

# **Northland Regional Council**

## **Local Governance Statement**

**Prepared in terms of Section 40 of the  
Local Government Act 2002**

**Updated Statement made publicly available 1 April 2011**

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# 1 Overview

These local governance statements of the Northland Regional Council contain information about the following:

- The functions, responsibilities and activities of the Northland Regional Council;
- Local legislation that confers powers on the Northland Regional Council;
- Northland Regional Council Bylaws – Navigation Safety Bylaw;
- The electoral system employed by the Council and the opportunity to change that system;
- Representation arrangements, including Maori representation and the opportunity to change them;
- Members' roles and conduct;
- Governance structures and processes;
- Council organisations
- Meeting processes;
- Consultation policies;
- Policies for liaising with Maori and any memoranda or agreements with Maori;
- The management structure and the relationship between management and elected members;
- The equal employment opportunities policy;
- Key approved planning and policy documents and the process for their development and review;
- Systems for public access to the local authority and its elected members; and
- Processes for requests for official information.

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## 2 Functions, Responsibilities and Activities

The purpose of the Northland Regional Council is to enable democratic local decision making to promote the social, economic, environmental and cultural well being of the Northland Region in the present and for the future (Section 10 of the Local Government Act 2002).

In meeting its purpose the Northland Regional Council has a variety of roles:

- Management of Northland natural resources – water, soil, air, the coast and geothermal resources and pollution control;
- Promote Northland's economy by seeking to unlock unrealized economic potential;
- Advocacy on behalf of the region to central government, other local authorities and other agencies;
- Strategic overview of Northland's land transport and infrastructure needs;
- Biosecurity issues including the control of possums, rabbits and other vertebrate pests; a coordinating role for the control of plant pests;
- Coastal safety and oil pollution responsibilities; and
- Co-ordination of civil defence and emergency management on a regional basis.

In fulfilling its purpose, Northland Regional Council exercises powers and fulfils responsibilities conferred on it by the legislation listed in Appendix 2.

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### 3 Local Legislation

In addition to the legislation that applies to all local authorities (Appendix 2), the Northland Regional Council is also bound by the following Local Act:

- The Northland Regional Council and Far North District Council Vesting & Empowering Act 1992.

*The purpose of this Act is –*

- (a) To vest in the Far North District Council certain property, documents, rights and liabilities of the Northland Regional Council including land vested in the Northland Regional Council under the Local Government (Northland Region) Reorganisation Order 1989, certain harbour and maritime facilities, resource consents and approvals; and*
  - (b) To give the Far North District Council certain authorities and powers in respect of mooring charges; and*
  - (c) To repeal the Northland Harbour Board Act 1965.*
- Northland Regional Council – Navigation Safety Bylaw 2007

The Northland Regional Council's Navigation Safety Bylaw 2007 covers the area between the outer boundary, being 12 nautical miles from the shore; and the inner boundary being the line of mean high water springs, except where the line crosses a river, in which case the inner boundary is deemed to be the landward boundary of the Coastal Marine Area as defined in the Regional Coastal Plan for Northland.

The bylaw covers: the safe use and operation of vessels, aids to navigation, flagged areas on beaches and areas where swimming is prohibited, mooring requirements, areas where anchoring is prohibited, reserved areas for special events, dive operations, requirements around carrying personal floatation devices on vessels and restrictions around hazardous cargoes, works and dangerous materials.

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## 4 Electoral System

Northland Regional Council currently operates its elections under the first past the post-electoral system. This form of voting is used in parliamentary elections to elect Members of Parliament to constituency seats. Electors vote by indicating their preferred candidate(s), and the candidate(s) that receives the most votes is declared the winner regardless of the proportion of votes that candidate(s) obtained.

The other option permitted under the Local Electoral Act 2001 is the single transferable vote system (STV). This system is used in district health board elections. Electors rank candidates in order of preference. The number of votes required for a candidate to be elected (called the quota) depends on the number of positions to be filled and the number of valid votes. The necessary number of candidates to fill all vacancies is achieved first by the counting of first preferences then by a transfer of a proportion of votes received by any candidate where the number of votes for that candidate is in excess of the quota, and then by the exclusion of the lowest polling candidates and the transfer of these votes in accordance with voters' second preferences.

In August 2005 the Council decided it would not, unless a poll was demanded by 5% of electors, change to the STV system. This decision was publicly notified and no demand for a poll on the issue was received.

This decision applied to the 2007 and 2010 Local Government elections.

Council will re-consider the electoral system to be used for the 2013 and 2016 elections during 2011.

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## 5 Maori Wards and Constituencies

The Local Electoral Act 2001 gives council the ability to establish separate wards for Maori electors. The Council may resolve to create separate Maori wards or conduct a poll on the matter, or the community may demand a poll. The demand for a poll can be initiated by a petition signed by 5% of electors within the region.

The Council last considered whether or not to have separate Maori wards in August 2005. Council decided that it did not propose to introduce Maori constituencies. This decision was publicly notified and no demand for a poll on this issue was received.

This decision applied to the 2007 and 2010 Local Government elections.

Council will re-consider whether it wants to establish Maori wards for the 2013 and 2016 elections during 2011.

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## 6 Representation Arrangements

The Local Electoral Act 2001 requires Regional Councils to be divided into constituencies for electoral purposes.

As required under section 19I of the Local Electoral Act, the Council reviewed, and after public consultation in May and June 2006, confirmed the representation arrangements to be used in the 2007 and 2010 Local Government elections.

The review of representation arrangements in 2006, (confirmed at the July 2006 Council meeting) resolved that the region be divided into three constituencies. The boundaries of the constituencies correspond with the boundaries of the three territorial districts comprising the Northland region.

Representation is as follows:

- Whāngārei constituency – 4 members
- Far North constituency – 3 members
- Kaipara constituency – 1 member.

Council will re-consider the representation arrangements for the 2013 and 2016 elections in the Northland Region, during 2011/12.

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## 7 The Reorganisation Process

The Local Government Act 2002 sets out procedures which must be followed during proposals to:

- Make changes to the boundaries of the region;
- Create a new region;
- Create a unitary authority, i.e. transfer all of the functions of the three district councils and the Regional Council to a new council; and
- Transfer a particular function or functions to another council.

The procedures for resolving each type of proposal are slightly different. In general they begin with a proposal either from the local authority, the Minister of Local Government, or by a petition signed by 10% of electors.

Proposals for a boundary alteration or transfer of functions from one local authority to another will be considered by one of the affected local authorities, or by the Local Government Commission if the local authorities refer the proposal to the Commission or if they cannot agree on which of them should deal with matter. Proposals for the establishment of a new region or for the creation of a unitary authority will be dealt with by the Commission. These proposals cannot be implemented without a poll of electors.

Further information on these requirements can be found in the Local Government Act.

### **Proposed Reorganisation of Local Government in Northland**

#### Unitary Authority debate

Independent commissioners have now released a report examining a proposal to reorganise Northland's local government into unitary authorities.

This initiative was led by the Whāngārei and Far North District Councils which had wanted to see two unitary authorities, one combining the Whāngārei and Kaipara districts with part of the regional council, and a second comprised of the Far North District Council and the rest of the regional council. (Both the Northland Regional and Kaipara District Councils withdrew from this initiative at a very early stage.)

Hearings were held in July 2010 by commissioners Don Brash and Sir Peter Trapski. Their report can be found at: [www.wdc.govt.nz](http://www.wdc.govt.nz)

In the wake of this report, all Northland councils have agreed to actively seek ways to work more efficiently and effectively together to provide better services and value to the public.

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## 8 Roles and Conduct

The elected Councillors of Northland Regional Council have the following roles:

- Setting the policy direction of the Council;
- Monitoring the performance of the Council;
- Representing the interests of the region (on election all members must make a declaration that they will perform their duties faithfully and impartially, and according to their best skill and judgment in the best interests of the region); and
- Employing the Chief Executive (under the Local Government Act the local authority employs the Chief Executive, who in turn employs all other staff on its behalf).

The Chairperson is elected by the members of the Council at the first meeting. The Chairperson has the following roles:

- As presiding member at Council meetings, the Chairperson is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders);
- Advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- Ceremonial head of Council; and
- Provider of leadership and feedback to other elected members on teamwork and chairmanship of Committees.

The Chairperson may only be removed from office by resolution of council after following the procedure set out in the Local Government Act 2002 (Schedule 7 – Section 18).

