



AGENDA

Executive, Audit & Risk

Monday 14 September 2020, 10am

Executive, Audit & Risk Committee

14 September 2020 10:00 AM - 11:00 AM

Agenda Topic	Page
Purpose of Committee, membership and Health and Safety	3
Apologies	
Notification of Late Items	
1. Minutes	4
2. Financial and Operational Report	9
3. 2020/2021 Insurance Programme	18
4. Public Excluded	22
5. Public Excluded Minutes	23
6. Port Taranaki Ltd: Annual Report and Annual General Meeting	27
7. Yarrow Stadium Update	107



Purpose of Executive, Audit and Risk Committee

This committee handles all of the administrative and financial matters relating to Council's operations and works programme. Because these matters relate to all aspects of the Council, the membership is aimed to reflect the different aspects of Council's committee structure.

Responsibilities

Financial and expenditure

Capital expenditure

Work proposals and expenditure

Corporate services and personnel matters

Port Taranaki Ltd matters

General Contractual and other matters.

Membership of Executive, Audit and Risk Committee

Councillor N W Walker (Chairperson)

Councillor M J Cloke

Councillor M P Joyce (ex officio)

Councillor D L Lean

Councillor C L Littlewood

Councillor M J McDonald

Councillor D N MacLeod (ex officio)

Mr B Robertson (Independent - Yarrow Stadium)

Health and Safety Message

Emergency Procedure

In the event of an emergency, please exit through the emergency door in the committee room by the kitchen.

If you require assistance to exit please see a staff member.

Once you reach the bottom of the stairs make your way to the assembly point at the birdcage. Staff will guide you to an alternative route if necessary.

Earthquake

If there is an earthquake - drop, cover and hold where possible.

Please remain where you are until further instruction is given.



Date 14 September 2020

Subject: **Confirmation of Minutes - 3 August 2020**

Approved by: M J Nield, Acting Chief Executive

Document: 2584002

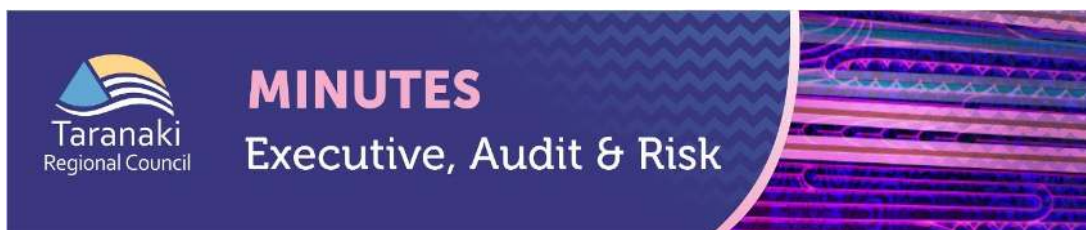
Resolves

That the Executive, Audit and Risk Committee of the Taranaki Regional Council:

- a) takes as read and confirms the minutes of the Executive, Audit and Risk Committee Meeting of the Taranaki Regional Council held in the Taranaki Regional Council Chambers, 47 Cloten Road, Stratford on Monday 3 August 2020 at 10am.
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on 11 August 2020.

Appendices/Attachments

Document 2554721: Minutes Executive, Audit and Risk - 3 August 2020



Date	3 August 2020, 10am
Venue:	Taranaki Regional Council chambers, 47 Cloten Road, Stratford
Document:	2554721

Members	Councillors	N W Walker M J Cloke D L Lean C L Littlewood M J McDonald D N MacLeod M P Joyce	Committee Chairperson <i>arrived 10.28am</i> ex officio ex officio
Attending	Councillor Messrs Ms Miss Mr	E D Van Der Leden M J Nield G K Bedford C Clarke R Johnson L Davidson P Ledingham	Acting Chief Executive Director - Environment Quality Transport Manager Financial Services Manager Committee Administrator Communications Adviser
		One member of the public.	
Apologies		An apology for lateness was received from Councillor M J McDonald.	
Notification of Late Items		Councillor D N MacLeod expressed that he wished to speak regarding Māori wards under General Business.	

