



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA

Ordinary Te Kuaka - Te Ao Māori Committee Meeting


Tuesday, 3 October 2023

Time: 2:00 pm

Location: Held virtually via Microsoft TEAMS

Membership:

Member Harry Burkhardt - Chairperson
Cr Hilda Halkyard-Harawira – Deputy Chairperson
Kahika - Mayor Moko Tepania
Kōwhai – Deputy Mayor Kelly Stratford
Cr Penetaui Kleskovic
Cr Steve McNally
Cr Tāmāti Rākena
Cr Ann Court
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 Held virtually via Microsoft TEAMS on:
Tuesday 3 October 2023 at 2:00 pm

Te Paeroa Mahi / Order of Business

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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 TE WHAKAAETANGA O NGĀ MENETI O MUA / CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A4409740

Author: Marlema Baker, Democracy Advisor

Authoriser: Casey Gannon, Manager - Democracy Services

PURPOSE OF THE REPORT

The minutes are attached to allow the Committee to confirm that the minutes are a true and correct record of previous meetings.

RECOMMENDATION

That Te Kuaka – Te Ao Māori Committee confirm the minutes of the meeting held 7 September 2023 are true and correct.

1) BACKGROUND

Local Government Act 2002 Schedule 7 Section 28 states that a local authority must keep minutes of its proceedings. The minutes of these proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those meetings.

2) DISCUSSION AND OPTIONS

The minutes of the meetings are attached.

Far North District Council Standing Orders Section 27.3 states that no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness.

Reason for the recommendation

The reason for the recommendation is to confirm the minutes are a true and correct record of the previous meetings.

3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision as a result of this report.

ATTACHMENTS

1. Te Kuaka Te Ao Maori Committee minutes - 7 September 2023 - A4375020 [↓](#) 

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.

Compliance requirement	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 is a matter 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.	This report complies with the Local Government Act 2002 Schedule 7 Section 28.
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.	It is the responsibility of each meeting to confirm their minutes therefore the views of another meeting are not relevant.
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.	There are no implications for Māori in confirming minutes from a previous meeting. Any implications on Māori arising from matters included in meeting minutes should be considered as part of the relevant report.
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 is asking for minutes to be confirmed as true and correct record, any interests that affect other people should be considered as part of the individual reports.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision arising from this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

Ordinary Te Kuaka - Te Ao Māori Committee Meeting Minutes **Unconfirmed** 7 September 2023

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY TE KUAKA - TE AO MĀORI COMMITTEE MEETING
HELD AT THE COUNCIL CHAMBERS, MEMORIAL AVENUE, KAIKOHE
ON THURSDAY, 7 SEPTEMBER 2023 AT 2:00 PM**

PRESENT: Chairperson Harry Burkhardt (Te Kahu o Taonui representative), Kahika - Mayor Moko Tepania, Kōwhai – Deputy Mayor Kelly Stratford, Cr Penetaui Kleskovic, Cr Steve McNally, Co-chair Cr Hilda Halkyard-Harawira, Cr Babe Kapa, Cr Felicity Foy, Cr Mate Radich, Cr Tāmami Rākena, Cr John Vujcich, Te Kahu o Taonui Representatives Mariameno Kapa-Kingi, Pita Tipene, and Wane Wharerau.

IN ATTENDANCE: Kawiti Waetford (Kaiwhakawhiti Reo Language Interpreter, Rachel Ropiha

STAFF PRESENT: Llani Harding (Pouhautu Te Hono – Manager Te Hono) Tanya Proctor (Assets & Planning Manager) , Ruben Garcia (Group Manager – Community & Engagement), Casey Gannon (Manager – Democracy Services) Jacine Warmington (Group Manager – Strategic Relationships).

1 KARAKIA TIMATANGA / OPENING PRAYER

Chair Harry Burkhardt commenced the meeting.

2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST

2.1 APOLOGIES AND DECLARATIONS OF INTEREST

RESOLUTION 2023/5

Moved: Kahika - Mayor Moko Tepania
Seconded: Te Kahu o Taonui Representatives

That the apologies from Cr Ann Court and Maria-Meno Kapa-Kingi be accepted and a leave of absence granted.

CARRIED

3 NGĀ TONO KŌRERO / DEPUTATION

There were no deputation requests for this meeting.

