

*Examined and certified:*

*Clerk of the House of Representatives*

*In the name and on behalf of Her Majesty Queen Elizabeth  
the Second I hereby assent to this Act this 8th day  
of April 2008*

*Governor-General.*

## **Waitakere Ranges Heritage Area Act 2008**

Local Act 2008 No 1

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### **Preamble**

- (1) Whakarongo mai e nga iwi, ki ta te korero i mua. He ika tenei whenua. Ko te tangata nana i huti ko Maui. Kei konei tonu ahau, a mate noa:
- Listen all of the assembled tribes, to this the talk of olden times, this land is a fish. The person who fished it up was Maui. I will remain here on it, indeed until I die:
- (Waitakere Chief Te Waatarauhi speaking of his relationship to the area in his opening speech at the Kohimarama Conference in 1860):
- (2) The Waitakere Ranges and its foothills and coasts comprise an area of some 27 720 ha of public and private land located between metropolitan Auckland and the west coast of Waitakere City and Rodney District. The area is of local, regional, and national significance:
- (3) The area is outstanding in northern New Zealand for its terrestrial and aquatic ecosystems, which include large continuous areas of primary and regenerating lowland and coastal rain-forest, wetland, and dune systems with intact ecological sequences. The area contains distinctive and outstanding flora, fauna, and landscapes:
- (4) The Waitakere Ranges (part of a remnant volcanic landform) are the western visual backdrop to metropolitan Auckland. Their forested hills and coastal vistas are essential to the identity of both Waitakere City and metropolitan Auckland. The foothills and coastal areas are a combination of rural, urban,

and natural landscapes that create an important transition and buffer zone to the forested part of the Ranges:

- (5) The area has a long and rich human history. It is a distinctive cultural domain for Maori and lies within the rohe of both Te Kawerau A Maki and Ngati Whatua. European settlement began more than 160 years ago with one of the first attempts at organised colonial settlement of New Zealand made in the south of the area, at Cornwallis in 1841. A century of resource exploitation followed that has left its mark on the whole area:
- (6) The area includes the Waitakere Ranges Regional Park. The Park, protected at local, regional, and national levels, is an area of some 17 000 ha, established over a period of 110 years through gifts, grants, purchases, and vestings (including legislation promoted by Auckland City Council in 1941 to create the Auckland Centennial Memorial Park, commemorating the centenary of the Metropolitan District of Auckland):
- (7) The Waitakere Ranges also contribute to metropolitan Auckland's water supply. They are a water catchment and the location for a series of storage and supply systems that have sustained, and continue to sustain, metropolitan Auckland since 1902:
- (8) In 2005, more than 21 000 people lived in the area (outside the Regional Park), mostly in forest-dominated urban, rural, or coastal communities:
- (9) The area is subject to development and urban intensification pressures. These pressures are compounded by the area's proximity to metropolitan Auckland, and threaten to undermine the unique natural, landscape, cultural, historic, and community features of the area, including its farming and rural character:
- (10) Local statutory guidance is considered desirable to better protect the Waitakere Ranges and their foothills and coasts, in particular in relation to—
  - (a) managing the cumulative and precedent effects of development on the landscape, the desired future character and amenity of the area, and the ecological and biological environment:

- (b) maintaining a rural character for the communities in the foothills:
- (c) maintaining low-density urban areas and coastal villages in which the built environment is subservient to the natural landscape:
- (d) managing activities adjacent to the boundary between urban and rural areas (particularly in relation to the Metropolitan Urban Limit boundary):
- (e) protecting heritage features:

**The Parliament of New Zealand therefore enacts as follows:**

**1 Title**

This Act is the Waitakere Ranges Heritage Area Act 2008.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1  
Preliminary provisions**

**3 Purpose**

- (1) The purpose of this Act is to—
  - (a) recognise the national, regional, and local significance of the Waitakere Ranges heritage area; and
  - (b) promote the protection and enhancement of its heritage features for present and future generations.
- (2) To this end, the Act—
  - (a) establishes the Waitakere Ranges heritage area; and
  - (b) states its national significance; and
  - (c) defines its heritage features; and
  - (d) specifies the objectives of establishing and maintaining the heritage area; and
  - (e) provides additional matters for Auckland Regional Council, Rodney District Council, Waitakere City Council, and certain other persons to consider when making a decision, exercising a power, or carrying out a duty that relates to the heritage area.

**4 Interpretation**

- (1) In this Act, unless the context otherwise requires,—
- ARC** means the Auckland Regional Council
- deed of acknowledgement** means a deed of acknowledgement entered into under section 29
- heritage area** or **area** means the Waitakere Ranges heritage area established under section 5
- heritage features** means the heritage features described in section 7
- LAP** means a local area plan prepared and adopted under section 25
- local authority** means ARC or a territorial authority
- objectives** means the objectives of establishing and maintaining the heritage area as specified in section 8
- territorial authority** means Rodney District Council or Waitakere City Council
- Waitakere Ranges Regional Park** means the Waitakere Ranges Regional Park managed by ARC.
- (2) Unless the context otherwise requires, terms and expressions used and not defined in this Act, but defined in the Resource Management Act 1991, have the same meaning as in that Act.

**Part 2****Heritage area, heritage features, planning requirements, etc****5 Waitakere Ranges heritage area established**

- (1) This section establishes the Waitakere Ranges heritage area.
- (2) The general location and boundaries of the area are shown on the indicative map in Schedule 1.
- (3) The legal description of the boundaries of the area is contained in Schedule 2.
- (4) If there is an inconsistency between the map in Schedule 1 and the legal description in Schedule 2, the legal description in Schedule 2 prevails.

**6 Boundary extension by Order in Council**

- (1) Subsection (2) applies if—
- (a) a person owns land that—
    - (i) is located in the district of a territorial authority; and
    - (ii) has a contiguous boundary with the heritage area; and
    - (iii) has features that are consistent with 1 or more of the heritage features; and
  - (b) the person makes a written request to the territorial authority concerned to include the land in the heritage area; and
  - (c) ARC and the territorial authority are satisfied of the matters in paragraph (a).
- (2) The Governor-General may, by Order in Council made on the recommendation of the Minister of Local Government, alter or substitute Schedules 1 and 2 to extend the boundary of the heritage area to include any land to which subsection (1) applies.
- (3) The Minister must not make a recommendation under subsection (2) unless he or she has first received from ARC and the territorial authority written notice of the matters in subsection (1).
- (4) An Order in Council made under this section may not be amended (except to correct an error) or revoked, and land included in the heritage area under this section cannot be excluded from it except by an Act of Parliament.

**7 National significance and heritage features of heritage area**

- (1) The heritage area is of national significance and the heritage features described in subsection (2), individually or collectively, contribute to its significance.
- (2) The heritage features of the heritage area are—
- (a) its terrestrial and aquatic ecosystems of prominent indigenous character that—
    - (i) include large continuous areas of primary and regenerating lowland and coastal rainforest, wet-

- land, and dune systems with intact ecological sequences:
- (ii) have intrinsic value:
  - (iii) provide a diversity of habitats for indigenous flora and fauna:
  - (iv) collect, store, and produce high quality water:
  - (v) provide opportunities for ecological restoration:
  - (vi) are of cultural, scientific, or educational interest:
  - (vii) have landscape qualities of regional and national significance:
  - (viii) have natural scenic beauty:
- (b) the different classes of natural landforms and landscapes within the area that contrast and connect with each other, and which collectively give the area its distinctive character:
  - (c) the coastal areas, which—
    - (i) have a natural and dynamic character; and
    - (ii) contribute to the area's vistas; and
    - (iii) differ significantly from each other:
  - (d) the naturally functioning streams that rise in the eastern foothills and contribute positively to downstream urban character, stormwater management, and flood protection:
  - (e) the quietness and darkness of the Waitakere Ranges and the coastal parts of the area:
  - (f) the dramatic landform of the Ranges and foothills, which is the visual backdrop to metropolitan Auckland, forming its western skyline:
  - (g) the opportunities that the area provides for wilderness experiences, recreation, and relaxation in close proximity to metropolitan Auckland:
  - (h) the eastern foothills, which—
    - (i) act as a buffer between metropolitan Auckland and the forested ranges and coasts; and
    - (ii) provide a transition from metropolitan Auckland to the forested ranges and coast:
  - (i) the subservience of the built environment to the area's natural and rural landscape, which is reflected in—

- (i) the individual identity and character of the coastal villages and their distinctive scale, containment, intensity, and amenity; and
- (ii) the distinctive harmony, pleasantness, and coherence of the low-density residential and urban areas that are located in regenerating (and increasingly dominant) forest settings; and
- (iii) the rural character of the foothills to the east and north and their intricate pattern of farmland, orchards, vineyards, uncultivated areas, indigenous vegetation, and dispersed low-density settlement with few urban-scale activities:
- (j) the historical, traditional, and cultural relationships of people, communities, and tangata whenua with the area and their exercise of kaitiakitanga and stewardship:
- (k) the evidence of past human activities in the area, including those in relation to timber extraction, gum-digging, flax milling, mineral extraction, quarrying, extensive farming, and water impoundment and supply:
- (l) its distinctive local communities:
- (m) the Waitakere Ranges Regional Park and its importance as an accessible public place with significant natural, historical, cultural, and recreational resources:
- (n) the public water catchment and supply system, the operation, maintenance, and development of which serves the people of Auckland.

## **8 Heritage area objectives**

The objectives of establishing and maintaining the heritage area are—

- (a) to protect, restore, and enhance the area and its heritage features:
- (b) to ensure that impacts on the area as a whole are considered when decisions are made affecting any part of it:
- (c) to adopt the following approach when considering decisions that threaten serious or irreversible damage to a heritage feature:
  - (i) carefully consider the risks and uncertainties associated with any particular course of action; and

- (ii) take into account the best information available;  
and
- (iii) endeavour to protect the heritage feature:
- (d) to recognise and avoid adverse potential, or adverse cumulative, effects of activities on the area's environment (including its amenity) or its heritage features:
- (e) to recognise that, in protecting the heritage features, the area has little capacity to absorb further subdivision:
- (f) to ensure that any subdivision or development in the area, of itself or in respect of its cumulative effect,—
  - (i) is of an appropriate character, scale, and intensity; and
  - (ii) does not adversely affect the heritage features; and
  - (iii) does not contribute to urban sprawl:
- (g) to maintain the quality and diversity of landscapes in the area by—
  - (i) protecting landscapes of local, regional, or national significance; and
  - (ii) restoring and enhancing degraded landscapes; and
  - (iii) managing change within a landscape in an integrated way, including managing change in a rural landscape to retain a rural character:
- (h) to manage aquatic and terrestrial ecosystems in the area to protect and enhance indigenous habitat values, landscape values, and amenity values:
- (i) to recognise that people live and work in the area in distinct communities, and to enable those people to provide for their social, economic, environmental, and cultural well-being:
- (j) to provide for future uses of rural land in order to retain a rural character in the area:
- (k) to protect those features of the area that relate to its water catchment and supply functions:
- (l) to protect in perpetuity the natural and historic resources of the Waitakere Ranges Regional Park for their intrinsic worth and for the benefit, use, and enjoyment of the

people and communities of the Auckland region and New Zealand.

*Matters relating to Resource Management Act  
1991*

**9 Relationship between this Act and Resource Management Act 1991**

- (1) If a conflict arises between this Act and the Resource Management Act 1991, the Resource Management Act 1991 prevails.
- (2) Subsection (1) does not apply to section 13(1)(a)(ii) or 15(2)(b).

**10 Regional policy statements and regional plans**

- (1) When preparing or reviewing a regional policy statement or regional plan that affects the heritage area, ARC must give effect to the purpose of this Act and the objectives.
- (2) The requirements in subsection (1) are in addition to the requirements in sections 61, 66, and 79 of the Resource Management Act 1991.
- (3) When evaluating a proposed policy statement, or proposed plan, change, or variation that affects the heritage area, ARC must also examine whether the statement, plan, change, or variation is the most appropriate way to achieve the objectives (having regard to the purpose of this Act).
- (4) The requirements in subsection (3) are in addition to the requirements in section 32(3) of the Resource Management Act 1991.

**11 District plans**

- (1) When preparing or reviewing a district plan that affects the heritage area, a territorial authority must give effect to the purpose of this Act and the objectives.
- (2) The requirements in subsection (1) are in addition to the requirements in sections 74, 75, and 79 of the Resource Management Act 1991.
- (3) When evaluating a proposed district plan, change, or variation that affects the heritage area, a territorial authority must examine whether the plan, change, or variation is the most appropri-

ate way to achieve the objectives (having regard to the purpose of this Act).

- (4) The requirements in subsection (3) are in addition to the requirements in section 32(3) of the Resource Management Act 1991.

