

*"He toa taki tini taku toa,
E hara i te toa taki tahi"
"My strength will only be achieved
Because of the efforts of us all."*

Rātū 13 Pipiri 2017

Council Chambers, 175 Rimu Road, Paraparaumu : 10.00 am

Committee Membership:

Rupene Waaka (Ngā Hapū o Ōtaki) (Chair)	Mahinarangi Hakaraia (Ngā Hapū o Ōtaki)
Chris Gerretzen (Te Āti Awa ki Whakarongotai – Charitable Trust)	Andre Baker (Te Āti Awa ki Whakarongotai – Charitable Trust)
Carol Reihana (Ngāti Toa Rangatira)	Hohepa Potini (Ngāti Toa Rangatira)
Leana Barriball (Ngāti Toa Rangatira)	
Mayor K Gurunathan (Kāpiti Coast District Council)	Cr James Cootes (Kāpiti Coast District Council)

ITEM	ORDER PAPER	(*denotes paper attached)	PAGE
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3	Public Speaking Time		
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6	Hastings District Council – review successful partnership models		

Strategic Work Programme

7	Update: helping Kāpiti get tsunami ready – Janice McDougall		
8	Update: Long Term Plan – Kevin Black		
9	Update: Maramataka – Maia Whiterod		
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MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 2 HARATUA 2017	10.05 AM

Minutes of a six-weekly meeting of Te Whakaminenga o Kāpiti on Tuesday 2 May 2017, commencing at 10.05 am in the Council Chambers, 175 Rimu Road, Paraparaumu.

MEMBERS

Mr	R	Waaka	Ngā Hapū o Ōtaki (Chair)
Ms	M	Hakaraia	Ngā Hapū o Ōtaki
Mr	C	Gerretzen	Te Ātiawa ki Whakarongotai Charitable Trust
Mayor	K	Gurunathan	Koromatua
Cr	J	Cootes	Mema o te Kaunihera
Ms	L	Barriball	Ngāti Toa Rangatira

IN ATTENDANCE

Ms	S	Stevenson	Kaihautū Rautaki
Ms	M	Fraser	Kaiwhakahaere Tairangawhenua
Ms	M	Whiterod	Te Āpiha Tairangawhenua
Ms	L	Belcher	Kaiwhakahaere Ratonga Manapori
Mr	D	Te Maipi	Kaumātua

APOLOGIES

Mr	A	Baker	Te Ātiawa ki Whakarongotai Charitable Trust
Ms	C	Reihana	Ngāti Toa Rangatira (Ngāti Haumia)

The meeting opened with a karakia by Ms Hakaraia. The Chair welcomed everyone to the meeting.

Te Whakaminenga o Kāpiti 17/05/053

APOLOGIES

MOVED (Hakaraia / Gerretzen)

That Te Whakaminenga o Kāpiti accepts apologies from Mr Baker and Ms Reihana.

CARRIED

Te Whakaminenga o Kāpiti 17/05/054

PUBLIC SPEAKING TIME

- Koro Don Te Maipi spoke and this was followed by a waiata. The Chair spoke in response to Koro Don.

Koro Don left the meeting after Public Speaking Time.

Te Whakaminenga o Kāpiti 17/05/055

ADDITIONAL AGENDA ITEMS

There were no additional items.

MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 2 HARATUA 2017	10.05 AM

Te Whakaminenga o Kāpiti 17/05/056

CONFIRMATION OF MINUTES – 14 MARCH 2017

There was one amendment to spelling required on page three of the minutes.

MOVED (Hakaraia/Barriball)

That the amended minutes of the meeting of Te Whakaminenga o Kāpiti on 14 March 2017 are confirmed as a true and accurate record of that meeting.

That the In Committee minutes of the meeting of Te Whakaminenga o Kāpiti on 14 March 2017 are confirmed as a true and accurate record of that meeting.

CARRIED

Strategic Work Programme

Te Whakaminenga o Kāpiti 17/05/057

PRESENTATION : GUARDIANS OF KĀPITI MARINE RESERVE – BEN KNIGHT, KARL WEBBER

- Mr Webber spoke on behalf of Guardians of Kāpiti Marine Reserve, currently an informal network who have 600 facebook members.
- Mr Knight spoke to the presentation and requested a formal representative or representatives from Te Whakaminenga o Kāpiti to liaise with the Guardians of Kāpiti Marine Reserve. The Guardians of Kapiti Marine Reserve are in the process of incorporating a trust board to provide a more formal structure.
- A report was requested for the next meeting of Te Whakaminenga o Kāpiti from Ngāti Toa and Whakarongotai as to how to proceed.
- It was requested that a copy of the presentation be circulated.

Te Whakaminenga o Kāpiti 17/05/058

UPDATE : MEMORANDUM OF PARTNERSHIP – LEYANNE BELCHER

Ms Belcher gave an update on the Memorandum of Partnership. Council had voted at the Council Meeting of 13 April to adopt the document with no amendments.

Te Whakaminenga o Kāpiti will consider when the document should be signed.

MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 2 HARATUA 2017	10.05 AM

Te Whakaminenga o Kāpiti 17/05/059

UPDATE MĀORI ECONOMIC DEVELOPMENT (SP-17-175)

MOVED (Barriball/Gerretzen)

That Te Whakaminenga o Kāpiti:

- Rescinds the resolution from report SP-17-067 that the current funding of \$66,625 for 2016/2017 is utilised to revise a strategy for Māori Economic Development.
- Agree the current funding of \$66,625 for 2016/2017 for development of the Māori Economic Strategy is utilised for Māori Economic Development Grants.

CARRIED

Updates / Other Matters

Te Whakaminenga o Kāpiti 17/05/060

MATTERS UNDER ACTION

Gas Pipes after a Large Earth Quake

Question from Apihaka Mack about who would be responsible for turning the gas pipes off in the event of a massive earthquake. A response will be provided giving the information we have and sent as an Email from the Chair. The Email will include contact points for subject matter experts on Gas safety.

Creative Communities NZ

The Terms of Reference set by Creative New Zealand have been checked due to difficulties around identifying 3 iwi representatives who had not already served for two consecutive terms. Creative New Zealand requires only 1 iwi representative.

