



AGENDA Ordinary Meeting

Monday 21 February 2022, 10.30am

Ordinary Meeting

Venue: 47 Cloten Street, Stratford

21 February 2022 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 (*Chairperson*) Councillor M P Joyce (*Deputy Chairperson*)

Councillor M J Cloke

Councillor M G Davey

Councillor D L Lean

Councillor C L Littlewood

Councillor M J McDonald

Councillor D H 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 21 February 2022

Subject: **Confirmation of Minutes - 14 December 2021**

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

Document: 2992768

Recommendations

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 14 December 2021 at 10.30am.

Matters arising

Appendices/Attachments

Document 2942115: Minutes Ordinary - 14 December 2021.



Date: 14 December 2021, 10.30am
Venue: Taranaki Regional Council, 47 Cloten Road, Stratford
Document: 2942115

Present	Councillors	D N MacLeod M P Joyce M J Cloke D L Lean M J McDonald D H McIntyre E D Van Der Leden N W Walker C S Williamson	Chairman Deputy Chairman
Attending	Messrs Ms Miss Mr	S J Ruru M J Nield D R Harrison A D McLay A J Matthews L Davidson P Leadingham D Washer T Manu M Hokopaura J Healey J King	Chief Executive Director - Corporate Services Director - Operations Director - Resource Management Director - Environment Quality Committee Administrator Communications Adviser Greymouth Petroleum Taranaki Iwi Taranaki Iwi Taranaki Iwi Taranaki Iwi

Apologies Apologies were received from Councillors C L Littlewood and M G Davey.

Notification of Late Items Councillor D L Lean – Bio Plant Energy
 Councillor D H McIntyre – Water quality at swimming spots
 Councillor C S Williamson – Representation Review process.

13. Deputation – Taranaki Iwi

- 1.1 Members of Taranaki Iwi gave a deputation to the Council raising concerns around a consent granted to Greymouth Petroleum.

- 1.2 Mr D Washer, Greymouth Petroleum, read a statement on behalf of Greymouth Petroleum.

14. Confirmation of Ordinary Minutes – 2 November 2021

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 2 November 2021 at 10.30am.

Lean/Cloke

Matters arising

There were no matters arising.

15. Consents and Regulatory Committee Minutes – 23 November 2021

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 23 November 2021 at 9.30am.
- b) adopts the recommendations therein.

Lean/MacLeod

Matters arising

- 3.1 It was acknowledged that Officers conducted a well thought out review of the Compliance Department working through a number of issues.

16. Policy and Planning Committee Minutes – 23 November 2021

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 23 November 2021 at 10.30am
- b) adopts the recommendations therein.

Walker/McIntyre

Matters arising

There were no matters arising.

17. Executive, Audit and Risk Committee – 6 December 2021

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 6 December 2021 at 10am
- b) adopts the recommendations therein.
Walker/MacLeod

Matters arising

There were no matters arising.

18. Joint Committee Minutes

Resolved

That the Taranaki Regional Council:

- a) receives the unconfirmed minutes of the Taranaki Solid Waste Management Committee meeting held on Thursday 4 November 2021
- b) receives the unconfirmed minutes of the Taranaki Civil Defence Emergency Management Group Joint Committee meeting held on Thursday 12 November 2021
- c) receives the unconfirmed minutes of the Taranaki Regional Transport Committee meeting held on Wednesday 1 December 2021.
Joyce/Walker

Matters arising

6.1 Taranaki Solid Waste Management Committee

- There were no matters arising.

6.2 Taranaki Civil Defence Emergency Management Group Joint Committee

- There were no matters arising.

6.3 Taranaki Regional Transport Committee

- It was noted that the Taranaki Mayoral forum are in support of the Regional Transport Committee submission to Waka Kotahi New Zealand Transport Agency. The Transport Committee submission focused on taking a wider look at the range of tools and mechanisms applied rather than just reducing speeds to decrease deaths.
- Work has begun on the SH3 prioritisation list of potential improvement projects.

19. February 2022 Meeting Dates

- 7.1 The meeting dates for February 2022 were attached for information.
- 7.2 A request was made to change the Ordinary meeting in February to Monday 21 February 2022.

20. Appointment of Enforcement Officers and Issuing of Warrants

- 8.1 Mr A D McLay, Director – Resource Management, spoke to the memorandum recommending the Council appoint enforcement officers to carry out the Council’s responsibilities for navigation safety. These officers will enforce navigation bylaws and related codes within Port Taranaki and its approaches.

Resolved

That the Taranaki Regional Council:

- a) appoints Paul Davison, Richard Corry, Tim Buchanan, Hannah Woodd, Celeste Bevins and Phil Whelan as enforcement officers, under section 33G(a) of the Maritime Transport Act 1994 and 174 of the Local Government Act 2002, and approves their warrant powers described in this memorandum.

Cloke/Walker

21. Dairy Trust Taranaki Representation

- 9.1 Mr S J Ruru, Chief Executive, spoke to the memorandum seeking a decision from Council as to whether they wish to continue to have the right to appoint a trustee to Dairy Trust Taranaki.
- 9.2 It was noted that Mr D R Harrison, Director – Operations meets on a regular basis, with Duncan Johnson the Chair of Dairy Trust Taranaki.

Resolved

That the Taranaki Regional Council:

- a) receives the Memorandum *Dairy Trust Taranaki Representation*
- b) notes the retirement of Councillor Joyce from Dairy Trust Taranaki Regional Council
- c) determines that it no longer wishes to have the ability to appoint a Trustee to Dairy Trust Taranaki Regional Council
- d) determines that this decision be recognized as not significant in terms of section 76 of the *Local Government Act 2002*
- e) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Walker/Cloke

22. 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 10 August 2021 for the following reason/s:

Item 11 – Public Excluded Ordinary Minutes – 2 November 2021

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 Executive, Audit and Risk Minutes – 6 December 2021

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/Walker

The meeting resolved to move out of public excluded to address late items raised at the beginning of the meeting.

14. Late Items

14.1 Bio Plant Energy

Councillor D L Lean, informed the Council that he has been part of a project building a new Bio Plant in the Manawatu Region. This plant will divert a significant amount of waste from landfill.

14.2 Water Quality at Swimming spots

Councillor D H McIntyre, raised some issues around water quality at popular swimming spots. It was suggested that some permanent signage be erected in popular swimming spots educating people on hazards and water quality and directing them to the TRC website for more information.

14.3 Representation Review Hearing

Chairman D N MacLeod, gave an overview of the process of the hearing on the Representation Review being held by the Local Government Commission on Wednesday 15 December.

There being no further business, Chairman D N MacLeod, declared the Ordinary Meeting of the Taranaki Regional Council closed at 11.45am.

Confirmed

Chairperson: _____

D N MacLeod
21 February 2022



Date 21 February 2022

Subject: **Consents and Regulatory Committee Minutes - 1 February 2022**

Approved by: AJ Matthews, Director - Environment Quality
S J Ruru, Chief Executive

Document: 2992763

Recommendations

That the Taranaki Regional Council:

- a) receives the minutes of the Consents and Regulatory Committee meeting of the Taranaki Regional Council at the Taranaki Regional Council, 47 Cloten Road, Stratford on Tuesday 1 February 2022 at 9.30am.
- b) adopts the recommendations therein.

Matters arising

Appendices/Attachments

Document 2976831: Minutes Consents and Regulatory Committee - 1 February 2022.



Date 1 February 2022, 9.30am
Venue: Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford
Document: 2976831

Members	Councillor	C S Williamson	Meeting Chair* <i>Zoom</i>
	Councillor	D L Lean	<i>Zoom</i>
	Councillor	M J Cloke	<i>Zoom</i>
	Councillor	M G Davey	<i>Zoom</i>
	Councillor	C L Littlewood	
	Councillor	D H McIntyre	
	Councillor	D N MacLeod	ex officio
	Councillor	M P Joyce	<i>Zoom</i>
Representative			
Members	Mr	K Holswich	Iwi Representative <i>Zoom</i>
	Mr	M Ritai	Iwi Representative <i>Zoom</i>
	Ms	E Bailey	Iwi Representative <i>Zoom</i>
Attending	Mr	S J Ruru	Chief Executive
	Ms	A J Matthews	Director - Environment Quality
	Mr	A D McLay	Director - Resource Management
	Mr	B Pope	Compliance Manager
	Ms	J Allen	Consents Manager
	Ms	V McKay	Manager - Environmental Assurance
	Mr	R Phipps	Manager - Science & Technology <i>Zoom</i>
	Miss	L Davidson	Executive Assistant
	Miss	R S Sweeney	Governance Administrator
			<i>One member of the media Robin Martin, Radio New Zealand via zoom.</i>

*Due to technological difficulties, Councillor C S Williamson chaired the Consents & Regulatory Committee Meeting for 1 February 2022.

