

Regional Council

Open Minutes

- Commencing:** Thursday 4 May 2023, 9.30 am
- Venue:** Council Chambers, Regional House, 1 Elizabeth Street, Tauranga
- Chairperson:** Chairman Doug Leeder
- Deputy Chairperson:** Deputy Chairperson Jane Nees
- Members:** Cr Malcolm Campbell
Cr Toi Kai Rākau Iti - via Zoom
Cr Kat Macmillan
Cr Matemoana McDonald
Cr Ron Scott
Cr Paula Thompson
Cr Lyall Thurston
Cr Te Taru White
Cr Kevin Winters
- In Attendance:** Fiona McTavish - Chief Executive; Mat Taylor - General Manager Corporate; Namouta Poutasi - General Manager Strategy & Science; Reuben Fraser - General Manager Regulatory Services (via Zoom); Chris Ingle - General Manager Integrated Catchments; Mark Townsend - Engineering Manager; Antoine Coffin - Spatial Planning Manager; Greg Corbett - Biosecurity Manager; Lisa Power - Senior Planner; Rachel Boyte - Legal Counsel; Pim de Monchy - Coastal Catchments Manager; Lynda Frew - Legal Counsel; Shay Dean - Environmental Scientist; Steve Groom - Governance Manager; Tone Nerdrum Smith - Committee Advisor
- Robert Brodnax - BECA (via Zoom); Elva Conroy - Consultant
- Apologies:** Cr Ken Shirley, Cr Andrew von Dadelszen, Cr Stuart Crosby

1. Opening Karakia

A karakia was provided by Cr Lyall Thurston.

2. Apologies

Resolved

That the Regional Council:

- 1 Accepts the apologies from Cr Shirley, Cr von Dadelszen and Cr Crosby.**

**Leeder/McDonald
CARRIED**

3. Items not on the Agenda**3.1 Governance Proposal for the Rotorua Future Development Strategy Joint Committee****Resolved****That the Regional Council:**

- 1 Accepts the report Governance Proposal for the Rotorua Future Development Strategy Joint Committee for inclusion in this agenda and notes that the reason it cannot be deferred to the next meeting is to enable the project's statutory timelines to be met.**

**Winters/White
CARRIED**

4. Order of Business

Noted that the item not on the agenda, report *Governance Proposal for the Rotorua Future Development Strategy Joint Committee* would be discussed at the end of the Public Section before the meeting went into Public Excluded.

5. Declaration of Conflicts of Interest

None declared.

6. Minutes**Minutes to be Confirmed****6.1 Regional Council Minutes - 16 March 2023****Resolved****That the Regional Council:**

- 1 Confirms the Regional Council Minutes - 16 March 2023 as a true and correct record.**

**Nees/Winters
CARRIED**

7. Reports

7.1 Chairperson's Report

Key Points:

- Noted that Cr Macmillan and Cr von Dadelszen had attended the ANZAC commemoration on 25 April with Chairman Leeder, and that Cr McDonald had attended the ANZAC parade at Te Whetū o te Rangi marae
- The information and presentation regarding learnings from the recent storm/flood events as provided at the LGNZ Regional Sector meeting on 17 April 2023 to be made available to Councillors.

Resolved

That the Regional Council:

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

**Leeder/Macmillan
CARRIED**

Decisions Required

7.2 Rangitāiki Floodway - Spillway Upgrade

Presentation - Rangitāiki Spillway - Council 4 May 2023 pdf: Objective ID A4370006

Presented by: Chris Ingle – General Manager Integrated Catchments and Mark Townsend – Engineering Manager.

Key Points:

- Recognised the engaged and passionate community in the Rangitāiki River Catchment
- Council staff had applied a comprehensive approach in the quality control and risk assessment of the construction project, with the 'on time/on budget' principle always being featured
- Irrespective of where the funding was sourced from, the project timeline would remain unchanged.