The Deputy Chairperson is elected by the members of the Council at the first meeting of the Council. The Deputy Chairperson exercises the same roles as other elected members. In addition, if the Chairperson is absent or incapacitated, or if the office of Chairperson is vacant, then the Deputy Chairperson must perform all of the responsibilities and duties, and may exercise the powers of the Chairperson (as summarised above). The Deputy Chairperson may be removed from office by resolution of Council.

The Council may create one or more committees of council. A committee chairperson is usually appointed by the Council but is otherwise appointed by the committee and is responsible for presiding over meetings of the committee, ensuring that the committee acts within the powers delegated by council, and as set out in the Council Delegations Manual. A committee chairperson may be removed from office by resolution of the Council.

The Chief Executive is appointed by the Council in accordance with Section 42 and clauses 33 and 34 of Schedule 7 of the Local Government Act 2002. The Chief Executive implements and manages the Council policies and objectives within the budgetary constraints established by the Council. Under Section 42 of the Local Government Act 2002, the responsibilities of the Chief Executive are:

- Implementing the decisions of the Council;
- Providing advice to the Council;

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- Ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised;
  - Managing the activities of the Council effectively and efficiently;
  - Maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Council;
  - Providing leadership for the staff of the Council; and
  - Employing staff (including negotiation of the terms of employment for the staff).

Elected members have specific obligations as to their conduct in the following legislation:

- Schedule 7 of the Local Government Act 2002, which includes obligations to act as a good employer in respect of the Chief Executive and to abide by the current code of conduct and standing orders;
- The Local Authorities (Members' Interests) Act 1968 which regulates the conduct of elected members in situations where there is, or could be, a conflict of interest between their duties as an elected member and their financial interests (either direct or indirect);
- The Secret Commissions Act 1910, which prohibits elected members from accepting gifts or rewards which could be seen to sway them to perform their duties in a particular way; and
- The Crimes Act 1961 regarding the acceptance of gifts for acting in a certain way and the use of official information for private profit.

All elected members are required to adhere to a code of conduct. Adopting such a code is a requirement of the Local Government Act 2002. Once adopted, such a code may only be amended by a 75% or more vote of the Council. The code sets out the Council's understanding and expectations of how the Chairperson and Councillors will relate to one another, to staff, to the media and to the general public in the course of their duties. It also covers disclosure of information that is received by or is in the possession of elected members, and contains details of the sanctions that the Council may impose if an individual breaches the code. Copies of the full code of conduct may be obtained from the Council Secretary or from the website [www.nrc.govt.nz](http://www.nrc.govt.nz).

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## 9 Governance Structures

The Council reviews its committee structures after each triennial election. At the last review the Council established the following standing committees:

### Audit and Finance (Chair: Cr B Rossiter)

- Review of Council Policies
- Review of Annual Report.
- Liaison with Council Controlled Organisations
- Liaison with Audit New Zealand.
- Performance Monitoring

### Environmental Management (Chair: Cr J Carr)

- Resource Management Plan Preparation
- Submissions to District Plans
- Environmental Monitoring
- Biosecurity
- Sustainable Land Management
- Hazard Management

### RMA Hearings (Chair: Chairman C Brown)

- Resource Consents
- Appeals
- Changes and variations to Regional Plans

### Regional Land Transport (Chair: Cr J Bain)

- Regional Land Transport
- Road Safety Administration
- Total Mobility Scheme

### Regional Policy & Development (Chair: Cr, I Walker)

- Regional Policy Statement
- Regional Economic Development
- Community Growth Programme

A schedule of meeting dates can be found on the Council website: [www.nrc.govt.nz](http://www.nrc.govt.nz)

Committees have the ability to appoint subcommittees.

The Council may also, from time to time establish ad hoc committees to consider a particular issue or issues.

Committee membership is detailed on the next page and the terms of Reference for each committee are contained in Appendix 1.

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## **Committee Membership**

The Chairman, Craig Bown, is an ex-officio member of all committees.

### Audit and Finance Committee

Councillors Bill Rossiter (Chairman), Graeme Ramsey (Deputy Chairman) Craig Brown (ex officio), John Bain, Joe Carr, Bronwyn Hunt, Tony Davies-Colley, Ian Walker.

### Environmental Management Committee

Councillors Joe Carr (Chairman), Graeme Ramsey (Deputy Chairman), Craig Brown (ex officio), Bill Rossiter, Bronwyn Hunt, Tony Davies-Colley.

- Cr Di Maxwell representing the Far North District Council.
- Cr Crichton Christie representing the Whāngārei District Council.
- Cr Brian McEwing representing the Kaipara District Council.
- Ms Nicole Anderson representing cultural interests.
- Dr Greg Blunden representing environmental interest groups.
- Mr Richard Booth representing the farming community .
- Chris Jenkins representing the Department of Conservation.
- Mr Geoff Gover representing the forest industry.

### Hearings Committee

Councillors Craig Brown (Chairperson) and Bronwyn Hunt. The Committee (or the Council) may appoint any individual member/s or other independent person/s as Commissioner/s pursuant to section 34(1) of the RMA, to conduct a hearing in any particular case. The Committee (or the Council) may also revoke such a delegation at any time, by notice to the delegate.

### Regional Transport Committee

Councillors John Bain (Chairman), Joe Carr (Deputy Chairman), Craig Brown (ex officio).

- Cr Tom Baker representing the Far North District Council.
- Cr Greg Martin representing the Whāngārei District Council.
- Cr Wayne Linton representing the Kaipara District Council.
- Mr Stephen Town representing the NZ Transport Agency.
- Mr Tony Norman representing public health.
- Mr Ken Rintoul representing economic development.
- Mr Steve Westgate representing environmental sustainability.
- Mr Rawson Wright representing cultural interests.
- Mr Clifford Paxton representing New Zealand Police, safety and security.
- Mr Howeth Mountain representing access and mobility.

### Regional Policy and Development Committee

Councillors Ian Walker (Chairman), Craig Brown (ex officio), Tony Davies-Colley and John Bain.

- Cr Ann Court representing the Far North District Council.
- Cr John Williamson representing the Whāngārei District Council.
- Cr Julie Geange representing the Kaipara District Council.

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# 10 Council Organisations

## Northland Port Corporation (NZ) Limited

### Port Ownership

The Northland Regional Council owns 53.61% of the issued capital of the Northland Port Corporation (NZ) Limited, which is presently 22,142,907 ordinary shares of 35 cents each. The balance of shares are held by the public and all shares are listed on the New Zealand Stock Exchange.

There are seven directors of the Port Corporation. Two directors retire by rotation each year. The following are the current directors:

- Mr G Vazey, Chairperson
- Mr P Griffiths
- Ms S Huria
- Mr D Keys
- Mr R McKay
- Mr C Mitten
- Mr I Walker

The Group consists of Northland Port Corporation (NZ) Limited, subsidiary NPC Corporate Services Limited, its various associate companies and unincorporated joint venture entity Northland Stevedoring Services. The Group's operations principally comprises of its 50% stakeholding in the deep water port facility at Marsden Point together with its substantial land holdings in the adjacent area and interest in the property development entity Marsden Cove Limited.

### Port Services

The following divisions are operated by the Group, and the major activities are highlighted below:

- Marine Activities: Towage, pilotage and berthage
- Marine Transport: Tug and barge operators
- Stevedoring: Stevedoring operators
- Cold Storage: Cold and cool-store operators

The stevedoring operations are conducted through a 50% interest in the joint venture, Northland Stevedoring Services Limited. Other operations are conducted through 50% interests in associate companies.

- **Northport Ltd** – which operates the new forestry port at Marsden Point. This company is a joint venture owned in equal shares by the Company and Port of Tauranga Ltd.
- **North Port Coolstores (1989) Ltd** – main activity is cold and cool-store operators.

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The Northland Port Corporation (NZ) has one wholly owned subsidiary company NPC Corporate Services Ltd, which provides management and secretarial services and is a holding company for joint venture interests.

