

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 April 2016, commencing at 11.00am.

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	Fred Sadler Te Rūnanga-Ā-Iwi-O-Ngāpuhi	Mikaera Miru Te Uri o Hau Settlement Trust
Cr Paul Dimery Northland Regional Council	Henry Murphy Ngātiwai Trust Board	Pita Tipene Te Rūnanga o Ngāti Hine
Cr Joe Carr Northland Regional Council	Phillip Ngawaka Ngātiwai Trust Board	Rawson Wright Te Uri o Hau Settlement Trust
Darryl Hape Te Rūnanga O Whaingaroa	Mike Kake Te Rūnanga-Ā-Iwi-O-Ngāpuhi	Tui Shortland Te Rūnanga o Ngāti Hine
Martin Rudolph Te Rūnanga O Whaingaroa	Will Ngakuru Te Roroa Whatu Ora Trust	Rihari Dargaville Te Rūnanga o Te Rarawa

HAPŪ REPRESENTATIVES

Bundy Waitai Te Hiku O Te Ika Marae Trust	Michelle Elboz Ngāti Kuta Patukeha	Rowan Tautari Te Whakapiko Hapū
Kitty Mahanga Ngāti Manu	Nora Rameka Ngāti Rehia	Rudy Taylor Hokianga o Ngā Hapū Whānau
John Harawene Ngāti Manu	Patu Hohepa Hokianga o Ngā Hapū Whānau	Shirley Hakaraia Ngāti Kuta Patukeha
Juliane Chetham Patuharakeke Te Iwi Trust Board	Pereri Mahanga Te Waiariki, Ngāti Korora and Ngāti Takapari Hapū/Iwi Trust	Te Huranga Hohaia Ngāti Rehia
Mira Norris Te Parawhau Hapū Authority Charitable Trust		

OPEN MEETING

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ISSUE: Acknowledgement of New Members to the Committee

ID: A827845

To: Te Tai Tokerau Māori Advisory Committee meeting, 14 April 2016

From: Marina Hetaraka, Committee Secretary

Date: 21 March 2016

Report Type:	<input checked="" type="checkbox"/> Normal operations	<input type="checkbox"/> Information	<input type="checkbox"/> Decision
Purpose:	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Public service	<input type="checkbox"/> Regulatory function
	<input type="checkbox"/> Legislative function	<input type="checkbox"/> Annual\Long Term Plan	<input checked="" type="checkbox"/> Other
Significance:	<input type="checkbox"/> Triggered	<input checked="" type="checkbox"/> Not Triggered	

Executive Summary:

The purpose of this report is to introduce Rihari Dargaville whose nomination to represent Te Rūnanga O Te Rarawa on Te Tai Tokerau Māori Advisory Committee (the committee) has been accepted.

The nomination has met the requirements of the committees Terms of Reference and council policies and was confirmed at the 10 March 2016 Council Meeting.

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 2015-2025 Long Term Plan, and are in accordance with the council's decision making process and sections 76-82 of the Local Government Act 2002. No decision is required other than the information be noted hence, the matter does not trigger the council's Significance Policy.

Recommendations:

-
1. That the report 'Acknowledgement of New Members to the Committee' by Marina Hetaraka, Committee Secretary, and dated 21 March 2016, be received.
 2. That the nomination for membership of Rihari Dargaville representing Te Rūnanga o Te Rarawa on Te Tai Tokerau Māori Advisory Committee, be noted by the committee.
-

ISSUE: Confirmation of Previous Minutes - 11 February 2016

ID: A829398

To: Te Tai Tokerau Māori Advisory Committee meeting, 14 April 2016

From: Marina Hetaraka, Committee Secretary

Date: 1 March 2016

Report Type:	<input checked="" type="checkbox"/>	Normal operations	<input type="checkbox"/>	Information	<input type="checkbox"/>	Decision
Purpose:	<input type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Public service	<input type="checkbox"/>	Regulatory function
	<input checked="" type="checkbox"/>	Legislative function	<input type="checkbox"/>	Annual/Long Term Plan	<input type="checkbox"/>	Other
Significance Policy:	<input type="checkbox"/>	Triggered	<input checked="" type="checkbox"/>	Not Triggered		

Executive summary:

The purpose of this report is to present the unconfirmed minutes of the committee meeting held on 11 February 2016 (**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 11 February 2016 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, Whangārei,
on Thursday, 11 February 2016, starting at 11 am

Present:

Cr Dover Samuels, Committee Chair, Northland Regional Council
Cr Bill Shepherd, Northland Regional Council (*left at 12.29pm*)
Cr Joe Carr, Northland Regional Council
Bundy Waitai, Te Hiku O Te Ika Marae Trust (*left at 2.48pm*)
Darryl Hape, Te Rūnanga O Whaingaroa
Fred Sadler, Te Rūnanga-Ā-Iwi-O-Ngāpuhi
Henry Murphy, Ngātiwai Trust Board
John Harawene, Ngāti Manu
Juliane Chetham, Patuharakeke Te Iwi Trust Board (*left at 12.29pm*)
Kitty Mahanga, Ngāti Manu (*from 11.58pm*)
Michelle Elboz, Ngāti Kuta Patukeha
Mike Kake, Te Rūnanga-Ā-Iwi-O-Ngāpuhi
Mira Norris, Te Parawhau Hapū Authority Charitable Trust
Nora Rameka, Ngāti Rehia
Patu Hohepa, Hokianga o Ngā Hapū Whānau
Phillip Ngawaka, Ngātiwai Trust Board
Pita Tipene, Te Rūnanga o Ngāti Hine (*left at 2.47pm*)
Mikaera Miru, Te Uri o Hau Settlement Trust
Rowan Tautari, Te Whakapiko Hapū
Rudy Taylor, Hokianga o Ngā Hapū Whānau
Shirley Hakaraia, Ngāti Kuta Patukeha
Te Hurunga Hohaia, Ngāti Rehia
Tui Shortland, Te Rūnanga o Ngāti Hine

In Attendance:

Full Meeting:

Malcolm Nicolson, Chief Executive Officer (*left at 12.29pm*)
Jonathan Gibbard, Group Manager Strategy and Governance
Abraham Witana, Kaiwhakahaere – Mātauranga Māori
Marina Hetaraka, Meeting Secretary

Part Meeting:

Ben Lee, Policy Development Manager
Justin Murfitt, Resource Management Planning & Policy Manager
Graeme MacDonald, Civil Defence Emergency Management Manager
Claire Nyberg, Civil Defence Officer/Quality Coordinator
Don McKenzie, Biosecurity Manager

Chairman Cr Samuels opened the meeting at 11am and a Karakia was given by Te Hurunga Hohaia.

Apologies (Item 2.0)

Moved: (Norris/Samuels)

That the following apologies for absence from:

Cr Bill Shepherd, Northland Regional Council *(for early departure)*;
Juliane Chetham, Patuharakeke Te Iwi Trust Board *(for early departure)*;
Kitty Mahanga, Ngāti Manu *(for late arrival)*
Malcolm Nicolson, Chief Executive Officer *(for early departure)*; and
Rawson Wright, Te Uri o Hau Settlement Trust be received.

Carried

Acknowledgement of New Members to the Committee (Item 3.0)

ID: A806029

Report from Marina Hetaraka, Committee Secretary

Moved: (Samuels/Shepherd)

1. That the report 'Acknowledgement of New Members to the Committee' by Marina Hetaraka, Committee Secretary, and dated 29 January 2016, be received.
2. That the nomination for membership of Phillip Ngawaka representing Ngātiwai Trust Board on Te Tai Tokerau Māori Advisory Committee, be noted by the committee.

Carried

Secretarial note: Item 11.0 was brought forward and discussed prior to Item 4.0. Kitty Mahanga arrived at 11.58pm.

Declarations of Conflicts of Interest (Item 4.0)

ID: A815365

Report from Marina Hetaraka, Committee Secretary

Moved: (Tipene/Tautari)

That the report, "Declarations of Interests", by Marina Hetaraka, Committee Secretary, and dated 29 January 2016, be received.

Carried

Tabled Item for Te Tai Tokerau Māori Advisory Committee Meeting – 11 February 2016 (Item 4.0A)

ID: A816581

Report from Marina Hetaraka, Committee Secretary

Moved: (Carr/Kake)

That as permitted under section 46A(7) of the Local Government Official Information and Meetings Act 1987:

Tabled Item 17.0: The Resource Legislation Amendment Bill – iwi participation arrangements.

be received.

Carried

Secretarial note: Item 17.0 was brought forward and discussed prior to Item 5.0, Julianne Chetham, Malcolm Nicolson, Cr Bill Shepherd left at 12.29pm.

Meeting adjourned at 12.29pm for lunch.

Meeting resumed at 1.01pm

Confirmation of Minutes – 12 November 2015 (Item 5.0)

ID: A806030

Report from Marina Hetaraka, Committee Secretary

Moved: (Kake/Harawene)

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

Carried

Receipt of Action Sheet (Item 6.0)

ID: A810088

Report from Jonathan Gibbard, Group Manager – Strategy and Governance

Moved: (Taylor/Hakaraia)

That the report "Receipt of Action Sheet" by Jonathan Gibbard, Group Manager - Strategy and Governance and dated 20 January, be received.

That the Te Tai Tokerau Maori Advisory Committee be kept informed, through the Action Sheet, on councils progress towards providing a response to the issues raised during marae based workshops.

Carried

ID: A815874

Te Tai Tokerau Māori Advisory Committee
11 February 2016

Offshore Oil Exploration (Item 7.0)

ID: A813661

Report from Jonathan Gibbard, Group Manager – Strategy and Governance

Moved: (Mahanga/Ngawaka)

That the report 'Offshore Oil Exploration' by Jonathan Gibbard, Group Manager – Strategy and Governance, and dated 20 January 2016, be received.

Carried

Committee Meeting Schedule (March – October 2016) (Item 8.0)

ID: A807485

Report from Abraham Witana, Kaiwhakahaere Mātauranga Māori and Jonathan Gibbard, Group Manager – Strategy and Governance

Moved: (Carr/Hakaraia)

That the report "Committee Meeting Schedule (March – October 2016)" by Abraham Witana, Kaiwhakahaere – Mātauranga Māori, and Jonathan Gibbard, Group Manager Strategy and Governance and dated 20 January 2016 be received.

That the Te Tai Tokerau Māori Advisory Committee approves the following nominations as hosts for the 2016 marae based workshop of Te Tai Tokerau Māori Advisory Committee:

Workshop Date	Host Committee Member	Host Marae
10 March 2016	Rudy Taylor	Dargaville TBC
12 May 2016	Nora Rameke	Marae Venue TBC
14 July 2016	Mira Norris	Whangarei, Marae Venue TBC
8 September 2016	Bundy Waitai	Marae Venue TBC

Carried

ID: A815874

Te Tai Tokerau Māori Advisory Committee
11 February 2016

Te Tai Tokerau Māori Advisory Committee Annual Report 2015 (Item 9.0)

ID: A803253

Report from Abraham Witana, Kaiwhakahaere – Mātauranga Māori

Moved: (Samuels/Tipene)

That the report 'Te Tai Tokerau Māori Advisory Committee Annual Report' by Abraham Witana, Kaiwhakahaere – Mātauranga Māori, and dated 20 January 2016, be received.

That the Chairman of the Committee in accordance with the Te Tai Tokerau Māori Advisory Committee's Terms of Reference provides a report to council as outlined in this item.

Carried

Tuparehuia Marae Workshop, Bland Bay, Whangaruru (Item 10.0)

ID: A807891

Report from Abraham Witana, Kaiwhakahaere Mātauranga Māori

Moved: (Samuels/Murphy)

That the report "Tuparehuia Marae Workshop, Bland Bay, Whangaruru" by Abraham Witana, Kaiwhakahaere Mātauranga Māori, and dated 20 January 2016, be received.

That council staff ensure Tuparehuia Marae (through their representatives) are kept informed of progress towards addressing the concerns raised during the marae workshop (as outlined in Attachment 2).

Carried

Secretarial note: Committee Chair, Cr Samuels acknowledge Members Murphy and Ngawaka and the whanau of Tuparehuia Marae for hosting the Committee Workshop at Tuparehuia Marae.

Māori Engagement in Planning Processes (Item 11.0)

ID: A813238

Report from Jonathan Gibbard, Group Manager Strategy and Governance and Rachel Ropiha, Kaiarahi – Mātauranga Māori

Moved: (Tipene/Hohaia)

That the report, “Māori Engagement in Planning Processes”, by Jonathan Gibbard, Group Manager Strategy and Governance and Rachel Ropiha, Kaiarahi – Mātauranga Māori, dated 19 January 2016, be received.

That the committee recommends to council that the Māori engagement proposals, as outlined in this agenda item, and relate to the development of the Regional Plan, Annual Plan and Regional Pest Management Strategy and Marine Pathways Plan, be approved and implemented by council through the development of these planning documents.

That the committee identifies the following six members of the committee to form the Māori Technical Advisory Group, should council endorse this process, with the purpose to provide detailed technical input into council planning processes as outlined in this report.

- | | |
|---------|---------|
| 1. | 2. |
| 3. | 4. |
| 5. | 6. |

Secretarial note: Following further discussion of Item 11.0 and with the agreement of Malcolm Nicolson, Chief Executive Officer, it was further agreed by the committee that:

That the committee identifies the following nine members of the committee to form the Māori Technical Advisory Group, should council endorse this process, with the purpose to provide detailed technical input into council planning processes as outlined in this report.

- | | |
|--------------------|------------------|
| 1. Bundy Waitai | 2. Nora Rameka |
| 3. Henry Murphy | 4. Rowan Tautari |
| 5. Juliane Chetham | 6. Tui Shortland |
| 7. Mikaera Miru | 8. Mira Norris |
| 9. Patu Hohepa | |

Carried

ID: A815874

Te Tai Tokerau Māori Advisory Committee
11 February 2016

Progress Update: Annual Plan 2016/17 (Item 12.0)

ID: A812930

Report from Kyla Carlier, Strategy Specialist

Moved: (Kake/Rameka)

That the report “Progress Update – Annual Plan 2016/17” by Kyla Carlier, Strategy Specialist and dated 18 January 2016, be received.

