

# Regional Council

## Open Minutes

- Commencing:** Thursday 21 September 2023, 9.30 am
- Venue:** Council Chambers, Regional House, 1 Elizabeth Street, Tauranga and via Zoom
- Chairperson:** Chairman Doug Leeder
- Deputy Chairperson:** Deputy Chairperson Jane Nees
- Members:** Cr Malcolm Campbell  
Cr Stuart Crosby  
Cr Matemoana McDonald  
Cr Kat Macmillan  
Cr Ron Scott  
Cr Ken Shirley  
Cr Paula Thompson - via Zoom  
Cr Andrew von Dadelszen  
Cr Te Taru White  
Cr Kevin Winters
- In Attendance:** Fiona McTavish - Chief Executive, Mat Taylor - General Manager Corporate, Namouta Poutasi - General Manager Strategy and Science, Reuben Fraser - General Manager Regulatory Services, Chris Ingle - General Manager Integrated Catchments, Oliver Haycock - Manager Transport Planning, Monique Brooks - Legal and Commercial Manager, Rachel Boyte - Legal Counsel; Bruce Crabbe - Principal Advisor, Tone Nerdrum Smith - Senior Advisor Governance
- Emma Jones - Public Forum speaker
- Apologies:** Cr Toi Kai Rākau Iti and Cr Lyall Thurston

Chairman Leeder advised those present in Chambers and via Zoom 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 ([\(2\) Council Meeting - 21 September 2023 - 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 Iiti and Cr Thurston for absence tendered at the meeting.**

**Winters/Nees  
CARRIED**

### **3. Declaration of Conflicts of Interest**

The following Councillors appointed to Proposed Change 6 (National Policy Statement on Urban Development) Hearings Panel and Proposed Plan Change 13 (Air Quality 13 (Air Quality) Appeals Subcommittee would abstain from asking questions of the Public Forum speaker.

Plan Change 6: Cr Jane Nees and Cr Paula Thompson

Plan Change 13: Cr Andrew von Dadelszen and Cr Matemoana McDonald.

### **4. Public Forum**

#### **4.1 Emma Jones – Re: Te Whatu Ora Health Report on Air Pollution in Mount Maunganui**

##### **Key Points:**

- Attended the meeting to draw attention to the Te Whatu Ora Health Risk Assessment and its findings
- Represented the community-driven group Clear the Air who was concerned about air pollution from the Mount Maunganui industrial area
- Member of the Air Quality Working Group, which was an effective and cohesive group, focussed on outcomes
- Noted the continual changes in management and mitigation tools available to address ongoing concerns regarding pollution
- Sought direction from Council on how it would continue to work with the polluting industries and impacted communities, and encouraged Council to place some pressure on the industries in question
- Sought data regarding the release/safety impact of benzene from fuel storage tanks, as it was a known carcinogenic
- Science reports funded by the industry to protect their rights should always be seen in that context.

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

- Recognised the dedication and passion of the speaker, and the importance of the work of the community groups
- Bylaws were an effective way to monitor and manage pollution in Rotorua
- Noted the additional air monitoring equipment deployed in Mount Maunganui
- Recognised the challenges of transport pollution due to the volume of traffic in Mount Maunganui (and Tauranga as a whole)
- Monitoring had identified three pollution level exceedances in the 2022/23 year; and none in 2023/2024
- Council was required to provide assistance and set its regulatory framework based on the best and current science and research available.

##### **Key Points – Chief Executive:**

- Plan Change 13 intended to place higher levels of responsibility and rules around businesses operating in the Mount Maunganui airshed
- The Mount Maunganui Industrial area was subject to the highest level of air quality monitoring in New Zealand.

## 5. Order of Business

Noted the 11.00 am fixed time of Public Excluded Item Papamoa Park and Ride Trial that might impact on the order of the business.

## 6. Minutes

### Minutes to be Confirmed

#### 6.1 Regional Council Minutes - 9 August 2023

##### Resolved

That the Regional Council:

- 1 **Confirms the Regional Council Minutes - 9 August 2023 as a true and correct record, subject to the following amendments:**

Agenda pg 18, 7.7 Electoral (Voting) System for 2025 Local Government Election, Key Points Members: **amend** first bullet to read "STV was a fairer system for diversity, but less likely to impact if there was a smaller pool of candidates".