1. Confirmation of Minutes - 22 June 2020

Resolved

That the Executive, Audit and Risk Committee of the Taranaki Regional Council:

- takes as read and confirms the minutes of the Executive, Audit and Risk Committee of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Monday 22 June 2020 at 10am
- notes the recommendations therein were adopted by the Taranaki Regional Council on 30 June 2020.

Littlewood/MacLeod

Matters arising

There were no matters arising.

2. Financial and Operational Report

- 2.1 Mr M J Nield, Acting Chief Executive, spoke to the memorandum to receive information on the financial and operational performance of the Council.

Recommends

That the Taranaki Regional Council:

- a) receives the memorandum and the May 2020 financial report
- b) notes the Regional Integrated Ticketing System update
- c) notes the digital media update
- d) notes the health and safety report for June 2020.

Joyce/Littlewood

3. Adoption of Statements of Intent

- 3.1 Mr M J Nield, Acting Chief Executive, spoke to the memorandum adopting the finalised statements of intent for the Taranaki Stadium Trust and Regional Software Holdings Ltd.

Recommends

That the Taranaki Regional Council:

- a) adopts the finalised 2020/2021 Statement of Intent for the Taranaki Stadium Trust
- b) adopts the finalised 2020/2021 Statement of Intent for Regional Software Holdings Ltd.

Lean/Cloke

4. Port Taranaki Ltd: Statement of Corporate Intent - 1 July 2020 to 30 June 2023

- 4.1 Mr M J Nield, Acting Chief Executive, spoke to the memorandum to receive and comment on Port Taranaki Ltd's draft Statement of Corporate Intent for the period 1 July 2020 to 30 June 2023.
- 4.2 Councillors D N MacLeod and C L Littlewood declared an interest in relation to Port Taranaki Ltd.

Recommends

That the Taranaki Regional Council:

- a) receives Port Taranaki Ltd's draft Statement of Corporate Intent for the period 1 July 2020 to 30 June 2023
- b) provides any feedback to the Acting Chief Executive on the content of the draft Statement of Corporate Intent.

Joyce/Cloke

5. Regional Public Transport Plan

- 5.1 Mr C Clarke, Transport Manager, spoke to the memorandum presenting the draft *Regional Public Transport Plan for Taranaki 2020-2030* (RPTP) and to seek adoption of the draft RPTP for public consultation.
- 5.2 Councillor C L Littlewood declared an interest as the Venture Taranaki Programme Manager for the 2050 Project.
- 5.3 New Plymouth District Council have made a suggestion of a better site for the bus station. They have indicated they are keen to be involved and have made some indications about what they would like to see in the future.
- 5.4 Officers are currently working on a project brief and a project plan to investigate alternative fuel option buses.

Recommends

That the Taranaki Regional Council:

- a) receives the draft *Regional Public Transport Plan for Taranaki 2020-2030*
- b) adopts the draft *Regional Public Transport Plan for Taranaki 2020-2030* for public consultation.

Cloke/Littlewood

6. Climate Change Strategy

- 6.1 Mr G K Bedford, Director – Environment Quality, spoke to the memorandum presenting for the Committee’s consideration and recommendation for adoption as Corporate Policy, the *‘Climate Change Strategy: a strategy guide to Taranaki Regional Council’s climate change response’*.

Councillor McDonald arrived 10.28am

- 6.2 Councillor C L Littlewood commended officers for bringing this to the Committee.
- 6.3 It was noted that other Councils around the country have climate change committees and this is something to think about for the future.
- 6.4 It was suggested that the Climate Change Strategy memorandum be recommended to the Policy and Planning Committee for consideration by iwi and District Council representatives.

