



# **AGENDA** Ordinary Meeting

Tuesday 5 August 2025, 10.30am

## Ordinary Council 5 August 2025

05 August 2025 10:30 AM



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### **Health and Safety Message**

#### **Emergency Procedure**

In the event of an emergency, please exit through the emergency door in the Committee Room by the kitchen.

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

Once you reach the bottom of the stairs make your way to the assembly point at 43 Cloten Road. 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.



### **Whakataka te hau**

#### ***Karakia to open meetings***

Whakataka te hau ki te uru  
Whakataka te hau ki te tonga  
Kia mākinakina ki uta  
Kia mātaratara ki tai  
Kia hī ake ana te atakura  
He tio, he huka, he hauhu  
Tūturu o whiti whakamaua kia tina.  
Tina!  
Hui ē! Tāiki ē!

Cease the winds from the west  
Cease the winds from the south  
Let the breeze blow over the land  
Let the breeze blow over the ocean  
Let the red-tipped dawn come with a sharpened air  
A touch of frost, a promise of glorious day  
Let there be certainty  
Secure it!  
Draw together! Affirm!



**Date:** 5 August 2025

**Subject:** Council Conduct Review Report

**Author:** S J Ruru, Chief Executive

**Approved by:** S J Ruru, Chief Executive

**Document:** TRCID-1492626864-878

### Purpose

1. The purpose of this memorandum is to present the Council Conduct Review report to Council for adoption of its recommendations.

### Executive summary

2. The Council Conduct Review was initiated to examine the events surrounding the Council's decision on 10 December 2024, to not lodge a submission on the Principles of the Treaty of Waitangi Bill without a debate on the relevant merits of the issue.
3. The Review has identified shortcomings in the decision-making process followed by Council including that it failed to meet relevant legislative, policy and good practice expectations. It also highlights that there was a level of political collaboration between the majority (but not all) councillors ahead of the December Ordinary meeting, which led to their being a level of agreement as to how consideration of the Principles of the Treaty of Waitangi Bill submission should be managed and an agreement that lodging of the submission would not be supported.
4. The consequences of the actions taken by Council have been severe with damage to its reputation, an expression of a loss of confidence in its governance body and strained internal relationships.
5. It is important that Council 'learn' from the events that occurred and make changes to improve its processes. The Report makes recommendations on changes that should be made by Council to address the issues identified and improve its governance processes.
6. The Review underscores the critical need for Council to consistently uphold good governance practices, foster a culture of openness and respect and ensure that it follows 'good process' when making its decisions. This should then enable the community to have a level of confidence in the decisions made and leadership provided by councillors.

### Recommendations

That the Taranaki Regional Council:

- a) receives the Council Conduct Review report
- b) notes and accepts the findings contained in the Council Conduct Review report
- c) endorses the decisions it made at its 18 February 2025 meeting to apologise to Mr Dinnie Moeahu (for the disrespectful treatment shown during his deputation), Iwi representatives, Iwi and hapu, the

Taranaki community and councillors who were denied the opportunity to speak for the shortcomings identified in the review report

- d) recommends that the 2025-28 triennium Council:
- i. includes in its elected member induction and professional development programmes training opportunities on the Treaty and its principles, mātauranga Māori and the tikanga of different iwi in Taranaki
  - ii. considers making greater use of additional ordinary, extraordinary and/or emergency committee and council meetings to allow for the formal consideration of items that require decisions to be made 'outside' of the scheduled meeting cycle
  - iii. agrees to a preferred operating model at the start of their term and then use that to inform a review of standing orders, the code of conduct and general meeting protocols
  - iv. seeks advice from officers on options for allowing for greater public input at Council and Committee meetings
  - v. considers structured training on agreed meeting procedures and standing orders be made available to all councillors and committee members
  - vi. strongly encourages all councillors and committee members to attend the full induction programme.
  - vii. seeks advice on the merits of implementing a professional review and development programme for Council and its committees.
  - viii. that it places an emphasis on legislative compliance and suggest that it task the Executive, Audit and Risk Committee work with overseeing work in this area.
- e) agrees that all Council and committee meetings should be held in venues in which it is possible to live stream and record meetings that are open to the public.
- f) recommends that the Chief Executive prepares a comprehensive briefing report for the 2025-2028 triennium Council on the current state of Iwi relationships and options for how Council might go about strengthening these having regard to the statutory obligations that Council has and its strategic priorities.
- g) asks the Chief Executive to provide regular briefings on the environment in which Council is operating, including proposed Government reforms and other issues that are of importance to the work of Council.
- h) agrees to maintain a forward work programme for Council and each of its main committees.
- i) instructs the Chief Executive to report to the new Council on the range of options for allowing for public input at Council and committee meetings and the relative merits of adopting a formal approach to the use of such tools.
- j) agrees that the Chief Executive and senior officers should be encouraged to consider asking for an adjournment in meetings where they believe it is needed to enable the development of more complete advice to Council on procedural or substantive matters relating to an item under consideration
- k) recognises the importance of following an appropriate decision-making process in making its decisions.
- 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

7. The Council initiated the Council Conduct Review (the Review) to examine the events surrounding its decision on 10 December 2024 not to lodge a submission on the Principles of the Treaty of Waitangi Bill (the Bill) without allowing for debate.
8. Council acknowledged, at its 18 February 2025 Ordinary meeting, that the decision-making process followed at the December meeting deviated from established procedures, legal requirements, and good governance expectations, thereby potentially undermining public confidence. The Terms of Reference for the review were confirmed by Council at its meeting on 1 April 2025.
9. The Review, led internally by the Chief Executive, aimed to understand the events, assess the appropriateness of actions, identify weaknesses in policies and practices, and recommend improvements that might be made to improve Council processes. A copy of the final report from the review is attached (Attachment 1).

## Issues

10. Now that the Council Conduct Review process has been completed there is a need for Council to determine what, if anything, it wishes to do in response to the findings and recommendations.

## Discussion

11. Following approval of the Terms of Reference on 1 April the Chief Executive undertook interviews with councillors, Iwi committee representatives and Mr Dinnie Moeahu, who spoke on the Principles of the Treaty of Waitangi Bill submission at the 10 December Ordinary meeting as a deputation.
12. The outcome of the interviews along with an analysis of the events that occurred and an assessment of Council's action against its policies and good practice is reflected in the attached Report.
13. The key findings from the review process can be summarised as follows:
  - The Principles of the Treaty of Waitangi Bill was of direct relevance to the work of Council and would have had a material effect on its work and relationships with Iwi if it had been passed into law
  - The process followed and decisions made by the Chief Executive and Chair to include a submission on the agenda of the 10 December Ordinary meeting, to enable councillors to determine whether a submission should be lodged, was in accordance with standing orders and established Council processes
  - The consultation period set by the Justice Select Committee for responding to the Treaty Principles Bill was shorter than expected and came during a particularly busy period both in terms of the pre-Christmas/New Year period and with the number of other Bills and Government policies of relevance to the work of Council that were out for consultation at that time. This meant that the timeframes within which decisions had to be made, and work completed were very short
  - The possibility of calling extraordinary or emergency meetings of both the Policy and Planning Committee and Council to enable consideration of the submission item should have been considered but wasn't. This is one of the mechanisms that could have been used to enable comments to be provided by members of the Policy and Planning Committee. It has previously been acknowledged that the option of circulating the draft submission via email for comment could have also been utilised
  - There is an opportunity to increase the level of understanding that all elected and appointed members have of Council governance policies and procedures. These should be reviewed by the 2025-2028 triennium councillors as part of their induction process, including giving consideration to the establishment of a structured professional review and development programme

- There is an opportunity to increase the level of understanding that councillors, and others within the organization, have of the Treaty/te Tiriti, its principles and their application to the work of Council
  - There was a level of political collaboration between the majority of councillors ahead of the 10 December meeting which led to informal agreements being reached about how receipt of the report should be managed on the day and that the lodging of a submission should not be supported. Not all councillors were aware of these discussions occurring or the agreements reached
  - It was appropriate and in accordance with standing orders for the Chair to have approved the deputation request from Mr Dinnie Moeahu
  - The decision to change the time at which Mr Moeahu spoke caused him a level of distress as he was exposed to a level of treatment that fell short of Council and normal business standards. For the offence caused and the lack of respect shown to a person who was there as a guest it is appropriate that an apology be extended to Mr Moeahu as previously resolved at the 18 February 2024 meeting
  - The decision-making process followed fell short of meeting the relevant legislation, Council policies and good practice expectations.
  - The consequences of the actions taken by Council have been severe with damage to Council's reputation, an expression of a loss of confidence in its governance body and strained internal relationships
  - It is important that Council 'learn' from the events that occurred and make changes to improve its processes and avoid a repeat occurrence in the future. The start of a new triennium, following the October elections, provides an opportunity for a fresh start. It will, however, take time to rebuild the trust and confidence needed within and outside of the organization.
14. The Review makes several key recommendations relating to improving current Council processes including providing an appropriate professional development programme for councillors. Foremost, it endorses the decisions made at the 18 February 2025 meeting that Council should apologise to Mr Dinnie Moeahu (for the disrespectful treatment during his deputation), Iwi representatives, the Taranaki community, and councillors who were denied the opportunity to speak for the failure to meet Council's own expressed standards, good practice and the standard of governance expected by the community.
15. Ultimately, this Review underscores the critical need for Council to consistently uphold good governance practices, foster a culture of openness and respect and ensure that it follows the right process when making its decisions.
16. People accept that they will, from time to time, get an answer that they do not agree with. What should be non-negotiable, however, is that they should be able to have confidence in the process followed and that they can see how and why a particular decision was made. That transparency was not evident in the decisions made in relation to the Principles of the Treaty Bill submission at the 10 December 2024 Ordinary Council meeting.

## Options

17. Council can choose to formally adopt the findings and recommendations, adopt them with modification or simply receive the report and not adopt any of the recommendations.
18. A decision to formally adopt the findings and recommendations would be an indication that Council accepts, as it resolved at its 18 February meeting, that the way in which it considered the Principles of the Treaty of Waitangi Bill submission report fell short of the standards that it aims to achieve and that it is committed to improving its practices.
19. The last option of simply receiving the report and not adopting the recommendations equates to a 'do nothing' option. This would be an appropriate option if Council does not agree with a number of the



findings and/or recommendations in the report. Council should be explicit, in any resolutions that might be passed, about the concerns that it has with the Report so that there is a high level of transparency about its position and the rationale as to why it has adopted that position.

20. If Council is minded to adopt the do-nothing option, it may also want to consider revoking one or more of the decisions made at its 10 February 2025 Ordinary meeting. Such a move would, in accordance with standing order 23, need to be considered at a subsequent meeting in which notice had been given about the proposal to revoke.

## Significance

21. The issue being addressed in this item relates to whether Council should adopt the findings and recommendations in the Report relating to the way in which it made a decision to not lodge a submission on the Principles of the Treaty of Waitangi Bill. At one level, the consideration of a submission on a Government Bill could be seen as a routine administrative process matter.
22. What makes, the issues relating to this item more significant, however, is the fact that the Council made the decision without a level of discussion and/or formal debate and that the Iwi Committee representatives have expressed a loss of confidence in Council “... *as an impartial governing body*”.
23. The loss of confidence position adopted by the Iwi committee representatives was also publicly endorsed by some Iwi Chairs. It is fundamental to the success of the organisation and the mandate that councillors have to represent Taranaki communities that Iwi and the wider Taranaki community have a high level of confidence in the Council as a governing body. If stakeholders do not have that confidence, then the capacity of the Council to perform its functions will be compromised.
24. Council determined, at its 18 February 2025 meeting, that it had acted in a manner that was inconsistent with its normal meeting protocols, good practice and relevant legislation obligations. As part of that decision, it also agreed that it should initiate an internal review. It is the report on that process that Council is now considering.
25. Through its decision to either adopt or reject the findings and recommendations included in the Council Conduct Review Report, councillors will implicitly ‘send a message’ as to whether they are committed to making the improvements recommended to lift performance and regain stakeholder confidence.
26. Given that it is the governance function that is a key part of the improvements recommended, the decision to adopt the recommendations (or not) is a matter of considerable significance. Staff are of the view, particularly given the decisions made in February, that despite the high level of significance, it is not unreasonable for Council to determine that the decision is not significant and that they have received sufficient information and analysis to enable them to adopt the recommendations.

## Financial considerations—LTP/Annual Plan

27. This memorandum and the associated recommendations are consistent with the Council’s adopted Long-Term Plan and estimates. The costs associated with this review process have been funded from within existing budgets.

## Policy considerations

28. 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*.
29. The Council Conduct Review report has explicitly considered relevant legislation and existing Council policies including the Long-Term Plan strategic framework, code of conduct and standing orders.

### **Climate change considerations**

30. There are no climate change impacts to consider in relation to this item.

### **Iwi considerations**

31. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted Long-Term Plan and/or Annual Plan. Similarly, iwi involvement in adopted work programmes has been recognised in the preparation of this memorandum.
32. In undertaking the review process the Chief Executive met with the Iwi Committee representatives to gain their input on the events that occurred, their expression of a loss of confidence and how Council might improve its processes.

### **Community considerations**

33. 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.
34. Communities expect their elected representatives to perform their duties to a high professional standard and in keeping with the responsibilities they have under relevant legislation. Where that does occur, as Council has determined, then it is reasonable to expect that the community would expect Council to improve its processes so as to reduce the risk of similar issues arising again in the future.

### **Legal considerations**

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

### **Appendices/Attachments**

[Document 1181938957-19: Council Conduct Review Report](#)

# Council Conduct Review Report

Prepared June 2025

## Executive summary

1. This Council Conduct Review (the Review) was initiated by the Taranaki Regional Council (Council) to examine the events surrounding its decision on 10 December 2024 not to lodge a submission on the Principles of the Treaty of Waitangi Bill (the Bill) without a debate.
2. Council itself acknowledged, on 18 February 2025, that the decision-making process at the December 2024 meeting deviated from established procedures, legal requirements, and good governance expectations, thereby undermining public confidence. At that time, it passed resolutions apologising for those shortcomings and agreed to this internal review.
3. The Bill, introduced by the coalition government, sought to legislatively define the Principles of the Treaty of Waitangi. This was highly controversial, particularly for Māori, who viewed it as a unilateral Crown action undermining their unique status and rights under the Treaty of Waitangi/te Tiriti o Waitangi.
4. For Council, the Bill had practical implications for its work including the obligations it has to give effect to the Treaty, involve Iwi in decision-making, and its strategic priority of "Partnering with Māori."
5. The responsibilities that Council has are exercised within a regional context marked by historical grievances, differences of worldview and inconsistency in the effort that Council has made to foster constructive Iwi relationships. These factors mean that there continues to be a high level of sensitivity to the way Council approaches issues that are of importance to Māori.
6. The critical events unfolded at the 10 December 2024 Ordinary meeting where an officer report and draft submission were presented for Council consideration. Following brief remarks from one Councillor opposing the submission, another Councillor moved a procedural motion to proceed directly to a vote without any further discussion or debate on the item. This motion was carried, and subsequently, the motion to endorse and lodge the submission was defeated within a few minutes.
7. This action effectively prevented any open deliberation by Council members on a matter of significant regional importance and direct relevance to Council's statutory functions and strategic relationships.
8. This Review has found that the decision-making process employed on 10 December 2024 was highly unusual and inconsistent with Council's standing orders, established meeting protocols, and broader principles of good governance, including transparency, accountability, and natural justice.
9. The decision-making process also fell short of meeting, at least the intent if not substance, of Council's legislative obligations under the Local Government Act 2002 and Local Government Official Information and Meetings Act 1987. Evidence indicated that there was a level of pre-meeting discussion among most, but not all, councillors leading to an agreement to oppose the submission and curtail debate, contributing to perceptions of predetermination and bias.
10. The consequences have been severe. There has been damage to Council's reputation, an expression of a loss of trust and confidence in the elected Council from Iwi partners and strained internal relationships. It will take time for confidence to rebuild. The start of a new triennium, following the October elections, provides an opportunity for a 'fresh start'.
11. Furthermore, the handling of a public deputation related to the Bill prior to its consideration also caused offence and fell short of the respectful engagement that is commonly accepted business practice and the historical practices of Council itself.
12. Broader systemic issues have been identified, including a need for enhanced councillor understanding of the Treaty of Waitangi/te Tiriti o Waitangi, its principles, and their direct application to Council's work and obligations.

13. A lack of clarity and inconsistent application of meeting procedures and standing orders were also evident, highlighting the benefits that could come from a more considered approach to meeting procedures being determined by councillors elected to serve during the 2025 - 2028 triennium.
14. The failure to circulate the draft submission to all Policy and Planning Committee members, including Iwi representatives, for informal input, given the cancellation of their scheduled meeting and the tight timeframes, was previously acknowledged as an oversight that missed an opportunity for valuable input, even if it might not have changed the ultimate outcome.
15. The Review makes several key recommendations relating to improving current Council processes. Foremost, it endorses the decisions made at the 18 February 2025 meeting that Council should apologise to Mr Dinnie Moeahu (for the disrespectful treatment during his deputation), Iwi representatives, the Taranaki community, and councillors who were denied the opportunity to speak for the failure to meet Council's own expressed standards, good practice and the standard of governance expected by the community.
16. Ultimately, this Review underscores the critical need for Council to consistently uphold good governance practices, foster a culture of openness and respect and ensure that it follows the right process when making its decisions.
17. People accept that they will, from time to time, get an answer that they do not agree with. What should be non-negotiable, however, is that they should be able to have confidence in the process followed and that they can see how and why a particular decision was made. That transparency was not evident in the decisions made in relation to the Principles of the Treaty Bill submission at the 10 December 2024 Ordinary Council meeting.

## Introduction

18. The Council Conduct Review (the Review) is being conducted to examine the actions taken by the Taranaki Regional Council (Council) concerning a proposed submission on the Principles of the Treaty of Waitangi Bill (the Bill).
19. The review is to focus on the events leading up to, during and following the Council meeting on 10 December 2024, where a decision was made to not to lodge the submission. This decision was made without any discussion or debate as to the relative merits of doing so.
20. Council agreed to the Review after considering a report at its Ordinary meeting on 18 February 2025. This report concluded that the decision-making process at the 10 December 2024 meeting deviated from established Council procedures, legal requirements, and good governance expectations, potentially undermining public confidence. Council formally accepted these conclusions and agreed that this review should be undertaken.
21. Through the Review, the Council aims to:
  - a. Establish a clear understanding of the events, actions and decisions made by councillors and officers related to the proposed submission
  - b. Assess the appropriateness of these actions against legislative requirements, Council policies, and good practice
  - c. Identify any weaknesses in current Council policies, procedures, or operational practices regarding submissions and meeting conduct
  - d. Develop recommendations for improvements to reduce the risk of similar issues arising again in the future, enhance governance, and rebuild public confidence.
22. A copy of the full Terms of Reference, approved by Council, are attached (Appendix 1). These set out the scope of the review process and confirm that it is to be an 'internal process' led by the Chief Executive.
23. It is intended that this final report will be released publicly.

## Background

24. The Treaty of Waitangi/Te Tiriti o Waitangi is New Zealand's foundational document, establishing British governance while intending to protect Māori rights and property.
25. For Māori, it is a sacred covenant (kawenata) guaranteeing their tino rangatiratanga (absolute sovereignty or chieftainship) over their lands, villages, and taonga (treasures), forming the basis of their relationship with the Crown and their claims for redress of historical grievances.
26. For New Zealand as a whole, the Treaty underpins the nation's bicultural identity and constitutional framework, influencing law, policy, and the ongoing relationship between Māori and the Crown.
27. The Auditor General<sup>1</sup> has described the status of the Treaty of Waitangi as follows:

*Te Tiriti o Waitangi | The Treaty of Waitangi (te Tiriti) is at the heart of the relationship between Māori and the Crown. Te Tiriti is one of the major pieces of New Zealand's constitutional framework. Te Tiriti established a partnership between Māori as tangata whenua and the Crown. It affirmed the existing rights that Māori had to live as Māori and to exercise tino rangatiratanga over their lands, resources, and other taonga. All public organisations need to consider te Tiriti when making policy, applying and enforcing the law, and carrying out their functions.*

28. Since the treaty was signed<sup>2</sup>, the Crown has not met a number of its obligations. The Treaty of Waitangi Act 1975 established the Waitangi Tribunal as a permanent commission of inquiry to hear and decide on claims made against the actions of the Crown and make recommendations as to what should happen in relation to any identified breaches. It is then up to the Crown to negotiate any settlements with Iwi.
29. The outcome of settlements reached are recorded in settlement deeds and accompanying settlement legislation. For the settlements to be durable and meaningful it is important that they be implemented. To date the progress made in implementing settlements has been variable at best. In 2022 the Crown<sup>3</sup> acknowledged that "agencies were struggling to meet their settlement commitments" and that this risked "undermining a number of the settlements that [have] been negotiated".
30. There are several treaty settlements that specifically require this Council to take action in response to historical Crown breaches. These settlements, to the extent that they are reflected in settlement legislation, create binding legal obligations that Council must fulfil. Meeting a number of these requirements remains in the 'work in progress' category for Council.
31. The current New Zealand coalition government agreements between the National Party, ACT New Zealand (ACT), and New Zealand First contain several key provisions impacting Māori-Crown relations and the Treaty/te Tiriti.
32. A central commitment involved reviewing and defining the principles of the Treaty, with ACT securing agreement for a bill, intended to interpret these principles to be introduced, as a Government Bill, and be supported as far as the select committee process. While the Bill could have been introduced as a Members Bill if ACT had not secured agreement as part of the Coalition Agreements, its status would have been considerably less significant as it would not have been legislation proposed by the executive arm of government.
33. The Coalition Agreements also signalled a significant rollback of co-governance arrangements, exemplified by the disestablishment of the Māori Health Authority (Te Aka Whai Ora), and commitment to reviewing legislation to remove references to Treaty principles where the government deems them inappropriate or overly broad. Additionally, there are directives to prioritise English names for public

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<sup>1</sup> Putting Integrity at the core of how public organisations operate. An integrity framework for the public sector – second edition. Office of the Controller and Auditor General, December 2024.

<sup>2</sup> How public organisations are fulfilling Treaty settlements, Office of the Auditor-General, 2025.

<sup>3</sup> He Korowai Whakamana – Enhancing oversight of Treaty Settlement Commitments, Te Arawhiti, p12

sector departments, indicating a broader policy shift towards universalism and a re-evaluation of how the Treaty is applied in law and public life.

