



# **AGENDA** Ordinary Meeting

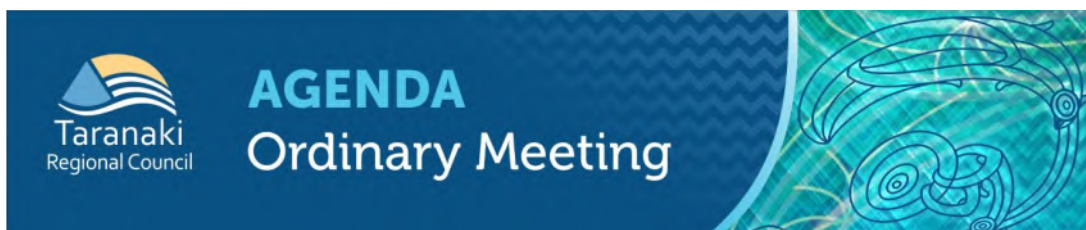
Tuesday 28 February 2023, 10.30am

# Ordinary Council

28 February 2023 10:00 AM



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### **Purpose of Local Government**

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

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

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

Councillor C L Littlewood (*Chair*)

Councillor N W Walker (*Deputy Chair*)

Councillor M J Cloke

Councillor M G Davey

Councillor D L Lean

Councillor D M Cram

Councillor A L Jamieson

Councillor D H McIntyre

Councillor B J Bigham

Councillor S W Hughes

Councillor C S Williamson

### **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 the birdcage.

Staff will guide you to an alternative route if necessary.

#### **Earthquake**

If there is an earthquake - drop, cover and hold where possible. Please remain where you are until further instruction is given.



## Whakataka te hau

### *Karakia to open and close meetings*

Whakataka te hau ki te uru	Cease the winds from the west
Whakataka te hau ki tonga	Cease the winds from the south
Kia mākinakina ki uta	Let the breeze blow over the land
Kia mātaratara ki tai	Let the breeze blow over the ocean
Kia hī ake ana te atakura	Let the red-tipped dawn come with a sharpened air
He tio, he huka, he hauhu	A touch of frost, a promise of glorious day
Tūturu o whiti whakamaua kia tina.	Let there be certainty
Tina!	Secure it!
Hui ē! Tāiki ē!	Draw together! Affirm!

## Nau mai e ngā hua

### *Karakia for kai*

Nau mai e ngā hua	Welcome the gifts of food
o te wao	from the sacred forests
o te ngakina	from the cultivated gardens
o te wai tai	from the sea
o te wai Māori	from the fresh waters
Nā Tāne	The food of Tāne
Nā Rongo	of Rongo
Nā Tangaroa	of Tangaroa
Nā Maru	of Maru
Ko Ranginui e tū iho nei	I acknowledge Ranginui above and
Ko Papatūānuku e takoto ake nei	Papatūānuku below
Tūturu o whiti whakamaua kia	Let there be certainty
tina	Secure it!
Tina! Hui e! Taiki e!	Draw together! Affirm!



**Date** 28 February 2023

**Subject:** **Confirmation of Minutes - 13 December 2022**

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

**Document:** 3148413

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### **Recommendations**

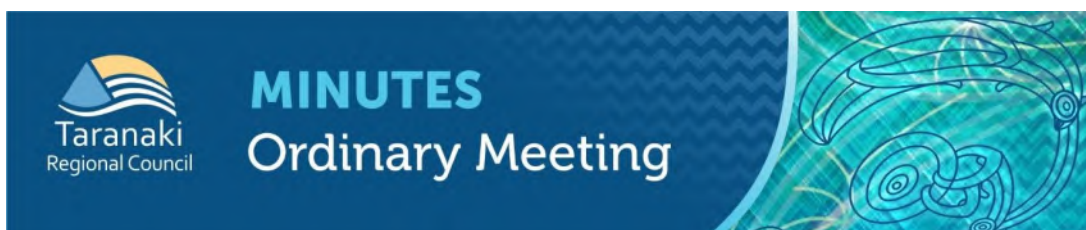
That the Taranaki Regional Council:

- a) takes as read and confirms the minutes and resolutions of the Ordinary meeting of the Taranaki Regional Council held at Pukeiti, 2290 Carington Road, New Plymouth on 13 December 2022.

### **Matters arising**

### **Appendices/Attachments**

Document: 3128780 Minutes Ordinary meeting 13 December 2022



**Date:** Tuesday, 13 December 2022, 10.30am  
**Venue:** Pukeiti, 2290 Carrington Road, New Plymouth  
**Document:** 3128780

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<b>Present</b>	<b>Councillors</b>	C L Littlewood N W Walker M J Cloke D H McIntyre D L Lean S W Hughes D M Cram B J Bigham A L Jamieson C S Williamson M G Davey	<i>Chairperson</i> <i>Deputy Chairman</i>
Attending	Mr Mr Mr Ms Mr Ms Miss Miss Miss Mr	S J Ruru M J Nield A D McLay A J Matthews D R Harrison R Johnson G Marcroft M J Jones N A Chadwick C Woollin	Chief Executive Director – Corporate Services Director – Resource Management Director – Environment Quality Director – Operations Financial Services Manager Senior Policy Analyst Governance Administrator Executive Assistant CE & Chairperson Communications Advisor

*No members of the media*

## **1. Confirmation of Minutes - Triennial Meeting**

### **Resolved**

That the Taranaki Regional Council:

- a) takes as read and confirms the minutes and resolutions of the Triennial meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Wednesday 26 October November 2022 at 1pm.

Littlewood/Hughes

**2. Confirmation of Minutes Ordinary Meeting 8 November 2022**

**Resolved**

That the Taranaki Regional Council:

- a) takes as read and confirms the minutes and resolutions of the Ordinary Meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Tuesday 8 November 2022 at 10.30am.

Littlewood/Bigham

**3. Confirmation of Minutes Operations and Regulatory Committee 22 November 2022**

**Resolved**

That the Taranaki Regional Council:

- a) received the minutes of the Operations and Regulatory Committee meeting held at the Taranaki Regional Council, 47 Cloten Road, Stratford on Tuesday 22 November 2022 at 10.30am
- b) adopted the recommendations therein.

Hughes/Cloke

**4. Confirmation of Minutes Policy and Planning Committee 22 November 2022**

**Resolved**

That the Taranaki Regional Council:

- a) received the minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford on Tuesday 22 November 2022 at 1pm
- b) adopted the recommendations therein.

Williamson/Bigham

**5. Confirmation of Minutes Executive Audit and Risk Committee Meeting 5 December 2022**

**Resolved**

That the Taranaki Regional Council:

- a) received the minutes of the Executive, Audit and Risk Committee meeting held at the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Monday 5 December 2022 at 10am
- b) adopted the recommendations therein.

Cloke/Williamson

## 6. Taranaki Triennial Agreement 2022-2025

Chief Executive, Mr S J Ruru, introduced the item and answered questions.

### Resolved

That the Taranaki Regional Council:

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

Littlewood/Cloke

*\*10.47 Raelene Johnson joined meeting\**

## 7. Wild for Taranaki Committee Membership

Chief Executive, Mr S J Ruru, introduced the item and answered questions.

### Resolved

That the Taranaki Regional Council:

- a) received the memorandum *Wild for Taranaki Committee Membership*
- b) agreed that the appropriate mechanism to monitor and engage with Wild for Taranaki are through:
  - regular reviews of the Memorandum of Understanding (MoU) between Wild for Taranaki and TRC; and
  - annual reports on Wild for Taranaki performance against the MoU
- 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, 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.

Lean/Cloke

## 8. Taranaki Regional Council Internal and External Appointments



Director-Corporate Services, Mr Mike Nield introduced the item and answered questions.

**Resolved**

That the Taranaki Regional Council:

- a) received the report *Taranaki Regional Council Internal and External Appointments*
- b) approved the appointment of Councillor D M Cram and Mr M J Nield- Director Corporate Services to the Taranaki Stadium Trust
- c) approved the appointment of external representatives received from New Plymouth District Council (NPDC), Stratford District Council (SDC), South Taranaki District Council (STDC), Waka Kotahi and Taranaki Federated Farmers to the Council's Committees
- d) noted the appointments of representatives received from NPDC, SDC and STDC to the Council's Joint Committees
- e) noted the appointments of representatives to the Council's Operations and Regulatory Committee and Policy and Planning Committee received from Taranaki Federated Farmers
- f) noted two further Iwi Representatives will be appointed to the Council's Operations and Regulatory Committee
- g) determined that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- h) 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/Bigham

**9. Councillor Remuneration 2022/2025**

Director-Corporate Services, Mr Mike Nield introduced the item and answered questions.

**Resolved**

That the Taranaki Regional Council:

- a) received the memorandum *Councillor Remuneration 2022/2025*
- b) noted the total remuneration pool of \$473,595, the Chairperson's total remuneration of \$112,227 and the minimum allowable remuneration for a Councillor of \$37,493
- c) recommended to the Remuneration Authority that the Councillor minimum allowable remuneration be set at, \$39,466
- d) agreed to reflect additional responsibilities with additional remuneration

- e) recommended to the Remuneration Authority the positions that will attract additional remuneration and the level of remuneration that each position will attract

Position	Remuneration
Deputy Chairperson	54,526
Chairperson of Policy and Planning Committee	54,526
Chairperson of Operations and Regulatory Committee	54,526
Chairperson of Executive Audit and Risk	54,526
Chairperson of Regional Transport Committee	44,140
Chairperson Taranaki Solid waste Management Committee	44,140
Chairperson Yarrow Stadium Joint Committee	44,140
Taranaki Regional Council Agriculture Portfolio Holder	44,140

- f) noted that additional fees for resource consent hearings and regional plan hearings continue
- g) noted that the Council will provide a motor-vehicle to the Chairperson in accordance with the Authority's rules and guidance
- h) noted and adopted the changes to the "Policy on Taranaki Regional Council Elected Members' Allowances and Recovery of Expenses"
- i) confirmed that the Council will provide a laptop or a tablet to undertake Council business, that such equipment is replaced when it is either broken/damaged or has become obsolete and that mobile phones remain the responsibility of each individual councillor
- j) advised the Remuneration Authority of the decisions and recommendations in relation to remuneration
- k) determined that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- l) 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.

Littlewood/Hughes

**10. Port Taranaki Ltd Councillor Directors**

Mr M J Nield presented the paper and answered questions on the process proposed for the appointment of Port Taranaki Ltd Directors.

**Resolved**

That the Taranaki Regional Council:

- a) received the memorandum "Port Taranaki Ltd: Directors"
- b) noted that legislation and good practice supports the use of a skills based approach to the appointment of Directors to Port Taranaki
- c) noted that the Chairperson and former Chairperson, Mr David MacLeod, will continue their roles as Directors on Port Taranaki Ltd until the appointment process is complete
- d) determined that an independent appointment process will be commenced to make recommendations for director appointments and that any Councillors wanting to be considered for appointment are able to participate in this process
- e) delegated authority to the Chief Executive to establish and commence the independent appointment process
- 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.

Bigham/Lean

- a) Councillor Walker proposed an amendment to the resolution d) above. That the Taranaki Regional Council appoints one Councillor as a Director on the Board of Port Taranaki Ltd

Walker/Cloke

*Lost on a show of hands*

Original resolution was passed by a show of hands.

**11. Approval of Coastal Plan for Taranaki**

Director – Resource Management, Mr A D McLay and Senior Policy Analyst, Miss G Marcroft, introduced this item and answered questions.

**Resolved**

That the Taranaki Regional Council:

- a) received this report summarising the process and agreements reached through mediation of appeals on the *Proposed Coastal Plan for Taranaki*
- b) approved minor changes made to the *Proposed Coastal Plan for Taranaki* in accordance with clause 16(2) of Schedule 1 of the RMA

- c) adopted the *Proposed Coastal Plan for Taranaki*, for reference to the Minister for Conservation in accordance with clause 18(1) of Schedule 1 of the RMA
- d) affixed the common seal to *Proposed Coastal Plan for Taranaki* in accordance with clause 18(2) of Schedule 1 of the RMA
- e) authorised the Chief Executive to specify a date from which the *Proposed Coastal Plan for Taranaki* will become operative, following the receipt of the approved Plan from the Minister of Conservation, including incorporating any changes required by the Minister, in accordance with clauses 19 and 20 of Schedule 1 of the RMA
- f) determined that this decision is significant in terms of section 76 of the *Local Government Act 2002*
- g) determined that the Council 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/Williamson

## 12. Public Excluded

In accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987, resolves that the public is excluded from the following part of the proceedings of the Ordinary Meeting on Tuesday 13 December 2022 for the following reason/s:

Public Excluded Executive, Audit and Risk Minutes – 5 December 2022

### Item 1 – Yarrow Stadium Plus: Project Steering Group Report

*That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; and/or enable any local authority holding the information to carry out, without prejudice, commercial activities.*

Item 2 – Deloitte Report for the Executive Audit and Risk Committee

*That the public conduct of the whole or the relevant part of the proceedings of the meeting to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely to prejudice the supply of similar information from the same source, and is in the public interest that such information should continue to be supplied.*

McIntyre/Littlewood

There being no further business, Chairperson C L Littlewood, declared the Ordinary Meeting of the Taranaki Regional Council closed at 10.51am.

**Confirmed**

**Taranaki Regional**

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

**C L Littlewood**



**Date:** 28 February 2023

**Subject:** **Operations and Regulatory Committee Minutes - 7 February 2023**

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

**Document:** 3148408

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**Recommendations**

That the Taranaki Regional Council:

- a) receives 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 7 February 2023 at 9.00am
- b) adopts the recommendations therein.

**Matters arising**

**Appendices/Attachments**

Document: 3143078 Operations and Regulatory Minutes 7 February 2023



**Date** 7 February 2023, 9.00am  
**Venue:** Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford  
**Document:** 3143078

<b>Members</b>	<b>Councillor</b>	S W Hughes	<i>Chairperson</i>
		D M Cram	<i>Deputy Chairperson</i>
		M J Cloke	
		B J Bigham	
		M G Davey	
		D H McIntyre	
		D L Lean	
		N W Walker	<i>ex officio</i>
		C L Littlewood	<i>ex officio</i>
		D Luke	Iwi Representative
	Ā White	Iwi Representative	
	R Buttimore	Iwi Representative	
<b>Attending</b>	Mr	S J Ruru	Chief Executive
	Ms	A J Matthews	Director - Environment Quality
	Mr	A D McLay	Director - Resource Management
	Mr	M J Nield	Director - Corporate Services
	Mr	D R Harrison	Director - Operations
	Mrs	V McKay	Manager - Environmental Assurance
	Mr	B Pope	Compliance Manager
	Mr	J Glasgow	Compliance Manager
	Mrs	J Allen	Manager - Resource Consents
	Ms	L Miller	Manager - Resource Consents
	Mr	S Ellis	Environment Services Manager
	Miss	N A Chadwick	EA to Chief Executive and Chair
	Mrs	M G Jones	Governance Administrator
	Ms	K Holland	Communications Team Lead
	Ms	R Johnson	Finance Manager

*1 member of the media*  
*6 members of the public*

**Opening Karakia** The meeting opened with a group karakia at 9.27am.

**Apologies** Apologies were received and sustained from Councillor S W Hughes, B J Bigham and D L Lean.

Littlewood/Davey

**Conflicts of Interest**

Iwi Representative Mr R Buttimore disclosed his affiliation with Ngāti Tairi

Iwi Representative Mr Ā White disclosed his position as Chair of the Pukerangiora Hapū Board

**1. Confirmation of Minutes Operations and Regulatory Committee 22 November 2022**

**Recommended**

That the Taranaki Regional Council:

- a) takes as read and confirms the minutes of the Operations and Regulatory Committee of the Taranaki Regional Council held at 1pm on 22 November 2022 at Taranaki Regional Council 47 Cloten Road Stratford
- b) notes the recommendations therein.

McIntyre/Littlewood

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

- 2.1 Mrs J Allen spoke to the memorandum to advise the Committee of consents granted, consents under application and of consent processing actions since the last meeting.

**Recommended**

That the Taranaki Regional Council:

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

Davey/Walker

**3. Consent Monitoring Annual Reports**

- 3.1 Mrs V McKay spoke to the memorandum to advise the Committee of 24 tailored compliance monitoring reports, for the 2021-2022 reporting year.

**Recommended**

That the Taranaki Regional Council:

- a) received the 24 compliance monitoring reports listed in Table 1
- b) noted any specific recommendations therein.

Littlewood/McIntyre



**4. Incidents, Compliance Monitoring Non Compliances and Enforcement Summary 28 October 2022 to 16 January 2023**

- 4.1 Mr J Glasgow spoke to the memorandum to update the Committee and provided a summary of the incidents, compliance monitoring non-compliances and enforcement for the period 28 October 2022 to 16 January 2023.

