

# AGENDA

## Extraordinary Council Meeting

### Membership:

Kahika - Mayor Moko Tepania - Chairperson  
Kohepu - Deputy Mayor Chicky Rudkin  
Cr Arohanui Allen  
Cr Rachel Baucke  
Cr Ann Court  
Cr Felicity Foy  
Cr Hilda Halkyard-Harawira  
Cr Tāmati Rākena  
Cr Davina Smolders  
Cr Kelly Stratford  
Cr John Vujcich

**Tuesday, 10 February 2026**

**Time: 10:00 am**  
**Council Chamber**  
**Memorial Ave**  
**Kaikohē**



**Te Kaunihera  
o Te Hiku o te Ika**  
Far North District Council



**Far North District Council**  
**Extraordinary Council Meeting**  
**will be held in the Council Chamber, Memorial Ave, Kaikohe on:**  
**Tuesday 10 February 2026 at 10:00 am**

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**1 KARAKIA TIMATANGA / OPENING PRAYER**

Ka tuku mātou kia kaha mai ngā māngai kua whiriwhirihia mō Te Kaunihera o Te Hiku o te Ika ki te mahi me te ngākau auaha me te whakamahi i ngā pūkenga me te mātauranga i roto i ngā wānanga me ngā whakataunga kia whakatūria ai tētahi Hapori e matatika ana, e tū kotahi ana ka mutu ka whakapiki anō i te oranga o tō tātou rohe, ka whakatau anō i ngā take o te rohe i runga i te tika me te pono.

We ask that through Council discussions and decisions the representatives we have elected may govern the Far North District with imagination, skill and wisdom to achieve a fairer and more united Community that enhances the wellbeing of our district and solves the District's problems efficiently and effectively.

**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 Council 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 / DEPUTATIONS**

There are no deputations tabled for this extraordinary meeting.

**4 NGĀ KŌRERO A TE KAHİKA / MAYORAL ANNOUNCEMENTS**

## 5 NGĀ PŪRONGO / REPORTS

### 5.1 DRAFT TRIENNIAL AGREEMENT 2025 - 2028

**File Number:** A5547315

**Author:** Roger Ackers, Group Manager - Planning & Policy

**Authoriser:** Guy Holroyd, Chief Executive Officer

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

The purpose of this report is to seek Council approval of the Triennial Agreement 2025–2028 between Far North District Council, Kaipara District Council, Whangārei District Council, and Northland Regional Council, in accordance with section 15 of the Local Government Act 2002.

The Triennial Agreement establishes the agreed regional governance arrangements for the Northland councils for the 2025–2028 triennium. It provides the framework for collaboration on matters of regional significance, including the operation of the Northland Mayoral Forum and the Northland Chief Executives' Forum, and sets out principles for coordination, communication, and shared decision-making.

Approval of the Triennial Agreement will confirm Far North District Council's participation in the agreed regional governance arrangements for the 2025–2028 triennium and enable the Agreement to be formally adopted by all four councils.

#### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- This report seeks Council approval of the Triennial Agreement 2025–2028, as required under section 15 of the Local Government Act 2002, which requires all local authorities within a region to adopt a triennial agreement following each triennial election.
- The Triennial Agreement has been developed through a coordinated regional process involving Far North District Council, Kaipara District Council, Whangārei District Council, and Northland Regional Council. Review of the existing agreement commenced in May 2025, supported by a cross-council officer working group, and progressed through officer review, legal review, and Chief Executive consideration during mid-2025.
- Key milestones in the development process included consideration of the draft agreement by the Chief Executives' Forum in October 2025, followed by further refinement during November 2025, and agreement that the finalised Triennial Agreement would be progressed through each council's respective governance processes for formal adoption.
- The Triennial Agreement is required to be adopted by all four councils by 1 March 2026, in order to meet statutory expectations and enable consistent regional governance arrangements for the 2025–2028 triennium.
- The Agreement establishes the framework for regional governance across Northland, including the operation of the Northland Mayoral Forum and the Northland Chief Executives' Forum, and sets out agreed principles for collaboration, coordination, and communication on matters of regional and inter-council significance.
- Approval of the Triennial Agreement will ensure Far North District Council meets its obligations under the Local Government Act 2002 and confirms its participation in the agreed regional governance arrangements for the current triennium.

**TŪTOHUNGA / RECOMMENDATION****That Council:**

- a) **Approves the Triennial Agreement 2025–2028 between Far North District Council, Kaipara District Council, Whangārei District Council, and Northland Regional Council, as required under section 15 of the Local Government Act 2002; and**
- b) **Authorises the Mayor and Chief Executive to sign the Triennial Agreement on behalf of Far North District Council.**

**1) TĀHUHU KŌRERO / BACKGROUND**

Northland councils are required, under Section 15 of the Local Government Act 2002, to enter into a three-year agreement that outlines how they will work together.

To facilitate production of an updated triennial agreement for Northland for the period March 2026 – March 2028, a small cross-council working group was established. The group used the existing triennial agreement as a base for discussion and review, providing suggestions and comments, and incorporating legal review, to develop the Draft Triennial Agreement for the 2025-2028 triennium (the draft agreement) with regular reporting back to the Chief Executives Forum.

This draft agreement reflects several improvements, edits and additions, including:

- General editing, accuracy and readability updates.
- Re-wording the purpose of the agreement to be more aspirational and outcome focussed.
- Expansion of wording under section 4 'Framework for Regional Leadership' to more clearly align with legislative requirements.
- Re-ordering of forums under 'Regional Leadership' section, with the Mayoral and CEs forum being first and second, to better reflect strategic direction setting and implementation.
- Addition to the Mayoral Forum section to clarify that any elected member may attend the forum, either in person or via audio-visual link.
- Clarification of wording across all joint committees to clarify the appointment and role of alternate members.
- Clarification in relation to LGNZ Zone 1 membership.
- Addition of Sport Northland Board of Trustees in the 'Representation and Communication' section.
- The section previously titled 'Regional Shared Services' has been updated and renamed as 'Local Government Reform' with a focus on proactive regional leadership, and a commitment to forming a collaborative governance body (structure to be determined).
- The addition of 'Local Waters Done Well' as a standalone section.
- Expansion of the section on 'New Regional Council Activities' to more clearly set out the actual process for consultation on proposals.
- Expanded wording for section 9 'Dispute Resolution'.
- Expanded wording for section 10 'Costs'.

Throughout the November induction period each council has workshopped the draft agreement, and the working group have met to align comments. The attached draft agreement reflects the feedback during these sessions.

## 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

### Option One: Council adopts the Triennial Agreement 2025–2028

#### Relevant legislation and/or policies

Section 15 of the Local Government Act 2002 requires all local authorities within a region to adopt a triennial agreement following each triennial election. The Triennial Agreement gives effect to this requirement by setting out agreed regional governance arrangements, including processes for collaboration and coordination across councils. Adoption of the Triennial Agreement ensures Far North District Council meets its statutory obligations under the Act.

#### Significance and engagement

The Triennial Agreement is a governance and coordination document and does not introduce new decisions on service delivery, funding, or regulatory matters. Its adoption confirms existing regional governance arrangements that are already operating. No additional consultation or engagement is required to adopt the Triennial Agreement.

#### Policy and strategy considerations

The Triennial Agreement supports Far North District Council's strategic intent to work collaboratively with other councils in the region on matters of regional significance. It provides clarity around regional forums, roles, and processes, which supports consistent and effective governance. Adoption aligns with the Council's existing approach to regional collaboration.

#### Risk and mitigations

##### Advantages

- Ensures compliance with section 15 of the Local Government Act 2002.
- Provides certainty and clarity around regional governance arrangements for the 2025–2028 triennium.
- Maintains Far North District Council's full participation in regional decision-making forums.
- Reduces governance and reputational risk associated with non-compliance.

##### Disadvantages

- Minimal. The Agreement maintains existing arrangements and does not impose new statutory obligations beyond those already required.

#### Implications for Māori

The Triennial Agreement includes principles relating to collaboration and governance but does not create or amend arrangements relating to land, bodies of water, wāhi tapu, valued flora and fauna, or other taonga. Adoption supports existing regional forums that provide mechanisms for engagement on matters of interest to Māori but does not, in itself, impose new impacts.

#### Costs of each option

There are no direct financial costs associated with adopting the Triennial Agreement. Any costs associated with participation in regional forums are met within existing budgets.

#### Overall assessment

Option One enables the Council to meet its statutory obligations, supports effective regional governance, and carries low risk. **This is the recommended option.**

### Option Two: Council does not adopt the Triennial Agreement

#### Relevant legislation and/or policies

Choosing not to adopt the Triennial Agreement would place Far North District Council in non-compliance with section 15 of the Local Government Act 2002, which requires the adoption of a triennial agreement following each triennial election. There is no alternative statutory mechanism provided in the legislation to replace the Triennial Agreement.

### Significance and engagement

Non-adoption would be a significant governance decision. However, there is no associated engagement process that would mitigate the statutory implications of non-compliance.

### Policy and strategy considerations

Not adopting the Agreement would be inconsistent with Far North District Council's established approach to regional collaboration and coordination. It would reduce alignment with other Northland councils and undermine agreed regional governance structures.

### Risk and mitigations

#### Disadvantages

- Non-compliance with the Local Government Act 2002.
- Increased governance, legal, and reputational risk.
- Reduced clarity about Far North District Council's participation in regional governance arrangements.
- Potential weakening of regional coordination and collective advocacy.

