



AGENDA

Ordinary Meeting

Tuesday 3 November 2020, 10.30am



Ordinary Meeting

03 November 2020 10:30 AM

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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 M J McDonald	Councillor D N 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 3 November 2020

Subject: **Confirmation of Minutes - 22 September 2020**

Approved by: M J Nield, Director - Corporate Services
S J Ruru, Chief Executive

Document: 2619270

Resolves

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 22 September at 10.30am.

Matters arising

Appendices/Attachments

Document 2592825: Ordinary Minutes - 22 September 2020



Date 22 September 2020, 10.30am
Venue: Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford
Document: 2592825

Present	Councillors	D N MacLeod	(Chairperson)
		M P Joyce	(Deputy Chairperson)
		M J Cloke	
		M G Davey	
		D L Lean	
		M J McDonald	
		D H McIntyre	
		E D Van Der Leden	
		N W Walker	
C S Williamson			
Attending	Messrs	M J Nield	(Acting Chief Executive)
		S J Ruru	
		D Harrison	(Director - Operations)
		G K Bedford	(Director - Environment Quality)
		A D McLay	(Director - Resource Management)
		S Tamarapa	(Iwi Communications Officer)
		C Spurdle	(Planning Manager)
		Ms G Marcroft	(Policy Analyst)
		Mrs R Johnson	(Financial Services Manager)
		Ms K Holland	(Communications Adviser)
Miss L Davidson	(Committee Administrator)		
One member of the media, Mr M Watson, Taranaki Daily News.			

The Council acknowledged the passing of former Taranaki Regional Council Chairman, David Walter and Councillor Claire Stewart with a moments silence.

Apologies An apology was received and sustained from Councillor C L Littlewood.

A welcome was extended to Mr D Harrison who started his new role as the Director - Operations on Monday. Mr S Hall has resigned, taking up a new role with the NEXT Foundation.

Notification of Late Items There were no late items.

1. Confirmation of Minutes – 11 August 2020

Resolved

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 11 August 2020 at 10.30am.

McDonald/Walker

Matters arising

There were no matters arising.

2. Consents and Regulatory Committee Minutes – 1 September 2020

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 1 September 2020 at 9.30am
- b) adopts the recommendations therein.

Lean/Williamson

Matters arising

There were no matters arising.

3. Policy and Planning Committee Minutes – 1 September 2020

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 1 September 2020 at 10.30am
- b) adopts the recommendations therein.

Walker/Davey

Matters arising

There were no matters arising.

4. Executive, Audit and Risk Committee Minutes – 14 September 2020

Resolved

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 14 September 2020 at 10am
- b) adopts the recommendations therein.
Walker/McDonald

Matters arising

There were no matters arising.

5. Joint Committee Minutes

Resolved

That the Taranaki Regional Council:

- a) receives the unconfirmed minutes of the Taranaki Solid Waste Management Committee held on Thursday 20 August 2020
- b) receives the unconfirmed minutes of the Taranaki Regional Transport Committee held on Wednesday 9 September 2020
- c) receives the unconfirmed minutes of the Taranaki Civil Defence Emergency Management Group Joint Committee held on Thursday 10 September 2020.
Walker/McDonald

Matters arising

Taranaki Solid Waste Management Committee

- 5.1 It was noted that Councillor Donald McIntyre was an apology for this meeting.

Taranaki Regional Transport Committee

- 5.2 It is pleasing to note the funding coming through from NZTA, it would be good to see more go in to the work than the design.
- 5.3 Setting speed limits will involve consultation and engagement with all aspects of the community.

Taranaki Civil Defence Emergency Management Group Joint Committee

- 5.4 The Primary Industry Sector Group has changed their name back to Rural Advisory Group.

6. October and November Meeting Dates

The meeting dates for the next six-weekly round of meetings in October and November were attached for members information.

7. Adoption of Annual Report

- 7.1 Mr M J Nield, Acting Chief Executive, spoke to the memorandum receiving, considering and adopting the audited consolidated *2019/2020 Annual Report* and the *Summary 2019/2020 Annual Report*.

Resolved

That the Taranaki Regional Council:

- a) receives this memorandum on the *2019/2020 Annual Report* and Audit
- b) adopts the audited consolidated *2019/2020 Annual Report* and the *Summary 2019/2020 Annual Report*
- c) notes that the *2019/2020 Annual Report* and the *Summary 2019/2020 Annual Report* will be available to the public from 22 September.

Joyce/McDonald

8. 2020-2030 Taranaki Regional Events Strategy

- 8.1 Mr M J Nield, Acting Chief Executive, spoke to the memorandum receiving the *2020-2030 Taranaki Regional Events Strategy* and answered questions arising.
- 8.2 It was requested that a response be sent to Venture Taranaki noting that the Council has received the strategy and includes appropriate commentary that any changes in regards to Yarrow Stadium would need to be negotiated between Taranaki Regional Council and New Plymouth District Council.

Resolved

That the Taranaki Regional Council:

- a) receives the *2020-2030 Taranaki Events Strategy*.

Williamson/Walker

9. Hearing on the Proposed Navigation Safety Bylaws for Port Taranaki and its Approaches

- 9.1 Mr A D McLay, Director – Resource Management, introduced Mr C Spurdle and Ms G Marcroft, who spoke to the memorandum introducing the submissions on the *Proposed Navigation Safety Bylaws for Port Taranaki and its Approaches* (Proposed Navigation Bylaws) to consider those submissions, to recommend any changes and then adopt the Proposed Navigation Bylaws.

Resolved

That the Taranaki Regional Council:

- a) receives the memorandum entitled *hearing on the Proposed Navigation Safety Bylaws for Port Taranaki and its Approaches*
- b) notes that no submissions on the proposed bylaws have been received, however, that late pre-engagement feedback from Maritime New Zealand has been treated as if it were a submission
- c) receives the Officers report entitled *Officers Report: Proposed Navigation Safety Bylaws for Port Taranaki and its Approaches* and the revised track changed version of

the proposed bylaws entitled *Proposed Navigation Safety Bylaws for Port Taranaki and its Approaches [REVISED]*

- d) approves and adopts the *Proposed Navigations Safety Bylaws for Port Taranaki and its Approaches [REVISED]*.

Van Der Leden/MacLeod

10. 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 22 September 2020 for the following reason/s:

Item 11 - Public Excluded Ordinary Minutes - 11 August 2020

THAT the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Item 12 - Public Excluded Consents and Regulatory Committee Minutes - 1 September 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 - Public Excluded Executive, Audit and Risk Committee Minutes - 14 September 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.

MacLeod/Joyce

There being no further business, Chairman D N MacLeod, declared the Public Ordinary Meeting of the Taranaki Regional Council closed at 11.24am.

Confirmed

Chairperson: _____

D N MacLeod

3 November 2020



Date: 3 November 2020

Subject: **Consents and Regulatory Committee Minutes - 13 October 2020**

Approved by: G K Bedford, Director - Environment Quality
S J Ruru, Chief Executive

Document: 2619345

Recommendations

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 13 October 2020 at 9.30am
- b) adopts the recommendations therein.

Matters Arising

Appendices/Attachments

Document 2612015: Minutes Consents and Regulatory Committee - 13 October 2020



Date 13 October 2020, 9.30am
Venue: Taranaki Regional Council chambers, 47 Cloten Road, Stratford
Document: 2612015

Members	Councillors	C S Williamson	Committee Deputy Chairperson
		D L Lean	Committee Chairperson (<i>Late</i>)
		M J Cloke	
		C L Littlewood	
		D H McIntyre	
		M J McDonald	
		E D Van Der Leden	(<i>Late</i>)
		M P Joyce	ex officio
		D N MacLeod	ex officio
Representative Members	Mr	M Ritai	Iwi Representative
	Mr	K Holswich	Iwi Representative
Attending	Messrs	S Ruru	Chief Executive
		M J Nield	Director – Corporate Services
		G K Bedford	Director - Environment Quality
		A D McLay	Director – Resource Management
		D Harrison	Director - Operations
		C McLellan	Consents Manager
		B Pope	Compliance Manager
		R Phipps	Science Manager – Hydrology/Biology
		P Ledingham	Communications Adviser
	Miss	L Davidson	Committee Administrator

In the initial absence of the Committee Chairperson, Councillor D L Lean, the Deputy Chairperson, Councillor C S Williamson, chaired the meeting.

Opening Karakia The meeting opened with a group karakia.

Apologies An apology was received from Councillor M G Davey. Apologies for lateness were received from Committee Chairperson, Councillor D L Lean and Councillor E D Van Der Leden.

Notification of Late Items There were no late items.

1. Confirmation of Minutes – 1 September 2020

Resolves

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 Meeting of the Taranaki Regional Council held in the Taranaki Regional Council Chambers, 47 Cloten Road, Stratford on Tuesday 1 September 2020 at 9.30am
- b) notes that the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 22 September.

MacLeod/Cloke

Matters arising

- 1.1 It was noted that the three submitters to the Remediation consent renewal applications have withdrawn their requests for independent commissioners. They felt it was inappropriate that they would have to pay the cost difference.

2. Resource Consents Issued Under Delegated Authority and Applications in Progress

- 2.1 Mr A D McLay, Director – Resource Management, spoke to the memorandum advising the Committee of consents granted, consents under application and of consent processing actions since the last meeting.
- 2.2 An update was provided on Mana Whakahono a Rohe discussions. The next meeting is scheduled for 21 November.
- 2.3 Mr K Holswich, Iwi Representative, declared a conflict of interest in relation to Greymouth Petroleum.

Ms E D Van Der Leden and Mr D L Lean arrived at 9.37am

Recommended

That the Taranaki Regional Council:

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

Littlewood/Joyce

3. Consent Monitoring Annual Reports

- 3.1 Mr R Phipps, Science Manager – Hydrology/Biology, spoke to the memorandum advising of the 17 tailored compliance monitoring reports that have been prepared since the last meeting.
- 3.2 It was clarified that Council staff are working through a transition to be able to provide agendas and associated documents to the members earlier to ensure adequate time to read the reports.
- 3.3 It was noted that seeing organisations with poor compliance is very rare the view was that Council would like to see remediation put in place by those companies/organisations.

- 3.4 When there is a history of non-compliance/ repeated issues officers programme the monitoring and frequency of data required to be sent through and adapt according to the site's performance.
- 3.5 Consents issued are shown to the applicants and they have the ability to comment on them at that time. Lack of education has not been raised as a reason for non-compliance and officers work proactively with consent holders to ensure they understand their obligations and opportunities to improve performance.

Recommended

That the Taranaki Regional Council:

- a) receives the 20-05 Regional Quarry Compliance Monitoring Combined Biennial Report Southern Quarries 2018-2020 and adopts the specific recommendations therein.
- b) receives the 20-07 Value Timber Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- c) receives the 20-10 STDC Eltham WWTP Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- d) receives the 20-26 Cheal Petroleum Ltd DWI Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- e) receives the 20-27 Westside DWI Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- f) receives the 20-28 New Zealand Energy Corporation DWI Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- g) receives the 20-40 Greymouth Petroleum Northern Sites Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- h) receives the 20-42 Regional Cleanfill Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- i) receives the 20-45 Todd Generation Taranaki Ltd McKee Power Plant Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- j) receives the 20-48 RKM Farms Ltd (Piggery) Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- k) receives the 20-51 Tawhiti Catchment Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- l) receives the 20-53 NPDC Inglewood WWTP Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- m) receives the 20-56 Cheal Petroleum Ltd - Cheal Production Station Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- n) receives the 20-69 Ample Group Ltd Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.
- o) receives the 20-70 Osflo Fertiliser Ltd Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.

- p) receives the 20-72 Regional Quarry Compliance Monitoring Combined Biennial Report Northern Quarries 2018-2020 and adopts the specific recommendations therein.
- q) receives the 20-76 NPDC Coastal Structures Monitoring Programme Annual Report 2019-2020 and adopts the specific recommendations therein.

Lean/Littlewood

4. Incident, Compliance Monitoring Non-compliances and Enforcement Summary 14 August 2020 to 23 September 2020

- 4.1 Mr B Pope, Compliance Manager, spoke to the memorandum allowing the Committee to consider and receive the summary of incidents, compliance monitoring non-compliances and enforcement for the period 14 August 2020 to 23 September 2020 and answered questions arising.
- 4.2 Councillors C L Littlewood and D N MacLeod declared a conflict of interest in relation to Port Taranaki.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum *Incident, Compliance Monitoring Non-compliances and Enforcement Summary 14 August to 23 September 2020*
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 14 August 2020 to 23 September 2020, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Holswich/Williamson

5. Confirmation of Public Excluded Minutes - 1 September 2020

Resolves

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

- a) takes as read and confirms the public excluded minutes of the Consents and Regulatory Committee of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Tuesday 1 September 2020 at 9.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 22 September 2020.

Williamson/Littlewood

There being no further business the Committee Deputy Chairman, Councillor C S Williamson, declared the meeting of the Consents and Regulatory Committee closed at 10.05am.

Confirmed

**Consents and Regulatory
Committee Chairperson:** _____

D L Lean

24 November 2020



Date 3 November 2020

Subject: **Policy and Planning Committee Minutes - 13 October 2020**

Approved by: A D McLay, Director - Resource Management
S J Ruru, Chief Executive

Document: 2619372

Recommendations

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 13 October at 10.30am
- b) adopts the recommendations therein.

Matters Arising

Appendices/Attachments

Document 2612411: Minutes Policy and Planning Committee - 13 October 2020



Date 13 October 2020, 10.30am
Venue: Taranaki Regional Council chambers, 47 Cloten Road, Stratford
Document: 2612411

Members	Councillors	C L Littlewood	Committee Chairperson	
		N W Walker	Committee Deputy Chairperson	
		M J McDonald		
		D H McIntyre		
		E D Van Der Leden		
		C S Williamson		
		D N MacLeod	ex officio	
		M P Joyce	ex officio	
Representative Members	Councillors	C Young	South Taranaki District Council	
		S Hitchcock	New Plymouth District Council	
		G Boyde	Stratford District Council	
	Mr	P Moeahu	Iwi Representative	
	Ms	L Tester	Iwi Representative	
	Ms	B Bigham	Iwi Representative	
	Mr	P Muir	Federated Farmers Representative	
Attending	Councillor Messrs	D L Lean	Chief Executive	
		S J Ruru	Director - Corporate Services	
		M J Nield	Director - Resource Management	
		A D McLay	Director - Environment Quality	
		G K Bedford	Director - Operations	
		D Harrison	Planning Manager	
		C Spurdle	Environment Services Manager (<i>part meeting</i>)	
		S Ellis	Iwi Communications Officer	
		S Tamarapa	Communications Adviser	
		P Ledingham	Communications Adviser	
		T K Davey	Committee Administrator	
		Miss	L Davidson	
		Messrs	K Holswich	
	M Ritai			

- Apologies** An apology was received from Councillor M G Davey and an apology for lateness was received from Mr P Muir, Federated Farmers representative.
- Notification of Late items** Mr P Moeahu made the following requests to be added as late items on the agenda. The Councils response is also noted:
- **Mana Whakahono a Rohe decisions** - These decisions are not in the scope of this committee and fall under the full Council.
 - **Review of Delegated Authority Manual** - This will be discussed at the Māori relationships going forward workshop as there was confusion as to whether the request referred to the Delegations Manual or the Committee Terms of Reference. It was noted that a Governance Handbook is being arranged for representative members.
 - **Iwi Consent Processing Capacity** - concerns raised that Iwi are unable to respond to consents in a timely manner as they do not have sufficient capacity. A discussion on this will be held following the meeting in the Māori relationships going forward workshop.

Mr P Muir arrived at 10.34am

1. Confirmation of Minutes – 1 September 2020

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 the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Tuesday 1 September at 10.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 22 September 2020.

McIntyre/McDonald

Matters arising

It was noted that Mr P Muir zoomed in to the meeting.

2. Update on Aotearoa New Zealand Biodiversity Strategy 2020

- 2.1 Mr C Spurdle, Planning Manager spoke to the memorandum providing an update on the approved *Te Mana O Te Taiao – Aotearoa New Zealand Biodiversity Strategy* (ANZBS).
- 2.2 It was requested that a member from DOC attend a further meeting to provide a briefing to the Committee on the NPS – Biodiversity and how it aligns with what TRC are doing through its Key Native Ecosystem programme.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum entitled Update on the Aotearoa New Zealand Biodiversity Strategy 2020 and the attached summary sheet on the Aotearoa New Zealand Biodiversity Strategy.

McDonald/Joyce

3. Towards Predator-Free Taranaki Project

- 3.1 Mr T Shanley, Project Manager Biosecurity, spoke to the memorandum and provided a presentation on the quarterly progress update on the *Taranaki Taku Tūranga Our Place – Towards Predator-Free Taranaki* Project. The Council is using very modern technology on the project.
- 3.2 The Taranaki Regional Council have engagement with Iwi and maraes in the area throughout Taranaki on this project.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum *Taranaki Taku Tūranga Our Place - Towards Predator-Free Taranaki project*
- b) notes the progress and milestones achieved in respect of the urban, rural and zero density possum projects of the Taranaki Taku Tūranga Our Place - Towards Predator-Free Taranaki project.

Van Der Leden/Joyce

4. Taranaki Mouna Surrounds Possum Control Update

- 4.1 Mr D Harrison, Director – Operations, spoke to the memorandum presenting a summary of the Taranaki Regional Council involvement in Pest Control Programme surrounding Taranaki Maunga and answered any questions arising.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum Taranaki Maunga surrounds possum control update
- b) notes that monitoring of three recent control contracts estimate the residual trap catch index for possums have successfully been reduced to 0.67%, 1.67% and 1.5%, which is below the contract requirement of less than 3%.

Williamson/Walker

5. Public Notification of a Proposal to Amend the Pest Management Plan for Taranaki

- 5.1 Mr C Spurdle, Planning Manager, spoke to the memorandum seeking Members approval to publicly notify a proposal to amend the *Pest Management Plan for Taranaki 2018*.

