



Ordinary Council

Hui a te Kaunihera

Thursday, 15 August 2024
Rāpare, 15 Hereturikōkā 2024

Totara Room, Whakatāne District Council
14 Commerce Street, Whakatāne
9:00 am

Acting Chief Executive: David Bewley
Publication Date: 9 August 2024

Live Streaming the Meeting - *Ka whakapāho mataora te hui*

Live Streaming the Meeting - *Ka whakapāho mataora te hui*

PLEASE NOTE

The **public section** of this meeting will be Live Streamed via YouTube in real time.
The live stream link will be available via Council's website.

All care will be taken to maintain your privacy however, as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast.

The opinions or statements expressed during a meeting by individuals are their own, and they do not necessarily reflect the views of the Whakatāne District Council. Council thus disclaims any liability with regard to said opinions or statements.

A Membership - *Mematanga*

A Membership - *Mematanga*

Mayor Dr V Luca

Deputy Mayor L N Immink

Councillor T Boynton

Councillor G L Dennis

Councillor A V Iles

Councillor W B James

Councillor J C Jukes

Councillor T O'Brien

Councillor J W Pullar

Councillor N Rangiaho

Councillor N S Tánczos

B Powers of the Council - *Ngā mana o te Kaunihera*

B Powers of the Council - *Ngā mana o te Kaunihera*

The Council will meet Eight weekly to make decisions on all matters that cannot be delegated, that it has not delegated or that it has had referred to it by staff or a committee. Extraordinary Council meetings will be called when required in between the Eight weekly cycle for specific purposes such as hearing the Annual Plan submissions.

The powers that cannot be delegated by the Council are:

- a. the power to make a rate
- b. the power to make a bylaw
- c. the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
- d. the power to adopt a Long-term plan, Annual plan or Annual report
- e. the power to appoint a Chief executive
- f. the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the Local Governance Statement
- g. the power to adopt a remuneration and employment policy

The powers that can be delegated but which the Council retains:

- a. Approve the Council's recommendation to the Remuneration Authority for the remuneration of additional positions of responsibility for elected members and elected members expenses rules
- b. Approve the Local Governance Statement (called "A Guide to the Whakatāne District Council") produced following the triennial election of members
- c. Resolve those decisions required to be made by a local authority under the Local Electoral Act 2001 including the appointment of electoral officer.
- d. Determine whether or how to fill any extraordinary Council vacancies within 12 months of an election
- e. Review and make decisions on Council membership and the basis for elections through representation reviews
- f. Set the direction for the Long-Term Plan
- g. Hearing of submissions on the Long-Term Plan and, if required, the Annual Plan
- h. Appoint and discharge trustees, directors or office holders to Council's Council-Controlled organisations and to other external bodies
- i. Agree the final Statement of Intent for Council's Council-Controlled organisations
- j. Adopt the Half Yearly and Full Year Annual Report of the Whakatāne Airport
- k. Approve the purchase, sale and disposal of Council property
- l. Approve a proposed plan or a change to a District Plan under Clause 17 of the First Schedule of Resource Management Act 1991 (RMA); A1827586 April 2021 Page 14 of 37.
- m. Approve changes to the status or revoke the status of a reserve as defined in the Reserves Act 1977
- n. Authority to name or rename a reserve in accordance with the Reserves Management Plan;

B Powers of the Council - *Ngā mana o te Kaunihera* (Cont.)

- o. Authorise any unbudgeted expenditure that exceeds the delegation levels provided to officers, committees or other subordinate decision-making bodies of Council
- p. Approve recommendations from relevant Committees for new fees and charges for services provided, outside of the Annual Plan or Long Term Plan process.

Procedural matters exercised by Council:

- a. Receive minutes and recommendations, and make decisions on any recommendations from:
 - Standing Committees, Joint Committees and Joint Forums
 - Iwi Chairs Forum
 - Commercial Advisory Board
 - Toi Economic Development Agency
 - Any other Council appointed advisory board or forum with Council as the parent committee
- b. Consider any matters referred to it from any of the Committees, the Mayor, or Chief Executive.

TABLE OF CONTENTS

1	Prayer - <i>Karakia</i>	8
2	Meeting Notices - <i>Ngā Pānui o te hui</i>	8
3	Apologies - <i>Te hunga kāore i tae</i>	8
4	Acknowledgements / Tributes - <i>Ngā mihi mihi</i>	8
5	Conflicts of Interest - <i>Ngākau kōnatunatu</i>	9
6	Public Participation - <i>Wānanga Tūmatanui</i>	9
6.1	Public Forum - <i>Wānanga Tūmatanui</i>	9
6.2	Deputations - <i>Ngā Whakapuaki Whaitake</i>	9
7	Confirmation of Minutes - <i>Te whakaaetanga o ngā meneti o te hui</i>	9
8	Mayoral and Chief Executive Reports - <i>Ngā Pūrongo a te Manukura me te Toihautū</i>	10
8.1	Mayor's Report – July/August 2024	10
8.2	Acting Chief Executive's Report – August 2024	20
9	Reports - <i>Ngā Pūrongo</i>	24
9.1	Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024	24
9.1.1	Appendix 1 - Flowchart of Māori wards transitional arrangements.	30
9.2	Iwi Chairs Forum	32
10	Resolution to Exclude the Public - <i>Whakataunga kia awere te marea</i>	36
10.1	Resolution to Exclude the Public	36
1	Confirmation of Minutes - <i>Te whakaaetanga o ngā meneti o te hui</i>	8
1.1	Public Excluded Minutes Ordinary Council Meeting 17 July 2024	8
1.2	Public Excluded Minutes Extraordinary Council Meeting 25 July 2024	8

1 Prayer - *Karakia*

1 Prayer - *Karakia*

2 Meeting Notices - *Ngā Pānui o te hui*

1. Live Streaming

The Whakatāne District Council livestreams Council and Standing Committee meetings held in Tōtara Room, within the Council building. The webcast will live stream directly to Council's YouTube channel in real time. The purpose of streaming meetings live is to encourage transparency of Council meetings.

Welcome to members of the public who have joined online and to those within the public gallery.

By remaining in the public gallery, it is understood your consent has been given if your presence is inadvertently broadcast. Please be aware the microphones in Totara Room are sensitive to noise, so please remain quiet throughout the meeting unless asked to speak.

2. Health and Safety

In case of an emergency, please follow the building wardens or make your way to the nearest exit. The meeting point is located at Peace Park on Boon Street.

Bathroom facilities are located opposite the Chambers Foyer entrance (the entrance off Margaret Mahy Court).

3. Other

3 Apologies - *Te hunga kāore i tae*

No apologies were recorded at the time of compiling the agenda.

4 Acknowledgements / Tributes - *Ngā mihi mihi*

An opportunity for members to recognise achievements, to notify of events, or to pay tribute to an occasion of importance.

5 Conflicts of Interest - *Ngākau kōnatunatu*

5 Conflicts of Interest - *Ngākau kōnatunatu*

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected member and any private or other external interests they might have.

The Elected Member Register of Interest is available on the Whakatāne District Council website. If you wish to view the information, please click this [Register link](#).

6 Public Participation - *Wānanga Tūmatanui*

6.1 Public Forum - *Wānanga Tūmatanui*

The Council has set aside time for members of the public to speak in the public forum at the commencement of each meeting. Each speaker during the forum may speak for five minutes. Permission of the Chairperson is required for any person wishing to speak during the public forum.

With the permission of the Chairperson, Elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

6.2 Deputations - *Ngā Whakapuaki Whaitake*

A deputation enables a person, group or organisation to make a presentation to Community Board on a matter or matters covered by their terms of reference. Deputations should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered. No more than two speakers can speak on behalf of an organisation's deputation. Speakers can speak for up to 5 minutes, or with the permission of the Chairperson, a longer timeframe may be allocated.

With the permission of the Chairperson, Elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

7 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui*

Confirmation of Council Meeting Minutes

The minutes from the Council meetings, listed below, can be viewed via the Council website.

Click on the link below in order to view the 'unconfirmed minutes'.

