

Regional Council Agenda

NOTICE IS GIVEN that the next meeting of the Regional Council will be held in Council Chambers, Regional House, 1 Elizabeth Street, Tauranga on:

Tuesday 26 March 2024 COMMENCING AT 09:30am

This meeting will be livestreamed and recorded.

The Public section of this meeting will be livestreamed and recorded and uploaded to Bay of Plenty Regional Council's website. Further details on this can be found after the Terms of Reference within the Agenda. [Bay of Plenty Regional Council - YouTube](#)

Council

Membership

Chairperson	Chairman Doug Leeder
Deputy Chairperson	Cr Jane Nees
Members	All Councillors
Quorum	Seven members, consisting of half the number of members
Meeting frequency	Six weekly or as required for Annual Plan, Long Term Plan and other relevant legislative requirements

Purpose

- Enable democratic local decision-making and action by, and on behalf of, Bay of Plenty communities.
- Meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.
- Set the overarching strategic direction for Bay of Plenty Regional Council as an organisation.
- Hold ultimate responsibility for allocating financial resources across the Council.

Role

- Address Local Electoral Act matters and Local Government Rating Act matters.
- Oversee all matters relating to identifying and contributing to community outcomes.
- Consider and agree on matters relating to significant new activities or areas of involvement such as infrastructure which are not the responsibility of a specific committee.
- Provide regional leadership on key issues that require a collaborative approach between a number of parties.
- Review and decide the Council's electoral and representation arrangements.
- Consider issues of regional significance which are not the responsibility of any specific standing committee or that are of such regional significance/high public interest that the full Council needs to decide on them.
- Adopt Council's Policy on Significance and Engagement Policy.
- Develop, adopt and implement the Triennial Agreement, Code of Conduct and Standing Orders.

- Consider and agree on matters relating to elected members' remuneration.
- Appoint the Chief Executive, and review their contract, performance and remuneration at least annually.
- Approve all delegations to the Chief Executive, including the authority for further delegation to staff.
- Oversee the work of all committees and subcommittees.
- Receive and consider recommendations and matters referred to it by its committees, joint committees, subcommittees and working parties.
- Approve membership to external bodies and organisations, including Council Controlled Organisations.
- Develop, adopt and review policies for, and monitor the performance of, Council Controlled Organisations.
- Monitor and review the achievement of outcomes for the Bay of Plenty Community.
- Review and approve strategic matters relating to the sale, acquisition and development of property for the purposes of meeting Council's organisational requirements and implement Regional Council policy.
- Address strategic corporate matters including property and accommodation.
- Consider and agree on the process to develop the Long Term Plan, Annual Plan and Annual Report.
- Adopt the Long Term Plan, Annual Plan and budgets variations, and Annual Report.
- Adopt Council policies as required by statute (for example Regional Policy Statement and Regional Land Transport Strategy) to be decided by Council or outside of committee delegations (for example infrastructure policy).
- Develop, review and approve Council's Financial Strategy and funding and financial policies and frameworks.
- Institute any proceedings in the High Court that are not injunctive proceedings.
- Exercise the powers and duties conferred or imposed on Council by the Public Works Act 1981.

Delegations from Council to committees

- Council has a role to monitor the functioning of all committees.
- Council will consider matters not within the delegation of any one Council committee.
- Council may at any time, revoke or modify a delegation to a Council committee, either permanently, for a specified time or to address a specific matter, if it considers there is good reason to do so.
- The delegations provided to committees may be further delegated to subcommittees unless the power of further delegation is restricted by Council or by statute.

- It is accepted in making these delegations that:
- The committees, in performing their delegated functions, powers or duties, may, without confirmation by the Council, exercise or perform them in a like manner and with the same effect as the Council itself could have exercised or performed them.
- The delegated powers given shall at all times be subject to their current policies and principles or directions, as given by the Council from time to time.
- The chairperson of each committee shall have the authority to exercise their discretion, as to whether or not the delegated authority of the committee be used where, in the opinion of the chairperson, circumstances warrant it.

Powers that cannot be delegated

Under Clause 32 Schedule 7 of the Local Government Act 2002, Council must make the following decisions:

- Make a rate.
- Make a bylaw.
- Borrow money or purchase or dispose of assets, other than in accordance with the long-term plan.
- Adopt the long-term plan, annual plan, or annual report.
- Appoint a chief executive.
- Adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement.
- Adopt a remuneration and employment policy.

Livestreaming and Recording of Meetings

Please note the Public section of this meeting is being recorded and streamed live on Bay of Plenty Regional Council's website in accordance with Council's Live Streaming and Recording of Meetings Protocols which can be viewed on Council's website. The recording will be archived and made publicly available on Council's website within two working days after the meeting on www.boprc.govt.nz for a period of three years (or as otherwise agreed to by Council).