That staff present the Annual Plan 2016/17 ‘Consultation Document’ to the Te Taitokerau Maori Advisory Committee at its April meeting.

Carried

Review: Northland Regional Pest Management Strategies and proposed Regional Marine Pathway Plan for Northland (Item 13.0)

ID: A26911

Report from Don McKenzie, Biosecurity Manager and Anna Smith Biosecurity Officer

Moved: (Tipene/Henry)

That the report on the Update on the review of the Northland Regional Pest Management Strategies 2010-2015 and a proposal for a Marine Pathways Plan by Don McKenzie, Biosecurity Manager and Anna Smith, Biosecurity Officer dated 20 January 2016, be received.

Carried

Sites and areas of significance to Māori in the new regional plan (Item 14.0)

ID: A813341

Report from Ben Lee, Policy Development Manager and Jon Trewin, Policy Analyst

Moved: (Kake/Samuels)

That the report, “Sites and areas of significance to Māori in the new regional plan’ by Ben Lee, Policy Development Manager and Jon Trewin, Policy Analyst be received.

Secretarial note: Following further discussion of Item 14.0 it was further agreed by the committee that:

That Members Shortland and Wright will have input into the preparation of the draft criteria for the sites and areas of significance to Māori for the draft Regional Plan, prior to it being presented to the Regional Policy Committee.

Carried

ID: A815874

Te Tai Tokerau Māori Advisory Committee
11 February 2016

Northland Civil Defence Emergency Management Group – Marae Preparedness Project (Item 15.0)

ID: A812591

**Report from Claire Nyberg, Welfare Coordinating Group Chair, Northland CDEM
Group**

Moved: (Samuels/Rameka)

That the report and presentation 'Northland Civil Defence Emergency Management Group – Marae Preparedness Project' by Claire Nyberg, Welfare Coordination Group Chair, and dated 12 January 2016, be received.

Carried

Secretarial note: Pita Tipene left at 2.47pm, Bundy Waitai left at 2.48pm.

Appointed Members' Allowance Policy - Update (Item 16.0)

ID: A813661

Report from Jonathan Gibbard, Group Manager – Strategy and Governance

Moved: (Samuels/Carr)

That the report "Appointed Members' Allowance Policy - Update" by Jonathan Gibbard, Group Manager Strategy and Governance and dated 20 January 2016, be received.

That the Te Tai Tokerau Māori Advisory Committee notes the amendments to this policy.

Carried

The Resource Legislation Amendment Bill – iwi participation arrangements (Item 17.0)

ID: A816612

Report from Resource Management Planning & Policy Manager

Moved: (Tautari/Norris)

That the report The Resource Legislation Amendment Bill – iwi participation arrangements by Justin Murfitt (Resource Management – Policy and Planning Manager) and dated 5 February 2016 be received.

Secretarial note: It was further agreed by the committee that:

That the committee recommends to council that the central government proposed model of an “iwi participation arrangement” should not be supported and that council advocate for a model that provides for both iwi and hapū participation and recognises Te Tiriti o Waitangi.

Carried

Conclusion

The meeting concluded at 3.07pm with a Karakia from Te Hurunga Hohaia.

ISSUE: Northland Region Economic Profile – 2015 Update

ID: A8227782

To: Te Tai Tokerau Māori Advisory Committee, 14 April 2016

From: Darryl Jones, Economist

Date: 21 March 2016

Report Type:	<input type="checkbox"/>	Normal operations	<input checked="" type="checkbox"/>	Information	<input type="checkbox"/>	Decision
Purpose:	<input type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Public service	<input type="checkbox"/>	Regulatory function
	<input type="checkbox"/>	Legislative function	<input type="checkbox"/>	Annual\Long Term Plan	<input checked="" type="checkbox"/>	Other
Significance:	<input type="checkbox"/>	Triggered	<input checked="" type="checkbox"/>	Not Triggered		

Executive summary:

Infometrics has carried out their annual update of the Northland Region Economic Profile, with information updated to 2015. The profile is publically available at <http://ecoprofile.infometrics.co.nz/Northland+Region>, and can also be accessed through the NRC website (www.nrc.govt.nz/economicdevelopment). The NRC Economist, Darryl Jones, will provide a presentation of the key highlights. The two-page infographic (**Attachment 1**), Northland Region at a Glance, provides a quick summary of the information available.

Legal compliance and significance assessment:

The provision of information is part of the council's day to day operations and is in accordance with the council's decision making process and sections 76–82 of the Local Government Act 2002. Hence the matter is deemed to be of low significance.

NORTHLAND REGION AT A GLANCE

2015

economy

Gross domestic product

\$5,966

million in 2010 prices

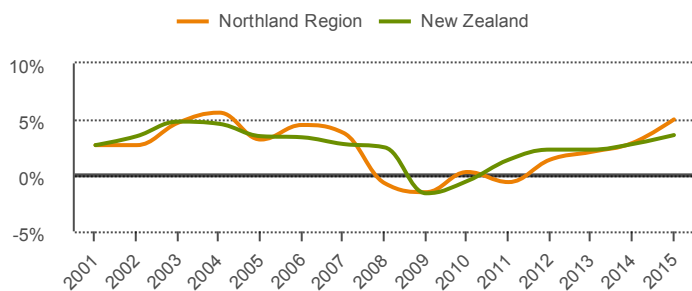
2.7%

of national total

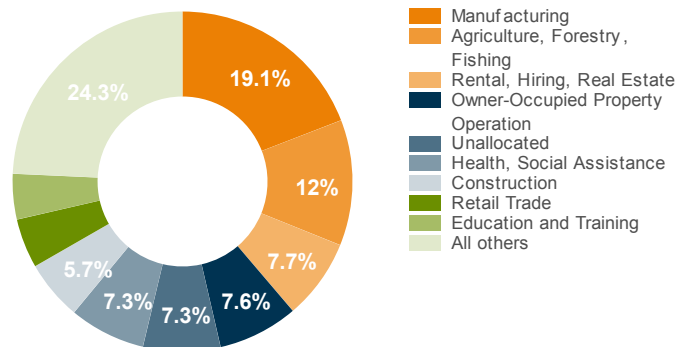
Economic growth Annual average % change

	2015	Last 10 years
NORTHLAND REGION	5.0%	1.7%
NEW ZEALAND	3.6%	1.9%

Economic growth



Industry proportion of GDP



Biggest contributors to economic growth 2005-2015

Manufacturing	\$146
Health Care and Social Assistance	\$108
Rental, Hiring and Real Estate Services	\$101
Public Administration and Safety	\$97
Agriculture, Forestry and Fishing	\$54
All other industries	\$414
Total increase in GDP (\$m)	\$919

labour market

Total employment

65,895

Filled Jobs

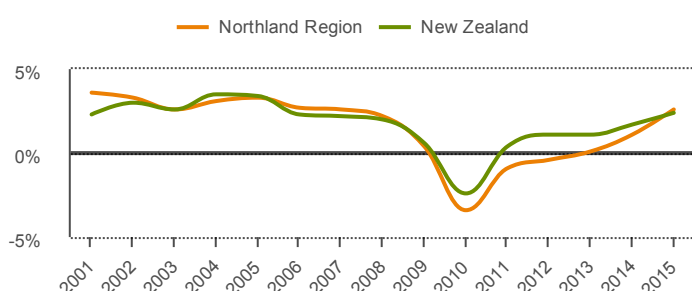
2.9%

of national total

Employment growth Annual average % change

	2015	Last 10 years
NORTHLAND REGION	2.6%	0.7%
NEW ZEALAND	2.4%	1.1%

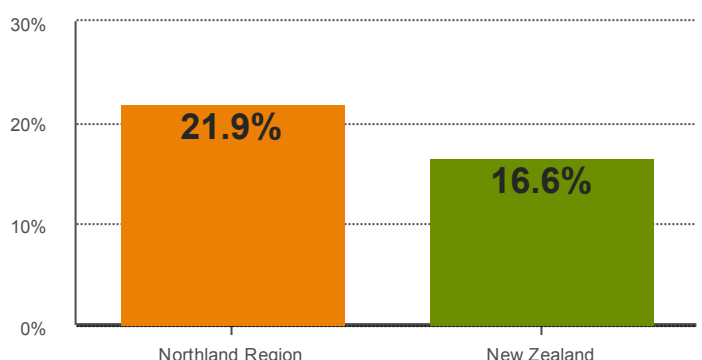
Employment growth



Industries which created most jobs 2005-2015

Health Care and Social Assistance	1,535
Public Administration and Safety	994
Education and Training	965
Administrative and Support Services	758
Professional, Scientific and Technical Services	491
All other industries	-433
Total increase in employment	4,310

Self employment rate, 2015



productivity

GDP per employed person

\$90,538 **\$95,991**

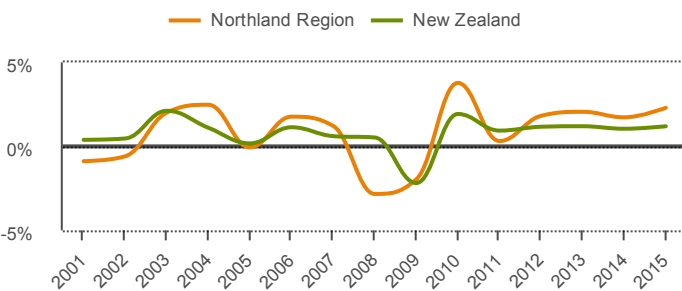
GDP per employee

New Zealand

Productivity growth Annual average % change

	2015	Last 10 years
NORTHLAND REGION	2.3%	1.0%
NEW ZEALAND	1.2%	0.8%

Productivity growth



population

Total population

168,300 **3.7%**

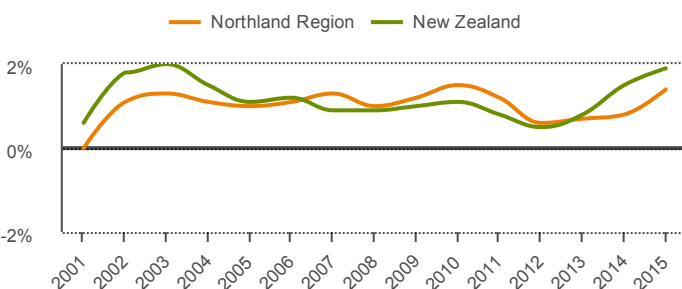
Usually resident persons

of national total

Population growth Annual average % change

	2015	Last 10 years
NORTHLAND REGION	1.4%	1.1%
NEW ZEALAND	1.9%	1.1%

Population growth:



business units

No. of business units

20,118 **3.7%**

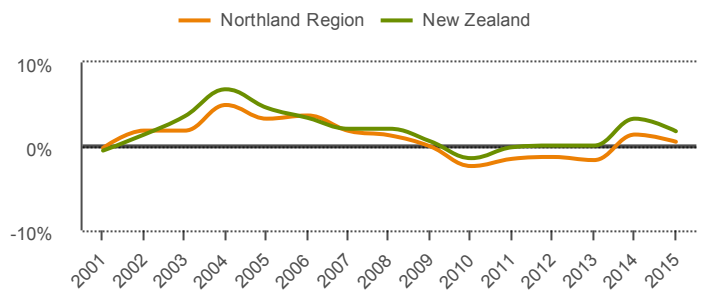
Business units

of national total

Growth in business units Annual average % change

	2015	Last 10 years
NORTHLAND REGION	0.6%	0.2%
NEW ZEALAND	1.8%	1.2%

Growth in business units:



standard of living

Mean annual earnings 2014

\$47,890 **\$54,230**

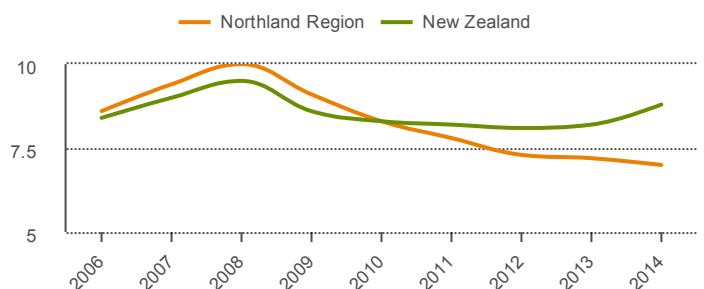
Northland Region

New Zealand

Annual earnings growth Annual average % change

	2014	Last 10 years
NORTHLAND REGION	2.9%	4.0%
NEW ZEALAND	2.2%	3.7%

Housing affordability (higher is less affordable)



ISSUE: Presentation - Whangārei Detention Dam

ID: A827823

To: Te Tai Tokerau Māori Advisory Committee Meeting 14 April 2016

From: Joseph Camuso, Rivers Programme Manager

Date: 23 March 2016

Report Type:	<input type="checkbox"/> Normal operations	<input checked="" type="checkbox"/> Information	<input type="checkbox"/> Decision
Purpose:	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Public service	<input type="checkbox"/> Regulatory function
	<input type="checkbox"/> Legislative function	<input type="checkbox"/> Annual\Long Term Plan	<input checked="" type="checkbox"/> Other
Significance:	<input type="checkbox"/> Triggered	<input checked="" type="checkbox"/> Not Triggered	

Executive Summary:

Staff will present video footage of the Whangārei detention dam to the Te Tai Tokerau Māori Advisory Committee. The detention dam is scheduled to be formally opened on 9 April.

Whangārei has a history of flooding. After a number of large flood events in the 1950's the then Whangārei City Council (who at the time were responsible for rivers and hazard management) commissioned a report on options for flood mitigation for the city. One option identified was to build a detention dam.

In 2009 regional council took over responsibility for river and hazard management. During this time the Whangārei River Liaison Committee was established consisting members of the community, Māori, industry and local government. Among other things, the committee looked at the longstanding flood issue affecting Whangārei. They too, considered options for mitigation and defined a three phase approach to mitigate flooding:

1. Maintain river channels to optimum flood conveyance, and
2. Replacement of Rust Avenue Bridge, and
3. The need for a detention dam (located on Kotuku Street Maunu).

