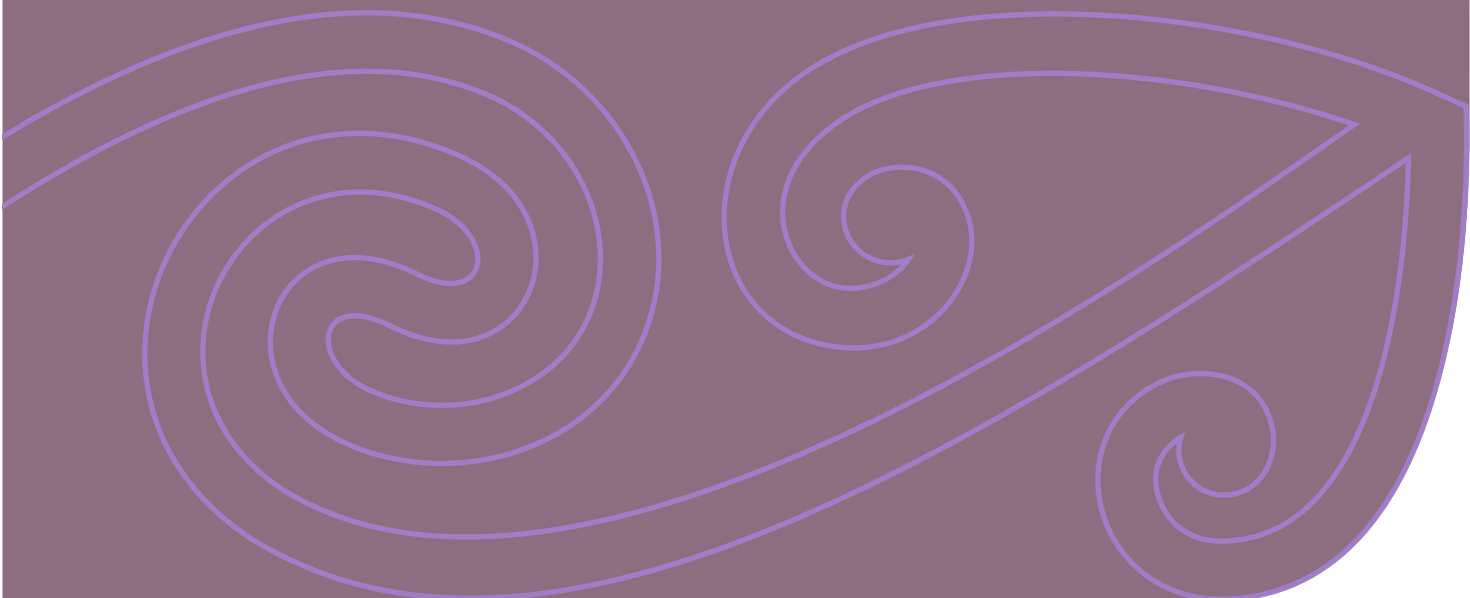
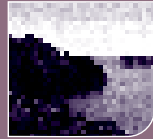
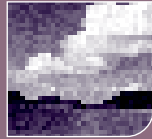
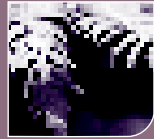
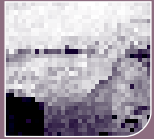




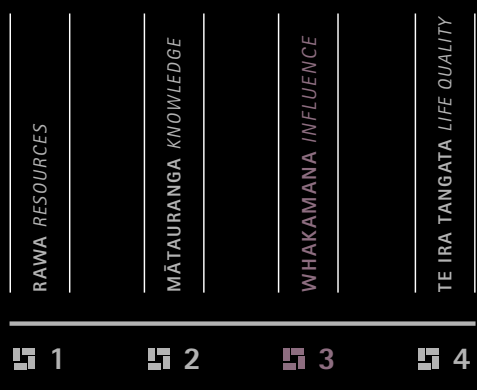
**Te Puni Kōkiri**  
REALISING MĀORI POTENTIAL

## Te Kotahitanga o te Whakahaere Rawa

*Māori and Council Engagement Under  
The Resource Management Act 1991*



## REALISING MĀORI POTENTIAL



The four enablers of the Māori Potential Approach are shown in the illustration above. All our written information has been organised within these enabler areas. The enablers are as described opposite.

|          |   |
|----------|---|
| <b>1</b> | <i>Rawa – The resources to realise potential.</i>   |
| <b>2</b> | <i>Mātauranga – The knowledge to realise potential.</i>   |
| <b>3</b> | <p><i>Whakamana – The authoritative capacity to realise potential.</i></p> <p><i>Whakamana refers to the authoritative capacity to realise potential. It recognises that success for Māori relies on their personal and collective capacity to lead, empower, influence and advocate for the benefit of themselves and others.</i></p> <p><i>The desired outcome state for Whakamana is one in which Māori are leading, influential and empowering.</i></p> |
| <b>4</b> | <i>Te Ira Tangata – The quality of life to realise potential.</i>   |

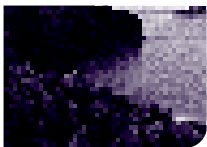
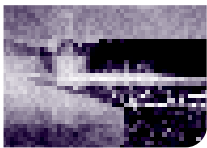
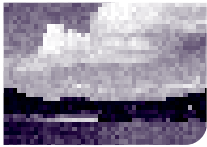
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## TERMINOLOGY

### IN THIS REPORT:

#### **Māori groups**

Māori groups encompass iwi authorities, rūnanga, hapū and Māori committees.

#### **Capability**

Capability is the ability of Māori groups to participate in Resource Management Act 1991 processes on the basis of available skills and knowledge.

#### **Capacity**

Capacity is the ability of Māori groups to participate in Resource Management Act 1991 processes on the basis of existing financial, institutional or structural support. This includes office facilities and information systems as well as the ability to afford expenses such as travel.

# RESOURCE MANAGEMENT ACT 1991

The purpose of the Resource Management Act 1991 (RMA) is to “promote the sustainable management of natural and physical resources”.

The RMA achieves its purpose by regulating the effects of human activities on the environment through guiding principles and through national and regional policy statements and regional and district plans. Decisions on whether or not to authorise activities are made in the context of these broader principles.

When regional and territorial authorities prepare or change plans required under the RMA, they must notify the relevant iwi authorities. They must also take into account any relevant planning document recognised by an iwi authority and lodged with the council, to the extent that its content has bearing on resource management issues of the area. These planning documents are commonly referred to as ‘iwi management plans’. Regional coastal plans are prepared by the regional council concerned, in consultation with the Minister of Conservation and the iwi authorities of the region.

In determining the procedure it will use for public hearings under the RMA, a council must recognise tikanga Māori where appropriate, and receive written or spoken evidence in Māori.

Provisions in the RMA that recognise Māori interests in natural resources include:

- section 6 – recognition of the national importance of the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga;
- section 7 – a requirement to have regard to kaitiakitanga in relation to managing the use, development and protection of natural and physical resources; and
- section 8 – a requirement to take into account the principles of the Treaty of Waitangi in relation to managing the use, development and protection of natural and physical resources.



# INTRODUCTION

4 *These case studies were initiated in late 2004, at a time when the need for more effective Māori participation in local government planning and policy-making was becoming increasingly clear.*

The Local Government Act 2002 had recently come into force, having clarified the relationship between local authorities and Māori under the Treaty, and imposed specific obligations on local authorities in terms of how they involve Māori in decision-making. The Government was developing the new foreshore and seabed legislation, and was undertaking a review of the RMA, which has now been implemented through the Resource Management Amendment Act 2005. The **2005 Amendment Act clarifies requirements** for local authorities to involve iwi in their resource management planning and policy-making, as well as clarifying that there is no duty to consult with anyone at the consent application stage.<sup>1</sup> The rationale for these changes was for council plans and policies to better reflect the interests of iwi, reducing the need to address these issues repeatedly at later stages, for example during the resource consent stage. The Government also acknowledged that, for these and the existing

RMA provisions to be implemented effectively, there is a need to build the capacity and capability of Māori to be involved, and for the Government to provide guidance on council-Māori engagement.

In the context of these reforms, an inter-departmental group<sup>2</sup> was tasked by the Government with looking at ways to improve the effectiveness of council-Māori engagement under a range of existing legislation. The aim was to develop practical initiatives that would improve practice, participation and relationships. The group undertook and published a survey *Local Authority Engagement with Māori*, which provided quantitative information on the current processes and structures that local authorities have in place to engage with Māori. The survey did not include Māori, and it did not seek to assess or evaluate the local authority practices it identified.

1 New section 36A clarifies that neither an applicant nor a consent authority has a duty to consult any person in respect of applications for resource consents and notices of requirement. However, both an applicant and a local authority must comply with a duty under any other enactment to consult any person about the application. The intention is to clarify that consultation is not required in relation to applications for resource consents or notices of requirement; rather the intention is to improve processes for consultation with iwi and hapū in the development of plans and policy statements. Of course, an applicant or the council can still choose to consult any person about an application or notice of requirement. The amendment does not preclude consultation with iwi authorities or groups representing hapū. In some cases, iwi authorities or groups representing hapū may be affected parties, and local authorities may need to contact them to identify any effects of the application on tāngata whenua. Consultation at the early stage of the consent process will often be good practice and can facilitate the progress of an application, but this is at the discretion of the applicant. <http://www.mfe.govt.nz/>

2 Comprising the Department of the Prime Minister and Cabinet, Te Puni Kōkiri, the Department of Internal Affairs and the Ministry for the Environment.

This case studies report presents the views of council staff and Māori resource management practitioners. The information from the interviews, which form the basis of the report, is intended to provide a more complete view of the ways councils and Māori are working together under the RMA. It presents what Māori and council staff consider to be the practical issues, such as capacity and capability, that affect their engagement.

The study also presents information on the extent to which Māori groups' RMA participation is currently resourced and the types of assistance that Māori receive to support this participation. It provides an illustration of current attitudes towards the existing tools, processes and structures that help Māori engage. Councils and Māori were also asked to suggest how to address the issues identified.

This information has helped inform central government policy development and has led to several practical initiatives, including the development and delivery of RMA training workshops for Māori.

The report has been published in the interests of information sharing. It is hoped that the examples of processes and structures from around the country, as well as the personal views of those involved, will be a useful resource for Māori and councils when looking to enhance their working relationships.



## METHODOLOGY

6 *In late 2004, Derek Fox and a Te Puni Kōkiri analyst travelled to six regions throughout New Zealand. They met with selected Māori groups, hapū and iwi, and some of the corresponding regional and territorial authorities.<sup>3</sup> The purpose of the meetings was to discuss how Māori engage with councils under the RMA and the issues that affect that engagement.*

The meetings were of an informal and conversational nature, but followed a list of prepared questions that Te Puni Kōkiri developed in consultation with the Department of the Prime Minister and Cabinet and the Ministry for the Environment.

The same departments helped Te Puni Kōkiri choose the places visited for the case studies, taking into account the need to represent a cross-section of regional characteristics. Differences in the size of the local Māori population, the wealth of the iwi and the councils, the numbers of iwi and hapū in the area and what was already known about the current state of council-Māori relationships were all taken into account.

Te Puni Kōkiri regional offices and some councils informed the selection of individual groups within regions, which included groups with differing structures and representative mandates.

Each meeting had a different flavour, depending on the number of people present and what position/s they held. Māori groups were usually represented by their environmental manager and/or chief executive. There were several exceptions, such as the

meetings with the Māhia Māori Committee, Rongomaiwahine and Ngāti Porou. In these cases, around 10 people attended. In Rotorua, where both the District Council and Te Arawa were represented at the same meeting, over 17 people participated. Council meetings usually consisted of planners, chief executives, iwi liaison officers and, occasionally, the mayor.

