

Minutes of the Regional Council Meeting held in Council Meeting Room One, Bay of Plenty Regional Council, 5 Quay Street, Whakatane on Thursday, 25 August 2011 commencing at 9.35 a.m.

Present:

Chairman: Chairman J Cronin

Deputy Chairman: P Sherry

Councillors: R Bennett, T Eru, J Mansell, T Marr, J Nees, I Noble, N Oppatt, D Owens, P Thompson, L Thurston, M Whitaker

In Attendance: E Grogan (Group Manager Water Management), P Futter (Senior Project Implementation Manager), S Hey (Strategic Support Manager), S Lamb (Principal Advisor/Executive Officer), M Macleod (Chief Executive), G Maloney (Acting Group Manager Strategic Development), W Murray (Group Manager Land Management), N Steed (Senior Planner), K Tarboton (Group Manager Environmental Hazards), B Trott (Group Manager Finance & Corporate), S Wheeler (Acting Finance Manager), S Cubbon and S Kameta (Committee Administrators)

1 Council meeting minutes and workshop report

1.1 Regional Council Meeting - 27 July 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Regional Council meeting held on 27 July 2011.**
- 2 Notes the resolutions made therein under delegated authority.**
- 3 Notes there no recommendations to adopt.**

**Cronin/Sherry
CARRIED**

1.2 Regional Council Workshop - 11 August 2011

Resolved

That the Regional Council:

- 1 **Confirms the report of the Regional Council Workshop held on 11 August 2011.**

**Cronin/Sherry
CARRIED**

1.3 Regional Council Meeting - 9 August 2011

Resolved

That the Regional Council:

- 1 **Confirms the minutes of the Regional Council meeting held on 9 August 2011.**
- 2 **Notes the resolutions made therein under delegated authority.**
- 3 **Notes there no recommendations to adopt.**

**Cronin/Sherry
CARRIED**

2 Committee meeting minutes

2.1 Operations, Monitoring and Regulation Committee Meeting - 2 August 2011

Resolved

That the Regional Council:

- 1 **Confirms the minutes of the Operations, Monitoring and Regulation Committee meeting held on 2 August 2011.**
- 2 **Adopts the recommendation to review the format of the Enhancement Subcommittee.**

**Whitaker/Sherry
CARRIED**

2.2 Strategy, Policy and Planning Committee Meeting - 3 August 2011

Resolved

That the Regional Council:

- 1 **Confirms the minutes of the Strategy, Policy and Planning Committee meeting held on 3 August 2011.**
- 2 **Notes the resolutions made therein under delegated authority.**
- 3 **Notes there no recommendations to adopt.**

**Bennett/Sherry
CARRIED**

2.3 Finance and Corporate Committee Meeting - 9 August 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Finance and Corporate Committee meeting held on 9 August 2011.
- 2 Notes the resolutions made therein under delegated authority.
- 3 Notes there no recommendations to adopt.

Thompson/Sherry
CARRIED

3 Chairman's Report

Chairman Cronin presented the report summarising matters of interest from meetings attended, noting that Council's workload was high at present which was reflected in the smaller number of external meetings that were occurring.

Clarification was provided in response to matters raised by Councillors.

Resolved

That the Regional Council:

- 1 Receives the report, Chairman's Report.

Cronin/Sherry
CARRIED

4 Chief Executive's Reports

4.1 Kopeopeo Canal Restoration and Maintenance Works

Ken Tarboton (Group Manager Environmental Hazards) introduced the report that recommended staff proceed with funding applications and preparatory work for the dredging of sediment from the contaminated section of the Kopeopeo Canal for storage on dry land for treatment at a later date. The canal, located outside the western boundary of Whakatane, formed a critical part of the Rangitaiki Drainage Scheme and the Whakatane River Scheme.

Eddie Grogan (Group Manager Water Management) explained the levels of contaminants left from a timber treatment mill that placed the site high on the funding priority list of the Ministry for the Environment. It was noted there were complications in dealing with the site in terms of infrastructure, roading etc and of the options available, removal and storage of the affected material on dry land was preferred at this time. This would immediately address the potential risk to the flood protection system and remove key exposure pathways of dioxin contamination, allowing time for further work on potentially cheaper remediation options to be developed.

Paul Futter (Senior Project Implementation Officer) provided further information on the proposal that would affect flood schemes and clear up affected land, and members agreed the project was one of Council's core environmental duties.

Resolved

That the Regional Council:

- 1 Receives the report, Kopeopeo Canal Restoration and Maintenance Works.**
- 2 Approves application being made to the Ministry for the Environment Contaminated Sites Remediation Fund, prior to the 30 September 2011 application date.**
- 3 Instructs staff to proceed with obtaining resource consents for the excavation and storage of the contaminated sediment in preparation for the physical works being carried out during 2012-2013 financial year.**
- 4 Agrees that staff should include estimated costs and revenue for this restoration project in the Draft Ten Year Plan.**
- 5 Confirms that the decision is in part outside the framework of the Bay of Plenty Regional Council's Ten Year Plan. Council has addressed the decision-making requirements of sections 77 and 78 of the Local Government Act 2002 as part of making the decision.**

**Cronin/Nees
CARRIED**

4.2 Electoral System Review

Members received the consultant's report from 'Independent Election Services Ltd' that provided context for Council's selection of a preferred electoral system option, and they noted the staff recommendation that the First Past the Post (FPP) electoral system be retained for the 2013 election and beyond. Discussion took place about the available options and Brian Trott (Group Manager Finance and Corporate) advised that all Territorial Authorities in the Bay of Plenty region used the FPP electoral system.

