

Workshop notes

Tangata Whenua Participation in resource management processes
Monday 6 October 2014

Session 1: What the current plans say about Tangata Whenua input and participation.

Key questions for the discussion:

- What are some common barriers for stakeholder and Tangata Whenua engagement in resource management processes?
- Levels of understanding regarding Tangata Whenua input and participation?
- How should hapu/ iwi management plans be taken into account?

Session 2: Looking Ahead

Key questions for the discussion:

- Are regional plans the best place to set out council 'policy' on Tangata Whenua input and participation in resource management processes?
- What do you think about the actions set out in the proposed Regional Policy Statement in respect to Tangata Whenua input and participation in resource management processes?
- What would you like NRC staff to think more about?

Wrap up, next steps & evaluations

.

Attendees

Luana Pirihi, Northland Conservation Board
Jared Pitman, Maori Land Court
Mariana Young, Forest and Bird
Phillipa Campbell, OPUS
Marie Latrin Richter, OPUS
Laura Townshend, OPUS
Millan Ruka, Environment River Patrol Te Uriroroi
George Riley, Northland Inc
Vaughan Cooper, Northland Inc
Keir Volkering, Consultant
Jacqui Hori-Hoult, NZTA
Jane Price, NZTA
Anne Warner, Farmers of New Zealand
Gary Hooker, Farmers of New Zealand
Stephen Rush, Te Runanga O Whaingaroa

Taimani Clark, MFE
Richard Gardner, Federated Farmers of NZ
Colin Rameka, Lake Omapere Trust

Regional council staff

Cr Graeme Ramsey
Ben Lee
Rachel Ropiha
Abraham Witana

Summary of key points from the day

- Current wording in the regional plans are to be strengthened i.e. from encouraging to “requiring”.....should to “shall”.....and may to “will”.
- Building the capacity of both Council and Tangata Whenua through a intercultural understanding framework.
- Implement the Tangata Whenua policies contained in the Proposed Regional Policy Statement i.e. develop the protocol as per the policy
- A mixture of 3 options for input and participation with Tangata Whenua in resource management:
 - Rules etc.... can go into the plans
 - Standalone council policy (focus on processes)
 - Memorandums or agreements i.e. region wide and localised.
 - Project opportunity offered by NZTA to partner with NRC in developing a cultural area of interest identification tool that will assist councils, agencies and the regional community to engage and consult with the appropriate Maori grouping.**Karakia**

The meeting was opened in karakia by Abraham Witana at 9:32am

Introductions

Cr Graeme Ramsey provided a mihi welcoming workshop participant to today’s meeting.

All workshop participants were:

- Advised of housekeeping matters
- Provided with an opportunity to introduce themselves and the organisations they represented.

Overview

A short presentation was provided outlining the agenda for the day, the reasons why council is undertaking this review and the scope of the review on Tangata Whenua input and participation in resource management.

Session 1: What the plans say

Key questions to aid discussion:

1. *What are some common barriers for stakeholder and Tangata Whenua engagement in resource management processes?*
2. *Levels of understanding regarding Tangata Whenua input and participation?*
3. *How should hapu/ iwi management plans be taken into account?*

RMA change has removed requirement for resource consent applicants to consult.

Gary – Iwi / Hapu management plans - common values over these plans?

- Yes and no. General values are often common but there are also specific values for particular areas.

Gary – Why can't Iwi / hapu plans be unique?

- They can. Regional plans are a mix of localised vs general e.g. Water quality - catchment vs regional.

Richard – Monitoring - why important for Tangata Whenua to be involved?

Millan – because everything is connected and development affects resources that Tangata Whenua value, would like to see a similar Waikato river model for Northland Rivers (e.g. wairoa).

Gary – Are the current plan commitments treaty compliant?

- Yes council is compliant to the principles of the Treaty reference made to section 8.
- All plans recognise the treaty. However there has to be a genuine acceptance of the treaty. Have to have a treaty based relationship. Saying it is not the same as implementing
- Need to share the power to achieve a goal. Hokianga - people are working together all along the water ways to achieve common goals - focus on commonalities, not differences.
- Treaty based relationship example - NRC and Te Uri O Hau.

Steve – Don't like words like "encourage" - we want people to come and talk to us. Tangata Whenua wants discussions at the proposal stage. Tangata Whenua doesn't want to look like the bad guys by having to raise concerns at the resource consent stage rather than at the proposal.

