

I hereby give notice that a meeting of Horizons Regional Council will be held on:

**Date:** Tuesday, 25 February 2020  
**Time:** 10.00am  
**Venue:** Tararua Room Horizons Regional Council  
11-15 Victoria Avenue  
Palmerston North

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## **REGIONAL COUNCIL**

### **AGENDA**

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#### **MEMBERSHIP**

<b>Chair</b>	Cr RJ Keedwell
<b>Deputy Chair</b>	Cr JM Naylor
<b>Councillors</b>	Cr AL Benbow
	Cr EM Clarke
	Cr DB Cotton
	Cr SD Ferguson
	Cr EB Gordon
	Cr FJT Gordon
	Cr WM Kirton
	Cr NJ Patrick
	Cr WK Te Awe Awe
	Cr GJ Turkington

**Michael McCartney**  
**Chief Executive**

Contact Telephone: 0508 800 800  
Email: [help@horizons.govt.nz](mailto:help@horizons.govt.nz)  
Postal Address: Private Bag 11025,  
Palmerston North 4442

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**[www.horizons.govt.nz](http://www.horizons.govt.nz)**

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**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Items in the agenda may be subject to amendment or withdrawal at the meeting.

for further information regarding this agenda, please contact:  
Julie Kennedy, 06 9522 800

<b>CONTACTS</b>	<b>24 hr Freephone :</b> <b>0508 800 800</b>	<b>help@horizons.govt.nz</b>	<b>www.horizons.govt.nz</b>	
<b>SERVICE CENTRES</b>	<b>Kairanga</b> Cnr Rongotea & Kairanga-Bunnythorpe Rds, Palmerston North	<b>Marton</b> 19-21 Hammond Street	<b>Taumarunui</b> 34 Maata Street	<b>Woodville</b> Cnr Vogel (SH2) & Tay Sts
<b>REGIONAL HOUSES</b>	<b>Palmerston North</b> 11-15 Victoria Avenue	<b>Whanganui</b> 181 Guyton Street		
<b>DEPOTS</b>	<b>Levin</b> 120-122 Hokio Beach Rd	<b>Taihape</b> 243 Wairanu Rd		
<b>POSTAL ADDRESS</b>	Horizons Regional Council, Private Bag 11025, Manawatu Mail Centre, Palmerston North 4442			
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- PX9 Additional Loan Funding  
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- PX10 Council to **consider** whether any item in the Public Excluded minutes can be moved into the public domain, and **define** the extent of the release.

## AGENDA

### 1 WELCOME / KARAKIA

### 2 APOLOGIES AND LEAVE OF ABSENCE

At the close of the Agenda no apologies had been received.

### 3 PUBLIC FORUMS: Are designed to enable members of the public to bring matters, not on that meeting's agenda, to the attention of the local authority.

**DEPUTATIONS:** Are designed to enable a person, group or organisation to speak to an item on the agenda of a particular meeting.

Requests for Public Forums / Deputations must be made to the meeting secretary by 12 noon on the working day before the meeting. The person applying for a Public Forum or a Deputation must provide a clear explanation for the request which is subsequently approved by the Chairperson.

**PETITIONS:** Can be presented to the local authority or any of its committees, so long as the subject matter falls within the terms of reference of the council or committee meeting being presented to.

Written notice to the Chief Executive is required at least 5 working days before the date of the meeting. Petitions must contain at least 20 signatures and consist of fewer than 150 words (not including signatories).

Further information is available by phoning 0508 800 800.

### 4 SUPPLEMENTARY ITEMS

To consider, and if thought fit, to pass a resolution to permit the Committee/Council to consider any further items relating to items following below which do not appear on the Order Paper of this meeting and/or the meeting to be held with the public excluded.

Such resolution is required to be made pursuant to Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended), and the Chairperson must advise:

- (i) The reason why the item was not on the Order Paper, and
- (ii) The reason why the discussion of this item cannot be delayed until a subsequent meeting.

### 5 MEMBER'S CONFLICT OF INTEREST

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.



Minutes of the fourth meeting of the eleventh triennium of Horizons Regional Council (Live Streamed) held at 1.00pm on Tuesday 17 December 2019, in the Tararua Room, Horizons Regional Council, 11-15 Victoria Avenue, Palmerston North.

**PRESENT** Crs RJ Keedwell (Chair), AL Benbow, EM Clarke, DB Cotton (via audio visual link), SD Ferguson, EB Gordon, FJT Gordon (from 1.16pm), WM Kirton, JM Naylor, NJ Patrick, WK Te Awe Awe, and GJ Turkington.

**IN ATTENDANCE**

Chief Executive	Mr MJ McCartney
Group Manager	
Corporate and Governance	Mr C Grant
Committee Secretary	Mrs JA Kennedy

**ALSO PRESENT** At various times during the meeting:  
Dr N Peet (Group Manager Strategy & Regulation), Dr J Roygard (Group Manager Natural Resources & Partnerships), Mr R Strong (Group Manager River Management), Mr G Shirley (Group Manager Regional Services & Information), Mr J Bell (Manager Investigations & Design), Mr C White (IT Support), Ms C Morrison (Media & Communications Manager), and a member of the Press.

## WELCOME

The Chair welcomed everyone to the meeting and invited Cr Te Awe Awe to say a Karakia.

## APOLOGIES

19-36

**Moved**

**Keedwell/Naylor**

*That the Council receives apologies from Cr F Gordon (lateness) and from Cr Te Awe Awe for early departure from the meeting.*

**CARRIED**

Cr Te Awe Awe was present for the whole meeting.

## PUBLIC FORUMS / DEPUTATIONS / PETITIONS

There were no requests for public speaking rights.

## SUPPLEMENTARY ITEMS

Report of Strategy & Policy Committee, 10 December 2019, and Catchment Operations Committee, 11 December 2019.

## MEMBERS' CONFLICTS OF INTEREST

There were no conflicts of interest declared.

## CONFIRMATION OF MINUTES

**19-37**                    **Moved**    **Turkington/Clarke**

*That the minutes of the Regional Council meeting held on 26 November 2019 as circulated, be confirmed as a correct record.*

**CARRIED**

## CHIEF EXECUTIVE'S REPORT

The Chief Executive presented his report, highlighted the release of the Te Āpiti Manawatū Gorge book and acknowledged the efforts of retiring staff, Mr Barry Gilliland and Mr Noel Proctor. The Chief Executive wished everyone a Merry Christmas and thanked everyone for their support and guidance.

**19-38**                    **Moved**    **Naylor/Ferguson**

*That the Chief Executive's report be received.*

**CARRIED**

## TRIENNIAL AGREEMENT - MANAWATŪ-WHANGANUI REGION

*Report No 19-202*

This item presented the Triennial Agreement for endorsement. Mr Grant (Group Manager Corporate & Governance) introduced the item and highlighted the minor amendments as per the recommendations. Questions of clarification were responded to by Mr Grant and the Chair.

**19-39**                    **Moved**    **Benbow/Clarke**

*It is recommended that Council:*

- a. *receives the information contained in Report No. 19-202 and Annex.*
- b. *notes that all the signatory councils have been asked to sign the new Triennial Agreement by 1 March 2020;*
- c. *endorses the existing Triennial Agreement with the following changes:*
  - *updates in regard to names and dates;*
  - *additional reference and annex regarding the signed Memorandum of Understanding for Climate Change;*
  - *removal of paragraph relating to review agreement;*
  - *referral to economic growth and development, to economic prosperity.*
- d. *agrees to review the agreement annually in regard to its effectiveness.*

**CARRIED**



## LIVE STREAMING OF COUNCIL MEETINGS - SIX MONTH REVIEW

Report No 19-203

This item reported on the results of the live streaming six-month trial and considered future live streaming opportunities for Horizons Regional Council meetings. Mr Grant (Group Manager Corporate & Governance) spoke to the item and referred to the options available for Council's consideration to determine the future of live streaming.

*Cr F Gordon joined the meeting at 1.16pm.*

Members had the opportunity to ask questions of clarification, express their views around the options provided, and commented on their preferences for a way forward.

**19-40**                      **Moved**                                      **Keedwell/Ferguson**

*It is recommended that Council:*

- a. *receives the information contained in Report No. 19-203 and Annex.*

**CARRIED**

Following the discussion by Members, a new Option 7 was proposed. Members expressed their views either for or against the proposed option.

**19-41**                      **Moved**                                      **Keedwell/Ferguson**

*It is recommended that Council:*

- a. *agrees to continue live streaming utilising the following option:*
  - vi. *Option 7 - Fully enhanced hardware owned by Horizons and externally operated by contractor to livestream Council and Strategy & Policy Committee meetings.*

*For: Crs Ferguson, F Gordon, Patrick, Te Awe Awe, Keedwell*

*Against: Crs Naylor, Benbow, Clarke, Cotton, B Gordon, Kirton, Turkington*

**LOST**

Further recommendations were then proposed and discussed by Council.

**19-42**                      **Moved**                                      **Naylor/Patrick**

*It is recommended that Council:*

- a. *agrees that Council continues to livestream Council meetings plus Strategy & Policy Committee meetings, using the current technology;*
- b. *agrees that the Chief Executive and the Chair of Council be delegated responsibility to approve live streaming of any other meetings they deem is of significant public interest.*

*For: Crs Benbow, Clarke, Cotton, Ferguson, F Gordon, Keedwell, Kirton, Naylor, Patrick, Te Awe Awe*

*Against: Crs B Gordon and J Turkington*

**CARRIED**

## AFFIXING OF THE COMMON SEAL

*Report No 19-204*

This paper reported on documents to which Horizons Regional Council's Common Seal had been affixed.

**19-43**

**Moved**

**Naylor/Patrick**

*That the Council:*

a. *acknowledges the affixing of the Common Seal to the below mentioned documents:*

- *Lease – Renewal  
Lessee: Kakariki Proteins Limited  
Area: 6.43 ha  
Location: Kakariki Road, Halcolme  
Period: 1 September 2019 – 31 August 2028*
  
- *Warrant Card  
Enforcement Officer  
Kerry Pearce  
Bryant Environmental Solutions  
(Expert for the Te Ahua A Turanga Project)*

**CARRIED**

## COUNCILLORS' WORKSHOP ATTENDANCE - 19 NOVEMBER 2019 TO 10 DECEMBER 2019

*Report No 19-205*

This item noted the Councillors' Workshop attendance from 19 November 2019 to 10 December 2019.

**19-44**

**Moved**

**Naylor/Patrick**

*It is recommended that Council:*

a. *receives the information contained in Report No. 19-205 and Annex.*

**CARRIED**



**PROCEDURAL MOTION TO EXCLUDE THE PUBLIC**

**19-50                      Moved    Naylor/Ferguson**

*THAT the public be excluded from the following part(s) 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 follows.*

*This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 and section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:*

**CARRIED**

General subject of each matter to be considered	Reason for passing this resolution	Ground(s) under section 48(1) for the passing of this resolution
PX1 Confirmation of Public Excluded Meeting held on 26 November 2019	s7(2)(h) - the withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.
PX2 Report of Audit, Risk & Investment Committee Meeting - Receive and Adopt Resolutions and Recommendations – 26 November 2019	s7(2)(h) - the withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.
PX3 Report of Catchment Operations Committee Meeting - Receive and Adopt Resolutions and Recommendations – 11 December 2019	s7(2)(h) - the withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.
PX4 Reid Line Property Purchase	s7(2)(h) - the withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.
PX5 Council / Committee to consider whether any item in the Public Excluded minutes can be moved into the public domain and define the extent of the release		

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The meeting adjourned to the Public Excluded part of the meeting at 2.10pm and resumed at 2.19pm.

The meeting closed at 2.20pm.

Confirmed

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CHIEF EXECUTIVE

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CHAIR



## CHIEF EXECUTIVE'S REPORT TO COUNCIL

Tuesday, 17 December 2019

Michael McCartney – Chief Executive

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### Introduction

1. This report updates members on key activities undertaken since the last Council meeting. Given the last Chief Executive's update was presented at the 26 November 2019 meeting this report is a little briefer than normal.

### Planning and Policy

2. The first of the more detailed workshops for the 2020-21 Annual Plan took place last week. Following on from that workshop the management team has revisited some of the activities and proposals initially presented. A workshop that will follow on from the December 2019 Council meeting will provide an opportunity to discuss revised proposals and priorities. The schedule for the Annual Plan development is very tight and depending on the direction of travel provided by Council there may be a need to insert additional (unplanned) workshops.
3. The submission and further submission period to Plan Change 2 of the One Plan have closed.
4. At the recent Strategy and Policy Committee meeting Council confirmed the appointment of independent hearing commissioners to consider the submissions and make recommendations to Council.

### Regional Chief Executives and Regional Chiefs

5. The Mayors, Chair and CEs of the Region's councils met on 3 December 2019, under the banner of the Regional Chiefs' meeting. A copy of the cover agenda cover for both these meetings is provided at Annex A. There remains a strong collaborative mood across the local government leadership of the Region. The three areas of focus and conversation were around water/waste and infrastructure, regional spatial planning and climate change.

### Accelerate25 – Regional Economic Growth

6. A meeting of the Accelerate25 (A25) Lead Team took place on 6 December 2019. The meeting was preceded by a short workshop on the Action Plan refresh where the consultant sought thoughts from the lead team members. Following that there were presentations from a number of project leads. A copy of the cover agenda from that meeting is provided at Annex B.

7. On 26 November 2019 (prior to the Council meeting) we hosted Regional Economic Growth Minister, Hon. Shane Jones. This presented an opportunity to detail the work of A25 and in particular our regional approach to transportation. His visit also coincided with a number of PGF announcements.

#### **Manawatū-Whanganui LASS Limited**

8. The Manawatū-Whanganui LASS Limited (MW LASS) Directors' meeting was held on 9 December 2019. One of the key items on the agenda was the presentations from the leadership development cohort on their respective projects. What was inspiring was the level of knowledge, creativity and energy the young leaders brought to their projects. At a later time I would like to explore the opportunity to invite the leadership group to present to Council on their projects. In the interim, the Directors have agreed to further invest in preparation on a more detailed business plan for one of the projects. A copy of the cover agenda from that meeting is provided at Annex C.

#### **Manawatū River Leaders' Accord**

9. The final forum of the Manawatū River Leaders' Accord for this year was held on 12 December 2019. A copy of the cover agenda is provided at Annex D.

#### **Te Ao Nui**

10. Work continues on the top floor fit-out for both the Horizons and PNCC Emergency Operating Centres (EOCs) and last week we commenced relocating staff from both councils to their new premises, aiming for full occupancy of the EOCs at the commencement of 2020. The official opening however will not occur until the New Year, coinciding with ministerial availability which is looking to be around late January.

#### **Regional Sector / National Issues**

11. The inaugural Regional Sector meeting took place on 8 November 2019. On 13 December 2019 LGNZ hosted a regional chairs and mayors' induction session in Wellington.
12. On 28 and 29 November 2019 the inaugural Zone Three meeting occurred. At that meeting the Zone elected dual chairs, Mayor Andy Watson (Rangitikei) and Mayor Craig Little (Wairoa). Our Region now has three members on LGNZ National Council, Mayor Grant Smith, Mayor Don Cameron and Mayor Hamish McDouall.

#### **Christmas Wish**

13. Finally, I want to take this opportunity to extend my appreciation to the Chair and elected members for the support and guidance over the past year. With the elections behind us, and the LTP to look forward to, 2020 is shaping up to be a busy but exciting year as we position the Organisation for the next decade of challenges.

