

Report No.	19-172
<b>Decision Required</b>	

## IWI RELATIONSHIPS QUARTERLY UPDATE

### 1. PURPOSE

- 1.1. This report provides a quarterly update to Council on iwi and hapū relationships in the region, including Treaty matters that require engagement with Council.

### 2. EXECUTIVE SUMMARY

- 2.1. Horizons maintains a range of relationships with iwi and hapū in the region, with some groups actively engaged in statutory processes, including resource consents and monitoring. Iwi with interests in the region are at a range of stages in terms of advancing their treaty claims and settlements, and as a result there are a range of treaty obligations that sit with Council.
- 2.2. This report provides an update in relation to two treaty arrangements, the recently passed Ngāti Rangī settlement, and the Te Korowai o Wainuiārua Treaty settlement currently in progress. The Ngāti Rangī settlement contains a co-governance framework for Te Waiū o Te Ika, the Whangaehu River. Horizons is required to nominate a member for appointment to the statutory body of Ngā Wai Tōtā o te Waiū, the Whangaehu river strategy group.

### 3. RECOMMENDATIONS

That the Committee recommends that Council:

- a. receives the information contained in Report No. 19-172 and Annex;
- b. notes that the Ngāti Rangī Settlement Act includes Te Waiū o Te Ika framework, a co governance arrangement for the Whangaehu River;
- c. nominates a member for appointment to the statutory body of Ngā Wai Tōtā o te Waiū to be confirmed at the Regional Council on 26 November 2019;
- d. releases any public announcement regarding the appointment at a time that is mutually agreeable to iwi and councils;
- e. notes that a relationship agreement is being drafted with Te Korowai o Wainuiārua;
- f. notes that Te Korowai o Wainuiārua will update Council on their settlement aspirations on 26 November 2019.

### 4. FINANCIAL IMPACT

- 4.1. There are no financial implications associated with this report.

### 5. COMMUNITY ENGAGEMENT

- 5.1. Horizons engages with iwi and hapū across the region within Treaty of Waitangi settlement processes, as well as the ongoing relationship building and normal business activities.

### 6. SIGNIFICANT BUSINESS RISK IMPACT

- 6.1. There is no significant business risk associated with this item.

## 7. IWI ENGAGEMENT ACTIVITIES

- 7.1. Horizons engages with iwi and hapū across a range of activities, including resource management processes (consenting, monitoring and freshwater work), partnership work (planting and water management, co-governance) and treaty settlement processes. The capacity of iwi and hapū to engage varies across the region, and they often have multiple agencies seeking their attention; as well as delivering their own functions and services to meet the needs of their people within their rohe.

### *Treaty Settlements*

- 7.2. Treaty settlements and their associated processes are complex and from time-to-time can lead to tension between iwi groups, particularly where there is overlap between iwi and their Areas of Interest recognised by the Crown. This is an issue that council officers look to sensitively manage, especially when engaging on issues related to an iwi Area of Interest. This includes having regard to mana whenua interests and settlement progress, and an understanding that there may be differences of opinion between groups on where an Area of Interest may start or finish.
- 7.3. Horizons engages with iwi and Te Arawhiti, (previously known as the Office of Treaty Settlements), in pre-settlement processes and post-settlement arrangements. Attached at **Annex A** is a list of the iwi within the region, and their progress in Treaty settlement claims. There are currently 26 iwi listed with seven having settled. Ngāti Toa Rangitira are on the table; although they reside entirely outside of the region their Area of Interest reaches up to Whangaehu.
- 7.4. The Council also works with a unique, post settlement governance entity; Ngā Tāngata Tiaki, who were formed through the Te Awa Tupua settlement (Whanganui River Settlement). Similar settlements for other natural features such as Mount Ruapehu and Tongariro National Park are ongoing and will impact on the region. As with the Te Awa Tupua settlement, these claims also have multiple iwi involved.
- 7.5. Treaty related work, including pre-settlement discussions and post settlement implementation can require both short-term significant resource input and long-term ongoing commitments from Council. There are two settlement-related matters of focus in this quarter. The first is the requirement, under the Ngāti Rangī settlement, to nominate a member for appointment to the Ngā Wai Tōtā o te Waiū statutory body, a strategy group for the Whangaehu River. The second is the drafting of a relationship agreement, as part of Te Korowai o Wainuiārua settlement negotiations. These matters are further explained below.

