

Minutes of the Regional Council Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Thursday, 9 May 2019 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: Fiona McTavish – Chief Executive, Mat Taylor – General Manager Corporate, Namouta Poutasi – General Manager Strategy & Science, Sarah Omundsen – General Manager Regulatory Services, Chris Ingle – General Manager Integrated Catchments; Karen Aspey – People & Capability Manager, T Nerdrum-Smith – Committee Advisor

Apologies: Cr Thompson and Cr Tahana (both for lateness)

1 **Karakia**

A karakia was provided by Cr Thurston.

2 **Apologies**

Resolved

That the Regional Council:

- 1 **Accepts the apologies from Cr Thompson and Tahana (both for lateness) tendered at the meeting.**

Leeder/Love
CARRIED

3 **Public Forum**

Nil.

4 **Acceptance of Late Items**

Resolved

That the Regional Council:

1 **Agrees that pursuant to section 46A of the Local Government Official Information and Meetings Act 1987 the following item be considered at this meeting:**

- **Amendments to the BOPRC Code of Conduct**

2 **Notes the reason why this item was not on the Agenda is that a Code of Conduct complaint has been received after the agenda was published and a process decision is required prior to the next scheduled Council meeting on 27 June 2019.**

Love/Von Dadelszen
CARRIED

5 **General Business**

Nil.

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

Nil.

7 **Declaration of Conflicts of Interest**

Cr Stuart Crosby - Proposed Changes to LGNZ's Rules and Support for Road Safety Remit.

8 **Previous Minutes**

8.1 **Regional Council Minutes - 21 March 2019**

Resolved

That the Regional Council:

1 **Confirms the Regional Council Minutes - 21 March 2019**

Matters Arising

- Signage and public notifications would occur as a result of the closing of Gnarly Gorge at the Kaituna River
- Cameras would be installed to monitor Awesome Gorge
- Staff to explore the possibility to add a note on Google maps regarding the Gorge closure.

Cronin/Winters
CARRIED

8.2 **Eastern Bay of Plenty Joint Committee Minutes - 05 March 2019**

Resolved

That the Regional Council:

1 **Receives the Eastern Bay of Plenty Joint Committee Minutes - 05 March 2019**

Clark/Bruning
CARRIED

8.3 Regional Transport Committee Minutes - 15 March 2019

Resolved

That the Regional Council:

- 1 Receives the Regional Transport Committee Minutes - 15 March 2019

Crosby/Nees
CARRIED

8.4 Rotorua Te Arawa Lakes Strategy Group Minutes - 05 April 2019

Resolved

That the Regional Council:

- 1 Receives the Rotorua Te Arawa Lakes Strategy Group Minutes - 05 April 2019

9.36 am – Cr Thompson entered the meeting.

Matters Arising

- Stavros Michael – GM Infrastructure, Rotorua Lakes Council to be invited to present to Council on the progress of the Te Arawa Lakes reticulation schemes.

Winters/Thurston
CARRIED

8.5 Ohiwa Harbour Implementation Forum Minutes - 28 March 2019

Resolved

That the Regional Council:

- 1 Receives the Ohiwa Harbour Implementation Forum Minutes - 28 March 2019

Marr/Leeder
CARRIED

8.6 Minutes Eastern Bay Road Safety Committee 25 February 2019

Resolved

That the Regional Council:

- 1 Receives the Eastern Bay Road Safety Committee Minutes - 25 February 2019

Matters Arising

- Establish a process for providing external minutes to Elected Members, in particular for the Joint Road Safety Committees for Eastern and Western Bay

Clark/Leeder
CARRIED

9.48 am – Cr Tahana entered the meeting.

8.7 SmartGrowth Leadership Group Draft Minutes - 20 March 2019

Resolved

That the Regional Council:

- 1 Receives the SmartGrowth Leadership Group Draft Minutes - 20 March 2019

Nees/Crosby
CARRIED

9 Reports

9.1 Chairman's Report

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.

Leadership Team in Response to Questions

- More than 270 submission had been received on the 2019-20 Annual Plan, in particular on the climate change questions
- Rather than a formal Annual Plan hearings process, the more informal 'Have Your Say' consultation had been used
- Wallaby control was progressing well, using innovative techniques and thinking, and further details would be presented to the next RD&D Committee meeting
- Use of dogs in wallaby control had proven successful in the Greater Wellington area
- Staff were working with Te Arawa Lakes Trust to progress co-funding opportunities within the resource consent advice space
- Over the last two years, the number of phone calls to the pollution hotlines had steadily increased.