## Principles of the Treaty of Waitangi Bill

34. The Principles of the Treaty of Waitangi Bill had a stated objective to define the Principles of the Treaty of Waitangi in legislation, based on ACT's interpretation, emphasising universal individual rights, property rights, and equality before the law. The Bill effectively aimed to standardise and limit how these principles are applied in law and policy.
35. Its history stems from long-standing political debate over the nature and application of Treaty principles, which have largely evolved through judicial decisions and Waitangi Tribunal reports since the 1980s.
36. Reference to the Treaty principles was first made in the Treaty of Waitangi Act 1975. The core treaty principle of partnership, along with protection and participation, were first articulated in the Court of Appeal decision in *New Zealand Māori Council v Attorney-General [1987]* ('the Lands case'). The principles have continued to evolve since then as the courts and Waitangi Tribunal have identified principles through their work to consider the implementation of the original intentions and goals of the parties. The principles are currently seen<sup>4</sup> as including partnership, active protection, equity, redress, informed decision-making, self-determination and right of development. The principles have never been explicitly defined in a single statute.
37. As part of the Coalition Agreements, National and NZ First only committed to supporting the Bill through its first reading meaning that it lacked a 'guaranteed' majority to be passed into law.
38. The introduction of the Bill was significant, particularly for Māori. Firstly, it was seen as representing a unilateral attempt by the Crown partner to define the terms of the Treaty relationship, bypassing genuine partnership and consultation with Māori. This action, which was endorsed by Cabinet<sup>5</sup>, was seen as contradicting the Treaty's spirit and intent (kawanatanga and tino rangatiratanga).
39. Secondly, the proposed principles themselves were viewed as fundamentally undermining the unique status of Māori as tangata whenua and the collective rights and interests guaranteed under Te Tiriti o Waitangi, potentially rolling back decades of progress in addressing historical grievances and advancing Māori self-determination.
40. In late 2023/early 2024, widespread public discussion, criticism, and Māori-led mobilisation (e.g. national hui at Tūrangawaewae Marae in January 2024) began in response to the announcement that a Bill would be introduced.
41. On 9 September 2024, Cabinet formally approved the drafting of the Bill and the overall timetable for its introduction and consideration by the Justice Select Committee. This included a six-month select committee process, with a report back date of 14 May 2025 in accordance with standard parliamentary practice.
42. On 14 November 2024, the Bill was formally introduced to Parliament triggering the First Reading and referral of the Bill to Select Committee. A formal call for public submissions occurred, inviting submissions by 7 January 2025.
43. If it had been passed into law, the provisions of the Bill would have come into force if a majority of electors voting in a referendum had supported it.
44. The Bill was framed as applying exclusively to assist with the interpretation of an enactment where Treaty principles would normally be considered relevant, in addition to legislation that refers to Treaty

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<sup>4</sup> Principles of the Treaty of Waitangi Bill – what you need to know, Simpson Grierson, November 2024.

<sup>5</sup> The Cabinet Paper rejected officials' advice that the Crown had a duty to consult with Māori and indicated that this could occur through the select committee process.

principles directly. For example, section 8 of the Resource Management Act 1991 (RMA), which requires persons exercising powers under the RMA to take into account the principles of the Treaty/te Tiriti. Many of these statutes are, at least in part, administered by Council. The provisions would not apply to the interpretation of Treaty settlement legislation.

## Taranaki Regional Council and Iwi Relationships

45. The Council has extensive legal obligations to support the active involvement and participation of Māori and to take into account the Treaty of Waitangi (as reflected in, for example, section 4 of the Local Government Act 2002) in its work and associated decision-making processes. Many of these responsibilities are set by legislation that apply to all local authorities (eg Resource Management Act 1991), while others are in legislation that is specific to Taranaki and this Council (eg New Plymouth District Council (Waitara Lands) Act 2018 and Ngāti Maru (Taranaki) Claims Settlement Act 2022).
46. In accordance with its legal obligations Council has, as reflected in its Long-Term Plan, a sizeable work programme to both actively involve iwi in its mainstream work programmes and negotiate a range of 'partnering agreements'. It has also recognised, via its Long-Term Plan, Partnering with Māori as one of its five strategic priorities.
47. Irrespective of the legal framework the relationship between Council and the iwi of Taranaki is complex, deeply influenced by the region's unique and often painful history, particularly the extensive land confiscations (raupatu) of the 19th century. This historical context forms a critical backdrop to all interactions.
48. In recent years, particularly following the finalisation of Treaty of Waitangi settlements for iwi in Taranaki, there have been concerted efforts to build a more constructive relationship, particularly with the post settlement governance entities. This work has included:
  - Formal Engagement: Establishment of iwi representation on Council committees (as required under the Taranaki Iwi, Ngāruahine and Te Atiawa Claims Settlement Acts) and more regular formal consultation processes mandated by legislation like the Resource Management Act (RMA).
  - Treaty Settlements: Settlement packages often include specific mechanisms for engagement or co-management, including the settlement concerning Maunga Taranaki, which requires close collaboration between iwi and the Crown (represented partly through councils).
  - Iwi Management Plans: Increased recognition and incorporation (to varying degrees) of iwi environmental management plans (IEMPs) into Council's regional planning frameworks.
  - Partnership Projects: Collaboration on specific environmental initiatives, such as riparian planting, pest control, biodiversity restoration, and water quality monitoring, sometimes incorporating mātauranga Māori (Māori knowledge).
  - Cultural Awareness: Efforts by Council to increase officer understanding of tikanga Māori and Treaty principles.
49. While Council has made progress in building deeper and more meaningful relationships, significant challenges remain. These include:
  - Legacy of Mistrust: The historical grievances stemming from raupatu, subsequent Crown actions and Council actions continue to impact the level of trust between the parties. Addressing these issues will require an ongoing effort and commitment to maintenance of a constructive working relationship including when difficult issues, such as the Principles of the Treaty of Waitangi Bill, arise or when there is a level of difference between the parties as to what might represent the most appropriate solution.
  - Differing Worldviews: Balancing the TRC's statutory environmental management role (often focused on regulation and measurable outcomes) with the holistic, intergenerational kaitiakitanga (guardianship) responsibilities and aspirations of iwi can lead to differing perspectives and 'tension' between the parties. The processing of resource consents (e.g. relating to water takes, discharges,

oil and gas activities) is but one example of an area in which tensions can arise. Council has statutory obligations to process consents in accordance with existing TRC regional planning documents and the RMA while iwi will often focus on the impact of the application relative to their cultural values and environmental outcomes.

- Capacity and Resources: Iwi entities often face significant capacity constraints in engaging effectively across the breadth of Council activities and with multiple agencies, while Council may face challenges in resourcing deep, meaningful engagement beyond statutory minimums.
  - Meaningful Partnership: Moving from consultation (often seen by iwi as occurring late in the process) towards genuine partnership and co-design in decision-making, as required under Treaty settlement legislation, remains an ongoing challenge. It is critical<sup>6</sup> that Council continue to take steps to develop deep and meaningful relationships with tangata whenua if it is to meet its legal obligations.
  - Implementation of Treaty Settlements: Translating the high-level principles of Treaty settlements and co-governance arrangements (like for Maunga Taranaki and Waitara River) into effective operational practice on the ground is complex and requires a continuous commitment from all parties. It will also require a significant shift in 'mindset' by both parties, particularly Council, where the traditional paradigms of elected members being the final decision-maker will, as a matter of law, no longer apply in relation to all matters.
  - National Policy Shifts: Changes in national direction and policy settings including in regard to the Treaty, Treaty principles, and Māori-Crown relations (as seen currently) can create uncertainty and add strain to the local relationships.
50. The challenges that exist are issues that both parties need to be able to address through constructive dialogue and a commitment to working together to find common ground while respecting the differing perspectives that the respective parties may have from time to time on any given issue.
51. It is also important, as noted in a recent report by the Auditor-General<sup>7</sup> that for a *"...settlement to be durable and the Crown's apology meaningful, public organisations need to move beyond transactional ways of working with iwi and hapū. They need to work in the interests of a long-term and enduring relationship."*
52. Building meaningful long-term relationships requires a high level of trust and respect between the parties. This can only develop over time and through consistency in the approach adopted by each party. As the saying goes, *"trust takes years to build, seconds to break, and forever to repair"* and, unfortunately, events such as those which occurred on 10 December 2024 can easily lead to a significant 'set back' in professional relationships.

## TRC consideration of Principles of the Treaty of Waitangi Bill

53. The Justice Select Committee met on 19 November and called for public submissions by 7 January 2025. Considering the Christmas/New Year break that was a very tight timeframe.
54. The Chief Executive and Chair discussed the merits of Council submitting on the Bill. In this discussion, the significance of the matter for the region and its direct impact on the work of Council, was noted along with the potential implications the Bill could have for the working relationships that Council has with iwi at both an operational and governance level.
55. The Chair subsequently engaged with a respected Iwi leader to gather views on the merits of Council making a submission. The Chief Executive was subsequently asked on 22 November 2024 to prepare a submission for Council to consider at its 10 December 2024 ordinary meeting. Note that the decision

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<sup>6</sup> How public organisations are fulfilling Treaty settlements, Office of the Auditor-General, April 2025.

<sup>7</sup> How public organisations are fulfilling Treaty settlements, Office of the Auditor-General, 2025



had already been made by this point to cancel the Policy and Planning Committee that was scheduled for 26 November 2024 as, at the date on which the decision was made, there was only one routine business item identified for the agenda.

56. On 27 November 2024, the submission drafted by officers was forwarded to the Chair for comment. In doing so, the Chief Executive noted that the focus of the submission was on the work that Council does and the negative impacts that the Bill could have on the work and relationships that Council ultimately needs to have with Iwi and hapū. The Chief Executive also noted the wider regional leadership role Council holds along with its environmental management responsibilities.
57. The Chair provided feedback to the Chief Executive on the draft submission and amendments were made.
58. The submission indicated that Council did not support the Bill arguing that it offered no value to its crucial relationships and partnership work with tangata whenua. It also warned that it posed a "very real danger" of undermining Council's existing connections and hindering vital collaborative efforts in managing the region's natural resources.
59. The submission emphasised the significant contribution Iwi make to the region and expressed concern that the Bill could damage the trust necessary for these relationships to be strong.
60. Furthermore, the submission expressed disappointment at the Bill's development process, acknowledging that for one party to unilaterally seek to change the Treaty's interpretation risked breaching the Treaty and the high level of trust upon which such agreements needed to exist. It also highlighted that the Bill's own regulatory impact statement acknowledged inconsistencies with the Treaty/te Tiriti and a failure to recognise Māori collective rights and distinct status.
61. Citing the Waitangi Tribunal, the submission asserted the proposed principles conflicted with existing jurisprudence and the Treaty's spirit.
62. On 29 November 2024, the Chair notified councillors, via an End of week update email, that the Chief Executive had been asked to draft a submission on the Treaty Principles Bill for Council to consider. It was acknowledged that while the Bill may not "...go anywhere..." that there are a range of ways the Bill could impact the Council's work if it was passed, and after sounding the matter out locally, advised there was merit in preparing a high-level submission.
63. Shortly after this email was sent to all councillors, Councillor Walker sent an email, to Councillors Littlewood, Cram, McIntyre and Davey (rather than all councillors) as well as the Chief Executive, in reply to the End of week update. In that response Councillor Walker noted "*I have already had some negative comments about TRC getting involved with the Treaty bill especially as it is not going to pass. Do be careful not to get us involved in controversy.*"
64. The Chair responded to Councillor Walker on 1 December 2024, acknowledging his concerns and noting that she had considered these matters in asking for the submission to be prepared for Council consideration noting that "*on balance, I think its important that Council has the option to decide if it submits, given the impact the Bill would have on our work and relationships. As always, its up to councillors to vote if they want to put a submission in.*" This response was acknowledged by Councillor Walker with Councillors Cloke and Jamieson being added to the initial list of recipients.
65. The 10 December 2024 Ordinary meeting (10 December meeting) agenda, including the proposed submission, was released to Councillors on 3 December 2024 and publicly on 4 December 2024 on the Council website.
66. On 4 December 2024, an email request was received from Mr Dinnie Moeahu seeking a deputation to encourage Council to prepare a submission on the Treaty Principles Bill. The request was subsequently approved by the Chair.
67. In approving the deputation request, the Chair granted Dinnie Moeahu 10 minutes to speak with 5 minutes for questions from councillors. This deputation was listed as the first item on the agenda.

Some Councillors became aware of the deputation around 6 December 2024. Questions were then raised with officers about the basis for the decision and whether it could be reviewed.

## 10 December Ordinary Meeting

68. The agenda for the 10 December meeting showed the Submission on the Principles of the Treaty of Waitangi Bill as Item 7, to be considered following the routine procedural matters including receipt and confirmation of previous Council and committee minutes.
69. The 10 December meeting began at 10:00am with all Councillors present for the meeting.
70. Following karakia and apologies, Mr Dinnie Moeahu, following an invite from the Chair, began approaching the lectern ready to provide the deputation. At that point, Councillor Cloke proposed a procedural motion to receive the deputation immediately before item 7 – Submission on Principles of the Treaty of Waitangi. Following a brief discussion, Councillors Cloke's motion was seconded by Councillor Hughes and carried.
71. Following the confirmation and approval of standing committee minutes, Mr Dinnie Moeahu was invited back to the lectern to provide a deputation. In his presentation Mr Moeahu indicated:
  - that he would be encouraging all four Taranaki councils to lodge a submission as it presented an important opportunity for Taranaki to come together as a region and present a united view on the Bill
  - acknowledged the quality of the draft Council submission and indicated that he would like to share it with the other Taranaki councils for consideration in drafting of their submission
  - thanked Council for receiving his deputation.
72. Council resolved to receive Mr Moeahu's deputation.
73. The Chief Executive introduced the officer report and draft submission on the Bill. In his comments he noted the statutory obligations that Council has to involve Māori in its decision-making processes and have regard to the Treaty in its work. He also noted the significant work that had been progressed in seeking to strengthen Council's working relationships with Iwi.
74. Councillor Walker then spoke to the item and proposed that Council should simply receive the report and not approve the submission. In doing so he indicated that the Council was "*not a political body*" and that the Bill was "*...too divisive*" and "*not appropriate*" for Council to discuss given that it was essentially a national political issue for the Government to resolve.
75. There was then a brief discussion about the option of Council simply receiving the report and not making any further decisions prior to Councillor McIntyre moving a motion for Council to move straight to a vote on the matter without further discussion. Council resolved the following:

*That the Taranaki Regional Council:*

  - a) move to a deliberative vote on item 7, Principles of the Treaty of Waitangi Bill without further discussion.
76. This was moved by Councillor McIntyre and seconded by Councillor Walker and carried in a split vote.
77. The Chair then moved the following motions:

*That the Taranaki Regional Council:*

  - a) receive the memorandum Submission on the Principles of the Treaty of Waitangi Bill
  - b) endorse the submission in attachment One on the Principles of the Treaty of Waitangi Bill
  - c) determine that this decision be recognised not significant in terms of section 76 of the Local Government Act 2002
  - d) determine 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, determine 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*

78. This motion was moved by the Chair and seconded by Councillor Hughes. The motion was lost. Council then moved on to consider the remaining agenda items on the agenda.
79. The practical effect of the procedural motion moved by Councillor McIntyre was that there was no formal debate on the issue of whether Council should lodge a submission (nor its potential content) prior to his motion being decided. The only councillor who was able to express a view on the issue was Councillor Walker who spoke following the Chief Executive's opening comments on the draft submission.
80. A procedural motion to close a debate is explicitly provided for in standing orders (refer standing order 24). Generally, this procedural motion is used to 'wrap up' a debate and move to a vote on the matter at hand once the different perspectives have all been expressed. There is a requirement (standing order 20.15) that such motions can only be put once there have been at least two speakers for and two speakers against the motion being debated.
81. A procedural motion, which has the effect of not allowing a discussion and/or debate to occur is not one that is explicitly provided for in standing orders. As such it falls into the general category of 'any procedural motion' that may be required and can be considered by the Chair in accordance with standing order 24.7.
82. It is highly unusual for a closure motion to be put without there having been any discussion or debate, let alone passed as occurred in this instance. Many would see these actions as poor governance practice, and as being inconsistent with basic democratic and transparency principles. The use of such a process to make a decision also raises a very real risk that Council will be seen to have been 'predetermined and biased' in the decision that it made.

## Responses to the December Ordinary Meeting

### ***Iwi Response to Council decision***

83. The decisions made at the 10 December meeting attracted a good level of media coverage and reaction from Iwi and other appointed members on Council committees.
84. On 12 December 2024, Ms Emily Bailey, in her capacity as an Iwi appointed member on the Policy and Planning Committee, wrote an email to councillors and members of the Policy and Planning committee expressing her deep disappointment and outrage at the Council's decisions and the role that Councillors Walker and McIntyre played in proposing the motion to *"...shut down debate and silence those who were elected and nominated to speak for our community."*
85. Ms Bailey also questioned why the draft submission had not been circulated via email to all Policy and Planning Committee members for comment given that the 26 November 2024 Policy and Planning Committee meeting had been cancelled.
86. Mr Mitchell Ritai and Councillor Celine Filbee (South Taranaki District Council) expressed their support for the comments made by Ms Bailey in subsequent emails.
87. The Chair responded to Ms Bailey, Mr Ritai and Mr Peter Moeahu by email on 13 December 2024 noting the process for agenda preparations along with the timing of the submissions on the Bill opening. She also acknowledged that an email, with the submission attached, should have been sent to allow Iwi and community representatives on the Policy and Planning Committee an opportunity to provide feedback or to attend the 10 December Council meeting.
88. On 24 December 2024, Iwi Representative Dion Luke emailed a letter signed by all six Iwi representatives on the Council committees to the Chair, Councillors Walker and Bigham, and the Chief Executive. The letter expressed disappointment at the Council's decision not to submit on the Treaty Principles Bill, criticising the dismissal of an officer-prepared draft and the claim that the Council is *"...not a political body"*.

89. It argued that avoiding robust debate lacks transparency, undermines accountability, and creates reputational risks, leading to a loss of confidence in the Council. The letter also indicated that the Iwi representatives had lost confidence in Council “... as an impartial governing body” and urged councillors to handle significant matters with the professionalism and due diligence expected of their roles.
90. On 25 January 2025, Iwi Representative Mr Peter Moeahu submitted a formal complaint and affidavit with the Chief Executive in relation to the events at the 10 December 2024 meeting.
91. Key points raised in the complaint included:
  - a. That a number of councillors showed a level of pre-determination and bias in their decision-making in relation to the item
  - b. That Council failed to meet a number of its obligations under the Local Government Act 2002 (LGA) and the Local Government Official Information and Meetings Act 1987 (LGOIMA) including having regard to the principles of the Treaty of Waitangi
  - c. That Council failed to abide by the principles of natural justice when hearing and considering the points made during the deputation
  - d. That there was a failure to comply with the Council's Code of Conduct and general expectations for public sector agencies. (Note that any allegations against individual members which come within the terms of the Code of Conduct need to be dealt with using the procedure in the Code. This report relates to the other allegations.)
92. The Chief Executive discussed the complaint with Mr Peter Moeahu and agreed that a report would be prepared for the 18 February 2025 Ordinary Council meeting addressing the issues raised and seeking direction on how they might be addressed.

#### ***Councillor reaction to the December decision***

93. On 18 December 2024, Councillor Bigham forwarded to councillors and the Iwi committee representatives a video recording in which she expresses her disappointment at the Council decisions, and the way in which they were made including the level of predetermination inherent in the approach followed. She also commented on the effect that the decision, particularly the motion to proceed to a deliberative vote without any discussion, had on her personally and her ability to express a view on behalf of the constituents that she represents.
94. Councillor Hughes wrote an email to all Councillors and the Chief Executive on 20 December 2024 expressing deep disappointment over the council blocking discussion on a potential Principles of the Treaty Bill submission, condemning the denial of the right to speak as undemocratic and contrary to free speech principles.
95. The email from Councillor Hughes also noted that the action has severely damaged trust, particularly with Māori partners, rendering the Council's stated value of the relationship hypocritical and potentially viewed as racist, thereby undermining officer efforts. Stressing the fundamental constitutional importance of Te Tiriti regardless of the Bill's political fate, Councillor Hughes contrasted her own commitment to allowing debate to occur even if she disagreed with the view being expressed with the actions taken at the December meeting. Councillor Hughes called for genuine reflection, regret, and steps to repair the damaged relationships within Council and especially with Iwi.

#### ***4 February 2025 Committee Meetings***

96. The events that occurred at the 10 December 2024 Ordinary meeting during consideration of the Principles of Treaty Bill submission were discussed as part of both the 4 February 2025 Operations and Regulatory Committee and Policy and Planning Committee meetings.

97. During those discussions a significant level of concern was expressed about the appropriateness of the decision-making process followed by Council and the impact that the decisions made would have on the relationship between Council and the iwi of Taranaki.
98. It was agreed informally during those meetings that it would be desirable for Council to discuss the issues arising at its 18 February 2025 Ordinary Council meeting. As a result, the Chief Executive was asked to prepare a report for that meeting to enable these matters to be considered further.

**18 February 2025 Ordinary Council meeting**

99. In accordance with the request made at the 4 February 2025 committee meetings and in response to the formal complaint from Peter Moeahu a report outlining the range of issues raised and providing a synopsis of what occurred at the December meeting was prepared for the 18 February 2025 Ordinary Council meeting.
100. The report noted that there were two critical decisions made by Council in relation to the item on the Principles of the Treaty of Waitangi Bill. These were:
  - a. A procedural decision to move to a vote on whether to approve the submission without debating the relative merits of lodging a submission or what the content of any submission might be
  - b. The decision to not support the lodging of a submission on the Bill.
101. The decisions made by Council were options available to it. The moving of procedural motions is provided for in standing orders and the option of the Council not submitting on the Bill, a 'do nothing' option, was explicitly identified in the officer report.
102. In summary, the report presented to that meeting noted that there were variations of some significance between the decision-making process followed at the 10 December 2024 Ordinary meeting, the expectations that Council has set for itself in Standing Orders and elsewhere, good practice, and the relevant legislative obligations.
103. The report proposed that Council should acknowledge the shortcomings in its process and proactively take steps to review what occurred and steps that might be taken to improve its meeting processes moving forward. As a result, Council resolved to:
  - a) receives the Council Conduct Complaint memorandum
  - b) confirms that at its meeting on 10 December 2024 it acted in a manner inconsistent with:
    - its normal meeting protocol and the expectations that it has about the way in which it wishes to operate as reflected in its Mission, Organisational Values and principles in Standing Orders
    - relevant statutory provisions within the Local Government Act 2002 and Local Government Official Information and Meetings Act 1987
    - expectations of good practice as set by the Ombudsman, Office of the Auditor-General and other sources of good practice relating to local government.
  - c) apologises to Mr Dinnie Moeahu, the Iwi representatives on Council standing committees, the Taranaki community and councillors who were not able to express a view on the merits (or otherwise) of making a submission on the Principles of the Treaty of Waitangi Bill (the Bill) for the short-comings identified above
  - d) agrees that it should initiate an internal review (as proposed under option 3) of what occurred at its 10 December 2024 meeting, its current meeting procedures and standing orders with a view to identifying improvements that it can make during the current triennium and/or recommendations that it might make to the new Council to be elected in October 2025 as to how it can improve its governance processes
  - e) asks the Chief Executive to report back on a suggested process for reviewing current meeting processes and standing orders including options for allowing for all councillors to express a view on both the 10

*December 2024 meeting and options for improving its meeting processes given their experiences during the current triennium*

- f) *determines that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002*
- g) *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.*

104. The Chief Executive then developed the Terms of Reference for this Council Conduct Review which were presented to Council for consideration and adoption at the 1 April 2025 Ordinary meeting.

