

Minutes of the fifteenth meeting of the tenth triennium of Horizons Regional Council held at 10.00am on Tuesday 27 March 2018, in the Tararua Room Horizons Regional Council, 11-15 Victoria Avenue, Palmerston North.

**PRESENT** Crs EB Gordon JP (Chair), JJ Barrow, LR Burnell QSM, DB Cotton, RJ Keedwell, PJ Kelly JP, GM McKellar, NJ Patrick, PW Rieger QSO JP, BE Rollinson, CI Sheldon, WK Te Awe Awe

**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), Ms C Morrison (Media & Communications Manager), Mrs L Macdonald (Chief Financial Officer), Mr S Mancer (Management Accountant), Mr R Standish (Management Accountant), Ms K Booth (Governance Coordinator), Ms P Tucker (Policy Analyst), Ms D Perera (Audit New Zealand), 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**

There were no apologies.

## **PUBLIC SPEAKING RIGHTS**

There were no requests for public speaking rights.

## **SUPPLEMENTARY ITEMS**

The Chair noted the Supplementary Agenda containing Council minutes, Committee reports, and Report No. PX18-46. The Supplementary Agenda had been distributed to Members prior to the meeting.

## **MEMBERS' CONFLICTS OF INTEREST**

There were no conflicts of interest declared.

## **PETITIONS / DEPUTATIONS**

There were no petitions/deputations.

**CONFIRMATION OF MINUTES – 14 March 2018****18-201****Moved****Rieger/Keedwell**

*That the minutes of the Regional Council meeting held on 14 March 2018 as circulated, be confirmed as a correct record.*

**CARRIED****REPORT OF STRATEGY & POLICY COMMITTEE MEETING - RECEIVE AND ADOPT RESOLUTIONS AND RECOMMENDATIONS - 14 MARCH 2018****18-202****Moved****Patrick/Kelly**

*That the Council receives and adopts the resolutions and recommendations of the Strategy & Policy Committee meeting held on 14 March 2018.*

**CARRIED****CONFIRMATION OF MINUTES – 14 February 2018****18-203****Moved****McKellar/Rieger**

*That the minutes of the Regional Council meeting held on 14 February 2018 as circulated, be confirmed as a correct record.*

**CARRIED****Matters Arising:**

In response to a query, the Committee Secretary was asked to check the recording of the 14 February Council Meeting. After listening to the recording, no evidence of any Councillor asking for their name(s) to be recorded as 'against' recommendation 18-194 was found when the motion was put by the Chair.

**CONSIDERATION OF THE CONSULTATION DOCUMENT FOR THE 2018-28 LONG-TERM PLAN AND SUPPORTING INFORMATION FOR ADOPTION***Report No 18-35*

This report sought the adoption of the Supporting Information to the Consultation Document (Supporting Information) and 2018-28 Long-term Plan Consultation Document (Consultation Document) for consultation with the public under Sections 93A (use of special consultative procedure in relation to the Long-term Plan) and 93B (purpose of Consultation Document for the Long-term Plan) of the Local Government Act (LGA) 2002. Mrs Macdonald (Chief Financial Officer) outlined minimal changes to the Supporting Documentation which resulted in a change to the way Council rated. The average rate increase would remain at 7.44%. She then outlined the wording changes made to the preferred option for the Regional Facilities Fund, Option Three, page 9 of the Consultation Document. She explained that public feedback would be sought before committing to the establishment of a Regional Facilities Fund which was in line with recommendation 18-194 in the 14 February 2018 Council minutes. Ms Perera (Audit New Zealand) explained that the original wording in Option 3 was a negative option, contrary to recommendation 18-194.

In response to Members' concerns, the Chief Executive explained the audit process and why there was a need for last minute changes to the documentation. He said he would be raising the issue of audit timeframes and process with the Office of the Auditor General. He then commented on Audit New Zealand's level of involvement in the Consultation Document. Ms Perera responded and clarified Audit New Zealand's role to issue an audit opinion.

A recommendation to extend appreciation to Council staff for their involvement in the 2018 Long-term Plan was suggested.