Items for Staff Follow-up

- Organise Councillor briefing regarding the current status of appeals against Plan Change 9
- Provide further breakdown of the nature of the calls to the pollution hotline, i.e. trending, callers (repeat or new), regional spread etc
- More benchmarking and KPIs to be included in future reports.

Resolved

That the Regional Council:

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

Leeder/von Dadelszen
CARRIED

9.3 Bay of Connections Reset

Tabled item 1 – Objective Reference A

Namouta Poutasi – General Manager Strategy & Sciences and David Phizacklea – Regional Development Manager presented this item.

Key Points

- A newsletter regarding the review had been sent to all key stakeholders the previous day
- The new model would work within the allocated budget and include funding of the Independent Chairperson
- The Bay of Connections Programme Manager position had been retained in anticipation of the establishment of the new model.

Key Points – Cr Nees (Review Working Party Representative)

- Recognised the differing views of the various stakeholders, however there was general support of the new model
- Tauranga City Council:
 - Independent Chairperson supported.
 - Agreed with Priority One's support of the model
- Kawerau District Council:
 - Did not support the old structure and was concerned regarding previous disconnect.
 - New model must value all players and recognise equality regardless of the stakeholder's size
 - Appointment of the 'right' people was a key issue
 - Independent Chairperson supported
- Whakatāne District Council:
 - Issues facing the entire Bay of Plenty to be addressed
 - New structure supportive towards EDAs
 - People selection was a critical consideration
 - Supportive of a refresh of the Eastern Bay Spatial Plan
- Western Bay of Plenty District Council:
 - Was critical of the value added by Bay of Connections
 - Felt uninvolved and unaware
 - Supported annual forums

- Focus should be on data analysis
- Priority One was already doing significant work in this space and it was important to avoid duplication.
- Ōpōtiki District Council:
 - Felt somewhat 'left out' and concerned that less affluent areas were not well considered
 - Infrastructure was a key factor in economic development
 - Sought Elected Member representation on the Leadership Group
 - Model should encourage and be supportive of regional views
 - Supported Independent Chairperson
 - Supported the economic development approach.
- Rotorua Lakes Council:
 - Previous model had not been relevant to Rotorua
 - Did not support timing of this review and suggested it be postponed until post-election
 - Intended to strengthen own independent economic approach
 - Supported the gathering and analysis of shared data
 - Suggested developing a prioritisation strategy.
- Summary of Comments:
 - Regional approach useful
 - Supportive of bottom-up approach and Independent Chairperson
 - Appointment process critical
 - Noted this was an interim approach, seeking to get the appropriate people appointed for the Leadership Group; then report back through a meeting with all Councils within an economic development setting in the 2019-22 triennium.

Key Points – Members

- Supported the second stage/tier with appointment of the programme manager, programme leader and business analyst
- Concerned that the scope of the review and the proposed model was too narrow
- Queried the need for an Independent Chairperson
- Concerned regarding the lack of understanding of Maori economy
- Important to create a direct link between economic development and the environment
- Transport and roading issues in the Eastern Bay would become critical if planned economic development progressed
- Critical that the Council's definition of economic development be further discussed and that the link to spatial plans be cemented
- Emphasized the importance of a close working relationship with the TLAs.

Items for Staff Follow-up

- Seek feedback on 'what is economic development' and the link to spatial planning.

Resolved

That the Regional Council:

- 1 Receives the report, Bay of Connections Reset;**
- 2 Receives the recommendations of the Bay of Connections Working Group attached as Appendix 1 to the agenda report. [Council agenda 9-5-2019](#)**
- 3 Agrees to the interim Regional Economic Development framework.**

- 4 **Agrees that the Chief Executive brings back recommendations for approval by Council on the appointment of an independent chair and leadership group members under the interim framework, with assistance from the Bay of Connections Working Group as needed.**
- 5 **Agrees that staff engage with Councils and Economic Development Agencies and central Government Agencies on immediate areas of support for Regional Economic Development.**
- 6 **Notes implementation of the new Regional Economic Development framework is intended to be within the existing Long Term Plan budget for the Regional Economic Development activity.**

Additional Resolutions:

- 7 **Agrees that the regional sustainable economic development priorities be confirmed with BOPRC and other stakeholders.**
- 8 **Agrees that the Leadership Group report back their business plan to future Council meetings.**
- 9 **Agrees for a report back to RD&D on the linkages between regional spatial planning and sustainable economic development priorities.**

Nees/von Dadelszen
CARRIED

10.59 am – The meeting **adjourned**.