Master List of Representative Opportunities

The production of a master list was requested to be produced for Te Whakaminenga o Kāpiti detailing all representative opportunities. Add to Matters Under Action.

Guardian of Kāpiti Reserve

Guardians of Kāpiti Reserve made a request for representatives to be nominated by Te Whakaminenga o Kāpiti. A report was requested from Ngāti Toa and Whakarongotai as to how to proceed. Add to Matters Under Action.

Memorandum of Partnership

Te Whakaminenga o Kāpiti to consider when the Memorandum of Partnership should be signed.

Iwi Management Plan

Ongoing

MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 2 HARATUA 2017	10.05 AM

Te Whakaminenga o Kāpiti 17/05/061

IWI UPDATES

Ngāti Toa Rangatira

- Te Matatini – A Kapa Haka Group is being formed and the invitation is open to everyone.

Ngā Hapū o Ōtaki

- There were no updates.

Te Āti Awa

- There were no updates.

Te Whakaminenga o Kāpiti 17/05/062

TREATY SETTLEMENTS – OVERVIEW FROM EACH IWI

- Applications have been made by iwi under the Marine & Coastal Area Act.

Te Whakaminenga o Kāpiti 17/05/063

COUNCIL UPDATE

The Chief Executive provided an update including:

- Consultation has closed on the Annual Plan. There were over 100 submissions.
- Workshops with Council are starting on the Long Term Plan.

The Chair provided an update:

- The sites of significance tour which was postponed is to be revisited.

Te Whakaminenga o Kāpiti 17/05/064

CORRESPONDENCE

There was none.

Te Whakaminenga o Kāpiti 17/05/065

OTHER BUSINESS

- Cr Cootes provided an update on the Economic Development Leadership Group.
- Ms Stevenson requested that the Berl report be released following final amendments.

MOVED (Barriball/ Cootes)

That the Berl report “The Māori Economy Kāpiti Coast District” is to be released following final amendments.

CARRIED

MINUTES	MEETING HELD ON	TIME
TE WHAKAMINENGA O KĀPITI	RATU 2 HARATUA 2017	10.05 AM

The meeting was closed at 11.45 am after a karakia by Mr Gerretzen.

.....
Chair

.....
Date

Chairperson and Committee Members
TE WHAKAMINENGA O KĀPITI

13 JUNE 2017

Meeting Status: **Public**

Purpose of Report: **For Information**

**INVITATION TO APPOINT IWI REPRESENTATIVES TO THE
CYCLEWAYS, WALKWAYS AND BRIDLEWAYS ADVISORY
GROUP**

PURPOSE OF REPORT

- 1 This report invites iwi representation to Council's Cycleways, Walkways and Bridleways (CWB) Advisory Group.

DELEGATION

- 2 Te Whakaminenga o Kāpiti has the delegation to consider this matter.

BACKGROUND

- 3 Following the adoption of the CWB Advisory Group Terms of Reference 2016-2019, Council is inviting voluntary iwi representation to this group.

ISSUES AND OPTIONS

- 4 The district is becoming renowned for walking, cycling and horse riding opportunities. The CWB Advisory Group is a voluntary group which seeks to extend the CWB network and to improve the cycling, walking and equestrian experience on the Kāpiti Coast.
- 5 The purpose of the Advisory Group is to advise Council on issues and opportunities within the District that will enhance the CWB network.
- 6 The Terms of Reference are appended to this report and outline the group's objectives, structure and scope, and provides a guideline for decision making. These terms were recently adopted by Council at their meeting on 23 March 2017.
- 7 Meetings are held approximately six times per year with administrative support to the meetings provided by the Council.
- 8 Te Whakaminenga o Kāpiti is invited to appoint up to three iwi representatives to the CWB Advisory Group, with one representative sought from each of the iwi with whom Council works under the Memorandum of Partnership.

CONSIDERATIONS

Policy considerations

- 9 There are no policy considerations.

Legal considerations

- 10 There are no legal considerations.

Financial considerations

- 11 There are no financial considerations.

Tāngata whenua considerations

- 12 There are Tāngata Whenua considerations. Te Whakaminenga o Kāpiti are invited to appoint voluntary representation to this group.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 13 This matter is of low level significance under Council Policy.

Consultation already undertaken

- 14 The Advisory Group reviewed the Terms of Reference at the beginning of the 2016-19 triennium.

Engagement planning

- 15 An engagement plan is not needed to implement this decision.

Publicity

- 16 There are no publicity considerations.

Other considerations

- 17 This is an open invitation to appoint and the positions shall remain vacant until such time as they are filled. The invitation shall stand for the duration of the 2016-19 Triennium, which is the timeframe for the current Terms of Reference.

RECOMMENDATIONS

18 Te Whakaminenga o Kāpiti receives this report (CS-17-221) and resolves to appoint representatives to the Cycleways, Walkways and Bridleways Advisory Group at the next meeting of Te Whakaminenga o Kāpiti.

Report prepared by	Approved for submission	Approved for submission
Jamie Roberts	Sean Mallon	Crispin Mylne
Parks and Recreation Planner	Group Manager Infrastructure Services	Acting Group Manager Community Services

ATTACHMENT:

Appendix 1: CWB Advisory Group Terms of Reference

APPENDIX 1 :

Cycleway, Walkway, Bridleway Advisory Group Terms of Reference, 2016-2019

BACKGROUND

1. The Kāpiti Cycleway, Walkway and Bridleway (CWB) Advisory Group is a voluntary group which seeks to extend the CWB network and to improve the cycling, walking, and equestrian experience on the Kāpiti Coast.

