

# Regional Council

## Open Minutes

- Commencing:** Tuesday 5 April 2022, 9.30 am
- Venue:** Council Chambers, Regional House, 1 Elizabeth Street, Tauranga and via Zoom (Audio Visual Meeting)
- Chairperson:** Chairman Doug Leeder
- Deputy Chairperson:** Deputy Chairperson Jane Nees
- Members:** Cr Andrew von Dadelszen (via Zoom)  
Cr Matemoana McDonald (via Zoom)  
Cr David Love  
Cr Norm Bruning  
Cr Bill Clark  
Cr Stuart Crosby  
Cr Kevin Winters (via Zoom)  
Cr Lyall Thurston (via Zoom)  
Cr Toi Kai Rākau Iti (via Zoom)  
Cr Stacey Rose  
Cr Paula Thompson (via Zoom)  
Cr Te Taru White
- In Attendance:** Fiona McTavish - Chief Executive, Mat Taylor - General Manager Corporate, Chris Ingle - General Manager Integrated Catchments, Karen Aspey - Director, People & Leadership, Kumaren Perumal - Chief Financial Officer, Zhivan Alach - Organisational Performance Manager, Mereana Toroa - Finance Support Team Lead, Tobias Fransson - Performance Analyst, Mark Le Comte - Principal Advisor Finance, Yvonne Tatton - Governance Manager, Tone Nerdrum Smith - Committee Advisor
- Apologies:** Cr Thurston (early departure) and Cr McDonald (late arrival)

### Chairman's Opening Statement

Chairman Leeder advised that the open section of 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://www.youtube.com/watch?v=R63XjsXs6TW>

### 1. Opening Karakia

A karakia was provided by Cr Toi Kai Rākau Iti.

## 2. Apologies

### Resolved

That the Regional Council:

- 1 Accepts the apologies from Cr Thurston for early departure, Cr McDonald for late arrival tendered at the meeting.

Leeder/Winters  
CARRIED

## 3. Items not on the Agenda

### 3.1 Rotorua Te Arawa Lakes Programme - Sewerage Scheme Funding

#### Resolved

That the Regional Council:

- 1 Receives the report, Rotorua Te Arawa Lakes Programme - Sewerage Scheme Funding and accepts it as an Item not on the Agenda. Notes the reason why this item was not on the Agenda is that the information has only just become available, and the reason why it cannot be delayed is that discussion cannot be delayed until the 5 May Council meeting.

Nees/Bruning  
CARRIED

## 4. Order of Business

Noted that there might be some adjustments to the order of business to accommodate the Public Excluded presentation by Quayside Holdings Ltd at 10.30 am.

## 5. Declaration of Conflicts of Interest

Cr Te Taru White and Cr Stuart Crosby: Item 9.3 Quayside Holdings Ltd draft Statement of Intent 2022-2025 and Half Yearly Report and Public Excluded Item 10.2 Quayside Update Presentation (Quayside Board Directors).

## 6. Minutes

### Minutes to be Confirmed

#### 6.1 Regional Council Minutes - 17 February 2022

#### Resolved

That the Regional Council:

Confirms the Regional Council Minutes - 17 February 2022 as a true and correct record.

Leeder/Nees  
CARRIED

## **Minutes to be Received**

### **6.2 Te Maru o Kaituna River Authority Minutes - 19 November 2021**

#### **Resolved**

**That the Regional Council:**

**Receives the Te Maru o Kaituna River Authority Minutes - 19 November 2021.**

**Nees/Leeder  
CARRIED**

### **6.3 Regional Transport Committee Minutes - 5 November 2021**

#### **Resolved**

**That the Regional Council:**

**Receives the Regional Transport Committee Minutes - 5 November 2021.**

**Thurston/Love  
CARRIED**

### **6.4 Tauranga Moana Advisory Group Minutes - 10 December 2021**

#### **Resolved**

**That the Regional Council:**

**Receives the Tauranga Moana Advisory Group Minutes - 10 December 2021.**

**Bruning/Nees  
CARRIED**

## **7. Reports**

### **7.1 Chairperson's Report**

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

- Suggested that confidential matters discussed with the Tauranga City Council Commissioners be included as a confidential attachment to the Chairman's Report when appropriate.

