

# Te Manawhenua Forum Mo Matamata-Piako

## Open Agenda



Notice is hereby given that an ordinary meeting of the Te Manawhenua Forum Mo Matamata-Piako will be held on:

**Date:** Tuesday 5 September 2017  
**Time:** 10:00am  
**Venue:** Council Chambers  
35 Kenrick Street  
TE AROHA

---

### Membership

#### Mayor

Jan Barnes, JP	Mrs Jill Taylor
Cr James Thomas, JP	Mrs Shelley Turner
Mrs Te Ao Marama Maaka	Mrs Kathy Ngamane
Mr Weka Pene	Mr Wati Ngamane
Mr Thomas Smith	Mr Phillip Samuels
Mr Michael Baker	Ms Dianna Vaimoso
Ms Glenice Wigg	
Mr Gary Thompson	

Phone: 07-884-0060  
Address: PO Box 266, Te Aroha 3342  
Email: [chubbard@mpdc.govt.nz](mailto:chubbard@mpdc.govt.nz)  
Website: [www.mpdc.govt.nz](http://www.mpdc.govt.nz)





---

<b>ITEM</b>	<b>TABLE OF CONTENTS</b>	<b>PAGE</b>
<b>Procedural</b>		
1	Meeting Opening	5
2	Karakia	5
3	Present	5
4	Apologies	5
5	Notification of Urgent Business	5
6	Confirmation of minutes	5
<b>Officer Reports</b>		
7	Executive	
	7.1 Representation Review 2018	7
	7.2 Heads of Agreement Review and Maori involvement in decision-making	23
	7.3 Waitangi Day 2018	31
	7.4 Waikato Plan Update	33
	7.5 Long Term Plan 2018-28 - Project Update	41
8	Environmental	
	8.1 Long Term Plan Grant Proposals Policy	47
	8.2 Matamata-Piako Civic and Memorial Centre - Iwi presence proposal	51
	8.3 Te Wananga o Aotearoa Presentation	55
	8.4 Making Good Decisions course attendance	57
	8.5 Update on the District Plan Review	59
9	Urgent Additional Business	



---

**1 Meeting Opening**

**2 Karakia**

**3 Present**

**4 Apologies**

At the close of the agenda no apologies had been received.

**5 Notification of Urgent Business**

Pursuant to clause 3.7.5 and 3.7.6 of the Standing Orders NZS 9202:2003 and Section 6A (7) of the Local Government Official Information and Meetings Act 1987, the Chairman to enquire from members whether there are any additional items for consideration which qualify as extraordinary or urgent additional business.

**6 Confirmation of minutes**

Minutes, as circulated, of the Ordinary Meeting of the Te Manawhenua Forum Mo Matamata-Piako, held on 6 June 2017



# Representation Review 2018

Trim No.: 1892618

Item 7.1

## Executive Summary

The Local Electoral Act 2001 (“Act”) requires Council to review its representation arrangements every six years. Council conducted its last review in 2012; therefore a review must be undertaken in 2018. One of the questions to be considered as a part of the representation review is whether or not Council should establish Maori wards; however, Council is not statutorily required to consider the matter of Maori wards.

Council’s eventual representation proposal to the Local Government Commission in November 2018 must provide for fair and effective representation of any communities of interest that are identified.

The purpose of this report is firstly to give Te Manawhenua Forum Mo Matamata-Piako (“TMF”) the opportunity to provide preliminary feedback to Council on how it views Council’s current representation arrangements. Secondly the intent of the report is to ask TMF to consider whether the Maori communities of interest within the Matamata-Piako District would be more fairly and effectively represented through the establishment of a Maori ward and whether or not Council should establish this.

It must be noted that if Council resolves to establish a Maori ward, the change cannot take effect until the 2019 triennial local election due to the requirements set out in section 19Z of the Act.

## Recommendation

That:

1. **Te Manawhenua Forum Mo Matamata-Piako consider and report back to Council on:**
  - a) **Whether it would recommend any changes to Council’s current representation arrangements; and**
  - b) **Whether it would support the establishment of a Maori ward and if so provide reasons.**

## Content

### Background

The purpose of this report is to seek the views of TMF as to whether they believe the communities of interest in the district are fairly and effectively represented. It is therefore requested that TMF members consider the following questions:

1. Do you believe that Council’s current representation arrangements provide for fair and effective representation of the district’s communities of interest, including Maori/Iwi?
2. If you believe that Council’s current representation arrangements do not provide for fair and effective representation, would you make any changes to the structure of Council

and/or by establishing Community Boards? For example, the number of elected members could be altered or a Maori ward could be established. Why would you make changes?

At the 6 June TMF meeting members discussed these issues and members asked that staff write to each TMF member so members could raise the issues with their respective iwi and a recommendation to Council made at TMF's September meeting. A letter was mailed to TMF members in June 2017 and a copy of this is attached.

At the June meeting TMF members expressed concern that the representation review process and the form of representation arrangements permitted by the Act are not Treaty based and therefore do not reflect the status of local iwi as having mana whenua. TMF members' particular concerns were with the process for establishing Maori Wards, the limited number of Maori Ward Councillors achievable under the Act, the inconsistencies between district/ward boundaries and individual rohe and the eligibility criteria for standing for election in Maori Wards. There was also concern about the future and role of TMF if a Maori Ward was established.

## Issues

### 2018 Representation Review

Council is required to conduct a review of its representation arrangements in 2018 in accordance with requirements under the Act. The Act requires that Council's representation arrangements must:

- Provide effective representation of communities of interest within the district; and
- Ensure that electors within each ward are fairly represented.

As the first step in its review, Council must identify the communities of interest within the district. The Local Government Commission requires that Council's starting point be how best to provide for fair and effective representation of communities of interest, rather than a consideration of whether the status quo is effective or should be retained. Once Council has identified the communities of interest, it must consider how best to provide for effective representation of those communities of interest. Some of the factors that may be considered by Council in determining how best to provide for fair and effective representation of the communities of interest are:

- Whether the district is over or under represented in respect of the number of its elected members;
- Which ward structure best represents the communities of interest within the district;
- Whether Community Boards are useful or necessary in order to provide for fair and effective representation of the communities of interest, as well as considering the form of any Community Boards;
- Whether additional wards might be created in order to better represent communities of interest within the district, for example Maori or rural communities; and
- Whether elected members are to be elected by wards or at large, or by a mixture of both.

### Matters for determination:

In reviewing its representation arrangements, Council is required to provide for effective representation of the district's communities of interest as well as fair representation of electors by determining:

- the basis of election by wards;
- the structure and boundaries of wards;
- the number of elected members (including the number of elected members per ward);
- the establishment of Community Boards; and
- the establishment of a Maori ward.



+ / - 10% rule

There is a tension between obtaining effective representation of communities of interest and ensuring that there is fair representation of electors. Effective representation of communities of interest may require that wards be established to represent distinct communities of interest. However, the need to ensure that electors are fairly elected limits the manner in which wards may be established. Section 19V of the Act requires that for each ward the proportion of ward Councillors to the ward population remains within 10% of the proportion of all Councillors to the population for the district as a whole.

Section 19V provides:

*“(1) In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or local board area or community and every ward or constituency or subdivision within the district or region or local board area or community.*

*“(2) For the purposes of giving effect to subsection (1), the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or smaller than the population of the district or region or local board area or community divided by the total number of elected members (other than members elected by the electors of a territorial authority as a whole, if any, and the mayor, if any).”*

The level of representation within each ward is determined by the provisions of the Act that seek to ensure that the arrangements provide for “effective representation”. In terms of the legal framework this requires compliance with what is known as the 10% rule. The application of which means that the ratio of representatives to population of the various wards is required to be within plus or minus 10% of the population divided by the total number of elected members (excluding the Mayor).

The objective here is that each elected member, regardless of which ward they represent, is elected by a roughly equivalent portion of the district’s population. This ensures that all votes are of approximately equal value and therefore that electors are fairly represented. In other words, the number of elected members per ward or indeed whether or not a community of interest is eligible for specific representation is dependent upon the population of the community of interest relative to the population of the district as a whole.

The current Council arrangements provide for a Mayor elected at large and Councillors representing three wards: Matamata (4), Morrinsville (4) and Te Aroha (3). Council does not currently have any Community Boards.

A map showing the current ward structure is attached for TMF’s perusal.

Application of the + / - 10% rule to the existing ward structure

The application of the ‘+/-10% rule’ for Matamata-Piako District is provided below:

WARD	Population	Members	Population-Member Ratio	Difference from Quota	% Difference from Quota
Morrinsville Ward	12,450	4	1: 3113	12	0.37
Te Aroha	8,110	3	1: 2703	-398	-12.82

Ward					
Matamata Ward	13,550	4	1: 3388	287	9.24
<b>Total</b>	<b>34,110</b>	11	1: 3101		

Based on 30 June 2016 ward estimates, from Local Government Commission. 2017 figures are not currently available.

The Mayor is excluded from the member numbers.

The table shows that the Te Aroha ward is not currently complying with the '+/-10% rule' and the Matamata ward is almost reaching the maximum variance. In view of this Council must therefore consider its options for this representation review to comply with the legislation and ensure effective representation of our community. Some potential options include:

- Decreasing the overall number of Councillors to 8.
- Increasing the overall number of Councillors to 13.
- Electing Councillors from across the district (at large).
- Amalgamating ward area or creating a new ward such as a rural ward.
- Expanding the Te Aroha Ward to increase the ward population and decrease the population of another ward/s.
- Seek an exemption from the '+/-10% rule' from the Local Government Commission.

Beyond these options a number of alternatives/options are possible.

Maori ward member calculations

The population data obtained from the Local Government Commission/Statistics New Zealand indicates that pursuant to the +/- 10% rule a Maori ward would only be entitled to one or potentially two Councillors if it is to be compliant. This is because Maori make up a proportionally small percentage of the total population of the district, and the number of votes per Councillor must remain approximately the same across the wards.

The population data used to make these calculations is based on Statistics NZ estimates for the wards. This means that the figures should be taken to be illustrative of what a Maori ward could look like rather than a guarantee of the number of Councillors a Maori ward would be entitled to. However, given that the establishment of Maori wards may not be given effect to until the 2019 triennial local election and that the resolution providing for their establishment must be made by November 2017, Council will likely have more up to date data from the 30 June 2017 ward estimates if such a resolution is to be made.

Statistics New Zealand population estimates (as at 30 June 2016) for Maori wards in Matamata-Piako District are as follows:

Maori Electoral Population**	General Electoral Population	Total Population	Total Members*	Maori Ward Members	Maori ward members (rounded)
3,900	30,300	34,200	11	1.25	1

\*The Mayor is excluded from the member numbers. 2017 figures are not currently available.

\*\*The Maori electoral population means a figure representing both the persons registered as electors of the Maori electoral districts and a proportion of the persons of New Zealand Maori descent who are not registered as electors of any electoral district and a proportion of the persons of New Zealand Maori descent under the age of 18 years. It is determined by Statistics New Zealand.

The process for determining the number of members to be elected from both Maori and general wards/constituencies involves:

- determining the total number of members of the Council
- multiplying the total number of members by the ratio of the Maori electoral population to the total (Maori and general) electoral population.

The number of Maori members to be elected to the Council depends on a mathematical formula based on the Maori and general electoral populations of the city, related to the total number of councillors as set out in the Act. Based on the 2016 figures, for Matamata-Piako District, the effect of applying this formula is:

<b>Number of Maori Ward Councillors</b>	1	2	3
<b>Total number of Councillors</b>	5-13	14-21	22-30

Therefore, for a Council comprising 11 Councillors, the total number of Maori Councillors is one, based on rounding the formula figure of 1.25 to the nearest whole number (i.e. one). Similarly, for 14 Councillors, the number is 1.60, rounded to the nearest whole number, being two. It should also be noted that if there were to be one or two Maori Councillors, there would be a corresponding reduction in the number of other Councillors, unless the Council decides to increase the overall number of Councillors as a result of the representation review which is to be carried out by the Council in 2018.