PURPOSE

2. The purpose of the Advisory Group is to advise Council on issues and opportunities within the CWB network.

CONSTITUTION & MEMBERSHIP

3. The membership of the Kāpiti Cycleway, Walkway and Bridleway Advisory Group is:
 - 3.1. Two elected members
 - 3.2. One community representative from each of the following interest groups, with a Deputy from each also able to attend:
 - 3.2.1. Walking
 - 3.2.2. On Road Cycling
 - 3.2.3. Equestrian
 - 3.2.4. Off Road Cycling
 - 3.2.5. Recreational Open Space
 - 3.2.6. Accessibility
 - 3.2.7. Environmental Care Groups
 - 3.2.8. Youth
 - 3.2.9. Older Persons
 - 3.3. One representative from each of the following iwi with whom Council works under a Memorandum of Partnership:
 - 3.3.1. Ngā Hapu o Ōtaki
 - 3.3.2. Te Ātiawa Charitable Trust
 - 3.3.3. Ngāti Toa Rangatira
 - 3.4. Council officers
 - 3.4.1. Group Manager Community Services
 - 3.4.2. Parks and Recreation CWB Officer
 - 3.4.3. Infrastructure CWB Officer
4. Community representatives will be confirmed at the first meeting of each triennium. The terms of reference will also be reviewed at this time.

5. The Chairperson will be one of the community representatives listed in paragraphs 3.2 & 3.3 The Chairperson will be determined by the members listed in paragraphs 3.1, 3.2 and 3.3 at the first meeting of each triennium.
6. When an Advisory Group member stands down or a replacement is needed recommendations will be sought from the incumbent or the group they represent with the new representative approved by members listed in 3.1, 3.2 and 3.3.
7. Invitation to appoint iwi representation shall be made through Te Whakaminenga o Kāpiti.
8. Voting rights during meetings are limited to members listed in paragraphs 3.1, 3.2 and 3.3 provided that each group or each iwi is entitled to one vote.
9. Recommendations from the group shall be formed by way of majority vote.
10. Agendas and minutes of the meetings will be circulated to all Members listed in paragraph 3.
11. Council staff supporting the Advisory Group when required include:
 - 11.1. Parks and Recreation Manager
 - 11.2. Roading Asset Manager
 - 11.3. Group Manager Infrastructure Services
 - 11.4. Executive Secretary Community Services
12. The Advisory Group may also co-opt or invite members as agreed from other relevant groups, including but not limited to specialist community groups, environmental groups and Care Groups.

MEETING FREQUENCY

13. Meetings will be held on a bimonthly basis (every two months) unless determined otherwise by the Group.
14. The Council will provide secretarial support for the Group.
15. Minutes, including Matters Under Action, will be distributed within four weeks of meetings.

QUORUM

16. A quorum is: one elected member, plus three community representatives, plus one council officer.

OBJECTIVES

17. The objectives of the Advisory Group are to:
- 17.1. Proactively identify opportunities, issues and advise on cycling, walking, and equestrian matters on the Kāpiti Coast in general
 - 17.2. Advise on priorities for implementing the Cycleway, Walkway and Bridleway (CWB) Strategy, Network Plan and Activity Management Plan in the Kāpiti Coast District
 - 17.3. Facilitate communication between the council and the community on cycling, walking, and equestrian matters on the Kāpiti Coast, and
 - 17.4. Make recommendations to the Group Manager Community Services and the Group Manager Infrastructure on new opportunities and CWB matters

SCOPE OF ACTIVITY

18. The Advisory Group will:
- 18.1. Establish relationships with key community organisations with which this Advisory Group must work
 - 18.2. Provide focus and advise of priorities for CWB in the Kāpiti Coast District
 - 18.3. Advise Council officers in the implementation of priorities and projects particularly with respect to community perspective and input
 - 18.4. Advise on projects and recommend funding allocation to the Kāpiti Coast District Council through the delegated Council Committee
 - 18.5. Consider and make recommendations to the delegated Council Committee and/or the Chief Executive on involvement in relation to events, issues, reports, plans and subdivisions in relation to encouraging cycling, walking and horse riding on the Kāpiti Coast if required
 - 18.6. Participate in Council-led public consultation processes
 - 18.7. Work with officers to report to the delegated Council Committee on activities at the end of each financial year and/or as required during the financial year to scheduled meetings of that Committee, and
 - 18.8. Through the Chairperson, advise the Group Manager Community Services of any other issues of concern that need to be addressed to improve the efficiency and effectiveness of the Advisory Group

PROCESS

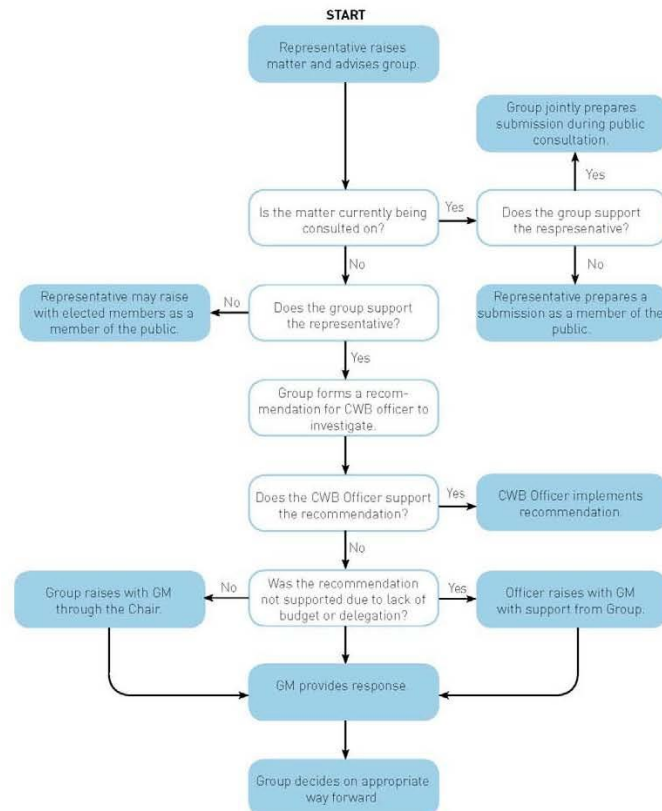
19. The process for raising and addressing matters through the Group is outlined in Appendix A.

