

Te Kārearea Strategic Partnership Standing Committee Agenda

Date: Wednesday, 21 April, 2021
Time: 9:00 am
Location: Council Chamber
Forum North, Rust Avenue
Whangarei
Attendees: Cr Phil Halse (Chairperson)
Her Worship the Mayor Sheryl Mai
Cr Gavin Benney
Cr Ken Couper
Cr Greg Innes
Cr Anna Murphy
Cr Carol Peters
Cr Simon Reid
Delaraine Armstrong
Jade Kake
Tame Te Rangi
Jared Pitman
Mira Norris
Aorangi Kawiti
Deborah Harding
Len Bristowe

Recommendations contained in the agenda are not decisions of the meeting. Please refer to minutes for resolutions.

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Te Kārearea Strategic Partnership Standing Committee – Terms of Reference

Membership

Chairpersons

Council based meetings: Councillor Phil Halse

Marae based hui: to be determined from mandated hapū members*

Members

Her Worship the Mayor Sheryl Mai

Councillors Gavin Benney, Ken Couper, Greg Innes, Anna Murphy, Carol Peters, Simon Reid and Phil Halse

Eight mandated hapū representatives: Delaraine Armstrong, Jade Kake, Tame TeRangi, Jared Pitman, Mira Norris, Aorangi Kawiti, Deborah Harding and Len Bristowe

Meetings

Bi monthly for formal standing committee meetings, with hui on being held on a marae in accordance with Tikanga*

Quorum

8 comprised of 4 councillor and 4 hapū members

*note, marae based hui will be in accordance with Tikanga and as such are outside of standing orders adopted under the Local Government Act 2002

Preamble

Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangarei) and Whangarei District Council. The desire to 'develop more robust partnership arrangements over time' was signaled in the 2014 revision of the Agreement. This partnership Committee Represents an important step in that process. While the Purpose, Key Responsibilities and Delegations form the basis for the Terms of Reference to determine what the Committee will do, it is important that the respective principles of each of the Partners continue to underpin the relationship, and that the relationship builds on the foundations outlined in the Agreement. The Statement of Principles for each of the Partners, as established in the foundation relationship agreement, is below.

Te Huinga Statement of Principles

He Whakaputanga o Te Rangiratanga o Nu Tirenī (Declaration of Independence – 1835) and Te Tiriti o Waitangi, 1840 provides the foundational doctrines of authority and partnership that are being sought after by the hapū of Whangārei as the relationship develops with the Whangārei District Council.

Te Huinga will work towards achieving the strategic intent.

Strategic Intent

- Vision/Te Pae Tawhiti: 'Ma nga hapū ano nga hapū e korero' - 'Hapū self reliance and prosperity'
- Mission/Te Kaupapa: 'Achieving hapū aspirations through effective and enduring relationships'
- Whangārei - Māori Community Outcomes:
 - a A rohe with a vibrant Māori culture
 - b A Māori community, which is healthy and highly educated

- c A society that protects and cares for all its members
- d A rohe with a flourishing Māori economy
- e A society that appreciates and cares for its natural environment
- Nga tikanga – Values
 - a Whanau – the extended family is the social unit that Māori identify with.
 - b Mana Hapū - Hapū are the cornerstone of the Māori community and identity.
 - c Mana Motuhake – self-determination, self-reliance and self-sustainability.
 - d Whakarite – Invest time and energy in building decision-making capacity and capability.
 - e Te Manawatoopu – Of one heart and mind. We are stronger working together.
 - f Kia maia – Providing leadership through courage.

Whangārei District Council Statement of Principles

In order to improve and enhance relationships with Māori, Council acknowledge a strategic platform is required upon which to continue to build strong relationships. Council is committed to collaboration with Māori organisations within the District.

Council has a contribution to make towards Māori wellbeing, be it environmental, social, cultural/spiritual or economic. Additionally, further collaboration and relationship building processes with Crown agencies and other local territorial authorities will continue as all such organisations make up part of the many services that impact on Māori wellbeing.

Whangārei District Council wishes to engage with Māori hapū and to recognize the Treaty of Waitangi. The Local Government Act 2002 outlines the obligations of local authorities around the Treaty of Waitangi.

Purpose

To enable the primary partners (Council and hapū of Whangārei) to work closely together to achieve the agreed vision 'He Whenua Rangatira - Whangārei, a district of prosperity, wellbeing and empowered communities' and mission 'Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa - Local Government that works through effective partnership and shared decisions to provide practical solutions'. Central to this is continued development of robust partnerships through learning conversations.

The Committee provides a platform for high level/strategic discussions and priority setting between the primary partners, with preference given to *kanohi ki te kanohi* (face-to-face) and preserving tikanga. Areas of focus include, but are not limited to;

- Identifying the cultural, economic, environmental, and social issues/decisions of Council that are significant for Māori¹ in the Whangarei District. (participation)
- Ensuring Council complies with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls (assurance)
- To agree mutual strategic priorities (direction)

However, it is acknowledged that areas of focus/priorities may be beyond the direct control of the committee, meaning that in some areas it will be operating in an advisory capacity.

Recognising this, and to ensure clarity, the Working Group for Maori Participation in decision making (which was tasked with developing Terms of Reference) split the responsibilities of

¹ Māori in this context is defined as people that affiliate to a whanau, hapū, Iwi, mana whenua groups

the Committee into those where it provides advice and recommendations, and those where decision making powers would be delegated.

Key responsibilities – advice and recommendations

- 1) Participation
 - a) Develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and Council.
 - b) Ensure the views of Māori are taken into account.
 - c) Recommend ways to develop Council capacity
 - d) Recommend ways to develop Māori capacity to contribute to decision making processes
 - e) Governance oversight of initiatives, Te Karearea budget and resourcing to build capacity (both Council and Māori) and deliver on the Terms of Reference
 - f) Provide for equitable participation
- 2) Direction
 - a) Identify strategic priorities for the partnership
 - b) Provide advice on topics referred by Council and Māori
 - c) Advice to, and relationships with, other committees of Council
 - d) Recommendations on harbour and waterway matters (within the jurisdiction of WDC)
 - e) Advice and recommendations on 3 Waters and flood protection infrastructure
 - f) Oversight and advice on central government reform initiatives relating to strategic priorities of the partnership and Te Ao Māori including, but not limited to, three waters reform
 - g) Provide advice and recommendations on key strategic policies, plans and projects of Council, including but not limited to growth strategies, the Long Term Plan and the District Plan
 - h) Information sharing / discussions on Treaty Settlement processes and potential co-governance opportunities (where appropriate)
 - i) Identify matters of significance to Māori that may require joint positions/advocacy with external agencies (i.e. co-governance) or recommendations to Council
 - j) Recommendations on Maori Representation (i.e. under the Local Electoral Act)
- 3) Assurance
 - a) Develop a workplan and strategy log to monitor input to, and decision making/progress on, strategic priorities identified by the Committee
 - b) Monitor and advise on council's compliance with its legislative obligations to Māori, including under the Local Government Act 2002 and the Resource Management Act 1991.
 - c) Receive and consider audit reports on Council's compliance with its legislative obligations
 - d) Monitor and ensure that appropriate action is being taken
 - e) Monitor and assess the primary partner relationship against its vision and mission
 - f) Monitoring compliance with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls

Key Responsibilities – under Delegated authority

- 1) Establishing Audit Processes for statutory provisions relating to Te Tiriti o Waitangi (the Treaty of Waitangi).
- 2) Establishing Council processes and templates for Mana whakahono ā rohe Agreements and Iwi/Hapu Environmental Management Plans
- 3) Developing a Te Ao Maori framework for decision making
- 4) Establishment of working parties or steering groups
- 5) Nominating hapū representatives to any Council committee, joint committee or working group (as required, noting that nominations to Council Committees or Joint Committees must then be appointed by full Council)
- 6) Developing collaborative relationships on strategic priorities/areas of focus



Item 4.1

Te Kārearea Strategic Partnership Standing Committee Meeting Minutes

Date: Wednesday, 17 February, 2021
Time: 9:00 a.m.
Location: Council Chamber
 Forum North, Rust Avenue
 Whangarei

In Attendance
 Cr Phil Halse (Chairperson)
 Tame Te Rangi
 Her Worship the Mayor Sheryl Mai
 Cr Gavin Benney
 Cr Ken Couper
 Cr Greg Innes
 Cr Carol Peters
 Cr Simon Reid
 Delaraine Armstrong
 Jade Kake
 Mira Norris
 Aorangi Kawiti
 Deborah Harding

Not in Attendance
 Cr Anna Murphy
 Jared Pitman
 Len Bristowe

Scribe N. Pestana (Team Leader Democracy)

1. **Karakia/Mihi** - Tame Te Rangi

2. **Declaration of Interests**

There were no declarations of interest made.

3. **Apologies**

Jared Pitman, Cr Anna Murphy (absent), Aorangi Kawiti (late arrival) and Deborah Harding (early departure).

Moved By Cr Greg Innes

Seconded By Cr Carol Peters

That the apologies be sustained.

Carried

4. Confirmation of Minutes

4.1 Minutes Te Karearea Strategic Partnership Standing Committee Meeting held 9 December 2020

Moved By Cr Greg Innes

Seconded By Deborah Harding

That the minutes of the Te Karearea Strategic Partnership Standing Committee meeting held on Wednesday, 9 December 2020, including the confidential section, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of the proceedings of that meeting subject to the following corrections in the open minutes:

Refer Item 4.2 To be corrected to Delaraine Armstrong raised concerns that Marae are treated as 'commercial buildings' through the Building Consent process.

Refer Item 6.1 typographical error to be corrected to Kokiri.

Carried

5. Kokiri

5.1 Kokiri: Progressive Partnership Action

Moved By Aorangi Kawiti

Seconded By Jade Kake

That Te Kārearea Strategic Partnership Standing Committee notes the report.

Carried

Aorangi Kawiti joined the meeting at 9.10am during discussions on Item 5.1.

6. Information reports

6.1 Action Log Update February 2021

Moved By Cr Phil Halse

Seconded By Cr Gavin Benney

That the Te Kārearea Strategic Partnership Standing Committee note the attached Action Log.

Carried

6.2 Strategy work programme update

Moved By Jade Kake

Seconded By Cr Ken Couper

That Te Kārearea Strategic Partnership Standing Committee notes the report.

Carried

Deborah Harding left the meeting at 10.14am.

Cr Benney left the meeting at 10.33am.

6.3 District Plan Work Programme Update

Moved By Mira Norris

Seconded By Cr Simon Reid

That the Te Kārearea Strategic Partnership Standing Committee notes the report.

Carried

A break was taken from 11.00am to 11.15am following Item 6.3.

6.4 Long Term Plan Update

Moved By Cr Ken Couper

Seconded By Cr Greg Innes

That the Te Kārearea Strategic Partnership Standing Committee receives the report.

Carried

6.5 Three Waters Reform Update – February 2021

Moved By Cr Carol Peters

Seconded By Aorangi Kawiti

That the Te Kārearea Strategic Partnership Standing Committee receives this report.

Carried

7. Public excluded

Moved By Cr Ken Couper

Seconded By Cr Simon Reid

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 Te Kārearea Strategic Partnership Standing Committee Meeting 9 December 2020	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	Location Option Study Briefing		

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 maintain legal professional privilege To enable Council to carry on without prejudice or disadvantage commercial activities	Section 7(2)(g) Section 7(2)(h)

Carried

8. Karakia - Tame Te Rangi

9. Closure of Meeting

The meeting concluded at 12.24pm.

Confirmed this 21st day of April 2021.

Cr Phil Halse (Chairperson)



Item 4.2

Te Kārearea Strategic Partnership Hui Minutes

Date: Wednesday, 17 March, 2021
Time: 9:00 a.m.
Location: Terenga Paraoa Marae
 10 Porowini Avenue
 Whangarei

In Attendance

Len Bristowe (Co-Chairperson)
 Cr Phil Halse (Co-Chairperson)
 Her Worship the Mayor Sheryl Mai
 Cr Gavin Benney
 Cr Greg Innes
 Cr Anna Murphy
 Cr Carol Peters
 Cr Simon Reid
 Delaraine Armstrong
 Jade Kake
 Tame Te Rangi
 Jared Pitman
 Aorangi Kawiti
 Deborah Harding

Not in Attendance

Cr Ken Couper
 Mira Norris

Scribe N. Pestana (Team Leader Democracy)

Also present: Dominic Kula (General Manager Strategy and Democracy), Sandra Boardman (General Manager Community), Emily Thompson (Manager Democracy and Assurance), Reiner Mussle (Manager Health and Bylaws), Aperahama Edwards (Manager Māori Relationships), Danielle Garner (Trainee Democracy Advisor), Dale Ofsoske (Electoral Officer, Election Services), Huhana Lyndon, Susan Botting (Media), Ngati Hine FM representatives (media).

The meeting was livestreamed.

1. **Karakia/Mihi** - Aperahama Edwards, Len Bristowe, Jared Pitman

2. **Apologies**

Mira Norris, Cr Ken Couper

Moved By Cr Gavin Benney

Seconded By Cr Greg Innes

That the apologies be sustained.

Carried

3. **Community Forum (Hui a Hapori)**

Huhana Lyndon addressed the Notice of Motion which will be brought to the March Council meeting, proposing that the resolution in favour of establishing Māori wards be rescinded. It is alarming that Council could potentially vote against Māori wards, she encourages Councillors to vote in favour of establishing Māori wards.

This korero was broadly acknowledged and supported by some Te Kārearea members and Councillors present. There was extensive korero around the preference of hapū for establishment of Māori wards.

4. **Reports**

4.1 Representation Review 2021 - Te Karearea Briefing

Dale Ofoske, Electoral Officer, Election Services provided a presentation on the upcoming Representation Review.

Her Worship the Mayor discussed types of options that can be considered in the representation process. Council can consider for example, decreasing the number of councillors to 8 or 9 councillors or increasing councillors to 14 or 15. If we have 14 or 15 councillors, the split would be 3 Māori wards and 11 general wards. Also, we have never had a mixed model of at large / wards voting. Council needs hapū feedback on these issues.

Cr Innes stated that if we are going to decrease representatives, there may be a push for community boards because communities want to have a visible representative.

There was broad agreement that there is a need for factual information to be provided on how options could affect decision-making. Information required could include what has been done around the country, information on remuneration and on community boards.

4.2 2021 - 2031 Long Term Plan Hui

Dominic Kula updated Te Kārearea on the 2021 - 2031 Long Term Plan hui held on 12 March 2021.

Delaraine Armstrong questioned why treaty audit budget should come from Te Kārearea. Dominic Kula clarified that this was an action under Te Kārearea's Terms of Reference.

Tame Te Rangi - urupa is less about funding and more about including this in planning provision and looking at innovative ways to manage these i.e. ground penetrating radar to identify remains and systems for capturing data around these.

4.3 Road Safety Concerns about Stock on Roads

Reiner Mussle updated Te Kārearea on the historic and ongoing safety concerns in relation to stock on roads around Mokau, but mainly on Russel Road and what Council has done in relation to this issue.

Aorangi Kawiti – there is an opportunity to collaborate with Māori, either by enforcement by Māori wardens in the community or community engagement at marae.

Reiner Mussle advised that strengthening communication with the communities is an option that can be perused.

Cr Gavin Benney stated that proper enforcement is the only way to solve this issue.

Cr Halse - Action this issue as an agenda item for next month's Te Kārearea with a recommended solution.

5. Closure of Meeting - Karakia

Aperahama Edwards closed the hui at 12.30pm with a Karakia.

Confirmed this 21st day of April 2021

Len Bristowe (Co-Chairperson)

Cr Phil Halse (Co-Chairperson)

5.1 Kokiri: Progressive Partnership Action

Meeting: Te Kārearea Strategic Partnership Standing Committee
Date of meeting: 21 April 2021
Reporting officer: Hapū Members

1 Purpose

To progress topics for 'Kokiri': Progressive Partnership Action

2 Recommendation

That Te Kārearea Strategic Partnership Standing Committee notes the report

3 Background

Following hui between Te Kārearea and Te Huinga hapū proposed the establishment of a standing agenda item on the Te Kārearea Agenda.

The intent of the item is to bring forward strategic topics or initiatives Te Huinga and Te Kārearea hapū members want to elevate with Council.

Titled "Kokiri" to denote progressive (strategic) action, the item provides an opportunity for collective discussion on initiatives aligned to the Committee's Terms of Reference.

At its December 2020 hui the Committee:

- Established the standing agenda item - 'Kokiri: Progressive Partnership Action'
- Endorsed a Marae based wananga to build capacity/understanding in Te Ao Māori

4 Discussion

Te Kārearea Strategic Partnership Standing Committee Terms of Reference outlines key responsibilities under the 'Participation' section as:

- a) Developing pathways (and processes) that will achieve lasting and meaningful relationships between Māori and Council
- b) Ensuring the views of Māori are taken into account
- c) Recommending ways to develop Council capacity
- d) Recommending ways to develop Māori capacity to contribute to decision-making processes

In addition, the Committee has "Governance oversight of initiatives, Te Kārearea budget and resourcing to build capacity (both Council and Māori) and deliver on the Terms of Reference" and is tasked with developing a workplan to track progress on strategic initiatives.

Kokiri provides a mechanism for capacity building initiatives to be brought to the Committee for debate and the establishment of a collective view. It also provides for Committee oversight of, and direction on, these initiatives.

4.1 Initial area of focus

As a foundation topic Te Kārearea Strategic Partnership Standing Committee endorsed 'a Marae based wananga to build capacity/understanding in Te Ao Māori'.

It was proposed that this be conducted early in 2021. At the February 2021 Te Kārearea Strategic Partnership Standing Committee a working party of Aorangi Kawiti, Jade Kake, Cr Carol Peters and Cr Ken Couper was established to plan for this.

At this hui an update on planning for the wananga will be provided, along with an overview of the approach and content.

4.2 Further areas of focus?

Other areas of focus that hapū have identified for discussion under Kokiri that potentially fall under the committees Terms of Reference include:

Kokiri Topic	Description	Timeframes?
Develop Council and Māori Capacity	Wananga to enhance Council knowledge in Te Ao Māori? Engagement of hapū technicians? Te Ao Māori decision making framework (included in Committee ToR)	
Māori representation	Māori wards? Other opportunities for Māori Representation?	
Treaty of Waitangi	Quarterly updates? Discussion of co-governance opportunities? Establish audit process (included in Committee ToR)	
Councils compliance on legislative obligations to Māori	Aligned to Audit processes, ongoing monitoring and reporting to the Committee	

This meeting will provide an opportunity to further explore these topics, and work through priorities to focus on moving forward.

It is anticipated that the direction provided through Kokiri will feed into the Committee's workplan.

4.3 Resourcing

The working group involved in the establishment of Te Kārearea (which was comprised of three hapū and three councillors) proposed the budget/resourcing below for the new Committee, which was subsequently approved by Council:

Outcome	Description	Total
Te Kārearea Meeting Fees	Meeting fee set at \$280 per meeting	\$27,000
Internal resourcing / support	0.3 FTE Democracy resource to support committee meetings, agendas etc 0.5 FTE for internally resourced technical/secretariat support (yet to be allocated)	\$50,000 (internal staffing cost)
Systems/support	Systems support for kaupapa/initiatives including newsletters, photocopying printing etc.	\$3,000
Te Kārearea/Hui a Hapū	Meetings on Marae, hapū update hui, travel, catering, koha etc	\$20,000
Capacity building	Remaining budget to support hapū capacity (i.e. technical advice etc)	\$50,000
TOTAL		\$150,000

Within the budget \$50k is allocated for 'building capacity'. In addition to this internal resourcing was allocated. Recruitment for this position is currently being worked through. Going forward it is anticipated that this position will work with the partners on key initiatives, and be responsible for developing and driving the Committee's work plan.

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.

6.1 Action Log Update April 2021

Meeting: Te Kārearea Strategic Partnership Standing Committee
Date of meeting: 21 April 2021
Reporting officer: Dominic Kula (General Manager Strategy and Democracy)

1 Purpose

To brief the Te Kārearea Strategic Partnership Standing Committee on the actions undertaken for queries brought up at the previous meetings in the attached Action Log.

2 Recommendation/s

That the Te Kārearea Strategic Partnership Standing Committee note attached Action Log.

3 Background

Queried from previous Te Kārearea Strategic Partnership Standing Committee meetings are added to the Action Log with council updating actions.

