

Minutes of the Regional Council Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Thursday, 2 August 2018 commencing at 9.30 a.m.

Present:

Chairman: D Leeder

Deputy Chairman: J Nees

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

In Attendance: Fiona McTavish, Chief Executive, Namouta Poutasi, Acting General Manager, Strategy and Science, Mat Taylor, General Manager, Corporate Performance, Chris Ingle, General Manager, Integrated Catchments, Sarah Omundsen, Acting General Manager, Regulatory Services, Yvonne Tatton, Governance Manager, Daniel Smith, Consents Team Leader, Paula Chapman, Project Manager, Annabel Chappell, Property Manager, Shelley Hey, Manager Chief Executive's Office, Donna Llewellyn, In-House Legal Counsel, Tone Nerdrum-Smith, Committee Advisor

Apologies: K Winters

1 Karakia

An opening Karakia was provided by Cr Marr.

2 Apologies

Resolved

That the Regional Council:

- 1 Accepts the apology from Cr Winters tendered at the meeting.

Leeder/Thurston
CARRIED

3 Representation Review Hearing of Submissions

The Chairman noted Mr Darryl Jensen and Mr Nigel Billings from Federated Farmers had withdrawn their request to speak to their submission due to unforeseen circumstances.

- 1 - Whakatāne District Council – Deputy Mayor Judy Turner

Key Points

- Supported the recommendations of the Regional Council to retain the status quo
- Noted the population-based approach to representation however also needed to consider isolated and widely dispersed communities, the geographical size and GDP of the Eastern Bay of Plenty(EBOP)Supported no change to the boundary adjustment and alignment of the Māori Constituencies.

In Response to Questions

- The growth occurring in Whakatāne and the anticipated growth in Kawerau and Ōpōtiki could potentially correct the current Eastern Bay of Plenty constituency population ratio deviation in the future..

Tauranga City Council – Mayor Greg Brownless

Key Points

- Acknowledged the statutory process of the review
- Suggested that the population projection estimates for Tauranga would more accurately reflect existing population than the figures used by Regional Council
- Acknowledged that Regional Council was required to use statistical information within the legal framework and therefore endorsed the current proposal, however sought that the next representation review be brought forward after the 2019 local government election, rather than wait a further six years.
- Tauranga Constituency boundary adjustments could be a consideration in the next review.

Staff in Response to Questions

- There was no statutory requirement to wait six years between reviews
- If a further review was agreed to, it would commence in 2020/21, in order for the decision to apply for the 2022 local government election.

4 **Public Forum**

Nil

5 **General Business**

Nil

6 **Confidential Business to be transferred into the open**

Nil

7 **Declaration of conflicts of interest**

Nil

8 **Previous Minutes**

8.1 **Regional Council Minutes - 28 June 2018**

Resolved

That the Regional Council:

- 1 Confirms the Regional Council Minutes of 28 June 2018, as a true and correct record.

Leeder/Nees
CARRIED

8.2 Regional Transport Committee Minutes - 15 June 2018

Resolved

That the Regional Council:

- 1 Receives the Regional Transport Committee Minutes - 15 June 2018.

Crosby/Nees
CARRIED

8.3 Rotorua Te Arawa Lakes Strategy Group Minutes - 15 June 2018

Resolved

That the Regional Council:

- 1 Receives the Rotorua Te Arawa Lakes Strategy Group Minutes - 15 June 2018.

Leeder/Thurston
CARRIED

8.4 Civil Defence Emergency Management Group Joint Committee Minutes - 22 June 2018

Resolved

That the Regional Council:

- 1 Receives the Civil Defence Emergency Management Group Joint Committee Minutes - 22 June 2018.

Love/Leeder
CARRIED

8.5 Te Maru o Kaituna River Authority Minutes - 22 June 2018

Resolved

That the Regional Council:

- 1 Receives the Te Maru o Kaituna River Authority Minutes - 22 June 2018.