- 5.2 It was clarified that rats are not included at the moment as the infrastructure costs required to fully target rats would be prohibitive and current trap technology is not quite ready for full landscape scale control.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum and the attached Proposal;
- b) agrees that the Proposal meets the section 71 content requirements for a proposed regional pest management plan as required by the BSA;
- c) agrees that the Proposal is not inconsistent with the National Policy Direction for Pest Management 2015, other pest management plans on the same organisms, any pathway plan, regional policy statements or plans under the Resource Management Act 1991, or any regulation;
- d) agrees that mustelids are capable of causing a serious adverse and unintended effect in relation to the region;
- e) agrees that the benefits of the Proposal in relation to mustelids outweigh the costs after taking account of the likely consequences inaction or other courses of action;
- f) agrees that, for mustelids, persons who are required to meet directly any or all of the costs of implementing the Proposal –
 - would accrue, as a group, benefits outweighing the costs; or
 - contribute, as a group, to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan;
- g) agrees that for mustelids, there is likely to be adequate funding for the implementation of the amended Pest Plan for five years;
- h) agrees that each proposed rule would assist in achieving the amended Pest Plan's objective and would not trespass unduly on the rights of individuals;
- i) agrees that the Proposal is not frivolous or vexatious, that it is clear enough to be readily understood, and that Council has not rejected a similar proposal within the last three years;
- j) notes that the Section 71 cost benefit analysis requirements have been incorporated into the Proposal and will be publicly available; and
- k) agrees to publicly notify the Proposal for public submissions on or before 8 November 2020.

McIntyre/Walker

6. Wetland Mapping in the Taranaki Region

- 6.1 Mr C Spurdle, Planning Manager, spoke to the memorandum briefing Members on wetland mapping in the Taranaki region, including requirements pursuant to the National Policy Statement for Freshwater Management (NPS-FM) to map wetlands and answered any questions arising.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum entitled Wetland mapping in the Taranaki Region
- b) notes the recent requirements that the Council must undertake under the new policies and regulations of the NPS-FM and NES-F for wetlands
- c) notes and agrees that the Council commission Manaaki Whenua Landcare Research to review and aggregate existing Council data sets to provide a single wetlands layers that meets the requirements of the NPS-FM and NES-F.

Williamson/Van Der Leden

7. Hearings with Iwi Commissioners

- 7.1 Mr A D McLay, Director – Resource Management, spoke to the memorandum informing Members of the Council’s hearings, where iwi/hapū were submitters and where there were commissioners with cultural expertise (particularly whether they were from or had good knowledge of the Taranaki area), and the changes that have occurred through time.
- 7.2 It was requested that as commissioners are qualified professionals, the Council considers amendments to the policy around conflicts of interest of Iwi commissioners for hearings to ensure we have the best possible commissioners.
- 7.3 It was felt that the Council should be using iwi commissioners on all hearings.

Recommended

That the Taranaki Regional Council:

- a) receives the memorandum *Hearings with Iwi Commissioners*
- b) notes the use of independent hearing commissioners with Maori cultural expertise on plans and consents over the last nine years
- c) notes the Council’s decision to not renew elected members’ hearing commissioner accreditation and move to the use of independent hearing commissioners

Williamson/Walker

8. Opportunities for Iwi Involvement in Freshwater Monitoring

- 8.1 Mr A D McLay, Director – Resource Management, spoke to the memorandum presenting Members with information regarding freshwater monitoring and the potential for the transfer of powers to iwi authorities. This includes consideration of a recent decision by the Waikato Regional Council to approve the transfer of specified Lake Taupo water quality monitoring functions to a local iwi.
- 8.2 The next meeting for the Mana Whakahono a Rohe is to be held on 21 November 2020. Mr P Moeahu requested an invitation to be part of the Mana Whakahono a Rohe group. As this is a joint council group Mr A D McLay will seek confirmation from the group.

- 8.3 It was noted that the Council should be being proactive in doing some things that would come from the Mana Whakahono a Rohe agreement. The Council is doing this in the planning area.
- 8.4 Following the meeting on 21 November officers would provide an update to the Committee.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum entitled *Opportunities for Iwi Involvement in freshwater monitoring*
- b) notes that any transfer of powers for freshwater monitoring will be considered as part of the development of a Mana Whakahono a Rohe agreement.

Williamson/Joyce

9. State of the Environment Rocky Shore Monitoring Report 2017-2019

- 9.1 Mr G K Bedford, Director - Environment Quality, spoke to the memorandum presenting an update to the Committee on the latest results of the Council's state of the environment monitoring programme that assesses the ecology of rocky coastal environments. Current and long-term trends are set out for Members' information.
- 9.2 Mr T McElroy, Environmental Scientist – Marine Biology, gave a presentation on innovative drone technology and artificial intelligence analysis aspects of the programme.
- 9.3 Regarding the NPDC Mangati stream sewerage spill, it was noted, that Ms Sarah Mako is involved in the enforcement process. The Council should also have cultural values as part of the consent process.

Ms S Hitchcock left the meeting at 12.06pm

- 9.4 The Taranaki Coastal Plan recognises the engagement with and interaction with iwi. The most recent example of engagement work is the Waitara Kaimoana survey. The Council continues to ensure good communication with iwi in this space.
- 9.5 It was requested that the Committee be provided with a table to show all engagement with Iwi.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum noting the preparation of a report into the state of and trends in regional rocky coastal ecological data for Taranaki, for 2017-2019
- b) receives the report State of the Environment Rocky Shore Monitoring Report 2017-2019 notes the findings of the trend analysis and analysis of state data from the SEM coastal ecological programme
- c) adopts the specific report recommendations therein.

Williamson/MacLeod

10. SEM Freshwater Physico-chemical Monitoring Programme 2018-2019 report

- 10.1 Mr G K Bedford, Director – Environment Quality, spoke to the memorandum presenting an update to the Committee on the latest results of the Council’s annual state of the environment monitoring programme for fresh water quality (physicochemical measures). Current and long-term trends are also set out for Members’ information, as are comparisons with various standards and guidelines.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum noting the preparation of a report on the state of and trends in regional physicochemical water quality data for Taranaki, for 2018-2019 and over the periods 1995-2019 and 2012-2019 respectively, together with information on compliance with the NOF and regional guidelines.
- b) receives the report *Freshwater Physicochemical Programme State of the Environment Monitoring Annual Report 2018-2019 Technical Report 2019-98*
- c) notes the findings of the trend analyses of data from the SEM physicochemical programme
- d) notes the findings of the analysis of water quality state data from the SEM physicochemical programme
- e) adopts the specific recommendations therein.

Van Der Leden/ MacLeod

There being no further business, the Committee Chairperson, Councillor C L Littlewood, declared the meeting of the Policy and Planning Committee closed at 12.27pm.

Confirmed

**Policy and Planning
Chairperson:** _____

C L Littlewood

Tuesday 24 November 2020



Date: 3 November 2020

Subject: **Executive, Audit and Risk Committee Minutes - 19 October 2020**

Approved by: M J Nield, Director - Corporate Services
S J Ruru, Chief Executive

Document: 2619414

Recommendations

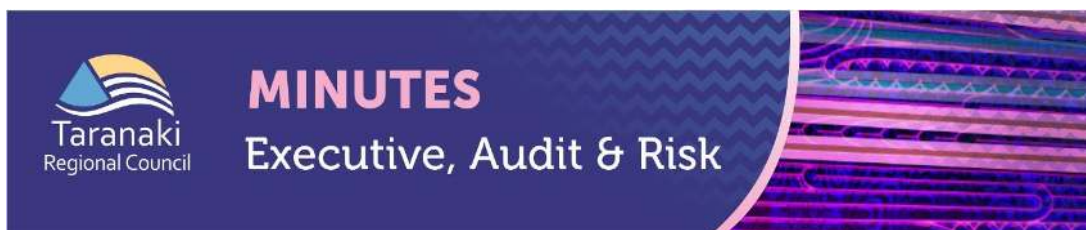
That the Taranaki Regional Council:

- 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 19 October at 10am
- b) adopts the recommendations therein.

Matters Arising

Appendices/Attachments

Document 2616003: Executive, Audit and Risk Committee Minutes - 19 October 2020



Date 19 October 2020, 10am
Venue: Taranaki Regional Council chambers, 47 Cloten Road, Stratford
Document: 2616003

Members	Councillors	N W Walker	Committee Chairperson
		M J Cloke	
		D L Lean	
		C L Littlewood	
		M J McDonald	
		M P Joyce	ex officio
Attending	Messrs	S J Ruru	Chief Executive
		M J Nield	Director – Corporate Services
		D Harrison	Director – Operations
		C Clarke	Transport Manager
		G Rine	Gardens Manager (<i>arrived 10.55am</i>)
		P Ledingham	Communications Adviser
	Ms	R Johnson	Financial Services Manager
	Ms	J Paterson	Yarrow Stadium Project Steering Group
Miss	L Davidson	Committee Administrator	

Apologies An apology was received from Councillor D N MacLeod and Mr B Robertson, Yarrow Stadium Project Steering Group. An apology for lateness was received from Councillor D L Lean. McDonald/Joyce

Notification of Late Items There were no late items.

Councillor D L Lean arrived 10.05am

1. **Hearing of Submissions on the Draft Regional Public Transport Plan for Taranaki 2020 – 2030**
 - 1.1 Mr M J Nield introduced the following submitters who wished to speak to their written submission on the draft *Regional Public Transport Plan for Taranaki 2020 – 2030*.
 - Submission No. 7 Colin Bell
 - Submission No. 9 Catherine Cheung
 - Submission No. 12 Urs Signer

Submission No. 14	Taranaki District Health Board	Maria Cashmore
Submission No. 15	Inglewood Community Board	Graeme Sykes Jono Burrows

- 1.2 The Committee discussed and deliberated on all submissions received.
- 1.3 Councillor C L Littlewood noted an interest in relation to Taranaki Trails Trust and Western Institute of Technology.
- 1.4 Acknowledgement was given to Mr C Clarke and his team as well as the Policy team for their work on the *Regional Public Transport Plan* and the Bee cards which go live today.

Recommends

That the Taranaki Regional Council:

- a) receives and acknowledges with thanks the submissions forwarded in response to the draft *Regional Public Transport Plan 2020 – 2030*
- b) considers, amends and adopts the recommendations contained within the attached officers' report and as a result of submissions, amends the *Regional Public Transport Plan for Taranaki 2020 – 2030*
- c) adopts the *Regional Public Transport Plan 2020 – 2030*.
McDonald/Joyce

2. Confirmation of Minutes – 14 September 2020

Resolves

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

- a) takes as read and confirms the minutes of the Executive, Audit and Risk Committee of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Monday 14 September 2020 at 10am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 22 September 2020.
Lean/Littlewood

Matters arising

There were no matters arising.

3. Financial and Operational Report

- 3.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum to update members on the financial and operational performance of Council.

Recommended

That the Taranaki Regional Council:

- a) receives the memorandum *Financial and Operational Report* and the July and August 2020 financial reports
 - b) notes the Regional Integrated Ticketing System Update
 - c) notes the digital media update
 - d) notes the health and safety report for September 2020
- Cloke/Joyce

4. Asset Management Plan for Pukeiti

- 4.1 Mr D Harrison, Director – Operations, spoke to the memorandum advising that the updated asset management plan for Pukeiti has been prepared and to summarise the revisions of this plan.

Recommended

That the Taranaki Regional Council:

- a) receives and adopts the *Pukeiti Asset Management Plan 2021/2031*
 - b) agrees to include the budgets and summarised proposals of the *Pukeiti Asset Management Plan* in the *2021/2031 Long-Term Plan Statement of Proposal*.
- Cloke/Lean

5. Asset Management Plans for the Lower Waiwhakaiho Flood Control Scheme, Lower Waitara River Flood Control Scheme, Ōkato Scheme and Ōpunake Flood Control Scheme

- 5.1 Mr D Harrison, Director – Operations, spoke to the memorandum advising of the updated asset management plans for Lower Waiwhakaiho Flood Control Scheme (Waiwhakaiho Scheme), the Lower Waitara River Flood Control Scheme (Waitara Scheme), the Ōkato Scheme and the new asset management plan developed for the Ōpunake Flood Control Scheme and to explain the purpose and content of these plans.

Recommended

That the Taranaki Regional Council:

- a) receives and adopts the updated asset management plans for the Lower Waiwhakaiho Flood Control Scheme, the Lower Waitara Flood Control Scheme and the Ōkato Scheme and the new asset management plan for the Ōpunake Flood Control Scheme
- b) notes that these schemes take into account Section 101B – Infrastructure Strategy of the *Local Government Act 2002*

- c) notes that these plans will be amended as required to recognise other changes to the scheme assets and management processes.

Littlewood/Cloke

6. Asset Management Plans for Hollard Gardens and Tūpare

- 6.1 Mr D Harrison, Director – Operations, spoke to the memorandum advising that the revised asset management plans for Hollard Gardens and Tūpare and to provide a summary of the revisions.

Recommended

That the Taranaki Regional Council:

- a) receives and adopts the Hollard Gardens and Tūpare asset management plans
- b) agrees to the budgets and summarised proposals of the two asset management plans in the *2021/2031 Long-Term Plan Statement of Proposal*.

Joyce/Cloke

7. Regional Software Holdings Ltd Annual Report for the year ended 30 June 2020

- 7.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum for Members to receive and consider the *Regional Software Holdings Ltd's Annual Report* for the year ended 30 June 2020.
- 7.2 Mr M J Nield noted his interest as a director on board for Regional Software Holdings Ltd.

Recommended

That the Taranaki Regional Council:

- a) receives the *Regional Software Holdings Ltd's Annual Report* for the year ended 30 June 2020.

Cloke/McDonald

8. Taranaki Stadium Trust 2019/2020 Annual Report

- 8.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum to receive and consider the Taranaki Stadium Trust's *2019/2020 Annual Report*.
- 8.2 Mr M J Nield noted his interest as a trustee on the Taranaki Stadium Trust.

Recommended

That the Taranaki Regional Council:

- a) receives the Taranaki Stadium Trust's 2019/2020 Annual Report.

Joyce/Cloke

9. Public Excluded

In accordance with section 48(1) of the *Local Government Information and Meetings Act 1987*, resolves that the public is excluded from the following part of the proceedings of the Executive, Audit and Risk Committee Meeting on Monday 19 October 2020 for the following reasons:

Item 10 - Public Excluded Minutes - 14 September 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 11 - Yarrow Stadium Update

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Lean/Cloke

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 12.15pm.

Confirmed

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

N W Walker

7 December 2020



Date 3 November 2020

Subject: **Meeting Dates for November and December 2020**

Approved by: M J Nield, Director - Corporate Services
S J Ruru, Chief Executive

Document: 2619673

Purpose

1. The purpose of this memorandum is to provide notification to Members of the meeting dates for the next round of meetings for November and December 2020.

Meeting Dates

All meetings are held at the Taranaki Regional Council, 47 Cloten Road, Stratford, unless otherwise specified. The six weekly round of meetings for November and December will be as follows:

Taranaki Solid Waste Joint Committee	Thursday 19 November 2020	10.30am
Consents and Regulatory Committee	Tuesday 24 November 2020	9.30am
Policy and Planning Committee	Tuesday 24 November 2020	10.30am
Taranaki Regional Transport Committee	Wednesday 2 December 2020	11am
Taranaki Civil Defence Group Joint Committee	Thursday 3 December 2020	10.30am
Executive, Audit and Risk Committee	Monday 7 December 2020	10am
Ordinary Meeting	Tuesday 15 December 2020	10.30am

(Ordinary Meeting to be held at Pukeiti Lodge, 2290 Carrington Road, New Plymouth)



Date: 3 November 2020

Subject: **Hearing on the Proposed River Control and Flood Protection Bylaws for Taranaki**

Approved by: D R Harrison, Director - Operations
M J Nield, Acting Chief Executive

Document: 2580187

Purpose

1. The purpose of this memorandum is to introduce the submissions on the *Proposed River Control and Flood Protection Bylaws for Taranaki* (the 'Proposed Bylaws') and to seek Members' consideration of those submissions, including recommended changes, and the adoption of the Proposed Bylaws.

Executive summary

2. The Taranaki Regional Council (the Council) is responsible for six river control and flood schemes in the region that protect lives and livelihoods from the threat of weather induced flooding events. In the past, the Council has had to address damage to these assets caused by network utility operators and district councils who have undertaken works without notifying the Council, putting the integrity of essential infrastructure at risk.
3. To protect these assets from further damage or destruction, the Council prepared the *Proposed River Control and Flood Protection Bylaws for Taranaki* to provide the Council with a regulatory mechanism to better safeguard its flood protection and river control infrastructure.
4. On 25 July, the Council publicly notified and called for submissions on the proposed bylaws in accordance with the special consultative process. In addition the Council emailed 22 affected organisations (including 9 iwi and hapū) and 17 individuals on the proposed bylaws. The deadline for submissions was Friday 21 August.
5. Three submissions were subsequently received from:
 - Powerco Ltd;
 - New Plymouth District Council; and
 - John Doorbar (private land owner).
6. The officer's report summarises submitters' requests and makes recommendations on those submissions.

Recommendations

That the Taranaki Regional Council:

- a) receives this memorandum entitled *Hearing on the Proposed River Control and Flood Protection Bylaws Taranaki*;
- b) notes that three submissions on the Proposed Bylaws have been received;
- c) receives the officers report entitled *Officers report: Proposed River Control and Flood Protection Bylaws for Taranaki* and the revised track-changed version of the proposed bylaws entitled *Proposed River Control and Flood Protection Bylaws for Taranaki [REVISED]*;
- d) hears New Plymouth District Council speak in support of their submission; and
- e) approves and adopts the *Proposed River Control and Flood Protection Bylaws for Taranaki [REVISED]*.

