Northland Regional CounciL TE KAUNIHERA A ROHE O TE TAI TOKERAU Te Tai Tokerau Maori Advisory Committee Meeting Agenda Thursday 14 May 2015 at 10.30am

NORTHLAND REGIONAL COUNCIL Te Tai Tokerau Māori Advisory Committee Agenda

For meeting to be held in Council Chambers, 36 Water Street, Whāngārei, on Thursday, 14 May 2015, commencing at 10.30am

Recommendations contained in the agenda are NOT decisions. Please refer to minutes for resolutions.

MEMBERSHIP OF THE COMMITTEE Chairman (Cr Dover Samuels, Northland Regional Council)							
Cr Bill Shepherd Northland Regional Council Catherine Murupaenga-Ikenn Te Rūnanga o Te Rarawa Pita Tipene Te Rūnanga o Ngāti Hine Fred Sadler Te Rūnanga-Ā-Iwi-O-Ngāpuhi Mike Kake Te Rūnanga-Ā-Iwi-O-Ngāpuhi Will Ngakuru Te Roroa Whatu Ora Trust	Tui Shortland Te Rūnanga o Ngāti Hine Martin Rudolph Te Rūnanga O Whaingaroa Cr Joe Carr Northland Regional Council Mikaera Miru Te Uri o Hau Settlement Trust Isha Waetford Ngātiwai Trust Board	Cr Paul Dimery Northland Regional Council Darryl Hape Te Rūnanga O Whaingaroa Rawson Wright Te Uri o Hau Settlement Trust Henry Murphy Ngātiwai Trust Board Moengaroa Murray Te Roroa Whatu Ora Trust					
н	APŪ REPRESENTATIVES						
Pereri Mahanga Te Waiariki, Ngāti Korora and Ngāti Takapari Hapū/Iwi Trust Rowan Tautari Te Whakapiko Hapū	Mira Norris Te Parawhau Hapū Authority Charitable Trust Rudy Taylor Hokianga o Ngā Hapū Whānau	Michelle Elboz Ngāti Kuta Patukeha Shirley Hakaraia Ngāti Kuta Patukeha					

Te Whakapiko Hapū John Harawene Ngāti Manu Patu Hohepa Hokianga o Ngā Hapū Whānau

ltem

OPEN MEETING

Nora Rameka

Ngāti Rehia

Ngāti Manu

Helen Locke

Ngāti Kuta Patukeha Te Huranga Hohaia Ngāti Rehia Bundy Waitai Te Hiku O Te Ika Marae Trust

		· J ·
1.0	Opening of Meeting - Karakia	~
2.0	Apologies	~
3.0	Declarations of Conflicts of Interest	~
4.0	Confirmation of Previous Minutes – 11 December 2014	1 - 8
5.0	Receipt of Action Sheet	9 - 12
6.0	Draft Process and Agenda Template for Marae Based Workshops	13 - 16
7.0	Calling for nominations: Marae based workshop Te Tai Tokerau Māori Advisory Committee	17 - 18
8.0	Waiora Northland Water	19 - 20
9.0	Update: Long Term Plan 2015 2025	21 - 22
10.0	Accredited Māori Commissioners in Te Tai Tokerau	23 - 28
11.0	Draft Programme of Work: Te Tai Tokerau Māori Advisory Committee	29 - 34

ITEM: 4.0 Page 1 of 1

ISSUE: Confirmation of Minutes – 12 February 2015

To: Te Tai Tokerau Māori Advisory Committee meeting, 14 May 2015

From: Rachel Rōpiha, Iwi Liaison Officer

Date: 29 April 2015

Report Type:	1 N	ormal operations		Information	Decision
D	🗌 In	nfrastructure		Public service	Regulatory function
Purpose:	🗹 Le	egislative function		Annual\Long Term Plan	Other
Significance Policy:	nT 🗌	riggered	V	Not Triggered	

Executive summary:

The purpose of this report is to present the unconfirmed minutes of the Committee meeting held on 12 February 2015 **(attached)** for confirmation as a true and correct record.

Legal compliance:

Councils are required to keep minutes of proceedings in accordance with the Local Government Act 2002.

Recommendation:

That the minutes of Te Tai Tokerau Māori Advisory Committee meeting held on 12 February 2015 be confirmed as a true and correct record.

NORTHLAND REGIONAL COUNCIL Te Tai Tokerau Māori Advisory Committee

Minutes of the meeting of Te Tai Tokerau Māori Advisory Committee held in Council Chamber, 36 Water Street, Whāngārei, on Thursday, 12 February 2015, starting at 10.30 am

Present:

Chairman Dover Samuels, Northland Regional Council Deputy Chairman Pita Tipene, Te Rūnanga o Ngāti Hine (until 12.30 pm) Cr Bill Shepherd, Northland Regional Council Michelle Elboz, Ngāti Kuta Patukeha Bundy Waitai, Ngā Hapū o Ngati Kuri/Te Hiku O Te Ika Marae Trust Catherine Murupaenga-Ikenn, Te Rūnanga o Te Rarawa Darryl Hape, Te Rūnanga O Whaingaroa Helen Locke. Ngāti Manu Joe Carr, Northland Regional Council John Harawene, Ngāti Manu Martin Rudolph, Te Rūnanga O Whaingaroa Mike Kake, Te Rūnanga-Ā-Iwi-O-Ngāpuhi (until 12.30 pm) Mira Norris, Te Parawhau Hapū Authority Charitable Trust Paul Dimery, Northland Regional Council (until 12.30 pm) Rawson Wright, Te Uri o Hau Settlement Trust Rowan Tautari, Te Whakapiko Hapū Shirley Hakaraia, Ngāti Kuta Patukeha Patu Hohepa, Hokianga o Ngā Hapū Whānau

In Attendance:

Malcolm Nicolson, Chief Executive Jonathan Gibbard, Strategy, Governance and Communications Manager Rachel Rōpiha, Iwi Liaison Officer Abraham Witana, Programme Manager/Policy Specialist - Tangata Whenua Vibeke Wright, Advisor to Chief Executive/Meeting Secretary George Riley, Northland Inc., General Manager, Māori Economic Development

Opening of Meeting

Committee Chairman Dover Samuels declared the meeting open at 10.33 am. Mr Waitai opened the meeting with a karakia. Committee Chairman Samuels noted that condolences would be extended to Nora Rameka on behalf of the Committee for the recent passing of her daughter.

