

# Minutes of the Regional Council Meeting held in Trinity 1, Sebel Trinity Wharf Hotel, 51 Dive Crescent, Tauranga on Wednesday, 20 April 2011 commencing at 11.00 a.m.

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## 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:** B Bayfield (Chief Executive), M Macleod (Group Manager Strategic Development), B Trott (Group Manager Corporate Services), K Tarboton (Group Manager Rivers and Drainage), E Grogan (Group Manager Water Management), M McConway (Group Manager Technology and Economic Development), W Murray (Group Manager Land Management), S Lamb (Principal Advisor/Executive Officer), P Sisam (Acting Community Relations Manager), L Butt (Committee Secretary)

**Apologies:** Nil

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## 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 Urgent additional item – Amend delegation to approve Hot Swap Financial Assistance packages

#### Reason

The matter has just come to hand, and cannot be delayed until the next Council meeting on 26 May 2011.

In accepting this item be included in the agenda it was agreed that the matter be considered as part of the Chairman's report (refer page 81, item 8.1 of the agenda).

### Resolved

**That the Regional Council:**

- 1 Agrees to accept the urgent item to amend the delegation to approve Hot Swap Financial Assistance Packages.

- 2 **Agrees to consider the item as part of the Chairman's report.**

**Cronin/Sherry  
CARRIED**

## 2 **Tangata whenua delegation – Ngati Pukenga**

A delegation from Te Matakahi, the negotiating team for Te Au Maaro o Ngati Pukenga (the iwi entity for Ngati Pukenga mandated to settle all the historical Treat of Waitangi claims of Ngati Pukenga) made a presentation to the Regional Council.

Rahera Ohia (Lead Negotiator), Te Awanuiarangi Black (Negotiator) and Areta Gray (Negotiations Manager) were in attendance.

The presentation included an explanation about who Ngati Pukenga is, where they are at currently in the negotiations process, and their aspirations.

## 3 **Regional Council meeting minutes**

### 3.1 **Regional Council Meeting - 10 March 2011**

#### **Resolved**

**That the Regional Council:**

- 1 **Confirms the minutes of the Council meeting held on 10 March 2011 as a true and correct record.**

**Cronin/Sherry  
CARRIED**

## 4 **Committee meeting minutes**

### 4.1 **Strategy, Policy and Planning Committee Meeting - 22 March 2011**

#### **Resolved**

**That the Regional Council:**

- 1 **Confirms the minutes of the Strategy, Policy and Planning Committee meeting held on 22 March 2011.**
- 2 **Notes the resolutions made therein under delegated authority.**
- 3 **Notes there are no recommendations to adopt.**

**Bennett/Sherry  
CARRIED**

**4.2 Operations, Monitoring and Regulation Committee Meeting - 23 March 2011****Resolved**

That the Regional Council:

- 1 Confirms the minutes of the Operations, Monitoring and Regulation Committee meeting held on 23 March 2011.
- 2 Notes the resolutions made therein under delegated authority.
- 3 Notes there are no recommendations to adopt.

Whitaker/Thurston  
CARRIED

**4.3 Chief Executive Employment Committee Meeting - 31 March 2011****Resolved**

That the Regional Council:

- 1 Confirms the minutes of the Chief Executive Employment Committee meeting held on 31 March 2011.
- 2 Notes the resolutions made therein under delegated authority.
- 3 Notes there are no recommendations to adopt.

Sherry/Thompson  
CARRIED

**4.4 Chief Executive Employment Committee Meeting – 5 April 2011****Resolved**

That the Regional Council:

- 1 Confirms the minutes of the Chief Executive Employment Committee Meeting held on 5 April 2011.
- 2 Notes the resolutions made therein under delegated authority.
- 3 Notes there are no recommendations to adopt.

Sherry/Cronin  
CARRIED

#### 4.5 **Finance and Corporate Committee Meeting - 5 April 2011**

##### **Resolved**

That the Regional Council:

- 1 Confirms the minutes of the Finance and Corporate Committee meeting held on 5 April 2011.
- 2 Notes the resolutions made therein under delegated authority.
- 3 Adopts the recommendation under item 1.3 entitled “BOPLASS Limited – Draft Statement of Intent for the 2011-2012 year” to:
  - (a) Adopt the Statement of Intent for BOPLASS.

