

Whangarei District Council Meeting

Supplementary Agenda

Date: Thursday, 28 May, 2020

Time: 9:00 am

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Her Worship the Mayor Sheryl Mai
(Chairperson)
Cr Gavin Benney
Cr Vince Cocurullo
Cr Nicholas Connop
Cr Ken Couper
Cr Tricia Cutforth
Cr Shelley Deeming
Cr Jayne Golightly
Cr Phil Halse
Cr Greg Innes
Cr Greg Martin
Cr Anna Murphy
Cr Carol Peters
Cr Simon Reid

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

5. Decision Reports

5.5 Working Group recommendation for Māori participation in Decision Making

5.5.1 *Working Group Recommendation for Maori Participation in Decision Making - Attachment* 1

5.7 *COVID-19 Response - Te Tai Tokerau Worker Redeployment Package* 9

5.5.1 Working Group recommendation for Māori participation in Decision Making

Meeting: Whangarei District Council
Date of meeting: 28 May 2020
Reporting officer: Dominic Kula – General Manager Strategy and Democracy

1 Purpose

To provide supporting information to Item 5.5.

2 Background

Due to an administrative error Attachment 3 – 26 March Council Report, was omitted from the agenda. The report is attached for council's consideration.

3 Attachment

26 March Council Report

7.5 Māori participation in decision making

Meeting: Whangarei District Council
Date of meeting: 26 March 2020
Reporting officer: Dominic Kula – General Manager Strategy and Democracy

1 Purpose

To consider participation by Māori in local authority decision-making.

2 Recommendation

1. That Council adopts the recommendations of the Māori Participation in Decision Making Working Group to:
 - a. Establish Te Kārearea Strategic Partnership Forum from April 2020 - September 2020 in order to bed in a new way of working, and test Terms of Reference;
 - b. Adopt Terms of Reference for creation of Te Kārearea Strategic Partnership Forum;
 - c. Endorse Te Kārearea Strategic Partnership Forum becoming a Standing Committee of Council in September 2020;
 - d. Endorse the proposed Charter;
 - e. Allocate a \$150,000 budget;
 - f. Note that Terms of Reference will be reviewed and reported back to Council along with the procedure for establishment of the Standing Committee in September 2020.
2. Notes that with the allocated budget the 2020 – 2021 Annual Plan will maintain financial parameters/benchmarks.

3 Background

Councils are required under the Local Government Act 2002 (LGA) to facilitate participation by Māori in local authority decision-making. This has taken several different forms across the Country.

In Whangārei Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangārei) and Whangārei District Council. The desire to 'develop more robust partnership arrangements over time' was signaled in the agreement, which was superseded by a Strategic Relationship Agreement in 2014.

Since that time different representation and relationship structures have been in place alongside Te Kārearea. These have included advisory representation on committees and a

strategic alliance between Te Kārearea and the Northland Regional Councils Te Tai Tokerau Māori and Council (TTMAC) Working Party.

Te Kārearea was the only governance mechanism in place in the last term of Council.

4 Discussion

Following elections hui were held with Te Huinga to start to consider how to work together, and set direction, in the new term of Council.

The initial hui aimed to build understanding of different perspectives, with common themes identified including:

- Potential for Te Kārearea to become a standing committee
- Potential for a staged approach to representation over time
- Resourcing for hapū involvement Council's processes
- Communication between, and capability building of, both partners
- Different tiers/mechanisms for Council's relationship with Māori (discussed under 4.4)
- A need for clarity around the different relationships with Council, and the processes for any outside of Te Huinga.

Overarching these was a desire from both parties for the Partnership to be more strategic, while also acknowledging the need to connect with the community and its issues. Key feedback following the initial hui included:

- Te Huinga support for Te Kārearea becoming a Standing Committee of Council
- A draft Terms of Reference being sought to clarify the purpose/decision making powers of Te Kārearea if it were to become a committee of Council
- A desire to also provide voice/participation for urban Māori
- A request for budget information.

On 12 February a further Briefing was held between councillors and Te Huinga.