Catherine Murupaega-Ikken arrived at 10.38am.

Apologies (Item 2.0)

Moved (Dimery/Murupaega-Ikken)

That the following apologies for absence be accepted:

Henry Murphy , Ngātiwai Trust Board Moengaroa Murray, Te Roroa Whatu Ora Trust Nora Rameka, Ngāti Rehia Rudy Taylor, Hokianga o Ngā Hapu Whānau Te Huranga Hohaia, Ngāti Rehia Will Ngakuru, Te Roroa Whatu Ora Trust Mr Kake apologised that he would have to leave the meeting early if it extended beyond 12.30pm.

Carried

Mr Tipene noted that Ms Kopa was no longer with Te Rūnanga o Ngāti Hine and therefore her seat was vacant on the committee. A new representative would be nominated in due course.

Tabled Item for the Te Tai Tokerau Māori Advisory Committee Meeting – 12 February 2015 (Item 1.0A) ID: A725625

Report from Malcolm Nicolson, Chief Executive Officer.

Moved (Shepherd/ Wright)

That as permitted under section 46A(7) of the Local Government Official Information and Meetings Act 1987, the tabled item "Northland Inc. Limited Draft Statement of Intent 2015/18" be introduced onto the agenda for Te Tai Tokerau Māori Advisory Committee meeting on 12 February 2015.

Carried

Declarations of Conflicts of Interest (Item 3.0)

The Committee noted Catherine Murupaenga-Ikenn's previously emailed advice that she is now a member of the National Iwi Chairs Forum monitoring mechanism for the United Nations Declaration on the Rights of Indigenous Peoples.

Mr Wright noted he is a member of the Poutō Catchment Group.

Confirmation of Minutes – 11 December 2014 (Item 4.0) ID: A721788

Report from Malcolm Nicolson, Chief Executive Officer.

Moved (Tipene / Rawson)

That the minutes of Te Taitokerau Māori Advisory Committee meeting held on 11 December 2014 be confirmed as a true and correct record.

Amendment moved Moved (Murupaenga-Ikken)

That the minutes of Te Taitokerau Māori Advisory Committee meeting held on 11 December 2014 be confirmed as a true and correct record, subject to the following change on page 5. - "...acknowledgement of Te Tiriti did not <u>legally</u> obligate the council in any way..."

The movement lapsed for want of a seconder.

The original motion was put and was carried.

Ms. Murupaenga-Ikken requested it be noted in these minutes that she was not one of the members who had stated at the December 2015 meeting that they would quit the

committee if Te Tiriti was not included in the Terms of Reference. Rather she had stated that in that event she would recommend to her iwi authority that they should withdraw from the committee.

Mr Patu Hohepa arrived at 10.47am.

Receipt of Action Sheet (Item 5.0)

ID: A721781 Report from Vibeke Wright, Advisor to the Chief Executive.

Moved (Shepherd/ Samuels)

That the action sheet be received.

Carried

Matters arising from the Action Sheet:

- Additional information in relation to water-related resource consent compliance (item 908) and the council's activities in the Kaipara Harbour (item 896) was made available to the Committee.
- **Item 897 –** Mr Nicolson advised that information was still being collated and he hoped to be in a position to supply a report to the Committee at the next meeting.

Item 907 – Mr Nicolson said an expected National Government announcement at Waitangi on its stance regarding Māori and freshwater issues had not been made. The committee discussed a variety of views on Māori involvement in the management, ownership and allocation of freshwater. It was noted that until legislative or policy changes occur at central government level, the regional council will continue to implement and manage freshwater in accordance with the National Policy Statement for Freshwater Management 2014 including engagement with tangata whenua and the defined functions and responsibilities under the Resource Management Act.

Item 5.1 - Northland Inc. Limited Draft Statement of Intent 2015/18 ID: A725129

Report from Malcolm Nicolson, Chief Executive Officer.

Moved (Samuels/ Shepherd)

- 1. That the report "Northland Inc. Limited Draft Statement of Intent 2015/18", by Malcolm Nicolson, Chief Executive Officer, and dated 12 February, be received.
- 2. That the Committee agree to provide written comments via the Chair to the Chief Executive Officer by Tuesday 31 March 2015.

Carried

Mr Nicolson outlined the process for developing the Statement of Intent. He noted the council had an opportunity to make comments on it; it did not have powers to finally approve it.

Mr Rawson queried the performance targets included in the draft regarding Māori economic development. He did not believe they were adequate. Mr Tipene concurred.

Further matters arising from the Action Sheet:

 Item 910 – Mr Nicolson advised the Committee there were legal restrictions to which members could be applied to the draft Regional Land Transport Plan (RLTP) hearings panel. However, the Chair of the Regional Transport Committee had offered this Committee the opportunity have a member attend the whole hearings, and would then have an opportunity to address the panel prior to deliberations. Committee Chair Samuels noted the member could not also be a submitter to the draft RLTP.

Moved Samuels/Murupaenga-Ikken

1. That Cr Carr attend the hearings of submissions to the Regional Land Transport Plan on behalf of the committee.

Carried

- Item 913 A variety of views were expressed about the status and programmes for marae-based meetings of the Committee. The discussion elicited the following points:
 - Marae-based meetings would occur at the invitation and initiative of Māori member(s) of the committee.
 - These meetings would have the status of workshops, i.e. they were not formal committee meetings at which decisions could be made. All committee members could attend, if that was their wish, but there was no obligation to do so unless the workshop occurred in their rohe.
 - It was council's expectation that a full programme of matters relevant to the council's activities would be suggested by the member(s) who initiated the workshop, supported and developed by council staff.

Developing a Strategic Direction (Item 6.0)

ID: A722829

Report from Malcolm Nicolson, Chief Executive Officer.

