



Minutes of the twenty-seventh meeting of the seventh triennium of Horizons Regional Council held at 10.00am on Tuesday, 15 December 2009, in the Tararua Room, Regional House, 11-15 Victoria Avenue, Palmerston North.

**PRESENT** Crs G P Murfitt (Chair), L Bailey, L R Burnell (from 1.50pm), V J F Chettleburgh QSM ED, E B Gordon, M C Guy, A K Main (from 2.20pm), D B Meads, M W Plowman, P W Rieger QSO, R G Walker JP, and J J White.

**IN ATTENDANCE**

Chief Executive	Mr M McCartney (to 10.55am and from 1.15pm)
Group Manager Corporate and Governance	Mr C Grant (to 10.55am and from 1.15pm)
Committee Secretary	Mrs J Kennedy

**ALSO PRESENT** Mr G Carlyon (Group Manager Regional Planning and Regulatory, from 10.15am to 10.55am), Mr E Duggan (Acting Chief Financial Officer, from 1.36am), Mr C Mitchell (Group Manager Environmental Management, to 10.55am and from 1.15pm), Mr G Shirley (Group Manager Regional Services and Information, from 1.27pm to 2.19pm), Mr A Cook (Group Manager Operations, from 1.30pm to 3.33pm), Mr S Bayley (Manager Emergency Management Office, to 10.55am and from 1.15pm to 1.40pm), Ms H Marr (One Plan Manager, from 10.15am to 10.55am), Dr J Roygard (Manager Science, from 10.15am to 10.55am), Ms K McArthur (Environmental Scientist Water Quality, from 10.15am to 10.55am), Mr and Mrs Paton (members of the public, from 10.15am to 10.55am), Mr F De Jager and Mr B Judd (Water and Environmental Care Association, from 10.00am to 10.55am).

#### **APOLOGIES**

Apologies were received from Crs Burnell and Main for lateness.

**09-482** *Moved* **Murfitt/Bailey**

*that apologies be received from Crs Burnell and Main for the morning part of the meeting.*

**CARRIED**

#### **PUBLIC SPEAKING RIGHTS**

No requests for public speaking rights had been notified.

#### **LATE ITEMS**

The Chairman notified members that Report No. 09-207, Lower Whanganui Scheme – Contract Award, as tabled, would be taken under urgency as a Late Item in Public Excluded, for the reason that it was necessary to award the contract for physical works to commence as soon as possible.

09-483

**Moved**

**Murfitt/Guy**

*that the Council **considers** Report No. 09-207, Lower Whanganui Scheme – Contract Award as an urgent item under Public Excluded.*

**CARRIED**

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

There were no conflicts of interest advised.

#### **PETITIONS / DEPUTATIONS**

There were no petitions or deputations.

#### **CONFIRMATION OF MINUTES**

Members asked for the following amendments to the minutes:

- § page 1, "The Chairman advised...would **be** considered at 1.00pm, time allowing".
- § page 5, Cr Main's report, first line, "...busy with her involvement in the Turitea **Te Rere Hau** Windfarm extension application...".

09-484

**Moved**

**Murfitt/Meads**

*that the minutes of the meeting held on 24 November 2009, as circulated, be confirmed as a correct record with the following amendments:*

- § page 1, "The Chairman advised...would **be** considered at 1.00pm, time allowing".
- § page 5, Cr Main's report, first line, "...busy with her involvement in the **Te Rere Hau** Windfarm extension application...".

**CARRIED**

#### **EMERGENCY MANAGEMENT OFFICE UPDATE**

*Report No. 09-170*

The purpose of this item was to provide an update to Members on the activities of Horizons' Emergency Management Office.

Mr Bayley, Manager Emergency Management Office introduced the report and provided clarification around the four main groups of activities that the Emergency Management Office was divided into: Civil Defence Emergency Management (CDEM) Group, Horizons' Emergency Management (HorizonsEM), Contracted services, and Health and Safety. Members discussed the information and asked questions of clarification around the role of contracted services for rural fire, the internal audit for Work Safe Management Practices to retain ACC accreditation, and the impact of that on ACC levies, and whether schools were included in the public awareness programme. Mr Bayley clarified that resources for a programme called "What's the Plan Stan" were provided to teachers in schools, and the CDEM Group would also be working with officers on the retheme of the Green RIG, with a view to including a suitable educational programme.

Congratulations were extended to all involved in the provision of Emergency Management services to the Region, and the recommendation was amended accordingly.

