



**Statement of Proposal:**

# **Proposed Te Arawa Partnership Model**

**FOR CONSULTATION**

February 2015

<b>CONTENTS</b>	<b>Page</b>
Purpose of the Statement of Proposal	3
1. Executive Summary	4-6
2. Statement of Proposal	7-11
A. The Proposal – Te Arawa Partnership Model	7
i. Proposed Model	7
ii. Background of the Proposed Model	8
iii. Reasons for the Proposed Model	8
iv. Considerations on the Proposed Model	9
v. Alternative Options	10
B. Consultation and Feedback process	12-13
Feedback Form	14-15

## Purpose of the Statement of Proposal

This statement of proposal has been prepared as part of consultation with the community and others with an interest in the proposed Te Arawa Partnership Model.

Council has considered the proposed model along with three alternative models and resolved to support the Te Arawa Partnership Model “in principle,” subject to a Special Consultative Procedure (SCP).

The SCP gives the public an opportunity to make submissions and provide feedback on the proposed Te Arawa Partnership Model. Once the submission period closes, hearings will be conducted if people indicate they want to speak in support of their submissions.

The statement of proposal has been prepared in accordance with the requirements of section 83 of Local Government Act 2002 and with guidance from the Office of the Auditor General. It includes making publicly available:

- the proposal (i.e. the proposed model that is supported ‘in principle’) and the reasons for the proposal;
- reasonably practicable options (i.e. other models that were considered by Council); and
- a description of the consultation and submission process including the period within which views on the proposal may be provided.

# 1. EXECUTIVE SUMMARY – Te Arawa Partnership Model

Rotorua Lakes Council is seeking feedback on the proposed Te Arawa Partnership Model. **Submissions from the public need to be received before 4pm, Friday 17 April 2015**

The need to develop a more effective partnership between Te Arawa and Rotorua Lakes Council (Rotorua District Council) was identified by the last Council following the 2012 decision of the Environment Court that recognised the need for the Council to improve iwi consultation. The incoming Council and Te Arawa committed to developing a new partnership model after the 2013 local government elections. It was mutually acknowledged that the existing mechanism – the Te Arawa Standing Committee – no longer met the needs of both parties. After 12 months of research and iwi consultation Te Arawa representatives presented their partnership model to Council on 18 December 2014 and recommended community consultation on their proposed model.

Council is required by law to facilitate Māori participation in Council decision-making processes; identify strategic opportunities to work closely together for the betterment of Rotorua district; and to build iwi capacity and capability to partner with local government.

The proposed Te Arawa Partnership Model:

- Provides for the establishment of an independent board outside of the Council to represent Te Arawa interests – members to be elected ‘at large’ by the Te Arawa community.
- provides for the independent board to nominate, for Council’s consideration, representatives to be appointed to specified Council committees, RMA consent hearing panels and strategic working groups
- gives voting rights to appointed representatives on two of the committees (Strategy, Policy & Finance and Operations & Monitoring).

Council considered the proposed Te Arawa Partnership model along with three alternative options:

- **Status Quo** (re-establishing the Te Arawa Standing Committee);
- **Modified Model** (model proposed by Te Arawa but without representatives having voting rights); and
- **No Formal Partnership** (Te Arawa Standing Committee not replaced and multiple statutory and non-statutory relationships with Te Arawa marae, iwi and other entities are acknowledged and extended).

Council then resolved to support the Te Arawa Partnership model “in principle” subject to a Special Consultative Procedure (SCP).

This **Statement of Proposal – Proposed Te Arawa Partnership Model** has been prepared in accordance with the SCP requirements under section 83 of the Local Government Act 2002 and with guidance from the Office of the Auditor-General. It includes making publicly available:

- the proposal (i.e. the proposed model that is supported 'in principle') and the reasons for the proposal;
- reasonably practicable options (i.e. other models that were considered by Council); and
- a description of the consultation and submission process, including the period within which views on the proposal may be provided.

Rotorua Lakes Council encourages residents to have their say on the proposed Te Arawa Partnership Model, any of the alternative options considered, or any other arrangements that residents think appropriate. Residents and other interested parties can use the feedback form, or write to the Council, to say what parts of the proposal are agreed with or not agreed with. Submitters are asked to say whether they also want to speak in support of their submissions at a Council hearing. **Public submissions close 4pm, Friday 17 April 2015**

Submissions can be made in the following ways:

**Post to:** Submissions: Te Arawa  
Partnership Model  
Rotorua Lakes Council  
Private Bag 3029  
Rotorua Mail Centre  
Rotorua 3046

**Deliver to:** Customer Centre  
Civic Centre  
Rotorua Lakes Council  
1061 Haupapa Street  
Rotorua

**Fax to:** 07 346 3143

**Email to:** [submissions@rdc.govt.nz](mailto:submissions@rdc.govt.nz)

For more information on the submission process call the Council on 07 348 4199.

