



# **AGENDA**

# Ordinary Meeting

Tuesday 25 February 2020, 10.30am





**Date:** Tuesday 25 February 2020, 10.30am

**Venue:** Taranaki Regional Council chambers, 47 Cloten Road, Stratford

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**Councillors**

- D N MacLeod (*Chairperson*)
- M P Joyce (*Deputy Chairperson*)
- M J Cloke
- M G Davey
- D L Lean
- C L Littlewood
- M J McDonald
- D H McIntyre
- E Van Der Leden
- N W Walker
- C S Williamson

### Apologies

### Notification of Items

Item 1	4	<a href="#">Minutes Ordinary Meeting - 10 December</a>
Item 2	12	<a href="#">Minutes Consents and Regulatory Meeting - 4 February</a>
Item 3	17	<a href="#">Minutes Policy and Planning Meeting - 4 February</a>
Item 4	24	<a href="#">Minutes Executive, Audit and Risk - 17 February</a>
Item 5	28	<a href="#">March 2020 Meeting dates</a>
Item 6	29	<a href="#">Membership of Regional Transport Committee</a>
Item 7	31	<a href="#">Iwi Appointments to Standing Committees</a>
Item 8	37	<a href="#">Taranaki Triennial Agreement</a>
Item 9	43	<a href="#">Local Governance Statement</a>
Item 10	70	<a href="#">2020/2021 Annual Plan Estimates</a>
Item 11	79	<a href="#">Public Excluded</a>
Item 12	80	<a href="#">Public Excluded Minutes Executive, Audit and Risk - 17 February</a>
Item 13	83	<a href="#">CEO Contract Matters</a>



### **Purpose of Local Government**

The reports contained in this agenda address the requirements of the Local Government Act 2002 in relation to decision making. Unless otherwise stated, the recommended option outlined in each report meets the purpose of local government and:

- Promote the social, economic, environmental and cultural well-being of communities in the present and for the future.
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

### **Membership of the Ordinary Committee**

Councillor D N MacLeod ( <i>Chairperson</i> )	Councillor M P Joyce ( <i>Deputy Chairperson</i> )
Councillor M J Cloke	Councillor M G Davey
Councillor D L Lean	Councillor C L Littlewood
Councillor D N McDonald	Councillor M J McIntyre
Councillor E D Van Der Leden	Councillor N W Walker
Councillor C S Williamson	

### **Health and Safety**

#### **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** 25 February 2020

**Subject:** **Confirmation of Ordinary Minutes - 10 December**

**Approved by:** M J Nield, Director Corporate Services  
B G Chamberlain, Chief Executive

**Document:** 2429664

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**Resolve**

That the Taranaki Regional Council:

- a) takes as read and confirms the minutes and resolutions of the Ordinary Meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 10 December 2019 at 10.30am.

**Matters arising**

**Appendices/Attachments**

Document 2387922: Minutes Ordinary Meeting - 10 December 2019



**Date** 10 December 2019, 10.30am  
**Venue:** Pukeiti Lodge, 2290 Carrington Road, New Plymouth  
**Document:** 2387922

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<b>Present</b>	Councillors	D N MacLeod	(Chairperson)
		M P Joyce	(Deputy Chairperson)
		M J Cloke	
		M G Davey	
		D L Lean	
		C L Littlewood	
		M J McDonald	
		D H McIntyre	
		E D Van Der Leden	(via zoom)
		N W Walker	(arrived at 10.40am)
<b>Attending</b>	Messrs	B G Chamberlain	(Chief Executive)
		S R Hall	(Director - Operations)
		M J Nield	(Director - Corporate Services)
		G K Bedford	(Director - Environment Quality)
		A D McLay	(Director - Resource Management)
		P Ledingham	(Communications Advisor)
	Ms	L Davidson	(Committee Administrator)

**Apologies** An apology from Councillor C S Williamson was received and sustained.

**Notification of Late Items** There were no late items.

## 1. Confirmation of Minutes - Tuesday 5 November

### Resolved

THAT the Taranaki Regional Council

- a) takes as read and confirms the minutes and the confidential minutes and resolutions of the Ordinary meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 5 November 2019 at 10.30am.

Lean/Joyce

**Matters arising**

There were no matters arising.

**2. Confirmation of Consents and Regulatory Minutes - Tuesday 19 November 2019**

**Resolved**

THAT the Taranaki Regional Council

- a) receives the minutes of the Consents and Regulatory Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Tuesday 19 November 2019 at 9.30am
- b) adopts the recommendations therein.

Lean/Cloke

**Matters Arising**

There were no matters arising.

**3. Confirmation of Policy and Planning Minutes - Tuesday 19 November 2019**

**Resolved**

THAT the Taranaki Regional Council

- a) receives the minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 19 November 2019 at 10.30am
- b) adopts the recommendations therein.

Littlewood/McIntyre

**Matters Arising**

There were no matters arising.

**4. Confirmation of Executive, Audit and Risk Minutes - Monday 2 December 2019**

## Resolved

THAT the Taranaki Regional Council

- a) receives the minutes and the confidential 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 2 December 2019 at 10am
- b) adopts the recommendations therein.  
MacLeod/McDonald

## Matters Arising

There were no matters arising.

## 5. 2020 Meeting Schedule and February 2020 Meeting Dates

- 5.1 The full schedule of meeting dates for 2020 was received and adopted.

## 6. Councillor Remuneration 2019/2020

- 6.1 Mr B G Chamberlain, Chief Executive, spoke to the memorandum to inform Members of the Remuneration Authority's communication on Elected Member remuneration for 2019/2020 and to set remuneration levels for the post 2019 elections period through to 30 June 2020.
- 6.2 The Waitara River Committee will be looked at in the first quarter of 2020.

## Recommended

THAT the Taranaki Regional Council

- a) receives this memorandum and the Remuneration Authority's "Remuneration for Local Authorities" document
- b) notes the total remuneration pool of \$466,596, the Chairman's total remuneration of \$102,550 and the minimum allowable remuneration for a Councillor of \$36,939
- c) recommends to the Remuneration Authority that the Councillor minimum allowable remuneration be set at either \$38,883
- d) agrees to reflect additional responsibilities with additional remuneration
- e) recommends to the Remuneration Authority the following positions that will attract additional remuneration and the levels of additional remuneration that each position will attract

Position	Additional Remuneration	Total Remuneration
Deputy Chairperson	\$16,331	\$55,214

Chairpersons of Executive, Audit and Risk, Policy and Planning and Consents and Regulatory	\$16,331	\$55,214
Chairpersons of Regional Transport Committee and Taranaki Civil Defence Joint Committee	\$6,221	\$45,104

- f) notes that additional fees for resource consent hearings and regional plan hearings continue
- g) notes that the Council will provide a motor-vehicle to the Chairperson in accordance with the Authority's rules and guidance
- h) notes and adopts the changes to vehicle mileage allowances, travel time allowances and communications allowances and updates the 'Policy on Taranaki Regional Council Elected Members' Allowances and Recovery of Expenses'
- i) confirms that the Council will provide a laptop or a tablet to undertake Council business, that mobile phones remain the responsibility of each individual councillor and that equipment is replaced when it is either broken/ damaged or has become obsolete
- j) adopts a childcare allowance and updates the "Policy on Taranaki Regional Council Elected Members' Allowances and Recovery of Expenses"
- k) notes the fees for resource consents hearings and regional plan hearings and updates the " Policy on Taranaki Regional Council Elected Members' Allowances and Recovery of Expenses"
- l) advises the Remuneration Authority of the decisions and recommendations in relation to remuneration, allowances and the recovery of expenses.

Joyce/Walker

## 7. External Appointments to Standing Committees and Joint Committees 2019-2022

- 7.1 Mr B G Chamberlain, Chief Executive, spoke to the memorandum to inform Members of the external appointments to the Council's Policy and Planning Committee, Regional Transport Committee, Taranaki Civil Defence Emergency Management Group (Joint Committee) and the Taranaki Solid Waste Management Committee (Joint Committee).

### Recommended

THAT the Taranaki Regional Council



- a) receives the memorandum
- b) confirms the appointments of Councillor Stacey Hitchcock (New Plymouth District Council), Councillor Grant Boyde (Stratford District Council), Councillor Chris Young (South Taranaki District Council) and Mr Phill Muir (Federated Farmers) to the Policy and Planning Committee
- c) agrees to the appointment of Councillor Brian Rook (South Taranaki District Council) and Deputy Mayor Richard Jordan (New Plymouth District Council) as alternate representatives to the Policy and Planning Committee
- d) confirms the appointments of Councillors Harry Duynhoven and Colin Johnston (alternate) representing New Plymouth District Council, Mayor Neil Volzke and Councillor Jono Erwood (alternate) representing Stratford District Council, Mayor Phil Nixon and Deputy Mayor Robert Northcott (alternate) representing South Taranaki District Council and Mr Ross I'Anson and Mr Mark Owen (alternate) representing New Zealand Transport Agency to the Regional Transport Committee
- e) notes the appointments to the Taranaki Civil Defence Emergency Management Group, being, Mayor Neil Holdom and Deputy Mayor Richard Jordan (alternate) representing New Plymouth District Council, Mayor Neil Volzke and Deputy Mayor Alan Jamieson (alternate) representing Stratford District Council and Mayor Phil Nixon and Deputy Mayor Robert Northcott (alternate) representing South Taranaki District Council
- f) notes the appointments to the Taranaki Solid Waste Management Committee, being Councillors Richard Handley and Murray Chong (alternate) representing New Plymouth District Council, Deputy Mayor Alan Jamieson and Mayor Neil Volzke (alternate) representing Stratford District Council and Councillors Brian Roach and Mark Bellringer (alternate) representing South Taranaki District Council.

McDonald/Littlewood

## **8. Submission on New Plymouth District Council's *Proposed District Plan***

- 8.1 Mr A D McLay, Director – Resource Management, spoke to the memorandum to introduce a submission made by Officers to the New Plymouth District Council's *Proposed District Plan*, and to recommend it be endorsed by Council.

### **Recommended**

THAT the Taranaki Regional Council

- a) receives the memorandum 'Submission on New Plymouth District Council's *Proposed District Plan*',
- b) endorses the submission.

MacLeod/Joyce

## 9. Submission on Climate Change Response Amendment Bill

- 9.1 Mr A D McLay, Director – Resource Management, spoke to the memorandum to introduce a submission on the Climate Change Response (Emissions Trading Reform) Amendment Bill (the Amendment Bill) and to recommend that it be adopted by the Council.
- 9.2 It was requested that an addition to the submission be made in regards to the Climate Change Response Amendment Bill allowing for future scientific advancements.

### Recommended

THAT the Taranaki Regional Council

- a) receives the memorandum *Submission on Climate Change Response (Emissions Trading Reform) Amendment Bill*
- b) adopts the submission
- c) notes the amendment.

Littlewood/Walker

## 10. Pukeiti – Update on the Development Programme at Pukeiti

- 10.1 Mr S R Hall, Director – Operations, spoke to the memorandum and gave a presentation to update Members on the development programme at Pukeiti.

### Recommended

THAT the Taranaki Regional Council

- a) notes the progress to date in the Pukeiti gardens and rainforest
- b) notes that Pukeiti has achieved Qualmark Gold, the highest Qualmark Sustainable Tourism Business Award.

MacLeod/Cloke

## 11. General Business

### 11.1 Waste Management Levies

Waste Management Levies are due to increase substantially. This significant rise in price could increase fly tipping in the Taranaki Region. It was noted that waste management is a District Council responsibility.

There being no further business, Chairman D N MacLeod, declared the Ordinary Meeting of the Taranaki Regional Council closed at 11.40am.

**Confirmed**

**Chairperson:** \_\_\_\_\_

**D N MacLeod**

**Date:** **25 February 2020**



**Date** 25 February 2020

**Subject:** **Confirmation of Consents and Regulatory Committee Minutes - 4 February 2020**

**Approved by:** G K Bedford, Director - Environment Quality

B G Chamberlain, Chief Executive

**Document:** 2429679

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### **Resolve**

That the Taranaki Regional Council:

- a) receives the of the Consents and Regulatory Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 4 February 2020 at 9.30am
- b) adopts the recommendations therein.

### **Matters arising**

### **Appendices/Attachments**

Document 2417822: Consents and Regulatory Committee Meeting Minutes - 4 February 2020



**Date** 4 February 2020, 9.30am  
**Venue:** Taranaki Regional Council chambers, 47 Cloten Road, Stratford  
**Document:** 2417822

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**Members** Councillors D L Lean Committee Chairperson  
C S Williamson Committee Deputy Chairperson  
M J Cloke  
C L Littlewood  
D H McIntyre  
E D Van Der Leden  
M P Joyce ex officio

**Representative Members** Representative members have not yet been appointed.

**Attending** Messrs B G Chamberlain Chief Executive  
G K Bedford Director - Environment Quality  
M J Nield Director - Corporate Services  
A D McLay Director - Resource Management  
C McLellan Consents Manager  
B Pope Compliance Manager  
Mrs V McKay Science Manager - Chemistry  
Messrs P Ledingham Communications Advisor  
R Ritchie Communications Manager  
Miss L Davidson Committee Administrator

One member of the media and one member of the public.

**Opening Karakia** Mr S Tamarapa, Iwi Communications Officer, gave the opening Karakia for the Consents and Regulatory Committee.

**Apologies** The apology from Councillor D N MacLeod was received and sustained.

**Notification of Late Items** There were no late items.

**1. Confirmation of Minutes – Tuesday 19 November 2019**

**Resolved**

That the Consents and Regulatory Committee of the Taranaki Regional Council:

- a) takes as read and confirms the minutes of the Consents and Regulatory Committee of the Taranaki Regional Council held on the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Tuesday 19 November 2019 at 9.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 10 December 2019.

Lean/Littlewood

**Matters Arising**

There were no matters arising

**2. Resource consents issued under delegated authority and applications in progress**

- 2.1 Mr C McLellan, Consents Manager, spoke to the memorandum advising of consents granted, consents under application and consent processing actions since the last meeting of the Committee.