4 Attachments

Action Log

Te Karearea Strategic Partnership Standing Committee Action Log

Item #	Meeting	Date item raised	Type of Issue / Action required	Action item	Action taken / Comments	Status
2020- 01	Te Kārearea hui	18/11/2020	Request - support	Support sought for the NSPS (Ngunguru Sandspit Protection Society) petition requiring WDC to change the bylaw to prohibit vehicles driving on the estuary and ocean beaches in the Ngunguru Sandspit Scenic Reserve.	18/12/2020 To check with NTA on the process for this. 7/12/2020 Awaiting response on speed limits on beaches from NTA. 9/2/2021 NTA has advised that this can be incorporated into Council's Tutukaka Coastal area speed limit review. This area is in in Tranche 4, which is currently programmed for mid-late 2022 for consultation with implementation in 2023. This is similar to the approach for 90 Mile Beach in Far North, where the hapu and council are creating a management plan, which one element was speed limit. With 90 Mile Beach, there has been engagement and consultation alongside the management plan, which will also be the process here.	Complete
2020- 02	Te Kārearea hui	18/11/2020	Health and Safety Incident	Report of accident with Council's rubbish truck.	7/12/2020 Health and Safety Incident report logged. Requested more details from Aorangi Kawiti for Health and Safety Incident report. 17/12/2020 Further email to Aorangi Kawiti requesting more details to proceed with Health and Safety Incident report. 9/2/2021 Require further details to complete Health and Safety Incident report 17/3/2021 Aorangi Kawiti reported that vehicle has been fixed. Advised that Council cannot action this item further without details required to complete Health and Safety Incident report.	Complete
2020- 03	Te Kārearea hui	18/11/2020	Query - feedback required / Agenda Item for future meeting	Query on how WDC works with NTA.	18/11/2020 NTA overview to be scheduled for the new year. Dominic spoke to NTA manager 2/2/21. 17/3/2021 Item on April Te Kārearea agenda.	Complete
2020- 04	Te Kārearea hui	18/11/2020	Resolution	Resolution that the Chief Executive invite Minister Nanaia Mahuta to have a discussion on Three Waters with the Te Kārearea Standing Committee	18/11/2020 Chief Executive has had Initial discussions with government officials with a positive response. A letter is being drafted for sign off by hapū and Council Chairs. 21/12/2020 Letter sent to Hon Nanaia Mahuta inviting her to meet with Te Karearea. 23/12/2020 Received acknowledgement of receipt of the invitation. 4/02/21 Hui held	Complete
2020- 05	Te Kārearea Committee	9/12/2020	Request - feedback required / Agenda Item for future meeting	Request for Te Kārearea / Te Huinga to have the opportunity to consider how Council's pensioner housing serves Māori. Discussion should include how pensioner housing provides for kaumatua and kuia and tools to support papakainga housing	9/12/2020 Dominic Kula will arrange for a report back to Te Kārearea. 17/02/2020 Feedback provided to Te Karearea Standing Committee. General Manager Community will provide an overview of Councils pensioner housing portfolio to present to Te Karearea Standing Committee. 17/3/2021 Item on April Te Kārearea agenda.	Complete
2020- 06	Te Kārearea Committee	9/12/2020	Request - feedback required	Request for feedback from Te Kārearea / Te Huinga on Camping in Public Places (noting that the bylaw is subject to a formal statutory process).	9/12/2020 Delaraine Armstrong will put on Te Huinga's agenda for discussion.	In progress
2020- 07	Te Kārearea Committee	9/12/2020	Request - information required	Request for Te Kārearea to be provided with a high level capex programme list	08/12/2020 Capex programme provided	Complete

2020- 08	Te Kārearea Committee	9/12/2020	Request - support	Request for support from Council for Māori cemeteries and for planning/facilities support in rural areas	9/12/2020 Funding in the draft LTP outlined, while there is increased funding for rural areas (particularly in Transportation) and a playground programme there is currently no funding for urupa. Feedback to be provided through the LTP process. 17/2/2020 Delaraine Armstrong will put on Te Huinga's agenda for discussion. 17/03/2021 hapu clarified at 17 March 2021 Te Kārearea that this is less about funding and more about including this in planning provision and looking at innovative ways to manage these i.e. ground penetrating radar to identify remains and systems for capturing data around these.	In progress
2020- 09	Te Kārearea Committee	9/12/2020	Request - feedback required	Query whether Te Kārearea could have the opportunity to be involved in Council's review of its Procurement Policy.	17/2/2020 Business Support to look into this.	In progress
2020- 10	Te Kārearea Committee	9/12/2020	Resolution	Resolution that a Marae based wananga to build capacity / understanding of Te Ao Māori be held.	9/12/2020 Hapu members to work through what this could involve and report back to the Committee. 17/2/2021 Working party formed to plan this. Working party made up of Aorangi Kawiti, Jade Kake, Cr Carol Peters and Cr Ken Couper.	In progress
2020- 11	Te Kārearea Committee	17/2/2021	Request - feedback required	Concerns raised that Marae are treated as 'commercial buildings' through the Building Consent process.	26/02/2021 Response requested from staff. 8/3/2021 Response provided: Marae fall into the commercial building definition under legislation due to the need for specified or life safety features. This requirement is above a residential residence.	Complete
2020- 12	Te Kārearea Committee	17/2/2021	Request - feedback required / Agenda Item for future meeting	Request for information/discussion on the Hikurangi repo (swamp)	26/02/2021 Response requested from staff. Item scheduled for April. 17/3/2021 Item on April Te Kārearea agenda.	Complete
2020- 13	Te Kārearea Committee	17/2/2021	Request - feedback required	Divesting of the Otangarei Marae - Cllr Peters sought progress on the process for the transfer of the Otangarei Marae to hapu	26/02/2021 Response requested from staff. Historic information pulled out and being reviewed to determine what is required	In progress
2020- 14	Te Kārearea Committee	17/2/2021	Agenda Item for future meetings	Query on discussions WDC has had with Kainga Ora. Desire to have a 'housing workstream' to look at opportunities for action alongside Kainga Ora.	17/2/2021 Informal housing group established and information requested/provided. First meeting held 11/03/21. Cllr Peters to lead and report back to Committee with scope and Terms of Reference.	In progress
2020-15	E-Mail request (Jade Kake)	2/3/2021	Request - feedback required	Puhipuhi Mercury Abandoned Mine - opened in 1907 and abandoned in 1945 and nothing has been done by WDC and NRC or the Government to clean it up. This is a head water that flows into the Kaipara Harbour and Whangarei Harbour. Puhipuhi has high rain fall and also the Exploration Mining Permit did hanging over this area as a threat. Concern that this site is slowly over the years missing off the District Maps. Climate Change and pollution issue.	3/3/2021 Response provided covering historic (1998) District Plan provisions requiring remediation prior to a new activity occurring, and the current requirements under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health	Complete
2020-16	E-Mail request (Jade Kake)	2/3/2021	Request - feedback required	There are two farm dams up Puhipuhi Road and the WDC has not for many years put in correct and large road drains meaning every heavy rain the surface water washes into our maori bush reserve this needs to be corrected.	4/3/2021 Issue not known to staff. Request for address and/or photos from complainant in order to log it as a CRM for the contractors to look into.	In progress
2020-17	Te Kārearea hui	17/3/2021	Agenda Item for future meetings		17/03/2021 Issue regarding Road Safety Concerns about stock on roads to be placed on the agenda for April. 17/3/2021 Item on April Te Kārearea agenda.	Complete

6.2 Strategic work programme update: April 2021

Meeting: Te Kārearea Strategic Partnership Standing Committee
Date of meeting: 21 April 2021
Reporting officer: Tony Horton (Manager – Strategy)

1 Purpose

To update Te Kārearea Strategic Partnership Standing Committee on future strategic work programme and facilitate discussion of priorities.

2 Recommendation/s

That Te Kārearea Strategic Partnership Standing Committee notes the report

3 Background

Creation of Te Kārearea Strategic Partnership Standing Committee provides an opportunity to work alongside hapu on strategic priorities. This report outlines:

- the key projects in Council's current strategic work programme
- overview of central government policy and future reforms (to the extent that these are known)

In doing so it provides an opportunity for discussion of the strategic priorities of the Partners, and how to work together on these.

4 Discussion

4.1 Work programme

The strategic work programme is largely driven by the legislative requirements. It is comprised of the following key projects:

Growth Management	Description	Timeframes
Draft Whangarei District Growth Strategy	Strategic document which outlines the key issues facing our District and how we will respond to those issues. Also	Tutukaka Coast Drop-in session (with the climate

	aligns with the requirements of the National Policy Statement on Urban Development.	change programme) 31 March Draft content to Te Huinga / Te Karearea - April Adoption – Early/Mid 2021 Implementation – ongoing Reviewed every 3 years.
Housing Demand and Capacity Assessment	Requirement of the National Policy Statement on Urban Development. Assesses the demand for housing and ability to meet that demand over the next 30 years. Discussions and collaboration with the Te Tai Tokerau Community Housing Wellbeing Group (Comprising of Ministry of Social Development, Te Puni Kōkiri and Kainga Ora)	Work underway First assessment by 31 July 2021. Reviewed every 3 years.
Future Development Strategy	Requirement of the National Policy Statement on Urban Development. Sets out how and where new homes and business will be built.	Programme to begin in late 2021 Completed to inform the 2024-34 LTP
Inner city living	Programme to investigate opportunities to enable and encourage more inner-city living opportunities.	Underway and budget contribution in 2020-2021 Annual Plan

Place based Planning	Description	Timeframes
Placemaking Programme	Location specific plans created with the community to set out a 30 year vision. The plan will focus on future housing and development as well as infrastructure provision.	Hikurangi and Tikipunga Plans (Pilot schemes) – Mid 2021 Underway with targeted engagement with hapū underway through to April

		Then move through other areas such as Waipu and Parua Bay (August onwards)
Waterfront Precinct Plan	The third of the City Centre precinct plans, this focuses on the Hatea and Waterfront areas. It aims to tie together existing projects as well as set direction for the long term.	Consultation planned for May – June 2021 Draft and finalise – mid / late 2021
Northland to Auckland Corridor Plan	Central government led spatial plan for the corridor between North Auckland and Whangarei (likely also to include Dargaville). Based on the model established by the Hamilton to Auckland Corridor Plan. Ministry of Housing and Urban Development to develop and engagement strategy which includes iwi and hapu.	Timeframes not confirmed yet by central government. Discussions at an officer level but not detail on timeframes.

Climate Change	Description	Timeframes
Climate Action Plan	A plan focusing on District wide actions to reduce emissions as well as adaption to a changing climate.	Partner and stakeholder engagement – Underway Wider public engagement – April Finalise mid 2021
Climate Change Risk Assessments	Place specific risk assessments, linked to the region-wide programme. The assessments will identify risk and begin an approach with the community to identify solutions.	Dependant on LTP funding. To begin in late 2021

Statutory Policy and Bylaws	Description	Timeframes
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Camping in Public Place Bylaw	Review of the 2017 bylaw to manage freedom camping across the District.	Complete
Trade Waste bylaw	Review of existing 2012 bylaw which regulates the discharge of trade waste to the reticulate waste water network.	Consultation – Mid 2021 Adoption – Late 2021
Animals Bylaw	Review of existing 2017 bylaw which manages the keeping of animals in urban areas. Through submissions on the LTP the approach to management of cats will be a key issue to address through this bylaw review.	Consultation – Mid/ Late 2021 Adoption – Late 2021

Corporate Planning	Description	Timeframes
2021 – 31 Long Term Plan	Sets out the 10-year plan of programmes and projects as well as the revenue and budget.	Consultation closed on 1 April 2021 Hearings – 13 – 14 April 2021 Adoption – 24 June 2021

4.2 Housing

Whangarei District Council has been asked to participate in a number of discussions around housing. This has primarily been through the Tai Tokerau Community Housing and Wellbeing Steering Group. This group is chaired by Ministry for Social Development and includes other government agencies such as Ministry for Housing and Urban Development, Te Puni Kōkiri and Kainga Ora.

The Steering group has met on two occasions (December 2020 and March 2021). During these meetings, WDC staff have shared information on our housing related workstreams:

- Consenting
- District Plan
- Growth Strategy and Placemaking
- Commercial Property

The outcome of this information sharing is to assist government agencies to identify opportunities for public housing.

The information shared with the Tai Tokerau Community Housing and Wellbeing Steering Group has also been provided to the Te Karearea Housing Group (comprising of Jade Kake, Deborah Harding, Delaraine Armstrong, Councillor Carol Peters, Councillor Gavin Benny and Councillor Ken Couper).

6.3 Northland Transportation Alliance - Update

Meeting: Te Karearea Strategic Partnership Standing Committee
Date of meeting: 21 April 2021
Reporting officer: Calvin Thomas – GM, Northland Transportation Alliance

1 Purpose

The purpose of this paper is to provide the Te Karearea Strategic Partnership Standing Committee information on the structure and purpose of the Northland Transportation Alliance (NTA) and related transportation activities.

2 Recommendation/s

That the Te Karearea Strategic Partnership Standing Committee notes the “Northland Transportation Alliance update” report

3 Discussion

The Northland Transportation Alliance (NTA) was established in 2016 is a collaboration between local government (Far North District Council, Kaipara District Council, Whangarei District Council and Northland Regional Council) and Waka Kotahi NZ Transport Agency (NZTA) to deliver and improve roading and transportation in Northland.

Transportation staff from the four Northland Councils are seconded to the Alliance to work collaboratively with our stakeholders (councils and ratepayers) and service delivery partners (contractors and consultants) to enable Northland to thrive through delivering safe, consistent and high-quality transportation outcomes.

NTA Vision:

Collectively creating better, safer and more accessible journeys across Northland

NTA Deliverables:

- Industry leader in Asset Management
- Improve the reach of the public transport network
- Deliver the Capital Works programmes
- Deliver the Maintenance programmes
- Lift the quality of customer experience, and
- Prove a demonstrable improvement in the Northland Transport Network

3.1 How is this achieved?

The NTA brings together over 60 transportation staff from all four Northland Councils in an environment where individual ideas and innovations are shared and implemented across the region.

The NTA framework provides a mechanism for individual councils to leverage off each other's expertise and maximise the resources from individual partner organisations to look after Northland's nearly 6,000kms of roading network.

Staff are provided with significant development opportunities with exposure to a greater range of activities and challenges - this also provides a level of attractiveness to recruit new staff for specialist roles which would not be justified under individual council structure, as well as providing opportunities for newly qualified graduates.

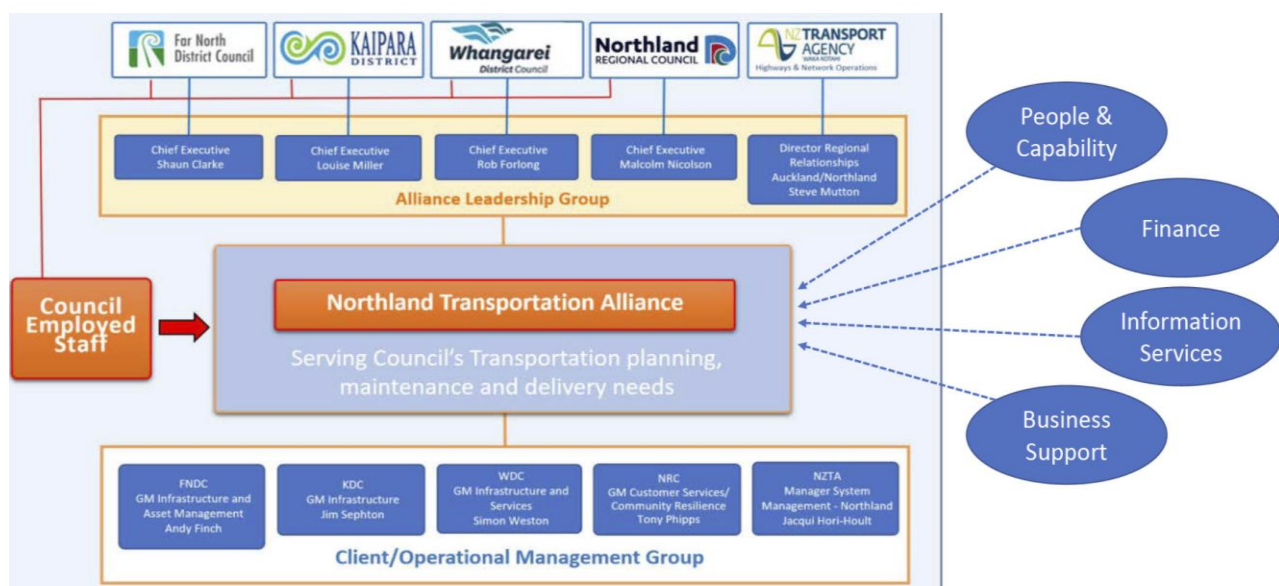
Co-location of staff plays a major part in providing benefits. It makes it easier for staff to work in teams to work through issues and develop standardised approaches to transportation issues across the Northland region.

3.2 NTA Governance and support

Governance of the NTA is provided through the NTA Leadership Group (NTALG) comprising of the Chief Executives from Far North District Council (FNDC), Kaipara District Council (KDC), Northland Regional Council (NRC) Whangarei District Council (WDC) and a senior manager of national standing from Waka Kotahi NZ Transport Agency.

The Operational Management Group is made up of a General Manager from each Council. Formal Service Level Agreements (SLA's) are in place between the NTA and each Council documenting each parties responsibilities, delivery expectations, objectives and key performance service measures.

Support services are provided to the NTA through respective employing home Councils, with the inter-relationships demonstrated in the diagram below:

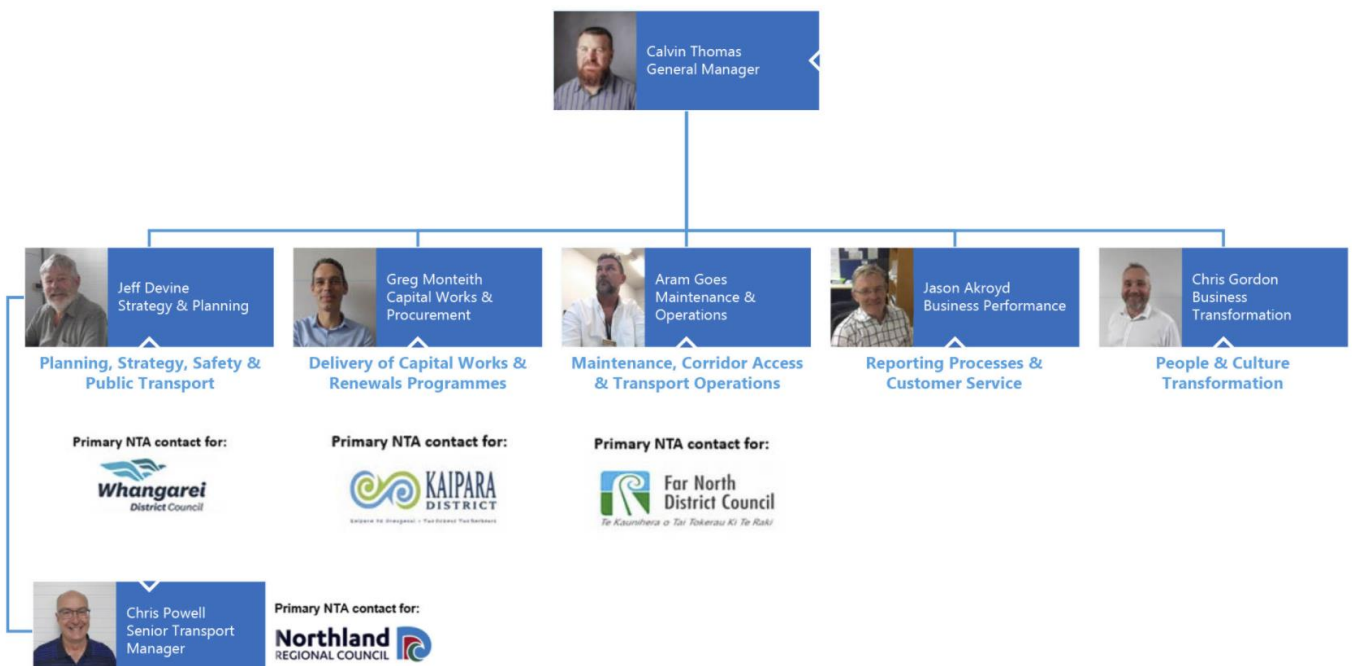


3.3 NTA Delivery Structure

The NTA General Manager (Calvin Thomas) is employed by Whangarei District Council, and reports to the Governance Board. They provide direction and oversight of the activities of the NTA which is formalised through a documented Memorandum of Understanding that is agreed and in place between each of the Alliance partners.

Since 2019 Staff at the NTA work in functional, regional based teams rather than as traditional council roading departments, specifically:

- Strategy and Planning
- Capital Works and Procurement
- Maintenance and Operations
- Business Performance and Customer Support



Under the functional structure there is no longer a traditional dedicated “roading manager” with the traditional functions of this role allocated to the Senior NTA Manager in charge of each work stream. Each Council also has an assigned Relationship Manager who is the key point of contact for respective Council General Manager’s.

One of the key benefits of the functional based structure is that it allows knowledge and resource sharing across the Region, with resources allocated to work based on their technical strengths and abilities as opposed to who their hiring Council is. This has also allowed for targeted recruitment of highly skilled and/or specialist staff in areas that a single hiring Council could not previously justify employment through the ability to fund their respective employment and activities across the entire Region.

All staff time is tracked through a time sheeting and job costing system to ensure there is no cross-subsidisation across Councils, with recent analysis shows an average of 20% of total NTA staff time is spent working for councils who are not their employers.

3.4 Key Work Activities

Some of the key activities undertaken by NTA staff include:

- Development of a single Northland Regional Asset Management Plan (2021-24)
- Preparation of the Regional Land Transport Plan (RLTP) and the Regional Passenger Transport Plan (RPTP)
- Management of our five maintenance contracts covering both the sealed and unsealed network - to align scope, performance expectations and quality measures
- Providing contractors with forward works programmes to enable confidence in investment, economies of scale and social opportunities for the region
- Development of a Regional Walking and Cycling Strategy for Cycleways and shared paths to provide alternative sustainable transport methods and tourism opportunities
- Consistent safety standards and analysis of crash sites
- A region-wide focus on passenger transport and regional Total Mobility support
- Management of contracts for ferries
- Management and maintenance of nearly 1,000 bridges across Northland
- Regional Speed Limit Reviews
- Management of streetlights, traffic lights and road signs across the region
- Oversight of traffic management plans and approval of any works to be completed within the Council's roading corridor
- Road safety promotion work with the police and Northland Freight Group including Driver Reviver/Fatigue stops
- Regional coordination and response to damage on the transport network caused by storm events
- Coordinate formal submissions to proposed changes to Central Government Policies and strategies.
- Active collaboration with Central Government agencies (e.g. Ministry of Business, Innovation and Employment (MBIE), Ministry of Social Development (MSD), Ministry of Transport (MoT) etc.) to unlock opportunities to support improvements to Northland's transport network and support the local construction industry.

3.5 Transport Funding Mechanisms

Elected members of Councils decide on the funding available for transport when developing the Long-Term Plan (LTP) and Annual Plans.

Road maintenance and projects are funded through a combination of Council contributions (through rates) and Waka Kotahi NZTA/Central Government subsidies.

The council component is termed the 'local share'. NZTA's contribution is based on an agreed percentage called the Finance Assistance Rate (FAR). This rate is determined based on several factors and varies for each council (currently between 53% to 69% for Northland Councils).

Where projects do not meet NZTA's funding contribution thresholds or criteria, councils may choose to undertake additional fully council funded "unsubsidised" work (if funds are available), partnership schemes or apply for additional government funding through schemes like the Crown Infrastructure Partnership (formerly the Provincial Growth Fund).

3.6 Identifying and prioritising work

NTA staff use a combination of information sources to determine what work is identified to be completed including:

Individual Council Long Term Plans and Asset Management Plans

- Developed by councils to outline the future strategy and direction.
- Transport staff from within the NTA work with other council departments to determine future transport activities encompassing maintenance, growth, economic development, tourism and general transportation improvement activities.
- Combination of Asset Management (data) and longer-term strategic inputs drive programme development.
- Balancing requirements with available funds and budgets

Waka Kotahi NZ Transport Agency One Network Road Classification (ONRC)

- The One Network Road Classification (ONRC) is a classification system which divides New Zealand's roads into six categories based on how busy they are, whether they connect to important destinations, or are the only route available.
- All NZ roading authorities use the ONRC to compare the state of roads across the country, define the 'level of service' for each road type and direct investment where it is needed most.
- With this approach, road users will see an increase in the quality of some roads, and a decrease in others that have been over-specified in the past. The overall objectives is New Zealanders will get the right level of road infrastructure where and when it is needed, determined by a robust, impartial, nationally consistent tool, from Cape Reinga to Bluff.

Government Policy Statement (GPS) on Land Transport (2021/22 – 2030/31)

The GPS is where the Government determines how investment into the land transport system from the Fund will contribute to achieving overall Government outcomes. It outlines the Government's strategy to guide land transport investment over the next 10 years and provides guidance to decision makers about where the Government intends to focus resources.

The four strategic priorities of the GPS are:

- Safety - Developing a Transport system where no-one is killed or seriously injured.
- Better Travel Options - Providing people with better transport options to access social and economic opportunities.
- Improving Freight Connections - Improving freight connections for economic development.
- Climate Change - Developing a low carbon transport system that supports emissions reductions, while improving safety and inclusive access.

For National Land Transport Funding (NZTA subsidy) to be approved and allocated the proposed work must align with, and support achievement of at least one of the GPS strategic priorities. The Regional AMP submission (completed by the NTA on behalf of Councils) provides the evidence to support this linkage.

Road to Zero - New Zealand's Road Safety Strategy 2020-30

The Road to Zero Strategy is a key component supporting the delivery of the Safety priority within the GPS. It sets out a vision of a New Zealand where no one is killed or seriously injured in road crashes. It sets an ambition to reduce deaths and serious injuries on NZ roads, cycle lanes & footpaths by 40% over the next 10 years through focusing on the following seven key principles:

- We promote good choices but plan for mistakes.
- We design for human vulnerability.
- We strengthen all parts of the road transport system.
- We have a shared responsibility for improving road safety.
- Our actions are grounded in evidence and evaluated.
- Our road safety actions support health, wellbeing and liveable places.
- We make road safety a critical decision-making priority.