Further information including FAQs (frequently asked questions) and minutes of the 18 December 2014 meeting (including slides of the presentation and the relevant Council officer summary report) are available from Council offices or the library. All information is also available on [www.rotorualakescouncil.nz](http://www.rotorualakescouncil.nz), along with a video clip of the presentation of the model made to Council on 18 December 2014.

### Timetable for Special Consultative Procedure

- Statement of Proposal (SOP) approved for public consultation Feb 26
- Public notice and SOP available - submissions period commences Mar 2
- Public information sessions Mar 9 – 27

Date	Time	Location
Tue 10 March	5:30pm – 7:00pm	Ngakuru Hall
Wed 11 March	5:30pm – 7:00pm	Waikite Clubrooms, Bellevue Rd
Thu 12 March	6:15pm – 7:45pm	Rerewhakaaitu Settlers Hall
Mon 16 March	9:00am – 10:30am	Rotorua Lakes Council Civic Centre
Tue 17 March	5:30pm – 7:00pm	Lake Okareka Hall
Thu 19 March	9:00am – 10:30am	Ngongotaha Community Hall

Thu 19 March	5:30pm – 7:00pm	Western Heights High School
Tue 24 March	5:30pm – 7:00pm	Reporoa Community Hall
Wed 25 March	5:30pm – 7:00pm	Rotoma Hall
Thu 26 March	5:30pm – 7:00pm	Lynmore Primary School – Cultural Centre

Note: Details may be subject to change and will be advertised and will also be available from [www.rotorualakescouncil.nz](http://www.rotorualakescouncil.nz) or from Rotorua Lakes Council.

- Submissions close Apr 17
- Hearings for submitters Apr 30 – May 1
- Submissions considered - deliberations and decisions May 26

## 2. STATEMENT OF PROPOSAL – Te Arawa Partnership Model

### A. The Proposal – Te Arawa Partnership Model

#### i. Proposed Model

1. Rotorua Lakes Council ('Council') proposes to enable representatives nominated by Te Arawa to actively participate in Council decision-making by appointing:
  - Two representatives of Te Arawa as full voting members of its Strategy, Policy and Finance Committee; and
  - Two representatives of Te Arawa as full voting members of its Operations and Monitoring Committee; and
  - One representative of Te Arawa as a non-voting member of its CEO Performance Committee; and
  - One suitably qualified representative nominated by Te Arawa as commissioner to all statutory hearing committees (typically comprising three commissioners) determining notified resource consent applications under the Resource Management Act 1991; and
  - Ad hoc non-voting representatives nominated by Te Arawa on strategic working groups as and when required by Council; e.g. strategy portfolio steering committee.
2. An independent board, elected by the Te Arawa community, will be established in collaboration with Council ('Board'). The Board will be elected by way of an "at large" Te Arawa election, and it will represent different sectors of the wider Te Arawa community (e.g. Rangatahi 2 seats; Pūkenga Kōeke/Kaumātua 1 seat; Ngāti Whakaue 2 seats; other Te Arawa iwi 6 seats; land trusts and incorporations 2 seats; Pan Te Arawa entities 1 seat) to a maximum of 14 members. In the future an additional seat may be made available for mātāwaka / taura here (Māori from other Iwi resident in Rotorua).
3. The Board will nominate, for Council's consideration, representatives to be members of the various committees.
4. While the composition of its committees is a matter for Council to determine, Council will accept the Board's nominations provided it is satisfied that the nominees have the necessary skills, attributes and knowledge to assist the work of the respective committee.

## ii. Background to the Proposed Model

At its meeting on 18 December 2014, Rotorua Lakes Council (Council) considered a partnership model presented by Te Arawa representatives.

Following the 2012 ruling by the Environment Court which was critical of the Council, the Council identified a need to improve its iwi consultation procedures and processes.

The need to develop a new partnership model between iwi and Rotorua Lakes Council was identified by both the incoming Council and Te Arawa after the 2013 local government elections.

