

Omokoroa Residents and Ratepayers Association Inc.  
Submission/Objection to WBOPDC Representation Review final proposal 2024

Omokoroa Residents and Ratepayers Association Inc. (ORRA) hereby appeal/object to the Western Bay of Plenty District Council's final representation proposal for the 2025 local body election.

ORRA hereby notifies that it wants to be heard at the Local Government Commission hearing.

ORRA **appeals** the following recommendations:

- 1) The establishment of a Maori ward.**
- 2) The reduction in the number of General Ward Councillors from 11 to 8 as a consequence of the proposed establishment of a Maori ward.**
- 3) The reduction in the number of Kaimai Ward Councillors from 4 to 3 as a consequence of the proposed establishment of a Maori ward.**

ORRA **objects** to the following recommendations:

- 4) The disestablishment of the Omokoroa Community Board**
- 5) The establishment of three Ward Community boards, with boundaries coinciding with Ward boundaries.**
- 6) The delineation of community boundaries within the Kaimai Ward Community Board.**
- 7) The method of community representation within the Kaimai Ward Community Board.**

The ORRA submission to the initial proposal is attached (**Attachment 1**). The matters raised in this submission are presented below.

**8) Establishment of one or more Maori Ward(s)**

ORRA opposes the establishment of a Maori ward and recommends that a Maori Ward not be established for the following reasons:

- a) The agenda for the Council meetings on 17 August 2023 and 2 September 2024 show that Council clearly understood the depth of opposition to the establishment of a Maori ward (**Attachment 2**). Despite this, Council decided to pander to the wishes of a very small but vocal minority of the Maori and

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non-Maori communities and establish a Maori ward. This tyranny of the minority is blatantly undemocratic especially when it is acknowledged by the Council that some Maori themselves are opposed to a Maori ward.

- b) There was no public consultation prior to Council resolving to establish a Maori Ward at a special council meeting held in 2023, an absence of consultation during the representation review held in 2024, and council only providing a choice of either one or two Maori wards during consultation on the initial proposal.
- c) There is majority public opposition to the establishment of a Maori Ward. During the 2017 citizens initiated referendum 78% of respondents rejected the formation of a Maori Ward. More than twice the number of respondents to the Council's initial representation proposal did not support Maori wards as did.
- d) The majority of respondents to the pre-engagement survey (68%) stated that the current wards reflect the communities of interest across the District, i.e. there is currently the right number and configuration of wards across the district to adequately represent all communities and there is no need for a Maori ward.
- e) The reasons given by Council (after public consultation had ended) for the establishment of a Maori ward do not withstand scrutiny and do not establish a compelling case for the establishment of a Maori ward especially given the clear support for the existing representation system and the level of public opposition to the establishment of a Maori ward.
- f) Council already has in place a number of measures to meet their commitments under the Local Government Act 2002 to develop Maori capacity to contribute to Council decision making. These include:
  - i) Two Maori forums that bring together representatives of iwi and hapu in our district and the Mayor and Councillors. The forums meet quarterly and allow Maori communities to take part in and have input into Council decision making.
  - ii) Council's Kaupapa Maori Framework. A framework supporting Council's commitment to growing authentic treaty-based relationships containing Council's operational guidelines for working with local Maori.

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- iii) Partnership agreements with iwi and hapu. These outline how Council works with Maori on projects, policies and other matters that Council is progressing. One agreement is in place and more are under development. These agreements have seen some key projects delivered by Council in partnership with Maori.
- iv) Council's Kaupapa Maori team. This comprises seven Council staff who work with staff and elected members to support the work done alongside iwi, hapu and whanau and to build Council's capacity to do so. The team also works alongside iwi, hapu and whanau to understand their aspirations and how Council can support them to realise these. This has seen some key projects delivered by Council in partnership with Maori.
- v) Tangata Whenua Partnership Protocol. This protocol aims to ensure that iwi and hapu are appropriately involved in the work that council does.
- g) The establishment of a Maori ward will seriously diminish general ward constituent representation at Council – the number of general ward councillors will need to be reduced from 11 to 8 to accommodate the establishment of a Maori ward (as a consequence of the  $\pm 10\%$  rule).
- h) There is no evidence that all people on the Maori roll actually want to be represented by a Maori councillor.
- i) Councillors are supposed to make decisions in the overall best interests of all the residents of the District; having a Maori ward councillor who will only vote in the interests of their Maori constituents will undermine this fundamental responsibility of Council.
- j) There is no legal requirement for Council to consider or establish a Maori ward. The LGA treaty clause requires councils to ensure that Maori have the same opportunities to participate in local decision-making as other citizens. The LGA does not make councils liable to Maori under the Treaty. The proposed establishment of a Maori ward, given the measures already implemented by Council to develop Maori capacity to contribute to decision making, will result in the over-representation of this minority group. For this reason a Maori ward should not be established without a mandate from the community.