After seeking the necessary endorsements and funding, construction of the dam commenced in 2014 and was completed in December 2015. As part of the consent council engaged local Māori to work alongside council during the undertaking of the build. Late last year, agreement was sought and gained to provide an appropriate name for the dam. The dam and name was blessed at a ceremony on 9 April and concluded with a civic ceremony where the dam was dedicated to the city of Whangārei.

Legal compliance and significance assessment:

The provision of information is part of the council's day to day operations and is in accordance with the council's decision making process and sections 76–82 of the Local Government Act 2002. Hence the matter is deemed to be of low significance.

ISSUE: Presentation - Coastal Hazards Assessments

ID: A828707

To: Te Tai Tokerau Māori Advisory Committee, 14 April 2016

From: Toby Kay, Natural Hazards Advisor

Date: 23 March 2016

Report Type:	<input type="checkbox"/>	Normal operations	<input checked="" type="checkbox"/>	Information	<input type="checkbox"/>	Decision
Purpose:	<input type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Public service	<input type="checkbox"/>	Regulatory function
	<input type="checkbox"/>	Legislative function	<input type="checkbox"/>	Annual\Long Term Plan	<input checked="" type="checkbox"/>	Other
Significance:	<input type="checkbox"/>	Triggered	<input checked="" type="checkbox"/>	Not Triggered		

Executive summary:

A presentation from council staff will provide an overview on Coastal Hazards Assessments work council has undertaken through Tonkin & Taylor.

A final review of the coastal flood hazard inundation levels has been completed by staff and Tonkin & Taylor are now progressing the final draft mapping for 61 sites. The project also includes a coastal erosion hazard assessment for 31 sites around the Northland coast. The deliverables are expected in early April 2016. It is proposed to release the mapping outputs as draft in May - June 2016, and invite comment from affected property owners.

A workshop with Councillors was held 22 March. Dr Rob Bell of NIWA, Dr Tom Shand of Tonkin & Taylor, and Professor Paul Kench of the University of Auckland briefed Councillors on sea level rise projections, and the new Northland Coastal Hazard Assessments.

The new coastal hazard assessments will be presented to the Council on the 19 April and to EMC on 26 April 2016, with a recommendation to release the mapping as draft.

Legal compliance and significance assessment:

The provision of information is part of the council's day to day operations and is in accordance with the council's decision making process and sections 76–82 of the Local Government Act 2002. Hence the matter is deemed to be of low significance.

ISSUE: Northland Inc. Limited: Draft SOI 2016-2019

ID: A832601

To: Te Tai Tokerau Māori Advisory Committee, 14 April 2016

From: Darryl Jones, Economist

Date: 5 March 2016

Report Type:	<input type="checkbox"/>	Normal operations	<input checked="" type="checkbox"/>	Information	<input type="checkbox"/>	Decision
Purpose:	<input type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Public service	<input type="checkbox"/>	Regulatory function
	<input type="checkbox"/>	Legislative function	<input type="checkbox"/>	Annual\Long Term Plan	<input type="checkbox"/>	Other
Significance:	<input type="checkbox"/>	Triggered	<input checked="" type="checkbox"/>	Not Triggered		

Executive Summary:

Northland Inc. Limited has submitted to council their draft Statement of Intent (SOI) for the three-year period 2016-19 (Attachment 1). According to Schedule 8 of the Local Government Act 2002, council has until the end of April to provide comment back to Northland Inc. on the draft SOI. The committee has an opportunity to provide council with feedback on the draft Northland Inc. SOI for it to incorporate into its formal response back to Northland Inc.

Legal compliance and significance assessment:

The provision of information is part of the council's day to day operations and is in accordance with the council's decision making process and sections 76–82 of the Local Government Act 2002. Hence the matter is deemed to be of low significance.

Recommendation:

That the report "Northland Inc. Limited: Draft SOI 2016-19" by Darryl Jones, Economist and dated 5 April 2016, be received.

Report

As a Council Controlled Organisation (CCO), Northland Inc is required under Schedule 8 of the Local Government Act 2002 to submit a draft Statement of Intent (SOI) to council on or before 1 March each year. Council has until the end of April to provide comment back to Northland Inc. This feedback must be considered by the board of Northland Inc in finalising the completed SOI which must be delivered back to council on or before 30 June.

The purpose of a statement of intent is to:

- a) state publicly the activities and intentions of a council-controlled organisation for the year and the objectives to which those activities will contribute; and
- b) provide an opportunity for shareholders to influence the direction of the organisation; and

ITEM: 7.0

Page 2 of 2

- c) provide a basis for the accountability of the directors to their shareholders for the performance of the organisation.

The SOI must include, among other things, information about the objectives of the organisation; the nature and scope of the activities to be undertaken by the group; and performance targets and other measures by which the performance of the organisation may be judged.

The committee has an opportunity to provide council with feedback on the draft Northland Inc. SOI for it to incorporate into its formal response back to Northland Inc. Issues that the committee may wish to consider include the objectives for the organisation, the extent of its activities supporting Māori economic development, and the performance targets.

Representatives of Northland Inc. will be in attendance.

NorthlandInc

Growing Northland's Economy

Kia tupu ai te ōhanga o Te Tai Tokerau

Statement of Intent

2016/19



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1 Message from the Board

This Statement of Intent lays out how Northland Inc Limited (Northland Inc) will support the Northland Regional Council (NRC) with its economic development objectives for Northland. Northland Inc is tasked to implement economic development activities and support investment in the Northland economy. It does these things to improve the prosperity and well-being of Northlanders.

2 Introduction

This Statement of Intent is a public declaration of the activities and intentions of Northland Inc; it has been prepared in accordance with Clause 9 of Schedule 8 of the Local Government Act 2002.

Northland Inc is a Company registered under the Companies Act 1993 and is a reporting entity for the purposes of the Financial Reporting Act 1993 and is also a subsidiary of the NRC. Northland Inc is a council-controlled organisation as defined under Section 6 of the Local Government Act 2002, by virtue of the NRC's right to appoint the Directors. The financial statements of Northland Inc have been prepared in accordance with the Financial Reporting Act 1993 as required by the Local Government Act 2002.

The primary objective of Northland Inc is to provide services for the community or social benefit rather than making a financial return. Accordingly, Northland Inc has designated itself as a public benefit entity (PBE) for the purposes of New Zealand equivalents to International Financial Reporting Standards (NZ IFRS).

Northland Inc is funded by an operational contribution from the NRC and is project funded through public and private agencies, with central government being the next largest contributor. The organisation has a governance board of five Directors appointed for three years or as otherwise specified from time to time by the NRC. A Chair is chosen by the Directors. Operational activity is led by the Chief Executive Officer. Northland Inc has no subsidiaries or joint ventures.

The Statement of Intent is the guiding governance tool and terms of reference of Northland Inc and defines the key performance indicators as agreed by the owner/shareholder (NRC). The statement outlines the Directors' accountabilities to the shareholders for corporate performance.

3 Context

Northland Inc is the Regional Economic Development Agency encompassing the Regional Tourism Organisation (RTO).

Northland Inc works with a number of strategically important institutions in Northland across public and private sectors with a common agenda to strengthen, grow and diversify Northland's economy. A set of regional outcomes have been developed through the Tai Tokerau Northland Economic Action Plan process that provide context for Northland Inc's work. These are:

Regional Outcomes (10 year horizon to 2025)

- An equitable, minimum standard of digital coverage is achieved across the region with uptake equal to or better than the NZ average (Action Plan)
- Northland's rate of Maori unemployment declines to 10% (Action Plan)
- Maori land holdings are as profitable and productive as other equivalent land holdings (Action Plan)
- Northland Farms are performing at a level equal to or better than national averages (Action Plan)
- Two thirds of Northland forestry production is processed in Northland (Action Plan)
- Sustained growth in GDP per annum from specialised manufacturing (Action Plan)
- Employment in specialised manufacturing and services increases year on year (Action Plan)
- Guest nights rise from 1.75m to 2.0m (Action Plan).
- Visitor spend rises from \$661m/annum to \$720m (Action Plan).
- Visitor seasonality shifts with an increase of 30% in guest nights from May-September inclusive (Action Plan).
- Economic growth - measured through the real GDP per usual resident population – is equal to NZ average (NRC)
- Business growth - measured by the ratio of business start-ups to business closures is consistently higher than 1 (a ratio below 1 means there were fewer businesses in operation than previously) (NRC)
- SME businesses are as profitable as the NZ average (NInc)
- Employment rate - measured by the proportion of the labour force that is in paid employment is equal to NZ average (NRC)
- Incomes – measured through average earnings from wages and salaries is equal to the NZ average (NRC)
- At least 20% of Northland's population have higher qualifications (currently 12.4% compared to the National average of 20%) (Action Plan)
- At least 85% of Northland's 18 year olds will hold an NCEA level 2 qualification or equivalent by 2017 (Action Plan)
- Northlands rate of youth not in employment, education or training will have declined from 20.3% to 12% (national rate is 11.4%) (Action Plan).
- Northland's Export value grows by 20% (NInc)

NRC Long Term Plan

The Northland Regional Council's 2015 Long term Plan (LTP) sets out the NRC's objectives, community outcomes, values and areas of focus. Collectively this provides a statement about the direction the NRC wishes to take in making a meaningful contribution to the region. A number of these are relevant to guiding the setting of Northland Inc's objectives, approach and activities.

Community outcomes means the outcomes that the council aims to achieve in meeting the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory services.

4 Northland Inc Vision, Mission and Objectives

[Sec 9 (1) (a)]

Northland Inc is the Regional Economic Development Agency for Northland encompassing the roles and functions of the Regional Tourism Organisation (RTO). Northland Inc supports the Council and Government by undertaking activities that support their economic objectives.

Vision

Northland is one of the most prosperous regions in New Zealand delivering employment and business opportunities for locals in a fair and equitable society and a healthy and productive environment.

Mission

To strengthen, diversify and grow the Northland economy.

Objectives (2-3 yrs)

- Successfully promote Northland as a place to live, work, invest and visit (Implements NRC LTP Objective 10)
- Communicate Northland's economic development successes to internal and external stakeholders to build confidence in the Northland economy (NRC LTP Objective 7)
- Promote economic development opportunities which lift local economies, provide employment and increase incomes (Implements NRC LTP Objective 9)
- Provide sound advice to the NRC, Territorial Authorities and Government on strategy, economic trends and economic development opportunities in Northland
- Provide sound advice to the NRC in regard to investment opportunities for Northland that provide a return for council funds and protect shareholder interests (Implements NRC LTP Objective 1 and 2)
- Leverage NRC's Investment and Growth Reserve to attract investment into Northland (Implements NRC LTP Objective 3)
- Facilitate Iwi, Hapu, Whanau, Ahu Whenua Trusts or other Maori organisations to create employment opportunities for Northland (Implements NRC LTP Objective 4)
- Facilitate business support for Northland firms to build business capability and capacity and promote capital investment, research and development (NRC LTP Objective 6)
- Establish a suite of capital assistance and business investment partners for Northland entrepreneurs and firms (Implements NRC LTP Objective 5)
- Establish a high performing innovation ecosystem to support innovation and create new businesses (Implements NRC LTP Objective 5 and 6)
- Promote the establishment and development of infrastructure that underpins economic growth
- Leverage Northland's proximity to Auckland (Implements NRC LTP Objective 8).

5 Governance Approach

[Sec 9 (1) (b)]

- (i) The Board will effectively represent and promote the interests of the shareholder by seeking to fulfil its mandate as described above.

- (ii) The Board will discharge their duties in accordance with the Board Charter
- (iii) The Board will promote the development of the management structure through delegation of responsibilities and authority to Northland Inc's management team.
- (iv) The Board will direct and monitor management performance through:
 - the establishment of clear strategic objectives and plans
 - regular meetings to review performance and progress towards set objectives
 - the approval of detailed operating and capital budgets
 - regular meetings to review actual performance against budget;
- (v) The Board will familiarise itself with the issues of concern to the shareholder through regular interaction with the shareholder
- (vi) The Board will employ "best practice" in exercising its fiduciary management responsibilities.

6 Nature and scope of activities to be undertaken

[Sec 9 (1) (c)]:

The nature and scope of activities of Northland Inc are to deliver on the vision, mission and objectives of the organisation through focusing on the following areas:

1. Supporting Business Growth and Innovation by
 - Working with and supporting businesses that want to grow
 - Facilitating increased productivity in primary industries
 - Facilitating the development of increased processing, manufacturing and service industries that leverage Northlands key sectors and comparative advantages
 - Developing clusters, business networks or associations to take advantage of market development opportunities
 - Facilitating the transfer of specialist knowledge through events to improve intellectual property opportunities in Northland
 - Developing a range of capital support mechanisms for Northland firms
 - Delivering business advice to support innovation, capacity and capability development through the Regional Business Partnership
 - Supporting the Landing Pad Programme to develop investor and investee opportunities
 - Facilitating support for entrepreneurs through the establishment of The Orchard collaborative business hub
 - Developing clusters, business networks or associations to take advantage of market development opportunities through the Coalitions programme.

Additional Work:

- Supporting and encouraging innovation in Northland firms through the establishment of a Regional Research Office.

2. Supporting Investment and Infrastructure by

- Actively supporting and facilitating investment in strategic sectors in the Northland economy
- Acting as a clearing house for inward investment into Northland by preparing and conducting robust feasibility, due diligence, business case and risk assessments in support of investment proposals
- Providing a continual deal flow of investment ready proposals for the NRC's Investment and Growth Reserve
- Leveraging NRC investments to increase investment into the Northland economy
- Supporting and facilitating the development of new and enabling infrastructure such as UFB, roads, rail and water
- Managing projects on behalf of NRC at their request.

3. Supporting Maori Economic Development by

- Engaging with Maori to advance iwi, hapu and whanau aspirations for economic development
- Supporting the implementation of He Tangata, He Whenua, He Oranga
- Partnering with Maori in investment, business and economic development projects.

Additional work:

- Working with and supporting Maori businesses that want to grow.