**Recommended**

THAT the Taranaki Regional Council

- a) receives the schedule of resource consents granted and other consent processing actions, made under delegated authority.

Cloke/Joyce

**3. Consent monitoring annual report**

- 3.1 Mrs V McKay, Science Manager - Chemistry, spoke to the memorandum advising the Committee of 27 tailored compliance monitoring reports that have been prepared since the last Committee meeting and answered questions arising.

**Recommended**

THAT the Taranaki Regional Council

- a) receives the 19-14 STDC Ōpunake WWTP Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- b) receives the 19-25 Ballance Agri-Nutrients (Kapuni) Ltd Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- c) receives the 19-30 Methanex Motunui and Waitara Valley Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- d) receives the 19-38 NPDC Crematorium Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- e) receives the 19-40 STDC Eltham WWTP Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;

- f) receives the 19-42 OMV Pohokura Production Station Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- g) receives the 19-44 Cold Creek Community Water Supply Ltd Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- h) receives the 19-45 NPDC Colson Road Landfill Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- i) receives the 19-46 Westside Rimu Production Station Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- j) receives the 19-47 TWN Partnership Limited Waihapa Production Station Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- k) receives the 19-48 Cheal Petroleum Ltd Cheal Production Station Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- l) receives the 19-49 NPDC Landfills Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- m) receives the 19-50 Remediation NZ Ltd Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- n) receives the 19-53 SDC Stratford WWTP Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- o) receives the 19-60 OMV Māui Production Station Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- p) receives the 19-62 Greymouth Petroleum Ltd Southern Sites Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- q) receives the 19-63 Todd Petroleum Kapuni Production Station Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- r) receives the 19-67 NPDC Mangapouri Cemetery Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- s) receives the 19-68 Waste Remediation Services Manawapou (Symes) Landfarm Ltd Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- t) receives the 19-70 Waste Remediation Service Ltd Waikaikai Landfarm Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- u) receives the 19-74 Taranaki Thoroughbred Racing Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- v) receives the 19-75 Greymouth Petroleum DWI Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- w) receives the 19-76 Value Timber Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;

- x) receives the 19-80 NPDC New Plymouth WWTP Marine Outfall and Sludge Lagoon Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- y) receives the 19-83 Irrigation Water Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- z) receives the 19-84 STDC Pātea Beach Green Waste Discharge Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein;
- aa) receives the 19-86 Malandra Downs Ltd Monitoring Programme Annual Report 2018-2019 and adopts the specific recommendations therein.

McIntyre/Van Der Leden

**4. Incident, compliance monitoring, Non compliances and Enforcement Summary 29 October 2019 - 16 January 2020**

- 4.1 Mr B Pope, Compliance Manager, spoke to the report to provide an overview to the Committee on the reported incidents for the period 29 October 2019 - 16 January 2020 and answered questions concerning officer assessments of the incidents.

**Recommended**

THAT the Taranaki Regional Council

- a) receives this memorandum
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 29 October 2019 to 16 January 2020, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Williamson/McIntyre

There being no further business the Committee Chairman, Mr D L Lean, declared the meeting of the Consents and Regulatory Committee closed at 9.58am.

**Confirmed**

**Consents and Regulatory  
Committee Chairperson:** \_\_\_\_\_

**D L Lean**

**Tuesday 17 March 2020**





**Date** 25 February 2020

**Subject:** **Confirmation of Policy and Planning Committee Minutes - 4 February 2020**

**Approved by:** A D McLay, Director - Resource Management

B G Chamberlain, Chief Executive

**Document:** 2429746

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### **Resolve**

That the Taranaki Regional Council:

- a) receives the minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 4 February 2020 at 10.30am
- b) adopts the recommendations therein.

### **Matters arising**

### **Appendices/Attachments**

Document 2418293: Policy and Planning Committee Minutes - 4 February 2020



**Date** 4 February 2020, 10.30am  
**Venue:** Taranaki Regional Council chambers, 47 Cloten Road, Stratford  
**Document:** 2418293

<b>Members</b>	Councillors	C L Littlewood N W Walker M G Davey M J McDonald D H McIntyre C S Williamson E D Van Der Leden M P Joyce	Committee Chairperson Committee Deputy Chairperson      ex officio
<b>Representative Members</b>	Councillors  Mr	C Young S Hitchcock G Boyde P Muir Iwi representatives have not yet been appointed.	South Taranaki District Council New Plymouth District Council Stratford District Council Federated Farmers
<b>Attending</b>	Messrs  Ms Ms Mrs Miss Mr Councillor	B G Chamberlain G K Bedford M J Nield A D McLay S R Hall G Severinsen C Spurdle S Tamarapa M Simpson T McElroy R Ritchie P Ledingham T K Davey L Ingham M Lachmann V McKay L Davidson S Cronin D L Lean	Chief Executive Director - Environment Quality Director - Corporate Services Director - Resource Management Director - Operations Manager Policy and Strategy Planning Manager Iwi Communications Officer Team Leader - Riparian Environmental Scientist – Marine Biology Communications Manager Communications Adviser Communications Adviser ( <i>part meeting</i> ) Environmental Scientist – State of the Environment Communications Adviser Science Manager Chemistry Committee Administrator University of Waikato

One member of the media and one member of the public.

**Apologies** An apology from Councillor D N MacLeod was received and sustained.

**Notification of Late Items** There were no late items.

## 1. Confirmation of Minutes - Tuesday 19 November 2019

### Resolved

THAT the Policy and Planning Committee of the Taranaki Regional Council

- a) takes as read and confirms the minutes of the Policy and Planning Committee meeting of Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford of Tuesday 19 November 2019 at 10.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 10 December 2019.

McIntyre/Boyde

### Matters arising

There were no matters arising.

## 2. National Survey of Pesticides and Emerging Organic Contaminants (EOCs) in Groundwater 2018

- 2.1 Mr G K Bedford, Director - Environment Quality, spoke to the report to present the results of the National Survey of Pesticides and Emerging Organic contaminants (EOCs) in Groundwater 2018, in which the Taranaki Regional Council participated, and to discuss their significance and answered questions arising.

### Recommended

THAT the Taranaki Regional Council

- a) receives the memorandum *National Survey of Pesticides and Emerging Contaminants in Groundwater 2018*
- b) notes the results of the survey, that pesticides are virtually undetectable in the Taranaki groundwater or when present, are far below levels of concern for either environmental or human health
- c) notes the detection of various EOCs in groundwater in Taranaki (and nationally) and that officers will continue to closely monitor research development in this evolving field of water quality science.

McDonald/Van Der Leden

### **3. Pesticides in Surface Water Survey**

- 3.1 Mr G K Bedford, Director – Environment Quality, spoke to the report to present the results, together with a discussion of their significance, of a survey undertaken by Council officers in order to determine whether there is any consequent environmental or human health issue due to pesticides in surface waters in Taranaki and answered questions arising.

#### **Recommended**

THAT the Taranaki Regional Council

- a) receives the memorandum *Pesticides in surface water in Taranaki*
- b) notes the results of the survey, that pesticides are virtually undetectable in the surface waters of Taranaki, or when present, are far below levels of concern for either environmental or human health
- c) notes that these findings will inform the provisions of the next *Regional Land and Water Plan for Taranaki*.

McIntyre/Joyce

### **4. Summary of Freshwater Improvement Fund (FIF) project ‘Transforming Taranaki’ for Year 1 (2018-19)**

- 4.1 Mr S Hall, Director Operations, introduced Mr M Simpson, Land Management Acting Team Leader – Riparian, who spoke to the report to update Members on the progress of the freshwater improvement fund project ‘transforming Taranaki’, following completion of year one of this project, and an update on the riparian programme with reference to the development of the approaching auditing regime.

#### **Recommended**

THAT the Taranaki Regional Council:

- a) receives this memorandum Summary of the Freshwater Improvement Fund Project ‘Transforming Taranaki’ for Year 1 (2018-19)
- b) notes the approach to delivery and progress made to date.

Williamson/McDonald

### **5. Update on Proposed Coastal Plan for Taranaki: Appeals**

- 5.1 Mr C Spurdle, Planning Manager, spoke to the memorandum to update Members on appeals lodged with the Environment Court on the Proposed Coastal Plan for Taranaki (the Proposed Plan) and answered questions arising.

**Recommended**

THAT the Taranaki Regional Council:

- a) receives this memorandum entitled *Update on Proposed Coastal Plan for Taranaki: Appeals*
- b) notes that ten appeals to the Proposed Coastal Plan have been lodged with the Environment Court.

Williamson/Walker

**6. Taranaki Estuarine Vulnerability Assessment – Consultant report**

- 6.1 Mr G Bedford, Director – Environment Quality, introduced Mr T McElroy, Environmental Scientist – Marine Biology, who gave a presentation to the report produced by Dr Ben Robertson (Robertson Environmental Ltd.), Taranaki Regional Estuaries - Ecological Vulnerability Assessment. The report has been prepared to provide baseline information on the region's estuaries and to inform monitoring priorities for the Council's State of the Environment Estuaries Monitoring Programme.

**Recommended**

THAT the Taranaki Regional Council:

- a) receives the report *Taranaki Regional Estuaries – Ecological Vulnerability Assessment*
- b) notes the results of EVA
- c) notes that the recommendations within the report will be used to inform an ongoing State of the Environment Estuaries Monitoring Programme.

Young/Boyde

**7. Review of Navigation Bylaws for Port Taranaki and its Approaches**

- 7.1 Mr C Spurdle, Planning Manager, spoke to the report seeking Members' agreement to commence a review of the Navigation Bylaws for Port Taranaki and its Approaches 2009 in accordance with the requirements of the Local Government Act 2002 (LGA).
- 7.2 Chairperson C L Littlewood, declared an interest in the item relating to Port Taranaki.

**Recommended**

THAT the Taranaki Regional Council:

- a) receives this memorandum entitled *Review of the Navigation Bylaws for Port Taranaki and its Approaches*
- b) notes that the Council is required by the LGA to commence a review of the *Navigation Bylaws for Port Taranaki and its Approaches 2009* in the 2019/2020 financial year

- c) agrees that the Council proceed to commence a review of the existing *Navigation and Safety Bylaws for Port Taranaki and its Approaches 2003* in accordance with the attached project brief
- d) agrees to restrict the scope of the review to areas where the risk is greatest (i.e. within the area of Port Taranaki and its approaches).

Joyce/Boyde

## **8. Draft National Policy Statement for Indigenous Biodiversity**

- 8.1 Mr C Spurdle, Planning Manager, Spoke to the memorandum to introduce for Members' consideration a draft submission on the consultation document for a National Policy Statement for Indigenous Biodiversity (NPS-IB).

### **Recommended**

THAT the Taranaki Regional Council:

- a) receives this memorandum entitled *Draft National Policy Statement for Indigenous Biodiversity*
- b) adopts the submission with any changes recommended by the Committee.

Walker/Young

## **9. Transitioning Taranaki to a Volcanic Future - a research programme**

- 9.1 Mr G K Bedford, Director - Environment Quality, introduced Mr S Cronin, Professor of Geology/Volcanology at University of Waikato, who gave a presentation to the memorandum concerning a major collaborative research project to be undertaken within and concerning Taranaki over the next few years. The project is to explore and evaluate the consequences and implications for Taranaki and for New Zealand of ongoing volcanic activity from Mt Taranaki.

### **Recommended**

THAT the Taranaki Regional Council:

- a) receives the memorandum describing the research programme '*Transitioning Taranaki to a volcanic future*'
- b) notes the engagement of the Council as a participant in the research programme.

Littlewood/Walker

**Closing Karakia** Mr S Tamarapa, Iwi Communications Officer, gave the closing Karakia to the Policy and Planning Committee and Karakia for Kai.

There being no further business, the committee Chairperson, Councillor C L Littlewood, declared the meeting of the Policy and Planning Committee closed at 12noon.

**Confirmed**

**Policy and Planning  
Chairperson:** \_\_\_\_\_

**C L Littlewood**

**Tuesday 17 March 2020**



**Date** 25 February 2020

**Subject:** **Confirmation of Executive, Audit and Risk Committee Minutes - 17 February 2020**

**Approved by:** M J Nield, Director Corporate Services  
B G Chamberlain, Chief Executive

**Document:** 2429783

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### **Resolve**

That the Taranaki Regional Council:

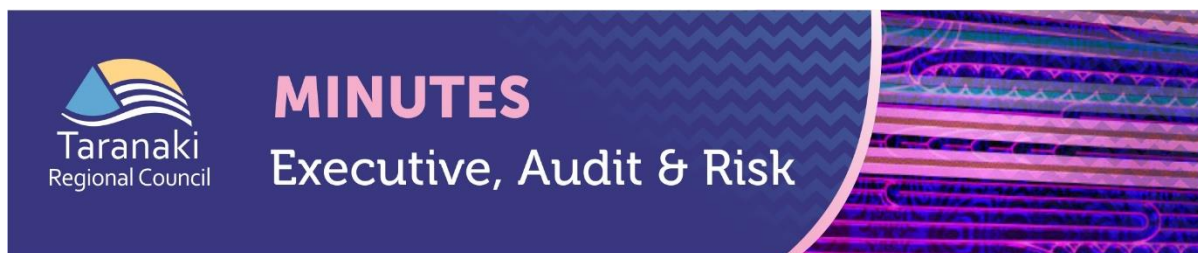
- a) receives the minutes of the Executive, Audit and Risk Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Monday 17 February 2020 at 10.00am
- b) adopts the recommendations therein.