These principles provide a shared understanding of how we will work, and the values that guide actions and decision making.

Prioritisation tools

The NTA continues to develop tools to help prioritise work across the council areas. These tools take inputs from multiple sources (ONRC, crash data, traffic volume data, district plans, customer feedback etc) to determine what work is done with the money available and ensure decisions are objective and fact based.

3.7 NTA - Frequently asked questions

Are there still council roading staff based outside of Whangarei? Yes, while most council roading engineering staff are based in Whangarei, local council field engineering and inspection staff remain based out of Mangawhai, Dargaville, Whangarei, Kaikohe and Kaitia.

Do I now call the NTA to report roading issues? No, continue to call your respective council's customer service team. They will ensure the issue is assigned to the correct department and person to respond to the issue. If the issue is on the State Highway network, you should contact Waka Kotahi NZ Transport Agency direct. Key contact phone numbers within Whangarei District are:

- Whangarei District Council 0800 932 436
- Waka Kotahi NZ Transport Agency 0800 444 449

Does this mean our rates are being spent to maintain other Council's roads? Definitely not - the NTA has strict rules and processes in place to ensure there is no cross-subsidisation and the activity costs are allocated correctly.

How does centralising roading activities impact local contractors? There is a requirement within the NTA delivery guidelines, and the five maintenance contracts, that a minimum of 30% of the work is completed by local Northland contractors.

Is the NTA a CCO (Council Controlled Organisation)? No, the NTA is not a legal entity, it is a multi-council alliance with Waka Kotahi NZ Transport Agency.

Does the NTA look after the State Highways in Northland? No, maintenance and operation of the State Highways is Waka Kotahi NZ Transport Agency's responsibility - their Northland staff are based in the Whangarei office and work closely with Council NTA staff where projects and activities overlap.

4 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.

5 Attachments

Nil

6.4 Whangarei District Pensioner Housing

Meeting: Te Kārearea Strategic Partnership Standing Committee
Date of meeting: 21 April 2021
Reporting officer: Sandra Boardman, General Manager - Community

1 Purpose

To provide a current overview of Council's pensioner housing services

2 Recommendation

That the Te Kārearea Strategic Partnership Standing Committee note current provision of pensioner housing by Whangarei District Council

3 Background

Te Kārearea have requested an overview of Council's pensioner housing services. They are particularly interested in how the needs of Māori are served and whether pensioner housing provides for kaumatua and kuia. Interest in Papakāinga provision was also noted.

4 Discussion

Pensioner Housing

WDC provides pensioner housing villages that are safe, affordable and age-friendly. We have an ageing stock of 165 units and bedsits for independently living retirees. The units are well kept and generally located on flat sites near shops and transport services with WDC taking care of units, the grounds and the management of garden waste. Parking is available in most units, but is limited.

Pensioner units vary in size, but are mainly one bedroom units, plus 17 bedsits and five 2 bedroom units.

The pensioner "villages" are located in Kamo, Tikipunga, Maunu, Onerahi and Hikurangi and are made up of between 2 and 18 unit groups. All units have a security door and smoke alarm.

Units are insulated to meet 'Healthy Home' statutory requirements and we refurbish units as and when they become available. WDC is currently in the process of installing heat pumps to provide as warm and comfortable an environment as possible for our elderly citizens.

Units have all the necessary facilities, although curtains, whiteware and furnishings are the responsibility of tenants. The Mill Road facilities (bedsits) have shared laundry facilities where washing machines and dryers are provided.

Pensioner Units are rented under the Residential Tenancies Act; they are not registered as Social Housing or Retirement Villages.

The process of securing a tenancy is open to anyone, including kaumatua and kuia, who satisfy the following criteria:

- Aged 65 and over
- Retired from full time work
- New Zealand citizen or permitted to reside in NZ
- Have limited financial assets - \$40,000 for a single or \$60,000 for a couple (excluding car, furniture and personal effects)

Additionally, all tenants must be able to demonstrate:

- they are able to live independently within a communal housing environment.
- they have a good tenant history or can provide referees who can comment on suitability
- they have a good credit rating
- they have a clean criminal record.

Pensioners can apply for pensioner housing by completing an application form which is then assessed by our contracted tenancy managers (currently the Whangarei A&P Society).

There is generally a waiting list of 20-25 people. Vacancies generally arise if tenants move to live with family, relocate to other areas, move into care home facilities, or upon their passing.

To keep housing affordable, rents are calculated at 28-30% of the current Superannuation payment based on their unit type. Rents vary depending on the type of unit and are reviewed annually. A 4-week bond is required with 2 weeks payment in advance, due at the start of the tenancy.

We are noting an increase in applications from other social housing providers at this time. An additional \$500k per annum (\$2m over the period of the LTP) is proposed for modest enhancement, but significant investment is unlikely to be achieved without Central Government support and financial investment.

Currently 30 - 36% of our units are rented by Māori. Approximately 30% of the districts total population identify as Māori. For the 65 + years age group, 10.5% (or 1,830 people) identify as Māori. Although the opportunity to apply for pensioner units is open to every citizen of the district that meet the criteria, there are no specific criteria for Kaumatua or Kuia. All applicants are offered housing based on prioritisation, not solely on length of time on the waiting list. It is occasionally the case that applicants with an urgent housing need may be prioritised over another.

Papakāinga

Interpretation of the meaning of Papakāinga can vary from a cultural and historical perspective. For the purpose of this agenda item, Papakāinga is considered as 'development of a communal nature on ancestral land owned by Māori.' This can include living accommodation and facilities.

Whangarei District Council currently has Papakāinga provisions in the District Plan. This sets out a framework for development. To provide guidance on the process of establishing a Papakāinga, WDC along with Far North District Council, Kaipara District Council, Northland Regional Council and Barker and Associates developed a Papakāinga Tool Kit.

As our District continues to grow and whanau return home, there is likely to be a growing demand for Papakāinga development. Furthermore, as our population ages, consideration is needed on housing for elderly people in our community including Kaumatua and Kuia.

Our current approach to pensioner housing focuses on eligibility criteria based on finance and personal situations as described above. However, in future reviews of our housing policy, there may be an opportunity and need to consider broader criteria or other innovative approaches and models for housing for the district, that more inclusively meet Maori needs. Te Kārearea feedback on other models, such as communal/shared accommodation for groups of people, will inform decision- making about future expansion of pensioner housing.

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.

6.5 Three Waters Reform Update – April 2021

Meeting: Te Kārearea Strategic Partnership Standing Committee
Date of meeting: 21 April 2021
Reporting officer: Simon Weston (General Manager Infrastructure)

1 Purpose

To provide an update on the Government's Three Water Reform.

2 Recommendation

That the Te Kārearea Strategic Partnership Standing Committee receives this report.

3 Background

The Department of Internal Affairs (DIA), in partnership with the Joint Steering Committee, invited Local Governments to attend workshops around the Country on the Three Waters Reform Programme, alongside iwi/hapū members. The invitation was extended to elected members, chief executives and senior staff with responsibilities related to the provision of three waters services and infrastructure.

4 Discussion

The purpose of this workshop was to provide attendees with DIAs' most up-to-date thinking on key reform proposals and features and to seek feedback on these ahead of advice to Ministers in mid-2021.

These workshops were designed to enable genuine engagement and included multiple opportunities for questions and break-out sessions to workshop through key areas of feedback.

These workshops were held with both local government and iwi/Māori together. The workshops also included a separate break-out discussion on matters specific to local government, and to iwi/Māori.

Attached is the agenda from the workshop (Attachment 1), and the DIA Engagement slides (Attachment 2).

Staff are currently reviewing outcomes from the workshop and an update will be provided via a presentation.

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 the publication of this agenda item on the Council website.

6 Attachments

1. Agenda
2. Three Waters Reform Programme Engagement Slides

Indicative Item
Welcome <ul style="list-style-type: none"> • Welcome from mana whenua and Zone Chair/Local Mayor
Why reform council-owned Three Waters Service Delivery arrangements <ul style="list-style-type: none"> • Advancing the case for change – with high-level reference to the local picture of three waters service delivery (please note: detailed RFI information analysis will not yet be finalised) • The wider system - an overview of the wider system, regardless of water service delivery reforms, and how the reforms fit into this, for example: RM Reform, Taumata Arowai, and essential freshwaters. • Future of local government – work in progress on the evolution of local government Open Q and A
Morning tea
What the proposed entities could look like <ul style="list-style-type: none"> • Size/Number - this session will discuss the criteria the Government is proposing to use to determine the best size for the proposed entities and the trade-offs involved. • Boundaries – will present the factors the Government are proposing to consider when working through the final boundaries for future entities. • Scenario examples – a walk through early examples of various entity sizes and preliminary analysis of how they meet/do not meet the criteria. <p><i>Please Note: we will not be presenting either the number or the entity boundaries, as these will be subject to final data analysis and subsequent Cabinet decisions in mid-2021.</i></p> Open Q and A
Break-out session 1 <ul style="list-style-type: none"> • Group-based discussion seeking your feedback on the balance of these proposed criteria for assessing size, and considerations for entity boundaries. Report back on break-out discussion
How could the proposed entities be set up <ul style="list-style-type: none"> • Governance -- DIA will present current thinking on governance arrangements and associated trade-offs. This will include discussion of mechanisms for local government and iwi/Māori influence and control; and accountabilities. • Retention/promotion of community voice - discuss the current thinking on mechanisms to protect consumer and community voice in the new entities and how decisions on prioritisation could be made. Open Q and A
Lunch
Break-out session 2

<ul style="list-style-type: none"> Group based discussion seeking your feedback on the proposed arrangements for entity design session. 	
Report back on break out discussion	
Afternoon tea	
Presentation on Treaty mechanisms and Rights and Interests, Te Mana o te Wai.	
High-level establishment and transition approach.	
Parallel sessions	
Parallel break-out session Local Government focus <ul style="list-style-type: none"> Feedback on establishment, transition approach 	Parallel break-out session Iwi/Māori focus <ul style="list-style-type: none"> Seek feedback on the way Treaty Rights and Interests are being woven into the reforms and whether these are fit for purpose/comprehensive enough
Report back on break-out discussion	Report back on break-out discussion
Next steps for the reform programme (back together) <ul style="list-style-type: none"> The process for the reform programme and timeline moving forward, including an overview of upcoming decision points for central and local government. 	
Final Question and Answers	
Meeting close - Steering Committee Independent Chair and mana whenua	

Three Waters Reform Programme

**March 2021 Local Government and
Iwi/hapū engagement**

Webpage: www.dia.govt.nz/Three-Waters-Reform-Programme

Email: threewaters@dia.govt.nz



Te Tari Taiwhenua
Internal Affairs

Message from the Minister

Three Waters Reform Programme

**March 2021 Local Government and
Iwi/hapū engagement**

Webpage: www.dia.govt.nz/Three-Waters-Reform-Programme

Email: threewaters@dia.govt.nz



Te Tari Taiwhenua
Internal Affairs

Objectives of today

- A **collaborative engagement (with Treaty partners and local government)** to test thinking, assumptions and direction **before** advice to decision makers. We will have regular breaks for questions and group-based discussions.
- We have identified key questions for your input/discussion, and will clearly signpost where decisions have already been taken by Cabinet.
- The Department and Steering Committee are sharing our most up-to-date information on key questions of the reform, but there are some areas that remain a work-in-progress.
- Where we identify the need for more in-depth discussions through today's workshop, we will organise follow-up engagement opportunities.

Your feedback will inform our advice to Ministers on key reform elements.

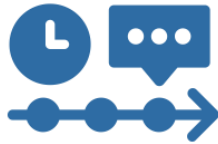
A small sample of previous feedback*

What you raised	What we did	In today's workshop
Protections against privatisation	A Govt bottom line , but more work done on protections	Session 2, Governance and ownership
Treaty Partnership means mana whenua representation , and Treaty rights and interests are heard and woven into the reforms	Ongoing work, informal meetings and engagement to understand rights and interests in the reforms	Throughout workshop , but notably in session 2 on Governance/ ownership, & session 3 (parallel session)
Making sure local government remains robust and thriving .	Conveyed concerns to Ministers and worked with LGNZ/Taituarā	Session 1 introduction
Promoting the interests of communities, iwi, hapū and individuals in larger entities	Further work done to ensure community interests designed in	Session 2 Governance/ownership consumer and community protections
Want to see more data and modelling , particularly with local detail.	With councils and Taituarā managed exhaustive Rfl process	Session 1 introduction and shapes and boundaries of entities
Ensure central and local government bring communities along in the reform discussions.	Further planning work on communicating the reforms	Session 1 introduction and next steps

**For a more extensive commentary on feedback and related actions see: www.dia.govt.nz/Three-Waters-Review*

Reform Programme questions to be discussed today

Session One



**Case for change
and reform timing**

Session Two



**Possible entity
boundaries and size**

Session Three



**Possible governance
and ownership**

Session Four



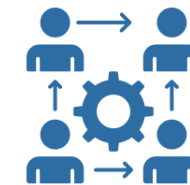
**Protections for
communities in entities**

Session Five



**Iwi/Māori rights and interests
throughout the reforms***

Session Six



**Establishment and
transition considerations**

*Te Tiriti partnership and principles and Te Mana o Te Wai considerations are to be woven throughout all elements of the reforms over and above specific mechanisms to consider iwi/Māori rights and interests.

Using slido

Slido is an effective way of facilitating participation and receiving questions throughout the workshop. Using this facility you can submit questions throughout today's presentations and participate in live polls

1. Open slido.com (you can use any web browser).
2. Enter the event code # **3Waters**
3. Submit your questions through the Q&A tab.

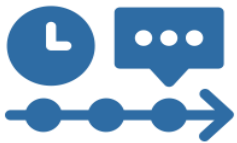
Practice poll : Please enter where you are from in the Slido poll.

Introduction

This session will cover:

- What is the reform programme and why is it needed
- What Cabinet has decided
- Design features, scale and timelines
- Acknowledging important related workstreams
- Summarising the reform opportunities

Session One



Case for change and reform timing

Session Two



Possible entity boundaries and size

Session Three



Possible governance and ownership

Session Four



Protections for communities in entities

Session Five



Iwi/Māori rights and interests throughout the reforms

Session Six



Establishment and transition considerations

What is the Reform Programme

- The Three Waters Review has three pou (improved regulation, Taumata Arowai, and **service delivery reform**).
- In July 2020, the Government launched the Three Waters Reform Programme - a three-year programme to address the challenges facing **council-owned** and operated three waters services.
- The reforms are **not aimed at privately owned water schemes** but is cognisant that these schemes are a large part of rural water provision.
- **The Government's starting intention** is to reform local government's three waters services into **a small number of multi-regional entities with a bottom line of public ownership**.
- The Reform Programme is being progressed **in partnership** with local government, and iwi/Māori as the Crown's Treaty Partner.
- A **Joint Three Waters Steering Committee** provides collaborative oversight of the reform programme that brings together central and local government expertise and experience, and includes iwi/Māori perspectives.

Reforming council-owned three waters services and assets into new, larger entities designed in partnership with you.

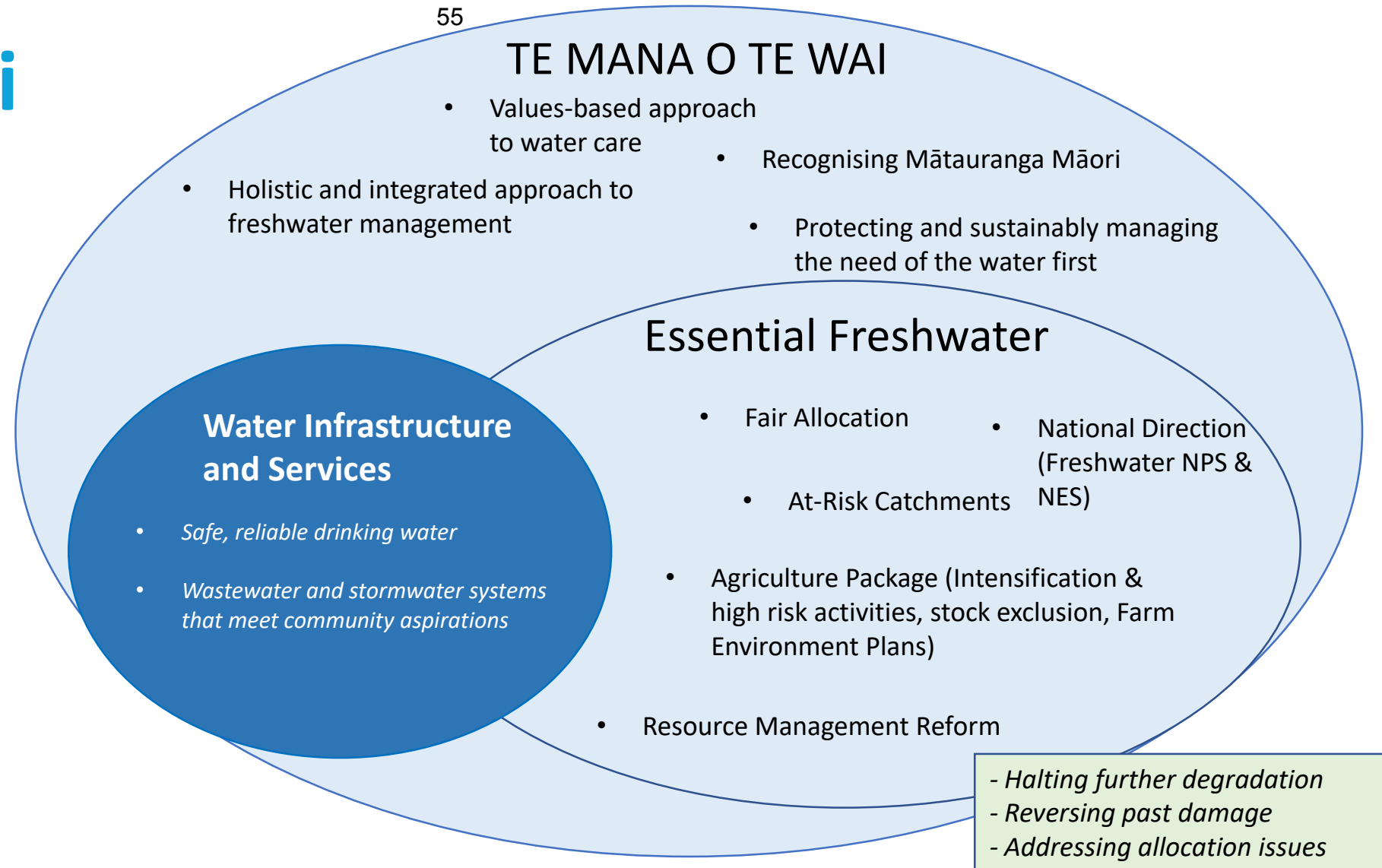
Why is reform necessary

- The system in which water service providers operate is changing – **this will bring new challenges and costs:**
 - Evidence of ageing and failing infrastructure and awareness of a multi-billion dollar national infrastructure deficit, and the huge, in some cases unaffordable cost challenges;
 - An obligation to meet **existing drinking water standards** and new regulatory environment proposed in the Water Services Bill – Taumata Arowai is being established to give effect to these requirements;
 - Large number of expiring wastewater consents which need to be renewed in a system less likely to compromise on environmental impacts;
 - The need to respond to the impacts of climate change and ensuring resilience of water services will add further cost challenges;
 - The requirement to provide water infrastructure for growth and economic development – and the inability of some councils to meet the huge associated costs.

The new water services entities we design will need to be able to respond to these challenges and operate effectively in the future environment, as will councils that do not proceed with the reforms.

Wai is wai

Where we fit
in this system



Anything we create will need to uphold Te Mana o Te Wai.

Recognising Treaty Rights and Interests

Reform presents a significant opportunity to address and protect Treaty rights and interests

Options and ideas for discussion

- **Statutory recognition**
Of both the Treaty of Waitangi and Te Mana o Te Wai in legislation
- **Recognition that Water Services sits with a wider Te Ao Māori framework**
Including support for capacity and capability and application of mātauranga Māori.
- **Creation of new mechanisms to enable Iwi/Māori directly influence outcomes for Māori**
This includes proposals around governance, board competencies, a direct mechanisms for mana whenua in the form of **Te Mana o Te Wai statements** and protections for Māori consumers
- **Opportunities to improve wider outcomes for Māori**
Recognition of the need for improved service for marae and papakāinga, opportunities for partnership in delivery

These issues will be explored in the detailed break out session

In December 2020, Cabinet agreed to:

- **A centrally-led process for identifying the number of entities and their boundaries**
- **The key components of the reforms and the associated timetable**
- **Continue with a voluntary approach to reform**, in partnership with the local government sector
- **Progress early legislation needed to facilitate a voluntary approach**, by enabling and supporting councils to make decisions to participate in the new service delivery system
- **A high-level principle of partnership with iwi/Māori**, which will be followed throughout the reform programme, and reflected in the new service delivery system
- **Use a nationwide public information and education campaign**, to provide a national picture of the reforms

Key design features of a new service delivery model

Decisions and directions during 2020 mean the reform proposals will include certain features:



Multi-regional entities of scale

Significant aggregation into a small number of multi-regional activities.



Public ownership

Entities must be publicly owned, with mechanisms to recognise Treaty rights and interests and to prevent future privatisation.



Statutory entities

Three waters entities designed and established by legislation.



Asset ownership

Three waters entities responsible for ownership of all water infrastructure assets.



Competency based boards

Professional directors on three waters boards.



Balance sheet separation

Complete structural separation from local authorities.