Moved (Tipene/ Wright)

- 1. That the report "Developing a Strategic Direction", by Malcolm Nicolson Chief Executive Officer and dated 30 January 2015, be received.
 - That the Committee direct staff to develop a draft work programme, based on the Committee's terms of reference and the Council anticipated programme of activities, to be presented to the next Committee meeting for further debate.

Carried

Mr Wright suggested that Northland Inc be invited to present its objectives from a Māori perspective. Mr Riley indicated an interest and willingness to do so. Staff undertook to present further details on Waiora Northland Water for the next Committee meeting.

Freshwater and Coastal Water Management (Item 7.0) ID: A722239 Report from Abraham Witana, Policy Specialist – Tangata Whenua.

Report from Abraham Witana, Policy Specialist – Tan

Moved (Elboz/ Hakaraia)

- 1. That the report "Freshwater and Coastal Water Management" by Abraham Witana, Policy Specialist Tangata Whenua, dated 30 January 2015, be received.
- 2. That the Committee considers how any further discussions on this topic will best contribute towards their long term strategic goals and that this is incorporated within the Committee's larger work programme

Carried

In response to a request from Ms Murupaenga-Ikken, Mr Nicolson undertook to prepare a staff report on council's ability to influence deep-sea oil drilling activities.

The meeting adjourned at 12.30 pm for lunch. Mr Kake departed the meeting at 12.30 pm. Mr Tipene and Cr Dimery departed after the adjournment and prior to the resumption of the meeting. The meeting resumed at 1 pm.

Update - Regional Plans Review (Item 8.0)

ID: A722181

Report from Ben Lee, Programme Manager – Policy Development.

Moved (Samuels/ Hakaraia)

1. That the report, "Update - Regional Plans Review", by Ben Lee, Programme Manager – Policy Development, dated 30 January 2014, be received.

Carried

Council Chairman Shepherd returned to the meeting at 1.33 pm.

A wide-ranging discussion of associated issues arose from the Committee's consideration of this report, including:

- Its appreciation for the report, "Review of Regional Plans Tangata Whenua Issues and Options".
- Opportunities for Māori to participate in and contribute to both this process, and national policy development processes, and the current mechanisms in place for this to occur.
- The desire of Māori to not merely participate in and contribute to such processes, but to act as decision-makers.
- Concerns regarding council's ability to regulate and enforce matters of significance to Māori, e.g. the disposal of human remains in the natural environment, rahui, mining, and potentially emerging technology to control the effects of GE/GMO.
- Concerns that Waitangi Tribunal reports seem to be reduced in government policy and legislation to give Māori views no greater status than those of other interest groups.

Committee Chair Samuels suggested that committee members should access the Waitangi Tribunal report on Māori involvement in resource management (Wai 262, Ko Aotearoa Tēnei).

Mr Nicolson said the Committee was in a position of being able to provide direction to the council about its own policy development, and to advise on appropriate stances to take in respect of government policy proposals.

Mr Wright departed the meeting at 2.14 pm.

Conclusion

There being no further business, the meeting was drawn to close at 2.15 pm with a karakia provided by Mr Hohepa.

ISSUE: Receipt of Action Sheet

ID: A721781

To: Te Tai Tokerau Māori Advisory Committee meeting, 14 May 2015

From: Rachel Rōpiha, Iwi Liaison Officer

Date: 29 April 2015

Report Type:	✓ Normal operations	☑ Information	Decision
Burnoso:		Public service	Regulatory function
Purpose:	Legislative function	Annual\Long Term Plan	☑ Other

Executive summary:

The purpose of this report is to enable the committee to receive the current committee action sheet **(attached)**.

Legal compliance:

No decision is required.

Recommendation:

That the action sheet be received.

✔ Ref	Forum	Date	Reso/ Request	Ву	Task Point	Progress Statement	Assigned	Last updated	Anticip. cmpltn date
893	TTMAC Worksh op	24-Jul-14	Request	Committee	Keep committee informed of developments in respect of local government reform and provide opportunity for committee's views to be relayed to NRC.	On 20 March 2015 the Minister Paula Bennett announcedthat a decision on the proposed Northland Unitary Authority was due shortly and "Bennett also said she expected an announcement within six weeks on whether the role of the Government-appointed commissioners at the Kaipara District Council, whose term ends in October, would be extended."	CEO	13-Apr-15	Ongoing: updates as and when additional information becomes available.
897	TTMAC Worksh op	15-Aug-14	Request	Committee	Prepare a report to NRC recommending: a. All independent commissioners selected by NRC be able to demonstrate training in tikanga and consultation with Māori; b. NRC encourages the selection of Māori Commissioners to its approved list, given the importance of cultural considerations in Te Tai Tokerau c. Should there be insufficient trained and capable Māori Commissioners, then NRC should actively support training and development of independent Māori Commissioners; d. The training of all commissioners should include Te Tai Tokerau tikanga	This task was brought up during a workshop. Staff undertook to prepare an agenda item for TTMAC outlining the current availability of Māori Commissioners within Te Tai Tokerau and the process of training independent Māori Commissioners. This agenda item is scheduled to be presented to the May committee meeting. Staff will work with TTMAC on any further steps arising from this agenda item.	Manager/Policy Specialist - Tangata Whenua	7-Apr-15	Agenda item to be prepared for next Committee meeting.
928	TTMAC	12-Feb-15	Reso	Committee	Prepare draft work programme and report to next meeting	Agenda item will be presented to the next (May) committee meeting.	Strategy, Governance & Communications Manager	7 April 2015.	
929	TTMAC	12-Feb-15	Req	Committee	Invite Northland Inc to present on its perspectives on Maori economic development	The May committee meeting agenda is looking particularly full. The priority of potential agenda items will be discussed with the CEO and Committee Chairman and this presentation will be scheduled accordingly.	Strategy, Governance & Communications Manager	7 April 2015.	
931	TTMAC	12-Feb-15	Req	Murupaeng a-Ikken	Prepare report on council's role in respect of deep sea drilling	Staff have approached New Zealand Petroleum and Mineral (NZP&M) and Statoil to come and jointly present to TTMAC and the full Council. NZP&M would provide an overview of the legislative framework (including Regional Council's role) while Statoil would provide an overview of their specific permit (including a progress update). Staff will prepare a cover paper for this presentation which is tentatively scheduled for 9 June 2015.	Strategy, Governance & Communications Manager	23-Apr-15	

