

Regional Council

Open Minutes

- Commencing:** Tuesday 16 February 2021, 11.30 am
- Venue:** Council Chambers, Regional House, 1 Elizabeth Street, Tauranga and via Zoom
- Chairperson:** Chairman Doug Leeder
- Deputy Chairperson:** Deputy Chairperson Jane Nees
- Members:**
- Cr Norm Bruning
 - Cr Bill Clark
 - Cr Stuart Crosby
 - Cr Toi Kai Rākau Iti
 - Cr David Love
 - Cr Matemoana McDonald
 - Cr Stacey Rose
 - Cr Paula Thompson
 - Cr Lyall Thurston
 - Cr Andrew von Dadelszen
 - Cr Te Taru White
 - Cr Kevin Winters

- In Attendance:** Fiona McTavish – Chief Executive, Namouta Poutasi – General Manager Strategy & Science, Chris Ingle – General Manager Integrated Catchments; Mat Taylor – General Manager Corporate, Karen Aspey - Director, People & Leadership, Debbie Hyland – Finance and Transport Operations Manager, Mark Le Comte – Principal Advisor Finance and Transport Operations, Zhivan Alach - Organisational Performance Manager, Tone Nerdrum Smith – Committee Advisor

11.30am: Chairman Leeder opened the meeting and advised that it would be adjourned and reconvened following the Strategy & Policy Committee meeting, currently in progress.

Resolved

That the Regional Council:

- 1 Adjourn the meeting and that it be reconvened at the conclusion of the Strategy & Policy Committee meeting.**

**Leeder/Love
CARRIED**

12.05pm – The meeting reconvened.

1. Chairman’s Introduction

Chairman Leeder reminded those present that the public section of this meeting was being recorded and would be made available on the Bay of Plenty Regional Council website following the meeting and archived for a period of three years.

2. Opening Karakia

A karakia was provided by Cr White.

3. Apologies

Nil.

4. Public Forum

4.1 Presentation: Summer Experience Programme 2021

Noted that this item was deferred until the next meeting of Council.

5. Order of Business

There were no changes to the order of business, however it was noted that agenda item 9.6: Adoption of Consultation Document and Supporting Documentation for Long Term Plan 2021-2031 would be adjourned until Thursday 18 February to allow for the Audit Report to arrive.

6. Declaration of Conflicts of Interest

Nil

7. Minutes

Minutes to be Confirmed

7.1 Regional Council Minutes - 17 December 2020

Resolved

That the Regional Council:

Confirms the Regional Council Minutes - 17 December 2020 as a true and correct record, subject to the following amendments:

Minute Item 7.2: Insert correct report title “Funding Regional Safety and Rescue Services through Long Term Plan 2021-2031”.

**Leeder/Rose
CARRIED**

8. Reports

8.1 Chairperson's Report

Resolved

That the Regional Council:

- 1 Receives the report, Chairperson's Report.

Leeder/Love
CARRIED

Decisions Required

8.2 Additions to Engineering Services Panel Contract - Part 2

Presented by: Chris Ingle – General Manager Integrated Catchments

Resolved

That the Regional Council:

- 1 Receives the report, Additions to Engineering Services Panel Contract - Part 2.
- 2 Approves the additions to the Engineering Services Panel Contract as recommended under section 2.2 below and delegates to the Chief Executive the authority to execute new contracts for these Suppliers.

Bruning/Rose
CARRIED

8.3 Rivers and Drainage, and Lakes 2020/21 Capital Works - Procurement Plan Change

Presented by: Chris Ingle – General Manager Integrated Catchments

Resolved

That the Regional Council:

- 1 Receives the report, Rivers and Drainage, and Lakes 2020/21 Capital Works - Procurement Plan Change.
- 2 Approves the proposed change to defer the Rangitāiki River Stopbank Upgrade (\$930,000) until 2021/22 and bring forward the Thornton Floodwall to 2020/21 (\$1,000,000).

von Dadelszen/Bruning
CARRIED

8.4 Toi Moana Climate Change Statement

Presentation: Toi Moana Climate Change Statement: Objective ID A3738890 [↗](#)

Presented by: Chris Ingle – General Manager Integrated Catchments and Laverne Mason – Integrated Catchments Programme Manager

Key Points:

- Noted that there had been some changes since the initial statement, however these changes did not trigger a requirement for renewed Audit NZ approval
- The final Climate Change Statement would be formulated as part of the LTP deliberations, following the public consultation process, for adoption with the finalised LTP.

Items for Staff Follow Up:

- Add two new bullet points under “We will”:
 - Act proactively and with urgency to address climate change risks
 - Raise awareness of the expected impacts of climate change expected impacts and etc. based on a science approach
- Under “Transformational shift required for the Bay of Plenty, bullet point 6, add: ‘..and preserving and/or creating wetlands’.
- Resolution 3 to also be clearly reflected in the Statement.

