



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA


Ordinary Te Kuaka - Te Ao Māori Committee Meeting

Tuesday, 8 August 2023

Time: 2:00 pm
Location: Council Chambers
Memorial Avenue
Kaikōhe

Membership:

Kahika - Mayor Moko Tepania
Kōwhai – Deputy Mayor Kelly Stratford
Cr Penetaui Kleskovic
Cr Steve McNally
Cr Tāmāti Rākena
Cr Ann Court
Cr Hilda Halkyard-Harawira
Cr Babe Kapa
Cr Felicity Foy
Cr Mate Radich
Cr John Vujcich
Te Kahu o Taonui Representatives

 <p>Far North District Council Te Kaunihera o Tai Tokerau ki te Raki</p>	Authorising Body	Mayor/Council
	Status	Standing Committee
COUNCIL COMMITTEE	Title	Te Kuaka – Te Ao Māori Committee Terms of Reference
	Approval Date	29 June 2023
	Responsible Officer	Chief Executive

Kaupapa / Purpose

The purpose of Te Kuaka Committee is to strengthen a Te Ao Māori perspective within Council decision-making across policies and strategies.

To perform his or her role effectively, each member must develop and maintain his or her skills and knowledge, including an understanding of the Committees' responsibilities, and of the Council's business, operations and risks.

Ngā Huānga / Membership

The Committee will comprise of Mayor and all Councillors as well as 12 iwi representatives nominated through Te Kahu o Taonui.

The Chairperson and Deputy Chairperson roles are to be appointed by the Committee.

Mayor Tepania

Deputy Mayor Kelly Stratford

John Vujcich

Ann Court

Babe Kapa

Felicity Foy

Hilda Halkyard-Harawira

Mate Radich

Penetaui Kleskovic

Steve McNally

Tāmati Rākena

Kōrama / Quorum

The quorum at a meeting of the Committee is 7 members comprising of 5 FNDC representatives and 2 Te Kahu o Taonui members.

Ngā Hui / Frequency of Meetings

The Committee shall meet 4 weekly.

Ngā Apatono / Power to Delegate

The Committee may not delegate any of its responsibilities, duties or powers.

Ngā Herenga Paetae / Responsibilities

The Committees responsibilities are described below:

- Ensure that the work of Te Kuaka is carried out in a way that enhances the social, economic, cultural, and environmental wellbeing of the Far North District
- **Mahi ngātahi mā te huihui, wānanga** Recommend to Council, aspects of importance to Māori for incorporation into the development of the Strategic documents (e.g. Te Ao Māori Framework, Annual Plan, Long Term Plan, District Plan)
- **Manaaki** To assist Council as appropriate in conducting and maintaining effective, good faith working relationships with the Māori community (e.g. Iwi Hapu Environmental Management Plans)
- Recommend to Council aspects that the Far North District Council could pursue to develop and or enhance Māori capacity to contribute to Council's decision-making processes.

Ngā Ture / Rules and Procedures

Council's Standing Orders and Code of Conduct apply to all meetings.

Far North District Council
Ordinary Te Kuaka - Te Ao Māori Committee Meeting
will be held in the Council Chambers, Memorial Avenue, Kaikohe on:
Tuesday 8 August 2023 at 2:00 pm

Te Paeroa Mahi / Order of Business

1	Karakia Timatanga / Opening Prayer	7
2	Ngā Whakapāha Me Ngā Pānga Mema / Apologies and Declarations of Interest	7
3	Ngā Tono Kōrero / Deputation.....	7
4	Ngā Pūrongo / Reports.....	8
4.1	Appointment of Te Kuaka – Te Ao Māori Committee Chairperson / Deputy Chairperson	8
4.2	Proposed District Plan Hearing Process and Hearing Panel	12
5	Ngā Pūrongo Taipitopito / Information Reports	53
5.1	Kerikeri Reorua Draft Strategy	53
5.2	Ahipara Iwi/Hapu Environmental Management Plan (IHEMP).....	61
5.3	Ngati Hine Iwi/Hapu Environmental Management Plan (IHEMP).....	64
6	Te Wāhanga Tūmataiti / Public Excluded	139
6.1	Briefing on Resource Consent Conditions - Kohukohu/Opononi	139
7	Karakia Whakamutunga / Closing Prayer	140
8	Te Kapinga Hui / Meeting Close	140

1 KARAKIA TIMATANGA / OPENING PRAYER**2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Committee and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Manager - Democracy Services (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

3 NGĀ TONO KŌRERO / DEPUTATION

No requests for deputations were received at the time of the Agenda going to print.

