

Ordinary Meeting

Tuesday 31 October 2017

10.30am

Taranaki Regional Council, Stratford



Agenda for the Ordinary Meeting of the Taranaki Regional Council to be held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 31 October 2017 commencing at 10.30am.

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

Apologies

Notification of Late Items

Item	Page	Subject
Item 1	4	Confirmation of Minutes
Item 2	10	Consents and Regulatory Committee Minutes
Item 3	17	Policy and Planning Committee Minutes
Item 4	23	Policy and Planning Hearing Committee
Item 5	30	Executive, Audit and Risk Committee Minutes
Item 6	37	Hearing Committee's report and Council decision on the draft Taranaki Regional Council Biosecurity Strategy and proposed Regional Pest Management Plan
Item 7	108	Māori Constituency - 2019 Local Authority Elections
Item 8	112	Changes to Resource Management Act Delegations
Item 9	118	Remuneration Authority Review of Local Government Elected Members Remuneration: Part 3

Ordinary Meeting - Agenda

Item 10	154	Meeting Dates
Item 11	155	Public Excluded
Item 12	156	Confidential Executive, Audit and Risk Committee Minutes

Agenda Memorandum

Date 31 October 2017



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

**Subject: Confirmation of Minutes – 18 September
2017**

Prepared by: M J Nield, Director-Corporate Services

Approved by: B G Chamberlain, Chief Executive

Document: 1952398

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 Monday 18 September 2017 at 10.30am.

Matters arising

Appendices

Document #1932472 – Minutes Ordinary Meeting

**Minutes of the Ordinary Meeting of the
Taranaki Regional Council, held
Taranaki Regional Council Chambers, 47
Cloten Road, Stratford, on Monday 18
September 2017 at 10.30am.**



Present	Councillors	D N MacLeod	(Chairperson)
		M J Cloke	
		M G Davey	
		M P Joyce	
		D L Lean	(Deputy Chairperson)
		D H McIntyre	
		B K Raine	
		N W Walker	
C S Williamson			
Attending	Messrs	B G Chamberlain	(Chief Executive)
		A D McLay	(Director-Resource Management)
		S R Hall	(Director-Operations)
		M J Nield	(Director-Corporate Services)
		S Tamarapa	(Iwi Communications Officer)
		R Ritchie	(Communications Manager)
	Mrs	R Johnson	(Financial Services Manager)
	Mrs	K van Gameren	(Committee Administrator)
	Ms	M Youngson	(Deloitte)

Apologies The apologies from Councillor C L Littlewood and Councillor M J McDonald were received and sustained.

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

1. Confirmation of Minutes - 15 August 2017

Resolved

THAT the Taranaki Regional Council

1. takes as read and confirms the minutes and resolutions and confidential minutes and resolutions of the Ordinary Meeting of the Taranaki Regional Council held in the Taranaki Regional Council, 47 Cloten Road, Stratford, on Tuesday 15 August 2017 at 10.45am.

Lean/McIntyre

Matters arising

There were no matters arising.

2. Consents and Regulatory Committee Minutes - 29 August 2017

Resolved

THAT the Taranaki Regional Council

1. receives the minutes and confidential 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 29 August 2017 at 9.30am
2. adopts the recommendations therein.

Joyce/Cloke

Matters arising

There were no matters arising.

3. Policy and Planning Committee Minutes - 29 August 2017

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 29 August 2017 at 10.30 am
2. adopts the recommendations therein.

Walker/Williamson

Matters arising

Environmental Protection Authority grants marine consent for sand mining in part of South Taranaki Bight

It was noted that seven appeals have been lodged with the High Court on the Environmental Protection Authority's decision to grant a marine consent to Trans-Tasman Resources Limited. Information tabled at the Committee's meeting on 29 August from Karen Pratt has been circulated to Members for information purposes.

Recent changes to the National Policy Statement for Freshwater Mangement
National Policy Statement for Freshwater Management Implementation Review

It was noted that fresh water quality matters were a focus of election campaigns on in the lead up to central government elections. Reservation was expressed that political

parties were moving away from 'science-based' conversations in this area. It was noted that the Council has sound scientific processes that underpin policies and procedures around freshwater management that are independently reviewed.

4. Regional Transport Committee Minutes - 6 September 2017

Resolved

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 6 September 2017 at 11.00 am
2. adopts the recommendations therein.

Williamson/Cloke

Matters arising

SH43 improvements advocacy

It was noted that the NZ Transport Agency were advancing business plan investigations on SH43 in response to the state *Highway 43 Investigation Report* recommendations with the Agency reporting back to the Committee in November 2017. Members endorsed the Committee's continued advocacy on this matter.

5. Executive, Audit and Risk Committee Minutes - 11 September 2017

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 11 September 2017 at 10.00am
2. adopts the recommendations therein.

Lean/Cloke

Matters arising

There were no matters arising.

6. Joint Committee Minutes

Resolved

THAT the Taranaki Regional Council

1. receives the unconfirmed minutes of the Yarrow Stadium Joint Committee meeting held on Wednesday 23 August 2017
2. receives the unconfirmed minutes of the Taranaki Solid Waste Management Committee meeting held on Thursday 24 August 2016
3. receives the unconfirmed minutes of the Taranaki Civil Defence Emergency Management Group Joint Committee meeting held on Tuesday 12 September 2017.

Walker/Joyce

Matters arising

Minutes Taranaki Solid Waste Management Committee

Members discussed and noted the Waste Levy Update report and the potential changes to landfill operators in the coming years.

Taranaki Civil Defence Emergency Management Group Joint Committee

The Joint Committee's investigation of delivery options for the provision of related services for the Taranaki CDEM Group was discussed. The New Plymouth District Council has agreed to enter into discussions to be the service delivery provider. Mr B G Chamberlain, Chief Executive, advised the Council that any decisions regarding the transfer of any Council statutory functions under the *Local Government Act* will require Council approval.

7. 2016/2017 Annual Report Adoption

- 7.1 Mr B G Chamberlain, Chief Executive, spoke to the memorandum to receive, consider and adopt the audited consolidated *2016/2017 Annual Report* and the *Summary 2016/2017 Annual Report*.
- 7.2 Ms M Youngson, Deloitte, noted to the Committee that the audit for the Council has been completed. A clean audit opinion will be issued on the *2016/2017 Annual Report* and the *Summary 2016/2017 Annual Report*.
- 7.3 Mr M J Nield, Director-Corporate Services, advised that the *2016/2017 Annual Report* will be subject to minor editorial changes before being made available to the public.

Resolved

THAT the Taranaki Regional Council

1. receives this memorandum on the *2016/2017 Annual Report* and audit
2. adopts the audited consolidated *2016/2017 Annual Report* and the *Summary 2016/2017 Annual Report*
3. notes that the *2016/2017 Annual Report* and the *Summary Annual Report* will be available to the public from October 2017 onwards

4. thanks the Council Management and Staff for their work in achieving and maintaining key operational highlights and milestones for 2016/2017 that resulted in a strong financial result for Council at year-end.

McIntyre/Raine

8. Meeting Dates October 2017

- 8.1 The next six-weekly round of Council meetings for October 2017 were received and noted.

There being no further business, Chairman D N MacLeod, declared the Ordinary Meeting of the Taranaki Regional Council closed at 11.40am.

Confirmed

Chairperson: _____
D N MacLeod

Date: **31 October 2017**

Agenda Memorandum

Date 31 October 2017



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

**Subject: Consents and Regulatory Committee
Minutes – 17 October 2017**

Prepared by: G K Bedford, Director-Environment Quality

Approved by: B G Chamberlain, Chief Executive

Document: 1952412

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 17 October 2017 at 9.30am
2. adopts the recommendations therein.

Matters arising

Appendices

Document #1947625 – 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 17 October 2017 at 9.30am.



Members	Councillors	M P Joyce	(Committee Chairperson)
		M J Cloke M G Davey C L Littlewood M J McDonald B K Raine N W Walker	
		D L Lean	(ex officio)
Representative Members	Mr	H Eriwata	(Iwi Representative)
	Mr	K Holswich	(Iwi Representative)
	Ms	F Mulligan	(Iwi Representative)
Attending	Messrs	G K Bedford	(Director-Environment Quality)
		A D McLay	(Director-Resource Management)
		M J Nield	(Director-Corporate Services)
		B E Pope	(Compliance Manager)
		C H McLellan	(Consents Manager)
	Mrs	H Gerrard	(Science Manager)
	Mr	R Phipps	(Science Manager)
	Mrs	V MacKay	(Science Manager)
	Mrs	K van Gameren	(Committee Administrator)
	Mr	R Ritchie	(Communications Manager)
	Mr	P Ledingham	(Communications Officer)
	Mr	M Ritai	(Iwi Representative)
Ms	M Dwyer	(Fonterra)	

One Member of the media from 9.45am.

Opening Karakia Mr H Eriwata (Iwi Representative) gave the opening Karakia to the Consents and Regulatory Committee.

Apologies The apology from Councillor D N MacLeod was received and sustained.

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

1. Confirmation of Minutes – 29 August 2017

Resolved

THAT the Consents and Regulatory Committee of the Taranaki Regional Council

1. takes as read and confirms the minutes and confidential 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 29 August 2017 at 9.30am
2. notes that the recommendations therein were adopted by the Taranaki Regional Council on 18 September 2017.

Cloke/Littlewood

Matters Arising

There were no matters arising.

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

Councillor M P Joyce declared an interest in agenda item 2 (Resource consents issued under delegated authority and applications in progress) in relation to Consent R2/10470-1.0 Oakura Farms Limited, and took no part in the discussions or deliberations other than those duties required of the Committee Chairperson.

- 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.

Lean/Cloke

Fay Mulligan abstained from voting

3. Report on five applications for notified consents – Fonterra Limited Whareroa Site

Councillor M P Joyce declared an interest in agenda item 3 (Report on five applications for notified consents – Fonterra Limited Whareroa Site) and took no part in the discussions or deliberations other than those duties required of the Committee

Chairperson. Councillor M J McDonald and Councillor N W Walker declared their interests and also removed themselves from discussions and deliberations.

- 3.1 Mr A D McLay, Director-Resource Management, spoke to the memorandum recommending that the Council approve five notified applications by Fonterra Limited for dairy multiprocessing at the Whareroa site, Hawera.
- 3.2 It was noted and acknowledged that, subject to the approval of the Committee, the notified consents were issued with key stakeholder involvement, following a long, extensive and successful pre-hearing process which avoided the need for an expensive formal hearing and the potential for uncertainty for all parties and provided for appropriate future Tangata Whenua involvement in the consents.
- 3.3 Members of the Committee congratulated the Council staff involved in the consent process with Fonterra and key stakeholders.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum *Report on five applications for notified consents – Fonterra Limited Whareroa Site*
2. notes the long and extensive pre hearing process that has been undertaken to successfully resolve submissions on the applications
3. approves the consent applications by Fonterra Limited (consent numbers 0047-4.0, 1450-3.0, 4927-2.0, 5013-2.0 and 5148-2.0), in accordance with the recommendation in the officers' reports.

Lean/Cloke

4. Appointment of Hearing Commissioner – New Zealand Transport Agency

- 4.1 Mr A D McLay, Director-Resource Management, spoke to the memorandum advising the Committee of the intended process for considering the proposed upgrade of State Highway 3 at Mt Messenger and to recommend that, in the event that a hearing is required, the Council delegates the authority to hear and determine resource consent applications to Councillor D L Lean.
- 4.2 It was noted that the New Plymouth District Council's appointment to the Hearing Committee will be providing for cultural input and advice.

Recommended

THAT the Taranaki Regional Council

1. receives this memorandum *Appointment of Hearing Commissioner – New Zealand Transport Agency*

2. subject to a hearing being necessary, in accordance with section 34A(1) of the Resource Management Act appoints Cr D Lean as a hearing commissioner, and delegates him the power to hear and determine, applications made to this Council, lodged by the New Zealand Transport Agency (NZTA) for the proposed upgrade of State Highway 3 at Mt Messenger
3. agrees that any hearing will be held jointly with New Plymouth District Council, with New Plymouth District Council as the lead agency.

Cloke/Holswich

5. Consent monitoring annual reports and case study 'Live Water Quality Monitoring' - moving forward with the latest technology

- 5.1 Mrs V MacKay, Science Manager, spoke to the memorandum advising the Committee of 18 tailored compliance monitoring reports that have been prepared since the last Committee meeting and to introduce a case study on 'live water quality monitoring' - moving forward with the latest technology.
- 5.2 The Committee noted and discussed the case study, commending the Council on providing capital funding for investment in technology to meet the monitoring obligations placed upon the Council by the National Policy Statement on Freshwater Management. It demonstrates the Council's ongoing commitment to water quality monitoring.
- 5.3 Members noted and sought discussion on a number of consent monitoring annual reports, namely the STDC Patea Beach Green Waste, Waitaha Catchment (including Taranaki Sawmills) and STDC Coastal Structures Monitoring Programmes.

Recommended

THAT the Taranaki Regional Council

1. receives the 17-5 Waitaha Catchment Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
2. receives the 17-8 BTW Company Ltd Oeo Landfarm Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
3. receives the 17-15 NPDC Water Supplies Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
4. receives the 17-21 Cheal DWI Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
5. receives the 17-23 Todd Energy Limited DWI Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
6. receives the 17-30 NPDC Colson Road Landfill Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.

7. receives the 17-35 SDC Landfills Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
8. receives the 17-36 STDC Eltham Central Landfill Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
9. receives the 17-41 WRS Waikaikai Landfarm Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
10. receives the 17-44 Pacific Natural Gut String Company Limited Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
11. receives the 17-48 Origin Energy Rimu Production Station Monitoring Programme Annual Report 2016 and adopts the specific recommendations therein.
12. receives the 17-63 Tawhiti Catchment Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
13. receives the 17-71 Ample Group Ltd Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
14. receives the 17-72 Taranaki Galvanizers Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
15. receives the 17-75 STDC Patea Beach green waste Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
16. receives the 17-77 NPDC Landfills Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
17. receives the 17-84 ANZCO Foods Waitara Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.
18. receives the 17-85 STDC Coastal Structures Monitoring Programme Annual Report 2016-2017 and adopts the specific recommendations therein.

Davey/Littlewood

6. Incident, Compliance Monitoring Non-compliances and Enforcement Summary - 11 August 2017 to 29 September 2017

- 6.1 The Committee received and noted the summary of the Council's Incidents, Compliance Monitoring Non-compliances and Enforcement for the period 11 August 2017 to 29 September 2017.
- 6.2 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 11 August 2017 to 29 September 2017, notes the action taken by staff acting under delegated authority and adopts the recommendations therein.

Raine/Davey

There being no further business, the Committee Chairperson Councillor M P Joyce, declared the Consents and Regulatory Committee meeting closed at 10.25am.

Confirmed

Chairperson

_____ **M P Joyce**

Date

21 November 2017

Agenda Memorandum

Date 31 October 2017



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

**Subject: Policy and Planning Committee Minutes
– 17 October 2017**

Prepared by: A D McLay, Director-Resource Management

Approved by: B G Chamberlain, Chief Executive

Document: 1952416

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 17 October 2017 at 10.40am
2. adopts the recommendations therein.

Matters arising

Appendices

Document #1947669 – 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 17 October 2017 at 10.40am.



Members	Councillors	N W Walker	(Committee Chairperson)	
		M P Joyce C L Littlewood D H McIntyre B K Raine		
		D L Lean	(ex officio)	
Representative Members	Ms	E Bailey	(Iwi Representative)	
	Councillor	G Boyde	(Stratford District Council)	
	Mr	J Hooker	(Iwi Representative)(<i>from 11.05am</i>)	
	Councillor	R Jordan	(New Plymouth District Council)	
	Mrs	B Muir	(Taranaki Federated Farmers)	
	Mr	M Ritai	(Iwi Representative)	
Attending	Messrs	A D McLay	(Director-Resource Management)	
		G K Bedford	(Director-Environment Quality)	
		M J Nield	(Director-Corporate Services)	
		S R Hall	(Director-Operations)	
		C L Spurdle	(Planning Manager)	
		G C Severinsen	(Policy and Strategy Manager)	
		R Ritchie	(Communications Manager)	
		P Ledingham	(Communications Officer)	
		S Tamarapa	(Iwi Communications Officer)	
		Mrs	K van Gameren	(Committee Administrator)
		Mrs	N West	(Policy Analyst)
		Mrs	H Gerrard	(Science Manager)
		Mrs	V McKay	(Science Manager)
		Mr	R Phipps	(Science Manager)
		Mrs	N West	(Policy Analyst)
Mrs	F Mulligan	(Iwi Representative)		
Mr	H Eriwata	(Iwi Representative)		
Mr	J Clough	(Wrightson Consulting)		

Three Members of the media.

Apologies The apologies from Councillor D N MacLeod, Councillor C S Williamson, Councillor P Nixon (South Taranaki District Council) and Councillor C Coxhead (South Taranaki District Council) were received and sustained.

**Notification of
Late Items**

There were no late items of business.

1. Confirmation of Minutes – 29 August 2017

Resolved

THAT the Policy and Planning Committee of the Taranaki Regional Council

1. takes as read and confirms the minutes of the Policy and Planning Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 29 August 2017 at 10.30am
2. notes that the recommendations therein were adopted by the Taranaki Regional Council on 18 September 2017.

Raine/Walker

Matters Arising

There were no matters arising.

2. State of the Environment Monitoring of Lake Rotorangi water quality and biological programme Annual Report 2015-2016

- 2.1 Mr G K Bedford, Director-Environment Quality, spoke to the memorandum presenting a report (*State of the Environment Monitoring of Lake Rotorangi water quality and biological programme Annual Report 2015-2016 Technical Report 2016-82*) prepared by the Council on the ecological and physico-chemical state of Lake Rotorangi, as determined in the 2015-2016 programme monitoring of the state of the lake, and trends in that quality since monitoring first began in 1984.

Recommendations

That the Taranaki Regional Council:

1. receives this memorandum noting the preparation of a report into the state of the water quality and biological programme of Lake Rotorangi as determined in monitoring during 2015-2016
2. notes the findings of the SEM programme
3. adopts the specific recommendation therein.

Littlewood/McIntyre

3. State of the Environment Monitoring Groundwater quality report 2016-2017

- 3.1 Mr R Phipps, Science Manager, spoke to the memorandum (and presentation) presenting a report (*State of the Environment Monitoring Groundwater Quality Report 2016-2017*).

- 3.2 Ms E Bailey sought discussion on groundwater monitoring and sampling across the ring plain and in the proximity of the Kupe and Rimu Production Stations. The purpose of the sampling and report was to provide a general regional overview as opposed to measuring groundwater quality at a specific industrial site. Given the technical nature of the queries Council staff would meet with Ms Bailey and report back to the Committee in due course.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum *State of the Environment Groundwater Quality Report 2016-2017*, that presents the findings of a report into the state of and trends in the concentrations of nitrate in shallow groundwater resources within the region
2. receives the report *State of the Environment Groundwater Quality Report 2016-2017 Technical report 2017-45*
3. notes the findings of the analysis of state and trend data from the SEM groundwater programme
4. notes that Council officers are following up any elevated results with individual landowners, recognising most of the wells used in the programme are not used for potable supply
5. adopts the specific report recommendations therein.

Joyce/Littlewood

4. State of the Environment Rocky Shore Monitoring Report 2015-2017

- 4.1 Mr G K Bedford, Director Environment Quality, spoke to the memorandum presenting an update to the Committee on the latest results of the Council's state of the environment monitoring programme for rocky coastal environments. The Council's report *State of the Environment Rocky Shore Monitoring Report 2015-2017* provides full details of the Council's monitoring of the ecological condition of the region's rocky and reef foreshore environs.
- 4.2 Impacts of sand derived from accelerated erosion on the Maunga and human predation were noted as key impacts on kaimoana.

Recommended

That the Taranaki Regional Council:

1. receives this memorandum noting the preparation of a report into the state of and trends in regional rocky coastal ecological quality data for Taranaki, for 2015-2017
2. receives the report *State of the Environment Rocky Shore Monitoring Report 2015-2017 Technical Report 2017-79*
3. notes the findings of the trend analysis of data from the SEM coastal ecological programme

4. notes the findings of the analysis of state data from the SEM coastal ecological programme

5. adopts the specific report recommendations therein.

Littlewood/Joyce

5. Regionally significant surf breaks

5.1 Mrs N West, Policy Analyst, spoke to the memorandum presenting for the Committee's consideration the findings of the online Wave Survey and the reports relating to the identification of regionally significant surf breaks.

5.2 In response to a query about the potential impact of increased surfers it was noted that additional work is underway with iwi to identify sites of cultural significance in the coastal marine area and liaising with district councils to ensure both natural and cultural environmental values/concerns are recognised. Work is also being undertaken (as a separate project) to identify reefs in the coastal marine area to be included in a GIS layer as part of the *Regional Coastal Plan* review.

Recommended

That the Taranaki Regional Council:

1. receives the memorandum
2. receives the consultant's report *Regional significance criteria for the assessment of surf breaks, Orchard, 2017*, and notes the findings of this report
3. receives the officer's report *Online Wave Survey data analysis and proposed regionally significant surf breaks*, and notes the findings of this report
4. notes that these reports will inform the section 32 evaluation for the *Proposed Coastal Plan for Taranaki*
5. notes the online survey is the first such survey undertaken in New Zealand
6. approves the inclusion of the 81 proposed regionally significant surf breaks in the *Proposed Coastal Plan for Taranaki* for further consultation with the community.

Boyde/Littlewood

There being no further business, the Committee Chairperson Councillor N W Walker, declared the Policy and Planning Committee meeting closed at 12.10pm.

Confirmed

Chairperson

N W Walker

Date

21 November 2017

Agenda Memorandum

Date 31 October 2017



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

**Subject: Policy and Planning Hearing Committee
Minutes – 17 October 2017**

Prepared by: S R Hall, Director-Operations

Approved by: B G Chamberlain, Chief Executive

Document: 1952421

Resolve

That the Taranaki Regional Council:

1. receives the minutes of the Policy and Planning Hearing Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Tuesday 17 October 2017 at 12.10pm
2. adopts the recommendations therein.

Matters arising

Appendices

Document #1947732 – Minutes Policy and Planning Committee Meeting

**Minutes of the Policy and Planning
Hearing Committee Meeting of the
Taranaki Regional Council, held in the
Taranaki Regional Council Chambers, 47
Cloten Road, Stratford, on Tuesday 17
October 2017 at 12.10pm.**



Members	Councillors	N W Walker	(Committee Chairperson)
		C L Littlewood D H McIntyre B K Raine	
		D L Lean	(ex officio)
Representative Members	Ms	E Bailey	(Iwi Representative)
	Mr	J Hooker	(Iwi Representative)
	Councillor	R Jordan	(New Plymouth District Council)
	Mrs	B Muir	(Taranaki Federated Farmers)
	Mr	M Ritai	(Iwi Representative)
Attending	Messrs	A D McLay	(Director-Resource Management)
		S R Hall	(Director-Operations)
		C L Spurdle	(Planning Manager)
		G C Severinsen	(Policy and Strategy Manager)
		R Ritchie	(Communications Officer)
		P Ledingham	(Communications Officer)
		S Tamarapa	(Iwi Communications Officer)
		R Phipps	(Science Manager)
		S Ellis	(Environment Services Manager)
		Mrs	K van Gameren
	Mrs	N West	(Policy Analyst)
	Mrs	J Ritchie	(Policy Analyst)
Mrs	F Mulligan	(Iwi Representative)	
Mr	H Eriwata	(Iwi Representative)	

Two Members of the media.

Apologies The apologies from Councillor M P Joyce, Councillor D N MacLeod, Councillor C S Williamson, Councillor G Boyde (Stratford District Council), Councillor P Nixon (South Taranaki District Council) and Councillor C Coxhead (South Taranaki District Council) were received and sustained.

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

1. Hearing of submissions on the *Proposed Regional Pest Management Plan for Taranaki and the Biosecurity Strategy for Taranaki 2017-2037*

- 1.1 Members of the Policy and Planning Hearing Committee head from the following submitters who wished to speak to their written submission on the *Proposed Regional Pest Management Plan for Taranaki and the Biosecurity Strategy for Taranaki 2017-2037*.

Submission No. 7	Taranaki Mounga Project Limited	Sean Zieltjes
Submission No. 6	Department of Conservation	Bill Fleury Nicola Palmer

- 1.2 Members of the Policy and Planning Hearing Committee discussed and deliberated on all submissions received. Members made the following recommendations:

Submission No. 1 – Murray Hancock

Recommended

THAT the Taranaki Regional Council

1. thanks the submitter for their submission
2. adopts the recommendations contained within the Officer's Report to the Hearing Committee on submissions to the *Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy*
3. makes no further changes to the *Regional Pest Management Plan for Taranaki* or the *Biosecurity Strategy for Taranaki 2017-2037*.

Submission No. 2 – Waikato Regional Council

Recommended

THAT the Taranaki Regional Council

1. thanks the submitter for their submission
2. adopts the recommendations contained within the Officer's Report to the Hearing Committee on submissions to the *Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy*
3. makes no further changes to the *Regional Pest Management Plan for Taranaki* or the *Biosecurity Strategy for Taranaki 2017-2037*.

Submission No. 3 – Federated Farmers – Taranaki

Mrs B Muir, Federated Farmers Taranaki, and Councillor D N McIntyre declared an interest in Submission No. 3 (Federated Farmers Taranaki) and took no part in the discussions or deliberations.

Recommended

THAT the Taranaki Regional Council

1. thanks the submitter for their submission
2. adopts the recommendations contained within the Officer's *Report to the Hearing Committee on submissions to the Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy*
3. makes no further changes to the *Regional Pest Management Plan for Taranaki* or the *Biosecurity Strategy for Taranaki 2017-2037*.

Submission No. 4 – Morgan Foundation

Recommended

THAT the Taranaki Regional Council

1. thanks the submitter for their submission
2. adopts the recommendations contained within the Officer's *Report to the Hearing Committee on submissions to the Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy*
3. makes no further changes to the *Regional Pest Management Plan for Taranaki* or the *Biosecurity Strategy for Taranaki 2017-2037*.

Submission No. 5 – Predator Free New Zealand Trust

Recommended

THAT the Taranaki Regional Council

1. thanks the submitter for their submission
2. adopts the recommendations contained within the Officer's *Report to the Hearing Committee on submissions to the Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy*
3. makes no further changes to the *Regional Pest Management Plan for Taranaki* or the *Biosecurity Strategy for Taranaki 2017-2037*.

Councillor R Jordan, New Plymouth District Council, left the Policy and Planning Hearing Committee meeting at 12.50pm.

Submission No. 6 – Department of Conservation

The submitter's comments in support of their submission were received and noted. The matter of including Climbing Asparagus in the Pest Management Plan was discussed. It was agreed that Council officers would liaise with the Department of Conservation on this plant pest to address its control and/or eradication on a site by site basis. The discussions on Brown Bull-headed Catfish were acknowledged and noted. It was agreed to keep a watching brief on this pest fish through the *Biosecurity Strategy* to ensure measures are in place should it be found in Taranaki.

Recommended

THAT the Taranaki Regional Council

1. thanks the submitter for their submission

2. adopts the recommendations contained within the Officer's Report to the Hearing Committee on submissions to the Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy subject to minor amendments being made to provide relief in relation to some specific matters raised by the submitter
3. makes no further changes to the Regional Pest Management Plan for Taranaki or the Biosecurity Strategy for Taranaki 2017-2037.

Submission No. 7 – Taranaki Mounga Project Limited

The submitter's comments in support of their submission were received and noted. The matter of including rules relating to feral goats was noted and discussed. It was agreed that the Council support and assist the submitter in developing a goat eradication programme and that minor amendments could be made to the Biosecurity Strategy to recognise this matter.

Recommended

THAT the Taranaki Regional Council

1. thanks the submitter for their submission
2. adopts the recommendations contained within the Officer's Report to the Hearing Committee on submissions to the Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy subject to minor amendments being made to provide relief in relation to some specific matters raised by the submitter
3. makes no further changes to the Regional Pest Management Plan for Taranaki or the Biosecurity Strategy for Taranaki 2017-2037.

Submission No. 8 – KiwiRail Holdings Limited (KiwiRail)

Recommended

THAT the Taranaki Regional Council

1. thanks the submitter for their submission
2. adopts the recommendations contained within the Officer's Report to the Hearing Committee on submissions to the Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy
3. makes no further changes to the Regional Pest Management Plan for Taranaki or the Biosecurity Strategy for Taranaki 2017-2037.

Submission No. 9 – Fish and Game New Zealand (Taranaki Region)

Recommended

THAT the Taranaki Regional Council

1. thanks the submitter for their submission
2. adopts the recommendations contained within the Officer's Report to the Hearing Committee on submissions to the Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy

3. makes no further changes to the *Regional Pest Management Plan for Taranaki* or the *Biosecurity Strategy for Taranaki 2017-2037*.

Submission No. 10 – Royal Forest & Bird Protection Society (North Taranaki Branch)

Recommended

THAT the Taranaki Regional Council

1. thanks the submitter for their submission
 2. adopts the recommendations contained within the Officer's *Report to the Hearing Committee on submissions to the Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy*
 3. makes no further changes to the *Regional Pest Management Plan for Taranaki* or the *Biosecurity Strategy for Taranaki 2017-2037*.
- 1.3 There being no further discussion on the submissions received on the *Regional Pest Management Plan for Taranaki* and the *Biosecurity Strategy for Taranaki 2017-2037*, Members of the Policy and Planning Hearing Committee recommended the following:

Recommended

That the Taranaki Regional Council:

1. receives and acknowledges with thanks the submissions received on the *Proposed Regional Pest Management Plan for Taranaki* and the *Draft Biosecurity Strategy 2017-2037*
2. notes officers have undertaken a pre-hearing process to seek to resolve submissions received
3. adopts the recommendations contained within the attached *Officers' Report*, subject to any amendments agreed to by the Committee
4. agrees that the *Proposed Regional Pest Management Plan for Taranaki* and the *Draft Biosecurity Strategy 2017-2037*, as amended, be presented to the Taranaki Regional Council's Ordinary Meeting on 31 October 2017 meeting for approval.

Walker/Raine

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 Hearing Committee Chairperson Councillor N W Walker, declared the Policy and Planning Hearing Committee meeting closed at 1.10pm.

Confirmed

Chairperson

N W Walker

Date

21 November 2017

Agenda Memorandum

Date 31 October 2017



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

**Subject: Executive, Audit and Risk Committee
Minutes – 24 October 2017**

Prepared by: M J Nield, Director-Corporate Services

Approved by: B G Chamberlain, Chief Executive

Document: 1952429

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 Tuesday 24 October 2017 at 10.00am
2. adopts the recommendations therein.

Matters arising

[A presentation will be provided to Members on the new functionalities of the Council's website.](#)

Appendices

Document #1950970 – Minutes Executive, Audit and Risk Committee Meeting

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 24 October 2017 at 10.00am.



