

Minutes of the seventh meeting of the tenth triennium of the Strategy and Policy Committee held at 10.30am on Wednesday 9 August 2017, in the Tararua Room, Horizons Regional Council, 11-15 Victoria Avenue, Palmerston North.

PRESENT Crs EB Gordon JP (Chairman), JJ Barrow, LR Burnell QSM (from 10.39am), DB Cotton, RJ Keedwell, PJ Kelly JP, GM McKellar, NJ Patrick, PW Rieger QSO JP, BE Rollinson, CI Sheldon, WK Te Awe Awe (from 12.06pm).

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 J Roygard (Group Manager Natural Resources & Partnerships), Dr N Peet (Group Manager Strategy & Regulation), Mr R Strong (Group Manager River Management), Mr G Shirley (Group Manager Regional Services & Information), Mr T Bowen (Manager Policy & Strategy), Mr G Bevin (Regulatory Manager), Ms C Morrison (Media & Communications Manager), Mr R Smillie (Biodiversity, Biosecurity & Partnerships Manager), Ms A Matthews (Science & Innovation Manager), Mr J Twomey (Senior Policy Analyst-Iwi), Mayor T Collis (Tararua District Council), Mr G Willis, Mr Rob Van Voorthuysen, Mr T Parminter, Mr B Vanderkolk (Crown Solicitor), interested parties, members of the public, and a member of the press.

The Chair welcomed everyone to the meeting which he said was being streamed to staff in the Ruapehu Room of Horizons Regional Council. He said that decisions from the Strategy & Policy Committee would be confirmed, or overturned, by Council at its Regional Council meeting to be held at the end of August.

APOLOGIES

SP 17-39 *Moved* **Rollinson/Sheldon**

That apologies be received from Crs Burnell and Te Awe Awe for lateness.

CARRIED

PUBLIC FORUMS / DEPUTATIONS

There were no requests for Public Forums / Deputations.

SUPPLEMENTARY ITEMS

The Chair noted a Supplementary Agenda containing Report No. 17-146, Regional Pest Management Plan 2017-2037 which had been distributed to Members prior to the meeting and was available on the Horizons Regional Council website.

MEMBERS' CONFLICTS OF INTEREST

Cr Patrick noted a potential conflict of interest in regard to Item 9, Marine and Coastal Area Act (Takutai Moana) Act 2011, through her employment with Te Kaahui o Rauru.

CONFIRMATION OF MINUTES

SP 17-40 **Moved** **Rieger/Kelly**

That the Committee:

confirms the minutes of the Strategy and Policy Committee meeting held on 7 June 2017 as a correct record.

CARRIED

Matters Arising:

In regard to Members' Reports, Cr Patrick noted that she also attended the Ballance Farm Environment Award Winners' Field Day at Pongaroa.

IMPLEMENTATION OF INTENSIVE LAND-USE RULES UNDER THE ONE PLAN

Report No 17-143

This item updated Members on changes to intensive land-use consenting processes, required as a result of the recent Environment Court declaratory proceedings. The paper outlined the process Horizons Regional Council was to apply in considering consent applications, and its understanding of the likely implications of that process for applicants.

Dr Peet (Group Manager Strategy & Regulation) introduced Mr Gerard Willis, Mr Rob Van Voorthuysen and Mr Terry Parminter. They were available to assist Members as they considered the item, respond to questions, and to support and provide their expert planning opinions to the sections of the report which outlined Horizon's decision-making process to align with the Environment Court's instructions. Dr Peet then explained the sections of the report, including the numerous annexes to the report for Members' information and reference.

Cr Burnell joined the meeting at 10.39am.

Mr Bevin (Regulatory Manager) referred Members to a series of revised application forms and guidance material attached at Annexes E-L which had been produced in line with the Environment Court decision. He outlined each of the forms and their purpose, and explained the specific requirements that applicants were required to complete. Mr Bowen (Manager Policy & Strategy) explained the lengthy and costly pathway, including the technical expertise and considerable information that was now required in support of an application. Dr Peet commented on the significant number of applicants who would be faced with no clear pathway under the current One Plan (OP) to meet the nitrogen leaching targets of the OP and therefore unlikely to obtain consent.

The Chief Executive (CE) briefly outlined the history of the OP, its implementation, and the challenge made by Fish & Game and the Environmental Defence Society (EDS) which resulted in a ruling from the Environment Court to enforce nitrogen limits as per Table 14.2 of the One Plan. The CE explained that with changing versions of OVERSEER it had become difficult for landowners to meet the targets in Table 14.2. Horizons was now obliged to give effect to the OP as directed by the Environment Court decision.