Opening Karakia The meeting opened with a group karakia.

Apologies An apology was received and sustained from Councillor E D Van Der Leden.

Notification of Late Items There were no late items.

1. Confirmation of Minutes – 23 November 2021

Resolved

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

- a) takes as read and confirms the minutes and resolutions of the Consents and Regulatory Committee of the Taranaki Regional Council held at the Taranaki Regional Council, 47 Cloten Road, Stratford on 23 November 2021 at 9.30am.
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on 14 December 2021.
McIntyre/Littlewood

Matters arising

There were no matters arising.

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

- 2.1 Ms J Allen, Consents Manager, spoke to the memorandum to advise the Council of consents granted, consents under application and of consent processing actions since the last meeting.
- 2.2 Attention was drawn to the comments provided to show iwi input to the consents process that members had requested some time ago.
- 2.3 Councillor D N McIntyre declared an interest to items relating to multiple consents.
- 2.4 Councillor M P Joyce declared an interest in items relating to page 22, R2/10962-1.0 MP & VMJ Joyce Trust Partnerships.

Recommended

That the Taranaki Regional Council:

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

3. Consent Monitoring Annual Reports

- 3.1 Ms V McKay, Manager – Environmental Assurance, spoke to advise the Council of 14 tailored compliance monitoring reports that have been prepared since the last meeting.
- 3.2 Ms E Bailey made some suggestions to improve the quality of the storm water drainage and vehicle impact on grass at the Urenui and Onaero campgrounds.

Recommended

That the Taranaki Regional Council:

- a) receives the 21-11 DH Lepper Trust (Piggery) Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein

- b) receives the 21-12 STDC Water Supplies Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- c) receives the 21-26 NPDC Urenui and Onaero Beach Camps Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- d) receives the 21-30 Concrete Batching Plants Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- e) receives the 21-31 Hickman JD 1997 Family Trust Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- f) receives the 21-39 Greymouth Petroleum Ltd Northern Sites Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- g) receives the 21-41 Todd Petroleum McKee Mangahewa Production Station Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- h) receives the 21-45 Lower Waiwhakaiho Airshed Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- i) receives the 21-52 STDC Coastal Structure Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- j) receives the 21-53 Greymouth Petroleum Ltd Deep Well Injection Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- k) receives the 21-58 Ballance Agri-Nutrients (Kapuni) Ltd Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- l) receives the 21-67 STDC Closed Landfills Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- m) receives the 21-68 Candyman Trust Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein
- n) receives the 21-69 Westown Haulage Cowling Road Monitoring Programme Annual Report 2020-2021 and notes the specific recommendations therein.

Lean/Littlewood

4. Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 29 October 2021 to 11 January 2022

- 4.1 Mr B Pope, Compliance Manager, spoke to the memorandum to consider and receive the summary of the incidents, compliance monitoring non-compliances and enforcement for the period 29 October to 11 January 2022.
- 4.2 Councillor M G Davey declared an interest relating to Ravensdown.
- 4.3 Mr B Pope, Compliance Manager, gave an update on Taranaki By-Products, where there was a significant fire over the New Year period which has resulted in extensive damage to the exterior of the building. There is a strategy for the disposal of waste product in place which involves redirection to other facilities for the next 6 months.

Recommended

That the Taranaki Regional Council:

- a) receives this memorandum Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 29 October 2021 to 11 January 2022
- b) receives the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 29 October 2021 to 11 January 2022, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Williamson/Lean

There being no further business the Committee Chairman, Councillor C S Williamson, declared the public meeting of the Consents and Regulatory Committee closed at 10am.

Confirmed

**Consents and Regulatory
Committee Chairperson:** _____

**D L Lean
15 March 2022**



Date 21 February 2022

Subject: **Policy and Planning Committee Minutes - 1 February 2022**

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

Document: 2992751

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 Boardroom, 47 Cloten Road, Stratford on Tuesday 1 February 2022 at 10.30am
- b) adopts the recommendations therein.

Matters arising

Appendices/Attachments

Document 2976132: Minutes Policy and Planning - 1 February 2022.



Date 1 February 2022, 10.30am

Venue: Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford

Document: 2976132

Members			
Councillor	C L Littlewood		Committee Chairperson
Councillor	N W Walker		Committee Deputy Chairperson
Councillor	M G Davey		<i>Zoom</i>
Councillor	M J McDonald		<i>Zoom</i>
Councillor	D H McIntyre		
Councillor	C S Williamson		<i>Zoom</i>
Councillor	D N MacLeod		ex officio
Councillor	M P Joyce		ex officio <i>Zoom</i>

Representative

Members			
Councillor	G Boyde		Stratford District Council
Ms	L Tester		Iwi Representative <i>Zoom</i>
Ms	B Bigham		Iwi Representative <i>Zoom</i>
Mr	P Moeahu		Iwi Representative
Mr	P Muir		Federated Farmers <i>Zoom</i>

Attending			
Councillor	D L Lean		<i>Zoom</i>
Mr	S J Ruru		Chief Executive
Mr	A D McLay		Director - Resource Management
Ms	A J Matthews		Director - Environment Quality
Mr	D R Harrison		Director - Operations
Mr	C Spurdle		Planning Manager
Mr	C Wadsworth		Strategy Lead <i>Zoom</i>
Mr	S Tamarapa		Iwi Communications Advisor
Mr	R Phipps		Manager - Science & Technology <i>Zoom</i>
Miss	L Davidson		Executive Assistant
Miss	R Sweeney		Governance Administrator
Mr	D Luke		Te Korowai o Ngāruahine Trust <i>Zoom</i>
<i>One member of the media Robin Martin, Radio New Zealand.</i>			

Apologies Apologies were received and sustained from Councillors E D Van Der Leden, C Young – South Taranaki District Council and S Hitchcock – New Plymouth District Council.

1. Confirmation of Minutes – 23 November 2021

Resolved

That the Policy and Planning Committee of the Taranaki Regional Council:

- a) takes as read and confirms the minutes and resolutions of the Policy and Planning Committee of the Taranaki Regional Council held in the Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford on Tuesday 23 November 2021 at 10.30am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 14 December 2021.
Walker/McIntyre

Matters arising

There were no matters arising.

2. Submission on the Proposed Dog Control Policy and Dog Control Bylaw 2021

- 2.1 Mr D R Harrison, Director - Operations, spoke to the memorandum to seek the Members' endorsement of the submission on the New Plymouth District Council (NPDC) *Statement of proposal dog control policy and dog control bylaw 2021* (the Proposal).

Recommended

That the Taranaki Regional Council:

- a) receives this Memorandum entitled Submission on the *Proposed Dog Control Policy and Dog Control Bylaw 2021*
- b) receives and endorses the attached submission on the Proposal
- c) determines that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- d) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

MacLeod/Joyce

3. Update on Old Man's Beard Control Programme

- 3.1 Mr D R Harrison, Director - Operations, spoke to the memorandum to update Members' on the progress that the Taranaki Regional Council (the Council) has made with the implementation of the Old Man's Beard control programme along the Waingongoro River.

Recommended

That the Taranaki Regional Council:

- a) receives the Memorandum entitled Update on Old Man's Beard control programme.

McDonald/Boyde

4. Ngāruahine Kaitiaki Plan

- 4.1 Mr D Luke, Environmental lead at Te Korowai Ngāruahine Trust presented for the Members information an Iwi management plan recently produced by Te Korowai o Ngāruahine Trust entitled Ngāruahine Kaitiaki Plan 2021, Te Uru Taiao o Ngāruahine.
- 4.2 Mr P Moeahu, Iwi Representative requested further detail on the iwi management plans held at the council and how they are being used by council staff.
- 4.3 Councillor C L Littlewood suggested a memorandum that highlights how the iwi management plans have been utilised.

Recommended

That the Taranaki Regional Council:

- a) receives the memorandum and the Ngāruahine Kaitiaki Plan 2021 - Te Uru Taiao o Ngāruahine;
- b) notes that the Plan outlines the expectations and the position of Te Korowai o Ngāruahine on matters relating to the environment in their takiwā (rohe);
- c) notes that the Plan will be taken into account during the review of the Council's Resource Management Act policy documents concerning air, freshwater, soil and coastal resources;
- d) recognises that the Plan is a positive step forward in clarifying the expectations and policy position of Te Korowai o Ngāruahine on environmental matters;
- e) determines that this decision be recognised as significant or not significant in terms of section 76 of the Local Government Act 2002; and
- f) determines that it has complied with the decision-making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further

Moeahu/Bigham

5. Essential Freshwater - Nitrogen Cap Provisions

- 5.1 Mr C Wadsworth, Strategy Lead - Resource Management, spoke to the memorandum to provide the Committee background on the provisions relating to nitrogen fertiliser application limits and reporting under the Essential Freshwater implementation

package. It also provided some details on the current work being undertaken by Council and nationally towards consistent implementation.