11.16 am – The meeting **reconvened**.

9.4 **Proposed Changes to LGNZ's Rules and Support for Road Safety Remit**

Tabled item 2 – *SmartGrowth LGNZ Remit – Social Housing – Objective Reference A*
Tabled item 3 – *Greater Wellington Regional Council Remit – Objective Reference A*

Yvonne Tatton – Governance Manager presented this item.

Cr Crosby declared a **conflict of interest** in any **remits** as he was a member of the LGNZ Remits Committee.

Key Points

- All remits had to be with LGNZ by Monday 13 May 2019.

Resolved

That the Regional Council:

- 1 **Receives the report, Proposed Changes to LGNZ's Rules and Support for Road Safety Remit;**
- 2 **Supports the recommended amendments to the LGNZ rules and approves the Regional Council's delegates vote accordingly.**

- 3 Supports the Whakatāne District Council's Road Safety Remit to the LGNZ AGM.
- 4 Supports in principle a State and Social Housing in New Zealand remit to the LGNZ AGM, requesting LGNZ to urgently lobby Central Government to urgently focus on the building of State and Social Housing throughout New Zealand as it is the only authority that has the Balance Sheet strength and Borrowing Capacity to undertake such a programme with the urgency we believe is essential for our nation.
- 5 Delegates authority to the Chairman and Deputy Chair to approve a letter of support for the remit once the final wording has been received.

Cronin/Thompson
CARRIED

9.5 Amendments to the Regional Transport Committee Terms of Reference

Key Points – Cr Stuart Crosby (Chairperson Regional Transport Committee)

- Provided an outline of the rationale behind the proposed amendments to the Terms of Reference
- Would encourage all Mayors to be members of the Regional Transport Committee in the next triennium
- Recognised the future appointment of an environmental advisor to the Committee.

Resolved

That the Regional Council:

- 1 Receives the report, Amendments to the Regional Transport Committee Terms of Reference.
- 2 Approves amendments to the Regional Transport Committee's terms of reference as detailed in Appendix 1 of the agenda report. [Council agenda 9-5-2019](#)

Crosby/Nees
CARRIED

9.6 Confirming Variation to Regional Public Transport Plan

Resolved

That the Regional Council:

- 1 Receives the report, Confirming Variation to Regional Public Transport Plan.
- 2 Adopts the variation to the Regional Public Transport Plan as described in this report and as included in full as Appendix One to the agenda. [Council agenda 9-5-2019](#)

Additional Resolution:

- 3 Delegates to the General Manager: Strategy & Sciences to make minor amendments to Appendix One where these are not substantive.**

**Thurston/Thompson
CARRIED**

9.7 Arotake Tuatoru 2018/19 - Performance Monitoring Report, July 2018 to March 2019

PowerPoint – Objective Reference: A3232246

Debbie Hyland – Finance and Corporate Planning Manager, Graeme Howard – Corporate Planning Lead and Andy Dixon – Accounting Team Leader presented this item.

Key Points of Presentation

- Financial Performance
- Key Variances – Operating Revenue
- Key variances – Operating Expenditure
- Key variances – Capital Expenditure
- Treasury
- KPI performance summary
- KPI performance – KPIs not on track
 - Emergency Manager
 - Transportation
- Our People and Culture
- Health and Safety.

In Response to Questions

- Council had received approximately \$3m insurance recovery following the Edgecumbe flood event
- Council's biodiversity project for Mamaku-Kaimai Ranges had been shortlisted for "Predator Free 2020".
- The 2019-20 Annual Plan deliberations could include a review of projected legal fees
- Council kept budgeted legal fees for plan changes to a minimum and any significant variances would be brought to Council for deliberations
- The Tauranga Moana funds of \$45m was scheduled to be transferred to Quayside Holdings Ltd by 1 July 2019
- Council's hovercraft had been out of action for the better part of a year and was undergoing repairs. Following the repairs and a trial period, a report on its future viability would be reported to Council for consideration
- Noted that recommendation 2 in the agenda report had been withdrawn as staff would further consider options beyond the possible prefunding of capital works through borrowing from the Local Government Funding Agency.