### **Ngāti Rangī Settlement**

- 7.6. The Ngāti Rangī Settlement Act; passed on 25 July 2019, includes Te Waiū o Te Ika (the Whangaehu River) Framework, a co-governance arrangement for the Whangaehu River. Included within Annex A is a map of their Area of Interest.
- 7.7. The framework has numerous parts including Te Mana Tupua o Te Waiū o Te Ika (**Te Mana Tupua**). This recognises Te Waiū o te Ika as is a living and indivisible whole from Te Wai ā-moe (crater lake) to the sea, comprising physical (including mineral) and metaphysical elements, giving life and healing to its surroundings and communities. The framework also includes Ngā Toka Tupua o Te Waiū-o-Te-Ika (**Ngā Toka Tupua**) which are the four intrinsic values that represent the essence of the catchment.
- 7.8. Horizons must recognise and provide for Te Mana Tupua and Ngā Toka Tupua when preparing, varying, changing or approving a regional policy statement or regional plan. That requirement applies equally to any Civil Defence Emergency Management Group Plan being developed, reviewed or approved by the Joint Committee of local authorities that make up the Civil Defence Emergency Management Group for the region.

**12 November 2019**

---

- 7.9. A statutory body, Ngā Wai Tōtā o Te Waiū (**Ngā Wai Tōtā**), is responsible for preparing and approving Te Tāhoratanga o Te Waiū, the strategy to advance the health and well-being of the catchment.
- 7.10. Ngā Wai Tōtā has eight members and is deemed a permanent Joint Committee of Councils. Four iwi members will represent the post settlement governance entities of Ngāti Rangī, Ngāti Apa, Uenuku Charitable Trust and Whanganui Land Settlement Negotiation Trust. The other four members will represent Horizons Regional Council, and the district councils of Rangitīkei, Ruapehu and Whanganui.
- 7.11. Horizons will provide the administrative support for Ngā Wai Tōtā. This includes the provision of services required by the body to carry out its functions under the settlement legislation, the Local Government Act 2002, or any other Act that applies to the conduct of Ngā Wai Tōtā. The Crown will provide a one-off payment of \$400,000 as a contribution towards the cost of establishing Ngā Wai Tōtā and developing Te Tāhoratanga o Te Waiū, the strategy. Once produced the strategy needs to be publicly notified.
- 7.12. Horizons must provide technical support to Ngā Wai Tōtā and resource this from within existing work programmes, and must endeavour to accommodate unbudgeted resource requests from Ngā Wai Tōtā where possible. The members of Ngā Wai Tōtā may be supported at any meeting by technical advisers.
- 7.13. All members are appointed for a three-year term unless they resign or are removed by the appointing organisation. In appointing a member to Ngā Wai Tōtā, an appointing organisation must be satisfied that the person has the appropriate mana, skills, knowledge, or experience to participate effectively in Ngā Wai Tōtā; and to contribute to the achievement of the purpose of Ngā Wai Tōtā.
- 7.14. As Ngā Wai Tōtā is a small, clearly defined group it is anticipated that it will be formed relatively quickly. The Act requires that each appointing organisation use its best endeavours to appoint members within 40 working days of the settlement date. The settlement date is 40 working days after the Act was passed into law; therefore, the appointments should, ideally, be made by 20 November 2019.
- 7.15. Fortunately, the timeline allowed for a member to be appointed from the newly elected Council, however, the time available for decision making is limited. Notwithstanding the best endeavours date, given the Council meeting schedule and consideration required, it is recommended that an appointment be confirmed at the Council meeting of 26 November 2019.
- 7.16. There are no specific selection criteria beyond being a current member of Council nominated by agreement. When considering appointment to the Te Awa Tupua strategy group, the previous Council chose to select a member who was representative of the catchment and had a desire to fill the role. Alternately, Council may wish to consider nominating a member who they believe will be suitably qualified for the role, and is able to make the commitment to serve on Ngā Wai Tōtā for the full term of appointment. Given that this is a governance appointment to a statutory body under Treaty settlement arrangements, it would be prudent to confer and agree with Ngāti Rangī on the timing for public announcement of the full membership of Ngā Wai Tōtā, which would include the Council nominee.

**Te Korowai o Wainuiārua**

- 7.17. The Uenuku Charitable Trust is progressing a settlement for Ngāti Uenuku, Ngāti Tamahaki and Ngāti Tamakana. These iwi formed a large natural grouping called Te Korowai o Wainuiārua. Included within Annex A is a map of their Area of Interest.
- 7.18. In late 2018, Te Korowai o Wainuiārua achieved Agreement in Principle with a centre-piece of their aspirations being to develop an inland island ecological sanctuary called Pōkākā.

12 November 2019

---

They seek to restore the bio-diverse forest resource and to support the breeding, reintroduction and conservation of endangered fauna and flora species.

- 7.19. The sanctuary would be part of the Erua Conservation Area, and would have a halo area for pest destruction, that will include public conservation land. Horizons is developing a relationship agreement with the governance entity focussing on participation in biodiversity restoration, pest management within the halo area, and other matters of mutual interest.
- 7.20. A kaitiaki plan for the Wainuiārua rohe is to be drafted by the iwi to guide environmental planning and decision making within the rohe. This may have implications for Horizons, and we will continue to build a partnership approach with iwi wherever possible.
- 7.21. Te Korowai o Wainuiārua and Horizons are in the initial stages of drafting a relationship agreement. Parties are working towards having the document presented to Council for discussion and ratification prior to the settlement being initialled which is anticipated to occur in mid-2020. An invitation to meet and update Horizons Council on their negotiations and aspirations has been accepted by the settlement group. They will present to Council at the 26 November 2019 meeting.