Key Points - Members:

- Noted the significant effort of staff through effective communication of Council's flood management programme to affected communities
- A perceived lack of progress was the main concerns of the community, with the 'just get on with it' being the pervading feeling
- The project represented a significant cost to the affected community and any further funding from Kānoa would be gratefully welcomed.

Resolved

That the Regional Council:

- 1 Receives the report, Rangitāiki Floodway - Spillway Upgrade;**

- 2 Approves the increase in total project budget for the Rangitāiki Floodway Spillway Upgrade Project to \$7,800,000;
- 3 Approves the additional capital expenditure of \$5,300,000 in the Annual Plan 2023/24 and \$1,000,000 in the Long Term Plan 2024-2034 for the Rangitāiki Spillway Project;
- 4 Approves loan funding of up to \$5,700,000 for the Rangitāiki Floodway-Spillway Upgrade should further Kānoa - Regional Economic Development & Investment Unit funding for the project not be approved;
- 5 Approves the Rangitāiki Floodway Spillway Upgrade Project Procurement Plan;
- 6 Delegates to the Chief Executive the financial authority to accept tenders and approve contracts, supplier selections and payments for the Rangitāiki Spillway capital project, including contract variations, subject to the tender price being within the approved capital project budget as set out in the Long Term Plan or Annual Plan;
- 7 Confirms 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.

Winters/Campbell
CARRIED

7.3 Eastern Bay of Plenty Spatial Plan – Structure and Governance Proposal

Presented by: Namouta Poutasi - General Manager Strategy & Science, Antoine Coffin – Spatial Planning Manager and Elva Conroy - Consultant, supported by Robert Brodnax – BECA (via Zoom).

Key Points - Members:

- Recognised the departure of Elva Conroy as the Acting Spatial Manager and welcomed Antoine Coffin as the permanent appointee
- The Governance Group was not established as a formal/public Committee.

Resolved

That the Regional Council:

- 1 Receives the report, Eastern Bay of Plenty Spatial Plan – Structure and Governance Proposal;
- 2 Endorses the proposed structure of the project;
- 3 Confirms the appointment of a BOPRC representative, being Cr Malcolm Campbell and an alternate, being Cr Toi Iti to the Project Governance Group.

White/Thurston
CARRIED

7.4 Te Arawa Lakes Trust Framework Agreement

Presented by: Greg Corbett – Biosecurity Manager, Lynda Frew – Legal Counsel, Te Wakaunua Te Kurapa – Biosecurity Officer.

Key Points:

- The Framework Agreement represented a continuation of the current working relationship between Te Arawa Lakes Trust (TALT) and Council through providing certainty for TALT to facilitate continued capability building within biosecurity work
- The agreement was set up as an overarching umbrella structure, with individual workstreams underneath, and this provided a high level of flexibility
- Council's ALUM dosing was always intended to be a short term measure, rather than an ongoing solution, and longer term, non-chemical solutions were being pursued and implemented
- Although the ALUM consent had been renewed, the dosing had been reduced
- Further information could be provided to Elected Members regarding the current and future nature of ALUM dosing.

Key Points - Members:

- Sought assurance there was sufficient flexibility within the agreement to accommodate any changes in Council priorities or funding in its Long-Term Plan, and that this would not impact on the sensitive and important relationship between TALT and Council
- Recognised the successful programmes undertaken by Te Arawa Lakes Trust (TALT), e.g. 'Te Arawa Catfish Killas' and the strong partnership with Council
- Anticipated a natural progression towards Council transferring responsibilities to Te Arawa Lakes in its management of the Rotorua lakes.

Resolved

That the Regional Council:

- 1 Receives the report, Te Arawa Lakes Trust Framework Agreement.**
- 2 Notes that the expenditure facilitated by this proposed agreement is already approved as part of Regional Council activity budgets in the Long-Term Plan, and any applicable future plans.**
- 3 Delegates to the Chief Executive, through acceptance of the Procurement Plan, the ability to approve the contract (including payments and contract variations) with Te Arawa Lakes Trust.**

**Thurston/Winters
CARRIED**

7.5 Recommendations on Proposed Change 5 (Kaituna River) to the Regional Policy Statement

Presented by: Lucy Holden – Senior Planner, Rachel Boyte – Legal Counsel and Julie Bevan – Policy & Planning Manager.