### **Matters arising**

### **Appendices/Attachments**

Document 2427316: Executive, Audit and Risk Committee Minutes - 17 February 2020





**Date** 17 February 2020, 10.00am  
**Venue:** Taranaki Regional Council chambers, 47 Cloten Road, Stratford  
**Document:** 2427316

<b>Members</b>	Councillors	N W Walker M J Cloke D L Lean C L Littlewood M J McDonald D N MacLeod M P Joyce Mr B Robertson	Committee Chairperson     ex officio ex officio Independent <i>part meeting via zoom</i>
<b>Attending</b>	Messrs  Ms Miss Mr Mr Ms Ms	B G Chamberlain M J Nield C Clarke R Johnson L Davidson P Ledingham Te Kere Davey Katie Holland Fiona Ritson	Chief Executive Director – Corporate Services Transport Services Manager Financial Services Manager Committee Administrator Communications Advisor Communications Advisor Communications Advisor Policy Analyst ( <i>Part meeting</i> )

**Apologies** There were no apologies received.

**Notification of Late Items** There were no late items.

**1. Confirmation of Minutes – 2 December 2019**

**Resolved**

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 2 December 2019 at 10am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on 10 December 2019.

Joyce/Lean

### **Matters arising**

There were no matters arising.

## **2. Financial and Operational Report**

- 2.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum informing Members on the operational and financial performance of Council and answered questions arising.

### **Recommended**

That the Taranaki Regional Council:

- a) receives the memorandum and the October, November and December 2019 Financial Reports
- b) notes the Regional Integrated Ticketing System update
- c) notes the digital media report
- d) notes the health and safety reports for November and December 2019.

Walker/Cloke

## **3. Public Transport Operational Update**

- 3.1 Mr C Clarke, Transport Services Manager, spoke to the memorandum to provide Members with an update on the operations of the public transport services for the quarter ending 31 December 2019 and answered questions arising.

### **Recommended**

That the Taranaki Regional Council:

- a) receives and notes the operational report for the public transport services for the quarter ending 31 December 2019.

Lean/McDonald

## **4. Civic Financial Services Ltd: Statement of Intent for 2020**

- 4.1 Mr M J Nield, Director Corporate Services, spoke to the memorandum to inform Members of Civic Financial Services Ltd's Statement of Intent for 2020.

### **Recommended**

That the Taranaki Regional Council:

- a) receives Civic Financial Services Ltd's *Statement of Intent for 2020*.

Lean/McDonald

## **5. Submission on the Land Transport (NZTA) Legislation Amendment Bill**

- 5.1 Mr M J Nield, Director Corporate Services, spoke to the memorandum to introduce a submission made on the *Land Transport (NZTA) Legislation Amendment Bill* (the NZTA Bill), and answered questions arising.

**Recommended**

That the Taranaki Regional Council:

- a) receives the memorandum, Submission on the *Land Transport (NZTA) Legislation Amendment Bill*
- b) endorses the submission on the *Land Transport (NZTA) Legislation Amendment Bill*.

MacLeod/Littlewood

**6. Public Excluded**

- 6.1 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 17 February 2020 for the following reasons:

**Item 8 – Confirmation of Confidential Minutes – 2 December**

*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 – Yarrow Stadium Project Steering Group Update**

*This Item is to be considered in Public Excluded as the public conduct of the whole or the relevant part of the proceedings 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.*

Lean/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 10.20am.

**Confirmed**

**Committee Chairperson:** \_\_\_\_\_

**N W Walker**

**30 March 2020**



**Date** 25 February 2020

**Subject:** **Meeting dates for March and April 2020**

**Approved by:** M J Nield, Director Corporate Services  
B G Chamberlain, Chief Executive

**Document:** 2430087

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### **Purpose**

1. The purpose of this memorandum is to provide notification to Members of the next round of Council meetings for 2020

### **Meeting Dates**

The six-weekly round of Council meetings for March and April 2020 will be as follows:

Taranaki Civil Defence Joint Committee	Tuesday 3 March 2020	1.30pm
Consents and Regulatory Committee	Tuesday 17 March 2020	9.30am
Policy and Planning Committee	Tuesday 17 March 2020	10.30am
Regional Transport Committee	Wednesday 25 March 2020	11am
Executive, Audit and Risk Committee	Monday 30 March 2020	10.00am
Ordinary Meeting	Tuesday 7 April 2020	10.30am



**Date** 25 February 2020

**Subject:** **Membership of the Regional Transport Committee**

**Approved by:** M J Nield, Director Corporate Services  
B G Chamberlain, Chief Executive

**Document:** 2430256

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### **Purpose**

1. The purpose of this memorandum is to approve a change in the membership of the Regional Transport Committee.

### **Recommendation**

That the Taranaki Regional Council:

- a) appoints Councillor Cloke to replace Councillor Williamson on the Regional Transport Committee

### **Background**

2. At the 5 November 2019 Ordinary Meeting, the Regional Transport Committee was reconstituted with Councillors McDonald and Williamson (Chair and Deputy respectively) representing the Council.

### **Discussion**

3. Councillor Williamson has indicated that he wishes to be replaced on the Regional Transport Committee.
4. Chairman MacLeod is recommending the appointment of Councillor Cloke to replace Councillor Williamson on the Regional Transport Committee.

### **Decision-making considerations**

5. 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**

6. 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**

7. 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**

8. 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**

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



**Date** 25 February 2020

**Subject:** **Iwi Appointments to Taranaki Regional Council Standing Committees**

**Approved by:** M J Nield, Director Corporate Services  
B G Chamberlain, Chief Executive

**Document:** 2430150

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### **Purpose**

1. The purpose of this memorandum is to receive and confirm iwi appointments to the Consents and Regulatory Committee and Policy and Planning Committee.

### **Recommendations**

That the Taranaki Regional Council:

- a) receives the memorandum *Iwi Appointments to Taranaki Regional Council Standing Committees*
- b) confirms the appointments of Emily Bailey, Mitchell Ritai and Keith Holswich to the Taranaki Regional Council Consents and Regulatory Committee
- c) confirms the appointments of Bonita Bigham, Peter Moeahu and Louise Tester to the Taranaki Regional Council Policy and Planning Committee
- d) notes the iwi appointments will be welcomed with a Powhiri on Tuesday 3 March 2020 at 10am
- e) notes that the iwi appointee's first official standing committee meeting will be on Tuesday 17 March 2020.

### **Background**

2. The *Ngāruahine Claims Settlement Act 2016*, the *Taranaki Iwi Claims Settlement Act 2016* and the *Te Atiawa Claims Settlement Act 2016* (the Acts), specifically provided for effective mechanisms for the iwi of Taranaki to contribute to the decision-making processes of the Taranaki Regional Council. This provision applies to all iwi of Taranaki.
3. The legislation outlines clear objectives to encourage and enable the iwi of Taranaki to participate directly in the decision-making processes, to contribute directly to a wide range of policy, regulatory, and advocacy functions and to have an effective and

workable representation that is cost-effective and of benefit to both the Council and the iwi of Taranaki.

4. The Council agreed to support the use of the existing committee structure as the mechanism for formal engagement with iwi. The passing of the Acts provides for iwi representation at a governance level on the Consents and Regulatory Committee and Policy and Planning Committee.

## Discussion

5. At the Tuesday 5 November 2019, the Council confirmed to continue the committee structure from the 2016-2019 triennium and to invite iwi appointment to the Consents and Regulatory and the Policy and Planning committees. The iwi of Taranaki nominate three members for appointment to the Policy and Planning Committee (or equivalent) and the Consents and Regulatory Committee (or equivalent).
6. Ngā Iwi o Taranaki (Taranaki Iwi Chairs) undertook, via an Appointment Panel (the Panel), a selection process of six iwi nominees for the appointments to the Consents and Regulatory Committee and Policy and Planning Committee. The Panel comprised of members representing the three Taranaki waka (Kurahaupo ki Taranaki, Aotea ki Taranaki and Tokomaru).
7. Following a selection and interview process, the Appointment Panel recommended the following iwi nominees:

Consents and Regulatory Committee	Policy and Planning Committee
Emily Bailey	Bonita Bigham
Mitchell Ritai	Peter Moeahu
Keith Holswich	Lousie Tester

## Legislation

8. The Settlement Acts for Ngāruahine, Te Atiawa and Taranaki iwi contain very specific requirements that the Taranaki Regional Council is required to adhere to. Most importantly, the Council *must* appoint the iwi members nominated to the appropriate committee.
9. Section 87 of the *Ngāruahine Claims Settlement Act 2016* is reprinted as follows:

### **87 Iwi representation on Council committee**

(1) *The iwi of Taranaki may nominate –*

- (a) *3 iwi members for appointment to the committee of the Council that is responsible for policy and planning functions; and*
- (b) *3 iwi members for appointment to the committee of the Council that is responsible for regulatory functions.*

(2) *The nominations must be made in accordance with the criteria and process for iwi appointments.*

(3) *The Council **must** appoint the members nominated under subsection (1) to the appropriate committee.*



(4) *The members appointed under subsection (3) –*

- (a) *have the same status as members appointed by the Council under clause 31 of Schedule 7 of the Local Government Act 2002; and*
- (b) *are entitled to the same remuneration and expenses as are payable to the other members of the committee to which they are appointed.*

10. The Regional Council Representation clause is identical in the *Taranaki Iwi Claims Settlement Act 2016* and the *Te Atiawa Claims Settlement Act 2016* but applies to all iwi of Taranaki.

## **Welcome and Introduction**

- 11. Following the confirmation of the six iwi appointments, they will be welcomed to the Council with a Powhiri and hākari on Tuesday 3 March 2020. The iwi representatives will then take part in an induction programme (governance, Standing Orders and administration) over a period of time, similar to that provided to newly elected members following the 2019 triennial elections.
- 12. The iwi appointees first official meeting will be the Consents and Regulatory Committee and Policy and Planning Committee meetings on Tuesday 17 March 2020.

## **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* the *Ngāruahine Claims Settlement Act 2016*, the *Taranaki Iwi Claims Settlement Act 2016* and the *Te Atiawa Claims Settlement Act 2016*.

## **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 2428153: Recommendations from appointment panel for Iwi appointments to Taranaki Regional Council Standing Committees

28 January 2020

Basil Chamberlain  
Chief Executive, Taranaki Regional Council  
By email: [basil.chamberlain@trc.govt.nz](mailto:basil.chamberlain@trc.govt.nz)

Ngā Iwi o Taranaki  
C/- Taranaki Iwi Chairs  
By email: [tmtb1931@gmail.com](mailto:tmtb1931@gmail.com)

Tēnā koutou katoa

The Appointment Panel is pleased to provide this report which sets out the selection process we have undertaken and our decision to recommend a total of six iwi nominees for appointment to the Taranaki Regional Council (TRC) Standing Committees: 3 iwi nominees for the Consents and Regulatory Committee; and 3 iwi nominees for the Policy and Planning Committee.

### Summary of Selection process

The Appointment Panel comprises three members: Bev Gibson, representing Aotea ki Taranaki waka; Leanne Horo representing Kurahaupo ki Taranaki waka; and Howie Tamati representing Tokomaru waka. The Panel convened in November 2019 and conducted an open and transparent selection process in accordance with the TRC Iwi Representation Criteria and Process for Appointment Panel and Standing Committee Selection Process.

Date	Action
By Fri 11 Oct 2019	Ngā Iwi o Taranaki – confirmation of appointment panel member from each of Aotea, Tokomaru and Kurahaupo Waka.
By Fri 18 Oct 2019	Appointment Panel – Hui to discuss process, timetable and administrative support.
Sat 5 Oct 2019	TMTB – Public notice and notice to Ngā Iwi o Taranaki
Sat 5 Oct 2019	Applications open
Wed 30 Oct 2019	TRC – Elected Councillors Sworn In
Wed 30 Oct 2019	Applications close
Mon 11 Nov 2019	Applications sent to Appointment panel members
Fri 15 Nov 2019	Appointment panel meeting/teleconference to shortlist
Mon 2 Dec 2019	Appointment panel interviewed applicants in person and rescheduled two applicants who were unavailable on this date.
Thurs 5 Dec 2019	Appointment panel interviewed one applicant via teleconference which had been rescheduled.
Tues 17 Dec 2019	Appointment panel interviewed final applicant in person, this person had been overseas during the initial interview dates.
Wed 18 Dec 2019 - Monday 23 Dec 2019	Reference / Background checks
Mon 20 Jan 2020	Appointment panel final decision
Wed 28 Jan 2020	Appointment recommendations forwarded to Ngā Iwi o Taranaki (for noting) and to TRC for confirmation at Council meeting.

The Panel considered the individual skills, experience and capabilities of the applicants and a balance of collective competencies in terms of each Committee's role. Our decision is to recommend to the TRC that the following iwi representatives be appointed to the TRC Standing Committees as follows:

Consents and Regulatory Committee	Policy and Planning Committee
<ul style="list-style-type: none"><li>• <b>Emily Bailey</b></li><li>• <b>Keith Holswich</b></li><li>• <b>Mitchell Ritai</b></li></ul>	<ul style="list-style-type: none"><li>• <b>Bonita Bigham</b></li><li>• <b>Peter Moeahu</b></li><li>• <b>Louise Tester</b></li></ul>

The members of the Appointment Panel are unanimous in this decision. It is our opinion that each person has the appropriate knowledge, skills and capabilities to effectively participate in the decision-making responsibilities of the TRC Standing Committees; that he/she will comply with TRC's Standing Orders, will report regularly to Ngā Iwi o Taranaki, and will act in accordance with the following principles:

- Preservation of relationships among Ngā Iwi o Taranaki;
- Protection of individual iwi relationships with the TRC;
- Be respectful of the cultural and spiritual values of Ngā Iwi o Taranaki;
- Be respectful of the TRC's statutory functions, responsibilities, duties, mission and values; and
- Enable, encourage and provide for the involvement of all Iwi o Taranaki.

The Panel would like to further recommend that there is a powhiri by TRC to collectively welcome the Iwi appointees and that they receive an induction appropriate to their Committee appointment.

The Panel members acknowledge the Taranaki Iwi Chairs for endorsing the selection process and appointment of panel members. We also thank the Secretariat of the Taranaki Maori Trust Board: for providing administrative support; for facilitating communication between TRC, the Taranaki Iwi Chairs, and Panel members; and for organising the PKW Office boardroom venue and catering support for the interviews held on 2 and 17 December 2019 and zoom conference on 5 December 2019.

All of the applicants have been notified of our decision. Panel members are available if you have any questions about the process.