Recommends

That the Taranaki Regional Council:

- a) receives the memorandum *Climate Change Strategy* and the report *Climate Change Strategy: a strategy to guide the Taranaki Regional Council’s climate change response*
- b) adopts the Strategy (amended as directed by the Committee) as a non-statutory framework to provide regional leadership on climate change and a clear focus and strategic direction to the Council on its climate change intentions and priorities.
- c) refers the *Climate Change Strategy* to the Policy and Planning Committee for consideration.

Littlewood/Joyce

7. Public Excluded

In accordance with section 48(1) of the *Local Government Information and Meetings Act 1987*, resolves that the public is excluded from the following part of the proceedings of the Executive, Audit and Risk Committee Meeting on Monday 3 August 2020 for the following reasons:

Item 8 - Confidential Minutes - 22 June 2020

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where 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.

Item 9 - Consideration of 2019/2020 Annual Report

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where 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.

Item 10 - Yarrow Stadium Update

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where 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.

MacLeod/McDonald

There being no further business, the Committee Chairperson, Councillor N W Walker, declared the open meeting of the Executive, Audit and Risk Committee closed at 10.44am.

Confirmed

**Executive, Audit &
Risk Chairperson:** _____

N W Walker

14 September 2020



Date 14 September 2020

Subject: **Financial and Operational Report**

Approved by: M J Nield, Acting Chief Executive

Document: 2582718

Purpose

1. The purpose of this memorandum is to receive information on operational and financial performance and to confirm the use of Common Seal.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum
- b) notes the Regional Integrated Ticketing System update
- c) notes the digital media update
- d) notes the health and safety reports for July and August 2020.
- e) approves the two common seal transactions
 - 2020/06 Renewal of Lease - Greenstone Developments Ltd, 29-37 Port View Crescent, NP
 - 2020/07 – Renewal of Lease - BP Oil NZ Ltd, 30 Centennial Drive, NP

Background

2. The Council produces a Monthly Financial Report outlining the financial performance for the month and year to date. This memorandum supports the Monthly Financial Report by providing additional supporting operational and financial information. The Common Seal is operated under delegated authority. Part of that delegated authority is the reporting back of the seal transactions.

Discussion

3. The focus of the new financial year has been the preparation and audit of the annual report. This year's audit is running a few days later than usual. Consequently, last year's ledger has not been able to be closed in sufficient time to produce the July 2020 Monthly Financial Report. This report will be presented to the next meeting of the Executive, Audit and Risk Committee. There are no known financial issues for 2020/2021 to date.

Operational Report

4. Operationally, programmes are materially on target with the planned levels of activity established for 2020/2021 in the *2020/2021 Annual Plan*.

Regional Integrated Ticketing System

5. The RITS project continues to progress through deployment. The BEE Card website for Taranaki went live on 24 August 2020. There has been positive uptake in the first two weeks with staff busy managing customer service calls handling queries and assisting people, without internet access, to get a Card.
6. BEE Card will go-live on-bus Monday 19 October. We will continue to progress our marketing and communication plan in the build up to the change-over.
7. Resolution of financial back end issues continues to progress.
8. Project NEXT –the Request for Proposals closed 21 August 2020. Membership of the Evaluation Panel is being finalised. The Council participation agreement is also being finalised and will be distributed soon.

Communications and Education

9. Communications activities are delivered across a range of channels including publications, media releases, advertising and digital media. Some recent highlights are:
 - An impressive map showing the number of traps set across the Taranaki region and in the national park, accompanied by a story about tapping efforts during the Covid-19 lockdown. The post reached 26,539 users with 4,812 total engagement.
 - A post acknowledging the passing of former TRC Chairman David Walter.

Social Media by the Numbers

10. The total reach (non-unique users) across all six Facebook pages was 155,064 people. The total user engagement (where users liked, shared, clicked or commented) on our posts was 6,136. Our Facebook page followers have increased with a total of 439 more followers across our six pages from 24 July to 8 September 2020. Our Tweets reached 1,945 people.