The meetings were electronically recorded and transcribed into a table, which was sent out to each of the Māori groups and councils for them to review, amend, correct and add anything they saw as appropriate. Most of the groups responded, making mainly technical changes.

This report is based on the opinions, experiences and attitudes expressed during our meetings around the country. While efforts have been made to ensure facts are presented accurately, the nature of the research means there may be some inconsistencies due to different perceptions of how relationships operate.

There have also been some developments since the interviews were conducted that have been reflected where we have been made aware of them.

<sup>3</sup> The six regions visited, in chronological order, were: Gisborne and Wairoa, Auckland City, Nelson and Marlborough, Invercargill (as well as meeting with Te Rūnanga o Ngāi Tahu in Wellington), Rotorua and the Far North.



# KEY FINDINGS

## **Māori participation and relationship-building**

- RMA engagement is about personalities and establishing strong personal relationships – “you can’t capture these things in a diagram” (Gisborne District Council).
- Good relationships tend to be initiated and built through ongoing informal engagement, and depend on trust, transparency and goodwill.
- Formal relationship documents, such as memoranda of understanding, were seen as important, primarily for confirming and clarifying what had already been created through informal engagement.
- The best examples of Māori participation encountered were all supported through strong structural arrangements.
- Successful council-Māori relationships cannot be based solely on strict adherence to legislative requirements. They require councils to appreciate both the role of tāngata whenua in their community, and the value their extensive local knowledge can add to achieving positive community outcomes.

## **Māori participation in resource consent processing**

- Māori participation in RMA processes is occurring primarily at the resource consent stage.
- In the majority of cases Māori participation in resource consent processing is based on an informal understanding with the council that the Māori group will be sent resource consent applications for which they may be ‘affected’ parties under the RMA. It is then up to the group to make a submission, like any other potentially affected party.
- No Māori group expressed a desire to receive fewer resource consent applications because they consider processing consents as a necessary part of kaitiakitanga.

## **Māori participation in council planning**

- Māori groups consistently expressed the view that the key to moving from reactive to proactive participation in resource management is to ensure they are involved at the planning and policy-making stage under the RMA.
- In practice, however, there is a distinct lack of effective engagement at this stage.
- There are major capacity and capability barriers affecting moves to a more proactive position for Māori.



- Eleven out of 18 Māori groups met with had not been involved in the development of their councils' regional/district plans. Various reasons were given, including:
  - councils not having effective processes for involving iwi in planning;
  - the distraction of more immediate developments, such as resource consent applications, Treaty negotiations or political issues such as the recent foreshore and seabed legislation;
  - scepticism from Māori, based on past experiences, that their effort to participate will not lead to significant results;
  - insufficient resources of Māori groups and some councils;
  - a lack of Māori planners;
  - a lack of Māori in senior levels of council;
  - the cost, length and complexity of the planning process;
  - an overall lack of understanding among Māori/iwi of the impact of council planning on their interests;
  - difficulty in translating Māori values and customary concepts into technical planning, policy and rules;
  - a lack of iwi management plans and strategic direction; and
  - a lack of effective direction and resources from central government.

#### **Iwi liaison staff**

- The effectiveness of council-based iwi liaison staff in assisting Māori to engage is often related to their independence from council politics, their status in the organisation and the size of their budgets.
- Māori groups generally approved of most council-based iwi liaison units and understood that these units also frequently face issues, such as insufficient resourcing, that compromise their ability to help.

#### **Multi-iwi engagement**

- In areas such as Rotorua and Te Taihupo te Waka a Māui, where there are large numbers of iwi/hapū within a council's boundaries, pan-iwi and hapū advisory committees and forums have been successfully used to co-ordinate iwi/hapū participation in RMA matters.

#### **Iwi-hapū dynamics**

- While the RMA directs councils to engage with iwi authorities, iwi authorities expressed a desire to devolve engagement on day-to-day resource management issues (such as processing resource consent applications) to hapū so they can focus on high-level engagement and policy development.
- Some hapū choose to operate independently from their iwi authority.

#### **Council support for Māori participation**

- All of the councils interviewed provide some level of administrative support to Māori groups.
- Several council chief executives stated that barriers to funding Māori engagement may often arise from the fact that many newly elected councillors are not fully aware of their legislative responsibilities to Māori.
- Councils that provide the most financial support for Māori to engage under the RMA regard **Māori input as expert opinion** and therefore fund it like any other form of **professional advice**.  
 "What we have found is that we have to shift the discussion from it being a consultation process to technical advice."  
 Ngātiwai Trust Board

- Councils such as Rotorua District Council, Auckland City Council and Auckland Regional Council provide direct practical assistance to Māori groups, allowing them use of their office facilities and providing information and expertise.
- Council financial support for Māori participation in RMA processes is generally project-based. Exceptions are council committees, Te Ao Mārama<sup>4</sup> and Auckland City Council's planner for Ngāti Whātua o Ōrakei.
- The projects that most frequently receive financial assistance from councils are the development of iwi or hapū management plans.
- Councils have also financially contributed to projects such as the recording of sites of significance for tāngata whenua (Auckland City Council, Auckland Regional Council, Far North District Council, Nelson City Council and Rotorua District Council), an environmental monitoring programme run by Māori (Northland Regional Council) and an RMA Technicians' Forum (Far North District Council).

#### **Māori cost-recovery for participation in RMA processes**

- There are few cost-recovery processes in place to help **Māori groups meet their RMA** responsibilities.
- A small number of Māori groups recover varying amounts of their costs by invoicing resource consent applicants for preparing impact assessments in relation to their consent.
- Councils and **Māori considered that central government should resolve the question of resourcing the fulfilment of Treaty-based obligations to tāngata whenua in legislation.**<sup>5</sup>

#### **Capacity issues Māori face in engaging in RMA processes**

- All councils stated that there have been occasions where iwi have been invited but have failed to participate in important RMA processes due to a lack of capacity.
- Māori groups openly acknowledged the low quality of their participation in RMA processes due to a lack of capacity.
- Basic costs **frequently stand in the way** of Māori engagement on important issues. These range from parking, petrol or bus fares to wages, stationery, office rentals, computers, reference libraries, internet access, expert advice (lawyers, planners, engineers), phones, vehicles and licences for software.
- Many small and medium-sized Māori groups do not have the administrative capacity to engage.
- All Māori groups stated that they have to be selective about which issues they engage in due to a lack of resources.

#### **Capability issues Māori face in engaging in RMA processes**

- Māori groups identified a lack of staff with relevant technical expertise as the biggest capability issue they face.
- Many Māori groups identified the need to develop their strategic direction to prioritise when and what they engage in.
- Most Māori groups rely on volunteers, who cannot compete with professional planners and lawyers.
- Few Māori RMA technicians have had any formal training. Groups such as Te Arawa and Rongomaiwahine benefit from the expertise of members who work or have worked for councils or central government.
- All groups and councils were concerned about the lack of young Māori who are developing technical RMA expertise.

4 Te Ao Mārama is the body that represents the four papatipu rūnanga of Southland in council RMA matters.

5 This also applies to the Treaty obligations carried out through the Local Government Act 2002.





# REGIONAL OVERVIEW

*"Informal connections are the key to moving forward as a community. You can't capture these things in a diagram; they are driven by personalities."  
Gisborne District Council*

## THE NATURE AND QUALITY OF COUNCIL-MĀORI ENGAGEMENT

### Importance of informal engagement for effective relationship-building

A large proportion of council-Māori engagement under the RMA takes place through informal contact, such as phone calls and social meetings. Council staff and Māori agree that this is a necessary part of building successful relationships. Positive examples of council-Māori engagement were attributed to the personalities involved, goodwill, trust and transparency in their relationships, and the systems they had in place for engagement.

Marlborough District Council commented that Māori do not want a compliance-based relationship; rather, there needs to be a genuine desire to work together that is based on an appreciation of the value Māori can add to resource management.

The Māhia Māori Committee discussed the value of the Hawke's Bay Regional Council's visit to some of its identified sites of significance. According to the committee, this direct contact helped the council gain a deeper appreciation of the significance of those sites to tāngata whenua.

Wairoa District Council endeavours to visit 80 percent of the marae in its area every year. The council considers face-to-face contact as an invaluable means of maintaining close working relationships with tāngata whenua.

### Engagement must occur at all levels

It was stressed that council-Māori engagement must be developed at all levels, from senior management and councillors to operational staff and volunteers. Otherwise, chief executives may have a good relationship, while their operational staff are not aware of the need to involve Māori.

### Formal relationship documents

Six of the 11 councils interviewed have memoranda of understanding or charters with Māori groups that formalise their relationships. Three others were in the process of formalising their relationships with Māori groups.

Auckland City Council stated that it had been trying to develop memoranda of understanding with local iwi, but progress had been slow due to a lack of prioritisation by iwi groups. Despite this, most Māori groups stressed the importance of formalising their relationship with councils through a written document. Members from Ngāi Tai – Hauraki Māori Trust Board (Ngāi Tai) and Te Ao Mārama both stated that a degree of formalisation provides some certainty that the existing relationship will continue.



Councils and Māori agreed that ongoing informal engagement builds good relationships, and formal agreements confirm and clarify them. They also recognised that developing a formal relationship document provides an opportunity to clarify expectations and create systems for specific processes, such as cost-recovery.

Te Ao Mārama stressed the value of having their model of engagement expressly recognised in the district council's Long-Term Council Community Plan to officially confirm its status.

#### **Engagement at the resource consent stage**

The majority of Māori participation in RMA processes encountered was primarily (and in some cases entirely) at the resource consent stage. With a few exceptions, Māori groups are sent most, if not all, resource consent applications lodged with their councils. They endeavour to read every application in order to identify and alert council or the applicant of any adverse effects the proposal may have on their interests as recognised under s6(e) or s7(a) of the RMA.

The Māori groups uniformly acknowledged that processing resource consents creates an enormous amount of work. Most groups stated that they were usually unable to comment, let alone effectively engage, on every application that might affect them. Nevertheless, no group expressed a desire to receive a smaller percentage of applications. Ngāti Kuta stated that processing resource consents is a necessary part of exercising kaitiakitanga. As a result, although the Ngāti Kuta environmental unit currently works full-time without pay to process large quantities of resource consents, it presses the council to send them all consent applications.

While many Māori groups clearly expressed that they do not want to be any less involved at the resource consent stage, they also expressed their awareness that the key to moving from reactive to proactive participation in resource management was to be involved at the planning and policy-making stage. The manager of Te Ao Mārama emphasised the need to ensure a plan's rules are consistent with the interests of the iwi, otherwise the iwi can spend all of their time and resources dealing with the effects of 'one bad rule'.

Māhia Māori Committee, along with several other Māori groups, expressed great frustration at the speed at which they are expected to provide a well-formulated and researched policy response within the resource consent process. Councils also generally acknowledged that what is expected from Māori in the time allowed under the RMA is unrealistic.

This awareness has prompted the formation of multi-iwi committees such as the Nelson Iwi Resource Management Advisory Komiti and the Tai Tokerau Technicians' Forum (now entitled Te Waka Motuhake o Te Taitokerau). Te Waka Motuhake is actively looking at ways to make council-Māori engagement more efficient and effective.

Marlborough District Council stated that they do what they can to make resource consent processing easier for iwi by allowing them as much time as possible, but there are limits to what they can do within the RMA's specified timeframes.