Thompson/Thurston  
CARRIED

#### 5 **Joint Committee Meeting Minutes**

##### 5.1 **Ohiwa Harbour Implementation Forum Meeting - 21 March 2011**

##### **Resolved**

That the Regional Council:

- 1 Confirms the minutes of the Ohiwa Harbour Implementation Forum meeting held on 21 March 2011.
- 2 Notes the resolutions made therein under delegated authority.
- 3 Adopts the following recommendations under item 5.3 “Ohiwa Harbour Strategy Action Report” to:
  - (a) Endorse the actions on bylaws and promote them to their respective councils and committees;
  - (b) Endorse the actions on Resource Management Protocols and promote them to their respective councils and committees;
  - (c) Endorse the recommendations on Protecting the Character and Estuarine Health of Ohiwa and promote them to their respective councils and committees;
  - (d) Endorse Whakatane District Council as the lead agency to establish a forum to develop an Ohiwa Harbour Planning Zone with an integrated plan policy structure sensitive to the requirements of the whole harbour.
  - (e) Endorse recommendation 2, 3 and 4 on the Monitoring and Enforcement Regimes of Ohiwa and promote them to their respective councils and committees to:
    - (i) Continue with current levels of monitoring and enforcement but improve information distribution.

- (ii) Provide an annual monitoring and enforcement report covering the Ohiwa Harbour to assist with its overview and coordination role.
- (iii) Invite appropriate council enforcement officers to one of its meetings to present on their work and discuss how the community can best help and how best to distribute relevant information.
- (iv) Investigate the business case for the appointment of a dedicated person (Ohiwa Harbour Strategy Officer) charged with overseeing Ohiwa Harbour Strategy action requirements by the councils.

Cronin/Whitaker  
CARRIED

## 5.2 Rotorua Te Arawa Lakes Strategy Group Meeting - 25 March 2011

### Resolved

That the Regional Council:

- 1 Confirms the minutes of the Rotorua Te Arawa Lakes Strategy Group meeting held on 25 March 2011.
- 2 Notes the resolutions made therein under delegated authority.
- 3 Notes the recommendation outlined in item 2.3 "Review of the Strategy for the Lakes of the Rotorua district" is being presented to Council as a separate report (refer item 9.3 (page 113) of the Council agenda.

Cronin/Oppatt  
CARRIED

## 6 Chairman's Reports

### 6.1 Chairman's Report

Council agreed to amend the delegation to approve applications under the 'Rotorua Hot Swap Financial Assistance' package to the Chief Executive or his/her delegate.

The Chairman presented his report that highlighted matters of interest from meetings and engagements he had attended in March and April 2011.

Members sought and received clarification on matters outlined in the report.

### Resolved

That the Regional Council:

- 1 Receives the report, Chairman's Report.

- 2 Amend the delegation to approve applications under the Rotorua Hot Swap Financial Assistance programme to read: *“Delegate authority to approve applications under the ‘Rotorua Hot Swap Financial Assistance’ package to the Chief Executive or his/her delegate.”*
- 3 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.

Cronin/Sherry  
CARRIED

## 6.2 Chief Executive Employment Matters

The Chairman presented his report that updated the Council on the CE Employment Committee’s work undertaken to date, and clarified the CE recruitment process. The Chairman advised the position description and person specification appended to the report were “interim” and would be forwarded to the Chief Executive Employment Committee for further consideration.

It was agreed to amend the timeline (refer item 8, *‘Timeline for new Chief Executive’s performance process (after appointment)’*) to include a new step that on or about 1 July 2012 a review of the Chief Executive’s KPI’s is initiated.

The Chairman updated Council about the recruitment process noting 15 applications had been received and another two candidates had expressed interest in applying. He advised the closing date to receive applications had been extended to 26 April 2011.