- [Ordinary Council Meeting Minutes - 17 July 2024](#)
- [Extra-Ordinary Council Meeting Minutes - 25 July 2024](#)
- [Ordinary Council Meeting Minutes - 30 July 2024](#)

8 Mayoral and Chief Executive Reports - *Ngā Pūrongo a te Manukura me te Toihautū*

8 Mayoral and Chief Executive Reports - *Ngā Pūrongo a te Manukura me te Toihautū*

8.1 Mayor's Report – July/August 2024



To: **Whakatāne District Council**

Date: **Thursday, 15 August 2024**

Author: **Mayor Dr Victor Luca**

Reference: **A2721003**

1. Reason for the report - *Te Take mō tēnei rīpoata*

The purpose of the report is to provide updated information on the Mayor's activities together with any advice and strategic insights thought to be relevant to Council matters. The report covers the period 28 June 2024 to 14 August 2024.

2. Executive summary – *Whakarāpopototanga*

Another LTP is now done and dusted after many months of work by both staff and elected members.

The draft LTP was approved to go to audit at the EER meeting of 23 May 2024 and was originally scheduled to be adopted on 20 June 2024. It was eventually adopted six weeks later on 5 August 2024.

In terms of the magnitude of rates increases the LTP process this year has been an unprecedented one country-wide. The main hiccup encountered with our LTP was the delay in obtaining a draft audit report which finally came through on 26 July 2024. The final auditor's report was tabled on the day of the adoption meeting. WDC's LTP received a qualified audit and involved many exchanges between the LTP team and Audit NZ. Whilst many councils did have their LTP audits on time, we were by no means an exception. I am hopeful that we learned something from the audit experience.

A major issue for the Auditors was the lack of assurance that 'the forecasts in the LTP can be achieved because events do not always occur as expected'.

Our rates increase for the first year of the LTP of 15% is sitting at about the national average.

It is widely acknowledged that the funding system for Local Government is broken, and the findings of the Labour Government's Future for Local Government Review offered no genuine solutions to the funding challenge. The current administration has chosen not to adopt any of the review recommendations, and it remains to be seen how the current Government will address the funding system problem.

The LTP was adopted on a 9 to 2 vote on Monday 5 August 2024 marking the end of a protracted, arduous and unprecedented process that has tested staff, Councillors and communities. I am glad to be able to say that the process was conducted in a respectful manner, and I thank all involved. I especially thank our communities who made their voices heard.

8.1 Mayor's Report – July/August 2024(Cont.)

Rates increases are the highest this Council has ever imposed on communities in recent memory. One of the drivers for such a large increase was the need to bridge a deficit largely due to increases in costs of goods and services. It is widely acknowledged that over the past three years, costs have risen significantly for construction of several key asset types. For instance bridges were 38% more expensive, sewage systems were 30% more expensive, and roads and water supply systems were 27% more expensive (see [here](#)). However, it doesn't end there. Recent rates rises are also being blamed on sky-rocketing rents around the country (see RNZ reporting [here](#)), further contributing to the cost of living challenges.

In my last report, I recorded the resignation of our CE Steph O'Sullivan. This reporting period has seen a significant time commitment on behalf of the CE Performance and Support Committee (CEPSC) and Council to undertake a robust recruitment process to secure a new CE. I am glad to report that the process is now near conclusion with a preferred candidate selected. At this stage it is looking as though we will have a new CE in coming weeks.

Of all of the activity in which I have been involved this period, the meeting with the Regional Director of Kainga Ora is one that has made the most impact on me as developments at KO could have serious consequences for Whakatāne housing development aspirations (see below).

3. Recommendation - *Tohutohu akiaki*

THAT the Council receives the Mayoral Report – July/August 2024.

4. Background - *He tirohanga whakamuri***4.1. Economic Climate**

There are tentative signs that the national economy has somewhat steadied with inflation continuing to trend downward and interest rates appearing to have stabilised. The last decision of the Reserve Bank of New Zealand (RBNZ) was to leave the OCR unchanged at 5.5% making eight straight times that it is held the Official Cash Rate (OCR) fixed. However, there are signs that the bank will take a less hawkish stance at the next meeting because of softness in the local economy.

Nevertheless, the Monetary Policy Committee has indicated that financial stress was expected to keep rising. The next monetary policy statement is due 27 November 2024 (see [here](#)).

Notwithstanding the good news on the inflation and interest rates there are many reasons to believe that the national economy continues to languish including five consecutive contractions in Gross Domestic Product (GDP) per capita, weak spending data, persistently high domestic inflation, falling government revenue (\$1.6 billion below forecast) and financial stress with the number of people behind on credit card payments reaching 463,000 in March, up 6000 on the month before (see [here](#)).

Recent US stock market falls appear to be due to fears of global recession and weak earnings results from tech stocks especially for companies in the AI space. This meltdown is being mirrored around the globe and is set to worsen due to geopolitical tensions. Thus, any tentative positive signs in the national economy have to be tempered by instability and worrying signs at the global level.

8.1 Mayor's Report – July/August 2024(Cont.)

Recently Warren Buffet, chairman and CEO of the massive Berkshire Hathaway investment house has ditched about 55% of his Apple Stock and is unwinding positions and moving more into cash in a move that is regarded as a flight to safety (see [here](#)). Many investors view Berkshire as a proxy for the US economy. As the saying goes, 'when the America sneezes, the world catches a cold'.

Therefore, there is a long way to go before we can breathe easy on the national and local economy.

4.2. Climate Change

Recently it has been acknowledged that NZ is unlikely to meet its Paris Accord targets. What a surprise!

In between trying to take the easy path and indulging in excess wishful thinking, the previous Labour Government did at least try to do many of the right things as far as climate is concerned.

However, in my opinion the present administration seems to be firmly in the climate change denial camp. Their killing of the nascent EV market is one example of short sightedness and a reluctance to get serious on climate emissions and our international obligations. Electrification of transport is the low-hanging fruit that we seem incapable of picking. With air pollution killing 3,500 New Zealanders a year mostly due to tail-pipe emissions from ICE vehicles you would think that we should have every incentive to make the transition.

Then there is the so-called net zero approach that we have embraced as if it is some kind of panacea. I find this approach somewhat fallacious as we don't seem to have grasped the fact that it takes 30 years for even fast-growing a Pinus Radiata to reach maturity. Also, forests only sequester carbon if they are healthy; they can become net emitters.

In my detailed personal submission to the 'Climate Change Commission - 2021 Draft Advice for Consultation' I made some very dour comments on New Zealand's ability to reach its emissions targets.

For example, I made statements such as *'In summary I don't think we have a snowball's chance in hell of making the targeted emissions reductions in the transport sector. Sorry, but I just can't see the mechanism.'*

And that was with the Labour Government which at least looked like it was taking climate change seriously.

At the same time, it becomes increasingly apparent that scientific community's warming estimates are likely to be extremely conservative.

In my opinion, WDC needs to take tangible action on climate change mitigation and show strong community leadership by taking advice I have given and has recently been echoed by the Climate Change Steering Group. This could start with electrification of our fleet of about 65 vehicles most of which are diesel utes. Diesel represents WDC's third largest emissions source. On that note New Zealand's only electric ute, the LDV eT60, is currently selling for \$41,990 (details and specs can be found [here](#)). This is about \$8,000 cheaper than a Toyota Hilux SR5 PreRunner 2WD Double Cab ute at \$49,4900.

Finally, I would thoroughly recommend watching this old video in which Carl Sagan compares [Military Spending and Climate Change](#) .

8.1 Mayor's Report – July/August 2024(Cont.)

4.3. Geopolitics

Neither the war in the Ukraine or the genocide in Gaza are showing any significant signs of abating. In fact, the situation is quite the opposite with significant risks of escalation.

Recently the Germans have agreed to allow the United States to base missiles in Germany from 2026 that are capable of striking targets at distances of 2,500 kilometers that are easily able to hit Moscow from Berlin (see [here](#)). The arrangement will include Tomahawk cruise missiles (nuclear capable), SM-6 ballistic missiles and hypersonic systems. This represents yet another clear provocation to the Russians. Meanwhile the Russians continue their western advance and to grind Ukraine forces down.

In the Middle East, tensions are set to escalate further with recent Israeli assassination of Hamas and Hezbollah officials in Iran and Beirut respectively. The Hamas official was Ismail Haniyeh, the head of the Hamas political office and chief negotiator. He died while visiting Iran for the inauguration of President Masoud Pezeshkian. He was [reportedly](#) killed by a bomb smuggled into the Iranian compound months before his visit and detonated by remote control. Haniyeh was the chief negotiator – through Qatar and Egypt – with Israel and the United States on terms for a ceasefire and hostage release.