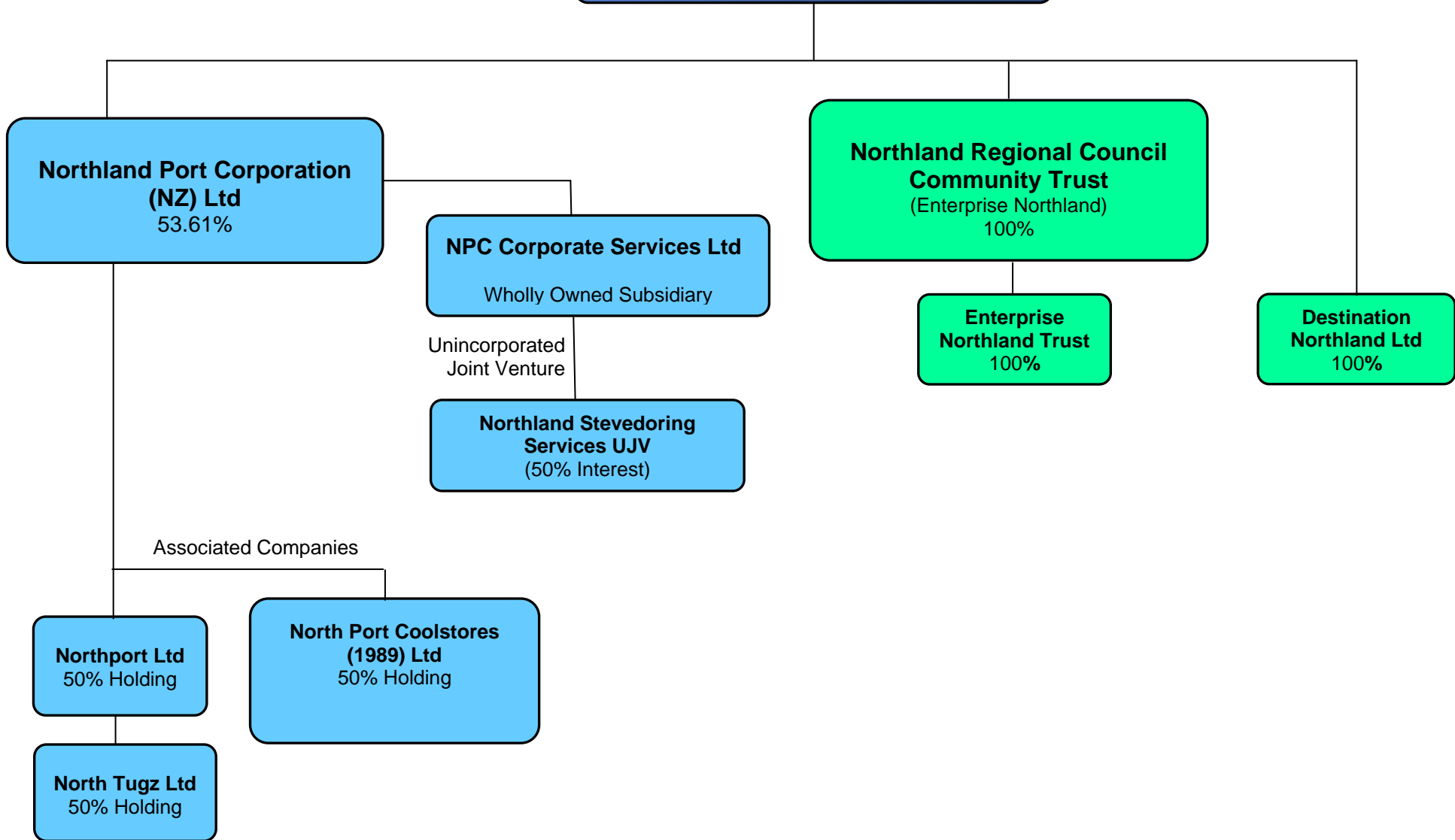
### **Port Operations**

At Port Whāngārei, the wharves are owned by the Northland Port Corporation (NZ) Ltd and operated by Northport Ltd. Northland Stevedoring Services provides stevedoring services at Port Whāngārei and Marsden Point, while North Port Coolstores operates a cool-store at Port Whāngārei.

The Company also owns approximately 180 hectares of industrially zoned land at Marsden Point which is being progressively developed for industry which utilises the port at Marsden Point.

# Council Organisations

**Northland Regional Council**



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# 11 Conduct of Meetings

The legal requirements for council meetings are set down in the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987 (LGOIMA).

All council and committee meetings must be open to the public unless there is reason to consider some item 'in committee'. Although meetings are open to the public, members of the public do not have speaking rights unless prior arrangements are made with the Chairman. The LGOIMA contains a list of the circumstances where councils may consider items with the public excluded. (These circumstances generally relate to protection of personal privacy, professionally privileged or commercially sensitive information, and the maintenance of public health, safety and order). The council agenda is a public document, although parts may be withheld if the above circumstances apply.

The Chairperson or Committee Chairperson is responsible for maintaining order at meetings and may, at his or her discretion, order the removal of any member of the public for disorderly conduct, or remove any member of council who does not comply with standing orders.

Minutes of meetings must be kept as evidence of the proceedings of the meeting. These must be made publicly available, subject to the provisions of the LGOIMA.

The LGOIMA requires all meetings of the Council and its Committees to be publicly notified. This is done by notice in the Northern Advocate during the last week of each month.

During meetings the Chairperson and Councillors must follow standing orders (a set of procedures for conducting meetings). The Council may suspend standing orders by a vote of 75% of the members present. A copy of the code of conduct can be obtained from the Council Secretary or from the Council website [www.nrc.govt.nz](http://www.nrc.govt.nz).

A copy of the standing orders are available for inspection from the Council Secretary or can be purchased if required.

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## 12 Consultation Policy

### Context

The purpose of the Northland Regional Council is:

- To enable local decision-making and action by, and on behalf of, communities; and
- To promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.

*(Local Government Act 2002, Section 10)*

Decisions at meetings of the Northland Regional Council are made by eight Councillors, who are elected every three years on a constituency basis. There are four Councillors representing the Whāngārei constituency, three representing the Far North, and one representing Kaipara. The Councillors make themselves available to the public and also participate in formal consultation to assist them to make decisions that will benefit the Northland regional community.

### Consultation is ...

Meaningful consultation is a process with a clear purpose, by which the community contributes to Council decisions before they are made.

### Consultation Goals

This Consultation Policy aims to make the Northland Regional Council's consultation processes and outcomes effective, by helping the Council to:

- Be community, citizen and customer focused;
- Build strong regional relationships;
- Encourage a consistent and integrated consultation approach that makes the best use of Council resources;
- Make good, well-informed decisions; and
- Apply the principles of the Local Government Act 2002 (see following page "How we will Consult").

### Who we will Consult

The Northland Regional Council has legal responsibility to act in the best interests of the region as a whole. When consulting on behalf of the people of the region, the Council will:

- Focus on regional, community, or sector groupings depending on the nature and scope of the issues involved.
- Focus on those individuals, organizations, or communities whose stake in the decision is greatest.
- Recognise that Maori consultation processes are unique and that Maori are an important part of the regional community (see separate Maori Liaison Policy attached).

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## Who is our Community?

The regional 'community' includes customers, citizens and local communities. Customers are individuals who are involved in a transaction with the Council for services. Citizens are people living or working within Northland society and therefore having rights to be involved in that society's decision-making. Communities are groups of citizens, usually living in the same geographic area, with common interests.

## How we will Consult

When the Council consults, it will be guided by the following eight principles:

- **Community involvement**  
The Council will encourage community input and involvement in the decision-making process, and aim for balance and representation.
- **Transparency**  
The Council will be open and clear about when, why, who, and how we are consulting; and what influence people can have.
- **Information**  
The Council will provide people with reasonable access to relevant information in a manner and format that is appropriate to their preferences and needs.
- **Accessibility**  
The Council will provide people with a reasonable and timely opportunity to have their say in a way that suits them.
- **Openness**  
The Council will give due consideration to the views presented, and make decisions with an open mind.
- **Communication**  
The Council will tell people what it has decided and why, and how the consultation influenced the decision.
- **Continuous improvement**  
The Council will periodically evaluate its consultation processes and learn from experience about what works best.
- **Consultation with Maori**  
While following the above seven principles in all consultation, the Council will also recognise its specific responsibilities in respect of consultation with all Maori (see Maori Liaison Policy).

### Notes:

1. Under the Local Government Act 2002, the Council must follow the special consultative procedure (see following page) when making certain decisions such as adopting or amending its LTCCP (Now called the Long Term Plan, LTP)
2. Where the Council is required to follow specific consultation requirements set out in any Act or legislation other than the Local Government Act 2002, those specific consultation requirements will override this consultation policy.

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## Consultation and Decision-Making

Consultation is an ongoing process of engagement and participation, which relates to decision-making. Consultation has a strong, two-way relationship with decision-making in that:

- Consultation findings influence our decisions, and also
- Council decisions influence what we consult on, and when and how we consult.