09-485

**Moved**

**Murfitt/Guy**

*that the Council:*

- a. **receives** the information in Report No. 09-170, and **congratulates** the team involved for their efforts.

**CARRIED**

**UPDATE ON CAWTHRON REPORT AND MANAWATU RIVER ASSESSMENT  
DR J ROYGARD**

Dr Roygard provided an update on the recently reported levels of dissolved oxygen concentration found at various locations in the Manawatu River, including a site at Hopelands. In summary he advised that the health of the Manawatu River, in several locations, was not ‘flash’, and that work was continuing to try and improve on that. Members asked questions of clarification. The Chairman thanked Dr Roygard and staff for their efforts.

*The meeting adjourned at 10.55am  
The meeting reconvened at 11.09am*

**09-486                      Moved    Rieger/Meads**

*that the public is to be excluded from this portion 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 the matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing of this resolution is as follows:*

General subject of each matter to be considered	Reason for passing this resolution	Grounds under section 48 (1) for passing this resolution
Chief Executive Performance Review - Mr Richard Westlake	As disclosure would not be in the public interest because of the greater need to enable Council to carry on without prejudice or disadvantage commercial negotiations.	That the exclusion of the public from that part of the meeting is necessary to prevent the disclosure of information for which good reasons for withholding exist.

**CARRIED**

The meeting adjourned to the Public Excluded part of the meeting at 11.10am and resumed at 12.30pm.

*The meeting adjourned at 12.31pm  
The meeting reconvened at 1.15pm*

**STATEMENT OF PROPOSAL  
REVIEW OF MANAWATU RIVER AND TRIBUTARIES NAVIGATION AND SAFETY BYLAWS  
2004**

The item presented the Statement of Proposal for the review of the Manawatu River and Tributaries Navigation and Safety Bylaws 2004.

Mr Bayley, Manager Emergency Management Office outlined some of the issues to be addressed through the Bylaws’ review, and drew Members’ attention to the review process and timeline. There was discussion around the powers and availability of Honorary Enforcement Officers. Mr Bayley advised their role was more around awareness and education of the Bylaws, rather than enforcement. It was suggested there could be value in making a staff submission to give limited enforcement power to the Honorary Enforcement Officers, particularly over the summer/holiday period. Mr Bayley undertook to liaise with Crs Bailey and Burnell on that matter.

Members considered the report and asked questions of clarification on matters of interest.

The Chairman asked that all original submitters be contacted and invited to resubmit during the formal consultation period.

**09-487**                      **Moved**    **Bailey/White**

*that the Council:*

- a.        **approves** the Statement of Proposal as presented;
- b.        **approves** the Review Process and Timeline as presented; and
- c.        **approves** the draft Manawatu River and Tributaries Navigation and Safety Bylaw 2010 as presented.

**CARRIED**

### **APPOINTMENT OF BYLAWS ENFORCEMENT OFFICERS**

*(Report No. 09-202*

This item presented for approval the appointment of additional Enforcement Officers pursuant to the Manawatu River and Tributaries Navigation and Safety Bylaws 2004.

**09-488**                      **Moved**    **Bailey/Chettleburgh**

*that the Council:*

- a.        **approves** the appointment of the staff below as Enforcement Officers:

<i>Ross Brannigan</i>	<i>Emergency Manager Officer</i>
<i>Fran Harrison</i>	<i>Compliance Officer</i>
<i>Rebecca Fryett</i>	<i>Compliance Officer</i>
<i>Jeff Cooke</i>	<i>Compliance Officer</i>
<i>Leigh Christensen</i>	<i>Compliance Officer</i>
<i>Juliet Hurley</i>	<i>Compliance Officer</i>
<i>Pita Kinaston</i>	<i>Compliance Officer</i>

**CARRIED**

### **REGIONAL PEST ANIMAL MANAGEMENT STRATEGY**

*Report No. 09-200*

This item informed Members that:

- a.        There were no appeals to the Regional Pest Animal Management Strategy notified on 6 November 2009; and
- b.        The new Regional Pest Animal Management Strategy would become operational on 10 January 2010, replacing the current Animal Pest Management Strategy at that time.

The Chief Executive introduced the item for Members' information.

09-489

*Moved*

*Murfitt/Meads*

*that the Council:*

a. **receives** the information in Report No. 09-200.

