

Ordinary Meeting

Tuesday 9 April 2019
10.30am

held at the Port Taranaki Limited offices,
2-8 Bayly Road, New Plymouth



Agenda for the Ordinary Meeting of the Taranaki Regional Council to be held in the Port Taranaki Limited Boardroom, 2-8 Bayly Road, New Plymouth, on Tuesday 9 April 2019 commencing at 10.30am.

Councillors

D N MacLeod	(Chairman)
M J Cloke	
M P Joyce	
D L Lean	(Deputy Chairman)
M J McDonald	
D H McIntyre	
B K Raine	
N W Walker	
C S Williamson	

Apologies

M G Davey
C L Littlewood

Notification of Late Items

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Agenda Memorandum

Date 9 April 2019

**Memorandum to
Chairperson and Members
Taranaki Regional Council**



**Subject: Confirmation of Minutes – 26 February
2019**

Prepared by: M J Nield, Director-Corporate Services

Approved by: B G Chamberlain, Chief Executive

Document: 2235995

Resolve

That the Taranaki Regional Council:

1. 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 26 February 2019 at 10.30am.

Matters arising

Appendices

Document #2209473 – Minutes Ordinary Meeting

**Minutes of the Ordinary Meeting of the
Taranaki Regional Council, held
Taranaki Regional Council Chambers, 47
Cloten Road, Stratford, on Tuesday 26
February 2019 at 10.30am.**



Present	Councillors	D N MacLeod	(Chairperson)
		M J Cloke	
		M G Davey	
		M P Joyce	
		D L Lean	(Deputy Chairperson)
		C L Littlewood	
		M J McDonald	
		D H McIntyre	
		B K Raine	
		N W Walker	
C S Williamson			
Attending	Messrs	B G Chamberlain	(Chief Executive)
		G K Bedford	(Director-Environment Quality)
		M J Nield	(Director-Corporate Services)
		S R Hall	(Director-Operations)
		R Ritchie	(Communications Manager)
		P Ledingham	(Communications Adviser)
	Mrs	J Mack	(Committee Administrator)
		11 members of the public	

Apologies There were no apologies.

**Notification of
Late Items** There were no late items of business.

1. Confirmation of Minutes - 11 December 2018

Resolved

THAT the Taranaki Regional Council

1. takes as read and confirms the minutes and resolutions of the Ordinary Meeting of the Taranaki Regional Council held in the Taranaki Regional Council, 47 Cloten Road, Stratford, on Tuesday 11 December 2018 from 10.30am.

Lean/Davey

Matters arising

There were no matters arising.

2. Consents and Regulatory Committee Minutes – 5 February 2019

Resolved

THAT the Taranaki Regional Council

1. receives the minutes of the Consents and Regulatory Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 5 February 2019 at 9.30am
2. adopts the recommendations therein.

Joyce/McDonald

Matters arising

There were no matters arising.

3. Policy and Planning Committee Minutes – 5 February 2019

Resolved

THAT the Taranaki Regional Council

1. receives the minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 5 February 2019 at 10.35am
2. adopts the recommendations therein.

Walker/Williamson

Matters arising

There were no matters arising.

4. Executive, Audit and Risk Committee Minutes – 18 February 2019

Resolved

THAT the Taranaki Regional Council

1. receives the minutes and confidential 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 18 February 2019 from 10.00am.

2. adopts the recommendations therein.

Lean/Walker

Matters arising

Councillor D L Lean noted Kathryn van Gameren's resignation from the Council and expressed thanks for her outstanding service to this Committee and the Council.

5. 2019/2020 Annual Plan: Statement of Proposal and Consultation Document

- 5.1 Councillor M G Davey declared an interest in agenda item 5 and took no part in the discussions or deliberations.
- 5.2 Messrs B G Chamberlain and M J Nield, Director-Corporate Services, spoke to the memorandum to receive, consider and adopt the *2019/2020 Annual Plan – Statement of Proposal*, the consultation documents for the *2019/2020 Annual Plan – Statement of Proposal* and the 2019/2020 estimates.

Resolved

THAT the Taranaki Regional Council

1. receives this memorandum on the Consultation Documents, the *2019/2020 Annual Plan: Statement of Proposal* and the 2019/2020 estimates
2. notes that the formatting of the *2019/2020 Annual Plan – Statement of Proposal* is still to be completed and that there are a number of immaterial editorial changes to be made
3. advises the Chief Executive of any proposed amendments to the estimates and/or the Consultation Document and for the *2019/2020 Annual Plan: Statement of Proposal* and instructs the Chief Executive to progress any proposed amendments
4. having considered the provisions of section 97 of the *Local Government Act 2002*, confirms that no amendment to the *2018/2028 Long-Term Plan* is necessary and that the proposals for the long-term solution of Yarrow Stadium be included in the preparation and adoption of the *2019/2020 Annual Plan*
5. in respect to Yarrow Stadium, agrees that the development of options and associated level of analysis is appropriate to the significance of the matter being considered and the circumstances of the decision being made
6. in respect to Yarrow Stadium, that having considered the options, funding implications, the Council's legislative obligations and the decision-making requirements of the *Local Government Act 2002*, confirms that subject to recommendation 7 below, the preferred option is option 2
 - to raise up to \$55m to repair the stands and upgrade associated facilities, noting that the proposed facilities upgrades will be implemented in a prioritised manner to the extent of the available budget
 - to repay the up to \$55m of borrowing over 25 years

- to establish single purpose Yarrow Stadium fixed charge targeted rates in accordance with the Council's *Revenue and Financing Policy*.
- 7. in respect to Yarrow Stadium, agrees that additional alternative sources of funding continue to be explored and that if, by 31 December 2020, such funding has been sourced to enable the completion of option 4, at no additional cost to the Council, then the Council will further consider the implementation of option 4
- 8. having considered the provisions of sections 82 and 82A of the *Local Government Act 2002*, confirms the use of the special consultative procedure (section 83 of the *Local Government Act 2002*) is appropriate for the preparation and adoption of the *2019/2020 Annual Plan*
- 9. notes the balanced budget deficit for 2019/2020 and confirms the transfer from the Dividend Equalisation Reserve to fund the balanced budget deficit
- 10. notes that the use of the Dividend Equalisation Reserve to fund the balanced budget surpluses and deficits balances out over the ten-year life of the *2018/2028 Long-Term Plan* and that, over the full ten years, the Council's budgets balance
- 11. adopts the Consultation Documents that will form the basis for the preparation of the *2019/2020 Annual Plan: Statement of Proposal*
- 12. publicly notifies and invites submissions on the Consultation Documents and the *2019/2020 Annual Plan: Statement of Proposal* pursuant to the special consultative procedure of the *Local Government Act 2002*
- 13. notes the timetable for the completion and adoption of the *2019/2020 Annual Plan*.

Lean/Raine - noted this was passed unanimously without dissent and noting Councillor M G Davey abstained from voting.

6. Representation Review: Local Government Commission Determination

- 6.1 Mr B G Chamberlain, Chief Executive, spoke to the memorandum outlining the Local Government Commission's determination on the Taranaki Regional Council's representation review. The Commission upheld the decision on the Council's representation arrangements and the representation review is now complete.

Resolved

THAT the Taranaki Regional Council

1. receives the Local Government Commission's determination on the Taranaki Regional Council's representation review.

Williamson/Walker

7. Report from the Electoral Officer on the 2019 Triennial Elections

- 7.1 Mr M J Nield, Director-Corporate Services, spoke to the memorandum to receive an update report from the Council's Electoral Officer and to consider and decide upon the order of candidates for the voting papers per regulation 31 of the *Local Electoral Regulations 2001*.

Resolved

THAT the Taranaki Regional Council

1. receives the report from the Council's Electoral Officer
2. agrees that the candidate's names on the 2019 local authority triennial election voting documents for the Taranaki Regional Council be in alphabetical order in accordance with Clause 31 of the *Local Electoral Regulations 2001*
3. notes the timetable for the 2019 local authority triennial elections.

Cloke/Davey (noted Councillors Littlewood/McIntyre voted against this motion)

8. Meeting Dates March-April 2019

- 8.1 The next round of Council and joint committee meetings were received and noted.

There being no further business, Chairman D N MacLeod, declared the meeting of the Ordinary Meeting of the Taranaki Regional Council closed at 12.08pm.

Confirmed

Chairperson: _____
D N MacLeod

Date: **9 April 2019**

Agenda Memorandum

Date 9 April 2019

**Memorandum to
Chairperson and Members
Taranaki Regional Council**



**Subject: Consents and Regulatory Committee
Minutes – 19 March 2019**

Prepared by: G K Bedford, Director-Environment Quality

Approved by: B G Chamberlain, Chief Executive

Document: 2236003

Resolve

That the Taranaki Regional Council:

1. receives the minutes of the Consents and Regulatory Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 19 March 2019 at 9.35am
2. adopts the recommendations therein.

Matters arising

Appendices

Document #2224535 - Minutes Consents and Regulatory Committee Meeting

Minutes of the Consents and Regulatory Committee Meeting of the Taranaki Regional Council, held in the Taranaki Regional Council Chambers, 47 Cloten Road, Stratford, on Tuesday 19 March 2019 at 9.35am.



Members	Councillors	M P Joyce M J Cloke M G Davey C L Littlewood M J McDonald B K Raine N W Walker	(Committee Chairperson)
		D N MacLeod	(ex officio)
Representative Members	Mr Ms	K Holswich F Mulligan	(Iwi Representative) (Iwi Representative)
Attending	Messrs Ms Mr Mrs Mrs Mr Mr Mr Mr Mr	B G Chamberlain G K Bedford M Nield A D McLay S Tamarapa B E Pope C H McLellan J Mack P Ledingham V McKay H Gerrard R Phipps R Ritchie P Rabbidge D Gibson K Rolfe	(Chief Executive) (Director-Environment Quality) (Director-Corporate Services) (Director-Resource Management) (Iwi Communications Officer) (Compliance Manager) (Consents Manager) (Committee Administrator) (Communications Adviser) (Science Manager) (Science Manager) (Science Manager) (Communications Manager) (Revital Group) (Remediation NZ)
Opening Karakia	Mr S Tamarapa, Iwi Communications Officer, gave the opening Karakia for the Consents and Regulatory Committee.		
	1 minute silence was observed to remember the recent tragic Christchurch incident.		
Apologies	The apology from Mr H Eriwata (Iwi Representative) was received and sustained.		

**Notification of
Late Items**

There were no late items of business.

1. Confirmation of Minutes – 5 February 2019

Resolved

THAT the Consents and Regulatory Committee of the Taranaki Regional Council

1. takes as read and confirms the minutes of the Consents and Regulatory Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 5 February 2019 at 9.30am
2. notes that the recommendations therein were adopted by the Taranaki Regional Council on 26 February 2019.

Cloke/Raine

Matters Arising

An update on the Mt Messenger appeals was provided.

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

Councillor D N MacLeod and Councillor C L Littlewood declared an interest in Item 2 (Resource consents issued under delegated authority and applications in progress) in relation to Port Taranaki Limited.

- 2.1 The Committee considered and discussed the memorandum advising of consents granted, consents under application and of consent processing actions since the last meeting of the Committee.

Recommended

THAT the Taranaki Regional Council

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

Joyce/McDonald

Ms F Mulligan (Iwi Representative) voted against the motion as she believed the consent assessments didn't adequately consider iwi values.

