

Extraordinary Whangarei District Council Meeting

Whangarei District Council Meeting

Supplementary Agenda

Date: Wednesday, 29 May, 2024

Time: 9:00 am

Location: Civic Centre, Te Iwitahi, 9 Rust Avenue

Elected Members: His Worship the Mayor Vince Cocurullo
Cr Gavin Benney
Cr Nicholas Connop
Cr Ken Couper
Cr Jayne Golightly
Cr Phil Halse
Cr Deborah Harding
Cr Patrick Holmes
Cr Scott McKenzie
Cr Marie Olsen
Cr Carol Peters
Cr Simon Reid
Cr Phoenix Ruka
Cr Paul Yovich

For any queries regarding this meeting please contact the Whangarei District Council on (09) 430-4200.

4. Information Reports / Ngā Pūrongo Kōrero

4.2 Supplementary Report to the LTP 2024-34 Deliberations 3

5. Decision Reports / Whakatau Rīpoata

5.3 Submission on Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill 7

4.2 Long Term Plan 2024-34 Deliberations

Meeting: Whangarei District Council Extraordinary
Date of meeting: 29 May 2024
Reporting officer: Aaron Taikato, General Manager – Strategy and Democracy

1 Purpose / Te Kaupapa

To provide Elected Members with additional information (and replacement recommendation) detailing the potential impacts of the proposed Non-Staff Alternate Recommendations – Changes to the Capital Programme in the LTP 2024-34 Deliberations report.

31 – Recommendations – Changes to the Capital Programme including Elected Member Proposed Changes

That the Council:

1. Reduce the capital expenditure on cycleways by a total of \$2,000,000 in years 4 to 10 of the Long Term Plan and notes that this will result in the following budget for this programme (Elected Member Proposed Change):

Year 1 \$	Year 2 \$	Year 3 \$	Year 4 \$215,000	Year 5 \$215,000
Year 6 \$215,000	Year 7 \$215,000	Year 8 \$215,000	Year 9 \$215,000	Year 10 \$210,000

2. Brings forward \$300,000 of capital expenditure on community led cycle projects from year 4 and \$300,000 from year 5 (a total of \$600,000) into years 1,2 & 3 to allow delivery of the Waipu community led cycle project in the first three years of the Long Term Plan (refer recommendation 4)(Elected Member Proposed Change).
3. Reduce the capital expenditure on community led cycle projects by \$1,000,000 over 10 years, noting the reduction is not to affect the Waipu Project (Elected Member Proposed Change).
4. Notes that bringing forward the \$600,000 for the Waipu project (recommendation 2) along with reducing the capital expenditure on community led cycle projects by \$1,000,000 over the 10 years of the Long Term Plan (recommendation 3), will result in the following budget for this programme (Elected Member Proposed Change):

Year 1 \$150,000	Year 2 \$375,000	Year 3 \$350,000	Year 4 \$450,000	Year 5 \$350,000
Year 6 \$550,000	Year 7 \$350,000	Year 8 \$350,000	Year 9 \$350,000	Year 10 \$350,000

5. Reduce the capital expenditure on low cost, low risk walking and cycling by \$1,000,000 and notes that this will result in the following budget for this programme (Elected Member Proposed Change):

Year 1 \$42,500	Year 2 \$342,500	Year 3 \$980,000	Year 4 \$100,000	Year 5 \$100,000
Year 6 \$100,000	Year 7 \$535,000	Year 8 \$100,000	Year 9 \$100,000	Year 10 \$100,000

6. Reduce the capital expenditure in the Long Term Plan on mid-block raised priority crossings (Zebra/Signal) by a total \$2,000,000 across years 3 to 6, and notes that this will result in the following budget for this programme (Elected Member Proposed Change):

Year 1 \$500,000	Year 2 \$500,000	Year 3 \$400,000	Year 4 \$	Year 5 \$
Year 6 \$	Year 7 \$	Year 8 \$	Year 9 \$	Year 10 \$

