



# **AGENDA**

## **Tangata Whenua / Tauranga City Council Committee Meeting Monday, 29 March 2021**

**I hereby give notice that a Tangata Whenua / Tauranga City Council  
Committee Meeting will be held on:**

**Date: Monday, 29 March 2021**

**Time: 10.30am**

**Location: Tauranga City Council  
Council Chambers  
91 Willow Street  
Tauranga**

*Please note that this meeting will be livestreamed and the recording will be publicly available on  
Tauranga City Council's website: [www.tauranga.govt.nz](http://www.tauranga.govt.nz).*

**Marty Grenfell  
Chief Executive**



# Terms of reference – Tangata Whenua/Tauranga City Council Committee

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## Common responsibilities and delegations

The following common responsibilities and delegations apply to all standing committees.

### Responsibilities of standing committees

- Establish priorities and guidance on programmes relevant to the Role and Scope of the committee.
- Provide guidance to staff on the development of investment options to inform the Long Term Plan and Annual Plans.
- Report to Council on matters of strategic importance.
- Recommend to Council investment priorities and lead Council considerations of relevant strategic and high significance decisions.
- Provide guidance to staff on levels of service relevant to the role and scope of the committee.
- Establish and participate in relevant task forces and working groups.
- Engage in dialogue with strategic partners, such as Smart Growth partners, to ensure alignment of objectives and implementation of agreed actions.
- Confirmation of committee minutes.

### Delegations to standing committees

- To make recommendations to Council outside of the delegated responsibility as agreed by Council relevant to the role and scope of the Committee.
- To make all decisions necessary to fulfil the role and scope of the Committee subject to the delegations/limitations imposed.
- To develop and consider, receive submissions on and adopt strategies, policies and plans relevant to the role and scope of the committee, except where these may only be legally adopted by Council.
- To consider, consult on, hear and make determinations on relevant strategies, policies and bylaws (including adoption of drafts), making recommendations to Council on adoption, rescinding and modification, where these must be legally adopted by Council.
- To approve relevant submissions to central government, its agencies and other bodies beyond any specific delegation to any particular committee.
- To appoint a non-voting Tangata Whenua representative to the Committee.
- Engage external parties as required.

# Terms of reference – Tangata Whenua/Tauranga City Council Committee

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## Membership

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<b>Independent chairperson</b>	Mr Huikakahu Kawe
<b>Deputy chairperson</b>	To be appointed by the Committee
<b>Tauranga City Council members</b>	Commission Chair Anne Tolley Commissioner Shadrach Rolleston Commissioner Stephen Selwood Commissioner Bill Wasley
<b>Tangata Whenua members 6 members from the Tauranga Moana Tangata Whenua Collective</b>	Ms Matire Duncan Mr Puhirake Ihaka Mr Whitiora McLeod Mr Buddy Mikaere Mrs Irene Walker Mr Nathan James
<b>Quorum</b>	<u>Half</u> of the members physically present, where the number of members (including vacancies) is <u>even</u> ; and a <u>majority</u> of the members physically present, where the number of members (including vacancies) is <u>odd</u>
<b>Meeting frequency</b>	Formally three times per year at Council Chambers Informally meet three times a year on marae with all members of both the Council and all members from the Tangata Whenua Collective

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**Rapua te huarahi whanui hei ara whakapiri  
i nga iwi e rua i te whakaaro kotahi**

**Seek the broad highway that will unite the two peoples  
toward a common goal.**

**Note: the Terms of Reference for this Committee are being reviewed.**

## Membership

**Partners** Tauranga City Council and "nga hapu me nga iwi o Tauranga Moana" representing Tangata Whenua within the Tauranga City Council rohe (boundaries).

Tangata Whenua representatives are to be those with signed hapu protocols. One of the six Tangata Whenua representatives is to be a Kaumatua. Kaumatua representation is to have the ability to be shared between two Kaumatua if required.

## Background

Council is committed to establishing and monitoring appropriate links with Tangata Whenua to enable effective relationships to develop and meet a number of legislative requirements including those under the Resource Management Act 1991 and the Local Government Act.

1. Tangata Whenua are deemed to be the respective Iwi and Hapu of Tauranga Moana.
2. The Local Government Act 1974 and Local Government Act 2002 contain provisions relating to the exercise of the powers, functions and duties of the Tauranga City Council.