Noted the Mana Whakahono a Rohe negotiations between iwi and councils in the region are the place to address this matter.

3. Consent monitoring annual reports

- 3.1 Mrs H Gerrard, Science Manager, spoke to the memorandum advising the Committee of 32 tailored compliance monitoring reports that have been prepared since the last meeting of the Committee.

Mr K Holswich (Iwi Representative) commended staff on preparation of large number of reports. However, he questioned particular sentences within three reports regarding barriers to fish passage. He also questioned the compliance record shown in the Remediation NZ Report.

Noted where there was non-compliance enforcement action would have been undertaken. Extremely rare that this would not have occurred.

Recommended

THAT the Taranaki Regional Council:

1. receives the 09 Lower Waiwhakaiho Catchment Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
2. receives the 39 Fonterra Whareroa Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
3. receives the 47 Ballance Agri-Nutrients (Kapuni) Ltd Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
4. receives the 53 Vector Kapuni GTP Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
5. receives the 55 Greymouth Petroleum Ltd Northern Sites Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
6. receives the 56 Greymouth Petroleum Ltd Southern Sites Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
7. receives the 62 NPWWTP Marine Outfall and Sludge Lagoon Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
8. receives the 63 Waste Remediation Services Ltd Waikaikai Landfarm Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
9. receives the 65 Port Taranaki Ltd Dredging Monitoring Programme Biennial Report 2016-2018 and adopts the specific recommendations therein.
10. receives the 70 Taranaki By-Products Ltd Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
11. receives the 71 Todd Energy McKee Production Station Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.

12. receives the 72 Nova Energy McKee Power Plant Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
13. receives the 73 Shell Maui Production Station Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
14. receives the 74 Todd Petroleum Kapuni Production Station Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
15. receives the 76 NPDC Colson Road Landfill Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
16. receives the 79 Remediation NZ Ltd Uruti, Waitara and Pennington Road Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
17. receives the 80 Westside DWI Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
18. receives the 81 Waverley Sawmills Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
19. receives the 82 Greymouth Petroleum Ltd DWI Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
20. receives the 83 Regional Cleanfill Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
21. receives the 84 Waste Remediation Services Ltd (WRS) Symes Manawapou Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
22. receives the 87 Lower Waiwhakaiho Air Discharges Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
23. receives the 88 ANZCO Foods Waitara Ltd Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
24. receives the 89 Taranaki Thoroughbred Racing Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
25. receives the 91 STDC Eltham Central Landfill Baseline Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
26. receives the 94 Port Taranaki Industries Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
27. receives the 96 Fonterra Kapuni Air and Water Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
28. receives the 97 Westown Haulage Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.
29. receives the 98 Civil Quarries Ltd - Everett Road Quarry Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.

30. receives the 99 STDC Combined Kaponga Manaia Patea and Waverley WWTP Monitoring Programme Annual Report 2017-2018 and adopts the specific recommendations therein.

31. receives the 101 Combined Northern Quarries Monitoring Programme Biennial Report 2016-2018 and adopts the specific recommendations therein.

32. receives the 102 Opunake Power Ltd Programme Annual Report 2017-2018 and adopts the specific recommendations therein.

McDonald/MacLeod

4. National Environmental Standards for Plantation Forestry in Taranaki – implementation update and slash management

- 4.1 Mr A D McLay, Director-Resource Management, spoke to the memorandum advising the Committee of the monitoring and enforcement activities undertaken to date for the National Environmental Standards for Plantation Forestry (NES-PF) and the requirements for slash management under the NES-PF. Interest had been shown at the previous meeting around slash management and monitoring and enforcement undertaken to date to avoid the problems experienced in Gisborne.

Recommended

That the Taranaki Regional Council:

1. receives this memorandum;
2. notes the Council has a professional relationship in place with the forestry sector;
3. notes compliance with the NES-PF has been high; and
4. notes the Council is participating in a review of the NES-PF.

Holswich/Cloke

5. Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 18 January 2019 to 28 February 2019

Councillor D N MacLeod and Councillor C L Littlewood declared an interest in Item 5 (Incident, Compliance Monitoring Non-compliances and Enforcement Summary – 18 January 2019 to 28 February 2019) in relation to Port Taranaki Limited.

Councillor M P Joyce declared an interest in Item 5 (Incident, Compliance Monitoring Non-compliances and Enforcement Summary – 18 January 2019 to 28 February 2019) in relation to Robin Lee Smith & Valmai Florence Sutton.

- 5.1 The Committee received and noted the summary of the Council's Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 18 January 2019 to 28 February 2019.

- 5.2 Mr B E Pope, Compliance Manager, provided an overview to the Committee on the reported incidents and answered questions concerning officer assessments of the incidents.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum
2. receives the summary of the Incidents, Compliance Monitoring Non-compliances and Enforcement for the period from 18 January 2019 to 28 February 2019, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

MacLeod/Holswich

6. General Business

There was no General Business.

7. Public Excluded

In accordance with section 48(1) of the *Local Government Official Information and Meetings Act 1987*, it is resolved that the public is excluded from the following part of the proceedings of the Consents and Regulatory Committee on Tuesday 19 March 2019 for the following reason:

Item 8 – Prosecution

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 such disclosure would be likely to prejudice the maintenance of the law, including the prevention, investigation and detection of offences, and the right to a fair trial.

Cloke/Raine

There being no further business, the Committee Chairperson Councillor M P Joyce, declared the Consents and Regulatory Committee meeting closed at 10.15am.

Confirmed

Chairperson _____
M P Joyce

Date **30 April 2019**

Agenda Memorandum

Date 9 April 2019

**Memorandum to
Chairperson and Members
Taranaki Regional Council**



**Subject: Policy and Planning Committee Minutes
– 19 March 2019**

Prepared by: A D McLay, Director-Resource Management

Approved by: B G Chamberlain, Chief Executive

Document: 2236005

Resolve

That the Taranaki Regional Council:

1. receives the minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 19 March 2019 at 10.35am
2. adopts the recommendations therein.

Matters arising

Appendices

Document #2224426 - Minutes Policy and Planning Committee Meeting

**Minutes of the Policy and Planning
Committee Meeting of the Taranaki
Regional Council, held in the Taranaki
Regional Council Chambers, 47 Cloten
Road, Stratford, on Tuesday 19 March
2019 at 10.35am.**



Members	Councillors	N W Walker	(Committee Chairperson)	
		M P Joyce		
		C L Littlewood		
		D H McIntyre		
		B K Raine		
		C S Williamson		
		D N MacLeod	(ex officio)	
		D L Lean	(ex officio)	
Representative Members	Councillors	G Boyde	(Stratford District Council)	
		P Nixon	(South Taranaki District Council)	
		R Jordan	(New Plymouth District Council)	
	Messrs	J Hooker	(Iwi Representative)	
		M Ritai	(Iwi Representative)	
Ms	E Bailey	(Iwi Representative)		
Attending	Messrs	B G Chamberlain	(Chief Executive)	
		A D McLay	(Director-Resource Management)	
		G K Bedford	(Director-Environment Quality)	
		M J Nield	(Director-Corporate Services)	
		C L Spurdle	(Planning Manager)	
		R Phipps	(Science Manager)	
		S Tamarapa	(Iwi Communications Officer)	
		G Severinsen	(Manager Policy and Strategy)	
		R Ritchie	(Communications Manager)	
		P Ledingham	(Communications Adviser)	
		S Ellis	(Environment Services Manager)	
		Ms	M Lachmann	(Communications Adviser)
		Ms	J Mack	(Committee Administrator)
	Mrs	V McKay	(Science Manager)	
Mrs	H Gerrard	(Science Manager)		
Mr	J Clough	(Wrightson Consulting)		
	One Member of the media			

Apologies

There were no apologies

1 minute silence was observed to remember the recent Christchurch incident.

**Notification of
Late Items**

There were no late items of business.

1. Confirmation of Minutes – 5 February 2019

Resolved

THAT the Policy and Planning Committee of the Taranaki Regional Council

1. takes as read and confirms the minutes and confidential minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 5 February 2019 at 10.35am
2. notes that the recommendations therein were adopted by the Taranaki Regional Council on 26 February 2019.

Raine/Hooker

Matters Arising

There were no matters arising.

2. Update on Taranaki Taku Tūranga – Our Place: Towards a Predator Free Taranaki

- 2.1 Mr S R Hall, Director - Operations, spoke to the memorandum presenting an update on the progress of the *Taranaki Taku Turanga – Our Place: Towards a Predator-Free Taranaki* project. Mr S Ellis, Environment Services Manager, presented a powerpoint presentation and gave a handout of the ommitted attachment in the agenda.

Recommended

That the Taranaki Regional Council:

1. receives this memorandum *Update on Taranaki Taku Tūranga - Our Place: Towards Predator Free Taranaki*; and
2. notes the progress and milestones achieved in respect of the urban and rural predator control and the zero density possum projects of the *Towards Predator-Free Taranaki* project.

Williamson/Boyd

3. Report of the Tax Working Group and findings on environmental taxes

- 3.1 Mr G Severinsen, Manager Policy and Strategy, spoke to the memorandum introducing the Tax Working Group report entitled '*Future of Tax*', and to highlight in particular, the findings and recommendations from the report on environmental taxes.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum *'Report of the Tax Working Group and findings on environmental taxes'*.

Williamson/MacLeod

4. Kaupapa Māori Freshwater Assessments report and Wai Māori working group

- 4.1 Mr S Tamarapa, Iwi Communications Officer, spoke to the memorandum to present for Members' information a national Mātauranga Maori stocktake entitled *Kaupapa Māori Freshwater Assessments – A Summary of Iwi and Hapū-based Tools, Frameworks and Methods for Assessing Freshwater Environments* and an update on the establishment of a Wai Māori working group of iwi and hapū representatives to inform the review of the Regional Freshwater and Soil Plan reviews.

Recommended

That the Taranaki Regional Council:

1. receives this memorandum *Kaupapa Māori Freshwater Assessments report and Wai Māori working group*;
2. notes Council is seeking to establish a Wai Māori working group; and
3. notes Council officers will also be able to engage with individual iwi and hapū throughout the Plan review and the development of mātauranga Māori monitoring methods.

Joyce/Bailey

5. National Environmental Standards for Plantation Forestry in Taranaki – implementation update and slash management

- 5.1 Mr A D McLay, Director-Resource Management, spoke to the memorandum advising the Committee of the monitoring and enforcement activities undertaken to date for the National Environmental Standards for Plantation Forestry (NES-PF) and the requirements for slash management under the NES-PF. Interest had been shown at the previous meeting around slash management and monitoring and enforcement undertaken to date to avoid the problems experienced in Gisborne.

Recommended

That the Taranaki Regional Council:

1. receives this memorandum;
2. notes the Council has a professional relationship in place with the forestry sector;
3. notes compliance with the NES-PF has been high; and

4. notes the Council is participating in a review of the NES-PF.

Williamson/Joyce

Closing Karakia Mr M Ritai (Iwi Representative) gave the closing Karakia to the Policy and Planning Committee and Karakia for kai (lunch).

There being no further business, the Committee Chairperson Councillor N W Walker, declared the meeting of the Policy and Planning Committee meeting closed at 11.55am.