#### **Resolved**

**That the Regional Council:**

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

**Leeder/Rose  
CARRIED**

9.38am - Cr McDonald **entered** the meeting.

## Decisions Required

### 7.2 2021/22 Arotake Report: July 2021 to December 2021 Performance

Presented by Mereana Toroa – Finance Support Team Lead, Zhivan Alach – Organisational Performance Manager, Tobias Fransson – Performance Analyst, Kumaren Perumal – Chief Financial Officer, Mark Le Comte – Principal Advisor Finance and Transport Operations, Karen Aspey – Director, People & Leadership, Mat Taylor – General Manager Corporate, Fiona McTavish – Chief Executive.

#### **Key Points:**

- Noted the ongoing impact of Covid-19 on Council's performance against agreed outcomes
- Highlighted Health & Safety incidents, staff numbers and composition, and staff turnover (9.8%, which was consistent with the same period in 2021)
- Council's staff turnover rate was likely below that experienced by the local government sector as a whole
- Staff were encouraged to use public transport or to carpool when travelling in Council vehicles
- Higher levels of details regarding bus patronage was reported to the Public Transport Committee
- Budgeted expenditure was lower than estimated, mainly due to postponement of larger projects, such as the Pāpāmoa Hills Regional Park upgrade
- Council's Treasury Strategy was reviewed on an annual basis
- The Whakatāne land purchase referred to was where the Council building was located.

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

- Concerned regarding increased borrowings and complex financial arrangements at a time where the community was continuing to face increasing financial challenges
- Noted that Council was responsible for setting the risk parameters with regards to Quayside's investments.

#### **Items for Staff Follow Up:**

- Further discussions regarding the borrowing proposals to be included in the Annual Plan workshop on 27 April 2022.

## Resolved

### That the Regional Council:

- 1 Receives the report, 2021/22 Arotake Report: July 2021 to December 2021 Performance.**
- 2 Approve carry forward of \$15.5 million of capital expenditure budget from 2021/22 to draft Annual Plan 2022/23.**
- 3 Approve the Chief Executive to execute borrowing of up to \$70.5 million in April 2022 comprised of:**
  - (a) Refinancing current borrowing of \$40.5 million;**

- (b) **New borrowing up to \$30 million, depending on timing of Quayside Holdings Limited requirements under the Rangioru Facility agreement**
  - (c) **Complete any funds transfers associated with the above and in the general course of business.**
- 4 **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) **Bancorp Treasury Report Dec 2021 under Section 48(1)(a)(i) Section 7 (2)(b)(ii) as 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 and that this attachment remain in Public Excluded.**
  - (b) **Toi Moana Trust December 2021 under Section 48(1)(a)(i) Section 7 (2)(b)(ii) as 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 and that this attachment remain in Public Excluded.**

Love/Crosby  
CARRIED

### **7.3 Bay of Plenty Local Authority Shared Services (BOPLASS) - draft Statement of Intent and Half Yearly Report**

Presented by: Mark Le Comte – Principal Advisor Finance and Fiona McTavish – Chief Executive.

**Key Points:**

- Provided an outline of the report and noted the legal process relating to Statement of Intent
- Ensuring workstreams were not duplicated across the region was a priority.

**Key Points - Members:**

- Noted that the current asset value amount would be adjusted to reflect the accurate situation
- Any substantial changes to the draft Statement of Intent should be clearly identified in the report.

### **Resolved**

**That the Regional Council:**

- 1 **Receives the report, Bay of Plenty Local Authority Shared Services - draft Statement of Intent and Half Yearly report.**
- 2 **Agrees that no formal feedback is required on the draft BOPLASS Statement of Intent 2022-2025.**

Love/White  
CARRIED

## **7.4 Local Government Funding Agency (LGFA) Limited - draft Statement of Intent 2022-2025 and Half Yearly Report**

Presented by Mark Le Comte – Principal Advisor Finance and Kumaren Perumal – Chief Financial Officer.

