

Council Briefing Agenda

Date: Thursday, 8 December, 2022

Time: 10:30 am

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

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

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

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2.1 Update on the 2023 – 2024 Annual Plan

Meeting: Council Briefing
Date of meeting: 8 December 2022
Reporting officer: Graham Fox (Project Manager – Corporate Planning)

1 Purpose / Te Kaupapa

The purpose of the briefing is to provide Elected Members with an update on the process for the Annual Plan for the year 1 July 2023 to 30 June 2024. It is noted that this meeting may not be required subject to the direction received from Council at the briefing on 30 November 2022.

2 Background / Horopaki

Elected Members were introduced to the corporate planning cycle and the Annual Plan at the Council briefing on 30 November 2022. That briefing served as a starting point for the Annual Plan process and considered:

- The relationship between the Annual Plan and the broader corporate planning cycle;
- The proposed timeframe for the preparation and adoption of the Annual Plan;
- Key known assumptions underlying the 2023–2024 Annual Plan;
- Current financial strategy and financial considerations;
- Key issues to be addressed in Year 3 of the Long Term Plan (LTP);
- Options for engaging or not with our community.

The 2023–2024 Annual Plan will be the final one before the new 2024–2034 LTP.

3 Discussion / Whakawhiti kōrero

This briefing will further discuss Council's preferred approach for the 2023–34 Annual Plan, including:

- rates increases
- financial strategy parameters
- engagement and communication options (i.e. consultation)

This will determine the fundamental decisions required to enable staff to produce and distribute budget packs to the business to enable budget preparation to commence.

A presentation will be provided at the briefing.

2.2 Council submission on Draft Report Review into the Future for Local Government.

Meeting: Council Briefing
Date of meeting: 8 December 2022
Reporting officer: Aaron Taikato

1 Purpose / Te Kaupapa

To seek direction and input from elected members on a potential Whangarei District Council submission on the Draft Report *Review into the Future for Local Government*.

2 Background / Horopaki

Staff previously provided a briefing to elected members on 10 November 2022 updating them on the current status of the Ministerial Review into the Future for Local Government. A copy of the briefing paper and accompanying PowerPoint presentation are **attached** as **Attachment 1** and **Attachment 2**.

Subsequently, on 21 November 2022, elected members were invited to attend a meeting of the Review Panel with the four Councils of Te Tai Tokerau to raise questions or concerns and seek clarification around the direction of changes proposed.

The Review Panel have published a Draft Report Review into the Future for Local Government which is intended to outline the Panel's thinking to date, pose a range of further questions and encourage further discussion. The opportunity to provide submissions and feedback on the draft report and its recommendations is open until **28 February 2023**.

Staff are seeking confirmation from elected members as to whether Council wishes to make a formal submission on the draft paper and direction regarding the issues on which they wish any submission to be focused.

3 Discussion / Whakawhiti kōrero

The purpose of the Review is to consider how local government may need to evolve given changes that are being driven by significant central government reform along with issues such as climate change, relationships between local government and Māori and the health and well-being of communities.

The nine areas of key focus on which the Review Panel are seeking feedback are summarised in **Attachment 2** (Presentation – Future of Local Government - 10 November 2022) and below.

Input is sought from elected members of any specific points or themes Council wishes to raise in a potential submission arising out of the Panel's nine areas of key focus:

Revitalising citizen-led democracy - *how can community engagement and involvement in council decision making be enhanced, including a focus on engagement with Māori.*

Tiriti-based partnership between Māori and local government – *there is a need to strengthen the role of Te Tiriti in local governance through legislative change, enhanced partnership and co-governance mechanisms, improved Māori participation in local government processes and improved Māori representation in council governance.*

Allocating roles and functions in a way that enhances wellbeing - *significant changes in the roles and functions of local government are being driven by proposed reforms. The future allocation of roles and functions between central and local government should be non-binary, recognise obligations under Te Tiriti and build on local government's strengths in the space of community wellbeing.*

Local government as champion and activator of wellbeing – *local government is able to play a key role in promoting local wellbeing due to its close connection to its community. It will be important to partner with hapū/iwi and Māori organisations to enhance this role.*

A stronger relationship between central and local government – *there is a need to reset the relationship between central and local government to create a pathway for better partnership and collaboration with a focus on identifying shared priorities/ outcomes, a commitment to co-investment and partnership with Māori.*

Replenishing and building on representative democracy - *how can representation and electoral processes within local government be strengthened? Includes representation reviews, administration of local electoral processes, the choice of electoral system, the voting age, the electoral term, elected member remuneration and workplace support.*

Equitable funding and finance – *there is a need for improved support from central government including partnership and co-investment and enabling councils to establish new funding mechanisms.*

System design – *key design principles for the local government system should include local place-based decision-making and leadership, roles and functions be allocated to the lowest level of government possible, resourcing to enable effective delivery of services, flexibility to partner to share decision-making and delivery of services, ability to use of economies of scope and combine resources where appropriate*

System stewardship and support – *what does the overarching guidance and support for local government look like?, including the respective roles of local government, hapū/iwi, and central government? What roles should existing bodies such as LGNZ, Taituarā and the Local Government Commission play.*

4 Attachments / Ngā Tāpiritanga

1. **Attachment 1** – Council Briefing 10 November 2022 Update on the Ministerial Review into the Future of Local Government.
2. **Attachment 2** – Presentation – Future of Local Government - 10 November 2022

2.1 Update on the Ministerial Review into the Future of Local Government

Meeting: Council Briefing
Date of meeting: 10 November 2022
Reporting officer: Aaron Taikato (General Manager – Strategy and Democracy)

1 Purpose / Te Kaupapa

To provide elected members with updated information on the current status of the Ministerial Review into the Future of Local Government.

2 Background / Horopaki

On 23 April 2021 the Minister of Local Government established a Review into the Future for Local Government.

The purpose of the review is to consider how local government may need to evolve taking account of significant reform work programmes central government is considering in the areas of resource management and regulation of the waters, along with issues such as climate change, relationships between local government and Māori and the health and well-being of communities.

The review is being undertaken in stages, with the third and final stage culminating in a final report to the Minister on the Review Panel's recommendations for reform due in June 2023.

Stage Two of the review involved broad public engagement along with research and policy development resulting in the **attached** Draft Report *Review into the Future for Local Government (Attachment 1)*. The Draft Report is not intended to serve as a draft of the Panel's Final Report but rather to outline the Panel's thinking to date, pose a range of further questions and encourage further discussion.

With the publication of the Draft Report, the review is entering its third and final stage. The Review Panel is scheduled to meet with the four Councils of Te Tai Tokerau on 21 November 2022. This session will provide elected members with an opportunity to raise questions or concerns with the Review Panel and seek clarification around the direction of changes proposed. It is also an opportunity to provide feedback with submissions and feedback on the draft report and its recommendations open until 28 February 2023.

A summary of the Draft Report is provided in the **attached** *Executive Summary - Review into the Future for Local Government (Attachment 2)*.

3 Discussion / Whakawhiti kōrero

The last significant structural reforms in the local government sector occurred with the reorganisation and amalgamations of 1989 and the subsequent statutory reforms brought about by the Local Government Act 2002.

Since then, the scope and nature of the challenges facing local government have become much more complex and demanding with continuing growth in unfunded additional responsibilities placing further pressure of limited funding mechanisms. Together with the potential impact of proposed reforms, these pressures are raising questions around the functions and roles of local government and what needs to change to meet future needs.

Through their review to date the Review Panel have identified five key interconnected areas where they consider change will need to occur to meet future challenges. These include:

- **Strengthened local democracy**
- **Authentic relationships with hapū/iwi and Māori**
- **Stronger focus on wellbeing**
- **Genuine partnership between local and central government; and**
- **More equitable funding**

These key areas of focus are reflected throughout the following themes explored through their report and the recommendations for change:

Revitalising citizen-led democracy

Through this theme, the Review Panel explores how community engagement and involvement in council decision making can be enhanced, including a focus on engagement with Māori. Recommendations include a focus on reviewing statutory requirements around engagement, consultation, and decision-making and engagement with Māori.

The recommendations of the Review Panel on this theme along with questions are as follows:

Recommendations

- That local government adopts greater use of deliberative and participatory democracy in local decision-making.
- That local government, supported by central government, reviews the legislative provisions relating to engagement, consultation, and decision-making to ensure they provide a comprehensive, meaningful, and flexible platform for revitalising community participation and engagement.
- That central government leads a comprehensive review of requirements for engaging with Māori across local government related legislation, considering opportunities to streamline or align those requirements.
- That councils develop and invest in their internal systems for managing and promoting good quality engagement with Māori.
- That central government provides a statutory obligation for councils to give due consideration to an agreed, local expression of tikanga whakahaere in their standing orders and engagement practices, and for chief executives to be required to promote the incorporation of tikanga in organisational systems.

Questions

- *What might we do more of to increase community understanding about the role of local government, and therefore lead to greater civic participation?*

Tiriti-based partnership between Māori and local government

Through this theme the Review Panel considers the need to strengthen the role of Te Tiriti in local governance through legislative change, enhanced partnership and co-governance mechanisms, improved Māori participation in local government processes and improved Māori representation in council governance.

The recommendations of the Review Panel on this theme are as follows:

Recommendations

- That central government leads an inclusive process to develop a new legislative framework for Tiriti-related provisions in the Local Government Act that drives a genuine partnership in the exercise of kāwanatanga and rangatiratanga in a local context and explicitly recognises te ao Māori values and conceptions of wellbeing.
- That councils develop with hapū/iwi and significant Māori organisations within a local authority area, a partnership framework that complements existing co-governance arrangements by ensuring all groups in a council area are involved in local governance in a meaningful way.
- That central government introduces a statutory requirement for local government chief executives to develop and maintain the capacity and capability of council staff to grow understanding and knowledge of Te Tiriti, the whakapapa of local government, and te ao Māori values.
- That central government explores a stronger statutory requirement on councils to foster Māori capacity to participate in local government.
- That local government leads the development of coordinated organisational and workforce development plans to enhance the capability of local government to partner and engage with Māori.
- That central government provides a transitional fund to subsidise the cost of building both Māori and council capability and capacity for a Tiriti-based partnership in local governance.

Allocating roles and functions in a way that enhances wellbeing

Through this theme the Review Panel recognises the significant changes in the roles and functions of local government driven by proposed reforms in resource management and the waters. The Review Panel considers a potential framework for the future allocation of roles and functions which is non-binary, recognises obligations under Te Tiriti and builds on local government's strengths in the space of community wellbeing.

The recommendations of the Review Panel on this theme along with questions are as follows:

Recommendations

- That central and local government note that the allocation of the roles and functions is not a binary decision between being delivered centrally or locally.
- That local and central government, in a Tiriti-consistent manner, review the future allocations of roles and functions by applying the proposed approach, which includes three core principles:
 - the concept of subsidiarity (roles and functions should be allocated to the lowest level of government possible).
 - local government's capacity to influence the conditions for wellbeing is recognised and supported
 - te ao Māori values underpin decision-making.

Questions

- *What process would need to be created to support and agree on the allocation of roles and functions across central government, local government, and communities?*
- *What conditions will need to be in place to ensure the flexibility of the approach proposed does not create confusion or unnecessary uncertainty?*
- *What additional principles, if any, need to be considered?*

Local government as champion and activator of wellbeing

Through this theme the Review Panel recognises the key role local government is able to play in promoting local wellbeing due to its close connection to its community. It also stresses the importance of partnering with hapū/iwi and Māori organisations to enhance this role.

The recommendations of the Review Panel on this theme along with questions are as follows:

Recommendations

- That local government, in partnership with central government, explores funding and resources that enable and encourage councils to:
 - lead, facilitate, and support innovation and experimentation in achieving greater social, economic, cultural, and environmental wellbeing outcomes
 - build relational, partnering, innovation, and co-design capability and capacity across their whole organisation
 - embed social/progressive procurement and supplier diversity as standard practice in local government with nationally supported organisational infrastructure and capability and capacity building
 - review their levers and assets from an equity and wellbeing perspective and identify opportunities for strategic and transformational initiatives
 - take on the anchor institution role, initially through demonstration initiatives with targeted resources and peer support
 - share the learning and emerging practice from innovation and experimentation of their enhanced wellbeing role.

Questions

- *What feedback do you have on the roles councils can play to enhance intergenerational wellbeing?*
- *What changes would support councils to utilise their existing assets, enablers, and levers to generate more local wellbeing?*

A stronger relationship between central and local government

This theme explores the need to reset the relationship between central and local government to create a pathway for better partnership and collaboration with a focus on identifying shared priorities/ outcomes, a commitment to co-investment and partnership with Māori.

The questions that the Review Panel has raised on this theme are as follows:

Questions

As we work towards our final report, we want to consider the merits of the different examples. We are interested in your views as to how to rewire the system of central and local government relationships through developing an aligned and cohesive approach to co-investment in local outcomes.

- *To create a collaborative relationship between central and local government that builds on current strengths and resources, what are:*

- *the conditions for success and the barriers that are preventing strong relationships?*
- *the factors in place now that support genuine partnership?*
- *the elements needed to build and support a new system?*
- *the best options to get there?*
- *potential pathways to move in that direction and where to start?*
- *the opportunities to trial and innovate now?*
- *How can central and local government explore options that empower and enable a role for hapū/iwi in local governance in partnership with local and central government? These options should recognise the contribution of hapū/iwi rangatiratanga, kaitiakitanga, and other roles.*

Replenishing and building on representative democracy

This theme considers how to strengthen representation and electoral processes within local government. This includes representation reviews, administration of local electoral processes, the choice of electoral system, the voting age, and the electoral term, elected member remuneration and workplace support.

