

Regional Council

Open Minutes

Commencing:	Thursday 14 December 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 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; Chris Ingle – General Manager, Integrated Catchments; Kataraina O’Brien – General Manager, Strategic Engagement; Karen Aspey – General Manager, People & Leadership (via Zoom); Reuben Fraser – General Manager, Regulatory Services (via Zoom); Kumaren Perumal – Chief Financial Officer; Mark Le Comte – Principal Advisor, Finance; Ange Foster – Communications and Engagement Manager; Jon Jon Peters – BOP Harbourmaster; Toni Briggs – Senior Project Manager; Lisa Power – Senior Planner; Greg Corbett – Biosecurity Manager; Samantha Pottage – Planner; Nassah Rolleston-Steed – Principal Advisor, Policy and Planning; Claudia Cameron – Committee Advisor Rotorua Lakes Council (via Zoom): Gina Rangi and Steward Brown
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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 [Council Meeting - 14 December 2023 \(youtube.com\)](https://www.bayofplenty.govt.nz/council-meeting-14-december-2023)

1. Opening Karakia

A karakia was provided by Cr Te Taru White.

2. Order of Business

Noted item 9.3 and 10.3 were distributed under separate cover after the agenda was published.

Changes to the Order of Business were to accommodate presenter arrival times.

3. Declaration of Conflicts of Interest

Cr Stuart Crosby and Cr Te Taru White, as Quayside Directors, declared an interest in the items relating to Quayside Holdings Limited being item 9.3 Adoption for Audit of Draft LTP Consultation Document and Supporting Material and item 10.3 Quayside Holdings Limited – Statement of Expectations 2024/25. The following statement was read by both Councillors:

“As a Director of Quayside Holdings and Quayside Securities, I declare a conflict of interest on item 9.3 concerning the Long Term Plan and Consultation Document (on matters that pertain to the Quayside Group of Companies) and item 10.3 concerning Quayside Holdings Statement of Expectation 2024/2025. For the avoidance of doubt, as both items are decisions, I will not be expressing any view by participating in the debate and will abstain from voting on both items in this meeting. I would be available to answer any questions if required in my position of a Quayside Director.”

Cr Te Taru White, as Trustee of the Rotorua Museum Centennial Trust, declared an interest in item 9.4 Te Whare Taonga o Te Arawa (Rotorua Museum) Funding.

Cr Lyall Thurston, as Chair of the Rotorua Museum Centennial Trust declared an interest in item 9.4 Te Whare Taonga o Te Arawa (Rotorua Museum) Funding.

Cr Paula Thompson and Cr Jane Nees, as Hearing Panel members for the Proposed Change 6 (National Policy Statement on Urban Development 2020) to the Regional Policy Statement, declared an interest in item 9.7 Hearing Panel recommendations on submissions for Proposed Change 6 (National Policy Statement on Urban Development 2020) to the Regional Policy Statement.

Chair Doug Leeder noted his position as Port of Tauranga Director in relation to item 9.3 Adoption for Audit of Draft LTP Consultation Document and Supporting Material and read the following statement:

“I note that I am attending this meeting as an elected member of the Bay of Plenty Regional Council (BOPRC). I am also a Director of Port of Tauranga Limited (POTL), as the Council’s representative. I advise that I do not consider there to be a conflict of interest for this meeting. I will consider the matters that are being discussed with an open mind, bearing in mind my role as a councillor. I have received independent legal advice concerning this matter. I further advise this meeting that I have declared to the POTL Board my role with the Council and that I do not intend to vote or participate in any discussions that the Port of Tauranga Board may wish to have in relation to this proposal. I have no financial interest in the Port of Tauranga or in Quayside Holding’s Perpetual Preference Shares.”

4. Public Excluded Business to be Transferred into the Open

Noted item 10.3 Quayside Holdings Limited – Statement of Expectations 2024/25 would be transferred to the open after the meeting. This would be resolved in the Public Excluded section.