These assassinations occurred only days prior to Israeli Prime Minister Netanyahu's [speech](#) to the United States congress. The speech was peppered with lies but nonetheless received 52 standing ovations from attendees in less than one hour. These assassinations are clear provocations and indications that Israel wants to widen the conflict and has no intention of negotiating but rather will continue the genocide. The attack on Iranian soil is unlikely to not be responded to. Pundits are picking that unlike the response in April this response will not be announced and will be much more significant. It has been reported on X that Russian IL-76 transport planes are delivering electronic warfare equipment and weaponry to Iran.

So far there have been relatively few ramifications for a relatively isolated southern nation like ours. However, that situation could easily dramatically change for us should things in these two hotspots take a turn for the worse. The middle East is a tinder box which is responsible for >30% of world oil production.

5. Major Activities

5.1. Awakeri School Science Fair (3 July 2024)

It was a real pleasure to have been invited to act as one of several judges at the Awakeri School Science Fair that was held on Wednesday, 3 July 2024. This was the first of such gigs that I have attended.

In my time as Mayor, I have heard a lot about arts, culture and creativity which are all important activities. I am in fact a patron of the Whakatāne Arts Society. However, in comparison I have heard little about science.

And yet for a modern society a strong capability in Science, Technology, Engineering and Math (STEM) is absolutely critical if we want to participate in the knowledge society. Without these disciplines there would be no modern age. Almost every man-made thing that you see around you is the result of STEM and unimaginably complex interactions and supply chains. And yet we seem to give relatively little weighting to these in our district. I can't help but ask why this is so?

8.1 Mayor's Report – July/August 2024(Cont.)

Without the energy-driven scientific and industrial revolution 99% of us would still be experiencing a peasant lifestyle in food production sector using tools that are one step beyond the stone-age.

Ian Wright is the Professor of Marine Geology (University of Canterbury) and writes in [The Conversation](#) that the numbers of PhD students in NZ are declining which is a worrying sign for NZ's future knowledge economy.

So it was nice to see the effort being put into this area by Awakeri School.

5.2. CE Recruitment (3 July 2024)

Since CE O'Sullivan handed me her resignation letter on 5 May 2024 there has been a robust, thorough process to recruit a new CE that has involved most of Council.

The first job was for the CE Performance & Support Committee to recruit an employment agency which turned out to be the firm *JacksonStone & Partners*. From this point on the pace has gathered and the final interview of four candidates involving all of Council were completed on Tuesday 30 July 2024. An offer is now being made to the preferred candidate.

5.3. Steering Committee: EBOP Economic Development Strategy Refresh (4 July 2024)

This meeting was held at Te Whakatōhea Mussels (Ōpōtiki) Ltd factory and unfortunately, I could only be present for the first half of the meeting. I did however open the questioning which I believe was rather energetic for the remainder of the meeting. The meeting was to share the draft *EBOP Economic Development Strategy* being prepared under the auspices of TOI-EDA. TOI-EDA in turn contracted consulting company Polis to prepare the draft policy.

I have to say that I have been a bit late to the party on the preparation of this strategy and have found the draft strategy somewhat underwhelming, especially as regards the role of our district.

I first became aware of the preparation of the strategy after Kawerau Mayor Tunui called a meeting on 27 May 2024 to try to understand TOI-EDA's work plan. At that meeting TOI-EDA shared the fact that Polis had been contracted and on 17 July 2024 the Deputy Mayor and I had a short briefing from Polis to try to catchup.

From all accounts the presentation of the draft strategy was not exactly met with applause from EBOP representatives at the Ōpōtiki meeting. Since that meeting the strategy was shared with Minister of Regional Development, Shane Jones, at Pūtauaki Trust headquarters (see below).

I consider the development of this strategy important because it will form the basis of an application to the newly created *Regional Infrastructure Fund* (RIF). The RIF will inject \$1.2B will into regional economies and will be administered by Regional, Economic Development & Investment Unit of Kānoa. The RIF is primarily a capital fund in which funding support will be provided through a mix of loan and equity investments. The fund opened for applications on 1 July 2024.

Regional Development Minister Shane Jones will hold a series of nationwide summits to discuss regional priorities, aspirations and opportunities, with the first kicking off in Nelson on 12 August.

In order to position ourselves and our sub-region for a successful application to the fund we need an exciting sub-regional economic strategy that plays off the strong suites of the three partner councils being Whakatāne, Kawerau and Ōpōtiki.

8.1 Mayor's Report – July/August 2024(Cont.)**5.4. Meeting with Darren Toy of Kāinga Ora (9 July 2024)**

Darren Toy is the BOP Regional Director of Kāinga Ora (KO) with whom WDC's CE and I have had periodic meetings.

KO is important to the Whakatāne township because the agency owns and administers around 500 properties in town. In fact, in some areas of town KO owns entire streets. The reason that we have so much public housing in Whakatāne is that Governments of the past provided the funds to build homes to support the major industry. i.e. housing for economic development.

As part of this Government's wide-ranging downsizing of the public sector, 800 public sector jobs were cut in May. KO is clearly in the spotlight and will not escape down-sizing.

As such KO's Chief Executive, Andrew McKenzie, announced 159 positions would go at the state housing department with more losses possible in the future - contingent on the results of an independent review expected soon (see [here](#)).

The Housing Minister Hon. Chris Bishop announced that the board of KO has been refreshed with five new members and a new Letter of Expectations (LoE) has demanded better financial performance. This followed the independent review of KO led by Sir Bill English that found that KO was under-performing and was not financially viable without significant savings. A new board chair, Simon Moutter, was appointed in May and was expected to commence 31 July 2024. The CE is departing in October (see [here](#)).

Toy informed us that the first stage of KO staff reductions would result in 139 staff being cut from head office in an attempt to reduce staffing costs by 6% as required by the Government.

In the second stage of reductions the budget appropriations to fund the Urban Development functions of Kāinga Ora was reduced from \$95M would be cut to \$18M. This funding reduction does not affect the frontline public homes functions. Stage two would also involve large scale projects including Māori developments.

According to Toy the Spatial Planning component is being reviewed as part of the budget appropriations reductions. At present it is not really known what things will look like after the restructure.

In stage three of the restructure Government has informed KO that their build programme will be reduced significantly and from June 2025 KO will operate on a net zero developments approach doing renewals of their stock only.

The KO build programme initially aspired to construct 6,500 homes per year in NZ and this will be reduced to 1,500. Under the new LoE from the Minister KO needs to meet its housing programme through to June 2025 at a net regional level. In the BOP, the net number of builds has already been met which means no more builds in the BOP. Ours is one of two regions that have over-delivered. It may be possible to redistribute from regions that have under-delivered to those that have over-delivered like the BOP. KO has to deliver at the net regional level at the current debt cap.

As a result of all of this restructure there is now some doubt over developments in Whakatāne including those in Crete Street, Domain Road, Garraway Street, Lovelock Court, Stewart Street and Cutler Crescent. Because of a need to complete developments by June 2025 there is also some doubt over those in Apanui Avenue (potential for 14 homes), King Street and Kiwi Street (3 sites).

8.1 Mayor's Report – July/August 2024(Cont.)

There may be another stage to these reforms but there is no certainty around what this might look like or when they would be implemented.

Toy expected that within four weeks he would have better information on expectations on what the build programme would look through to 2025.

It appears that Government's strategy revolves around their [Going for Housing Growth Plan](#) (GHGP) to fill housing shortages. The planks of this plan appears to be to unlock land for housing, build infrastructure, and share the benefits of growth including by removing Land Use Capacity (LUC) 3 land from the definition of highly productive land in the National Policy Statement for Highly Productive Land (NPS-HPL). However, in NZ infrastructure costs are high and access to finance is very limited.

According to the GHGP document we have among the highest house prices in the world relative to income and this requires government to spend nearly \$4B each year on housing subsidies. Therefore we clearly have a serious problem. If a home costs \$500,000 to build, then that would be enough to build 8,000 homes each year. Subsidies do not build homes; they are a stop-gap measure. The market we have relied on for decades has simply failed.

After lots of lobbying our district has started to see some delivery by KO and now it is all going to come to a halt. If the brakes go on and the market doesn't step in then it is likely that we are going to see more homelessness and housing stress in our district.

It was suggested that EBOP advocacy needs to be stepped up to ensure we have a chance of filling some of the demand.