Facebook page	Page followers	Reach	Engagement
TaranakiRegionalCouncil	4,784 (+54)	30,196	579
TaranakiPublicTransport	1,033 (+38)	19,150	413
Túpare	1,539 (+21)	4,420	226
Pukeiti	2,194 (+30)	5,252	318
Hollard Gardens	1,765 (+48)	4,598	281
Towards Predator-Free Taranaki	1,755 (+248)	91,448	4,319

Twitter profile	Followers	Impressions	Engaged
@TaranakiRC (TRC main)	1,859 (-3)	1,945	0

Top Facebook posts		Reach	Engaged
1	<p>While the rest of us were at home during lockdown, 'Big Red' was getting out and about on the outskirts of Oākura! The lines show the possum's movements over a 6-week period in April/May (before its adventures came to an end!). Big Red had earlier been captured and collared with a GPS transmitter, as part of PHD student Tess O'Malley's research into possum behaviour on and around the Kaitake Range and Pukeiti.</p> <p>(Towards Predator-Free Taranaki)</p>	26,834	6,570
2	<p>A buffer of traps around Mt Taranaki is now in place, providing additional protection for native birds such as whio and kiwi. Establishing a network of traps on private land around the border of the national park was the major rural target for Year 2 of the Taranaki Taku Tūranga - Towards Predator-Free Taranaki project, which began in 2018.</p> <p>(Towards Predator-Free Taranaki)</p>	26,539	4,812
3	<p>Do you, or someone you know, live in Spotswood? There are now more than 5000 rat traps (the red dots) in New Plymouth backyards, parks and reserves - an awesome effort! But there are still some parts of the city where we'd love to see more.</p> <p>(Towards Predator-Free Taranaki)</p>	23,025	4,046
4	<p>New Government freshwater regulations come into force TODAY. These include rules and obligations around activities on land that may affect water. The new requirements are far-reaching and should not be ignored...</p> <p>(Taranaki Regional Council)</p>	9,304	2,072
5	<p>FACE COVERINGS - MONDAY 31ST AUGUST Under the Governments latest alert level 2 guidance, from Monday 31st August, face coverings will be mandatory while travelling on public transport such as Citylink Urban, Hawera/NP Connector and Southlink Bus Services.</p> <p>(Taranaki Regional Public Transport)</p>	3,279	484
6	<p>Everybody needs good neighbours - just ask these kererū snapped catching up recently at Pukeiti - gardens 😊 Did you know there is a Restore Facebook group for each New Plymouth suburb and a number of Taranaki towns...</p>	2,418	377

	(Toward Predator-Free Taranaki)		
7	It's the weekend and time to share a selection of photos by our Urban Project lead Chauncy Ardell. Chauncy has worked in conservation for many years, all over the country. (Towards Predator-Free Taranaki)	1,376	308
8	Wow alright! Anyone seen one of these around Taranaki? Image of a leucistic tūi shared from Forest & Bird FB Page. (Towards Predator-Free Taranaki)	1,095	342
9	Our team's lizard lover Halema recently got up close and personal with a goldstripe gecko in a flax bush. She says: "These guys are the special little gems hidden in our urban gardens. We are so lucky to share our community with them!" (Taranaki Regional Council)	898	133
10	Who knew our team were such talented photographers?! Environment officer Dean Caskey took these stunners - a whistling frog, a native nikau palm and a little morepork disturbed from sleep. (Towards Predator-Free Taranaki)	781	100

Top Tweets (from our TRC profile)		Impressions	Engaged
1	New Government freshwater regulations come into force today. If your farm or business is undertaking or planning operational changes or developments involving any aspect of fresh water or waterways, you should check if they apply. More here: http://www.trc.govt.nz/freshwater-sept2020 #freshwater https://twitter.com/TaranakiRC/status/1301284372188807168/photo/1 (TRC)	144	0