## Framework for considering Council actions

### Environmental Context

105. In looking at the way in which issues relating to the development of a submission on the Bill were managed, it is relevant to have regard to the environment within which officers and councillors were operating at the time.
106. The Principles of the Treaty of Waitangi Bill was introduced, in the lead up to the Christmas/New Year period, on 14 November 2024. The Justice Select Committee then called, on 19 November 2024, for all submissions to be lodged by 7 January 2025. That was a short timeframe.
107. In addition to the normal 'end of year business', Council was also drafting submissions on the following topics/issues which had also been released for comment over a similar timeframe:
- a. Resource Management (Consenting and Other System Changes) Amendment Bill
  - b. Local Government (Water Services) Bill
  - c. Offshore Renewable Energy Bill
  - d. Regulatory Standards Bill consultation document.
  - e. Crown Minerals Amendment Bill
  - f. Improving timeliness of jury trials
  - g. National Policy Statements (NPS) or National Environmental Standards (NES) covering 21 different instruments (e.g. NPS Freshwater Management or NES Drinking Water).
108. The extent of the work that these submissions created for Council was significant and put an intense level of pressure on a few key officers. This ultimately affected the depth of the analysis and work that could be done on any one item.
109. Council currently has a significant programme of work underway to deepen its relationship with Māori. Existing initiatives that have been implemented include the Māori constituency and iwi representation on key committees. It is also shown in its freshwater workstreams, particularly with the funding of a pou taiao position within Te Kotahitanga o Te Atiawa to support the capacity of mana whenua to engage in freshwater policy development, and the establishment of the Wai Steering Group<sup>8</sup> to discuss key issues regarding the development of the new Land and Freshwater Plan.
110. The upcoming work that Council has plans to progress include work to develop a joint management agreement (JMA) with Ngāti Maru, establishment of the Waitara River Committee, and adoption of a relationship agreement with Ngāti Maniapoto. In addition, the implementation of the Maunga Redress

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<sup>8</sup> The Wai Steering Group membership comprises four Ngā Iwi o Taranaki appointees and the Council Chief Executive.

legislation and the upcoming replacement of the RMA will likely provide further opportunities for Council and Iwi to work together.

111. Council is presented with a unique opportunity to fundamentally deepen its relationship, build competency within Council, capacity within iwi and hapū, and improve the levels of service it provides to the community. This will require a strategic approach and significant lift in engagement at the governance level.

## Legislative Obligations

112. Council has extensive statutory obligations to provide for mana whenua participation in its work and decision-making processes.
113. The Local Government Act 2002 (LGA) imparts broad responsibilities on Council to take into account the principles of the Treaty and to maintain and improve opportunities for Māori to contribute to its decision-making processes. Council must also consider ways to foster the development of Māori capacity to contribute and provide relevant information to facilitate that contribution and development. The steps Council will take to foster Māori capacity to participate must be set out in the long-term plan and reported against in the annual report.
114. The Resource Management Act 1991 also imparts significant obligations regarding mana whenua engagement. At the highest level, under Part 2 of the RMA Council must:
- a. recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga as a matter of national importance
  - b. have particular regard to kaitiakitanga
  - c. take into account the principles of the Treaty of Waitangi.
115. In relation to the Treaty principles, those of partnership, participation and protection are particularly important. Partnership requires that parties act reasonably and in good faith. Participation requires that opportunities are provided for mana whenua to engage with decision making processes at all levels. And protection, that the active protection of Māori interests, rights, taonga and rangatiratanga must be a priority.
116. The RMA also sets out a range of specific obligations for engagement with mana whenua in various RMA processes. These include that Council must:
- a. take into account relevant planning documents recognised by an iwi authority in any plan making process
  - b. detail the resource management issues of significance to iwi authorities in the region in its regional policy statement
  - c. consult with relevant iwi authorities throughout the drafting of a new plan, provide them a full copy of the draft plan for comment prior to formal notification and give particular regard to their comments
  - d. serve notice of any publicly notified resource consent application on the relevant iwi authorities
  - e. have regard to any relevant statutory acknowledgment in determining if a person is an affected person for a resource consent application.
117. Council could also enter formal shared decision-making and/or collaboration arrangements with iwi and hapū under the RMA. Joint management agreements (JMA) are the most powerful. These set up formal joint decision making between Council and iwi or hapū. Where a decision is made under the JMA it has the same legal weight as it would if the decision had been made by the local authority. This principle also applies to any decision that is made under delegated authority.
118. Council is required, under the Ngāti Maru (Taranaki) Claims Settlement Act 2022 to enter a JMA with Ngāti Maru in relation to management of the Waitara River Catchment.

119. Either iwi or a local authority can also initiate the development of mana whakahono a rohe (iwi participation agreements). These arrangements specify the ways in which tangata whenua participate in decision-making under the RMA.

## Good Practice Expectations

### **Auditor-General**

120. The Auditor General<sup>9</sup> notes that it is important that public organisations' respect and acknowledge the role that the Treaty/te Tiriti plays in the NZ constitutional framework and that they "...consider te Tiriti when making policy, applying and enforcing the law, and carrying out their functions."
121. He also notes that:
- a) *"A public organisation's commitment to supporting the Crown's relationship with Māori under te Tiriti must be realised in an observable way. If it isn't, the organisation's integrity will likely be questioned."*
  - b) *Acting with integrity with respect to te Tiriti requires more than engaging and understanding perspectives. It requires proactively considering principles of equity, options, active protection, and rangatiratanga.*
  - c) *Organisations need to consider what capability building is required for them to meet their responsibilities under te Tiriti. The types of activities organisations can carry out could include:*
  - d) *developing a position statement that sets out how the organisation understands its role as it relates to te Tiriti and to iwi, hapū, and whānau Māori;*
  - e) *researching and documenting the organisation's history from a Māori perspective;*
    - i. *understanding the impact its actions have had on Māori, both positive and negative, and how its actions can be improved; and*
    - ii. *consistently upholding tikanga Māori (for example, through karakia, pōwhiri, and relationships with iwi and hapū), and observing tikanga as part of daily practice.*

### **Transparency of decision-making**

122. The Local Government Act 2002 and the Local Government Official Information and Meetings Act (LGOIMA) 1987 emphasise the importance of open and transparent decision-making by Council.
123. The LGA establishes principles requiring councils to:
- a. conduct their business in an open, transparent, and accountable manner, promoting community participation
  - b. take account of the diversity of the community and its interests, and the interests of current and future communities
  - c. provide opportunities for Māori to contribute to decision-making processes.
124. The Local Government Act 2002 also contains, in Part 6, specific requirements in relation to the process that must be followed to make decisions. Schedule 7 requires that all elected members comply with standing orders and the adopted Code of Conduct.
125. The Local Government Official Information and Meetings Act 1987 (LGOIMA) reinforces the open and transparent requirements by ensuring that council meetings are generally open to the public and the agendas are available, providing access to official information, and facilitating public involvement in council processes.

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<sup>9</sup> Page 12, Putting integrity at the core of how public organisations operate – Controller and Auditor-General, 12 December 2024



126. Together, these Acts aim to make local government decision-making processes more accessible, accountable, and understandable to the public.
127. In the October 2023 report from the Ombudsman titled Meeting and workshop practices at Taranaki Regional Council, the Ombudsman emphasized that legislative provisions designed to promote open and public business transactions should be applied proactively and substantively, not merely in a perfunctory or technical manner.
128. The Ombudsman recommends a shift from focusing on strict adherence to the letter of the law towards a more principled approach that prioritises the spirit of transparency and participation. This means going beyond the minimum legal requirements to actively foster openness by providing clear, timely, and comprehensive information to the public, ensuring genuine opportunities for engagement, and making council decisions and processes understandable to the community. The core idea is to actively promote and enable public scrutiny and understanding.
129. The Ombudsman has argued that achieving the principle and purposes of LGOIMA depends significantly on the culture of a council, and the attitudes and actions of its senior leaders. Elected members, chief executives, and senior managers, should take the lead in developing an environment that promotes openness and transparency within the organisation, with external stakeholders, and importantly, with their constituents. This environment should champion positive engagement with those who want to know and understand the work a council is doing.

#### ***Institute of Directors***

130. The Institute of Directors (IOA) emphasise the importance of board culture to deliver effective governance. In this regard they have noted<sup>10</sup>:  
*"The culture of a board that adds value is that of a team of capable people united in a common purpose. What distinguishes a high performing board is that it is a "robust, effective social system" characterised by a culture of capability, accountability, independence, trust, diligence and candour. In this atmosphere, effective boards ask the hard questions and do not rest until they get good answers."*
131. The fact that councillors are elected to their position rather than being appointed based on an assessment of their skills, which will often include an assessment of team and cultural fit, differentiates local authorities from a normal board/governance entity. As the Auditor General<sup>11</sup> has noted "...there is always a risk that an elected council in a small area will not include all of the skills needed for effective governance of an entity with significant legal and financial responsibilities."
132. Irrespective of the differences between appointed and democratically elected boards, the principles of good governance remain the same and set a standard to which good local authority governance entities should aspire. To aim for less is to undervalue the work of the organisation for which they are responsible.

## **Council Policy**

### ***Strategic Framework***

133. Through its mission statement, strategic priorities and organisational values the Council has set its expectations for what it wants the organisation to achieve and the way in which it should go about achieving these. The full strategic framework is outlined in the 2024/2034 Long-Term Plan.
134. Through its Mission statement, strategic priorities and working together with Māori sections of its Long-Term Plan Council has explicitly recognized the importance of the Treaty/te Tiriti and having a

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<sup>10</sup> Page 20, The Four Pillars of Effective Good Governance, Institute of Directors in New Zealand

<sup>11</sup> Inquiry into the Mangawhai community wastewater scheme, Auditor-General, November 2013

constructive working relationship with Māori in doing its work. In this regard, for example, the mission statement states that Council will achieve its mission by “...taking into account the Treaty of Waitangi”.

135. In its Partnering with Māori strategic priority<sup>12</sup> Council has indicated that:

*The partnering with Māori focus area is anchored in the importance of Te Tiriti o Waitangi and working with Māori as tangata whenua. It also recognizes the legal obligations on local government to ensure that Māori are more actively involved in our decision-making processes.*

*Our overriding commitment is that our future work with Māori will be based on mutually recognized trust and respect, noting that building this needed trust and respect is a journey we have commenced, but we acknowledge there is more to do.*

136. The values statements that have been set by Council are:

- Integrity (He ngakau pono)  
*We do what is right, rather than what is easy*
- Teamwork (He ngakau tuki tahi)  
*We are one TRC team, working together with courage and purpose*
- Care and respect (He ngakau aroha)  
*We demonstrate care and respect for ourselves and others; we treat everyone with dignity*
- Agility (He ngakau kakama)  
*We strive for excellence, embracing change as an opportunity for innovation.*

137. Organisational values are the guiding principles that should guide the way an organisation goes about doing its work including making decisions. It is important that the expectations set by the values and other parts of the strategic framework are not just words but are also seen to be actively supported and implemented by all levels of the organization from the governance level down. As the Auditor-General notes:

*The culture of an organisation influences people’s behavior and determines how integrity in an organisation is understood and practiced. An organisation’s culture is determined by how systems, norms, and values interact, which influences the observable actions people take based on their decisions.*

*Public organisations are made up of people making decisions every day about what actions to take. These decisions can range from the mundane to the most important. To build organisational integrity, these decisions need to be informed by the organisation’s purpose, values, and New Zealand’s constitutional framework.*

*This means that people need to stop and think about whether the decisions they make are aligned with what the organisation stands for.*

*There are many factors that can disconnect an organisation’s stated purpose and values from the day-to-day decisions and behaviours of their people. These factors include:*

- *the actions of senior management and governors;*
- *the tone and content of formal and informal communications;*
- *how easy it is to understand a policy and why the policy matters;*
- *how safe people feel about calling out wrongdoing; and how leaders hold themselves and others accountable for poor behaviour.*

*The actions of the most senior staff and the content of their online and in-person communications determine what is often called “the tone from the top”.*

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<sup>12</sup> Page 26 2024/2034 Long-Term Plan, Taranaki Regional Council

## Meeting Procedures

138. Council is required, under schedule 7 clause 27(1) of the Local Government Act 2002, to adopt a set of standing orders.
139. The standing orders that currently apply are based on the NZ Standard and were formally adopted at the Inaugural meeting for the current triennium held in October 2022.
140. Through clause 1.2 of its standing orders, Council has committed to observing a number of good governance principles in the way that it works. These include a commitment to:
- Conduct its business in an open, transparent and democratically accountable manner
  - Give effect to its identified priorities and desired outcomes in an efficient and effective manner
  - Make itself aware of, and have regard to, the views of all of its communities
  - Take account, when making decisions, of the diversity of the community, its interests and the interests of future communities as well
  - Ensure that any decisions made under these standing orders comply with the decision-making provisions of Part 6 of the LGA
  - Ensure that decision-making procedures and practices meet the standards of natural justice.
141. The standards of natural justice include not predetermining a matter which is for decision. The OAG<sup>13</sup> has made the following comments on predetermination and bias:
- Predetermination is any situation where you are making a decision about something and there is a risk that people will think you made up your mind before you considered all of the evidence.*
- The underlying risk with predetermination is the same as for conflicts of interest – that is, the risk that you will "taint" a decision you are involved in making because you are biased or appear to be biased.*
- When dealing with predetermination:*
- *You are expected to have an open mind, but that does not mean an empty mind.*
  - *Pay particular attention to the type of decision you are being asked to make. You need to be particularly careful about predetermination in situations where you are making decisions that will affect the legal rights, interests, and obligations of an individual or small group of individuals, as opposed to broad policy decisions that do not have an immediate effect on individuals.*
  - *Unlike many types of conflicts, the risks associated with predetermination are nearly always under your control. It is generally about managing what you do or say, so you do not later put yourself in a situation where your participation in a decision will put that decision at risk.*
142. The above points reinforce the adage of 'justice being seen to be done'. When it isn't there is very real risk of Council undermining its credibility.
143. Through its Code of Conduct the Council has committed to meeting the following good governance principles:
- Public interest*  
Members should serve only the interests of the region as a whole and should not improperly confer an advantage or disadvantage on any one person.
  - Honesty and integrity*  
Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.
  - Objectivity*

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<sup>13</sup>-Managing conflicts of interest: A guide for the public sector, Office of the Auditor-General, 2020

Members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire region and not just the constituency they represent.

*d. Accountability*

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with the scrutiny appropriate to their particular office.

*e. Openness*

Members should be as open as possible about their actions and those of the Council, and should be prepared to justify their actions.

*f. Personal Judgement*

Members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.

*g. Respect for others*

Members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff.

*h. Duty to uphold the law*

Members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.

*i. Stewardship*

Members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.

*j. Leadership*

Members should promote and support these proposals by example, and should always endeavour to act in the best interests of the region.

144. These reinforce the principles of the Local Government Act 2002, Local Government Official Information and Meetings Act 1987 and Council's Standing Orders.

## **Council practice - Government Submissions**

145. Council regularly lodges submissions on a wide range of proposed Government policy and/or legislation. Any such submissions are drafted by officers with the submission points focusing on the issues that are directly relevant to the work of Council.
146. The majority of proposed submissions will be considered by the Policy and Planning committee in the first instance. Some can, however, go to other committees if they are relevant to their terms of reference.
147. When a proposed submission comes up for consideration during a Council or committee meeting the reporting officer will provide an overview of the proposed submission including key issues that are relevant to the work of Council and the merits of a submission being lodged. The officer would then answer any questions that might be raised by councillors ahead of wider discussion and or moving to a formal debate on a proposed motion.

## **Findings - Assessment of Council actions**

### ***How are items added to Council agendas?***

148. During this review questions were raised about the process that is used to add items to a Council meeting agenda and whether feedback should have been sought from councillors as to whether they supported the drafting of a submission on the Principles of the Treaty Bill.
149. Standing orders provide three different options for identifying items that might be included on a Council or committee meeting agenda. These are:
- For the Chief Executive to prepare the agenda in consultation with the Chair
  - Requests for reports may be made via Council or committee resolutions
  - For individual councillors (or a group of councillors) to request, via a notice of motion, that an item be included on the agenda for a particular meeting or to amend a previous decision of Council.
150. The first option, set out in standing order 9.1, is the relevant one in the present circumstances. Note that the Chief Executive has administrative responsibility for pulling together the agendas and ensuring that the appropriate meeting support is provided to all governance meetings.
151. As noted earlier, the question of whether a submission on the Principles of the Treaty of Waitangi Bill should be prepared for consideration by Council at its December Ordinary meeting was first raised by the Chief Executive with the Chair following the announcement of the deadline for the lodging of submissions being made on 19 November 2024.
152. Through the process of discussion between the Chair and Chief Executive, the decision was made that a submission should be drafted and included on the agenda so that the matter of whether a submission should be lodged (and its content if one was to be lodged) could be discussed and determined by Council.
153. This decision was made because the Bill, if enacted, would have had a significant impact on Council and its relations with mana whenua. It was considered important for councillors to determine whether the Council should make its views known to the Justice Select Committee on such controversial and potentially consequential legislation.
154. The process used by the Chief Executive, in consultation with the Chair, to include the Bill on the Council agenda was entirely appropriate, in accordance with standing orders, and normal Council processes for the making of such decisions. Standing orders do not provide for proposed agenda items to be discussed with or vetted by other councillors before they are included on an agenda.

#### ***Finding/conclusion***

155. The process followed by the Chair and Chief Executive to make the decision to include a proposed submission on the Bill on the 10 December Ordinary meeting was appropriate and in accordance with standing orders and established Council processes.
156. It would have been inappropriate and unorthodox for a decision to have been made based on some form of 'straw poll' amongst councillors prior to the meeting. The forum for councillors to make decisions is in a formal meeting called in accordance with the provisions in the Local Government Official Information and Meetings Act 1987 and standing orders.

#### ***Was the Principles of Treaty Bill relevant to the work of Council?***

157. Prior to the 10 December 2024 Council meeting, at the meeting itself and subsequently, including as part of this review process, a number of councillors have expressed the view that the Principles of the Treaty of Waitangi Bill was not relevant to Council's work, was controversial and that as a result it should not have been included on the December Ordinary meeting agenda.
158. To address the question of whether the Bill was relevant to Council and its work it is pertinent to consider:
- The statutory obligations that Council has to assist the Crown meet its responsibilities under the Treaty and *take into account* the Treaty principles in undertaking its work.

- The Auditor-General, has expressed the view that it is important that public organisations' respect and acknowledge the role that the Treaty/Te Tiriti plays in the NZ constitutional framework and that they "...consider te Tiriti when making policy, applying and enforcing the law, and carrying out their functions."
  - The explicit reference that Council makes to the Treaty and taking it into account in its work in its Long-Term Plan and strategic framework. The Treaty principles are an integral part of the framework within which the Treaty needs to be applied. This is recognized, for example, in section 6 of the Treaty of Waitangi Act 1975, which provides that any Māori may make a claim to the Tribunal that they have been, or are likely to be, prejudicially affected by any legislation, policy or practice made by or on behalf of the Crown that is inconsistent with the principles of the Treaty.
  - How the Treaty principles, and the extensive jurisprudence related to their application, can be used by Council and Iwi to proactively assist them in the work they do together.
  - The significance of the Treaty/te Tiriti and its principles to Māori and therefore to the relationships that Council, needs to form with Iwi to achieve its strategic goals and meet its statutory obligations.
  - The practical implications for Council and its administration of various Acts if the Bill passed.
159. Through the review process it has become clear that a number of councillors do not have a good understanding of the Treaty/te Tiriti and its significance to the work of Council. This indicates a professional development opportunity that should be considered further as part of the 2025-2028 triennium Council induction programme.
160. There is little doubt that the Bill was surrounded by significant controversy from the outset. From the time of the public release of the Coalition Government Agreements, on 24 November 2023, which saw the policy move from being a priority for the ACT party to being a Government priority, there was a high level of discussion about the Bill, its proposed content and what it might mean for NZ given the constitutional significance of the Treaty.
161. The fact that an issue or proposal might be surrounded by a level of controversy is not a reason for the Council to not consider expressing a view on it. Indeed, some members may consider that is a reason in favour of the Council making its views known in a formal way. Ultimately, the decision is one for elected members to make.
162. The nature of the work undertaken by local government, will often mean that there are strong views on both sides of an issue. In such circumstances, communities may often look for leadership and guidance from their civic leaders even where it relates to an issue that is not directly delivered by the Council itself. Issues such as the delivery of health services, homelessness and how you support and enable economic development are all examples of where local government regularly becomes involved in broader community debates and advocates to Government and other agencies on the views of their communities. This is consistent with their statutory role under the Local Government Act 2002.
163. The risks associated with deciding to include a proposed submission on the Council agenda were considered by the Chair in making the decision to approve its inclusion. Her deliberations in this regard were acknowledged in an email dated 1 December responding to comments from Councillor Walker, which he had copied to five other councillors. The email noted:

*I acknowledge the concerns you've raised and did consider these factors in weighing up the pros and cons of putting a paper on this on the Council agenda. On balance, I think it's important that Council has the option to decide if it submits, given the impact the Bill would have on our work and relationships. As always, it's up to councillors to vote if they want to put a submission in.*

#### **Finding/conclusion**

164. The Principles of the Treaty of Waitangi Bill was of direct relevance to the work of Council, would have had a material effect on its work and its relationships with Iwi and was of importance to communities in the Taranaki region.

165. As such, while it was for Parliament to ultimately decide whether the Bill progressed it was appropriate that Council consider whether to lodge a submission and if so the content of that submission.
166. There is an opportunity to increase the understanding that councillors have of the Treaty/te Tiriti, its principles, the obligations that apply to local authorities and how these might be considered within Council's work and decision-making processes. Such training should be offered as part of Council induction and professional development programmes.

