

Minutes of the Regional Council Meeting held in Mauao Rooms, Bay of Plenty Regional Council Building, 87 First Avenue, Tauranga on Thursday, 21 March 2019 commencing at 9.30 a.m.

Present:

Chairman: D Leeder

Deputy Chairman: J Nees

Councillors: J Cronin, L Thurston, P Thompson, D Love, N Bruning, W Clark, S Crosby, K Winters, 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; Yvonne Tatton – Manager Governance, Sam Rossiter-Steed – Communications Manager, Tone Nerdrum-Smith – Committee Advisor

Other: Ashley Cheeseman – Whitewater NZ (Public Forum), Mel Fountain (Public Forum), Stephen Boyle - BOPLASS

Apologies: A von Dadelszen, T Marr, A Tahana, P Thompson (late arrival)

1 Karakia

A Karakia was provided by Cr Thurston.

2 Apologies

Resolved

That the Regional Council:

- 1 Accepts the apologies from A von Dadelszen, T Marr, A Tahana and P Thompson (late arrival) tendered at the meeting.

Winter/Love
CARRIED

3 Public Forum

Mel Fountain – Cruise Ship Terminal at Coronation Park

Key Points

- Promoted the establishment of a portable cruise ship terminal at the corner of Coronation Park

- The installation would reduce the current pressure on traffic and infrastructure in this area during the cruise ship season
- Suggested that Regional Council, as a major shareholder in the Port of Tauranga, assist in the funding of a portable terminal
- Tourism was a significant contributor to the regional economy
- Encouraged Council to explore the option of establishing a water transport vessel from Salisbury Wharf, Mt Maunganui to Tauranga CBD as this would reduce congestion on the roading network.

Presenter in Response to Questions

- Previous approaches to TCC and Port of Tauranga regarding the proposal had not been successful.

Key Points – Members

- Noted that a similar proposal had been lodged by Tourism BoP to the Provincial Growth Fund.

9.45 am – Cr Thompson **entered** the meeting.

Ashley Cheeseman – Whitewater NZ: Closure of Kaituna River Gorges (Public Excluded agenda item)

Key Points

- Considered the closure proposal to be incomplete and flawed
- Lack of consultation with local operators
- Workable solutions as proposed in the Coroner's report had not been implemented
- Kaituna River was sought out by international visitors and kayakers
- Legal closure could not be enforced and was by default a gesture only
- Sections of the river were paddled all year with no incidents
- Gnarly Gorge was recognised as hazardous and the legal closure for this part of the river was recognised as appropriate
- Closure was inconsistent with the application of the same legislation in other areas
- Health & Safety concerns by Council was 'supported by legal advice', however as this advice was not available in the public arena, it was not possible to comment on its accuracy
- Legal closure impacted on registered operators, however would not prevent individual kayakers from entering the gorges, if they so chose
- Risk assessment should involve public consultation
- Coroner had recommended a professional facilitator for the parties to use in an attempt to reach a possible solution, and had suggested Sir Michael Cullen. However, as he was heavily booked, Whitewater NZ had suggested an alternative facilitator that might be suitable.

Key Points – Members

- Chairman Leeder advised that as the item in question was in Public Excluded, it would not be appropriate for Elected Members to respond.

Staff Follow-up

- Letter from Whitewater NZ, sent to Elected Members, to be made available to the public.

4 **Acceptance of Late Items**

Noted that a procedural motion to let item 10.4 – Closing of Kaituna River Gorges (public excluded item) lie on the table and not be discussed at this meeting might be moved at that point in the agenda.

5 **General Business**

Nil

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

Noted that the matter of closing Kaituna River Gorges was confidential at this stage and could not be discussed in the public arena.

7 **Declarations of Conflicts of Interest**

Cr Crosby – Quayside Holdings Ltd Half Yearly Report 2019/19 and Draft Statement of Intent (Public Excluded section).

Cr Thompson – Quayside Holdings Ltd Half Yearly Report 2019/19 and Draft Statement of Intent (Public Excluded section) and Toi EDA - Council Controlled Organisation Exemption (Public section).