All care is taken to maintain your privacy; however, as a visitor in the public gallery or as a participant at the meeting, your presence may be recorded. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast.

Opinions expressed or statements made by individual persons during a meeting are not the opinions or statements of the Bay of Plenty Regional Council. Council accepts no liability for any opinions or statements made during a meeting.

Bay of Plenty Regional Council - Toi Moana

Governance Commitment

**mō te taiao, mō ngā tāngata - our environment and our people
go hand-in-hand.**

We provide excellent governance when, individually and collectively, we:

- Trust and respect each other
- Stay strategic and focused
- Are courageous and challenge the status quo in all we do
- Listen to our stakeholders and value their input
- Listen to each other to understand various perspectives
- Act as a team who can challenge, change and add value
- Continually evaluate what we do

**TREAD LIGHTLY, THINK DEEPLY,
ACT WISELY, SPEAK KINDLY, JOURNEY TOGETHER.**

Recommendations in reports are not to be construed as Council policy until adopted by Council.

Agenda

E te Atua nui tonu, ko mātau ēnei e inoi atu nei ki a koe, kia tau mai te māramatanga ki a mātau whakarite mō tēnei rā, arahina hoki mātau, e eke ai te ōranga tonu ki ngā āhuatanga katoa a ngā tangata ki tō mātau rohe whānui tonu. Āmine.

“Almighty God we ask that you give us wisdom in the decisions we make here today and give us guidance in working with our regional communities to promote their social, economic, environmental and cultural well-being. Amen”.

- 1. Opening Karakia**
- 2. Apologies**
- 3. Public Forum**
- 4. Items not on the Agenda**
- 5. Order of Business**
- 6. Declaration of Conflicts of Interest**
- 7. Public Excluded Business to be Transferred into the Open**
- 8. Minutes**
 - Minutes to be Confirmed**
 - 8.1 Regional Council Minutes - 15 February 2024 10**
 - 8.2 Regional Council Minutes - 6 March 2024 16**
- 9. Reports**
 - 9.1 Chairperson’s Report 21**
 - Decisions Required**
 - 9.2 Supplier Panels Update and Delegations 24**
 - 9.3 Te Whare Taonga o Te Arawa (Rotorua Museum) Funding Agreement 28**
- 10. Public Excluded Section**

Resolution to exclude the public

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
10.1	Public Excluded Regional Council Minutes - 15 February 2024	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
10.2	Tauranga Marine Precinct	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.
10.3	Accommodation Reimbursement	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.
10.4	Kaituna Drainage Scheme - Bell Road Property Acquisition	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.

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
10.5	Priority One Update on Key Projects - <i>Under Separate Cover</i>	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.

Minutes to be Confirmed

10.1 Public Excluded Regional Council Minutes - 15 February 2024

Decisions Required

10.2 Tauranga Marine Precinct

Attachment 1 - Letter from TCC (Public Excluded) - Council 26 March 2024

10.3 Accommodation Reimbursement

10.4 Kaituna Drainage Scheme - Bell Road Property Acquisition

10.5 Priority One Update on Key Projects

This item will be distributed under a separate cover.

11. Public Excluded Business to be Transferred into the Open

12. Readmit the Public

13. Consideration of Items not on the Agenda

14. Closing Karakia

Regional Council

Open Minutes

- Commencing:** Thursday 15 February 2024, 09:30am
- 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 Toi Kai Rākau Iti
 - 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 - via Zoom
 - Cr Kevin Winters
- In Attendance:**
- Fiona McTavish - Chief Executive, Mat Taylor - General Manager Corporate, Namouta Poutasi - General Manager Strategy & Science, Chris Ingle - General Manager Integrated Catchments; Kataraina O'Brien - General Manager Strategic Engagement (via Zoom), Karen Aspey - General Manager, People & Leadership, Steve Groom - Governance Manager, Kumaren Perumal - Chief Financial Officer, Mark Le Comte - Principal Advisor Finance; Catherine Brown - People and Capability Solutions Team Leader; Garry Christoffersen - Programme Manager (Digital); Hamish Lass - Team Leader Biosecurity; Rebecca Taylor - People and Capability Support; Tone Nerdrum Smith - Senior Advisor Governance
- Presenters as listed in the minutes
- Apologies:** None

Livestreaming of Meeting

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=8uCWqEsdDk>

1. Opening Karakia

A karakia was provided by Cr Lyall Thurston.

2. Declaration of Conflicts of Interest

Cr Stuart Crosby - Quayside Holdings Limited - Councillor Directors (Public and Public Excluded) as a Director of Quayside Holdings Ltd

Cr Te Taru White - Quayside Holdings Limited - Councillor Directors (Public and Public Excluded) as a Director of Quayside Holdings Ltd

3. Minutes

Minutes to be Confirmed

3.1 Regional Council Minutes - 14 December 2023

Resolved

That the Regional Council:

Confirms the Regional Council Minutes - 14 December 2023, including the Public Excluded Minutes, as a true and correct record.