### Engagement at the planning stage

Eleven of the 18 Māori groups surveyed had not been involved in the development of their councils' regional/district plans or Long-Term Council Community Plan. Māori groups and councils gave numerous reasons for a lack of Māori involvement at the planning stage. These include:

- councils not effectively involving iwi in planning for reasons such as uncertainty around who to engage with;
- insufficient resources, especially human resources, of Māori groups and some councils;
- the distraction of more immediate developments that divert scarce resources. For example, resource consent applications, the foreshore and seabed legislation and Treaty settlements have all taken vast amounts of iwi time and resources from processes such as the RMA;
- the length of the planning process, which makes it difficult for some Māori groups to remain engaged, especially those without full-time resource management staff;
- the technical complexity of the planning process. Māori are expected to provide expert advice on complicated planning issues with little or no training;
- a lack of prioritisation by Māori of participating in council planning. Māori and councils stated that this is due to a lack of widespread understanding amongst Māori/iwi of the implications council plans have for their interests;
- difficulty for Māori and councils in translating Māori values and customary concepts into technical planning, policy and rules;
- a lack of readily available information, guidance, assistance and templates for Māori to formulate evidence-based and legally sound submissions. Associated with this is a lack of science and research based on Māori environmental and cultural values;
- a lack of iwi management plans that translate customary concepts and practices into rules, standards and policy to inform council decisions and planning;
- under-developed strategic direction amongst iwi and hapū about how they wish to engage;
- a lack of Māori planners;
- a lack of Māori in senior levels of council; and
- a failure by central government to provide adequate guidance and resources to council and Māori to fulfil government's legislative objectives.



### **Effective Māori engagement in council planning**

Te Rūnanga o Ngāi Tahu has been involved in most council planning processes for their rohe. This is partly a result of their deliberate proactivity, high level of expertise and relatively well-resourced environmental unit. Te Ao Mārama and Te Uri o Hau have both been assured of their involvement in the planning process as part of their relationship agreements with their respective councils. Iwi in Nelson have had input into council planning through the Nelson Iwi Resource Management Advisory Kōmiti. Ngātiwai became involved in council planning by consistently turning up to public consultation as an affected party. They have made extensive submissions to district and regional plans which they have followed through with appeals, formal mediation and appearances in the Environment Court.

### **The relationship between iwi and hapū in resource management**

Iwi authorities, such as Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Porou and Te Rūnanga o Ngāti Whātua, wanted to focus on engaging with local and central government at a high level. They consider that iwi authorities should create high-level relationships and policy to guide hapū and whānau in their relationships with councils on everyday resource management matters. Several iwi authorities said that they are seeking to lessen their active involvement in processing resource consents once the capacity and technical expertise of hapū have been developed to a sufficient level.

Nevertheless, Te Rūnanga a Iwi o Ngā Puhī expressed concern with councils going directly to hapū without involving the iwi authority, as they are in the best position to ensure the right people are being talked to.

### **Structures to assist Māori groups to engage in RMA processes**

Seven of the 11 councils have full-time iwi liaison staff. Nelson City Council has one staff member who devotes 25 percent of her time to iwi liaison.

According to several of the Māori groups and councils interviewed, the effectiveness of council liaison staff in assisting Māori engagement can be limited if the position has a lack of separation from council politics. However, most Māori groups spoke highly of their councils' iwi liaison units.

Ngāi Tai praised the Auckland Regional Council's iwi liaison unit and Ngāti Kuta emphasised that the "poor [Far North District Council] iwi services unit is busting their boiler to make change. They have been committed and are always willing to help but they have got managers and a mayor to answer to".

While Te Ao Mārama has a similar function to an iwi liaison unit and is funded by four councils,<sup>6</sup> it is clearly understood by all involved that it represents the four Southland rūnanga. A key factor in the success of Te Ao Mārama, according to its staff, is its independence: "When we first set up Te Ao Mārama there was some concern about where it should be located. If you co-locate with any one [council] then they will exercise ownership over you. We recognise it was most important that we have an independence of location as well as independence of thought and activity."

Far North District Council commented that it is important for councils to develop ways of resourcing Māori participation that do not compromise the Māori groups' independence from councils.

6 Gore District Council, Southland District Council, Invercargill City Council and Environment Southland.



### Multi-iwi structures for engagement

In areas such as Te Taihū o te Waka a Māui and Te Taitokerau, where there are a large number of iwi within council boundaries, pan-iwi/hapū advisory committees and forums co-ordinate iwi participation in RMA matters. This enables iwi and hapū to pool resources and expertise as well as discuss issues in an organised forum. Councils and iwi generally agreed that multi-iwi committees are efficient in terms of time and resources and create certainty of process around iwi involvement. While these bodies were set up to give effect to RMA issues, they now advise councils such as Rotorua District Council and Nelson City Council on a wider range of issues that affect Māori.<sup>7</sup>

In the case of Te Ao Mārama, the councils concerned enthusiastically acknowledged that the benefits of the multi-rūnanga model are far broader than simply fulfilling their RMA responsibilities. Both sides said that the model created an active exchange of information and supported working relationships within the community. It also initiated a new level of working relationship among the four Southland councils.

Multi-iwi structures for collective engagement can be problematic. An example is the decision of Ngāti Kuia and Rangitāne Rūnanga not to take part in the Marlborough Māori Advisory Committee. Ngāti Kuia said this was because the councils tend to dictate the committees' objectives, and that iwi concerns become diluted within the collective forum.

<sup>7</sup> It should be noted that while the Nelson Iwi Resource Management Advisory Komiti gives advice on issues other than the RMA and the environment, this is minor overall and usually relates to how to consult rather than the substance of the consultation itself.



## FUNDING AND ASSISTANCE FOR MĀORI INVOLVEMENT IN RMA PROCESSES

### Council funding of Māori participation in council processes

Several council chief executives said that there were often barriers at the political level to funding Māori engagement in council processes.

Auckland City Council and Auckland Regional Council both provide significantly more resources for engaging with Māori than any other council surveyed. This is consistent with their higher revenue but is also due, in part, to their view that Māori provide expert advice that is necessary for councils to give effect to their statutory responsibilities. The councils' policies on funding Māori engagement reflect this view, stipulating that requests for advice from Māori be funded like any other professional service. Consequently, these councils cover the costs to tāngata whenua for any information they request. This includes costs for travel, meetings, site visits and administration. Auckland City Council will also fund internal iwi and hapū meetings to develop their own input into the relevant issues.

Auckland City Council is developing an 'up-front' payment system to cover the practical costs of individuals' participation in RMA activities.

Environment Southland and Southland District Council treat the funding of Te Ao Mārama as standard council expenditure. This reflects the view that Te Ao Mārama is integral to the operation of those councils.

### Cost-recovery processes for Māori groups

There are few cost-recovery processes in place to help iwi meet their RMA responsibilities. In some regions, cost-recovery occurs through invoicing consent applicants for cultural impact assessments. In Auckland, Ngāi Tai manages to recover its costs this way.

Te Uri o Hau recovers approximately half of its costs incurred through this process, while Ngāti Kuia and many other iwi have never received payment for their contribution. Ngāi Tai's successful cost-recovery reflects the professionalism of the unit, but it also depends on councils establishing clear cost-recovery processes. Ngāi Tai has a formal cost-recovery process in place with Manukau City Council and informal agreements with Auckland City and Regional Councils.

Māori groups often have to interact with several councils which sometimes have different funding systems. Councils and Māori groups both identified that central government has a role in assisting the development of consistent approaches to charging and cost-recovery for iwi involvement in RMA processes.

### Iwi/hapū management plans

Māori groups and councils interviewed expressed strong support for the development of iwi and hapū management plans, noting that they were key tools for facilitating Māori engagement in RMA processes. Iwi/hapū management plans were seen to:

- help Māori groups set long-term goals and develop a strategic direction for effective engagement;
- provide a process for the wider membership of the iwi or hapū to be involved in formulating policy that translates their concerns and interests into resource management information;
- set out clear expectations and responsibilities both within and outside the group;
- provide a permanent reference document for multiple use;
- provide a record for the iwi of cultural information, such as sites of significance; and
- provide a written record of the group's policies, interests and concerns, which can alleviate the need to repeatedly provide this information for individual processes.

## CAPACITY OF MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

All councils interviewed were able to identify occasions where iwi have been invited but did not participate in important RMA processes due to a lack of capacity.

Te Ao Mārama and Ngāi Tai were the only groups interviewed who did not identify major capacity issues. Both groups did, however, report that they do not have the capacity to be involved in everything they regard as necessary. Every other Māori group interviewed said they were constantly unable to participate in important RMA processes due to a lack of time and resources. Several added that they needed to develop their strategic direction to determine when and where they will engage.

Auckland Regional Council found that short and medium-term priorities, such as the foreshore and seabed legislation and Treaty settlements, often take what little capacity Māori groups have away from RMA processes.

Auckland City Council and Ngāti Kuia both commented that basic costs frequently stand in the way of council-Māori engagement on important issues. Administrative capacity is also lacking in many small and medium-sized Māori groups.

### Professional staff and office equipment

Auckland Regional Council has analysed the capacity of the Māori groups it engages with. Capacity in the majority of the groups was found to be low; there were no basic facilities such as a full-time office, a computer or a phone line. Auckland Regional Council also estimated that fewer than six of the 35 groups they engage with on RMA matters have dedicated, full-time staff.

The Ngāti Kuia resource management unit consists of one student volunteer who operates from his bedroom. He sleeps in the lounge because his bed is covered in resource consent applications.

The Ngāti Kuta environmental unit consists of three full-time and three part-time volunteers. They have spent the last five years developing the capacity of their office to a level where they can engage effectively, but they still lack basic computer equipment.

Te Arawa has no resource management office to co-ordinate and support the arrangements and processes they have in place with their councils. Consequently, they rely largely on council office facilities as well as the expertise and direction of council staff.

As well as a full-time paid manager, Te Ao Mārama has a fully equipped office and a part-time administration assistant. The manager is also free to use council office facilities and seek the advice of council staff.



## CAPABILITY OF MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

The Māori groups interviewed were generally confident about their level of customary knowledge. Several said their knowledge of the local community was their biggest strength.

A lack of available people with expertise in resource management and council processes was identified as the biggest issue affecting Māori participation.

Te Rūnanga o Whāingaroa said that if they had funding to establish a resource management unit, they would need to look outside the rūnanga for the relevant expertise. While the other groups have a very small number of professional or volunteer staff with knowledge of resource management law and council processes, this expertise is not widespread. Te Rūnanga o Ngāti Whātua said that the people who have the cultural knowledge and exercise kaitiakitanga on a daily basis often do not have knowledge of the RMA: "We do not have the professional skill available where it is most needed – in the marae, homes and living rooms."

Groups said that the short amount of time iwi have to come up with a submission that outlines their policy or concerns about an issue magnifies capacity and capability issues. Councils were aware this was an issue. Some said they do what they can to provide more time, such as giving as early notice as possible.

Iwi face a significant challenge in retaining capable staff due to their inability to pay any, or sufficient, wages. Māori groups openly acknowledged that the quality of their participation in RMA processes was often

significantly weakened by a lack of both capacity and technical expertise. They stated that their volunteers cannot compete with professional planners and lawyers. Te Rūnanga o Tūrangānui a Kiwa<sup>8</sup> identified several problems their volunteers face, including a lack of time, expertise, co-ordination of the group, and ability to write high-quality submissions supported by legal opinion and scientific evidence.

A major shortfall is the lack of financial resources to make use of what capability exists within the group. Te Rūnanga o Ngāti Porou said they had no shortage of people with RMA expertise, but the lack of strategic direction and financial resources to facilitate and bring these people together to participate in RMA processes means they are not used.