It would seem that Minister Bishop wants to fund collectives of councils rather than individual councils so that City deals could become regional deals. Rather than talk about total numbers of required builds we should be talking builds per 1,000 or per 10,000.

Many will have seen recently that the Minister is scrapping [minimum floor areas and balcony requirements for apartments](#), saying buyers will decide what is big enough, and the market will deliver.

The advice given was that EBOP as a sub-region should focus on being seen as a priority and becoming a commissioning agency (refer [Social Investment Agency](#)) or in other words a third party project manager. If EBOP can be seen as a priority and can become a commissioning agency then we have a better chance of attracting funding, especially if we have partners such as KO and others. Essentially, we are repeating the housing for economic development approach but as an EBOP collective. Elements of this are already contained in the EBOP Economic Development Strategy previously discussed in section 5.3.

5.5. Meeting of the Whakatāne Historical Society (Thursday, 11 July 2024)

This meeting of the Whakatāne Historical Society was organised by Glen and Morley West. Morley happened to be my biology teacher at Whakatāne High School. The focus of the meeting was on remembering and gathering information on historical eating places around Whakatāne. One of these was the Lyric Restaurant and I was called upon to share whatever information I might have on the storey of the Lyric. Many other familiar names came to light at the meeting such as the Brown Owl, The Rila and so on. I commend the Whakatāne Historical Society for endeavouring to document the stories of our district, before they are lost to time.

8.1 Mayor's Report – July/August 2024(Cont.)**5.6. Meeting with Hon. Mark Mitchell and Gathering at the Comm (Friday, 17 July 2024)**

The meeting between Hon Mark Mitchell (Minister of Corrections, Minister for Emergency Management and Recovery, and Minister of Police), and the three Mayors of the Eastern Bay occurred unexpectedly in MP Dana Kirkpatrick's Whakatāne Office and preceded the gathering at The Comm organised by local National Party Members. A major topic of discussion at the local member's office included an update on the gang situation in the EBOP and also the situation with Whakaari monitoring by GNS.

The subsequent evening meeting at the Comm was packed and attended also by a number of Councillors. Minister Mitchell covered a wide range of topics related to his portfolios. He was rather forthright and allowed considerable time for questions from the participants. I enjoyed the meeting and the disposition of the Minister to come talk to folk in an informal setting.

5.7. Opening of the Kawerau Off-Highway Road (Friday, 19 July 2024)

The off-highway road was recently completed in order to allow heavy logging trucks to connect between Sequel Lumber Mill and SH34. The road is made using [Roller Compacted Concrete](#) which is supposed to result in a heavy-duty long-life pavement. Minister Shane Jones came to inaugurate the opening of the road which was followed by a meeting at the Putauaki Trust Headquarters located off SH34 to discuss the EBOP Economic Development Strategy (EDS). The meeting was organised by TOI-EDA and capitalised on the presence of the minister to discuss the draft EBOP Economic Development Strategy prospects for joint application to the newly created Regional Infrastructure Fund.

David Cunliffe, a partner and director of the Polis consultancy led out on behalf of TOI-EDA with a 10-minute overview of the draft EBOP EDS that has been in development for some time. The Minister gave the following feedback and made various points:

- The EBOP appears to be ahead of the curve in their preparations for a RIF application.
- The Minister spoke mostly about energy and his focus on making Kawerau a green energy centre. Cheap energy will be advantageous for energy-hungry industries.
- The RIF should not be viewed as a grant but rather a catalyst as Government wants to co-invest.
- In relation to Fast Track Consenting, he believes there are trade-offs to be made between economic development and environment.
- He would like to see effective collaboration among iwi partners.
- The RMA needs to be fixed since delays in consenting are holding the nation back. Investment from across the Tasman is being held back because the Aussies don't like what they see.
- He hinted strongly that he was prepared to support PGF projects that are floundering to get over the line.
- Many NZers are heading to Aussie, which drives immigration to fill workplace vacancies.

5.8. Tangihanga for Brian Simpson (Monday, 22 July 2024)

I attended the funeral service for Brian Simpson who passed away suddenly following a period of illness. Brian's tangihanga was held at Te Whare o Toroa Marae, Wairaka. Brian will be sorely missed by his whānau, friends and iwi.

8.1 Mayor's Report – July/August 2024(Cont.)

6. Conclusion - *Kupu whakamutunga*

We have spent much of the current period awaiting an LTP audit decision from Audit NZ as staff have scrambled to respond to a long list of observations from the auditors. Finally, on 26 July 2024 we received a draft audit report and on 5 August 2024, the draft final audit report, containing two qualifications, was tabled at the Extraordinary Council meeting. There are some routine administrative matters to go through, after which we will receive the final audit report.

Economic headwinds have not subsided, and local conditions are not likely to improve and this will have consequences for rate payers who regrettably will be handed unprecedented rates increases.

During the period a significant time commitment has been involved in searching for and interviewing candidates for the position of Chief Executive after the resignation of CE O'Sullivan. Following a rigorous process, we expect to see a new CE installed in the next few weeks.

A cheer for the fact that the LTP process is complete!

7. Meetings Attended by Mayor or Nominated Representative

Date	Details	Location
1/07/2024	Meeting - Graeme Weston - WWTP emissions and Spatial Plan	Whakatāne District Council, Whakatāne
2/07/2024	Mayor Luca - Regular 1XX Live Interview	1XX Offices, Whakatāne
2/07/2024	Meeting Request with local resident	Whakatāne District Council, Whakatāne
3/07/2024	Awakeri School Science and Technology Fair 2024	Awakeri Events Centre
4/07/2024	Toi EDA Steering Committee	Whakatohea Mussels, Ōpōtiki
5/07/2024	Bay of Plenty Civil Defence Emergency Management Group Joint Committee Meeting	Attended by Deputy Mayor, on behalf. Rotorua Lakes Council.
6/07/2024	Council Recess 6 July - 21 July	
9/07/2024	Meeting with Kāinga Ora Regional Director	Whakatāne District Council
9/07/2024	Opening of Whare Aio - Social Supermarket	The Strand, Whakatāne
11/07/2024	Meeting with Whakatāne Historical Society	Whakamax, Whakatāne
17/07/2024	Meeting Request with local resident	Whakatāne District Council
19/07/2024	Official Opening of the Kawerau Off-Highway Road by Minister Jones	Tamaoho Drive, Kawerau
19/07/2024	Our Places - EBOP Spatial Plan	Whakatāne District Council
22/07/2024	Attended tangi of local kaumatua, Brian Simpson	Wairaka Marae, Whakatāne

8.1 Mayor's Report – July/August 2024(Cont.)

Date	Details	Location
23/07/2024	Chief Executive Recruitment Panel	Bay of Plenty Regional Council, Whakatāne
24/07/2024	Chief Executive Recruitment Panel	Bay of Plenty Regional Council, Whakatāne
26/07/2024	Opening Night - Light up Whakatāne	Wharaurangi, Whakatāne
26/07/2024	Meeting with Eastern Bay of Plenty Mayors & CE's	Whakatāne District Council
26/07/2024	Meeting Request with local residents	Whakatāne District Council
27/07/2024	10 Year Tūhoe Crown Settlement Anniversary Celebration	Te Kura Whare, Tāneatua
29/07/2024	Science Technology Roadshow	Apanui Primary School, Whakatāne
2/08/2024	Citizenship Ceremony	Whakatāne District Council
7/08/2024	Meeting Request with local resident	Whakatāne District Council
9/08/2024	Little Women Opening Night	Little Theatre, War Memorial Hall
9/08/2024	Tarawera Awa Restoration Strategy Group Hui	Rangitihi Marae, Matatā
13/08/2024	Global Sister Cities Meeting	Whakatāne District Council
13/08/2024	Mayor Luca - Regular 1XX Live Interview	1XX Offices, Whakatāne

8.2 Acting Chief Executive's Report – August 2024

8.2 Acting Chief Executive's Report – August 2024



To: **Whakatāne District Council**

Date: **Thursday, 15 August 2024**

Author: **D Bewley / Acting Chief Executive**

Reference: **A2720699**

1. Reason for the report - *Te Take mō tēnei rīpoata*

The purpose of the report is to provide updated information and advice on relevant Council related matters.

2. Recommendation - *Tohutohu akiaki*

THAT the Acting Chief Executive's Report – August 2024 report be received.

