

Minutes of the Regional Council Meeting held in Mataatua Room, Bay of Plenty Regional Council, 5 Quay Street, Whakatāne on Thursday, 1 November 2018 commencing at 9.30 a.m.

Present:

Chairman: D Leeder

Deputy Chairman: J Nees

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

In Attendance: Bay of Plenty Regional Council: Fiona McTavish – Chief Executive, Mat Taylor – General Manager Corporate, Namouta Poutasi – General Manager Strategy & Science, Chris Ingle – General Manager Integrated Catchments, Nicola Green – Senior Planner, David Phizacklea – Regional Integrated Planning Manager, Martin Butler – Regional Planner, Yvonne Tatton – Governance Manager, Mark Townsend – Engineering Manager, Andy Bruere – Lakes Operations Manager, Andy Dixon – Accounting Team Leader, Debbie Hyland – Finance and Corporate Planning Manager, Tone Nerdrum-Smith – Committee Advisor

Apologies: Cr von Dadelszen, Cr Cronin (leave of absence), Cr Crosby (early departure) and Cr Thompson (late arrival)

1 Karakia

A Karakia was provided by Cr Marr.

2 Apologies

Resolved

That the Regional Council:

- 1 Accepts the apologies from Cr Crosby (early departure), Cr Thompson (late arrival), Cr Cronin and Cr von Dadelszen tendered at the meeting.

Thurston/Love
CARRIED

3 Public Forum

BOPRC wins Commonwealth Association of Planners Award for Outstanding Achievement in the Commonwealth:

Staff attended the meeting for an official recognition of the Commonwealth Association of Planners Award:

- David Phizacklea, - Regional Integrated Planning Manager, Martin Butler – Regional Planner, Marie Radford – Planning Coordinator and Namouta Poutasi, General Manager, Strategy and Science, with the following staff being unable to attend: Nassah Steed – Programme Leader, Kerry Gosling – Senior Community Engagement Advisor and Stephanie McDonald – Community Engagement Team Leader.

The following external consultants were recognised for their contribution:

- Gerard Willis - Enfocus, Dr Wendy Saunders - GNS Science and Dr Margaret Kilvington - Independent Social Research Evaluation & Facilitation.

4 **Acceptance of Late Items**

Nil

5 **General Business**

Nil

6 **Confidential Business to be Transferred into the Open**

Nil

7 **Declaration of Conflicts of Interest**

Nil

9.44 am Cr Thompson **entered** the meeting.

8 **Previous Minutes**

8.1 **Regional Council Minutes - 27 September 2018**

Resolved

That the Regional Council:

1 Confirms the Regional Council Minutes - 27 September 2018

Matters Arising:

- Zone 2 presentation regarding recycling of tires/burning of plastics to be scheduled as an item on a future Regional Direction & Delivery Committee (RDD) agenda
- Chief Executive to follow up on the concerns expressed regarding the current BOPLASS model and report back to Councillors.

**Nees/Love
CARRIED**

9 Reports

9.1 Chairman's Report

Chairman Leeder provided an outline of the report as included in the agenda.

Key Points – Staff

- University of Waikato Tauranga Campus was scheduled to open in March 2019 and an invitation for Councillors to attend was expected
- The Annual Reports from the University of Waikato would be presented to RDD Committee
- Professor Chris Battershill and Professor Troy Baisden, University of Waikato would be scheduled to present to Councillors prior to the end of 2018.

Resolved

That the Regional Council:

- 1 Receives the report, Chairman's Report.

Leeder/Winters
CARRIED

9.2 Chief Executive's Report

The Chief Executive presented this item.

Key Points

- Emphasised the focus on monitoring and business, e.g. procurement, as reflected in the agenda
- Leadership Team was focussing on the Fit for Purpose proposal
- Participating in the Murray Darling Basin study tour had been a highlight.

Key Points – Members

- Noted the establishment of the new Biosecurity Forum.

Resolved

That the Regional Council:

- 1 Receives the report, Chief Executive's Report.

Winters/Bruning
CARRIED

9.3 Presentation: Murray Darling Basin Study Tour

Refer PowerPoint Presentation - Objective A3005521

Chairman Leeder provided an outline of the study tour to Murray Darling Basin, Australia.

Nicola Green – Senior Planner provided a PowerPoint presentation as follows:

Key Points of Presentation

- Murray Darling Basin Study Tour
- Who did meet?
- MDB water management is complex
- The Murray-Darling Basin
- Massive irrigation infrastructure network
- Growing Demand
- Climate is changing
- Crisis drive major change
- Basin Plan outcomes
- Actions include
- Environmental Water
- Annual Allocation
- Variable effects
- Disadvantages/costs
- What could we learn from this for NZ.

