

Regional Council

Open Minutes

- Commencing:** Thursday 9 May 2024, 09:30am
- Venue:** Council Chambers, Regional House, 1 Elizabeth Street, Tauranga and via Zoom (Audio Visual Meeting)
- Chairperson:** Chairman Doug Leeder
- Deputy Chairperson:** Deputy Chairperson Jane Nees
- Members:**
- Cr Malcolm Campbell
 - Cr Stuart Crosby
 - Cr Kat Macmillan
 - Cr Matemoana McDonald
 - Cr Ron Scott
 - Cr Ken Shirley
 - Cr Paula Thompson - via Zoom
 - Cr Lyall Thurston
 - 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, Reuben Fraser - General Manager Regulatory Services, Chris Ingle - General Manager Integrated Catchments, Kataraina O'Brien - General Manager Strategic Engagement, Steve Groom - Governance Manager, Claudia Cameron - Committee Advisor, Tone Nerdrum Smith - Senior Advisor Governance

Also present: Ian Noble, Queen's Service Medal recipient (QSM); Jill Noble, Kathryn Nicholson, Graeme Noble, Pauline Macdonald, Alan Livingstone - Chairperson, Queen Elizabeth II National Trust (QEII Trust)

- Apologies:** Cr Toi Kai Rākau Iti

Livestreaming Statement

Chairman Leeder reminded those present that this meeting was being livestreamed and recorded and that the recording would be made available on the Bay of Plenty Regional Council website following the meeting <https://www.youtube.com/watch?v=GeH6ZV13lzQ>.

1. Opening Karakia

Noted that a karakia had been provided by Cr Te Taru White at the commencement at the earlier event for Mr Ian Noble, QSM.

2. Apologies

Resolved

That the Regional Council:

- 1 Accepts the apology from Cr Toi Kai Rākau Iti tendered at the meeting.

Leeder/Nees
CARRIED

3. Items not on the Agenda

3.1 Delegation of Decision Whether to Prosecute for RMA Offence

Resolved

That the Regional Council:

- 1 Accepts the report Delegation of Decision Whether to Prosecute for RMA Offence for inclusion in the agenda
- 2 Notes the reason why this item was not on the Agenda is that it has arisen from recent in-house legal consideration of the delegated decision-making authority, and the reason why it cannot be delayed is that this would delay a potential prosecution.

Winters/Campbell
CARRIED

4. Order of Business

Noted that agenda Item 9.4: Noble Family Offer to Gift Land at Hot Springs Road for Community Benefit would be covered first.

5. Declaration of Conflicts of Interest

None declared.

6. Reports

Decisions Required

6.1 Noble Family Offer to Gift Land at Hot Springs Road for Community Benefit

Fiona McTavish – Chief Executive advised that the report should be taken as read, and that staff were available to answer any questions the Councillors may have.

Recognition by Chairman Leeder:

- Expressed gratitude and appreciation for this generous gesture and extended Council's sincerest thanks to Ian Noble and his family

- Gifting the land in Hot Springs Road for the benefit of the community was truly remarkable
- Recognised the unwavering commitment to environmental causes
- Acknowledged the leadership and cooperation with Alan Livingstone, Chairperson QEII Trust in this process
- The covenant placed by QEII Trust on the land ensured it enduring community benefit for the future.

Key Points - Members:

- Recognised the significant gesture the gifting of the land represented and the benefit not only to the community of Western Bay and to future generations, but also to the environment.

Key Points - Alan Livingstone, Chairperson QEII Trust

- Recognised the significant gift by Mr Ian Noble, QSM and ex Regional Council and Western Bay of Plenty Councillor that would benefit both Western Bay and the wider Bay of Plenty region
- QEII Trust had approved a protection covenant across the entire property to ensure it would be retained for public benefit in perpetuity
- Appreciated the cooperation with Council in achieving this positive outcome that clearly reflected the Noble family's wishes
- QEII Trust had allocated funding towards fencing and pest control.

9.35am - The meeting **adjourned**.

9.36am - The meeting **reconvened**.

Resolved

That the Regional Council:

- 1 Receives the report, Noble family offer to gift land at Hot Springs Road for community benefit.**
- 2 Accepts with gratitude the land at Hot Springs Road being gifted from the Noble family to Bay of Plenty Regional Council for the purpose of protecting it in perpetuity for community benefit.**
- 3 Notes the Noble family's wishes in relation to future management of the property, as reflected in the draft Queen Elizabeth II Trust open space covenant for the property (Attachment 1).**
- 4 Agrees to enter into a Memorandum of Understanding with the Noble family to give effect to the recommendations above, and delegates authority to the Chief Executive to execute the documents to do so.**
- 5 Notes staff propose to include \$100k of capex in Year 1, plus ~\$50k per year of opex, in the Long Term Plan 2024-34, to enable initial development and management of the property, subject to the outcome of LTP deliberations.**
- 6 Notes additional costs for developing and maintaining a new Regional Park could be considered in future Annual or Long Term Plan processes.**
- 7 Notes that, unless the Noble family express a strong preference for naming the potential future Regional Park, possible naming would be considered by local hapū and community representatives for future approval by the Noble family (if that is their preference) and nominated Council representatives.**

- 8 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) DRAFT QEII Trust open space covenant under Section 48(1)(a)(i) Section 7 (2)(a) as withholding the information is necessary to protect the privacy of natural persons, including that of deceased natural persons, and under Section 48(1)(a)(i) Section 7 (2)(i) as 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) and that this attachment be released to the public on the Chief Executive's approval.**

**Nees/Shirley
CARRIED**

6.2 Chairperson's Report

Key Points - Members:

- Noted that Cr Macmillan had also attended the ANZAC Day wreath laying.