3. Issue/subject – *Kaupapa*

3.1. Long term Plan, Annual Report and Annual Plan

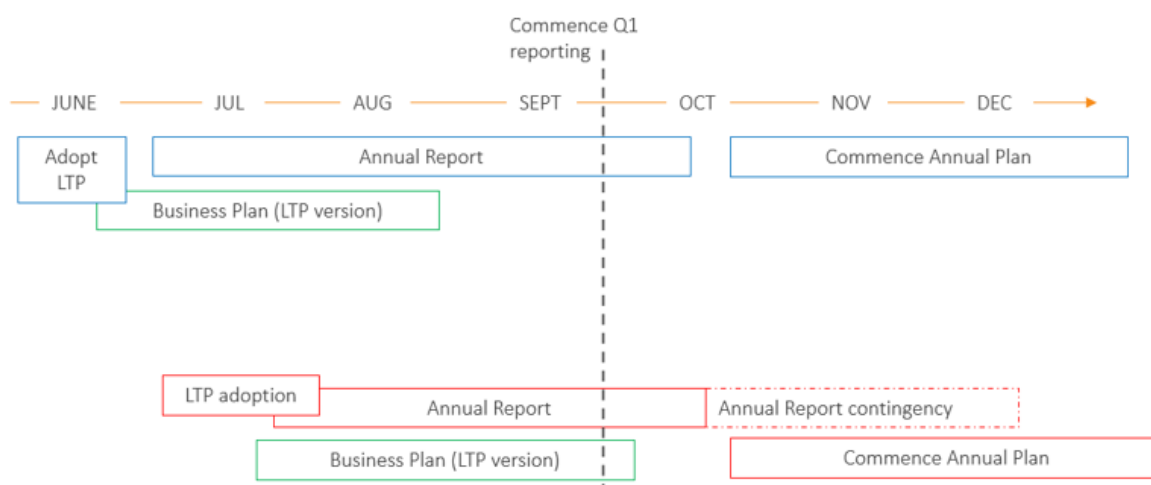
The Long-term Plan 2024 – 2034 was adopted on the 5 August 2024. This is a month later than planned, and this delay will now have a compounding impact on the preparation of our Annual Report and possibly Annual Plan programmes of work. The Council also develops a Business Plan each year once the LTP is adopted.

How does the Long-term Plan link in with other organisational planning activities?

- *Business Plan 2024/25* – this is an organisational planning activity, and not a legislative requirement. The Business Plan provides further information on the deliverables identified in the LTP including accountability and timeframes for delivery.
- *Annual Report* - This typically takes three months preparation concluding in October. Due to the extension allowed to Councils to adopt the LTP24/34, the timeframe for adoption of annual reports has also been extended by three months (to 31 December 2024). Our Annual Report process has already commenced, and we are continuing to target our usual end of October date, but this could move into November depending on the audit process.
- *Annual Plan* - Each year, Council would usually consider whether its LTP requires changes through the Annual Plan process. By the second year of a LTP, the level of change could be minimal or be more significant which would trigger consultation.

The diagram below summaries the likely changes to the timeline for the latter half of this calendar year, with the blue colour indicating a usual timeline, and red indicating our current context:

8.2 Acting Chief Executive’s Report – August 2024(Cont.)



3.2. Māori Wards

The Whakatāne District Council was one of many Councils that chose to introduce Māori Wards at the last election through the previous Government’s amendments to the legislation that prevented a poll from being initiated to review the Council’s decision.

The current Government passed the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill on Tuesday, 30 July 2024. As a result, we are one of the Councils that must now decide between two options:

- to revoke/rescind Māori Wards
- to continue with Māori wards for the 2025 local body election and at the same time hold a binding poll around Māori wards from the 2028 elections.

The Council has had discussions in May that led to a media statement being issued indicating its continued support for Māori Wards in the Whakatāne District.

The Council now needs to make a formal decision by resolution by 6 September 2024 on whether it will revoke or rescind Māori Wards, or let the matter be determined by a binding poll at the next election. There is a separate paper on this agenda for the Council’s consideration.

3.3. KDC/WDC Reorganisation Proposal

Council will recall that a boundary reorganisation is currently being implemented between the Districts of Kawerau and Whakatāne. A formal decision for the boundary reorganisation was issued by the Local Government Commission (LGC) on 9 April 2024, with the change due to commence from 1 September 2024.

The Local Government Commission is continuing the formal process of finalising the reorganisation.

An ‘Order in Council’ giving effect to the reorganisation implementation scheme was made on Monday 29 July 2024 and subsequently [published in the 'New Zealand Gazette'](#).

8.2 Acting Chief Executive's Report – August 2024(Cont.)

The final step for LGC is to arrange for new boundary plans for both Kawerau District and Whakatāne District. For efficiency, LGC may delay timeframes for this final step. This is to allow for concurrent processing of ward boundary adjustments (if any) in relation to the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 as discussed above.

Any delay will not impact the September 2024 implementation date for the boundary reorganisation.

The Whakatāne District Council continues to work with Kawerau District Council on operational implementation of the reorganisation scheme.

3.4. Local Waters Done Well

All councils are required to periodically review the cost-effectiveness of how they meet their communities needs for good-quality local infrastructure, local public services and performance of regulatory functions. Under Local Waters Done Well, councils are required to look at how we can address any infrastructure deficits and raise standards of delivery to meet future regulatory requirements.

The Council is required to prepare a Water Services Delivery Plan by August 2025, stating our proposed model for delivering services. This is leading to discussions across the Bay of Plenty councils around developing a framework for possibly working together. However, the details of options, tools and models, together with the criteria for financial sustainability are yet to be announced, meaning that these discussions at Chief Executive and Mayoral levels are being held in the absence of critical information.

The No.2 Bill will require financial sustainability by 30 June 2028. This includes meeting regulatory requirements, which will include the comprehensive economic regulation regime that will only be passed into law in mid-2025.

Hence, the Council is unable to make a final decision about the end model now. However, the focus can be on identifying risk, concerns and opportunities to inform a discussion once the legislative direction is known. Our Three waters staff will start to work on a Water Services Plan on a best endeavours basis in the meantime.

Taumata Arowai (the water regulatory authority) has a work programme to develop wastewater performance standards as a way of providing greater certainty of outcomes and to help manage the bow wave of new consents coming in the next couple of years. The focus will be on the quality of discharges to the environment to streamline consent processes, provide certainty to councils as owners of networks so we can plan for costs of upgrades, make compliance and enforcement easier by standardising the main contaminant limits, and to amend monitoring and reporting requirements in consents for wastewater discharges.

3.5. Matatā Wastewater

Te Niaotanga o Mataatua o Te Arawa Co-Design Group is nearing the completion of its analysis of options for the collection, treatment and disposal of wastewater for Matatā. This is in response to high groundwater conditions, unfavourable soil types, small section sizes and aging infrastructure, septic tanks and their associated disposal systems being unable to function properly resulting in environmental degradation and possible increased public health risks in Matatā.

8.2 Acting Chief Executive's Report – August 2024(Cont.)

The Co-Design Group will present its findings and recommendations to the Council in the next couple of months. That recommendation will be supported by representatives of Ngāti Rangitihi, Tūwharetoa ki Kawerau and Ngāti Awa, through the hapū of Ngāi Te Rangihouhiri, Ngāti Hikakino and Te Tawera. A peer review of the environmental data and its conclusions will also be undertaken to ensure the preferred option is supported by the data. The presentation by Te Niaotanga ō Mataatua o Te Arawa Co-Design Group will be for Council to agree to proceed to the resource consent application stage, which will be to both the Bay of Plenty Regional Council and to the Whakatāne District Council.

The Council has budgeted a figure of \$42m in its Long-term Plan for the project. A Business Case will be presented to the Council before final commitment to the project is made to ensure the funding is accurate and the financial model is agreed and understood.

3.6. Spatial Plan

The Eastern Bay of Plenty Spatial Plan, Our Places, brings together four councils, several iwi and central government partners, and involves other sector leaders who provide housing, critical utility services or telecommunications, health services, and significant industry players. The aim of the project is to establish an agreed direction for growth of the Eastern Bay for housing and businesses over the next 30 years.

Work to date has considered the economic development strategy work that is underway, physical constraints mapping (for example, natural hazards, steep or unstable land, high quality soils, HAIL sites), climate change adaptation (risks being assessed currently) and infrastructure constraints (roading vulnerability, Three Waters limitations). The Plan will consider the ambitions and planning of others, including iwi and significant business and industry players.