***Recommendation***

167. It is recommended that Council include in its elected member induction and professional development programmes training opportunities on the Treaty and its principles, mātauranga Māori and the tikanga of different iwi in Taranaki.

***Bill Consultation period and the implications for Council processes***

168. Given the level of public interest and comments made by senior Ministers about the Bill and the use of the select committee process as a vehicle to enable the public to express their views on the Bill there was an expectation that there would be a normal, if not extended, six-month select committee process.
169. This was the Chief Executive's expectation, which has subsequently been reinforced by the release of the 9 September 2024 Cabinet decision to approve a six-month select committee process with a report back date of 16 May 2025. The Cabinet Paper also discussed that there might be a need to extend the select committee report back date if a large number of submissions were received.
170. In the end the timeframe that interested parties had to consider and draft their submissions was constrained by the decisions made to introduce the Bill in late November 2024 and call for submissions to be lodged by 7 January 2025. This meant that any submission needed to be drafted and finalized during the already busy pre-Christmas/New Year period.
171. The 'shortened' timeframes were further exacerbated by the Justice Select Committee's decision to curtail the time allocated for the hearing of submissions, which severely limited the number of submitters that could be heard and proceed with a report back to Parliament on 4 April 2025, ahead of all submissions received being formally entered into the public record. The timing of the introduction of the Bill and shortness of the consultation period caught submitters by surprise.
172. The release of the Bill in mid-November also coincided with the timeframes applying to several other submissions being called for on other Government legislation and policy proposals.
173. From a Council perspective, the timeframes meant that there was an eight-day window (between the call for submissions on 19 November 2024 and the deadline (27 November 2024) for the 10 December 2024 Council agenda. During that timeframe the following events occurred:
- The Chair and Chief Executive consulted, and a decision was made on 22 November 2024 that Council should be asked to consider whether a submission should be lodged
  - A proposed submission was drafted and forwarded to the Chair for comment on 26 November 2024
  - Councillors were notified of the submission being included on the agenda for their consideration around 29 November 2024
  - The final submission was included in the Council agenda approved for release on 3 December 2024.
174. The submission drafted by officers focused on the implications that the Bill would have for the work of Council and local government in general.
175. Given the significance of the Bill and the lead in time before the Bill was introduced to Parliament some, as part of the review process, have suggested that the Bill should have been discussed with the Policy and Planning Committee and Council ahead of its introduction to Parliament. Neither this

suggestion, nor the view that the Council should not submit on the Bill, were raised with the Chief Executive prior to this review process.

176. The challenge with this suggestion is that the text of the Bill was not known publicly until the Bill was introduced to Parliament on 14 November 2024. Hence, any earlier consideration would have had to be based on a level of 'speculation' as to the Bill's content, albeit that reference could have been made to ACT party policy. There would have been limited value in discussing the Council's response or drafting a proposed submission, without the final form of the Bill being known.

### ***Finding/conclusion***

177. The Principles of the Treaty Bill was introduced to Parliament and a deadline set for submissions that had a shorter than anticipated timeframe. The impact of the shorter period was further exacerbated by the fact that it also occurred during what is a traditionally busy time of the year. This meant that the timeframes within which decisions had to be made, and work completed were short.
178. The decision to include the item on the agenda for the Council's scheduled 10 December 2024 meeting was made to enable these tight timeframes to be met.
179. It would have been possible to call an additional ordinary meeting or extraordinary/emergency meeting of the Policy and Planning Committee and/or Council later in December to allow more time for consideration of the issue. This option was not considered but should be if similar circumstances arise in the future. Note that an ordinary meeting requires 14 days' notice whereas an extraordinary meeting can be called with 3 days' notice. An emergency meeting requires 24 hours' notice.

### ***Recommendation***

180. It is recommended that Council consider making greater use of additional ordinary and/or extraordinary/emergency committee and council meetings to allow for the formal consideration of items that require decisions to be made 'outside' of the scheduled meeting cycle.

### ***Consideration by Policy and Planning Committee***

181. As part of the response to Council's 10 December 2024 decision and this review process questions have been raised about why the draft Principles of the Treaty of Waitangi Bill submission was not submitted to the November Policy and Planning Committee meeting in accordance with normal Council practices for submissions of this nature.
182. The November Policy and Planning (P&P) Committee was scheduled to be held on Tuesday 26 November 2024. The following table provides an overview of the timeframes that applied for consideration of items for the November Policy and Planning Committee meeting relative to other actions taken in regard to consideration of the Council submission:

<b>Date</b>	<b>P &amp; P Committee Actions</b>	<b>Treaty Principles Bill Actions</b>
13 November 2024	Deadline for reports to be prepared for November P & P Committee meeting. A decision is made to cancel the meeting.	
14 November 2024	Committee members advised of the meeting cancellation.	Treaty Principles Bill introduced to Parliament.
19 November 2024	November P & P agenda would have been released to members	Chair & CEO discuss whether Council should consider whether to make a submission.



22 November 2024		CEO asked to proceed with drafting a submission for consideration by Council
26 November 2024	Scheduled P & P Committee meeting	
27 November 2024		Council meeting agenda deadline
29 November 2024		Councillors advised that proposed submission on the Bill will be on Council meeting agenda for consideration.
3 December 2024		Council meeting agenda released
10 December 2024		Ordinary Council meeting
7 January 2025		Submissions closed.

183. The above timeline highlights that it was never realistic for a submission on the Principles of the Treaty of Waitangi Bill to go to the scheduled 26 November P&P committee meeting. A decision had already been made to cancel the meeting before the decision to draft a submission had been made.
184. In other situations, in which Council has had to draft a submission on matters that would normally be considered by the P&P committee, in the first instance, the Council has circulated the draft submission to P&P committee members for comment ahead of the matter being formally considered by Council.
185. This approach was not followed in relation to the Principles of the Treaty of Waitangi Bill. It has been acknowledged that this was an error, and that the submission should have been circulated despite the tight timeframes within which the submission had to be developed and included on the Council agenda.
186. While the approach of circulating the draft submission does provide the opportunity for committee members to have informal input it does not allow the more 'coordinated' and formal decision-making process that can occur via a formal meeting. Standing orders allows for the calling, based on a decision by the relevant chair, of additional ordinary meetings and extraordinary/emergency meetings. The key difference between the three types of meetings is the timeframes within which the notice of the meeting can be called.
187. An alternative approach that could also have been utilized was to call an Extraordinary or Emergency Policy and Planning Committee meeting to be held between 3 December 2024 and 10 December 2024. While technically possible it is not clear whether there would have been sufficient members to have a quorum in this instance.
188. In the case of the Principles of the Treaty of Waitangi Bill submission, we will never know whether any input that might have been provided by the Iwi representatives on this issue would have changed the decision that was made to not lodge a submission. It is, however, reasonable to conclude that it would have better enabled the Council to at least hear and consider the Iwi perspectives on the Bill. Such input is valuable and important.

### **Findings/conclusion**

189. The approach of circulating via email to Policy and Planning Committee members for comment the proposed submission on the Principles of the Treaty Bill was not considered on this occasion. It has

been acknowledged, with an apology extended, that this was an error and should be considered in future.

190. In addition to the informal circulation of draft submissions there is also an opportunity to make greater use of additional ordinary or extraordinary committee and/or Council meetings for considering similar issues in the future. The calling of formal meetings at short notice is provided for in standing orders and as such is a legitimate option.

### ***Councillor understanding of meeting procedures***

191. Through the review process it became evident that several councillors, including some long-serving members, do not have a good understanding of Council's formal governance policies and procedures including the standards that Council's policies say they aim to achieve and the fundamentals of how meetings are expected to operate under the Local Government Official Information and Meetings Act 1987. This is an issue that should be addressed as part of the new Council induction programme with all members being strongly encouraged to attend.
192. While standing orders provide a degree of structure there are times when it is helpful to have a degree of 'informality' to allow for rigorous discussion and constructive testing of, for example, the advice being provided by officers or the views being expressed by their colleagues. As the Auditor-General<sup>14</sup> has noted "the role of a governing body is to test and challenge the advice that it is given to satisfy itself that the proposed decisions are appropriate. ...It is better for a member to "ask the dumb question" and ensure that they understand what they are deciding than to assume that the technical advice is appropriate".
193. The formalities of Council policies and standing orders are not always conducive to enabling robust and yet constructive discussion and so at times it is helpful to 'deviate' from them while also maintaining a degree of formality and structure to the way in which Council meetings operate.
194. What is important, however, is that there is a degree of clarity as to the 'rules' that are going to be applied to any given meeting and/or part of a meeting. In this regard the Policy and Planning Committee has recently agreed to a new protocol that will apply when it is considering items relating to the Land and Freshwater Plan policy development process. This is appropriate and provides clarity on how that part of their meetings will work.
195. At the 10 December 2024 Ordinary meeting, some councillors sought to apply standing orders in a more formal way to what had, rightly or wrongly, become the standard Council practice. This started with a procedural motion to move the time at which Dinnie Moeahu might be permitted to present his deputation. It then continued into other parts of the meeting with a 'prepared address' from Councillor Walker on why Council should not be submitting followed by the moving of a procedural motion to not have a discussion/debate on the Principles of the Treaty Bill agenda item.
196. When a member intends adopting a 'technical approach' to standing orders that is at odds with Council's normal and accepted practice, it is important that there be a level of forewarning and formal acknowledgement of such a move. 'Catching people by surprise' is not conducive to good governance nor the development of strong trusting relationships between elected members or with Council officers.

### ***Finding/Conclusion***

197. If Council is to perform its governance function to the level required for a business of Council's complexity, it is important that they develop a way of working that reflects good practice, organisational values and the wider governance policies that it has adopted. The approach used at the

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<sup>14</sup> P 277 Inquiry into the Mangawhai community wastewater scheme

10 December 2024 meeting to unexpectedly use standing orders in a way which differed from Council's normal 'modus operandi' was not consistent with these frameworks.

198. The start of a new triennium is an ideal time for the newly elected councillors to gather and agree how they want to work together. Having clarity on their preferred 'operating model' and ensuring that this is reflected in their formal policies and procedures, will ultimately lead to a much stronger governance function.

### **Recommendation**

199. It is recommended that Council recommend to the 2025-2028 triennium councillors that:
- they agree a preferred operating model at the start of their term and then use that to inform a review of standing orders and general meeting protocols
  - That structured training on agreed meeting procedures and standing orders is made available to all councillors and committee members
  - All councillors and committee members be encouraged to attend the full induction programme.

### **Political collaboration**

200. There was, ahead of the 10 December 2024 Ordinary Council meeting, a level of discussion and 'collaboration' between some, but not all, councillors about whether it was appropriate for Council to lodge a submission on the Bill. The number of councillors consulted increased over time with email correspondence suggesting that all the councillors that were contacted eventually "...agreed to the approach of just not submitting."
201. The range of issues that informed the view adopted by those councillors was, from the information gathered during this review process, narrow in its scope with a particular focus on avoiding getting involved in what was seen as a controversial central government issue. In this regard, there was expression of a view, also expressed at the 10 December 2024 Ordinary Council meeting, that "...Councils should not take positions on business that doesn't actually effect them."
202. The concept of councillors linking with their colleagues and/or officers to obtain information or discuss the implications of an item on an upcoming meeting agenda is not uncommon. Such discussions can be helpful for ensuring that elected members are 'better informed' and have had a chance to consider the different perspectives and/or factors that might be relevant to the decision that they need to make.
203. In acknowledging the value that can come from pre-meeting discussion about agenda items between councillors and with officers it is also important, however, to recognize the importance of there being a high level of transparency associated with such processes. This is particularly important where the decision relates to a controversial topic on which there is likely to be a diversity of views. A failure to have such transparency can have negative impacts on the relationship between members and lead to a level of mistrust developing.
204. The risk of there being negative impacts on elected member relationships can be even more pronounced where councillors are seeking the support of their colleagues to 'vote in a particular way'.
205. Where pre-meeting collaboration can also become risky, for the organisation, is where that collaboration creates a perception that there is a bloc of councillors who may have agreed how they will vote on an issue without having heard the debate. The OAG<sup>15</sup> has noted that:
- Predetermination is any situation where you are making a decision about something and there is a risk that people will think you made up your mind before you considered all of the evidence.*

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<sup>15</sup> Managing conflicts of interest: A guide for the public sector, Office of the Auditor-General, 2020

*The underlying risk with predetermination is ... that you will "taint" a decision you are involved in making because you are biased or appear to be biased.*

206. It is to be expected that elected members would have come to the 10 December meeting with a view, even a strong view, as to how they were going to vote. This in itself, would likely not be predetermination. However, moving to a vote without wishing to hear any debate does suggest that the member has made up their mind, and is not open to the possibility of being persuaded otherwise, which is the essence of predetermination. The perception of a closed mind is reinforced if there was some agreement or understanding about voting reached prior to the meeting as there was in this case.
207. Given the conduct and process at the 10 December 2024 Ordinary meeting, an observer could well have concluded that there was a high level of predetermination in the voting of some councillors. This view would be reinforced by the email exchange between councillors confirming that all councillors contacted had *"...agreed to the approach of just not submitting"*.
208. The procedural motion to not allow a debate generated immediate criticism and concern. It prevented councillors from being able to publicly discuss the relative merits, risks, or potential content of a proposed submission on a piece of proposed legislation. This move raised significant concerns about transparency, democratic process, and the silencing of potentially differing views within Council.

#### **Findings/Conclusion**

209. There was a level of political collaboration/discussion between the majority of councillors ahead of the 10 December meeting. Topics discussed included the issue of whether the submission should be supported and whether a debate on the Bill should be allowed to occur. Some councillors were deliberately not included in the discussions and were not made aware of the fact that they were occurring until after the December meeting. This has had flow on impacts on internal relationships.
210. Through the discussions that occurred, prior to the meeting, the majority of councillors reached a point in which they had agreed to not support the lodging of a submission on the Principles of the Treaty Bill. This, combined with the decision to move to the vote without any debate, raises the risk of predetermination.
211. In coming to the view that they did, it appears that the councillors adopted the position that they did based on a 'narrow' range of factors. While the level of information required to inform a vote (and ultimately the decision that is made) is an issue for councillors to determine there is a risk for Council when the process followed is not as extensive as 'would normally be expected' for an item of the nature concerned.
212. There has been a noticeable change in the 'dynamic' between councillors and between councillors and officers because of the actions taken and decisions made at the December meeting. It will be important for the new Council to look at how they can build a more cohesive approach.

#### **Management of deputation**

213. On 4 December 2024, the Council received a request from Mr Dinnie Moeahu to appear as a deputation at the 10 December Ordinary Council meeting.
214. Standing order 15 deals with the hearing of deputations and provides:  
*The purpose of a deputation is to enable a person, group or organisation to make a presentation to a meeting on a matter or matters covered by that meeting's terms of reference. Deputations may be received by the Council or any of its Committees or Joint Committees provided a request for a deputation is received in writing by the Chief Executive at least two working days prior to the meeting and subsequently approved by the chairperson of the meeting. The chairperson of the meeting retains the right to refuse a request for a deputation. Should a deputation be agreed to be received, it will be conducted at a time determined by the chairperson of the meeting.*
215. Mr Moeahu's request was within the scope of Council's business and therefore able to be considered. There was also an item in relation to the topic on the agenda for that meeting making the hearing of

the deputation even more relevant. Hence, it was within the Chair's powers, under standing orders, to approve the deputation and the time at which it was to occur. It was a decision that was also consistent with the approach followed in relation to other deputation requests in the past.

216. At the start of the 10 December 2024, Council meeting when the Chair invited Mr Moeahu to speak to his deputation, a procedural motion was moved to defer Mr Moeahu's presentation to just before consideration of the Principles of the Treaty Bill submission item. Following some brief discussion the motion was carried.
217. The practical effect of the motion was to defer the hearing of Mr Moeahu's deputation by five – ten minutes. This outcome would have been known at the time the motion was moved given that the only other items to be considered before the Principles of the Treaty of Waitangi Bill were the receipt of Council and committee minutes.
218. The receipt and adoption of recommendations from committees is a routine business item at the start of each Council agenda and is normally completed 'within a few minutes' at each Council meeting unless there is an issue of some importance that requires a level of discussion. There were no such items in the committee minutes that were on the December meeting agenda.
219. The moving of the procedural motion, with no substantive reason being provided at the time, caused a level of 'offence and distress' to Mr Moeahu. From his perspective, the motion came as a surprise as no one had signalled before the meeting that such a motion was to be proposed. This is a courtesy that Council regularly shows to other submitters or people making deputations if there is to be a change in timing or speaking order etc. It is also a common courtesy that one could reasonably expect from a professional organisation. Such an approach could have been made by the Chair or officers if they had been 'forewarned' or a councillor who was proposing to move and/or support it.
220. Mr Moeahu, came to speak in support of the proposed submission and praise the Council for showing leadership on an issue that he saw as being of importance to the region. He approached the meeting with a very positive view of the Council and the work that it was doing given the experience that he had at the Council's Environmental Awards two weeks earlier. He saw the awards as an excellent initiative and way of recognising 'grassroots' community members who were making a practical difference for the region's environment.
221. Against this background it is easy to see why the moving of a procedural motion might be viewed by Mr Moeahu with a high degree of cynicism. That is a position that would be reasonable for any external visitor to have adopted in these circumstances.
222. The question that needs to be considered by councillors is whether the treatment that Mr Moeahu received was consistent with the way in which it wishes to treat members of the public, who are effectively there as 'guests' exercising their democratic right to be heard?
223. Councillor Cloke subsequently explained, at the 18 February 2025 Ordinary meeting, that he had moved the motion to change the timing of the deputation as it would have better enabled councillors to consider the issues raised during their deliberations on the Principles of the Treaty Bill submission.

#### ***Finding/Conclusion***

224. It was appropriate and within Standing Orders, for the Chair to have granted Mr Dinnie Moeahu's request for a deputation. It was lodged in the appropriate timeframes, was within her powers as Chair and was consistent with existing Council practice.
225. The decision to change the time at which Mr Moeahu was permitted to speak to his deputation caused a level distress for Mr Moeahu as he was exposed to a level of treatment, in a public forum, that was inappropriate and inconsistent with the standards that Council aims to achieve. For the offence caused and the lack of respect shown to a person who was there as a guest it is appropriate that an apology be extended to Mr Moeahu as previously resolved at the 18 February 2024 meeting.

#### ***Impact on Council's reputation***

226. The overall conduct of the 10 December 2024 Council meeting, and in particular the decision to not have a discussion and/or debate on whether the Council should make a submission on the Treaty Principles Bill and the relative merits of the Bill submission which had been prepared, deviated significantly from 'normal' Council process and 'good practice' expectations for local government.
227. The result was that there was no transparency as to the rationale for the Council decision.
228. The decision made was inconsistent with the recommendation in the officers' report and Councillor Walker was the only member to express a public view as to why the submission should not be supported.
229. The 'secrecy' inherent in such an approach is not consistent with the statutory obligations that Council has to act in a transparent manner or the philosophy behind these requirements which are to make council decision-making, and its underlying reasons, transparent, and to promote the accountability of members who participate in the debate.
230. Not adopting an open and transparent approach can undermine public trust and confidence in the organisation. As the Ombudsman noted in his review of local government meeting practices:  
*Trust is at the core of the relationship between the people and their locally elected representatives. One way local government can earn trust is through transparent decision making that is open to public involvement and scrutiny. Transparency supports accountability, encourages high performance and increases public confidence. People may not always agree with council's decisions but a transparent process allows them to understand a council's reasoning, and can mitigate any suspicions of impropriety in the decision making process. Even a perception of secrecy can be damaging, as secrecy breeds suspicion.*
231. The Office of the Auditor General<sup>16</sup> (OAG) has suggested that the "...three key enablers for building and maintaining trust and confidence are:
- *Competence (getting things right) – being seen to have internal processes and governance in place to give confidence to communities and to central government that councils can handle "bigger" issues.*
  - *Reliability – consistent performance, compliance, and dependability.*
  - *Honesty – truthfulness, integrity, and openness – doing the right things in the right way."*
232. The OAG, particularly through the public sector inquiries it conducts, regularly sees situations in which communities and other key organisational stakeholders lose trust in the entity at the centre of their inquiry. In those reports they also often comment on how difficult it is to rebuild trust once it has been broken. In one inquiry report<sup>17</sup> they wrote:  
*"In our view, the [entity] needs to maintain a clear overall focus on the need to build and maintain trust in the [entity]. To build trust, it needs to behave fairly and reasonably at all times, and make sure that this is apparent to all those interacting with it. It needs to build the values of openness, accountability, integrity, and fairness into all aspects of its work. It is important that the people the [entity] regulates, and who fund its work, are able to see and understand what it is doing and why."*

### **Finding/Conclusion**

233. By making the decision to not have a public discussion/debate on the Bill Council has fallen short of public and good practice expectations as to how it should operate. Council has acknowledged these shortcomings in the resolutions passed at its 18 February 2025 meeting.
234. These sorts of incidents will often become 'the starting point' for questions being raised about the level of confidence and trust that the community and stakeholders can have in an organisation. Once trust is lost it can be hard to regain.
235. It is important that Council 'learn the lessons' and make the changes needed to avoid a repeat occurrence if it is to be able to maintain confidence in the organisation and its governance body.

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<sup>16</sup> Building and Maintaining Trust – the role of audit and risk committees, OAG, December 2019

<sup>17</sup> Auditor-General's overview (July 2010), Inquiry into the Plumbers, Gasfitters and Drainlayers Board.

### **Impact on Iwi Relationships**

236. The Council has extensive legal responsibilities to support the active involvement and participation of Māori and take into account the Treaty of Waitangi (as reflected in section 4 of the Local Government Act 2002) in its work and associated decision-making processes.
237. Council has, as reflected in its Long-Term Plan, a sizeable work programme to both actively involve Iwi in its mainstream work programmes and negotiate a range of 'partnering agreements'.
238. While some of these agreements might be required under legislation, they also reflect the value that Iwi can add to the work that Council does. They are also not dissimilar to the sorts of arrangements that Council regularly puts in place with a range of other entities, such as Wild for Taranaki, Predator Free 2050 and a range of government departments, that are also important to the work it does.
239. Given the above, and the significance of the Treaty/te Tiriti to Māori, the proposals in the Bill were of strategic importance to the work of Council and the relationships that it has with Iwi Māori. The Auditor-General has noted that:
- "A public organisation's commitment to supporting the Crown's relationship with Māori under te Tiriti must be realised in an observable way. If it isn't, the organisation's integrity will likely be questioned. Acting with integrity with respect to te Tiriti requires more than engaging and understanding perspectives. It requires proactively considering principles of equity, options, active protection, and rangatiratanga...."*
240. As noted in the Iwi Response to Council decision section above the Iwi representatives on the Policy and Planning and Operations and Regulatory committee have written indicating that they have "...lost confidence in TRC as an impartial governing body." That loss, at a time when Council has a need for significant Iwi input to its work, is problematic.
241. The Iwi representatives also noted, however, that they remain committed to working with Council and encouraged councillors to "...display the professionalism and due diligence expected" of people in their position. The position reached by the Iwi members has been publicly supported by the region's formal Iwi leaders.

