

Minutes of the Regional Council Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Thursday, 14 December 2017 commencing at 9.30 a.m.

Present:

Chairman: D Leeder

Deputy Chairman: J Nees

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

In Attendance: M Macleod (Chief Executive), M Taylor (General Manager Corporate Performance), E Grogan (General Manager Regulatory Services), F McTavish (General Manager Strategy & Science), C Ingle (General Manager Integrated Catchments), J Graham (General Manager Corporate Solutions), D Hyland (Finance Manager), S Hey (Manager, Chief Executive's Office), N Newman (Principal Advisor), D Llewellyn (In-House Legal Specialist), M Le Comte (Organisational Planning Manager), Y Tatton (Governance Manager), P Sisam (Communications Partner), S Kameta (Committee Advisor)

Attendance in part: J Bruning, N Douglas (Manager – Environment Te Arawa Lakes Trust), E Conroy (Consultant), B Dempsey (Recovery Manager, Whakatāne District Council Recovery Project), A Bruere (Lakes Operations Manager), M Townsend (Engineering Manager), S Stokes (Eastern Catchments Manager)

Apologies: A von Dadelszen, P Thompson

1 **Karakia**

Cr A Tahana.

2 **Apologies**

Resolved

That the Regional Council:

- 1 **Accepts the apologies of Councillors: A von Dadelszen and P Thompson.**

**Leeder/Nees
CARRIED**

3 **Public Forum**

3.1 **Jodie Bruning – Environmental Monitoring relating to the National Policy Statement for Freshwater Management**

Refer PowerPoint Presentation, Tabled Documents 1 and 2 (Objective IDs A2773441, A2773454, A2773454)

Ms Jodie Bruning delivered a presentation regarding chemical contaminant issues facing New Zealand and the need for better understanding and leadership in regard to Central Government policy and Regional Council's obligation to monitor chemical signatures appropriately in Bay of Plenty ecosystems. Ms Bruning considered the National Policy Statement for Freshwater Management was too narrow and insufficient to protect the environment in comparison to risk-based models being used in Europe. She informed of the controversy around the chemical glyphosate, the risk of bias when using chemical industry science and the need to measure sediment and for more science expertise. Ms Bruning provided several recommendations for Council to undertake. She commended the 2012 Marine Contaminant Survey Report undertaken by Council however, noted no well sampling had been carried out since.

Ms Bruning electronically made available two publications for Council to consider: "*Chemical Drains: New Zealand's new NPS-FW Freshwater policy is not watertight (J Bruning, B Bus (Agribusiness) 2017)*" and "*Public Health Concern: Why did the NZ EPA Ignore the World Authority on Cancer? (J I Bruning, S Browning, August 2017)*" (refer Tabled Documents 1 and 2).

The Chairman and councillors thanked Ms Bruning for her address and advised that the matters raised would be taken into consideration.

4 **Acceptance of Late Items**

There were no late items.

5 **General Business**

There were no items of general business.

6 **Declaration of conflicts of interest**

No conflicts of interest were declared.

7 **Presentation from Te Arawa Lakes Trust**

Refer PowerPoint Presentation Objective ID A2770100

Te Arawa Lakes Trust (TALT) Manager – Environment Nicki Douglas noted an apology from Chief Executive Karen Vercoe and presented TALT's strategic and implementation framework and 3-year work programme for achieving outcomes of Te Mana o Te Wai and restoring Te Arawa's ability to exercise their kaitiaki responsibilities in relation to the Rotorua Lakes.

Ms Douglas outlined TALT's statutory role for lake structures and fishery bylaws, consultation to commence in 2018 on fishery bylaws, future investment opportunities to grow capability, embed Te Arawa cultural values into a number of key projects and to bring hapū and iwi together to lead action to restore the mauri of the lakes and fulfil

their role as kaitiaki. Ms Douglas queried how Council viewed and wanted to engage with TALT on this body of work and looked forward to an ongoing relationship to deliver respective projects. She noted TALT's desire to focus on taonga species and acknowledged the public forum presentation by Jodie Bruning and the need for contaminants to be more clearly articulated.