Taimania – RMA change clarifying that consultation not a requirement for resource consent applications - shouldn't look at consultation as a negative. However there is caselaw that guides that Tangata Whenua are to identify effects on their values. Lots of best practice too. Point made that even though RMA doesn't require consultation; councils can through their plans - Auckland Unitary Plan example.

- Need clarity around the effects - it's more about understanding the effects of concern for Tangata Whenua - not about general need (or not) to consult.

Gary – Overlapping interest - why can't council refer to the multiple interests and what happens in practice if 2 or more Maori groups have an interest but have different views

- Council process is to send developers to all those that have identified as having an interest/ manawhenua over an area or resource.
- It is not council's role to decide who has manawhenua in an area; that is a discussion for Hapu not council; hence distribution is to all tangata whenua contacts on council's database.
- All submissions provided to council go through the RMA decision making process and both are weighted equally.
- There is a changing landscape - Maori development is getting more and more emphasis.
- Waikato / tainui - massive settlement which has been good for building capacity. Unlikely to see that kind of settlement in the north. Northland capacity will have to come from working together.

Milan – Tangata Whenua want to be hands on - they would rather be out on the water looking for pollution and understanding why there's no tuna in the river. How do we increase that capacity?

- People are breaking the rules so council should be enforcing - this could fund capacity building. Resource consent condition monitoring is an example where it seems council is reducing its monitoring and enforcement.
- Collaborative groups for catchments - one of their roles should be to understanding and promoting best practice.
- There are many on the ground kaitiaki - there needs to be better connections with them. Benefits both ways. There could be improved monitoring efficiencies by having more people on the ground.
- Implementation is the key. Easy to do plans then put it on the shelf and forget it. Council needs to show how the plan commitments link to council funding processes. Forcefulness of language in plans can assist this.

Gary – Catchment groups - monitoring and assistance - what's council done?

- Description given of the catchment groups that have been set up and what their role/purpose is. Challenge for these groups is having the capacity.

Milan – Land and water website - LAWA - it's a great resource for understanding the state of water across the country. The site suggests that it allows participation from the public but the site administrators limit that participation.

Juliane – time and finance are a big constraint for Tangata Whenua. It is highly unlikely to ever get full understanding of each other's viewpoints. Early engagement helps. We should be leveraging off Tangata Whenua on the ground.

- Also need to improve decision making. Gave race course hearing example, the panel was made up of 3 elderly gentlemen who had no understanding of Tangata

Whenua values. Tangata Whenua should have reps on all council hearings. Doesn't necessarily mean that Tangata Whenua gets the outcome they want but it does help to level the playing field and get some small wins.

- Is it more important to have a Tangata Whenua rep or someone who understands Tangata Whenua values?
- Views from workshop participants generally supported that it is preferable to have a Tangata Whenua representative.

Graeme - talked about work with TTMAC to improve expertise of Maori commissioners. But also need to improve councils own understanding (staff and councillor).

NZTA - Puhoi model was a good example for Tangata Whenua engagement – this process has now become the template now for NZTA. Just to reinforce early engagement and relationships as being important for any project to be successful including using and sharing resources.

Session 2: Looking ahead

Key questions to aid discussion:

1. *Are regional plans the best place to set out council' 'policy' on Tangata Whenua input and participation in resource management processes?*
2. *What do you think about the actions set out in the proposed Regional Policy Statement in respect to Tangata Whenua input and participation in resource management processes?*
3. *What would you like NRC staff to think more about?*

How should iwi/hapu management plans be taken into account?

- There is no single answer. Need to carefully look through them all and pull out the action points that plans identify, clarify that with the plan owners, then translate that into RMA planning language.

Keir – gave an example of how Ngati Wai used their aquaculture management plan (a iwi management, plan) to assist the iwi through the hearing and appeal processes - didn't stop with preparation of proposed plan.

Steve - iwi/hapu management plans - an articulation of the essence of what Tangata Whenua want. Tangata Whenua often doesn't have capacity to articulate into RMA language - that's for council to do with their experts.

- "Take into account" - means that a council must justify when they don't deliver what a iwi/hapu management plan asks for.

George – This is not just how should iwi/hapu management plans are taken into account its when i.e. at the start of the process.

- Should council keep a record of where council decisions have upheld a iwi/hapu management plan.

Richard G - RMA is enabling piece of legislation and it doesn't compel people to do things.