**Recommended**

That the Taranaki Regional Council:

- a) received the memorandum *Incident, Compliance Monitoring Non- Compliance and Enforcement Summary – 28 October 2022 to 16 January 2023*
- b) received the summary of the incidents, compliance monitoring non-compliances and enforcement for the period from 28 October 2022 to 16 January 2023, noted the action taken by staff acting under delegated authority and adopted the recommendations therein.

Cloke/Muir

**5. Farm Dairy Discharge Consent Trends and Implications for the Council**

- 5.1 Mr A D McLay spoke to the memorandum to update the Committee on the trends in farm dairy effluent consent applications and the associated implications for the Council.
- 5.2 In addition an update was provided about the increased need to review the monitoring programme relating the number of dairy effluent consents moving from a treated discharge to water, to a discharge to land.

**Recommended**

That the Taranaki Regional Council:

- a) received the memorandum *Farm Dairy Discharge Consents trends and implications for the Council*
- b) noted the increase in land based farm dairy discharge
- c) noted the pending review of the farm dairy discharge monitoring programme given the focus is now more on land based discharge systems

Davey/Cloke

**6. Appeal Judgement – C Boyd**

- 6.1 Mr A D McLay spoke to the memorandum to provide an update to the Committee on the unsuccessful appeal by Mr C Boyd, for his \$95,750 fine for his illegal stream works and failing to comply with two subsequent abatement notices.

**Recommended**

That the Taranaki Regional Council

- a) received the report and noted Mr C Boyd's appeal was unsuccessful.

McIntyre/Littlewood

**7. Dow Paritūtū Site, New Plymouth**

- 7.1 Ms A J Matthews spoke to the memorandum to brief the Committee on the history and legacy of the Dow Paritūtū site and provide an overview of the roles and responsibilities of key stakeholders in relation to current and future management, and outline the next steps for the site.

**Recommended**

That the Taranaki Regional Council:

- a) received the memorandum entitled *Dow Paritūtū site, New Plymouth*  
b) noted the ongoing nature of the project, and the roles and responsibilities of the Council in regard to the investigation and proposed remediation work  
c) noted the amendment to points 4 and 45 that the sale of the site has not yet gone ahead and that this transfer of ownership is expected to take place in the first quarter of 2023.

Walker/Littlewood

**8. Towards Predator-Free Taranaki Project**

- 8.1 Mr S Ellis spoke to the memorandum and gave a presentation to update the Committee on the progress of the *Taranaki Taku Tūranga Our Place – Towards Predator-Free Taranaki* project.

**Recommended**

That the Taranaki Regional Council:

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

- c) noted that additional funding has been secured to extend the current zero possum area by 5,800 hectares.

Walker/Littlewood

There being no further business the Committee Chairperson, Councillor D M Cram, declared the public meeting of the Operations and Regulatory Committee closed at 10.38am.

**Operations and**

**Regulatory**

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

**D M Cram, Deputy Chair**



**Date** 28 February 2023

**Subject:** **Policy and Planning Committee Minutes - 7 February 2023**

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

**Document:** 3148417

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### **Recommendations**

That the Taranaki Regional Council:

- a) receives the minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford on Tuesday 7 February 2023
- b) adopts the recommendations therein.

### **Matters arising**

### **Appendices/Attachments**

Document: 3143031 Policy and Planning Minutes 7 February 2023



**Date** 7 February 2023

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

**Document:** 3143031

<b>Members</b>	<b>Councillors</b>		
	C S Williamson		<i>Committee Chairperson</i>
	B J Bigham		<i>Deputy Chairperson</i>
	D M Cram		
	S W Hughes		
	A L Jamieson		
	D H McIntyre		
	C L Littlewood		<i>ex officio</i>
	N W Walker		<i>ex officio</i>
	E Bailey		Iwi Representative
	P Moeahu		Iwi Representative
	M Ritai		Iwi Representative
	C Filbee		South Taranaki District Council
	G Boyde		Stratford District Council
	L Gibbs		Federated Farmers
<b>Attending</b>	Mr	S J Ruru	Chief Executive
	Mr	A D McLay	Director - Resource Management
	Ms	A J Matthews	Director - Environment Quality
	Mr	M J Nield	Director - Corporate Services
	Ms	L Hawkins	Planning Manager
	Mr	R Phipps	Manager - Science and Technology
	Mr	C Woollin	Communications Adviser
	Miss	N A Chadwick	Executive Assistant to CE
	Mrs	M G Jones	Governance Administrator
	Mr	S Tamarapa	Iwi Communications Officer (Joined meeting at 11.20am)

*1 member of the media*

*2 members of the public*

### **Apologies**

Apologies were received and sustained from B J Bigham and S W Hughes.

### **Conflicts of Interest**

No conflicts of interest

## **1. Confirmation of Minutes Policy and Planning Committee 22 November 2022**

### **Recommended**

That the Taranaki Regional Council:

- a) takes as read and confirms the minutes of the Policy and Planning Committee of the Taranaki Regional Council held 1pm on 22 November 2022 at Taranaki Regional Council 47 Cloten Road Stratford
- b) notes the recommendations therein..

Boyde/Cram

## **2. Inhalable Particulate (PM<sub>2.5</sub>) State of the Environment Monitoring Report**

- 2.1 Mr R Phipps, Manager – Science and Technology Spoke to the memorandum to provide the Committee with an update of the continuous monitoring of airborne particulate matter in urban New Plymouth.

### **Recommended**

That the Taranaki Regional Council:

- a) received the memorandum – *Inhalable Particulate (PM<sub>2.5</sub>) State of the Environment Monitoring Annual Report*
- b) noted the recommendations therein.

Bailey/Cram

## **3. Submission on Enabling Investment of Offshore Renewable Energy**

- 3.1 Mr A D McLay spoke to the memorandum to seek the Committee Members' endorsement of the submission *Enabling Investment in Offshore Renewable Energy*.

### **Recommended**

That the Taranaki Regional Council:

- a) received the memorandum entitled *Submission on Enabling Investment in Offshore Renewable Energy*
- b) noted the attached *Submission on Enabling Investment in Offshore Renewable Energy - Discussion Document*
- c) adopted the submission, subject to adding text addressing decommissioning, allowing for wider community engagement and the limited capacity of the regional electricity network

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

Littlewood/McIntyre

#### **4. Offshore subtidal Rocky Reefs of Pātea Bank**

- 4.1 Ms A J Matthews spoke to the Memorandum and gave a presentation to provide the Committee with an overview of an Envirolink-funded report *Offshore subtidal Rocky reef Habitats on Pātea Bank, South Taranaki*,

##### **Recommended**

That the Taranaki Regional Council:

- a) received this report titled *Offshore subtidal Rocky reef habitats on Pātea Bank, South Taranaki*
- b) noted the findings in the report.

McIntyre/Cram

#### **5. Submission on Natural and Built Environment Bill and Spatial Planning Bill**

- 5.1 Mr S J Ruru spoke to the Memorandum and gave a presentation, providing an insight into the Spatial Planning and to seek approval of the Council Submission on the Spatial Planning Bill and Natural and Built Environment Bill.

##### **Recommended**

That the Taranaki Regional Council:

- a) received the Memorandum *Submission on Natural and Built Environment Bill and Spatial Planning Bill*
- b) approved the submission on Natural and Built Environment Bill and Spatial Planning Bill subject to a Sub Committee and Iwi Representatives meeting post the Committee meeting to resolve any issues
- 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 2022* to the extent necessary in relation to this decision; and in accordance with section 76 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/Bailey

\*11.56am B Haque NPDC Representative left meeting\*

\*12.28am Mr M Nield left meeting\*

\*12.30 Ms C Filbee STDC Representative left meeting\*

\*12.40 Mr P Moeahu Iwi Representative left meeting\*

There being no further business the Committee Chairperson, Councillor C Williamson, declared the meeting of the Policy and Planning Committee closed at 12.46pm. The meeting closed with a karakia.

**Policy and  
Planning**

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

**C Williamson**





**Date** 28 February 2023

**Subject:** **Executive, Audit and Risk Committee Minutes - 13 February 2023**

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

**Document:** 3148462

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### **Recommendations**

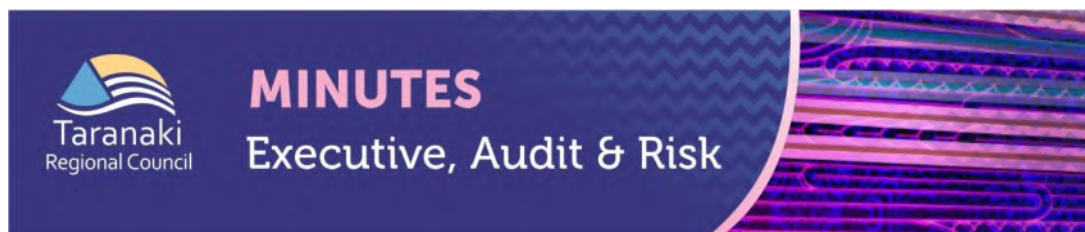
That the Taranaki Regional Council:

- a) takes as read and confirms the minutes of the Executive, Audit and Risk Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Monday 13 February 2023 at 10am
- b) adopts the recommendations therein.

### **Matters arising**

### **Appendices/Attachments**

Document: 3146415 Minutes Executive Audit and Risk 13 February 2023



**Date** Monday 13 February 2023, 10am  
**Venue:** Taranaki Regional Council Boardroom, 47 Cloten Road, Stratford  
**Document:** 3146415

<b>Members</b>	Councillors	M J Cloke	<i>Chair</i>
		S W Hughes	
		A L Jamieson	
		D H McIntyre	
		C S Williamson	
		C L Littlewood	<i>ex officio</i>
		N W Walker	<i>ex officio</i>
<b>Attending</b>	Mr	S J Ruru	Chief Executive
	Mr	M J Nield	Director - Corporate Services
	Ms	R Johnson	Financial Services Manager
	Mr	C Woollin	Communications Advisor
	Mr	S Williams	Manager -BITS
	Mrs	M G Jones	Governance Administrator

**Apologies:** No apologies

**1. Confirmation of Minutes Executive Audit and Risk - 5 December 2022**

**Resolved**

That the Taranaki Regional Council:

- a) takes as read and confirms the minutes of the Executive, Audit and Risk Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford on Monday 5 December 2022 at 10am
- b) noted the recommendations therein were adopted by the Taranaki Regional Council on Tuesday 13 December 2022.

Williamson/Walker

**2. Financial and Operational Report**

- 2.1 Mr M J Nield, Director - Corporate Services, spoke to the memorandum to update the committee on the Councils financial and operational performance

**Resolved**

That the Taranaki Regional Council:

- a) received the Memorandum *Financial Operational Report* and the November 2022 Monthly Financial Reports
- b) noted the digital media update.

Williamson/Littlewood

**3. Quarterly Operational Report - December 2022**

- 3.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum to provide members with update and consider the QOR for the quarter ended 31 December 2022.

**Resolved**

That the Taranaki Regional Council:

- a) received the *Quarterly Operation Report for the quarter ended 31 December 2022*.

Williamson/Cloke

**4. Health and Safety**

- 4.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum providing an update on Health and Safety

**Resolved**

That the Taranaki Regional Council:

- a) received the November and December 2022 health and safety reports.

Walker/Cloke

**5. Digital Strategy**

- 5.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum providing an update and asked the Committee to consider and adopt the Digital Strategy
- 5.2 Mr S Williams Manager – BITS gave a PowerPoint presentation on the Digital Strategy and answered questions from Committee Members.

**Resolved**

That the Taranaki Regional Council:

- a) received the *Digital Strategy* memorandum
- b) adopted the Digital Strategy
- 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.

Williamson/Hughes

**6. Public Excluded – Executive, Audit & Risk Committee**

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 Executive, Audit and Risk Committee Meeting on Monday 12 September 2022 for the following reason/s:

**Item 6 – Confirmation of PE Minutes EAR 5 Dec 2022**

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; and/or enable any local authority holding the information to carry out, without prejudice, commercial activities

**Item 7 – Yarrow Stadium Plus: Project Steering Group Report**

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:

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
Yarrow Stadium Plus: Project Steering Group Report	<p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>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 7 (2) (h) and (2) (i) of the <i>Local Government Official Information and Meetings Act 1987</i>.</p>

**Item 8 – Port Taranaki Directorships**

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

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
Port Taranaki Limited - Appointment of Directors.	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 section 7 (2) (a) of the <i>Local Government Official Information and Meetings Act 1987</i> .

**Item 9 – Regional Software Holdings Ltd Appointment of Directors**

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:

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
Regional Software Holdings Limited (RSHL) - Appointment of Directors.	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 section 7 (2) (a) of the <i>Local Government Official Information and Meetings Act 1987</i> .

There being no further business, the Committee Chairperson, Councillor M J Cloke, declared the open meeting of the Executive, Audit and Risk Committee closed at 11.00am.

**Executive, Audit and Risk**

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

**M J Cloke**



**Date** 28 February 2023

**Subject:** **2022-2025 Local Governance Statement**

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

**Document:** 3149025

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### **Purpose**

1. The purpose of this memorandum is to receive, consider and adopt the Council's 2022-2025 *Local Governance Statement*.

### **Recommendations**

That the Taranaki Regional Council:

- a) receives this memorandum and adopts the *Local Governance Statement 2022-2025*.
- b) determines that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- c) 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. Pursuant to section 40 of the *Local Government Act 2002*, the Council has prepared its 2022-2025 *Local Governance Statement* (attached), which is required to be publicly available following the triennial election of Members.
3. The purpose of the *Statement* is to help support the purpose of local government by providing information on the process through which the Council engages its community and makes decisions and how citizens can influence those processes.
4. Copies of the 2022-2025 *Local Governance Statement* will be available to the public on request on the Council's website.

### **Discussion**

5. The Council's 2022-2025 *Local Governance Statement* has been updated following last year's election. The *Statement* is a collection of existing information, structures and practices adopted by the Council. Accordingly, there is little in the way of new material.
6. It is recommended that the *Statement* be adopted and published.

### **Decision-making considerations**

7. Part 6 (Planning, decision-making and accountability) of the *Local Government Act 2002* has been considered and documented in the preparation of this agenda item. The recommendations made in this item comply with the decision-making obligations of the *Act*.

### **Financial considerations—LTP/Annual Plan**

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

### **Policy considerations**

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

### **Iwi considerations**

10. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan.

### **Legal considerations**

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

### **Appendices/Attachments**

Document 3138411: 2022-2025 Local Governance Statement





Taranaki Regional Council

# Local Governance Statement 2022-2025

# TARANAKI REGIONAL COUNCIL

## Local Governance Statement 2022-2025

Taranaki Regional Council

January 2023

Document: 3138411

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## 1 Purpose

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

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

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

## 2 Functions, Responsibilities and Activities

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

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

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## Group of Activity                      Activities within each group of activities

Recreation, culture and heritage	Regional gardens Puke Ariki Yarrow Stadium
----------------------------------	--

Regional representation, advocacy and investment management	Investment management Community engagement Advocacy and response Governance
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## 2.1 Legislation

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

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

## 2.2 Local Legislation

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

Second is the *New Plymouth District Council (Waitara Lands) Act 2008*, which provides for the freeholding of Waitara Endowment Land and the use of the Council's share of the proceeds from the freeholding for the health and well-being of the Waitara River catchment and the lower Waitara River catchment. The *Ngati Maru (Taranaki) Claims Settlement Act 2022* requires Council to enter into a Joint Management Agreement

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with Ngati Maru. The Agreement will outline how the Waitara River Committee, and relevant Iwi authorities that have an interest in the Waitara River catchment, might work with Council in its policy development, consenting and environmental monitoring functions.

## 2.3 Bylaws

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

## 3 Electoral System

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

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

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

## 4 Representation Arrangements

The *Local Electoral Act 2001* determines the following:

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

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- The members of the regional council representing the respective constituencies of the region must be elected by the electors of those constituencies respectively

The Taranaki Regional Council consists of five constituencies, namely:

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

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

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

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

The last review of the representation arrangements was completed in 2022.

## 5 Elected Members' Roles and Conduct

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

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

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

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

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- The ceremonial head of the Council
- The provider of leadership and feedback to other Elected Members on teamwork and Chairmanship of Committees.

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

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

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

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

- Implementing the decisions of the Council
- Providing advice to the Council and community boards
- Ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- Managing the activities of the Council effectively and efficiently
- Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council
- Providing leadership for the staff of the Council
- Employing staff (including negotiation of the terms of employment for the staff).

