



AGENDA

Ordinary Meeting

Tuesday 11 August 2020, 10.30am



Ordinary Meeting

11 August 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 D N McDonald		Councillor M J McIntyre	
Councillor E D Van Der Leden		Councillor N W Walker	
Councillor C S Williamson			

Health and Safety

Emergency Procedure

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

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

Once you reach the bottom of the stairs make your way to the assembly point at the birdcage.

Staff will guide you to an alternative route if necessary.

Earthquake

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

Please remain where you are until further instruction is given.



Date 11 August 2020
Subject: **Confirmation of Minutes - 30 June 2020**
Approved by: M J Nield, Acting Chief Executive
Document: 2537534

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 30 June 2020 at 1pm

Matters arising

Appendices/Attachments

Document 2530287: Minutes Ordinary - 30 June 2020

Matters arising

It was clarified that under item 8 it was STV voting options only that a report was to be completed on.

2. Consents and Regulatory Committee Minutes - 9 June 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 9 June 2020
- b) adopts the recommendations therein.
Lean/Williamson

Matters arising

There were no matters arising.

3. Policy and Planning Committee Minutes - 9 June 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 9 June 2020
- b) adopts the recommendations therein.
McDonald/Davey

Matters arising

There were no matters arising.

4. Executive, Audit and Risk Committee Minutes - 22 June 2020

Resolved

That the Taranaki Regional Council:

- a) receives the minutes of the Executive, Audit and Risk Committee of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Monday 22 June 2020 at 10am
- b) adopts the recommendations therein.
Walker/Cloke

Matters arising

There were no matters arising.

5. Joint Committee Minutes

- 5.1 The joint committee minutes of the Taranaki Solid Waste Management Committee held on Thursday 21 May 2020, Taranaki Civil Defence Emergency Management Group Joint Committee meeting held Thursday 21 May 2020 and the Taranaki Regional Transport Committee meeting held Wednesday 17 June 2020 were attached.

Resolved

That the Taranaki Regional Council:

- a) receives the unconfirmed minutes of the Taranaki Solid Waste Management Committee meeting held on Thursday 21 May 2020
- b) receives the unconfirmed minutes of the Taranaki Civil Defence Emergency Management Group Joint Committee held on Thursday 21 May 2020
- c) receives the unconfirmed minutes of the Taranaki Regional Transport Committee held on Wednesday 17 June.

Walker/Cloke

Matters arising

Regional Transport Committee

This was the first meeting since the triennial elections. Taranaki Trails Trust presented their plans to establish a series of trails throughout the province. Having those plans as part of the RLTP gives a good start to their plans. If the trust wants to progress applications for funding to PGF the RTC could look to support them.

6. July and August Meeting Dates

- 6.1 The meeting dates for July and August 2020 were attached for information.

7. Setting of Administrative Charges Pursuant to Section 36 of the Resource Management Act 1991

- 7.1 Mr B G Chamberlain, Chief Executive, spoke to the memorandum introducing the submissions on the 2020/2021 administrative charges pursuant to section 36 of the *Resource Management Act 1991* (RMA), to consider those submissions, to recommend any changes to the 2020/2021 administrative charges pursuant to section 36 of the *Resource Management Act 1991* and then to fix the 2020/2021 administrative charges pursuant to section 36 of the *Resource Management Act 1991*.

Resolved

That the Taranaki Regional Council:

- a) notes that no submissions have been received in response to the Statement of proposal: Schedule of charges pursuant to section 36 of the *Resource Management Act 1991*
- b) notes as there are no submissions, there is no officer's report and, as a result, there are no amendments to the Schedule of charges pursuant to section 36 of the *Resource Management Act 1991*
- c) adopts the Schedule of charges pursuant to section 36 of the *Resource Management Act 1991*.

Cloke/Williamson

8. Adoption of the 2020/2021 Annual Plan

- 8.1 Mr B G Chamberlain, Chief Executive, spoke to the memorandum considering and adopting the *2020/2021 Annual Plan*.

Resolved

That the Taranaki Regional Council:

- a) receives this memorandum on the consideration and adoption of the *2020/2021 Annual Plan*
- b) confirms a nil general rates increase for 2020/2021
- c) notes the balanced budget deficit for 2020/2021 and confirms the transfer from the dividend Equalisation Reserve to fund the balanced budget deficit.
- d) notes that the use of the Dividend Equalisation Reserve to fund the balanced budget surpluses and deficits balances out over the ten-year life of the *2018/2028 Long-Term Plan* and that, over the full ten years, the Council's budgets balance
- e) notes that the formatting for the *2020/2021 Annual Plan* is still to be completed and that there are a number of minor editorial changes to be made
- f) adopts the *2020/2021 Annual Plan*.

Van Der Leden/Joyce

9. Setting of Rates 2020/2021

- 9.1 Mr B G Chamberlain, Chief Executive, spoke to the memorandum to set the rates for the 2020/2021 financial year.

Resolved

That the Taranaki Regional Council:

- a) sets the following rates pursuant to the *Local Government (Rating) Act 2002* on rating units in the Taranaki region for the financial year commencing 1 July 2020 and ending on 30 June 2021:

Capital Value General Rate

Pursuant to section 13 of the *Local Government (Rating) Act 2002* a general rate on the rateable equalised capital value (ECV) of all land within the region known as Taranaki region to collect the following amounts:

General rate	ECV	Percent	GST excl	GST	GST Incl
NPDC	\$23,344,023,600	61.69%	\$4,907,064	\$736,060	\$5,643,124
SDC	\$3,461,165,033	9.15%	\$727,827	\$109,174	\$837,001
STDC	\$11,033,882,958	29.16%	\$2,319,501	\$347,925	\$2,667,426
Total	\$37,839,071,591	100.00%	\$7,954,392	\$1,193,159	\$9,147,551

- a rate of 0.0243445 cents in the dollar of capital value on every rating unit in the New Plymouth and North Taranaki constituencies of the Taranaki region – GST inclusive
- a rate of 0.0282108 cents in the dollar of capital value on every rating unit in the Stratford constituency of the Taranaki region – GST inclusive
- a rate of 0.0242842 cents in the dollar of capital value on every rating unit in the South Taranaki constituency of the Taranaki region – GST inclusive.