**Tahana/Nees
CARRIED**

8.6 **Eastern Bay of Plenty Joint Committee Minutes - 3 July 2018**

Resolved

That the Regional Council:

- 1 Receives the Eastern Bay of Plenty Joint Committee Minutes - 3 July 2018.**

**Clark/Bruning
CARRIED**

9 **Chairman's Report**

9.1 **Chairman's Report**

Chairman Leeder provided an outline of the report.

Key Points

- A workshop would be undertaken regarding the Bay of Connections/Regional Growth Study
- Trout legislation would be reviewed and Chairman Leeder, as the interim Co-Chair [in a private capacity] of Trout NZ would support the review at Select Committee level
- Any entity could apply to the Provincial Growth Fund
- John Hutchings, HenleyHutchings had been asked to review the Centre of Excellence for Transport project and would report to the Councillors and Chief Executive
- Productivity Commission reported to Central Government who would determine how to prioritise and fund projects and initiatives.

Staff Follow-up

- List of the business case ready projects for the Provincial Growth Fund, and/or link to presentation, to be distributed to Councillors.

Resolved

That the Regional Council:

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

**Leeder/Love
CARRIED**

10 **Chief Executive's Report**

10.1 **Review of the Representation Arrangements for the 2019 Local Elections - Hearing and Deliberations**

Yvonne Tatton, Governance Manager provided an outline of the report and outlined the representation review process to date. Members were advised Council's final representation proposal would be publicly notified, submitters to the initial proposal would have the right of appeal and the Local Government Commission would make the final determination early 2019.

- Consideration of Points Raised by Submitters The Local Electoral Act 2001 clearly defined the ordinary resident population figures to be used when undertaking a representation review and Council had no choice but to use these
- Recognised the EBOP constituency covered a large geographical area and communities would not be well served with only one representative
- The proposal to increase the number of EBOP members to three while retaining existing boundaries would further exacerbate the +/-10 rule deviation
- Had considered boundaries options as part of the initial proposal however felt the current representation model remained a good reflection of the subregion's communities of interest and aligned with the territorial authorities boundaries
- Council could undertake the next review earlier than in six year, which was the maximum timeframe stipulated by legislation.
- Recognised that the Bay of Plenty subregions were experiencing changing population rates which would impact all subregions within the next six year review period and therefore an earlier review may be appropriate.

Resolved

That the Regional Council:

- 1 Receives the report, Review of the representation arrangements for the 2019 local elections - hearing and deliberations;**
- 2 Receives and considers the representation review submissions from Tauranga City Council, Bay of Plenty Federated Farmers, John Howard and Whakatāne District Council.**
- 3 Resolves, in accordance with the provisions of the Local Electoral Act 2001 and following its consideration of the public submissions received to its 2018 review of representation arrangements, to adopt/amend its initial proposal as its final proposal for the 2019 Bay of Plenty Regional Council triennial elections being:**

General Constituencies

Eastern Bay of Plenty	2 Elected Members
Rotorua	2 Elected Members
Tauranga	5 Elected Members
Western Bay of Plenty	2 Elected Members

Maori Constituencies

Mauao	1 Elected Member
Kohi	1 Elected Member
Okurei	1 Elected Member

Total 14 Elected Members

- 4 Notes that in considering matters raised by submitters, the total number of councillors is proposed to remain at 14 to provide effective representation to the regions' residents and ratepayers, and the number of members to be elected by the electors of the proposed constituencies will receive fair**

representation having regard to the population and communities of interest of each constituency in the region.

- 5 Notes that its Final Representation Proposal does not comply with section 19(V)(2) of the Local Electoral Act 2001. The proposal must therefore be treated as an appeal under section 19(V)(5) of the Local Electoral Act 2001 and be referred to the Local Government Commission for its determination following the appeal/objection period.
- 6 Notes that the above Final Representation Proposal will be publically notified on 11 August 2018 providing the opportunity for appeals and objections to be lodged in the period 11 August to 11 September 2018.
- 7 Agrees that the wording of the reasons for the Council's decision, and its acceptance or rejection of submissions received on the Council's initial proposal, as required under section 19N(2) of the Local Electoral Act 2001, be approved by the Chairman in conjunction with the Interim Governance Manager.
- 8 Agrees that the final representation proposal apply to the 2019 elections only and advise the Local Government Commission that the Council will undertake a further representation review in time for the 2022 elections.