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

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

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

## 6 Governance Structures, Processes, Membership and Delegations

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

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

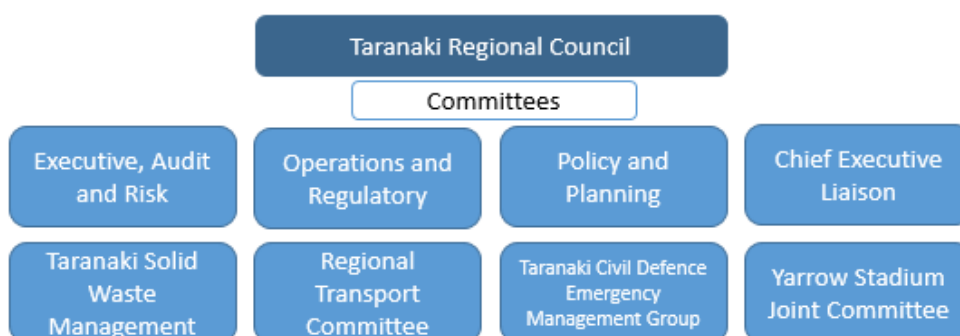


Figure 1: Committee Structure

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

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

### 6.1 Executive, Audit and Risk Committee

This committee handles all of the administrative and financial matters relating to the Council’s operations and works programme. Because these matters relate to all aspects of the Council, the membership is aimed to reflect the different aspects of the Council’s committee structure.

#### Regional Council Members

Tom Cloke (Chairperson)	Craig Williamson
Susan Hughes	Alan Jamieson
Donald McIntyre	Charlotte Littlewood (Ex-officio)
Neil Walker (Ex-officio)	

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### Responsibilities

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

### Powers

- Recommendations to Council
- Power to act in emergencies

### Membership

- Seven Regional Councillors including two ex-officio.

## 6.2 Operations and Regulatory Committee

This committee maintains an overview and monitors the effectiveness of the delivery of Council's Operations and Regulatory Services.

### Regional Council Members

Susan Hughes (Chairperson)

Donna Cram (Deputy Chairperson)

Tom Cloke

Mike Davey

David Lean

Donald McIntyre

Bonita Bigham

Charlotte Littlewood (Ex-officio)

Neil Walker (Ex-officio)

### Responsibilities

- Maintain an overview of the delivery of Operations and Regulatory
- Assess and provide advice on strategic issues relating to the provision of Operations and Regulatory Services including infrastructural assets
- Monitor compliance with service delivery policies
- Consider and make decisions on resource consent applications pursuant to the *Resource Management Act 1991*
- Ensure adequate compliance monitoring of resource consents pursuant to the *Resource Management Act 1991*
- *Implement the Council's Resource Management Act Enforcement Policy 2017*

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- Consider and make decisions on monitoring and enforcement matters associated with plant and animal pest management
- Other matters related to the above responsibilities.

#### Powers

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

#### Membership

- Seven regional Councillors plus two ex-officio
- Three representatives of the Iwi of Taranaki.
- One representative of Taranaki Federated Farmers

### 6.3 Policy and Planning Committee

This committee is responsible for strategy, policy, community engagement and environmental policy development.

#### Regional Council Members

Craig Williamson (Chairperson)	Bonita Bigham (Deputy Chairperson)
Donna Cram	Susan Hughes
Alan Jamieson	Donald McIntyre
Charlotte Littlewood (Ex-officio)	Neil Walker (Ex-officio)

#### Responsibilities

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

#### Powers

- Recommendations to Council.

#### Membership

- Six regional Councillors plus two ex-officio
- Three representatives of the Iwi of Taranaki.
- One appointment from each Taranaki District Council (3)
- One representative of Taranaki Federated Farmers

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## 6.4 Chief Executive Liaison Committee

This committee considers and manages all matters pertaining to the Chief Executive's performance and contract, in accordance with the relevant statutory obligations.

### Regional Council Members

Neil Walker (Chairperson)	Bonita Bigham
Tom Cloke	Charlotte Littlewood

### Responsibilities

- Overseeing the employment of the Chief Executive in accordance with the Local Government Act 2002
- Collecting and analysing sufficient performance information on the Chief Executive to enable the objective assessment of his/her overall performance
- Reviewing and assessing the Chief Executive's performance against management accountabilities within his/her contract of employment, Council's Policies and Plans, agreed performance, objectives, priorities and measures
- Reviewing the Chief Executive's remuneration against market movement for the period and the assessed level of performance
- Negotiating employment contract terms with the Chief Executive
- Recommending to Council whether or not the Chief Executive should be offered a new term of employment prior to the expiry of the Chief Executive's Contract and the Local Government Act 2002

### Powers

- Recommendations to Council.

### Membership

- Four Regional Councillors

## 6.5 Regional Transport Committee

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

### Regional Council Members

Alan Jamieson (Chairperson)	Tom Cloke (Deputy Chairperson)
Charlotte Littlewood (Alternate member)	

### Powers

- Recommendations to Council.

### Membership

- Two appointed Regional Councillors

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- One appointment from each Taranaki District Council (3)
- One appointment from Waka Kotahi NZ Transport Agency.

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

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

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

### Regional Council Members

Neil Walker

Tom Cloke (Alternate member)

### Membership

- One member from each of the Taranaki local authorities.

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

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

### Regional Council Members

Donald McIntyre

Neil Walker (Alternate member)

### Membership

- One member from each of the Taranaki local authorities

## 6.8 Yarrow Stadium Joint Committee

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

### Regional Council Members

David Lean

Tom Cloke

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## Membership

- Two members from the Taranaki Regional Council
- Two members from the New Plymouth District Council.

## 7 Meeting Processes

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

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

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

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

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

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

## 8 Consultation Policies

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

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

The Council's *Significance and Engagement Policy* (refer to the *2021/2031 Long-Term Plan*):

- Enables the Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities

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- Provides clarity about how and when communities can expect to be engaged in decisions made by the Council
- Informs the Council from the beginning of a decision making process about the extent, from and type of engagement required.

The special consultative procedure consists of the following steps:

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

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

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

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

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

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

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

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

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

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

The Council has a policy of notifying and consulting with tangata whenua, through iwi authorities, on all policies and plans prepared under the *Resource Management Act 1991* together with any site specific resource consent applications or resource consent compliance monitoring programmes. A Wai Māori collaborative working group, comprising iwi/ hapu members from the region and council staff, has been formed as part of the review of the Regional Fresh Water and Land Plans.

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

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

In relation to resource consents processes the Council:

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

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- Has regard to the effects of activities on Māori and any statutory acknowledgement areas in making decisions

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

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

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

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

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

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

## 10 Management Structure

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

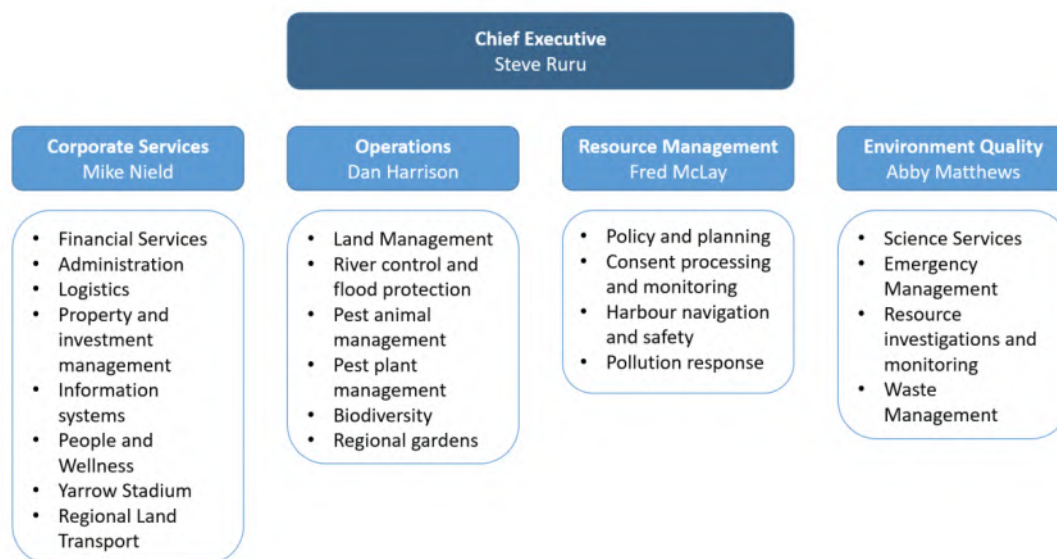


Figure 2: Management Structure

The Chief Executive, Steve Ruru, can be contacted on (06) 765 7127 or [steve.ruru@trc.govt.nz](mailto:steve.ruru@trc.govt.nz)

Council management is organised into four directorates:

#### Operations

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

Director: Dan Harrison [daniel.harrison@trc.govt.nz](mailto:daniel.harrison@trc.govt.nz)

#### Resource Management

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

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

#### Environment Quality

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

Director: Abby Matthews [abby.matthews@trc.govt.nz](mailto:abby.matthews@trc.govt.nz)

#### Corporate Services

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

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

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## 11 Equal Employment Opportunities Policy

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

The organisation will provide a welcoming, positive environment.

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

## 12 Key Approved Planning and Policy Documents

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

### Policy Document

#### *Regional Policy Statement for Taranaki 2010*

The purpose of the *Regional Policy Statement* is to achieve the purpose of the *Resource Management Act 1991* by providing an overview of the resource management issues of the region and the policies and methods that will be adopted to address those issues.

#### *Regional Air Quality Plan for Taranaki 2011*

The purpose of the *Plan* is to promote the sustainable management of natural and physical resources insofar as these resources are affected by discharges to air. The *Plan* contains policies relating to discharges to air from industrial and trade premises, agrichemical spraying, the burning of vegetation and fumigation. The *Plan* sets out standards for these activities which are designed to promote sustainable management of the air resource.

#### *Regional Coastal Plan for Taranaki 2022*

The purpose of the *Regional Coastal Plan* is to promote the sustainable management of natural and physical resources in relation to the coastal marine area.

### Process for development and review

The *Regional Policy Statement (RPS)* has a ten year life with an interim review after five years. The *statement* was prepared pursuant to the statutory process outlined in the *Resource Management Act 1991*. This involved a full public consultative procedure. Discussion documents outlining significant issues were prepared prior to the commencement of the statutory process.

A full review has commenced.

The *Regional Air Quality Plan* has a ten year life with an interim review after five years. The *Plan* was prepared pursuant to the statutory process outlined in the *Resource Management Act 1991*. Staff have commenced a review of the *Plan* as part of the development of a new Natural Resources Plan.

The *Regional Coastal Plan* has a ten year life with an interim review after five years. The *Plan* was prepared pursuant to the statutory process outlined in the *Resource Management Act 1991*. The *Plan* has recently been reviewed, which involved a full public consultative procedure, and was formally adopted in December 2022.

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## Policy Document

### *Regional Fresh Water Plan for Taranaki 2001*

The purpose of the *Plan* is to assist the Council to carry out its functions under the Act to promote the sustainable management of the fresh water resources of the Taranaki region. The *Plan* identifies how the fresh water resources of the region (both surface and groundwater) are to be managed. It does this by identifying important issues from state of the environment monitoring relating to the use, development and protection of the fresh water resources of Taranaki.

### *Regional Soil Plan for Taranaki 2001*

The purpose of the *Regional Soil Plan for Taranaki* is to assist the Council to carry out its soil conservation functions under the *Resource Management Act 1991*. The objectives, policies and methods of implementation set out in this *plan* build on the success of past experiences and involve the Council on addressing the soil loss and soil health issues in partnership with land users.

### *Pest Management Plan for Taranaki*

The purpose of the *strategy* is to set out the statutory framework for the effective management of pest plants and animals in the Taranaki region. The *Plan* identifies and sets out management programmes in relation to 17 harmful plant and animal species that warrant regional intervention.

## Process for development and review

The *Regional Fresh Water Plan* has a ten year life with an interim review after five years. The *Plan* was prepared pursuant to the statutory process set out in the *Resource Management Act 1991*. This involved a full public consultative procedure. Staff have commenced a review of the *Plan* as part of the development of a new Natural Resources Plan. This review process is taking into account the requirements of the National Policy Statement for Freshwater Management 2020.

The *Regional Soil Plan* has a ten year life with an interim review after five years. The *Plan* was prepared pursuant to the statutory process outlined in the *Resource Management Act 1991*. This involved a full public consultative procedure. Staff have commenced a review of the *Plan* as part of the development of a new Natural Resources Plan

The *Pest Management Plan for Taranaki* has a ten year life. The *Plan* was prepared pursuant to the statutory process outlined in the *Biosecurity Act 1993*. The *Plan* was reviewed in 2018 and this involved a full public consultative procedure. In addition, the Council prepared and adopted a *Biosecurity Strategy for the Taranaki Regional Council*, which addressed its broader biosecurity responsibilities.

## Policy Document

### *Regional Land Transport Plan for Taranaki*

The *Regional Land Transport Plan for Taranaki* was prepared under the requirements of the *Land Transport Management Act 2003* following a full public consultation process. Its broad purpose is to identify the key transport issues and challenges in the region and how land transport activities proposed in the *Plan* will address those issues.

### *Regional Public Transport plan for Taranaki*

The *Regional Public Transport Plan for Taranaki* was prepared under the *Land Transport Management Act 2003* following a full public consultative process. The *Plan* describes the public transport services the Council proposes to be provided in the region and sets out a programme of action. The *Plan* specifies the policies that are to apply to those services. It also specifies how the Council will implement the public transport policies specified in the *Regional Land Transport Plan for Taranaki*.

### *The Civil Defence Emergency Management Group Plan for Taranaki*

The *Plan* identifies regional hazards, sets out arrangements for managing hazards, and assigns reduction and response roles and responsibilities.

## Process for development and review

Amendments to the *Land Transport Management Act 2003*, introduced in 2013, required the Council to prepare a *Regional Land Transport Plan*. The *Regional Land Transport Plan* has a six-year life, and sets out the region's land transport objectives, policies and measures for at least 10 financial years. It also contains a request for funding support of activities relating to state highways and local roads and public transport services and identifies the order of priority of the significant activities. A full review of the *Regional Land Transport Plan for Taranaki* needs to be undertaken and submitted to the NZ Transport Agency by 30 April 2021.

Under the requirements of the *Land Transport Management Act 2003*, the Council's *Regional Public Transport Plan* must reflect the objectives of the *Public Transport Operating Model* including partnership between councils and operators, coordination of services and use incentives. The *Plan* amongst other things, identifies the public transport services that the Council proposes to provide, arranges such services in to units and sets out policies in relation to those units. When preparing the *Plan* the Council consulted in accordance with the consultation principles specified in section 82 of the *Local Government Act 2002*. The *Plan* must be kept current for the period not less than ten years in advance and may be renewed by the Council from time to time. The *Plan* is currently under review, with feedback on a discussion paper being considered.

The *Civil Defence Emergency Management Group Plan for Taranaki* came into effect in 2018 and by statute remains in effect until 2023.

## Policy Document

### *2021/2031 Long-Term Plan*

#### Annual Plans

The *2021/2031 Long-Term Plan* describes the activities of the Council and how those activities will contribute to the community outcomes that have been identified. The *Plan* which covers a period of ten years must also include forecast financial statements for the Council, funding and financial policies, a summary of the Council's policy in determining significance under the Act and other matters. It was prepared in compliance with the *Local Government Act 2002* which requires local authorities to plan to meet the future needs of the Taranaki community for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost effective for households and businesses. The Council is also required to prepare under the *Local Government Act 2002*, an Annual Plan for each year except the first year to which the Long-Term Plan relates. The Annual Plan contains annual budget and funding information and identifies any variances from the Long-Term Plan.

## Process for development and review

The *Long-Term Plan* is prepared every three years but with a ten year focus. Last adopted in June 2021. Subject to the special consultative procedure. To be reviewed in 2023/2024. Annual Plans are produced in the intervening years. When preparing Annual Plans the Council may consult in accordance with the consultation principles specified in section 82 of the *Local Government Act 2002*.

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

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

The Taranaki Regional Council's contact details are:

Postal address: Private Bag 713

Stratford 4352

Physical address: 47 Cloten Road

Stratford

Phone: 06 765 7127

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

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

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

Charlotte Littlewood (Chair) [charlotte.littlewood@trc.govt.nz](mailto:charlotte.littlewood@trc.govt.nz)  
027 354 5330

Neil Walker (Deputy Chairman) [neil.walker@trc.govt.nz](mailto:neil.walker@trc.govt.nz)  
027 278 2667

Tom Cloke [tom.cloke@trc.govt.nz](mailto:tom.cloke@trc.govt.nz)  
021 193 3555

Mike Davey [mike.davey@trc.govt.nz](mailto:mike.davey@trc.govt.nz)  
021 900 291

David Lean [david.lean@trc.govt.nz](mailto:david.lean@trc.govt.nz)  
027 490 7179

Susan Hughes [susan.hughes@trc.govt.nz](mailto:susan.hughes@trc.govt.nz)  
021 450 294

Bonita Bigham [bonita.bigham@trc.govt.nz](mailto:bonita.bigham@trc.govt.nz)  
027 457 7400

Donald McIntyre [donald.mcintyre@trc.govt.nz](mailto:donald.mcintyre@trc.govt.nz)  
027 248 0099

Donna Cram [donna.cram@trc.govt.nz](mailto:donna.cram@trc.govt.nz)  
027 699 0080

Alan Jamieson [alan.jamieson@trc.govt.nz](mailto:alan.jamieson@trc.govt.nz)  
027 533 1167

Craig Williamson [craig.williamson@trc.govt.nz](mailto:craig.williamson@trc.govt.nz)  
027 387 4122

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## 14 Official Information Requests

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

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

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

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

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

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

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

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

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

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

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## 15 Adoption

This *Local Governance Statement* was prepared by the Council in January 2023. A new *Local Governance Statement* will be prepared within six months of the next triennial general election (October 2025).