### **12 Requests for plan changes**

- (1) A local authority may reject a request, in whole or in part, if the request is inconsistent with the purpose of this Act or the objectives.
- (2) To assist the local authority in deciding whether to act under subsection (1), the person making the request must explain how it is consistent with the purpose of this Act and the objectives.
- (3) For the purposes of this section, an explanation under subsection (2) must be—
- (a) treated as if it were information required under clause 22 of Schedule 1 of the Resource Management Act 1991; and
  - (b) supplied to the local authority in accordance with that clause.
- (4) In this section, **request** means a request under section 65(4) or 73(2) of the Resource Management Act 1991—
- (a) to change a regional or district plan; and
  - (b) that relates to the heritage area or a part of it.

### **13 Resource consents**

- (1) When considering an application for resource consent for a discretionary or non-complying activity in the heritage area, a consent authority—
- (a) must have particular regard to—
    - (i) the purpose of this Act and the relevant objectives; and
    - (ii) the relevant provisions of any national policy statement or New Zealand coastal policy statement; and
  - (b) must consider the objectives having regard to any relevant policies in the regional and district plans.

- (2) The requirements in subsection (1)(a)(i) are in addition to the requirements in the Resource Management Act 1991.
- (3) When considering an application for resource consent for a controlled activity or a restricted discretionary activity in the heritage area, a consent authority must consider the purpose of this Act and the relevant objectives as if they were matters specified in the plan or proposed plan over which the local authority has reserved its control or has restricted the exercise of its discretion.

#### **14 Conditions on resource consents**

If a consent authority grants resource consent for an activity in the heritage area, it may impose conditions on the consent under section 108 of the Resource Management Act 1991 that relate to 1 or more of the heritage features or the objectives.

#### **15 Designations and heritage orders**

- (1) Subsection (2) applies to a person if the person is making a decision or recommendation that relates to the heritage area or a part of it for—
  - (a) a designation under section 168A, 171, 172, 174, 179, 181, or 182 of the Resource Management Act 1991; or
  - (b) a heritage order under sections 189, 189A, 191, 192, 195, and 196 of the Resource Management Act 1991.
- (2) The person, when making the decision or recommendation, must have particular regard to—
  - (a) the purpose of this Act and the objectives; and
  - (b) the relevant provisions of any national policy statement or New Zealand coastal policy statement.
- (3) The requirements in subsection (2)(a) are in addition to the requirements in the Resource Management Act 1991.

#### **16 Applications for declarations**

Sections 309 to 313 of the Resource Management Act 1991 apply as if the following matters were stated in section 310 of that Act as matters that a declaration may declare:

- (a) the application of section 9 of the Waitakere Ranges Heritage Area Act 2008; or

- (b) the existence or extent of any function, power, right, or duty under any of sections 10 to 15 of the Waitakere Ranges Heritage Area Act 2008; or
- (c) whether an act or omission, or a proposed act or omission, contravenes or is likely to contravene any of sections 10 to 15 of the Waitakere Ranges Heritage Area Act 2008; or
- (d) any other issue or matter relating to the interpretation, administration, or enforcement of any of sections 10 to 15 of the Waitakere Ranges Heritage Area Act 2008; or
- (e) the matters provided for in section 36 of the Waitakere Ranges Heritage Area Act 2008.

*Matters relating to Local Government Acts  
2002 and 1974*

**17 Application of section 77 of Local Government Act 2002 to this Act**

If, in complying with section 76 of the Local Government Act 2002, a local authority identifies an option under section 77 of that Act that involves a decision that relates to the heritage area, the local authority must,—

- (a) in addition to doing the things required by section 77(1) of the Local Government Act 2002, have regard to the purpose of this Act and the objectives in the course of the decision-making process; but
- (b) paragraph (a) must be read subject to section 79 of the Local Government Act 2002.

**18 Auckland Regional Growth Strategy**

- (1) To the extent of any inconsistency, this Act prevails over the Auckland Regional Growth Strategy prepared under section 37SE of the Local Government Act 1974 (the **strategy**).
- (2) When amending the strategy, ARC must ensure that its provisions are not inconsistent with the purpose of this Act or the objectives.

**19 Management plan for Waitakere Ranges Regional Park**

- (1) ARC must prepare, adopt, and maintain a management plan for the integrated management of the Waitakere Ranges Regional Park.
- (2) In acting under subsection (1), ARC must give effect to the purpose of this Act and the objectives.
- (3) Before adopting or amending the management plan, ARC must use the special consultative procedure set out in section 83 of the Local Government Act 2002.
- (4) The management plan may form part of a comprehensive management plan for all regional park land managed by ARC.
- (5) The Regional Parks Management Plan 2003 must be treated as if it were the management plan prepared and adopted under subsection (1)—
  - (a) for the purposes of this section; and
  - (b) from the commencement of this Act.
- (6) For the avoidance of doubt, any part of the management plan that relates to a reserve (within the meaning of section 2(1) of the Reserves Act 1977) must satisfy the management plan requirements of section 41 of the Reserves Act 1977.

**20 Management plan must be reviewed every 10 years**

- (1) ARC must review the management plan prepared and adopted under section 19(1)—
  - (a) not later than 10 years after the date on which the plan was adopted; and
  - (b) after the first review, at intervals of not more than 10 years.
- (2) Subsection (1) does not limit or affect section 19(6).

**21 Watercare Services Limited**

- (1) This Act does not limit or affect the responsibilities or powers of Watercare Services Limited that relate to the heritage area under the Auckland Metropolitan Drainage Act 1960 or section 707ZZZS of the Local Government Act 1974.
- (2) Subsection (1) is for the avoidance of doubt.

*Matters relating to other enactments***22 Local authority must have particular regard to purpose and objectives of this Act when acting under Schedule 3 enactments**

A local authority must have particular regard to the purpose of this Act and the objectives when exercising a power or carrying out a function—

- (a) under an enactment specified in Schedule 3; and
- (b) in relation to the heritage area.

**23 Waitakere Ranges heritage area covenants**

- (1) If an owner of land in the heritage area agrees to manage all or a part of the land in a manner that contributes to achieving the purpose of this Act and the objectives, the local authority concerned may enter into a covenant with the owner (to be known as a Waitakere Ranges heritage area covenant)—

- (a) to provide for the management of the land; and
- (b) on the terms and conditions as they may agree.

- (2) The covenant may include conditions specifying contributions to be made by the local authority to assist with the management of the covenanted area.

- (3) A covenant that has been entered into under this section must be treated as if it were a covenant that had been entered into under section 77 of the Reserves Act 1977, and that Act applies accordingly, with any necessary modifications.

**24 Relationship between this Act and Foreshore and Seabed Act 2004**

This Act does not limit or affect the Foreshore and Seabed Act 2004.

*Local area plans***25 Local area plans**

- (1) A territorial authority may prepare and adopt a local area plan for a local area that is within its district and the heritage area.

- (2) The purpose of a LAP is to—

- (a) promote the purpose of this Act and the objectives; and

- (b) provide objectives (particularly long-term objectives) in relation to—
    - (i) the future amenity, character, and environment of the local area to which the LAP applies; and
    - (ii) the well-being of the local community within that area (including its economic and social well-being); and
  - (c) inform decision-making processes that relate to the heritage area.
- (3) A LAP must—
- (a) define the local area to which the LAP applies; and
  - (b) identify the extent and nature of the heritage features existing in the local area; and
  - (c) state how it is intended that the objectives in section 8 will be promoted in relation to the local area; and
  - (d) identify the distinctive natural, cultural, or physical qualities or characteristics of the local area that contribute to the local area's long-term—
    - (i) pleasantness or aesthetic coherence; or
    - (ii) cultural or recreational attributes; and
  - (e) state policies and objectives in relation to the amenity, character, and environment of the local area.
- (4) A LAP may identify issues relating to the provision of future services in the local area to which the LAP applies.
- (5) The territorial authority may amend, revoke, or replace a LAP.

## **26 Preparation, amendment, revocation, and replacement of LAPs**

In preparing, amending, revoking, or replacing a LAP, the territorial authority concerned may decide for itself the process that it uses but, in doing so, it must—

- (a) ensure that the process encourages interested or affected persons to participate in and contribute to the LAP's preparation, amendment, revocation, or replacement; and
- (b) comply with the principles of consultation in section 82 of the Local Government Act 2002; and
- (c) if the LAP is for a local area that is adjacent to or includes a part of the Waitakere Ranges Regional Park,

- have regard to the current management plan for the Park prepared under section 19; and
- (d) consult with tangata whenua, namely Ngati Whatua and Te Kawerau A Maki.

## **27 Effect of LAP**

- (1) The adoption of a LAP by a territorial authority does not constitute a decision by it to act on any specific matter included in the LAP.
- (2) However, if a decision of the territorial authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, a LAP it has adopted, it must, when making the decision, clearly identify—
- (a) the inconsistency; and
- (b) the reasons for the inconsistency; and
- (c) any intention it has to amend the LAP to accommodate the decision.
- (3) No person is entitled to require a territorial authority or any other person to implement a LAP or any provision of it.

## **28 Relationship between LAP and Resource Management Act 1991**

- (1) A territorial authority may include in its district plan any part of a LAP that relates to managing the use, development, or protection of natural and physical resources.
- (2) For the purposes of subsection (1), the LAP or the parts of the LAP must be treated as a proposed plan change, and Part 1 of Schedule 1 of the Resource Management Act 1991 applies accordingly, with any necessary modification.
- (3) For the avoidance of doubt, a LAP or a provision of a LAP has no effect on any decision under the Resource Management Act 1991.
- (4) Subsection (3) is subject to subsections (1) and (2), and the Resource Management Act 1991.

*Deeds of acknowledgement***29 Acknowledgement of tangata whenua relationship**

- (1) A deed of acknowledgement will acknowledge the particular historical, traditional, cultural, or spiritual relationship of tangata whenua of the heritage area, namely Ngati Whatua and Te Kawerau A Maki, with any land in the heritage area.
- (2) Parties to a deed of acknowledgement will be the Crown or a local authority and tangata whenua of the heritage area.
- (3) A deed of acknowledgement will be entered into after consultation with, and with the agreement of, the parties to that deed.
- (4) The deed of acknowledgement must not—
  - (a) relate to—
    - (i) any water; or
    - (ii) land that is held in fee simple by any person, other than the Crown or the local authority; or
  - (b) be inconsistent with any registered interest in land to which it relates.
- (5) The deed of acknowledgement—
  - (a) records the Crown or relevant local authority's acknowledgement referred to in subsection (1); and
  - (b) must identify the land to which it relates; and
  - (c) may acknowledge, if appropriate, any statement of relationship by any others who claim tangata whenua status with the same land; and
  - (d) without limiting section 30, must identify any specific opportunities for contribution by the tangata whenua to whom the deed relates to the management of the land by the Crown or the local authority concerned.
- (6) The deed of acknowledgement may be amended or revoked by agreement between the parties.

**30 Purpose and effect of deed of acknowledgement**

- (1) The only purpose of a deed of acknowledgement is to identify opportunities for contribution by tangata whenua to the management of the land concerned by the Crown or the local authority concerned.
- (2) A deed of acknowledgement—

- (a) does not affect the exercise of any power or the carrying out of any function or duty by any person under any enactment:
- (b) must not be taken into account by any person in the exercise of any power or the carrying out of any function or duty under any enactment by the person:
- (c) does not permit any person, when considering any matter or making any decision or recommendation under any enactment, to give any greater or lesser weight to the statement of relationship concerned than the person would give under the enactment if the deed did not exist:
- (d) does not affect the lawful rights or interests of any person:
- (e) does not have the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind in relation to, any land referred to in the deed.

**31 May be more than one deed of acknowledgement for same land**

A deed of acknowledgement entered into by the Crown or a local authority with tangata whenua does not prevent the Crown or the local authority from entering into further deeds of acknowledgement for the same land with other tangata whenua who have a historical, traditional, cultural, or spiritual relationship with the land.

**32 Notice of deed of acknowledgement**

- (1) The Crown or a local authority must give notice of the following things:
  - (a) the entering into of a deed of acknowledgement:
  - (b) the amendment of a deed of acknowledgement to which it is a party:
  - (c) the revocation of a deed of acknowledgement to which it is a party.
- (2) The notice must be published—
  - (a) in the *Gazette*; and
  - (b) as soon as possible after the thing to which it relates.

*Consultation processes with tangata whenua***33 Consultation processes with tangata whenua**

- (1) In addition to any specific opportunities for contribution identified in a deed of acknowledgement under section 29(5)(d), a local authority must establish and maintain processes to provide opportunities for Ngati Whatua and Te Kawerau A Maki to contribute to the decision-making processes of the local authority in its implementation of this Act.
- (2) For the avoidance of doubt, subsection (1) does not apply to a decision of a local authority in relation to land that is held in fee simple by any person other than the Crown or a local authority (for example, a decision in relation to a consent, permit, or authorisation).

**Part 3****Miscellaneous provisions****34 Local authorities must monitor and report on certain matters relating to heritage area**

- (1) The local authorities must jointly monitor—
  - (a) the state of the environment in the heritage area; and
  - (b) the progress made towards achieving the objectives; and
  - (c) the funding impact arising from activities to be undertaken specifically to give effect to this Act.
- (2) The local authorities must jointly produce, and each adopt, a report on the monitoring undertaken under subsection (1)—
  - (a) not later than 5 years after the commencement of this Act; and
  - (b) after the first report, at intervals of not more than 5 years.
- (3) The local authorities must give public notice of having adopted a report by publishing a notice in 1 or more daily newspapers circulating in the heritage area.