5. Minutes

Minutes to be Confirmed

5.1 Regional Council Minutes - 26 October 2023

Resolved

That the Regional Council:

- 1 Confirms the Regional Council Minutes - 26 October 2023 as a true and correct record.**

**Nees/Shirley
CARRIED**

5.2 Regional Council Minutes - 22 November 2023

Resolved

That the Regional Council:

- 1 Confirms the Regional Council Minutes - 22 November 2023 as a true and correct record.**

**Nees/White
CARRIED**

6. Reports

6.1 Chairperson's Report

Key Points:

- Clarified that the meeting with Todd Muller was in his capacity as incoming Chair of Priority One, as opposed to outgoing MP.

Resolved

That the Regional Council:

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

**Leeder/Winters
CARRIED**

Decisions Required

6.2 Adoption of a Draft Regional Navigation Safety Bylaws 2024 for Consultation

Presented by: Toni Briggs – Senior Project Manager and Jon Jon Peters – BOP Harbourmaster

Key Points:

- The Navigation Safety Bylaws Review Committee (the Committee) had recommended the draft Regional Navigation Safety Bylaws 2024 to Council for its adoption as a draft for public consultation
- Consultation would occur over the summer months
- The Committee was made up of Councillors and Tangata Whenua representatives
- A minor pictorial error on the Kaituna river map would be corrected prior to consultation, as would minor editorial rewording to increase clarity, as per the delegated authority.

In Response to Questions:

- The Bylaws' review had narrowed in scope, as only issues specifically relating to navigational safety could be included; there may be options to work in partnership with Territorial Authorities (TAs) over issues such as Jet Skis in Ōhiwa Harbour
- Staff had presented to Rotorua Lakes Community Board.

Key Points - Members:

- Commended staff for the work to get to this point, in particular the ability to educate the Committee on the legal environment
- Requested members of Te Maru O Kaituna and Te Arawa Lakes Trust be provided a copy of the proposed Bylaws and consultation material
- In future, Komiti Māori should be used as an avenue to initiate engagement with iwi/hapū
- In relation to the Tarawera River, requested the New Zealand Jetboat Association be included for consultation.

Resolved

That the Regional Council:

- 1 **Receives the report, Adoption of a Draft Regional Navigation Safety Bylaws 2024 for Consultation;**
- 2 **Agrees with the recommendations of the Regional Navigation Safety Bylaws Review Committee;**
- 3 **Adopts the Draft Regional Navigation Safety Bylaws 2024 for Consultation.**

von Dadelszen/Nees
CARRIED

6.3 Adoption for Audit of Draft LTP 2024 - 2034 Consultation Document and Supporting Material

Presented by: Kumaren Perumal - Chief Financial Officer; Ange Foster - Communications and Engagement Manager; Mat Taylor - General Manager, Corporate and Fiona McTavish - Chief Executive

Key Points from the Chief Executive:

- Acknowledged the work undertaken by staff and Councillors leading to this point
- The draft financial strategy was created on the principles of prudent financial decisions, environmental resilience and rates affordability
- Substantial savings were made through reduced funding across many activities, however there would not be a reduction in funding for volunteer activities, flood protection and emergency management, and there would be an increase in Public Transport funding
- Highlighted the balanced budget for each year, which had not occurred in recent history
- The draft Plan contained a General Rates increase of 9.8% for the first year which was a real increase (above inflation) of 4% in 2024/25
- Outlined the next steps for the project which included audit, adoption for public consultation, hearings and deliberations and final adoption in June 2024. There would be several opportunities for Councillors to make alterations going forward.

In Response to Questions:

- Acknowledged the reference to legislation which was due to be repealed, but as the audit process would correct all required changes, these would be amended post-audit
- The document would go to audit in mid-January 2024
- Minor editorial changes would be corrected by staff via the delegation to the Chief Executive, and there would be a thorough review process prior to its release for consultation
- Noted that this document was for audit purposes, the content would be presented in a more accessible way for public consultation, with accounting language simplified.

Key Points - Members:

- Suggested for consistency across all aspects “support communities to...” should also be included in the Public Transport section
- Would prefer ‘embed’ rather than ‘consider’ referenced within the Climate Change Statement
- The progression of work on the regional infrastructure fund should be decided later rather than included at this stage.