The recommendations of the Review Panel on this theme along with questions are as follows:

Recommendations

- That the Electoral Commission be responsible for overseeing the administration of local body elections.
- That central government undertakes a review of the legislation to:
 - adopt Single Transferrable Vote as the voting method for council elections
 - lower the eligible voting age in local body elections to the age of 16
 - provide for a 4-year local electoral term
 - amend the employment provisions of chief executives to match those in the wider public sector, and include mechanisms to assist in managing the employment relationship.
- That central and local government, in conjunction with the Remuneration Authority, review the criteria for setting elected member remuneration to recognise the increasing complexity of the role and enable a more diverse range of people to consider standing for election.
- That local government develops a mandatory professional development and support programme for elected members; and local and central government develop a shared executive professional development and secondment programme to achieve greater integration across the two sectors.
- That central and local government:
 - support and enable councils to undertake regular health checks of their democratic performance
 - develop guidance and mechanisms to support councils resolving complaints under their code of conduct and explore a specific option for local government to refer complaints to an independent investigation process, conducted and led by a national organisation
 - subject to the findings of current relevant ombudsman's investigations, assess whether the provisions of the Local Government Official Information and Meetings Act 1987, and how it is being applied, support high standards of openness and transparency.

- That central government retain the Māori wards and constituencies mechanism (subject to amendment in current policy processes), but consider additional options that provide for a Tiriti-based partnership at the council table.

Questions

- *How can local government enhance its capability to undertake representation reviews and, in particular, should the Local Government Commission play a more proactive role in leading or advising councils about representation reviews?*
- *To support a differentiated liberal citizenship, what are the essential key steps, parameters, and considerations that would enable both Tiriti- and capability-based appointments to be made to supplement elected members?*

Equitable funding and finance

This theme considers the ongoing challenges associated with funding local government. While the Review Panel considers that rates are still the best means of funding council activities, better support is needed from central government. This means improved partnership with central government and co-investment, enabling councils to establish new funding mechanisms, a requirement for central government to assess the impact of proposed regulatory changes on local government and appropriate funding for such changes as well as payment of rates by central government on its properties.

The recommendations of the Review Panel on this theme along with questions are as follows:

Recommendations

- That central government expands its regulatory impact statement assessments to include the impacts on local government; and that it undertakes an assessment of regulation currently in force that is likely to have significant future funding impacts for local government and makes funding provision to reflect the national public-good benefits that accrue from those regulations.
- That central and local government agree on arrangements and mechanisms for them to co-invest to meet community wellbeing priorities, and that central government makes funding provisions accordingly.
- That central government develops an intergenerational fund for climate change, with the application of the fund requiring appropriate regional and local decision-making input.
- That central government reviews relevant legislation to:
 - enable councils to introduce new funding mechanisms
 - retain rating as the principal mechanism for funding local government, while redesigning long-term planning and rating provisions to allow a more simplified and streamlined process.
 - That central government agencies pay local government rates and charges on all properties.

Question

- *What is the most appropriate basis and process for allocating central government funding to meet community priorities?*

System design

Under this theme the Review Panel explores five core principles that they consider should guide the design of a new local government structure along with examples of structures that could give effect to these design principles. The five core design principles include:

- **Local** - There is local place-based decision-making and leadership, and local influence on decisions made about the area at a regional and national level
- **Subsidiarity** - Local government entities support and enable roles and functions to be allocated adopting the principle of subsidiarity (roles and functions should be allocated to the lowest level of government possible).
- **Resourced** - Local government entities have the people, skillsets and can generate the funding and have the resources needed to effectively deliver services
- **Partnership** - Local government entities have flexibility to partner with each other and with other parties to share decision-making and delivery of services, in order to advance community outcomes effectively and efficiently
- **Economies of scope** - Local government entities make use of economies of scope and combine resources and expertise where appropriate to ensure services and functions are delivered to a high standard

The Review Panel also recommends that regardless of the future structure of local government, there needs to scope for greater collaboration across local government and increased use of shared services, including within the digital space.

The recommendations of the Review Panel on this theme along with questions are as follows:

Recommendations

- That central and local government explore and agree to a new Tiriti-consistent structural and system design that will give effect to the design principles.
- That local government, supported by central government, invests in a programme that identifies and implements the opportunities for greater shared services collaboration.
- That local government establishes a Local Government Digital Partnership to develop a digital transformation roadmap for local government.

Questions

- *What other design principles, if any, need to be considered?*
- *What feedback have you got on the structural examples presented in the report?*

System stewardship and support

This theme considers the overarching guidance and support and of local government including the respective roles of local government, hapū/iwi, and central government. It also looks at the roles existing bodies such as LGNZ, Taituarā and the Local Government Commission should play.

The recommendations of the Review Panel on this theme along with questions are as follows:

Recommendations

- That central and local government considers the best model of stewardship and which entities are best placed to play system stewardship roles in a revised system of local government.

Questions

- *How can system stewardship be reimagined so that it is led across local government, hapū/iwi, and central government?*

- *How do we embed Te Tiriti in local government system stewardship?*
- *How should the roles and responsibilities of 'stewardship' organisations (including the Secretary of Local Government (Department of Internal Affairs), the Local Government Commission, LGNZ, and Taituarā) evolve and change?*

4 Attachments / Ngā Tāpiritanga

Attachment 1 - Draft Report - Review into the Future for Local Government – October 2022

Attachment 2 - Executive Summary - Review into the Future for Local Government – October 2022

The Future of Local Governance

Whangārei District Council Briefing
10 Whiringa-ā-Rangi 2022



He mata whāriki, he matawhānui

Local and central government need to evolve and change

The Review into the Future for Local Government has published its draft report, ***He mata whāriki, he matawhānui.***

We have used five shifts to drive our draft report:

- Strengthened local democracy
- Authentic relationship with hapū/iwi/Māori
- Stronger focus on wellbeing
- More equitable funding
- Genuine partnership between central government and local government

The status quo is not an option. For communities to successfully respond to the significant challenges facing them, both local and central government need to change how they use their collective strengths and resources.

The report is a provocation, not a 'draft' of the final report – along with draft recommendations it asks several questions.



The draft report reflects a substantial package of change

1

Thriving local government is vital for Aotearoa New Zealand

2

Revitalising citizen-led democracy

- Local government has a critical role in rebuilding trust in the democratic system.
- Local government adopts greater use of deliberative and participatory democracy in local decision-making.
- Central government leads a comprehensive review of requirements for engaging with Māori across local government related legislation.
- What can we do to increase community understanding of local government's role, that also sees greater civic participation?

3

A Tiriti-based partnership between Māori and local government

- Central Government develops a new legislative framework for Te Tiriti-related provisions in the Local Government Act that drives a genuine partnership in the exercise of kāwanatanga and rangatiratanga, and explicitly recognises Te Ao Māori values and conceptions of wellbeing.
- Councils develop a partnership framework that complements existing co-governance arrangements.
- Central Government provides a transitional fund to subsidise the cost of building both Māori and council capability and capacity.

4

Allocating roles and functions in a way that enhances local wellbeing

- The allocation of roles and functions should be led by the principle of subsidiarity and reflect local government's capacity to influence the conditions for wellbeing and te ao Māori values.
- What processes would need to be created to support and agree on the allocation of roles and functions across central government, local government, and communities?

5

Local government as champion and activator of wellbeing

- Councils should have a stronger focus on building community wellbeing.
- Local government, in partnership with central government, explore funding and resources that enables and encourages councils to lead, facilitate and support innovation and experimentation in achieving greater wellbeing outcomes.
- What changes would support councils to utilise their existing assets, enablers and levers to generate more local wellbeing?

6

A stronger relationship between central and local government

- What's needed to create a collaborative relationship between central and local government that builds on current strengths and resources. What are:
 - the conditions for success and the barriers?
 - the factors in place now that support genuine partnership?
 - the elements needed to build and support a new system?
 - the best options to get there?
 - potential pathways to move in that direction?
 - the opportunities to trial and innovate now?

7

Replenishing and building on representative democracy

- More diverse representation needed and elected members require more training, remuneration and support.
- For local body elections, undertake a review of the legislation to adopt STV as the nation-wide voting method, lower the voting age to 16 and provide for a four-year election term, with the Electoral Commission responsible for administering local body elections
- What would enable both Te Tiriti and capability-based appointments to be made to supplement elected members?

8

Building an equitable, sustainable funding and financing system

- Regulatory impact statement assessments are expanded to include the impacts on local government and introduce a funding provision.
- Central and local government agree on arrangements and mechanisms to determine, agree and co-invest in community outcomes and priorities, and that central government makes funding provisions accordingly.
- Central government develops an intergenerational fund for climate change.
- Rating retained but legislation enables councils to introduce new funding mechanisms.

9

Designing the local government system to enable the change we need

- Central and local government explore and agree to a new Tiriti-consistent structural and system design that will give effect to the proposed design principles.
- Local government, supported by central government, invests more in collaboration/ shared services, and moves to a more joined-up public service.
- That local government develops a digital transformation roadmap.
- Will the proposed design principles and structural examples ensure local government is fit-for-the-future?

10

System stewardship and support

- Central and local government considers the best model of stewardship and which entities are best placed to play system stewardship roles in a revised system of local government.
- How do we embed Te Tiriti in local government system stewardship?
- How should the roles and responsibilities of 'stewardship' organisations (including the Secretary of Local Government (Department of Internal Affairs); the Local Government Commission; LGNZ and Taituarā) evolve and change?

2.3 Civil Contractors NZ

Meeting: Council Briefing
Date of meeting: 8 December 2022
Reporting officer: Jim Sephton (General Manager Infrastructure)

1 Purpose / Te Kaupapa

To introduce Civil Contractors NZ Northland who will provide an overview of their activities and relationship with Council.

2 Background / Horopaki

Civil Contractors New Zealand is an incorporated society that represents the interests and aspirations of more than 700 member organisations – including large, medium-sized and small businesses in civil engineering, construction and general contracting. It also has associate members who provide valuable products, support and services to contractor members.

These businesses play a vital role in the development of our country, our economy and our way of life. They build and maintain the roads connecting our cities and towns. They install and care for the water networks that bring fresh water to houses and wastewater to treatment plants. They even install the cables that bring the internet to homes and businesses. These are services, a modern and developed economy must have, to compete efficiently in world markets and to deliver high living standards for its people.

3 Discussion / Whakawhiti kōrero

CCNZ members work for the public and private sectors. Membership is open to any contractor engaged in civil engineering construction and general contracting, including those servicing the rural economy. Associate membership is available to all businesses who service and supply products to the construction/contracting industry.

Council and CCNZ Northland Branch have a close relationship and have worked hard to improve

- Health and Safety Conditions
- Our approach to procurement including providing a visible pipeline of work
- How we deliver work including earlier involvement of contractors
- Consistency of approach for Tendering and Contract Management

Kylie Wech is the current chair of the Northland Branch and we welcome her and the committee to Council Chambers to provide Elected Members with direct feedback from the industry and how we can get the most out of our relationship.

2.4 Whangarei Airport Location Options Study Briefing

Meeting: Council Briefing
Date of meeting: 8 December 2022
Reporting officer: Sarah Irwin (Manager, Infrastructure Planning)
 Fraser Campbell (ALOS Project Manager)

1 Purpose / Te Kaupapa

This report and presentation updates council and provides the summary of the Whangarei Airport Location Option Study project.

It will also inform Council of the Project Control Group structure and nominations for membership.

2 Background / Horopaki

In 2014, Council commissioned Beca to undertake the Whangārei District Airport Strategic Review (the project). The review was to be delivered in a series of phased studies to provide advice to "ensure that the Whangārei District has an airport that is capable of meeting the long term needs (30 to 50 years) of its users and the District." Initial assessments undertaken in 2014 reviewed the suitability of Onerahi and Port Nikau. Those assessments concluded that neither location adequately met the long-term needs of the users and the District, and that alternative sites should be investigated. Council resolved to accept these recommendations and proceed with alternative site investigations at its meeting of 17 December 2014.

At the 25 August 2022 Council meeting, Council was presented with the final options assessment, consultation summary and recommendations. Attachment 1 provided the recommendations agreed at this meeting.

The next stage of work has been scoped and will commence this month.

3 Discussion / Whakawhiti kōrero

This report and presentation provides an update on the background information of the project and the scope of this stage.

The structure of the project team includes a Project Control Group. Representation on this group included Three Councillors in the previous iteration of works. We are seeking guidance on the structure going forward and will return to Council to confirm representation.

4 Attachments / Ngā Tāpiritanga

Attachment 1 – Minutes of Whangarei District Council Wednesday 24 August 2022.
 Attachment 2 – Presentation

Whangarei District Council Meeting Minutes

Date: Wednesday, 24 August, 2022
Time: 9:00 a.m.
Location: Council Chamber
 Forum North, Rust Avenue
 Whangarei

In Attendance	Her Worship the Mayor Sheryl Mai (Chairperson) Cr Gavin Benney Cr Vince Cocurullo Cr Nicholas Connop Cr Ken Couper Cr Tricia Cutforth Cr Shelley Deeming Cr Jayne Golightly Cr Phil Halse Cr Greg Innes Cr Greg Martin Cr Anna Murphy Cr Carol Peters Cr Simon Reid
Scribe	C Brindle (Senior Democracy Adviser)

1. **Karakia/Prayer**
 Cr Benney opened the meeting with a karakia/prayer.

2. **Declarations of Interest / Take Whaipānga**
 Item 4.1 – Whangarei Airport Location Options Study – Decision on future
 Airport Site

3. **Apologies / Kore Tae Mai**
 There were no apologies

4. **Decision Reports / Whakatau Ripoata**
 - 4.1 **Whangarei Airport Location Options Study - Decision on future
 Airport Site**

The motion was decided in parts.