**35 Preservation of existing rights**

This Act does not limit or affect—

- (a) any title or right to ownership of any land or natural resources within the heritage area, whether the title or

right is conferred by enactment, at common law, or in any other manner:

- (b) any statutory acknowledgement included in any enactment and listed in Schedule 11 of the Resource Management Act 1991;
- (c) the ability of any person to bring a claim (or continue to bring a claim) or seek a remedy in any court or tribunal—
  - (i) arising from the Treaty of Waitangi, an Act, the common law, or in any other manner; and
  - (ii) relating to heritage area land or its natural resources.

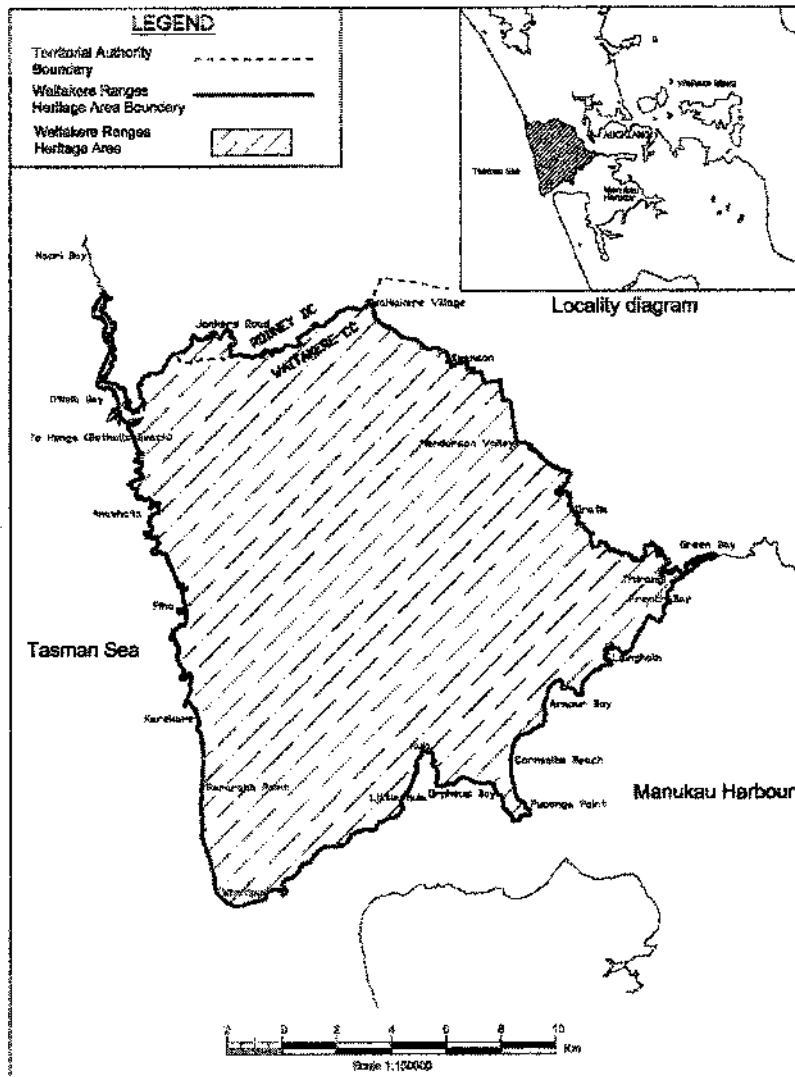
### **36 Transitional provisions**

- (1) An application for resource consent for an activity in the heritage area that has been lodged but not finally determined before the commencement of this Act must be completed (including any rights of appeal under the Resource Management Act 1991) as if this Act had not been enacted.
  - (2) A plan change or variation, proposed policy statement, heritage order, or notice of requirement for a designation that has been notified but not finally determined before the commencement of this Act must be completed (including any rights of appeal under the Resource Management Act 1991) as if this Act had not been enacted.
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Schedule 1

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Indicative map of Waitakere Ranges heritage area



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**Schedule 2**

s 5

**Description of Waitakere Ranges heritage  
area**

The Waitakere Ranges heritage area is all those areas identified as:

**North Shore Land District**

<b>Area</b>	<b>Description</b>
25 710 hectares	Area A shown on SO Plan 361780
530 hectares	Area B shown on SO Plan 361452
660 hectares	Area C shown on SO Plan 361452
820 hectares	Area A shown on SO Plan 64997

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**Schedule 3**

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**Enactments to which section 21 applies**

Biosecurity Act 1993 (Part 5)

Hauraki Gulf Marine Park Act 2000

Historic Places Act 1993

Reserves Act 1977

Soil Conservation and Rivers Control Act 1941

**Legislative History**

1 February 2006	Introduction (Bill 15-1)
22 February 2006	First reading and referral to Local Government and Environment Committee
24 May 2007	Reported from Local Government and Environment Committee (Bill 15-2)
19 August 2007	Second reading
20 February 2008	Committee of the whole House
12 March 2008	Reported from committee of the whole House (Bill 15-3)
2 April 2008	Third reading

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## Attachment BB-XX

### SECTION BY SECTION ANALYSIS OF THE WAITAKERE RANGES HERITAGE AREA ACT (WRHAAA)

**\*Based on clause by clause analysis in The Waitakere Ranges Heritage Area Bill as introduced into Parliament**

The Preamble describes the background to the WRHAA.

Section 1 relates to the Title of the WRHAA. The Act is the Waitakere Ranges Heritage Area Act 2008 (**WRHAA**).

Section 2 relates to commencement. The WRHAA will come into force on the day after it receives the Royal assent – being 9 April 2008.

Section 3 sets out the purpose of the WRHAA. The purpose is to recognise the national, regional and local importance of the Waitakere Ranges Heritage Area and to promote the protection and enhancement of its heritage features for present and future generations.

To assist in meeting this purpose, the WRHAA:

- establishes the Waitakere Ranges heritage area (the heritage area);
- states the national significance of the heritage area and defines its heritage features;
- specifies the objectives of establishing and maintaining the heritage area; and
- provides additional matters for the Councils and certain other persons to consider when making a decision, exercising a power or carrying out a duty that relates to the heritage area.

Section 4 relates to interpretation. Unless the context otherwise requires, terms and expressions used and not defined in the WRHAA, but defined in the Resource Management Act 1991 (**RMA**), have the same meaning as in the RMA.

Section 5 establishes the Waitakere Ranges heritage area. The location and boundaries of the heritage area are shown on the indicative map in Schedule 1. The Waitakere Ranges heritage area is described in Schedule 2. If there is an inconsistency between the map in Schedule 1 and the legal description in Schedule 2, Schedule 2 prevails.

Section 6 provides that extensions to the boundary by Order in Council can only be made on the written request of the landowner to include their land in the heritage area, and if the land is located in the district of a territorial authority, has a contiguous boundary with the heritage area and has features that are consistent with one or more of the heritage features. Any other changes to the boundary must be made via an amendment to the WRHAA.

Section 7 states that the heritage area is of national significance and sets out its heritage features. The heritage features individually or collectively contribute to the significance of the heritage area. These features include:

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- the terrestrial and aquatic ecosystems of prominent indigenous character;
- the different classes of natural landforms and landscapes;
- the coastal areas;
- the natural functioning streams;
- the quietness and darkness of the Waitakere Ranges and coastal parts of the area;
- the dramatic landform of the Ranges and foothills
- the opportunities that the area provides for wilderness experiences, recreation, and relaxation in close proximity to metropolitan Auckland;
- the eastern foothills which act as a buffer and provide a transition from metropolitan Auckland to the forested ranges and coast;
- the subservience of the built environment to the area's natural and rural landscape;
- the historical, traditional and cultural relationships of people, communities and Tangata Whenua with the area;
- its distinctive local communities;
- the Waitakere Ranges Regional Park and its importance as an accessible public place with significant natural, historical, cultural and recreational resources; and
- the public water catchment and supply system.

Section 8 sets out the objectives of establishing and maintaining the heritage area. The objectives include:

- protecting, restoring and enhancing the heritage features and the heritage area;
- ensuring the impacts on the area as a whole are considered when decisions are made affecting any part of it;
- carefully considering risks and uncertainties, using the best information available and endeavouring to protect heritage features when considering decisions that may result in significant adverse effects on the heritage features, including those effects that threaten serious or irreversible damage to the heritage features;
- recognising and avoiding adverse potential or adverse cumulative effects of activities on the environment (which includes the amenity of the heritage area) or its heritage features;
- recognising that, in protecting the heritage features, the heritage area has little capacity to absorb further subdivision;
- ensuring that any subdivision or development of itself or in respect of its cumulative effect, is of an appropriate character, scale and intensity, does not adversely affect the heritage features and does not contribute to urban sprawl;
- maintaining the quality and diversity of landscapes in the heritage area by protecting landscapes of local, regional or national significance, restoring and enhancing degraded landscapes, and managing change within the landscape in an integrated way;
- managing aquatic and terrestrial systems in the area to protect and enhance indigenous habitat values, landscape values and amenity values;

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- recognising that people live and work in the heritage area in distinctive communities and enabling them to provide for their social, economic, environmental, and cultural wellbeing;
- providing for future uses of rural land in order to retain a rural character in the area;
- protecting those features of the area that relate to its water catchment and supply functions; and
- protecting in perpetuity, the natural and historic resources of the Waitakere Ranges Regional Park.

Section 9 requires that the RMA must prevail over the provisions of the WRHAA in the event of a conflict. However, this does not apply to sections 13(1)(a)(ii) or 15(2)(b) of the WRHAA.

Section 10 requires that, when preparing a regional policy statement or regional plan that affects the heritage area, the Auckland Regional Council must have particular regard to the purpose of the WRHAA and give effect to the objectives. This requirement is in addition to the matters to be had regard to under the RMA.

When evaluating a proposed policy statement, proposed plan, plan change or variation that affects the Waitakere Ranges Heritage Area, the Auckland Regional Council must similarly examine whether the proposed policy statement, proposed plan, plan change or variation is the most appropriate way to achieve the purpose of the WRHAA and whether it gives effect to the objectives.

When reviewing a regional policy statement or regional plan under section 79 of the RMA, the Auckland Regional Council must have particular regard to the purpose of the WRHAA and the heritage features and decide whether the regional policy statement or regional plan adequately achieves the purpose and gives effect to the objectives in the WRHAA.

Section 11 requires that Councils, when preparing a district plan that affects the heritage area, in addition to the matters in sections 74, 75 and 79 of the RMA, have particular regard to the purpose of the WRHAA and give effect to its objectives.

Councils, when evaluating a proposed district plan, plan change or variation that affects the heritage area must, in addition to the requirements under section 32(3) of the RMA, also examine whether the provisions are the most appropriate way to achieve the objectives of the WRHAA (having regard to the purpose of the WRHAA).

Section 12 provides that a request made under section 65(4) or section 73(2) of the RMA to change a regional or district plan that affects the heritage area may be rejected, in whole or in part, by a local authority if the request is inconsistent with the purpose or objectives of the WRHAA. To assist Councils in deciding whether to act under this section, the person making the request must explain how it is consistent with the purpose and objectives of the WRHAA. The person making a request must explain how it is consistent with the purpose of the WRHAA and the objectives.

Section 13 requires that Councils considering an application for resource consent for a discretionary or non-complying activity must, in addition to the requirements in the RMA, have particular regard to the relevant provisions of any national policy statement or New Zealand coastal policy statement and to the purpose and relevant objectives of the WRHAA. When considering the objectives of the WRHAA, Councils must have regard to any relevant policies in the regional and district plans.

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When considering an application for resource consent for a controlled or restricted discretionary activity in the heritage area, the consent authority must consider the purpose and relevant objectives of the WRHAA as if they were matters specified in the plan or proposed plan over which the local authority has reserved its control or has restricted the exercise of its discretion.

Section 14 provides that if a consent authority grants a resource consent for an activity in the heritage area, the consent authority may impose conditions relating to one or more of the heritage features or the objectives, under section 108 of the RMA.

Section 15 requires that a person making a decision or recommendation relating to the heritage area for a designation or heritage order under the RMA must have particular regard to the purpose and objectives of the WRHAA and the relevant provisions of any national policy statement or New Zealand coastal policy statement.

Section 16 states that sections 309 to 313 of the RMA apply as if the following matters were stated in section 310 of the RMA as matters that a declaration may address including:

- the application of section 9 of the WRHAA;
- in relation to any of sections 10 to 15 of the WRHAA: the existence or extent of any function, power, right, or duty; whether an act or omission, or a proposed act or omission, contravenes or is likely to contravene any of these sections; and any other issue or matter relating to the interpretation, administration, or enforcement of any of these sections; or
- the matters provided for in section 36 of the WRHAA.

Section 17 sets out what Council must do when, in complying with section 76 of the Local Government Act 2002 (LGA02), it identifies an option under section 77 of the LGA02 that involves a decision relating to the heritage area.