Pursuant to section 131 of the *Local Government (Rating) Act 2002*, the Council has used a registered valuer to make an estimate of the projected valuation of all the rateable land in the districts of the constituent territorial authorities.

Separately used or inhabited part of a rating unit (SUIP): A SUIP is defined as a separately used or occupied part of a rating unit and includes any part of a rating unit that is used or occupied by any person, other than the ratepayer, having a right to use or inhabit that part by virtue of a tenancy, lease, licence, or other agreement, or any part or parts of a rating unit that are used or occupied by the ratepayer for more than one single use.

Separately used or inhabited for a residential rating unit includes a building or part of a building that contains, two or more separately occupiable units, flats or houses each of which is separately inhabited or is capable of separate habitation

Separately used or inhabited for a small holding or farmland property rating unit includes a rural property/farm with multiple dwellings (e.g., a house is used by a farm worker) each of which is separately inhabited or is capable of separate habitation

Separately used or inhabited for a commercial or industrial rating unit: means a building or part of a building that is, or intended to be, or is able to be, separately tenanted, leased or subleased for commercial purposes

An exception is made for motels/hotels as these are treated as one business even if each accommodation unit may be capable of separate habitation.

River Control and Flood Protection Targeted Rate

Pursuant to section 16 of the *Local Government (Rating) Act 2002*, a targeted rate of 0.003393 cents in the dollar – GST inclusive, for river control and flood protection works (to produce \$786,453) on the capital value on every rating unit in the New Plymouth and North Taranaki constituencies of the Taranaki region.

River Control and Flood Protection Targeted Rate

Pursuant to section 16 of the *Local Government (Rating) Act 2002*, a targeted rate of 0.000669 cents in the dollar – GST inclusive, for river control and flood protection works (to produce \$73,490) on the capital value on every rating unit in the South Taranaki constituency of the Taranaki region.

Passenger Transport Targeted Rate

Pursuant to section 16 of the *Local Government (Rating) Act 2002*, a targeted rate of 0.005852 cents in the dollar – GST inclusive, for passenger transport services (to produce \$1,356,614) on the capital value on every rating unit in the New Plymouth and North Taranaki constituencies of the Taranaki region.

Passenger Transport Targeted Rate

Pursuant to section 16 of the *Local Government (Rating) Act 2002*, a targeted rate of 0.001329 cents in the dollar – GST inclusive, for passenger transport services (to produce \$39,437) on the capital value on every rating unit in the Stratford constituency of the Taranaki region.

Passenger Transport Targeted Rate

Pursuant to section 16 of the *Local Government (Rating) Act 2002*, a targeted rate of 0.000699 cents in the dollar – GST inclusive, for passenger transport services (to produce \$76,729) on the capital value on every rating unit in the South Taranaki constituency of the Taranaki region.

Yarrow Stadium Commercial and Industrial Land Value Targeted Rate

Pursuant to section 16 of the *Local Government (Rating) Act 2002*, a differential targeted rate for Yarrow Stadium on the land value on each commercial and industrial rating unit in the New Plymouth and North Taranaki constituencies of the Taranaki region. The targeted rate (in cents in the dollar of land value) for 2020/2021 for Group 1 Commercial and Industrial is to produce \$296,258 at a rate of 0.023729 cents in the dollar of land value – GST inclusive.

Yarrow Stadium Commercial and Industrial Fixed Value Targeted Rate (New Plymouth and North Taranaki Constituencies)

Pursuant to section 16 of the *Local Government (Rating) Act 2002*, a fixed targeted charge (to produce \$407,963) of \$172.50 – GST inclusive on every separately used or inhabited part of a rating unit, Group 1 Commercial and Industrial, in the New Plymouth and North Taranaki constituencies of the Taranaki region.

Yarrow Stadium Residential, Small Holdings and Farmland Fixed Value Targeted Rate (New Plymouth and North Taranaki Constituencies)

Pursuant to section 16 of the *Local Government (Rating) Act 2002*, a fixed targeted charge (to produce \$2,832,398) of \$80.89 – GST inclusive on every separately used or inhabited part of a rating unit, Group 2 Residential, Group 3 Small Holdings and Group 4 Farmland, in the New Plymouth and North Taranaki constituencies of the Taranaki region.

Yarrow Stadium Fixed Value Targeted Rate (Stratford Constituency)

Pursuant to section 16 of the *Local Government (Rating) Act 2002*, a fixed targeted charge (to produce \$240,197) of \$53.88 – GST inclusive on every separately used or inhabited part of a rating unit in the Stratford constituency of the Taranaki region.

Yarrow Stadium Fixed Value Targeted Rate (South Taranaki Constituency)

Pursuant to section 16 of the *Local Government (Rating) Act 2002*, a fixed targeted charge (to produce \$757,371) of \$53.88 – GST inclusive on every separately used or inhabited part of a rating unit in the South Taranaki constituency of the Taranaki region.

Differential Categories

The Council adopts the definition of its differential categories set out in the *Funding Impact Statement* contained in the *2020/2021 Annual Plan* as its rating categories for the year.

Due Dates

Pursuant to Section 24 of the *Local Government (Rating) Act 2002* the Council's rates will become due and payable by four equal instalments on the following dates:

	New Plymouth & North Taranaki Constituencies	Stratford Constituency	South Taranaki Constituency
Instalment 1	26 August 2020	26 August 2020	26 August 2020
Instalment 2	25 November 2020	25 November 2020	25 November 2020
Instalment 3	24 February 2021	24 February 2021	24 February 2021
Instalment 4	26 May 2021	26 May 2021	26 May 2021

Penalties and Discounts

Pursuant to Section 57 and 58 of the *Local Government (Rating) Act 2002*, the following penalties on unpaid rates will be applied.

A charge of 10 percent on so much of any instalment that has been assessed after 1 July 2019 and which remains unpaid after the due date for that instalment.