### **Finding/Conclusion**

242. The process followed at the December 2024 meeting has had a very direct and profound impact on how Iwi see Council and its governance arm. It will take time to rebuild the trust and confidence that is critical if Council is to be able to have the strong trusting relationships that it needs to have with Iwi moving forward to meet its strategic priorities and statutory obligations.
243. The upcoming triennial elections and the inevitable change that will occur through that process, with some members having already made the decision to stand down, will provide an opportunity for a 'fresh start'. It will be important that the new Council consider carefully how it wishes to move forward with building its relationship with Iwi. Officers should be asked to provide an extensive briefing for the new Council on how it might best approach work in this area.

## **Lessons to be learned**

244. As part of the terms of reference this review is required to consider (and make recommendations on) any actions that Council should take to improve its policies, procedures and/or ways of working.

### **Good Governance Matters**

245. As the Institute of Directors and Auditor-General have noted good teamwork is critical to the success of an organisation's governance function and good governance is critical to the success of the organisation.

246. Previous reviews of local government by the Auditor-General, Productivity Commission<sup>18</sup> and others have highlighted that the quality of governance has been an important contributing factor where problems have arisen across local government. As well as reducing the risk of problems occurring, good governance is also important for improving the performance of the relevant local authority and the quality of the services that they deliver. In this regard the Auditor-General has noted that:
- Councillors, as with members of the governing body of any public entity, need to clearly understand their role and that of management. The governance role is about maintaining the broad view. It is about setting direction and policy, making significant decisions, testing advice to ensure that it is sound, monitoring the activities of management to ensure that what is being implemented will achieve the objectives, keeping an eye on risks of all kinds, and safeguarding the overall quality of the relationship between a council and its community.*
247. Given the importance of the governance role to the work of Council it is appropriate that consideration be given to a structured professional review and development programme being put in place. Such programmes should look at regularly assessing the work of Council and its committees (as well as the role of individual councillors) with a view to identifying opportunities for further professional development and contribute to the lifting of the organisation's performance. This approach is consistent with the Productivity Commission recommendation that the sector should work "...to improved elected members' governance and financial skills, through lifting participation in training and professional development."
248. At present the Council does not have a structured professional review and development programme in place. Good practice would suggest that it should work towards implementing such a programme.

**Recommendation**

249. It is recommended that Council recommend to the 2025-28 triennium Council that it seek advice on the merits of implementing a professional review and development programme for Council and its committees.

**Use of the Committee Structure**

250. Council has an established committee structure which includes, on a number of committees, a range of appointed Iwi and community representatives. The external representatives bring a fresh perspective, as well as representation from the groups that appoint them, to Council deliberations.
251. If Council is to get 'best value' from its committee structure, then it is important that they are given the opportunity to contribute to Council decision-making processes even if decisions need to be made within very compressed timeframes as was the case with the Principles of the Treaty of Waitangi Bill.
252. Tight timeframes can restrict the depth of analysis and input that can be gathered but it does not necessarily need to restrict attempting to gather as much information as possible from committee members even if this does need to be done in an informal way. While the option of circulating draft submissions via emails has been used in the past, there are a range of other options that could be used if there was a willingness on the part of Council to explore these options.
253. In the past, for example, Council has also invited the Iwi representatives to attend Council meetings for consideration of specific items and has given them speaking rights so that they can express a view on the item being considered. There will no doubt be a range of other options also used by other local authorities and so further work could be undertaken to see what other opportunities might exist.

**Recommendation**

254. Recommend to the 2025-2028 triennium Council that it look to make greater use of formal meetings, be they extra ordinary meetings or extraordinary/emergency meetings, to seek formal decisions on

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<sup>18</sup> Local Government Insights, NZ Productivity Commission, February 2020



issues that need to be resolved ahead of the next scheduled ordinary Council and/or committee meeting.

### ***Recording of Council Meetings***

- 255. Council implemented livestreaming of council and standing committee meetings on 1 July 2024 for all meetings held in the Boardroom at 47 Cloten Road, Stratford.
- 256. It was noted at the time Council considered livestreaming of council meetings, that it would not always be possible to livestream and/or record meetings that are not held in the Council Boardroom and determined that it would only live stream and/or record meetings where the necessary technology was readily available.
- 257. Officers note in hindsight, having the ability to record the 10 December 2024 meeting would have been beneficial considering the events that unfolded. However, with the technology available at Stadium Taranaki, it would not have been possible.
- 258. The limitations on technology available at the time also hindered Councillor Bigham's ability to effectively participate in the meeting via audio/visual link.
- 259. A memorandum, providing an update to Council on livestreaming, was presented at its 1 April 2025 meeting to consider the publication of meeting recordings. This was seen as an effective method to allow more transparency to council meetings, consistent with the Ombudsman's 2023 recommendations on council meetings and consistent with obligations under LGOIMA.
- 260. Following Council's resolution during the 1 April 2025 meeting, all recordings are now being made publicly available where technology allows.
- 261. Throughout this Review, it has become apparent that Council should consider resolving to hold all Council and committee meetings in venues where it is possible to livestream and record all formal meetings that are open to the public, as well as continuing to publish recordings.
- 262. While this would restrict where Council meetings might be held that doesn't need to stop Council engaging with its communities at different locations.

### ***Recommendation***

- 263. Agree that all Council and committee meetings should be held in venues in which it is possible to livestream and record all formal meetings that are open to the public.

### ***Adjournment of Meeting***

- 264. At the December Ordinary meeting, officers, along with those councillors who had not been involved in the pre-meeting political collaboration, were 'caught by surprise' by the moving of procedural motions to change the timing of when the deputation would be heard and to move to a vote on the Principles of the Treaty Bill submission without discussion and/or debate on the relative merits.
- 265. This meant that officers were not as well prepared to provide advice on procedural matters and/or the appropriateness of the proposed decision-making pathway as they could have been if advance notice had been given. This ultimately affected the quality of the advice that officers were able to provide at the meeting.
- 266. Where there is a level of uncertainty and/or officers believe that they need time to consider the advice that they should provide it is accepted practice for officers to ask the Chair to adjourn the meeting for a short period to allow officers to collaborate with their colleagues to consider what might constitute the 'correct advice' that should be provided in the circumstances that existed at that time. Officers should have utilised this option at the December meeting.

### ***Recommendation***

267. That the Chief Executive and senior officers be encouraged to consider asking for an adjournment in meetings where they believe it is needed to enable the development of more complete advice to Council on procedural or substantive matters relating to an item under consideration.

### **Building Strong Relationships**

268. Council needs to build a strong professional relationship with Iwi if it is to achieve its statutory responsibilities and its strategic goals. Building strong meaningful relationships is a journey in which both parties need to be able to identify what they have in common, where they can work together and through that process build a trusting relationship.

269. The Auditor-General<sup>19</sup> in a recent piece of work that he has done looking at the relationship between public sector entities and community organisations, has noted that:

*Trusting relationships between community and government partners are at the core of effective accountability arrangements.*

*Trust supports open, honest conversations and an ability to work together to agree when, how, and to whom partners will account for achieving shared outcomes.*

*Trust supports partners to raise issues and address them constructively, to continuously learn, innovate, and take some risks.*

270. In this work the Auditor-General looked at 3 case studies including the Taranaki Mounga project where it was noted that:

*In the Taranaki Mounga Project, we heard about the need for the founding groups – eight Taranaki iwi, NEXT Foundation, Shell Oil, Toi Foundation, and the Department of Conservation – to take the time to learn about each other. This included understanding their different interests and goals as well as the different power dynamics in their relationships with each other.*

*The process involved "lots of cups of tea" early on with iwi, to find out what was important. It also involved drawing on lessons from other approaches and having "hard conversations", to build trust and agree on the desired outcomes.*

...

*We heard that the Taranaki Mounga Project went through extended "storming, forming, norming" processes. We were told that it took time to get beyond an initial "us versus them" mindset. We also heard that it was important for parties to remember they were not wanting to build a "fiefdom" but work collectively for the mountain.*

271. If Council is to build the strong trusting relationships that it needs to be successful in the work that it does with Iwi (and other groups that might support the achievement of its strategic goals) then it needs to take time to build its understanding of what is important to Iwi and why. It needs to identify the goals that each party has in common and the strengths that each party can bring to the achievement of those goals. It also needs to be consistent in its approach so that trust and respect can build for the contribution that each party can make.

### **Recommendation**

272. It is recommended that the Chief Executive be asked to prepare a comprehensive briefing report for the 2025-2028 triennium Council on the current state of Iwi relationships and options for how Council might go about strengthening these having regard to the statutory obligations that Council has and its strategic priorities.

### **Leading through change**

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<sup>19</sup> Supporting accountability through trusting relationships, Auditor-General May 2025

273. The world in which we live, and work is changing rapidly. To quote Justin Trudeau<sup>20</sup>, *"the pace of change has never been this fast, yet it will never be this slow again"*.
274. The speed of change and the extent of it makes it challenging for everyone. Despite that difficulty change isn't going to suddenly 'go away' and it's not something that Council can simply ignore.
275. At a very practical level local government in NZ is facing an 'avalanche of change' that is being added to by the Government's focus on implementing its reform proposals at speed.
276. The changes that Government has agreed to progress through its Coalition Agreements, outside of the Principles of the Treaty Bill, will likely have a significant effect on the way in which the Crown meets its Treaty/te Tiriti obligations. These changes will almost inevitably affect local government and the way in which we are required to work with Iwi as well as other sections of the communities the organization represents.
277. If Council is to 'prosper' and be successful in the work it does, then it is important that it adapt new ways of thinking about the future and new 'ways of working' that reflect the reality of today's environment. This will require Council to become a lot more agile and able to adapt at speed to the challenges that are put before it. Achievement of that agility will not be successful if it cannot build a high trust and flexible working environment.

#### **Recommendation**

278. It is recommended that Council:
- Ask the Chief Executive to provide regular briefings on the environment in which Council is operating, including proposed Government reforms and other issues that are of importance to the work of Council.
  - Agree to maintain a forward work programme for Council and each of its main committees.

#### **Identifying Community Views**

279. Under the Local Government Act 2002, Council has a requirement to identify the range of community views that might exist on an issue as part of their decision-making process. Jurisprudence in this area indicates that there are essentially two key steps involved in this process. These are to identify the range of views that exist and then consider how those views should influence the decision made by Council.
280. There are a range of ways in which Council can identify the range of views that might exist including, for example, formal consultation processes and hearing from members of the community who wish to express a view on an issue at formal Council and/or committee meetings. These sorts of approaches can be helpful for increasing the transparency of the decision-making process and showing that Council is open to considering community views in its decision-making.
281. Deputations and public forums are just two of the vehicles available under standing orders to be used by Council to increase the level of input that decision-makers receive from the community. A number of these tools are widely used by other local authorities and often in a formal sense, such as a public forum being included in the agenda for all meetings. These tools can be particularly useful when there are items which need to be considered with a degree of urgency and where there are a wide range of strong views on a particular issue.
282. In the past this Council, has traditionally had a more informal approach to deputations (or requests from members of the public to be heard at a meeting). While there are pros and cons associated with such use it would be appropriate for the new Council, elected following the October local body elections, to consider whether they wish to adopt a more structured approach to allowing for community input at their meetings.

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<sup>20</sup> Speech to World Economic Forum 2018, Justin Trudeau.

### **Recommendation**

283. It is recommended that officers be instructed to report to the new Council on the range of options for allowing for public input at Council and committee meetings and the relative merits of adopting a formal approach to the use of such tools.

### **Legal compliance**

284. Council has extensive statutory obligations to provide for Māori and Iwi participation in its work and decision-making processes. It also has obligations to have personnel policies that recognize the aspirations of Māori, the employment requirements of Māori and the need to increase the level of Māori involvement in local government.
285. The requirement to provide for increased involvement of Māori in local government extends beyond officers to include the way in which Council works with, for example Iwi and their kaimahi (officers/staff). In this regard some of the practical things that Council should be considering include understanding and applying the tikanga that is most appropriate to the situation/context at hand.
286. This review process has highlighted a number of areas in which the Council did not have explicit regard to its legal obligations in taking the actions and making the decisions that it did in relation to the Principles of the Treaty of Waitangi Bill submission.
287. Complying with legal requirements is mandatory, there is no discretion even if the Council disagrees with a particular provision. In this regard, the Auditor-General<sup>21</sup> has made the following comments on the importance of legal compliance:
- Legislation enacted by Parliament is more than general guidance. Every public entity is exercising the power of the state. The essence of the rule of law is that the power of the state must be exercised in accordance with the law. Compliance with the law is not optional, and near enough is not good enough. There have been too many examples in recent years of public sector entities being too cavalier about matters of legal compliance. All public entities need to pay careful attention to both the spirit and the letter of their legal obligations if they are to retain the trust of the people they serve.*
288. A failure to meet legislative requirements can be sanctioned through judicial review proceedings and/or potentially through a claim for breach of statutory duty. These processes operate in the High Court and come at a significant financial cost, not to mention the public scrutiny and potential costs awarded to the other party if Council is found to have failed to meet its obligations.
289. A failure to comply with employer legal obligations could also expose Council to challenge via the Employment Relations Act 2000.
290. Council, via the Executive, Audit and Risk Committee has work underway to improve the application of its Risk Management Framework. It is appropriate that work on improving legislative compliance should be progressed as part of this framework.

### **Recommendation**

291. Council recommends to the 2025-2028 triennium Council that it place an emphasis on legislative compliance and suggest that it task the Executive, Audit and Risk Committee with overseeing work in this area.

### **Process, Process, Process**

292. In a practical sense, if Council had agreed to lodge the submission on the Principles of the Treaty of Waitangi Bill it is almost inevitable that it would not have made a difference to the final decisions made by Parliament.

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<sup>21</sup> Page 16, Inquiry into the Mangawhai community wastewater scheme, Auditor General, November 2013

293. There was also a distinct possibility that the submission would not have even been read by members of the committee given that over 300,000 submissions were received, many of which were never formally recorded. It is noted that Parliament subsequently agreed, via a special motion, that all submissions received would be recorded as being on the public record.
294. The fact that a large number of submissions would be received, and that there would be strong views on 'both sides of the debate' was always expected, just as it was widely reported that the Bill would not proceed past the first reading.
295. The potential that the lodging of a submission might not have 'made a difference' or led to a change in the decision is, many would argue, a common issue at the Parliamentary level. This doesn't and shouldn't, however, stop Council or any other submitter from making their view known to the decision-maker. Making a submission puts the submitters position on the public record and is an important part of the democratic and public accountability process. In many cases it can, for example, create a lever for any subsequent challenge that the submitter may wish to pursue.
296. Council often submits on Bills where there would seem to be minimal opportunity of the Government position changing. The repeal of the Māori wards and constituency provisions<sup>22</sup> in 2024 is but one example. In the case of the Māori constituency issue it was appropriate that Council did lodge a submission given that the Bill overturned a decision made by Council to create the Taranaki Māori Constituency, a matter that was of considerable importance to Iwi and the wider regional community.
297. For the community to understand the Council's position on an issue, and why it has adopted that position, is important in terms of the public accountability process.
298. The decision made at the December meeting to not have a discussion/debate about the pros and cons of lodging a submission means that there was no transparency about how Council came to the position that it did. It is also not possible to provide that transparency 'after the event'.
299. The Ombudsman has noted that:
- Trust is at the core of the relationship between the people and their locally elected representatives. One way local government can earn trust is through transparent decision making that is open to public involvement and scrutiny. Transparency supports accountability, encourages high performance and increases public confidence. People may not always agree with council's decisions but a transparent process allows them to understand a council's reasoning, and can mitigate any suspicions of impropriety in the decision making process. Even a perception of secrecy can be damaging, as secrecy breeds suspicion.*
300. The events that occurred at the December 2024 meeting did not meet the transparency standards inherent in the Ombudsman's comments, which effectively note the importance of 'getting the process right'.
301. As noted by some councillors there was always a reasonable possibility that the submission wouldn't have been approved, even if Council had a good robust discussion about the relative merits. This possibility had been recognized by the Chair in deciding to ask for a submission to be prepared.
302. What was important was that an appropriate decision-making process be followed, that the decision made be an informed one and that the organisation then support the decision made. This did not occur in relation to the Principles of the Treaty of Waitangi Bill submission.
303. The Auditor-General<sup>23</sup> has noted that:

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<sup>22</sup> Amendment was actioned via the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024.

<sup>23</sup> Inquiry into the Mangawhai community wastewater scheme, Auditor-General

*"...in the public sector decisions have to not only be right but also be seen to be right. The process by which decisions are made also matters, because the use of public money and power has to be clearly and properly authorized. People are entitled to information about how and why such decisions are made."*

304. In the case of the Principles of the Treaty of Waitangi Bill, the Council cannot show that its decision was right because there were flaws in the process. The importance of getting the decision-making process right is one of, if not the, most important lessons to be learnt from this review.
305. People accept that they will, from time to time, get an answer that they do not agree with. It is important, however, that people can have confidence in the process followed and that they can see how and why a particular decision was made.
306. Following a good process also significantly reduces the risk of the final decision being able to be successfully challenged.

**Recommendation**

307. It is recommended that Council recognise the importance of following an appropriate decision-making process in making its decisions.

## Recommendations

That the Taranaki Regional Council:

- a. receives this Council Conduct Review report and notes the findings contained in the report
- b. endorses the decisions it made at its 18 February 2025 meeting to apologise to Mr Dinnie Moeahu (for the disrespectful treatment during his deputation), Iwi representatives, the iwi and hapu of Taranaki, the Taranaki community, and councillors who were denied the opportunity to speak.
- c. recommends that the 2025-28 triennium Council:
  - i. includes in its elected member induction and professional development programmes training opportunities on the Treaty and its principles, mātauranga Māori and the tikanga of different iwi in Taranaki
  - ii. considers making greater use of additional ordinary, extraordinary and/or emergency committee and council meetings to allow for the formal consideration of items that require decisions to be made 'outside' of the scheduled meeting cycle
  - iii. agrees to a preferred operating model at the start of their term and then use that to inform a review of standing orders, the code of conduct and general meeting protocols
  - iv. seeks advice from officers on options for allowing for greater public input at Council and Committee meetings
  - v. considers structured training on agreed meeting procedures and standing orders be made available to all councillors and committee members
  - vi. strongly encourages all councillors and committee members to attend the full induction programme.
  - vii. seeks advice on the merits of implementing a professional review and development programme for Council and its committees.
  - viii. that it place an emphasis on legislative compliance and suggest that it task the Executive, Audit and Risk Committee work with overseeing work in this area.
- d. agrees that all Council and committee meetings should be held in venues in which it is possible to live stream and record meetings that are open to the public.
- e. recommends that the Chief Executive prepares a comprehensive briefing report for the 2025-2028 triennium Council on the current state of Iwi relationships and options for how Council might go about

strengthening these having regard to the statutory obligations that Council has and its strategic priorities.

- f. asks the Chief Executive to provide regular briefings on the environment in which Council is operating, including proposed Government reforms and other issues that are of importance to the work of Council. agrees to maintain a forward work programme for Council and each of its main committees.
- g. instructs the Chief Executive to report to the new Council on the range of options for allowing for public input at Council and committee meetings and the relative merits of adopting a formal approach to the use of such tools.
- h. agrees that the Chief Executive and senior officers should be encouraged to consider asking for an adjournment in meetings where they believe it is needed to enable the development of more complete advice to Council on procedural or substantive matters relating to an item under consideration
- i. recognises the importance of following an appropriate decision-making process in making its decisions.

## Limitation Statement

- 308. The Council, at its 18 February 2025 meeting, decided that it should undertake this review and that it should be led by the Chief Executive. There were other options put forward for Council's consideration including the appointment of an independent reviewer, which is a common approach for such reviews.
- 309. The advantage of the independent review approach is that the reviewer can take a 'fresh look' at what occurred. They also bring a level of independence to the process that the Chief Executive cannot give that he has continued to act as the Chief Administrative Officer and advisor to Council throughout the consideration of this item.
- 310. In undertaking the review, the Chief Executive has been conscious of this conflict, but also mindful that, as Chief Executive, he is in a unique position to influence and lead the implementation of the improvement opportunities and changes needed.
- 311. Ultimately, decisions about what changes are or are not made will rest with the elected Council.

## List of Attachments

[Appendix 1 – Terms of Reference.](#)

## Council Conduct Review

### Terms of Reference

TRCID- 1492626864-408

### Purpose

To outline the scope of the Council Conduct Review into the actions taken leading up to, during and following consideration of the Principles of the Treaty of Waitangi Bill submission at the 10 December 2024 Ordinary Council meeting.

### Background

1. At its 18 February 2025 meeting, the Council considered a report addressing a complaint, and issues discussed at the 4 February 2025 Operations and Regulatory and Policy and Planning committee meetings, relating to conduct during consideration of an item on a proposed submission to the Principles of the Treaty of Waitangi Bill at the 10 December 2024 Ordinary Council meeting.
2. When the Principles of the Treaty of Waitangi Bill submission came up for consideration, Council resolved to not debate the merits of lodging a submission or potential content of any submission. Rather it resolved to move directly to a vote on the matter without any debate. It then determined that it would not lodge a submission.
3. In drafting the 18 February 2025 report staff formed a view on the process followed at the December meeting based on their observations of what occurred, the knowledge that they had gained during discussion of the matters leading up to the meeting and other information that had been made available.
4. The report concluded that the decision-making process followed at the 10 December 2024 meeting deviated from established Council procedures, legal requirements, and expectations of good governance, potentially undermining public confidence. Council accepted these conclusions and passed the following resolutions:
  - a) received the Council Conduct Complaint memorandum
  - b) confirmed that at its meeting on 10 December 2024 it acted in a manner inconsistent with:
    - its normal meeting protocol and the expectations that it has about the way in which it wishes to operate as reflected in its Mission, Organisational Values and principles in Standing Orders
    - relevant statutory provisions within the Local Government Act 2002 and Local Government Official Information and Meetings Act 1987
    - expectations of good practice as set by the Ombudsman, Office of the Auditor-General and other sources of good practice relating to local government.
  - c) apologised to Mr Dinnie Moeahu, the Iwi representatives on Council standing committees, the Taranaki community and councillors who were not able to express a view on the merits (or otherwise) of making a submission on the Principles of the Treaty of Waitangi Bill (the Bill) for the short-comings identified above
  - d) agreed that it should initiate an internal review (as proposed under option 3) of what occurred at its 10 December 2024 meeting, its current meeting procedures and standing orders with a view to identifying improvements that it can make during the current triennium and/or recommendations that it might make to the new Council to be elected in October 2025 as to how it can improve its governance processes
  - e) asked the Chief Executive to report back on a suggested process for reviewing current meeting processes and standing orders including options for allowing for all councillors to express a view on



*both the 10 December 2024 meeting and options for improving its meeting processes given their experiences during the current triennium*

- f) determined that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002*
  - g) determined 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, determined 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.*
- 5. This terms of reference seeks to outline the scope and proposed methodology for undertaking the review. It is acknowledged that there are limitations associated with an internal review process given that the Chief Executive and other staff were involved in the process involving the submission leading up to, at and following the 10 December 2024 Ordinary Council meeting. As such they have a direct interest in the matters to be considered, as do councillors.
  - 6. The internal review process does not affect the rights that external parties might have to seek an external review of what occurred or to challenge the decisions made by way of judicial review.

