

Regional Council

Open Minutes

Commencing: Thursday 1 April 2021, 9.30 am

Venue: Council Chambers, Regional House, 1 Elizabeth Street, Tauranga

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, Mat Taylor - General Manager Corporate, Namouta Poutasi - General Manager Strategy & Science, Chris Ingle - General Manager Integrated Catchments; Karen Aspey - Director, People & Leadership, Stephen Lamb - Environmental Strategy Manager, Kataraina O'Brien - Strategic Engagement Manager, Zhivan Alach - Organisational Performance Manager, Troy Brown - Community Engagement Advisor and Stephanie Macdonald - Community Engagement Team Leader, Tone Nerdrum Smith - Committee Advisor

Scott Hamilton, Sir Rob McLeod and Warren Parker (both via Zoom) - Quayside Holdings Ltd, Andrew Michl - Local Government Funding Agency (LGFA)

Apologies: Chairman Doug Leeder

Opening Statement by Chairperson

Cr Nees, as the Acting Chairperson for the meeting, advised those present that the public section of the meeting was being recorded; would be made available on the Bay of Plenty Regional Council website following the meeting and archived for a period of three years.

<https://www.youtube.com/user/bopregionalcouncil/videos>

1. Opening Karakia

A karakia was provided by Cr Toi Kai Rākau Iti.

2. Apologies

Resolved

That the Regional Council:

- 1 Accepts the apology from Chairman Doug Leeder for other Council business tendered at the meeting.

Winters/Rose
CARRIED

3. Order of Business

Noted that Agenda Item 10.5: Community Participation and Impact would be discussed before Agenda Item 10.4: Enhancing Youth Engagement

Further noted that the two fixed time items (Quayside Draft Statement of Intent and confidential presentation at 11am and LGFA Draft Statement of Intent at 12pm) would impact on the order of business.

4. Declaration of Conflicts of Interest

Cr Te Taru White and Cr Stuart Crosby declared an interest in agenda items 10.9: Quayside Holdings Ltd Draft Statement of Intent 2021/22 and Half Year Report 31 December 2020 and agenda item 10.10: Toi Moana Trust Draft Statement of Intent 2021/22 as Directors of Quayside Holdings Ltd.

5. Minutes

Minutes to be Confirmed

5.1 Regional Council Minutes - 16 February 2021

Resolved

That the Regional Council:

Confirms the Regional Council Minutes - 16 February 2021 as a true and correct record.

Rose/Bruning
CARRIED

5.2 Extraordinary Regional Council Minutes - 10 March 2021

Resolved

That the Regional Council:

Confirms the Extraordinary Regional Council Minutes - 10 March 2021 as a true and correct record.

Winters/Rose
CARRIED

Minutes to be Received**5.3 Regional Transport Committee Minutes - 3 December 2020****Resolved**

That the Regional Council:

Receives the Regional Transport Committee Minutes - 3 December 2020.

Thurston/Nees
CARRIED

5.4 SmartGrowth Leadership Group - 21 October 2020 (confirmed)**Resolved**

That the Regional Council:

- 1 Receives the minutes, SmartGrowth Leadership Group - 21 October 2020 (confirmed).

Crosby/Nees
CARRIED

5.5 SmartGrowth Leadership Group - 16 December 2020 (draft)**Resolved**

That the Regional Council:

- 1 Receives the minutes, SmartGrowth Leadership Group - 16 December 2020 (draft).

Crosby/Nees
CARRIED

5.6 Civil Defence Emergency Management Group Joint Committee Minutes - 18 December 2020**Resolved**

That the Regional Council:

- 1 Receives the minutes, Civil Defence Emergency Management Group Joint Committee Minutes - 18 December 2020.

Love/Nees
CARRIED

6. Presentations**6.1 Summer Experience Programme 2021**

Presented by: Karen Aspey - Director, People & Leadership introduced Ben Neave - Summer Experience Participant who showed a video and spoke to this item.