## **Principles of the partnership**

The Partners:

- Recognise the Treaty of Waitangi as the founding document of Aotearoa NZ.
- Will work with respect, goodwill, honesty, trust and integrity toward the other party and celebrate cultural diversity.
- Recognise that the relationship is a mutual two-way relationship and any changes of the agreement need to involve discussions and agreement between the partners.
- Recognise the need for Tauranga City Council to work within a legislative framework.
- Recognise the independence of each partner, including
  - a) The tangata whenua representatives as a voice for the Maori communities;
  - b) Recognise the independence of hapu and iwi;
  - c) The Council as a democratic decision maker, responsible to the community as a whole.

## **Role and scope**

- To forge an ongoing effective and meaningful partnership between the Tauranga City Council and Tangata Whenua.
- To facilitate meaningful understanding of future impacts on key issues affecting Tangata Whenua and Māori that Council can influence.

The functions and key tasks are:

- (a) To bring to the other partner's attention issues / concerns in respect of existing strategy or policy.
- (b) To exchange information of mutual interest.
- (c) To discuss new initiatives approaches and directions.
- (d) Agree agenda topics for the following 3 consecutive meetings.

## **Communication**

- To educate the wider community on Tangata Whenua issues.
- To establish and maintain communication and consultation channels within the Council organisation and Tangata Whenua groups.

## **Monitoring**

- To regularly monitor projects, policies and strategies managed or under development by Council which affect Tangata Whenua.
- To regularly monitor progress of key issues identified by Tangata Whenua through reporting of Council and the Tangata Whenua Collective.
- To monitor the on-going development and process of the Standing Committee.

## **Power to recommend**

- To Council or any Standing Committee as it deems appropriate.
- Reports to Council.



## Order of Business

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- 1      OPENING KARAKIA**
- 2      APOLOGIES**
- 3      PUBLIC FORUM**

**4 CHAIRPERSON'S REPORT**

**4.1 CHAIRPERSON'S VERBAL UPDATE REPORT**

- 5      ACCEPTANCE OF LATE ITEMS**
- 6      CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**
- 7      CHANGE TO ORDER OF BUSINESS**

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## **8 CONFIRMATION OF MINUTES**

### **8.1 Minutes of the Tangata Whenua / Tauranga City Council Committee Meeting held on 22 October 2020**

**File Number:** A12286115

**Author:** Raj Naidu, Committee Advisor

**Authoriser:** Coral Hair, Manager: Democracy Services

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### **RECOMMENDATIONS**

- (a) That the Minutes of the Tangata Whenua / Tauranga City Council Committee Meeting held on 22 October 2020 be confirmed as a true and correct record.

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### **ATTACHMENTS**

- 1. Minutes of the Tangata Whenua / Tauranga City Council Committee Meeting held on 22 October 2020



# **MINUTES**

**Tangata Whenua / Tauranga City  
Council Committee Meeting  
Thursday, 22 October 2020**

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**MINUTES OF TAURANGA CITY COUNCIL  
TANGATA WHENUA / TAURANGA CITY COUNCIL COMMITTEE MEETING  
HELD AT THE TAURANGA CITY COUNCIL, COUNCIL CHAMBERS, 91 WILLOW STREET,  
TAURANGA  
ON THURSDAY, 22 OCTOBER 2020 AT 9.30AM**

**PRESENT:** Mr Huikakahu Kawe (Chairperson), Cr Kelvin Clout, Ms Matire Duncan, Cr Bill Grainger, Mr Hayden Henry, Cr Heidi Hughes, Mr Whitiora McLeod, Mr Buddy Mikaere, Cr Tina Salisbury and Ms Irene Walker.

**IN ATTENDANCE:** Susan Jamieson (General Manager: People & Engagement, Gareth Wallis (General Manager: Community Services), Carlo Ellis (Manager: Strategic Māori Engagement), Mr Maru Tapsell, Cr John Robson, Mr Nathan James, Josh Te Kani (Kaiarahi Māori), Basil Morrison (Review and Observation Team), Peter Winder (Review and Observation Team), Coral Hair (Manager: Democracy Services), Robyn Garrett (Team Leader: Committee Support), and Raj Naidu (Committee Advisor)

## KARAKIA

- Mr Josh Te Kani (Kaiarahi Māori) opened the meeting with a Karakia.

## 1 APOLOGIES

### COMMITTEE RESOLUTION MA4/20/1

Moved: Cr Kelvin Clout

Seconded: Cr Tina Salisbury

That apologies from Mayor Tenby Powell and Mr Puhirake Ihaka be received and accepted.