4 NGĀ PŪRONGO / REPORTS

4.1 APPOINTMENT OF TE KUAKA – TE AO MĀORI COMMITTEE CHAIRPERSON / DEPUTY CHAIRPERSON

File Number: A4308829

Author: Marlema Baker, Democracy Advisor

Authoriser: Aisha Huriwai, Manager - Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To confirm an appointment of independent Chairperson to Te Kuaka – Te Ao Māori Committee.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- At the Council meeting dated 15 December 2022, Council set up the structure of the committees.
- Te Kuaka – Te Ao Māori Committee was set up as a standing committee.
- At the Council meeting dated 29 June 2023 Council resolved to adopt proposed Terms of Reference for Te Kuaka – Te Ao Māori Committee,

TŪTOHUNGA / RECOMMENDATION

That Te Kuaka – Te Ao Māori Committee:

- a) appoint xxx as Chairperson of Te Kuaka – Te Ao Māori Committee.
- b) appoint xxx as Deputy Chairperson of Te Kuaka – Te Ao Māori Committee.

1) TĀHUHU KŌRERO / BACKGROUND

At the 15 December 2022 Council meeting, a resolution was passed to establish Te Kuaka - Te Ao Māori Committee to:

- Ensure that the work of Te Kuaka is carried out in a way that enhances the social, economic, cultural, and environmental wellbeing of the Far North District
- **Mahi ngātahi mā te huihui, wānanga:** Recommend to Council, aspects of importance to Māori for incorporation into the development of the Strategic documents (e.g. Te Ao Māori Framework, Annual Plan, Long Term Plan, District Plan)
- **Manaaki:** To assist Council as appropriate in conducting and maintaining effective, good faith working relationships with the Māori community (e.g. Iwi Hapu Environmental Management Plans)
- Recommend to Council aspects that the Far North District Council could pursue to develop and or enhance Māori capacity to contribute to Council's decision-making processes.

The role of Chairperson and Deputy Chairperson for Te Kuaka – Te Ao Māori Committee needs to be decided by Committee members at this meeting.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The Committee will comprise of all Mayor and Councillors as well as 12 iwi representatives nominated through Te Kahu o Taonui.

The Chairperson and Deputy Chairperson are to be appointed by the Committee at this meeting.

Take Tūtohunga / Reason for the recommendation.

To make appointments to the positions of Chairperson and Deputy Chairperson to Te Kuaka – Te Ao Māori Committee.

3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision.

ĀPITIHINGA / ATTACHMENTS

Nil

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This report is of low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	Appointment and Remuneration of Directors for Council Organisations Policy #2117
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The Community Board views have not been sought as this is a Council governance decision.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	This report does not have any specific implications for Māori.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	This report does not affect any persons identified by legislation.
State the financial implications and where budgetary provisions have been made to support this decision.	No specific financial implications.

Chief Financial Officer review.	The Acting Chief Financial Officer has prepared this report.
---------------------------------	--------------------------------------------------------------

4.2 PROPOSED DISTRICT PLAN HEARING PROCESS AND HEARING PANEL

File Number: A4305177

Author: Andrew McPhee, Principal Policy Planner

Authoriser: Roger Ackers, Group Manager - Planning & Policy

TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of the report is to discuss and seek recommendations to Council for the following:

1. An updated independent commissioner list;
2. Changes to existing Council delegations to:
 - a. confirm the make-up of a hearings panel for plan changes;
 - b. confirm the authority delegated to the hearings panel under section 34A of the Resource Management Act 1991 (RMA) for plan changes.
3. Confirmation of the composition of the hearings panel for the Proposed District Plan (PDP).

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The District Plan team needs to prepare for the hearing of submissions on the PDP, currently scheduled to start at the end of 2023 and which will take around a year to complete.

An exercise was initiated in late 2022 to attract further commissioners to add to the recently approved (September 2022) register of accredited RMA decision makers, in response to a concern raised by elected members regarding the quantum of Tikanga Māori knowledge. The exercise yielded a further 16 commissioners, ten of which have Tikanga Māori experience.