### **Attachments**

Annex A Regional CEs and Chiefs' Meeting Cover Agendas 3 December 2019

Annex B Accelerate25 Lead Team Meeting Cover agenda 6 December 2019

Annex C Manawatū-Whanganui LASS Limited Meeting Cover Agenda 9 December 2019

Annex D Manawatū River Leaders' Accord Forum Cover Agenda 12 December 2019



Report No.	20-11
Decision Required	

## CREATION OF NEW WATER REGULATOR: TAUMATA AROWAI BILL - DRAFT SUBMISSION

### 1. PURPOSE

- 1.1. This report provides members with an overview of the **Taumata Arowai—the Water Services Regulator Bill**, and seeks approval for the draft submission to be provided to Parliament’s Health Select Committee.

### 2. RECOMMENDATION

It is recommended that Council:

- a. receives the information contained in Report No. 20-11 and Annex A;
- b. notes that the Taumata Arowai – the Water Services Regulator Bill would establish a new regulatory body responsible for overseeing management and monitoring of drinking-water, stormwater, and wastewater networks;
- c. approves the draft submission on the Taumata Arowai – the Water Services Regulator Bill to be provided to Parliament’s Health Committee.

### 3. FINANCIAL IMPACT

- 3.1. There is no impact on existing budgets as a result of this report.

### 4. COMMUNITY ENGAGEMENT

- 4.1. Community engagement around the development of the Bill has been undertaken by the Department of Internal Affairs on behalf of the Government.

### 5. SIGNIFICANT BUSINESS RISK IMPACT

- 5.1. There is no significant business risk impact arising from this report.

### 6. BACKGROUND

- 6.1. The **Havelock North Drinking-Water Inquiry (the Inquiry)** undertaken in 2017 investigated the widespread outbreak of gastroenteritis in Havelock North in August 2016 during which more than 5000 people were estimated to have fallen ill, with up to four deaths associated with the outbreak.
- 6.2. The Inquiry made 51 recommendations to improve the safety of New Zealand’s drinking-water, the main ones being that all water supplies should be treated and that a dedicated drinking-water regulator should be established. The Inquiry found widespread systemic failure of water suppliers to meet the high standards required for the safe supply of drinking-water to the public, and that enforcement of statutory obligations on water suppliers was not as effective as it should be. The Inquiry recommended significant reform.

- 6.3. The first area of reform is the establishment of a new regulatory body to oversee, administer and enforce the drinking-water regulatory system. The Taumata Arowai – the Water Services Regulator Bill establishes this new regulatory body (Taumata Arowai, the Water Regulator Authority) and is part of a broader package to reform the three waters (drinking water, wastewater and stormwater) regulatory systems. The key function of Taumata Arowai is to oversee agencies responsible for managing and monitoring drinking-water.
- 6.4. Regional Councils and **Territorial Authorities (TAs)** have responsibilities for water quality under the Resource Management Act, and through the National Environmental Standard for Sources of Human Drinking Water. TAs are required to manage and monitor drinking-water supplies and comply with the New Zealand Drinking-water Standards. This includes taking reasonable steps to protect water sources from contamination and pollution, and preparing and implementing a Water Safety Plan.

## 7. Overview of the Bill

- 7.1. The Bill establishes Taumata Arowai as a new independent crown entity, which will be governed by a board of 5-7 members. The objectives of Taumata Arowai set out in the Bill are to:
- prioritise drinking-water regulation and safety;
  - help to maintain public confidence in drinking-water safety in New Zealand;
  - build capability among drinking-water suppliers through education and training;
  - ensure that Maori interests are reflected, including Tikanga Māori and Te Mana o te Wai; and
  - improve environmental outcomes for freshwater by providing oversight and guidance to stormwater and wastewater networks.
- 7.2. Taumata Arowai would also have a number of monitoring and enforcement functions including that local authorities are managing drinking-water supplies to the appropriate standard.
- 7.3. The Bill does not impose any regulations on domestic self-suppliers (i.e. single dwellings). The management of water supply and discharge will remain with local entities (in particular with local government).
- 7.4. Iwi and Māori are affected parties for the new regulator given their role as kaitiaki (guardians) of Te Taiao (nature). Therefore, the Bill also provides for a Māori Advisory Group of 5-7 appointed members, who will advise on Māori interests and knowledge as they relate to the objectives, functions, and operating principles of Taumata Arowai. The role of the Māori advisory group includes:
- developing a framework that provides advice and guidance to Taumata Arowai on how to interpret and give effect to Te Mana o te Wai; and
  - providing advice on how to enable mātauranga Māori (Māori knowledge), tikanga Māori (Māori customs and protocol), and kaitiakitanga (guardianship) to be exercised; and
  - any other matters requested by the board.

## 8. DISCUSSION

- 8.1. The Havelock North Inquiry clearly identified a need for oversight and monitoring of drinking-water supply, and ensuring standards are met. While the implications of the Bill

are largely borne by TAs, Horizons will also be required to provide information on drinking-water in our region. This information may be used for enforcement action.

- 8.2. Since the events of 2016, Horizons has been actively working with city and district councils and the region's Health Boards to improve drinking water management in the region; achieving significant progress towards improved drinking-water quality outcomes.
- 8.3. A challenge that remains, and one that is not addressed by the Bill is the impact on small communities in the region, for whom increasing the standards of water supply may be unaffordable. This is particularly notable in communities that are relatively isolated and have experienced contraction over time (even in this current period of growth throughout the region).
- 8.4. While the costs of setting up the new regulator will be covered by Government, there will be new costs imposed on local government - particularly on smaller councils. The flow on effects of these costs (aside from the issue of likely rates increases), could be that choices may need to be made that would affect the progress towards Horizons environmental outcomes. For example, drinking-water supply upgrades may need to be prioritised over wastewater treatment upgrades.
- 8.5. Our role in managing water largely relates to floodwater. At this stage, Taumata Arowai's main role is providing oversight for the three waters. While Horizons have a role as a stormwater network operator, this role is limited. Future legislative development on three waters is unlikely to impact significantly on our role as stormwater network operators.

## HORIZONS' SUBMISSION

- 8.6. A draft submission on the Bill is attached as **ANNEX A** for members' approval. The key points it covers are:
  - Supports the establishment of a new water regulator body with monitoring, management and enforcement functions, particularly for drinking-water; and acknowledges there is further policy development work needed to cover stormwater and wastewater.
  - The Bill does not acknowledge the potential financial implications for the regulated sector, or for small drinking water suppliers, such as Marae or Papakāinga, who would be required to ensure drinking-water supplies are improved and/or maintained to the regulated standard;
  - The Bill does not include a provision that allows for the funding of the Māori Advisory Group. It is important that a robust funding mechanism is incorporated in the Bill to ensure the efficiency of the Māori Advisory Group;
  - There is a potential for overlap of Taumata Arowai and other agencies – like the Environmental Protection Authority or the Ministry for the Environment. There are already a number of agencies with roles and responsibilities relating to managing and monitoring water quality. The Bill is unclear on how these responsibilities may overlap and who may have the final say on water quality issues.
  - The Bill does not include any provisions that appoints a representative from the regulated sector to Taumata Arowai's board;

## 9. CONSULTATION

- 9.1. No consultation was required in the preparation of this report. Formal consultation on the Bill is being conducted through the Parliamentary Select Committee process, with public submissions to be considered by the Health Committee.

**10. TIMELINE / NEXT STEPS**

- 10.1. Submissions to Select Committee are due by 4 March, with the aim for Government to pass this Bill before the election period begins in 2020.

**11. SIGNIFICANCE**

- 11.1. This is not a significant decision according to the Council's Policy on Significance and Engagement.

Georgia Tyree  
**GRADUATE POLICY ANALYST**

Rebecca Tayler  
**MANAGER POLICY & STRATEGY**

Abby Matthews  
**MANAGER SCIENCE & INNOVATION**

Nic Peet  
**GROUP MANAGER POLICY & STRATEGY & REGULATION**

**ANNEXES**

- A Draft submission on Taumata Arowai - the Water Services Regulator Bill

17 February 2020

ROA 05 01  
2020 GT/RT

Committee Secretariat  
Health Committee  
Parliament Buildings  
Wellington

Dear Sir or Madam,

**HORIZONS REGIONAL COUNCIL SUBMISSION – TAUMATA AROWAI – THE WATER SERVICES REGULATOR BILL**

Thank you for the opportunity to submit on Taumata Arowai – the Water Services Regulator Bill (the Bill). Horizons Regional Council (Horizons) is the regional authority for the Manawatū-Whanganui Region.

Horizons believes that our region is a great place to live, work and play. Our responsibilities include managing the region's natural resources, flood control, monitoring air and water quality, pest control, facilitating economic growth, leading regional land transport planning, and coordinating our region's response to natural disasters.

Overall, Horizons welcomes the intent of the Bill and understands the issues it seeks to address. We agree that the establishment of a new water services regulatory body (Taumata Arowai) would be beneficial to water quality management of drinking-water, stormwater, and wastewater.

Regional councils have responsibilities for water quality in the Resource Management Act (RMA) and regulations for drinking-water set out in the National Environmental Standard for Sources of Human Drinking Water (NES). Horizons welcome the introduction of the Bill and the establishment of Taumata Arowai. We believe it would guarantee local authorities nationally are making progress towards meeting their responsibilities under the RMA and NES.

Horizons supports the Bill in its objective to bring uniformity and leadership through Taumata Arowai encouraging collaboration among agencies involved with the management and monitoring of drinking-water, wastewater, and stormwater. Horizons have been collaborating with the territorial authorities in our region and the region's Health board to improve drinking water management. Irrespective of central government intent, Horizons has implemented a structured working arrangement between councils in our region.

Horizons are supportive of Taumata Arowai in its objective to protect and promote drinking-water safety and public health outcomes. We implemented our water quality research program in 2018 to assess

drinking-water supplies providing for the Manawatū-Whanganui region. Water supplies were ranked from high priority to low priority. Work undertaken on drinking-water supplies has led to a decrease in high priority supplies. Horizons have already made significant progress in promoting drinking-water safety in our region. We support the Bill in its objective to achieve better water quality nationally.

#### **Financial ambiguity**

Taumata Arowai is just one component of the government's progress in improving freshwater quality in New Zealand. The recent suite of legislative proposals has the potential to impose a suite of costs to local authorities. The new potential cost for Taumata Arowai is likely to contribute to issues of affordability given the broad range of legislation currently being considered.

The Bill does not acknowledge the cost of establishing Taumata Arowai and its ongoing operations. Those in the regulated sector have no clear indication of the potential financial consequences and how this might fall. While the cost of setting up Taumata Arowai will be covered by the government, there will be new costs imposed on local government – particularly on smaller councils. These costs are likely to include the cost of improving and maintaining water supplies. The effects of these new costs (aside from the issue of likely rate increases) could be the choices that may need to be made that would affect progress towards environmental outcomes. For example, given that the legislation imposes enforcement action for drinking-water; drinking-water supplies may be prioritised over stormwater or wastewater treatment upgrades.

The Bill does not sufficiently address the impact on small communities, particularly in rural areas, who face challenges of unaffordability due to the increasing standards of water supply. Small drinking water suppliers, like those that serve Marae and Papakāinga, may face financial implications due to the challenge of improving and maintaining water supplies to standard. Small suppliers are unlikely to have the financial resources available to improve and maintain drinking-water supplies.

We propose the Select Committee clarify the potential financial implications that relate to the establishment and ongoing operations of Taumata Arowai. We propose that the Bill is amended to clarify Central Government's intent regarding the potential cost for the regulated sector.

The Bill does not include any provision that allows for sustainable funding of the Māori Advisory Group. The lack of a sufficiently robust funding mechanism allows for uncertainty regarding the future of the Māori Advisory Group and the group's ability to advise Taumata Arowai. We propose that the Bill provides for the inclusion of a robust funding mechanism for the Māori Advisory Group. The inclusion of a funding mechanism would ensure that the Māori Advisory Group is established and would continuously advise the board of Māori interests.

#### **Inclusion of perspectives**

The Bill does not make provisions for the inclusion of perspectives of the regulated community. The board is required to incorporate individuals with a variety of expertise including, governance, public health, and Tikanga Māori. The Bill establishes a Māori advisory group to advise Taumata Arowai on Māori interests and knowledge as they relate to the functions and objectives of Taumata Arowai. However, the Board does not appear to require a representative with knowledge or understanding of drinking-water supply, management of stormwater or wastewater networks.

We propose a provision is incorporated that requires the board to include, at minimum, one representative with expertise relating to water management, monitoring, or regulation. This would be beneficial as it would provide the board with stakeholder insight. The inclusion of a representative from the regulated community would provide insight and knowledge from the perspective of those within the regulated group. Another potential benefit of the inclusion of a representative may be an increased level of confidence and trust from the regulated community towards the newly established Taumata Arowai.

**Other matters**

The Bill is unclear on the potential for overlaps of Taumata Arowai and other agencies – like the Environmental Protection Authority or the Ministry for the Environment. There are already a number of agencies with responsibilities relating to managing and monitoring water quality. The Bill is unclear on how these responsibilities may overlap and who may have the final say on water quality issues. We propose the Select Committee clarify the potential overlap of powers for Taumata Arowai and other agencies.

Once again, thank you for the opportunity to submit on Taumata Arowai – the Water Services Regulator Bill.

Yours sincerely,

Rachel Keedwell  
**CHAIR**





Report No.	20-12
Decision Required	

## ENHANCING THE HEALTH AND WELLBEING OF THE MANGAKINO (MAKINO) STREAM - THE USE OF FINE FUNDS

### 1. PURPOSE

- 1.1. This paper seeks Member's consideration of the use of remaining funds from the prosecution of PGG Wrightson Limited and Carrfields Livestock Limited.

### 2. EXECUTIVE SUMMARY

- 2.1. On 16 February 2018, a discharge of animal effluent occurred into the Mangakino (Mākino) stream in Feilding. Horizons investigated and laid charges against PGG Wrightson and Carrfields. These companies were subsequently found guilty and fined in court. The case included a victim impact statement on behalf of tangata whenua and the stream itself, provided by Ngati Kauwhata.
- 2.2. The Judge imposed fines totalling \$146,250 of which \$131,000 was received by Horizons. Horizons has used the fine monies to cover the cost of its investigation. \$76,165 remains. In his notes, Judge Dwyer noted the request from Ngati Kauwhata that '*some of the fine monies be directed to environmental work for the benefit of the waters in this particular area*'. Horizons staff have discussed the use of remaining funds to benefit the health and wellbeing of the stream principally with Ngati Kauwhata.

### 3. RECOMMENDATION

It is recommended that Council:

- a. receives the information contained in Report No. 20-12;
- b. notes that Horizons Regional Council received \$131,000 in fine monies following the prosecution of two parties for an illegal discharge of animal effluent into the Mangakino (Mākino) stream;
- c. notes that after covering the costs to ratepayers of taking the prosecution \$76,165 remains;
- d. **either**
  - i. agrees that the remaining \$76,165 be absorbed into the general reserve;
  - or**
  - ii. agrees that, subject to a formal agreement, \$76,165 be expended on a series of projects to benefit the health and wellbeing of the Mangakino (Mākino) stream as detailed in this report;

### 4. FINANCIAL IMPACT

- 4.1. A total of \$131,000 were received in fines. After covering the cost of the investigation and prosecution \$76,165 remains.

- 4.2. The options for the remaining funds are that they are:
- i. absorbed into Horizons' general reserves
  - ii. utilised for the health and well-being of the stream.