The results of consultation are not the only matters the Council considers when making decisions. The Council will also consider other information, such as Council policies, legislative requirements, and any relevant research or studies.

## Evaluation and Review

This Policy will be evaluated and reviewed annually. As part of this process, the Council will consider seeking feedback on the Policy's effectiveness from the regional community. This may be done through the Annual Plan process or separate survey.

## Special Consultative Procedure

The Local Government Act sets out certain consultation principles and a procedure that local authorities must follow when making certain decisions. This procedure, the special consultative procedure, is regarded as a minimum process.

The council can and does consult outside of the special consultative procedure. When it is adopting its Long Term Plan, Annual Plan or Regional Plan it may hold meetings with community groups and other interested parties. At these meetings the council will seek views on the matters the council considers to be important and identifying issues of concern to the community

The special consultative procedure consists of the following steps:

- **STEP ONE:** Preparation of a statement of proposal and a summary. The Council must prepare a description of the proposed decision or course of action. The statement must be available for distribution throughout the community and must be available for inspection at the Council office and may be made available elsewhere. The Council also has to prepare a full and fair summary of the proposal which must be distributed as widely as the Council considers to be reasonably practicable. That statement must be included on an agenda for a council meeting.
- **STEP TWO:** Public notice. The Council must publish a notice in one or more daily newspapers, or in other newspapers of equivalent circulation, of the proposal and of the consultation being undertaken.
- **STEP THREE:** Receive submissions. The Council must acknowledge all written submissions and offer submitters a reasonable opportunity to make an oral submission. The Council must allow at least one month (from the date of the notice) for submissions.
- **STEP FIVE:** Deliberate in public. All meetings where the Council deliberates on the proposal or hears submissions must be open to the public (unless there is some reason to exclude the public under the LGOIMA). All submissions must be made available unless there is reason to withhold them under LGOIMA.
- **STEP SIX:** Follow up. A copy of the decision and a summary of the reasons must be provided to submitters. There is no prescribed format for such a summary.

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By law, the Council must follow the special consultative procedure before it:

- Adopts a Long Term Plan (LTP) or Annual Plan [LTP's are the new name for LTCCPs]
- Amends an LTP
- Adopts, revokes, reviews or amends a bylaw
- Changes the mode of delivery for a significant activity (for example from the Council to a council-controlled organisation or from a council-controlled organisation to a private sector organisation) if that is not provided for in an LTP.

The Council may be required to use the special consultative procedure under other legislation, and it may use this procedure in other circumstances if it wishes to do so.

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## 13 Maori Liaison Policy

*(to be read in conjunction with the Consultation Policy)*

### **Context**

Maori make up 31.7% of Northland's population as at 2006. The Local Government Act 2002 requires that in performing its role, the Regional Council should provide opportunities for Maori to contribute to its decision-making processes. Also under that Act, the Resource Management Act, and other legislation, the Council must recognise and provide for the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, and other taonga.

In carrying out these responsibilities the Council:

- a) Recognises Maori as being a culturally distinct group with different perspectives, and at times needs, from the general community.
- b) Will aim to be knowledgeable about the rights of Maori under the Treaty of Waitangi, the Local Government Act and other legislation.
- c) In accordance with those cultural differences and statutory rights, will establish and maintain processes for liaising with Maori and involving them in Council decision-making processes.

### **Liaison**

Liaison is a process of establishing and maintaining a close connection with Maori and Maori tribal organisations. It includes clear processes for consultation and involvement in decision-making.

### **Who to Liaise with**

There are over 43,000 Maori in Northland, most of whom affiliate to the nine iwi (tribes) or more in Northland. There are also numerous hapu (subtribes) and whanau (family) groups.

The Council will maintain a database of as many of these organisations as possible and utilise this for establishing specific liaison with Maori over significant issues. It will also operate an open door policy that provides opportunities for all Maori to contribute to significant decisions.

### **How will Liaison Occur**

- a) The Council will employ an Iwi Liaison Officer.
- b) Provision will be made so that staff are trained in Tikanga Maori, Te Tiriti o Waitangi, and Marae protocol.
- c) The eight principles of effective consultation will be followed (see Consultation Policy).
- d) Where applicable, consultation will be undertaken in a process that is reflective of Tikanga Maori.
- e) Where required, an interpreter will be provided at a cost to Council.
- f) Where appropriate, financial assistance will be made by the Council to ensure that consultation is thorough, effective and inclusive.
- g) Where necessary, the Council will employ/involve, trained facilitators, trainers, mediators or experts in Tikanga Maori to aid in the consultation process.

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## **Opportunities for Maori to Contribute to Decision-Making**

Opportunities will be available for Maori to be involved in decision-making including:

- Provision for iwi representation on some Council standing committees.
- Specific Maori consultation processes relating to resource management plans and resource consent applications. For example, the Council has a current policy that all applications for resource consents, non-notified or notified, are circulated to iwi who have expressed an interest in an area.
- Formalised working relationships with iwi through memoranda of understanding such as the Memorandum of Understanding between Northland Regional Council and the Te Uri o Hau Settlement Trust.
- Appropriate compliance with Settlement Acts.
  - Te Uri o Hau Claims Settlement Act 2002
  - Te Roroa Claims Settlement Act 2008
- Recognition of Maori policy and management plans such as:
  - Te Iwi o Ngatiwai Iwi Policy Document
  - Ngati Kuta Ki Te Rawhiti Hapu Management Plan.
- Where appropriate, contribution of funding for Maori to gather and analyse information relevant to the Council's functions through resource monitoring programmes and surveys, and the development of iwi management plans.
- Circulation of a regular panui (newsletter) outlining Council activities of interest to Maori and opportunities for Maori involvement.
- Where appropriate the Council will support applications by iwi for access to funding through government agencies.

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## 14 Management Structures and Relationships

The Local Government Act 2002 requires council to employ a Chief Executive whose responsibilities are to employ other staff on behalf of the Council, implement council decisions and provide advice to the Council. Under the Local Government Act the Chief Executive is the only person who may lawfully give instructions to a staff member. Any complaint about individual staff members should therefore be directed to the Chief Executive, rather than the Chairperson or Councillors.

### **Chief Executive Officer - *Ken Paterson***

#### **Deputy CEO/Operations Director - *Tony Phipps***

- State of the environment monitoring
- Passenger transport management
- Resource management compliance
- Environmental incident responses
- Hazard management & Hazardous substances and contaminated sites
- River management
- Land and biodiversity
- Oil pollution response
- Harbour safety and navigation
- Consent applications & Consents advice and information
- Biosecurity
- Emergency management

#### **General Manager Planning and Policy - *Kathryn Ross***

- Resource management planning
- Long Term Plan
- Annual Plan

#### **General Manager CEO's Office and Projects - *Linda Stansfield***

- Democracy/Councillor advice and support
- Council controlled organisations

#### **Growth/Infrastructure Manager - *Vaughan Cooper***

- Community Growth Programme
- Regional infrastructure management
- Regional transport planning

#### **General Manager - Finance and IT - *Lisa Aubrey***

- Finance accounting and financial reporting
- Financial and equity investments
- Taxation
- Rating
- Information services
- Revenue systems
- Commercial investments
- Annual Plan

#### **General Manager Community Relations - *Jason Dawson***

- Environmental education
- Communications
- Iwi liaison

#### **Human Resources Manager - *Judy Macdonald***

- Human resources management
- Health and safety

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## 15 Equal Employment Opportunity Policy

The Northland Regional Council is firmly committed to the principle of Equal Employment Opportunity (EEO). The Council will practice equal opportunities in all respects of employment, including recruitment, selection and appointment, education, training and development, career path planning and promotions. The Council will ensure that all policies and practices comply with legislative requirements.

Personnel policies shall apply equally to all staff, whether salary or wage employees. No employee, or potential employee, shall gain any advantage or suffer any disadvantage by reason of their race, colour, age, national or ethnic origin, sex, marital status, personal disability, sexual preference or religious or political beliefs.

All Council staff have a responsibility to act in a non-discriminatory manner. Those that fail to do so may be liable to appropriate disciplinary procedures.

Further advice and information can be obtained from the Human Resources Manager.

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## 16 Key Approved Planning and Policy Documents

### **The Northland Community Plan**

The Northland Regional Council's Long Term Council Community Plan, known as the Northland Community Plan, sets out the strategic direction for the Council for the 10 year period 2009-2019. It is produced in two volumes.