Members Councillors D L Lean (Committee Chairperson)
M J Cloke
M P Joyce
D N MacLeod
N W Walker
C S Williamson

Attending Messrs B G Chamberlain (Chief Executive)
M J Nield (Director-Corporate Services)
Mrs R Johnson (Financial Services Manager)
Mrs K van Gameren (Committee Administrator)
Mr P Ledingham (Communications Officer)
Mr D Harrison (Rivers Manager)
Mr G Rine (Regional Gardens Manager)

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 - 11 September 2017

Resolved

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

1. takes as read and confirms the minutes of the Executive, Audit and Risk Committee meeting of the Taranaki Regional Council held in the Taranaki Regional Council chambers, 47 Cloten Road, Stratford, on Monday 11 September 2017 at 10.00am
2. notes the recommendations therein were adopted by the Taranaki Regional Council on 18 September 2017.

Lean/Williamson

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. Financially, the Council is in-line with the estimates established in the *2017/2018 Annual Plan*. Operational expenditure is \$90,124 under budget. Revenue is \$180,385 under budget and finance income is \$19,810 under budget. There are no significant expenditure variances (plus or minus \$100,000).
- 2.2 Mr M J Nield, Director-Corporate Services, noted to the Committee the revised and updated Monthly Financial Reports highlighting the new format for revenue, expenditure and operating surplus/deficit for the whole of the Council and the actual year to date performance compared against the year to date budget.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum and the July and August 2017 Monthly Financial Reports
2. notes the digital media report
3. notes the Health and Safety report.

MacLeod/Walker

3. Quarterly Operational Report September 2017

- 3.1 The Council's Quarterly Operational Report for the quarter ended 30 September 2017 was received and discussed by the Committee.

Recommended

THAT the Taranaki Regional Council

1. receives and adopts the Quarterly Operational Report for the quarter ended 30 September 2017.

Joyce/Williamson

4. 2017/2018 Insurance Programme

- 4.1 Mr M J Nield, Director-Corporate Services, spoke to the memorandum informing the Committee on the placement of the Council's insurance needs for the 2017/2018 financial year.

Recommended

THAT the Taranaki Regional Council

1. notes the placement of insurance and coverage for material damage, business interruption, motor vehicles, personal accident, marine hulls, fidelity guarantee,

travel, employer's liability, statutory liability, hall hirer's liability and combined liability risks for 2017/2018.

Lean/MacLeod

5. Asset Management Plans for the Lower Waiwhakaiho Flood Control Scheme, Lower Waitara River Flood Control Scheme and Okato Scheme

- 5.1 Mr B G Chamberlain, Chief Executive, spoke to the memorandum advising the Committee that updated asset management plans have been prepared for the Lower Waiwhakaiho Flood Control Scheme, the Lower Waitara River Flood Control Scheme and the Okato Scheme.

Recommended

THAT the Taranaki Regional Council

1. receives and adopts the Lower Waiwhakaiho Flood Control Scheme, the Lower Waitara River Flood Control Scheme, and the Okato Scheme updated asset management plans
2. notes that these plans take into account Section 101B – Infrastructure Strategy of the *Local Government Act 2002*
3. notes that these plans will be amended as required to recognise other changes to the scheme assets and management processes.

Cloke/Walker

6. Asset Management Plans for Hollard Gardens and Tupare

- 6.1 Mr B G Chamberlain, Chief Executive, spoke to the memorandum advising the Committee that a three-year revision of the asset management plans for Hollard Gardens and Tupare has been completed.

Recommended

THAT the Taranaki Regional Council

1. receives and adopts the Hollard Gardens and Tupare Asset Management Plans
2. agrees to include the budgets and summarised proposals of the two Asset Management Plans in the draft 2018/2028 Long Term Plan.

Lean/Cloke

7. Tapuae Roa – Make Way for Taranaki

- 7.1 Mr B G Chamberlain, Chief Executive, spoke to the memorandum introducing *Tapuae Roa – Make Way for Taranaki*, the Taranaki Regional Economic Development Strategy report which was formally released on 31 August 2017.

Recommended

THAT the Taranaki Regional Council

1. receives the memorandum 'Tapuae Roa – Make Way for Taranaki'
2. receives the report 'Tapuae Roa – Make Way for Taranaki', the Taranaki Regional Economic Development Strategy August 2017
3. notes that formal adoption of the Strategy will await the outcome of a more detailed Action Plan that will complete the strategy development process.

Lean/Williamson

8. Taranaki Stadium Trust: 2016/2017 Annual Report

As a Trustee on the Taranaki Stadium Trust, Mr M J Nield, Director-Corporate Services, declared an interest to the Executive, Audit and Risk Committee and facilitated discussion only on the Taranaki Stadium Trust 2016/2017 Annual Report item.

- 8.1 Mr M J Nield, Director-Corporate Services, spoke to the memorandum to receive and consider the Taranaki Stadium Trust's *2016/2017 Annual Report*.

Recommended

THAT the Taranaki Regional Council

1. receives the Taranaki Stadium Trust's *2016/2017 Annual Report*.

MacLeod/Cloke

9. Regional Software Holdings Limited Annual General Meeting and Annual Report for the year ended 30 June 2017

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 and facilitated discussion only on the Regional Software Holdings Limited Annual General Meeting and Annual Report for the year ended 2017 item.

- 9.1 Mr M J Nield, Director-Corporate Services, spoke to the memorandum to receive and consider the *Regional Software Holdings Limited's Annual Report* for the year ended 30 June 2017 and the matters to be addressed at the Regional Software Holdings Limited's Annual General Meeting.

Recommended

THAT the Taranaki Regional Council

1. receives *Regional Software Holdings Ltd's Annual Report* for the year ended 30 June 2017
2. appoints Mr Asbjorn Aakjaer as an independent director on the Board of Regional Software Holdings Ltd

3. notes that in relation to the Regional Software Holdings Ltd AGM that the shareholder's representative (the Chief Executive) be authorised to adopt the Annual Report, set the Directors Remuneration (nil) and appoint the auditor (the Auditor-General).

Cloke/Williamson

10. 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 Tuesday 24 October 2017 for the following reason/s:

Item 11- Confirmation of Confidential 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 the privacy of natural persons and/or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Item 12- 2016/2017 Annual Report and Audit

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 be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

Item 13 - Debt Recovery

That good reason exists for excluding the public from the whole or any part of the proceedings as the public disclosure of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences and the right to a fair trial.

Lean/Cloke

There being no further business, the Chairperson, Councillor D L Lean, declared the Executive, Audit and Risk Committee Meeting closed at 11.05am.

Confirmed

Committee Chairperson: _____
D L Lean

Date: **4 December 2017**

Agenda Memorandum

Date 31 October 2017



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

Subject: Hearing Committee's report and Council decision on the draft Taranaki Regional Council Biosecurity Strategy and proposed Regional Pest Management Plan

Prepared by: S R Hall, Director-Operations

Approved by: B G Chamberlain, Chief Executive

Document: 1947955

Purpose

The purpose of this memorandum is to:

- (a) introduce the Hearing Committee's report on submissions to the *Proposed Regional Pest Management Plan for Taranaki* (the Proposed RPMP) and the *Taranaki Regional Council Biosecurity Strategy 2017–2037* (the Biosecurity Strategy); and
- (b) recommend that the Taranaki Regional Council adopts the recommendations and reasons for those recommendations as set out in the report of the Hearing Committee.

Attached separate to this agenda are three documents – the report of the *Hearing Committee on submissions to the Proposed Regional Pest Management Plan for Taranaki and the Taranaki Regional Council Biosecurity Strategy* (the Hearing Committee's report), and the Proposed RPMP and the Biosecurity Strategy as amended following the hearing of submissions.

Executive summary

- The Taranaki Regional Council (the Council) is required by the Biosecurity Act 1993 (the BSA) to review its pest management plans every 10 years.
- The Council has commenced its pest management review. The review has culminated in the preparation of two documents: the Proposed RPMP and the draft Strategy.
- The Proposed RPMP includes rules requiring people to control certain nominated animal and plant pests and replaces the current regional pest management strategies. Alongside the RPMP the Council has prepared a Biosecurity Strategy that addresses all harmful organisms (not just the ones for which rules are required), and sets out programmes and activities for achieving their control.
- The Proposed RPMP and Biosecurity Strategy were notified publicly on 20 May 2017 with the deadline for submissions being 30 June 2017.

- Ten submissions were received.
- The response from submitters was largely positive and indicated broad support for the Proposed RPMP and draft Biosecurity Strategy, as well as the overall vision and management approach used to achieve objectives in both documents. However, some specific changes, additions and deletions were also sought.
- On 17 October 2017, the Policy and Planning Committee met as a Hearing Committee, to hear the submissions and to report and make recommendations to Council. Two submitters appeared in person at the Hearing to present further written or oral evidence in support of their written submissions.
- The Council must be satisfied that the Proposed RPMP complies with Part V of the BSA. Sections 70-75 of Part V set out the six steps required in the making of a regional pest management plan.
- This memorandum and attachments summarise the outcomes of the public process, introduces the report of the Hearing Committee, and sets out matters to be considered by Council prior to making its final decision on the Plan. In so doing, it addresses the requirements of sections 73-75 of the BSA (the fourth to sixth steps in the required process).
- Once it has made its decisions on the Plan, the Council must prepare a written report on the Plan and notify its reasons and decisions to the submitters and to the public.
- If no application is made to the Environment Court by a submitter within 15 working days after the date of the public notice, the Council must make the plan by affixing the Council's seal to the Plan and notify the public that it is operative. Of note, the appeal provisions relate to the Council decisions on the RPMP only as the Biosecurity Strategy is a non-statutory document and lies outside the BSA process.

Recommendations

That the Taranaki Regional Council:

1. receives this memorandum and the attached report and documents
2. adopts as its decisions, and reasons for decisions, the recommendations of the Hearing Committee as recorded in the document *Hearing Committee Report on submissions to the Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy*
3. is satisfied that the Council has complied with the matters set out in section 71 of the Biosecurity Act
4. is satisfied that the Council has complied with the consultation requirements set out in section 72(1) of the Biosecurity Act and after having regard to all submissions received on the *Proposed Pest Management Plan for Taranaki* and the *Taranaki Regional Council Biosecurity Strategy 2017-2037*
5. is satisfied that the issues raised in all the consultation undertaken on the proposal have been considered in accordance with section 73(1) of the Biosecurity Act
6. agrees to adopt the *Proposed Regional Pest Management Plan for Taranaki*, containing the additions, deletions or changes recommended by the Hearing Committee together with any other changes required to correct typographical errors or other minor factual or other errors of minor effect, as its Plan

7. in the making of the Plan, is satisfied that:
 - (i) the Plan is not inconsistent with the national policy direction, any other pest management plan on the same organism, any pathway plan, regional policy statement or regional plan prepared under the Resource Management Act 1991, or any regulation
 - (ii) for each subject of the Plan the benefits outweigh the costs after taking into account the likely consequences of inaction or other courses of action;
 - (iii) for each subject of the Plan, persons who are required to meet directly any or all of the costs of implementing the Plan –
 - a. will accrue, as a group, benefits outweighing the costs or
 - b. contribute, as a group, to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan;
 - (iv) for each subject of the Plan, there is likely to be adequate funding for the implementation of the Proposed RPMP for at least five years;
 - (v) that each proposed rule will assist in achieving the Proposed RPMP's objective and will not trespass unduly on the rights of individuals;
8. agrees to be the management agency for the Plan
9. agrees to notify all submitters of the decisions taken on the submissions by the Council and the reasons for those decisions
10. notes that the period within which applications may be lodged with the Environment Court on the Plan will close 15 working days after the date of the public notice of the Council's decision
11. adopts the *Draft Taranaki Regional Council Biosecurity Strategy* containing the additions, deletions or changes recommended by the Hearing Committee, together with any other changes required to correct typographical errors or other minor factual or other errors of minor effect.

Background

Under the Biosecurity Act 1993 (the 'BSA'), the principal means for imposing rules and obtaining funding for regional pest management is through the preparation and implementation of pest management plans. Pest management plans set out the regulatory framework by which agencies such as regional councils impose costs and obligations on people for the control of pest animals and plants.

The Council made the current *Pest Management Strategy for Taranaki – Animals* and the *Pest Management Strategy for Taranaki – Plants* (the strategies) operative on 1 May 2007. Ten years on the Council is required by law to review these strategies. The Council commenced early engagement on the review in 2013 and consulted on a position paper *Future Directions for Pest Management: Review of the Pest Management Strategy for Taranaki: Animals and the Pest Management Strategy for Taranaki: Plants*. Feedback from stakeholders at that time confirmed the broad management directions proposed in the paper.

Since that time, Council has worked on the development of a revised strategic framework for biosecurity in the Taranaki region that incorporates significant changes in the law, national

regulation, and sector guidance relating to pest management plans. That work culminated in the preparation of two documents: the Proposed RPMP and the draft Strategy.

The Proposed RPMP will be the fourth plan prepared by the Taranaki Regional Council (the Council). Once operative, the adopted Plan would enable the Council to exercise the relevant enforcement and funding provisions, available under the Act. The RPMP will rules requiring people to control certain nominated animal and plant pests and replaces the current regional pest management strategies.

Not all harmful organisms, or 'pests', need to be subject to regulation (and included in a RPMP) for effective control to take place. Alongside the RPMP the Council has prepared the draft *Taranaki Regional Council Biosecurity Strategy 2017–2037* ('the Biosecurity Strategy') that addresses all harmful organisms (not just the ones for which rules are required), and sets out programmes and activities for achieving their control, including site-led programmes, advice and information, or biological control.

Part V provisions of the Biosecurity Act and the process to date

Part V of the BSA relates to the management and eradication of pests and sections 70-75 set out the six steps required in the making of a regional pest management plan:

- section 70 (First step: plan initiated by a proposal)
- section 71 (Second step: satisfaction on requirements)
- section 72 (Third step: satisfaction with consultation or requirement of more consultation)
- section 73 (Fourth step: approval of preparation of plan and decision on management agency)
- section 74 (Fifth step: satisfaction on contents of plan and requirements)
- section 75 (Sixth step: decision on plan).

In the preparation and processing of the Proposed RPMP up to this point, the Council has had proper and due regard to provisions 70-72 of the Act.

Section 70 of the BSA is the first step in making a Plan and relates to a requirement for the Council to be satisfied that it has met the content requirements of the Proposed RPMP.

Section 71 of the BSA is the second step in making a Plan and relates to a requirement that the Council be satisfied that the proposal is not inconsistent with the NPD, other pest management plans on the same organisms, any pathway plan, regional policy statements or plans under the Resource Management Act 1991, or any regulation, and that during the development of the proposal, all process requirements in the NPD were complied with. Section 71 further requires the Council to be satisfied that the Proposed Plan has merit as a means of eradicating or effectively managing the organisms specified as 'pests'. In addition, the Council must be satisfied that each 'pest' is capable of causing adverse effects on the region's economic wellbeing and/or on natural, social, cultural, recreational and animal welfare values as identified in section 71 (d) of the BSA. Members will recall that the Council has documented its satisfaction that those provisions were implemented by way of a memorandum to the Policy and Planning Committee dated 2 May 2017, which was subsequently received and adopted at the Ordinary Meeting of 16 May 2017.

Section 72 is the third step in making a Plan and requires the Council to be satisfied that it has consulted with those parties identified in section 72(1) of the BSA. Pursuant to the 2012 amendments to the BSA, Council was not legally required to notify the RPMP publicly (section 72 BSA). However, given the wide public interest in such matters, Council agreed to the public notification of the proposal (and the draft Biosecurity Strategy) to test its proposals against community expectations and address any feedback received. This process involved the receipt of public submissions and a hearing of those submissions by a Hearing Committee convened, and made up of, the Members of the Policy and Planning Committee. Of note, the submission process was additional to the informal consultation undertaken on position papers and draft versions of the proposed RPMP and Strategy, with key stakeholders.

This memorandum and attachments summarise the outcomes of that consultation, introduces the report of the Hearing Committee, and sets out matters to be considered by Council prior to making its final decision on the Plan. In so doing, it addresses the requirements of sections 73–75 of the Act (the fourth to sixth steps).

Submissions on the Proposed RPMP and Draft Biosecurity Strategy

The Proposed RPMP and Biosecurity Strategy were publicly notified on 20 May 2017 with the deadline for submissions being 30 June 2017.

The Council publically notified the RPMP and Strategy in the Taranaki Daily News, with copies available for view at all council offices, public libraries, and district service centres in the region. They were also available to view and download from the Council's website. Fact sheets on the RPMP, the Strategy, the links between the two documents, Good Neighbour Rules, and on the Council's role within the biosecurity framework were also viewable online. Officers notified key stakeholders of the release of the RPMP and Strategy for public consultation by email or letter and provided a link to the Council webpage. An online submission option was also available (eight of the 10 submitters made online submissions).

As a non-statutory document, the Council was not required to consult on the Biosecurity Strategy. However, Members agreed that it would be useful for the public to have an opportunity to have input into the development of a Strategy that covers the full range of biosecurity work undertaken by the Council.

Officers received 10 submissions on the Proposed RPMP and Biosecurity Strategy by the closing date for submissions on 30 June 2017. Of the 10 submissions received, four were from persons or organisations in the region with six submissions received from persons or organisations outside the region.

The four submissions received from within the region came from Federated Farmers, North Taranaki Forest and Bird, Fish and Game New Zealand, and one individual. The six submissions received from outside the region came from Waikato Regional Council, Taranaki Mouna Project Limited, Predator Free New Zealand Trust, the Morgan Foundation, the Department of Conservation (DOC), and KiwiRail Holdings Limited.

The overall response from the submitters was largely positive. Most of the submissions indicated support for the Proposed RPMP and draft Biosecurity Strategy, as well as the overall vision and management approach used to achieve objectives in both documents. In

terms of changes sought or issues raised by submitters, the following broad themes were identified:

- new or additional species recommended for inclusion, or reinstatement, in the RPMP. These included Sycamore tree, goats, feral cats, brown bull-headed catfish, Darwin's barberry, climbing asparagus, plague skink, wallaby, gambusia, and moth plant;
- broad support for proposed good neighbour rules from three submitters (Federated Farmers, KiwiRail and Environment Waikato);
- opposition to good neighbour rules for giant buttercup, gorse, broom and yellow ragwort (DOC);
- new or additional programmes, methods, or rules; or changes to certain rules, and/or wording in the RPMP and/or Biosecurity Strategy. Federated Farmers highlighted issues with the management of Yellow bristle grass, and the need for effective actions either through the RPMP, or the Biosecurity Strategy. DOC sought new or additional programmes or rules, or changes to certain rules and /or wording in the RPMP and Biosecurity Strategy relating to broom, old man's beard, giant buttercup, and giant gunnera. Three other submitters sought rules for feral cats and/or goats;
- opposition to the inclusion or proposed management regime for Pampas (Federated Farmers, DOC and Waikato Regional Council);
- mechanisms for promoting integrated pest management. KiwiRail sought minor RPMP changes to support the development of memorandum of understanding/management plans along the rail corridor. Waikato Regional Council highlighted and supported the inter-regional cooperation that occurs for the management of possums near the boundary between Taranaki and Waikato's areas of operation;
- support for strong enforcement; and
- support for the vision statement and programmes in the Biosecurity Strategy.

Hearing of submissions and recommendations

On 17 October 2017, the Policy and Planning Committee met as a Hearing Committee, to hear submissions and to report and make recommendations to Council on the Proposed RPMP and draft Biosecurity Strategy.

An officer's report to the Hearing Committee was prepared together with an amended version of the Proposed RPMP and draft Strategy in response to submissions received. The officer's report identified every individual matter raised in submissions, provided an officer's response to the matters raised and set out recommendations in relation to each matter raised, for consideration by the Hearing Committee. The officer's report, along with all submissions, a summary of submissions, and amended versions of the Proposed RPMP and draft Biosecurity Strategy, was distributed to all submitters prior to the Hearing.

Two submitters appeared in person at the Hearing to present further written or oral evidence in support of their written submissions. The Hearing Committee reached decisions on all submissions (including those submissions by persons not appearing at the Hearing) and has set out its deliberations and recommendations in the *Hearing Committee Report on Submissions to the Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy*, attached to the Agenda as a separate document.

The Hearing Committee Report identifies:

- (a) every individual matter raised in the submissions;

- (b) the Hearing Committee's response to each matter raised in each submission, including the deliberations and responses of the Committee following the Hearing of Submissions; and
- (c) the recommendations of the Hearing Committee. The recommendations encapsulate the consideration of all written submissions, the Committee's responses, and verbal or written submissions presented at the Hearing.

The Proposed RPMP

In response to submissions, the Hearing Committee recommends the inclusion of a new eradication programme addressing Moth plant. The plant is currently restricted in its range and confined to 18 known sites in urban areas near the coast. Eradication is therefore technically feasible and cost-effective. The Council can accommodate this addition to the Proposed RPMP within current resources. A section 71 impact evaluation and cost benefit analysis for Moth plant is presented in Appendix I of the Hearing Committee's Report. Also in response to submissions, the Hearing Committee recommends that Pampas be deleted as a Sustained Control Programme. Other more minor and largely inconsequential changes to the Proposed RPMP are recommended in response to submissions.

The Hearing Committee considered many requests from submitters to undertake regulatory interventions for a broad range of harmful species. The Committee is recommending that most of these requests be declined, noting that, in its view, more appropriate non-regulatory interventions are proposed under the draft Biosecurity Strategy.

The Hearing Committee notes the Department of Conservation contention that Good Neighbour Rules for Giant buttercup, Gorse, Wild broom and Yellow ragwort are inappropriate and inconsistent with legislation and the NPD. However, the Hearing Committee disagrees with the submitter's views and does not recommend granting the relief. Of note, the Council's impact evaluation and cost benefit analysis, including assumptions underpinning the proposed good neighbour rules are documented in the report *Pest Management Plan for Taranaki – Impact Assessments and Cost-benefit Analyses (2017)*. Furthermore, the Good Neighbour Rules and the determination of appropriate buffer distances are underpinned by advice provided by Landcare Research.

The draft Biosecurity Strategy

In response to submissions, the Hearing Committee is recommending minor amendments to the draft Biosecurity Strategy. Many of these changes are to partially accommodate some of the reliefs sought by submitters in the RPMP. Of particular note are new programmes and activities supporting the Taranaki Mounga project, including feral cats within proposed landscape predator control on the ring plain, and an additional action confirming the Council's commitment to continuing discussion on the matter of appropriate regulatory mechanisms to stop goats immigrating into the Egmont National Park. The Hearing Committee also recommended a new section to identify Council programmes and activities to better manage the spread of Yellow bristle grass.

Attached separate to this Agenda are the revised Proposed RPMP and draft Biosecurity Strategy showing all changes proposed to be made in response to submissions. Words to be deleted are shown in red type with lines through the middle. Additions, alterations or other amendments are shown in red type underlined.

Approval of preparation of plan and decision on management agency

Section 73 of the BSA is the fourth step of preparing a Plan. If the Council is satisfied that the issues raised in section 72 and in the consultation undertaken on the Proposed RPMP have been considered, it may approve the preparation of a plan and apply section 100 of the BSA to decide which body is to be the management agency.

Under sections 73(2) and 100 of the BSA, in determining which body is to be the management agency for the Plan (the Proposed RPMP identifies the Council as the Plan's management agency) the Council must take the following into consideration:

- (a) the need for accountability to those providing the funds to implement the plan; and
- (b) the acceptability of the body to –
 - (i) those providing the funds to implement the plan; and
 - (ii) those subject to management provisions under the plan; and
- (c) the capacity of the body to manage the plan, including the competence and expertise of the body's employees and contractors.

Having regard to the above considerations, it is recommended that the Council be confirmed as the management agency for the RPMP. Of note, neither through this process nor previous plan reviews have issues around accountability, acceptability and capacity been raised in relation to the Council's role as a management agency.

Section 73 further requires various content matters to be specified in the Plan. At the Policy and Planning Committee meeting of 2 May 2017, and subsequently confirmed at the Ordinary meeting of 16 May 2017, the Council agreed that the proposed RPMP met the Act's section 71 content requirements for a proposed regional pest management plan. The Hearing Committee's recommendations in relation to the content requirements comply with the section 73(3) matters to be specified in a Plan.

Satisfaction on contents of plan and requirements

Section 74 of the BSA is the fifth step of preparing a Plan. If the Council is satisfied that the requirements set out in section 73 have been complied with, it may take the fifth step in the making of a plan. Pursuant to section 74 of the BSA, in the making of the Plan, the Council must be satisfied that:

- (a) the Plan is not inconsistent with the national policy direction, any other pest management plan on the same organism, any pathway plan, regional policy statement or regional plan prepared under the Resource Management Act 1991, or any regulation
- (b) for each subject of the Plan the benefits outweigh the costs after taking into account the likely consequences of inaction or other courses of action;
- (c) for each subject of the Plan, persons who are required to meet directly any or all of the costs of implementing the Plan –
 - (i) will accrue, as a group, benefits outweighing the costs or
 - (ii) contribute, as a group, to the creation, continuance, or exacerbation of the problems proposed to be resolved by the plan;
- (d) for each subject of the Plan, there is likely to be adequate funding for the implementation of the Proposed RPMP for at least five years; and
- (e) that each proposed rule would assist in achieving the Proposed RPMP's objective and would not trespass unduly on the rights of individuals;

The aforementioned requirements essentially replicate the steps in sections 71(a), (e), (f), (g), and (h). The Council has previously agreed that it had satisfied its Section 71 requirements (at the Policy and Planning Committee meeting of 2 May 2017, and subsequently confirmed at the Ordinary meeting of 16 May 2017). Given the Hearing Committee's recommendations do not materially change the Council's previous impact evaluation and cost benefit analysis for the candidate 'pest' species, and noting the section 71 impact evaluation and cost benefit analysis for Moth plant presented in Appendix I of the Hearing Committee's report, it is suggested that the Council can be satisfied that the Plan complies with the requirements of section 74.

The next steps

The next steps to be taken by the Council in order to approve the Proposed RPMP and draft Biosecurity Strategy are encompassed by sections 75 and 77 of the BSA.

As noted above, when the Council is satisfied it has complied with the matters in section 74 it must prepare a written report on the plan (s 75(1). The report must set out the Council's reasons for accepting or rejecting the submissions and give the Council's decision on the plan (s 72(2)(a) and 72(3). If the Council adopts the attached recommendations of the Hearing Committee, it is recommended that officers prepare a Council decisions document and arrange for the public notice required by s 75(4).

At the same time as giving public notice the Council must serve on every submitter a copy of its decision and note where the final Plan can be read ((s 75(2)(b) and (4). Any submitter may refer the Plan resulting from the Council's decision to the Environment Court (sections 76(1) – (4)) within 15 working days after the date of the public notice.

If no application to the Court is made in that time, the Council must make the plan by affixing the Council's seal to the Plan. At that time and in accordance with section 77 of the BSA, the Council will publicly notify its operative Plan.

Subject to there being no application to the Environment Court, the Plan could be operative by late this year. Of note, the appeal provisions relate to the Council decisions on the RPMP only as the Biosecurity Strategy is a non-statutory document and lies outside the BSA process.

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 *Biosecurity Act 1993*, *Local Government Act 2002*, the *Resource Management Act 1991* and the *Local Government Official Information and Meetings Act 1987*.

Legal considerations

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

Attachments

Document 1947909: *Hearing Committee Report on submissions to the Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy*

Attachments – two separate reports

[Document 1908587 v3: Draft Taranaki Regional Council Biosecurity Strategy 2017-2037 \(Post-Hearing version: As reported to the Taranaki Regional Council Ordinary Committee\)](#)

[Document 1679033 v 3: Draft Proposed Regional Pest Management Plan for Taranaki \(Post-Hearing version: As reported to the Taranaki Regional Council Ordinary Committee\)](#)

Hearing Committee Report on submissions to the Proposed Regional Pest Management Plan and Taranaki Regional Council Biosecurity Strategy

This report has been prepared by a Hearing Committee of the Taranaki Regional Council.

The Hearing Committee has considered the Officer's Report, together with written and oral submissions, when making its recommendations to the Council.

Taranaki Regional Council
Private Bag 713
Stratford

31 October 2017

Document number: 1947909

Table of contents

Part One: Introduction	1
1. Purpose	1
2. Format of this report	1
3. Background	1
4. The submissions	2
3. Hearing of submissions	2
5. Report on submissions	3
Part Two: Report on submissions	5
Submission No. 1 Murray Hancock	7
Submission No. 2 Waikato Regional Council	8
Submission No. 3 Federated Farmers – Taranaki Province	14
Submission No. 4 Morgan Foundation	17
Submission No. 5 Predator Free New Zealand Trust	19
Submission No. 6 Department of Conservation	23
Submission No. 7 Taranaki Mouna Project Limited	34
Submission No. 8 KiwiRail Holdings Limited (KiwiRail)	37
Submission No. 9 Fish and Game New Zealand, Taranaki Region	39
Submission No. 10 Royal Forest & Bird Protection Society (North Taranaki Branch)	41
Appendix I: Impact assessment and cost benefit analysis for Moth Plant	43
Appendix II: Further submission of Taranaki Mouna Project Limited tabled at Hearing, 17 October 2017	47
Appendix III: Further submission of Department of Conservation tabled at Hearing, 17 October 2017	51

Part One: Introduction

1. Purpose

The purpose of this report is to present and analyse the decisions sought in submissions on the **Proposed Regional Pest Management Plan for Taranaki** ('the Proposed Plan') and the draft **Taranaki Regional Council Biosecurity Strategy 2017-2037** ('the draft Strategy') and to set out the recommendations of the 'Hearing Committee' as constituted on 17 October 2017, for consideration by the Taranaki Regional Council (the Council).

2. Format of this report

This report is divided into two parts. This part of the report – Part One – introduces the report including its purpose, format, background, an overview of submissions and a brief outline of the approach taken in the reports on submissions contained in Part Two.

Part Two, which constitutes the main body of the report, addresses, for each submission made on the Proposed Plan and draft Strategy:

- the decisions sought in submissions;
- the Hearing Committee's responses to the requests including reasons; and
- the Hearing Committee's recommendations to the Council.

3. Background

Under the Biosecurity Act 1993 (the Act), the principal means for undertaking and obtaining funding for future pest management is through the preparation and implementation of pest management plans.

The Proposed Regional Pest Management Plan

The *Proposed Regional Pest Management Plan for Taranaki* (the RPMP) is the fourth Proposed Plan to be prepared by the Council. It commences a statutory review of the current pest animal and plant strategies. This review ensures the regulatory management of pests in Taranaki remains focused and relevant to the community's expectations for pest management. Once operative, the Proposed Plan empowers the Council to

exercise the relevant enforcement and funding provisions available under the Act.

