

AGENDA

Extraordinary Council Meeting

Membership:

Kahika - Mayor Moko Tepania - Chairperson

Kōwhai - Deputy Mayor Kelly Stratford

Cr Ann Court

Cr Felicity Foy

Cr Hilda Halkyard-Harawira

Cr Babe Kapa

Cr Penetaui Kleskovic

Cr Steve McNally

Cr Mate Radich

Cr Tāmati Rākena

Cr John Vujcich



**Te Kaunihera
o Te Hiku o te Ika**
Far North District Council

Friday, 6 September 2024

**Time: 10:00am
Ngawha Innovation Park
5449, SH 12, Kaikohe**

Far North District Council
Extraordinary Council Meeting
will be held at the Ngawha Innovation Park, 5449, SH 12, Kaikohe on:
Friday 6 September 2024 at 10:00am

Te Paeroa Mahi / Order of Business

1	Karakia Timatanga / Opening Prayer	5
2	Ngā Whakapāha Me Ngā Pānga Mema / Apologies and Declarations of Interest	5
3	Ngā Tono Kōrero / Deputations	5
4	Ngā Kōrero A Te Kahika / Mayoral Announcements	5
5	Ngā Pūrongo / Reports.....	6
5.1	Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act	6
6	Te Wāhanga Tūmataiti / Public Excluded	11
6.1	Amendments to Delegations under the Resource Management Act 1991	11
6.2	Far North Holdings Limited financier change to LGFA	11
7	Karakia Whakamutunga / Closing Prayer	12
8	Te Kapinga Hui / Meeting Close	12

1 KARAKIA TIMATANGA / OPENING PRAYER

Ka tuku mātou kia kaha mai ngā māngai kua whiriwhirihia mō Te Kaunihera o Te Hiku o te Ika ki te mahi me te ngākau auaha me te whakamahi i ngā pūkenga me te mātauranga i roto i ngā wānanga me ngā whakataunga kia whakatūria ai tētahi Hapori e matatika ana, e tū kotahi ana ka mutu ka whakapiki anō i te oranga o tō tātou rohe, ka whakatau anō i ngā take o te rohe i runga i te tika me te pono.

We ask that through Council discussions and decisions the representatives we have elected may govern the Far North District with imagination, skill and wisdom to achieve a fairer and more united Community that enhances the wellbeing of our district and solves the District's problems efficiently and effectively.

2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Manager - Democracy Services (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

[Elected Member - Register of Interest 2023](#)

3 NGĀ TONO KŌRERO / DEPUTATIONS

- Huhana Lyndon in regard to agenda item 5.1 Māori Wards
- Tipene Kapa-Kingi representing Te Rūnanga Nui o Te Aupōuri in regard to agenda item 5.1 Māori Wards
- Raniera Kaio representing Te Rūnanga o Whaingaroa in regard to agenda item 5.1 Māori Wards
- Kipa Munro representing Te Rūnanga o Ngāti Rēhia Charitable Trust in regard to agenda item 5.1 Māori Wards
- Michael Feyen in regard to agenda item 5.1 Māori Wards

4 NGĀ KŌRERO A TE KAHIKA / MAYORAL ANNOUNCEMENTS

5 NGĀ PŪRONGO / REPORTS

5.1 LOCAL GOVERNMENT (ELECTORAL LEGISLATION AND MĀORI WARDS AND MĀORI CONSTITUENCIES) AMENDMENT ACT

File Number: A4814326

Author: Casey Gannon, Democracy Advisor - Democracy Services

Authoriser: Jacine Warmington, Group Manager - Strategic Relationships

TAKE PŪRONGO / PURPOSE OF THE REPORT

To ask Council to reaffirm its decision to retain the current Ngā Tai o Tokerau Māori Ward following the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 receiving royal assent 30 July 2024.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Council resolved not to disestablish the Ngā Tai o Tokerau Māori Ward in May 2024.
- Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 receiving royal assent 30 July 2024.
- The amendment requires all Councils to reaffirm its position or resolve to disestablish by 6 September 2024.

TŪTOHUNGA / RECOMMENDATION

That Council:

- a) reaffirm its decision to retain its Māori ward “Ngā Tai o Tokerau Māori Ward” and**
- b) conducts a poll with the 2025 triennial elections on whether Māori ward(s) will be in place for the 2028 and 2031 triennial elections**

1) TĀHUHU KŌRERO / BACKGROUND

The Far North District Council established Ngā Tai o Tokerau Māori Ward for the 2022 and 2025 local government elections.

Te Kuaka – Te Ao Māori Committee recommended Council not disestablish and enhance the Ngā Tai o Tokerau Māori Ward at a meeting held 22 April 2024. Council resolved not to disestablish the Ngā Tai o Tokerau Māori Ward 9 May 2024.

The Minister for Local Government submitted an amendment bill to parliament – Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill.

The Justice Committee report regarding the bill is available at [Justice Committee Report](#) – This bill passed its third reading on 30 July and has received royal assent. The amendment came into effect from 31 July 2024.

