

# Regional Council

## Open Minutes

- Commencing:** Thursday 26 October 2023, 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 – via Zoom
  - Cr Matemoana McDonald
  - Cr Kat Macmillan
  - Cr Ron Scott
  - Cr Ken Shirley
  - Cr Paula Thompson
  - Cr Lyall Thurston
  - 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 & Science, Reuben Fraser – General Manager Regulatory Services, Chris Ingle – General Manager Integrated Catchments, Kataraina O’Brien – General Manager Strategic Engagement – via Zoom, Karen Aspey – General Manager, People & Leadership, Kumaren Perumal – Chief Financial Officer, Mark Le Comte – Principal Advisor Finance, Nolene Naude – Financial Accounting Team Lead, Tone Nerdrum Smith – Senior Advisor, Governance
- Public Forum: Jodie Bruning – Physicians and Scientists for Global Responsibility New Zealand Charitable Trust (PSGR)
- Audit NZ: Leon Pieterse – Audit Director, Warren Goslett – Audit Manager
- Quayside Holdings Ltd: Keiran Horne – Independent Director and Chair of Audit and Risk Committee, Lyndon Settle – Chief Executive, Brendon Barnes – Chief Investment Officer, Davide Caloni, General Manager Finance
- Apologies:** None

## Opening Statement

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  
<https://www.youtube.com/watch?v=PFhi8KkxbcM>

Further noted that the Public Forum presentation would be filmed at the request of the speaker, in accordance with Standing Orders 12.4.

### 1. Opening Karakia

A karakia was provided by Cr Te Taru White.

### 2. Public Forum

#### 2.1 Jodie Bruning - Physicians and Scientists for Global Responsibility New Zealand Charitable Trust (PSGR): The effects of fluoride in the environment

*Presentation - Public Forum Jodie Bruning Fluoridation - Council 26 October 2023  
pdf: Objective ID A4517323* [⇒](#)

Presented By: Jodie Bruning representing PSGR

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

- Fluoride levels in drinking water were consistently monitored, with other water sources tested less frequently
- There appeared to be no evidenced/research regarding the cumulative effect of fluoride discharge when combined with other chemicals
- Concerned regarding the lack of testing/research by the Environmental Protection Authority (EPA) and the Institute of Environmental Science and Research (ESR) on the effects of fluoride in the environment
- Noted the current legislative changes in progress with regards to developments and its impact on the environment
- Highlighted Regional Council's obligations, being:
  - Implement the NPS-FM 2020
  - Give effect to Te Mana o te Wai - ensuring the life-supporting capacity of freshwater
- Outlined the main water pollutants and noted the lack of policy framework/support to minimise/prevent fluoride discharge into the environment
- Concerned regarding Regional Council being silent on combined/cumulative events' impact on the environment
- Outlined the negative and concerning impact of fluoride on the human body, in particular for children
- Noted that fluoride could cumulate in the body, and that New Zealand had not undertaken a comprehensive review of the available literature with regards to fluoride impacts
- Suggested that BOPRC was unable to carry out its duties due to a lack of policy framework and funding at a national level.

**Three Questions for Council:**

1. Where does Regional Council store information on the background level of fluoride in freshwater (including groundwater) and sediment across the Bay of Plenty so that the scientific community and civil society may assess whether this level changes.
2. How do the public access all regional resource consents for fluoride emissions into water, and related information which includes the fonnulant mixture, including disclosure of coingredients such as trace metals.
3. Where are regulations (processes) if a body of water (freshwater management unit?) falls below a national bottom line; or is 'not achieving' or 'not likely to achieve' a target attribute, that would include a requirement for Regional Councils to screen this body of water for a range of environmental contaminants including pesticides, trace metals, pharmaceuticals, fluoride compounds and other potential contaminants.

**Key Points - Members:**

- Noted the multiagency responsibility for water/environmental health (in particular with regards to fluoride) and how this provided challenges for local and regional councils in considering cumulative effects.

**In Response to Questions:**

- Fluoridation of water supplies was mandated by Central Government onto local authorities with a deadline for introduction. Non-compliance would result in significant fines.

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

Cr Stuart Crosby: Agenda items 9.7 Quayside Group and Toi Moana Trust Annual Reports for year ending 30 June 2023 (Public), 10.2 Quayside Holdings Limited - Rangioru Business Park on-lending and 10.3 Tauriko Land Sale.

Cr Te Taru White: Agenda items 9.7 Quayside Group and Toi Moana Trust Annual Reports for year ending 30 June 2023 (Public), 10.2 Quayside Holdings Limited - Rangioru Business Park on-lending and 10.3 Tauriko Land Sale.