Section 18 requires that the Auckland Regional Council must, when amending the Auckland Regional Growth Strategy, ensure that provisions are not inconsistent with the WRHAA's purpose or objectives. To the extent of any inconsistency, the WRHAA will prevail over the Auckland Regional Growth Strategy prepared under section 37SE of the Local Government Act 1974.

Section 19 requires that the Auckland Regional Council must prepare, adopt and maintain a management plan for the integrated management of the Waitakere Ranges Regional Park using the special consultative procedure set out in section 83 of the LGA02. In preparing, adopting and maintaining a management plan, the ARC must give effect to the WRHAA's purpose and objectives. A management plan can form part of a comprehensive management plan for all regional park land managed by the Auckland Regional Council.

The Regional Parks Management Plan 2003 must be treated as if it were the management plan prepared and adopted for the purposes of this section. For the avoidance of doubt, any part of the management plan relating to a reserve as defined in the Reserves Act 1977, must satisfy the management plan requirements of section 41 of the Reserves Act 1977.

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Section 20 requires the Auckland Regional Council to review the management plan prepared and adopted under section 19(1) every 10 years.

Section 21 clarifies that the WRHAA does not limit or affect the responsibilities or powers of Watercare Services Limited in relation to the heritage area under the Auckland Metropolitan Drainage Act 1960 or section 707ZZZZS of the Local Government Act 1974.

Section 22 requires that any Council exercising a power or carrying out a function in relation to the heritage area under an enactment specified in Schedule 3, must exercise the power or carry out the function having particular regard to the purpose and objectives of the WRHAA.

Section 23 provides for Waitakere Ranges Heritage Area covenants to be entered into with the agreement of land owners and Councils to provide for the management and protection of the land.

Section 24 clarifies that the WRHAA does not limit or affect the Foreshore and Seabed Act 2004.

Section 25 provides that a Council may prepare and adopt a local area plan (**LAP**) regarding a heritage area in its district in order to promote the purpose and objectives of the WRHAA and to provide objectives in relation to the future amenity, character and environment of the local area, the well-being of local communities and to inform the decision-making processes that relate to the heritage area. The section sets out the matters that a local area plan must address and allows Council to amend, revoke or replace such a plan.

Section 26 states that Councils may decide their own processes when preparing, amending, revoking or replacing a LAP, but in doing so they must at least ensure that the process:

- encourages interested or affected persons to participate and contribute;
- complies with the consultation principles contained in section 82 of the LGA02;
- has regard to the current Waitakere Ranges Regional Park management plan prepared under section 19 of the WRHAA if the plan is for a local area that is adjacent to or includes part of the Park; and
- includes consultation with Tangata Whenua, namely Ngati Whatua and Te Kawerau A Maki.

Section 27 clarifies that by adopting a LAP a Council is not making a decision to act on any specific matter included in that LAP. However, any Council decision that is, or may have consequences that would be, significantly inconsistent with its LAP must clearly identify the inconsistency, the reasons for it and any intention the Council has to amend the plan to accommodate the decision. No other person can require a Council or any other person to implement a LAP or any provision of it.

Section 28 states that a Council may include any part of its LAP that relates to the use, development or protection of natural resources in its district plan and if it does so the Council must treat the relevant parts of the LAP as a proposed plan change under Part

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1 of Schedule 1 of the RMA. For the avoidance of doubt, the LAP, or part of the LAP, has no effect on any decision under the RMA.

Section 29 provides for the Crown or Councils entering into a deed of acknowledgement with Tangata Whenua in respect of land in the heritage area to acknowledge any statement of particular historic, traditional, cultural or spiritual relationship with the land. Deeds of acknowledgement must not relate to any water or to any private land in the heritage area, or be inconsistent with any registered interest in land to which it relates.

Section 30 sets out the purpose and effect of a deed of acknowledgement.

Section 31 clarifies the relationship between a deed of acknowledgement under the WRHAA and other deeds of acknowledgement. A deed of acknowledgement under the WRHAA does not prevent the Crown or Councils from entering into further deeds of acknowledgement with other Tangata Whenua.

Section 32 requires that a notice of any deed of acknowledgement entered into, or an amendment to, or revocation of, a deed of acknowledgement, be notified in the Gazette as soon as possible after the occurrence of the thing to which it relates.

Section 33 sets out consultation processes that Councils must enter into with Tangata Whenua in addition to any specific opportunities for contribution identified in a deed of acknowledgement made under section 29(5) of the WRHAA. The consultation requirements in this section do not apply to Council decisions that relate to land held in fee simple by persons other than the Crown or Councils.

Section 34 requires that the Councils must jointly monitor the state of the environment in the heritage area; the progress made towards achieving the objectives; and the funding impact arising from activities to be undertaken specifically to give effect to the WRHAA. The Councils must jointly report on the findings every five years.

Section 35 clarifies that the WRHAA does not limit or affect any rights of title or ownership of land or natural resources, or the ability to bring a claim or continue to bring a claim in any Court or Tribunal.

Section 36 provides transitional provisions. Any resource consent lodged, but not finally determined before the commencement of the WRHAA, must be continued and completed as if the WRHAA had not been enacted. Any plan changes, variations, proposed policy statements, heritage orders or notices of requirement for designation notified but not finally determined before the commencement of the WRHAA must similarly be completed as if the WRHAA had not been enacted.

Schedule 1 contains an indicative map that shows the location and boundary of the heritage area (established by section 5).

Schedule 2 describes the heritage area established by section 5.

Schedule 3 specifies the Acts to which section 22 applies.

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# **The Local Government Electoral Option 2008**

This guide was prepared for the Department of Internal Affairs,  
the Society of Local Government Managers Electoral Working Party  
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### *Acknowledgements*

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## **Introduction**

The Local Electoral Act 2001 offers the choice between two electoral systems for local government elections: first past the post (FPP) and the single transferable vote (STV).

The option was first offered for the 2004 local government elections. As a result of that option, ten city/district councils used STV at the 2004 elections (Kaipara, Papakura, Matamata-Piako, Thames-Coromandel, Kapiti Coast, Porirua, Wellington, Marlborough, Dunedin and the Chatham Islands). After the 2004 election, two councils (Papakura and Matamata-Piako) resolved to change back to FPP. The remaining eight councils used STV at the 2007 elections.

Councils now have the option to decide, by 12 September 2008, whether to stay with their current electoral system (either FPP or STV), or whether to change to the alternative system for the 2010 elections.<sup>1</sup>

Whether or not a council passes a resolution by 12 September 2008, it must give public notice by 19 September of the right for 5% of electors to demand a poll on the electoral system to be used at the 2010 local elections.

This guide has been developed to help councils reach their decision. It is also intended to provide a basis for information to help local communities understand the issues. Communities have an important role to play in the decision. They must be consulted by way of public notice and may be polled on their preferred electoral system or demand a poll themselves.

The guide includes:

1. a brief description of the two electoral systems including important differences
2. some commonly identified advantages and disadvantages of each electoral system
3. responses to common concerns and questions councils and the public have raised about each electoral system and the electoral option.

This guide does not intend to influence councils either way in their decision-making. It presents arguments for and against both systems and encourages councils to make an informed choice about the electoral system best suited for their community.

### **1. The Choice: First Past the Post (FPP) or the Single Transferable Vote (STV)**

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<sup>1</sup> This option does not apply for any council that for the 2007 elections had the electoral system determined by way of a poll. The outcome of such a poll applies for two triennial elections i.e. 2007 and 2010.

(a) How do the two electoral systems work?

FPP	STV
<p>FPP: casting a vote</p> <ul style="list-style-type: none"> <li>• You place ticks equal to the number of vacancies next to the candidate(s) you wish to vote for.</li>   <li>• In multi-member wards/constituencies you cast one vote for each vacancy to be filled, as above.</li>   <li>• In single-member wards/constituencies you cast one vote.</li> </ul> <p>FPP: counting votes</p> <ul style="list-style-type: none"> <li>• The candidate(s) with the most votes win(s). Each winning candidate is unlikely to have a majority of votes, just the largest number of votes cast.</li> </ul>	<p>STV: casting a vote</p> <ul style="list-style-type: none"> <li>• You cast one <i>single</i> vote regardless of the number of vacancies.</li> <li>• You cast this <i>single</i> vote by consecutively 'ranking' your preferred candidates beginning with your most preferred candidate ('1') your next preferred candidate ('2') and so on.</li> <li>• In multi-member wards/constituencies you cast a <i>single</i> vote by ranking as few or as many candidates as you wish, as above.</li> <li>• In single-member wards/constituencies you cast a <i>single</i> vote by ranking as few or as many candidates as you wish.</li> </ul> <p>STV: counting votes</p> <ul style="list-style-type: none"> <li>• The candidate(s) are elected by reaching the 'quota' (the number of votes required to be elected).<sup>2</sup></li> <li>• Vote counting is carried out by computer.<sup>3</sup></li> <li>• First preference votes ('1s') are counted. Candidates who reach the quota are 'elected'. The 'surplus' votes for elected candidates are transferred according to voters' second preferences. Candidates who reach the quota by including second preferences are 'elected'. This process repeats until the required number of candidates is elected.<sup>4</sup></li> </ul>
<b>FPP</b>	<b>STV</b>

<sup>2</sup> The quota is calculated using the total number of valid votes cast and the number of vacancies.

<sup>3</sup> The New Zealand method of STV uses the 'Meek method' of counting votes. Because this method transfers proportions of votes between candidates, it requires a computer program (the STV calculator).

<sup>4</sup> If at any point there are no surpluses left to transfer, the candidate with the lowest number of votes is excluded and the votes redistributed according to voters' next preferences. For further information on the details of vote counting, see, for example, STV Taskforce, 'Choosing Electoral Systems in Local Government in New Zealand: A Resource Document', (May 2002).

<p>FPP: announcing results</p> <ul style="list-style-type: none"> <li>• FPP results can usually be announced soon after voting ends.</li> <li>• Results are announced and published showing the total votes received by each candidate.</li> </ul>	<ul style="list-style-type: none"> <li>• In multi-member constituencies, despite voters casting only a <i>single</i> vote, a voter may influence the election of more than one representative (if their vote can be transferred to other candidates according to voters' preferences)</li> </ul> <p>STV: announcing results</p> <ul style="list-style-type: none"> <li>• Because vote counting is multi-part, it is likely to take longer than for FPP election results.</li> <li>• Results are announced and published showing elected candidates in the order they reached the quota and unsuccessful candidates in the reverse order they were excluded. All elected candidates will have the same share of the vote.</li> </ul>
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***(b) What are the most important differences between the two electoral systems?***

To understand the important differences between the two electoral systems it is helpful to think about what happens to 'wasted votes' in both cases. A 'wasted vote' is a vote that does not help to elect a candidate. This might be because the candidate was very popular (so did not need all the votes received), or was very unpopular (and had no chance of being elected).

Let's imagine that you vote in a local government FPP election to fill two vacancies, with four candidates standing for election. You vote for Candidates A and B. Imagine Candidate A wins by a landslide and Candidate B is the least popular of all the candidates. The vote for the other candidate to be elected is very close between Candidates C and D; in the end Candidate D wins the second vacancy by a very small margin. Candidate D is your least preferred candidate.

You might think to yourself, once you see the results, 'I wish I had known that Candidate A didn't need my vote to win, and that Candidate B didn't have a chance of being elected as I would have voted differently. I may have still voted for Candidate A, but would have voted for Candidate C instead of Candidate B.'

Now imagine you vote in the same election using STV. You have a *single* transferable vote even though there are two positions to fill. Again Candidate A wins by a landslide and Candidate B is the least popular candidate. Candidates C and D are very close on first preference votes and so second and subsequent preferences become important.

You cast your vote by ranking the candidates according to your preferences; you rank Candidate A as '1', Candidate B as '2' and Candidate C as '3'. You don't rank candidate D at all because you don't want that candidate to be elected. Under STV:

- Candidate A is very popular and is elected on first preferences
- Candidate A has votes surplus to the number required to reach the quota and these are transferred according to voters' second preferences
- the surplus portion of your vote for Candidate A is transferred to your second preference, Candidate B
- both Candidates C and D are very close to the quota at this point and Candidate B is least popular
- Candidate B is excluded and the proportion of your vote for this candidate is transferred to your third preference, Candidate C
- when preferences are counted again Candidate C reaches the quota and is elected.

Under STV, unlike the FPP election, your ranking of the candidates made your vote more effective and avoided it being 'wasted' on Candidates A (who had a surplus of first preference votes) and B (who was excluded once surplus votes from Candidate A were transferred). In other words, despite Candidates A and B being your most preferred candidates, under STV you were also able to influence the race between Candidates C and D because you showed a preference between them on your voting document.<sup>5</sup>

These election results reveal an important difference between FPP and STV electoral systems. Think again about your FPP vote. You voted for two candidates to fill two vacancies. If you are part of the largest group of like-minded voters, even if that group is not the majority, you could determine the election of both candidates. Other voters (from perhaps only slightly smaller groups) won't have gained any representation at all.