#### Advantages

- None identified. There are no practical mitigations available that would address the statutory and governance risks arising from non-adoption.

### Implications for Māori

Non-adoption would weaken existing regional governance forums that provide coordination mechanisms relevant to Māori interests, without providing an alternative framework.

### Costs of each option

While there are no direct financial savings associated with not adopting the Agreement, non-compliance could expose the Council to indirect costs associated with governance uncertainty and risk management.

### Overall assessment

Option Two presents significant legal and governance risk and does not support effective regional governance. **This option is not recommended.**

## **TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION**

Option One is recommended as it ensures compliance with the Local Government Act 2002, provides clarity and certainty for regional governance arrangements, and supports Far North District Council's participation in coordinated regional decision-making for the 2025–2028 triennium.

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

There are no direct financial implications arising from the adoption of the Triennial Agreement 2025–2028.

The Triennial Agreement is a statutory governance document required under section 15 of the Local Government Act 2002. It establishes agreed principles and frameworks for regional collaboration and governance but does not, of itself, commit the Council to any specific projects, expenditure, or funding decisions.

Any costs associated with Far North District Council's participation in regional governance forums established under the Triennial Agreement, including the Northland Mayoral Forum and the Northland Chief Executives' Forum, are met within existing operational budgets and do not require additional budget provision.

Should future regional initiatives, joint projects, or shared service arrangements be proposed under the framework of the Triennial Agreement, these would be subject to separate Council consideration and approval, including assessment of financial implications and alignment with the Long Term Plan or Annual Plan, as required.

Accordingly, no budget variation or new financial provision is required as a result of adopting the Triennial Agreement.

#### ĀPITIHANGA / ATTACHMENTS

1. **Draft Triennial Agreement 2025-28 - A5547546** 

## 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 <a href="#">Council's Significance and Engagement Policy</a>	The decision relates to the adoption of a statutory governance agreement required under section 15 of the Local Government Act 2002. The Triennial Agreement does not introduce new services, funding commitments, regulatory changes, or direct impacts on the community. It confirms existing regional governance arrangements and processes that support collaboration between councils. As such, the proposal is assessed as having a low degree of significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	<p>This report relates primarily to compliance with section 15 of the Local Government Act 2002, which requires local authorities within a region to adopt a triennial agreement following each triennial election.</p> <p>The proposal aligns with the Council's commitment to effective governance, collaboration, and regional coordination, as reflected in the Long Term Plan outcomes relating to strong leadership, effective partnerships, and enabling regional advocacy on matters of shared interest.</p> <p>The Triennial Agreement does not create inconsistency with other Council policies or strategies and does not require amendments to existing policy settings. It provides an agreed governance framework within which future decisions will continue to be considered in accordance with the Council's statutory obligations and strategic documents.</p>
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.	<p>The Triennial Agreement has district-wide relevance, as it establishes regional governance and coordination arrangements that apply across the Far North District and the wider Northland region.</p> <p>The Agreement does not involve decisions that fall within Community Board delegations, nor does it have specific impacts on individual communities that would require seeking Community Board input. No Community Board views have therefore been sought as part of this process.</p>

<p>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.</p> <p>State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.</p>	<p>The Triennial Agreement is a statutory governance document required under section 15 of the Local Government Act 2002. It establishes regional governance and coordination arrangements between councils and does not involve decisions relating to land, bodies of water, wāhi tapu, or other taonga, nor does it introduce new policies, activities, or funding decisions.</p> <p>As the Agreement is procedural and governance-focused, it has no direct implications for Māori land, water, or cultural interests, and specific consultation with iwi or hapū has not been undertaken for this decision.</p> <p>The Triennial Agreement supports the principles of Te Tiriti o Waitangi by promoting collaboration, good governance, and effective regional coordination. It provides a framework within which councils can collectively engage with iwi and hapū on matters of regional significance as those matters arise, through appropriate and separate engagement processes.</p> <p>Adoption of the Agreement does not limit or replace the Council's obligations to engage with Māori in accordance with Te Tiriti o Waitangi for future decisions that may have direct implications for Māori interests.</p>
<p>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).</p>	<p>The Triennial Agreement applies at a regional governance level and does not directly affect individuals, service users, or specific community groups, including youth, older persons, or people with disabilities.</p> <p>The Agreement does not result in changes to service delivery, access to facilities, funding, or regulatory settings, and therefore does not give rise to direct impacts on specific population groups. As a result, targeted engagement with affected or interested parties has not been required.</p> <p>Any future initiatives, projects, or decisions progressed under the framework of the Triennial Agreement that may affect specific communities or groups will be subject to separate Council consideration, including appropriate engagement and accessibility considerations at that time.</p>
<p>State the financial implications and where budgetary provisions have been made to support this decision.</p>	<p>The adoption of the Triennial Agreement 2025–2028 has no direct financial implications for Far North District Council.</p> <p>The Triennial Agreement is a statutory governance document required under section 15 of the Local Government Act 2002. It establishes principles and frameworks for regional governance and collaboration but does not commit Council to any specific projects, expenditure, or funding decisions.</p> <p>Costs associated with participation in regional governance forums established under the Agreement, including the Northland Mayoral Forum and the</p>

	<p>Northland Chief Executives' Forum, are accommodated within existing budgets.</p> <p>Any future regional initiatives or joint activities proposed under the Triennial Agreement framework would be subject to separate Council consideration, including assessment of financial implications and budget provision through the Long Term Plan or Annual Plan processes, as required.</p>
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

## Document Management

Date	Action	By
13 May 2025	Initial review	Kyla Carlier, NRC
15 May 2025	Initial review	Emily Thompson, WDC
27 July 2025	Initial review	Michael Day, KDC
28 July 2025	Legal review	Kathryn Candy, NRC
28 July 2025	Tidy up of comments, resolution of queries where possible and further edits	Kyla Carlier NRC
06 August	Updates made after CE Forum on 4 August. All changes subsequent to the forum remain highlighted.	Kyla Carlier NRC
07 August	Rep meeting – changes accepted, and final updates made – text from Simon Weston incorporated.	Kyla Carlier NRC
21 August	Addition of text on Local Government Reform	Jonathan Gibbard, NRC
10 September	Review by reps at meeting.	All reps
24 September	Updates made to reflect feedback from Jason Marris and Jonathan Gibbard.	Kyla Carlier NRC
24 November	Rep meeting – input from council workshops discussed and included.	All reps
4 December	Feedback from Mayoral forum of 1 December incorporated	Emily Thompson, WDC, and Kyla Carlier NRC.



# TRIENNIAL AGREEMENT

**Far North District Council, Kaipara District Council, Whangarei District Council, and  
Northland Regional Council**

## 1. Purpose of the Triennial Agreement

The parties acknowledge that the 2025 – 2028 triennium will be a time of continued change for local government. This Triennial Agreement represents a continued commitment by Northland councils to:

- Work proactively and collaboratively to deliver strong governance for Te Taitokerau/Northland
- Address common issues openly and constructively to achieve positive outcomes for the region
- Streamline efforts and eliminate duplication to maximize impact and efficiency

A Triennial Agreement is required by, and is made pursuant to, section 15 of the Local Government Act 2002.

## 2. Commitment to a Consensus Approach

The parties:

- Acknowledge the benefits to the communities of Northland of the four councils working together in a consistent manner and wherever possible, with a united voice.
- Respect that at times our different roles and responsibilities may cause the parties to have different positions.
- Agree to endeavour to reach a consensus position on matters of common interest.
- Agree that our remaining differences will not detract from our commitment to work together cooperatively and maintain constructive relationships.

## 3. Communication and Collaboration

Parties agree to communicate and co-ordinate their activities and be collaboratively responsible for<sup>1</sup>:

- Notification of major policy discussions which may have implications beyond the boundaries of the decision-making authority.
- Application of a “no surprises” policy whereby early notification is given between local authorities concerning significant policy or programmes before public announcements are made.
- Progressing issues agreed to by the Northland Mayoral Forum.
- Sharing resources wherever possible to gain improved efficiency, effectiveness and increased levels of customer service.
- Abiding by group decisions, subject to the relevant authority’s decision-making processes.
- Working together in the best interests of the people of Northland. Emphasis is to be placed

<sup>1</sup> Pursuant to section 15(2)(a) of the Local Government Act 2002

- on building credible and enduring relationships with all Northland local authorities, tangata whenua, the neighbouring authority of Auckland and central government.
- Coordinating and aligning local authorities collective voice both to inform our local community and, through communication with Wellington, at a national level on key regional issues.

#### **4. Framework for Regional Leadership**

The parties acknowledge the progress made towards greater local authority collaboration in Northland and the benefits this provides for the region. Parties agree to continue their commitment to the collaborative working relationship through the following joint local authority forums, committees and regional representation<sup>2</sup>. These groups provide the processes and protocols through which the four Northland councils can participate in identifying, delivering and funding facilities and services of significance to more than one district in the Northland Region.

##### **Regional Leadership**

###### **a) Northland Mayoral Forum**

The purpose of the Northland Mayoral Forum is to provide a forum for the Chair and Mayors of the four councils of Northland to provide regional leadership and seek local authority alignment on key strategic governance priorities for the region and its communities and address any governance issues of the day.

