

Minutes of the Regional Council Meeting held in Trinity 1, Sebel Trinity Wharf Hotel, 51 Dive Crescent, Tauranga on Thursday, 26 May 2011 commencing at 10.30 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: B Bayfield (Chief Executive), M Macleod (Group Manager Strategic Development), B Trott (Group Manager Corporate Services), K Tarboton (Group Manager Rivers and Drainage), W Murray (Group Manager Land Management), G Maloney (Acting Strategic Development Group Manager), S Hey (Strategic Support Manager), L Thompson (Senior Communications Officer), L Butt (Committee Secretary)

Apologies: Councillor J Nees

1 Council Minutes and Workshop Reports

1.1 Regional Council Meeting - 20 April 2011

Correction

Page 19, item 6.3 entitled Council remuneration 2011/2012, resolution 2(a):

Delete clause 2(a) that refers to "relativities". Council did not resolve to adopt the relativity principle.

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Regional Council meeting held on 20 April 2011, with the foregoing correction.**
- 2 Notes the resolutions made therein under delegated authority.**
- 3 Notes there no recommendations to adopt.**

**Cronin/Sherry
CARRIED**

1.2 Regional Council Workshop - 18 April 2011**Resolved**

That the Regional Council:

- 1 Confirms the report of the Regional Council Workshop held on 18 April 2011.**

**Cronin/Sherry
CARRIED**

1.3 Regional Council Workshop - 27 April 2011**Resolved**

That the Regional Council:

- 1 Confirms the report of the Regional Council Workshop held on 27 April 2011.**

**Cronin/Thurston
CARRIED**

1.4 Chief Executive Employment Committee Meeting - 10 May 2011**Resolved**

That the Regional Council:

- 1 Confirms the minutes of the Chief Executive Employment Committee meeting held on 10 May 2011.**
- 2 Notes the resolutions made therein under delegated authority.**
- 3 Notes there no recommendations to adopt.**

**Cronin/Thurston
CARRIED**

2 Committee Minutes**2.1 Maori Committee Meeting - 28 April 2011****Correction:**

Councillor Marr should not be listed as present.

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Maori Committee meeting held on 28 April 2011, with the foregoing correction.
- 2 Notes the resolutions made therein under delegated authority.
- 3 Notes there no recommendations to adopt.

Eru/Bennett
CARRIED

2.2 Operations, Monitoring and Regulation Committee Meeting - 3 May 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Operations, Monitoring and Regulation Committee meeting held on 3 May 2011.
- 2 Notes the resolutions made therein under delegated authority.
- 3 Adopts the following recommendations:
 - (a) Under item 1.4 *'Deferment of Capital Works – Ford Road Pumping Station Reconstruction'* to:
 - (i) Defer reconstruction of the Ford Road Pumping Station.
 - (b) Under item 1.5 *'Whakatane River stopbank proposal at Fishing Club/Wharf area'* to;
 - (ii) Include the \$90,000 loan funding in the 2011-12 Annual Plan capital works budget for the Whakatane-Waimana Rivers Scheme to carry out the proposed stopbank improvement works.

Whitaker/Sherry
CARRIED

2.3 Strategy, Policy and Planning Committee Meeting - 4 May 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Strategy, Policy and Planning Committee meeting held on 4 May 2011.
- 2 Notes the resolutions made therein under delegated authority.
- 3 Notes there no recommendations to adopt.

Bennett/Sherry
CARRIED

2.4 Regional Transport Committee Meeting - 5 May 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Regional Transport Committee meeting held on 5 May 2011.
- 2 Notes the resolutions made therein under delegated authority.
- 3 Notes there no recommendations to adopt.

Owens/Cronin
CARRIED

2.5 Finance and Corporate Committee Meeting - 10 May 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Finance and Corporate Committee meeting held on 10 May 2011.
- 2 Notes the resolutions made therein under delegated authority.
- 3 Adopts the recommendations to:
 - (a) Receives the report, '*Christchurch Earthquake Response Costs*'.
 - (b) Absorb the costs of responding to the Canterbury Earthquake of 22 February 2011 within the current operating budget.
 - (c) Corresponds with the Minister of Civil Defence & Emergency Management advising that, whilst Council is aware a claim may be lodged, this action will not be pursued.