ITEM: 6.0 Page 1 of 3

ISSUE: Draft Process and Agenda Template for Marae Based Workshops

ID: A742171

To: Te Tai Tokerau Māori Advisory Committee 14 May 2015

From: Rachel Rōpiha, Iwi Liaison Officer

Date: 27 April 2015

Report Type:	Normal operations		Information	$\mathbf{\nabla}$	Decision
Purpose:			Public service		Regulatory function
	Legislative function		Annual\Long Term Plan	\checkmark	Other
Significance:	Triggered	V	Not Triggered		

Executive Summary:

The purpose of this paper is to provide Te Tai Tokerau Māori Advisory Committee (the committee) with the draft procedure and hui agenda template for endorsement.

Legal compliance and significance assessment:

The activities detailed in this report are part of the council's day to day operations, are provided for in the council's 2012-2022 Long Term Plan, and are in accordance with the council's decision making process and sections 76-82 of the Local Government Act 2002. The matter does not trigger the council's Significance Policy.

Recommendation(s):

- 1. That the report "Draft Process and Agenda Template for Marae Based Workshops" by Rachel Ropiha, lwi Liaison Officer and dated 27 April 2015, be received.
- 2. That the Te Tai Tokerau Māori Advisory Committee approve the Draft Process and Agenda Template for Marae Based Workshops.

Report

To date, the committee has held one marae based meeting at Ōruawharo Marae, South Kaipara (since being formed in July 2014 at Ōtīria Marae).

The intent of marae based hui is to provide an opportunity for better engagement with Māori at a local level where

- Northland Regional Councillors and the local Māori representatives on TTMAC can listen to local concerns and issues, and
- If appropriate, TTMAC may provide information / updates on local issues (as requested through the appropriate TTMAC member) and council programmes of work.

To ensure the hui are constructive, it was suggested that a template or guide for proceedings be agreed to by the committee (both the process to agree when and where a hui will be held and the proceedings on the day).

A draft process was provided to the March workshop of the committee signalling the intent to present a final draft (after receiving feedback) to the May formal meeting of the committee for approval. No feedback was received therefore the draft is now set before the committee for ratification.

Procedure for marae based workshops

Steps to register and facilitate marae based hui include:

- 1. TTMAC member/s to formally register invitation for marae based hui through TTMAC standing agenda item. TTMAC to make formal resolution confirming venue for marae based hui.
- 2. The TTMAC committee member who proposes a marae based hui will canvass the marae whānau and wider hapū from the rohe to seek feedback on matters within the hosting area of interest which they would like to discuss and/or agenda items (these matters should relate to council's key activities).
- 3. Once a draft agenda is completed by the hosting TTMAC member (draft template attached) and discussed with the committee chairman, the agenda will be provided to council staff at least two weeks before the meeting to:
 - Ensure council is aware of the issues and has the ability to provide a response, further information, resources or staff as required; and
 - To provide the agenda to TTMAC members in advance of the marae based meetings.
- 4. Should there be follow up required this can either be provided by staff or through TTMAC formal meeting (depending on the nature of the matter).
- 5. Advertising and catering of the marae based hui will be the responsibility of the TTMAC member requesting the hui. (costs will be covered by council as previously discussed and agreed)

A draft marae based hui agenda template is provided as Attachment 1 for TTMAC discussion and will be presented to the May formal meeting for ratification.

NORTHLAND REGIONAL COUNCIL Te Tai Tokerau Māori Advisory Committee Workshop Agenda

	Workshop to be held at venue, location,
	on day, date, commencing at time.
	Facilitator: Hosting TTMAC member

Time	0.0	Pōwhiri
		Kapu tī
	0.1	 Te Tai Tokerau Māori Advisory Committee Overview Chairman Cr Samuels The purpose of the Committee. The vision and objectives of the Committee. Key points set out in the Terms of Reference. Key matters being progressed by TTMAC.
	0.2	Rohe based issues This section sets the agenda for TTMAC to listen to any issues raised by the hosting marae and their constituents or neighbouring whānau, hapū and lwi.
		 Topics and matters for discussion to be listed here. The issues raised must relate to the role and functions of regional council. Issues to be discussed can be presented in a variety of ways i.e. Powerpoint, paper or verbal reports.
		Hākari (Lunch) – timing of the hākari will be left to the hosting marae to determine in accordance with the agenda set.

Please note - the meeting provides an overall timeframe of 4hrs

ISSUE: Calling for nominations: Marae based workshop Te Tai Tokerau Māori Advisory Committee

ID: A742971

To: Te Tai Tokerau Māori Advisory Committee 14 May 2015

From: Rachel Rōpiha, Iwi Liaison Officer

Date: 27 April 2015

Report Type:	Normal operations		Information	\mathbf{N}	Decision
Purpose:	Infrastructure		Public service		Regulatory function
	Legislative function		Annual\Long Term Plan	\mathbf{N}	Other
Significance:	Triggered	V	Not Triggered		

Executive Summary:

This paper provides the opportunity for committee members to table nominations to Te Tai Tokerau Māori Advisory Committee (the committee) to host a marae based workshop for consideration.

All nominations received on or by 14 May 2015, will be considered by the full committee who will make a decision as to the successful nominee.

Legal compliance and significance assessment:

The activities detailed in this report are part of the council's day to day operations, are provided for in the council's 2012-2022 Long Term Plan, and are in accordance with the council's decision making process and sections 76-82 of the Local Government Act 2002. The matter does not trigger the council's Significance Policy.

Recommendation(s):

- 1. That the report "Calling for nominations: Marae based hui Te Tai Tokerau Māori Advisory Committee" by Rachel Ropiha, Iwi Liaison Officer and dated 28 April 2015, be received.
- 2. That Te Tai Tokerau Māori Advisory Committee approves the nomination by ______ for _____Marae, as hosts of the June Marae Based Workshop of Te Tai Tokerau Māori Advisory Committee.