4.1 Establishment of a Working Group

Attendees of the 12 February 2020 Briefing worked through what they would like participation to look like by 2022, before breaking into smaller groups to discuss the pros and cons of three options:

Option 1: Continuation of Te Kārearea as an advisory committee under the existing Agreement

Option 2: Te Kārearea as a committee of Council with Terms of Reference

Option 3: Māori Participation as members of Council's committees of the whole under existing Committee Terms of reference

The minutes from that Briefing, including attendees analysis of pros and cons, have been included as Attachment 1.

At the Briefing a working group of councillors and Te Huinga members (Councillor Halse, Deborah Harding, Councillor Couper, Delaraine Armstrong, Councillor Reid and Merepeka Henley) was formed.

4.2 Working Group recommendation (Option 4)

The Working Group was formed to work through the draft options, with a focus on the Terms of Reference for a Standing Committee, in order to find a path forward and present a recommendation to the March 2020 Council meeting.

The Working Group reviewed the draft Terms of Reference with a view to establishment of a Standing Committee of Council. Key changes proposed included alternating the chair between

hapū and Council, including the strategic intent and values from the historic Te Kārearea Relationship Agreement and including provisions around more equitable partnership and the Treaty. The draft Terms of Reference from the Working Group have been included as Attachment 2.

While the Terms of Reference were drafted for a Standing Committee of Council, it was recommended that a Strategic Partnership Forum be established until September 2020. This was in order to bed on a new way of working, and to test the draft Terms of Reference. As a result the Terms of Reference do not include delegations for the initial period which, along with the name for any subsequent committee, will be reported back to Council for the establishment of a Standing Committee in September.

The Working Group also recommended that a Charter be established to guide the relationship (Attachment 3) and that a \$150,000 budget be allocated to cover:

- \$50,000 Secretariat (Assumption: 0.8FTE)
- \$70,000 Honorarium (Assumptions: 8 hapū members each committing 5hrs per week)
- \$30,000 for other expenses including Marae/Koha/Catering

In summary the Working Group's recommendations were that Council:

- Establishes Te Kārearea Strategic Partnership Forum from April 2020 - September 2020 in order to bed in a new way of working, and test Terms of Reference
- Adopts Terms of Reference for creation of Te Kārearea Strategic Partnership Forum
- Endorses Te Kārearea Strategic Partnership Forum becoming a Standing Committee of Council in September 2020
- Endorses the Charter
- Allocates a \$150,000 budget
- Notes that Terms of Reference will be reviewed and reported back to Council along with the procedure for establishment of the Standing Committee in September 2020

4.3 Consideration of Options

A summary of pros and cons discussed at the 12 February 2020 Briefing is below:

Option 1	Pros	Open and informal, not restricted by standing orders, shared presence, learning environment, allows for Tikanga
	Cons	No formal delegations, has had an operational focus, limited funding, stagnated over eight years, time constraints, mandate process challenging
Option 2	Pros	Formal, decision making delegations/weight, incremental progress, provides for direction setting
	Cons	Restricted by Local Government Act/standing orders, diluted voice, appointed vs. elected participation (discussed as both a pro and con), lack of Te Ao Māori influence, limited funding
Option 3	Pros	Formal, decision making delegations/weight, incremental progress
	Cons	Restricted by LGA processes/standing orders, further diluted voice (one representative on each), appointed vs. elected participation (discussed as both a pro and con), lack of Te Ao Māori influence, limited funding

Option 4 is seen to broadly have the same pros and cons as Options 1 and 2 while operating as a Strategic Partnership Forum (until September 2020) and Standing Committee of Council (September 2020 and beyond) respectively. The key difference from these options is the allocation of budget, and the resulting potential for enhanced capacity.

Another consideration is the desire for a strategic focus. In this context it is necessary to differentiate what the option does (as established in Terms of Reference) and how it could be used to develop strategic areas of focus.

All the above options could provide for strategic focus. However, option 3 in isolation is likely to be less effective than options 1, 2 and 4 due to the lack of a dedicated forum/committee to identify and progress joint strategic priorities.

