

Draft Brief Tangata Whenua Development Perspectives SmartGrowth

Background

SmartGrowth has commissioned and undertaken a number of pieces of research and assessment of Tangata Whenua areas of priority and concern since its inception in 2003. This work has included:

- A comprehensive literature review of Tangata Whenua documents and issues including a collation of Waitangi Tribunal evidence;
- Stocktake and assessment of cultural heritage resources;
- Identification of barriers to Maori housing on multiply-owned Maori land and a toolkit;
- Maori responses and perspectives regarding wastewater infrastructure;
- A series of reports on view corridors to significant landmarks.

To date there has not been research and assessment undertaken regarding the impact of a number of impending Treaty of Waitangi Settlements and how SmartGrowth should accommodate, recognise and reference these settlements. Many of these settlements are to be completed within the next 2-3 years and will have a significant impact on the social, cultural, economic and environmental well-being of western Bay of Plenty iwi.

The SmartGrowth Strategy and Implementation plan does not currently identify Treaty Settlements as a matter of priority. This will change during the review and update as set out in the SmartGrowth review project plan (page 39 – Treaty Settlements) and the Strategic Issues Background paper 2011-2013 (Nov 2011)

- a. 1.10.3(4) – Some of the larger related issues that will be addressed during the Review include:...The changing economic and social landscapes in the sub-region post the Treaty Settlements.
- b. 2.1.1(k) – national and local influences on SmartGrowth implementation...to be incorporated in the SmartGrowth Strategy Review.

Treaty Settlements are one of five (5) main issues that Tāngata whenua want considered as part of the draft SmartGrowth Strategy Review 2011-13 Project Plan (Nov 2011).

- a. 7.3.1(1) Treaty Settlements;
- b. 7.3.2 – Tāngata whenua representatives also consider that it would be helpful for SGIC to understand the timeframes around the Treaty settlements process and how the outcomes may (or may not) be dovetailed into the SmartGrowth Strategy;
- c. 7.4.1(4) - the following projects are proposed:..Research and update reports for the SmartGrowth Review on Tāngata Whenua Development Perspectives. In particular those arising from Treaty settlements and how the Reviewed SmartGrowth Strategy needs to align with them.

There is currently no mention of Treaty Settlements and their impact across a range of areas including economic development, development of Māori land, co-governance and management of natural and physical resources such as water bodies, significant landmarks and geothermal resources.

The knowledge gap for the Treaty Settlements has resulted from the negotiations in the western Bay of Plenty only progressing in the last 6 years with significant progress being made in the last two years. This is partly as a result of the Bay of Plenty being a priority area for the Crown, resources being allocated to the sub-region, and iwi are in a state of settlement readiness.

This is emphasised by the fact that more than 10 of the 13 or so settlements will reach deed of settlement in the next two years. Research in this area will inform the next ten years of SmartGrowth in the areas of economic, environmental, cultural well-being and representation.

Settlements for the most part are discrete and confidential negotiations between the Crown (through Office of Treaty Settlements) and individual and collective iwi groups. There is access to publicly available milestones for settlements, these including agreements in principle and deed of settlements that are often substantial (500 pages), use a hybrid legal language and do not contain the understandings or explanations of the mechanisms included.

It is expected that there will be a range of new entities representing interests of iwi, new co-governance and co-management regimes for natural and physical resources, the transfer of a large number of commercial and cultural properties, rights to commercial and cultural resources, relationship frameworks for iwi and government departments and a range of social, economic and cultural programmes. These are not currently provided for or acknowledged in the SmartGrowth Strategy.

One of the interesting elements of the Treaty impacts will be the tension between development and protection principles. This has been an area well articulated in the SmartGrowth Strategy. This research will inform ongoing discussion regarding balancing these potentially competing priorities.

Much of the intellectual knowledge and understandings of a settlement are held by the claimant groups and Office of Treaty Settlements staff. As such a high degree of liaison and consultation with these people will be necessary to prepare and complete this research.

Treaty Settlements have been identified as one of the most important issues for the Combined Tangata Whenua Forum and the SmartGrowth issues and discussion paper underpinning the review has identified Treaty Settlements and development of Maori land as two critical issues.

An initial paper has been prepared regarding the economic impact of Treaty Settlements and a matrix of settlements summarising the characteristics of each. Economic impacts are identified in the areas of horticulture/fisheries/forestry/health/social services/education) and new opportunities in the areas of property, finance, and cultural tourism among others.