### Resolved

That the Regional Council:

- 1 Receives the report, ‘Chief Executive Employment Matters’.
- 2 Ratifies the interim Chief Executive Position Description (refer Appendix 1).
- 3 Ratifies the interim Chief Executive Person Specification (refer Appendix 2).
- 4 Appoints the Council Chairman as the Chair of the Chief Executive Employment Committee.
- 5 Extend the membership of the Chief Executive Employment Committee to include Councillors Thurston and Whitaker.
- 6 Confirms the membership of the Chief Executive Employment Committee is Chairman Cronin (Chair), Deputy Chairman Sherry, Councillors Bennett, Thompson, Thurston and Whitaker.
- 7 Confirms that under the Chief Executive Employment Committee delegated authority number 8 that states: *“Consider and advise Council on all matters relevant to the employment of the Council’s Chief Executive.”* the Chief Executive Employment Committee has the power of authority to:
  - (a) Receive all applications;

- (b) Determine those candidates that will be interviewed for potential short listing;
  - (c) Arrange for candidate interview times;
  - (d) Conduct interviews with the selected candidates for short listing;
  - (e) Determine the shortlist of candidates for the Regional Council to interview;
  - (f) Reference check and undertake due diligence on the short listed candidates;
  - (g) Coordinate an agreed process for the Regional Council interview process;
  - (h) Arrange an Extraordinary meeting of the Regional Council for the purpose of interviewing the short listed candidates;
  - (i) From 3 June 2011, plan induction and action cover if required (Acting CE);
- 8 Notes the Regional Council has responsibility to:
- (a) Interview the shortlisted candidates;
  - (b) Agree the terms and conditions of the Chief Executive's contract;
  - (c) Determine the Chief Executives KPI's;
  - (d) Determine the Chief Executive's remuneration band;
  - (e) Select a preferred candidate for Chief Executive;
  - (f) Make the final appointment.
- 9 Confirms that once a preferred candidate for Chief Executive is selected, the membership of the Chief Executive Employment Committee is the Chairman and Deputy Chairman and any additional Councillors as determined by the Regional Council (the (amended) Chief Executive Employment Committee).
- 10 Authorises the (amended) Chief Executive Employment Committee to:
- (a) Negotiate the final terms and conditions of employment of the preferred candidate with parameters as determined by the Regional Council;
  - (b) Advise the Regional Council of the outcomes of the negotiation of the final terms and conditions.
- 11 Confirms the timeline and actions outlined in sections 7 and 8 of this report, with the foregoing amendment to include a review of the CE KPI's on or about 1 July 2012.
- 12 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require:
- (a) Further identification and assessment of different options under section 77 LGA;
  - (b) Further investigation or consideration of community views

**under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.**

**Cronin/Sherry  
CARRIED**

### 6.3 Council remuneration 2011/2012

The Chairman presented his report that recommended Council's remuneration structure and associated policy for 2011/12. He noted that once Council had confirmed its recommendations, this would be forwarded to the Remuneration Authority for its approval.

#### MOTION

**Move: Chairman Cronin**

**Second: Councillor Sherry**

That the remuneration structure is:

(a)	Total indicative pool (determined by the RA)		569,655
	Add RA approved addition		<u>46,000</u>
	Enhanced Total Council pool		<u>615,655</u>
	Less meeting fees pool		<u>12,655</u>
	Councillor enhanced pool for 12 councillors		603,000
	Position	Number	Salary per Councillor
	Deputy Chairman	1	54,500 54,500
	Committee Chairs	5	54,500 272,500
	Councillor	6	46,000 <u>276,000</u>
	Total remuneration	12 councillors	603,000

#### AMENDMENT

**Move: Councillor Oppatt**

**Second: Councillor Thurston**

That the remuneration structure is:

(b)	Total indicative pool (determined by the RA)		569,655
	Add RA approved addition		<u>47,750</u>
	Enhanced Total Council pool		<u>617,405</u>
	Less meeting fees pool		<u>14,405</u>
	Councillor enhanced pool for 12 councillors		603,000
	Position	Number	Salary per Councillor
	Deputy Chairman	1	52,750 52,750

Committee Chairs	5	52,750	263,750
Councillor	6	47,750	<u>286,000</u>
Total remuneration	12 councillors		603,000

The amendment was PUT and CARRIED.

