

# Regional Council

## Open Minutes

**Commencing:** Thursday 16 December 2021, 9.30 am

**Venue:** via Zoom (Audio Visual Meeting)

**Chairperson:** Chairman Doug Leeder

**Deputy Chairperson:** Deputy Chairperson Jane Nees

**Members:** Cr Andrew von Dadelszen  
Cr Matemoana McDonald  
Cr David Love  
Cr Bill Clark  
Cr Stuart Crosby  
Cr Kevin Winters  
Cr Lyall Thurston  
Cr Toi Kai Rākau Iti  
Cr Paula Thompson  
Cr Te Taru White

**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; Debbie Hyland - Finance and Transport Operations Manager; Yvonne Tatton - Governance Manager;

**Apologies:** Cr Stacey Rose and Cr Norm Bruning (both absence), Cr Te Taru White (absence during the meeting)

### Chairman's Opening Statement

Chairman Leeder advised that the meeting was being livestreamed and recorded, and that the recording would be made available on the Bay of Plenty Regional Council website following the meeting <https://youtu.be/6F5GEZyHXbc>

#### 1. Opening Karakia

A karakia was provided by Cr Te Taru White.

#### 2. Apologies

##### Resolved

**That the Regional Council:**

- 1 Accepts the apologies from Cr Stacey Rose and Cr Norm Bruning (both absence), and Cr White (absence during the meeting) tendered at the meeting.**

**Leeder/Thurston  
CARRIED**

### **3. Reports**

#### **3.1 Annual Report 2020/21 and Annual Report Summary 2020/21 Adoption**

Debbie Hyland - Finance and Transport Operations Manager provided an introduction of this item.

Audit NZ staff: Leon Pieterse - Audit Director and Anton Labuschagne - Audit Manager presented their audit opinion (via Zoom).

##### **Key Points - Leon Pieterse and Anton Labuschagne - Audit NZ**

- Advised that an unmodified audit opinion had been provided
- Revaluations within the rivers and drainage activity met with audit requirements
- Satisfied that all payments from the Toi Moana Fund met audit requirements
- Significant effort had been undertaken to ensure audit criteria were met with the change in bus patronage performance measures to utilise the Regional Intergraded Ticketing Solutions (RITS) data
- Recognised the support by Council staff in the audit of the Annual Report and acknowledged Debbie Hyland as this was her last Council meeting

##### **Key Points - Members:**

- Complemented the clear and accessible presentation of the information within the Annual Report, reflecting the significant amount of work having been undertaken in 2020/21
- Queried the high level of carry forwards identified in the report and sought assurance that project details be provided.

##### **Key Points - Staff:**

- Noted the high level of capital projects that had been delivered in the 2020/21 financial year and advised that the majority of capital project carry forwards related to projects that had been impacted/delayed by Covid
- A re-prioritised capital works programme would be presented to Council in the next Arotake Monitoring Report in 2022
- Further noted that the majority of carry forwards related to river and flooding works.

### **Resolved**

#### **That the Regional Council:**

- 1 Receives the report, Annual Report 2020/21 and Annual Report Summary 2020/21 Adoption.**
- 2 Receives the audit report and audit opinion from Audit New Zealand.**

- 3 Adopts the Bay of Plenty Regional Council Annual Report and Consolidated Financial Statements for the year ended 30 June 2021.**
- 4 Adopts the Bay of Plenty Regional Council Annual Report Summary for the year ended 30 June 2021.**
- 5 Authorise the Chief Executive to make minor numerical, editorial or presentation amendments prior to the final publication.**
- 6 Approves additional capital expenditure budget carry forward of \$15.4 million from 2020/21 to 2021/22, and capital revenue budget carry forward of \$4.8 million from 2020/21 to 2021/22.**
- 7 Notes total remissions of \$0.7 million were given during 2020/21, which equates to 1.2% of the general and targeted rates revenue.**