8 **Previous Minutes**

8.1 **Regional Council Minutes - 14 February 2019**

Resolved

That the Regional Council:

- 1 Confirms the Regional Council Minutes - 14 February 2019

**Leeder/Nees
CARRIED**

8.2 **Regional Council Minutes - 25 February 2019**

Resolved

That the Regional Council:

- 1 Confirms the Regional Council Minutes - 25 February 2019

**Leeder/Winters
CARRIED**

8.3 Tauranga Moana Advisory Group Minutes - 15 February 2019

Resolved

That the Regional Council:

- 1 Receives the Tauranga Moana Advisory Group Minutes - 15 February 2019

Bruning/McDonald
CARRIED

9 Reports

9.1 Chairman's Report

Key Points

- Had attended the Essential Freshwaters Forum in Wellington on 12 March 2019..

Resolved

That the Regional Council:

- 1 Receives the report, Chairman's Report.

Cronin/Winters
CARRIED

9.2 Chief Executive's Report

Key Points

- As climate change work was already occurring at staff level between the various authorities, a report would not be presented to the upcoming Triennial meeting, rather it would be presented to the next Regional Direction and Development Committee meeting
- Noted the 20 March 2019 SmartGrowth Leadership Group meeting and the approval of the direction of Urban Form and Transport Initiatives (UFTI), with stage 1 completed
- Expected requests for further UFTI funding to be submitted to all councils
- TCC's Transport Business Case had been developed and submitted to the NZTA Board before the 2017 general election. It had not been considered at the time and had now been deemed as needing a re-focus to align with the new Government Policy Statement, before being resubmitted.

Key Points – Members

- Important that Council was appropriately resourced and prepared to deal with environmental and pollution matters
- Emphasized the importance of councils working actively together through the SmartGrowth vehicle

- Recognised the multi-million dollar roading assets and projects that were affected by the funding and prioritisation review undertaken by NZTA following the release of the 2018 Government Policy Statement
- Encouraged a more direct approach, rather than the more passive optional survey, to encourage feedback from consent applicants.

Resolved

That the Regional Council:

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

**Leeder/Love
CARRIED**

9.3 Councillor Appointment to the Rangitaiki River Forum

Yvonne Tatton – Governance Manager presented this item.

Key Points

- The appointee had to be at the governance level, however the appointment was a 'may', rather than a 'shall'.

Key Points – Members

- Queried whether there was a genuine need for five Regional Councillors on the Forum
- Suggested a review of the number of Councillors appointed to the Forum be reviewed as part of establishing the new Council following the elections in October this year.

Resolved

That the Regional Council:

- 1 Receives the report, Councillor Appointment to the Rangitaiki River Forum;**
- 2 Appoints Councillor McDonald as an additional member onto the Rangitaiki River Forum;**
- 3 Agrees the above appointment will take effect once Ngati Tūwharetoa (Taupo) has appointed a member to the Rangitaiki River Forum;**
- 4 Adopts the consequential amendments made to the Rangitaiki River Forum Terms of Reference, as attached at Appendix 1 to the report in the agenda.**

**Thurston/Love
CARRIED**

9.4 **Bay of Plenty Regional Council Representation on the Eastern Bay of Plenty Delegation to Jiangxi China**

Yvonne Tatton - Governance Manager presented this item and provided a brief outline of the report.

Resolved

That the Regional Council:

- 1 **Receives the report, Bay of Plenty Regional Council Representation on the Eastern Bay of Plenty Delegation to Jiangxi China;**
- 2 **Rescind the following resolution carried at the Council meeting of 13 December 2018, being:**

Appoints Cr Clark and Cr Love as the Bay of Plenty Regional Council representatives on the Eastern Bay of Plenty Mayoral Delegation to Jiangxi China in April 2019.

- 3 **Agrees that, in this instance, there will be no Bay of Plenty Regional Council representation on the Eastern Bay of Plenty Mayoral Delegation to Jiangxi China this year.**

Crosby/Love
CARRIED

9.5 **Order of Candidates on Voting Papers for the 2019 Local Authority Triennial Elections**

Resolved

That the Regional Council:

- 1 **Receives the report, Order of Candidates on Voting Papers for the 2019 Local Authority Triennial Elections;**
- 2 **Selects random as Council's preferred option for the order of candidates' names as they will appear on voting documents for the 2019 Local Authority Triennial Election.**

Love/Crosby
CARRIED

9.6 **Toi EDA - Council Controlled Organisation Exemption**

Cr Thompson declared a **conflict of interest** in this item and **abstained** from the discussion and vote.