A core role of the Northland Mayoral Forum is to provide governance leadership, oversight and direction to drive the Northland|Forward Together work programme and priorities. Each party is responsible for reporting progress back to their respective governance bodies and seeking council approval where decisions are outside existing council decisions or management delegations.

For the avoidance of doubt, while the Mayoral Forum provides an opportunity for the Chair and Mayors to provide regional leadership and seek strategic alignment, the forum has no delegated authority to make decisions or commit council resources. Any agreements which fall outside previous council decisions or management delegations, are made on the understanding that these agreements need to be approved by respective council resolutions before any agreements can be confirmed.

It is for each member of the of the Mayoral Forum to determine how best to communicate with their Council to ensure important information is shared.

###### **b) Northland Chief Executives' Forum**

The purpose of the Northland Chief Executives' Forum is to provide a vehicle through which the four councils of Northland can support the work of the Northland Mayoral Forum, progress implementation and monitoring of the Northland|Forward Together programme, work on operational projects of common interest and benefit, share knowledge and consider any shared services arrangements.

Council staff who represent the region or district on any national working groups will report directly or indirectly to the Chief Executive Forum on the activities and decisions of those groups.

###### **c) Northland|Forward Together Strategic Planning Workshops**

The Northland|Forward Together Strategic Planning Workshops are a collaborative forum of all elected members from the four councils. The purpose of these workshops is to provide an

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<sup>2</sup> Pursuant to sections 15(2)(c) and 15(3)(a) of the Local Government Act 2002

opportunity for elected members to meet, discuss and seek agreement on high level strategic governance priorities and direction for the region. In 2023 and 2024 the document called Northland | Forward Together (Tai Tokerau | Kōkiri Ngātahi) was reviewed and adopted by all councils as a shared collaborative document. This document sets out a vision, goals and objectives for greater local authority collaboration and identifies priorities to investigate the potential for improved shared services, centres of excellence and joint procurement. This document sets the platform for the councils' ongoing collaborative relationship and further regional leadership (the document was ratified by all four councils). The Northland councils are committed to reviewing the Northland | Forward Together (Tai Tokerau | Kōkiri Ngātahi) strategic vision and values document during the 2026-2028 triennium.

The Northland | Forward Together Strategic Planning Workshops enable the Northland councils to monitor, review and update the vision, goals and objectives of Northland | Forward Together. The Northland Mayoral Forum, Chief Executives' Forum (and working parties that are established on a case-by-case basis) support the development, review and implementation of the Northland | Forward Together work programme, to be reported on during the Strategic Planning Workshops

**d) Whanaungatanga Kī Taurangi**

The Relationship Agreement 'Whanaungatanga Kī Taurangi' entered into between the Northland councils and Te Kahu o Taonui (Iwi Chairs) outlines the commitment to work together and invest in an intergenerational relationship that is based on mutual respect, is enduring and provides continuity through a shared vision, purpose and goals for mutually beneficial outcomes.

The parties acknowledge that the Relationship Agreement does not require the parties to perform any particular action or bind them to a specific outcome, but rather to work together in mutual good faith and reasonableness. The Agreement also acknowledges that, in signing the Agreement, it does not undermine or minimise any existing or future relationships and agreements between local authorities and iwi / hapū but rather seeks to strengthen and support those relationships.

It is acknowledged that Whangarei District Council has not signed the Relationship Agreement and is therefore not a party to the Agreement.

**e) Iwi Local Government Agencies Chief Executives Forum**

The purpose of the Iwi Local Government Agencies Chief Executives Forum (ILGACE) is to provide a forum where local government Chief Executives and iwi Chief Executives can seek opportunities to share information and work collaboratively to address issues and progress projects for the betterment of Te Taitokerau | Northland.

**Joint Committees**

**f) Northland Regional Transport Committee<sup>3</sup>**

The purpose of the Regional Transport Committee (RTC) is prescribed in the Land Transport Management Act 2003 and includes the preparation, for Northland Regional Council approval, of a Regional Land Transport Plan and Regional Public Transport Plan for Northland, to monitor and review progress towards the adoption and implementation of these plans and to provide the regional council with any advice and assistance, as requested, in relation to Northland Regional Council's public transport responsibilities.

Membership comprises one representative nominated by each district council and two members from the Northland Regional Council appointed as Chair and Deputy Chair. Each council is also required to appoint an alternate member who may exercise full membership rights in the absence of the primary representative. It also includes a representative from Waka Kotahi.

<sup>3</sup> Established pursuant to Part 2, section 105(2) and (6) of the Land Transport Management Act 2003

**g) Northland CDEM Group<sup>4</sup>**

The Northland Civil Defence Emergency Management Group (CDEM) is established as a joint standing committee of Northland councils and is responsible for the conduct of the regional CDEM functions of the Group, setting the strategic direction via the CDEM Group plan, approving annual work programmes, conducting joint management of civil defence events and monitoring and reporting on progress. For the avoidance of doubt, each territorial authority's obligations to respond to local emergency events under the Civil Defence Act are retained.

Membership comprises one representative nominated by each of the local authorities. Each council is also required to appoint an alternate member who may exercise full membership rights in the absence of the primary representative. It also includes a representative from NZ Police, Fire and Emergency NZ and the National Emergency Management Advisory (observer status).

**h) Joint Climate Change Adaptation Committee**

The Joint Climate Change Adaptation Committee (JCCAC) was established in 2020 as a joint standing committee of the Northland councils and is responsible for providing direction and oversight of the development and implementation of climate change adaptation activities by local government in Te Taitokerau.

Membership comprises one elected member and one representative from iwi/hapu nominated by each council from within their jurisdiction. Each council is also required to appoint an alternate member who may exercise full membership rights in the absence of the primary representative.

**i) Joint Regional Economic Development Committee**

The Joint Regional Economic Development Committee was established in 2021 as a joint standing committee of the Northland Regional Council, the Far North District Council, and the Kaipara District Council, with Whangarei District Council joining in September 2024. This committee has delegated authority to oversee the operations of Northland Inc., and is fundamental to ensuring that Te Taitokerau's aspirations for economic development are achieved in a coordinated and collaborative manner.

Membership comprises two elected members from the four councils. Each council is also required to appoint an alternate member who may exercise full membership rights in the absence of the primary representative.

**Representation and Communication****j) Local Government New Zealand (LGNZ) Zone 1 Representation**

The Northland councils who are members of LGNZ make up Zone 1 of Local Government New Zealand (LGNZ). Zone meetings provide an opportunity for councils to provide information and advice and highlight issues and concerns affecting Northland with the National Council of LGNZ. It also provides an opportunity to receive sector information and advise the National Council in dealing with national issues.

The Chair of Zone 1 is appointed by the Zone 1 members and is usually a District Mayor or Regional Chair for one of the member Councils. Secretariate support for LGNZ Zone 1 meetings is provided by the office of the appointed Chair.

<sup>4</sup> Pursuant to section 12 of the Civil Defence Emergency Management Act 2002 and Schedule 7, clause 30 of the Local Government Act 2002

LGNZ provides for a representative from the elected members and community board members within Zone 1 to be on National Council as well as space for a member to be on the Young Elected Members Committee. Representation can also be achieved if elected members stand for sector representation on the Te Maruata Rōpū Whakahaere for Māori in council. Where appropriate, in making appointments to LGNZ, parties will consider the need to provide for rotational representation.

Each Zone has discretion to determine their own rules around decision-making methodology. While most LGNZ Zones operate under a one-vote-per-council system with decisions made by majority vote, Zone 1 is committed to collective decision making, with all endeavours made to achieve consensus of all parties. If no consensus can be reached the one-vote-per-council system will be used.

The inclusion of LGNZ Zone 1 representation within this Triennial Agreement does not limit or override the autonomy of individual councils in determining their membership status with LGNZ. Each council retains the right to independently decide whether to continue or withdraw from LGNZ membership.

**k) UNISA**

The Upper North Island Strategic Alliance (UNISA) comprises Auckland Council, Bay of Plenty Regional Council, Northland Regional Council, Waikato Regional Council, Hamilton City Council, Tauranga City Council and Whangarei District Council. These seven parties have committed to a long-term collaboration for responding to and managing a range of inter-regional and inter-metropolitan issues.

UNISA has agreed to regularly update all the territorial authorities from the Upper North Island following each Governance Group meeting, with each of the regional councils taking responsibility for communicating with the territorial authorities in their region. The Northland Regional Council will provide regular updates and reports through the Mayoral Forum and CEO Forum with each territorial authority responsible for updating their own governance bodies.

**l) Sport Northland Board of Trustees**

Sport Northland's core purpose is 'Enriching lives through play, active recreation and sport'. The Sport Northland Board of Trustees comprises of three (3) elected trustees, two (2) Māori trustees appointed by the Board Appointments Panel, two (2) trustees appointed by the four (4) Northland councils and one (1) Māori trustee appointed by Ta Kahu o Taonui.

**5. Local Government Reform**

Local government reform has been widely discussed over the last decade, both nationally and regionally. Reform of local government has been on the agenda of all political parties and is likely to be part of any future government agenda. The four Northland councils agree it's important to provide proactive regional leadership and ensure that any reform delivers improved outcomes for Northland communities.

In providing regional leadership over the future of local government, councils commit to the principle of form follows functions. Parties agreeing that all structural options are on the table and no party has any predetermined future structural outcome. Potential structure options should be preceded by an assessment of roles and functions and at what scale and integration interdependencies delivers improved outcomes.