To undertake and complete the hearings process direction is required from Council regarding the makeup of a hearings panel to hear submissions. To enable this a number of delegations need to be confirmed to ensure that the process can proceed successfully.

It is recommended therefore that the historic resolutions from 11 February 2010 and 5 September 2022, and the Council delegation – Resource Management Act are updated and replaced (in part) based on the recommendations below.

TŪTOHUNGA / RECOMMENDATION

That Te Kuaka – Te Ao Māori Committee recommend to Council:

- a) **the approval of the updated list of approved Independent Commissioners (Attachment 1 - Commissioners with 'Making good decisions' certification – July 2023).**
- b) **to rescind part of the 11 February 2010 delegation 10.2 Hearing Delegations for District Plan Changes *“And that Councillors will be appointed to the hearing panel for Council initiated plan changes by Council;”* and replace with *“And that Councillors may be appointed to the hearing panel for Council initiated plan changes by Council”*.**
- c) **to rescind part of the 5 September 2022 delegation 5.2 Expressions of Interest for Independent Hearings Commissioners *“d) make recommendations on public and private plan changes; and”* and replace with *“d) hear and determine or make recommendations on public and private plan changes; and”*.**
- d) **to confirm a Proposed District Plan hearing panel of five panel members, including two with chairing endorsement and one with skills and expertise in matters relating to Te Tiriti O Waitangi/Treaty of Waitangi, Kaupapa Māori and matauranga Māori.**

1) TĀHUHU KŌRERO / BACKGROUND

Updated Commissioner list

There are currently 24 independent commissioners on Council's register of accredited RMA decision makers that could be appointed to the PDP hearing panel, this was approved by the Regulatory Compliance Committee in September 2022 (Attachment 2). 15 of these commissioners have chairing endorsement for hearings, with many being considerably experienced hearing commissioners. A further targeted call for independent hearings commissioners was initiated in late 2022 by the District Plan team to broaden the breadth of experience on the list. This attracted further applications from ten commissioners with Tikanga Māori experience and six commissioners with a variety of expertise. A further four commissioners have chairing endorsement for hearings.

Council delegation – Council initiated plan change hearing panel make-up

In accordance with the existing resolution of Council from 11 February 2010 (10.2) Councillors:

- will be appointed to the hearing panel for Council initiated plan changes;
- will have no known conflicts of interest;
- will be available; and
- will comprise no more than four panel members (Attachment 3).

While the resolution does not explicitly exclude independent commissioners, it does not give Council sufficient flexibility to appoint independent hearing commissioners solely to hear Council initiated plan changes if required or desired.

At present only one Councillor is an accredited RMA decision maker and that Councillor does not currently have chairing endorsement.

Council delegation – Delegation of powers to 'Recommend to Council' or to 'hear and determine' plan changes.

The resolution from the Council meeting on 5 September 2022 partly replaces the previous delegations from 11 February 2010 giving powers to persons listed on the schedule of commissioners with 'Making good decisions' certification to make recommendations on public and private plan changes, pursuant to s34A of the RMA. This differs from the powers to 'hear and determine' for resource consent applications, afforded to the persons listed on the schedule.

Currently decisions under Clause 10 of the first schedule of the RMA (plan changes) are left to Council based on the recommendations from a hearings panel.

Composition of the PDP hearing panel

The composition of the hearings panel for the PDP will in part be reliant on Council resolution changes discussed and recommended in this report. Submission points on the PDP have been grouped into approximately 30 topics, with at least 20 separate hearings required for submitters requesting to be heard, these hearings will likely take up to a week each. The composition of the hearing panel will need to be sufficient to schedule all these hearings over the timeframe of approximately a year, taking into account relevant expertise (including Tikanga Māori), unscheduled/scheduled absences that may occur (health, holidays etc) and any management of potential conflicts of interest

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Updated Commissioner list

The further work undertaken at the end of 2022 by the District Plan team to broaden the expertise of the independent candidates yielded an additional 16 commissioners that Council can use for resource consent applications and plan changes. Ten of those 16 candidates have Tikanga Māori experience. Council communicated with the 11 mandated Iwi Authorities for the purpose of the RMA for input when seeking these additional candidates.

The additional 16 commissioners will complement the existing 24 commissioners on Council's register of independent accredited RMA decision makers approved by the Regulatory Compliance Committee in September 2022. If accepted Council will have a register of 40 independent accredited RMA decision makers, with a broad range of skills, experience, 19 with charring endorsement.