4. Promoting the region by

- Assisting the development of infrastructure, products, services and sub-regional destinations which grows the value derived from visitors through increasing: regional spread, length of stay, expenditure and off-season travel.
- Delivering a promotional programme to encourage investment and market development of Northland's strategic growth sectors
- Delivery of an Annual Tactical Marketing Plan for destination marketing, in conjunction with the national tourism organisations and the Northland tourism sector

- Implementing the Twin Coast Discovery Revitalisation Project

Additional work stream

5. Supporting the implementation of the Tai Tokerau Northland Economic Action Plan (TTNEAP) by

- Facilitating and administering the Advisory Group
- Leading a region wide implementation group
- Providing Portfolio and Project Management
- Implementing projects led by Northland Inc

In undertaking these activities Northland Inc will seek to:

- achieve the objectives of its Shareholders, both commercial and non-commercial as specified in this Statement of Intent;
- be a good employer;
- exhibit social and environmental responsibility

Further detail on how Northland Inc intends to deliver these activities is developed within Northland Inc's annual Business Plan. The Business Plan is prepared using an Intervention Logic assessment process. The Business Plan will be presented to the NRC as a supporting document to this Statement of Intent.

7 Shareholders' funds

(Sec 9 (1) (d))

The Equity Ratio shall be 100% unless specifically authorised by the shareholder.

8 Accounting policies

(Sec 9 (1) (e))

The accounting policies that have been adopted are detailed in the company's 2013/14 Annual Report. A copy is included as **Appendix A**.

The Company is classified as a Public Benefit Entity (PBE).

9 Performance targets

(Sec 9 (1) (f))

Key Performance indicators are:

- Growth in Northland businesses engaged with Northland Inc¹ measured through an increase in:
 - turnover by 2% per annum
 - exports as a percentage of sales by 2% per annum
 - innovation intensity by 2% in three years
- Northland Inc Board recommendations made to the NRC Investment and Growth Reserve:
 - 1 project for debt or equity funding per annum; and
 - 1 project for impact investment funding per annum; and
 - 1 project partnering with Iwi, hapu and/or Maori collective organisations on economic development
- Promotion of the region measured by
 - 10% annual increase in (Google Analytics) sessions on www.northlandnz.com per annum
 - Industry investment of \$300K per annum in regional promotion activity
 - An Equivalent Advertising Value of \$15m per annum achieved from destination media coverage

Additional Work KPI:

- Implementation of the TTNEAP measured by
 - Value of confirmed investment from outside the region into Northland projects
 - Projects / actions successfully completed
 - At least 5 new projects are added to the Action Plan per annum.

10 Distributions to shareholders

(Sec 9 (1) (g))

No distribution to the shareholder is required during the 2015/16 financial year.

11 Information to be provided to the Shareholders

(Sec 9 (1) (h))

Directors will formally report progress against the SOI to the NRC quarterly via a written report submitted within 6 weeks of the end of the 1st and 3rd quarters, and attendance at a Council meeting thereafter as per the NRC schedule dictates.

In compliance with Clause 66 of Part 5 the Directors will, within two months after the end of the first half of each financial year, deliver to the shareholder an unaudited half year report containing at least:

- a Statement of Performance, Position and Cash flow as at the half year balance date
- financial forecasts for the full year and comparison to approve budgets

¹ Measured by business engagement data captured in CRM

- commentary on progress to meeting performance targets and the expected year end position.

In accordance with Sec 2 of Schedule 8 the Directors will deliver a draft SOI to the shareholder by 1st March of each year for the subsequent three year period.

In accordance with Sec 3 of Schedule 8 the Directors will deliver a Board approved SOI to the shareholder on or before the 30th June of each year.

In compliance with Clause 67 of Part 5 the Directors will, within three months of the end of the financial year, deliver to the shareholder an audited Annual Report which meets the requirements of Sec 68 and Sec 69 of Part 5. In addition the Director's Report is to contain a declaration by the Board as to the compliance with the Act and specifically that the requirements of Schedule 8 have been met.

12 New entries, acquisitions and sales

[Sec 9 (1) (i)]

Directors may not create any new legal entity, acquire shares or any equity interest in any existing legal entity or sell any interest held by Northland Inc without the specific approval of the NRC as the shareholder.

13 Activities for which local authority funding is sought

[Sec 9 (1) (j)]

Northland Inc reserves the right to seek compensation from time to time for the necessity to provide any service required by the NRC where funding has not been previously agreed.

14 Estimate of the commercial value of the shareholders' investment

[Sec 9 (1) (k)]

The Directors' forecasted estimate of the commercial value of the Shareholders' investment in Northland Inc at 30 June 2016 is \$10,000 and is equal to the Shareholders' equity in Northland Inc. Reassessment of the value of this shareholding shall be undertaken by 30 June each year.

The business should be viable (have a positive net worth) by the end of each financial year.

15 Any other matters

[Sec 9 (1) (l)]

The NRC is required to hold a confidential Council meeting at Northland Inc's request to discuss any matter which is considered commercially sensitive. Northland Inc has the ability to submit formal reports into the confidential agenda of any such meeting.

16 Financial Information

[Sec 9 (3)]

A prospective statement of financial performance is included as Appendix B.

DRAFT

Appendix A: Northland Inc Accounting Policies

1. Statement of Accounting Policies

Basis of preparation

The financial statements of Northland Inc have been prepared in accordance with the requirements of the Local Government Act 2002: Part 6, Sec 98 and Part 3 of Schedule 10, which includes the requirement to comply with generally accepted accounting practice in New Zealand (NZ GAAP).

These financial statements have been prepared in accordance with NZ GAAP. They comply with NZ IFRS, and other applicable Financial Reporting Standards, as appropriate for public benefit entities.

The financial statements have been prepared on a historical cost basis.

The financial statements are presented in New Zealand dollars and all values are rounded to the nearest dollar. The functional currency of Northland Inc is New Zealand dollars.

Changes in Accounting Policies

The accounting policies set out below have been applied consistently to all periods presented in these financial statements.

There have been no changes in accounting policies during the financial year.

Early adopted amendments and revisions to standards

The following amendments and revision to standards have been early adopted:

Amendments to NZ IFRS 7 Financial Instruments: Disclosures - The amendment reduces the disclosure requirements relating to credit risk. Full disclosure has been included in these financial statements as per Note 21.

Standards and interpretations issued and not yet adopted

Standards, amendments and interpretations issued but not yet effective that has not been early adopted, and which are relevant to Northland Inc include:

NZ IFRS 9 Financial Instruments will eventually replace NZ IAS 39 Financial Instruments: Recognition and Measurement. NZ IAS 39 is being replaced through the following 3 main phases: Phase 1 Classification and Measurement, Phase 2 Impairment Methodology and Phase 3 Hedge Accounting. Phase 1 on the classification and measurement of financial assets has been completed and has been published in the new financial instrument standard NZ IFRS 9. NZ IFRS 9 uses a single approach to determine whether a financial asset is measured at amortised cost or fair value, replacing the many different rules in NZ IAS 39. The approach in NZ IFRS 9 is based on how an entity manages its financial instruments (its business model) and the contractual cash flow characteristics of the financial assets. The new standard also requires a single impairment method to be used, replacing the many different impairment methods in NZ IAS 39. The financial liability requirements are the same as those of NZ IAS 39, except for when an entity elects to designate a financial liability at fair

value through the surplus/deficit. The new standard is required to be adopted for the year ended 30 June 2016. However, as a new Accounting Standards Framework will apply before this date, there is no certainty when an equivalent standard to NZ IFRS9 will be applied by public benefit entities.

The Minister of Commerce has approved a new Accounting Standards Framework (incorporating a new Tier Strategy) developed by the External Reporting Board (XRB). Under this Accounting Standards Framework, the Company is classified as a Tier 3 reporting entity and it will apply the PBE Simple Format Reporting Standard - Accrual (PSFR-A). The effective date for public sector PBEs to adopt the PBE Standards will be periods beginning on or after 1 July 2014. This means the Company expects to transition to the new standards in preparing its 30 June 2015 financial statements.

Due to the change in the Accounting Standards Framework for public benefit entities, it is expected that all new NZ IFRS and amendments to existing NZ IFRS will not be applicable to public benefit entities. Therefore, the XRB has effectively frozen the financial reporting requirements for public benefit entities up until the new Accounting Standard Framework is effective. Accordingly, no disclosure has been made about new or amended NZ IFRS that exclude public benefit entities from their scope.

Appendix B: Prospective Statement of Financial Performance

NORTHLAND INC Forecast Prospective Statement of Financial Performance					
Income	2016/17	Forecast	2017/18	2018/19	Forecast
NRC Opex		1,198,212	1,227,481		1,258,977
NRC I & G		200,000	200,000		200,000
NRC Regional Promotions		410,500	410,500		-
Twin Coast Revitalisation		250,000	-		-
WDC		105,000	105,000		105,000
FNDC & KDC		65,000	65,000		65,000
NZTE & CI		339,531	339,531		339,531
Project Income		79,000	79,000		79,000
Total Income		2,647,243	2,426,512		2,047,508
Less					
Programme Expenditure	1,071,665		812,928	406,423	
Salaries	1,116,958		1,146,560	1,169,491	
Overheads	448,620		457,024	461,594	
Total Expenditure	2,637,243		2,416,512	2,037,508	
Total Net Surplus		\$ 10,000	\$ 10,000		\$ 10,000
Additional Work :					
Income					
Action Plan Implementation					
Research Office					
Maori Business Support					
Less		-	-		-
Expenses					
Action Plan Implementation	121,531		122,867	124,218	
Research Office	128,433		129,717	131,014	
Maori Business Support	100,000		101,100	102,111	
	349,964		353,684	357,343	
Sub total Net Surplus		349,964	353,684		357,343
Total Net Surplus/Deficit		-\$ 349,964	-\$ 353,684		-\$ 357,343
Notes					
FNDC & KDC funding unconfirmed					
Additional Work Stream income unconfirmed					

ISSUE: Receipt of Action Sheet

ID: A829394

To: Te Tai Tokerau Māori Advisory Committee meeting, 14 April 2016

From: Jonathan Gibbard, Group Manager - Strategy and Governance

Date: 24 March 2016

Report Type:	<input checked="" type="checkbox"/>	Normal operations	<input checked="" type="checkbox"/>	Information	<input type="checkbox"/>	Decision
Purpose:	<input type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Public service	<input type="checkbox"/>	Regulatory function
	<input type="checkbox"/>	Legislative function	<input type="checkbox"/>	Annual\Long Term Plan	<input checked="" type="checkbox"/>	Other
Significance:	<input type="checkbox"/>	Triggered	<input checked="" type="checkbox"/>	Not Triggered		

Executive summary:

The purpose of this report is to enable the Te Tai Tokerau Māori Advisory Committee (the committee) to receive the current committee action sheet (**attached**).

Legal compliance:

The information and recommendations outlined in this report are in accordance with the Te Tai Tokerau Māori Advisory Committee's approved Terms of Reference, and are part of the committee's normal operations. No decision is required other than the information be noted hence, the matter does not trigger the council's Significance Policy.

Recommendation:

That the report "Receipt of Action Sheet" by Jonathan Gibbard, Group Manager - Strategy and Governance and dated 24 March 2016 , be received.

Council Actions

IRISID	Current Status	Request Date	Reso/Req	Description	Request Details	Note Text	Date of Note	Requested By
REQ.577230	Open	24 Jul 2014		Local Government Reform	That the TTMAC committee be kept informed of developments in respect of local government reform and provide opportunity for committee's views to be relayed to NRC (REQ)	Council (at both the political and staff level) continue to engage with the Local Government Commission in a positive manner seeking opportunities to improve the provision of local authority services to the Northland community. Council staff will provide a full report on this at the next committee meeting.	30 Oct 2015	Te Taitokerau Māori Advisory Committee
REQ.580188	Open	11 Feb 2016		Te Tai Tokerau Māori Advisory Committee - Marae based workshops	That the Te Tai Tokerau Maori Advisory Committee be kept informed, through the Action Sheet, on councils progress towards providing a response to the issues raised during marae based workshops	Tuparehuia Marae Workshop held 10 December 2015. Staff continue to prepare a response to issues raised at Tuparehuia Marae. Staff anticipate providing a formal response before the end of April.	12 Feb 2016	Te Taitokerau Māori Advisory Committee

ISSUE: Māori Technical Working Party

ID: A829083

To: Te Tai Tokerau Māori Advisory Committee Meeting, 14 April 2016

From: Rachel Ropiha, Kaiarahi Mātauranga Māori

Date: 24 March 2016

Report Type:	<input type="checkbox"/>	Normal operations	<input checked="" type="checkbox"/>	Information	<input type="checkbox"/>	Decision
Purpose:	<input type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Public service	<input type="checkbox"/>	Regulatory function
	<input type="checkbox"/>	Legislative function	<input checked="" type="checkbox"/>	Annual\Long Term Plan	<input checked="" type="checkbox"/>	Other
Significance:	<input type="checkbox"/>	Triggered	<input checked="" type="checkbox"/>	Not Triggered		

Purpose:

At the February meeting of the Te Tai Tokerau Māori Advisory Committee (the committee), the paper *Māori Engagement in Planning Processes* was tabled. The paper outlined the work and recommendations of the working party (of the Te Tai Tokerau Māori Advisory Committee) who were formed to consider best practice in order to engage and seek Māori input into council's plans. At the same meeting, the committee approved recommendations to council regarding the establishment of a Māori Technical Working Party.

The purpose of this report is to provide the committee with council's decision.

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 councils 2015-2025 Long Term Plan , and are in accordance with the council's decision making process and sections 76-82 of the Local Government Act 200 The matter does not trigger the councils Significance Policy.

Recommendation:

That the report Māori Participation in NRC Planning Processes by Rachel Ropiha, Kaiarahi Mātauranga Māori and dated 24 March 2016, be received.

Report:

Council established the committee to help inform it as to best practice for engaging Māori and seeking input into its plans. Whilst this is not the only purpose of the committee is was one of the key issues which council sought assistance. The committee has through a working party - consisting of members, Samuels, Miru, Shortland and Kake - identified a process to seek input by Māori into council plans. This being a process similar to that which was used during councils ten year review of the Regional Policy Statement.