The first section of Volume One outlines Community Outcomes, which describe in general terms what the community would like the region to be like in the future. Priorities for each community outcome are detailed and the role the Council will play in achieving each community outcome is described.

The second section of Volume One of the Northland Community Plan outlines Council activities. Detailed actions that the Council intends to undertake in the three years 2009-2012 to deliver its services are listed, along with more general actions intended for the following seven years to 2019.

Volume Two contains detailed financial information for the 10 year period covered by the Plan and copies of the Council's funding, financial and management policies. Copies of the 2009-2019 Northland Community Plan are available from the Council website [www.nrc.govt.nz](http://www.nrc.govt.nz) or from any Regional Council office.

The Council is required to update its Long Term Council Community Plan every three years. The Northland Community Plan was last updated in 2009. In the years in between updates (such as 2011), the Council will produce an Annual Plan only. The Annual Plan is primarily a financial document used to set rates for the coming year. The Council seeks public input into these plans by way of public consultation in April/May each year.

An update of the current LTCCP (Now to be called a Long Term Plan [LTP]) will be undertaken in 2012 and cover the period 2012 - 2022

### **Other Regional Council Plans**

The Northland Regional Council has also produced plans and policy documents under the following legislation:

- Resource Management Act 1991;
- Biosecurity Act 1993;
- Maritime Transport Act 1994;
- Civil Defence Emergency Management Act 2002; and
- Land Transport Management Act 2003.
- Public Transport Management Act 2008
- Soil Conservation and Rivers Control Act 1941.

Copies of all the plans and policy documents specified below can be obtained on request from offices of the Northland Regional Council as detailed on page 30.

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Approved plans and policy documents prepared under the **Resource Management Act** (RMA) are:

- Regional Policy Statement March 1999 (Landscapes section July 2002);
- Regional Air Quality Plan March – Fully operative August 2005, plus Plan Changes 1 & 2, December 2008
- Regional Coastal Plan November 2003, plus Plan Changes 2 & 3, July 2010
- Regional Water and Soil Plan August 2004, plus Plan Change 1, August 2007 and Plan Change 2, October 2010

The process for the preparation of these documents is set out in the First Schedule of the RMA. The preparation process includes:

- Consultation during preparation of the proposed plan;
- Public notification of the proposed plan;
- Submissions;
- Notification of a summary of submissions;
- Further submissions;
- Hearing of submissions;
- Notification of decisions on submissions;
- Appeal of decisions to the Environment Court;
- Council adoption of plan.

For regional coastal plans, the Minister of Conservation's approval must also be gained.

Under section 79 of the RMA, resource management plans and policy documents must be fully reviewed not later than 10 years after the plan or policy document became operative. However, a review can be done at any time before then.

If the review identifies a need to change the plan or policy document then the change must also be done in accordance with the First Schedule process.

Approved plans and policy documents prepared under the **Biosecurity Act** (BA) are:

- Regional Pest Management Strategies July 2010.

These strategies have been prepared as individual animal pest and pest plant strategies, each of which be amended or reviewed separately.

The process for the preparation of these documents is set out in Sections 71 to 79 of the BA. The preparation process includes:

- Consultation during preparation of the proposed strategy;
- Notification of the proposed strategy;
- Submissions;
- Notification of a summary of submissions;
- Hearing of submissions;

- 
- Notification of decisions on submissions;
  - Appeal of decisions to the Environment Court;
  - Council adoption of strategy.

Under section 88 of the BA, regional pest management strategies must be reviewed after 5 years of being in force but may also be reviewed at any time:

- a) If the Minister or regional council has reason to believe that the strategy is failing to achieve its purposes; or
- b) If the Minister or regional council has reason to believe that relevant circumstances have changed to a significant extent since the strategy commenced; or
- c) If the strategy is due to expire in less than 12 months and –
  - i) Any person requests the Minister or regional council to notify a proposal to extend the duration of the strategy; or
  - ii) The Minister or regional council proposes to extend the duration of the strategy.

If the review identifies a need to change the plan or policy document then the change must also be done in accordance with the specified preparation process.

Approved plans and policy documents prepared under the **Land Transport Management Act 2003** or the **Public Transport Management Act 2008** are:

- 30 Year Transport Strategy for Northland – approved May 2010
- Regional Land Transport Programme for Northland 2009-2012 – approved September 2009
- Northland Regional Road Safety Plan 2009-2012 – approved June 2009
- Northland Regional Passenger Transport Plan 2003 (Review in 2011)

The process for the preparation of regional land transport strategies is set out in Section 78 LTMA. The preparation process includes:

- Consultation during preparation of the proposed strategy;
- Public notification of the proposed strategy;
- Submissions;
- Hearing of submissions;
- Council approval of strategy.

There is no statutory requirement or provision for appeals.

Under section 73 of the LTMA, regional land transport strategies may be renewed from time to time, but must be renewed at least once every 6 years.

Approved plans and policy documents prepared under the **Maritime Transport Act (MTA)** are:

- Northland Marine Oil Spill Contingency Plan May 2007.

The process for the preparation of regional marine oil spill contingency plans is set out in Sections 289, 291 and 292 of the MTA. The preparation process includes:

- 
- Consultation during preparation of the contingency plan; and
  - Approval of the plan by the Director of Maritime Safety.

There is no statutory requirement or provision for notification of draft contingency plans, submissions, hearings, or appeals.

Under section 290 of the MTA, regional marine oil spill contingency plans must be reviewed at least once every 3 years.

Approved plans and policy documents prepared under the **Civil Defence Emergency Management Act 2002 (CDEMA)** are:

- Northland Civil Defence Emergency Management Group Plan December 2010.

The plan was prepared by the Northland Civil Defence Emergency Management Group (made up of representatives of the regional council and each local authority in the region).

The process for the preparation of civil defence emergency management group plans is set out in Sections 49 and 52 of the CDEMA. The preparation process includes:

- Public notification of a proposal to prepare an emergency management plan;
- Submissions on proposed plan;
- Forwarding of proposed plan to the Minister responsible for emergency management for comment; and
- Approval of plan by the civil defence emergency management group.

There is no statutory requirement or provision for hearings or appeals.

Under section 56 of the CDEMA, civil defence emergency management group plans may be reviewed at any time but must be reviewed after 5 years of being in force.

### **Non-Statutory Council Plans**

- Northland River Management Policy.

This is a non-statutory document, that is, the Council is not required by statute to prepare a river management policy but has done so to clarify roles and responsibilities under the Soil Conservation and Rivers Control Act 1941.

It was ratified by the Northland Regional Council and all three district councils between January and June 2000.

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## 17 Public Access to Council and Its Elected members

### Your Regional Councillors

#### **Craig Brown - Chairman** (Whāngārei Constituency)

Craig Brown is a former Mayor of the Whāngārei District Council and is serving his third term on the Regional Council. He is a former policeman, and has been involved in farming and real estate. Cr Brown is serving his third term on the Northland District Health Board and has been co-opted member of the North-Tec Council for six years. He has been heavily involved on school boards of trustees since their instigation, for which he received an award for services to education from the New Zealand School Trustees Association. Cr Brown was on the Whāngārei District Council for 12 years, six of them as Mayor.

He can be contacted on 09 432 7575 or emailed at [craigb@nrc.govt.nz](mailto:craigb@nrc.govt.nz)

#### **John Bain – Deputy Chairman** (Whāngārei Constituency)

John Bain is best-known to most as Chairman of the high-profile air ambulance provider the Northland Emergency Services Trust (NEST). A member of the Northland District Health Board, Cr Bain has had a 35-year involvement with the Northland Ambulance Service, including many years as its Chairman. Cr Bain has been self-employed since his early 20s and is currently in the importing business.

He can be contacted on 09 437 6096 or emailed at [jbain@internet.co.nz](mailto:jbain@internet.co.nz)

#### **Joe Carr** (Far North Constituency)

Okaihau-based Joe Carr has local business, farm and forest interests and is also a Justice of the Peace. He is a trustee of the Far North Life Education Trust and is a former Far North District Councillor. Cr Carr has served on a number of Regional Council Committees over the past nine years including Civil Defence and Emergency Management, Regional Land Transport and Landcare. He has previously been a Hearing Commissioner and Appeal Negotiator for the Far North District Council.

He can be contacted on 09 401 9197 or emailed at [carr.clan@farmside.co.nz](mailto:carr.clan@farmside.co.nz)

#### **Tony Davies-Colley** (Whāngārei Constituency)

Tony Davies-Colley is a businessman involved in technology, engineering, farming, forestry, and property. He is a director of several private companies. Cr Davies-Colley has an Agricultural Science degree and over the last 30 years has been actively involved in farming, forestry and the wood processing industry.