**Leeder/Love  
CARRIED**

## **4. Public Forum**

### **4.1 Meg Collins and Supporters - Ōhiwa Reserves Care Group**

#### **Key Points:**

- Purpose of attending today's meeting was to draw the Councillors' attention to an anomaly in the rules in that cattle protection/fencing was not required for waterways with intermittent water flow
- This anomaly meant cattle had access to the waterways within the Ōhiwa Reserves during high tide, leading to emitted pollutants being carried with the tide
- Regional Council was responsible for addressing and minimising pollution from wandering stock
- Considered the Ōhiwa estuary to be one of the few in the Bay of Plenty that was still in pristine condition
- Would like to see mandatory fencing on all dairy farms to prevent cattle accessing waterways.

#### **Key Points - Members:**

- Recognised the long-standing and significant effort by the Care Group.

#### **Key Points - Staff:**

- The matter of a lack of constant flow in waterways resulting in fencing not being mandatory was being addressed through the Regional Policy Statement, with the aim of rule change implementation in 2024.

## **5. Items not on the Agenda**

**Report: Establish a BOPRC/TCC Joint Committee**

**Resolved**

**That the Regional Council:**

- 1 Accept the inclusion of the report Establish a BOPRC/TCC Joint Committee in this agenda and notes that it will be discussed at the end of the meeting**

**Leeder/White  
CARRIED**

**6. Declaration of Conflicts of Interest**

Agenda Item 9.7 Quayside Holdings Ltd – Statement of Expectations: Cr Stuart Crosby and Cr Te Taru White (both Directors of Quayside Holdings Ltd).

**7. Minutes****Minutes to be Confirmed****7.1 Regional Council Minutes - 10 November 2021****Resolved****That the Regional Council:**

- 1 Confirms the Regional Council Minutes - 10 November 2021 as a true and correct record.**

**Winters/Nees  
CARRIED**

**7.2 Regional Council Minutes - 2 December 2021****Resolved****That the Regional Council:**

- 1 Confirms the Regional Council Minutes - 2 December 2021 as a true and correct record.**

**Leeder/Thurston  
CARRIED**

**Minutes to be Received****7.3 Ōhiwa Harbour Implementation Forum Minutes - 11 March 2021****Resolved****That the Regional Council:**

- 1 Receives the Ōhiwa Harbour Implementation Forum Minutes - 11 March 2021.**

**Iti/Clark  
CARRIED**

**7.4 Te Maru o Kaituna River Authority Minutes - 27 August 2021**

## Resolved

That the Regional Council:

- 1 Receives the Te Maru o Kaituna River Authority Minutes - 27 August 2021.

Nees/McDonald  
CARRIED

## 7.5 Rangitāiki River Forum Minutes - 3 September 2021

### Resolved

That the Regional Council:

- 1 Receives the Rangitāiki River Forum Minutes - 3 September 2021.

Clark/Winters  
CARRIED

## 8. Reports - Continued

### 8.1 Chairperson's Report

Presented by Fiona McTavish – Chief Executive.

#### Key Points:

- Provided an outline of the current situation with regards to the Overseer software and noted that Overseer had become more of a farm management tool, than a regulatory tool
- Noted that alternative monitoring tools were being trialled in other areas, e.g. Hawkes Bay
- Confident that the calculations applied through Overseer for the Rotorua Lakes Incentives Scheme were reliable.

### Resolved

That the Regional Council:

- 1 Receives the report, Chairperson's Report.

Leeder/Thurston  
CARRIED

### 8.2 Revised Community Participation Action Plan

*Presentation - Revised Community Participation Action Plan - Council 16 December 2021: Objective ID A4003036* [⇒](#)

Presented by Stephanie Macdonald – Community Engagement Team Leader and Kieran Miller – Community Engagement. Advisor

#### Key Points:

- Provided an outline of the report and the revised Plan, which had been amended based on Elected Member's feedback

- Presented the interactive community participation tool being trialled to encourage input and engagement when prioritising funding allocations.