Resolved

That the Regional Council:

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

**Leeder/Nees
CARRIED**

6.3 Representation Review 2024 - Initial Proposal

Presented by: Steve Groom - Governance Manager and Claudia Cameron - Committee Advisor.

Key Points:

- As directed by Councillors, all the representation options considered by Council would be presented to the public. This included an option where Galatea/Murupara was transferred to the Rotorua constituency.

Key Points - Members:

- Ensure Murupara was correctly spelled within the proposal
- Frustrated that the lack of recent data from Statistics New Zealand meant the representation review had to be based on out of date information, i.e. the 2018 census.

Resolved

That the Regional Council:

- 1 Receives the report, Representation Review 2024 Initial Proposal;**
- 2 Determines that under section 19I of the Local Electoral Act 2001 the proposed number of constituencies, the proposed names and the proposed**

boundaries of each constituency and the number of members proposed to be elected by the electors of each constituency is to remain as status quo, being:

General Constituencies

Eastern Bay of Plenty	2 Elected Members
Rotorua	2 Elected Members
Tauranga	5 Elected Members
Western Bay of Plenty	2 Elected Members

Māori Constituencies

Mauao	1 Elected Member
Kōhi	1 Elected Member
Ōkurei	1 Elected Member

Total 14 Elected Members

- 3 Determines that under section 19U of the Local Electoral Act 2001:**
 - (a) The proposed number and boundaries of constituencies will provide effective representation of communities of interest within the region;**
 - (b) The proposed constituency boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes;**
 - (c) So far as is practicable, constituency boundaries coincide with the boundaries of 1 or more territorial authority districts.**
- 4 Determines that under section 19V of the Local Electoral Act 2001 the number of members to be elected by the electors of the proposed constituencies will ensure fair representation having regard to the population of each constituency in the region.**
- 5 Notes that the review is subject to the provisions of the Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001, and is therefore not required to consider section 19ZH or schedule 1A of the Local Electoral Act 2001 as part of this review.**
- 6 Notes that this initial proposal does not comply with section 19V (2) of the Local Electoral Act 2001 and therefore must be referred directly to the Local Government Commission for determination. However, as in accordance with section 19V(3)(b) of the Local Electoral Act 2001, the Regional Council considers the initial proposal ensures effective representation of communities of interest.**
- 7 Notes that public notice must be given no later than 14 days after the initial proposal for the Bay of Plenty Regional Council representation arrangement is resolved, being 23 May 2024.**
- 8 Approves the draft consultation document attached to this paper.**
- 9 Approves the community engagement plan as outlined in section 5.1 of this report.**
- 10 Delegates to the Chief Executive the responsibility for making any non-consequential edits or amendments to the draft Consultation Document that may be required prior to it being published.**

**Winters/Crosby
CARRIED**

6.4 Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park Terms of Reference

Presented by: Steve Groom - Governance Manager and Claudia Cameron - Committee Advisor.

Key Points:

- The Terms of Reference had originally been approved in 2022 when Te Uepū was first established
- All partners were supportive of the amended Terms of Reference
- Substantive change related to decision making, where consensus agreement was paramount. If consensus could not be reached, or there was a financial or legal impact on Council, the matter would be referred to Council for decision.

Resolved

That the Regional Council:

- 1 Receives the report, Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park Terms of Reference.**
- 2 Accepts the recommendation from Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park and adopts Te Uepū Pāpāmoa Hills Cultural Heritage Regional Park Terms of Reference.**

**McDonald/Macmillan
CARRIED**

7. Public Excluded Section

Resolved

Resolution to exclude the public

- 1 Excludes the public from the following parts of the proceedings of this meeting as set out below:**

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

Item No.	Subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Grounds under Section 48(1) for the passing of this resolution	When the item can be released into the public
9.4	Noble Family Offer to Gift Land at Hot Springs Road for Community Benefit - Attachment 1 - DRAFT QEII Trust open space covenant - Public Excluded	Withholding the information is necessary to protect the privacy of natural persons, including that of deceased natural persons; 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)(a); 48(1)(a)(i) Section 7 (2)(i).	On the Chief Executive’s approval.
7.1	Public Excluded Regional Council Minutes - 24 April 2024	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
7.2	<i>Property Discussion</i> (This item was withdrawn)	<i>Withholding the information is necessary to enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.</i>	48(1)(a)(i) Section 7 (2)(h).	<i>To remain in public excluded.</i>
7.3	Property Update	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.

**Leeder/Nees
CARRIED**

8. Closing Karakia

A karakia was provided by Cr Te Taru White.

9.59 am - the meeting closed.

CONFIRMED

Chairman Doug Leeder
Chairperson, Regional Council