



Te Kārearea Agenda

Date: Wednesday, 16 September, 2020
Time: 9:00 am
Location: Te Aroha Marae, Parakao
Attendees: Cr Phil Halse (Chairperson Council Chambers)
Taipari Munro (Chairperson Marae based hui)
Her Worship the Mayor Sheryl Mai
Cr Gavin Benney
Cr Ken Couper
Cr Greg Innes
Cr Anna Murphy
Cr Carol Peters
Cr Simon Reid
Delaraine Armstrong
Janelle Beazley
Deborah Harding
Merepeka Henley
Sharon Kaipo
Mike Kake
Violet Gough-Sade

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

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Te Kārearea Strategic Partnership Forum – Terms of Reference

Membership

Chairperson	Council based meetings: Councillor Phil Halse Marae based hui: Taipari Munro
Members	Her Worship the Mayor Sheryl Mai Councillors Gavin Benney, Ken Couper, Greg Innes, Anna Murphy, Carol Peters, Simon Reid Seven mandated hapū representatives Delaraine Armstrong, Janelle Beazley, Violet Gough-Sade, Deborah Harding, Merepeka Henley, Sharon Kaipo, Mike Kake
Meetings	Monthly to September 2020, alternating between Council Chambers and Marae based hui
Quorum	8 comprised of 4 councillor and 4 hapū members

Preamble

Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangarei) and Whangarei District Council. The desire to 'develop more robust partnership arrangements over time' was signaled in the agreement. This partnership Committee Represents an important step in that process. While the Purpose, Key Responsibilities and Delegations form the basis for the Terms of Reference to determine what the Committee will do, it is important that the respective principles of each of the Partners continue to underpin the relationship. The Statement of Principle for each of the Partners, as established in the foundation relationship agreement, is below.

Te Huinga Statement of Principles

He Whakaputanga o Te Rangatiratanga o Nu Tireni (Declaration of Independence – 1835) and Te Tiriti o Waitangi, 1840 provides the foundational doctrines of authority and partnership that are being sought after by the hapū of Whangārei as the relationship develops with the Whangārei District Council.

Te Huinga will work towards achieving the strategic intent.

Strategic Intent

- Vision/Te Pae Tawhiti: 'Ma nga hapū ano nga hapū e korero' - 'Hapū self reliance and prosperity'
- Mission/Te Kaupapa: 'Achieving hapū aspirations through effective and enduring relationships'
- Whangārei - Māori Community Outcomes:
 - a A rohe with a vibrant Māori culture
 - b A Māori community, which is healthy and highly educated
 - c A society that protects and cares for all its members

- d A rohe with a flourishing Māori economy
- e A society that appreciates and cares for its natural environment
- Nga tikanga – Values
 - a Whanau – the extended family is the social unit that Māori identify with.
 - b Mana Hapū - Hapū are the cornerstone of the Māori community and identity.
 - c Mana Motuhake – self-determination, self-reliance and self-sustainability.
 - d Whakarite – Invest time and energy in building decision-making capacity and capability.
 - e Te Manawatoopu – Of one heart and mind. We are stronger working together.
 - f Kia maia – Providing leadership through courage.

Whangārei District Council Statement of Principles

In order to improve and enhance relationships with Māori, Council acknowledge a strategic platform is required upon which to continue to build strong relationships. Council is committed to collaboration with Māori organisations within the District.

Council has a contribution to make towards Māori wellbeing, be it environmental, social, cultural/spiritual or economic. Additionally, further collaboration and relationship building processes with Crown agencies and other local territorial authorities will continue as all such organisations make up part of the many services that impact on Māori wellbeing.

Whangārei District Council wishes to engage with Māori hapū and to recognize the Treaty of Waitangi. The Local Government Act 2002 outlines the obligations of local authorities around the Treaty of Waitangi.

Purpose

To enable the primary partners (Council and hapū of Whangārei) to work closely together to achieve the agreed vision 'He Whenua Rangatira - Whangārei, a district of prosperity, wellbeing and empowered communities' and mission 'Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa - Local Government that works through effective partnership and shared decisions to provide practical solutions'. Central to this is continued development of robust partnerships through learning conversations.

The Committee provides a platform for high level/strategic discussions and priority setting between the primary partners, with preference given to *kanohi ki te kanohi* (face-to-face) and preserving tikanga. Areas of focus include, but are not limited to;

- Identifying the cultural, economic, environmental, and social issues/decisions of Council that are significant for Māori¹ in the Whangārei District. (participation)
- Ensuring Council complies with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls (assurance)
- To agree mutual strategic priorities (direction)

¹ Māori in this context is defined as people that affiliate to a whanau, hapū, Iwi, mana whenua groups

Key responsibilities

- Participation
 - Develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and Council.
 - Ensure the views of Māori are taken into account.
 - Recommend ways to develop Māori capacity to contribute to decision making processes
 - Recommend ways to develop Council capacity for He Whakaputanga and Te Tiriti o Waitangi
 - Provide for equitable participation
- Direction
 - Provide advice on topics referred by Council and Māori
 - Provide advice and recommendations on key strategic policies, plans and projects of Council, including but not limited to growth strategies, the Long Term Plan and the District Plan
 - Identify matters of significance to Māori that may require joint positions/advocacy with external agencies (i.e. co-governance) or recommendations to Council
 - Identifying joint/agreed strategic priorities of the partners, along with the mechanisms for implementation
 - Monitor progress of each partner on strategic priorities
 - Recommend to Council the name for a new Standing Committee
- Assurance
 - Monitor and advise on council's compliance with its legislative obligations to Māori, including under the Local Government Act 2002 and the Resource Management Act 1991.
 - Receive and consider audit reports on Council's compliance with its legislative obligations
 - Monitor and ensure that appropriate action is being taken
 - Monitor and assess the primary partner relationship against its vision and mission
 - Monitoring compliance with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls



Te Kārearea Strategic Partnership Forum Meeting Minutes

Date: Wednesday, 19 August, 2020
Time: 9:00 a.m.
Location: Council Chamber
 Forum North, Rust Avenue
 Whangarei