Moved By Her Worship the Mayor

Seconded By Cr Greg Innes

That Council

1. Agrees that there is ongoing risk to the operation of domestic passenger services at Onerahi Airport due to compliance and operational constraints and notes that Council does not control many of the variables that may negatively impact the future viability of passenger air services.
2. Agrees that protecting an alternative site for a possible future airport is the best way to provide certainty for the provision of a domestic airport near Whangārei City.
3. Agrees that from the work undertaken to date, Ruatangata (Site 9) is the recommended preferred site as the replacement airport, pending further investigation.
4. Undertakes further technical investigations to support a Notice of Requirement (designation) for the recommended preferred site (Ruatangata-Site 9) including:
 - a) Continued engagement with Iwi/Hapu, and stakeholders (including Ministry of Transport and Air New Zealand), including reconfiguring the Manawhenua Advisory Group as recommended within the adopted Consultation and Engagement Strategy 2022;
 - b) Undertake a Carbon Assessment and Climate Change Risk Assessment for the project;
 - c) Establish a meteorological Station at Ruatangata (Site 9);
 - d) Investigate alternative alignment options for Ruatangata (Site 9) for the Assessment of Effects to be based on;
 - e) Identify and commission baseline environmental and cultural monitoring activities including acoustic and ecological work to inform an assessment of effects;
 - f) Progress Environmental Effect Assessment reports and an RMA focused Assessment of Alternatives;
 - g) Develop cost estimates and an implementation programme for the above activities and for airport protection and associated infrastructure investment.
5. Request staff report back to Council on progress with further technical investigations, including any fatal flaws with Ruatangata (Site 9) and the next steps, before confirming the Proposed Site and pursuing a Notice of Requirement (designation) process.

6. Negotiate ongoing engagement for the next stage of this project with Beca Consultants for the work outlined in this report. If a satisfactory outcome is not achieved through negotiation, expressions of interest be sought.
7. Notes the reporting for the Airport Location Option Study to date has been based on desk-top analysis of available information and advice from specialists, Mana Whenua and stakeholders and from community engagement, with the exception of Ruatangata (Site 9) where physical site inspections were able to be undertaken and included in the assessment process.
8. Notes there is no current evidence that advances in aircraft technology will overcome the deficiencies of Onerahi airport.
9. Notes that this decision is to protect a location for an alternative airport site so that the community can be confident in long term access to air travel near Whangarei City
10. Notes that the decision to move from Onerahi Airport to construct a new airport at an alternative site has not been made and that currently there is no planned date for this.
11. Notes that there is no perfect location for a new airport located close to Whangarei City. Each of the three preferred locations has its own positive and negative attributes. However, no fatal flaws have been raised at this stage for the three shortlisted options.
12. Notes that the funding mechanism for the detailed design and construction of a new airport is yet to be determined. It is expected that funding for the construction of a new airport will require external (government or other) funding.

Amendment

Moved By Cr Anna Murphy

Seconded By Cr Jayne Golightly

That Council select Option 4 – continue to operate from the existing Onerahi Site.

The amendment was Lost

Procedural Motion

Moved By: Cr Simon Reid

Seconded By Cr Greg Innes

That the amendment be put.

The procedural motion was Lost

Her Worship called for a division on recommendations 1-3:

	For	Against	Conflict
Her Worship the Mayor	X		
Cr Gavin Benney	X		
Cr Vince Cocurullo	X		
Cr Nicholas Connop	X		
Cr Ken Couper	X		
Cr Tricia Cutforth	X		
Cr Shelley Deeming	X		
Cr Jayne Golightly	X		
Cr Phil Halse			X
Cr Greg Innes	X		
Cr Greg Martin	X		
Cr Anna Murphy		X	
Cr Carol Peters	X		
Cr Simon Reid	X		
Results	12	1	1
Carried (12 to 1)			

Her Worship called for a division on recommendations 4 – 12:

	For	Against	Conflict
Her Worship the Mayor	X		
Cr Gavin Benney	X		
Cr Vince Cocurullo	X		
Cr Nicholas Connop	X		
Cr Ken Couper	X		
Cr Tricia Cutforth		X	
Cr Shelley Deeming	X		
Cr Jayne Golightly		X	
Cr Phil Halse			X
Cr Greg Innes	X		
Cr Greg Martin	X		
Cr Anna Murphy		X	
Cr Carol Peters	X		
Cr Simon Reid	X		
Results	10	3	1
Carried (10 to 3)			

Declaration of Interest:

Cr Halse declared an interest due to a family member owning property within Site 24A – One Tree Point West. Cr Halse withdrew from discussions and voting on Item 4.1 excepting to speak on the process at the invitation of Her Worship.

5. Closure of Meeting / Te katinga o te Hui

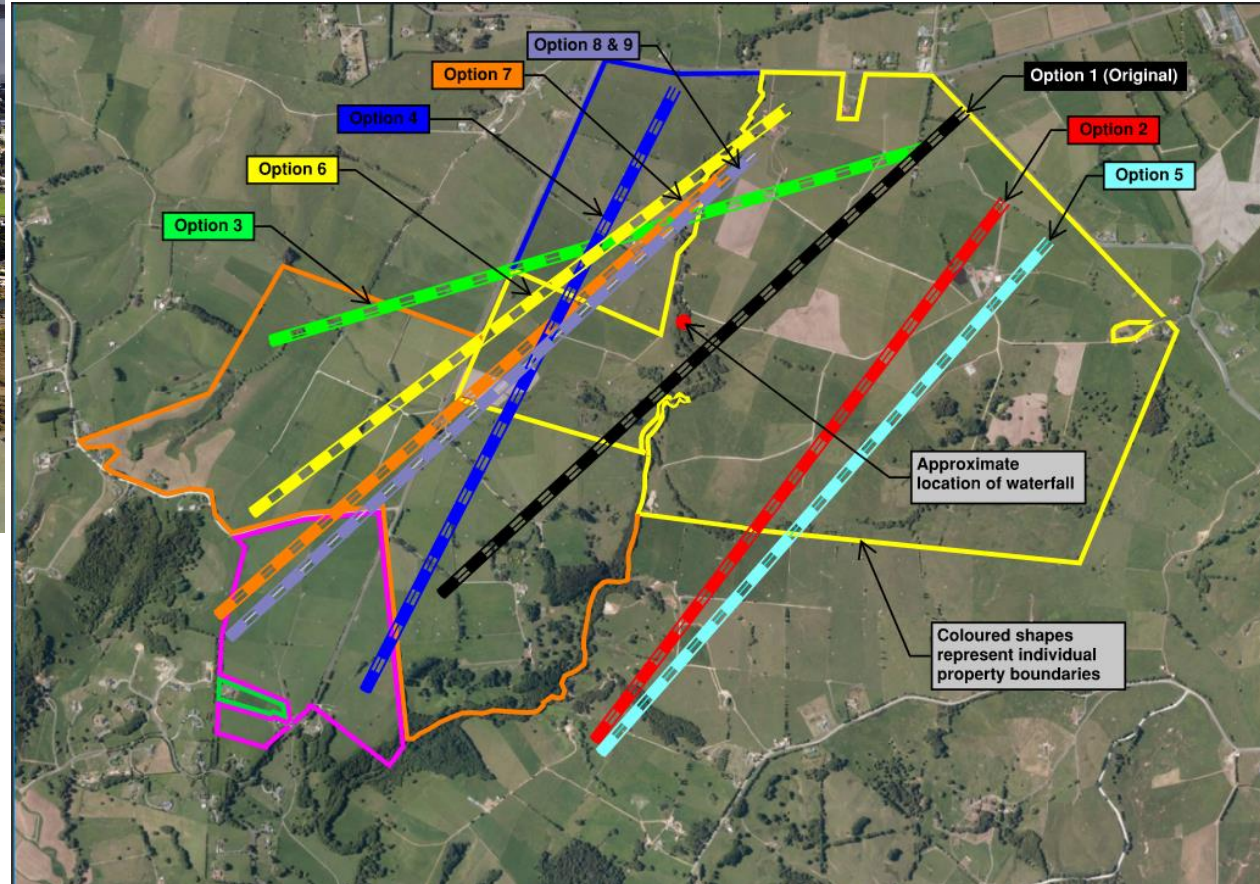
Cr Benney closed the meeting at 10.16am with a karakia/prayer.

Confirmed this 22nd day of September 2022

Her Worship the Mayor (Chairperson)

Whangarei Airport Location Options Study

Council Briefing 8 December 2022



Items to cover

1. Purpose of this project?
2. Current issues with the airport
3. How we got here
4. Council decision
5. Scope of the current stage
6. Engagement
7. Future stages

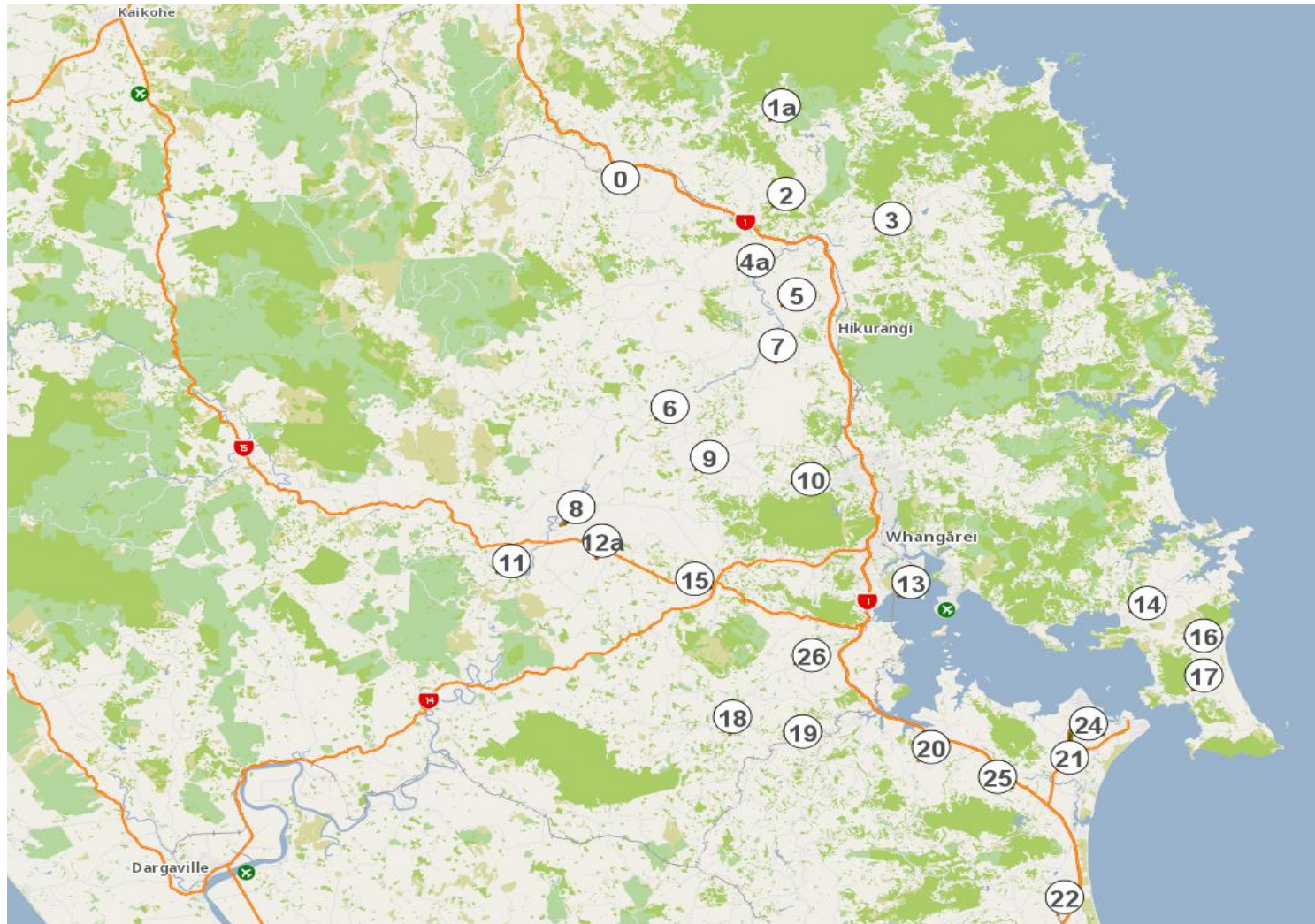
Project Purpose

- Whangarei Airport Master Plan Update in 1999 concluded that the airport should remain at Onerahi for foreseeable future
- Between 1999 and 2014 changes to CAA rules and the airline operating environment
- 2014 review of Onerahi Airport to “*ensure that the Whangārei District has an airport that is capable of meeting the long-term needs (30 to 50 years) of its users and the District.*”