**CARRIED**

## **AFFIXING OF THE COMMON SEAL**

*Report No. 09-204*

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

09-490

*Moved*

*Rieger/Gordon*

*that the Council **acknowledges** the affixing of the Common Seal to the following documents:*

- *Forestry Agreement – Craig Mitchell  
Sustainable Land Use Initiative – TJ Seddon and others  
Term Loan Agreement*
- *Consents Team – Warrant Card for new staff – Juliet Hurley*
- *Alison Russell – Consents Team  
Te Pono O Matapihi Trust – Encumbrance to Manawatu Wanganui Regional Council*
- *Craig Mitchell – Regional Pest Animal Management Strategy  
(Effective 10 January 2010)*

**CARRIED**

## **ENDORSEMENT AND ADOPTION OF COMMITTEE AND ADVISORY GROUP RESOLUTIONS AND RECOMMENDATIONS**

### **REGIONAL TRANSPORT COMMITTEE**

Cr Gordon confirmed that a letter had been written to the New Zealand Transport Agency clearly stating the Committee's position in regard to the change of policy around Regional funding.

Cr White believed it was immensely important that the Regional Transport Committee, and all parties to that Committee, lobbied hard on the issue of retaining the Capital Connection service between Wellington and Palmerston North. She said the service was too important to the Region to be lost.

The following amendments were made to the minutes:

- § page 56, National Land Transport Programme 2009-12 Update, Resolution LT 09-94 – remove *Gordon* from voting against – record *Gordon* as Abstain.
- § page 57, Include at end of minutes – **The Chairman took the opportunity to acknowledge his appreciation to staff for their efforts in putting the agenda together, and wished everyone a Merry Christmas and Prosperous New Year.**

09-491

**Moved**

**Gordon/Chettleburgh**

that the Council **endorses** and **adopts** the resolutions and recommendations of the Regional Transport Committee, held on 1 December 2009, with the following amendments:

§ page 56, National Land Transport Programme 2009-12 Update, Resolution LT 09-94 – remove Gordon from voting against – record Gordon as Abstain.

§ page 57, include at end of minutes – **The Chairman took the opportunity to acknowledge his appreciation to staff for their efforts in putting the agenda together, and wished everyone a Merry Christmas and Prosperous New Year.**

**CARRIED**

#### **MANAWATU RIVER USERS' ADVISORY GROUP**

09-492

**Moved**

**Bailey/Murfitt**

that the Council **endorses** and **adopts** the resolutions and recommendations of the Manawatu River Users' Advisory Group, held on 1 December 2009.

**CARRIED**

#### **CATCHMENT OPERATIONS COMMITTEE**

The following amendments were made to the minutes:

§ page 1, Under Apologies, Cr White attending "**preparing for...**"

§ page 3, Change of wording – "In regard to the naming of two lookouts ~~downstream~~ **either side** of Fitzherbert Avenue bridge ..."

§ page 4, Add – "**On behalf of Cr Burnell and herself** Cr Bailey asked that **they** be kept..."

09-493

**Moved**

**Meads/Gordon**

that the Council **endorses** and **adopts** the resolutions and recommendations of the Catchment Operations Committee, held on 8 December 2009, with the following amendments:

§ page 1, Under Apologies, Cr White attending "**preparing for...**"

§ page 3, Change of wording – "In regard to the naming of two lookouts ~~downstream~~ **either side** of Fitzherbert Avenue bridge ..."

§ page 4, Add – "**On behalf of Cr Burnell and herself** Cr Bailey asked that **they** be kept..."

**CARRIED**

*Cr Burnell joined the meeting at 1.50pm.*

#### **Mateongaonga Stream Restoration Project**

As requested at the Catchment Operations meeting (resolution RD 09-103 (c), Mr Cook, Group Manager Operations (GMO) gave an update on the background, and current state of the restoration project in the lower Mateongaonga Stream, being undertaken as a consequence of some excessive mechanical excavation and vegetation clearance undertaken in 2007. The GMO explained that a restoration plan had been implemented, in consultation with affected parties, to mitigate to the extent possible the adverse effects that had resulted. An undertaking had been made to undertake structural works only if and when the need arose. Until recently there had been no need to intervene, however a small slip had recently occurred which justified the need for a small amount of physical works to be carried out on the stream channel. As a result of an ongoing disagreement over perceived erosion issues and appropriate responses between Horizons' staff

and landowners, staff had temporarily been denied access to the property concerned to undertake the works presently proposed. Discussions were ongoing with the persons concerned.

Cr Walker commented on phone calls received, and meetings held with affected landowners in regard to the ongoing disagreement, and tabled a formal complaint against Horizons, received from an affected landowner. There was discussion around a way forward to resolve the conflict, and ultimately it was suggested that the GMO would put forward a written proposal identifying the work required, for the property owners to consider.