Thompson/Sherry
CARRIED

3 Joint Committee Minutes

3.1 Civil Defence Emergency Management Group Joint Com Meeting - 6 May 2011

Resolved

That the Regional Council:

- 1 Confirms the minutes of the Civil Defence Emergency Management Group Joint Committee meeting held on 6 May 2011.

- 2 **Notes the resolutions made therein under delegated authority.**
- 3 **Notes there no recommendations to adopt.**

**Cronin/Sherry
CARRIED**

4 **Chairman's Report**

4.1 **Chairman's Report**

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

Members sought and received clarifications on a number of matters outlined in the report and were advised that in respect of the Bay of Plenty Triennial response to the *Auckland Unleashed* discussion document, the Regional Council was coordinating a submission on behalf of the Bay of Plenty Triennial. It was also noted that the content of the submission will be presented to the Strategy Policy and Planning Committee and that the Chair of this committee is delegated the authority to sign-off the final submission.

Council noted the Regional Energy Forum interactive workshop held on 28 April 2011 was led by Regional Council staff Miles McConway and Cheryl MacGregor. It was agreed that staff will update the Council about Regional Energy Forum matters at a future date.

Resolved

That the Regional Council:

- 1 **Receives the report, *Chairman's Report***
- 2 **Appoints Tauranga City Councillor Rick Curach as that Council's representative on the Public Transport Subcommittee, and Mayor Crosby as the alternative representative in Councillor Curach's absence.**

**Cronin/Sherry
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 - 20 April 2011**

Reason

To enable Council to confirm its public excluded minutes.

Grounds

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

5.2 Strategy, Policy and Planning Committee Meeting - 4 May 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.

5.3 Finance and Corporate Committee Meeting - 10 May 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.

5.4 Chief Executive Employment Committee Meeting - 10 May 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.

5.5 Presentation – Decision-making following the Court of Appeal Judgement**Reason**

Good reason to withhold exists under section 7.

Grounds

Maintain legal professional privilege.

5.6 Presentation – Kiwifruit Vine Health Authority**Reason**

Good reason to withhold exists under section 7.

Grounds

Making available the information would be likely unreasonably to prejudice the commercial position of the subject of the information.

**Cronin/Sherry
CARRIED**

6 Chief Executive Reports

6.1 Council Outcomes

The report presented draft Council Outcomes that were developed to feed into the draft Ten Year Plan. Members expressed disappointment that the outcomes did not express a strong enough partnership and advocacy approach by the Regional Council.

It was the general consensus of Council to defer a decision on the council outcomes, to allow further consideration of the concerns expressed.

Resolved

That the Regional Council:

- 1 Defers a decision on the item 'Council Outcomes' until after the lunch adjournment.**

**Cronin/Thompson
CARRIED**

6.2 Council's Decision-Making Framework

The report recommended Council consider the implications of the Local Government Act 2002 amendment 2010 to its current decision-making framework, and adopt the proposed framework.

Resolved

That the Regional Council:

- 1 Receives the report, Council's Decision-Making Framework.**
- 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 Notes that Council's current Decision-Making Framework, and Policy on Significance are more restrictive than what is required by the LGA Amendment Act 2010 when making certain decisions.**

- 4 **Adopts the revised Decision-Making Framework, dated 26 May 2011 (attached as appendix two to this report).**
- 5 **Agrees to update the Policy on Significance through the Ten Year Plan 2012-2022 process.**

**Oppatt/Thompson
CARRIED**

The meeting adjourned for lunch at 12.21pm and reconvened at 1.02 pm

6.3 Council Outcomes /continued

It was agreed to adopt the Council outcomes outlined in Table 2, as amended.