4 NGĀ KŌRERO A TE KAHIKA / MAYORAL ANNOUNCEMENTS

- acknowledges the passing of Tui Nathan in Te Kao
- acknowledges the passing of Robin Corrigan in Ngāti Kahu
- excited that Far North District Libraries have initiated an new Māori Language chat time kaupapa at the Kaikohe Library very Monday morning 10:30 am – 12 pm.
- Matihetihe Marae Wananga Waiata 30th September and 1st October in Mitimiti
- acknowledges the appointment of the Te Kuaka Te Ao Māori Coordinator
- acknowledges the appointment of Chief Executive Guy Holroyd
- acknowledges the passing of Whaea Hera Paewhenua in Matawaia.
- Next week is Te Wiki o te reo Māori 11 – 17 September 2023. We encourage exponents of te reo Māori to share many opportunities to engage in te reo.

Ordinary Te Kuaka - Te Ao Māori Committee Meeting Minutes **Unconfirmed** 7 September 2023

- notes that the committee requests a progress report on 1 Wharo Way & Pohutukawa Tree
- notes that the committee requests a progress report on Kaitaia Airport
- notes that the committee requests a progress report on Rangitoto Reserve
- Student from various kura kaupapa Māori from Te Tai Tokerau will travel to Auckland to watch the NZ Opera's production of Orpheus. It is an all Māori and Pacific cast collaboration with Black Grace Dance Company.
- Nga Huiarau o Kawakawa kapa haka group will travel to Nelson on 30 October 2023 for the primary schools nationals and are currently fundraising.
- Kawakawa Primary School celebrating 150 year on 9 September 2023

5 TE WHAKAAETANGA O NGĀ MENETI O MUA / CONFIRMATION OF PREVIOUS MINUTES

5.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 4.1 document number A4334397, pages 8 - 9 refers

RESOLUTION 2023/6

Moved: Cr John Vujcich

Seconded: Wane Wharerau - Te Kahu o Taonui Representatives

That Te Kuaka – Te Ao Māori Committee confirm the minutes of the meeting held 8 August 2023 are true and correct.

CARRIED

6 NGĀ PŪRONGO / REPORTS

6.1 TE REO MĀORI AND TIKANGA POLICY

Agenda item 5.1 document number A4341080, pages 14 - 18 refers

RESOLUTION 2023/7

Moved: Kahika - Mayor Moko Tepania

Seconded: Cr Tāmāti Rākena

That Te Kuaka – Te Ao Māori Committee

- a) **recommend that Council approve the Te Reo Māori and Tikanga Policy. And**
- b) **authorises the Chief Executive to make minor changes to the Te Reo Maori and Tikanga Policy to correct grammatical or spelling errors, or formatting.**

CARRIED

6.2 TE PAE O UTA - TE AO MAORI FRAMEWORK

Agenda item 5.2 document number A4341076, pages 29 - 32 refers

RESOLUTION 2023/8

Moved: Te Kahu o Taonui Representatives

Seconded: Kahika - Mayor Moko Tepania

That Te Kuaka – Te Ao Māori Committee

- a) **recommend that Council approve the Te Pae o Uta – Te Ao Māori Framework, and**

b) **authorises the Chief Executive to make minor changes to the Te Pae o Uta – Te Ao Māori Framework to correct grammatical or spelling errors, or formatting.**

CARRIED

7 TE WĀHANGA TŪMATAITI / PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

COMMITTEE RESOLUTION 2023/9

Moved: Cr John Vujcich
 Seconded: Kōwhai – Deputy Mayor Kelly Stratford

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
7.1 - Confirmation of Previous Minutes	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities	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

and allow Kawiti Waetford, Kaiwhakawhiti Reo Language Interpreter to remain in the public excluded part of the meeting.

CARRIED

At the conclusion of the public excluded session Te Kuaka – Te Ao Māori Committee confirmed the information and decisions contained in the part of the meeting held with public excluded **be restated** in public meeting.

Item 6.1 Briefing on Resource Consent Conditions – Kohukohu/Opononi

That the Te Kuaka – Te Ao Māori Committee recommend to Council any changes required for the final submitted conditions as follows:

That Council

- a) commence repairs and maintenance immediately.
- b) commit to a 3 year timeframe with milestones to phase out disposal of waste into the Hokianga Harbour.
- c) reinstate and strengthen our commitment to community & hapu.
- d) commit to working together to identify alternative options.
- e) increase the expectation around the quality of discharge & monitoring from the existing plants in the interim.

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- f) accept that discharge to water is unacceptable & remove it from optioneering.
- g) confirm funding for this workstream.
- h) include it in the long term plan deliberations going forward.
- i) commit to the restoration of the Hokianga Harbour and seek funding to support that.

8 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

Meeting closed with a karakia whakamutunga by Kawiti Waetford.

9 MEETING CLOSE

The meeting closed at 3:04 pm.

The minutes of this meeting will be confirmed at the Ordinary Te Kuaka - Te Ao Māori Committee Meeting held on 3 October 2023.