Resolved

That the Regional Council:

- 1 **Receives the report, Toi EDA - Council Controlled Organisation Exemption;**
- 2 **Exempts Toi-EDA from the provisions related to Council Controlled Organisations as provided for under section 7 of the Local Government Act 2002 for a period of three years from March 2019 to March 2022.**
- 3 **Notes that Opotiki, Whakatāne and Kawerau District Councils are undertaking an approval process to exempt Toi-EDA from the CCO requirements.**

Love/Bruning
CARRIED

10.42 am – The meeting **adjourned**.

10.58 am – The meeting **reconvened**.

9.7 **Bay of Plenty Local Authority Shared Services (BOPLASS) Draft Statement of Intent 2019/20, and Half Yearly Report 2018/19**

Stephen Boyle - BOPLASS presented this item.

Key Points

- There had been no significant changes since the previous Statement of Intent

11.00 am – Chairman Leeder **withdrew** from the meeting and Cr Nees **assumed** the chair.

- BOPLASS had a strong and positive working relationship with the partner councils.

11.02 am – Chairman Leeder **entered** the meeting and **re-assumed** the chair.

Fiona McTavish - Chief Executive in Response to Questions

- BOPLASS was primarily focussed on procurement and was achieving significant savings for the partner councils
- There was no desire by the partner councils to pursue other opportunities beyond the current, successful model.

Resolved

That the Regional Council:

- 1 **Receives the report, Bay of Plenty Local Authority Shared Services (BOPLASS) Draft Statement of Intent 2019/20, and Half Yearly Report 2018/19;**
- 2 **Notes the Draft SOI 2019/20, and Half Yearly Report 2018/19.**

Winter/Bruning
CARRIED

9.8 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
Quayside Holdings Limited Half Yearly Report 2018/19 and Draft Statement of Intent 2019/20	To protect the commercial position of an individual	Good reason for withholding exists under Section 48(1)(a)
Harbourmaster Direction – Closure of Kaituna River Gorges	To protect measures that may prejudice the health and safety of the public and maintain legal professional privilege	Good reason for withholding exists under Section 48(1)(a)
Awatarariki Fanhead Managed Retreat	To carry out commercial and industrial negotiations	Good reason for withholding exists under Section 48(1)(a)
Te Pourepo o Kaituna land negotiations and status update	To protect the commercial position of an individual	Good reason for withholding exists under Section 48(1)(a)
Tauranga Bus Contracts - Response to Feedback for Services to Matua, Maungatapu and Papamoa	To carry out commercial and industrial negotiations	Good reason for withholding exists under Section 48(1)(a)

THAT Rob McLeod and Scott Hamilton - Quayside Holdings Ltd be permitted to remain for that part of the Public Excluded meeting due to their knowledge of the matter under discussion.

Leeder/Bruning
CARRIED

10 Reports - Continued

10.1 Local Government Funding Agency (LGFA) Draft Statement of Intent 2019/20 and Half Yearly Report 2018/19

Mat Taylor – General Manager Corporate presented this item.

2.29 pm – Cr Winters **withdrew** from the meeting.

Resolved

That the Regional Council:

- 1 Receives the report, Local Government Funding Agency (LGFA) Draft Statement of Intent 2019/20 and Half Yearly Report 2018/19;**
- 2 Notes the draft Statement of Intent 2019/20 and the continuation of LGFA's performance targets and core mandate set out within it.**

**Cronin/Crosby
CARRIED**

10.2 **Pukaia: Toi Moana Communications and Engagement Strategy**

Sam Rossiter-Steed – Communications Manager presented this item.

Key Points

- There was a lack of understanding in the community regarding the responsibility of Regional Council vs that of the respective Territorial Authorities.

Key Points – Members

- Recognised the challenges in reaching the wider community effectively, e.g. Facebook was not necessarily an effective social media channel and other avenues might provide better results
- Direct communication, e.g. letterbox drops, often proved effective
- Key partners, in particular in the transport and climate change area, often had a perception that they were not heard despite repeatedly addressing Council

2.40 pm – Cr Love **withdrew** from the meeting

Resolved

That the Regional Council:


- 1 Receives the report, Pukaia: Toi Moana Communications and Engagement Strategy;**
- 2 Approves Pukaia – Toi Moana Communications and Engagement Strategy.**
- 3 Approves the media protocols.**
- 4 Notes the work being undertaken on the Detailed Action Plan.**

**Thompson/Nees
CARRIED**

The meeting observed a moment of silence in recognition of the terrorist event in Christchurch on Friday 15 March 2019 where 50 people were killed.

The meeting closed at 2.46 pm

Confirmed 9 May 2019



Doug Leeder
Chairman - Bay of Plenty Regional Council