Key Points:

- Had undertaken the summer internship in the Emergency Management Team and had since been appointed to a permanent role at Regional Council
- Facilitation and support within the organisation had been outstanding
- Recognised the significant learning and development opportunities offered through the Summer Programme.

Key Points - Members:

- Recognised the contributions of the Summer Experience participants
- Recognised the effort by Karen Aspey - Director, People & Leadership and the strategic approach for the organisation, which was reflected in this Summer Experience Programme.

7. Reports

7.1 Chairperson's Report

In Chairman Leeder's absence, Fiona McTavish - Chief Executive advised she would respond to any questions.

Key Points - Members:

- Regional Council's Long Term Plan was presented to Rotorua Lakes Council on 11 March 2021 and the level of engagement had been positive.

Resolved

That the Regional Council:

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

**Nees/Thompson
CARRIED**

Decisions Required

7.2 Approval of Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement

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

Key Points:

- Provided an outline of the report and the development of Plan Change 5.

Resolved

That the Regional Council:

- 1 Receives the report, Approval of Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement.
- 2 Confirms it is satisfied the requirements of Section 32 of the Resource Management Act 1991 have been met and adopts the Section 32 Report for Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement.
- 3 Confirms it is satisfied the requirements of the Resource Management Act 1991, in particular sections 60, 61 and 62 and Schedule 1, relating to the preparation of a change to the Bay of Plenty Regional Policy Statement up to public notification stage, have been met.
- 4 Approves Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement pursuant to Clause 5 of Schedule 1 to the Resource Management Act 1991, and makes the Section 32 Report publicly available at the time of that public notification.
- 5 Approves the public notification of the Proposed Bay of Plenty Regional Policy Statement pursuant to the requirements of Clauses 5 and 7 of Schedule 1 to the Resource Management Act 1991.
- 6 Delegates authority to the Group Manager Strategy and Science to make any minor amendments, including grammatical and formatting, to Proposed Change 5 (Kaituna River) to the Bay of Plenty Regional Policy Statement and the Section 32 Evaluation Report prior to public notification.
- 7 Notes Proposed Change 5 will be subject to the Freshwater Planning Process. Notes the Freshwater Hearings Panel will normally be made up of two freshwater commissioners, two council nominees and one tangata whenua nominee. Tangata whenua nominations will be sought at the next Te Maru o Kaituna meeting.
- 8 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.

Thompson/White
CARRIED

7.3 Komiti Maori - Maori Partnerships Lead

*Tabled Document 1 - 2021-04-01 Council Meeting, Komiti Maori TOR presentation:
Objective ID A3768821*

Presented by: Namouta Poutasi – General Manager Strategy & Science, Stephen Lamb – Environmental Strategy Manager and Kataraina O'Brien – Strategic Engagement Manager

Key Points:

- The proposed amendments to the terms of reference were:
 - Becoming a committee of the whole

- o Focus on shared decision making.

Key Points - Members:

- Recognised the effort of both staff and Councillors in the development of the amended terms of reference
- Council working alongside Māori was supported by the proposed changes, however also recognised that this was a step in an ongoing journey and that the form and function of Komiti Māori would continue to evolve
- The success of the changes to the terms of reference would rely on the development of a strong work programme
- Recognised that further developments in the Komiti Māori/engagement space were likely to occur following the 2022 local authority elections when the committee structure would be re-established
- It was a strategic consideration that the meeting venues would be a mix of marae throughout the rohe and Council Chambers, as this supported the desired decision-making focus of the amended terms of reference.

Resolved

That the Regional Council:

- 1 Receives the report, Komiti Maori - Maori Partnerships Lead.**
- 2 Amends Komiti Māori Terms of Reference as specified in Appendix 1, with the following addition: Include the words “..shared decision making with Māori”.**
- 3 Confirms that Komiti Māori to be a committee of the whole.**
- 4 Agrees that matters of ‘partnership and shared decision-making with Māori’ be progressed by Komiti Maori.**

**McDonald/Thurston
CARRIED**

The resolutions were passed **unanimously**

7.4 Community Participation and Impact

Presented by: Karen Aspey - Director, People & Leadership and Zhivan Alach - Organisational Performance Manager

Key Points:

- Sought a Council decision on whether to utilise weighting in priority areas beyond what had already been identified in the assessment criteria for the Community Initiatives Fund.