Background

7. Floods are New Zealand's most common and costly natural hazard and can have dramatic social and economic consequences. To manage significant flood risks to urban areas, the Taranaki Regional Council (the Council) maintains six river control and flood schemes in the region, as well as an extensive network of hydrological equipment to monitor rainfall and river levels. Council river control and flood schemes represent \$13.7 million worth of assets and comprise of floodways, defences against water (such as stopbanks, floodgates, channels, bunds, dams, groynes, etc), areas of vegetation protection and other equipment and infrastructure that support the ongoing use of the infrastructure.
8. Despite the significance of these schemes, both as a costly asset plus their vital role in protecting people, livelihoods and communities, currently they have limited regulatory protection from damage or destruction by people (either inadvertently or deliberately) working on or near our river control and flood schemes. Such activities might include:
 - construction or placement of new infrastructure over, under or through a stopbank or floodwall, which may weaken the structure or provide an alternative pathway for floodwaters;
 - stock damage to stopbanks which may weaken stopbank structure;
 - structures being built in floodways which may alter the direction of floodwaters;
 - removing and damaging flood protection vegetation, which may destabilizes banks during flood; or
 - Structures being built that may prevent access for necessary maintenance of assets.
9. To date, the Council has mainly had issues with network utility operators undertaking works on our river and flood control assets, without notifying the Council, which has resulted in damage to our infrastructure.
10. To protect these assets from further damage or destruction, the Council prepared the Proposed Bylaws to provide the Council with a regulatory mechanism to better safeguard its flood protection and river control infrastructure.
11. The Proposed Bylaws only apply to those assets owned and operated by the Council. They do not apply to privately owned infrastructure or infrastructure that is owned or operated by district councils.

12. On 27 July, the Council undertook an engagement process in accordance with the special consultative process of the LGA. This included:
 - the release of the Proposed Bylaws on the Council website as well as a *Statement of proposal* document;
 - Public notice in the Taranaki Daily News on 25 July;
 - Email notification to interested parties; and
 - Letters sent to all affected land owners¹.
13. The Council was open for submission from 27 July until 21 August. Over this period, Council officers were available to answer questions on the intent and effect of the Proposed Bylaws.
14. The Council received a total of three submissions on the Proposed Bylaws and *Statement of Proposal*. These were from:
 - Powerco Ltd;
 - New Plymouth District Council (NPDC); and
 - John Doorbar (landowner).
15. Council officers have now prepared the *Officers report: Proposed River Control and Flood Protection Bylaws for Taranaki*, which summarises the submission points and provides recommendations to the Council on those submissions. The full submissions are appended to that report.
16. In brief, Powerco Ltd are seeking a more permissive pathway for network utility operators undertaking activities and maintenance within floodways and near defences against water. Officers do not recommend granting this relief as it would undermine the intent of the bylaws to require any future activities to seek approval from the Council where there is a risk of damage to its river and flood control assets. The Council will ensure that the process for gaining authority from the Council is simple, straightforward and at minimal cost so as not to cause unnecessary delays or complications. However, officers believe that inclusion of network utilities is essential for the Proposed Bylaws to be effective.
17. NPDC sought further engagement with the Council on the implications of the proposed bylaws on District Council infrastructure and activities. Following the submission period, the Council discussed the Proposed Bylaws with NPDC who subsequently produced a revised submission with more directive submission points. Key submission points raised by NPDC in their latter submission were:
 - concerns about fees and costs associated with applying for authority under the Proposed Bylaws;
 - seeking the ability for NPDC to apply for multiple or a “global authority” where routine works in a number of areas trigger authority under the bylaws so as to prevent onerous applications for authority and associated fees;

¹ The majority of the area covered by the bylaws is owned by the Council, very little is privately owned.

- seeking that the bylaws ensure they do not adversely affect existing (NPDC) structures within 7.5 metres of defences against water or the maintenance of those structures;
 - concerns about operational matters such as appropriate notification time periods and health and safety procedures when undertaking maintenance/inspections on NPDC infrastructure that coincides with Council floodways and defences against water;
 - questions around the issue of Civil Defence Emergency Management and how the duties of Lifeline Utility Operators will be accommodated during an emergency event.
18. In general, officers consider that the issues raised by NPDC do not require any amendments to the Proposed Bylaws as they are either inappropriate (for example reduction of administrative fees) or are operational in nature and can be addressed outside of the bylaws themselves.
19. Mr John Doorbar is a land owner at the inland extent of the Proposed Bylaws along the Waitara River. Mr Doorbar is tangata whenua and a member of the Otaraua hapū of Taranaki iwi. Mr Doorbar noted historical grievances with the Council about the establishment of groynes along the river bank in the early 2000's. Mr Doorbar considered that the bylaws were not necessary to achieve appropriate protection and requested that the extent of the bylaws be amended to exclude his land and that a private land access agreement between himself and the Council be drawn up. Council officers liaised with Mr Doorbar and consider that the relief requested is appropriate. It is noted that the purpose of the bylaws was to target the Council assets and lands and areas at risk of damage by network utility operators. Some private land has been captured where assets exist, however, these were not the primary focus of the bylaws. Council officers propose to amend the spatial extent of the bylaws to exclude the land owned by Mr Doorbar and to work further with Mr Doorbar to establish an appropriate land access agreement.
20. Changes recommended in the officers report have been incorporated into the *Proposed River Control and Flood Protection Bylaws for Taranaki [REVISED]* which is attached to this agenda memorandum.
21. Mr John Doorbar indicated in verbal communications that he did not wish to speak at a hearing. New Plymouth District Council indicated in their original submission that they wished to speak in support of their submission at a hearing.

Decision-making considerations

22. 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

23. 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

24. 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

25. 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.
26. Of note, affected iwi and hapū whose rohe include Council managed river control and flood protection schemes affected by the Proposed Bylaws were targeted in the consultation engagement. In response to a submission, Council officers subsequently liaised and worked with Mr John Doorbar, tangata whenua, to address his concerns with the Proposed Bylaws.

Legal considerations

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

Appendices/Attachments

Document 2570560: Officers report on submissions – River Control Bylaws Review 2020

Document 2588351: Proposed River Control and Flood Protection Bylaws for Taranaki
[REVISED]

Officers report

Proposed River Control and Flood Protection Bylaws for Taranaki

Publication date: 22 October 2020

Document number: 2570560



Officers summary

Three submissions were received on the *Proposed River Control and Flood Protection Bylaws for Taranaki* (Proposed Bylaws). Set out in the tables below, for the Hearing Committee’s consideration, are a summary of the reliefs sought and officers recommendations and responses to those reliefs sought. Requests to amend are either accepted or declined by Council officers with an explanation on the reasons for the response. Changes to the Proposed Bylaws are tracked in red with additions being underlined and deletions showing ~~strikethrough~~.

Please refer to the Appendices of this report for a full copy of the submissions on the Proposed Bylaws.

Submission 1: Powerco Limited

Submitter’s requests	Officers’ recommendations and responses
1 Clause 6 – Floodways	
Amend	Decline
<p>The submitter opposes clause 6.1.</p> <p>The submitter has a number of services located over and under floodways, which do not affect the ability of the floodway to function. In some situations, services are placed on road bridges (e.g. the North Street Bridge crossing the Waitara River - Map 2c) which would require an authority under clause 6.1(d).</p> <p>The submitter seeks the following amendment: <i>6.1 No person, <u>except Network Utility Operators</u>, shall [...]</i></p>	<p>Historically, incidents have occurred in Taranaki and elsewhere in New Zealand where network utility operators have been responsible for damaging floodways. The occurrence of such incidents is one of the main drivers for the creation of bylaws and must target all activities with the potential to compromise the integrity and performance of flood protection assets.</p> <p>Officers note that this clause applies to new activities and structures being placed on flood protection assets only.</p> <p>Existing legally established structures and utilities do not require bylaw authority. However, a new structure or utility that does not meet the requirements of the bylaw will require an authority. This authority is considered essential so that the Council can ensure the performance of the flood protection assets.</p>

Submitter's requests	Officers' recommendations and responses
	<p>Notwithstanding the above, Council will ensure that gaining bylaw authority for the maintenance outlined by the submitter will be a relatively infrequent, cheap, and easy process.</p> <p>Officers recommend declining the relief sought.</p>
<p>2 Clause 7 – Defences against water</p>	
Oppose	Decline
<p>The submitter opposes clause 7.2.</p> <p>The submitter has existing services located on defences against water which may need to be excavated for maintenance purposes. Furthermore, the restriction against carrying out earthworks or locating a structure within 7.5m from any defence against water could become problematic where that defence runs parallel to the legal road (e.g. Queen Street – map 2b). The submitter typically locates its services within the road corridor – and Territorial Authorities (as road corridor managers) typically require those services to be located towards the edge of the road.</p> <p>The submitter seeks the following amendment: <i>7.2 No person, except Network Utility Operators, shall [...]</i></p>	<p>Comments as per (1) above.</p> <p>Officers recommend declining the relief sought.</p>

Submitter's requests	Officers' recommendations and responses
<p>3 Clause 17 – Deeming authority</p>	
<p>Oppose</p>	<p>Decline</p>
<p>The submitter opposes clause 17.1.</p> <p>The submitter notes that clause 17.1 only applies to existing resource consents or agreements made with the Council – there can be situations where network utilities have been lawfully established (under previous legislative regimes) without a resource consent or formal agreement.</p> <p>The submitter seeks the following amendment to acknowledge this:</p> <p><i>17.1 Any existing Network Utility installation, resource consent or agreement granted by or made with the Council and issued prior to this bylaw coming into force and which authorizes the carrying out of any activity listed in this bylaw [...]</i></p>	<p>It is appropriate that maintenance works that may affect the integrity of defence structures and floodway areas be regulated. Council officers are particularly concerned about structures and installations that do not have any resource consents as there are no consent conditions that regulate and manage adverse effects that may arise from any maintenance works.</p> <p>Gaining bylaw authority for the works outlined by the submitter is the most appropriate way to ensure that damage to the integrity of defence structures and floodway areas is avoided and to ensure that network utility operators manage their structures appropriately. Notwithstanding, gaining bylaw authority will be a relatively infrequent, cheap, and easy process.</p> <p>Officers note that there will be no need for the submitter to seek authority for existing structures, despite the lack of a resource consent, unless any ongoing maintenance works would trigger anything under clause 6 [Floodways] or clause 7 [Defences against water].</p> <p>Officers recommend declining the relief sought.</p>

Submission 2: New Plymouth District Council

Submitters requests	Officers' recommendations and response
4 Whole bylaws	
Oppose	Decline
<p>The submitter opposes the bylaws in their entirety.</p> <p>The submitter is not certain of the implications of the Proposed Bylaws in relation to potential effects on the submitter's assets and activities.</p> <p>The submitter is also concerned by the lack of pre-engagement and requests meaningful engagement with the Council.</p>	<p>Officers note that the process for notification and consultation followed the statutory process set out in the <i>Local Government Act 2002</i>. As part of the process, the Council contacted the submitter, provided all the relevant information, provided a four week engagement and feedback timeframe and invited the submitter to contact the Council if they had any questions or points requiring clarification.</p> <p>Notwithstanding the above, following the submission period, it was agreed that the submitter could have more time to undertake a thorough analysis of the impact of the Proposed Bylaws on their assets and activities and provide additional feedback. The second submission is also included in Appendix 2 and the officers report on their additional feedback follows below.</p>
5 Application for authority	
Oppose	Decline/no relief required
<p>The submitter opposes the need to pay fees associated with applying for an authority under the bylaws for the following reasons:</p> <ul style="list-style-type: none"> • The fees and charges associated with applying for multiple authorities could potentially impose significant costs on the rate paying community and requests that the works on public infrastructure should be exempt from paying fees; • Infrastructure built prior to the date of the proposed bylaw should be exempt from paying the fees; and • There should be the ability to apply for authority to undertake a 	<p>The submitter proposes a range of changes that are generally operational in approach. Some of which officers consider appropriate. Notwithstanding the above, officers do not consider that any changes are required to the bylaws themselves to address these matters.</p> <p>Officers consider that much of the work undertaken by the submitter to be similar to the work undertaken by other network utilities and therefore the effect of the bylaws on their assets and activities will be the same.</p> <p>It is important to note that most of the area covered by these bylaws is</p>

Submitters requests	Officers' recommendations and response
<p>programme of work that covers reoccurring activities over a period of time instead of having a multitude of individual authorities.</p>	<p>owned by the Council and therefore notifying Council and seeking permission to undertake activities is a reasonable requirement and should already be standard practice by the submitter.</p> <p>However, in the past, seeking such permission and notifying Council of works that the submitter was carrying out in and near Council's flood protection infrastructure has not always occurred. Hence, the need for the Proposed Bylaws. For example, in June 2018, a sub-contractor for the submitter that was relocating a power cable dug out parts of the Waitara stopbanks putting at risk the whole asset and neighbouring areas.</p> <p>It is the view of officers that the Proposed Bylaws are not overly onerous. They are consistent with similar bylaws around the country. The Council will ensure that the permission and notification requirements are a relatively cheap and easy processes that will avoid future problems.</p> <p>Officers note the following in response to the submitters request:</p> <ul style="list-style-type: none"> • Fees associated with applying for authority under the bylaws are administrative fees only. They cover the costs of a Council officer checking to ensure that the activity proposed will not have any adverse effects on the existing infrastructure. Obtaining the appropriate authority from the Council reduces the risk of damage to essential infrastructure. The cost of repairs that are imposed on Council when things go wrong are not even comparable to the minimal costs imposed on the submitter to seek authority and give notice. The payment of a small, administrative fee is appropriate to ensure that greater expense is avoided. Officers recommend declining this relief. • Infrastructure built prior to the date that the bylaws come into effect will not be required to seek retrospective authority under the bylaws. The bylaws are only intended to address new future

Submitters requests	Officers' recommendations and response
	<p>activities captured by the bylaws.</p> <ul style="list-style-type: none"> Where appropriate, the Council will consider applications for authority under the bylaws to undertake a programme of work that covers reoccurring activities. Officers consider this approach to be pragmatic and efficient. However, officers do not consider any changes are required to the bylaws to give effect to this request.
<p>6 Clause 6.1 [Floodways]</p>	
<p>Oppose</p>	<p>No relief required</p>
<p>The prohibition of placing structures over floodways may interfere with NPDC's water supply and wastewater networks, particularly pipe bridge crossings, and road bridges. The submitter also considers this clause to be ambiguous as to whether it only applies to new structures or if it also covers renewal and maintenance of existing structures, for example replacement of water mains suspended on the side of the Waitara road bridge.</p>	<p>Officers consider that the submitter's concerns are already addressed and that no changes to the Proposed Bylaws are required.</p> <p>In relation to structures, clause 6(d) is only concerned with the activity of constructing or locating a structure and not with any ongoing or current occupation of existing structures.</p> <p>Further, as already noted in response to the submission point above, the bylaws will only apply to activities taking place after the Proposed Bylaws have come into force and does not cover maintenance works on the structures themselves. Replacing an existing pipe on an existing structure will not require authority under the Proposed Bylaws.</p>

Submitters requests	Officers' recommendations and response
<p>7 Clause 7.2 [Defences against water]</p>	
<p>Oppose</p>	<p>No relief required</p>
<p>The submitter is concerned that activities, most notably excavation, occurring within 7.5 metres of a defence against water places an encumbrance on parts of NPDC's critical water and wastewater infrastructure, most notably the main transfer pump station and several rising mains.</p>	<p>Officers note that the Proposed Bylaws are not intended to capture maintenance works. However, maintenance works may be captured by the Proposed Bylaws where maintenance activities require excavation within 7.5 metres of a defence against water.</p> <p>Officers consider that the submitters concern can effectively and efficiently be dealt with by applying for a "global authority" for maintenance works that require excavation within the 7.5 metres of a defence against water. Authority conditions are likely to include the need for those undertaking the activity to return the site to the same condition or better than when the activity was undertaken.</p> <p>This would only cover maintenance activities and any new structures or assets would require an authority.</p>

Submitters requests	Officers' recommendations and response
<p>8 Clauses 10.1 and 10.2 [Inspection and surveys]</p>	
<p>Oppose</p>	<p>Decline</p>
<p>The submitter notes that it has wastewater facilities adjacent to flood defences which are hazardous/dangerous and could pose Health and Safety risks if inspections are undertaken without permission and supervision of the submitter. They seek that clauses 10.1 and 10.2 be amended to acknowledge that the Taranaki Regional Council has a duty as a Person Conducting Business or Undertaking under the Health and Safety at Work Act, in particular the duty to consult, coordinate and cooperate with other Persons Conducting Business or Undertaking when undertaking its works.</p>	<p>Council officers point out that the clause already requires officers conducting inspections to give written notice of the inspections, this allows for the Council to consult, coordinate and cooperate with the occupier of the land as appropriate.</p> <p>In addition, officers note that the Council maintains and is conversant with implementing its own Health and Safety policies and would not allow its personnel to enter onto dangerous sites without undertaking the necessary steps with the occupier to ensure the safety of staff.</p> <p>None of the concerns raised by the submitters requires the Council to make reference to the <i>Health and Safety at Work Act</i> within the Proposed Bylaws. These are operational matters that will be addressed as and where appropriate.</p>