In the STV election, however, you cast only one *single* transferable vote, even in multi-member wards/constituencies. That vote is used to greater effect as long as you rank all the candidates you like in order of preference. Because your vote is a single vote that can be transferred in whole or in part according to your wishes, you and other voters will not be over-represented or under-represented. This is why STV, unlike FPP, in multi-member wards or constituencies, is called a proportional representation system. The outcomes potentially better reflect community views.

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<sup>5</sup> These scenarios oversimplify how the vote count actually works under NZSTV, in order to explain the principle of vote transfers. The STV calculator uses a complex mathematical set of rules to ensure that the appropriate proportions of votes are transferred between candidates.

## 2. What are the advantages and disadvantages of each system?

No electoral system is perfect. Both FPP and STV have advantages and disadvantages.

Overall, the advantages of STV relate to the people who get elected using STV.<sup>6</sup> The system potentially achieves:

- broad proportionality (in multi-member wards/constituencies)
- majority outcomes in single-member elections
- more equitable minority representation
- a reduction in the number of wasted votes.

The disadvantages of STV relate to:

- the public being less familiar with the system and possibly finding it harder to understand
- matters of process such as the way votes are cast and counted (for example perceived complexity may discourage some voters)
- the information conveyed in election results.

The advantages of FPP, on the other hand, relate to the simplicity of the process including the ways votes are cast, counted and announced.

The disadvantages of FPP relate to:

- the results of the election, including the generally 'less representative' nature of FPP councils
- the obstacles to minority candidate election
- the number of wasted votes.

Deciding which electoral system is best for your community may come down to deciding which is more important: process, or outcome. Unfortunately, neither electoral system can claim to achieve well in both.

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<sup>6</sup> For further discussion, see Graham Bush, 'STV and local body elections – a mission probable?' in I. Drage (ed), *Empowering Communities? Representation and Participation in New Zealand's Local Government*, pp 45–64 (Wellington: Victoria University Press, 2002).

*More detailed advantages and disadvantages*

FPP	STV
<p>FPP: casting votes</p> <ul style="list-style-type: none"> <li>• FPP is a straightforward system of voting.</li> <li>• FPP is familiar to most people.</li> <li>• 'Tactical' voting is possible; votes can be used with a view to preventing a candidate from winning in certain circumstances.</li> </ul>	<p>STV: casting votes</p> <ul style="list-style-type: none"> <li>• STV is a less straightforward system of voting.</li> <li>• There is a need for more information for people to understand the STV ranking system of candidates.</li> <li>• It is virtually impossible to cast a 'tactical' vote under STV. As a result, voters are encouraged to express their true preferences.</li> </ul>
<p>FPP: counting votes</p> <ul style="list-style-type: none"> <li>• FPP is a straightforward system for counting votes.</li> <li>• Votes can be counted in different locations and then aggregated.</li> <li>• Election results are usually announced soon after voting ends.</li> </ul>	<p>STV: counting votes</p> <ul style="list-style-type: none"> <li>• STV vote counting requires a computer program (the STV calculator).</li> <li>• Votes must be aggregated first and then counted in one location.</li> <li>• Election results will usually take a little longer to produce.</li> </ul>
<p>FPP: election results</p> <ul style="list-style-type: none"> <li>• Official results show exactly how many people voted for which candidates.</li> <li>• Results are easy to understand.</li> <li>• A 'block' of like-minded voters can determine the election of multiple candidates in multi-member wards/constituencies, without having a majority of the votes, thereby 'over-representing' themselves.</li> <li>• The overall election results will not be proportional to voters' wishes, and will not reflect the electoral wishes of the <i>majority</i> of voters, only the <i>largest group</i> of voters who may not be the majority.</li> </ul>	<p>STV: election results</p> <ul style="list-style-type: none"> <li>• Official results will identify which candidates have been elected and which have not and in which order. They do not show how many votes candidates got overall, as all successful candidates will have the same proportion of the vote (the quota). This information, at stages of the count, can still be requested.</li> <li>• Results can be easy to understand if presented appropriately.</li> <li>• STV moderates 'block' voting as each voter casts only one <i>single</i> vote, even in multi-member wards/constituencies.</li> <li>• The overall election results reflect the wishes of the majority of voters in proportion to their support for a variety of candidates.</li> </ul>

FPP	STV
<ul style="list-style-type: none"> <li>• In single-member elections, the winner is unlikely to have the majority of votes, just the largest group of votes.</li> <li>• There will be more 'wasted' votes (votes that do not contribute to the election of a candidate).</li> </ul>	<ul style="list-style-type: none"> <li>• In single-member wards/constituencies, the winner will have the majority of votes (preferences).</li> <li>• Every vote is as effective as possible (depending on the number of preferences indicated) meaning there are fewer 'wasted votes' and more votes will contribute to the election of a candidate than under FPP.</li> </ul>

### 3. Common Questions and Concerns

#### *FPP ain't broke: so why fix it?*

For those voters supporting candidates who tend to get elected under FPP, it can appear that there is nothing wrong with this system. But FPP councils do not truly 'represent' their community in terms of their composition. STV is a proportional representation voting system that means (if a diversity of candidates stand for election and a diversity of electors vote) the candidates elected will better represent the wishes of a greater number, and a wider diversity of voters.

#### *FPP is easy to understand. I can't trust a complicated system like STV.*

It is true that FPP is a very easy way to vote, and to count votes. Voting under STV is less straightforward, but as long as a voter knows how to rank their preferred candidates, they will find it easy to vote. A post-election survey has found that most people found it easy to fill in the STV voting document and rank their preferred candidates.<sup>7</sup> The way votes are counted is complicated. That is why it requires a computer program (STV calculator). The STV calculator has been independently certified and voters *can* trust that it only transfers a vote according to voters' preferences ranked on their voting documents. Nothing (and no person) can influence the transfer of votes set out on voting documents.

#### *Won't voters be put off if the voting system is too complicated?*

Voter turnout (the number of people voting) in 2004 and 2007 in the STV local body elections was mixed. Some councils' turnout was higher than the national average, and some lower.<sup>8</sup> Turnout for DHB elections (which must use STV) can be seen to be

<sup>7</sup> Local Government Commission, 'Report to the Minister of Local Government on the review of the local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), p 14

<sup>8</sup> Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), p 13

influenced by a range of factors including elections being at large for seven vacancies, the number of candidates (and often less well-known than council candidates) and the fact this issue is usually at the end of the voting document).

Overall, voter turnout has been on the decline for many years. It is possible that *more* voters would turn out to local elections in the future if they feel with STV they have a better chance of electing a representative who better represents them than FPP has in the past.

***Won't there be more blank and informal votes under STV, which is not good for democracy?***

Despite voters saying in the Local Government Commission survey that they generally found STV an easy way to vote, some voters did cast an invalid vote in STV elections (including DHB elections). A small proportion of these voters seemed confused by the voting system. But most blank and informal votes are thought to be due to two different voting systems (FPP and STV) appearing on the same voting document and to other factors, rather than being due to the way STV votes are cast.

***STV will not work for our council because of our ward/at large system.***

Eight of the ten councils using STV in 2004 had wards, one used the at large system, and one had a combination of wards and at large. There is no 'rule' about the need or otherwise for wards or constituencies, but STV can be seen to provide the greatest benefit in wards or constituencies of between three and nine candidates. If there are fewer than three candidates, the benefits of the transferable vote in terms of proportionality are not likely to be evident. If there are a very large number of candidates to choose from, voters are likely to find it a more difficult task to rank preferred candidates (though there is no need to rank all candidates).

***STV hasn't made any difference to the diversity of representation in STV councils***

Until a greater variety of people stand for local body election and a wide diversity of electors vote, no representation system will be able to improve the diversity of representatives elected. There has been some change in the gender, ethnicity and age of some members elected by STV in 2004 and 2007 which may be due to STV.<sup>10</sup> But it will take some time for a diversity of candidates to see the opportunities of standing in an STV election and more electors to see the potential benefits of voting under a proportional representation system. Two elections in a small number of councils is not enough time to judge the difference STV could make over time.

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<sup>9</sup> Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), pp 13-18

<sup>10</sup> Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008), pp 18-19

## Useful resources

Graham Bush, 'STV and local body elections – a mission probable?' in J. Drage (ed), *Empowering Communities? Representation and Participation in New Zealand's Local Government*, pp 45–64 (Wellington: Victoria University Press, 2002).

Local Government Commission, 'Report to the Minister of Local Government on the review of the Local Government Act 2002 and the Local Electoral Act 2001: Special topic paper: Representation' (February 2008)

*(Note: this paper has now been withdrawn from the Commission's website but its contents may be found in the Commission's main report on its review of the above legislation which will be posted on its website in the near future at [www.lgc.govt.nz](http://www.lgc.govt.nz).)*

Justice and Electoral Committee, 'Inquiry into the 2004 local authority elections' reported to Parliament in August 2005.

Christine Cheyne and Margie Comrie, 'Empowerment for Encumbrance? Exercising the STV Options for local Authority Elections in New Zealand, *Local Government Studies*, Vol. 31, No. 2, 185-204, (April 2005).

STV Taskforce (The Department of Internal Affairs, Ministry of Health, SOLGM, Electoral Commission and Local Government New Zealand), 'Choosing Electoral Systems in Local Government in New Zealand: A Resource Document', (May 2002). [[http://www.dia.govt.nz/Pubforms.nsf/URL/STV.pdf/\\$file/STV.pdf](http://www.dia.govt.nz/Pubforms.nsf/URL/STV.pdf/$file/STV.pdf)]

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Kaahu Communications Ltd

Waitakere City Council

Te Taumata Runanga  
Triennial Review

Final Report

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## 1.0 EXECUTIVE SUMMARY

In order to improve its responsiveness and effectiveness for Maori, Waitakere City Council ("the Council") endorsed a triennial review of Te Taumata Runanga, the Council's Maori Standing Committee. In conducting the review, a picture was developed of the foundation, structure and operation of Te Taumata Runanga.

The review showed that while Te Taumata Runanga enables a level of Maori participation in Council's decision-making processes, there is still significant untapped potential for improvement, primarily through providing more efficient and effective organisational support for Te Taumata Runanga.

Furthermore, in terms of responding to Maori initiatives, while Te Taumata Runanga has had some successes, there is also huge scope for improvement, primarily through supporting the Committee to develop and, most importantly, implement relevant strategic work programmes which clearly reflect the needs of the Maori community.

A number of changes have been suggested which can support these improvements. An essential component of moving forward with these improvements will be further development, implementation and embedding of Te Aho Tumanako within the Council's organisational framework.

Success will depend on the co-operation and support of a range of key stakeholders. It will be critical for Te Taumata Runanga, the senior management team, the Maori Relationships Team and key Councillors to all provide strong leadership to help navigate the path of improvement.

In terms of the desired outcomes, the review; identified several pathways for improving the effectiveness of Council's relationships with Maori; considered both governance and operational issues; provided an opportunity to strategically progress Maori responsiveness on an integrated organisational level; progressed several components of the LTCCP 2006-2016 and; provided information to assist the Council to better comply with the Local Government Act 2002.

With the benefit of all this information, the most significant opportunity for the Council is now to exercise visionary leadership by supporting and growing the principled partnership entered into by their predecessors 15 years ago.

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## RECOMMENDATIONS

The review is supported by a number of data collection reports which provide a detailed benchmark by which to evaluate progress over the next three years. The data collection reports, observations during the review, and an evolving understanding of the needs and priorities of the Council and Maori in Waitakere City provide a robust basis for developing an "improvement plan" which should form part of the Committee's 2007-2010 strategic work programme.

1. Develop an "improvement plan"<sup>1</sup> which includes strategies to:

- FOUNDATION**
- Develop, adopt and embed Terms of Reference for Te Taumata Runanga which set out the principles upon which the partnership with Council is based.
  - Expand governance opportunities for Maori within the Council.<sup>2</sup>
  - Entrench the existence of Te Taumata Runanga.
- STRUCTURE**
- Develop and adopt an appropriate membership structure for Te Taumata Runanga (including selection, mandating and Council appointment processes).<sup>3</sup>
  - Review delegations (in particular, those relating to financial authorities and policy development).<sup>4</sup>
- OPERATIONS**
- Develop three year strategic work programme and annual work programmes for Te Taumata Runanga incorporating recommendations from this review.<sup>5</sup>

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<sup>1</sup> As the recommended improvements are broad and wide reaching it will be important to make sure that this is a staged plan, which carefully prioritises and estimates the time & resource required to implement each strategy. As the recommended improvements are broad or wide reaching it will be important to make sure that this is a staged plan

<sup>2</sup> This should embed and expand the current provision for Te Taumata Runanga membership on the City Development Committee. It should also occur within a longer term context of providing similar membership on the Planning & Regulatory and Financial & Operational Performance Committees.

<sup>3</sup> This might include statistical analysis of demographics, analysis of membership structure options, and hui-a-iwi to confirm community preference.

<sup>4</sup> The delegations have already been amended as an interim outcome of this review. Further amendments may be required to ensure that Te Taumata Runanga is appropriately empowered after the Terms of Reference and Operating Guidelines have been developed and adopted.