ISSUE: Waiora Northland Water

ID:	A742976								
То:	Te Tai Tokerau Māori Advisory Committee Meeting 14 May 2015								
From:	Justin Murfitt Senior Programme Manager Resource Management Planning & Policy								
Date:	29 April 2015								
Report Type:	Normal operations	\checkmark	Information		Decision				
Burnoso:	Infrastructure		Public service		Regulatory function				
Purpose:	Legislative function		Annual\Long Term Plan	\checkmark	Other				
Significance:	Triggered	\mathbf{V}	Not Triggered						

Executive Summary:

As agreed at the March workshop of Te Tai Tokerau Māori Advisory Committee (the committee), a series of presentations on council's programmes of work will be provided as part of a wider capacity building schedule for the committee.

Justin Murfitt will provide a presentation on council's Waiora Northland Water project covering the following topics:

- Freshwater management council's duties and functions
- Waiora Northland Water an overview.

Legal compliance:

No decision is required.

ISSUE: Update: Proposed Long Term Plan 2015 - 2025

To: Te Tai Tokerau Māori Advisory Committee meeting, 14 May 2015

From: Rachel Rōpiha, Iwi Liaison Officer

Date: 29 April 2015

Report Type:	Normal operations	✓ Information	Decision
Durnasai		Public service	Regulatory function
Purpose:	Legislative function	Annual\Long Term Plan	☑ Other
Significance:	Triggered	✓ Not Triggered	

Executive Summary:

The purpose of this paper is to update Te Tai Tokerau Māori Advisory Committee (the committee) as to the process followed in regards to the councils Proposed Long Term Plan (LTP) since the committees March workshop and next steps through to adoption of the final LTP.

Legal compliance and significance assessment:

The activities detailed in this report are part of the council's day to day operations, are provided for in the council's 2012-2022 Long Term Plan, and are in accordance with the council's decision making process and sections 76-82 of the Local Government Act 2002. The matter does not trigger the council's Significance Policy.

Recommendations:

1. That the report "Update: Proposed Long Term Plan 2015 -2025" by Rachel Ropiha, lwi Liaison Officer and dated 29 April 2015, be received.

Background

As presented to the committees March workshop, the council's proposed LTP was publically notified and was open for feedback (submissions) from 24 March – 24 April 2015. The proposed plan sets out what council intended to do for the coming decade (3 years in detail, 7 years at a higher level) and how it proposed to support those activities financially.

As noted, changes to the Local Government Act dictated changes to the long term plan process. Councils were required to signal significant proposals or changes from their last LTP in a 'Consultation Document (hard copies were provided at the March workshop). This document formed the basis for seeking public feedback and replaces what was previously known as the Draft Long Term Plan.

The key issues this council sought feedback on were:

- To enhance services and deliver new environmental initiatives;
- Create an \$800,000 contestable fund for emergency services;

ITEM: 9.0

Page 2 of 2

- A new targeted pest control rate at Whāngārei Heads to target kiwi predators;
- Assess support for a trial mid-north bus service which would need to be partfunded by ratepayers on/near the route; and
- Flood protection schemes:
 - Awanui flood scheme improvements
 - Kaeo monitoring of new flood infrastructure
 - Kerikeri river spillway
 - Urban Whāngārei to cover cost increases of completing Kotuku dam.

The council also sought feedback on three key policies:

- Draft Revenue and Financing Policy;
- Draft Rates Remission and Postponement Policies (including the policy on remission and postponement of rates on Māori freehold land); and
- Draft Financial Contributions Policies.

In order to receive feedback and allow more in-depth discussion between councillors, staff and constituents five public information sessions were scheduled. Three meetings were to be held between 4 – 6 May in Kaitāia, Kerikeri and Whāngārei. However, due to low registrations for the proposed Kaiwaka and Dargaville meetings these were cancelled.

As agreed at the March workshop of the committee, all feedback received during the presentation on the proposed LTP will be presented to council as part of the deliberations report to assist council in their decision-making. At the same time it was also noted that this did not preclude any individual person or organisation from making further comments on the proposed plan.

Next steps

Deliberations on submissions are scheduled to commence the week of 18 May. Staff will prepare a deliberations report which summarises feedback analysing options and presents recommendations. Once deliberations are completed a final draft with recommendations will be presented to a full meeting of council. This is anticipated to be presented to the June meeting of council.

Once the final LTP has been agreed to and ratified by council letters will be sent to all those who provided feedback advising them of the outcomes of the deliberations.

At the time of drafting this report staff had begun a process of working through and summarising the written responses – with the summaries used to help inform councillors during the deliberation process.

However, as council was still collating and calculating submission numbers and the public meetings had not yet occurred. The final number and flavour of submissions could not be accurately reported on in time for the committee meeting. Staff will be able to provide a verbal update on final submission numbers and key feedback themes at the meeting.

ISSUE: Accredited Māori Commissioners in Tai Tokerau

To: Te Taitokerau Māori Advisory Committee 14 May

From: Abraham Witana, Māori Policy Specialist, Programme Manager

Date: 1 May 2015

Report Type:	V	Normal operations	V	Information		Decision
Burboso		Infrastructure		Public service		Regulatory function
Purpose:		Legislative function		Annual\Long Term Plan	V	Other
Significance:		High		Moderate	V	Low

Executive Summary:

The Te Tai Tokerau Māori Committee (the committee) signalled the desire to use independent Māori Commissioners in its resource management decision making in Tai Tokerau.

The purpose of this report is to provide further information for the committee to consider in order to help inform discussion. The paper includes the following information:

- Accredited Māori commissioners within Te Tai Tokerau;
- Council's process for appointing commissioners;
- The number of hearings held that required a Māori commissioner; and
- Background on matters raised by the committee for further discussion.

Legal compliance and significance assessment:

The activities detailed in this report are in accordance with the committee's terms of reference and sections 76-82 of the Local Government Act 2002. This matter has been assessed according to the council's Significance Policy and considered to be of low significance.

