

# Regional Council

## Open Minutes

**Commencing:** Thursday 17 February 2022, 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 Norm Bruning
- Cr Bill Clark
- Cr Stuart Crosby
- Cr Kevin Winters
- Cr Lyall Thurston
- Cr Toi Kai Rākau Iti
- Cr Stacey Rose
- 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; Karen Aspey - Director, People & Leadership, Oliver Haycock - Team Leader - Service Planning and Project Delivery, Andy Bruere - Lakes Operations Manager, Toni Briggs - Senior Project Manager, Stephen Lamb - Environmental Strategy Manager, Tone Nerdrum Smith - Committee Advisor

Associate Professor Deniz Ozkundakci and Professor Margaret Barber - University of Waikato, Kelsie Jordan - Summer Assistant

**Apologies:** Cr David Love (entire meeting) and Cr Stacey Rose (early departure),

### 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 [2022 02 17 - Zoom Recording Gallery Video view - Council 17 February 2022 - YouTube](#)

## 1. Opening Karakia

A karakia was provided by Cr Te Taru White.

## 2. Apologies

### Resolved

That the Regional Council:

- 1 Accepts the apology from Cr David Love (entire meeting) and Cr Stacey Rose (early departure) tendered at the meeting.

Leeder/Winters  
CARRIED

## 3. Declaration of Conflicts of Interest

None declared.

## 4. Minutes

### Minutes to be Confirmed

#### 4.1 Regional Council Minutes - 16 December 2021

### Resolved

That the Regional Council:

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

Nees/Thurston  
CARRIED

## 5. Presentations

### 5.1 Introducing the new Toihuarewa Waimāori - Bay of Plenty Regional Council Chair in Lake and Freshwater Science: Associate Professor Deniz Ozkundakci

Presented by Associate Professor Deniz Ozkundakci, Professor Margaret Barber – Dean of Science University of Waikato and Andy Bruere – Lakes Operation Manager

Andy Bruere – Lakes Operation Manager provided a brief introduction of the new Toihuarewa Waimāori - Bay of Plenty Regional Council Chair in Lake and Freshwater Science: Associate Professor Deniz Ozkundakci and Science Dean: Professor Margaret Barber.

#### Key Points - Professor Margaret Barber

- Provided an outline of the development of the Science Chair position description, emphasizing the importance of community engagement and teaching in the role,
- Noted how Associate Professor Ozkundakci's qualifications and experience matched the attributes expected from the successful candidate, including holding a PhD in the field of phosphorous management/lake restoration from the University of Waikato.

**Key Points - Associate Professor Deniz Ozkundakci (Toi huarewa Waimāori)**

- Provided an outline of his qualifications and experience
- Had commenced his research career in the Bay of Plenty with Professor David Hamilton, inaugural Lakes Science Chair
- Had started engagement with community groups in the freshwater space had identified two main themes: Climate change and connectivity, and would continue communication to identify the main concerns within these themes
- Would work closely with Council staff in the development of a coherent research programme
- Research funding from Central Government made it possible to develop robust tools to support the research programme.

**Key Points - Members:**

- Welcomed the new Toi huarewa Waimāori and the significant expertise he brought to the role
- Noted the importance of engaging with Iwi on Mātauranga māori matters
- Noted the current restoration project of the Kaimai Mamaku Forest area and suggested Associate Professor Ozkundakci connected with that..

## **5.2 Summer Assistant Programme 2021-22 (Video)**

Presented by Karen Aspey - Director, People & Leadership and Kelsie Jordan - Summer Assistant

Kelsie Jordan - Summer Assistant provided an outline of key aspects and highlights of being part of the Summer Assistant programme 2021/22..

Displayed a video compiled by the Summer Assistants [End of Toi Moana Summer Experience Video - YouTube](#)

**Key Points:**

- A total of 36 summer assistants participated in the 2021-22 programme
- A highlight was to apply university learnings to real life situation
- It was a particular challenge to ensure the Summer Assistants felt connected and supported during the Covid-19, which meant physical interaction opportunities were limited
- Expressed sincere gratitude to Council for providing this unique and exciting opportunity.

## 6. Reports

### 6.1 Chairperson's Report

#### Key Points:

- Advised that he had not attended the Bay of Plenty Ag Advisory meeting on 3 February in Te Puke, which had been attended by Cr Nees
- Noted the code of conduct investigation report (attached to the agenda) pertaining to comments made by Cr Stacey Rose, which concluded that there was no case to answer and that the allegations made were unfounded.

#### **Resolved**

**That the Regional Council:**

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

**Leeder/Winters  
CARRIED**

#### **Decisions Required**

### 6.2 Public Transport Services & Infrastructure Business Case - Procurement Plan

Presented by Namouta Poutasi - General Manager Strategy & Science and Oliver Haycock - Team Leader - Service Planning and Project Delivery.