Resolved

That the Regional Council:

- 1 Receives the report, Adoption for Audit of Draft LTP 2024 - 2034 Consultation Document and Supporting Material;**
- 2 Adopts the Draft Volume One as a supporting document for submission to Audit New Zealand, incorporating the following documents:**
 - a. Strategic Direction**
 - b. Activity Structure**
 - c. Draft Levels of Service / Performance Measure summary**

- d. **Draft Development of Māori capacity to contribute to decision-making processes**
 - e. **Draft Implementation of Regional Spatial Strategy**
 - f. **Draft Groups of Activities – Activity Summaries incorporating levels of service (performance goals), and draft financial estimates for operating and capital expenditure for years one through ten for each activity.**
- 3 Adopts the Draft Volume Two as a supporting document for submission to Audit New Zealand, incorporating the following strategies, analysis and policies:**
- a. **Draft Financial Strategy**
 - b. **Draft Infrastructure Strategy**
 - c. **Draft Prospective Financial Statements**
 - d. **Draft Accounting Policies**
 - e. **Draft Council Controlled Organisations**
 - f. **Draft Funding Impact Statement**
 - g. **Draft Rates Funding Impact Statement**
 - h. **Draft Significant Forecasting Assumptions**
 - i. **Draft Significant Negative Effects**
- 4 Adopts the Draft Financial Policies and Other Policies as a supporting document for submission to Audit New Zealand, incorporating the following policies:**
- a. **Draft Revenue and Financing Funding Needs Analysis**
 - b. **Draft Revenue and Financing Policy**
 - c. **Draft Development or Environmental Contributions Policy**
 - d. **Draft Remission and Postponement of Rates Policy**
 - e. **Draft Remission and Postponement of Rates on Māori Freehold Land Policy**
 - f. **Draft Fees and Charges Policy**
 - g. **Draft Significance and Engagement Policy**
- 5 Notes that draft policies will be adopted in March 2024 together with full Statements of Proposal for concurrent consultation with the Long Term Plan 2024-2034. These policies, which will be finalised after Council consideration of submissions, are intended to be effective from 1 July 2024 are:**
- a. **Draft Revenue and Financing Policy**
 - b. **Draft Development or Environmental Contributions Policy**
 - c. **Draft Remission and Postponement of Rates Policy**
 - d. **Draft Remission and Postponement of Rates on Māori Freehold Land Policy**
 - e. **Draft Fees and Charges Policy**
 - f. **Draft Significance and Engagement Policy**
- 6 Adopts the Draft Strategic Asset Management Plan and Draft Asset Management Plans, Draft Asset Management Plans on a page and the Rivers and Drainage Asset Management Plan executive summary for submission to Audit New Zealand, incorporating the following plans:**

- a. **Draft Rivers and Drainage Asset Management Plan 2024-2074**
 - b. **Draft Rotorua Te Arawa Lakes Asset Management Plan 2024-2034**
 - c. **Draft Maritime Operations Asset Management Plan 2024-2034**
 - d. **Draft Regional Parks and Catchments Asset Management Plan 2024-2034**
 - e. **Draft Property Asset Management Plan 2024-2034.**
- 7 **Adopts the Climate Change Position Statement;**
 - 8 **Approves the content of the Long Term Plan Consultation Document 2024-2034 - Draft for Audit New Zealand for the purposes of submitting it to Audit New Zealand for the audit process;**
 - 9 **Delegates authority to the Chief Executive to make editorial and technical amendments to the draft Long Term Plan Consultation Document 2024-2034 - Draft for Audit New Zealand and supporting documents, if required, prior to being submitted to Audit New Zealand;**
 - 10 **Notes the final version of the Long Term Plan Consultation Document 2024-2034, draft Supporting Documents and draft Financial and Other Policies; following any amendments required by Audit New Zealand and for graphic design purposes, will be provided to Council for its approval in March 2024;**
 - 11 **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/Thompson
CARRIED**

6.4 Engineering Services Panel Contract - additions and updates

Presented by: Chris Ingle – General Manager, Integrated Catchments

Key Points:

- Additions to the procurement panel and an increase to the procurement thresholds were suggested.

In Response to Questions:

- There was competition among contractors as prices were sought from the panel list but there were not open tenders for Government Electronic Tender Service (GETS).