For Matamata-Piako District, the likely scenarios for a Maori ward system would be:

- a) One ward comprising electors on the Maori roll covering the whole of the district, electing one or two Councillors. Whether one or two Councillors are elected depends on the total number of Councillors, as shown in the table above, or
- b) Two wards comprising electors on the Maori roll covering different parts of the district, each Maori ward electing one Councillor each. This option would only be possible if the Council is to comprise 14 or more Councillors.

If a Maori ward or wards were established, the remaining Councillors would be elected by either a single ward for general electors or a number of wards, which might be along the lines of the current ward system that applies to the Council or by some other arrangement.

While the current Council comprises 11 Councillors elected on a ward basis that number could change as a result of the representation review. That review will also determine the number of Maori Councillors should the Council decide to establish a Maori ward or wards, and if appropriate, decide on the boundary for the Maori wards should more than one be established.

Each governing body of a territorial authority must consist of no fewer than six, and no more than 30 members (s19A of the Act). The total number of ward councillors will be under consideration as part of the Council's representation review which is commencing now for the 2019 and 2022 elections.

Once the total number of members of the council and how many would be elected from a Maori ward is established, any ward arrangements (if applicable) can be worked out:

- If there is to be one Maori ward member they will be elected from a ward comprising the whole district

- If there are to be two or more Maori ward members they can be elected from either a single ward comprising the whole district, or two or more wards
- Likewise, the members to be elected from General wards can be elected from either a single ward comprising the whole district, or two or more wards
- The Maori wards (if more than one) are constructed using the Maori electoral population
- The General wards are constructed using the General electoral population
- The calculations for determining compliance with the +/-10% rule are done separately for Maori and General wards using their respective electoral populations

The Maori/general electoral populations are populations calculated by Statistics NZ as follows:

- The Maori electoral population is a calculation based on the number of electors on the Maori electoral roll and proportions of those of Maori descent not registered and those under 18 years of age.
- The general electoral population is the total ordinarily resident population of New Zealand less the Maori electoral population.
- The sum of the two is the same as the total population of New Zealand.

#### How Maori wards can be established

Establishing Maori wards/constituencies can be achieved by a:

- Council resolution; or
- favourable outcome of a poll of electors. This poll may be:
  - demanded by electors or
  - the result of a local authority resolution.

Council has commenced consideration of the representation review process for 2018 (as the review is required every six years). It seeks the views of TMF before it considers the matter further. As well as the question of a Maori ward/s Council also needs to complete the representation review that is required to meet the legal requirements. It is through this process that the representation arrangements for the ensuing six years are developed.

If the intent is to proceed with putting a Maori ward or wards in place for the 2019 and 2022 local government elections, a decision needs to be in place by 23 November 2017. A decision on Maori Wards is subject to a poll.

Not less than 5% of the electors of Matamata-Piako District can demand a poll on the issue. This would be approximately 1,143 electors based on 22,852 people enrolled (as at 31 July 2017).

If a valid demand is received by 28th February 2018 a poll must be held within 3 months. If a demand is received after this date then the outcome of the poll will not apply until 2022.

If Council resolves to establish Maori wards/constituencies it must give public notice of this resolution. The public notice must include a statement that a poll is required to countermand the Council resolution.

Should Council proceed with a decision to put Maori ward/s in place it would take effect for the 2019 and 2022 elections, and would continue in effect after that until either a contrary resolution was passed or until the result of a poll is known. Any resolution must be publicly notified along with notice that a poll is required to countermand the resolution.

#### Statutory limitations on representation arrangements

At the June TMF meeting TMF members expressed the concern that the structure of possible Maori wards was inconsistent with the principles of the Treaty of Waitangi and did not reflect the status and needs of the iwi who have mana whenua in the district. In particular, TMF members

were concerned that all iwi across the district would be represented by one or at the most two Maori Councillors and that because of this the Maori ward would be district wide and representation would not correspond to the rohe and relative population of each iwi.

The Act is prescriptive in respect of ward structure and the number of Councillors to be permitted per ward. Council must ensure that the ratio of persons per member in each ward is within +/- 10% of the ratio for the district as a whole. This means that Councils ward structure and Councillor make up is based purely on population; there is no room in the legislation for providing ward representation for Maori that reflects the reality of the numerous individual iwi in the district.

This means if a Maori Ward were to be established, all iwi across the district would be represented by one or two Maori Councillors and that because of this the Maori Ward would be district wide and representation would therefore not correspond to the rohe and relative population of each iwi.

Given the nature of the Maori electoral population and the mathematical calculation that must be made, there may be very limited options available to a local authority in terms of the number of elected members from Maori wards or constituencies. The Local Government Commission in its Guidelines to Assist Local Authorities in Undertaking Representation Reviews (Local Government Commission, Wellington, 2014) acknowledges the limitations imposed by the legislation:

*The general and Maori electoral population ... may limit options available to a local authority in terms of the number of elected members from Maori wards/constituencies, including that no members could be elected from such wards/constituencies.*

*Therefore local authorities need to determine their Maori and general electoral populations at the beginning of determining the range of options for Maori and general wards/constituencies to ensure that any debate occurs in the context of what is possible.*

Given the legislative restrictions and the outcome of the mathematical calculation performed using district population data [see above], Maori would only be entitled to one elected member if Council were to retain its current size. Two Councillors might be possible; however the general ward Councillor numbers would then need to be increased.

If Maori were to be entitled to be represented by only one Councillor, a Maori ward would then need to cover the whole district. Under the current system any Councillor elected to represent a Maori ward would need to be representative of all Maori as a distinct community of interest rather than represent the interests of a particular iwi only. It is open to TMF to consider whether such an arrangement would or would not provide effective representation.

Similarly, TMF may be of the view that TMF currently fulfils this role on behalf of Maori in the Matamata-Piako district.

#### Candidate and elector eligibility for Maori wards

Under section 25 of the Act every New Zealand citizen of 18 years or older is qualified to be a candidate for Territorial Authority elections. This means that the candidate does not have to be a resident of the ward in order to be a candidate for its representation. Section 26 of the Act provides that in order for a candidate to stand in an election they must be nominated by two or more electors of the ward in which the candidate is to stand. This means that a candidate does not need to be affiliated with an iwi within the Matamata-Piako District or indeed be a Maori elector at all. The eligibility criteria under the Act therefore mean that it is possible for a person without mana whenua to be elected to represent a Maori Ward. This possibility should be balanced against the fact that Maori electors are unlikely to elect someone whom they feel is not representative of their community of interest.

Only people on the Maori electoral roll can vote in a Maori ward. Candidates for a Maori ward have to be nominated by two people on the Maori roll, but they do not have to be on the roll themselves or from local iwi.

Under sections 19C(5) and 24A of the Act an elector of a Maori ward is defined as a residential elector of a district who is registered as a parliamentary elector at an address within a Maori ward and is registered as a parliamentary elector of a Maori electoral district. This means that if a person live within the area of the Maori ward and is on the Maori electoral roll for parliamentary elections then they are an elector of the Maori ward for local government elections.

#### Other Council decisions

Since this matter was last considered in 2012 the provisions of the Act relating to Maori Wards have been applied in other parts of the country. In Wairoa District, a decision to introduce Maori Wards was taken and a poll was held at the 2016 elections. The poll approved Maori Wards by a slim majority (1727 (54%) of votes received were for the creation of a ward and 1468 (46%) were against). As Wairoa District voted in favour of having Maori ward/s at the poll the Wairoa District Council to be elected at the 2019 elections will have members elected from Maori ward/s. Wairoa has a majority Maori population.

A decision to introduce Maori Wards was also taken in New Plymouth District. In 2015 a poll was held and the measure was defeated by a significant majority (21,053 (83 per cent) of votes received were against the creation of the ward from October 2016, with 4,285 (17 per cent) in favour of the ward.

Bay of Plenty Regional Council established three Maori seats in 2001. This was after extensive consultation and passage of the Bay of Plenty Regional Council (Maori Constituency Empowering) Act 2001. Maori roll voters may only vote for candidates standing in those seats. The 13 Bay of Plenty councillors are elected by voters in four general constituencies and three Maori constituencies, producing 10 general constituency councillors and three Maori constituency councillors.

Other than Wairoa, no district or city council has successfully implemented Maori wards – where councils have proposed them all have been overturned through the binding referendum poll process. The process entitled affected electors to demand a poll. Opposition to Maori seats in local government has been shown by communities such as:

- Wairoa District Council, May 2012, 51.9 percent against – see above for more recent poll results.
- Waikato District Council, April 2012, 79.2 percent against.
- Nelson City Council, May 2012, 79.4 percent against.
- Hauraki District Council, May 2013, 80.4 percent against.
- The Far North District Council, March 2015, 68 percent against.
- New Plymouth District Council, April 2015, 83 percent against.

The Waikato Regional Council added, in August 2012, two Maori constituencies to six general wards at the 2013 local body elections. The decision was made by council and there was no request for a poll.

Rotorua District Council rejected Maori wards in November 2014, avoiding a poll, and instead, with local tribe Te Arawa, created the Te Arawa Partnership plan, which was approved in May 2015 despite heavy opposition. Accordingly, two representatives nominated by a new elected Te Arawa board will sit on the council's two main committees with voting rights.

The Masterton District Council in May 2016 approved the appointment of unelected iwi representatives, with speaking and voting rights, to its standing committees (policy and finance, and audit and risk committees). They also have speaking rights at full council meetings.

#### Potential Considerations for TMF

The Human Rights Commission 2010 report “Maori Representation in Local Government - The Continuing Challenge” says that:

*Nowhere else [other than BOP Regional Council] in New Zealand do Māori have the certainty that they will be represented as Māori in local government. The number of Māori elected to local government remains far lower than their proportion of the population: in the 2007 local government elections less than five per cent of successful candidates were Māori, although Māori form nearly 15 per cent of the population. Many councils have no Māori members at all.*

The report cites a case study published by the Department of Internal Affairs in 2009 which concluded,

*“There is much that can be learnt from the example provided by Environment Bay of Plenty”.*

*“Environment Bay of Plenty has shown a lot of leadership in promoting and establishing ways of strengthening Māori engagement in council processes and decision-making. There are a number of mechanisms which have been developed to facilitate Māori engagement and strengthen Māori capacity, which build off strong relationships and mutual goodwill between Māori and Environment Bay of Plenty. The establishment of the Māori constituency seats is a key mechanism utilised to facilitate Māori input and participation into council. While council and Māori acknowledge its practical effect in giving Māori a voice at the decision-making table, they also recognise that the Māori seats are a symbol of the validation and respect of Māori as tangata whenua.*

Under the Local Government Act 2002 Councils must:

- establish and maintain processes to provide opportunities for Maori to contribute to the decision-making processes of the local authority; and
- consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of the local authority

It can be argued that Maori can be represented by the Ward Councillors and have the opportunity to stand for election in the same way as other Councillors. Staff understand around 10% of council seats around New Zealand are occupied by Maori (based on LGNZ Survey of elected members for the 2016 election). Even taking into account the geographic spread of Maori and their relative youth, this falls short of the 15% of New Zealanders who identify as Maori. Maori wards could be one response to help address this imbalance.

TMF is currently working through a review of its Heads of Agreement. Members have indicated a desire for a greater partnership approach with Council. TMF is a currently Committee of Council with a purpose to facilitate mana whenua contribution to Council's decision making.

The role and function of TMF is not within the scope of the Act. While the functions of TMF are relevant when considering whether Maori as a community of interest are effectively represented, a review of its form and functions in detail is outside the scope of the representation review. The question Council wishes to address as a part of the representation review is whether Maori as a community of interest will be more effectively represented by the establishment of a Maori ward.