#### Key Points:

- Input from the Regional Public Transport Plan currently in progress would ensure integration with the Business Plan
- Council was working closely with Waka Kotahi to ensure the Business Plan aligned with the Regional Land Transport Plan and the National Land Transport Plan.

#### Key Points - Members:

- International studies were useful in providing overall guidance and direction, however considered they should not form the sole basis for decisions at a local level
- It was an ongoing consideration whether or not the funding allocated to public transport achieved the desired outcomes, given behaviour change is needed to increase patronage.

#### **Resolved**

**That the Regional Council:**

- 1 Receives the report. Public Transport Services & Infrastructure Business Case - Procurement Plan**
- 2 Approves the Western Bay Public Transport & Infrastructure Single Stage Business Case Procurement Plan.**

**Rose/von Dadelszen  
CARRIED**

## **Resolved**

**That the Regional Council:**

- 3 Delegates authority to the Chief Executive to approve and sign the required procurement documentation.**

**von Dadelszen/Nees  
CARRIED**

### **6.3 Tauranga Public Transport Joint Committee**

Presented by Namouta Poutasi - General Manager Strategy & Science and Oliver Haycock - Team Leader - Service Planning and Project Delivery.

#### **Key Points:**

- The Terms of Reference had already been approved by Tauranga City Council and any amendments at this stage would have to be referred back for agreement
- Although the Committee would be Tauranga focussed, regular updates would be provided to the Public Transport Committee to ensure region-wide considerations were taken into account.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report Tauranga Public Transport Joint Committee Terms of Reference.**
- 2 Confirms that the Joint Committee established in December 2021 by 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) be named the Tauranga Public Transport Joint Committee;**
- 3 Adopts the Terms of Reference for the Tauranga Public Transport Joint Committee in Attachment 1 and delegates the role and powers to, and sets the quorum for, the Joint Committee as specified therein;**
- 4 Confirms the appointment of Commission Chair Anne Tolley as the Chairperson and Councillor Andrew von Dadelszen as the Deputy Chairperson of the Tauranga Public Transport Joint Committee;**
- 5 Notes that these appointments for Chairperson and Deputy Chairperson, along with the associated administrative support, will be rotated between the two partner councils on an annual basis, starting with Tauranga City Council in 2022.**

**Thompson/von Dadelszen  
CARRIED**

### **6.4 Options for the Composition of the Navigation Safety Bylaws Review Hearings Panel**

Presented by Toni Briggs – Senior Project Manager, supported by Stephen Lamb – Environmental Strategy Manager and Sarah Omundsen – General Manager Regulatory Services,

**Key Points - Staff:**

- Provided a brief outline of the report and the options under consideration for the Bylaw Review Panel
- At this early stage, representation of tangata whenua through co-governance members was considered the best option for a regional, Te Ao Māori view, whilst keeping member numbers at a practicable level
- The review would take into consideration potential impacts of the Takutai Moana Act and Council's Legal Team was involved accordingly.

**Key Points - Members:**

- Recognised the practicality of establishing a subcommittee to oversee what was expected to be a long process
- Noted that Bylaw concerned water safety across the entire Bay of Plenty region
- Recognised the quasi-judicial nature of a bylaw review and that submitters had the opportunity to appeal if they did not agree with all or part of the final decision
- Considered that the Councillor representation should cover the entire region in recognition of the different challenges, and that there should be tangata whenua representation on the sub-committee
- Suggested that staff liaise with the three māori constituency Councillors for advice on the tangata whenua representation
- Suggested that as a pre-requisite, all appointees to the sub-committee should have completed the Good Decision Making course.

**Resolved**

**That the Regional Council:**

- 1 Receives the report, Options for the composition of the Navigation Safety Bylaws Review Hearings Panel.**
- 2 Agrees to establish a sub-committee for the purposes of the Navigation Safety Bylaws Review;**
- 3 Agrees that the composition of the sub-committee be a combination of Councillor representatives and tangata whenua representatives.**

**Winters/Iti  
CARRIED**

- 4 Agrees that the Councillor representatives on the sub-committee be:**
  - **Cr Iti;**
  - **Cr Nees;**
  - **Cr von Dadelszen;**
  - **Cr Winters;**

**and that the Chairperson be appointed by the sub-committee at its first meeting.**

- 5 Agrees that the tangata whenua representatives on the sub-committee be jointly recommended by the three Māori Constituency Councillors, the Co-Governance Group Chairs and Council staff, with that recommendation to be a brought back to Council for confirmation.**

**Thompson/White  
CARRIED**

10.29am – Cr Rose **withdrew** from the meeting.