**18-204**

**Moved**

**Patrick/Barrow**

*That the Council:*

*extends its appreciation to Council staff involved in preparing and presenting the 2018 Long-term Plan.*

**CARRIED**

The amended wording for Option 3, Regional Facilities Fund was provided on the screen. Members provided their thoughts on the amended wording and expressed concern at the intention of the words “To consult...”. Members believed the wording indicated that more than one consultation process would take place. Ms Macdonald clarified that only one consultation process would be undertaken. Ms Perera agreed that the wording could be confusing to ratepayers. Accordingly, after discussion on appropriate wording for Option 3, the following recommendation was put.

**18-205**

**Moved**

**Sheldon/Rollinson**

*That the Council:*

*agrees to only establish a Regional Facilities Fund should ratepayer feedback support it.*

**CARRIED**

Mrs Macdonald and Ms Perera explained the information in the Consultation Document relating to the Capital Connection Service and future funding requirements. The Chief Executive said two examples which showed indicative contributions were provided for public feedback. Mrs Macdonald and Mr Shirley responded to Members’ questions about the rating formula for this activity.

In response to Members’ questions, Ms Morrison (Media & Communications Manager) outlined the public consultation strategy and communications plan. Members reiterated their concerns at the last minute changes to the Consultation Document and Supporting information. Several Members expressed their concern at a 7.44% rate increase and commented on its affordability for ratepayers.

**18-206**

**Moved**

**Keedwell/Patrick**

*It is recommended that Council:*

- a. receives the information contained in Report No. 18-35.*
- b. adopts the Supporting Information to the Consultation Document, as amended;*
- c. adopts the Consultation Document for public consultation, as amended.*

**CARRIED**

## CHIEF EXECUTIVE'S REPORT

The Chief Executive (CE) took Members through his report and responded to Members' questions about the various activities.

**18-207**                      **Moved**                                      **Gordon/McKellar**

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

**CARRIED**

## REPRESENTATION REVIEW 2018

*Report No 18-36*

This item supported Council's adoption of an 'initial proposal' for consultation, the next stage of Horizons' six-yearly review of its representation arrangements. The representation review was required by the Local Electoral Act 2001 (LEA). Mr Grant (Group Manager Corporate & Governance) acknowledged the work undertaken by Ms Booth (Governance Coordinator) and Ms Tucker (Policy Analyst). He then took Members through the process so far, and outlined Council's decisions as the first steps in the current review. Members had indicated their preferences at a workshop held on 28 February 2018, to retain the existing electoral arrangements. Mr Grant said Council now needed to adopt its preferred representation arrangements for public consultation, and he outlined the timeline and next steps.

**18-208**                      **Moved**                                      **Kelly/Rieger**

*It is recommended that Council:*

- a. *receives the information contained in Report No. 18-36, and*
- b. *resolves to adopt the existing representation arrangements as the initial proposal for public consultation, and*
- c. *instructs officers to publicly notify the initial proposal by 10 April 2018.*

**CARRIED**

## LOCAL GOVERNMENT NEW ZEALAND CONFERENCE 2018

*Report No 18-37*

This report determined Members' attendance at the 2018 Local Government New Zealand (LGNZ) Conference. The Chair said normally only three Councillors were approved but was happy to authorise the attendance of four Councillors for the 2018 Conference.

**18-209**                      **Moved**                                      **Gordon/Kelly**

*It is recommended that Council:*

- a. *receives the information contained in Report No. 18-37.*
- b. *approves the attendance of the Chairman of Council and Councillors Barrow, Patrick, Keedwell, and Rollinson with expenses paid, and the Chief Executive, at the 2018 Local Government New Zealand Conference at Christchurch from 15-17 July 2018, and includes any regional pre tour.*

**CARRIED**

## DRAFT REGIONAL TARGETS FOR SWIMMABLE LAKES AND RIVERS

### Report No 18-38

This paper provided an update to work towards setting regional and national targets for primary contact in rivers and lakes under the National Policy Statement for Freshwater Management (NPSFM). Dr Peet (Group Manager Strategy & Regulation) introduced the item. He outlined the process undertaken by the governance group and taskforce to help councils meet their obligations. The draft target for Horizons region for all year round swimmability was 60% by 2030. Council had between now and December 2018 to set a more aspirational target if it wished to do so. Dr Roygard (Group Manager Natural Resources and Partnerships) gave an overview of the scientific modelling to improve swimmability in rivers and lakes, clarifying Members' questions as they arose.