Key Points - Members:

- Considered that any changes to the assessment criteria at this stage, i.e. after the consultation period had ended, would not be fair to those who had tailored their applications to the criteria
- Any future changes to the assessment criteria should be considered prior to the next Annual Plan/Long Term Plan process
- Council needed to be cognisant of a perception of pre-determination if changes were introduced after the applications had been received, but before hearings and deliberations commenced.

Resolved

That the Regional Council:

- 1 **Receives the report, Community Participation and Impact.**
- 2 **Notes that three Strategic Priorities have been identified as potentially benefiting from greater attention in the near future, namely (1) climate change, (2) Māori partnerships, and (3) community engagement and constructive relationships.**
- 3 **Notes the use of impact assessment as a tool to evaluate proposals and allocate discretionary funding.**
- 4 **Provides the following direction on the weighting of impact assessment in three specific priority areas, (1) climate change, (2) Māori partnerships, and (3) community engagement and constructive relationships:**
 - (a) **Option Two: Provide equal weighting to impacts across all Strategic Priorities and outcome areas.**
- 5 **Notes that Councillors will make decisions on Community Initiatives Fund applications during Long Term Plan deliberations on 12 May 2021.**
- 6 **Notes that formal impact assessment will be used for the evaluation of both other community projects and Community Initiatives Fund applications to ensure equity of treatment.**

**Bruning/Thompson
CARRIED**

7.5 Enhancing Youth Engagement

Tabled Document 2 - 01.04.2021 Council Meeting, Enhancing Youth Engagement presentation: Objective ID A3767200

Presented by: Namouta Poutasi - General Manager Strategy & Science, Troy Brown - Community Engagement Advisor and Stephanie Macdonald - Community Engagement Team Leader

Key Points:

- Recognised the support of Cr Nees, Cr Iti and Cr Rose through their participation in the working party for this project
- Noted that staff would seek funding of an additional \$45k towards youth engagement through the LTP process
- Council did not have a high profile amongst youth and increased visibility was an identified outcome
- Approximately 59% of youth engaging in this project identified as being of Māori ethnicity
- The terms of reference yet to be developed for the Youth Design Group would guide the appointment of members
- Was working closely with other regional and local authorities who had more extensive experience in this area of expertise
- When the EnviroSchools Programme was originally established, there was a lack of other environmental initiatives. Since then, the number of providers had increased significantly and had a better fit with Council's community outcomes and priorities

Key Points - Members:

- Considered that the Youth Engagement Plan could make a positive difference in the level of engagement in the youth demographics
- Noted the legal requirement for Council to consider future generations and communities in its decision making
- Important that the withdrawal from the EnviroSchools programme would not result in a reduction in environmental initiatives within the community
- Important that the Youth Design Group was representative of the demographics of the wider community; that funding provided was adequate and that the civic component/decision making role of Council was well incorporated and understood.

Resolved

That the Regional Council:

- 1 Receives the report.**
- 2 Agrees that a youth engagement plan is developed, including:**
 - (a) An assessment of the viability of developing a Youth Design Group.**
 - (b) Communications tools to inform young people of what the Regional Council does.**
 - (c) Delivery of an innovative youth project – Hackathon for a priority project**
 - (d) Scoping potential to deliver work experience opportunities for young people.**
- 3 Notes the withdrawal of Bay of Plenty Regional Council from the EnviroSchools Programme.**
- 4 Considers an additional budget of \$45,000 to implement the above recommendations through the Long Term Plan deliberations.**
- 5 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/White
CARRIED**

10.45am – the meeting **adjourned**.

