



Minutes of the twenty-third meeting of the seventh triennium of Horizons Regional Council held at 10.06am on Tuesday, 25 August 2009, in the Tararua Room, Regional House, 11-15 Victoria Avenue, Palmerston North.

**PRESENT** Crs G P Murfitt (Chair), L Bailey (to 3.07pm and from 3.22pm), L R Burnell, V J F Chettleburgh, E B Gordon, M C Guy, D B Meads (to 3.22pm), M W Plowman, P W Rieger QSO, and R G Walker JP.

**IN ATTENDANCE**

Chief Executive	Mr M McCartney
Group Manager	Mr C Grant
Corporate and Governance	
Committee Secretary	Mrs J Kennedy

**ALSO PRESENT** Mr G Carlyon (Group Manager Regional Planning and Regulatory to 12.15pm and from 2.55pm to 3.22pm), Mr G Shirley (Group Manager Regional Services and Information to 12.15pm and from 2.00pm to 2.55pm), Mr A Cook (Group Manager Operations from 11.44am to 1.18pm), Mr C Mitchell (Group Manager Environmental Management to 2.35pm), Ms K Booth (Governance Coordinator (from 1.15pm to 1.48pm), Mr R Munneke (Manager Policy from 1.55pm to 2.15pm), Ms E Collins (Media Liaison Officer from 10.55am to 3.15pm), Mrs C Atkinson (Manager Communications from 10.55am to 1.38am and from 2.35pm to 3.08pm), Mr P Burke (Communications from 2.38pm to 3.22pm), and Mr J Beard (Member of the public from 10.33am to 11.10am).

## **APOLOGIES**

**09-429** *Moved* **Murfitt/Gordon**

*that an apology be received from Cr White (Leave of Absence), and Cr Main.*

**CARRIED**

## **PUBLIC SPEAKING RIGHTS**

No requests for public speaking rights had been notified.

## **LATE ITEMS**

There were no Late Items advised.

The Chairman drew Members attention to the addition of Annex C to Report No. 09-123, Amendment to Members' Remuneration 2009-10.

## **MEMBERS' CONFLICTS OF INTEREST**

There were no Conflicts of Interest.

## CONFIRMATION OF MINUTES

**09-430**                      **Moved**    **Murfitt/Rieger**

*that the Minutes of the meeting held on 30 June 2009, as circulated, be confirmed as a correct record.*

**CARRIED**

Cr Walker clarified that although he supported the Community Plan to be forwarded to the Office of the Auditor General for hot review, he advised he did not support the Community Plan with the increase in rates. Therefore, in regard to resolution 09-412 of the minutes of 30 June 2009, he explained he had misinterpreted the resolution, and did not indicate a vote against it at the time.

The Chairman advised that the resolution in the minutes of 30 June 2009 could not be altered, however a record of Cr Walker's explanation could be acknowledged in the minutes of this meeting.

**09-431**                      **Moved**    **Rieger/Plowman**

*that Cr Walker's explanation of resolution 09-412 in the minutes of 30 June 2009 - "that the Council: **instructs** management to forward the attached Community Plan 2009-19 to the Office of the Auditor General for hot review and eventual adoption by Council on 7 July 2009", be received by Council.*

**CARRIED**

**09-432**                      **Moved**    **Murfitt/Meads**

*that the Minutes of the meeting held on 7 July 2009, as circulated, be confirmed as a correct record.*

**CARRIED**

Cr Walker questioned the value in sending two representatives to attend the International Riversymposium to be held in Brisbane, 21-24 September 2009. The Chief Executive outlined the personal, and organisational development benefits of having staff attend the symposium.

## CHAIRMAN'S REPORT

The Chairman presented his report and drew Members attention to the supporting documents, the Local Government New Zealand Conference report, the National Water Management Sub-Committee paper, the Regional Affairs Committee (RAC) agenda, and a copy of a speech made by the Hon Rodney Hide, Minister of Local Government. Members considered the reports and asked questions of clarification around the Coastal Management Update and recommendations from the RAC agenda, the position of the Government on climate change, a meeting held with Mr Ian Lees Galloway, a meeting held with New Zealand Windfarms, and the contents of a speech made by the Hon Rodney Hide at the Local Government New Zealand Regional Affairs Committee on 20 August, 2009.