Pursuant to the 2012 amendments to the Act (via the *Biosecurity Law Reform Act 2012*), Council is no longer legally required to publicly notify the RPMP (Section 72). However, given the wide public interest in such matters, Council agreed to the public notification of the proposal to test its proposals against community expectations and address any feedback received. This process involves the receipt of public submissions and a hearing of submissions prior to Council making its final determinations.

The Proposed Plan builds on the success of the current strategies. It identifies and sets out management programmes with respect to the 17 pest species that the Council believes warrant regional intervention and therefore the imposition of obligations and costs on individuals and the regional community (other harmful species will be managed under the Taranaki Regional Council Biosecurity Strategy – refer below). Based upon its section 71 analysis under the Act, the Council is satisfied that:

- the candidate animal and plant species are capable of having adverse effects of regional significance,
- the benefits of their control outweigh the costs, and
- the benefits accrue principally to the region.

Some prioritising has necessarily been required to identify those harmful species of most concern and which meet the 'tests' required of the Biosecurity Act. In its prioritising, the Council recognises that other harmful animals or plants may still be addressed by other forms of intervention, including non regulatory methods, voluntary control, small-scale management programmes (as provided for under section 100V of the Act), or by other parties pursuant to the Biosecurity Act or other relevant legislation.

The Draft Taranaki Regional Council Biosecurity Strategy 2017-2037

As part of the RPMP review process the Council decided to expand the scope of the Plan review to include the preparation of a non-statutory biosecurity strategy. The Council is not required by law to have such a

document. However, it does support and complement the Council's RPMP (which only represents a small part of Council activities in relation to 'pest' management). The draft *Taranaki Regional Council Biosecurity Strategy 2017–2037* (the Strategy) covers all of the Council's biosecurity activities and programmes, whether statutory or non-statutory. Most activities undertaken by the Council are discretionary and regulation is only a small part of the Council's overall pest management response.

The Strategy relates to that part of the biosecurity system for which the Council has a mandate to be involved. Other agencies, such as the Ministry for Primary Industries and the Department of Conservation, have separate roles and responsibilities.

The Strategy addresses not only the 17 species for which rules and regulation are deemed appropriate, but also the thousands of other harmful species that warrant different forms of intervention (ranging from advice, biological control, regulation, to the Council itself undertaking direct control).

The Strategy represents a change in business for the Council. Over time, the Council has committed significant resources to the management of legacy (widespread and established) pests impacting on production and biodiversity values. However, through the Strategy, the Council is also seeking to develop initiatives and actions that target harmful organisms before they become a problem (recognising that other agencies also have responsibilities) and to better target Council responses to sites and places where they threaten particular values. The document's overall aim is to identify Council actions that should help the region to become more resilient to pest impacts.

4. The submissions

The Proposed Plan and draft Strategy were publicly notified for submissions on 20 May 2017. A total of 10 submissions were received. The closing date for submissions was 30 June 2017.

Of the 10 submissions received, four were from persons or organisations in the region. Three of the four submissions received from persons or organisations in the region were from organisations representing industry or environmental interests (Federated Farmers, North Taranaki Forest and Bird, and Fish and

Game New Zealand). One submission came from a local individual.

Of the six submissions received from outside the region, the Council received submissions from Waikato Regional Council, Taranaki Mounga Project Limited, Predator Free New Zealand Trust, the Morgan Foundation, the Department of Conservation, and KiwiRail Holdings Limited.

In general, the submissions received were positive. Most indicated support for the RPMP and Strategy, as well as the overall vision, and the management approach used to achieve objectives set out in both documents. The main issues raised by submitters related to:

- the species identified as pests and their inclusion in the RPMP (or otherwise)
- support/opposition for Good Neighbourhood Rules
- new or additional programmes, methods, or rules, or changes to certain rules, and/or wording in the RPMP and Strategy.

3. Hearing of submissions

On 17 October 2017, a Hearing Committee was convened by the Council to hear submitters on the RPMP and Strategy who wished to be heard orally. Submissions that were provided in writing were taken as read by the Hearing Committee.

Two of the submitters (Taranaki Mounga Project Ltd and Department of Conservation) wished to be heard orally. Each submitter was provided with 10 minutes to speak to their submission and five minutes was set aside for any questions from Members of the Hearing Committee.

Key points raised orally by the submitters were as follows:

- **Taranaki Mounga Project Limited (TMPL)**: largely supportive of the Officers' report, however, considers that a regulatory "back-stop" will eventually be necessary to address the risk of goats immigrating into the Egmont National Park. Notes the Council's commitment to continuing discussion on the matter of appropriate regulatory mechanisms and seeks the inclusion of an additional

action confirming this commitment in the section of the Strategy that refers to their work.

- **Department of Conservation (DOC):** DOC explained its comments on wording and the request for further information on unwanted organisms and noxious fish was reiterated. Requests for the inclusion of Brown Bull-headed catfish, Darwin's barberry, and Climbing asparagus as eradication pests were also reiterated. The Department explained their issue in respect of Good Neighbour Rules was based on their concern that they did not meet the tests imposed by the NPD. DOC disagreed with the approach taken in the Officer's Report in respect of Giant gunnera and Pampas. DOC noted its overall support for the biosecurity approach contained in the Strategy and added some suggestions for potential improvements, including the removal of the word "feral" in respect of deer, pigs, and goats and its replacement with the word "wild".

Papers tabled at the hearing by Taranaki Mounga Project Limited and the Department of Conservation are attached to this report as Appendices II and III.

Members of the Hearing Committee adopted the recommendations contained within the Officers' Report subject to minor amendments.

The Hearing Committee agreed to present the amended RPMP and Strategy to the Council's 31 October 2017 Ordinary Committee meeting for approval.

5. Report on submissions

Part Two of this document contains a report on each of the submissions received.

In some submissions, submitters have not explicitly stated the decision that they wish the Council to make. In such cases, the intent of the submission has been considered or inferred from the available information and a response and recommendations made accordingly. There were opportunities for submitters to clarify their submissions (if necessary) at pre-hearing meetings or at the Hearing.

Changes of a minor nature or to correct errors have been made and included in the re-drafted versions of both the RPMP and Strategy. These include grammatical and typographical errors, and information changes of minor effect. No specific recommendations regarding these changes have been made.

The recommended changes to the RPMP and Strategy by the Hearing Committee in response to matters raised in submissions are identified in this document under each individual submission. In addition, all proposed changes can be found in the re-drafted version of the RPMP and Strategy.

All changes made in the re-drafted documents are either shown in contrasting typeface (where there are word changes or additions) or by a bubble with deleted text in the margin. The acronym of the submitter requesting the change is given in brackets after the change.

Part Two: Report on submissions

Submission No. 1

Murray Hancock

4c Antonio Street
Stratford

Decision sought

Section 4 of RPMP: Organisms declared as pests

- (a) Include Sycamore tree as a pest plant.

Hearing Committee response

The submitter's comment is noted. The Hearing Committee agrees that Sycamore trees have potential 'pest' characteristics, particularly in relation to biodiversity values. However, the application of rules requiring land occupiers across the region to control the species is considered unnecessarily onerous.

Notwithstanding that, an alternative approach is recommended whereby the Council provides support and assistance to land occupiers to control Sycamore, particularly in those sites and places identified as regionally significant for their indigenous biodiversity values. Of note, Section 7 of the Strategy includes a suite of non-regulatory measures involving the management of harmful species such as Sycamores, on a site-led basis. Further changes to the Strategy are recommended to explicitly identify Sycamore trees as a harmful species in Appendix 2 (Table 4) of the Strategy for which site-led management programmes are proposed.

Recommendation

Grant the relief in part by amending the Strategy to identify Sycamore trees as a harmful species.

Decision sought

Section 6.10 of RPMP: Old man's beard

- (b) Control Old man's beard promptly in urban as well as rural areas.

Hearing Committee response

The submitter's comment is noted. Submitter's comments have been referred to the Council's Environmental Services Department for action.

Recommendation

No relief necessary.

Decision sought

Question: Increased focus on eradicating certain named pests

- (c) Support Council increasing its focus on the proposed eradication programme. The submitter further notes that an involved and better informed public could help with eradication.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Question: Rules requiring land occupiers to maintain low predator numbers

- (d) Supports extending the scope of the Self-Help Possum Control Programme to address other predators such as rats and mustelids and more involvement of urban as well as rural land occupiers.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Submission No. 2

Waikato Regional Council

Private Bag 3038

Hamilton 3240

Decision sought

General:

- (a) Supports the approach and intent of both RPMP and Strategy.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

General:

- (b) Supports the division of current and future biosecurity policy matters into 10-year duration regulatory and 20-year non-regulatory documents. The submitter suggested that the Council's streamlined approach *"has set the benchmark for clear-cut and concise splits of the various biosecurity policies and matters in both documents."*

Hearing Committee response

The submitter's comments and support are noted.

Recommendation

No relief necessary.

Decision sought

General:

- (c) Endorses Council's approach to good neighbour rules and states that, in its opinion, the RPMP's good neighbour rules comply with the National Policy Direction.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

General:

- (d) Notes differences in alignment between the Waikato and Taranaki RPMPs in respect of Pampas management and good neighbour rule boundary clearance (buffer) distances.

Hearing Committee response

The submitter notes that boundary clearance distances adopted in the Waikato RPMP are different from those proposed in the Taranaki RPMP. The submitter notes that the issues are a historical legacy that the Waikato Regional Council will work through in its impending review.

The submitter further suggested amending Pampas from a sustained control management programme in the RPMP to making it site-led programme in the Strategy. The submitter noted Waikato Regional Council is looking to change its management programme approach for Pampas during their next review.

The submitter's comments are noted. The Hearing Committee notes that the situation regarding Pampas will be dealt with later on in section (o) of this report.

Recommendation

No relief necessary.

Decision sought

Section 3.1: The Management Agency

- (e) Seeks amendment to section 3.1 of the RPMP to add references to section 5.3 (Principal Measures to Manage Pests), Part 3 (Procedures), and to the Council's Operational Plan.

Hearing Committee response

The submitter supports this section in part but suggests amending section 3.1 of the RPMP to reference section 5.3 (Principal Measures to Manage Pests), Part 3 (Procedures), and the Council's Operational Plan.

The Hearing Committee agrees to amend the references as submitted.

Recommendation

Grant the relief sought by amending section 3.1 of the RPMP to reference section 5.3 (Principal Measures to Manage Pests), Part 3 (Procedures), and the Council's Operational Plan.

Decision sought

Section 4: Organisms declared as Pests

- (f) Seeks following minor amendments to section 4 of the RPMP:
1. Expand text box in Section 4 by adding third bullet point referring to the application of Exemptions under section 78 of the Act.
 2. For each sustained control pest, after the words "*Contravention of this rule ... of the Biosecurity Act*" add reference to application of Exemptions as outlined elsewhere in the Plan."

Hearing Committee response

The submitter supports this section in part but suggests minor amendments to section 4 of the RPMP for the purposes of certainty and clarity.

The Hearing Committee agrees to grant the submitter's relief in part. It is recommended that the text box is amended to refer to exemptions to rules however the Hearing Committee does not recommend adding references to exemptions in the explanation of every rule as they consider this would be unnecessary detail (given such references are already adequately provided for elsewhere in the RPMP) and would be repetitive.

Recommendation

Grant the relief sought in part by amending the text box in section 4 of the RPMP to refer to exemptions to rules.

Decision sought

Section 4.1: Other Harmful Organisms

- (g) Supports Council's management approach to Yellow bristle grass.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Section 5.3.3: Service delivery

- (h) Seeks a clearer link age statement in section 5.3.3 of the RPMP in relation to the RPMP and the Strategy.

Hearing Committee response

The submitter supports this section 5.3.3 of the RPMP in part but suggests a clearer link could be made between the RPMP and the Strategy by addition of a sentence.

The submitter's comment is noted. The Hearing Committee agrees to add additional wording as follows:

"For further information on surveillance, monitoring, and direct control actions to be taken and eradication targets, refer to section [5] of the *Taranaki Regional Council Biosecurity Strategy 2017–2037*."

Recommendation

Grant the relief sought by amending section 5.3.3 of the RPMP to read "*...For further information on surveillance, monitoring, and direct control actions to be taken and eradication targets, refer to section [5] of the Taranaki Regional Council Biosecurity Strategy 2017–2037.*"

Decision sought

Section 6.1: Climbing spindleberry

- (i) Supports Council's management approach to Climbing spindleberry.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Section 6.2: Giant reed

- (j) Supports Council's management approach to Giant reed.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Section 6.3: Madeira vine

- (k) Supports Council's management approach to Madeira vine despite difficulty in achieving eradication objective.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Section 6.5: Senegal tea

- (l) Supports Council's management approach to Senegal tea.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Section 6.6.1: Possums

- (m) Seeks minor amendments in section 6.6.1 of the RPMP to clarify wording and add linkage to Predator Free 2050 Limited and Strategy.

Hearing Committee response

The submitter supports section 6.6.1 of the RPMP in part but suggests more clarity is needed in the wording. Suggests amend text box to clarify wording and add linkage to Predator Free 2050 Limited and Strategy.

The Hearing Committee agrees to the relief sought and recommend amendments in the text box that delete the final sentence in the second paragraph and the addition of new wording suggested by the submitter.

Recommendation

Grant the relief sought by amending section 6.6.1 of the RPMP to clarify wording and add linkage to Predator Free 2050 Limited and Strategy.

Decision sought

Section 6.7.3: Giant buttercup

- (n) The submitter supports this section in part. Submitter suggests alignment of wording of heading with other similar sub-sections.

Hearing Committee response

The submitter's comment is noted and agreed to. The heading for Giant buttercup now reads "Plan rules requiring land occupiers and other persons to act".

Recommendation

Grant the relief sought by amending heading in section 6.7.3 of the RPMP to read "*Plan rules requiring land occupiers and other persons to act*".

Decision sought

Section 6.11: Pampas

- (o) Seeks amendments to section 6.11 of the RPMP to:
1. delete Pampas as a sustained control management programme in the RPMP and include as a site-led programme in the Strategy; or
 2. in the event that relief to the above is not granted, delete reference to bird spread from the Good Neighbour rule.

Hearing Committee response

It is the submitter contention that it may not be possible to achieve sustained control of Pampas in the Taranaki region by relying on a Good Neighbour rule. The submitter notes that Pampas seed can blow for up to 25km and therefore the 2km buffer proposed by the Council may not be a realistic way to reduce or minimise adverse impacts. The submitter notes that Pampas continues to thrive in the Waikato region, despite progressive containment management and total control rules in southern areas, including adjacent to the Council's boundary.

The submitter suggests that the site-led (protecting values in places) category in the Strategy is the more appropriate intervention and supports the Council's service delivery programmes in relation to Key Native Ecosystems. The submitter is opposed to the specified buffer distance and notes that the Waikato Regional Council is looking to change their management programme approach for Pampas during their next review.

The submitter's comments are noted. The Hearing Committee notes that other submitters (these being Submission numbers 3 and 6) have sought alternative management programmes for Pampas given concerns around the efficiency and effectiveness of the proposed compliance programme.

The Hearing Committee agrees that the current Pampas rules impose compliance cost on land occupiers with Pampas on their land. Historically these compliance costs have principally fallen on farmers using Pampas for hedging and shelter belts. Of note farmers are not significantly affected by Pampas because their land is vegetated and Pampas does not grow well on vegetated or modified land. Pampas does not grow well in sub-alpine, or alpine areas either, so it has little impact on the Egmont National Park.

The Hearing Committee recommends that Pampas is removed from sustained control management under the RPMP and instead be addressed under the Biosecurity Strategy through site-led programmes and activities including pathway management, advice and education, liaison and advocacy, and biological control.

11

The Council would still monitor and control Pampas on Key Native Ecosystem sites.

Recommendation

Grant the relief sought by removing Pampas from sustained control management under the RPMP and including it as a "harmful organism" to be managed under the Strategy.

Decision sought

General: Linkage of RPMP and Biosecurity Strategy

- (p) Supports the linkages between the two documents and notes that the Biosecurity Strategy complements the RPMP well.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Strategy: Sections 1.4 and 3.3 – Five key priority areas

- (q) Supports the five key priority areas identified in Section 3.3 of the Strategy, which are well aligned with the Waikato Regional Council's own philosophy on pest management.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Strategy: Section 2.3.4 – Management of pest pathways

- (r) Strongly supports both the regulatory and non-regulatory approaches adopted in the Strategy to enable better management of pest pathways.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Strategy: Section 2.4.2 – Department of Conservation

- (s) Seeks amendment to section 2.4.2 of the Strategy to correct a typo in the first line of the first bullet point by replacing "off" with "of".

Hearing Committee response

The submitter's comment is noted and the typo has been amended.

Recommendation

Grant relief sought by amending section 2.4.2 of the Strategy to correct a typo in the first line of the first bullet point by replacing "off" with "of".

Decision sought

Strategy: Section 3.1 – Vision for biosecurity in Taranaki

- (t) Strongly supports the vision proposed in the Strategy.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Strategy: Section 4 – Pathways and exclusion

- (u) Seeks amendment to the RPMP to include a specific Exclusion category of pests to cover, for instance, rooks and wallabies.

Hearing Committee response

The submitter suggests the benefits of including a specific Exclusion category of pests in the RPMP to cover, for instance, rooks and wallabies. The submitter suggests that including them in the RPMP allows Council officers to access powers under the Act to intervene on private land in case these pests are discovered in Taranaki. The submitter suggests that the risk may be low but a cautionary approach would align better with other North Island councils.

The submitter's comments are noted. The Hearing Committee notes section 4 of the Strategy already includes pathway and exclusion programmes that address the plethora of harmful species, including rooks and wallabies, not yet present in Taranaki. Pursuant to that Strategy the proposed exclusion and pathway programmes focus on the Council undertaking risk assessments, contingency planning and surveillance activities to avoid the introduction or establishment of harmful organisms present in New Zealand but not yet present in the region.

The Hearing Committee notes that access to Part 6 regulatory powers to undertake planning and surveillance activities is not necessary to achieve the objectives of the Strategy in relation to exclusion and pathway programmes. As noted in the Strategy, in the event that a new harmful organism is identified in the region and access to regulatory powers is considered appropriate Council would be able to initiate small-scale management programmes under section 100V of the Act without needing to initiate a Plan review. This is the preferred course of action and provides greater pest resilience to the region rather than trying to accurately predict which harmful species might emerge in Taranaki over the life of the RPMP.

Recommendation

Decline the relief sought.

Decision sought

Strategy: Section 4.3 and 2.3.4 – Pathway and exclusion targets

- (v) Supports active surveillance for high risk pathways and seeks inclusion of one additional pathway – that of cartage contractors (machinery, stock and equipment) – particularly agricultural contractors who travel between the 3-4 central North Island regions.

Hearing Committee response

The submitter's comments are noted. The Hearing Committee suggests amendments to sections 4 and 4.2.2 of the Strategy to highlight pathway risks associated with cartage/agricultural contractors and activities that address those risks.

Recommendation

Grant the relief sought by amending sections 4 and 4.2.2 of the Strategy to highlight pathway risks associated with cartage/agricultural contractors and activities that address those risks.

Decision sought

Question 10 – Community and site-led targets

- (w) Suggests a cautionary approach in the Strategy to extending self-help predator control to rodents or mustelids in line with predator control of possums.

Hearing Committee response

The submitter suggests a cautionary approach in the Strategy to extending self-help predator control to rodents or mustelids in line with predator control of possums. The submitter notes that the characteristics of rodents and mustelids make it difficult to enforce rules for these species. However, the submitter supports the ideas underpinning the Predator Free 2050 concept and hopes to work with the Council on mutually beneficial projects.

The submitter's comments and support are noted. No change to the Strategy is required. The Hearing Committee notes that pursuant to section 7.2.2 of the Strategy, any predator control rules are subject to public support and technical feasibility, which would be considered as part of a review or variation to the RPMP in accordance with the Act.

Recommendation

No relief necessary.

Submission No. 3

Federated Farmers – Taranaki Province

PO Box 422
15 Young Street
New Plymouth

Decision sought

General:

- (a) Notes support for:
 - a. combination and the addition of a non-regulatory Strategy document
 - b. the development of a detailed cost benefit analysis
 - c. the rigorous nature of the process used to identify pests that should be eradicated.

Hearing Committee response

The submitter's comments and support are noted.

Recommendation

No relief necessary.

Decision sought

General:

- (b) Notes strong support for the good neighbour rules contained in the RPMP and their application to Crown and private land.

Hearing Committee response

The submitter's comments and support are noted.

Recommendation

No relief necessary.

Decision sought

Pampas grass

- (c) Seeks the removal of Pampas from sustained control list and inclusion in Strategy instead.

Hearing Committee response

The submitter is opposed to a sustained control management programme for Pampas and recommends that Pampas be removed from the RPMP and instead be addressed by targeted site-led programmes in the Strategy alongside other harmful environmental plants. The submitter highlighted that the plant was not a problem in most areas (and has beneficial attributes) yet the two kilometre buffer distance in the good neighbour rule captures most properties in Taranaki. The submitter suggests that the education of landowners on the best way to manage Pampas will likely be all that is required going forward.

The submitter's comments and concerns are noted. The Hearing Committee notes that other submitters (these being Submission numbers 2 and 6) have also sought alternative management programmes for Pampas given concerns around the efficiency and effectiveness of the proposed compliance programme.

The Hearing Committee agrees that current Pampas rules create significant compliance cost on land occupiers with Pampas on their land. Historically these compliance costs have principally fallen on farmers using Pampas for hedging and shelter belts. Of note farmers are not significantly affected by Pampas because their land is vegetated and Pampas does not grow well on vegetated or modified land. Pampas does not grow well in sub-alpine, or alpine areas either, so it has little impact on the Egmont National Park.

The Hearing Committee recommends that Pampas is removed from sustained control management under the RPMP and instead be addressed under the Biosecurity Strategy through site-led programmes and activities including pathway management, advice and education, liaison and advocacy, and biological control. The Council would still monitor and control Pampas on Key Native Ecosystem sites.

Recommendation

Grant the relief sought by removing Pampas from sustained control management under the RPMP and including it as a 'harmful organism' to be managed under the Biosecurity Strategy.

Decision sought

General: Extension of Self-help Possum Control Programme

- (d) Supports proposals in the RPMP and Strategy to expand the Self-help Possum Control Programme to urban areas and to target rats and mustelids. The submitter further supports Council's intention to seek co-funding for Wild for Taranaki and Taranaki Mounga projects.

Hearing Committee response

The submitter's comments are noted.

Recommendation

No relief necessary.

Decision sought

Old man's beard

- (e) Supports extension of self-help programme principles to Old man's beard along Kaupokonui Stream and Waingongoro River. Notes this is an excellent example of the partnership approach that the Council is recognised for in the farming community and thanks the Council for their proactive engagement on the issue.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Yellow bristle grass

- (f) Seeks support that the Council either:
 - a. Make Yellow bristle grass (YBG) a sustained control management pest in the RPMP; OR
 - b. Accept its inclusion in the Strategy, in the list of 'other harmful organisms', for which regulatory control is not deemed appropriate.

Hearing Committee response

The submitter notes that YBG is a serious concern to many Taranaki farmers. Although the submitter recognises that eradication is no longer feasible, it considers that there is opportunity to prevent the further spread of YBG, particularly into the eastern hill country. This area is of particular concern because the usual control options of spraying out and re-grassing are much harder or impossible in the hill country.

The submitter acknowledges the financial implications, both to Council and farmers, if rules (via the RPMP) were to apply. The submitter suggests an alternative to including YBG in the RPMP would be to place YBG in the Strategy. However, the submitter is seeking an intensification of efforts on controlling the spread of YBG into new areas noting that they need to be confident that such an approach is not simply a monitoring response or a continuation of previous (so-far largely ineffective) measures. The submitter notes that the current list of actions mentioned in the Strategy may be a useful starting point.

The submitter's comments and concerns are noted. The Hearing Committee agrees with the submitter that not all effective pest plant management needs to be subject to regulatory management. The inclusion of YBG and the application of rules to control the plant would indeed impose significant costs on farmers and others despite limited effective control options being available to land occupiers. The Hearing Committee therefore prefers the submitter's alternative option of addressing YBG via the Strategy with a suite of programmes and actions that intensify efforts of working with others to prevent its further spread.

The Hearing Committee recommends the inclusion of a new section 8.2.5 of the Strategy (and other consequential changes) that explicitly addresses managing the spread of YBG through a suite of dedicated programmes and activities that represent an intensification of efforts to prevent the further spread of YBG in the region.

Recommendation

Grant the relief sought by amending the Strategy to include a new section on programmes and activities explicitly targeting YBG.

Decision sought

General: Strategy Vision, principles and priority areas

- (g) Supports the Strategy's vision, principles and priority areas and the Council's cooperative, integrated, scientific and socially-mandated approach.

Hearing Committee response

The submitter's comments and support are noted.

Recommendation

No relief necessary.

Decision sought

General: Strategy: Wider biosecurity framework outside Council

- (h) Supports the Council's approach of not duplicating work of other agencies and adding value where appropriate.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

General: Strategy: Risk assessments and contingency planning

- (i) Agrees in principle with the Strategy's increased focus on surveillance and pathway management. Supports proactive work on potential invasive pests as long as there are existing resources to do this without compromising effective management of important pests already in Taranaki.

Hearing Committee response

The submitter's comments are noted.

Recommendation

No relief necessary.

Decision sought

General: Strategy: Other leadership responses

- (j) Supports the Council's promotion of alignment of regional pest management.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

General: Plan section 3.3.4: Road reserves

- (k) Supports Council's approach of making roading authorities responsible for formed roads and land occupiers responsible for any paper roads on their land.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Submission No. 4

Morgan Foundation

PO Box 19218
Wellington 6149

Decision sought

General:

- (a) Commends Council on a comprehensive and detailed Plan.

Hearing Committee response

The submitter's comment is noted.

Recommendation

No relief necessary.

Decision sought

Section 6: Feral cats: Pest descriptions and programmes

- (b) Supports inclusion of feral cats in the RPMP (Appendix 2 of the Proposed Plan) as a site-led pest and agrees that there are sensitive wildlife areas where it is essential for cats to be managed to achieve biodiversity outcomes.
- (c) Seeks changes to Table in Appendix 2 of the RPMP to define 'feral cat' and would like to see a clearer definition of feral cat so that cats can be managed in sensitive wildlife areas near populated areas. Noted that an appropriate definition would define a feral cat as any cat without a microchip, collar, or harness.
- (d) Seeks mention of toxoplasmosis in the description of the problem for feral cats.

Hearing Committee response

The submitter's comments are noted.

The Hearing Committee recognises the submitter's concerns relating to feral cat management and in response to submissions are recommending changes to the Strategy to ensure site-led and landscape predator control programmes target feral cats. Cats will also be controlled directly by the Council, through the Strategy, in Key Native Ecosystems. However as a result of the pest management review undertaken since 2013, the Hearing Committee does not recommend the imposition of rules for feral cats in the RPMP due to their widespread dispersal, the unenforceability of rules

pertaining to abandonment, release, and control, and their assessment that land occupiers and other interested parties are better placed to make decisions on whether or not it is necessary to undertake control.

The Hearing Committee notes that in accordance with section 100G(4) of the Act, inconsequential amendments have been made to the revised Proposed Plan to focus more clearly on only those species declared to be pests and for which a regulatory approach has been adopted. Accordingly material in the Table relating to other harmful organisms including feral cats has been transferred and inserted into Appendix 2 of the Strategy. In response to the submitter's comments, officers have enhanced that material to include reference to toxoplasmosis.

Officers have further inserted a definition of 'feral cat' into the Biosecurity Strategy based upon that proposed in the *National Cat Management Strategy* (2017), which reads as follows:

Feral cats: these cats are unowned, unsocialised, and have no relationship with or dependence on humans.

Recommendation

Grant the relief sought in part by amending the Strategy to insert a definition of 'feral cat' that reads as follows "*Feral cats: these cats are unowned, unsocialised, and have no relationship with or dependence on humans.*"

Decision sought

Section 6: Feral cats: Pest descriptions and programmes

- (e) Notes that there is no mention about the creation or support of cat colonies, or cat abandonment, in the RPMP or Strategy and that "*there are a number of other regions that are considering making rules to prevent the establishment or maintenance of cat colonies.*"

Hearing Committee response

The submitter's comments are noted. No changes to the RPMP are considered necessary.

The Hearing Committee shares the submitter's concerns around the risks posed by cat colonies to nearby biodiversity values. It is suggested that section 8.2.4 of the Strategy be amended to provide for this Council to support local government advocacy for extra powers to protect wildlife from cats. The Hearing Committee recommends, where the opportunity arises, that Council submit to central government to support initiatives to develop national cat management legislation.

Recommendation

Grant the relief sought in part by amending section 8.2.4 of the Strategy to support local government advocacy for extra powers to protect wildlife from cats plus national initiatives to develop national cat management legislation.

Decision sought

General: Expansion of predator control

- (f) Seeks expansion of the Self-Help Possum Control Programme to include feral cats.

Hearing Committee response

The submitter supports expansion of the Self-Help Possum Control Programme to include other predators however it notes feral cats are not included. The submitter questions this given "*... the devastating effect they have on our native species and the disease risk they bring to primary production*". The submitter suggests that feral cats will undermine the biodiversity outcomes of any predator control work if they are not included.

The submitter's comment is noted. The Hearing Committee recommends that section 7.2.2 of the Strategy be amended to identify and include feral cats within Council programmes related to landscape predator control on the ring plain.

Recommendation

Grant the relief sought by amending section 7.2.2 of the Strategy to identify and include feral cats within Council programmes related to landscape predator control on the ring plain.

Submission No. 5

Predator Free New Zealand Trust

C/- Rebecca Bell
Level 1, 190 Taranaki Street
Wellington 6011

Decision sought

General:

- (a) Commends Council on a comprehensive and detailed RPMP.

Hearing Committee response

The submitter's comments are noted.

Recommendation

No relief necessary.

Decision sought

Section 6: Feral cats: Pest descriptions and programmes

- (b) Supports inclusion of feral cats as a site-led pest in the RPMP (Appendix 2 of the RPMP)
- (c) Seeks management of feral cats near populated areas
- (d) Seeks a clearer definition of feral cat to include one without a microchip or with a microchip that is caught more than once.
- (e) Seeks mention of toxoplasmosis in the description of the problem.

Hearing Committee response

Submitter supports inclusion of feral cats in the RPMP as a site-led pest and seeks management of feral cats near populated areas as *"there is currently no easy way to manage unowned cats in areas of ecological significance that are near populated areas."*

Submitter further seeks a clearer definition of feral cat to include one without a microchip or with a microchip that is caught more than once. The submitter also wants mention of toxoplasmosis in the description of the problem.

