

Regional Council

Open Minutes

- Commencing:** Thursday 29 September 2022, 9.30 am
- Venue:** Bay of Plenty Regional Council Chambers, 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
Cr David Love
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, Reuben Fraser - General Manager Regulatory Services, Chris Ingle - General Manager Integrated Catchments; Kataraina O'Brien - General Manager Strategic Engagement, Yvonne Tatton - Governance Manager, Kumaren Perumal - Chief Financial Officer, Greg Campbell - Acting Transport Director, Bron Healey - Principal Advisor, Regional Development, Jessica Easton - Manager Legal and Commercial, Monique Brooks - Legal Counsel Commercial, Niroy Sumeran - Engineering Team Leader, Mark Townsend - Engineering Manager (via Zoom), Tone Nerdrum Smith - Committee Advisor
- Apologies:** Cr Matemoana McDonald

1. Opening Karakia

A karakia was provided by Cr Te Taru White

2. Chairman's Opening Statement

Chairman Leeder reminded those present that this 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. [Regional Council Recording - 29 September 2022](#)

3. Apologies

Resolved

That the Regional Council:

- 1 Accepts the apology from Cr Matemoana McDonald tendered at the meeting.**

**Leeder/Rose
CARRIED**

4. Items not on the Agenda

Noted that the following items would be included in the agenda:

- Valedictory speeches by the retiring Councillors;
- Confirmation of the Public Excluded Council minutes of 13 September 2022 (already distributed to Councillors).

5. Declaration of Conflicts of Interest

Cr Stuart Crosby – Item 9.4: Quayside Group and Toi Moana Trust Annual Reports for the year ended 30 June 2022, as Director of Quayside Holdings Ltd.

Cr Te Taru White - Item 9.4: Quayside Group and Toi Moana Trust Annual Reports for the year ended 30 June 2022, as Director of Quayside Holdings Ltd.

6. Minutes

Minutes to be Confirmed

6.1 Regional Council Minutes - 11 August 2022

Resolved

That the Regional Council:

Confirms the Regional Council Minutes - 11 August 2022 as a true and correct record.

**Leeder/White
CARRIED**

Matter Arising:

- **BOPLASS would undertake a strategic discussion on 30 September 2022, following which a report on its future direction would be prepared for the incoming Council.**

6.2 Regional Council Minutes - 13 September 2022

Resolved

That the Regional Council:

Confirms the Regional Council Minutes - 13 September 2022 as a true and correct record.

Leeder/Winters
CARRIED

Minutes to be Received**6.3 Te Maru o Kaituna River Authority Minutes - 20 May 2022****Resolved**

That the Regional Council:

Receives the Te Maru o Kaituna River Authority Minutes - 20 May 2022.

Nees/Thurston
CARRIED

6.4 Te Uepu Pāpāmoa Hills Cultural Heritage Regional Park Minutes - 31 May 2022**Resolved**

That the Regional Council:

Receives the Te Uepu Pāpāmoa Hills Cultural Heritage Regional Park Minutes - 31 May 2022.

Bruning/Nees
CARRIED

6.5 Rangitāiki River Forum Minutes - 3 June 2022**Resolved**

That the Regional Council:

Receives the Rangitāiki River Forum Minutes - 3 June 2022.

Clark/Iti
CARRIED

6.6 Tauranga Moana Advisory Group Minutes - 17 June 2022**Resolved**

That the Regional Council:

Receives the Tauranga Moana Advisory Group Minutes - 17 June 2022.

Matter Arising:

Noted the importance of the presentation by Professor Chris Battershill, Toihuarewa - Takutai Chair in Coastal Sciences - University of Waikato on the health of the Tauranga Moana harbour

**Nees/Bruning
CARRIED**

6.7 Regional Transport Committee Minutes - 19 May 2022

Resolved

That the Regional Council:

Receives the Regional Transport Committee Minutes - 19 May 2022.

Notes that on the last page, it should read Transport *Emission* Reduction Plan (TERP), not Transport Reduction Plan.

**Thurston/Leeder
CARRIED**

6.8 Ōhiwa Harbour Implementation Forum Minutes - 26 April 2022

Resolved

That the Regional Council:

Receives the Ōhiwa Harbour Implementation Forum Minutes - 26 April 2022.

