

Minutes of the Regional Council Meeting held in Council Meeting Room One, Bay of Plenty Regional Council, 5 Quay Street, Whakatane on Thursday, 23 June 2011 commencing at 9.30 a.m.

Present:

Chairman: Chairman J Cronin

Deputy Chairman: P Sherry

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

In Attendance: M Macleod (Acting Chief Executive), B Trott (Group Manager Corporate Services), W Murray (Group Manager Land Management), E Grogan (Group Manager Water Management), S Hey (Strategic Support Manager), S Lamb (Principal Advisor/Executive Officer), K McKenzie (Transport Planner), P Sisam (Senior Communications Officer), L Butt (Governance Team Leader)

Apologies: Councillor J Nees

1 Council Meeting Minutes

1.1 Regional Council Meeting 26 May 2011

Refer tabled item number 1.

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Regional Council meeting held on 26 May 2011 as a true and correct record.**

**Cronin/Sherry
CARRIED**

1.2 **Regional Council Draft Annual Plan Hearings 16-17 May 2011 and Deliberations 7 June 2011**

Refer tabled document number 2.

Resolved

That the Regional Council:

- 1 **Confirms the minutes of the Bay of Plenty Regional Council Draft Annual Plan 2011/2012 Hearing and Deliberations held on 16-17 May and 7 June 2011 as a true and correct record.**

**Cronin/Sherry
CARRIED**

2 **Committee Meeting Minutes**

2.1 **Strategy, Policy and Planning Committee Meeting 14 June 2011**

Refer tabled document number 3.

Resolved

That the Regional Council:

- 1 **Confirms the minutes of the Strategy, Policy and Planning Committee meeting held on 14 June 2011.**
- 2 **Notes the resolutions made therein under delegated authority.**
- 3 **Notes there are no recommendations to adopt.**

**Bennett/Sherry
CARRIED**

2.2 **Operations, Monitoring and Regulation Committee Meeting 16 June 2011**

Refer tabled document number 4.

Corrections

- (a) **Attendances:** Councillor Oppatt was not present, and should be recorded as an apology.
- (b) **Item 3.2, grounds for excluding the public.** Correct to be "commercial sensitivity".

Resolved

That the Regional Council:

- 1 **Confirms the minutes of the Operations, Monitoring and Regulation Committee meeting held on 16 June 2011, with the foregoing corrections.**
- 2 **Notes the resolutions made therein under delegated authority.**

- 3 **Adopts the recommendation under item 2.1 entitled '*Whakatane Ohope Sites Biodiversity Management Plan*' to approve grant funding for the Whakatane Ohope Sites Biodiversity Management Plan at \$930,000 for five years.**

**Whitaker/Noble
CARRIED**

2.1 **Chairman's Reports**

2.2 **Chairman's Report**

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

Members sought and received clarification on a number of matters outlined in the report and it was agreed that clarification would be provided to the Regional Council as to the Triennial meetings terms of reference and authority.

Resolved

That the Regional Council:

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

**Cronin/Sherry
CARRIED**

2.3 **Councillor mileage**

The Chairman presented the report that advised the Regional Council about the recent Remuneration Authority decision to allow the elected member km rate to be charged at 74c per km for the first 5,000 km's, and recommended the Regional Council amend its policy to accept the increase.

Resolved

That the Regional Council:

- 1 **Receives the report, '*Councillor mileage*'.**
- 2 **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).**
- 3 **Approves the amended '*Rules for the refund and reimbursement of expenses of elected members 2011/12*' as appended to this report, for recommendation to the Remuneration Authority.**

**Mansell/Thurston
CARRIED**

3 Chief Executive's Reports

3.1 2011/2012 Electoral System and Representation Arrangements Reviews

The report recommended the Regional Council adopt a timeframe to undertake the various actions required to review its electoral system and representation arrangements.

Resolved

That the Regional Council:

- 1 Receives the report, '*2011/2012 Electoral System and Representation Arrangements Reviews*'.
- 2 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).
- 3 Adopts the timeframe as outlined in item 3 of this report.

Cronin/Sherry
CARRIED

3.2 Adoption of Annual Plan 2011/12

The report recommended the Regional Council adopt its Annual Plan 2011/2012.

Resolved

That the Regional Council:

- 1 Receives the report, '*Adoption of Annual Plan 2011/12*'.
- 2 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).
- 3 Notes that Council has followed the special consultative procedure in preparing and consulting on the Annual Plan 2011/12.
- 4 Adopts the Annual Plan 2011/12.

Cronin/Whitaker
CARRIED

3.3 **Adoption of the Section 36 Charges Policy and the Port Charges Policy 2011/12**

The report recommended the Regional Council adopt its port charges policy and section 36 charges policy for 2011/2012.