**Scott/Winters
CARRIED**

4. Presentations

4.1 BOPRC Toi Moana Summer Assistants 2023/24 Presentation

Presentation 1 - Daniel Weiss (Summer Assistant) - 15 February 2024: Objective ID A4608622

Presentation 2 - Ray Wang (Summer Assistant) - 15 February 2024: Objective ID A4608626

Presentation 3 - Jack Bowick (Summer Assistant) - 15 February 2024: Objective ID A4608624

Catherine Brown - People and Capability Solutions Team Leader, Garry Christoffersen - Programme Manager (Digital), Hamish Lass - Team Leader Biosecurity, Rebecca Taylor - People and Capability Support introduced the Summer Assistants, recognising the support by Elected Members and the organisation.

The Summer Assistants presenting were:

- Daniel Weiss - Marine Biosecurity
- Ray Wang - Artificial Intelligence (AI) Development
- Jack Bowick - Marine Sciences.

9.39 am - Cr White **entered** the meeting via Zoom.

Key Points - Summer Assistants:

- Recognised and appreciated the opportunity to work for Council.

Key Points - Members:

- Acknowledged the Assistants' attendance and the sharing of their experiences
- A copy of AI Development report compiled by Ray Wang to be provided to Elected Members.

Staff in Response to Questions:

- Considered the application of AI in particular for video monitoring of river levels to have significant potential
- AI development was a prioritised internal project, with assessment being undertaken to determine where it would have maximum value
- AI strategy development formed part of Council's digital plan
- Council had employed 25 Summer Assistants in 2023/24
- A 'Dyson vacuum cleaner' technology to remove marine pests in estuaries, but was minimally invasive was being developed in Northland
- Recreational yachts would enter, with hull cleaning taking place in remote coastal areas, which meant transfer and spread of marine pests
- Education of the public regarding marine/freshwater pests and what to do was challenging and ongoing, with strategies being developed and refined.

5. Reports**5.1 Chairperson's Report****Resolved**

That the Regional Council:

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

**Leeder/Winters
CARRIED**

5.2 Assessment of Bay of Plenty Regional Council's practice in relation to the Ombudsman's "Open for Business" report on the use of workshops

Presented by: Steve Groom - Governance Manager.

Key Points:

- Three Ombudsman expectations that differed from current practice required direction from Elected Members:
 - Livestreaming of public workshops (would impact on current Governance staff workload);
 - Policy regarding releasing of public excluded information at a later date;
 - Recording of votes for each resolution
- Elected Members currently had the discretion to call for a division; and/or note opposition or abstentions
- Categorising an issue as Low, Medium or High significance was determined by report writers/General Managers when assessing it against Council's Significance and Engagement Policy.

Key Points - Members:

- Recording, then uploading public workshops to the Council website, would meet the transparency requirements of the Ombudsman's report
- Considered that consensus decision making encouraged open discussion and formed an integral part of Council's decision making process
- Noted that decisions might change as information became available and recording individual votes during a lengthy process could create confusion as views and standpoints later changed
- Did not support the livestreaming of public workshops due to concerns it could create a restriction to the openness and easy flowing discussions currently taking place
- Noted that further refinement of parameters for potential recording and upload to website of public workshops would be presented to a future meeting for final decision.

Resolved

That the Regional Council:

- 1 Receives the report, Assessment of Bay of Plenty Regional Council's practice in relation to the Ombudsman's "Open for Business" report on the use of workshops;**
- 2 Notes that this paper was received by the Risk and Assurance Committee on 7 December 2023 and endorsed for consideration by Council;**
- 3 Endorses the actions identified in section 2.2 of this paper for internal implementation; and**
- 4 Agrees that consideration should be given to recording and upload of significant workshops and directs staff to amend the Council's live-streaming policy to include the following text: *"Where a public workshop is held on a matter of significant interest to the public or on matters that may eventually lead to a decision in a later formal meeting that is of a significant material impact to the services or operation of Council, the Chief Executive may direct that the workshop be recorded and made available on the Council's website."*;**

- 5 Directs staff to develop a process to consider the future release of public excluded content from meetings and workshops;
- 6 Acknowledges the Ombudsman's view on this matter but considers that existing practices at Bay of Plenty Regional Council sufficiently enables public transparency on debate and decision-making processes at Council.

Winters/Scott
CARRIED

5.3 Regional Software Holdings Limited (RSHL) Annual Report for year ending 30 June 2023

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

Key Points:

- Council was currently a Class A Control shareholder, rather than a Class B (IRIS) shareholder (refer pg 72 of agenda)
- The projects undertaken by RSHL saved money for New Zealand overall and were commonly funded in partnership between local and central government.