Few Māori RMA technicians have had any formal training. Groups such as Māhia Māori Committee have gained a practical understanding of the RMA through being involved in its processes. Groups such as Te Arawa, Rongomaiwahine and the Māhia Māori Committee benefit from the expertise of members who work or have worked for council or central government. The lack of young Māori who are developing technical RMA expertise was of grave concern to all groups and councils.

<sup>8</sup> Represents the interests of Rongowhakaata, Ngāi Tāmanuhiri and Te Aitanga a Māhaki.



TE TAIRĀWHITI



## TE TAIRĀWHITI – WAIROA AND GISBORNE

22 - 24 SEPTEMBER 2004

| COUNCILS INTERVIEWED      | POPULATION<br>(2001 CENSUS) | MĀORI POPULATION<br>(2001 CENSUS) |
|---------------------------|-----------------------------|-----------------------------------|
| Wairoa District Council   | 8,916                       | 4,935 (55% of total)              |
| Gisborne District Council | 43,971                      | 19,365 (44% of total)             |

| MĀORI GROUPS INTERVIEWED           | DESCRIPTION OF GROUP   |
|------------------------------------|--|
| Māhia Māori Committee <sup>9</sup> | The committee is a non-iwi-based representative body for the five marae in Māhia, formed under the Māori Community Development Act 1962. |
| Te Rūnanga o Ngāti Porou           | Representative body of Ngāti Porou iwi, based in Ruatoria.   |
| Te Rūnanga o Tūranganui a Kiwa     | Representative body for Ngāi Tāmanuhiri, Te Aitanga a Māhaki, Rongowhaakata, based in Gisborne.  |
| Te Whānau o Rongomaiwahine Trust   | Trust board of Rongomaiwahine iwi (Māhia).   |

### COUNCIL-MĀORI ENGAGEMENT UNDER THE RMA

Māori make up approximately half the population of Wairoa and Gisborne. The groups interviewed, including the council staff, agreed that this demographic is not reflected in their councils' elected membership, RMA processes or expenditure. Gisborne District Council identified a need for a "nationally enshrined process" to ensure council governance accurately reflects the community aspirations of Māori.

Wairoa District Council has a Māori Advisory Committee, which consists of the mayor, councillors and 14 hapū representatives. The council visits 80 percent of the marae in their area each year and publishes a newsletter on Māori issues.

A declaration of understanding sets out the principles for engagement between Gisborne District Council and tāngata whenua. The Gisborne District Council uses Māori hearing commissioners at resource consent hearings.

<sup>9</sup> Since the case study interviews, the Māhia Māori Committee, together with Te Whānau o Rongomaiwahine Trust and the marae of Māhia have formed a group called Te Mana Taiao o Rongomaiwahine. This group meets monthly and considers a wide range of environmental and social matters of relevance to Māori in the Māhia rohe. The Wairoa District Council requires resource consent applicants to consult Te Mana Taiao o Rongomaiwahine on resource consent issues in the Māhia region.

Each council employs a full-time iwi liaison officer. However, one Māori group stated that because the iwi liaison officer is a staff member, subject to council direction, it is of limited value to advancing the direction of Māori.

Both councils tend to work with tāngata whenua on a case-by-case basis. Gisborne District Council has formed committees or advisory groups to help manage specific projects, which has had positive outcomes.

One example was the development of the old Heinz-Watties site. The project was governed by a formal agreement that set out specific processes for engagement between the developers, affected tāngata whenua representatives and the council. The agreement also provided for tāngata whenua remuneration through meeting fees and site representative costs. In Wairoa, the ecological restoration of the Whakakī lagoon was managed closely with tāngata whenua. In both of these cases it has been apparent that by working together on the management of a specific site or resource, relationships and processes can be developed which set the standard for a general improvement in council-Māori engagement.

Despite the success of these projects and the existence of official positions, such as iwi liaison officers and Māori hearing commissioners, there is little in the way of ongoing formal structures for Māori-council RMA engagement.

Te Rūnanga o Tūrangānui a Kiwa has no formal relationships with the Gisborne District Council apart from being a partner in the Te Tairāwhiti Development Taskforce. This is also the case for Te Rūnanga o Ngāti Porou.

The Taskforce assists in the development of the Te Tairāwhiti region. Although it has a wider focus than the RMA, it has initiated formal lines of contact and a working relationship between council and iwi that benefits engagement in general.

The Māhia Māori Committee is represented on the Wairoa District Council's Māori Advisory Committee and has ongoing contact with council staff.

The majority of Māori involvement in council RMA processes is at the consent stage and is based on an agreement between local councils and Māori groups. This involves councils sending Māori groups resource consent applications for which they may be an 'affected' party under the RMA. It is then up to the group to make a submission, like any other potentially affected party.

Many of the Māori groups interviewed have not had extensive involvement in the development of district plans. Members of the Māhia Māori Committee were quick to point out that their engagement is primarily at the consents level where they "deal with the consequences of the district plan". However, Wairoa District Council stated that the lack of Māori involvement in their District and Long-Term Council Community Plan was in stark contrast to the Wairoa Coastal Strategy in which Māori participated extensively. It was noted that this reflected the importance of coastal issues to local Māori.

## FUNDING AND ASSISTANCE FOR MĀORI PARTICIPATION

Outside of meeting fees and mileage for participating in council committees, the Māori groups interviewed do not receive funding for their engagement on RMA matters. Their involvement is from general revenue. Te Rūnanga o Ngāti Porou stated that participating in RMA processes is "costing us directly. We have to divert funds from elsewhere".

Council staff noted that what is expected from Māori under the RMA is often not sufficiently resourced. It was also noted that elected councillors can be reluctant to spend money on engaging with Māori and that this goes against the council's normal policy – which is to fund the transfer of information necessary for council processes.



Wairoa District Council stated that funding specific projects is not the best way to build ongoing Māori capacity to engage, and instead has a budget dedicated to providing ongoing administrative support to Māori groups, such as the Māhia Māori Committee.

### CAPACITY OF MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

The Wairoa District Council suggested that a lack of capacity was the reason why local Māori did not participate in the development of the Long-Term Council Community Plan.

The Gisborne District Council's chief executive stated that there had been many examples where Māori participation in RMA activities had been adversely affected by a lack of capacity.

Te Rūnanga o Tūrangānui a Kiwa described its capacity to participate in RMA processes as "minimal" and cited its inability to participate in the aquaculture or marine reserve policy developments.

The Māhia Māori Committee stated that it was constantly unable to participate in important resource consent applications due to a lack of capacity. There have been several examples where subdivisions have had a significant effect on their relationship with the land, but the committee has lacked the capacity to uphold its concerns in the consent decision-making process. The committee commented that the number of large developments along the coast is placing an enormous strain on local Māori groups' capacity to engage in the consents process effectively.

*"Council is asking us to come together in a day and make a recommendation in that time period."*  
Māhia Māori Committee

### CAPABILITY OF MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

Wairoa District Council's chief executive acknowledged that Māori have limited technical capability in RMA processes.

The lack of young Māori who are developing this expertise is of great concern to him. He also added: "The need to bring the group you are consulting with up to speed inhibits progress and costs all parties more money in the long run."

The Māhia Māori Committee acknowledged there is a significant gap in its members' technical expertise. While some committee members have developed an understanding of RMA processes by becoming involved in the practical side of engagements and they possess extensive knowledge of their community and customs, they lack a clear understanding of the legal rules and concepts involved.

Te Rūnanga o Tūrangānui a Kiwa's chief executive stated that its RMA participation relied heavily on volunteers, which puts them at a disadvantage when they are up against professionals. He added that volunteer groups faced challenges in terms of time commitments, co-ordinating their groups, the ability to write submissions of a high quality and a lack of readily available information and advice.

The lack of time these groups are given to respond to resource consent applications was identified as something that magnified the capacity and capability issues.





 TĀMAKI  
MAKAURAU



## TĀMAKI MAKĀURAU – AUCKLAND

29 – 30 SEPTEMBER 2004

| COUNCILS INTERVIEWED      | POPULATION<br>(2001 CENSUS) | MĀORI POPULATION<br>(2001 CENSUS) |
|---------------------------|-----------------------------|-----------------------------------|
| Auckland City Council     | 367,764                     | 29,139 (7.94% of total)           |
| Auckland Regional Council | 1,158,891                   | 127,629 (11% of total)            |

| MĀORI GROUPS INTERVIEWED             | DESCRIPTION OF GROUP  |
|--------------------------------------|---|
| Ngāi Tai – Hauraki Māori Trust Board | Environmental unit consisting of three full-time staff from Ngāi Tai iwi based in Tamaki. Since the time of the interview the responsibility of this unit has been transferred to Ngāi Tai Umupuia Te Waka Tōtara which is the iwi authority for Ngāi Tai ki Umupuia. |

Only one Māori group was able to meet in Auckland, although efforts were made to meet with more. Consequently this case study does not necessarily represent the views of the wider Tāmaki Makaurau tāngata whenua.

### COUNCIL-MĀORI ENGAGEMENT UNDER THE RMA

The varied nature and large number of Māori organisations and groups in the Auckland region make it necessary for council-Māori engagement to take many forms. Engagement ranges from full-day hui to council committee meetings, marae visits and informal phone calls. There is common agreement that engagement must be on all levels, from upper management and councillors to operational staff and volunteers.

Auckland City Council has a Tāngata Whenua Consultation Committee which works with the council's Māori policy unit on developing policy and facilitating relationships and RMA engagement. Between 1996 and 2000 Auckland City Council went through a process of developing a tāngata whenua consultation policy, which looked at how and with whom the council should engage to give effect to its RMA responsibilities. This involved two years of hui with iwi on their marae.

The resulting policy has three levels of status for local Māori: 'Ahi Kaa', 'Iwi with historical connections' and 'Taura-here'. Three groups are classified as Ahi Kaa (Ngāti Whātua o Ōrakei, Ngāti Paoa and Ngāti Rēhua – hapū of Ngātiwai), which recognises the strong and unbroken relationship these groups have with the area and whose principal area of interest is within the jurisdiction of Auckland City Council. 'Ahi Kaa' are identified as tāngata whenua and engaged in the early stages of any significant policy development.

'Iwi with historical connections' are identified as iwi with historical and spiritual ties to the area, and as such are consulted on the provisions of the RMA in respect to resource consent applications. Taura-here can be included in consultation as 'interested parties'.

Ahi Kaa have opportunities to review every resource consent application made by council, prior to the application being lodged. Iwi with historical connections and Taura-here will be notified through the normal public consultation process.

This consultation policy is not seen as satisfactory by all groups in Auckland. From the perspective of the Ngāi Tai Hauraki Māori Trust Board (Ngāi Tai) representative, Auckland City Council works closely with the three Ahi Kaa iwi and ensures they are well resourced. However, there are eight 'iwi with historical connections' in the area (including Ngāi Tai) that the representative says are "left out".

Ngāi Tai does have a close relationship with the Auckland Regional Council, which it is very happy with. It attributes the positive relationship to the personalities involved, and the open and transparent nature of their engagement. The Ngāi Tai representative noted: "The Auckland Regional Council is very proactive... [they have] a very astute Māori unit with a commitment of resources."

Auckland Regional Council states that it has an inclusive consultation policy: "we won't close the door to anybody". The council's iwi relations unit facilitates council engagement with 35 tāngata whenua groups on a regular basis. This number has vastly increased with the introduction of the Local Government Act 2002. The council estimates that over 130 groups will require engagement under the new legislation. Significant council resources are devoted to maintaining a database on known Māori groups in order to facilitate engagement. The council also shares information with other local councils in order to better understand which Māori groups need to be engaged with.