It is expected that Treaty Settlements will have ranging impacts yet to be quantified in the areas of:

- Finance
- Commercial property
- Residential property
- Rural property
- Reserves
- Schools
- Plantation forestry (Athenree, Puwhenua)
- Aquaculture and fishing rights
- Māori Cultural heritage
- Tertiary education
- New marae
- Relationships with local and central government

Development of Maori land and post Treaty settlement land use Issues is a key piece of research to be undertaken, however sits in the context of other pieces of work that include updates. The table below summarises this work.

Maori Implementation Updates					
No	Title	Summary	Type of Update	Original Author	Resource to update
M7	Marae Sightlines September 2003	This report reviews the visual setting, values and landscape context of thirty six marae throughout the Western Bay of Plenty.	Implementation Update.	Kaahuia Consultancy	TCC Tu Pakari Advisor
M8	The Sustainable Evaluation of the Provision of Urban Infrastructure Alternatives using the Tāngata Whenua Mauri Model within the SmartGrowth Sub-region, July 2003	Provides independent professional engineering expertise and experience to investigate the SmartGrowth urban infrastructure service implications of growth from a Tāngata Whenua / Maori perspective.	Implementation Update focusing on the values of the model and documenting how the Mauri model has been picked up in the Regional Plans and Policy Statements.	Mahi Maioro Professionals	Tu Pakari Advisor
M9	Papakainga Toolkit	Summary of recently completed toolkit for development of multiply owned Māori land.	Implementation Update		WBOPDC

New research			
No	Title	Summary	Resource/Author
M10	Development of Maori land and Post Treaty Land use Issues	Update of progress since adoption of the Strategy. Issues post Treaty Settlement related to land use and implications on economic, social, cultural and environmental well-being of Tangata Whenua.	Tu Pakari Advisor
M11	Cultural Heritage	Analysis of issues and approaches surrounding cultural heritage resources including; a) Stocktake of information and process b) Way forward	Tu Pakari Advisor

Project goal

Provide a Tangata Whenua development perspective to the SmartGrowth Review based on recent research and changes in the economic environment, and the impending comprehensive settlements of Western Bay of Plenty historical Treaty of Waitangi claims.

Project Management and Resources

Antoine Coffin, Combined Tangata Whenua Forum, representatives of iwi settlement groups, implementation management group, research working group, peer review.

Project Scope

This project relates to the western Bay of Plenty geographically and includes consideration of iwi groups with interests in this area who may reside outside the wBOP. It is expected that the Treaty report will be comprehensive and well consulted.

It is expected the research will explore and answer the following questions.

- a) What are the Treaty settlements that affect the Western Bay of Plenty?
- b) What are the characteristics of the individual and collective settlements including timeframes, financial/commercial redress, cultural redress and governance/management regimes?
- c) What are the post-settlement Maori land development aspirations for iwi and hapu?
- d) What are the significant economic, environmental, cultural and social impacts of the settlements?
- e) What are the tangata whenua perspectives of land-use and economic development in the post-settlement environment?
- f) Are there any responses to potential strategic regional initiatives (included in the regional economic drivers report)?
- g) What are the land-use, spatial considerations and other implications for the SmartGrowth Strategy?
- h) What are the kinds of principles and values, strategic objectives and policy direction that may needed to be considered by SmartGrowth?
- i) Are there any obvious zoning or planning implications as a result of Treaty settlements?
- j) What have been the aspirations of the previously settled iwi such as Waikato, Ngati Awa, Te Arawa and Ngai Tahu and what learning's can be gained from their experiences?
- k) Will there be significant changes to the planning or political frameworks as a result of Treaty settlements?
- l) Will the Treaty settlements bring changes to representation and mandate, and how might any changes affect tangata whenua engagement in SmartGrowth?
- m) In what way will other workstreams under way such as 'Regional Economic Drivers' research, 'Bay of Connections' work and research on best practise in social well-being have a bearing on this research.
- n) Will the settlements have an impact on tertiary education partnerships or education generally?

It is expected that a full and final report will be completed in December 2012.

Project Inputs

There are no overriding legislative requirements identified at this stage, however there may be some legislation passed during the project timeframe.

Project Outputs

The key output is a report on post-settlement development of Maori land and implications on Treaty of Waitangi settlements as they affect SmartGrowth. This will be accompanied by record of meetings and interviews.