He can be contacted on: 09 435 4090 or emailed at [tony@westpoint.net.nz](mailto:tony@westpoint.net.nz)

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**Bronwyn Hunt** (Far North Constituency)

Bronwyn has been involved in local government for over 20 years, 13 of which were in the Far North District. Her community interests are wide and varied. Currently working for the Te Runanga o Te Rarawa, Bronwyn heads the Strategy and Policy Unit. Cr Hunt is now serving her first term on the Regional Council.

She can be contacted on: 09 408 3412 or emailed at [bronyh@hotmail.com](mailto:bronyh@hotmail.com)

**Graeme Ramsey** (Kaipara Constituency)

Graeme returned home to Dargaville after a management career overseas. He served six years as Mayor of Kaipara District and has continued his career in New Zealand as Chief Executive Officer and Director of commercial and not-for-profit organisations. Graeme has degrees on Geography, Sociology and a Masters in Business Administration. He lives in Baylys Beach with his wife Josie.

He can be contacted on 09 439 7022 or emailed at [baylys@igrin.co.nz](mailto:baylys@igrin.co.nz)

**Bill Rossiter** (Whāngārei Constituency)

Bill Rossiter is serving his fifth term on the Regional Council. He previously served as a Whāngārei District Councillor. Cr Rossiter is a Northpower Trustee and was previously the Road Safety Co-ordinator for RoadSafe Northland. He is active in community organisations, including Rotary and an appointed Whāngārei RSA Trustee. Cr Rossiter is a retired businessman involved in the printing and stationary business.

He can be contacted on 09 437 2807 or emailed at [billr@igrin.co.nz](mailto:billr@igrin.co.nz)

**Ian Walker**

Ian Walker is a farmer, retailer and has business interests in IT. He has held a number of directorships and is currently President of Farmers of New Zealand and a Director of Northland Port Corporation NZ limited. This is his fourth term as a Regional Councillor.

He can be contacted on 09 408 0072 or emailed at [ian@nzfarmers.com](mailto:ian@nzfarmers.com)

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## **The Northland Regional Council**

### **HEAD OFFICE**

Street Address: 36 Water Street, Whāngārei.  
Postal Address: Private Bag 9021, Whāngārei 0148.  
Telephone No: 09 438 4639  
Facsimile No: 09 438 0012  
Email: mailroom@nrc.govt.nz  
Freephone: 0800 002 004  
24/7 Environmental Hotline: 0800 504 639  
Website: www.nrc.govt.nz

### **OPUA OFFICE**

Street Address: Unit 10, Opuā Marine Park, Opuā 0200.  
Telephone No: 09 402 7516  
Facsimile No: 09 402 7510

### **DARGAVILLE OFFICE**

Street Address: 61B Victoria Street, Dargaville 0310.  
Telephone No: 09 439 3300  
Facsimile No: 09 439 3301

### **KAITAIA OFFICE**

Street Address: 192 Commerce Street, Kaitaia 0410.  
Telephone No: 09 408 6600  
Facsimile No: 09 408 6601

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## 18 Requests for Official Information

The Local Government Official Information and Meetings Act 1987 (LGOIMA) provides that any person may request the Council to make available to them any specified official information held by the Council.

The LGOIMA requires that any information so requested must be specified "with due particularity in the request", so that it does not for instance require the Council to make its files on any subject available for perusal.

The Act says that information may be withheld if release of the information would:

- Endanger the safety of any person;
- Prejudice maintenance of the law;
- Compromise the privacy of any person;
- Reveal confidential or commercially sensitive information;
- Cause offence to tikanga maori or would disclose the location of waahi tapu;
- Prejudice public health or safety;
- Compromise legal professional privilege;
- Disadvantage the local authority while carrying out negotiations or commercial activities;  
or
- Allow information to be used for improper gain or advantage.

Applicants for official information whose applications are refused, have the right to request a review of that decision by an Ombudsman.

The Council must answer requests within 20 working days (although there are certain circumstances where this time-frame may be extended). The council may charge for official information under guidelines set down by the Ministry of Justice.

In the first instance you should address requests for official information to the Council's Privacy Officer, Jonathan Anyon (email: [jonathana@nrc.govt.nz](mailto:jonathana@nrc.govt.nz)).

A form for requesting information from the Council is in Appendix 3.

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# **Appendix One**

## **Committee Terms of Reference**

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# 19 Appendix 1 - Committee Terms of Reference

## NORTHLAND REGIONAL COUNCIL

### **Audit and Finance Committee**

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#### **Membership**

The Committee shall be comprised of all eight (8) Councillors plus one (1) independent appointment with professional background.

#### **Terms of Reference**

#### **Functions**

- 1) Review and recommend to the Council any changes required to the funding and financial policies required under Section 102(4) of the Local Government Act (LGA) 2002. Funding and financial policies listed under Section 102(4) are as follows:
  - Revenue and Financing Policy;
  - Treasury Management Policy; (incorporating Liability Management Policy and Investment Policy)
  - Policy on Financial Contributions; and
  
- 2) Review and recommend to the Council any changes to other financial policies required under LGA 2002, including, but not limited to the following:
  - Policy on Significance (LGA Section 90);
  - Policy on the Appointment of Directors to Council Organisations (LGA Section 57);
  - Charging Policy; and
  - Rating Policies, including rates relief, policies on remissions and policies on postponement of rates on Maori freehold land. (LGA s102(5)).

NB: The above listed policies may be adopted as part of the Long Term (formerly Council Community) Plan (LTP), however policies may be amended only as a formal amendment to the LTP (Section 102)
  
- 3) The Audit and Finance Committee is to undertake the investment functions referred to in the Treasury Management Policy adopted within the current LTP. These functions include:
  - (a) To review the Council's existing investment assets against the objectives set in the Treasury Management Policy, bringing in specialised expertise where applicable.
  - (b) To recommend to the Council policies and strategies for undertaking its commercial activities.
  - (c) To oversee the administration of the Council's commercial assets and forestry activities.
  - (d) To consider and make recommendations to the council on property and forestry investment opportunities.

- 
- 4) To recommend to Council the adoption of the Annual Report and Summary Annual Report.
  - 5) To liaise with all Council Controlled Organisations (CCOs), and Council Organisation's (COs) and their subsidiaries in accordance with the requirements of the LGA 2002, any relevant Trust Deeds, Constitution or other governance structures including:
    - a) To receive all Draft Statements of Intent (SOI) by 1 March each year;
    - b) To consider Draft SOI and recommend to the Council any comments to be provided on the Draft by 30 April each year;
    - c) To receive all final SOI by 30 June each year;
    - d) To monitor actual performance compared to key performance targets and other measures set out in the relevant LTP or Annual Plan;
    - e) To review any Trust Deeds, Constitution or other governance structures of all CCOs and to recommend any changes to the Council as appropriate.

In the case of the Northland Regional Council Community Trust, to recommend to Council the appointment of Trustees in accordance with the provisions of the LGA (2002), the Council's Policy of the Appointment of Directors to Council Organisations and the Trust Deed. Rule 3.1A of the First Schedule of the Trust Deed provides that the interview process to appoint Trustees shall include an invitation to all district councils to have a representative on the interviewing panel.

- 6) To receive reports from the council's auditors, Audit New Zealand, resulting from the annual interim and final, external audits.
- 7) Review and agree the scope of the current year internal audit plan. Review reports arising from internal audit reviews, detailing identification of risk and recommended mitigation measures.
- 8) Monitor and report the quarterly financial performance against budget.
- 9) To monitor the council results against performance targets and levels of service on a biannual basis.
- 10) To undertake such other functions as may be delegated by Council from time to time.
- 11) To co-opt a person as a member of the Committee to assist with special projects, or it may recommend to Council that additional members be appointed to the Committee should it consider wider representation would be of assistance in performing its functions.

#### **Delegated Authority – Power to Act**

- 1) Does not have the powers of Council to act in the following instances as specified by Clause 32 (1) of Schedule 7 of the Local Government Act 2002:
  - (a) make a rate;
  - (b) make a bylaw;
  - (c) borrow money, or purchase or dispose of assets, other than in accordance with the current Long Term Plan or Annual Plan;
  - (d) adopt a Long Term Plan, or Annual Plan or Annual Report;
  - (e) appoint a Chief Executive; or

- 
- (f) adopt policies required to be adopted and consulted on under this Act in association with a Long Term Plan or developed for the purpose of the Local Governance Statement.
  - 2) Does have the ability to appoint subcommittees to deal with any matters of responsibility within the Committee's Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters and provided the subcommittee shall not have power to act other than by a resolution of the committee with specific limitations where there is urgency or special circumstance.
  - 3) Does have the ability to make decisions in accordance with the Terms of Reference.