Declaration of conflict of interest

Councillor Mansell declared a conflict of interest and took no part in the discussion or voting on this item.

Resolved

That the Regional Council:

- 1 **Receives the report, *'Adoption of the Section 36 Charges Policy and the Port Charges Policy 2011/12'*.**
- 2 **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).**
- 3 **Adopts the 'RMA Section 36 Charges Policy 2011/2012' for implementation on 1 July 2011.**
- 4 **Adopts the 'Port Charges Policy 2011/2012' for implementation on 1 July 2011.**

Cronin/Sherry
CARRIED

3.4 **Adoption of the Policy on Remission and Postponement of Rates 2011**

The report recommended the Regional Council adopt its policy on the remission and postponement of rates as consulted on with the Annual Plan 2011/2012.

Resolved

That the Regional Council:

- 1 **Receives the report, *'Adoption of the Policy on Remission and Postponement of Rates 2011'*.**
- 2 **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).**
- 3 **Adopts the new 'Policy on Remission and Postponement of Rates' for implementation on 1 July 2011.**

Whitaker/Bennett
CARRIED

3.5 **Setting of Rates for 2011/2012**

The report recommended the Regional Council set its rates for 2011/2012.

Resolved

That the Regional Council:

- 1** Receives the report, '*Setting of Rates for 2011/2012*'.
- 2** Confirms that the significance of the decision has been assessed as HIGH, and under Section 79 of the Local Government Act 2002 (LGA) confirms the written record of the manner in which section 77 and section 78 matters have been addressed.
- 3** Notes that, as required by the Local Government Act 2002, and in accordance with the high significance associated with the setting of rates, Council has followed the special consultative procedure to establish rates payable by the ratepayers of the region.
- 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 General rates sought, are set out in the schedule of rates, as appended, and are to be collected on behalf of Bay of Plenty Regional Council by the constituent district and city councils of the Bay of Plenty region, i.e. Kawerau District Council, Opotiki District Council, Rotorua District Council, Taupo District Council, Tauranga City Council, Western Bay of Plenty District Council, Whakatane 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 those councils.
 - b.** In respect of the Major River and Drainage 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 the constituent district and city councils of the Bay of Plenty region, i.e. Kawerau District Council, Opotiki District Council, Rotorua District Council, Taupo District Council, Tauranga City Council, Western Bay of Plenty District Council, Whakatane 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 those councils.
 - c.** In respect of the Passenger Transport targeted rate, the 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 the Rotorua District Council and Tauranga City 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 those district and city councils.

- d. In respect of the Rotorua Lakes Programme targeted rate, the 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 the Rotorua 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 that district council.
- e. In respect of the Rotorua Air Action Plan implementation targeted rate, the 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 the Rotorua 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 that district council.
- f. In respect of the Rotorua Air Clean Heat Conversion Voluntary targeted rate, the 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 the Rotorua 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 that district council.
- g. In respect of the Minor River and Drainage targeted rates, the rates sought set out in the schedule of rates, as appended, which are collected directly by the Bay of Plenty Regional Council, where the total amount of rates payable, plus GST at the prevailing rate, in respect of any property is \$9.99 or less, pursuant to Section 54 of the Local Government (Rating) Act 2002, the rates payable in respect of the property shall be nil.

The Minor River and Drainage rates shall be payable at the office of the Bay of Plenty Regional Council, Quay Street, P O Box 364, Whakatane on 22 January 2012 in one sum.

- (i) Pursuant to section 57 and 58(1)(a) of the Local Government (Rating) Act 2002, with respect to the Minor River and Drainage rates levied in the 2011/2012 year, a charge of 10% shall be made on so much of any instalment that has been assessed after 1 July 2011 and which is unpaid after 24 February 2012.
- (ii) Pursuant to section 57 and 58(1)(b) of the Local Government (Rating) Act 2002, with respect to Minor River and Drainage rates levied before 1 July 2011 a charge of 10% shall be made on so much of any rates which remain unpaid on 19 August 2011.
- (iii) Pursuant to section 57 and 58(1)(c) of the Local Government (Rating) Act 2002, with respect to Minor River and Drainage rates, a further charge of 10% shall be made on any rates to which a penalty has been added under (ii) if the rates remain unpaid on 24 February 2012.

Cronin/Sherry
CARRIED

3.6 **Public Transport Management Act Delegation**

The report recommended the Regional Council delegates authority to the Chief Executive, or his/her delegate to approve or decline applications to register, vary, or withdraw commercial public transport services.