**CARRIED**

## 2 PUBLIC FORUM

- 2.1 Des Heke Kaiawha (Kaitiaki Ngai Te Ahi, Ngāti He and Ngāti Ruahine), Kaumatua Lance Hori Waaka (Ngāti Ranginui and Ngāti Ruahine) and Kaitiaki Te Paura Gardiner (Ngai Te Ahi, Ngāti He)**

A copy of the presentation for this item can be viewed on Tauranga City Council's website in the Minutes Attachments document for this committee meeting.

### Key points

- The submitter discussed whakapapa with respect to areas of cultural significance in new developments and subdivisions.
- Where areas of cultural importance were discovered, the submitter wanted the land to be set aside as a reserve within new sub-divisions or developments to protect the area.

- The McFetridge Lane subdivision project had uncovered artefacts and areas of cultural significance.
- The submitter had conducted research that was able to identify the name of the pā and subsequently identified its location via geo-mapping.
- The top section of the hill was left intact to preserve the area and removal of pests and exotic plants was undertaken.
- The Chairperson of the Tangata Whenua/Tauranga City Council Committee, archaeologists, and stakeholders had conducted a site visit to view the area of cultural significance.
- The developer of the subdivision had been proactive in identifying areas of cultural significance and was good to deal with.
- Research from the Māori Land Court documents showed that the area in the original Māori Land Court Plans and Maps as part of Oropi Number 2.
- The submitter requested that the land where the water-tank was located be turned into a reserve for future generations to enjoy.

#### **In response to questions**

- The exposed parts of the land had already been damaged and/or modified during the subdivision development.
- To preserve areas where cultural sites of significance had been discovered would include land already identified as a reserve plus the land for the water-tank and council easements.
- The three iwi were in support of classifying the red area on the Harrison Grierson survey map (see presentation) becoming a cultural reserve.
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#### **Attachments**

- 1 Presentation - Des Heke (Public Forum)

### **3 CHAIRPERSON'S REPORT**

#### **3.1 Chairperson's Verbal Update Report**

**Chairperson** Mr Huikakahu Kawe

#### **Key points**

- Cr Jako Abrie's work and his contributions to the Tangata Whenua/Tauranga City Council Committee were recognised.
- The Review and Observation Team members were welcomed.
- COVID-19 was causing significant concerns and issues for the community.
- Congratulated the incumbent government on their respective re-election.
- Whareroa Marae was still fighting for their health and air quality at Mount Maunganui.

#### **COMMITTEE RESOLUTION MA4/20/2**

Moved: Ms Irene Walker

Seconded: Cr Tina Salisbury

That the Tangata Whenua / Tauranga City Council Committee:

- (a) Receives the Chairperson's Verbal Update Report.

**CARRIED**



#### **4 ACCEPTANCE OF LATE ITEMS**

Nil

#### **5 CONFIDENTIAL BUSINESS TO BE TRANSFERRED INTO THE OPEN**

Nil

#### **6 CHANGE TO ORDER OF BUSINESS**

Nil

#### **7 CONFIRMATION OF MINUTES**

##### **7.1 Minutes of the Tangata Whenua / Tauranga City Council Committee meeting held on 24 July 2020**

##### **COMMITTEE RESOLUTION MA4/20/3**

Moved: Mr Whitiora McLeod

Seconded: Ms Matire Duncan

- (a) That the minutes of the Tangata Whenua / Tauranga City Council Committee meeting held on 24 July 2020 be confirmed as a true and correct record.

**CARRIED**

#### **8 DECLARATION OF CONFLICTS OF INTEREST**

Nil

#### **9 BUSINESS**

##### **9.1 Quarterly Monitoring Report - Feb 2020 to Oct 2020**

**Staff** Carlo Ellis, Manager: Strategic Māori Engagement

A copy of the Tabled document for this item can be viewed on Tauranga City Council's website in the Minutes Attachments document for this committee meeting.

##### **Key points**

- The seventeen iwi and hapū now had protocols in place and this was great for facilitating holistic discussions.
- Discussions around a museum project in Tauranga were ongoing.
- A workshop was held on the Right of First Refusal Policy and an updated version of the Policy had been sent to Tangata Whenua.
- Tangata Whenua had voiced concern on the lack of their visibility in the Urban Form and Transport Initiative (UFTI) process and the Transport System Plan (TSP). There had been a high degree of commitment from all three councils to see improvement in Tangata whenua participation going forward. Dr Wayne Beilby had been appointed in a governance role and Buddy Mikaere in an operations role.