Māori engagement in RMA issues in Auckland occurs primarily at the resource consent stage. This was attributed to the potential impact of resource consents being more tangible than the rules and policies in a plan.

## FUNDING AND ASSISTANCE FOR MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

Both Auckland City Council and Auckland Regional Council provide a comparatively high level of assistance for Māori to engage. The councils acknowledge that what is sought from Māori under the RMA is expert advice which is necessary to give effect to their legislative responsibilities. Therefore they believe that it should be funded like any other professional service.

Auckland City Council's policy stipulates that if the council requests something from iwi groups about resource management, it will cover the costs to iwi. This includes costs for travel, meetings, site visits and administration. The council will also fund internal iwi and hapū meetings related to the relevant service. Auckland City Council has found that the Māori groups within its boundaries charge very reasonably and often do not submit an invoice unless council staff follow it up.

*"We provide a lot of resources to make sure we are talking to the right people who are getting involved in the processes under the [RMA]."*  
Auckland Regional Council

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*"Where resources are the issue, we resource it."*  
Auckland Regional Council



*"We have a functioning, employed team, but it is never enough."*

*Ngāi Tai*

*Ngāi Tai noted that it relies heavily upon older members of the iwi, who are the keepers of the group's cultural and historical knowledge: "We need to provide for our future generations – because we have a lot of old people and we are running out of people who can sit on the paepae."*

Auckland City Council also sponsors a full-time planner for Ngāti Whātua o Ōrakei to ensure both parties' RMA responsibilities are met more effectively.

Auckland City Council is currently considering an up-front retainer to cover the costs of participation in RMA activities, such as attendance at the tāngata whenua consultative meetings.

Both councils deal with iwi attempts to recover costs for resource consent processing on a case-by-case basis. The councils and Ngāi Tai are formalising the existing relationships through memoranda of understanding. Ngāi Tai currently has a formal agreement for cost-recovery with Manukau City Council which was initiated by an Environment Court decision. Ngāi Tai indicated they want to formalise their relationships with other councils in order to ensure what currently exists continues and develops in a principled manner.

Ngāi Tai recovers most of its costs through invoicing the applicant for its services. Invoicing is undertaken in accordance with self-imposed ethical guidelines. For example, the iwi does not charge non-commercial bodies such as schools despite these applications taking up a significant amount of time. **Ngāi Tai also places a high emphasis** on ensuring that it is in agreement with the applicant about costs before commencing any work. Ngāi Tai is conscious about its public perception and therefore will only recover costs as opposed to making a profit.

## CAPACITY OF MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

Auckland Regional Council believes the range of RMA activities that Auckland Māori groups are invited to participate in exceeds the capacity of even the well-resourced groups.

Auckland City Council has found that the basic costs such as parking and petrol often prevent iwi representatives from attending committee meetings and consultation hui.

Auckland Regional Council has found the majority of iwi groups it engages with have low to medium levels of capacity. Many lacked basic facilities such as a full-time office, a computer or a phone line and fewer than six of the 35 groups have dedicated full-time staff.

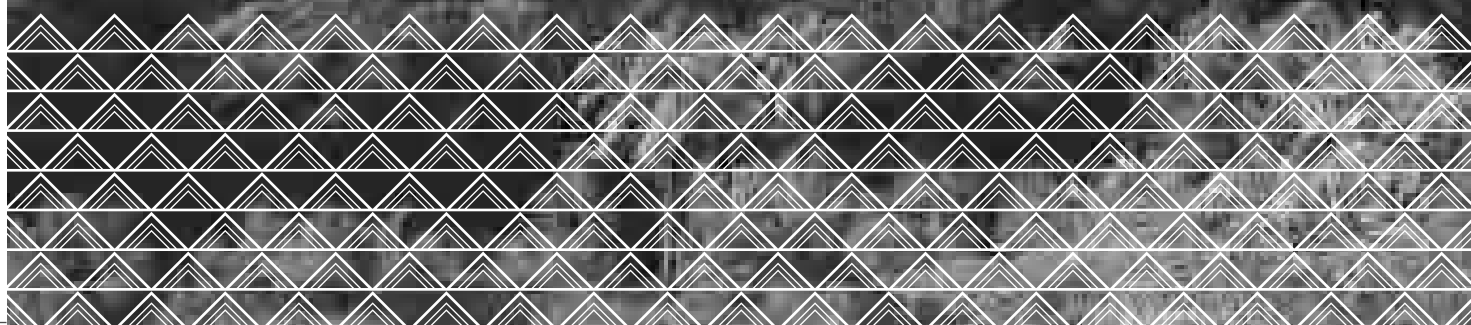
## CAPABILITY OF MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

The Auckland Regional Council has found that iwi groups are regularly unable to participate in RMA processes that affect them. It normally comes down to the groups "not having anyone available because there have been other priorities like the foreshore and seabed".

On several occasions, Auckland City Council has offered **Māori groups support and resources** to assist with their contribution to a particular project, but the offer has not been taken up. The council attributes this to a lack of human resources on the part of some of the smaller groups. For this reason, assistance by way of technical or administrative support is offered freely to groups by the council. The council's Māori-dedicated staff are an important part of providing such practical assistance.



 TE TAUIHU O  
TE WAKA A MĀUI





## TE TAUHU O TE WAKA A MĀUI – NELSON AND MARLBOROUGH

13-15 OCTOBER 2004

| COUNCILS INTERVIEWED         | POPULATION<br>(2001 CENSUS) | MĀORI POPULATION<br>(2001 CENSUS) |
|------------------------------|-----------------------------|-----------------------------------|
| Nelson City Council          | 41,565                      | 3,219 (7.7% of total)             |
| Marlborough District Council | 39,558                      | 3,891 (10.3% of total)            |

| MĀORI GROUPS INTERVIEWED        | DESCRIPTION OF GROUP  |
|---------------------------------|---|
| Wakatū Incorporation            | Incorporation that represents the investment interests of four iwi in Te Taihū o te Waka a Māui (Ngāti Rārua, Te Atiawa, Ngāti Tama and Ngāti Koata). |
| Te Rūnanga a Rangitāne o Wairau | Representative body for Rangitāne in Marlborough.   |
| Ngāti Kuia Iwi Trust            | Trust of Ngāti Kuia which is Ahi Kaa in Marlborough and, more specifically, around the Marlborough Sounds.  |
| Maataa Waka                     | Representative body for urban Māori in Te Taihū o te Waka a Māui who are not affiliated with a local iwi.   |

### COUNCIL-MĀORI ENGAGEMENT UNDER THE RMA

Nelson and Marlborough have a proportionately high number of iwi (eight) for their geographical spread. Consequently, large overlaps exist between the rohe and interests of each iwi and, as a result, consultation with affected parties under the RMA generally involves multiple iwi.

A lack of resources and the number of iwi in Te Taihū o te Waka a Māui have led the councils and iwi to form multi-iwi advisory committees. Collective engagement of this nature enables iwi to pool their resources and expertise.

The Nelson Iwi Resource Management Advisory Komiti (NIRMAK) has, according to both Nelson City Council and Wakatū

Incorporation, been an effective means of involving local iwi in resource management. The role of NIRMAK is primarily to provide the council with guidance on how to consult, rather than on the substance of the consultation itself. NIRMAK also functions well as a forum for resolving any issues that arise between iwi, such as questions around mandating. Iwi representatives have found NIRMAK to be more efficient in time and resources than engaging independently.

The Marlborough District Council's Māori Advisory Committee has not met since 2002. The council attributes this to the lack of resources of Māori groups while local iwi focus on their Treaty settlements. Marlborough District Council reported that when it did meet, the committee provided a positive forum for building relationships. In the committee's absence those established relationships now allow Marlborough District Council to work with iwi representatives directly. This engagement is often informal; the Marlborough District Council chief executive and iwi/Māori group representatives will frequently call each other at home to discuss RMA issues.

Rangitāne Rūnanga and Ngāti Kuia, at the time of the interview for this case study, had chosen not to participate on either council committee.<sup>10</sup> A number of reasons were cited for this, including a belief that the councils tend to dictate the committees' objectives, and that iwi concerns become diluted within the collective forum.

"Our own issues were getting lost. Because we were only one of a number – our interests were not necessarily being heard."  
Ngāti Kuia

These two groups have no other formal engagement with their councils other than receiving resource consent applications for development within their rohe.

Ngāti Kuia stated that its involvement in RMA matters constitutes: "Merely a letter [sent from council] in the mail and then [we] write a submission – the same as anybody else. We have no special relationship [compared] to the next door neighbour over there. If they consider themselves to be a stakeholder in the process they would get the letter, they could write a submission and they could turn up at the hearing at their own expense."

Maataa Waka provides a representative identity for urban Māori in Marlborough. Maataa Waka representatives engage with the Marlborough District Council through standing committees on which they have full speaking and voting rights.

Historically there has been little consultation with Māori over property developments within the Marlborough area, and the Māori groups interviewed expressed frustration at the Marlborough District Council's attitude towards protecting and recognising Māori interests. However, the groups were optimistic that relationships with council staff are improving.

The Māori groups interviewed expressed their approval of Nelson City Council's efforts to carry out its legal responsibilities under the RMA. Nelson City Council believes iwi in the Nelson area work well together; the jointly created iwi management plan is evidence of this. The Nelson City Council noted that resource management is a high priority for Māori in the area.

<sup>10</sup> Since the meeting Ngāti Kuia have become involved in NIRMAK.



## FUNDING AND ASSISTANCE FOR MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

Nelson City Council does not have a budget dedicated to Māori engagement, but it has funded specific projects in the past.

One example is the iwi management plan developed collectively by several iwi in the Nelson area. The council provided \$20,000, which was used to engage an independent consultant and also pay for publishing costs.

The council makes the plan available free of charge, but only after explaining its significance and context. The council strongly supports the use of the plan and has run courses with the iwi to train staff and resource management consultants on how to use it. The council also funds NIRMAK, meeting the costs of attendance and paying kaumātua a meeting fee.

Although Maataa Waka receives funding for servicing government contracts, it believes there is a lack of political will within Marlborough District Council to resource Māori engagement. However, it points out that the potential for council funding does exist – the council allocates \$20,000 per year to run the Marlborough Māori Advisory Committee. This funding rolls over when not used. Most council staff noted that there is a shortfall in resources to support Māori involvement.

*"[Ngāti Kuia] has a policy that if the iwi's natural resources manager needs ink cartridges, paper or envelopes, we will provide them out of our administration costs, but we cannot cover his travel, meeting fees or his time."  
Ngāti Kuia*

Apart from Māori advisory committees, few council resources are allocated to fund the capacity of Māori groups to participate in RMA processes. Māori groups therefore draw on their own revenue, mostly from fisheries, marine farming and real estate, to fund their participation. Wakatū Incorporation estimates the total cost for iwi in Te Taihū o te Waka a Māui to engage with councils on natural resource issues is \$330,000 per year. It is currently in negotiations with the Nelson City Council seeking increased cost-sharing for future engagement.

At the time of the meeting, **Ngāti Kuia had** received no external funding or cost-recovery at all. The iwi's resource management involvement comes down to the efforts of one full-time volunteer who receives almost no financial support.

Ngāti Kuia has approached the Marlborough District Council **in the past about the** possibility of funding its involvement in RMA processes, but has not been successful. The iwi acknowledged that the council has offered to make its staff and expertise available to assist in the development of an iwi management plan. However, the iwi considers that these positive developments are overshadowed by the fact that Ngāti Kuia does not have the basic operating capacity to take up these offers and the council will not help fund any increase in capacity.