Resolved

That the Regional Council:

1. **Receives the report, Regional Software Holdings Limited Annual Report for year ending 30 June 2023.**

Leeder/Macmillan
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	Quayside Holdings Limited - Councillor Directors - Continued discussion	Withholding the information is necessary to protect the privacy of natural persons.	48(1)(a)(i) Section 7 (2)(a)	Resolutions will be released at the conclusion of the meeting

**Winters/Leeder
CARRIED**

Resolutions transferred into the open section of the meeting:

6.1 Quayside Holdings Limited - Councillor Directors

Resolved

That the Regional Council:

- 1 Receives the report, Quayside Holdings Limited - Councillor Directors;**
- 2 Approves a second three-year Term for Councillor Te Taru White to the Board of Quayside Holdings Limited;**
- 3 Approves a third three-year term for Councillor Stuart Crosby to the Board of Quayside Holdings Limited.**

**Nees/Leeder
CARRIED**

11.28 am - the meeting closed.

TO BE CONFIRMED

Chairman Doug Leeder
Chairperson, Regional Council

Regional Council

Open Minutes

- Commencing:** Wednesday 6 March 2024, 09.00 am
- Venue:** Council Chambers, Regional House, 1 Elizabeth Street, Tauranga and via Zoom (Audio Visual attendance)
- Chairperson:** Chairman Doug Leeder
- Deputy Chairperson:** Deputy Chairperson Jane Nees
- Members:**
- Cr Malcolm Campbell - via Zoom
 - Cr Stuart Crosby - via Zoom
 - Cr Toi Kai Rākau Iti - via Zoom
 - Cr Matemoana McDonald - via Zoom
 - Cr Kat Macmillan
 - Cr Ron Scott - via Zoom
 - Cr Ken Shirley - via Zoom
 - Cr Paula Thompson - via Zoom
 - Cr Lyall Thurston - via Zoom
 - Cr Andrew von Dadelszen
 - Cr Te Taru White
 - Cr Kevin Winters
- In Attendance:**
- Staff: Fiona McTavish - Chief Executive, Mat Taylor - General Manager Corporate, Namouta Poutasi - General Manager Strategy & Science, Kataraina O'Brien - General Manager Strategic Engagement, Karen Aspey - General Manager, People & Leadership, Kumaren Perumal - Chief Financial Officer, Angela Foster - Communications & Engagements Manager; Tone Nerdrum Smith - Senior Advisor Governance
- Audit NZ: Leon Pieterse - Audit Director, Warren Goslett - Audit Manager
- Apologies:** None

The meeting was being livestreamed and recorded and the recording would be made available on the Bay of Plenty Regional Council website following the meeting. [Regional Council Meeting - 6 March 2024 \(youtube.com\)](https://www.bayofplenty.govt.nz/Regional-Council-Meeting-6-March-2024)

1. Opening Karakia

A karakia was provided by Cr Te Taru White.

2. Declaration of Conflicts of Interest

Cr Stuart Crosby: Item 3.1 Adoption of the Consultation Document and Supporting Documentation for the draft Long Term Plan 2024-2034, and Statements of Proposal for Associated Policy Reviews – Any reference to Quayside Holdings Ltd as Director.

Cr Te Taru White: Item 3.1 Adoption of the Consultation Document and Supporting Documentation for the draft Long Term Plan 2024-2034, and Statements of Proposal for Associated Policy Reviews – Any reference to Quayside Holdings Ltd as Director.

3. Reports

Decisions Required

3.1 Adoption of the Consultation Document and Supporting Documentation for the draft Long Term Plan 2024-2034, and Statements of Proposal for Associated Policy Reviews

Presented by: Kumaren Perumal – Chief Financial Officer; Angela Foster – Communications & Engagements Manager and Leon Pieterse – Audit Director and Warren Goslett – Audit Manager, Audit NZ.

Key Points – Kumaren Perumal:

- Noted that the report also covered the planned community engagement, which was the next steps of the Long Term Plan 2024-34 (LTP) process; and the Financial Policies and Statements of Proposals, which accompanied the LTP consultation
- Key aspects to note in the Consultation Document included:
 - Headline numbers had not changed since the previous draft was presented to Council on 14 December 2023
 - General rates increase was set at 4.1%. When adding inflation at 4.5% and growth at 1.3% , the total proposed **general rate** increase equalled 9.9%. Including the effect of various targeted rates increases, the **total rates** increase was 13%..

9.16 am – Cr Shirley **entered** the meeting (via Zoom).