<sup>5</sup> These programmes should also include relevant content from previous strategic work programmes and Council initiatives (such as the Council's Maori community outcomes).

- Negotiate a direct link between Te Taumata Runanga strategic & annual work programmes and the Council's Annual Planning and Reporting process.
- Audit and improve the organisation's capacity and capability to be responsive and effective for Maori. Improvements should:
  - Include appropriate training and staffing to enable the organisation to engage effectively with Maori.
  - Embed appropriate processes in the organisational framework to enable more effective and efficient engagement with Maori, including:
    - The Treaty of Waitangi Framework.
    - Te Aho Tumanako.
    - A performance management system relating to Maori responsibilities.
    - Treaty responsibilities in the job descriptions and performance plans of the CEO and Directors.
    - Amendments to existing organisational planning processes to prompt early involvement of Maori in Council initiatives.<sup>6</sup>
    - The alignment of Te Taumata Runanga strategic and annual planning with Council's annual planning and reporting processes.
- Review, amend, adopt and embed appropriate operating guidelines for Te Taumata Runanga which include:
  - An appropriate meeting format and provision of appropriate training to better enable Te Taumata Runanga to fulfil both its "proactive" and "responsive" roles.
  - Member position descriptions and performance measures.
  - Provision for regular Te Taumata Runanga team building wananga.
  - Te Taumata Runanga involvement in determining

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<sup>6</sup> This should occur within a longer term context (within the current electoral term) of incorporating appropriate delegations for other Committees which would prompt early involvement of Maori in Council initiatives at a governance level.

meeting agendas.

OTHER

- Build effective working relationships between Te Taumata Runanga and:
  - Council (to increase participation in governance).
  - Senior management (to increase organisational support).
  - Maori communities within Waitakere City including mana whenua and taurahere, groups and individuals (to increase Committee's relevance for its constituency).
- Investigate options for creating a Maori representative entity independent of Council.<sup>7</sup>
- Audit and improve the Maori Relationship Team's capacity and capability to be responsive and effective for Maori. Improvements should:
  - Enable the delivery of more effective support service across the organisation.<sup>8</sup>
  - Enable the delivery of more effective support service to Te Taumata Runanga.<sup>9</sup>
  - Clarify the foundation, structure and operation of the Maori Relationships Team.<sup>10</sup>

2. Implement the "improvement plan".

3. Monitor and review the "improvement plan".

NOTE

There is great hope and anticipation that this review can help steer the Committee to "new horizons". If implemented in their entirety, these recommendations have the

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<sup>7</sup> As this aspiration of the Maori community has now become a realistic option, it has also become a relevant consideration to ensure that broad strategic decisions relating to the future direction of Te Taumata Runanga are fully informed.

<sup>8</sup> In relation to this review, the aim would be to better enable the organisation to engage effectively with Te Taumata Runanga. This would build the capacity of Te Taumata Runanga to fulfil its "responsive role" as described more fully in sections 3.2 and 3.3.

<sup>9</sup> The aim would be to build the capacity of Te Taumata Runanga to fulfil its "proactive role" as described more fully in sections 3.2 and 3.3 of this report.

<sup>10</sup> This should occur within a longer term context (within the current electoral term) of centralising and elevating the Maori Relationships Team within the organisational structure, so as to enable more effective service across the organisation, and across the Maori community (through Te Taumata Runanga and other mechanisms).

potential to make largescale improvements to the Council's overall relationships with Maori.

One of the most important factors about this entire review, is that all of these ideas have been articulated before. Some in passing, some in reports, some in strategic work programmes which were never implemented. The key factor which will determine whether this review and these recommendations have any impact is whether the Council is prepared to consistently provide sufficient resource from its annual planning process, and sufficient priority within the organisation to enable Te Taumata Runanga to reach its full potential.

If we return to the founding principles of this partnership, we recognise that the relationship between Maori and local government occurs by virtue of our shared past. The motivation to work together becomes clear when we remember that our mokopuna will carry on our legacy with a shared future. Improved outcomes for Maori means improved outcomes for all.

*Nau te rourou, naku te rourou  
Ka ki te kete, ka ora ai te iwi*

*By my efforts, by your efforts  
Our baskets will be filled, the people will be nourished*

## 2.0. INTRODUCTION

In order to improve its responsiveness and effectiveness for Maori, the Council endorsed a triennial review of Te Taumata Runanga. The purpose of the review was to:

- Develop an accurate picture of the present role, structure and practice of Te Taumata Runanga.
- Consider how responsive and effective Te Taumata Runanga is for Maori in Waitakere City, in terms of responding to Maori community initiatives, and in terms of enabling Maori participation in Council's decision-making processes.
- Identify changes needed to improve this responsiveness and effectiveness.
- Provide a benchmark by which Te Taumata Runanga can demonstrate and evaluate progress regarding its responsiveness and effectiveness for Maori.
- Provide information upon which the Council can further develop Te Aho Tumanako, which is a permanent institutional framework for aligning the strategic priorities of the Maori community with the various activities of Council.

The desired outcomes included:

- Satisfying the responsibility of the outgoing Te Taumata Runanga to undertake a review of itself (as set out above).
- Identifying pathways for improving the effectiveness of Council's relationships with Maori.
- Considering both governance and operational issues, and providing an opportunity to strategically progress Maori responsiveness on an integrated organisational level.
- Progressing the following components of the LTCCP 2006-2016:
  - Treaty of Waitangi strategic priority.
  - Active Democracy Strategic Platform.
  - Maori Community Outcomes:
    - Nga Manukura - Maori Leadership.
    - Te Mana Whakahaere - Autonomy.
- Preparing the Council to better comply with the Local Government Act 2002, in particular those provisions specifically increasing the Council's responsibilities to Maori communities.

- Illustrating the leadership Council is showing with respect to improving Maori and local government relationships.

The review process was guided by an agreed framework which is attached as Appendix I. In summary, the review was based on four key principles which are considered to be vital in relationships between local government and Maori:<sup>11</sup>

- Effective Treaty-based relationships.
- Meeting legislative requirements.
- Reflecting Maori aspirations in the Council's strategic direction.
- Responding to Maori community needs and aspirations.

It was recognised that many groups of people impact on the effective operation of Te Taumata Runanga. The agreed scope of the review was therefore broad, to enable a full inquiry into many relevant areas, and to enable robust and integrated solutions to be developed. It was similarly recognised that many groups of people would be involved in helping to shape and implement key recommendations from the review, and the review was therefore conducted in such a way as to promote communication with key stakeholders within the Council and within the Maori community.

Data was collected through a literature review, key informant interviews, focus groups with the Maori Relationships Team and the Directors Group, workshops with Te Taumata Runanga, a wananga and community hui. The review considered the Council's stated intention in terms of its relationship with Maori; how that intention is actually implemented; and how effective that implementation is in targeting the needs of Maori and the needs of Council.

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<sup>11</sup> For a more detailed analysis of the underlying framework to the review, see Appendix I (p 28).

### 3.0 FINDINGS

This section of the report presents a summary of findings from the review. More detailed findings are included in data collection reports, and can be used to flesh out more detail in implementing the recommendations of the review.

In summary, although the launch of Te Taumata Runanga was ground breaking in 1992, and there have been achievements, progress and successes through the journey, this review has identified a high level of frustration within Te Taumata Runanga members and the Maori community. People want to see substantive change and measurable improvement to the lives of Maori in Waitakere City, and they believe that Te Taumata Runanga should have a driving role in helping to create this outcome. There is great hope and anticipation that this review can help steer the Committee to “new horizons”.

The review also identified a developing conversation around creating an alternative Maori representative entity, independent of Council. This can be seen as a positive endeavour which aims to give effect to the principle of rangatiratanga. There are potential benefits for both Maori and Council, and it is important for all stakeholders to bear in mind the possibility of both entities co-existing, each with its own particular purpose and role. Any such transition or addition would need to happen in a deliberate and structured, yet flexible manner.

In the meantime, the findings show that there is still plenty of scope for Te Taumata Runanga to become significantly more effective in its present form. There are many unrealised opportunities surrounding Te Taumata Runanga, and success ultimately depends on the vision, co-operation and support of a diverse group of people including current Te Taumata Runanga members, Councillors, Directors and staff, members of the Maori Relationships Team, mana whenua, taurahere organisations and members of the Maori community as a whole.

The findings are arranged into four key areas:

1. FOUNDATION - Why is Te Taumata Runanga in existence?
2. STRUCTURE - What is the makeup of Te Taumata Runanga?
3. OPERATIONS - How does Te Taumata Runanga operate?
4. OTHER - Other relevant issues.

### 3.1 FOUNDATION

The first major area of inquiry considers the foundation underlying Te Taumata Runanga. Why is Te Taumata Runanga in existence? What is the rationale? What were the intended outcomes and benefits?

Analysis shows that Te Taumata Runanga was originally created as a conduit between Maori communities and the Council. It was intended to represent Maori communities in Waitakere City, and the underlying notion was to create a principled engagement between partners. The drivers behind this partnership are now legislation,<sup>12</sup> the Treaty of Waitangi,<sup>13</sup> the recognition that Maori have a valuable perspective that can contribute to the Council's strategic direction,<sup>14</sup> and Council's effort to contribute to Maori community needs and aspirations.

Te Taumata Runanga was created for the benefit of both Council and Maori. It was seen as a tool which could enable the Council to engage more effectively with the Maori community, and as an adviser to provide valuable advice on Maori perspectives. From a Council perspective, a Maori Standing Committee was a potentially powerful entity, close to the heart of governance of big issues within Waitakere City.

From a Maori perspective, the Committee was a forum which could represent Maori politically alongside the Councillors. Te Taumata Runanga was to better enable Maori involvement in Council projects, but most of all it was seen as a mechanism focused on achieving the best possible outcomes for Maori in Waitakere City. By contributing to Maori socioeconomic performance, Te Taumata Runanga would assist the Council to create benefits for the whole community.

As one of the first Maori Standing Committees to be established in the country, Te Taumata Runanga was on the leading edge of relationships between local government and Maori. Waitakere City Council was certainly a leader in this field, as there were no "handbooks" or "templates" for creating a successful Maori Standing Committee, and at that time there was significant negative reaction from different sectors of the community. In 2007, a decade and a half later, the Committee is now well established

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<sup>12</sup> In particular the Local Government Act 2002.

<sup>13</sup> The Treaty of Waitangi is acknowledged as one of the Council's five strategic priorities in its key planning document, the Long Term Council Community Plan ("LTCCP").

<sup>14</sup> The special place of Maori in Waitakere City, and the Maori world view have recently been acknowledged through the Council's "two world view" process undertaken in the Council's community outcomes process.

to the point where it has become an accepted part of the Council's governance structure. Even so, there are a number of issues going to the heart of the Committee's foundation which remain unresolved.

### *Issues & Opportunities*

A key issue underlying the foundation of Te Taumata Runanga is its stability. The Committee relies on the Council re-establishing its existence every electoral term. Although there is no reason to believe that the Council would disestablish Te Taumata Runanga, the Council's ability to do this is unacceptable to Maori. This issue has been raised repeatedly over a long period of time. Members of Te Taumata Runanga and the Maori community desire greater certainty and stability, and believe that the issue requires urgent resolution. Conversations continue about lobbying central government to enact legislation which would entrench the Committee's existence. There is an opportunity to research and adopt a mutually acceptable solution to provide further stability for Te Taumata Runanga as a committee of Council.

Maori expect Te Taumata Runanga to have involvement in the Council's governance decisions. Councils are legislatively encouraged to involve Maori in their decision-making processes, but ultimately they decide whether such involvement will be through operational decisions, or more significant management or governance decisions. An example of a key governance decision where Maori expected to sit alongside Councillors in a decision-making capacity was the decision whether or not to create Maori wards. They say an authentic "partnership" approach should have involved a more robust and informed process of debate and negotiation between Te Taumata Runanga and Council.

One opportunity for Te Taumata Runanga to increase their own involvement in the Council's governance decisions would be to make more proactive policy recommendations. Having the authority to make recommendations direct to full Council is a significant opportunity which is presently underutilised by Te Taumata Runanga. The actual ability to make proactive policy recommendations to Council requires that Te Taumata Runanga has sufficient capacity, capability and organisational support (further considered below).

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It is also important for Te Taumata Runanga and Councillors to nurture stronger political relationships with each other, and there are many opportunities to do so.<sup>15</sup> Any engagement provides an opportunity to build stronger trust, which increases the likelihood of being able to enter into clearer discussions and political debates about governance matters. It also gives more opportunities to demonstrate that the empowerment of Te Taumata Runanga does not have to mean disempowerment of any other entity.

Similarly, participation of Te Taumata Runanga members on key decision-making Committees of Council is another area of great concern. As key decisions of Council are made by other Committees, the appointment of representatives to those Committees is considered to be a strategic priority.