Submitters requests	Officers' recommendations and response
<p>9 Clause 11.1 [Defences against water maintenance works]</p>	
<p>Oppose</p>	<p>No relief required</p>
<p>The submitter is concerned that any works undertaken by the Council through clause 11.1 at short notice may create a conflict with the submitters <i>Water, Wastewater and Storm Water Services Bylaw</i> by “interfering” with the submitters water and wastewater infrastructure.</p> <p>The submitter also notes that the minimum requirement to give 5 working days notice must not be allowed to over-ride requirements from the <i>Water, Wastewater and Stormwater Services Bylaw</i> to request the necessary permissions, provide notice, check underground service records, and request and pay for stand-over services if required.</p> <p>The submitter also considers that nothing in the Proposed Bylaws should over-ride NPDC’s <i>Water, Wastewater and Stormwater Services Bylaw</i>, in particular, clauses 6.7 [Building over buried public services], 11.2 [Stormwater flow paths] and 11.3.</p>	<p>Council officers note the comments but do not consider this is an issue. Officers consider the Proposed Bylaws to largely be consistent with New Plymouth District Council’s <i>Water, Wastewater and Stormwater Services Bylaw</i>. The Proposed Bylaw essentially takes the same approach to ensure that those undertaking activities do not “interfere” with Council owned and managed infrastructure that provides an essential service to rate payers.</p> <p>Of particular note, in most instances, the land upon which defences against water and floodways are located is owned by the Council, and therefore, there will be very few instances where clause 11.1 may be triggered.</p> <p>However, where there are instances that clause 11.1 is triggered, five working days notice of the maintenance works should be sufficient for the submitter to conduct the necessary checks. Of note, this is consistent with NPDC’s <i>Water, Wastewater and Stormwater Bylaw</i>, whereby under clause 6.8.4 of their bylaw a person proposing to carry out excavation work in the vicinity of its buried public services on any land must give [NPDC] at least five working days notice in writing. Of note, it is very unlikely that the Council will require to undertake excavation works of this nature and that five working days notice is significantly more time than is required under the <i>Local Government Act 2002</i> under section 171.</p> <p>Further to this, authority gained under the Proposed Bylaws does not replace the need for those conducting the activity to comply with other bylaws or legal requirements including those included in clause 6.7 11.2 and 11.3 of NPDC’s <i>Water, Wastewater and Stormwater Services Bylaw</i>. As indicated in the Proposed Bylaws, the Council will grant authority under the bylaws as they relate to floodways and defences against water only, not against other infrastructure or features.</p>

Submitters requests	Officers' recommendations and response
<p>10 Civil Defence Emergency Management</p>	
<p>Oppose</p>	<p>No relief required</p>
<p>The submitter considers that the Proposed Bylaws are silent on the issue of Civil Defence Emergency Management and is concerned with how the duties of Lifeline Utility operators will be accommodated during an emergency event, particularly where these duties may conflict with the Proposed Bylaw.</p>	<p>Comments noted. However, in the event of a civil defence emergency the <i>Civil Defence Emergency Management Act 2002</i> will apply, which sets out the appropriate powers for dealing with such emergencies and dealing with any conflicts under other statutes.</p>

Submission 3: John Doorbar

Submitters requests	Officers' recommendations and response
11 Bylaw approach and extent of bylaws	
Oppose	Accept
<p>The submitter is the property owner of 1410 Devon Rd, Waitara which includes parts of the bed of the Waitara River and which includes some flood protection works.</p> <p>The submitter opposes the Proposed Bylaws for the following reasons:</p> <ol style="list-style-type: none"> 1. The submitter considers that Council is seeking to use the Proposed Bylaw to take control and confiscate privately owned land; 2. The submitter considers that Council has unlawfully established groynes on private land in the past and is now seeking to legitimise and perpetuate those actions through the Proposed Bylaws 3. The submitter considers that the Council has chosen the policy option for protecting river control and flood protection assets which is most empowering to themselves and has the most detrimental effects on private land owners. <p>The submitter seeks that the Council:</p> <ol style="list-style-type: none"> a) move the arbitrary boundary line for the proposed floodway 160m to the north so that it no longer crosses the property; and/or b) enter into a partnership agreement the submitter and other affected landowners for the maintenance and care of the flood control features on the respective properties. 	<p>Officers note that the bylaw are designed to protect assets and floodways that in turn protect private property from damaging floods, including the submitter's private property. The bylaw rules in this location are not intended to take away any existing property rights.</p> <p>Officers agree with the submitter that other options for protecting that part of the Waitara River could apply. Officers therefore recommend amending the mapped extent of the bylaws to exclude the submitter's property and to establishing an agreement with the submitter as requested.</p> <p>Officers note however that the Soil Conservation and Rivers Control Act 1941 provides the Council with mechanisms to place and maintain structures within the bed of a river to address flooding. This being said, the Council recognises that additional effort is required to work with private land owners when undertaking works on private land. The Council will come to an agreement with the land owner on how to manage these instances.</p>

Appendix 1 - Powerco Limited



**SUBMISSION BY POWERCO LIMITED ON THE PROPOSED RIVER CONTROL
AND FLOOD PROTECTION BYLAW FOR TARANAKI 2020**

To: Taranaki Regional Council
Private Bag 713
Stratford 4352

E-Mail: bylaws@trc.govt.nz

Submitter: Powerco Limited
Private Bag 2061
New Plymouth 4342
(note - this is not the address for service)

INTRODUCTION

1. This is a submission by Powerco Limited (*Powerco*) on the Proposed River Control and Flood Protection Bylaw for Taranaki 2020 (*Bylaw*). Powerco is New Zealand's second largest gas and electricity distribution company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 440,000 consumers. These consumers are served through Powerco assets including 28,000 kilometres of electricity lines and 6,200 kilometres of gas pipelines.
2. Powerco owns and operates both the electricity and gas distribution infrastructure located within the Taranaki Region. The draft Bylaw is of interest to Powerco as our assets can sometimes be located under, over or adjacent to *floodways* and / or *defences against water*. Powerco seeks to ensure that the Bylaw does not unnecessarily restrict its ability to install, operate or maintain its assets.
3. Powerco's electricity and gas networks are recognised as Regionally Significant Infrastructure in the Regional Policy Statement for the Taranaki Region. It is therefore appropriate, given the significance of Powerco's networks within the region, that the Bylaw appropriately provides for the activities that Powerco undertakes.

POWERCO'S SUBMISSION

4. Powerco seeks to ensure that the Bylaw does not unreasonably restrict its ability to install, operate or maintain its assets. Specifically, Powerco is opposed to the following provisions:

Provision	Comments
<p>6.1 No person shall ... d) construct or locate any structure in, over, through or under any floodway; without the prior written authority of the Council in accordance with Part 4 [Applying for authority].</p>	<p>Powerco opposes clause 6.1 as it has a number of services located over and under floodways, which do not affect the ability of the floodway to function. In some situations we place our services on road bridges (e.g. the North Street Bridge crossing the Waitara River - Map 2c) which would require an authority under clause 6.1(d).</p>
<p>7.2 No person shall ... c) construct or locate any structure; or d) carry out any earthworks or excavation, including for construction of a drain or for building foundations; on any defence against water, within 7.5 metres from any defence against water or between a defence against water and the opposite bank of the watercourse, without the prior written authority of the Council in accordance with Part 4 [Applying for authority].</p>	<p>Powerco opposes clause 7.2 as it has existing services located on defences against water which may need to be excavated for maintenance purposes. Furthermore, the restriction against carrying out earthworks or locating a structure within 7.5m from any defence against water could become problematic where that defence runs parallel to the legal road (e.g. Queen Street – map 2b). Powerco typically locates its services within the road corridor – and Territorial Authorities (as road corridor managers) typically require our services to be located towards the edge of the road.</p>
<p>17.1 Any existing resource consent or agreement granted by or made with the Council and issued prior to this bylaw coming into force and which authorizes the carrying out of any activity listed in this bylaw, shall be deemed to be an authority under this bylaw to carry out such work for the term and on the conditions set out in the resource consent or agreement. This will include any right under that consent or agreement to replace or repair any structure or to undertake any routine maintenance.</p>	<p>Powerco opposes clause 17.1 as it only applies to existing resource consents or agreements made with the Council – there can be situations where network utilities have been lawfully established without a resource consent or formal agreement.</p>

RELIEF SOUGHT

5. Should the Bylaw proceed, Powerco seeks the following amendments (additions underlined):
 - 6.1 No person, except Network Utility Operators, shall...
 - 7.2 No person, except Network Utility Operators, shall...
 - 17.1 Any existing Network Utility installation, resource consent or agreement granted by or made with the Council and issued prior to this bylaw coming into force and which authorizes the carrying out of any activity listed in this bylaw, shall be deemed to be an authority under this bylaw to carry out such work for the term and on the conditions set out in the resource consent or agreement. This will include any right under that consent or agreement to replace or repair any structure or to undertake any routine maintenance.

CONCLUDING COMMENT

6. Powerco appreciates the opportunity to provide input to this Bylaw. Through the suggested amendments above, Powerco seeks to ensure that access for installation, operation, maintenance and upgrading of its networks are not unduly compromised.
7. Powerco does not wish to be heard in support of this submission.
8. If you have any queries or require additional information on the content of this submission please contact Gary Scholfield.

Signature of person authorised to sign on behalf of Powerco Limited



Gary Scholfield
Environmental Planner

Dated this 21st day of August 2020

Address for Service: Powerco Limited
PO Box 13 075
Tauranga 3141

Attention: Gary Scholfield

Phone: (07) 928 5659
Email: planning@powerco.co.nz

Appendix 2 - New Plymouth District Council



When replying please quote: 8350796

19 August 2020

Taranaki Regional Council
Email: bylaws@trc.govt.nz

Tēnā koutou katoa

SUBMISSION ON THE PROPOSED RIVER CONTROL AND FLOOD PROTECTION BYLAW 2020

This submission is from officers of New Plymouth District Council (NPDC) and has not been endorsed by our elected members.

While NPDC supports the general intention of the Taranaki Regional Council (TRC) proposed River Control and Flood Protection Bylaw 2020 (the proposed Bylaw) we remain unclear regarding the full implications of the proposed Bylaw in relation to all potentially effected NPDC assets and activities. In particular NPDC is concerned at the complete lack of any pre-engagement regarding the potential regulatory implications of the proposed Bylaw on NPDC assets and activities. We therefore **oppose** the proposed Bylaw in its entirety in its current form.

NPDC submits that there needs to be a clear understanding of:

- all NPDC assets and activities potentially impacted and affected by the proposed Bylaw; and
- the potential regulatory implications of the proposed Bylaw for both councils.

NPDC therefore respectfully requests meaningful engagement from the TRC to ensure that both parties clearly understand all of the regulatory implications of the proposed Bylaw between the two organisations. This would then allow NPDC to provide an informed submission response to the TRC on the proposed Bylaw.

We look forward to working with you in advancing this proposed Bylaw to a suitable position.

Yours faithfully

A handwritten signature in black ink, appearing to read "Liam Hodgetts".

Liam Hodgetts
GROUP MANAGER STRATEGY

When replying please quote: ECM 8394948



16 October 2020

Daniel Harrison
Taranaki Regional Council
47 Cloten Rd
Stratford
4332

Dear Daniel

UPDATE TO SUBMISSION ON THE PROPOSED RIVER CONTROL AND FLOOD PROTECTION BYLAW 2020

Further to the New Plymouth District Council (the Council) submission on the Taranaki Regional Council (TRC) proposed River Control and Flood protection Bylaw 2020 (the proposed Bylaw), the Council would now like to update its submission position as follows.

In principal, the Council supports the purpose of the proposed Bylaw; however, the Council also has concerns over how the proposed Bylaw will have consequential impacts on the ongoing operation, maintenance and development of the Councils core municipal infrastructure.

The Council respectfully requests the TRC take into account the following matters on decisions relating to the proposed Bylaw:

- With the high volume of work the Council undertakes on its public infrastructure, the fees and charges associated with applying for multiple authorities from the TRC could potentially impose significant additional costs on our rate paying community. Therefore, works on public infrastructure should be exempt from paying these fees in order to avoid the situation where one council is paying another council when both are funded by the same ratepayer base;
- If not the above, then infrastructure built prior to the date of the proposed Bylaw should be except from paying the fees; and
- Regardless of the above options, in the interest of efficiency, there should be the ability to apply for authority to undertaken programmes of work that cover reoccurring activities over a long period of time rather than having a multitude Of individual authorities.

The Council also respectfully requests the TRC take into account the following matters on decisions relating to the proposed Bylaw:

- Clause 6.1 (floodways) the prohibition of placing structures over floodways will potentially interfere with the council's water supply and wastewater networks, particularly pipe bridge crossings, and road bridges. This clause is also ambiguous as to whether it only applies to new structures or if it also covers the renewal and maintenance of existing structures. This will be an issue, for example, when we replace the water main suspended on the side of the Waitara road bridge.

Liardet Street, Private Bag 2025, New Plymouth 4340, New Zealand
P 06-759 6060 | F 06-759 6072 | E enquiries@npdc.govt.nz

- Clause 7.2 (defences against water – the prohibition of activities (most notably excavation) “within 7.5 meters of a defence against water” potentially places a significant encumbrance on parts of the council’s critical water and wastewater infrastructure, most notably the main Waitara transfer pump station and several rising mains. This could potentially frustrate the Council’s ability to carry out its obligation and would be in conflict with NPDC’s Waters, Wastewater and Stormwater Services bylaw. It also places an encumbrance on large areas of the Council’s road reserve and associated infrastructure.
- Clause 10.1 & 10.2 inspections and surveys – some of the wastewater facilities (pump stations) adjacent to flood defences are hazardous/dangerous and could pose Health & Safety risks if TRC staff enter them without permission and supervision of NPDC staff. This clause should acknowledge the TRC has a duty as a Person Conducting a Business or Undertaking (PCBU) under the Health & Safety at Work Act, in particular the duty to consult, coordinate and cooperate with other PCBUs when undertaking its works.
- Clause 11.1 defences against water maintenance works – undertaking works on NPDC land (particularly at wastewater pump station site) at short notice may create a conflict with NPDC’s Waters, Wastewater and Stormwater Services bylaw by “interfering” with our water and wastewater infrastructure.

The minimum requirement of the proposed Bylaw to give 5 working days’ notice must not be allowed to over-ride any requirements in NPDC’s Water, Wastewater and Stormwater Services Bylaw to request the necessary permissions, provide notice, check underground service records, and request and pay for stand-over services if they are required.

Furthermore, nothing in these clauses should be allowed to over-ride NPDCs Water Wastewater and Stormwater Services Bylaw, in particularly clauses 6.7 (Building over buried public services) and clause 11.2 (Storm water flow paths).

- Clause 11.1 defence against water maintenance works – nothing in the TRC bylaw should over-ride NPDCs Waters Wastewater and Stormwater Services Bylaw clause 11.3 preventing storm water and surface water entering the council’s wastewater network.

On the proposed Bylaw in general, it is largely silent on the issue of Civil Defence Emergency Management. In particular, how the duties of Lifeline Utility operators during an emergency event will be accommodated within the proposed Bylaw, particularly where these duties may conflict with the proposed Bylaw.

The Council would like the opportunity to work with the TRC to pragmatically and collaboratively work through the aforementioned concerns with a view to finding a way to achieve the purpose of the proposed Bylaw in a way that also protects the Council’s interests and ability to operate, maintain and develop its public infrastructure before a decisions is made the TRC in relation to the proposed Bylaw.

Yours faithfully



David Langford

Group Manager Infrastructure and Assets

Liardet Street, Private Bag 2025, New Plymouth 4340, New Zealand
P 06-759 6060 | F 06-759 6072 | E enquiries@npdc.govt.nz

Appendix 3 - John Doorbar

Tēnā koe

Ko Taranaki te maunga teitei,
Waitara te awa e rere ki te tai o tāne,
Te Atiawa me ngā iwi o Taranaki mounga oku iwi,
Ko au 'e uri o Otaraua.
Ko John Doorbar a'au

I am the legal owner of a property at 1410 Devon Rd, Waitara. **Legal Description: SECS 32A 35B 36B LOTS 1-6 DP 21164 DIST BLK V WAITARA SD - INT IN ROW**

This property includes parts of the bed of the Waitrara river that the TRC is seeking to assume control of through the proposed by-law.

Background

In the 1865 the Governor of New Zealand unlawfully confiscated large tracts of Maori land in Taranaki under the NZ Settlements Act and in response to supposed rebellion by Maori. The Sims Commission and the Waitangi Tribunal concluded that these confiscations were illegal.

The whenua where I reside at 1410 Devon was confiscated from my tupuna, Te Tupe o Tu who lived there. It was then gifted to colonial troops who participated in the illegal landwars and was on-sold over the years on the open market.

In 2000 I bought the property freehold and in my lifetime it will never be taken or sold outside of the descendants of Te Tupe o Tu, no reira, tenei te taonga tuku iho.

My submissions

1. The Crown confiscated this whenua illegally in 1863 and the Taranaki Regional Council (TRC) is seeking to use the proposed by-law to take control and effectively confiscate it again.

This property includes parts of the bed of the Waitrara River that the TRC is trying to assume control of through the proposed by-law. The floodway (see Map 2e of the consultation document) is an arbitrary line drawn across the river where my property runs across the river to the eastern side. This includes approximately 17,773 sq meters of my property that runs under the Waitara River to the east bank. There is no explanation given as to why that area of the river is needed for flood control. I assume that this area has been included in the floodway as it is one of a very few areas where the bed of the river is held by a private interest and the TRC wants to use the by-laws to effectively appropriate that whenua.

By including my property in the floodway plan, the TRC is effectively confiscating my control and ownership of te taonga tuku iho by:

- Assuming that myself as a property owner do not give regard to Te Mana o te Wai or Te Ora o te Awa and that I can't be trusted to care for the floodworks on the whenua.
- Giving itself unfettered access and control of my property.
- Removing my rights as a property owner to undertake activities without seeking authorisation, and making me pay for those, from the TRC.

Article two of the Treaty of Waitangi ensures that Māori have "the full exclusive and undisturbed possession of their Lands and Estates, Forests, Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to

retain the same in their possession." I do not give permission for the TRC to disturb my possession by assuming control and management over my property.