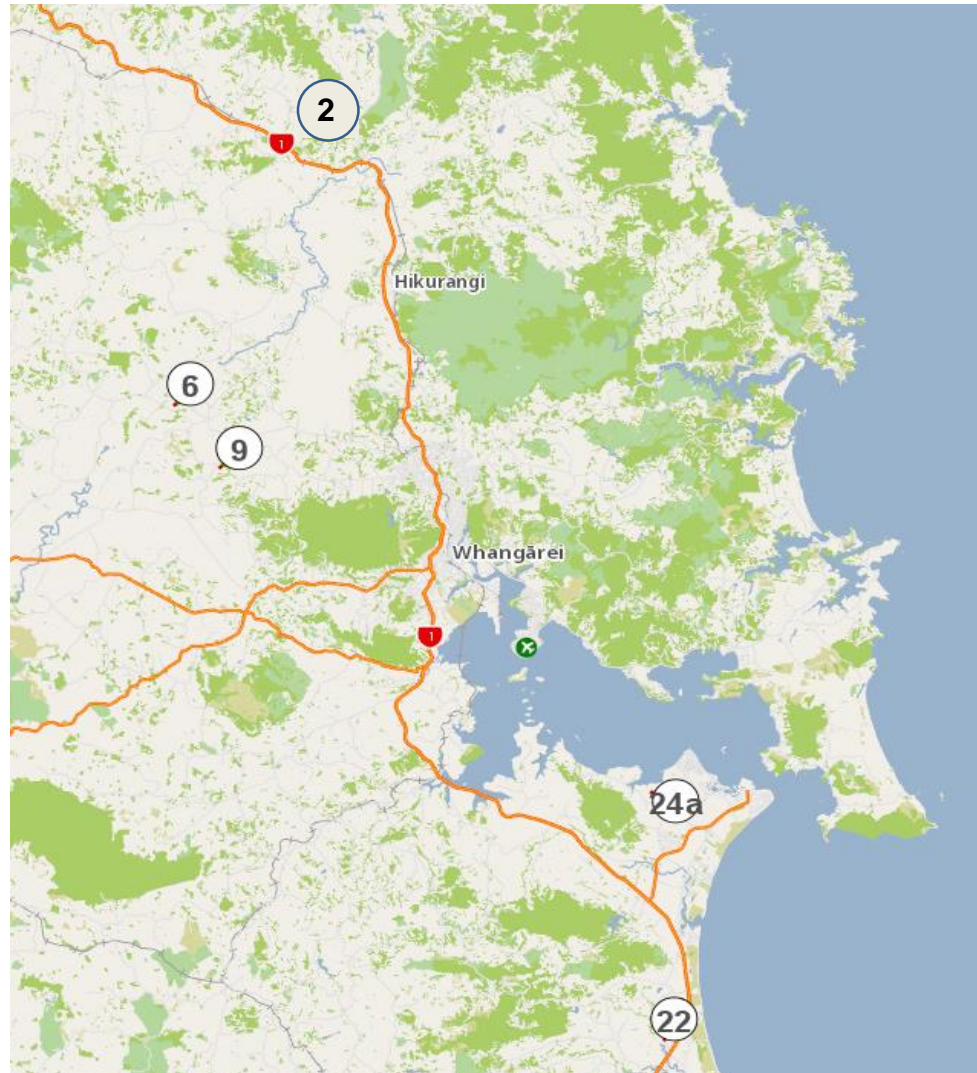
Current issues

- Onerahi Airport does not adequately meet the long-term needs of the users and the District
 - Short length of the runway and the lack of any RESA
 - OLS penetrations at the north-eastern approach
 - Changes to Air NZ regional fleet
 - Lack of feasible options to extend runway and provide RESA
- Onerahi airport currently operates under CAA dispensations and risks to the airport's continued certification and operation were identified in 2014 due to non-compliances with three key points of design standards

How we got here



How we got here



How we got here



34 Choosing a Proposed Site

No one site was free of constraints and unimpeded in its ability to be developed as an airport

- Ruatangata West
 - little flexibility in runway alignment
 - close to sensitive ecological environments including QE 2 covenanted land and the Wairua River
 - surrounded by horticultural and lifestyle blocks
 - highly productive land
- Ruatangata
 - proximity of the Patuwairua Stream
 - potential cultural sites
 - Matarau School and Comrie Park Kindergarten may be in the flight path depending on alignment
 - has flexibility in runway alignments

35 Choosing a Proposed Site

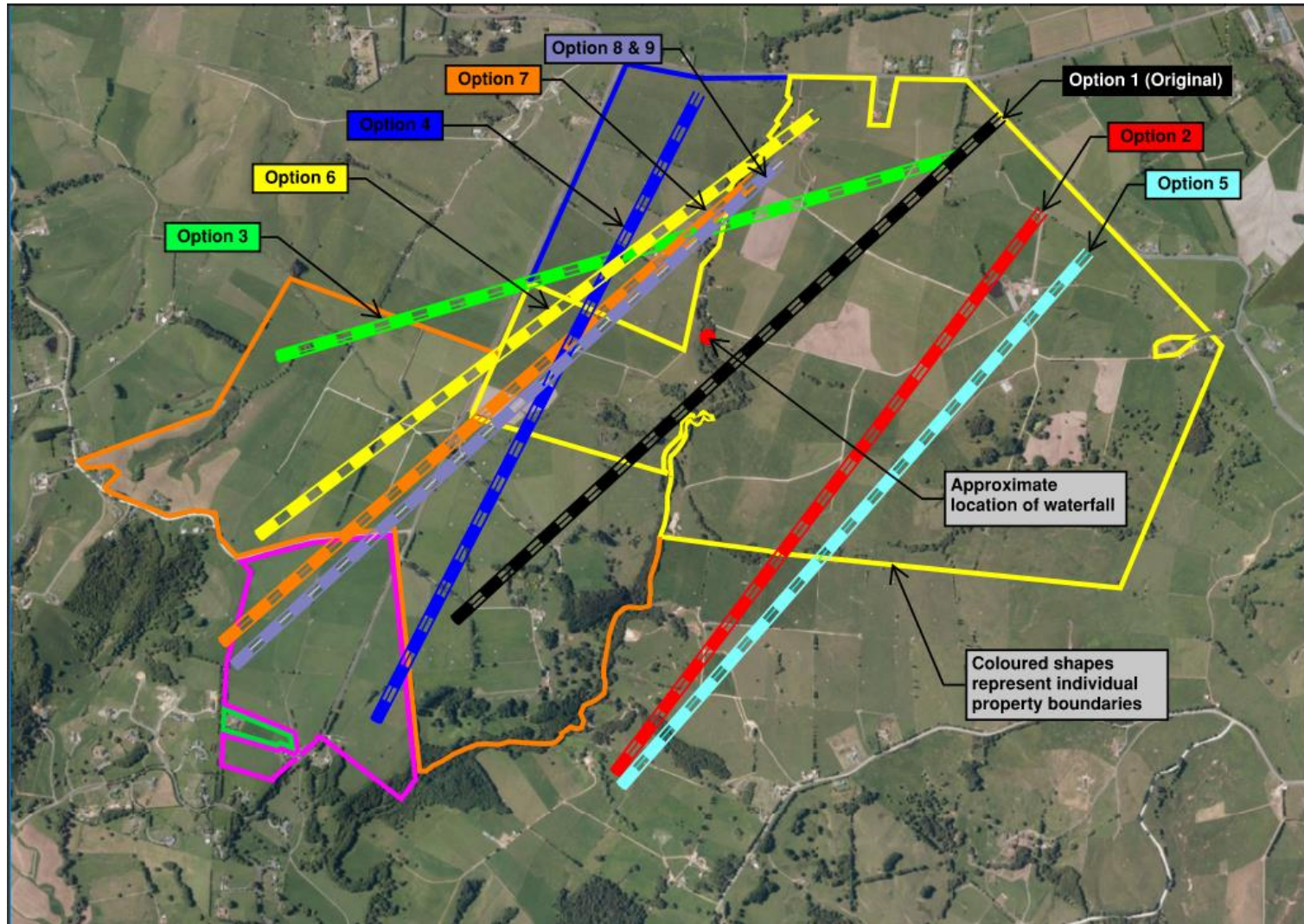
- One Tree Point West
 - Has good access to existing roading and three waters infrastructure
 - Located within an identified long term growth area with residential development which may create reverse sensitivity issues
 - Commercial viability concerns due to proximity and accessibility to Auckland airport
 - Potential flood susceptibility risk

Council's Decision 24 August 2022

That Council

1. Agrees that there is ongoing risk to the operation of domestic passenger services at Onerahi Airport due to compliance and operational constraints and notes that Council does not control many of the variables that may negatively impact the future viability of passenger air services.
2. Agrees that protecting an alternative site for a possible future airport is the best way to provide certainty for the provision of a domestic airport near Whangārei City.
3. Agrees that from the work undertaken to date, Ruatangata (Site 9) is the recommended preferred site as the replacement airport, pending further investigation.

Recommended Preferred Site



Council's Decision 24 August 2022

4. Undertakes further technical investigations to support a Notice of Requirement (designation) for the recommended preferred site (Ruatangata-Site 9) including:
 - a) Continued engagement with Iwi/Hapu, and stakeholders (including MoT and Air New Zealand) and reconfiguring the MAG as recommended within the adopted Consultation and Engagement Strategy 2022;
 - b) Undertake a Carbon Assessment and Climate Change Risk Assessment for the project;
 - c) Establish a meteorological station at Ruatangata (Site 9);
 - d) Investigate alternative alignment options for Ruatangata (Site 9) for the Assessment of Effects to be based on;
 - e) Identify and commission baseline environmental and cultural monitoring activities including acoustic and ecological work to inform an assessment of effects;
 - f) Progress Environmental Effect Assessment reports and an RMA focused Assessment of Alternatives;
 - g) Develop cost estimates and an implementation programme for the above activities and for airport protection and associated infrastructure investment.

Council's Decision 24 August 2022

5. Staff report back to Council on investigations, including any fatal flaws with (Site 9) and next steps, before confirming the Proposed Site and pursuing a NOR process.
6. Negotiate engagement for the next stage with Beca for the work outlined in this report. If a satisfactory outcome is not achieved through negotiation, expressions of interest be sought.
7. Notes the reporting for ALOS to date has been based on desktop analysis of available information and advice from specialists, Mana Whenua and stakeholders and from community engagement, with the exception of Site 9 where on-site inspections were undertaken and included in the assessment process.
8. Notes there is no current evidence that advances in aircraft technology will overcome the deficiencies of Onerahi airport.

Council's Decision 24 August 2022

9. Notes that this decision is to protect a location for an alternative airport site so that the community can be confident in long term access to air travel near Whangarei City
10. Notes that the decision to move from Onerahi Airport to construct a new airport at an alternative site has not been made and that currently there is no planned date for this.
11. Notes that there is no perfect location for a new airport located close to Whangarei City. Each of the three preferred locations has its own positive and negative attributes. However, no fatal flaws have been raised at this stage for the three shortlisted options.
12. Notes that the funding mechanism for the detailed design and construction of a new airport is yet to be determined. It is expected that funding for the construction of a new airport will require external (government or other) funding.

This Stage

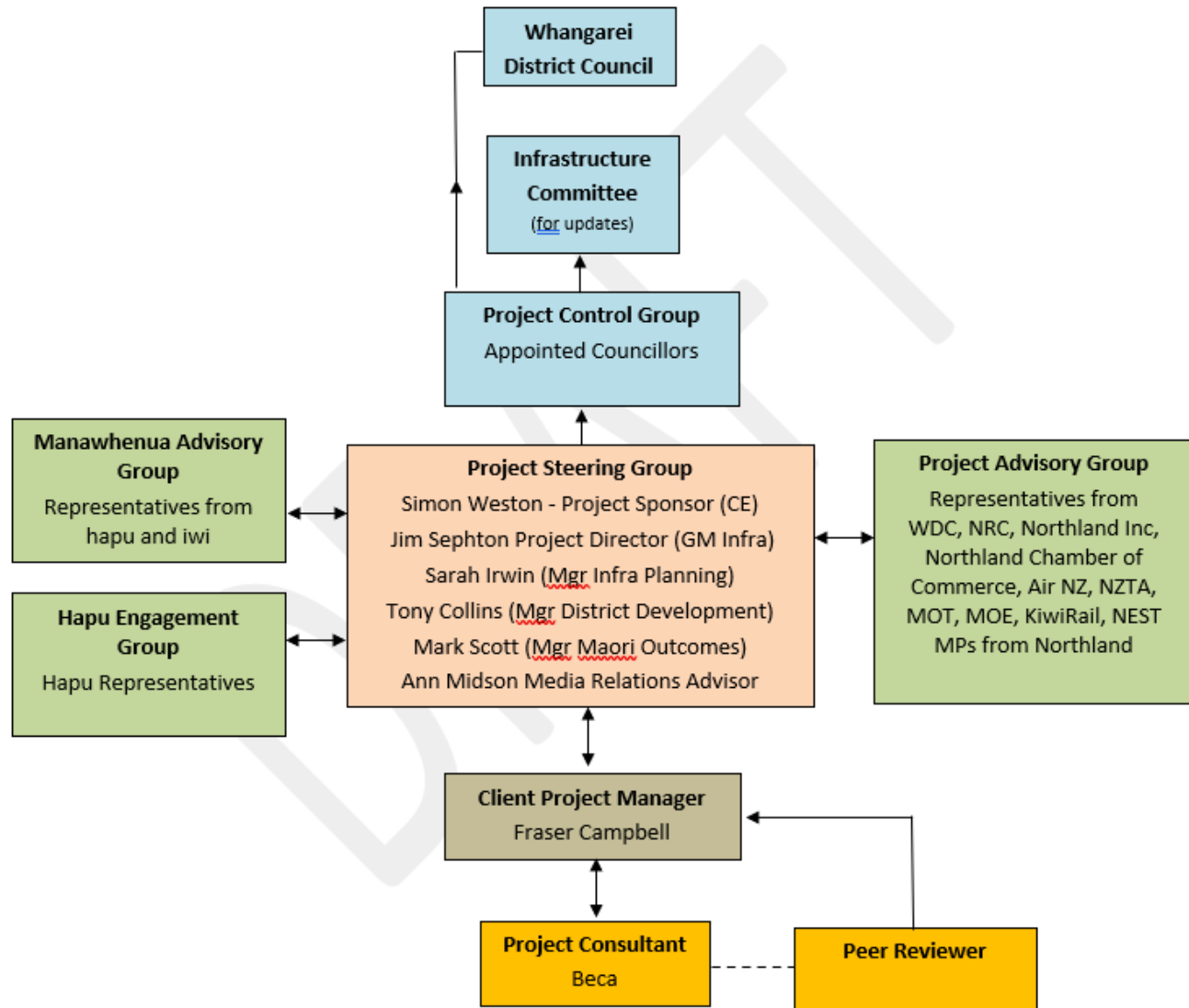
Further assessment of the preferred site to make sure it works

- Hapū engagement and cultural values and impact assessments
- Setup of a meteorological station for Site 9
- Update Communications and Engagement Strategy
- Undertake Carbon Assessment and Climate Change Assessment for Site 9
- Setup baseline ecological monitoring
- Confirm the proposed runway alignment for Site 9
- Establish a proposed aerodrome layout

Provide a recommendation on whether to confirm Site 9 as the Proposed Location for a possible future airport

Next Council decision point July/ August 2023

Governance & Team Structure



Future Stages

Once Council has confirmed that it has sufficient confidence in the preferred site, we will progress to site protection

- Develop scheme in more detail including broader infrastructure investment requirements
- Assessment of Environmental Effects
- Notice of Requirement

2.5 Three Waters Update

Meeting: Council Briefing
Date of meeting: 8 December 2022
Reporting officer: Andrew Venmore (Manager - Water Services)

1 Purpose / Te Kaupapa

To update Elected Members on developments in the Three Waters Reform space

2 Background / Horopaki

The Government is progressing reforms to the delivery of water supply, wastewater and stormwater services in New Zealand. The aim of the reforms is to improve the safety, quality, resilience, accessibility, performance and affordability of three water services.