**09-433**                      **Moved**    **Murfitt/Meads**

*that the Chairman's report be received.*

**CARRIED**

## CHIEF EXECUTIVE'S REPORT

The Chief Executive referred to his report and elaborated on items and provided further information where relevant. Members asked questions of clarification around the Sustainable Land Use Initiative and comment was made on the contents of a NIWA report commissioned for Horizons Regional Council by Graeme Smart, discussed movement on Stage 1 and 2 of the EPA, the sector view on the Tb programme, the responsibility of water management for the Region, and communications, covering discussion on the best method to reach younger members of the community.

**09-434**                      **Moved**    **Murfitt/Meads**

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

**CARRIED**

### **Letter received from Mr Gordon Gower, Chairman Taumarunui Farmers Group 2008:**

There was discussion on the contents of a letter sent from Mr Gordon Gower, Chairman, Taumarunui Farmers Group 2008, detailing a vote of No Confidence in the Councillors of Horizons Regional Council. The vote had been passed at a meeting of the Taumarunui Farmers Group 2008, held on Thursday 20 August 2009. The letter outlined that the Taumarunui Farmers Group felt strongly that Councillors were not working in the best interest of all the people, naming the Green RIG as a clear example.

Members agreed that the letter be received by Council and that the Taumarunui Farmers Group 2008 be invited to attend a future Council meeting to discuss their concerns.

Cr Plowman spoke against the motion. He believed that as a consequence of a Councillor workshop which would be held on Wednesday 26 August, 2009, on the subject of the Green RIG, the issues that the Group had in regard to the Green RIG could be diluted. He therefore believed that the vote of No Confidence in the Councillors should be discussed before the Councillor workshop on the Green RIG was held.

Cr Walker read the contents of an email from Federated Farmers (FF), Lyn Neeson, on the subject of the Green RIG, confirming a request to remove FF logo from the Green RIG. The email outlined that FF were unhappy with some content of the Green RIG.

**09-435**                      **Moved**    **Burnell/Walker**

*that the Council **receives** the letter from Mr Gordon Gower, Chairman, Taumarunui Farmers Group 2008, and **invites** the Group to attend a future Council meeting to discuss their concerns.*

**Against: Cr Plowman**  
**CARRIED**

## MEMBERS' REPORTS

**Cr Walker** attended a Council meeting on 30 June, Catchment Operations 15 July, the Councillor Strategy Session on 22-23 July 2009, and received various phone calls in regard to rates and pollen from ratepayers. He commented on a letter from the Hon Rodney Hide replying to a letter from a resident of Wanganui in regard to the submissions process of Horizons Regional Council Long-term Council Community Plan.

**Cr Rieger** attended the usual Council and Committee meetings.

**Cr Plowman** attended the Council meeting on 30 June and the Submissions Hearing for the Proposed Regional Pest Animal Management Strategy on 11 August, 2009.

**Cr Meads** chaired the Dairy Leaders Forum and the Catchment Operations meeting, had several meetings with Mr Cook, Mr Hobson, and various ratepayers regarding the Taonui Basin consent and the proposed associated compensation deals. Attended the Councillor Strategy session on 22-23 July, thanked Council for the opportunity to attend the Local Government New Zealand Conference (LGNZ) in July - a separate report on this was tabled for Councillors. He Chaired a public meeting in regard to consents for the City Reach Project, attended the CentrePort Tour, an Irrigation New Zealand meeting, participated in the Submissions Hearing for the Proposed Regional Pest Animal Management Strategy, a stakeholders meeting relative to a partial review of the Rangitikei River, and chaired a public meeting at Tokomaru relative to the proposed Makerua Scheme rating changes. Cr Meads answered Members questions in regard to the LGNZ Conference.

**Cr Guy** attended the Dairy Forum, Audit, Risk & Investment Financial Briefing, the Catchment Operations Committee, Councillor Strategy Session on 22-23 July, commented on the value of the CentrePort Tour, attended the Submissions Hearing for the Proposed Regional Pest Animal Management Strategy, and a public meeting in regard to consents for the City Reach Project.

**Cr Gordon** spoke of his recent tour of Indonesia and Bali. He attended the Councillor Strategy Session, thanked Council for the opportunity to attend the LGNZ Conference – a separate report on this was tabled for Councillors, the CentrePort Tour, and a stakeholders meeting relative to a partial review of the Rangitikei River.