Parties commit to forming a collaborative governance body, supported by collective management support, to oversee this assessment and provide recommendations to respective council governance bodies.

## 6. Local Waters Done Well

Towards the end of the previous triennium FNDC, KDC and WDC agreed to submit to government a regional asset owning CCO water services delivery plan in response to the governments Local Water Done Well (LWDW) initiative. The proposal focuses on the delivery of wastewater and drinking water services, with stormwater services continuing to be supplied by their respective council.

Significant further work will need to be completed to facilitate the three council CCO with the establishment date anticipated to be 1 July 2026 and an operational date being 1 July 2027.

The participating councils will work collectively to establish and operate the CCO, including where appropriate the Northland Regional Council in its regulatory, environmental, and planning roles, and by the Department of Internal Affairs.

The parties acknowledge that the successful delivery of LWDW is a key regional priority.

## 7. Regional Policy Statement<sup>5</sup> and Regional/ District Plans (RMA)

This section applies to the Northland Regional Council when reviewing or changing the Regional Policy Statement or regional plans and also applies to district councils when reviewing or changing district plans, under the Resource Management Act (RMA)<sup>6</sup>.

When reviewing or changing their plans, all councils will operate on the principle of 'no surprises' – whereby early and meaningful consultation across all stages of plan development will occur. The party promoting the plan shall initiate and manage the agreement actions, and four stages of interaction and consultation, as outlined in Appendix 1. Early notice will be given over any disagreements between councils concerning policy or programmes, and prior to any critical public announcements being made.

## 8. New Regional Council Activities<sup>7</sup>

Under section 15(2)(b) of the Local Government Act, a Triennial Agreement must include a statement of the process for consultation on proposals for significant new regional council activities, where a territorial authority is already carrying out that activity or has signalled its intention to do so via a Long Term Plan.

In such an instance, the Northland Regional Council will follow the process outlined in section 16 of the Local Government Act 2002 including notification, production of a consultation document, and mediation if required.

## 9. Meeting Times and Servicing the Triennial Agreement

- The Northland Mayoral Forum and CEO Forum will meet quarterly, with the location and

<sup>5</sup> Under section 3A of the First Schedule of the Resource Management Act, a Triennial Agreement must include agreement on the consultation process to review or change a policy statement.

<sup>6</sup> Where this Agreement refers to "Plan", read also plan or policy statement change and variation.

<sup>7</sup> This section is in accordance with Section 15(2)(b) of the Local Government Act.

hosting to rotate between the parties.<sup>8</sup>

- The Chair for the Mayoral Forum and CEO Forum will be selected at their respective inaugural meetings and remain in place for the triennium unless otherwise agreed. When appointing a Chair consideration will be given to the need to rotate the chair role between parties.
- The Northland|Forward Together Strategic Planning Workshops will occur three times a year, with the location and hosting to be rotated between the parties.
- The Northland Regional Council will provide secretarial services and media support to the Northland Mayoral Forum and Chief Executives' Forum.

#### 10. Dispute resolution

If there is a dispute over the terms of this Triennial Agreement, where possible the parties will, via the Mayoral Forum, attempt in good faith to resolve the dispute through discussion. If the dispute cannot be resolved in good faith within 20 days from the date the parties met, any party may refer the dispute to mediation and must advise all other parties of the referral. If the parties fail to agree on a mediator within 14 days from the date of the referral notice, the mediator will be appointed by the President of the New Zealand Law Society. Each party shall share equally the fees and costs of the mediator.

#### 11. Costs

Councils are responsible for their own costs related to meeting attendance and internal work. Hosting councils will also cover meeting expenses — including venue hire, catering, and guest presenters — unless agreed otherwise. Additional costs will be assessed on a case-by-case basis.

## AUTHORITY

This agreement is signed on \_\_\_\_\_ by the following on behalf of their respective authorities.

Mayor

Mayor

Mayor

Chair



<sup>8</sup> It is important to note that the host council may decide to run the meeting virtually.

## Appendix 1: RMA Regional Policy Statement and Regional/District Plans

The Agreement, and this appendix for RMA RPS and plans, aims to:

- ensure good practice and early consultation between councils during plan preparation, changes and review;
- avoid possible misunderstandings of respective roles and statutory obligations;
- clearly define when comments and/or submissions by either party are appropriate; and
- establish an agreed process to be followed, including expectations and timeframes.

There are four stages of interaction and consultation:

- pre-plan
- draft plan (a matter of best practice rather than legally required)
- notified plan
- appeal to Environment Court.

### 1. Pre Plan

In this stage, all parties will take full advantage of the opportunity to fully understand each other's position, provide initial assessments of issues or matters likely to be of concern and explore techniques and methods to achieve the desired outcomes.

This phase will focus on significant points of difference. Effort will be spent on resolving these differences. Minor points of difference will not get in the way of the parties dealing with the significant ones.

Once the reasons for the plan are understood and the areas of difference are established then the parties will decide if further progress can be made to resolve these differences and a process and timeframe to move forward will be established and these matters will be recorded.

### 2. Draft Plan

When a plan reaches a draft stage and before it has been approved for notification by council for formal statutory consultation, it shall be forwarded to councils in the region for their comment (i.e. this phase occurs before public notification of a proposed Plan). This stage may be formal or informal. (It can occur alongside consultation with the wider community.)

A presentation to affected councils on the draft plan will, where possible, occur. Council comments on a draft plan will usually be:

- discussed with or reported to the council, and
- represent the organisational view.

To avoid confusion, and for transparency, comment should include a summary of any positions reached in pre-consultation. Comments should relate to policy implications (and assuming the above process has been followed) they should highlight the points of difference already identified. Comments should clearly distinguish between significant and more general matters.

Comments by the regional council or district councils on other councils' plans should be clearly referenced to the council's LTP and/or any relevant policy or operational document (including existing or emerging growth strategies and models). All comments made should explain the impacts on the council in terms of cost, practicality, necessity and reasonableness in sufficient detail to be credible and stand scrutiny, i.e. in such a way that the feedback can be used in a section 32 RMA

analysis. In making comments councils should also highlight how the plan can meet the relevant council's statutory functions and responsibilities while addressing or taking on board the submitting council's comment.

Matters not resolved at this stage are likely to be the subject of formal submissions. Unless the draft plan changes significantly, no new issues would be expected to arise once the plan is notified.

Senior managers of the councils involved will review the position reached and satisfy themselves that the procedural requirements have been followed and all reasonable steps have been taken to resolve matters still in dispute. If a senior manager, in consultation with their Chief Executive Officer, is not satisfied then the matter may be escalated to the council's respective governance level.

### **3. Notification**

Submissions in opposition from a party should not be a surprise and should relate only to significant matters already commented on, unless the plan has been materially changed between draft and notification.

A second tier manager will carefully review any submission prior to its approval to ensure:

- it is well founded in terms of policy or other relevant criteria
- it is a significant matter on its own or gives rise to significant implications for the council in carrying out its responsibilities and/or implementing its policy
- it specifies a means of relief that is appropriate.

All district council submissions (except further submissions) on a change to the RPS submissions to the new regional plan will be approved by the relevant council.

All regional council submissions (except further submissions) on proposed (new) district plans will be approved by the regional council (time permitting).

Given that significant matters are involved to justify a submission, relevant staff are expected to appear at the hearing.

### **4. Environment Court**

By this stage every effort will have been made to resolve significant differences efficiently and cost effectively.

Mediation will be used where parties genuinely wish to find common ground. At times a Court decision will be preferred or will be necessary, for example where a point of law or a difference of professional opinion is at issue.

## 5.2 SUBMISSION ON PLANNING AND NATURAL ENVIRONMENT BILLS

**File Number:** A5556538

**Author:** Lucian Plaumann, Senior Policy Advisor

**Authoriser:** Roger Ackers, Group Manager - Planning & Policy

### TAKE PŪRONGO / PURPOSE OF THE REPORT

To receive the submission on the Planning Bill and Natural Environment Bill.

### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- On 09 December 2025, the Government introduced the Planning Bill and Natural Environment Bill (the Bills).
- On 16 December 2025, the Planning Bill and the Natural Environment Bill received their first reading and was referred to the Environment Committee.
- On 18 December 2025, the Environment Committee issued a joint call for public submissions. The closing date for submissions is 13 February 2026.
- The purpose of the Bills is to repeal and replace the Resource Management Act 1992.
- Council staff have drafted a submission (Attachment 01) on the Bills as the proposed amendments could,
  - Impact local voice and decision making;
  - have financial implications for Council and our communities;
  - impact local government fiscal capacity to deliver implementation;
  - reduce implementation capability due to sequencing issues and challenges for our regulatory functions;
  - impact partnership obligations and meaningful engagement with tangata whenua.
- The Chairperson of the Environment Committee is required to report back to the House no later than 26 June 2026.

### TŪTOHUNGA / RECOMMENDATION

**That Council approve the submission on the Planning Bill and Natural Environment Bill in Attachment 01.**

### 1) TĀHUHU KŌRERO / BACKGROUND

On 09 December 2026, the Government introduced the Planning Bill and the Natural Environment Bill (the Bills).