In Response to Questions

- Groundwater rising inland was forcing salt to the surface and causing damage to the vegetation
- Water rights in Australia was tied to land ownership, which meant owners could commercialise the water supply on their properties
- The Commonwealth had purchased approximately 25% of existing water rights and invested significantly in water infrastructure for the benefit of the environment
- Efficiencies in the allocation of water was a significant issue as the current distribution was uneven and not well aligned with requirements.

Key Points – Members

- Noted that Central Government compliance and enforcement supported the regulatory network and closely monitored the allocation and use of water
- In parts of Australia, access to water was a life and death situation, in particular for farmers.

Staff Follow-up

- Bay of Plenty water storage, seen in relation to over/under supply, to be further investigated and reported to RDD Committee in 2019
- Confirmation regarding the water availability for the Rangiuru Business Park (Lower Kaituna Plains) to be provided to Councillors.

9.4 **Integrated Catchments and Biosecurity Procurement 2019/20 - 2024/25**

Chris Ingle – General Manager Integrated Catchments and Mark Townsend – Engineering Manager provided an overview of Items 9.4, 9.5 and 9.6, which all related to procurement.

In Response to Questions

- Staff considered that the locally supplied native plants met Council's needs
- The identified expenditure was within allocated budgets, and was only presented to Council for approval as the values exceeded delegated authority.

Resolved

That the Regional Council:

- 1 **Receives the report, Integrated Catchments and Biosecurity Procurement 2019/20 - 2023-24;**
- 2 **Approves the Procurement Plan for Integrated Catchments and Biosecurity (attached);**
- 3 **Notes the procurement process proposed for remaining Integrated Catchments and Biosecurity contract work outlined in this paper.**
- 4 **Delegates the Chief Executive the authority to award contracts procured through the Procurement Plan.**
- 5 **Confirms the decision has a low level of significance.**

Leeder/Crosby
CARRIED

9.5 Contract Plant Supply to Flagship Restoration Projects**Resolved**

That the Regional Council:

- 1 **Receives the report, Contract plant supply to flagship restoration projects;**
- 2 **Approves the value of this contract (total value range is between \$885,000 - \$1,050,000) as required by the Procurement Manual;**
- 3 **Delegates responsibility to the Chief Executive for awarding the contract to the successful tenderer(s).**

Leeder/Crosby
CARRIED

9.6 Capital Works Procurement Plan 2018/19**Resolved**

That the Regional Council:

- 1 **Receives the report, Capital Works Procurement Plan 2018/19;**

- 2 Approves the attached Procurement Plan for 2018/19 Capital Works; and
- 3 Approves going to market to invite tenders for the six capital works projects as set out in the attached Procurement Plan.
- 4 Delegates to the Chief Executive the authority to award the contracts for each capital project, providing the tender price is within the approved capital project budgets as set out in the Long Term Plan 2018-2028 (see section 4);
- 5 Delegates to the Chief Executive the authority to execute the contracts with the successful tenderers.

Leeder/Crosby
CARRIED

10.27 am The meeting adjourned.

10.45 am The meeting reconvened.

9.7 Amendments to Rotorua Te Arawa Lakes Strategy Group Agreement and Terms of Reference

Yvonne Tatton – Governance Manager and Chris Ingle – General Manager Integrated Catchments presented this item.

Key Points

- An amendment to the Rotorua Te Arawa Lakes Strategy Group Agreement was sought to allow for the appointment of a non-voting Chairperson
- The Strategy Group's membership was established under Deed Settlement, which dictated its composition
- The Strategy Group and Te Arawa Lakes Trust had coined the term 'Independent Chairperson', which was driven by the wish to retain Sir Toby Curtis as the Chair.

Key Points – Members

- Queried whether the term 'Independent Chair' was appropriate as Sir Toby Curtis belonged to one of the partner organisations
- Concerned that the amendments to the Strategy Group's Terms of Reference and delegated authority could have implications for the Council that was not yet clearly identified.

Resolved

That the Regional Council:

- 1 Leave this matter to lie on the table and for it to be brought back to a future meeting of Council.

Thurston/Love
CARRIED

9.8 Appointment of Bay of Plenty Regional Council Independent Electoral Officer

Yvonne Tatton – Governance Manager presented this item.

In Response to Questions

- Noted that Tauranga City Council's voting system would change from First Past the Post (FPP) to Single Transferable Vote (STV) for the 2019 Local Government elections
- Warwick Lampp of Electionz.com was the appointed Electoral Officer for a number of Authorities in the Bay of Plenty region
- TCC had indicated their wish to participate in the trial on-line voting for 2019, which would impact on BOPRC and the BOP DHB
- A conversation between the three authorities with regards to the on-line voting trial was yet to be had.