## 5. COMMUNITY ENGAGEMENT

- 5.1. There have been ongoing discussions with Ngati Kauwhata.

## 6. SIGNIFICANT BUSINESS RISK IMPACT

- 6.1. There is no significant business risk

## 7. BACKGROUND

- 7.1. The use of fine monies is at the discretion of Horizons. Fines levied by the courts are collected by the Ministry of Justice and the portion due to Horizons is then remitted to Council. The collection of any fine is the prerogative of the Ministry of Justice.
- 7.2. The court will sometimes make comment on the use of fine monies, but doesn't have the power to instruct Council on how it uses the funds.
- 7.3. There is precedent for using all or part of fine monies to benefit the environment and in particular, where there is a clear victim, such as a river. In the case of the diesel spill caused by Ruapehu Alpine Lifts, Horizons covered the costs of its investigation from the fine monies and the remainder was used for community projects around the Mākōtuku. In the case of pollution of the Mōwhanau stream by Whanganui District Council, Horizons committed in sentencing that funds would be used to benefit the river in agreement with Ngaa Rauru.
- 7.4. The connection between communities and iwi / hapū and waterways is often a significant factor in court processes. In the case of the illegal discharge into the Mangakino (Mākino), Ngati Kauwhata filed a victim impact statement on behalf of the manga, themselves and their relationship with the manga.
- 7.5. In his sentencing notes, Judge Dwyer commented as follows *"The fourth adverse effect which I identify is a cultural one. The Court has received a cultural impact report from Ngati Kauwhata who expressed the view that the discharge of animal excrement into any waterway is obnoxious and unacceptable and that this discharge was a devastating and culturally offensive event. I am aware of the importance of Manawatu rivers generally to local iwi as a result of my work in the Environment Court in this region over a number of years. The sentiments which they express often represent feelings of the wider community which also has an interest in the rivers but carry special weight because of the status which iwi have as Kaitiaki and because of the relationship which they have with their ancestral waters. These matters are directly recognised in the RMA and I am required to give due weight to them in my consideration in undertaking this sentencing function."*

## 8. DISCUSSION

- 8.1.1. Horizons staff have worked with Ngati Kauwhata to understand key areas for potential investment in the health and wellbeing of the stream. These are:
- i. stream and habitat enhancement
  - ii. mātauranga Maori and freshwater education
  - iii. Cultural health monitoring and training.

- 8.1.2. In looking at these three areas of investment, the focus has included:
- i. enhancing the health and wellbeing of the stream
  - ii. building on existing programmes of work
  - iii. developing iwi capacity around freshwater
  - iv. overlap with freshwater and policy work of Horizons
  - v. delivering a programme over a suitable timeframe that matches capacity to deliver with planned works
- 8.2. *Proposed habitat and stream enhancements.* The proposed focus of this work is an area adjacent to the Mangakino (Mākino) Stream known as the Mangakino Esplanade. The area is currently degraded. Ngati Kauwhata is proposing to work with partners including Manawatu District Council, Horizons Regional Council, Department of Conservation, Transpower NZ, Awahuri-Kitchener Park Trust and Recreational Service Limited. The focus of the work will be planting of native flora and buffer zones to enhance habitat, and improving grassed areas and picnic sites to better enable public access and enjoyment of the restored areas. This will build on habitat and stream restoration already undertaken in Awahuri-Kitchener Park.
- 8.2.1. *Mātauranga Maori and education programme.* The focus of this programme will be to develop and deliver a programme of wānanga or workshops focused on developing mātauranga and ecological education about the Mangakino (Mākino) and Mangaone streams. The programme will focus on delivery to rangatahi with the key areas of delivery being developing knowledge of Te Awa – the Mangakino and neighbouring catchments, the local ecology, iwi history and relationships with the river. This will build on the work done in one of the whare constructed alongside the Mangakino through a Te Mana o Te Wai project.
- 8.2.2. Development of mātauranga is a focus in government's proposed Essential Freshwater package and mātauranga knowledge will be important in setting values and monitoring methods in future reviews of the One Plan. Assisting Ngati Kauwhata in developing this knowledge further is a valuable investment.
- 8.3. *Cultural health monitoring and training.* This area of focus links to the mātauranga area noted above. It aims to give practical effect to cultural monitoring of the stream. Again this will be enshrined in government's package and will be important to future versions of the One Plan. Members of Ngati Kauwhata have been trained via workshops at marae in Woodville and at Kauwhata marae. This part of the programme aims to put these skills into practical action and links to 8.1.1 ii. above in terms of training.
- 8.4. The final component of the proposed funding package is a small amount of resource to enable iwi to administer and run the proposed package over three years. The programme has deliberately been spread across three years to match capacity to deliver.

## Total cost

	Year 1	Year 2	Year 3
Habitat Restoration & Enhancement	10,000	8,000	6,500
Matauranga Maori & Education	8,000	7,500	7,800
Ecological and cultural health monitoring and training	6,000	4,500	3,000
Project management	5,000	5,000	4,800
<b>TOTAL</b>	<b>29,000</b>	<b>25,000</b>	<b>22,100</b>

**9. TIMELINE / NEXT STEPS**

- 9.1. Should Council approve the expenditure on the health and wellbeing of the stream, a formal agreement will be established between Ngati Kauwhata and Horizons Regional Council with the transfer of funds in the current financial year.

**10. SIGNIFICANCE**

- 10.1. This is not a significant decision according to the Council's Policy on Significance and Engagement.

Nic Peet

**GROUP MANAGER STRATEGY & REGULATION**

**ANNEXES**

There are no attachments for this report.

Report No.	20-13
Decision Required	

## INFRASTRUCTURE FINANCING

### 1. PURPOSE

- 1.1. This report provides members with an overview of urban development-related bills recently being consulted on by Government, and seeks approval of the attached draft submission on the **Infrastructure Funding and Financing Bill (the Infrastructure Bill)** to Parliament's Transport and Infrastructure Select Committee.

### 2. RECOMMENDATION

It is recommended that Council:

- a. receives the information contained in Report No. 20-13 and Annexes.
- b. approves the draft submission on the Infrastructure Funding and Financing Bill to be provided to Parliament's Transport and Infrastructure Committee.

### 3. FINANCIAL IMPACT

- 3.1. There is no financial impact as a result of this report. However, the enactment of these bills would have implications for the river management functions undertaken by the Council as urban development progressed in the region.

### 4. COMMUNITY ENGAGEMENT

- 4.1. Community engagement on both the Infrastructure Funding and Financing Bill and the Urban Development Bill has been undertaken by the Government.

### 5. SIGNIFICANT BUSINESS RISK IMPACT

- 5.1. There is no significant business risk associated with this report.

### 6. SIGNIFICANCE

- 6.1. This is not a significant decision according to the Council's Policy on Significance and Engagement.

### 7. BACKGROUND

- 7.1. Alongside the current changes to the **Resource Management Act (the RMA)**, the Government is progressing a suite of changes to fast-track urban development and remove barriers for the establishment of infrastructure associated with urban development.
- 7.2. While these group of bills are largely designed to assist high growth regions such as Auckland and Queenstown, given the current surge in growth across the Horizons region (with new substantial urban development projects being established in the Manawatū, Rangitikei and Whanganui districts, and Palmerston North City), there is likely to be a need

to use the provisions of these bills in the future. This also may allow the region to respond in a more agile manner to the ongoing changes required due to climate change impacts.

- 7.3. The two key bills are the Infrastructure Funding and Financing Bill and the Urban Development Bill; the latter being the second of two related Bills that grant substantive powers to Kainga Ora (formerly Housing New Zealand Corporation, and some additional functions held in the Ministry for Business, Innovation and Employment).
  - 7.4. These two Bills are part of a five-phase plan the Government has to design a framework of legislation and non-legislative tools to support the development of high-quality, thriving, and resilient communities. Priorities include ensuring urban land is affordable, improving choices on where people live and the type of home they live in, improving their access to employment, education and services, and reducing emissions. This also includes the Land Transport (NZTA) Amendment Bill that Horizons recently submitted on.
  - 7.5. The Infrastructure Bill introduces a new tool for funding infrastructure, by allowing Territorial Authorities (TAs) to form **Special Purpose Vehicles (SPVs)** to develop local infrastructure in an area, and recover these development costs through a special levy (collected alongside rates) within a defined zone (set by the “owner” of the SPV). The SPVs will be able to be in partnership with the private sector, and will not be subject to funding caps (rating caps) imposed by Government. SPVs can be led by TAs, the private sector or both. The Bill also provides for the creation of a “recommender” and a monitor (of the SPV and levy collection). Submissions to Select Committee on the Bill close on 5 March.
8. The Urban Development Bill provides for a wide range of powers to be given to Kainga Ora, that allow them to not be subject to district plan consenting requirements in certain circumstances, and to act as a consenting authority themselves. In addition, they will be able to acquire land under the Public Works Act – but with some strengthened powers around compulsory acquisition. The Bill does not allow Kainga Ora to be exempted from Regional Planning provisions. Horizons did not make a submission on the Urban Development Bill (closed 14 February 2020).

## 9. DISCUSSION

- 9.1. The provision of new funding tools for infrastructure is an important step for beginning to address some of the constraints (particularly capital) that Councils face when responding to rapid urban development growth within a region. This was highlighted in the recent New Zealand Productivity Commission’s report into Local Government Funding and Financing.
- 9.2. The Bill currently only makes provision for these tools (formation of SPVs and levies) to be available to Territorial Authorities, but not regional councils as of right. While conceivably, regional councils could participate in an SPV in partnership with a territorial authority, we would not be able to receive the same dispensation of these debt vehicles not being “counted” within our overall debt levels under the Local Government Act.
- 9.3. As urban development expands in the region, this has particular implications for our infrastructure planning, and for our 30 year infrastructure strategy. Our limited ability to fund to respond to this growth (for example, ensuring we allocate and plan for effective flood protection that is largely due to increased stormwater management) will be increasingly pressured if territorial authorities are empowered to accelerate urban development. Further, Kainga Ora may also choose to undertake significant development in our region at some stage, which would also increase the need for infrastructure development by the Council.
- 9.4. In order to respond to these pressures effectively, it is our view that regional councils also need to be provided for in the Bill. It should be noted that regional councils are already exempted from being able to charge development contributions under the RMA, and

therefore have a limited range of tools under the Local Government Act (through the charging of special rates). However, any access to tools would need to ensure that it was coordinated between the local territorial authority and the regional council; providing safeguards to residents and intending residents that they were appropriately levied, and not subsidising costs that should be borne across the region given the greater public good benefit.

- 9.5. A diagram giving an overview of the Infrastructure Act is attached as **Annex A**. It should be noted that the Milldale development referenced in the attachment had several distinctly different factors which are not replicated in the Bill. This includes the ownerships of Milldale being held by a single developer, and all residents being agreeable to the levy payments for infrastructure. The draft submission on the Infrastructure Bill is attached as **Annex B**.

## 10. CONSULTATION

- 10.1. No consultation was required in the preparation of this report. Formal consultation on the Bill is being conducted through the Parliamentary Select Committee process, with public submissions to be considered by the Transport and Infrastructure Committee.

## 11. TIMELINE / NEXT STEPS

- 11.1. Submissions to Select Committee are due by 5 March, with the aim for Government to pass this Bill before the election period begins in 2020.

## 12. SIGNIFICANCE

- 12.1. This is not a significant decision according to the Council's Policy on Significance and Engagement.

Oliver Hartley  
**GRADUATE POLICY ANALYST**

Fergus Campbell  
**POLICY ANALYST**

Rebecca Tayler  
**MANAGER POLICY & STRATEGY**

Nic Peet  
**GROUP MANAGER STRATEGY & REGULATION**

## ANNEXES

- A Infrastructure Funding and Financing Overview
- B Draft submission - Infrastructure Funding and Financing Bill





# More Homes, Sooner

## A New Infrastructure Funding Tool

New Zealand is growing fast, but housing and associated infrastructure are not keeping pace. While zoning changes mean more land is available for homes, efforts to develop that land are stymied by a lack of supporting infrastructure – typically water, roading and community infrastructure.

Councils are responsible for most of this infrastructure but those in high-growth areas – Auckland, Hamilton, Tauranga and Queenstown – face constraints in funding and financing new projects.

Most are at, or near, their maximum debt-to-revenue ratios. They also face other constraints on borrowing – higher debt can increase the cost of borrowing and most ratepayers have not been convinced to invest in growth, preferring instead to see rates kept down.

These constraints mean viable infrastructure investment is postponed, creating a burgeoning infrastructure deficit for future generations while also forcing up the price of urban land and housing in cities unable to expand in response to growth.

### Looking beyond traditional tools

To keep up with growth New Zealand needs to look beyond traditional funding and financing tools.

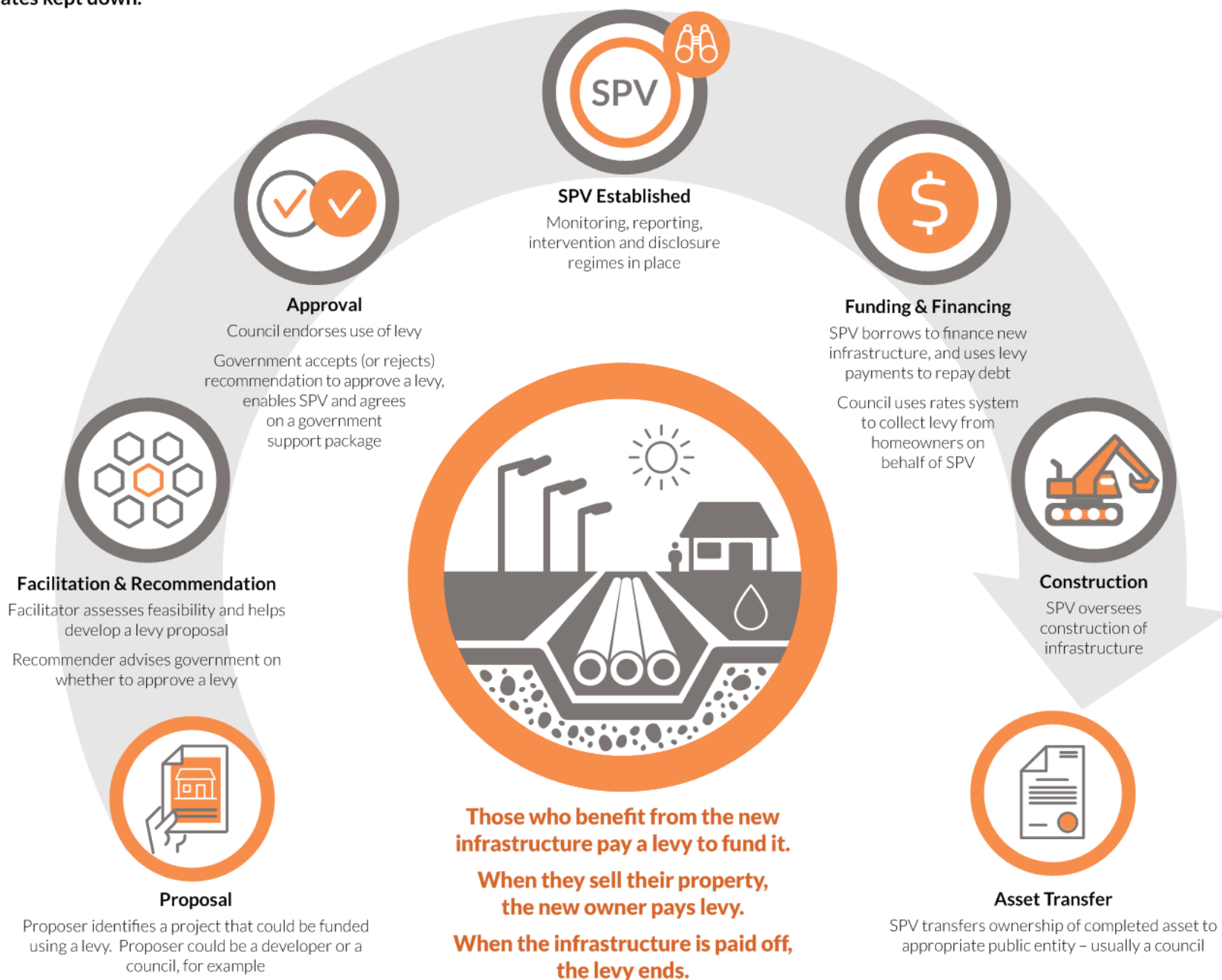
Working closely with the high-growth councils, the Government has developed a new alternative funding and finance tool so private capital can be accessed to get infrastructure built sooner than would otherwise be the case, without putting pressure on council balance sheets.