### **Key Points:**

- Provided an outline of the report and noted that Kumaren Perumal – Chief Financial Officer was Council’s shareholder representative on LGFA
- Clarified the impact on LGFA borrowings if the Three Waters reforms progressed as intended.

### **Resolved**

**That the Regional Council:**

- 1 Receives the report, Local Government Funding Agency Limited - draft Statement of Intent 2022-2025 and Half Yearly report for the period ended 31 December 2021.**
- 2 Agrees that no formal feedback is required on the Local Government Funding Agency Limited’s draft Statement of Intent 2022-2025.**

**Leeder/Rose  
CARRIED**

## **7.5 Order of Candidate Names on Voting Papers - 2022 Local Authority Triennial Elections**

Presented by Yvonne Tatton – Governance Manager.

### **Key Points:**

- Provided an outline of the three options for the order of candidates’ names on the voting papers
- The significant increase in costs compared to the 2019 local elections was due to there being no District Health Board election, nor Tauranga City Council elections, which meant costs would be carried more heavily by Regional Council
- A budget for the additional costs would be considered the Annual Plan Workshop on 27 April 2022.

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

- Sought awareness that the Central Government decision to continue with Commissioners for Tauranga City Council until 2024 had a significant cost impact on the Regional Council.

### **Resolved**

**That the Regional Council:**

- 1 Receives the report, Order of Candidate Names on Voting Papers - 2022 Local Authority Triennial Elections.**
- 2 Selects random for the order of candidate names on the 2022 local authority triennial elections and any subsequent by-elections.**

**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
8.2	<b>10.30am:</b> Quayside Holdings Ltd - Update	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.
8.1	Public Excluded Regional Council Minutes - 17 February 2022	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
9.2	2021/22 Arotake Report: July 2021 to December 2021 Performance - Attachment 2 - Bancorp Treasury Report Dec 2021 - Public Excluded and Attachment 3 - Toi Moana	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	48(1)(a)(i) Section 7 (2)(b)(ii).	To remain in public excluded.

	Trust December 2021 - Public Excluded	the subject of the information.		
8.3	Te Teko Groundwater Monitoring Site - Approval for Covid Related Capital Expenditure	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.
8.4	Rotorua Te Arawa Lakes Programme - Sewerage Scheme Funding (Item not on the agenda)	Withholding the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest; 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	48(1)(a)(i) Section 7 (2)(c)(ii); 48(1)(a)(i) Section 7 (2)(h); 48(1)(a)(i) Section 7 (2)(i).	CE Approval.



		on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).		
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- 3 That Scott Hamilton, Sir Rob McLeod and Brett Hewlett – 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 the Quayside Holdings Ltd Update.
- 4 That the Ministry for the Environment representatives (as listed in the Public Excluded minutes) be permitted to stay in the public excluded section of the meeting due to their knowledge of the matter under discussion, being the Rotorua Te Arawa Lakes Programme - Sewerage Scheme Funding (Item not on the agenda).

Leeder/Rose  
CARRIED

## 9. Reports - Continued

### 9.1 Quayside Holdings Limited draft Statement of Intent 2022-2025 and Half Yearly Report

Presented by Mat Taylor – General Manager Corporate.

**Key Points:**

- Noted that further discussion regarding the draft Statement of Intent would form part of the Annual Plan Workshop on 27 April 2022

**Key Points - Members:**

- Further discussions to take place with regards to borrowing/on-lending via Quayside Holdings Ltd, including reviewing the complexity of the investments
- Important that Elected Members had the opportunity to input into and actively participate in the draft Statement of Intent discussion.

### Resolved

**That the Regional Council:**

- 1 Receives the report, Quayside Holdings Limited draft Statement of Intent 2022-2025 and Half Yearly Report for the period ending 31 December 2021.
- 2 Receives and notes the presentation by Quayside Holdings Limited.

Leeder/Love  
CARRIED

## **10. Closing Karakia**

A karakia was provided by Cr Toi Kai Rākau Iti.

**2.14 pm – the meeting closed.**

**CONFIRMED**

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Chairman Doug Leeder  
Chairperson, Regional Council