The Hearing Committee recognises the submitter's concerns relating to feral cat management and in response to submissions are recommending changes to the Strategy to ensure site led and landscape predator control programmes target feral cats. Cats

will also be controlled directly by the Council, through the Strategy, in Key Native Ecosystems. However as a result of the pest management review undertaken since 2013, the Hearing Committee does not recommend the imposition of rules for feral cats in the RPMP due to their widespread dispersal, the unenforceability of rules pertaining to abandonment, release, and control, and their assessment that land occupiers and other interested parties are better placed to make decisions on whether or not it is necessary to undertake control.

The Hearing Committee notes that in accordance with section 100G(4) of the Act, inconsequential amendments have been made to the revised Proposed Plan to focus more clearly on only those species declared to be pests and for which a regulatory approach has been adopted. Accordingly material in the Table relating to other harmful organisms including feral cats has been transferred and inserted into Appendix 2 of the Strategy. In response to the submitter's comments, officers have enhanced that material to include reference to toxoplasmosis.

Officers have further inserted a definition of 'feral cat' into the Biosecurity Strategy based upon that proposed in the *National Cat Management Strategy (2017)*, which reads as follows:

Feral cats: these cats are unowned, unsocialised, and have no relationship with or dependence on humans.

Recommendation

Grant the relief sought in part by amending the Strategy to insert a definition of 'feral cat' that reads as follows *"Feral cats: these cats are unowned, unsocialised, and have no relationship with or dependence on humans."*

Decision sought

Section 6: Feral cats

- (f) Seeks that ecologically sensitive areas be defined as such so that cats can be managed in and around those areas.

Hearing Committee response

The submitter suggests that ecologically sensitive areas need to be defined as such in the RPMP so that cats can be managed in and around those areas.

In relation to the RPMP or Strategy defining ecologically sensitive areas the Hearing Committee recommends declining the relief sought. A definition may have been necessary for the purposes of legal certainty and clarity if linked to a rule in a RPMP. However as noted in the response to submission point (g) below, the Hearing Committee does not recommend the imposition of rules for feral cats.

For the purposes of the Strategy (in which rules do not apply) a legal definition of ecologically sensitive areas is also not necessary or appropriate. The Strategy refers to Council programmes and activities that will address the protection of 'ecologically sensitive areas', (which includes Key Native Ecosystems, wetlands, dunelands, native forests and scrublands) not just at a site level but at a landscape level. This provides for more comprehensive feral cat control and it would not be useful to limit feral cat control to a small finite number of legally defined areas.

Recommendation

Decline the relief sought.

Decision sought

General:

- (g) Seek the inclusion of rules in the RPMP preventing the establishment or maintenance of cat colonies and for the abandonment of unwanted cats.

Hearing Committee response

The submitter would like to see rules in the RPMP preventing the establishment or maintenance of cat colonies. It is stated that other councils (Tasman and Greater Wellington) are proposing to include cat colonies in their plans. The submitter seeks additional rules about abandoning unwanted cats.

The Hearing Committee does not recommend the inclusion of rules in the RPMP to prevent the establishment or maintenance of cat colonies. It is the Hearing Committee view that such rules could be more appropriately addressed by district councils through bylaws and would be difficult to enforce under the BSA.

The Hearing Committee notes that in respect of the current rule in Greater Wellington's RPMP, the ability to protect biodiversity values is dependant upon the land occupier's preferences: *"No person shall support or encourage feral and/or unwanted cat colonies on private land without the landowners/occupier's express permission.* If a land occupier is 'sympathetic' to supporting or encouraging a cat colony there is no ability to enforce this rule. If a land occupier does not support or encourage the cat colony the rule is redundant. In Taranaki, land occupiers who wish to control cats can do so at any time and the Council already provides support, including traps and advice and information.

Notwithstanding the above, the Hearing Committee shares the submitter's concerns around the risks posed by cat colonies to nearby biodiversity values and recommend alternative actions to discourage the establishment or maintenance of cat colonies and

allow more effective feral cat control. It is suggested that section 8.2.4 of the Strategy be amended to provide for this Council to support local government advocacy for extra powers to protect wildlife from cats. The Hearing Committee recommends, where the opportunity arises, that Council submit to central government to support initiatives to develop national cat management legislation. The Hearing Committee further recommends that section 7.2.2 of the Strategy be amended to identify and include feral cats within Council programmes related to landscape predator control on the ring plain.

Recommendation

Decline the relief.

Decision sought

General: Strategy: Expansion of self-help possum control to other predators

- (h) Seeks expansion of predator control programmes to target feral cats at a landscape scale.

Hearing Committee response

The submitter support expansion of the Self-help Possum Control Programme to include predator control but would also seek the targeting of feral cats given their devastating effect on biodiversity. The submitter notes that in similar programmes undertaken in the Hawke's Bay area they are catching many more feral cats than mustelids.

The submitter recognises that farmers are busy and may not have time to do the feral cat control work sought. They suggest a funding option might be to charge an additional levy on rateable land and use the funds to pay contractors to maintain predator levels. They note other councils (Hawke's Bay and Northland regional councils) have done this.

The submitter's comments and support are noted. As noted above, The Hearing Committee recommends that section 7.2.2 of the Strategy be amended to identify and include feral cats within Council programmes related to landscape predator control on the ring plain.

Recommendation

Grant the relief sought by amending section 7.2.2 of the Strategy to identify and include feral cats within Council programmes related to landscape predator control on the ring plain.

Decision sought

Strategy: 7.2.3 – Urban projects

- (i) Seeks that the Urban Possum Control Programme be expanded to include rats, mustelids and feral cats in urban areas.

Hearing Committee response

The submitter seeks Council support for urban communities to control a range of predators rather than the current focus in section 7.2.3 of the Strategy on possums.

The submitter's comments are noted. Sections 7.2.2 and 7.2.3 of the draft Strategy currently address landscape predator control (which includes rats, mustelids and now feral cats) and urban possum control. The Hearing Committee recommends minor changes to these sections to clarify that predator control is proposed across both rural and urban landscapes.

Recommendation

Grant the relief sought by amending sections 7.2.2 and 7.2.3 of the Strategy to clarify that predator control is proposed across both rural and urban landscapes.

Decision sought

Strategy: 7.2.5 – Community and Site-led biodiversity programmes

- (j) Supports Council's work with community groups and individuals to control predators on private land and agrees that Council has a key role to play in providing education and advice and potentially access to equipment.
- (k) Seeks that where Council is funding conservation groups, that it takes the recent comments of the Parliamentary Commissioner for the Environment (PCE) into account (in the report *Taonga of an Island Nation*), which states that "*funding organisations should give priority to groups that have already made significant conservation gains to ensure the gains are not lost.*" Also comments that funding should be secure over a number of years and that "targeted support for, and better coordination of, community groups would make this great collective effort more effective and more rewarding for those involved."

Hearing Committee response

The submitter's comments and support are noted.

With respect to funding, the Hearing Committee notes the Council's record of working with other groups to

promote biodiversity outcomes across that region as demonstrated by the development, review and implementation of its Biodiversity Strategy (2008 and 2017), the establishment and support for the Taranaki Biodiversity Accord and Wild for Taranaki, and through its funding and provision of other support to groups undertaking biodiversity work and projects of regional significance. It is the Council's long and established practice to fund groups that have already made significant conservation gains. Such examples include the Taranaki Tree Trust, the Rapanui Petrel Trust, Rotokare Trust and East Taranaki Environment Trust. In effect this Council has been implementing the PCE's recommendation for sometime. Council will continue to explore any opportunities to enhance the coordination of community groups involved in this work.

Recommendation

No relief necessary.

Decision sought

Strategy General: Riparian planting benefits

- (l) Seeks the inclusion of riparian planting initiatives to provide bird corridors for safe migration of bird species in Council's plans.

Hearing Committee response

The submitter notes that PCE report referred to above also discusses the potential for riparian planting to provide bird corridors for safe migration of bird species and seeks inclusion of this in Council's plans and encourages the Council to consider this in their plans.

The submitter's comment is noted. The Hearing Committee notes that the Council has, for some time, been implementing the Taranaki Riparian Management Programme. This non regulatory programme is international in scale involving 2687 properties and 14,921 kilometres of streambanks. To date the programme has resulted in 4,650 kilometres of additional fencing and 2,554 kilometres of riparian planting. The Programme is already identified and supported in the Council's Long Term Plan, Regional Policy Statement, Regional Freshwater Plan, Soil Plan and Biodiversity Strategy.

Of note, the potential for riparian planting to provide bird corridors for safe migration of bird species is explicitly recognised in the Council's Biodiversity Strategy 2017.

Recommendation

No relief necessary.

Decision sought

Strategy: Appendix 1: Summary of the means for achieving individual pest management objectives

- (m) Seeks inclusion of rats and hedgehogs in list of harmful species for site-led programmes set out in Appendix 1 of the Strategy.

Hearing Committee response

The submitter's comment is noted. The Hearing Committee notes that Appendix 1 of the Strategy has been supplemented by a more comprehensive table of material transferred from the RPMP. This list includes rats and hedgehogs.

Recommendation

Grant the relief sought.

Decision sought

Strategy General:

- (n) Seeks that Council approach Government to develop national cat management legislation that, at a minimum, would include compulsory de-sexing, microchipping, limits on cat ownership, breeder registration, rules on cat abandonment and establishment and maintenance of cat colonies.

Hearing Committee response

The Hearing Committee agrees to the submitter's relief. The Hearing Committee suggests that section 8.2.4 of the Strategy be amended to provide for this Council to support local government advocacy for extra powers to protect wildlife from cats. The Hearing Committee also recommends, where the opportunity arises, that Council submit to central government to support initiatives to develop national cat management legislation.

Recommendation

Grant the relief sought in part by amending section 8.2.4 of the Strategy to support local government advocacy for extra powers to protect wildlife from cats plus national initiatives to develop national cat management legislation.

Submission No. 6

Department of Conservation

55A Rimu Street
New Plymouth 4312

Decision sought

Section 1.2: Plan Establishment:

Purpose

- (a) Seek amendment to paragraph 2 of section 1.2 of the RPMP to state:
- "Many organisms in the Taranaki region, or which could infest the Taranaki region, are considered undesirable or a nuisance. For some of those organisms it is considered that a pest management plan will add significant value to the region by providing for their eradication or effective management, and that value will exceed the value derived from uncoordinated individual actions (or inaction)."*

Hearing Committee response

The submitter considers that the following statement misrepresents the purpose of having a plan: *"There are many organisms in the Taranaki region considered undesirable or a nuisance. However, it is only where an individual's pest management actions or inaction impose undue effects upon others that regional management is warranted."* The submitter's contention is that the wording misrepresents the legislation and seeks the following wording:

"Many organisms in the Taranaki region, or which could infest the Taranaki region, are considered undesirable or a nuisance. For some of those organisms it is considered that a pest management plan will add significant value to the region by providing for their eradication or effective management, and that value will exceed the value derived from uncoordinated individual actions (or inaction)."

The wording sought to be replaced by the submitter was developed as part of a sector approach to promote alignment in the content matter of RPMP across New Zealand. There is a risk that too many minor wording changes across RPMP processes across New Zealand may ultimately undermine that alignment. Notwithstanding that the word changes sought by the submitter are minor so it is recommended that the relief be granted.

Recommendation

Grant the relief sought by amending paragraph 2 of section 1.2 of the RPMP to read: *"...Many organisms in the Taranaki region, or which could infest the Taranaki*

region, are considered undesirable or a nuisance. For some of those organisms it is considered that a pest management plan will add significant value to the region by providing for their eradication or effective management, and that value will exceed the value derived from uncoordinated individual actions (or inaction)."

Decision sought

Section 2.1: Strategic background

- (b) Seek amendments to section 2.1 of the RPMP to more clearly describe the regional economic, biodiversity and cultural planning instruments that provide the rationale for pest management.

Hearing Committee response

The submitter considers that the place of the RPMP in the strategic landscape for Taranaki could be enlarged upon.

The submitter further considers that the following statement is an incorrect representation of the relationship between values and pest management planning: *"Several planning or operational activities contribute to the overall efficiency in reducing pest impacts on the region's economic, environmental, social and cultural values."* The submitter suggests the paragraph need to be reviewed to more clearly describe the regional economic, biodiversity and cultural planning instruments that provide the rationale for pest management.

The Hearing Committee suggests that the more appropriate place for describing the strategic landscape for Taranaki is in the Strategy, which includes such a description. Section 2.1 of the RPMP is a high level overview, rather than a detailed description of the strategic pest/biosecurity framework.

The Hearing Committee notes that they have reviewed the relevant section and, as a result, amendments have been made to remove unnecessary detail in this section of the RPMP (noting that the additional material sought by the submitter is covered in the Strategy). This is consistent with changes elsewhere for the final RPMP to align with the content requirements of a Plan as set out in section 73 of the Act.

Recommendation

No relief necessary.

Decision sought

Section 2: Planning and statutory background

- (c) Seeks amendment to Section 2 of the RPMP to identify the wider Taranaki pest management "landscape" and to include a textural or pictorial link to the full picture of pest management undertaken or contributed to by publicly-funded agencies in Taranaki.

Hearing Committee response

The submitter suggests identifying the wider Taranaki pest management "landscape", in the RPMP and submits that the Plan could be enhanced by providing a textural or pictorial link to the full picture of pest management undertaken or contributed to by publicly-funded agencies in Taranaki. The submitter offers to supply spatial data relating to its programmes if the submission is accepted.

The Hearing Committee suggests that material similar to that sought by the submitter is already included in the Strategy and do not believe it is necessary to replicate it in the RPMP. Refer to previous discussion in (b) above.

Recommendation

No relief necessary.

Decision sought

Section 2.2.1 – Biosecurity Act 1993

- (d) Seeks expanded commentary in section 2.2.1 of the RPMP on "Unwanted Organisms" including a description on additional layers of pest management provided by National Pest Plant Accord (NPPA) and noxious fish status, powers of TRC staff to access, and a summary of occupier obligations with respect to unwanted organisms and noxious fish.

Hearing Committee response

The submitter seeks expanded commentary in section 2.2.1 of the RPMP on "Unwanted Organisms" including a description on additional layers of pest management provided by National Pest Plant Accord (NPPA) and noxious fish status, powers of Council staff to access, and a summary of occupier obligations with respect to unwanted organisms and noxious fish.

The submitter contends that a description of the linkages between the classifications would enhance the linkages between the RPMP and these other mechanisms for managing harmful organisms. Such

descriptions would highlight to occupiers the limitations that are imposed upon them by national pest management decisions / policies.

The Hearing Committee suggests that additional commentary sought by the submitter has already been separately provided for in sections 2.3.5 (Small-scale management programme), 2.4.1 (Ministry for Primary Industries), and 2.4.2 (Department of Conservation) of the Strategy, which includes linkages to further information. The Hearing Committee does not believe it is necessary to replicate it in the RPMP. Refer to previous discussions in (b) and (c) above.

Recommendation

No relief necessary.

Decision sought

Section 2.2.4: Wild Animal Control Act 1977 and the Wildlife Act 1953

- (e) Seeks correction of clause 2.2.4(b) of the RPMP to delete reference to ferrets being able to be kept and bred in captivity even if they are declared a pest.

Hearing Committee response

The submitter seeks amendment to section 2.2.4 of the RPMP to recognise that as ferrets are classified as unwanted organisms, they cannot be kept in captivity and bred without specific authority. The Hearing Committee agrees and will delete reference to ferrets in this sub-section.

Recommendation

Grant the relief sought by amending section 2.2.4 of the RPMP to delete reference to ferrets.

Decision sought

Section 2.3: Relationship with other pest management plans

- (f) Seeks the addition of the word "collaboration" after "consultation" in the second paragraph of section 2.3 of the RPMP.

Hearing Committee response

The submitter seeks the addition of the word "collaboration" after "consultation" in the second paragraph of section 2.3 of the RPMP to read "... *will be achieved through a process based on consultation, collaboration, and communication between the Taranaki*

Regional Council and the relevant agency." The submitter contended that "collaboration" would add strength to the suite of actions proposed to ensure coordination in pest management matters in Taranaki.

The wording sought by the submitter to be amended was developed as part of a sector approach to promote alignment in the content matter of RPMP across New Zealand. There is a risk that too many minor wording changes across RPMP processes across New Zealand may ultimately undermine that alignment. Notwithstanding that the word changes sought by the submitter are minor so it is recommended that the relief be granted.

Recommendation

Grant the relief sought by amending the second paragraph of section 2.3 of the RPMP to refer to "collaboration".

Decision sought

Section 3.3: Crown agencies

- (g) Seeks amendment to the description of a good neighbour rule set out in section 3.3 of the RPMP.

Hearing Committee response

The submitter suggests that the description of a good neighbour rule contained in this section is incorrect and suggests amended wording as follows: *"A good neighbour rule responds to the issues caused when a land occupier imposes unreasonable costs on an adjacent land occupier who is actively managing a certain pest, by not undertaking management, or sufficient management, of that pest."* It is the submitter's contention that the rewording more accurately reflects the Act and the *National Policy Direction 2015*.

The wording sought by the submitter to be replaced was developed as part of a sector approach to promote alignment in the content matter of RPMP across New Zealand. There is a risk of too many minor wording changes across RPMP processes across New Zealand may ultimately undermine that alignment. Notwithstanding that the word changes sought by the submitter are minor and do not change the Council's intent so it is recommended that the relief be granted.

Recommendation

Grant the relief sought by amending the description of 'good neighbour rules' in section 3.3 of the RPMP to read: *"...A good neighbour rule responds to the issues caused when a land occupier imposes unreasonable costs on an adjacent land occupier who is actively managing a certain pest, by not undertaking management, or sufficient management, of that pest."*

Decision sought

Section 3.3.1: Department of Conservation

- (h) Seeks amendment to the second paragraph of section 3.3.1 of the RPMP to include a description of restrictions on spreading or holding particular pest fish.

Hearing Committee response

Item 8 of the submission relates to the treatment of pest fish previously covered in the current RPMP. The submitter suggests that the second paragraph of this section needs to be reviewed and amended to include a description of restrictions on spreading or holding particular pest fish.

The Hearing Committee has reviewed the section and as a result suggests minor amendments to include a description of restrictions on spreading or holding particular pest fish of concern to the Department of Conservation. The Hearing Committee also notes that Council programmes and activities relevant to pest fish management are addressed in the Strategy

Recommendation

Grant the relief sought by amending section 3.3.1 of the RPMP to include a description of restrictions on spreading or holding particular pest fish of concern to the Department of Conservation.

Decision sought

Section 3.3.1: Department of Conservation

- (i) Seeks that the current pest status and rules for Brown bull-headed catfish be retained.

Hearing Committee response

Item 9 of the submission relates to the treatment of pest fish previously covered in the current RPMP. The submitter submits that Council should consider maintaining the current pest status and rules for Brown bull-headed catfish, recognising that the species could be deliberately spread to waterways from adjacent regions, and that Council manage the pest by way of an 'exclusion' management programme.

At the hearing, the submitter subsequently sought changes to the RPMP or Strategy that clarified Council authorities and powers relating to the propagation or spread of unwanted organisms and noxious fish. As outlined in section 3.3.1 of the RPMP the Department of Conservation has statutory responsibilities for managing freshwater fisheries. Lead

responsibility for pest fish incursions more appropriately lies with the Department rather than the Council. The Hearing Committee does not therefore recommend making changes to the RPMP. Notwithstanding that, pathway and exclusion management are one of five priority areas included in the Strategy.

The Hearing Committee notes that this Council has regularly supported and assisted the Department of Conservation with respect to pest fish surveillance and eradication activities in Taranaki and proposes to continue to do so through exclusion and pathway programmes outlined in section 4 of the Strategy.

The Hearing Committee recommends amending section 2.4.2.1 and Appendix 2 of the Strategy to refer to legislative authorities and powers relating to the propagation or spread of unwanted organisms and noxious fish (plus other harmful species). The Hearing Committee further recommends amending section 4.2.2 of the Strategy to include a new action that states this Council will work with relevant biosecurity agencies such as the Department of Conservation on surveillance and exclusion of harmful species not yet present in Taranaki, including Brown bull-headed catfish. If the Department is interested, it is proposed that Council work with the Department to carry out a risk assessment, including the identification of appropriate management responses pursuant to section 4.2.1 of the Strategy.

Recommendation

Grant the relief sought in kind by amending sections 2.4.2.1, 4.2.2 and Appendix 2 of the Strategy to include a new action stating that Council will work with relevant biosecurity agencies on surveillance and exclusion of harmful species not yet present in Taranaki, including Brown bull-headed catfish, and to outline legislative authorities and powers relating to the propagation or spread of unwanted organisms and noxious fish.

Decision sought

Section 3.3.1: Department of Conservation

- (j) Seeks that Council exclude pest fish species in conjunction with the Department of Conservation from the region, if it is not present, or to eradicate it from the region if it is present and it is feasible to do so, or otherwise contain the species.

Hearing Committee response

The submitter submits that either former section 3.3.2.1 or section 7 of the RPMP be amended to include an

undertaking that Council will support the management of pest fish species in conjunction with Department of Conservation to either exclude a species from the region, if it is not present, or to eradicate it from the region if it is present and it is feasible to do so, or otherwise contain the species.

As per comments in (h) and (i) above, the Hearing Committee recommends making minor amendment to section 4.2.2 of the Strategy to include a new action that states this Council will work with relevant biosecurity agencies such as the Department of Conservation on surveillance and exclusion of harmful species not present yet in Taranaki, including Brown bull-headed catfish. If the Department is interested it is further proposed that Council work with the Department to carry out a risk assessment, including the identification of appropriate management responses by the relevant parties pursuant to section 4.2.1 of the Strategy. This may include the development of a Memorandum of Understanding.

Recommendation

Grant the relief sought in kind by amending section 4.2 of the Strategy to include a new action stating that Council will work with relevant biosecurity agencies on surveillance and exclusion of harmful species not present yet in Taranaki, including Brown bull-headed catfish.

Decision sought

Section 4: Organisms declared as pests – Brown bull-headed catfish

- (k) Seeks that Brown bull-headed catfish be included as a pest in the RPMP.

Hearing Committee response

The submitter's comment is noted. As per the comments in (h), (i) and (j) above, the Hearing Committee does not recommend changes to the RPMP and suggest that such matters are more appropriately addressed in the Strategy. The Hearing Committee recommends minor amendment to section 4.2 of the Strategy to include a new action that states this Council will work with relevant biosecurity agencies such as the Department of Conservation on surveillance and exclusion of harmful species not present yet in Taranaki, including Brown bull-headed catfish.

Recommendation

Decline the relief sought.

Decision sought

Section 4: Organisms declared as pests – Darwin’s barberry

- (l) Seeks that Darwin’s barberry be included as an eradication pest in the RPMP, at least to the west of the pest management line.

Hearing Committee response

No change to the RPMP is recommended. The Hearing Committee does not believe the eradication objective sought for Darwin’s barberry is technically achievable given the species is well established in the region (unlike the other proposed eradication species). Also of note is that many infestations are in difficult to access locations and control is costly.

The Hearing Committee notes that there are a plethora of issues and intervention options for managing the thousands of potentially harmful species. Eradication type objectives and/or the regulatory approaches are not always appropriate and any decisions must be balanced against other priorities. As part of this Plan review the Hearing Committee assessed future management and funding options for Darwin’s barberry. It is the view of the Hearing Committee that Darwin’s barberry is better addressed through site-led programmes as part of the Strategy.

Recommendation

Decline the relief sought.

Decision sought

Section 4: Organisms declared as pests – Climbing asparagus

- (m) Seeks that Climbing asparagus be included as an eradication pest in the RPMP, west of State Highway 3.

Hearing Committee response

The submitter suggests that considerable progress has been made to eradicate Climbing asparagus in the Kaitake Ranges and that by declaring the plant to be an eradication pest it would encourage nearby private land occupiers to undertake proactive control.

No change to the RPMP is recommended. The Hearing Committee does not believe that the programme as outlined by the submitter is likely to achieve any eradication objective. Climbing asparagus is already too widespread in the region to support an eradication objective and reliance on advocacy (and/or private land occupiers to undertake the control to the level required) is unlikely to be effective.

27

Of note under section 7.2.5 of the Strategy Council has set out a suite of programmes and actions where this Council is willing to work with relevant biosecurity agencies such as the Department of Conservation on the control of harmful species, including Climbing asparagus.

Recommendation

Decline the relief sought.

Decision sought

Section 4.1: Other Harmful Organisms – Feral cats

- (n) Supports the site management or pathway approach for species not otherwise classified as pests, including feral cats.
- (o) Seek amendments to section 4.1 of the RPMP to include more detail identifying the likely pest management approach to be taken for other harmful organisms and by noting any existing restrictions on ownership or spread of these pests that may exist as a consequence of them being classified as Noxious Fish or Unwanted Organisms.

Hearing Committee response

The submitter supports for the site management or pathway approach for species not otherwise classified as pests, including feral cats (notwithstanding their advocacy for inclusion of pest fish, Darwin’s barberry, and Climbing asparagus as pests) is noted.

The submitter suggests that section 4.1 of the RPMP could be enhanced by the inclusion of more detail identifying the likely pest management approach to be taken – i.e. whether pathway or site-led - and by noting any existing restrictions on ownership or spread of these pests that may exist as a consequence of them being classified as Noxious Fish or Unwanted Organisms. The Hearing Committee notes that Table 4 has been removed to keep the Plan solely regulatory, and transferred to the Strategy, as Appendix 2. The Strategy provides the detail sought by the submitter in terms of likely management approaches.

Recommendation

No relief necessary.

Decision sought

Section 5: Pest management framework

- (p) Supports the structure and content of section 5 of the RPMP, particularly provisions 5.3.4 and 5.4.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Section 6.1: Eradication species: Climbing spindleberry

- (q) Supports the eradication approach towards Climbing spindleberry.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Section 6.3: Eradication species: Madeira vine

- (r) Supports the eradication approach towards Madeira (mignonette) vine.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Section 6.5: Eradication species: Senegal tea

- (s) Supports the eradication approach towards Senegal tea.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Section 6.6: Sustained Control species: Possums

- (t) Seeks that the extent of the Self-help Possum Control Programme be confined to the boundary as it stands at present.

Hearing Committee response

The submitter provides qualified support for the sustained control programme for possums as described in section 6.6 of the RPMP and the Council's ongoing commitment to the restoration programme for Taranaki Mouna. The submitter's qualification relates to concerns that the boundaries of the Self-help Possum Control Programme may expand over time and there is insufficient certainty to land occupiers as to whether a rule applies to them.

The submitter's qualified support is noted. In relation to confining the boundaries of the Self-help Possum Control Programme, which may expand over time, the Hearing Committee recommends declining the relief. The Hearing Committee notes that this Plan is the fourth plan of its type. The current extent of the Self-help Possum Control Programme provides effective and sustained possum control over much of the ring plain and coastal terraces. This was achieved over the life of four plans whereby Council has been able to incrementally increase the extent of the area covered by the Programme over time. To date there have been no issues with land occupiers not being clear as to whether possum control rules apply to them and/or uncertainty as to where the Programme boundary lies.

The Hearing Committee notes that it is Council practice, as set out in section 6.3.3 of the RPMP that any new areas included in the Programme are contingent upon 75% of private land occupiers covering 75% of the land area targeted agreeing to be in the Programme.

As part of that land occupier engagement all private occupiers are individually contacted and consulted with, in relation to being in the programme and the application of rules, with this contact being maintained on an ongoing basis. The submitter may be concerned that additional good neighbour responsibilities may be applied to them through the potential expansion of the Programme. However, the implications of any obligations on the submitter arising from any Programme expansion are likely to be very minor given that the ring plain is already covered by the Programme and that the rule specifically excludes properties east of the Programme.

The Hearing Committee states that DOC submissions tabled at the hearing noted that Officers' clarification that future extensions to the self-help programme will be confined to the ring plain and coastal terraces had removed the need for their support for the Programme to be qualified. Therefore no relief is necessary.

Recommendation

No relief necessary.

Decision sought

Section 6.7: Sustained control species: Giant buttercup

- (u) Seeks the removal of the Good Neighbour Rule for Giant buttercup.

Hearing Committee response

It is the submitter's contention that the good neighbour rule for Giant buttercup is inappropriate and inconsistent with legislation and the National Policy Direction.

The Hearing Committee disagrees with the submitter's views and does not recommend granting the relief. Council's impact evaluation and cost benefit analysis, including assumptions, underpinning the proposed good neighbour rule are documented in the report *Pest Management Plan for Taranaki – Impact Assessments and Cost-benefit Analyses (2017)*. The submitter has not provided any additional information to demonstrate that the underpinning assumptions were wrong or incorrect.

Of note, in order to ensure costs are indeed reasonable, the Council on behalf of all regional councils commissioned *Landcare Research* to provide advice on the appropriate boundary distance to manage pest plant species, having regard to their biological characteristics and dispersal distances. The 5m buffer distance proposed for Giant buttercup is consistent with that advice.

The submitter's comments that the spread of Giant buttercup is principally due to seed distribution in hay or hay balers, does not mean that other forms of dispersal do not apply, or preclude the application of Good Neighbour Rules.

Good Neighbour Rules are intended to prevent a land occupier imposing unreasonable pest management costs on their neighbour where they are managing the relevant pest. The submitter questions the reasonableness of having Good Neighbour Rules for a number of production pests but does not challenge the reasonableness of having Good Neighbour Rules for environmental pests. It is important to note that the RPMP is a regional plan that should address a broad range of values of importance to this community, including economic.

Recommendation

Decline the relief sought.

Decision sought

Section 6.8: Sustained control species: Giant gunnera

- (v) Seeks that rules relating to Giant gunnera not apply to coastal sites.

Hearing Committee response

The submitter notes qualified support for the management approach adopted for Giant gunnera but suggests that the requirement imposed on land occupiers to destroy all gunnera present on their land may have unintended consequences on the coastal cliffs of the region. The submitter seeks that these sites be excluded from the Plan and that Council and the Department of Conservation develop a joint management plan/strategy for the plants in these areas.

The Hearing Committee notes the submitter's concerns and recommends an alternative relief. As suggested by the submitter, the Council and Department of Conservation could investigate developing a joint management plan for the management of Giant gunnera along and below coastal cliffs. Where that plan identifies sites and localities where the control of the plant would be inappropriate there is an opportunity to grant exemptions to the rule under section 78 of the Act.

Recommendation

Grant the relief sought in part by investigating the application of exemptions to the rule subject to an agreed management plan.

Decision sought

Section 6.9: Sustained control species: Gorse

- (w) Seeks the removal of the Good Neighbour Rule for Gorse.

Hearing Committee response

It is the submitter's contention that the good neighbour rule for Giant buttercup is inappropriate and inconsistent with legislation and the National Policy Direction.

The submitter does not support the sustained control programme or Good Neighbour Rule for Gorse and submits that it be removed from the RPMP. The submitter notes that Gorse seeds are extremely long-lasting in the soil and it is not possible to distinguish if infestations on neighbouring properties are from pest spread or germination from the seed bank.

