



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA

Extraordinary Te Kuaka - Te Ao Māori Committee Meeting


Tuesday, 7 November 2023

Time: 9:00am

Location: Virtually via Microsoft Teams

Membership:

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

 <p>Far North District Council <i>Te Kaunihera o Tai Tokerau ki te Raki</i></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
Extraordinary Te Kuaka - Te Ao Māori Committee Meeting
will be held in the Virtually via Microsoft Teams on:
Tuesday 7 November 2023 at 9:00am

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: A4426648

Author: Imrie Dunn, 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 virtually on 3 October 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. 2023-10-03 Te Kuaka ā“ Te Ao Māori Committee Minutes [A4414397] - A4414397 [↓](#) 

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**

3 October 2023

**MINUTES OF FAR NORTH DISTRICT COUNCIL
ORDINARY TE KUAKA - TE AO MĀORI COMMITTEE MEETING
HELD AT THE HELD VIRTUALLY VIA MICROSOFT TEAMS
ON TUESDAY, 3 OCTOBER 2023 AT 2:00 PM**

PRESENT: Chairperson Harry Burkhardt, Kōwhai – Deputy Mayor Kelly Stratford, Cr Tāmami Rākena, Cr Ann Court, Cr Hilda Halkyard-Harawira, Cr Babe Kapa, Cr Mate Radich, Cr John Vujcich, Te Kahu o Taonui Representative

IN ATTENDANCE: Kawiti Waetford (Kaiwhakawhiti Reo Language Interpreter)

STAFF PRESENT: Guy Holroyd (Chief Executive Officer), Jacine Warmington (Group Manager - Strategic Relationships), Ruben Garcia (Group Manager - Community and Engagement), Roger Ackers (Group Manager - Planning and Policy), Tanya Proctor (Head of Infrastructure Strategy), Andrew McPhee (Principal Policy Planner), Imrie Dunn (Democracy Advisor), Fleur Beresford (Democracy Advisor), Jamie-Lee Pulham (Pouawhina Manukura - Strategic Relationships), Llani Harding (Pouhautu Te Hono - Manager Te Hono), Jude Campbell (Principal Advisor - Te Hono), Tammy Wooster (Manager- Integrated Planning)

1 KARAKIA TIMATANGA / OPENING PRAYER

Kawiti Waetford commenced the meeting with a prayer.

2 NGĀ KŌRERO A TE KAHIKA / ANNOUNCEMENTS

Kahika – Moko Tepania is in Belfast Ireland accepting the One Young World Leader of the Year award for politicians aged between 18-35. This award is for young politicians that have positive impacts on tamariki.

Deputy Chair announcements provided.

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

APOLOGY

RESOLUTION 2023/10

Moved: Cr Hilda Halkyard-Harawira

Seconded: Cr Tāmami Rākena

That the apology received from Kahika – Moko Tepania, Cr Felicity Foy, Cr Penetaui Kleskovic and Mariameno Kapa-Kingi be accepted and leave of absence granted.

CARRIED

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

4.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 4.1 document number A4409740, pages 8 - 13 refers.

RESOLUTION 2023/11

Moved: Kōwhai – Deputy Mayor Kelly Stratford

Seconded: Cr Hilda Halkyard-Harawira

Ordinary Te Kuaka - Te Ao Māori Committee Meeting Minutes- **Unconfirmed**

3 October 2023

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

CARRIED

5 NGĀ PŪRONGO / REPORTS

5.1 PROPOSED DISTRICT PLAN HEARING PANEL AND DELEGATED AUTHORITY

Agenda item 5.1 document number A4387241, pages 14 - 20 refers.

RESOLUTION 2023/12

Moved: Kōwhai – Deputy Mayor Kelly Stratford

Seconded: Cr Ann Court

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.**

Against: Cr Ann Court and Mate Radich

CARRIED

NOTE: An external legal opinion in writing is requested before the 19 October Council meeting related to conflicts of interest for elected members.

6 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

Kawiti Waetford closed with a karakia.

7 MEETING CLOSE

The meeting closed at 2:45 pm.

The minutes of this meeting will be confirmed at the Ordinary Te Kuaka - Te Ao Māori Committee Meeting held on 1 November 2023.

.....
CHAIRPERSON

5 NGĀ PŪRONGO TAIPITOPITO / INFORMATION REPORTS

5.1 MANA WHAKAHONO A ROHE / IWI PARTICIPATION ARRANGEMENTS

File Number: A4426621

Author: Marlema Baker, Democracy Advisor

Authoriser: Jacine Warmington, Group Manager - Strategic Relationships

TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of this report is to update and inform the Te Kuaka – Te Ao Māori Committee on the opportunities that Mana Whakahono-ā-Rohe (MWāR) / Iwi Participation Arrangements provide with Far North District Council (Council)

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

Mana Whakahono-ā-Rohe (MWāR) / Iwi Participation Arrangements, presents Council with an opportunity to improve working relationships with tāngata whenua and enhance Māori participation in resource management and decision-making processes. Engagement in the process is a statutory requirement for Council under the Resource Management Act 1991.