**Iti/Clark
CARRIED**

7. Reports

7.1 Chairperson's Report

Key Points:

- Noted that the 2022/2023 Chief Executive's Performance Agreement had been approved by the Executive Employment Subcommittee
- Highlighted key aspects of the meeting with Riverside Drive residents in Whakatāne to discuss flood management to protect their properties.

Resolved

That the Regional Council:

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

**Leeder/Rose
CARRIED**

- 2 Notes the approval of the 2022/2023 Chief Executive's Performance Agreement by the Executive Employment Subcommittee.**

**Winters/White
CARRIED**

Decisions Required

7.2 Recommendations from Public Transport Committee

Greg Campbell – Acting Transport Director and Bron Healey – Principal Advisor, Regional Development attended the meeting for this item.

Key Points – Public Transport Chair Cr von Dadelszen:

- Highlighted the following points within the plan:
 - If the actions within the Plan were adopted, the costs to Council would be substantial
 - Of the \$37m cost, less than \$3m was collected through fares, with the remainder being covered through rates and targeted rates
 - The Plan was an ambitious plan with its aim to achieve a 20% modeshift by 2032
 - Co-operation between Regional Council and its territorial authorities was key to providing an effective public transport service
 - The extension of the SuperGold Card trial was due to the high proportion of card holders in the Bay of Plenty. Furthermore, the extension represented no additional costs to Council, and it might result in increased usage of the public transport service.

Key Points - Members:

- Recognised the significant effort by staff in the hearings and deliberations process
- Concerned that the 20% modeshift goal was unrealistic and Council should undertake a critical review of how public transport services were delivered, i.e. whether a more optimal model than the mix of two councils could be pursued
- The recent mailout of Council rates invoices had generated increased awareness of the cost of the public transport service
- The Plan supported Council's climate change focus.

Resolved

That the Regional Council:

- 1 Receives the report, Recommendations from Public Transport Committee;**
- 2 Adopts the recommendations from the Public Transport Committee meeting held on 22 September 2022 specific to the report, Bay of Plenty Regional Public Transport Plan 2022-32 to:**
 - (a) Note that the Public Transport Committee has prepared the draft Bay of Plenty Regional Public Transport Plan 2022-2032 on the Regional Council's behalf in accordance with the Land Transport Management Act 2003;**
 - (b) Adopt the Bay of Plenty Regional Public Transport Plan 2022-2032;**
 - (c) Consider investigating potential co-investment opportunities in public transport infrastructure with the region's territorial local authorities;**
 - (d) Consider continuing the Extension of SuperGold Concession beyond the current trial end date.**

**von Dadelszen/Nees
CARRIED**

7.3 Public Transport Services and Infrastructure Business Case - Delegated Authority Update

Oliver Haycock – Team Leader Service Planning and Project Delivery and Greg Campbell – Acting Transport Director attended for this item.

Resolved

That the Regional Council:

- 1 Receives the report;**
- 2 Delegates authority to the Chief Executive to accept tenders, and approve contracts, supplier selections and make payments, including contract variations and renewals, for the Western Bay Public Transport Services & Infrastructure Single Stage Business Case.**

Thompson/Rose
CARRIED

7.4 Quayside Group and Toi Moana Trust Annual Reports for the Year Ended 30 June 2022

Presentation - Quayside - Council 29 September 2022: Objective ID A4217061 [↔](#)

Presented by: Sir Rob McLeod, Scott Hamilton and Keiran Horne (Via Zoom) – Quayside Holdings Ltd and Mat Taylor – General Manager Corporate

Cr Stuart Crosby and Cr Te Taru White **declared an interest** in this item as Directors of Quayside Holdings Ltd and **abstained** from discussion and voting.

Key Points - Presentation

- Operating Environment
- 2022 Financials – Group Audited
- Port of Tauranga
 - Financial Results
 - Beyond the Numbers
- Quayside Group Results – Income
- Toi Moana Trust
- 2022 Audit Process
- Rangiuru Business Park
- Environmental Social, Governance & Culture
- Closing a Triennium – Highlights
- Transition.