Ngā mihi ki a koutou katoa



**Leanne Horo**  
Panel Member  
(Kurahaupo Waka)  
[leanne@taranaki.iwi.nz](mailto:leanne@taranaki.iwi.nz)



**Bev Gibson**  
Panel Member  
(Aotea Waka)  
[gib.b@xtra.co.nz](mailto:gib.b@xtra.co.nz)



**Howie Tamati**  
Panel Member  
(Tokomaru Waka)  
[howietamati@gmail.com](mailto:howietamati@gmail.com)



**Date** 25 February 2020

**Subject:** **Triennial Agreement 2019-2022**

**Approved by:** BG Chamberlain, Chief Executive

**Document:** 2411007

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### **Purpose**

1. The purpose of this memorandum is to recommend that the Council adopts for this term of the Council, the Taranaki Triennial Agreement.

### **Executive summary**

2. Section 15 of the Local Government Act 2002 requires all local authorities within a region to enter into a Triennial Agreement establishing protocols for communication and coordination among them during the period until the next election.
3. The current agreement has stood the test of time well and for that reason the content of the current agreement has been retained in the proposed new agreement for 2019-2022.
4. The agreement was discussed at the Mayoral Forum in December 2019 where it was agreed to present the agreement to each council with no recommendations for any changes.
5. Once adopted by the Council and signed, the agreement will be returned to the South Taranaki District Council who has responsibility for servicing the agreement during the 2019-2020 term.

### **Recommendations**

That the Taranaki Regional Council:

- a) receives the memorandum *Triennial Agreement 2019-2022*; and
- b) adopts the Taranaki Triennial Agreement 2019-2022 to have effect until the next triennial election of the Council in October 2022.

### **Background**

6. Section 15 of the Local Government Act 2002 (LGA) requires a triennial agreement (or agreement) to be in place by 1 March following the triennial local government election. The law with respect to the triennial agreement has not altered since the last triennial agreement was entered into.

7. Attached to this memorandum is a copy of the proposed Taranaki Triennial Agreement. It remains unchanged from the current agreement except for necessary changes in dates.
8. The purpose of the agreement is to establish protocols for communication and coordination among the local authorities in a region during the period until the next election.
9. The agreement must include statement of process for consultation on proposals for new Taranaki Regional Council activities and a process through which all local authorities can participate in identifying and funding activities of significance to more than one district.
10. Once in place, an agreement can be amended if all the signatory councils agree. The agreement remains in force until it is replaced by another agreement.
11. The attached agreement has been updated to include reference to new dates that will apply to the current term of the councils, with no other changes made. The agreement was discussed at the Mayoral Forum in December 2019 where it was agreed to present the agreement to each council with no recommendations for any changes.

### **Discussion**

12. The current agreement has stood the test of time well and for that reason, the content of the current agreement has been retained in the proposed new agreement for 2019-2022.
13. The agreement has been developed in conjunction with all four local authority mayors, chair and senior staff.
14. Once adopted by the Council the agreement will be signed by the Chair of the Taranaki Regional Council. It will then be returned to the South Taranaki District Council who has responsibility under paragraph 9 for servicing the agreement during the 2019-2022 term. This responsibility passes to the remaining local authorities alphabetically for each new term, unless agreed otherwise.

### **Decision-making considerations**

15. 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**

16. 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**

17. 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**

18. 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**

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

### **Attachment**

Document 2410956: Taranaki Triennial Agreement



## Taranaki Triennial Agreement

### Purpose

1. The parties to this agreement commit to working for the good governance of their district or region by acting collaboratively and co-operatively to ensure that issues in common are determined in a manner that is inclusive and avoids unnecessary duplication. This agreement will ensure appropriate levels of consultation and co-ordination are maintained between the local authorities of this region, and between individual local authorities as might be notified.

### Agreement

2. The parties:

New Plymouth District Council  
South Taranaki District Council  
Stratford District Council  
Taranaki Regional Council

Agree to work in good faith together for the good governance and management of their districts and the region.

The Agreement is effective from 1 March 2020 until such time as the Agreement is amended by the agreement of all parties or is renewed following the 2022 local authority elections before 1 March 2023.

3. As signatories to this agreement each local authority will ensure:
  - a) early notification to affected local authorities, through the distribution of draft documentation, of major policy discussions which may have implications beyond the boundaries of the decision-making authority. This specifically includes new significant activities undertaken by each local authority;
  - b) early notification to all local authorities to invite and enable participation in the identification, delivery and funding of facilities and services where those facilities and services are significant to more than 1 district.
  - c) opportunities for other local authorities, party to the agreement, to be involved in early consultation on the development of draft annual plans and draft long-term plans and other significant policy consultation processes;
  - d) the application of a 'no surprises' policy whereby early notice will be given over disagreements between local authorities concerning policy or programmes before critical public announcements are made;
  - e) opportunities for involvement by affected local authorities in the development of policies or plans that have inter-jurisdictional or cross boundary implications, including the identification of outcomes and priorities
  - f) that where practicable processes for engaging with communities and agencies in order to identify community outcomes, and prioritise those outcomes, are undertaken jointly or in a collaborative manner which avoids unnecessary duplication,



- g) opportunities for other local authorities, whether party to this agreement or not, to work jointly on the development of strategies and plans for the achievement of identified outcomes and priorities; and
  - h) its intention to share services and staff wherever possible to achieve greater efficiency and effectiveness in the delivery of services and to look to identify, discuss and support shared service arrangements into the future.
  - i) that all local authorities party to this agreement are advised of an individual authority's decisions which are significantly inconsistent with the current triennial agreement or are likely to have consequences that will be significantly inconsistent with the current triennial agreement. Notification to the other parties will be provided to each party as soon as practicable after the decision has been made and will advise of:
    - The inconsistency
    - The reason(s) for the inconsistency
    - Any intention of local authority to seek an amendment to this triennial agreement.
4. Consultation in relation to this agreement will take the following forms:
- a) a meeting of Mayors, regional Chairperson and their Chief Executives will occur at least quarterly
  - b) meetings between staff as necessary to achieve communication and co-ordination on matters identified in the agreement , and
  - c) opportunities to consider and comment on documentation on policies , programmes or projects.
5. Joint committees between one or more local authorities will be established or continued in line with the requirements of the cl30A Sch7.Local Government Act 2002.

### **Significant new activities proposed by Taranaki Regional Council**

6. If the Taranaki Regional Council or a Taranaki Regional Council controlled organisation proposes to undertake a significant new activity (as provided for under section 16 of the Local Government Act 2002), and the activity is already undertaken or proposed to be undertaken by one or more territorial authorities within the region, the Taranaki Regional Council will discuss the issues involved at one or more of the existing forums, and provide early drafts of proposals to affected territorial authorities for early comment. The Taranaki Regional Council will inform all territorial authorities within the region of the nature of the proposed activity, the scope of the proposal, the reasons for the proposal, and the expected effects of the proposal on the activities of the territorial authorities within the region and the likely costs and benefits of the proposal, so far as these are known at the time.
7. The affected territorial authorities will be given a reasonable period of time to respond to any such proposal. The Taranaki Regional Council will fully consider any submissions and representations on the proposal made by the territorial authorities within the region.

### **Servicing**

8. The parties agree that responsibility for servicing this agreement shall be shared, with responsibility passing from local authority to local authority following the triennial election. Servicing involves:
  - a) providing those secretarial services required; and

- b) acting as a media and communications contact (including the provision of information to the public on request) in relation to matters covered in the agreement.
9. The parties agree that the next local authority responsible for servicing this agreement will be the South Taranaki District Council for the 2019-2022 term, after which it shall pass to the remaining local authorities alphabetically, unless otherwise agreed.

**Agreement to review**

10. The parties agree to review the terms of this agreement within four weeks of a request by one of the parties made in writing to the local authority delegated responsibility to service the Agreement.

**Resolving disagreement**

11. In the event of a disagreement over the terms of this agreement the parties agree to refer the issue of disagreement to arbitration for non-binding resolution. If no agreement on an arbitrator is forthcoming a mediator will be appointed by the president of the Taranaki District Law Society.

**Authority**

12. This agreement is signed on this day, 2 of March 2020, by the following on behalf of their respective authorities.

New Plymouth District Council

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Neil Holdom Mayor

South Taranaki District Council

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Phil Nixon Mayor

Stratford District Council

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Neil Volzke Mayor

Taranaki Regional Council

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David MacLeod Chairman

Dated: 2 March 2020



**Date** 25 February 2020

**Subject:** **2019 - 2022 Local Governance Statement**

**Approved by:** M J Nield, Director Corporate Services  
B G Chamberlain, Chief Executive

**Document:** 2423387

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### **Purpose**

1. The purpose of this memorandum is to receive, consider and adopt the Council's *2019-2022 Local Governance Statement*.

### **Recommendations**

That the Taranaki Regional Council:

- a) receives this memorandum and adopts the *Local Governance Statement 2019-2022*.

### **Background**

2. Pursuant to section 40 of the *Local Government Act 2002*, the Council has prepared its *2019-2022 Local Governance Statement* (attached), which is required to be publicly available following the triennial election of Members.
3. The purpose of the *Statement* is to help support the purpose of local government by providing information on the process through which the Council engages its community and makes decisions and how citizens can influence those processes.
4. Copies of the *2019-2022 Local Governance Statement* will be available to the public on request and can be found electronically on Council's website.

### **Discussion**

5. The Council's *2019-2022 Local Governance Statement* has been updated following last years election/The *Statement* is a collection of existing information, structures and practices adopted by the Council. Accordingly, there is little in the way of new material.
6. It is recommended that the *Statement* be adopted and published.

### **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 2394296: 2019-2022 Local Governance Statement

# TARANAKI REGIONAL COUNCIL

## Local Governance Statement 2019-2022

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## 1 Purpose

The *Taranaki Regional Council Local Governance Statement* helps support the purpose of local government by providing information about:

- The processes through which the Council engages with its community
- How it makes decisions
- How citizens can influence those processes.

The *Local Government Statement* is prepared pursuant to section 40 of the *Local Government Act 2002* – refer Appendix 1.

## 2 Functions, Responsibilities and Activities

The purpose of the Taranaki Regional Council (the Council) is to enable democratic local decision-making and action by, and on behalf of communities and to promote the social, economic, environmental and cultural well-being of communities in the present and for the future. The Council has the following functions, responsibilities and activities:

Group of Activity	Activities within each group of activities
Resource management	Resource management planning Consent processing and administration Compliance monitoring programmes Pollution incidents and response State of the environment monitoring Resource investigations and projects Sustainable land management plans and plant supply programme Waitara River Catchment (New Plymouth District Council (Waitara Lands) Act 2008 Enhancement grants
Biosecurity and biodiversity	Biosecurity and biodiversity planning Biosecurity/pest management Biodiversity
Transport	Regional land transport planning Passenger transport Harbour management
Hazard management	Civil defence emergency management Flood management and general river control River control schemes

Group of Activity	Activities within each group of activities
Recreation, culture and heritage	Regional gardens Puke Ariki Yarrow Stadium
Regional representation, advocacy and investment management	Investment management Community engagement Advocacy and response Governance

## 2.1 Legislation

These functions, responsibilities and activities derive from the following pieces of legislation:

- Local Government Act 2002
- Local Government Act 1974
- Local Electoral Act 2001
- Local Government Official Information and Meetings Act 1987
- Local Government (Rating) Act 2002
- Local Government Borrowing Act 2011
- Resource Management Act 1991
- Biosecurity Act 1993
- Civil Defence Emergency Management Act 2002
- Soil Conservation and Rivers Control Act 1941
- Land Drainage Act 1908
- Land Transport Management Act 2003
- Maritime Transport Act 1994
- Port Companies Act 1988

## 2.2 Local Legislation

In addition to the legislation that applies to all local authorities, the Council is also bound by two pieces of local legislation. First is the *Taranaki Regional Council Empowering Act 2001*, which provides the Council the power to undertake, implement, encourage or maintain, any services, works, projects or facilities that are for the recreation or cultural wellbeing of the residents and ratepayers of the Taranaki Region or for preserving, or encouraging the reasonable enjoyment of the physical and cultural heritage of the Taranaki region.

Second is the *New Plymouth District Council (Waitara Lands) Act 2008*, which provides for the freeholding of Waitara Endowment Land and the use of the Council's share of the proceeds from the freeholding for the health and well-being of the Waitara River catchment and the lower Waitara River catchment.



## 2.3 Bylaws

The Council has established one set of bylaws. These bylaws are the *Taranaki Regional Council Navigation Bylaws for Port Taranaki and its approaches 2009*. These bylaws came into effect on 1 December 2009 and are currently under review. The bylaws are made up for the purpose of regulating navigation and safety in Port Taranaki and its approaches and are to be read in conjunction with *Maritime Rules, Part 91 Navigation Safety Rules* prepared by Maritime New Zealand and *Maritime Rules, Part 22 Collision Prevention*.

## 3 Electoral System

The Council operates its elections under the first past the post electoral system. This form of voting is used in parliamentary elections to elect Members of Parliament to constituency seats. Electors vote by indicating their preferred candidate(s), and the candidate(s) that receives the most votes is declared elected regardless of the proportion of votes that candidate(s) obtained.

The other option permitted under the *Local Electoral Act 2001* is the single transferrable vote system (STV). This system is used in district health board elections and by some local authorities. Electors rank candidates in order of preference. The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes. The necessary number of candidates to fill all vacancies is achieved first by the counting of the first preferences then by a transfer of a proportion of votes received by any candidate where the number of votes for that candidate is in excess of the quota, and then by the exclusion of the lowest polling candidates and the transfer of these votes in accordance with voters' second preferences.

Under the *Local Electoral Act 2001* the Council can resolve to change the electoral system to be used at the next two elections or conduct a binding poll on the question, or electors can demand a binding poll. A poll can be initiated by at least 5% of electors signing a petition demanding that a poll be held. Once changed, an electoral system must be used for at least the next two triennial general elections, i.e the Council cannot change the electoral system for one election then change it back for the next election.