Key Points – Leon Pieterse, Audit NZ:

- The audit had been completed, but noted that any changes as a result of today’s meeting – even minor – would be reviewed by Audit NZ to ensure there was no impact on the Audit Report/Opinion provided
- The Consultation Document had been assessed as providing effective basis for public participation in the LTP process
- Recognised there were some uncertainties around capital expenditure, which was a normal consideration
- Audit had paid particular attention to the proposed sale of Port of Tauranga shares, including a comprehensive review of Council’s external advice, and was satisfied that the proposal met the required audit standards.

Key Points - Members:

- Noted the significant effort of staff, Councillors and Audit NZ in this process
- Noted that Elected Members could provide minor changes to staff for inclusion prior to the Consultation Document being finalised and published
- Recognised the importance of open and transparent approach to the proposed rates increases, clearly identifying the various components of general/targeted rates; growth and inflation
- Recommended avoiding yellow highlights with white text as challenging to read.

Key Points - Staff:

- Outlined minor changes to the consultation document and consultation questions to provide further clarity and consistency
- Noted that the term 'low carbon' would be changed to 'low emissions'
- Noted typographical corrections highlighted by Elected Members that would be incorporated
- Noted that the wording and content within the Climate Action Plan was set through resolution of the Strategy & Policy Committee and that any proposed changes would have to be referred back to this Committee for consideration
- Maritime operations savings: Clarified that the savings for ceasing the calling service for the Whakatāne Bar was within the total of \$84k referred to as it covered both the calls as well as reduced legal fees.

Resolved**That the Regional Council:**

- 1 Receives the report, Adoption of the Consultation Document and Supporting Documentation for the draft Long Term Plan 2024-2034, and Statements of Proposal for Associated Policy Reviews.**
- 2 Notes that the draft Consultation Document and supporting documents for the draft Long Term Plan 2024-2034 presented at the Regional Council meeting on 14 December 2023 has been subjected to an audit process and legal review and all required amendments have been made.**
- 3 Adopts the following draft Policies and Statements of Proposal for public consultation from 8 March to 9 April :**
 - (a) Revenue and Financing Policy and Funding Needs Analysis**
 - (b) Rates Remissions and Postponement Policy (All Land)**
 - (c) Rates Remissions and Postponement Policy for Māori Freehold Land**
 - (d) Fees and Charges Policy**
 - (e) Development Contributions or Financial Contributions Policy**
 - (f) Significance and Engagement Policy**

- 4 **Adopts the following supporting documents to be made publicly available during the Special Consultative Procedure pursuant to section 93C(3)(c) of the Local Government Act 2002:**
 - (a) **Draft Long Term Plan 2024-2034 Volume 1**
 - (b) **Draft Long Term Plan 2024-2034 Volume 2**
 - (c) **Draft Asset Management Plans and Summaries**
 - (d) **PwC Divestment Case Background Information**
 - (e) **Cameron Partners Advice**
 - (f) **Climate Change Action Plan**
- 5 **Approves the Consultation Document (Draft for Consultation) in preparation for the signing of the Audit Opinion.**
- 6 **Receives the Audit Report and signed opinion by the auditor pursuant to s93C(4) of the Local Government Act (2002) to be included in the Consultation Document**
- 7 **Adopts the Consultation Document (Draft for Consultation) (including Audit Opinion) for the draft Long Term Plan 2024-2034 Special Consultative Procedure from 8 March to 9 April 2024 pursuant to section 93 of the Local Government Act (2002).**
- 8 **Delegates authority to the Chief Executive to make any final editorial amendments to the Consultation Document and draft supporting documents, if required, prior to commencement of the consultation period on 8 March 2024.**
- 9 **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.**

**Leeder/White
CARRIED**

3.2 Consultation Document and Audit Report/Opinion - Distributed Separately

Noted that the Consultation Document and Audit Report/Opinion had been covered under the previous item.

4. Closing Karakia

A karakia was provided by Cr Te Taru White.

9.28 am – the meeting closed.

CONFIRMED

Chairman Doug Leeder
Chairperson, Regional Council

Item 8.2



Report To: Regional Council

Meeting Date: 26 March 2024

Report Authoriser: Doug Leeder

Chairperson's Report

Executive Summary

Since the preparation of the previous Chairperson's Report for the Council meeting on 15 February 2024, I have attended and participated in a number of meetings and engagements as Chairperson on behalf of Bay of Plenty Regional Council (BOPRC).

This report sets out those meetings and engagements, outside of Council, Committee and Sub-Committee meetings, and highlights key matters of interest that I wish to bring to Councillors' attention.

Recommendations

That the Regional Council:

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

1. Purpose

The purpose of this report is to update Council on meetings and engagements, outside of Council, Committee and Sub-Committee meetings, I have attended and participated in as Chairperson. Also, to highlight key matters that will be of interest to Councillors.

