitment to collaborate on shared services through BOPLASS.

Comment was raised on continuing to identify opportunities within the Chief Executive's Innovation & Excellence programme and to collaborate with willing players, provide regional leadership and explore areas for leverage.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Update on Bay of Plenty Local Government Futures project;**
- 2 Notes that Phase One of the Local Government Futures project was completed with receipt of the final Indicative Business Case reports for Transportation and Water/Wastewater by the Local Government Futures Governance Group on 6 September 2016;**
- 3 Notes that the Bay of Plenty Triennial Meeting of 24 February 2017 directed Chief Executives to prepare a short concluding report for the Local Government Futures project and to further investigate advancing ways of working together on integrated water management, including establishment of a regional forum for waters; and**
- 4 Notes that the Bay of Plenty Triennial Meeting of 24 February 2017 directed the Chief Executives of Rotorua Lakes Council and Bay of Plenty Regional Council to develop a strategic / spatial planning workshop for the region.**

**Nees/Thompson  
CARRIED**

## **10.2 Service Delivery Reviews under section 17A of the Local Government Act 2002**

The report provided an update on the approach and progress of Local Government Act Section 17A Service Delivery Reviews. General Manager Corporate Performance Mat Taylor noted the pragmatic approach taken in considering the service delivery reviews and other opportunities for reviewing services outside of the S17A review process.

Councillors considered it was difficult to determine whether the assessment was sufficient without understanding the key principles, criteria and detail. A workshop was requested to provide further explanation and detail on the wider aspects for the delivery of service reviews.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Service Delivery Reviews under section 17A of the Local Government Act 2002;**
- 2 Approves that section 17A review requirements have been met for Transport through the Local Government Futures project, with any future steps arising from the LGF project work on Transport to be closely monitored and;**

- 3 Notes that Geothermal Services is currently being assessed for a review with Waikato Regional Council;
- 4 Approves that for the first tranche of reviews which are due by 8 August 2017, no other service reviews have a favourable cost benefit ratio;
- 5 Notes that a report back to Council on future s17A delivery (beyond August 2017) will be made later this calendar year.
- 6 Requests a Council workshop on wider aspects of the delivery of service reviews.

von Dadelszen/Thompson  
CARRIED

### 10.3 Appointment to Tauranga City Council's Environment Committee

The report advised of the invitation for Council to nominate a member to be appointed to the Tauranga City Council's Environment Committee.

#### Resolved

That the Regional Council:

- 1 Receives the report, Appointment to Tauranga City Council's Environment Committee;
- 2 Nominates Councillor Paula Thompson as Bay of Plenty Regional Council's representative, as a non-voting member, on Tauranga City Council's Environment Committee.

Leeder/Thurston  
CARRIED

## 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:

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
12.1 Public Excluded Regional Council Minutes – 20 April 2017	Please refer to the relevant clause in the meeting minutes	Good reason for withholding exists under Section 48(1)(a).

<b>12.2 Public Excluded Extraordinary Regional Council Minutes - 18 May 2017</b>	<b>Please refer to the relevant clause in the meeting minutes</b>	<b>As above.</b>
<b>12.3 Awatarariki Fanhead Debris-flow Risk Reduction</b>	<b>To protect information which is subject to an obligation of confidence, where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied.</b>	<b>As above.</b>
<b>12.4 Rena Resource Consents Environment Court Decision</b>	<b>To maintain legal professional privilege.</b>	<b>As above.</b>
<b>12.5 April 2017 Flood Event - Update</b>	<b>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.</b>	<b>As above.</b>
<b>12.6 Directors of Council Controlled Organisations Independent Appointments Panel - Panel Membership</b>	<b>To protect the privacy of natural persons, including that of deceased natural persons.</b>	<b>As above.</b>

**Leeder/Thurston  
CARRIED**

**The meeting closed at the conclusion of the public excluded items at 2:16 pm.**

Confirmed

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Chairman Bay of Plenty Regional Council

\_\_\_\_\_  
Date