The Council's last review of electoral systems was in 2019. No change was made to Council's electoral system for either 2019 or 2022 elections. Accordingly, for the 2025 elections:

- The Council could resolve in 2024 to change the system for the 2025 elections
- The Council could resolve to conduct a poll
- Electors could demand a poll.

## 4 Representation Arrangements

The *Local Electoral Act 2001* determines the following:

- Every governing body of a regional council is to consist of not fewer than six members and not more than 14 members, who are members of the regional council
- A region must be divided into constituencies for electoral purposes
- The members of a regional council must be elected by the electors of each constituency of the region
- The members of a regional council may not be elected partly by the electors of the region partly by the electors of each constituency of the region
- Each constituency must elect at least one member of the regional council
- The members of the regional council representing the respective constituencies of the region must be elected by the electors of those constituencies respectively

The Taranaki Regional Council consists of four constituencies, namely:

- New Plymouth – five members elected from the urban part of the New Plymouth district
- North Taranaki – two members elected from the rural area of New Plymouth district
- Stratford – one member elected from the Stratford district
- South Taranaki – three members elected from the South Taranaki district.

The *Local Electoral Act 2001* also gives the Council the ability to establish separate constituencies for Māori electors. The Council may resolve to create separate Māori constituencies, conduct a poll on the matter, or the community may demand a poll. The demand for a poll can be initiated by a petition signed by 5% of electors within the region.

The Council is required to review its representation arrangements at least once every six years. This review must include the following:

- The proposed number of constituencies
- The proposed name and the proposed boundaries of each constituency
- The number of members proposed to be elected by the electors of each constituency.

The Council must follow the procedure set out in the *Local Electoral Act 2001* when conducting this review and should also follow guidelines published by the Local Government Commission. The *Act* gives you the right to make a written submission to the Council and the right to be heard if you wish. You have the right to appeal any decision on the above to the Local Government Commission which will make a binding decision on the appeal. Further details on the matters that the Council must consider in reviewing its membership and basis of election can be found in the *Local Electoral Act 2001*.

The last review of the representation arrangements was completed in 2019.

## 5 Elected Members' Roles and Conduct

The Chairperson and Members of the Council have the following roles:

- Setting the policy direction of the Council
- Monitoring the performance of the Council
- Representing the interests of the region (on election all members must make a declaration that they will perform their duties faithfully and impartially and according to their best skill and judgement in the best interests of the region)
- Employing the Chief Executive (under the *Local Government Act 2002* the local authority employs the Chief Executive, who in turn employs all other staff on its behalf).

The Chairperson is elected by the members of the Council at the first meeting following each triennial election. In addition to this the Chairperson has the following roles as:

- The presiding member at Council meetings. The Chairperson is responsible for ensuring the orderly conduct of business during meetings (as determined by the standing orders)
- An advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council
- The ceremonial head of the Council
- The provider of leadership and feedback to other Elected Members on teamwork and Chairmanship of Committees.

The Deputy Chairperson is elected by members of the Council at the first meeting of the Council following the election. The Deputy Chairperson exercises the same roles as other Elected Members. In addition, if the Chairperson is absent or incapacitated, or if the office of the Chairperson is vacant, then the Deputy Chairperson must perform all of the responsibilities and duties and may exercise the powers of the Chairperson (as summarised above).

The Chairperson or Deputy Chairperson may be removed from office by resolution of the Council at a meeting of the Council held in accordance with clause 18 of Schedule 7 of the *Local Government Act 2002*.

The Council may create one or more committees of Council. A committee chairperson is responsible for presiding over meetings of the committee and ensuring that the committee acts within the powers delegated by the Council. A Committee Chairperson may be removed from office by resolution of Council.

The Chief Executive is appointed by the Council in accordance with section 42 and clauses 33 and 34 of schedule 7 of the *Local Government Act 2002*. The Chief Executive implements and manages the Council's policies and objectives within the budgetary constraints established by the Council. Under section 42 of the *Local Government Act 2002*, the responsibilities of the Chief Executive are:

- Implementing the decisions of the Council
- Providing advice to the Council and community boards
- Ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised

- Managing the activities of the Council effectively and efficiently
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council
- Providing leadership for the staff of the Council
- Employing staff (including negotiation of the terms of employment for the staff).

Elected Members have specific obligations as to their conduct in the following legislation:

- Schedule 7 of the *Local Government Act 2002*, which includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current Code of Conduct and Standing Orders
- The *Local Authorities (Members' Interests) Act 1968* which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an Elected Member and their financial interests (either direct or indirect)
- The *Secret Commissions Act 1910*, which prohibits Elected Members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way
- The *Crimes Act 1961* regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.

All Elected Members are required to adhere to a Code of Conduct. Adopting such a code is a requirement of the *Local Government Act 2002*. Once adopted such a code may only be amended by 75%, or more, vote of the Council. The code sets out the Council's understanding and expectations of how the Chairperson and Members will relate to one another, to staff, to the media and to the general public in the course of their duties. It also covers disclosure of information that is received by or is in the possession of Elected Members, and contains details of the sanctions that the Council may impose if an individual breaches the code.

## 6 Governance Structures, Processes, Membership and Delegations

The Council reviews its Committee Structures after each triennial election. At the last review the Council established the following standing structure:

Membership of communities is made up of a number of elected members plus the Chairperson and Deputy Chairperson as ex-officio members. A number of external representatives are appointed to many of the



Figure 1: Committee Structure

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communities. Under Treaty of Waitangi settlements legislation, the Iwi of Taranaki appoint three representatives to the Council's committees that attend to policy and planning matters and attend to regulatory functions.

The below information outlines the membership, terms of reference and delegations of each committee.

## 6.1 Executive, Audit and Risk Committee

This committee handles all of the administrative and financial matters relating to the 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 the Council's committee structure.

### Regional Council Members

Neil Walker (Chairperson)	Tom Cloke (Deputy Chairperson)
David Lean	Charlotte Littlewood
Matthew McDonald	David MacLeod (Ex-officio)
Michael Joyce (Ex-officio)	

### Responsibilities

- Risk Management and internal control
- Audit functions (internal and external)
- Financial and other external corporate reporting
- Governance frameworks and processes
- Compliance with legislation, policies and procedures
- Financial and expenditure
- Capital expenditure
- Corporate services and personnel matters
- Port Taranaki Ltd matters
- General contractual matters

### Powers

- Recommendations to Council
- Power to act in emergencies

### Membership

- Seven Regional Councillors including two ex-officio.

## 6.2 Consents and Regulatory Committee

This committee attends to all matters in relation to resource consents, compliance monitoring and pollution incidents and biosecurity monitoring and enforcement.

### Regional Council Members

David Lean (Chairperson)	Craig Williamson (Deputy Chairperson)
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Tom Cloke	Mike Davey
Charlotte Littlewood	Donald McIntyre
Elvisa Van Der Leden	David MacLeod (Ex-officio)
Michael Joyce (Ex-officio)	

### Responsibilities

- Consider and make decisions on resource consent applications pursuant to the *Resource Management Act 1991*
- Ensure adequate compliance monitoring of resource consents pursuant to the *Resource Management Act 1991*
- *Implement the Council's Resource Management Act Enforcement Policy 2017*
- Consider and make decisions on monitoring and enforcement matters associated with plant and animal pest management
- Other matters related to the above responsibilities.

### Powers

- Delegated authority to make decisions on consent applications
- Recommendations to Council.

### Membership

- Seven regional Councillors plus two ex-officio
- Three representatives of the Iwi of Taranaki.

## 6.3 Policy and Planning Committee

This committee attends to all matters of resource management, biosecurity and related environment policy.

### Regional Council Members

Charlotte Littlewood (Chairperson)	Neil Walker (Deputy Chairperson)
Mike Davey	Matthew McDonald
Donald McIntyre	Craig Williamson
Elvisa Van Der Leden	David MacLeod (Ex-officio)
Michael Joyce (Ex-officio)	

### Responsibilities

- Prepare and review policy statements, plans and strategies and convene as a Hearing Committee as and when required for the hearing of submissions
- Monitor plan and policy implementation
- Develop biosecurity policy
- Advocate, as appropriate, for the Taranaki region
- Other policy initiatives
- Develop and endorse submissions prepared in response to the policy initiatives of other organisations

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#### Powers

- Recommendations to Council.

#### Membership

- Seven regional Councillors plus two ex-officio
- One appointment from each Taranaki District Council (3)
- One person appointed to represent Taranaki Federated Farmers
- Three representatives of the Iwi of Taranaki.

## 6.4 Regional Transport Committee

As defined by the *Land Transport Management Act 2003*, to prepare a regional land transport plan for the region and to provide the Council with any advice and assistance they may request in relation to its transport responsibilities. All other matters related to the above responsibilities and other transport related issues.

#### Regional Council Members

Matthew McDonald (Chairperson)

To be confirmed (Deputy Chairperson)

#### Powers

- Recommendations to Council.

#### Membership

- Two appointed Regional Councillors
- One appointment from each Taranaki District Council (3)
- One appointment from the New Zealand Transport Agency.

## 6.5 Taranaki Civil Defence Emergency Management Group (Joint Committee)

Established as a joint committee of the Taranaki Regional Council, New Plymouth District Council, Stratford District Council and South Taranaki District Council. Responsible for managing civil defence emergency management at the local level across the areas of reduction, readiness, response and recovery. The Council is the administering authority for the Taranaki Civil Defence Emergency Management Group.

The functions of the Taranaki Civil Defence Emergency Management Group include the coordination of civil defence emergency management planning, programmes and activities across the region, carrying out risk management, planning for emergency management by developing, implementing, monitoring and reviewing a civil defence emergency management group plan, and delivering emergency management.

#### Regional Council Members

Tom Cloke

David MacLeod (alternate member)

#### Membership

- One member of each of the Taranaki local authorities.

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## 6.6 Taranaki Solid Waste Management Committee (Joint Committee)

Established as a joint committee of the Taranaki Regional Council, New Plymouth District Council, Stratford District Council and South Taranaki District Council. Its purpose is to provide a forum to consider and implement waste management issues of significance to the Taranaki region, and, in particular, to collaborate in delivery functions arising from the *Waste Minimisation Act 2008*. The Council is administering authority for the Taranaki Solid Waste Management Committee.

### Regional Council Members

- Neil Walker Donald McIntyre (alternate)

### Membership

- one member of each of the Taranaki local authorities

## 6.7 Yarrow Stadium Joint Committee

Established as a joint committee of the Taranaki Regional Council and the New Plymouth District Council. Its purpose is to prepare draft asset management plans and budgets for Yarrow Stadium. The New Plymouth District Council is the administering authority for the Yarrow Stadium Joint Committee.

### Regional Council Members

Membership of this committee is to be considered once the committee recommences its work.

### Membership

Two members of each of Taranaki Regional Council and New Plymouth District Council.

## 7 Meeting Processes

The legal requirements for Council meetings are set down in the *Local Government Act 2002* and the *Local Government Official Information and Meetings Act 1987* (LGOIMA).

All Council and committee meetings must be open to the public unless there is reason to consider some item 'in committee'. Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with meeting Chairperson. The LGOIMA contains a list of the circumstances where Councils may consider items with the public excluded. (These circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information, and the maintenance of public health, safety and order). The Council agenda is a public document, although parts may be withheld if the above circumstances apply.

The Chairperson or committee chairperson is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of Council who does not comply with standing orders.

Minutes of meetings must be kept as evidence of the proceedings of the meeting. These must be made publicly available, subject to the provisions of the LGOIMA and standing orders.



For an Ordinary meeting of Council, at least 14 days' notice of time and place of the meeting must be given. Extraordinary meetings generally can be called on three working days' notice.

During meetings the Chairperson and Councillors must follow standing orders (a set of procedures for conducting meetings). The Council may suspend standing orders by a vote of 75% of members present. A copy of the code of conduct and standing orders can be found on the Council's website.

## 8 Consultation Policies

The *Local Government Act 2002* sets out certain consultation principles and a procedure that local authorities must follow when making certain decisions. This procedure, the special consultative procedure, is regarded as a minimum process.

The Council can and does consult outside of the special consultative procedure. When it is adopting its Long Term Plan, Annual Plan, Regional Plans or other statutory documents, it will hold engagement meetings with community groups and other interested parties. At these meetings the Council will seek views on the matters the Council considers important and identify issues of concern to the community.

The Council's *Significance and Engagement Policy* (refer to the *2018/2028 Long Term Plan*):

- Enables the Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities
- Provides clarity about how and when communities can expect to be engaged in decisions made by the Council
- Informs the Council from the beginning of a decision making process about the extent, from and type of engagement required.

The special consultative procedure consists of the following steps:

- Step one: **preparation of a statement of proposal and a consultation document.** The Council must prepare a description of the proposed decision or course of action. The statement must be available for distribution throughout the community and must be available for inspection at the Council offices and may be made available elsewhere. The Council also has to prepare a full and fair summary of the proposal which must be distributed as widely as the Council considers reasonably practicable. That statement must be included on an agenda for a Council meeting.
- Step two: **Public notice.** The Council must publish notice in one or more daily newspapers, or in other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken.
- Step three: **Receive submissions.** The Council must acknowledge all written submissions and offer submitters a reasonable opportunity to make an oral submission. The Council must allow at least one month (from the date of notice) for submissions.
- Step four: **Deliberate in public.** All meetings where the Council deliberates on the proposal or hears submissions must be open to the public (unless there is some reason to exclude the public under the LGOIMA). All submissions must be made available unless there is reason to withhold them under LGOIMA.
- Step five: **Follow up.** A copy of the decision and a summary of the reasons must be provided to submitters. There is no prescribed format for such a summary.

By law, the Council must follow the special consultative procedure before it:

- Adopts a Long Term Plan (LTP) or an Annual Plan
- Amends an LTP
- Adopts, revokes, reviews or amends a bylaw.

The Council may be required to use the special consultative procedure under other legislation and it may use this procedure in other circumstances if it is appropriate to do so.