Recommended

That the Taranaki Regional Council:

- a) receives the Memorandum entitled Essential Freshwater – Nitrogen Cap Provisions.
Walker/MacLeod
Against – Councillor D H McIntyre

6. Future for Local Government Review Panel Visit

- 6.1 Mr S Ruru - Chief Executive Officer, spoke to the memorandum to seek endorsement of the strategic concepts that Council might seek to advance for consideration by the
- 6.2 Members provided feedback on the presentation and the draft report.

Recommended

That the Taranaki Regional Council:

- a) receives the Memorandum Future for Local Government Review Panel Visit
- b) notes that the Future for Local Government Review Panel will be visiting the Taranaki Regional Council on 17 March 2022.
- e) ~~agrees that the strategic level concepts discussed in the attached paper should be referred to during the discussion that Council is having with the Future for Local Government Review panel on 17 March 2022~~
- d) ~~asks the Chief Executive to forward a copy of the paper to the Future for Local Government Review panel ahead of the 17 March 2022 meeting~~
- e) ~~determines that this decision be recognised not significant in terms of section 76 of the Local Government Act 2002~~
- f) ~~determines that it has complied with the decision making provisions of the Local Government Act 2002 to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.~~

MacLeod/McDonald

7. Council Order Paper Template

- 7.1 Mr S J Ruru, Chief Executive, spoke to the memorandum to determine whether the Committee should recommend to the Council that it changes the agenda memorandum template standard report section and heading titled “Iwi Considerations”
- 7.2 Mr P Moeahu, Iwi Representative requested the inclusion of what Treaty principle considerations have taken place.

Recommended

That the Taranaki Regional Council:

- a) requests a report to Policy and Planning Committee regarding the agenda report section of the agenda titled "Iwi Implications" be changed to "Treaty Principle Considerations".

Walker/McIntyre

8. General Business

- 8.1 Councillor C L Littlewood noted that there were a number of people, over the summer, swimming at sites that were flagged 'red' for potential poor water quality and requested the TRC look into education and better signage.

There being no further business the Committee Chairman, Councillor C L Littlewood, declared the meeting of the Policy and Planning Committee closed at 12.40pm. The meeting closed with a karakia.

Confirmed

Policy and Planning

Chairperson: _____

C L Littlewood

15 March 2022



Date: 21 February 2022

Subject: **Executive, Audit and Risk Committee Minutes - 14 February 2022**

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

Document: 2992760

Recommendations

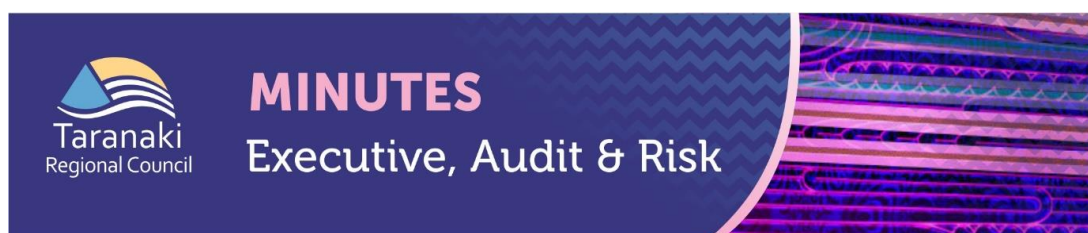
That the Taranaki Regional Council:

- 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 14 February 2022 at 10am
- b) adopts the recommendations therein.

Matters arising

Appendices/Attachments

Document 2992293: Minutes Executive, Audit and Risk Committee - 14 February 2022.



Date 14 February 2022, 10am
Venue: Taranaki Regional Council chambers, 47 Cloten Road, Stratford
Document: 2992293

Members	Councillors	N W Walker	Committee Chairperson
		M J Cloke	<i>zoom</i>
		D L Lean	<i>zoom</i>
		C L Littlewood	<i>zoom</i>
		M J McDonald	<i>zoom</i>
		D N MacLeod	<i>ex officio zoom</i>
		M P Joyce	<i>ex officio</i>
Mr	B Robertson	<i>zoom</i>	
Attending	Mr	S Ruru	Chief Executive
	Mr	M J Nield	Director – Corporate Services
	Ms	R Johnson	Finance Manager
	Ms	J Paterson	<i>zoom</i>
	Ms	R Stokes	<i>zoom</i>
	Ms	K Holland	Communications Advisor <i>zoom</i>
	Miss	L Davidson	Executive Assistant
	Miss	R S Sweeney	Governance Administrator

Apologies There were no apologies.

Notification of

1. Confirmation of Minutes – 6 December 2021

Resolved

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

- a) takes as read and confirms the minutes and resolutions of the Executive, Audit and Risk Committee held in the Taranaki Regional Council Chambers, 47 Cloten road, Stratford on 6 December 2021 at 10am
- b) notes the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 14 December 2021.

Joyce/Littlewood

2. Financial and Operational Report

- 2.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum receiving information on the operational and financial performance of the Council.

Recommended

That the Taranaki Regional Council:

- a) receives the memorandum *Financial and Operational Report* and the November and December 2021 Monthly Financial Reports
- b) notes the digital media update

Walker/MacLeod

3. Health and Safety Report

- 3.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum to receive and consider the health and safety performance of the Council.
- 3.2 Copies of the Taranaki Regional Council COVID-19 vaccination policy and overall protocols for staff once finalised will be shared with councillors.

Recommended

That the Taranaki Regional Council:

- a) receives the November 2021 health and safety report
- b) receives the December 2021 health and safety report.

Cloke/Littlewood

4. Quarterly Operational Report – December 2021

- 4.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum to receive and consider the Quarterly Operational Report (QOR) for the quarter ended 31 December 2021.

Recommended

That the Taranaki Regional Council:

- a) receives and adopts the Quarterly Operational Report for the quarter ended 31 December 2021

Lean/McDonald

5. Public Transport Operational Update for the Quarter Ending 31 December 2021

- 5.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum to provide members with an operational report on public transport services for quarter ending 31 December 2021.

Recommended

That the Taranaki Regional Council:

- a) receives the memorandum *Public Transport Operational Report for the Quarter Ending 31 December 2021*.
Littlewood/McDonald

6. General Business

6.1 Update on Cyclone Dovi

- Mr M J Nield, Director – Corporate Services, spoke about the two significant storms that have recently impacted Taranaki
- Councillor M J Cloke discussed that some of the flood damage could have been caused by the closeness of vegetation to culverts including but not limited to flax. Suggested that an assessment be undertaken to understand the impact. An additional comment was made about Riparian zones being affected by the floods and whether a consideration should be made about how close to the water planting is done
- Councillor M P Joyce requested that feedback be given to PowerCo on behalf of Rural Ratepayers in regards to unsatisfactory wait times on their 0800 numbers.

- 6.2 Te Uru Kahika, the Regional and Unitary Councils of Aotearoa New Zealand
Mr M J Nield, Director – Corporate Services, spoke to a news report on the new appointment of Dr Chris Daughney as the sectors inaugural Chief Science Officer.
<https://www.lgnz.co.nz/news-and-media/2022-media-releases/regional-and-unitary-councils-of-new-zealand-appoint-inaugural-chief-science-advisor/>

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 14 February 2022 for the following reasons:

Item 8 - Public Excluded Minutes – 6 December 2021

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

Item 9 – Yarrow Stadium 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.

Joyce/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 10.47am.

Confirmed

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

N W Walker

28 March 2022



Date 21 February 2022

Subject: **Meeting Dates for February, March and 2022**

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

Document: 2992743

Purpose

1. The purpose of this memorandum is to provide notification to members of the meeting dates for the first round of meetings for February and March 2022.

Meeting Dates

Civil Defence Emergency Management	Thursday 24 February 2022, 10.30am
Regional Transport	Wednesday 2 March 2022, 10.30am
Solid Waste	Thursday 3 March 2022, 10.30am
Consents and Regulatory Committee	Tuesday 15 March 2022, 9.30am
Policy and Planning Committee	Tuesday 15 March 2022, 10.30am
Executive, Audit and Risk Committee	Monday 28 March 2022, 10am
Ordinary	Tuesday 5 April 2022, 10.30am



Date 21 February 2022

Subject: **Emergency Services Grant Fund**

Approved by: S J Ruru, Chief Executive

Document: 2952685

Purpose

1. To seek a decision from Council as to whether it wishes to investigate the establishment of an Emergency Service Fund as proposed by Land Search and Rescue NZ as part of their submission to the 2021 Long Term Plan.

