

QLDC Council
28 April 2021

Report for Agenda Item | Rīpoata moto e Rāraki take: 2

Department: Corporate Services

Title | Taitara Membership of Communities 4 Local Democracy

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

Mayor Boulton asked officers to prepare this report, in order for councillors to discuss Council’s membership of Communities 4 Local Democracy (C4LD). The report asks Council to consider whether or not the risks and opportunities of membership remain aligned with QLDC’s position on Three Waters Reform and its partnership with Kāi Tahu.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

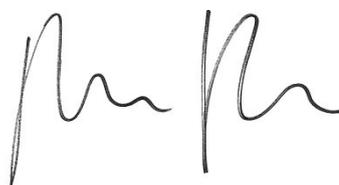
- 1 **Notes** the contents of this report;
- 2 **Revoke** the resolution to join the Communities 4 Local Democracy Group;
- 3 **Agree** that QLDC will not pursue its membership with Communities 4 Local Democracy; and
- 4 **Agree** that QLDC will continue to work collaboratively across the sector to improve the outcomes of the Three Waters Reforms in a manner consistent with its stated position, whilst ensuring that every opportunity is taken to extend and support the improvement of the Treaty partnership and participation of Māori in decision-making.

Prepared by:



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14/04/2022

Prepared by:



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14/04/2022

Reviewed and
Authorised by:



Name: Mike Theelen
Title: Chief Executive
14/04/2022

CONTEXT | HOROPAKI

Background

- 1 On 27 October 2021, the Government announced that it would create publicly-owned water entities, with the responsibility to manage and operate the infrastructure assets for three waters.
- 2 This announcement was made following an engagement process. The Council provided feedback through that process to the Department of Internal Affairs (DIA), which was approved on 28 September 2021 and can be found here: <https://www.qldc.govt.nz/your-council/council-documents/agendas-minutes/full-council>.

Summary of Feedback

- 3 In summary, QLDC provided the following feedback.
- 4 QLDC supports the need for regulation, a strong strategic framework and some of the key outcomes that the Government seeks to achieve. QLDC supports the need for safe drinking water, environmental protection, efficient service provisions and improved Māori participation in decision-making about three waters.
- 5 QLDC will strongly and actively oppose Government mandating the proposed Entity-based model for water services delivery.
- 6 Government needs to demonstrate leadership and transparency in the delivery of this reform programme and establish a full programme of meaningful engagement with New Zealanders before taking further steps. An undue burden has been placed upon councils to broker this proposal with their communities, despite a contested evidence base and the profound implications such a change could have on the nature of local democracy.
- 7 QLDC is concerned that the programme for reform needs to be re-designed to tackle three waters, resource management and the Future for Local Government review in a staged and integrated manner. The following points and recommendations are made in support of this concern:
 - The reform programme has moved forward with inadequate information and without alignment to other reform initiatives.
 - The Government's proposal does not enable effective growth management and reduces the potential efficacy of climate change adaptation initiatives
 - The proposed model of ownership places local government in an invidious position and erodes traditional understanding of local democracy
 - Recommendations
- 8 However, if Government is not prepared to revisit the scheduling and staging of the reform programme, the following additional points of feedback and recommendations should be taken into account in relation to the current process:

- Government’s technical and fiscal modelling has not been accepted by QLDC
- Alternative options have not been sufficiently discussed or explored
- The Government’s proposal does not take into account emissions reductions, regenerative approaches and carbon accounting
- Community wellbeing has not been adequately considered
- The community voice has not been heard