## **6.5 Delegations and Meeting Arrangements during COVID (Omicron) Pandemic**

Presented by Yvonne Tatton – Governance Manager.

### **Key Points:**

- Noted that the already established Emergency Committee had never been activated and that it would only be activated if a Council quorum could not be achieved, either by attendance in person or via audio visual means
- The Epidemic Preparedness (COVID-19) Notice that enabled remote attendance at meetings, yet counting towards a quorum, had been in place since 2019 and was renewed every three months.

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

- Activation of the Emergency Committee should be considered a ‘last resort’ only, as the majority of Councillors had shown they could continue to work from home and attend meetings remotely, i.e. enabling Council and Committees to continue operating in the case of a widespread Omicron outbreak
- Recognised the importance of a co-operative and inclusive approach to governance where all had the opportunity to participate and contribute, and this should not be diminished if required to conduct business via audio visual means
- Encouraged the resumption of physical meetings when possible as this often created a more inclusive atmosphere and culture.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Delegations and Meeting Arrangements during COVID (Omicron) Pandemic.**
- 2 Reinstates the meetings emergency provisions during the Omicron phase and subsequent phases of the COVID pandemic (as adopted on 24 March 2020), which include:**
  - **In the event that staff resourcing is impacted standing committees will be suspended with full Council attending to all urgent matters;**
  - **In the event that Councillors are impacted and a quorum for Council meetings is compromised, the Emergency Committee will be activated.**
- 3 Reinstates the Chief Executive’s emergency provisions delegations during the Omicron and subsequent phases of the COVID pandemic as adopted on 24 March 2020, which include:**
  - **the Chief Executive’s financial delegation limit be set at \$1 million, which will allow for any unanticipated or urgent expenditure. Any such expenditure to be reported to the Council or the Emergency Committee, dependent on the decision making structure operating at the time.**

- **in the event that the Chief Executive is impacted and unable to fulfil her duties, delegates the authority and powers of the Chief Executive to:**
  - a. **Mat Taylor, General Manager: Corporate as Acting Chief Executive; and**
  - b. **agrees where the delegated Acting Chief Executive is unable to fulfil such duties, the Chief Executive's delegated authority and powers will subsequently move to the next designated General Manager/Director:**
    - **Chris Ingle, General Manager: Integrated Catchments**
    - **Sarah Omundsen, General Manager: Regulatory Services**
    - **Namouta Poutasi, General Manager: Strategy & Science**
    - **Karen Aspey, Director: People & Leadership**
    - **Kataraina O'Brien, Director: Strategic Engagement.**

**Winters/Thurston  
CARRIED**

## **6.6 Contribution to LGNZ Zone 2 Future for Local Government Proposal**

Presented by Yvonne Tatton – Governance Manager.

### **Resolved**

**That the Regional Council:**

- 1 Receives the report, Contribution to LGNZ Zone 2 future for local government proposal.**
- 2 Agrees to participate in the LGNZ Zone 2 Future for Local Government proposal and approves equal cost sharing of up to \$4,000.**

**Thompson/Winters  
CARRIED**

## **7. 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
7.1	Public Excluded Regional Council Minutes - 16 December 2021	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
7.2	Bridge Wharf update	Making the information available would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; Withholding the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.	48(1)(a)(i) Section 6 (a); 48(1)(a)(i) Section 7 (2)(a).	To remain in public excluded.
7.3	Pāpāmoa Hills Upgrade Project - progress report	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 on, without prejudice or disadvantage, negotiations (including	48(1)(a)(i) Section 7 (2)(b)(ii); 48(1)(a)(i) Section 7 (2)(i).	On the Chief Executive's approval.

		commercial and industrial negotiations).		
7.4	Electricity Supply Contract	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.

- 2 That Paul Davidson, Dave Whittington (both TCC) be permitted to stay in the public excluded section of the meeting due to their knowledge of the matter under discussion, being the Bridge Wharf Update.**

**Leeder/von Dadelszen  
CARRIED**

## **6.2 Public Transport Services & Infrastructure Business Case - Procurement Plan (*Continued*)**

*Minute Note: A further resolution was added to Item 6.2 Public Transport Services & Infrastructure Business Case - Procurement Plan above to ensure the required delegation was provided to the Chief Executive.*

## **8. Closing Karakia**

Councillors recognised the recent passing of Derek Gosling and Bruce Fraser, and their significant contribution to Council and the wider community.

A karakia was provided by Cr Te Taru White.

**11.45 am - the meeting closed.**

**CONFIRMED**

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Chairman Doug Leeder  
Chairperson, Regional Council