Executive summary

2. As part of the 2021 Long Term Plan consultation process Land Search and Rescue NZ (LandSAR) asked that Council establish an Emergency Services Fund for community based emergency service providers.
3. In making the request LandSAR referred Council to the Regional Services Fund that is currently operated by the Waikato Regional Council. The range of service provision and funding issues which exist in the Waikato are significantly different to the issues that exist in Taranaki. These include, for example, that Taranaki does not have the 'significant' holiday communities, such as Thames-Coromandel and Taupo, and does not have the equity of funding challenges that exist across the Waikato given that the burden for supporting these services particularly during the peak summer period fell to the relevant territorial local authority.
4. Staff are of the view that the situation that exists in Taranaki is significantly different to that which exists in other regions such as the Waikato and Bay of Plenty. They also note that providing support for emergency service providers can be seen as being more closely aligned with the work of territorial local authorities. As such they do not consider that the proposal warrants further investigation.

Recommendations

That the Taranaki Regional Council:

- a) receives the Memorandum *Emergency Services Grant Fund*
- b) determines that it does not wish to further investigate the proposal to establish an Emergency Services Grant Fund
- c) determines that this decision be recognised not significant in terms of section 76 of the *Local Government Act 2002*

- d) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

5. As part of the 2021 Long Term Plan consultation process Land Search and Rescue NZ (LandSAR) asked that Council establish an Emergency Services Fund for community based emergency service providers.
6. LandSAR proposed that the funding would be made available to the national organization, responsible for each emergency service and then be distributed back to the regional entities. The national entities would then be responsible for producing an annual accountability report explaining how the funding was utilized and the benefits generated. It was also proposed that the funding be provided for a 3 year term via a service contract.
7. LandSAR have based their suggestion on the Regional Services Fund that is currently operated by the Waikato Regional Council. This fund was established by agreement with the Mayoral Fourm to address a number of the service delivery and funding equity issues, including the differential ability of territorial local authorities to fund these activities, that were seen as existing across the region at the time it was established.
8. The Waikato has a number of holiday communities (eg Thames-Coromandel and Taupō) that experience a significant increase in population during the peak summer period. To cater for this increased demand some of the emergency service providers, such as surf life saving, employ additional paid staff rather than rely on volunteers. These increased levels of service are funded from the grants/service contracts put in place via the Regional Services Fund. Prior to the establishment of the regional fund these services were funded by the individual territorial local authorities.
9. The Waikato Regional Services Fund only funds operational costs. It does not cover capital costs that the providers might encounter.
10. In response to the submission Council asked for a report to be developed considering the merits of the LandSAR proposal. This paper addresses that request.

Issues

11. Council needs to decide whether it wishes to establish an emergency services fund to support the provision of funding support to emergency service provider groups.

Discussion

12. A number of councils, particularly territorial local authorities operate community assistance and/or community grant schemes to support the provision of a range of services provided by community based organisations. The range of assistance provided can be wide and include:
 - The provision of grants
 - Contracts for service or direct purchase agreement
 - The provision of services (eg leased land and administrative support) at a subsidised rate.

13. If Council were of a mind to establish a community assistance and/or grant scheme as proposed by LandSAR then the Council should be clear about the nature of the relationship that it desires to have with local community and emergency service groups and how these relationships link into its desired outcomes. If the relationship does not deliver outputs aligned to Council's goals and plans then one would need to question the benefit to Council of that relationship. The Council should also consider whether there are other ways of achieving the desired outcome. This could include, for example, accessing central government support or local community grant schemes operated by the territorial local authorities. It is understood that the territorial authorities in the Taranaki region either have a formal community grants policy and application process or are happy to currently consider specific funding requests as part of their LTP/ Annual Plan consultation processes.
14. While community funding is usually a small item in the overall expenditure of a local authority, typically it contributes to goals in areas such as governance and building strong communities, which are more typically linked to the work of territorial local authorities rather than regional councils. This highlights the significance of understanding the strategic linkages, and the risks to overarching council goals of failing to do so. Thus:
 - funding should be aligned with council outcomes to ensure that council commitments to community well-being can be met
 - clear expression of council goals and priorities is essential if community organisations are to present funding proposals effectively, and to avoid the risk of both the council and the community losing out
 - goals and priorities will have been arrived at with input from community groups, so that there is a sense of reciprocity in meeting them
 - the timing of planning and budgeting cycles, and of community funding processes, should be matched to avoid ad hoc decisions being made that might impact on the quality of outcomes the council is seeking and on the ability of community organisations to manage resources well.
15. Identifying these long-term goals and articulating them through a series of objectives also enables public scrutiny to take place, transparent debate about the allocation of resources, and more meaningful assessment of performance.
16. The LandSAR request relates to the development of a community grant scheme, which would be exclusively for emergency service providers. The range of emergency service groups that can and do, seek assistance from local authorities can include:
 - Coastguard
 - Surf Life Saving
 - Rescue helicopter trusts
 - Ambulance services
 - Volunteer fire brigades
 - Search and Rescue.
17. The range of services delivered by these entities relate to 'protecting people', which can usually be regarded as being aligned with a broad community development objective or outcome. As noted above the achievement of this type of outcome is more closely related to the work of territorial local authorities and hence, this is where one would normally expect such groups to turn for assistance.
18. While LandSAR referred to the Regional Services Fund model used in the Waikato it is noted that the range of service provision and funding issues which exist in the Waikato

are significantly different to the issues that exist in Taranaki. These include, for example, that Taranaki does not have the 'significant' holiday communities, such as Thames-Coromandel and Taupō. There has also been some pressure, in the case of the Waikato scheme, from the local clubs to be funded directly rather than via the national organisations who seek to fund their a portion of their overhead costs from the funding made available.

19. It is also relevant to note that despite the establishment of the Regional Services Fund a number of the emergency service providers still receive assistance from the territorial local authority in which they are located. In this regard I note, for example, that the Thames-Coromandel District Council still provides land to surf clubs and Coastguard at subsidised rentals. Hence, the fund has not completely removed the pressure that goes on the relevant local councils, which arguably creates a level of 'double dipping' from the ratepayer.

Options

20. The options available to Council include:
 - Agree to investigate the establishment of a Regional Emergency Services Fund similar to the model used in the Waikato Region
 - Maintain the status quo – this option would see the Emergency Service providers needing to make application to the territorial local authorities as they do now.
21. If Council were of a mind to investigate the establishment of a Regional Services Fund then it should refer the matter to the Mayoral Forum for further discussion and investigation. It would be inappropriate for this Council to proceed with establishing such a fund without support from the territorial local authorities in the region.
22. Under the status quo option the individual emergency service providers would retain the opportunity that currently exists to seek funding from the relevant territorial local authority, which they could logically do as part of the LTP and/or Annual plan consultation processes or via the established community grant funds operated by some councils.
23. Given the compact nature of the Taranaki region and that the outcomes of the emergency service providers better aligns with the work of the territorial local authorities it is recommended that Council not investigate the proposal further.

Financial considerations—LTP/Annual Plan

24. The Council chose not to make provision for the creation of an Emergency Services Fund but rather asked that staff develop a report addressing the pros and cons of the LandSAR proposal.
25. As no allowance is currently included in the LTP to fund such a scheme a decision to establish such a fund would incur a level of unbudgeted expenditure and Council entering into a new activity. If Council were of a view that it should create this activity then it should consult with the territorial local authorities in the region about its proposal and how it links with work that they currently undertake.

Policy considerations

26. The Council does not currently have a community grants policy (or similar) to support the creation of an Emergency Services Fund.

27. If the Council were of a view to create such a fund it is recommended that Council ask staff to develop a draft policy for their consideration.

Iwi considerations

28. 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.
29. Staff have not explicitly sought the views of Iwi in relation to the proposal at this stage. That would be progressed should the Council decide to further investigate the Emergency Services Fund proposal.

Community considerations

30. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.
31. While it can be expected that some members of the community would support being provided to emergency service providers it is reasonable to expect that they would expect there to be a level of alignment between district and regional councils so as to avoid duplication of effort and cost. They would also likely want to be provided with the opportunity to provide input, particularly given that it would be a new activity that is not currently allowed for within existing budgets. Hence, it is proposed that a community consultation process would be undertaken if the Council were of a view that it should support the LandSAR proposal.

Legal considerations

32. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council. The proposal being considered in this paper relates to whether Council should consider investigating the establishment of a Regional Services Fund for emergency services. Given the nature of the request and quantum of funding that would be involved staff consider that this proposal is not significant.



