

Regional Council

Open Minutes

- Commencing:** Thursday 24 November 2022, 9.30 am
- Venue:** Council Chambers, Regional House, 1 Elizabeth Street, Tauranga
- Chairperson:** Chairman Doug Leeder
- Deputy Chairperson:** Deputy Chairperson Jane Nees
- Members:** Cr Malcolm Campbell
Cr Stuart Crosby
Cr Toi Kai Rākau Iti
Cr Matemoana McDonald
Cr Kat Macmillan
Cr Ron Scott
Cr Ken Shirley
Cr Paula Thompson
Cr Lyall Thurston - via Zoom
Cr Andrew von Dadelszen
Cr Te Taru White
Cr Kevin Winters
- In Attendance:** Fiona McTavish - Chief Executive, Mat Taylor - General Manager Corporate, Reuben Fraser - General Manager Regulatory Services, Chris Ingle - General Manager Integrated Catchments; Kataraina O'Brien - General Manager Strategic Engagement, Karen Aspey - Director, People & Leadership, Tone Nerdrum Smith - Committee Advisor
- Apologies:** None

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. [Council - 24 November 2022 Recording](#)

1. Opening Karakia

A karakia was provided by Cr Te Taru White.

2. Order of Business

There was no change to the order of business, however there were some proposed amendments that would be worked through as the meeting progressed.

3. Declaration of Conflicts of Interest

None declared.

4. Minutes

Minutes to be Confirmed

4.1 Regional Council Minutes - Inaugural Meeting 19 October 2022

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Regional Council Minutes - Inaugural Meeting 19 October 2022 as a true and correct record.

Winters/Nees
CARRIED

5. Reports

Decisions Required

5.1 Adoption of 2022 -2025 Governance Structure and Terms of Reference

Karen Aspey - Director, People & Leadership introduced this item.

Key Points:

- Noted the new responsibility of the Regional Transport Committee regarding setting of speed limits and that additional wording had been included in the Terms of Reference to capture this
- Outlined minor corrections and amendments to be incorporated in the Terms of Reference document.

Resolved

That the Regional Council:

- 1 Receives the report, Adoption of 2022 -2025 Governance Structure and Terms of Reference.
- 2 Establishes the following six committees:
 - (a) Strategy and Policy Committee
 - (b) Monitoring and Operations Committee
 - (c) Risk and Assurance Committee
 - (d) Public Transport Committee
 - (e) Komiti Māori;
 - (f) Executive Employment Committee

- 3 Establishes the Bay of Plenty Regional Navigation Safety Bylaws Review Committee for the duration of the review;**
- 4 Establishes the following as subcommittees of the Strategy and Policy Committee:**
- 5 Plan Change 9 (Regional- wide Water Quality) Appeals Subcommittee**
- 6 Plan Change 13 (Air Quality) Appeals Subcommittee;**
 - (i) Establishes under section 105(1) of the Land Transport Management Act 2003, the Regional Transport Committee;**
 - (ii) Notes it is a partner of five permanent committees required by statute which form part of its governance structure:**
- 7 Civil Defence Emergency Management Group**
- 8 Rotorua Te Arawa Lakes Strategy Group**
- 9 Rangitāiki River Forum**
- 10 Te Maru o Kaituna River Authority**
- 11 Tarawera Awa Restoration Strategy Group;**
- 12 Re-establishes the following Joint Committees:**
 - a. SmartGrowth Leadership Group as a joint committee with Tauranga City Council and Western Bay of Plenty**
 - b. Ōhiwa Harbour Implementation Forum as a joint committee with Ōpōtiki District Council and Whakatāne District Council**
 - c. Eastern Bay of Plenty Joint Committee as a joint committee with Kawerau District Council, Ōpōtiki District Council and Whakatāne District Council**
 - d. Tauranga Public Transport as a joint committee with Tauranga City Council;**
- 13 Re-establishes the following Advisory and Working Groups:**
 - a. Tauranga Moana Advisory Group**
 - b. Te Uepu Pāpāmoa Hills Cultural `**
 - c. Kaituna Catchment Control Scheme**
 - d. Rangitāiki - Tarawera Rivers Scheme**
 - e. Whakatāne - Tauranga Rivers Scheme**
 - f. Waioeka - Otara Rivers Scheme**
 - g. Rotorua Air Quality Working Party**
 - h. Rotorua Geothermal Liaison Group**
 - i. Ngongotahā Community Group**
 - j. Mt Maunganui Air Quality Working Party;**
- 14 Adopts the proposed 2022 - 2025 Governance Structure's Terms of Reference (Attachment 1 to this report);**