**9) The reduction in the number of general ward councillors from 11 to 8**

ORRA opposes the proposed reduction in the number of general ward councillors and recommends that the number of general ward councillors remains at the current number (11) for the following reasons:

- a) The existing number of general ward councillors is required to adequately represent constituents and give justice to the council workload. Any reduction can be expected to degrade the already poor governance currently provided by Council and will make it even more difficult to meet with councillors when there is an issue to discuss.
- b) Such a reduction in general ward councillors is only occurring because of the proposed establishment of a Maori ward. Better representation will be achieved if a Maori ward is not established and the existing councillor numbers remain the same.

**10) The reduction in the number of Kaimai Ward Councillors from 4 to 3.**

ORRA opposes the proposed reduction in the number of Kaimai ward councillors from 4 to 3 and recommends that the number of councillors in this ward remain the same for the following reasons:

- a) The existing number of general ward councillors is required to adequately represent constituents in this ward. Any reduction can be expected to make it even more difficult to meet with councillors when there are relevant issues requiring consultation.
- b) Such a reduction in the number of Kaimai ward councillors is only occurring because of the proposed establishment of a Maori ward. Better representation will be achieved if a Maori ward is not established and the existing number of Kaimai ward councillors remains at 4.

ORRA was not able to submit on the proposed changes to the community boards because they were not raised prior to or during the hearing of the initial proposal. These changes only surfaced a matter of days before they were incorporated in the final representation proposal ratified by Council. These changes were not aired with

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or discussed with community boards or the general public. For this reason we are only able to comment on and object to these proposed changes at this late stage of the process.

We note, in the briefing paper provided to the Local Government Commission by Gavin Beattie, Lead Advisor for the February 2019 hearing of appeals/objections against the representation proposal of the WBOPDC, that:

- a) There have been five community boards (Waihi Beach, Katikati, Omokoroa, Maketu and Te Puke) in WBOP District since its constitution in 1989.
- b) In the 2012 representation review the commission “*endorsed the council’s proposal to retain the existing five community boards with their present boundaries and membership. This was on the basis that the council signalled its intention to comprehensively review community board effectiveness before the 2016 local authority elections*”.
- c) The 2018 representation review initial proposal included the disestablishment of all five community boards and their replacement with community committees. There was no mention of the outcome of the “*comprehensive review of community board effectiveness*” mentioned in 2012 in support of the disestablishment of the community boards.
- d) The 2018 representation review final proposal included the retention of four of the five community boards, the disestablishment of the Omokoroa community board and its replacement with a ward councillor committee covering the whole of the Kaimai.
- e) No definition was provided for a ‘Ward Councillor Committee’, its selection, operation or a discussion of the difference between a ‘Community Board’ and a ‘Ward Councillor Committee’.

The Local Government Commission determined that the Omokoroa community board was to be retained, with its current membership, alongside the other four community boards for the next triennium. The Commission remained “*unconvinced an all of Kaimai Ward Committee could provide effective representation for the Omokoroa community*”.

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This scepticism voiced by the Commission is well founded as evidenced by the present day disharmony within the Kaimai ward between residents in Omokoroa and the rural Kaimai over the resources going into the development of Omokoroa.

The current proposal to disestablish the Omokoroa Community Board and replace it with the Kaimai Ward community board covering the disparate communities within this ward appears to be similar to the proposal in the 2018 representation review to replace the Omokoroa Community Board with a Councillor ward committee. The Kaimai ward councillor committee has been tried and has failed as it is not readily accessible to all residents living in the ward, it failed to establish its relevance to the disparate communities within the ward and when issues have been raised at committee meetings, nothing has happened.