The Three Waters Reform Programme has three key pou, or pillars:

- Establishment of a dedicated water service regulator, Taumata Arowai;
- Regulatory reforms outlined in the Water Services Bill; and
- Reforms to water delivery services

It is proposed to create four new specialist water entities to deliver services and remove the responsibilities from local councils. Whangarei will be in an entity which includes Auckland as well as the Far North and Kaipara.

Economic Regulation sits alongside the Water Services Entity and is being progressed by MBIE.

The responsibility of implementing the reforms sits with the Department of Internal Affairs (DIA). The DIA have set up a National Transition Unit (NTU) to work with the Councils on transition projects at a national level.

There are two websites available for further information

<https://www.threewaters.govt.nz/>

<https://www.dia.govt.nz/Three-Waters-Reform-Programme>

Last year the Government passed the Health (Fluoridation of Drinking Water) Amendment Act 2021. The Act gave the Director General of Health the power to direct a local authority to add fluoride to a drinking water supply.

3 Discussion / Whakawhiti kōrero

3.1 Taumata Arowai

Taumata Arowai is the new Water Services Regulator who came in being following the passing of the Water Services Act in 2021. They took over as the regulator from the Ministry of Health for Drinking Water but also have an oversight role of Wastewater and Stormwater functions where Regional Councils remain the regulators.

Taumata Arowai have made a number of changes in the last year including introducing new Drinking Water Standards and Quality Assurance Rules. They have also required Councils to update their Drinking Water Safety Plans. In addition, Source Water Risk Management Plans, Cyanobacteria Management Plans, Backflow Management Programmes and a Water Storage Management Plans are now also required. These new requirements had to be in place by 15th November 2022 which our team have achieved.

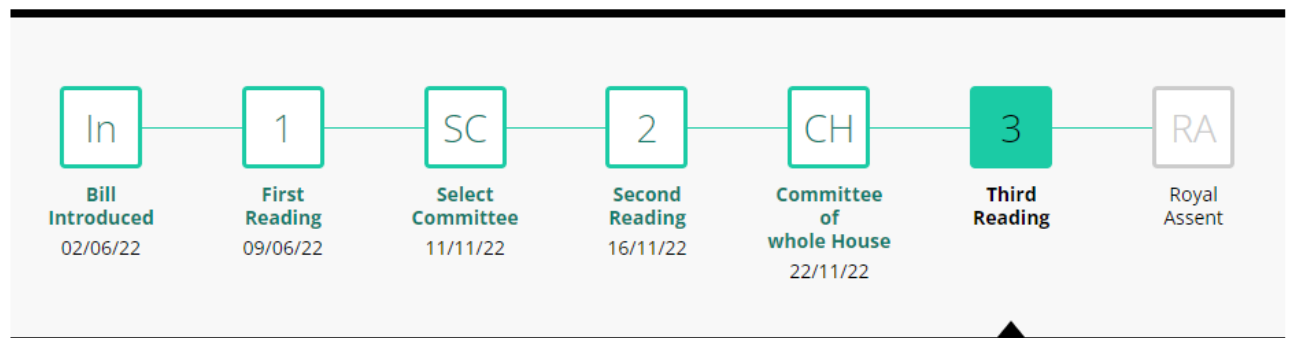
3.2 Water Services Entity Bill

The Water Services Entity Bill was introduced in June 2022. On the 11 November the Government issued a report on the Three Waters Entities Bill. Subsequently the select committee has agreed to approximately 130 amendments to the Bill

https://www.parliament.nz/en/pb/sc/reports/document/SCR_129800/water-services-entities-bill

Following Select Committee considerations the bill received Second Reading on the 16th November.

Progress of the bill



The Bill is expected to be adopted prior to Christmas.

A second Entities Bill is proposed to be introduced to Parliament before the end of the year. This will establish the detailed powers, functions and duties of the new water services entities which are necessary for them to deliver water services to communities in place of territorial authorities.

3.3 National Transition Unit

The NTU has transition reference groups that work across the country to inform and influence the design of the new entities.

- People and Workforce
- Finance and Corporate Services
- Commercial and Legal
- Asset Management and Operations
- Data and Digital

Council officers have been responding to requests for information and are participating where necessary to protect the interests of the Whangarei community.

Three Waters Asset Management Plans are being developed which reflect predicted growth, planned renewals and well as level of service improvements required to meet the new standards and rules. This work will feed into the Council Long Term Plan or the Entity.

3.4 Formation of Entity A

The DIA has begun the process of recruitment for the establishment CEOs of the 4 proposed entities. It is expected that the CE's will be announced early in the new year. The Establishment Board positions have also been advertised.

3.5 Fluoridation

In July the Director General of Health wrote to Council directing the fluoridation of our Whangarei and Bream Bay water supplies. The letter (attached) outlined the timeframes that Council is expected to meet with the first water treatment plant upgraded by the end of 2023 and the final one by the end of 2025. The letter also indicated that funding would be available to assist local authorities with the capital costs.

The funding application has been prepared including a concept design and cost estimate for fluoride installation works. The cost estimate is approximately \$3.9 million to install fluoride dosing systems at all 5 water treatment plants and the application was submitted at the end of November. We understand that the Ministry has \$11 million for funding of fluoridation. However, as 14 Councils have been directed to fluoridate, it is unlikely we will receive a 100% subsidy. Any shortfall will need to be met by Council and this issue will be raised through the Annual Plan process.

4 Attachments / Ngā Tāpiritanga

Attachment 1 – Entity A Programme of Activity

Attachment 2 - Letter from Director General of Health

National Transition Unit - Programme of ACTIVITY

Standing Meetings

Standing Meeting **Entity A** Weekly Entity A Three Waters GMs/Leads

Upcoming Activities across Workstreams and Entities

Workstream	Entity	November	December	January	February
Entity Level	Entity A	14 Nov Entity A - CE Forum - Online 18 Nov Northern CE Forum - Online			
Policy	ALL		Establishment CEs appointed		
Policy	ALL		WSE Bill 2 Introduced and submission period opens-actual dates TBC		
AMOS	ALL	RFI Asset Management Capex Template Due 28 Oct; Opex Templates Due 2 Dec Who: Asset Managers, Water GMs and CFO		Entity AMP Development-ongoing till Nov 2023 Who: AMP Working Group members, 3W GMs	
AMOS	ALL	National Code of Practice for 3W Assets Who: Working Group of identified water engineers (4-5 per Entity) Timing: TBC-estimate public consultation on draft Nov 2023			
AMOS	ALL		RFI Non-financial information for Entity AMP (TBC-request Dec 2022, due back Feb 2023) Who: Asset Managers, Water GMs		
AMOS	Entity A	7 Nov - Growth & Land Development Stocktake Feedback with briefing option (1 hr online) Who: Specialists involved in area			
AMOS	ALL			Transitional Guide for Growth & Land Development Who: convene national Growth & LD Working Group, structure of this yet tbc Timing: TBC	
AMOS	ALL	Stocktake of Current Operational Activities e.g.contracted operations, services provided to/sourced from other parts of Council, services sold to others Who: Visiting Facilitor/analyst works with relevant council staff over a period of up to 1 week to capture and verify data Timing: mid Nov to end Feb 2023 (10 teams each visit 6-7 councils)			
AMOS	ALL	Regulatory and Consent Compliance for WSEs Understand current state, develop monitoring, compliance & enforcement strategy Who: covene National RCC Working Group-2 nominated Reps per Entity + Regional Council Reps + Taumata Arowai Reps (time estimate 2 days/week/person)		Regulatory and Consent Compliance information gathering-Build register of current state, associated risk profile, consent expiry events Who: relevant Council/RC/TA staff Timing: mid-Jan to Jun 2023	
AMOS	ALL	WSE Incident and Emergency Management Response Develop unified approach/model for WSE involvement as a Lifeline Utility sitting outside of Council Who: covene National Emergency Response Working Group (21 Nov)-2 nominated Reps per Entity + Taumata Arowai + NEMA (time estimate 2 days/week/person)		WSE Incident and Emergency Management Response-Develop EM Strategy Who: TBC Timing: Ongoing mid-Jan to Oct 2023	
AMOS	ALL		Tradewaste management for WSEs Who: convene National TW Working Group 2 nominated Reps per Entity + NZTIWF	Tradewaste management information gathering- Build register of existing TW bylaws, permits & agreements Who: relevant Council staff Timing: Feb-Jun 2023	
AMOS	ALL	Information gathering-Stormwater transition issues identification Who: Discussion with Council/LGO Lead - relevant 3W or SW Manager			
AMOS	ALL			Identification and classification of Urban Stormwater Assets (i.e. hard infrastructure, engineered green assets, parks and reserves) Who: 3 Waters Manager/SW Manager	
Customer & Digital Enablement	Entity A	Data & Digital Workshops 29 Nov Whangarei 30 Nov Auckland			
Customer & Digital Enablement	ALL		Data & Digital migration - Ongoing Who: Technical owners: Asset, GIS, Customer, Financial, Construction Project and Employee data		

National Transition Unit - Programme of ACTIVITY

Standing Meetings

Standing Meeting **Entity A** Weekly Entity A Three Waters GMs/Leads

Upcoming Activities across Workstreams and Entities

Workstream	Entity	November	December	January	February
Customer & Digital Enablement	ALL		High-level info. gathering re: data/digital interface between Laboratory systems and Council systems Who: Discussion with 3W GM or Laboratory Manager		
Customer & Digital Enablement	ALL		Embracing the customer: delivering a seamless "customer-first" Day 1 experience Who: Customer Reference Groups. One per Entity, 6-8 senior service &customer experience Reps-passionate about customer/community, may include strategic partners Timing: nominations early Dec, convene late Jan/early Feb		
Finance & Commercial	ALL	After Select Committee reports back on WSE Bill 1 (due 11 Nov) seek feedback on Draft Guidance for LGOs in relation to DIA’s oversight and monitoring powers during establishment period Who: CFOs and Legal/Commercial Leads, Asset leads Timing: Draft to be finalised once WSE Bill 1 enacted			
Finance & Commercial	ALL	Planning and progressing the finance & corporate services transition Who: F&C Transition Reference Group - nominated CFOs/Treasury specialists (10 across country) Timing: 22 Nov, 1 hr every 2 months - Feb/Apr 2023			
Finance & Commercial	ALL		1 or 2 December Legal Introductory Webinar - monitoring & transfer principles, questionnaire, Q1 & Q2 2023 activities Who: Chief lawyers	Online drop-in sessions (come and go as please) for questions while working through transfer questionnaire Timing: to end March	
Finance & Commercial	ALL		Once Bill 2 is introduced seek feedback on Draft Transfer Principles & Guidelines for Water Services Assets, Liabilities and other matters Who: CFOs and Legal/Commercial Leads, Asset leads Timing: Draft to be finalised once WSE Bill 2 enacted		
Finance & Commercial	ALL		RFI Legal - Transfer Questionnaire (Due end March 2023) Who: CFOs and Legal/Commercial Leads, Asset leads		
Finance & Commercial	ALL				Feb/Mar 2023 Review Settlement Accounts-Version 1 in conjunction Councils/LGOs and agree joint plan for working through and resolving material issues Who: CFOs and Legal/Commercial Leads, Asset leads
People & Workforce	ALL	Staffroom Administrator Update sessions (1 hr) Who: Three Waters staff administrator in each council/LGO			
People & Workforce	ALL	Function Review Who: Meetings and spreadsheet completion with key Council/LGO contact e.g. HR lead, GM 3W, Union/Staff Rep that understands water services functions			
People & Workforce	ALL	Senior Manager Transition Support Co-design Project Interviews/workshops, 25 volunteers nationwide			
People & Workforce	ALL		14-15 December People and Workforce Webinars (1 hr general update) Who: CEs, HR/Transition Leads, People Leaders of affected staff, Union Reps		
People & Workforce	ALL			Targeted engagement on high-level indicative Organisation Design Timing: TBC Who and how: TBC	
Across workstreams	ALL				Health, Safety & Wellbeing Framework Info. gathering with subset of Councils/LGOs re current state, good practice (AMOS, P&W) Timing: TBC Who and how: TBC



133 Molesworth Street
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27 July 2022

Simon Weston
Chief Executive
Whangārei District Council
simon.weston@wdc.govt.nz

Tēnā koe Mr Weston

Decision in relation to fluoridation direction

Thank you for responding to my letter of 3 May 2022. I have considered the information you have provided, alongside further information I am required to consider under section 116E of the Health Act 1956 (the Act). I have also received and considered advice from the Director of Public Health.

Informed by the matters I am required to consider, I have decided to exercise my statutory powers under section 116E of the Act to direct you to fluoridate the Whangārei and Bream Bay drinking water supplies in your region.

In accordance with section 116I of the Act, you are required to ensure that by 31 December 2025 you are fluoridating at the optimal levels (between 0.7ppm to 1ppm, parts per million) at the Whangārei supply and by 30 June 2024 at the Bream Bay supply. Contravening these requirements, or permitting these requirements to be contravened, constitutes an offence under section 116J of the Act. In relation to the Whangārei supply, I request that the Ruddells and Whau Valley water treatment plants be fluoridating by 31 December 2023.