Resolved

That the Regional Council:

- 1 Receives the report, Toi Moana Climate Change Statement.**
- 2 Considers the draft Climate Change Statement in Appendix 1 for inclusion in the Consultation Document for the Long Term Plan 2021-2031.**
- 3 Notes that the climate change statement will inform and guide how we can work in partnership with Māori and support conversations around the regional climate change.**

**Rose/Nees
CARRIED**

8.5 Adoption of Statement of Proposal for Fees and Charges Policy

Presented by: Mark Le Comte – Principal Advisor Finance and Transport Operations

Key Points - Members:

- Queried if the air quality test frequency aligned with the Council’s desire to be pro-active and vigilant in this space.

Key Points - Staff:

- Suggested changes as provided to staff by Councillors would be included in the draft Statement of Proposal prior to public consultation, e.g. the Port of Tauranga charges
- The testing frequency regime related to risk of non-compliance and had been developed in co-operation with monitoring and compliance staff
Any non-compliance detected could result in increased the frequency of monitoring to ensure it did not reoccur.

Resolved

That the Regional Council:

- 1 **Receives the report, Adoption of Statement of Proposal for Fees and Charges Policy.**
- 2 **Adopts the 'Statement of Proposal: Fees and Charges' for public consultation and the 'Proposed Fees and Charges Policy' using the Special Consultative Procedure under the Local Government Act, to be consulted on concurrently with the Long Term Plan 2021-2031.**
- 3 **Notes the consent holders and the Port of Tauranga will receive notifications that the consultation is taking place.**
- 4 **Delegates authority to the Chief Executive to make minor editorial and formatting amendments to the Statement of Proposal and supporting information document if required.**

**Leeder/Thurston
CARRIED**

8.6 Adoption of Consultation Document and Supporting Documentation for Long Term Plan 2021-2031

This item was adjourned until the Thursday 18 February 2021 8.00am Zoom continued Council meeting when Audit NZ would be presenting its Audit Opinion.

Noted that minor changes could be made to the Consultation Document pre-consultation.

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8.7 Arotake Tuarua 2020/21 - Performance Monitoring Report Quarter Two (October to December 2020)

Presented by: Debbie Hyland - Finance and Transport Operations Manager and Zhivan Alach - Organisational Performance Manager

Key Points:

- Provided an outline of the report and noted that the target for reduction in non-compliant solid fuel burners in the Rotorua Airshed would not be met, as there were few non-compliant burners left in the airshed, and the owners of those were unlikely to take up the various funding opportunities
- The significant increase in Tauranga schools bus patronage was correlated with the fare-free trial
- Rivers and Drainage Assets were revalued as of 1 July 2020 and this was reflected in the updated draft LTP Infrastructure and Financial Strategies.
- The \$92m public transport funding (contained in the briefing papers for TCC's Commissioners) as being attributed to Regional Council over the next ten years was being queried by BOPRC staff as the figures for PT investment are materially higher.

Key Points - Members:

- Acknowledged that the changing environment in 2020 due to Covid had caused significant challenges in financial predictions and Council should be

conservative in its approach, and be cognisant and prepared for sudden changes.

Key Points - Staff:

- The presentation of the Financial Strategy within the draft LTP was aimed at making it as clear and accessible as possible to the community
- All Covid-19 testing was reported in the Health & Safety component of the report.

Resolved

That the Regional Council:

- 1 Receives the report, Arotake Tuarua 2020/21 - Performance Monitoring Report Quarter Two (October to December 2020)**
- 2 Confirms the public be excluded on the grounds set out in the Local Government Official Information and Meetings Act 1987 from consideration of the following report attachments:**
 - (a) Arotake Q2 - Appendix 2 Bancorp - Confidential Treasury Report December 2020 under Section 48(1)(a)(i) Section 7 (2)(h) as withholding the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities and that this attachment remain in Public Excluded.**
 - (b) Arotake Q2 - Appendix 3 Toi Moana Trust - Quarterly Report - December 2020 under Section 48(1)(a)(i) Section 7 (2)(h) as withholding the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities and that this attachment be released to the public on the Chief Executive's approval.**

**Love/Crosby
CARRIED**

1.00pm – the meeting **adjourned**.

1.30pm – the meeting **reconvened**.

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 - 17 December 2020	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
9.2	Groundwater monitoring site installation - new contract and capital funding arrangements	Withholding the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	48(1)(a)(i) Section 7 (2)(i).	On the Chief Executive's approval.
9.3	Ōpōtiki Harbour Development Funding Agreement	Withholding the information is necessary to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	48(1)(a)(i) Section 7 (2)(i).	On the Chief Executive's approval.
9.4	Arotake Tuarua 2020/21 - Performance Monitoring Report Quarter Two (October to December 2020) - Confidential Attachments only	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).	To remain in public excluded.

**Leeder/Rose
CARRIED**

10. Closing Karakia

A karakia was provided by Cr Te Taru White.