## **Environmental Management Committee**

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### **Terms of Reference**

#### **Membership**

The Committee shall be comprised of five (5) Councillors plus eight (8) appointments representing:

- 1) Far North District Council
- 2) Whāngārei District Council
- 3) Kaipara District Council
- 4) Cultural Interests
- 5) Environmental Interest Groups
- 6) Farming Community
- 7) Department of Conservation
- 8) Forest Industry

#### **Terms of Membership**

Should any member appointed to represent an outside organisation or group be absent without prior leave from two consecutive meetings of the Committee, that person's appointment is automatically terminated.

Should a vacancy occur in the membership of the Committee, the Democracy and Legal Services SPM shall report this to the next meeting of the Council for determination as to whether or not the nominating organisation or group is to be invited to nominate a replacement. The Committee has the power to co-opt a person as a member of the Committee to assist with special projects, or it may recommend to the Council that additional members be appointed to the Committee should it consider wider representation would be of assistance in performing its functions.

Members of the Committee representing outside organisations or groups, are expected to regularly report back to their nominating organisation on matters discussed at Committee meetings.

#### **Functions**

- 1) To regularly monitor and review progress towards the objectives and achievement of the performance targets and outcomes in the relevant Northland

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Community Plan and the subsequent Annual Plans in relation to the following groups of activities:

- a) Resource Management Planning
  - b) Consents
  - c) Environmental Monitoring
  - d) Land and Rivers
  - e) Biosecurity
  - f) Maritime Operations
- 2) To advise and recommend to the Council on matters of policy and implementation in relation to the following groups of activities:
- a) Resource Management Planning
  - b) Consents
  - c) Environmental Monitoring
  - d) Land and Rivers
  - e) Biosecurity
  - f) Maritime Operations
- 3) To advise the Council on any significant legislative changes, programmes, plans or reports relating to the above functions.
- 4) To review and recommend to Council on such other functions as may be delegated from time to time.

#### **Delegated Authority – Power to Act**

- 1) The Council grant to the Committee the power to act on all matters except those matters specified by Clause 32 (1) of Schedule 7 of the Local Government Act 2002:
  - (a) make a rate;
  - (b) make a bylaw;
  - (c) borrow money, or purchase or dispose of assets, other than that in accordance with the current Long Term Plan or Annual Plan;
  - (d) adopt a Long Term Plan, or Annual Plan, or Annual Report;
  - (e) appoint a Chief Executive; or
  - (f) adopt policies required to be adopted and consulted on under this Act in association with a Long Term Plan or developed for the purpose of the Local Governance Statement.
  
- 2) Does not have the powers of Council to act re:
  - the final approval of plans prepared under the Resource Management Act 1991;
  - the Hazardous Substances and New Organisms Act 1996;
  - the Land Drainage Act 1908;
  - the Soil Conservation and Rivers Act 1941;
  - the Maritime Transport Act 1994;
  - the Civil Defence Emergency Management Act 2002;
  - the Biosecurity Act 1993; and

- 
- in respect of matters under those Acts that do not permit such delegations.
- 3) Does have the ability to appoint subcommittees to deal with any matters of responsibility within the Committee's Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters. (Any subcommittee shall not have power to act other than by a resolution of the Committee with specific limitations where there is urgency or special circumstance.)
  - 4) Does have the ability to make decisions in accordance with the Terms of Reference.

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## **Resource Management Act Hearings**

Comprised of two (2) Councillors (who shall be Chairperson and Deputy Chairperson of the Committee).

### **Terms of Reference**

#### **Functions**

- 1) The Hearings Committee will have responsibility and authority to approve and make changes to the Council's list of hearings commissioners under the Resource Management Act 1991 (comprising Councillors, sitting as hearings commissioners, and independent commissioners). All persons on the list will be accredited.
- 2) The Chairperson or Deputy Chairperson of the Hearings Committee will have the authority to delegate the Council's functions, powers, and duties under sections 37, 37A, 39, 40-42A, 100-114, and 133A of the Resource Management Act 1991, where they relate to hearing and making a decision on a resource consent application or an objection received under sections 357-357B of the Act to any person(s) on the list referred to in (1) above. This delegation will be made pursuant to section 34A(1) of the Resource Management Act 1991 and the appointed person(s) will deal with any procedural issues from the date of any appointment until the delivery of the decision.
- 3) The Hearings Committee will have the authority to delegate the Council's functions, powers, and duties referred to in (2) above to any person(s) not on the list referred to in (1) above in situations where a technical expert or specialist is considered appropriate to appoint. Preference will be given to person(s) who are accredited but this is not mandatory provided the make up of the hearings panel complies with section 39B of the Resource Management Act 1991 (which requires that over half the hearings panel are accredited).

#### **Delegated Authority – Power to Act**

- 1) The Hearings Committee does not have the powers of the Council to act in the following instances as specified by Clause 32 (1) of Schedule 7 of the Local Government Act 2002:
  - a) make a rate;
  - b) make a bylaw;
  - c) borrow money, or purchase or dispose of assets, other than that in accordance with the current Long Term Plan or Annual Plan;
  - d) adopt a Long Term Plan, or Annual Plan, or Annual Report;
  - e) appoint a Chief Executive; or
  - f) adopt policies required to be adopted and consulted on under this Act in association with a Long Term Plan or developed for the purpose of the Local Governance Statement.
- 2) The Hearings Committee will have delegated authority to carry out all the activities within its Terms of Reference.

- 
- 3) The Chairperson of the Hearings Committee will have delegated authority to carry out activity (2) in the Terms of Reference.
  - 4) The Deputy Chairperson of the Hearings Committee will have delegated authority to carry out activity (2) in the Terms of Reference.

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## **Regional Transport Committee**

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### **Terms of Reference**

#### **Membership**

The Committee comprises two (2) Councillors (as Chairperson and Deputy Chairperson) plus ten (10) appointed members representing the following interests:

- 1) Far North District Council
- 2) Whāngārei District Council
- 3) Kaipara District Council
- 4) New Zealand Transport Agency
- 5) Cultural Interests
- 6) Environmental Sustainability
- 7) Economic Development
- 8) Access and Mobility
- 9) Safety and Security
- 10) Public Health

#### **Terms of Membership**

Should any member appointed to represent an outside organisation or group be absent without prior leave from two consecutive meetings of the Committee, that person's appointment is automatically terminated.

Should a vacancy occur in the membership of the Committee, the Democracy and Legal Services SPM shall report this to the next meeting of the Council for determination as to whether or not the nominating organisation or group is to be invited to nominate a replacement.

Members of the Committee representing outside organisations or groups, are expected to regularly report back to their nominating organisation on matters discussed at Committee meetings.

#### **Voting Rights**

Members of the Committee who do not represent an approved organisation as defined under the Land Transport Management Act 2003, have full speaking rights but may not vote on the preparation or approval of the Regional Land Transport Programme.

At any meeting of the Committee, the Chair, or any other person presiding at the meeting, has a deliberate vote, and in the case of an equality of votes, does not have a casting vote (and therefore the act or question is defeated and the status quo is preserved). This is a requirement of the Land Transport Management Act and therefore takes precedence over Council's standing orders.

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## Functions

- 1) To prepare for approval by the Regional Council:
  - (a) a Regional Land Transport Strategy for the Northland region, or any variations to the strategy or any reports on the strategy prepared under the Act;
  - (b) a Regional Land Transport Programme for the Northland region, or any variations to the programme prepared under the Act;
  - (c) a regional fuel tax scheme for the Northland region if the Regional Transport Committee decides to recommend a scheme;
  - (d) a Regional Public Transport Plan, or any variations to the plan prepared under the Public Transport Management Act; and
  - (e) to provide the Regional Council with any advice and assistance the Regional Council may request in relation to its transport responsibilities.
- 2) To adopt a policy that determines significance in respect of variations made to the Regional Land Transport Programme and the Regional Land Transport Strategy.
- 3) To regularly monitor and review progress towards the adoption and implementation of the Regional Land Transport Strategy.
- 4) To regularly monitor the implementation of the Regional Land Transport Programme.
- 5) To monitor and review any regional fuel tax scheme approved for the region.
- 6) To approve procedures and requirements for implementing the Council's public passenger transport service registration functions under the Transport Services Licensing Act.
- 7) To advise the Council on any significant legislative changes, programmes, plans or reports relating to the region's land transport system.
- 8) To liaise with Ministry of Transport, New Zealand Transport Agency, the Commissioner of Police, District Councils, and other interests on land transport matters, and advise the Council on appropriate new initiatives.
- 9) To regularly monitor and review progress towards the performance targets and outcomes relative to land transport contained in the current Long Term Plan and Annual Plan.