Agenda pg 19, 7.9 2023 Residents Awareness Survey Findings, Key Points - Members: **add** the following bullet "The conclusions within the report could be considered misleading".

**White/Macmillan  
CARRIED**

#### 6.2 Extraordinary Regional Council Minutes - 23 August 2023

##### Resolved

That the Regional Council:

- 1 **Confirms the Extraordinary Regional Council Minutes - 23 August 2023 as a true and correct record.**

**Winters/Crosby  
CARRIED**

#### 6.3 Regional Council Minutes - 5 September 2023

##### Resolved

That the Regional Council:

- 1 **Confirms the Regional Council Minutes - 5 September 2023 as a true and correct record.**

**Winters/Scott  
CARRIED**

## 7. Reports

### 7.1 Chairperson's Report

#### Key Points - Members:

- Noted the positive co-operation between Regional Council and the Bay of Plenty councils in relation to climate risk assessment work
- Acknowledged the recent passing of Tūhoe leader Paki Nikora.

#### **Resolved**

**That the Regional Council:**

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

**Leeder/von Dadelszen  
CARRIED**

#### **Decisions Required**

### 7.2 Tauranga Public Transport Joint Committee Terms of Reference Amendment

Presented by: Oliver Haycock – Manager, Transport Planning and Mat Taylor – General Manager Corporate.

#### Key Points - Members:

- Noted that this was a well-functioning, co-operative committee
- An alternate appointment had been included as Waka Kotahi travelled from Waikato, which meant the primary member might not always be available.

#### **Resolved**

**That the Regional Council:**

- 1 Receives the report, Tauranga Public Transport Joint Committee Terms of Reference Amendment;**
- 2 Approves the amendment to the Terms of Reference to allow for the appointment of a representative and alternate representative for Waka Kotahi NZ Transport Agency, as a non-voting, external member of the Tauranga Public Transport Joint Committee.**

**von Dadelszen/Macmillan  
CARRIED**

### 7.3 Delegations for “affected resource consents” and fast-track applications under the Natural and Built Environment Act

Presented by: Rachel Boyte – Legal Counsel and Mat Taylor – General Manager Corporate.

#### Key Points:

- Noted that a number of the provisions within the Act were already in effect and Council was required to amend its delegations to comply.

## Resolved

### That the Regional Council:

- 1 **Receives the report, Delegations for “affected resource consents” and fast-track applications under the Natural and Built Environment Act.**
- 2 **Approves the following delegations to staff:**
  - (a) **To Consents Manager (CM), Senior Consents Planners (SCP), Consents Principal Advisors (CPA) and Consents Team Leaders (CTL):**
    - (i) **Clause 39 of Sch 12 RMA - To determine the duration of consent for an affected resource consent.**
    - (ii) **Clause 39(3) of Sch 12 RMA - To notify the applicant whether clauses 38 to 40 are relevant to their application.**
    - (iii) **Clause 40(1)(b) of Sch 12 RMA - To determine that clause 39 does not affect the duration of the consent after being satisfied that the application is primarily for an activity described in subclause cl40(3).**
  - (b) **To the General Manager Regulatory Services (GMRS):**
    - (i) **Clause 18(2) of Schedule 10 NBE Act - To provide written comments to the Environmental Protection Agency on a fast-track referral application.**
- 3 **Notes that further proposed changes to the Delegations Manual in response to the Natural and Built Environment Act and Spatial Planning Act coming into effect will be brought to Council for decisions at its next meeting.**

**Crosby/Scott  
CARRIED**

## 7.4 Transport Choices Package: Delegation for Funding Approval

Presented by: Oliver Haycock – Manager, Transport Planning and Mat Taylor – General Manager Corporate.