Despite their obligations (and my rights) under the Treaty of Waitangi, the TRC are seeking to assume control and management over my lands when there are other options for working collaboratively to manage the floodway and flood protection assets. TRC should use less directive and more consultative methods to work with the private land owners.

Proposed actions

- a. **The TRC have not clearly identified why my property is required for the proposed floodway and should move the arbitrary boundary line for the proposed floodway 160m to the north so that it no longer crosses my property, and/or**
- b. **The TRC should enter into a partnership agreement with myself and other affected landowners for the maintenance and care of the flood control features on our respective properties.**

2. **TRC has acted unlawfully in the past and this by-law seeks to legitimise and perpetuate those actions.**

Circa 12 years ago, TRC constructed three stone groynes on my property (the three most southern stone groynes as shown in Map 2e of the consultation document). This work was carried out without seeking my permission, without any notification to me and without consulting with me. There is no legal basis by which TRC could act this way and therefore they have acted illegally.

These stone groynes were installed by the TRC on my private property, without my permission and the TRC has assumed that they now own these groynes. In the time since, I have ensured at my expense that the groynes are in good condition; that stock are excluded from the groynes and riverbank, and; planted the riverbank to protect and enhance the area. I am a responsible guardian of this whenua as are other affected private land owners.

Proposed actions

- a. **The TRC is not to enact by-laws that legitimise illegal activities undertaken by them in the past.**
- b. **The TRC enter into an individual agreement with me as land owner for the maintenance and care of the flood control features on my property.**

3. **TRC has identified policy options for protecting river control and flood protection assets and chosen the option that is most empowering to themselves and has the most detrimental effects on private land owners.**

In the Statement of Proposal, TRC have identified five options for ensuring the protection and operations of flood protection and drainage systems. The simplest option is "status quo" and the most stringent is the proposed by-law. The TRC have then chosen the by-law

option that gives the most power to TRC and has the most detrimental effect on private land owners.

I submit that TRC should use a less stringent option given that:

- There is no stated issue with private land owners regarding the operation of the flood protection, and
- There are a small number of private land owners that TRC need to work with.

I have reviewed the maps of the proposed floodways and flood protection assets and compared them with the TRC Property Information maps on its website. There are two parcels of private property that are affected by the proposed by-laws on the Waitara river and approximately five others affected by the proposed by-laws on other river catchments.

What is the problem with private land owners that requires by-laws that give draconian controls to the TRC and impinge heavily on private property rights? If there are no problems with the private land owners then use a simpler, cheaper and less draconian option than the proposed by-laws.

The option for "Strategy/collective agreement with land owners" should be implemented rather than going straight to the by-laws option. If there are problems in the future then the TRC could consider introducing by-laws.

Using the option for "Strategy/collective agreement with land owners" would be similar to the approach used effectively by TRC in its work with land owners to implement riparian planting plans on private property. This approach would be even more effective given the low number of private property owners that would need to be consulted.

Actions

- a. **TRC has not clearly stated what problems they have had with private land owners regarding access to flood control assets and cannot justify why they should implement by-laws. Therefore, they should use an option that is less intrusive on my Treaty rights and others private property rights.**
- b. **TRC to use the option for "Strategy/collective agreement with land owners" rather than the introduction of by-laws.**

John Doorbar

Proposed River Control and Flood Protection Bylaws for Taranaki [REVISED]

Publication date: 22 October 2020

Document: #2588351



This note does not form part of the Bylaw.

Explanatory Note

The *Taranaki Regional Council Flood Protection Bylaw 2020* has been prepared under the *Local Government Act 2002* to provide for the ongoing management and efficient operation of flood protection and flood control works that are owned or controlled by the Taranaki Regional Council ('the Council'). These include flood protection schemes, floodways and areas of flood protection vegetation constructed and managed to prevent damage, danger, or distress to the community from river flooding. It is crucial that these works function properly when needed.

People undertaking activities within the vicinity of these flood protection and flood control works require authority from the Council under this bylaw where the activity could impact on the integrity or efficient operation of the works.

This bylaw does not apply to any privately owned/managed drainage or flood protection schemes, or those that are managed by other local authorities.

Compliance with this bylaw does not remove the need for activities to comply with the *Resource Management Act 1991*, and other relevant regional and district plans. Activities within the beds of lakes and rivers may also be subject to rules in regional plans in accordance with section 13 of the *Resource Management Act 1991*. Any activity occurring within the coastal marine area may require resource consent under section 12 of the *Resource Management Act 1991*.

Seal

The *Taranaki Regional Council Flood Protection Bylaw 2020* was prepared by the Taranaki Regional Council under the provisions of section 149 of the *Local Government Act 2002*.

These bylaws were proposed at the Policy and Planning Meeting of the Taranaki Regional Council held on 21 July 2020, confirmed at an Ordinary Meeting of the Council held *[date to be confirmed]* 2020 and come into force on *[date to be confirmed]* 2020.

DATED at Stratford on *[date to be confirmed]*.

SIGNED by the TARANAKI REGIONAL COUNCIL

By the affixing of its common seal in the presence of

M N MacLeod (Chairman)

M J Nield (Director – Corporate Services)

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Part 1

Preliminary provisions

1. Title

- 1.1 The bylaw shall be known as the '*Taranaki Regional Council Flood Protection Bylaw 2020*'.

2. Commencement

- 2.1 This bylaw came into force on the date of the Taranaki Regional Council's special resolution on [DATE TO BE DETERMINED].

3. Purpose

- 3.1 The purpose of this bylaw is to protect flood protection and flood control works belonging to or under the control of the Taranaki Regional Council (the Council) from damage or misuse by people undertaking activities within the vicinity of these works.

- 3.2 This bylaw only controls activities that may affect the integrity or effective operation and maintenance of the flood protection and flood control works.

4. Application

- 4.1 This bylaw has legal effect under the *Local Government Act 2002* and applies within the administrative boundaries of the Taranaki region as defined by the *Local Government (Taranaki Region) Reorganisation Order 1989*.

- 4.2 This bylaw applies to flood protection and flood control works that are owned or controlled by the Council. These include flood protection schemes, floodways and areas of flood protection vegetation constructed and managed to prevent damage, danger, or distress to the community from river flooding.

- 4.3 For the purposes of certainty, the bylaw does not apply to any privately owned/managed drainage or flood protection schemes, or those that are managed by other local authorities.

5. Definition of terms

- 5.1 In this bylaw, unless the context otherwise requires:

Authority means any permission issued by the Council under [section 15 \[Authority\]](#) of these bylaws.

Bylaw means the *Taranaki Regional Flood Protection Bylaw 2020*.

Construct includes effect, alter, reconstruct, replace, extend, remove and demolish.

Council means the Taranaki Regional Council.

Crossing means any bridge, culvert, set of pipes or ford across a watercourse which provides passage for people, stock, vehicles or equipment.

Defence against water means any managed structure or appliance of whatsoever kind that has the effect of stopping, diverting, controlling, restricting, or otherwise regulating the flow or spread or subsidence of water in or out of a watercourse, including flood waters, and includes associated dam, bund, weir, floodgate, channel, bank, stopbank, flood wall, retaining wall, protection structure, carriageway, groyne, or reservoir, and includes those identified in [Part 6 \[Maps\]](#).

Drain has the same meaning as in section 2 of the *Land Drainage Act 1908* (as set out below):

includes every passage, natural watercourse, or channel on or under ground through which water flows continuously or otherwise, except a navigable river, but does not include a water race as defined in section 58 hereof.

Earthworks has the same meaning as set out in the *National Planning Standards* (as set out below):

means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); but excluding gardening, cultivation, and disturbance of land for the installation of fence posts.

Equipment means any equipment, devices or machinery associated with managing watercourses or defences against water. For example floodgates, pump stations and water level recorders.

Excavation means the removal of material, which results in a hole or cavity, other than boring or digging of holes up to 1.5 metres depth for immediate placement of posts or piles, or driving posts or piles.

Flood protection vegetation means all trees and shrubs, including those deliberately planted, or self-seeded, owned, controlled or managed by the Council for flood or erosion protection purposes.

Flood protection and flood control includes defences against water, drains, watercourses, floodways and flood protection vegetation.

Floodway means any area managed by the Council which is designed to provide passage for floodwaters and includes those identified in [Part 6 \[Maps\]](#).

Maintenance includes mechanical cleaning, weed cutting, or spraying, and the maintenance or repair of related installations.

Occupier in relation to any property, means the lawfully authorised inhabitant of that property and persons who have legal right to undertake activities on that property.

Person means anybody, except those authorized by the Council in the exercise of any powers or duties provided for under this bylaw.

Structure has the same meaning as in section 2 of the *Resource Management Act 1991* (as set out below):

means any building, equipment, device, or other facility, made by people and which is fixed to land, and includes any raft.

Watercourse has the same meaning as in section 2(1) of the *Soil Conservation and River Control Act 1941* (as set out below):

includes every river, stream, passage, and channel on or under the ground, whether natural or not, through which water flows, whether continuously or intermittently.

Part 2 Activities under the bylaw

6. Floodways

6.1 No person shall:

- a) widen, deepen, infill, divert or otherwise alter any floodway;
- b) place any material or object that could impede or deflect flood or drainage flows within or into any floodway;
- c) plant or allow to grow any vegetation in any floodway that may;
 - (i) impede or deflect the flow of water; or
 - (ii) interfere with access for maintenance or inspection purposes; or
- d) construct or locate any structure in, over, through or under any floodway; without the prior written authority of the Council in accordance with [Part 4 \[Applying for authority\]](#).

7. Defences against water

7.1 No person shall:

- a) alter or otherwise interfere with any defence against water;
 - b) damage or allow damage to occur to any defence against water;
 - c) allow stock to damage or overgraze vegetation on any defence against water;
 - d) construct any crossing in, over, through, along or under any defence against water;
 - e) construct, or form through repeated use, a road, track or ford for the passage of vehicles, people or stock, on any defence against water; or
 - f) remove, adjust, or interfere with any equipment relied on for the operation of any defence against water;
- without the prior written authority of the Council in accordance with [Part 4 \[Applying for authority\]](#).

7.2 No person shall:

- a) plant or allow to grow any shrub, hedge, tree, or part thereof;
- b) dump or deposit any thing;
- c) construct or locate any structure; or
- d) carry out any earthworks or excavation, including for construction of a drain or for building foundations;

on any defence against water, within 7.5 metres from any defence against water or between a defence against water and the opposite bank of the watercourse, without the prior written authority of the Council in accordance with [Part 4 \[Applying for authority\]](#).

- #### 7.3 No person shall remove, damage, or allow stock to damage any fence, gate, sign, track, or ford that is owned or controlled by the Council in relation to any defence against water without the prior written authority of the Council in accordance with [Part 4 \[Applying for authority\]](#).

8. Flood protection vegetation

- #### 8.1 No person shall remove or damage any flood protection vegetation or allow stock to graze within an area where Council managed flood protection vegetation is located without the prior written authority of the Council in accordance with [Part 4 \[Applying for authority\]](#).

9. Hydrological devices, equipment and survey benchmarks

- #### 9.1 No person shall remove, damage or interfere with hydrological devices, hydrological equipment or survey benchmarks, or undertake works that would affect their operation, without the prior written authority of the Council in accordance with [Part 4 \[Applying for authority\]](#).

Note: The location of hydrological devices and equipment can be found in [Part 6 \[Maps\]](#).

Part 3 Land entry

10. Inspection and surveys

- 10.1 The Council may enter onto land to inspect and/or survey any floodway, defence against water, or any device, equipment or machinery used or associated with any defence against water, where the Council has given written notice¹ of at least two working days to the occupier of the land, of the activity and it is not an emergency.
- 10.2 In the event of an emergency, the Council is not required to give two working days notice but will provide notice as soon as practicable in the circumstances.

11. Defences against water maintenance works

- 11.1 The Council may enter onto land to carry out maintenance or repairs to floodways or defences against water owned or controlled by the Council where the Council has given written notice¹ of at least five working days to the occupier of the land, of the activity and it is not an emergency.
- 11.2 In the event of an emergency, the Council is not required to give five working days notice but will provide notice as soon as practicable in the circumstances.

12. Prohibiting or restricting access

- 12.1 The Council may prohibit or restrict access to any floodway or defence against water if, in the opinion of the Council, the restriction or prohibition is necessary to protect the floodway or defence against water from damage.

- 12.2 A prohibition or restriction under bylaw 12.1 will only be made where the Council has:
- clearly displayed, adjacent to any floodway or defence against water, a notice stating the prohibition or restriction; and
 - given written notice¹ of at least two working days, including an explanation of the prohibition or restriction, to the occupier of land and it is not an emergency.
- 12.3 In the event of an emergency, the Council is not required to give two working days notice but will provide notice as soon as practicable in the circumstances.

13. Obstruction to officers and contractors

- 13.1 No person, whether on private land or not, shall unreasonably obstruct or hinder any employee of the Council or any contractor engaged by the Council in the performance of anything which that employee or contractor is or may be required to do.
- 13.2 No person shall unreasonably obstruct or hinder any employee or contractor from bringing, onto any land, or from operating, any drain clearing plant or machinery.

¹ In addition to written notice given under bylaws 10 to 15, the Council will endeavour to speak directly to the occupier of land before entering land to discuss the reasons for entry and any matters for concern. In determining reasonable terms of entry in the circumstances, the Council will have regard to the interests and convenience of the persons who may be affected and the requirements of any business utilising the land.

14. Maintenance of floodways by private individuals

14.1 Occupiers of land who wish to avoid herbicide use for the maintenance of floodways adjacent to or through their properties may undertake the floodway clearance themselves, or employ contractors to do so, subject to:

- a) obtaining prior written authority from the Council in compliance with [Part 4](#)
[Applying for an authority](#);
- b) signs being erected by the occupiers of land to clearly mark the areas where chemicals are not to be used (this may be achieved using simple signs clearly marked 'Chemical Free Area');
- c) the works are to be carried out to a standard specified by the Council. That standard may include a time period within which the works are required to be carried out; and
- d) if the works are not carried out to the prescribed standard, the Council may give notice of its intention to maintain the floodway and, following the period of one week, may carry out the required maintenance using any method it deems efficient including the use of herbicides.

Part 4

Applying for an authority

15. Authority

- 15.1 An application to the Council for authority under this bylaw shall be made using the online form at: [hyperlink to be confirmed] and be accompanied by any fee as prescribed in the Long-Term Plan.
- 15.2 When considering any application for an authority, the Council shall have regard to, but not be limited to, the following assessment criteria, in order to ensure the effective operation and integrity of the flood protection and flood control works:
- a) drainage and flood flow capacity;
 - b) stability/scour/erosion risk;
 - c) on-going functionality;
 - d) access for inspection and maintenance purposes; and
 - e) term of authority.
- 15.3 Any condition imposed under any authority will be appropriate for the scale and nature of the activity proposed and for giving effect to the purpose of this bylaw.
- 15.4 In the event of a Council decision to refuse an application for authority, the Council shall include, in writing, the reasons for that decision.
- 15.5 Every person to whom an authority is granted shall produce that authority for inspection on request by the Council.
- 15.6 Every authority granted under this bylaw to an occupier of any land, shall be binding on every subsequent occupier of that land, unless it specifically states otherwise.
- 15.7 The Council shall keep a register of all authorities granted and refused.

16. Fees

- 16.1 Any person who applies for an authority under this bylaw is required to pay an administration fee upon lodging the application for authority. Fees are set out in the Long Term Plan.
- 16.2 The Council may, in its absolute discretion, refund, remit or waive the whole or part of such fee.

17. Deeming authority

- 17.1 Any existing resource consent or agreement granted by or made with the Council and issued prior to this bylaw coming into force and which authorises the carrying out of any activity listed in this bylaw, shall be deemed to be an authority under this bylaw to carry out such work for the term and on the conditions set out in the resource consent or agreement. This will include any right under that consent or agreement to replace or repair any structure or to undertake any routine maintenance.

18. Revocation of authority

- 18.1 The Council may revoke any authority granted under this bylaw where:
- a) the holder of that authority contravenes or fails to comply with any condition of the authority; or
 - b) if the information made available to the Council, by the applicant for the authority for the purposes of the application, contained inaccuracies which materially influenced the decision made by Council in respect of the application.
- 18.2 Where the authority is to be revoked in accordance with [section 18.1\(a\)](#) (above), the Council shall not revoke any such authority without giving to the holder a notice in writing which:
- a) sets out the matters in which the holder has contravened or has failed to comply with any condition of the authority; and
 - b) if the breach or failure is capable of remedy, gives the holder a reasonable time within which to remedy it.

Part 5

Compliance and enforcement

19. Offence

- 19.1 Every person who commits an offence against this bylaw is liable to the penalties prescribed by section 242 of the *Local Government Act 2002*.

20. Notice to remedy

- 20.1 The Council may, by written notice, require any mitigation or remediation considered necessary by Council, in relation to the contravention of any provision of this bylaw, or the conditions of the relevant authority, in the time, and in the manner stated in the notice, at the cost of the person who committed the offence, as described by [section 19 \[Offence\]](#) (above).