Communities 4 Local Democracy

- 9 As part of QLDC’s commitment to ‘strongly and actively’ oppose the government mandating the proposed Entity-based model for water services delivery (point 5 above), QLDC joined C4LD in January 2022. Membership required a financial commitment of \$20,000, which QLDC is yet to pay. Further information about the decision to join can be found here: <https://www.qldc.govt.nz/your-council/council-documents/agendas-minutes/full-council#2022-agendas>
- 10 C4LD was formed to support territorial authorities that were uniting to seek alternative three waters solutions to those proposed by the Government. Further information can be viewed here : <https://www.communities4localdemocracy.co.nz/about>.
- 11 Three Waters Reform is an important area of concern for Kāi Tahu and QLDC supports improved Māori participation in decision-making for Three Waters. QLDC has become aware of concerns held by Kāi Tahu in relation to C4LD in developing alternatives to the Government’s proposal. Kāi Tahu has expressed its disappointment to Mayor Boulton, for QLDC’s lack of engagement prior to deciding to join C4LD.
- 12 It should also be noted that Dunedin City Council’s decision to join C4LD created tension between Kāi Tahu and the Council, resulting in the suspension of partnership activity. Similarly, Christchurch City Council’s Mayor Dalziel recently apologised to Kāi Tahu for the Council’s failure to effectively consult its iwi partners in making the decision to join C4LD.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 13 Both Kāi Tahu and C4LD have issued public statements of position in relation to the matter through the media. A copy of C4LD’s position in relation to Iwi Māori partnership can be found at Attachment A.
- 14 Additionally, in the preparation of this report, further guidance was sought from Kāi Tahu and C4LD relating specifically to the communities of the Queenstown Lakes District. Both groups were asked to “provide any specific guidance that our councillors should consider... in relation to continuing our membership of this group”.
- 15 In response to this question, a letter has been provided that has been endorsed by all 7 Rūnaka of Murihiku and Otakou. They have conveyed that Kai Tahu speaks with one voice on this matter. To note, Te Runanga o Awarua has not had the opportunity - in the interests of time and availability – to complete the letter signing process. This letter can be found at Attachment B.

- 16 C4LD provided a letter of response to QLDC's question and a copy of this can be found at Attachment C.
- 17 Councillors are invited to consider these perspectives and to reflect on the current and future needs of our communities and partners, when determining whether or not to remain a member of C4LD.
- 18 Irrespective of C4LD membership, QLDC will continue to strongly express its stated position on the reforms to the government through all other available channels.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 19 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy but it is understood that for iwi and Māori this matter is of high significance. It is essential that QLDC understands the cultural value of water to iwi and Māori but to also support Kāi Tahu in its pursuit of equitable partnership ongoing. In signalling the entity-based approach, the government initiated a material shift in the management of water and its treaty partnership relationship with iwi. For Kāi Tahu this has presented an unprecedented and important opportunity to align an entity to their takiwa and to participate in decision-making appropriately ongoing.
- 20 All persons who are residents and ratepayers of the Queenstown Lakes District are affected by or interested in Three Waters Reform, but it is important to acknowledge that Kāi Tahu and Māori are directly affected by the resolutions proposed within this paper.
- 21 Community consultation has not been undertaken in relation to this specific matter.

> MĀORI CONSULTATION | IWI RŪNANGA

- 22 Council staff have been in discussion with Ngāi Tahu to progress the takiwā approach over the past 12 months. In preparing this response, Edward Ellison was asked to provide comment and this resulted in the co-ordinated response from the 7 papatipu rūnaka provided at Attachment C.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

- 23 This matter relates to the Strategic/Political/Reputation risk category. It is associated with RISK00038 (lack of alignment – strategies and policies) within the QLDC Risk Register. This risk has been assessed as having a moderate inherent risk rating.
- 24 The approval of the recommended option will support the Council by allowing us to implement additional controls for this risk.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

- 25 Withdrawal from C4LD may result in the loss of some or all of the \$20,000 membership fee.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

26 The following Council policies, strategies and bylaws were considered:

- 2019-2022 Climate Action Plan
- 2021 Spatial Plan
- 2021-31 Ten Year Plan
- 2021-51 Infrastructure Strategy
- Risk and Resilience Framework
- Organisational Development Strategy

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

27 Consideration of the matter:

- Will help promote the social, economic, environmental, and cultural well-being of communities in the present and for the future (LGA s10) by ensuring Council is considering potential opportunities to represent the community in the matter of local government reform.
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

ATTACHMENTS | NGĀ TĀPIRIHANGA

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| A | C4LD Position on Iwi Māori Partnership |
| B | Kai Tahu Letter |
| C | C4LD Letter |