Members fully discussed and considered the information presented, asked a wide range of questions seeking information and explanations which included the revised application forms and guidance material, the challenges faced by market gardeners, timeframes involved for a possible OP change, the possibility of a catchment based approach rather than individual farms, and the social and economic cost of achieving targets in Table 14.2.

Cr Te Awe Awe joined the meeting at 12.06pm.

During discussion around how Horizons would deal with unconsented land-use activities, Dr Peet said Mr Ben Vanderkolk (Crown Solicitor) had been engaged to prepare legal advice around an approach. Council staff would also be meeting with Fish & Game and EDS in the following week to discuss options. In response to further discussion and questions around options available for a

proposed change to the OP's policies and rules, Dr Peet said this would be investigated and presented to Council at a future date.

A division was requested.

SP 17-41 Moved Rieger/Kelly

That the Committee recommends that Council:

- a. *receives the information contained in Report No. 17-143 and Annexes.*
- b. *notes that consenting processes for intensive land-use activities (including applications forms and guidance material) have been amended, in line with the Environment Court's direction;*
- c. *notes that preparation of an adequate application for Restricted Discretionary consent will be technically challenging for applicants;*
- d. *notes that the circumstances under which a Restricted Discretionary consent can be issued are limited, and that no practicable consenting pathway appears to exist for a significant number of affected farms;*
- e. *instructs Officers to investigate plan change options.*

For: Crs Barrow, Burnell, Cotton, Gordon, Keedwell, Kelly, Patrick, McKellar, Rieger, Rollinson, Sheldon, Te Awe Awe.

CARRIED (unanimous)

The Chair invited members of the public to come forward and ask questions which were responded to by Dr Peet and the Chief Executive.

The meeting adjourned at 12.45pm.

The meeting reconvened at 1.10pm.

MARINE AND COASTAL AREA ACT (TAKUTAI MOANA) ACT 2011

Report No 17-144

This item informed Members of the provisions under the Marine and Coastal Area Act (Takutai Moana) Act 2011. Mr Twomey (Senior Policy Analyst Iwi) introduced the item and explained that anyone seeking resource consent for an activity within the common marine coastal area was required to notify and seek the views of the applicant group, prior to applying for resource consent. He guided Members through the item and outlined the provision in the Act which recognised two customary interests: Customary Marine Title and Protected Customary Rights. Members' questions of clarification on the consenting process were responded to by Mr Twomey and Mr Bowen (Policy & Strategy Manager).

SP 17-42 Moved McKellar/Sheldon

That the Committee recommends that Council:

- a. *receives the information contained in Report No. 17-144*
- b. *receives the information contained in the memo 'Statutory implications of the Marine and Coastal Area (Takutai Moana) Act 2011'.*

CARRIED

The Chair clarified that the Public Excluded minutes of 7 June 2017 and Report PX17-145, Freshwater Improvement Fund Update could now be moved into the public part of the meeting.

SP 17-43 Moved Cotton/Patrick

That the Committee:

- a. *agrees that the Public Excluded minutes of 7 June 2017 and Report PX17-145, Freshwater Improvement Fund Update could now be moved into the public part of the meeting.*

CARRIED

CONFIRMATION OF PREVIOUSLY PUBLIC EXCLUDED MEETING HELD ON 7 JUNE 2017**SP 17-44 Moved Te Awe Awe/Burnell**

That the minutes of the previously confidential part of the Strategy & Policy Committee meeting held on 7 June 2017, as circulated, be confirmed as a correct record.

CARRIED

FRESHWATER IMPROVEMENT FUND UPDATE

Report No 17-145

This item informed Council of the success or otherwise of the four applications submitted by Horizons Regional Council on behalf of multiple stakeholders to the Freshwater Improvement Fund which closed on 13 April 2017 and which Council approved on 12 April 2017. Dr Roygard (Group Manager Natural Resources & Partnerships) introduced the item. A powerpoint presentation detailing the results of funding applications had been shown to Members during the Catchment Operations Committee meeting held the previous day. The presentation would be uploaded onto The Hub for Members' information. Dr Roygard said the figures and project timeframes were still subject to some negotiation and possible change. Dr Roygard responded to questions about the sourcing of Horizons' contribution to the projects.