There was discussion and comment from Members on the draft target set out in recommendation (g) with a suggestion that the target was too conservative and should be raised. Members' questions about the economic impacts of increasing the target and certainty of reaching it were responded to. Amendments to recommendation (g) of 70% and 80% were discussed.

The Chair then put recommendations (a) – (f) and (h) and (i).

**18-210**

**Moved**

**Keedwell/Patrick**

*It is recommended that Council:*

- a. *receives the information contained in Report No. 18-38 and Annexes.*
- b. *notes that the NPSFM has set a national target “to increase the proportion of specified rivers and lakes that are suitable for primary contact ... to at least 80 percent by 2030 and 90 percent no later than 2040”;*
- c. *notes that the NPSFM requires regional councils to make draft regional targets to improve the quality of fresh water, that will contribute to achieving the national target, and to make these draft regional targets publicly available by 31 March 2018, with final regional targets publicly available by 31 December 2018;*
- d. *notes that the Government has indicated it may further amend the NPSFM in respect of “swimmability” and that these amendments may impact on developing our final regional targets;*
- e. *notes that a report on existing commitments for work underway in each region to improve water quality for swimming has been prepared in a partnership between central government and the Regional Sector and is attached (Annex A). The MfE will make this publicly available before 31 March 2018;*
- f. *notes that the modelling undertaken for the report forms the basis for the draft targets;*
- h. *notes that staff will be required to undertake further work, which may include community consultation, before reporting back to Council with a recommendation for a final regional target in December 2018;*
- i. *agrees to recommend that the Regional Sector works collaboratively with the Government on any amendments to the NPSFM and requirements to set final regional targets.*

**CARRIED**

The Chair then put an amendment to recommendation (g) to increase the draft target to 80%.

**Moved** **Patrick/Keedwell**

*It is recommended that Council:*

- g. *agrees to set a draft target for the Horizons Region of 80 percent of rivers and lakes swimmable by 2030, and make this target publicly available with the information sheet (Annex B);*

**LOST**

The Chair then put an amendment to recommendation (g) to increase the draft target to 70%.

**18-211** **Moved** **Keedwell/Patrick**

*It is recommended that Council:*

- g. *agrees to set a draft target for the Horizons Region of 70 percent of rivers and lakes swimmable by 2030, and make this target publicly available with the information sheet (Annex B);*

**CARRIED**

*The meeting adjourned at 12.25pm.*

*The meeting reconvened at 12.50pm.*

The Chair said a division on Item 8.4, Draft Regional targets for Swimmable Lakes and Rivers was called for after the motion was put. He asked for Members' guidance on whether they wanted a division recorded. ~~As the decision was clear with only two Members voting against the motion, Members agreed a division was not needed.~~ **Members accepted that the division was called for too late and it was therefore not carried out.**

## **COUNCILLORS' WORKSHOP ATTENDANCE - 6 FEBRUARY 2018 TO 21 MARCH 2018**

*Report No 18-39*

This item noted the Councillors' Workshop Attendance from 6 February 2018 to 21 March 2018.

**18-212** **Moved** **Rieger/Kelly**

*It is recommended that Council:*

- a. *receives the information contained in Report No. 18-39 and Annex.*

**CARRIED**

## AFFIXING OF THE COMMON SEAL

Report No 18-40

This paper reported on documents to which Horizons Regional Council's Common Seal had been affixed. The Chief Executive and Dr Roygard (Group Manager Natural Resources & Partnerships) clarified the administrative change relating to the Silk Forestry Right.