The following section summarises these meetings and engagements. I will provide further detail at the meeting in response to any questions you may have.

2. Meetings and Engagements

Date	Meeting / Engagement	Comment
6 February	Waitangi Day Dawn Ceremony at Hopukiore (Mount Drury) - <i>Mount Maunganui</i>	Attended.

Date	Meeting / Engagement	Comment
15 February	Regular meeting with Audit New Zealand - <i>Tauranga</i>	An opportunity to identify and discuss any significant risks and issues that may be relevant for audit planning for the 2024 annual report audit.
22 February	Port of Tauranga Limited Board Meeting - <i>Auckland</i>	Attended.
23 February	Meeting with Tauranga Moana Iwi Chairs - <i>Tauranga</i>	Attended with Chief Executive Fiona McTavish.
27 February	Informal Catch-up with Quayside Directors and BOPRC Councillors - <i>Tauranga</i>	Attended.
29 February	Draft Long Term Plan presentation to Rotorua Lakes Council Workshop- <i>Rotorua</i>	Presented our BOPRC Draft LTP and covered key highlights. Rotorua Lakes Council also presented their Draft LTP.
5 March	City Deal Update with Tauranga City Council Commissioner Chair Anne Tolley and Western Bay of Plenty District Council Mayor James Denyer - <i>Tauranga</i>	Attended.
	Meeting with Whakatāne District Council Mayor Victor Luca and Chief Executive Steph O’Sullivan - <i>Whakatāne</i>	Discussed a few topical matters including: stopbanks, boat harbour, Matatā wastewater and other potential collaboration opportunities. Chief Executive Fiona McTavish was also in attendance.
7 - 8 March	Regional Sector Meeting - <i>Wellington</i>	This is covered in more detail in the following section.
13 March	Te Rāhui Partner Hui - <i>Whakatāne</i>	Discussed Te Rāhui Herenga Waka, which is a new commercial boat harbour under construction in Whakatāne.
14 March	Quayside Briefing for Councillors - <i>Tauranga</i>	Draft Statement of Intent presented.

3. **Matters of Potential Interest**

3.1 **Regional Sector Meeting**

The Regional Sector meeting for regional and unitary council Chairs, Mayors and Chief Executives, was held over two days in Wellington on 7 - 8 March 2024.

There were several updates including from Te Uru Kahika who advised of the Regional sector's priorities, portfolios and the architecture to support them. They led a discussion about the next steps for resource management, and also spoke about climate adaptation.

The group dinner at the end of the first day was attended by Minister of Agriculture and Forestry Hon Todd McClay, Minister of RMA Reform and Infrastructure Hon Chris Bishop, and Minister for the Environment Hon Penny Simmonds. On the following day Minister Bishop spoke about his priorities as Minister for RMA Reform and Infrastructure.

Further discussions during the second day were had on Freshwater policy and management, and Taumata Arowai presented on engagement and development of storm water and wastewater standards.



Report To:	Regional Council
Meeting Date:	26 March 2024
Report Writer:	Lynda Frew, Legal Counsel (Commercial Lead)
Report Authoriser:	Chris Ingle, General Manager, Integrated Catchments
Purpose:	This report provides a brief update on Council's Supplier Panels and seeks delegations of certain decisions to the CE and Panel sponsors.

Supplier Panels Update and Delegations

Executive Summary

To improve the efficiency and effectiveness of the existing Council supplier panels, we seek Council's delegation to the relevant panel sponsor (usually relevant General Manager) to make tactical panel procurement decisions.

To avoid inconsistencies between supplier panels, we seek Council's delegation to the Chief Executive to execute contracts (including variations and renewals) and to approve supplier selections for any additional suppliers appointed to a panel.

Recommendations

That the Regional Council:

- 1 Receives the report, Supplier Panels Update and Delegations.**
- 2 Delegates to the Chief Executive the ability to approve all contracts, supplier selections and payments including contract variations and renewals under existing Council supplier panels.**
- 3 Delegates to the relevant supplier panel sponsor the ability to make all tactical procurement decisions under existing Council supplier panels.**

1. Introduction

To improve the efficiency and effectiveness of the existing Council supplier panels, we seek Council's delegation to the relevant panel sponsor (usually relevant General Manager) to make tactical panel procurement decisions including approving approaches (open or closed) to the market to add suppliers to a panel, approving changes to mandatory and evaluation criteria for suppliers to a panel, approving changes to panel categories or services, and approving changes to the secondary procurement thresholds under panels.

For the avoidance of doubt and to avoid inconsistencies between supplier panels we seek Council’s delegation to the Chief Executive to execute contracts (including variations and renewals) and to approve supplier selections for any additional suppliers appointed to the panels.

All delegations are subject to decisions being within approved budgets and consistent with good procurement practice.