Resolved

That the Regional Council:

- 1 Receives the report, Arotake Tuatoru 2018/19 - Performance Monitoring Report, July 2018 to March 2019.**

**Leeder/Love
CARRIED**

10 Consideration of Late Items

10.1 Proposed Amendment to the BOPRC Code of Conduct

Yvonne Tatton – Governance Manager presented the item.

Key Points

- The current Code of Conduct did not align with LGNZ Best Practice guidelines as it did not include a complaints process
- A comprehensive review of the Code of Conduct would form part of the establishment of the new Council for the 2019-21 triennium.

Agreed Changes to the Code of Conduct

[Late Report - Proposed Amendments to the Code of Conduct](#)

Appendix 1 (Page 7)

- Under Investigation, advice and decision **amend** reference to Appendix B to Appendix **A**.

Appendix A (Page 9)

- Under Step 1: Chairman / Chief Executive receives complaint, **add** bullet point 2a “Complainant advised. Explain process if required”
- Under Step 2: Chairman and Chief Executive make preliminary assessment and bullet point 3 **delete** last part of the sentence “selected from a panel approved by Council at the start of the triennium” as this is not in place and **replace** with “approved by the Chairman, in conjunction with the Chief Executive.”
- Under Step 4: Actions where a breach is found to be material (Page 10) half way down under “preparing the report the investigator may:” (b) **change** the word “hearing” **to** “discussion”.

Complaints Procedure – Flow Diagram (Page 11)

- In text box 1 **delete** “or breach identified”.

Replace Recommendation 5 in the report to read:

“As an interim measure, delegates authority to the Chairman, in conjunction with the Chief Executive, to appoint an independent investigator where required.”

Resolved

That the Regional Council:

- 1 Receives the report, Amendments to the BOPRC Code of Conduct, and accepts it as a Late Item on the Agenda;**
- 2 Notes the reason why this item was not on the Agenda is that a Code of Conduct complaint had been received after the agenda had been published and the reason why it cannot be delayed is that a process decision is required prior to the next scheduled meeting of Regional Council on 27 June 2019.**

- 3 As an interim measure, approves the process for the determination and investigation of complaints and subsequent amendments to Part 6 (Compliance) of the BOPRC Code of Conduct, as identified in Appendix 1 and with the following amendments, to include sections on Breaches of the Code and Penalties and Actions and that they be applied immediately:

Appendix 1

- Under Investigation, advice and decision amend reference to Appendix B to Appendix A.

Appendix A

- Under Step 1: add bullet point 2a “*Complainant advised. Explain process if required*”
- Under Step 2: bullet point 3 delete last part of the sentence “*selected from a panel approved by Council at the start of the triennium*” as this is not in place and replace with “*approved by the Chairman, in conjunction with the Chief Executive.*”
- Under Step 4: under “preparing the report the investigator may:” (b) change the word “*hearing*” to “*discussion*”.

Complaints Procedure – Flow Diagram

- In text box 1 delete “*or breach identified*”.
- 4 Requests a review of the current Code of Conduct be undertaken as soon as possible to align to best practice and that this be brought back to Council for further discussion.

Amended Resolution

- 5 As an interim measure, delegates authority to the Chairman, in conjunction with the Chief Executive, to appoint an independent investigator where required.”

Nees/Thurston
CARRIED

11 **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

10.1 Public Excluded Regional Council Minutes - 21 March 2019	Refer the relevant minutes	Good reason for withholding exists under Section 48(1)(a)
10.2 Public Excluded Eastern Bay of Plenty Joint Committee Minutes EBOPJC - 5 March 2019	Refer the relevant minutes	Good reason for withholding exists under Section 48(1)(a)
10.3 Public Excluded Rotorua Te Arawa Lakes Strategy Group Minutes - 05 April 2019	Refer the relevant minutes	Good reason for withholding exists under Section 48(1)(a)
10.4 Confidential Attachment 1 - Bancorp Treasury Report March 2019	To carry out commercial activities	Good reason for withholding exists under Section 48(1)(a)
10.5 Confidential Attachment 2 - Bancorp Treasury Pre-Funding Strategy Paper April 2019	To carry out commercial activities	Good reason for withholding exists under Section 48(1)(a)
10.6 Chief Executive's Six Monthly Review	To protect the privacy of persons	Good reason for withholding exists under Section 48(1)(a)

**Leeder/Thompson
CARRIED**

The meeting closed at 1.10 pm

Confirmed DATE

Doug Leeder
Chairman Bay of Plenty Regional Council