Recommendation(s):

- 1. That the report "Accredited Māori Commissioners in Tai Tokerau" by Abraham Witana, Maori Policy Specialist, Programme Manager and dated 14 May 2015 be received.
- 2. That the committee confirms that this is a matter to be included in the committees future work programme.

Background

At the committee's August 2014 Marae based workshop at Ōruawharo Marae, Kaipara, the use (or lack of) Māori hearings commissioners for resource management decisions was raised as a matter of concern.

Page 24

In the main the issues and questions related to:

- The absence of Māori commissioners on hearings panels;
- That council provide funding to train Māori to become commissioners; and
- That training should include the following:
 - Cultural understanding in regards to Te Ao Māori,
 - Knowledge of Tai Tokerau, and
 - Knowledge of Te Reo Māori and tikanga reflective of Tai Tokerau.

The committee members further discussed that council should provide and support the use of Commissioners of Maori descent and knowledge of Tai Tokerau tikanga and matauranga (protocols and knowledge).

Those members present during the workshop agreed to request that the following be considered at a formal meeting of the committee:

That the committee consider recommending to the regional council that

- All independent commissioners selected by NRC be able to demonstrate training in tikanga and consultation with Māori;
- NRC encourages the selection of Māori Commissioners to its approved list, given the importance of cultural considerations in Te Tai Tokerau
- Should there be insufficient trained and capable Māori commissioners, then NRC should actively support training and development of independent Māori commissioners;
- The training of all commissioners should include Te Tai Tokerau tikanga.

Report

Councils have statutory responsibilities to engage Māori and to recognise the principles of the Treaty of Waitangi. Sections 6, 7 and 8 of the Resource Management Act (RMA) 1991 contain provisions which specifically relate to tangata whenua and act to guide RMA decision making. These include:

- The duty to "recognise and provide" for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and the protection of protected customary rights,
- The duty to have "particular regard" to Kaitiakitanga,
- The duty to "take into account" the principles of the Treaty of Waitangi.

Accredited Māori Commissioners in Northland

Staff canvassed the Ministry for the Environment, Far North, Kaipara, Whangarei District and Auckland City councils regarding the number of Māori Commissioners they have on their pre-approved internal lists of accredited commissioners.

ITEM: 10.0 Page 3 of 5

Council	NRC	FNDC	KDC	WDC	AC
Number of	37	40	9	8	60
listed					
accredited					
commissioners					

The Northland Regional Council has a list of 37 approved commissioners, with three indicating they are of Māori descent. Staff were unable to verify the number of (identified) Māori commissioners on the pre-approved commissioner lists for the local authorities previously mentioned.

It should be noted that the Ministry for the Environment provides a detailed list of Elected and Non-Elected Hearing Commissioners from across the country, this list can be used by council should there be no suitable Māori (or other) commissioners available in Tai Tokerau.

Council process for appointing a Māori Commissioner

The Hearings Committee (or the council) may appoint any individual member/s or other independent person/s as commissioner/s pursuant to section 34(1) of the RMA, to conduct a hearing in any particular case.

In the case of appointing a Māori Commissioner, consideration is given to:

- Whether there has been a request¹ made for a Māori commissioner (be it a request from the applicant or a submitter); or
- The nature of submissions as they relate to Te Ao Māori and Māori issues.

Staff are also able to recommend to the Hearing Committee to appoint a Māori Commissioner.

Number of consents that have included a Māori Commissioner

For the period March 2011 – March 2015 there have been 34 hearings. Five of these hearings have had Māori Commissioners appointed.

No	Consent	Date	Māori Commissioner
1	Works and structure in the Coastal Marine Area - Kerikeri	16 August 2011	Cr Bronwyn Hunt
2	Installation of a water meter – Foster Family Trust	23 June 2011	Cr Bronwyn Hunt
3	Ruakaka Ocean Outfall	16 August 2011	Ms Miria Pomare (Independent Māori Commissioner)
4	Te Karaka Oyster Spat Farm North Hokianga	2011	Lorraine Hill (Independent Māori Commissioner)
5	Opua Marina Extension	2014	Ms Miria Pomare (Independent Māori Commissioner)

Consent Hearing table

¹ Requests for independent commissioners incur costs

Matters raised at Oruawharo Marae.

The following information provides a brief outline of the current practises as they relate to matters raised at Ōruawharo marae.

1. All independent commissioners selected by NRC are able to demonstrate training in tikanga and consultation with Māori;

The "Making Good Decisions" Programme is delivered by OPUS and managed by the Ministry for the Environment. The programme provides a detailed toolkit for Hearing Commissioners that provides them with an generic overview of the Māori World view, concepts and values², how to have regard for cultural values, taking into account matters during decision making processes including the hearing process and procedures itself to meet the needs of Māori submitters.

2. NRC encourages the selection of Māori Commissioners to its approved list, given the importance of cultural considerations in Te Tai Tokerau

Council has appointed Māori Commissioners on Hearing Panels as noted in the hearing consents table above. Council is aware that there are three Hearing Commissioners who identify as Māori whom have been put forward for inclusion onto council's list of *Approved Commissioners*.

It should be noted that any commissioner appointed onto a hearings panel must be impartial, neutral and without any conflicts of interest. As an example the following could be deemed as conflicts

- The application falls within the rohe of a prospective commissioner, or
- The iwi/hapū has expressed a particular view about a given activity.

3. Should there be insufficient trained and capable Māori Commissioners, then NRC should actively support training and development of independent Māori Commissioners;

All commissioners (Māori or otherwise) appointed on hearing panels by the Northland Regional Council have to be accredited commissioners certified through the "Making Good Decisions" programme in accordance with section 39A³ of the RMA.

Enquiries were made to the Ministry for the Environment and Te Puni Kōkiri with neither organisation offering funding to support Māori to become certified commissioners. Likewise the council does not have any dedicated funding.

4. The training of all commissioners should include Te Tai Tokerau tikanga.

The "Making Good Decisions" programme is managed by the Ministry for the Environment and delivery of the programme is conducted by OPUS Ltd. The programme itself provides a Māori Values and World Views Supplement enabling decision-makers to take these values and world views into account in RMA decision-making.