## CAPACITY OF MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

Iwi in the Nelson area are small in terms of population, resources and revenue, but face similar responsibilities to larger iwi under the RMA. For this reason Nelson City Council stated that the biggest capacity issue faced by iwi in Te Taihū o te Waka a Māui is that there are simply not enough people with technical expertise.

Ngāti Kuia stated that a complete lack of resources frequently prevents it from participating in important resource consent processes. There have been occasions where Ngāti Kuia has not been represented at Nelson City Council hearings because its natural resources manager could not afford the \$10 bus fare to the council building. The lack of resources also affects the quality of Ngāti Kuia submissions. Ngāti Kuia is unable to provide the necessary research or scientific evidence required to make its arguments effective against those of the professionals employed by resource consent applicants.

Te Taihū o te Waka a Māui Māori groups lack the capacity to be involved in every issue that requires their input. Insufficient resources make it necessary for Māori groups to prioritise what they become involved in. The Treaty settlements process is currently taking up the majority of iwi resources. With such limited capacity, everyday RMA responsibilities are neglected when more important issues arise. In spite of this, both councils and Māori groups commented that the Treaty settlement process has lifted the technical expertise of iwi and has been an invaluable process for identifying and recording cultural information. Nelson City Council noted that once the settlement process is finalised, it will be important for the council to work with iwi to ensure this new level of capability is transferred to other areas, such as resource management.

## CAPABILITY OF MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

Capability among Māori groups within Marlborough and Nelson varies widely. Maataa Waka and Wakatū Incorporation draw on their professional business skills to engage at a high level. At the other end of the scale is Ngāti Kuia, which rates its capability as very low. This is partly due to its inability to afford to bring skilled members of its iwi across from Wellington.

Ngāti Kuia qualified its low level of technical skill by stating that it has extensive customary knowledge of its local environment. However, it declared that what is missing is the capability to translate this knowledge into technical planning information.

Without access to scientific data, Ngāti Kuia stated that the quality of the argument in its submissions was affected. Ngāti Kuia was quick to point out that this problem is made worse by Marlborough District Council's reluctance to recognise traditional forms of knowledge as a valid source of information for decision-making.

The need to use technical terms has led Ngāti Kuia's resource management manager to attend formal education in resource management.

*"We have to prioritise because of the fact that we cannot be everywhere at once. Then our iwi complains. Why aren't you doing this, why are you not protecting this?"*  
Ngāti Kuia

*"They would rather rely on a report from a university student than my years of diving experience. We put in objections because of customary fishing and how it affects us and then you get answers back like 'This is not a scientific answer'. That is outside of their box. It does not matter that I have been diving for 20 years and I know most things under the water."*  
Ngāti Kuia



*"We are trying to make sure we have qualified people to do it. It is really important for us."*  
Ngāti Kuaia

The limited number of skilled people available to the smaller groups also makes them more vulnerable when key people move on. Many groups noted that the people with expertise in these areas within the iwi were generally living in Wellington and working in central government.

According to the Rangitāne Rūnanga representative there is a lack of appreciation within Rangitāne of the importance of engaging with councils at the planning level. He noted that rūnanga involvement in RMA processes is "crisis driven". Therefore, resources are directed towards responding to resource consent applications for development which directly threatens Rangitāne cultural values. There is no engagement in the "lofty principles of plan and policy-making". The capability and capacity that **Rangitāne do have is therefore** being used reactively at the consents stage, rather than proactively to change council policy and plans.



 TE WAIPOUNAMU



## TE WAIPOUNAMU – SOUTHLAND

21-22 OCTOBER AND 2 NOVEMBER 2004

| COUNCILS INTERVIEWED       | POPULATION<br>(2001 CENSUS) | MĀORI POPULATION<br>(2001 CENSUS) |
|----------------------------|-----------------------------|-----------------------------------|
| Southland District Council | 28,716                      | 2,241 (7.8% of total)             |
| Environment Southland      | 91,005                      | 10,038 (11% of total)             |

| MĀORI GROUPS INTERVIEWED                                    | DESCRIPTION OF GROUP  |
|---|---|
| Te Ao Mārama  | Collectively represents Southland's four papatipu rūnanga (Awarua, Ōraka-Aparima, Waihōpai, Hokonui) in their involvement in RMA matters with the four councils in the region.                                |
| Te Rūnanga o Ngāi Tahu,<br>Environmental Unit Kaupapa Taiao | The unit represents Ngāi Tahu's 18 papatipu rūnanga in natural resource matters on a tribal level. This includes the four Southland papatipu rūnanga who are represented on a regional level by Te Ao Mārama. |

### COUNCIL-MĀORI ENGAGEMENT UNDER THE RMA

The four Southland councils engage with Māori on RMA issues through **Te Ao Mārama**, an incorporated representative body for Southland's four **papatipu rūnanga**.<sup>11</sup>

Te Ao Mārama provides a "one-stop shop" for resource consent processing, as well as a forum for the eight bodies to engage in regular discussion on RMA policy and planning.

A political forum meets quarterly to negotiate the funding and policies for Te Ao Mārama. It is made up of one representative from each papatipu rūnanga and one elected representative from each council.

Te Ao Mārama uses charters of understanding between the constituent bodies to set out ground rules for engagement. Its representatives sit alongside councillors on council

<sup>11</sup> The four Southland councils are Southland District Council, Gore District Council, Invercargill City Council and Environment Southland.

committees and have full voting rights. Te Ao Mārama is clearly understood to be a tool for the rūnanga, reinforcing the body's independence from the councils.

A close relationship exists between the management of Te Ao Mārama and the management of the four councils. Informal contact through home phone calls and casual meetings enables a continual exchange of information.

Te Ao Mārama staff are welcome to enter council offices at any time, and often do so in order to discuss matters with council staff.

All parties agreed that this level of trust is more important for successful engagement than the formal charters. However, Te Ao Mārama added that formalised protocols for engagement are ensuring the relationships will continue if the people currently involved "move on".

Te Ao Mārama stated that a key factor in the success of its engagement model is its independence from the four councils: "When we first set up Te Ao Mārama there was some concern about where it should be located ... If you co-locate with [a council] they will exercise ownership over you. We recognise it was important that we have an independence of location as well as independence of thought and activity."

The two councils interviewed stated that the benefits they receive from engaging with Te Ao Mārama extend further than RMA or even Māori-specific issues. Prior to the establishment of Te Ao Mārama, the four councils had little contact with each other, but since then have met regularly. Environment Southland stated that dealing with Te Ao Mārama on environmental issues raises the councils' general awareness of Māori issues.

Te Ao Mārama also emphasised the benefits of their relationship with Southland councils, stating that once good relationships are established, councils "want to help you to participate. Often what you find out from this engagement is that what you both want is the same, so you work together to achieve this".

## TE RŪNANGA O NGĀI TAHU ENGAGEMENT WITH COUNCILS UNDER THE RMA

The Te Rūnanga o Ngāi Tahu environmental unit, Kaupapa Taiao, engages with 26 local authorities in the South Island (excluding the Nelson City Council). It also represents Te Rūnanga o Ngāi Tahu in its relationship with five Department of Conservation Conservancies and its Southern Regional Office, and six Fish and Game Councils.

Upskilling and supporting the resource management capacity and capability of papatipu rūnanga is a key focus for Kaupapa Taiao. It assists papatipu rūnanga in the development of council relationships and engaging in RMA processes, such as making submissions on resource consents or planning. Kaupapa Taiao deals with more than 1,000 consent applications annually. It also engages at a high level with central government and manages Ngāi Tahu's environmental policies and projects. It has contributed to most district and regional council plans. Under the Ngāi Tahu Settlement Act 1998, Te Rūnanga o Ngāi Tahu is automatically identified as a potentially "affected party" in 72 locations around the South Island.

Te Rūnanga o Ngāi Tahu stated that while it supports and works with each of its rūnanga, it maintains a degree of independence from relationships at the regional/hapū level. Te Rūnanga o Ngāi Tahu considered Te Ao Mārama to be an effective and efficient model of engagement and actively encourages other rūnanga to develop similar engagement models with their councils.



## FUNDING AND ASSISTANCE FOR SOUTHLAND MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

Te Ao Mārama receives income from the councils and resource consent fees from applicants. The four councils pay differing amounts depending on their size, which adds up to approximately \$100,000 per year.

This funding covers the general operating costs of Te Ao Mārama, including the salary of one full-time manager and one full-time administration assistant. Te Ao Mārama pays each of the papatipu rūnanga \$500 a month for their participation in processing resource consents.

The two councils interviewed stated that the funding of Te Ao Mārama is treated as standard council expenditure, reflecting the view that its function is a normal part of council business. Accordingly, there has never been any serious challenge to this part of the budget from councillors. Southland District Council estimates that the amount it spends on Te Ao Mārama represents half of what it spends on Māori RMA-related projects, if the council's staff time and internal resources are taken into account.

Over the last two summers, Environment Southland has employed a Ngāi Tahu student to review its Māori-focused policy. Environment Southland provides extensive non-financial support to Te Ao Mārama, such as administrative or technical staff, and it is willing to provide more if required.

## FUNDING AND ASSISTANCE FOR TE RŪNANGA O NGĀI TAHU TO PARTICIPATE IN RMA PROCESSES

Kaupapa Taiao receives considerable annual funding from Te Rūnanga o Ngāi Tahu. This is its only regular source of income. Councils occasionally provide funds for specific projects that they see as necessary. For example Environment Canterbury met some of the costs for the identification of wāhi tapu in its area. Other than this, Te Rūnanga o Ngāi Tahu receives no funding from councils for the work of Kaupapa Taiao.

The relatively high level of funding Te Rūnanga o Ngāi Tahu provides to Kaupapa Taiao recognises that it has to compensate for the lack of capacity and capability within papatipu rūnanga. It is possible that once papatipu rūnanga are less reliant on Kaupapa Taiao, funding may be allocated elsewhere.

### CAPACITY OF SOUTHLAND MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

All parties interviewed expressed the view that the Te Ao Mārama structure is highly efficient in terms of time and resources. The chief executive of Environment Southland stated that capacity and capability are not significant issues for Te Ao Mārama and added that he would expect to be promptly informed by Te Ao Mārama if this was not correct.

Te Ao Mārama noted that it currently lacks the capacity to develop co-management agreements with councils due to the fact that it is already very busy with its other work.

### CAPACITY OF TE RŪNANGA O NGĀI TAHU TO PARTICIPATE IN RMA PROCESSES

Although Kaipapa Taiao has significant capacity to support its RMA work, it is spread thin in its interaction with 26 South Island councils and 18 papatipu rūnanga. Kaipapa Taiao's aim is to focus on the iwi's strategic direction; however, the low capacity of many papatipu rūnanga makes it necessary to devote more of its resources to assisting with hapū-level issues than it would prefer:

"We have been stuck in a rut of consents and we are trying to pull ourselves out of that. That is partially why we want the capacity of rūnanga to be lifted so they can deal with the day-to-day matter of consents, while we can look at strategic issues, relationship-building and planning."



*"At most hui you go to around here,  
you'll see very similar faces."  
Te Ao Mārama*

### CAPABILITY OF SOUTHLAND MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

Te Ao Mārama staff are effective in their roles, possessing significant skills, knowledge and contacts, but this level of capability is not widespread.

There is also a lack of young people in the area who are developing these qualities:

"The concern I have is the new group coming through; if I fall over tomorrow, where's the reserve?" Te Ao Mārama

Environment Southland and Southland District Council both acknowledged their over-dependence on the manager of Te Ao Mārama: "He is the key to further contacts, so the situation is vulnerable."

Southland District Council

While Te Ao Mārama has capable staff, the size of the workload stretches its human resources. Te Ao Mārama stated that its ability to be represented on various council committees has only recently been improving due to increased devolution to rūnanga volunteers.