TMF operates differently to a Maori ward in that once elected, the Maori councillors would have the same roles and responsibilities as other councillors, and can serve on a range of council committees. Council can appoint non-elected members to committees under the Local Government Act 2002 but not to Council itself. Councillors must be elected by the community.

In terms of the actual mechanisms of a Maori Ward, a significant consideration could be that those on the Maori electoral roll will only get to vote for one or two Councillors, whereas those on the general roll are likely to be able to participate in voting for a greater number of Councillors, depending on the representation arrangements (see below) that are finally approved for the district. However, as long as the affected electors are made aware of this they are in the best position to weigh up this matter. It is likely that in choosing to be registered on the Maori roll for national elections in the first place that their priority is having a Maori voice on issues of priority for them, and in doing so have foregone voting for general candidates.

#### Advantages of Maori Ward

- May promote linkages between Te Manawhenua TMF and Council
- Provide a direct Maori voice on the Council. As with Maori representation at a national level, Maori representation in local government would affirm rights given to Maori as tangata whenua under the Treaty of Waitangi.
- Enhance the role of Maori in local government decision-making and strengthen democratic participation
- Represents the importance of the Maori community voice, and to provide way for issues of priority to Maori to be more directly brought to Council,
- Promotes confidence in local government decision-making processes, knowing that where there is a distinctive Maori perspective related to a matter.
- May address a general concern that local government does not sufficiently represent Maori issues, or wider issues with real implications for the Maori community, in ways that are compelling to, and engaging of, the Maori community.

#### Disadvantages of Maori Ward

- The role, function of TMF may change and Council may potentially decide not to continue with TMF (this is same to the current situation where Council Committees and be established/disestablished at any time)
- Council would likely have one Maori Ward Councillor given the mathematical formula that needs to be applied.
- There can be public concern about specific ethnic representation and poll results from other areas indicate the wider community have no supported Maori representation
- TMF has previously noted the practical issues regarding workload and the ability of one or two Maori Ward Councillors to effectively represent the Maori community and the cost and feasibility of campaigning across the entire district if there is one Maori Ward (covering the whole district).

#### 2012 Representation Review

Council last undertook the representation review in 2012. The outcome of the last process was that the representation arrangements remained the same except for the disestablishment of Matamata, Morrinsville and Te Aroha Community Boards. This decision was subject to a Local Government Commission appeal. The Local Government Commission confirmed Council's decision to disestablish the three Community Boards.

As part of the 2012 review process a community survey was undertaken. This questionnaire asked where residents felt that communities of interest lie in the district, whether they felt that they are effectively represented by Council's existing representation arrangements, whether they felt



the district's Community Boards are effective and whether or not a Maori ward should be established.

Council received 71 submissions on the preliminary consultation questionnaire. The feedback on each issue raised in the preliminary consultation is presented below:

Issue	Yes	No	Not Specified	Too many	Total
Is our current representation structure effective?	41 (58%)	15 (21%)	15 (21%)	-	71
Do we have enough elected representatives (currently 1 mayor, 11 Councillors and 12 Community Board members)?	44 (62%)	0	14 (20%)	13 (18%)	71
Do the Community Boards represent their communities effectively?	40 (56%)	15 (21%)	16 (23%)	-	71
Should a Maori Ward be established?	11 (16%)	50 (70%)	10 (14%)	-	71

The questionnaire also asked which "community" the submitter felt best represented them, and whether they could identify any communities of interest other than Te Aroha urban, Te Aroha rural, Matamata urban, Matamata rural, Morrinsville urban, Morrinsville rural, and/or Maori. A number of submitters responded to this question by identifying the district's rural townships such as, for example, Waihou, Waharoa, Waitoa and Tatuanui as distinct communities of interest.

#### 2012 Communities of Interest

The following communities of interest were identified in the Matamata-Piako district:

- Maori;
- Maori of each distinct iwi;
- Te Aroha urban;
- Matamata urban;
- Morrinsville urban;
- District rural;
- Te Aroha rural;
- Matamata rural;
- Morrinsville rural; and
- Small rural townships such as, Waihou, Waharoa, Tatuanui, and Waitoa.

It was noted that some of these communities of interest may overlap and that people may belong to more than one community.

#### Previous TMF positions / issues raised in 2012

When this issue was discussed with TMF as part of the 2012 representation review TMF members had mixed views on whether or not a Maori Ward should be established in the Matamata-Piako District, however the consensus was that TMF has its own value and should be retained even if a Maori Ward was to be established. TMF members were concerned as to the role TMF would fit if a Maori Ward were established, and in particular how any Maori Councillors would interact with TMF. In addition, there was concern about the effect that a Maori ward may have on the role and function of TMF itself.

At the last representation review TMF indicated they would like to see Matamata Piako District give strong recognition to representation of Maori at all levels. TMF was pleased to see a

recommendation asking for the establishment of a Maori ward as this hadn't been considered before. TMF members noted it is possible that a person from outside the district and not related to local iwi could be elected as the ward member.

The issue of the practical workload for a Maori Councillor having to represent a district-wide Maori Ward was also raised, and while TMF members saw the value that TMF could provide to that Councillor they were unsure how such an interaction could be provided for. TMF members concluded that it was difficult to provide feedback on Council's representation arrangements while the issue of TMF's heads of agreement was unresolved.

TMF members were also concerned that the representation review process and the form of representation arrangements permitted by the Act are not based in the Treaty of Waitangi and therefore do not reflect the status of iwi with mana whenua. TMF members were also concerned with the limited number of Maori Councillors achievable under the Act, the inconsistencies between district and ward boundaries and individual rohe and the eligibility criteria for election to Maori Wards.

In the end, TMF determined that its recommendation depended on what the future role of TMF is, and it therefore decided to defer its recommendation until the issue of its heads of agreement review by Council is resolved. The resolution at TMF's 6 March 2012 meeting was:

*That TMF await the Council's decision on 14 March and that this item is deferred to the next TMF meeting on 6 June 2012.*

The June and September 2012 TMF meetings were not held due to a lack of a quorum. An update was given to the December TMF meeting.

At its July 2012 meeting Council resolved to defer making a resolution regarding the establishment of a Maori ward so that it may consider the matter in a more informed manner in the future. The issue of Maori wards was therefore not included within the 2012 representation review process.

## Analysis

### Options considered

Taking into account previous information there are effectively three options to be considered. TMF views that the Council is again seeking will be an important element of the Council's consideration.

TMF has available the following options:

**Option A:** Resolve to recommend to Council that it resolve to create a Maori Ward across all of the Matamata-Piako District from the 2019 elections onward.

**Option B:** Recommend to the Council that it resolves to hold a poll at a time it may determine.

**Option C:** Recommend that the Council not introduce a Maori Ward at this time.

### Analysis of preferred option

This is in essence a matter of political decision making and in that context Officers have no fixed view. It is relevant to note that from the perspective of progressing the representation review each of the options has some implications.

If **Option A** is adopted and the Council agrees and resolves to introduce a Maori Ward/s, it must undertake the statutory notification process and wait to see if sufficient electors (5%) sign a petition requiring a Poll before the cut-off date of 28 February 2018.

In the context of **Option A**, once a valid petition is received the Electoral Officer is required to undertake a poll not later than 89 days after the petition is received. As noted earlier this may be at any time up until 28 February 2018.

These issues apply irrespective of the decision by the Council deciding 'yes' or 'no' to a Maori Ward.

With respect to **Option B**, the Council can resolve to hold a poll and set a date or an event (subject to the 89 day requirement) when the Poll will take place. If it does not specify a date the Electoral Officer is obliged to undertake the poll as soon as practical, but not later than 89 days after the date the notice by the Council is given.

**Option B** is in itself a consultative process, providing the opportunity for every elector to express a yes or no view on the question. The outcome of polls in other districts is set out in the earlier in this report.

If **Option C** is adopted and the Council agrees and resolves to not introduce a Maori Ward/s, it must undertake the statutory notification process and wait to see if sufficient electors (5%) sign a petition requiring a Poll on the matter before the cut-off date of 28 February 2018.

The implications on the representation arrangements are discussed earlier in this report. As set out, this is a matter of political decision making. It is for TMF's consideration to take into account the many dimensions that are inherent in a decision of this nature. In this context officers do not think it appropriate to make any formal recommendations. The range of options is therefore discussed in this report and provides an opportunity for TMF to reflect on the most effective way to provide for Maori participation for Council.

### **Legal and statutory requirements**

The legal and statutory requirements have been previously addressed in this report.

### **Impact on policy and bylaws**

There is no impact on Council policies and bylaws.

### **Consistency with the Long Term Plan / Annual Plan**

The Long-Term Plan must disclose how Council is providing for Maori to have input into decision-making. A Maori ward would provide a way for Maori to have representation on Council.

### **Impact on Significance and Engagement Policy**

This is a matter that relates to the basic representational arrangements of the Council. It is a significant issue which triggers its own prescribed statutory consultative and decision making process. Officers are seeking the views of TMF to present to the Council when it considers this matter.

### **Communication, consultation and decision making processes**

Council is seeking the views of TMF to assist in considering the possibility of a Maori ward.

The representation review is subject to a consultation (and potentially an appeals) process.

TMF will have the opportunity to give feedback to Council through a submission during the statutory consultation on Council's representation proposal and the appeal period.

### Consent issues

There are no consent issues.

### Timeframes

The timeline for the review is:

- 31 May 2017: Council workshop on representation review
- 6 June 2017: Report to TMF to seek their feedback on the representation review;
- June 2017 - May 2018: Council to consider options in more detail and undertake pre-consultation if desired;
- 6 September 2017: Further report to TMF to seek their feedback on the representation review;
- 23 November 2017: Deadline for Council decision to establish a Maori Ward for the 2019 election (note: this is optional – but if Council decides to establish a Ward the following steps apply):
  - 30 November 2017: Deadline for public notice advising of right to demand a poll
  - 28 February 2018: Deadline for Maori Ward poll demand;
  - 21 May 2018: Deadline to Maori Ward poll to be held;
- March-July 2018: Council determines its representation review proposal for public consultation;
- July-August 2018: Statutory consultation on Council's representation review proposal;
- September 2018: Council hearing on consultation with decisions on submissions and possible amendments;
- September-October 2018: Public consultation on Council's decisions on submissions, opportunity for appeals and objections to Council's decisions; and
- November 2018: Council considers objections and makes its final determination on the proposal to be forwarded to the Local Government Commission.
- The Local Government Commission must issue its determination by 11 April 2019.

The timeline may be subject to change as the process works through, however legislation heavily influences the timeline.

The next 5-yearly Maori Electoral Option in which Maori electors can choose to be on the Maori roll or the general roll for the next 2 general elections is due around March to July 2018 (after the 2018 census).

The Council's representation review must be completed and publicly notified by 8 September 2018. If a Maori ward or wards are to proceed then that must form part of the Council's resolutions. The submission/appeal process on the representation resolutions then proceeds. The Local Government Commission must issue its determination by 11 April 2019.

In some ways it is unfortunate that the issue of Maori Wards is dealt with in a different way to the other representation provisions. The current process makes Maori Wards the only representation matter subject to the poll provisions (other than reorganisation proposals), and that means that representation matters cannot be considered as a whole.

### Contribution to Community Outcomes

The representation review contributes to the following community outcomes:

#### 2) Decision making

- (a) Our community/Iwi will be informed and have the opportunity to comment on significant issues.
- (b) Tangata Whenua with manawhenua status (those with authority over the land under Maori lore) have meaningful involvement in decision making
- (c) Council's decision making will be sound, visionary, and consider the different needs of our community/Iwi.