	New Plymouth & North Taranaki Constituencies	Stratford Constituency	South Taranaki Constituency
Instalment 1	26 August 2020	26 August 2020	26 August 2020
Instalment 2	25 November 2020	25 November 2020	25 November 2020
Instalment 3	24 February 2021	24 February 2021	24 February 2021
Instalment 4	26 May 2021	26 May 2021	26 May 2021

The Council will charge a penalty of 10 per cent on any portion of rates that were assessed or levied in any previous financial years to 1 July 2020 and which remain unpaid on 1 July 2020. The penalty will be applied on 30 September 2020 and a further additional penalty of 10 per cent on any rates that were assessed or levied in any previous financial years and which remain unpaid on 31 March 2021 (New Plymouth and North Taranaki constituencies).

The Council will charge a penalty of 10% on so much of any rates levied before 1 July 2020 which remain unpaid on 10 July 2020 or such later date as required under section 58(1) (b) (ii). A continuing additional penalty of 10% on so much of any rates levied before 1 July 2019 which remain unpaid six months after the previous penalty was added (Stratford constituency).

The Council will charge a penalty of 10% on so much of any rates levied before 1 July 2020 which remain unpaid on 1 July 2020 or such later date as required under section 58(1) (b) (ii). (South Taranaki constituency).

A discount of 3% will be allowed on the total rates set for the financial year, if the rates for a financial year are paid in full on or before the due date of the first instalment for the financial year. (South Taranaki constituency only). This will be 26 August 2020.

Payment Locations

The Council's rates and charges will become due and payable at the principal offices and service centres of the region's district councils. The rates and charges can also be paid at the principal office of the Taranaki Regional Council.

GST Inclusive

All rates set are inclusive of GST.

- b) appoints the New Plymouth District Council, the Stratford District Council and the South Taranaki District Council, pursuant to section 53 of the *Local Government (Rating) Act 2002*, to collect the rates set by the Taranaki Regional Council.
- c) delegates to the New Plymouth District Council, the Stratford District Council and the South Taranaki District Council the power to postpone and remit rates pursuant to the relevant adopted *Rates Remission and Postponement Policy*.
- d) approves the keeping of the rating information database in separate parts for the constituent districts of the region and delegates the function of maintaining the rating information database to the New Plymouth District Council, the Stratford District Council and the South Taranaki District Council, pursuant to section 27(7) of the *Local Government (Rating) Act 2002*.
- e) delegates to the Chief Executive and the Director – Corporate Services the power to resolve administrative matters in relation to the collection of the Taranaki Regional Council's rates and the administration of the rating information database.

Cloke/Lean

10. General Business

The Chairman, Mr D N MacLeod moved a vote of thanks to retiring Taranaki Regional Council Chief Executive, Mr B G Chamberlain, for his service to the Taranaki region and the wider New Zealand community over the past 40 years. Councillors, staff and attendees of the meeting expressed their gratitude.

MacLeod/Lean

Mr B G Chamberlain, Chief Executive, thanked Councillors and staff noting that it has been a privilege to have been in the role surrounded by a good team.

11. 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 30 June 2020 for the following reason/s:

Item 12 - Public Excluded Ordinary Minutes - 19 May 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 - 22 June 2020

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

Item 14 - Ngāti Maniapoto Treaty Settlement Negotiation - Proposed Relationship Agreement with Taranaki Regional Council

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.

Walker/Williamson

There being no further business, Chairman D N MacLeod, declared the Public Ordinary Meeting of the Taranaki Regional Council closed at 1.28pm.

Confirmed

Chairperson: _____

D N MacLeod
11 August 2020



Date 11 August 2020

Subject: **Consents and Regulatory Minutes - 21 July 2020**

Approved by: G K Bedford, Director - Environment Quality
M J Nield, Acting Chief Executive

Document: 2557050

Recommended

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 21 July at 9.30am
- b) adopts the recommendations therein

Matters arising

Appendices/Attachments

Document 2543345: Minutes Consents and Regulatory Meeting - 21 July 2020



Date 21 July 2020, 9.30am
Venue: Taranaki Regional Council chambers, 47 Cloten Road, Stratford
Document: 2543345

Members	Councillors	D L Lean M J Cloke M G Davey C L Littlewood D H McIntyre E D Van Der Leden M P Joyce D N MacLeod	Committee Chairperson <i>arrived 9.40am</i> ex officio ex officio
Representative Members	Ms Messrs	E Bailey M Ritai K Holswich	<i>via zoom</i>
Attending	Messrs Ms Miss Mr	M J Nield G K Bedford A D McLay C McLellan B Pope K Holland L Davidson P Moeahu	Acting Chief Executive Director - Environment Quality Director - Resource Management Consents Manager Compliance Manager Communications Adviser Committee Administrator

And two members of the public.

Opening Karakia The meeting opened with a group karakia.

Apologies An apology was received from Councillor C S Williamson and an apology for lateness was received from Councillor D H McIntyre. Davey/MacLeod

Notification of Late Items There were no late items.

1. Confirmation of Minutes – Tuesday 9 June 2020

Resolved

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

- a) takes as read and confirms the minutes of the Consents and Regulatory Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Tuesday 9 June 2020 at 9.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 30 June 2020.
Clove/Littlewood

Matters arising

It was noted that it had been requested that online meetings be looked at if a situation like COVID-19 happened again.

2. Incident, Compliance Monitoring Non-compliances and Enforcement Summary – 22 May 2020 to 30 June 2020

- 2.1 Mr B Pope, Compliance Manager, spoke to the memorandum allowing members to consider and receive the summary of the incidents, compliance monitoring non-compliances and enforcement for the period 22 May 2020 to 30 June 2020.
Councillor D McIntyre arrived at 9.40am
- 2.2 It was noted that there have been a few people informing Councillors they have made a complaint but nothing has been done and they have not heard back from anyone. It was clarified that if the complaint is left anonymously then officers cannot contact the person back.
- 2.3 The dumping of tyres was passed on to the District Councils as this falls under illegal dumping (littering).
- 2.4 Councillors D N MacLeod and C L Littlewood declared an interest in relation to Port Taranaki.
- 2.5 It was clarified that upon re-inspection following the Cooks Honda incident the sink in question was no longer being used and had been disconnected.
- 2.6 Timeframes for review/re-inspection of culverts vary as the consent holder is given a reasonable timeframe to correct the issue.