Councils have the discretion to decide who they employ as independent commissioners provided they meet the Act's accreditation requirements, and they are not a member (including elected representatives) of council.

It is recommended that Council replace the existing register of 24 commissioners with the register of 40 commissioners (See attachment 1). The changes can be incorporated into a new resolution of Council.

Council delegation – Council initiated plan change hearing panel makeup

The existing resolution of Council on 11 February 2010 *requires* Councillors to be appointed to the hearing panel for Council initiated plan changes. In other words, there is currently no flexibility for Councillors to opt out of being involved in Council initiated plan changes if required or desired. There may be valid reasons for Councillors to step back from being involved in a hearings process, including:

- RMA accreditation;
- continuity of service in the role of Councillor, and the efficient determination of plan changes in a timely manner,
- any perceived, actual or alleged conflict of interest or bias,
- determining matters are outside the technical knowledge or experience of elected representative/s; such as legal matters, built heritage, previous consenting knowledge or Te Ao Māori and Te Tiriti o Waitangi issues,
- Council or Council Controlled Organisations, such as Far North Holdings Ltd, are the submitter or have an interest in the outcome of the matter being considered;

The last three Council initiated plan changes being 19 (Signs and Lighting), 20 (Traffic, Parking and Access and 21 (National Policy Statement for Electricity Transmission) to the operative District Plan were held by an independent hearings commissioner, no Councillors were involved.

While inadvertently happening in practice, it is recommended that Council amend the current delegation to give greater flexibility to elected members to be involved in Council initiated plan change hearings. The proposed delegation removes the mandatory requirement and gives Councillors the ability to choose whether to be involved, thereby providing greater flexibility. It does not extinguish the ability for Councillors to be involved in Council initiated plan changes. The changes can be incorporated into a new resolution of Council.

Council delegation – Delegation of powers to 'Recommend to Council' or to 'hear and determine' plan changes.

The 5 September 2022 resolution gives powers to persons listed on the schedule of independent commissioners with 'Making good decisions' certification the ability to *make recommendations* on public and private plan changes, pursuant to s34A of the RMA. This recommendation by the hearings panel is informed by the recommendations of the 42A hearing report (prepared by a planner) and the additional evidence heard at the hearing. This enables Council to have the final say on any decision on submissions.

When Council makes its final decision on a plan change after receiving the recommendations of the hearings panel there is very limited scope for the Council to depart from those recommendations. If Council were to make a decision different to that recommended by the hearings panel then natural justice issues may be raised by submitters based on that decision being made without hearing the submitters' cases and any evidence presented at the hearing. Generally, any removal from the recommendations of the hearings panel would be limited to corrections or minor technical amendments.

While it is acknowledged there may be public perception around who is in control of a plan change process if Council is not making the decision, delegating powers to the hearing panel to hear and determine plan changes has some practical advantages, including:

- The hearings panel have heard submissions and evidence on the PDP so are in the best position to make a decision;
- The decision of the hearings panel is independent and objective;
- The process for reaching a decision on the plan change is quicker between decisions and approval under clause 17 of the RMA;
- It is difficult for Council to reject the recommendations of the hearings panel as Council have not heard submissions and evidence in support of the recommendations;
- Consequences (financial and reputational) of rejecting the recommendations of the hearings panel may include judicial review on natural justice issues.

It is recommended that Council amend the current delegation to give greater flexibility to elected members to grant the hearing panel the powers to 'hear and determine' public and private plan changes, pursuant to clause 34A of the RMA. It is important to note that the proposed delegation gives Councillors the ability to choose whether to afford this power to do so on a case by case basis, providing greater flexibility, it does not extinguish the ability for Councillors to retain decision making powers for plan changes. The changes can be incorporated into a new resolution of Council.

Composition of the PDP hearing panel

The members of the PDP hearings panel will need to be engaged in a near full time capacity for approximately one year to hear up to 30 topics, with at least 20 separate hearings. The hearings panel needs to have a structure that can absorb not only the number of hearings but unscheduled and scheduled absences that may occur (health, holidays etc) and any management of potential conflicts of interest. It is important to recognise where hearings panel members have conflicts of interest that it places additional pressure, additional cost, continuity and complexity to a hearings program, particularly when hearing a full district plan review.