*RMA related activities*

### **Consent Processing**

- 7.22. Horizons circulate weekly reports of consent applications that have been lodged with Council to 10 iwi groups and Ngā Tāngata Tiaki. Iwi capacity and capability to engage with consents is highly resource dependent with many engaging on a voluntary basis, although there are a few small, iwi funded environmental teams in the region. Some iwi choose to contract out the work to experienced planners, although this can lack the cultural context.
- 7.23. Overlapping areas of interest can lead to multiple iwi being informed about an individual consent. This can create some issues for iwi, and add complexity for the applicant, and also to the authorisation process. Horizons expects that any cost incurred by iwi to respond will be borne by the applicant. However, there is a growing call from iwi for council to provide assistance, including resourcing, to help iwi to provide initial feedback to all consents. Options to consider how this may be addressed this will be canvassed in the next quarterly update to Council.

### **RMA Training**

- 7.24. Horizons has designed and delivered a package of three free introductory RMA workshops for iwi which are aimed at supporting iwi to build capability and capacity to engage with RMA processes. The content of the workshops provide a basic understanding of the RMA (including consenting processes) and an introduction to the Horizons One Plan. The training was introduced in 2019 and we have had good interest so far, with three iwi undertaking the training so far, and several others signaling interest in taking part.

### **Plan Change Consultation**

- 7.25. Horizons are statutorily required to undertake consultation with iwi in regard to any changes to the One Plan. Last year we started engagement with iwi about plan change 2, and have continued to have a steady stream of communication to ensure they were informed about the proposals prior to notification, and invited their engagement in whatever form they felt was most useful (face-to-face meetings, email, marae visits). Horizons will continue to engage as the plan change programme progresses.

### **Catchment Planning processes**

- 7.26. The previous council initiated discussions with iwi on the freshwater planning work programme for the Manawatū River catchment, and a co-governance arrangement was adopted. Good progress has been made in discussions, and a terms of reference has been considered by all parties. Membership discussions are continuing, with iwi wanting to ensure that representation is appropriate and serves the best interests of the catchment in

order to develop a strategy that will endure, and support the restoration of the health of the catchment (particularly the Manawatū river).

### **Essential Freshwater Package**

- 7.27. Iwi have been separately consulted with by Government on the proposed Essential Freshwater package. As anticipated, there is not one clear view from iwi in the region. Horizons has encourage iwi to submit their views to Government on the proposals included in the package, in particular the implications for treaty settlement arrangements to be met, and the potential limitations on future development of Maori owned land. Iwi have also been advised of the timeframes included in the Government's reform package and the potential disruption that could cause to the future of the catchment planning.

*Other matters*

### **Relationship agreements**

- 7.28. Horizons have several Memorandum of Partnership agreements in place, and are continuing to work with all iwi to ensure they have the opportunity to develop these with Council when they feel they are at a stage that is appropriate to do so. Agreements are based on shared values, aspirations and interests and generally have a small work programme attached that Horizons help to resource.

### **Central Government Funded Projects**

- 7.29. Te Mana o Te Wai and the Freshwater Fund provide an opportunity for Iwi and Horizons to work in partnership to submit applications and then build a longer term relationship in implementing the work programme resulting from successful funding rounds. The Freshwater Team engage and work with iwi on the ground; these activities build positive relationships with council staff and iwi members.

## **8. NEXT STEPS**

- 8.1. Once Council has selected an appropriate nominee for appointment as a member to the strategy group, Ngā Wai Tōtā, this will need to be confirmed at the Council meeting of 26 November 2019. Council officers will then inform Ngāti Rangī as required, and make arrangements in agreement with Ngāti Rangī about when the membership of the full group will be publicly announced.
- 8.2. Te Korowai o Wainuiārua settlement group will present to Council on their negotiations and aspirations on the 26 November 2019. This will be a good opportunity for Councillors to hear about their aspirations for people, what they hope to achieve through their treaty settlement arrangements with the Crown, and the relationship they would like to have with Horizons.
- 8.3. The next quarterly report will provide options to consider how the Council can further support iwi to build their capability and capacity to engage with Council on environmental management and RMA matters.

## **9. SIGNIFICANCE**

- 9.1. This is not a significant decision according to the Council's Policy on Significance and Engagement.

Jerald Twomey  
**SENIOR POLICY ANALYST IWI**

Nic Peet  
**GROUP MANAGER STRATEGY & REGULATION**

## **ANNEXES**

- A Treaty Settlement Process and Areas of Interests