Te Arawa was asked to bring an iwi-endorsed model to Council for its consideration. After 12 months of development and consultation within the Te Arawa community, this was subsequently presented to the mayor and Councillors on 18 December 2014. The proposed model was presented by Arapeta Tahana, on behalf of the Te Arawa Standing Committee which had undertaken the development and iwi consultation. At the presentation Te Arawa suggested community engagement on the model.

The Council resolved that the model be accepted “in principle” and due to its significance, a Special Consultative Procedure (SCP) of the LGA 2002 be initiated.

## iii. Reasons for the Proposed Model

The model recognises the significance of Te Arawa as Tāngata Whenua within the district of Rotorua and the unique relationship between Te Arawa and Council beginning in the 1880s with the gifting of land by Ngāti Whakaue (an iwi of Te Arawa) by way of the Fenton Agreement to establish the Rotorua township, and in turn receiving one seat (of three) on the town board.

The model was developed by Te Arawa at Council’s request as a means to help Council meet its Rotorua 2030 vision commitment to effectively partner with Te Arawa; to improve the delivery of Council’s legal and statutory obligations to Māori; to strengthen Te Arawa’s participation in Council decision-making; to identify strategic opportunities to work closely together for the betterment of Rotorua district; and to build iwi capacity and capability to partner with local government.

As identified in Local Government New Zealand’s document *Council-Māori engagement, October 2007*, Council’s legal and statutory responsibilities - particularly under the Local Government Act 2002 (LGA 2002)<sup>1</sup> and the Resource Management Act 1991 (RMA 1991)<sup>2</sup> are to facilitate participation by Māori in Council decision making processes, including obligations to:

- engage / work closely with Māori and Tāngata Whenua (local iwi),
- recognise the Treaty of Waitangi, as required under legislation;
- provide opportunities and maintain effective processes for iwi to contribute to decision-making,

---

<sup>1</sup> Refer to Section 4; Part 2 section 14; and Part 6 sections 76 – 81 of LGA 2002

<sup>2</sup> Refer to sections 6(e), 7 and in particular 8 of RMA 1991

- consider ways in which Māori capacity can be developed for contributing to decision-making processes, and
- take an informed approach to how decision-making can benefit the Māori community's well-being.

The key mechanism by which Council met these responsibilities in the past was via the Te Arawa Standing Committee, established in 1993. However, in recent years this was seen as outdated, no longer effective and not meeting the needs of the two parties.

The need to develop a new partnership model in Rotorua was identified by both the incoming Council and Te Arawa after the 2013 local government elections.

#### **iv. Considerations on the Proposed Model**

When determining whether to support the model in principle, Council took into account general, representation-related, and financial considerations - including (but not limited to) the following:

##### General considerations

1. The model meets the purpose of achieving effective partnership and will likely exceed Council's minimum requirements under legislation
2. Well developed and tested model within Te Arawa
3. Requires multi-levelled relationships adding complexity and risk for Council particularly in terms of relationship management, documentation and contracting.
4. A review of any adopted model will likely take place after the 2016 elections, including the issue of voting rights on committees.

##### Representation-related considerations

5. The most significant issue within the model that could polarise viewpoints is the provision of voting rights to people not elected at a public election.
6. The LGA 2002 does provide for councils to appoint non-elected members on committees<sup>3</sup> (but not to full Council).
7. Council has previously had non-elected members with voting rights appointed to a council committee (Tourism Committee) and sub-committee (Audit & Risk Committee).
8. An argument can be made that there is a difference between a special purpose committee and the Council's key standing committees of Strategy, Policy & Finance, and Operations & Monitoring and therefore voting rights should not be allowed. An opposing argument could be

---

<sup>3</sup> Refer to S7, Part 1 section 31 of LGA 2002



made that to be a member of a committee requires voting rights as the appropriate mechanism for recording views (rather than rhetoric), and therefore the ability to vote is an essential component of a decision-making process. Both views have merit.

9. In accordance with Council's decision making functions and powers, in some circumstances committees of Council will have delegated authority to make binding decisions on behalf of Council. However the power of these committees may also be limited to simply making recommendations to full Council, for it to make the final decision.
10. Although decisions made by the committees may be binding on Council, provided the proper process under its Standing Orders is followed, full Council can revisit those decisions.
11. The LGA 2002 also provides another avenue whereby if Council is not happy with the performance of a committee, it can discharge or reconstitute the committee<sup>4</sup>.