This current proposal is not supported by:

- a) Evidence from the comprehensive review of community board effectiveness that was to be undertaken by Council before the 2016 local body elections,
- b) Details of how a Kaimai ward community board will operate given that it will represent a number of disparate communities with different rates of development, different issues and where there is existing disharmony over the amount of money being spent in Omokoroa and not being spent in the rural area.
- c) Details of how the 'community' boundaries were determined within the Kaimai ward and how they will ensure equitable representation for Omokoroa residents given that Omokoroa is identified as a high growth area that is expected to have an ultimate population of 14,000.
- d) A statement on whether and how the proposed Kaimai ward community board will result in better representation of the interests of Omokoroa residents.

Given that the proposed disestablishment and replacement of the five community boards with three Ward community boards is not supported by:

- a) the results of a comprehensive review of community board effectiveness,
- b) details of how these large community boards will be structured and operate,

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- c) empirical data that the proposed changes will actually result in an improvement in board effectiveness above the status quo,
- d) a risk assessment of uncertainty/likelihood that any projected improvements will be achieved through the proposal,
- e) an assessment of whether other, potentially more cost effective measures could be used to improve the effectiveness of community boards.

We recommend that, in absence of the above, the five community boards be retained and that the council undertake a comprehensive review of community board operation and effectiveness to improve their performance and prepare for the next representation review.

Dr. Bruce McCabe

Chairman,

Omokoroa Residents and Ratepayers Association Inc.

## *Attachment 1*



Submission by Omokoroa Residents and Ratepayers Association Inc.

On the

2024 WBOPDC Representation Review

This submission focuses on the most dominant aspect of this Representation Review, namely the proposed establishment of a Maori ward, and the consequent effects of this which include:

- a) The reduction in the number of general ward councillors,
- b) Changes in the general ward boundaries, and
- c) The adverse effects on representation for general ward residents.

Firstly, let's consider the myth promulgated by proponents of Maori wards that "*there is a legal requirement for the establishment of Maori wards*" in the Local Government Act 2002 (the Act). This misrepresentation was made numerous times by attendees and staff at the public consultation meeting held on 8 October.

Section 4 of the Act, requires Council "*to maintain and improve opportunities for Maori to contribute to Local Government decision-making processes*".

Section 14(1)(d) of the Act states "*a local authority should provide opportunities for Maori to contribute to its decision-making processes*".

Nowhere in the Act is there a requirement to establish a Maori Ward or for Maori to be one of the decision-makers or having an equal or final say despite being the 3<sup>rd</sup> most populous ethnic group behind whites and Indians.

In addition to the ways that all residents are able to have input into Council decision-making such as submitting at Council and Committee meetings and meeting with the Mayor and Councillors, Maori also already have input into Council decision-making through the two Maori Fora that meet regularly with Council throughout the year.

So Council is already meeting its obligations to Maori under the Act.

Secondly, let's consider Section 12(4) of the Act that requires that "*a Territorial Authority must exercise its powers .....wholly or principally for the benefit of the District*".

This excludes Councillors making decisions in the interest of their ethnic group only, be it white, Indian or Maori, or any of the other 181 ethnic groups in NZ.

This surely requires that Councillors must rely on more than process and must listen to what residents have to say about the creation, or not, of a Maori Ward and that Council's decision must be informed by the majority public opinion. It is only in this way that a decision in the overall benefit to the community will be achieved. Personal political preferences need to be removed from this decision-making process to meet the requirements of Section 12(4) of the Act.

This representation review appears to be no more than social engineering, underpinned by the misinterpretation and misrepresentation of the results of a biased Pre-engagement survey, deliberate falsehoods about what the Act requires, and the personal political preferences of staff and some councillors in order to foist a Maori ward on our community against its will.

Why do I say this?

Firstly, considering the key questions and responses received during the *Representation Review Pre-engagement Survey*:

1. *"Do our wards currently reflect the communities of interest across our District?"*

68% of respondents indicated they did and 32% said they did not.

This result indicates that the majority of respondents feel that:

- a) There are currently the right number and configuration of wards across the District to adequately represent all communities,
- b) There is no need to create a Maori ward,
- c) Council should not be reducing the number of general wards, and
- d) There is no desire to change the ward boundaries.