Finally, it is important to note that these options are not mutually exclusive. For example, Māori participation on Council committees could sit alongside options 1, 2 or 4 (as was the case in the 2013/16 term of Council) and Option 4 represents a staged approach to progress to a Standing Committee of Council.

4.4 Non governance based mechanisms

As noted above Council has different tiers/mechanisms for Māori participation in decision making. These are often operational (i.e. project, process or legislatively based). As reported previously staff are currently working on the scope for an operational Treaty Audit against statutory requirements in key areas in order to identify gaps and improve participation in our processes.

At the same time hapū are working through the outcomes of the Tane Whakapiripiri Report. The report, amongst other things, sought to 'lift the capacity of ngā hapū o Whangārei to engage with Local Government in matters of importance relating to natural resource protection, management and any associated economic opportunity'. One of the key recommendations for achieving this was through the creation of a hapū practitioners pool. While the details of this are yet to be worked through it could provide an important technical forum to work with hapū on Resource Management Act 1991 processes (particularly in relation to District Plan changes).

Staff have also received feedback on the need to continue to connect with the community through Marae based community forum/Hui a Hapori (under the previous term monthly Te Kārearea meetings alternated between Council Chambers and Marae).

These mechanisms would need to operate alongside, and enhance, any Governance based mechanism.

4.5 Financial and procedural implications

There are a number of financial and procedural matters that would need to accompany the establishment of a forum or committee. These include budget, resourcing, Hapū mandate, elected member remuneration and hapū remuneration/capacity.

Budget

There is currently a total operational budget of \$49,699 for Te Kārearea in the 2019/20 financial year. This covers all meeting fees, venue/marae hire, catering and koha. The Working Groups proposal would involve a budget of \$100,000, a \$51,301 increase. This increase can be met from operational surplus, while still meeting Council's Balanced Budget Benchmark. A further \$50,000 would be allocated for 0.8 FTE dedicated staffing. Again this can be provided for within existing parameters, resulting in a total budget of \$150,000.

Resourcing

In working councillors through it's recommendation's the Working Group stressed that the role of the Secretariat would extend beyond support for any committee. While committee support will be part of the role, it will also need to link in with/support Te Huinga to ensure that there is capacity to progress initiatives (if the proposal is approved staff will work through the focus and sizing of the role, monitoring it to ensure that it meets the needs of the forum/committee and stakeholders).

Recognising this dual function, and to ensure efficient and targeted support, it is proposed to split the role with 0.3 FTE being focused on dedicated committee support through Council's existing Democracy structure. This would leverage of the efficiency of existing structures/functions, ensuring that 0.5 FTE can be targeted toward working alongside Te Huinga and linking back to the business.

In reality the link back to the relevant functions of Council will be critical to supporting the priorities of the committee, and moving forward in partnership

Hapū mandate

One of the key matters for hapū to work through will be a refresh of mandate and representation for Te Huinga members. This process will be necessary for hapū to mandate their representation both within Te Huinga, and on any committee. This process is already underway.

Elected member remuneration

Elected member remuneration was agreed at the 19 December 2019 Council meeting and has subsequently been approved by the Remuneration Authority.

The appointment of an additional elected member Committee Chairperson within Council's governance structure will require Council to consider whether this will be a position of additional responsibility, with allocation of additional remuneration.

An example of this was worked through with councillors in the December Remuneration Briefing. If a position of additional responsibility the remuneration pool is reallocated to accommodate any changes, which means there is no additional cost to Council.

Remuneration will need to be considered again on establishment of the Standing Committee of Council. If the elected member Chair and frequency of meetings remain the same, changes may not be required.

Hapū remuneration/capacity

The proposal put forward by the Working Group recognises the contribution of hapū as partners on any committee, seeking to build capability and capacity. In doing so it allocates an increased budget for meeting attendance, assuming five hours per member per week will be dedicated to committee business. The mechanism for achieving this will need to be worked through, as will expectations of partners as the committee beds in.