Establishment of new panels or preferred supplier arrangements and early termination of existing panels would be outside the delegations.

1.1 Alignment with Strategic Framework

The Way We Work We continually seek opportunities to innovate and improve.

Our proposal will facilitate more agile and efficient operation of the panels.

1.1.1 Community Well-beings Assessment

Dominant Well-Beings Affected

Environmental
 Cultural
 Social
 Economic

2. Council supplier panels update

2.1 Existing supplier panels

The establishment of six active supplier panels has been approved by Council with delegation given to the CE to approve contracts and supplier selection. The panels are:

- Consents Services Panel
- Engineering Services Panel
- Rivers and Drainage Panel
- Integrated Catchments & Biosecurity Panel
- National Wallaby Control Panel
- Master Science Panel

In the case of the Consent Services Panel and Master Science Panel delegation was also sought, and given, by Council to vary the contract and appoint additional suppliers.

Considering the original delegations for the other four panels, in the interests of transparency and clear delegations, Council approval has been sought on each occasion that additional suppliers are sought. Most recently, in December 202,3 Council approved additional suppliers to the Engineering Panel and changes to the secondary procurement process financial thresholds. That Council report referred to an intended Council report on all Council supplier panels (being this paper).

2.2 Supplier panel review work

The Commercial Team has recently led review of the Integrated Catchments & Biosecurity Panel and the Rivers & Drainage Panel. The results of those reviews support tactical and operational changes to the panels.

Both reviews recommended:

- Clearer governance and management structures to deal with operational, tactical and strategic procurement decisions.
- Work brief / work order template refresh. This template is in the contract and changes to the template should be recorded in a contract variation.
- Updates to the secondary procurement process. The Rivers & Drainage review suggested the secondary procurement process financial thresholds increase; direct appointment up to \$80k (from current \$50k), three quotes between \$80k and \$140k (from current \$50k to \$100k), RFX to panel over \$140k (from current \$100k). The secondary procurement process is set out in the original procurement plans approved by Council and changes would require Council approval under the original delegations.
- Refresh of categories and supplier base. The Rivers & Drainage review identified a need to separate the current cartage and quarry services category and seek additional suppliers to some categories. The Integrated Catchments & Biosecurity review identified possible new categories of planters and fencers, and pest fish monitoring, and recommended a full review of suppliers. The panel categories are set out in the original procurement plan approved by Council and additional suppliers requires an approach to the market. These changes would require Council approval under the original delegations.
- Introduce annual supplier performance review processes. This may require changes to the panel contract.
- Various improvements to user guides, reporting, document storage and supplier communications. These operational improvements could be implemented within existing documentation.

2.3 Upcoming tactical and operational procurement decisions.

The Integrated Catchments & Biosecurity Panel and the Wallaby Control Panel both expire 30 June 2024. The review work already carried out has identified possible gaps in categories and suppliers. The next six months (in particular) will require numerous tactical and operational procurement decisions for the Wallaby Control Panel, Integrated Catchments & Biosecurity Panel and Rivers & Drainage Panel (if not others).

These decisions will be guided by good procurement practice, the findings of the review work and what best supports panel users' procurement. The decisions will have no direct financial implications.

Reporting to Council and seeking Council approval of recommendations will take additional time and effort for staff. This proposal supports efficient people centric processes.

3. Considerations

3.1 Risks and Mitigations

To ensure Council is kept informed about decisions made and the operation of panels generally we will include a new section outlining Commercial Team activity, including an update on decisions made with respect to the panels, in the annual Legal and Commercial Team report to the Risk & Assurance Committee. Any concerns regarding supplier panel operation can be raised and dealt with through that reporting.

There are no significant risks associated with this matter/subject/project/initiative.

3.2 Climate Change

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts.

3.3 Implications for Māori

No direct implications for Māori.

3.4 Community Engagement



Engagement with the community is not required as the recommended proposal / decision [relates to internal Council matters only].

3.5 Financial Implications

There are no material unbudgeted financial implications and this fits within the allocated budgets.

4. Next Steps

If we receive the requested delegations, we will use the delegations to refresh and improve existing Council supplier panels.



Report To: Regional Council

Meeting Date: 26 March 2024

Report Writer: Mark Le Comte, Principal Advisor, Finance

Report Authoriser: Mat Taylor, General Manager, Corporate

Purpose: For Council to consider delegating to the Chief Executive to approve the Funding Agreement for Te Whare Taonga o Te Arawa (Rotorua Museum).

Te Whare Taonga o Te Arawa (Rotorua Museum) Funding Agreement

Executive Summary

As part of LTP 2021-2031, Council agreed to provide a grant of up to \$4.1 million to Rotorua Lakes Council for exhibition design and development for Te Whare Taonga o Te Arawa (Rotorua Museum). At the Council meeting on 14 December 2024, Council agreed that part of the grant may be used for building works on a 'last in - first out' basis.