The amendment became the substantive motion and was PUT, and CARRIED.

## Resolved

That the Regional Council:

- 1 Receives the report, 'Council remuneration 2011/2012'.
- 2 Approves the following positions, relativities and remuneration rates, and meetings fees pool for 2011/12, for recommendation to the Remuneration Authority (RA):
  - (a) Relativities
 

Deputy Chair	Approx. 1.10
Committee Chair	Approx. 1.10
Subcommittee Chair	1.0
Councillor	1.0
  - (b) Positions and remuneration rates
 

Total indicative pool (determined by the RA)	569,655
Add RA approved addition	<u>47,750</u>
Enhanced Total Council pool	<u>617,405</u>
Less meeting fees pool	<u>14,405</u>
Councillor enhanced pool for 12 councillors	603,000

Position	Number	Salary per Councillor	
Deputy Chairman	1	52,750	52,750
Committee Chairs	5	52,750	263,750
Councillor	6	47,750	<u>286,000</u>
Total remuneration	12 councillors		603,000
- 3 Approves the "Rules for refund and reimbursement of expenses of elected members 2011/2012" as appended to this report, for recommendation to the Remuneration Authority (RA).
- 4 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms

that in light of the level of significance of the decision it does not require:  
(a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.

Oppatt/Thurston  
CARRIED

The meeting adjourned for lunch at 12.35 pm and reconvened at 1 pm.

## 7 Chief Executive's Reports

### 7.1 Report Back on a Recommendation to Review the Strategy for the Lakes of the Rotorua district

The report recommended the Regional Council ratify the recommendation from the Rotorua Te Arawa Lakes Strategy Group.

#### Resolved

That the Regional Council:

- 1 Receive the report, Report Back on a Recommendation to Review the Strategy for the Lakes of the Rotorua district.
- 2 Note that on 25 March 2011 the Rotorua Te Arawa Lakes Strategy Group received a report on the review of the Strategy for the Lakes of the Rotorua district [refer Appendix One].
- 3 Note that the Rotorua Te Arawa Lakes Strategy Group under delegated authority agreed to recommend to partner organisations Option 3A, the development of a new Strategy for the Lakes of the Rotorua district that retains the current vision and overriding intent of co-management (Goal 13) and develops a new strategic direction to achieve the vision.
- 4 Ratify the Rotorua Te Arawa Lakes Strategy Group recommendation agreeing Option 3A, the development of a new Strategy for the Lakes of the Rotorua district that retains the current vision and overriding intent of co-management (Goal 13) and develops a new strategic direction to achieve the vision.
- 5 Confirm the funding for the Regional Council's role in the development of a new Strategy with partner organisations for the Lakes of the Rotorua district in the 2011/2012 financial year at a cost of approximately 320 hours of staff time and \$40,000. This is to be funded within the responsive policy programme of the Strategic Policy Activity area of the current Ten Year Plan.
- 6 Confirm that the significance of the decision has been assessed as LOW, and confirms that no further identification and assessment of different options, consideration of community views and written record is required.

Cronin/Thurston  
CARRIED

## 7.2 Flying the National Maori Flag

The Chief Executive presented the report that asked Council to consider options for flying the Maori flag along with the New Zealand flag. The consensus of Council was that the Maori flag fly on occasions that are significant to Maori. Council also requested the Maori Committee be asked to consider and give guidance to staff as to those occasions that are deemed significant to Maori.

It was noted that the only location the Regional Council has a flagpole is at its Whakatane office.

### Resolved

**That the Regional Council:**

- 1 Receives the report, Flying the National Maori Flag**
- 2 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.**
- 3 Approves flying the Maori Flag on occasions that are significant to Maori at any location that the Regional Council has a flagpole. Noting that the present policy is to fly the flag on Waitangi Day only.**
- 4 That the Maori Committee consider and give guidance to staff as to those occasions that are deemed significant to Maori.**

**Thurston/Oppatt  
CARRIED**

## 7.3 Local Government Funding Agency

Refer tabled document number 1.