**Cr Chettleburgh** chaired the Passenger Transport meeting on 18 August, on 7 and 19 August attended a meeting of the working party for a review of the city bus terminal, the CentrPort Tour, a Heritage Park Trustee meeting on 18 July, a public meeting in regard to consents for the City Reach Project, several of the Mighty River Windfarm call-ins, the Councillor Strategy Session on 22-23 July, Green Drinks on 18 August, toured the Hawkes Bay and Waikato areas, and commented on his recent overseas trip.

**Cr Burnell** attended the usual Council meetings, and One Plan Hearings.

**Cr Bailey** attended the Catchment Operations meeting on 15 July, Councillor Strategy Session 22-23 July, the Horowhenua District Council (HDC) Health and Transportation Subcommittee meeting on 24 July, a farewell to Rosalie Blake HDC's librarian on 24 July, a Makerua Scheme Liaison Committee meeting on 6 August, the Submissions Hearing Proposed Regional Pest Animal Strategy on 11 August, Environment Committee meeting on 12 August, a presentation to Manawatu Coastguard on 18 August, the Passenger Transport Subcommittee meeting on 18 August, the Makerua Scheme Review public meeting on 21 August, and had various meetings with ratepayers.

*The meeting adjourned at 12.15pm*

*The meeting reconvened at 1.15pm*

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

### **CATCHMENT OPERATIONS COMMITTEE**

Under apologies received for the afternoon part of the meeting, replace Cr Guy's name with Cr Rieger.

**09-436**                      **Moved**    **Meads/Guy**

*that the Council **endorses** and **adopts** the resolutions and recommendations of the Catchment Operations Committee meeting, held on 15 July 2009 with an amendment under apologies to replace Guy with Rieger.*

**CARRIED**

**SUBMISSIONS HEARING –  
PROPOSED REGIONAL PEST ANIMAL MANAGEMENT STRATEGY**

**09-437**                      **Moved**    **Bailey/Meads**

*that the Council **endorses** and **adopts** the resolutions and recommendations of the Submissions Hearing – Proposed Regional Pest Animal Management Strategy, held on 11 August 2009.*

**CARRIED**

**ENVIRONMENT COMMITTEE**

Under Environmental Management Progress Report, Report No. 09-112 – Environmental Grant: sentence should read - ...for this activity was **in the main**, always expended.

**09-438**                      **Moved**    **Bailey/Chettleburgh**

*that the Council **endorses** and **adopts** the resolutions and recommendations of the Environment Committee meeting, held on 12 August 2009, with the addition of several words under Environmental Management Progress Report, Report No. 09-112 – Environmental Grant: ...for this activity was **in the main** always expended.*

**CARRIED**

Cr Chettleburgh believed it was important that Councillors received a presentation in regard to the report on the assessment to compare the Horizons' water allocation framework and the framework proposed in the National Environment Standard, once it was available.

**09-439**                      **Moved**    **Chettleburgh/Bailey**

*that Council **receives** a presentation to a Council or Committee meeting on the results of a report on Surface Water Quantity Monitoring and Research, once it was available.*

**CARRIED**

**AMENDMENT TO MEMBERS' REMUNERATION 2009-2010**

*Report No. 09-123*

This item put forward, for Members' consideration, an amendment to the distribution of the salary pool (which was determined by the Remuneration Authority [RA] in line with a downward adjustment in the number of One Plan hearings and deliberations proposed from 1 July 2009 to 30 June 2010.

Mr Grant, Group Manager Corporate and Governance spoke to the report and tabled Annex C showing the proposed distribution of remuneration by position with an increase to the weighting for the Chair Regional Land Transport Committee from 1.40 to 1.55. The increase to the weighting of the position was as a result of a previous discussion at the March 2009 Council meeting, where it had been agreed to further look at that weighting at the next review, with the possibility of bringing it into line with the weighting for the Chair of Environment Committee, and Catchment Operations Committee. It was noted that the workload and responsibilities for that position had increased substantially since the beginning of the current triennium.

Members considered the item and asked questions around the risk involved should the number of One Plan meeting days increase beyond the estimated number. Hearing Commissioners would not be paid for those days unless Council resolved to apply again to the RA for a further determination. If less One Plan meeting days were used, it was determined that 30% of the meeting allocation pool would be carried-over and redistributed into the salary pool. It was considered that any adjustment to the distribution of the salary pool would be backdated to 1 July, 2009.