Fluoridation of the Whangārei and Bream Bay drinking water supplies is an important step in improving the oral health of your community, and it is my intention that Manatū Hauora (the Ministry of Health) will work constructively with you to implement these important changes.

In reaching my decision to issue this direction to you, I considered the scientific evidence on the effectiveness of adding fluoride to drinking water in reducing the prevalence and severity of dental decay. I am satisfied that community water fluoridation is a safe and effective public health measure that significantly reduces the prevalence and severity of dental decay. In reaching this conclusion, I considered: *Water fluoridation to prevent tooth decay* (Cochrane Collaboration 2015), *Health effects of water fluoridation: A review of the scientific evidence* (PMCSA and Royal Society Te Apārangi 2014) and *Fluoridation: An update on evidence* (PMCSA 2021).

In reaching my decision, I also considered whether the benefits of adding fluoride to the drinking water outweigh the financial costs, taking into account: the state or likely state

of the oral health of your community served by the Whangārei and Bream Bay supplies; the number of people who are reasonably likely to receive drinking water from these supplies; and the likely financial cost and savings of adding fluoride to the drinking water of these supplies, including any additional financial costs of ongoing management and monitoring.

I am satisfied that the benefits of introducing community water fluoridation across the Whangārei and Bream Bay drinking water supplies outweigh the financial costs of doing so. In reaching this conclusion, I gave weight to the following:

- the Whangārei and Bream Bay communities would each receive significant benefit, through improvement to the state of its oral health, because fluoridation of each water supply would significantly reduce the prevalence and severity of dental decay in its community
- approximately 56,530 and 14,800 people are reasonably likely to receive drinking water from the Whangārei and Bream Bay supplies, respectively
- the likely financial cost and savings of adding fluoride to drinking water for the Whangārei and Bream Bay supplies, including any additional financial costs of ongoing management and monitoring.

My decision-making process included inviting written comment from your council and having regard to the comments I received. Below I summarise and respond to the comments I received:

- the estimated capital cost of introducing fluoridation for the Whangārei supply is \$1,200,000.
- the estimated capital cost of introducing fluoridation for the Bream Bay supply is \$1,700,000
- the estimated ongoing management and monitoring costs are over \$100,000 per annum across the Whangārei and Bream Bay supplies
- the date by which Whangārei District Council would be able to comply with a direction for the Whangārei supply is 31 December 2023 (for the Whau Valley and Ruddells Water Treatment Plants) and 31 December 2025 (for the Poroti Water Treatment Plant)
- the date by which Whangārei District Council would be able to comply with a direction for the Bream Bay supply is 30 June 2024.

As part of considering whether to issue a direction to fluoridate, I considered the cost estimates you provided for each supply. I also accept each date you specified by which you could comply with a direction for each supply. These dates are reflected in the compliance dates stated earlier in this letter.

Appendix 1 presents a more extensive summary of the information that informed my decision-making, including the advice I received and considered from the Director of Public Health.

Funding

Manatū Hauora is making capital works funding available for local authorities that have been issued a direction to fluoridate, and that begin work to fluoridate drinking water supplies by the end of 2022. It will shortly provide detailed information about the application process for this funding to cover fluoridation-related capital costs

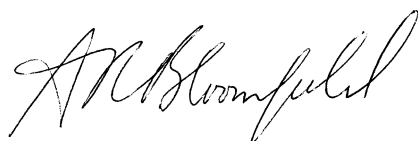
Communicating this 'direction to fluoridate' decision

Manatū Hauora is responsible for communicating this decision at a national level. Please note too, that as required under section 116E(5) of the Act, all direction letters will be published on the Manatū Hauora website in due course.

Next steps

An official from Manatū Hauora will contact your team in the coming weeks to discuss any needs you might have for further clarity or additional information. Manatū Hauora recognises that this is a busy time for local authorities and wishes to work with you to make the process as straightforward as possible for your team.

Nākū noa, nā



Dr Ashley Bloomfield
Te Tumu Whakarae mō te Hauora
Director-General of Health

Appendix 1:

Whangārei District Council: Whangārei and Bream Bay water supplies

Analysis	
Criterion	1. Scientific evidence on the effectiveness of adding fluoride to drinking water in reducing the prevalence and severity of dental decay
Evidence	<p>The Ministry has considered the following information:</p> <ul style="list-style-type: none"> • Fluoridation: an evidence update Office of the Prime Minister's Chief Science Advisor (June 2021) • Health effects of water fluoridation: A review of the scientific evidence (August 2014) Office of the Prime Minister's Chief Science Advisor and Royal Society of New Zealand Te Apārangi • Water fluoridation to prevent tooth decay Cochrane Collaboration (June 2015) <p>Fluoridation: An update on evidence (PMCSA 2021) examines new evidence on water fluoridation published since the Royal Society Te Apārangi report in 2014. The Cochrane Collaboration's water fluoridation to prevent tooth decay (2015) is a high-quality scientific meta-analysis of a large number of high-quality research studies conducted over a long period worldwide.</p>
Analysis	<p>The sources of evidence referred to above are reviews that examine substantial bodies of research generated over periods of time on the safety of community water fluoridation (CWF) and its effectiveness at reducing dental decay. Considered together, these reports provide an up-to-date and high-quality scientific assessment of the state of the scientific evidence on the health effects of CWF. They find that the provision of CWF at a level of 0.7-1 mg/L is safe and significantly reduces the prevalence and severity of dental decay.</p> <p>The summary analysis of evidence stated above justifies the conclusion that provision of CWF at a level of 0.7-1 mg/L in the Whangārei and Bream Bay water supplies would be safe and effective at significantly reducing the prevalence and severity of dental decay in the populations serviced by each of these water supplies.</p>
Director of Public Health advice	Informed by the findings of the reviews noted in 'Criterion 1 Evidence' above on CWF, my assessment is that there is strong evidence that CWF is a safe and effective way to improve oral health outcomes, by reducing and preventing dental decay. I also consider that this strong evidence applies to the communities served by the Whangārei and Bream Bay water supplies.
Criterion	2. whether the benefits of adding fluoride to drinking water outweigh the financial costs, taking into account:
Criterion	2a. the state or likely state of the oral health of a population group or community where the local authority supply is situated

Evidence	<p>The Ministry has considered the following information:</p> <ul style="list-style-type: none"> • data on Age 5 and Year 8 oral health outcomes from the Community Oral Health Service (Ministry of Health) • data from the New Zealand Health Survey: Oral Health (New Zealand Health Survey Ministry of Health NZ) • Oral Health Survey Report (Our Oral Health: Key findings of the 2009 New Zealand Oral Health Survey Ministry of Health NZ) • 2013 New Zealand Index of Deprivation (NZDep) (Socioeconomic deprivation profile ehinz) <p>This is the most relevant up-to-date data available. It should be noted that oral health outcome data can take a long time to change substantially.</p>
Analysis	<p>The Whangārei and Bream Bay water supplies are situated within the previous Northland District Health Board area.</p> <p>2020 data for children aged 0-12 in Northland District Health Board show:</p> <ul style="list-style-type: none"> - overall, 58 percent of children had experienced tooth decay at age five - on average, children at age five have 3.41 decayed, missing or filled primary teeth, and at school year 8 have on average 1.15 decayed, missing or filled adult teeth - Māori and Pacific children have significantly worse outcomes than other children within Northland District Health Board. For example, 75 percent of Māori children had experienced decay at age five compared to 42 percent for all other (non-Māori and non-Pacific) children. <p>The 2017-2020 New Zealand Health Survey results for Whangārei District Council show:</p> <ul style="list-style-type: none"> - 56.9 percent of adults (15+) had one or more teeth removed in their lifetime due to decay, an abscess, infection or gum disease - 8.8 percent of adults (15+) had one or more teeth removed in the last 12 months due to decay, an abscess, infection or gum disease. <p>From the data summarised above, it is reasonable to conclude that there are significant levels of tooth decay in the communities serviced by Whangārei and Bream Bay water supplies. There is strong evidence that CWF reduces dental decay. There are therefore also significant opportunities for oral health improvement for the communities served by Whangārei and Bream Bay water supplies. The evidence indicates that fluoridation of Whangārei and Bream Bay water supplies would make significant improvements to oral health outcomes for the communities it serves.</p> <p>Within the Whangārei area, there are significant levels of deprivation. In the 10-level score in which decile 1 has the least deprivation, Whangārei Central are in decile 10 and Bream Bay is in decile 5. There is a significant body of evidence that levels of tooth decay are highest among the most deprived socioeconomic groups.</p>

Director of Public Health advice	Informed by the evidence and data sources listed above at ‘Criterion 1 Evidence’ and ‘Criterion 2a Evidence’, I have reviewed the state of oral health of the populations served by the Whangārei and Bream Bay water supplies. In summary, my assessment is as follows. Whangārei and Bream Bay water supplies populations each presently have significant levels of preventable dental decay. The evidence that CWF improves oral health outcomes by reducing dental decay is applicable to each of these two populations. So too is the evidence that these benefits tend to be greater for populations that experience higher levels of tooth decay, such as Māori and Pacific communities. Fluoridation of the water supply that serves each of these communities would consequently improve oral health outcomes for each, and is likely also to reduce health inequities.							
Criterion	2b. the number of people who are reasonably likely to receive drinking water from the local authority supply							
Evidence	The Ministry has considered the following information: <ul style="list-style-type: none">the Public Register of Drinking Water Suppliers.							
Analysis	<table><tr><th>Water supply</th><th>Population size</th></tr><tr><td>Bream Bay</td><td>14,800</td></tr><tr><td>Whangārei</td><td>56,530</td></tr></table>		Water supply	Population size	Bream Bay	14,800	Whangārei	56,530
Water supply	Population size							
Bream Bay	14,800							
Whangārei	56,530							
Criterion	2c. the likely financial cost and savings of adding fluoride to the drinking water, including any additional financial costs of ongoing management and monitoring							
Evidence	We have considered the following information: <ul style="list-style-type: none">Review of the Benefits and Costs of Water Fluoridation in New Zealand. Sapere Research Group. May 2015Water Fluoridation Engineering Costs. August 2015.Whangārei District Council’s estimated costs, including ongoing management and monitoring (for more detail on Whangārei District Council’s comments see table below).							
Analysis	The 2015 Sapere Report estimated that adding fluoride to New Zealand’s water treatment plants classified as medium sized and above (ie, those supplying populations of over 5000) is cost-saving, and for smaller supplies (ie, those supplying populations of over 500) is likely to be cost-saving. The Sapere report also noted: <ul style="list-style-type: none">an estimated total net discounted saving over 20 years for smaller supplies and above to be \$1,401 million, made up of a cost of fluoridation of \$177 million and cost offsets of \$1,578 million from reduced dental decay“We estimate the 20-year discounted net saving of water fluoridation to be \$334 per person, made up of \$42 for the cost of fluoridation and \$376 savings in reduced dental care”							

The Whangārei and Bream Bay supplies each fit into the category of supplies servicing over 5000 people (see further detail in Criterion 2b).

The estimated costs provided by Whangārei District Council are presented in the table below. These estimates vary from the cost estimates Sapere 2015 used in reaching its conclusion that fluoridation is cost-saving for supplies servicing over 5000 people. For water supplies servicing over 10,000 people, Sapere 2015 estimated \$347,004 for capital costs, and \$8742 per annum for management and monitoring costs; while for the Whangārei supply servicing 56,530 people, Whangārei District Council estimated \$1,200,000 for capital costs. For the Bream Bay supply servicing 14,800 people, Whangārei District Council estimated \$1,700,000 for capital costs. For both the Whangārei and Bream Bay supplies, Whangārei District Council estimated over \$100,000 per annum for management and monitoring costs.

Water Supply	Population size	Whangārei District Council estimate of capital cost	Whangārei District Council estimate of management and monitoring costs (per annum)
Bream Bay	14,800	\$1,700,000	Over \$100,000
Whangārei	56,530	\$1,200,000	
Total	71,330	\$2,900,000	Over \$100,000

Summary of the information received from Whangārei District Council

As required by section 116G, Whangārei District Council was invited to give written comments on the estimated financial costs of adding fluoride to the drinking water, including any additional costs of ongoing management and monitoring; and the date by which each local authority would be able to comply with a direction. Whangārei District Council responded within the required timeframe. A copy of Whangārei District Council formal response is attached to this Report as Appendix One.

For Whangārei District Council estimated financial costs of adding fluoride to the drinking water, including any additional costs of ongoing management and monitoring please see Criterion 2c above.

Bream Bay Water Supply

Whangārei District Council stated that the date by which it would be able to comply with a direction for the Bream Bay water supply is 30 June 2024.

Whangārei Water Supply

Whangārei District Council stated that the date by which it would be able to comply with a direction for the Whangārei water supply is 31 December 2023 - 31 December 2025.

2.6 Mangawhai Memorandum of Understanding

Meeting: Council Briefing
Date of meeting: 8 December 2022
Reporting officer: Andrew Venmore (Manager – Water Services)

1 Purpose / Te Kaupapa

To provide an update on a proposed Memorandum of Understanding (MOU) with Kaipara District Council and Mangawhai Developments Limited.

2 Background / Horopaki

Water Services have been approached by a developer from Mangawhai (Mangawhai Developments Limited) wishing to extend the water supply network from Langs Beach to their development in Central Mangawhai. The developer is anticipating that their development will have a peak demand of approximately 1,000m³ of water per day within 10 years. There is also the possibility to supply water to the wider Mangawhai area which is currently served with rainwater tanks. It is anticipated this could take the total demand up to around 3,000m³ per day within 30 years.