Resolved

That the Regional Council:

- 1 **Receives the report, Engineering Services Panel Contract - additions and updates;**
- 2 **Approves additions to the Engineering Services Panel Contract as recommended under section 2.1.1 below, conditional upon Evaluation Panel approval of 'Request for Proposals' submissions;**
- 3 **Delegates to the Chief Executive the authority to execute new contracts for these Suppliers;**

- 4 Approves changes to the secondary procurement process associated with the Engineering Services Panel, under section 2.1.2 below.

Thompson/White
CARRIED

6.5 Hearing Panel recommendations on submissions for Proposed Change 6 (National Policy Statement on Urban Development 2020) to the Regional Policy Statement

Presented by: Samantha Pottage – Planner, Nassah Rolleston-Steed – Principal Advisor, Policy and Planning and Namouta Poutasi – General Manager, Strategy & Science

Key Points:

- Noted an error in Attachment 2, page 78 of the Agenda. Housing Bottom Line Tauranga City should read 20,090 not 21,090 and the Total should read 42900, not 42990. These changes were due to new information being received after the agenda had been published.

Key Points - Members:

- Acknowledged the new Government may cause uncertainty and suggested caution particularly regarding Plan Changes.

Resolved

That the Regional Council:

- 1 Receives the report, Hearing Panel recommendations on submissions for Proposed Change 6 (National Policy Statement on Urban Development 2020) to the Regional Policy Statement, including the supporting documents listed in section 1.1 of this report;
- 2 Receives, adopts and records that it has had particular regard to the Section 32AA Evaluation Assessment titled 'Proposed Change 6 (NPS-UD) to the Bay of Plenty Regional Policy Statement: Section 32AA evaluation of changes', dated June 2023 as part of the Councils decisions on submissions on Proposed Change 6 (NPS-UD) to the Bay of Plenty Regional Policy Statement;
- 3 Receives and adopts the report and recommendations of the Hearing Panel as set out in the Hearing Panel Report titled 'Recommendation of an Independent Hearing Panel, Proposed Change 6 to the Bay of Plenty Regional Policy Statement (NPS-UD)', dated 19 October 2023, attached as a supporting document to the agenda, as Councils decisions on submissions on Proposed Change 6 (NPS-UD) to the Regional Policy Statement under clause 10(1) of Schedule 1 to the Resource Management Act 1991;
- 4 Approves public notification of its decisions on submissions on Proposed Change 6 (NPS-UD) to the Bay of Plenty Regional Policy Statement in accordance with clauses 10 and 11 of Schedule 1 to the Resource Management Act 1991;
- 5 Approves the content and steps outlined in section 3 of this report for the non-Schedule 1 Resource Management Act process to update the Regional Policy Statement, Policy UG 25B to include the updated Housing Bottom Lines for Tauranga and Western Bay of Plenty as required by the National Policy Statement on Urban Development;

- 6 **Delegates Authority to the General Manager, Strategy and Science the ability to make minor editorial changes to the Proposed Change 6 Provisions prior to notification;**
- 7 **Notes that on and from the date the decisions are publicly notified, Proposed Change 6 (NPS-UD) is amended in accordance with those decisions.**

**Macmillan/Leeder
CARRIED**

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

Presentation: Rotorua Museum 14 December 2023: Objective ID A4566197 [↗](#)

Presented by: Mark Le Comte – Principal Advisor, Finance; Mat Taylor – General Manager, Corporate; Stewart Brown – Rotorua Lakes Council (via Zoom) and Gina Rangi – Rotorua Lakes Council (via Zoom)

Key Points:

- A cultural history was provided highlighting the importance of the Museum as the coming together of cultures
- Emphasised the museum as a visitor draw card which contained exhibition space and was a place of regional and local significance; there was strong community support for the completion of the project
- The proposed changes were to ensure the building was structurally sound and compliant
- Fundraising was still required
- The 2021 BOPRC LTP had confirmed funding for exhibition fit out, this request was to reallocate the funding for the wider build.

In Response to Questions:

- It was likely the request for money would come earlier than initially planned, as the project was anticipated for completion at the end of 2026.