Confirmed

Chairperson _____

N W Walker

Date

30 April 2019

Agenda Memorandum

Date 9 April 2019

**Memorandum to
Chairperson and Members
Taranaki Regional Council**



**Subject: Regional Transport Committee Minutes
– 27 March 2019**

Prepared by: M J Nield, Director-Corporate Services

Approved by: B G Chamberlain, Chief Executive

Document: 2236021

Resolve

That the Taranaki Regional Council:

1. receives the minutes of the Regional Transport Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Wednesday 27 March 2019 at 11.05am
2. adopts the recommendations therein.

Matters arising

Appendices

Document #2230540 – Minutes Regional Transport Committee

**Minutes of the Regional Transport Committee
Meeting of the Taranaki Regional Council,
held in the Taranaki Regional Council
Chambers, 47 Cloten Road, Stratford on
Wednesday 27 March 2019 commencing at
11.05am.**



Members	Councillor	C S Williamson	(Committee Chairperson)
	Councillor	M J McDonald	(Committee Deputy Chairperson)
	Councillor	H Duynhoven	(New Plymouth District Council)
	Mayor	N Volzke	(Stratford District Council)
	Councillor	P Nixon	(South Taranaki District Council)
	Mr	R I Anson	(NZ Transport Agency)

Attending	Messrs	M J Nield	(Director-Corporate Services)
		C B Clarke	(Transport Services Manager)
		C G Severinsen	(Policy Manager)
		P Ledingham	(Communications Adviser)
	Mrs	F Ritson	(Policy Analyst)
	Ms	J Mack	(Committee Administrator)
	Messrs	S Bowden	(Stratford District Council)
		V Lim	(South Taranaki District Council)
		D Langford	(New Plymouth District Council)
		R Leitao	(New Plymouth District Council)
D Perry		(NZ Transport Agency)	

Apologies The apology from Mayor R Dunlop (South Taranaki District Council) was received and sustained.

Notification of Late Items There were no late items.

1. Confirmation of Minutes – 28 November 2018

Resolved

THAT the Regional Transport Committee of the Taranaki Regional Council:

1. takes as read and confirms the minutes and recommendations of the Regional Transport Committee meeting of the Taranaki Regional Council, held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Wednesday 28 November 2018 at 11.00am.
2. notes that recommendations therein were adopted by the Taranaki Regional Council on 11 December 2018.

McDonald/Williamson

Matters arising

There were no matters arising.

2. Minutes of the Taranaki Regional Transport Advisory Group

- 2.1 The minutes of the Taranaki Regional Transport Advisory Group (RTAG) meeting held on 6 March 2019 were received and noted.

Recommended

THAT the Taranaki Regional Council

1. receives, for information purposes, the unconfirmed minutes of the Taranaki Regional Transport Advisory Group meeting held on Wednesday 6 March 2019.

I'Anson/Duynhoven

3. Requests to vary the Regional Land Transport Plan for Taranaki: Mid-term Review 2018/19-2020/21

- 3.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum seeking Council approval of two requests to vary the *Regional Land Transport Plan for Taranaki: Mid-term Review 2018/19-2020/21*.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum, Requests to vary the *Regional Land Transport Plan for Taranaki: Mid-term Review 2018/19-2020/21*
2. agrees to the requested variation to the *Regional Land Transport Plan for Taranaki: Mid-term Review 2018/19-2020/21*, made by the New Zealand Transport Agency, to add a new project 'Taranaki State Highway LED Street Lighting Upgrade'
3. agrees to the requested variation to the *Regional Land Transport Plan for Taranaki: Mid-term Review 2018/19-2020/21*, made by the New Plymouth District Council, to add a new project 'Coastal Pathway Extension from Bell Block to Waitara'
4. adopts these variations to the *Regional Land Transport Plan for Taranaki: Mid-term Review 2018/19-2020/21* and forwards them on to the NZ Transport Agency.

Williamson/Duynhoven

4. SH43 Improvement Project

- 4.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum and Mr R I'Anson provided a presentation to the Committee to update members on the State Highway 43 (SH43) Improvement Project, which includes looking into the potential benefits of sealing the final 12km section of the highway through the Tangarakau Gorge.

Recommended

That the Taranaki Regional Council:

1. receives and notes the update provided by the NZ Transport Agency on the State Highway 43 Improvement Project
2. receives and notes the *SH43 Forgotten Highway - Workshop 2 Report - Prepared for NZTA by Urban Connection, February 2019.*

Volkze/Nixon

Action item – letter of support parallel to letter from Mayoral Forum.

5. New Zealand Transport Agency Regional Report

- 5.1 Mr R I Anson, NZ Transport Agency, spoke to the NZ Transport Agency's Regional Report to the Taranaki Regional Transport Committee updating Members on Agency news and activities.

Recommended

THAT the Taranaki Regional Council

1. receives and notes the Regional Report from the NZ Transport Agency dated 27 March 2019.

Volzke/Duynhoven

6. 2018-2021 National Land Transport Programme Regional Summary for Taranaki

- 6.1 Mr M J Nield, Director – Corporate Services, spoke to the memorandum to update the Committee on the anticipated funding allocations made to the Taranaki region through the 2018-2021 National Land Transport Programme, as a result of funding requests made through the *Regional Land Transport Plan for Taranaki: Mid-term Review.*

Recommended

THAT the Taranaki Regional Council

1. receives and notes the memorandum, 2018-2021 National Land Transport Programme Regional Summary for Taranaki.
2. receives and notes the correspondence received from the NZ Transport Agency, 2018-2021 National Land Transport Programme – RLTP Funding Decisions, dated 14 March 2019.

McDonald/Volzke

7. Passenger transport operational update for the quarter ending 31 December 2018

- 7.1 Mr C B Clarke, Transport Services Manager, spoke to the memorandum providing the

Committee with an operational report of the public transport services as at 31 December 2018.

Recommended

THAT the Taranaki Regional Council

1. receives and notes the operational report of the public transport services for the quarter ending 31 December 2018.

Duynhoven/Williamson

8. Correspondence and information items

- 8.1 The memorandum updating Members on correspondence and information received since the last Committee meeting was noted.

Recommended

That the Taranaki Regional Council:

1. receives and notes for information purposes the correspondence with the Minister of Transport regarding the State Highway 3 Waitara to Bell Block announcement
2. receives the correspondence from MP Dr Nick Smith requesting endorsement and promotion of a petition on random roadside drug testing, and provides guidance on the response to this request
3. receives and notes the information provided on the Ministry of Transport's regional transport policy workshop being held in New Plymouth on 29 March 2019
4. receives and notes for information purposes the information provided by Crown Infrastructure with regard to the rollout of the Mobile Black Spot Fund
5. receives and notes for information purposes the update provided on the Taranaki Tracks and Trails Strategy project
6. receives and notes for information purposes the brief update provided on the Regional Stock Truck Effluent Strategy review.

Williamson/MacDonald

There being no further business the Committee Chairperson, Councillor C S Williamson, declared the Regional Transport Committee meeting closed at 12.25pm.

Confirmed

Chairperson _____
C S Williamson

Date 19 June 2019

Agenda Memorandum

Date 9 April 2019

**Memorandum to
Chairperson and Members
Taranaki Regional Council**



**Subject: Executive, Audit and Risk Committee
Minutes – 1 April 2019**

Prepared by: M J Nield, Director-Corporate Services

Approved by: B G Chamberlain, Chief Executive

Document: 2236033

Resolve

That the Taranaki Regional Council:

1. receives the minutes of the Executive, Audit and Risk Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Monday 1 April 2019 at 10.10am
2. adopts the recommendations therein.

Matters arising

Appendices

Document #2233299 - Minutes Executive, Audit and Risk Committee

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 1 April 2019 at 10.10am.



Members	Councillors	D L Lean M J Cloke M P Joyce D N MacLeod N W Walker C S Williamson	(Committee Chairperson)
Attending	Messrs	B G Chamberlain M J Nield	(Chief Executive) (Director-Corporate Services)
	Mrs	R Johnson	(Financial Services Manager)
	Ms	J Mack	(Committee Administrator)
	Mr	P Ledingham	(Communications Adviser)
		One member of the Media	
Apologies		There were no apologies	
Notification of Late Items		There were no late items of business.	

1. Confirmation of Minutes - 18 February 2019

Resolved

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

1. takes as read and confirms the minutes and confidential 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 18 February 2019 at 10.00am
2. notes the recommendations therein were adopted by the Taranaki Regional Council on 26 February 2019.

Lean/MacLeod

Matters arising

There were no matters arising.

2. Financial and Operational Report

- 2.1 The memorandum to receive information on the operational and financial performance of the Council was noted and discussed by the Committee.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum and the January and February 2019 Monthly Financial Reports
2. notes the Regional Integrated Ticketing System update
3. notes the digital media report
4. notes the health and safety report.

Walker/Cloke

3. Delegation to amend regional policy statement or plans to correct minor errors

- 3.1 The memorandum to adopt a new delegation to allow correction of any minor errors in regional policy statements or plans, that do not require a schedule 1 process, to be made at officer level was received and discussed by the Committee.

Recommended

THAT the Taranaki Regional Council

1. agrees to amend the *Delegations Manual for the Taranaki Regional Council* to delegate the authority to officers to amend the Regional Policy Statement and regional plan documents to correct minor errors pursuant to Clause 20A of the First Schedule of the *Resource Management Act 1991*.

Cloke/Joyce

4. Port Taranaki Ltd: Half-Year Report to 31 December 2018

As a Director on Port Taranaki Limited Board, Mr D N MacLeod, declared his interest to the Executive, Audit and Risk Committee.

- 4.1 Mr M J Nield, Director-Corporate Services, spoke to the memorandum to receive and consider Port Taranaki Limited's interim report on the operations and activities of the company for the six months ending 31 December 2018.

Recommended

THAT the Taranaki Regional Council

1. receives Port Taranaki Limited's interim report for the six months ended 31 December 2018 including the unaudited financial report

2. notes the 2018/2019 Port Taranaki Ltd dividends of \$3,540,000 in September 2018 and \$5,460,000 in February 2019.

Walker/Williamson

5. Regional Software Holdings Ltd: Draft Statement of Intent for 2019/2020 to 2021/2022

As a Director on Regional Software Holdings Limited, Mr M J Nield, Director-Corporate Services, declared his interest to the Executive, Audit and Risk Committee.

- 5.1 Mr M J Nield, Director-Corporate Services, spoke to the memorandum to receive and consider Regional Software Holdings Ltd's statement of intent (SOI) for the year ending 30 June 2020 and then to provide feedback to the Board of Directors.

Recommended

THAT the Taranaki Regional Council

1. receives and considers Regional Software Holdings Ltd's statement of intent for the year ending 30 June 2020
2. provides feedback to the Board of Directors of Regional Software Holdings Ltd.

Lean/Williamson

6. Regional Software Holdings Ltd: Six Month Report to Shareholders to 31 December 2018

As a Director on Regional Software Holdings Limited, Mr M J Nield, Director-Corporate Services, declared his interest to the Executive, Audit and Risk Committee.

- 6.1 Mr M J Nield, Director-Corporate Services, spoke to the memorandum to receive and consider Regional Software Holdings Ltd's interim report on the operations and activities of the company for the six months ending 31 December 2018.

Recommended

THAT the Taranaki Regional Council

1. receives Regional Software Holdings Ltd's interim report for the six months ended 31 December 2018 including the unaudited financial report.

Walker/MacLeod

7. 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 Committee Meeting on Monday 1 April 2019 for the following reason/s:

Item 8- Outstanding Debts

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 such disclosure would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Cloke/Joyce

There being no further business, the Committee Chairperson, Councillor D L Lean, declared the open meeting of the Executive, Audit and Risk Committee closed at 10.40am.