However, a crucial factor for the working party's recent recommendation (to the committee) was that a number of key council documents were already or soon to be reviewed and/or developed. These being:

1. Annual Plan, and
2. Regional Plan/s, and
3. Pest Management Strategy and Marine Pathways Plan.

As such the working party saw it as imperative that a plan of action be put in place now to ensure input into these plans during the early stages of review/development. In this regards an agenda item was presented to council's March meeting on behalf the committee proposing the establishment of a Māori Technical Working Party. The report also outlined the draft timeframes (**attachment one**) associated with the work programmes for these plans. The agenda item further outlined the proposed number of meetings and membership of the proposed working group.

After considering the report - in summary – the council approved the following recommendations:

1. The establishment of a Māori Technical Working Party – for the purposes of informing council's Annual Plan, Regional Plan and Pest Management Strategy and Marine Pathways Plan.
2. That the nine committee members identified by the committee at its March meeting be confirmed as members on the technical working group, and
3. That the attached work schedule be confirmed as the schedule of meetings for the working party.

Conclusion:

Staff will now work with the relevant departments on project plans associated with the aforementioned plans in order to refine the timeframes associated with their development and/or review. This will provide greater assurances as to likely dates for when the technical working party will be required to meet. Staff will be in contact with the relevant working party members once tighter timeframes are developed.

Appendix one

Schedule of meetings for technical working party

Regional Plan (Resource Management Act)

Noting that the regional plan review process has already begun and that engagement with Māori has already occurred through a number of avenues. The below recommendations take this into account and provide suggestions as to an appropriate process for the remainder of the plan development process.

- Present draft plan to the committee for high level feedback (August)
- During the draft plan consultation period invite expressions of interest to meet with any Māori group (August to mid-September). Council to consider expressions of interest and design and implement hui schedule accordingly (October / November).
- **Māori Technical Working Group** to meet 3 – 5 times to review draft plan and provide technical feedback (November / December).
- Māori resource management consultant employed to collate all feedback (including from submissions, marae hui and Advisory Group) and prepare recommendations report. Report to be approved by the committee (December / January 2017).
- Consultant to attend all Regional Policy Committee workshops where recommendations have been made.

Regional Pest Management Plan (Biosecurity Act)

- Present general direction for new plan and seek initial feedback from the committee (February).
- Notify Plan for feedback including direct notification for iwi/hapu on council database (June – July)
- **Māori Technical Working Group** to meet 1 -2 times to review the draft plan and provide technical feedback. Staff to collate feedback for committee approval. (June – July)
- Staff to present council decisions and the approved Regional Pest Management Plan to the committee in November.

Annual Plan (Local Government Act)

- Staff to present the Annual Plan 2016/17 Consultation Document to the Committee for feedback (April).
- Staff to present council decision and final Annual Plan to the committee (August).
- **Māori Technical Working Group** to meet 1 – 2 times to provide ideas inform staff input and councillor consideration of potential new initiatives for inclusion in the 2017/18 Annual Plan. Staff to collate feedback for committee approval (September – October).

ISSUE: Resource Legislation Amendment Bill

ID: A827805

To: Te Tai Tokerau Māori Advisory Committee Meeting 14 April 2015

From: Justin Murfitt, Resource Management Planning & Policy Manager;
Abraham Witana, Kaiwhakahaere – Mātauranga Māori

Date: 24 April 2016

Report Type:	<input checked="" type="checkbox"/> Normal operations	<input checked="" type="checkbox"/> Information	<input type="checkbox"/> Decision
Purpose:	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Public service	<input type="checkbox"/> Regulatory function
	<input type="checkbox"/> Legislative function	<input type="checkbox"/> Annual\Long Term Plan	<input checked="" type="checkbox"/> Other
Significance:	<input type="checkbox"/> Triggered	<input checked="" type="checkbox"/> Not Triggered	

Executive Summary:

The Te Tai Tokerau Māori Advisory Committees (the committee) provided feedback to council on the Resource Management Act (RMA) Reforms during its February 2016 meeting – specifically as the reforms related to iwi and hapū engagement and involvement in RMA plan development. This paper provides an update and overview of council's submission to the Resource Legislation Amendment Bill 2015.

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:

That the report "Resource Management Act Reforms" by Justin Murfitt, Resource Management Planning & Policy Manager and Abraham Witana, Kaiwhakahaere – Mātauranga Māori and dated 14 April 2016, be received.

Report

The committee made the following recommendation at its 11 February 2016 meeting.

That the committee recommends to council that the central government proposed model of an "iwi participation arrangement" should not be supported and that council advocate for a model that provides for both iwi and hapū participation and recognises Te Tiriti o Waitangi.

This recommendation was supported by council and was incorporated into the council submission on the Bill. The relevant recommendation can be found in council's submission in paragraphs 25, 26 and noted in full in paragraph 27.

A copy of the council submission is provided in Attachment 1 for your information.

Council's submission raised a number of other matters in relation to the Bill. A summary of these submission points is provided below under general topic headings:

Providing greater national direction

The Bill introduces a number of changes to provide for greater central government influence on RMA plans.

National planning template

Council supported use of a national planning template to provide greater consistency and efficiency in RMA plans, but recommended this be used for relatively simple matters (like definitions). Council also sought that a simple process be available to implement the template.

National Policy Statements (NPS) and National Environmental Standards (NES)

Council supported the use of NPS and NES to provide national direction, simplify processes and limit costs as a result of councils re-litigating the same issues throughout the country. Council particularly supports the ability to target and combine NES and NPS.

Natural hazards

The council submission supported the addition of natural hazards as a matter of national importance to section 6 RMA.

New function to ensure land development capacity

The Bill proposes changes to Sections 30 and 31 RMA to require councils provide sufficient residential and business development capacity to meet long-term demand. Council supported the intent but suggested changes to section 30 better fit with regional functions (providing development capacity is a district function through zoning and subdivision provisions and infrastructure).

Deletion of hazardous substances

Council supported the removal of the requirement for local government to manage hazardous substances because this is better managed by the EPA under the HSNO Act processes (which are specifically designed for this purpose).

Regulation making powers

The Bill proposes introducing new broad regulation making powers that could potentially override local decision-making. Council did not support the extent of these powers and did not see the justification for interference with planning processes of councils and communities.

Stock exclusion

The Bill includes provides for national regulations to exclude stock from water bodies which council supports as long as the regulations provide a pragmatic approach (which appears to be the case being based on Land and Water Forum recommendations).

Reversal of presumption of subdivision

The Bill reverses the presumption in the RMA that subdivision requires consent unless allowed by a rule in a plan. Council opposed this change on the grounds it could frustrate management of natural hazards and there appears to be little need for such a change.

Plan making

New plan making processes

Council supports the introduction of two new planning processes for plan-making in the Bill (collaborative and streamlined processes), although some reservations about the powers of Ministers to direct content in the streamlined process. Council also sought clarity in relation to some areas of the collaborative plan making process set out in the Bill.

Iwi Participation Arrangements

(Addressed above)

Changes to Section 32

Council considered a new requirement in the Bill to provide a summary of iwi advice and responses in relation to plan proposals is cumbersome and will add costs unnecessarily as all such material is discoverable in any case and already addressed in current provisions (sections 35(1) and 35(5)).

Commissioner appointments

Council did not support a new requirement to consult relevant iwi authorities for *all* Schedule 1 commissioner appointments. Council agrees it is appropriate for consultation to occur where matters of tikanga or Māori values are being considered, however this should be limited to these instances and not applied to all Schedule 1 hearings.

New monitoring requirements

The Bill introduces a new requirement into section 35 requiring that councils monitor the efficiency and effectiveness of all RMA processes used, including matters such as timeliness, cost and overall satisfaction. The purpose of this is unclear and the terminology is vague and this change was opposed by council as these matters are already addressed by the Local Government Act.

Compensation for land incapable of reasonable use

The Bill proposes amendments to section 85 of the RMA to provide the Environment Court with the ability to direct councils to acquire land (using the Public Works Act) where it has been rendered incapable of reasonable use by planning provisions. This is a fundamental change to the principle of no compensation being payable under the RMA and could frustrate implementation of national policy. Council's view was that this needs further analysis before being implemented.

Simplifying the consenting system

The Bill introduces a number of new consenting amendments, including a new fast-track for simple applications and significant changes to the notification of applications.

10 day fast-track for minor consents

Council opposed the fast-track for all controlled activity consents. A ten day turn-around is not always practical given the assessment and iwi consultation that may be required.

New notification criteria

New provisions require consent authorities to specify the reasons for notifying an application, and then limit the rights to submit to only those identified

reasons. Council opposed these changes as they seem contrary to the purpose of notification, which is to make sure all the potential effects are identified and addressed as a consent authority may not fully understand all potential effects until all potentially affected parties have their say. Council considers the current approach about right and suggest that the change proposed will erode participatory rights, will be time consuming and litigious.

Strike out provisions

Council opposes a new mandatory direction to strike out certain submissions in the Bill on the grounds that this change goes too far and will affect lay people the most. Council considers the change will likely lead to an increasingly litigious and adversarial hearing process.

Financial contributions

The Bill proposes phasing out financial contributions (FCs). Council opposes this change on the grounds that they are a useful tool allowing councils to raise funds from the consent process to put towards environmental benefit.

Charging for permitted activities

Currently the RMA is silent on the ability for councils to apply administrative charges for permitted activities (the RMA provides for consent only). Council sought that the Bill provide the ability to charge for the monitoring and administration of permitted activities on the grounds that some such activities include standards that should be monitored which comes at a cost and the person carrying out that activity should pay those costs (consistent with the user pays principle).

Other consenting amendments

Council also supported a number of other changes to the consenting process in the Bill including:

- Allowing minor breaches of rules to be considered permitted activities.
- The explicit ability to consider positive effects from offsetting and environmental compensation proposals offered by an applicant.

Submission



By the: Northland Regional Council

On

The Resource Management Reform Bill

**To: The Secretariat
Local Government and Environment Select Committee
Select Committee Services
Parliament Buildings
WELLINGTON 6160**

REF: A825744

Introduction

1. The Northland Regional Council (council) thanks the Government for the opportunity to submit on the Resource Legislation Amendment Bill 2015. This submission is made with council's statutory functions in mind and in the interests of promoting a workable resource management system for New Zealand.
2. Council supports improvement of the resource management system to reduce costs (to local government, communities and business), whilst improving environmental, economic, social and cultural outcomes. Council considers the changes proposed will go some way in addressing some of the problems with current processes and supports the overall intent of the Bill, subject to the specific comments raised below.
3. The Council does not wish to be heard in relation to this submission.
4. Our contact details are:

Attention: Malcolm Nicolson (Chief Executive)

Northland Regional Council
Private Bag 9021
Whāngārei Mail Centre
WHĀNGĀREI 0148

Ph (09) 470 1200

Providing greater national direction

National planning template

5. Council supports the introduction of a national planning template (NPT) to provide greater consistency and efficiency in RMA plans. However council considers this mechanism should be used with caution as much of the variation in RMA plans has arisen for sound reasons to respond to local resource management issues. Council is also concerned that the amendments would give broad ministerial powers and relatively unfettered discretion over the content of a NPT and could unduly curtail local decision making. We note there are no appeal rights and much of the NPT content could be established through regulations which may not be subject to a public process. We also note the Bill at new section 29(da) enables the Minister to delegate the power to approve, change, replace and revoke the national planning template to the chief executive. While this may be administratively efficient we question whether this sits well constitutionally. This in effect confers regulation making power on a publically unaccountable civil servant rather than an Executive Order in Council. We recommend the proposed new section 29(da) be deleted.
6. Council certainly supports improved consistency in planning where appropriate. We consider appropriate circumstances to include situations where there is unnecessary variation / inconsistency across plans or unnecessary and costly debate over issues addressed under other legislation or where national direction has been set through regulations supported by a public process. These powers however need to be balanced with the ability for local government and local communities to manage local issues using local solutions. Council suggests that development of NPT content be limited to providing consistency across commonly used definitions and the like, rather than tackling more complex / substantive issues which are better addressed through instruments such as NES and NPS. We recommend new 58C be amended to restrict the scope of NPT content to this effect. We also recommend that the NPT provide for a degree of discretion in relation to some resource management topics to allow local variation in plans in order to respond to local issues.
7. Council also suggests that NPT provisions provide for merging of NPT content into existing Schedule 1 processes without the need for re-

notification / consultation. It is also recommended that the NPT use language and format that is consistent with that used in NPS and NES and regulations to ensure efficient integration with these mechanisms.

National Policy Statements (NPS) and National Environmental Standards (NES)

8. Council supports the use of NPS and NES to provide national direction, simplify processes and limit costs as a result of councils re-litigating the same issues throughout the country. We also support the potential to combine NES and NPS. Council would prefer to see national guidance on substantive resource management issues through these tools (rather than through direct ministerial intervention) as the process is more transparent, there is opportunity to engage in their development and a section 32 evaluation process is applied.
9. We support changes that would enable targeting such instruments to specific regions or areas where issues are apparent (rather than applying New Zealand wide). An example of where the ability to target NPS/NES to specific areas would be of benefit would be in relation to any NPS for urban development. Urban development issues are generally confined to several major centres - in many other parts of the country the imposition of a NPS for this purpose is not warranted. Any such NPS should ideally utilise the ability in new 45A(3) to target areas of concern.
10. In terms of priority areas for stronger national direction, council considers water, natural hazards (given the proposed elevation to a section 6 matter and the benefit of nationally directed consistency) and climate change should be the immediate focus.

Natural hazards

11. The addition of natural hazards as a matter of national importance to section 6 RMA is strongly supported as this will better enable local authority initiatives to manage natural hazard risks. The change proposed to section 106 is supported for the same reasons. As noted above council recommends this change be supported by national direction and would support development of a NES on the management of risk associated with natural hazards.