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### **Delegated Authority – Power to Act**

- 1) Does not have the powers of Council to act in the following instances as specified by Clause 32 (1) of Schedule 7 of the Local Government Act 2002:
  - a) make a rate;
  - b) make a bylaw;
  - c) borrow money, or purchase or dispose of assets, other than that in accordance with the current Long Term Plan or Annual Plan;
  - d) adopt a Long Term Plan, or Annual Plan, or Annual Report;
  - e) appoint a Chief Executive; or
  - f) adopt policies required to be adopted and consulted on under this Act in association with a Long Term Plan or developed for the purpose of the Local Governance Statement.
  
- 2) Does have the ability to appoint subcommittees to deal with any matters of responsibility within the Committee's Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters. (Any subcommittee shall not have power to act other than by a resolution of the Committee with specific limitations where there is urgency or special circumstance.)
  
- 3) Does have the ability to make decisions in accordance with the Terms of Reference.

### **Power to Act (for the information of Council)**

- 1) To prepare an annual report on the Regional Land Transport Strategy and Regional Land Transport Programme.
  
- 2) To co-ordinate regional road safety activities.
  
- 3) To monitor transport activities of the Regional Council, Territorial Authorities and New Zealand Transport Agency in order to report on progress of the Regional Land Transport Strategy.

### **Power to Recommend to Council**

- 1) To prepare and recommend the Regional Land Transport Strategy, Regional Land Transport Programme and Regional Public Transport Plan. To consider and recommend transportation planning studies and associated outcomes.
  
- 2) To provide recommendations to relevant Government agencies on transport priorities and the allocation of national regional transport funds.

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## **Regional Policy and Development Committee**

### **Terms of Reference**

#### **Membership**

The Committee shall be comprised of three (3) Councillors plus external appointments representing:

- Far North District Council
- Whāngārei District Council
- Kaipara District Council

The Committee has the power to establish working groups from time to time as it sees fit, and to co-opt a person as a member of a working group, with special regard for members to represent:

- Department of Conservation
- Cultural Interests
- Environmental Sustainability
- Economic Development
- Tangata Whenua

#### **Terms of Membership**

Should any member appointed to represent an outside organisation or group be absent without prior leave from two consecutive meetings of the Committee, that person's appointment is automatically terminated.

Should a vacancy occur in the membership of the Committee, the Democracy and Legal Services SPM (or person fulfilling that role) shall report this to the next meeting of the Council for determination as to whether or not the nominating organisation or group is to be invited to nominate a replacement.

Members of the Committee, or working groups representing outside organisations or groups, are expected to regularly report back to their nominating organisation on matters discussed at Committee or working group meetings. (They must have the authority to act on behalf of their organisation or group.)

#### **Voting Rights**

Members of the Committee shall have voting rights.

#### **Functions**

- 1) To oversee the preparation of the new Regional Policy Statement (RPS) for Northland in accordance with Schedule 1 of the Resource Management Act 1991 (RMA) and the Council approved timeline up to the point of recommending to the Council that a proposed RPS be publicly notified for formal submission (under Clause 5 of that Schedule).

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- 2) Investigate and report to Council or the Audit and Finance Committee (as appropriate) options for the Regional Council's contribution to community growth and economic development, including development of regional community growth and infrastructure development projects.
  - 3) To co-opt a person (or persons) as members of any working party established by the Committee to assist with special projects.

#### **Delegated Authority – Power to Act**

1. Power under Clause 31(2) of the 7th Schedule of the Local Government Act 2002 to appoint a representative from each territorial authority in the region and a tangata whenua representative.
2. Authority to implement the Council approved timeline for the preparation of the new RPS and to recommend changes to that timeline to Council for its approval.
3. Authority to recommend to Council processes to be used to prepare the new RPS and to oversee those approved processes and report on progress to the Council.
4. Authority to prepare a draft RPS and submit it to Council for approval.
5. Authority to consult parties which the RMA requires to be consulted and other parties nominated by Council and at its discretion.
6. Authority to undertake the evaluation of objectives, policies and methods required by section 32 of the RMA.
7. Authority to amend the draft RPS as it sees fit including preparing reasons for amendments, formulate a draft proposed RPS, and recommend that draft proposed RPS to the Council for adoption and release for formal submission.
8. Authority to appoint subcommittees to deal with any matters of responsibility within the Committee's Terms of Reference and areas of responsibility, and to make recommendations to the Committee on such matters. (Any subcommittee shall not have power to act other than by a resolution of the Committee with specific limitations where there is urgency or special circumstance.)
9. Duty to regularly report progress to the Council.

The Committee **does not have the powers of Council to act** in the following instances:

1. As specified by Clause 32 (1) of Schedule 7 of the Local Government Act 2002:
  - a) make a rate;
  - b) make a bylaw;
  - c) borrow money, or purchase or dispose of assets, other than that in accordance with the current Long Term Plan or Annual Plan;

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- d) adopt a Long Term Plan, or Annual Plan, or Annual Report;
  - e) appoint a Chief Executive; or
  - f) adopt policies required to be adopted and consulted on under this Act in association with a Long Term Plan or developed for the purpose of the Local Governance Statement.
2. To formally release the draft RPS for public consultation without Council approval.
  3. To notify the proposed RPS, or hear submissions on it.

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## **Appendix Two**

# **Act of Parliament Conferring Authority on the Council and its Predecessors**

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## 20 Appendix 2 - Acts of Parliament Conferring Authority on the Northland Regional Council and its Predecessors

### **Acts of Parliament in force:**

Aquaculture Reform (Repeals and Transitional Provisions) Act 2004  
Biosecurity Act 1993  
Building Act 2004  
Bylaws Act 1910  
Civil Defence and Emergency Management Act 2002  
Marine and Coastal Areas Act  
Fees and Travelling Allowances Act 1951  
Harbour Boards Dry Land Endowment Revesting Act 1991  
Hazardous Substances and New Organisms Act 1996  
Health and Safety in Employment Amendment Act 2002  
Holidays Act 2003  
Human Rights Act 1993  
Land Act 1948  
Land Drainage Act 1908  
Land Transport Act 1998  
Local Authorities (Members' Interests) Act 1968  
Local Electoral Act 2001  
Local Electoral Amendment Act 2002  
Local Government (Rating) Act 2002  
Local Government Act 2002  
Local Government Official Information and Meetings Act 1987  
Maritime Transport Act 1994  
Northland Regional Council and Far North District Council Vesting & Empowering Act 1992  
Privacy Act 1993  
Public Bodies Contracts Act 1959  
Public Bodies Leases Act 1969  
Public Transport Management Act 2008  
Rating Valuations Act 1998  
Resource Management Act 1991  
River Boards Act 1908  
Soil Conservation and Rivers Control Act 1941  
Statutory Land Charges Registration Act 1928  
Land Transport Management Act 2003  
Trustee Act 1956  
Trustee Amendment Act 1988

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# **Appendix Three**

## **Information Request Form**

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# 21 Appendix 3 – Information Request Form

## Request for Specified Official Information

Section 10 of the Local Government Official Information Act 1987 provides as follows:

### 10. Requests

- 1) Any person may request any local authority to make available to that person any specified official information.
- 2) The official information requested shall be specified with due particularity in the request.
- 3) If the person making the request asks that the request be treated as urgent, that person shall give that person's reasons for seeking the information urgently.

I \_\_\_\_\_  
(full name)

of \_\_\_\_\_  
(residential address)

request that the following information is made available to me:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(see 10(2) above)

I ask that this request be treated as urgent for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_

(complete if appropriate)

\_\_\_\_\_  
(signed)

\_\_\_\_\_  
(date)

Note: Section 13 of the Local Government Official Information and Meetings Act requires a decision on this request to be given to the applicant within 20 working days, including the cost of providing the information within the guidelines prescribed by the Ombudsman.