The Schedule of the Act includes transitional provisions relating to councils that established Māori wards or constituencies since 2020 without holding a poll. Councils are divided into two groups, determined by when they resolved to establish their Māori wards or constituencies. The Schedule to the Act includes the list of councils in Group 1 and Group 2 (TABLE 1).

TABLE 1

Group 1 local authorities	Group 2 local authorities
Far North District Council	Central Hawke's Bay District Council
Gisborne District Council	Hauraki District Council
Hamilton City Council	Hutt City Council
Hastings District Council	Kapiti Coast District Council
Hawke's Bay Regional Council	Kawerau District Council
Horowhenua District Council	Napier City Council
Kaipara District Council	South Wairarapa District Council
Manawatu District Council	Tasman District Council
Manawatū-Whanganui Regional Council	Thames-Coromandel District Council
Marlborough District Council	Upper Hutt City Council
Masterton District Council	Wellington Regional Council
Matamata-Piako District Council	Western Bay of Plenty District Council
Nelson City Council	Whanganui District Council
New Plymouth District Council	
Northland Regional Council	
Ōtorohanga District Council	
Palmerston North City Council	
Porirua City Council	

Group 1 local authorities are those that established Māori wards or constituencies without a poll prior to the 2022 triennial elections. Group 1 councils may resolve to revert to the representation arrangements that applied at the 2019 election, if they can meet the requirements set out in clause 15.

The key requirements of clause 15 are:

- 2023 population estimates have been applied to the representation arrangements that applied at the 2019 election.
- The arrangements continue to provide for fair and effective representation.
- Where the Commission previously upheld an exception to the +/-10% rule, that exception continues to apply only to those specific wards, constituencies or subdivision that were non-compliant at the time that the Commission approved the exemption. This means that, if a ward, constituency, or subdivision was compliant when the pre-2020 arrangements were determined but is not compliant when 2023 population estimates are applied, the council may not revert to its pre-2020 arrangements and must carry out a shortened review. A shortened review is carried out under the same provisions as for a normal review but using a different timeline (as set out in clauses 21 to 28).

It should be noted that the Local Government Commission has advised that Far North District Council is not able to revert to its pre-2020 representation arrangements as it does not meet the requirements set out in clause 15. Therefore, if Council resolves to disestablish Māori ward(s) it would have to carry out a shortened representation review.

The shortened Representation Review will require a fresh start on the process and an Initial Proposal decided by Council by 13 September 2024.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS**OPTION 1****Retain Māori Ward**

Reaffirm the decision made at the 9 May 2024 Council meeting to not disestablish (retain) Ngā Tai o Tokerau Māori Ward and support the enhancement of Ngā Tai o Tokerau Māori Ward.

If OPTION 1 is resolved, Council will be required to hold a poll on Māori wards alongside the 2025 triennial elections. The outcome of the poll will be effective for the 2028 and 2031 triennial elections.

OPTION 2**Disestablish Māori Ward**

If OPTION 2 is resolved, the current representation process will cease and a new, shortened representation review process will begin, with an Initial Proposal required by 13 September 2024. This may require an Extraordinary Council meeting but due to time constraints would also restrict opportunity for consultation and engagement with communities of interest.

Under this option Council will not be required to hold a poll on Māori wards alongside the 2025 triennial elections. Māori wards will not be in place for the 2025 and 2028 elections, and Council can next consider Māori wards in 2029.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act received royal assent on 30 July 2024, and requires all local authorities who established Māori wards or constituencies without a poll to make an “active decision” to retain or disestablish Māori wards or constituencies by 6 September 2024.

3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

An expected cost of \$10,000 (20 cents per elector) to carry out a poll at the 2025 Local Government Elections is within existing budget.

Should Council decide to disestablish it's Māori ward, a shortened representation review would be held at the cost of \$20,000 - \$25,000.

ĀPITIHINGA / ATTACHMENTS

Nil

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This is considered to be of high significance. Consultation however is not recommended as has previously been undertaken and will be undertaken to inform the 2028 election cycle.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Local Electoral Act Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	District wide relevance including all community boards.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	High risk of damaging critical relationships built with whanau/hapu/hapori and iwi across the District.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	District wide significance for all residents and rate-payers.
State the financial implications and where budgetary provisions have been made to support this decision.	Budget provisions considered and included in 2025/2026 Financial years as part of Local Government Elections budget.
Chief Financial Officer review.	Chief Financial Officer has reviewed this report.

6 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED**RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

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

The general subject matter 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 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 for the passing of this resolution
6.1 - Amendments to Delegations under the Resource Management Act 1991	s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege	s48(1)(a)(i) - 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 would exist under section 6 or section 7
6.2 - Far North Holdings Limited financier change to LGFA	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	s48(1)(a)(i) - 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 would exist under section 6 or section 7

7 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

8 TE KAPINGA HUI / MEETING CLOSE