SIGNATORIES

.....
Max Lutz
Chair, Cycleways, Walkways and Bridleways Group

.....
Max Pedersen
Group Manager Community Services

APPENDIX A



Chairperson and Committee Members
TE WHAKAMINENGA O KĀPITI

13 JUNE 2017

Meeting Status: **Public**

Purpose of Report: For Decision

PUBLIC ART PANEL REVISED TERMS OF REFERENCE

PURPOSE OF REPORT

- 1 The purpose of this report is to advise the Committee of the revised terms of reference for the Public Art Panel and seek confirmation of the Committee's nomination to the panel.

DELEGATION

- 2 Te Whakaminenga o Kāpiti has the authority to advise the Council on these matters.

BACKGROUND

- 3 The Kāpiti Coast District Council (Council) develops and manages public art for the district guided by its Strategy for Supporting the Arts (2012) and Public Art Policy (2013). The Public Art Policy establishes the Public Art Panel.
- 4 On 25 May 2017 Council approved a revised terms of reference for the Public Art Panel (Appendix 1).
- 5 The Terms of Reference provide for Te Whakaminenga o Kāpiti to nominate one person to the Public Art Panel.
- 6 Tracey Morgan has acted as Te Whakaminenga o Kāpiti's representative on the Panel since its formation in November 2013.
- 7 Members of the Public Art Panel are appointed for a three-year term that coincides with the then current Council triennium, but there is no limit to the number of terms that can be served.

CONSIDERATIONS

Policy considerations

- 8 The Public Art Policy (2013) establishes the Public Art Panel. The Public Art Policy will require consequential amendment to align with any changes to the Public Art Panel Terms of Reference.

Legal considerations

- 9 There are no legal considerations.

Financial considerations

- 10 The Public Art Panel has no operating budget. Expenditure on public art is limited to the capital budget set by the Council.

Tāngata whenua considerations

- 11 The existing and revised Public Art Panel Terms of Reference align with the tāngata whenua considerations in the Council's Strategy for Supporting the Arts (2012).

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 12 The revised Public Art Panel Terms of Reference have a low level of significance under Council policy.

Consultation already undertaken

- 13 No external consultation has taken place on this matter.

Engagement planning

- 14 A community engagement plan is not needed to implement this decision.

Publicity

- 15 There are no publicity considerations at this stage.

RECOMMENDATIONS

- 16 That the Committee:
- a) receives this report (CS-17-223); and
 - b) nominates _____ for appointment to the Public Art Panel.

Report prepared by	Approved for submission	Approved for submission
Jaenine Parkinson	Sarah Stevenson	Crispin Mylne
Libraries and Arts Project Coordinator	Group Manager Strategy & Planning	Acting Group Manager Community Services

REVISED PUBLIC ART PANEL TERMS OF REFERENCE

2017

Goals

1. The Public Art Panel is appointed by the Kāpiti Coast District Council to act as an expert advisor on the Council's public art programme and to make decisions on the selection of public artworks that assist the Council to implement its public art programme and Public Art Policy.
2. By encouraging, providing and managing public art the Council aims to:
 - 2.1. promote Kāpiti Coast District's sense of community, civic pride and distinctive identity;
 - 2.2. acknowledge and celebrate the whakapapa and history of tangata whenua as well as matawaka cultural identity through toi Māori;
 - 2.3. provide opportunities for artists to work in and with communities in public places;
 - 2.4. encourage a culture of creativity and innovation in the public realm, which heightens people's understanding and enjoyment of art, including introducing work from noted artists living and/or working outside the District;
 - 2.5. contribute significantly to the development of cultural tourism and economic development in the District;
 - 2.6. acknowledge and celebrate the diverse communities within the District;
 - 2.7. provide opportunities for young people to lead or be involved in the creation of public art;
 - 2.8. integrate public art into public space design including town centres, facilities and open space.

Membership

3. The panel shall have five members, including dedicated roles for:
 - an arts professional nominated by Te Whakaminenga o Kāpiti
 - a representative nominated by Mahara Gallery Trust
 - an elected member of Council
4. Members will be selected for their artistic expertise, experience and networks, and to ensure that collectively the panel has the following skill areas:
 - credibility and relationships in the community, especially the creative community
 - experience in the commissioning of public art
 - ability to identify strong artistic concepts
 - knowledge of local, national and international public art history
 - knowledge of Kāpiti's geography, local environments social and built heritage
 - appreciation of Kāpiti's changing demographics and diversity and the opportunities and challenges these pose to the development of the district

- a globally informed perspective of the role creativity plays in place-making and transformation
 - commitment to understanding the principles of Te Tiriti o Waitangi
 - knowledge of tikanga Māori and toi Māori
5. Council staff will manage the Council's public art programme, facilitate engagement, and provide secretariat support to the Public Art Panel.

Appointment Process

6. Council will appoint one of its elected members to the panel.
7. The Public Art Panel will be appointed by the Council from a shortlist prepared by Council staff in response to expressions of interest and nominations from Te Whakaminenga o Kāpiti and Mahara Gallery.
8. Expressions of interest for two positions on the Public Art Panel will be called for through advertising.

Tenure

9. Members of the Public Art Panel are appointed for a three-year term that coincides with the then current Council triennium.

Roles and Responsibilities

10. The panel will appoint a Chair at its first meeting of each triennium.
11. The role of the Public Art Panel is to provide input into the Council's public art programme, including advising on:
- Site priorities and selection;
 - Timelines;
 - Strategic aims;
 - Budget utilisation;
 - Artworks to be deaccessioned or relocated;
 - External proposals, bequests, donations or loans of artwork for public spaces;
 - Protocols for artwork opening/unveiling, relocation and removal.
12. The Public Art Panel is authorised to determine the following:
- Commissioning processes, artist selection methods and brief development;
 - Selecting artists to respond to a brief, and reviewing expressions of interest;
 - Approving artist concepts and detailed designs for the production of public artworks.
13. Recommendations and progress reports to Council or delegated committee will be developed by Council staff with advice from the panel.