### Key Points:

- The operational cost as outlined in the report was included in the Annual Plan 2023/24, which meant there was no additional/unbudgeted cost to Council
- Council was working closely with Rotorua Lakes Council regarding the installation of bus shelters, in particular along the newly developed lakefront where tangata whenua input was particularly important
- Public transport infrastructure was the responsibility of the individual councils, rather than Regional Council.

## Resolved

### That the Regional Council:

- 1 **Receives the report, Transport Choices Package: Delegation for Funding Approval.**

- 2 **Notes that the \$670,000 funding has no requirement for a local share contribution.**
- 3 **Approves entering into an implementation schedule for public transport infrastructure implementation in Rotorua, under the existing Transport Choices Funding Agreement with Waka Kotahi.**
- 4 **Delegates authority to the Chief Executive to finalise and execute the implementation schedule with Waka Kotahi and other documents to give effect to the above recommendations, where the value or significance would normally require execution by Council.**

**White/Winters  
CARRIED**

## **7.5 Waingaehe Floodway - Property Acquisition - Farnworth/Robinson Avenue, Rotorua**

Presented by: Bruce Crabbe – Principal Advisor, Chris Ingle – General Manager Integrated Catchments and Monique Brooks – Legal and Commercial Manager.

### **Key Points:**

- The land in question was surplus to Waka Kotahi's requirement
- The land was suitable for water quality improvements and community engagement as well as equipment/material storage and nurseries for 'soft engineering' solutions, i.e. plantings
- The purchase opportunity had been reported to the recent Kaituna Scheme Advisory Group meeting
- With approval of Council, in principle staff could explore options with Waka Kotahi.

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

- Queried the possibility of tangata whenua interest in the land and if this consideration should be further investigated.

## **Resolved**

**That the Regional Council:**

- 1 **Receives the report, Waingaehe Floodway - Property Acquisition - Farnworth/Robinson Avenue, Rotorua.**
- 2 **Approves the purchase of the property contained within RT 896655 located at 0 Farnworth Avenue, provided that the purchase price does not exceed \$50,000 (plus GST, if any, and associated legal and transaction costs).**
- 3 **Delegates to the General Manager, Integrated Catchments the authority to complete the purchase of the land contained within RT 896655, located at 0 Farnworth Avenue, Rotorua including delegation to execute all documents required.**

**Campbell/von Dadelszen  
CARRIED**

## **7.6 Procurement Plan for Rivers and Drainage Capital Works 2023/24**

Presented by: Bruce Crabbe – Principal Advisor and Chris Ingle – General Manager Integrated Catchments.

**Key Points - Members:**

- Noted that Council’s social procurement policy was currently being updated.

**Resolved**

**That the Regional Council:**

- 1 Receives the report, Procurement Plan for Rivers and Drainage Capital Works 2023/24.**
- 2 Approves the attached Procurement Plan for Rivers and Drainage Capital Work 2023/24.**
- 3 Delegates to the Chief Executive the financial authority to accept tenders and approve contracts, supplier selections, and payments, including contract variations and renewals for each capital project providing that the total value of all contracts are within the approved budget for Capital works as provided for in the Annual Plan 2023-2024 or an approved Long Term Plan.**

**Winters/Campbell  
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:**

<b>Item No.</b>	<b>Subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Grounds under Section 48(1) for the passing of this resolution</b>	<b>When the item can be released into the public</b>
8.1	Public Excluded Regional Council Minutes - 9 August 2023	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
8.2	Public Excluded Extraordinary Regional	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.

	Council Minutes - 23 August 2023			
8.3	Papamoa Park and Ride Trial	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.
8.4	Seddon Pump Station and Lawler Drain Riparian Project	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).	On the Chief Executive's approval.
8.5	Bay of Plenty Regional Council as a potential drinking water supplier under the Water Services Act 2021.	Withholding the information is necessary to protect the privacy of natural persons, including that of deceased natural persons.	48(1)(a)(i) Section 7 (2)(a).	On the Chief Executive's approval.

**von Dadelszen/Winters  
CARRIED**

## 9. Closing Karakia

A karakia was provided by Cr Te Taru White.

**12.11 pm - the meeting closed.**

**CONFIRMED**

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Chairman Doug Leeder  
Chairperson, Regional Council