**09-440**                      **Moved**    **Chettleburgh/Rieger**

*that the Council **agrees** that Annex C (distributed at the meeting) **replaces** Annex B in Report No. 09-123.*

**CARRIED**

**09-441**                      **Moved**    **Plowman/Chettleburgh**

*that the Council:*

- a.     **receives** Report No. 09-123;
- b.     **resolves** to increase the base salary pool as a consequence of the projected decrease of the meeting allowance pool from 492 meetings to 338 meetings (which includes both Council's meetings and One Plan formal preparation meetings, hearings and deliberations), backdated to 1 July, 2009;
- c.     **agrees** to increase the weighting for the Chair of Regional Transport Committee to 1.55, due to the increased workload and responsibilities as outlined in Annex C to Report No. 09-123;
- d.     **requests** the agreement of the Remuneration authority should any further decrease of the meeting allowance pool result in a consequent increase to the salary pool, and notes there is the ability to carry forward up to 30% of unspent meeting fees into the next financial year; and
- e.     **directs** the Chief Executive to forward Council's resolutions to the Remuneration Authority immediately following this meeting.

**CARRIED**

## **THE MANAWATU-WANGANUI REGIONAL DISASTER RELIEF FUND TRUST**

*Report No. 09-124*

This report was to inform Members of a request by The Manawatu-Wanganui Regional Disaster Relief Fund Trust (the Trust) for a further resolution by Horizons Regional Council exempting the Trust from status as a council controlled organisation.

Questions of clarification were asked around the current funding position of the Trust, and the make-up of the Trustees.

**09-442**                      **Moved**    **Chettleburgh/Rieger**

*that the Council:*

- a.        **receives** the report;
- b.        **agrees** that the exemption granted to the Manawatu-Wanganui Regional Disaster Relief Fund Trust from being a council-controlled organisation be confirmed, the Council noting that the Trust is a small organisation, that the nature and scope of its activities is limited and does, in the main, take place only after significant adverse events, and that there would be significant additional costs if the Trust were to be required to meet all the obligations of a council-controlled organisation; and
- c.        **instructs** the Chairman to respond to the Manawatu-Wanganui Regional Disaster Relief Fund Trust with the resolution from Council.

**CARRIED**

## **DEBT RECOVERY AND REGULATORY ASSISTANCE TO APPLICANTS**

*Report No. 09-127*

This report sought Councillor support for the management position in relation to recovering unpaid debts while undertaking further work for debtors.

The Chief Executive spoke to the report and highlighted the outstanding amount that the Council was owed, and the expectation from those debtor parties that the Council would continue to provide goods and services to support their further activities.

There was discussion by Members on the amount of unpaid debt by territorial authorities and how best to recover that debt.

Members considered and agreed with the recommendations and included a further recommendation that the Chairman and Chief Executive be asked to identify an appropriate means of communication to outstanding debtors, and advise Council of the action taken. Consideration was given as to whether further services should be provided to parties where outstanding debts were not settled, or a payment schedule was not put in place, and Members agreed that recommendation (a. iii) be amended to include the word **considers**.

**09-443**                      **Moved**    **Burnell/Guy**

*that the Council:*

- a.        **directs** the Chief Executive to:
  - i.        *recover outstanding sums from debtors where no statutory challenge is in process;*
  - ii.       *that the Chairman and Chief Executive identify an appropriate means of communication to outstanding debtors and advise Council of the action they have taken as soon as possible;*
  - iii.      **considers** *not to undertake or provide further services to parties where outstanding debts are not settled or a payment schedule is in place; and*

- b. **supports** the recovery of debts generated through regulatory processes as a priority matter.

**CARRIED**

**TOTARA RESERVE REGIONAL PARK – FUTURE MANAGEMENT**

*Report No. 09-128*

This item was to seek Council's view on the option for Horizons Regional Council to assume complete governance and management control of the Totara Reserve Regional Park.

Members discussed the report and asked questions of clarification around the level of support to the proposal from the Chief Executive, Mayor, and Council of Manawatu District Council (MDC), and the level of continued funding that MDC would contribute in the event that Horizons Regional Council assumed control of the Park.

The Chief Executive advised that discussions had been held at a Mayor and Chief Executive level with MDC, and should the transfer take place, MDC was willing to continue to undertake the maintenance work within the Park, at least until the next LTCCP, at which time a decision on a way forward would be discussed.