Key Points:

- Noted that an unqualified audit opinion had been provided for the Annual Report
- New Zealand was experiencing the ripple effect of a challenging world market
- The Port of Tauranga had posted a strong financial result for the 2021-22 year
- There were continued discussions between the Quayside Holdings Ltd Board and Tauranga City Council with regards to the Council's changing rating regime/rateable land definitions

- Reviews were progressing to make the audit process more efficient, both from an external and internal point of view
- There had been significant progress in the development of Rangiora Business Park
- Outlined the Quayside investment in Rotorua, including the establishment of two commercial buildings and forestry interests
- Rangiora - due to its location - was expected to benefit Tauranga, Whakatāne and Rotorua
- Any change to the appointed auditors would require approval by the Auditor General
- A new dividend framework had been introduced in the 2021/22 financial year
- Noted that this was the final Council meeting of Scott Hamilton as the Quayside Chief Executive and recognised the significant contribution he had made during his 12 year tenure
- The new Chief Executive, Lyndon Settle, would commence in the role on 19 October 2022.

Key Points - Chairman Leeder:

- Had built a strong and efficient team during his 12 years as the Chief Executive
- Dividend to Council had grown to \$40m in the 2021/22 financial year
- Noted the significant growth in Quayside assets to the current value of \$480m
- Recognised as an 'out of the box' strategic thinker who saw opportunities that others may not.

Key Points - Scott Hamilton, Chief Executive Quayside Holdings Ltd:

- Recognised the high quality performance of the Quayside team
- Bold thinking and the direction provided by Council had created opportunities for Quayside to be innovative in its business practices and investments
- Confident the new Chief Executive and the Quayside team would continue to provide quality service for Council and the Bay of Plenty region.

Resolved

That the Regional Council:

- 1 Receives the report, Quayside Group and Toi Moana Trust Annual Reports for the year ended 30 June 2022;**
- 2 Reappoints the Office of the Auditor-General, as the Auditors of the Company, and authorise the Directors of Quayside Holdings Limited to negotiate with the Office of the Auditor-General pursuant to the Public Audit Act 2001 to set the Auditor's remuneration for the ensuing year.**

**Leeder/Love
CARRIED**

7.5 Toi Moana Trust Statement of Intent

Kumaren Perumal - Chief Financial Officer attended for this item.

Resolved

That the Regional Council:**1 Receives the report, Toi Moana Trust Statement of Intent.**

**Winters/von Dadelszen
CARRIED**

10.57 am – the meeting **adjourned**.

11.15 am – the meeting **reconvened**.

7.6 Community Participation Annual Report

Presented by: Kataraina O'Brien – General Manager Strategic Engagement
Stephanie Macdonald – Community Engagement Team Leader,
Graeme Howard – Corporate Planning Lead, Pim de Monchy –
Coastal Catchments Manager, Yvonne Tatton – Governance Manager

Key Points:

- Provided an outline of highlights within the report, noting that:
 - The report covered community engagement; volunteers; community-led participation projects; and democracy
 - The on-line engagement platform 'Participate' was launched in February 2022 and had generated more than 40,000 interactions
 - For the first time a participatory approach to projects and funding had been trialled, where the community itself could propose projects to be allocated funding, based on set criteria
 - More than 80,000 volunteer hours had been provided by the community
 - As an example, the volunteer organisation 'Friends of Blade' at Whakamārama had started with pest control of 90ha of land, which had grown to 300ha
 - Had supported the democratic process through encouraging enrolment to vote in the local election.

Key Points - Members:

- Council was in a strong position to become an enabler for community participation and engagement to shape the future
- Encouraged extension into the regulatory framework so the community could become involved in the monitoring and care of its own environment
- Recognised the significant mahi both in developing the overall strategic direction as well as participating 'on the ground' for the volunteer sector
- Important for Council to recognise the varying abilities of the community to interact virtually, which meant face-to-face contact remained an important part of engagement.

Items for Staff Follow Up:

- Staff to consider options for increasing future investment in the volunteer sector as part of the Long Term Plan process.

Resolved**That the Regional Council:****1 Receives the report, Community Participation Annual Report.**

Rose/Thompson
CARRIED

7.7 Delegations Manual

Presented by: Jessica Easton – Manager Legal and Commercial, Monique Brooks – Legal Counsel Commercial and Mat Taylor – General Manager Corporate

Key Points:

- The Delegations Manual consolidated existing delegations, as well as incorporating exclusions and additions due to new regulations
- The Delegations Manual did not deal with financial delegations and did not alter current financial delegations.