### **4. Minutes**

#### **Minutes to be Confirmed**

#### **4.1 Regional Council Minutes - 21 September 2023**

#### **Resolved**

#### **That the Regional Council:**

- 1 Confirms the Regional Council Minutes - 21 September 2023 as a true and correct record.**

**Leeder/Nees  
CARRIED**

## **5. Reports**

### **5.1 Chairperson's Report**

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

- Noted that the 19 September 2023 catch-up between the Tauranga City Council, Western Bay of Plenty District Council and Bay of Plenty Regional Council Chairs, Mayor and Chief Executives, was a regular, bi-monthly occurrence.

#### **Resolved**

**That the Regional Council:**

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

**Leeder/White  
CARRIED**

#### **Decisions Required**

### **5.2 Adoption of the Annual Report and Annual Report Summary for the year ended 30 June 2023**

Presented by: Kumaren Perumal – Chief Financial Officer, Nolene Naude – Financial Accounting Team Lead

In attendance: Leon Pieterse – Audit Director, Warren Goslett – Audit Manager, Audit New Zealand

#### **Key Points - Staff:**

- Provided an outline of the report and the audit process
- Perpetual Preference Shares (PPS) were, from an accounting perspective, considered to be as equity rather than debt, which impacted on the overall debt figure
- The significant adverse weather events had affected Council's deliverability in the 2022/23 year, and recognised allowances had been insufficient for the intensity experienced. This was being addressed in preparation for future events.

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

- Noted that the Annual Report had been presented to the Risk and Assurance Committee prior to today's Council adoption
- Concerned regarding the amount of financial performance targets that had not been met
- Suggested that the inclusion of the Port of Tauranga Directors' pay in Council's Annual Report (extracted from the Quayside Holdings' Annual

Report) could cause confusion, as the Councillors' pay was not separated out in the same manner.

**Key Points - Staff:**

- Would further clarify the schedule of payments to Directors in the final Annual Report, to minimise potential confusion.

**Key Points - Chairman Leeder:**

- Recognised the comprehensive process undertaken to deliver the Annual Report, and the significant, highly valued and extensive effort of Council staff.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Adoption of the Annual Report and Annual Report Summary for the year ended 30 June 2023;**
- 2 Receives the audit report and audit opinion from Audit New Zealand;**
- 3 Adopts the Bay of Plenty Regional Council Annual Report and Consolidated Financial Statements for the year ended 30 June 2023;**
- 4 Adopts the Bay of Plenty Regional Council Annual Report Summary for the year ended 30 June 2023;**
- 5 Authorise the Chief Executive to make minor numerical, editorial or presentation amendments prior to the final publication;**
- 6 Approves the capital expenditure budget carry forward of \$25.8 million from 2022/23 to 2023/24.**
- 7 Notes total remissions of \$0.8 million were given during 2022/23 which equates to 0.96% of the general and targeted rate revenue.**

**Crosby/Campbell  
CARRIED**

### **5.3 2023/24 Arotake Report: July - September 2023**

Presented by: Kumaren Perumal - Chief Financial Officer

**Key Points:**

- On track on a revenue/expenditure as per the Year to Date forecasting
- Insight tool demonstration would be provided to Councillors
- The current underspend in operational expenditure was due to timing
- The flood protection budget was being carried forward and the deliverability review of the programme was included in the discussion
- Staff was aware of the lack of on/off Bee Card tagging, which impacted on the accuracy of bus patronage, and were consistently pursuing opportunities to educate users on the importance to register their trips.

**Key Points - Members:**

- Suggested that the bus patronage numbers in the report were lower than the actual numbers as Council relied on Bee Card data, and school children often did not swipe on/off
- Concerned regarding the lack of maritime emergency services at the East Cape if there was a ship disaster like the Rena grounding.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, 2023/24 Arotake Report: July - September 2023;**
- 2 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 attachment:**
  - (a) Bancorp Treasury Report Sept 2023 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.**

**Leeder/Nees  
CARRIED**

## **5.4 Delegations under the Natural and Built Environment Act**

Presented by: Rachel Boyte - Legal Counsel, Hayley Sheridan - Legal Counsel and Namouta Poutasi - General Manager Strategy & Science

### **Key Points:**

- The delegations were a result of enactment of the Natural and Built Environment Act (NBEA) 2023
- Noted that the recent Central Government election might impact on this legislative framework, however as the NBEA was currently in effect, it needed to be reflected in Council's delegations.

## **Resolved**

**That the Regional Council:**

- 1 Receives the report, Delegations under the Natural and Built Environment Act;**
- 2 Delegates the functions and powers identified in underline in Table 1 - Delegations under the Natural and Built Environment Act (NBEA);**
- 3 Notes that, if the NBEA is repealed (or substantially amended), or if additional delegations are identified as being required, a further paper will be brought to Council.**

**Crosby/Macmillan  
CARRIED**

## **5.5 Local Government Funding Agency Limited Annual Report for the year ended 30 June 2023**

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

**Key Points:**

- Noted that all but one performance target had been met
- The Local Government Funding Agency (LGFA) applied a conservative financial approach to minimise its risk exposure.