Confirmed

Committee Chairperson: _____
D L Lean

Date: **13 May 2019**

Agenda Memorandum

Date 9 April 2019



**Memorandum to
Chairperson and Members
Taranaki Regional Council**

Subject: Joint Committee Minutes

Prepared by: G K Bedford, Director-Environment Quality

Approved by: B G Chamberlain, Chief Executive

Document: 2236043

Purpose

The purpose of the memorandum is to receive for information the minutes of the Taranaki Civil Defence Emergency Management Group Joint Committee meeting held on Tuesday 5 March 2019.

Executive summary

The Taranaki Civil Defence Emergency Management Group Joint Committee is a Joint Committee between the Taranaki Regional Council and the three district councils of Taranaki.

The Local Government Act (Schedule 7, clause 30(8)) states that a joint committee is deemed to be both a committee of the local authority and a committee of the other local authority or public body.

Each council will therefore be given the minutes of the joint committee meetings for their receipt and information.

Recommendations

That the Taranaki Regional Council

1. receives the unconfirmed minutes of the Taranaki Civil Defence Emergency Management Group Joint Committee meeting held on Tuesday 5 March 2019.

Decision-making considerations

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

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

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

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

Legal considerations

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

Appendices/Attachments

Document 2216893: Minutes Taranaki Civil Defence Emergency Management Group Joint Committee



**Minutes of the Taranaki Civil Defence
Emergency Management Group Joint Committee
meeting held at the Taranaki Regional Council,
47 Cloten Road, Stratford on Tuesday
5 March commencing at 10.40am.**

Members	Councillor	M J Cloke	(Taranaki Regional Council) (Group Chairperson) <i>(from 11.20am)</i>
	Mayor	R Dunlop	(South Taranaki District Council)
	Mayor	N Volzke	(Stratford District Council)
	Councillor	R Jordan	(New Plymouth District Council)
Attending	Mr	M J Nield	(Taranaki Regional Council)
	Ms	J Mack	(Taranaki Regional Council)
	Mr	C Stevenson	(CDEM Group CEG Chairperson)
	Mr	W Crockett	(South Taranaki District Council)
	Mr	C Campbell-Smart	(Taranaki CDEM Manager)
	Mr	K Evans	(Ministry of Civil Defence Emergency Management)
	Ms	R Hyde	(Department of Prime Minister and Cabinet)
Apologies	Mayor	N Holdom	(New Plymouth District Council)
	Mr	S Hanne	(Stratford District Council)

Mr M J Nield as acting Principal Administrative Officer called for nominations to elect a Chair for the purpose of this meeting given the absence of Councillor M J Cloke (Chair) at the commencement of the meeting. Mayor R Dunlop nominated Mayor N Volzke, Councillor R Jordan seconded. Mayor N Volzke assumed the role of Chairperson.

Notification of

Late Items There were no late items of business.

1. Confirmation of Minutes - 27 November 2018

Resolved

THAT the Taranaki Civil Defence Emergency Management Group Joint Committee:

1. takes as read and confirms the minutes and resolutions of the Taranaki Civil Defence Emergency Management Group meeting held at the Taranaki Regional Council, 47 Cloten Road, Stratford, on Tuesday 27 November 2018 at 10.
2. notes that the unconfirmed minutes of the Taranaki Civil Defence Emergency Management Group meetings held at the Taranaki Regional Council, 47 Cloten Road, Stratford, on Tuesday 27 November 2018 at 10.30am have been circulated to the Taranaki Regional Council, New Plymouth District Council, Stratford District Council and South Taranaki District Council for their receipt and information.

Dunlop/Volzke

Matters arising

There were no matters arising.

2. Taranaki Civil Defence Emergency Management Co-ordinating Group Minutes

Resolved

That the Taranaki Civil Defence Emergency Management Group Joint Committee:

1. receives the unconfirmed minutes of the Taranaki Civil Defence Emergency Management Co-ordinating Executive Group meeting held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Thursday 14 February 2019 at 10.30 am
2. adopts the recommendations therein.

Dunlop/Jordan

3. CDEM Act Consultation

- 3.1 Mr C Campbell-Smart, CDEM Manager, spoke to the memorandum regarding the CDEM Act Consultation and introduced Ms Rachel Hyde, Principal Policy Advisor, Department of Prime Minister and Cabinet who presented a powerpoint regarding the Emergency Management System Reform.

Resolved

That the Taranaki Civil Defence Emergency Management Group Joint Committee:

1. receives the memorandum *CDEM Act Consultation* and provides feedback through the workshop.

Jordan/Dunlop

Cr M J Cloke resumed the Chair 11.20am

4. Quarter Two Performance Report 2018/2019

- 4.1 Mr C Campbell-Smart, CDEM Manager, spoke to the memorandum presenting the Quarter Two Performance Report (for the financial year 2018/2019).

Resolved

That the Taranaki Civil Defence Emergency Management Group Joint Committee:

1. receives the memorandum *Quarter Two Performance Report 2018/2019*.

Cloke/Volzke

5. TEMO Annual Plan Budget 2019-2020

- 5.1 Mr C Campbell-Smart, CDEM Manager, spoke to the memorandum presenting the Annual Plan 2019-2020 budget.

Resolved

That the Taranaki Civil Defence Emergency Management Group Joint Committee:

1. receives the Memorandum, *TEMO Revised Annual Plan Budget 2019-20*;
2. notes and endorses the budget revisions, as contained in the report and attachments;
3. approves a total budget of \$1,194,118 split between the Taranaki Regional Council \$406,000, the New Plymouth District Council \$477,647, the Stratford District Council \$95,529 and the South Taranaki District Council \$214,941, for inclusion into respective Annual Plans, and invites feedback by 30 April 2019;
4. approves the establishment of a reserves budget to manage year end variances.
5. notes that approval of the final *Annual Plan Budget 2019-20* will take place at the 18 June 2019 Joint Committee meeting.
6. notes that future budgeting cycles need to be brought forward to ensure alignment with the budgeting cycles of the four councils.

Dunlop/Volzke

6. Taranaki CDEM Group Welfare Managers Resignation and Appointment Process

- 6.1 Mr C Campbell-Smart, Taranaki CDEM Group Manager, spoke to the memorandum advising the Joint Committee of the departure and associated resignations of the Taranaki CDEM Group Welfare Manager and alternate Group Welfare Manager and the requirements to recruit replacements.

Resolved

That the Taranaki Civil Defence Emergency Management Group Joint Committee:

1. receives the resignations of Group Welfare Manager, Mrs Kelly Langton, and alternate Group Welfare Manager Mrs Diedre Nagel;
2. delegates the power to appoint to Group Welfare Manager and alternates, to the Taranaki CDEM Group Controller, with CEG chair endorsement.

Cloke/Dunlop

7. ECC Internet Outage Debrief

- 7.1 Mr C Campbell-Smart, CDEM Manager, spoke to the memorandum presenting the outcomes from the organisational debrief related to an internet outage experienced at the Emergency Coordination Centre on Thursday 6th December 2018.

Resolved

That the Taranaki Civil Defence Emergency Management Group Joint Committee:

1. receives the report *Debrief report ECC Internet Outage Debrief report and Corrective Action Plan*;
2. notes the corrective actions contained within the report, and that these will be incorporated and prioritised within existing work plans.

Volzke/Jordan

8. Primary Industries Sector Group Terms of Reference and Name Change

- 8.1 Mr C Campbell-Smart, CDEM Manager, spoke to the memorandum to adopt the revised terms of reference for the Primary Industries Sector Group.

Resolved

That the Taranaki Civil Defence Emergency Management Group Joint Committee:

1. receives the Memorandum, *Adoption of Primary Industries Advisory Group terms of reference and name change*.
2. adopts the Primary Industries Sector Group Terms of Reference contained within this report; and
3. approves the minor amendment to the Group Plan reflecting the name change.

Cloke/Dunlop

9. TEMO Submissions to MCDEM

- 9.1 The memorandum to present CDEM Group Joint Committee the submissions made by the Group Office (Taranaki Emergency Management Office (TEMO)), to the New Zealand Response Teams and New Zealand Fly-In Teams (NZ-FIT) concept was received and discussed.

Resolved

That the Taranaki Civil Defence Emergency Management Group Joint Committee:

1. receives the report *CDEM Group Submissions to Ministry of Civil Defence and Emergency Management*
2. notes and endorses the content of feedback and submissions contained as attachments to the report.

Cloke/Jordan

There being no further business, Group Chairperson Councillor M J Cloke (Taranaki Regional Council) declared the Taranaki Civil Defence Emergency Management Group meeting closed at 12.10pm.

Confirmed

Chairperson _____
M J Cloke

Date **18 June 2019**

Agenda Memorandum

Date 9 April 2019



**Memorandum to
Chairperson and Members
Taranaki Regional Council**

**Subject: New Plymouth District Council (Waitara
Lands) Act 2018 and duties and
functions of the Taranaki Regional
Council**

Approved by: BG Chamberlain, Chief Executive

Document: 2192361

Purpose

The purpose of this memorandum is to:

- introduce the newly enacted New Plymouth District Council (Waitara Lands) Act 2018 (the Act);
- outline the Taranaki Regional Council's duties and functions under the Act;
- recommend the Council receive draft constitutions for a new Waitara River Committee and a new Waitara River subcommittee, which are required to be established under the Act, and which will form the basis of discussions with iwi and hapū; and
- recommend a path forward to establish the committees.

Executive summary

The New Plymouth District Council (Waitara Lands) Act (the Act), was enacted by Parliament on 18 December 2018 and came into force on 17 March 2019.

The Act brings to a conclusion almost three decades of negotiations over endowment lands in Waitara. It seeks to balance the interests and aspirations of iwi and Waitara hapū and of leaseholders, as well as meet the legal obligations of the New Plymouth District Council (NPDC) and the Taranaki Regional Council (TRC). It offers a fresh start for the township.

The main features of the Act provide for:

- the transfer of certain endowment lands to iwi and or hapū ownership;
- the option for leaseholders to buy the freehold title to their properties at current market value;
- the removal of restrictions on how income from the sale or ongoing lease of leasehold land can be used; and

- the creation of funds from the sale or ongoing lease of land for the benefit of the Waitara community including the Waitara hapū, as well as funds for the restoration, protection and enhancement of the Waitara River and Waitara River catchment.

The allocation of income from Waitara endowment land is split between the NPDC and the TRC after costs have been deducted. As far as the TRC income is concerned, funds must be spent only on matters that are within the role and responsibilities of the Council under the Local Government Act 2002 or other enactment, within Waitara or the Waitara River catchment. The Act requires the Council to establish a Waitara River Committee and that committee must in turn establish a subcommittee for the purpose of determining how the money is to be allocated.

The Act requires the NPDC to establish a Fund to receive income from leasehold land and further requires that within that Fund, two subfunds be established: a Hapū Land Fund and a Waitara Perpetual Community Fund. The Hapū Land Fund is to be used for the benefit of the Waitara hapū (Manukorihi and Otaraua hapū) to purchase, develop or manage land in or adjacent to Waitara. The Waitara Perpetual Community Fund is to be applied for the purpose of benefiting the Waitara community by a process of annual releases from the Fund.