The Bills repeal and replace the Resource Management Act 1992, aiming to:

- reduce the number of consents by narrowing the type of effects that are regulated;
- make it easier to build homes and infrastructure;
- increase consistency between council plans across the country through greater standardisation;
- reduce the number of council plans by providing for one
- plan per region that implements national direction and includes spatial, natural environment, and land-use plans;
- introduce an environmental limits framework covering air, water, land, soils, and indigenous biodiversity, and setting out a regime to manage resource use within these limits;
- make better use of data and technology to enable faster, more consistent planning decisions and make it easier to monitor performance and outcomes.

On 16 December 2025, the Bills received their first reading and were referred to the Environment Committee.

On 18 December 2025, the Environment Committee called for public submissions. The closing date for submissions is 13 February 2026.

The Chairperson of the Environment Committee aims to report back to the House no later than 26 June 2026.

## **2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS**

Staff have prepared a draft submission (Attachment 01), an overview is provided below.

FNDC supports the overall hierarchical framework of goals, national direction, plans and consent decisions (the “funnel system”). This particularly includes the objectives to:

- enable sufficient development capacity for future housing and business growth needs
- improve consistency and certainty in planning outcomes
- support timely delivery of high-quality infrastructure
- facilitate economic growth and long-term investment in the economy.

Council staff have concerns regarding the other proposed amendments, grouped into eleven areas:

1. Implementation timeframes and sequencing issues.
2. Impact on local decision making.
3. Upholding Te Tiriti obligations and Māori engagement.
4. Impacts to climate change mitigation and adaptation.
5. Spatial plan suitability for Far North.
6. Regulatory relief framework creating new legal and financial risk for FNDC.
7. Impacts to consenting processes due to the narrowed scope.
8. Practical implications to achieve Transitional Arrangements.
9. Funding for the Planning Tribunal.
10. Compliance and enforcement implications under the new system.
11. Clarity about the cohesion of the consenting framework and the two Bills.

The proposed reforms increasingly centralise decision making (to Ministerial discretion) in ways that risk eroding local voices, limiting our ability to respond to place based needs, and weakening the partnerships and community led approaches that are essential to effective engagement in the Far North.

The Bills have an omission of a broad obligation to consider Te Tiriti o Waitangi (Treaty of Waitangi) (as in Part 2 of the RMA). Terminology in the Bills refers to participation rather than engagement, possibly reducing the level of involvement for iwi and hapū.

The cost burden is of significant concern to FNDC, particularly given the proposed rates cap. The regulatory relief framework will introduce financial liabilities as the current wording in the Bills increases the risk for litigation, and it is considered a high proportion of regulatory relief cases are likely to be appealed.

There is a lack of investment and support from central government. Further government commitment to funding and support is required to enable effective implementation that does not compromise FNDC levels of service for our communities. This is considered as a lack of funding, as well as support for increasing human capacity (training) to deliver under the new system.

The local government reform occurring concurrently with resource management reform creates timeframe and sequencing issues which will hinder implementation, increasing the risk of halting or repeating work, introducing cost burdens and reputational risk with the community.

## OPTIONS

### **Option One: Approve the submission on the Planning Bill and Natural Environment Bill in Attachment 01.**

The submission will be provided to the Environment Committee.

#### *Advantages and disadvantages of approving the submission*

**Advantages** Council's submission recommends to the Environment Committee key issues which should be addressed for effective reform.

If the Environment Committee agrees with FNDCs recommendations, the amended Bills would allow for local voice, place based needs, partnerships and community led approaches, whilst not requiring financial burden to Council.

**Disadvantages** No disadvantages are identified

### **Option Two: Do not approve the submission on the Planning Bill and Natural Environment Bill in Attachment 01.**

The submission will not be provided to the Environment Committee.

#### *Advantages and disadvantages of not approving the submission*

**Advantages** FNDC does not take a position, therefore there would be no political risk to Council. FNDC would rely on representation from organisations such as Taituarā.

**Disadvantages** FNDC would not have a voice in being able to create Planning and Natural Environment Acts that reflect the needs of our District.

## TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

Council staff advise the submission in Attachment 01 accurately reflects the views of staff.

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

There is no cost to produce and submit this submission.

## ĀPITIHANGA / ATTACHMENTS

### **1. Planning and Natural Environment Bills Submission - A5556603**



## 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 <a href="#">Council's Significance and Engagement Policy</a>	In line with the Significance and Engagement Policy the recommendation to approve the submission will have little effect on financial thresholds, ratepayers, specific demographics, or levels of service. Therefore, the level of significance is low, and Council is not obliged to publicly consult.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The following policies relate to the decision of this report: <ul style="list-style-type: none"> <li>• Signed memorandum of understanding with iwi and hapū</li> <li>• Mana Whakahono ā Rohe agreements</li> <li>• Resource Management Act</li> <li>• Spatial Plans</li> <li>• District Plan</li> </ul>
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 submission on the Planning Bill and Natural Environment Bill has district-wide relevance and is not within the delegations of Community Boards to consider.
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.	The decision in this report does relate to land or any body of water. The submission acknowledges that to inform good decision-making under our statutory requirements and in line with Te Tiriti o Waitangi/The Treaty of Waitangi, amendments should be made to the two proposed Bills.
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).	Developers and Planners are most likely to be affected and have an interest in this matter.

State the financial implications and where budgetary provisions have been made to support this decision.	There is no cost to produce or submit this submission.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.



**HE ARA TĀMATA**  
**CREATING GREAT PLACES**  
*Supporting our people*

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xx February 2026

**To:** Environment Committee  
Parliament Buildings  
Wellington 6011

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#### **RE: Submission on the Planning Bill and Natural Environment Bill**

Thank you for the opportunity for Far North District Council (FNDC) to provide a submission to the Environment Committee on the Planning Bill and Natural Environment Bill.

Contact details:

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Kaikohe 0440.

#### **Background**

The Far North District is the most northern territorial local authority in New Zealand, with one of the longest coastlines and largest land areas in New Zealand - 669,251 hectares - bordered with the Whangarei and Kaipara districts. The Far North is characterised by coastal harbours and bays on the east coast and long beaches interrupted by deep harbours on the west coast. Inland, the Far North is made up of rugged native bush covered areas, farmland, and horticulture. The Far North is a holiday destination, leading to a fluctuating population over summer with the household occupancy rates of some areas doubling during peak summer season.

FNDC is a Tier 3 Council. The district has an estimated residential population of 73,700, with no single main centre. Instead, our urban population is focused in a series of towns across the district, with Kerikeri, Kaitaia, Kaikohe and Kawakawa being the largest. Currently, more people in the Far North live rurally than in urban settings.

Approximately 50 percent of the resident population in the Far North is Māori. The district includes approximately 144 marae, 10 Iwi Runanga and over 200 hapū. There have been 9 treaty settlements to date in the Far North with the potential for around 200 more as some hapū seek to settle as individual entities in addition to iwi. The largest iwi in the rohe, Ngapuhi, have not yet reached a treaty settlement. In addition, a number of hapū and iwi have had customary rights recognised, and 2 hapū have also received Mandated Iwi Status through Forestry and Fisheries settlements.

Tangata whenua have a long and rich association with the Far North. Council recognises this long settlement and therefore the special position of tangata whenua within this district, and the significant and long-term role Māori have in Council's decision making. The partnership with tangata whenua is embedded into the way FNDC works today and is an evolving relationship.

FNDC's supports the overall hierarchical framework of goals, national direction, plans and consent decisions (the "funnel system"). This particularly includes the objectives to:

- enable sufficient development capacity for future housing and business growth needs;
- improve consistency and certainty in planning outcomes;
- support timely delivery of high-quality infrastructure; and
- facilitate economic growth and long-term investment in the economy.

FNDC agrees that clear national direction and local planning and delivery are central to the success of the resource management framework. The effectiveness of the reforms will depend heavily on the content, sequencing, and timing of national instruments. This detail has not been announced. Without it, we cannot provide an informed assessment of the new framework.

### High level views on the joint Bills

#### 1. Implementation timeframes and sequencing

- 1.1. The Government has announced that it intends to initiate reform of the local government system concurrently with Resource Management Act (RMA) reform. This presents significant risk that could result in delays as both reform packages and frameworks affect local decision making, create additional demand on local government resources, introducing tight and likely impracticable timeframes.
- 1.2. Given the impacts from the ongoing local government system reform, concurrent RMA reform creates implementation issues. Regard has not been given to this, resulting in a lack of cohesion between the two reform packages as well as inadequate support from central government to resource constrained regions such as Northland, and the Far North district. Councils pooling resources does not adequately address the resource constraints for effective implementation.
- 1.3. The Bills current sequencing has national direction and national limits being developed concurrently with spatial plans, while limits for ecosystem health are to be developed after spatial plans. This carries the high risk of having to change spatial plans midway through the plan process, or after they are adopted to ensure that they are consistent with new direction, resulting in inefficiencies and community fatigue.
- 1.4. There is risk of not having national direction on the preparation of land use plans prior to the development of regional plans. This is due to the need for the regional plan to provide the right framework to inform the future land use plans. Both documents must integrate to achieve good outcomes on the ground.
- 1.5. We understand Taituarā will submit indicating that a best case (but still unlikely) is that it would take 23 months for the preparation of the draft Regional Spatial Plans. This is 7 months longer than the Planning Bill's prescribed timeframe.
- 1.6. **FNDC recommends central government,**
  - 1.6.1. Address the implementation issues from having concurrent reforms, addressing challenges from overlapping resource management and local government reforms.
  - 1.6.2. Amend timeframes so that they account for the cumulative demands placed on local government, tangata whenua and the public.