**Key Points - Members:**

- Noted the projected future changes in the LGFA interest rates.

**Resolved**

**That the Regional Council:**

- 1 Receives the report, Local Government Funding Agency Limited Annual Report for the year ended 30 June 2023.**

**Scott/White  
CARRIED**

**5.6 BOPLASS Annual Report for the year ended 30 June 2023**

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

**Key Points:**

- Noted that the use of Artificial Intelligence (AI) software was being explored for efficiency purposes.

**Key Points - Members:**

- Sought increased efficiencies in the provision of shared services across the Bay of Plenty region
- The region's councils had differing ideas with regards to the application of shared services
- Recognised the improved communication across the region between the councils in the shared service space.

**Key Points - Chief Executive:**

- Staff had a requirement to drive efficiencies and improve outcomes
- A business case for a cross-regional 3 Waters approach would be presented to the Mayoral Forum in November 2023. The agenda would also include an item regarding further exploration of efficiencies in the shared services space
- Establishing a multi-council building consent authority was being explored, noting that this would require legislative changes.

**Resolved**

**That the Regional Council:**

- 1 Receives the report, BOPLASS Annual Report for the year ended 30 June 2023.**

**von Dadelszen/Crosby  
CARRIED**

10.44 am – The meeting **adjourned**.

11.00 am – The meeting **reconvened**.

## **5.7 Quayside Group and Toi Moana Trust Annual Reports for year ending 30 June 2023**

*Presentation - Quayside to BOPRC 26.10.2023 pdf: Objective ID A4516322* [⇒](#)

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

In attendance: Keiran Horne – Independent Director and Chair of Audit and Risk Committee, Lyndon Settle – Chief Executive, Brendon Barnes – Chief Investment Officer, Davide Caloni, General Manager Finance, Quayside Holdings Ltd

Cr Crosby and Cr White **declared an interest** in this item as Quayside Board Directors and **abstained** from discussion and vote.

### **Key Points - Presentation:**

- Port of Tauranga
- 2023 Audit Process
- 2023 Financial
- Non-Port Financial Performance
- Portfolio Performance
- Toi Moana Performance
- Rangiuru Business Park
- Environment, Social, Governance
- ESG: Case Studies.

### **In Response to Questions:**

- Recognised that the timing of the purchase of PF Olsen (forestry company) was unfortunate due to the effects of the severe weather events, however it still performed well enough to pay dividend
- 27% of Quayside's investments were in private equity
- The operational cost to Quayside in 2022/23 totalled \$5m, with approximately 40% being allocated towards personnel cost
- It was not known when the Environment Court decision regarding the Port of Tauranga extension would be released
- There was a high level of interest in the Rangiuru Business Park from potential tenants
- Had worked actively with Tapuika Iwi in job creation at Rangiuru, and was pursuing social procurement opportunities where possible
- Quayside's climate statement would be meaningful, not 'just' a legislative requirement response
- Important that any changes to sustainable fund management were genuine, rather than a 'green wash' exercise



- There had been a lack of public awareness and understanding of Quayside, and was working on demystifying the organisation and what it did for the community
- Had presented regarding Quayside to the Eastern Bay of Plenty councils, and would continue these presentations across the region to increase knowledge and exposure.

## Resolved

**That the Regional Council:**

- 1 Receives the report, Quayside Group and Toi Moana Trust Annual Reports for year ending 30 June 2023;**
- 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/Shirley  
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:**

<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>
9.3	2023/24 Arotake Report: July - September 2023 - Attachment 1 - Bancorp Treasury Report Sept 2023 - Public Excluded	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.

		the subject of the information.		
6.1	Public Excluded Regional Council Minutes - 21 September 2023	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
6.2	Quayside Holdings Limited - Rangiuru Business Park on-lending	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.
6.3	Tauriko Land Sale	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).	On the Chief Executive's approval.
6.4	Tauranga South On-Demand Public Transport Trial - Operator Procurement	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.

**2 That Keiran Horne - Independent Director and Chair of Audit and Risk Committee, Lyndon Settle - Chief Executive, Brendon Barnes - Chief Investment Officer, Davide Caloni, General Manager Finance, 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 Item 10.2 - Rangiuru Business Park on-lending.**

**[Leeder/von Dadelszen]  
[CARRIED/LOST]**

## **7. Closing Karakia**

A karakia was provided by Cr Te Taru White.

**12.15 pm - the meeting closed.**

**CONFIRMED**

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Chairman Doug Leeder  
Chairperson, Regional Council