- Following on from the resolutions of the Tauranga Moana Advisory Board, a parallel process alongside the TSP was being undertaken; Consultant Paul Beverley had been engaged by Tauranga City Council and the Bay of Plenty Regional Council to undertake a scoping and options report relating to pollutant industries surrounding Whareroa Marae.
- Early planning for the development of an iwi spatial component was been supported as part of the sub-regional Western Bay of Plenty Spatial Plan process.
- The Caring for Communities Fund (CCF) was a good avenue for projects in the Mauao Implementation Plan to be considered as shovel ready projects.
- Māori Wardens and Kaitiaki discussions on parks management were ongoing.
- Kopurererua Valley had been progressing steadily and was also earmarked for the CCF.
- Māori Housing development had been slower than expected and a Papakāinga case manager position was still being evaluated as the best option to get more progress.
- Tangata Whenua collaboration and hard work in the development of the Te Papa Spatial Plan was appreciated. Sufficient recognition and protection for Pukehinahina as a significant cultural site was been worked through with planners.

#### **In response to questions**

- Access to water by local maraes from the Waiāri project, either free or subsidised, was outside the jurisdiction of the Tauranga City Council as the land was not within the TCC boundaries. The Waiāri Kaitiaki Advisory Group was the forum to discuss the project.
- The Matapihi school issue had been raised and a new venting filter system had been installed which was now being reviewed/monitored.
- The 3 Waters reform was ongoing and partnership between Tangata Whenua and Tauranga City Council was critical for its success; to acknowledge Tangata Whenua concerns and representation, information sharing was imperative and TCC staff were sharing information as it came through.

#### **Discussion points raised**

- Helicopters flying above Mauao was a concern and a danger.
- Air quality was degrading due to the southern pipeline project.
- Council needed to look beyond the city boundaries to explore opportunities as illustrated by the successes of the Te Papa Spatial Plan project.
- A workshop for scoping the Iwi Spatial Plan had been planned.
- It was important for hapū and iwi involved in the Waiāri project to be able to capitalise on the project by having access to the trunk lines to provide water to marae.

#### **COMMITTEE RESOLUTION MA4/20/4**

Moved: Mr Hayden Henry

Seconded: Cr Tina Salisbury

That the Tangata Whenua / Tauranga City Council Committee:

- (a) Receives the Quarterly Monitoring Report - Feb 2020 to Oct 2020.

**CARRIED**

#### **Attachments**

- 1 Tabled Item - City Centre Strategy and Waterfront Development Update

## 9.2 Te Rangapu Mana Whenua Report

**Member** Matire Duncan, Chairperson.

### Key points

- Cr. Jako Abrie's support and commitment to Tangata Whenua and Mana Whenua was acknowledged, recognised, and appreciated.
- As a member of the Tangata Whenua/Tauranga City Council Committee, Cr Abrie had been a cherished colleague and he had contributed greatly towards the work of the Committee.
- The discussions regarding street naming and renaming opportunities were underway.
- The Joint Action Group was reviewing the Papakainga toolkit.
- The website project was progressing well, and it was a significant achievement.
- Te Rangapu were in discussions regarding the Caring for Community Project and a hui was held on the 24 September 2020.
- A sub-committee had been established with the mandate to undertake strategy work around the establishment of a Māori Ward
- It was with regret that Committee member Mr Hayden Henry's resignation from the Tangata Whenua/Tauranga City Council Committee had been received. Mr Henry's mahi, service and contribution to the Committee was acknowledged, recognised and appreciated; Mr. Nathan James would replace Mr Henry.

### In response to questions

- Tangata Whenua membership and numbers on the Tangata Whenua/Tauranga City Council Committee if it was to become a committee of the whole had not been discussed as the conversation was in its very early stages.

### Discussion points raised

- The website project was a ground-breaking milestone for iwi and hapū; it was in the spirit of kotahitanga.
- Te Rangapu was interested in bringing back a report regarding the Naming Policy.

## COMMITTEE RESOLUTION MA4/20/5

Moved: Ms Matire Duncan

Seconded: Mr Buddy Mikaere

That the Tangata Whenua / Tauranga City Council Committee:

- (a) Receives the Te Rangapu Mana Whenua Report.
- (b) That the Council receive a report setting out options for moving to a committee of the whole including pros and cons as well as membership models.

**CARRIED**

### Staff Action

- Staff to write a discussion paper to be presented to Te Rangapu regarding recommendations contained in the Te Rangapu Mana Whenua Report.

## 10 DISCUSSION OF LATE ITEMS

### 10.1 Next Meeting Update

The Chairperson advised the Tangata Whenua/Tauranga City Council Committee that the Informal Meeting of the Committee to be held on 17 December 2020 at a marae had been cancelled.