The project team is about to start an engagement programme to test the conclusions that are starting to emerge, and the likely development options that this work leads to. The engagement programme will occur in the latter half of this calendar year and include both targeted engagement and public engagement.

3.7. Kaihautu Strategic Māori Partnerships

Paul Warbrick leaves his position of Kaihautu Strategic Māori Partnerships on 16 August 2024. He starts his new equivalent role with Rotorua Lakes Council on the 20 August 2024. Paul came into the new role of Kaihautu Māori for the Council three years ago and has opened up a vastly improved working relationship with iwi and hapū over that time. He has also ensured Council staff have opportunities to learn and understand a Māori world view, and to also appreciate the constraints that iwi and hapū work under with so many organisations placing demands on their time. The development of Te Toi Waka Whakareī - our Māori Relationship Strategy - developed under Paul's leadership holds us in good stead, and he has grown his team to enable continued active engagement and facilitation with iwi and hapū across the district.

The Executive Team and staff wish Paul all the best for his new role, but we understand he will continue to advocate for and represent his iwi, Ngāti Rangitihi.

9 Reports - *Ngā Pūrongo*

9 Reports - *Ngā Pūrongo*

9.1 Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024



To: **Whakatāne District Council**

Meeting Date: **Thursday, 15 August 2024**

Author: **C Viljoen / Manager Governance Services**

Authoriser: **E Hatch / GM People and Engagement**

1. Reason for the report - *Te Take mō tēnei rīpoata*

This report outlines the implications of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill, enacted effective 30 July 2024 and the options available to Whakatāne District Council to ensure that we comply with the requirements set out in the Act.

2. Executive summary - *Whakarāpopototanga*

The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024:

1. Reinstates the ability for binding polls on the establishment of Māori wards;
2. Provides a transitional poll mechanism for councils that either resolved to establish or established Māori wards since 2020 (without holding a poll); and
3. Adjusts key election dates to allow more time for delivering voting papers.

The Act amends the Local Electoral Act 2001, and the Local Electoral Regulations 2001.

The Bill was introduced into Parliament on 20 May 2024 and came into force on 31 July 2024.

Whakatāne District Council is included in the Act as a local authority that established Māori wards or constituencies since 2020 without holding a poll (Part 3 (10)[2]).

This means that Whakatāne District Council must decide from two options at its meeting dated Thursday 15 August 2024:

- Resolve to disestablish their Māori wards, effective for the 2025 local elections: **or**
- Resolve to retain Māori wards and hold a binding poll at the 2025 local elections, with the outcome of that poll effective for the 2028 and 2031 local elections.

3. Recommendations - *Tohutohu akiaki*

1. THAT the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 report be **received**; and

9.1 Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024(Cont.)

2. THAT Council **agree** to hold a binding poll at the 2025 local elections, with the outcome of that poll effective for the 2028 and 2031 local elections; and
3. THAT Council **direct staff** to undertake the required statutory process to hold a binding poll at the 2025 local elections (Option 1).

4. Background - *He tirohanga whakamuri*

The Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (LEA Amendment Act 2021) provided for Whakatāne District Council to reconsider establishing Māori wards for the 2022 and 2025 local body elections (regardless of any previous decision or poll outcome).

On 20 May 2021 Council was required to make a principled decision about whether or not to establish Māori wards. At that meeting, Whakatāne District Council resolved to implement Māori wards for the 2022 and 2025 Local Triennial Elections.

5. Issue/subject – *Kaupapa*

Under the amended Act, Councils that established a Māori ward without holding a poll following the 2021 changes will be required to hold a poll at the 2025 local elections. If a Council does not want to hold a poll at the 2025 local elections, they will have the option to reverse their decisions on Māori wards. This would involve rescinding the decision if it has not yet been implemented, or disestablishing Māori wards if they are already in place.

The Act reinstates the ability to hold polls for Māori wards and constituencies, and mandate binding polls for councils that established Māori wards since 2020.

Council has until 6 September 2024 to make either resolution. Requiring Council to make a resolution on either course of action is a change from the introduction version of this Act.

This change was made to provide Council with greater certainty about the process and requirements for Council choosing to hold a poll. This change brings the decision-making approach for choosing to hold a poll into line with the decision-making principles of the Local Government Act 2002. For the purposes of the Local Government Act, a decision not to take action is still a decision. This change also provides more certainty for local authorities about the process they will have to follow to make the decision to hold a poll.

Council may choose to consult with their communities using the decision-making principles and processes set out in the Local Government Act 2002. However, the Act provides that use of the special consultative procedure is not required for either of these resolutions.

The Act also removes the requirement under the Local Government Electoral Legislation Act 2023 for councils to consider Māori wards every six years during their representation reviews if they have not established Māori wards.

9.1 Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024(Cont.)

6. Options analysis - *Ngā Kōwhiringa*

6.1. **Option 1 Hold a binding poll at the 2025 local elections. (Recommended option)**

The Act reinstates the binding polls mechanism for the establishment of Māori wards that was removed from the Local Electoral Act 2001 in 2021.

If Council decide to retain Māori wards, then a binding poll must be held alongside the 2025 local elections.

Binding polls are reinstated with the same policy settings as they were before 2021:

- A petition from 5% of electors on a council’s electoral roll at the last local elections would require the council to hold a binding poll;
- Any person on the electoral roll for a council would be able to vote;
- A simple majority would bind a council to an outcome; and
- The outcome of a poll would decide whether a council has Māori wards for the next two local government terms.

6.1.1. ***Advantages and disadvantages***

Advantages	Disadvantages
Binding polls provide a transparent mechanism for determining whether Māori wards should be established.	Binding polls can polarize communities, especially when contentious issues like Māori wards are involved.
The outcome reflects the collective will of the community.	Although binding polls provide a clear decision, they also introduce the risk of reversing established Māori wards. A future poll could overturn the current arrangement.
Binding polls allow community members to participate directly in the decision-making process, reinforcing democratic principles.	This uncertainty may impact long-term planning and stability.
Providing communities with the option to retain Māori wards would allow Tangata Whenua voices to be represented in local government.	The simple majority outcome might not fully reflect nuanced community perspectives.
Shows Council’s commitment to the potential continuation of Māori wards.	Conducting binding polls incurs costs related to organising and administering the process. Staff time and effort are required to manage the poll logistics.

9.1 Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024(Cont.)

6.2. Option 2 Resolve to disestablish Māori wards, effective for the 2025 and 2028 local elections.

If Council resolves to disestablish its Māori wards, the resolution must be passed no later than 6 September 2024 (Part 3 (11)[2]).

Council will then have two options regarding their representation arrangements by 6 September 2024 (Part 3 (14)[1]):

1. roll back to the representation arrangements in place prior to the introduction of Māori wards (Part 3 (14)[2a]), and then conduct a representation review in 2027; or
2. conduct a shortened representation review to be in place for the 2025 local elections (Part 3 (14)[2b]).

In order to roll back to the representation arrangements in place prior to the introduction of Māori wards, Council would need to satisfy the following requirements (Part 3 (15)):

- request the 2023 population estimates from Statistics New Zealand and provide any additional information about the definition of any area that may be required;
- explain how the representation arrangements meet fair and effective representation requirements;
- obtain a statement from the Local Government Commission on how the representation arrangements meet the fair and effective representation requirements; and
- table this information along with the representation proposal at the meeting at which the resolution will be considered A representation review would then be required in 2027 (Part 3 (20)).

If the Local Government Commission has previously granted an exception for an electoral area (such as a ward, constituency, or subdivision) outside the +/- 10% requirement, this continues to apply.

If an electoral area does not comply with the +/- 10% requirement, and no exception has been granted previously by the Local Government Commission, the council must carry out a shortened representation review.

Councils are required to make minor boundary adjustments as part of this resolution to align with current statistical mesh block boundaries. These councils must complete a representation review in the 2025-2028 term.

6.2.1. Shortened Representation Review

The shortened representation review process has the following key dates/timeframes:

13 September 2024	latest date to resolve on initial proposal
20 September 2024	deadline for publishing initial proposal and information about the submissions process (must be published within 7 days of the resolution)
11 October 2024	latest date for submissions to close (submission period must be at least 3 weeks)
	(maximum of six weeks for councils to consider submissions, make amendments and give public notice)

9.1 Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024(Cont.)