## Financial Impact

### i. Cost

The total cost of running a Maori ward poll would be approximately \$60,000-65,000.

## Attachments

- A. Current Ward Map
- B. Representation Review 2018 - Letter to TMF members - Response to matters raised in TMF meeting of 6 June 2017 - posted 9 June 2017

## Signatories

Author(s)	Niall Baker <b>Acting Senior Policy Planner</b>	
Approved by	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	



# Heads of Agreement Review and Maori involvement in decision-making

Trim No.: 1918373

## Executive Summary

Over the past few months Te Manawhenua Forum (Forum) has held discussions about a review of its Heads of Agreement (HOA) with Council, and how it would like to engage with Council going forward including its involvement in decision making.

Following a Forum workshop in May and meeting in June, the matter was formally reported to Council in July. The report to Council included the background and current practice relating to iwi engagement and provided Council with the feedback from the Forum.

Council has a Heads of Agreement with the Forum (attached) setting out the principles of the relationship between the parties, and the roles and responsibilities. This agreement was last reviewed in 2013. Forum members have asked that this is reviewed again to better reflect how the relationship has evolved and is now moving into a post-Treaty settlement era.

The purpose of this report is to provide the Forum with feedback from Council on the Heads of Agreement review and further engagement to strengthen the relationship between iwi and Council.

The Forum is asked to consider the feedback from Council and confirm how it wishes to proceed from here.

## Recommendation

That:

1. **The report be received.**
2. **The Forum considers the feedback from Council and confirms how it wishes to proceed.**
3. **The Forum considers whether to prepare and submit a proposal for increased funding and work programme to further support the revised Heads of Agreement.**

## Content

### Background

Forum members have expressed a wish to review the existing HOA to better reflect the current situation and the current and impending post-settlement relationships with Council (the HOA was last reviewed in 2013). A Forum workshop was held 9 May 2017 to discuss and review the current HOA as well as providing Forum members with an update on the Resource Management Amendment Legislation (RMAL) and Council's Long Term Plan 2018-28.

Following the workshop a report summarising the discussion was presented to the Forum meeting 6 June, and staff were authorised to initiate discussions with Council on the review of the HOA and how the Forum would like to engage with Council going forward including its involvement in decision making. This was discussed formally with Council at their meeting 12 July.

## Issues

The following table is a summary of feedback from the Forum workshop on the Review of the Heads of Agreement and Council's response (further details are provided below);

Forum feedback	Councils response
1. Standing Committee or Independent Forum	<i>Maintain Standing Committee status</i>
2. Delegation to appoint non-elected members to the Forum.	<i>May consider delegation provided clear framework in place to guide the appointment process.</i>
3. Forum members indicated that they would like to see a similar framework to that provided for in Auckland.	<i>This option is not available to Matamata-Piako iwi, as the Auckland Statutory Maori Board was created by the Local Government (Auckland Council) Act 2009 section 81.</i>
4. Include an annual budget in the Long Term Plan to assist iwi with the development of iwi management plan, with an aim to complete one IMP each year.	<i>No budgetary allowance, however staff are available to provide feedback on Plans. The Forum and/or individual iwi have the opportunity to submit a proposal for funding to the Long Term Plan grants and draft budgets.</i>
5. Delegation to formally receive iwi management plans	<i>May consider a joint delegation to the Forum to receive iwi management plans.</i>
6. How are 'matters of interest to mana whenua' determined	<i>Refer Iwi relationship agreements below</i>
7. Additional technical support to Forum members	<i>Council has not included any additional funding towards Forum technical support in its draft Long Term Plan.</i>
8. Additional functions of the Chairperson including representing the Forum by attending events, reporting to Council and Committee.	<i>Council would like to extend an invitation to the Forum Chair or her representative to attend Council or Corporate Operations Committee meetings to report back on matters discussed at Forum meetings.</i>
9. Meeting frequency	<i>Council indicated that they would be happy with the Forum setting its own meeting frequency so long as the cost of meetings will remain within existing budgets.</i>
10. Engagement with central government agencies, regional council and elected members	<i>Council indicated a desire to host joint workshops with the Forum when discussing matters with central government agencies.</i>
11. A process for notifying Iwi as part of the process for disposal of surplus property	<i>This may be considered as part of the individual iwi relationship agreements.</i>
12. Iwi relationship agreements and Mana Whakahono a Rohe	<i>Council have asked staff to proceed with engagement with individual iwi to initiate work on iwi agreements. It is anticipated that these agreements would also set out the guidelines for what matters are or may potentially be of mana whenua interest to that iwi/hapu.</i>
13. Strategic direction and work programme	<i>Council indicated that they would be happy to consider additional items under the Work programme within the HOA.</i>

### 1. Standing Committee or Independent Forum

The Forum was first established as a Standing Committee of Council in 2004. Since then it has remained a Standing Committee following the subsequent local body elections, and was re-



confirmed as such following the 2016 elections. Forum members discussed the merits of being a standing committee versus an autonomous forum providing recommendations and advice to Council.

*Council are satisfied that a Standing Committee remains the most appropriate framework for a collaborative iwi engagement between Council and the district's various iwi.*

## 2. Delegation to appoint members

Under the current format and HOA Forum members must be appointed by Council. Under the Local Government Act 2002, Council can delegate to the Forum the authority to appoint non-elected members onto the Forum. This delegation could be made under a framework which guides the appointment of members.

*Council indicated that they would take a favourable view on delegating the appointment of members to the Forum itself, so long as there is a clear framework in place to guide the appointment process.*

## 3. Independent board

Forum members indicated that they would like to see a similar framework to the Auckland Council's independent statutory Maori board, which is provided for under legislation.

*This option is not available to Matamata-Piako iwi, as the Auckland Statutory Maori Board was created by the Local Government (Auckland Council) Act 2009 section 81.*

## 4. Iwi Management Plans

To date, two iwi management plans (IMP) have been lodged with Council; Waikato-Tainui Environmental Plan and Raukawa Environmental Management Plan 2015. The Forum workshop noted that there has been minimal progress on the development of other iwi management plans throughout the district. Forum members suggested that maybe Council could provide resource and/or funding assistance for the development of iwi management plans. One option that was put forward was to include an annual budget in the Long Term Plan for such assistance, and aim to complete one IMP each year.

*While Council has not included a separate budget towards the development of iwi management plans in its Draft Long Term Plan, they have indicated a support for iwi to develop these plans and would consider making staff available as appropriate to assist in the development of these.*

*The Forum and/or individual iwi have the opportunity to submit a proposal for funding to the Long Term Plan grants and draft budgets.*

## 5. Delegation to receive Iwi management plans

Forum members noted that the current HOA specifically states that the Forum does not have the delegation to formally receive iwi management plans on behalf of Council. It was suggested that this should be changed.

*Council indicated that they would consider a joint delegation to the Forum to receive iwi management plans.*

6. Determining/monitoring 'matters relating to mana whenua interest'

The current HOA and work programme includes an item for determining and monitoring 'matters relating to mana whenua interests.' However there was discussion at the workshop about how these 'matters' are defined, and who determines whether they are of interest to mana whenua.

Development of individual iwi agreements (as outlined under point 12 in this report) may also go some way in setting out the guidelines for what matters are or may potentially be of mana whenua interest to that iwi/hapū.

*Council have asked staff to proceed with engagement with individual iwi to initiate work on iwi relationship agreements as resources allow. It is anticipated that these agreements would also set out the guidelines for what matters are or may potentially be of mana whenua interest to that iwi/hapu.*

7. Technical Support

The Forum would like to look into the cost and feasibility of having additional resources available to provide technical support to iwi representatives on complex matters such as District Plan reviews and providing advice and an iwi perspective to reports presented to the Forum.

There was discussion during the Forum workshop on what this may look like. It was suggested that such a resource should be employed by the iwi/hapū and not a council staff member. The suggestion included providing for a budgetary allowance for each iwi/hapū to use at their discretion for technical advice.

There was also discussion around whether Forum members can invite their iwi technical advisors to attend Forum meetings in place of the alternate representative. The Forum is a committee of Council, and is open to the public including any additional staff/advisors that the iwi/hapū may wish to invite. Under the current HOA there is no financial compensation available towards such advice.

Council currently provides \$250 financial compensation to Forum members for each meeting they attend, as well as mileage for distance travelled to meeting venue (within District). There are currently eight Iwi represented on the Forum, each entitled to have two members attend each meeting. The total compensation to each iwi/hapū can be up to \$2,360 per year (incl mileage). Current attendance trends have been between six and eight members attending each meeting. This has resulted in the budget being underspent every year since 2012/13.

*At its meeting in July Council considered alternative options for allocating the funding for meeting attendance. It was felt that the current arrangement works well, but that Council would be open to review this should the Forum wish to put forward a proposal for how it wishes to allocate its budget. Council has not included any additional funding towards Forum technical support in its draft Long Term Plan.*

8. Functions/Duties of Forum Chairperson

The current HOA includes sections defining the Functions of the Forum and Duties of the Council. It was suggested that additional functions of the Chairperson should be included in the HOA. These functions would include representing the Forum by attending events, and reporting to Council and Committee. Under the current arrangement Forum minutes are received by Council. Forum members suggested that by having the Chairperson or a representative of the Forum reporting to Council would provide the iwi perspective and insight into the discussions. This would also provide an opportunity for the Forum to raise matters of interest directly to Council and build a closer relationship with elected members.

*Council would like to extend an invitation to the Forum Chair or her representative to attend Council or Corporate Operations Committee meetings to report back on matters discussed at Forum meetings.*

9. Meeting frequency

Forum members discussed how frequently they wish to meet. It was noted that quarterly meetings is a long time between meetings, and in some instances this means that the Forum is asked to receive information retrospectively with a Council decision already having been made. There was a suggestion to have bi-monthly meetings, or alternatively have four formal meetings with potential workshop dates in between. Currently additional workshops are funded from within existing budgets for the Forum.

*Council indicated that they would be happy for the Forum to set its own meeting frequency so long as the cost of meetings remain within existing budgets.*

*The Forum is asked to consider the required meeting frequency for 2018 to be agreed at the next Forum meeting in December.*

*The Forum has the opportunity to submit a proposal to increase the Forum budget to the Long Term Plan grants and draft budgets.*

10. Engagement with central government agencies, regional council and elected members

During the workshop, Forum members discussed how the Forum can improve its engagement with regional council and central government agencies. One suggestion was to invite Te Pūne Kōkiri (TPK) to attend a Forum meeting to discuss the recent announcement of Maori housing funding. Staff have made contact with TPK and awaiting a response.

*Council indicated a desire to host joint workshops with the Forum when discussing matters with central government agencies.*

*The Forum is asked to consider this.*

11. A process for notifying iwi as part of the process for disposal of surplus property

Forum members asked whether Council has a process for engaging with iwi if and when a property has been identified as surplus to Council requirements. Reference was made to Auckland Council and Panuku Property Development Board.

Panuku has a robust form of engagement with mana whenua groups across the region. Each relevant mana whenua group is contacted independently by email and provided general property details, including a property map, and requested to provide any feedback within 15 working days. Panuku's engagement directs mana whenua to respond with any issues of particular cultural significance the group would like to formally express in relation to the subject properties. They also request express notes regarding any preferred outcomes that the group would like us to consider as part of any disposal process. Mana whenua groups are also invited to express potential commercial interest in any sites and are put in contact with Panuku's Development team for preliminary discussions if appropriate to the property. This facilitates the groups' early assessment of the merits of a development opportunity to their iwi. In the event a property is approved for sale all groups are alerted of the decision, and all groups are alerted once a property comes on the market.