Changes to Section 30

New function to ensure land development capacity

12. The change to Sections 30 and 31 RMA to include provision sufficient residential and business development capacity to meet long-term demand as a function of both regional and district councils is supported. However, the change to section 30 as drafted does not fit well with regional functions - providing capacity is a district function through zoning and subdivision provisions and infrastructure. Regional councils can however complement this through provisions relating to infrastructure (such as water takes and discharges). Any change to section 30 RMA should reflect regional functions and should in our view relate to the *ability to sustainably utilise* development capacity (rather than provide capacity).
13. We also see a related issue with new Section 30(5) in that the definition of development capacity includes “....*the provision of adequate infrastructure...*” Again regional councils tend not to provide infrastructure to service land use change / development – the change to Section 30 outlined at Para 10 above would resolve this.

Deletion of hazardous substances

14. The removal of the express requirement for local government to manage hazardous substances from section 30 and 31 is supported. This is because the management of hazardous substances is better managed by the EPA under the HSNO Act processes which are specifically designed for this purpose and appropriate expertise can be brought to bear. The Bill however does leave some uncertainty as to the scope for local government control over adverse effects of the storage, use, disposal, or transportation of hazardous substances in the absence of section 30(1)(c)(v) and 31(1)(b)(iia). Council recommends this be clarified for certainty.

Stock exclusion

15. Provision for national regulations to exclude stock from water bodies is supported, as long as the regulations provide a pragmatic approach. We support the approach signalled to date that stock exclusion requirements would not be applied ‘broad brush’ and that exceptions are made for hill country and a reasonable lead in time is provided. Impacts on parts of the

rural economy would otherwise be severe. It is important that the regulations provide the ability for landowners to gain consent where stock exclusion is not practical and to allow access in some circumstances (E.g. stock crossings and / or where water reticulation and fencing are cost prohibitive). Council also suggests there be the ability for councils to be more restrictive than the regulations in certain circumstances – for example to meet national policy direction on outstanding freshwater bodies and / or to meet community objectives for contact recreation.

Regulation making powers

16. The new provisions that create new regulation making powers to permit or prohibit certain rules potentially override local decision-making. Council would prefer a focus on national direction to shape plans through current processes such as NPS/NES. The development of plans goes through a rigorous public process and evaluation against section 32 RMA. Plan making is also subject to hearings by accredited commissioners. The "necessary or desirable" tests in section 360D(8) are not an adequate threshold to justify interference with planning processes. Council opposes these new regulation making powers as they stand. If this mechanism is retained, we reiterate our comments on NPT content above and suggest it only be utilised for instances where there is widespread or general support for intervention by way of regulation and where this option would reduce unnecessary process costs through Schedule 1 RMA. Council considers this principle be embedded in any such provisions if retained.

Reversal of presumption of subdivision

17. The Bill reverses the statutory presumption that subdivision requires consent unless allowed by a rule in a plan. There is potential for tension between this reversal and the elevation of natural hazards into Section 6 as a matter of national importance and associated changes to section 106 (which provides that a consent authority may decline subdivision consent or may grant subject to the conditions to manage hazard risk). This could result in greater potential for development of land subject to natural hazard risk. Council also considers this change is unnecessary as section 11 does enable district councils to allow subdivision as a permitted activity if appropriate. There is also a risk that if this change is pursued that a precautionary approach is adopted and plans will include rules requiring consent as a default position in any case, potentially achieving the

opposite effect than intended. Council therefore prefer the status quo given the risk of unintended consequences.

Plan making

18. Council is generally supportive of the proposed changes in the Bill to the current plan-making processes under Schedule 1 of the RMA. Current plan change processes lack agility and are costly and can take many years.

New plan-making processes

19. Council supports the introduction of two new planning processes for plan-making in the Bill (collaborative and streamlined processes). However in relation to the streamlined process, council has concern with the scope / powers for Ministers for the Environment and/or Conservation in relation to substantive content of policy statements and plans – noting also that the Schedule 1 process would not necessarily apply and there would be no right of appeal. Council's view is that ministerial powers should be primarily limited to process rather than content to ensure local government has the ability to manage important local and regional resource management issues. There may however be situations where ministerial approval of content may be desirable, so council recommends that this be retained as an option on request by local government (I.e. the default position being ministerial approval of process only, not content).

20. Council support inclusion of a collaborative process for plan making. While the level of prescription in the proposed changes provides certainty and direction around set up, operation and process, council is concerned that some flexibility be retained in design. There is a danger that if the collaborative process is over-prescribed in the Act that it will be under-utilised by local government. Council also recommends specific changes to improve the workability of the collaborative planning provisions as follows:

- (i) New Clauses 37 and 38 read as if councils must consider whether to use a collaborative process for *all* policy statement / plan changes and notify that decision. Most such changes will not be conducive to a collaborative process, so Clauses 37 and 38 should only apply where a collaborative process is adopted.
- (ii) New Clause 38(2) states that a local authority cannot withdraw from a collaborative process. This could be problematic in the

event a group proves dysfunctional or the collaborative process proves unworkable. It also seems at odds with new Clause 47(3) which suggests that the Proposed Policy Statement or plan need not be notified. We recommend that New Clause 47 should clarify the process in the event a council chooses not to notify. We note there also seems to be contradiction between notification in new Clauses 47(3) and 48 (Clause 47(3) suggests the authority can decide whether to notify while Clause 48(1) states the authority must notify).

- (iii) Schedule 1 new Clause 40 sets mandatory appointments to a collaborative group. We recommend greater flexibility here as interests will vary and may also be subject agreements made in iwi participation arrangements.
- (iv) Schedule 1 new Clause 45 requires that the consensus position be given effect to provided it meets Parts 4 and 5 RMA while Clause 53(4) essentially allows for a departure from the consensus opinion under certain circumstances. We recommend making explicit reference to s32 RMA in Clause 53(4) as it often happens that a submitter can identify unrealised costs or more effective / efficient ways to achieve an objective.
- (v) It is unclear why in new Clause 54 a local authority can reject a recommendation and draft an alternative without a public process. Council recommend the process be the same as a typical plan change and the matter be re-heard.

- 21. Council strongly supports the option for limited notification of changes to policy statements and plans in new Clause 5A in Schedule 1. We note the wording at (8) suggests a hard copy – we recommend amending this (and other similar references in Schedule 1) to clarify that electronic copy is acceptable.
- 22. Council is also of the view that there should be a simpler / faster process for reviewed provisions where no changes are proposed – currently under section 79(3) reviewed plans must still follow Schedule 1 RMA even if no changes are proposed. In such circumstances, notification should be all that is required (i.e. allow for simpler process to ‘roll-over’ operative provisions).
- 23. Council also supports the requirement in new Clause 4A Schedule 1 to provide a copy of the draft proposed policy statement or plan to iwi authorities prior to notification. However the new clause uses the term “relevant” – it is not clear why as this infers that some proposed policy statements or plans are not relevant. We assume this is not the case and

that all policy statements and plans must follow this process. Council recommend the term “relevant” be deleted.

Section 18A procedural principles

24. The Bill introduces new procedural principles for plan-making in new Section 18A. Whilst the intent of this section is understood, the wording is ambiguous and could result in legal action. Council recommends a further provision similar to current section 17(2) be added to clarify that the principles are not of themselves enforceable against any person and no person is liable to any other person for a breach of the principles.

Iwi participation arrangements

25. The Bill seeks to place an obligation on councils to invite iwi to engage in plan-making processes through iwi participation arrangements (IPA). Council recognises there are issues with Maori engagement in current Schedule 1 processes and support initiatives to improve these mechanisms in the RMA. We therefore support in principle a requirement to invite Maori participation in plan making processes. Council does however have concerns about how the proposed IPA would affect existing relationships between councils and Maori. We would be extremely concerned if the new requirements resulted in established arrangements being constrained or undermined. Of particular concern is the potential impact on standing arrangements between council and hapū. For example, in 2014 council and Maori established a Te Taitokerau Maori Advisory Committee (TTMAC), which includes both iwi and hapū representatives: for more detail see <http://www.nrc.govt.nz/Your-Council/Working-with-Maori/Working-in-partnership/>
26. TTMAC has been established to address issues around participation and engagement by Northland Maori and council decision making processes. This is reflected in council’s Significance and Engagement Policy developed in the 2015-2025 Long Term Plan as follows: *Opportunities are provided for Māori to contribute to our decision-making processes. The Te Taitokerau Māori Advisory Committee has been formed as the primary point of Māori engagement.*
27. TTMAC feedback on the IPA provisions in the Bill was that they support “...a model that provides for both iwi and hapū participation and recognises Te Tiriti o Waitangi”. Therefore, they as a committee do not

support the proposed IPA model proposed in the Bill. Council has similar concerns in that the new IPA provisions could undermine this type of bespoke arrangement by legislating an exclusive relationship with iwi authorities in relation to plan-making processes through IPA. Council does not support the IPA provisions as written in the Bill and recommend they be amended to provide a more inclusive framework for engagement with Maori that enables participation at all levels and that does not undermine current arrangements / decision making mechanisms developed to date between local government and Maori.

28. Council also recommends that any participation arrangement provisions in the Bill should be clear that in the event such arrangements are not entered into, then the normal Schedule 1 process continues to apply.
29. Council supports the intent in new Clause 4A into Schedule 1 RMA requiring councils to provide the relevant iwi authority with a copy of a draft proposed policy statement or plan before it is notified, and that councils must have particular regard to any advice received on that draft from the iwi authority. As currently drafted this Clause would apply regardless of any participation arrangements – it would be advisable to clarify that this Clause is a ‘default’ and is subject to the requirements of any participation arrangements.

Changes to Section 32

30. The requirement in new Section 32(4A) to provide a summary of iwi advice and responses is cumbersome and will add costs unnecessarily as all such material is discoverable in any case and already addressed in current sections 35(1) and 35(5).

Commissioner appointments

31. The requirement in new section 34A(1) to consult relevant iwi authorities for *all* Schedule 1 commissioner appointments is unnecessary. Council agrees it is appropriate for consultation to occur where matters of tikanga or Māori values are being considered, however this should be limited to these instances and not applied to all Schedule 1 hearings. Council considers that this issue is better addressed through participation agreements or left to the discretion of councils which already consider, as a matter of course, whether it is necessary to appoint a commissioner with an understanding of tikanga Māori. While it may not be appropriate to

establish this principle in the RMA, council is of the view that commissioners appointed to Schedule 1 RMA roles should be appropriately qualified and experienced and subject to standard conflict of interest checks and balances. We would be concerned if new 34A(1) were to undermine what we consider to be good practice.

New monitoring requirements

32. The Bill introduces a new requirement into section 35 requiring that councils monitor the efficiency and effectiveness of processes used, including matters such as timeliness, cost and overall satisfaction. The purpose of this is unclear and the terminology is vague. Many “processes” are also established in law (E.g. consent and plan change processes) and there seems little merit in this change, particularly when such matters are already addressed through the Local Government Act. This change would impose a significant additional financial burden for little benefit. For these reasons this amendment is opposed.

Compensation for land incapable of reasonable use

33. Amendments to section 85 of the RMA would provide the Environment Court with the ability to direct councils to acquire land (using the Public Works Act) that has been rendered incapable of reasonable use by planning provisions (in addition to existing powers of the Environment Court to require changes to the plan). This is a fundamental change to the principle of no compensation being payable under the RMA. While we understand the intention, this change could create tension between delivering on Section 6 matters of national importance and national policy direction (E.g. NZ coastal policy statement 2010), particularly in the light of court decisions such as King Salmon where the meaning of “avoid adverse effects” was interpreted. Local government may be put in a very difficult position if this change is retained – for example where national policy directs adverse effects or over-allocation be avoided, councils may have little choice but to purchase land at potentially significant cost. Government needs to resolve this tension if this change is pursued and determine where its priorities lie between delivering on national direction and recognising property rights.

Simplifying the consenting system

34. The Bill introduces a number of new consenting amendments, including a new fast-track for simple applications and significant changes to the notification of applications. The Bill contains significant proposals which reduce participatory rights, especially in relation to notification decisions. Participation in decision making is a cornerstone of the RMA. Council is concerned that proposals in the Bill will significantly erode rights to participate in consent processes. These and other concerns are outlined in more detail below.

10 day fast-track for minor consents

35. The 10-day fast track provision seems based on an assumption that controlled activities all fit into a 10 working day processing time. We agree that controlled activities are for the most part simple and generally low impact, however this is not always the case and at times criteria and standards are applied and must be checked (this can require specialist expertise and time). There also circumstances where consultation with iwi is required on a controlled activity application, which again takes time.

36. Imposing such fast-track requirements could also result in a perverse outcome whereby councils avoid the use of controlled activity status in plans given the onerous processing timeframe. Also there appears to be little evidence for any actual problem with current processing times for minor consents. Ministry for the Environment data shows median timeframes for non-notified applications to be well within the 20 working day maximum. Council therefore opposes this change on the grounds that there is no need for, or benefit from this provision and it may well act as a disincentive for use of controlled activity status.

New notification criteria

37. The new provisions require consent authorities to specify the reasons for notifying an application, and then limit the rights to submit to only those identified reasons. This seems contrary purpose of notification, which is to make sure all the potential effects are identified and addressed as a consent authority may not fully understand all potential effects until all potentially affected parties have their say. The change in our view is likely to lead to more challenges to notification decisions - if parties consider

there are shortcomings with a council's assessment of effects there will be legal challenge.

38. Council considers the proposed change to notification provisions is an unnecessary complication as very few applications are currently notified and plans are increasingly including non-notification clauses in rules. We also consider it will erode participatory rights and will be time consuming and litigious. Council considers the current approach about right and understands that use of limited notification option is working well. We therefore oppose the new notification provisions / process.

Strike out provisions

39. Council opposes the mandatory direction to strike out submissions in Section 41D(2). Council considers this change goes too far and will affect lay people the most (particularly 2(b)(ii) requiring evidence to support a submission). It is also uses ambiguous and subjective language (e.g. "sufficient factual basis"). Council considers the change will likely lead to an increasingly litigious and adversarial hearing process. Council recommends that the discretion whether or not to strike out submissions be retained and therefore opposes 41D(2).