Key Points - Members:

- Sought that, after any appeal process, information and learnings from the new process of the Freshwater Hearings Panel be shared with Councillors, as this was the first freshwater planning instrument in the country that has gone through that new process.

In Response to Questions - Staff:

- Paragraph 85 (the recommendation to the Kaituna River Authority to include a method to ensure that wherever possible, water flowing into the Kaituna River first be filtered using developed wetlands as a filtering mechanism) was not a recommendation on the freshwater planning instrument that the Council was required to make a decision on. The recommendation was made to the Authority, was not included as a recommended change to Change 5 text, and there was no separate s32AA analysis
- However, the recommendation would be provided to the Kaituna River Authority, who could consider it, for example, in the context of a River Document or Te Tini a Tuna - Kaituna Action Plan review, and to the Water Policy team that was currently reviewing the Regional Policy Statement and Regional Natural Resources Plan
- The Panel had recommended that the proposed riparian margin definition in Change 5 be removed as it was inconsistent with the current definition within the Regional Natural Resources Plan (noting that it explicitly excludes margins of artificial watercourses), and this should be looked at as part of the current wider Regional Policy Statement and Plan review.

Resolved

That the Regional Council:

- 1 Receives the Freshwater Hearing Panel's recommendations (Supporting Documents 2, 3 and 4 to this report).**
- 2 Accepts all Hearing Panel recommendations (as summarised in Supporting Document 1 and detailed Supporting Documents 2, 3, and 4 to this report).**
- 3 Delegates to the General Manager Strategy and Science the power to make amendments to Proposed Change 5 where such an alteration is of minor effect or is to correct minor errors.**
- 4 Approves public notification of its decisions on Proposed Change 5 (Kaituna River) to the Regional Policy Statement.**
- 5 Notes that on and from the date the decisions are publicly notified, the Regional Policy Statement is amended in accordance with the decisions on Proposed Change 5 (Kaituna River).**

**Thompson/Nees
CARRIED**

7.6 Minor Amendments to the Regional Pest Management Plan

Presented by: Namouta Poutasi - General Manager Strategy & Science, Julie Bevan - Policy & Planning Manager, Lisa Power - Senior Planner and Greg Corbett - Biosecurity Manager.

Key Points:

- Provided an outline of the proposed changes, which were considered relatively minor.

Key Points - Staff:

- Council was in the process of developing an App for certification purposes, rather than the current hardcopy certification process which was not always customer friendly.

Resolved

That the Regional Council:

- 1 Receives the report, Minor Amendments to the Regional Pest Management Plan.**
- 2 Approves the minor amendments recommended in this report and set out in Appendix 1.**

**White/Scott
CARRIED**

7.7 2023 Integrated Committee Work Programme

Presented by: Namouta Poutasi - General Manager Strategy & Science and Steve Groom - Governance Manager.

Key Points:

- The effectiveness of the various work programmes would be monitored and feed into the scheduled review of the committee structure.

Resolved

That the Regional Council:

- 1 Receives the report, 2023 Integrated Committee Work Programme.**
- 2 Endorses the 2023 Integrated Committee Work Programme as identified in Attachment 1 of this report.**
- 3 Notes that the Integrated Committee Work Programme will be monitored and reviewed for effectiveness and will inform the governance structure review to be undertaken late 2023 and reported back to Council early 2024.**

**Nees/Macmillan
CARRIED**

Information Only

7.8 Update on Whakatāne and Ōhope Sites Environmental Programme

*Presentation - Whakatane & Ohope Reserves Environmental Programme 2018-2023
pdf: Objective ID A4373092*

Presented by: Chris Ingle – General Manager Integrated Catchments, Pim de Monchy – Coastal Catchments Manager, Shay Dean – Environmental Scientist.