*This may be considered as part of the individual iwi relationship agreements.*

## 12. Iwi Relationship Agreements

The current work programme for the Forum (attached) identifies individual Iwi agreements as a work stream, these agreements can take any form – an example from Auckland Council is attached to this report, and would typically set out any protocols agreed with Iwi on engagement, mutual aspirations etc. These agreements may incorporate or sit alongside Mana Whakahono a Rohe – which are detailed below under the legislative section of this report. It is suggested that these agreements have the potential to be of benefit to both parties – clarifying the line of communication and expectations when dealing with each other.

*Council has authorised staff to proceed with the initial discussions with individual iwi to develop iwi relationship agreements as resources allow.*

## 13. Strategic direction and work programme

As part of the discussion on the HOA, the review of the annual work programme (current programme attached) was also discussed. A question was raised whether the Forum needs to develop a Strategic Direction to inform their work programme.

Suggestions for additional items for 2017 work programme arising from the workshop included:

- The Forum supports the Mayoral Tuia Rangatahi programme (LGNZ leadership development programme) - Council provides \$2,000 in funding towards the cost of the Tuia Rangatahi attending four to five hui each year. This is funded from a separate budget. The programme is an intentional, long term, intergenerational approach to develop the leadership capacity of young Maori. Each year the Mayor invites the local iwi to nominate a young Maori from their district to mentor on a one-to-one basis, to encourage and enhance leadership skills.
- Assist with development of iwi management plans. Please refer to IMPs earlier in this report.
- Support Council to develop individual iwi relationship agreements.

These have all been included in the revised Heads of Agreement attached to this report.

## **Analysis**

### **Options considered**

The Forum is asked to consider how it wishes to progress from here with the review of the Heads of Agreement.

Staff have initiated discussions with Council on this matter and will report verbally to the Forum on any updates.

### **Legal and statutory requirements**

The Mayor has the power under the Local Government Act 2002 to appoint Committees of Council and its Chairperson. Following the 2016 Local Body Elections Mayor Barnes appointed Te

Manawhenua Forum mo Matamata-Piako as a Standing Committee of Council, and Te Ao Marama Maaka was appointed the Chairperson.

Both LGA and Resource Management Act (RMA) require local authorities to recognise and respect the Crown's responsibilities under the Treaty of Waitangi, and to maintain and improve opportunities for Maori to contribute to local government decision making processes.

Iwi in and around the Matamata-Piako District are currently negotiating with the Crown and are at various stages of settling Treaty of Waitangi claims. While these agreements are between the Crown and Iwi, we will be affected by the outcome of these settlements, particularly where Iwi are seeking co-governance of natural resources.

### **Consistency with the Long Term Plan / Annual Plan**

The Long Term Plan 2015-25 describes how Te Manawhenua Forum mo Matamata-Piako, through the HOA, contributes to facilitation of Mana Whenua contribution to decision-making.

Council is currently preparing its LTP 2018-28, and the information regarding Maori involvement in decision-making will be reviewed as part of this process. The Heads of Agreement review forms part of this process.

### **Impact on Significance and Engagement Policy**

The review of the HOA is not considered significant under Council's existing Significance and Engagement Policy.

### **Communication, consultation and decision making processes**

A Forum workshop was held 9 May 2017 to initiate the review of the HOA. The Forum formally discussed the HOA at its meeting in June, and feedback from the Forum was discussed with Council in July. This report provides the Forum with the feedback and response from Council.

The Forum is asked to consider how it wishes to proceed with the review.

### **Timeframes**

There is no set timeframe for the review of the HOA. If the review results in a change in resource requirements (either staff support or financial), a proposal must be presented to Council by October 2017 to be considered along with the budget preparation of the Long Term Plan or alternatively, made as a submission to the draft Long Term Plan consultation in March/April 2018.

### **Contribution to Community Outcomes**

Te Manawhenua Forum mo Matamata-Piako is a standing committee of Council. The Forum contributes to the community outcomes relating to decision-making, and in particular;

*Tangata Whenua with manawhenua status (those with authority over the land under Maori lore) have meaningful involvement in decision making.*

## Financial Impact

### i. Cost

The total cost of the HOA review will depend on number of meetings and workshops required to reach agreement among Forum members and with Council on a revised HOA.

There will also be additional staff time required to facilitate workshops, attend meetings, and coordinate feedback and drafting of the HOA.

### ii. Funding Source

The HOA review is funded from the existing budget allocated to the Forum.

## Attachments

- A. Heads of Agreement - Tracked Changes 5 September 2017
- B. TMF 2017-18 Work programme

## Signatories

Author(s)	Ann-Jorun Hunter <b>Policy Planner</b>	
Approved by	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	

## Waitangi Day 2018

Trim No.: 1918564

### Executive Summary

The annual Waitangi Day celebrations are part of Te Manawhenua Forum mo Matamata-Piako (the Forum) work programme. Council has allocated a budget of up to \$2,500 towards the celebration of Waitangi Day 2018. Additional funding may be applied for through the Ministry for Culture and Heritage's Commemorating Waitangi Day fund.

At the Forum meeting 6 June the following was resolved;

That:

1. The Forum confirms Matamata Domain and SwimZone Matamata as the venue for the 2018 Waitangi Day celebrations.
2. The Forum nominated Phillip Samuels, Dianna Vaimoso and Weka Pene to sit on the event organising committee to work alongside staff on the planning and organising of the celebrations.
3. The Forum authorises staff to make an application for funding on its behalf from the Commemorating Waitangi Day fund.
4. Staff report back on progress at the next Forum meeting.

The event organising committee will have their first planning meeting Tuesday 5 September and will provide a verbal update to the forum at the time of the meeting.

### Recommendation

That:

1. **The information be received.**
2. **The Forum endorses the event organising committee's proposal for Waitangi Day 2018 celebrations.**
3. **The Waitangi Day organising committee report back on progress to the next Forum meeting in December.**

### Analysis

#### Consistency with the Long Term Plan / Annual Plan

Council through the Annual Plan 2016/17 process allocated a budget of up to \$2,500 towards a district wide Waitangi Day celebration.

#### Impact on Significance and Engagement Policy

This matter is not considered significant under Council's Significance and Engagement Policy.

#### Timeframes

Waitangi Day is celebrated on Tuesday 6 February 2018.

### Contribution to Community Outcomes

The celebration of Waitangi Day contributes to the following Community Outcomes;

Vibrant Cultural Values

We promote and protect our arts, culture, historic and natural resources.

We value and encourage strong relationships with iwi and other cultures, recognising waahi tapu and taonga/significant and treasures sites and whakapapa/ancestral heritage.

### Financial Impact

#### i. Cost

The total cost of the event/project depends on the scope as determined by the Forum and organising committee. The Forum's budget is up to \$2,500.

#### ii. Funding Source

Council has allocated up to \$2,500 in its budgets towards a district wide Waitangi Day celebration. It is up to the Forum's discretion how this funding is applied.

### Attachments

There are no attachments for this report.

### Signatories

Author(s)	Ann-Jorun Hunter <b>Policy Planner</b>	
Approved by	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	



## Waikato Plan Update

Trim No.: 1913838

### Executive Summary

This report seeks to update Te Manawhenua Forum Mo Matamata-Piako (Forum) on the progress of the Waikato Plan (Plan).

The Plan Joint Committee considered submissions on the draft Waikato Plan in May 2017 and made decisions in relation to these submissions.

The partner Councils (Hamilton City Council, Hauraki District Council, Matamata-Piako District Council, Otorohanga District Council, South Waikato District Council, Taupō District Council, Waikato District Council, Waikato Regional Council, Waipa District Council, and Waitomo District Council) have now adopted the Waikato Plan.

The focus is now on implementation of the Plan. A Plan Leadership Group is being established as a joint committee of the partner councils, tāngata whenua, the business / community sector and government. Hauraki District Council Deputy Mayor, Toby Adams will act as Councils representative on the new Leadership Group.

### Recommendation

That:

1. The information be received.

### Content

#### Background

The Mayoral Forum endorsed the development of the Plan in 2013. The development of the Plan has gone through the following stages over the last four years:

- Evidence base development
- Stage 1: Project scope, priorities and strategic direction
- Stage 2: Wider plan structure and agreement of the strategic direction
- Stage 3: Plan development and adoption of strategic direction and drafting of full plan and summary document.

The draft Plan was subject to public consultation and a hearing under the Special Consultative Procedure of the Local Government Act 2002. It followed extensive discussions between councils, government agencies, iwi and other stakeholders.

The final Plan was approved by the Joint Committee on 19 June 2017 and recommended to partner councils for adoption. The Councils have now adopted the plan.

A copy of the final plan summary is attached. The iwi/Maori section of the Plan is also attached to this report.

More information about the Plan including Joint Committee agendas and minutes can be found on the Plan website <http://www.waikatoplan.co.nz/>

#### Iwi engagement

Early in the development of the draft plan an Iwi Literature report was prepared and, as part of this process, discussions with a number of iwi groups throughout the Waikato occurred.

Iwi/ Māori representation on the Joint Committee was sought and there were a number of attempts to organise hui to discuss the Plan with Iwi/ Māori but it was not until 2016 that Plan representatives were able to meet with Iwi/ Māori representatives.

Steven Wilson was appointed as an advisor on Iwi matters and a member of the Joint Committee and has provided independent advice during the development of the Waikato Plan but has made it clear that his involvement does not constitute the view of individual Iwi/ Māori interests.

Discussions occurred in mid-2016 and again in early 2017 with Tainui Waka Alliance chairs.

Meetings with Hauraki Maori Trust Board representatives have been held as part of the plan development process. The Waikato River Authority have been represented on the Strategic Partners Forum and provided input into the drafting of the Waikato document.

Feedback on the draft Plan was received from the Waikato Regional Council's iwi advisory group Tai-ranga-whenua.

Engagement has occurred with Nga Karu Atua o te Waka (Future Proof Tangata Whenua Reference Group, which is made up of representatives of Iwi throughout the Future Proof area – Hamilton City, Waikato and Waipa District).

The Plan Project Team worked with Waikato Regional Council to notify Maori networks about the draft Plan.

Tāngata whenua input into the Plan was also gained via the submissions and hearings process.

#### **Plan Content**

The Plan provides a single voice about important issues for the region. The Plan is based on two principles:

- Together we are stronger. Collaboration builds strength and understanding, fills gaps, and cuts duplication
- To succeed as a region, all parts of the Waikato must be as successful as they can be.

The Plan:

- Provides a strategic direction for the region
- Identifies the top priorities to focus on over the next 30 years
- Identifies implementation actions.

The Plan has the following aspirations:

- We want a stronger, resilient Waikato region which is responsive to the changing needs of our people and our communities.
- We want a region with the right infrastructure in the right place, at the right time, to enable us to succeed and prosper.

- We want Iwi to have a powerful voice so that Māori aspirations are expressed and integrated through successful joint initiatives.
- We want our land, water and natural environment and heritage places to be recognised as precious and finite.
- We want the Waikato to be nationally and internationally connected so we can continue to contribute to New Zealand and the world.

#### Plan Priority areas and actions

The Plan has five priority areas and 10 key actions which are outlined plan summary attached.

#### Value proposition of the Plan

The Plan allows the Waikato to have the 'regional conversations' about large scale issues and opportunities and 'talk' with one voice to our key audiences - central government, key decision makers and funders. This is the first time this has been achieved in the Waikato; it is a milestone agreement.

The Plan will be used in sub-national and national negotiations to leverage additional resourcing and funding for our regional needs and development priorities. Other Waikato organisations and businesses will be supported to actively contribute to the agreed priorities of the Plan. The Government is our single largest investor, where for every \$1 local government invests in the Waikato Region, central government invests \$9. This is why engagement on priority outcomes and service delivery is critical.

The Plan allows us to:

- Effectively engage with central government
- Emphasise growing the regional economy to assist with the implementation of the Government's Business Growth agenda
- Address effective delivery of rural social services to support population retention and ongoing economic Development.
- Potentially align the Plan needs with Government's budget priorities.