SP 17-45 Moved Patrick/Burnell

That the Committee recommends that Council:

- a. *receives the information contained in Report No. 17-145.*

CARRIED

REGIONAL PEST MANAGEMENT PLAN 2017-2037

Report No 17-146

This item updated Council on progress with the Regional Pest Management Pest Plan (the Plan) and addressed steps five and six (in part) of the Plan making process as outlined in the Biosecurity Act 1993. Dr Roygard (Group Manager Natural Resources & Partnerships) guided Members through the material contained in the item. The Plan was in draft form for officers to finalise for final approval by Council. He referred Members to para 7.2 and commented on the six steps in the Plan making process, and explained the change to the 'Outcomes' on page 69. Members discussed the report. In response to a concern about the status of Department of Conservation's (DOC) submission, Dr Roygard said as a result of further consultation he was confident DOC would not appeal the Plan. The Chief Executive explained the work underway to form a Memorandum of Agreement with DOC.

SP 17-46**Moved****Rollinson/Te Awe Awe**

That the Committee recommends that Council:

- a. *receives the information contained in Report No. 17-146 and Annexes;*
- b. *resolves that the draft Plan specifies the matters listed in Section 73(3) of the Biosecurity Act 1993 and otherwise complies with section 73 of the Act;*
- c. *resolves that Council is satisfied that the draft Plan meets the requirements of section 74 of the Act;*
- d. *adopts the recommendations of Council Officers as set out in the Plan Submissions Summary Report (and incorporated into the Plan) as its decisions on submissions;*
- e. *directs Council Officers to prepare a final written report under section 75 of the Act, incorporating Council's decisions on submissions for final consideration by Council;*
- f. *directs Council officers to finalise the draft Plan for final approval by Council;*
- g. *resolves that on review of the final written report and Plan it will give its decision on the plan under section 75(3), circulate the written report to submitters, and give public notice of its decision under section 75(4) of the Act.*

CARRIED

CHAIR'S REPORT

The Chair referred to his report which had been circulated to Members prior to the meeting. He said the new President of Local Government New Zealand was Mr Dave Cull (Mayor Dunedin City Council). He spoke of his attendance at the New Zealand Business Hall of Fame induction for Mavis Mullins.

MEMBERS' REPORTS

Cr Barrow commented on several meetings he attended in Dannevirke with the Mayor of Tararua and concerned citizens, to discuss the "Implementation of Intensive Land-Use Rules under the One Plan". He attended a meeting to discuss improved broadband coverage in the Tararua area, and commented on a meeting held to discuss access to the Tararua as a result of the closure of the Manawatu Gorge. The Chief Executive commented on options being considered by the New Zealand Transport Agency for an alternative route through the Manawatu Gorge.

Cr Burnell commented on a number of call-outs he attended as a result of heavy rainfall in the Horowhenua area. He commented on concerns about an ongoing odour from the Levin tip.

Cr Cotton's report had been distributed to Members via The Hub. He commented on his canvassing along Anzac Parade in regard to flood protection.

Cr Keedwell highlighted a meeting with the Mayor of Palmerston North City and Horizons Regional Council Palmerston North Constituency Councillors to hear about future plans for the City.

Cr Kelly's report had been distributed to Members via The Hub. He was pleased to see that a proposal from the 2017 New Zealand Local Government Conference could lead to the compulsory microchipping of cats.

Cr McKellar attended the Regional Sector Pre-Conference Tour and the 2017 New Zealand Local Government Conference held in Auckland. He attended the Palmerston North City Council tour of key water and wastewater facilities and the Manawatu River Leaders' Accord meeting.

Cr Patrick's report had been distributed to Members via The Hub. She highlighted her attendance at the Whanganui River Maori Trust Board event, and attended the Bushy Park outdoor classroom opening. She commented on her findings from an inspection of Gerse St Culvert in Whanganui.

Cr Rieger commented on his attendance at a meeting with the New Zealand Transport Agency in regard to the Manawatu Gorge slip, and commented on a useful meeting with the Mayor of Palmerston North City Council as mentioned in Cr Keedwell's report. He attended the Palmerston North City Council tour of key water and wastewater facilities.

Cr Rollinson commented on his attendance at a Pakihi Scheme meeting, he attended an Ohakune Scheme meeting at Ruapehu District Council with Mr Strong (Group Manager River Management), a Community Board meeting in Ruapehu, and a Sustainable Land Use meeting in Northern Ruapehu.

Cr Sheldon's report had been distributed to Members via The Hub.

Cr Te Awe Awe commented on a visit to Horowhenua district to investigate an ongoing odour issue. He attended a meeting with the Mayor of Palmerston North City Council as mentioned in Cr Keedwell's report, he attended the Palmerston North City Council tour of key water and wastewater facilities, and he enjoyed his attendance at the 2017 Local Government New Zealand Conference.

MEMBERS' QUESTIONS

In discussing possible Members' Conflict of Interest as Council went through the One Plan process, the Chair referred Members to the advice received from Mr Alastair Hall (Lawyer Fitzherbert Rowe) which was provided at a Conflict of Interest workshop held in November 2016.