11.00am – the meeting **reconvened**

8. 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
10.9	Quayside Holdings Limited Draft Statement of Intent 2021/22 and Half Year Report 31 December 2020 - Attachment 1 - Quayside Holdings Limited Cover Letter and Response to BOPRC's Statement of Expectation 1 March 2021 - Public Excluded Discussion	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).	To remain in public excluded.
10.10	Toi Moana Draft Statement Of Intent 2021/22 - Public Excluded Discussion	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).	To remain in public excluded.

- 2 That Scott Hamilton, Warren Parker and Sir Rob McLeod – Quayside Holdings Ltd be permitted to stay in the public excluded section of the meeting due to their knowledge of the matter under discussion, being Item 10.9 and Item 10.10.**

**Nees/Thompson
CARRIED**

8.1 Quayside Holdings Limited Draft Statement of Intent 2021/22 and Half Year Report 31 December 2020

Presented by: Mat Taylor – General Manager Corporate, Scott Hamilton, Sir Rob McLeod and Warren Parker (both via Zoom) – Quayside Holdings Ltd

Cr Crosby and Cr White as Directors of Quayside Holdings Ltd declared a **conflict of interest** in this item and **abstained** from discussion and voting.

Noted that the discussion of this item had taken place in the Public Excluded section of the meeting.

Resolved

That the Regional Council:

- 1 Receives the report, Quayside Holdings Limited Draft Statement of Intent 2021/22 and Half Year Report 31 December 2020.**
- 2 Notes Quayside's draft Statement of Intent 2021/22 and Half Year Report 31 December 2020.**
- 3 Notes the Statement of Intent process outlined in section 1.1 of this report.**
- 4 Agrees the key themes, including the below, for feedback to Quayside as:**
 - (a) Delineation between normal and special dividends, and alignment of dividend requirements with the Long Term Plan 2021-2031.**
 - (b) Group Policy requirements, such as a dividend and reserving policies and consideration of the extent to which dividends should be based on actual or budgeted performance.**
 - (c) Greater transparency of the amounts invested in, and projected returns from, the various investment categories including non-financial returns from Regional Benefit assets.**
 - (d) Metrics to support consideration of intergenerational equity.**
 - (e) Which Quayside subsidiaries would benefit from a separate SOI.**
- 5 Delegates to the Chief Executive, Chair, Deputy Chair, Chair of Risk and Assurance Committee, and Chair of Strategy and Policy Committee to finalise feedback to Quayside by 1 May 2021.**
- 6 Notes that the final feedback to Quayside will be distributed to all Councillors.**
- 7 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 attachment:**
 - (a) Quayside Holdings Limited Cover Letter and Response to BOPRC's Statement of Expectation 1 March 2021 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.**

**Thompson/Rose
CARRIED**

8.2 Toi Moana Trust Draft Statement of Intent 2021/22

Cr Crosby and Cr White as Directors of Quayside Holdings Ltd declared a **conflict of interest** in this item and **abstained** from discussion and voting.

Noted that the discussion of this item had taken place in the Public Excluded section of the meeting.

Resolved

That the Regional Council:

- 1 **Receives the report, Toi Moana Trust Draft Statement of Intent 2021/22.**
- 2 **Agrees the key themes for feedback to the Toi Moana Trust as:**
 - (a) **Alignment of dividend and performance expectations between the Statement of Intent and the Long Term Plan 2021-2031, including catch up dividends.**
 - (b) **Group Policy requirements, such as a dividend and reserving policies and consideration of the extent to which dividends should be based on actual or budgeted performance.**
 - (c) **Flexibility in the SIPO for the Manager to develop asset allocations that best fit the objectives and risk tolerances of the fund.**
- 3 **Delegates to the Chair and Chief Executive to finalise feedback to the Toi Moana Trust by 1 May 2021.**
- 4 **Notes that the final feedback to Quayside will be distributed to all Councillors.**