5 Significance and engagement

While the recommendation of the Working Group will clearly trigger one of the criteria in Council's Significance and Engagement Policy, the level of public impact and/or interest, Council has worked closely with hapū (an identified community of interest) on the proposal.

None of the other criteria are considered to be triggered by the decisions in this Agenda as options presented are a manifestation of the Council's legislative obligation to provide opportunities to Māori for participation in Council decision-making.

As such the decisions or matters of this Agenda are not considered to trigger significance, and the public will be informed via Agenda publication on the website.

6 Attachments

1. 12 February 2020 Briefing Minutes
2. Working Group's Recommended Terms of Reference
3. Proposed Charter

5.7 COVID-19 Response – Te Tai Tokerau Worker Redeployment Package

Meeting: Whangarei District Council
Date of meeting: Thursday 28 May 2020
Reporting officer: Simon Weston, General Manager, Infrastructure

1 Purpose

To approve the funding agreement with the Ministry of Business, Innovation and Employment (MBIE) to receive \$9.32m of funding to be used for local worker redeployment.

2 Recommendations

That the Council

1. Approve Council entering into an agreement with the Ministry of Business Innovation and Employment to receive \$9.32m of funding to be used for local worker redeployment.
2. Approve Council entering into agreements with the Northland Councils (Far North District Council, Kaipara District Council and Northland Regional Council) and the New Zealand Transport Agency to ensure delivery of the agreement in item 1.
3. Delegates to the Chief Executive the authority to finalise the terms and conditions of the agreements in recommendations 1 and 2.

3 Background

On 16 March 2020 Cabinet approved a Worker Redeployment Package of \$100 million. The Cabinet Committee for the COVID-19 Response then approved additional funding of \$36.720m to support local workforces, for the Ministry of Social Development (MSD) for training and support for redeployment activity and for a primary sector workforce package. Of this amount \$27.270m is to be used by the Provincial Development Unit for worker redeployment.

Te Tai Tokerau will receive \$9.32m of this package for urgent economic relief of its workforce.

MBIE have identified outcomes for this funding, being:

- (a) redeploy people relatively quickly in Te Tai Tokerau;
- (b) provide alternative employment for 3-6 months for 165 workers; and
- (c) align with objectives for economic development in Te Tai Tokerau.

There is also the intention to agree with MBIE within two weeks of signing the agreement measurable and achievable social procurement objectives for the project. To date they have been identified as such things as:

- Targeting local Maori, Pasifika and women workers who have been displaced by COVID-19;
- The use of businesses owned and operated by people who reside in the Northland Region, but targeting Maori and Pasifika businesses;
- Providing skills and training to those workers who are employed through this initiative, which they will be able to take on to other work in the future;
- Ensuring that the working conditions are suitable with health and safety training;
- Being environmentally responsible so that the project will be delivered sustainably.

Staff have been working with (MBIE) to identify projects that would benefit from this funding. Attached is the list of those projects that MBIE consider meet the objectives of Cabinet.

The projects will be predominately delivered through the Northland Transport Alliance, but there are some small Parks components. Staff have been working with the other Northland Councils and the New Zealand Transport Agency (NZTA) to ensure that they will be able to deliver, as this funding is for the whole of Te Tai Tokerau. Separate agreements will be entered into with the other Northland Councils and NZTA to ensure that they deliver the projects as required under the contract with MBIE.

4 Discussion

This is seen as a great opportunity to inject funding into the Northland Region to support that part of the community that has been impacted by the COVID-19 situation. The funding scope targets labour intensive work that can be initiated quickly, and which will increase levels of service for those activities where traditional funding has historically not been enough.