Order of Business

To accommodate the arrival of the external presenter, the Chairman sought the leave of Council for agenda item 12.1 to be received next on the agenda.

8 Chief Executive's Report

8.1 Update from the Recovery Office on the April Flood Recovery work

Whakatāne District Council Recovery Manager Barbara Dempsey summarised key points from the report. Members were advised that an Oversight Committee had been established to implement the community plan. While the committee would largely focus on Edgecumbe, consideration would be given to other parts of the district that had been affected. Ms Dempsey noted contributions made to the Liveable Homes Project within the Whakatāne and Western Bay Districts and work being carried out now with those who were under-insured. She acknowledged Regional Council staff support within the recovery office, particularly Simon Stokes as Rural Lead.

Clarification was provided on houses brought up to a basic standard under the Liveable Homes Project in comparison to insured houses. It was noted that the majority of displaced residents would be home by June 2018, but that recovery and emotional wellbeing for some residents would take much longer, with the latest situation report providing a statistical gauge on how people felt on the spectrum.

Resolved

That the Regional Council:

- 1 Receives the report, Update from the Recovery Office on the April Flood Recovery work.**

**Leeder/Thurston
CARRIED**

9 Previous Minutes

9.1 Regional Council Minutes - 2 November 2017

Resolved

That the Regional Council:

- 1 Confirms the Regional Council Minutes of 2 November 2017, as a true and correct record.**

**Leeder/Nees
CARRIED**

9.2 Te Maru o Kaituna River Authority minutes - 8 November 2017**Resolved**

That the Regional Council:

- 1 Receives the Te Maru o Kaituna River Authority Minutes of 8 November 2017.

Tahana/Nees
CARRIED

9.3 Rangitāiki River Forum Minutes - 10 November 2017**Resolved**

That the Regional Council:

- 1 Receives the Rangitāiki River Forum Minutes of 10 November 2017.

Clarke/Love
CARRIED

9.4 SmartGrowth Leadership Group Minutes 18 October 2017**Resolved**

That the Regional Council:

- 1 Receives the SmartGrowth Leadership Group Minutes of 18 October 2017.

Crosby/Nees
CARRIED

9.5 SmartGrowth Leadership Group Draft Minutes 15 November 2017**Resolved**

That the Regional Council:

- 1 Receives the SmartGrowth Leadership Group Draft Minutes of 15 November 2017.

Nees/Crosby
CARRIED

9.6 Chairman's Report

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

Staff were commended for the briefing received by the Minister for the Environment, the Hon David Parker on 17 November 2017. Discussion was raised in regard to the Climate Change action planning presentation that was delivered to the Triennial meeting on 4 December 2017 by BOPRC staff. It was noted that the meeting had a low

level of representation from the region's mayors and that the topic should be addressed at the next Triennial meeting to gain further traction towards a regional approach. Councillors were advised that Climate Change Minister Shaw would not be introducing new legislation until the end of 2018 and it was noted that hosting a symposium on climate change could be considered at a future point.

It was requested that a copy of the Rotorua Land Use Directory be circulated to all councillors.

Resolved

That the Regional Council:

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

**Leeder/Bruning
CARRIED**

Adjournment

The meeting adjourned at 10.50am and reconvened at 11.10am.

10 Chief Executive's Reports

10.1 Significance and Engagement Policy

The report sought the adoption of Council's updated Significance and Engagement Policy. The report and recommendations were taken as read and accepted without discussion.

Resolved

That the Regional Council:

- 1 Receives the report, Significance and Engagement Policy;**
- 2 Confirms that Council will not undertake formal public consultation on the significance and engagement policy prior to adoption as, pursuant to s82 (4) (e) of the LGA, the costs of consultation do not outweigh the benefits.**
- 3 Adopts the attached Significance and Engagement Policy pursuant to section 76AA of the Local Government Act 2002.**
- 4 Notes that an adopted Significance and Engagement Policy will immediately replace the existing Significance and Engagement Policy.**

**Winters/Crosby
CARRIED**

10.2 Approval of Draft Consultation Document and supporting documents for Long Term Plan 2018-2028 Audit process

Refer PowerPoint Presentation Objective ID A2773598.