In Attendance

Cr Phil Halse (Co-Chairperson - Council Chambers)
 Her Worship the Mayor Sheryl Mai
 Cr Gavin Benney
 Cr Ken Couper
 Cr Greg Innes
 Cr Anna Murphy
 Cr Carol Peters
 Cr Simon Reid
 Delaraine Armstrong
 Janelle Beazley
 Deborah Harding
 Mike Kake

Not in Attendance

Taipari Munro (Co-Chairperson - Marae based hui)
 Merepeka Henley
 Sharon Kaipo
 Violet Gough-Sade

Scribe

N. Pestana (Team Leader Democracy)

Also present: Cr Vince Cocurullo, Cr Nicholas Connop, Rob Forlong (Chief Executive), Dominic Kula (General Manager Strategy and Democracy), Aperahama Edwards (Manager Maori Relationships).

1. **Open Meeting** - Cr Phil Halse and Mike Kake.
2. **Karakia/Mihi** - Mike Kake.
3. **Apologies**

Taipari Munro (absent) and Deborah Harding (late arrival).

Moved By Cr Benney

Seconded By Cr Peters

That the apologies be sustained.

Carried

4. Introductions (Whakawhanaungatanga)

5. Previous Minutes

5.1 Minutes Te Kārearea Strategic Partnership Forum meeting held 22 July 2020

Moved By Cr Carol Peters

Seconded By Janelle Beazley

That the minutes of Te Kārearea Strategic Partnership Forum held on Wednesday 22 July 2020, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of the proceedings of that meeting.

Secretarial note: Typographical errors in the minutes to be corrected.

Under Item 2 Covid-19 – corrected to ‘metalling a road’.

Under Item 2 – corrected to Cr Carol Peters has been involved in Poroti Dam.

Carried

6. Reports:

6.1 Update on Maori Participation in Decision Making

Moved By Cr Ken Couper

Seconded By Mike Kake

That Te Kārearea Strategic Partnership Forum notes the report.

Carried

Discussion

Cr Phil Halse, Cr Ken Couper and Delaraine Armstrong advised Te Kārearea that the Working Group has been working well and there has been some very good and robust discussion. Cr Halse stated that it is important to set the direction and that direction must be clear. Delaraine Armstrong stated that we need to get our heads around where the Terms of Reference will land. We need clarity on scope of the Standing Committee and opportunities for decision making within that scope.

Cr Halse – the Working Group has identified key areas where the Terms of Reference could provide for advisory input / recommendations on Council and hapū processes, and those where decision making powers could be delegated.

Discussion on these key areas followed:

Advice / recommendations	
Information sharing / discussions on Treaty Settlement processes and potential co-governance opportunities (where appropriate).	<p>Information sharing</p> <ul style="list-style-type: none"> • Delaraine Armstrong – timing of information is key for hapū. Hapū are largely reactive to Council's agenda. Te Huinga needs to go broad and wide to get hapū fully informed in order for Te Huinga to have an informed position. Then Te Huinga must bring this position to the Standing Committee to consider before it becomes a decision of Council. This process can be improved by having earlier notice of information to hapū but if this process works properly, we should have confidence that by the time it gets to Te Kārearea it has been fully considered. • Cr Reid – early engagement and getting all the feedback we can get and in a timely fashion is key. • Cr Couper – there needs to be a process for defining how we get information to the people. The Standing Committee must have the discipline to stay within the boundaries that we set up. Matters that the Standing Committee has control over must go out for consultation and then come back to the Standing Committee to make a recommendation which would go to staff who prepare recommendation to Council. Staff would take the recommendation into account in the report and Council can sit down and know that they are making a decision with influence from Te Kārearea • Cr Halse – the Standing Committee must agree on a recommendation to go to Council as part of the information that Council assesses when it makes a decision, this is the input that Māori would have in decision making. • Cr Murphy – we do this already and we do it really well, there are times that having a clear recommendation from Te Huinga / Te Kārearea will be useful.

	<ul style="list-style-type: none"> • Delaraine Armstrong – the other aspect of information sharing relates to the type of information. The information that hapū require may be different from information that Council requires, getting this information requires resources. • Cr Peters – there is a lot of information that comes to Council, it is difficult to determine what is important to hapū. <p>Treaty Settlement processes</p> <ul style="list-style-type: none"> • Delaraine Armstrong -- it is challenging for hapū that agreements are between Central Government and iwi. • Cr Halse - local government cannot get involved in treaty settlements but our hapū members do, the Standing Committee can offer advice or recommendations. • Cr Innes –it is crucially important to sit down as early as possible for decision making e.g. pre-settlement.
Advice to, and relationships with, other committees of Council.	<ul style="list-style-type: none"> • This was agreed to as a key area for inclusion in the Terms of Reference. • Deborah Harding – important that the Standing Committee does not get involved in another standing committee's kaupapa, Te Huinga have a different view to add to Council's view, it is about having two sets of knowledge to learn about and understand as we go.
Recommendations on harbour and waterway matters (within the jurisdiction of WDC).	<ul style="list-style-type: none"> • Cr Halse -this is a priority for members around the table, a lot of this falls under NRC but the Standing Committee can advise and make recommendations to NRC. • Delaraine Armstrong – there is a view that this is an area that sits mainly with NRC. Hapū feel that this is an area where another joint committee should be formed and have been having those conversations, although the conversations have been largely technical and a little fragmented, resourcing is an issue. • Cr Innes – waterways is more a question of integrated catchment management but also relates to regulation, the two