Fixing of fees

40. Council opposes a prescriptive and mandatory regime for fixing fees for hearing commissioners in new Section 34B on the grounds that this is an unduly rigid approach. Councils use commissioners for a variety of reasons (including conflict of interest, transparency, resourcing, or where specialist expertise is required). The fixing of fees is likely to impede the flexibility to design hearing panels to suit individual circumstances and may reduce the likelihood the appropriately expertise can be applied.

Financial contributions

41. The Bill proposes phasing out financial contributions (FCs). Council opposes this change on the grounds there are benefits in retaining these provisions. These benefits include:

- (i) Financial contributions are the only option for regional councils to collect funds from the consent process (development contributions are not available).
 - (ii) The basis for requiring FC's (that there will effects on the environment) and the scope to utilise FCs is broad and therefore more flexible than development contributions (which are limited to the provision of infrastructure).
 - (iii) The retention of FC's would be consistent with changes to Section 104 (new 104(1)(ab)) in the Bill relating to recognition of positive effects / offsetting adverse effects which could conceivably include a financial contribution.
 - (iv) Financial contributions may also provide a mechanism to recover costs of monitoring permitted activities (see below). For example permitted activity rules could include standards and terms requiring payment of administrative / monitoring charges (albeit this may require amendments to sections 108 and 36 of the Act).
42. In the absence of any replacement mechanism, council opposes the repeal of financial contributions provisions on the grounds that they are a useful tool and provide flexibility in the consent process.

Charging for permitted activities

43. Council sees merit in the ability to charge for the monitoring and administration of some types of permitted activities. This is because permitted activities typically include standards and terms that must be met to ensure adverse effects are managed (such as standards discharges for the purposes of managing water quality and to ensure section 70 RMA is met). This compliance monitoring comes at a cost. Currently the RMA is silent on the ability to apply administrative charges for permitted activities (current section 36 only refers to resource consents).
44. We note new section 36(cc) states that councils can apply administration charges to permitted activities but only if empowered to do so in accordance with new 43A(8). While not definitive, this strongly indicates that councils shouldn't be charging for permitted activities (unless empowered to do so by way of 43A(8)). Council recommends that it be made explicit in the RMA that councils can recover costs for monitoring and administration of permitted activities (whether provided for in NES / regulations or not). Some permitted activities require monitoring and the person carrying out that activity should pay reasonable council costs which is consistent with the user pays principle (rather than this falling on the

ratepayer). We consider a requirement to pay permitted activity charges should be able to be specified in plans via the standards and terms applying to the permitted activity (particularly for those associated with the use of fresh water, and other “commons” resources). We are also of the view that if permitted activities were explicitly “cost recoverable” this activity status would likely be used more frequently in plans to the benefit of the public and industry alike. The inability (or the uncertainty) to recover costs associated with monitoring permitted activities in our view acts as a disincentive to more frequent use of this activity status in plans (i.e. controlled activity status is used instead so costs can be recovered). Council recommends section 36 be amended to explicitly enable charging for permitted activity monitoring.

Changes to consent conditions

45. New Section 108AA acts to narrow the scope of consent conditions to:

- Those agreed to by the applicant.
- Matters directly connected to an adverse effect of the activity on the environment.
- Matters directly connected to an applicable district or regional rule.

The need to narrow the scope of consent conditions to these matters is unclear and in our experience current provisions work well. Conditions are often applied on broader grounds than the matters above (e.g. review, expiry or conditions requiring the establishment of liaison groups or third party consultation). In our view, new 108AA is likely to unnecessarily complicate the consent process rather than improve it and should be deleted.

Other consenting amendments

46. Council generally supports a number of other changes to the consenting process as outlined below (subject to any amendments recommended in Section 2 of this submission) :

- Allowing minor breaches of rules to be considered permitted activities.
- The explicit ability to consider positive effects from offsetting and environmental compensation proposals offered by an applicant.

Other matters

47. Council supports the change to section 12 to allow removal of abandoned structures from the common marine and coastal area.
48. The change to section 14 to refer to “person’s” instead of “individual’s” has some potential for unintended consequences. We note the definition of person under the RMA includes the Crown, a corporation sole, and also a body of persons, whether corporate or unincorporate. While we understand it would still only be a permission for domestic and stock drinking needs, there is some risk that a “person’s” domestic needs could be construed to allow far more significant extraction of water, heat or energy than an “individual’s” (e.g. what are the domestic needs of a corporate? – for instance a body corporate associated with a subdivision or residential development may be able to argue the change to Section 14(3) would allow a significant volume of water be taken as of right for ‘domestic’ purposes). This could potentially enable significantly greater rights to fresh water as of right by corporates or the Crown. An option may be to retain the reference to an individual for domestic needs but refer to person in relation to stock drinking.
49. The change to section 69 (that the water quality classes in Schedule 3 no longer apply to freshwater) is understood given the requirements of the NPS Freshwater 2014. Section 69 essentially provides the ability for regional councils to set water quality standards (for fresh and coastal water). However, the change to section 69 leaves some uncertainty as to whether councils would still be able to set freshwater water quality standards in plans (whether for NPS freshwater or other purposes, noting some details of the National Objectives Framework have yet to be developed). This should be clarified. Schedule 3 should also be amended for coherency as it includes classes related to water supply (for human consumption) and irrigation, neither of which are relevant if Schedule 3 only applies to coastal waters.
50. Council supports in general the proposed amendments to technologically update the servicing of RMA documents and amendments to better align with other legislation.

Conclusion

51. Council appreciates the opportunity to submit on the Resource Legislation Amendment Bill 2015. Overall, council supports the intent to amend the RMA to provide an improved resource management system subject to the recommendations in this submission.

Signed

Dated: 14 March 2016

A handwritten signature in black ink, appearing to read 'Shepherd', with a large loop at the end.

Councillor Shepherd
(Chairman)

A handwritten signature in blue ink, appearing to read 'Ramsey', with a large loop at the end.

Councillor Ramsey
(Deputy Chairman)

A handwritten signature in black ink, appearing to read 'Joe Carr', with a large loop at the end.

Councillor Carr



Councillor Samuels



Malcolm Nicolson
(Chief Executive Officer)

ISSUE: Te Tai Tokerau Māori Advisory Committee Annual Report

ID: A827823

To: Te Tai Tokerau Māori Advisory Committee Meeting 14 April 2015

From: Abraham Witana, Kaiwhakahaere – Mātauranga Māori

Date: 24 March 2016

Report Type:	<input checked="" type="checkbox"/> Normal operations	<input checked="" type="checkbox"/> Information	<input type="checkbox"/> Decision
Purpose:	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Public service	<input type="checkbox"/> Regulatory function
	<input type="checkbox"/> Legislative function	<input type="checkbox"/> Annual\Long Term Plan	<input checked="" type="checkbox"/> Other
Significance:	<input type="checkbox"/> Triggered	<input checked="" type="checkbox"/> Not Triggered	

Executive Summary:

At the February 2016 Te Tai Tokerau Māori Advisory Committee (the committee) meeting the committee supported an annual report, of the committees' activities. This report was presented to the councils March 2016 meeting by the committees Chairman (as required by the committees Terms of Reference). This paper presents the final report as presented to council.

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 2015-2025 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:

That the report "Tai Tokerau Māori Advisory Committee Annual Report" by Abraham Witana, Kaiwhakahaere – Mātauranga Māori and dated 24 March 2016, be received.

Report

The committee made the following recommendation at the 11 February 2016 meeting.

That the Chairman of the Committee in accordance with the Te Tai Tokerau Māori Advisory Committee's Terms of Reference provides the annual report to council as outlined in this item.

This was reported to and received by council at the council's meeting held 15 March 2016.

A copy of the report is provided in Attachment 1 for your information.

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ATTACHMENT 1

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ISSUE: Te Tai Tokerau Māori Advisory Committee Annual Report 2015

ID: A822878

To: Council Meeting, 15 March 2016

From: Abraham Witana, Kaiwhakahaere – Mātauranga Māori

Date: 4 March 2016

Report Type:	<input checked="" type="checkbox"/>	Normal operations	<input checked="" type="checkbox"/>	Information	<input type="checkbox"/>	Decision
Purpose:	<input type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Public service	<input type="checkbox"/>	Regulatory function
	<input type="checkbox"/>	Legislative function	<input type="checkbox"/>	Annual\Long Term Plan	<input checked="" type="checkbox"/>	Other
Significance:	<input type="checkbox"/>	Triggered	<input checked="" type="checkbox"/>	Not Triggered		

Executive summary:

The Te Tai Tokerau Māori Advisory Committee's (the committee) Terms of Reference requires that the committee, through the Chairman, provides an annual report to the council on the committee's achievements for the year 2015–2016.

This paper provides a summary of this information and it was recommended by the committee that the Chairman of the committee provides this report to council.

Legal compliance and significance assessment:

The information and recommendations outlined in this report are in accordance with the Te Tai Tokerau Māori Advisory Committee's approved Terms of Reference, are part of the committee's normal operations, and as such does not trigger the council's Significance and Engagement Policy.

Recommendation:

That the report 'Te Tai Tokerau Māori Advisory Committee Annual Report 2015' by Abraham Witana, Kaiwhakahaere – Mātauranga Māori, on behalf of the Chairman, and dated 4 March 2016, be received.

Report:

The committee's terms of reference (clause 16, page 7) requires that the committee, through the Chairman, provides a report to council, as outlined below:

'The committee, through the chair will report to the council in the last quarter of each year. The report will outline work undertaken, number of meetings held and attendance, the group's achievements, and any issues it wishes to consider further.'

Below is a summary of the committee's work programme and achievements. The committee was asked to provide feedback on this summary and provide its endorsement for the Chairman to provide this report to council.

Outline of work undertaken during 2015–2016

1. Committee meeting schedule:

During 2014 the committee undertook and completed its terms of reference which was endorsed by council in February 2015.

The approved terms of reference articulates a clear Mission Statement (Te Kaupapa), Vision Statement (Te Pae Tawhiti), Values (Ngā Tikanga) and Goals (Ngā Whainga) for the committee. The work programme of the committee has been derived from this strategic direction.

To date the committee has held five formal committee meetings, three targeted workshops, three non-elected member caucus sessions, and four marae based workshops.

Highlights of the committee's meetings and workshops are summarised below:

- A. The formal committee meetings have been well attended by members. Actions from these meetings have been recorded and are reported on to the committee and council.
- B. The three targeted workshops consisted of:
 - Notification and workshopping on council's Long Term Plan 2015–2025; and
 - Two collaborative workshops (council and the committee) on oil exploration activities and regulations.
- C. The dedicated caucusing sessions provided an opportunity for the non-elected members of the committee to discuss the formal committee agenda and wider issues of interest.

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- D. Four marae based workshops have been held at marae across the region, those being at Ngataki in the Far North, Te Rawhiti in the Bay of Islands, Omanaia in the Hokianga, and Tuparehuia in Whangaruru. Each workshop and its agenda were developed by committee members from the respective area. Participation and feedback by local whānau and hapū representatives has been positive.

Issues raised at these workshops were either noted or responded to by councillors or staff in attendance. A full report highlighting the issues raised and responses provided is presented as an agenda item at a formal committee meeting.

These issues are then actioned by council with a response then provided to the hosting marae and committee members from the host marae and hapū.

2. Capacity building workshops:

In order to better understand council's roles and functions the committee was provided with a presentation from the Chief Executive Officer outlining the council's roles and responsibilities.

The committee also received a number of presentations on council's key projects such as council's Long Term Plan 2015–2025, Waioira Northland Water, Hazard Mapping Project, and the Regional Plans Review, including the Regional Pest Management Strategy.

3. Specific projects and advice:

The following is a list of specific projects the committee has undertaken:

- A. A working party consisting of Members Samuels, Kake, Miru, and Shortland was established to review and make recommendations to the committee as to best practice models for council to enable effective engagement of Māori in its plan and policy development.

The working party has assessed the engagement models of the regions and a number of other councils' processes from across New Zealand (as to how they involve Māori in their respective plan processes).

At this stage the working party is advancing a model of engagement which is built around the model used during the 10 year review of the Proposed Regional Policy Statement for Northland. In the main being, Ma te Māori mo te Māori - by Māori for Māori.

It is anticipated that the committee will make recommendations to council shortly on how to best seek Māori input into the three key planning documents under development over the next 12 months.

- B. The committee has also appointed Members Shortland and Wright to provide oversight of the tangata whenua section of the Regional Plan change at the Regional Policy Committee workshops from a tangata whenua perspective.

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- C. In line with the committee's terms of reference, the committee has provided advice on topics including the Te Ture Whenua Māori Land Act Review and ensuring the views of Māori are taken into account in the exercise of council functions such as council's regional plans process.

ISSUE: Committee Meeting Schedule (April – October 2016)

ID: A827797

To: Te Tai Tokerau Māori Advisory Committee, 14 April 2016

From: Abraham Witana, Kaiwhakahaere – Mātauranga Māori, and
Jonathan Gibbard, Group Manager Strategy and Governance

Date: 24 March 2016

Report Type:	<input checked="" type="checkbox"/>	Normal operations	<input type="checkbox"/>	Information	<input checked="" type="checkbox"/>	Decision
Purpose:	<input type="checkbox"/>	Infrastructure	<input type="checkbox"/>	Public service	<input type="checkbox"/>	Regulatory function
	<input type="checkbox"/>	Legislative function	<input checked="" type="checkbox"/>	Annual/Long Term Plan	<input type="checkbox"/>	Other
Significance:	<input type="checkbox"/>	Triggered	<input checked="" type="checkbox"/>	Not Triggered		

Executive Summary:

This paper seeks to reconfirm the marae based workshops for the Te Tai Tokerau Māori Advisory Committee (the committee) for the remainder of this council's term and provides an opportunity for the committee to identify and confirm alternate hosts to be on standby should circumstances require.