Staff are working with Rotorua Lakes Council on a detailed Funding Agreement that includes Council's standard terms and condition, additional conditions that have been used for infrastructure grants, and the specific conditions that Council has specified for this project. As part of checking that all conditions are covered, staff have found that there has not been any formal delegation to the Chief Executive to approve the Funding Agreement which creates timing issues for Rotorua Lakes Council. This would normally have been delegated when Council approved the budget for the grant.

Recommendations

That the Regional Council:

- 1 Receives the report, Te Whare Taonga o Te Arawa (Rotorua Museum) Funding Agreement.**
- 2 Delegates to the Chief Executive to approve the Funding Agreement for Council's contribution to Te Whare Taonga o Te Arawa (Rotorua Museum).**
- 3 Delegates to the Chief Executive to approve payments totalling \$4.1 million to Rotorua Lakes Council that meet the requirements of the Funding**

Agreement for Council’s contribution to Te Whare Taonga o Te Arawa (Rotorua Museum).

1. Introduction

1.1 Legislative Framework

As part of LTP 2021-2031, Council agreed to provide a grant of up to \$4.1 million to Rotorua Lakes Council for exhibition design and development for Te Whare Taonga o Te Arawa (Rotorua Museum). At the Council meeting on 14 December 2024, Council agreed that part of the grant may be used for building works on a ‘last in – first out’ basis.

1.2 Alignment with Strategic Framework

A Healthy Environment	
Freshwater for Life	
Safe and Resilient Communities	
A Vibrant Region	We invest appropriately in infrastructure to support sustainable development.
The Way We Work	We look to partnerships for best outcomes.

Te Whare Taonga o Te Arawa (Rotorua Museum) is recognised both as an important cultural amenity and tourist/visitor destination and partnering with Rotorua Lakes Council promotes cultural and economic outcomes.

1.2.1 Community Well-beings Assessment

Dominant Well-Beings Affected			
<input type="checkbox"/> Environmental	<input checked="" type="checkbox"/> Cultural Medium - Positive	<input checked="" type="checkbox"/> Social Low - Positive	<input checked="" type="checkbox"/> Economic Low - Positive

Te Whare Taonga o Te Arawa (Rotorua Museum) is recognised both as an important cultural amenity and tourist/visitor destination and partnering with Rotorua Lakes Council promotes cultural and economic outcomes.

2. Funding Agreement

Staff are working with Rotorua Lakes Council on a detailed Funding Agreement that includes Council’s standard terms and condition, additional conditions that have been used for infrastructure grants, and the specific conditions that Council has specified for this project. These include:

- Bay of Plenty residents to have free entry to the Museum for three years
- Funding is preferred to be used for exhibitions, but may be used for building works on a ‘last in – first out’ basis

- All project funding must be secured before BOPRC funds are drawn down.
- All necessary consents must be in place before BOPRC funds are drawn down
- BOPRC funds will be drawn down based on completion of agreed project milestones
- Any BOPRC funding for building works will have a 10% retention until a certificate of public use is approved
- Provisions for repayment of BOPRC funds that have been drawn down if the project is not completed or other obligations under the funding agreement are not met.

As part of checking that all Council direction and decisions for this project have been covered by the draft Funding Agreement, staff have found that there has not been any formal delegation to the Chief Executive to approve the Funding Agreement or to make payments.

For projects of this type, these powers would normally have been delegated when Council approved the budget for the grant along with a list of non-negotiable conditions. These delegations are requested to enable timely completion of the Funding Agreement and efficient execution of payments.

3. Considerations

3.1 Risks and Mitigations

Contractual risks are mitigated through Council's standard terms and condition, additional conditions that have been used for infrastructure grants, and the specific conditions that Council has specified for this project. Council is a limited funder of this project and the project risks remain with Rotorua Lakes Council.

3.2 Climate Change

This paper is about contractual delegations and has no direct impact on Climate Change.

3.3 Implications for Māori

This paper is about contractual delegations and has no direct implications for Māori.

Te Whare Taonga o Te Arawa (Rotorua Museum) manages and will display significant cultural artefacts and exhibitions will be designed in collaboration with Māori.

3.4 Community Engagement



Engagement with the community is not required as the recommended proposal / decision relates to internal Council matters only.

This paper is about contractual delegations. Community engagement/information will be led by Rotorua Lakes Council for the project, which will include acknowledgement of Council's contribution.

3.5 Financial Implications

There are no material unbudgeted financial implications and this fits within the allocated budget.

4. Next Steps

If the delegation is approved, the final contract terms and conditions will be negotiated and approved by the Chief Executive. Council will receive updates as the project progresses and funds are drawn down.