Thurston/von Dadelszen
CARRIED

10.2 April 2017 Flood Recovery Project - Update

Chris Ingle, General Manager, Integrated Catchments and Paula Chapman, Project Manager presented the report.

Resolved

That the Regional Council:

- 1 Receives the report, April 2017 Flood Recovery Project – Update.

Bruning/Thurston
CARRIED

10.3 Local Government Funding Agency (LGFA) Limited - Statement of Intent 2018/19

Mat Taylor, General Manager, Corporate Performance provided a brief outline of the report and responded to questions.

Key Points

- Standard and Poors was responsible for Council's credit rating
- LGFA would ensure Council was informed of any changes introduced by Central Government that would affect territorial authorities.

Resolved

That the Regional Council:

- 1 Receives the report, Local Government Funding Agency (LGFA) Limited - Statement of Intent 2018/19;
- 2 Notes the Statement of Intent 2018/19.

Cronin/Crosby
CARRIED

10.4 **Bay of Plenty Local Authority Shared Services (BoPLASS) Limited's Statement of Intent 2018-21**

Mat Taylor, General Manager, Corporate Performance and Annabel Chappell, Property Manager presented the report.

Resolved

That the Regional Council:

- 1 Receives the report, Bay of Plenty Local Authority Shared Services (BoPLASS) Limited's Statement of Intent 2018-21;
- 2 Notes the Statement of Intent 2018-21.
- 3 Request the CEO to provide a BOPLASS report within 12 months identifying opportunities for achieving more efficient and effective service delivery.

Thompson/Leeder
CARRIED

10.5 **Chairman's Study Tour to Murray-Darling Basin, Australia**

Resolved

That the Regional Council:

- 1 Receives the report, Chairman's Study Tour to Murray-Darling Basin, Australia;
- 2 Endorses the Chairman's attendance at the Regional Sector Tour of Murray-Darling Basin, Australia in October 2018.

Love/Nees
CARRIED

10.6 **BOPRC Submission on Taxation (Annual Rates for 2018-19, Modernising Tax Administration, and Remedial Matters) Bill**

Mat Taylor, General Manager, Corporate Performance provided a brief outline of the report.

Resolved

That the Regional Council:

- 1 **Receives the report, BOPRC Submission on Taxation (Annual Rates for 2018-19, Modernising Tax Administration, and Remedial Matters) Bill;**
- 2 **Approves a submission on the Taxation Bill be prepared and submitted;**
- 3 **Agrees for the Chairman to approve and sign the submission on behalf of Council when it is finalised.**

**Cronin/Love
CARRIED**

General Discussion - Three Waters Presentation - Comments by Elected Members

- Central Government was committed to deal with the three waters challenges
- Territorial Authorities were in a position to deal with potable water. However, there appeared to be a reluctance to deal with the more complex and resource demanding wastewater issues
- There was a high level of cooperation and engagement within local government to identify current practice and where there appeared to be gaps
- Noted that Water NZ was seeking Council's input and that a workshop was scheduled for this purpose
- Imperative that community expectations and outcomes were taken into consideration.

Adjournment

The meeting adjourned at 10.45am and reconvened at 11.07am.

11 **Presentation**

11.1 **Local Government Operating Environment – Department of Internal Affairs**

PowerPoint presentation – Objective ID A2929862

Shelley Hey, Manager Chief Executive's Office introduced Richard Ward, Partnerships Director – Central/Local Government Partnerships, Department of Internal Affairs, who presented this item.

