

Report 99.121

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Report to the Policy and Finance Committee
from Jane Bradbury, Divisional Manager, Environment

Background information on the current relationship between Iwi and the Council

1. Purpose

To provide the Council with additional information about the current relationship between the Iwi and Council so that it may consider a proposal for providing resources for this purpose in the 1999/2000 annual plan.

2. Additional background material

Background material on key Iwi issues was circulated to councillors through the Information Bulletin in December (Issue No.98/52) and provided at the Councillors' Workshop on 4 March 1999. Included in the material sent was:

- A paper entitled *Update on Council/Tangata whenua relationship in the Wellington Region*
- A copy of *The Charter of Understanding between te Tangata Whenua o Te Upoko o te Ika a Maui and Wellington Regional Council*
- A policy paper on *Access to Information on Significant Sites and Waahi Tapu*
- A policy paper on *Iwi Funding Policy: Non-notified consents*

Another copy of the *Update* paper is attached to this report (Attachment 1).

3. Key issues

3.1 Unsatisfactory relationship

The Council has a long term performance indicator that says:

Under the Charter of Understanding, the Council and Iwi of the Region will continue to have a mutually beneficial relationship.

Over the past 12 months, Iwi in the Region have been indicating to the Council that the relationship is not beneficial to them. Clear evidence about their dissatisfaction can be seen in an extract from the minutes of the 9 December Ara Tahī Meeting (Attachment 2)

One of the key barriers to effective participation by Iwi is a lack of resources. Council has partially addressed this through funding Iwi participation in non-notified consents. One Iwi has signalled that the funding is insufficient.

3.2 Furthering Iwi participation

Participation by Iwi in the environmental area increases. To this end Iwi seek greater ways to enhance their participation. Last year the council received two requests for funding towards Iwi management plans – from Ngati Kahungunu and from Ngati Raukawa.

Ngati Kahungunu's request (\$23,000) was made in a submission on the Annual Plan. No budgetary provision had been made for such a contribution and the Council declined the request. Ngati Kahungunu were disappointed with the response and requested that the Council reconsider its decision. This was not possible.

The second request was from Ngati Raukawa. Ngati Raukawa have successfully gained 80% of their funding from the Sustainable Management Fund and have approached the Wellington Regional Council and the Kapiti Coast District Council for contributions of \$8,000 each. The Environment Committee resolved (Report 98.354) that the Council would consider a request for funding if Ngati Raukawa were successful in their application for funding from SMF and KCDC. Both of these criteria have been now been fulfilled, and Raukawa have requested a Regional Council contribution in 1999/00.

There is a high probability that Ngati Kahungunu will again request funding towards an Iwi management plan this year. It can also be assumed that other Iwi will want to write Iwi management plans for their rohe(area) and will also request funding. We understand that Ati Awa ki Whakarongotai is also developing an Iwi management plan.

Iwi management plans are recognised within the RMA. While they are not defined, they are essentially a planning document created by the Iwi identifying their values, issues and objectives. Iwi management plans are recognised in the Regional Policy Statement and the Parliamentary Commissioner for the Environment has recommended that local authorities encourage and invest in their development.

Iwi management plans will be of benefit to the Council by providing a clear indication of matters of importance to Iwi. They are a means by which Iwi can provide a written framework of how they wish to exercise kaitiakitanga.

3.3 **Review of the *Charter of Understanding***

Iwi have requested that the *Charter of Understanding* be reviewed. This matter was addressed at the 17 February meeting of Ara Tahi and the meeting agreed that the *Charter* be reviewed over the next 12 months.

3.4 **National position**

The two main issues that face local government and Iwi are the lack of funding for Iwi to participate effectively and the unclear status of local government in relation to the Crown and Treaty obligations. Many politicians argue that local government is not part of the Crown and therefore has no further Treaty obligations apart from those expressly written into legislation. Iwi, on the other hand, understand that because local government carries out functions given to it by Parliament, it is an agency of the Crown and therefore has Treaty obligations. This Council has committed itself to having a mutually beneficial relationship with Iwi and therefore must constantly debate their status and obligations. It does not necessarily have to wait for national guidance in this matter.

One of the Iwi representatives from Ngati Kahungunu has filed a claim with the Waitangi Tribunal in order to resolve this issue of local government and their status in relation to Treaty obligations (see page 3 of Attachment 1).

4. **What is in the budget for Iwi participation**

We believe that Iwi will seek funding for participation in the following activities. However, they may well raise other areas for which they seek Council support.

- Input into resource consent processing
- Consultation with Council when it is an applicant for a resource consent
- General consultation with Council (e.g. about the riparian planting of the Waiwhetu)
- Review of the *Charter*
- Iwi management plans
- Ara Tahi

Currently the Environment Division has included in its proposed budget for 1999/00 the following:

- \$41,000 for Iwi participation in non notified consents
- \$31,000 for contracts in the Resource Policy Department (principally tagged for input into the review of the RPS)
- \$8,000 for Ara Tahi.

In addition, the Council employs a Policy Advisor (Iwi).

Indications from discussions with other Divisions of the Council are that Iwi will be consulted on a number of matters, including flood protection and regional parks. No budget has been allocated for such Iwi input.

5. **Clear definition of funding requirements**

At the 17 February Ara Tahi meeting, Iwi agreed to provide Council with a list of activities for which they wished to seek Council resources. Councillors Buchanan and Macaskill made it clear that while the Council recognised the need to adequately resource Iwi, the Council has its own budgetary constraints.

Once the reports are received from Iwi, Council will have a clearly defined view of the resources required and their application. Our best estimate at this stage in the process is that an additional \$100,000 will be required for the 1999/00 financial year. Actual allocation will be by way of contract with appropriate performance criteria.

6. **The future**

The Review of the *Charter* during the next 12 months will help identify on-going resourcing requirements for Iwi. Council will have the opportunity to fully consider its relationship with Iwi and the degree to which it is prepared to fund their participation.

7. **Experience to date**

Despite some of the concerns outlined above, the Council has established some very beneficial working relationships with Iwi. This is particularly so in the area of the non-notified resource consents where Iwi participation has significantly advanced the understanding of Council staff and enhanced decision making.

8. **Recommendation**

That Council provides an additional \$100,000 to the 1999/00 Annual Plan and Budget for iwi participation.

Report prepared by:

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Attachments: 2