People on both the Maori and General electoral rolls had an equal opportunity to respond to this question; one can therefore rely on the above conclusions as an accurate representation of the community view for the District as a whole.

2. *"How many Maori ward members should our district have, one or two?"*

This biased question did not allow the option of no Maori wards.

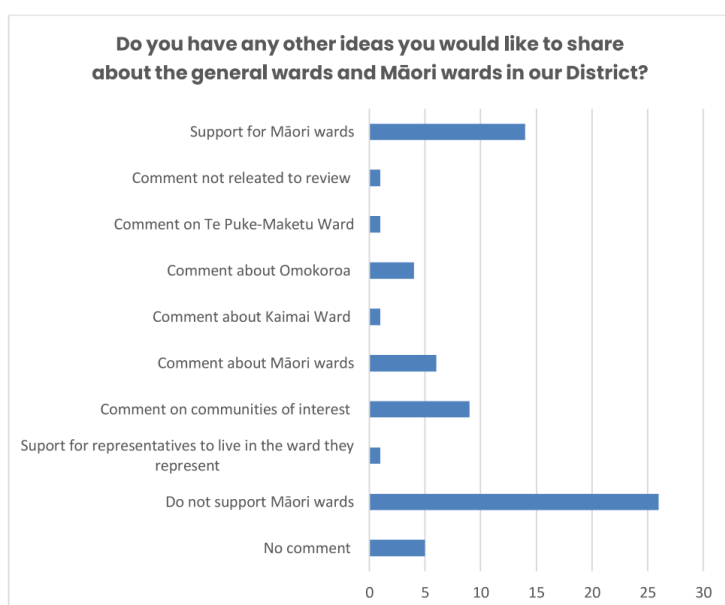
56% of respondents opted for one Maori ward whilst 44% opted for two Maori Wards.

If a no Maori ward option was provided, the results of the earlier question show that the majority of respondents would have preferred no Maori ward.

What is also relevant is BOPRC Cr. McDonald's reply to my question put to her during the public meeting held on 8 October – Would one Maori Councillor be sufficient to adequately represent people in a Maori ward if established in Western Bay? Her reply was "Yes". Based on her experience as a Councillor representing a ward covering the whole of the Western Bay, there is no legitimate reason for more than one Maori ward to be considered.

3. *"Do you have any other ideas you would like to share about general wards and Maori wards in our District?"*

Responses are shown graphically below. These show that twice the number of respondents do **not** support Maori wards as do. This is consistent with responses to question 1 above that supported no changes to the existing Wards as they already adequately reflect communities of interest in the District.



4. *“Do you think that this [current number] is the right number of councillors to represent the interest of our District around the Council table? Or does it need to change?”*

64% of respondents thought we currently have the right number of councillors, 25% thought we need less and 11% thought we needed more councillors.

This shows that we currently have the right number of Councillors and that there is no pressing desire or need to increase or decrease their number, or introduce a Maori ward councillor.

In summary:

1. The current wards adequately reflect the communities of interest across the District.
2. When not constrained to decide between one or two Maori wards across the District, the majority of respondents did not support the formation of a Maori ward. This is consistent with:
  - a. The results of the 2017 referendum when 78% of respondents did not support the formation of a Maori ward, and
  - b. The results of a poll of adults in the Western Bay of Plenty undertaken by Curia Market Research in July 2024 which showed that 46% of respondents opposed the formation of a Maori ward, 33% supported and 21% were unsure about the formation of a Maori ward.
3. We currently have the right number of Councillors to represent the interests of our District.

The Council officers, have ignored and misrepresented the results of this pre-engagement survey and have also ignored the results of the referendum in 2017 and polling in 2024 that show majority opposition to the formation of a Maori ward, and are instead recommending:

1. The formation of one Maori ward,
2. The reduction, by three, in the number of general ward Councillors as a consequence of the formation of a Maori ward, and
3. The adjustment of general ward boundaries to accommodate the above changes.

This undemocratic recommendation does not reflect the will the people of the District. It gives a huge unjustified benefit to ratepayers on the Maori roll and a huge disadvantage to those on the General roll. There is also no evidence that every person on the Maori roll wants to be represented by a Maori ward.