### CAPABILITY OF TE RŪNANGA O NGĀI TAHU TO PARTICIPATE IN RMA PROCESSES

Kaupapa Taiao staff have a high level of technical expertise. However, an enormous workload is generated for them due to the size of the rohe, their active role in resource management matters under the Ngāi Tahu Settlement Act 1998, and the need to support papatipu rūnanga.

A key focus for Kaupapa Taiao is to build the technical capability of papatipu rūnanga to enable them to take on an increasing volume of local day-to-day RMA work. One way it does this is through annual training workshops.





 ROTORUA





## ROTORUA

27 OCTOBER 2004

| COUNCILS INTERVIEWED     | POPULATION<br>(2001 CENSUS) | MĀORI POPULATION<br>(2001 CENSUS) |
|--------------------------|-----------------------------|-----------------------------------|
| Rotorua District Council | 64,753                      | 21,606 (33% of total)             |

| MĀORI GROUPS INTERVIEWED | DESCRIPTION OF GROUP  |
|--------------------------|---|
| Te Arawa                 | <p>An iwi or waka grouping that consists of the following iwi:</p> <ul style="list-style-type: none"> <li>• Ngāti Mākino</li> <li>• Ngāti Pūkiao</li> <li>• Ngāti Rangiteaorere</li> <li>• Ngāti Rangitīhi</li> <li>• Ngāti Rangiwēhē</li> <li>• Ngāti Tahu/Ngāti Whāoa</li> <li>• Tapuika</li> <li>• Tarāwhai</li> <li>• Tūhourangi</li> <li>• Te Ure o Uenuku-Kopako/<br/>Ngāti Whakāue Waitaha.</li> </ul> |

Note: Unlike other regions, only one meeting was held in Rotorua. This was the best-attended meeting of all those conducted for the case studies, with a total of 17 people including Rotorua District Council iwi relations and policy staff, the mayor, and representatives of several Te Arawa iwi and hapū. Most of the attendees were members of various Te Arawa Boards and the

Rotorua District Council's Māori committees. The representation of council and Māori at the same meeting was an initially unintended departure from the usual process of meeting with Māori groups and councils separately. This reflects the relatively integrated relationship that exists between the council and Te Arawa in the natural resource area.

## COUNCIL-MĀORI ENGAGEMENT UNDER THE RMA

Rotorua District Council uses a comprehensive system of committees for involving Māori in council activities. There is a total of eight Māori committees, including the main committee – the Te Arawa Standing Committee.

The Te Arawa Standing Committee meets every six weeks and consists of the mayor, two councillors and six Māori representatives. Its focus is not limited to RMA issues and, increasingly, anything that is labelled 'Māori' has been put to it for consideration. The Te Arawa Standing Committee provides Te Arawa hapū with an opportunity to have input into council planning processes such as the annual plan. Te Arawa Standing Committee meetings are held on marae to engage directly with hapū and whānau.

There is also an Iwi Consultative Committee to assist with resource consent processing and a Kaumātua Committee that assists the council with cultural issues such as management of cultural artefacts. The joint Lakes Strategy Committee plans for the ongoing sustainable management of the Rotorua Lakes, and comprises two members from Rotorua District Council, two representatives of the Te Arawa Trust Board and two members from Environment Bay of Plenty. Other committees such as the waka-building committee generally deal with specific issues or development projects. All committee members have full voting rights.

In addition, Te Arawa has several key iwi members employed within the Rotorua District Council's Kaupapa Māori Unit. This integration means that the Rotorua District Council and Te Arawa can work closely with a common purpose. However, the lack of formal independence between Te Arawa and the council for these matters has disadvantages. There are no independent environmental units within the hapū, and the absence of any centralised group external to the Rotorua District Council to co-ordinate hapū involvement in council activities is seen as a significant gap.

## FUNDING AND ASSISTANCE FOR MĀORI GROUPS TO ENGAGE IN RMA PROCESSES

Rotorua District Council finances all of its committees, paying mileage and meeting fees. There is a budget specifically for the Te Arawa Standing Committee which is monitored like any other council expenditure. The council is also currently funding the development of three hapū management plans.

In addition to its allocated funding, there is an informal understanding that the council's Kaupapa Māori Unit should assist Māori engagement by helping with whatever needs to be done. While it is clear that Māori council staff work for the Rotorua District Council, there is an informal understanding that they are seen as a resource for Māori. This informal arrangement generates goodwill and helps build working relationships between the two groups. However, due to its informality, it is dependent upon the political will of the council.

*"There definitely are capacity issues. We don't have the resources to actively involve ourselves in the council, to give them a better understanding of what we believe should or should not happen in a certain area."  
Te Arawa Standing Committee*

*"We do not meet with the sole purpose of planning our future as Te Arawa. We have got to be on the other side [from council] ready to catch the ball, but we have not done that yet. There needs to be a core grouping that is talking about planning ahead; this is the biggest issue facing Te Arawa."  
Te Arawa Standing Committee*

*"General knowledge [within the wider community] of the RMA is poor. Most people don't understand what a district plan does. There is a general misconception amongst everyone about the RMA. People see it as a hold-up in getting their building consent and I see that as a lack of information."  
Te Arawa Standing Committee*

There was general agreement among interviewees that the costs to Māori arising from what is expected of their participation in RMA processes is not adequately recognised.

**"Council can't go on expecting something for nothing."  
Te Arawa Standing Committee**

It was stated that the need for financial recognition of what Māori contribute to council processes is paramount.

### **CAPACITY OF MĀORI GROUPS TO ENGAGE IN RMA PROCESSES**

Insufficient human resources were identified as a major issue affecting the ability of Te Arawa to participate in RMA processes. Another issue was the lack of independent bodies such as hapū environmental units. The dearth of such bodies to co-ordinate Te Arawa's RMA involvement independently of councils was seen as a key issue affecting Te Arawa's ability to engage in RMA processes.

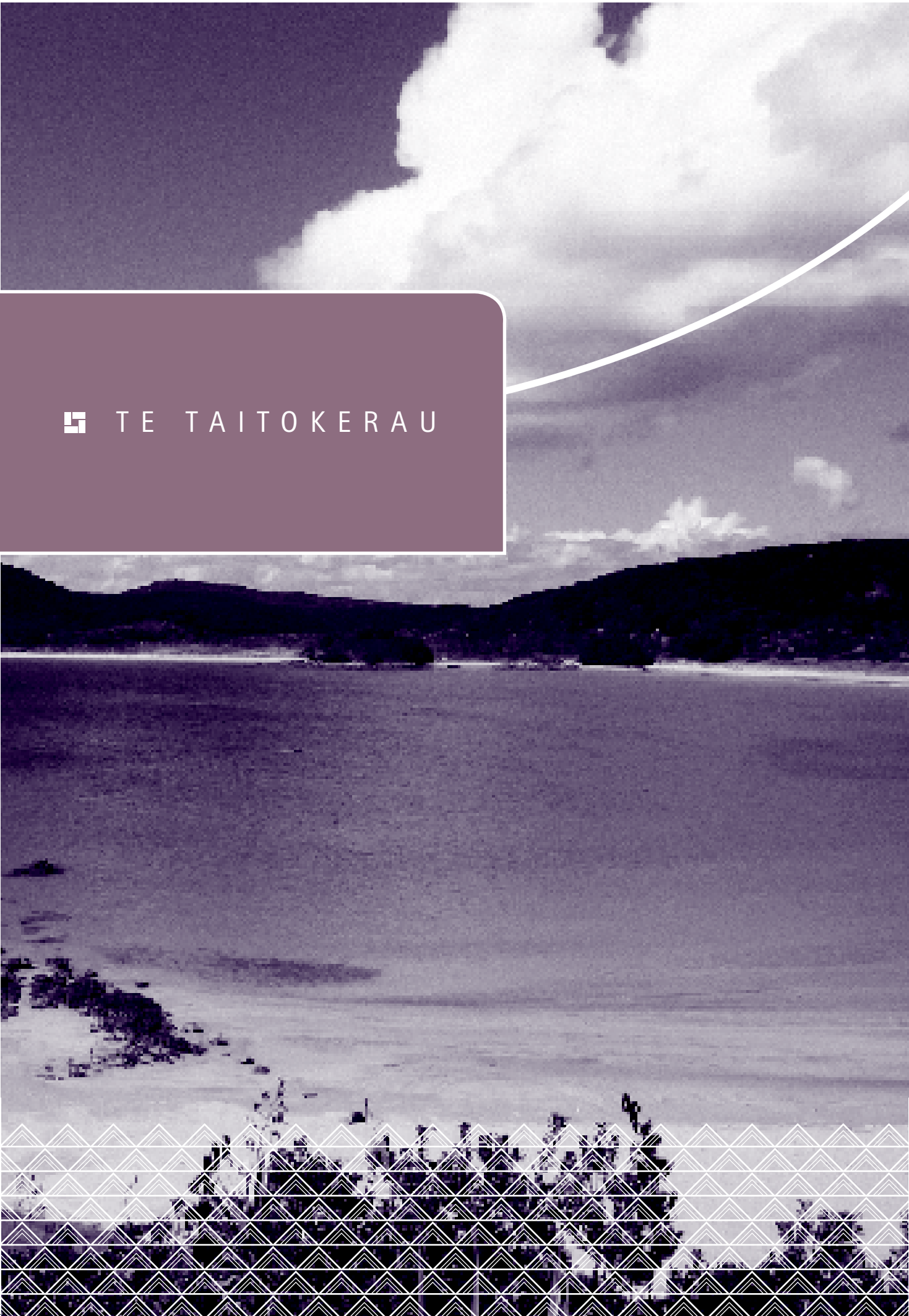
It was pointed out that capacity and capability go hand in hand, because capacity is needed to support and retain expertise: "It is about capacity and capability, because we have capable people within our iwi and hapū but they normally get plucked out by those jobs that are paying lots."

**Te Arawa Standing Committee**

### **CAPABILITY OF MĀORI GROUPS TO ENGAGE IN RMA PROCESSES**

One interviewee commented that technical capability varies among hapū and that certain groups do not get involved at all. Te Arawa's capability has been enhanced through the integration of iwi members in the council, and in turn the council relies on the iwi members to carry out these functions.

One Te Arawa Standing Committee member stated that the opportunities for Te Arawa hapū and whānau to be involved in RMA processes are there, but "we just need to get better at it". Te Arawa people generally do not know how to access information that would be useful to their RMA involvement. There has been no formal training for Māori in RMA processes, but "Māori have picked up a lot of information on the run, just by being thrown into a situation and having to learn about it in a hurry. There has been no actual teaching about what a council does".