The Hearing Committee disagrees with the submitter's views and do not recommend granting the relief. Council's impact evaluation and cost benefit analysis, including assumptions, underpinning the proposed good neighbour rule are documented in the report *Pest Management Plan for Taranaki – Impact Assessments and Cost-benefit Analyses (2017)*. The submitter has not provided any additional information to demonstrate that the underpinning assumptions were wrong or incorrect.

Of note, in order to ensure costs are indeed reasonable, the Council on behalf of all regional councils commissioned *Landcare Research* to provide advice on the appropriate boundary distance to manage pest plant species, having regard to their biological characteristics and dispersal distances. The 10m buffer distance proposed for Gorse is consistent with that advice.

The submitter's comments relating to seedbank do not preclude the application of Good Neighbour Rules. The Hearing Committee recognises that Gorse can act as a nursery for native plant species and there will be occasion when the control of Gorse would be undesirable for conservation reasons. The Hearing Committee notes that under such circumstances there is an opportunity to grant an exemption to the rule under section 78 of the Act. Of further note the proposed 10m buffer distance is a reduction from the current rule which involves a 25m buffer.

Good Neighbour Rules are intended to prevent a land occupier imposing unreasonable pest management costs on their neighbour where they are managing the relevant pest. The submitter questions the reasonableness of having Good Neighbour Rules for a number of production pests but does not challenge

the reasonableness of having Good Neighbour Rules for environmental pests. It is important to note that the RPMP is a regional plan that should address a broad range of values of importance to this community, including economic.

Recommendation

Decline the relief sought.

Decision sought

Section 6.11: Sustained control species: Old man's beard

- (x) Supports the inclusion of Old Man's beard in the RPMP.
- (y) Seeks the addition of biological control to the suite of listed "Service delivery" activities.

Hearing Committee response

The submitter's comment and support are noted. The Hearing Committee agrees to minor amendments to section 6.11.3 of the RPMP to include biological control programmes in the suite of measures for controlling Old man's beard.

Recommendation

Grant the relief sought by amending section 6.11.3 of the RPMP to include reference to biological control programmes.

Decision sought

Section 6: Sustained control species: Pampas

- (z) Seeks amendment to the rules for Pampas in the RPMP whereby Good Neighbour rules apply only west of the pest management line and only require the occupier to prevent seeding.

Hearing Committee response

The submitter notes that Pampas seed is prolific and may be wind dispersed for 10-25km. Given this spread the submitter questions the reasonableness of a Good Neighbour Rule to control Pampas. The submitter proposes an alternative management programme whereby Good Neighbour rules apply only west of the pest management line and only require the occupier to prevent seeding.

The submitter's comments are noted. The Hearing Committee notes that other submitters (these being

Submission numbers 2 and 3) have raised similar concerns but have sought that Pampas be deleted from the RPMP,

The Hearing Committee agrees that the prolific seeding of Pampas and seed dispersal distances is likely to impose significant compliance cost on land occupiers with Pampas on their land. Historically these compliance costs have principally fallen on farmers using Pampas for hedging and shelter belts. Of note farmers are not significantly affected by Pampas because their land is vegetated and Pampas does not grow well on vegetated or modified land. Pampas does not grow well in sub-alpine, or alpine areas either, so it has little impact on the Egmont National Park.

The Hearing Committee recommends that Pampas is removed from sustained control management under the RPMP and instead be addressed under the Biosecurity Strategy through site-led programmes and activities including pathway management, advice and education, liaison and advocacy, and biological control. The Council would still monitor and control Pampas on Key Native Ecosystem sites.

The Hearing Committee notes that while DOC submissions tabled at the hearing supported the inclusion of Pampas as a harmful organism in the Strategy, [DOC considers that](#) key points of their submission were missed. DOC suggested confining rules for Pampas to the area west of the Pest Management Line and to the removal of seed heads. The Hearing Committee has considered this point but does not recommend any change to its initial recommendation.

Recommendation

Grant the relief sought in part by removing Pampas from sustained control management under the RPMP and including it as a "harmful organism" to be managed under the Biosecurity Strategy.

Decision sought

Section 6.12: Sustained control species: Wild broom

- (aa) Seeks the removal of the Good Neighbour Rule for Wild broom.

Hearing Committee response

The submitter does not support the sustained control programme or Good Neighbour Rule for Wild broom and submits that it be removed from the RPMP. The submitter notes that Wild broom seeds are extremely long-lasting in the soil and it is not possible to distinguish if infestations on neighbouring properties are from pest spread or germination from the seed bank.

31

The Hearing Committee disagrees with the submitter's views and do not recommend granting the relief. Council's impact evaluation and cost benefit analysis, including assumptions, underpinning the proposed good neighbour rule are documented in the report *Pest Management Plan for Taranaki – Impact Assessments and Cost-benefit Analyses (2017)*. The submitter has not provided any additional information to demonstrate that the underpinning assumptions were wrong or incorrect.

Of note, in order to ensure costs are indeed reasonable, the Council on behalf of all regional councils commissioned *Landcare Research* to provide advice on the appropriate boundary distance to manage pest plant species, having regard to their biological characteristics and dispersal distances. The 10m buffer distance proposed for Wild broom is consistent with that advice.

The submitter's comments relating to seedbank do not preclude the application of Good Neighbour Rules. The Hearing Committee is aware that Wild broom can act as a nursery for native plant species and there will be occasion when the control of the plant might be undesirable for conservation reasons. The Hearing Committee notes that under such circumstances there is an opportunity to grant an exemption to the rule under section 78 of the Act. Of further note the proposed 10m buffer distance is a reduction from the current rule which involves the whole property.

Good Neighbour Rules are intended to prevent a land occupier imposing unreasonable pest management costs on their neighbour where they managing the relevant pest. The submitter questions the reasonableness of having Good Neighbour Rules for a number of production pests but does not challenge the reasonableness of having Good Neighbour Rules for environmental pests. It is important to note that the RPMP is a regional plan that should address a broad range of values of importance to this community, including economic.

Recommendation

Decline the relief sought.

Decision sought

Section 6.13: Sustained control species: Wild ginger

- (bb) Supports the sustained control objective for Wild ginger.

Hearing Committee response

The submitter's comment and support are noted.

Recommendation

No relief necessary.

Decision sought

Section 6.14: Sustained control species: Yellow ragwort

(cc) Seeks the removal of the Good Neighbour Rule for Yellow ragwort.

Hearing Committee response

It is the submitter's contention that the good neighbour rule for Yellow ragwort is inappropriate and inconsistent with legislation and the National Policy Direction. The submitter believes that a regulatory approach that meets the section 71(e) tests could only apply where it is "to prevent spread onto land that has never had the species present." The submitter further believes recent advances in biological control for this plant has significantly reduced its "pestiness".

The Hearing Committee disagrees with the submitter's views and do not recommend granting the relief. Council's impact evaluation and cost benefit analysis, including assumptions, underpinning the proposed good neighbour rule are documented in the report *Pest Management Plan for Taranaki – Impact Assessments and Cost-benefit Analyses (2017)*. The submitter has not provided any additional information to demonstrate that the underpinning assumptions were wrong or incorrect.

Of note, in order to ensure costs are indeed reasonable, the Council on behalf of all regional councils commissioned *Landcare Research* to provide advice on the appropriate boundary distance to manage pest plant species, having regard to their biological characteristics and dispersal distances. The 20m buffer distance proposed for Yellow Ragwort is consistent with that advice.

The submitter suggests that the "pestiness" of Yellow ragwort has significantly reduced in recent times. However, it is Officer's contention that the reduction in the "pestiness" of the plant in Taranaki is more to do with a strong regulatory regime than biological control. Notwithstanding that the Council already undertakes biological control of Yellow ragwort and will continue to do so.

Good Neighbour Rules are intended to prevent a land occupier imposing unreasonable pest management costs on their neighbour where they managing the relevant pest. The submitter questions the reasonableness of having Good Neighbour Rules for a number of production pests but does not challenge the reasonableness of having Good Neighbour Rules

for environmental pests. It is important to note that the RPMP is a regional plan that should address a broad range of values of importance to this community, including economic.

Recommendation

Decline the relief sought.

Decision sought

Section 7.1: Other harmful organisms

(dd) Seeks the clarification of existing rules and regulations on ownership, dispersal, or sale of harmful organisms.

Hearing Committee response

The submitter seeks the clarification of existing rules and regulations on ownership, dispersal, or sale of harmful organisms identified in section 7.1 of the RPMP and suggests a reconsideration of objectives for some species. The submitter further suggests the addition of "cooperation" as a measure to support achievement of the objectives.

The Hearing Committee recommends granting the relief in part by minor amendments to the Strategy, which is the preferred policy instrument for dealing with such matters.

The Hearing Committee notes that in accordance with section 100G(4) of the Act, inconsequential amendments have been made and incorporated into the revised Proposed Plan to focus more clearly on only those species declared to be pests, and for which a regulatory approach has been adopted. Accordingly material in the Table relating to other harmful organisms has been transferred and inserted into Appendix 2 of the Biosecurity Strategy. The Table now includes an indication of the Management response in relation to each organism.

Recommendation

Grant the relief sought in part by amending the Biosecurity Strategy to include a new Appendix 2 that includes a table identifying the management response in relation to each organism.

Decision sought

Section 7.2: Management of other harmful organisms - Goats

(ee) Supports the inclusion of goats in section 7.2 of the RPMP as harmful organisms.

Hearing Committee response

The submitter notes that it is currently supporting a programme to eradicate goats from Egmont National Park and the eradication goal is likely to involve proactive removal of goats from land surrounding the park where those goats are wild animals and are jeopardising the achievement of eradication. The Department is aware of other submissions that goats should be categorised as pests in the RPMP and encourages such mechanisms to the extent that policies and rules in the RPMP can assist in achieving and sustaining a goat-free Egmont National Park through control of wild and non-farmed goats.

The submitter's comments and support are noted.

The Hearing Committee notes that DOC submissions tabled at the hearing suggested amending the use of the term "feral" for deer, pigs, and goats to "wild", as the term "feral" has no legal definition and may exclude animals that have not escaped from domestic settings. The Hearing Committee has considered this point and recommends changing its initial recommendation and granting the relief sought.

Recommendation

Grant the relief suggested at the Hearing by removing the term "feral" as it applies to deer, pigs and goats in the Strategy and replacing it with "wild".

Decision sought

Section 7.2: Management of other harmful organisms – Feral cats

(ff) Supports the management approach for feral cats in section 7.2 of the RPMP (principal measures), including direct control in KNEs.

Hearing Committee response

The submitter's support is noted. The Hearing Committee notes further changes have been made to the Biosecurity Strategy to enhance the visibility of feral cat control.

Recommendation

No relief necessary.

Submission No. 7

Taranaki Mounga Project Limited

C/- The Business Advisory Group
Level 14, 34 Shortland Street
AUCKLAND 1010

Decision sought

Section 6 and goats

- (a) Seeks amendments to the RPMP to:
- a. define goats as a pest in a 'halo' around the Mounga involving land west of the SH3/3A; and
 - b. include rules that control goats within the halo area.

Hearing Committee response

The submitter notes that Taranaki Mounga Project Limited is an ambitious conservation project seeking to transform the mountain, ranges and islands of Taranaki through a large-scale ecological restoration project.

The submitter notes that one of its initial objectives is to eradicate goats from Egmont National Park and make the Park the first national park in New Zealand to be ungrazed free. Eradication activities are likely to commence in 2019 or early 2020. The submitter notes that one of the key risks to the feasibility of goat eradication is that goats might reinvade the Park from the surrounding ring plain. The risk includes not just feral goats but also semi-domesticated goats (often of feral origin) tethered on the roadside outside of the farm gates.

The submitter suggests that while the Wild Animal Control Act 1977 provides for the hunting and killing of feral goats, there is uncertainty around the legal status of these semi-domesticated and tethered goats which are often kept as pets. The submitter is therefore seeking amendments to the RPMP to establish a regulatory 'halo' area around the boundary of the park to exclude farmed or domesticated goats.

The submitter is currently assessing the feasibility of achieving its goat eradication objective and has submitted on the RPMP because it considers the BSA may be the appropriate legislative and management vehicle to provide ongoing assistance and support.

There are a range of issues being raised by the submitter and a range of interventions relevant to goat management. Officers were in pre-hearing discussions with the submitter to canvas the regulatory and non-regulatory options for excluding farmed or domesticated goats in support of their goat eradication objectives. Non-regulatory options exist. With respect to regulatory options there are a number of options involving different players to address the risks. They

include not only the Biosecurity Act but also potentially the Resource Management Act 1991, the Wild Animal Control Act 1977, and the Local Government Act 2002. For example all three District Councils have bylaws that restrict goats in halo or buffer zones of different sizes around the Mounga.

In the Hearing Committee's initial opinion it is highly unlikely that the BSA is the appropriate mechanism for managing the control of farmed or tethered goats owned by private individuals and treated as pets. The Hearing Committee suggests further discussions and investigations are required, which precludes making immediate changes to the RPMP at this time. Notwithstanding that, The Hearing Committee recommends amendment to the Strategy to include a new section that identifies a suite of Council activities and programmes in support of the Taranaki Mounga Project. This includes Council support of, and assistance to, the submitter's development of a goat eradication programme which may include Council undertaking joint advocacy and communication activities with the submitter to inform key stakeholders and agencies of the goal and methods.

If at a later date the requirement for rules in respect of goats on the ring plain has been sufficiently demonstrated, it is recommended that the matter be brought back to the Council for its consideration. Of note, recent changes to the BSA provide for partial reviews of a RPMP, and such a review should be a relatively simple exercise.

Of note the submitter, at the hearing, noted the Officer's recommendation for Council to consider rules at a later date should they be demonstrated to be appropriate and sought the inclusion of a new action in the Strategy to that effect. The Hearing Committee agreed to that relief.

Recommendation

Decline the relief sought in relation to the RPMP but

- (a) **note** amendments to the Strategy to include a new section identifying Council programmes and activities in support of the Taranaki Mounga Project; and
- (b) **grant the relief** sought in relation to identifying a new action in the Biosecurity Strategy to read:

"TRC will convene Taranaki Mounga, territorial authorities and relevant government agencies to jointly investigate:

 - a. *if regulatory mechanism(s) are required to address the risk of goats immigrating into Egmont national Park: and*
 - b. *in the event regulatory mechanism(s) are required, determine what mechanism(s) are most appropriate to address this risk within the timeframes required and by no later than 2020."*

Decision sought

General:

- (b) Supports the Council's intention to support Community and Site-led biodiversity programmes in the RPMP.

Hearing Committee response

The submitter's support is noted.

Recommendation

No relief necessary.

Decision sought

General: Vision

- (c) Supports Council's vision for biosecurity as set out in the Strategy.

Hearing Committee response

The submitter's support is noted.

Recommendation

No relief necessary.

Decision sought

General: Focus on surveillance and pathways

- (d) Supports the Council's pathway approach noting that this is likely to be more economically efficient to prevent the establishment of new pests.

Hearing Committee response

The submitter's comment is noted.

Recommendation

No relief necessary.

Decision sought

General: Increased focus on eradication of named pests

- (e) Supports eradication of four named species in RPMP.

Hearing Committee response

The submitter's support is noted.

Recommendation

No relief necessary.

Decision sought

General: Extension of Self-Help programme to rats and mustelids

- (f) Supports proposal for a self-help programme that targets a wider range of predators.

Hearing Committee response

The submitter notes support for Strategy proposal for a self-help programme that targets a wider range of predators. The submitter notes that the measure would reduce the number of predators that currently affect the biodiversity of the region and would provide positive social and ecological benefits to Taranaki.

The submitter's support is noted.

Recommendation

No relief necessary.

Decision sought

General: Support for Community and Site-Led Biodiversity Projects

- (g) Seeks amendment to the Strategy to identify the Taranaki Mounga Project as a key biodiversity programme that the Council supports.

Hearing Committee response

The submitter's comment is noted. The Hearing Committee recommends amending the Strategy to include a new section (section 7.2.6 of the revised Strategy) setting out Council programmes and activities in support of the Taranaki Mounga Project. Of note this new section would include a Council commitment to work with the submitter to develop appropriate advisory and extension programmes in

support of their objectives, including investigating regulatory and non regulatory options relating to the control and exclusion of goats in and around the Mounga (refer to previous comments in (a) above).

Recommendation

Grant the relief sought by including a new section in the Strategy identifying the Taranaki Mounga Project as a key biodiversity programme that the Council supports.

Decision sought

General:

- (h) Seeks amendment to the Strategy to include a specific programme of actions to support the implementation of the Taranaki Mounga Project.

Hearing Committee response

The submitter's comment is noted. Refer to comments in (g) above.

Recommendation

Grant the relief sought by including a new section in the Strategy identifying the Taranaki Mounga Project as a key biodiversity programme that the Council supports.

Submission No. 8

KiwiRail Holdings Limited (KiwiRail)

Pam Butler
Senior RMA Advisor
PO Box 593
Wellington 6140

Decision sought

General:

- (a) Notes interest in developing workable and pragmatic approaches to pest management peculiar to its operational limits and circumstances.

Hearing Committee response

The submitter notes that it is keen to work with the Council and develop workable and pragmatic approaches to pest management peculiar to its operational limits and circumstances. This includes seeking an alternate management approach (such as a Specific Management Plan) as an agreed method of compliance with the RPMP.

The submitter's comments are noted and the Hearing Committee refers to changes made in response to submissions on the whole plan development process and memoranda of understanding.

Recommendation

No relief necessary.

Decision sought

General: Whole plan development process

- (b) Seeks alteration of the RPMP to include provisions which will allow the development of alternative management approaches, including Management Plans, as a method of compliance with the RPMP.

Hearing Committee response

The submitter's comments are noted. The Hearing Committee recommends minor changes to the RPMP to recognise alternative management approaches (such as a Specific Management Plan), as an agreed method of compliance with the RPMP, and agree that the submitter and the Council will work together to target priorities and to adapt management activities to its unique operational limits and circumstances.

Recommendation

Grant the relief sought.

Decision sought

Section 3.3.3: KiwiRail

- (c) Supports section 3.3.3 of the RPMP (formerly clause 3.3.2.3).

Hearing Committee response

The submitter notes support for section 3.3.3 of the RPMP (formerly clause 3.3.2.3). The submitter notes there are unusual practical challenges associated with managing pests along the rail corridor such as physical accessibility due to terrain, limited access points, difficulty identifying pest plants from the track, the need for specialist equipment and in planning and staging work between operational train activities.

The submitter's comments and support are noted.

Recommendation

No relief necessary.

Decision sought

Section 5.4: Memoranda of Understanding

- (d) Supports section 5.4 of the RPMP provided it is altered to allow alternative management arrangements as well as memoranda of understanding.

Hearing Committee response

The submitter's comments are noted. The Hearing Committee has altered the heading to read "Alternative Pest Management Arrangements" and amended the section to reflect the changed wording.

Recommendation

Grant the relief sought.

Decision sought

Section 5.5: Rules

- (e) Supports the use of Good Neighbour Rules for all stakeholders and occupiers.

Hearing Committee response

The submitter supports the use of Good Neighbour Rules for all stakeholders and occupiers as a pragmatic approach to the management of pest plants. The submitter considers that pests should be controlled to a level that is acceptable between adjoining landowners but reasonable, and where certain criteria are met. The rules should provide for both 'neighbours' to actively manage pests.

The submitter's comments and support for Good Neighbour Rules are noted.

Recommendation

No relief necessary.

Decision sought

Section 6: Pest Management framework for Gorse, thistles and Wild broom

- (f) Supports the use of biological control for Gorse, all forms of thistle, and seeks that biological control be applied for Wild broom.

Hearing Committee response

The submitter's comments and support are noted. The Hearing Committee agrees that biological control is available for Wild broom and reference to this has been added in the appropriate section of the RPMP (6.12.3).

Recommendation

Grant the relief sought by amending section 6.12.3 of the RPMP to reference biological control for Wild broom.

Decision sought

Part 3 (Procedures) – Powers conferred

- (g) Seeks alteration for section 8.3 of the RPMP (formerly 10.3) to provide for exemptions in relation to any agreed Management Plans.

Hearing Committee response

The submitter notes broad support for section 8.3 of the RPMP (formerly 10.3), however seeks alteration of the clause to provide for exemptions in relation to any agreed Management Plans, already referred to in respect of section 5.4.

The submitter's comments and support are noted. The Hearing Committee agrees to alter the clause in line with the changes already made to section 5.4.

Recommendation

Grant the relief sought by amending section 8.3 of the RPMP (formerly 10.3) to provide for exemptions in relation to any agreed Management Plans.

Submission No. 9

Fish and Game New Zealand, Taranaki Region

PO Box 4152
Whanganui 4541

Decision sought

General:

- (a) Supports intention to combine rules for animal and plant pests into a single document, the list of species included, and the proposed Objectives, Principal Measures and Rules.

Hearing Committee response

The submitter's comments and support are noted.

Recommendation

No relief necessary.

Decision sought

Old man's beard: 6.10.3 and 7.2.4 in Strategy

- (b) Supports objectives and intention for Old man's beard as set out in section 6.10.3 of the RPMP and section 7.2.4 of the Strategy.

Hearing Committee response

The submitter supports objectives and intention for Old man's beard as set out in section 6.10.3 of the RPMP and section 7.2.4 of the Strategy however notes inclusion of Kaupokonui Stream catchment reference in Strategy but not in RPMP. The submitter suggests this is an oversight and RPMP should be amended to align with Strategy.

The Hearing Committee notes that the RPMP is silent on Kaupokonui Stream because the initial control has already been completed in that area and there is therefore no need to refer to it in the rule.

Recommendation

No relief necessary.

Decision sought

Management regime for other harmful organisms

- (c) Support proposed management regime for other harmful organisms.

Hearing Committee response

The submitter's support is noted.

Recommendation

No relief necessary.

Decision sought

Management regime for other harmful organisms

- (d) Supports the management regime for other harmful organisms.

Hearing Committee response

The submitter's support is noted. The Hearing Committee notes that the section on 'Other Harmful Organisms' initially included in the RPMP has been removed to keep the Plan solely regulatory, and transferred to the Strategy, as Appendix 2. The Strategy provides the detail sought by the submitter in terms of likely management approaches.

Recommendation

No relief necessary.

Decision sought

General and other support

- (e) Supports Vision, Priorities and Outcomes of Strategy. Also supports expansion of predator control for mustelids, feral cats, and rats.

Hearing Committee response

The submitter's support is noted.

Recommendation

No relief necessary.

Decision sought

Action 2: Section 7.2.2, and Action 5 - points 46-48

- (f) Supports Action 2 and proposed Action 5(a) (Community and site-led biodiversity programmes) and 5(b) (Other support and Assistance Services) of the Strategy.

Hearing Committee response

The submitter's support is noted.

Recommendation

No relief necessary.

Submission No. 10

Royal Forest & Bird Protection Society
(North Taranaki Branch)

C/- Janet Hunt
11 Tawa Street
Inglewood 4330

Decision sought

Section 6 – Pest Descriptions & Programmes

- (a) Seeks addition of Moth plant (*Araujia sericifera*) to list of eradication pest species as it has recently appeared in the New Plymouth urban area.

Hearing Committee response

The submitter's comments are noted. Officers have undertaken an impact evaluation and cost benefit analysis in accordance with requirements set out in the Act and the National Policy Direction (refer Appendix I) and recommend that Moth plant be added to the list of eradication plants to be managed under the RPMP.

Recommendation

Grant the relief sought by including Moth plant (*Araujia sericifera*) as an eradication pest.

Appendix I: Impact assessment and cost benefit analysis for Moth Plant

Moth Plant (*Araujia sericifera* syn. *A. hortorum*)

a. Pest attributes and distribution

Relevant biology

Attribute	Description
Form	Moth plant is a rampant evergreen, climbing vine growing up to 10m high with smelly, milky sap and twining flexible stems that are covered in down and woody near the base. Dark green leaves are hairless and dull on the top, greyish-downy underneath, and alternate on the stems. Clusters of 2-4 bell-shaped white flowers, occasionally with pink streaks, appear from December to May, followed by distinctive thick, leathery, pear-shaped choke-like pods containing kapok-like pulp, which splits open to disperse many black, thistle-down-like seeds
Habitat	Moth plant prefers loose, fertile soils, in warmer climates with moderate to high rainfall. Plants establish freely in semi-shade and grow up onto the canopy of shrubs and trees. Moth plant grows in a range of habitats, including forest margins, disturbed forest, hedges, wasteland, coastal sites and urban gardens. It can become a dominant species in urban environments.
Regional distribution	Limited distribution, confined to areas near the coast (18 known sites). Most sites located in urban areas.
Competitive ability	Rapid growth to canopy, forming large, heavy, long-lived masses. Tolerant of shade, very tolerant of drought or damp, wind, salt and many soil types. Poisonous and irritant-inducing. Germinates in light wells or semi-shade inside established forest, often long distance from seed source, and smothers and kills plants up into the canopy, preventing the establishment of native plant species.
Reproductive ability	Produces masses of viable seeds that can drift long distances on air currents.
Dispersal methods	Wind spreads seed from gardens, roadsides, orchards, hedges, plantations, vacant and industrial land.
Resistance to control	Poisonous, causes dermatitis, protect skill against contact with sap. Destroy ripe pods first to minimise seeding. Options for control include pull up seedlings (all year round), stump swab (best in summer-autumn), remove all pods and dispose of at refuse transfer state, burn or bury deeply, leave remains cut material on site to rot down, or spray (Summer-autumn).
Benefits	No benefits

Where is it a problem?

Land use type	Current land use infested*	Potential land use infested*	Pest significant problem on this land type**
Dairy	-	-	False
Sheep and beef (intensive)	-	-	False
Hill country (sheep)	-	-	False
Forestry	-	Low	False
Horticulture	-	-	False
Native / conservation	Low	High	True
Urban / Non productive	High	High	True

* High = Most infested/preferred land use(s), Low = Less infested/preferred land use(s), - = Unsuitable land use. Source: Wildlands 2017

** True = Most 'at risk' or impacted land use(s), False = Less 'at risk' or impacted land use(s) based upon impact assessment overleaf.

b. Impact evaluation

How is it a problem?

Category	Current	Potential	Comment	Source
Production				
Dairy	-	L	Negligible at a regional level although property impacts on farm riparian margins is possible	
Sheep and beef	-	-		
Forestry	-	M	Smother trees in plantation forests.	
Horticulture	-	-		
Other	-	-		
International trade	-	-		
Environment				
Soil resources	-	-		
Water quality	-	-		
Species diversity	M	H	Stems strangle host, overtop most canopies and cause collapse. Heavy infestations can alter successional patterns and prevent native regeneration, thus modifying the structure of the ecosystem.	
Threatened species	L	H	Could invade open habitats occupied by threatened species and spread into nesting areas of sand dune fauna	
Social/Cultural				
Human health	-	-		
Recreation	-	L	Layering stems can become very dense and obstruct access	
Maori culture	-	-		

L – 'low' impact (1–4% reduction in the economic value per ha per annum); M – 'moderate' impact (5–9% reduction in the economic value per ha per annum); H – 'high' impact (10–50% reduction in the economic value per ha per annum)

How much does it cost?

For the purposes of this report, the monetarised impacts of Moth Plant are calculated as the current or anticipated proportional impact on environmental (native / conservation), production and social and cultural values across the region. However, this is a conservative estimate. The potential impacts are likely to be much higher with significant additional non-monetised costs being incurred where habitat degradation impacts on nationally threatened or regionally distinctive native species (and given the 'value' of these species).

Land use type	Current impact per ha	Potential impact per ha
Production	\$0	\$0.45 – \$1.96
Dairy	\$0	\$0
Sheep and beef	\$0	\$0
Forestry	\$0	\$0.45 – \$1.96
Horticulture	\$0	\$0
Native / conservation	\$4.43 – \$7.81	\$46.95 – \$284.20
Social/Cultural	\$0.07 – \$0.29	\$0.16 – \$1.67

c. Cost-benefit analysis

CBA assumptions and inputs

Pest assumptions	Values	Programme assumptions	Values
Current area infested:	0.5 ha	Proposed Programme:	Eradication
Maximum potential area infested: ^o	45,760 ha	Proposed annual expenditure by Council:	\$15,000
Time to reach maximum extent: [†]	75 years	Repeated inspections and works required:	Annually
Current impacts (\$) :* (-\$4.50 – \$8.09 / ha)	\$6.30 / ha	Discount rate:	4%

^o The potential extent the pest is predicted to achieve in the absence of regional management based upon LCDB

[†] The time a pest is predicted to take between first going wild in the region and reaching 90% of its potential maximum extent (in the absence of regional intervention)

* Current impact is for the current area of the pest, averaged across the impacts on all land uses within this area.

CBA assessment

The Council has calculated a cost-benefit scenario over 50 years for Moth plant.

The CBA shows that regional intervention in the form of an eradication programme is cost beneficial through the avoidance of pest impacts that would otherwise occur for forestry and conservation land uses/values as Moth plant spreads across its full potential extent. Potential habitat includes coastline/cliffs, scrublands, and inshore and offshore islands, forest margins, disturbed forest, hedges, wasteland, coastal sites and urban gardens. The net monetarised benefit of regional intervention over 50 years is estimated to be **\$10,823,041**. However, this does not take into account the non-monetarised 'value' of protecting biodiversity values, including some nationally threatened or regionally distinctive native species in Taranaki that would otherwise be impacted upon by this plant.

Scenario	Pest impacts*	Benefits	Council costs ^o	Compliance costs [†]	Net benefit
No regional intervention	\$10,954,230 min: \$1,873,933 max: \$56,193,115	\$0	\$0	\$0	
Eradication (preferred option)	\$45 min: -\$34 max: -\$61	\$10,954,185 min: \$1,873,967 max: \$56,193,176	\$131,144	\$0	\$10,823,041 min: \$1,742,823 max: \$56,062,032

* Includes economic costs and conservatively valued environmental, social and cultural costs

^o Council costs refer to the administration and implementation costs incurred by the Council through the programme

[†] Compliance costs refer to any costs of control imposed on land occupiers through the programme

d. CBA statement and risks to success

If Moth plant were to become established it could seriously affect plantation forests, farm shelterbelts, riparian margins, and indigenous biodiversity. Eradication is technically feasible. The species has a very confined habitat range and occurs at very low densities in the region, and there is a high probability that infestation levels can be reduced to zero densities in the short to medium term.

The CBA for Moth plant suggests that the eradication programme will be net beneficial over the long term. There are public good benefits in preventing Moth plant from becoming established and avoiding the possibility of more significant costs for the region in the future.