- 15 Notes that the SmartGrowth Leadership Group Terms of Reference are interim until new Terms of Reference are prepared for consideration by the partnership members;
- 16 Agrees that, given the number of central government reforms currently being progressed, this governance structure is reviewed in 12 months' time;
- 17 Notes the following amendments to the 2022 -2025 Governance Structure and Terms of Reference:
- Cr McMillan changed to Cr Macmillan;
 - Bay of Plenty Regional Navigation Safety Bylaws Review Committee spelt out correctly;
 - NZTA to be referred to as Waka Kotahi NZTA;
 - SmartGrowth Leadership Group Terms of Reference: **CHANGE** Tangata Whenua Representatives (4) to (yet to be appointed): Whitiara McLeod; Matire Duncan; Geoff Rice; Matemoana McDonald (alternate); one vacancy;
 - Regional Transport Committee Terms of Reference:
 - **ADD:** "To consolidate individual road controlling authority (RCA) speed management plans and prepare the regional speed management plan in accordance with the Land Transport Rule: Setting of Speed Limits 2022";
 - **ADD:** Kawerau District Council: One Member and one Alternate Member;
 - Eastern Bay of Plenty Joint Committee Terms of Reference: **ADD:** Eastern Bay of Plenty Joint Committee Terms of Reference to the Governance Structure document;
 - Te Maru o Kaituna River Authority Terms of Reference: **REPLACE:** Informal Member Manu Pene (Alternate) - Te Komiti Nui o Ngāti Whakaue with Karena Bird (Alternate).

Crosby/Nees
CARRIED

5.2 Bay of Plenty Regional Council Toi Moana 2022 - 2025 Governance Structure Membership

Karen Aspey - Director, People & Leadership introduced this item.

Key Points:

- With regards to the Tauranga Tertiary Campus Charitable Trust, Council had the power to remove and appoint one trustee
- Noted that the current Trustee, Mr John Cronin, who had provided significant service to Council and the University of Waikato, would be appropriately advised if Council changed its appointment

Key Points - Members:

- Noted that the Kaituna Catchment fell within the Ōkurei Constituency and suggested that a discussion be held regarding the most suitable appointees
- Across the region representation on the River Scheme Advisory Groups was important

- Communication and relationship building with the local community was a key component in the role of the River Scheme Advisory Groups
- Noted the representation of Kaituna Catchment mana whenua Dean Flavell as the Chair of Te Maru o Kaituna River Authority
- Noted the wāhi tapu along the Kaituna River where ancestors were buried
- All Councillors were welcome to attend River Scheme Advisory Group meetings, irrespective of whether they were appointed members or not.

Items for Staff Follow Up:

- Seek clarification from the University of Waikato if the Tauranga Tertiary Campus Charitable Trust would be actively involved in the tender process for the new/relocated Marine Research Facility at Sulphur Point.