The report sought Council approve the Draft Consultation Document and supporting documents for the Long Term Plan 2018-2028 Audit process. General Manager Corporate Performance Mat Taylor and Finance and Corporate Planning Manager

Debbie Hyland presented an outline of the development process, forward timeline, supporting documents and direction and focus of the consultation document. In regard to the Draft Financial Strategy, a change in one of the draft covenant descriptions and percentages was noted and draft ratios corrected to thirty percent, consistent with the updated Draft Treasury Policy, with staff to further discuss with Treasury advisors what the limits should be.

Councillors acknowledged the lengthy process undertaken to get the LTP to this point and expressed their appreciation and congratulated staff for their substantial work.

The following points were raised for staff's further consideration:

- 1) Rephrasing of language used in regard to the management of the Port of Tauranga and Regional Fund reserve savings was requested. It was noted that changes to the Eastern Bay Bus services should specifically refer to Whakatāne bus services and that detailed information within asset management plans should be checked, such as updating the ownership of the Pāpāmoa Hills.
- 2) It was considered that significant investment on capex programmes in the catchments over the next 1-2 years may need a review of Council's policies and financial sustainability. It was agreed that discussion with the community would be needed on the long-term role of infrastructure and impacts to ratepayers.
- 3) The need for clear communication regarding flexibility around the maximum and intended limit on rates was highlighted.

Resolved

That the Regional Council:

- 1 Receives the report, Approval of Draft Consultation Document and supporting documents for Long Term Plan 2018-2028 Audit process;**
- 2 Adopts the Strategic Framework including the Council Vision and Community Outcomes for the Long Term Plan 2018-2028 and notes that it replaces the previous version.**
- 3 Adopts the Activity Structure for the Long Term Plan 2018-2028 and notes that it replaces the previous version.**
- 4 Adopts the Draft Asset Management Plans as a supporting documents for the Long Term Plan 2018-2028 for submission to Audit New Zealand:**
 - 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**
- 5 Adopts the confidential Draft Property Asset Management Plan 2018-2021 as a supporting document for the Long Term Plan 2018-2028 for submission to Audit New Zealand.**
- 6 Adopts the Draft Financial Policies and Other Policies as a supporting document for the Long Term Plan 2018-2028 for submission to Audit New Zealand:**

- 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
 - f. Resource Management Act and Building Charges Act Charges Policy 2018-2019
- 7 Notes the draft Resource Management Act and Building Act Charges Policy 2018-2019 will be adopted in February 2018 as a full Statement of Proposal for concurrent consultation with the Long Term Plan 2018-2028.
- 8 Adopts the Draft Activity Work Plans as a supporting document for the Long Term Plan 2018-2028 for submission to Audit New Zealand 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.
- 9 Adopts the Draft Volume Rua as a supporting document for the Long Term Plan 2018-2028 for submission to Audit New Zealand incorporating the:
- 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 Approves the content of the 'Long Term Plan 2018-2028 Consultation Document – Draft for Audit' for the purposes of submitting it to Audit New Zealand for the Long Term Plan 2018-2028 audit process.
- 11 Delegates the authority to the Chief Executive to make editorial amendments to the draft Consultation Document and draft supporting documents, if required, prior to them being submitted to Audit New Zealand.
- 12 Notes the final version of the Long Term Plan Consultation Document 2018-2028, following any amendments required by Audit New Zealand and for graphic design purposes, will subsequently be provided to Council for its approval at its meeting on 15 February 2018.