21. Removal of works

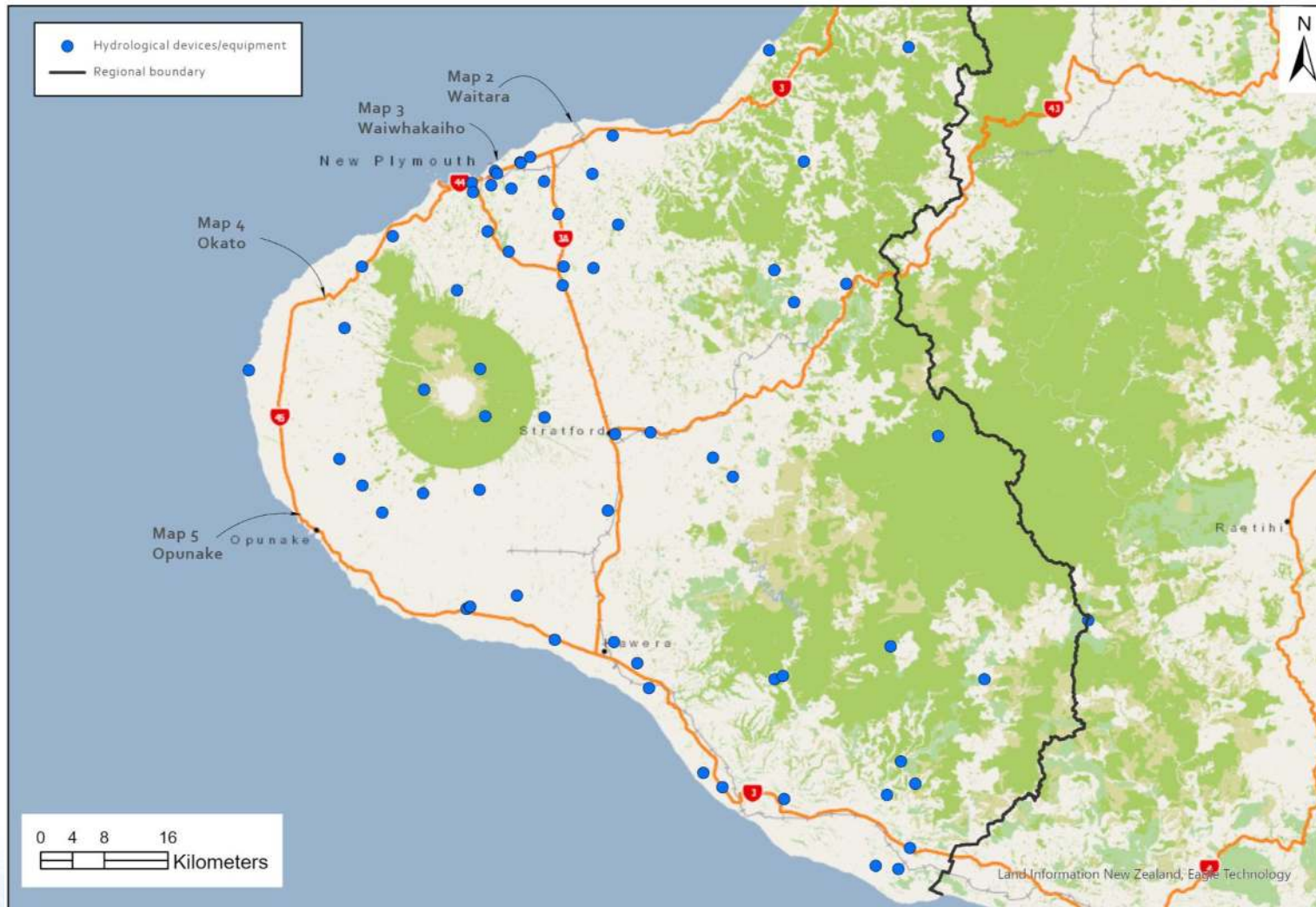
- 21.1 The Council, may remove or alter any work or anything constructed after the date at which these bylaws becomes operative, that contravenes of any provision of these bylaws or any conditions of any authority, and may recover the costs incurred by the Council in connection with the removal or alteration from those responsible for the works.
- 21.2 Any action undertaken under [section 21.1 \[Removal of works\]](#) (above) shall not relieve any person from liability to any penalty incurred by reason of the breach.

Part 6 Maps

Note 1: *These maps are a representation of Council managed hydrological devices/equipment, floodways and defences against water, at the time of writing and may be added to over the life of the bylaws.*

Note 2: *The resolution of lines on maps in the printed Map Volume may not be sufficient to determine the accurate placement of those lines in relation to any property. If you are uncertain, please contact the Council's River Manager directly for assistance.*

Map 1 – Regional map



Map 1 Regional map showing the location of hydrological devices/equipment sites and also showing the location of map sets 2 – 4
TARANAKI REGIONAL COUNCIL RIVER AND FLOOD PROTECTION BYLAW 2020

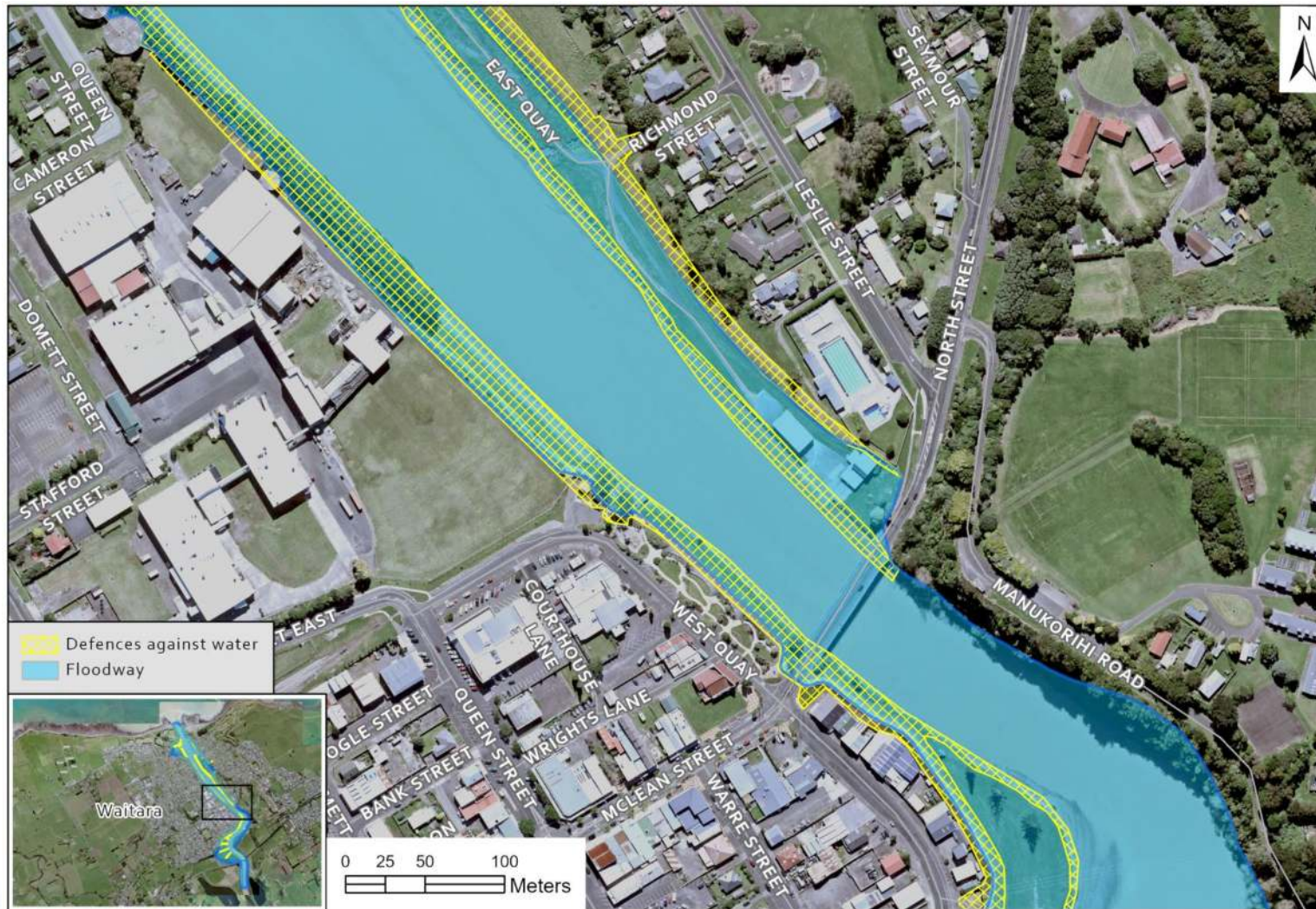
Map 2 - Waitara



Map 2a Defences against water and floodways along the Waitara River, New Plymouth.



Map 2b Defences against water and floodways along the Waitara River, New Plymouth.

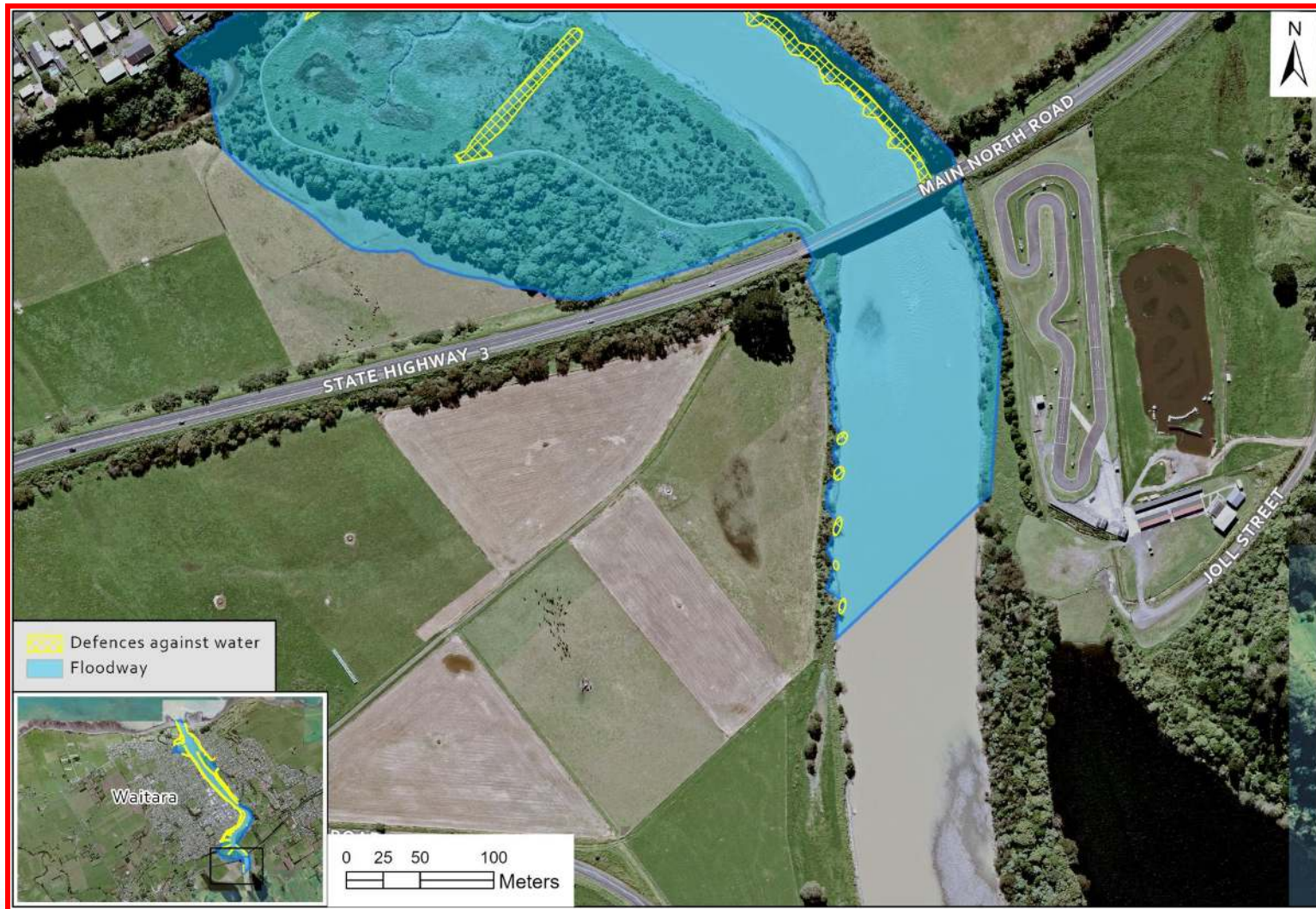


Map 2c Defences against water and floodways along the Waitara River, New Plymouth.



Map 2d Defences against water and floodways along the Waitara River, New Plymouth.





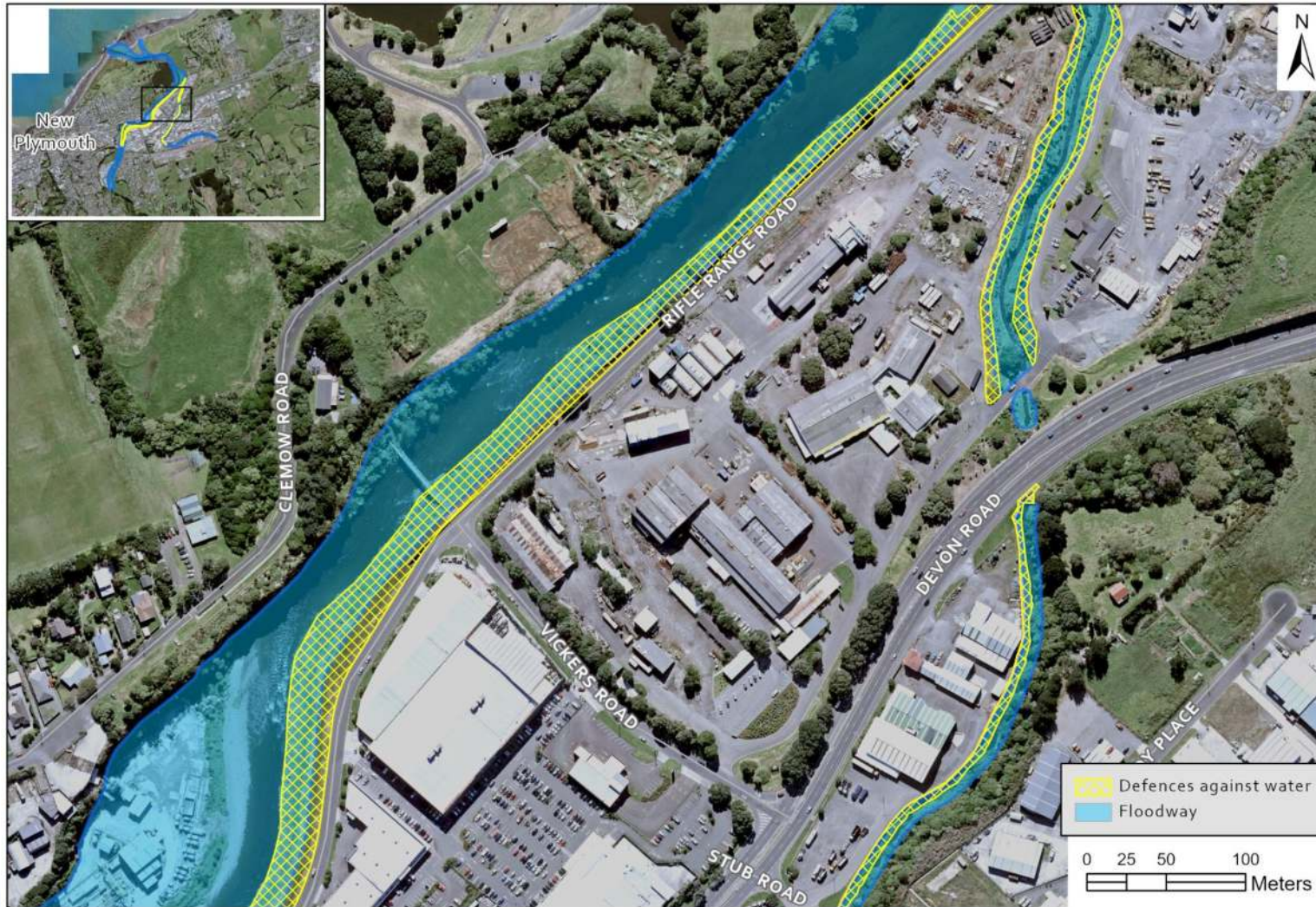
Map 2e Defences against water and floodways along the Waitara River, New Plymouth.

Map 3 - Waiwhakaiho



Map 3a Defences against water and floodways along the Waiwhakaiho River and Upper Mangone Stream, New Plymouth.