 $^{^2}$ It is noted that kawa and tikanga vary from lwi to lwi and within hapu across the country 3 39A Accreditation The Minister must—

⁽a) approve a qualification or qualifications establishing a person's accreditation; and

⁽b) notify each qualification in the Gazette

ITEM: 10.0

Page 5 of 5

The Supplement sits alongside the Making Good Decisions workbook, in particular Module 2 (Considerations relating to Māori), and assists RMA hearing commissioners to:

- Understand key concepts and values underpinning the Māori world view of the environment;
- Integrate Māori values into decision-making at hearings; and
- Facilitate practical expression of tikanga Māori in hearings.

Conclusion

Given the information provided it is likely the committee will want to discuss this body of work further. Therefore it is recommended that the committee consider this topic for inclusion into their work plan for the coming year.

This is consistent with reporting in item11.0 of the committees agenda - "Draft Programme of Work: Te Tai Tokerau Māori Advisory Committee "page 3 bullet point four under *Contribution to decision-making*.

ITEM: 11.0

Page 1 of 6

ISSUE: Draft Programme of Work: Te Tai Tokerau Māori Advisory Committee

ID: A742169

To: Te Tai Tokerau Māori Advisory Committee, 14 May 2015

From: Rachel Rōpiha, Iwi Liaison Officer

Date: 27 April 2015

Report Type:	Normal operations		Information	\checkmark	Decision
Burnoso	Infrastructure		Public service		Regulatory function
Purpose:	Legislative function		Annual\Long Term Plan	\mathbf{N}	Other
Significance:	Triggered	Ŋ	Not Triggered		

Executive Summary:

At the February Te Tai Tokerau Māori Advisory Committee meeting, the committee began an exercise of looking at delivering outcomes based on the purpose and functions of the committee as defined in the Terms of Reference.

At councils February meeting, the Draft Terms of Reference for Te Tai Tokerau Māori Advisory Committee were endorsed, providing the direction and role the committee can now pursue in order to fulfil its goals.

To build on initial discussions and help stimulate further discussion and debate, the following information has been provided for the committee to consider:

- Schedule of presentations on councils key work programmes,
- List of possible priorities for discussion, and
- Draft work calendar for the coming year.

Legal compliance and significance assessment:

The activities detailed in this report are part of the council's day to day operations, are provided for in the council's 2012-2022 Long Term Plan, and are in accordance with the council's decision making process and sections 76-82 of the Local Government Act 2002. The matter does not trigger the council's Significance Policy.

Recommendations:

- 1. That the report "Draft Programme of Work: Te Tai Tokerau Māori Advisory Committee" by Rachel Ropiha, Iwi Liaison Officer and dated 27 April 2015, be received.
- 2. That Te Tai Tokerau Māori Advisory Committee consider the draft work programme and provide direction to staff as to what amendments are required prior to approval.
- 3. When finalised, the Draft Programme of Work: Te Tai Tokerau Māori Advisory Committee be presented to council for endorsement.
- 4. That an invitation be extended by the Chairman of Te Tai Tokerau Māori Advisory Committee to the Whangarei District Council Strategic Partnership Forum - Te Kārearea. Inviting them to the afternoon session of the July formal meeting of the committee to present on their activities with the intent of forming a working relationship.

Background

At its February meeting the Te Tai Tokerau Māori Advisory Committee (the committee) considered the paper 'Developing a Strategic Direction', the aim being to begin thinking on what is needed to achieve the purpose and vision contained in the Terms of Reference (TOR). Initiating discussion around designing a programme of work that delivers on the goals of the committee by collectively developing and progressing a strategic direction/plan. In turn avoiding a reactionary and piece meal approach to adhoc council projects and functions.

At the February meeting of the committee it was agreed that:

- 1. That the report "Developing a Strategic Direction", by Malcolm Nicolson Chief Executive Officer and dated 30 January 2015, be received.
- 2. That the Committee direct staff to develop a draft work programme, based on the Committee's terms of reference and the Council anticipated programme of activities, to be presented to the next Committee meeting for further debate.

From the Terms of Reference, the committee's goals are:

- To develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and council.
- To monitor council's compliance to its obligations to Māori under the Local Government Act 2002 and the Resource Management Act 1991.
- Provide advice to council on topics within council's sphere of influence.
- To ensure the views of Māori are taken into account in the exercise of council functions.

Further, the purpose states as a key principle:

 To establish and advance a model of Māori engagement that is equitable, sustainable and empowering that will drive environmental and economic priorities across the region.

Report

Councils have statutory responsibilities to engage Māori and to recognise the principles of the Treaty of Waitangi. For Local Government the two most significant pieces of legislation in this regard are the Local Government and Resource Management Acts.

Section 81 of the Local Government Act 2002 (LGA) places specific obligations on council to:

- Establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority;
- Consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
- Provide relevant information to Māori for the purposes of paragraphs (a) and (b).

The Resource Management Act 1991 contains provisions recognising as a matter of national importance the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu.

ITEM: 11.0

In drafting a possible work programme a starting point could be to use the three key mechanisms contained in the LGA as key work streams and group priorities to the work streams. Noting that work undertaken would reflect the values within the RMA.

Potential work priorities were drawn from the committee's discussions raised at the Long Term Plan presentation, brain storming session and its goals and purpose (as outlined in the TOR). Further, a series of staff presentations were made to each department of council asking them to identify all key areas of work and for any questions and advice the committee might be able to guide them with. Based on this information, the following committee work programme is proposed:

Contribution to decision-making

As outlined, the committee sought to establish and advance a model of Māori engagement; and to develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and council. To advance this the committee could consider the following:

- Provide advice on consultation and engagement models for participation in resource management and local government plans, such as Long Term Plan and Regional Plans. Seeking to put in place a process to be used as a best practice model whenever council undertakes new or reviews of RMA plans and in preparation of its Long Term Plan.
- 2. Develop a monitoring and reporting mechanism to ensure procedures (above) are effective and efficient.
- 3. In the interim, provide council advice on current work programmes where Māori engagement is required which may be presented to the committee for comment and/or advice.
- 4. Support initiatives to raise the number of certified Māori Commissioners in Northland.