## Scope

- 7. The internal review process will consider the actions and decisions made by Council to develop and consider, at its 10 December 2024 meeting a proposed submission on the Principles of the Treaty of Waitangi Bill. Matters to be included in the review include:
  - The broader environmental context within which Council currently operates including its statutory obligations, strategic framework and priorities as reflected in its key policy documents including the Long-Term Plan
  - The expectations set through legislative requirements and/or Council policy relating to the conduct of Council meetings, the actions of elected members and staff
  - The policies, procedures and practices that Council has in place (and/or has traditionally followed) to determine whether it should draft and make submissions on proposed legislation, government policies or other consultation processes
  - How these policies and procedures compare with what might be considered good practice across the local government sector
  - The process followed, and decisions made, leading into the development of a proposed submission on the Bill being included on the 10 December 2024 Council meeting agenda
  - The actions of individual councillors and staff prior to, during and after the 10 December 2024 Council meeting in relation to the proposed submission
  - How the request for a deputation in relation to the proposed submission was managed and the subsequent treatment of parties making a deputation
  - The process followed to alert councillors to the fact that a submission was to be included on the agenda
  - The events that occurred before, during and after the 10 December 2024 meeting in relation to the proposed submission and other issues of relevance to the Bill
  - Actions that should be taken to improve Council policies and/or processes
  - Any recommendations that might be made to the incoming Council, that will be elected in October 2025, as to how they might wish to operate and/or improve current Council policy and/or processes.
- 8. The review will attempt to establish what occurred and the factors that might have influenced the actions taken by staff, elected members, Iwi representatives and any other relevant party. It will assess

the appropriateness of these actions having regard to the issues arising from the Bill, the role and purpose of Council and good practice expectations.

9. It will also identify and make recommendations on any actions that might be taken to improve current Council policies, procedures and/or the operation of the organisation.
10. For the avoidance of doubt, the review will not determine the civil, criminal or disciplinary liability of any person. This does not prevent the review from making a referral to an appropriate oversight body, such as the Ombudsman or Auditor-General should that be considered appropriate.

### **Out of scope**

11. The review will not determine whether any further actions should be taken, under the Council Code of Conduct, or any other relevant legislation and/or Council policies relating to the actions of staff and/or elected members.
12. The review can only examine and make recommendations into actions that Council, staff and or elected representatives might take. It cannot require or direct that particular actions be taken by any external organisation and/or individual.

### **Process**

13. The review may request and consider all official information, and any other information that may not be held by Council, as that term is defined under the Local Government Official Information and Meetings Act 1987.
14. The review will look to meet natural justice obligations, including by providing the draft report to all councillors, and any private individuals and/or organisations named in the report who are the subject of adverse comment or findings. The purpose of this is to confirm the factual accuracy of the comments made, rather than to comment on the findings reached.
15. All staff, elected and appointed members involved in the process will be provided with the opportunity to provide written and/or verbal comment on matters relating to the review process. As part of the review the Chief Executive (or any other staff member assisting with the review process) may also talk to any members of the public or other parties as considered appropriate.
16. The review will be led by the Chief Executive with assistance being provided by other Council staff as appropriate. The Chief Executive may seek independent legal or best practice advice to assist in the completion of the review. The Chief Executive, may at his discretion, also seek a peer review of the report and findings.

### **Limitations of Review**

17. The review is an internal process being undertaken by staff, with input from councillors, Iwi committee representatives and Mr Dinnie Moeahu, who provided a deputation to the 10 December 2024 Ordinary Meeting.
18. These terms of reference seek to outline the scope and proposed methodology for undertaking the review. They also acknowledge that there are limitations associated with an internal review process.
19. The internal review process cannot stop the rights that external parties might have to initiate an external review process or to challenge the decisions made by Council by way of, for example, judicial review or any other form of proceeding.

### **Timetable**

20. The review will be conducted as expeditiously as possible, with the aim of it being completed by 30 June 2025.



**Date:** 5 August 2025

**Subject:** Confirmation of Ordinary Council Minutes – 24 June 2025

**Author:** M Jones, Governance Administrator

**Approved by:** M J Nield, Director - Corporate Services

**Document:** TRCID-1492626864-763

### Recommendations

That Taranaki Regional Council:

- a) takes as read and confirms the minutes and resolutions of the Ordinary meeting of the Taranaki Regional Council held at Taranaki Regional Council, 47 Cloten Road, Stratford on 24 June 2025.

### Appendices/Attachments

Document TRCID-1492626864-862: [Ordinary Council Minutes 24 June 2025](#)



**Date:** 24 June 2025

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

**Document:** TRCID-1492626864-862

**Present:**

C S Williamson	Chairperson
N W Walker	Deputy Chairperson
C L Littlewood	zoom
S W Hughes	
B J Bigham	
A L Jamieson	
M J Cloke	
M G Davey	
D M McIntyre	

**Attending:**

S Ruru	Chief Executive
M Nield	Director – Corporate Services
A Matthews	Director – Environmental Quality
F Kiddle	Acting Director – Resource Management and Strategy Lead
D Harrison	Director – Operations
M Jones	Governance Administrator
N Chadwick	Executive Assistant to the Chief Executive and Chair
J Reader	Communications

18 members of the public in attendance

The meeting opened with a group Karakia at 10.30am

**Apologies:** An Apology was received and sustained from Councillor Cram.

Williamson/Cloke

Council Chair Craig Williamson formally acknowledged the passing of Councillor David (Daisy) Lean and invited all present to be upstanding and observe a minute's silence.

**1. Deputations: Rachel Arnott - Protect Ngāti Ruanui and Fiona Young – Protect Our Moana Taranaki**

**Resolved**

That the Taranaki Regional Council:

- a) received the deputations from members Ngāti Ruanui and Protect our Moana Taranaki.

Hughes/Bigham

All public attendees left the meeting

**2. Confirmation of Ordinary Council Minutes – 13 May 2025**

**Resolved**

That the Taranaki Regional Council:

- b) took as read and confirmed the minutes and resolutions of the Ordinary meeting of the Taranaki Regional Council held at the Taranaki Regional Council, 47 Cloten Road, Stratford 13 May 2025.

Cloke/Walker

**3. Receipt of Operations and Regulatory Committee Minutes – 10 June 2025**

**Resolved**

That the Taranaki Regional Council:

- a) received the minutes of the Operations and Regulatory Committee meeting of the Taranaki Regional Council at the Taranaki Regional Council, 47 Cloten Road, Stratford on Tuesday 10 June 2025
- b) adopted the recommendations therein.

Hughes/Williamson

**4. Receipt of Policy and Planning Committee Minutes – 10 June 2025**

F Kiddle advised of the appointment process to the Fast-Track panel.

**Resolved**

That the Taranaki Regional Council:

- a) received the minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council at the Taranaki Regional Council, 47 Cloten Road, Stratford on Tuesday 10 June 2025
- b) adopted the recommendations therein.

Bigham/Hughes

## 5. Receipt of Executive Audit and Risk Committee Minutes – 16 June 2025

### Resolved

That the Taranaki Regional Council:

- a) received the unconfirmed minutes of the Executive Audit and Risk Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council Boardroom, 47 Cloten, Stratford on Monday 16 June 2025
- b) adopted the recommendations therein.

Cloke/Jamieson

## 6. Receipt of Regional Transport Committee Minutes

### Resolved

That the Taranaki Regional Council:

- a) received the unconfirmed minutes of the Regional Transport Committee meeting of the Taranaki Regional Council at the Taranaki Regional Council, 47 Cloten Road, Stratford on Thursday 5 June 2025
- b) adopted the recommendations therein.

Jamieson/Cloke

## 7. Remits for Local Government New Zealand Annual General Meeting

### Resolved

That the Taranaki Regional Council:

- a) received the Local Government New Zealand Annual General Meeting Remits for 2025, noting that the Chair will vote on behalf of the Taranaki Regional Council
- b) provided any guidance that it considers appropriate to the Chair as to its view on each of the remits.

Cloke/Walker

## 8. Extraordinary Vacancy on the Taranaki Regional Council

### Resolved

That the Taranaki Regional Council:

- a) received the memorandum Extraordinary Vacancy on the Taranaki Regional Council
- b) noted that with the passing of Councillor David Lean, an extraordinary vacancy has been created on the Taranaki Regional Council
- c) resolved to leave the extraordinary vacancy unfilled
- d) noted the requirement to publicly notify the decision made to leave the extraordinary vacancy unfilled
- e) determined that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002
- f) determined 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, determined 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.

Cloke/Hughes

## 9. Submission on Regulatory Standards Bill

### Resolved

That the Taranaki Regional Council:

- a) received the memorandum titled *Submission on Regulatory Standards Bill*
- b) endorsed the submission contained in Appendix One
- c) determined that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002
- d) determined 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, determined 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/Davey

## 10. Meeting Dates

### Resolved

That the Taranaki Regional Council:

- a) received the memorandum Meeting Dates for 25 June 2025 – 5 August 2025
- b) noted the upcoming meeting dates.

McIntyre/Jamieson

## 11. Public Excluded

Item 15:

Confirmation of Public Excluded Ordinary Council Minutes – 13 May 2025

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 for which good reason for withholding would exist under section 6 (a) and [section 7](#) (2) (a) and (2) (g) of the *Local Government Official Information and Meetings Act 1987*.

Item 16:

Confirmation of Public Excluded Operations and Regulatory Committee 10 June 2025

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 for which good reason for withholding would exist under section 6 (a) and [section 7](#) (2) (a) and (2) (g) of the *Local Government Official Information and Meetings Act 1987*.

Item 17:

Confirmation of Public Excluded Executive Audit and Risk Minutes – 16 June 2025

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; and/or enable any local authority holding the information to carry out, without prejudice, commercial activities.

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution	When can the item be released into the public
Item18: Maniapoto Relationship Agreement	To enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	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 for which good reason for withholding exists under section 7(2)(i).	Upon the approval of the final agreement by Council.
Item 19: Appointment of Harbourmaster	To enable any local authority holding the information to protect the privacy of natural persons, including that of deceased natural persons.	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 for which good reason for withholding would exist under <a href="#">section 7</a> (2) (a) of <i>the Local Government Official Information and Meetings Act 1987</i> .	Upon the approval of the appointment by Council.
Item20: Council Conduct Review Report	The Council Conduct Review has not been fully completed and therefore there is a need to protect the privacy of any individuals whose information is contained within the report and also ensure that any content within the draft report is used to improperly pressure members or officers.	Section 7 (2) a: to protect the privacy of natural persons, including that of deceased natural persons	The final report is expected to be formally adopted at the 5 August Council meeting.

Williamson/Cloke

There being no further business the Chairperson, C S Williamson, declared the meeting of the Ordinary Council meeting closed with a karakia at 1.05pm.

Council Chairperson: \_\_\_\_\_

**C S Williamson**





**Date:** 5 August 2025

**Subject:** Receipt of Operations and Regulatory Committee Minutes

**Author:** M Jones, Governance Administrator

**Approved by:** M J Nield, Director - Corporate Services

**Document:** TRCID-1492626864-765

### Recommendations

That the Taranaki Regional Council:

- a) receives the Minutes of the Operations and Regulatory Committee meeting held at the Taranaki Regional Council, 47 Cloten Road, Stratford on Tuesday 22 July 2025
- b) adopts the recommendations therein.

### Appendices/Attachments

TRCID-1492626864-953: [Operations and Regulatory Minutes 22 July 2025](#)



<b>Date:</b>	22 July 2025	
<b>Venue:</b>	Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford	
<b>Document:</b>	TRCID-1492626864-969	
<b>Present:</b>	S W Hughes	Chair
	B J Bigham	
	M G Davey	
	T Cloke	
	D H McIntyre	
	D M Cram	
	C L Littlewood	zoom
	C S Williamson	ex officio
	N W Walker	ex officio
	P Muir	Federated Farmers
	R Buttimore	Iwi Representative
	D Luke	Iwi Representative
	Ā White	Iwi Representative
<b>Attending:</b>	S J Ruru	Chief Executive
	A J Matthews	Director - Environment Quality
	D Harrison	Director – Operations
	A D McLay	Director – Resource Management
	F Kiddle	Strategy Lead
	L Miller	Manager – Resource Consents
	J Glasgow	Manager – Compliance
	P Davidson	Team Lead Compliance
	R Honeyfield	Team Lead – Prosecutions and Compliance
	S Ellis	Environment Services Manager
	M Jones	Governance Administrator
	C Woollin	Communications Advisor

**Karakia:** The meeting opened with a group Karakia at 9.00am.

## 1. Confirmation of Operations and Regulatory Committee Minutes – 10 June 2025

### Resolved

That the Taranaki Regional Council:

- a) took as read and confirmed the minutes of the Operations and Regulatory Committee of the Taranaki Regional Council held on 10 June 2025 at Taranaki Regional Council 47 Cloten Road Stratford
- b) noted the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 24 June 2025.

Hughes/White

## 2. Resource Consents Issued under Delegated Authority & Applications in Progress

- 2.1 L Miller advised of the consents granted and other consent processing actions since the last meeting.
- 2.2 Councillor Davey declared a conflict of interest.

### Resolved

That the Taranaki Regional Council:

- a) received the schedule of resource consents granted and other consent processing actions, made under delegated authority.
- b) noted that eleven percent more applications were processed in the 2024/2025 period compared to the previous year, which reduced the consent application backlog.

Bigham/Cram

## 3. Incidents, Compliance Monitoring Non-Compliances and Enforcement Summary – 16 May 2025 to 30 June 2025

- 3.1 J Glasgow provided a summary of the incidents and compliance monitoring non-compliance and enforcement for the period 16 May 2025 to 30 June 2025.
- 3.2 Councillor Bigham declared a conflict of interest.

### Resolved

That the Taranaki Regional Council:

- a) received this memorandum Incident, Compliance Monitoring Non-Compliances and Enforcement Summary – 16 May 2025 to 30 June 2025
- b) received the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 16 May 2025 to 30 June 2025
- c) noted the action taken by staff acting under delegated authority.

Cram/Walker

#### 4. Towards Predator Free Taranaki Project

4.1 S Ellis provided an update on the status of Predator-Free Taranaki project.

##### Resolved

That the Taranaki Regional Council:

- a) received this memorandum, Towards Predator Free Taranaki
- b) noted the progress achieved in respect of the urban, rural and zero density possum projects of the Towards Predator- Free Taranaki project
- c) noted officers will be increasing the use of regulatory tools under the Regional Pest Management Plan to ensure ongoing mustelid trapping continues
- d) noted the disestablishment of Predator Free 2050 Limited and that the Department of Conservation will take over Council's existing agreements.

Cloke/McIntyre

##### 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 Operations and Regulatory Committee Meeting on Tuesday 22 July 2025.

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution	When can the item be released into the public
Prosecution for breaches of the Resource Management Act 1991	<p>The alleged offender(s) has not yet had the opportunity to respond to the charges laid. It is therefore important that the principles of natural justice are applied and that legal privilege is maintained.</p> <p>Making any of this information publicly available would result in a breach of the Privacy Act 2020 and be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.</p>	In accordance with Section 48(1) of the Local Government Official Information and Meetings Act 1987, this is to be considered with the public excluded as the public conduct of the whole or relevant part of the proceedings would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 (a) and <a href="#">section 7</a> (2) (a) and (2) (g) of the <i>Local Government Official Information and Meetings Act 1987</i> .	Upon the conclusion of the trial process and once a final decision has been rendered by the court.

Cloke/Williamson

There being no further business the Committee Chairperson, Councillor S W Hughes, declared the meeting of the Operations and Regulatory Committee closed at 10.02am.

##### Operations and

##### Regulatory

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

**S W Hughes**



**Date:** 5 August 2025

**Subject:** Receipt of Policy and Planning Committee Minutes

**Author:** M Jones, Governance Administrator

**Approved by:** M J Nield, Director - Corporate Services

**Document:** TRCID-1492626864-764

### Recommendations

That the Taranaki Regional Council:

- a) receives the Minutes of the Policy and Planning Committee meeting held at the Taranaki Regional Council, 47 Cloten Road, Stratford on Tuesday 22 July 2025
- b) adopts the recommendations therein.

### Appendices/Attachments

TRCID-1492626864-955: [Policy and Planning Committee Minutes 22 July 2025](#)



**Date:** 22 July 2025

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

**Document:** TRCID-1492626864-955

**Present:**

B J Bigham	Chairperson
S W Hughes	
A L Jamieson	
D H McIntyre	
D M Cram	
C S Williamson	ex officio
N W Walker	ex officio
G Boyde	Stratford District Council
M Ritai	Iwi Representative
E Bailey	Iwi Representative (zoom)
P Moeahu	Iwi Representative
L Gibbs	Federated Farmers

**Attending:**

M J Cloke	
S J Ruru	Chief Executive
A J Matthews	Director – Environment Quality
D Harrison	Director – Operations
A D McLay	Director – Resource Management
F Kiddle	Strategy lead
M Jones	Governance Administrator
L Hawkins	Policy Manager (zoom)
C Woollin	Communications Advisor
B Hutterd	Senior Policy Analyst
T Gordan	Programme Manager – Freshwater
H Goslin	Consultant
F Boyd	Consultant
M Hokopaura	Pou Taiao (Te Mana o Te Wai) for Ngā Iwi o Taranaki Collective
L Millar	Manager - Resource Consents (Joined meeting at 11.32am)

The meeting opened at 10.30am.

**Apologies:** Were received and sustained from C Filbee - South Taranaki District Council and Bali Haque – New Plymouth District Council.

Jamieson/Hughes

S Ruru provided an update on recent announcements made at the Local Government New Zealand (LGNZ) Conference regarding RMA reform. The Minister for RMA Reform advised that a freeze has been placed on most plan review processes.

Two key work programmes are affected:

- Coastal Plan Change - Endorsed earlier this year and is proposed to address issues created by the Marine Mammal Zone on the West Coast. Staff are continuing with work on the need for this plan change and will explore options for seeking Ministerial approval if needed.
- Freshwater and Land Plan Change - The Government has confirmed that no freshwater plan changes are to be notified before December 2027, with legislative amendments to the Resource Management Act 1992 proposed to give effect to this direction.

Although formal notification has been delayed, councils are encouraged to continue preparatory work. This includes addressing region specific issues such as water allocation and the pace at which good farming practices can be implemented.

Given the announcement, staff will use the additional time to review current priorities and report back to Council in early 2026.

## 1. Confirmation of Minutes Policy and Planning 10 June 2025

### Resolved

That the Taranaki Regional Council:

- a) took as read and confirmed the minutes of the Policy and Planning Committee of the Taranaki Regional Council held on 10 June 2025 at Taranaki Regional Council 47 Cloten Road Stratford
- b) noted the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 24 June 2025.

Bigham/Walker

## 2. Submission on National Direction Consultation

2.1 F Kiddle proved an overview of the submission.

2.2 Council Chair Bigham noted her Interest with Taumata Arowai throughout the agenda.

### Resolved

That the Taranaki Regional Council:

- a) received the memorandum titled *Submission on national direction consultation*
- b) endorsed the submission contained in Attachment One
- c) determined 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, determined 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.

Williamson/Bigham

L Gibbs – Federated Farmers voted against as it doesn't align with the Federated Farmers position.

### 3. Mayoral Forum Hydrogen Submission

- 3.1 F Kiddle provided an overview of the Hydrogen submission from Mayoral Forum. Discussion occurred on the role of the forum representing councils and the need for change in the triennial agreement.

#### Resolved

That the Taranaki Regional Council:

- a) received the memorandum titled Mayoral Forum hydrogen submission
- b) noted the submission contained in Attachment One
- c) noted that when more detailed proposals emerge, including proposed legislative changes, these will be brought to the Policy and Planning Committee for detailed consideration.

Hughes/McIntyre

### 4. Submission on South Taranaki District Council Plan Change 4

- 4.1 L Hawkins provided an overview of the submission.

#### Resolved

That the Taranaki Regional Council:

- a) received the memorandum titled *Submission on South Taranaki District Council Plan Change 4*
- b) endorsed the submission contained in Attachment One
- c) determined that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002
- d) determined 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, determined 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.

Boyde/Jamieson

### 5. Suspension of Standing Orders – Land and Freshwater Workshop items

Suspension of Standing Orders for the following agenda items:

- Freshwater Implementation Update
- Earthworks – Proposed Direction for the Draft Land and Freshwater Plan
- The management of Damming and Diversion within the Draft Land and Freshwater

#### Resolved

That the Taranaki Regional Council:

- a) received the Suspension of Standing Orders - Freshwater Workshop items memorandum
- b) approved the suspension of Standing Orders 20.2, 20.5, 20.6, 20.8, 20.10, 20.11, 20.12, 20.13, 20.14, 20.15, 21, 24 and 25
- c) determined in accordance with Standing Order 3.5, that these standing orders should be suspended to facilitate more in-depth discussion between Committee members and officers in relation to the different policy options that might exist for a particular issue
- d) noted that the suspension of Standing Orders will end at the completion of the Animal Effluent phase out report back item



- e) determined that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002
- f) determined 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, determined 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.

Bigham/Hughes

## 6. Freshwater Implementation Update

- 6.1 L Hawkins provided a freshwater Implementation update for July 2025.

### Resolved

That the Taranaki Regional Council:

- a) received the July 2025 update on the Freshwater Implementation Programme.

Williamson/Jamieson

## 7. Earthworks - Proposed Direction for the Draft Land and Freshwater Plan

- 7.1 Consultant H Goslin gave a brief PowerPoint presentation to seek support for managing the policy direction of earthworks in the draft Land and Freshwater Plan.