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 2015-2025 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 "Committee Meeting Schedule (March – October 2016)" by Abraham Witana, Kaiwhakahaere – Mātauranga Māori, and Jonathan Gibbard, Group Manager Strategy and Governance and dated 24 March 2016 be received.
2. That the Te Tai Tokerau Māori Advisory Committee approves the following nominations as hosts for the remaining 2016 marae based workshop of Te Tai Tokerau Māori Advisory Committee:

Workshop Date	Host Committee Member	Host Marae
12 May 2016	Nora Rameka	Whitiora
14 July 2016	Daryl Hape	
8 September 2016	Bundy Waitai	Waimanoni

<u>Stand by Host Committee Member</u>	Host Committee Member

Report

As the committee is aware, the marae based workshop scheduled for March 2016 did not occur.

The intention of this paper is to ensure we do not miss the chance to hold another marae based workshop this year and provide an opportunity for committee members to:

1. Reflect on the procedure previously confirmed by the committee (May 2015) to guide the identification and facilitation of marae based workshops (refer Attachment 1).
2. Reconfirm the current schedule (for the remainder of this councils term) as agreed at the February 2016 committee meeting;
3. Consider whether committee members would like to identify alternative hosts as backup should a marae based workshop be cancelled.

Committee members may wish to consider whether the attached procedure best supports committee members to host marae based workshops and, if not, how the procedure could be amended.

Committee members are asked to consider the above points and, if necessary, provide further direction to ensure the remaining marae based workshops are well supported and therefore effective for the hosting community.

Procedure to confirm and facilitate Te Tai Tokerau Marae based workshops

1. Through a formal committee meeting, committee members are asked to register their interests to host a marae workshop and nominate the Marae venue for where the workshop will be held.
2. The committee member who will host the workshop will communicate with marae whānau and wider hapū from the rohe to seek feedback on what they would like to discuss and or any agenda items for the workshop (these matters should relate to council's key activities).
3. Once a draft agenda is completed by the host committee member and discussed with the committee chairman, the agenda will be provided to council staff at least two weeks prior the meeting to:
 - Ensure council is aware of the issues and has the ability to provide a response, seek further information, and ensure appropriate staff are able to attend; and
 - To provide the agenda to all committee members in advance of the marae workshop
4. Any follow up required from the workshop, may be provided by staff or through the committee's formal meeting (depending on the nature of the matter).
5. Advertising and catering of the marae based hui will be the responsibility of the host committee member (costs will be covered by council as previously discussed and agreed)

ISSUE: Presentation: progress update - Annual Plan 2016/17 consultation process

ID: A828392

To: Te Tai Tokerau Māori Advisory Committee, 14 April 2016

From: Kyla Carlier, Strategy Specialist

Date: 22 March 2016

Report Type:	<input checked="" type="checkbox"/> Normal operations	<input type="checkbox"/> Information	<input type="checkbox"/> Decision
Purpose:	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Public service	<input type="checkbox"/> Regulatory function
	<input type="checkbox"/> Legislative function	<input checked="" type="checkbox"/> Annual\Long Term Plan	<input type="checkbox"/> Other
Significance:	<input type="checkbox"/> Triggered	<input checked="" type="checkbox"/> Not Triggered	

Executive Summary:

The process for council's Annual Plan 2016/17 is underway, and is currently in the consultation stage, with the period for feedback closing on Friday 6 May. A consultation document has been produced that outlines the main differences between this annual plan, and the Long Term Plan 2015-2025, and this has been the primary mechanism for public consultation.

Legal compliance and significance assessment:

The provision of information is part of the council's day to day operations and is in accordance with the council's decision making process and sections 76–82 of the Local Government Act 2002. Hence the matter is deemed to be of low significance.

Recommendation:

That the report "Progress update: Annual Plan 2016/17 consultation process" by Kyla Carlier, Strategy Specialist and dated 22 March 2016, be received.

Report

The consultation phase of the Annual Plan 2016/17 is currently underway. The Annual Plan will map out the projects and associated budgets for the next financial year (2016/17) and will present any major changes from what council said it would do in the Long Term Plan. These proposed changes are highlighted in a consultation document, the purpose of which is to explain these changes in a clear and simple manner, and provide an opportunity for feedback.

The Te Tai Tokerau Māori Advisory Committee (the committee) was last updated in February 2016 when the consultation document was being developed, and it was recommended that it be presented to the committee at this April meeting. The consultation document is provided as Attachment 1 to this item.

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The consultation document highlights the key areas of change from the Long Term Plan, which are in the following six activity groups:

- Community Representation and Engagement
- Resource and Catchment Management
- River Management
- Transport
- Harbour Safety and Navigation
- Support Services

Each of these areas is discussed in more detail in the attached consultation document. Comments and feedback are welcomed on all topics presented in the consultation document.

The feedback period for the Annual Plan 2016/17 opened on 5 April 2016 and will close at 4pm on Friday 6 May. Deliberations will be held at the end of May and the final Annual Plan 2016/17 will be adopted in June 2016.

Staff will be on hand to record any specific feedback the committee may wish to provide to council on the proposals outlined in the attached consultation document. This feedback can then be included in the material provided to council to inform their deliberations.

ISSUE: 2016 Local Body Triennial Elections

ID: A828617

To: Te Tai Tokerau Māori Advisory Committee, 14 April 2016

From: Chris Taylor, Governance Support Manager

Date: 23 March 2016

Report Type:	<input type="checkbox"/> Normal operations	<input checked="" type="checkbox"/> Information	<input type="checkbox"/> Decision
Purpose:	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Public service	<input type="checkbox"/> Regulatory function
	<input checked="" type="checkbox"/> Legislative function	<input type="checkbox"/> Annual\Long Term Plan	<input type="checkbox"/> Other
Significance:	<input type="checkbox"/> Triggered	<input checked="" type="checkbox"/> Not Triggered	



Executive summary:

The purpose of this report is to provide Te Taitokerau Māori Advisory Committee with an update regarding the 2016 triennial local body elections.

Legal compliance and significance assessment:

The relevant legislation in relation to this issue is the Local Electoral Act 2001 *[and the Local Electoral Regulations 2001]*. In relation to section 79 of the Local Government Act 2002, when assessed against council policy this matter is deemed to be of low significance.

Recommendations:

That the report '2016 Local Body Triennial Elections' by Chris Taylor, Governance Support Manager, and dated 23 March 2016, be received.

Background:

The triennial elections for elected members of all local authorities throughout New Zealand will be conducted by postal voting from 16 September 2016, culminating in Election Day on 8 October 2016.

The elections will be conducted under the provisions of the Local Electoral Act 2001 and the Local Electoral Regulations 2001 and in the case of the Northland Regional Council (NRC); will be administered under contract by Election Services.



The first past the post (FPP) electoral system will be used for the Northland Regional Council, Far North District Council and Whangarei District Council elections. For the Kaipara District Council and the Northland District Health Board, the single transferable voting (STV) electoral system will be used.

Northland Regional Council Positions:

The elections are required to fill the following nine positions for NRC councillors:

- Coastal Central Constituency (one councillor)
- Coastal North Constituency (two councillors)
- Coastal South Constituency (one councillor)
- Hokianga-Kaikōhe Constituency (one councillor)
- Kaipara Constituency (one councillor)
- Te Hiku Constituency (one councillor)
- Whāngārei Urban Constituency (two councillors)

For detail on constituency boundaries please refer to the '2016 Local Election' page at www.nrc.govt.nz

Key Dates:

- | | |
|-------------------------|--|
| • 15 July 2016 | Nominations open/Rolls open for inspection |
| • 12 August 2016 | Nominations close (12 noon)/Rolls close |
| • 16 -21 September 2016 | Delivery of voting documents |
| • 8 October 2016 | Election Day (voting closes 12 noon) |
| • 15 October 2016 | Declaration of results |

For a detailed timetable please refer to the '2016 Local Election' page at www.nrc.govt.nz

Raising awareness

With voter turnout continuing to decline across the country, Local Government New Zealand has embarked on a communication campaign, #Vote16NZ, from January – October with an aim to:

- promote the value and importance of local government and encourage quality people to stand; and
- raise the percentage of voters to more than 50%.

NRC intends to dovetail with this programme in order to raise awareness and encourage participation in the Northland elections.

Further information:

A suite of information regarding the election is accessible via the '2016 Local Election' page at www.nrc.govt.nz. Interested parties can also contact the electoral office by email: info@electionservices.co.nz or by phone 0800 922 822.

**ISSUE: Te Hiku o Te Ika Iwi settlement redress:
Te Oneroa-a-Tohe Board**

ID: A82787

To: Te Tai Tokerau Māori Advisory Committee Meeting 14 April 2015

From: Rachel Ropiha, Kaiarahi Mātauranga Māori and Abraham Witana,
Kaiwhakahaere – Mātauranga Māori

Date: 24 March 2016

Report Type:	<input type="checkbox"/> Normal operations	<input checked="" type="checkbox"/> Information	<input type="checkbox"/> Decision
Purpose:	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Public service	<input type="checkbox"/> Regulatory function
	<input type="checkbox"/> Legislative function	<input type="checkbox"/> Annual\Long Term Plan	<input checked="" type="checkbox"/> Other
Significance:	<input type="checkbox"/> Triggered	<input checked="" type="checkbox"/> Not Triggered	

Purpose:

This purpose of this paper is to introduce the Te Oneroa-a-Tohe- Board established through the collective settlement redress for Te Rarawa, Te Aupouri, Ngāti Kuri and NgāiTakoto for the management of Te Oneroa-a-Tohe (90 Mile Beach). The paper also outlines the regional council's involvement and responsibilities in relation to the Board.

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 2015-2025 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.

The Te Oneroa-a-Tohe Board is created under the respective settlements for Te Hiku Iwi and therefore recognises the spiritual, cultural and historical relationship of these iwi to the beach area. Therefore this paper may be significant for Te Hiku Iwi.

Recommendation:

That the report "Te Hiku o Te Ika Iwi settlement redress: Te Oneroa-a-Tohe Borad" by Rachel Ropiha, Kaiarahi Mātauranga Māori and Abraham Witana, Kaiwhakahaere – Mātauranga Māori and dated 24 March 2016, be received.

Report

Four of the five Te Hiku Iwi have now successfully completed their respective historic Treaty settlement negotiations with the Deeds of Settlements (DoS) for Te Rarawa, Te Aupouri, Ngāti Kuri and NgāiTakoto enacted September 2016.

While each iwi has their own respective settlement, the Acts also include elements of collective redress. A key component of the collective settlements is the establishment of the Te Oneroa-a-Tohe Board (the Board) as a statutory body. The Board is established as a joint committee of both the Northland Regional (NRC) and Far North District Councils (FNDC) via clause 30(1)(b), Schedule 7 of the Local Government Act 2002. However unlike other joint committees, the Board is a permanent committee and cannot be discharged unless agreement is reached by all parties¹.

Purpose and function of the Board

The purpose and function of the Board is clearly set out in statute:

The purpose of the Te Oneroa-a-Tohe Board is to provide governance and direction to all those who have a role in, or responsibility for, the Te Oneroa-a-Tohe management area, in order to protect and enhance environmental, economic, social, cultural and spiritual well-being within that area for the benefit of present and future generations².

The primary function of the Board is to achieve the purpose (aforementioned) while operating in a manner that is both consistent with tikanga Māori and acknowledges the shared responsibilities, authority and aspirations of both Te Hiku Iwi and councils. In addition, the Board must prepare and approve a beach management plan that identifies a vision, objectives and desired outcomes for the Te Oneroa-a-Tohe management area (refer Attachment 1 for a map of the beach management area). The Board will also be responsible for appointing commissioners to panels to hear and determine resource consent applications that relate in whole or partially to the beach management area³.

Board membership and chair

Membership of the Board is also clearly defined in the respective Acts. Each of the four⁴ iwi will have one representative elected and mandated by that iwi (amounting to four members representing iwi). Two members each are then appointed by both the FNDC and NRC (amounting to four local government members). These representatives must be elected members of councils with the Mayor identified as having to be one of the representatives for the Far North District Council.

The collective settlement also provide for the interim participation of Ngāti Kahu - should they choose to join - after receiving an invitation from the Minister of Treaty Settlements. If Ngati Kahu does decide to join the Board, then one further member is appointed by the Te Hiku Community Board (of FNDC).

At the first meeting of the Board – 30 March 2016 – the following members were confirmed as members of the Board.

¹ Te Rarawa, Te Aupouri, Ngāti Kuri, NgāiTakoto, Northland Regional and Far North District Councils.

² Te Aupouri Claims Settlement Act, Part 2, s 65

³ e Aupouri Claims Settlement Act, Part 2, s 68

⁴ Te Rarawa, Te Aupouri, Ngāti Kuri and NgāiTakoto

*Te Rūnanga o Te Rarawa
Te Manawa o Ngāti Kuri Trust
Te Rūnanga Nui o Te Aupouri Trust
Te Rūnanga o Ngāi Takoto
Northland Regional Council*

Far North District Council

*Haami Piripi
Graeme Neho
Waitai Petera
Rangitane Marsden
Councillor Dover Samuels
Councillor Monty Knight
Mayor Hon John Carter
Councillor David Collard*

The Board also, by majority vote, appointed Haami Piripi to the role of Chairman and Councillor Dover Samuels as Deputy Chair.

Administration and operation of the Board

The councils (FNDC and NRC) will be jointly responsible for the administration and technical support for the Board. To simplify the process, FNDC has agreed to administer the Board for the first year or until such time as the councils agree otherwise. This will allow for one point of contact and streamlining work programmes and or correspondence on behalf of the Board.

Also included in the DoS is provision of a one off financial contribution by the Crown to both support the day to day operation of the Board (\$150,000) and the developing the beach plan (\$250,000). Once the one off contribution has been exhausted, councils will be expected to normalise any ongoing costs into their respective budgets. The NRC will be responsible for receiving the funds on behalf of the Board and expending these according to the decisions of the Board.

Summary

The Te Oneroa-a-Tohe Board has been given effect through the respective settlements for Te Rarawa, Te Aupouri, Ngāti Kuri and Ngāi Takoto. It sees the conclusion of the historical grievance claims of the four iwi in regards to breaches by the Crown in relation to the Treaty of Waitangi. However, the commencement of the Board sees a new era for both iwi and council in regards to relationships and co-management of the Beach.