Date 21 February 2022

Subject: **Waitara River Committee Establishment**

Approved by: S J Ruru, Chief Executive

Document: 2975785

Purpose

1. The purpose of this memorandum is to seek a decision on the approach to be used to appoint Waitara River Committee members.

Executive summary

2. Under the *New Plymouth District Council (Waitara Lands) Act 2018* (the Act) Council is required to reach an agreement with the Waitara River Authorities (relevant Iwi authorities) in relation to the formation and operation of a Waitara River Committee.
3. The committee has responsibility for making decisions regarding the allocation and use of the funding allocated to Council from the former Waitara leasehold lands. When the Act was passed into law it was expected that approximately \$34m could be realised from the sale of these lands over time. To date the Council has received some \$19m.
4. The funding must be used on activities that fall within the scope of the Council's statutory functions and in addition to existing 'business as usual' work programmes. As such the funding creates an opportunity to make a 'significant difference' to the health and well-being of what is the second largest catchment in the Taranaki region.
5. While the Act does not specify what needs to be included in the agreement it would be appropriate for it to provide guidance on what the Council, the Waitara River Authorities and the Te Kōwhatu Tū Moana Trust see as the strategic priorities for improving the health of the river and its catchment and utilisation of the fund. The agreement should also outline a number of operational and governance matters about the way in which the committee is expected to operate and how it is to be appointed.
6. As the committee is to be established under a co-governance framework in which decisions need to be unanimous it is seen as important that there is a good level of agreement between the appointing bodies from the outset. A failure to create an environment in which there is a high level of alignment as to the strategic priorities and membership of the committee at the outset creates a risk of issues and/or tensions arising between the parties at a later date.
7. Officers have had discussions with three of the relevant Waitara River Authority chief executives about the process that might be used to appoint the committee. From these discussions the two options of a representative and skills based approach discussed in

this paper were identified. The skills based approach could be used on a collective basis between all (or some) of the nominating authorities or just by Council itself. The approach to be used will need to be reflected in the agreement that needs to be negotiated between the parties.

8. This report recommends that Council identify a collective skills based approach as its preferred option. If agreement is not able to be reached with some or all of the Waitara River Authorities and/or Te Kōwhatu Tū Moana in relation to the use of the collective skills based approach it is proposed that Council would still proceed with the use of a skills based approach with the parties that are supportive of this approach.
9. Under the skills approach a Waitara River Committee selection panel would be formed to oversee the recruitment process and make a recommendation as to proposed membership of the committee to Council, the Waitara River Authorities and Te Kōwhatu Tū Moana. Each of the nominating entities would need to make a decision as to whether they were prepared to endorse the panel's recommendations. Any concerns or queries that a nominating entity might have with the panel's recommendations could be addressed via further discussion. For a committee to be formed there will be a requirement for a decision on the appointments to be unanimous between the entities that have agreed to use the collective approach.

Recommendations

That the Taranaki Regional Council:

- a) receives and notes the memorandum *Waitara River Committee Establishment* dated 14 February 2022
- b) notes the *New Plymouth District Council (Waitara Lands) Act 2018* requires the Council to constitute a Waitara River Committee for the purposes of allocating funds that are payable under the Act
- c) notes that the functions of the Waitara River Committee may be performed only in relation to matters that are within the role and responsibilities of the Council under the *Local Government Act 2002* or any other enactment
- d) notes that the *New Plymouth District Council (Waitara Lands) Act 2018* requires the Council to take all reasonable steps to enter an agreement with the Waitara River Authorities to constitute the Waitara River Committee
- e) notes that the Maniapoto Maori Trust Board has resolved that it does not seek to participate in settlement redress mechanisms in place for the Waitara River
- f) notes that it is the responsibility of the Waitara River Committee to establish the Waitara River subcommittee
- g) determines that its first preference for forming the Waitara River Committee is:
 - for the identification of potential nominees to be determined by a Waitara River Committee Selection Panel based upon a skills matrix to be developed jointly between all of the Waitara River Authorities, Te Kōwhatu Tū Moana Trust and the Council
 - that the Waitara River Committee Selection Panel consist of appointees identified by the Waitara River Authorities, Te Kōwhatu Tū Moana Trust and the Council

- that the final appointments would be made by way of resolutions passed unanimously by each of the Waitara River Authorities, Te Kōwhatu Tū Moana Trust and the Council.
- h) determines that its second preference for forming the Waitara River Committee is:
- for the identification of potential nominees to be determined by a Waitara River Committee Selection Panel based upon a skills matrix to be developed jointly by the Council and those of the Waitara River Authorities and Te Kōwhatu Tū Moana Trust that are prepared to commit to a collective skills based appointment process
 - that the Waitara River Committee Selection Panel consist of appointees identified by those of the Waitara River Authorities, Te Kōwhatu Tū Moana Trust and the Council that have committed to the use of a collective skills based approach
 - that the final appointments would be made by way of resolutions passed by each of the participating Waitara River Authorities, Te Kōwhatu Tū Moana Trust and the Council
 - that the role of nominating authorities who do not decide to participate in the collective skills based approach be resolved as part of the agreement to be negotiated between the parties prior to commencement of the recruitment process.
- i) delegates authority to the Chief Executive to negotiate an agreement relating to establishment of the Waitara River Committee in accordance with the provisions of *New Plymouth District Council (Waitara Lands) Act 2018* and its preferences in regard to how the committee might be formed as indicated in this resolution
- j) determines that upon completion of the negotiations with the Waitara River Authorities and Te Kōwhatu Tū Moana Trust that the chief executive be required to report back to Council with a copy of the proposed agreement for approval
- k) notes that the *Ngāti Maru (Taranaki) Claims Settlement Bill* contains a number of provisions relating to the operation of the Waitara River Committee, the utilisation of the funds for which the committee is to be responsible, and the relationship that Council has with the Waitara River Authorities
- l) determines that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- m) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

10. The *New Plymouth District Council (Waitara Lands) Act 2018* (the Act) provides for part of the funds realised from the sale, or ongoing lease, of what were the Waitara leasehold lands, to be returned to Council. The funds are to be utilised to support the restoration, protection and enhancement of the Waitara River and its catchment.
11. Thirty percent of the funding is to be used in Waitara township and lower catchment while the balance is able to be used across the whole of the catchment. There is also a requirement for the funds to be spent on matters that are within the role and functions of the Council. In this regard, section 33(10) of the Act provides that this could include:

- the planning of land and coast restoration and management
 - economic development planning
 - the planning of transport infrastructure development
 - civil defence and emergency preparedness, including marae preparedness planning
 - natural hazards risk management
 - protection of cultural heritage and biodiversity
 - the development of Waitara hapū planning documents that are relevant to the Council's functions
 - the development of the relationship between Waitara hapū and the Council.
12. When the Act was passed into law it was expected that approximately \$34 million could be realised from the sale of these lands over time. To date the Council has received some \$18 million.
13. Decisions related to the management and use of the funds are to be made by the Waitara River Committee. The Act spells out in some detail the functions, membership and general operating procedures of the Committee. In particular, it provides that:
- The committee is a standing committee of the Council
 - The committee is to have ten members. Five are to be nominated by Council, four by the Waitara River Authorities (Iwi authorities) and one by Te Kōwhatu Tū Moana
 - The committee is to appoint its own Chair, who serves for a term of one year and cannot be reappointed unless they have the unanimous support of the committee. A Chair is also not able to serve for a term of more than three years
 - Decisions are to be by consensus whenever possible. There is, however, the option of resorting to a majority vote if necessary.
14. Council is required to enter into an agreement with the Waitara River Authorities to constitute the Waitara River Committee. The Act is vague about the expected content of such an agreement. However, the Maori Affairs Select Committee report indicates that its intention was that the agreement would provide "...administrative, strategic, and procedural guidance for the Waitara River Committee". Hence, it appears that the intent of Parliament was that this agreement would not only relate to the formation of the committee itself but also the setting of a strategic and operational framework within which it might be expected to operate. This broader approach is consistent with provisions in the *Ngāti Maru (Taranaki) Claims Settlement Bill*.
15. The Act defines a Waitara River Authority as being an iwi authority that exercises historical and continuing mana whenua within the Waitara River catchment. As such it includes Te Atiawa, Ngāti Maru, Ngāti Tama, Ngāti Mutunga and potentially Ngāti Ruanui. Note that Ngāti Maniapoto have previously confirmed that they do not seek to be involved in the Waitara River Committee.
16. Council is required to delegate to the committee all of the powers considered necessary to enable it to carry out its functions. It also has an absolute obligation, under section 31, to apply the income received in accordance with determinations made by the committee.
17. Once established the Waitara River committee must establish a sub-committee, which will consist of four people nominated by Te Kōwhatu Tū Moana. The sub-committee is responsible for recommending how the 30% to be used in Waitara or the lower catchment should be used. The Waitara River committee is required to have regard to the sub-committee recommendations when determining the final allocation of the 30% to be used in the lower catchment.

