

Minutes of the Regional Council Meeting held in Council Meeting Room One, Bay of Plenty Regional Council, 5 Quay Street, Whakatane on Tuesday, 15 November 2011 commencing at 9.30 a.m.

Present:

Chairman: Deputy Chairman Sherry

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

In Attendance: E Grogan (Group Manager Water Management), S Hey (Manager Strategic Support), S Lamb (Principal Advisor/Executive Officer), M Macleod (Chief Executive), M McConway (Group Manager Technology and Economic Development), K Tarboton (Group Manager Environmental Hazards), L Butt (Governance Team Leader)

Attendance in part - E Hatch (Acting Transport Policy Manager), B Healy (Transport Planner), S Wheeler (Contractor, Finance)

Apologies: Chairman Cronin and Councillor Thompson

1 General Business and Tabled Items

Resolved

That pursuant to section 46A of the Local Government Official Information and Meetings Act 1987 the following items be considered at this meeting.

1.1 Regional On-Scene Commander Delegations

Refer tabled document number 1.

Reason

The matter has just come to hand. The Regional On-Scene Commander Delegations is considered urgent and cannot be delayed until the next Council meeting scheduled in December 2011.

Resolved

That the Regional Council:

- 1 Considers and decides the tabled item "*Regional On-Scene Commander Delegations*".

Sherry/Bennett
CARRIED

2 Council meeting minutes and workshop reports

2.1 Regional Council Meeting - 29 September 2011

Correction

Page 21, item 6.1, spelling error. Delete 'maters' and replace with 'matters'.

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Regional Council meeting held on 29 September 2011 as a true and correct record, with the foregoing correction.

Sherry/Bennett
CARRIED

2.2 Extraordinary Council Meeting - 13 October 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Extraordinary Council meeting held on 13 October 2011 as a true and correct record.

Sherry/Thurston
CARRIED

2.3 Regional Council Meeting - 25 October 2011

Correction

Page 38, item 2.5, resolution 2, delete the last sentence (typographical error) so that the resolution reads: "That the draft Trust Deed for the Bay of plenty Care for the Coast Trust Fund be approved."

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Regional Council meeting held on 25 October 2011 as a true and correct record, with the foregoing correction.

Sherry/ Bennett
CARRIED

2.4 Regional Council Workshop - 28 October 2011

Resolved

That the Regional Council:

- 1 Receives the report of the Regional Council Workshop held on 28 October 2011.**

**Sherry/Whitaker
CARRIED**

2.5 Regional Council Workshop – 9-10 November 2011

Refer tabled document number 2.

Resolved

That the Regional Council:

- 1 Receives the report of the Regional Council Workshop held on 9-10 November 2011.**

**Sherry/Whitaker
CARRIED**

3 Core Committee and Statutory Committee meeting minutes

3.1 Extraordinary Operations, Monitoring and Regulation Committee Meeting - 10 October 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Operations, Monitoring and Regulation Committee meeting held on 10 October 2011.**
- 2 Notes the resolutions made therein under delegated authority.**
- 3 Notes there are no recommendations to adopt.**

**Bennett/Nees
CARRIED**

3.2 Operations, Monitoring and Regulation Committee Meeting - 19 October 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Operations, Monitoring and Regulation Committee meeting held on 19 October 2011.**
- 2 Notes the resolutions made therein under delegated authority.**
- 3 Notes there are no recommendations to adopt.**

**Whitaker/Thurston
CARRIED**

3.3 Strategy, Policy and Planning Committee Meeting - 20 October 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Strategy, Policy and Planning Committee meeting held on 20 October 2011.**
- 2 Notes the resolutions made therein under delegated authority.**
- 3 Notes there are no recommendations to adopt.**

**Bennett/Sherry
CARRIED**

Attendance

Councillor Oppatt attended the meeting at 9.42 am.