With the closure of the Refinery at Marsden Point the Bream Bay Water Supply area now has a surplus of water of around 4,000m³ per day. The loss of the Refinery demand has created problems within the network as reduced demand means water is moving around the network a lot slower than previously, particularly between Ruakaka and Waipu. This has resulted in one reservoir needing to be taken off line and the operation of the treatment plants being significantly altered. An additional large demand added to the network would have the benefit of improving water flows and reducing the likelihood of water quality issues.

The southern part of the Bream Bay network has been designed to supply water only as far as Langs Beach. The pipe network is too small to provide for even an additional 1,000m³ per day without significant upgrades. The developer has indicated they would be willing to contribute towards the extension of the network and the upgrade of the system.

To service Mangawhai a pump station would need to be constructed at Langs Beach to pump water to a reservoir on top of the hill above Mangawhai so the water could then gravity feed down to the development and the wider Mangawhai area. The distance between the end of the Langs Beach network and the development is 11km. Water Services have undertaken some network modelling to determine what will be required and the size of any upgrades to our network. The modelling shows that for the initial stages of the development the existing pipes would have to be upgraded at least as far back as Waipu Cove, approximately 4.5km. For the final scope of the development and any additional allowance for Mangawhai growth the pipelines would need to be upsized all the way back to Shoemaker Road pump station, an additional distance of approximately 9.5km.

There are cultural considerations that need to be taken into account in terms of transferring water between catchments and also ensuring that there is sufficient water available to support the community in the current catchment. Patuharakeke and Te Uri o Hau will continue to be involved in the evaluation and the decision making process.

There are a number of engineering challenges which need to be overcome. The main one is finding a suitable reservoir site at the high point alongside the road going over the hill into

Mangawhai. Maintaining a chlorine residual whilst minimising disinfection by product formation will also require careful consideration. We also have limited space for additional reservoir storage at our existing sites at Waipu and Langs Beach.

Initial discussions with Kaipara District Council staff indicate they would be in favour of the proposal. However, like ourselves they have no funds within the Long Term Plan. The decision on the pipe sizes depends entirely on whether allowance is made to provide water to the wider Mangawhai and Mangawhai Heads, current and growth communities. It would be unusual to install so much infrastructure for just one development when the surrounding area has no water supply, and the townships are growing fast. It is suggested that if the wider area was to be included in future demand predictions that a cap should be placed on any supply agreement. If that cap was 3,000m³ per day then this proposal would be taking less water than the current Refinery demand. Water Services have also been in discussions with Channel Infrastructure about potential water demands at the old refinery site. Whilst they have ideas for future uses of the site they are unable to confirm water requirements at this stage.

The developer is well progressed with their subdivision process and would like to move forward to the next stage of discussions between parties. They do have an alternate option to take water from two local streams and construct their own water treatment plant. However, their preference is to connect to our system.

3 Discussion / Whakawhiti kōrero

In order to move the process forward a draft memorandum of understanding (MOU) has been developed (attached). This MOU outlines the next steps in the investigation process and confirms that the parties involved are willing to consider the implications of the proposal and how it could be implemented. It does not commit any of the parties to undertaking any particular works or costs other than staff time.

The types of activities covered by the MOU include; cultural impact engagement with Hapū, confirmation of Channel Infrastructure's future demands, impact of climate change, assessment of engineering requirements, costs allocation discussions and long term ownership and rating requirements.

At a previous presentation to Council on this subject during the last term, the feedback from elected members was they were happy to progress discussions with the developer but were keen to ensure that ratepayers in Whangarei District were not disadvantaged.

3.1 Financial/budget considerations

The cost of linking Mangawhai to the Bream Bay network is estimated to be between \$40 Million and \$60 Million. WDC has not allocated any funds in the Long Term Plan and it is envisaged that the developer would need to contribute substantially to make the project viable. The project is identified in the current Infrastructure Strategy.

From a revenue perspective any connection to the network would be liable for development contributions in addition to volumetric payments for water. A benefit to council of this proposal would be to assist with the revenue shortfall left by the closure of the Refinery.

3.2 Risks

Risks are minimal in signing the MOU and working on the next stage of the proposal. There is a risk that the proposal may receive some negative publicity as we engage with the community and Hapū. Part of this stage will be identifying risks to the Council and community if the project is progressed. These risks will need to be assessed and quantified and included in any recommendation to formalise a project and proceed with a concept design.

4 Significance and engagement / Te Hira me te Arawhiti

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

An engagement plan will be developed as part of the evaluation and targeted engagement undertaken with affected stakeholders. If a water supply for the wider community in Mangawhai is established, then this would likely trigger the need for more targeted engagement.

5 Attachment / Ngā Tāpiritanga

Attachment 1 – Proposed Memorandum of Understanding

MEMORANUDUM OF UNDERSTANDING

DATED

2022

BETWEEN WHANGAREI DISTRICT COUNCIL ("WDC")

A N D KAIPARA DISTRICT COUNCIL ("KDC")

A N D MANGAWHAI CENTRAL LIMITED ("MCL")

ACKGROUND

- A. WDC and KDC are territorial authorities constituted under the Local Government Act 2002 responsible for administering districts in Northland which are adjacent to each other.
- B. MCL is undertaking the MCL Development on the MCL Land at Mangawhai Central, Mangawhai located in the Kaipara District administered by KDC.
- C. MCL has approached WDC requesting it extend its water reticulation network for water supply from Langs Beach through to Mangawhai Central, Mangawhai to supply drinking water to the MCL Development.
- D. This MOU records the understanding of the parties and their agreement to work together to see whether the provision of a Water Supply by WDC to the MCL Development and to the Kaipara District is both possible and, if so, how it could be implemented.

UNDERSTANDING

1. Definitions

- 1.1 In this MOU, the following words have the following meanings, unless the context requires otherwise:
 - (a) **Appointed Representatives** means each Party's nominated representative as identified at clause 8.
 - (b) **LGA 02** means the Local Government Act 2002;
 - (c) **LGOIMA** means the Local Government Official Information and Meetings Act 1987;
 - (d) **MCL Development** means MCL's intended residential and commercial development on the MCL Land;

- (e) **MCL Land** means all of that comprised of and described in Record of Titles 56150, 56153, NA92C/38 and 56155;
- (f) **MOU** means this Memorandum of Understanding;
- (g) **Water Supply** means the provision of a potable water supply meeting New Zealand drinking water standards of up to 3,000m³ per day from WDC's water supply network in terms of LGA 02.

2. Interpretations

2.1 In the interpretation of this MOU, the following provisions apply unless the context otherwise requires:

- (i) Headings are inserted for convenience only and do not affect the interpretation of this MOU.
- (ii) A reference in this MOU to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Whangarei, New Zealand.
- (iii) A reference in this MOU to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (iv) A reference in this MOU to any agreement or document is to that agreement or document as amended, novated, supplemented or replaced.
- (v) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this MOU.
- (vi) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (vii) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning. A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- (viii) References to the word "include" or "including" are to be construed without limitation.

3. Purpose of this Memorandum of Understanding

- 3.1 The purpose of this MOU is to set out the steps that the parties to it will undertake to assess whether it is feasible, legal and appropriate for WDC to make a Water Supply available to the MCL Development and/or the Mangawhai area and/or KDC and, if such meets the requirements of all parties then, the terms and conditions on which such Water Supply will be made.
- 3.2 Nothing in this MOU is to be read as committing any party to any contractual obligations and it is not intended that this MOU create any contractual obligations.
- 3.3 The parties record that how all or any costs of the provision of such a Water Supply are to be met are still to be determined.

4. Consultation/Engagement

- 4.1 Both WDC and KDC acknowledge that any decision to commit to an agreement for WDC to provide a Water Supply to part of the region administered by KDC will require both parties to comply with principles relating to decision-making set out in Part 6 of the LGA 02, including consultation and engagement with appropriate parties.
- 4.2 Both WDC and KDC will as required undertake such public and iwi consultation/engagement within their districts with their constituents as they deem appropriate to meet the requirements of Part 6 and S.137 LGA 02 and the Resource Management Act 1991 (if required).
- 4.3 Should it be considered that a cultural impact statement should be prepared WDC and KDC will in consultation with all relevant and appropriate mana whenua agree on an appointee to undertake that assessment on their joint behalf.
- 4.4 Where appropriate and relevant WDC and KDC will consider all relevant planning materials including all relevant hapu/iwi documents.

5. Third Party Consultation/Agreements

- 5.1 Given the nature of the intended venture the parties acknowledge that:
 - (i) Consultation with Patuharakeke Te Iwi Trust Board and other hapu within whose rohe the infrastructure might be constructed would be required.

- (ii) As the Water Supply would be of water previously supplied to the oil refinery at Marsden Point consultation and agreement with the operator of the now closed Refinery, Channel Infrastructure Limited, will be undertaken
- (iii) entity is established, be required and/or with the Government Department/Agencies which will be responsible for the "Three Waters" reforms.

6. Engineering

- 6.1 All parties will jointly agree on an independent qualified engineer to consider the proposal and provide a design for a Water Supply by WDC to Mangawhai generally such to accord with the engineering standards applied for network reticulation in both districts.
- 6.2 The design is to be of sufficient capability to enable a daily supply of 3000m³ of water from Whangarei District to the MCL Development and Mangawhai and of sufficient durability to meet the geographical nature of the land through which such supply if to be made is to be constructed.
- 6.3 All parties acknowledge that the Water Supply envisaged will require upgrading works within the Whangarei District to enable water to be reticulated to Langs Beach and that is a cost factor to be allowed for.
- 6.4 All parties acknowledge that the Water Supply envisaged will necessitate the securing, consenting and construction of a suitable storage reservoir site within the Kaipara District and that the cost of the securing, consenting and construction of the storage reservoir will be met by KDC and/or MCL as they shall agree.

7. Terms and Conditions

- 7.1 The parties agree that specific terms and conditions for any Water Supply will need to be negotiated such to cover matters such as, but not limited to:
 - (a) Design and cost of construction of any Water Supply.
 - (b) Performance, oversight and maintenance of construction of any Water Supply.
 - (c) Costs of ongoing supply/consumption and charging for such supply/consumption.

- (d) Terms of supply.
- (e) Risk and insurance.
- (f) Costs of water loss through infrastructure failure.
- (g) Cost recovery.
- (h) Security for costs of construction, maintenance and ongoing supply.
- (i) Management and maintenance.
- (j) Ongoing liaison between parties.
- (k) Future expansion.
- (l) Upgrading WDC's existing district water supply network.
- (m) How project management costs are to be met.
- (n) Is project management to be contracted out and if so on what terms.
- (o) How development contributions and ongoing fees and charges are to be allocated.
- (p) Who is to be responsible for water charging and for recovery of fees and charges.
- (q) Who is to be responsible to let construction contracts/works and to assume responsibility for and oversight of such contracts/works.
- (r) What quantum of water will be available and what, if any, restrictions will apply to such availability of supply or is such supply to be structured over a specific time period.

8. Representation

The parties record that their initial Appointed Representatives and their points of contact are as follows:

WDC

Phone:

Email:

KDC

Phone:

Email:

MCL

Phone:

Email:

9. Confidentiality

9.1 The parties acknowledge that they may have received and/or will receive or have access to information of each other party that is confidential in nature, or is expressed to be confidential. A party must not disclose any such confidential information (or the fact of the existence of this MOU), except:

- (a) where the party who provided the information has given its written consent to the disclosure;
- (b) where required by law;
- (c) for the purpose of any relevant court proceedings or mediations relating to the MCL Development;
- (d) where the information is already publicly available (other than through a breach of this clause); or
- (e) where the disclosure is made to its professional advisors or consultants, for the purpose of receiving advice or assistance in connection with this MOU, subject to clause 9.2.

9.2 Any disclosure permitted by clause 9.1(d) may only be made subject to

confidentiality obligations (and exceptions) that correspond to those set out in this clause 9.

9.3 MCL acknowledge that WDC and KDC are subject to LGOIMA, and that pursuant to a request made under LGOIMA, both councils may be required to disclose information relating to this MOU to the requestor. MCL will provide assistance and information to both Councils promptly upon request in order to enable them to comply with their obligations under LGOIMA.

9.4 The parties agree that the undertakings given in relation to confidential information shall continue notwithstanding the expiry of this MOU.

10. Due Diligence

10.1 Each party will have a period of two (2) calendar months from the date of this MOU to undertake its own due diligence investigation into whether the project is of a type that it wishes to commit to and of its legal ability to be a party to an agreement of the nature of that under consideration.

11. Regulatory Authority

11.1 MCL acknowledges that WDC and KDC, are in terms of their regulatory functions local authorities, and are obliged to, and shall, act as independent local authorities. MCL shall have no right or claim against either WDC or KDC in acting in its capacity as a party to this MOU as a result of any lawful action or decision made by either WDC or KDC in the performance of its regulatory functions. Any decision of WDC or KDC acting in its regulatory capacity shall not be construed as an approval of WDC or KDC as a party to this MOU or as a change unless otherwise expressly agreed.

12. Formal Approval

12.1 This MOU is completed as a non-binding MOU. Neither WDC nor KDC will be bound by any subsequent agreement which might be negotiated unless that has been formally approved by the elected members of each council.

13. Termination

13.1 Any party can at any time give notice to the other parties of termination of this MOU and upon such notice being given all obligations hereunder, apart from obligations of confidentiality which are on-going, shall cease and no party shall have any right of claim against another

14. Any notice, notification or demand given by either party for the purposes of this MOU shall be in writing or by email and shall be sent to the other of the parties at the address or email address from time to time, and in writing specified by that party. Subject to the foregoing provisions of this clause:

(a) The address and email address of WDC shall be:

Address: Whangarei District Council,

(Attention: A Venmore)

Private Bag 9023, Whangarei 0148

Email: Andrew.Venmore@wdc.govt.nz

(b) The address and email address of KDC shall be:

Address: Kaipara District Council,

(Attention:)

Email:

(c) The address and email address of MCL shall be:

Address:

Email:

15. Miscellaneous:

15.1 Counterparts:

- (a) This MOU may be executed and delivered in any number of counterparts (including scanned and emailed PDF counterparts).
- (b) Each executed counterpart will be deemed an original and all executed counterparts together will constitute one (and the same) MOU.
- (c) This MOU shall not come into effect until each person required to sign has signed at least one counterpart and all parties have received a counterpart signed by each party required to sign.
- (d) If the parties cannot agree on the date of this MOU, and counterparts are signed on separate dates, the date of the MOU is the date on which the last counterpart was signed and delivered to all parties.