It will also help make the cost of new infrastructure more transparent while spreading that cost so it falls primarily on the homeowners who benefit over time, including across generations.

Water and transport infrastructure (including cycleways, roads and public transport infrastructure) could be funded using the tool, as well as certain community facilities, and environmental resilience infrastructure, such as flood protection.

The tool will be an important addition to councils' infrastructure provision toolkit, helping them start viable housing and urban development projects sooner. It will not replace existing council planning and decision-making processes.

While at Milldale (see over page) a similar funding and financing approach was negotiated with the sole landowner, the new tool will be enabled through legislation, so it can be used for a wider variety of projects.



**How the tool works**



**Key to the tool's success will be the ability to ring-fence infrastructure projects from the relevant council's balance sheet.**

A Special Purpose Vehicle (SPV), a stand-alone entity, will be created for each project (or a bundle of projects). It would be enabled by legislation to raise finance for the infrastructure project, collect a multi-year levy to repay the finance, and contract for the delivery of the infrastructure.

The levy would be paid by those who are expected to benefit from the infrastructure project, for a period of up to 50 years. A government support package would be agreed by Cabinet to cover certain tail-end risks that can't be managed by either the SPV or the council.

**Who pays what?**



Affordability is a key issue that both local and central government have to consider when deciding whether to apply the tool.

The levy amount and term, along with who pays for the infrastructure (the project beneficiaries) will be agreed by Cabinet based on the specifics of each project. The total amount to be collected will be capped.

When the homeowner sells, the requirement to pay the levy will shift to the new owners. That requirement ends altogether once the infrastructure is paid for.

Allocation of the levy between beneficiaries could be determined by a range of factors, including land area, value and use. In broad terms the homeowners will know in advance how much they will need to pay, based on what the project is expected to deliver.

The term could be for up to 50 years, reflecting the life of the infrastructure, and helping ensure the costs are spread across the generations that benefit from it.

Initially it is likely only new housing developments will be funded through the tool. Those looking to buy into one of these developments will be told about the levy so they can consider it when deciding whether to opt in, and the price implications.

When it is eventually used for projects involving existing homeowners, there is flexibility in the tool to address potential impacts and to tailor solutions to the specific project.

**Where to from here...**

Legislation enabling the tool is expected to be passed by mid-2020. Councils and developers will then need time to work through the usual planning and consenting issues involved with getting large and complex projects underway, with the first project funded through the new tool expected to start in late 2021. In the meantime, a pipeline of possible projects is under development.

The Government is also exploring other ways to give councils greater flexibility in funding and financing

infrastructure, including exploring how development contributions and the targeted rate regime could be improved.

Options for further evolving the new tool to meet the needs of a wider range of councils will also be considered.

**Have your say...**

To have your say on the legislation, consider making a submission to Parliament's Transport and Infrastructure Select Committee. Keep an eye on their [webpage](#) for the submission deadline and other updates.



**Milldale – creating a community**

The new tool has evolved from the model used at Milldale, north of Auckland, in 2018.

A Crown Infrastructure Partners Special Purpose Vehicle was used to raise finance to fund infrastructure there.

Landowners pay an 'infrastructure payment' to repay this borrowing – \$650 for an apartment or \$1,000 for a home a year over 30 years. Auckland Council collects these payments through the rates system, on behalf of the SPV.

The resulting infrastructure will eventually support the creation of a community of 9000 new homes.

[Read more on Milldale.](#)

[date]

ROA 05 01/2020  
02/2020 RT/OH

Committee Secretariat  
Transport and Infrastructure Committee  
Parliament Buildings  
WELLINGTON

Dear Sir or Madam,

**HORIZONS REGIONAL COUNCIL SUBMISSION – INFRASTRUCTURE FUNDING AND FINANCING BILL**

Thank you for the opportunity to make a submission on the Infrastructure Funding and Financing Bill (the Bill). Horizons Regional Council is the regional authority for the Manawatū-Whanganui Region.

Horizons believes that our region is a great place to live, work and play. Our responsibilities include managing the region's natural resources, flood control, monitoring air and water quality, pest control, leading regional transport planning, and coordinating our region's response to natural disasters.

Across the Horizons region we been advancing our Accelerate25 programme which set out a range of opportunities and key enablers to help realise our Region's economic potential. The action plan sets out a path to grow our regional prosperity between now and 2025. An expected outcome of the Accelerate25 programme is to see managed urban growth and increased economic activity on our region.

Coupled with our functions as a key environmental regulator (exercising functions and powers under the Resource Management Act), Horizons takes strong interest in Government's suite of proposals to increase urban development and enable related infrastructure. The Council maintains the Horizons One Plan, which is our combined regional policy statement and regional plan for the Horizons region.

Overall, the Council welcomes the intent of the Bill to provide additional funding tools, particularly to address rapid growth in regions. However, we strongly implore the Committee to consider the addition of regional councils to be able to access these new tools. Council would welcome the opportunity to have the ability to apply a funding recovery mechanism that has equivalence to development contributions (which can be accessed by city and district councils).

Intensified urban development has knock-on effects for the infrastructure provided by the regional council, particularly with regard to the related impacts on stormwater management and flood protection services. Regional Councils have limited tools at their disposal to respond to a rapid surge in urban

development across the region, and need to be able to develop infrastructure that is complementary to the district and city councils expansion plans.

While traditionally Horizons has been a region that has remained relatively static (with some districts within the region experiencing population decline), with the Government's current investment in infrastructure and provincial growth, the region has experienced new and emergent growth pressure.

These new and emergent pressures have quickly led to escalating property prices in both the cities (Palmerston North and Whanganui) and satellite towns. Demographically, the region is also experiencing greater growth in population of the over-65 age group. This group traditionally prefer smaller, densely sited dwellings; leading to infrastructure pressures for both the city/district councils and for Horizons.

In terms of the current design of the Bill, the Council notes that it does not provide the same assurance or conditions that were set out in the Milldale development. Some of these factors were potentially critical to the successful implementation of the Milldale structure. This could potentially undermine the effective implementation of this Bill once it becomes law.

In our view, the introduction of the special purpose vehicles and associated levy funding mechanisms needs to be appropriately framed if it is to be accessed by private developers who will eventually be vesting this infrastructure in public bodies. While some safeguards have been built into the Bill, we invite the Committee to give particular considerations as to whether these safeguards are sufficient for both existing and intending residents who may occupy a future levy area.

Both the recommender and monitoring functions appear to be complex, and could be more directive and simplified. In our view the Monitor would need sufficient powers to be able to act immediately if there was any risk to levy payers. It would also be disappointing to see levy payers in a situation where they had overpaid for infrastructure services. While we acknowledge there is provision to refund any overpayment to levy payers, the incentives should be balanced appropriately in the Bill to ensure this is highly unlikely to occur.

Once again, thank you for the opportunity to submit on the Infrastructure Funding and Financing Bill. We reserve the right to be heard at Select Committee on our submission.

Yours sincerely,

Rachel Keedwell  
**CHAIR**

Report No.	20-14
Information Only - No Decision Required	

## LOCAL GOVERNANCE STATEMENT - MANAWATŪ-WHANGANUI REGIONAL COUNCIL

### 1. PURPOSE

- 1.1. This item presents for Council's consideration, the current Local Governance Statement for the Manawatū-Whanganui Regional Council (trading as Horizons Regional Council) which has been revised as a result of legislative and organisational changes.

### 2. RECOMMENDATION

It is recommended that Council:

- a. receives the information contained in Report No. 20-14 and Annex;
- b. acknowledges the legislative requirements to update its Local Governance Statement; and
- c. receives the revised Local Governance Statement for the Manawatū-Whanganui Regional Council (trading as Horizons Regional Council) at Annex A.

### 3. FINANCIAL IMPACT

- 3.1. There is no financial impact associated with receipt of the Local Governance Statement.

### 4. COMMUNITY ENGAGEMENT

- 4.1. There is no requirement for community engagement.

### 5. SIGNIFICANT BUSINESS RISK

- 5.1. There is no significant business risk associated with this item.

### 6. BACKGROUND

- 6.1. Under the Local Government Act 2002 (LGA 2002) section 40, every local authority must prepare and make publicly available within six months after each triennial local body election of Members, a local governance statement.
- 6.2. A Local Governance Statement is a collection of information about functions, responsibilities and activities of Council, and the processes that Council uses to engage with its community. It outlines how Council makes decisions and shows how residents can influence those processes. It also promotes local democracy by providing the public with information on ways they can influence local democratic processes. While Horizons already discloses much of the information required in a local governance statement, either in the Long-term Plan / Annual Plan, or in its disclosure of information under section 19 of the Local Government Official Information and Meetings Act 1987 (LGOIMA), this material is also presented in a single document, the Local Governance Statement.

**7. COMMENT**

- 7.1. The first Local Governance Statement for Horizons Regional Council was resolved by Council at its meeting on 25 November 2003, and has been revised after each following triennial election in 2004, 2007, 2010, 2013 and 2016.
- 7.2. When the representation review process was undertaken in 2018-19, Horizons Regional Council did not propose any changes to the number of constituencies that had been set by the Local Government Commission in 2007. The Local Government Commission approved Council's proposal.
- 7.3. The document attached at Annex A is a revised version of the Local Governance Statement that was received by Council in February 2017, and reflects the changes to Council as a result of the 2019 triennial elections, and structural and legislative changes.
- 7.4. The Local Governance Statement will be uploaded onto Council's website, [www.horizons.govt.nz](http://www.horizons.govt.nz) once approved by Members, and continue to be updated as Horizons considers appropriate.

**8. SIGNIFICANCE**

- 8.1. This is not a significant decision according to the Council's Policy on Significance and Engagement.

Craig Grant  
**GROUP MANAGER CORPORATE & GOVERNANCE**

**ANNEXES**

- A Local Governance Statement

# Local Governance Statement

Prepared in terms of Section 40 of the Local Government Act 2002

Seventh Edition



Horizons Regional Council is the trading name of the  
Manawatū-Whanganui Regional Council

February 2020

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Received by Council: 25 February 2020  
Updated February 2020  
Seventh Edition

Report No. 2020/EXT/1677  
ISBN No. 978-1-99-000913-3

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## FOREWORD

This Local Governance Statement was prepared by Horizons Regional Council under Section 40 of the Local Government Act 2002. It is a collection of information about what this Regional Council does and the processes through which it engages with its community, how it makes decisions and how citizens can influence those processes. This statement will help support the purpose of local government by promoting local democracy. It does this by providing the public with information on the ways to influence local democratic processes.

Horizons Regional Council already discloses much of the information within this Statement in the Annual Plan and Long-term Plan.

A significant benefit of the Governance Statement is that it draws the material together into a single document. Council is obliged to produce a new governance statement six months after each triennial election.



Michael McCartney  
CHIEF EXECUTIVE



Rachel Keedwell  
CHAIR



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## GOVERNANCE STATEMENT

### 1. What is a Governance Statement?

Horizons Regional Council's Governance Statement is a collection of information about what the Regional Council's role is and the processes that Council uses to engage with its community. All councils must prepare this statement as a requirement of the Local Government Act 2002.

It outlines how Council makes decisions and shows how residents can influence those processes. It also promotes local democracy by providing the public with information on ways they can influence local democratic processes.

Horizons Regional Council already discloses much of the information required in a local governance statement either in the Annual Plan or Long-term Plan (LTP). A significant benefit of the Governance Statement is that it draws the material together into a single document. Council is obliged to produce a new governance statement six months after each triennial election.

### 2. Functions, Responsibilities and Activities

The purpose of Horizons Regional Council is:

- to enable democratic local decision-making and action by, and on behalf of, local communities, and
- to meet the current and future needs of the Manawatū-Whanganui Region's communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

The Council has overall responsibility and accountability for the proper direction and control of the Council's activities in pursuit of its purpose. This responsibility includes:

- Formulating the Region's strategic direction in consultation with the community through various plans and strategies.
- Determining the services and activities to be undertaken in consultation with the community.
- Managing principal risks.
- Administering various regulations and upholding the law.
- Monitoring the delivery of the LTP and Annual Plan.
- Ensuring the integrity of management control systems.
- Safeguarding the public interest.
- Ensuring effective succession of Elected Members.
- Reporting to ratepayers.

The Regional Council has the following future goals:

- To facilitate regional economic growth
- To maintain and enhance the Region's environmental values
- To increase community resilience to natural hazards
- To improve our Region's accessibility and transport links
- To empower people and communities to make our Region a great place.

To achieve these goals the Council has the following group activities:

- Land, Water and Air Management
- Flood Protection and Control Works
- Transport
- Regional Leadership and Governance
- Biosecurity and Biodiversity Management
- Corporate Support and Investment

### 3. Regional Council/District and City Councils – What's the Difference?

The boundaries of the Region are based on river catchments, while district and city council territories are based on population and communities of interest.

The regional council concentrates on the 'natural environment'. In particular, the focus is on flood and erosion control, pest management, land management and water management (quantity and quality).

The Resource Management Act 1991 is one of the principal Acts driving the work of regional councils and many of our activities are aimed primarily at managing effects on the environment. Regional councils have also taken on responsibility for local government functions that have overall regional benefits – such as public transport, drainage, flood protection, and plant and animal pest control.

### 4. Statutes Pertaining to Local Government

In fulfilling its purpose, Horizons Regional Council exercises powers and fulfils responsibilities conferred on it by various Statutes and their amendments. Chief among these are: the Local Government Acts of 1974 and 2002; the Soil Conservation and Rivers Control Act 1941; the Local Electoral Act 2001; the Local Government (Rating) Act 2002; the Local Government Official Information and Meetings Act 1987 and the Resource Management Act 1991. Other general Acts of Parliament that confer powers on Horizons Regional Council and regulate its functions include:

- |   |  |
|---|--|
| • Biosecurity Act 1993                        | • Maritime Transport Act 1994  |
| • Building Act 2004                           | • New Zealand Bill of Rights Act 1990                                |
| • Civil Defence Emergency Management Act 2002 | • Oaths and Declarations Act 1957                                    |
| • Copyright Act 1994                          | • Privacy Act 1993   |
| • Employment Relations Act 2000               | • Public Finance Act 1989  |
| • Financial Reporting Act 1993                | • Public Records Act 2005  |
| • Goods and Services Tax Act 1985             | • Remuneration Authority Act 1977                                    |
| • Health and Safety in Employment Act 1992    | • Smoke-free Environments Act 1990                                   |
| • Human Rights Act 1993                       | • Sovereign's Birthday Observance Act 1952                           |
| • Income Tax Act 2007                         | • Transit New Zealand Act 1989                                       |
| • Land Drainage Act 1908                      | • Transport (Vehicle and Driver Registration and Licensing) Act 1986 |
| • Land Transport Act 1998                     | • Treaty of Waitangi Act 1975  |
| • Land Transport Management Act 2003          |  |

## 5. Bylaws

Horizons has one Bylaw, the Manawatū River and Tributaries Navigation and Safety Bylaw (2010). Its purpose is to provide for navigation and safety on the Manawatū River and its tributaries. The bylaw regulates the use of boats and jet skis in specified areas, including imposing speed limits.