Success factors



Independent decision making



Management and governance competency



Mechanisms to recognise Treaty rights and interests of iwi/Māori



Mechanisms to enable community input



Financial independence



Flexible cost effective financing



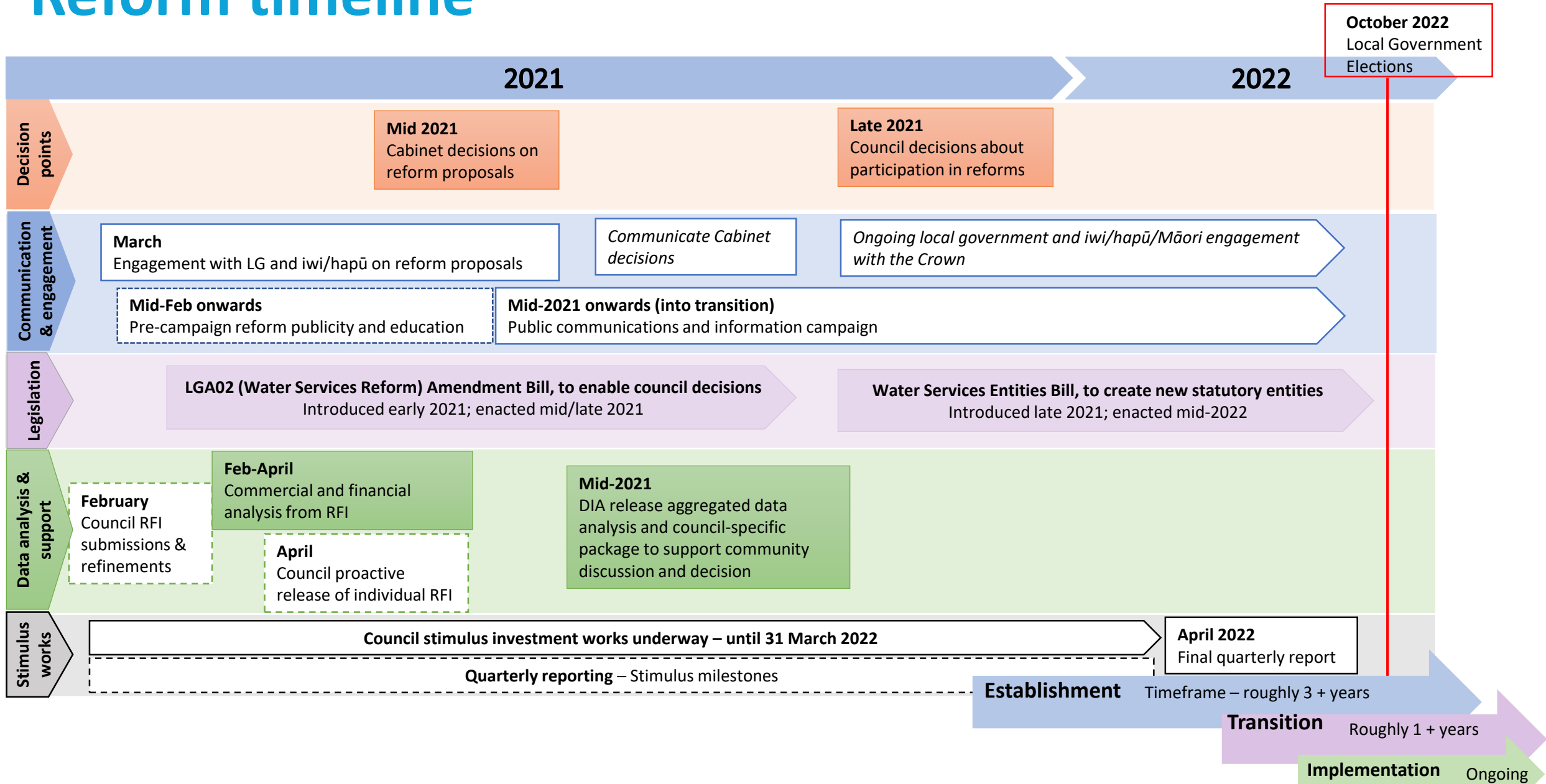
Equity/equality between local authorities



Structural longevity

Reform timeline

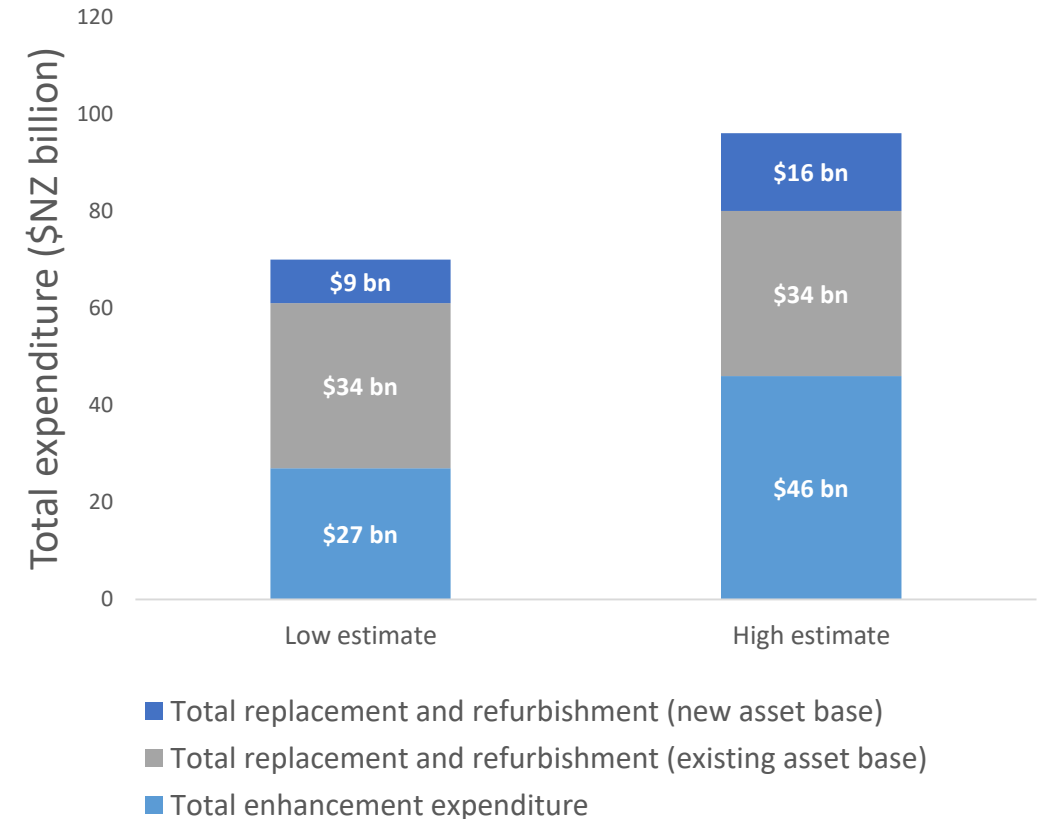
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A growing infrastructure deficit

- Early analysis commissioned using publicly available information on council assets, finances and connected properties found a conservative estimate of:
 - an estimated **\$34 billion** to maintain and replace the **existing asset base** due to ageing infrastructure
 - a minimum of **\$27bn of additional investment** (in addition to the above) required over the next 30 years to **upgrade existing** three waters assets to meet environmental and current drinking water standards. **The upper estimate is around \$46bn.**
 - a minimum of **\$9 bn** to maintain and replace the **new asset base** introduced over the next 30 years. **The upper estimate is around \$16bn.**
- These estimates made **no allowance** for investment required to meet population growth or to address resilience issues.
- Current council spend is **\$1.5bn annually or \$45bn** over the next 30 years.

WICS Phase One: Estimated enhancement and expenditure growth between 2020 and 2050

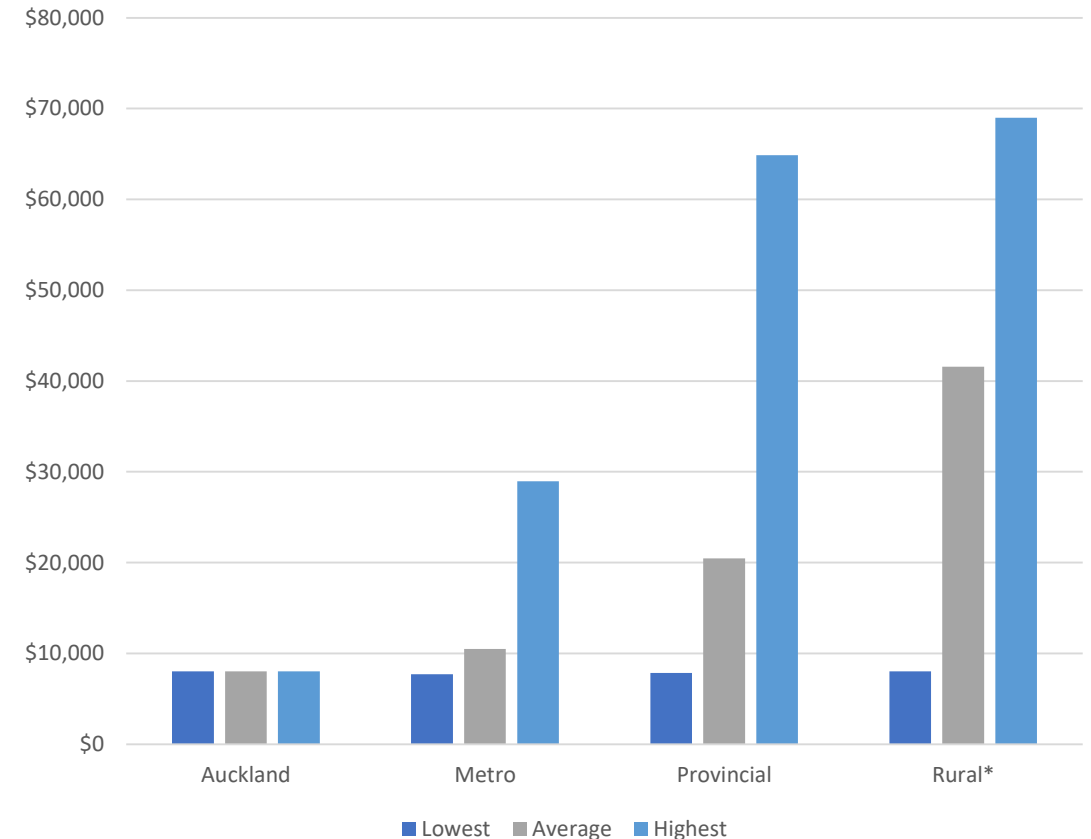


In total, this early analysis suggests a total investment of around \$70 to \$96 billion is required over 30 years

Funding affordability challenges

- Without reform, catching up on the required investment will have significant implications for local authority finances, and would present **affordability issues for many communities**.
- Average annual costs per household for metropolitan councils would need to increase by **1.4 and 1.8 times** in today's dollars to meet the required investment.
- Costs for provincial councils would need to increase by **between 1.5 and 2.5 times**.
- For rural councils, average costs per household would increase by **between 2 and 3 times** in real terms.
- Some communities would face much larger rises particularly smaller communities. This includes rural Māori communities who are often over represented in communities with have low service quality and poor coverage.

WICS Phase One: Predicted enhancement investment per property over 30 years (Auckland, Metro, Provincial and Rural)*



*Excludes 4 rural councils (out of 23) that have predicted enhancement per property in excess of NZ\$90,000. These 4 councils account for 12% of the population of the rural group.

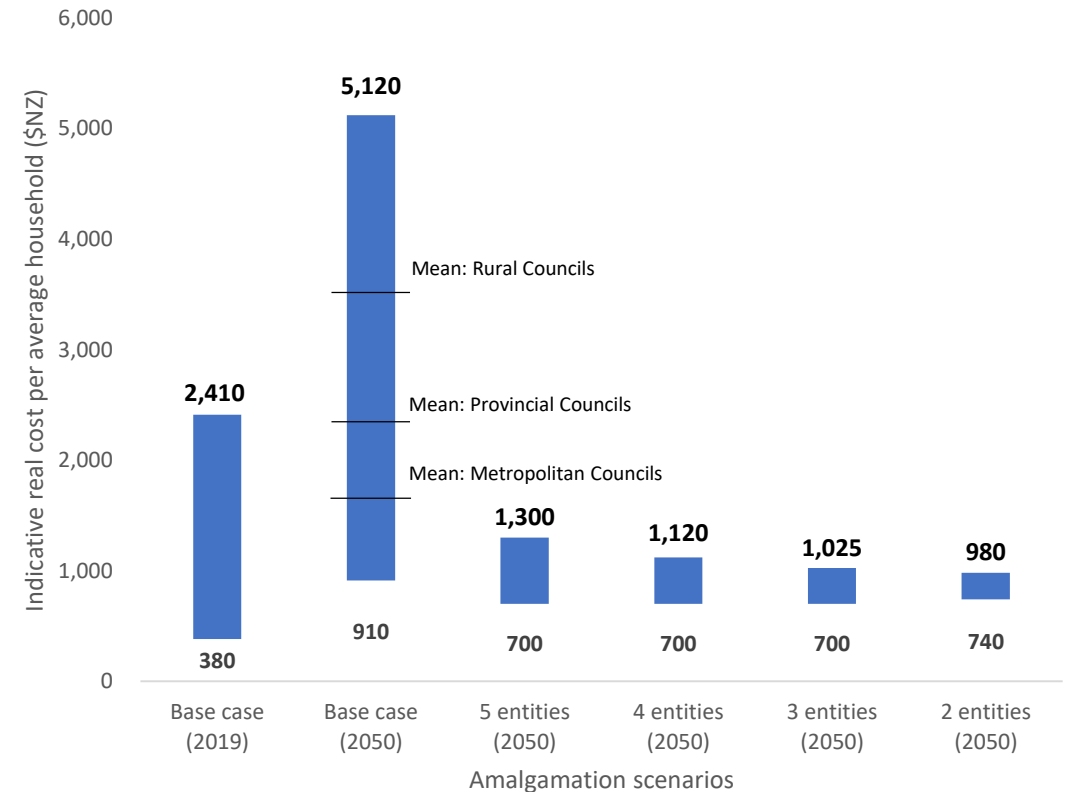
Early analysis from the RFI

- Council staff have recently completed the **most comprehensive data** collection on three waters assets and service delivery ever undertaken in New Zealand.
- **The results of the RFI are still being processed** but early insights are showing us that previous estimates were conservative. Note that these figures represent preliminary analysis and are subject to change as we undertake more detailed analysis
- We anticipate the investment needed to maintain and enhance infrastructure, and meet requirements of growth, could be **in the order of \$50-\$90 billion**.
- The total investment required once maintenance and renewals are factored in, could be in the order of **\$110 bn over the next 30 to 40 years**.
- This will exacerbate the impacts on costs to households and businesses.
- We anticipate the final RFI analysis to be completed over the coming months, and shared with you shortly after.

How reform can help meet investment needs

- Service delivery reform can help reduce the extent to which costs need to increase and reverse the infrastructure deficit more quickly.
- **Greater sharing of costs** across larger populations can ensure access to affordable services of a minimum standard across the country.
- Analysis suggests that entities require between 500,000 and 1,000,000 connections in order to fully realise these efficiencies.
- Entities are expected to have greater debt capacity than councils to share the costs of long-term assets over longer timeframes.
- **However**, determining the best size of new entities contains a variety of other trade-offs that require careful consideration (discussed later today).

WICS Phase One: Indicative real cost per household in current prices*



*figures based on Water Industry Commission of Scotland initial analysis of publicly available data and subject to change as part of further analysis using more detailed data collected from local authorities

The degree to which efficiencies can be realised is related to the number and scale of entities

Other considerations

Slido Poll: Bearing in mind the need to balance scale and other factors, how many entities do you think is best in a reformed system?



Stormwater

- Enabling the new water entities to deliver all three waters is an opportunity to make a step-change in the way that we deliver stormwater services to meet existing and future challenges such as climate change.
- This approach would help uphold **Te Mana o Te Wai** and take a systems view of water from source to sea.
- Stormwater systems also effect urban water quality and housing supply.
- But the transfer of responsibility for stormwater to new water entities is complex and **further work is being undertaken** to:
 - Ensure the new entities and councils can continue work together to effectively manage stormwater; and
 - Identify a timeframe and process for transferring the responsibility for managing stormwater.
- We have established stormwater technical working group to develop a transition plan for the future management of the stormwater system.

As a starting proposition, Three Waters Ministers have agreed to explore further the transfer of stormwater infrastructure to new water services entities.

The future of local government

- The Minister of Local Government and Department of Internal Affairs have been progressing work on a process to reimagine the role of local of government.
- LGNZ and Taituarā have been involved in this work and were consulted on the draft Terms of Reference last month.
- Cabinet decisions on the Terms of Reference for this work and who will lead it are expected soon.
- Pending Cabinet decisions, a robust engagement process is envisioned, which will include local and central government representatives and iwi/Māori.
- Initial feedback ahead of the process commencing can be emailed to futureforlg@dia.govt.nz

If you would like to discuss this mahi, a member of the team working on this is available today during breaks.

Changes to the regulatory system

- We are cognisant the service delivery reform programme does not exist in isolation.
- While we are not here to discuss this mahi today, at the end of this slide pack we have attached an overview of the following pieces of reform for your information if you are interested:
 - Resource management reforms;
 - The National Environmental Standard for Sources of Human Drinking Water;
 - Economic regulation; and
 - Taumata Arowai and the Water Services Bill.

The new water services entities we design will need to operate in a future regulatory system, just as councils would.

Non-council small and rural supplies

- While the Reform Programme is **not aimed at privately owned water schemes**, regulatory reform is underway through the establishment of Taumata Arowai and the Water Services Bill.
- A technical advisory group has been established to help Taumata Arowai and the Reform Programme better understand small and rural supplies and to make sure requirements are fit for purpose for small supplies.
- **A \$30m fund to support small rural drinking water suppliers** was announced last year.
- A decision will be made by the Minister of Local Government and the Minister of Finance on the process for allocating this funding.

We know that \$30m will not upgrade all small rural drinking suppliers – far from it.

To summarise: reform opportunities

- The reforms present a number of opportunities for local government, iwi/hapū/Māori and our communities. These include:
 - ensuring an **affordable** way for communities/households to **meet the infrastructure deficit** for much needed upgrades/maintenance of our water infrastructure now and into the future;
 - creating regional jobs and a more **professional workforce**, and certain pipeline of works;
 - looking after the health of our **environment and our people**;
 - upholding **Treaty principles and Te Mana o Te Wai** in a way that takes an all of system (ki uta, ki tai) approach;
 - protecting essential water services against **climate change** and adverse natural events;
 - allowing councils to **focus more on community development** and place-making;
 - helping to address the **housing crisis** by providing essential water infrastructure for growth; and
 - creating opportunities for more **innovation and new technologies** in water service provision.

Comprehensive, system-wide reform is needed to achieve lasting benefits for local government, our communities, and the environment.

Questions?

Next session: Entity size and shape



Te Tari Taiwhenua
Internal Affairs

Possible entity size and shape

This session will cover:

- The centrally-led process for establishing entity size
- Considerations we think are important for where entity boundaries might sit
- Some example entities and their trade offs

Session One



Case for change
and reform timing

Session Two



**Possible entity
boundaries and size**

Session Three



Possible governance
and ownership

Session Four



Protections for
communities in entities

Session Five



Iwi/Māori rights and interests
throughout the reforms

Session Six



Establishment and
transition considerations

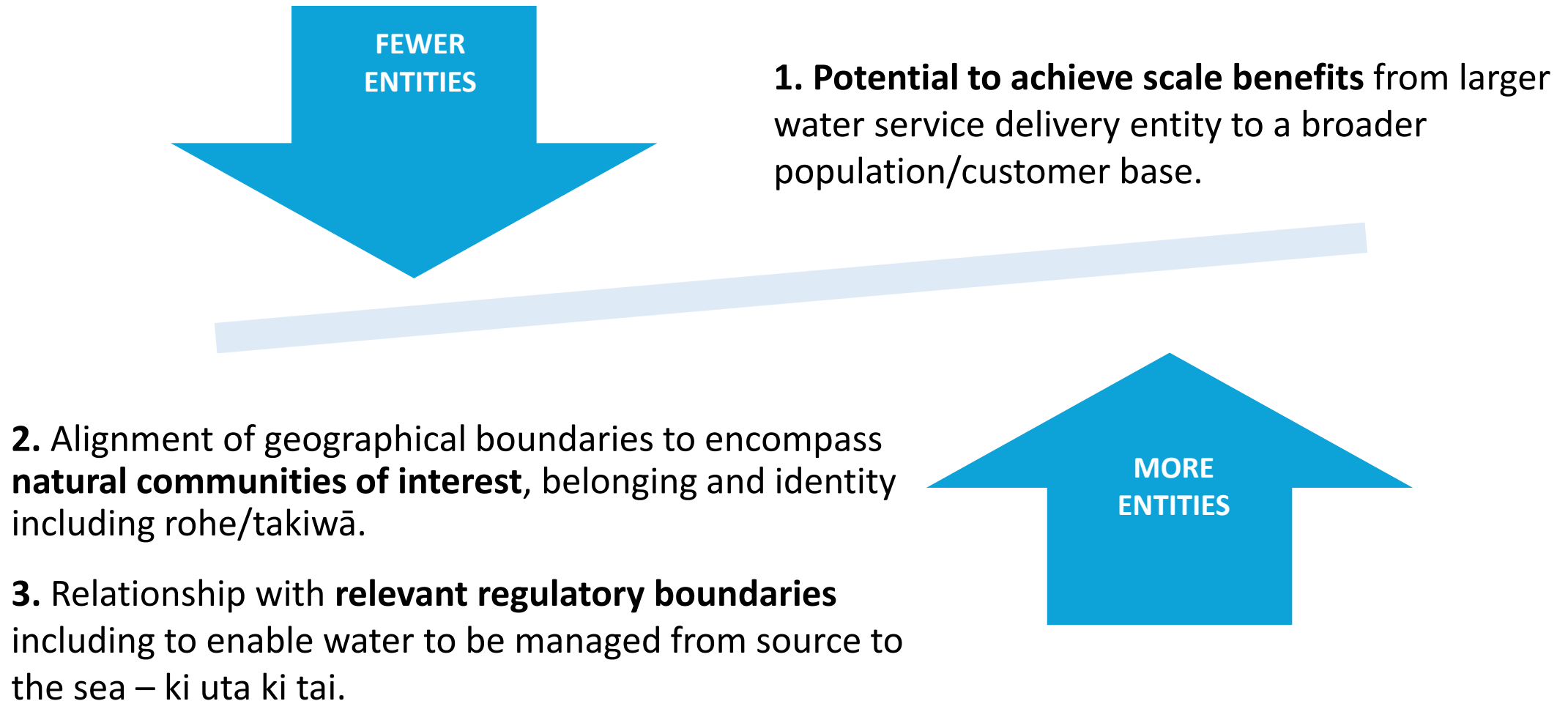
Centrally-led process

- In December 2020, Cabinet confirmed details for a centrally-led process, in which officials will complete analysis relating to entity numbers and boundaries, and work with the Joint Steering Committee and relevant Ministers to identify a shortlist of scenarios.
- Today we will **discuss the way we are approaching these scenarios** noting that final analysis will require inputs and evidence from the detailed Request for Information (RFI).
- We are interested in **your feedback on the criteria** we are considering and how these trade-offs interact.
- Cabinet will make decisions on the final number and boundaries in **mid-2021** – along with other details of the new system – and the agreed proposals will be included in legislation.

There are a number of trade-offs the Government is considering when determining the best size and shape of the entities. We are interested in your thoughts on these considerations.