3.4 Regional Transport Committee Meeting - 21 October 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Regional Transport Committee meeting held on 21 October 2011.**
- 2 Notes the resolutions made therein under delegated authority.**
- 3 Notes there are no recommendations to adopt.**

**Nees/Owens
CARRIED**

3.5 Finance and Corporate Committee Meeting - 25 October 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Finance and Corporate Committee meeting held on 25 October 2011.**
- 2 Notes the resolutions made therein under delegated authority.**
- 3 Notes there are no recommendations to adopt.**

**Thurston/Nees
CARRIED**

4 Joint Committee meeting minutes

4.1 Rotorua Te Arawa Lakes Strategy Group Meeting - 23 September 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Rotorua Te Arawa Lakes Strategy Group meeting held on 23 September 2011.**
- 2 Notes the resolutions made therein under delegated authority.**
- 3 Notes there are no recommendations to adopt.**

**Thurston/Eru
CARRIED**

4.2 Ohiwa Harbour Implementation Forum Meeting - 31 October 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Ohiwa Harbour Implementation Forum meeting held on 31 October 2011.**
- 2 Notes the resolutions made therein under delegated authority.**
- 3 Notes there are no recommendations to adopt.**

**Whitaker/Sherry
CARRIED**

5 Chief Executive's reports

5.1 Adoption of the Regional Land Transport Strategy 2011-2041

Emlyn Hatch (Acting Transport Policy Manager) presented the report that recommended Council adopt the Regional Land Transport Strategy. Mr Hatch gave a presentation that outlined the development of the Strategy, and the review process.

Members noted that at its meeting held on 21 October 2011, the Regional Transport Committee recommended Council adopt the Strategy.

Regional Transport Committee Chair (Councillor Jane Nees) addressed the Council and thanked staff for their work to get the Strategy to adoption stage, and noted there was consensus and support for the Strategy amongst Regional Transport Committee members.

Resolved

That the Regional Council:

- 1 Receives the report, '*Adoption of the Regional Land Transport Strategy 2011-2041*'.
- 2 Adopt the Bay of Plenty Regional Land Transport Strategy 2011-2041.
- 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).

Nees/Owens
CARRIED

5.2 Bay of Plenty Regional Council 2012 Meeting Calendar

Council requested amendments be made to its meeting schedule in 2012 so that there is a gap of a week between Strategy Policy and Planning, and Operations, Monitoring and Investigation Committee meetings. Other changes and clarifications were advised and it was the general consensus of Council that it defers adopting its 2012 meeting calendar until the next Council meeting scheduled on 15 December 2011 to allow for an amended calendar to be presented.

Resolved

That the Regional Council:

- 1 Receives the report, '*Bay of Plenty Regional Council 2012 Meeting Calendar*'.
- 2 Defers adopting a Council meeting calendar for 2012 to the next Council meeting being held on 15 December 2011.
- 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).

**Sherry/Owens
CARRIED**

5.3 Establishment of a 'Flood Damage Funding Subcommittee'

The report recommended Council establish a Flood Damage Funding Subcommittee and appoint its members. A Councillor suggested it might be useful for Subcommittee members to attend River Liaison Group meetings to be kept informed about stakeholder views.

Resolved

That the Regional Council:

- 1 Receives the report, *Establishment of a 'Flood Damage Funding Subcommittee'*.**
- 2 Agrees to establish a Flood Damage Funding Subcommittee of the Bay of Plenty Regional Council.**
- 3 Delegates to the Flood Damage Funding Subcommittee the power of authority to:**
 - a. Review and confirm the level of flood damage funding to be included in the draft Ten Year Plan,**
 - b. Review and assess the flood damage funding options presented to the 28 October 2011 Ten Year Plan workshop, and**
 - c. Recommend to Council one of the options presented or an alternative funding option for inclusion in its draft Ten Year Plan 2012-2022.**
- 4 Appoints Councillors Mansell, Noble, Owens, Sherry, Thompson and Whitaker to the Flood Damage Funding Subcommittee, with Councillor Sherry as its Chairperson.**
- 5 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).**

**Sherry/Thurston
CARRIED**

5.4 Setting of Targeted Rates for Waioeka - Otara Rivers Scheme for 2011/2012

Ken Tarboton (Group Manager Environmental Hazards) presented the report that recommended the setting of rates for the Waioeka - Otara Rivers Scheme for 2011/2012.