Of the income received by the Taranaki Regional Council, 70% must be spent on the restoration, protection and enhancement of the Waitara River and Waitara River catchment and the remaining 30% on any matter in Waitara or in the lower catchment of the Waitara River. The money received is Council income i.e.: the funds must be administered in accordance with Council determined accounting standards, policies and practices. The Council remains accountable for the income and how it is applied.

The amounts allocated to the Council must be applied by the Council in accordance with determinations made by a new standing committee to be established by the Council – the Waitara River Committee. The Committee is to be made up of five members of the Council, four members nominated by the Waitara River Authorities (being iwi authorities with mana whenua in the Waitara River catchment or parts of it), and one member nominated by Te Kōwhatu Tū Moana, a trust established by the Manukorihi hapū.

The Waitara River Committee is to establish a Waitara River subcommittee. The subcommittee is made up of appointees nominated by Te Kōwhatu Tū Moana and is to make recommendations to the Waitara River Committee concerning the 30% of funding that is to go towards Waitara or the lower catchment of the Waitara River.

The Act requires the Council to take all reasonable steps to reach agreement with the Waitara River Authorities in constituting the Waitara River Committee.

Members should note that Otaraua hapū withdrew its support for the Act at a late stage prior to enactment and that this matter will be left to the Waitara hapū and Te Atiawa.

This memorandum provides background to the Act, outlines the Council's responsibilities under the Act and presents a draft constitution for the Waitara River Committee and a preliminary 'draft' draft constitution for the Waitara River subcommittee (noting that it is the responsibility of the Waitara River Committee to establish the subcommittee), for consideration by the Council. It is recommended that the draft constitutions, with any amendments made by the Council, form the basis of discussions with iwi and hapū representatives.

A paper will come before the Council in due course with recommendations to adopt the final constitution of the Waitara River Committee and to appoint Council, iwi and hapū representatives to the committee.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum *New Plymouth District Council (Waitara Lands) Act 2018 and duties and functions of the Taranaki Regional Council*;
2. notes the Act requires the Council to constitute a Waitara River Committee for the purposes of allocating funds that are payable to the Council under the Act;
3. notes that the functions of the Waitara River Committee may be performed only in relation to matters that are within the role and responsibilities of the Council under the Local Government Act 2002 or any other enactment;
4. notes that the Act requires the Council to take all reasonable steps to enter an agreement with the Waitara River Authorities to constitute the Waitara River Committee;
5. notes that it is the responsibility of the Waitara River Committee to establish the Waitara River subcommittee;
6. receives the attached draft constitutions with any amendments made by the Council, as a basis for discussions with the Waitara River Authorities; and
7. agrees to begin a process to reach agreement with the Waitara River Authorities concerning the establishment of the committees, noting that there is a need to confirm arrangements as soon as is reasonably practical so that the committees can begin their task; and
8. notes that upon completion of discussions and agreement concerning the establishment of the Waitara River Committee, a memorandum will be presented to the Council recommending the establishment of the Committee, the adoption of a final constitution and the appointment to the Committee of the Council's own nominations and the nominations of iwi and hapū.

Background

The New Plymouth District Council (Waitara Lands) Act (the Act), was enacted by Parliament on 18 December 2018 and came into force on 17 March 2019.

The complete Act can be found on the New Zealand Legislation website at <http://www.legislation.govt.nz/act/local/2018/0002/latest/DLM6961713.html?src=qs>

The Act brings to a conclusion almost three decades of negotiations over endowment lands in Waitara. It seeks to balance the interests and aspirations of iwi and of Waitara hapū and leaseholders, as well as meet the legal obligations of the New Plymouth District Council and the Taranaki Regional Council. It offers a fresh start for the township.

To recap briefly, the Crown's attempt in 1860 to purchase the Pekapeka Block (a large portion of what is present-day Waitara), led to disputes over the Crown's purchasing methods and marked the beginning of the New Zealand land wars. By 1865, all land owned

by the Waitara hapū at Waitara was confiscated. The Crown subsequently gifted confiscated land to local authorities for the development of a harbour and the township at Waitara with land being leased to leaseholders under perpetual lease arrangements.

Most of the endowment land in Waitara was eventually transferred to the Waitara Borough Council and held under the Waitara Harbour Act 1940. The balance of the land was given to borough authorities for municipal purposes under various pieces of legislation and Crown grants.

The land became part of the newly formed New Plymouth District Council (NPDC) during the 1989 reorganisation of local government. However, income from the land could only be used for very limited purposes under the Waitara Harbour Act with any 'surpluses' going to the Taranaki Regional Council (the Council or TRC) who inherited harbour board functions under the local government reorganisation of 1989.

Since this time there have been many attempts to resolve the endowment land issues in Waitara. These have included proposals to sell the land to the Crown as part of Te Atiawa's treaty settlement and various challenges by leaseholders to the High Court and Court of Appeal. In 2014, a decision was made by the Te Atiawa Iwi Authority not to include Waitara lands in their treaty settlement. In the early part of 2016, the NPDC consulted with the public over a new Waitara lands bill, which was introduced to Parliament in September 2016.

The bill as introduced has undergone significant change before it was finally enacted in December 2018.

The main features of the Act

In general terms the main features of the Act provide for:

- the transfer of certain endowment lands to iwi and or hapū ownership;
- the option for leaseholders to buy the freehold title to their properties at current market value;
- the removal of restrictions on how income from the sale or ongoing lease of leasehold land can be used; and
- the creation of funds from the sale or ongoing lease of land for the benefit of the Waitara community including the Waitara hapū, as well as funds for the restoration, protection and enhancement of the Waitara River and Waitara River catchment.

One of the main features of the Act, and one that has resulted in much litigation over the years, is the ability for leaseholders to purchase freehold, their leased properties at market value. There are 770 leasehold properties in Waitara valued at approximately \$90 million.

From the sale of these properties over the next 20 years, it is expected that about \$28 million will be made available to assist the two Waitara hapū, Manukorihi and Otaraua hapū, to purchase, manage or develop land in Waitara. Approximately \$28 million will go to Waitara projects, co-governed by the hapū and the NPDC.

The remaining money, approximately \$34 million, will be allocated to the Waitara River and environment projects. This will be co-governed by the hapū and iwi with interests in the river, and the TRC.

In broad terms, the allocation of income from Waitara endowment land is split between the NPDC and the TRC after costs have been deducted. It is important for Members to note that as far as TRC income is concerned, funds must only be spent on matters that are within the role and responsibilities of the Council under the Local Government Act 2002 or other enactment, within Waitara or the Waitara River Catchment. The Act requires a Waitara River Committee to be established by the Council, to determine how the money is to be allocated.

More detail on the expenditure of these funds, and particularly the funds or income to be co-managed by the TRC, iwi and hapū, is provided later in this memorandum.

Of the remaining endowment lands, about 120 hectares is available to hapū in various ways, mostly as reserves. The Act gifts certain reserve land and developed residential land to the hapū which also has an option to purchase other reserve land. Reserve land will be co-governed with the NPDC and retain their reserve status allowing for continued public access.

The Act repeals the Waitara Harbour Act 1940 and related legislation.

Members should note that Otaraua hapū withdrew its support for the Act at a late stage prior to enactment and that this matter will be left to the Waitara hapū and Te Atiawa.

Expenditure of NPDC income

The Act requires the NPDC to establish a Fund to receive income from leasehold land and further requires that within that Fund, two subfunds be established:

- a Hapū Land Fund; and
- a Waitara Perpetual Community Fund.

The NPDC must allocate to each subfund 50% of the money paid into the Fund.

The Hapū Land Fund is to be used for the benefit of the Waitara hapū (Manukorihi and Otaraua hapū) to purchase, develop or manage land in or adjacent to Waitara.

An incorporated charitable trust, Te Kōwhatu Tū Moana, has been established by Manukorihi hapū to administer the Hapū Land Fund.

The Waitara Perpetual Community Fund is to be applied for the purpose of benefiting the Waitara community or any part of the Waitara community by a process of annual releases from the Fund. Section 48(3) gives some examples of expenditure that would qualify and includes expenditure that would encourage or enable:

- (a) community self-reliance, capacity building, and stability; or*
- (b) opportunities for social, recreational, civic, or cultural participation or for reducing or overcoming barriers to such participation; or*
- (c) community or environmental health; or*
- (d) development or preservation of arts, culture, heritage, or community identity; or*
- (e) sports or recreation; or*
- (f) a greater understanding of the relationship that the Waitara hapū have with Waitara; or*
- (g) a greater understanding of the role of Waitara in the New Zealand land wars.*

The Act provides for the establishment of a joint NPDC and hapū Board to manage and administer the fund. Its functions include making recommendations to the NPDC concerning annual distributions from the Fund.

Expenditure of TRC income

Sections 31 to 35 of the Act deal with the allocation and expenditure of funds that come to the TRC under the Act.

Members are reminded that as far as TRC income is concerned, funds must only be spent on matters that are within the role and responsibilities of the Council under the Local Government Act 2002 and any other enactment. Attachment 1 contains the Council's full statutory duties and functions with respect to the TRC income. Further comment on this matter is provided later in this memorandum.

The funds that are allocated to the Council are Council income i.e.: the funds must be administered in accordance with Council determined accounting standards, policies and practices. The Council remains accountable for the income and how it is applied.

The amounts allocated to the TRC under the Act must be applied by the Council in accordance with determinations made by a new standing committee to be established by the Council and to be known as the Waitara River Committee (Section 31(1)). The Waitara River Committee must establish a Waitara River subcommittee to make recommendations to it under the Act (section 33 (1)(d)).

The statutory provisions relating to the Waitara River Committee and Waitara River subcommittee are summarised below.

Details concerning the functioning of the committees, including their possible constitution, conduct of business, frequency of meetings etc. follow.

Section 31(2) requires Council expenditure under the Act to be in addition to, and not instead of other activities carried out by the Council. In other words, spending is required to be on new activities and not replace spending on business as usual activities (see Attachment 1).

Waitara River Committee

Membership

Section 32(2) of the Act states that the Waitara River Committee must have:

- (a) 5 members nominated by TRC; and*
- (b) 4 members nominated by the Waitara River Authorities who enter the agreement under subsection (4); and*
- (c) 1 member nominated by Te Kōwhatu Tū Moana, in recognition of the historical and continuing mana whenua exercised by the Waitara hapū in Waitara.*

The Act defines the Waitara River Authority as an iwi authority that exercises historical and continuing mana whenua within the Waitara River catchment and has the status of one or more of the bodies set out in section 32(14)(b). Section 32(4) requires the Council to take all reasonable steps to enter an agreement with the Waitara River Authorities to constitute the Waitara River Committee.

This will mean that the Council will have to reach agreement not only with Te Atiawa, but also with Ngāti Maru, Ngāti Tama, Ngāti Mutunga and potentially Ngāti Ruanui and Ngāti Maniapoto.

Te Kōwhatu Tū Moana is an incorporated charitable trust set up by the Manukorihi Hapū in December 2018.

Apart from the requirement to take all reasonable steps to enter an agreement with the Waitara River Authorities, the Act does not prescribe a process for agreeing on a constitution, nor a process for making appointments to the Committee.

The Act is clear that an agreement under section 32(4) must not be inconsistent with any enactment that applies to the TRC or to a Waitara River Authority.

Functions

Section 33 of the Act sets out the functions of the Waitara River Committee.