**09-444**                      **Moved**    **Chettleburgh/Meads**

*that the Council:*

- a. **seeks** to gain the vesting authority status for Totara Reserve Regional Park, subject to agreement from Manawatu District Council.

**CARRIED**

**AFFIXING OF THE COMMON SEAL**

*Report No. 09-122*

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

**09-445**                      **Moved**    **Gordon/Chettleburgh**

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

- *Memorandum of Encumbrance: Shirley and Joanne Bond and Manawatu-Wanganui Regional Council (HRC).*
- *Memorandum of Encumbrance: Raymond Reid and Fiona Pearce and Manawatu-Wanganui Regional Council (HRC).*
- *Memorandum of Encumbrance: William Paul Frecklington, Christine Gail Frecklington and Derek Evan Dilks with Manawatu-Wanganui Regional Council (HRC).*
- *Deed of Settlement (between) Manawatu-Wanganui Regional Council (HRC) and Glenda McNeil, Nicholas McNeil and Julie Christensen.*
- *Lease Agreement between Manawatu-Wanganui Regional Council (HRC) and Sky Station Limited.*

- *Lease Agreement between Manawatu-Wanganui Regional Council (HRC) and Warren Nicholas Smith and Christine Lynette Smith.*
- *Security Stock Certificate – Horizons Regional Council and Computershare Investor Services Limited.*
- *Committed Cash Advance Facility Agreement - Horizons Regional Council and Bank of New Zealand.*

**CARRIED**

## **MEMBERS' QUESTIONS**

Cr Gordon commented on a complaint received from a ratepayer who had sought information from reception staff at Horizons Regional Council. Mr Grant, Group Manager Corporate and Governance gave an explanation of the incident and advised he fully supported the actions taken by front counter staff, and was satisfied that the correct procedure had been followed.

## **WATER QUALITY SURVEY**

*Report No. 09-125*

This report was to inform Councillors of the outcomes from the recently completed Regional Water Quality Perceptions Survey prior to public release.

Mr Carlyon, Group Manager Regional Planning and Regulatory gave a presentation on the key results, issues, and outcomes from the Water Quality Survey. Members considered the survey and asked questions of clarification.

**09-446**

***Moved***

***Gordon/Guy***

*that the Council:*

- receives*** the presentation and results from the 2009 Water Quality Perceptions Survey; and
- approves*** the survey for public release.

**CARRIED**

## **ONE PLAN DECISIONS FOR PUBLIC RELEASE**

*Report No. 09-126*

This report was to seek Council resolution in relation to public release of One Plan decisions.

Mr Carlyon, Group Manager Regional Planning and Regulatory spoke to the report and said in order to avoid any possible confusion around One Plan decisions it was important that Council released and endorsed only those decisions that had been reached by consensus or majority. It was the expectation of Council that decisions on the One Plan would be reached by consensus, and failing that, by majority decision of the Hearing Committee.

Cr Plowman advised he did not support the resolutions. He believed that Council was deliberately stifling the rights of the hearing panel to point out what submitters had to say.

*Cr Bailey left the meeting at 3.07pm.*

Members considered the report and asked questions of clarification around the potential for legal challenge if a consensus or majority view was adopted by Council, and the implications to Council of releasing descending views of panel members. Although it was accepted that hearing panel members may hold alternate views on decisions, Members agreed that only a consensus or majority decision by the hearing panel be adopted.

Members agreed to change the word **directing** in resolution (a) to **advising**, and resolution (c) was considered unnecessary and therefore deleted.

**09-447                      Moved    Burnell/Rieger**

*that the Council:*

- a. **reinforces** the view of Council that a consensus or majority view of the Hearing Committee be adopted by advising the Hearing Committee accordingly;
- b. **accepts** that the Hearing Panel members may hold a **dissenting** ~~descending~~ view.

Abstain: Cr Walker  
 Against: Cr Plowman  
**CARRIED**

**09-448                      Moved    Murfitt/Rieger**

*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 30 June 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 Chairman's Review	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 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**

*Cr Bailey entered the meeting at 3.22pm.*

The meeting adjourned to the Public Excluded part of the meeting at 3.22pm and resumed at 4.04pm.

The meeting closed at 4.05pm.

Confirmed

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CHIEF EXECUTIVE

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CHAIRMAN