Key Points of PowerPoint Presentation

- Overview
- Why DIA created the CLGPG function
- Six Partnership Directors
- Significant projects
- Three waters
- Three Waters Review: Challenges and ways to address them
- Key findings
- Drinking water safety and public health risks
- Environmental challenges and wastewater systems
- The Tree Waters system: Complex regulatory environment
- Lack of central oversight and protection for consumers
- Funding challenges – drinking water and wastewater infrastructure upgrades
- Other funding and financing challenges
- Asset management capability

- Local Authorities capital expenditure
- Governance capability
- Scope of the Review
- What outcomes is Government seeking
- Options being explored
- Maps
- Next steps.

In Response to Questions

- The review would progress into a community engagement phase, however the initial focus pertained to the wishes of local government
- The allocation of \$1.2-\$2b capital expenditure was specifically for infrastructure upgrades
- Climate change/resilience impact had not been costed at this stage
- Flooding, i.e. 'the fourth water' was not included in the review
- Taranaki District Council issued annual reports on each of its wastewater treatment plants
- Recognised that any debate regarding the best course of action for the three waters would become political
- Implementing changes that resulted in positive outcomes was recognised as being a time consuming process and discussions would have to take place regarding how long New Zealand would be willing to wait for change.

Key Points – Elected Members

- Concerned that funding allocated by Central Government to address the ongoing issue of discharge of waste water into the environment, in particular in Auckland, was insufficient
- There had been a longstanding trend of underfunding of infrastructure at local government level
- Encouraged brave thinking and action to address the issues facing the environment
- A conversation between Central Government and the wider community, beyond local government, was essential.

12 **Chief Executive's Report (Continued)**

12.1 **Processing Consents on Behalf of Council - Procurement Plan**

Sarah Omundsen, Acting General Manager, Regulatory Services and Daniel Smith, Consents Team Leader provided an outline of the report and responded to questions.

Key Points - Staff

- The Procurement Plan would provide clear performance measures and expectations, rather than the process currently in place
- The current use of Council resourcing meant actual costs were not clearly identified, which would be addressed through the proposed streamlined process
- LTP 2018-28 allocations meant additional staff were being appointed to meet demands
- Use of external contractors was kept to a minimum and primarily to support staff as and when required
- Recognised that a formalised process should already have been in place to ensure external providers had a level of certainty with regards to ongoing provision of services.

Key Points – Elected Members

- Concerned that appointing independent contractors, rather than retaining the responsibility within Council, increased the risk of a loss of quality control and alignment with expected Council practices
- Queried whether the use of consultants was the most effective use of resourcing
- Important that the rights and expectation of the consent applicants was taken into consideration.

Resolved

That the Regional Council:

- 1 Receives the report, Processing consents on behalf of Council - Procurement Plan;
- 2 Approves the Procurement Plan for Consents Processing included as Appendix 1;
- 3 Delegates to the Chief Executive, through acceptance of the procurement plan, the ability to approve the award of contracts for the Consent Processing Services supplier panel.

Von Dadelszen/Crosby
CARRIED

13 Public Excluded Section

Resolved

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
Public Excluded Regional Council Minutes – 28 June 2018	Disclosing the information may prejudice the maintenance of the law	Good reason for withholding exists under Section 48(1)(a)
Update on April 2018 Ngongotahā Flood Review	Disclosing the information may prejudice the maintenance of the law	Good reason for withholding exists under Section 48(1)(a)

Leeder/Bruning
CARRIED

14 Consideration of General Business

Fiona McTavish, Chief Executive and Donna Llewellyn, In-House Legal Counsel – In Response to Questions

- Monitoring and Compliance reports would be provided at the upcoming Regional Direction and Delivery meeting
Regional Council was not party to legal proceedings with regards to the use of 1080 which the High Court was scheduled to consider on 21 August 2018.

The meeting closed at 12.34 pm

Confirmed

Chairman Bay of Plenty Regional Council

Date

Confirmed

Chairperson

Date