## 9 Policies for Liaising with, and Memoranda or Agreements with Māori

As part of the *Regional Policy Statement for Taranaki*, the Council and Māori have developed a *Declaration of Understanding* regarding the Treaty of Waitangi, and a *Code of Conduct*. The *Declaration of Understanding* establishes and records a basis of mutual understanding about the relationship between the devolved *kawanatanga* responsibilities of the Council and the *rangatiratanga* rights of iwi in Taranaki.

The *Code of Conduct* is an expression of the Council's commitment to take in to account the principles of the Treaty of Waitangi in the exercise of its resource management functions. Under the *Code of Conduct*, the Council, within limits of the legislation, endeavours to:

- Actively protect the *mana taiao* and *taonga* of Māori by identifying and protecting in a manner appropriate to the values of Māori, those natural and physical resources of significance to Māori
- Recognise and respect the cultural and spiritual values of Māori by ensuring that the use, development and protection of the region's natural and physical resources are undertaken in a manner that protects and enhances the relationship of Māori with the environment
- Actively promote and develop greater partnership between the Council and Māori in the management of natural and physical resources
- Promote active participation in the management process by enhancing the role of Māori in the preparation. Implementation and review of resource management policies and plans
- Protect the role and importance of Māori as *Kaitiaki* and the ability of iwi to develop their resources in accordance with their own customs and values.

Both the *Declaration of Understanding* and *Code of Conduct* have guided the Council in its relationship with Māori.

Iwi representation/engagement was agreed as part of the Treaty of Waitangi settlements with Ngāruahine, Te Atiawa and Taranaki iwi. It was agreed with all of the iwi of Taranaki to include three iwi representatives on the Policy and Planning, and Consents and Regulatory committees. The iwi of Taranaki will nominate three members for appointment to the Policy and Planning Committee (or equivalent) and the Consents and Regulatory Committee (or equivalent). The Council is committed to appoint the nominated members to the appropriate committee.

The Council has a policy of notifying and consulting with *tangata whenua*, through iwi authorities, on all policies and plans prepared under the *Resource Management Act 1991* together with any site specific resource consent applications or resource consent compliance monitoring programmes. A *Wai Maori*

collaborative working group, comprising iwi/ hapu members from the region and council staff, has been formed as part of the review of the Regional Fresh Water and Land Plans.

In relation to Council policies, plans or strategies and other issues of mutual interest, the Council may

- Consult directly with Māori
- Provide reports, discussion documents and other information
- Provide technical and administrative support
- Invite written or verbal submissions
- Contract with iwi or hapū to supply information
- Hold meetings, hui, wananga or workshops

In relation to resource consents processes the Council:

- For major applications, encourages applicants to consult with Māori
- Ensures that sufficient information is provided by applicants on the effects of activities on Māori subject to regional plan provisions
- Requires applicants to obtain the written approval of Māori to non-notification of an application where Māori are deemed an affected party
- Arranges and facilitates meetings between applicants and Māori
- Arranges interpretation services for the presentation of evidence in Māori when requested
- Has regard to the effects of activities on Māori and any statutory acknowledgement areas in making decisions

The Council, in conjunction with Māori, considers Māori involvement in resource consent monitoring including input into the design of monitoring programmes and involvement in monitoring activities.

The Council has a policy of providing technical assistance and advice in preparing iwi planning documents and considering financial support for preparing such documents.

The Council also has a policy to support and assist Māori in the development of sites of significance and wāhi tapu databases.

As part of its ongoing engagement with Māori the Council will:

- Meet with Māori to discuss any matter of mutual interest or importance at times and venues to be agreed
- Provide opportunities for Māori within the framework of the Council's standing orders, to appear before and address any meeting of a Council standing committee or meeting of full Council
- Seek opportunities when appropriate for the Council to be represented before meetings of Māori governance entities
- Establish as necessary, working parties or other informal groups with representatives of Māori and the Council to progress issues of mutual interest
- Contract with Māori to provide specific advice, expertise, information, research, projects, training and other services

- Look to develop with the appropriate Māori governance entities, an effective working relationship between the Council and the governance entities, through memoranda of understanding, protocols, Mana Whakahono a Rohe agreements or other means.

To enable the Council to facilitate ongoing contact, liaison and consultation with Māori, the Council maintains a database of iwi contacts. The database contains contact details for all iwi including authorised voice, member hāpu and marae. The database is available on the Council’s website and is regularly updated.

## 10 Management Structure

The *Local Government Act 2002* requires the Council to employ a Chief Executive whose responsibilities are to employ other staff on behalf of the Council, implement Council decisions and provide advice to the Council. Under the *Local Government Act 2002* the Chief Executive is the only person who may lawfully give instructions to a staff member. Any complaint about individual staff members should therefore be directed to the Chief Executive, rather than the Chairperson or Members.

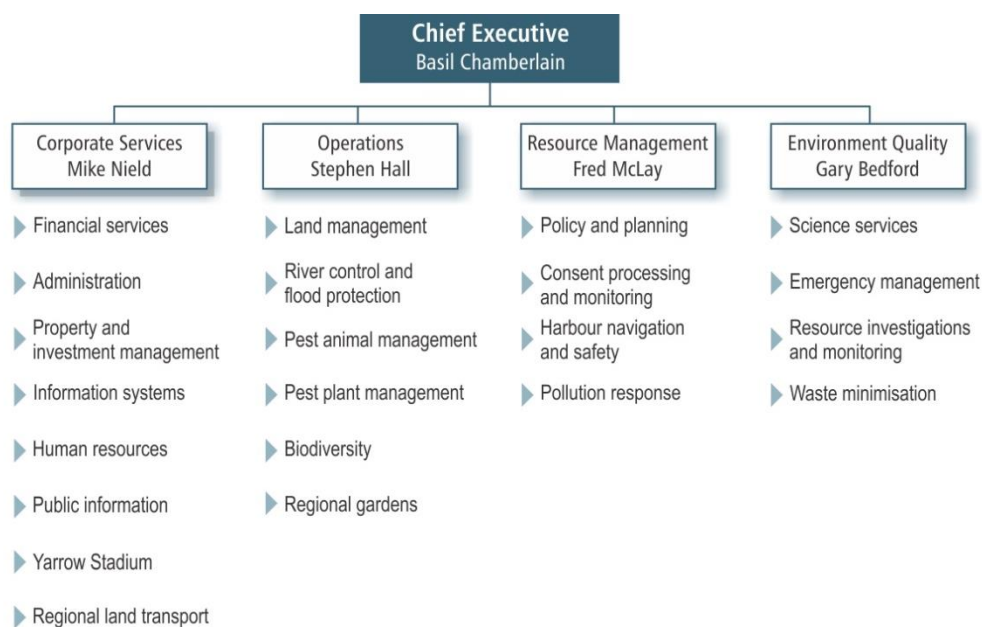


Figure 2: Management Structure

The Chief Executive, Basil Chamberlain, can be contacted on (06) 765 7127 or [basil.chamberlain@trc.govt.nz](mailto:basil.chamberlain@trc.govt.nz)

Council management is organised into four directorates:

### Operations

Pest animal management, pest plant management, biodiversity, land management, river control and flood protection and regional gardens.

Director, Stephen Hall, [stephen.hall@trc.govt.nz](mailto:stephen.hall@trc.govt.nz)

### Resource Management

Policy and planning, consent processing and administration, compliance monitoring, harbour navigation and safety, pollution response and enforcement.

Director, Fred McLay, [fred.mclay@trc.govt.nz](mailto:fred.mclay@trc.govt.nz)

### Environment Quality

Science Services, compliance monitoring, emergency management, resource investigations, state of the Environment monitoring and waste minimisation

Director, Gary Bedford, [gary.bedford@trc.govt.nz](mailto:gary.bedford@trc.govt.nz)

### Corporate Services

Financial services, administration, property, investments, information systems, human resources, public information, Yarrow Stadium, Puke Ariki, transport planning and passenger transport.

Director, Mike Nield, [mike.nield@trc.govt.nz](mailto:mike.nield@trc.govt.nz)

## 11 Equal Employment Opportunities Policy

The Council is committed to the principle of equal opportunity in the recruitment, employment, training and promotion of its employees.

The organisation will provide a welcoming, positive environment.

The organisation will implement a purposeful programme of action to ensure its activities and services are carried out with an awareness of, and an intent to eliminate discrimination in the areas of race, colour, ethnic or national origin, gender, religious beliefs, marital status, family responsibilities, sexual orientation, special needs or age.

## 12 Key Approved Planning and Policy Documents

The Council has prepared and approved the following key planning and policy documents.

Policy Document	Process for development and review
<p><i>Regional Policy Statement for Taranaki 2010</i></p> <p>The purpose of the <i>Regional Policy Statement</i> is to achieve the purpose of the <i>Resource Management Act 1991</i> by providing an overview of the resource management issues of the region and the policies and methods that will be adopted to address those issues.</p>	<p>The <i>Regional Policy Statement (RPS)</i> has a ten year life with an interim review after five years. The <i>statement</i> was prepared pursuant to the statutory process outlined in the <i>Resource Management Act 1991</i>. This involved a full public consultative procedure. Discussion documents outlining significant issues were prepared prior to the commencement of the statutory process.</p> <p>A full review is about to commenced.</p>
<p><i>Regional Air Quality Plan for Taranaki 2011</i></p> <p>The purpose of the <i>Plan</i> is to promote the sustainable management of natural and physical resources insofar as these resources are affected by discharges to air. The <i>Plan</i> contains policies relating to discharges to air from industrial and trade premises, agrichemical spraying, the burning of vegetation and fumigation. The <i>Plan</i> sets out standards for these activities which are designed to promote sustainable management of the air resource.</p>	<p>The <i>Regional Air Quality Plan</i> has a ten year life with an interim review after five years. The <i>Plan</i> was prepared pursuant to the statutory process outlined in the <i>Resource Management Act 1991</i>. Staff have commenced a review of the <i>Plan</i> as part of the development of a new Natural Resources Plan.</p>
<p><i>Regional Coastal Plan for Taranaki 1997</i></p> <p>The purpose of the <i>Regional Coastal Plan</i> is to promote the sustainable management of natural and physical resources in relation to the coastal marine area.</p>	<p>The <i>Regional Coastal Plan</i> has a ten year life with an interim review after five years. The <i>Plan</i> was prepared pursuant to the statutory process outlined in the <i>Resource Management Act 1991</i>. The <i>Plan</i> has recently been reviewed, which involved a full public consultative procedure. Discussion documents outlining significant issues were prepared. Currently the <i>Proposed Plan</i> is under appeal.</p>
<p><i>Regional Fresh Water Plan for Taranaki 2001</i></p> <p>The purpose of the <i>Plan</i> is to assist the Council to carry out its functions under the Act to promote the sustainable management of the fresh water resources of the Taranaki region. The <i>Plan</i> identifies how the fresh water resources of the region (both surface and groundwater) are to be managed. It does this by identifying important issues from state of the environment monitoring relating to the use, development and protection of the fresh water resources of Taranaki.</p>	<p>The <i>Regional Fresh Water Plan</i> has a ten year life with an interim review after five years. The <i>Plan</i> was prepared pursuant to the statutory process set out in the <i>Resource Management Act 1991</i>. This involved a full public consultative procedure. Discussion documents outlining significant issues were prepared prior to the commencement of the statutory process. Currently the <i>Plan</i> is under review and will involve a full public consultative procedure. A draft <i>Plan</i> and discussion documents have been prepared as part of that review and stakeholder feedback received</p>

Policy Document	Process for development and review
<p><i>Regional Soil Plan for Taranaki 2001</i></p> <p>The purpose of the <i>Regional Soil Plan for Taranaki</i> is to assist the Council to carry out its soil conservation functions under the <i>Resource Management Act 1991</i>. The objectives, policies and methods of implementation set out in this <i>plan</i> build on the success of past experiences and involve the Council on addressing the soil loss and soil health issues in partnership with land users.</p>	<p>The <i>Regional Soil Plan</i> has a ten year life with an interim review after five years. The <i>Plan</i> was prepared pursuant to the statutory process outlined in the <i>Resource Management Act 1991</i>. This involved a full public consultative procedure. Discussion documents outlining significant issues were prepared prior to the commencement of the statutory process. The <i>Plan</i> is under review and a revised <i>Plan</i> will be combined with the <i>Freshwater Plan</i> and involve a full public consultation procedure.</p>
<p><i>Pest Management Plan for Taranaki</i>The purpose of the <i>strategy</i> is to set out the statutory framework for the effective management of pest plants and animals in the Taranaki region. The <i>Plan</i> identifies and sets out management programmes in relation to 17 harmful plant and animal species that warrant regional intervention.</p>	<p>The <i>Pest Management Plan for Taranaki</i> has a ten year life. The <i>Plan</i> was prepared pursuant to the statutory process outlined in the <i>Biosecurity Act 1993</i>. The <i>Plan</i> was reviewed in 2018 and this involved a full public consultative procedure. In addition, the Council prepared and adopted a <i>Biosecurity Strategy for the Taranaki Regional Council</i>, which addressed its broader biosecurity responsibilities.</p>
<p><i>Regional Land Transport Plan for Taranaki</i></p> <p>The <i>Regional Land Transport Plan for Taranaki</i> was prepared under the requirements of the <i>Land Transport Management Act 2003</i> following a full public consultation process. Its broad purpose is to identify the key transport issues and challenges in the region and how land transport activities proposed in the <i>Plan</i> will address those issues.</p>	<p>Amendments to the <i>Land Transport Management Act 2003</i>, introduced in 2013, required the Council to prepare a <i>Regional Land Transport Plan</i>. The <i>Regional Land Transport Plan</i> has a six-year life, and sets out the region's land transport objectives, policies and measures for at least 10 financial years. It also contains a request for funding support of activities relating to state highways and local roads and public transport services and identifies the order of priority of the significant activities. A full review of the <i>Regional Land Transport Plan for Taranaki</i> needs to be undertaken and submitted to the NZ Transport Agency by 30 April 2021.</p>