- 1.6.3. If the Select Committee does not wish to adjust timeframes, agree to a roll out prioritising key regions (e.g., Tier 1 Councils) that can meet the required timeframes.
- 1.6.4. Set national policy direction and environmental limits before requiring the development of Regional Spatial Plans.
- 1.6.5. Increase resourcing, capability support, and transitional funding to Councils.
- 1.6.6. Design transitional arrangements and timeframes to account for dependencies within the “funnel” and provide flexibility for plan making where upstream direction is incomplete or delayed.

## 2. Local decision-making

### *New ministerial discretion*

- 2.1. The Bills introduce significant ministerial powers that extend to
  - 2.1.1. the appointment of committee members;;
  - 2.1.2. intervention in hearings panels;
  - 2.1.3. directing local authority functions;
  - 2.1.4. auditing the draft regional spatial plan;
  - 2.1.5. prevailing ministerial decisions in dispute resolution; and,
  - 2.1.6. prevailing ministerial decisions over local authorities on recommendations for the draft Regional Spatial Plan.
- 2.2. We agree that national oversight will help maintain consistency, but it should not be at the risk of overriding local decision-making. FNDC invests heavily in collaborating with communities to develop a resource management approach that reflects the district needs and priorities.

### *The role of national standards*

- 2.3. The Bills substantially reduce regional and local discretion, putting standardised nationally set provisions or direction at the centre of decision making.
- 2.4. FNDC supports the value of national consistency and how it can facilitate quicker implementation. However, this should not be at the cost of being able to consider local conditions and issues and provide an appropriate environment response. Not having this flexibility means planning documents are not fit for purpose.
- 2.5. What is needed or works in a large city, will not meet the needs of our district which is made up of smaller urban centres and a range of diverse rural communities. This has been demonstrated in recent hearings held for the Far North Proposed District Plan, where bespoke zones and precincts have been supported and requested by submitters. There is also risk that having uniform rules, will only benefit our growing communities such as “Kerikeri” and result in widening disparities across our district, for example, not adequately meeting the needs for rural housing.
- 2.6. The additional benefit of providing this level of flexibility is that the time and resources (private and public) put into FNDC new district plan (10 years), can be integrated into the new framework. We have seen widespread support from submitters on the Proposed District Plan as part of changes recommended to the hearing panel. The changes have been driven by

RMA reforms signalled by the government, and to respond to a recently adopted Kerikeri/Waipapa Spatial Plan.

### **2.7. FNDC recommends central government,**

- 2.7.1. Amend Ministerial directions so they are limited to matters of national significance and require standardised criteria for their use.
- 2.7.2. Amend the Bills so that Ministerial discretions should be used as a 'last resort', and with the aim to support collaborative efforts to resolve differences, provide expertise (when requested) or share costs.
- 2.7.3. Amend the Bills to allow for bespoke planning rules, that have a clear and workable pathway and provide the required level of flexibility needed to support our communities.
- 2.7.4. When developing standardised rules and zones for land use planning, consideration is given to what is required to support districts' diverse local contexts, such as in the Far North.
- 2.7.5. Embed core national direction in the new Acts where possible.

### **3. Uphold Te Tiriti obligations and provide for Māori Engagement**

#### *Impact on Te Tiriti obligations*

- 3.1. Approximately 50% of people in the Far North District identify as Māori. This is significantly higher than in the Northland region (37%) and nationally (17.8%), making it one of the most densely populated areas for Māori in New Zealand, both as a proportion and in absolute terms.
- 3.2. FNDC strongly supports meaningful, active partnerships with tangata whenua, including iwi and hapū, upholding Te Tiriti o Waitangi (Treaty of Waitangi) commitments and responsibilities. This includes Memorandums of Understanding and partnership agreement which strengthens the relationship between iwi and local government, develops mutual respect, as well as continuity through a shared vision.
- 3.3. FNDC is deeply concerned with the omission of a broad obligation to consider Te Tiriti o Waitangi (Treaty of Waitangi) (as in Part 2 of the RMA). Both Bills restrict recognition of the Crown's Treaty responsibilities to specific matters only, by describing (in section 8 of the Bills) other sections or matters that will address them. These matters focus on existing treaty settlements and other instruments recognised by the Bills (e.g. statutory acknowledgements, planning documents, Mana Whakahono ā Rohe, customary marine title). This approach excludes unsettled iwi and hapū, as well as groups who do not have those specific types of instruments, of which there are many in our district.
- 3.4. FNDC welcomes the Bills' intention to uphold Treaty settlements and to consider established arrangements. However, the very short two-year transition period (following commencement, as provided for in section 9 of both Bills) for aligning settlement redress or arrangements with Post Settlement Governance Entities (PSGEs) creates a significant power imbalance in negotiations that disadvantages PSGEs. It may also be extremely challenging for the Crown to reach agreement with PSGEs on how to give the same or equivalent effect - so far as possible under the new Acts - to existing Treaty settlement redress or arrangements, particularly given that those instruments were developed within a framework that included the broader protections of Part 2 of the RMA and other relevant legislation.

#### *Iwi and hapū engagement*

- 3.5. The framework anticipates consultation and participation in the national and plan making process while reducing formal input as part of the consenting process. This is a concern as many issues are raised at the consent stage of a development rather than during the plan making process due to our district having non settled iwi authorities, and capacity issues to engage in the planning making process. Additionally, it is concerning the terminology is 'participation' rather than 'engagement' as it reduces the level of partnership collaboration.
- 3.6. The Planning Bill does not include the transfer of powers, functions and responsibilities to an iwi authority as per the RMA. At the most it can be transferred to a joint committee. Having this ability is helpful for monitoring functions of a council for example.
- 3.7. Mana Whakahono ā Rohe partnership agreements between tangata whenua and councils in Te Taitokerau are an important partnership mechanism. They provide a foundation for maintaining trusted partnerships, consultation on the development of policies and plans, and collaborating on community-based work. The agreements provide a proven framework for collaboration and the ability to enter into agreements under the new legislation. Not having this ability could result in inequity between iwi authorities and hapū, with only one authority (Ngāpuhi) currently having such agreement in place within our district.
- 3.8. FNDC supports the Bills' provision for those who have entered in to, or have initiated, Mana Whakahono ā Rohe to be involved in the development of land use and environment plans as well as compliance and enforcement strategies. We also support the other provisions relating to consultation on emergency response regulations, emergency works, and review and extension of coastal permits.
- 3.9. Mechanisms in the Bills for 'involvement' of tangata whenua are mostly consultative and reference only specific groups (not hapū or non-settled iwi), with a heavy reliance on existing iwi authority participation legislation. This needs to be a minimum requirement, giving local authorities the option of widening participation to build on relationships or meet the needs of their Treaty partners. This is important where a Council has an established relationship with hapū.
- 3.10. To support the intent of upholding Treaty settlements and arrangements with PSGEs, FNDC is concerned there are not clearer directions for maintaining the integrity of co-governance instruments that have been given legal effect through settlement legislation. These instruments carry statutory obligations that require councils to give effect to them. Providing explicit recognition within new spatial plans, land use plans, and natural environment plans would help ensure continuity, avoid uncertainty during transition, and reinforce confidence that settlement commitments will be reflected in planning decisions.
- 3.11. FNDC supports provisions in the Bills that provide for the identification and protection of sites of significance to Māori. Sites of significance to Māori are an essential component of upholding partnership obligations and providing a level of protection that recognises the importance these areas and sites hold for Māori. Non-protection of these sites creates challenges and tensions within our district, as there is uncertainty for landowners as well as for Māori. However we note that there's a potential gap in the Planning Bill regarding protection of cultural landscapes. This is important when you have a large cluster of sites and areas of cultural significance, which may be more practical to protect cultural values at a wider scale.
- 3.12. FNDC support the protection of cultural heritage, however there is significant financial costs to undertake the technical implementation work. Central government funding is needed to enable the capacity of local government to complete that work, especially when considering the proposed plan-making timeframes.

3.13. **FNDC recommends central government,**

- 3.13.1. Create clearer direction to maintain the integrity of co-governance instruments that have been given legal effect through settlement legislation - such as Te Rautaki o Te Oneroa-a-Tōhe (Te Oneroa-a-Tōhe Beach Management Plan).
- 3.13.2. Retain Mana Whakahono ā Rohe agreements as a mechanism for working in partnership with iwi and hapū.
- 3.13.3. Adopt the Expert Advisory Groups recommendations and retain the relevant Part 2 provisions of the RMA in relation to the principles of Te Tiriti (the Treaty).
- 3.13.4. Use terminology 'engagement' as opposed to 'participation' in developing national instruments, spatial planning and land use plans and agree that all feedback through that engagement must be taken into account.
- 3.13.5. Include the ability to transfer powers, functions and responsibilities to an iwi authority in section 193 of the Planning Bill.
- 3.13.6. Endorse meaningful Māori participation at the regional and district levels, not primarily at the national and plan making level.
- 3.13.7. Amend the legislation to provide for the ability to protect cultural landscapes.