L Millar Joined meeting

### Resolved

That the Taranaki Regional Council:

- a) received the memorandum titled Earthworks – proposed direction for the draft land and freshwater plan
- b) supported the recommended direction for managing earthworks set out in Option 2 of this paper
- c) notes that staff will continue to engage with iwi Pou Taiao, including discussions with the Wai Steering Group, territorial authorities and the advisory group
- d) determined that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002, determined 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.

Boyde/Williamson

## 8. The Management of Damming and Diversion within the Draft Land and Freshwater Plan

- 8.1 B Hutterd gave a brief PowerPoint presentation to seek support for managing the policy direction of damming and diversion provisions in the draft Land and Freshwater Plan.

G Boyde left the meeting 11.51am

### Resolved

That the Taranaki Regional Council:

- a) received the memorandum titled the Management of Damming and Diversion within the Draft Land and Freshwater Plan

- b) received the proposed rule table found in paragraph 39 of this report
- c) supports the direction set out in Option 2 to refine the Draft Plan's management approach to damming and diversion activities
- d) noted further engagement is required with internal and external experts to ensure the details of the proposed framework are functional and appropriate
- e) determined that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002, determined 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.

Hughes/Gibbs

## 9. 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 Policy and Planning Committee Meeting on 22 July 2025 for the following reason/s:

The matters to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution	When can the item be released into the public
Item 14: Nomination of panel member for the Taranaki VTM Project application	To enable any local authority holding the information to protect the privacy of natural persons.	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 for which good reason for withholding would exist under <a href="#">section 7</a> (2) (a) of <i>the Local Government Official Information and Meetings Act 1987</i> .	Upon public announcement from the EPA of the panel members, even then some aspects of the agenda memo may need withholding

Bigham/Walker

## Policy and Planning

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

B J Bigham



**Date:** 5 August 2025

**Subject:** Receipt of Executive Audit and Risk Committee Minutes

**Author:** M Jones, Governance Administrator

**Approved by:** M J Nield, Director – Corporate Services

**Document:** TRCID-1492626864-771

### Recommendations

That 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 Boardroom, 47 Cloten Road on Monday 28 July 2025
- b) adopts the recommendations therein.

### Appendices/Attachments

TRCID-1492626864-974: [Unconfirmed Executive Audit and Risk Minutes 28 July 2025](#)



<b>Date:</b>	28 July 2025	
<b>Venue:</b>	Taranaki Regional Council, 47 Cloten Road, Stratford	
<b>Document:</b>	TRCID-1492626864-974	
<b>Present:</b>	M J Cloke	Chairperson
	A Jamieson	
	S W Hughes	zoom
	B Bigham	
	C L Littlewood	zoom
	D H McIntyre	
	C S Williamson	ex officio
	N W Walker	ex officio
<b>Attending:</b>	S J Ruru	Chief Executive
	M J Nield	Director – Corporate Services
	B Muir	Risk and Assurance Lead
	D Bird	Health, Safety and Wellness Adviser
	A De Faria	Finance Manager
	C Gazley	Transport Engagement Manager
	S Presten	Programme Lead - Communications Advise
	M Jones	Governance Administrator
	N Chadwick	Executive Assistant to Chief Executive and Chair
	C Woollin	Communications Advisor

The meeting opened with a group Karakia at 10.00am.

**Apologies:** No apologies

## 1. Confirmation of Minutes Executive Audit and Risk Committee Minutes – 16 June 2025

### Resolved

That the Taranaki Regional Council:

- took as read and confirmed the minutes of Executive Audit and Risk Committee of the Taranaki Regional Council held at 10.00am on Monday 16 June 2025 at Taranaki Regional Council 47 Cloten Road Stratford
- noted the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 24 June 2024.

Williamson/Walker

## 2. Public Transport Update

- 2.1 C Gazley provided an update on the ongoing developments and plans for the region's public transport services.

### Resolved

That the Taranaki Regional Council:

- a) received and noted the public transport update.

Cloke/Jamieson

## 3. Flood Control Scheme Damage Repair Works

- 3.1 D Harrison sought approval for flood damage repair to the existing protection assets damaged following the 3-4 July 2025 rainfall events.

### Resolved

That the Taranaki Regional Council:

- a) received the Flood Control Scheme Damage Repair Works agenda memorandum  
b) approved the completion of flood damage repair works at a budget of \$400,000 with funding from the North Taranaki River Control Scheme Reserve  
c) determined that this decision be recognised as not significant in terms of section 76 of the Local Government Act 2002  
d) determined 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, determined 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.

Cloke/Walker

## 4. Health and Safety Report

- 4.1 B Muir provided an update on health and safety performance.

(C Gazley and S Preston left meeting at 10.26am)

### Resolved

That the Taranaki Regional Council:

- a) received the July 2025 Health Safety and Wellness Report.

McIntyre/Bigham

## 5. Financial and Operational Report

- 5.1 A De Faria provided an update on the operational and financial performance.

(B Muir and D Bird left the meeting at 10.30am)

### Resolved

That the Taranaki Regional Council:

- a) received the memorandum Financial and Operational Report and the May 2025 Monthly Financial Report.
- b) noted the digital media update

Walker/Williamson

## 6. Council-Controlled Organisations: Statements of Intent

- 6.1 M Nield gave an overview of the finalised Statement of intent for the two Council-Controlled Organisations.

### Resolved

That the Taranaki Regional Council:

- a) received the finalised 2025/2026 Statement of Intent for the Taranaki Stadium Trust
- b) received the finalised 2025/2026 Statement of Intent for Regional Software Holdings Limited.

McIntyre/Bigham

## 7. Port Taranaki Statement of Intent

- 7.1 M Nield sought feedback from the Committee for the Board of Port Taranaki.

### Resolved

That the Taranaki Regional Council:

- a) received Port Taranaki Ltd's draft Statement of Corporate Intent for the period 1 July 2025 to 30 June 2028
- b) provided feedback to the Chief Executive on the content of the draft Statement of Corporate Intent.

Cloke/Walker

## 8. Public Excluded

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987, resolved that the public is excluded from the following part of the proceedings of the Executive Audit and Risk Meeting on 28 July 2025 for the following reason/s:

The matter to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:

### Item 14 – Confirmation of Public Excluded Executive Audit and Risk Minutes – 16 June 2025

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; and/or enable any local authority holding the information to carry out, without prejudice, commercial activities.

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution	When can the item be released into the public
Item15:	To enable any local authority	That the public conduct of the	Upon the formal resolution

Accommodation Project Update	holding the information to carry out, without prejudice or disadvantage, commercial activities. To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 7 (2) (h) and (2) (i) of the <i>Local Government Official Information and Meetings Act 1987</i>	of the Council.
Item 16: Stadium Taranaki Redevelopment: Project Steering Group Report	To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.  To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).	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 for which good reason for withholding would exist under <a href="#">section 7</a> (2) (h) and (2) (i) of the <i>Local Government Official Information and Meetings Act 1987</i> .	Upon the resolution of the Council in Ordinary Meeting.
Item 17: Consideration of Draft 2024/2025 Annual Report	To enable any local authority holding the information to carry on, without prejudice or disadvantage, commercial activities.	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 for which good reason for withholding would exist under <a href="#">section 7</a> (2) (h) of the <i>Local Government Official Information and Meetings Act 1987</i> .	16 September 2025

Bigham/Jamieson

There being no further business the Committee Chairperson, M J Cloke, declared the meeting of the Executive Audit and Risk Committee meeting closed at 11.03am

## Executive Audit and Risk

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

M J Cloke



**Date:** 5 August 2025

**Subject:** Maniapoto Relationship Agreement Endorsement

**Author:** F Kiddle, Strategy Lead

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

**Document:** TRCID-1492626864-971

## Purpose

1. To seek endorsement of the Maniapoto Relationship Agreement.

## Recommendations

That the Taranaki Regional Council:

- a) receives the memorandum titled *Maniapoto Relationship Agreement Endorsement*
- b) endorses the Relationship Agreement contained in Attachment One
- c) approves the signing of the Relationship Agreement by a Council representative alongside signatories from Te Nehenehenui, Ruapehu District Council and Horizons Regional Council
- d) determines that this decision be recognised 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.

## Background

2. The *Maniapoto Claims Settlement Act 2022* (Settlement Act) requires Council to develop a relationship agreement with Te Nehenehenui – the trust for Maniapoto. Horizons Regional Council and Ruapehu District Council are required to do the same.
3. The agreement only applies within Area N in the map in Appendix Two and is focused on activities that affect Ngā Wai o Maniapoto. Ngā Wai o Maniapoto is defined as all the waters above, on, or under the area of interest upstream of the landward boundary of the coastal marine area.
4. The agreement must contain mechanisms and processes that recognise and reflect the mana of Maniapoto and the relationship of Maniapoto with Ngā Wai o Maniapoto. This includes providing how the parties will work together under the Resource Management Act 1991 (RMA) in relation to the following matters:
  - a. monitoring and enforcement



- b. preparation, review, or change of a planning document
  - c. the functions, powers, and duties under Part 6 of that Act in relation to applications for resource consents
  - d. identification of customary activities for which a resource consent should not be required under that Act
  - e. provision of opportunities for the parties to work together on non-regulatory initiatives relating to Ngā Wai o Maniapoto and activities within their catchments that affect Ngā Wai o Maniapoto.
5. The agreement must also provide that Te Nehenehenui is provided with a summary of relevant resource consent applications. It may cover additional matters agreed by the parties, including those related to capacity building.
6. A relationship agreement does not involve the formal delegation or transfer of council decision-making authority. Such a transfer can only be provided under a joint management agreement (JMA). Note that a decision made under a delegation given via a JMA has the same legal effect as if a council had made it.

## Issues

7. The Relationship Agreement is required to address a number of Council functions under the RMA.

## Discussion

8. Council officers have been in discussion with Te Nehenehenui and officers from Horizons and Ruapehu District Council over the last year to advance a draft of the agreement. The key parts of the agreement are:
- a. That it is an agreement between the three councils and Te Nehenehenui, rather than each council having its own agreement with Te Nehenehenui. There is, however, a provision that allows each Council to enter into a separate agreement at a later date if they wish
  - b. An annual leadership level relationship forum is to be held between Te Nehenehenui trustees and elected members. This is intended to provide high-level oversight of how the relationship agreement is operating
  - c. There will be twice yearly operational meetings between staff. These focus on the nuts and bolts of the operational implementation of the agreement, such as discussing respective policy priorities
  - d. The frequency and substance of both of the above meetings will be reviewed over time to ensure they are efficient and effective
  - e. When looking to undertake a plan change, officers will discuss that with Te Nehenehenui to understand their views and explore how the two parties can work together
  - f. To provide Te Nehenehenui with copies of relevant resource consents – which is part of Council's standard practice. After the agreement is in place, officers will then work with Te Nehenehenui around how to better include Te Nehenehenui in the consenting process
  - g. To communicate regularly around environmental monitoring and enforcement action undertaken in the relevant areas, including respective priorities
  - h. To explore if there are customary activities that should be able to be undertaken without resource consent
  - i. To discuss opportunities to work together on relevant non-regulatory initiatives and potential capacity building initiatives
  - j. To discuss upcoming Local Government Act processes, such as developing a new long-term plan, with Te Nehenehenui and opportunities for engagement.

9. Overall, the agreement codifies many of Council's existing practices (e.g. around providing resource consents) and provides additional structure to others (e.g. discussions around a plan change or monitoring priorities). Officers expect that the six-monthly operational meetings will be used to discharge the majority of obligations in the relationship agreement in a concise and constructive manner.
10. While it is yet to go before them for formal endorsement, both Horizons Regional Council and Ruapehu District Council have signaled their comfort with the Relationship Agreement. Upon formal endorsement of the Relationship Agreement by all three councils, a suitable signing ceremony will be held within the rohe of Maniapoto. This will likely be in September.
11. The draft Relationship Agreement was discussed with councilors at the Council meeting on 5 July 2025. No substantive feedback on the text was received or changes requested.

### Options

12. Council could endorse the Relationship Agreement or reject to do so and seek amendments. Given that the Relationship Agreement is consistent with Council's statutory obligations, it is recommended that it be endorsed.

### Significance

13. This decision is assessed as not significant with regard to the Significance and Engagement Policy. It will have no impact on levels of service, incur more than \$10,000,000 budgeted or \$5,000,000 of unbudgeted expenditure, or involve the transfer of ownership or control of a strategic asset. Council is also giving effect to legislated Treaty settlement obligations.

### Financial considerations—LTP/Annual Plan

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

### Policy considerations

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

### Climate change considerations

16. There are no climate change impacts to consider in relation to this item.

### Iwi considerations

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

### **Community considerations**

18. 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**

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

### **Appendices/Attachments**

[TRCID-249537064-184: Maniapoto Relationship Agreement for Council endorsement](#)

[TRCID-249537064-122: Maniapoto Relationship Agreement area](#)

## **RELATIONSHIP AGREEMENT**

**TE NEHENEHENUI**

AND

**TARANAKI REGIONAL COUNCIL**

**RUAPEHU DISTRICT COUNCIL**

**HORIZONS REGIONAL COUNCIL**

*Hanga Paitia tatou kia piri ai ki te piringa pono...*

*Conduct us in a proper way, so that we may be bound together by a bond of faith...*

Wahanui, 1883

Deed of Settlement of Historical Claims, 11 Nov 2021, pg. 143

**DATED:**

**PARTIES**

**Te Nehenehenui**

**and**

**Taranaki Regional Council**

**Ruapehu District Council**

**Horizons Regional Council**

(together, the **councils**)

(all together, the **parties**).

**MANIAPOTO**

Maniapoto have since time immemorial, maintained their mana whakahaere including exercising rights and responsibilities in relation to their rohe in accordance with their kawa and tikanga.

The Maniapoto rohe includes their whenua, maunga, awa, wai and other taonga (lands, mountains, rivers, waters, flora and fauna). These natural and traditional resources have their own mauri, which represents the spiritual and physical well-being of Maniapoto.

It is critical that Maniapoto are able to exercise their mana whakahaere within their rohe, particularly over the wai within their rohe, for the benefit of present and future generations.

**NGĀ WAI O MANIAPOTO**

In the Maniapoto Claims Settlement Act 2022, the Crown acknowledged the statement by Maniapoto of the significance of Ngā Wai o Maniapoto, including the following statement:

*Ngā Wai o Maniapoto are awa tūpuna and living taonga to Ngāti Maniapoto. The relationship between Ngāti Maniapoto and Ngā Wai o Maniapoto is historic, cultural, physical, and spiritual. Generations of the tribe have long exercised their kaitiakitanga responsibilities and other tikanga in relation to the waterways and the associated beds, banks, fisheries, plants, taniwha, and mauri (life force) of Ngā Wai o Maniapoto; ...*

## BACKGROUND

1. Te Nehenehenui is the post settlement governance entity established through the Maniapoto Treaty settlement process and the Maniapoto Claims Settlement Act 2022.
2. Taranaki Regional Council is a local authority established under the Local Government Act 2002 (**LGA**) with functions in the Taranaki region.
3. Ruapehu District Council is a local authority established under the LGA with functions in the Ruapehu district.
4. Horizons Regional Council is a local authority established under the LGA with functions in the Horizons region.
5. The Maniapoto Claims Settlement Act 2022 provides for relationship agreements to be entered into between Maniapoto and the councils.
6. The parties have agreed to enter into one relationship agreement under the Maniapoto Claims Settlement Act 2022 (**agreement**) over the area set out in schedule one.
7. The parties commit to the implementation of this agreement in the spirit of respect, partnership and good faith.

## PURPOSE OF AGREEMENT

8. The purpose of this agreement is to:
  - (a) implement in one document the relationship agreement provisions in the Maniapoto Claims Settlement Act 2022; and
  - (b) provide a constructive and effective basis for Te Nehenehenui and the councils to build partnerships and work together towards mutually agreed outcomes.

## MANIAPOTO: VISION, PRINCIPLES AND ASPIRATIONS

9. The vision of Maniapoto as set out in the Maniapoto Claims Settlement Act 2022 is:<sup>1</sup>

*The vision of Maniapoto is for a constructive ongoing relationship between Maniapoto, the Crown, and local authorities in relation to Ngā Wai o Maniapoto in a way that:*

*(a) respects Maniapoto tikanga; and*

*(b) supports the relationship of Maniapoto and their culture and traditions with their ancestral lands, waters, sites, wāhi tapu, and other taonga.*

*Maniapoto seek to develop relationship agreements with the Crown to enhance the oranga (well-being) of their people, including developing relationship agreements that will contribute to the social, economic, and cultural aspirations of the individuals, whānau, and hapū of Maniapoto, including their health, well-being, and success.*

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<sup>1</sup> Section 134(2) and 134(3) of the Maniapoto Claims Settlement Act 2022.

10. The Maniapoto vision as set out in the Maniapoto Claims Settlement Act 2022 is underpinned by the following principles:<sup>2</sup>

**Te Mana o te Wai:** *the quality and integrity of the waters sustaining the physical and spiritual well-being of Maniapoto, and the continuing health and well-being of current and future generations and all living things that depend on water are important to Maniapoto.*

**Ngā Wai o Maniapoto:** *the deeply felt obligation of Maniapoto to restore, maintain, and protect the waters within Ngā Wai Maniapoto. Maniapoto participation in decision-making arrangements will ensure that Ngā Wai o Maniapoto are enhanced and protected.*

**Te mana tuku iho o Waiwaiā:** *Waiwaiā is the spiritual kaitiaki of the Waipā and other rivers within the Maniapoto rohe. Maniapoto has a deeply felt obligation to care for and protect te mana tuku iho o Waiwaiā and to instil knowledge and understanding in Maniapoto and Ngā Wai o Maniapoto communities about the nature and history of Waiwaiā, and for that reason it is important that Maniapoto are consulted on all matters that impact on Maniapoto.*

**Kaitiakitanga:** *kaitiakitanga is integral to the mana of Maniapoto and requires:*

- (a) *the restoration of the relationship of Maniapoto with wai; and*
- (b) *the restoration and maintenance of the ability of Ngā Wai o Maniapoto to provide for the practice of manaakitanga; and*
- (c) *the recognition and respect for the kawa, tikanga, and kaitiakitanga of Maniapoto; and*
- (d) *the encouragement and empowerment of active involvement of Maniapoto in the expression of their kaitiaki responsibilities.*

**Recognition of the mana of Maniapoto:** *respect for the mana of Maniapoto and recognition of the significance of Ngā Wai o Maniapoto and the wider environment to the mana of Maniapoto.*

**Recognition of Maniapoto as kaitiaki and rangatira:** *recognition of the status and role of Maniapoto as rangatira and kaitiaki within resource management and decision making.*

**Te Tiriti o Waitangi/the Treaty of Waitangi:** *recognition and respect for Maniapoto and the Crown as Treaty partners under te Tiriti o Waitangi/the Treaty of Waitangi, and the roles and responsibilities of local authorities to act in accordance with provisions that refer to the principles of te Tiriti o Waitangi/the Treaty of Waitangi.*

11. The Maniapoto aspirations as set out in the Maniapoto Claims Settlement Act 2022 are as follows:<sup>3</sup>

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<sup>2</sup> Section 134(4) of the Maniapoto Claims Settlement Act 2022.

<sup>3</sup> Section 134(5) of the Maniapoto Claims Settlement Act 2022.



*That resource users and decision makers will collaborate with the people of Maniapoto to ensure that any adverse effects on Maniapoto or the environment arising from resource use are appropriately avoided or mitigated to the extent agreed by Maniapoto, the users, and the decision makers.*

*That Maniapoto and the Crown and Maniapoto and local authorities will develop and strengthen 2-way building of capacity and capability in reviewing, regulating, and managing activities that have an impact on Ngā Wai o Maniapoto so as to promote the vision of Maniapoto:*

*That Maniapoto perspectives and the strategic documents of Maniapoto, such as the environmental plan, and any that may be developed and implemented in the future for the Maniapoto rohe, will be appropriately recognised and incorporated into the functions and decisions of public agencies:*

*That Maniapoto will work with local authorities to co-design and co-govern programmes for:*

- (a) developing appropriate data resources, research services, and Maniapoto data capability; and*
- (b) designing programmes and supporting investment in innovation and research to improve the skills that provide for a process designed by Maniapoto to deliver positive outcomes for Maniapoto; and*
- (c) establishing monitoring and accountability methods for measuring equitable outcomes for Maniapoto and assessing progress towards those outcomes.*

## **THE COUNCILS: VISION, PRINCIPLES AND ASPIRATIONS**

12. Each council:

- (a) deeply respects and acknowledges the Maniapoto vision, principles and aspirations;
- (b) in a commitment to a robust partnership, aims to collaborate with Maniapoto in a respectful, constructive and mutually advantageous manner;
- (c) is in the pursuit of positive outcomes for its communities, reflecting the aspirations and strategic directions set out each council's strategic documents; and
- (d) confirms that this statement serves as its commitment to this agreement and the subsequent collaborative efforts that will arise from it.

## **RELATIONSHIP PRINCIPLES**

13. The parties commit to the following relationship principles in working together under this agreement:<sup>4</sup>

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<sup>4</sup> Section 152 of the Maniapoto Claims Settlement Act 2022.

- (a) promoting the overarching purpose of the Raumairoa (natural resources redress), which is:
  - (i) to care for and protect Ngā Wai o Maniapoto; and
  - (ii) to restore and maintain, for present and future generations, the quality and integrity of the waters that flow into, and form part of, Ngā Wai o Maniapoto;
- (b) respecting the mana of Maniapoto; and
- (c) jointly committing:
  - (i) to work together in good faith and a spirit of co-operation;
  - (ii) to communicate in an open and honest way;
  - (iii) to use their best endeavours to ensure that the purpose of the relationship agreement is achieved in an enduring way; and
  - (iv) to recognise that the relationship agreement operates within statutory frameworks which must be complied with.

#### **SCOPE OF AGREEMENT**

14. This agreement:

- (a) applies within area N as identified in schedule one;
- (b) covers the following matters:
  - (i) Ngā Wai o Maniapoto; and
  - (ii) activities within their catchment affecting Ngā Wai o Maniapoto;
- (c) covers the following compulsory matters in relation to the RMA:
  - (i) preparation, review, or change of a planning document;
  - (ii) the functions, powers, and duties under Part 6 of that Act in relation to applications for resource consents;
  - (iii) monitoring and enforcement;
  - (iv) identification of customary activities for which a resource consent should not be required under that Act; and
  - (v) provision of opportunities for the parties to work together on non-regulatory initiatives relating to Ngā Wai o Maniapoto and activities within their catchments that affect Ngā Wai o Maniapoto;
- (d) contains mechanisms and processes that recognise and reflect the mana of Maniapoto and the relationship of Maniapoto with Ngā Wai o Maniapoto; and

- (e) covers additional matters, including functions, powers, and duties agreed by the parties, and matters relating to capacity and capability building for the parties, to better provide for the aspirations for the relationship agreement to be realised.