Number and boundaries

Advice to Ministers and the Joint Central/Local Government Steering Committee will consider the following factors:



Key considerations

- ROHE, TAKIWĀ, WHAKAPAPA, WAKA AND OTHER CONFEDERATIONS
- COMMUNITY IDENTITY AND COMMON LINKS
- TERRITORIAL AUTHORITY BOUNDARIES

2

- LABOUR MARKET IMPACTS AND LOCATION OF WORKFORCE
- REGIONAL COUNCIL BOUNDARIES
- CATCHMENT BOUNDARIES

3

FEWER
ENTITIES

1. Potential to achieve scale benefits from larger water service delivery entity to a broader population/customer base

1

- POPULATION, SIZE AND DISTANCE
- ASSET LOCATION, CONDITION AND FUTURE INVESTMENT REQUIREMENTS
- FINANCIAL VIABILITY
- NUMBER OF COUNCILS THAT OPT OUT OF REFORM
- PRICING VARIABILITY

2. Alignment of geographical boundaries to encompass natural communities of interest, belonging and identity including rohe/takiwā

3. Relationship with relevant regulatory boundaries including to enable water to be managed from source to the sea – ki uta ki tai

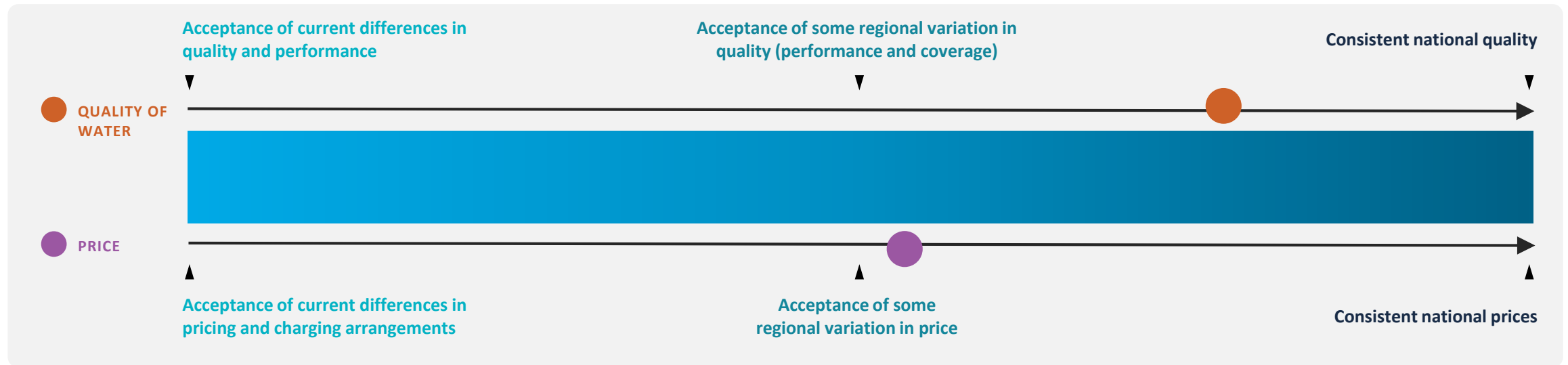
MORE
ENTITIES

Scale impacts regional variation

Preliminary analysis from the Request for Information (RFI) is also confirming there are large variances across the country in:

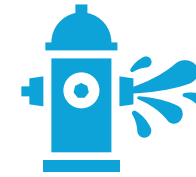
- A. **Costs of water service provision**
a function of scale, investment, topography
- B. **Price of water service provision**
calculated as average bills per household
- C. **Quality of water service provision**
drinking water and wastewater quality outcomes

The extent to which Government pursues a form of national **equity by consumer type** or **equity by geographical region** will affect decisions about the number of entities. For example, **wider tolerance for variation may support a greater number of entities whereas low tolerance leads to fewer.**



Benefits of scale

The investment challenge is significant, scale will help minimise the impact on communities

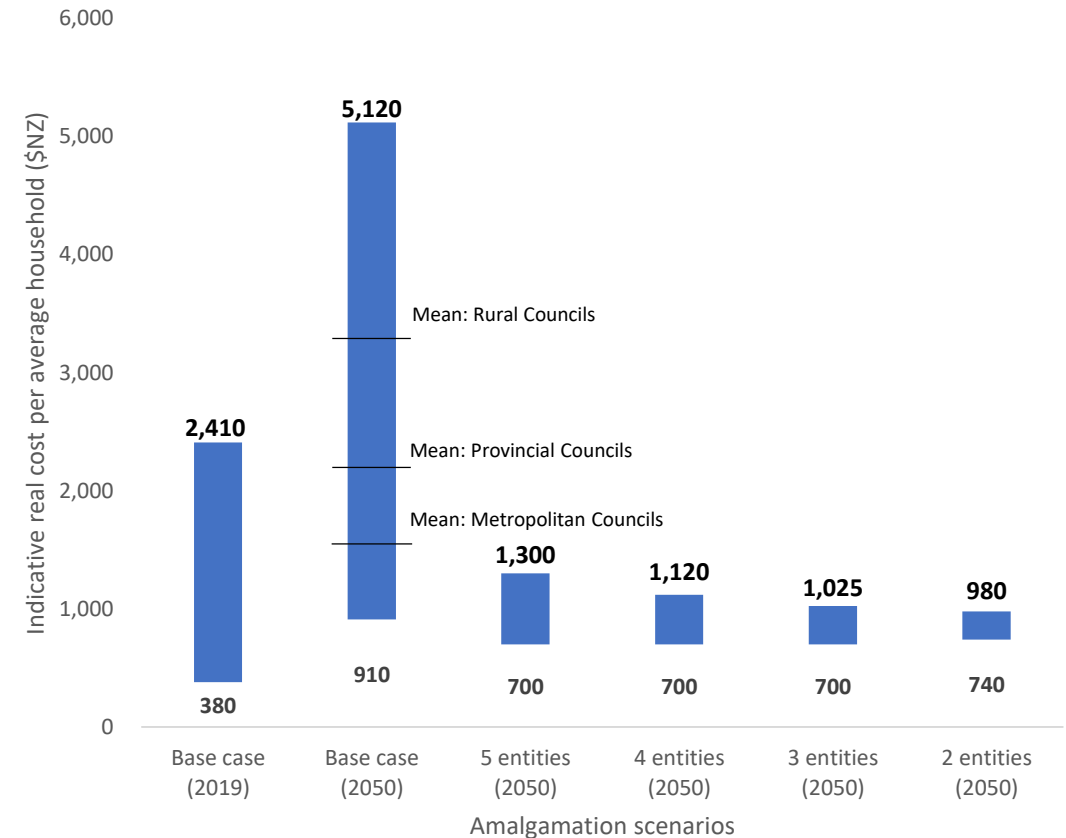


SCALE CONSIDERATIONS	Greater financial capacity	Strengthened operations	Improved asset management	Improved outcomes for communities
DESCRIPTION	<p>Enables the significant investment required to occur off the balance sheet of council owners and through the increased financial capacity of specialist entities</p> <p>Also enables more flexible funding tools</p> <p>Provides resilience if councils opt out of reform</p>	<p>A step change in operational scale enabling greater professional pathways for staff and organisational capabilities</p> <p>Contributes to improved procurement practice and lower operating costs</p>	<p>Greater balance sheet capacity enabling a more strategic and coordinated approach across catchments</p> <p>Significant contribution to improving environmental and quality outcomes</p>	<p>Service improvement at a lower cost than would otherwise be the case</p> <p>Introduction of a range of protections for consumers through a new regulatory regime</p> <p>More direct mechanisms for iwi/Māori to influence outcomes with clearer accountabilities</p>

Without scale, prices will need to materially increase

- Scale will enable a larger investment programme to be delivered more efficiently
- All councils will benefit from scale, but without scale smaller council ratepayers will bear a disproportionate load
- Without greater capacity to raise borrow, the investment burden will more likely be borne by the current generation of ratepayers particularly in councils near their debt limits

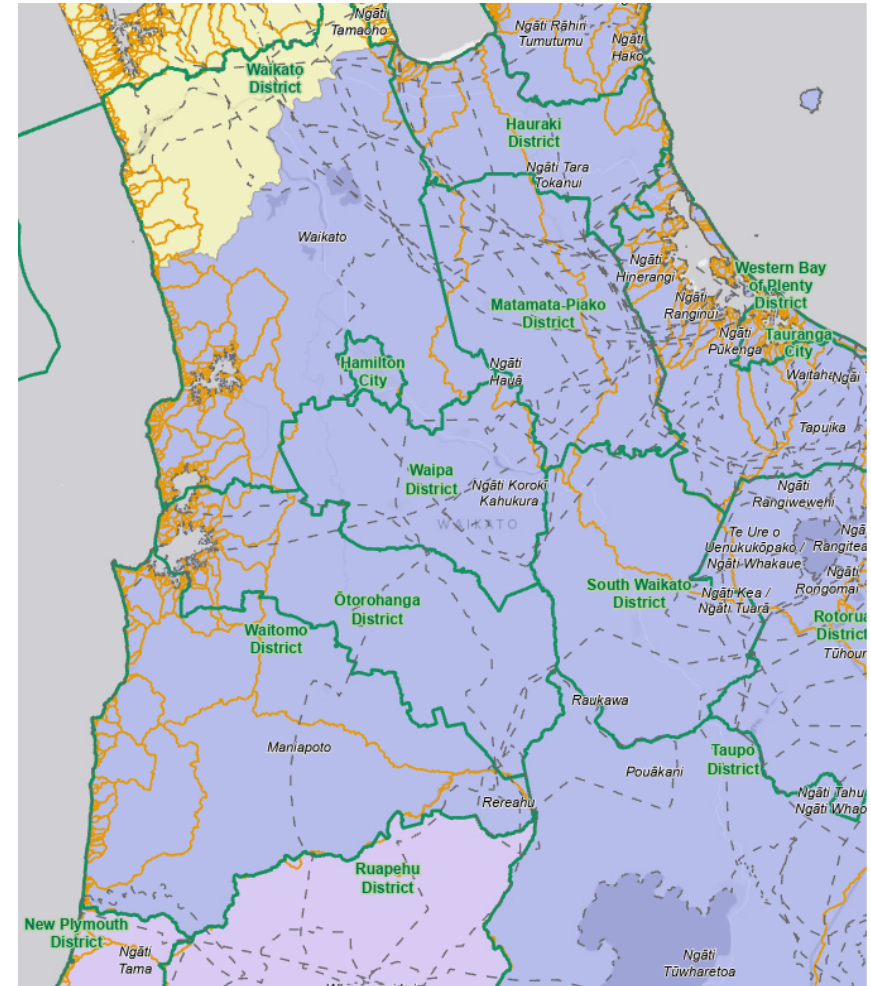
Indicative real cost per household in current prices*



*figures based on Water Industry Commission of Scotland initial analysis of publicly available data and subject to change as part of further analysis using more detailed data collected from local authorities

Our analysis is being informed by applied GIS modelling

- We are using GIS mapping to assist decision making
- The relationship between catchment and rohe/takiwā is particularly relevant using this tool
 - Using existing settlement legislation as well as Te Kahui Mangai database to inform mapping

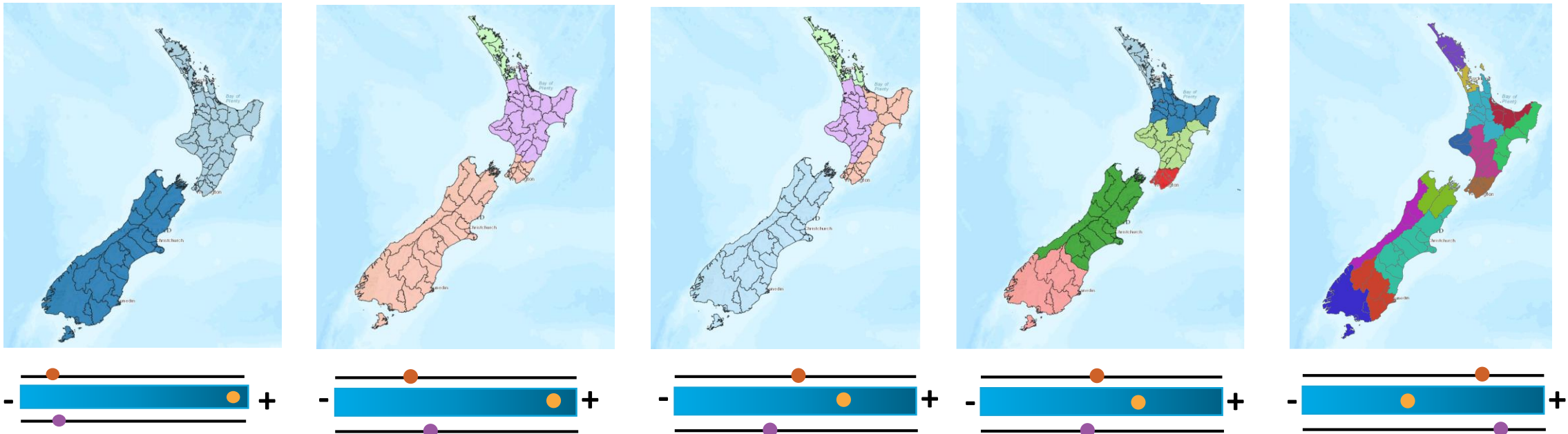


Key

- ROHE/TAKIWA
- SEA DRAINING CATCHMENTS
- ILLUSTRATIVE BOUNDARIES
- TERRITORIAL AUTHORITY BOUNDARIES

A range of scenarios are being examined

ILLUSTRATIVE



Key

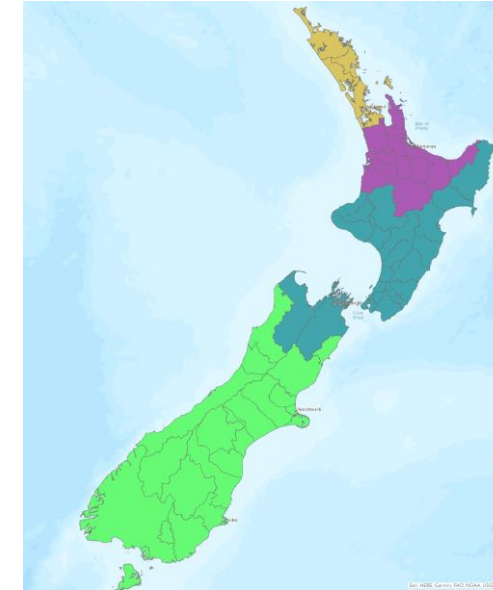
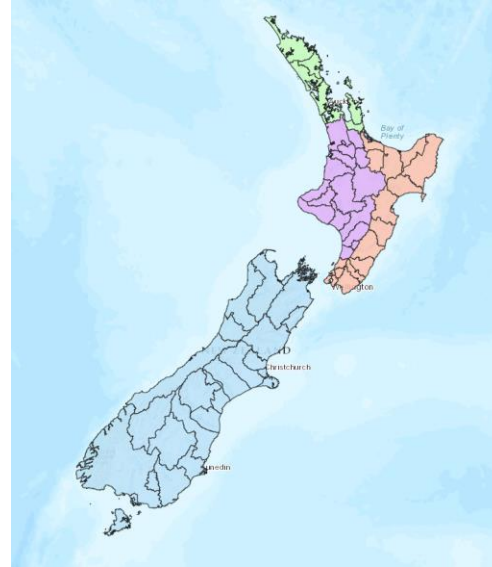
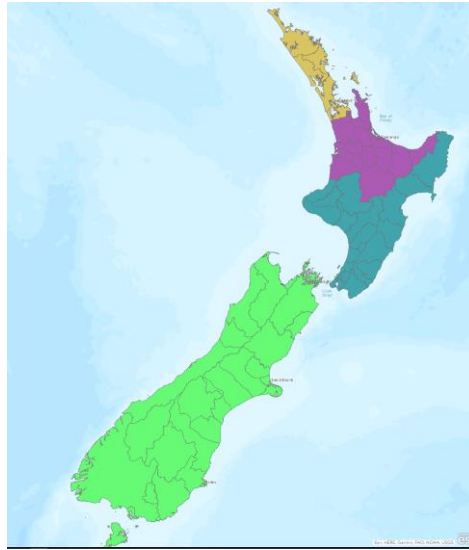
● ROHE/TAKIWA AND COMMUNITIES OF INTEREST

● REGULATORY ALIGNMENT

● SCALE

Each scenario has different combinations

ILLUSTRATIVE



Key



ROHE/TAKIWA AND
COMMUNITIES OF INTEREST



REGULATORY ALIGNMENT



SCALE

Current focus

1. A significant **request for information** has just closed across all 67 local authorities that will enable further analysis to be informed by better local data
2. Water Industry Commission for Scotland is now undertaking **applied financial and economic analysis** to identify the investment gap (with independent review to ensure appropriateness for New Zealand conditions)
3. This will be overlaid with **GIS information** to inform decisions on boundaries (and trade-offs) including catchments, rohe/takiwā, water schemes and other physical considerations
4. Ministers will receive advice on how this analysis impacts different scenarios before making a final decision in May/June

Slido Poll: If you were determining the shape and size of the entities, how would you make these trade-offs: please rank these in order of importance from high to low.

Questions?

Next: Other considerations - context



Te Tari Taiwhenua
Internal Affairs

Break out session 1: Questions

1. Discuss the challenges of continuing to meet the infrastructure deficit for your communities?
2. What advantages and disadvantages do you see in the reform programme?
3. How much more would you be prepared to pay/charge ratepayers, in exchange for more entities closer to home?

Next session: Governance and ownership and promotion of community and consumer voice

Governance and ownership

This session will cover:

- Key entity design objectives
- Role of local authorities and iwi/Māori
- Entity structures being explored
- Emerging structure

Session Three



**Possible governance
and ownership**

Session One



Case for change
and reform timing

Session Two



Possible entity
boundaries and size

Session Four



Protections for
communities in entities

Session Five



Iwi/Māori rights and interests
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Session Six



Establishment and
transition considerations

Key design features of a new service delivery model

Decisions and directions during 2020 mean the reform proposals will include certain features:



Multi-regional entities of scale

Significant aggregation into a small number of multi-regional activities.



Public ownership

Entities must be publicly owned, with mechanisms to recognise Treaty rights and interests and to prevent future privatisation.



Statutory entities

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Balance sheet separation

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Success factors



Independent decision making



Management and governance competency



Mechanisms to recognise Treaty rights and interests of iwi/Māori



Mechanisms to enable community input



Financial independence



Flexible, cost effective financing



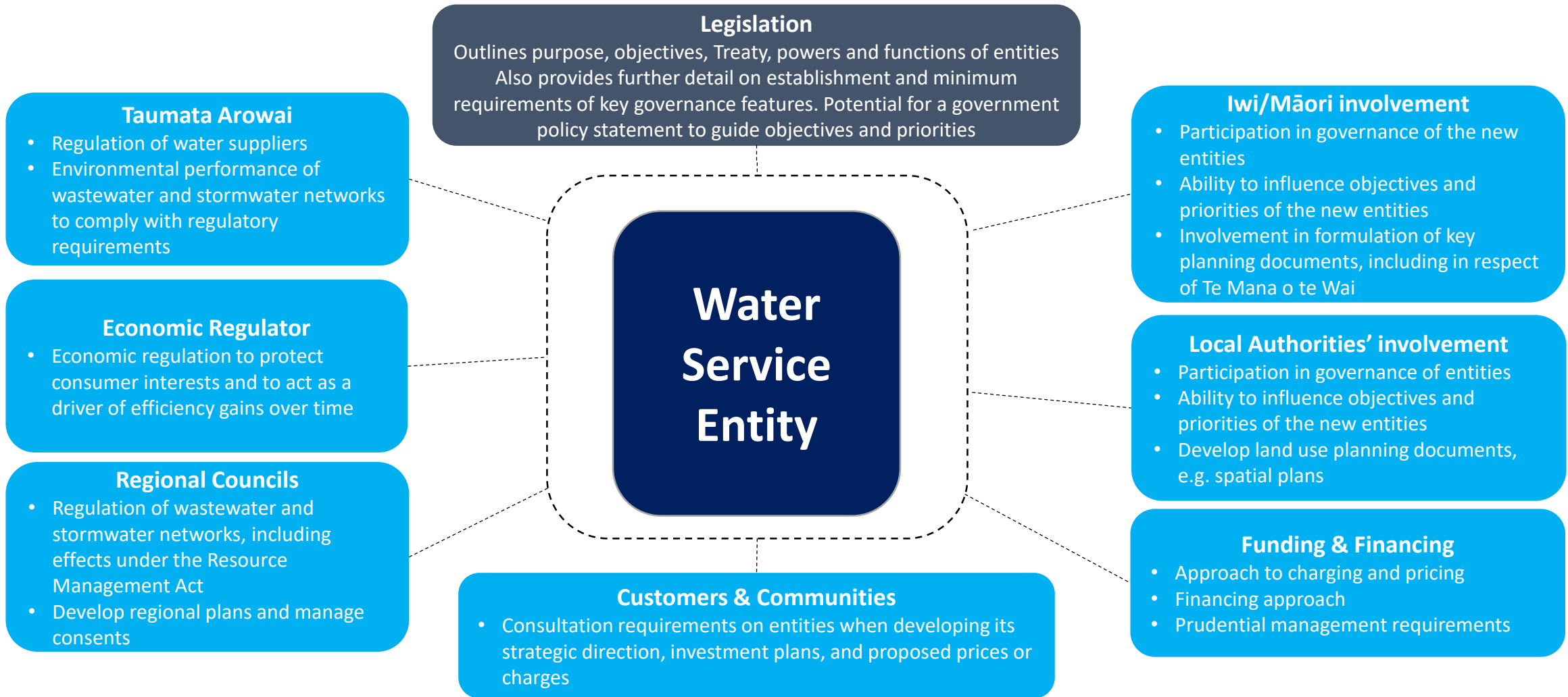
Equity/equality between local authorities



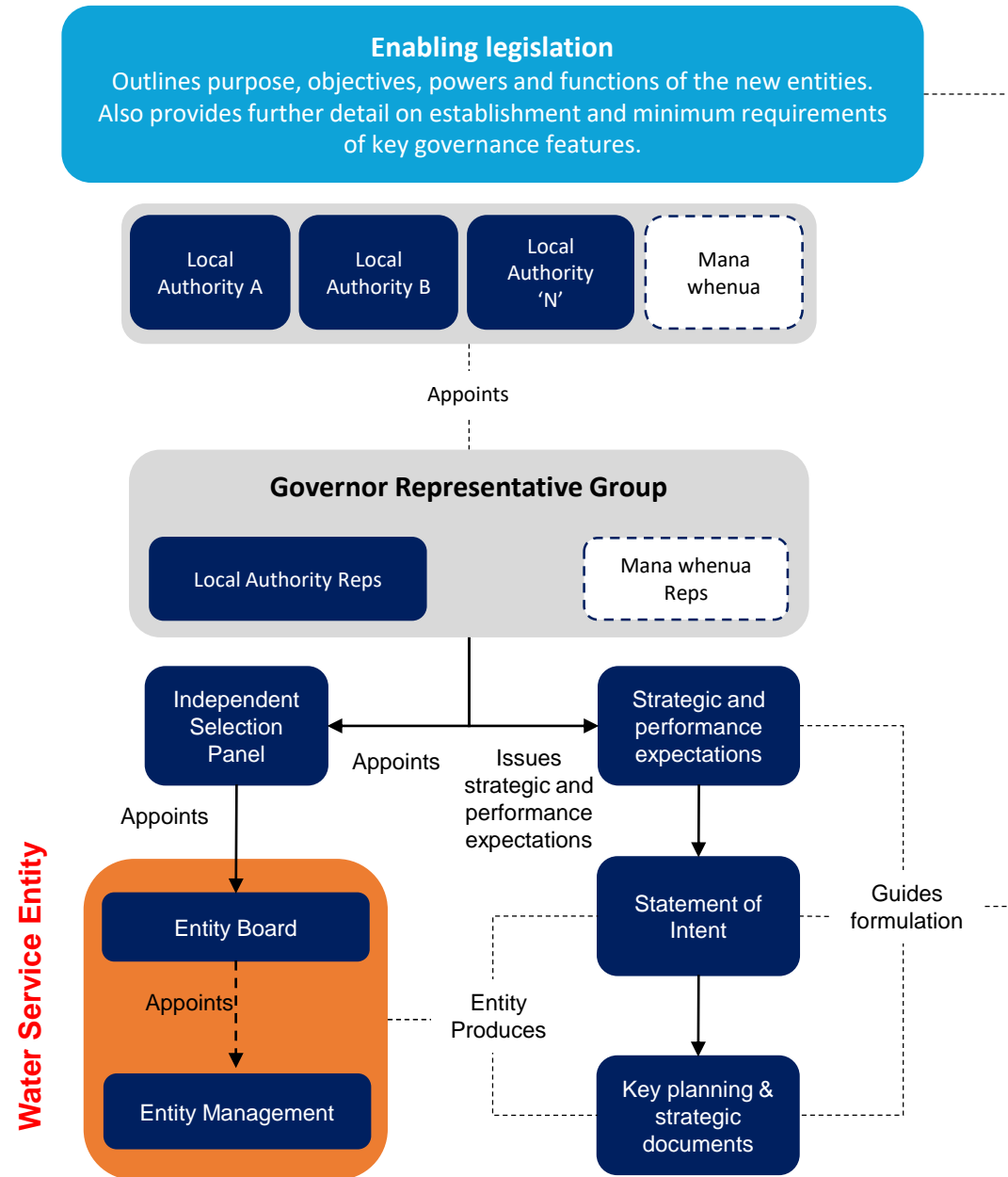
Structural longevity

A robust regulatory system





Water entities will operate within a new regulatory system that balances stakeholder interests