#### Submissions and Hearing

Following notification of the draft Plan, 33 submissions were received and sixteen submitters requested to be heard at the hearing.

Council made submission on the draft Plan. Deputy Mayor James Thomas presented Council's submission at the hearing. Council's submission included a recommendation for more direct iwi engagement and for revision of the iwi section following engagement and a peer review process. Council noted the feedback from the Forum that the Tainui Waka Alliance is not necessarily representative of all iwi interests. In the submission Council expressed the concerns of the Forum about the lack of direct iwi involvement in the plan process.

The response from the Joint Committee to this aspect of Council's submission was as follows:

*Throughout the development of the Waikato Plan, engagement with Iwi/Māori has been sought. The engagement process has at times been challenging. There continues to be further opportunities for Iwi/Māori input into implementation of the Plan and the draft Waikato Plan also sets out proposed implementation arrangements which would enable strong Iwi/Māori representation on the Leadership Group for implementation. Further input has also*

*been received via submissions, which is being taken into account in other submission points. Action 6.1.3 covers establishing an Iwi/Māori forum.*

At the deliberations meeting on 30 May 2017 the Joint Committee noted that Iwi/Maori would be engaged further in understanding and supporting the plan during the implementation phase. The Committee acknowledged there were residual issues in the space of Iwi/Maori engagement.

#### Adoption Process

All partner Councils (Hamilton City Council, Hauraki District Council, Matamata-Piako District Council, Otorohanga District Council, South Waikato District Council, Taupō District Council, Waikato District Council, Waikato Regional Council, Waipa District Council, Waitomo District Council) have now adopted the Plan.

#### **Issues**

##### Implementation

A seamless transition from Plan development to Plan implementation will be a key success factor. As such, provision for an implementation project structure has been made. The structure will constitute a Leadership Group (Joint Committee), comprising local government, business / community, iwi, and government agencies. This will be supported by a Chief Executives' steering group, a Strategic Partners' Forum and a technical reference group.

The Plan is seeking to ensure that all parts of the region are as successful as they can be. Understanding regional needs and ensuring their provision, whether centrally but with good transport connections throughout the region, or in a more dispersed model, will ensure everyone continues to have access to essential services, whilst reducing duplication.

Plan actions will be implemented through various avenues such as:

- The Leadership Group
- Mayoral Forum programme of work
- Waikato Means Business programme of work (regional economic strategy)
- Other key partners programmes of work

There are a number of core actions already in progress:

- Waikato Hospital Medical School – awaiting Government approval.
- Transport-Commuter Rail – Transport Corridor - consideration of a strategic business case for passenger rail from Hamilton to Auckland, including commuter rail to Mercer.
- Waikato Expressway extension (Cambridge to Piarere) with improved connections to the Bay of Plenty.
- Southern Links roading network implementation.
- Aligned planning – The aligned planning project will prepare the Waikato councils well for the RMA changes with the aim of streamlining planning processes.
- Economic development – proposed southern Waikato Economic Action Plan.
- Regional Facilities Funding Framework project.
- Partnering with iwi, especially through more collaborative partnerships.

The initial focus will be on the 10 key actions noted in the diagram above. The Plan notes that actions will be carried out through voluntary and collaborative partnerships. A detailed

implementation plan for the first 18 months will be one of the first tasks for the new Leadership Group.

#### Constitution of the Plan Leadership Group

Implementation will be managed by the Leadership Group which has been established as a formal joint committee.

The partner councils have given the group delegated authority to, amongst more specific delegations, 'provide regional leadership on the strategic direction and top priorities identified in the Waikato Plan'. An agreement and associated terms of reference that the Leadership Group will operate under have been agreed to.

The Plan Leadership Group membership will be as follows:

- Independent Chairperson (non-elected member)
- Local Government – five representatives
- Tāngata whenua – up to six representatives
- Business / Community – up to four representatives
- Government Agencies – up to four representatives (non-voting)

The Waikato District Health Board and NZ Transport Agency have been confirmed as two of the four government agency appointments.

For the business and community members (up to two members each, a total of four members) expressions of interest were called for via a public notice.

It has been agreed to take sub-regional approach to Local Government representation with five members being appointed in total. One member will represent each of the following:

- Future Proof Group (Hamilton City Council, Waipa District Council, Waikato District Council – to be represented by Alan Sanson)
- Eastern Waikato Group (Hauraki District Council, Matamata-Piako District Council, Thames-Coromandel District Council – to be represented by Toby Adams)
- Southern Waikato Group (Otorohanga District Council, South Waikato District Council, Taupo District Council, Waitomo District Council – to be represented by Brian Hanna)
- Waikato Regional Council (to be represented by Alan Livingston)
- Hamilton City Council (to be represented by Martin Gallagher)

At the meeting on 19 June 2017 the Joint Committee discussed the optimum number of representatives to ensure effectiveness of the Leadership Group. In order to respond to some residual concerns in regard to size, it was agreed that the membership of the Leadership Group will be reviewed following one year of implementation post adoption with a view to reducing the total number of members to 12.

As part of the Terms of Reference the Eastern Waikato Group (of which Matamata-Piako District Council is part of) can appoint one elected member to the Leadership Group. Hauraki District Council Deputy Mayor Toby Adams has been appointed to act as Councils representative on the Leadership group. Deputy Mayor Adams is currently Hauraki District Council's alternate member on the Joint Committee.

Staff have been advised by Thames-Coromandel District Council staff that as they have not been engaged in the formation or adoption of the Plan they will not be signing up to the Leadership Group agreement, but working collaboratively where possible.

#### Iwi Representation

The Joint Committee Agreement provides for Tangata Whenua membership on the Leadership Group (at present Stephen Wilson is a member of the Committee).

At the Forum's March meeting it was discussed how the Forum could be involved in the Plan. It was resolved that Michael Baker be put forward to be a representative on the Plan. There was a question whether there is an ability for the Forum to appoint members and if such a nomination would be accepted? It was considered important that the Forum has a representative on the Plan.

Council staff put forward the Forum's nomination to the Plan project team and conveyed the concerns of the Forum regarding Iwi engagement. Council staff have been advised that Tāngata Whenua input into the Plan to date has largely been at the Trust Board level across the Waikato, with a focus on the Tainui Waka Alliance. The project team are currently working the process of securing iwi appointments to the Leadership Group.

Establishing an iwi/Maori Forum has also been proposed in the Plan to provide implementation input. Currently the focus is on setting up the Leadership Group and decisions have yet to be made about the nature, role and process of the iwi/Maori forum. This may provide an opportunity for the Forum to be involved in the implementation process.

#### Delegations to the Plan Leadership Group

The Leadership Group has been delegated functions to govern, lead and resource the implementation of the Plan and any reviews or updates to the Plan. Any reviews or updates would need to be referred back to the partner Councils for adoption.

#### Strategic Partners Forum (SPF)

This group will be re-established, with a membership to reflect the partnership approach of the Leadership Group. The current membership is as follows:

- Waikato University
- Waikato DHB
- Hamilton Waikato Tourism
- Rural Business Network
- Sport Waikato
- Waikato Biodiversity Forum
- Waikato Chamber of Commerce
- Creative Waikato
- Environment Centre
- Wintec
- Waikato River Authority

It needs to be confirmed whether these organisations/individuals seek to continue and any other organisations that should be represented.

The objective of the SPF is to provide a body comprising representatives of groups from the local business and community sectors which provides strategic advice to the Plan Leadership Group in relation to the implementation of the Plan.

The SPF provides a knowledge pool of business and community views as well as information that can inform strategic decision-making. The SPF acts as a 'think tank' to assist integration and consensus building through a solutions-orientated approach to working with strategic partners.

The strategic partners recognise that the success of the Plan is dependent on effective engagement with local communities and businesses through approaches that enable local decision-making to the greatest extent possible while achieving shared outcomes. The SPF is a practical mechanism to assist collaborative dialogue at a greater Waikato level but is not a substitute for more local and/or targeted engagement initiatives.

A maximum of 15 organisations may be represented. Representation is limited to one person per organisation but an alternate can be sent in the absence of the nominated representative.

#### Technical Reference Group (TRG)

This is a group of staff that assist the Leadership Group to implement the Plan through pooling of specialist knowledge and experience. The TRG is an informal consultative group, not a formal decision-making group. The current TRG covers technical officers from Councils and NZTA. The current membership needs to be confirmed as to whether these organisations/individuals seek to continue. Council staff intend to continue being part of the TRG.

#### Reporting / Monitoring

A key aspect of the implementation arrangements will be the Plan Leadership Group reporting to partners on a regular basis. This will involve regular reporting to the Mayoral Forum, Chief Executives, SPF and technical staff. This will be a critical success factor. Reporting is to be based on formal reporting against KPI's that are outlined in the final Plan.

#### Proposed Implementation Budget

A three year implementation budget has been agreed with funding put in place for the first 17/18 financial year. The budget will support an initial work programme with seed funding for action implementation.

The intention is that local government contributions to the implementation budget will reduce over time as business, community, government and other funder's contributions increase. It is intended that the plan be fully funded by the partners in year one. In the second year 25% of the budget would come from external sources. This will increase to 50% in year three.

## **Analysis**

### **Legal and statutory requirements**

The Plan is a non-statutory document. It may in time influence statutory plans such as the Long-Term Plan and District Plans.

### **Impact on Significance and Engagement Policy**

These issues are not significant. Council has delegated responsibilities for the Plan preparation and implementation to a Joint Committee.

**Impact on policy and bylaws**

The Plan sets an overarching strategic framework for the Waikato region and may in time influence policy, bylaws and plans.

The Plan is an important step forward in supporting the Waikato regional community to work together on agreed matters. The Plan itself will continue to develop over time through ongoing work of the Leadership Group.

**Consistency with the Long Term Plan / Annual Plan**

The Plan will be considered as part of the Long-Term Plan and the budgeting process.

**Communication, consultation and decision making processes**

The Plan has been subject to public consultation. Council made a submission during the consultation period.

The Plan has been previously discussed with the Forum.

**Timeframes**

The first meeting of the Implementation Joint Committee (Waikato Plan Leadership Group) is scheduled for the 18 September 2017.

It is intended that an Implementation and Funding Plan will be developed to guide implementation actions.

The Plan will be launched in September/October 2017.

**Attachments**

- A. Summary of Waikato Plan
- B. Iwi & Maori section of Waikato Plan

**Signatories**

Author(s)	Niall Baker <b>Acting Senior Policy Planner</b>	
Approved by	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	



## Long Term Plan 2018-28 - Project Update

Trim No.: 1925844

### Executive Summary

Council is required to prepare and adopt a Long Term Plan (LTP) under the Local Government Act 2002 (LGA) every three years. This report seeks feedback from the Forum on the section on Iwi engagement and the current indicators used in the Long Term Plan relating to engagement with Iwi.

### Recommendation

That:

1. The information be received.
2. The Forum provides feedback to Council on the new Community Outcome themes and outcomes as set out in Table 2 of this report.
3. The Forum provides feedback to Council on how it would like to contribute to Maori involvement in decision-making.

### Content

#### Background

Council is required to prepare and adopt a LTP under the LGA. The LTP sets out the activities, budgets, financial strategy and key financial policies of the Council for the next 10 years. The LTP is required to be updated every three years. The last LTP was approved in 2015. The 2018-28 LTP must be adopted by Council by 30 June 2018 for implementation from 1 July 2018.

The LTP is a complex document covering all activities of Council, major strategic documents, financial policies, auditing and a large consultation component with the community. Due to its complexity and interrelationships between parts the timeline may be adjusted throughout the project. The dates for the External Audit process, consultation and adoption however cannot be changed.

Table 1 on the next page provides a high level overview of progress to date and upcoming milestones. The overall project is considered to be on track.