Further to this, council is undertaking a process to implement the requirement to develop a resource management protocol with iwi authorities as per the Proposed Regional Policy Statement (PRPS) (Method 8.1.6 – **Appendix one**).

While some parts of the PRPS are subject to appeal, Method 8.1.6 is beyond challenge and implementation can therefore begin. Feedback from the environmental hui held to help inform the review of the Regional Plans recommended that council initiate work on this protocol as a matter of urgency.

While this is a parallel project to this committees work the project lead will present updates to both the Regional Policy and Te Tai Tokerau Māori Committees with opportunity for input provided to both committees as the work progresses.

It should be noted that the protocol would be subject to final approval by council before being implemented in resource management processes.

Capacity Building

This work stream can be two fold, to raise capacity of the committee members in order to build effective models for participation of Māori in council processes and to also build the capacity of Māori constituents.

1. From the paper *Developing a Strategic Direction* a schedule of presentations on key programmes of work was presented **(Appendix two)**. A schedule to deliver the presentations has been developed for the upcoming four formal meetings of the committee **(Appendix three)**.

ITEM: 11.0

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Page 4 of 6
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- 2. To initiate a relationship with the district councils specifically to understand their mechanisms for achieving the obligations as set out in the LGA2002. Beginning with the Whāngārei District Councils Strategic Partnership group Te Kārearea. *Note: this could also assist in the development of a robust and sustainable model allowing the participation of Māori in the decisions of council.*
- 3. Design a programme whereby council staff can provide information in order for Māori to better understand the roles and functions of council along with programmes of work. As an example, all councils recently undertook a series of environmental hui across the region working together to understand issues of significance to Māori to better inform council plans, both regional and district. The hui were supported by participants with feedback showing a strong desire for councils to run similar workshops on an ongoing basis.

Note: this may also compliment or form part of putting into place processes and pathways for a meaningful relationship and a process for participation in the decisions of council. As well as provision of information.

Provision of Information:

The committee is charged through each member, with the obligation (TOR) to liaise and provide information to their respective constituents who have elected them onto the committee. This provides the avenue for the dissemination of information to Māori on the role of the committee but it is not a vehicle for the distribution of relevant information to enable the participation of Māori in council processes.

To assist in the empowerment of Māori in local government the committee could consider:

 Developing a process which ensures the dissemination of information to Māori informing them of council projects. This could be as simple as creating an email tree to send relevant information. The process should identify what information is relevant and how it would be disseminated. Thought should also be given to the costs associated with delivery of service.

Conclusion

As noted, considerations has been given to a raft of discussion had to date by the committee in regards to priorities and work areas. The committees TOR has been endorsed by council so this provides an opportunity to now consider a work plan for the coming year. With this is mind, both the information provided above and the schedule of presentations form the basis of a draft work programme for the committee's consideration (Appendix Two).

Once a draft work programme has been confirmed by the committee a recommendation will be presented to full council.

Staff will be available to facilitate discussion and record committee feedback on the draft work programme.

Appendix one

8.1.6 Method – Non-statutory plans and strategies

Within two years of the Regional Policy Statement for Northland becoming operative, the regional council will initiate the development of a protocol with iwi authorities to:

- a) Determine when the council will:
 - i. Require an assessment of cultural effects and what it should include, and how council will use and take into account any cultural impact assessment.
 - ii. Appoint and use independent Māori hearing commissioners for resource consent applications and plans.
 - iii. Hold hearings on a marae and provide translation services.
 - iv. Notify tangata whenua of resource consent applications and confer affected party status; and
- b) Determine common meanings and methodologies for key Māori concepts, values and practises and a process for updating them

Appendix two

Schedule of presentations:

- 1. Waiora Northland Water outlining Council's water related programme of work (including the implementation of the Freshwater NPS and council's initiatives within the Kaipara Harbour).
- 2. Resource Consents and Environmental Monitoring outlining Council's roles and responsibilities and the results we are observing (current environmental state and key challenges).
- 3. Biosecurity outlining Council responsibilities including a summary of the current pest control initiatives (i.e. Council's response to Kauri dieback).
- 4. Environmental Education and Advocacy outlining Council's environmental education/advocacy activities.
- 5. Flood Hazard Management outlining Council's responsibilities and current activities to address flood hazard mitigation across the region.

Further, a request was received to include a presentation by council's subsidiary, NorthlandInc on its objectives from a Māori perspective.

10 December	Marae Based Workshop		and	e																							
10 De			Marae and	topics to be	confirmed																						
12 November	Formal Meeting	Topics:	 Presentation: 	Advocacy	 Engagement 	models for	Māori	participation in	council RMA	and LGA	plans	 Confirm 	Communicatio	ns Plan	 Key project/s 	requiring	direction /	update									
08 October	Marae Based Workshop		Marae and	topics to be	confirmed																						
10 September	Formal Meeting	Topics:	 Presentation: 	Biosecurity &	Flood Hazard	Management.	 Engagement 	models for	Māori	participation in	council RMA &	LGA plans	 Provision of 	information	 Key project/s 	requiring	direction /	update									
<u>15:</u> 13 August	Marae Based Workshop		Marae and	topics to be	confirmed																						
Appendix three - potential schedule of activities 2015: 14 May 11 June 09 July 13	Formal Meeting	Topics:	 Presentation: 	Consents and	Monitoring	 Confirm 	Committee	Work	Programme	 Relationship 	with WDC and	FNDC	 LTP update 	(post	deliberations)	 Local 	Government	reorganisation	 Key project/s 	requiring	direction /	update					
potential schedu 11 June	Marae Based Workshop		Marae and	topics to be	confirmed																						
Appendix three - 14 May	Formal Meeting	Topics:	 Welcome new 	member	 Presentation: 	Waiora	Northland	Water	objectives	 Draft 	Committee	Work	Programme	 Commissioner 	Paper	 Marae Based 	Hui template	 Tabled 	nominations to	host next	marae based	hui	 LTP update 	 Key project/s 	requiring	direction /	update

ITEM: 11.0 Page 6 of 6

notential schedule of activities 2015.