7. Reduce the capital expenditure on works on John Street by \$13,200,000 and bring the project forward to year 4 of the Long Term Plan and notes that this will result in the following budget for this programme (Elected Member Proposed Change):

Year 1 \$280,470	Year 2 \$800,000	Year 3 \$1,000,000	Year 4 \$6,500,000	Year 5 \$6,500,000
Year 6 \$	Year 7 \$	Year 8 \$	Year 9 \$	Year 10 \$

8. Reduce the capital expenditure on fleet replacement by \$500,000 over the 10 years (\$50k per year) of the Long Term Plan and notes that this will result in the following budget for this programme (Elected Member Proposed Change):

Year 1 \$227,875	Year 2 \$227,875	Year 3 \$227,875	Year 4 \$227,875	Year 5 \$227,875
Year 6 \$227,875	Year 7 \$227,875	Year 8 \$227,875	Year 9 \$227,875	Year 10 \$227,875

9. Reduces the capital expenditure on coastal seawall renewals by removing \$100,000 from year 1 of the Long Term Plan and notes that this will result in the following budget for this programme (Staff Recommendation):

Year 1 \$125,000	Year 2 \$225,000	Year 3 \$463,660	Year 4 \$189,996	Year 5 \$
Year 6 \$71,265	Year 7 \$63,785	Year 8 \$70,537	Year 9 \$	Year 10 \$

10. Reduce the capital expenditure on the resurfacing of off-street carparks by removing \$200,000 from year 1 of the Long Term Plan and notes that this will result in the following budget for this programme (Staff Recommendation):

Year 1 \$	Year 2 \$200,000	Year 3 \$200,000	Year 4 \$200,000	Year 5 \$200,000
Year 6 \$200,000	Year 7 \$200,000	Year 8 \$200,000	Year 9 \$200,000	Year 10 \$200,000

11. Reduce the capital expenditure in the Long Term Plan on parking meters (new and renewals) by \$100,000 per year in years 1 to 3 and notes that this will result in the following budget for this programme (assumes no carry forwards from the 2023-24 year) (Staff Recommendation):

Year 1 \$100,000	Year 2 \$100,000	Year 3 \$100,000	Year 4 \$100,000	Year 5 \$100,000
Year 6 \$100,000	Year 7 \$100,000	Year 8 \$100,000	Year 9 \$100,000	Year 10 \$100,000

12. Reduce the capital expenditure on city flags and Christmas decorations to zero from \$33,345 in each of the 10 years of the Long Term Plan (Elected Member Proposed Change).
13. Approve an additional capital budget of \$1.2m in each of years 1 to 5 (total \$6m) for Ward priority level of service projects within the Community Facilities and Services Activity. Any expenditure from this budget will require authorisation by resolution of full Council and will be recognised within the appropriate activity. This will be debt funded. (Elected Member Proposed Change).
14. Notes that, as outlined in the cover Agenda and the Issues and Options Briefing report, Airport capital expenditure has been increased to reflect the capital programme presented to Strategy Planning and Development through its consideration of the draft Airport Statement of Intent (SOI), and to the Ministry of Transport (MoT) as being required over the next 4 years in order to maintain operations, manage risk and ensure health and safety at the airport. Where applicable commentary will be included in the final Long Term Plan and SOI detailing the projects that are not yet funded by MoT, noting that they will not proceed if MoT funding is not approved (Staff Recommendation).

2 Background / Horopaki

The LTP 2024-34 Deliberations report was approved and distributed to Elected Members on Friday 24 May 2024. The senior leadership team (SLT) subsequently determined that Elected Members should be provided with additional information detailing the budgeting outcomes if the proposed Changes to the Capital Programme (reductions) in the LTP 2024-34 Deliberations report are adopted. The revised recommendations above, replace the recommendations on page 45 of the agenda.