Meetings

14. Meetings will be held as required.

15. The quorum of the meeting shall be a simple majority of the panel.
Recommendations and decisions of the panel are made by a simple majority of those present, except that decisions about selection of a public artwork must be a unanimous decision of the full panel.
16. Each member has one equal vote.
17. Any member who is absent from three consecutive meetings of the panel without leave of absence from the panel, or without reason satisfactory to the panel, shall cease to be a member of the panel.
18. Meeting agendas, minutes and arrangements (notifications, room bookings and so on) will be made by Council staff. Meetings will not generally be open to the public (unless the panel chooses to make a meeting public).

Process and Jurisdiction

19. The Public Art Panel will provide advice and input for the development of Council's public art programme.
20. Once the public art programme has been approved the Public Art Panel have delegated authority to select public artworks provided that:
 - The location and priority for the artwork has been approved by the Council;
 - The cost of the artwork is within the approved budget;
 - The decision of the Public Art Panel is unanimous.
21. The Public Art Panel's recommendations and decisions must be developed with reference to and in accordance with the Council's Strategy for Supporting the Arts (April 2012), the Council's Public Art Policy (August 2013) and the Council's public art acquisitions budget and approved programme.
22. The Public Art Panel should ensure that recommendations and decisions are made with due regard to New Zealand laws including those regarding copyright, censorship and obscenity.
23. Council will enter into formal agreements with artists and suppliers.
24. The Public Art Panel can advise Council staff on public communications and engagement plans. The Public Art Panel cannot make public statements on behalf of the Council.

Remuneration

25. Membership is a voluntary role, and there will be no remuneration for members' time, or for attendance at meetings.

Resources and budget

26. Council will make available meeting rooms and any Council-owned presentation equipment required for meetings.
27. There is no Council operating budget allocated to the Public Art Panel. Council staff time will be met from existing operating budgets.

Fund sources and management

28. Council makes provision for the capital expenditure on public art in its Annual Plan process. The Council or the Public Art Panel may seek to secure additional funds from outside sources (e.g., central government agencies, corporate or private funders) for public art. Details of expenditure are included in the Council's regular financial reports.
29. Council will make payments to artists and suppliers associated with the agreed public art programme.

Code of Conduct

30. Members are required to declare any conflict of interest with any matter to be discussed by the panel.
31. Members are not permitted to directly or indirectly benefit from their participation in the Public Art Panel during their tenure, and for a period of 12 months following the completion of their term.
32. Members are required to:
 - prepare for and actively participate in meetings;
 - act in a courteous manner, respecting views and opinions of others;
 - respect the decision of the consensus view as adjudicated by the Chair;
 - publicly support recommendations made by the panel even if their personal view differs from the consensus view; and
 - treat information with sensitivity and confidentiality as appropriate.

Evaluation and review

33. Council may choose to alter these terms of reference at any time.
34. Council reserves the right to review the operations of, or need for, the Public Art Panel at any time.

Chairperson and Members
TE WHAKAMINENGA O KĀPITI

13 JUNE 2017

Meeting Status: **Public**

Purpose of Report: For Decision

CONSIDERATION OF THE ESTABLISHMENT OF A MĀORI WARD

PURPOSE OF REPORT

- 1 This report seeks Te Whakaminenga o Kāpiti's recommendation to Council with regard to consideration of the establishment of a Māori Ward.

DELEGATION

- 2 Te Whakaminenga o Kāpiti may consider this matter.

BACKGROUND

- 3 At a Meeting of Te Whakaminenga o Kapiti on 14 July 2015 members signalled that they would like Council to examine the option of a Māori Ward in the 2016-2019 Triennium.

Under section 19Z of the Local Electoral Act 2001 (Appendix 1) any territorial authority may resolve that the district be divided into 1 or more Māori wards for electoral puposes. Schedule 1A contains provision relating to Māori Wards (Appendix 2).

ISSUES AND OPTIONS

Issues

- 4 A resolution under section 19Z of the Act must be made no later than 23 November 2017, if the change is to be in place for the next elections.
- 5 If Council resolves to establish a Māori Ward this decision may be subject to an elector-initiated poll (Section 19ZA). For a poll to be valid it must be requested by 5% or more of eligible electors.
- 6 The Council may also resolve to hold a poll on the matter.
- 7 The results of a poll are binding; if in support of a Māori ward, the establishment of the ward applies to the next two local body elections.

CONSIDERATIONS

Policy considerations

- 8 If council decided to adopt a Māori Ward it would go through all the steps in clause 1(2) of Schedule 1A, in effect carrying out a representation review.

Legal considerations

- 9 There are no legal considerations.

Financial considerations

- 10 There are no financial considerations for Te Whakaminenga o Kāpiti in terms of making a recommendation.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 11 This matter has a medium degree of significance for Te Whakaminega o Kāpiti under Council policy.

Publicity

- 12 A communications plan is not required in order for a recommendation to be made to Council.

RECOMMENDATIONS

- 13 That Te Whakaminenga o Kāpiti recommends that Council consider/ does not consider the establishment of a Māori Ward for electoral purposes.

Report prepared by	Approved for submission	Approved for submission
Leyanne Belcher	Sarah Stevenson	Wayne Maxwell
Democracy Services Manager	Group Manager Strategy and Planning	Group Manager Corporate Services

ATTACHMENTS

Appendix 1: Section 19Z of the Local Electoral Act 2001

Appendix 2: Schedule 1^a of the Local Electoral Act 2001

Māori wards and Māori constituencies

19Z Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies

- (1) Any territorial authority may resolve that the district be divided into 1 or more Māori wards for electoral purposes.
- (2) Any regional council may resolve that the region be divided into 1 or more Māori constituencies for electoral purposes.
- (3) A resolution under this section,—
 - (a) if made after a triennial general election but no later than 23 November of the year that is 2 years before the next triennial general election, takes effect, subject to paragraph (c), for the purposes of the next triennial general election of the territorial authority or regional council; and
 - (b) in any other case, takes effect, subject to paragraph (c), for the purposes of the next but one triennial general election; and
 - (c) in either case, takes effect for 2 triennial general elections of the territorial authority or regional council, and any associated election, and continues in effect after that until either—
 - (i) a further resolution under this section takes effect; or
 - (ii) a poll of electors of the territorial authority or regional council held under [section 19ZF](#) takes effect.
- (4) This section is subject to [section 19ZE](#) and to [clauses 2\(5\)](#) and [4\(4\)](#) of Schedule 1A.
- (5) In this section and in [sections 19ZB to 19ZG](#), **associated election**, in relation to any 2 successive triennial general elections of a territorial authority or regional council, means—
 - (a) any election to fill an extraordinary vacancy in the membership of the body concerned that is held—
 - (i) between those elections; or
 - (ii) after the second of those elections but before the subsequent triennial general election:
 - (b) an election of the members of the body concerned under [section 258I](#) or [258M](#) of the Local Government Act 2002 that is held—
 - (i) between those elections; or
 - (ii) after the second of those elections but before the subsequent triennial general election.