As identified earlier in the report, under the 11 February 2010 delegation Councillors are required to be appointed to the hearing panel for Council initiated plan changes, of which the PDP is one. A change to this requirement is sought in the recommendation to provide Councillors more flexibility to participate or not.

The breadth of topics and expertise required to understand the topics and make good resource management decisions in the PDP is extensive. The quantum of work required on the hearings panel (for each individual hearing) will include:

- Prereading of the s42A recommendation.
- Prereading of all evidence presented by submitters for a hearing.
- Site visits (where relevant).
- The hearing itself.
- Deliberation with the panel.
- Drafting and finalisation of a recommendation report to Council (under current delegations)

In some instances hearings will last for a week, depending on the number of submitters wishing to be heard and the complexity of the hearing topic. The quantum of evidence presented for a hearing can be extensive and it is important for the panel to be able to understand the content so questions can be asked of submitters and their experts during the hearing.

The value of using independent commissioners with hearings experience and a range of topic specific expertise include:

- Being able to understand evidence relating to technical or procedural matters;

- Being able to address and determine topic specific material such as legal, heritage, landscape, ecology and Tikanga Maori;
- Being able to dedicate full time resource to cover lengthy hearings;
- Neutralise any perceived, actual or alleged conflicts of interest.

In addition to the aforementioned resource requirements, the following are some additional considerations for Councillors who are considering sitting on the hearings panel:

- If there is any suggestion that a submission was prepared by Councillor then the submission should be treated as reflecting the views and position of the Councillor.
- If a Councillor has a relationship with a submitter/s (i.e. husband, parent, sibling or business interest) it could be reasonably determined that they may not bring an impartial mind to making recommendations on those submissions. The risk therefore is that the recommendations of the Hearing Panel would be open to challenge on the grounds of apparent bias.
- If a Councillor has publicly stated a position on the merits or otherwise of the PDP itself (or specific parts of it), and then proceeds to participate in decision-making in relation to those matters as a member of the Hearing Panel, the recommendations would be open to challenge on the grounds of apparent bias and predetermination.
- While the making of a submission would not necessarily preclude a person entirely from sitting on the Hearing Panel any recommendations of the Hearing Panel would be open to challenge on the grounds of apparent bias and predetermination if a decision-maker has expressed their views and position through a submission.
- If a Councillor participates in Hearing Panel recommendations, or Council decisions on matters which relate to a submission they have been involved in, the recommendations and decisions will be susceptible to challenge through judicial review on the grounds of apparent bias and predetermination. Although remedies in judicial review are at the Court's discretion, the typical outcome of a successful judicial review challenge is that the decision in question will be set aside and the Council will have to remake the decision.
- If a Councillor has a number of conflicts of interest which precludes them from participating in a number of hearings then pressure gets placed upon the remaining panel as well as the schedule of hearings.

Taking into consideration the points above, it is recommended that Council confirm a PDP hearing panel of five panel members including two with chairing endorsement. It is also recommended that at least one of the five hearings panel members has skills and expertise in matters relating to Te Tiriti O Waitangi/Treaty of Waitangi, Kaupapa Māori and matauranga Māori.

Having consulted with independent hearing commissioners and with practitioners who have been through a full district plan review process it is considered that a total of five hearing panel members should safely accommodate the process and the ongoing demands upon the panel provided that all of the panel members are readily available and are 'conflict free' for the duration of the hearings. While this panel make up recognises that some panel members may not be able to dedicate their full time, it provides for wide range of technical expertise, and provides greater flexibility in establishing hearing panels, where in some circumstances for less complicated topics, may allow for the panel to consider running hearings parallel to one another to reduce hearing timeframe.

It is recommended that hearings require a quorum of two panel members for any hearing. For more complicated hearings or topics there will likely be more than quorum sitting on the panel.

If the existing resolution remains that the hearings panel makes recommendations to Council then elected members on the hearings panel cannot be involved in the Council decision.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

The recommendations in this report provide Council with the flexibility needed to form a hearing panel and provide that hearing panel delegated authority that it sees appropriate. Further, the recommended hearing panel composition provides Council the opportunity to schedule the hearings for the PDP and provide confidence that it can be achieved within the specified timeframe.




3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

Hearings on the PDP are a requirement under the RMA once the plan was notified for submissions. Budget has been set aside for this financial year to meet the cost of hearings. No additional budget is required.