More information about this bylaw, including a copy of the full document, is available on the Horizons Regional Council's website or by freephoning 0508 800 800.

## 6. The Electoral System and the Opportunity to Change It

Horizons Regional Council currently operates its elections under the First Past the Post electoral system. Electors vote for their preferred candidate(s), and those with the most votes win.

The other option permitted under the Local Electoral Act 2001 (LEA) is the single transferable vote system (STV). This is currently used in District Health Board (DHB) elections and by some District and City Councils. Electors rank candidates in order of preference: Jim Bloggs, 1; Mary Smith, 2; Wiremu Ngatai, 3, etc. Successful candidates must receive a quota of the votes cast and when there are enough candidates with a quota to fill all the seats, they are the winners. The quota (share of votes) that is needed for a candidate to be elected is determined by the number of seats, and the number of votes cast are achieved by redistributing votes. In the first round of counting, the candidates with the highest and lowest number of votes are identified. The lowest-polling candidates are then excluded. When the top polling candidates have received their quota, the second votes are redistributed. Thus, if Jim Bloggs, has a quota, the number 2 votes that his supporters have made, are allocated to their second choice. If this gives Mary Smith a quota, she is elected. This process is repeated until there are enough candidates with a quota.

Under the LEA the Council can resolve to change the electoral system to be used at the next two elections or conduct a binding poll on the question, or electors can demand a binding poll. A poll can be initiated by at least 5% of electors signing a petition demanding that a poll be held. Once changed, an electoral system must be used for at least the next two triennial general elections; that is, we cannot change our electoral system for one election and then change back for the next election.

Horizons Regional Council reviewed its electoral system in July 2017 and the decision was made to retain the first past the post voting system for the 2019 elections. Accordingly, the Council may resolve in 2020 to change the system for the 2022 elections or to conduct a poll, or its electors could demand a poll.

## 7. Representation Arrangements

### 7.1 Constituencies

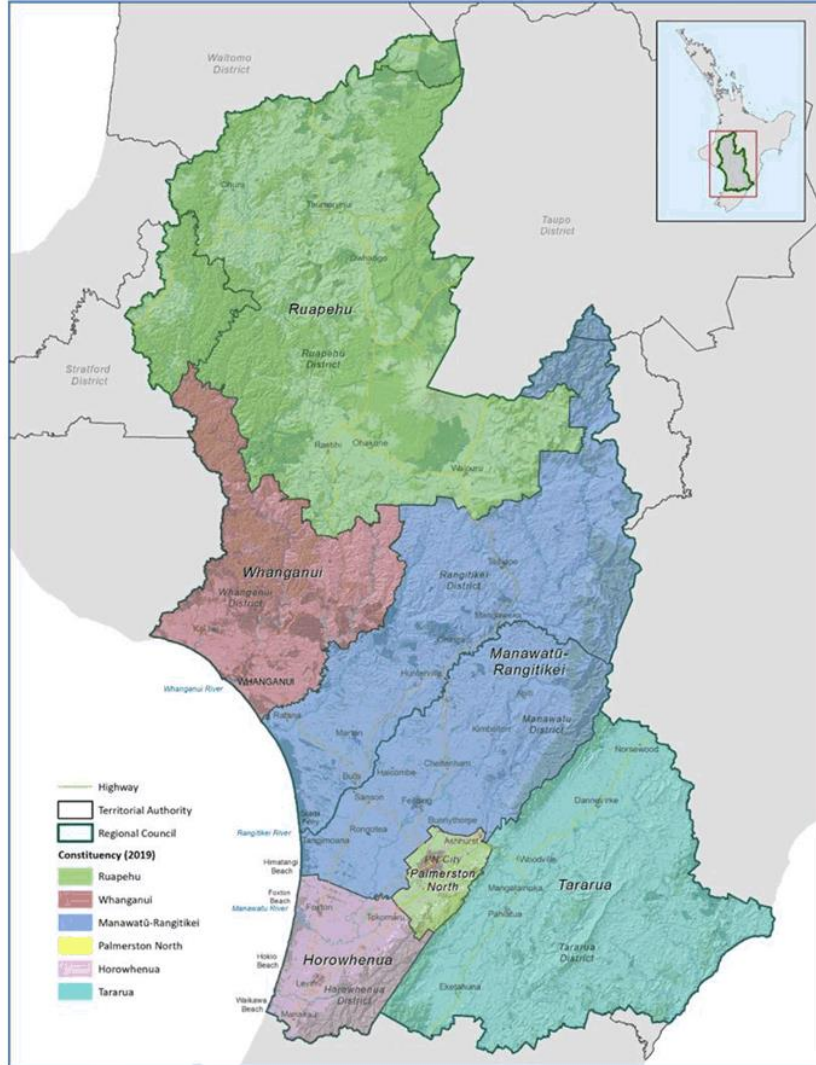
The Manawatū-Whanganui Region is divided into six constituencies and their layout is shown on the map.

<b>Horowhenua constituency</b> (population 32,460)	Two Councillors
<b>Manawatū-Rangitikei constituency</b> (population 45,240)	Two Councillors
<b>Palmerston North constituency</b> (population 87,300)	Four Councillors
<b>Ruapehu constituency</b> (population 12,900)	One Councillor
<b>Tararua Constituency</b> (population 17,800)	One Councillor
<b>Whanganui constituency</b> (population 44,500)	Two Councillors

(Population figures as at 2017 population estimates)



2019 Constituency Boundaries



## 7.2 Māori Constituencies

The LEA also gives the Council the ability to establish separate constituencies for Māori electors. The Council may resolve to create separate Māori constituencies or conduct a poll on the matter, or the community may demand a poll. A petition of 5% (or more) of electors can require the Council to conduct a poll.

In August 2017 the Council resolved not to introduce Māori constituency/ies and no poll of electors be held to decide whether to establish a Māori constituency/ies in the Manawatū-Whanganui Region. In accordance with section 19Z of the LEA, this continues in effect for two triennial elections of the regional council (2019 and 2022) and any associated election and continues in effect after that until either:

1. a further resolution takes effect; or
2. a poll of electors of the regional council held under section 19ZF takes effect.

## 7.3 Review of Representation Arrangements

The Council is required to review its representation arrangements at least once every six years. This review must include the following:

- the number of constituencies;
- the number of Elected Members (between 6 and 14); and
- whether or not to have a separate Māori constituency.

The Council must follow the procedure set out in the LEA when conducting this review and should also follow guidelines published by the Local Government Commission. The LEA gives the community the right to make a written submission to the Council, and the right to be heard.

You also have the right to appeal any decisions on the above to the Local Government Commission, which will make a binding decision on the appeal. Further details on the matters that the Council must consider in reviewing its membership and basis of election can be found in the LEA.

The Council last conducted a review commencing in March 2018. It is not legally required to review representation again until 2024.

## 8. The Reorganisation Process

The Local Government Act 2002 sets out procedures, which must be followed during proposals for:

- the union of districts or regions
- the constitution of new districts or regions
- the abolition of districts or regions
- the alteration of boundaries of a district or region
- the transfer of a statutory obligation from one local authority to another

- establishing a territorial authority as a unitary authority<sup>1</sup> (that is, transferring the functions of Horizons Regional Council to the City or District Council in a particular area).

The process begins when an application is lodged with the Local Government Commission. This can be done by any person, body or group, including a local authority or the Minister of Local Government. Once the application has been lodged:

- the Commission decides whether the application has the required information to allow it to be assessed
- as part of the process, the Commission determines whether there is community support for the application
- if the application meets these requirements, it will be assessed by the Commission but first the Commission must be satisfied there is community support for local government reorganisation in the affected areas
- if the Commission is satisfied this is the case, the application is publicly notified and alternative applications are called for
- the Commission identifies the reasonably practicable options for local government in the affected area which must include current local government arrangements
- if the Commission decides there should be changes to current arrangements, in order to promote good local government in the area, it identifies its preferred option and a draft proposal is developed and publicly notified
- submissions on the draft proposal are made to the Commission
- the Commission considers the submissions and may hold hearings on submissions
- the Commission decides whether a final proposal is to be issued
- if a final proposal is issued, a poll on the proposal may be requested by 10% of the electors in one of the affected districts
- if a proposal is supported by a poll or there is no poll, a reorganisation scheme is prepared and implemented by Order in Council<sup>1</sup>

Further information on these requirements can be found in the Local Government Act 2002, Schedule 3. The Local Government Commission has also prepared guidelines on procedures for local government reorganisation, which are available on its website [www.lgc.govt.nz](http://www.lgc.govt.nz).

## 9. Members' Roles and Conduct

### 9.1 Chair of a Regional Council

The Chairperson is elected by the members of the Council at the first meeting after local body elections. The Chairperson has the following roles as:

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<sup>1</sup> Reproduced from the Local Government Commission website, [http://www.lgc.govt.nz/lgcwebsite.nsf/wpg\\_URL/Reorganisation-Index](http://www.lgc.govt.nz/lgcwebsite.nsf/wpg_URL/Reorganisation-Index)

- A presiding member at Council meetings. The Chairperson is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders and the Code of Conduct.)
- An advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council.
- A ceremonial head of Council.
- A provider of leadership and feedback to other elected members.
- A member to exercise any delegations and report back, as appropriate, at Council meetings.

## 9.2 Division of responsibility between the Council and Management

A key to the efficient running of any council is that there is a clear division between the role of elected members and that of management. The Local Government Act 2002 sets out a series of governance policies that support the principles of local government. The Council will adopt a Local Governance Statement, of which this is the seventh edition. This statement clarifies the difference between governance and management responsibilities, the governance role, and expected conduct of elected members, describes the effective, open and transparent processes used by Council and how separation of regulatory and non-regulatory decision-making responsibilities is achieved, and explains the good employer requirements.

Elected members, acting as the Council, are responsible for:

- Representing the interests of the residents and ratepayers of the Horizons Region in decision-making;
- The development and adoption of Council policy and strategy;
- Monitoring the performance of the Council against its stated objectives and policies;
- The appropriate and efficient allocation and use of council resources; and
- Employment of the Chief Executive.

The over-riding duty of an elected member is to the whole community covered by Horizons Regional Council. However, each member also has a special duty to their own constituents, including those who did not vote for them.

The Chief Executive is appointed by the Council in accordance with section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council.

Local Governance Statements ensure the community has information on the processes the Council follows when making decisions and taking action, and how the community can influence these processes.

## 9.3 Role of the Regional Council

The Council has overall responsibility and accountability for the proper direction and control of the Council's activities in pursuit of community outcomes. This responsibility includes:

- Formulating the Region's strategic direction in consultation with the community through various plans and strategies;
- Meeting the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Determining the services and activities to be undertaken;
- Managing principal risks;
- Administering various regulations and up-holding the law;
- Monitoring the delivery of the LTP and Annual Plan;
- Ensuring the integrity of management control systems;
- Safeguarding the public interest;
- Ensuring effective succession of Elected Members; and
- Reporting to ratepayers.

#### 9.4 Codes of Conduct

Schedule 7, Clause 15 of the Local Government Act 2002 requires every council to adopt a Code of Conduct for the Elected Members of the Council (the Councillors).

Horizons Regional Council's Code of Conduct provides guidance on the standards of behaviour expected from Elected Members in their dealings with:

- Each other
- The Chief Executive
- Staff
- The media
- The general public.

The objectives of the code are to enhance:

- The effectiveness of the Council as a good local government for the Region;
- The credibility of the Council; and
- Mutual trust, respect and tolerance among members as a group and between members and those people they deal with in the course of their duties.

The Code of Conduct is based on the following values:

- **Public interest:** Members will serve the best interests of the people within their community, district or Region and discharge their duties conscientiously, to the best of their ability.
- **Public trust:** Members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
- **Ethical behaviour:** Members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour.
- **Objectivity:** Members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.

- **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their race, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of officials.
- **Duty to uphold the law:** Members will comply with all legislative requirements applying to their role, abide by this Code of Conduct, and act in accordance with the trust placed in them by the public.
- **Equitable contribution:** Members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
- **Leadership:** Members will actively promote and support these principles and ensure they are reflected in the way in which the Council operates, including a regular review and assessment of the Council's collective performance.

Horizons Regional Council, at its meeting held in November 2019, adopted a Code of Conduct. A copy can be made available upon request to Horizons Regional Council Head Office (Phone 06 9522 800 or 0508 800 800).

### 9.5 Applicable Statutory Requirements

Under **section 46(1) Local Government Act 2002**, Councillors can be held liable for losses reported by the Auditor-General under section 44 of the same Act, resulting from negligence or unlawful action by the elected Council.

Under **Schedule 7, Clause 1, Local Government Act 2002**, any Elected Member will be disqualified if they cease to be an elector or become disqualified for registration as an elector under the Electoral Act 1993, or are convicted of an offence punishable by a term of imprisonment of two years or more.

The **Local Authority (Members' Interests) Act 1968** regulates the circumstances under which a member has a pecuniary interest in a matter before the Council. Nobody may be elected to a Council, or once elected, remain a member, if the value of contracts between the Council and that member exceed \$25,000 in any financial year. Nor may a member participate in the discussion or voting on a matter in which the member has a direct or indirect pecuniary interest, except an interest in common with the public. If members are convicted of a breach of this requirement they will be automatically disqualified from office. They may also be fined. A disqualified member may, however stand for election at a by-election.

The **Local Government Official Information and Meetings Act 1987 (LGOIMA)**. The obligations of LGOIMA are binding on members and apply to the disclosure of information by a member in respect of any information held by that member (in his or her capacity as member) to a member of the public. The underlying principle is that unless there is good reason to withhold it, information should be made available. Sections 6 and 7 of the Act give a number of grounds for withholding disclosure.

The LGOIMA also sets out the procedural requirements for meetings of local authorities, the publication of agenda, procedures for discussion with the public excluded and access by the public to the minutes of meetings.

The **Secret Commissions Act 1910** makes it unlawful for a member (or officer) to advise anyone in respect of entering or not entering into a contract with a third person in relation to the business of the Council and/or receive a gift or reward from anyone outside the Council in return for advice or services in relation to the business of the Council, or to present false receipts to the Council.

The **Crimes Act 1961** makes it unlawful for members to accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of the Council, or use information gained in the course of the member's duties for monetary gain or advantage by the member, or anyone else.

The **Securities Act 1978**, places members in the same position as company directors whenever the Council offers shares in a company to the public. Members may be personally liable if investment documents, such as a prospectus, contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

## 10. Governance, Membership and Delegations

Please see Committee Membership at paragraph 18.

### 10.1 Independent Election

The Council believes that its democratic election by citizens of the Manawatū-Whanganui Region ensures that it is able to operate in the best interests of the region.