Resolved

That the Regional Council:

- 1 Receives the report, Setting of Targeted Rates for Waioeka - Otara Rivers Scheme for 2011/2012.**
- 2 Confirms that the significance of the decision has been assessed as LOW under Section 119 of the Local Government Act 2002.**
- 3 Notes that, as required by section 119 of the Local Government Act 2002, and in accordance with the low significance associated with the setting of these rates, Council has followed the consultative procedure to establish rates payable by the ratepayers of this scheme.**
- 4 Confirms that the rates specified in the schedule of rates, for the financial year commencing 1 July 2011 to 30 June 2012, are exclusive of Goods and Services Tax.**
- 5 Agrees to set the following rates specified, plus GST at the prevailing rate, under the Local Government (Rating) Act 2002 on rating units in the region in accordance with the relevant provisions of the Funding Impact Statement and Long Term Plan for the financial year commencing on 1 July 2011 and ending on 30 June 2012.**
 - a. In respect of the Waioeka – Otara Rivers Scheme targeted rates sought, are set out in the schedule of rates, as appended, and are to be collected on behalf of the Bay of Plenty Regional Council by Opotiki District Council, and in respect of those rates the days on which rates will become payable and any discounts or additional charges to be applied, shall be the same as resolved by this council.**
- 6 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).**

Sherry/Thurston
CARRIED

5.5 **Tabled item – Regional On-Scene Commander Delegations**

Refer tabled document number 1.

Ken Tarboton (Group Manager Environmental Hazards) presented the report that recommended Council appoint Greg Meikle (Maritime Officer) as a Regional On-Scene Commander for the Bay of Plenty.

Resolved

That the Regional Council:

- 1 Receives the report, *Regional On-Scene Commander Delegations*.**
- 2 Appoint Greg Meikle as a Regional On-Scene Commander for the Bay of Plenty.**

- 3 Adopt the minor amendments to the Staff Delegations Manual (as specified in Appendix 1 to this report).**
- 4 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).**

**Sherry/Whitaker
CARRIED**

Adjournment

The meeting adjourned for morning tea at 10.30 am and reconvened at 10.53 am.

6 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:

6.1 Regional Council Meeting - 29 September 2011

Reason

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

Grounds

Refer to clause 8 in the Council minutes.

6.2 Rotorua Te Arawa Lakes Strategy Group Meeting - 23 September 2011

Reason

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

Grounds

Refer to clause 3 in the Committee minutes.

6.3 Finance and Corporate Committee Meeting - 25 October 2011

Reason

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

Grounds

Refer to clause 1.7 in the Committee minutes.

**Sherry/Noble
CARRIED**

7 Rena Situation Report - Verbal Update**7.1 Update on MV Rena Grounding**

The Chief Executive updated Council about progress being made with the Rena recovery operation. Ms Macleod highlighted the following points:

- There is little oil left on the Rena vessel;
- Operations are focussed on container removal and noted to date 50 containers are missing;
- Tauranga beaches are likely to be reopened this week;
- There is suspended oil in the ocean of which the location and quantity is unknown;
- Negotiations continue with Maritime NZ to manage issues of liability and responsibility (and explained the legal situation);
- Advised the initiatives being developed as the operation evolves from a response to a recovery phase e.g. development of a Container Recovery Plan; a Monitoring Plan; an Environmental Recovery Plan and a Maritime New Zealand Long Term Response Plan.
- To date there has been no discussion in respect of the future of the wreck.

Councillors sought and received clarification during the Chief Executive's presentation. A concern was noted about the need to communicate and manage any health and safety issues around harvesting kaimoana.

Resolved

That the Regional Council:

- 1 Receives the report, *Update on MV Rena Grounding*.**

**Sherry/Thurston
CARRIED**

The meeting closed at 11.25 am

Confirmed

Chairman Bay of Plenty Regional Council

Date