Emerging structure



Emerging structure: key features

 Independent decision making	 Public ownership & protection against privatisation	 Transparent & accountable	 Financial and operational autonomy
✓	✓	✓	✓
<ul style="list-style-type: none"> Local authority and mana whenua involvement in the appointment (and removal) of the board 	<ul style="list-style-type: none"> Statutory entities with 'owners' listed in legislation. A 'no shareholding' structure where ownership is effected through governance 	<ul style="list-style-type: none"> Statutory requirement to engage with communities on key investment decisions and strategic documents 	<ul style="list-style-type: none"> Entity structure independent of local authority balance sheets
<ul style="list-style-type: none"> Local authority influence via letters of expectation 	<ul style="list-style-type: none"> A prohibition on 'dividends' reduces the ability to attract external equity 	<ul style="list-style-type: none"> An integrated regulatory system ensuring accountability (economic regulator, Taumata Arowai) 	<ul style="list-style-type: none"> Ability to make independent pricing and charging decisions that reflect the long term nature of the underlying assets and cost to serve
<ul style="list-style-type: none"> Key planning and strategic documents influenced by local authorities via letters of expectation 	<ul style="list-style-type: none"> A general statutory prohibition on asset sales or transfers 	<ul style="list-style-type: none"> Ability for the governors representative group to appoint and remove the board 	<ul style="list-style-type: none"> Appropriate economic regulation to protect consumer and community interests

Various structures are being explored

Governance and local authority and iwi/Māori involvement structures:

- A 'base' structure with shared local authority and mana whenua governance
- A high degree of involvement by local authorities, mana whenua included in governance arrangements
- A low degree of involvement by local authorities, mana whenua included in governance arrangements
- An ownership structure that involves shareholding by councils in the entity, compared with a 'no shareholding' model

Financial structure scenarios:

- A higher degree of Crown Support to the water entities
- A higher number of water services entities in the system (13 entities compared with 3 in the base structure)

Emerging role for local authorities and mana whenua

Individual role to ensure new water entities will be responsive to **local communities'** needs

- Local authorities and mana whenua play an important role in representing their communities' interests
- Local authorities and mana whenua will individually continue to influence water investment in the new system through:
 - Input into the regulation of three water quality outcomes (across all three regulators)
 - Urban development and land use planning processes (noting current RM reform proposals)
 - Input into national and regional standard setting
 - Engagement and consultation of water entities key documents

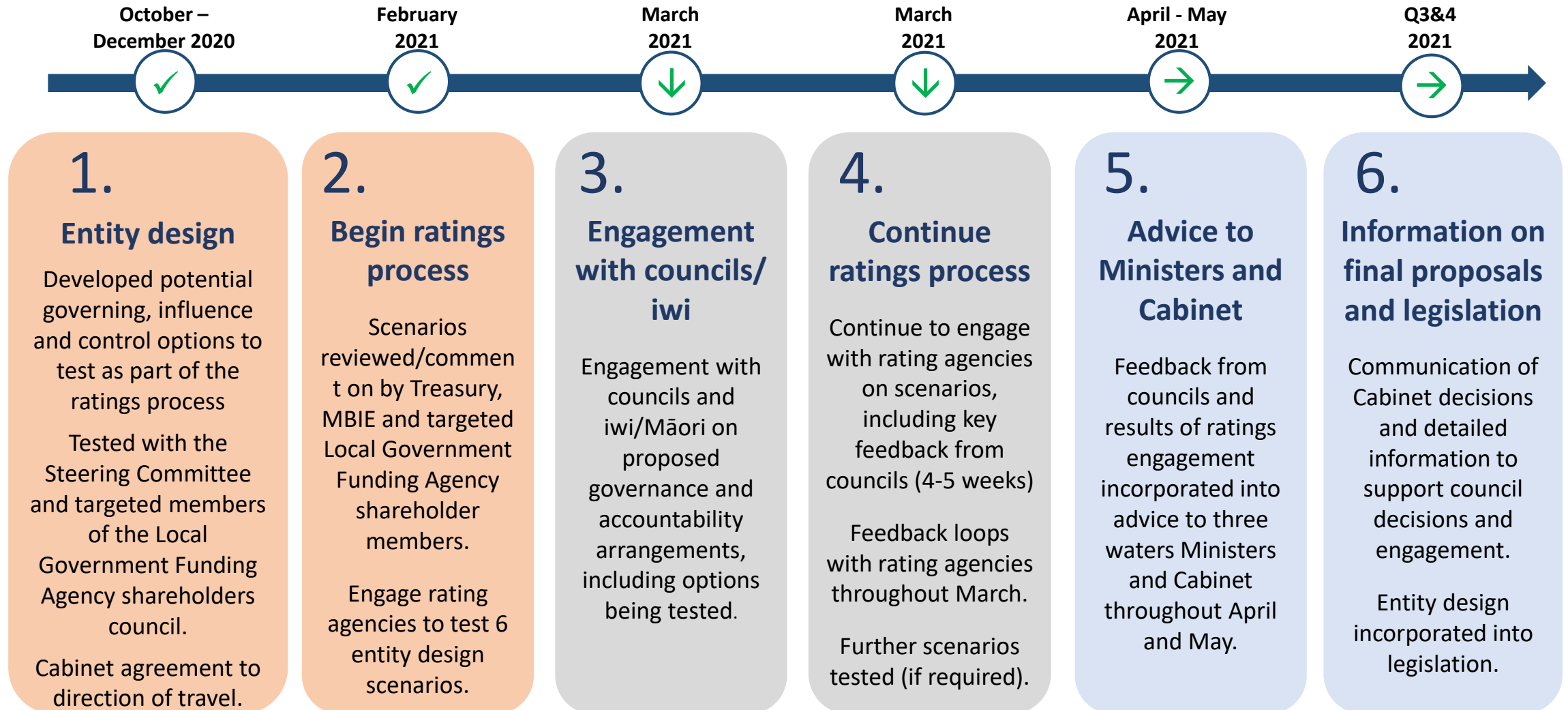
Collective role to hold new water entities to account for delivering objectives

- Local authorities and mana whenua collectively are best placed to hold new water entities (and their independent competency-based boards) to account
- Mechanisms to do so are being tested with rating agencies and may need to be unique given the new service delivery model
- At a minimum mechanisms are expected to include:
 - Issuing Letter of Expectations (note this may be a more extensive document than currently used)
 - Entities publicly and formally reporting back against Letter of Expectations
 - Ability to remove one or more directors

Note: upcoming sessions on Treaty rights and interests and community participation in entities

Local authorities and mana whenua will play important roles in the system on both an individual and collective basis

Timeline



Questions?

Next Session: Retention and promotion of local voice



Te Tari Taiwhenua
Internal Affairs

Promotion of community voice

This session will cover:

- What role councils could have in representing their communities in the new system;
- Mechanisms to protect and promote iwi/Māori rights and interests;
- Mechanisms to protect and include vulnerable and smaller communities; and
- Engagement and transparency requirements.

Session One



Case for change
and reform timing

Session Two



Possible entity
boundaries and size

Session Three



Possible governance
and ownership

Session Four



**Protections for
communities in entities**

Session Five



Iwi/Māori rights and interests
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Session Six



Establishment and
transition considerations

Local voice

- Through our previous engagements a consistent question about the reforms has been whether smaller voices will be lost in bigger entities, be this councils, iwi, hapū, communities or individuals.



- The objective of this session is to seek feedback on the possible mechanisms to incorporate and maintain the **voice of communities in the new system** design.
 - We will also touch base on some proposed consumer protection mechanisms, to help paint the picture of **how the new system might work for** members of your communities
- We want to ensure that the new system will have appropriate democratic accountability compared to the current system.

We are aiming to utilise both existing avenues and new mechanisms to ensure various communities and individuals have a strong voice in the new water services entities/system.

Community Interests/Accountability

Governor Representative Group



- We are proposing that council and mana whenua representatives will have a key role in governing the new entities through the Governor Representative Group.
- An important function of this will be a **Letter of Expectations** for the entities. This could set out how the entities are to engage with, consult with and take into account the interests and needs of their communities.

Legislated requirements to engage on an entity's investment decisions



- To help ensure the new entities incorporate the views of communities, we are proposing to require engagement and consultation on the core business documents outlining the entity's investment decisions.
- There will also be reporting requirements to explain how public feedback was incorporated in these decisions.

Planning Mechanisms



- Communities and councils will maintain their democratic voice through the planning mechanisms such as Long-Term Plans and RMA planning tools (or future RMA replacements).
- The new entities will need to work alongside, and with regard, to these planning mechanisms.

Are there other tools that could be used to promote the various interests of your communities?

Engagement

We are exploring mechanisms to both require, and incentivise, the new entities to engage effectively and widely.

Effective and meaningful engagement will be a key mechanisms for communities and individuals to provide their feedback and communicate their interests directly to the water entities.

We are proposing to require entities to engage on and publish their:

- Statement of Corporate Intent;
- Investment Prioritisation Methodology;
- Strategic Asset Management Plan; and
- Funding and Pricing Plan.

We are also exploring the option of additional and specific engagement requirements for iwi and Māori groups, to ensure their interests and needs are adequately accounted for in the new regime.

The form/type of engagement wouldn't be specified in legislation, but would likely be incentivised through the economic regulation regime. This would enable the flexibility for entities to continue to develop and improve on their engagement over time to suit their communities' needs.

Slido Poll: We have provided a set of tools for enabling community influence. Please rank these from most effective to least effective.

Small communities and vulnerable consumers

We want to ensure smaller communities and consumers with vulnerabilities will be heard in the new entities regardless of their size.

- Protections could be incorporated / required through tools like a possible Government Policy Statement, the objectives or principles of the entities, or by requiring the entities to develop and adhere to a vulnerable consumer policy.
- Alongside this, there would be similar protections of Māori consumer and community interests, where any policies, objectives or obligations placed on the entities would include specific reference to and separate requirements for iwi/Māori.
- Ideally, the system would be able to reward and recognise the entities that effectively reach, educate and engage with a wide range of communities and consumers and utilise multiple methods/mechanisms to do this.



We have the opportunity to build on existing mechanisms and create a consistent system-wide focus on the more vulnerable consumers and communities (those who have their services provided by the new entities).

Consumer Protections

Individual consumer interests and protections are also being considered within our mahi to complement the mechanisms for community input.



For example:

- Legislated objective of the entities to be acting in the interests of their consumers;
- Protections and rights for consumers around the ability of water entities to reduce domestic water supply;
- Rights and protections for non-domestic consumers;
- Requirement to have a customer contract, and any implied terms;
- Requirement or encouragement to have a customer charter;
- A disputes resolution regime, both within the entities and independent externally; and
- Possible options for assistance if consumers cannot pay their bills (e.g. deferred payment plan).

These protections, along with the guiding principles and an economic regulatory regime, are designed to ensure the entities act in the best interests of consumers (in the short and long term).

Further protections through transition

- **Prioritising what, when and where to invest** is a critical task in the short to medium term.
 - These decisions will need to be undertaken through a transparent process and will require engagement on priorities.
- A **carefully managed transition pricing plan** with early and continuous engagement will be required to ensure minimal disruption to customers and manage pricing shocks to our whānau.
- The **long-term pricing regime** will also need to be designed to protect customers. This *could* include:
 - An ongoing requirement for the water service entities to manage price shocks after the transition period; and
 - Pricing principles (designed in legislation or regulations) that guide how entities set prices.

These issues will be explored further in the detailed break out session



**MINISTRY OF BUSINESS,
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Three Waters Reform Programme Supporting Information

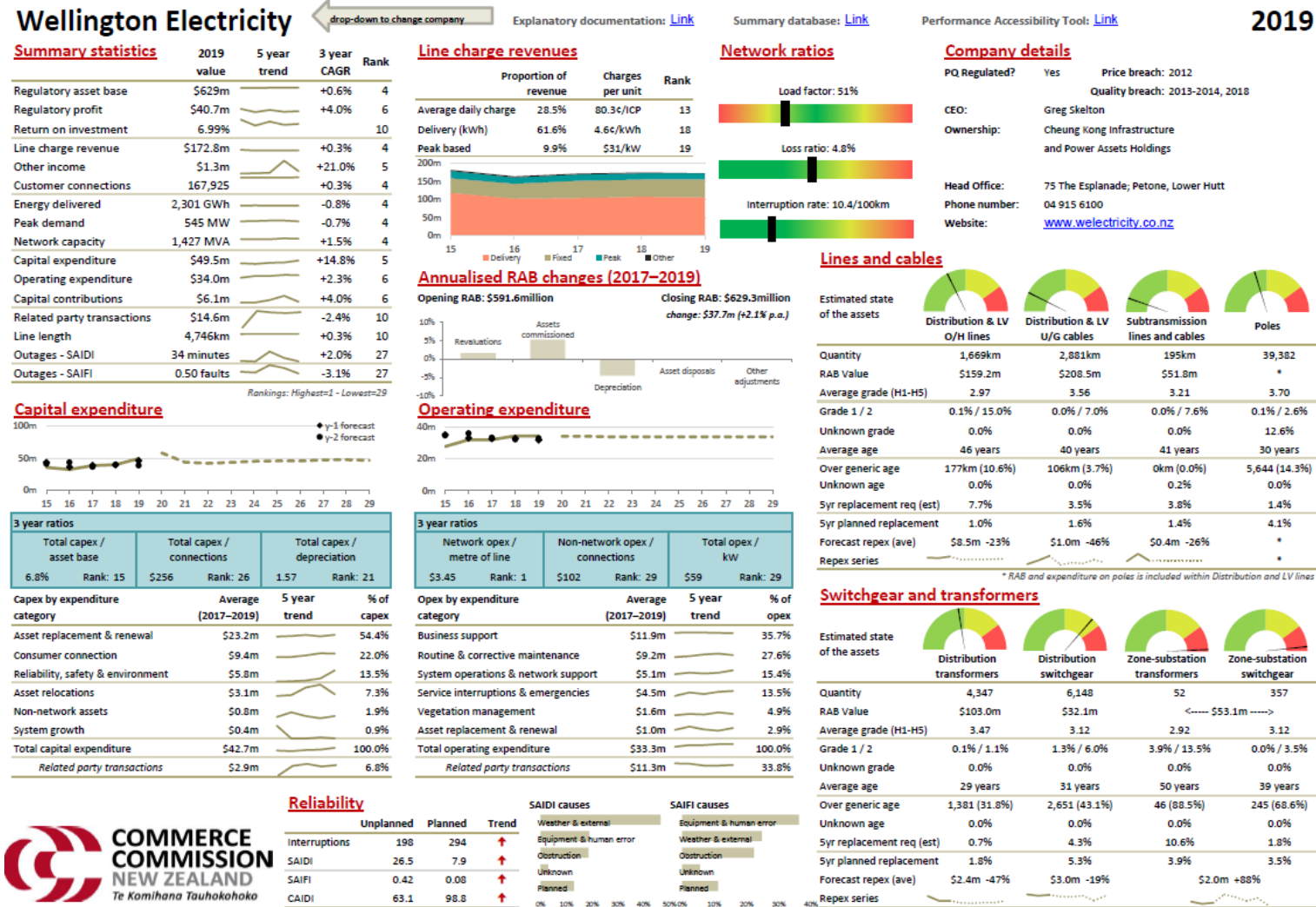
What is economic regulation?

Webpage: www.dia.govt.nz/Three-Waters-Reform-Programme

Email: economicregulation@mbie.govt.nz or threewaters@dia.govt.nz



An example of what information disclosure looks like



25	26	27	28	29
Total capex / depreciation				
1.57	Rank: 21			

5 year trend	% of capex
	54.4%
	22.0%
	13.5%
	7.3%
	1.9%
	0.9%
	100.0%
	6.8%

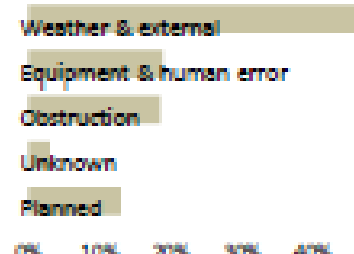
um	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
3 year ratios															
Network opex / metre of line				Non-network opex / connections				Total opex / kW							
\$3.45	Rank: 1			\$102	Rank: 29			\$59	Rank: 29						

Opex by expenditure category	Average (2017–2019)	5 year trend	% of opex
Business support	\$11.9m		35.7%
Routine & corrective maintenance	\$9.2m		27.6%
System operations & network support	\$5.1m		15.4%
Service interruptions & emergencies	\$4.5m		13.5%
Vegetation management	\$1.6m		4.9%
Asset replacement & renewal	\$1.0m		2.9%
Total operating expenditure	\$33.3m		100.0%
Related party transactions	\$11.3m		33.8%

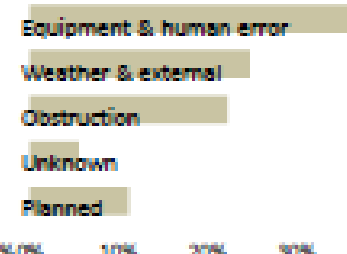
Reliability

	Unplanned	Planned	Trend
Interruptions	198	294	↑
SAIDI	26.5	7.9	↑
SAIFI	0.42	0.08	↑
CAIDI	63.1	98.8	↑

SAIDI causes



SAIFI causes



Syr replacement req (est)	7.7%	3.5%
Syr planned replacement	1.0%	1.6%
Forecast repex (ave)	\$8.5m -23%	\$1.0m -46%
Repex series		

+ RAB and expenditure on p

Switchgear and transformers

Estimated state of the assets	Distribution transformers	Distribution switchgear
Quantity	4,347	6,148
RAB Value	\$103.0m	\$32.1m
Average grade (H1-H5)	3.47	3.12
Grade 1 / 2	0.1% / 1.1%	1.3% / 6.0%
Unknown grade	0.0%	0.0%
Average age	29 years	31 years
Over generic age	1,381 (31.8%)	2,651 (43.1%)
Unknown age	0.0%	0.0%
Syr replacement req (est)	0.7%	4.3%
Syr planned replacement	1.8%	5.3%
Forecast repex (ave)	\$2.4m -47%	\$3.0m -19%
Repex series		



Questions?

Next Session: Break out discussion



Te Tari Taiwhenua
Internal Affairs

Break out session 2: Questions

- 1) What other mechanisms for involvement in, or influence over, the new entities would be beneficial from your perspective?
- 2) What other protections and incentives would you expect to see in the design of the new entities to ensure an effective voice for communities or consumers?

Up next - parallel sessions:

- Local Government session on possible establishment and transition arrangements
- Iwi/hapū session on Treaty rights and interests

Recognising Treaty Rights and Interests

This session will cover:

- Iwi/Māori Rights and Interests in the Three Waters Reform Programme;
- The possible policy mechanisms to recognise iwi/Māori rights and interests in the reform programme;
- Seek your feedback relating to the possible policy mechanisms.

Session One



Case for change
and reform timing

Session Two



Possible entity
boundaries and size

Session Three



Possible governance
and ownership

Session Four



Protections for
communities in entities

Session Five



**Iwi/Māori rights and interests
throughout the reforms**

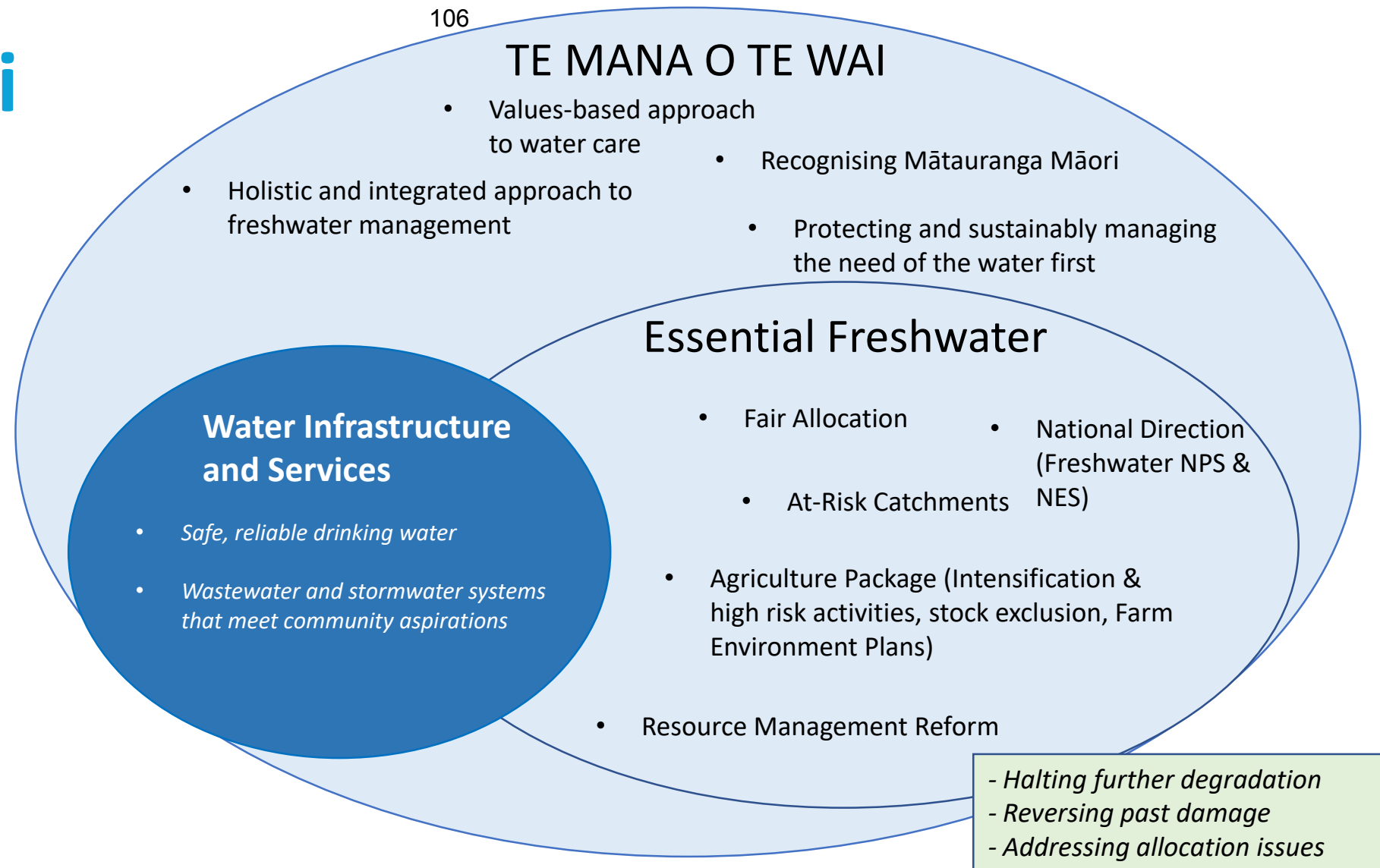
Session Six



Establishment and
transition considerations

Wai is wai

Where we fit
in this system



Anything we create will need to uphold Te Mana o Te Wai.