Resolved

That the Regional Council:

- 1 Receives the report, Bay of Plenty Regional Council Toi Moana 2022 - 2025 Governance Structure Membership.**
- 2 Appoints the following members to its governance structure membership:**

Strategy and Policy Committee	Chairperson: Cr Paula Thompson Deputy Chairperson: Cr Kat Macmillan Members: All Councillors
Monitoring and Operations Committee	Chairperson: Cr Kevin Winters Deputy Chairperson: Cr Ron Scott Members: All Councillors
Risk and Assurance Committee	Chairperson: Cr Stuart Crosby Independent Deputy Chairperson: Bruce Robertson Members: Cr Ron Scott Cr Andrew von Dadelszen Cr Te Taru White Cr Kevin Winters
Komiti Māori	Chairperson: Cr Matemoana McDonald Deputy Chair: Cr Toi Iti Members: All Councillors
Public Transport Committee	Chairperson: Cr Andrew von Dadelszen Deputy Chairperson: Cr Lyall Thurston Members: Cr Malcolm Campbell

	Cr Jane Nees Cr Ken Shirley Cr Paula Thompson
Executive Employment Committee	Chairperson: Cr Jane Nees Deputy Chairperson: Chairman Doug Leeder Members: Cr Stuart Crosby Cr Te Taru White
Bay of Plenty Regional Navigation Safety Bylaws Review Committee	Chairperson: Cr Andrew von Dadelszen Deputy Chairperson: Cr Toi Iti Members: Cr Jane Nees Cr Kevin Winters Tangata Whenua Members: Raewyn Bennett Micha Tawhara Patrick Young
Plan Change 9 (Region-wide Water Quality) Appeals Subcommittee	RMA Accredited Chairperson: Cr Jane Nees Members: Cr Matemoana McDonald Cr Paula Thompson
Plan Change 13 (Air Quality) Appeals Subcommittee	RMA Accredited Chairperson: Cr Andrew von Dadelszen Member: Cr Matemoana McDonald

Appoints the following members to the Joint Committees:

Regional Transport	Chairperson: Cr Lyall Thurston Deputy Chairperson: Cr Ken Shirley Alternate Member: Cr: Andrew von Dadelszen
SmartGrowth	Cr Jane Nees on behalf of Chairman Leeder Members: Cr Stuart Crosby Cr Paula Thompson Alternate Member: Cr Ron Scott
Ōhiwa Harbour Implementation Forum	Member: Cr Toi Iti

	Alternate Member: Cr Malcolm Campbell
Eastern Bay of Plenty Joint Committee	Members: Cr Malcolm Campbell Cr Jane Nees Alternate Member: Cr Toi Iti
Tauranga Public Transport Joint Committee	Members: Cr von Dadelszen (as rotational Chair) Cr Paula Thompson

Appoints Cr Malcolm Campbell as the member and Cr Ron Scott as the alternate member for the Bay of Plenty Regional Council Toi Moana and delegates authority to act for the Chairman of the Regional Council in accordance with Section 13(4) of the Civil Defence Emergency Management Act 2002 and Sections 11.1 and 11.2 of the Bay of Plenty Civil Defence Emergency Management Group Constitution.

Appoints the following members as its representatives to the Co-governance Forums:

Rotorua Te Arawa Lakes Strategy Group	Members: Chairman Doug Leeder Cr Kevin Winters Alternate Member: Cr Te Taru White
Rangitāiki River Forum	Members: Cr Malcolm Campbell Cr Toi Iti Cr Kat Macmillan Cr Ken Shirley Cr Kevin Winters
Te Maru o Kaituna River Authority	Member: Cr Matemoana McDonald Alternate Member: Cr Te Taru White Informal Member: Cr Jane Nees
Tarawera Awa Restoration Strategy Group	Member: Chairman Doug Leeder Alternate Member: Cr Malcolm Campbell

Appoints the following members as its representatives to the following Advisory Groups, Liaison Groups, Working Parties and external organisations:

Tauranga Moana Advisory Group	Members: Cr Matemoana McDonald Cr Kat Macmillan
--------------------------------------	--