Resolved

That the Regional Council:

- 1 **Receives the report, Delegations Manual;**
- 2 **Revokes all existing delegations made by Council to the Chief Executive and council officers directly, except to the extent that any of those are not included in the Chief Executive's Delegations Manual or relate to financial delegations;**
- 3 **Delegates to the Chief Executive as set out in Appendix 1 to the Report;**
- 4 **Approves the Chief Executive's sub-delegations contained in the Chief Executive's Delegations Manual;**
- 5 **Delegates the powers contained in the Chief Executive's Delegations Manual that are unable to be sub-delegated to the Chief Executive directly to the proposed delegates, being the specified powers Maritime Transport Act 1994 and the Resource Management Act 1991;**
- 6 **Authorises the Chief Executive to approve updates to the Chief Executive's Delegations Manual;**
- 7 **Delegates to the General Manager, Regulatory Services:**
 - (a) **The power to appoint enforcement officers under section 38 of the Resource Management Act 1991;**
 - (b) **The power to issue warrants to enforcement officers. This delegation is made pursuant to clause 32B of Schedule 7 of the Local Government Act 2002 and for avoidance of doubt is made having considered the matters under clause 32B(2) of Schedule 7 of the Local Government Act 2002;**
 - (c) **The authority to determine to take enforcement action and/or prosecute a person for committing an offence Council is empowered to enforce (including Bylaws).**

Thompson/Rose
CARRIED

7.8 Rangitāiki Flood Protection Scheme - Stage 6

Presented by: Chris Ingle – General Manager Integrated Catchments; Niroy Sumeran – Engineering Team Leader and Mark Townsend – Engineering

Manager (via Zoom), supported by Kumaren Perumal – Chief
Financial Officer

Key Points:

- Construction works cost overruns had been reported to the Rangitāiki Tarawera River Advisory Group who were understanding of the reasons.
- The debt for the protection scheme was approaching \$40m. However, the loans were 'interest swap' protected, which gave Council certainty on future interest costs
- Recognised the significant challenges over the last two to three years mainly due to Covid impacts. This has resulted in increased costs due to resource restrictions (contractors, consultants, fuel and other materials).
- Rising construction costs and design changes has meant a review of the detail costings for the spillway was required before being finalised.

Resolved

That the Regional Council:

- 1 Receives the report, Rangitāiki Flood Protection Scheme - Stage 6;**
- 2 Approves the additional capital expenditure of \$950,000 in the 2022/23 Annual Plan for the Rangitāiki Floodway Project, and that be loan funded;**
- 3 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.**

**Iti/Clark
CARRIED**

7.9 Procurement Plan for Rivers and Drainage Capital Works 2022/23

Resolved

That the Regional Council:

- 1 Receives the report, Procurement Plan for Rivers and Drainage Capital Works 2022/23;**
- 2 Approves the attached Procurement Plan for Rivers and Drainage Capital Works 2022/23;**
- 3 Approves going to market to invite tenders for the capital works projects as set out in the attached Procurement Plan;**
- 4 Delegates to the Chief Executive the financial authority to accept tenders and approve contracts, supplier selections and payments in exceedance of \$400,000, including contract variations and renewals for each capital project, providing the tender price is within the approved capital project budgets as set out in the Long Term Plan 2021-2031 or Annual Plan 2022/23.**

**Leeder/Winters
CARRIED**

7.10 Infrastructure Insurance Renewal

Resolved

That the Regional Council:

- 1 **Receives the report, Infrastructure Insurance Renewal;**
- 2 **Delegates to the Chief Executive, authority to approve and pay the 2022/23 annual infrastructure insurance premium.**

**Thompson/Thurston
CARRIED**

7.11 Te Uepu Papamoia Hills Cultural Heritage Regional Park Terms of Reference

Presented by: Yvonne Tatton – Governance Manager and Chris Ingle – General Manager Integrated Catchments

Key Points:

- The Terms of Reference had been agreed to by Te Uepu members
- In addition to the governance component, the Terms of Reference introduced monitoring provisions and financial delegation.

Resolved

That the Regional Council:

- 1 **Receives the report, Te Uepu Papamoia Hills Cultural Heritage Regional Park Terms of Reference;**
- 2 **Accepts the recommendation from Te Uepu Pāpāmoia Hills Cultural Heritage Park and approves Te Uepu Pāpāmoia Hills Cultural Heritage Regional Park Terms of Reference.**

**Nees/Bruning
CARRIED**

7.12 End of Triennium Matters

Presented by: Yvonne Tatton – Governance Manager

Key Points:

- Noted that the Inaugural Council meeting would now be held on Wednesday 19 October 2022.