18. Alongside of the provisions in the Act, the Council will also need to be mindful of the provisions in the *Ngāti Maru (Taranaki) Claims Settlement Bill*. While the Bill is still before Parliament, and hence is yet to take effect, it contains a number of provisions that are of relevance to the operation of the Waitara River Committee. These include, for example, the requirement to agree procedures for reporting to the committee on enforcement action taken by Council under the *Resource Management Act 1991* and discuss how the Waitara River Authorities might be involved in such enforcement action.

Issues

19. There is a need for Council to make a decision as to the approach that it wishes to use to form the Waitara River Committee and in particular how it wishes to identify the five people that it might want to nominate/appoint to the committee. The decision that it makes in this regard needs to be reflected in the agreement that it is required to negotiate with the Waitara River Authorities.

Discussion

20. The Waitara catchment encompasses 114,554 ha and is Taranaki's second largest catchment area. The Waitara River's headwaters lie in the eastern hill country while its main tributary, the Manganui River, starts within Te Papakura o Taranaki at the top of Taranaki Mouna. The catchment has significant cultural importance to Māori.
21. The Waitara River Committee will be responsible for managing and making decisions as to how the funding received from the former Waitara endowment lands should be utilised to improve the health of the river and its catchment.
22. It will also be making decisions for which the Council will ultimately be accountable. This, combined with the strategic importance of the fund means that it is important that the Council have a high level of confidence in the committee and its decision-making processes.
23. Other than the requirement to enter an agreement with the Waitara River Authorities, the Act does not prescribe a particular process for identifying who should be appointed to the Committee. Hence, the nominating parties do have a level of discretion as to the process that they wish to use to identify their nominees for the committee.
24. Officers have had discussions with three of the relevant Waitara River Authority chief executives. From these discussions the two options of a representative and skills based approach, outlined in this paper were identified.
25. While all involved acknowledged the need to seek guidance from their respective governance entities there was a level of informal agreement that there is benefit from pursuing a highly collaborative approach. Given the strategic importance of the work that the committee is charged with completing and that it needs to operate within a unanimous co-governance framework it is seen as highly desirable that all of the appointment bodies be in agreement as to who should be appointed to the committee. A level of difference between the parties at this stage is likely to create problems at a later date.

Options

26. There are two options identified. These are to use a skills based approach (Option A) or a Representative Approach (Option B).

Option A – Skills Approach

27. Under this option, a skills matrix that recognises the range of skills needed to enable the committee to perform its functions would be developed. The skills identified would include a number of functional skills (eg river management and regenerative agriculture) relevant to the committee's work alongside of more generalist governance and financial management skills.
28. The skills identified in the matrix would be used to assess potential applicants for appointment and also ensure that the nominees collectively have all of the skills required across the committee as a whole. Under this approach, officers would recommend that a small selection or appointments panel be identified to work with a specialist governance recruitment consultant to interview and recommend potential appointees.
29. Given that the Waitara River Authorities and Te Kōwhatu will also be identifying candidates for appointment to the committee there is the potential for a common skills matrix to be developed and used by Council, Iwi and Te Kōwhatu if there was a level of agreement to utilise a skills based approach. Officers understand that the Iwi authorities and Te Kōwhatu are also exploring the option of using a common process to identify and select the five individuals that they collectively are able to nominate under the Act.
30. As an extension of the agreed skills matrix option the parties (i.e., Council, the Waitara River Authorities and Te Kōwhatu) could also agree to use a common candidate selection and appointment process. Under this scenario a small selection or recruitment panel would be identified to work with a recruitment consultant to interview and recommend potential appointees. The selection panel could include Council, Iwi and Te Kōwhatu representatives.
31. Under the common process option the parties would likely need to agree that the final appointments would be made by unanimous agreement between all of the appointing parties.
32. While the need to reach a unanimous agreement is ideal in terms of ensuring that the committee has the full support of all of the appointing agencies it is a process that can be difficult to implement in practice. Challenges can arise, for example, if there is a level of 'discomfort' from one of the nominating agencies with one or more of the recommendations made by the selection panel.
33. Given that the Waitara River Committee will operate under a co-governance model in which there is a requirement for all parties to have a high level of confidence in its membership and work, officers are of the view that Council should explore the option of utilising a collective appointments approach with the Waitara River Authorities and Te Kōwhatu. If there is going to be tension about who is appointed to the committee it is better for those issues to 'surface' and be resolved before the committee is formed.

Option B – Representative Approach

34. Under the representative option each nominating entity would appoint the people that they considered appropriate to represent that entities perspectives on the committee.
35. From a Council perspective this could include elected members and/or external representatives that the Council might consider have the skills needed to serve on the committee.

Significance

36. A decision in accordance with the recommended approach is not considered significant.
37. In making a decision on this matter the Council is following statutory provisions that are explicit about the need to form a committee, the need to reach agreement with Iwi, the role of the committee and the framework within which it must operate. As such the discretion that the Council has about how it might go about appointing members of the committee is limited.

Financial considerations—LTP/Annual Plan

38. This memorandum and the associated recommendations are consistent with the Council's adopted Long-Term Plan and estimates.
39. Council's LTP recognises that revenue will continue to be received from the sale of Waitara leasehold lands and that a portion of this funding will be spent over time.

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* and the *Local Government Official Information and Meetings Act 1987*.

Iwi considerations

41. Under section 5 of the Act, the Council is required, in making decisions on matters provided for in the Act, to take into account the relationship that the Waitara hapū have with Waitara and the river.
42. Officers have had discussions with the chief executives of Te Kohitanga o Te Atiawa, Te Runanga o Ngāti Mutunga and Te Runanga o Ngāti Maru about the process that might be used to identify nominees for appointment to the committee. The chief executive of Te Atiawa has been in consultation with the Pou Ārahi for Te Kōwhatu Tū Moana Trust. There is a need for discussions to be progressed with Te Runanga o Ngāti Ruanui. These can occur as part of the next stage of work.
43. 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.

Community considerations

44. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum. In particular, the community would expect the community would expect Council to operate in accordance with the relevant statutory provisions as proposed in this paper.

Legal considerations

45. The *New Plymouth District Council (Waitara Lands) Act 2018* has a number of obligations relating to the formation of the Waitara River Committee.

46. Section 32(2) of the Act states that the Waitara River Committee must have:
- (a) 5 members nominated by TRC; and
 - (b) 4 members nominated by the Waitara River Authorities who enter the agreement under subsection (4); and
 - (c) 1 member nominated by Te Kōwhatu Tū Moana, in recognition of the historical and continuing mana whenua exercised by the Waitara hapū in Waitara.
47. The Act defines the Waitara River Authority as an iwi authority that exercises historical and continuing mana whenua within the Waitara River catchment. Section 32(4) requires the Council to take all reasonable steps to enter an agreement with the Waitara River Authorities to constitute the Waitara River Committee.
48. Te Kōwhatu Tū Moana is an incorporated charitable that represents the interests of the Manukorihi and Otaraua hapū in matters relating to the Waitara river lands.
49. Given that the Waitara River Committee will be a standing committee of the Council, it is considered likely that some provisions within the *Local Government Act 2002* and the *Local Government Official Information and Meetings Act 1987* will apply to its work. It is expected that this broad approach will not apply to the extent there are explicit provisions in the *New Plymouth District Council (Waitara Lands) Act 2018* that deal with the same issue. The provisions relating to the appointment of a committee chair that are detailed in schedule 2 of the *New Plymouth District Council (Waitara Lands) Act 2018* is an example of a provision that would over-ride the *Local Government Act 2002* provisions. Officers will seek legal advice to clarify this matter but do not see a need for resolution of this matter to delay a Council decision on the approach to be used to form the committee.
50. This memorandum and the associated recommendations comply with the appropriate statutory requirements imposed upon the Council.



Date: 21 February 2022

Subject: **2022/2023 Annual Plan and Estimates**

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

Document: 2970665

Purpose

1. The purpose of this memorandum is to consider the options and then to adopt an approach for the preparation and adoption of the *2022/2023 Annual Plan*.