19ZA Public notice of right to demand poll

- (1) A territorial authority or regional council that passes a resolution under [section 19Z](#) must give public notice, not later than the required date, of the right to demand, under [section 19ZB](#), a poll on the question whether,—
 - (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

(b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.

(2) The public notice under subsection (1) must include—

(a) notice of the resolution under [section 19Z](#); and

(b) a statement that a poll is required to countermand that resolution.

(3) In subsection (1), **required date** means,—

(a) in the case of a resolution under [section 19Z](#) that is made after a triennial general election but not later than 23 November of the year that is 2 years before the next triennial general election, 30 November in that year:

(b) in the case of a resolution under section 19Z that is made at some other time, the date that is 7 days after the date of the resolution.

(4) This section is subject to [section 19ZE](#).

Section 19ZA: inserted, on 25 December 2002, by [section 6](#) of the Local Electoral Amendment Act 2002 (2002 No 85).

19ZB Electors may demand poll

(1) A specified number of electors of a territorial authority or regional council may, at any time, demand that a poll be held on the question whether,—

(a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

(b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.

(2) This section is subject to [section 19ZE](#).

(3) In this section and [sections 19ZC](#) and [19ZD](#),—

demand means a demand referred to in subsection (1)

specified number of electors, in relation to a territorial authority or regional council, means a number of electors equal to or greater than 5% of the number of electors enrolled as eligible to vote at the previous triennial general election of the territorial authority or regional council.

19ZC Requirements for valid demand

(1) A demand must be made by notice in writing—

(a) signed by a specified number of electors; and

(b) delivered to the principal office of the territorial authority or regional council.

(2) An elector may sign a demand and be treated as one of the specified number of electors only if,—

(a) in the case of a territorial authority, the name of the elector appears on the electoral roll of the territorial authority; or

(b) in the case of a regional council, the name of the elector appears on the electoral roll of a territorial authority and the elector's address as shown on that roll is within the region; or

(c) in a case where the name of an elector does not appear on a roll in accordance with paragraph (a) or paragraph (b),—

(i) the name of the elector is included on the most recently published electoral roll for any electoral district under the [Electoral Act 1993](#) or is currently the subject of a direction by the Electoral Commission under [section 115](#) of that Act (which relates to unpublished names); and

(ii) the address for which the elector is registered as a parliamentary elector is within the local government area of the territorial authority or regional council; or

(d) the address given by the elector who signed the demand—

(i) is confirmed by the Electoral Commission as the address at which the elector is registered as a parliamentary elector; and

(ii) is, if the demand was given to a territorial authority, within the district of the territorial authority; or

(iii) is, if the demand was delivered to a regional council, within the region of the regional council; or

(e) the elector has enrolled, or has been nominated, as a ratepayer elector and is qualified to vote as a ratepayer elector in elections of the territorial authority or, as the case may require, the regional council.

(3) Every elector who signs a demand must state, against his or her signature,—

(a) the elector's name; and

(b) the address for which the person is qualified as an elector of the territorial authority or regional council.

(4) If a valid demand is received after 21 February in the year before the next triennial general election, the poll required by the demand—

(a) must be held after 21 May in that year; and

(b) has effect in accordance with [section 19ZG\(4\)](#) (which provides that the poll has effect for the purposes of the next but one triennial general election and the subsequent triennial general election).

(5) The chief executive of the territorial authority or regional council must, as soon as practicable, give notice to the electoral officer of every valid demand for a poll made in accordance with [section 19ZB](#) and this section.

(6) This section is subject to [section 19ZE](#).

19ZD Territorial authority or regional council may resolve to hold poll

(1) A territorial authority or regional council may, at any time, resolve that a poll be held on the question whether,—

(a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

(b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.

- (2) A resolution under subsection (1) may, but need not, specify the date on which the poll is to be held.
- (3) The date specified for the holding of a poll must not be a date that would require deferral of the poll under [section 138A](#).
- (4) The chief executive of the territorial authority or regional council must give notice to the electoral officer under subsection (1),—
- (a) if no date for the holding of the poll is specified in the resolution, as soon as is practicable:
- (b) if a date for the holding of the poll is specified in the resolution, at an appropriate time that will enable the poll to be conducted in accordance with [section 19ZF\(3\)](#).
- (5) This section is subject to [section 19ZE](#).

19ZE Limitation on division into Māori wards or Māori constituencies

[Sections 19Z to 19ZD](#) do not apply, in relation to a territorial authority or regional council, if—

- (a) a poll on the proposal described in [section 19ZB](#) or [section 19ZD](#) held under [section 19ZF](#) took effect at the previous triennial general election of the territorial authority or regional council or takes effect at the next triennial general election of the territorial authority or regional council; or
- (b) another enactment requires that the district be divided into 1 or more Māori wards or the region be divided into 1 or more Māori constituencies.

