

Regional Council

Open Minutes

- Commencing:** Thursday 12 August 2021, 9.30 am
- Venue:** Council Chambers, Ground Floor, Regional House, 1 Elizabeth Street, Tauranga
- Chairperson:** Chairman Doug Leeder
- Deputy Chairperson:** Deputy Chairperson Jane Nees
- Members:** Cr Andrew von Dadelszen - via Zoom
Cr Matemoana McDonald
Cr David Love
Cr Norm Bruning
Cr Bill Clark
Cr Stuart Crosby
Cr Kevin Winters
Cr Lyall Thurston
Cr Toi Kai Rākau Iti - via Zoom
Cr Stacey Rose
Cr Paula Thompson
Cr Te Taru White
- In Attendance:** Fiona McTavish - Chief Executive, Mat Taylor - General Manager Corporate, Chris Ingle - General Manager Integrated Catchments, Mark Le Comte - Principal Advisor Finance and Transport Operations, Debbie Hyland - Finance and Transport Operations Manager (via Zoom), Tone Nerdrum Smith - Committee Advisor
- Apologies:** Cr Stacey Rose and Cr Kevin Winters - early departure [Note: this did not occur as the meeting concluded prior to the Councillors departing]

1. Opening Statement by Chair

The Chairman advised 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 [Bay of Plenty Regional Council - YouTube](#)

It was noted that informal conversations taking place at the Council table and/or in the public gallery could inadvertently be recorded and agreed that a sentence to this effect be added to the opening statement to ensure those present were advised accordingly.

2. Opening Karakia

A karakia was provided by Cr Te Taru White.

3. Apologies

Resolved

That the Regional Council:

- 1 Accepts the apologies from Cr Rose and Cr Winters for early departure [note: this did not occur as the meeting concluded prior to the Councillors departing] tendered at the meeting.

Leeder/Bruning
CARRIED

4. Items not on the Agenda

4.1 Minor River Scheme Rates Setting (Public Excluded Item)

Resolved

That the Regional Council:

- 1 Accepts the public excluded report Minor River Scheme Rates Setting for inclusion as a late item in the public excluded section of this meeting, notes that the item was late due to the legal advice not being available in time for inclusion in the main agenda and that a decision is required in this matter.

Leeder/Thurston
CARRIED

5. Declaration of Conflicts of Interest

Cr Stuart Crosby and Cr Te Taru White: Agenda Items 9.4 - Quayside Subsidiary Statements of Intent and 9.5 - Toi Moana Trust Statement of Investment Policy and Objectives as Directors of Quayside Holdings Ltd.

Chairman Doug Leeder: Public Excluded Item Not on the Agenda Minor River Scheme Rates Setting.

6. Minutes

Minutes to be Confirmed

6.1 Regional Council Minutes - 24 June 2021

Resolved

That the Regional Council:

Confirms the Regional Council Minutes - 24 June 2021 as a true and correct record.

**Rose/Nees
CARRIED**

7. Reports

7.1 Chairperson's Report

Key Points:

- Noted the site visits to Waiari Water Supply Scheme development site and the Norske Skog Mill in Kawerau (invited by Mayor Campbell)
- Notification had gone to all Councillors with regards to the invitation to the Gate Pā/Te Rangi battle site
- There was still work to be done in the Jobs for Nature space and the role of the Reference Group was undergoing a review as the initial phase had been completed.

Key Points - Staff:

- Noted the site visit to Ōpōtiki on Wednesday 8 September 2021 for the purposes of the Ōpōtiki Harbour Transformation Project.

Items for Staff Follow Up:

- Prepare a letter of congratulations for signature by Chairman Leeder to Ōpōtiki District Council for receiving the LGNZ Excellence Award.

Resolved

That the Regional Council:

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

**Leeder/Rose
CARRIED**

Decisions Required

7.2 BOPLASS Statement of Intent 2021-2024

Presented by: Mark Le Comte – Principal Advisor Finance and Transport Operations and Debbie Hyland – Finance and Transport Operations Manager (via Zoom).

Key Points:

- Provided an outline of the Statement of Intent and the process to date
- Noted the appointment of John Holyoake as the new WBOPDC Chief Executive that the Terms of Reference would be updated accordingly.