- Iwi/hapu management plans not just about constraining development - they can also be used to promote iwi/hapu development.

Gary – Transfer/delegation of powers - point made that iwi/ hapu management plans can be used to signal what resources they would like to manage.

Gary – Have there been any applications to NRC to transfer RMA powers? There was a lot of talk about this ability at the outset but now just viewed by Tangata Whenua as window dressing.

Transfer of powers - northland iwi will be a lot better resourced in the future post settlements - and in a lot better place to do it.

- Council is not going to transfer unless the receiver has the capability.

Steve – council should teach Tangata Whenua to build that capability.

How do we measure progress? Not well done.

RPS contains provisions on Tangata Whenua engagement/participation - refer section 8.

Keir – Why wait until it's operative to implement when there's no appeals? Point made that the more that can be done now the less of a distraction. There is no need to wait nothing is under appeal.

- There is already a project being designed re developing protocol with iwi authorities.

Colin (Lake Omapere Trust) - would like copy of RPS?

- Ben Lee provided two copies to Colin.

Keir – Talked about advantages and disadvantages of having process commitments in regional plans. Outside of regional plans (e.g. in some other council strategy) means it's more flexible. But at the same time being in a regional plans there is a lesser risk of political whims. Another option is MOU – is less vulnerable to political whims. Point made that it will be case by case weighing up what will be the best place for process commitments. Implementing the RPS commitment's sooner may help elucidate the best mechanism.

Keir – there a range of options for MOU may have some stuff that is at a regional level and some things that at a hapu level – needs to be decided on a case by case basis.

Gary – Mana whenua wards - what has council done or considered?

- (No discussion - conversation went elsewhere).

Millan - NRC needs to up its game e.g. cattle on rivers - council should be putting in place common sense rules now.

- The opportunity is available to have such a rule in place.

Taimania – Bear in mind RMA reforms - may include requirement for iwi group participation?

Colin - Need to change the mind set about engagement - it should be about Tangata Whenua asking for council to come to them. Come out to Tangata Whenua and consult with us. NRC coming to visit Lake Omapere Trust - a good start and trust is looking forward to it.

Keir – State of the environment reporting - suggestion made to include Tangata Whenua in SOE monitoring process. Ngai Tahu example provided e.g. would be a Tangata Whenua SOE perspective. Reporting and monitoring measured against Tangata Whenua objectives. Point made that implementing RPS might assist with this.

Steve - council has collected lots of material. E.g. we handed info on sites of significance to councils in the 1960s - then they come back and ask for this information again. Council needs to have better records of historic information. Elders are sick of having to explain the sites of significance again and again.

- Point noted; although information has been provided it's good from a council perspective to confirm or reaffirm sites of significance information and not to assume there's been no change as other sites of significance could be found.

Steve – We have a hazardous/ contaminated site that needs to be cleaned up. Finding the process is taking so long. We have had to go to a number of different agencies. Be good to streamline the paperwork. Council Bureaucracy is discouraging.

Taimania – Future treaty settlements - need to think about the impact of settlements on regional plans.

- Council has been monitoring and keeping abreast of Treaty Settlements in Northland.

Marianna – make really clear "hooks" around people's expectations in processes and strengthen the language for better engagement with Tangata Whenua.

Jane - good to have clear sign posts of what is expected of us. We are keen to investigate an opportunity to develop a consistent map for Northland with NRC that identifies Tangata Whenua manawhenua interests and hapu management plans.

- This was spurred from comments that TPK maps of Tangata Whenua manawhenua interest were inaccurate. NZTA have GIS capability to assist in developing this into a joint project.

Phillipa - issues identified in consultation process should not be pushed to one side. People need to understand how viewpoints expressed are responded to - otherwise people get despondent

Richard – shared story of Tangata Whenua of iwi that had conflicting views, and that once a decision is made one of the groups will be disappointed. Supported NZTA's Puhoi model of maori engagement.

Jarred P - NRC would do well to improve its knowledge and capacity about Tangata Whenua processes.

Colin – I think NRC are on the right track but don't let it fissile out. Staff and councillors need to get out and meet and talk with Tangata Whenua on the ground. Policy doesn't have mana and mauri - it's the person.

Cr Graeme Ramsey – thanked the workshop participants for coming and wished everyone a safe journey home.

Abe – Closed the workshop in karakia at 3pm

Note: All bulleted points are responses from NRC Staff