	combined do influence the wider catchment management as it relates to water quality. The ways to influence this is through the LTP and the District Plan and this should be done as early as possible. Hapū management plans are a really valid way to influence the District Plan.
Advice and recommendations on key strategic policies, plans and projects of Council, including but not limited to growth strategies, the Long Term Plan and the District Plan.	<ul style="list-style-type: none"> • Her Worship the Mayor – District Plan processes are lengthy processes. The mechanism to disseminate into communities and how feedback from the communities is captured to come back to Council is what is missing. • Delaraine Armstrong – Te Huinga do not have the capacity to engage in a lengthy and complex process. • Cr Innes – District plan – the Standing Committee needs to get involved in the pre-draft stage and try to influence before the draft district plan. • Cr Halse – a lot of Council processes need to be delivered in timelines. • Delaraine Armstrong - for Māori to respect Councils timeline, the information needs to come early to Te Huinga to allow time for consideration. • Cr Murphy – Three Waters is one of the most important areas of Council and for water is a crucial issue for Māori. Minister Mahuta has stated that a key goal is to bring Māori to the table. This Standing Committee could have an influence on this conversation.
Recommend ways to develop Council capacity (the potential for Māori Relationships to sit under, and report to, the Committee was discussed)	
Recommend ways to develop Māori capacity to contribute to decision making processes	<ul style="list-style-type: none"> • Cr Halse – over the last three years, there has been a drive from Central Government to have more Māori participation. • Dominic Kula – Te Huinga has been having discussions about budget and how this can be used to build capacity. • Her Worship the Mayor – this is the missing piece of the puzzle, to close the

	loop, we need to get to the point of quantifying what is the change and what is the benefit of investment.
Recommendations on Māori Representation (i.e. under the Local Electoral Act)	See Item 6.2.

Decisions under delegated authority	
Audit processes for statutory provisions relating to Te Tiriti o Waitangi. There would be an ongoing monitoring function of key processes and controls	<ul style="list-style-type: none"> • Delaraine Armstrong – it is critical to have more information on what this audit would entail.
Te Ao Māori framework for decision making	<ul style="list-style-type: none"> • Dominic Kula – this area was identified by Te Huinga, it allows for the Standing Committee to make a decision around the framework and then the framework goes to Council. • Delaraine Armstrong – there are two areas where hapū need decision making powers. The one is pre-settlement and settlement and the second area is waterways. We are still teasing through this, the need for decision making powers will be revealed as we go through the process. • Delaraine Armstrong –hapū would expect a very broad and open conversation about decision making. • Her Worship the Mayor – Mana Whakahono ā Rohe should be included in scope of the Standing Committee. • Cr Murphy – review of RMA – should be on the Te Kārearea agenda. • Cr Murphy - any legislative change is something that the Standing Committee should have an influence on. • Cr Couper – we should include spatial planning. Cr Innes replied that spatial planning is a key component of the RMA review. • Cr Murphy – there should be a strategy log so that we can check through these and tick off where we are with these decisions.

<p>Nominating hapū representatives to a Joint Climate Change Standing Committee, if adopted by Council.</p>	<ul style="list-style-type: none"> • Her Worship the Mayor – what is timeframe for a joint committee? Dominic Kula advised that KDC are putting up a decision in September so there is have a bit of time, ideally this would come to the Standing Committee. • Te Huinga have made their nomination and sent it through to Bernadette.
<p>Prioritising WDC's waterway/harbour focus (within the jurisdiction of WDC)</p>	<ul style="list-style-type: none"> • Dominic Kula – this comes down to where our role sits as Council, regulating and monitoring are going to be functions of NRC. • Delaraine Armstrong – it is pertinent to remember that WDC owns significant assets that are captured within the concept of water ways and harbours, this comes under the scope of WDC asset management, there is a part of the process where WDC needs to be monitoring its own assets and the effect on its assets. Everybody is good at regulation but not good at monitoring and using information obtained from monitoring to move forward, hapū want to put their hands up to do the monitoring. • Discussion that this point needs to be assessed to relate to advice on WDC Waters assets.
<p>Areas of focus for strategic relationships with NRC</p>	<ul style="list-style-type: none"> • Cr Halse – we will need buy in from NRC to set up these strategic relationships. • Her Worship the Mayor – have we had conversations with NRC? Dominic Kula has had discussion with his counterpart at NRC and the feedback was that they wanted a clear mandate. • Discussion on making this point around several Council strategic relationships.

6.2 Council decisions leading into 2022 Local Government Elections

Moved By Cr Carol Peters

Seconded By Cr Anna Murphy

That Te Kārearea Strategic Partnership recommend to Council to introduce Maori Representation for the 2022 and 2025 Local Government Elections.

Carried

Cr Simon Reid abstained from voting on Item 6.2.

Dominic Kula discussed the matters requiring consideration by Council in 2020/2021 for the 2022 triennial elections. The first matter Council must consider is the choice of the electoral system (between FPP and STV). Council will decide on this in August 2020 to be in place for the 2022 triennial local body election. The second decision that Council may consider is whether or not to introduce Māori representation. This decision would need to be made in November 2020. If Council chooses to introduce Māori wards, a representation review must be undertaken in 2021.

Discussion

- Cr Halse does not support STV and does not believe it is a true model for representation. Council should enter the process for introducing Māori wards and involve the community along the way. If there is support, it will go through. If Māori wards are introduced, the boundaries of wards will have to be adjusted. If Council decides to introduce Māori wards, we must still have a Te Kārearea Standing Committee.
- Delaraine Armstrong – hapū are looking at every opportunity to increase decision making power in Council, there is a strong desire from hapū to have Māori wards and hapū have tried to do this several times. Māori wards are not exclusive, hapū would like to see Māori wards and a Standing Committee. Supports STV but there needs to be a conversation about rural and urban splits.
- Janelle Beazley – supports Māori wards but how are the boundaries going to be defined? Urban and rural is not a good way of defining these wards.
- Mike Kake – Supports STV, it is about equitable representation, feels that there is a wind of change out there in local government with regards to Māori representation, we must take every opportunity to get Māori around this table.
- Deborah Harding – must take every opportunity to get more Māori working, engaging, participating in decision making. Has a preference for STV, would get a better reach and would prefer voting to be at large.
- Her Worship the Mayor – should Council choose to introduce Māori wards, this would trigger a representation review where the number of people on Council can also be considered, the community will have a say and the would the go to the Local Government Commission for consideration.