### **Whanganui River – Safety Issues**

The GMO explained Horizons position around a request from Sailing Wanganui in regard to a perceived safety issue relating to an old groyne near the Gilbert Street ramp. The rock lining protection work recently completed did not include the groyne in question, and care was required not to assume responsibility for works beyond those agreed with the district council, without having Council's approval for any possible expenditure. It was noted that the GMO had written to Sailing Whanganui in that regard. It was further noted that representatives of Sailing Wanganui had been invited to the Whanganui Scheme Working Party meeting scheduled for 17 December 2009, and the matter would be further discussed at that time.

### **Naming of two lookouts either side of Fitzherbert Avenue Bridge**

A resolution was put forward to formally recognise the naming of two lookouts either side of Fitzherbert Avenue Bridge.

**09-494                      Moved    Chettleburgh/White**

*that the Council:*

- a. **agrees** that the names of the two lookouts either side of Fitzherbert Avenue bridge be named as 'Kitty Siefert' and 'Pauline Keys', subject to agreement from Kitty Siefert and the family of Pauline Keys.

**CARRIED**

Members made comment and asked questions of clarification on issues of interest contained in the minutes.

*Cr Main joined the meeting at 2.20pm.*

### **ENVIRONMENT COMMITTEE**

Appreciation was expressed at the excellent quality of reports presented by staff to the Environment Committee.

**09-495                      Moved    Main/Bailey**

*that the Council **endorses** and **adopts** the resolutions and recommendations of the Environment Committee, held on 9 December 2009, and **expresses** appreciation at the excellent reports provided by staff.*

**CARRIED**

Members made comment and asked questions of clarification on issues of interest contained in the minutes.



**Cr Gordon** chaired the Regional Transport Committee on 1 December, attended Turakina Scheme meetings, and the usual Council and Committee meetings.

**Cr Guy** attended the usual Council and Committee meetings, a Palmerston North City Council Christmas function held at Caccia Birch, the 'get-together' on 14 December with Palmerston North City Council Councillors, and a meeting in Horowhenua in regard to a wastewater issue.

As Crs Burnell, Plowman, and Walker would not be attending the Councillors' Christmas dinner to be held that night, the Chairman took the opportunity to wish them a Merry Christmas, and thanked them for their involvement throughout the year.

**09-498**

**Moved**

**Murfitt/Burnell**

*that the public is to be excluded from this portion 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 the matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing of this resolution is as follows:*

General subject of each matter to be considered	Reason for passing this resolution	Grounds under section 48 (1) for passing this resolution
PX1 Confirmation of Minutes of 24 November 2009	As disclosure would not be in the public interest because of the greater need to enable Council to carry on without prejudice or disadvantage commercial negotiations.	That the exclusion of the public from that part of the meeting is necessary to prevent the disclosure of information for which good reasons for withholding exist.
PX2 Confirmation of Minutes of Extraordinary Council Meeting – 30 November 2009	As disclosure would not be in the public interest because of the greater need to enable Council to carry on without prejudice or disadvantage commercial negotiations.	That the exclusion of the public from that part of the meeting is necessary to prevent the disclosure of information for which good reasons for withholding exist.
PX3 Endorsement and adoption of the Audit, Risk and Investment Committee of 27 and 30 November 2009	As disclosure would not be in the public interest because of the greater need to enable Council to carry on without prejudice or disadvantage commercial negotiations.	That the exclusion of the public from that part of the meeting is necessary to prevent the disclosure of information for which good reasons for withholding exist.
PX4 Update on Opportunity to sell Port of Napier Shares (Report No. 09-203)	As disclosure would not be in the public interest because of the greater need to enable Council to carry on without prejudice or disadvantage commercial negotiations.	That the exclusion of the public from that part of the meeting is necessary to prevent the disclosure of information for which good reasons for withholding exist.
PX 4(a) Opportunity to Sell Port of Napier Shares (Report No. 09-205)	As disclosure would not be in the public interest because of the greater need to enable Council to carry on without prejudice or disadvantage commercial negotiations.	That the exclusion of the public from that part of the meeting is necessary to prevent the disclosure of information for which good reasons for withholding exist.
PX5 Council to <b>consider</b> whether any item in the Public Excluded minutes can be moved into the public domain, and <b>define</b> the extent of the release.		

**CARRIED**

The meeting adjourned to the Public Excluded part of the meeting at 3.10pm and resumed at 4.05pm.

The meeting closed at 4.06pm.

Confirmed

\_\_\_\_\_  
CHIEF EXECUTIVE

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CHAIRMAN