Council's Ngā Utu/Fees and Charges 2023/24 does not specifically address the charges for hearings panel members other than specifying that hearing commissioners will be charged at actual costs. In the absence of specific rates applied for hearing chairs and hearings panel members, fees will need to be negotiated with potential parties. Some councils do specify charges for hearing commissioners. Approximate charges are likely in the range of \$165/hour for hearing panel members and \$175/hour for chairs.

The cost of a Councillor on the hearing panel is up to \$93/hour (This is decided by the Council and is on top of their ordinary Councillor salary).

ĀPITIHINGA / ATTACHMENTS

1. **Attachment 1 Schedule of Commissioners July 2023 - A4321254** [↓](#) 
2. **Attachment 2 Regulatory Compliance Committee Resolution 2022-17 on 5 Sept 2022pdf - A4321286** [↓](#) 
3. **Attachment 3 Hearing Delegations for District Plan Changes 2010 - A4321584** [↓](#) 

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	These recommendations have a low degree of significance as hearings are part of the Schedule 1 RMA process, which was initiated at the time Council resolved to notify the PDP.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The review of Councils District Plan is a statutory requirement every 10 years under the RMA. Hearings form part of the process to hear submissions on the PDP.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	Community Boards have been involved in the PDP process at various times through its drafting and are able to make submissions on the PDP.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	Council is required to consult with Iwi in accordance with Clause 3B of the First Schedule of the RMA in a plan review process. This report also recommends that the hearings panel includes at least one hearings panel member that has skills and expertise in matters relating to Te Tiriti O Waitangi/Treaty of Waitangi, Kaupapa Māori and matauranga Māori. Council consulted with the 11 Far North District mandated Iwi Authorities for the purpose of the RMA, seeking input on the additional candidates for the hearings panel.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	The PDP process affects the entire district. District wide non-statutory consultation exercises were undertaken in 2016, 2018 and 2021 during the district plan drafting to inform and seek feedback from communities, stakeholders and Iwi. Hearings are an opportunity for all members of the community who made a submission on the PDP to be heard.
State the financial implications and where budgetary provisions have been made to support this decision.	Section 3 of this report outlines the budgetary provisions in the current financial year to support a hearings panel to hear the topics for the PDP.
Chief Financial Officer review.	

5.2 EXPRESSIONS OF INTEREST FOR INDEPENDENT HEARINGS COMMISSIONERS

Agenda item 5.2 document number A3858589, pages 20 - 36 refers

RESOLUTION 2022/17

Moved: Cr Rachel Smith

Seconded: Member Belinda Ward

That pursuant section 34A(1) of the Resource Management Act 1991 Council delegates the following powers to the persons listed in the attached schedule of 'Commissioners with 'Making good decisions' certification' (Appendix 1). The powers to:

- a) **hear and determine resource consent applications (including but not limited to a change or cancellation of a condition/s; determinations for the requirement for a hearing, and extending or waiving compliance with a time limit up to the maximum period specified in the Act; the power to decline processing of an application or the consideration of a submission; determining that the Environment Court decide an application for resource consent; and directing an applicant or submitter to provide briefs of evidence/further information prior to hearing); notices of requirement; and objections under sections 357, 357A and 357B of the Act;**
- b) **extend or confirm existing use rights;**
- c) **determine that an activity is permitted;**
- d) **make recommendations on public and private plan changes; and**
- e) **make recommendations to amend a plan or proposed plan to remove duplication or conflict with a national environmental standard; and**
- f) **that this list be reviewed within 6 months.**

CARRIED

At 11:26 am, Cr Rachel Smith returned to the meeting. At 11:28 am, Cr Rachel Smith left the meeting.

5 NGĀ PŪRONGO TAIPITOPITO / INFORMATION REPORTS

5.1 KERIKERI REORUA DRAFT STRATEGY

File Number: A4321432

Author: Llani Harding, Pouhoutu Te Hono - Manager - Te Hono

Authoriser: Jacine Warmington, Group Manager - Strategic Relationships

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide an update on the Kerikeri Reorua programme; and share the draft Rautaki Reo Strategy developed alongside Ngāti Rēhia.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

As part of a working group with Ngāti Rēhia and the Department of Internal Affairs (DIA), FNDC staff have contributed to the development of the draft Rautaki Reo Strategy. The strategy outlines the work programme and commitments to achieving Reorua–bilingualism, in Kerikeri.