Table 1 – Project Timeline

Description	When	Progress
Demographic/Growth/Economic/ Assumptions	Feb-May 2017	Council has adopted the <i>median</i> growth projections. Major assumptions to be discussed with Audit & Risk Committee in June
Community Outcomes Review	Apr-Jun 2017	<i>Refer below</i>
Rates Structure	Apr 2017-Jun 2018	Update report to Council in June

Description	When	Progress
		2017
Activity Plans (including budgets)	Apr-Sep 2017	On track
Right Debate (pre-consultation) if required	Apr-Aug 2017	On track
Infrastructure and Financial Strategy	Apr-Oct 2017	On track
Asset Management Plans	Feb-Oct 2017	On track
Policy Review	Apr-Oct 2017	On track
Maori participation in decision making	Jul-Oct 2017	Refer below
Budgets/ Financials/ Notes	Jul-Dec 2017	Due to start in July.
Document development and QA	Jul-Dec 2017	Due to start in July.
Communications Strategy	Jul-Dec 2017	Due to start in July.
External Audit Process	Jan-Jun 2018	Scheduled for Jan 2018
Special Consultative Procedure	Jan-Jun 2018	Scheduled for 2018
Adoption	By 30 June 2018	

The parts of particular interest to the Forum include the review of the *Community Outcomes* and the section on *Maori participation in decision making*;

Community outcomes / vision

Council has directed that it wishes to review the community outcomes and its overall Vision for the LTP 2018-28. The Community Outcomes are the outcomes that Council seeks for its community (required by legislation). These outcomes must be disclosed in the Long-Term Plan.

Table 2 – Vision, Outcomes and Strategic Priorities 2018-28

<b>Matamata-Piako – The Place of Choice Lifestyle. Opportunities. Home.</b>				
<b>Enabling...</b>				
<b>Connected Infrastructure</b>	<b>Economic Opportunities</b>	<b>Healthy Communities</b>	<b>Environmental Sustainability</b>	<b>Vibrant Cultural Values</b>
<b>Infrastructure and services are fit for purpose and affordable, now and in the future.</b>	We are a business friendly Council.	Our community is safe, healthy and connected.	We support environmentally friendly practices and technologies.	We promote and protect our arts, culture, historic, and natural resources.
<b>Quality infrastructure is provided to support community wellbeing.</b>	Our future planning enables sustainable growth in our district	We encourage the use and development of our facilities.	Development occurs in a sustainable and respectful manner considering kawa/protocol and tikanga/customs.	We value and encourage strong relationships with iwi and other cultures, recognising waahi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage.
<b>We have positive partnerships with</b>	We provide leadership and	We encourage community	We engage with our regional and	Tangata Whenua with Manawhenua status

<b>external providers of infrastructure to our communities.</b>	advocacy is provided to enable our communities to grow.	engagement and provide sound and visionary decision making.	national partners to ensure positive environmental outcomes for our community.	(those with authority over the land under Maaori lore) have meaningful involvement in decision making.
---	---	---	--	--

Maori participation in decision-making

The following is proposed as text for the draft Long Term Plan on Iwi engagement

**Iwi engagement**

**Te Manawhenua Forum mo Matamata-Piako**

*Te Manawhenua Forum mo Matamata-Piako (Forum) is a standing committee of Council that has been developed under a Heads of Agreement with the Forum. The purpose of the Forum is to facilitate Mana Whenua contribution to our decision making.*

**Resource Management Act 1991 (RMA)**

*We are currently undertaking a rolling review of the District Plan. As part of this process we will review how we engage with Iwi through the resource consent process. We also monitor the number of times we seek and receive feedback from Iwi. The results of this monitoring are reported each year in our State of the Environment Report, which is available from [www.mpd.govt.nz](http://www.mpd.govt.nz). Recent changes to the RMA also provide for the development of Mana Whakahono a Rohe. The purpose of a Mana Whakahono a Rohe is to provide a mechanism for councils and iwi to come to agreement on ways tangata whenua may participate in RMA decision-making, and to assist councils with their statutory obligations to tangata whenua under the RMA. Council expects these agreements to be developed in the near future.*

**Treaty of Waitangi settlements**

*Treaty of Waitangi claims and settlements have been a significant feature of New Zealand race relations and politics since 1975. Over the last 30 years New Zealand governments have provided formal, legal and political opportunities for Maori to seek redress for breaches by the Crown of the guarantees set out in the Treaty of Waitangi. Iwi in and around the Matamata-Piako District are currently negotiating with the Crown and are at various stages of settling Treaty of Waitangi claims. While these agreements are between the Crown and Iwi, we will be affected by the outcome of these settlements, particularly where Iwi are seeking co-governance of natural resources.*

**Hauraki Treaty of Waitangi Settlements**

*In 2010, the Crown and Hauraki Iwi signed the Hauraki Collective Framework agreement, which outlined the process for ongoing negotiations towards settlement of shared claims, including possible elements of a settlement. The Iwi in the Hauraki Collective are Ngāti Hako, Ngāti Paoa, Ngāti Tamatera, Ngāti Tara-Tokanui, Ngāti Porou ki Hauraki, Ngāti Whanaunga, Ngāti Hei, Ngāti Maru, Ngāti Pukenga, Te Patukirikiri, Ngāti Tai ki Tamaki and Ngāti Rahiri Tumutumu. The Crown acknowledges that Raukawa and Ngāti Haua also have interests in the Waihou River that are of significant cultural, historical and spiritual importance to the Iwi. We (as well as the Waikato*

*Regional Council and other adjoining district councils) have been engaged by the Crown to provide feedback in the ongoing negotiations between the Crown and Hauraki Iwi.*

### **Ngāti Haua Treaty of Waitangi Settlement**

*Council was engaged in the Ngāti Haua Treaty of Waitangi settlement negotiations. The Ngāti Haua Claims Settlement Act 2014 was passed in to law in December 2014. The Act gives effect to the deed of settlement signed on 18 July 2013 in which the Crown and Ngāti Haua agreed to the final settlement of the non-raupata historical Treaty of Waitangi claims. The settlement package includes recognition of breaches of the Treaty of Waitangi, cultural and spiritual redress in the return of significant sites and financial redress. One site of significance to Ngāti Haua is the Waharoa (Matamata) Aerodrome. As part of settlement, the Council, the Crown and Ngāti Haua agreed that a co-governance committee called the Waharoa (Matamata) Aerodrome Committee comprising of Ngāti Haua and Council representatives (the Committee) would be established for the Waharoa Aerodrome.*

*The Committee was created in 2015 by legislation under the Ngāti Haua Claims Settlement Act 2014. The Committee comprises of the Mayor, Deputy Mayor, one Council appointed member and three members appointed by the Ngāti Haua Iwi Trust Board trustees. The functions of the Committee, as set out in the Ngāti Haua Claims Settlement Act 2014 are to:*

- Make recommendations to Council in relation to any aspect of the administration of Waharoa Aerodrome land,*
- Make final decisions on access and parking arrangements for the Raungaiti Marae land that affects the Waharoa Aerodrome,*
- Perform the functions of the administering body under section 41 of the Reserves Act 1977 in relation to any review of the reserve management plan that has been authorised by Council,*
- Perform any other function delegated to the committee by Council.*

*Council has incorporated the statutory acknowledgements, as they relate to the district in Appendix 10 of the Matamata-Piako Operative District Plan. More information on the statutory acknowledgements for Ngāti Haua can be found in the Ngāti Haua Claims Settlement Act 2014 ([www.legislation.govt.nz](http://www.legislation.govt.nz)).*

### **Ngāti Hinerangi Treaty of Waitangi Settlement**

*We have provided feedback to the Crown on its settlement negotiations with Ngāti Hinerangi. These negotiations are on-going following Ngāti Hinerangi signing their Agreement in Principle in December 2015.*

### **Raukawa Treaty of Waitangi Settlement**

*The Crown has settled the claims of the Raukawa Iwi with legislation to give effect to the deed of settlement signed on 2 June 2012 in which the Crown and Raukawa agreed to the final settlement of the historical claims of Raukawa. The Raukawa Claims Settlement Act 2014 passed in to law in March 2014.*

*There were no specific arrangements between Council and Raukawa, such as have been included in the Ngāti Haua Claims Settlement Act 2014. As with other settlement processes Raukawa may now be in a position to consider developing documents such as Iwi Management Plans for the*

areas of their Rohe (ancestral lands) that fall within the Matamata-Piako District. Raukawa have also released Te Rautaki Taiao a Raukawa (Raukawa Environmental Management Plan) 2015.

Council has been required to include statutory acknowledgements of the Crown in its District Plan. The purpose of the statutory acknowledgement is to:

- Require relevant consent authorities including Council, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgement,
- Require relevant consent authorities to record the statutory acknowledgement on statutory plans that relate to the statutory areas. Also for a period of 20 years from the effective date, to provide the trustees summaries of resource consent applications or copies of notices of applications for activities within, adjacent to or directly affecting the areas listed below,
- Enable the trustees and any member of Raukawa to cite the statutory acknowledgment as evidence of the association of Raukawa with a statutory area.

The statutory acknowledgements for Raukawa in the Matamata-Piako District cover:

- part of the Kaimai-Mamaku Conservation Park,
- the Okauia and Taihoa geothermal fields,
- parts of the Waihou River and its tributaries,
- part of Lake Karapiro.

More information on the statutory acknowledgements for Raukawa can be found in the Raukawa Claims Settlement Act 2014 ([www.legislation.govt.nz](http://www.legislation.govt.nz)) and Appendix 10 of the Matamata-Piako Operative District Plan ([www.mppdc.govt.nz](http://www.mppdc.govt.nz)).

The following is the current indicator in the Long Term Plan. For all activities there are typically one or two indicators assigned to measure performance.

LOS	How we measure performance	Previous years						Target				Additional information
		2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021-28	
Council will involve Tangata Whenua with Mana Whenua status in the decision making process.	Percentage of Te Manawhenua Forum members satisfied/ very satisfied that Tangata Whenua with Mana Whenua are recognised and involved in decision making.	68% (actual)	66% (actual)	64% (actual)	64% (actual)	65% (actual)	75% (target)	To be confirmed				By involving Tangata Whenua with manawhenua status in the decision making process we can ensure that we are making informed and representative decisions on behalf of the community. Measured by an annual satisfaction survey of our Te Manawhenua mo Matamata-Piako Forum members.

The assessment of this indicator is based on the attached survey which is sent out to Forum members each year. It is requested that Forum members consider whether the current indicator is appropriate.

#### Legal and statutory requirements

Council is required to adopt a Long Term Plan under the Local Government Act 2002. The LGA also requires Council to establish and maintain processes to provide opportunities for Maori to contribute to decision making.

**Impact on policy and bylaws**

As part of the preparation of the LTP, Activity and Asset Management Plans will be checked against Council's key strategic and policy documents for strategic fit. The preparation of the LTP may lead to the review of some Council policy documents.

**Impact on significance policy**

The Long Term Plan is a significant document; consultation will be undertaken with the community.

**Communication, consultation and decision making processes**

The Long Term Plan is subject to the special consultative process under the LGA. The special consultative process is a structured one month submission process with a hearing for those who have submitted and wish to speak to their submission.

The Long Term Plan project timeline also provides for a 'pre-consultation' process with the community referred to as the Right Debate where Council can ask for feedback on key issues it is considering for the Long Term Plan.

**Consent issues**

There are no consent issues.

**Timeframes**

The Long Term Plan must be adopted prior to 1 July 2018; a timeline is included with the Project Plan. Staff will update the Forum as the project progresses.