Resolved

That the Regional Council:

- 1 Receives the report, BOPLASS Statement of Intent 2021-2024.**

2 Agrees the BOPLASS Statement of Intent 2021-2024.**Thurston/Nees
CARRIED****7.3 Local Government Funding Agency Statement of Intent 2021/22**

Presented by: Mark Le Comte – Principal Advisor Finance and Transport Operations and Debbie Hyland – Finance and Transport Operations Manager (via Zoom).

Key Points:

- Shareholders were approaching the LGFA Board regarding the impact of the proposed local government reforms on future lending.

Items for Staff Follow Up:

- Response from LGFA Board to be provided to Councillors once received.

Resolved**That the Regional Council:**

- 1 Receives the report, Local Government Funding Agency Statement of Intent 2021/22.**
- 2 Agrees the Statement of Intent 2021/22.**

**Nees/Rose
CARRIED****7.4 Quayside Subsidiary Statements of Intent**

Presented by: Mark Le Comte – Principal Advisor Finance and Transport Operations, Debbie Hyland – Finance and Transport Operations Manager (via Zoom)

Cr Stuart Crosby and Cr Te Taru White both declared a **conflict of interest** in this item and **abstained** from discussion and voting.

Key Points:

- The presentation of this CCO subsidiary Statements of Intent was due to an amendment to the Local Government Act 2002 which meant such reporting was now a legal requirement.

Resolved**That the Regional Council:**

- 1 Receives the report, Quayside Subsidiary Statements of Intent.**
- 2 Agrees the Statements of Intent for Aqua Curo, Huakiwi, Lakes Commercial Developments and Tauranga Commercial Development.**

Nees/Winters

CARRIED

7.5 Toi Moana Trust Statement of Investment Policy and Objectives

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

Cr Stuart Crosby and Cr Te Taru White both declared a **conflict of interest** in this item and **abstained** from discussion and voting.

Resolved

That the Regional Council:

- 1 Receives the report, Toi Moana Trust Statement of Investment Policy and Objectives.**
- 2 Approves the proposed changes to the High-Yield Investment Fund Statement of Investment Policy and Objectives as a suitable investment for the Toi Moana Trust.**

**Leeder/Winters
CARRIED**

7.6 Rates Setting 2021/22 - Alteration of Resolutions

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

Resolved

That the Regional Council:

- 1 Receives the report, Rates Setting 2021/22 - Alteration of Resolutions.**
- 2 Approves the following alterations of the Rates Setting 2021/22 resolution 22 adopted on 24 June 2021:**
 - (a) Rotorua Lakes Council penalty due date for Instalment 1 from 21 August 2021 to 23 August 2021 and Instalment 4 from 21 May 2022 to 23 May 2022;**
 - (b) Western Bay of Plenty District Council penalty due date for Instalment 1 from 22 October 2021 to 23 October 2021 and Instalment 2 from 25 March 2022 to 26 March 2022;**
 - (c) Additional penalty application dates for rates assessed before 1 July 2021 for Rotorua Lakes Council from 8 July 2021 to 6 July 2021 and Western Bay of Plenty District Council from 2 July 2021 to 6 July 2021;**
 - (d) Additional application dates for rates assessed in previous financial years for Rotorua Lakes Council from, 10 January 2022 to 7 January 2022 and Western Bay of Plenty District Council from 3 January 2022 to 6 January 2022;**
 - (e) Reduction of penalty percentage for Kawerau District Council for rates assessed before 30 June 2021 and in previous financial years from 5% to 3%.**
- 3 Adopts the altered Rates Setting 2021/22 resolution 22 as follows:**
- 4 Sets the following penalties regime for all rates other than the Minor River and Drainage Scheme rates;**

- (i) Pursuant to sections 57 and 58(1)(a) of the Local Government (Rating) Act 2002, with respect to rates assessed in the 2021/22 year, a penalty of 10% for all areas other than the Kawerau District and 5% for the Kawerau District will be added to the amount of any instalment that has been assessed after 1 July 2021 and which is unpaid after the relevant due date set out in resolution 21. The penalty will be added on the respective instalment penalty date shown in (ii).
- (ii) The respective instalment penalty dates are as follows;