Section 33(1) states:

33 Functions of Waitara River Committee

- (1) *The functions of the Waitara River Committee are –*
- (a) *to determine the amounts and purposes of distributions of 70% of the TRC income toward the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Waitara River and the Waitara River catchment:*
 - (b) *to determine the amounts and purposes of distributions of 30% of the TRC income toward any matter in Waitara or in the lower catchment of the Waitara River:*
 - (c) *to make a determination under subsection (5):*
 - (d) *to establish a subcommittee to make recommendations under section 34:*
 - (e) *to engage with that subcommittee for the purposes of subsection (7).*

Subsection 2 makes it clear that one of the ways of enhancing the health and well-being of the Waitara River and catchment is by building the capacity and capability of the Waitara River Authorities to pursue those purposes. It states:

- (2) *Without limiting subsection (1)(a), the ways in which the restoration, protection,, and enhancement of the environmental, cultural, and spiritual health and well-being of the Waitara River and the Waitara River catchment can be pursued include building the capacity and capability of the Waitara River Authorities to pursue those purposes.*

Subsection 4 deals with those situations where it is deemed impractical or unnecessary to apply the funds under section 33(1)(a). It states:

- (4) *Subsection (5) applies if the Waitara River Committee is satisfied that –*
- (a) *it is impractical to apply any amount for the purpose set out in subsection (1)(a); or*
 - (b) *it is unnecessary to apply any amount for any purpose set out in subsection(1)(a) due to the positive state of environment, cultural, and spiritual health and well-being of the Waitara River and Waitara River catchment.*

Subsection 5, in turn states:

- (5) *The Waitara River Committee may determine that TRC –*
- (a) *accumulate amounts of TRC income until a purpose set out in subsection (1)(a) arises; or*
 - (b) *apply the amounts –*
 - (i) *for the purpose of the Lower Waitara River Flood Control Scheme; or*

- (ii) *if expenditure under subparagraph (i) is impractical, for a purpose that benefits the Waitara community or any part of the Waitara community; or*
- (iii) *if expenditure under subparagraphs (i) or (ii) is impractical, for non-commercial purposes that benefit the Taranaki community generally, including the Waitara community.*

Subsection 6 makes it clear that the functions of the Waitara River Committee may be carried out only in relation to matters that are within the role and responsibilities of the TRC under the Local Government Act 2002 or any other enactment.

Importantly, the Act provides guidance on what spending would come within the role and responsibilities of the Council for the purposes of section 33(1)(b) and section 33(5)(b)(ii) or (iii). Section 33(10) states:

- (10) *By way of example only, and not a limitation, a distribution is to be treated as being within the role and responsibilities of TRC under the Local Government Act 2002 for the purposes of subsection (1)(b) or (5)(b)(ii) or (iii) if it would contribute to any of the following matters that are within that role and those responsibilities at the relevant time:*
 - (a) *the planning of land and coast restoration and management;*
 - (b) *economic development planning;*
 - (c) *the planning of transport infrastructure development;*
 - (d) *civil defence and emergency preparedness, including marae preparedness planning;*
 - (e) *natural hazards risk management;*
 - (f) *protection of cultural heritage and biodiversity;*
 - (g) *the development of Waitara hapū planning documents that are relevant to TRC's functions;*
 - (h) *the development of an enduring relationship between Waitara hapū and TRC.*

Members will be aware that the roles and responsibilities of the Council are limited in law. The statutory functions of the Council are set out in various statutes such as the Resource Management Act 1991, the Biosecurity Act 1993 and Land Transport Management Act 2003. The Council's functions do not extend to activities that are the responsibility of district councils such as the funding of infrastructure or to those things that are the responsibility of central government such as the building of schools etc.

Subsection 7 makes it a function of the Waitara River Committee to have particular regard to the recommendations of the subcommittee that it is responsible for establishing under section 34 (see separate section on the Waitara River subcommittee).

The limitations imposed by the Act in regard to what TRC income can be spent on are important limitations for the Council, the Waitara River Committee and particularly the Waitara River subcommittee. This is because the functions of the subcommittee under section 33(1)(b) are expressed in more general terms, notwithstanding that the determinations of the Waitara River Committee must be made only in relation to the Council's roles and responsibilities. Hence, Parliament has seen the need for statutory guidance to be provided by way of section 33(10) on this matter and on the two other matters in section 33(5)(b)(ii) and (iii) where the wording is more general than in other sections of the Act relating to the Council's functions.

The remaining subsections of section 33 (Functions of Waitara River Committee) are essentially operational matters relating for example to notifying the TRC each year of its

proposals for the coming year and how the Committee interacts with the subcommittee (see Attachment 1 for details).

Delegations

Under section 32(9) the TRC must delegate to the Committee all of the TRC's powers that the Council considers necessary to enable the committee to carry out its functions.

Change of name

Section 32(6) provides that the name of the Waitara River Committee may be changed by agreement under section 32(4) or later by the committee.

Discharge of committee

Section 32(13) provides that the Waitara River Committee may be discharged only if the TRC and all Waitara River Authorities who are parties to the agreement are satisfied that it is appropriate to do so.

Other provisions relating to the Waitara River Committee

Section 32(10) states that Schedule 2 (which applies to the establishment of the Board to administer the Waitara Perpetual Community Fund) applies to the Waitara River Committee as if a reference to the Board were a reference to the Waitara River Committee and with all other necessary modifications. Schedule 2 deals with the following matters:

1. *Term of appointment*
2. *Removal of Board member from office*
3. *Resignation of membership*
4. *Vacancies*
5. *Chairperson*
6. *Alternate members*
7. *Proceedings and actions of Board not invalidated by defect in appointment of member*
8. *Decision making*
9. *Conflict of interest*
10. *Remuneration and expenses of Board members*
11. *Board expenses*
12. *Reporting on and review of Board.*

Section 32(11) states that to the extent that the procedures of the Waitara River Committee are not prescribed by Schedule 2, they may be determined by the Committee.

Waitara River subcommittee

Section 33(1)(d) makes it clear that one of the functions of the Waitara River Committee is to establish a subcommittee to make recommendations under section 34 (Waitara River Committee to establish subcommittee).

Membership of subcommittee

The subcommittee is to be made up 4 members nominated by Te Kōwhatu Tū Moana. Members will recall that Te Kōwhatu Tū Moana is a charitable trust set up in December 2018 by the Manukorihi Hapū (Section 34(2)).

Function of subcommittee

The sole function of the subcommittee is make recommendations to the Waitara River Committee regarding the 30% of Council income to be distributed in relation to any matter in Waitara or in the lower catchment of the Waitara River (section 34(4)).

The Waitara River Committee in considering the recommendations of the subcommittee may only make determinations on matters that are within the role and responsibilities of the Council. As previously noted, the Act provides clear guidance in section 33(10) on what sort of things could be considered by the Committee in making its determinations and by implication, what sort of matters the subcommittee can consider in making its recommendations.

Delegations

Under section 34(9) the Council must delegate to the subcommittee all of the TRC's powers that the TRC considers necessary to enable the subcommittee to carry out its functions.

Other provisions relating to subcommittee

Again, as with the Waitara River Committee, Schedule 2 applies to the establishment of processes and procedures for the subcommittee (section 34(6)). Also, as with the Waitara River Committee, the Act provides that where the procedures of the subcommittee are not prescribed by Schedule 2, they may be determined by the subcommittee (see Attachment 1 for details).

Establishment and constitution of Committees

This memorandum recommends that in accordance with the New Plymouth District (Waitara Lands) Act 2018, a Waitara River Committee ultimately be established by the Council.

Draft constitutions for both committees are attached as Attachments 2 and 3.

Although the establishment of the Waitara River subcommittee is the responsibility of the Waitara River Committee, officers have included a preliminary 'draft' draft constitution for the subcommittee in this memorandum for the purposes of discussion. It is similar in scope to the draft constitution for the Waitara River Committee with changes reflecting different membership and functions.

In accordance with the Act, the constitutions apply the provisions of Schedule 2 of the Act with all necessary modifications. Procedures not prescribed by Schedule 2 have been included for completeness and are based on Council procedures. For example, all Council committees follow the Council adopted Standing Orders for Council meetings and this has been suggested for the both committees. It is entirely appropriate that other procedures could be agreed on.

As previously noted, Otaraua hapū withdrew its support for the Act at a late stage prior to enactment and that this matter will be left to the Waitara hapū and Te Atiawa.

Next steps

If the Council agrees with the draft constitutions, it is proposed that these be forwarded to Te Atiawa, Ngāti Maru, Ngāti Tama, Ngāti Mutunga, Ngāti Ruanui and Ngāti Maniapoto iwi authorities (and copied to Te Kōwhatu Tū Moana and Otaraua hapū) as a basis for discussion and comment. Circulating the draft constitutions will be done with a view to

reaching agreement on the constitutions with the Waitara River Authorities as per s.32(4) of the Act, and inviting iwi and hapū appointments to the Committees.

A paper will come back to the Council in due course with recommendations for those appointments and the appointment of councillors to the Committee.

Decision-making considerations

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

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

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

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

Legal considerations

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

Attachments

1. Document 2198439: TRC duties and functions under the New Plymouth District Council (Waitara Lands) Act 2018
2. Document 2194579: Waitara River Committee draft constitution (for discussion purposes)
3. Document 2195177: Waitara River subcommittee draft constitution (preliminary draft for discussion purposes)

Attachment 1

TRC duties and functions under the New Plymouth District Council (Waitara Lands) Act 2018

Subpart 3—Expenditure of TRC’s income

31 TRC duty to allocate accumulated and future income

- (1) TRC must apply the amounts allocated to it under subpart 2 (**TRC income**) in accordance with determinations made by the Waitara River Committee under section 33.
- (2) TRC must carry out all activities under this subpart in addition to, and not instead of, any other activities carried out by TRC in relation to the same or any related subject matter.

32 Establishment of Waitara River Committee

- (1) TRC must establish a standing committee of TRC called the Waitara River Committee.
- (2) The Waitara River Committee comprises—
 - (a) 5 members nominated by TRC; and
 - (b) 4 members nominated by the Waitara River Authorities who enter the agreement under subsection (4); and

- (c) 1 member nominated by Te Kōwhatu Tū Moana, in recognition of the historical and continuing mana whenua exercised by the Waitara hapū in Waitara.
- (3) A person to whom clause 4(1)(c), (d), (e), (f), or (g) of Schedule 2 applies is not eligible to be a member of the Waitara River Committee.
- (4) TRC must take all reasonable steps to enter an agreement with the Waitara River Authorities to constitute the Waitara River Committee for the purposes of this subpart.
- (5) A Waitara River Authority that is not a party to the agreement under subsection (4) that first constitutes the Waitara River Committee may be added as a party to the agreement at a later time.
- (6) The name of the Waitara River Committee may be changed—
 - (a) by the agreement under subsection (4); or
 - (b) later, by the committee.
- (7) A change of name of the Waitara River Committee under subsection (6) has effect as changed, and any reference to the Waitara River Committee in this Act or in any other enactment, instrument, or document is to be treated as a reference to the committee by its new name.
- (8) The agreement under subsection (4) must not be inconsistent with any enactment that applies to TRC or to a Waitara River Authority.
- (9) TRC must delegate to the Waitara River Committee all of TRC’s powers that TRC considers necessary to enable the committee to perform the committee’s functions.
- (10) Schedule 2 applies to the Waitara River Committee—
 - (a) subject to this section; and
 - (b) as if—
 - (i) a reference to the Board were a reference to the Waitara River Committee; and
 - (ii) a reference to the Council were a reference to TRC; and
 - (iii) a reference to Te Kōwhatu Tū Moana were a reference to the Waitara River Authorities who enter the agreement under subsection (4); and
 - (c) as if a reference to the Fund were a reference to the TRC income; and
 - (d) with any other necessary modifications.
- (11) To the extent that the procedures of the Waitara River Committee are not prescribed by Schedule 2, they may be determined by the committee.
- (12) Despite clause 4(3) of Schedule 2, if there is a vacancy in the membership of the Waitara River Committee, the committee must not perform any function until the vacancy is filled.