What iwi/Māori have told us

- Through our previous engagements with iwi/hapū representatives and ropū Māori we have heard some consistent themes. These include:
 - Whatever approach is taken, there is a need to uphold **Te Mana o Te Wai**.
 - There is a need for **community education about the value of water** – communities need to own and lead the conversation.
 - Māori have **rights and interests in water**, which need to be addressed. These are not to be undermined through waters reforms.
 - **Need a holistic approach.**
 - Māori are over-represented in communities with small or no water supplies.
 - Thought needs to be given to how emerging proposals will impact on iwi/Māori models such as papakāinga.

We need to take the opportunity of the service delivery reforms to address long-standing issues.

Key Themes

Insights from engagement are a living document, but the working themes are:

- **Partnership** – Iwi and Māori shared resounding support for a stronger partnership between tangata whenua and the Crown, with the need to have the Treaty of Waitangi embedded more explicitly throughout the reform process and beyond.
- **Participation** – Iwi and Māori shared concerns regarding their ability to participate and engage in this kaupapa. Currently, there is insufficient capacity and capability for many iwi, hapū and Māori to engage. Support needs to be given to develop Māori capacity and capability to participate.
- **Protection** – Iwi and Māori called for protection of their rights, roles and responsibilities as tangata whenua particularly for protection around their cultural assets. Iwi and Māori also want to see protections against privatisation of water services.
- **Recognition of cultural values** – Iwi want to see their mātauranga-ā-iwi incorporated within the three waters reform process and Taumata Arowai's regulatory regime. In relation to entity design, iwi and Māori do not want to see catchments broken and have a strong preference for the entity boundaries to adhere to the 'ki uta ki tai' concept. Additionally, iwi, hapū and Māori do not want their whakapapa/iwi/hapū boundaries to be separated by the new entities.
- **Use mana enhancing processes** – Iwi see the reform as an opportunity to work together to design something that works better than the status quo for iwi, hapū, whānau and small rural communities.

Rights and Interests Objectives

Draft objectives to guide our thinking on the Crown/Māori relationship

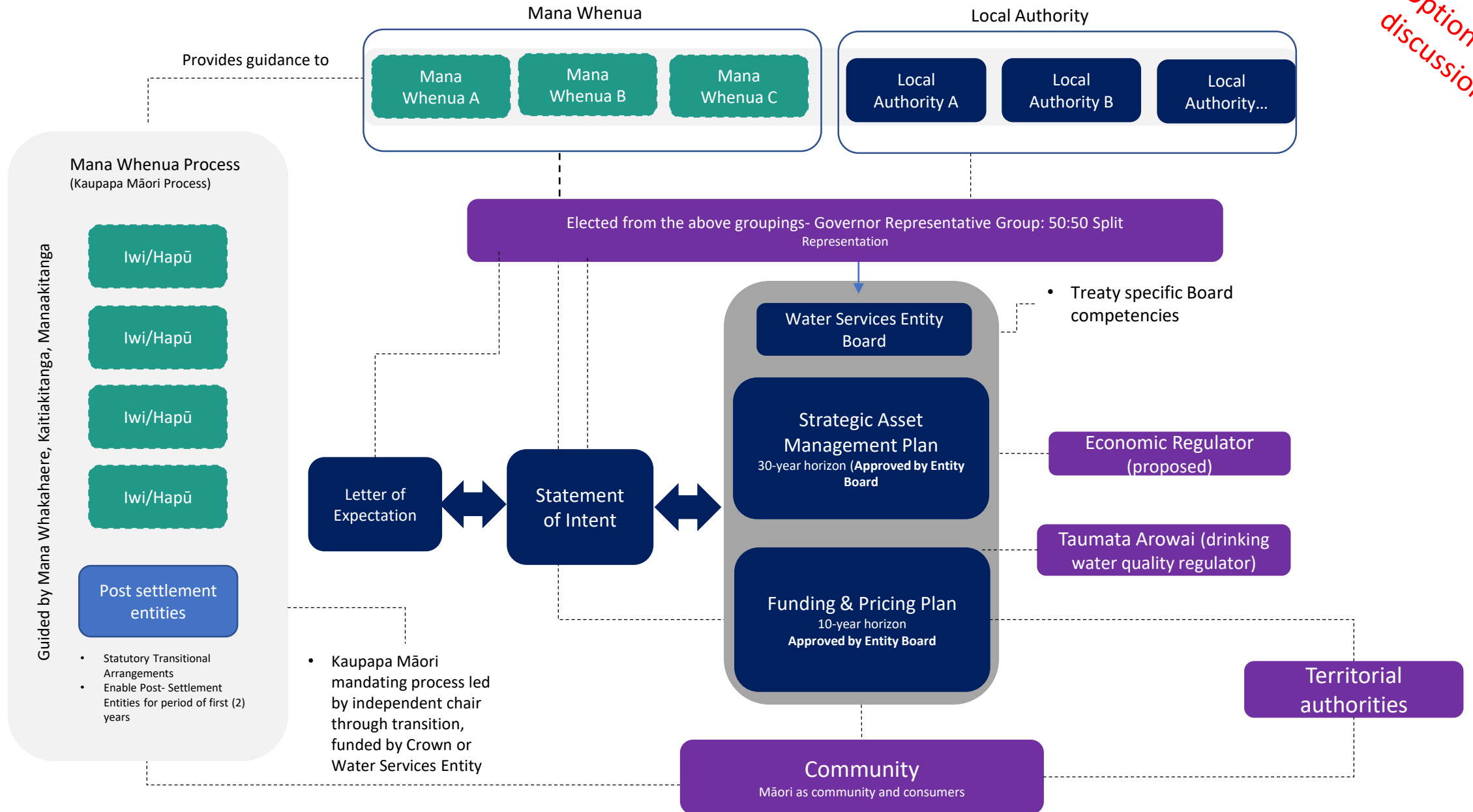
- **Enable greater strategic influence:** Enable iwi/Māori to have greater strategic influence/exercise greater rangatiratanga/ over water service delivery including through enhanced capacity and capability.
- **Integrated within a wider system:** Ensure that the rights and interests of iwi/Māori are analysed within a wider system, including issues related to allocation and the future of the RMA, but with a focus on the specific issues that relate to the establishment of water service entities and delivery of water services.
- **Reflective of a Te Ao Māori perspective:** Recognise the holistic manner (environmental, cultural, spiritual, economic) in which water is viewed using a Te Ao Māori perspective and Te Mana o Te Wai including ki uta ki tai or catchment approach and consistent with rohe/takiwa or whakapapa links.
- **Supporting clear accountabilities:** Ensure roles, responsibilities, and accountability for the relationship with the Treaty partner is clear throughout the wider system.
- **Improving outcomes at a local level:** Provide a step change improvement in delivery of water services for Iwi/Māori at a local level including through enhanced capacity and capability and improved wellbeing.

Recognising Treaty Rights and Interests

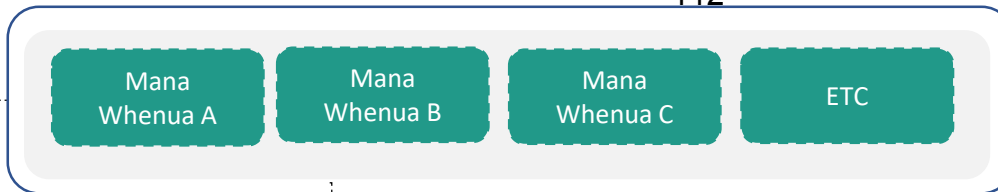
Reform presents a significant opportunity to address and protect Treaty rights and interests

Options and ideas for discussion

- **Statutory recognition**
Of both the Treaty of Waitangi and Te Mana o Te Wai in legislation
- **Recognition that Water Services sits with a wider Te Ao Māori framework**
Including support for capacity and capability and application of mātauranga Māori.
- **Creation of new mechanisms to enable Iwi/Māori directly influence outcomes for Māori**
This includes proposals around governance, board competencies, a direct mechanisms for mana whenua in the form of **Te Mana o Te Wai statements** and protections for Māori consumers
- **Opportunities to improve wider outcomes for Māori**
Recognition of the need for improved service for marae and papakainga, opportunities for partnership in delivery



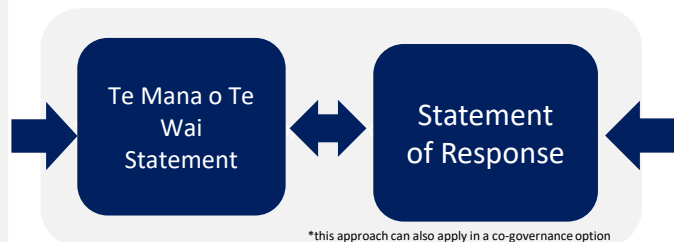
- Issues guidance to Iwi/Hapū within boundary of entity to manaaki and support capability and capacity to engage with Water Service Entity



- Treaty specific Board competencies

Water services entity required to give effect to Te Mana o Te Wai through support for the group

Funding to support capacity and capability



Iwi/Hapū or Whānau provide **Te Mana o Te Wai Statement** which could include:

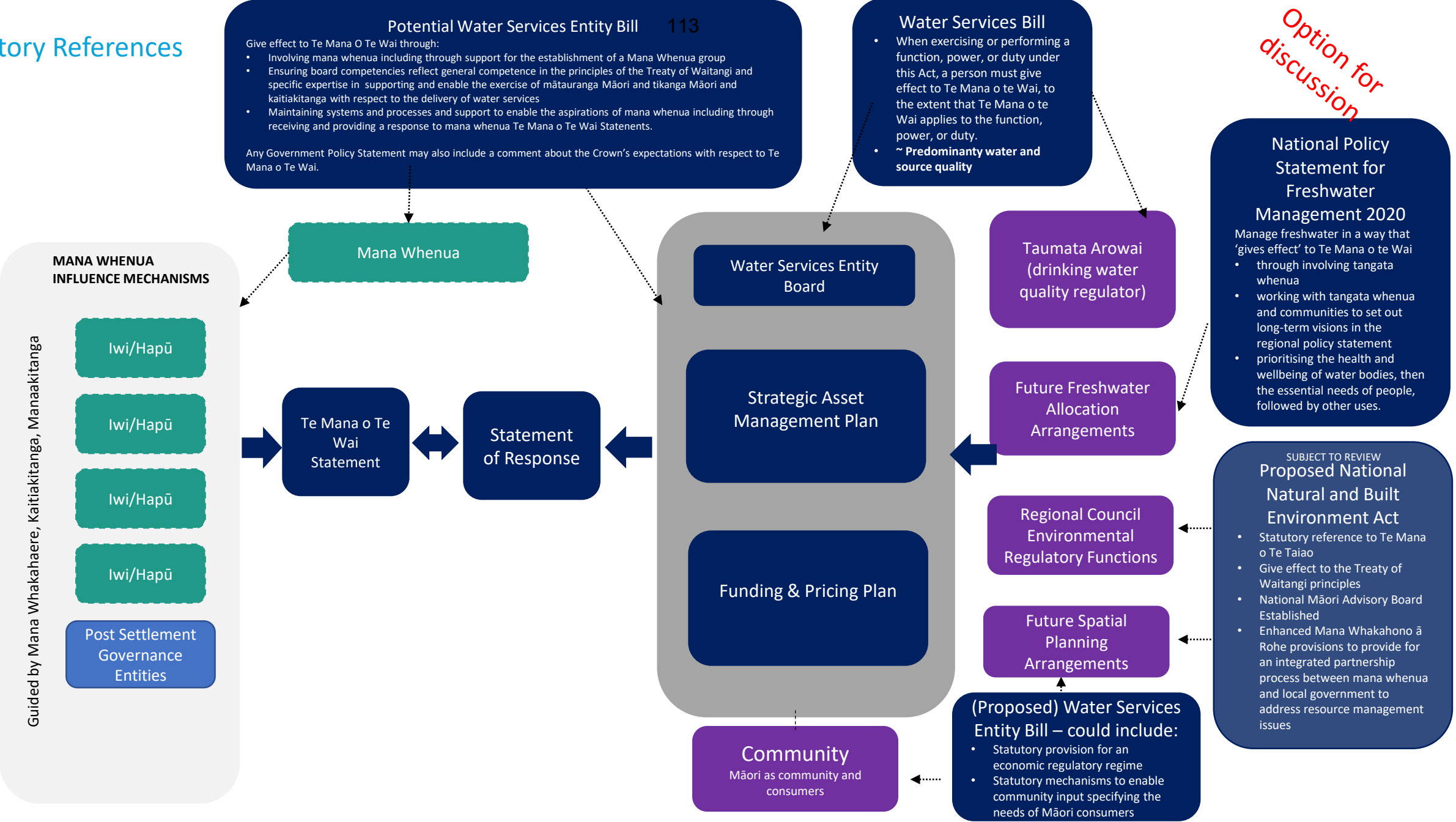
- Iwi Management Plan
- Cultural Impact Statement
- Statement of Mana Whenua
- Or any statement consistent with the guidance provided by the Mana Whenua group on what constitutes a plan.

Water Services Entity provide **Statement of Response** commenting on their treatment of Te Mana o Te Wai Plans on a rolling basis but within (2) years of receipt

Potential for delivery partnerships



Statutory References



Questions?

Next Session: Break out discussion



Te Tari Taiwhenua
Internal Affairs

Break out session R+I: Questions

1. Which option best recognises rights and interests in service delivery?
2. What other mechanisms for recognising rights and interests in service delivery, would be beneficial from your perspective?
3. What other protections and incentives would you expect to see in the design of the new entities to ensure effective recognition of Te Mana o Te Wai in service delivery?

Transition and Establishment

This session will cover:

- Possible transition and establishment considerations

Session One



Case for change
and reform timing

Session Two



Possible entity
boundaries and size

Session Three



Possible governance
and ownership

Session Four



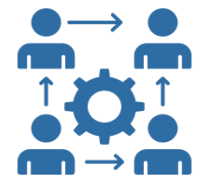
Protections for
communities in entities

Session Five



Iwi/Māori rights and interests
throughout the reforms

Session Six



**Establishment and
transition considerations**

High Level Overview – Establishment and Transition

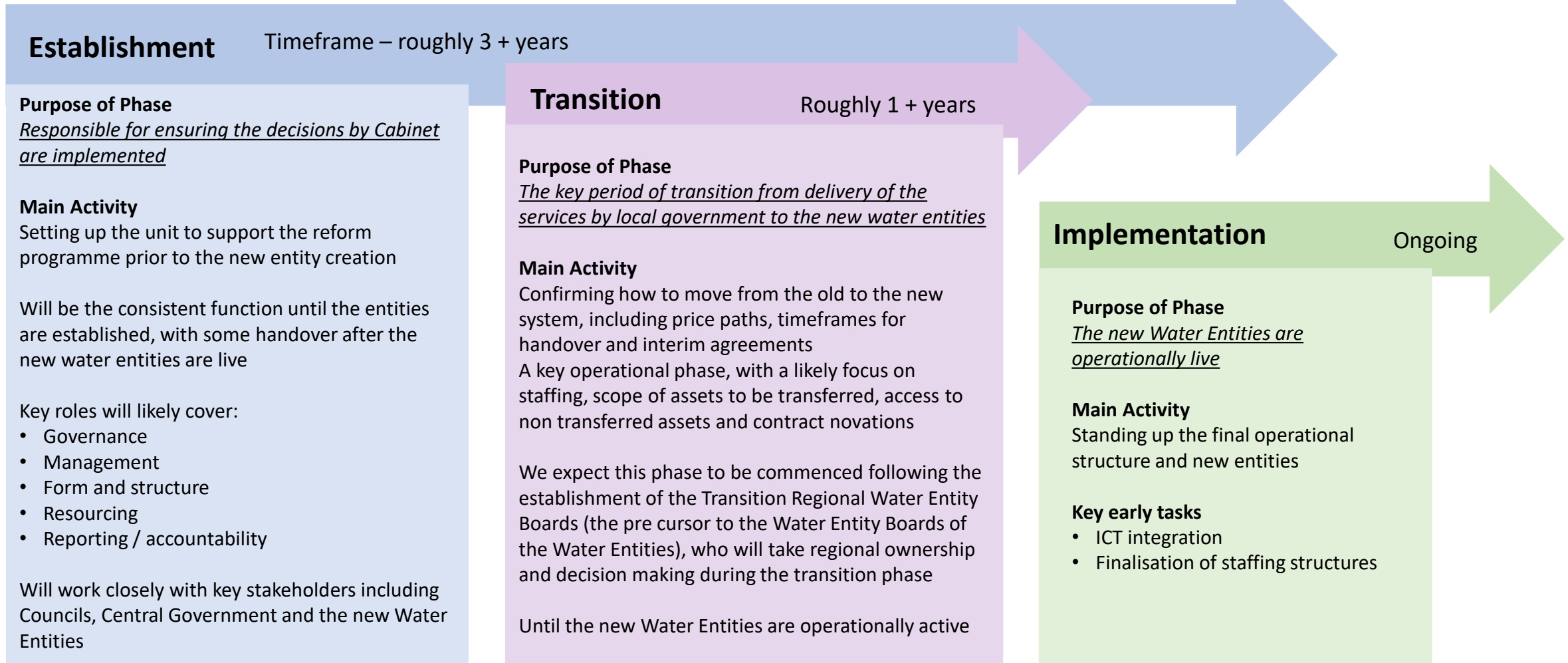
The key objectives of a transition work programme, should the reforms proceed, are:

- To advance the Government's reform objectives with the sector in a way that successfully supports adoption of the reform with stakeholders.
- To ensure that the reform objectives are supported by a smooth transition and implementation approach that is efficient, effective and minimises disruption to communities and consumers.

While subject to Cabinet decisions, the transition to new entities will need a considered and long-term programme of work to ensure we set the entities up for success on day one, and into the future.

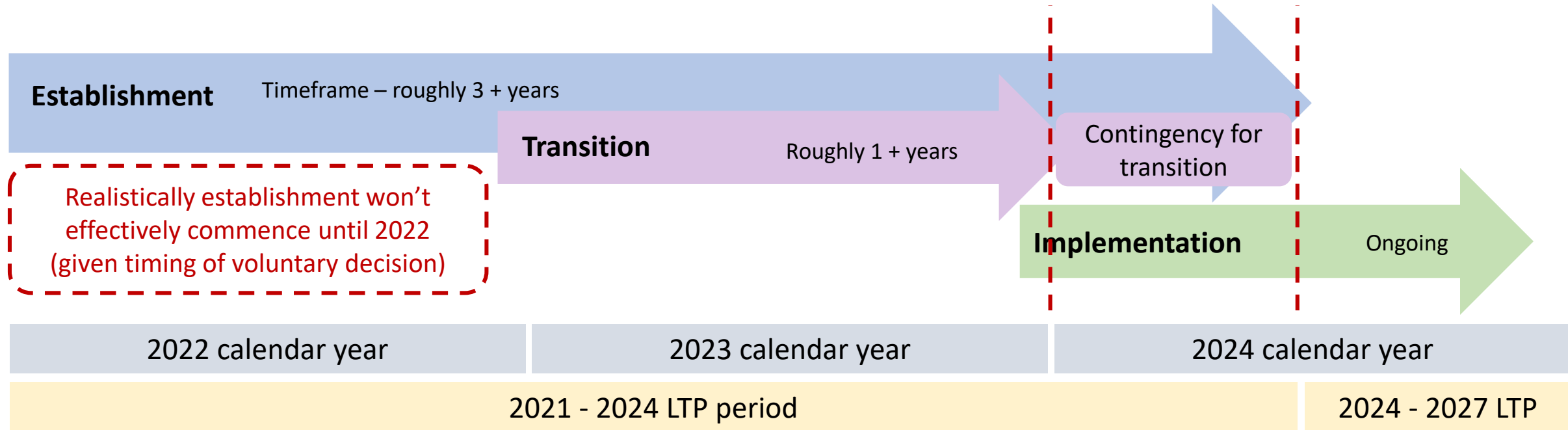
S. Poll: What activity is most important to ensure your workforce is best supported through establishment/transition?

Emerging thinking – indicative only



Please Note: This mahi is entirely dependent on the decisions made by Cabinet, therefore, the phases are subject to material change.

Emerging thinking – what this would mean



What this means for councils and their staff (who do not opt-out of reform):

- Councils will continue to be delivering water services until at least early 2024
- Council involvement in transition will be required during 2022 and 2023. Some funding will be set aside to support back filling of staff
- Working assumption that the 2024 – 2027 LTP will no longer include water services. Assistance is likely to be required to develop the initial asset management plan of the Water Service Entities. *This is to be worked through*

We are targeting all Water Service Entities to be operationally live by June 2024 for administrative ease

S. Poll: what activity is most important to get right in the establishment/ transition?

Questions?

Next Session: Break out discussion



Te Tari Taiwhenua
Internal Affairs

Break out session LG: Questions

1. What do you see as the biggest risks; and what do you see as the biggest opportunities for the sector through the establishment and transition period?
2. What is one issue, if any, connected to establishment and transition, you would wish to see resolved and/or understood that would impact your decision to opt-out of the reform?

Next Steps

This session will cover:

- Reform timeline from here
- Next engagements
- Upcoming decision points



Te Tari Taiwhenua
Internal Affairs

Decision process from here

- In mid-2021 the Department will advise Cabinet on key aspects of the Reforms including many of the elements to be discussed over the course of today's workshops.
- Following Cabinet decisions, DIA will provide a package of information to support discussions with your communities about the reform proposals and the local implications. This package will include:
 - **Core system design features** – including entity boundaries, governance arrangements and consumer protection mechanisms;
 - The **financial impacts** and implications for the future financial sustainability of the council;
 - The **terms of asset/liability transfers** and other considerations, such as stranded overheads;
 - **Data analysis** on the proposal – including the expected benefits of the reforms locally.
- Specific engagement with iwi/Māori will inform the design of rights and interests mechanisms.
- All councils will be included in a water services entity with an option to consult your communities and subsequently 'opt-out'.
- The Government will also support the understanding of the reforms nationally with a public education and information campaign that is expected to ramp up over the coming months.