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

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

### 40 Local Governance Statement

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



**Date** 28 February 2023

**Subject:** **Future for Local Government Panel Draft Report**

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

**Document:** 3147098

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### **Purpose**

1. The purpose of this memorandum is to seek endorsement of the Council submission to the Future for Local Government (FFLG) panel on its draft report.

### **Executive summary**

2. The Future for Local Government Panel released its draft report for consultation on 30 October 2022.
3. The report canvasses a wide range of broad ideas and does not make firm recommendations as to a 'way forward' for the sector. As a result some parties have been critical that it represents a collection of 'good ideas' rather than a report that is useful for outlining a pathway forward for the sector.
4. For its part the Panel have made it clear that the report is not a draft of their final report but rather one that is intended to provoke discussion and feedback on a range of ideas being considered. It is expected that the Panel will provide a clear set of recommendations on the pathway forward in its final report.
5. The final report will be considered by the new Government following, the October central Government elections. There will likely be decisions made on a number of the other Government reform processes, such as the likely passage of Three Waters and RMA reform legislation, following finalisation of the Panel's final report. The impacts, of such decisions, will also need to be considered by the new Government in making a decision as to what should happen with the recommendations made by the Panel.
6. The attached submission encourages the Panel to provide decisive and clear recommendations as to how the sector and the broader system within which it works needs to change, how those changes might best be implemented and the timeframes within which the change needs to occur in its final report.
7. It also suggests that the Panel recommend the establishment of a Royal Commission of Inquiry to review its final report, once decisions have been made by central Government, and make recommendations as to how the report might best be implemented.

## Recommendations

That the Taranaki Regional Council:

- a) receives the Memorandum *Future for Local Government Panel Draft Report*
- b) approves the *Future for Local Government Panel Draft Report Submission* and agrees that the submission should be forwarded to the Panel for their consideration.
- c) determines that this decision be recognised not significant in terms of section 76 of the *Local Government Act 2002*
- d) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

## Background

8. The Minister of Local Government established the FFLG review in April 2021. The terms of reference for the review indicate that its purpose is to:  
*...identify how our system of local democracy needs to evolve over the next 30 years, to improve the well-being of New Zealand communities and the environment, and actively embody the Treaty partnership.*
9. In September 2021 the FFLG panel released an interim report that summarised the key issues that the panel see affecting the sector and outlined the key questions that the panel would seek to address through its review. These questions were:
  - How should the system of local governance be reshaped so it can adapt to future challenges and enable communities to thrive?
  - What are the future functions, roles and essential features of NZ's system of local government?
  - How might a system of local governance embody authentic partnership under the treaty, creating conditions for shared prosperity and well-being?
  - What needs to change so local government and its leaders can best reflect and respond to the communities they serve?
  - What should change in local governance funding to ensure viability and sustainability, fairness and equity, and maximum well-being?
10. Since releasing its interim report the Panel has consulted widely and commissioned a number of independent research reports to support its work. The outputs from this process have been reflected in a comprehensive draft Report that was released on 30 October and is open for submission until 28 February.
11. The draft report canvasses a wide range of broad ideas and does not make firm recommendations as to a 'way forward' for the sector. As a result some parties have been critical that it represents a collection of 'good ideas' rather than a report that outlines a clear pathway forward for the sector. This perspective is perhaps indicative that many in the sector are seeking clarity as to what the future for local government does hold particularly given the number of significant reform processes that are being progressed by central Government independently of the FFLG Panel.

12. To be fair to the Panel, it has been clear that the report is not a draft of their final report but rather one that is intended to provoke discussion on a wide range of ideas that they have been considering and are wanting feedback.
13. The Panel are required to produce their final report for the Minister of Local Government by 30 June 2023. Government have been clear from the outset, however, that the report will not be formally considered until after the elections in mid-October.

### **Issues**

14. Council needs to make a decision as to whether it is prepared to approve submission of a submission to the FFLG panel on its draft report. The alternative is to seek further changes being made to the submission prior to its lodgement.

### **Discussion**

15. Central government have a number of complex reform processes under way at present which have significant implications for the current model of local governance and local government and how these might need to change in the future. These reforms include:
  - Three Waters Reform
  - Resource management reform
  - the Government's work on climate change, including the introduction of National Adaptation and Emissions Reduction Plans and CAA
  - the introduction of New Zealand's first Infrastructure Strategy
  - the Building Consent Review
  - Emergency Management System Reform.
16. To date central Government has treated each of these reform processes as being independent of each other with the result that their implications on the local government sector and how they are best implemented across local communities are not being considered in an integrated way. It is acknowledged that the FFLG Panel will need to have regard to the impact of the wider reform processes as part its work.
17. The FFLG review process has been seen by many as a mechanism for identifying new models of local government that would enable the other reform processes to be 'pulled together' and considered as part of the broader change process needed across the sector.
18. Some of the structural options currently being considered by the FFLG Review Panel, such as combined authorities (akin to the Greater Manchester Combined Authority) and the regionalisation of some regulatory functions, are a very close fit with the intent that sits behind the Resource Management reform's plan making arrangements via Regional Planning Committees. If these structures are adopted they would align accountability and responsibility and provide a permanent, skilled staff to support regional decision making and implementation. They could also integrate resource management processes with a range of other regional functions and responsibilities.
19. While the Panel are required to produce their final report by 30 June 2023, it will not be formally considered by central Government until after the October 2023 elections. Realistically, it is likely that there will not be a formal response until early 2024 given the steps associated with forming a new government and then a need for the new Minister

to be briefed and receive advice on the Panel's final report. It can also be expected that any response will take into account the policy position of the Government of the day.

20. Cumulatively the above factors create a level of uncertainty about what, if anything, might happen in response to the Panel's final report and the timeframes within which decisions might be made.

### **Significance**

21. The Council is being asked to approve approval of a submission to the FFLG Panel on its draft report. The Council's submission will be one of many considered by the Panel.
22. A decision in accordance with the recommendation is not considered significant.

### **Policy considerations**

23. Council does not have any established policy position on local government reform or specific changes that it would like to see made to the current system.

### **Iwi considerations**

24. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan. This matter is considered a routine organisational governance matter and so Iwi have not been specifically consulted about this proposal. It is noted that the Panel is engaging directly with Maori via its own processes.

### **Community considerations**

25. This memorandum and the associated recommendations have considered the views of the community, interested and affected parties and those views have been recognised in the preparation of this memorandum. In particular, it is expected that the community would see this as a routine governance matter for the Council to determine.

### **Legal considerations**

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

### **Next Steps**

27. Officers will lodge the submission with the FFLG Panel.

### **Appendices/Attachments**

Document 3140814: He mata whāriki, he matawhānui - Future for Local Government draft report



24 January 2023  
Document: 3140814

Review Panel  
Future for Local Government Review  
Department of Internal Affairs  
Wellington

e: [futureforlg@dia.govt.nz](mailto:futureforlg@dia.govt.nz)

Dear Sir/Madam

## **He mata whāriki, he matawhānui - Future for Local Government draft report**

1. Taranaki Regional Council (TRC) thanks the Review Panel (the Panel) for the opportunity to comment on He mata whāriki, he matawhānui - Future for Local Government draft report (the Report).
2. In this submission TRC offers a number of comments on issues raised in the Panel's draft report and more broadly about what it believes might constitute the most appropriate pathway for moving the sector forward.

### **Executive Summary**

3. The Future for Local Government review comes at a time when local government in New Zealand is at an important cross-road in its history. It is now over 33 years since the last significant change in local government structures and more than 20 years since the last comprehensive reviews of the major policy and legislative frameworks, such as the Local Government Act 2002 and Local Government (Rating) Act 2002, within which the sector works. Much has changed over that time and the speed of change only continues to increase. Indeed, many would argue that it will never be slower.
4. TRC supports the view expressed by the Panel and many others that the current structures and much of the policy and legislative frameworks within which the sector operates are 'past their use by date' and need to be modernized. Failing to address these issues in a bold and transformational way will only be to the detriment of the sector and the local communities that it serves.
5. TRC believes that the local government sector has a crucial role to play in being a convenor and facilitator that is able to bring together different agencies together and focus on meeting the needs of local communities.

6. If the Panel's final report is to be useful it needs to include decisive and clear recommendations as to how the sector and the broader system within which it works needs to change, how those changes might best be implemented and the timeframes within which the change needs to occur.
7. TRC submits that the Panel should also recommend the establishment of a Royal Commission of Inquiry to review its final report, once decisions have been made by central Government, and make recommendations as to how the report might best be implemented.

### **Submission Points:**

**It is submitted that the Review Panel should:**

- a) **Make a finding that there is a compelling case for a comprehensive reform of current local government structures and the broader policy and legislative framework within which the sector works**
- b) **Consider the principles and design features outlined in this submission in developing its recommendations as to the model of local governance and local government that might be implemented in the future**
- c) **Express in its final report a view as to what it believes would constitute the most appropriate model, including role definition, structure, relationships and processes for the delivery of local governance and local government services for the next thirty years**
- d) **Recommend to Government the establishment of a Royal Commission of Inquiry to consider and lead the implementation of a new model of local government having regard to the findings included in the Future for Local Government Panel's final report.**

### **There is an immediate need for bold transformational change**

8. TRC submits that the case for significant and immediate change in local government structures, processes and the overall policy framework within which it works is compelling.
9. The last significant review of the current model was in the late 1980's, which saw the major consolidation of local authorities and the establishment of regional councils. New Zealand has changed significantly since then and many of the issues and opportunities that the sector now faces could not have been imagined in 1989.
10. Pressures from global warming, demands on the environment in general (especially at rural-urban borders), changes in the demographic make-up of communities, community expectations and the changing role of tangata whenua in decision-making processes are but some of the factors that are driving that change. As they do, the gaps in systems and the varying inequalities across society become more obvious – and more important to address.
11. On top of this, central government is pushing forward with fundamental changes to the policy and legislative frameworks within which a number of the services historically delivered by local government operate. These changes, which are being progressed independently of the Panel's review, include the Three Waters reform, RMA reform, emergency management and solid waste management reviews and a multitude of



smaller scale policy changes. Many of these reviews are being undertaken in an 'isolated' way with little consideration being given to their impact on the system as a whole.

12. The combined effect of these changes, and those occurring in the broader environment within which the public and local government sector works, is that there is both a need and an opportunity to have a fresh look at the models of public sector service delivery as a whole. Change should not just be about local government but also the way in which central and local government agencies work together.
13. Any new model also needs to allow for a much stronger partnership role with Maori at the regional and local level. As the Crown seeks to give effect to Treaty settlements it is important that Iwi become more actively involved in local decision-making.
14. TRC encourages the panel to be bold and to put forward an innovative new model that delivers the transformative change that the sector desperately needs if they are to effectively service communities for the next 30 years.
15. In making this recommendation, TRC see it as a responsibility of the panel to create a platform for, and recommend the establishment of, a Royal Commission that is to be charged with confirming the changes needed and then leading their implementation following consideration of the Panel's final report by central Government.

### **Creating a Sustainable System for tomorrow**

16. If communities of the future are to succeed there is a need to build a new system of local governance that is agile, flexible and focussed on meeting the needs of people living in each local community.
17. TRC supports the five core design principles (ie local, subsidiarity, resourced, partnership and economies of scope) for a new system that the Panel has outlined in its draft report. In addition it submits that the new system of local governance needs to have:
  - An integrated and agile whole of system approach to identifying, developing and delivering on the agreed vision, objectives and goals for each region and its community
  - A focus on sustainable development and the four well-beings
  - A focus on equity of outcome to reduce the disparities that currently exist in a number of communities and at the national level
  - A focus on facilitating the active involvement of Maori in local government and the development of a strong partnership between Iwi and local government at the regional and local level
  - Access to a range of funding tools that will ensure that it is financial secure and sustainable moving forward
  - A requirement for public bodies to think about the long term, including inter-generational, impact of their decisions and to work better with people, communities and each other to meet the diverse needs of each community
  - A requirement to address the strategic challenges that communities face such as inequalities, health status and climate change
  - An integrated approach to identifying the needs for each community and then prioritising and planning for the delivery of the services that might best meet those

needs. Any such system needs to be adaptable so that it can respond to needs as they change over time

- Local authorities who understand that they don't need to 'control' or be the direct provider of the services delivered to local communities. Their strength can come from being a convenor at place that pulls all of the relevant parties together to develop an integrated approach to determining need, how those needs might be met and measuring the outcomes achieved
- A focus on being

18. Against the above set of principles TRC submits that key features of any new model the Panel might recommend should include:

- Development by government of a set of national well-being goals that reflect national priorities as measured via the Living Standards Framework
- A Regional Strategic Planning model, which would be an enhancement to the current spatial planning model being proposed through the Spatial Planning Bill currently before the Environment Select Committee, and have a focus on improving outcomes across all four well-beings
- Responsibility for facilitating development of a Regional Strategic Plan (and other elements of the process as discussed below) would fall to a new regional local governance entity, such as a combined authority, that would build on and replace the Regional Planning Committee model proposed under the Spatial Planning and Natural and Built Environment Bill
- The Regional Strategic Plan should present a 30 year vision for the development of each region and significant parts of the region where appropriate. It will also detail the performance measures that will be used to measure community well-being.
- A Regional Well-being Plan (or Integrated Service Delivery Plan) that details the services to be delivered by each public agency to meet the needs of their communities. Like the Welsh model there will be a regional needs assessment process, asset management planning and service planning process for all public sector agencies involved in the delivery of services. This process should be coordinated by the regional services entity
- The regional wellbeing plan should:
  - Provide an outline of the needs of each community
  - How the outcomes identified for each community are proposed to be addressed by the relevant agency
  - How performance and progress in delivering on the goals will be delivered
  - A requirement for public sector agencies and local authorities to contribute to and be part of the integrated service delivery planning process in each region
- Responsibility for managing the delivery of services will continue to remain with each of the current responsible agencies.

19. The local government sector needs strong leadership and a clear vision and model for how it could work in the future. TRC encourages the Panel to consider including the key features identified above in its recommendation of a new model of local government for the future.

### **Implementation of a new System of Local Government**

20. As noted above TRC, proposes that a Royal Commission should be formed to consider and lead the implementation of the recommendations included in the Panel's final report.
21. A decision about whether to proceed with the establishment of a Royal Commission will, given that decisions relating to the Panel's report will not be made before the October general elections, need to be made by the new Government. As such, it is likely that the decisions made about its scope and terms of reference will be informed by the new Government's policies on local governance and local government as well as the Panel's report.
22. TRC submits that the terms of reference for the Royal Commission should include:
  - To review and report on whether the local government arrangements (institutions, mechanisms and processes) recommended by the Panel in its final report remain appropriate following consideration of it by central Government and an assessment of the impact of other central Government reforms (eg RMA reform) that have been progressed following finalisation of the Panel's report
  - Report on how the changes proposed might best be implemented having regard to both the Panel's final report, changes being made through other reform processes, such as Three Waters and RMA reform, and any other changes that might have occurred since the Panel's final report was produced
  - Report on changes that might be needed to the framework within which other central Government and public sector agencies work given the proposed changes to local government
  - Report on the issues that are likely to arise during the transition process and provide recommendations as to how these might best be managed.
23. TRC submits that it is important for the Panel to include a clear recommendation as to how its recommendations might best be implemented. As noted already there will be a clear delay between the finalisation of the Panel's report and the time at which decisions are made by Government. During this timeframe it is also likely that new decisions will be made about the shape of a number of other reform processes that impact the work of local government.

## **Conclusion**

24. TRC is supportive of the work that the Panel has done in preparing its draft Report. We believe that the general direction taken and the willingness to suggest quite different models to those in place in local government today are to be applauded.
25. However, TRC believes that more is needed and that, in preparing its final report, the Panel should take up the challenge to be bolder and to go further in the recommendations that it makes. Both the sector and New Zealand more broadly are facing unprecedented levels of change, which present both great challenge and great opportunities. The structures, systems and ways of working needed to enable local communities to thrive over the next thirty years are different to those which exist today.
26. TRC encourages the Panel to be bold and put forward a clear set of recommendations that can be taken forward for implementation by a Royal Commission.