## **CONTENT OF AGREEMENT**

15. This agreement covers the following matters:

- (a) RMA planning processes;
- (b) RMA resource consent processes;
- (c) monitoring and enforcement under the RMA;
- (d) identification of customary activities for which a resource consent should not be required;
- (e) provision of opportunities for the parties to work together on non-regulatory initiatives;
- (f) resourcing and capability building;
- (g) other statutory functions;
- (h) an acknowledgement that the parties may over time agree further matters to be included in this agreement; and
- (i) other matters.

## **RELATIONSHIP FORUM AND OPERATIONAL MEETINGS**

16. Te Nehenehenui and each council will:

- (a) meet at least once each year at a leadership level with Te Nehenehenui trustees and elected members attending (**relationship forum**); and
- (b) meet as required and at least twice each year at an operational level (**operational meetings**).

17. The nature and frequency of meetings will be reviewed at the first review of this agreement and may be adjusted from time-to-time by agreement to best achieve the intention of this agreement.

18. Following the signing of this agreement, the parties will develop a terms of reference for the relationship forum.

## **MANIAPOTO DOCUMENTS**

19. In exercising functions referred to in this agreement, each council will specifically consider the following Maniapoto documents to the extent relevant to the exercise of functions by each council:

- (a) the Treaty settlement legislation and deeds;

- (b) this agreement;
- (c) the Maniapoto environmental management plan;
- (d) the Te Nehenehenui engagement strategy; and
- (e) other documents as agreed by a council and Te Nehenehenui from time-to-time.

#### **RMA PLANNING PROCESSES**

20. This part applies to preparing, reviewing, changing, or varying any planning document as affecting Ngā Wai o Maniapoto and referred to in section 151(2) of the Maniapoto Claims Settlement Act 2022.
21. The Maniapoto documents referred to in clause [19](#) are relevant to the exercise of council functions under this part.
22. If, as a result of emerging issues, a council is considering the preparation, review, change or variation of an RMA planning document, that council will, as early as reasonably practicable, contact Te Nehenehenui for initial discussions on the proposals.
23. When a council is considering undertaking a review of regional policy statement or plan under section 79 of the RMA, it will, as early as reasonably practicable, contact Te Nehenehenui for initial discussions on the proposed review, including:
  - (a) the timing and the intended process for undertaking the review;
  - (b) how best to engage with Te Nehenehenui on the review; and
  - (c) how Te Nehenehenui would like to be involved in the review process including in relation to informing decisions on the outcome of the review.
24. When a council is developing the scope and timing of a new plan or plan change or variation under Schedule 1 of the RMA:
  - (a) the council will discuss the scope and timing of the process with Te Nehenehenui, to better understand the views of Te Nehenehenui and how Te Nehenehenui may like to be further involved in the process;
  - (b) Te Nehenehenui will provide its views on the scope and timing of the proposed process to the council within two months of that initial discussion; and
  - (c) in response, the council will:
    - (i) take into account relevant documents referred to in clause [19](#) and any advice received from Te Nehenehenui on the scope and timing;
    - (ii) document how that advice has been considered; and
    - (iii) provide that information in a written response back to Te Nehenehenui.
25. Once the scope and timing of a process has been approved by the council:

- (a) the council will discuss how to work more closely together if Te Nehenehenui has expressed a desire to be involved in the process, including potentially in drafting parts of the policy statement or plan;
  - (b) as a minimum, the council will provide a draft of the planning provisions to Te Nehenehenui for feedback prior to a council decision to notify the process;
  - (c) Te Nehenehenui will provide written feedback to the council within either:
    - (i) two months of receiving the draft provisions (or such shorter timeframe agreed between Te Nehenehenui and the council); or
    - (ii) where there is a statutory deadline set under the RMA or relevant national direction, a shorter period as may be required for the relevant council to meet that statutory deadline; and
  - (d) in response, the council will:
    - (i) take into account relevant documents referred to in clause [19](#);
    - (ii) take into account any advice received from Te Nehenehenui;
    - (iii) document how that advice has been considered as part of the process; and
    - (iv) provide that information in a written response back to Te Nehenehenui.
26. Where a council receives a private request for a plan change under Schedule 1 of the RMA (other than a request from Te Nehenehenui) the council will:
- (a) inform the plan change proponent that Te Nehenehenui are a relevant mana whenua iwi for the rohe, refer them to the documents referred to in clause [19](#), and encourage them to engage with Te Nehenehenui prior to lodging the application;
  - (b) provide a copy of the application to Te Nehenehenui within 10 working days of the council receiving the plan change request;
  - (c) provide Te Nehenehenui with any response to requests for further information provided by the proponent; and
  - (d) inform Te Nehenehenui once the plan change is notified.
27. As a minimum, prior to considering notification of the proposed document, the council will provide a draft version to Te Nehenehenui for feedback.
28. Te Nehenehenui will provide written advice back to the council either:
- (a) within two months of receiving the draft proposed plan from the council; or

- (b) where there is a statutory deadline set under the RMA or relevant national direction, a shorter period as may be required for the relevant council to meet that statutory deadline.
- 29. When an RMA planning process is underway as at the date of this agreement, the council will not be bound by the provisions of this part but will comply with the relevant provisions of the RMA and will use best endeavours to comply with the provisions of this agreement to the extent practicable in light of timing and stage of the particular process.
- 30. Where a party to this agreement is intending to respond to any proposed law reform or national policy direction that may affect the care, protection and restoration of Ngā Wai o Maniapoto, the party will, where practicable, first notify and engage with the other parties to discuss the potential impact of the proposals and whether there is an opportunity to make a co-ordinated response.
- 31. In working through the RMA planning processes and the processes referred to in clause [30](#), a council and Te Nehenehenui will discuss how they could work in an integrated manner with other iwi authorities to ensure that the process is progressed efficiently and effectively.

#### **RMA RESOURCE CONSENT PROCESSES**

- 32. This part applies to the resource consent process as referred to in section 151(2) of the Maniapoto Claims Settlement Act 2022.
- 33. The Maniapoto documents referred to in clause [19](#) are relevant to the exercise of council functions under this part.
- 34. Each council will:
  - (a) provide Te Nehenehenui with copies of resource consent applications that are relevant to Ngā Wai o Maniapoto; and
  - (b) provide a summary of any particular application to Te Nehenehenui on request, with that summary being in a similar form to the information given under limited notification.
- 35. Following the signing of this agreement, as part of the first operational meeting referred to in clause [16\(b\)](#), each council and Te Nehenehenui will discuss:
  - (a) Te Nehenehenui preferences in relation to the resource consent pre-application processes, including opportunities for engagement with applicants to ensure that Maniapoto interests are being properly considered; and
  - (b) the assessment process for affected party status under section 95E of the RMA in order to inform pre-application advice and consent processing decisions.
- 36. When considering a resource consent application that is relevant to Ngā Wai o Maniapoto, the council will:
  - (a) refer applicants to the Maniapoto documents referred to in clause [19](#);

- (b) consider the Maniapoto documents referred to in clause [19](#); and
  - (c) consider and assess whether Te Nehenehenui is an affected person under section 95E of the RMA and inform Te Nehenehenui of the outcome of that assessment.
37. Where an application for resource consent that is relevant to Ngā Wai o Maniapoto is to be publicly notified in accordance with section 95A of the RMA, the council will notify Te Nehenehenui directly of that application.

#### **MONITORING AND ENFORCEMENT**

38. This part applies to RMA monitoring and enforcement as referred to in section 151(2) of the Maniapoto Claims Settlement Act 2022, including both environmental monitoring and compliance monitoring.
39. The Maniapoto documents referred to in clause [19](#) are relevant to the exercise of council functions under this part.
40. Te Nehenehenui and each council will communicate regularly, including as part of the operational meetings referred to in clause [16\(b\)](#), to discuss:
- (a) the priorities for monitoring and enforcement activities under the RMA;
  - (b) the effectiveness of monitoring and enforcement activities;
  - (c) the outcomes of and appropriate responses to monitoring and enforcement activities;
  - (d) opportunities for Te Nehenehenui to participate in monitoring and enforcement activities; and
  - (e) other matters relevant to monitoring and enforcement activities.
41. If requested, a council will provide existing reports to Te Nehenehenui on any of the matters specified in clause [40](#). Where there is a request for a new report to be prepared, the provision of that report will need to be agreed between the relevant parties.

#### **CUSTOMARY ACTIVITIES**

42. Te Nehenehenui and each council will, as part of the operational meetings referred to in clause [16\(b\)](#) and with reference to the Maniapoto documents referred to in clause [19](#), discuss whether there are customary activities carried out by Maniapoto for which a resource consent should not be required under the RMA.

#### **NON-REGULATORY INITIATIVES**

43. Te Nehenehenui and each council will, as part of the operational meetings referred to in clause [16\(b\)](#), discuss opportunities for them to work together on non-regulatory initiatives relating to Ngā Wai o Maniapoto and activities within their catchments that affect Ngā Wai o Maniapoto.

## **RESOURCING AND CAPACITY BUILDING**

44. The purpose of this part is to enhance the ability of Te Nehenehenui to participate in council processes and decision-making and to collaborate with councils. The intention is to promote capacity building, information exchange, and informed decision-making to achieve better outcomes for Maniapoto and all communities.
45. The Maniapoto documents referred to in clause [19](#) are relevant to the exercise of council functions under this part.
46. The parties acknowledge the importance of councils fostering the capacity of Te Nehenehenui to participate in council decision-making processes as provided for in section 81(1)(b) of the LGA.
47. Following the signing of this agreement, each council will meet with Te Nehenehenui to discuss the following matters:
  - (a) opportunities for support to be provided to Te Nehenehenui in the following areas:
    - (i) Te Nehenehenui capacity building;
    - (ii) Te Nehenehenui participation in council processes and projects; and
    - (iii) provision of services from Te Nehenehenui to a council; and
  - (b) other opportunities for collaboration including in relation to information exchange, joint initiatives and mutual capacity building.
48. The parties also acknowledge the importance of exploring opportunities for the councils to build capacity to respond to issues covered by this agreement and relevant to Ngā Wai o Maniapoto.

## **OTHER STATUTORY FUNCTIONS**

49. The starting point is that all council activities are potentially relevant to Te Nehenehenui, but the parties acknowledge that Te Nehenehenui will not be able to engage in all of those processes.
50. In exercising functions under the LGA and other relevant legislation, the councils will specifically consider the Maniapoto documents referred to in clause [19](#).
51. Every six months, each council will provide Te Nehenehenui with a schedule of upcoming activities and processes under the LGA which may be of interest to Te Nehenehenui.
52. In response to that schedule, Te Nehenehenui will identify which of those activities it wishes to engage on and the relevant parties will agree on clear processes and timeframes for that engagement.

## **FURTHER MATTERS MAY BE AGREED**

53. The parties acknowledge that:



- (a) this agreement includes mechanisms and processes that recognise and reflect the mana of Maniapoto and the relationship of Maniapoto with Ngā Wai o Maniapoto; and
- (b) the parties may over time agree further matters to be included in this agreement.

#### **OTHER INTERESTS**

54. The parties acknowledge and respect that there are other iwi and hapū interests within the boundaries of each council and that each council will have obligations, agreements or other arrangements in relation to those iwi/hapū including under other Treaty settlements.

#### **INFORMATION SHARING**

55. The parties recognise the benefit of mutual information exchange.
56. The councils will make available to Te Nehenehenui all information held by the councils (subject to the Local Government Official Information and Meetings Act 1987) where that information is requested by Te Nehenehenui for the purposes of assisting it to exercise its mana in respect of the Maniapoto rohe and to enable Te Nehenehenui to exercise its rights fully under this agreement.
57. Te Nehenehenui may make information available to the councils, where appropriate, and when requested by a particular council, to enable the council to fulfil its statutory obligations and obligations under this agreement.

#### **COMMUNICATION**

58. Te Nehenehenui and the councils will establish and maintain effective and efficient communication with each other on a continuing basis by:
- (a) Te Nehenehenui providing, and the councils maintaining, contact details for Te Nehenehenui personnel responsible for engagement under this agreement;
  - (b) the councils providing, and Te Nehenehenui maintaining, contact details for council personnel responsible for engagement under this agreement; and
  - (c) identifying and educating staff who will be working closely with each other from each respective party and informing them of the obligations under this agreement.

#### **ACTIONS UNDER AGREEMENT CAN BE INDIVIDUAL OR COLLECTIVE**

59. This agreement provides for binding commitments between Te Nehenehenui and each individual council.
60. Te Nehenehenui and the councils may agree to collaborate in relation to one or more parts of this agreement.

#### **IMPLEMENTATION**

61. The parties will hold the first operational meeting referred to in clause [16\(b\)](#) within two months of the signing of this agreement and will discuss an implementation plan for this agreement at that meeting.

### **PARTY MAY ELECT TO ENTER SEPARATE AGREEMENT**

62. Te Nehenehenui or any council may give notice to the other parties that it wishes to enter into a separate relationship agreement and withdraw from this collective agreement.
63. In that event, Te Nehenehenui and the council will work together in good faith to enter into a separate agreement as soon as is practicable and in accordance with the statutory requirements.

### **REVIEW AND AMENDMENT OF AGREEMENT**

64. Te Nehenehenui and the councils may at any time agree in writing to undertake a review of this agreement.
65. There will be a review undertaken no later than two years after the signing of this agreement, and every five years after that.
66. As a result of the review, or otherwise, Te Nehenehenui and the councils may agree in writing to amend the agreement.

### **DISPUTE RESOLUTION**

67. The parties agree and acknowledge that for this agreement to be effective, the resolution of issues between them must be addressed in a constructive, co-operative and timely manner that is consistent with the principles set out in clause [13](#).
68. The dispute resolution process is as follows:
  - (a) if the parties cannot reach agreement or if one party considers that there has been a breach of this agreement, then that party may give notice to the other party or parties that they are in dispute;
  - (b) as soon as practicable upon receipt of the notice, the council concerned will meet with the other council(s) (if appropriate) and Te Nehenehenui representatives in good faith to resolve the dispute;
  - (c) if the dispute has not been resolved within 20 working days after receipt of the notice, the chief executive of Te Nehenehenui and the chief executive of the relevant council(s) will meet to work in good faith to resolve the issue;
  - (d) if the dispute has still not been resolved within 30 working days after a meeting between the chief executives, and as a matter of last resort, the respective mayor/chair (or nominee) will meet to work in good faith to resolve the issue; and
  - (e) at any point in the dispute resolution process, the parties may agree to refer the matter to mediation or another form of dispute resolution.

### **TERMINATION AND SUSPENSION**

69. Te Nehenehenui and a council may, at any time, agree in writing to suspend, in whole or in part, the operation of this agreement.

70. The scope and duration of any suspension must be specified in that written agreement.

71. There is no right to terminate this agreement.

#### **WAIVER OF RIGHTS UNDER AGREEMENT**

72. Te Nehenehenui may, at any time, notify a council in writing that:

- (a) it waives any rights provided for in this agreement; or
- (b) it revokes a notice of such a waiver.

73. The notice given by Te Nehenehenui must specify the nature and duration of the waiver.

#### **EXERCISE OF POWERS IN CERTAIN CIRCUMSTANCES**

74. A council may exercise or perform a statutory power or function that is affected by this agreement on its own account and not in accordance with this agreement:

- (a) if the statutory time frame for the exercise or performance of that power or function cannot be complied with under this agreement; or
- (b) in the event of an emergency.

75. However, a council must use its best endeavours to work with Te Nehenehenui and comply with the agreement if practicable in the circumstances.

#### **DEFINITIONS AND INTERPRETATION**

##### **Definitions**

76. In this agreement, unless the context requires otherwise:

- (a) **agreement** means this agreement (including any schedules);
- (b) **councils** means Taranaki Regional Council, Ruapehu District Council and Horizons Regional Council;
- (c) **operational meetings** means the meetings referred to in clause [16\(b\)](#);
- (d) **parties** means Te Nehenehenui, Taranaki Regional Council, Ruapehu District Council and Horizons Regional Council;
- (e) **relationship forum** means the forum referred to in clause [16\(a\)](#); and
- (f) **working day** means a day of the week other than:
  - (i) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day;
  - (ii) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday;

- (iii) a day in the period commencing with 25 December and ending with 15 January in the following year; and
- (iv) any other day observed as a public holiday in the Taranaki or Horizons regions.

### **Interpretation**

77. In this agreement, unless the context requires otherwise:

- (g) anything required by this agreement to be done on a day which is not a working day may be done effectually on the next working day;
- (h) headings appear as a matter of convenience and do not affect the construction of this agreement;
- (i) a reference to a party to this agreement or any other document includes that party's personal representatives/successors and permitted assigns;
- (j) a reference to a person includes a corporation sole and also a body of persons, whether corporate or unincorporate;
- (k) where a word or expression is defined in this agreement, other parts of speech and grammatical forms of that word or expression have corresponding meanings;
- (l) any schedules form part of this agreement;
- (m) the singular includes the plural and vice versa, and words importing one gender include the other genders;
- (n) a reference to an enactment or any regulations is a reference to that enactment or those regulations as amended, or to any enactment or regulations substituted for that enactment or those regulations;
- (o) any reference to time is to New Zealand time;
- (p) where any timeframe is stipulated in this agreement, that timeframe may be amended by written agreement of both parties; and
- (q) any reference to 'written' or 'in writing' includes all modes of presenting or reproducing words, figures and symbols in a tangible and permanently visible form.

**SIGNED BY THE PARTIES**

**SIGNED** for and on behalf of

**TE NEHENEHENUI** by its authorised  
signatory

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Signature

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Name

Position

**SIGNED** for and on behalf of

**TE NEHENEHENUI** by its authorised  
signatory

---

Signature

---

Name

Position

**SIGNED** for and on behalf of

**TARANAKI REGIONAL COUNCIL**

by its authorised signatory acting  
under delegated authority

---

Signature

---

Name

Position

**SIGNED** for and on behalf of

**RUAPEHU DISTRICT COUNCIL** by

its authorised signatory acting under  
delegated authority

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Signature

---

Name

Position

**SIGNED** for and on behalf of

**HORIZONS REGIONAL COUNCIL**

by its authorised signatory acting  
under delegated authority

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Signature

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Name

Position

**SCHEDULE ONE**

**MAP**

## Maniapoto relationship agreement area (area N)







**Date:** 24 June 2025

**Subject:** Meeting Dates 6 August 2025 – 16 September 2025

**Author:** M Jones, Governance Administrator

**Approved by:** M J Nield, Director - Corporate Services

**Document:** TRCID-1492626864-756

### Purpose

1. The purpose of this memorandum is to notify members of the scheduled meeting dates for 6 August 2025 – 16 September 2025

### Recommendations

That Taranaki Regional Council:

- a) receives the memorandum Meeting Dates for 6 August 2025 – 16 September 2025
- b) notes the upcoming meeting dates.

### Meeting Dates

CDEM – Joint committee	10.30am Thursday 7 August 2025
Regional Transport Committee	10.30am Thursday 28 August 2025
Operations and Regulatory Committee	9.00am Tuesday 2 September 2025
Policy and Planning Committee	10.30am Tuesday 2 September 2025
Taranaki Solid Waste Committee	10.30am Thursday 4 September 2025
Executive Audit and Risk Committee	10.00am Monday 8 September 2025
Ordinary Council	10.30am Tuesday 16 September 2025

## Public Excluded Recommendations – Ordinary Council 5 August 2025

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 Council Meeting on 5 August 2025 for the following reason/s:

The matters to be considered while the public is excluded, the reason for passing this resolution in relation to the matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 are as follows:

Item 14:

Confirmation of Public Excluded Ordinary Council Minutes – 24 June 2025

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 for which good reason for withholding would exist under section 6 (a) and [section 7](#) (2) (a) and (2) (g) of the Local Government Official Information and Meetings Act 1987.

Item 15:

Confirmation of Public Excluded Operations and Regulatory Committee Minutes 22 July 2025

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 for which good reason for withholding would exist under section 6 (a) and [section 7](#) (2) (a) and (2) (g) of the Local Government Official Information and Meetings Act 1987.

Item 16:

Confirmation of Public Excluded Policy and Planning Committee Minutes 22 July 2025

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 for which good reason for withholding would exist under section 6 (a) and [section 7](#) (2) (a) and (2) (g) of the Local Government Official Information and Meetings Act 1987.

Item 17:

Confirmation of Public Excluded Extraordinary Council Minutes – 22 July 2025

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 for which good reason for withholding would exist under section 6 (a) and [section 7](#) (2) (a) and (2) (g) of the Local Government Official Information and Meetings Act 1987.

Item 18:

Confirmation of Public Excluded Executive Audit and Risk Minutes – 28 July 2025

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; and/or enable any local authority holding the information to carry out, without prejudice, commercial activities.



### **Kia uruuru mai**

#### ***Karakia to close meetings***

Kia uruuru mai  
Ā hauora  
Ā haukaha  
Ā haumaia  
Ki runga, Ki raro  
Ki roto, Ki waho  
Rire rire hau  
Paimārie

Fill me with  
Vitality  
Strength  
Bravery  
Above, below  
Within, outwards  
Let the wind blow and bind  
Peace upon you

### **Nau mai e ngā hua**

#### ***Karakia for kai***

Nau mai e ngā hua  
o te wao  
o te ngakina  
o te wai tai  
o te wai Māori  
Nā Tāne  
Nā Rongo  
Nā Tangaroa  
Nā Maru  
Ko Ranginui e tū iho nei  
Ko Papatūānuku e takoto ake nei  
Tūturu o whiti whakamaua kia  
tina  
Tina! Hui e! Taiki e!

Welcome the gifts of food  
from the sacred forests  
from the cultivated gardens  
from the sea  
from the fresh waters  
The food of Tāne  
of Rongo  
of Tangaroa  
of Maru  
I acknowledge Ranginui above and Papatūānuku  
below  
Let there be certainty  
Secure it!  
Draw together! Affirm!

## AGENDA AUTHORISATION

Agenda for the Extraordinary Council Meeting of the Taranaki Regional Council held on Tuesday 5 August 2025

Approved:



29 Jul, 2025 11:52:07 AM GMT+12

M J Nield  
**Director Corporate Services**

Approved:



28 Jul, 2025 3:50:35 PM GMT+12

S J Ruru  
**Chief Executive**