Council has also not meaningfully consulted with residents about how the establishment of a Maori ward and the loss of three general ward councillors will affect decision making for the District as a whole.

It is impossible to see how, where Maori politics is driven by tribal self-interest and is increasingly directed by separatist Maori radicals, that another Maori councillor representing a Maori ward will be able to support decision making in the overall best interests of the District and not solely in the interests of their group.

All bar four Councillors supported the formation of a Maori ward and the consequent changes to the number of councillors and ward boundaries necessary to establish a Maori ward. The Councillors that opposed the formation of a Maori ward are Councillors Murray-Benge, Coxhead, Grainger and Sole. They should be commended for listening to their constituents and their desire to see democracy prevail.

It should be noted that Councillor Sole is a Maori Councillor representing a Maori ward. He is a respected and well-liked member of Council.

There is no legal requirement to establish a Maori ward; this is a deliberate dishonesty.

It is entirely inappropriate and shameful for councillors to pursue social engineering through the formation of a Maori ward, at the expense of the democratic representation of all residents and ratepayers.

In the interests of democracy and given there is no legal requirement to establish a Maori ward, it would be appropriate to defer the formation of a Maori ward until the mandatory 2025 referendum has been held; foisting a Maori ward on the District is only going to create disharmony and harden peoples' resolve to remove the Maori ward at the mandatory 2025 poll.

The cost of about \$100,000 for this referendum is entirely avoidable and the results are entirely predictable.

Dr Bruce McCabe

Chairman

Omokoroa Residents and Ratepayers Association Inc.

## *Attachment 2*

	support of the establishment of Māori wards.
Whether community views are already known from previous engagement processes.	Council already has a good understanding of the spectrum of community views on the establishment of Māori wards through previous processes. Community sentiment is not considered to have changed in a material way since that time. It is considered reasonable for Council to assume that there will be members of the community who do not support establishment of Māori wards, including some Māori. While those views should be taken into account in the decision-making process, they should be given appropriate weight in light of who will be most directly affected by the proposal, which is Māori who wish to have more effective representation on their local authority. The views of those Māori have been strongly expressed through their mandated representatives on the Tangata Whenua forums of the Western Bay of Plenty district.
Whether the decision is reversible.	If a decision is made to establish Māori wards is made, that decision can be reconsidered in 2029.

For these reasons, the decision is considered to be of medium significance under Council's Significance and Engagement policy.

As well as the consideration of its Significance and Engagement Policy, Council must take into account any applicable principles of the Local Electoral Act 2001. The most relevant to this issue is s4(1)(aa) regarding fair and effective representation for individuals and communities mentioned at the beginning of the report. Council must consider whether establishing Māori wards will better enable fair and effective representation for Māori.

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- A decision to establish Māori ward(s) is reversible, in that Council can reconsider its position through adoption of its final proposal for the 2025 and 2028 triennial elections, or through a future representation review process.

### ENGAGEMENT, CONSULTATION AND COMMUNICATION

19. Council can make a decision to affirm or rescind the establishment of Māori ward(s) under the provisions of the Amendment Act, without using the special consultative procedure for this matter prior to making the decision.

Interested/Affected Parties	Completed Engagement/Consultation/Communication		
Tangata Whenua	Te Kāhui Mana Whenua o Tauranga Moana and Te Ihu o te Waka o Te Arawa have both advocated for the establishment of Māori wards and have included aspirations for greater Māori representation in their respective work programmes.		
General Public	Consideration of Māori wards in our district has historically resulted in opposed views and it is unlikely that further community engagement would provide Council with a materially different understanding of community views and preferences towards Māori wards. The poll to establish a Māori ward in 2017 saw 40.38% of eligible voters participate, with 78.09% voting against the establishment of a Māori ward. This provides some indication of likely public sentiment.		
Local Government Commission	Staff have liaised with the Local Government Commission to seek a statement relating to the consistency of 2023 population estimates with the pre-2020 representation arrangements, to confirm whether this is a practicable approach for Council to consider as part of option 2 in this report (if required).		
Statistics New Zealand	Staff have liaised with Statistics New Zealand and obtained the 2023 population estimates for Council to consider as part of option 2 in this report (if required).		