Recommends

That the Taranaki Regional Council:

- a) receives the memorandum incident, compliance monitoring non-compliances and enforcement for the period 22 May 2020 to 30 June 2020
- b) receives the summary of incidents, compliance monitoring non-compliances and enforcement for the period from 22 May 2020 to 30 June 2020, notes the action

taken by staff acting under delegated authority and adopts the recommendations therein.

Holswich/Littlewood

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

- 3.1 Mr C McLellan, Consents Manager, spoke to the memorandum advising members of consents granted, consents under application and consent processing actions since the last meeting.
- 3.2 Dow AgroSciences have changed their name to Corteva but their consents do not reflect that. It was clarified that the legal entity is still Dow AgroSciences so there is no issue.
- 3.3 It was clarified that the process for a renewal of a consent is no different to a new consent application it is just easier as the environmental effects are more known.
- 3.4 Letters have been sent to Consent holders with renewals coming up in 2021 to encourage them to start engaging with iwi now.
- 3.5 It was noted that the way the outcomes of consultation with iwi is recorded has been in place for a few years now and it was suggested that it could be time to review that process to ensure more meaningful information.
- 3.6 Councillor M Joyce declared an interest in two discharge permit R2/1512-3.1 & R21512-4.0.

Recommends

That the Taranaki Regional Council:

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

Cloke/Joyce

4. Consent Monitoring Annual Reports

- 4.1 Mr G K Bedford, Director – Environment Quality, spoke to the memorandum advising members of one tailored compliance monitoring report.

Recommends

That the Taranaki Regional Council:

- a) receives the 20-04 Central Greenwaste and Firewood Monitoring Programme Biennial Report 2018-2020 and adopts the specific recommendations therein.

Lean/Holswich

5. Monitoring Nitrogen Oxide Concentrations in Taranaki 2019-2020

- 5.1 Mr G K Bedford, Director – Environment Quality, spoke to the memorandum providing Members with a report on monitoring data from a survey tracking the concentration of nitrogen oxides in the air predominantly at compliance monitoring

sites across Taranaki. The programme is one of the suite of programmes monitoring air quality in the region.

Recommends

That the Taranaki Regional Council:

- a) receives the memorandum *Monitoring Nitrogen Oxide Concentrations in Taranaki 2019-2020*
- b) notes compliance with consent conditions across all sites
- c) notes that results will also be presented within individual annual compliance monitoring reports that will come to this Committee in due course.

Cloke/Davey

5. 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 Consents and Regulatory Committee Meeting on Tuesday 21 July 2020 for the following reason/s:

Item 7 - Prosecution

That the public conduct of the whole or relevant part of the proceedings would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Lean/McIntyre

There being no further business the Committee Chairman, Councillor D L Lean, declared the public meeting of the Consents and Regulatory Committee closed at 10.24am.

Confirmed

**Consents and Regulatory
Committee Chairperson:** _____

D L Lean

1 September 2020



Date 11 August 2020

Subject: **Policy and Planning Minutes - 21 July 2020**

Approved by: A D McLay, Director - Resource Management
M J Nield, Acting Chief Executive

Document: 2557124

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 Tuesday 21 July at 10.30am
- b) adopts the recommendations therein.

Matters arising

Appendices/Attachments

Document 2546526: Policy and Planning Minutes - 21 July 2020



Date 21 July 2020, 10.40am
Venue: Taranaki Regional Council chambers, 47 Cloten Road, Stratford
Document: 2546526

Members	Councillors	C L Littlewood N W Walker M G Davey M J McDonald D H McIntyre E D Van Der Leden M P Joyce D N MacLeod	Committee Chairperson Committee Deputy Chairperson ex officio ex officio
Representative Members	Councillors Mr Ms	C Young S Hitchcock G Boyde P Moeahu L Tester	South Taranaki District Council New Plymouth District Council Stratford District Council Iwi Representative Iwi Representative <i>Via zoom until 11.30am</i>
Attending	Councillor Messrs Ms Messrs Ms Miss Mr	D L Lean M J Nield A D McLay G K Bedford C Spurdle R Phipps D Harrison S Ellis G Marcroft T Parr S Tamarapa T Davey K Holland L Davidson M Ritai	Acting Chief Executive Director - Resource Management Director - Environment Quality Planning Manager Science Manager Hydrology/Biology Rivers Manager Environment Services Manager Policy Analyst Harbourmaster (Port Taranaki) Iwi Communications Officer Communications Adviser Communications Adviser Committee Administrator
		And two members of the public.	
Apologies	Apologies were received from Councillor C Williamson, Mr P Muir and Ms B Bigham. Littlewood/Walker		

Notification of Late Items There were no late items.

1. Confirmation of Minutes – 9 June 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, on Tuesday 9 June 2020 at 10.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 30 June 2020.

McDonald/Walker

Matters arising

There were no matters arising.

2. Pest Pathway Management in Taranaki

- 2.1 Mr S Ellis, Environmental Services Manager, spoke to the memorandum introducing the think-piece *Pest Pathways into Taranaki*. The think-piece was commissioned by the Taranaki Regional Council to review high-risk pest pathways into the Taranaki region, to identify high-risk candidate species, and to contribute to the preparation of a *Risk Assessment Inventory for the Taranaki region*.

Recommends

That the Taranaki Regional Council:

- a) receives the memorandum and attached think-piece *Pest Pathways into Taranaki*
- b) notes that the attached think-piece identifies 21 high-risk candidate species to be included in a *Risk Assessment Inventory for the Taranaki Region*
- c) notes that the *Risk Assessment Inventory for the Taranaki Region* will be regularly amended and updated over time to inform Council responses in the management of pest pathways.

Van Der Leden/Young

Mr S Ellis left the meeting at 10.48am

3. Review of the Navigation Bylaw for Port Taranaki and its Approaches and Harbourmaster Annual Report

- 3.1 Mr A D McLay, Director - Resource Management, introduced Ms G Marcroft, (Policy Analyst) and Mr T Parr, Harbourmaster.
- 3.2 Ms G Marcroft, spoke to the memorandum seeking Members agreement to proceed with a review of the *Navigation for Port Taranaki and its Approaches 2009* in accordance with the requirements of the *Local Government Act 2002 (LGA)*.
- 3.3 Mr T Parr, Harbourmaster, spoke to the Harbourmasters Annual Report.