### 11 Mr. Hayden Henry farewell comments

Mr Henry thanked the tangata whenua who had appointed him to the Committee. He had served two and half terms and believed it was important for the mantle to pass to younger members.

### KARAKIA

- Mr Josh Te Kani (Kaiarahi Māori) closed the meeting with a Karakia.

The meeting closed at 11.00am

The minutes of this meeting were confirmed at the Tangata Whenua / Tauranga City Council Committee meeting held on 29 March 2020.

.....  
CHAIRPERSON

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**9      DECLARATION OF CONFLICTS OF INTEREST**

## 10 BUSINESS

### 10.1 Māori Wards

**File Number:** A12235542

**Author:** Coral Hair, Manager: Democracy Services  
Carlo Ellis, Manager: Strategic Maori Engagement

**Authoriser:** Susan Jamieson, General Manager: People & Engagement

#### PURPOSE OF THE REPORT

1. The purpose of this report is to inform the Committee of the recent changes to the Local Electoral Act 2001 for establishing Māori wards, sets out options available to the Council under the legislation and asks the Committee to recommend an option to the Council for their consideration.

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#### RECOMMENDATIONS

That the Tangata Whenua / Tauranga City Council Committee:

- (a) Receives the report on Māori Wards; and
- (b) Recommends to the Council an option available under the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021.

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#### EXECUTIVE SUMMARY

2. The new Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (Amendment Act) amends the Local Electoral Act 2001 (LEA). The Amendment Act seeks to improve Māori representation in local government. It has revoked binding poll provisions in the LEA for Māori wards and stopped the process for any valid demands for polls received by councils. However non-binding referenda can be held. It also enables councils who had resolved to establish Māori wards to either let the resolution stand or revoke it by 21 May 2021.
3. Council resolved to establish a Māori ward for the 2022 election on 25 August 2020. A valid demand (petition) for a poll was received on 29 January 2021. The Amendment Act requires that this demand be disregarded and requires the Electoral Officer to give public notice that the poll will not be held, and this has been given. The three options available to Council as a result of the Amendment Act are presented for the Committee to consider and make a recommendation to the Council.

#### BACKGROUND

4. On 25 August 2020, Council resolved to establish a Māori ward for the 2022 election, following a recommendation from the Tangata Whenua/Tauranga City Council Committee. The number of members to be elected to the Māori ward in Tauranga will be one (1).<sup>1</sup>

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<sup>1</sup> Schedule 1A of the LEA sets the formula for the number of members to be elected to Māori wards:

$$nmm = mepd \div (mepd + gepd) \times nm$$
 where:

nmm is the number of Māori ward members (1)

mepd is the Māori electoral population of the district (15,300)

gepd is the general electoral population of the district (136,000)

nm is the proposed number of members of the territorial authority (other than the mayor) (10)

5. The public were advised of their right to demand a poll to countermand the Council decision to establish a Māori ward. A valid demand for a poll (a petition) was received on 29 January 2021 i.e. signed by at least five percent of electors enrolled as eligible to vote (4,742 electors). Public notice was given on 12 February 2021 that a binding poll would be held, and it included a note that a new Bill was being introduced to Parliament to remove the poll provisions for the establishment of Māori wards and that if passed, the poll would be cancelled. New Schedule 1 of the LEA states that any demand for a poll by electors received before the commencement of the Amendment Act (2 March 2021) must be disregarded. A public notice was given on 9 March 2021 that the poll has been cancelled and will not be held. The organisers of the petition have also been advised by the Electoral Officer.
6. The Minister of Local Government announced on 1 February 2021 that the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill would be passed before the end of February 2021. The Bill was introduced in Parliament on 5 February 2021 and was considered under urgency. It was passed by Parliament on 23 February 2021, received the Royal Assent on 1 March 2021 and came into force on 2 March 2021.
7. Both [Local Government New Zealand](#) and [Taituarā](#) (formerly Society of Local Government Managers) made submissions in favour of the Bill to the Māori Affairs Select Committee. The Government received 12,500 submissions to the Bill. Approximately 3,000 of these were unique and 9,500 were template or form style submissions. The submissions fell into the following four broad categories: those against Māori wards, those for polls, those against polls, and those against the Bill process. There are plans to further review legislation relating to representation reviews and appeals in a stage 2 process, however, the work has yet to be scoped.<sup>2</sup>