13 December 2024	latest date for appeals or objections to be lodged (appeal/objection period must be at least 3 weeks)
23 December 2024	latest date for the council to forward appeals and objections to the Local Government Commission.

6.2.2. Advantages and disadvantages

Advantages	Disadvantages
By disestablishing Māori wards, the council gains flexibility to reconsider representation arrangements. This allows for adjustments based on changing demographics or community needs.	Removing Māori wards risks underrepresenting Tangata Whenua voices. These wards were established to address historical inequities and ensure fair representation.
Conducting a shortened representation review (Option 2) may be more cost-effective than a comprehensive review. It focuses on specific adjustments rather than a full-scale overhaul.	Without Māori wards, the council may struggle to adequately reflect the diverse perspectives of its constituents.
Council retains autonomy in choosing between the rollback (Option 1) and the shortened review (Option 2). Local context and preferences can guide the decision.	Rolling back to pre-Māori ward arrangements involves several steps, including obtaining population estimates, justifying representation choices, and seeking approval from the Local Government Commission.
	Some community members may perceive disestablishment as a step backward in terms of inclusivity and cultural recognition.
	Trust in local government could be affected if the decision is perceived as disregarding Māori representation.
	If the rollback process is not meticulously followed, legal challenges could arise. Failing to meet requirements may lead to disputes or delays. The council must ensure compliance with all statutory obligations.

7. Significance and Engagement Assessment - *Aromatawai Pāhekoheko*

The Act introduces significant changes related to Māori wards, emphasising community engagement, decision-making, and flexibility. Balancing diverse views and ensuring fair representation remain essential considerations.

9.1 Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024(Cont.)**7.1. Assessment of Significance**

The decisions and matters of this report are assessed to be high significance, in accordance with the Council's Significance and Engagement Policy.

The following criteria are of particular relevance in determining the level of significance:

- The Act significantly impacts local government representation by reinstating the ability to hold polls for Māori wards and constituencies.
- Councils have until 6 September 2024 to make a resolution regarding Māori wards. This deadline provides clarity and encourages timely action.
- The change aligns the decision-making approach with the principles of the Local Government Act 2002, emphasizing local autonomy and accountability.

7.2. Engagement and community views

Community views on this issue are diverse. Some individuals and groups strongly support Māori wards, emphasizing cultural recognition and equitable representation.

Others may oppose Māori wards due to concerns about costs, complexity, or potential polarization.

Engagement with the community is crucial to understand these perspectives and ensure informed decision-making.

7.3. Consultation options

While councils may choose to consult with their communities using the Local Government Act 2002 principles, the special consultative procedure is not mandatory for these resolutions.

Councils should consider engaging with diverse stakeholders, including Tangata Whenua, to ensure transparency and inclusivity.

8. Considerations - *Whai Whakaaro***8.1. Financial/budget considerations**

The cost for the Māori wards poll alongside the 2025 triennial elections has been included in the agreement for provisions of services through Election Services. It is anticipated to cost approximately \$3000.00 - \$6000.00 + GST depending on what additional information is included in the voting pack.

8.2. Strategic alignment

Māori wards are an essential step toward honouring Te Tiriti o Waitangi and ensuring fair Māori representation in local councils. These wards provide a means for Tangata Whenua voices to be heard at the council table when the electoral system fails to deliver this representation. The decision to hold a poll alongside the 2025 triennial election is consistent with Councils strategic direction and community outcomes.

9.1.1 Appendix 1 - Flowchart of Māori wards transitional arrangements.**8.3. Climate change assessment**

Based on this climate change assessment, the decisions and matters of this report are assessed to have low climate change implications and considerations, in accordance with the Council's Climate Change Principles.

8.4. Risks

Some community members express objections to Māori wards. In 2018, councils attempted to consult the community, but the outcome was a failure to implement Māori wards during the 2019-2022 triennium. The community has the power to reverse the decision to maintain Māori wards.

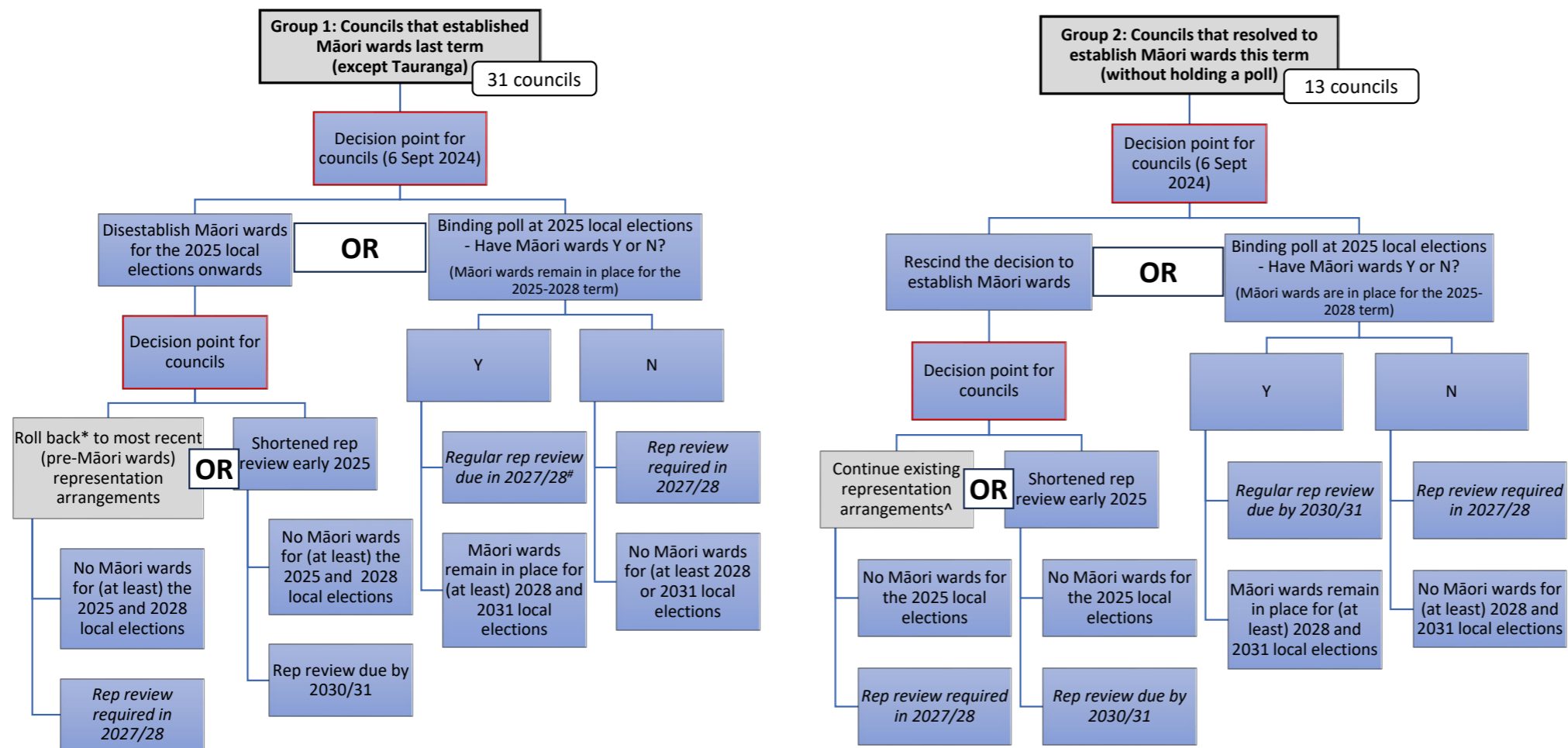
Linked, and attached, to this report:

- Link = [Local Government \(Electoral Legislation and Māori Wards and Māori Constituencies\) Amendment Act 2024 No 28 \(NZ Legislation website\).](#)
- Appendix 1: Flowchart of Māori wards transitional arrangements.

9.1.1 Appendix 1 - Flowchart of Māori wards transitional arrangements.

9.1.1 Appendix 1 - Flowchart of Māori wards transitional arrangements.(Cont.)

Transitional options for councils – Poll at 2025 elections or reverse Māori wards decisions



* Councils can only take this option if they would still meet the fair and representation requirements under the rolled back model.

Far North District Council not required to complete the regular rep review until 2030/31 if it has completed a rep review in the current term.