	Cr Paula Thompson Cr Andrew von Dadelszen Alternate Member: Cr Ron Scott
Te Uepu Pāpāmoa Hills Cultural Heritage Regional Park	Co - Chair: Cr Matemoana McDonald Members: Cr Stuart Crosby Cr Kat Macmillan Cr Jane Nees
Kaituna Catchment Control Scheme	Members: Cr Ken Shirley Cr Toi Iti
Rangitāiki - Tarawera Rivers Scheme	Members: Cr Toi Iti Cr Ken Shirley
Whakatāne - Tauranga Rivers Scheme	Members: Cr Toi Iti Cr Ken Shirley
Waioeka - Otara Rivers Scheme	Members: Cr Toi Iti Cr Ken Shirley
Rotorua Air Quality Working Party	Members: Cr Lyall Thurston Cr Te Taru White Cr Kevin Winters
Rotorua Geothermal Liaison Group	Members: Cr Lyall Thurston Cr Te Taru White Cr Kevin Winters
Ngongotahā Community Group	Member: Cr Lyall Thurston
Mount Maunganui Air Quality Working Party	Members: Cr Matemoana McDonald Cr Paula Thompson
Eastern Bay Road Safety Group	Member: Cr Malcolm Campbell
Tauranga Tertiary Campus Charitable Trust	Appointed Trustee: Cr Andrew von Dadelszen (to replace Mr John Cronin)

**Crosby/Campbell
CARRIED**

5.3 Councillors Remuneration and Elected and Appointed Members Allowances and Expenses Policy

Key Points - Members:

- Noted that the Remuneration Pool for Regional Council had remained unchanged for four years.

Items for Staff Follow Up:

- Elected Members to be provided with the overall number of appointed members who are receiving meeting attendance fees and the associated budget allocation.

Resolved

That the Regional Council:

- 1 Receives the report, Councillors Remuneration and Elected and Appointed Members Allowances and Expenses Policy.**
- 2 Recommends to the Remuneration Authority, the following distribution of the Councillors' Remuneration Pool, being status quo:**

3

Office	Positions	Remuneration	Total
Deputy Chairperson	1	80,004	80,004
Committee	6	70,000	420,000
Councillor	6	61,525	369,150
Total			869,154

- 4 Agrees to review any redistribution of the Remuneration Pool at the same time it undertakes its Governance Structure Review.**
- 5 Adopts the 2022-2025 Elected and Appointed Members Allowances and Expenses Policy with amendments as identified in Attachment 1.**

**Leeder/Shirley
CARRIED**

5.4 Adoption of Bay of Plenty Regional Council Toi Moana's 2022 - 2025 Standing Orders

Karen Aspey - Director, People & Leadership introduced this item.

Resolved

That the Regional Council:

- 1 Receives the report, Adoption of Bay of Plenty Regional Council Toi Moana's 2022 - 2025 Standing Orders.**
- 2 Adopts the 2022 -2025 Bay of Plenty Regional Council – Toi Moana Standing Orders with the amendments as identified in Attachment 1 and with the following discretionary Standing Orders:**
 - a. 14.2 Chairperson may vacate the chair**
The Chairperson may agree to vacate the Chair to enable the Deputy Chairperson to chair the meeting at pre-agreed times. Where this occurs, the Chairperson will need to formally vacate the Chair at the start of each meeting that it is pre-agreed the Deputy Chair will chair, and this must be recorded in the minutes of that meeting. The Chairperson is then able to be present and participate in the meeting, including voting, while not chairing the meeting;
 - b. 15.1 Public Forum Time Limits;**
A period of up to 15 minutes, or such longer time as the meeting may determine, will be available for the public forum at each scheduled local authority meeting.;
 - c. 19.3 Chairperson has a casting vote;**
 - d. 22.1 Speaking and moving a motion**
Option C applies.
- 3 Authorises the Governance Manager to make minor grammatical and formatting changes prior to release.**

**Crosby/von Dadelszen
CARRIED**

6. 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
6.1	Pāpāmoa Hills Upgrade Project - Stage	Withholding the information is necessary to enable	48(1)(a)(i) Section 7 (2)(h);	On the Chief Executive's approval.

	2 Construction Contract Award	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).	48(1)(a)(i) Section 7 (2)(i).	
--	-------------------------------	---	----------------------------------	--

**Leeder/Scott
CARRIED**

7. Closing Karakia

A karakia was provided by Cr Te Taru White.

10.28 am - the meeting closed.

CONFIRMED

Chairman Doug Leeder
Chairperson, Regional Council