#### Financial considerations

12. The model is a cost-effective option.
13. Estimate of staff and direct costs to maintain the status quo is approximately \$200,000 per annum, and the status quo does not meet needs.
14. Indicative total costs for the proposed model are estimated at \$250,000 to \$290,000 per year – the larger figure allowing for additional costs during years when board elections would be required.

#### **v. Other Alternative Options to the proposed model**

When considering the model, Council also took into consideration three alternative options:

- Status Quo
- Modified Model
- No formal partnership

The table on the following page describes each of the options, the main pros and cons Council considered for each option, and the Council officers' assessment on the viability of each. The table summarises information contained within the Council officer report submitted to the Council meeting on 18 December 2014. A copy of this report is in the minutes of the same meeting which are available from Council offices or the library and is also available on [www.rotorualakescouncil.nz](http://www.rotorualakescouncil.nz)

---

<sup>4</sup> Refer to S7, Part 1 section 30(5) of LGA 2002

Option	Considerations	Indicative Costs	Officer Assessment
<p><b>Status Quo:</b> Re-establish the Te Arawa Standing Committee (TASC).</p>	<p><u>Pros:</u> Recognised framework Current issues/limitations are known Low financial risk</p> <p><u>Cons:</u> TASC has not operated in the current Council term, other than to develop and consult with iwi members on the proposed Te Arawa model itself. TASC is considered ineffective and outdated by both Te Arawa and Council. Difficult interface with other standing committees Does not deliver on Rotorua 2030 commitments</p>	<p>Total costs are estimated at a minimum of \$200,000 per year</p>	<p>Not viable</p>
<p><b>Modified Model:</b> Model proposed by Te Arawa but representatives have no voting rights on Strategy, Policy &amp; Finance Committee (S,P&amp;F) or the Operations &amp; Monitoring Committee (O&amp;M).</p>	<p><u>Pros:</u> May satisfy community members and organisations opposed to giving voting rights to people not elected to Council. Delivers on Rotorua 2030 commitments Modification of a well-developed and tested model with Te Arawa Would provide for Te Arawa's participation and the ability to consult on issues with the Te Arawa Board.</p> <p><u>Cons:</u> Removed voting rights may lead to a negative perception of Council by Te Arawa Complicated relationship documents required Te Arawa still to complete board election and develop management model</p>	<p>Same as for proposed model, ie indicative total costs are estimated at \$250,000.00 to \$290,000.00 per year – the larger figure allowing for additional costs during board elections year</p>	<p>Possible</p>
<p><b>No formal partnership:</b> No framework is provided to replace TASC. This approach acknowledges and extends various arrangements currently in place including MOUs and other statutory and non-statutory (including informal) relationships with Te Arawa marae, iwi and other entities.</p>	<p><u>Pros:</u> Based on existing networks With significant expansion may meet Council's legal and statutory responsibilities</p> <p><u>Cons:</u> Fails to meet wider needs of both parties Lack of coordination – risk of not adequately meeting statutory obligations to Māori and Tāngata Whenua. Could potentially lead to many MOUs or other formal arrangement needing to be undertaken. Does not deliver on Rotorua 2030 commitments</p>	<p>Total costs cannot be estimated as there are many unknown variables; however this option would likely be the most expensive option due to the number of potential parties and mechanisms used to enable significant expansion.</p>	<p>Not viable</p>

## B. Consultation and Feedback Process

Council is planning ten public information sessions where people can come along to hear more about the proposal and submission process and then participate in short workshops facilitated by Council officers to deal with questions and help with submission preparation. A Te Arawa representative will also be available to answer questions at the information sessions.

Date	Time	Location
Tue 10 March	5:30pm – 7:00pm	Ngakuru Hall
Wed 11 March	5:30pm – 7:00pm	Waikite Clubrooms, Bellevue Rd
Thu 12 March	6:30pm – 8:00pm	Rerewhakaaitu Settlers Hall
Mon 16 March	9:00am – 10:30am	Rotorua Lakes Council Civic Centre
Tue 17 March	5:30pm – 7:00pm	Lake Okareka Hall
Thu 19 March	9:00am – 10:30am	Ngongotaha Community Hall
Thu 19 March	5:30pm – 7:00pm	Western Heights High School
Tue 24 March	5:30pm – 7:00pm	Reporoa Community Hall
Wed 25 March	5:30pm – 7:00pm	Rotoma Hall
Thu 26 March	5:30pm – 7:00pm	Lynmore Primary School – Cultural Centre

Note: Details may be subject to change and will be advertised and will also be available from [www.rotorualakescouncil.nz](http://www.rotorualakescouncil.nz) or from Rotorua Lakes Council.