TŪTOHUNGA / RECOMMENDATION

That the Te Kuaka – Te Ao Māori Committee receive the report Mana Whakahono-ā-Rohe / Iwi Participation Arrangement and seek to maintain Council's position on the implementation of Mana Whakahono-ā-Rohe / Iwi Participation Arrangements.

TĀHUHU KŌRERO / BACKGROUND

This report was drafted by Phil Grimshaw (Policy and Taiao Lead – Te Kahu o Taonui) with the support of Te Kahu o Taonui Iwi Chairs.

Previously engagement between Councils and Māori in Resource Management Act (RMA) planning and consenting has not been consistent across the country, and the effectiveness of existing relationships between Iwi and Councils has varied.

In some regions, Councils and Iwi have informal arrangements, memoranda of understanding, statutory joint management arrangements, Treaty of Waitangi settlement arrangements, or advisory boards to Council. In other regions, Māori have had limited opportunity to engage in resource management effectively. The lack of any statutory requirement for Councils to establish working relationships with Iwi can lead to disagreements, and delays later in the planning process.¹

In relation to the above the RMA 1991 was amended in April 2017 by the then National Government to introduce a new process (Mana Whakahono-ā-Rohe/Iwi Participation Arrangements) for establishing iwi participation arrangements between tāngata whenua (through Iwi Authorities) and Councils.

The intent of the legislation is to:

- Improve working relationships between tāngata whenua and local authorities
- Enhance Māori participation in RMA resource management and decision-making processes.

¹ [fact-sheet-3-changes-to-maori-participation-in-the-rma.pdf \(environment.govt.nz\)](#)

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Within the RMA 1991 the mandatory content of a Mana Whakahono-ā-Rohe (MWāR) to be discussed, agreed, and recorded includes the following:

- i. how an iwi authority may participate in the preparation or change of a District Plan;
- ii. how the participating authorities will undertake consultation requirements;
- iii. how the participating authorities will work together to develop and agree on methods for monitoring under the RMA;
- iv. how the participating authorities will give effect to the requirements of any relevant iwi participation legislation;
- v. a process for identifying and managing conflicts of interest; and
- vi. the process that the parties will use for resolving disputes about the implementation of the MWāR.

The promulgation of the Natural and Built Environment Act 2023 seeks to expand on the above criteria to consider the following:

- i. technical input and funding to participate in planning and strategy processes; and
- ii. climate change adaptation and natural hazards; and
- iii. transfer of powers and joint management agreements; and
- iv. support for iwi and hapū management plans; and
- v. access to commissioners training; and
- vi. relationships with council-controlled organisations; and
- vii. mutual capability-building (including capacity-building) in relation to cultural connections and mātauranga Māori; and
- viii. heritage protection authority powers; and
- ix. the application and implementation of the national planning framework; and
- x. support the sharing of information; and
- xi. the time frames for implementation; and
- xii. the time frame and method applying to review the effectiveness of MWāR
- xiii. If the participating authorities agree, they may discuss and agree on any other matters relevant to their functions, duties, and powers under this Act or any other Act.

MWāR, are just one of a range of tools and mechanisms that can support Council in upholding their responsibilities under Te Tiriti o Waitangi / Treaty of Waitangi. Recently, Council has also considered a range of processes which include:

- Māori Representation
 - Te Kuaka – Te Ao Māori Committee
 - On Standing Committees
- Te Reo Māori and Tikanga Policy; and
- Te Pae o Uta - Te Ao Māori Framework.

Currently, there is considerable political discourse as to what might, or might not, eventuate post General Election on 14 October 2023. Irrespective of the outcome, the existing RMA 1991 still

includes the ability to consider and develop MWāR and there is currently an opportunity to integrate existing Te Tiriti responses within Council to complement MWāR provisions.

Any attempt by a new government to replace current legislation will probably take some time and may create a window of opportunity to embed processes in both the old and new versions of RMA legislation.

Similarly, it is unclear as to what might occur in relation to the NPS – Freshwater Management and NES – Indigenous Biodiversity.

Timing is propitious to advance progress toward a MWāR. If there is a willingness from Council then there is a potential window of opportunity to develop co-governance initiatives before the possibility of a new government seeks to wind back Te Tiriti related matters.

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

Apart from the short to medium term financial implications to support the implementation of MWāR, budgetary considerations need to factor in changes to Council standard operating practices, and there is an expectation that Council will, in collaboration with Te Kahu o Taonui, review current budget lines in Annual and Long-Term Plans.

ĀPITIHINGA / ATTACHMENTS

Nil

6 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER

7 TE KAPINGA HUI / MEETING CLOSE