3 Discussion / Whakawhiti kōrero

Elected Members have expressed an interest in potential Changes to the Capital Programme in the LTP 2024-34 Deliberations report. The additional information in the tables above show the budgets for the various programmes under review. Figures represent the uninflated budgets as they will stand should Elected Members elect to make the proposed changes. Please note the figures includes within this agenda are in uninflated dollars.

4 Significance and engagement / Te Hira me te Arawhiti

The Local Government Act 2002 requires special consultation procedures to be undertaken when developing a Long Term Plan.

This has been completed in accordance with statutory requirements, including the use of the special Consultative Procedure, with Council now in a position to deliberate on submissions received and heard.

5.3 Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

Meeting: Whangarei District Council Extraordinary Meeting
Date of meeting: 29 May 2023
Reporting officer: Aaron Taikato (General Manager Strategy and Democracy)

1 Purpose / Te Kaupapa

To consider making a submission on the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill.

2 Recommendation / Whakataunga

That the Council

1. Approves the attached submission on the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill be submitted for consideration by the Select Committee.

OR

2. Does not make a submission on the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill.

3 Background / Horopaki

The Government has introduced the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (the Bill) which proposes to:

- Reinstates the ability for binding polls for the establishment of Māori wards;
- Provide a transitional poll mechanism for council that either resolved to establish or established Māori wards since 2020 (without holding a poll); and
- Adjust the key election dates to allow more time for delivering voting papers.

The Bill was introduced on Friday 24 May 2024 with submissions open until Wednesday 29 May 2024 at 11.59pm.

4 Discussion / Whakawhiti kōrero

The proposed changes reflect references in the coalition agreements to “restoring the right to local referendum on the establishment or ongoing use of Māori wards, including requiring referendum on any wards established without referendum at the next Local Body elections”.

There are two main changes regarding Māori wards/constituencies:

- A reintroduction of the binding poll mechanism relating to the establishment of Māori wards/constituencies.
- Transitional arrangements relating to councils that established Māori wards/constituencies since 2020 without holding a poll

The reintroduced binding poll mechanism will apply from the 2025 local elections. This means that it will apply to all future council decisions on Māori wards. Once the new legislation is passed, Council will need to follow the transitional arrangements.

As Council established Māori wards ahead of the 2022 local elections, the transitional arrangements will require Council to either:

- Resolve to disestablish Māori wards/constituencies; or
- Hold a binding poll alongside the 2025 local elections to decide whether Māori wards should continue.

The Bill does not currently provide an option for Council to retain its Māori wards. Staff consider that there are risks to Council relationships with hapū and the wider community if the Bill is passed. These risks are outlined in more detail in the attached submission.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy and the public will be informed via Agenda publication on the website.

6 Attachment / Ngā Tāpiritanga

Attachment 1: WDC Submission on Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

In reply please quote WDC Submission Māori Wards and Māori Constituencies
Or ask for Aaron Taikato – General Manager Strategy and Democracy

Committee Secretariat
Justice Committee
Parliament Buildings
Wellington

29 May 2024

Tēnā koe

Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

Introduction and Background

Whangarei District Council (WDC) welcomes the opportunity to comment on the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (the Bill).

In considering the Bill, WDC would ask that the Select Committee take into account the following considerations:

Decision has already been made at local level

The current government has been clear on its support for local government based decision making. In this instance, the decision on Māori Wards has already been made at a local level.

The Local Electoral Act 2001 made provision for Councils to decide on the establishment of Māori Wards. The legislation was amended by the Labour government to remove the requirement for polls. On 3 November 2020, WDC approved the establishment of Māori wards for the 2022 and 2025 elections. This decision was reconfirmed in March 2021.

WDC currently has one Māori Ward with the two current Māori Ward councillors being Councillor Phoenix Ruka and Councillor Deb Harding. The contribution of Māori ward councillors to the work of WDC has been invaluable in representing the entire community of the Whangārei District.