Key Points - Members:

- Sought assurance that staff were aware of, and would manage, the potential impacts of the timeframe change on the LTP 2024-34 budget.

Resolved

That the Regional Council:

- 1 **Receives the report, Te Whare Taonga o Te Arawa (Rotorua Museum) Funding;**
- 2 **Approves that the budgeted grant for Te Whare Taonga o Te Arawa (Rotorua Museum) is re-allocated from exhibition costs to building costs.**

**Winters/Thompson
CARRIED**

6.7 Partial Review of the Bay of Plenty Regional Pest Management Plan

Presented by: Lisa Power – Senior Planner, Greg Corbett – Biosecurity Manager and Namouta Poutasi – General Manager, Strategy & Science

Key Points:

- Endorsement was sought for a partial review before the mandatory 10-year review was due as the pest management landscape has changed.

In response to Questions:

- Contorta pine had no commercial value and was problematic wherever it grew
- Encouraged by the proactive nature of the Ministry for Primary Industries (MPI) response to gold clams
- The response to Myrtle Rust was being managed by the Department of Conservation and MPI (Biosecurity NZ), and was especially challenging due to its air born spread.

Key Points - Members:

- An education programme was recommended to ensure pest species were not inadvertently brought to the region by visiting recreational boat users
- The threat of Gold Clams reaching the Rotorua Lakes was of particular concern, therefore supported consideration of a rule 7 change and changes to allow funds to be associated with Gold Clam containment next year
- Myrtle Rust required consideration within the plan as to what could be done on a landscape scale, suggested keeping a watching brief at the response to it by the Mauao Trust and partners
- The “Good Neighbour Rule” which allowed only adjacent property landowners to report pest plants on a neighbour’s property was considered as too limiting. Suggested an extension to enable the public to report pest plants, especially relating to reserve areas.

Resolved

That the Regional Council:

- 1 Receives the report, Partial Review of the Bay of Plenty Regional Pest Management Plan;**
- 2 Endorses a partial review of the Regional Pest Management Plan (RPMP). The scope of the review relates to the management of wallabies, conifer species, wild kiwifruit, *phytophthora agathicida* and emerging pests;**
- 3 Approves the minor amendments proposed in section 5 of this report;**
- 4 Delegates to Group Manager Strategy and Science the ability to expand the partial RPMP review scope if a new pest issue arises during the review.**

**Winters/von Dadelzen
CARRIED**

6.8 Acting Chief Executive

Presented by: Mat Taylor – General Manager, Corporate

Resolved

That the Regional Council:

- 1 Receives the report, Acting Chief Executive;**
- 2 Appoints Matthew Jonathan Taylor, General Manager Corporate, as Acting Chief Executive for the period 20 December 2023 to 4 January 2024 (inclusive) and Christopher Ingle, General Manager Integrated Catchments, as Acting Chief Executive for the period 5 January 2024 to 21 January 2024 (inclusive), during a period of leave for the Chief Executive.**

**Thompson/Crosby
CARRIED**

7. Public Excluded Section**Resolved**

Tabled Document 1 - Quayside Holdings Limited - Statement of Expectations Report: Objective ID A4573241 [⇒](#)

Tabled Document 2 - Quayside Holdings Limited - Statement of Expectations - Revised post-Council 14 December 2023: Objective ID A4573238 [⇒](#)

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
10.1	Public Excluded Regional Council Minutes - 26 October 2023	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
10.2	Public Excluded Regional Council Minutes - 22 November 2023	As noted in the relevant Minutes.	As noted in the relevant Minutes.	To remain in public excluded.
7.3	Quayside Holdings Limited - Statement of Expectations 2024/25	Withholding the information is necessary to enable any local authority holding the information to carry out, without	48(1)(a)(i) Section 7 (2)(h).	On the Chief Executive's approval.

		prejudice or disadvantage, commercial activities.		
10.4	Digital Enterprise Systems Roadmap	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.
10.5	New Regional Park opportunities	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.

**Leeder/von Dadelszen
CARRIED**

8. Closing Karakia

A karakia was provided by Cr Te Taru White.

12.35 pm - the meeting closed.

CONFIRMED

Chairman Doug Leeder
Chairperson, Regional Council