Executive summary

2. The Council is required to prepare and adopt a *2022/2023 Annual Plan*.
3. The *Local Government Act 2002* (LGA) allows a council to adopt an annual plan with no further public consultation if there are no significant or material differences from the Long-Term Plan for that year that the proposed annual plan refers.
4. The proposed *2022/2023 Annual Plan* contains no significant or material differences from the plans established, and already fully consulted on, in the *2021/2031 Long-Term Plan* for 2022/2023.
5. It is recommended the streamlined processes in section 95 (2A) of the *Local Government Act 2002* be used in the preparation and adoption of the *2022/2023 Annual Plan*, as the proposals and budgets have already been fully consulted on through the preparation and adoption of the *2021/2031 Long-Term Plan*. This involves adopting the *2022/2023 Annual Plan* with no further public engagement or consultation.
6. A separate special consultative process is still required for the adoption of fees and charges under section 36 of the *Resource Management Act 1991* (RMA).

Recommendations

That the Taranaki Regional Council:

- a) receives and notes this memorandum on the preparation and adoption of the *2022/2023 Annual Plan*
- b) notes the requirements of section 95 of the *Local Government Act 2002* in the preparation of the *2022/2023 Annual Plan*

- c) confirms that there are no significant or material differences proposed for the 2022/2023 *Annual Plan* from the content of the 2021/2031 *Long-Term Plan*
- d) approves the preparation and adoption of the 2022/2023 *Annual Plan* without any further public engagement or consultation in accordance with section 95 (2A) of the *Local Government Act 2002*
or
- e) approves the preparation of a 2022/2023 *Annual Plan Statement of Proposal* and an associated consultation document, with a consultation process to be undertaken in accordance with section 95 (2) of the *Local Government Act 2002*
- f) notes the preparation and adoption of administrative charges under section 36 of the *Resource Management Act 1991* will require the use of the *Local Government Act 2002 special consultative process*
- g) notes the approach and timetable to be undertaken dependent upon whether the decision is to undertake further public engagement and consultation.
- h) determines that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- i) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

Background

7. The Council is required to prepare and adopt an annual plan in each year that it does not prepare and adopt a long-term plan. Section 95 of the *Local Government Act 2002* sets out the requirements for an annual plan. The section states:
- 95 *Annual plan*
- 1. *A local authority must prepare and adopt an annual plan for each financial year.*
 - 2. *Subject to subsection (2A), a local authority must consult in a manner that gives effect to the requirements of section 82 before adopting an annual plan under this section.*
 - 2A. *Subsection (2) does not apply if the proposed annual plan does not include significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates.*
 - 3. *An annual plan must be adopted before the commencement of the year to which it relates.*
 - 4. *Despite subsection (1), for the first year to which a long-term plan under section 93 relates, the financial statement and funding impact statement included in that long-term plan in relation to that year must be regarded as the annual plan adopted by the local authority for that year.*
 - 5. *The purpose of an annual plan is to –*
 - (a) *contain the proposed annual budget and funding impact statement for the year to which the annual plan relates; and*
 - (b) *identify any variation from the financial statements and funding impact statement included in the local authority's long-term plan in respect of the year; and*

- (c) *provide integrated decision making and co-ordination of the resources of the local authority; and]*
 - (d) *contribute to the accountability of the local authority to the community*
 - (e) *Repealed.*
- 6. *Each annual plan adopted under this section must –*
 - (a) *be prepared in accordance with the principles and procedures that apply to the preparation of the financial statements and funding impact statement included in the long-term plan; and*
 - (b) *contain appropriate references to the long-term plan in which the local authority's activities for the financial year covered by the annual plan are set out; and*
 - (c) *include the information required by Part 2 of Schedule 10.*
- 6A. *Except where subsection (5) requires otherwise, the local authority must comply with subsection (6) (b) and (c) by means of reference to, rather than duplication of, the long-term plan.]*
- 7. *A local authority must, within 1 month after the adoption of its annual plan, –*
 - (a) *make its annual plan publicly available; and*
 - (b) *send copies of that plan to –*
 - (i) *the Secretary; and*
 - (ii) *the Auditor-General; and*
 - (iii) *the Parliamentary Library.*
- 8. In relation to the approach to be adopted in preparing the 2022/2023 Annual Plan, the relevant part of the legislation is section 95 (2A). This section gives the Council the option to tailor its engagement and consultation on the annual plan in line with the level of significant or material difference from the long-term plan for that year. That is, if the annual plan is in line with that proposed for that year in the appropriate long-term plan, and there is no material or significant difference, further engagement and consultation is not required. Rather, an annual plan for that year can be adopted by resolution.
- 9. The Council is required to use the special consultative procedure, as set out in section 83 of the LGA, to fix its annual administrative charges under section 36 of the RMA. This process is normally completed in conjunction with the special consultative procedure used to adopt the Long-Term Plan or Annual Plan.
- 10. The 2014 amendment to the LGA that allowed the Council to undertake no additional engagement or consultation if there are no significant or material changes proposed for that year compared to the proposals adopted for that year in the Long-Term Plan, did not amend the RMA. That is, the requirement to use section 83 of the LGA to fix administrative charges under section 36 of the RMA remains in place.
- 11. If the Council decides not to undertake any additional public engagement or consultation on its 2022/2023 Annual Plan, it must undertake a section 83 of the LGA special consultative procedure to fix its 2022/2023 administrative charges pursuant to section 36 of the RMA.

Issues

12. The issue for this agenda item is whether to move straight to the preparation of an Annual Plan for 2022/2023 or whether to proceed to the preparation of a draft 2022/2023 *Annual Plan* and undertake further public consultation and engagement.

Discussion

13. The Council put considerable effort into the preparation and adoption of its 2021/2031 *Long-Term Plan*. This included a full special consultative procedure as required by the *Local Government Act 2002*.
14. The key engagement issues in the 2021/2031 *Long-Term Plan* were delivering on New Zealand's freshwater aspirations, bus services, the regional recovery plan, office accommodation, Māori voices and votes, and Port Taranaki ownership.
15. The next step is the preparation and adoption of the 2022/2023 *Annual Plan*. As part of this process, consideration needs to be given to the application of sections 95(2) and (2A) of the *Local Government Act 2002*.
16. The traditional approach to the preparation and adoption of an annual plan has been as follows:
 - December - Councillor workshop
 - February - adoption of an annual plan statement of proposal
 - Mid-March to Mid-April - annual plan statement of proposal is open for public consultation and engagement
 - May - the hearing of submissions on the annual plan statement of proposal, deliberation on those submissions and then adoption of an annual plan. Following adoption of the annual plan, the rates for the year are set.
 - 1 July - implementation of the annual plan commences.
17. As noted in the December 2021 workshop on the 2022/2023 *Annual Plan*, the Council is in a position to utilise the section 95(2A) provisions, should it so choose. This Item addresses the approach to preparing and adopting the 2022/2023 *Annual Plan*.
18. The *Local Government Act 2002* gives clear guidance to local government that it should be taking a long-term focus to planning and putting considerable effort into the preparation and adoption of its long-term plans. As a counter to this effort, it has, by putting in section 95(2A), made it clear to local government that if it is delivering on the plans contained in the long-term plan and there are no significant or material differences from the plans already consulted on, there is no need or requirement to undertake further public engagement or consultation.
19. With the effort put into the preparation and adoption of the 2021/2031 *Long-Term Plan*, the Council fully engaged and consulted with the public on its plans. The proposed 2022/2023 *Annual Plan* is entirely consistent with the plans for 2022/2023 contained in the 2021/2031 *Long-Term Plan*. That is, there are no material or significant differences proposed for 2022/2023 from that outlined for 2022/2023 in the 2021/2031 *Long-Term Plan*.
20. The Council continues to operate in a volatile and changing political, policy and legislative environment. Change is continuing in areas such as essential fresh water, Resource Management Act reform, partnerships with Māori, 3 Waters reform and the future of local government. These initiatives were addressed in the 2021/2031 *Long-Term*

Plan and, as knowledge and understanding has developed, the proposed 2022/2023 *Annual Plan* has been updated. Therefore, the 2022/2023 *Annual Plan* is focused on delivery of the 2021/2031 *Long-Term Plan* and responding to the volatile environment. As such, there are no new significant initiatives or programmes of work proposed that have not already been subject to a public consultation/engagement process.

21. Section 95 (2A) applies where there are no significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates. There is no specific guidance in the Act as to what constitutes significant or material differences. The Council's *Significance and Engagement Policy* provides some guidance in relation to the significance of matters considered in the annual plan. Taituarā (the Society for Local Government Managers) has provided some guidance on considering whether there are significant or material differences. This guidance was used in the following assessment of whether there are significant or material differences.
22. The first thing to identify is whether the proposed annual plan content is different from that in the LTP for the year. The Act does not define difference – the standard dictionary definition is “being different or unlike”, that is to say if something in the annual plan is unlike the LTP (in whatever respect).
23. Section 95A (2) provides some clues in that it refers to:
 - variations or departures from the financial statements and funding impact statement (FIS)
 - new spending
 - delays to or abandonment of projects.
24. Having established whether differences exist, the test becomes whether the differences are significant or material. There are two tests for each identified difference.