The scope of the funding is broken into two primary parts being:

1. \$3.86M of discrete activity funding for the four Northland Councils and NZTA made up of:
 - 1.1. \$1.6M – KDC
 - Specific vegetation clearance and clean ups at Kai Iwi Lakes and Pou Tu o Te Rangi.
 - 1.2. \$1.26M – NZTA
 - State Highway vegetation clearance and roadside litter clean up
 - 1.3. \$600k – WDC
 - Tikipunga Cycle Trail Stage 1 (Totora Parklands to Whangarei Falls) - \$400k
 - Parks vegetation clearance and clean ups - \$200k
 - 1.4. \$200k – FNDC
 - Parks vegetation clearance and clean ups
 - 1.5. \$200k – NRC
 - Rivers vegetation clearance and clean ups.
2. \$5.46M of funding to be distributed across the three District Councils (based on agreed distribution parameters for each item) for the following roading activities:
 - 2.1. Removal of known roadside hazardous trees
 - 2.2. Removal of self-seeded roadside trees
 - 2.3. Roadside litter collection and clean up
 - 2.4. Spot Spraying of Noxious weeds
 - 2.5. Accelerated unsealed network grading program

- 2.6. Footpath “missing link” construction
- 2.7. Sight rail safety improvements

These roading related activities will be administered by Northland Transportation Alliance, leveraging off existing Maintenance Contract Agreements. Those contractors will supplement their own specialist resources to facilitate the works completion through the engagement of local construction and vegetation subcontractors, further supported by additional local labour obtained through MSD. Where vegetation clearance work generates a supply of quality firewood we will look to engage local community groups to collect and distribute to those in need throughout the Northland region.

Opportunities are also being investigated for the engagement of local community groups to supply suitable resourcing for discrete pieces of work, primarily for the Parks vegetation clearance components.

The overall organisation allocation of the funding is anticipated to be as follows:

Entity	Amount
FNDC	\$2.21m
KDC	\$2.87m
NRC	\$0.200m
WDC	\$2.78m
NZTA	\$1.26m

5 Significance and engagement

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

List of Projects for Funding Agreement

ATTACHMENT 1
List of Projects for funding agreement

Project Element Description	Estimated Total Cost (plus GST, if any)	Job #	Commencement
1. Removal of self seeded roadside trees	\$300,000	4	2.5 weeks
2. Roding sightline improvements and vegetation clearance	\$460,000	6	2.5 weeks
3. Roadside litter collection and clean-up	\$500,000	8	2.5 weeks
4. Removal of known Road side hazardous trees	\$1,800,000	20	Immediate
5. Removal of self-seeded roadside trees	\$870,000	20	Immediate
6. Roadside litter collection and clean-up	\$470,000	20	Immediate
7. Spot Spraying Noxious Weeds	\$250,000	6	Immediate
8. Sight Rail Improvements (3# districts)	\$200,000	20	Immediate
9. Kaipara District Council Parks - Vegetation clearance & clean ups - Kai Iwi Lakes & Pou Tu o Te Rangi	\$1,600,000	20	Immediate
10. Whangarei District Council Parks - Vegetation clearance & clean ups	\$200,000	2	Immediate
11. Far North District Council Parks - Vegetation clearance & clean ups	\$200,000	2	Immediate
12. Northland Regional Council - Rivers & Beaches Vegetation clearance & clean ups	\$200,000	2	Immediate
13. Tikipunga cycle trail - Stage 1 -(Totara Parklands to Whangarei Falls)	\$400,000	10	Immediate
14. New Footpaths (3# districts) missing links in existing urban network	\$1,500,000	20	Some projects immediately, balance 2 months.
15. Accelerated Unsealed network grading program	\$370,000	5	From May
Total Funding	\$9,320,000	-	-

RESOLUTION TO EXCLUDE THE PUBLIC**Move/Second**

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:

General subject of each matter to be considered		Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for passing this resolution
1.1	Confidential Minutes Whangarei District Council 14 May 2020	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Ground Lease Rent Relief Requests		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

Item	Grounds	Section
1.1	For the reasons as stated in the open minutes.	
1.2	To enable Council to carry on without prejudice or disadvantage commercial activities To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations) To prevent the disclosure or use of official information for improper gain or improper advantage	Section 7(2)(h) Section 7(2)(i) Section 7(2)(j)

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.