27. TRC again thanks the Panel for the opportunity to comment on its Draft Report.

Yours faithfully

SJ Ruru  
**Chief Executive**



**Date:** 28 February 2023

**Subject:** **2023/2024 Annual Plan and Estimates**

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

**Document:** 3147177

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### **Purpose**

1. The purpose of this memorandum is to consider the options, and then to adopt an approach, for the preparation and adoption of the *2023/2024 Annual Plan*.

### **Executive summary**

2. The Council is required to prepare and adopt a *2023/2024 Annual Plan*.
3. The *Local Government Act 2002* (LGA) allows a council to adopt an annual plan with no further public consultation if there are no significant or material differences from the Long-Term Plan for that year that the proposed annual plan refers.
4. The proposed *2023/2024 Annual Plan* contains no significant or material differences from the work plans and programmes established, and already fully consulted on, in the *2021/2031 Long-Term Plan* for 2023/2024.
5. It is recommended the streamlined processes in section 95(2A) of the *Local Government Act 2002* be used in the preparation and adoption of the *2023/2024 Annual Plan*, as the proposals and budgets have already been fully consulted on through the preparation and adoption of the *2021/2031 Long-Term Plan*. This involves adopting the *2023/2024 Annual Plan* with no further public engagement or consultation. Along with this recommendation, the Council can undertake an education/communication programme leading into the preparation of the *2024/2034 Long-Term Plan*.
6. A separate special consultative process is still required for the adoption of fees and charges under section 36 of the *Resource Management Act 1991* (RMA).

### **Recommendations**

That the Taranaki Regional Council:

- a) receives and notes this memorandum on the preparation and adoption of the *2023/2024 Annual Plan*
- b) notes the requirements of section 95 of the *Local Government Act 2002* in the preparation of the *2023/2024 Annual Plan*

- c) confirms that there are no significant or material differences proposed for the *2023/2024 Annual Plan* from the content of the *2021/2031 Long-Term Plan*
- d) approves the preparation and adoption of the *2023/2024 Annual Plan* without any further public engagement or consultation in accordance with section 95(2A) of the *Local Government Act 2002* with or without an education/communication programme  
or
- e) approves the preparation of a *2023/2024 Annual Plan Statement of Proposal* and an associated consultation document, with a consultation process to be undertaken in accordance with section 95(2) of the *Local Government Act 2002*
- f) notes the preparation and adoption of administrative charges under section 36 of the *Resource Management Act 1991* will require the use of the *Local Government Act 2002* special consultative process
- g) notes the approach and timetable to be undertaken dependent upon whether the decision is to undertake further public engagement and consultation.
- h) determines that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- i) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

## Background

- 7. The Council is required to prepare and adopt an annual plan in each year that it does not prepare and adopt a long-term plan. Section 95 of the *Local Government Act 2002* sets out the requirements for an annual plan – refer Appendix 1.
- 8. In relation to the approach to be adopted in preparing the *2023/2024 Annual Plan*, the relevant part of the legislation is section 95(2A). This section gives the Council the option to tailor its engagement and consultation on the annual plan in line with the level of significant or material difference from the long-term plan for that year. That is, if the annual plan is in line with that proposed for that year in the appropriate long-term plan, and there is no material or significant difference, further engagement and consultation is not required. Rather, an annual plan for that year can be adopted by resolution.
- 9. The Council is required to use the special consultative procedure, as set out in section 83 of the LGA, to fix its annual administrative charges under section 36 of the RMA. This process is normally completed in conjunction with the special consultative procedure used to adopt the Long-Term Plan or Annual Plan.
- 10. The 2014 amendment to the LGA that allowed the Council to undertake no additional engagement or consultation if there are no significant or material changes proposed for that year compared to the proposals adopted for that year in the Long-Term Plan, did not amend the RMA. That is, the requirement to use section 83 of the LGA to fix administrative charges under section 36 of the RMA remains in place.
- 11. If the Council decides not to undertake any additional engagement or consultation on its *2023/2024 Annual Plan*, it must undertake a section 83 of the LGA special consultative procedure to fix its 2023/2024 administrative charges pursuant to section 36 of the RMA.

## Issues

12. The issue for this agenda item is whether to move straight to the preparation of an Annual Plan for 2023/2024 or whether to proceed to the preparation of a draft 2023/2024 *Annual Plan* and undertake further consultation and engagement.

## Discussion

13. The Council put considerable effort into the preparation and adoption of its 2021/2031 *Long-Term Plan*. This included a full special consultative procedure as required by the *Local Government Act 2002*.
14. The key engagement issues in the 2021/2031 *Long-Term Plan* were delivering on New Zealand's freshwater aspirations, bus services, the regional recovery plan, office accommodation, Māori voices and votes, and Port Taranaki ownership.
15. The next step is the preparation and adoption of the 2023/2024 *Annual Plan*. As part of this process, consideration needs to be given to the application of sections 95(2) and 95(2A) of the *Local Government Act 2002*.
16. The traditional approach to the preparation and adoption of an annual plan has been as follows:
  - December - Councillor workshop
  - February - adoption of an annual plan statement of proposal
  - Mid-March to Mid-April - annual plan statement of proposal is open for public consultation and engagement
  - May - the hearing of submissions on the annual plan statement of proposal, deliberation on those submissions and then adoption of an annual plan. Following adoption of the annual plan, the rates for the year are set
  - 1 July - implementation of the annual plan commences.
17. The Council is in a position to utilise the section 95(2A) provisions, should it so choose. This Item addresses the approach to preparing and adopting the 2023/2024 *Annual Plan*.
18. The Council did move straight to the preparation of an Annual Plan for the preparation of the 2022/2023 *Annual Plan* and did not undertake further public consultation and engagement.
19. The *Local Government Act 2002* gives clear guidance to local government that it should be taking a long-term focus to planning and putting considerable effort into the preparation and adoption of its long-term plans. As a counter to this effort, it has, by putting in section 95(2A), made it clear to local government that if it is delivering on the plans contained in the long-term plan and there are no significant or material differences from the plans already consulted on, there is no need or requirement to undertake further public engagement or consultation.
20. With the effort put into the preparation and adoption of the 2021/2031 *Long-Term Plan*, the Council fully engaged and consulted on its plans. The proposed 2023/2024 *Annual Plan* is consistent with the plans for 2023/2024 contained in the 2021/2031 *Long-Term Plan*. That is, there are no material or significant differences proposed for 2023/2024 from that outlined for 2023/2024 in the 2021/2031 *Long-Term Plan*.
21. The Council continues to operate in a volatile and changing political, policy and legislative environment. Change is continuing in areas such as essential fresh water,

Resource Management Act reform, national policy statements, partnerships with Māori, climate change, 3 Waters reform and the future of local government. These initiatives were addressed in the *2021/2031 Long-Term Plan* and, as knowledge and understanding has developed, the proposed *2023/2024 Annual Plan* has been updated.

22. The 2023/2024 year is expected to be just as volatile with factors such as the general election, interest rates and inflation providing additional complexity to the operating environment.
23. Therefore, the *2023/2024 Annual Plan* is focused on delivery of the *2021/2031 Long-Term Plan* and responding to the volatile environment, whilst continuing to grow our capacity, capability and supporting systems to address the demands of changes in the political, policy and legislative landscape.
24. As such, there are no new significant initiatives or programmes of work proposed that have not already been subject to a public consultation/engagement process.
25. Section 95(2A) applies where there are no significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates. There is no specific guidance in the Act as to what constitutes significant or material differences. The Council's *Significance and Engagement Policy* provides some guidance in relation to the significance of matters considered in the annual plan. Taituarā (the Society for Local Government Managers) has provided some guidance on considering whether there are significant or material differences. This guidance was used in the following assessment of whether there are significant or material differences.
26. The first thing to identify is whether the proposed annual plan content is different from that in the LTP for the year. The Act does not define difference – the standard dictionary definition is “being different or unlike”, that is to say if something in the annual plan is unlike the LTP (in whatever respect).
27. Section 95A (2) provides some clues in that it refers to:
  - variations or departures from the financial statements and funding impact statement (FIS)
  - new spending
  - delays to or abandonment of projects.
28. Having established whether differences exist, the test becomes whether the differences are significant or material. There are two tests for each identified difference.

### **Materiality**

29. From Taituarā's guidance, and for the purposes of this part of the Act, a difference is material if “it could, in itself, in conjunction with other differences, influence the decisions or assessment of those reading or responding to the consultation document.”
30. This implies tests for two levels of materiality. Firstly, the materiality of any identified difference has to be determined. Second, once this process is complete, you need to assess the materiality of all of the differences as a set. This is not materiality in the sense used by accountants and cannot always be reduced to a set of numbers.
31. In this context, what is material will be circumstance specific. The following are useful tests to have in mind:



- does the difference involve a change to the financial strategy or funding impact statement – if the answer is yes then proceed with extreme caution before deciding not to consult
  - might the difference(s) alter a reasonable person’s conclusions about the affordability of the plan – if the answer is yes the change should be regarded as material
  - might the difference(s) alter a reasonable person’s conclusions about the levels of service contained in the plan – if the answer is yes the change should be regarded as material
  - might the difference(s) lead to a reasonable person deciding (or not deciding) to make a submission on any consultation document (for example, has some policy shift been signalled) – if the answer is yes the change should be regarded as material.
32. These tests need to be applied objectively and reasonably but realistically.

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

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

### **Differences**

36. The *2023/2024 Annual Plan* proposes no significant or material differences from the plan outlined for 2023/2024 in the *2021/2031 Long-Term Plan*. This conclusion is reached based upon the following criteria:
- There are no significant changes to the performance management framework. That is, there are no changes to the 2021/2031 levels of service and only insignificant/immaterial minor updates to the performance measures and targets.
  - There are no significant new projects/activities or spending for 2023/2024 that are not in the *2021/2031 Long-Term Plan*.
  - There are no delays to or abandonments of projects or activities for 2023/2024 that are not in the *2021/2031 Long-Term Plan*.
37. The specific changes/difference are as follows:

- There is continued investment in additional staff particularly in the science and land management areas
  - There is a heavy work load on Natural Resources Plan
  - There are increasing demands for expanded public transport services (funded by targeted rates, Waka Kotahi and fare revenue)
  - There is a continuing investment in new and existing support systems – financials, IRIS NextGen and staff to support the changing environment and the increase in size and complexity of the organisation.
38. Spreading costs of major investments over ten years where this is feasible.
39. In total, there are no material/ significant variations or departures from the financial statements and the funding impact statement in terms of the overall total Council budget and the impact on individual ratepayers. There are variances on the budgets for each individual activity.
40. The *2021/2031 Long-Term Plan* outlined a 5% general rates increase for 2023/2024. The *2023/2024 Annual Plan* proposes a 15% general rates increase (the difference in general rates collected between increases of 5% and 15% is \$1,180,133). The range of targeted rates proposed for 2023/2024 are the same as those proposed in the *2021/2031 Long-Term Plan*, although there are some changes to the amounts collected by each targeted rate. Transport rates are up by \$687,389 on last year, river control targeted rates are up by \$10,794, whilst Yarrow Stadium targeted rates are unchanged. None of these changes in the level of targeted rates is significant or material individually or in total particularly when it is recognised that inflation has been running at approximately 7% over the last year.
41. In summary, the proposed *2023/2024 Annual Plan* recommends work programmes that are materially unchanged from that proposed for 2023/2024 in the *2021/2031 Long-Term Plan*. There are increases in budgets to deliver these programmes as we respond to the volatile regulatory environment, inflation and continue to invest in our capacity and capability to deliver our work programmes. There are no changes to the *Financial Strategy* and the *Funding Impact Statement* is materially unchanged. Whilst there are some changes in the targeted rates and the total budget for individual activities, in absolute terms, these are not large sums of money and do not fundamentally alter the affordability of the *Plan*. There are no significant changes in the activities, projects, works programmes, levels of service, key performance indicators and performance targets. There is nothing that is new and has not already consulted upon in the proposed *2023/2024 Annual Plan*.
42. Overall, the *2023/2024 Annual Plan* proposes business as planned for in the *2021/2031 Long-Term Plan* for 2023/2024, with no significant or material differences that warrant undertaking additional public engagement and consultation.
43. If the Council decides not to undertake any further engagement and consultation there will be direct and indirect cost and time-savings. The cost of preparing and publishing an annual plan statement of proposal and an annual plan consultation document will be saved. Costs associated with advising the public about the consultation and engagement process, receiving submissions, preparing the officer's report and holding a hearing will also be saved.
44. The Council successfully utilised these provisions in the preparation and adoption of the *2016/2017 Annual Plan*, the *2020/2021 Annual Plan* and the *2022/2023 Annual Plan*.

45. Accordingly, it is recommended that the Council consider adopting the *2023/2024 Annual Plan* without any additional engagement and consultation in accordance with section 95 (2A) of the *Local Government Act 2002*.
46. The volatile regulatory and statutory environment is likely to continue for the foreseeable future, and indeed, maybe exacerbated should there be a change of government at this year's general election. Therefore, the likelihood of increasing demands is high and, consequently, the pressures on budgets is likely to continue up to and through the first few years of the *2024/2034 Long-Term Plan*. The community may not fully understand the pressures on budgets whilst there are limited noticeable changes in work programmes.
47. One option to address this is to undertake an education/communication campaign around the work of the Council, the environment it operates in and the impacts on 2023/2024 and future financial periods.
48. There would be two components to such a campaign. The first would be an on-going education component across a number of channels. Second, would be a specific *2023/2024 Annual Plan*, works programme and rates impact component.
49. Such a campaign would allow for communication/education and some low-level community feedback, without going through the full-on community consultation process. Undertaking a special consultative process would be challenging given the relative lack of new issues/matters to consult on. The focus would be on the rising costs being faced by the Council. This programme would be beneficial as we progress through the preparation of the *2024/2034 Long-Term Plan*.

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

50. A draft schedule of 2023/2024 administrative charges pursuant to section 36 of the RMA has been prepared. This will become the statement of proposal for the special consultative procedure. The proposal is not materially or significantly different from the schedule of administrative charges fixed pursuant to section 36 of the RMA in the *2021/2031 Long-Term Plan*. The construction, structure and nature of administrative charges is unchanged. That is, there is nothing structurally new or different in the schedule of administrative charges from that adopted in the *2021/2031 Long-Term Plan*. Consent holders, and others impacted by these charges, will have a long-term familiarity with the approach to RMA administrative charges.
51. The charge-out rates, the fixed minimum charges, the schedules of charges and the individual monitoring programme charges have been reviewed and updated. There is a proposed 10% increase in charge-out rates and fees to address the rising cost of operations.
52. As there is little in the way of change to the administrative charges, there is an overall familiarity with the approach and there is a logistical difficulty around summarising the charges, it is not proposed to prepare a summary of the statement of proposal – section 83 (1)(a)(ii).
53. Similarly, it is not proposed to undertake a complex or comprehensive consultation process. All of the individual compliance monitoring programmes have been referred to the appropriate consent holder for their feedback. This is the biggest section of the administrative charges. Therefore, it is proposed to distribute the statement of proposal via the Council's website. Hard copy of the statement of proposal will be available upon request. There will be a public notice on the statement of proposal and the consultation

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

54. The statement of proposal will be open for consultation for one month. There will then be a hearing for those submitters that wish to present their submission. The Council will then consider, amend, if necessary, and adopt the schedule of administrative charges for inclusion in the *2023/2024 Annual Plan*. The Council will then consider and adopt the *2023/2024 Annual Plan*.

### Timetable

55. A streamlined approach, utilising section 95 (2A) of the *Local Government Act 2002*, for the preparation and adoption of the *2023/2024 Annual Plan* and the preparation and adoption of administrative charges under section 36 of the RMA would be:
  - 28 February 2023 - Council considers the approach to be taken for the preparation and adoption of an annual plan and confirms that section 95 (2A) is to be used
  - March 2023 - ongoing until the adoption of the *2024/2034 Long-Term Plan - education/communication programme*
  - 4 April 2023 - The Council adopts the statement of proposal for the schedule of 2023/2024 administrative charges pursuant to section 36 of the RMA
  - 5 April 2023 to 5 May 2023 - The statement of proposal for the schedule of 2023/2024 administrative charges pursuant to section 36 of the RMA is open for consultation
  - 16 May 2023 - The Council hears submissions on the statement of proposal for the schedule of 2023/2024 administrative charges pursuant to section 36 of the RMA. The Council considers submissions and, if necessary, amends the schedule of charges. Adoption of the schedule of charges follows. The Council adopts the *2023/2024 Annual Plan*. Following adoption of the annual plan, the rates for the year are set.
  - 1 July 2023 - implementation of the annual plan commences.
56. If the Council decides to undertake additional engagement and consultation on the *2023/2024 Annual Plan*, the following timetable is for the preparation and adoption of the Plan. The schedule of 2023/2024 administrative charges pursuant to section 36 of the RMA will be included in the *2023/2024 Annual Plan Statement of Proposal* and consultation and engagement will occur simultaneously:
  - 4 April 2023 - Council adopts the 2023/2024 estimates, consultation document and *2023/2024 Annual Plan Statement of Proposal*
  - 5 April to 12 May 2023 - Annual Plan is open for consultation and submissions
  - 19 June 2023 - Ordinary Meeting following the Executive, Audit and Risk Committee meeting, for the Council to hear submissions on the *2023/2024 Annual Plan Statement of Proposal*, deliberate on those submissions and then adopt the *2023/2024 Annual Plan*.
  - 27 June 2023 - Following adoption of the *2023/2024 Annual Plan*, the rates for the year are set.
  - 1 July 2023 - Implementation of the *2023/2024 Annual Plan* commences.