Health and Safety

11. The Health and Safety reports for July and August 2020 are attached.

Common Seal

12. There were two Common Seal transactions for the period 17 June 2020 – 9 September 2020:

- 2020/06 Renewal of Lease - Greenstone Developments Ltd, 29-37 Port View Crescent, NP
- 2020/07 – Renewal of Lease - BP Oil NZ Ltd, 30 Centennial Drive, NP

Decision-making considerations

13. Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

Financial considerations—LTP/Annual Plan

14. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

15. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

16. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

17. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 2579161: Health and Safety Report - July 2020

Document 2579298: Health and Safety Report - August 2020



Health and Safety Dashboard

Reporting Period:

1 July – 31 July 2020

Incidents (1 July 2020 – 30 June 2021)

Illness 0 (0)	Incidents 1 (1)	Injury 1 (1)
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ACC Claims 0 (0)	Near Miss 11 (11)	Notifiable 0 (0)
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Types of Incidents and Injuries

Slips/Trips/Falls (no injury)	-	No Treatment	-
Sprains/Strains	-	First Aid	1
Cuts/Abrasions	-	Medical Centre	-
Bruising	-	Physiotherapy	-
Near Miss	11	Hospital	-
Vehicle Damage	1	Formal Investigation	-
Insect Stings	-	WorkSafe Investigation	-
Other	1		

Health and Wellbeing

Workstation Assessments 2

Health Monitoring Assessments 22
Pre-employment assessments 3

Wellness Initiatives
'Reach out'

2 return to work plans currently in place
(1 non-work related)

Health and Safety Objectives Update

Health & Safety Committee Meetings 0 Workers Committee meetings 1	Hazard reviews completed: 27
Evacuation practice: Occurred in August 3.40 minutes	Pandemic Plan still in place
2020/2021 Wellness Plan developed	WSMP Status: Tertiary Self-Audit – completed December 2019
Health and Safety training days: 3	2020/2021 Health and Safety plan adopted



Health and Safety Dashboard

Reporting Period:

1 August – 31 August 2020

Incidents (1 July 2020 – 30 June 2021)

Illness 0 (0)	Incidents 0 (1)	Injury 2 (3)
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ACC Claims 1 (1)	Near Miss 8 (19)	Notifiable 0 (0)
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Types of Incidents and Injuries

Slips/Trips/Falls (no injury)	-
Sprains/Strains	2
Cuts/Abrasions	-
Bruising	-
Near Miss	8
Vehicle Damage	-
Insect Stings	-
Other	-

No Treatment	-
First Aid	1
Medical Centre	-
Physiotherapy	1
Hospital	-

Formal Investigation	-
WorkSafe Investigation	-

Health and Wellbeing

Workstation Assessments 1

Health Monitoring Assessments 24
Pre-employment assessments 0

Wellness Initiatives
'Reach out'

4 return to work plans currently in place
(2 non-work related)

Health and Safety Objectives Update

**Predator Free 2020/2021 contractors –
all pre-qualified**

**Evacuation practice:
Occurred in August 3.40 minutes**

2020/2021 Wellness Plan developed

**Health and Safety training days:
5**

Chemical Audit completed

**Hazard reviews completed:
22**

Pandemic Plan reviewed and updated

**WSMP Status: Tertiary
Self-Audit – completed December 2019**

**2020/2021 Health and Safety plan
adopted**



Date 14 September 2020

Subject: 2020/2021 Insurance Programme

Approved by: M J Nield, Acting Chief Executive

Document: 2584730

Purpose

1. The purpose of this memorandum is to inform Members on the placement of the 2020/2021 insurance programme.

Recommendations

That the Taranaki Regional Council:

- a) notes the renewal and placement of insurance policies for 2020/2021.

Background

2. The Council insures itself against various risks. The insurance programme runs from 1 July to 30 June of each year. Prior to the completion of each insurance year, the Council reconfirms the risks it wishes to insure against and the levels of cover it wishes to retain.
3. The four Taranaki Councils operate a shared service arrangement for the placement of the region's insurance needs. This acts as a bigger base to attract savings through economies of scale.