("Rep review" = review of council representation arrangements)

^ This option applies differently depending on when councils completed their last rep review:

- Any councils which undertook a rep review in the 2019-2022 term may use this option.
- Councils which last completed a rep review in the 2016-2019 term can only use this option if their representation arrangements can still meet the fair and effective representation requirements.

9.2 Iwi Chairs Forum

9.2 Iwi Chairs Forum



To: **Whakatāne District Council**

Meeting Date: **Thursday, 15 August 2024**

Author: **M Hingston / Toi Kotuia Manager**

Authoriser: **P Warbrick / Kaihoutu- Strategic Relationships Manager**

Reference: **A2721231**

1. Reason for the report - *Te Take mō tēnei rīpoata*

The report proposes formally removing the Iwi Chairs Forum (ICF) from the Council's Committee Structure and endorsing a new operational framework guided by a set of 'Iwi Chairs' Terms of Reference (ToR).

2. Recommendations - *Tohutohu akiaki*

1. **THAT** the Whakatāne District Council **approve** the removal of the Iwi Chairs Forum from the formal Committee Structure, effective immediately, and endorse the new operational framework guided by a set of 'Iwi Chairs' Terms of Reference; and
2. **THAT** Council **acknowledges** that the draft minutes from the Iwi Chairs Forum meeting held on Tuesday, 19 March 2024, will be shared electronically with Iwi Chairs Forum members for confirmation. (Noting, this process deviates from the standard procedure of confirming minutes at the subsequent meeting due to the proposal mentioned above.)

3. Background - *He tirohanga whakamuri*

The Iwi Chairs Forum has been an integral part of the relationship between the Whakatāne District Council and the 7 Iwi Chairs of the District, namely, Te Mana o Ngāti Rangitahi, Te Rūnanga o Ngāti Awa, Ngāti Mākino, Tūwharetoa mai Kawerau ki te Tai, Te Uru Taumatua- Tūhoe, Te Rūnanga o Ngāti Whare and Te Rūnanga o Ngāti Manawa.

The Iwi Chairs Forum (ICF) currently operates under the Council's formal Committee Structure, as set out in the Delegations Register. The purpose of this Forum is to raise awareness and consider matters of mutual interest to the Council and Iwi. The forum has no decision-making powers.

The Iwi Chairs have emphasised the crucial relationship between the Council and themselves. The forum has served as a valuable platform for the 7 Iwi of the district to convene and discuss matters of mutual importance with the Council.

9.2 Iwi Chairs Forum(Cont.)**4. Issue/subject - *Kaupapa***

After careful consideration, during the Iwi Chairs forum meeting on the 19 March 2024, Iwi Chairs respectfully requested a change from the status quo of quarterly meetings to Council only attending two meetings per year.

A further recommendation was put forward to transition the ICF from the formal structure to one guided by a set of Terms of Reference (ToR) during an Iwi Chair only meeting on the 18 June 2024. This recommendation was moved by the Chair of Tūhoe, seconded by the chair of Ngāti Whare, and all others in attendance agreed.

It was advised that the goal was to improve the interaction between Iwi and Council such that meetings would add value and go beyond simply providing general updates. The Iwi chairs propose transitioning to an informal meeting structure in which quarterly meetings continue, but WDC Councillors only attend two out of the four annual meetings, at the start and end of each year.

Council is requested to approve the removal of the Iwi Chairs Forum from the formal Committee Structure. This decision will allow the ICF to operate with greater autonomy and flexibility. The following points outline the necessary steps and changes:

Formalisation Process:

- Upon Council's agreement, the Iwi Chairs Forum will be officially removed from the formal Committee Structure.
- Councils' delegations register will be updated to remove associate delegations assigned to the Iwi Chairs Forum

Operational Changes:

- The ICF will no longer be bound by the Council's Standing Orders or the Delegations Register.
- Governance Services staff will no longer be required to take minutes during ICF meetings and be responsible for co-ordinating these meetings.
- Minutes from ICF meetings will not need to be received by the Council.

Facilitation and Administration

- Facilitation and administration of these meetings will be moved to, and managed within, the Toi Kotuia team function.

5. Options analysis - *Ngā Kōwhiringa***5.1. Option 1 [Remove the ICF from the formal committee structure] – preferred option**

The removal of the ICF from the formal committee structure is at the request of the Iwi Chairs. Their view is that this will enable further free and frank discussion and improved interaction. The forum also has no decision-making power, and therefore keeping it within the current committee structure creates unnecessary administrative complexities. Councillors will be able to receive updates as required from Toi Kotuia staff.

Ordinary Council - AGENDA

9.2 Iwi Chairs Forum(Cont.)**5.1.1. Advantages**

- **Autonomy:** The ICF will gain greater independence, allowing it to operate more effectively and further robust conversation and relationship building.
- **Flexibility:** The ICF will no longer be constrained by the Council's Standing Orders and Delegations Register, enabling more fluid and responsive discussions and meeting procedures.
- **Improved Interaction:** Reducing the attendance of WDC Councillors to two annual meetings will focus on strategic and significant updates, enhancing the quality of interactions between Iwi and the Council.
- **Streamlined Administration:** The facilitation and administration of hui will be managed within the Toi Kotuia team function, potentially leading to more tailored and efficient support for ICF operations. The minutes of further meetings will no longer need to be received by Council

5.1.2. Disadvantages

- **Reduced Formal Oversight:** The Council will have less direct oversight of the ICF's activities, which could lead to challenges in aligning Iwi and Council priorities.

5.2. Option 2 [Maintain the status quo]**5.2.1. Advantages**

- **Structured Governance:** The current formal structure provides clear governance, accountability, and a standardised process for documenting and managing meetings.

5.2.2. Disadvantages

- **Limited Flexibility:** The formal structure may restrict the ICF's ability to have flexible and adaptive discussions, potentially hindering effective decision-making.
- **Administrative Burden:** Governance Services staff are required to take minutes and coordinate meetings, which may not add significant value to the ICF's goals.
- **Engagement Quality:** Regular meetings focused on general updates may not provide the strategic and impactful interactions desired by both the Iwi and the Council.
- **Non engagement:** It is likely that the Iwi Chairs will not attend due to the nature of the constraints held by the ICF being part of the formal committee structure

6. Significance and Engagement Assessment - *Aromatawai Pāhekoheko***6.1. Assessment of Significance**

The decisions and matters of this report are assessed to be of low significance, in accordance with the Council's Significance and Engagement Policy.

6.2. Engagement and community views

Engagement on this matter is not being undertaken in accordance with Section 4.2 of the Council's Significance and Engagement Policy. This states that the Council will not consult when there is already a sound understanding of the views and preferences of the persons likely to be affected or interested in the matter.

9.2 Iwi Chairs Forum(Cont.)

All Iwi Chairs as part of the Iwi Chairs forum are mandated through settlement legislation (as post settlement entities) to represent the interests of their beneficiaries and further engagement need not be sought.

7. Considerations - *Whai Whakaaro***7.1. Financial/budget considerations**

There are no budget considerations associated with the recommendations of this report.

7.2. Strategic alignment

The changes sought are consistent with the Councils strategic priority of 'Strengthening relationships with Iwi, Hapū and whānau' and also within Te Toi Waka Whakareī (Māori Relationship Strategy) through the strategic focus area of 'Achieving partnership excellence'

7.3. Risks

There are no known risks associated with the matters of this report.

10 Resolution to Exclude the Public - *Whakataunga kia awere te marea*

10 Resolution to Exclude the Public - *Whakataunga kia awere te marea*

10.1 Resolution to Exclude the Public

THAT the public be excluded from the following parts of the proceedings of this meeting, namely:

1. Public Excluded Minutes Ordinary Council Meeting 17 July 2024
2. Public Excluded Minutes Ordinary Council Meeting 25 July 2024

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

	General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1.	Public Excluded Minutes Ordinary Council Meeting 17 July 2024	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2.	Public Excluded Minutes Ordinary Council Meeting 25 July 2024	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

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

Item No	Interest
1	To protect the privacy of natural persons, including that of deceased natural persons; (section 7(2)(a))
2	To enable the Council to carry out, without prejudice or disadvantage, commercial activities (Schedule 7(2)(h))
2	To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))

10.1 Resolution to Exclude the Public(Cont.)

1 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui*

1 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui*

1.1 Public Excluded Minutes Ordinary Council Meeting 17 July 2024

1.2 Public Excluded Minutes Extraordinary Council Meeting 25 July 2024