Risks of the programme being unsuccessful in achieving objectives

Risk	Level of risk	Explanation
Technical risk	Low to Medium	Increased focus is required on surveillance and public awareness to identify sites of interest. There is a risk of previously unknown infestation sites being discovered over the life of the Plan and that the distribution and abundance of the species precludes eradication.
Operational risk	Low	The eradication of known Moth plant is technically feasible and cost-effective over a 50-year timeframe. Public intervention (whereby land occupiers do not incur the cost of control) should encourage the public reporting of infestation and the application of control techniques that will result in the effective control of the species.
Legal risk	Low	
Socio-political risk	Low	To be tested through the remainder of the Plan review process.
Other risks	Low	

e. Who should pay?

Beneficiaries and exacerbators

Group	Beneficiary	Exacerbator	Change behaviour	Assess costs & benefits	Control cost effectively
Forestry sector	Minor	Minor	No	Yes	Yes
Anyone intentionally dumping or incorrectly disposing the plant		Major	Yes	No	No
Regional community†	Major		No	Yes	Yes

Who should pay for the proposed management approach?

Moth Plant is a major threat to conservation values. Given the benefits of an eradication objective and the protection of indigenous biodiversity values are a public good rather than a private good, it is appropriate that the costs are paid for directly by the Council on behalf of the regional community. The regional community is able to assess the cost and benefits and effectiveness of the programme through the annual planning and reporting processes under the Local Government Act 2002 and through the review of future pest management plans.

Appendix II: Further submission of Taranaki Mounga Project Limited tabled at Hearing, 17 October 2017

BEFORE THE TARANAKI REGIONAL COUNCIL HEARING COMMISSION

IN THE MATTER of the Biosecurity Act 1993

AND

IN THE MATTER of the Taranaki Regional Pest Management Strategy / Regional Pest Management Plan.

STATEMENT OF PLANNING EVIDENCE FROM SEAN PETER ZIELTJES ON BEHALF OF TARANAKI MOUNGA PROJECT LIMITED

17 October 2017

SCOPE OF EVIDENCE TO BE PRESENTED

1. My name is Sean Peter Zieltjes. I am the Project Manager for the Taranaki Mounga Project. Taranaki Mounga is a landscape scale, ecological restoration project of the mounga, ranges and islands of Taranaki. The success of the project relies upon the collaborative effort of agencies, iwi and community to achieve project objectives.
2. I hold a Masters of Legal Studies (Environmental Law) (Honours) from the University of Auckland, and a Bachelor of Environment and Resource Management Planning (Ecology) (Honours) from Massey University. I am a full member of the New Zealand Planning Institute (NZPI), and am a member of the Resource Management Law Association (RMLA). I have experience with resource management matters and strategic planning processes within Taranaki.
3. The background to this process has been well traversed in the evidence of others, and in the Officer's Report. Accordingly, I do not propose to repeat that information.
4. In my evidence I will discuss;
 - Assurance;
 - Project timeframes; and
 - Confirm a commitment from the project to continue to work collaboratively with Officers towards an appropriate regulatory solution to manage goat immigration risk.
5. My evidence will draw upon the submission lodged with the Taranaki Regional Council, as well as:

1

- (a) The information contained within the Council Planner's Officer's Report ('Officer's Report').
 - (b) The recommendations of a report prepared for Taranaki Mounga Project by Rob Dragten of Dragten Consulting.
6. Where relevant I will reference the Officer's Report, as this is a very comprehensive document that was pre-circulated to all parties on 11 October 2017.
7. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses (Environment Court of New Zealand Practice Note 2014) and I agree to comply with that Code. This evidence I am presenting is within my area of expertise, except where I state that I am relying on the evidence of another person. To the best of my knowledge I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

REGULATORY ASSURANCE

8. Taranaki Mounga is the first collaborative project of its kind and size in the country. It is at the forefront of the development of tools and programmes to protect large habitats, in turn protecting large populations of our unique biodiversity, with the ultimate goal of securing the biodiversity of New Zealand against a multitude of threats. The project has numerous benefits for the broader Taranaki community alongside biodiversity outcomes.
9. Taranaki Mounga is making a substantial investment into a goat eradication programme on the mountain, alongside a host of other biodiversity related initiatives.
10. However, there is a risk that goat immigration from the ring plain back into the park will put the sustained long-term goat eradication objectives of the project at risk. Potential sources for immigration include feral goats, commercially farmed goats, and tethered semi-domesticated ex-feral goats. The risk of immigration undermines the investment certainty for funders that eradication can be maintained in the long term.
11. TMP recognises that preventing goat immigration will require a wide range of stakeholders to work collaboratively to realise the vision of a restored Mounga. Feral goats can be controlled using DOC's powers under the Wild Animal Control Act. Commercially farmed goats are already managed to a degree through District Plans developed under the Resource Management Act. However, the management of the risk posed by tethered or otherwise poorly constrained semi-domesticated ex-feral goats remains problematic. TMP considers this problem will ultimately require a regulatory solution.
12. TMP has commissioned advice which indicates that the Biosecurity Act appears to provide the most appropriate mechanism for managing the semi-domesticated ex-feral goats. It is noted that this advice is contradictory to the view expressed in the officer's report that the Biosecurity Act is highly unlikely to

2

provide an appropriate mechanism. TMP supports the officer's recommendation that TRC engage in further discussions and advice to resolve this difference of opinion.

13. TMP believes that TRC, as experts in implementing the Biosecurity Act, is uniquely placed to assist the restoration of the Mounga by overseeing a regime to manage the small numbers of semi-domesticated ex-feral goats. The Council has an extensive track record working with the Taranaki community on environmental issues, and if required has the regulatory skills and experience at its disposal which provide the necessary assurance for protecting biodiversity gains in the long term. Expertise working with landowners is considered fundamental to achieving a solution to this issue that will work in practise, and within the required project timeframes.
14. TMP has sought changes to the Regional Pest Management Strategy (RPMS) and Regional Pest Management Plan (RPMP) to recognize and allow for the role that the Council can play in supporting the restoration of the Mounga. The Officer's report alludes to a non-regulatory, advocacy approach. We support this, but stress TMP's view that in time a regulatory "back-stop" will be necessary as a part of the management strategy addressing the immigration risk from goats. TMP's advice is that the establishment of rules in an RPMP is one key mechanism.
15. Through discussions with Officers we have been advised that introducing rules related to goats into the RPMP at this stage would require significant additional work including a detailed Cost Benefit Analysis (CBA), and appropriate community consultation. This work would delay making the remaining provisions of the RPMP operative. We acknowledge that the RPMP contains important provisions that need to be made operative, and that these provisions should not be held up pending investigations into any regulatory response to the immigration risk posed by goats. In that regard, we support the Officer's recommendation to decline the relief regarding the inclusion of a goat exclusion zone in the RPMP for the time being, but ask that the Council include some additional matters in the RPMS.

PROJECT TIMEFRAMES

16. The timeframe to commence eradication proper within ENP is likely to be in 2019 or 2020 (at the latest). A range of novel techniques and industry best practice is informing the development of the eradication plan. The reality is that while there remains risk of immigration of goats into ENP, eradication will not be possible. A regulatory solution to the immigration risk is therefore required within this timeframe to support eradication objectives.
17. We note in the Officer's report and the RPMS there is a commitment to continue to work with Taranaki Mounga on this issue. We consider having a pathway towards a regulatory mechanism(s) in place that meets this timeframe is a key to the success of eradicating goats within ENP. I agree with the statement in the Officer's report, that *"if at a later date the requirement for rules in respect of goats on the ring plain has been sufficiently demonstrated, it is recommended*

that the matter be brought back to the Council for its consideration", but request that this is translated through into an action in the RPMS.

18. This action could read as follows:

"Action 62(f): TRC will convene Taranaki Mounga, Local Authorities and government agencies to determine a) if regulatory mechanism(s) are required to address the immigration risk posed by goats into the ENP; and if regulatory mechanism(s) are required b) what mechanism or mechanisms are most appropriate to be in place to address this risk within the timeframes required (i.e. by 2020 at the latest).

CONCLUSION

19. To sum up, thank you for the opportunity to present this submission today. TMP acknowledges and appreciates the commitment from the Council to support the implementation of the Mounga restoration. We have appreciated the open dialogue with Council staff to date, and look forward to working collaboratively with the Council and its staff to find a solution to the goat immigration risk that threatens the viability of the goat eradication phase of the restoration project.

Appendix III: Further submission of Department of Conservation tabled at Hearing, 17 October 2017

Department of Conservation submission on proposed RPMP

17.10.2017

Comments on Officers' Report to the Taranaki Regional Council's Hearing Committee on submissions on the Proposed RPMP

Points to present to TRC. (Speaking points highlighted.)

Thank you for the opportunity to comment today and for the consideration given to the Department's submission. We congratulate TRC on the ambitious goals outlined in the strategy and plan and the comprehensive nature of the documents made available for comment.

Our comments follow the numbering sequence employed in the Officers report preceded by a letter to allow rapid reference for any questions of clarification. The points are intended to be read in association with the Officer's report.

I have chosen to highlight a few key points of emphasis rather than to attempt to speak to all our points.

a. S. 1.2. Plan Establishment: Purpose

The Department supports the Officer's recommendation with respect to our requested amendment to the wording of section 1.2. The Officer is concerned about "too many minor wording changes" to the sectoral approach. However, we have suggested similar amendments to plans proposed by other Regional Councils to seek better alignment with the legislation. This may address the Officer's concern with respect to national alignment/consistency.

b. S. 2.1. Strategic background

The Department notes the Officer's contention that strategic background to RPMP is more appropriately located in the proposed Biosecurity Strategy document however that link is not described in the proposed RPMP. For completeness and lack of ambiguity we suggest that S.2.1. could include a statement such as "The strategic background for pest management in Taranaki is described in detail in "Taranaki Regional Council Biosecurity Strategy 2017-2037".

c. S.2 Enhancement by providing spatial representation of pest management by public agencies in Taranaki

The Department notes the Officer's contention that the enhancement we proposed is already contained in the Biosecurity Strategy document. However, while the work of agencies such as DOC are described in the strategy (s.2.4) there is no spatial representation of that work that would allow the ordinary reader to identify the linkages and synergies. DOC reiterates that it is willing to share suitable spatial data.

1 | Page

d. S.2.2.1 Unwanted Organisms and Noxious Fish

The Department notes the Officer's contention that the enhancement we proposed is already contained in the Biosecurity Strategy document. However, it is our view that currently neither the proposed plan nor the biosecurity strategy make it clear that restrictions, outside the TRC document, exist on the propagation or spread of certain organisms. It is not made clear that TRC officers have authority and powers, with respect to those organisms, that are not derived from the TRC strategy or plan.

e. S.2.2.4 Ferrets

The Department supports the Officer's recommendation.

f. S.2.3 Relationship with other pest management plans

The Department supports the Officer's recommendation. We note that this change is germane to points 'c' & 'd' above.

g. S.3.3.2 Description of Good Neighbour rule

The Department supports the Officer's recommendation with respect to our requested amendment to the wording of section 1.2. We note that we have suggested similar amendments to plans proposed by other Regional Councils which may address the Officer's concern with respect to national alignment but note that our submission was to seek better alignment with the legislation.

h. S.3.3.1 Pest Fish. DOC submission points 8, 9, 10.

The Department notes and supports the Officer's recommendations with respect to general pest fish management within the region and is grateful for the reaffirmation of support for the Department's actions in this field.

i. S.4. Inclusion of Brown Bull-headed Catfish as an exclusion pest.

The Department notes and supports the Officer's recommendation with respect to the Biosecurity strategy but we contend that inclusion of this species as a pest in the plan would eliminate potential barriers to rapid response to an identified incursion of this species. We note that, because the species is not classified as an unwanted organism the provisions of S.100.V. of the Biosecurity Act (small scale response) could not be applied. Also, as it is not a noxious fish, there are few restrictions on introduction of this species to Taranaki waterways and the Department has few powers applicable to the elimination of a new population. Pest status could also see priority given to necessary consent from TRC for use of substances such as Rotenone for eradication of this species.

j. S.4. Inclusion of Darwin's barberry

The Department notes the Officer's recommendation with respect to Darwin's barberry but contends that, at least for the "ring plain" the species could be eradicated to the benefit of the environment and the economy. As noted in our submission we are surprised that this species is considered by Council to have become so widely established in recent years that it can no longer be considered as 'eradicable' (previous strategy).

k. S.4. Inclusion of Climbing Asparagus

The Department notes the Officer's recommendation with respect to Climbing Asparagus and welcomes the suggested intent of the Council to work with DOC to control this species. However, we do not resile from our contention that pest status within a limited area of the Region to reduce the spread of this plant to valuable natural areas would have merit. We consider that this species has a similar 'pestiness' to rats and mustelids for which officers are comfortable in proposing a self-help response and their inclusion as pests within limited areas.

l. S.4.1. Other Harmful Organisms

The Department notes and accepts the Officer's recommendations.

m. S.6.6. Sustained control species: Possums

The Department notes the Officer's clarification that future extensions to the self-help programme will be confined to the ring plain and coastal terraces. This eliminates the qualification to our support for this plan.

n. S.6.7. Good neighbour rules (GNRs) for Giant buttercup

The Department notes the Officer's commentary but maintains that the proposed principal measures and good neighbour rule will be ineffective to achieve the objective. If the principal measures are ineffective then additive costs imposed by direct seed spread from neighbouring properties will not be significant/unreasonable meaning the proposed GNR fails the tests of the National Policy Direction (NPD).

Officers suggest that the Department has selectively opposed GNRs for production pests but not challenged those for environmental pests. That assertion is incorrect, Council will note that the Department's submissions on GNRs have been based on our concerns that the proposed GNRs should meet the tests imposed by the NPD.

Further, the Officers suggest that the Department should provide information to demonstrate that underpinning assumptions in the Section 71 report were wrong but we note that no supporting documentation for the assumptions used in the analysis were provided therefore it is difficult to advance alternatives.

o. S.6.8. Giant Gunnera

The Department notes the Officer's suggested relief and agree that this approach is feasible. However, we contend that it is inefficient to impose an obligation on all affected occupiers that requires them to seek an exemption, that is desired by both TRC and DOC, to limit potential impact on threatened species. In our view, limiting the obligation to all land other than coastal cliffs removes the inefficiency and risks.

p. S.6.9. Gorse

The Department notes the Officer's commentary but maintains that the proposed GNR is inconsistent with the National Policy Direction (except in the circumstance described in our submission). Seed spread from one property to another will not contribute significant or unreasonable costs to the affected occupier because that occupier will largely be managing new plants of this pest arising from the existing seedbank on their property.

Our comments in response to the Officer's criticism of our submission with respect to Giant Buttercup are equally applicable to those comments made about our submission on the GNR for gorse.

q. S.6. Pampas

The Department notes the recommended relief in response to our submission and those of Waikato Regional Council and Federated Farmers. While we support the inclusion of pampas as a harmful organism in the strategy, we submit that the recommended relief has missed the key points of our submission. Confining rules for pampas to the area west of the pest management line and limiting "rule actions" to the removal of seed heads are supported by the cost benefit analysis and we note that these points are also largely consistent with the other two submissions.

r. S6.12. Wild Broom

Refer to our comments with respect to Gorse. (Point p. above).

s. S6.14. Yellow ragwort

Refer to our comments with respect to Gorse. (Point p. above).

t. S.7.1. Other harmful organisms

The Department notes, and is largely supportive of the recommended relief. However, we remain convinced that incorporating a description of the existing legal restrictions on ownership, dispersal and sale of harmful organisms would be helpful. The strategy will become a major source of pest management information for Taranaki and inclusion of those existing controls would reduce risks.

Biosecurity Strategy

The Department notes and supports the Council's collation of its overarching biosecurity approach into the Biosecurity Strategy.

We support the vision and principles described in the document.

We support the pathway and exclusion targets (S.4.3)

We offer the following suggestions as potential improvements.

- a. 2.3.5. Add note on how organisms may be added to the Unwanted Organism register to allow Council to act under S.100V of the Biosecurity Act if required.
- b. S.6. & S.7. (Sustained control and working with others). We suggest that these sections could benefit by the inclusion of some measurable indicators of the successful implementation of control especially with respect to the impact of the identified targets on environmental targets.
- c. S.7.2.2. (Landscape predator control on the ring plain). While we strongly support the concept, we suggest that the "initial control knockdown by council/maintenance by occupiers" model may require some reconsideration. While applicable to possums because of their relatively confined home ranges and slow breeding rates the rapid breeding rates and/or very large home ranges may make such a strategy difficult to implement for predators.
- d. Appendix 2. As per point "t" above we suggest inclusion of a code noting any existing legal designation of these organisms and a text key outlining what restrictions that designation impose.
- e. Appendix 2. Consider removing "feral" definition for deer, pigs and goats because that nomenclature has no legal definition and may exclude animals that have not escaped from domestic settings. We suggest using "wild" in place of "feral" for these species.

Agenda Memorandum

Date 31 October 2017



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

**Subject: Māori Constituency – 2019 Local
Authority Elections**

Approved by: M J Nield, Director-Corporate Services
B G Chamberlain, Chief Executive

Document: 1946338

Purpose

The purpose of this memorandum is to consider whether to establish a Māori constituency in accordance with the *Local Electoral Act 2001*.

Recommendations

That the Taranaki Regional Council:

1. receives the memorandum Māori Constituency – 2019 Local Authority Elections
2. resolves not to have a Māori constituency, noting that the Council will now commence its representation review arrangements for the 2019 local authority elections
or
3. resolves to establish one Māori constituency, noting that the Council will now commence its representation review arrangements for the 2019 local authority elections
or
4. resolves to delay a decision on the matter of a Māori constituency and conducts a poll on whether the region needs a Māori constituency, noting that the result of the poll takes effect for the next two elections (2019 and 2022)
5. publicly notifies the decisions from the aforementioned and the right for the public to demand a poll.

Background

The Council is required to consider the matter of a Māori constituency as part of its representation review and its preparation for the 2019 local authority elections.

The *Local Electoral Act 2001* (the Act) provides that Māori constituencies may be established for regional councils.

The Council has deliberated on this matter in 2003, 2005 and 2011 as part of the Council's representation review for local authority elections. On each occasion, the Council resolved not to have a Māori constituency. There were no poll demands received to counter the Council's decisions.

As the Council is now required under the Act to conduct a full representation review for the 2019 local authority elections, consideration must be given on a Māori constituency. Any resolution or valid demand for a poll on the issue of a Māori constituency will affect the Council's representation review arrangements. If the Council agrees to establish a Māori constituency, the resolution will take effect for the next election (2019).

The Act sets out the processes and timeframes local authorities are required to comply with when undertaking representation reviews and considering the establishment of Māori constituencies or wards for local authority elections.

Statutory provisions for establishing Māori Constituencies

The relevant provisions of the Act relating to the establishment of Māori constituencies are:

- a local authority may resolve to establish Māori wards/constituencies and, if made by 23 November two years before the next election, the resolution takes effect for the next election (s19Z)
- if a local authority makes such a resolution to establish Māori wards/constituencies by 23 November it must give public notice of this fact by 30 November two years before the next election year, including a statement that a poll is required to countermand that resolution (s19ZA)
- 5% of electors may demand a poll at any time on whether a district/region needs to be divided into one or more Māori wards/constituencies (19ZB)
- a local authority may resolve at any time to conduct a poll on whether the district/region needs to be divided into Māori wards/constituencies (19ZD)
- if, before 21 February in the year before election year, either a valid demand for a poll is received (s19ZB) or the local authority resolves to hold a poll (s19ZD) this is notified to the electoral officer and the poll must be held not later than 89 days after the notification, that is, not later than 21 May in that year, and the result of the poll takes effect for the next two elections (s19ZF)
- if a valid demand for a poll is received after 21 February in the year before the next election, the poll must be held after 21 May in that year and takes effect for the next but one election and the subsequent election (s19ZC)
- sections 19Z to 19ZD do not apply if the result of a poll took effect at the previous election or takes effect at the next election (s19ZE)
- if, as a result of a resolution or poll, Māori wards/constituencies are to apply for an election then a representation review must be carried out (cls1 and 3, Schedule 1A of the *Local Electoral Act 2001*).

The process for calculating the number of constituency members is based on the following formula for regional councils:

$$\text{nmm} = \frac{\text{mepr}}{\text{mepr} + \text{gepr}} \times \text{nm}$$

Where –

nmm is the number of Māori constituency members

mepr is the Māori electoral population

gepr is the general electoral population of the region

nm is the proposed number of members of the regional council

If the number of Māori constituency members calculated according to the above formula includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds a half, the number of Māori constituency members must be the next whole number.

$$1.23 = \frac{13,000}{13,000 + 103,700} \times 11$$

The above calculation indicates that the number of Māori constituency members for Taranaki would be one (1).

If the Council resolves to establish a Māori constituency, then the Council is required under section 19ZA of the Act to give public notice of this decision and of the right of the public to demand a poll on the question of whether a Māori constituency should be established for the region. Public notice is required by 30 November 2017. Members should note that in this case, a poll is required to overturn or countermand the Council’s resolution.

Other district councils have undertaken Māori representation polls, as recently as 2015. The result of the 2015 New Plymouth District Council poll was 17% for and 83% against the establishment of separate Māori wards and the 2015 Far North District Council poll was 32% for and 68% against.

Regional Council’s and Māori Representation

Two regional councils have established Māori constituencies either by resolution or because of a binding poll. The Bay of Plenty Regional Council has three Māori constituencies established under the *Bay of Plenty (Māori Constituency Empowering) Act 2001* and the Waikato Regional Council created two Māori constituencies in 2012. Other regional councils have implemented a range of formal agreements, Memorandum of Understandings, Māori Advisory Entities/Committees etc. The West Coast Regional Council has a similar model as the Council in that they have invited representation on their Resource Management Committee from local rūnanga, Te Runaka o Ngāti Waewae and Te Rūnanga o Makaawhio.

Taranaki Regional Council and Māori Representation

Māori representation, and how best to achieve meaningful relationships and dialogue with the Iwi of Taranaki, has been evolving over a number of years. As far back as 2010 and 2012, the Council were conducting workshops with Members on the matter of engagement with Māori and working to find an agreed outcome to achieve Māori representation at a governance level.

During the Council’s 2013-2016 term, iwi representation/engagement was discussed as part of the Treaty of Waitangi settlement negotiations with the Ngāruahine, Te Atiawa and

Taranaki iwi. It was agreed with all Taranaki iwi to include three iwi representatives on the Council's Policy and Planning and Consents and Regulatory committees. The appointments would be permanent, provided for through deeds of settlement and settlement legislation. This agreement was included in the settlement Acts for Ngāruahine, Te Atiawa and Taranaki iwi.

Following settlement, Ngā Iwi o Taranaki (Taranaki Iwi Chairs) undertook, via an Appointment Panel (the Panel), a selection process of six iwi nominees for the appointments to the Consents and Regulatory Committee and Policy and Planning Committee.

In August 2017, six iwi appointees were welcomed to the Council with a Powhiri and hākari. The Iwi appointees first official Consents and Regulatory Committee and Policy and Planning Committee meetings were held on 29 August 2017. Whilst it is early days, this model appears to be settling in well.

In considering whether to establish one Māori constituency, with one Member, it could be perceived that the election of one Member would not be seen as representative of all Iwi of Taranaki. The provisions of the Act do not provide any leeway to the Council to increase this number.

Further to the iwi representation model on standing committees, there are extensive engagement and consultation processes with iwi, hapu and whanau on a significant majority of the Council's statutory processes, procedures and responsibilities.

Given the significant existing process to involve Māori in the Council's decision-making processes, it is arguable that one Māori constituency member at the Council level is unlikely to significantly improve the role of Māori in Council decision-making.

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*.

Legal considerations

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

Agenda Memorandum

Date 31 October 2017



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

**Subject: Changes to Resource Management Act
Delegations**

Approved by: A D McLay, Director – Resource Management
B G Chamberlain, Chief Executive

Document: 1935973

Purpose

The purpose of this memorandum is to present for Members' consideration changes to the *Delegations Manual for the Taranaki Regional Council* (2011) arising from recent changes to the *Resource Management Act 1991* and operations. The changes come into effect this month.

The detailed changes are set out in an attachment to this item.

Executive summary

Changes to the *Resource Management Act* and operational practices necessitate the review of Council delegations to provide for administrative efficiency and expediency.

A wider review of the Delegations Manual is also underway and the result will in due course be presented for Members consideration.

Recommendations

That the Taranaki Regional Council:

1. receives this memorandum
2. adopts the changes to the *Delegations Manual for the Taranaki Regional Council*
3. notes a wider review of the *Delegations Manual for the Taranaki Regional Council* is being undertaken and a revised *Manual* will be presented in due course for Members' consideration.

Background

For the purposes of administrative efficiency and expediency in the conducting of its day-to-day business, the Taranaki Regional Council (the Council) has delegated much of its statutory decision making powers to committee or senior officer level. The Council's authority to delegate is derived from Schedule 7 Clause 32 of the *Local Government Act 2002*

and sections 34(1) and 34A of the *Resource Management Act 1991* (RMA). The powers delegated are recorded in the Delegations Manual.

The Delegations Manual identifies both financial and non-financial powers and functions delegated by the Council to its committees and staff, plus delegations by the Chief Executive to subordinates.

As Members are aware, from time to time, it is necessary to review and update the Delegations Manual in response to legislative, operational and organisational changes. A wider review is currently underway and a revised Manual will be presented for consideration in due course.

Changes to the Delegations Manual

The changes to the Delegations Manual concern consents and policy operations under the RMA. The changes are summarised below with the detail set out in attachment 1:

- Administrative amendments to: recognise the supply of information; not to process a consent or plan change unless there is payment ; and pre- hearings;
- New power to strike out a submission or part thereof early in the process;
- New power to, if directed by a national planning standard, to amend any planning document;
- Administrative amendments concerning consent notification and administration of hearings;
- New power to make decisions on permitted activities where all the standards may not be deemed not to be met and are temporary; and
- Changes to the First schedule of the RMA which addresses the preparation and change of policy statements and plans relating to planning processes and administration, including new collaborative and streamlined components.

The changes are required to administer and determine resource consent applications and to provide for alternative planning processes, should the Council wish to move away from existing successful processes. The changes are in line with existing delegations and their exercise will be reported to the Council in-line with other uses of delegated authority. The rationale for the delegations is to allow staff to efficiently implement operational administrative tasks, often to comply with statutory with timelines, particularly for resource consent processing.

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*.

Legal considerations

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

Attachment 1

Proposed Changes to Taranaki Regional Council Delegations Register

Acronyms - Key to staff positions referenced below

CE	Chief Executive
DRM	Director Resource Management
DEQ	Director Environment Quality
DOP	Director Operations
PSM	Policy and Strategy Manager
PM	Planning Manager
CM	Consent Manager
CO	Consent officer

Proposed Changes to Delegations: Staff Delegations Required for Implementation of Changes to the *Resource Management Act 1991* made by the *Resource Legislation Amendment Act 2017* and due to operational reasons

Note: in the following table, new RMA provisions are shown shaded, and amended provisions are shown unshaded.

<i>Resource Management Act 1991</i>		
Under Sections 34 and 34A of the <i>Resource Management Act</i> the following delegations apply:		
1.	Section 27 Power to supply information: about the exercise of functions; that is held; and may be reasonably required by the Minister.	CE DRM DEQ DOP
2.	Section 36AAB Powers to remit the whole or part of any charge, and to not commence or continue processing resource consent applications or private plan change applications if insufficient money has been paid as required by Council's schedule of charges. <u>Note</u> : When using this provision the application remains effectively "on hold" until the correct payment is made by the applicant.	CE DRM CM PM PSM
3.	Section 41 B and 41 C In consultation with the Chairperson of a hearing panel or a sole Commissioner, power to issue directions or requests to applicants and/or submitters, including to provide briefs of evidence before commencement of a hearing, and to direct certain procedural aspects of the hearing before the hearing.	CE DRM CM
4.	Section 41 D The power to strike out a submission or part thereof.	CE DRM

5.	Section 58I(2) and (7) If so directed by a national planning standard, power to amend any planning document.	CE DRM PM PSM
6.	Section 92A(2) Set a reasonable timeframe under which an applicant must provide further information requested under section 92 for a consent application.	CE DRM CM CO
7.	Section 95A and 95C Determine whether to publically notify a resource consent application, including whether special circumstances exist, and determining affected parties to be served.	CE DRM CM
8.	Section 95B Determine whether or not to limited notify a resource consent application and determining affected persons.	CE DRM CM
9.	Section 102(2) Determine when a joint hearing is held that another authority is to be the administrative authority.	CE DRM
10.	Section 87BB Power to decide and give notice on deemed marginal or temporary permitted activities.	CE DRM CM
11.	Section 95A and 95C Power to determine whether to publicly notify an application for resource consent, including whether special circumstances exist.	CE DRM CM
12.	Section 360D Power to notify changes to plans as directed by any Regulation.	CE DRM PM PSM
First Schedule - preparation and change of policy statements and plans		
13.	Clause 4A Power to provide copies of planning documents to iwi and determine time for advice.	CE DRM PM PSM
14.	Clause 5, 5A Power to fix notification date, and decide on whom public notices shall be sent in relation to a policy statement or plan or a change or variation thereto, including limited notification.	CE DRM PM PSM

15.	<p>Clause 7, 51</p> <p>Power to summarise for and on behalf of the Local Authority submissions made in respect of a policy statement or plan or a change or variation thereto.</p>	<p>CE DRM PM PSM</p>
16.	<p>Clause 8AA</p> <p>Power to fix a pre-hearing meeting and attend to all associated matters regarding notification, conduct and reporting except the power of declining a request for a pre-hearing meeting.</p>	<p>CE DRM PM PSM</p>
17.	<p>Clause 10A</p> <p>Power to apply for extension of time if local authority is unable, or likely to be unable, to meet decision making obligations under Clause 10(4)(a)</p>	<p>CE DRM PM PSM</p>
18.	<p>Clause 43, 45, and 49</p> <p>Power to give public notice if Council decides to establish a collaborative group and to notify any report from a collaborative group, and any proposed planning instrument as determined under Clause 46.</p>	<p>CE DRM PM PSM</p>
19.	<p>Clause 57</p> <p>Power to publicly notify a local authority decision.</p>	<p>CE DRM PM PSM</p>
20.	<p>Clause 64</p> <p>Power to establish a review panel to consider submissions arising from a collaborative planning process.</p>	<p>CE DRM PM PSM</p>
21.	<p>Clause 88, 90</p> <p>Power to publicly notify Minister's decisions under the streamlined planning process.</p>	<p>CE DRM PM PSM</p>

Agenda Memorandum

Date 31 October 2017



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

**Subject: Remuneration Authority Review of Local
Government Elected Members
Remuneration: Part 3**

Approved by: MJ Nield, Director – Corporate Services
BG Chamberlain, Chief Executive

Document: 1952283

Purpose

The purpose of this memorandum is to consider and respond to Part 3 of the Remuneration Authority's Review of Local Government Elected Members Remuneration.