## STRATEGIC / STATUTORY CONTEXT

8. The process for establishing Māori representation for territorial authorities is set out in the LEA. Section 4 (1) (a) specifies that one of the principles the Act is designed to implement is fair and effective representation for individuals and communities.
9. Sections 81(1)(a) and (b) of the Local Government Act 2002 (LGA) require that a local authority must (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority.
10. The Amendment Act seeks to improve Māori representation in local government by repealing provisions in the LEA that allow for the use of binding polls in the decision to establish Māori wards or constituencies (sections 19ZA to 19ZG).
11. The Amendment Act makes immediate changes and establishes transitional measures to make the establishment of Māori wards or constituencies easier ahead of the 2022 local elections.
12. Key features of the Amendment Act include:
  - Extend the deadline for councils to consider Māori wards to 21 May 2021 (previously resolutions had to be made by 23 November 2020) to enable decisions to be made in time for the 2022 elections. This enables councils to resolve to either establish Māori wards or revoke resolutions made before the commencement of the Amendment Act.

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<sup>2</sup> Taituarā Electoral Working Party newsletter 25 February 2021

- Remove the ability of electors to bring a petition requiring a poll to be held on whether or not to establish Māori wards.
  - No binding polls can be held, regardless of any actions taken before the Amendment Act came into force, whether this was through a Council resolution or from receiving a petition calling for a poll to be held. Council resolutions to hold a poll cease and any valid demand for a poll must be disregarded and public notice that the poll is cancelled is given as soon as practicable.
  - Councils can choose to undertake a referendum on the establishment of Māori wards, but the results are not binding. If a local authority chooses to hold a non-binding referendum before making the decision, the results would need to be counted and considered in time for the authority to make the decision by 21 May 2021.
13. A transitional period is provided for in the Amendment Act to give local authorities the opportunity to make or revoke resolutions to establish Māori wards in time for the 2022 local elections. This transitional period begins on 2 March 2021 and ends on Friday, 21 May 2021.

## OPTIONS ANALYSIS

14. As a result of the Amendment Act, the Council has the following options available to it:

### **Option 1 – Māori ward established for 2022 elections**

15. The Council resolved on 25 August 2020 to establish a Māori ward for the 2022 elections.
16. This decision stands unless it is revoked. Refer to Option 2.
17. This option would recognise Tangata Whenua's request to establish a Māori ward. It also recognises that non-Māori cannot fully represent the Māori position regarding issues on the table and that specific representation also provides a mandate for the councillor to represent Māori interests.
18. This option recognises the Council's obligations under the LGA to increase participation of Māori in decision-making and to recognise the diversity of its communities.
19. It is also consistent with the LEA requirements to consider the principle of fair and effective representation for individuals and communities.

### **Option 2 – Revoke earlier decision**

20. The Council has the option to revoke the earlier decision of Council. (Clause 3 of Schedule 1 of the LEA)<sup>3</sup> and has until 21 May 2021 to make this decision.
21. This option would remove the opportunity for a Māori ward to be established for the 2022 elections.
22. This option is not acceptable to the Te Rangapū Mana Whenua o Tauranga Moana who recommended the establishment of a separate Māori ward at this time.
23. This option would recognise the opposition to the establishment of a Māori ward by five percent (5%) of electors who have signed a demand for a poll.
24. This option would not recognise the Council's obligations under the LGA to improve participation of Māori in decision-making and to recognise the diversity of its communities.
25. It is also considered to be inconsistent with the LEA requirements to consider the principle of fair and effective representation for individuals and communities.

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<sup>3</sup> Schedule 1 (Transitional, savings and related provisions) was inserted into the LEA by the Amendment Act.



26. The Council can choose to undertake public engagement with the community prior to deciding between Options 1 and 2. Refer to section on Consultation/Engagement below.

### **Option 3 – Hold a non-binding referendum on the establishment of a Māori ward**

27. The Council has the option of holding a non-binding referendum on the establishment of a Māori ward (section 9 (7) of Schedule 1 of the LEA<sup>4</sup>).
28. The result of a non-binding referendum would be used to inform the Council decision on whether to let the previous Council decision to establish a Māori ward stand (Option 1) or revoke this decision (Option 2). As highlighted by Taituarā in their submission to the select committee:

*“The Council cannot commit to being legally bound by the result of the poll but having held it, must consider the result with an open mind (as it would any other feedback received in the engagement).”*

29. The Council has until 21 May 2021 to decide between Options 1 and 2 and has time to hold a referendum.

### **FINANCIAL CONSIDERATIONS**

30. The cost of a Council-initiated non-binding referendum on the establishment of a Māori ward would be \$220,000 and this expense has not been budgeted for.