Policy Document	Process for development and review
<p><i>Regional Public Transport plan for Taranaki</i></p> <p>The <i>Regional Public Transport Plan for Taranaki</i> was prepared under the <i>Land Transport Management Act 2003</i> following a full public consultative process. The <i>Plan</i> describes the public transport services the Council proposes to be provided in the region and sets out a programme of action. The <i>Plan</i> specifies the policies that are to apply to those services. It also specifies how the Council will implement the public transport policies specified in the <i>Regional Land Transport Plan for Taranaki</i>.</p>	<p>Under the requirements of the <i>Land Transport Management Act 2003</i>, the Council's <i>Regional Public Transport Plan</i> must reflect the objectives of the <i>Public Transport Operating Model</i> including partnership between councils and operators, coordination of services and use incentives. The <i>Plan</i> amongst other things, identifies the public transport services that the Council proposes to provide, arranges such services in to units and sets out policies in relation to those units. When preparing the <i>Plan</i> the Council consulted in accordance with the consultation principles specified in section 82 of the <i>Local Government Act 2002</i>. The <i>Plan</i> must be kept current for the period not less than ten years in advance and may be renewed by the Council from time to time. The <i>Plan</i> is currently under review, with feedback on a discussion paper being considered.</p>
<p><i>The Civil Defence Emergency Management Group Plan for Taranaki</i></p> <p>The <i>Plan</i> identifies regional hazards, sets out arrangements for managing hazards, and assigns reduction and response roles and responsibilities.</p>	<p>The <i>Civil Defence Emergency Management Group Plan for Taranaki</i> came into effect in 2018 and by statute remains in effect until 2023.</p>



Policy Document	Process for development and review
<p><i>2018/2028 Long-Term Plan</i></p> <p>Annual Plans</p> <p>The <i>2018/2028 Long-Term Plan</i> describes the activities of the Council and how those activities will contribute to the community outcomes that have been identified. The <i>Plan</i> which covers a period of ten years must also include forecast financial statements for the Council, funding and financial policies, a summary of the Council’s policy in determining significance under the Act and other matters. It was prepared in compliance with the <i>Local Government Act 2002</i> which requires local authorities to plan to meet the future needs of the Taranaki community for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost effective for households and businesses. The Council is also required to prepare under the <i>Local Government Act 2002</i>, an Annual Plan for each year except the first year to which the Long-Term Plan relates. The Annual Plan contains annual budget and funding information and identifies any variances from the Long-Term Plan.</p>	<p>The <i>Long-Term Plan</i> is prepared every three years but with a ten year focus. Last adopted in June 2018. Subject to the special consultative procedure. To be reviewed in 2020/2021. Annual Plans are produced in the intervening years. When preparing Annual Plans the Council may consult in accordance with the consultation principles specified in section 82 of the <i>Local Government Act 2002</i>.</p>

All of these key policy and planning documents are available from the Council as well as being available on the Council’s website [www.trc.govt.nz](http://www.trc.govt.nz).

## 13 Systems for Public Access to it and its Elected Members

The Taranaki Regional Council's contact details are:

Postal address: Private Bag 713

Stratford 4352

Physical address: 47 Cloten Road

Stratford

Phone: 06 765 7127

Email: [info@trc.govt.nz](mailto:info@trc.govt.nz)

Website: [www.trc.govt.nz](http://www.trc.govt.nz)

Taranaki Regional Council Elected Members can be contacted via the Council or at:

David MacLeod (Chairman) 14 Glen Almond Street, New Plymouth

[David.macleod@trc.govt.nz](mailto:David.macleod@trc.govt.nz)

027 445 7289

Michael Joyce (Deputy Chairman) 354 Taikatu Road, RD 28, Hawera

[michael.joyce@trc.govt.nz](mailto:michael.joyce@trc.govt.nz)

027 494 8975

Tom Cloke 850 Carrington Road, RD 1, New Plymouth

[Tom.cloke@trc.govt.nz](mailto:Tom.cloke@trc.govt.nz)

021 193 3555

Mike Davey 56 Kelly Street, Inglewood

[Mike.davey@trc.govt.nz](mailto:Mike.davey@trc.govt.nz)

021 900 291

David Lean 257 Tukapa Street, New Plymouth

[David.lean@trc.govt.nz](mailto:David.lean@trc.govt.nz)

027 490 7179

Charlotte Littlewood 8 Bright Way, Lower Vogeltown, New Plymouth

[Charlotte.littlewood@trc.govt.nz](mailto:Charlotte.littlewood@trc.govt.nz)

027 354 5330

Matthew McDonald 22 Tirimoana Road, RD 18 Eltham 4398

[Matthew.mcdonald@trc.govt.nz](mailto:Matthew.mcdonald@trc.govt.nz)

027 481 4648

Donald McIntyre 137 Ratapiko Road, RD 10, Inglewood 4390

[Donald.mcintyre@trc.govt.nz](mailto:Donald.mcintyre@trc.govt.nz)

027 248 0099

Elvisa Van Der Leden 2a Vogel Street, New Plymouth 4312

[Elvisa.vanderleden@trc.govt.nz](mailto:Elvisa.vanderleden@trc.govt.nz)

027 951 2252

Taranaki Regional Council

February 2020

Document: 2394296

Neil Walker  
48a Rata Street, Hawera 4610  
[Neil.walker@trc.govt.nz](mailto:Neil.walker@trc.govt.nz)  
027 278 2667

Craig Williamson  
21 Puni Street, Fitzroy  
[Craig.williamson@trc.govt.nz](mailto:Craig.williamson@trc.govt.nz)  
027 387 4122

## 14 Official Information Requests

Under the *Local Government Official Information and Meetings Act 1987* (LGOIMA) any person may request information from the Council. Any request for information is a request made under LGOIMA. You do not have to explicitly state you are making a request under LGOIMA.

Once a request is made the Council must supply the information unless reason exists for withholding it. The LGOIMA says that information may be withheld if release of the information would:

- Endanger the safety of any person
- Prejudice maintenance of the law
- Compromise the privacy of any person
- Reveal confidential or commercially sensitive information
- Cause offence to tikanga Māori or would disclose the location of wāhi tapu
- Prejudice public health or safety
- Compromise legal professional privilege
- Disadvantage the local authority while carrying out negotiations or commercial activities
- Allow information to be used for improper gain or advantage.

The Council must answer requests within 20 working days (although there are certain circumstances where this timeframe may be extended).

Pursuant to section 13(1A) of LGOIMA, the Taranaki Regional Council may charge for the supply of information.

The cost recovery schedule for staff time is set out in Schedule 1 of the relevant Long-Term Plan or Annual Plan.

The first 15 minutes of time spent actioning a request for information on each or any occasion relating to the same general matter shall be provided free of charge. The Council reserves its rights to charge for the provision of information requiring more than 15 minutes of staff time. The Council requires payment in advance.

The first 20 pages of black and white photocopying on standard A4 or A3 paper shall be provided free of charge. Where the total number of pages of photocopying exceeds 20 then each sheet of paper will be charged at 10 cents per sheet.

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Upon receipt of a request for information, the Council will advise of the decision to charge, the estimated amount of the charge, how the charge has been calculated, the requirement to pay in advance and the right to seek a review by an Ombudsman of the estimated charge.

Requests can be made online at the Council's website, by email or by writing to the Council. In the first instance you should address requests for official information to the Chief Executive.

## 15 Adoption

This *Local Governance Statement* was prepared by the Council in February 2020. A new *Local Governance Statement* will be prepared within six months of the next triennial general election (October 2022).

The Council may update its Governance Statement as and when it considers it appropriate or necessary.

## 16 Appendix 1 – Section 40 of the Local Government Act 2002

### 40 Local Governance Statement

- (1) A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on –
  - (a) the functions, responsibilities and activities of the local authority; and
  - (b) any local legislation that confers powers on the local authority; and
  - (ba) the bylaws of the local authority, including each bylaw, its title, a general description of it, when it was made and if applicable, the date of its last review under section 158 or 159; and
  - (c) the electoral system and the opportunity to change it; and
  - (d) representation arrangements, including the option of establishing Māori wards or constituencies and the opportunity to change them; and
  - (e) members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and
  - (f) governance structures and processes, membership and delegations; and
  - (g) meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and standing orders); and
  - (h) consultation policies; and
  - (i) policies for liaising with and memoranda or agreements with, Māori; and
  - (j) the management structure and the relationship between management and elected members; and
  - (ja) the remuneration and employment policy, if adopted; and
  - (k) equal employment opportunities policy; and
  - (l) key approved planning and policy documents and the process for their development and review; and
  - (m) systems for public access to it and its elected members; and
  - (n) processes for requests for official information.
- (2) A local authority must comply with subsection (1) within 6 months after each triennial general election of members of the local authority.
- (3) A local authority must update its governance statement as it considers appropriate.



**Date** 25 February 2020

**Subject:** **2020/2021 Annual Plan and Estimates**

**Approved by:** M J Nield, Director Corporate Services  
B G Chamberlain, Chief Executive

**Document:** 2407772

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### **Purpose**

1. The purpose of this memorandum is to consider the options and then to adopt an approach for the preparation and adoption of the *2020/2021 Annual Plan*.

### **Executive summary**

2. The Council is required to prepare and adopt a *2020/2021 Annual Plan*.
3. The *Local Government Act 2002* (LGA) allows a council to adopt an annual plan with no further public consultation if there are no significant or material differences from the Long-Term Plan for that year that the proposed annual plan refers to.
4. The proposed *2020/2021 Annual Plan* contains no significant or material differences from the plans established, and already fully consulted on, in the *2018/2028 Long-Term Plan* for 2020/2021 and in the *2019/2020 Annual Plan*.
5. It is recommended the streamlined processes in section 95 (2A) of the *Local Government Act 2002* be used in the preparation and adoption of the *2020/2021 Annual Plan*, as the proposals and budgets have already been fully consulted on through the preparation and adoption of the *2018/2028 Long-Term Plan* and the *2019/2020 Annual Plan*. This involves adopting the *2020/2021 Annual Plan* with no further public engagement or consultation.
6. A separate special consultative process is still required for the adoption of fees and charges under section 36 of the *Resource Management Act 1991* (RMA).

### **Recommendations**

That the Taranaki Regional Council:

- a) receives and notes this memorandum on the preparation and adoption of the *2020/2021 Annual Plan*
- b) notes the requirements of section 95 of the *Local Government Act 2002* in the preparation of the *2020/2021 Annual Plan*

- c) confirms that there are no significant or material differences proposed for the 2020/2021 *Annual Plan* from the content of the 2018/2028 *Long-Term Plan* and the 2019/2020 *Annual Plan* in relation to Yarrow Stadium for 2020/2021
- d) approves the preparation and adoption of the 2020/2021 *Annual Plan* without any further public engagement or consultation in accordance with section 95 (2A) of the *Local Government Act 2002*
- or
- e) approves the preparation of a 2020/2021 *Annual Plan Statement of Proposal* and an associated consultation document, with a consultation process to be undertaken in accordance with section 95 (2) of the *Local Government Act 2002*
- f) notes the preparation and adoption of administrative charges under section 36 of the *Resource Management Act 1991* will require the use of the *Local Government Act 2002* special consultative process
- g) notes the approach and timetable to be undertaken dependent upon whether the Council is to undertake further public engagement and consultation.

## Background

7. The Council is required to prepare and adopt an annual plan in each year that it does not prepare and adopt a long-term plan. Section 95 of the *Local Government Act 2002* sets out the requirements for an annual plan. The section states:

95 *Annual plan*

1. *A local authority must prepare and adopt an annual plan for each financial year.*
2. *Subject to subsection (2A), a local authority must consult in a manner that gives effect to the requirements of section 82 before adopting an annual plan under this section.*
- 2A. *Subsection (2) does not apply if the proposed annual plan does not include significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates.*
3. *An annual plan must be adopted before the commencement of the year to which it relates.*
4. *Despite subsection (1), for the first year to which a long-term plan under section 93 relates, the financial statement and funding impact statement included in that long-term plan in relation to that year must be regarded as the annual plan adopted by the local authority for that year.*
5. *The purpose of an annual plan is to –*
  - (a) *contain the proposed annual budget and funding impact statement for the year to which the annual plan relates; and*
  - (b) *identify any variation from the financial statements and funding impact statement included in the local authority's long-term plan in respect of the year; and*
  - (c) *provide integrated decision making and co-ordination of the resources of the local authority; and*
  - (d) *contribute to the accountability of the local authority to the community*
  - (e) *Repealed.*
6. *Each annual plan adopted under this section must –*

- (a) *be prepared in accordance with the principles and procedures that apply to the preparation of the financial statements and funding impact statement included in the long-term plan; and*
  - (b) *contain appropriate references to the long-term plan in which the local authority's activities for the financial year covered by the annual plan are set out; and*
  - (c) *include the information required by Part 2 of Schedule 10.*
- 6A. *Except where subsection (5) requires otherwise, the local authority must comply with subsection (6) (b) and (c) by means of reference to, rather than duplication of, the long-term plan.]*
7. *A local authority must, within 1 month after the adoption of its annual plan, –*
- (a) *make its annual plan publicly available; and*
  - (b) *send copies of that plan to –*
    - (i) *the Secretary; and*
    - (ii) *the Auditor-General; and*
    - (iii) *the Parliamentary Library.*
8. In relation to the approach to be adopted in preparing the *2020/2021 Annual Plan*, the relevant part of the legislation is section 95 (2A). This section gives the Council the option to tailor its engagement and consultation on the annual plan in line with the level of significant or material difference from the long-term plan for that year. That is, if the annual plan is in line with that proposed for that year in the appropriate long-term plan, and there is no material or significant difference, the Council does not have to undertake a further engagement and consultation process. Rather, it can simply adopt an annual plan for that year.
9. The Council is required to use the special consultative procedure, as set out in section 83 of the LGA, to fix its annual administrative charges under section 36 of the RMA. This process is undertaken in conjunction with the special consultative procedure used to adopt the Long-Term Plan or Annual Plan.
10. The 2014 amendment to the LGA that allowed the Council to undertake no additional engagement or consultation if there are no significant or material changes proposed for that year compared to the proposals adopted for that year in the Long-Term Plan, did not amend the RMA. That is, the requirement to use section 83 of the LGA to fix administrative charges under section 36 of the RMA remains in place.
11. If the Council decides not to undertake any additional public engagement or consultation on its *2020/2021 Annual Plan*, it must undertake a section 83 of the LGA special consultative procedure to fix its 2020/2021 administrative charges pursuant to section 36 of the RMA.