**Attachments**

- A. TMF Survey

**Signatories**

Author(s)	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
-----------	---	--

Approved by	Don McLeod <b>Chief Executive Officer</b>	
-------------	--	--

# Long Term Plan Grant Proposals Policy

Trim No.: 1918501

## Executive Summary

As part of the planning for the Long Term Plan 2018-28 (LTP), Council has reviewed the LTP grant funding process. This report provides the Forum with an update on the new Long Term Plan Grant Proposals Policy and application process.

## Recommendation

That:

1. **The information is received.**

## Content

### Background

Council currently provides funding assistance to support community groups and funding to support economic development in our district with a total budget of \$538,900 per year. The majority of this funding (\$457,900) is identified through the Long Term Plan.

As part of the planning for the Long Term Plan 2018-28 (LTP), Council has adopted a new Long Term Plan Grant Proposals Policy (Policy) for assessing grant applications in the context of the LTP.

Applicants are invited to submit their proposals for funding to Council and to speak to their proposal in person. Council will then consider the proposals as part of its overall budgeting process in December 2017.

The purpose of the review was to establish the level of funding for grants in Council's overall draft Long Term Budget. This will also assist Council and community groups to have an early understanding of the level of funding that will be available from 1 July 2018.

### Issues

#### Long Term Plan Grants

In the past Council has not had a policy for setting the eligibility criteria or application and assessment process for the Long Term Plan grants. Many of the current grant recipients have received annual funding assistance from Council for more than 10 years, and their agreements with Council have been renewed each Long Term Plan.

At its meeting of the Corporate and Operations Committee meeting 26 July, Council indicated a desire to review these grants.

It resolved to take the following approach - *retain the grants budget in the draft Long Term Plan at current levels but take a right debate style approach and ask not just the existing grant holders by the wider community whether there are any grants that should be funded – potentially inviting*

*other community groups to apply. Decisions on the funding levels for the draft budgets for consultation would be made prior to the end of the year.*

The Long Term Plan Grant Proposals Policy was adopted at the Council meeting 12 August and is attached to this report for members' information.

Funding consideration will be given to community organisations and projects which:

- strengthen participation across diverse communities
- build the capability of communities to become sustainable
- work collaboratively across the community sectors
- address the needs of the local community
- provide opportunities for the wider community to increase social connection
- provide services that meet the needs of communities in high deprivation areas.

To be considered for funding under this Policy, the applicant organisation should ideally be a non-commercial and not-for-profit organisation and should:

- have a high ratio of volunteers to paid employees
- have a high degree of public access to the organisation
- primarily be funded from grants, donations, subscriptions or similar and not from fees, charges or funding from central government

Individuals, commercial enterprises, and organisations supported by government agencies may be considered depending on the alignment of their project/organisation with the Policy.

Iwi trusts and other Maori organisations may be eligible to apply for funding for community programmes or individual projects under this Policy.

## **Analysis**

### **Consistency with the Long Term Plan / Annual Plan**

The Community Funding Assistance review forms part of the review of the Strategy and Engagement Activity Plan and the 2018-28 Long Term Plan.

### **Impact on Significance and Engagement Policy**

Any changes to current funding arrangements may have a significant impact on individual community organisations that rely on ongoing funding assistance from Council to remain operational and deliver their services for the benefit of the community.

### **Communication, consultation and decision making processes**

The following communications has been undertaken:

- Letters to current grant recipients 10 August
- Website/offices 11 August
- Advert in paper 16 August
- Facebook 14 August, 28 August
- e-newsletter 14 August
- Information meetings 21, 23 and 24 August

### **Timeframes**

The timeframes are as follows



- Report to Council with application form and policy - 9 August
- Applications open 14 August
- Applications close 2 October 5pm
- Hearing day and decisions 18 October

### Contribution to Community Outcomes

The Community Funding Assistance provided through the Grants and Funding activity contributes to the following Outcomes;

#### Economic Opportunities

We are a business friendly Council.

#### Healthy Communities

Our community is safe, healthy and connected.

We encourage the use and development of our facilities.

#### Vibrant Cultural Values

We promote and protect our arts, culture, historic and natural resources.

### Attachments

- A. FINAL - Long Term Plan Grants Policy - adopted 9 August 2017

### Signatories

Author(s)	Ann-Jorun Hunter <b>Policy Planner</b>	
-----------	---	--

Approved by	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	



## Matamata-Piako Civic and Memorial Centre - Iwi presence proposal

Trim No.: 1925308

### Executive Summary

Following a meeting between representatives of Ngati Haua, Ngati Hinerangi, Raukawa and staff, a proposal to provide carvings and other artefacts to be included in the Matamata-Piako Civic and Memorial Centre has been received.

No specific budget item was allocated to this aspect although all contingencies have not yet been specifically allocated.

It should be noted that the Resource Consent included conditions to recycle and where possible incorporate into the new build, materials (wood) removed from the 1940 Borough Building. There is also a condition to provide a display of drawings, photographs and information regarding the Borough Building.

### Recommendation

That:

1. The information be received

### Content

#### Background

Resource Consent conditions for the demolition of the 1940 Matamata Borough building included the reuse of materials removed and where possible to incorporate within the new building.

To consider possible uses of the timber staff have met with Mana Whenua – Ngati Haua, Ngati Hinerangi and Raukawa representatives to discuss options.

The stored timber has been inspected by a carver to determine its suitability; he considers it unsuitable for external use.

Resource consent conditions also include a requirement to provide a permanent display of measured drawings, photographs and history of the Borough Building.

Council was requested to give directions as to the suitability of the proposals at its meeting of 23 August where it resolved as follows:

- Council agrees with the concept of a Pou Maumahara at an estimated cost of \$15,500 with a design to be approved
- Council approves the provision of up to five Whaariki panels at a cost of \$500 each
- Council considered an expenditure of \$450 for the Kowhaiwhai design of the reception desk front panel.
- Council welcomes the offer from Mana Whenua to suggest room names
- Council endorses bi-lingual signage, as part of Council policy and the offer of Mana Whenua to assist with appropriate terms and phrases.

## Issues

One of the conditions of the Land Use consent to demolish the 1940 Matamata Borough building is:

*“The adverse effects on heritage values can be mitigated by preparing a comprehensive record of the building prior to demolition, and using the information together with documentary research to develop a permanent interpretive public display of the heritage values of the building, and ‘soft’ stripping the building and reusing building elements”.*

The existing Cenotaph (external) and Roll of Honour (internal) have been retained unaltered within the new complex.

New corporate signage will also be provided.

If approved, further discussion between groups facilitated by ChowHill Architects will ensure a coordinated approach and relationship of all signage to the interior design.

## Analysis

Various options were considered in consultation with the architect on the reuse of removed timbers from the Borough Building these included internal panelling around the entrance foyer.

The amount and profile of recovered timbers were insufficient to satisfactorily incorporate them into the building structure. Alternatives discussed including reworking into furniture that could be located either in the new building or other suitable locations, no proposal on this aspect is being put forward at this stage.

Informal comments suggested that local iwi be invited to consider options with respect to the reuse of timbers that could be incorporated into the development and also contribute to an historical record of the district.

A carver has inspected the stored recovered timbers and has determined that they are not suitable for external use however can be used for new artefacts to be positioned within the new building.

The proposal includes an option to erect a Pou Maumahara carved from a Totara log external to the building is to commemorate those who fought and died in the New Zealand Land Wars. The architect has confirmed the proposed location is suitable. Minor changes to the landscape plan can be made to accommodate this.

The proposal included an image of typical Pou, not the specific one for Matamata

Timber wall panels will be constructed from recycled timber and represent Whaariki Mats and Tukutuku Panels and be hung on the foyer walls. The exact location to be confirmed but most likely to be in the public foyer space as a sign of welcoming, hosting and hospitality.

Staff are suggesting a further panel to be constructed that will be used as a back-board to display the required photo's, drawings and history of the old Borough Building.

There is also a proposal to design a Corian panel to be incorporated within the Reception Counter front. The architect confirms that the current front panel can be modified to incorporate this.

The draft proposal has been viewed by ChowHill Architects who support the concept.

The proposal also includes an offer to suggest room names within the new complex and to assist with providing appropriate terms and phrases for bi-lingual signage.

## Legal and statutory requirements

None

### Impact on policy and bylaws

None

### Communication, consultation and decision making processes

Concepts and proposals have been discussed with iwi representatives, the architect supports the proposal and it demonstrates an inclusive philosophy and commemorates those that have fought and died in various wars.

Consultation with Matamata RSA will be arranged if this proposal is accepted

### Consent issues

Part of the proposal can be used to meet some of the Resource Consent conditions

### Timeframes

Approximately four months to carve the Pou once log has been sourced.

Panels seven to eight weeks

### Financial Impact

#### i. Cost

Carved Pou Maumahara (labour and materials) \$12,500

Installation cost estimate (requires further discussion) \$3,000

(Note: If council were to source or have donated a suitable totara log the cost could be reduced by approx. \$5,000)

Recycled wood panels approximately \$500 each – dependant on size

Kowhaiwhai Design for reception desk \$450

Laser cutting/carving will require quote based on design.

#### ii. Funding Source

Project contingency budget

### Attachments

A. Civic Centre proposal

### Signatories

Author(s)	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
Approved by	Roger Lamberth <b>Kaimai Consultants Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	



# Te Wananga o Aotearoa Presentation

Trim No.: 1918277

Item 8.3

## Executive Summary

Te Wānanga o Aotearoa (TWOA) is one of New Zealand's largest tertiary education providers, offering a comprehensive range of certificate to degree level qualifications to New Zealanders of all ages and walks of life.

TWOA is currently operating from over 80 locations throughout the country, and is working on a proposal to provide NCEA Level 2 training within the Matamata-Piako District.

TWOA is guided by Māori principles and values, nurturing and inclusive learning environment, as well as the depth and diversity of our courses in small business, computing, social work, teaching, Māori performing arts and te reo Māori.

Ms Angeline McCormack (Aukaha Kirimana - Head - Contracted Services), Mr Travis Timoko (Strategic Advisor) and Mr Rich Hollis (Team Lead - Matatahi Mataora) will be in attendance to provide an overview of their proposal to the Forum.

## Recommendation

That:

1. The information be received.

## Attachments

There are no attachments for this report.

## Signatories

Author(s)	Ann-Jorun Hunter <b>Policy Planner</b>	
-----------	---	--

Approved by	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	





## Making Good Decisions course attendance

Trim No.: 1892080

### Executive Summary

The Making Good Decisions Programme helps councillors, community board members, and independent commissioners make better decisions under the Resource Management Act 1991 (RMA). Commissioners must be accredited to sit on RMA hearings panels.

Each year Council offers Forum members to attend this programme. At the Forum meeting on 6 June, Mr Weka Pene (Ngati Hauā) indicated an interest in attending the training, which was approved by the Forum. The first available date for the programme was in August in Auckland.

This report is to confirm Mr Pene's attendance of the course.

### Recommendation

That:

1. The report is received.

### Financial Impact

#### i. Cost

The total cost to attend the Making Good Decisions Foundation Course is \$2,053.04 plus GST.

#### ii. Funding Source

This is funded from existing Te Manawhenua Forum budget.

### Attachments

There are no attachments for this report.

### Signatories

Author(s)	Ann-Jorun Hunter <b>Policy Planner</b>	
Approved by	Michelle Staines-Hawthorne <b>Corporate Strategy Manager</b>	
	Don McLeod <b>Chief Executive Officer</b>	



## Update on the District Plan Review

Trim No.: 1925498

Item 8.5

### Executive Summary

Mark Hamilton will give a presentation to bring the Forum up to date on the District Plan Review and Plan Change 51 – Waharoa Dairy Processing Site.

### Recommendation:

1. That the report be received.

### Attachments

There are no attachments for this report.

### Signatories

Author(s)	Mark Hamilton <b>Environmental Policy Planner</b>	
-----------	--	--

Approved by	Dennis Bellamy <b>Group Manager Community Development</b>	
-------------	--	--