The appointment of a representative from Te Taumata Runanga to the City Development Committee was seen as a significant achievement which positively contributes to the capacity of Maori to be involved in the Council's decision-making processes. There is a general feeling that there is still a "long way to go," and there may be an opportunity for Te Taumata Runanga to more fully maximise the existing place they have on the City Development Committee, as well as building and presenting a robust case for extending participation on this and other committees. Such a case might be largely premised on the principles underlying the "partnership" between Te Taumata Runanga and the Council. In particular, there is strong support to extend membership of Te Taumata Runanga onto the Planning & Regulatory Committee and the Finance and Operational Performance Committee.<sup>16</sup>

There is also a developing conversation about the potential for establishing a different structure which is completely separate and therefore not reliant on Council for its existence. This issue is outlined under 3.4 "OTHER" at page 20 below.

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<sup>15</sup> Examples identified during the review include developing a scheduled programme of joint workshops between Council and Te Taumata Runanga; implementing a Councillor "buddy" system as previously proposed by staff; attending informal fortnightly networking meetings for the Chairs of each committee.

<sup>16</sup> Membership on these Committees is reflected as a strategic priority in the Long Term Strategy and Action Plan 2003, and continues to be one of the primary strategic goals of Te Taumata Runanga.

### 3.2 STRUCTURE

The second major area of inquiry considers the composition & role of Te Taumata Runanga. What is the makeup of Te Taumata Runanga? How is it structured? What is its scope of practice? What authority does it have?

Te Taumata Runanga is a Committee of Council formed on a three yearly basis in line with the local government electoral cycle. Members elect a chair and deputy chair at the commencement of each term, and Te Taumata Runanga receives the services of a Council Committee secretary. As the original intention was for Te Taumata Runanga to represent the whole Maori community, the Committee includes leaders from key organisations across Waitakere City. As at April 2007, these organisations were:

- Hoani Waititi Marae.
- Kakariki Marae.
- Te Atatu.
- Te Kawerau a Maki.
- Te Piringa Tahiri O Te Maungarongo.
- Te Roopu Kaumatua O Waipareira.
- Te Roopu Puawai O Waitakere.
- Te Roopu Wahine Maori Toko I Te Ora.
- Te Runanga O Ngati Whatua.
- Te Whanau O Waipareira Trust.

Each organisation has the opportunity to nominate an alternative representative, and apart from the existence of two unused seats (Te Whau and Henderson Maori Committee) and the addition of a seat to represent youth (Te Roopu Puawai), the membership structure is essentially the same as it was in 1992. Council members on Te Taumata Runanga include the Mayor and Deputy Mayor (ex officio) and two Councillors appointed by Council.

At the time when Te Taumata Runanga was established, organisations had a strong desire to preserve their own autonomy. This impacted on the way the Committee was set up. Each organisation had its own processes for selecting, mandating and communicating with their representatives. No particular competencies were required of members, as that was also a matter for member organisations. Member roles and responsibilities were not recorded. Although these aspects have evolved over time, guidelines remain unwritten.

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Although the Committee has no formal Terms of Reference, their scope of practice is set out in the Delegations.<sup>17</sup> Their Fields of Activity are defined as:

- Raising the Council's awareness of issues of concern to Maori;
- Enhancing effective communication between Council and Maori;
- Ensuring that Maori values are considered in Council's decision-making;
- Providing an opportunity for Maori to be involved in the decision-making processes of Council.<sup>18</sup>

Although Te Taumata Runanga has no formal delegated powers or authorities, the Committee does have a number of "Operating Guidelines and Authorities." These stipulate that "Te Taumata Runanga has a role from the beginning in the decision making process on matters of concern and cultural significance to the Maori communities of Waitakere City." They also reflect that Te Taumata Runanga has two broad roles. One is responsive, specifically to "consider and provide advice and recommendations to Council on":

- Service delivery;
- Consultation with Tangata Whenua and Maori communities;
- Input into decisions where Maori cultural values are important;
- Policy advice;
- Input into the Council's Long Term Council Community Plan/Annual Planning process;
- Other such matters as the Council places before it.

The other is proactive, specifically to "develop and oversee a programme of policy matters of interest to the Maori Communities of Waitakere City for the purpose of making policy recommendations to Council or the City Development Committee".<sup>19</sup>

### *Issues & Opportunities*

A key issue underlying the structure of Te Taumata Runanga is membership. Members typically "wear a number of hats" and are active in many different parts of Maori communities. They are busy, passionate people with a broad range of responsibilities

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<sup>17</sup> Note that the analysis in this review relates to the delegations as they stood in the 2004-2007 electoral term. The delegations for the 2007-2010 electoral term have already been amended as an interim outcome of this review.

<sup>18</sup> This is a more recent addition since the enactment of the Local Government Act 2002.

<sup>19</sup> Within the resources and policy framework provided in the Long Term Council Community Plan.

to their own whanau, hapu, iwi and different Maori communities. Even so, it is now widely accepted that the membership of Te Taumata Runanga is no longer representative of the community, and that a number of imbalances have developed in terms gender, age, geography, etc. People are keen to see more balance, but the way to achieve such balance in a meaningful and appropriate manner is not completely clear. Some suggest a comprehensive review of membership including consideration of internal selection and mandating, and Council appointment processes. Related to this is a desire to see clearer guidelines as to the roles and responsibilities and possibly desired competencies of members.

People speak of the need to “attract and grow” highly skilled dynamic professionals and emerging leaders within Waitakere City. One of the most significant opportunities in this respect is a “Te Aho Tumanako” a plan developed by the Maori Relationships Team. Te Aho Tumanako provides a framework to clarify the strategic priorities of the Maori community, and then align them with the Council’s activities. It envisages the development of steering groups of skilled professionals for social, economic, cultural and environmental wellbeing which report to a subcommittee of Te Taumata Runanga.<sup>20</sup> It also envisages the development of a kaumatua advisory group which would sit alongside and guide Te Taumata Runanga.

Another key issue is that Te Taumata Runanga is often perceived as being “toothless” by the Maori community. The Maori community is looking for some tangible evidence that the Committee has the authority and ability to make a meaningful contribution by delivering significant substantive outcomes to benefit the Maori community. Although there is some discussion as to whether Te Taumata Runanga is the best vehicle for this, the organisation seems to acknowledge that there are still significant improvements which could be made to improve the effectiveness of the existing structure.

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<sup>20</sup> In terms of implementing Te Aho Tumanako, an economic steering group has already been established and is now operating, and a social steering group is in the process of being developed.

### 3.3 OPERATIONS

The third major area of inquiry considers the operation of Te Taumata Runanga. How does Te Taumata Runanga operate? How does it carry out its role and purpose? How does it plan and implement? How does it report, and how does it engage with others?

In line with its broad twofold role, Te Taumata Runanga operates in both a “responsive” and a “proactive” manner. The Committee spends the majority of its time responding, by receiving information about Council initiatives, and by giving substantive or procedural advice on projects and consultation proposals.

In terms of its proactive role, the Committee has achieved a number of initiatives over time, including the development of a marae support policy, development of the urupa, enabling cultural harvest in parks, development of the Treaty of Waitangi framework and Maori economic development work. These programmes were supported by the Maori Relationships Team staff time and budget.

Many of these initiatives derived from the Committee’s strategic work programmes. Two such programmes were highlighted during the review. The 1996-1998 strategic plan takes an issues based approach and covers the Treaty of Waitangi; People; Marae Development; Economic Development; Education/Te Reo; Environment; Culture & Sports; Justice. The 2003-2007 strategic plan takes a broader strategic approach and covers the Treaty of Waitangi; Governance & Participation; Strengthening Te Taumata Runanga; and Policy Development.

The Council’s Annual Report noted that the Te Taumata Runanga strategic work programme was “progressing especially for Maori wards and economic development” in 2005/2006, and was being “supported by Council staff” in 2006/2007.

Te Taumata Runanga conducts monthly meetings in accordance with the requirements of the Local Government Official Information and Meetings Act 1987. Meetings are conducted in a similar manner to other Council committees. Agendas are generated by senior management of Council, meetings are facilitated by the Committee’s elected chair and supported by a committee secretary, and minutes are generated and available for public scrutiny. These minutes are distributed to member organisations, Elected Members of Council and key Council staff, and formally received at monthly

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Council meetings. There is no formal mechanism for distributing minutes directly to the wider Maori community.

Monthly meetings are the primary mechanism through which Te Taumata Runanga engages with others. This includes the two Councillors appointed to the Committee, key Directors, various Council staff making presentations about their projects, and members of the Maori Relationships Team.

Meetings are open to the public, and community organisations are also able to attend and make presentations to inform Te Taumata Runanga of their issues and interests. Members also have the opportunity to report key issues and interests of their constituent organisations during meetings.

In terms of reporting back to their constituent organisations, each member organisation is left with the autonomy to determine their own internal reporting processes. There is a perception that some internal reporting is more structured than others. Opportunities for engaging with the broader Maori community also occurs on an ad hoc project by project basis.

Workshops are sometimes delivered on specific topics to help build the capacity of members to participate in committee business.

Remuneration for Te Taumata Runanga is outside the indicative pool of money (the size of which is determined by the Remuneration Authority) set by the Council from time to time, and paid to Elected Members. At present<sup>21</sup> the Council has set a salary for the Chair of Te Taumata Runanga which is slightly below that of Community Board Chairs, and has approved that primary appointed representatives of Te Taumata Runanga receive monthly meeting fees.

### *Issues & Opportunities*

A number of key opportunities were identified which could significantly improve the operations of Te Taumata Runanga. Firstly, more awareness and support from the organisation to enable the Committee to achieve its "responsive role". Across the organisation, staff awareness of the committee's existence, role and mode of operation is variable. There is a great need to clarify and strengthen organisational

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<sup>21</sup> Note that this analysis was conducted in July 2007.

awareness and processes, in particular the ability to more accurately plan and allow for Te Taumata Runanga input into projects and programmes. Suggestions included:

- Senior management to provide leadership and role modeling to help elevate the priority and success of Te Taumata Runanga through the organisation by increasing the resource and support available.<sup>22</sup>
- Improved training to key staff<sup>23</sup> to enable them to better engage and communicate in a Maori context.
- Increased remuneration to adequately compensate the tasks expected of members of Te Taumata Runanga.<sup>24</sup>

As the vast majority of the Committee's business is presently responding to Council initiatives, this is a critical issue.

Secondly, more emphasis and support for the Committee's "proactive role." Suggestions included:

- Improved engagement, collaboration and planning with the Maori community utilising extensive Maori specific research collated over time.
- Clearer processes for the organisation to report and follow through on issues from member organisations.
- Awareness that the Maori community feel that no significant substantive gains have been made for the Maori community over the last decade and a half.
- Acknowledgment that the time and resource budget for the Maori Relationships Team is insufficient to adequately resource the Committee's strategic work programme,<sup>25</sup> and instead direct support for the Committee's strategic work programme through the annual planning and reporting process.

A number of specific suggestions for improvements are further detailed in the review data collection reports.

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<sup>22</sup> One specific suggestion was to encourage the inclusion more meaningful resolutions in line with resolutions prepared for other committees.

<sup>23</sup> One suggestion related to training specifically for senior policy staff, as they have significant potential to impact Council policy and planning.

<sup>24</sup> One comment from the review was that the whole of Te Taumata Runanga, with its wealth of knowledge, experience and networks into the Maori community are expected to attend monthly meetings, understand a raft of policies and projects, and effectively consult their communities, all "for the cost of less than one Councillor".

<sup>25</sup> This is a small team supporting Maori issues across the whole organisation, with a relatively small project budget.

### 3.4 OTHER

This final section considers other relevant issues raised during the review which have an impact on Te Taumata Runanga. The main issues were (1) establishing an independent Maori representative entity, (2) the Council's relationship with mana whenua and taurahere, and (3) building the capacity of the Maori Relationships Team.

There is a wide divergence of understanding in the Maori community as to the role of Te Taumata Runanga. Some want to see Te Taumata Runanga bring Maori issues to the Council table; others want Te Taumata Runanga to "change policies that stand in our way"; disseminate information; advocate for resources on behalf of Maori; act as Waitakere City's fifth community board; act as the guardian of a 100-150 year plan covering academic, business and social aspirations.

While senior management perceive a Committee of Council as potentially the most effective and powerful mechanism to assist Maori to influence the Council, some Te Taumata Runanga members wondered about whether a different structure may be able to more effectively drive outcomes for Maori. People expressed a desire to investigate options for establishing an independent entity (e.g. Council Controlled Organisation, Maori Community Board, Maori Wards). As this aspiration of the Maori community has now become a realistic option, it has also become a relevant consideration to ensure that strategic decisions relating to Te Taumata Runanga are fully informed.

Another critical issue that arose during various points of the review which goes to the very foundation of the Council's overall relationship with Maori was the Council's relationship with mana whenua. In general Councils can face difficulty understanding and navigating a pathway to form strong relationships with appropriate mana whenua groups, particularly where several entities exist which represent different groupings of the same iwi, or where the Treaty claims process effectively forces Maori to compete for limited resources and challenge the authority of rival claimants. It seems that the issue of mana whenua status can be somewhat contentious in Waitakere City, and this was reflected at different points of the review.