The establishment of Māori Wards occurred at the recommendation of Te Kārearea, WDC's partnership standing committee, and reflects WDC's continued commitment to enable genuine representation and involvement of Māori in decision-making. Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (which advocates for the hapū of Whangārei) and Whangārei District Council. A Strategic Relationship Agreement developed in 2014 formed the basis for discussions between the partners. In September 2020, a Standing Committee of Council was established to further strengthen Māori participation in decision making.

Damage to relationship with our local hapū

WDC have made a commitment to, and value the input of hapū decision making which is evident in our Te Karearea Strategic Partnership Committee. The Bill in its current form could have wider implications including damaging relationships with hapū and raising issues of

discrimination on the basis of ethnicity under the Bill of Rights Act 1990¹. It is also likely that the processes outlined within the Bill will expose Māori to divisive, hurtful and anti-Māori rhetoric.

Inconsistent with Principles of Treaty

This Bill appears inconsistent with the Treaty principles of partnership, protection and participation. The advice of the Waitangi Tribunal in WAI 3665 has stated that the process outlined in the Bill will marginalize Māori within the process and is inequitable.

Inconsistent with Local Government Act

WDC's obligations under the Local Government Act 2002 to maintain, improve and facilitate opportunities for Māori to contribute to local authority decision making processes may be undermined if the use of a poll determines the outcome of Māori Wards.

Existing legislation already provides for review of representation

Local Government New Zealand (LGNZ) have outlined how the Local Electoral Act 2001 already makes provision for a robust review of "representative arrangements for both territorial and regional authorities and provides for all such arrangements in an area to be considered at the same time, including Māori wards". This is a much more considered, reflective and equitable process for consideration of Māori wards "without the discriminatory element of binding polls for Māori Wards." WDC supports the comments of the LGNZ in supporting this approach as an alternative to the currently proposed Bill.

If the Bill does proceed, WDC would seek the following:

- That the transitional provisions be amended to allow for local authorities to retain their decision to establish Māori wards.
- Amendment to the objection process within the Act to ensure consistent objection process for all wards or other aspects of a representation proposal.
- If the provision of a poll remains, we request that Central Government support to pay for the costs to administer the poll process
- Support the additional two week for a voting period, conditional on support from Central Government for the resourcing of the additional staffing that would be required to support this extension of the voting period.

Timeframes and costs

The parliamentary process has been constricted to allow less than 4 working days for a submission to be made. In a local governance context this is a challenge as there is no ability to work within usual Council meeting processes.

The increasing complexity of legislative changes and the constraints of limited resources and tight consultation periods pose significant challenges for local government to ensure they have robust decision making around submissions made by the local body.

Conclusion

Whangarei District Council welcomes further opportunity to provide feedback on the Bill and present at Select Committee.

Nāku noa, nā

¹ Waitangi Tribunal *The Māori Wards and Constituencies Urgent Inquiry Report* (Wai 3665, 2024) at 24.

RESOLUTION TO EXCLUDE THE PUBLIC

That the public be excluded from the following parts of proceedings of this meeting.

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

1.	The making available of information would be likely to unreasonably prejudice the commercial position of persons who are the subject of the information. {Section 7(2)(c)}
2.	To enable the council (the committee) to carry on without prejudice or disadvantage commercial negotiations. {(Section 7(2)(i))}.
3.	To protect the privacy of natural persons. {Section 7(2)(a)}.
4.	Publicity prior to successful prosecution of the individuals named would be contrary to the laws of natural justice and may constitute contempt of court. {Section 48(1)(b)}.
5.	To protect information which is the subject to an obligation of confidence, the publication of such information would be likely to prejudice the supply of information from the same source and it is in the public interest that such information should continue to be supplied. {Section 7(2)(c)(i)}.
6.	In order to maintain legal professional privilege. {Section 2(g)}.
7.	To enable the council to carry on without prejudice or disadvantage, negotiations {Section 7(2)(i)}.

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

"That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item _____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because _____.

Note:

Every resolution to exclude the public shall be put at a time when the meeting is open to the public.