### **LEGAL IMPLICATIONS / RISKS**

31. A decision to revoke (Option 2) has potential to impact on the relationship with Tangata Whenua as their expectation is that a decision to establish a Māori ward has already been made by the Council.

### **CONSULTATION / ENGAGEMENT**

32. The Council is not required to undertake community engagement or consultation on the decision to establish a Māori ward. However, the Council can choose to undertake public engagement with the community prior to deciding between Options 1 and 2, including undertaking a non-binding referendum (Option 3). Public feedback would be used to inform the Council decision.
33. The Council has previously considered the recommendations of the Tangata Whenua/Tauranga City Council Committee, whose members represent the views of Te Rangapū Mana Whenua o Tauranga Moana, and the Council will hear from the Committee members at this meeting.
34. Five percent of electors have signed a demand for a poll to countermand the Council's decision to establish Māori wards and the Council can consider this opposition to establishing a Māori ward when deciding on the various options.
35. The consideration of Māori wards in New Zealand has historically resulted in opposed views and it is unlikely there will be a unified public view on this matter in Tauranga.
36. The representation review process later in the year does not provide an opportunity to revisit (reverse) the decision to establish a Māori ward. However, submissions, appeals and objections may be made on detailed arrangements such as:
- (a) The total number of members of Council;
  - (b) The names of Māori wards and constituencies;
  - (c) If there are to be two or more members elected from Māori wards and constituencies, whether there should be one ward or multiple wards (not relevant to TCC);

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<sup>4</sup> As amended by section 5 of the Amendment Act.

- (d) If there are to be multiple Māori wards and constituencies, the number and boundaries of those wards and constituencies (not relevant to TCC).

## SIGNIFICANCE

- 37. The Local Government Act 2002 requires an assessment of the significance of matters, issues, proposals and decisions in this report against Council's Significance and Engagement Policy. Council acknowledges that in some instances a matter, issue, proposal or decision may have a high degree of importance to individuals, groups, or agencies affected by the report.
- 38. In making this assessment, consideration has been given to the likely impact, and likely consequences for:
  - (a) the current and future social, economic, environmental, or cultural well-being of the district or region
  - (b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter
  - (c) the capacity of the local authority to perform its role, and the financial and other costs of doing so.
- 39. In accordance with the considerations above, criteria and thresholds in the policy, it is considered that the decision is of high significance.

Click here to view the [TCC Significance and Engagement Policy](#)

## NEXT STEPS

- 40. The next steps for council will depend on the option the Council (the Commission) chooses after consideration of the Committee's recommendation.
- 41. Option 1 – consider the name of the Māori ward through the representation process.
- 42. Option 2 – public notification and advise Te Rangapū Mana Whenua o Tauranga Moana members.
- 43. Option 3 – undertake a non-binding referendum before 21 May 2021.

## ATTACHMENTS

Nil

## 10.2 Meeting dates for 2021

**File Number:** A12342935

**Author:** Coral Hair, **Manager:** Democracy Services

**Authoriser:** Susan Jamieson, **General Manager:** People & Engagement

### PURPOSE OF THE REPORT

1. The report sets out the current meeting dates for the Committee and requests feedback on potential changes to these dates.

### RECOMMENDATIONS

That the Tangata Whenua / Tauranga City Council Committee:

- (a) Provides feedback on the meeting dates proposed for the Committee for 2021.

### BACKGROUND

2. The Tangata Whenua/Tauranga City Council Committee (TW/TCC) has met six times a year, three times formally and three times informally on marae.
3. The words formal and informal are used as shorthand to differentiate meetings held in the Council Chambers from those held on marae. All meetings have an agenda, are recorded and have minutes. Meetings held on marae are considered informal forums that include a presentation from the hapu.
4. The meetings have in the past being held on a Thursday as this has been found to be the most convenient day for Tangata Whenua members.
5. The Commissioners have established the TW/TCC and are looking at setting up a further standing committee and establishing a meetings schedule for the remainder of 2021.
6. The Commissioners have decided to meet on a three weekly basis beginning on 29 March 2021. Council meetings will be held on a Monday. It is proposed that standing committees will also be held on the same day as Council meetings, with the two standing committees meeting every six weeks and alternating.
7. The Commissioners are keen to hear feedback from the Tangata Whenua representatives on the proposal to shift meeting dates of TW/TCC to a Monday and to line them up with the new proposed meeting cycle.
8. The table below shows the TW/TCC meeting dates for 2021 that had been scheduled and dates that are proposed to align with the new meetings cycle.