15.2 Copies: Any copy of this MOU sent via email in PDF format, (including any copy sent via email in PDF format, of any document evidencing other parties signature of this MOU) maybe relied on by any other party as though it were

an original copy. This MOU may be entered into on the basis of an exchange of such PDF copies.

- 15.3 **Assignment:** A party may not assign or transfer any of its rights or obligations under this MOU without the prior consent of the other parties.
- 15.4 **Governing Law and Jurisdiction:** This MOU is governed by the law of New Zealand. The parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The parties will not object to the exercise of jurisdiction by those courts on any basis.
- 15.5 **No Agency or Partnership:** No party is an agent, representative, partner of any other party by virtue of this MOU.
- 15.6 **No Authority to Act:** No party has any power or authority to act for or to assume any obligation or responsibility on behalf of another party, to bind another party to any agreement, negotiate or enter into any binding relationship for or on behalf of another party or pledge the credit of another party except as specifically provided in this MOU or by express agreement between the parties.
- 15.7 **Severability:** If a clause or a part of this MOU can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this MOU, but the rest of this MOU is not affected.
- 15.8 **Variation:** No variation of this MOU will be of any force or effect unless it is in writing and signed by the parties to this MOU.
- 15.9 **Waiver:** The fact that a party fails to do, or delays in doing, something the party is entitled to do under this MOU, does not amount to a waiver of any obligation of, or breach of obligation by, another party. A waiver by a party is only effective if it is writing. A written waiver by a party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

EXECUTION

SIGNED for and on behalf of
WHANGAREI DISTRICT COUNCIL

Authorised Signatory

SIGNED for and on behalf of
KAIPARA DISTRICT COUNCIL

Authorised Signatory

SIGNED for and on behalf of
MANGAWHAI CENTRAL LIMITED

Director/Authorised Signatory

2.7 Waste Minimisation and Management Plan Establishment

Meeting: Council Briefing
Date of meeting: 8 December 2022
Reporting officer: David Lindsay – Solid Waste Engineer

1 Purpose / Te Kaupapa

To provide an overview of the upcoming review of the District's Waste Minimisation and Management Plan and seek direction on the establishment of a Project Control Group.

2 Background / Horopaki

The Waste Minimisation and Management Plan (WMMP) sets out how the Council will progress efficient and effective waste management and minimisation in the Whangarei District. The Waste Minimisation Act (WMA) (2008) requires that the plan is reviewed and publicly consulted within 6 years of its adoption. The existing WMMP was adopted in 2017 and therefore a review is required in 2023.

The Act also states that:

A waste management and minimisation plan must provide for the following:

- (a) *objectives and policies for achieving effective and efficient waste management and minimisation within the territorial authority's district:*
- (b) *methods for achieving effective and efficient waste management and minimisation within the territorial authority's district, including—*
 - (i) *collection, recovery, recycling, treatment, and disposal services for the district to meet its current and future waste management and minimisation needs (whether provided by the territorial authority or otherwise); and*
 - (ii) *any waste management and minimisation facilities provided, or to be provided, by the territorial authority; and*
 - (iii) *any waste management and minimisation activities, including any educational or public awareness activities, provided, or to be provided, by the territorial authority;*
- (c) *how implementing the plan is to be funded:*
- (d) *if the territorial authority wishes to make grants or advances of money in accordance with [section 47](#), the framework for doing so.*

3 Discussion / Whakawhiti korero

3.1 Project Aim

The final Plan should be adopted before 28 September 2023 by Council as a framework and guide for waste minimisation and management activities in the Whangarei District from 2023 through to potentially 2040.

- The plan should be strategic and have a medium-term approach (3-10 years).
- Council wants to work alongside Tangata Whenua, the community, and other stakeholders to develop a shared vision and work alongside each other throughout the plan development process.
- The plan will be used to inform projects, service delivery, infrastructure investment and funding decisions in future Long Term Plans.

3.2 Proposed Project Programme

When	Milestone
December 2022- January 2023	Update and review the Waste Assessment Engage with key stakeholders
February 2023	Council briefing, Te Huinga
March 2023	Draft WMMP and Waste Assessment Council adopt Statement of Proposal
April / May 2023	Public engagement and hearings
May / June 2023	Analysis and review of public submissions
June 2023	Finalise plan
July 2023	Adoption by Council

3.3 Engagement

The development of the Waste Minimisation and Management Plan will include targeted engagement with the community. A draft engagement plan is attached.

3.4 Project Control Group

It is suggested that a Project Control Group be established that would consist of Councillors, Hapū and key WDC staff. They would choose a chair from the membership.

The objective of the group would be to provide direction to the team and help create an effective pathway for meeting the timescales set out. The PCG will have no delegated authority or power to act or make decisions on behalf of the Council.

Staff will provide administration support as well as reports, information and advice.

4 Financial/budget considerations

Any financial implications are minor.

5 Attachments / Ngā Tāpiritanga

Attachment 1 – Draft Engagement Strategy

Engagement and Communications

Whangarei Waste Minimisation and Management Plan 2023

Date	2 November 2022
Project lead	David Lindsay (Solid Waste Engineer)
Project Sponsor	Jim Sephton (General Manager - Infrastructure)

Engagement Purpose

The purpose for engaging is to build a shared vision between Council, elected members, stakeholders, tangata whenua and the community. Their values, and understanding of key issues and opportunities requires a collaborative approach to developing the Waste Minimisation and Management Plan (WMMP).

The Waste Minimisation Act requires that the WMMP is publicly consulted. Council must “*use the special consultative procedure set out in section 83 of the Local Government Act 2002 and, in doing so, the most recent assessment undertaken by the territorial authority under section 51 must be notified with the statement of proposal.*”

In addition, there is a strong public interest in waste minimisation and management. There is a high level of public concern due to the environmental impact of waste generation. Moreover managing our waste is a daily activity both at home and at work. The WMMP looks at all solid waste streams and changing the way that they are managed will require action from all members of society. Therefore, involving and working closely with key stakeholders, tangata whenua and the local community is considered critical to the success and implementation of the WMMP.

The WMMP will be used by Council to:

- Support future service delivery reviews/changes.
- Direct capital works programmes in the Long Term Plan.
- Inform operational decision making.

Engagement Principles

Effective communication needs to be clear, specific and a two-way process. It is imperative we communicate and engage with tangata whenua, the community and key stakeholders in a meaningful way.

Engagement objectives

Topic/theme	Objective
Clear communication	<ul style="list-style-type: none"> To illustrate concepts, information or statistics in a visual and easy to read way. To provide accurate and up-to-date information that is objective. To assess options and ensure they are realistic and deliverable when presenting them for community feedback.
Two-way communication	<ul style="list-style-type: none"> To enable time for complex issues that might arise during the engagement process. To conduct engagement in a genuine effort to listen to and consider the community, tangata whenua/hapū, stakeholders' input.
Receive and give feedback	<ul style="list-style-type: none"> To use a range of engagement approaches that best suit the range of stakeholders in the community/district. To give the community reasonable opportunity to voice their views (through a range of channels). To allow enough time to ensure participants have fair opportunity to understand 'the issues, options, the matter', and contribute their views and/or concerns. To value contributions made, respect and give weight to local community knowledge and concerns/insights raised by stakeholders and community members.

The Project (What)

Background and overview

The Waste Minimisation and Management Plan (WMMP) sets out how the Whangarei District Council (Council) will progress efficient and effective waste management and minimisation in the Whangarei District. This Waste Minimisation and Management Plan fulfils Council's obligations under Section 43 of the Waste Minimisation Act (WMA) (2008):

A waste management and minimisation plan must provide for the following:

- (a) *objectives and policies for achieving effective and efficient waste management and minimisation within the territorial authority's district:*
- (b) *methods for achieving effective and efficient waste management and minimisation within the territorial authority's district, including—*
 - (i) *collection, recovery, recycling, treatment, and disposal services for the district to meet its current and future waste management and minimisation needs (whether provided by the territorial authority or otherwise); and*
 - (ii) *any waste management and minimisation facilities provided, or to be provided, by the territorial authority; and*
 - (iii) *any waste management and minimisation activities, including any educational or public awareness activities, provided, or to be provided, by the territorial authority:*
- (c) *how implementing the plan is to be funded:*
- (d) *if the territorial authority wishes to make grants or advances of money in accordance with [section 47](#), the framework for doing so.*

The draft plan will be a revision of the 2017 Waste Minimisation and Management Plan. The draft Plan requires input from Councillors and the public including through a formal consultation process.

Key issues	<ul style="list-style-type: none"> • Behaviour change regarding individual and organisations waste management • Funding the plan • Reducing resource consumption • Littering and environmental damage • Health impacts of poor waste management
Project leader	David Lindsay (Solid Waste Engineer)
Programme Sponsor	Jim Sephton (General Manager - Infrastructure)
Proposed engagement period	Public consultation period March 2023. Communication and engagement with key stakeholders Nov 2022 – September 2023
What has initiated this project?	Legislation requires that the WMMP is reviewed every 6 year i.e. before September 2023.

Engagement Methods & Tools

This table outlines our engagement methods and tools:

Engagement Tool	Method
Internal working group	<ul style="list-style-type: none"> • Workshops • Informal discussion meetings focusing on key issues and opportunities.
Public submissions	<ul style="list-style-type: none"> • Public consultation and hearing of submissions
Media	<ul style="list-style-type: none"> • Website content • Council News, Public Notice and feature in the Leader • Email existing groups/contacts Social media posts (comments, likes, pictures)
Face to face	<ul style="list-style-type: none"> • Meetings and workshops with elected members • Council groups (youth advisory, disability advisory, positive ageing) • Individual meetings with key external stakeholders including neighbouring local government agencies, infrastructure providers • Te Karearea and Te Huinga

Identify risks

Identify any issues that could arise, political factors etc. How will these be managed?

Issue	Description of Risk	How will it be managed?
Managing the community's expectations	<p>Managing the community's expectations regarding deliverables.</p> <p>There is a lack of awareness of what Council does within the community, it's decision-making processes and procedures such as assigning funds through the Long-Term Plan (LTP). Our strategies and plans can be a cause of misunderstanding and community frustration.</p>	<p>Clear communication of the project scope, and how we will achieve the actions as well as what Council does and what others are responsible for.</p> <p>Informing the LTP is a key driver of the WMMP. The LTP is developed by Council and the community to assign funds for the next 10 years.</p>
Over/Under consultation	<p>We need to be mindful of over/under-consultation in some communities. Council consults with the community on a vast range of projects and plans. Consideration and thought needs to be used to assess how and why we want to consult or work with the community and be aware of what's already been done.</p>	<p>If the WMMP 2023 does not result in significant changes to the vision or action plan then the level of engagement and promotion can be tailored accordingly. Legislative changes may require service changes in future and further consultation may be required at that point.</p>
Technical expertise	<p>The WMMP will be developed by Council staff. Additional, external expertise or resources may be needed.</p>	<p>Currently external expertise is not believed to be required for the issues that will be raised during the WMMP process.</p>
Stakeholder Timeframes	<p>Stakeholder engagement, working with other agencies and community group time frames, resourcing and budget implications need to be carefully managed.</p>	<p>We need to be aware of different scheduling and resourcing priorities from external agencies and factor them into our processes and scheduling.</p>
Political buy-in and interference	<p>Keep elected members informed of the content, status and communication approach throughout the process and development of the WMMP.</p>	<p>We will present our work and findings regularly to elected members and workshop with them on particularly relevant issues, at the designated council briefings. At these briefings we will seek political input and facilitate discussions with our elected members.</p>
Plan Timeframe Expectations	<p>Development and adoption of plans takes longer than the expected 9 month timeframe.</p>	<p>Set clear deliverables through the WMMP Project Plan.</p> <p>Key issues should be identified as early as possible to ensure management of expectations.</p>

Key Milestones

*More detail in project plan.

When	Milestone
November 2022 - January 2023	Update and review the Waste Assessment Develop a draft WMMP Engage with key stakeholders
February 2023	Council briefing, Te Huinga
March / April 2023	Public engagement and hearings
May 2023	Analysis of public submissions (report)
May 2023	Report back to Council Briefing, Te Huinga
June 2023	Finalise plan
June 2023	Adoption by Council

Your Target Audiences (Who)

External stakeholder	Likely interests, issues or values. Benefits of involving them.	How will they be involved	Influence 1-5	Interest 1-5
Internal Council Staff/Stakeholders	Future projects and programmes of work, addressing issues related to expertise, insights into issues, constraints and opportunities	Internal discussions, workshops and regular stakeholder meetings	4	5
General public Community groups	Vision for communities, issues, wider community perspective (Same as below)	Social media, public consultation	2	3
Te Karearea, Te Huinga	Information to and feedback from Te Karearea. There may also be the opportunity to speak to other iwi groups	Monthly Meetings	3	3
Elected Members	Community expectations, relationship to LTP/funding	Council briefings/workshops Additional communication as advised by SLT & project sponsor.	4	4
Solid waste infrastructure providers	Business and employment needs/opportunities. Consideration of growth and protection of infrastructure	Meetings	4	4
Neighbouring Local Government organisations	Consideration of future plans, collaboration opportunities	Meetings	2	4

Influence	Interest
1=Little/No influence	1=Little or no interest
2=Some influence	2=Some influence
3=Moderate influence	3=Moderate interest
4=Significant influence	4=Significant interest
5=Very influential	5=Critical player