Key Points:

- The review of the current Whakatāne and Ōhope Environmental Programme (EP) had identified some encouraging gains and that the EP was generally on track to achieving the protection and enhancement of indigenous biodiversity values and ecological integrity of the sites
- The EP was the largest (in value) in the Bay of Plenty region, hence it being presented to Council to ensure Councillors were well informed
- Predator control using only trapping would typically show positive results initially, and then taper off over time as the proportion of trap-shy predators increased (typically over a 5-10 year timeframe). This could lead to a corresponding decline in ecological benefits arising from the investment in trapping, which in this case had been witnessed in a declining kiwi-chick survival rate which was now below the threshold required for population replacement
- Alternative predator control methods for trap-shy stoats included the use of toxins to control rats or mice which the stoats preyed upon. Potentially suitable toxins included sodium fluoroacetate (1080) or second generation anticoagulants (e.g. brodifacoum)
- Pursuing alternative funding opportunities was important and various sources, such as Bay Trust, were being considered
- Te Korehāhā Whakahau (Ngati Awa) possum eradication programme with Jobs for Nature funding was focussed on the land between the Whakatāne River and Ōhiwa Harbour which overlapped with the EP area. It would be important to ensure collaboration between projects to maximise ecological benefits and ensure no duplication of effort.

Key Points - Members:

- Recognised the importance of ensuring both relevant iwi and hapū were included in EP development and implementation
- The value of volunteer organisations/contribution should be clearly identified in Council's budgets and planning documents, and the rate at which volunteer contributions are calculated should be increased to at least the living wage.

Resolved**That the Regional Council:**

- 1 Receives the report, Update on Whakatāne and Ōhope Sites Environmental Programme.**

**Leeder/Macmillan
CARRIED**

8. Consideration of Items not on the Agenda**8.1 Governance Proposal for the Rotorua Future Development Strategy Joint Committee**

Presented By: Namouta Poutasi - General Manager Strategy & Science.

Key Points:

- The draft Terms of Reference did not provide for alternate appointments

- The process of identifying potential candidates for the Independent Chair position had commenced.

Resolved

That the Regional Council:

- 1 Receives the report, Governance proposal for the Rotorua Future Development Strategy Joint Committee and accepts it as an Item not on the Agenda. Notes the reason why this item was not on the Agenda is that the first briefing on the proposed governance arrangements took place on 28 April 2023, and the reason why it cannot be delayed is to enable the project’s statutory timelines to be met.**
- 2 Notes the proposed timeline for the Rotorua Future Development Strategy project and the use of the Special Consultative Procedure pursuant to the Local Government Act 2022.**
- 3 Confirms the appointment of three BOPRC representatives, being Cr Lyall Thurston, Cr Te Taru White and Cr Jane Nees to the Rotorua Future Development Strategy Joint Committee.**
- 4 Notes that the final Terms of Reference for the Rotorua Future Development Strategy Joint Committee will be confirmed at the first meeting of that committee.**

**Thompson/Winters
CARRIED**

9. Public Excluded Section

Resolved

Resolution to exclude the public

- 1 Excludes the public from the following parts of the proceedings of this meeting as set out below:**

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:

Item No.	Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution	When the item can be released into the public
9.1	Public Excluded Regional Council Minutes - 16 March 2023	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.

9.3	Groundwater Monitoring Site Installation - Contract and Capital Funding Arrangements	Withholding the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.	48(1)(a)(i) Section 7 (2)(h).	On the Chief Executive's approval.
9.4	Transferring of Kaituna Jetty, Boatramp & Carpark to WBOPDC	Withholding the information is necessary to protect information where the making available of the information would be likely to unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information.	48(1)(a)(i) Section 7 (2)(b)(ii).	On the Chief Executive's approval.

**Leeder/Thurston
CARRIED**

10.40 am - The meeting **adjourned** and **reconvened** at 11.08 am in the Public Excluded section.

10. Closing Karakia

A karakia was provided by Cr Te Taru White.

11.22 am - the meeting closed.

CONFIRMED

Chairman Doug Leeder
Chairperson, Regional Council