TARANAKI REGIONAL COUNCIL RIVER AND FLOOD PROTECTION BYLAW 2020



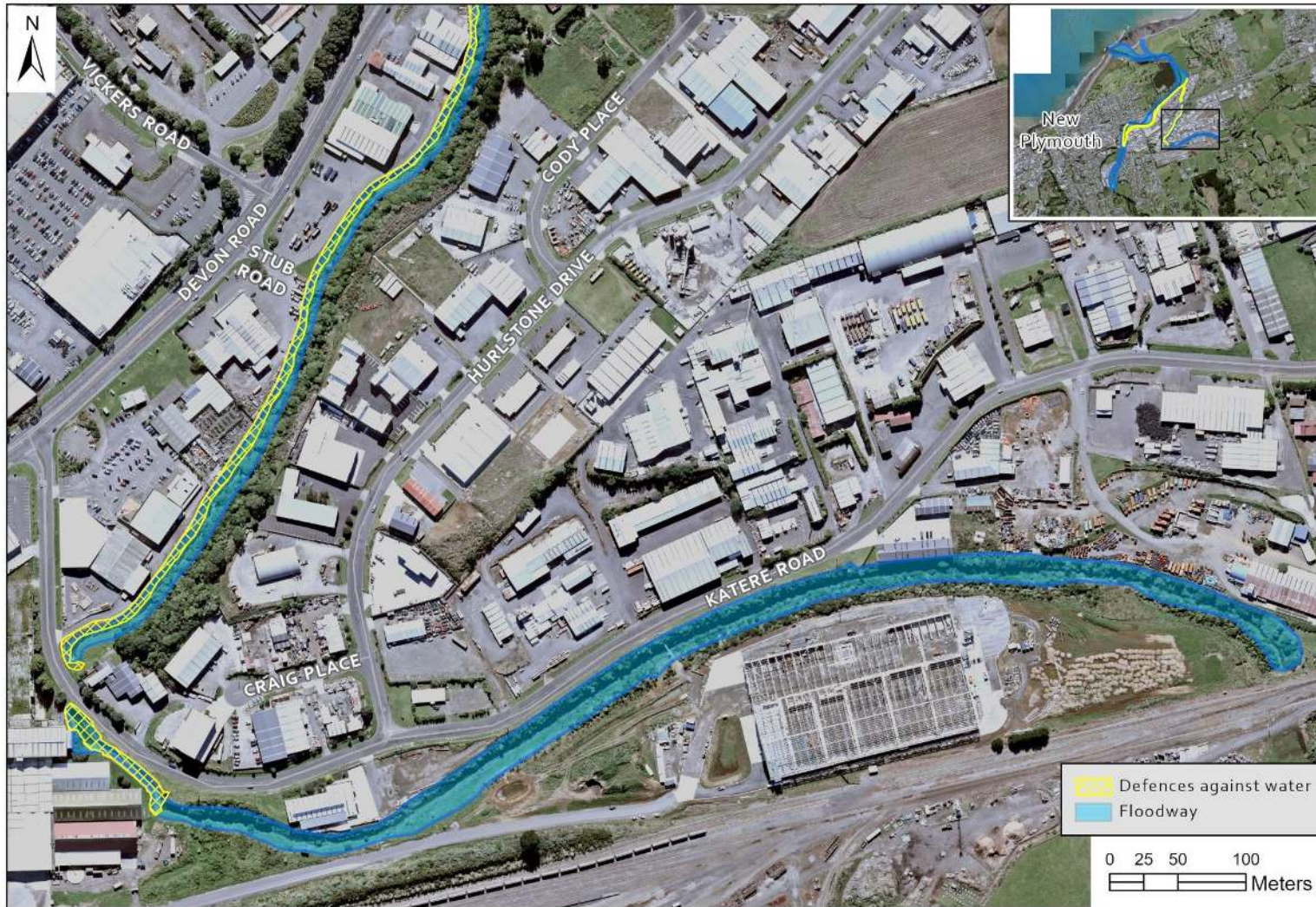
Map 3b Defences against water and floodways along the Waiwhakaiho River and Mangone Stream, New Plymouth.



Map 3c Defences against water and floodways along the Waiwhakaiho River, New Plymouth.

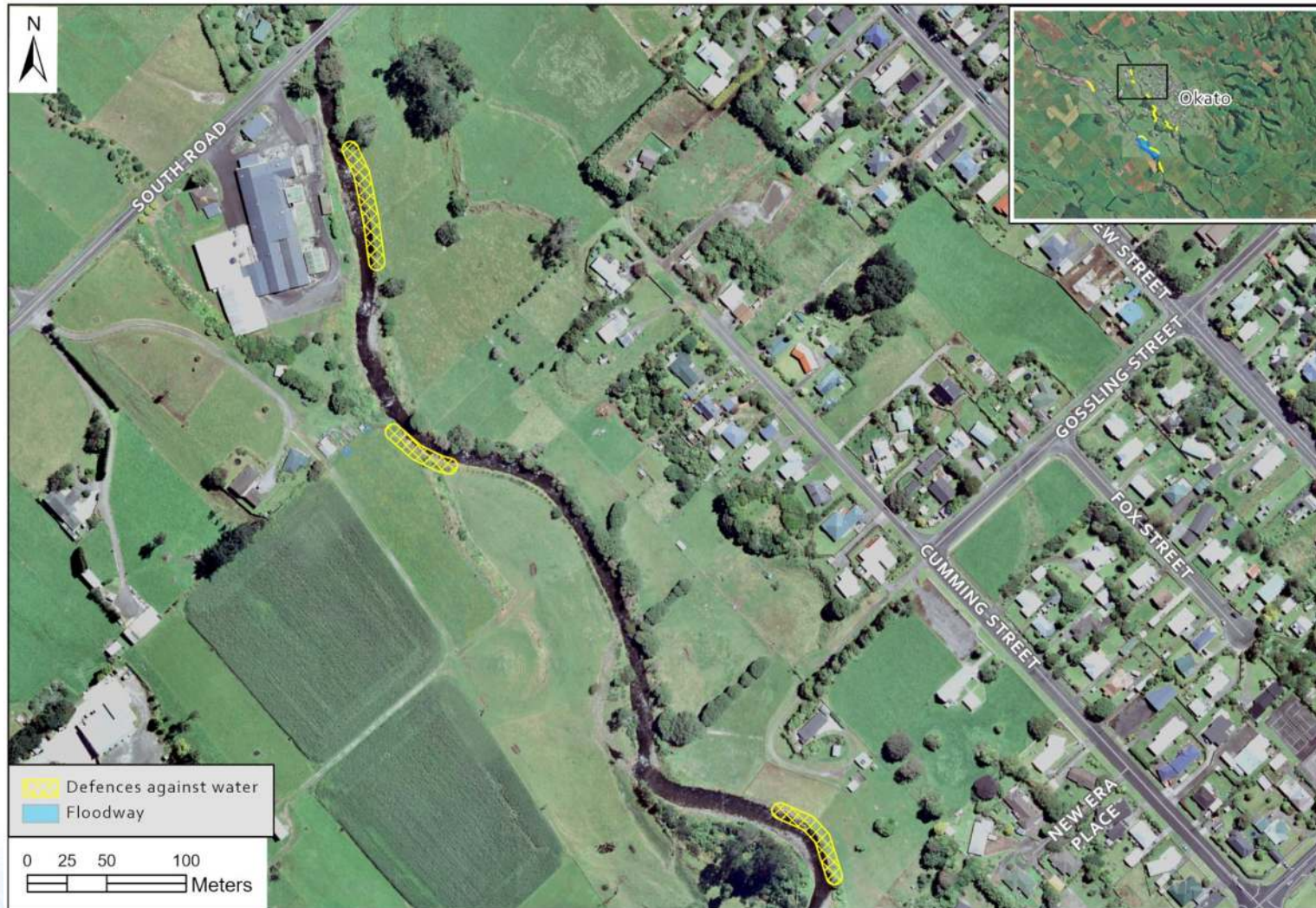


Map 3d Floodways along the Waiwhakaiho River, New Plymouth.



Map 3e Defences against water and floodways along the Mangaohe Stream, New Plymouth.

Map 4 - Okato



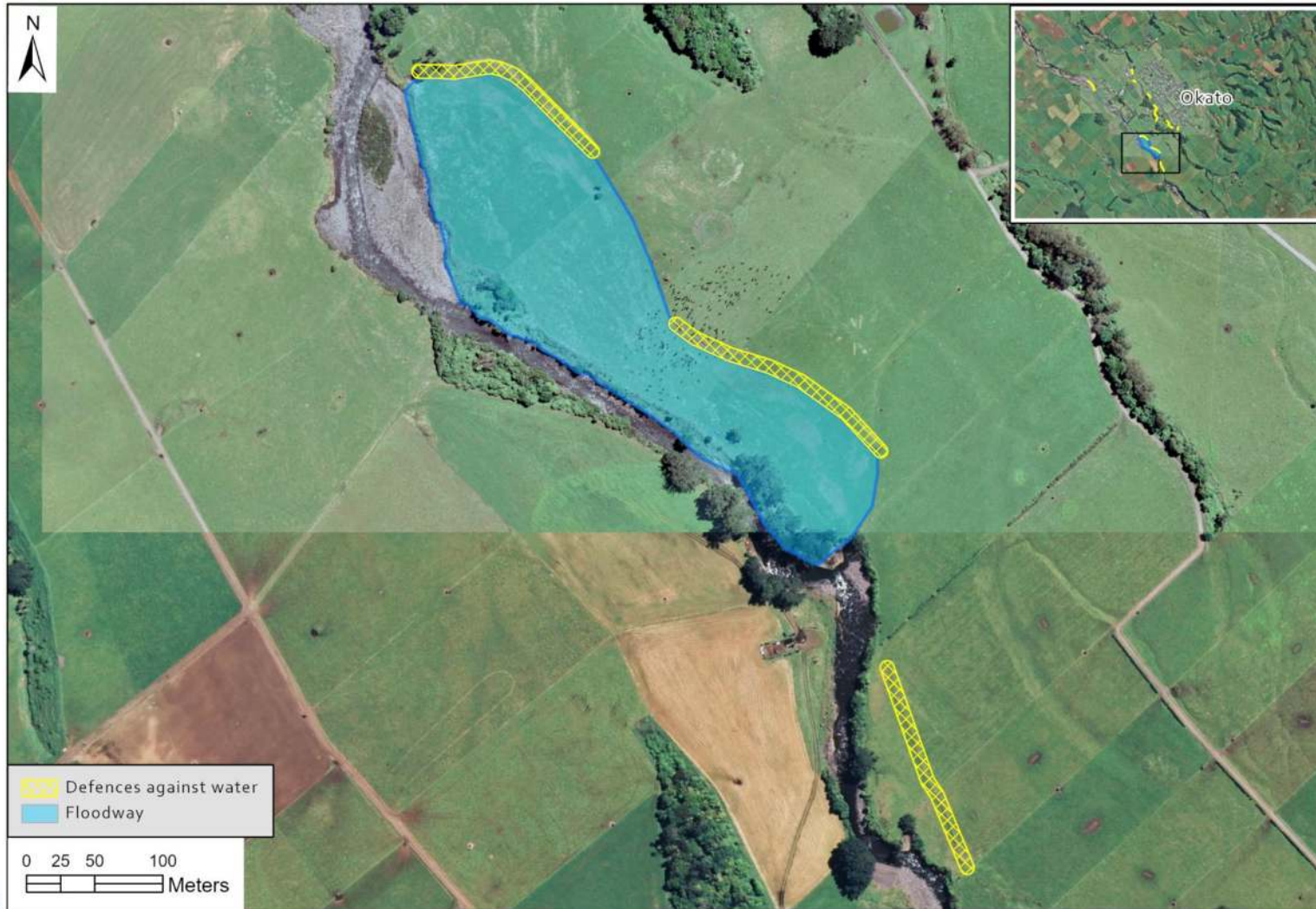
Map 4a Defences against water along the Kaihihi Stream, Okato.
TARANAKI REGIONAL COUNCIL RIVER AND FLOOD
PROTECTION BYLAW 2020



Map 4b Defences against water along the Kaihihi Stream, Okato.



Map 4c Defences against water and floodways along the Stony/Hangatāhua River, Okato



Map 4d Defences against water along the Stony/Hangatāhua River, Okato.

Map 5 – Opunake



Map 5a Defence against water between Otahi stream 2 and Hihiwera Stream.



Map 5b Defences against water near Ihaia Road, Opunake.



Map 5c Defences against water between Ihaia Road and Waiaua River 2, Opunake.



Map 5d Defences against water between Gisborne Terrace and Allison Street, Opunake.



Date: 3 November 2020

Subject: **Appointment of Deputy Harbourmaster and Issuing of a Warrant**

Approved by: A D McLay, Director - Resource Management
S J Ruru, Chief Executive

Document: 2597604

Purpose

1. The purpose of this memorandum is to appoint a deputy harbourmaster, to replace Captain Matt Birdsall, at Port Taranaki Ltd.

Executive summary

2. Only the Council can make the Deputy Harbourmaster appointment.
3. The Council has a contract with Port Taranaki Ltd that establishes a process for the appointment that essentially involves the Council's Harbourmaster, Mr T Parr, assessing the suitability of the candidate. Captain Mark Travis Charters, a pilot at the port has been deemed to have the necessary skills and experience to be a Deputy Harbourmaster.
4. The Council last appointed a Harbourmaster in December 2017 and Deputy Harbourmaster in October 2019.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum on the appointment of a deputy harbourmaster and the issue of a warrant
- b) appoints Captain Mark Travis Charters as a Deputy Harbourmaster under section 33D of the Maritime Transport Act 1994 and section 174 of the Local Government Act 2002, and approves their warrant powers described in this memorandum.

Background

5. The Council has responsibility for navigation safety within Port Taranaki and its approaches. These responsibilities are contained within the *Maritime Transport Act 1994* (MTA), Maritime Rules and, in part, are given effect to through the Council's Navigation Safety Bylaws for Port Taranaki and its Approaches 2020.

6. Under section 33D of the *Maritime Transport Act 1994* and section 174(1) of the *Local Government Act 2002*, only the Council can appoint harbourmasters and enforcement officers and issue warrants for navigation safety functions and entry of private land under the Acts. These functions mainly involve ensuring the safe navigation, anchoring and mooring of vessels, including recreational pleasure craft within the area covered by the Council Bylaws (Port Taranaki and its approaches).
7. Currently there is one Harbourmaster (Mr Tony Parr) and three Deputy Harbourmasters (Captains Neill MacKean, Adam Eager and Olaf Wahlen). The Deputy Harbourmasters are available to deputise for the Harbourmaster in his absence. The Deputies are also harbour pilots.

Contract

8. The role of the Harbourmaster and Deputy Harbourmaster is covered by a contract with this Council signed in December 2017. This includes provisions (clause 3) for the replacement of the Deputy Harbourmaster which essentially involves an assessment by the Council (Harbourmaster) of the suitability of a person for the role.
9. The provisions of the contract have been followed in making the recommendation to Council.

Appointment

10. It is proposed Captain Mark Travis Charters become a Deputy Harbourmaster. He has 20 years maritime experience and is a MNZ qualified ship's Master. He is currently employed at the port as a pilot.

Warrants

11. Under section 174(1) of the *Local Government Act 2002* (LGA) the Council issues a written warrant under the seal of Council giving the person named on the warrant authority to act on the Council's behalf and enter private land. The warrants below have been prepared by the Council's lawyer and refer to sections of the Act summarised below.
12. The proposed wording for the Deputy Harbourmaster warrant is identical to the Harbourmaster warrant with some minor modifications to record that the Deputy has the powers of a Harbourmaster, except in terms of section 33J (wreck removal) and 33L (removal of abandoned ships) powers under the *Maritime Transport Act 1994* (MTA). The proposed wording is as follows:

'Pursuant to section 33D of the Maritime Transport Act 1994, the officer named and pictured on the front of this card, has been appointed as a Deputy Harbourmaster for the Taranaki Regional Council with the powers of a Harbourmaster.

The Deputy Harbourmaster is authorised to exercise the functions and powers under sections 33E, 33F, 33H, 33P and 423 of the Maritime Transport Act 1994 for the purpose of ensuring maritime safety and enforcing navigation bylaws within those areas of the Taranaki region for which the Council has made navigation bylaws under section 33M of the Maritime Transport Act 1994. If necessary, in the exercise of any of those powers, the Deputy Harbourmaster may enter and remain on any ship, any maritime facility or any land or property of a port company or a port operator within the Council's region (section 33F(1) of the Maritime Transport Act 1994).

Failure to comply with a deputy harbourmaster's directions or requirements is an offence under section 33F(6) of the Maritime Transport Act 1994.

This warrant is also issued pursuant to sections 32(1) and 174 of the Local Government Act 2002.'

13. The sections of the MTA 1994 noted in the warrant text above are summarised below:
- 33E - Functions of a harbourmaster to ensure maritime safety in relation to waters for which he or she has been appointed by the regional council.
 - 33F - Harbourmaster general powers including powers to: enter/remain on ships and marine facilities; give directions to ships on movement, securing, mooring and cargo handling; cause the removal of hazards to navigation; require a person in charge of a ship or a person committing an offence to give his or her name and address; require the owner of a ship involved in an offence to give all information that may lead to the identification of the person (not being the owner) who it is alleged committed the offence; and control maritime traffic.
 - 33H - Powers of entry in relation to any ship, building or place.
 - 33J - Remove and deal with any wrecks that is a hazard to navigation.
 - 33L - Remove, store, sell, or otherwise dispose of abandoned ships.
 - 33P and 423 MTA - Issue infringement notices.
14. The warrants are signed by the Chief Executive Officer in the presence of a member of the Council (normally the Chairman) and the Council's seal is then affixed to the warrants.

Next steps

15. If the Council agrees to the appointment and the issuing of a warrant, a warrant card will be prepared and issued. The old warrant would be collected and destroyed unless the person was to be employed, on a part time basis, in the future. The key navigation and safety stakeholders will be informed about the changes.

Decision-making considerations

16. 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

17. 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

18. 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

19. 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

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



Date: 3 November 2020

Subject: **External Committee Appointee's Remuneration**

Approved by: M J Nield, Director – Corporate Services
S J Ruru, Chief Executive

Document: 2598008

Purpose

1. The purpose of this memorandum is to review the approach to and level of remuneration for external appointees to Council committees.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum on external committee appointees' remuneration
- b) confirms the payment of meeting allowances to external appointees to committees where the appointees are not fully remunerated by the organisation they represent
- c) confirms the payment of travel expenses in accordance with the Council's adopted *Policy on Taranaki Regional Council Elected Members' Allowances and Recovery of Expenses: for the Electoral Tenure commencing 12 October 2019* to all external appointees to committees
- d) adopts external appointees' remuneration as either just meeting allowances or a combination of meeting allowances and a retainer/annual fee or just a retainer/annual fee
- e) subject to the decision in d) above, sets a level of remuneration for external appointees to committees where the appointees are not fully remunerated by the organisation they represent.

Background

2. The Council has a range of external representatives that are appointed to committees to provide a breadth of views and experiences to the work of those committees.
3. Where the representative receives remuneration in their current role and as part of that role they are on the committee, the Council does not provide any additional remuneration. Where the representative does not receive remuneration from the organisation they represent, the Council remunerates the representative with a meeting fee.

4. All representatives' travel expenses are reimbursed.
5. Iwi representatives on the Policy and Planning and Consents and Regulatory committees are appointed under Treaty of Waitangi settlement legislation and are entitled to the same remuneration and expenses as other members of the committee they are appointed to.