(13) The Waitara River Committee may be discharged only if TRC and all Waitara River Authorities who are parties to the agreement at the relevant time are satisfied that to do so is appropriate.

(14) In this section,—

iwi authority means the authority that represents an iwi and that is recognised by that iwi as having authority to do so

Waitara River Authority means an iwi authority that—

- (a) exercises historical and continuing mana whenua in an area within the Waitara River catchment; and
- (b) is 1 or more of the following in relation to the Waitara River catchment:
 - (i) a mandated iwi organisation within the meaning of section 5 of the Maori Fisheries Act 2004:
 - (ii) either—
 - (A) the iwi or any other collective of individuals nominated in an Act of Parliament to receive redress in the settlement of Treaty of Waitangi claims; or
 - (B) an entity that represents that iwi or collective under that Act:
 - (iii) a body that has been confirmed by the Crown as holding a mandate for the purpose of negotiating Treaty of Waitangi claims and that is in the process of negotiating those claims with the Crown.

33 Functions of Waitara River Committee

(1) The functions of the Waitara River Committee are—

- (a) to determine the amounts and purposes of distributions of 70% of the TRC income toward the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Waitara River and the Waitara River catchment:
 - (b) to determine the amounts and purposes of distributions of 30% of the TRC income toward any matter in Waitara or in the lower catchment of the Waitara River:
 - (c) to make a determination under subsection (5):
 - (d) to establish a subcommittee to make recommendations under section 34:
 - (e) to engage with that subcommittee for the purposes of subsection (7).
- (2) Without limiting subsection (1)(a), the ways in which the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Waitara River and the Waitara River catchment can be pursued include building the capacity and capability of the Waitara River Authorities to pursue those purposes.

- (3) For the purpose of performing its functions, the Waitara River Committee must—
 - (a) have regard to the long-term use of the TRC income to pursue the purposes set out in subsection (1)(a) and (b) for present and future generations; and
 - (b) so far as is reasonably practicable, notify TRC each year of the determinations under subsection (1)(a) and (b) that the committee proposes to make during the year.
- (4) Subsection (5) applies if the Waitara River Committee is satisfied that—
 - (a) it is impracticable to apply any amount for any purpose set out in subsection (1)(a); or
 - (b) it is unnecessary to apply any amount for any purpose set out in subsection (1)(a) due to the positive state of the environmental, cultural, and spiritual health and well-being of the Waitara River and the Waitara River catchment.
- (5) The Waitara River Committee may determine that TRC—
 - (a) accumulate amounts of TRC income until a purpose set out in subsection (1)(a) arises; or
 - (b) apply the amounts—
 - (i) for the purpose of the Lower Waitara River Flood Control Scheme; or
 - (ii) if expenditure under subparagraph (i) is impracticable, for a purpose that benefits the Waitara community or any part of the Waitara community; or
 - (iii) if expenditure under subparagraphs (i) and (ii) is impracticable, for non-commercial purposes that benefit the Taranaki community generally, including the Waitara community.
- (6) The functions of the Waitara River Committee may be performed only in relation to matters that are within the role and responsibilities of TRC under the Local Government Act 2002 or any other enactment.
- (7) Before making a determination under subsection (1)(b), the Waitara River Committee must have particular regard to the recommendations of the subcommittee established under section 34.
- (8) For the purposes of subsection (7), if the Waitara River Committee proposes to make a determination that is not in accordance with a recommendation of the subcommittee, the Waitara River Committee must—
 - (a) notify the subcommittee in writing of its proposed determination and the reasons for that proposed determination; and
 - (b) invite the subcommittee to make an oral or a written submission in support of its recommendation and in response to the notification; and

- (c) consider any submission made by the subcommittee; and
 - (d) make a determination; and
 - (e) notify the subcommittee in writing of the determination and the reasons for that determination.
- (9) The only members of the Waitara River Committee who may consider and vote on a determination under subsection (1)(b) are—
- (a) the member or members nominated by the Waitara River Authorities that—
 - (i) are parties to the agreement under section 32(4); and
 - (ii) are iwi of Taranaki within the meaning of section 75 of the Te Atiawa Claims Settlement Act 2016; and
 - (b) an equal number of members nominated by TRC.
- (10) By way of example only, and not a limitation, a distribution is to be treated as being within the role and responsibilities of TRC under the Local Government Act 2002 for the purposes of subsection (1)(b) or (5)(b)(ii) or (iii) if it would contribute to any of the following matters that are within that role and those responsibilities at the relevant time:
- (a) the planning of land and coast restoration and management:
 - (b) economic development planning:
 - (c) the planning of transport infrastructure development:
 - (d) civil defence and emergency preparedness, including marae preparedness planning:
 - (e) natural hazards risk management:
 - (f) protection of cultural heritage and biodiversity:
 - (g) the development of Waitara hapū planning documents that are relevant to TRC’s functions:
 - (h) the development of an enduring relationship between Waitara hapū and TRC.

34 Waitara River Committee to establish subcommittee

- (1) The Waitara River Committee must establish a subcommittee for the purposes of this subpart.
- (2) The subcommittee comprises 4 members nominated by Te Kōwhatu Tū Moana.
- (3) A person to whom clause 4(1)(c), (d), (e), (f), or (g) of Schedule 2 applies is not eligible to be a member of the subcommittee.
- (4) The function of the subcommittee is to make recommendations to the Waitara River Committee in relation to determinations to be made under section 33(1)(b).

- (5) In making recommendations, the subcommittee must have regard to the long-term use of that portion of the TRC income that is referred to in section 33(1)(b) to pursue the purposes set out in that provision for present and future generations.
- (6) Schedule 2 applies to the subcommittee—
 - (a) subject to this section; and
 - (b) as if—
 - (i) a reference to the Board were a reference to the subcommittee; and
 - (ii) a reference to the Council were a reference to TRC; and
 - (iii) the references to the Fund in clauses 10(4) and 11(1) were references to the TRC income; and
 - (c) with any other necessary modifications.
- (7) To the extent that the procedures of the subcommittee are not prescribed by Schedule 2, they may be determined by the subcommittee.
- (8) Despite clause 4(3) of Schedule 2, if there is a vacancy in the membership of the subcommittee, the subcommittee must not perform any function until the vacancy is filled.
- (9) TRC must delegate to the subcommittee all of TRC’s powers that TRC considers necessary to enable the subcommittee to perform the subcommittee’s functions.

35 TRC’s annual plan, long-term plan, and annual report

- (1) TRC must ensure that long-term plans, annual plans, and annual reports prepared by TRC under the Local Government Act 2002 provide, as appropriate, for—
 - (a) the funds allocated to TRC under section 29;
 - (b) TRC’s expenditure and other activities under this subpart, including—
 - (i) distributions from the TRC income; and
 - (ii) activities and administration costs relating to the Waitara River Committee; and
 - (c) recommendations made by the subcommittee of the Waitara River Committee for distributions to be determined under section 33(1)(b); and
 - (d) details of any notification, submission, and determination (including reasons) under section 33(8).
- (2) Nothing in this section requires TRC to amend its annual plan or its long-term plan that was in force immediately before the commencement of this Act.

Attachment 2

Waitara River Committee

Draft constitution

(for the purposes of discussion)

Purpose

To undertake the functions of the Waitara River Committee as prescribed by the New Plymouth District (Waitara Lands) Act 2018 (the Act).

Role and Functions

1. To determine the amounts and purposes of distributions of 70% of the Taranaki Regional Council (the Council) income toward the restoration, protection, and enhancement of the environmental, cultural, and spiritual health and well-being of the Waitara River and Waitara River catchment.
2. To determine the amounts and purposes of distributions of 30% of the Council income toward any matter in Waitara or in the lower catchment of the Waitara River.
3. To make determinations under section 33(5) of the Act regarding the accumulation or application of Council income where it is impractical or unnecessary to apply the amounts for the purposes specified.
4. To establish a Waitara River subcommittee for the purposes of section 34 of the Act.
5. To have particular regard to the recommendations of the subcommittee.
6. To ensure spending is carried out on activities that are in addition to, and not instead of, any other activities carried out by the Council in relation to the same or any related subject matter.
7. For the avoidance of doubt, the functions of the Committee may be performed only in relation to matters that are within the role and responsibilities of the Council under the Local Government Act 2002 or any other enactment.

Membership

The membership of the Waitara River Committee shall comprise:

- 5 members nominated by the Council;
- 4 members nominated by the Waitara River Authorities who enter the agreement under section 33(4) of the Act; and
- 1 member nominated by Te Kōwhatu Tū Moana.

Term of Membership

Members are appointed for a term not exceeding three years.

However, for elected members of the Council, the member is appointed until the close of the day before the members of the Council elected at the next triennial general election take office or such earlier date as is specified in the appointment.

Any member of the Committee is eligible for reappointment.

Persons ineligible for membership

The following persons are not eligible to be a member of the Committee:

- a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, or the Takeovers Act 1993;
- a person in respect of whom an order has been made under section 10, 11, 12, or 31 of the Protection of Personnel and Property Rights Act 1988 that reflects adversely on the person's competence to manage his or her own affairs in relation to his or her property or capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care or welfare;
- a person that has been convicted of an offence punishable by imprisonment for a term of two years or more or of a crime involving dishonesty (within the meaning of the Crimes Act 1961), or has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person;
- a person that has been declared bankrupt and not discharged;
- a person that has been removed from office as a trustee by a court at any time during the 10 years before the member's appointment to the Committee or during the member's term.

Removal of Committee member from office

A Committee member may be removed from office by that member's appointer.

If a member is to be removed from office, the appointer must, before the day that is 10 working days after that removal, notify the Committee in writing that the member has been removed from office and provide a copy of the notice to other appointers.

Resignation of membership

A member may resign by giving written notice to the Committee and his or her appointer.

Vacancies

A vacancy occurs if a member -

- resigns or dies;
- is removed from office by that member's appointer;

If a vacancy occurs, the relevant appointer must fill the vacancy as soon as is reasonably practicable.

If there is a vacancy, the Committee must not perform any function until the vacancy is filled.

Chairperson

The Committee must appoint a member of the Committee to be chairperson and may change the chairperson at any time.

Each chairperson has a term of one year and the Committee may not reappoint the existing chairperson unless all members of the committee agree.

A chairperson who is reappointed may not hold that office for more than 3 years.

Alternate members

The Council, the Waitara River Authorities and Te Kōwhatu Tū Moana may each appoint 1 or more alternate members, who may attend meetings and must be treated in all respects as members of the Committee when a member of the Committee appointed by them is absent.

Quorum

All members or alternate members must be present during meetings of the Committee.