- 13 Confirms that the decision has a medium level of significance as determined by the Council's Significance and Engagement Policy. Council has identified and assessed different options and considered community views as part of making the decision, in proportion to the level of significance.**

**Love/Nees
CARRIED**

10.3 Mash Up Competition 2018

The report sought a decision on Council's future involvement in the Mash Up competition. Background and clarification was provided on the change in focus of the current competition and the different perspectives of the current organisers.

Members expressed a desire to support and engage with youth, but agreed that the competition would need to have a Regional Council activity/outcome focus for Council to support it. It was suggested that staff re-engage with the organisers to identify opportunities to re-contribute with a monetary limit, to which Council agreed to delegate to the Chief Executive. It was also requested that staff investigate with organisers if competition could be extended to Rotorua schools.

Resolved

That the Regional Council:

- 1 Receives the report, Mash Up Competition 2018;**
- 2 Adopts a preferred option for the 2018 Mash Up competition:**
 - a. Directs the Chief Executive to re-engage discussion to identify further opportunity and have delegation to approve funding; and to explore the opportunity for Rotorua schools to be involved.**

**Love/Nees
CARRIED**

10.4 Proposed Partnership Opportunity with Ngai Te Rangi

The report sought Council approval to enter into a partnership agreement with Ngai Te Rangi for the lease of the maritime vessel Taniwha. The report and recommendations were taken as read and accepted without discussion.

Resolved

That the Regional Council:

- 1 Receives the report, Proposed Partnership Opportunity with Ngai Te Rangi;**
- 2 Approves the lease of Council's vessel "Taniwha" to Ngai Te Rangi for a period of three years.**

**Leeder/Bruning
CARRIED**

Order of Business

With the leave of Council, the Chairman advised that the external presentation associated with agenda item 13.3 would be taken next on the agenda to accommodate the external presenters, with consideration of agenda item 13.3 to be continued later on the agenda.

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
13.3 Ōpōtiki Harbour Transformation Detailed Business Case – External Presentation	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)

Leeder/Thurston
CARRIED

12 Chief Executive's Reports

12.1 Options for Lake Ōkāreka Level Control

The report outlined a range of options and sought Council's consideration on a recommended approach for long term lake level control for Lake Ōkāreka. Lake Operations Manager Andy Bruere and General Manager Integrated Catchments Chris Ingle provided background on the issues and options.

Members were advised that the costs for Option 2 would be covered by targeted and general rates for the Rotorua District. It was clarified that if lake levels rose to 1963 levels, road access would be cut off and 25 houses impacted. It was noted that the recommended option provided timing for consultation in the short-term and that seeking resource consent to allow an increase in the outlet flow would provide for community views and submissions to be considered.

Councillors commended staff for their work and endorsed the two stage approach, subject to consultation and obtaining resource consent. Comment was raised for future consideration and discussion on different limits and ratios that could be applied.

Resolved

That the Regional Council:

- 1 **Receives the report, Options for Lake Ōkāreka Level Control;**
- 2 **Endorses a two stage approach:**
 - Stage 1. Implement Option 1 for 2-3 years utilising the temporary pipeline and managing the outflow and lake level according to engineering guidelines that clearly trigger valve adjustments; and
 - Stage 2. Implement Option 2 in year 3 of the Long Term Plan at a cost of \$440,000 to \$650,000 (subject to obtaining resource consent).
- 3 **Notes that implementing Stage 2 will be subject to obtaining resource consent with an increase in maximum outlet flow from 239L/s to 500L/s, when lake levels exceed the consented maximum.**
- 4 **Confirms that the decision has a low level of significance as determined by the Council's Significance and Engagement Policy. Council has identified and assessed different options and considered community views as part of making the decision, in proportion to the level of significance.**

**Winters/Thurston
CARRIED**

12.2 **Rangitāiki Wetland Restoration Project**

The report sought approval for the Chief Executive to approve and execute the Deed of Funding for the Rangitāiki Wetland Restoration Project.