Discussion

4. The insurance programme is largely unchanged from previous years.
5. An increase in insurance costs has resulted from the liability policies as local government claims have been increasing. The insurance market has taken the view that the litigation environment has deteriorated causing insurers to increase liability premiums with many insurers not even prepared to offer terms.
6. The attached *Insurance Programme Schedule* outlines the full insurance programme for 2020/2021 including the coverage received, the insurance providers and costs.

Decision-making considerations

7. Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The

recommendations made in this item comply with the decision-making obligations of the Act.

Financial considerations—LTP/Annual Plan

8. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates. Any financial information included in this memorandum has been prepared in accordance with generally accepted accounting practice.

Policy considerations

9. This memorandum and the associated recommendations are consistent with the policy documents and positions adopted by this Council under various legislative frameworks including, but not restricted to, the *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

10. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.

Legal considerations

11. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.

Appendices/Attachments

Document 2584748: 2020/2021 Insurance Programme Schedule

Taranaki Regional Council
2020/2021 Insurance Programme Schedule

Policy	Sum Insured	Insurer	Deductible	2020/21 Premiums	2019/20 Premiums
Material Damage (Commercial)	\$40,722,281	QBE (Lead Insurer)	\$5,000, except for Natural Disaster: property after 1935 (5% site value), property pre 1935 (10% site value)	\$86,774	\$83,786
Material Damage (Residential)	\$2,994,720	QBE (Lead Insurer)	\$5,000, except for Natural Disaster: property after 1935 (5% site value), property pre 1935 (10% site value)	\$5,470	\$5,263
Business Interruption (consequent to damage to property insured by the material damage policy)	Additional Costs: \$10,000,000 shared limit (all Taranaki Councils)	QBE (Lead Insurer)	Nil	\$591	\$562
Motor Vehicle	\$2,459,100	NZI	\$1,000	\$25,629	\$27,243
Personal Accident	Elected Members: \$50K Executive Positions: \$100K	AIG	Nil	\$600	\$650
Crime Insurance	\$500,000	AIG	\$25,000	\$7,750	\$7,496
Employers Liability	\$1,000,000 shared limit (all Taranaki Councils)	Vero	\$2,500	\$782	\$795
Statutory Liability	\$5,000,000 shared limit (all Taranaki Councils)	Vero	\$25,000 or \$75,000 for claims in respect of the Resource Management Act 1991	\$4,372	\$3,438
Hall Hirers Liability	\$1,000,000	Vero	\$500	\$764	\$281
Travel Insurance	Various	AIG	\$250	\$462	\$644
Marine Hull	\$50,300	Vero	\$2,500	\$690	\$690

Executive, Audit & Risk Committee - 2020/2021 Insurance Programme

Policy	Sum Insured	Insurer	Deductible	2020/21 Premiums	2019/20 Premiums
Cyber Risk	\$1,000,000	NZI	\$25,000	\$7,445	\$6,795
Public Liability, Professional Indemnity, Harbourmasters and Wreck Removal	Public Liability/Professional Indemnity: \$300,000,000, Harbourmasters: \$20,000,000, Wreck Removal: \$5,000,000	London Insurance Market	Public Liability: \$5,000, Professional Indemnity: \$10,000, Harbourmasters/Wreck Removal: \$25,000	\$33,803	\$24,355
Environmental Impairment Liability	\$1,000,000	London Insurance Market	\$25,000	\$1,820	Included in public liability policy

Executive, Audit & Risk Committee Public Excluded

In accordance with section 48(1) of the *Local Government Official Information and Meetings Act 1987*, resolves that the public is excluded from the following part of the proceedings of the Executive, Audit and Risk Committee Meeting on Monday 14 September 2020 for the following reason/s:

Item 5 - Confidential Minutes - 3 August 2020

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where 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.

Item 6 - Port Taranaki Ltd: Annual Report and Annual General Meeting

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where 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.

Item 7 - Yarrow Stadium Update

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where 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.