### 10.2 Council Meetings

Council meetings generally take place each month (excluding January and July). These meetings are used to monitor management activities and to ensure that the affairs of the Council are being conducted in accordance with legislative mandate and Council objectives. The Council also monitors the performance of Council Organisations and its Council Controlled Organisation (CCO).

### 10.3 Council Committees

The Council has set up several Standing Committees made up of Elected Members to monitor and assist in the effective discharging of specific responsibilities. Each Committee meets on a regular basis, with additional meetings held as required.

These Standing Committees are:

- Strategy and Policy Committee (meets monthly)
- Environment Committee (meets every 2 months)
- Catchment Operations Committee (meets every 2 months)
- Regional Transport Committee (meets every 3 months)

- Audit, Risk and Investment Committee (meets every month. Some are meetings/some are workshops)
- Passenger Transport Committee (meets 3 times a year)
- Manawatū-Whanganui Civil Defence Emergency Management (meets every 3 months)
- Manawatu River Users' Advisory Group (meets every 6 months)

#### 10.4 Subcommittees

The Council has also set up the Linklater Bursary Subcommittee which reports to Council.

#### 10.5 Partnerships

An essential element of Horizons Regional Council's operations is input from the community. By establishing close working relationships with various sectors within the community, the Council is in a better position to accommodate community needs in its decisions.

#### 10.6 Council Organisations

The Regional Council either owns or has an interest in several Council organisations, as follows:

- Council has set up MWRC Holdings Limited, being a CCO to manage Council's investments.
- MWRC Holdings Limited owns 23.08% of the issued equity in CentrePort Ltd.
- Council is a shareholder of MW LASS Limited, being a Council Organisation to facilitate shared services between the Region's councils.
- Council is a shareholder in Regional Software Holdings Limited (RSHL) being a Council Organisation, facilitating a collaborative framework supporting procurement or development of shared software resource products and services in a manner that provides a more cost effective alternative than individual councils can achieve on their own.

These investments are managed in line with policies outlined in Council's Investment Policy.

#### 10.7 Legislative Compliance

The Council is a regulatory body administering various regulations and laws. It must also comply with all relevant legislation. To help it comply with applicable legislation the Council takes advice from both senior management and external legal advice.

#### 10.8 Meeting Processes

The legal requirements for council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).



All Council and Committee meetings must be open to the public unless there is reason to consider some item in "Public Excluded". Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with the Council. The LGOIMA contains a list of the circumstances where councils may consider items with the public excluded (these circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information, and the maintenance of public health, safety and order).

The Council agenda is a public document, although parts may be withheld if the above circumstances apply.

The Chair or committee chair is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of the Council who does not comply with Standing Orders (a set of procedures for conducting meetings).

Minutes of meetings must be kept and made publicly available, subject to the provisions of the LGOIMA.

LGOIMA requires all meetings of Council to be publicly notified in a monthly meeting schedule. Extraordinary meetings require public notification as soon as practicable before the meeting date. Where extraordinary meetings are held at short notice these require public notice as is reasonable in the circumstances.

During meetings of the Council or Committees, all council participants (the Chair, or Chair, Councillors or Members) must follow Standing Orders unless Standing Orders are suspended by a vote of 75% (or more) of the members present.

## 11. Consultation Policies

### 11.1 The Special Consultative Procedure

The Local Government Act sets out the Special Consultative Procedure – consultation principles and a procedure that local authorities must follow when making certain decisions, including the adoption of the LTP and annual plan, and decisions in relation to bylaws.

This procedure is regarded as a minimum for these specific decision-making processes, and Horizons Regional Council carries out more than is required by the procedure. When it is adopting its LTP or Annual Plan the Council will hold formal meetings with community groups and other interested parties. At these meetings, the Council will seek views on the matters it considers important and identify issues it believes are of concern to the community.

The Special Consultative Procedure consists of the following steps:

- **Step One: *Preparation of a statement of proposal and a summary***  
The Council must prepare a description of the proposed decision or course of action. The statement must be available for distribution throughout the community and inspection at Regional Council offices and may be made available elsewhere. The Council must also prepare a fair summary of the major matters in the proposal, which must be distributed as widely as Council considers to be reasonably practicable. That statement must be included on an agenda for a Council meeting.
- **Step Two: *Public notice***  
The Council must publish a notice in one or more daily newspapers, or in other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken.
- **Step Three: *Receive submissions***  
The Council must acknowledge all written submissions and offer submitters a reasonable opportunity to make an oral submission. At least one month (from the date of the notice) must be allowed for submissions.
- **Step Four: *Deliberate in public***  
All meetings where the Council deliberates on the proposal or hears submissions, must be open to the public (unless there is a reason to exclude the public under the LGOIMA). All submissions must be made available unless there is reason to withhold them under LGOIMA.
- **Step Five: *Follow up***  
A copy of the decision and a summary of the reasons must be provided to submitters. There is no prescribed format for such a summary.

The Council must, legally, follow the Special Consultative Procedure before it:

- Adopts an LTP
- Amends an LTP; or
- Changes the mode of delivery for a significant activity that is not provided for in an LTP (for example, changes from Council delivery to delivery by a Council Controlled Organisation (CCO) or from a CCO to a private sector organisation).

The Council may be required to use the Special Consultative Procedure under other legislation and it may use this procedure in other circumstances if it wishes to do so.

## 11.2 Community Consultation Policy

Horizons Regional Council is committed to ongoing and effective consultation with the community. We recognise that we need the views and information held in the community to guide the decisions we make on behalf of the community and will use appropriate methods, tailored to participants' needs, to do this.

Elected members of Council have been voted into office to make decisions on behalf of the community. Both the law and the community hold the Council accountable for making responsible decisions that reflect the best interests of this community. While it is the role of elected members to represent community interests, consultation provides additional decision-making guidance.

Horizons Regional Council's vision is *to be an organisation recognised for our expertise, innovation, science, and leadership in making the Region a great place to live, work and play*. We have identified *active community engagement* as a key success factor for the future and have adopted organisational values such as *accountability* and *responsiveness*. We cannot fulfil these without ongoing two-way communication with the community.

It is not possible to cover all the situations when consultation is either required or advisable, however in general we will undertake formal consultation when:

- We are required to do so by statute;
- The decision is one identified as "significant" under our Significance Policy (included in the LTP); or
- We need community views and information to guide decision-making; and
- There is evidence of widespread community views or interest in a matter for decision.

Horizons Regional Council defines consultation as:

Exchanging information and ideas to ensure that the widest range of views are considered in making decisions.

## 12. Policies for Liaising With, and Memoranda or Agreements with, Māori

### 12.1 Iwi within the Manawatū-Whanganui Region

The Local Government Act 2002 includes specific provisions requiring local authorities to engage Māori in decision-making and consultation processes, and foster Māori capacity to participate in these processes. Horizons intends to reflect its commitment to the Māori engagement activity as a whole across varying levels of Council processes including its governance structure, development of iwi management plans and memoranda of partnerships, and through its resource management processes.

Under the Resource Management Act 1991, Horizons is obligated to notify, consult and provide for Māori participation in its resource consents and planning decisions. This notwithstanding, Horizons considers it best practice to engage with Māori in a meaningful manner when developing its plans or strategies. Māori Hearing Commissioners are also appointed to resource consent hearings to consider issues of significant importance to Māori that are raised through the resource consent submissions process.

## 13. Management Structures and Relationships

### 13.1 Chief Executive

The Local Government Act 2002 requires the Council to employ a Chief Executive, whose responsibilities are:

- to employ other staff on behalf of Council and negotiate their terms of employment;
- ensure that all responsibilities, duties and powers delegated to the Chief Executive or other staff by Council are carried out properly;
- implement Council decisions;
- provide leadership to staff and ensure the efficient and effective management of the Regional Council's activities;
- maintain systems for effective planning and accurate reporting of the financial performance and service provision of the Regional Council; and
- provide advice to the elected members.

Under the Act the Chief Executive is the only person who may lawfully give instructions to a staff member. Any complaint about individual staff members should, therefore, be directed to the Chief Executive rather than the Councillors.

### 13.2 Responsibilities: Communications and Promotions

- Media Relations
- Public Information / Publications
- Marketing Communications (promotion)
- Corporate Image and Identity (branding)
- Environmental Education
- Digital Content
- Event Management

### 13.3 Responsibilities: Strategy and Regulation Group

- Strategic Issues and Planning
- Regional Policy monitoring and development
- Response to national policy issues
- Treaty settlement and iwi/treaty related policy
- Regulatory Functions

### 13.4 Responsibilities: Regional Services and Information Group

- Emergency Management
- Horizons Information Coordination
- District Liaison/Land Use Advice
- Catchment Information (GIS, software development)
- Catchment Data (Hydrology, river survey, environmental monitoring)
- Regional Land Transport

### 13.5 Responsibilities: River Management Group

- River and Drainage Scheme Management
- Scheme Reviews and Rating Systems Development
- River and Drainage engineering advice
- Environmental Grant Works (Rivers)
- Engineering Investigations and Design
- Flood and Erosion Hazard Identification and Investigation ('Wider Rivers')
- Flood Management
- Emergency Works

### 13.6 Responsibilities: Natural Resources & Partnerships Group

- Environmental Management
- Research/Environmental Science
- Sustainable Land Management and Soil Conservation
- Water Quality Management
- Biodiversity and Native Habitat Management
- Coastal Land Management
- Pest Plant and Pest Animal Biosecurity, Management and Regulation
- Biosecurity Response

### 13.7 Responsibilities: Corporate and Governance Group

- Governance Support
- Property Management
- Vehicle Management
- Business Risk Management
- Administration Support
- Electoral Support
- Human Resources
- Budgeting
- Financial Accounting and Reporting
- Long-term Plan
- Payments
- Purchasing
- Records and Information Management
- Library and Archive Services
- Infrastructure Technology Services
- Corporate Project Management

## 14. Equal Employment Opportunities

The Regional Council is committed to the principle of equal opportunity in the recruitment, selection, employment, training and promotion of its employees and potential employees. The organisation will provide a welcoming, positive environment and will implement a purposeful programme of action to ensure its activities and services are carried out with an awareness of, and an intent to eliminate discrimination in the areas of race, colour, ethnic or national origin,

gender, religion, marital status, family responsibilities, sexual orientation, disability, or age.

An affirmative Equal Employment Opportunities Programme is a planned, result-orientated management programme designed to eliminate policies, procedures and other institutional barriers that cause or perpetrate inequality or unfairness within the organisation.

The Council will ensure that equal employment opportunities are promoted and provided within the organisation by:

- Fostering a positive climate in the workplace which allows for a diversity of backgrounds and individual contribution, and which encourages employees to develop their potential.
- Selecting the best person for the job on the basis of the job requirements and the ability of that person to perform the job.
- Ensuring that all personnel policies, procedures and activities reflect the fundamental principles of the Equal Employment Opportunities Programme in the recruitment, selection, employment, training and promotion of its employees.
- Identifying and providing appropriate training programmes to enable employees to best meet the requirements of their current jobs, develop additional skills with a view to future promotion opportunities, and active self-development.
- Promoting employees on the basis of skills, qualifications, and capacity to perform a job, and the willingness of the individual to accept greater responsibility.

Maintaining a workplace free of discrimination and harassment on the basis of race, colour, ethnic or national origin, gender, religion, marital status, family responsibilities, sexual orientation, disability, or age.

## 15. Key Approved Planning and Policy Documents

### 15.1 Long-term Plan (LTP)

#### 15.1.1 Planning Processes

Under the Local Government Act 2002, the Council is required to develop a Long-term Plan (LTP) in consultation with the community. This covers the 10 years from the date of its publication and will be reviewed and updated every three years. The LTP contains detailed information for each of the first three years. In each of the following two years (of the three year review period), the Council will publish an Annual Plan, which updates any financial information in the LTP. In order to align ourselves with the rest of the nation, our first LTP was released in 2004, then in 2006, 2009, 2012, 2015 and again in 2018. It is due for release again in 2021 and every three years thereafter.

LTPs are required by law and are required to:

- Describe the Regional Council's activities;
- Describe the community outcomes of the Horizons Region;

- Provide integrated decision-making and co-ordination of the Regional Council's resources;
- Provide a long-term focus of the Regional Council's decisions and activities;
- Provide a basis for the Regional Council's accountability to its communities; and
- Provide an opportunity for participation by the public in decisions made about the Regional Council's activities.

The LTP builds on what has been done already and sets out the next phases of work for the coming ten years.

The LTP enables the Council and the community to work together to build a sustainable region.

#### 15.1.2 Community Outcomes

Community outcomes are the outcomes that Horizons Regional Council aims to achieve in order to meet the current and future needs of its communities, for good-quality local infrastructure, local public services, and the performance of regulatory functions. These outcomes are described in the LTP.

Through the consultation process for the 2018 LTP the following Community Outcomes were identified for the Region.

- Natural hazard resilience
- Healthy Ecosystems
- Human wellbeing
- Connected communities
- A robust economy
- Confidence in decision-making

#### 15.1.3 Policies

The Regional Council has a number of policies as listed below.

- Rates Collection Policy
- Policies on Rate Remissions and Postponements (including Māori Land Rates Remission Policy)
- Revenue and Financing Policy
- Policy on Financial Contributions
- Liability Management Policy
- Investment Policy
- Hapū and Iwi Policy
- Significance and Engagement Policy
- Asset Management Policy

#### 15.1.4 Long-term Plan (LTP) – Horizons Regional Council – The Next 10 Years

The LTP sets out what Council plans to do over the next 10 years, how these actions contribute to community outcomes and how we will know whether we are achieving the set objectives and following the chosen direction.

The financial management of the region and how Council's action plan will be financed are further key sections of the LTP.

#### 15.2 Environmental Plans

The Regional Council Environmental Plans are operative. Under the Resource Management Act 1991 (RMA), regional councils must review their regional policy statement and regional plan provisions every ten years. To meet this requirement, the Proposed One Plan was notified in May 2007 and replaced the Region's operative regional policy statement and regional plans (listed below).

- Regional Coastal Plan
- Manawatū Catchment Water Quality Regional Plan
- Regional Plan for Beds of Rivers and Lakes and Associated Activities
- Oroua Catchment Water Allocation and River Flows Regional Plan
- Regional Air Plan
- Land and Water Regional Plan
- Regional Policy Statement

The One Plan has now been operative for several years. The focus is now on monitoring and evaluating policy effectiveness and planning for review and update of the One Plan. Work is underway to understand how the One Plan will need to be developed to give effect to significant national instruments, principally the National Policy Statement for Freshwater Management.

All of the Horizons Regional Council's resource management plans and supporting information are available on its website [www.horizons.govt.nz](http://www.horizons.govt.nz). You can also freephone 0508 800 800 for more information.