#### 4. Climate Change

- 4.1. FNDC is supportive of incorporating climate adaptation and spatial planning requirements from the Climate Response Act into spatial plans, provided the process allows sufficient time and genuine opportunities for communities to identify priority areas.
- 4.2. FNDC is concerned that the Bills do not require planning to consider long-term climate risk (30–100+ years), even though infrastructure and settlement patterns are long-lived. Without this, the risk-based framing in the Planning Bill risks defaulting to short-term or historical risk, rather than forward-looking climate risk.
- 4.3. The current drafting of the Natural Environment and Planning Bills do not reference the National Adaptation Plan (NAP) or the National Climate Change Risk Assessment (NCCRA), both of which are central to how adaptation is framed nationally. FNDC is concerned that it does not include clear objectives for climate adaptation or emissions reduction.
- 4.4. As a result of the points made in 4.3, there are unclear mandates for adaptation planning, and the sequencing of national direction ahead of spatial plans. The narrow interpretation of section 12(c) in both Bills may also limit meaningful hapū involvement and hinder FNDC's ability to uphold Te Tiriti obligations. Without clarity on tangata whenua roles or leadership in adaptation planning, these Bills risk undermining risk reduction efforts, resilient infrastructure delivery, and community-led adaptation across the Far North.
- 4.5. Spatial plans and land-use plans must be consistent with national emissions budgets and Emissions Reduction Plans under the Climate Change Response Act. FNDC's policy framework recognises mitigation as a core responsibility, not just adaptation. Without this link, climate mitigation risks ambiguity as to who is responsible for it under the proposed system.
- 4.6. The Planning Bill establishes a new framework for land-use planning and aims to reduce natural hazard risks through proportionate, risk-based planning, but it does not provide any mechanism for central government funding to support local authorities with hazard identification activities such as mapping land instability, which remains incomplete across many regions.

- 4.7. While the Bills outline system goals—such as safeguarding communities from the effects of natural hazards and improving the use of data and technology—it contains no clauses that allocate or require financial assistance for councils to undertake the foundational technical work needed for robust hazard assessments. FNDC is concerned this increases council's cost burden and liability, including legal and reputational risk.
- 4.8. Regional hazard risk assessments have been indicated in the Bills, however FNDC is concerned that there is no clarity as to how the assessments will be undertaken, and how existing modelling will be used. For example, how will regional flood mapping be given effect to. Further, it is unclear how data from the district and region will be collated and used for a cohesive and well-informed assessment.
- 4.9. FNDC is concerned requirements for monitoring and reporting on climate adaptation and emissions reduction outcomes within the planning system are not included in the Bills. There is also no indication that plans will be reviewed and updated as climate science, risk profiles, and national direction evolve.
- 4.10. **FNDC recommends central government,**
  - 4.10.1. Maintain clause 3(1)(f) in Schedule 2 of the Planning Bill so that Spatial Plans continue to identify priority locations for adaptation planning under the Climate Change Response Act 2002, provided these locations are determined through a rigorous, Te Tiriti consistent, community-driven process.
  - 4.10.2. Amend the Bills so they require planning to consider long-term climate risk over a 30–100+ year time horizon using the risk-based framing for forward-looking climate risk.
  - 4.10.3. Include climate change adaptation and emissions reduction as core objectives within both the Natural Environment Bill and the Planning Bill.
  - 4.10.4. Amend the Bills so that spatial plans and land-use plans are consistent with national emissions budgets and Emissions Reduction Plans under the Climate Change Response Act.
  - 4.10.5. Amend the Planning Bill with requirements for monitoring and reporting on climate adaptation and emissions reduction outcomes, with an option for plans to be reviewed where climate science, risk profiles, and national direction change.

## 5. Spatial Plans

- 5.1 FNDC strongly support spatial plans and adopted Te Pātukurea – Kerikeri Waipapa Spatial Plan in 2025. Spatial planning is essential for aligning growth, infrastructure, and environmental protection. This was developed in partnership with a hapū ropū. If well developed and implemented, they will deliver significant economic benefits through efficient investment and improved investor and mana whenua confidence.
- 5.2 FNDC supports spatial plans being developed in partnership at a regional level, subject to each district achieving positive outcomes for its communities. They must be developed in a way that does not prioritise densely populated urban centres driven by existing growth, over change throughout the district that will improve overall community outcomes.
- 5.3 FNDC supports that Land Transport Management Plans and Long Term Plans must be developed in a manner that will implement these planning documents. It is important that it is clear Local Water Done Well reform integrates these spatial plans, as they will focus heavily on three waters infrastructure. FNDC has a concern over timeframes and how this will be integrated. For example, if growth is the end goal of these reforms, then we must have in place

effective mechanisms to fund infrastructure, which does not rely on rate takes, which are proposed to be capped.

5.4 FNDC is concerned that the Fast Track Approvals Act does not require decision makers to recognise spatial plans, meaning that approval could lead to unanticipated development or infrastructure needs that conflict with those plans.

5.5 Effective spatial planning also depends on the availability of high-quality data, modelling, and local intelligence, including flood mapping, land-use feasibility, infrastructure capacity, and development economics.

**5.6 FNDC recommends central government,**

- 5.6.1 Amend Fast Track legislation so that spatial plans are required to be considered.
- 5.6.2 Adjust and sequence spatial plan preparation to align with timely release of critical national instruments.
- 5.6.3 Release the environmental limits under the Natural Environment Bill and the National Flood Map under the National Adaptation Framework ahead of the commencement of spatial planning.
- 5.6.4 Review the instruments and related methodologies with consideration to Councils capacity to deliver within the proposed timeframes.
- 5.6.5 Review the integration of the Bills with other related legislation that provide the implementation mechanisms for these regional plans, e.g., Infrastructure Funding and Financing Bill development levies.

**6. Spatial Planning Committee**

6.1. The specification of the planning committee being given responsibilities under the Bills gives no direction on the makeup of these committees apart from a chairperson, secretariat and Minister-appointed members.

6.2. It is concerning there is no requirement for tangata whenua representation or for members to have expertise in tikanga Māori and local iwi or hapū perspectives.

6.3. A barrier to identifying site and areas of cultural significance in the Far North Proposed District Plan was the cost of undertaking this work. At that time, it was estimated that undertaking would cost approximately \$10 million dollars. This is due to the scale of cultural heritage in our district that has not yet been formally identified and protected and the need to has this mainly Council funded due to capacity issues with Iwi authorities and local hapū. This resulted in reliance on the existing sites being rolled over and taking new information from the heritage list produced by Heritage NZ or dealing with individual sites through the submission process.

6.4. It should also be recognised that a challenge for data collection is that in some instances hapū may not want to formally identify or protect these areas for cultural reasons.

**6.5. FNDC recommends central government,**

- 6.5.1. Provide greater direction on the planning committee design and its role (including composition, voting mechanisms, dispute resolution pathways).
- 6.5.2. Develop guidance to support a model framework for the committee establishment, membership and delegations.
- 6.5.3. Require planning committees to either have iwi authority representation or members that have expertise in tikanga Māori and local iwi and hapū issues.

6.5.4. Provide additional resources to local authorities by central government to enable effective tangata whenua participation in the development of spatial plans, especially in relation to the identifying sites of significance to Māori.

6.5.5. Amend the Bills so that the framework will still protect sites and areas that are not formally protected.

## 7. Regulatory Relief Framework

7.1. Our district and wider region is home to exceptional cultural and environmental values. These contribute to the district's identity and are major factors that support sectors such as tourism. When considered as a sector, Infometrics data finds Tourism was the fourth largest contributor to the Far North district's GDP in 2024.

7.2. The Far North has some of the highest rates of deprivation in New Zealand and our residents face significant socioeconomic challenges. FNDC is concerned that our district has a disproportionate cost burden when protecting the environment (vegetation, water, biodiversity, etc.) on land for national benefit. This results in conservation being seen as a burden, rather than as a service, due to concerns over opportunity costs, business viability for sectors such as farming, and impacts to land value. This results in tensions between protecting the environment, while providing for economic growth. FNDC views the current relief mechanism proposed as incorrectly targeted to those that can't afford it (our rate payers), and does not adequately recognise the national benefit provided.

7.3. The proposed relief framework introduces legal and financial risk associated with protecting the districts and wider regions natural and cultural values. The way the bills are currently worded will invite litigation and a high proportion of regulatory relief cases are likely to be appealed. Councils could be left with substantial financial liabilities, or it will discourage councils from implementing proactive measures to protect these values. In many cases, protection of these values will be set down through national direction by central government.

7.4. Retaining the Planning Bill as currently written will place financial burdens on districts and regions such as the Far North. This is because FNDC have not yet identified sites and areas of cultural significance or have a high portion of these values due to our history and lack of development for example. Under this framework, councils with lower financial resources will likely bear the highest cost burden.

7.5. FNDC is concerned that under this framework perverse outcomes could be created where protections have been in place for decades, with new landowners receiving financial compensation for loss of property rights which they were aware of at the time of purchase.

### 7.6. FNDC recommends central government,

7.6.1. Remove the regulatory relief framework entirely and retain the framework set down in the RMA regarding "reasonable use".

7.6.2. If the above is not supported, where compensation is required to implement national direction or set limits, prescribe that this will be funded by central government, and that the Bills specify that providing consenting support is a form of relief which is prioritised over other financial compensation such as land swaps.

7.6.3. Introduce a mechanism which reduces the cost burden for landowners who protect the environment on their land for the public benefit (e.g., protecting native vegetation, water quality, biodiversity, etc.) that is at a national level rather than local / regional and look at wider mechanisms such as income tax relief.