2.01pm - the meeting adjourned and would be reconvened on Thursday 18 February at 8.00am via Zoom.

8.00am - the meeting reconvened on Thursday 18 February 2021 via Zoom

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 - Cr Matemoana McDonald
 - Cr David Love
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 - Cr Stuart Crosby
 - Cr Kevin Winters - via Zoom
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 - Cr Stacey Rose
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- In Attendance:**
- Fiona McTavish - Chief Executive, Namouta Poutasi - General Manager Strategy & Science, Chris Ingle - General Manager Integrated Catchments; Karen Aspey - Director, People & Leadership, Zhivan Alach - Organisational Performance Manager, Tone Nerdrum Smith - Committee Advisor
- Audit NZ: Leon Pieterse, Matt Sarjeant and Anton Labuschagne

11. Chairman's Introduction

Chairman Leeder reminded those present that the public section of this meeting was being recorded and would be made available on the Bay of Plenty Regional Council website following the meeting and archived for a period of three years.

12. Apologies

Noted the apology tendered by Cr Te Taru White.

13. Reports - Continued

13.1 Adoption of Draft Consultation Document and Supporting Documentation for Long Term Plan 2021-2031

Presentation: Draft LTP - Post Agenda Changes: Objective ID A3738580 ⇨

Tabled Document 1 - Draft LTP Consultation Document - Updated Version: Objective ID A3738725 ⇨

Noted that Leon Pieterse, Matt Sarjeant and Anton Labuschagne from Audit NZ were in attendance for this item

Fiona McTavish - Chief Executive provided an outline of the LTP adoption process.

Zhivan Alach - Organisational Performance Manager provided an outline of the development of the draft Consultation Document/Long Term Plan (LTP) and noted that an updated version of the Draft Consultation Document had been circulated to Elected Members (tabled document 1).

Key Points:

- Outlined the changes to the Draft LTP as follows:
 - Revised infographic arrows to match preferred option
 - Highlighted preferred option
 - Restored sentence on free fares for mobility needs
 - Revised wording to clarify existing work on climate change and public transport
 - Revised flood protection and control value
 - Revised other asset numbers to be inflated
 - Various typos, grammar, clarifying changes per Councillor direction
 - Changes to Climate Change statement per Councillor direction
 - Cost of Freshwater Reform added.
- There had been no material changes, i.e. no fundamental changes to the underlying assumptions
- Budget changes as proposed when the meeting commenced on Tuesday 16 February 2021, would be considered for inclusion in the final LTP as part of the deliberations.

Key Points - Leon Pieterse - Audit NZ

- Provided an outline of the Audit Opinion provided and the acceptance of the underlying assumptions
- Noted that Audit NZ had provided an unqualified opinion
- Recognised the significant effort of staff and Elected Members in preparing the Draft LTP.

Resolved

That the Regional Council:

- 1 Receives the report, Adoption of Consultation Document and Supporting Documentation for Long Term Plan 2021-2031.**

- 2 Notes that the draft Consultation Document and supporting documents for the draft Long Term Plan 2021-2031 presented at the 17 December 2020 meeting have been subjected to an audit process, subsequent changes, and to minor editorial changes;**
- 3 Approves the Consultation Document (Draft for Consultation) in preparation for the signing of the Audit Opinion.**

**Nees/Thurston
CARRIED**

Leon Pieterse – Audit NZ presented the unqualified Audit Opinion on the Draft Consultation Document and the Draft Long Term Plan 2021-2031.

Following the signing of the Audit Opinion by the Audit Director:

- 4 Receives the Audit Report and signed opinion by the auditor pursuant to s93C(4) of the Local Government Act (2002) to be included in the Consultation Document**
- 5 Adopts the updated supporting documents noted at Recommendation 2 to be made publicly available during the Special Consultative Procedure pursuant to section 93C(3)(c) of the Local Government Act (2002).**
 - (a) Noting the changes to the supporting documents approved by Council for audit on 17 December 2020 specified in this paper.**
 - (b) Noting thus that the documents adopted today comprise those approved by Council for audit on 17 December 2020 with the changes specified in this paper.**
- 6 Adopts the Consultation Document (Draft for Consultation) (including Audit Opinion) for the Long Term Plan 2021-2031 Special Consultative Procedure from 22 February to 22 March 2021 pursuant to section 93 of the Local Government Act (2002).**
 - (a) Acknowledging that the proposed budget has unbalanced budgets for years one and two, but that the overall financial position of the Council remains sustainable; and**
 - (b) Resolves that it is financially prudent to set that unbalanced budget;**
- 7 Delegates authority to the Chief Executive to make any final editorial or post-audit amendments to the Consultation Document and draft supporting documents, if required, prior to commencement of the consultation period on 22 February 2021.**
- 8 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.**

**Rose/Winters
CARRIED**

8.15am - the meeting closed.

CONFIRMED

Chairman Doug Leeder
Chairperson, Regional Council