#### 15.3 Other Plans and Strategies

The Regional Council has a number of other plans and strategies as listed below:

- Regional Land Transport Plan
- Regional Public Transport Plan
- Manawatū Whanganui Civil Defence and Emergency Management Group Plan
- Infrastructure Strategy
- Regional Pest Management Plan
- Whanganui Catchment Strategy
- Triennial Agreement (with District and City Councils in the Manawatū-Whanganui Region)



## 16. Public Access to the Council and Its Elected Members

### Chief Executive

Chief Executive:  
Michael McCartney

Freephone 0508 800 800  
michael.mccartney@horizons.govt.nz

### Corporate Communications

Manager: Chrissie Morrison

christine.morrison@horizons.govt.nz

### Strategy & Regulation

Group Manager: Nic Peet

nic.peet@horizons.govt.nz

### Regional Services & Information

Group Manager: Ged Shirley

ged.shirley@horizons.govt.nz

### River Management

Group Manager: Ramon Strong

ramon.strong@horizons.govt.nz

### Natural Resources & Partnerships

Group Manager: Jon Roygard

jon.roygard@horizons.govt.nz

### Corporate & Governance

Group Manager: Craig Grant

craig.grant@horizons.govt.nz

**CHAIR****Palmerston North Constituency**

Cr Rachel J Keedwell M 021 177 2790  
E [rachel.keedwell@horizons.govt.nz](mailto:rachel.keedwell@horizons.govt.nz)

**COUNCILLORS****Horowhenua Constituency**

Cr Emma M Clarke M 021 498 156  
E [emma@woodhavengardens.co.nz](mailto:emma@woodhavengardens.co.nz)

Cr Sam D Ferguson M 027 827 7037  
E [samforhorizons@gmail.com](mailto:samforhorizons@gmail.com)

**Manawatū-Rangitikei Constituency**

Cr Bruce B Gordon M 0274 427 462  
E [bruce@brucegordoncontracting.co.nz](mailto:bruce@brucegordoncontracting.co.nz)

Cr John J Turkington M 0274 458 410  
E [john@jll.co.nz](mailto:john@jll.co.nz)

**Palmerston North Constituency**

Cr Fiona J Gordon M 027 373 8277  
E [fiona4horizons@gmail.com](mailto:fiona4horizons@gmail.com)

Cr Jono M Naylor M 027 569 0937  
E [jono.naylor001@gmail.com](mailto:jono.naylor001@gmail.com)

Cr Wiremu K Te Awe Awe M 021 918 242  
E [wiremu.k.teaweawe@gmail.com](mailto:wiremu.k.teaweawe@gmail.com)

**Ruapehu Constituency**

Cr Weston M Kirton M 0274 944 497  
E [westonkirton@hotmail.com](mailto:westonkirton@hotmail.com)

**Tararua Constituency**

Cr Allan L Benbow M 021 374 984  
E [allanbenbow@outlook.com](mailto:allanbenbow@outlook.com)

**Whanganui Constituency**

Cr David B Cotton M 0274 425 920  
E [david@tasmantrust.co.nz](mailto:david@tasmantrust.co.nz)

Cr Nicola J Patrick M 027 871 6459  
E [nicola@nicolapattick.com](mailto:nicola@nicolapattick.com)

## 17. Requests for Official Information

Under the Local Government Official Information and Meetings Act 1987 (LGOIMA) any person may request information from the Council. You do not have to say you are making a request under LGOIMA. Any request for information is a request made under LGOIMA because this is automatic.

Once a request is made, the Council must supply the information unless reason exists for withholding it. The LGOIMA says that information may be withheld if release of the information would:

- Endanger the safety of any person;
- Prejudice maintenance of the law;
- Compromise the privacy of any person;
- Reveal confidential or commercially sensitive information;
- Cause offence to Tikanga Māori or would disclose the location of waahi tapu;
- Prejudice public health or safety;
- Compromise legal professional privilege;
- Disadvantage the local authority while carrying out negotiations or commercial activities; and
- Allow information to be used for improper gain or advantage.

The Council must answer requests within 20 working days (although there are certain circumstances where this time-frame may be extended). The Council may charge for official information under guidelines set down by the Ministry of Justice.

In the first instance, requests for official information should be addressed to:

Chief Executive  
Horizons Regional Council  
Private Bag 11025  
Manawatu Mail Centre  
Palmerston North 4442

## 18. Committee Membership

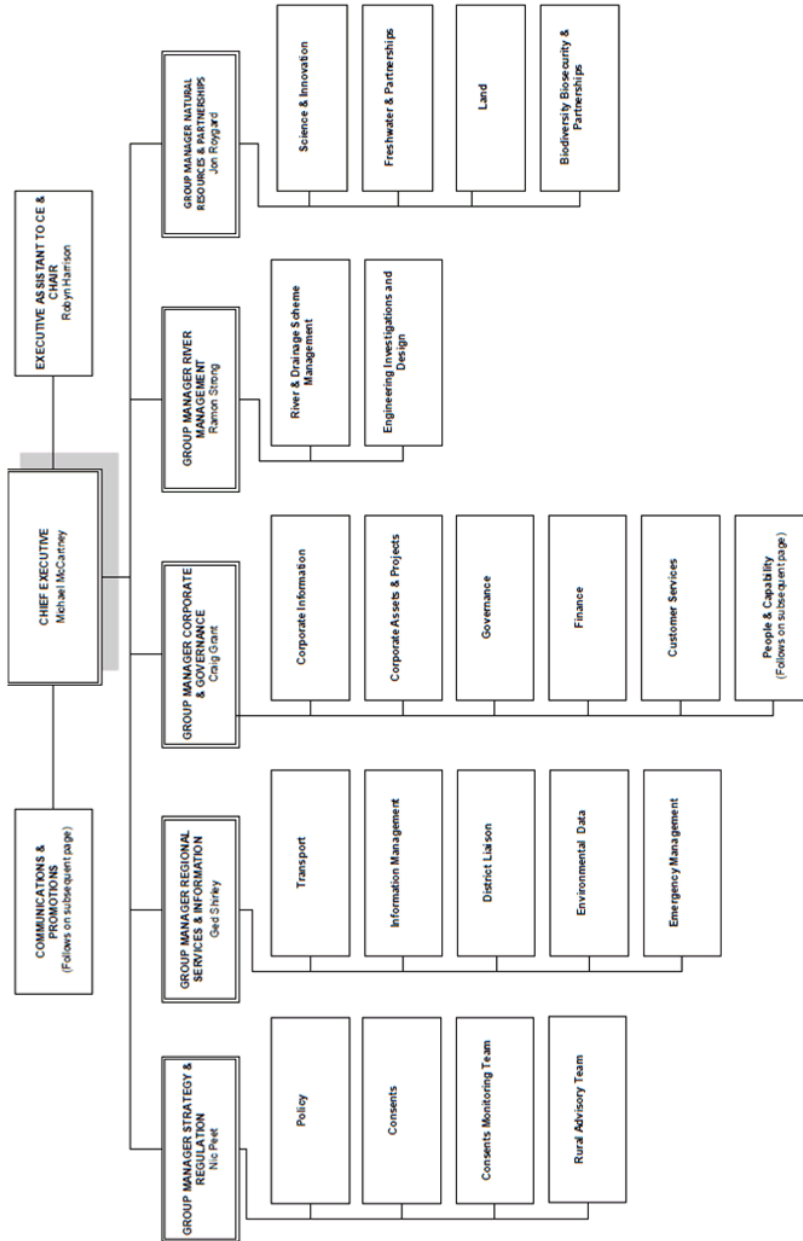
	Chair	Deputy Chair	Members
<b>The Chair of Council is ex officio on all Committees</b>			
<b>Council</b>	All Councillors (12)		
<b>Strategy &amp; Policy</b> (Committee of the Whole)	Chair of Council	Deputy Chair Council	All Councillors (12)
<b>Catchment Operations</b>	David Cotton	Allan Benbow	All Councillors
<b>Environment</b>	Nicola Patrick	Wiremu Te Awe Awe	All Councillors
<b>Audit, Risk &amp; Investment</b> (AR&I Committee mtgs can be called at short notice)	Allan Benbow	Emma Clarke	John Turkington, Sam Ferguson, Nicola Patrick, (plus Chair & Deputy Chair of Council)
<b>Regional Transport</b>	Chair of Council	Substitute – Deputy Chair of Council	Chair of Passenger Transport
<b>Passenger Transport Committee</b>	Sam Ferguson	Weston Kirton	Nicola Patrick, Fiona Gordon, Jono Naylor, Emma Clarke
<b>Manawatu River Users' Advisory Group</b>	Fiona Gordon	N/A	N/A
<b>Civil Defence Emergency Management Group</b>	Chair of Council	N/A	N/A
<b>Linklater Bursary Subcommittee</b>	N/A	N/A	John Turkington, Wiremu Te Awe Awe, Fiona Gordon

### 18.1 Council Appointments

(Where there is a request for an Horizons Regional Council representative)

<b>Zone 3</b>	Chair of Council and Crs Te Awe Awe, Patrick, Ferguson, Clarke, Benbow, F Gordon & Turkington
<b>Manawatū Gorge (Te Apiti) Governance Group</b>	Chair of Council (Chair) and Cr Naylor and Cr Te Awe Awe as proxy
<b>Lake Horowhenua Freshwater Improvement Fund Project</b>	Cr Ferguson
<b>Whangaehu Freshwater Improvement Fund Project</b>	Cr Kirton
<b>Manawatū Freshwater Improvement Fund Project</b>	Cr Benbow
<b>Lake Waipu/Rātana Freshwater Improvement Fund Project</b>	Cr Turkington
<b>Totara Reserve Advisory Group</b>	Cr F Gordon (Chair), and Cr Turkington
<b>SLUI Advisory Group</b>	Cr David Cotton (Chair), Crs Benbow, Turkington
<b>Manawatū River Leaders Accord</b>	Chair of Council and Crs Benbow, Clarke, F Gordon, Te Awe Awe
<b>Lake Horowhenua Accord Group</b>	Chair of Council, Crs Ferguson, Clarke
<b>Bushy Park Governance Group</b>	Cr Patrick

19. Horizons Regional Council Organisational Chart



Report No.	20-15
Information Only - No Decision Required	

## COUNCILLORS' WORKSHOP ATTENDANCE - 11 DECEMBER 2019 TO 18 FEBRUARY 2020

### 1. EXECUTIVE SUMMARY

- 1.1. This item is to note the Councillors' Workshop Attendance from 11 December 2019 to 18 February 2020.

### 2. RECOMMENDATION

It is recommended that Council:

- a. receives the information contained in Report No. 20-15 and Annex.

### 3. SIGNIFICANCE

- 3.1. This is not a significant decision according to the Council's Policy on Significance and Engagement.

Craig Grant  
**GROUP MANAGER CORPORATE & GOVERNANCE**

### ANNEXES

- A Councillors' Workshop Attendance

**HORIZONS REGIONAL COUNCIL**  
**COUNCILLORS' WORKSHOP ATTENDANCE**  
(for the period)  
**11 December 2019 to 18 February 2020**

Date / Time	Details	Councillor Attendance
11 Dec 19	Resource Management Phase 2 Reforms	Present: Cr AL Benbow Cr DB Cotton Cr SD Ferguson Cr EB Gordon Cr FJT Gordon Cr RJ Keedwell Cr NJ Patrick Cr WK Te Awe Awe Cr GJ Turkington Apology: Cr EM Clarke Cr WM Kirton Cr JM Naylor
17 Dec 19	Draft Annual Plan No. 4	Present: Cr AL Benbow Cr EM Clarke Cr SD Ferguson Cr EB Gordon Cr FJT Gordon Cr RJ Keedwell Cr WM Kirton Cr JM Naylor Cr NJ Patrick Cr GJ Turkington Apology: Cr DB Cotton Cr WK Te Awe Awe



Date / Time	Details	Councillor Attendance
28 January 20	<ul style="list-style-type: none"> <li>- Finance 102</li> <li>- Draft Annual Plan No. 5</li> <li>- Rangitikei River</li> <li>- Lake Horowhenua</li> </ul>	Present: Cr AL Benbow Cr EM Clarke Cr DB Cotton (via audiovisual link) Cr SD Ferguson Cr EB Gordon Cr FJT Gordon Cr RJ Keedwell Cr WM Kirton Cr JM Naylor Cr NJ Patrick Cr WK Te Awe Awe Cr GJ Turkington
11 Feb 20	<ul style="list-style-type: none"> <li>- Draft Annual Plan No. 6</li> <li>- Plan Change 2</li> <li>- Biodiversity Management</li> </ul>	Present: Cr AL Benbow Cr EM Clarke Cr DB Cotton Cr SD Ferguson Cr EB Gordon Cr FJT Gordon Cr RJ Keedwell Cr WM Kirton Cr JM Naylor Cr NJ Patrick Cr WK Te Awe Awe Cr GJ Turkington



Report No.	20-16
Information Only - No Decision Required	

## AFFIXING OF THE COMMON SEAL

### 1. PURPOSE

- 1.1. This paper reports on documents to which Horizons Regional Council's Common Seal has been affixed.

### 2. RECOMMENDATION

That the Council:

- a. **acknowledges** the affixing of the Common Seal to the below mentioned documents.

### 3. FINANCIAL IMPACT

- 3.1. There is no additional financial impact.

### 4. COMMUNITY ENGAGEMENT

- 4.1. The community is able to see this information either in the agenda or on the Council's website.

### 5. COMMENT

- 5.1. The Common Seal has been affixed to the following documents:

a. **Under Chief Executive's Delegated Authority:**

- Warrant Card  
Honorary Enforcement Officer  
for Manawatu River and Tributaries Navigation and Safety Bylaw 2010  
1 December 2019 to 1 December 2022
  - Maurice Reid
  - Keith Eveleigh
  - Ian Halliday Taylor
  - Ian John Pedersen
  - Bruce Edward Culley
- Warrant Card  
Enforcement Officer  
Megan Wilson
- Warrant Card  
Enforcement Officer  
Shelley Gunning

b. **Under Urgency:**

Nil

c. **To be Approved:**

Nil

**6. SIGNIFICANCE**

- 6.1. This is not a significant decision according to the Council's Policy on Significance and Engagement.

Craig Grant  
**GROUP MANAGER CORPORATE & GOVERNANCE**

**ANNEXES**

There are no attachments to this report.

Report of the third meeting of the eleventh triennium of the Strategy and Policy Committee (Live streamed) held at 10.00am on Tuesday 11 February 2020, in the Tararua Room, Horizons Regional Council, 11-15 Victoria Avenue, Palmerston North.

**PRESENT** Crs RJ Keedwell (Chair), AL Benbow, EM Clarke, DB Cotton, SD Ferguson, EB Gordon, FJT Gordon, WM Kirton, JM Naylor, NJPatrick, WK Te Awe Awe, and GJ Turkington.

**IN ATTENDANCE** Chief Executive Mr MJ McCartney  
Group Manager  
Corporate and Governance Mr C Grant  
Committee Secretary Mrs JA Kennedy

**ALSO PRESENT** At various times during the meeting:

Mr R Strong (Group Manager River Management), Dr N Peet (Group Manager Strategy & Regulation), Mr G Shirley (Group Manager Regional Services & Information), Dr J Roygard (Group Manager Natural Resources & Partnerships), Mr R Smillie (Environmental Manager), Mr T Bowen (Principal Advisor), Mr J Twomey (Senior Policy Analyst Iwi), Mrs R Tayler (Manager Policy & Strategy), Ms A Matthews (Science & Innovation Manager), Dr E Daly (Senior Scientist Ecology), Ms C Morrison (Media & Communications Manager), and a member of the press.

The Chair welcomed everyone to the meeting and invited Cr Te Awe Awe to say a Karakia.

#### **APOLOGIES**

There were no apologies.

#### **PUBLIC FORUMS / DEPUTATIONS / PETITIONS**

There were no requests for public speaking rights.

#### **SUPPLEMENTARY ITEMS**

There were no supplementary items to be considered.

#### **MEMBERS' CONFLICTS OF INTEREST**

There were no conflicts of interest declared.