Resolved

That the Regional Council:

- 1 **Receives the report, End of Triennium Matters;**
- 2 **Notes that the following statutory committees will not be discharged at the end of the triennium:**
 - **Civil Defence Emergency Management Group;**
 - **Rotorua Te Arawa Lakes Strategy Group;**

- **Rangitāiki River Forum;**
 - **Te Maru o Kaituna River Authority;**
 - **Tarawera Restoration Strategy Group;**
 - **Regional Transport Committee.**
- 3 Authorises the Chief Executive to act on any emergency matters arising from the time the present Council and its committees are discharged until the members of the new Council are sworn in;**
- 4 Instructs the Chief Executive to report any such matters to the incoming Council at the first appropriate opportunity.**

**Rose/Crosby
CARRIED**

Information Only

7.13 Local Government Funding Agency (LGFA) Limited Annual Report for the year ended 30 June 2022

Presented by: Kumaren Perumal – Chief Financial Officer.

Key Points:

- Provided an outline of the report, noting the strong financial performance of LGFA for the 2021/22 financial year.

Resolved

That the Regional Council:

- 1 Receives the report, Local Government Funding Agency Limited Annual Report for the year ended 30 June 2022.**

**Love/Thompson
CARRIED**

8. Valedictory Speeches – Retiring Councillors

8.1 Cr Norm Bruning – Western Bay of Plenty General Constituency

Key Points:

- Acknowledged fellow Councillors, the Western Bay of Plenty constituents and the wider Bay of Plenty community
- Had started his career as a Western Bay of Plenty District Councillor
- Had completed six terms at WBOPDC, followed by three terms at Bay of Plenty Regional Council
- Noted the community impact of Covid-19, but also how it had generated central government initiatives, such as Jobs for Nature
- Recognised the need to balance the significant growth in the Bay of Plenty with the continuance of horticultural production to generate income and feed the growing population

- Recognised the ongoing support and close relationship with Council's Chief Executive and Leadership Team.

8.2 Cr Bill Clark – Eastern Bay of Plenty General Constituency

Key Points:

- The Edgecumbe floods had occurred shortly after assuming his new role as a Councillor
- Recognised that being a local government politician required a specific skillset and that it was not always an easy role
- Acknowledged fellow Councillors and the leadership provided by Chairman Leeder
- Acknowledged the significant challenges facing Council in delivering an effective public transport service
- Performed a Waiata to the delight of those present.

8.3 Cr Stacey Rose – Tauranga General Constituency

Key Points:

- Remembered the day before nominations closed in 2019 when he made the decision to stand for Council and the five Tauranga candidates had been elected unopposed
- Was passionate about rangatahi and their involvement with Council
- Recognised the significant efforts of staff, in particular in the community engagement space
- Recognised the Chair of Public Transport Committee, Cr von Dadelszen, as a sounding board on public transport matters
- Recognised the challenges of, in particular, the last 12 months and accepting that his term as a Councillor was coming to an end
- Recognised fellow Councillors and the counsel provided by Chairman Leeder.

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 - 11 August 2022	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
9.2	Public Excluded Regional Council Minutes - 3 September 2022	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
9.3	Public Excluded Te Uepu Pāpāmoa Hills Cultural Heritage Regional Park Minutes - 31 May 2022	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
9.4	Regional House and Whakatane Office Capital Works Procurement Plan and Exemption Request	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).	On the Chief Executive's approval.
9.5	Public Transport Service Levels	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	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.

		<p>information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities;</p> <p>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>		
9.6	Public Transport Service Levels	<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;</p> <p>Withholding the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities;</p> <p>Withholding the information is necessary to enable any local authority holding the information to carry</p>	<p>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).</p>	To remain in public excluded.

		on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).		
--	--	---	--	--

**Leeder/Rose
CARRIED**

10. Acknowledgements

Being the last Council meeting of the 2019 - 2022 triennium, the strong leadership provided by Chairman Doug Leeder and Deputy Chairperson Cr Jane Nees was acknowledged.

11. Closing Karakia

A karakia was provided by Cr Te Taru White.

12.54 pm - the meeting closed.

CONFIRMED 15 NOVEMBER 2022

Chairman Doug Leeder
Chairperson, Regional Council

Fiona McTavish
Chief Executive - Bay of Plenty Regional Council

28.4.1 Minutes of last meeting before election (Standing Orders)

The Chief Executive and the relevant Chairpersons must sign, or agree to have their digital signature inserted, the minutes of the last meeting of the local authority, its committees and subcommittees before the next election of members.