Personally, she feels that if we introduce Māori wards, voting should be at large as this will allow for real preferential voting.

- Cr Innes – supportive of a Standing Committee as this is reflective of hapū participation and there is robust process in terms of appointment to the Standing Committee, has an open mind on representation, this will involve a complete review of representation in wards.
- Cr Reid – not bothered by voting system, we need to get the Standing Committee cemented in first and then look at Māori wards. Cr Couper agreed with Cr Reid.
- Cr Murphy – Council needs to make a decision on the voting system in August. Favours STV as it increases diversity and gets more people voting.

6.3 2021 - 2031 Long Term Plan Process

Moved By Cr Carol Peters

Seconded By Cr Ken Couper

That Te Kārearea Strategic Partnership Forum note the report.

Carried

Cr Halse advised that the Working Group will go through feedback from today's meeting and flesh it out for the September meeting. The September meeting will be a big meeting with formal decisions.

9. Closure of Meeting – Karakia - Aparahama Edwards.

7.1 Process for Te Kārearea Standing Committee Proposal

Meeting: Te Kārearea Strategic Partnership Forum
Date of meeting: 16 September 2020
Reporting officer: Dominic Kula (General Manager Strategy and Democracy)

1 Purpose

For the partners to update one another and korero on the on the process for, and potential focus of, a Standing Committee prior to reporting back to the September 2020 Council meeting.

2 Recommendation

That Te Kārearea Strategic Partnership Forum notes the report.

3 Background

Councils are required under legislation (a summary of relevant legislation has been included as Attachment 1) to facilitate participation by Māori in local authority decision-making. This has taken a number of different forms across the Country.

In Whangārei Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangarei) and Whangarei District Council (WDC). The desire to 'develop more robust partnership arrangements over time' was signaled in the agreement, which was superseded by a Strategic Relationship Agreement in 2014. A copy of the relationship agreement is included as Attachment 2. This document has formed the basis for discussions between the Partners, and its principles will continue to guide how they work together going forward.

Since that time different representation and relationship structures have been in place alongside Te Kārearea. These have included advisory representation on committees and a strategic alliance between Te Kārearea and the Northland Regional Council's Te Tai Tokerau Māori and Council (TTMAC) Working Party.

Since the beginning of this term (October 2019) there has been extensive korero between hapū and Council around how to build on the relationship. A key theme has been a desire to be more strategic, with the potential for a Standing Committee of Council also being highlighted.

In May 2020, following delays as a result of COVID-19, Council resolved to 'establish Te Kārearea Strategic Partnership Forum from June 2020 - September 2020 in order to bed in a new way of working, and test Terms of Reference'. In doing so it 'noted that Terms of

Reference will be reviewed and reported back to Council along with the procedure for establishment of the Standing Committee in September 2020’.

4 Discussion

Immediately following the 2019 election (08 November 2019) a hui was held between councillors and hapū. The hui identified a desire from both parties for the Partnership to be more strategic. While not a decision-making forum, participants also indicated initial support for Te Kārearea becoming a Standing Committee of Council.

Following the hui each of the Partners worked through the potential for Te Kārearea to become a Standing Committee of Council. Further workshops and public Briefings were then held to work through draft terms of reference, alongside other options for Māori participation in decision making.

At a February 2020 Briefing a Working Group of hapū representatives and councillors (Deborah Harding, Merepeka Henley, Delaraine Armstrong and Councillors Halse, Couper and Reid) was formed to find a path forward and present a recommendation to the March 2020 Council meeting.

The Working Group met twice before informally reporting its recommendations back to Council (via a further workshop on 11 March 2020) and Te Huinga. Its recommendation was then presented to the Council meeting of 26 March 2020 for a decision. However, the meeting of 26 March was cancelled due to the announcement of COVID-19 Alert Level 4

Having met to work through the implications of COVID-19 the Working Group took its recommendations back to Council on 28 May 2020. At that meeting Council established Te Kārearea Strategic Partnership Forum from June 2020 - September 2020, noting that Terms of Reference will be reviewed and reported back to Council, along with the procedure for establishment of the Standing Committee, in September 2020. An understanding of collective strategic priorities will be fundamental to identifying areas of focus (and potential delegations) for the Terms of Reference.

4.1 Progress made

The first hui of Te Kārearea on 23 June 2020 therefore provided an opportunity for the Partners to work through their aspirations and start the discussion of ‘what strategic looks like’. At that meeting there was discussion of key processes and mechanisms where hapū and Council could work together to implement strategic outcomes including through:

- Resource Management Act 1991 processes.
- The Long Term Plan.
- Implementation of Tane Whakapiripiri.

This was followed by a hui at Takahiwai Marae on 22 July 2020 where the partners worked through the relationship between Te Huinga and Te Kārearea Strategic Partnership Forum, and the journey that both partners have been on regarding Māori Participation in Decision Making. This include an overview of Te Huinga’s hapū led process for consultation and mandating through to September 2020, and discussion of the potential focus of any Standing Committee of Council. At the meeting the Council Chair committed to reconvening the Working Group to work through the potential areas of focus (and associated delegations) for Terms of Reference to be reported back to Council alongside the process for establishing a Standing Committee in September.

4.2 Potential Areas of Focus

The Working Group met 6 August 2020. In working through potential areas of focus the members agreed that a key benefit of any committee will be understanding/developing collective strategic priorities. However, in doing so it was acknowledged that priorities may be beyond the direct control of the committee, meaning that in some areas it could be operating in an advisory capacity.