Resolved

That the Regional Council:

- 1** Receives the report, *'Public Transport Management Act Delegation'*.
- 2** Delegates to the Chief Executive, or his/her delegate, the authority to approve or decline applications to register, vary or withdraw commercial public transport services.
- 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).

Thompson/Mansell
CARRIED

3.7 **Western Bay of Plenty Road Safety Committee membership**

The report recommended the Regional Council appoint Councillor Jane Nees to be the Bay of Plenty Regional Council's representative on the Western Bay of Plenty Road Safety Committee.

Resolved

That the Regional Council:

- 1** Receives the report, *'Western Bay of Plenty Road Safety Committee membership'*.
- 2** Appoints Councillor Jane Nees as the Bay of Plenty Regional Council representative on the Western Bay of Plenty Joint Road Safety Committee
- 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).

Owens/Noble
CARRIED

3.8 **Process for seeking community views and preferences on key financial matters for the Ten Year Plan 2012-2022**

The Acting Chief Executive, Mary-Anne Macleod, presented the report that sought a decision from Council on whether it wants to obtain community views and preferences on the Revenue & Financing Policy and redirection of its investment funds prior to the draft Ten Year Plan consultation commences.

Members debated the options to either engage in a pre-consultation process or develop the policy itself, noting the latter option meant that the only consultation on a draft policy would be as part of the Regional Council's ten year plan consultation process.

Members confirmed the development of a social impact report would be commissioned in July noting that this was critical to the policy development process. Information from the social impact report would be available by mid-September.

Adjournment

The Council meeting adjourned for morning tea at 10.27 am and reconvened at 10.50 am.

After considerable debate it was noted that there was general support that Council develop the draft policy itself, and that consultation be part of the ten year plan consultation process. It was agreed to defer decision on the item to enable Council to draft an appropriate motion to reflect its consensus view.

Resolved

That the Regional Council:

- 1 Defer the item, '*Process for seeking community views and preferences on key financial matters for the Ten Year Plan 2012-2022*', until later in the meeting.**
- 2 Agree to continue with the meeting business as outlined in the agenda order paper.**

**Cronin/Sherry
CARRIED**

3.9 **Appointment of Acting Chief Executive as BoPLASS Director**

As a consequence of the recent resignation of the Chief Executive, the report recommended Council appoint the Acting Chief Executive to the Board of BoPLASS Limited.

Resolved

That the Regional Council:

- 1 Receives the report, '*Appointment of Acting Chief Executive as BoPLASS Director*'.**

- 2 **Appoints Mary-Anne Macleod Acting Chief Executive as the Council's Shareholder representative and Director of BoPLASS Limited in accordance with the Shareholder Agreement dated 15th October 2007.**
- 3 **Notes that under BoPLASS Limited's Constitution and Shareholder Agreement, the Chief Executive or Acting Chief Executive is delegated to act as a proxy for Council as the shareholder, to take actions and to make commitments on behalf of Council within the Statement of Intent.**
- 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 Management Act 2002, and Local Government Act 1974 and 2002).**

**Thompson/Mansell
CARRIED**

4 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:

4.1 Bay of Plenty Regional Council Meeting minutes 26 May 2011

Reason

To enable Council to confirm its public excluded minutes.

Grounds

Please refer to the relevant clause in the Council meeting minutes.

4.2 Strategy, Policy and Planning Committee Meeting minutes 14 June 2011

Reason

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

Grounds

Please refer to the relevant clause in the Committee meeting minutes.

4.3 **Operations, Monitoring and Regulation Committee Meeting minutes 16 June 2011**

Reason

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

Grounds

Please refer to the relevant clause in the Committee's meeting minutes.

4.4 **Recovery of High Court Awarded Costs**

Reason

To deliberate in private, Council's decision where a right of appeal lies.

Grounds

To protect the privacy of an individual.

Cronin/Sherry
CARRIED

5 **Chief Executive reports continued**

5.1 **Process for seeking community views and preferences on key financial matters for the Ten Year Plan 2012-2022**

Resolved

That the Regional Council:

- 1 **Receives the report, '*Process for seeking community views and preferences on key financial matters for the Ten Year Plan 2012-2022*'.**
- 2 **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).**
- 3 **Instructs the Acting Chief Executive to develop a process to allow Council to define its approach to the issues of the future use of its investment income and its rating ratios.**
- 4 **Notes that the completion of the work in recommendation 3 (above) will enable it to develop its draft Revenue & Financing Policy and its draft Financial Strategy.**
- 5 **Agrees to meet as soon as appropriate to progress the matters in recommendation 3 (above).**

Cronin/Sherry
CARRIED

The meeting closed at 11.17 am

Confirmed

Chairman Bay of Plenty Regional Council

Date