Resolved

That the Regional Council:

- 1 Receives the report, 'Electoral System Review'.**
- 2 Under section 27 of the Local Electoral Act 2001 agrees to retain the First Past the Post electoral system for the Bay of Plenty Regional Council for the 2013 triennial election.**
- 3 Confirms that the decision is within the Bay of Plenty Regional Council's strategic planning framework (Council's Ten Year Plan, and planning documents and processes under the Resource Management Act 1991, Biosecurity Act 1993, Land Transport Act 2003, Civil Defence and Emergency Act 2002, and Local Government Act 1974 and 2002).**

**Thurston/Thompson
CARRIED**

4.3 **Appoint Replacement Commissioner for Regional Policy Statement Hearing Committee**

Mary-Anne MacLeod (Chief Executive Officer) introduced the report recommending the appointment of Rob van Voorthuysen to act as an independent Hearing Commissioner for the Proposed Bay of Plenty Regional Policy Statement hearings scheduled to commence on 15 September 2011. Mr van Voorthuysen would replace Councillor Whitaker who had withdrawn due to other commitments.

Members queried whether the appointment of independent commissioners would be Council policy going forward. Speaking as Chair of the Regional Policy Statement Hearing Committee, Councillor Bennett emphasised the need for this process to be done as well as possible, recognising there was a gap in technical expertise in this instance.

Resolved

That the Regional Council:

- 1 Receives the report, Appoint Replacement Commissioner for Regional Policy Statement Hearing Committee.**
- 2 Appoints Rob van Voorthuysen as an Independent Commissioner, under section 34A of the Resource Management Act 1991, as a member of the Regional Policy Statement Hearing Committee to replace Councillor M Whitaker.**
- 3 Confirms that the decision is within the Bay of Plenty Regional Council's strategic planning framework (Council's Ten Year Plan, and planning documents and processes under the Resource Management Act 1991, Biosecurity Act 1993, Land Transport Act 2003, Civil Defence and Emergency Act 2002, and Local Government Act 1974 and 2002).**

**Bennett/Cronin
CARRIED**

4.4 **Proposed Biosecurity amendments to the Staff Delegations Manual**

Warwick Murray (Group Manager Land Management) sought Council approval to amend the Staff Delegations Manual to support the implementation of the Regional Pest Management Plan for the Bay of Plenty 2011 - 2016.

Resolved

That the Regional Council:

- 1 Receives the report, Proposed Biosecurity amendments to the Staff Delegations Manual.**
- 2 Approves the amendments to staff delegations as proposed in table 1 of this report and that table 1 replaces the table in section 4.3.2 Biosecurity activities in the Staff Delegations Manual.**

- 3 Confirms that the decision is within the Bay of Plenty Regional Council's strategic planning framework (Council's Ten Year Plan, and planning documents and processes under the Resource Management Act 1991, Biosecurity Act 1993, Land Transport Act 2003, Civil Defence and Emergency Act 2002, and Local Government Act 1974 and 2002).**

**Cronin/Whitaker
CARRIED**

4.5 Adopting amendments to the Ten Year Plan 2009-2019 Investment and Liability Management Policies

Council considered amendments to the investment and liability management policy in the 2009-2019 Ten Year Plan to provide the option to participate in the Local Government Funding Agency scheme. Brian Trott (Group Manager Finance and Corporate) noted there would be corrections made and assessment of risk would be restated at the September Council meeting.

Resolved

That the Regional Council:

- 1 Receives the report, Adopting amendments to the Ten Year Plan 2009-2019 Investment and Liability Management Policies.**
- 2 Adopt amendments to the Ten Year Plan 2009-2019 Investment and Liability Management Policies as in the attached appendices.**
- 3 Accept staff recommendation to consider decisions on the 29 September 2011 to participate in the Local Government Funding Agency scheme as a principal shareholder.**
- 4 Notes that Council has followed the special consultative procedure in preparing and consulting on the amendments to the Ten Year Plan 2009-2019.**

**Cronin/Mansell
CARRIED**

4.6 Update on Tauranga Moana Settlement Process

The Chief Executive brought Councillors up to date on a briefing received from the Office of Treaty Settlements. Members were advised that the settlement process for the Tauranga Moana claim was entering a stage that meant a more intensive engagement process for Council, and it was important that the right relationship was built now.

Resolved

That the Regional Council:

- 1 Receives the report, Update on Tauranga Moana Settlement Process.**

**Cronin/Thompson
CARRIED**

5 **Resolution to exclude the public**

THAT the public be excluded from the following parts of the proceedings of this meeting.

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:

5.1 **Regional Council Meeting - 27 July 2011**

Reason

Good reason for withholding exists under Section 48(1)(a)

Grounds

To protect the privacy of an individual.

5.2 **Finance and Corporate Committee Meeting - 9 August 2011**

Reason

Good reason for withholding exists under Section 48(1)(a)

Grounds

To prevent improper gain or advantage.

**Cronin/Mansell
CARRIED**

The meeting closed at 11.13 am, at the conclusion of the publicly excluded reports.

Confirmed

Chairman Bay of Plenty Regional Council

Date