- 3.4 It was clarified that even though the recreational usage of the facilities at Port Taranaki has increased the current facilities are still fit for purpose.

Recommends

That the Taranaki Regional Council:

- a) receives this memorandum entitled *Review of the Navigation Bylaw for Taranaki and its Approaches*
- b) receives and adopts the draft revised bylaws
- c) approves the commencement of the special consultative process for the review of the revised bylaws in accordance with the LGA
- d) notes the special consultative process for the review of the *Navigation Safety Bylaw for Port Taranaki and its Approaches 2020* will be run concurrently with another special consultative process for the *River Control and Flood Protection Bylaw for Taranaki 2020*.
Joyce/Boyde

4. Making of River Control and Flood Protection Bylaws for Taranaki

- 4.1 Mr A D McLay, Director – Resource Management, introduced Mr D Harrison, Rivers Manager and Ms G Marcroft, Policy Analyst.
- 4.2 Mr D Harrison, Rivers Manager, spoke to the memorandum presenting for Members consideration the proposed *Rivers Control and Flood Protection Bylaws for Taranaki 2020* (Proposed Bylaws) and answered questions arising. Approval to undertake the special consultative process on the Proposed Bylaws in accordance with the *Local Government Act 2002* (LGA) was requested.
- 4.3 It was clarified that the Proposed Bylaw is for new structures and anything existing would not fall under this Proposed Bylaw.

Recommends

That the Taranaki Regional Council:

- a) receives this agenda memorandum *Making River Control and Flood Protection Bylaw for Taranaki*
- b) receives and adopts the attached proposed *River Control and Flood Protection Bylaw for Taranaki 2020* and supporting documentation
- c) approves the commencement of the special consultative process for the making of new bylaws in accordance with the LGA
- d) notes that a hearing may be required to hear submissions made on the proposed bylaws
- e) notes that special consultative process for the making of the *River Control and Flood Protection Bylaw for Taranaki 2020* will be run concurrently with another special consultative process for the review of the *Navigation Safety Bylaw for Port Taranaki and its Approaches*.

Van Der Leden/MacLeod

Ms G Marcroft, Mr D Harrison and Mr T Parr left the meeting at 11.15am

5. Update on the Freshwater Reforms

- 5.1 Mr C Spurdle, Planning Manager, spoke to the memorandum providing an update and summary of the Government's freshwater reforms and answered questions arising.
- 5.2 Only high level matters had been presented by Government and further detail will be provided later, hence the implications of the proposals were difficult to determine.

Louise Tester left the meeting at 11.30am

Recommends

That the Taranaki Regional Council:

- a) receives the memorandum *Update on the freshwater reforms*
- b) notes the Council and many others have achieved significant changes through the submission process
- c) recognise that until we can review the detail of the regulatory documents, the full implications of the proposals are difficult to assess.

McDonald/Van Der Leden

6. Consideration of Stream Size in Determining Minimum Flows and Water Allocation Limits in Taranaki Rivers

- 6.1 Mr R Phipps, Science Manager – Hydrology/Biology, gave a presentation for Members introducing the report undertaken by Dr Ian Jowett (Jowett Consulting).
- 6.2 The report was prepared to inform the review of freshwater plan and, in particular, the consideration of minimum flow and allocation limits for a new proposed *Natural Resources Plan*.

Recommends

That the Taranaki Regional Council:

- a) receives the report *Considerations of Stream Size in Determining Minimum Flows and Water Allocation Limits in Taranaki Rivers* and its associated Factsheet
- b) notes that the report will underpin technical discussions and the wider consultation of water allocation policy options to be incorporated in the proposed *Natural Resources Plan*.

Walker/Young

7. Report on Advocacy and Response Activities for the 2019/2020 year

Mr A D McLay, Director – Resource Management, spoke to the memorandum reporting on advocacy and response activities for the 2019/2020 year.

Recommends

That the Taranaki Regional Council:

- a) receives the memorandum *Report on Advocacy and Response activities for the 2019/2020 year*
- b) notes that 22 submissions were made during the year on the policy initiatives of other agencies

- c) notes that the senior staff were also involved in various working parties or other for a on central and local government policy development and review projects.

Joyce/Van Der Leden

There being no further business, the Committee Chairperson, Councillor C L Littlewood, declared the meeting of the Policy and Planning Committee closed at 12.05pm.

Confirmed

**Policy and Planning
Chairperson:** _____

C L Littlewood

Tuesday 1 September 2020



Date 11 August 2020

Subject: **Executive, Audit and Risk Minutes - 3 August 2020**

Approved by: M J Nield, Acting Chief Executive

Document: 2557139

Recommendations

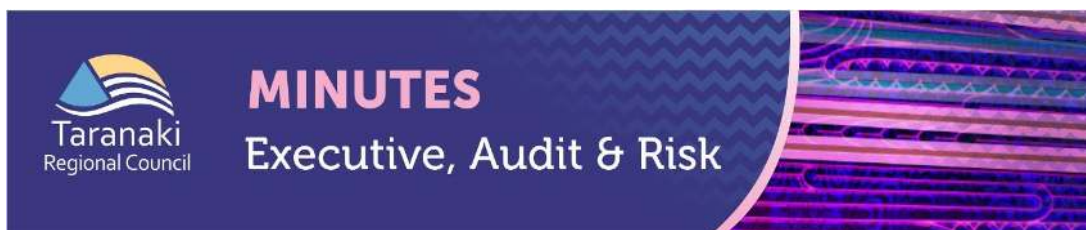
That the Taranaki Regional Council:

- 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 3 August at 10am
- b) adopts the recommendations therein.