TŪTOHUNGA / RECOMMENDATION

That Te Kuaka – Te Ao Māori Committee receive the report Kerikeri Reorua Draft Strategy.

TĀHUHU KŌRERO / BACKGROUND

Aotearoa Reorua acknowledges and aims to build on the remarkable efforts of the many people; learners, teachers, advocates and community leaders, who champion te reo Māori by ensuring it continues to shine brightly in our towns, cities and places all over New Zealand New Zealand.

On 1 June 2023 the Far North District Council (FNDC) and Ngāti Rēhia signed a Memorandum of Understanding that focuses on how both parties can work together to achieve Reorua outcomes for the Kerikeri community.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

A small working group of FNDC staff members have co-designed and co-developed the draft Rautaki alongside Ngāti Rēhia and Department of Internal Affairs (DIA) staff representatives.

The four main pillars (pou) of the Rautaki look at:

- Pou Tuarongo– Back of the Whare

Kerikeri Reorua partners continuously strengthen their own Reorua capacity and capability to help revitalise te reo Māori.

- Pou Tokomanawa – Heart of the Whare

Enhance the mana / status of te reo Māori in Kerikeri.

- Pou Tāhū – Front of the whare

More reo Māori acquisition and learning opportunities are available in Kerikeri.

- Pou Mataaho – External to the whare / outward facing

Grow the Reorua kaupapa and share learnings with others.

The draft strategy has been circulated to FNDC staff for feedback and will be workshopped with elected members in the near future.

PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no budget implications in receiving the Draft Kerikeri Reorua Rautaki 2023-2025. Time and expertise of FNDC has been accounted for in operations and current staffing capacity.

ĀPITIHINGA / ATTACHMENTS

1. **2023 Kerikeri Rautaki Reorua Draft V5 - A4325628** [↓](#) 

5.2 AHIPARA IWI/HAPU ENVIRONMENTAL MANAGEMENT PLAN (IHEMP)

File Number: A4321444

Author: Llani Harding, Pouhoutu Te Hono - Manager - Te Hono

Authoriser: Jacine Warmington, Group Manager - Strategic Relationships

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide an update to Te Kuaka – Te Ao Māori Committee on the status of the Ahipara Takiwā Environmental Management Plan and to provide recommendations on next steps.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Iwi/Hapū (Environmental) Management Plan (I/HEMP) is a term commonly applied to a resource management plan prepared by an iwi, iwi authority, rūnanga or hapū. They are an expression of tribal authority to assist with the exercise of kaitiaki roles and responsibilities.
- Council has a role in supporting Iwi and Hapū to develop environmental management plans. In turn, I/HEMPs are used to support council staff in implementing Mātauranga Māori and cultural values of hapū and iwi into their planning processes.
- The Ahipara Takiwā Environmental Management Plan can only be viewed via the following link: <https://www.terarawa.iwi.nz/publications/Ahipara-Environmental-Management-Plan/#page=1>

TŪTOHUNGA / RECOMMENDATION

That Te Kuaka – Te Ao Māori Committee:

- a) **receive the Ahipara Takiwā Environmental Management Plan on behalf of Council, and**
- b) **recommend that Council support the Ahipara Takiwā Environmental Management Plan.**

TĀHUHU KŌRERO / BACKGROUND

I/HEMPs are a written statement identifying important values, issues and desired outcomes relating to the use of natural and physical resources in a particular area.

I/HEMPs are also an opportunity for whānau, marae, hapū, Iwi or Rūnanga to clearly state how they intend to participate in the resource management process as presented within the Resource Management Act (RMA 1991).

Their content will depend on the priorities and preferences of the iwi/hapū preparing the plan and they will often be holistic documents covering more than resource management issues under the Resource Management Act 1991 (RMA). For example, they may cover economic, social, political and cultural issues / wellbeing as well as environmental and resource management issues.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Council has an I/HEMP policy (attachment 1) which is due for review and Te Hono are developing a process that Council and Iwi/Hapū can use in the future to implement these plans.

For I/HEMPs that are funded by Council, the high-level process is:

- Iwi/hapū decide they need an I/HEMP
- Te Hono provide a funding application and guidance around the application and scope

- Completed funding application is sent to Te Hono to assess and make recommendations either to agree or suggest changes
- Once application is accepted, 25% of funding is provided to the applicant and the remaining funds will be paid once the plan is completed and a pdf has been sent through to Te Hono
- Applicants present their completed I/HEMP to Te Kuaka – Te Ao Māori Committee and it is then presented to Council to be lodged.