.....
CHAIRPERSON

5 NGĀ PŪRONGO / REPORTS

5.1 PROPOSED DISTRICT PLAN HEARING PANEL AND DELEGATED AUTHORITY

File Number: A4387241

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 seek recommendations to Council to rescind and replace a resolution carried in the August 2023 Council meeting to accommodate Councillors in the hearings panel for the Proposed District Plan (PDP) and to confirm delegated authority to the hearings panel.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The District Plan team needs to prepare for the hearing of submissions on the PDP, currently scheduled to start in 2024, which will take around a year to complete.
- Council officers came to the Te Kuaka committee and the subsequent Council meeting in August 2023 seeking to confirm a PDP hearing panel of five panel members. Since drafting that recommendation officers now understand that four Councillors want to participate in the hearings process in a part time capacity.
- Council also needs to confirm the delegated authority given to the hearings panel.

TŪTOHUNGA / RECOMMENDATION

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

- a) rescind d) of resolution 2023/101 carried at the 24 August 2023 Council meeting and replace it with d) *“confirm a Proposed District Plan hearing panel of:*
 - i) *five independent 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; and*
 - ii) *one optional Councillor panel member made up of either Deputy Mayor Stratford, Councillor Foy, Councillor Halkyard-Harawira or Councillor McNally where:*
 - a) *they are not conflicted; and*
 - b) *are accredited having done the making good decisions course.”*
- b) approve delegated authority for the Proposed District Plan hearings panel to make recommendations to Council.

1) TĀHUHU KŌRERO / BACKGROUND

Council officers came to the Te Kuaka committee and the subsequent Council meeting in August 2023 seeking to confirm a PDP 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. A resolution giving flexibility for Council to give delegated authority to the hearings panel to either ‘hear and determine’ or ‘make recommendations’ on public and private plan changes was also sought. Both resolutions were carried.

Officers have since discovered that four Councillors want to participate in the hearings process in a part time capacity. An amendment to the August resolution is therefore required to accommodate Councillors in the hearing panel process. No Councillor has indicated an ability or desire to participate fulltime in the hearing process. Therefore, the Councillor panel member position would be shared by the four Elected Members.

Council also needs to confirm the delegated authority given to the PDP hearings panel as per the resolution carried in August 2023.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The resolution carried in August 2023 regarding the makeup of the hearings panel is no longer fit for purpose.

“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.”

The resolution carried in the August 2023 meeting relied on the five panel members being available in a near full time capacity. If four of those panel members are Councillors, available in a part time capacity, there is no room for two hearings panel members 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.

The hearings panel needs to have a structure that can absorb not only the number of hearings but also unscheduled and scheduled absences that may occur (health, holidays etc), and any management of potential conflicts of interest. Providing flexibility for one of the named Councillors to participate on the hearings panel if they are conflict free and are accredited through the making good decisions course, means they can pick between them which hearings they would like to be involved in. It is anticipated that there will be approximately 20 hearings. It may be possible that hearings take up to one and half years if delays occur, and some hearings will take one week to be heard, in addition to pre reading and post hearing report writing.

A resolution was also carried in the August 2023 meeting giving flexibility for Council to either *“hear and determine or make recommendations on public and private plan changes”*. A decision on the delegated authority given to the hearings panel for the PDP needs to be made.

Giving delegated authority to the hearings panel to make recommendations to Council on the PDP retains decision making powers with Council. Once recommendations on the PDP hearings are received from the hearings panel, Council is then tasked with making a decision on those recommendations under Clause 10 of the First Schedule of the Resource Management Act 1991 (RMA). Giving the hearings panel delegated authority to hear and determine the PDP transfers the decision-making power from Council to the hearings panel. In this circumstance no decisions will be sought from Council. Council will not be involved in the district plan process until all appeals have been resolved and the seal on the PDP is affixed under clause 17 of the first schedule of the RMA.

TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

The recommendation in this report on the hearings panel make up provides clarity around the hearings panel members and provides Councillors with the flexibility to contribute to hearings where they are conflict free and are accredited through the making good decisions course.

It is considered that the complexity and gravitas of the full review of the district plan merits the decision making in Clause 10 of the first schedule of the RMA to remain with Council. Despite Councils very limited ability to depart from the hearing panel recommendations, it is important for Council to be involved and keep abreast of the PDP progress.

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 \$200 per hour for hearing panel members plus disbursements.

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

Additional costs relating to travel and accommodation will also apply.

ĀPITIHINGA / ATTACHMENTS

1. **COMMITTEE RECOMMENDATIONS AND RESOLUTIONS - AUGUST 2023 - A4345733** [↓](#)



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 Maturanga 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.	The CFO has reviewed this report.

6 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

7 TE KAPINGA HUI / MEETING CLOSE