Matters arising

Appendices/Attachments

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



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

Members	Councillors	N W Walker	Committee Chairperson	
		M J Cloke		
		D L Lean		
		C L Littlewood		
		M J McDonald		
		D N MacLeod	<i>arrived 10.28am</i>	
		M P Joyce	ex officio	
Attending	Councillor	E D Van Der Leden		
		Messrs	M J Nield	Acting Chief Executive
			G K Bedford	Director - Environment Quality
			C Clarke	Transport Manager
		Ms	R Johnson	Financial Services Manager
		Miss	L Davidson	Committee Administrator
	Mr	P Ledingham	Communications Adviser	

One member of the public.

Apologies An apology for lateness was received from Councillor M J McDonald.

Notification of Late Items Councillor D N MacLeod expressed that he wished to speak regarding Māori wards under General Business.

1. Confirmation of Minutes - 22 June 2020

Resolved

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

- 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 22 June 2020 at 10am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on 30 June 2020.

Littlewood/MacLeod

Matters arising

There were no matters arising.

2. Financial and Operational Report

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

Recommends

That the Taranaki Regional Council:

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

Joyce/Littlewood

3. Adoption of Statements of Intent

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

Recommends

That the Taranaki Regional Council:

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

Lean/Cloke

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

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

Recommends

That the Taranaki Regional Council:

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

Joyce/Cloke

5. Regional Public Transport Plan

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

Recommends

That the Taranaki Regional Council:

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

Cloke/Littlewood

6. Climate Change Strategy

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

Councillor McDonald arrived 10.28am

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

Recommends

That the Taranaki Regional Council:

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

Littlewood/Joyce

7. Public Excluded

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

Item 8 - Confidential Minutes - 22 June 2020

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

Item 9 - Consideration of 2019/2020 Annual Report

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

Item 10 - Yarrow Stadium Update

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

MacLeod/McDonald

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

Confirmed

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

N W Walker

14 September 2020



Date 11 August 2020

Subject: **Meeting Dates for August and September**

Approved by: M J Nield, Acting Chief Executive

Document: 2558194

Purpose

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

Meeting Dates

All meetings are held at the Taranaki Regional Council, 47 Cloten Road, Stratford. The six weekly round of meetings for August and September will be as follows:

Taranaki Solid Waste Joint Committee	Thursday 20 August 2020	10.30am
Consents and Regulatory Committee	Tuesday 1 September 2020	9.30am
Policy and Planning Committee	Tuesday 1 September 2020	10.30am
Taranaki Regional Transport Committee	Wednesday 9 September 2020	11am
Taranaki Civil Defence Joint Group Committee	Thursday 10 September 2020	10.30am
Executive, Audit and Risk Committee	Monday 14 September 2020	10am
Ordinary Meeting	Tuesday 22 September 2020	10.30am



Date 11 August 2020

Subject: **Electoral Decisions**

Approved by: M J Nield, Acting Chief Executive

Document: 2555020

Purpose

1. The purpose of this memorandum is to consider whether to use First Past the Post (FPP) or Single Transferable Vote (STV) electoral system for the 2022 elections and whether Māori representation should be considered.

Executive summary

2. The *Local Electoral Act 2001* provides for Council, in 2020, to consider for the 2022 elections the electoral system and whether Māori representation should be introduced. There is no legal requirement to undertake a representation arrangements review as the last review was undertaken in 2018, although a further review or minor adjustments of internal boundaries may be undertaken in 2021.
3. The review of the electoral system must be completed by 12 September 2020 and must consider whether:
 - The First Past the Post (FPP) electoral system is retained
 - The Single Transferrable Voting (STV) electoral system is introduced; or
 - A poll of electors is held on which electoral system is to be used for the next two triennial elections
4. The consideration of Māori representation is optional, but if it is to be implemented for the 2022 elections, a decision is required by 23 November 2020. If introduced, and assuming a total of 11 councillors remain, there would be one councillor elected from a Māori constituency, and 10 councillors elected from one or more general constituencies.
5. A representation arrangements review is not required to be undertaken unless the Council wishes to undertake a further review or make internal boundary adjustments.

Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum Electoral Decisions
- b) pursuant to section 27 of the *Local Electoral Act 2001* resolves for the 2022 Taranaki Regional Council triennial elections to either:
 - retain the First Past the Post electoral system; or
 - change to the Single Transferrable Voting electoral system; or
 - undertake a poll of electors on the electoral system to be used for the 2022 and 2025 elections and that public notice be given by 19 September 2020 of the decision and of the right of electors to demand a poll on the electoral system to be used;
- c) considers whether or not to introduce Māori representation for the 2022 and 2025 elections, pursuant to section 19ZA of the *Local Electoral Act 2001*
- d) does not undertake a representation arrangements review.

Background

6. The *Local Electoral Act 2001* (LEA) provides for flexibility and local choice in several electoral related matters. The principal matters requiring consideration by local authorities in 2020/2021 for the 2022 elections are (i) the choice of electoral system (between FPP and STV), (ii) whether or not to introduce Māori representation and (iii) for some, to undertake a representation arrangements review.
7. Consideration of the electoral system is required by 12 September 2020; consideration of Māori representation by 23 November 2020 (optional); and a review of representation arrangements is not legally required (as this was last undertaken in 2018).
8. The LEA requires a local authority, when considering certain electoral matters, to comply with set requirements and timeframes. These are detailed in Appendix 1 of the attachment. The dates contained in Appendix 1 are generally the last compliance dates and it is anticipated that most of the matters can be completed prior to these dates.
9. The Council is required under section 27 of the LEA to consider the electoral system to be used for the 2022 elections, by 12 September 2020. Council has adopted the FPP electoral system since the choice was made available to local authorities in 2001.
10. The FPP electoral system was confirmed by Council for the 2019 elections and now Council has a further opportunity to review the electoral system to be used for the 2022 elections.
11. For the 2019 triennial elections, 67 of 78 local authorities used the FPP electoral system, and 11 used the STV electoral system. It is noted that currently all district health board elections must use the STV electoral system, however if the recent Simpson report on the future of district health boards is adopted, elections for district health board members may no longer be required. A table comparing FPP and STV follows:

COMPARING FPP AND STV

A typical FPP voting document could look like this

	HYPOTHETICAL CITY COUNCIL DOWNTOWN WARD ELECTING THREE (3) COUNCILLORS <small>You can tick up to three (3) candidates</small>
Vote Here <input checked="" type="checkbox"/>	BROWN, Sandy
<input checked="" type="checkbox"/>	JONES, Sam
<input type="checkbox"/>	OWENS, Harry
<input checked="" type="checkbox"/>	TAWHIRI, Ngaire
<input type="checkbox"/>	WATSON, Alice

A typical STV voting document could look like this

	HYPOTHETICAL CITY COUNCIL DOWNTOWN WARD ELECTING THREE (3) COUNCILLORS <small>Rank candidates in order of preference ... '1' '2' '3' etc</small>
Number Here 3 ↓	BROWN, Sandy
1	JONES, Sam
5	OWENS, Harry
2	TAWHIRI, Ngaire
4	WATSON, Alice

FPP	STV
FPP has long been widely used in New Zealand, is familiar and is generally easy to understand.	STV is currently used in Australia, United States, Ireland and Malta. Along with all the DHBs it is also being used by eleven New Zealand Councils in 2019. STV is also used by companies like Fonterra, to select board members.
Each voter is able to cast one vote for each vacancy to be filled. Voters place a tick beside the name of the candidate or candidates they wish to vote for.	Each voter gets one vote, no matter how many vacancies. Voters rank candidates in order of preference - "1" beside their most preferred candidate "2" beside the second-most preferred candidate, and so on. Voters do not have to rank all candidates, but must use consecutive numbers.
The candidate who receives the most votes is elected. Where there is more than one vacancy, the candidates (equal to the number of vacancies) who receive the most votes are elected.	A candidate must reach the quota to be elected. Where there is more than one vacancy, the candidates (equal to the number of vacancies) who reach the quota are elected.
FPP is not a form of proportional representation. Each tick is counted as a vote for that candidate and the candidate or candidates with the most votes are elected. A candidate may be elected by a small margin.	STV is a proportional electoral system. Proportional systems are intended to provide more effective representation for all significant points of view, although it cannot be guaranteed that STV will provide an increased diversity of representation.
A candidate may receive more votes than they need to get elected.	A candidate would not receive more votes than they would need to get elected, as surplus votes are transferred to the next preference.
Some voters may not have supported any of the candidates who get elected.	If voters rank every candidate, they are likely to have supported at least one successful candidate.
Where political parties or organised political groupings contest the elections, and there are say 3 vacancies, voters can vote for the 3 candidates representing a political party or organised political group ("block" voting). This can result in all candidates from a political party or organised political group being elected.	STV can moderate "block" voting as voters can rank every candidate therefore making it more difficult for all candidates from a political party or organised political group to be elected.

12. The options to determine its electoral system for 2022 are:

- Council can resolve which electoral system is to be used, with the required public notification to follow
- Five per cent of electors can demand a poll on the matter
- Council can choose to hold a poll on the matter, irrespective of whether or not a poll is demanded by electors.

Council to Resolve Which Electoral System is to be Used

13. Council can resolve to retain the current electoral system (FPP) or resolve to change the electoral system to STV. Such a resolution must be made no later than 12 September 2020 (two years prior to the next triennial election) unless it decides to hold a poll of electors.

14. Any resolution changing the electoral system would take effect for the 2022 and 2025 elections, and continue in effect until either Council resolves otherwise, or a poll of electors is held.
15. Council may also simply choose to retain the current electoral system (FPP).

Electors' Right to Demand a Poll

16. Under section 28 of the LEA, Council **must** give public notice by 19 September 2020, of the right of electors to demand a poll on the electoral system to be used for the 2022 and 2025 elections. If Council passes a resolution under section 27 of the LEA to change the electoral system from FPP to STV, the public notice must include:
 - a) Notice of that resolution; and
 - b) A statement that a poll is required to countermand that resolution.
17. Section 29 of the LEA allows 5% of the electors enrolled at the previous triennial election to demand a binding poll be held on which electoral system is to be used for the next two triennial elections. The poll demand must be made in writing to the Chief Executive by a number of electors equal to or greater than 5% of the electors (4,083 electors) and can be made anytime, but to be effective for the 2022 elections, must be made by 21 February 2021.

Council May Decide to Hold a Poll of Electors

18. Council can decide to hold a poll of electors at any time (section 31 of the LEA), but to be effective for the 2022 elections, must decide no later than 21 February 2021, irrespective of whether a valid demand has been received, or the time has expired for electors to demand a poll.
19. Public notice of the poll must be given no later than 21 February 2021 and the poll itself must be completed by 21 May 2021 (to be effective for the 2022 elections). The result of the poll is binding and will determine whether FPP or STV is to be used for at least the next two triennial elections (2022, 2025), and for all subsequent elections until either a further resolution takes effect or a further poll is held.
20. For the last elections the New Plymouth District Council and the Taranaki District Health Board used STV whereas the Stratford District Council and South Taranaki District Council used FPP.

Māori Representation

21. Council may consider (it is optional), under section 19Z of the LEA, whether or not to introduce Māori representation for the 2022 and 2025 elections, by 23 November 2020. Should Māori representation be introduced, a formula to determine the number of Māori and general councillors is contained in Schedule 1A of the LEA and is:

$$N_{mm} = \frac{mepr}{Mepr + gepr} \times nm$$

where n_{mm} = number Māori constituency members
 $mepr$ = Māori electoral population of region
 $gepr$ = general electoral population of region
 nm = total number members

22. For the Taranaki Regional Council, the Māori electoral population is 13,500 and the general electoral population is 104,064 (as at the 2018 Census).
23. Assuming a total of 11 councillors remain, the formula when populated would require one (1.26 rounded down to one) councillor elected from a Māori constituency and 10 councillors elected from one or more general constituencies.
24. The process that Council can follow to consider Māori representation for 2022 and beyond is:
 - Council may make a decision to introduce Māori representation, but if it does, public notice must be given
 - Five per cent of electors can demand a poll on the matter
 - Council may choose to hold a poll on the matter, irrespective of whether or not a poll is demanded by electors.