Furthermore, anywhere else in the country, Councils would primarily form partnerships with mana whenua. However the reality in Waitakere City and for that matter much of the Auckland region is that a large proportion of the local Maori community are not mana whenua. They have mana whenua status in other areas of the country, but now

live in Waitakere City, and may have lived there for decades or generations, and will continue to live there throughout their lives. During this review, different people reflected different views, and generally it seems that there is a desire for greater clarity on these issues.

Another issue emerging from the review was the clear desire from both the Maori Relationships Team and Te Taumata Runanga to work closely with and support each other. As the Maori Relationships Team is the primary driver of Maori issues within the organisation, and Te Taumata Runanga is the primary driver of Maori issues at a governance level, both teams recognise the importance of working closely together.

Long time members of Te Taumata Runanga and the Maori Relationships Team expressed a strong desire to return to an earlier organisational structure where the Maori Relationships Team were physically located together, reporting to one manager, a Director who in turn reported directly to the CEO. They reflected that this worked well, but the main problem was with public perception at that time, and a sense of being “cut off” from and not supported by the rest of the organisation. As staff have been out in different departments for some years, they have now developed strong networks throughout the organisation, and these earlier difficulties could therefore be mitigated. Maori and Treaty responsibilities were seen as being relevant across the entire organisation, and more appropriately fitting at a higher level of reporting.

### *Issues & Opportunities*

It is important for Waitakere City Council to maintain open conversations about its different relationships with mana whenua, taurahere organisations and the Maori community. As the Committee is comprised of both mana whenua and taurahere, it may be well placed to assist with the facilitation of some of these conversations. Furthermore, it is important for the Council and Te Taumata Runanga to keep informed of current movements happening at a regional level impacting mana whenua and taurahere.<sup>26</sup> There may also be an opportunity in terms of clarifying the Council’s relationship with mana whenua, as this was an issue raised at various points during the review.

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<sup>26</sup> E.g. The establishment of the Auckland Regional Sustainable Development Forum, and whether that Committee (of Auckland Regional Council) will have a place for a taurahere representative.

The Maori Relationships Team was perceived as being extremely busy, overstretched and “pulled in all directions”, and in desperate need of more staff to ensure competency in social, cultural, environmental and economic wellbeing areas. One suggestion was to employ two full time policy analysts, one developing Maori policy and the other analysing all Council policy for Maori issues. The team itself expressed a desire to lift its own performance and build capacity, to become more effective.

Different members of Te Taumata Runanga made a number of suggestions to improve the effectiveness of the Maori Relationships Team, including the need to audit whether the team is adding value in strategically important areas and identify whether any changes are needed; the benefit of developing and communicating a clear vision, purpose and role for the team; ideas about how the team should operate (providing a pathway to information; getting out in the community; developing a good general knowledge and understanding of Council processes; being comfortable pushing boundaries; being able to think strategically).

There may be an opportunity for the team to consider some of these fundamental questions, or if not, perhaps to communicate their purpose and role more clearly to Te Taumata Runanga and potentially across the organisation.

#### 4.0 CONCLUSION

Succeeding today and in the future is crucial for Maori in Waitakere City. Although parts of the Maori community are flourishing, others are suffering on many fronts, and the need for drastic improvement is critical.

As one of the first Maori Standing Committees to be established in the country, Te Taumata Runanga was on the leading edge of relationships between local government and Maori. With 15 years of experience, the hope would be for the Committee to be in an empowered position to make a meaningful difference for Maori communities within Waitakere City.

The reality is that relationships between Maori and local government can be fraught with difficulty from many angles and progress can be slow. Success depends on the goodwill, co-operation and support of Councillors, senior managers, Council staff, members of Te Taumata Runanga, mana whenua, Maori organisations and the wider Maori community. When these groups have significantly different understandings and expectations of what Te Taumata Runanga is and what it does, the result can be a very high and unattainable set of differing expectations.

As a result, it can be very difficult to obtain "success", because everyone has such a different measure. While there have been "successes" over this period of time, the results of this review demonstrates that there is also much room for improvement.

As a forum of visionary Maori leaders, this Committee has huge potential to make a significant contribution for Maori in Waitakere City. To do that, it needs the support and co-operation of a diverse range of people, and the challenge is now to inspire and maintain that support.

## 5.0 RECOMMENDATIONS

The review is supported by a number of data collection reports which provide a detailed benchmark by which to evaluate progress over the next three years. The data collection reports, observations during the review, and an evolving understanding of the needs and priorities of the Council and Maori in Waitakere City provide a robust basis for developing an "improvement plan" which should form part of the Committee's 2007-2010 strategic work programme.

1. Develop an "improvement plan"<sup>27</sup> which includes strategies to:

- FOUNDATION**
- Develop, adopt and embed Terms of Reference for Te Taumata Runanga which set out the principles upon which the partnership with Council is based.
  - Expand governance opportunities for Maori within the Council.<sup>28</sup>
  - Entrench the existence of Te Taumata Runanga.
- STRUCTURE**
- Develop and adopt an appropriate membership structure for Te Taumata Runanga (including selection, mandating and Council appointment processes).<sup>29</sup>
  - Review delegations (in particular, those relating to financial authorities and policy development).<sup>30</sup>
- OPERATIONS**
- Develop three year strategic work programme and annual work programmes for Te Taumata Runanga incorporating recommendations from this review.<sup>31</sup>

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<sup>27</sup> This should be a staged plan which prioritises and estimates the time & resource required to implement each strategy.

<sup>28</sup> This should embed and expand the current provision for Te Taumata Runanga membership on the City Development Committee. It should also occur within a longer term context of providing similar membership on the Planning & Regulatory and Finance & Performance Committees.

<sup>29</sup> This might include statistical analysis of demographics, analysis of membership structure options, and hui-a-iwi to confirm community preference.

<sup>30</sup> The delegations have already been amended as an interim outcome of this review. Further amendments may be required to ensure that Te Taumata Runanga is appropriately empowered after the Terms of Reference and Operating Guidelines have been developed and adopted.

<sup>31</sup> These programmes should also include relevant content from previous strategic work programmes and Council initiatives (such as the Council's Maori community outcomes).

- Negotiate a direct link between Te Taumata Runanga strategic & annual work programmes and the Council's Annual Planning and Reporting process.
- Audit and improve the organisation's capacity and capability to be responsive and effective for Maori. Improvements should:
  - Include appropriate training and staffing to enable the organisation to engage effectively with Maori.
  - Embed appropriate processes in the organisational framework to enable more effective and efficient engagement with Maori, including:
    - The Treaty of Waitangi Framework.
    - Te Aho Tumanako.
    - A performance management system relating to Maori responsibilities.
    - Treaty responsibilities in the job descriptions and performance plans of the CEO and Directors.
    - Amendments to existing organisational planning processes to prompt early involvement of Maori in Council initiatives.<sup>32</sup>
    - The alignment of Te Taumata Runanga strategic and annual planning with Council's annual planning and reporting processes.
- Review, amend, adopt and embed appropriate operating guidelines for Te Taumata Runanga which include:
  - An appropriate meeting format and provision of appropriate training to better enable Te Taumata Runanga to fulfil both its "proactive" and "responsive" roles.
  - Member position descriptions and performance measures.
  - Provision for regular Te Taumata Runanga team building wananga.
  - Te Taumata Runanga involvement in determining

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<sup>32</sup> This should occur within a longer term context (within the current electoral term) of incorporating appropriate delegations for other Committees which would prompt early involvement of Maori in Council initiatives at a governance level.

meeting agendas.

- OTHER
- Build effective working relationships between Te Taumata Runanga and:
    - Council (to increase participation in governance).
    - Senior management (to increase organisational support).
    - Maori communities within Waitakere City including mana whenua and taurahere, groups and individuals (to increase Committee's relevance for its constituency).
  - Investigate options for creating a Maori representative entity independent of Council.<sup>33</sup>
  - Audit and improve the Maori Relationship Team's capacity and capability to be responsive and effective for Maori. Improvements should:
    - Enable the delivery of more effective support service across the organisation.<sup>34</sup>
    - Enable the delivery of more effective support service to Te Taumata Runanga.<sup>35</sup>
    - Clarify the foundation, structure and operation of the Maori Relationships Team.<sup>36</sup>

2. Implement the "improvement plan".

3. Monitor and review the "improvement plan".

#### NOTE

There is great hope and anticipation that this review can help steer the Committee to "new horizons". If implemented in their entirety, these recommendations have the

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<sup>33</sup> As this aspiration of the Maori community has now become a realistic option, it has also become a relevant consideration to ensure that broad strategic decisions relating to the future direction of Te Taumata Runanga are fully informed.

<sup>34</sup> In relation to this review, the aim would be to better enable the organisation to engage effectively with Te Taumata Runanga. This would build the capacity of Te Taumata Runanga to fulfil its "responsive role" as described more fully in sections 3.2 and 3.3.

<sup>35</sup> The aim would be to build the capacity of Te Taumata Runanga to fulfil its "proactive role" as described more fully in sections 3.2 and 3.3 of this report.

<sup>36</sup> This should occur within a longer term context (within the current electoral term) of centralising and elevating the Maori Relationships Team within the organisational structure, so as to enable more effective service across the organisation, and across the Maori community (through Te Taumata Runanga and other mechanisms).

potential to make largescale improvements to the Council's overall relationships with Maori.

One of the most important factors about this entire review, is that all of these ideas have been articulated before. Some in passing, some in reports, some in strategic work programmes which were never implemented. The key factor which will determine whether this review and these recommendations have any impact is whether the Council is prepared to consistently provide sufficient resource from its annual planning process, and sufficient priority within the organisation to enable Te Taumata Runanga to reach its full potential.

If we return to the founding principles of this partnership, we recognise that the relationship between Maori and local government occurs by virtue of our shared past. The motivation to work together becomes clear when we remember that our mokopuna will carry on our legacy with a shared future. Improved outcomes for Maori means improved outcomes for all.

*Nau te rourou, naku te rourou  
Ka ki te kete, ka ora ai te iwi*

*By my efforts, by your efforts  
Our baskets will be filled, the people will be nourished*

### Te Taumata Runanga Triennial Review

#### Review Framework

May 2007

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## 1. INTRODUCTION

In order to improve its responsiveness and effectiveness for Maori, Waitakere City Council (“the Council”) has endorsed a triennial review of Te Taumata Runanga, the Council’s Maori Standing Committee. The broad purpose of this review is to evaluate Te Taumata Runanga by identifying:

- What is working well.
- What is not working well.
- Gaps in the responsiveness and effectiveness of Te Taumata Runanga.
- Recommended improvements, and how they might be implemented.

The purpose of this document is to provide an outline of the framework that sits behind the review including the scope of the review, the underlying principles, the reasons for the review, the expected benefits, and a broad outline of how the review will be actioned.

## 2. BACKGROUND

Te Taumata Runanga was established in 1989 and has operated as a Standing Committee of the Council since October 1992. Under the Council’s Register of Delegations to Committees and Community Boards, Te Taumata Runanga has the following Fields of Activity:

- To ensure Maori values are considered in the Council’s decision making;
- To assist Council in meeting its obligations to the Tangata Whenua;
- To ensure that the Council considers the needs of the Maori community in effective service provision;
- To enhance effective communication between the Maori Communities of Waitakere City and the Council and its committees;
- To ensure that the Council is aware of and sensitive to issues of concern to the Tangata Whenua and local Maori people;
- To provide the Council with a structure to facilitate input into the Council’s decisions that have cultural significance to Maori people;
- To assist Council in meeting its obligations to Maori under the Local Government Act 2002, including the obligations to provide opportunities for Maori to contribute to local authority decision making, and to consider ways in which it may foster the development of Maori capacity to contribute to local authority decision making.

Te Taumata Runanga has a number of Operating Guidelines and Authorities which are set out in the Council's Register of Delegations to Committees and Community Boards, including:

- "Te Taumata Runanga will be formed on a three-yearly basis in line with the local government election cycle with a review of Te Taumata Runanga to be undertaken by the outgoing Taumata Runanga, and provided to the Council."

Since its inception, there have been various reviews, which were focussed primarily on the Committee's fields of activity, delegated powers, membership and other methods of engagement. The focus and process of the review is broader than in the past.

### 3. PURPOSE

The purpose of the present review is:

- Develop an accurate picture of the present role, structure and practice of Te Taumata Runanga.
- Consider how responsive and effective Te Taumata Runanga is for Maori in Waitakere City, in terms of responding to Maori community initiatives, and in terms of enabling Maori participation in Council's decision-making processes.
- Identify changes needed to improve this responsiveness and effectiveness.
- Provide a benchmark by which Te Taumata Runanga can demonstrate and evaluate progress regarding its responsiveness and effectiveness for Maori.
- Provide information upon which the Council can further develop Te Aho Tumanako, a permanent institutional framework for aligning the strategic priorities of the Maori community with the various activities of Council.

### 4. BENEFITS

The benefits of undertaking this review include:

- **Council Delegation**  
The review will satisfy the responsibility of the outgoing Te Taumata Runanga to undertake a review of itself (as set out above).
- **Maori Relationships**  
The review will identify pathways for improving the effectiveness of Council's relationships with Maori.