Recognising this the Working Group undertook an initial exercise to identify those areas where Terms of Reference could provide for an advisory input/recommendations on Council and hapū processes, and those where decision making powers could be delegated. Key areas identified under each category were then workshopped with Te Kārearea in August 2020. The Working Group met on 31 August 2020 to work through this feedback, with the revised areas of focus (below) for inclusion in the Terms of Reference (draft included as Attachment 3, key clauses changed or added have been highlighted):

Advice/recommendations

- Identify strategic priorities for the partnership, and develop a workplan/strategy log to track decision making around these (*split into two points within the ToR, one on identifying priorities and one on monitoring*)
- Information sharing / discussions on Treaty Settlement processes and potential co-governance opportunities (where appropriate)
- Advice to, and relationships with, other committees of Council
- Recommendations on harbour and waterway matters (within the jurisdiction of WDC)
- Advice and recommendations on 3 Waters and flood protection infrastructure
- Oversight and advice on central government reform initiatives relating to strategic priorities of the partnership and Te Ao Māori including, but not limited to, three waters reform
- Advice and recommendations on key legislation, strategic policies, plans and projects of Council, including but not limited to growth strategies, the Long Term Plan, and the District Plan and central government legislation/reform initiatives
- Recommend ways to develop Council capacity, (the potential for Maori Relationships to sit under, and report to, the Committee was discussed)
- Recommend ways to develop Māori capacity to contribute to decision making processes
- Governance oversight of initiatives, Te Karearea budget and resourcing allocated by Council to build capacity (both Council and Maori) and deliver on the Terms of Reference
- Recommendations on Maori Representation (i.e. under the Local Electoral Act)

Decisions under delegated authority

- Establishing Audit Processes for statutory provisions relating to Te Tiriti o Waitangi (the Treaty of Waitangi). There would also be an ongoing monitoring function of key processes and controls
- Establishing Council processes and templates Mana whakahono ā rohe Agreements and Iwi/Hapu Environmental Management
- Te Ao Maori framework for decision making
- Nominating hapū representatives to any Council committee, joint committee or working group (as required)
- Developing collaborative relationships on strategic priorities/areas of focus

The draft Terms of Reference will be reported to Council for consideration in September, along with the procedures for establishing a standing Committee.

4.3 Hapu mandating proicess

Alongside the above process hapu have worked through a robust and extensive hapu led consultation and mandating process for a proposed Standing Committee, which will be discussed at this hui.

5 Attachments

- 1 Key Legislation
- 2 2014 Strategic Relationship Agreement
- 3 Draft Terms of Reference

Attachment 1: Key Legislation

Local Government Act 2002

Section 4 (LGA)

“Treaty of Waitangi

In order to recognize and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.”

Part 2 (LGA)

Section 14(1)(d)

“A local authority should provide opportunities for Māori to contribute to its decision-making processes.”

Part 6 (LGA)

Section 81 Contributions to decision-making processes by Māori

- 1 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; and
 - (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).
- 2 A local authority, in exercising its responsibility to make judgments on the manner in which subsection (1) is to be complied with, must have regard to –
 - (a) the role of the local authority, as set out in section 11; and
 - (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

Section 82(2) (LGA)

“A local authority must ensure it has in place processes for consulting with Māori in accordance with subsection 1 (principles of consultations 82(1))”

The Resource Management Act 1981 also places Treaty obligations on local authorities.

Part 2 – 6 (RMA)

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhitapu and other taonga
- (f) the protection of historic heritage from inappropriate subdivision, use and development
- (g) the protection of recognized customary activities.

Part 2 – 7 (RMA)

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation

to managing the use, development, and protection of natural and physical resources, shall have

particular regard to –

(a) Kaitiakitanga

(aa) the ethic of stewardship

Part 2 – 8 (RMA)

Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).



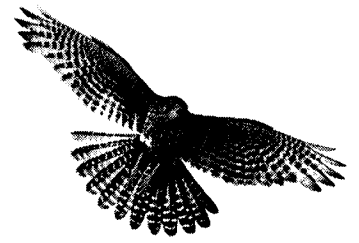
Te Kaupapa a Te Kārearea

Te Kārearea Strategic Relationship Agreement

Developed August 2012

Reviewed May 2014

Agreed June 17th 2014



Te Kārearea

Te Pae Tawhiti/Vision:

“He Whenua Rangatira”

“Whangārei, a district of prosperity, wellbeing and empowered communities”

Te Kaupapa/Mission:

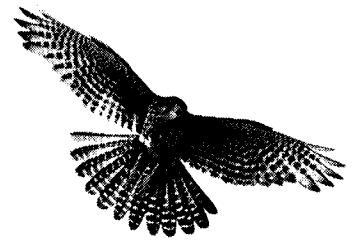
“Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa”

“Local Government that works through effective partnership and provides practical solutions”

Ngā Tikanga/Principles:

- He kitenga mutunga kore, mahi tahi, mahi pono – Strategic partnership working collaboratively and in good faith
 - Kia Māia – Providing leadership through courage
 - Te Manawatōpu – Of one heart and mind. We are stronger working together
 - Anga mua – Progressive and proactive
 - Me kōrero tika, tau noa ngā take – Open and frank mutually agreed outcomes
-

Te Kārearea Strategic Relationship Agreement



Purpose

Te Kārearea is the strategic partnership forum between the hapū of Whangārei district, working through Te Huinga and the Whangārei District Council. The purpose of Te Kārearea is to enable the partners to work closely together to achieve the agreed vision '*He Whenua Rangatira - Whangārei, a district of prosperity, wellbeing and empowered communities*' and mission '*Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa* - Local Government that works through effective partnership and provides practical solutions'.

The forum provides a platform for high level, strategic discussions that will enable self-determination and self-reliance to flourish. This relationship will build to develop more robust partnership arrangements over time through learning conversations.

Statement of Principles

He Whakaputanga o Te Rangatiratanga o Nu Tirenī (Declaration of Independence – 1835) and Te Tiriti o Waitangi 1840 provide the foundational doctrines of authority and partnership that are being sought after by the hapū of Whangārei as the relationship develops with the Whangārei District Council.

Whangārei District Council engages with the hapū of Whangārei and recognizes its obligations under the Treaty of Waitangi and the Local Government Act. The organisational culture of Council will build strong relationships and embrace the principles and intent of these legislations. Issues will be addressed in a culturally appropriate way – with preference given to *kanohi ki te kanohi*, face-to-face engagement.