57. The issues that the Council wishes to consult on (included in the Consultation Document) will need to be identified and documented, if the Council decides to undertake additional public engagement and consultation on the *2023/2024 Annual Plan*.

### Options

58. There are three options. The Council is required to prepare and adopt a *2023/2024 Annual Plan*. The options are to either:
- adopt a *2023/2024 Annual Plan* without any further public consultation or engagement; or
  - adopt a *2023/2024 Annual Plan* without any further public consultation or engagement but undertake an on-going education/communication programme; or
  - prepare and adopt a *2023/2024 Annual Plan* utilising the special consultative procedure as outlined in the LGA.

### Significance

59. All of the significant issues and programmes of work included in the *2023/2024 Annual Plan* have been included in the *2021/2031 Long Term Plan*. Therefore, the decision to not consult on the preparation and adoption of the *2023/2024 Annual Plan* is deemed to not be significant in terms of the *Significance and Engagement Policy* as:
- the decision does not affect a large number of residents and ratepayers to a moderate extent
  - the decision does not affect a small number of residents and ratepayers to a large extent
  - the decision does not have a history of generating wide public interest within the Taranaki region or New Zealand generally.

### Financial considerations—LTP/Annual Plan

60. 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

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

### Iwi considerations

62. This memorandum and the associated recommendations are consistent with the Council's policy for the development of Māori capacity to contribute to decision-making processes (schedule 10 of the *Local Government Act 2002*) as outlined in the adopted long-term plan and/or annual plan.

### **Community considerations**

63. 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**

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

### **Appendix 1: Section 95 of the Local Government Act 2002**

#### *95 Annual plan*

1. *A local authority must prepare and adopt an annual plan for each financial year.*
2. *Subject to subsection (2A), a local authority must consult in a manner that gives effect to the requirements of section 82 before adopting an annual plan under this section.*
- 2A. *Subsection (2) does not apply if the proposed annual plan does not include significant or material differences from the content of the long-term plan for the financial year to which the proposed annual plan relates.*
3. *An annual plan must be adopted before the commencement of the year to which it relates.*
4. *Despite subsection (1), for the first year to which a long-term plan under section 93 relates, the financial statement and funding impact statement included in that long-term plan in relation to that year must be regarded as the annual plan adopted by the local authority for that year.*
5. *The purpose of an annual plan is to –*
  - (a) *contain the proposed annual budget and funding impact statement for the year to which the annual plan relates; and*
  - (b) *identify any variation from the financial statements and funding impact statement included in the local authority's long-term plan in respect of the year; and*
  - (c) *provide integrated decision making and co-ordination of the resources of the local authority; and]*
  - (d) *contribute to the accountability of the local authority to the community*
  - (e) *Repealed.*
6. *Each annual plan adopted under this section must –*
  - (a) *be prepared in accordance with the principles and procedures that apply to the preparation of the financial statements and funding impact statement included in the long-term plan; and*
  - (b) *contain appropriate references to the long-term plan in which the local authority's activities for the financial year covered by the annual plan are set out; and*
  - (c) *include the information required by Part 2 of Schedule 10.*
- 6A. *Except where subsection (5) requires otherwise, the local authority must comply with subsection (6) (b) and (c) by means of reference to, rather than duplication of, the long-term plan.]*
7. *A local authority must, within 1 month after the adoption of its annual plan, –*
  - (a) *make its annual plan publicly available; and*

- (b) send copies of that plan to –*
  - (i) the Secretary; and*
  - (ii) the Auditor-General; and*
  - (iii) the Parliamentary Library.*



**Date** 28 February 2023

**Subject:** **Submission on Natural and Built Environment Bill and Spatial Planning Bill**

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

**Document:** 3149173

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### **Purpose**

1. The purpose of this memorandum is to seek approval of the Council submission on the Spatial Planning Bill (SP Bill) and Natural and Built Environment Bill (NBE Bill).

### **Executive summary**

2. The government signalled its intention to reform the resource management regime in 2019, with the appointment of the Randerson review panel. The panel's report was released in 2020 and has informed the policy decisions made leading up to the development of these two Bills, which will replace the Resource Management Act 1991 (RMA).
3. Officers have reviewed the two Bills and have drafted, given the limited timeframes available, a Council submission that focusses on the larger scale issues that are likely to be of interest to this region.
4. Officers expressed a general support for the need for reform, as well as for the move to implement a spatial planning model, the proposed monitoring and compliance regime and give effect to the principles of Te Tiriti o Waitangi.
5. Concerns were expressed about the pace and focus on change (especially the lack of consideration of local government structure), the function and nature of Regional Planning Committees (RPCs) and the lack of consideration required to be given to existing resource management policies and plans.
6. The draft submission was considered by the Policy and Planning Committee on 7 February and endorsed albeit that a delegation was given to the Chair, Deputy Chair and Chair of the committee to agree some changes with Members Bailey and Ritai to discuss issues that were of concern to the committee's Iwi representatives.
7. The changes made include a submission point that would allow for the host authority for the Regional Planning Committee to be an entity, other than a local authority. The decision as to which entity/agency is to assume that role would be subject to agreement being reached between the local authorities in each region and the Iwi and hapu



committee that needs to be formed to oversee negotiation of the Composition Agreement and appointment of the Iwi representatives on the committee.

## Recommendations

That the Taranaki Regional Council:

- a) receives this memorandum *Submission on Natural and Built Environment Bill and Spatial Planning Bill*
- b) approves the Submission on Natural and Built Environment Bill and Spatial Planning Bill
- c) determines that this decision be recognised as not significant in terms of section 76 of the *Local Government Act 2002*
- d) determines that it has complied with the decision-making provisions of the *Local Government Act 2002* to the extent necessary in relation to this decision; and in accordance with section 79 of the Act, determines that it does not require further information, further assessment of options or further analysis of costs and benefits, or advantages and disadvantages prior to making a decision on this matter.

## Background

8. The Government announced an intention to reform the RMA in February 2021. That announcement followed the extensive review conducted into the current Act and the surrounding regime in 2019-2020 (the Randerson Review).
9. Central to the reform proposal is splitting the RMA into two separate acts:
  - 9.1. The Spatial Planning Act ("SPA" or "SP Bill") - covering overarching, regionally focused spatial planning processes that would identify and guide things like development corridors, infrastructure needs and areas of regional significance.
  - 9.2. The Natural and Built Environments Act ("NBA" or "NBE Bill") - "the primary replacement for the RMA", which will incorporate the functions of current regional and district plans into single, regionally focused natural and built environment plans.
10. Government also propose a third piece of legislation in this overall resource management structure; the Climate Adaptation Act, which will focus on climate change response and adaptation.
11. An "exposure draft" of the NBE Bill was released for public consultation in mid-2021. That draft was intended as a signal of intended policy direction. Feedback on the exposure draft was considered by the Environment Committee, with some of the Committee's recommended changes being incorporated into the first draft of the full Bill
12. The NBE Bill and SP Bill were tabled in Parliament in December 2022, some 12 months later than the government's originally planned timeline. The submission period was initially a month from tabling, although that was subsequently extended to 5 February 2023.

## Discussion

13. The NBE Bill and SP Bill together account for approximately 900 clauses and over 1000 pages of legislation. Given the complexity of the legislation and the limited timeframe within which it has had to be considered, officers have focused on the more significant

items that are likely to be of concern to this region. They have not had the opportunity to consider the detailed provisions in depth.

14. Against that background, officers found the following factors as positive elements of the proposed Bills:
  - 14.1. The commitment to giving effect to the principles of Te Tiriti o Waitangi and providing greater recognition of Te ao Māori, including matauranga Māori.
  - 14.2. The move to implement spatial planning. TRC sees the move to require the development of spatial plans as providing a strong platform for creating a more integrated resource management and service planning system for local communities.
  - 14.3. The provisions in relation to monitoring and compliance. The approach that is proposed in the NBE Bill is one that aligns with TRC's experience in how the RMA has been implemented in Taranaki.
15. While Officers reiterated their general support for the need for reform, they also raised concerns with the following matters:
  - 15.1. Concerns that the approach taken, especially in not also focusing on local government reform, and the pace at which the changes are being pursued will lead to compromises in the 'quality' of the resulting resource management regime and legislation. The situation is exacerbated by the significant resource demands placed on local government and iwi to engage on other government change initiatives.
  - 15.2. Concern at the structure and functions of RPCs. The current proposal, creating them as a committee of the local authorities within a region, risks creating tensions between RPCs and their 'parent' authorities. TRC submitted an alternative structure, establishing a 'special purpose' local authority, to be called a Regional Planning Authority (RPA), under the Local Government Act 2002. Officers believe that this approach would remove the potential tensions and maintain or strengthen existing local governance.
  - 15.3. Concern that currently, under both Bills, the requirements on RPCs to consider existing Regional Policy Statements and RMA plans are superficial and do not respect the importance of these documents. The existing RMA plans are the result of extensive community consultation in accordance with RMA Schedule 1 processes, which in a number of cases will also include consideration via the judicial system. As a result, Officers believe that there should be a positive obligation on RPCs to take account of them, unless they can provide good cause not to.
16. As the closing date for submissions on the Bills was before the date of this meeting, officers presented the submission, with a reservation of the right to make any amendments to it, if directed by Council.
17. At the Policy and Planning Committee a suggestion was raised about the potential for the 'host authority' to be an entity other than one of the local authorities in the region as contemplated in the NBE Bill. In this regard it is considered, for example, that there could be value in this role being performed by a new entity established specifically for this purpose. The nature of that entity and its 'ownership' is a matter that would need to be agreed between the local authorities in each region and the Iwi and hapu committee that is responsible for negotiating the Composition Agreement and leading the

appointment of Iwi representatives. Officers support this option being included in Council's submission.

### **Financial considerations—LTP/Annual Plan**

18. 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**

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

### **Iwi considerations**

20. There has not been the opportunity to formally engage with Iwi about the provisions included in the two Bills or what might be included in the Council submission. There was, however, a general discussion about the nature of some of the issues to be canvassed held with one of the Iwi chief executives.
21. Officers understand that a number of the Iwi authorities are looking to lodge submissions on the two Bills.

### **Community considerations**

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

### **Legal considerations**

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

### **Appendices/Attachments**

Document 3145060 - Submission on Natural and Built Environment Bill and Spatial Planning Bill



28 February 2023  
Document: 3140751

Environment Committee  
Parliament Buildings  
Wellington

Attention: Committee Staff

Dear Sir/Madam

## **Submission on Natural and Built Environment Bill and Spatial Planning Bill**

1. The Taranaki Regional Council (TRC) thanks the Environment Committee (the Committee) for the opportunity to make this submission on the Natural and Built Environment Bill (NBE Bill) and the Spatial Planning Bill (SP Bill).
2. TRC lodged its original submission on Friday 3 February. In doing so it noted that the submission was still to be formally approved by the Council and that this would occur at the Ordinary meeting on Tuesday 28 February 2023 and that we would advise the committee of any amendments that might be made as a result of the Council's deliberations. This version of the submission reflects a number of changes made to it following Council's consideration of the original submission lodged on 3 February.
3. The following comments reflect our considered review of both Bills and our observations and experience with implementing the Resource Management Act (RMA) over the last 30 or so years. They are offered in a spirit of collaboration and as our suggestions on ways that the current legislative proposal can be improved to ensure that it delivers on the step change improvements in resource management that all parties are seeking.

### **EXECUTIVE SUMMARY**

4. TRC supports both the need for reform of the RMA and a number of the specific proposals included in the NBE and SP Bills. This includes the move to implement a Spatial Planning model and give effect to the principles of Te Tiriti o Waitangi.
5. In reforming the RMA it is appropriate that a holistic 'systems based' approach be used to the design and implementation of the new policy and legislative frameworks. Such an approach means that we should not be afraid to implement change to all parts of the system, including administrative structures, where change is needed.

6. TRC believes that the two Bills as currently drafted contain a number of compromises that will deliver less than optimal outcomes, as a result of what appears to be an unwillingness to address some of the more challenging issues. This includes the need for reform of local government and the need to take the time needed to ensure that the changes being made across different areas of the system are consistent and implemented in a coordinated way.
7. TRC believes that continuing to drive for the passing of new legislation within artificial time constraints, when there is already significant pressure on the system as a whole, will lead to less than optimal outcomes. TRC encourages Government to 'slow down' and stage the implementation of change across the system as a whole and in a way that delivers the best possible outcome for the environment and local communities.
8. To drive the changes needed across local government TRC submits that the Environment Committee should recommend the establishment of a Royal Commission of Inquiry to consider and lead implementation of a new model of local government having regard to the final report from the Future for Local Government Panel.
9. TRC believes that the current proposal to establish Regional Planning Committees (RPC) as a committee of the local authorities within a region is problematic and will create unnecessary tension within the new system including between the committee and their 'parent' authorities. To address these issues TRC submits that RPCs should be established as a 'special purpose' local authority, to be called Regional Planning Authorities (RPAs), under the Local Government Act 2002. This approach would see RPAs being directly accountable to local communities in the same way as any other local authority and would remove a number of the practical issues associated with the RPC model as currently designed.
10. TRC is concerned that the current requirements for RPCs to take account of existing resource management documents during development of the new planning instruments are too weak and need to be strengthened. The only reference to these documents as a consideration for RPCs is a discretion to consider these documents in cl 2 of Schedule 1 of the SP Bill and an implicit inclusion of these documents in cl 24 of the SP Bill. Even then the effect of cl 24 is diminished by the provisions in Schedule 1 of the SP Bill.
11. The existing RMA plans are the result of extensive community engagement and rigorous development processes as provided for under schedule 1 of the RMA. Many of those documents are viewed positively by large sections of those communities where they apply and provide a considerable degree of certainty to resource users, communities and other stakeholder groups while new plans and RSS' are developed.
12. TRC submits that both Bills should be amended to include a requirement for RPCs to review and, unless good reason exists to the contrary, to adopt existing RMA planning documents as a starting point for the new plans. This approach will also ensure that work, such as the development of new Freshwater plans required by the end of 2024, currently underway will continue to have value under the new framework.

## **GENERAL COMMENTS**

### **Aspects of reforms that are supported**

13. Subject to the specific comments on both Bills, below, TRC supports both the general need for reform of the RMA and supports a number of specific elements in each Bill. Those elements include:
- The commitment to giving effect to the principles of Te Tiriti o Waitangi and providing greater recognition of Te ao Māori, including matauranga Māori. There is a need for further work to be done with Maori to ensure that the mechanisms proposed for their input are practical.
  - The move to implement spatial planning. TRC sees the move to require the development of spatial plans as providing a strong platform for creating a more integrated resource management and service planning system for local communities. It creates a mechanism via which local communities can develop a vision for their long term development which can be used by a wide range of agencies to drive their long term strategic planning.
  - The provisions in relation to monitoring and compliance. The approach that is being recommended in the NBE Bill is one that aligns with TRC's experience in how the RMA has been implemented in Taranaki. In our view, and (anecdotally) the view of a large proportion of the Taranaki community, this approach is positive. Government should be commended for employing it.

### **Need for and nature of reform**

14. TRC supports the need for reform of the current resource management system and the broader framework within which we make decisions about how resources are used and the effects that these decisions have on the environment.
15. Much has changed in the last thirty years and it is timely that we collectively look at adopting a new more holistic and sustainable 'systems based' approach to the way in which we seek to understand the state of our environment, manage the effects of allocating and using resources and then seek to implement strategies aimed at improving environmental outcomes.
16. The effective functioning of the resource management system needs its many parts to work well. TRC therefore believes that the resource management system review needs to start at the national level and then work its 'way down' through the system. That means having a close look at the regional and local structures that are in place to support local decision-making and implementation of those decisions. In this regard TRC supports the view expressed by the Randerson Panel<sup>1</sup> when it said:

*It has become clear to us that the resource management system would be much more effective if local government were to be reformed. The existence of 78 local authorities in a nation of just five million people is difficult to justify. Much could be achieved by rationalisation along regional lines, particularly in improving efficiencies, pooling resources, and promoting the coordination of activities and processes. Reform of local government is an issue warranting early attention.*

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<sup>1</sup> Report of the Resource Management Panel Review, June 2020, p 6.