**Key Points - Members:**

- Drew attention to the 'Vote 22' campaign - a collaboration between LGNZ and Taituarā (nee SOLGM) to ensure consistency in messaging across New Zealand for the 2022 local authority elections
- Encouraged the introduction of story boards in public reserves to foster an understanding and connection with the environment.

**Items for Staff Follow Up:**

- An overview regarding existing story boards and any plans for future installations to be brought back to a future meeting of Council.

**Resolved**

**That the Regional Council:**

- 1 Receives the report, Revised Community Participation Action Plan.**
- 2 Approves the attached, Revised Community Participation Action Plan**
- 3 If required, delegates to the Strategic Engagement Director the ability to make minor changes to the Community Participation Action Plan**

**White/Winters  
CARRIED**

**8.3 Review of Navigation Safety Bylaws 2017**

Presented by Toni Briggs - Senior Project Manager and Sarah Omundsen - General Manager Regulatory Services.

**Key Points:**

- 'Hot works' referred to activities such as welding
- The last review of the Bylaw had identified a number of technical matters that needed to be addressed, e.g. obtaining robust safety-related data
- Harbour wardens undertook additional monitoring during the summer season
- Stakeholder feedback would always be taken into consideration, while at the same time ensuring the integrity and purpose of the Bylaw was not compromised
- Recognised the large group of stakeholders and the comprehensive engagement being undertaken as part of the review
- Was working with Council's Legal Team to ensure any possible impacts of the Marine and Coastal Area (Takutai Moana) Act were addressed.

10.33am - Cr White **withdrew** from the meeting.

**Key Points - Members:**

- Sought inclusion of Councillors on the Hearings Panel, rather than it comprising of external Commissioners only
- Suggested a site visit to Hunters Creek as part of the review process

- Emphasised the importance of the Hearings Panel appointees having a high level of knowledge and understanding of the local/regional issues.

**Items for Staff Follow Up:**

- A report on options for the composition of the Hearings Panel to be presented to a future Council meeting.

**Resolved**

**That the Regional Council:**

- 1 Receives the report, Review of Navigation Safety Bylaws 2017**
- 2 Agrees to the plan and timeline for review of the Navigation Safety Bylaws 2017.**

**Winters/Love  
CARRIED**

10.48am – the meeting **adjourned**.

11.05am – the meeting **reconvened**.

## **8.4 Consent Processing Consultants**

Presented by Matthew Harrex – Consents Team Leader.

11.10am – Cr White **entered** the meeting.

**Key Points:**

- Reasoning for using consultants to process consent applications included challenges with internal capacity and conflicts of interest
- Accountability, including cost to applicants, was retained within Council, irrespective of whether or not a consultant was used
- Preference was always to process applications in-house, where possible
- Although resource consent requirements for Regional Council was quite different from that of a Territorial Authority, discussions were ongoing regarding opportunities to share resourcing and establish a ‘pool’ of approved consultants
- Recognised that all councils were under pressure to meet demand and statutory timeframes.

**Key Points - Members:**

- Suggested that this type of procurement could favourably be pursued via BOPLASS
- Recognised the tight statutory timeframes for processing resource consent applications and the pressure it placed on staff.

**Resolved**

**That the Regional Council:**

- 1 Receives the report, Consent Processing Consultants.**
- 2 Approves the Comprehensive Procurement Plan for Planning Services**

- 3 Approves going to market to invite proposals/tenders as set out in the Procurement Plan**
- 4 Delegates financial authority to the CEO to approve contracts and supplier selections in exceedance of \$400,000 relating to this panel, including contract variations and appointing additional suppliers.**

**Winters/Love  
CARRIED**

## **8.5 Councillor Resignation from Co-Governance Groups**

Presented by Yvonne Tatton – Governance Manager.

### **Key Points:**

- Noted that Council was not obligated to appoint a Councillor replacement and that the positions could remain vacant.