Whāinga - Priorities of Work

Te Huinga and Whangārei District Council will identify and develop their respective priorities, and then through Te Kārearea agree priorities, which can be progressed together. This will be done in the spirit of "*Mahi tahi tutuki noa te kaupapa* – Completing the tasks through a culture of partnership".

There will be a commitment to understanding each other's views and priorities. The membership of Te Kārearea will work in good faith to support progress on their respective priorities for the duration of this agreement. The Partnership will always be reflective – going forward but looking back.

Representation and Mandate

The Te Kārearea Strategic Partnership Forum is made up of eight mandated hapū representatives and eight elected members of Whangārei District Council, which includes the Mayor. The forum will be co-chaired by a hapū representative and the Mayor of Whangārei District Council.

Te Kārearea Consultation

To achieve its purpose, each Partner will develop a schedule of 'issues of significance' to hapū in the Whangārei District and bring them to Te Kārearea.

The issues will be ranked by priority and the list kept up to date by Te Kārearea. The priority list of issues will guide Te Kārearea in developing a work programme and will be reviewed annually.

The Te Kārearea partners will engage in ongoing meaningful consultation with the wider Māori community to ensure that it maintains an awareness of the issues of significance to Māori in the community.

Review of Agreement

The representatives on the Te Kārearea Partnership Forum will accept responsibility for reviewing this Strategic Relationship Agreement every three years from the date of signing.

Pita Tipene

Te Huinga

Mayor Sheryl Mai

Whangārei District Council

As Co-Chairs of Te Kārearea Strategic Partnership Forum

Dated this 17th day of JUNE 2014

Appendices:**Background**

Whereas Central Government is recognised as The Treaty of Waitangi partner, it is acknowledged that partnership must also happen at a local level where local decisions are made.

New Zealand/Aotearoa is moving inexorably towards a new sense of nationhood and these partnership arrangements at a local level will further define a distinct society in a national and global setting, built on mutual respect, trust and advantage.

This partnership forum provides a starting point for Māori representation and participation in Council decision-making processes.

The strategic partnership shall be between Whangārei District Council (elected member representatives) and Te Huinga (hapū representatives of Whangārei). This strategic partnership will be known as Te Kārearea Strategic Partnership Forum. Refer Diagram 1.

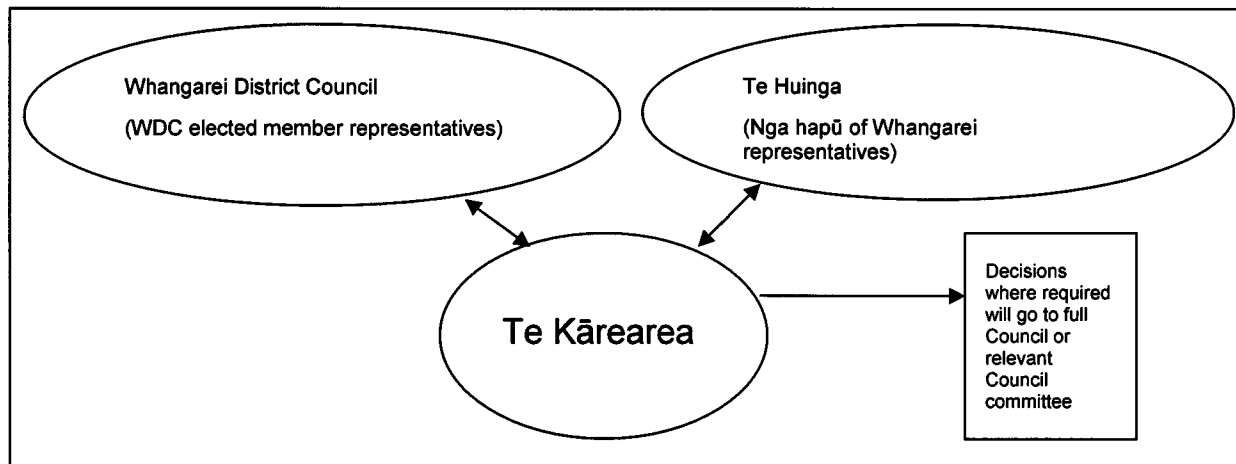


Diagram 1

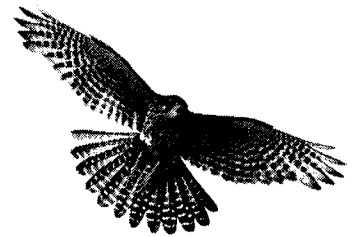
Te Huinga Statement of Principles

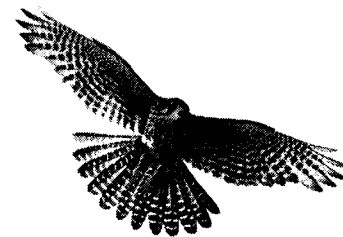
He Whakaputanga o Te Rangatiratanga o Nu Tirenī (Declaration of Independence – 1835) and Te Tiriti o Waitangi, 1840 provides the foundational doctrines of authority and partnership that are being sought after by the hapū of Whangārei as the relationship develops with the Whangārei District Council.

Te Huinga will work towards achieving the strategic intent.

Strategic Intent

- Vision/Te Pae Tawhiti: 'Ma nga hapū ano nga hapū e korero' - 'Hapū self reliance and prosperity'
- Mission/Te Kaupapa: 'Achieving hapū aspirations through effective and enduring relationships'
- Whangārei - Māori Community Outcomes:
 - a A rohe with a vibrant Māori culture
 - b A Māori community, which is healthy and highly educated
 - c A society that protects and cares for all its members
 - d A rohe with a flourishing Māori economy
 - e A society that appreciates and cares for its natural environment
- Nga tikanga – Values
 - a Whanau – the extended family is the social unit that Māori identify with.
 - b Mana Hapū - Hapū are the cornerstone of the Māori community and identity.
 - c Mana Motuhake – self-determination, self-reliance and self-sustainability.
 - d Whakarite – Invest time and energy in building decision-making capacity and capability.
 - e Te Manawatoopu – Of one heart and mind. We are stronger working together.
 - f Kia maia – Providing leadership through courage.