Materiality

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

- might the difference(s) lead to a reasonable person deciding (or not deciding) to make a submission on any consultation document (for example, has some policy shift been signalled) – if the answer is yes the change should be regarded as material.
28. These tests need to be applied objectively and reasonably but realistically.

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

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

Differences

32. The *2022/2023 Annual Plan* proposes no significant or material differences from the plan outlined for 2022/2023 in the *2021/2031 Long-Term Plan*. This conclusion is reached based upon the following criteria:
- There are no significant changes to the performance management framework. That is, there are no changes to the 2021/2031 levels of service and only insignificant/immaterial minor updates to the performance measures and targets.
 - There are no significant new projects/activities or spending for 2022/2023 that are not in the *2021/2031 Long-Term Plan*.
 - There are no delays to or abandonments of projects or activities for 2022/2023 that are not in the *2021/2031 Long-Term Plan*.
 - In total, there are no material/significant variations or departures from the financial statements and the funding impact statement. There are variances on the budgets for each individual activity. The *2021/2031 Long-Term Plan* outlined a 5.5% general rates increase for 2022/2023. The *2022/2023 Annual Plan* proposes a 7.9% general rates increase (the difference in general rates collected between increases of 5.5% and 7.9% is \$262,495). The range of targeted rates proposed for 2022/2023 are the same as those proposed in the *2021/2031 Long-Term Plan*, although there are some changes to the amounts collected by each targeted rate. Transport rates are up by \$298,680 on the *2021/2031 Long-Term Plan* for 2022/2023, river control targeted rates are up by \$9,447, whilst Yarrow Stadium targeted rates are unchanged. None of these changes in the level of targeted rates are significant or material individually or in total.

33. In summary, the proposed 2022/2023 *Annual Plan* recommends work programmes and estimates/budgets that are materially unchanged from that proposed for 2022/2023 in the 2021/2031 *Long-Term Plan*. There are no changes to the *Financial Strategy* and the *Funding Impact Statement* is materially unchanged. Whilst there are some changes in the targeted rates and the total budget for individual activities, these are not large sums of money and do not fundamentally alter the affordability of the Plan. There are no significant changes in the activities, projects, works programmes, levels of service, key performance indicators and performance targets. There is nothing in the proposed 2022/2023 *Annual Plan* that is new and has not already consulted upon.
34. Overall, the 2022/2023 *Annual Plan* proposes business as planned for in the 2021/2031 *Long-Term Plan* for 2022/2023, with no significant or material differences that warrant undertaking additional public engagement and consultation.
35. If the Council decides not to do any further public engagement and consultation there will be direct and indirect cost and time savings. The cost of preparing and publishing an annual plan statement of proposal and an annual plan consultation document will be saved. Costs associated with advising the public about the consultation and engagement process, receiving submissions, preparing the officer's report and holding a hearing will also be saved.
36. The Council successfully utilised these provisions in the preparation and adoption of the 2016/2017 *Annual Plan* and the 2020/2021 *Annual Plan*.
37. Accordingly, it is recommended that the Council consider adopting the 2022/2023 *Annual Plan* without any additional public engagement and consultation in accordance with section 95 (2A) of the *Local Government Act 2002*.

Resource Management Act Administrative Charges

38. A draft schedule of 2022/2023 administrative charges pursuant to section 36 of the RMA has been prepared. This will become the statement of proposal for the special consultative procedure. The proposal is not materially or significantly different from the schedule of administrative charges fixed pursuant to section 36 of the RMA in the 2021/2031 *Long-Term Plan*. The construction, structure and nature of administrative charges is unchanged. That is, there is nothing structurally new or different in the schedule of administrative charges from that adopted in the 2021/2031 *Long-Term Plan*. Consent holders, and others impacted by these charges, will have a long-term familiarity with the approach to RMA administrative charges.
39. The charge-out rates, the fixed minimum charges, the schedules of charges and the individual monitoring programme charges have been reviewed and updated.
40. As there is little in the way of change to the administrative charges, there is an overall familiarity with the approach and there is a logistical difficulty around summarising the charges, it is not proposed to prepare a summary of the statement of proposal – section 83 (1)(a)(ii).
41. Similarly, it is not proposed to undertake a complex or comprehensive consultation process. All of the individual compliance monitoring programmes have been referred to the appropriate consent holder for their feedback. This is the biggest section of the administrative charges. Therefore, it is proposed to distribute the statement of proposal via the Council's website. Hard copy of the statement of proposal will be available upon request. There will be a public notice on the statement of proposal and the consultation

process. This will note that the statement of proposal is publicly available. Submissions will be via our website or in writing.

42. The statement of proposal will be open for consultation for one month. There will then be a hearing for those submitters that wish to present their submission. The Council will then consider, amend, if necessary, and adopt the schedule of administrative charges for inclusion in the *2022/2023 Annual Plan*. The Council will then consider and adopt the *2022/2023 Annual Plan*.

Timetable

43. A streamlined approach, utilising section 95 (2A) of the *Local Government Act 2002*, for the preparation and adoption of the *2022/2023 Annual Plan* and the preparation and adoption of administrative charges under section 36 of the RMA would be:
 - December 2021 - Councillor workshop
 - 21 February 2022 - Council considers the approach to be taken for the preparation and adoption of an annual plan and confirms that section 95 (2A) is to be used
 - 5 April 2022 - The Council adopts the statement of proposal for the schedule of 2022/2023 administrative charges pursuant to section 36 of the RMA
 - 6 April 2022 to 6 May 2022 - The statement of proposal for the schedule of 2022/2023 administrative charges pursuant to section 36 of the RMA is open for consultation
 - 17 May 2022 - The Council hears submissions on the statement of proposal for the schedule of 2022/2023 administrative charges pursuant to section 36 of the RMA. The Council considers submissions and, if necessary, amends the schedule of charges. The schedule of charges is then adopted. The Council adopts the *2022/2023 Annual Plan*. Following adoption of the annual plan, the rates for the year are set.
 - 1 July 2022 - implementation of the annual plan commences.
44. If the Council decides to undertake additional public engagement and consultation on the *2022/2023 Annual Plan*, the following timetable is for the preparation and adoption of the Plan. The schedule of 2022/2023 administrative charges pursuant to section 36 of the RMA will be included in the *2022/2023 Annual Plan Statement of Proposal* and consultation and engagement will occur simultaneously:
 - 5 April 2022 - Council adopts the 2022/2023 estimates, consultation document and *2022/2023 Annual Plan Statement of Proposal*
 - 11 April to 13 May 2022 - Annual Plan is open for public consultation and submissions
 - 28 June 2022 - Ordinary Meeting following the Executive, Audit and Risk Committee meeting, for the Council to hear submissions on the *2022/2023 Annual Plan Statement of Proposal*, deliberate on those submissions and then adopt the *2022/2023 Annual Plan*.
 - 28 June 2022 - Following adoption of the *2022/2023 Annual Plan*, the rates for the year are set.
 - 1 July 2022 - Implementation of the *2022/2023 Annual Plan* commences.

45. If the Council decides to undertake additional public engagement and consultation on the *2022/2023 Annual Plan*, the issues that the Council wishes to consult on (included in the Consultation Document) will need to be documented.

Options

46. There are two options. The Council is required to prepare and adopt a *2022/2023 Annual Plan*. The options are to either:
- adopt a *2022/2023 Annual Plan* without any further public consultation or engagement; or
 - prepare and adopt a *2022/2023 Annual Plan* utilising the special consultative procedure as outlined in the LGA.

Significance

47. All of the significant issues and programmes of work included in the *2022/2023 Annual Plan* have been included in the *2021/2031 Long Term Plan*. Therefore, the decision to not consult on the preparation and adoption of the *2022/2023 Annual Plan* is deemed to not be significant in terms of the *Significance and Engagement Policy* as:
- the decision does not affect a large number of residents and ratepayers to a moderate extent
 - the decision does not affect a small number of residents and ratepayers to a large extent
 - the decision does not have a history of generating wide public interest within the Taranaki region or New Zealand generally.

Financial considerations—LTP/Annual Plan

48. 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

49. 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

50. 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.

Community considerations

51. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum.

Legal considerations

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

Ordinary Meeting Public Excluded

In accordance with section 48(1) of the *Local Government Official Information and Meetings Act 1987*, resolves that the public is excluded from the following part of the proceedings of the Ordinary Meeting on Tuesday 21 February 2022 for the following reason/s:

Item 10 – Public Excluded Ordinary Minutes – 14 December 2021

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 - Public Excluded Executive, Audit and Risk Minutes – 14 February 2022

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.