- 1 **Receives the report, Council Outcomes.**
- 2 **Adopts the Council Outcomes in Table 2, as amended.**
- 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/Marr
CARRIED**

6.4 Draft Revenue and Financing Policy Development and Pre-consultation Package and Process

The Chief Executive presented the report that recommended Council adopt a consultation process for the draft Revenue and financing Policy. It was noted that the scenarios recommended in the report were borne from direction expressed at previous council workshops.

Resolved

That the Regional Council:

- 1 **Receives the report, Draft Revenue and Financing Policy Development and Pre-consultation Package and Process**
- 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 **Agrees that the four rating scenarios included in the pre-consultation package are:**
 - **Status quo of targeted rates to general funding;**
 - **Amended targeted rates to general funding ratios (Rotorua Lakes 25:75; Rotorua air 25:75; public transport 60:40) with river schemes remaining unchanged (at 80:20);**
 - **Targeted rates only for river schemes (at 80:20);**
 - **No targeted rates.**
- 4 **Agrees that a social impact report will be completed and work-shopped prior to any decision to include the draft Revenue and Financing Policy in the draft Ten Year Plan.**

**Mansell/Oppatt
CARRIED**

6.5 **Proposed Staged Redirection of Council Investment Funds Pre-consultation Package and Process**

The report recommended Council implement a pre-consultation package for its proposed revenue and financing policy and the proposed redirection of council investment income.

Resolved

That the Regional Council:

- 1 **Receives the report, Proposed Staged Redirection of Council Investment Funds Pre-consultation Package and Process.**
- 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 **Agrees that a pre-consultation package based on scenarios “1”, “4” and “5”, as presented by PricewaterhouseCoopers on 18 April 2011, is to be developed by staff for Council’s approval on 23 June 2011.**
- 4 **Agrees that a social impact report will be completed and work-shopped prior to any decision to include the proposed staged redirection of Council investment income in the draft TYP.**

- 5 **Agrees that additional scenarios that emerge as a result of information received during public feedback will be work-shopped prior to any decision to include the proposed staged redirection of Council investment income in the draft TYP.**

**Cronin/Sherry
CARRIED**

6.6 **Sewage Treatment and Reticulation for Lakes Rotoiti, Rotoehu and Rotoma : Rotoma Resource Consent Application**

Warwick Murray (Group Manager Land Management) presented the report that recommended the Regional Council formally advise the Rotorua District Council that it will make subsidy payments toward the development of the scheme only when it is fully satisfied that the objectives of the Strategy for the Lakes of the Rotorua District and the Rotoiti and Rotoma action plans will be met.

Resolved

That the Regional Council:

- 1 **Receives the report, Sewage Treatment and Reticulation for Lakes Rotoiti, Rotoehu and Rotoma : Rotoma Resource Consent Application.**
- 2 **Confirms that the significance of the decision has been assessed as MEDIUM, 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 **Directs the Chief Executive, in consultation with the Chairman, to make further regional sewage subsidy payments for the Rotoiti and Rotoma schemes only when he is satisfied that the water quality objectives of the Strategy for the Lakes of the Rotorua District and the Rotoiti and Rotoma Action Plan are being achieved.**

**Thurston/Cronin
CARRIED**

6.7 **Fresh Start for Fresh Water**

The Chief Executive presented the report that updated the Regional Council on the Government's programme of freshwater reform *Fresh Start for Fresh Water*, and outlined the high level implications for Regional Council.

Resolved

That the Regional Council:

- 1 **Receives the report, '*Fresh Start for Fresh Water*'.**

**Cronin/Sherry
CARRIED**

7 **Chairman's Announcement**

The Chairman addressed the Council noting this was the last Council meeting that the Chief Executive will participate in before he leaves to take up his new appointment as the Chief Executive of Environment Canterbury in Christchurch on 13 June 2011.

On behalf of the Council, Chairman Cronin recorded thanks to Mr Bayfield for his work and efforts during the past five years at the helm of Bay of Plenty Regional Council. Chairman Cronin noted that under Mr Bayfield's leadership, the Regional Council had advanced itself on many issues.

Mr Bayfield responded, thanking members for their support and leadership during his time here.

The meeting closed at 1.54 pm.

Confirmed

Chairman Bay of Plenty Regional Council

Date