Whangārei District Council Statement of Principles

In order to improve and enhance relationships with Māori, Council acknowledge a strategic platform is required upon which to continue to build strong relationships. Council has undertaken as part of the Whangārei District Council Long Term Plan 2012-2022 to further its collaboration with Māori organisations within the District. Council has a contribution to make towards Māori wellbeing, be it environmental, social, cultural/spiritual or economic. Additionally, further collaboration and relationship building processes with Crown agencies and other local territorial authorities will continue as all such organisations make up part of the many services that impact on Māori wellbeing.

Whangārei District Council willingly acknowledges it wishes to engage with Māori hapū and to recognize the Treaty of Waitangi.

The Local Government Act 2002 outlines the obligations of local authorities around the Treaty of Waitangi.

Local Government Act 2002

Section 4 (LGA)

Treaty of Waitangi

"In order to recognize and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes."

Part 2 (LGA)

Section 14(1) (d)

"A local authority should provide opportunities for Māori to contribute to its decision-making processes."

Part 6 (LGA)

Section 76-80

Planning, decision-making, and accountability

These sections direct Council to consider all reasonably practicable options to achieve the objective of a decision, to give consideration to the views and preferences of persons likely to be affected, about have to achieve compliance, the significance of a decision and the identification of inconsistent decisions.

Section 81

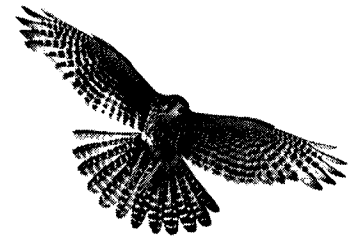
Contributions to decision-making processes by Māori

- 1 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; and
 - (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).
- 2 A local authority, in exercising its responsibility to make judgments on the manner in which subsection (1) is to be complied with, must have regard to -
 - (a) the role of the local authority, as set out in section 11; and
 - (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

Section 82(2) (LGA)

"A local authority must ensure it has in place processes for consulting with Māori in accordance with subsection 1 (principles of consultations 82(1))"

The Resource Management Act 1981 also places Treaty obligations on local authorities.



Part 2 – 6 (RMA)

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahitapu and other taonga*
- (f) *the protection of historic heritage from inappropriate subdivision, use and development*
- (g) *the protection of recognized customary activities.*

Part 2 – 7 (RMA)

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to –

- (a) *Kaitiakitanga*
- (b) *the ethic of stewardship*

Part 2 – 8 (RMA)

Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Both the Resource Management Act 1991 (RMA), and more recently the Local Government Act 2002 (LGA), require Council to establish more formal, meaningful and sustainable relationships with Māori. These relationships, guided by the Treaty of Waitangi principles, are intended to foster:

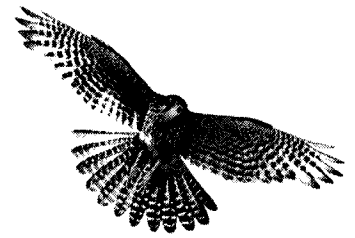
- opportunities for Māori to contribute to the decision-making processes of Council
- the development of Māori capacity to contribute to the decision-making processes of Council
- the provision of information to Māori so they are enabled to contribute to the decision-making processes of Council
- improved consultation with Māori.

Working Relationship

- (a) A letter shall be completed between Whangārei District Council and Te Huinga covering operating protocols, agreed agenda-setting process, confidentiality issues, and press/publicity matters.
- (b) Formal meetings of Te Kārearea shall generally be held monthly with meetings alternating between a Marae and Council Chambers. A meeting with the full Whangārei District Council shall be held at least twice per annum.
- (c) Whangārei District Council will nominate its Senior Management and staff to work with Te Huinga.
- (d) The strategic partnership Te Kārearea will undertake an annual self-review process and a three-year review consistent with the Long Term Plan (LTP) cycle.
- (e) The Te Kārearea strategic partnership does not preclude individual hapū working on matters of their own concern with Council.

Funding

Council will fund Te Kārearea to give effect to its kaupapa. This budget will be negotiated and agreed annually in advance.



Te Huinga Representation and Mandate

At present there are 16 endorsed hapū representatives. Eight of these members represent hapū on Te Kārearea. Each hapū grouping has a lead and an alternate/support person in the event the lead is not available. They are as follows:

- Pita Tipene and Pita Cherrington (Te Orewai and Ngati Hine)
- Merepeka Henley and Te Warihi Hetaraka (Nga Hapū o Whangaruru)
- Deborah Harding and Jared Pitman (Patuharakeke)
- Allan Halliday and Mike Kake (Ngati Hau)
- Dick Shepherd and Huhana Seve (Ngati Kahu o Torongare)
- Taipari Munro and Hona Edwards (Te Parawhau and Te Urirotoi)
- Pereri Mahanga and Aperahama Edwards (Te Waiariki, Ngati Korora, Ngati Takapari)
- Kaile Nahi-Taihia and Anaru Kaipo (Nga Hapū o Mangakahia)

Discussion will be had with the respective hapū within the Whangārei rohe to decide on how representation will be configured on Te Huinga.

Eight of these sixteen members currently represent Te Huinga and sit on Te Kārearea following their hapū consultation processes, which endorsed their representation.

Whangārei District Council Representation and Mandate

Council representation on Te Kārearea shall be Her Worship the Mayor, Deputy Mayor plus six elected members as appointed by HWM and received by Council at the start of each political term. In the event any Councillor/s on Te Kārearea is unavailable, there is provision for an alternate Councillor/s to replace them for that meeting.