**18-213**                      **Moved**    **Kelly/Rieger**

*That the Council:*

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

- *Warrant Card - Authorised Officer / Enforcement Officer  
Sarah Carswell*
- *Warrant Card - Enforcement Officer  
Jesse Mackayla Brennan*
- *Caveator Consent  
Surrender of FR 9197423.1  
Manawatu-Whanganui Regional Council (the Caveator)  
Caveat registered 9164527.1  
Refer seal – 506365 - 506369*
- *Forestry Right  
Grantor: Robert David Silk, Joan Evelyn Silk, and Feildmart Trustee  
Co Ltd  
Grantee: Manawatu-Whanganui Regional Council*
- *Term Loan Agreement  
Lender: Manawatu-Whanganui Regional Council  
Borrowers: Robert David Silk, Joan Evelyn Silk, and Feildmart  
Trustee Co Ltd*
- *Deed of Variation of General Security Agreement  
The Debtor: Robert David Silk, Joan Evelyn Silk, and  
Feildmart Trustee Co Ltd  
The Secured Party: Manawatu-Whanganui Regional Council*
- *Warrant Card - Enforcement Officer  
Andrew David Howard*
- *Warrant Card – Enforcement Officer  
Jeffrey Stuart Graham*

**CARRIED**

## RECEIPT AND ADOPTION OF COMMITTEE RESOLUTIONS AND RECOMMENDATIONS

### REPORT OF ENVIRONMENT COMMITTEE MEETING - RECEIVE AND ADOPT RESOLUTIONS AND RECOMMENDATIONS - 13 FEBRUARY 2018

**18-214**                      **Moved**    **Kelly/Sheldon**

*That the Council receives and adopts the resolutions and recommendations of the Environment Committee meeting held on 13 February 2018, as amended with a correction to the spelling of 'Ngaa Rauru Kiitahi' under Members' Conflicts of Interest.*

**CARRIED**

**REPORT OF CATCHMENT OPERATIONS COMMITTEE MEETING - RECEIVE AND ADOPT RESOLUTIONS AND RECOMMENDATIONS - 13 FEBRUARY 2018**

**18-215**

**Moved**

**Cotton/Keedwell**

*That the Council receives and adopts the resolutions and recommendations of the Catchment Operations Committee meeting held on 13 February 2018.*

**CARRIED**

**Matters Arising:**

An item on the Lower Manawatu Scheme Reserves debt repayments was requested for a future Catchment Operations Committee or Strategy & Policy Committee meeting.

**REPORT OF PASSENGER TRANSPORT COMMITTEE MEETING - RECEIVE AND ADOPT RESOLUTIONS AND RECOMMENDATIONS - 20 FEBRUARY 2018**

**18-216**

**Moved**

**Keedwell/Rieger**

*That the Council receives and adopts the resolutions and recommendations of the Passenger Transport Committee meeting held on 20 February 2018, as amended under Deputations, Horowhenua Grey Power Association, amend to thank Mr Rohloff for his deputation.*

**CARRIED**

**MEMBER'S QUESTIONS**

The Chief Executive and Mr Strong (Group Manager River Management) responded to questions about a geotechnical study on the stability of the Manawatu Gorge.

Cr McKellar commented on a fire prevention device which was available for purchase at the Central Districts Field Days.

Cr Rollinson commented on the extent of damage caused by an isolated weather event in the Kaitieki Valley.

**LEAVE OF ABSENCE**

**18-217**

**Moved**

**Rieger/Rollinson**

*That the Council:*

*grants Leave of Absence to Cr Gordon McKellar from 10 May 2018 to 3 June 2018.*

**CARRIED**

Mr Strong (Group Manager River Management) responded to Members' questions and comments about the Catchment Community meetings, and sedimentation effects on levels of service.



## PROCEDURAL MOTION TO EXCLUDE THE PUBLIC

**18-218**

**Moved**

**Rieger/Burnell**

*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 14 March 2018	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 Potential use of s.24A of the Resource Management Act	s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege.  This paper covers material that could be the subject of legal action / discussion and could prejudice negotiations.  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).	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 Strategy & Policy Committee meeting - Receive and Adopt Resolutions and Recommendations – 14 March 2018	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 Lake Horowhenua Restoration Update	s7(2)(h) - the withholding of the information is necessary to enable the local authority to carry out, without prejudice or disadvantage, commercial activities.  The withholding of 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		
PX6 Members' Questions		

The meeting adjourned to the Public Excluded part of the meeting at 1.17pm and resumed at 2.35pm.

The meeting closed at 2.36pm.

Confirmed

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CHIEF EXECUTIVE

\_\_\_\_\_  
CHAIR