Recommendations

That the Taranaki Regional Council:

1. receives the Remuneration Authority's Review of Local Government Elected Members Remuneration
2. advises the Chief Executive of the Council's position on the issues raised by Part 3 of the Remuneration Authority's Review of Local Government Elected Members Remuneration
3. notes that a submission will be submitted to the Remuneration Authority.

Background

The Remuneration Authority has responsibility for developing and approving Councillor remuneration and expense reimbursement. The Remuneration Authority was required to issue a new determination covering local government elected members remuneration and allowance, which took effect from 1 July 2017.

In considering how they would approach this, they concluded that there is an opportunity for both short term improvements to the system for immediate implementation as well as some deeper changes which they propose to introduce in 2019.

Attached for the Council's feedback is a consultation document, which discusses the proposals. It is divided into two main sections:

- **Part Two – Proposed Immediate Changes (2017 Determination):** The Authority would appreciate receiving feedback, on this part, by **Monday 19 June 2017** or earlier if you can – the Council has already submitted on this Part.
- **Part Three – Longer Term Proposals: The Authority** would appreciate feedback, on part three, by **15 December 2017**.

Discussion

The proposals were received on Wednesday 3 May 2017, so when the Council considered its position on Part 2 there had been insufficient time to review the proposals and provide guidance on them. Feedback was provided to the Authority and the 1 July 2017 Determination has been issued and is in place.

This memorandum attends to the issues raised in Part 3 – refer attached. In summary, the review seeks feedback on the following areas:

- a) Proposed factors to be used for sizing councils (in relation to remuneration)
- b) The weighting and relativity of factors used for sizing
- c) Implementation of a remuneration pool with the Council determining individual salaries
- d) Mayoral remuneration system
- e) Councillor remuneration system
- f) Community Board remuneration system
- g) Relationship between local government and parliamentary remuneration

Sizing councils

With regard to the proposed factors to be used for sizing councils

- **Are there significant influences on council size that are not recognised by the factors identified?**
- **Are there any factors that we have identified that you believe should not be used and why?**
- **When measuring council assets, do you support the inclusion of all council assets, including those commercial companies that are operated by boards?**
- **If not, how should the Authority distinguish between different classes of assets?**

In trying to determine Councillor workloads the Authority is looking to size councils based on a range of factors. The logic is that the bigger the size of a council the higher the level of complexity and the higher the workload of elected representatives. The factors to be used to size regional councils are population, operational expenditure, asset size, land area and the number of guest nights.

There are no identified significant factors missing from the regional council list. Indeed, many of the factors are already used by the regional council sector for tasks such as cost allocation between individual regional councils.

The number of guest nights is more of an influencing factor on the workloads of territorial authorities rather than regional councils. Accordingly, it is not recommended that this factor be used for regional councils.

It is recommended that all assets be included for consistency purposes when comparing different regional councils. For example, some regional councils hold port company shareholdings while others have divested their holdings and used the returns in different manners. Therefore, it is recommended that whatever the approach of the Authority, that there be consistency of approach to the inclusion of asset categories and consistency of approach to market valuation of those assets.

Weighting

The following “order of magnitude” listing indicates what the Remuneration Authority considers to be the relative importance of the various factors in determining size. They are listed in terms of their current view of the highest to lowest influence on size.

Regional councils:

- Operational expenditure; geographic size
- Assets; population
- Visitor nights

- **Are you aware of evidence that would support or challenge the relativity of the factors for each type of council?**
- **If you believe other factors should be taken into account, where would they sit relative to others?**

The Council is unaware of any evidence to support or challenge the relativity of the factors. Other than visitor nights, as discussed above, the factors are similar to other allocation models that the regional council sector already uses. The Council has not identified any other factors that should be taken into account.

Mayor/chair remuneration

The Authority accepts that mayors/chairs are full time and proposes that mayor/chair remuneration be determined on this basis. They are also proposing that there should be a “base pay” for all mayors/chairs. Additional remuneration would then be on top of this, depending on the size of the council.

- **Should mayor/chair roles should be treated as full time?**
- **If not, how should they be treated?**
- **Should there be a “base” remuneration level for all mayors/chairs, with additional remuneration added according to the size of the council?**
- **If so, what should determine this “base remuneration”?**

Over the life of the Regional Council, the role of Chairperson has not traditionally been a full time role in terms of commitments. Chairs have traditionally undertaken additional roles and undertakings in addition to their role as Chairperson. This is different around the country with many Chairs being full-time, especially at the bigger regional councils. However, noting this approach, it is not recommended that a different approach be recommended to the Authority as there should be consistency or remuneration between Chairs and the difference in approach/workloads can be addressed through the sizing exercise.

Councillor remuneration

The Authority is looking at a new approach that, while providing a fiscal framework, would put the decisions round the details of councillor remuneration into the hands of the local council, which they believe is better able to understand and reflect community needs than they are on a national basis.

The Authority is looking at setting a total “governance/representation pool” that each council would distribute. The pool would be linked to the size of the council and thus be irrespective of the number of elected members. Because they are now proposing formally that all mayor/chair roles are considered full time, the Authority would be in a position to set the salary for that position. Thus, the mayor/chair remuneration would be separately allocated by the Authority, but included in the governance/representation pool allocated to each council. However, all other positions – councillors, deputy mayor/chair, chairs of committees, portfolio holders etc. and community board members – would be allocated from its own pool by each council.

The Authority proposes that under the new regime (i.e. a total governance/representation pool for each council) the following rules should apply:

- a) All roles and remuneration levels will need to be agreed by formal resolution of the council, with a 75% majority.
- b) A remuneration rate must be set for the base councillor role
- c) The council needs to have a formal written role description for each additional position of responsibility above that of the base councillor role.
- d) The Authority will expect that any such roles within a council will have different levels of additional remuneration, depending on the nature and workload involved. In particular, this needs to apply where every single councillor is allocated an additional position (as distinct from a more usual practice of having a deputy mayor/chair and a handful of committee chairs).

- **Should councillor remuneration be decided by each council within the parameters of a governance/representation pool allocated to each council by the Remuneration Authority?**
- **If so, should each additional position of responsibility, above a base councillor role, require a formal role description?**
- **Should each council be required to gain a 75% majority vote to determine the allocation of remuneration across all its positions?**

- **Should external representation roles be able to be remunerated in a similar way to council positions of responsibility?**
- **Do the additional demands placed on CCO board members make it fair for elected members appointed to such boards to receive the same director fees as are paid to other CCO board members?**

The recent practice of the Authority determining the roles for which additional remuneration will be provided for additional responsibilities, has proved to be inflexible and has produced a degree of frustration. As such, the new proposed approach will provide added flexibility to the Council. Therefore, the Council supports a governance/representation remuneration pool with allocations decided by the Council.

The use of a formal role description is of some limited value for the purposes of determining relative remuneration values. Provided the role description is relatively straightforward and does not prove to be administratively inefficient, the proposal is supported.

The 75% majority vote support is supported.

All external representation roles should be able to be remunerated in the same way as council positions of responsibility.

The payment of director fees to Councillors on CCO boards is supported because of the additional duties, responsibilities and statutory obligations placed on board members.

Community board remuneration

N/A as regional councils do not have community boards.

Relationship between local government and parliamentary remuneration

The Authority proposes that mayor/chair remuneration be related to that of MPs, but capped so that the highest remuneration for any individual mayor or chair cannot be more than that of a cabinet minister. All other mayor/chair roles would be provided with a relative alignment below that upper limit.

- **Is it appropriate for local government remuneration to be related to parliamentary remuneration, but taking account of differences in job sizes?**
- **If so, should that the relativity be capped so the incumbent in the biggest role in local government cannot receive more than a cabinet minister?**
- **If not, how should a local government pay scale be determined?**

The Council believes the local government pay scale should be calculated on its own merits. There are some similarities between local and central government representatives. However, the governing role of local government representatives is more likely to have a direct and immediate impact on the citizens they represent. Local government elected members are also likely to be more visible in their communities on a day-to-day basis. The job size is only one aspect of the role. The impact of the decisions made is much more relevant for local government than central government.

The local government pay scale should be calculated on its own merits, and in line with sections 18 and 18A of the *Remuneration Authority Act 1977* and Clauses 6 and 7 of Schedule 7 of the *Local Government Act 2002*.

Other feedback

Are there any other comments or feedback you would like to give to the Remuneration Authority?

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*.

Legal considerations

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

Appendices/Attachments

Document 1858596: Remuneration Authority: Local Government Review Consultation Document



CONSULTATION DOCUMENT

LOCAL GOVERNMENT REVIEW

Part One - General Introduction

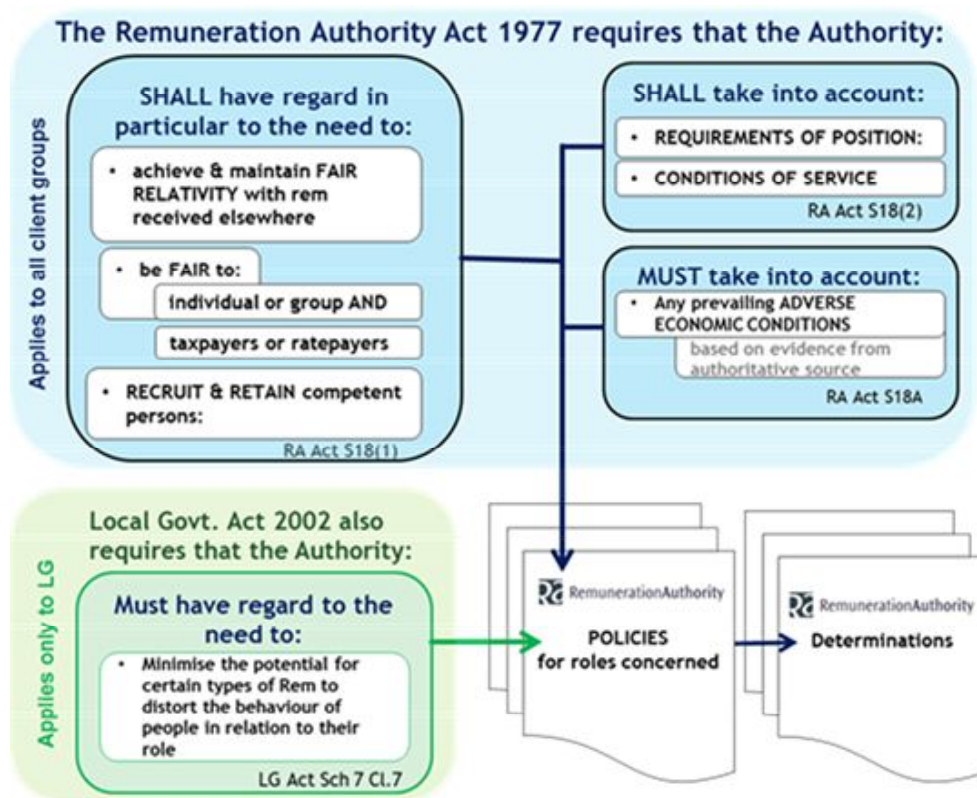
Introduction

1. The Remuneration Authority (the Authority) is required to issue a new determination, taking effect from 1st July 2017, covering local government elected members. In considering how we should approach this in future, we have concluded that there is an opportunity for both short term improvements to the system, including some clarification of current policies, as well as some deeper changes which we propose introducing in 2019.
2. Hence this paper has two substantive sections – Part Two covering proposals for this year and Part Three covering the longer term. We are seeking views of councils on both. The timetable for responses on the shorter-term proposals is unfortunately short. This is because as we got deeper into our review we saw the need for more fundamental change which, had we waited till we had all detail finalised, would have delayed our release of this paper. However, we feel that the issues in Part Two are sufficiently familiar for councils that they will be able to provide reasonably rapid responses. In contrast, Part Three contains more fundamental change proposals and we believe that the local government sector needs time to contemplate these. We have provided a window of several months and during that time we would anticipate attending either zone or sector meetings to discuss the proposals with you.
3. Recently the issue of the potential provision of child care subsidies or services has been raised. We have not addressed it in this paper but will be consulting the sector shortly about this issue.
4. The Authority would like to thank a number of people who have assisted us with the review so far. We commissioned ErnstYoung to provide facilitation, research and analysis. The following people also provided assistance and we very much appreciated their insights and information:
 - Local Government Leadership Group:
 - David Ayers, Mayor, Waimakariri District
 - Jan Barnes, Mayor, Matamata-Piako District
 - Brendan Duffy, Independent Consultant and former Vice-President LGNZ
 - Justin Lester, Mayor, Wellington City
 - Jane Nees, Deputy Chair, Bay of Plenty Regional Council
 - Rachel Reese, Mayor, Nelson City
 - Local Government New Zealand:

- Lawrence Yule, President
- Mike Reid, Principal Policy Advisor
- Local Government Commission:
 - Suzanne Doig, Chief Executive Officer
 - Donald Riezebos, Principal Advisor
- Local Government Officials:
 - Dennis Bush-King, Tasman District Council
 - Miranda Cross, Greater Wellington Regional Council
 - John O’Shaughnessy, Hastings District Council
- Central Government Officials
 - Deborah Brunning, Statistics New Zealand
 - Sarah Lineham, Office of the Auditor-General
 - James Stratford, Department of Internal Affairs
- Alistair Gray, Statistics Research Associates Limited

Legal requirements for the Authority when setting remuneration

5. The work of the Authority is governed by the Remuneration Authority Act 1977, which has had several amendments since it was first enacted. This act and the Local Government Act 2002 contain the statutory requirements which the Authority must follow when making determinations for local government elected members. They are summarised below:



Role of local government

6. In undertaking this review the Authority has looked at past thinking on local government remuneration. One particular document¹, issued by Local Government NZ in 1997, contained a thoughtful summary of the role of local government.

7. The document said:

“The strength of representative democracy ultimately depends on two factors. One is the level of citizen participation and trust in democratic institutions. The other is the ability and commitment of elected representatives and their role in encouraging participation and promoting levels of trust.

Local government constitutes one of the underpinning structures of democratic society, providing ‘voice and choice’ to citizens and communities, and the mechanism for making decisions about local needs and preferences. It also provides a forum to debate issues of mutual interest and concern.

Good local government depends upon the goodwill and understanding of its citizens, and the quality of its staff. Most of all, however, it depends on the ability of those elected to govern. Attracting people with the capacity to lead and govern at local level involves a number of factors. These include:

- *The opportunity to contribute effectively, be professionally valued and receive a sense of satisfaction at achieving a job well done*
- *The existence of structures and processes to support and professionally advise elected members and enable them to contribute constructively on matters of community importance*
- *The presence of consultative and participative arrangements that strengthen relationships between and with their communities*
- *The existence of a remuneration system that enables people from all sectors of the community to commit time and effort necessary to fulfil their responsibilities as elected members without being unduly disadvantaged.”*

8. In our view, this characterisation of local government has not changed since it was written twenty years ago.

¹ Options for Setting Elected Members’ Remuneration – A Discussion Document for Local Government and Stakeholders, prepared by the Local Government New Zealand Elected Members’ Remuneration Working Party (1997)

Part Two – Proposed Immediate Changes (2017 Determination)

Introduction

9. The Authority is seeking the views of local government (i.e. territorial authorities, unitary councils and regional councils) on the proposals set out below in this section of the paper. These changes will affect elected mayors, chairs and councillors from each council including Auckland. Part of it will also affect community board members.
10. Please note that we are seeking the views of councils, not of individual elected members or staff.
11. We would appreciate any feedback that councils wish to give to be emailed to us by **5pm Monday 19th June 2017** or earlier if you can. Please email to info@remauthority.govt.nz

RMA Plan hearing fees

12. Current practice is that those elected representatives who are undertaking resource consent hearings can receive an hourly fee which is determined three-yearly by the Authority and which is not included in the council's pool of money to cover payment for additional positions of responsibility. This has not applied to other hearings conducted under the Resource Management Act (RMA). Nor does it apply to hearings for a plethora of other plans or policies developed by councils under different pieces of legislation.
13. The Authority has received many enquiries and suggestions from councils on this issue. In particular, there is growing concern about the treatment of often-protracted hearings of District Plans, Regional Policy Statements and other land, air, coastal and water plans under the RMA.
14. We have looked at the range of council plans that involve hearings and believe that many of them could be considered part of "business as usual" for councillors.
15. However, of particular concern is that councillors who sit on RMA plan hearings are required to be accredited commissioners. This means that they must have undertaken *the Making Good Decisions* course and they must renew their credentials every three years. The requirements for councillors are in this respect the same as for non-councillor commissioners and there is a cost in both time and money to gain and maintain the accreditation.
16. Because of the technical and legal nature of plan hearings, they tend to take months and, in some cases, can span an election period. This is especially the case if the hearing covers a review of the whole plan.

17. The Authority is aware of the increasing trend for councils to engage external commissioners as members of the panel for these plan hearings. This use of external contractors is being driven by several considerations, including time requirements, unavailability of sufficient numbers of councillors who are qualified commissioners, or a view that because councillors have developed the plans as part of their core business, the hearings should be conducted by a different set of independent commissioners. External commissioners are paid an hourly rate for the work. In some cases, a council will use a mixed panel of external commissioners and councillors, which clearly creates a disparity between panel members.
18. Because of these factors, we agree that any such hearings should be treated in the same way as resource consent hearings under the RMA insofar as councillor remuneration is concerned.
19. The Authority is proposing that an hourly rate should be paid to councillors who are members of such hearing panels.
20. The rate would be set every three years by the Authority, as with payments for consent hearings. It will apply to site visits, reading (not to exceed the hearing time) and, in the case of an elected person chairing such a committee, the hourly rate would also cover the time spent in writing the decisions. For clarity, we also propose that this last provision be included for elected members who are chairing resource consent hearings.

- **Do you agree that elected members who are sitting on plan hearings under the RMA should be remunerated in the same way as elected members who are sitting on resource consent hearings?**
- **Do you agree that elected members who chair such hearings should be remunerated for time spent writing up decisions?**

Leave of absence for elected members and acting mayor/chair payments

21. From time to time a councillor or mayor/chair needs extended leave of absence from council work. This could be for personal reasons such as family/ parental leave, extended holiday, illness or, in some cases, when standing for another public office. On these occasions the Authority is asked whether or not a council can grant such leave and, if it involves a mayor or chair, whether an additional payment can be made to the person (generally the deputy) who is acting in place of the mayor/chair.

22. We have looked at the rules for governance boards in the state sector and adapted those rules for local government elected members. Rather than an ad hoc approach, we propose the following:

Councillors:

- Leave of absence can be granted for a period of up to six months (maximum) by formal resolution of the council.
- The leave must involve total absence. The councillor cannot be present for any duties either formal or informal – this includes council meetings, meetings with external parties and constituent work. Nor can the councillor speak publicly on behalf of the council or represent it on any issues.
- The councillor's remuneration and allowances ceases during the period for which leave of absence is granted.

Mayors/Chairs:

- Leave of absence can be granted for a period of up to six months (maximum) by formal resolution of the council.
- Notwithstanding the above, the period must be longer than a single cycle of council meetings, whether that be monthly or six weekly or whatever. This is because we consider that one of the key roles of a deputy mayor/chair is to cover for short absences by the mayor/chair, but that a longer absence would necessarily put an unexpected extended work burden on the deputy.
- The leave must involve total absence. The mayor/chair cannot be present for any duties either formal or informal – this includes council meetings, meetings with external parties and constituent work. Nor can the mayor/chair speak publicly on behalf of the council or represent it on any issues.
- The remuneration to mayor/chair ceases during the whole of the period for which leave of absence is granted.
- Allowances including a mayor/chair vehicle will also be unavailable during that period.
- The council may also resolve to appoint a councillor as acting mayor/chair for the whole of the period concerned, and may pay that appointee a sum up to the normal remuneration of the mayor/chair in place of the normal remuneration received by that person.

23. Councils may make decisions within these rules but must inform the Authority as soon as possible.

24. We have reflected on the proposed six-month period and consider that it would require exceptional circumstances for an absence of that period to be granted, especially to someone in a leadership position on a council. It would mean that the constituents who elected that person would be unrepresented or, under a multiple-member ward, less

represented, than would normally be the case. This would be an electoral risk that the person concerned would need to consider carefully.

25. A further issue is the extension of an acting role beyond the anticipated length of time – for example, if the incumbent were elected to another role and there needed to be a by-election. Under those circumstances, the acting role may need to be extended for a further period, perhaps up to three months. In that case, we advise that councils make a new, separate decision.

- **Do you agree that there should be provision for elected members to be granted up to six months leave of absence by councils? If not, what should be the maximum length of time?**
- **Do you agree that additional remuneration can be made to an acting mayor or chair under the circumstances outlined?**
- **If you disagree with any of the conditions, please state why.**
- **Are there any other conditions that should apply?**

Approach to expense policies

26. The current approach is for each council to send in their policy to the Authority every three years for approval. In between we often receive requests for assistance in interpreting the provisions in the determination. We are aware of the need for policies to be more transparent and for greater clarity in the explanatory notes, both in determination and on our website.
27. We have looked at many council expense policies and it is clear that some are struggling to develop them, possibly because small staff size does not provide any depth of expertise in this area. On the other hand, some policies are highly developed and contain clear guidance as to what is permitted and under what circumstances.
28. We are thus proposing that instead of each council needing to develop a policy from scratch and then gain approval from us, we work with local government to develop a prototype policy that could be adopted by all councils.
29. The metrics in such a prototype would obviously be the top (maximum) of the allowed range, so any council wanting to pay/reimburse less (or even nothing at all) would be free to do so.

30. With respect to the current role of the Authority in authorising or checking such policies, this is enabled by the legislation and has been required in our previous determinations. However, the Authority proposes that such compliance audits should be part of the role of local government auditors who should check council expenses policies to ensure conformity to the Determination. Auditors should also be assessing whether councils are actually following their own agreed policies in this area.

- **Do you agree that the Remuneration Authority should supply a prototype expenses policy that will cover all councils and that councils should be able to adopt any or all of it to the upper limit of the metrics within the policy?**
- **Do you agree that each council's auditor should review their policy and also the application of the policy?**

Provision of and allowances for information and communication technology and services

31. A communications allowance has been included in the determination since 2008, and was introduced to bring some equity across the country in the reimbursement of costs and the provision of such support to elected members.
32. The continuing development of information and communication technology (ICT) has led the Authority to reconsider the allowance. Our view is that elected members should not carry the costs of communicating with councils or with residents.
33. Mobile technology is now ubiquitous and so much business is now conducted digitally that mobile phones and tablets are considered tools of trade in many businesses, in both the private and public sectors. It is no longer considered to be a personal benefit for a person to have her/his basic technology integrated with that of the business.
34. The Authority's preferred approach in the past was that councils provided the necessary equipment, consumables and servicing, as well as reimbursement (on proof of expenditure) of other costs that might occur. However, there was also provision for hardware costs incurred by elected members to be partly reimbursed.
35. Given recent changes in both the business environment and in technology, we are now of the view that all councils should provide an appropriate council-owned technology suite for their elected members. The two exceptions to this are payment for the use of broadband, which can vary greatly depending on the nature of the household of the elected member, and payment for phone usage.

36. The complexities of ensuring that security is kept up to date mean that elected members are likely to find it increasingly difficult to manage the technical demands of being part of a larger organisation, which may have more stringent standards than they would have for their own personal technology. For the councils, there should be a major benefit in having all elected members using identical technology and systems, managed efficiently and effectively by the council's ICT officials. Councils often have complex software driving different parts of their systems (e.g. water plants) and possess large databases of residents and ratepayers. Managing these systems in a robust way and decreasing the possibility of cyber-attack is a challenge and will be assisted if there are fewer different entry points into the main system. This is also a protection for both the council and for residents/ratepayers who may have privacy concerns.

ICT hardware

37. It is the responsibility of each council to decide the communications equipment needed to carry out its business effectively and efficiently. Decisions about equipment for individual councillors should flow from that. We note that councils should be able to get good purchasing leverage on equipment and on usage plans to keep costs down.

38. We propose that councils provide all elected members with the following equipment:

- a mobile phone
- a tablet or laptop
- a monitor and keyboard if required, plus the hardware to connect the various pieces of equipment
- a printer
- a connection to the internet.

39. Consumables such as paper and ink should also be supplied by the council as required by the elected member.

40. In the past, there has been a desire by some elected members to utilise their own communication equipment to undertake council business, possibly because of unwillingness to segregate personal and council usage on the same device. Now it is commonplace for people to have more than one account on one computer, so the issue of carrying round an additional tablet should no longer apply.

41. Equipment would remain the property of the council and be replaced or updated as part of the council's asset renewal programme – presumably triennially. This would allow councils to obtain the advantages of bulk purchase and ensure maximum efficiency by providing equipment that is consistent across the organisation, fit for purpose and adequately protected to provide security and privacy for ratepayers, elected members and staff.

42. Where there is a strong reason for the council not to supply the technology, the Authority would need to make a decision allowing that council to put in place a reimbursement

system. We note that there is a cost in time and money to all parties in managing such a system and it would have the inherent technology security weaknesses described above. In such cases, exceptional circumstances would need to exist before the Authority was prepared to move to a reimbursement system. In addition, in the interests of efficiency, the reimbursement system would need to apply to the whole council, not just to a few councillors.

43. Where council decided to provide an allowance for the use of personal ICT hardware, it should cover all ICT equipment used by members and the Authority would prescribe an upper limit for expenditure. This would represent three years' depreciation on the hardware (mobile phone, tablet/laptop, printer, monitor, keyboard, installation of an internet connection) plus an assumption that half the usage would be on council business. The allowance can be paid monthly or at the beginning of a triennium.

Internet usage and phone plans

44. Previously the Authority considered the extent to which the costs of data and phone use were apportioned between council and elected member. This can be complex and will reflect differing household usage as well as council usage. For example, in a household which already has personal usage close to their broadband cap, the increased traffic required to move to electronic board papers may require an increase in monthly band usage, even though the data transmitted is modest compared to other internet and electronic traffic.
45. With regard to home broadband, we propose that elected members should be responsible for their own plan. The Authority previously determined that no more than 25% of the usage charges could be regarded as bona fide additional costs incurred by an elected member in carrying out council business. We accept that this is still the case but note that there is now a huge variety and combination of plans available for home broadband, so arriving at an "average" is simply not possible. We therefore propose that councils continue to reimburse up to 25% of a maximum dollar amount to each elected member to cover internet usage costs, on production of receipts. The Authority would review the percentage and the maximum amount every three years.
46. The use of mobile phones as a primary form of communication is increasing exponentially. Alongside this is a proliferation of different types of plans for mobile phones, paralleling what is happening in home broadband connections. The difference between home internet use and phone use is that for the home broadband, anyone else in the household can access the internet connection, whereas a phone is a personal device. We therefore consider that, except for mayors and chairs, elected members should receive reimbursement of up to half the cost of their personal mobile phone usage up to a maximum dollar amount, on production of receipts. If the council owns the plan, the same rule would apply as for home broadband use - the council would pay for half the annual usage cost with a capped dollar amount and the elected member would need to reimburse

the council for the rest. Elected members would be charged for all private international calls.

47. For mayors and chairs the council should cover the total cost of the plan, except that the user will be charged for private international calls.

Unusual circumstances

48. Over the years the Authority has occasionally been approached to cover the one-off costs of providing connection access or non-standard equipment where regular landline or mobile coverage is not available. We propose to continue the current policy, which is that where such circumstances exist, the council may put a costed recommendation to the Authority for approval to make a one-off payment for installation and either a reimbursement or allowance for on-going maintenance and support reflecting the costs involved. It is anticipated this allowance will normally reflect no more than 75% of the costs involved.

- **Do you agree that it should be common policy for councils to provide the ICT hardware proposed above for all elected members?**
- **Do you agree that exemptions to this policy would be limited to exceptional circumstances?**
- **Do you agree that a proportion of the ongoing cost of the use of home internet and personal mobile phones should be reimbursed as outlined above?**
- **If you disagree with either of these proposals, please give reasons and outline your alternatives.**
- **Do you agree with the “unusual circumstance” provision in para 49 above?**

Travel time allowance

49. We do not propose to make any changes to the approach on travel time allowances. This provides for all elected members who are not full time to be eligible for an hourly allowance when travelling on business for the council or community board in respect of any travel exceeding an hour and assuming the fastest form of transport. The rate is set by the Authority and is reviewed each three years.

- **Do you agree that the current policy on travel time allowance should be continued?**
- **If not, please state reasons for change.**

Mileage claims

50. About two thirds of all mayors/chairs take up their entitlement to have a dedicated vehicle provided for them by the council. Others choose to use their own vehicle for a variety of reasons but often, we understand, because of a belief that their constituents will not approve of them having the “perk” of a council vehicle. Our view is that for mayors/chairs, who normally travel great distances each year, the car is a “tool of trade” and an entitlement rather than a “perk”. In any other occupation, people who travelled the distances clocked up by most mayors/chairs would be provided with a company car rather than having to use their own.
51. We have checked the distances travelled annually by mayors/chairs. The average and the median are both around 22,000 to 23,000km a year. Unsurprisingly the distances vary greatly – from 35,000km down to a few thousand – though we wonder if the lower level reflects the fact that some who use their own vehicles claim very little. In fact at least three make no claims whatsoever.
52. Currently we utilise NZ Automobile Association metrics regarding the cost of running a vehicle and we use IRD formula for mileage rate reimbursement. We propose to continue to use these benchmarks, which will be updated as appropriate. The one exception is that in recognition of the fact that mayors/chairs using their private vehicles are likely to be in the medium/high group of users of their own cars for work purposes, we propose to alter the formula around the application of the higher and lower IRD rates.
53. At present the higher rate (currently 74 cents per km) applies to the first 5000km travelled on council business and the remaining distance on council business is reimbursed at a rate of 37 cents per km. We propose that above that first 5000km, which would act as a base, mayors/chairs using their own vehicles should be reimbursed at the higher rate for the first 25% of the remaining distance they travel on council business.
54. We have no data about councillor use of personal vehicles on council business and we assume that distances travelled would normally be less than that of a mayor - but not always, especially in the case of a “distant” ward. Regardless, we propose that the formula outlined above also applies to councillor travel reimbursement.

- **Do you agree with the proposed change to the current 5000km rule?**
- **If not, what should it be and why?**

55. The other issue which we are frequently asked to clarify is the “30km rule”. We propose to keep this approach. Basically it recognises that virtually all New Zealanders have to pay the cost of their own transport to and from their work place. However, elected members also have other work in other places. The 30 km rule is based on an assessment that most people would live within 15 km of their work place. That means that a “round trip” to and from the “work place” – i.e. the normal council meeting place – can be claimed only if it is above 30km. If the trip to and from the council’s normal meeting place is above 30km, the first 30km are always deducted. This means that if an elected member lives closer than 15km, then no claim can be made for attending a meeting at the council office. If a member must come to the office twice in one day, if she/he is not simply taking the opportunity to go home for lunch, then the whole of the distance for the second trip may be claimed. This assumes that most workers travel to and from work only once per day, but recognises that elected members may have a formal meeting, say in the morning, then another meeting much later in the afternoon. We expect common sense to prevail in councils when authorising such claims.