#### **CONFIRMATION OF MINUTES**

**SP 20-12** *Moved* *Patrick/Naylor*

*That the Committee:*

***confirms** the minutes of the Strategy and Policy Committee meeting held on 10 December 2019 as a correct record, and notes that the recommendations were adopted by the Council on 17 December 2019.*

**CARRIED**

**DRAFT NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY:  
CONSULTATION DOCUMENT**

*Report No 20-04*

Dr Roygard (Group Manager Natural Resources & Partnerships) introduced the report which summarised the key issues identified in the draft National Policy Statement for Indigenous Biodiversity (NPSIB), and discussed the potential implications for the management of biodiversity in the Horizons Region and the work that may be required from the region's territorial authorities. The report sought council agreement to key themes for Horizons' submission on the NPSIB and the process for councillor input into finalising the submission. Dr Daly (Senior Scientist Ecology) summarised the aims, purpose, and implementation of the NPSIB policies. She highlighted the concerns amongst regional councils around the current timeframes associated with its implementation, commented on the strong focus within the NPSIB around the promotion of restoration, and the shift of responsibilities from Horizons Regional Council to territorial authorities. Members expressed their views around the draft NPSIB, sought clarification, noted their concerns, and outlined their thoughts around issues to be included in the submission.

Ultimately the recommendations were moved with several suggested additions:

- c.ii – include 'potential' before 'trade-offs'; and include 'in the absence of additional funding and resourcing' after 'may need to be made'.
- An additional iv. and v. were included.

Before the amended recommendations were put by the Chair, Cr F Gordon had the opportunity to clarify her suggested amendments.

**SP 20-13                      Moved    F Gordon/Kirton**

*That the Committee recommends that Council:*

- a. *receives the information contained in Report No. 20-04; and*
- b. *notes that the draft National Policy Statement for Indigenous Biodiversity (NPSIB) could have a significant impact on how the council manages and regulates indigenous biodiversity in the Manawatū-Whanganui region;*
- c. *agrees to the following key themes to be progressed in the development of the submission for the council on the draft:*
  - i. *sets out the approach to indigenous biodiversity regulation and management in the Horizons Region and discusses the efficiency gains that can be realised when taking an adaptive management planning approach;*
  - ii. *demonstrates the estimated financial impact for councils within the region to implement the draft NPSIB and the potential trade-offs that may need to be made in the absence of additional funding and resourcing*
  - iii. *demonstrates the importance of non-regulatory interventions and partnerships in realising biodiversity gain;*
  - iv. *sets out Horizons Regional Council progress on priority sites biodiversity programme to date, as per the State of Environment report and including the number of sites currently under active management (L4-6);*
  - v. *sets out the likely barriers to increasing the number of priority sites under active management (L4-6) into the future, including any science needs, funding or resource issues.*

- d. *directs the Chief Executive to circulate the submission to council for comment via email and to finalise the submission with the Chair.*

**CARRIED**

## **HORIZONS BIODIVERSITY MANAGEMENT UPDATE**

*Report No 20-05*

Dr Roygard (Group Manager Natural Resources & Partnerships) presented the report which introduced Horizons current approach to biodiversity management with a focus on the non-regulatory biodiversity activities. The paper also overviewed a review of non-regulatory biodiversity activity that had been underway for some time and sought council's decision on one part of the review in relation to Horizons' Biodiversity Partnerships Programme. The programme included the range of collaborative projects with other agencies and community groups to enhance biodiversity within the Region. Dr Daly (Senior Scientist Ecology) then took Members through the detail of the biodiversity programme, commented on the One Plan's strategy of a two tiered approach, and clarified Members' questions.

**SP 20-14**

**Moved**

**Ferguson/Cotton**

*That the Committee recommends that Council:*

- a. *receives the information contained in Report No. 20-05 and Annex.*
- b. *Holds a council workshop to scope:*
  - i. *the strategic overarching goal for the non-regulatory biodiversity programme;*
  - ii. *the goal/s for the community biodiversity programme;*
  - iii. *the process and criteria for allocating funds to the biodiversity partnerships projects with other agencies and community groups;*
  - iv. *options for a broader programme of community engagement around biodiversity projects; and*
  - v. *options for the allocation of funding between projects that engage with community groups; initiatives that mobilise community members at an individual or household level; and ensuring budget is available to capitalise on opportunities that bring additional funding to projects.*
- c. *directs the Group Manager of Natural Resources and Partnerships to report back on work of the Councillor workshop to Council for final decisions around the matters identified in (b).*

**CARRIED**

## IWI QUARTERLY REPORT

*Report No 20-06*

Mr Twomey (Senior Policy Analyst Iwi) introduced the report which provided Council with an update on iwi matters in the region including progress in Treaty settlement negotiations, and ongoing iwi engagement. The quarter also provided information on some of the economic opportunities that iwi were advancing within the region. Members' questions were responded to by Mr Twomey and the Chief Executive, and discussion was had around a process and approach for consultation and engagement for the management of freshwater.

**SP 20-15**                      **Moved**    **Clarke/Patrick**

*That the Committee recommends that Council:*

- a. *receives the information contained in Report No. 20.06;*
- b. *notes that Te Arawhiti is due to distribute the Ngāti Maniapoto draft Deed of Settlement for discussion and an indication of support from Council;*
- c. *notes the economic opportunities that iwi are pursuing for the benefit of their people;*
- d. *notes that Horizons staff are developing a relationship agreement in partnership with Te Rūnanga o Tūpoho;*
- e. *notes that Horizons staff are in the initial stages of planning for an iwi regional hui.*

**CARRIED**

Cr Te Awe Awe closed the meeting with a Karakia.

The meeting closed at 11.19am.

Confirmed

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CHIEF EXECUTIVE

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CHAIR



Report of the second meeting of the eleventh triennium of the Environment Committee held at 9.30am on Wednesday 12 February 2020, in the Tararua Room, Horizons Regional Council, 11-15 Victoria Avenue, Palmerston North.

**PRESENT** Crs NJ Patrick (Chair), AL Benbow, EM Clarke (from 9.32am), DB Cotton, SD Ferguson, EB Gordon, FJT Gordon (to 11.04am, from 11.18am to 12.15pm, from 12.59pm), RJ Keedwell (from 9.39am), WM Kirton, JM Naylor (to 12.15pm), WK Te Awe Awe (from 10.13am to 12.15pm, from 12.58pm), and GJ Turkington (to 12.15pm, from 12.58pm).

**IN ATTENDANCE** Committee Secretary Mrs K Booth

**ALSO PRESENT** At various times during the meeting:

Dr J Roygard (Group Manager Natural Resources & Partnerships), Dr N Peet (Group Manager Strategy & Regulation), Mr C Grant (Group Manager Corporate & Governance), Mr R Smillie (Biodiversity, Biosecurity & Partnerships Manager), Ms A Matthews (Science & Innovation Manager), Mr G Bevin (Regulatory Manager), Mr L Brown (Freshwater & Partnerships Manager), Ms R Mercer (Senior Water Allocation Scientist), Mr D Neal (Business Services Manager), various staff members, Ms A Hunt, Ms V Taueki, Mr P Taueki, Mr L Dalzell, Mr D McGahan, Mr I Sloane, members of the public and a member of the press.

The Chair welcomed everyone to the meeting and invited Cr Naylor to say a Karakia.

## **APOLOGIES**

**ENV 20-7** **Moved** **Turkington/B Gordon**

*That the Committee receives an apology for lateness from Crs Rachel Keedwell, Emma Clarke, and Wiremu Te Awe Awe.*

**CARRIED**

After the lunchbreak, the Chair advised an apology had been received from Cr Naylor (from 12.15pm).

## **PUBLIC FORUMS / DEPUTATIONS / PETITIONS**

There were requests for a deputation from Anne Hunt, Vivienne Taueki and Phil Taueki in regard to Lake Horowhenua. The Chair advised this would be heard at 10.30am.

## **SUPPLEMENTARY ITEMS**

There were no supplementary items to be considered.

## **MEMBERS' CONFLICTS OF INTEREST**

Councillor Turkington declared a possible conflict of interest due to his presence in the Agenda.

## CONFIRMATION OF MINUTES

**ENV 20-8**                      **Moved**    **Naylor/F Gordon**

*That the Committee:*

**confirms** the minutes of the Environment Committee meeting held on 13 November 2019 as a correct record, and notes that the recommendations were adopted by the Council on 26 November 2019.

**CARRIED**

## NATURAL RESOURCES & PARTNERSHIPS PROGRESS REPORT

*Report No 20-01*

This item updated Members on the progress made in the Natural Resources & Partnership Group's activities over the period 1 October to 31 December 2019. It provided updates on progress against the annual plan targets and aspects of the Group's Operational Plan 2019-20. Dr Roygard (Group Manager Natural Resources & Partnerships) introduced Mr Brown (Freshwater & Partnerships Manager), Mr Smillie (Biodiversity, Biosecurity & Partnerships Manager), Ms Matthews (Science & Innovation Manager) and Ms Mercer (Senior Water Allocation Scientist). Dr Roygard advised he would address key items in the Agenda, followed by Ms Mercer's presentation on 'Low Flow Update', and Members' questions.

*Cr Keedwell joined the meeting at 9.39am.*

During Ms Mercer's presentation, she explained how the telemetry system worked and clarified questions around groundwater and river takes.

*Cr Te Awe Awe joined the meeting at 10.13am.*

Mr Brown, Mr Smillie and Ms Matthews responded to questions arising from their reports including information on weirs and fish passes.

**ENV 20-9**                      **Moved**    **Clarke/F Gordon**

*That the Committee recommends that Council:*

a. receives the information contained in Report No. 20-01 and Annexes.

**CARRIED**

## DEPUTATION

The Chair invited Ms Anne Hunt, Ms Vivienne Taueki and Mr Phil Taueki to speak to their deputation in regard to Lake Horowhenua. Ms Anne Hunt spoke about the history of the Lake and legal processes to date. Ms Vivienne Taueki spoke about the relationship with Horizons Regional Council and staff, and tabled documents as follows:

- Letter of 9 February 2020 from Vivienne Taueki to Chair Rachel Keedwell and Cr Jono Naylor.
- Letter of 5 February from Hokio A Maori Land Trust to Ms Jasmine Mitchell re lodgement of resource consent application for Rakau Hamana
- Letter of 3 February 2020 from Hokio A Maori Land Trust to Ms Jasmine Mitchell re lodgement of resource consent application for Rakau Hamana
- Correspondence between Vivienne Taueki and Clinton Hemana
- Information from Lowe Environmental Impact
- Excerpts from the Waitangi Tribunal enquiry into Freshwater and the matters identified there

Ms Taueki commented they wanted an open and transparent relationship with Council that met the objectives of the One Plan. Mr Taueki spoke about the governance of Lake Horowhenua, cultural matters, and issues.

The Chair thanked them for their deputation. She then advised the meeting would adjourn in accordance with Standing Orders 4.2, prior to the presentation on the Te Ahu a Turanga project.

*The meeting adjourned at 11.04am.*

*The meeting reconvened at 11.12am.*

## **PRESENTATION: TE AHU A TURANGA PROJECT**

*Report No 20-03*

A presentation on the Te Ahu a Turanga project was made by Lonnie Dalzell (NZTA and Alliance Owner Interface Manager), Damien McGahan (Planning Manager) and Ian Sloane (Chair of Project Alliance Board).

*Cr F Gordon joined the meeting at 11.18am.*

They explained the relationships between parties involved in the project and with Horizons Regional Council, the history and progress to date, the Alliance partners, the concept design, and the timeline. They clarified Members' questions arising from the presentation.

**ENV 20-10      Moved                                      Benbow/Cotton**

*That the Committee recommends that Council:*

- a. *receives the presentation on the Te Ahu a Turanga project.*

**CARRIED**

*The meeting adjourned at 12.15pm.*

*The meeting reconvened at 12.52pm.*

*An apology was received from Cr Naylor.*

*Crs Turkington, Te Awe Awe and F Gordon joined the meeting at 12.58pm.*

## **REGULATORY MANAGEMENT REPORT - OCTOBER TO DECEMBER 2019**

*Report No 20-02*

This report updated Members on regulatory activity for the period October to December 2019, and provided a summary of the compliance programme associated with the Mercury Windfarm. Dr Peet (Group Manager Strategy & Regulation) introduced the report, commented on the size and complexity of the Windfarm work, and referred Members to the summary of the compliance programme associated with the construction of the Mercury Windfarm.

Mr Bevin (Regulatory Manager) summarised the compliance programme and regulatory action and clarified when infringement and abatement notices were issued. Members provided their views and comments around Horizons approach as a regulator to enforce consent conditions, and its responsibilities to ensure consent conditions were complied with. It was noted that consents were public documents.

**ENV 20-11      Moved                                      Te Awe Awe/Keedwell**

*That the Committee recommends that Council:*

a. *receives the information contained in Report No. 20-02 and Annexes.*

**CARRIED**

The meeting closed at 1.42pm.

Confirmed

\_\_\_\_\_  
GROUP MANAGER STRATEGY  
& REGULATION

\_\_\_\_\_  
CHAIR

## Public Excluded Section

### RECOMMENDATION

That the public be excluded from the remainder of the Council meeting as the general subject 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 follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

General subject of each matter to be considered	Reason for passing this resolution	Ground(s) under section 48(1) for the passing of this resolution
PX1 Confirmation of Public Excluded Meeting held on 17 December 2019	s7(2)(h) - the withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.
PX2 Report of Passenger Transport Committee Meeting – Receive and Adopt Resolutions and Recommendations – 18 February 2020 <i>(Supplementary Item)</i>	s7(2)(h) - the withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7
PX3 Earthquake Damage Assessment, River Management Assets	s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.  Any contractual arrangement between Horizons and GNS Science will effectively be a consultancy services agreement and accordingly it would not be appropriate to divulge the detail of that arrangement. It also contains some frank views around previous technical work undertaken that would not produce a productive discussion in a public arena.	s48(1)(a)  The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.

<p>PX4 Horizons River Management Submission on Horowhenua District Council Fairfield Road Stormwater Discharge Consent Application</p>	<p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege.</p> <p>Negotiations with the Horowhenua District Council on this matter are at an early stage and public disclosure of this information will almost certainly negatively impact those negotiations.</p> <p>s7(2)(i) - the withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p> <p>Negotiations with the Horowhenua District Council on this matter are at an early stage and public disclosure of this information will almost certainly negatively impact those negotiations.</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>
<p>PX5 Carry Forwards</p>	<p>s7(2)(h) - the withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>The Financial Reports have not been audited and are subject to a number of year end adjustments and audit review before being released to the public.</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>
<p>PX6 MWRC Holdings Limited (MWRCH) 2021-23 Draft Statement of Intent</p>	<p>s7(2)(h) - the withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>These performance measures are draft and subject to change post feedback to MWRCH Board by Council. The final measures will be included in the Statement of Intent and therefore be available to the public at that time.</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>

<p>PX7 Regional Software Holdings Limited 2020-23 Draft Statement of Intent</p>	<p>s7(2)(h) - the withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p> <p>These performance measures are draft and subject to change post feedback to RSHL by Council. The final measures will be included in the Statement of Intent and therefore be available to the public at that time.</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>
<p>PX8 Chief Executive Performance Review Process</p>	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</p> <p>The report should remain confidential because it includes information about the performance and employment terms of an identifiable individual.</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</p>
<p>PX9 Additional Loan Funding <i>(Supplementary Item)</i></p>	<p>s7(2)(h) - the withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.</p>	<p>s48(1)(a)</p> <p>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7</p>
<p>PX10 Council / Committee to consider whether any item in the Public Excluded minutes can be moved into the public domain and define the extent of the release</p>		