Date scheduled held on a Thursday	Formal/Informal	New proposed dates held on a Monday
29 March 2021	Formal	No change
15 April 2021	Informal	10 May 2021
17 June 2021	Formal	28 June 2021
19 August 2021	Informal	2 August 2021
21 October 2021	Formal	13 September 2021
2 December 2021	Informal	26 October 2021

### **STRATEGIC / STATUTORY CONTEXT**

9. The Council can adopt a schedule of meetings that covers any future period the Council considers appropriate under Clause 19 (6) of Schedule 7 of Local Government Act 2002).

### **NEXT STEPS**

10. The Council will consider feedback from the TW/TCC before finalising meeting dates for this committee in 2021.

### **ATTACHMENTS**

**Nil**

### 10.3 External Report | Te Rangapū Mana Whenua (RMW) o Tauranga Moana Report

**Presented by: Ms. Matire Duncan, Chairperson RMW**

#### ATTACHMENTS

1. Te Rangapu\_ Mana Whenua o Tauranga Moana Report - A12365698 [↓](#) 

**Te Rangapū Mana Whenua o Tauranga Moana (“RMW”) Report to TW / TCC  
Committee meeting scheduled for 29 March 2021.**

TO: Tangata Whenua/Tauranga City Council Committee  
FROM: Matire Duncan – Chair Te Rangapū Mana Whenua o Tauranga Moana  
DATE: Monday 29 March 2021  
SUBJECT: RMW Report and Update

**1. Tangata Whenua Representation on Council Committees**

RMW wish to advance our leadership together for Maori Representation and our long-standing relationship with Tauranga City Council.

Tangata whenua representation strengthens the Maori voice and demonstrates true partnership by providing shared decision-making opportunities. This is an exciting opportunity to show New Zealanders how we can work together but most importantly how we grow our city and our people. Tauranga Moana Tauranga Tangata.

Currently Tangata Whenua are represented a number of ways which RMW wish to maintain.

- Tangata Whenua / TCC Committee
- Representation on Council Committees
- Representation on Smartgrowth

**Future opportunities**

The amendment bill gives opportunities for change whereby voters now cannot demand a poll if a council resolves to establish a Maori ward.

The RMW appeal to the Commissioners to show their support for a Māori ward and increase and/or retain Māori representation for Tauranga City Council.

RMW understands that the Council Committee structure has change with the incoming Commissioners. RMW need to be a part of any discussions had about future representation on Council Committees. Tangata whenua want to be afforded the opportunity when the Commission decide on the structure of wards in this city. We would like to retain the positions of our Tangata Whenua representatives: Wayne Beilby, Marcia Murray, Te Pio Kawe and Emily Gudsell and the endorsement by the RMW for the Chair of the RMW to be included.

**2. TCC / Tangata Whenua Workshop update**

The RMW appreciate the workshops and engagement by the Tauranga City Council staff who helped the RMW navigate through a number of crucial issues and policies in particularly: -

- a. Consultation with mana whenua on resource consent applications
- b. City plan review

- c. Tangata whenua remuneration policy
- d. Road naming policy
- e. Plan changes 26, 27 and 30
- f. Acquisition and Disposal Policy (incl RFR)
- g. Local Government 101 workshop

The RMW are grateful to have received this engagement and information will now be published to our website to inform our respective hapū/lwi.

### **3. Key priorities for the next coming months**

- **Strategic Planning Workshop**

The RMW members had the opportunity to review and update Te Aupikitanga o te Whakaaro Rangatira (3year Strategic Plan) at a workshop held Friday 19 at Hairini Marae supported by the Takawaenga Maori Unit. A new revision and update is currently being developed for 2021 – 2024.

#### **Three Waters Reform (Tangata whenua engagement) update**

An invitation from DIA was received by the RMW members seeking participation by way of bringing lwi/hapū/Maori and other partner's considerations together in a way to ensure the reforms achieve lasting benefits for our communities, our economy and the environment. Two hui are being held, the 1<sup>st</sup> hui will be at Te Whetu o te Rangi Marae on Thurs 25 March, and the 2<sup>nd</sup> in Rotorua on Fri 26 March.

- **Repeal of the RMA workshops**

lwi & hapū and RMW are keen to participate in discussions or workshop regards the Repeal of the RMA and the replacement of 3 legislations.

- **TCC LTP workshops**

The RMW would like to progress workshops to prepare submissions to the TCC LTP and a RMW sub-committee will be established to prepare draft submissions however, to ensure the wider whanau, hapu and lwi are engaged in this process there are capacity issues for this to happen.

**11 DISCUSSION OF LATE ITEMS**

**12 CLOSING KARAKIA**