To support a decision on whether to proceed with the reforms, you and your communities will have access to a full package of information about the reform proposals and what they mean.

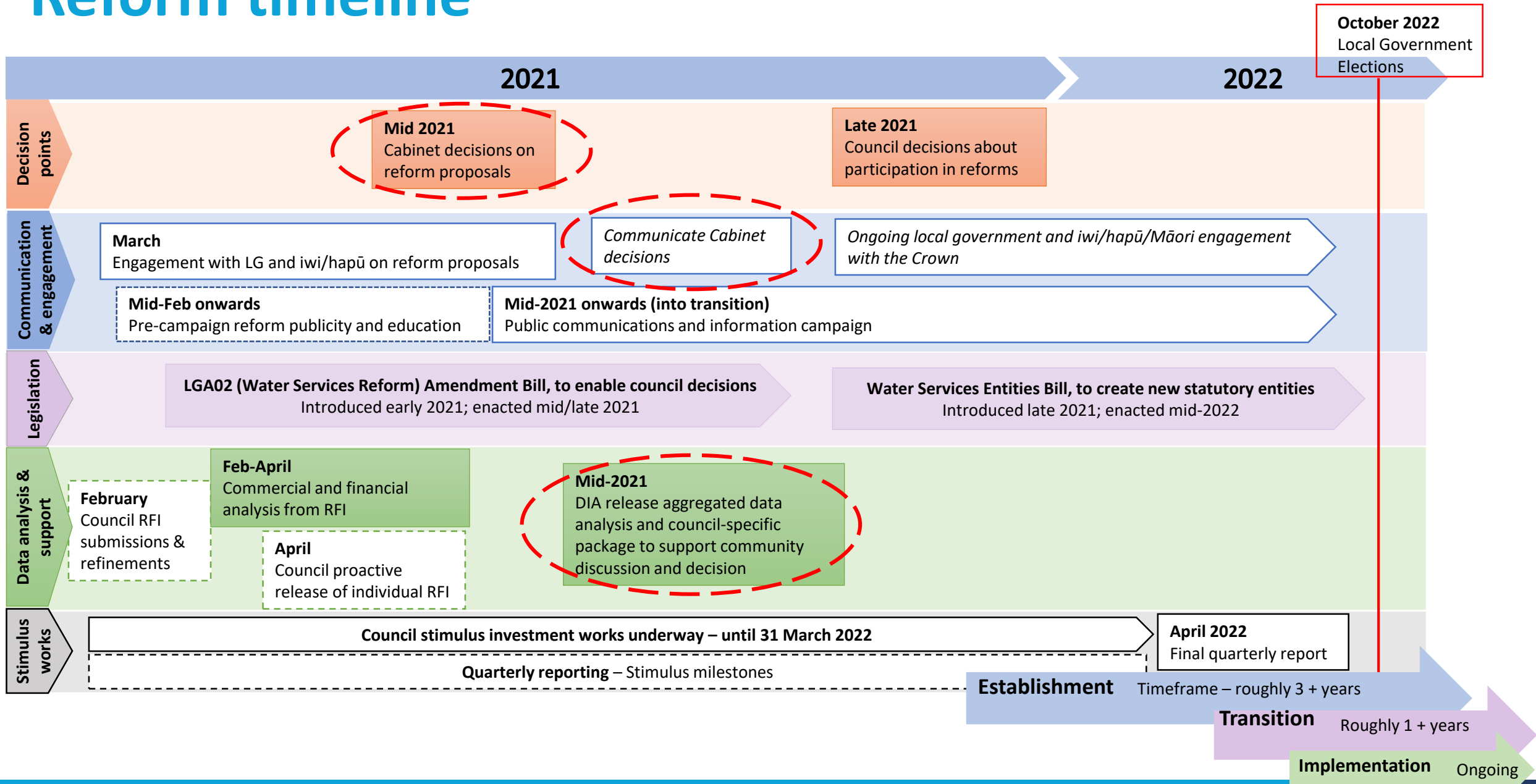
Next steps

- We will take on board your feedback from today and refine our thinking on key aspects of the reforms as we consider our advice to Cabinet.
- Further analysis to support advice on number and boundaries of water services entities will also feed into this advice.
- Legislation to amend LGA02 consultation and decision-making provisions is expected prior to September.
- Cabinet decisions on detailed reform proposals – mid-2021.
- Further legislation to create new water services entities – drafted for introduction in late-2021 and enactment mid-2022.
- Council decisions on ‘opt out’ – last quarter of 2021.
- **Councils will continue delivering water services through the duration of the upcoming Long-Term Plan (until at least early 2024).**

Change will take time, but key decisions are set to be made this year.

Reform timeline

125



Follow up

- We will email today's presentation materials to you through the email address you have used to sign in today.
- We will also share this with those that have RSVP'd but were unable to attend today's session.
- Following the full series of workshops, our team will produce a report that summarises the feedback we have heard across the motu.
- Alongside these workshops we are also testing our proposals with a wide range of experts, stakeholders and interested parties through March.
- Over these engagements we are monitoring sentiment on aspects of the reform programme on which people require further detail or more in-depth information.
- Aside from the data analysis and Cabinet decisions that we have signalled, are there any significant areas of the reform programme you need more detail on?

Slido Poll Revisit: Bearing in mind the need to balance scale and other factors, how many entities do you think is best in a reformed system?

Questions?



Ngā mihi, Thank you

Webpage: www.dia.govt.nz/Three-Waters-Reform-Programme

Email: threewaters@dia.govt.nz

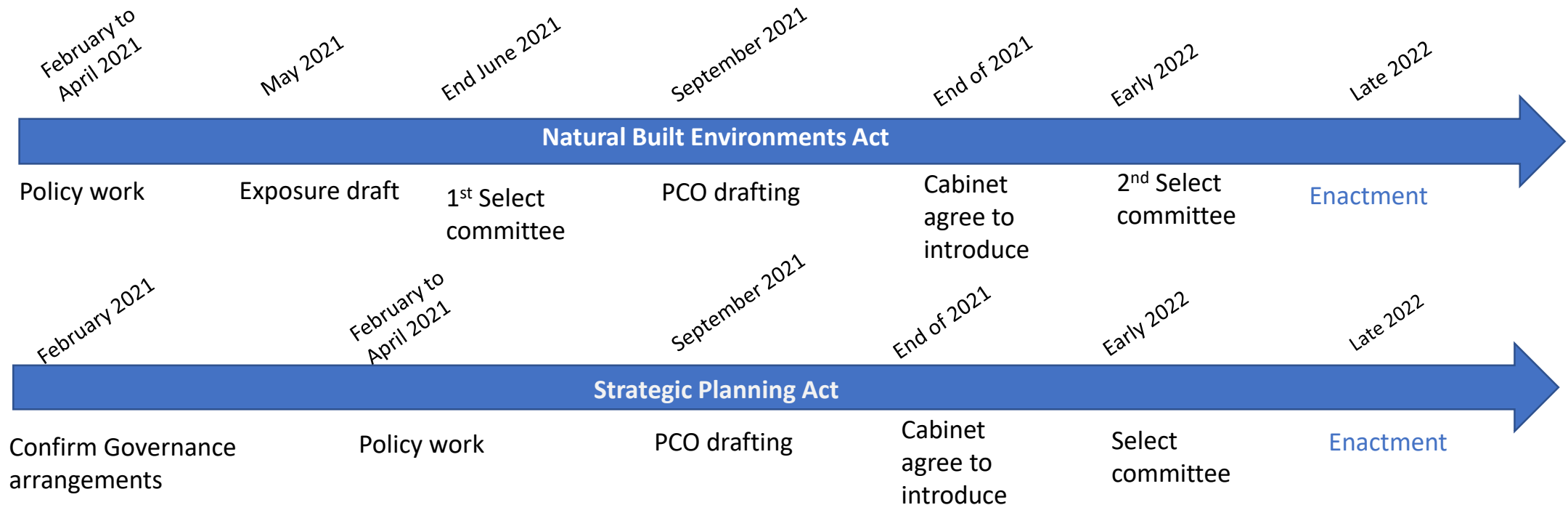
Slido Poll: Are there significant areas of the reform programme you are interested in that we have missed?



Te Tari Taiwhenua
Internal Affairs

FYI: Resource Management Reform

- The RM reforms propose
 - Replace RMA – Natural Built Environments Act (Combined plans)
 - Create new Spatial Plan legislation – Strategic Planning Act (Regional Spatial plans)
 - Create new managed retreat & climate adaptation legislation
- You can also find supporting information on the Ministry for the Environment's website here: <https://www.mfe.govt.nz/rma/reforming-new-zealands-resource-management-system/resource-management-system-reform/questions>



FYI: NES Drinking Water

Indicative timeframes for amendments to the National Environmental Standard for Sources of Human Drinking Water (NES-DW)

- The Ministry for the Environment has been proposing amendments to the NES-DW.
- These amendments are meant to work in parallel with the Water Services Bill to provide a comprehensive approach for drinking water risk management.
- The **scope of the proposed amendments** includes:
 - Prescribing a consistent national approach for defining ‘source water risk management areas’
 - Updating and strengthening requirements on local authorities to assess and manage risks to sources of drinking water
 - Providing a staged approach to include water supplies servicing less than 500 people to be included in the NES-DW
 - Addressing technical and drafting issues to align the NES-DW with the WSB.

Key Milestone	Indicative timeframe
Officials test and refine proposed amendments	March/April/May 2021
Public consultation	July/August 2021
Final policy decisions on NES-DW amendments, drafting of amended NES-DW	Late 2021
Gazettal of the amended NES-DW	Early 2022

FYI: Economic Regulation

- Economic regulation is used in sectors of the economy with strong natural monopoly characteristics to drive **good long term outcomes for consumers** including:
 - Efficient pricing and asset management;
 - Investment and innovation incentives; and
 - Service quality that reflects consumer demands.
- Ministers have agreed in principle that an economic regulation regime will apply to a substantively reformed three waters sector.
- However, the design of the economic regulatory system will depend on the key design features of the reforms, such as the governance arrangements and number of entities.
- A more detailed background information pack on economic regulation is available on the Reform Programme webpage: www.dia.govt.nz/Three-Waters-Reform-Programme

FYI: Water Services Bill

- The Water Services Bill is currently before the Select Committee for consideration.
- The Bill, if passed, will:
 - Significantly strengthen the drinking water regulatory framework.
 - Provide oversight and national-level reporting functions for wastewater and stormwater – “shining a light” on the system. Regional councils will continue to be regulator here.
 - Incorporate requirements to give effect to Te Mana o te Wai.
- A more detailed background information pack on the Water Service Bill is available on the Reform Programme webpage: www.dia.govt.nz/Three-Waters-Reform-Programme
- Taumata Arowai, drinking water regulator, will administer the regulatory framework set out in the Bill from approximately the second half of 2021. More detail on Taumata Arowai can be found at : www.dia.govt.nz/Taumata-Arowai-Establishment-Unit

6.6 Stock Control Future Options and Enhancements

Meeting: Te Kārearea Strategic Partnership Standing Committee
Date of meeting: 21 April 2021
Reporting officer: Reiner Mussle

1 Purpose

To advise Te Kārearea Strategic Partnership Standing Committee of collaboration efforts to address road safety concerns related to stock on roads at Mokau and surrounding areas;

2 Recommendations

That the Te Kārearea Strategic Partnership Standing Committee notes the report.

3 Background

Council's current Regulatory Services contract provided through our enforcement contractor Armourguard does not provide for proactive stock control enforcement or associated community engagement and only funds reactive, complaint driven responses. Therefore, the contract only requires Armourguard to attend stock complaint incidences, within preset timeframes and to then try and remove the immediate road safety risk, by driving stock off the road. Whilst that usually addresses the immediate safety concerns, it does not address the underlying reasons of why stock are out on the road in the first place, or how to prevent that from re-occurring in future.

In addition, there are underlying issues of semi-feral, non-NAIT tagged stock, often either belonging to multiple land owners or to unidentifiable stock owners. The requirement to have all stock NAIT tagged is a Ministry for Primary Industries (MPI) requirement and staff will continue to work with MPI in an aim to achieve this goal.

Approximately 25% of all stock complaints Council receives relate to the Mokau area. However, stock considerations at Mokau are more complex than in other areas and thus require a much higher degree of resourcing. Any practical solutions to the stock issue at Mokau could be replicated for the rest of the district and thus aim to address stock issues district wide.

In recent years and through targeted Armourguard led and Council funded projects, we've been successful in establishing some relationships with the Mokau Marae and some Mokau community members, which assist Armourguard in ensuring that stock gets off the road quicker and/or back onto the land where they belong.

4 Discussion

Since the Hui on 17 March 2021 and with the assistance from Cr. Benney and Cr. Martin a meeting has been held between the Councillors, Armourguard Animal management and Hikurangi Police. The aim of this was to strengthen working relationships and cooperation between Armourguard and Police, both in relation to assistance when dealing with stock on

roads (especially at night) and the broader limitations around shooting stock (discharging a firearm in a public place).

A further outcome of this meeting was that Cr. Benney will be writing to MPI, on behalf of Council, requesting their support regarding prioritising NAIT tagging of stock at Mokau.

Whilst a 2019 review of stock related road signage along Russell road found signage both sufficient and appropriate, some improvements to signposted phone numbers displayed were made during early 2020. More recent concerns about the adequacy of stock on road signage requires further investigation and ultimately liaison with our Northland Transport Alliance team, who are ultimately responsible for road signs.

It has been suggested and agreed that any future enhancement of stock control services at Mokau will need to focus on strengthening and expanding existing community contacts, including collaboration with Maori, the local Marae and where practically possible may include utilising existing Maori wardens. This option, including how these are funded and achieved within related limitations and restrictions, requires further investigation.

Staff are of the opinion that establishing stock ownership is the most critical step in addressing and reducing stock road safety concerns, as through this stock owners can be held responsible for their stock and associated cost recovery can be achieved, which in turn will help fund future services.

Council's current funding of stock control services is limited to reactive, complaint driven responses only.

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, Council News, Facebook or any other channel you currently use to inform customers – please also advise Communications]

6.7 Update on Hikurangi Swamp Pump Operation

Meeting: Te Kārearea Strategic Partnership Standing Committee
Date of meeting: 21 April 2021
Reporting officer: Simon Charles – Waste and Drainage Manager

1 Purpose

To update Te Kārearea Strategic Partnership Standing Committee on Hikurangi Swamp Pump Operation.

2 Recommendation/s

That the Te Kārearea Strategic Partnership Standing Committee notes the report on the update on Hikurangi Swamp Pump Operation.

3 Background

3.1 History of flood management in the Hikurangi Swamp

Drainage of the Hikurangi wetland began in 1919 under the management of Lands and Survey. From 1919, management of floods fell into the hands of various entities until the Hikurangi Flood Management Scheme was formed to straighten the river channels, construct control banks, spillways and pump stations. In 1989, control of the scheme was vested to WDC who has operated it since, on behalf of landowners and with input from landowners in the catchment and various other groups.

3.2 What the Scheme does

The scheme has a contributing catchment of over 55,000 Hectares. Over 30 km of river channel is constrained by stopbanks. It protects 5,600 Hectares of farmland from flooding in small summer rainfall events (up to a 1 in 3.5-year event) by containing water in stopbanks and pumping water falling within “pockets” back into the channel.

For larger rainfall events, spillways are constructed lower than stopbanks and designed to spill water into one of 7 pockets. Each pocket has a pump station (20 pumps). Water in pockets is either pumped back (up to 40m³/s) or gravitates through flood gates into main river once levels have fallen.

3.3 Funding of the Scheme

Landowners within the catchment pay targeted rates to run the Scheme. Management of the Scheme is thus dependent on landowners being able to afford the service. Frequent storm events reduce income and affects affordability.

3.4 Resource Consent

WDC is the consent holder and manages the scheme and is required to comply with Resource Consent (RC) Requirements (RC dated 27 May 2010).

Targeted Rates pay for renewals and any maintenance works needed to meet the requirements of the RC.

3.5 Operation

Maintenance and inspections work is done by Hydrotech Ltd. as part of their contract with WDC for Wastewater and Stormwater Operations and Maintenance.

3.6 Issues

The Hikurangi Swamp has long been a traditional source of Tuna (Eels) for iwi/hapū. As part of the WDC resource consent process for the Scheme, a Cultural Effects Assessment Report was prepared in conjunction with Ngati Hau. This report clearly demonstrated the importance of the traditional tuna fishery to Ngati Hau.

Tuna migrate over summer and early autumn. When not in flood, the floodgates at the pump stations remain open and allow passage of Tuna.

Physical Barrier: The invert of the gravity floodgates is above the invert of the outlet channel and at low flows it is difficult for elvers to climb over the gate frame (horizontal overhang) when they are headed in an upstream direction towards the pockets and hill country.

On average a summer flood happens in 3 out of 4 years. When flooding occurs, the river level is higher than the water level behind the pump station (in the pockets), the floodgates close, and consequently there is no pathway for Tuna in the drains in the pockets to move through the station. Because water is trying to flow from the river into the pocket it makes it difficult to make a fish passage. The pumps move huge amounts of water. Screens around the inlet to filter out the Tuna would quickly block.

If Tuna enter the pumps they will most likely be killed. Pumps with a lower mortality rate for fish and eels “fish friendly pumps” are considerably more expensive. If water sits on pasture for several days in warm weather, deoxygenation of water resulting from decomposition of vegetation increases the mortality rates of Tuna.

In addition, if water sits on pasture for more than 2 to 3 days in summer the pasture risks dying. Reseeding is expensive and takes time.

In addition to Tuna being killed by the pumps, some Tuna mortalities occur during mechanical drain clearing activities.

Commercial Tuna Fishing: The extent and impact of past and present commercial fishing within the scheme and wider catchment has not been documented. The Ministry of Primary Industries manages the eel fishery under a Quota Management System.

3.7 Flood event of mid-February

On the 25 February 2021 Hapū representatives notified WDC that they had come across a number of dead Tuna in the vicinity of a few of the pump stations following the rainfall event of the 14 to 16 February 2021.

The estimated number of dead Tuna were reported by Hydrotech at each station as follows:

Pump Station Site	Eel (Tuna) Loss
Ngaratanua	90 -100
Te Mata	30
Okarika	10
Otonga	9
Mountain	0
Tanekaha	0
Junction	0

However, hapū consider that a much larger number of Tuna were killed.

The pumps had been prepared for operation in advance of the rain event in accordance with current Pump Operating Protocols. This preparation entails checking that the screens are clear of weeds/debris, the electrics are operational, and the pumps are switched from “off” to “auto”. Auto means that the pumps will start automatically when the flood level sensors in the pockets are triggered.

Only four of the seven pumps were started. Pump start times and run times is reported as follows:

* Pump start time between 2000 and 2200 on 15 Feb

Pump	Ngararatunua (Run hour meters)				Otonga (Run hour meters)			Te Mata (Run Hour meter)		
	15/02/2021	16/02/2021	19/02/2021	Total Hrs	15/02/2021	19/02/2021	Total Hrs	15/02/2021	19/02/2021	Total Hrs
A	13710	13718	13720	10	22877	22888	11	4753	4754	1
B	16023	16033	16040	17	19632	19652	20	5192	5199	7
D	5530	5531	5532	2	12000	12000	0	424	424	0
E	6558	6558	6559	1						

In 2020, when WDC was heavily criticised for leaving the pumps off and leaving the floodwater on the pasture, we planned to change our procedures.

We intended to leave the pumps switched off until after hapū had confirmed that the eels had migrated for the season, and then to set them to automatic.

Unfortunately, the protocols for this (which need to be agreed by hapū and landowners) had not yet been drawn up at the time of the recent rain and this proposed change had not been relayed to our maintenance contractor.

As a result, Hydrotech turned the pumps to automatic when we were warned of coming rain in line with the management scheme as it has been operating for some years.

We regret this and have apologised to hapū.

A meeting with Senior WDC leadership had been pre-arranged for the 8 March to discuss the Long-term Plan for the scheme. The events following the discovery of Tuna deaths escalated quickly and we made a decision to include this item during the same meeting.

4 Discussion

There are no apparent short-term options to prevent Tuna mortality during the migrating period if the pumps operate. Tuna mortality can be avoided if pump operation should be minimised.

The ability to catch Tuna upstream of the station safely either prior to, or during events, should be investigated with hapū to mitigate the risk of Tuna mortality. Hapū have requested payment to net and transport Tuna to past the pump stations, where they would be released safely.

Drain clearing: Hapū have requested payment to be present to monitor drain clearing during Tuna heke (migration) to retrieve Tuna that get caught in the spoil material from clearing of drains to make sure they are safely returned to safe waters.

Representatives from WDC, hapū, NRC and drain clearing contractors have been engaged in discussions around how this might work, with a particular emphasis on how Health and Safety of hapū working alongside heavy machinery might be managed. To this end, it is understood that the contractor has established an exclusion zone and that WDC will supply hapū with Personal Protective Equipment (PPE) once numbers of people doing this mahi is known.

NRC representatives have met with hapū to discuss whether any of the RC conditions had been breached in not preventing Tuna deaths as described. It was reported that whilst no breach was evident, it was concluded that the Fisheries Management Plan is outdated and would benefit from further work. It is understood that hapū have requested that a voluntary change to consent conditions is considered to incorporate best/mutually agreed practices to minimise adverse effects on Tuna into consent conditions (s.127 RMA). An alternative process is a S.128 review of consent conditions (adverse effect provision), The latter tends to become an adversarial process which could end up in court and result in significant costs to the parties involved.

4.1 Financial/budget considerations

The cost of hapū undertaking this work is approx. \$22,500 for the first flood event and then approx. \$12,500 per flood event thereafter assuming the nets can be reused.

Currently there is no funding to pay hapū for either Tuna capture and relocation or monitoring of drain clearing mahi.

This is due to the way the scheme is funded through targeted rates. Landowners are challenging additional costs to the scheme when tonnes of Tuna are taken by uncontrolled Eel fishing. It should be noted we have received no information in support of this claim.

Hapū had been advised to make a submission to the Long Term Plan to allocate funding to this issue.

4.2 Proposed way forward

The following improvements to level monitoring and gravity gate control are proposed and need to be agreed between stakeholders:

- Council will consider submissions through the LTP.
- It is proposed that between 1 January and 30 April, the default operating position of pumps should be off.
- If the pumps are to be run in smaller events, they should not be turned on until the water level downstream of the station is higher than in the pocket. This will allow the gravity gate to open, releasing Tuna.
- In large events (greater than 5 days) pasture damage can occur regardless of pump option. This should be considered when turning the pumps on.

The decision to turn on the pumps will be made by WDC management, taking into account:

- Input from hapū on the risk to tuna
- Input from Landowners on the benefit of running the pumps
- Relevant legislation and compliance matters

4.3 Planned hui

WDC will continue to work with hapū to develop an action plan, identifying key objectives and establishing timeframes. This action plan will be agreed with NRC.

A meeting with hapū and WDC has been arranged for 12 April 2021 to discuss this topic.

A further meeting involving more stakeholders – hapū, DoC, WDC, NRC and landowners follows on 15 April 2021. DoC have arranged for a few specialists experienced in Land Drainage Schemes in the Waikato to provide the group with more information around Tuna protection.

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.

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.