Residents are encouraged to have their say on this proposal and to tell the Council what they think about the proposed Te Arawa Partnership Model.

There are a number of ways feedback can be given:

1. By attending a Public Information Session and participating in a workshop
2. By completing and submitting a feedback form online
3. By completing a hard copy feedback form, or emailing or writing to the Council with comments.

**Public submissions close at 4pm, Friday 17 April 2015.** Submissions received after this date may not be included in the feedback summary to be provided to the mayor and Councillors.

For a copy of the Statement of Proposal and a feedback form please visit the Council website [www.rotorualakescouncil.nz](http://www.rotorualakescouncil.nz) or pick up a copy from City Focus, the Rotorua District Library or from the Customer Centre at Rotorua Lakes Council's Civic Centre (1061 Haupapa Street). Copies will also be made available to some local community centres and marae.

We encourage you to have your say and to give your views on the proposed Te Arawa Partnership Model. You can use the feedback form, or simply write to the Council to say what parts of the proposal you agree or do not agree with. Please let us know whether you also want to speak in support of your submission at a Council hearing.

Write to:     **Submissions: Te Arawa Partnership Model**  
Rotorua Lakes Council  
Private Bag 3029  
Rotorua Mail Centre  
Rotorua 3046

Fax to: 07 346 3143

Email to: submissions@rdc.govt.nz

Deliver to: Customer Centre  
Rotorua Lakes Council  
Civic Centre  
1061 Haupapa Street  
Rotorua

For more information contact the Council Customer Centre on 07 348 4199 or email mail@rdc.govt.nz.

Further information including FAQs (frequently asked questions) and minutes of the 18 December 2014 meeting (including slides of the presentation and of the relevant Council officer summary report) are available from Council offices or the library. All information is also available on [www.rotorualakescouncil.nz](http://www.rotorualakescouncil.nz), along with a video clip of the presentation of the model made to Council on 18 December 2014.

### **Timetable for Special Consultative Procedure**

- Statement of Proposal (SOP) approved for public consultation Feb 26
- Public notice and SOP available - submissions period commences Mar 2
- Public Information Sessions Mar 9 - 27
- Submissions close Apr 17
- Hearing/s for submitters Apr 30 - May 1
- Submissions considered, deliberations and decision May 26

## FEEDBACK FORM: Te Arawa Partnership Model proposal

SECTION 1: Please print your details clearly

Name: \_\_\_\_\_  
Organisation: [if applicable] \_\_\_\_\_  
Phone: (day) \_\_\_\_\_ (evening) \_\_\_\_\_  
Email: \_\_\_\_\_

*NOTE: all submissions are treated as public documents and will be loaded on to the Council's website with the names and contact details of submitters included. Rotorua Lakes Council is the operating name of the Rotorua District Council.*

---

Do you wish to speak about your submission / feedback at a Rotorua Lakes Council hearing?

**Yes**    **No**   If you **do not** tick a box we will assume that you **do not wish to speak at a hearing**.

If yes, do you wish to use Te Reo Māori  or Sign Language ?

Hearings are expected to be held in April 2015. If you indicate that you wish to be heard, we will contact you once hearing dates have been finalised.

---

SECTION 2: Please print clearly

Do you **support** in principle the intention to effectively partner with Te Arawa?

**Yes**    **No**   Please give your reasoning:

---

---

---

---

---

---

---

---

What aspects of the Te Arawa Partnership Model do you **agree** with and why?

---

---

---

---

---

---

---

---

---

---

What aspects of the proposed Te Arawa Partnership Model do you **disagree** with and why?

---

---

---

---

---

---

---

---

---

Is there another option or arrangement that you prefer and why?

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

Do you have any further comments?

---

---

---

---

---

---

---

---

---

---

**Attach additional pages if required.**

This Feedback Form can be:

- Completed and submitted online: [www.rotorualakescouncil.nz](http://www.rotorualakescouncil.nz)
- Faxed to: 07 346 3143
- Emailed to: submissions@rdc.govt.nz
- Posted to: **Submissions: Te Arawa Partnership Model**  
Rotorua Lakes Council  
Private Bag 3029  
Rotorua Mail Centre  
Rotorua 3046
- Delivered to the Customer Centre at Rotorua Lakes Council, 1061 Haupapa Street.

All feedback must reach the Council by 4pm, Friday 17 April 2015. Feedback received after this date will not be included in the feedback summary to Councillors.