Council to Resolve to Adopt Māori Representation

25. Council **may** resolve to introduce Māori representation for the next two triennial elections (2022, 2025). If it decides to introduce Māori representation in time for the 2022 elections, it must do so no later than 23 November 2020 (two years prior to the next triennial election), unless it decides to hold a poll of electors.
26. Any such resolution would take effect for the 2022 and 2025 elections, and continue in effect until either Council resolves otherwise, or a poll of electors is held.
27. Council may also simply choose to do nothing, in which case no public notice is required.

Electors' Right to Demand a Poll

28. If Council resolves to adopt Māori representation by 23 November 2020, it **must** give public notice of the right of electors to demand a poll on the matter. If Council passes a resolution under section 19Z of LEA to introduce Māori representation, the public notice must include:
 - a) Notice of that resolution; and
 - b) A statement that a poll is required to countermand that resolution.
29. Section 19ZB of the LEA allows 5% of the electors enrolled at the previous triennial election to demand a binding poll to be held on a proposal whether or not Māori representation is to be introduced for the next two triennial elections. The poll demand must be made in writing to the Chief Executive by a number of electors equal to or greater than 5% of the electors (4,083 electors) and can be made anytime, but to be effective for the 2022 elections, it must be made by 21 February 2021.

Council May Decide to Hold a Poll of Electors

30. Council can also decide to hold a poll of electors at any time (but must decide no later than 21 February 2021 to be effective for the 2022 elections), irrespective of whether a valid demand has been received, or the time has expired for electors to demand a poll.
31. Public notice of the poll must be given no later than 21 February 2021 and the poll itself must be completed by 21 May 2021 (to be effective for the 2022 elections).
32. The results of the poll are binding and will determine whether Māori representation is to be introduced for at least the next two triennial elections (2022, 2025), and subsequent

elections until either a further resolution under section 19Z of the LEA takes effect or a further poll is held.

33. The Council has not determined the views of the regional community and Tangata Whenua on the matter of a Māori constituency. Accordingly, consultation with Māori on whether Māori representation is desirable should be undertaken. For some local authorities, such consultation has resulted in Māori representation not being introduced, with some Māori believing there are better ways of achieving representation for their people (for example co-governance models - Māori Standing Committees or Iwi Partnership models e.g. Rotorua District Council/Te Arawa Partnership, Gisborne District Council's Joint Management Agreement/Iwi Management Plans). Therefore, it is recommended that Iwi consultation be undertaken with the intention of being well placed to consider Iwi representation for the 2025 elections.
34. It is noted Council already has established Iwi representatives appointed to each of its two main standing committees - the Policy and Planning Committee and the Consents and Regulatory Committee through Treaty of Waitangi settlement legislation.

Representation Arrangements Review

35. A representation arrangements review must be undertaken at least once every six years (section 19H of the LEA). As the last review was undertaken in 2018, a further review is not required until 2024. However, a further review can be undertaken in 2021 if considered desirable and must be undertaken in 2021 if Māori representation is introduced.
36. Legislation does permit minor internal boundary alterations to occur in three-years following a full representation review e.g. where a specific land use has grown to spread over parts of two constituencies. A recommended timetable is set out in Appendix 1.
37. Given the recent representation review and the relative lack of change in land use and communities of interest, a further review is not recommended.

Decision-making considerations

38. 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

39. 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

40. 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*, *Local Government Official Information and Meetings Act 1987* and the *Local Electoral Act 2001*.

Iwi considerations

41. 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

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

Appendices/Attachments

Document 2556618: 2020/2021 Electoral System, Māori Representation Review Timetable

APPENDIX 1



election
services

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// bringing change

**2020/2021 ELECTORAL SYSTEM, MĀORI REPRESENTATION
REVIEW TIMETABLE**

LEGISLATIVE REQUIREMENTS

By 12 September 2020*	A local authority MAY resolve to change the electoral system (from the system it used at the 2019 general election) for the next two triennial elections.	Section 27 of LEA
By 19 September 2020*	A local authority MUST give public notice that electors may at any time demand that a poll be held on the future electoral system to be used by the local authority for the next two triennial elections, and if a poll outcome is to apply to the next triennial election, a demand for a poll must be received by 21 February 2021. If a resolution has been made by a local authority by 12 September 2020, this must be included in the notice.	Section 28 of LEA
By 23 November 2020*	A local authority MAY resolve to introduce Māori representation for the next two triennial elections.	Section 19Z of LEA
By 30 November 2020*	IF a resolution has been made by a local authority to introduce Māori representation, a local authority MUST give public notice that electors may at any time demand that a poll be held on Māori representation, and if a poll outcome is to apply to the next triennial election, a demand for a poll must be received by 21 February 2021.	Section 19ZA of LEA
By 21 February 2021*	IF a demand for a poll that a specified electoral system be used for the next two triennial elections is received by 21 February 2021, a poll must be held by 21 May 2021.	Sections 29 and 30 of LEA
By 21 February 2021*	A local authority MAY also resolve to undertake a poll of electors that a specified electoral system be used for the next two triennial elections.	Section 31 of LEA

G:\ElectionServices\Timetables\2020-2021-elecys-maorirep-timetable.doc

Ordinary Meeting - Electoral Decisions

By 21 February 2021*	If a demand for a poll on Māori representation is received by 21 February 2021, a poll must be held by 21 May 2021.	Section 19ZC of LEA
By 21 February 2021*	A local authority MAY also resolve to undertake a poll on Māori representation.	Section 19ZD of LEA
By 21 May 2021*	If a successful demand for a poll has been received by 21 February 2021, or a resolution for a poll has been made by a local authority by 21 February 2021 (that a specified electoral system be used for the next two triennial elections), then a poll MUST be held within 89 days of notification.	Section 33 of LEA
By 21 May 2021*	If a successful demand for a poll has been received by 21 February 2021, or a local authority has made a resolution by 21 February 2021 (on Māori representation), then a poll MUST be held within 89 days of notification.	Section 19ZF of LEA

* may be earlier than but not later than

Dale Ofoske, November 2019

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 11 August 2020 for the following reason/s:

Item 8 - Public Excluded Ordinary Minutes - 30 June 2020

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

Item 9 - Public Excluded Consents and Regulatory Minutes - 21 July 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 10 - Public Excluded Executive, Audit and Risk Minutes - 3 August 2020

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