19ZF Poll of electors

- (1) If the electoral officer for a territorial authority or regional council receives notice under [section 19ZC\(5\)](#) or [section 19ZD\(4\)](#), the electoral officer must, as soon as practicable after receiving that notice, give public notice of the poll under [section 52](#).
- (2) Despite subsection (1), if an electoral officer for a territorial authority or regional council receives 1 or more notices under both [section 19ZC\(5\)](#) and [section 19ZD\(4\)](#), or more than 1 notice under either section, in any period between 2 triennial general elections, the polls required to be taken under each notice may, to the extent that those polls would, if combined, take effect at the same general election, and if it is practicable to combine those polls, be combined.
- (3) A poll held under this section must be held not later than 89 days after the date on which—
- (a) the notice referred to in subsection (1) is received; or
- (b) the last notice referred to in subsection (2) is received.
- (4) Subsection (3) is subject to subsection (2), [section 19ZC\(4\)](#), and [section 138A](#).
- (5) Every poll under this section that is held in conjunction with a triennial general election or held after that date but not later than 21 May in the year immediately before the year in which the next triennial general election is to be held determines whether, for the next 2 triennial general elections for the territorial authority or regional council and any associated election,—
- (a) the district of the territorial authority is to be divided into 1 or more Māori wards; or
- (b) the region of the regional council is to be divided into 1 or more Māori constituencies.

(6) Every poll under this section that is held at some other time determines whether, for the next but one triennial general election and the following triennial general election for the territorial authority or regional council and any associated election,—

- (a) the district of the territorial authority is to be divided into 1 or more Māori wards; or
- (b) the region of the regional council is to be divided into 1 or more Māori constituencies.

(7) Subsections (5) and (6) are subject to [clauses 2\(5\)](#) and [4\(4\)](#) of Schedule 1A.

19ZG Effect of poll

(1) Subsection (2) applies to a poll held in conjunction with a triennial general election or held after that election but not later than 21 May in the year immediately before the year in which the next triennial general election is to be held.

(2) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—

(a) in the case of a territorial authority, for the next 2 triennial general elections of the territorial authority, and any associated election; and

(b) in the case of a regional council, for the next 2 triennial general elections of the regional council, and any associated election; and

(c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under [section 258I](#) or [258M](#) of the Local Government Act 2002, until a further resolution under [section 19Z](#) takes effect or a further poll held under [section 19ZF](#) takes effect, whichever occurs first.

(3) Subsection (4) applies to a poll held at some other time.

(4) If the result of a poll to which this subsection applies requires the division of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—

(a) in the case of a territorial authority, for the next but one triennial general election and the following triennial general election of the territorial authority, and any associated election; and

(b) in the case of a regional council, for the next but one triennial general election and the following triennial general election of the regional council, and any associated election; and

(c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under [section 258I](#) or [258M](#) of the Local Government Act 2002, until a further resolution under [section 19Z](#) takes effect or a further poll held under [section 19ZF](#) takes effect, whichever occurs first.

(5) This section is subject to [clauses 2\(5\)](#) and [4\(4\)](#) of Schedule 1A.

Schedule 1A Provisions relating to Māori wards and Māori constituencies

1 Review of representation arrangements for election of territorial authority

(1) If, for the purposes of a triennial general election, a district of a territorial authority (being a district that is not already divided into 1 or more Māori wards) is required to be divided into 1 or more Māori wards, the territorial authority must, in the year immediately before the year in which the triennial general election is to be held, but not later than 31 August in the year immediately before the year in which the triennial general election is to be held, make a determination under [section 19H](#).

(2) That determination must be made as if the territorial authority were required by section 19H to determine by resolution, in accordance with Part 1A,—

(a) the proposed number of members of the territorial authority (other than the mayor); and

(b) whether—

(i) all of the proposed members of the territorial authority (other than the mayor) are to be separately elected by the electors of 1 or more Māori wards and the electors of 1 or more general wards; or

(ii) some of the proposed members of the territorial authority (other than the mayor) are to be elected by the electors of the district as a whole and some to be elected separately by the electors of 1 or more Māori wards and 1 or more general wards, and, if so, what number of members are to be elected by electors of the district as a whole, and what number are to be elected separately; and

(c) the proposed number of members of the territorial authority to be elected by the electors of 1 or more Māori wards; and

(d) the proposed number of members of the territorial authority to be elected by electors of 1 or more general wards; and

(e) the proposed name and the proposed boundaries of each ward; and

(f) the number of members proposed to be elected by the electors of each Māori ward; and

(g) the number of members proposed to be elected by the electors of each general ward.

(3) This clause does not limit section 19B(1).

2 Calculation of number of Māori and general ward members

(1) The number of members to be elected by the electors of 1 or more Māori wards of the district of a territorial authority (Māori ward members) is to be determined in accordance with the following formula:

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

where—

nmm is the number of Māori ward members

mepd is the Māori electoral population of the district

gepd is the general electoral population of the district

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

(2) If a determination is made under [clause 1\(2\)\(b\)\(ii\)](#), the definition of *nm* in the formula must be applied as if for the words “proposed number of members of the territorial authority (other than the mayor)” there were substituted the words “proposed number of members of the territorial authority (other than the mayor and the members to be elected by electors of the district as a whole)”.

(3) If the number of the Māori ward members (other than the mayor) calculated under subclause (1) includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds a half, the number of Māori ward members must be the next whole number above the number that includes the fraction.

(4) The number of members to be elected by the electors of 1 or more general wards is to be determined by subtracting from the proposed number of members of the territorial authority (other than the mayor, or, if the case requires, other than the mayor and the members of the territorial authority to be elected by electors of the district as a whole) the number of Māori ward members, as calculated under subclauses (1) and (3).

(5) Despite Part 1A and the provisions of this schedule, if the number of Māori ward members, as determined in accordance with the method of calculation in this clause, is zero (because the number of Māori ward members as so determined is a fraction of the whole number 1 that does not exceed one half),—

(a) the district must not be divided into 1 or more Māori wards and 1 or more general wards:

(b) the provisions of clauses 1, 5, and 6 of this schedule must not be applied for the purposes of any determination under section 19H or section 19R.

3 Review of representation arrangements for election of regional council

(1) If, for the purposes of a triennial general election, a region of a regional council (being a region that is not already divided into 1 or more Māori constituencies) is required to be divided into 1 or more Māori constituencies, the regional council must, in the year immediately before the year in which the triennial general election is to be held, but not later than 31 August in the year immediately before the year in which the triennial general election is to be held, make a determination under [section 19I](#).