### **Key Points - Members:**

- As it was less than 12 months until the 2022 local authority election, it was not consider necessary to appoint a replacement.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Councillor resignation from co-governance groups.**
- 2 Accepts Councillor Rose’s resignation as a Council representative member to the Rangitāiki River Forum and the Tauranga Moana Advisory Group.**
- 3 Does not reappoint a replacement member to Rangitāiki River Forum or the Tauranga Moana Advisory Group for the remainder of the 2019-22 triennium;**
- 4 Notes that Cr Jane Nees will become a formal member of Tauranga Moana Advisory Group, rather than the current appointment as an alternate.**

**Iti/Leeder  
CARRIED**

## **8.6 Quayside Holdings Limited - Statement of Expectations 2022/23**

Presented by Mat Taylor – General Manager Corporate.

### **Key Points:**

- Outlined some minor changes to the draft Statement of Expectation, ensuring appropriate referencing to Part 5 (Council-controlled organisations and council organisations) of the LGA 2002:
- Outlined the timeline from now until the delivery of the final Statement of Intent, no later than 30 June 2022.

## **Resolved**

**That the Regional Council:**



- 1 **Receives the report, Quayside Holdings Limited - Statement of Expectations 2022/23.**
- 2 **Approves the Quayside Holdings Limited Statement of Expectations and notes that this will be sent to Quayside Holdings Limited to support the preparation of their draft Statement of Intent 2022/23.**

**Thurston/McDonald  
CARRIED**

## **Information Only**

### **8.7 Acting Chief Executive**

*Presentation - 2021 in review - Council 16 December 2021: Objective ID A4003699* ⇨

<https://www.youtube.com/watch?v=eTstTKjkchU> - Rangitāiki Floodwalls Upgrade

Presented by Fiona McTavish - Chief Executive.

#### **Key Points:**

- Displayed two videos, outlining Council achievements in 2020/21.

## **Resolved**

**That the Regional Council:**

- 1 **Receives the report, Acting Chief Executive.**
- 2 **Appoints Namouta Poutasi, General Manager Strategy and Science, as Acting Chief Executive for the period 25 December 2021 to 10 January 2022, during a period of leave for the Chief Executive.**

**Thurston/Leeder  
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 - 10 November 2021	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
9.2	Public Excluded Te Maru o Kaituna River Authority Minutes - 27 August 2021	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.

**Leeder/Love  
CARRIED**

## 10. Consideration of Items not on the Agenda

### 10.1 Establish a BOPRC/TCC Joint Committee

Presented by Fiona McTavish – Chief Executive.

**Key Points:**

- Noted that Tauranga City Council had passed an amended resolution 2, differing from the recommendation set out in today's report
- Discussions pertaining to Tauranga City Council's Parking Strategy would form an integral part of the public transport planning and delivery.

### **Resolved**

**That the Regional Council:**

- 1 Receives the report, Establish a BOPRC/TCC 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 matter was raised after the last agenda for 2021 was published, and the reason why it cannot be delayed is to enable discussions on the Terms of Reference to continue prior to the first meeting of Council in 2022.**

**Amended Resolution 2**

- 2 Pursuant to clause 30(1)(b) Schedule 7 of the Local Government Act 2002, establishes a Joint Committee (name to be confirmed) of the Tauranga City Council and the Bay of Plenty Regional Council to set the strategic and operational direction for an integrated public transport system for Tauranga City.**
- 3 Notes that the Terms of Reference for the Joint Committee will be confirmed at the first Council meeting in 2022.**

- 4 Appoints Councillors Andrew von Dadelszen and Paula Thompson as the Bay of Plenty Regional Council's members to the Joint Committee.**

**Thurston/Nees  
CARRIED**

## **11. Closing Karakia**

A karakia was provided by Cr Toi Kai Rākau Iti.

**11.51am - the meeting closed.**

**CONFIRMED**

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Chairman Doug Leeder  
Chairperson, Regional Council