The meeting closed at 2.20pm.

Confirmed

CHIEF EXECUTIVE

CHAIR

As per resolution SP 17-44 contained in the Strategy & Policy Committee, 9 August, the previously public excluded minutes of the 7 June Strategy & Policy Committee meeting have been made available in the public domain.

CONFIDENTIAL

Minutes of that part of the Horizons meeting of the tenth triennium of the Strategy and Policy Committee meeting held on Wednesday 7 June 2017 from 11.26am to 11.44am, and from 12.30pm to 1.01pm, in the Tararua Room, Horizons Regional Council, 11-15 Victoria Avenue, Palmerston North, to which the public were excluded, pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, the specific grounds under Section 48(1) LGOIMA are 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 9 May 2017	s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege. 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.	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 Ngāti Rangi Treaty Settlement: Whangaehu Catchment Entity	s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege. Ngāti Rangi and OTS are still negotiating the Settlement. 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). Ngāti Rangi and OTS are still negotiating the Settlement.	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 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		
PX4 Members' Questions		

PRESENT Crs EB Gordon JP (Chairman), JJ Barrow, LR Burnell QSM, DB Cotton, RJ Keedwell, PJ Kelly JP, GM McKellar, NJ Patrick, 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 Ms K Booth

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 Twomey (Policy Analyst – iwi), Ms C Morrison (Media & Communications Manager), Mr G Albert, Mr J Ferguson and Te Awa Tupua representatives, Mr C Wilson, Dr J Wood, Mr T Saunders and Whangaehu Catchment Entity representatives.

APOLOGIES

An apology was received from Cr Rieger in the public part of the meeting.

SUPPLEMENTARY ITEMS

There were no supplementary Public Excluded items to be considered.

MEMBERS' CONFLICTS OF INTEREST

There were no conflicts of interest declared.

CONFIRMATION OF PUBLIC EXCLUDED MEETING HELD ON 9 MAY 2017

PX SP 17-18 Moved Burnell/Kelly

That the minutes of the confidential part of the Strategy & Policy Committee meeting held on 9 May 2017, as circulated, be confirmed as a correct record.

CARRIED

MEMBERS' QUESTIONS

The Chair introduced a discussion about Commissioner training which Cr Patrick had asked to undertake. He explained there was currently little opportunity for those Horizons' Councillors who had Commissioner accreditation, to sit as Commissioners on Hearings and he was therefore reluctant to approve any further Councillors to be trained. He sought Members' advice. There was general discussion with several LGNZ courses being suggested as suitable alternatives. Members were encouraged to identify courses they wished to attend that also had a benefit to Council, and refer to the Chair for his consideration.

PX SP 17-19 **Moved** **Keedwell/Cotton**
That the Committee moves out of Public Excluded.
CARRIED

The Public Excluded section of the meeting adjourned at 11.44am and resumed at 12.30pm.

NGĀTI RANGI TREATY SETTLEMENT: WHANGAEHU CATCHMENT ENTITY
Report No PX 17-102

This item provided Council with information on the formation of a joint iwi/council statutory entity, 'The Whangaehu Catchment Entity' currently being negotiated by the Office of Treaty Settlements (OTS) as part of the Treaty of Waitangi Settlement redress package for Ngāti Rangi. The presentation was led by Che Wilson, the Chief Negotiator for Ngāti Rangi, with support from OTS.

Dr Peet (Group Manager Strategy & Regulation) introduced Che Wilson, Dr John Wood, Chief Crown Negotiator for Ngāti Rangi Settlement process, and Tim Saunders (OTS), who explained their roles to Members. Che Wilson spoke about the importance and value of the Whangaehu River to Ngāti Rangi, and its plans to enhance the wellbeing and health of the River. He spoke about collaboration by parties on integrated management, and future opportunities and challenges. Members' questions about the Agreement and contributions to costs were clarified.

PX SP 17-20 **Moved** **Rollinson/Patrick**

That the Committee recommends that Council:

- a. *receives the information contained in Report No. 17-102 and Annexes.*
- b. *receives the presentation from Ngāti Rangi.*
- c. *supports the draft agreement subject to reviewing the final Deed and Bill drafting.*

CARRIED unanimously

The Chair clarified there were no items or information to be moved out of Public Excluded into the public domain.

PX SP 17-21 **Moved** **Gordon/McKellar**
That the Committee moves out of Public Excluded.
CARRIED

The Public Excluded section of the meeting concluded at 1.01pm.

Confirmed

CHIEF EXECUTIVE

CHAIR