(2) That determination must be made as if the regional council were required by section 19I to determine by resolution, in accordance with Part 1A,—

- (a) the proposed number of members of the regional council; and
- (b) the proposed number of members of the regional council to be elected by the electors of 1 or more Māori constituencies; and
- (c) the proposed number of members of the regional council to be elected by electors of 1 or more general constituencies; and
- (d) the proposed name and the proposed boundaries of each constituency; and
- (e) the number of members proposed to be elected by the electors of each Māori constituency; and
- (f) the number of members proposed to be elected by the electors of each general constituency.

4 Calculation of number of Māori and general constituency members

(1) The number of members to be elected by the electors of 1 or more Māori constituencies of a regional council (Māori constituency members) is to be determined in accordance with the following formula:

$$nmm = mepr \div (mepr + gepr) \times nm$$

where—

nmm is the number of Māori constituency members

mepr is the Māori electoral population of the region

gepr is the general electoral population of the region

nm is the proposed number of members of the regional council.

(2) If the number of the Māori constituency members calculated under subclause (1) includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds a half, the number of Māori constituency members must be the next whole number above the number that includes the fraction.

(3) The number of members to be elected by the electors of 1 or more general constituencies is to be determined by subtracting from the proposed number of members of the regional council the number of Māori constituency members, as calculated under subclauses (1) and (2).

(4) Despite Part 1A and the provisions of this schedule, if the number of Māori constituency members, as determined in accordance with the method of calculation in this clause, is zero (because the number of Māori constituency members as so determined is a fraction of the whole number 1 that does not exceed one half),—

(a) the region must not be divided into 1 or more Māori constituencies and 1 or more general constituencies:

(b) the provisions of clauses 3, 5, and 6 of this schedule must not be applied for the purposes of any determination under section 19I or section 19R.

5 Relationship with other provisions

(1) In exercising its powers and duties under sections 19H to 19U, and sections 19W to 19Y, a territorial authority or regional council or, as the case may require, the Commission must ensure that any proposal, revised proposal, or determination made under any of those sections is,—

(a) in the case of a territorial authority, consistent with the calculations required by clause 2; and

(b) in the case of a regional council, consistent with the result of the calculations required by clause 4.

(2) If it is proposed to alter the proposed number of members of a territorial authority or regional council at any time after that number is first determined in accordance with clause 1 or clause 3, the territorial authority or regional council or, as the case may require, the Commission must again make, in accordance with the method of calculation specified in clause 2 or the method of calculation specified in clause 4, as the case may require, the determinations required by clause 1 or clause 3.

(3) Subclause (2) does not limit subclause (1).

6 Supplementary provisions regarding wards, constituencies, and boundaries

In determining the number of wards and the boundaries of Māori wards, and the number of constituencies and the boundaries of Māori constituencies, a territorial authority or regional council or, as the case may require, the Commission must, in addition to satisfying the requirements of [section 19T](#) or [section 19U](#),—

(a) ensure, to the extent that is reasonably practicable and is consistent with the requirements of paragraph (b), that—

(i) the ratio of members to Māori electoral population in each Māori ward produces a variance of no more than plus or minus 10% (if 2 or more Māori wards for the district are proposed); and

(ii) the ratio of members to Māori electoral population in each Māori constituency produces a variance of no more than plus or minus 10% (if 2 or more Māori constituencies for the region are proposed):

(b) have regard to—

(i) the boundaries of any existing Māori electoral district; and

(ii) communities of interest and tribal affiliations.

7 Population figures

(1) The Government Statistician must, at the request of a territorial authority or regional council or, if appropriate, the Commission, supply the territorial authority or regional council or the Commission with a certificate—

(a) specifying the Māori electoral population for the district or region; and

(b) the general electoral population of the district or region.

(2) The numbers included in the certificate must be derived from information contained in the most recent report of the Government Statistician to the Surveyor-General and to the other members of the Representation Commission made under section 35(6) of the Electoral Act 1993.

(3) A certificate issued under subclause (1) is conclusive evidence of the information contained in that certificate.

8 This schedule to be read with Local Government Act 1974 or Local Government Act 2002 and other provisions of this Act

(1) This schedule is to be read in conjunction with the provisions of the Local Government Act 1974 or the Local Government Act 2002 and the other provisions of this Act, and the provisions of the Local Government Act 1974 or the Local Government Act 2002 and the other provisions of this Act and the provisions of any regulations made under either the Local Government Act 1974 or the Local Government Act 2002 or this Act apply accordingly and with any necessary modifications.

(2) However, if there is any inconsistency between the provisions of this schedule and any provisions of the Local Government Act 1974 or the Local Government Act 2002 or of this Act or of any regulations made under the Local Government Act 1974 or the Local Government Act 2002 or this Act, this schedule prevails.

TE WHAKAMINENGA O KĀPITI

MATTERS UNDER ACTION

Rātū 13 Pipiri 2017

Item	Action	Person Responsible	Notes/Update	Timeframe
Iwi Management Plan	14.03.17 There is a need to work with Council to deliver the Iwi Management Plan.	Monica Fraser		Ongoing
Guardians of Kapiti Reserve	02.05.17 Guardians of Kapiti Reserve request for representatives to be nominated by Te Whakaminenga o Kāpiti. A report was requested from Ngāti Toa and Whakarongotai as to how to proceed.	Chris Gerretzen / Leanna Bariball		For Next Meeting 13 June 2017
Memorandum of Partnership	02.05.17 TWOK to consider when the Memorandum of Partnership should be signed.	Monica Fraser		By Next Meeting 13 June 2017
Master List of Representative Opportunities	02.05.17 Produce a master list for TWOK detailing all representative opportunities.	Leyanne Belcher/ Monica Fraser		COMPLETED
Sites of Significance	02.05.17 Sites of Significance Tour reorganization	Monica Fraser/ Leyanne Belcher	Dates proposed Tuesday 27 June, Tuesday 8 August or Thursday 24 August	By Next Meeting 13 June 2017
Gas Pipes after a Large Earthquake	Question from Apihaka Mack about who would be responsible for turning the gas pipes off in the event of a massive earthquake.	Sarah Stevenson/ Leyanne Belcher	A response was provided as an Email from the Chair. The Email included contact points for subject matter experts on Gas safety	COMPLETED