- 7.6.4. Restrict eligibility to demonstrable, realisable development potential, not theoretical scenarios.
- 7.6.5. If this framework continues, then it should only apply to new protection rather than 'roll overs' from existing plans, and it has resulted in the loss of reasonable use of a person's property.
- 7.6.6. Provide greater detail before implementation to understand the financial implications and risk exposure of such a framework, particularly given implications from a proposed rates cap.

## 8. Consenting

- 8.1. Under the Bills, consenting manages a far narrower set of effects than under the RMA. This reflects the intent to reduce the number of consents required, and speed up development by providing national direction, and nationally standardised rules for locally implemented plan provisions.
- 8.2. Many activities that currently require consent in our district (estimated up to 49%) are expected to become permitted. The proposed framework excludes certain types of effects entirely. Internal sites effects, visual amenity, private views, and impacts on competing business will become out of scope. Subjective assessments of character and amenity are also excluded except where necessary to the project:
  - 8.2.1. outstanding natural features and landscapes;
  - 8.2.2. significant historic heritage;
  - 8.2.3. sites of significant to Māori, and
  - 8.2.4. areas of high natural character within the coastal environment and wetlands.
- 8.3. While the narrowing of scope may deliver efficiency gains, it reduces flexibility to respond to atypical or unforeseen scenarios. For example, much of our district is classified "rural environment" and there have been concerns raised strongly in communities such as Kerikeri over the "amenity values of their village identity". Therefore, 'visual amenity effects' outside protected categories are likely to have in some instances significant local impacts. Yet the proposed system removes tools to address such outcomes once plan provisions are set.
- 8.4. FNDC is concerned that there appears to be limited scope to recognise unmapped sites of cultural significance at the consent stage. Many sites and areas are currently not mapped within the district. This is an issue that arises when developments occur in our district and creates tensions in relations between Council and tangata whenua, as we are seen as not protecting cultural heritage.
- 8.5. The Bills expand the role of offsetting and compensation which has the potential to create unintended outcomes. It is also unclear if this can be done, rather than avoid or mitigate an effect first. This may result in offsetting and compensation becoming the default mechanism.
- 8.6. Legislation must retain the ability for decision makers to decline proposals where effects cannot be adequately avoided, remedied or mitigated. This is vital to ensure public confidence in our planning system.
- 8.7. FNDC notes the challenges associated with transitional application of the new effects principles in implementation of existing RMA plans. Legacy plan provisions were drafted under a broader effects regime and often serve multiple purposes simultaneously. Applying the new 'narrowed effects' framework in a hybrid system may create uncertainty, inconsistency, and legal risk.

**8.8. FNDC recommends central government,**

- 8.8.1. Amend the Bills to enable consideration of credible evidence of cultural values when a site or area is not yet scheduled.
- 8.8.2. Amend the Bills with clear notification and affected person pathways for tangata whenua.
- 8.8.3. Note consideration as to what provisions of new Acts should have immediate effect, considering practicality of implementation.
- 8.8.4. Provide guidance and support during the transitional period for councils and applicants and their agents.
- 8.8.5. Delete clause 14 (effects outside the scope of this Act) or provide for amenity effects to be considered; at a minimum outside of urban environments there should be the ability to consider amenity effects when undertaking activities.

**9. Plan Changes through consents**

- 9.1. It appears that the Bills allow (Section 98 and 144) for the granting of a consent to change rules that apply to an area that provide a significant benefit for housing, employment or infrastructure. In effect allowing for a private plan change to a plan without going through the schedule 3 plan change process.
- 9.2. This is concerning as the community needs to have confidence that large scale developments that would result in changes to planning documents will go through a public process and have oversight by elected members.
- 9.3. Careful consideration also needs to be given to whether this would result in surrendering of consents, once new plan provisions are in place, resulting in more restrictive conditions no longer being applicable, which were expected by affected parties or the wider community.
- 9.4. If Section 98 and 144 are retained, it's concerning consent may not go through public notification process. This is vital to ensure that plan making is done at a community wide level, rather than only involving people living in the immediate surrounds for example.

**9.5. FNDC recommends central government,**

- 9.5.1. Remove Section 98 and 144.
- 9.5.2. If Section 98 and 144 is retained, create a right for members of the public to appeal this decision.
- 9.5.3. If Section 98 and 144 is retained, amend the respective sections so that the process should only be facilitated if the consent went through a public notification process.

**10. Transitional Arrangements**

- 10.1. The transition from the RMA to the new system will occur over several years, potentially as early as 2029. However, key elements take effect almost immediately. The Planning Bill introduces a hybrid consenting framework expected to operate from one month after Royal Assent, requiring councils to apply new principles, including the narrowed scope of effects, in the implementation of existing RMA plans.
- 10.2. During this period, councils must implement changes such as revised notification thresholds, exclusions on certain effects, new procedural principles, and consideration of emerging national instruments and regional spatial plans in decision making on resource

consents. This creates a mixed regulatory environment where new legislative concepts must be applied through legacy planning instruments.

10.3. The expectation of early activation has significant practical implications. Councils will need to update processes, develop guidance, train staff, and potentially adapt information systems before enactment. While reform in the long term may reduce costs for council, in the immediate future it will increase costs irrespective of working at a regional level.

10.4. FNDC believes increased support from central government is required. This could be in the form of government developing guidance documents, undertaking free training programmes or funding NZPI to do this for example. This should be occurring once the government has certainty over the Bills.

10.5. **FNDC recommends central government,**

10.5.1. Increase central government support to local government in response to the abovementioned points is an expectation for effective implementation.

## 11. Higher Courts

11.1. FNDC supports the Environment court continuing to hear appeals on “plans” due to their complexity.

11.2. Regarding Planning Tribunal and appeals, the Bills establish a Planning Tribunal under the Environment Court to provide specialist forum for resolving lower-level disputes including consent appeals and regulatory relief matters. The Environment Court would continue to determine appeals relating to plans, while requirements set through national instruments are not open to re-litigation.

11.3. **FNDC recommends central government,**

11.3.1. Provide clarification on the funding arrangements for the Tribunal, cost allocation between the parties, or whether decision may be appealed on points of law.

## 12. Compliance and Enforcement

12.1. The new framework is a shift towards a more rules based regulatory framework supported by compliance and enforcement. This results in reduction in consenting workloads over time, but it correspondingly elevates the importance of monitoring for compliance and enforcement. This means that while savings are made in one area, costs increase in another part of Councils, which is mainly funded through rates. It is unclear in the Planning Bill how cost recovery will occur.

12.2. Without cost recovery, there is a risk that councils will not undertake monitoring unless a complaint is received, for example due to concerns over affordability issues facing councils and rate payers.

12.3. There are new enforcement tools and it's currently unclear what mechanisms can be used during the transition period and it's unclear how to manage situations where effects are excluded from consenting but still relevant to enforcement.

12.4. **FNDC recommends central government,**

12.4.1. Amend the Planning Bill to provide for full cost recovery to ensure that rate payers are not unfairly penalised by more activities becoming permitted.

12.4.2. Provide guidance on which enforcement tools are available during transition and which are not, how to interpret “process undertaken” in relation to enforcement actions, and

how to manage situations where effects excluded from consenting are still relevant for enforcement.

### **13. Relationship between the Planning and Natural Environment Bills**

13.1. The Planning Bill's consenting framework will only succeed if its interface with the Natural Environment Bill is clear, workable, and transparent for applicants and decision-makers. Splitting functions between district "built environment" consents and regional "natural environment" permit risks duplication, gaps, and inconsistent outcomes.

13.2. **FNDC recommends central government,**

13.2.1. Include definitions which are sufficiently broad and integrated to reflect real world environmental interactions, and how development occurs.

13.2.2. Amend both Bills to ensure that all significant environmental effects of an activity can be assessed, even where those effects fall outside the narrowly defined environment of a single Bill.

13.2.3. Ensure there are no gaps where effects are excluded from consideration under both bills.

### **Conclusion**

FNDC would welcome the opportunity to speak directly to the unique issues facing our district. As stated in this submission, there are benefits from these two Bills which FNDC endorse, however there are key issues which should be addressed for effective reform. This is why FNDC would welcome the opportunity to speak and provide real-world examples that illustrate our diverse operating landscape, including honouring our relationship with Far North iwi and hapū, the vast land area and coastline, rural versus urban population and the importance of our district's cultural and environmental values.

We remain concerned that the proposed reforms increasingly centralise decision making in ways that risk eroding local voices, limiting our ability to respond to place based needs, and weakening the partnerships and community led approaches that are essential to effective engagement in the Far North. The cost burden is of significant concern to FNDC and our communities. We seek that the Bills direct costs to developers where processing any application or notification to council (permitted activities), as well as for the increased monitoring obligations. FNDC also believes higher investment and support from central government is required to enable effective implementation which does not compromise levels of service for our communities. Finally, as the Bills are currently formulated, FNDC welcomes changes which address council resource constraints (timeframes, funding, capacity) and the sequencing issues between these two Bills and wider system-level local government reform.

**Guy Holroyd**

Chief Executive Officer

**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:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>6.1 - Te Pīpīwharauroa Committee Recommendations for External Appointments</b>	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)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information	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

**7 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER**

**8 TE KAPINGA HUI / MEETING CLOSE**