Discussion

6. Where external appointees to committees are remunerated, they are paid a set meeting fee based upon a number of hours of preparation and a number of hours to attend the meeting. The hourly rate is \$80 per hour based upon the Remuneration Authority's determination of time for a member of a hearing committee (not the chairperson).
7. The number of hours of preparation time and meeting time is 4 hours for Policy and Planning and 3 hours for Consents and Regulatory. At \$80 per hour, this equates to \$320 per meeting for Policy and Planning and \$240 per meeting for Consents and Regulatory. On average, there are eight meetings per annum for each committee. Therefore, an external representative receives \$2,560 per annum on Policy and Planning and \$1,920 per annum on Consents and Regulatory.
8. There is no provision or remuneration for representatives to liaise with the entities that they represent, or for participating in other meetings/events over and above Committee meetings, or attending professional development/training.
9. External representatives have requested a review of remuneration levels on the basis that the current levels are inadequate for the amount of time involved in:
 - Meeting preparation and attendance
 - Liaising with and seeking/providing feedback with the organisations/entities that they represent
 - Participating in other meetings/events/training/professional development related to their involvement as committee members.
10. The current levels of remuneration were last addressed when Iwi representatives were first appointed to committees (2016). It is appropriate to undertake and review at this time as the roles of external representatives have evolved.
11. The level of time provided for meeting preparation and attendance is on the low side. Both committees have significant amounts of reading and preparation time and this is getting more complex over time. The differential in time between the committees is questionable. The amount of reading of compliance monitoring reports for Consents and Regulatory can often be as much as, if not more, than the papers for Policy and Planning. Accordingly, it is recommended that the differential hours between the two committees be removed and the number of hours for preparation and attendance be increased.
12. There is a degree of liaising before and after meetings with the organisations/entities/waka that the appointee represents. It is appropriate that this time and effort be recompensed. The amount of time varies during the year.
13. It is beneficial for the Council to be able to utilise external appointees for other meetings/events not directly related to Committee meetings. There is also the ability to provide professional development/training opportunities for committee appointees. Again, the amount of time involved varies throughout a year.

14. The development of local government policy and legislation is, and will continue to, place extra demands and requirements of Māori and mana whenua to contribute. The expectations that we have for our external committee appointees and Iwi representatives will continue to increase. The Council will need to support these representatives through both professional development opportunities and remuneration for increased and increasing levels of involvement.
15. One method of attending to these issues is to pay an annual retainer to cover these obligations.
16. The following table summarises the impacts of increasing the number of preparation and attendance hours for each meeting and the introduction of a retainer on total external appointee remuneration.

Preparation and attendance hours	Retainer:				
	\$1,000	\$2,000	\$3,000	\$4,000	\$5,000
4	\$3,560	\$4,560	\$5,560	\$6,560	\$7,560
5	\$4,200	\$5,200	\$6,200	\$7,200	\$8,200
6	\$4,840	\$5,840	\$6,840	\$7,840	\$8,840
7	\$5,480	\$6,480	\$7,480	\$8,480	\$9,480
8	\$6,120	\$7,120	\$8,120	\$9,120	\$10,120
9	\$6,760	\$7,760	\$8,760	\$9,760	\$10,760
10	\$7,400	\$8,400	\$9,400	\$10,400	\$11,400

Hourly rate \$80

Standard Councillor remuneration \$38,883

Policy and Planning appointee \$2,560

Consents and Regulatory appointee \$1,920

17. There are no proposals to change the reimbursement of travel expenses.
18. The iwi representatives on the Policy and Planning Committee and the Consents and Regulatory Committee were consulted on in the preparation of the agenda item. The iwi representatives recommend the \$5,000 retainer plus the preparation and attendance hours. They believe this level of remuneration provides the iwi representatives the opportunity to play a more positive and proactive role, over and above their meeting duties, in their day-to-day hapū, iwi and community intercourse.
19. The options for the Council to consider are:
 - retain the status quo – only meeting allowances are paid
 - move to a combination of meeting allowances and an annual retainer
 - move to an annual retainer/fee and have no meeting allowances.
20. Having reached a view on a preferred option for remuneration, guidance is requested on the level of the retainer and the number of hours for meeting preparation and attendance.

Decision-making considerations

21. 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

22. 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

23. 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

24. 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.
25. Under section, 81 of the *Local Government Act 2002* the Council needs to provide opportunities for Māori to contribute to decision-making and to consider how it may foster the development of Māori capacity. Extending external appointment remuneration is consistent with this obligation.

Legal considerations

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



Date 3 November 2020

Subject: **Participation in Regional Economic Development, Tourism Promotion and Event Attraction/Promotion Activities**

Approved by: M J Nield, Director – Corporate Services
S J Ruru, Chief Executive

Document: 2596752

Purpose

1. The purpose of this memorandum is to initiate a discussion on the involvement of the Council in regional economic development, tourism promotion and event attraction/promotion activities ahead of the inclusion of any changes in the draft *2021/2031 Long-Term Plan*.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum on participation in regional economic development, tourism promotion and event attraction/promotion activities.
- b) provides guidance to the Chief Executive on the approach, if any, to be taken in the *2021/2031 Long-Term Plan*.

Background

2. At the Ordinary meeting on 22 September 2020, the *2020-2030 Taranaki Regional Events Strategy* was considered and received. This resulted in discussion on the role of the Council in major event attraction/promotion and a request for a report for consideration ahead of workshops on and the preparation of the *2021/2031 Long-Term Plan*.
3. This report presents some options for further discussion and consideration. Feedback and guidance on these options is requested to allow for further work, if required, to be completed ahead of the *2021/2031 Long-Term Plan*.

Discussion

4. Under the *Local Government Act 2002*, the purpose of local government is to promote the social, economic, environmental and cultural well-being of communities alongside of providing for local democratic decision-making.

5. Regional development activity, of which economic development, tourism and event promotion are a subset, is one of the ways in which the local government sector has traditionally sought to help promote social and economic well-being in particular.
6. Historically, this Council has chosen to take a limited role in a number of regional development activities including:
 - regional economic development
 - tourism promotion
 - major event attraction/promotion.
7. As noted in the Events Strategy report, Council already has a role in these activities through its provision of regionally significant infrastructure and services, such as Yarrow Stadium, regional gardens and Port Taranaki.
8. Rather than become more heavily and directly involved in these activities, particularly as it relates to the 'promotion and development' of these activities through, for example, Venture Taranaki, the Council has chosen to leave these roles to the territorial local authorities and other entities that have chosen to have a more direct involvement in the provision of these services. This approach has evolved over time to address the following views/position of the Council:
 - it is not the regional council's direct role and responsibility to provide these activities.
 - the provision of funding from both district councils and the regional council can be seen as a form of "double-dipping" of rates funding from the same ratepayers.
 - with funding comes involvement in governance and service delivery and the addition of regional council involvement can make these roles more complex than they already are.
 - the regional council can be seen as a substitute funder for some parties that are not prepared to be contributing their "fair share".
9. However, from time to time there have been calls for the regional council to be more involved and to provide funding for these activities. These have included requests from the existing providers/funders of these services some of whom would like to increase the investment in these activities by accessing the regional council's financial resources.
10. Further, the Council has, from time to time, challenged itself on whether it should take a more active role in these activities. As noted above, the approach to date has been not to become more directly involved in these activities for the reasons noted. Rather Council has chosen to focus on providing an appropriate regulatory environment to allow business, tourism and events to occur in the most effective and efficient manner.
11. It is appropriate for the Council to have another look its involvement in these activities as it prepares and adopts its *2021/2031 Long-Term Plan*.

Regional Economic Development

12. The Council has been involved at both the operational and governance levels in the preparation and delivery/implementation of *Tapuae Roa: Make Way for Taranaki* – the regional economic development strategy and action plan for Taranaki. This is a collaborative approach between local government, Ngā Iwi o Taranaki, regional businesses and the government. Council was also involved in the development of *Taranaki 2050 Roadmap* – Taranaki's future in a low-emissions future. Whilst the *Strategy*

and the *Roadmap* are different documents with different purposes, there are areas of overlap.

13. Venture Taranaki are currently looking to merge the Tapuae Roa and Taranaki 2050 governance bodies to create a new Taranaki Regional Development Steering Group. The Council will be involved with this group via its involvement with the Taranaki Mayoral Forum. Officers see this involvement as being appropriate given the importance of Council working with other regional stakeholders to support development of the region as a whole and to enable the region to 'speak with one voice'.
14. The delivery of the *Tapuae Roa* and *Taranaki 2050* strategies is largely the responsibility of Venture Taranaki (VTT). VTT is a council-controlled organisation of New Plymouth District Council. Its funding comes from the three district councils (majority from New Plymouth District Council) and government contracts. The Council has never funded VTT despite informal requests/ambitions to do so.
15. If Council, had a desire to become more involved in explicitly funding regional economic development activity, then one of the ways it could do this, is by purchasing services from VTT. Under this approach, officers would recommend that Council enter into an explicit service delivery agreement (or contract) with VTT so that there was a clear accountability for the allocated funding and it being used to deliver specific services with defined output measures.
16. The arguments against Council making an increased level of investment include those outlined above (role, double dipping of rates, accountability, and replacement of others).
17. In addition, it can be argued that the Council is already making a significant investment in regional economic development through its investment in key regional infrastructure (Yarrow Stadium, regional gardens, river control schemes, public transport services etc.). The strategic holding of the Port Taranaki Ltd investment also contributes to the overall economic success of the region. With the focus on providing an effective and efficient environmental regulatory regime to encourage economic activity and the current range of economic activity, it can be argued that the Council's current contribution to regional economic development is more than sufficient.
18. As an alternative to investing in VTT, the Council could look to stimulate economic activity/development by funding the acceleration or growth of existing programmes of work such as the predator-free programme or the riparian management programme. Such investments can be justified based on their relationship to Council's current core activities. Further opportunities also exist in areas such as changing land-use and climate change. The Council could look to invest/stimulate investment in new industries and technologies addressing these issues. The issues/risks of such an approach include:
 - taking higher risks with public money
 - attempting to identify and back winners
 - getting involved in activities that are more the prerogative of the private sector.
19. The upside is that investment, activity, change and outcomes could be delivered at a higher than expected rate.
20. Iwi economic development and activity is going to significantly increase in this post-Treaty settlement period. Iwi have a natural affinity and interest in the activities of the Council. There may be opportunities to collaborate with Iwi to develop economic undertakings that benefit both parties?

Tourism Promotion

21. Historically, regional tourism promotion was undertaken by Tourism Taranaki (private trust). The Council used to provide annual funding for the operations of Tourism Taranaki. Following a review of tourism promotion structures and the effectiveness of promotion activities, Tourism Taranaki was wound up and the responsibilities transferred to VTT. At the same time, the Council's funding ceased for the same reasons outlined above.
22. Interestingly, the effectiveness of tourism promotion and structures continue to be matters for debate, including arguments about why tourism should receive 'public' funding when other industries do not.
23. Similar to providing funding for economic development to VTT, the Council could provide additional funding for tourism promotion. The Council already invests funding in tourism promotion through its support of the Taranaki Arts Festival Trust (Garden Spectacular) and the programme of events at the regional gardens. The Council could look to increase these investments or look for additional opportunities in other tourism promotion areas (via VTT or other entities).

Event Attraction/Promotion

24. Externally, event attraction and promotion falls to the private sector for most events and VTT/New Plymouth District Council for the major events facilitation/attraction. VTT has a major events fund (funded by New Plymouth District Council) for attracting and developing opportunities. The Council has not provided funding to the major events fund for the reasons outlined above. There is opportunity to provide funding to the major events fund to attract additional major events.
25. The Council could consider establishing its own events attraction fund for events around its facilities (Yarrow Stadium and the regional gardens).
26. There is a partnership relationship between the Council/Taranaki Stadium Trust (the Trust) and the New Plymouth District Council. The Council/Trust own Yarrow Stadium and fund the long-term maintenance and development of stadium assets. New Plymouth District Council is the stadium operator and funds the operations and event attraction and promotion. This arrangement has been in place since 2013. Historically, the Council has provided limited support for major events (e.g. assisting with additional public transport for the Rugby World Cup) with the funding of major events attraction being seen as New Plymouth District Council's responsibility. If the Council wished to improve the level and range of events at Yarrow Stadium, it could look to augment the current levels of funding.
27. The regional gardens have budgets for running and hosting events. The Council also provides funding to the Taranaki Arts Festival Trust for promotion and marketing of the Taranaki Garden Festival. Again, these budgets could be increased to provide for additional events and to attract additional visitors.

Financial Implications of Increasing Investment

28. If the Council wishes to increase its investments in these areas then there will be additional work to develop proposals for how investments might operate and how they might be funded.

29. With the reforms of freshwater management in particular, the Council is facing significant financial pressures on its budgets for the initial period of the *2021/2031 Long-Term Plan*. This is likely to see significant increases in rates and direct charges for 2021/2022 and subsequent years. Any additional increases in investments into other areas of activity will increase these pressures and hence, if the Council were of a mind to increase its level of investment then it should target the out-years for making such increases and seek feedback on the proposal via the long-term plan consultation process.
30. Other sources of funding, such as borrowing and divestment of assets, could also be investigated. However, these options will still increase pressure on budgets through decreased revenue (divestment of assets) and increased costs (debt servicing costs).

Next Steps

31. If the Council wishes to explore any of these opportunities further, then work will be undertaken to present options at the December 2020 Long-Term Plan workshop.

Decision-making considerations

32. 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

33. 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

34. 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

35. 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

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



Date 3 November 2020

Subject: **2021 Meeting Schedule**

Approved by: M J Nield, Director - Corporate Services
S J Ruru, Chief Executive

Document: 2619644

Purpose

1. The purpose of this memorandum is to receive and adopt the 2021 Taranaki Regional Council meeting Schedule.

Recommendations

That the Taranaki Regional Council:

- a) receives and adopts the 2021 meeting schedule, incorporating any amendments.

Discussion

2. The meeting schedule for the following year is adopted at the Council's November Ordinary meeting. Attached to this memorandum is the proposed meeting schedule for 2021. This is the opportunity for Councillor's to review the timing of the Council meetings for 2021.

Decision-making considerations

3. 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

4. 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

5. 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

6. 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

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

Appendices/Attachments

Document 2593268: 2021 Draft Meeting Schedule

Taranaki Regional Council 2021 Meeting Schedule



February	2	Tuesday	9.30am	Consents and Regulatory Committee
	2	Tuesday	10.30am	Policy and Planning Committee
	8	Monday		Waitangi Day
	15	Monday	10.00am	Executive, Audit & Risk Committee
	23	Tuesday	10.30am	Ordinary Meeting
	25	Thursday	10.30am	Taranaki Solid Waste Management Committee
March	3	Wednesday	10.30am	Regional Transport Committee
	4	Thursday	10.30am	Taranaki CDEM Group Joint Committee
	8	Monday		Taranaki Anniversary Day
	16	Tuesday	9.30am	Consents and Regulatory Committee
	16	Tuesday	10.30am	Policy and Planning Committee
	29	Monday	10.00am	Executive. Audit and Risk Committee
April	6	Tuesday	10.30am	Ordinary Meeting
	2	Friday		Good Friday
	5	Monday		Easter Monday
	25	Sunday		ANZAC Day
	26	Monday		ANZAC Day reserved
	27	Tuesday	9.30am	Consents and Regulatory Committee
	27	Tuesday	10.30am	Policy and Planning Committee
May	10	Monday	10.00am	Executive, Audit and Risk Committee & LTP Hearing
	11	Tuesday	10.00am	LTP Hearing Day 2
	18	Tuesday	10.30am	Ordinary Meeting
	20	Thursday	10.30am	Taranaki Solid Waste Management Committee
	26	Wednesday	10.30am	Regional Transport Committee
	27	Thursday	10.30am	Taranaki CDEM Group Joint Committee
June	7	Monday		Queens Birthday
	8	Tuesday	9.30am	Consents and Regulatory Committee
	8	Tuesday	10.30am	Policy and Planning Committee
	21	Monday	10.00am	Executive, Audit and Risk Committee
	29	Tuesday	10.30am	Ordinary Meeting
July	20	Tuesday	9.30am	Consents and Regulatory Committee
	20	Tuesday	10.30am	Policy and Planning Committee
August	2	Monday	10.00am	Executive, Audit & Risk Committee
	10	Tuesday	10.30am	Ordinary Meeting
	12	Thursday	10.30am	Taranaki Solid Waste Management Committee
	18	Wednesday	10.30am	Regional Transport Committee
	19	Thursday	10.30am	Taranaki CDEM Group Joint Committee
	31	Tuesday	9.30am	Consents and Regulatory Committee
	31	Tuesday	10.30am	Policy and Planning Committee

Ordinary Meeting - 2021 Meeting Schedule

September	13	Monday	10.00am	Executive, Audit and Risk Committee
	21	Tuesday	10.30am	Ordinary Meeting
October	12	Tuesday	9.30am	Consents and Regulatory Committee
	12	Tuesday	10.30am	Policy and Planning Committee
	18	Monday	10am	Executive, Audit and Risk
	25	Monday		Labour Day
November	2	Tuesday	10.30am	Ordinary Meeting
	4	Thursday	10.30am	Taranaki Solid Waste Management Committee
	10	Wednesday	10.30am	Regional Transport Committee
	11	Thursday	10.30am	Taranaki CDEM Group Joint Committee
	23	Tuesday	10.30am	Consents and Regulatory Committee
	23	Tuesday	10.30am	Policy and Planning Committee
December	6	Monday	10.00am	Executive, Audit and Risk Committee
	14	Tuesday	10.30am	Ordinary Meeting

DRAFT

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 3 November 2020 for the following reason/s:

Item 12 - Public Excluded Ordinary Minutes - 22 September 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 - Public Excluded Executive, Audit and Risk Minutes - 19 October 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.