The report recommended Council approve for distribution and consultation a statement of proposal that the Council supports the establishment of a New Zealand Government Funding Agency. Generally Council supported the initiative noting its significant benefit to ratepayers by way of assisting the reduction of local authority debt servicing costs however concern was expressed about the potential risk of liability.

### Resolved

**That the Regional Council:**

- 1 Receives the report, Local Government Funding Agency.**
- 2 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.**

- 3 Approves for distribution and consultation the statement of proposal for:**
  - (i) The establishment of a New Zealand Local Government Funding Agency, with the foregoing amendments as outlined in tabled document number 1.**
  
- 4 Adopt the following timetable for consultation:**
  - (i) Public notification by Monday 2 May 2011.**
  - (ii) Closing date for submissions is 5pm on Friday 3 June 2011.**
  - (iii) Hearing of submissions will be held on Friday 10 June 2011.**
  - (iv) The Council meeting to formally adopt the proposal will be on Tuesday 14 June 2011.**
  
- 5 Authorise the Chief Executive or his delegate to make any necessary amendments to the documents referred to in this resolution.**

**Thompson/Oppatt  
CARRIED**

#### **7.4 Upper North Island Interregional Agreement**

The Chief Executive presented the report that recommended Council approve the Upper North Island Interregional Agreement, and authorise the Chairman sign it on behalf of the Council.

Council agreed to refer the matter to the Strategy, Policy and Planning Committee and direct staff provide analysis as to the strategic impacts to the Regional Council as a result of signing the agreement.

#### **Resolved**

**That the Regional Council:**

- 1 Receives the report, Upper North Island Interregional Agreement.**
- 2 Refer the matter to the Strategy, Policy and Planning Committee and direct staff to advise the Strategy, Policy and Planning Committee on strategic occurrences.**
- 3 Delegate the Strategy, Policy and Planning Committee approve the Upper North Island Interregional Agreement (attached as Appendix 1) and authorises the Chairman to sign on behalf of Council.**
- 4 Confirms that the significance of the decision has been assessed as LOW, and under Section 79 of the Local Government Act 2002 (LGA) confirms that in light of the level of significance of the decision it does not require: (a) Further identification and assessment of different options under section 77 LGA; (b) Further investigation or consideration of community views under section 78 LGA; (c) Any further written record of the manner in which section 77 and section 78 matters have been addressed.**

**Thompson/Thurston  
CARRIED**

## 8 **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:

### 8.1 **Regional Council Meeting - 10 March 2011**

**Reason**

To enable Council to confirm its public excluded minutes.

**Grounds**

Refer to the relevant clause in the Council meeting minutes.

### 8.2 **Operations, Monitoring and Regulation Committee Meeting - 23 March 2011**

**Reason**

To enable Council to confirm the Committee's public excluded minutes.

**Grounds**

Refer to the relevant clause in the Committee meeting minutes.

### 8.3 **Rotorua Te Arawa Lakes Strategy Group Meeting - 25 March 2011**

**Reason**

To enable Council to confirm the Group's public excluded minutes.

**Grounds**

Refer to the relevant clause in the Group's meeting minutes.

### 8.4 **Finance and Corporate Committee Meeting - 5 April 2011**

**Reason**

To enable Council to confirm the Committee's public excluded minutes.

**Grounds**

Refer to the relevant clause in the Committee meeting minutes.

### 8.5 **Appointment of Independent Director to Quayside**

**Reason**

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.

**Grounds**

To enable the local authority holding the information to carry on, without prejudice or disadvantage negotiations (including commercial and industrial negotiations).

**Cronin/Noble  
CARRIED**

**The meeting closed at 2 pm.**

Confirmed

\_\_\_\_\_  
Chairman Bay of Plenty Regional Council

\_\_\_\_\_  
Date