17. It is the TRC view that some of the structures and processes proposed in this legislation, including the arrangements proposed for Regional Planning Committees, are less than optimal because of the decisions made to date that reform of the resource management system should not be a driver of local government reform.<sup>2</sup>
18. The risk of proceeding with implementation of a 'less than optimal' approach is that outcomes end up being compromised and that many of the issues which the reform process seeks to address are not resolved.
19. While there is a need for change to the regional and local decision-making structures in place in the local government part of the system it is also fundamental that there should continue to be a high level of local 'place based' decision-making and input to these processes. The effects of strong and timely engagement with iwi and local communities more broadly are key to the level of operability and success of the functioning of the resource management system. Taking away the capacity for a high level of local input runs a significant risk of weakening the system and exacerbating the concerns that have led to the calls for reform in the first place.
20. There have been many examples of policy that has been developed at the national level that has proven to be difficult, if not impossible, to operationalise 'in the field'. In this regard there have been challenges in the national freshwater policy space because it was unworkable and could not be operationalised. The net result left local councils and the community confused and frustrated.

#### **Ensuring that the reform is a considered yet timely process**

21. The government is pursuing a legislative agenda for the two Bills where it wants to see them both enacted this parliamentary term. Even allowing for the time taken with and the baseline outputs from the Randerson Review, this timeline is tight, particularly given the significance of this legislation, the importance of 'getting it right' and the range of other reform processes, particularly those affecting local government, that also need to be considered if changes to the resource management system are to be successful.
22. The timeframes being pursued are significantly shorter than the time taken to develop and enact the RMA in the first instance. That legislation also enjoyed a unique position of bipartisan support in the house – for the legislative intent, if not necessarily the precise drafting. Even with that considered approach and that level of support, as is well known, the RMA has met challenge, criticism and had significant amendment over its life.
23. Comparing the approaches, the current approach appears to lack the consideration and attempts at developing more universal support that characterised the RMA process. Instead, speed and the need to implement a new approach quickly and within what some would see as an 'artificial deadline' seem to be the main characteristics of the NBE and SP Bill approach.
24. The speed with which the current regime is being implemented also fails to recognise the pressure that the system, as a whole, is under with delivery of business as usual, other existing 'improvement and reform' initiatives, such as Essential Freshwater and 3

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<sup>2</sup> Review into the Future for Local Government, Terms of Reference, p 3.

Waters, and the tight labour market within which everyone is operating. There is a finite pool of skilled resource available that is being significantly stretched at present, which only serves to escalate risk.

25. TRC is concerned that the current approach could very easily result in a situation where the legislation and resulting regime, despite best intentions, ends up creating a less than optimal outcome that is never fully implemented and/or is likely to be subject to much ongoing amendment and litigation.
26. TRC submits that consideration should be given to a more staged process, which would start with implementation of the new spatial planning regime, with the NBE Bill being progressed following implementation of a new model of local government.

**Impacts on local governance and the functions of local authorities**

27. TRC is concerned that the regime that is being proposed by the combined effect of the NBE Bill and SP Bill has the effect of breaking the existing resource management system's link to local governance and input.
28. The extensive shift to centralisation and the discretionary nature of many of the elements for RPC consideration means that links to local knowledge are in danger of being significantly weakened, if not removed from local resource management policy development. At the same time, the significance of local environmental issues are in danger of being sub-ordinated to a form of national 'averaging' that is inherent in the centralisation of elements such as the NPF. Examples of the factors that give TRC concern include the results of the unclear relationship between Regional Spatial Strategy (RSS), Statement of Regional Environmental Outcomes (SREO) and NBE plans (as discussed in paragraph 62 below), as well as the comments on treatment of existing Regional Policy Statements in the transitional process (see paragraphs 84 to 86).
29. The creation of the RPC, under the currently proposed 'committee' framework, breaks the link between resource management and public accountability under what are well known and tested processes, such as the LTP and annual planning/reporting cycle, provided for under the Local Government Act 2002.
30. While regional councils will continue to have functions related to identifying and managing significant resource management issues within their respective jurisdictions, by narrowing the scope of that jurisdiction, the proposed regime breaks the link between those functions and the broader environmental policy functions, which will become the preserve of RPCs.
31. In doing so, there is a fundamental risk that councils become 'administrative bodies', focusing on implementing those elements that are within their areas of responsibility.
32. The net result of these factors is that the proposed NBE Bill and SP Bill undermine the broader purpose of local government, as contained in s 10 of the LGA, of promoting community, cultural, environmental and economic well-being of the communities that they serve. There is already waning support for resource management processes due to the sorts of centralisation and removal of local voice that the new regime could be seen to accelerate.
33. As such, the proposals in these Bills are likely to exacerbate, rather than alleviate, the concerns that are currently being expressed about the RMA. They should be carefully



reconsidered and reviewed, via a less pressured and more inclusive process that provides for a greater local voice.

34. TRC would strongly urge consideration of the matters raised in the discussion of the structure and nature of the RPC (paragraphs 35 to 41), as well as the more general comments on structure in paragraphs 14 to 20 as matters to be considered in parallel to relaxing the timelines.

### **Submission Points**

**It is submitted that:**

- a) **The Environment Select Committee note that TRC supports the need for reform of RMA**
- b) **Consideration be given to a more staged implementation process, which would start with implementation of the new spatial planning regime with implementation of the NBE Bill being progressed following implementation of a new model of local government.**
- c) **The Environment Select Committee should make a finding that it supports the need for the reform of current local government and local governance structures as being integral to enabling the successful implementation of the Strategic Planning Bill and Natural and Built Environment Bill**
- d) **The Environment Select Committee recommend the establishment of a Royal Commission of Inquiry to consider and lead implementation of a new model of local government having regard to the final report from the Future for Local Government Panel**

## **NATURAL AND BUILT ENVIRONMENT BILL**

### **Regional Planning Committees**

#### **TRC's Concerns with Current Proposal**

35. Regional Planning Committees (RPCs) will have a key role in the new resource management and planning regime, given that they will have the primary responsibility for leading development of both the Regional Spatial Strategy (RSS) and Natural and Built Environment Plan for each region.
36. If they are to be successful in this role, they will need to have the courage to make the difficult decisions that will ultimately need to be made and also be prepared to be accountable for those decisions. This approach requires the creation of an appropriate structure and system design that reflects the important role that the committee has to play. It also requires that the Committee have members with an appropriate range of skills to make the decisions needed. TRC does not believe that the currently proposed 'committee' model meets the required standard.
37. The decision to shift the responsibility for plan making to the RPC creates a 'disconnect' with the on-going role of regional councils to identify and manage the significant resource issues of the region (or of a district or local community within a region). Despite this responsibility the regional councils will not have the ability to manage the

policy aspects of the way in which natural resources – air, land, freshwater and the coastal marine area – are managed given that these will now sit with the RPC. TRC considers that this is a significant design weakness and would support the view expressed by the PCE that:

*As for the proposed new quasi-democratic regional planning committees, they seem in part to be an unspoken work around for avoiding the word that shall not be uttered – amalgamation.*

As already noted TRC submits that avoiding the need for reform of local government in reforming the resource management system is a recipe for a less than optimal outcome.

38. On the one hand the RPC is a committee of the constituent councils, they are required to fund its work and implement its decisions - and yet constituent councils have very limited ability to influence, let alone control, its work. Indeed the Bill goes so far as to place a statutory obligation on the RPC to act independently of its constituent local authorities (cl 100). If local councils are expected to fund a particular activity they will have an expectation that they should also be able to influence the work that is delivered with that funding.
39. Under the Bill as proposed, the only formal opportunities that constituent councils have to influence the work of the RPC are:
  - Indirectly through the decisions that they make about who should be appointed to the committee
  - Through the statement of community outcomes and/or statement of regional environmental outcomes that the councils are entitled to produce under the Spatial Planning Bill. (See submission points on this issue in paragraphs 48 - 50, below.)
40. Alongside of the limited ability that local authorities will have to influence the work of the RPC there are also very limited public accountability processes in place via which the RPC can be held accountable for its decisions and overall performance.
41. While the RPC is required to produce a Statement of Intent and Annual report there is no formal 'public accountability' regime that allows, for example, for members of the public and external stakeholders to be able to hold the RPC accountable for the decisions that it makes and the impact that these might have on local communities. Given the strategic significance of the both the RSS and NBE Planning documents TRC considers the lack of a more formalised accountability regime to be unsatisfactory.

#### **Proposed Alternative Structure for RPCs**

42. TRC submits that each RPC should be established under the Local Government Act 2002 as a 'special purpose' local authority to be known as the Regional Planning Authority. Regional Planning Authorities would have a similar status to regional councils under the LGA but with a more clearly defined and limited range of functions.
43. Key features of the Regional Planning Authority proposal would include:
  - That as with any other local authority it would be established as a body corporate with a power of general competence and a responsibility to promote the social, economic, environmental and cultural well-being of the communities it serves

- It would have a similar status to regional councils in that it could not undertake significant new activities without following the process provided for in sections 16 and 17 of the Local Government Act 2002
  - It would be subject to the normal public accountability processes such as the development of an LTP/Annual Plan and Annual Report as apply under the LGA
  - It could set its own rates, which would be collected via the same mechanism as the current regional council rates in each region, and therefore be publicly accountable for the public funding it requires to undertake its activities
  - It would be able to borrow in its own right which would give it more flexibility to spread the costs associated with development of its main planning documents over the life of those plans
  - Its membership could continue to be appointed by the local authorities, Iwi and hapu committee in each region and the Crown as agreed under a Composition Agreement.
  - It would be required to give effect to the principles of te Tiriti o Waitangi and give effect to existing treaty settlement legislation applying in each region.
44. Even with the proposal to establish a Regional Planning Authority it will, in a number of cases, still be appropriate for the RPA to have a host local authority, which would be similar to the role played by the Waikato Regional Council with the Waihou, Piako and Coromandel Catchment Authority proposed under the Pare Hauraki Redress Bill. The work that is required to be completed by the RPA will, in a number of cases, not be of a scale that would justify the formation of a completely stand-alone local authority with its own completely independent administrative structures.
45. TRC considers that the creation of the RPA as a special purpose local authority would also create a model for the NBE regime that could, with agreement of the local authorities within each region be used to support and/or undertake a number of other resource management and/or regulatory activities that the constituent councils see as being appropriate to be undertaken via a collaborative 'shared service' model. These could include, for example, environmental monitoring and compliance or consent processing work.

### **Submission Points**

**It is submitted that:**

- e) **That Regional Planning Committees be established as a 'special purpose' local authority, to be called a Regional Planning Authority, under the Local Government Act 2002.**
- f) **That Regional Planning Authorities be able to initiate a formal relationship with a host council should they so choose.**
- g) **Schedule 8 Clause 38 of the NBE Bill should be amended to require the RPC to go through a community consultation process prior to formal adoption of its Statement of Intent.**

### **Regional Planning Committee Host Agency**

46. Clause 35 of schedule 8 provides for one of the local authorities in a region to be appointed as the host authority for the RPC.

47. In some regions it may be appropriate, for the 'host agency' to be an entity other than a local authority. It might, for example, be appropriate that the host authority functions be undertaken by an existing Iwi authority or for a new entity to be formed to specifically undertake this role. Decisions as to what model might work best in any particular region should be a matter for discussion and agreement between the relevant local authorities and the Iwi and hapu committee in each region as part of the Composition Agreement process.

**Submission Point**

**It is submitted that:**

- h) Schedule 8 be amended to allow for an agency other than a local authority to be appointed as the "host agency" for an RPC and to allow for this matter to be determined between the local authorities and Iwi and hapu committee in each region as part of the Composition Agreement.**

**Regional Planning Committee Secretariat**

**RPC Director**

48. Clause 33(1) requires the RPC to appoint a director of the secretariat to provide support for the committee in carrying out its functions.
49. In some of the smaller Unitary authorities and/or regions it may be appropriate for the RPC Director to be an employee of the host agency. While there appears to be nothing in the two Bills that would prevent this from occurring it is seen as appropriate that it be proactively allowed.

**Submission Point**

**It is submitted that:**

- i) Schedule 8 Clause 33(1) of the NBE Bill be amended to explicitly authorise the appointment of a host agency employee as the director of the secretariat for an RPC.**

**Clause 33 Committee secretariats**

50. Clause 33 (4) provides that the host local authority remains the legal employer of secretariat employees albeit that it must delegate these responsibilities in relation to the director.
51. Clause 33(5) then places an obligation on the host local authority to ensure that the director meets its obligations as an employer but has no authority to direct or exercise a level of control over the actions and performance of the director.
52. The drafting of these provisions appear to place the host local authority in the invidious position of having to meet its responsibilities as an employer of RPC secretariat staff but having no authority to require the director, as manager of the secretariat staff, to take appropriate action to meet those responsibilities.

**Submission Point**

It is submitted that:

- j) Schedule 8 Clause 33(1) of the NBE Bill be amended to give the chief executive of the host agency authority to be able to direct and otherwise manage any employment matters relating to the director as it would with any other employee. The exercising of this authority could be subject to a requirement being placed on the host authority Chief Executive to consult with the Chair of the RPC.

## Regional Planning Committee Membership

### Committee Required Skillset

53. In setting out the provisions relating to RPC membership, Schedule 8 is very focused on the procedural elements of making appointments to the committee.
54. TRC believes that, while those rules are important, the significant role that RPC's will play means that equal attention needs to be given to achieving a broad coverage of key skills amongst RPC members. The sort of skills that are required in an RPC will include "technical resource management skills" (including an understanding of both mātauranga māori and science approaches), general governance and strategic development and an understanding of regulatory systems (including operationalising those regimes, monitoring and compliance).
55. This approach would require development of a skills matrix and the use of a coordinated recruitment and selection process amongst the appointing bodies to ensure that, collectively, members of the RPC have all of the skills needed to effectively perform their governance role.
56. In developing the skills matrix, TRC would strongly encourage giving regard to the view expressed by the Parliamentary Commissioner for the Environment<sup>3</sup> (PCE) when he said:

*If anything is to be learnt from our experience of the Resource Management Act, it is that placing aspirational words on the face of a statute is no guarantee of their ambition being realised.*

...

*The RMA did not fail to achieve environmental outcomes because it failed to provide the legal authority to pursue them. **Rather, decision makers were unwilling to impose solutions (emphasis added).** In a sense nothing has changed. A requirement for environmental limits that bite will not make them any less controversial because a statute has made their prescription mandatory.*

57. TRC supports the messages implicit in the PCE's comments that decision makers, at all levels of the system, need to have the skills and courage to make the decisions that need to be made. The skills matrix and coordinated appointment process required for each RPC could be developed, as part of the process of agreeing the composition agreement required under Schedule 8, cl 3 of the NBE Bill. There would be merit in a draft skills

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<sup>3</sup> What I will be looking for in resource management reform, Simon Upton, Parliamentary Commissioner for the Environment, 23 September 2022

matrix being developed at a national level to provide a level of guidance for regions in developing their own local matrix.

58. TRC has been involved in a similar approach recently with the proposal to establish the Waitara River Committee. In this instance the Council and Iwi have specified what they see as the skills necessary and agreed a staged appointment process that they believe will set that Committee up for success. TRC would commend the use of a similar approach here.

### **Submission Points**

**It is submitted that:**

- k) That the NBE Bill be amended by inserting a clause requiring that, as part of the composition agreement process required under Schedule 8, cl 3 of the NBE Bill each region is to develop a skills matrix and agree a coordinated appointment process, detailing the skills that will be collectively needed across members of the RPC.**

### **Matters for Consideration in Preparing NBE Plans**

59. Under the current drafting of the NBE Bill, RPC's only need to "have regard" to Statements of Regional Environmental Outcomes (SREOs) and Statements of Community Outcomes (SCOs). However, these two documents are the principal means, under the currently proposed regimes, for providing a community voice on the issues and opportunities that are important to them (especially given the expected prescriptive nature of the NPF).
60. Recognising and providing for these documents will be crucial for bringing discussions on significant resource management issues within a region to the forefront in NBE Plan development. Not recognising and providing for them will see an undue shift in influence towards the necessarily more generalised NPF standards. As such, key environmental limits within regions may not be managed as effectively as they should be. Follow on implications could also result for the range of operational projects and measures that regional councils and territorial authorities are charged with implementing under this and other legislation.
61. TRC submits that a 'higher level' test/requirement should be inserted into the Bill. The Pare Hauraki Redress Bill provides a model that the TRC would encourage the Select Committee to consider. Under cl 116 of that Bill, the Waikato Regional Council is given the discretion to consider including all or part of the Waihou, Piako and Coromandel Catchment Plan into its operative RPS. This section also specifies factors that the Council must consider in making that decision. Should it decide not to do this then it is required, under cl 121, to "recognise and provide for the vision, objectives and desired outcomes in the plan". TRC strongly urges that similar direction and guidance is included in the equivalent NBE Bill and SPA Bill provisions.