Resolved

That the Regional Council:

- 1 **Receives the report, Rangitāiki Wetland Restoration Project;**
- 2 **Approves the Chief Executive to approve and execute the Ministry for the Environment Deed of Funding for the Rangitāiki Wetland Restoration Project.**

**Winters/Love
CARRIED**

12.3 **Rangitāiki Floodway Stage 4 - Procurement Plan Update**

The report sought Council to delegate to the Chief Executive the ability to approve the tenderer for the Rangitāiki Floodway Stage 4 Works.

Resolved

That the Regional Council:

- 1 **Receives the report, Rangitāiki Floodway Stage 4 - Procurement Plan Update;**
- 2 **Delegates to the Chief Executive, through acceptance of the procurement plan, the ability to approve the tenderer for the Rangitāiki Floodway Stage 4**

Contract and the associated contract of Construction of Thornton Hall Road Bridge and road upgrade.

**Bruning/Leeder
CARRIED**

12.4 Rangitāiki River Scheme Review - Implementation update and delegation

The report provided an update on implementation progress of Council's response to the Rangitāiki River Scheme Review and sought approval to delegate monitoring of implementation to the Audit and Risk Committee.

Members were informed that a number of policy decisions were likely to be reported to Council for consideration and that communication and engagement would be a focus of the internal working group. A consultation process would be developed to engage with affected landowners and the wider Edgecumbe community, which would be brought to Council to endorse. It was noted that a number of presentations on the review findings had been given to a range of councils, government agency officials and stakeholders. Members were advised a further presentation would be given to the Minister to provide historical background and considerations of the review findings in regard to the long-term sustainability of river schemes. A piece of work occurring with the regional sector group on river scheme sustainability and current funding models was noted.

Resolved

That the Regional Council:

- 1 Receives the report, Rangitāiki River Scheme Review - Implementation update and delegation;**
- 2 Delegates the monitoring of implementation of the recommendations of the Rangitāiki River Scheme Review to the Audit and Risk Committee for twelve months from December 2017.**

**Nees/Bruning
CARRIED**

12.5 Establishment of Temporary Emergency Committee

The report sought Council establish an Emergency Committee with the power to act over the Christmas/New Year break.

Resolved

That the Regional Council:

- 1 Receives the report, Establishment of Temporary Emergency Committee;**
- 2 Under Schedule 7 s30 (1)(a) of the Local Government Act 2002, establish a temporary Emergency Committee with the power to act if required, from 21 December 2017 to 31 January 2018, and appoints the Council Chairman, Deputy Chair and Chairs of the Audit and Risk Committee and Regional Direction and Delivery Committee as its members.**

**Bruning/Crosby
CARRIED**

12.6 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:

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
Supporting Document 2: LTP 2018-2028 Draft Property Asset Management Plan (refer Agenda Item 12.3)	To prevent improper gain or advantage	Good reason for withholding exists under Section 48(1)(a)
13.1 Public Excluded Regional Council Minutes - 02 November 2017	Please refer to the relevant clause in the open meeting minutes.	Good reason for withholding exists under Section 48(1)(a)
13.2 Rangitāiki River Scheme Review – Appendix 1: Confidential Update on Legal Matters (Refer Agenda Item 12.9)	To maintain legal professional privilege.	Good reason for withholding exists under Section 48(1)(a)
13.3 Ōpōtiki Harbour Transformation Detailed Business Case	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)

**Leeder/Winters
CARRIED**

13 Closing remarks

As it was the last Council meeting for the year, the Chairman acknowledged significant events that had impacted Council over the course of 2017. Recognition was made to the anniversary of the late Councillor Awanuiarangi Black in November, the tragic passing of staff member Arch Delahunty in June, the valued addition of Councillor Matemoana McDonald to Council and the impacts of the April flood and respective weather events.

The Chairman paid tribute also to the milestones and achievements that had been reached. In recognition of Council's Regional Infrastructure Fund contribution to the Tauranga University Campus, a pictorial depiction of the signing of the agreement was gifted to Councillor John Cronin as an acknowledgement of his involvement in the project.

The meeting closed at 1.21pm.

Confirmed

Chairman Bay of Plenty Regional Council

Date