| Kawerau District | |
|--------------------------------|-------------------|
| Instalment One | 30 August 2021 |
| Instalment Two | 29 November 2021 |
| Instalment Three | 28 February 2022 |
| Instalment Four | 23 May 2022 |
| Ōpōtiki District | |
| Instalment One | 25 August 2021 |
| Instalment Two | 01 December 2021 |
| Instalment Three | 02 March 2022 |
| Instalment Four | 25 May 2022 |
| Rotorua District | |
| Instalment One | 23 August 2021 |
| Instalment Two | 23 November 2021 |
| Instalment Three | 22 February 2022 |
| Instalment Four | 23 May 2022 |
| Taupō District | |
| Instalment One | 27 August 2021 |
| Instalment Two | 29 November 2021 |
| Instalment Three | 28 February 2022 |
| Instalment Four | 27 May 2022 |
| Tauranga City | |
| Instalment One | 09 September 2021 |
| Instalment Two | 09 March 2022 |
| Western Bay of Plenty District | |
| Instalment One | 23 October 2021 |
| Instalment Two | 26 March 2022 |
| Whakatāne District | |
| Instalment One | 01 September 2021 |
| Instalment Two | 01 December 2021 |
| Instalment Three | 02 March 2022 |
| Instalment Four | 25 May 2022 |

- (iii)
- (iv) Pursuant to sections 57 and 58(1)(b) of the Local Government (Rating) Act 2002, with respect to rates assessed before 1 July 2021, a penalty of 10% for all areas in the table below other than the Kawerau District and 3% for the Kawerau District will be added to any rates unpaid on 1 July 2021. The penalty will be added on the date shown below.

- The respective additional penalty dates are as follows;

| District | Penalty assessed date | Penalty application date |
|--------------------------------|-----------------------|--------------------------|
| Kawerau District | 1 July 2021 | 4 August 2021 |
| Rotorua District | 1 July 2021 | 6 July 2021 |
| Taupō District | 1 July 2021 | 7 July 2021 |
| Western Bay of Plenty District | 1 July 2021 | 6 July 2021 |
| Whakatāne District | 1 July 2021 | 1 October 2021 |

- (v)

- (vi) Pursuant to sections 57 and 58(1)(c) of the Local Government (Rating) Act 2002, with respect to rates assessed in previous financial years, a further penalty of 10% for Rotorua District and Western Bay of Plenty District, and 3% for the Kawerau District will be added on any rates to which a penalty has been added under 20(iii) if the rates remain unpaid six months after the previous penalty was added. The penalty will be added on the date shown below.

The respective additional penalty dates are as follows;

| District | Penalty application date |
|--------------------------------|--------------------------|
| Kawerau District | 8 February 2022 |
| Rotorua District | 7 January 2022 |
| Western Bay of Plenty District | 6 January 2022 |

4. Notes that all other parts of the Rates Setting 2021/22 resolutions as set on 24 June 2021 by Council remain unaltered.

Rose/Nees
CARRIED

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 |
|----------|---|---|--|---|
| 8.1 | Public Excluded Regional Council Minutes - 24 June 2021 | As noted in the relevant Minutes. | As noted in the relevant Minutes. | To remain in public excluded. |
| 8.2 | Alum Product Supply Agreement: For Rotorua Lakes Treatment. | Withholding the information is necessary to protect information where the making available of the information would be likely to unreasonably prejudice the commercial position | 48(1)(a)(i) Section 7 (2)(b)(ii); 48(1)(a)(i) Section 7 (2)(h); 48(1)(a)(i) Section 7 (2)(i). | To remain in public excluded. |

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|-----|--|--|---|--------------------------------------|
| | | <p>of the person who supplied or who is the subject of the information; Withholding the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities; 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).</p> | | |
| 8.3 | Building Resilience - Rock Procurement | <p>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; Withholding the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.</p> | <p>48(1)(a)(i) Section 7 (2)(b)(ii); 48(1)(a)(i) Section 7 (2)(h).</p> | <p>To remain in public excluded.</p> |

| | | | | |
|-------------------------|----------------------------------|---|---|--|
| Items not on the Agenda | Minor River Scheme Rates Setting | Withholding the information is necessary to maintain legal professional privilege | Section 48(1)(a)(i) Section 7 (2)(g) | To be released on the Chief Executive's approval |
|-------------------------|----------------------------------|---|---|--|

**Leeder/Rose
CARRIED**

9. Closing Karakia

A karakia was provided by Cr Te Taru White.

10.15am - the meeting closed.

CONFIRMED

Chairman Doug Leeder
Chairperson, Regional Council