56. With regard to work of elected members outside of the normal council meeting place, the full mileage can be claimed. That means that the elected member may claim from her or his home to the address of the meeting or event and back again by the shortest route.

57. If an elected member has an additional place of residence (e.g. a holiday home) the primary place of residence, normally identified by being her/his address on the electoral role, will be considered the official residence.

58. If a council is holding one of its normal meetings in a different venue - for example in an outlying town - then the full mileage can be claimed. However, we expect common sense to prevail. If the exceptional meeting place is just down the road from the normal venue then the 30km rule would apply.

- **Do you agree with the proposal to retain the 30km rule in its current form?**
- **If not, what should this rule be?**

Mayor/chair car valuations

59. We do not propose to make any changes to the valuation of the mayor/chair motor vehicle at this stage. The formula is consistent with the methodologies applied to valuing motor vehicles for full private use in public sector roles. The Authority's formula goes one step further in that it recognises that a greater proportion of vehicle usage by a mayor/chair is spent on council business rather than on personal use.

60. The formula and associated variables used to value mayor/chair motor vehicles will be reviewed with the main determination triennially. Any changes will be applied in election year.

Annual changes in remuneration

61. The main local government determination will usually be applied in election year, then in the intervening two years we propose to change remuneration to reflect changes in the Labour Market Statistics (LMS) – (see Part Three for more details on the timetable).

Changes following an election

62. The Authority is aware that there has been some confusion in the past regarding the exact days on which payment ceases for outgoing elected representatives and commences for those who are newly elected, and around remuneration continuing for those who are re-elected.

63. The following outlines the legal situation:

- All newly elected and re-elected local government members come into office the day after the results are publicly notified under S.86 of the Local Electoral Act 2001.
- All sitting members vacate office on the same day.
- In the case of an uncontested election the declaration must be made as soon as possible after the day the nominations close.

Part Three – Longer Term Proposals

Introduction

64. The Authority is seeking the views of local government (i.e. territorial authorities, unitary councils and regional councils) on the proposals set out below in this section of the paper. These changes will affect elected mayors, chairs and councillors, as well as community board members, from every council except Auckland. Later this year we will be issuing an additional consultation paper on the Auckland Council, following the completion of its governance review. However, we are proposing that the general principles outlined in this paper around council sizing should apply to Auckland.
65. Please note that we are seeking the views of councils, not of individual elected members or staff.
66. We would appreciate feedback to info@remauthority.govt.nz by Friday October 20th 2017. Please email to info@remauthority.govt.nz

Recent history of local government remuneration setting by the Authority

67. In late 2011 the Authority issued a discussion document - *Review of Local Authority Remuneration Setting*. This was followed in November 2012 by a further document - *Remuneration Setting Proposals for Local Authorities* - which outlined the system that the Authority was proposing to institute from the 2013 election. A copy of that document is attached as *Appendix 1*. It transpired that for a variety of reasons in the years 2014 to 2016 the Authority did not completely implement the proposed process. However, significant elements are in place. Importantly, the work which the Authority commissioned from the Hay Group in 2015 remains current in our view and has provided useful data to assist with our current considerations.
68. To assist with context, the main elements of the 2013 proposal are summarised below. They were:
- a) Moving away from the traditional salary/meeting fee mix for local government remuneration.
 - b) Creating a size index for councils derived from population and council expenditure.
 - c) Basing the remuneration for councillors/mayors/chairs on:
 - the relative place of the council in the size index;
 - the job size of the positions as assessed for sample councils;
 - the proportion of full time work as demonstrated by survey results;
 - the Authority's pay scale.
 - d) Providing a pool for each council equivalent to one councillor's remuneration to be allocated for additional positions of responsibility.

- e) Reviewing local government remuneration approximately two years after each election and setting the base remuneration for councillor and mayor/chair roles at the beginning of each election year, together with provision for changes in positions of responsibility within each council.
- f) Recalculating annually each council's place on the size index and, in the following July determination, automatically applying any increase warranted, with the proviso that any reductions in the base remuneration would not be implemented during the term of that council.
- g) Providing a loading of 12.5% for unitary council remuneration to recognise their additional regional responsibilities.
- h) Retaining arrangements for resource consent hearings whereby elected members can be paid an hourly fee in addition to their base remuneration.
- i) Requiring councils to confirm their expenses policies only in election year rather than annually.
- j) Retaining valuation methodology for mayor/chair vehicles with adjustments made each year on July 1 to coincide with the determination.
- k) Various changes to community board remuneration setting.

69. The new system was in place for the 2013 Determination in which the Authority made the following comment: *"Aware of its responsibility of fairness to both elected members and ratepayers, the Authority moderated both increases and decreases to smooth the transition to the new system"*.

70. In the 2014 Determination, the same comment was made with the additional comment that *"this approach was continued, with moderation to reflect wage growth, this year"*.

71. In 2015 the same comment was again made. However, in issuing that Determination the Authority said the following: *"The relationships between council size and remuneration, as well as any necessity for moderation of large increases or decreases, will be reassessed during the 2015/16 year ready for implementation at the time of the 2016 local body elections"*.

72. During 2015 the Authority reviewed the framework again, including job-sizing the positions of a representative group of councils and assessing workloads. In issuing its 2016 Determination the Authority made the following comment: *"The Authority found clear evidence regarding the size of positions but has less confidence in the evidence relating to workload. Given that uncertainty, the Authority has not proceeded to fully or partially implement increases that would in many cases have been well in excess of 10%. It has instead applied increases to the base remuneration payable to councillors ranging from 1.5% to 3% depending on the size of the council. This reflects at the higher level the movements in the public sector remuneration more generally."* The following comment was also made: *"The Authority is also concerned that the expectations placed on local representatives continue to increase and remuneration does not in all circumstances reflect the skill and effort required from members. It will therefore begin further work this year to*

establish an ongoing basis for remuneration that treats both the ratepayer and the elected member fairly”.

Rationale behind current proposal

73. While the legal requirements are set out above in paragraph 2 of Part One (above), the Authority members have also decided that these legal requirements (including attraction and retention of competent people) should be aimed at attracting a wide variety of competent people and balanced by the need to have a local government remuneration system that is accepted in the wider community. To enable this, we require a robust process that is as transparent as possible, intuitively plausible and sustainable for the foreseeable future.
74. We recognise that whether or not the level of financial reward matches the personal contribution of any elected member is not necessarily a significant determinant of the willingness of many people to stand for election. However, remuneration may be an issue for some, depending on personal circumstances, and it may also become an issue for an incumbent deciding whether or not to continue.
75. In considering this proposal, the Authority has decided to maintain a number of existing approaches. The principal ones are:
- a) Maintaining a “total remuneration” approach rather than meeting fees.
 - b) Using a size index to determine relativity between various councils.
 - c) Adopting a “pay scale” for local government that is fair and seen to be fair.
 - d) Reviewing the components of the council size index every three years and applying appropriate factors to territorial authorities and regional authorities.
 - e) Recognising that unitary councils have dual responsibilities and sizing them accordingly.

Council Sizing

76. Overview

We define council size as the accumulated demands on any council resulting from its accountability for its unique mix of functions, obligations, assets and citizenry. The size of councils varies considerably. The most obvious difference is in the size of population with the biggest council (Auckland) having 1,614,300 citizens and the smallest (the Chatham Islands) just 610 at the last census. Even outside of these two, there still a wide population range from Christchurch (375,000) to Kaikoura (3,740).

77. However, despite their differences, there are also many similarities between different councils and the roles of elected representatives.

78. All local government representatives have a basic workload that includes decision-making around local plans, policies and regulations; civic representation; assisting constituents; and

working with other organisations (public and private sector). Importantly, councils are also tasked with employing a chief executive and monitoring performance and delivery.

79. With regard to differences, as noted above, the starkest is in population, but even then there is not an exact connection between population and work load. We have taken account of several characteristics in addition to population to compare the size of each council. We are limited by the ready availability of information. However, with the information that is available, we have been able to use statistical methods to identify several factors that are significant influences on the workload of Councils.
80. We can identify councils that are most likely to be comparable in size, despite differences in what brings this about. Such comparisons can never be exact, because amongst all the councils there are influences on their size that are either unique or unable to be quantified using existing evidence. The analytical approach taken this year by the Authority will be further developed whenever the information base is able to reflect such situations.
81. We considered a variety of factors that could be used for sizing councils and, after consultation and further analysis, we are proposing several factors, with some differences between territorial authorities and regional/unitary councils. The indicators for each factor came from official statistics and departmental reports, and they were analysed by standard statistical methods which enabled the variety of demands on councils from different sources to be compared and accumulated. The initial list of factors and the modelling was identified with a representative group of elected local authority leaders, and then developed further by the Authority.
82. The strong direct effects on size from population, assets and operational expenditure were modified by differences in guest night stays, social deprivation levels and physical size.

Factors proposed to be used in sizing

83. Territorial authorities:

- a) **Population.** This factor not only determines the scale of services that a council will provide, but also the rating base by which activities are funded. Population is most likely to be the indicator that most New Zealanders would use when asked to distinguish between various councils. The statistics we are using are the most recent population estimates by Statistics New Zealand.
- b) **Operational expenditure.** In many cases, operational expenditure correlates with population, but there are also some differences - in particular when a council may be in the midst of a specific expansion programme in a particular area of activity. Our data is taken from the annual accounts of councils.
- c) **Asset size.** This represents the capital base of the council that the council is required to manage, providing essential service such as water, wastewater, roads and flood protection, and also social infrastructure. One of the challenges in asset management is to ensure that assets do not lose value. In recent years there has been greater focus on asset management in the sector, requiring (if it is undertaken rigorously) a higher degree

of attention to detail on the part of elected members, not just the asset managers in the organisation. The data on asset size is also extracted from the consolidated annual accounts of councils and includes the value of their council controlled organisations (CCOs).

We acknowledge that there are different degrees of assets held by local government. Some have highly commercial assets with commercial boards comprising directors selected for their relevant competencies and business experience. Others have land holdings that are long-term and more “passive” investments. Others again are assets such as ports which although highly commercial and competitive are often also strategic assets for their local government owners.

There are also different degrees of oversight. Some councils are extremely “hands on” with their assets and others are more arms-length in their relationships, particularly with CCOs. We recognise that whatever measure of asset size is used, its relevance will differ somewhat among councils to a greater extent than is likely with other factors.

- d) **Social deprivation.** This measures the differences between councils in their need to take account of economic disadvantage among citizens. We recognise that in many council districts the high level of social deprivation in some areas is counterbalanced by a higher economic status in others. However, we believe there are some councils that do not have this balance and that, given the reliance of many councils on rates income, for those councils a high level of social deprivation will have a significant impact. Data is drawn from the third quartile of the NZDEP index prepared from the last population census.
- e) **Number of guest nights.** This represents the demands on councils (e.g. infrastructure development and service provision) resulting from visitors. We recognise that this is a current issue which may in future years be resolved and that it is but one sector in New Zealand’s economy which is of concern to local government. However, it has been raised with us on many occasions and we believe it is relevant to allow for such demands being faced by council at present. It may be that it is replaced by another factor in future years. For this factor we use the Monthly Accommodation Survey of Statistics New Zealand. We were unable to find any data on visitors who may pass through a district and use facilities but not stay overnight, or on the current vexed issue of freedom campers.

84. Regional councils:

Although all councils (territorial, regional and unitary) have a power of general competence, the legal responsibilities of regional councils and unitary councils differ from those of territorial authorities. The breadth of their mandate in national legal instruments (such as the Resource Management Act) requires regional and unitary councils to operate at a different scale from that of territorial authorities, especially in their focus on regulating and managing land and water. For example, regional and unitary councils must develop and administer Regional Plans and Unitary Plans, and territorial authorities must give effect to these plans, which drives behaviour around issues such as water quality (i.e. storm water

and waste water). In contrast, regional councils do not have the significant focus on social issues that is required from either unitary or territorial councils. Hence **land size** is inherently important to the work of a regional or unitary council. In measuring size, we are proposing to eliminate the deprivation index factor for regional councils and add a land area factor.

85. Unitary councils:

For some years, the Authority has added a loading of 12.5% to account for the additional regional council responsibilities of the four smaller unitary councils – Gisborne, Marlborough, Nelson and Tasman. This did not include Auckland, even though it is also a unitary council, because the remuneration for Auckland was considered separately when it was set up.

We are uncertain as to the basis for the 12.5%, and are thus proposing that this loading now be removed and that instead the size of these four unitary councils be measured by both the regional and the territorial authority factors. Thus the factors by which we measure the size of unitary councils would include both land area and social deprivation.

The Authority believes that with the additional regional council factor of land area included, this is a fairer way of sizing unitary councils.

With regard to the proposed factors to be used for sizing councils

- **Are there significant influences on council size that are not recognised by the factors identified?**
- **Are there any factors that we have identified that you believe should not be used and why?**
- **When measuring council assets, do you support the inclusion of all council assets, including those commercial companies that are operated by boards?**
- **If not, how should the Authority distinguish between different classes of assets?**

Weighting

86. The weight given to each factor was assessed intuitively by the Local Government Advisory Group, drawing on their knowledge and experience. These weights were then further refined by formal statistical analysis. The Authority has not yet completed this part of the exercise and, before we do, we would like to hear views on the proposed factors. Nevertheless, in our work to date, the following “order of magnitude” listing indicates what

we consider to be the relative importance of the various factors in determining size. They are listed here in terms of our current view of the highest to lowest influence on size.

87. Territorial authorities:

- Population; operational expenditure
- Assets
- Deprivation index; visitor nights

88. Regional councils:

- Operational expenditure; geographic size
- Assets; population
- Visitor nights

89. Unitary authorities:

- Population; operational expenditure; geographic size
- Assets
- Deprivation index; visitor nights

90. When the weighting exercise is completed, the size of each council estimated in this way will become the size index.

- **Are you aware of evidence that would support or challenge the relativity of the factors for each type of council?**
- **If you believe other factors should be taken into account, where would they sit relative to others?**

Mayor/chair remuneration

91. The work that the Authority commissioned from the HayGroup in 2015 included a review and evaluation of the roles of mayor, regional council chair, committee chair and councillor across 20 councils.

92. The evidence reported by Hay was that mayor and regional council chair roles generally require a full-time commitment, though this is not true in absolutely all cases. Even in smaller authorities where the mayor's role may not be full time, the nature of the job means that it is usually difficult to get another job to supplement what might not be a fulltime income. From the knowledge of members of the Authority and advice from a range of participants in local government, including the Advisory Panel, the Authority accepts that mayors/chairs are full time and we propose that mayor/chair remuneration be determined on this basis.

93. We are also proposing that there should be a “base pay” for all mayors/chairs. Additional remuneration would then be on top of this, depending on the size of the council.

- **Should mayor/chair roles should be treated as full time?**
- **If not, how should they be treated?**
- **Should there be a “base” remuneration level for all mayors/chairs, with additional remuneration added according to the size of the council?**
- **If so, what should determine this “base remuneration”?**

Councillor remuneration

94. The relativity between mayor/chair and councillors is somewhat more difficult to determine and we note that in 2015 the Authority suggested that although there was evidence about the size of positions, there was less evidence about workload.

95. We are aware that there are clear differences in both the job size and the workload of councillors on different councils for a several reasons. There can also be significant differences in workloads of councillors within a single council. The influences on a councillor workload obviously include measurable factors such as population and the other indicators we have outlined above in paragraph 5, as well as the number of councillors, which varies from council to council.

96. However, other influences include current issues within a council area and individual councillor interest in or affiliation to different interest groups. The latter also applies to workload differences amongst councillors on a single council, as does the appetite for work amongst different councillors. The Authority is not able to take account of such differences in our determinations. Nor are we able to provide for “performance pay”. This means that on any single council the remuneration of the hardest working councillor will be the same as that of the lowest contributor.

97. Having looked carefully at the sizing factors, and discussed mayor/chair and councillor relativity with a variety of people, we have formed a view that we are unable to accommodate the differences between councillors on different councils with sufficient granularity to have a single national approach. The large metropolitan councils, for example, seem to have a higher councillor workload than of smaller rural and provincial councils, though this is not a universal rule. Additionally, there are differences between

similar sized councils which are addressed at council level by the allocation of committee and portfolio responsibilities.

98. We are also conscious of the discrepancies amongst councils in the current relationships between councillor remuneration and that of the mayor/chair. The range is from 54% down to 21%, and in some cases the proportion appears to be arbitrary. Discrepancies are also evident where councils of similar size (population) show variances of up to 10% in the ratio between councillors and mayors/chairs remuneration. Some of this may be historical - the legacy of previous approaches - or the result of councils having decreased or increased the number of councillors over time.
99. The Authority is looking at a new approach that, while providing a fiscal framework, would put the decisions round the details of councillor remuneration into the hands of the local council, which we believe is better able to understand and reflect community needs than we are on a national basis.
100. We are looking at setting a total "governance/representation pool" that each council would distribute. The pool would be linked to the size of the council and thus be irrespective of the number of elected members. Because we are now proposing formally that all mayor/chair roles be considered full time, the Authority would be in a position to set the salary for that position. Thus the mayor/chair remuneration would be separately allocated by the Authority, but included in the governance/representation pool allocated to each council. However, all other positions – councillors, deputy mayor/chair, chairs of committees, portfolio holders etc and community board members – would be allocated from its own pool by each council.
101. The pool proposal was included as one alternative in the 1997 LGNZ consultation paper, albeit the remuneration framework then was very different from how it has evolved today.
102. The advantages of this approach are that it focusses on the total governance and representation cost for each council (minus the mayor/chair) and that it allows each council to decide its own councillor and community board remuneration levels, including for positions of responsibility, reflecting its priorities for the current triennium. The total pool would be relative to the size of the council rather than to the number of elected members. Consequentially, if a council wished to increase its numbers via a representation review, and thus spread the workload, the allocated pool would need to be spread amongst more people. The reverse would also apply. It should be noted that if the workload for the whole council increased because of a change in the metrics of any factor(s) by which the council is sized, then the council would move to a higher ranking on the scale which would provide overall higher total remuneration pool.
103. The disadvantage is that no council is necessarily the master of its own destiny in terms of numbers of councillors. It must convince the Local Government Commission of the need to increase or decrease numbers. However, we do note that where representation changes reflect changes in what we call the "size" of the council (as described above in para 77-91),

any changes should also be reflected in the remuneration pool available to the council so there would then be a direct connection.

104. The pool approach provides councils with the flexibility to provide differences in positions of responsibility in a nuanced way. Because each council varies in terms of its committee/portfolio structure, this is an area where councils need discretion to decide. Current practice is for the Authority to set the councillor remuneration for each council, then to provide each council a “pool” equivalent to twice the base remuneration of one of its councillors to allocate to those undertaking specific positions of responsibility. These may include deputy mayor, committee chair, portfolio holder or other specifically designated roles. We have had no significant advice that the size of this extra pool is inadequate. However, we are aware that the provisions are applied in slightly different ways by different councils and that there are some councils that find the current provisions restrictive.

105. For example, there has been some confusion in the past as to whether every single councillor on a council can receive part of this additional pool by being allocated a position of responsibility. Generally, the Authority has not agreed to this when the council has proposed sharing the additional pool equally because this has simply amounted to a pay-rise for all councillors to move them above the level applied in the Determination. However, we have had enquiries about this and also observed current practice.

106. We propose that under the new regime (i.e. a total governance/representation pool for each council) the following rules should apply:

- a) All roles and remuneration levels will need to be agreed by formal resolution of the council, with a 75% majority.
- b) A remuneration rate must be set for the base councillor role
- c) The council needs to have a formal written role description for each additional position of responsibility above that of the base councillor role.
- d) The Authority will expect that any such roles within a council will have different levels of additional remuneration, depending on the nature and workload involved. In particular this needs to apply where every single councillor is allocated an additional position (as distinct from a more usual practice of having a deputy mayor/chair and a handful of committee chairs).

- **Should councillor remuneration be decided by each council within the parameters of a governance/representation pool allocated to each council by the Remuneration Authority?**
- **If so, should each additional position of responsibility, above a base councillor role, require a formal role description?**

- **Should each council be required to gain a 75% majority vote to determine the allocation of remuneration across all its positions?**

107. We also note that elected members are increasingly being appointed to represent their council on various outside committees and bodies. We propose that if any council wishes to do so, such appointments can also be captured under the process outlined above.

- **Should external representation roles be able to be remunerated in a similar way to council positions of responsibility?**

108. The issue of director's fees for elected members who are appointed to CCOs is a difficult one. On the one hand it could be said that a councillor sitting on a CCO is doing work that is similar to that of another councillor who may have a specified position of responsibility – or even less if the second councillor is, for example, a committee chair. However, the legal liabilities of CCO directors have become more onerous in recent years and may be more than those of elected members.

109. Those appointed as directors of CCOs need to be aware of the specific legislative duties and regulatory obligations that are imposed on them, in their capacity as directors, by the various acts, including the Local Government Act 2002, the Companies Act 1993, the Health and Safety at Work Act 2015, the Charities Act 2005 and the Public Audit Act 2001.

110. It is not for the Authority to determine whether or not elected members should be directors of a CCO, but we do recognise the additional responsibility that is taken on in those cases and that it may require developing capabilities to meet obligations that are different from those required of other elected members. We also observe the increasing trend towards the appointment of external professional directors to such roles.

- **Do the additional demands placed on CCO board members make it fair for elected members appointed to such boards to receive the same director fees as are paid to other CCO board members?**

Community Board remuneration

111. We note that 40 councils (more than half the territorial authorities) have community boards. We also note that there is a huge variety in the nature of the work undertaken by community boards and in the powers delegated to them. Some undertake substantial and substantive governance work on behalf of the council, whereas others are more in the nature of community representatives and advocates.
112. We are also aware that in some places community board members are doing work that elsewhere might be undertaken by council officers. However, assuming that community boards are part of the governance/representation structure of a council, then this means that, all else being equal, the current cost of governance and representation for these councils could be relatively higher than that of councils which do not have them. Some councils fund the boards out of a targeted rate applied to the area that the board represents, whereas others use a general rate – i.e. the same as for funding the remuneration of councillors.
113. We suggest that if a council wishes to not cover remuneration for its community board members from the proposed governance/representation pool, then a targeted rate should apply to the area represented by the particular community board. However, councillors appointed to represent the council on the community board would be paid from the governance/representation pool.
114. We also consider that it is important that the functions undertaken by any community board are clearly and transparently defined by the council concerned and consider that all community board delegations should be by way of a formal council resolution.

- **Should community board remuneration always come out of the council governance/representation pool?**
- **If not, should it be funded by way of targeted rate on the community concerned?**
- **If not, what other transparent and fair mechanisms are there for funding the remuneration of community board members?**

A local government pay scale

115. Local government has no exact equivalent. The nearest that we have in New Zealand is central government, yet even that is not an exact match.

116. Section 2 of this paper sets out the legal requirements that the Authority is required to consider in making determinations. The first of those requires that the Authority “shall have regard in particular to the need to achieve and maintain fair relativity with remuneration received elsewhere”. This is particularly difficult in determining the remuneration for local government elected members because there is no obviously relevant comparator group. The Authority considered and rejected as inappropriate the following:

a) Local government senior managers’ salaries.

Information on local government management remuneration is readily available in market salary surveys and through councils’ annual reports. However employees of councils are selected for the knowledge, skills and experience they hold relative to the needs of the employment role. Elected members do not fit that profile at all. They are democratically chosen by the electors to represent the interests of the people of a particular area and provide governance over the council’s operations. There is no logical alignment that would connect the remuneration of the two groups.

b) Central government sector senior managers’ remuneration.

Information on public sector management remuneration is readily available in market salary surveys and the State Services Commission’s annual reports but this option suffers from exactly the same difficulties as option (a) above.

c) Remuneration of directors on boards, including public sector boards, commercial boards and large not-for-profit boards.

A significant part of the work of elected members consists of representational activities of one sort or another. Most boards of directors do not have this role. Those that do are often in the not-for-profit or NGO sector and, even there, the nature and time requirements of the representational work, including managing constituency issues, is different. Further, most boards are governing an enterprise that is essentially focused on a single group of goods or services within one industry, whereas councils have a significant array of services that are not necessarily similar in any manner – for example, providing building consents compared to social services.

117. Other aspects of local government elected roles which differ from the above are:

- The sheer “visibility” of the people involved, resulting in a lack of privacy. In some cases where the elected person is very high profile or important in a community, or when the community is very small, this is extreme and often their close family members are also impacted by this.
- This visibility is associated with the need for publicly elected representatives to “front” on difficult issues. This is less common amongst other boards members and

managers. When something goes wrong on a council the councillors and mayor/chair are held to account by the public, whereas on a board it would normally (though we recognise not always) be the CEO.

- The meeting requirements on local government are more onerous than they are in other sectors. The Local Government Official Information and Meetings Act 1987 and public expectation is that meetings will be held in public and that information behind decisions and actions will be readily available.
- Finally, and perhaps related to all the above, local government entities hold far more frequent meetings/workshops than do other governance boards and the distinction between governance and management is less clear than it is in most other models.

118. In the light of this, the Authority looked at a possible alignment with parliamentary remuneration for comparative purposes. Even though (as we note above) local government is not an exact match to central government, parliamentarians are also democratically elected to represent sections of the populace, and those who are members of the Government of the day also exercise governance over the public service. Within the parliamentary group there are different levels of remuneration between backbenchers, ministers and some other identifiable roles.

119. Given the obvious difference between central and local government elected members, any remuneration alignment could not be a direct one-on-one relationship. However, the nature of the roles is such that there are also similarities and this is the closest the Authority can find to “fair relativity with remuneration received elsewhere”. As in other areas of our work, this decision involved a degree of judgement – there is no exact science here and we would observe that the utility and value of any elected person is in the eye of the beholder.

120. We therefore propose that mayor/chair remuneration be related to that of MPs, but capped so that the highest remuneration for any individual mayor or chair cannot be more than that of a cabinet minister. All other mayor/chair roles would be provided with a relative alignment below that upper limit.

- **Is it appropriate for local government remuneration to be related to parliamentary remuneration, but taking account of differences in job sizes?**
- **If so, should that the relativity be capped so the incumbent in the biggest role in local government cannot receive more than a cabinet minister?**
- **If not, how should a local government pay scale be determined?**

Timetable

121. The current practice of the Authority – major three-yearly reviews with annual updating in non-review years – has been a sensible approach. We propose to continue it in the interests of efficiency and also to reflect the fact that the data we are using for sizing is not necessarily available annually.
122. In the intervening years, we propose that any change in local government remuneration reflect the change in the salary and wage rates for the public sector as shown in Statistics NZ's Labour Market Statistics (LMS) which are produced quarterly. In 2014 the LMS replaced the Quarterly Employment Survey (QES), which was the mechanism chosen as the reference index when Parliament passed the Remuneration Authority (Members of Parliament Remuneration) Amendment Act 2015. Therefore, changes in MP remuneration are also tied to the change in salary and wage rates as published in the LMS. In addition to salary and wage rates, the LMS contain information on New Zealand's official employment and unemployment statistics, number of filled jobs by industry group, total hours worked, levels of income, total gross earnings and paid hours, and average hourly rates by sector.
123. The cycle adopted by the Authority for setting local government remuneration will be as follows:
- The first year of the cycle will be the local government election year. In that year the Authority will undertake a full review of council sizes, utilising the indicators described above. Prior to applying the result of the review, the Authority will apply the LMS changes to all local government remuneration, and the council sizing results will then be applied.
 - This determination will be issued on or about July 1 for implementation from the date the council formally takes office following the local government election later that year. At that time the Mayor/chair remuneration will be applied but the remuneration for all other positions to be decided out of the "governance/representation pool" will be applied on the day following the day on which the council formally resolves its remuneration policy for that triennium. Until then, from the day of assuming office, all councillors will be paid the base councillor remuneration that applied in the preceding triennium. The new determination will apply till the council ceases to formally hold office at the next local government election.
 - Meeting fees for RMA plan or consent hearings, as well as the parameters for expense reimbursement, will also be assessed at that time and any changes will apply to all councils at the same time as the remuneration changes.
 - In the subsequent two years, the determination will again be issued on or about July 1 but on these occasions for immediate implementation. For all councils, it will contain adjustments reflecting the change in the LMS. There will be no changes in plan or consent hearing fees or expenses policies at this time.

This consultation process from now on

124. This proposal is being circulated to all councils to obtain feedback on the approach. The Authority would need to receive any written feedback that councils wish to make by **30 October 2017**. We look forward to hearing from you.

125. For this year (2017) the Authority proposes to change remuneration according to the LMS change and we also propose to introduce the new provisions outlined in Section Two of this paper. All other changes would be introduced for the year 2019. This timetable allows time for councils to fully discuss the proposals and give us their responses. It allows us to then refine and test our final model for the “governance/representation pool” prior to implementation.

126. **We are conscious that 2019 is three years after the local government sector would have been expecting changes. However, with our proposal to change the model for sizing councils and to radically change the way councillor remuneration is decided, we believe that such a time period is justified.**

Agenda Memorandum

Date 31 October 2017



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

**Subject: Meeting Dates November-December
2017**

Approved by: M J Nield, Director-Corporate Services

B G Chamberlain, Chief Executive

Document: 1951800

Purpose

The purpose of this memorandum is to provide notification to Members of the next six-weekly round of Council meetings for 2017.

Meeting Dates

The six-weekly round of Council meetings for **November-December 2017** will be as follows:

Consents and Regulatory Committee	Tuesday 21 November 2017	9.30am
Policy and Planning Committee	Tuesday 21 November 2017	10.30am
Regional Transport Committee	Wednesday 29 November 2017	11.00am
Executive, Audit and Risk Committee	Monday 4 December 2017	10.00am
Ordinary Meeting	Tuesday 12 December 2017	10.30am

Joint Committee Meetings

Taranaki Solid Waste Management Committee	Thursday 16 November 2017	10.30am
Taranaki Civil Defence Emergency Management Joint Committee	Thursday 7 December 2017	10.30am*

**this meeting has been changed from Tuesday 28 November 2017*

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 31 October 2017 for the following reason/s:

Item 12- Confidential Minutes Executive, Audit and Risk Committee

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 the privacy of natural persons and/or would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

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 be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

That good reason exists for excluding the public from the whole or any part of the proceedings as the public disclosure of the information 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.

Agenda reports

Ordinary Council meeting, October 2017

Item 6

[Biosecurity Strategy – post-hearing version](#) (2.2 MB)

[Regional Pest Management Plan – post-hearing version](#) (1.2 MB)