Voting and decision making

The decisions of the Committee must be made by consensus whenever possible, but if necessary may be made by vote at meetings in accordance with the Council's Standing Orders.

Notwithstanding the above, in the event of an equality of votes, the chairperson does not have a casting vote.

The only members of the Committee who may consider and vote on a determination under section 33(1)(b) are members nominated by the Waitara River Authorities that are parties to the agreement and are iwi of Taranaki within the meaning of section 75 of the Te Atiawa Claims Settlement Act 2016, and an equal number of members nominated by the Council.

Standing Orders

Except where Schedule 2 of the Act requires otherwise, the Committee is required to abide by the model Standing Orders governing the Council and its committees.

Delegations

The Council will delegate to the Committee all of its powers that the Council considers necessary to enable the committee to carry out its functions.

Meeting schedule

The Committee shall meet a minimum of four (4) times a year but may meet more regularly if required.

Members will be advised in advance of all meeting dates and times.

Conflict of interest

Each member of the Committee must disclose any actual or potential conflict of interest to the Committee.

The Committee must maintain an interests register.

A member of the Committee is not precluded from discussing or voting on a matter merely because the member has an actual or potential conflict of interest, so long as the conflict has been disclosed before consideration of the matter.

Remuneration and expenses of Committee members

Every member of the Committee who is neither an elected member nor an employee of the Council is entitled to receive remuneration for services as a member of the committee at a rate determined by the Council having regard to the Committee's purpose and functions, fairness to members of the Committee, and the Waitara community, and the Council's remuneration policy for other entities.

No elected member or employee of the Council is entitled to receive any remuneration for services as a member of the Committee.

Every member of the Committee is entitled to be reimbursed for actual and reasonable travelling and other expenses, incurred in carrying out his or her office as a member of the Committee, that have been approved by the Council.

The Council must approve remuneration and expenses of Committee members that are to be paid out of the Council's income from the Waitara endowment lands.

Committee expenses

All costs of the Committee including remuneration and expenses of Committee members referred to above, must be paid out of the Council's income from the Waitara endowment lands, unless the Council agrees otherwise.

The statement immediately above, does not relieve the Committee of the obligation to have its administration and operating costs approved by the Council.

Administration

The Committee is to be administered by the Taranaki Regional Council.

Each year the Committee must, in a timely manner, provide the Council with information requested by the Council to enable it to comply with its requirements in relation to the preparation of its long term plan, annual plan or annual report.

The above information will include:

- so far as is reasonably practical, the determinations that the Committee proposes to make during the forthcoming year under section 33(1)(a) and (b);
- the Committee's likely administration and operating costs during the forthcoming year; and
- the activities of the Committee during the previous 12 months including recommendations made by the Waitara River subcommittee for distributions to be determined under section 33(1)(b) of the Act and details of any notification, submission, and determination (including reasons) under section 33(8) of the Act.

Reporting on and review of Committee

The Council must include in its annual report prepared under section 98 of the Local Government Act 2002 the matters referred to in section 35(1) and information about –

- the activities of the Committee during the previous 12 months; and
- how those activities are relevant to the purpose and functions of the Committee.

The Committee must provide the Council with information requested by the Council to enable it to comply with its requirements in relation to the preparation of its annual report and provide the Waitara River Authorities and Te Kōwhatu Tū Moana with a copy of that information.

The appointers of Committee members must no later than 3 years after the first meeting of the Committee, undertake a review of the performance of the Committee.

The appointers of Committee members may undertake any subsequent review of the Committee's performance at a time agreed by all appointers.

The appointers may, following a review, make recommendations to the Committee on relevant matters arising from the review.

Discharge of Committee

The Committee may be discharged only if the Council and all Waitara River Authorities who are parties to the agreement are satisfied that it is appropriate to do so.

Name of Committee

The name of the Committee may be changed at any time by the Committee.

A change of name has effect as changed and any reference to the Waitara River Committee in the Act or any other enactment, instrument or document is to be treated as a reference to the Committee by its new name.

Variation of constitution

This constitution may be varied at any time by the Committee with approved by the Council.

Any variation must be consistent with the Act and any other enactment or regulation in place governing the Committee.

Other provisions to be observed

All provisions of the Act and of Schedule 2 of the Act must be observed.

If there are any inconsistencies between this constitution and the Act, the Act prevails.

Attachment 3

Waitara River subcommittee

Preliminary draft constitution

(for the purposes of discussion)

Purpose

To undertake the function of the Waitara River subcommittee (the subcommittee) as prescribed by the New Plymouth District (Waitara Lands) Act 2018 (the Act).

Function

1. To make recommendations to the Waitara River Committee (the Committee) in relation to determinations to be made by the Committee under section 33(1)(b) of the Act.

Membership

The membership of the Waitara River subcommittee shall comprise 4 members nominated by Te Kōwhatu Tū Moana.

Term of appointment

Members are appointed for a term not exceeding three years.

Any member of the Committee is eligible for reappointment.

Persons ineligible for membership

The following persons are not eligible to be a member of the subcommittee:

- a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, or the Takeovers Act 1993;
- a person in respect of whom an order has been made under section 10, 11, 12, or 31 of the Protection of Personnel and Property Rights Act 1988 that reflects adversely on the person's competence to manage his or her own affairs in relation to his or her property or capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care or welfare;
- a person that has been convicted of an offence punishable by imprisonment for a term of two years or more or of a crime involving dishonesty (within the meaning of the Crimes Act 1961), or has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person;
- a person that has been declared bankrupt and not discharged;

- a person that has been removed from office as a trustee by a court at any time during the 10 years before the member's appointment to the subcommittee or during the member's term.

Removal of Committee member from office

A subcommittee member may be removed from office by that member's appointer.

If a member is to be removed from office, the appointer must, before the day that is 10 working days after that removal, notify the subcommittee in writing that the member has been removed from office.

Resignation of membership

A member may resign by giving written notice to the subcommittee and his or her appointer.

Vacancies

A vacancy occurs if a member –

- resigns or dies;
- is removed from office by that member's appointer;

If a vacancy occurs, the relevant appointer must fill the vacancy as soon as is reasonably practicable.

If there is a vacancy, the subcommittee must not perform any function until the vacancy is filled.

Chairperson

The subcommittee must appoint a member of the Committee to be chairperson and may change the chairperson at any time.

Each chairperson has a term of one year and the Subcommittee may not reappoint the existing chairperson unless all members of the subcommittee agree.

A chairperson who is reappointed may not hold that office for more than 3 years.

Alternate members

Te Kōwhatu Tū Moana may each appoint 1 or more alternate members, who may attend meetings and must be treated in all respects as members of the subcommittee when a member of the subcommittee appointed by them is absent.

Quorum

All members or alternate members must be present during meetings of the subcommittee.

Voting and decision making

The decisions of the Committee must be made by consensus whenever possible, but if necessary may be made by vote at meetings in accordance with the Council's Standing Orders.

Notwithstanding the above, in the event of an equality of votes, the chairperson does not have a casting vote.

Standing Orders

Except where Schedule 2 of the Act requires otherwise, the subcommittee is required to abide by the model Standing Orders governing the Council and its committees.

Delegations

The Council will delegate to the subcommittee all of its powers that the Council considers necessary to enable the subcommittee to carry out its functions.

Meeting schedule

The subcommittee shall meet a minimum of four (4) times a year but may meet more regularly if required.

Members will be advised in advance of all meeting dates and times.

Conflict of interest

Each member of the subcommittee must disclose any actual or potential conflict of interest to the subcommittee.

The subcommittee must maintain an interests register.

A member of the subcommittee is not precluded from discussing or voting on a matter merely because the member has an actual or potential conflict of interest, so long as the conflict has been disclosed before consideration of the matter.

Remuneration and expenses of subcommittee members

Every member of the subcommittee is entitled to receive remuneration for services as a member of the subcommittee at a rate determined by the Council having regard to the subcommittee's purpose and functions, fairness to members of the subcommittee, and the Waitara community, and the Council's remuneration policy for other entities.

Every member of the subcommittee is entitled to be reimbursed for actual and reasonable travelling and other expenses, incurred in carrying out his or her office as a member of the subcommittee, that have been approved by the Council.

The Council must approve remuneration and expenses of subcommittee members that are to be paid out of the Council's income from the Waitara endowment lands.

Subcommittee expenses

All costs of the subcommittee including remuneration and expenses of subcommittee members referred to above, must be paid out of the Council's income from the Waitara endowment lands, unless the Council agrees otherwise.

The statement immediately above, does not relieve the subcommittee of the obligation to have its administration and operating costs approved by the Council.

Administration

The subcommittee is to be administered by the Taranaki Regional Council.

Each year the subcommittee must, in a timely manner, provide the Waitara River Committee with the following information:

- so far as is reasonably practical, the recommendations that the subcommittee proposes to make during the forthcoming year under section 33(1)(b));
- the subcommittee's likely administration and operating costs during the forthcoming year; and
- the activities of the subcommittee during the previous 12 months including recommendations made by the subcommittee for distributions to be determined under section 33(1)(b) of the Act and details of any notification, submission and determination (including reasons) under section 33(8) of the Act.

Reporting on and review of subcommittee

The appointers of subcommittee members must no later than 3 years after the first meeting of the subcommittee, undertake a review of the performance of the subcommittee.

The appointers of subcommittee members may undertake any subsequent review of the subcommittee's performance at a time agreed by the appointers.

The appointers may, following a review, make recommendations to the subcommittee on relevant matters arising from the review.

Name of subcommittee

The name of the subcommittee may be changed at any time by the subcommittee.

A change of name has effect as changed and any reference to the Waitara River subcommittee in the Act or any other enactment, instrument or document is to be treated as a reference to the subcommittee by its new name.

Variation of constitution

This constitution may be varied at any time by the subcommittee with approval by the Council.

Any variation must be consistent with the Act and any other enactment or regulation in place governing the subcommittee.

Other provisions to be observed

All provisions of the Act and of Schedule 2 of the Act must be observed.

If there are any inconsistencies between this constitution and the Act, the Act prevails.

Agenda Memorandum

Date 1 April 2019

**Memorandum to
Chairperson and Members
Taranaki Regional Council**



Subject: Meeting Dates April-May 2019

Approved by: M J Nield, Director-Corporate Services

B G Chamberlain, Chief Executive

Document: 2236056

Purpose

The purpose of this memorandum is to provide notification to Members of the next round of Council meetings for 2019.

Meeting Dates

The six-weekly round of Council meetings for **April-May 2019** will be as follows:

Consents and Regulatory Committee	Tuesday 30 April 2019	9.30am
Policy and Planning Committee	Tuesday 30 April 2019	10.30am
Executive, Audit and Risk Committee	Monday 13 May 2019	10.00am
Ordinary Meeting to hear submissions on the 2019/2020 Annual Plan	Monday 13 May 2019	11.00am
Ordinary Meeting	Tuesday 21 May 2019	10.30am

Joint Committee Meetings

Taranaki Solid Waste Management Committee	Thursday 30 May 2019	10.30am
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Ordinary Meeting Public Excluded

In accordance with section 48(1) of the *Local Government Official Information and Meetings Act 1987*, resolves that the public is excluded from the following part of the proceedings of the Ordinary Meeting on Tuesday 9 April 2019 for the following reason/s:

Item 9- Confidential Consents & Regulatory Committee Minutes

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

Item 10- Confidential Executive Audit and Risk Committee Minutes

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.