### **Submission Point**

It is submitted that:

- 1) **Cl 14 of Schedule 7 of the NBE Bill be amended to require RPC's to "recognise and provide for the vision, objectives and desired outcomes of any applicable Statement of Regional Environmental Outcomes and/or Statement of Community Outcomes".**

### **SPATIAL PLANNING BILL**

#### **General support for SP Bill's intent, but question the separation from NBE Bill**

62. TRC supports the intention and content of the SP Bill. We see the move to explicitly recognise and provide for the larger infrastructure and land use allocation issues within a region across a 30 year horizon as very positive.
63. TRC is, however, concerned at the fact that these matters, in being provided for by the SP Bill, are separate from the NBE Bill. Given their over-arching importance and role in setting regional direction (as stated in cl 3 and cl 4(1)(a) of the SP Bill, for example), it seems strange to not include these requirements in that primary legislation.
64. Separating the contents of the SP Bill from the NBE Bill has the potential to add confusion and complexity to the implementation of environmental management regimes in New Zealand. Particular concerns that TRC has include:
  - a. The inevitability of amendments to each piece of legislation over their lives means that extra care has to be taken to ensure that the two pieces of legislation remain consistent. There is every possibility that, despite 'the best will in the world', they will get out of step – resulting in potential confusion for resource users, general public and local authorities (all things that the current reform is seeking to reverse).
  - b. Already there is a lack of clarity about the relationship between key instruments under the SP Bill and NBE Bill. In particular, the relationships between RSS', existing RPS', SREO's and NBE Plans (including the NPF) are not clear. For example, an RSS must be amended if there is a significant change in a NBE Plan, but NBE Plans are required to be consistent with the applicable RSS. The result of this drafting is that the RSS is simultaneously superior to and subordinate to the NBE Plan.

Similar concerns exist with the status of Implementation Plans under the SP Bill. While required and while RPC's are required to report on them, there are no specific measures on how they will be implemented. One could also reasonably assume that a major means of implementation will be through developing and implementing NBE Plans, yet there is no apparent link between the documents.
  - c. The potential for a clever (or vexatious) party to use the separate nature of the two Bills to identify and exploit differences between them to pursue litigation that has the primary intention of tying up councils or slowing processes. Experience with the RMA was that seemingly benign provisions were used in this manner for a number of years until a body of case law was established (eg., the reason behind the exclusion of trade considerations in the NBE Bill), so TRC believes that the potential for similar behaviour here is at least as strong.

### **Submission Point**

**It is submitted that:**

- m) The SP Bill provisions (incorporating all changes resulting from this consultation process) should be incorporated within the NBE Bill, creating a single piece of resource management legislation.**
- n) Amend the resulting single piece of legislation to clearly define the relationship between the core planning and implementation instruments that are currently defined in the two Bills.**

### **Scope of regional spatial strategies – clause 15 and 16 of SPA**

- 65. There should be a requirement built into these sections for the RSS to also support promotion of the four well-beings. This is consistent with the view that a regional spatial plan needs to look at all four well-beings to be able to develop a view on regional development issues and also outline a vision and objectives for regional development. It will also help avoid any conflict between the SPA and the purpose of local government under the LGA.
- 66. The Bill lacks clarity around the 'level' of management direction that is expected to accompany the spatial components of the RSS. As drafted, the SP Bill would enable an RSS to be anything from effectively an RPS with maps to a document that operates at a level higher providing spatial direction but with limited management. Further clarity is particularly sought on the following:
  - a. The intended meaning/details expectation of "provides strategic direction"
  - b. Whether an RSS should only include objectives and vision, or should also include details of priority actions?

### **Submission Point**

**It is submitted that:**

- o) Amend cl 3 of both Bills to explicitly recognise the promotion of the four well-beings under s 10 of the Local Government Act 2002 as being a part of the Purpose of each Bill.**

## **IWI ENGAGEMENT**

### **Enabling Full and Effective Iwi Engagement**

- 67. TRC is concerned that the current proposed structure and timeline for NBE Bill implementation will prevent the full, effective and productive engagement that is needed with iwi.
- 68. This concern is based in part on our current experience with the level of demand on iwi resources from on-going consultation. Feedback to TRC from iwi of Taranaki is that the constant stream of initiatives out of government that require iwi engagement has stretched resources too thinly – meaning that they are often forced to choose between engaging on 'BAU items' with TRC (eg., input to resource consent applications) or responding to central government demands.
- 69. Additionally, the proposal under Schedule 2 of the NBE Bill to re-open existing treaty settlements is liable to place an even greater demand on iwi resources. Those iwi who



have existing settlements will, quite understandably and prudently, be wanting to focus first and foremost on ensuring that their interests under those settlements are maintained or enhanced. It may well be a stretch to expect them to also be willing and, in some cases, able to fully engage on such issues as RPC membership, RSS development and transitional provisions around planning.

70. TRC believes that these issues will be a significant impediment to both the timeline of the implementation of the new resource management regime, as well as the quality of that implementation. The solution is to review the proposed timelines and tasks in light of available resources and to adjust the former two elements accordingly. In Taranaki at least, the solution is not simply a matter of throwing more money at the parties – as the necessary resources simply do not exist.

### **Submission Points**

**It is submitted that:**

- p) Government review the impacts of the proposed implementation timeline with those parties who are expected to be actively engaged in the process, with a view to ensuring that the timelines are operable and achievable without placing undue stress on the parties' resources and without compromising the quality of overall outputs from the process.**

### **Decision Making Principles – Iwi and Hapu**

71. TRC submits that the decision making principles in cl 6(3) of the NBE Bill should have some form of threshold requirement or status that still enables effective and purposeful iwi and hapu engagement, but that addresses a potential “floodgates” risk as currently drafted.
72. TRC makes this submission having had experience of a similar situation during consultation on an earlier version of the Taranaki Coastal Plan. Many years ago, a small group claimed mana whenua status as an iwi authority over a part of the coast that was already included within the rohe of recognised iwi of Taranaki. The group in question called for recognition as tangata whenua and sought recognition of their view on certain issues.
73. A similar situation exists in Taranaki at present, with the Poutama Kaitiaki Charitable Trust group who claimed mana whenua over the land that comprises the proposed route for the Mt Messenger/SH 3 Bypass. Although that group was ultimately unsuccessful in its claim of mana whenua, that determination only came about after they were taken to the Environment Court over a series of hearings.
74. As these two situations illustrate, similar assertions of mana whenua are a very real possibility over the lifetime of the NBE Bill. If that did happen, as the legislation is currently drafted the RPC would be required to have particular regard to any plans or other documents that groups like these two may put forward. The only way for the RPC to safely determine that it does not need to consider a document, such as that, is to go to the Environment Court – with all of the inherent costs, delays and uncertainties for the RPC, local authorities and communities.

75. TRC submits that including some form of threshold standard could enable RPC's to weigh and, if necessary, decide on the merits of this type of claim.

**Submission Point**

**It is submitted that:**

- q) A standard is included in the legislation that must be met by any organisation seeking to put forward a management plan, policy statement or other document for consideration by an RPC or local authority in line with the appropriate decision making principles in cl 6(3) of the NBE Bill;**

**Treatment of Existing Treaty Settlements**

76. TRC submits that in creating a new 'special purpose' local authority the Select Committee should also give it a number of features that recognise the responsibilities that the Crown has under Te Tiriti o Waitangi including those provided for under existing treaty settlement legislation.
77. In relation to the Taranaki region, for example, it is noted that Nga Iwi o Taranaki, have the right to appoint 3 Iwi representatives to the TRC Policy and Planning Committee. Amongst other functions this committee is responsible for providing governance oversight of TRC resource management planning and policy development processes. TRC submits that, as this right to representation is additional to any rights in the NBE Bill, it should be incorporated into the statutory provisions relating to the formation of an RPC for the Taranaki region.
78. In a similar vein the rights that Maniapoto have under the Maniapoto Claims Settlement Act 2022 and the iwi of Taranaki have been granted under other legislation, such as the New Plymouth District Council (Waitara Lands) Act 2018 and Ngati Maru (Taranaki) Claims Settlement 2022 should also be transferred over to the new legislation and/or the arrangements applying under the SP Bill and/or NBE Bill.
79. Currently, the only such agreements recognised are those relating to the Waikato River. However, TRC is in the latter stages of implementing the agreements noted in paragraph 76, above. Any review of those agreements (subject to Schedule 2 of the NBE Bill or otherwise) has the potential to significantly impact the work done by TRC and iwi to date to express and prepare to implement their intentions.
80. Accordingly, TRC submits that the Bills should be amended to include TRC, as a party to those treaty settlement related agreements provided for under existing legislation, to be a part of any discussions on how they are provided for under the NBE Bill

**Submission Points**

**It is submitted that:**

- r) The Crown should consult with Nga Iwi o Taranaki to develop an understanding of how existing treaty settlement legislation obligations might best be reflected in the Spatial Planning Bill and Natural and Built Environment Bill**
- s) Subject to consultation with Nga Iwi o Taranaki and TRC consider whether it is appropriate to amend schedule 8 of the NBE Bill to make explicit provision for Iwi o Taranaki to have the right to appoint at least three members to the RPC in accordance**

with the provisions of the Te Atiawa Claims Settlement Act 2016, the Taranaki Claims Settlement Act 2016 and the Ngaruahine Claims Settlement Act 2016.

- t) **The Crown should consult with Ngati Maru and Maniapoto about how any provisions that might be included in a Joint Management Agreement or Relationship Agreement with TRC under their relevant treaty settlement legislation might be best reflected in the arrangements that will apply under the Strategic Planning Bill and/or Natural and Built Environment Bill.**
- u) **Expand the scope of the discussions on how to provide for treaty settlements under the NBE Bill regime to include TRC as a party to the discussions pertaining to the Taranaki region where TRC has statutory obligations under the existing treaty settlement legislation.**

### **TRANSITIONAL PROCESS AND PROVISIONS** **Achievability of the Proposed Timelines**

- 81. Extending from our comments on the pace of reforms (paragraphs 21 to 26) and on the impact of resource demands on our ability to engage effectively with Taranaki iwi and hapu (paragraphs 65 to 68), TRC has a broader concern about the achievability of the proposed timelines – and, as a consequence, of the quality of the outputs and processes that will result.
- 82. Similar issues and concerns as are found in the referenced paragraphs are applicable to this submission point.
- 83. An example of the basis for the concern is the development of RSS. The Bill requires a lot of steps to be undertaken at a regional level before councils can even start developing the RSS, viz;
  - a. Setting up engagement agreements
  - b. Engagement policy
  - c. Identification of major regional policy issues – which must then be publicly notified
  - d. Compounded by the resourcing constraints.
- 84. On top of this, there are the requirements to get the Local Government Commission review of the various instruments, all while meeting the seven year time limit for the first run of plans. When councils already have a full plate with policy processes under the RMA obligations over the next few years, most will only have limited resourcing available to help support the set up of the new systems as well.

### **Submission Points**

**It is submitted that:**

- v) **Government review the proposed implementation timeline with all parties who are expected to engage in the process, with a view to ensuring that the timelines are operable and achievable without compromising the quality of overall outputs from the process.**

### **Transitional Treatment for RPS and Existing Plans**

85. TRC believes that the requirements for RPCs to take account of existing resource management documents in their deliberations and preparation of instruments under both the SP Bill and NBE Bill are too weak.
86. The Bills are explicit in their requirements for RPCs to consider various iwi management plans and Mana Whakahono a Rohe agreements. Yet the policy statements and plans that currently guide resource management implementation are largely ignored. The only reference to these documents as a consideration for RPCs is a discretion to consider these documents in cl 2 of Schedule 1 of the SP Bill and an implicit inclusion of these documents in cl 24 of the SP Bill. Even then the effect of cl 24 is diminished by the provisions in Schedule 1 of the same Bill.
87. The existing RPS and other RMA plans are the result of extensive community engagement and rigorous development processes. Many of those documents are viewed positively by large sections of those communities where they apply. Ensuring that they are considered also provides a considerable degree of certainty to resource users, communities and other stakeholder groups while new plans and RSS' are developed.
88. Case in point is the fact that every Regional Council is currently embarking on a huge work programme to have updated Freshwater plans notified by the end of 2024, as required to implement the NPS-FM. If stronger consideration of this work is not included in the NBE Bill then it may jeopardise the value placed on the current processes.
89. Delaying the freshwater work is not an option, as the associated environmental issues simply cannot wait for the NBE and SP Bills to be enacted and implemented. However, as currently drafted, there is a very high risk that, if the work programme results don't align perfectly with the Bill's intentions, the work to date could be disregarded. Such a possibility creates a high risk of unnecessary cost for ratepayers and their associated local authorities.
90. Similarly, it is clear in the NBE Bill that the NPF doesn't apply to current RMA plan making processes. However, what is less clear is what happens if there is something new and/or different in the NPF and councils are still in the process of preparing plans under the RMA or an applicable NPS. Allowing consideration of the NPF or making updates to the NPS under the RMA to reflect any proposed significant changes would assist in the transition period. Doing so would allow RMA plans under prep now to begin to address directions ahead of NBE plans being developed.
91. Any concern about possibly prolonging elements of the existing RMA regime that are considered no longer appropriate is easily managed by specifying that inconsistency with Part 1 of the NBE Bill is a "strong reason" (with appropriate guidance given, consistent with the comments in paragraph 59, above) for not adopting a part of any existing document. This provision could be seen as an extension to the provisions currently contained in cl 2 of Schedule 1 of the SP Bill.

### **Submission Points**

**It is submitted that:**

- w) **Both Bills should be amended to include an explicit requirement for RPC's to review and, unless there are strong reasons to the contrary (with guidance given as to what constitutes those reasons), to adopt existing policy statements and plans prepared in accordance with the RMA.**

### **Conclusion**

Resource management reform is very much due in New Zealand. The RMA came about in part because the preceding legislation was 24 years old and had grown exponentially (with an accompanying increase in complexity) since its initial passing. Now the RMA finds itself in a similar place after 32 years, a doubling of size – and a significant growth in the sorts of issues it must address.

To add to that complexity, given the paramount role of local government in resource management implementation in New Zealand, any change in the legislation has significant implications for the responsibilities and functioning of regional councils and territorial authorities. Any changes to the legislative regime must be cognisant of that fact and ensure that changes needed to the current model of local government are made in parallel.

Against this background, TRC wishes to commend the government for commencing this review. However, in saying that, we wish to express concerns that the pace of the reform is preventing the level of consideration and engagement that is warranted for such a crucial piece of legislation. Of particular concern is the fact that groups who are intended to be key engagement and implementation partners – tangata whenua and local government in particular – will struggle to devote the resources needed to the project under the current timeframes.

When these demands are combined with the apparent erosion of local governance (via measures such as the NPF and the establishment of RPC's), TRC would caution against the potential for the revised regime to be a step backwards from the current position under the RMA.

Against that background, TRC again thanks the Committee for the opportunity to make this submission and welcomes the opportunity to work with Government on attempting to make the new Bills legislation that will support environmental, community, economic and cultural well-being for the communities that we serve.

Yours faithfully

S J Ruru  
**Chief Executive**

## Executive Audit and Risk Meeting Public Excluded

In accordance with section 48(1) of the *Local Government Official Information and Meetings Act 1987*, resolves that the public is excluded from the following part of the proceedings of the Executive Audit and Risk Meeting on Tuesday 13 February 2023 for the following reason/s:

Item 10 – Confirmation of Public Excluded Executive, Audit and Risk Minutes – December 2022

That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; and/or enable any local authority holding the information to carry out, without prejudice, commercial activities.

Item 11 – Yarrow Stadium Plus: Project Steering Group Report

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:

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
Yarrow Stadium Plus: Project Steering Group Report	<p>To enable any local authority holding the information to carry out, without prejudice or disadvantage, commercial activities.</p> <p>To enable any local authority holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).</p>	<p>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 7 (2) (h) and (2) (i) of the <i>Local Government Official Information and Meetings Act 1987</i>.</p>

Item 12 -Port Taranaki Ltd Directorship

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:

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
Port Taranaki Limited - Appointment of Directors.	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 section 7 (2) (a) of the <i>Local Government Official Information and Meetings Act 1987</i> .

Item 13 - Regional Software Holdings Limited (RSHL) Appointment of Directors

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:

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
Regional Software Holdings Limited (RSHL) - Appointment of Directors.	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 section 7 (2) (a) of the <i>Local Government Official Information and Meetings Act 1987</i> .

## **AGENDA AUTHORISATION**

Agenda for the Ordinary Council Meeting of the Taranaki Regional Council held on Tuesday 28 February 2023.

Approved:

Not Cast

M J Nield  
**Director - Corporate Services**



21 Feb, 2023 7:29:38 AM GMT+13

S J Ruru  
**Chief Executive**