## **Discussion**

12. The Council put considerable effort into the preparation and adoption of its *2018/2028 Long-Term Plan*. This included a full special consultative procedure as required by the *Local Government Act 2002*. Additionally, there was a significant public engagement and consultation around the development and adoption of the *2019/2020 Annual Plan*.
13. The key engagement issues in the *2018/2028 Long-Term Plan* were ramping up biodiversity protection, Pukeiti and the Taranaki Crossing, extending a number of existing programmes and noting that Yarrow Stadium would be attended to in the



*2019/2020 Annual Plan.* The *2019/2020 Annual Plan* processes addressed the Yarrow Stadium issues.

14. The next step is the preparation and adoption of the *2020/2021 Annual Plan*. As part of this process, consideration needs to be given to the application of sections 95 (2) and (2A) of the *Local Government Act 2002*.
15. The traditional approach to the preparation and adoption of an annual plan has been as follows:
  - December - Councillor workshop
  - February - adoption of an annual plan statement of proposal
  - Mid-March to Mid-April - annual plan statement of proposal is open for public consultation and engagement
  - May - the hearing of submissions on the annual plan statement of proposal, deliberation on those submissions and then adoption of an annual plan. Following adoption of the annual plan, the rates for the year are set.
  - 1 July - implementation of the annual plan commences.
16. At the December 2019 workshop on the *2020/2021 Annual Plan*, it was noted that the Council should be in a position to utilise the section 95 (2A) provisions. This Item addresses the approach to be taken in preparing and adopting the *2020/2021 Annual Plan*.
17. Parliament's intention in the *Local Government Act 2002*, is to give clear guidance to local government that it should be taking a long-term focus to planning and putting considerable effort into the preparation and adoption of its long-term plans. As a counter to this effort, it has, by putting in section 95 (2A), made it clear to local government that if it is delivering on the plans contained in the long-term plan and there are no significant or material differences from the plans already consulted on, there is no need or requirement to undertake further public engagement or consultation.
18. This Council has often been critical of the bureaucratic and costly impost put on local government. It is beholden to consider the use of a streamlined process when the opportunity presents.
19. With all the effort put into the preparation and adoption of the *2018/2028 Long-Term Plan* and the *2019/2020 Annual Plan*, the Council fully engaged and consulted with the public on its plans. The *2020/2021 Annual Plan Statement of Proposal* is entirely consistent with the plans for 2020/2021 contained in the *2018/2028 Long-Term Plan* and the *2019/2020 Annual Plan*. That is, there are no material or significant differences proposed for 2020/2021 from that outlined for 2020/2021 in the *2018/2028 Long-Term Plan* and the *2019/2020 Annual Plan*. That is, the *2020/2021 Annual Plan Statement of Proposal* has effectively already been consulted and engaged on. To consult again would be repetitious. The *2020/2021 Annual Plan Statement of Proposal* can be described as "business as planned".
20. Section 95 (2A) applies where there are no significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates. There is no guidance in the Act as to what constitutes significant or material differences. The Society for Local Government Managers (SOLGM) has provided some guidance on considering whether there are significant or material differences. This guidance has been used in the following assessment of whether there are significant or material differences.

21. The first thing to identify is whether the proposed annual plan content is different than that in the LTP for the year. The Act doesn't define difference – the standard dictionary definition is “being different or unlike”, that is to say if something in the annual plan is unlike the LTP (in whatever respect).
22. Section 95A (2) provides some clues in that it refers to:
  - variations or departures from the financial statements and funding impact statement (FIS)
  - new spending
  - delays to or abandonment of projects.
23. Having established whether differences exist, the test becomes whether the differences are significant or material. Where a difference is identified, there are two tests for each identified difference.

### **Materiality**

24. For the purposes of this part of the Act, a difference is material if “it could, in itself, in conjunction with other differences, influence the decisions or assessment of those reading or responding to the consultation document.”
25. This implies tests for two levels of materiality. Firstly, the materiality of any identified difference has to be determined. And second, once this process is complete, you need to assess the materiality of all of the differences as a set. This isn't materiality in the sense used by accountants and can't always be reduced to a set of numbers.
26. In this context, what is and isn't material will be circumstance specific. The following are useful tests to have in mind:
  - does the difference involve a change to the financial strategy or funding impact statement – if the answer is yes then proceed with extreme caution before deciding not to consult
  - might the difference(s) alter a reasonable person's conclusions about the affordability of the plan – if the answer is yes the change should be regarded as material
  - might the difference(s) alter a reasonable person's conclusions about the levels of service contained in the plan – if the answer is yes the change should be regarded as material
  - might the difference(s) lead to a reasonable person deciding (or not deciding) to make a submission on any consultation document (for example, has some policy shift been signalled) – if the answer is yes the change should be regarded as material.
27. These tests need to be applied objectively and reasonably but realistically.

### **Significance**

28. A variation, new spending proposal or project triggers the requirement to consult if it's assessed as significant. The significance and engagement policy is the primary tool for determining the significance of any of these matters or decisions.

### **What if the Council doesn't consult because it has previously consulted**

29. If the Council decides that it doesn't need to consult and engage on its annual plan because it has done so previously, then it need only adopt the annual plan by resolution.
30. An annual plan must be prepared regardless of whether consultation and engagement on the plan occurs. The annual plan must include all the information set out in part 2 of schedule 10 of the *Local Government Act 2002*. That is to say:
  - forecast financial statements for the year covered by the annual plan, and forecast financial statements from the previous year for comparative purposes 19 of schedule 10)
  - the funding impact statement including all of specified details about the setting of rates and charges
  - rating base information
  - statements about reserve funds.
31. It is regarded as good practice that local authorities not consulting on an annual plan still notify the community of their intent to adopt an annual plan, probably about the time the Council would consult on a statement of proposal.

### **Differences**

32. The *2020/2021 Annual Plan* proposes no significant or material differences from the plan outlined for 2020/2021 in the *2018/2028 Long-Term Plan* as updated for decisions in relation to Yarrow Stadium made in the *2019/2020 Annual Plan*. This conclusion is reached based upon the following criteria:
  - There are no significant changes to the performance management framework. That is, there are no changes to the 2018/2028 levels of service and only insignificant/immaterial minor updates to the performance measures and targets.
  - There are no new projects/activities or spending that have not already been identified for 2020/2021 in the *2018/2028 Long-Term Plan* and *2019/2020 Annual Plan*
  - There are no delays to or abandonments of projects or activities that have not already been identified for 2020/2021 in the *2018/2028 Long-Term Plan*
  - In total, there are no significant or material variations or departures from the financial statements and the funding impact statement. There are unders and overs on the budgets for each individual activity but these largely net themselves out. The *2018/2028 Long-Term Plan* outlined a 3.55% general rates increase for 2020/2021. The *2020/2021 Annual Plan* proposes a 3.8% general rates increase (the difference in general rates collected between increases of 3.55% and 3.8% is \$19,886). The range of targeted rates proposed for 2020/2021 are the same as those proposed in the *2018/2028 Long-Term Plan* as updated by decisions made in adopting the *2019/2020 Annual Plan*, although there are some immaterial changes to the amounts collected by each targeted rate. Transport rates are up by \$58,801 on the *2018/2028 Long-Term Plan* for 2020/2021, river control targeted rates are up by \$22,127, whilst Yarrow Stadium targeted rates are unchanged from the level set in the *2019/2020 Annual Plan*. None of these changes in the level of targeted rates are significant or material individually or in total.

33. In summary, the proposed *2020/2021 Annual Plan* recommends work programmes and estimates/budgets that are materially unchanged from that proposed for 2020/2021 in the *2018/2028 Long-Term Plan* as updated for Yarrow Stadium decisions made in the *2019/2020 Annual Plan*. There are no changes to the *Financial Strategy* and the *Funding Impact Statement* is materially unchanged. Whilst there are some ups and downs in the targeted rates and the total budget for individual activities, these are not large sums of money and do not fundamentally alter the affordability of the Plan. There are no significant changes in the activities, projects, works programmes, levels of service, key performance indicators and performance targets. There is nothing in the proposed *2020/2021 Annual Plan* that is new and has not already been consulted upon.
34. Overall, the *2020/2021 Annual Plan* proposes business as planned for in the *2018/2028 Long-Term Plan* for 2020/2021, with no significant or material differences that warrant undertaking additional public engagement and consultation.
35. If the Council decides not to do any further public engagement and consultation there will be direct and indirect cost and time savings. The cost of preparing and publishing an annual plan statement of proposal and an annual plan consultation document will be saved. Costs associated with advising the public about the consultation and engagement process, receiving submissions, preparing the officer's report and holding a hearing will also be saved.
36. The Council successfully utilised these provisions in the preparation and adoption of the *2016/2017 Annual Plan* as have many other local authorities.
37. Accordingly, it is recommended that the Council consider adopting the *2020/2021 Annual Plan* without any additional public engagement and consultation in accordance with section 95 (2A) of the *Local Government Act 2002*.

### **Resource Management Act Administrative Charges**

38. A draft schedule of 2020/2021 administrative charges pursuant to section 36 of the RMA has been prepared. This will become the statement of proposal for the special consultative procedure. The proposal is not materially or significantly different from the schedule of administrative charges fixed pursuant to section 36 of the RMA in the *2018/2028 Long-Term Plan*. The construction, structure and nature of administrative charges is unchanged. That is, there is nothing structurally new or different in the schedule of administrative charges from that adopted in the *2018/2018 Long-Term Plan*. Consent holders, and others that are impacted by these charges, will have a long-term familiarity with the Council's approach to RMA administrative charges.
39. The Council charge-out rates have been updated, the fixed minimum charges have been updated, the schedules of charges have been updated, the individual monitoring programme charges have been reviewed and updated, the fixed minimum charges have been updated.
40. As there is little in the way of change to the administrative charges, there is an overall familiarity with the Council's approach and there is a logistical difficulty around summarising the charges, it is not proposed to prepare a summary of the statement of proposal - section 83 (1)(a)(ii).
41. Similarly, it is not proposed to undertake a complex or comprehensive consultation process. All of the individual compliance monitoring programmes have already been referred to the appropriate consent holder for their feedback. This is the biggest section of the administrative charges. Therefore, it is proposed to distribute the statement of

proposal via the Council's website. Hard copy of the statement of proposal will be available upon request. There will be a public notice on the statement of proposal and the consultation process. This will note that the statement of proposal is publicly available. Submissions will be able to be made via the Council's website or by writing to the Council.

42. The statement of proposal will be open for consultation for one month. The Council will then hold a hearing for those submitters that wish to present their submission to the Council. The Council will then consider, amend, if necessary, and adopt the schedule of administrative charges for inclusion in the *2020/2021 Annual Plan*. The Council will then consider and adopt the *2020/2021 Annual Plan*.

### Timetable

43. A streamlined approach, utilising section 2A of the *Local Government Act 2002*, for the preparation and adoption of the *2020/2021 Annual Plan* and the preparation and adoption of administrative charges under section 36 of the RMA would be:
- December 2019 - Councillor workshop
  - 25 February 2020 - Council considers the approach to be taken for the preparation and adoption of an annual plan and confirms that section 95 (2A) is to be used
  - 7 April 2020 - The Council adopts the statement of proposal for the schedule of 2020/2021 administrative charges pursuant to section 36 of the RMA
  - 8 April 2020 to 8 May 2020 - The statement of proposal for the schedule of 2020/2021 administrative charges pursuant to section 36 of the RMA is open for consultation
  - 18 May 2020 - The Council hears submissions on the statement of proposal for the schedule of 2020/2021 administrative charges pursuant to section 36 of the RMA. The Council considers submissions and, if necessary, amends the schedule of charges. The schedule of charges is then adopted. The Council adopts the *2020/2021 Annual Plan*. Following adoption of the annual plan, the rates for the year are set.
  - 1 July 2020 - implementation of the annual plan commences.
44. If the Council decides to undertake additional public engagement and consultation on the *2020/2021 Annual Plan*, which is not recommended, the following timetable is recommended for the preparation and adoption of the Plan. The schedule of 2020/2021 administrative charges pursuant to section 36 of the RMA will be included in the *2020/2021 Annual Plan Statement of Proposal* and consultation and engagement will occur simultaneously:
- 7 April 2020 - Council adopts the 2020/2021 estimates, consultation document and *2020/2021 Annual Plan Statement of Proposal*
  - 11 April to 15 May 2020 - Annual Plan is open for public consultation and submissions
  - 22 June 2020 - Ordinary Meeting following the Executive, Audit and Risk Committee meeting, for the Council to hear submissions on the *2020/2021 Annual Plan Statement of Proposal*, deliberate on those submissions and then adopt the *2020/2021 Annual Plan*.

- 30 June 2020 - Following adoption of the *2020/2021 Annual Plan*, the rates for the year are set.
  - 1 July 2020 - Implementation of the *2020/2021 Annual Plan* commences.
45. If the Council decides to undertake additional public engagement and consultation on the *2020/2021 Annual Plan*, the issues that the Council wishes to consult on (included in the Consultation Document) will need to be identified and documented.

### **Decision-making considerations**

46. 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**

47. 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**

48. 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**

49. 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**

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

## Ordinary Meeting 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 Ordinary Meeting on Tuesday 25 February 2020 for the following reason/s:

Item 13 - Confidential Executive, Audit and Risk Minutes Monday 17 February 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 13 - CEO Contract Matters

*THAT the public conduct of the whole or the relevant part of the proceedings would be likely to result in the disclosure of information where the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons and to enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations);*