Resolved

That the Regional Council:

- 1 Receives the report, Appointment of Bay of Plenty Regional Council Independent Electoral Officer;
- 2 Appoints Warwick Lampp from electionz.com as the Bay of Plenty Regional Council Electoral Officer, effective from 3 November 2018 to 2 November 2021.

Thompson/Bruning
CARRIED

9.9 Public Excluded Section

Resolved

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
Bay of Connections Review	To protect this information so it doesn't prejudice similar information	Good reason for withholding exists under Section 48(1)(a)

Leeder/Thurston
CARRIED

9.10 **Arotake Tuatahi 2018/19 - Performance Monitoring Report, July to September 2018**

Refer PowerPoint Presentation - Objective A3029243

Andy Dixon – Accounting Team Leader, Debbie Hyland – Finance and Corporate Planning Manager, Karen Aspey – People & Capability Manager and Sam Rossiter-Stead – Communications Manager presented this item and responded to questions.

Key Points of Presentation

- Arotake Tuatahi 2018/19
- A new approach for performance monitoring
- Financial Performance
- Capital Projects
- Treasury
- KPI performance
- Our People and Culture
- Health and Safety
- The work we do.

In Response to Questions

- The report provided valuable information in support of the self-assessment being undertaken as part of the Council Mark project.

Staff Follow-up

- A snapshot on how Capital Expenditure projects were tracking time wise to be included in future reports
- Copy of the report to be made available to Audit & Risk Committee's Independent Member Bruce Robertson.

Resolved

That the Regional Council:

- 1 Receives the report, Arotake Tuatahi 2018/19 - Performance Monitoring Report, July to September 2018;**
- 2 Provides feedback to staff on the new format and content of Arotake Tuatahi 2018/19.**

Love/Nees
CARRIED

9.11 Rangitāiki Floodway - Consultation on Proposed Change of Consent

Refer PowerPoint Presentation – Objective A3028983

Mark Townsend – Engineering Manager and Andy Bruere – Lakes Operations Manager presented this item.

Key Points of Presentation

- Rangitāiki Floodway – Proposed Change of Consent Consultation
- Process Forwards
- Rangitāiki Floodway Spillway
- Spillway Options
- Widened Inflatable Rubber Dam
- Floodway Spillway Design 2008
- Lower Fixed Crest Weir
- Modified Spillway
- Potential Ponding Area
- Stopbank Raising.

In Response to Questions

- The rubber dam could be deflated or re-inflated in a flood event
- The ponding areas would only be used in exceptional circumstances and staff are working with the landowners who would be affected, e.g. Fonterra, so the impacts were well identified and understood
- The consent conditions for Fonterra's wastewater irrigation and treatment farm were closely monitored by Council
- Recognised the potential reduction in value for the affected properties, however, if this occurred, it was expected to be short-term only.

Resolved

That the Regional Council:

- 1 Receives the report, Rangitāiki Floodway - Consultation on Proposed Change of Consent.**

**Leeder/Nees
CARRIED**

9.12 Local Government Information and Meetings Act 1987 Requests for the Period 1 July 2017 to 30 June 2018

Donna Llewellyn – In-House Legal Counsel and Mat Taylor – General Manager, Corporate presented this item.

Key Points

- This was the first time the report was available in the public arena
- 126 LGOIMA requests had been received in the 2017-18 year, with a large portion relating to the Edgecumbe floods

- Charging for gathering information was applied where appropriate
- The Ombudsman Office was currently reviewing decisions by Council to withhold information with regards to Awatarariki Fanhead, Matatā.

Staff Follow-up

- Public Excluded requester schedule (not included in the agenda) to be made available in electronic form to Elected Members as a standard process.

Resolved

That the Regional Council:

- 1 Receives the report, Local Government Information and Meetings Act 1987 Requests for the Period 1 July 2017 to 30 June 2018;

Love/Thompson
CARRIED

9.13 Public Excluded Section

Resolved

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
Public Excluded Regional Council Minutes - 27 September 2018	Please ref to the relevant sections of the open minutes	Good reason for withholding exists under Section 48(1)(a)
Bay of Connections Review	To protect this information so it doesn't prejudice similar information	Good reason for withholding exists under Section 48(1)(a)
Confidential - Arotake Tuatahi PMR 2018/19 Quarter 1 - Appendix 1	To prevent improper gain or advantage	Good reason for withholding exists under Section 48(1)(a)
Results of the Chief Executive's 90 Days Key Performance Indicators	To protect the privacy of an individual	Good reason for withholding exists under Section 48(1)(a)

Leeder/Thompson

CARRIED

The meeting closed at 1.00 pm

Confirmed DATE

Chairman Bay of Plenty Regional Council