 TE TAITOKERAU



## TE TAITOKERAU – FAR NORTH

| COUNCILS INTERVIEWED       | POPULATION<br>(2001 CENSUS) | MĀORI POPULATION<br>(2001 CENSUS) |
|----------------------------|-----------------------------|-----------------------------------|
| Far North District Council | 54,576                      | 21,729 (40% of total)             |
| Northland Regional Council | 140,133                     | 40,733 (29% of total)             |

| MĀORI GROUPS INTERVIEWED               | DESCRIPTION OF GROUP   |
|--|--|
| Te Rūnanga o Whāingaroa                | Representative body for Ngā Puhī ki Whāingaroa and Ngāti Kahu ki Whāingaroa.   |
| Patu Kōraha Hapū                       | One of the three original hapū from the Mamaru waka in the Far North.  |
| Waitomo Papakāinga Development Society | A community services group with a local Māori development focus. Has unofficial involvement in RMA processes through its hapū and rūnanga.   |
| Te Rūnanga a Iwi o Ngā Puhī            | Iwi authority for Ngā Puhī iwi based in Kaikohe.   |
| Ngāti Kuta Resource Management Unit    | Consultancy-based resource management unit for the hapū Ngāti Kuta (Bay of Islands). Affiliated with Ngā Puhī.   |
| Te Rūnanga o Ngāti Whātua              | Representative body of Ngāti Whātua iwi whose interests extend from south of Auckland to the Kaipara. They are not within the jurisdiction of the Far North District Council.                              |
| Ngātiwai Trust Board                   | Iwi authority trust board for Ngātiwai iwi based in Whāngarei.   |
| Te Uri o Hau Settlement Trust          | The Te Uri o Hau Settlement Trust was established to receive and manage the Te Uri o Hau hapū's Treaty settlement. They are located further south than the jurisdiction of the Far North District Council. |

## COUNCIL-MĀORI ENGAGEMENT UNDER THE RMA

Initial engagement on RMA issues between councils and Māori in the Far North was, from the perspective of Ngātiwai Trust Board, the result of the persistent efforts of the iwi to become involved in council planning: "[Ngātiwai Trust Board] always go along to the annual plan stuff. [The councils] expect it from us. We made it quite clear to them at the beginning that we were going to make it a religion, every year."

The Ngātiwai Trust Board's continued efforts for over a decade to maintain pressure on the council planning process has resulted in their frustration at the pace of results.

Since 2003, the Far North District Council iwi relations unit has been working with iwi, hapū, marae and the other councils in the Far North to develop a forum which will improve inter-iwi, hapū and council engagement. The structure of the forum includes a high-level engagement model between upper management of councils and iwi authorities, and the Tai Tokerau Technicians' Forum (which has recently been renamed Te Waka Motuhake). Te Waka Motuhake had, at the time of our visit, met nine times with a specific focus on examining council-Māori engagement under the RMA. It is the result of the council's efforts to address the challenges of working with Tai Tokerau's eight iwi, approximately 250 marae and an unknown number of hapū groups.

The Far North District Council saw itself as being in more need than most councils of "having to work out who to deal with, what to deal with and how to deal with it".

Due to issues around mandating and iwi-hapū relations, the Far North District Council stated that Te Waka Motuhake's "strength and its weakness is that it is non-representational".

Te Waka Motuhake transcends iwi and hapū boundaries and allows the Māori resource management experts in the Far North to work together.

Both the Ngāti Kuta Resource Management Unit and Te Rūnanga a Iwi o Ngā Puhī stated that Te Waka Motuhake had helped close the gap between the two groups by initiating a new working relationship. Te Waka Motuhake received positive feedback from all the groups, with the exception of Te Rūnanga o Whāingaroa, which had not participated at the time of our visit but was interested in doing so.

Other than the forums, Māori-council engagement on RMA matters in the Far North mainly consists of councils sending iwi or hapū groups resource consent applications that may affect them. Some groups expressed dissatisfaction that the councils do not forward all consent applications and complained that it can be difficult to get information out of the councils.

The Northland Regional Council has a memorandum of understanding with Te Uri o Hau, resulting from their Treaty settlement. The memorandum expressly states that Te Uri o Hau shall receive all resource consent applications for review and it is to be formally involved in the Regional Council's plan development.

The Long-Term Council Community Plan has been the only formal process Te Rūnanga a Iwi o Ngā Puhī has had any involvement in. Rūnanga members who were spoken to commented that they are in the situation where Te Rūnanga o te Rarawa, which has been actively involved in the local councils' RMA planning, has been upholding the interests of other iwi organisations in the Far North as far as this particular process is concerned.

*"The Technicians' Forum is an important development for RMA engagement in the area."  
Ngātiwai Trust Board*

*"Originally they only sent us the notified consent applications but we said we want both of them [notified and non-notified]."  
Ngātiwai Trust Board*



Te Rūnanga a Iwi o Ngā Puhī expressed its frustration that it is not always contacted on resource consent applications: "The council goes straight to hapū with no consideration of whether the iwi authority may want to get involved in the process." This is of concern because they consider the rūnanga to be in the best position to make sure all the right people are being involved.

The respective roles and responsibilities of hapū and iwi under the RMA is a contentious issue in the Far North. It is common for hapū to engage independently of their iwi: "One of our debates is that we [the hapū] are the kaitiaki. We are the ones that are doing all of the everyday stuff on the ground."

Ngāti Kuta Resource Management Unit

Historically, Te Rūnanga o Ngāti Whātua has dealt with the resource consents process for the whole iwi, but it is now trying to move away from this as the hapū of Ngāti Whātua becomes "better equipped and better organised". The rūnanga sees its role as supporting the hapū in their relationships with the council and making sure the iwi/rūnanga perspective is represented. The rūnanga sees formal agreements to engage with councils in RMA processes as being for hapū, while the rūnanga focuses on building higher-level relationships.

### FUNDING AND ASSISTANCE FOR MĀORI GROUPS TO ENGAGE IN RMA PROCESSES

Te Waka Motuhake has identified six key areas where major work is required to improve Māori-council RMA engagement: information sharing, identification of sites of significance, the resource consents process, forward planning, environmental monitoring and iwi management plans. The Northland Regional Council has allocated funding based on these areas, which includes \$10,000 per year

for environmental monitoring programmes run by Māori and \$20,000 per year for the development of iwi management plans. The money is allocated to iwi or hapū through contestable grants that iwi or hapū apply for.

In addition to its financial investment, Northland Regional Council recognised that the technical language used in RMA processes can be a barrier to Māori involvement and therefore offers to visit marae, on request, to explain its policies and processes. While Northland Regional Council has some level of involvement with Te Waka Motuhake, at the time of these interviews it was waiting to decide whether it would make a financial contribution.

The Far North District Council has dedicated \$30,000 per year over the next three years to support the development of hapū management plans. It is currently assisting the development of three plans. The council has also allocated funding to sites of cultural significance and heritage management. The council provides financial support to Te Waka Motuhake, but pointed out that, while its resources have allowed it to initiate this relationship with Te Waka Motuhake, continued support will depend on securing financial contributions from other councils and/or central government. The Far North District Council also allocated funding from its budget to review sites of cultural significance and establish a resource management consultation database.

Neither council directly funds Māori groups to participate in the resource consents process. Te Uri o Hau Settlement Trust recovers some (less than 50 percent) of their costs for work done on resource consent applications through invoicing the applicant; the remainder is self-funded from its Treaty Settlement Trust. Ngātiwai Trust Board's involvement in RMA processes is funded through its general revenue.



This is also the case with **Te Rūnanga a Iwi o Ngā Puhi** and **Te Rūnanga o Ngāti Whātua**, who fund their RMA engagement from their commercial fishing income, government contracts and grants that may come in from time to time.

The Ngāti Kuta Resource Management Unit is extremely under-resourced and it relies on full-time volunteers and donations from whānau.

There is no significant payment for any of the work Patu Kōraha Hapū puts into RMA processes: "it is a labour of love".

### CAPACITY OF MĀORI GROUPS TO ENGAGE IN RMA PROCESSES

Northland Regional Council stated that capacity and capability are "huge issues" for Māori participation in RMA processes. This was unanimously supported by the Māori groups, who all commented that a lack of capacity means they are frequently unable to participate in RMA processes.

A specific example was the inability of Te Uri o Hau Settlement Trust to engage in last year's annual council plan. **Te Rūnanga o Ngāti Whātua** commented that it is often unable to participate in "the planning process, and the preparation of submissions. We just do not have the capacity to respond".

Northland Regional Council stated that it has no way of knowing whether a lack of response to a request for participation is because of insufficient capacity. Where it does not receive a response from Māori it will presume that the group does not want to engage.

The capacity of Ngāti Kuta Resource Management Unit is low. It is constantly under-resourced and depends entirely on volunteers. It lacks money for basic expenses such as travelling to meetings: "I do not know how we managed to even get to Whāngarei today."

**Ngāti Kuta Resource Management Unit stated** that the most significant capacity issue is the lack of any wages to pay its employees. Its capacity to participate in council processes is further strained by the fact that it has to buy copies of the council's district plans, which can cost hundreds of dollars.

For the past five years, Ngāti Kuta Resource Management Unit has focused on building its own capacity through acquiring the office equipment necessary to participate effectively in RMA processes. It still needs some basic equipment, including a digital camera and a laptop.

The Far North District Council faces similar resource shortages to the Māori groups it is endeavouring to engage with. According to the council, Te Waka Motuhake operates without the things that require large amounts of money, such as legal advice.

*"Invoicing does not cover our telephone. I get petrol and that is it. We also get reimbursed for stationery but other than that nothing else."*  
Ngāti Kuta Resource Management Unit

*"The Chairman of our marae committee once got a fee for attending a meeting in the Far North District Council offices. Basically that is about as far as it gets."*  
Patu Kōraha Hapū



*"There are only two or three in the hapū who are able to stick in there. The rest of our hapū do not know what policy and planning is."*  
Ngāti Kuta Resource Management Unit

*"[Within the iwi] people do not confront these issues and do not know why they need to know about them."*  
Ngāti Kuta Resource Management Unit

*"If we had funding we would probably need to import someone with the skills."*  
Te Rūnanga o Whāingaroa

## CAPABILITY OF MĀORI GROUPS TO PARTICIPATE IN RMA PROCESSES

The majority of the groups we met with in the Far North had a small number of resource management technicians with a high level of technical expertise. One example of this expertise was Ngātiwai Trust Board's advisory role in the resource management law reform that led to the enactment of the RMA. However, this expertise does not generally exist throughout the rest of the iwi and often not at all at the hapū and marae level: "We do not have the professional skill available where it is most needed – in the marae, homes and living rooms."

Ngāti Whātua Resource Management Unit

Te Rūnanga o Whāingaroa stated that the level of technical expertise within the rūnanga is not high.

Te Rūnanga o Whāingaroa previously had a professional resource management staff member, but the funding for this came to an end. The rūnanga finds that not having full-time resource management employees makes being involved in RMA processes very difficult.

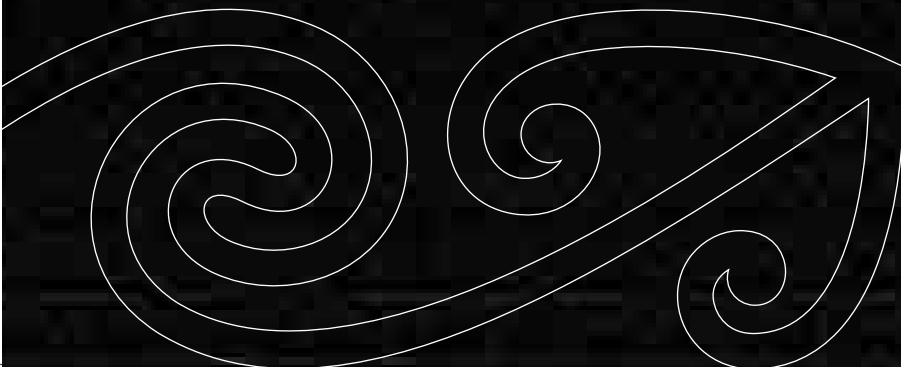
Ngātiwai Trust Board stated that its group has the capability to participate in local authority structures and processes. Prior to restructuring, Ngātiwai Trust Board had five people working on natural resource management.

"We have expertise and knowledge that are not recognised by any qualifications ... We struggle with that. We get a lot of people like archaeologists [asking] 'what formal qualifications do you have?' We say, 'in the world of Europeans, none! In my world, quite a few.'"

Ngāti Kuta Resource Management Unit

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