**Love/Nees
CARRIED**

12.05pm – Cr Winters **withdrew** from the meeting

8.3 Local Government Funding Agency Draft Statement of Intent 2021/22 and Half Year Report 31 December 2020

Tabled Document 3 - LGFA presentation - Council 1 April 2021 pdf: Objective ID A3771884

Presented by: Debbie Hyland – Finance and Transport Operations Manager and Andrew Michl – Local Government Funding Agency (LGFA)

Key Points:

- LGFA was actively involved in the Three Waters Reforms, however there was still a lack of clarity in the parameters around LGFA's role in the pre/post-reforms
- LGFA could not finance all of Auckland Council's debt as the risk profile and concentration would be excessive
- Shareholder equity had continued to increase.

Key Points - Staff:

- Any borrowing transferred across as part of the Three Waters Reforms would require asset security.

12.24pm – Cr Winters **entered** the meeting.

Resolved

That the Regional Council:

- 1 **Receives the report, Local Government Funding Agency Draft Statement of Intent 2021/22 and Half Year Report 31 December 2020.**
- 2 **Notes the LGFA Draft Statement of Intent 2021/22 and Half Year Report 31 December 2020.**
- 3 **Agrees that no formal feedback is required on the LGFA's Draft Statement of Intent 2021/22.**

**Love/von Dadelszen
CARRIED**

8.4 Bay of Plenty Local Authority Shared Services (BOPLASS) Draft Statement of Intent 2021-2024 and Half Year Report 31 December 2020

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

12.27pm – Cr Rose **withdrew** from the meeting.

Key Points - Staff:

- Recognised the significant value provided by BOPLASS within the current parameters, e.g. insurance procurement
- Noted that Waikato LASS was exploring opportunities beyond the current procurement scope.

Resolved

That the Regional Council:

- 1 **Receives the report, Bay of Plenty Local Authority Shared Services (BOPLASS) Draft Statement of Intent 2021-2024 and Half Year Report 31 December 2020.**
- 2 **Notes the BOPLASS Draft Statement of Intent for 2021-2024 and Half Year Report 31 December 2020.**
- 3 **Agrees that no formal feedback is required on the Draft BOPLASS Statement of Intent for 2021-2024.**

**Love/Crosby
CARRIED**

8.5 Treasury Report on LGFA Borrowings Maturing April 2021

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

Key Points:

- Considered the proposed repayment of borrowings to be the most beneficial option
- The repayment exceeded the Chief Executive's delegated financial authority, hence the report before the Councillors at today's meeting
- Audit NZ had not raised any concerns with the options and assumptions within the report.

Resolved

That the Regional Council:

- 1 Receives the report, Treasury Report on LGFA Borrowings Maturing April 2021.
- 2 Approves repayment of \$50.5 million of Council borrowing from the Local Government Funding Agency on 15 April 2021.
- 3 Approves refinancing of \$25 million and the associated borrowers note for on-lending to Quayside on 15 April 2021.
- 4 Delegates to the Chief Executive to execute the financial and legal documents for recommendations 2 and 3.
- 5 Delegates to the Chief Executive, in consultation with the Regional Council Chairman and the Chair of Risk and Assurance Committee, authority to take out facilities with the LGFA, including short term loans, as set out in Section 3. of the report as required and inform Councillors (if it occurs)
- 6 Confirms the decision has a high 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/Thompson
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 February 2021	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
9.2	Public Excluded Extraordinary Regional	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.

	Council Minutes - 10 March 2021			
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- 2 That Scott Hamilton and Sir Rob McLeod - Quayside Holdings Ltd be permitted to stay in the public excluded section of the meeting due to their knowledge of the matter under discussion, being Item 10.9: Quayside Holdings' Letter of Response.**

**Nees/Thurston
CARRIED**

10. Closing Karakia

A karakia was provided by Cr Iti.

12.45 pm - the meeting closed.

CONFIRMED

Cr Jane Nees
Deputy Chairperson, Regional Council