There are a few options that the applicant can choose to lodge their I/HEMP

- Lodge the plan with a covering letter from the relevant iwi authority OR
- Lodge the plan with a copy of the minutes of a meeting mandating the plan OR
- Lodge the plan at Te Kuaka (preferred option). Te Kuaka recommends to Council, that they endorse the IHEMP
- Once endorsed by Council staff are notified of the I/HEMP via Council's staff intranet page and sent via email to raise awareness of the plan
- The IHEMP will be shared on Council's public webpage unless specified otherwise.

PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no budget implications receiving this report

ĀPITIHINGA / ATTACHMENTS

1. **Iwi Hapu Environmental Management Plans Policy 2016 - A4325496**  

5.3 NGATI HINE IWI/HAPU ENVIRONMENTAL MANAGEMENT PLAN (IHEMP)

File Number: A4321457

Author: Llani Harding, Pouhoutu Te Hono - Manager - Te Hono

Authoriser: Jacine Warmington, Group Manager - Strategic Relationships

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide an update to Te Kuaka on the status of the Ngāti Hine Environmental Management Plan and to provide recommendations on next steps.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Iwi/Hapū (Environmental) Management Plan (I/HEMP) is a term commonly applied to a resource management plan prepared by an iwi, iwi authority, rūnanga or hapū. They are an expression of tribal authority to assist with the exercise of kaitiaki roles and responsibilities.
- Council has a role in supporting Iwi and Hapū to develop environmental management plans. In turn, I/HEMPs are used to support council staff in implementing Mātauranga Māori and cultural values of hapū and iwi into their planning processes.

TŪTOHUNGA / RECOMMENDATION

That Te Kuaka – Te Ao Māori Committee:

- a) receive the Ngāti Hine Environmental Management Plan on behalf of Council, and**
- b) recommend that Council support the Ngāti Hine Environmental Management Plan.**

TĀHUHU KŌRERO / BACKGROUND

I/HEMPs are a written statement identifying important values, issues and desired outcomes relating to the use of natural and physical resources in a particular area.

I/HEMPs are also an opportunity for whanau, marae, hapū, iwi or rūnanga to clearly state how they intend to participate in the resource management process as presented within the Resource Management Act [RMA 1991].

Their content will depend on the priorities and preferences of the iwi/hapū preparing the plan and they will often be holistic documents covering more than resource management issues under the Resource Management Act 1991 (RMA). For example, they may cover economic, social, political and cultural issues / wellbeing as well as environmental and resource management issues.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Council has an I/HEMP policy (Attachment 1) which is due for review and Te Hono are developing a process that Council and Iwi/Hapū can use in the future to implement these plans.

For I/HEMPs that are funded by Council, the high-level process is:

- Iwi/hapū decide they need an I/HEMP
- Te Hono provide a funding application and guidance around the application and scope
- Completed funding application is sent to Te Hono to assess and make recommendations either to agree or suggest changes
- Once application is accepted, 25% of funding is provided to the applicant and the remaining funds will be paid once the plan is completed and a pdf has been sent through to Te Hono
- Applicant presents their completed I/HEMP to Te Kuaka Committee and is then presented to Council to be lodged.

There are a few options that the applicant can choose to lodge their I/HEMP

- Lodge the plan with a covering letter from the relevant iwi authority OR
- Lodge the plan with a copy of the minutes of a meeting mandating the plan OR
- Lodge the plan at Te Kuaka (preferred option). Te Kuaka recommends to Council, that they endorse the IHEMP
- Once endorsed by Council staff are notified of the I/HEMP via Council's staff intranet page and sent via email to raise awareness of the plan
- The IHEMP will be shared on Council's public webpage unless specified otherwise.

ĀPITIHINGA / ATTACHMENTS

1. **Iwi Hapu Environmental Management Plans Policy 2016 - A4325496**  
2. **Nga Tikanga mo te Taiao o Ngati Hine - NHEMP 2022 - A4325138**  

6 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RECOMMENDATION

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<p>6.1 - Briefing on Resource Consent Conditions - Kohukohu/Opononi</p>	<p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p> <p>s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

7 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

8 TE KAPINGA HUI / MEETING CLOSE