Council representatives appointed to Te Kārearea are as follow:

- HWM Sheryl Mai
- Deputy Mayor - Cr Morgan
- Cr Deeming
- Cr Martin
- Cr Innes
- Cr Bell
- Cr Christie
- Cr Williamson

Alternates

- Cr Halse
- Cr Bretherton
- Cr Cutforth
- Cr Glen
- Cr Hermon
- Cr McLachlan

Te Kārearea Strategic Partnership **Standing Committee – Terms of Reference**

Membership

Chairpersons	Council based meetings: Councillor Phil Halse (to be confirmed by election) Marae based hui: TBC following a hapū mandating process*
Members	Her Worship the Mayor Sheryl Mai Councillors Gavin Benney, Ken Couper, Greg Innes, Anna Murphy, Carol Peters, Simon Reid and Halse Eight mandated hapū representatives (including the Chairperson of marae based hui), TBC following a hapū mandating process
Meetings	Bi monthly for formal standing committee meetings, with hui on being held on a marae in accordance with Tikanga*
Quorum	8 comprised of 4 councillor and 4 hapū members

*note, marae based hui will be in accordance with Tikanga and as such are outside of standing orders adopted under the Local Government Act 2002

Preamble

Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangarei) and Whangarei District Council. The desire to 'develop more robust partnership arrangements over time' was signaled in the 2014 revision of the Agreement. This partnership Committee Represents an important step in that process. While the Purpose, Key Responsibilities and Delegations form the basis for the Terms of Reference to determine what the Committee will do, it is important that the respective principles of each of the Partners continue to underpin the relationship, and that the relationship builds on the foundations outlined in the Agreement. The Statement of Principles for each of the Partners, as established in the foundation relationship agreement, is below.

Te Huinga Statement of Principles

He Whakaputanga o Te Rangatiratanga o Nu Tireni (Declaration of Independence – 1835) and Te Tiriti o Waitangi, 1840 provides the foundational doctrines of authority and partnership that are being sought after by the hapū of Whangārei as the relationship develops with the Whangārei District Council.

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Council has a contribution to make towards Māori wellbeing, be it environmental, social, cultural/spiritual or economic. Additionally, further collaboration and relationship building processes with Crown agencies and other local territorial authorities will continue as all such organisations make up part of the many services that impact on Māori wellbeing.

Whangārei District Council wishes to engage with Māori hapū and to recognize the Treaty of Waitangi. The Local Government Act 2002 outlines the obligations of local authorities around the Treaty of Waitangi.

Purpose

To enable the primary partners (Council and hapū of Whangārei) to work closely together to achieve the agreed vision 'He Whenua Rangatira - Whangārei, a district of prosperity, wellbeing and empowered communities' and mission 'Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa - Local Government that works through effective partnership and shared decisions to provide practical solutions'. Central to this is continued development of robust partnerships through learning conversations.

The Committee provides a platform for high level/strategic discussions and priority setting between the primary partners, with preference given to *kanohi ki te kanohi* (face-to-face) and preserving tikanga. Areas of focus include, but are not limited to;

- Identifying the cultural, economic, environmental, and social issues/decisions of Council that are significant for Māori¹ in the Whangārei District. (participation)
- Ensuring Council complies with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls (assurance)
- To agree mutual strategic priorities (direction)

However, it is acknowledged that areas of focus/priorities may be beyond the direct control of the committee, meaning that in some areas it will be operating in an advisory capacity.

¹ Māori in this context is defined as people that affiliate to a whanau, hapū, Iwi, mana whenua groups

Recognising this, and to ensure clarity, the Working Group for Maori Participation in decision making (which was tasked with developing Terms of Reference) split the responsibilities of the Committee into those where it provides advice and recommendations, and those where decision making powers would be delegated.

Key responsibilities – advice and recommendations

- 1) Participation
 - a) Develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and Council.
 - b) Ensure the views of Māori are taken into account.
 - c) Recommend ways to develop Council capacity
 - d) Recommend ways to develop Māori capacity to contribute to decision making processes
 - e) Governance oversight of initiatives, Te Karearea budget and resourcing to build capacity (both Council and Māori) and deliver on the Terms of Reference
 - f) Provide for equitable participation
- 2) Direction
 - a) Identify strategic priorities for the partnership
 - b) Provide advice on topics referred by Council and Māori
 - c) Advice to, and relationships with, other committees of Council
 - d) Recommendations on harbour and waterway matters (within the jurisdiction of WDC)
 - e) Advice and recommendations on 3 Waters and flood protection infrastructure
 - f) Oversight and advice on central government reform initiatives relating to strategic priorities of the partnership and Te Ao Māori including, but not limited to, three waters reform
 - g) Provide advice and recommendations on key strategic policies, plans and projects of Council, including but not limited to growth strategies, the Long Term Plan and the District Plan
 - h) Information sharing / discussions on Treaty Settlement processes and potential co-governance opportunities (where appropriate)
 - i) Identify matters of significance to Māori that may require joint positions/advocacy with external agencies (i.e. co-governance) or recommendations to Council
 - j) Recommendations on Maori Representation (i.e. under the Local Electoral Act)
- 3) Assurance
 - a) Develop a workplan and strategy log to monitor input to, and decision making/progress on, strategic priorities identified by the Committee
 - b) Monitor and advise on council's compliance with its legislative obligations to Māori, including under the Local Government Act 2002 and the Resource Management Act 1991.
 - c) Receive and consider audit reports on Council's compliance with its legislative obligations
 - d) Monitor and ensure that appropriate action is being taken
 - e) Monitor and assess the primary partner relationship against its vision and mission
 - f) Monitoring compliance with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls

Key Responsibilities – under Delegated authority

- 1) Establishing Audit Processes for statutory provisions relating to Te Tiriti o Waitangi (the Treaty of Waitangi).
- 2) Establishing Council processes and templates for Mana whakahono ā rohe Agreements and Iwi/Hapu Environmental Management Plans
- 3) Developing a Te Ao Maori framework for decision making
- 4) Nominating hapū representatives to any Council committee, joint committee or working group (as required)
- 5) Developing collaborative relationships on strategic priorities/areas of focus