



Report 14.261
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Committee Council
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Ngati Toa Rangatira Claims Settlement Act

1. Purpose

To inform the Council that Ngati Toa Rangatira has completed the Treaty of Waitangi Settlement process and to outline the implications for Greater Wellington Regional Council (GWRC).

2. Comment

On Thursday 17 April 2014, the *Ngāti Toa Rangatira Claims Settlement Act 2014* (the Settlement Act) and the Ka Mate Haka Attribution Act were passed.

2.1 The Ngāti Toa Rangatira Claims Settlement Act 2014

The Settlement Act settles all historical Treaty of Waitangi grievances of Ngāti Toa Rangatira in the North Island, across the Cook Strait and the top of the South Island. It includes a summary of the agreed historical account, the Crown acknowledgments and an apology.

The settlement date is 70 working days after the Act comes into force. The settlement date will be 1 August 2014.

Key items of the cultural redress include:

- Vesting of 20 sites to Ngāti Toa Rangatira;
- Vesting of part of Mana Island and Kapiti Island to Ngāti Toa Rangatira;
- Vesting of another part of Kapiti Island which will be gifted back to the people of New Zealand;
- Statutory Acknowledgements, Deeds of Recognition and Classification Overlays over a large number of sites of cultural significance to Ngāti Toa (each of these redress instruments provide for Ngāti Toa Rangatira participation in the Resource Management Act 1993 (RMA) processes).

Key items of financial and commercial redress include:

- Financial redress of \$70 million;
- The opportunity to purchase 19 surplus Crown properties including land at Kenepuru Hospital;
- The opportunity to purchase and lease back 80 Crown properties including Wellington Central Police Station and the Police College;
- A right of first refusal over surplus Crown properties in their rohe for 169 years (North Island) and 100 years (South Island).

2.2 Redress of particular relevance to GWRC

The Settlement Act gives effect to the following aspects of the Deed of Settlement which requires GWRC engagement:

- Statutory Acknowledgements over 32 areas or sites, 17 of which are within the boundaries of GWRC including Cook Strait, Te Awarua-o-Porirua Harbour, Wellington Harbour, and the Hutt River and its tributaries. Statutory Acknowledgements recognise the association between Ngati Toa Rangatira and a particular statutory site or area and enhance Ngati Toa Rangatira's ability to participate in specified RMA processes in relation to the specified site or area.
- Vesting of 20 sites in Ngati Toa Rangatira including Onehunga Bay, Te Onepoto Bay and the Whitireia Urupa.
- Place name changes to 12 North Island sites, some of which are new names and others which are alterations to existing names.
- Poutiaki Redress, which recognises the role of Ngati Toa Rangatira as a kaitiaki of Cook Strait and the coastal marine area in Porirua Harbour, Port Underwood and Pelorus Sound. The Poutiaki Redress primarily focuses on iwi identification of values, principles and issues in a Poutiaki Plan which is to be produced by Ngati Toa Rangatira. The Poutiaki Plan must specify the values and principles of Ngati Toa Rangatira in relation to the poutiaki coastal marine area, resource management issues of significance in the area, and Ngati Toa Rangatira's statement of kaitiakitanga for fisheries management in the poutiaki area. The Poutiaki Plan must be taken into account by the relevant regional councils in undertaking their Resource Management Act responsibilities.
- Whitireia Park management arrangement which provides for the establishment and appointment of a joint board to control and manage the Whitireia Park recreation reserve, the Onehunga Bay historic reserve and Te Onepoto Bay recreation reserve. The joint board will be comprised of members appointed by GWRC and the Ngati Toa Rangatira Trust.

Further analysis and detail on the settlement's implications for GWRC is outlined in **Attachment 1**.

2.3 The Haka Ka Mate Attribution Act 2014

The *Haka Ka Mate Attribution Act 2014* acknowledges the famous Ka Mate haka as a taonga of Ngāti Toa, and as an integral part of the history, culture, and identity of Ngati Toa Rangatira.

It provides a right for Ngāti Toa Rangatira chief Te Rauparaha to be acknowledged as the composer of Ka Mate in certain circumstances. The attribution requirement does not apply to public performances or educational purposes.

3. Implementation

The Chief Executive and ELT will consider the settlement and will operationalise the obligations. Some aspects of the settlement will be reported back to the Council and others will be directly incorporated into activities and processes (for example the RMA consent application processes in relation to the Statutory Acknowledgements).

Progress updates on meeting the GWRC obligations to Ngati Toa Rangatira will be included in officers' Quarterly Reports to the Strategy and Policy Committee.

4. The decision-making process and significance

The matter requiring decision in this report has been considered by officers against the requirements of Part 6 of the Local Government Act 2002.

4.1 Significance of the decision

Officers have considered the significance of the matter, taking into account the Council's significance policy and decision-making guidelines. Due to the procedural nature of this decision officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

5. Recommendations

That the Council:

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Notes the specific obligations on GWRC from the Ngāti Toa Rangatira Claims Settlement Act 2014.***
4. ***Requests the Chief Executive to make the appropriate changes to GWRC operations to meet the Council's obligations under the Ngāti Toa Rangatira Claims Settlement Act 2014.***

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Attachment 1: Ngati Toa Historical Treaty Settlement Redress with implications for Greater Wellington Regional Council