Both content and recommendations in the report will influence the development of new policy for Treaty Settlements and existing policy on development of Maori land for the SmartGrowth Strategy, Regional Policy Statement and regional and district plans.

The report will include a series of maps identifying areas of interest for iwi settlement groups, location of strategic assets and statutory rights and responsibilities within the study area.

An electronic copy of the report will be available in pdf format.

Methodology (breakdown of phases and key tasks)

New Research - Report on post-settlement development of Maori land and implications on Treaty of Waitangi settlements as they affect SmartGrowth		
1	Brief	Comments and feedback from IMG research working group, Combined Tangata Whenua Forum, Independent research panel.
2	Literature review	Review of Treaty Settlement milestone documents including agreements in principle, deeds of settlement and legislation, Maori land development reports and papers.
3	Interviews with stakeholders	Interviews with (8) Western Bay of Plenty iwi groups conducting negotiations with the Crown regarding aspirations for the future. Meetings with Office of Treaty Settlements officials, Crown Forest Rental Trust and recently settled iwi (Waikato-Tainui, Ngati Awa, Te Arawa lakes, Te Pumautanga o Te Arawa, Ngāti Makino), and their respective territorial local authorities (5). Meetings and interviews with senior TCC, WBOPDC, BOPRC management. Interviews with significant stakeholders such as TMIC Leasing Company, Ports of Tauranga, Department of Conservation, Ministry for the Environment, and other parties.
4	Identification and assessment of key issues to be addressed in SmartGrowth	Using the matrix, identify areas that will be influenced by Treaty Settlements and development issues as well as gaps/new issues and opportunities.
5	Presentations to 3 hui	Gain feedback from tangata whenua regarding development perspectives and post-settlement matters in response to first round of work.
6	Identification of methods SmartGrowth may recognise and provide for post-settlement development perspectives of iwi	
7	Identification of matters that should be considered by RPS, regional and district plans.	
8	Draft Report to IMG	7 August
9	Peer review	
10	2 nd draft Report to CTWF	29 August
11	3 rd draft report complete	21 September
12	3 rd draft report presented to SGIC	21 November
13	Final Report	Dec 2012

Project Resources

- Antoine Coffin, Tu Pakari Advisor
- geospatial and mapping services
- SmartGrowth Project Manager
- A number of resource documents have been identified in the body of this paper and Appendix One.

Consultation requirements

This research and report will be well consulted meaning there will be numerous meetings with Treaty Settlement iwi and informants who have insights into the development issues that will become apparent.

It is expected that this research will involve

- Liaison with Treaty iwi in western Bay of Plenty;
- Interviews with external Treaty iwi;
- Meetings with Office of Treaty Settlement staff;
- Possible liaison with Crown Forest Rental Trust Staff
- Consultation with SmartGrowth partners, Tauranga City Council, Western a Bay of Plenty Council management,
- Consultation with Mauao Trust

Timeframes

Identify the milestones that are necessary in order to achieve the output in the timeframe agreed by the Research Working Group including work-shopping and signoff with SGIC.

Project inception meeting	27 April 2012
Regular fortnightly project meetings	On-going
Literature review	May
Interviews	May
3 hui	June
1 st draft report completed	20 July 2012
Presentation of draft report to IMG	7 August 2012
Peer review completed	
Presentation of 2 nd draft report to CTWF	29 August 2012
Presentation of 3 rd draft report to SGIC	21 November 2012
Final Report	December 2012

Appendix One – Reports completed to date

No	Title	Summary	Author
M1	Government planning and support for housing on Maori land (performance audit report) August 2011	Reviews how well Government agencies as a group support Maori to build on their multiple-owned land.	Office of the Auditor General
M2	Nga Taonga Tuku Iho o nga Tipuna mai nga Kuriawharei ki Otamarakau Maori (Cultural Heritage Report), August 2003	Provides an appropriate framework for the identification and protection of Maori / Tāngata Whenua cultural heritage resources in the Western Bay of Plenty sub-region.	SmartGrowth Tāngata Whenua Project Team
M3	Statutory Constraints on Multiple-Owned Maori Land, September 2003	Assesses the existing statutory constraints, in particular district plans, as they relate to the development of multiple-Owned Maori Land, with an emphasis on Papakainga development.	SmartGrowth Tāngata Whenua Project Team
M4	Tāngata Whenua literature review, January 2003	Identification of important values, landscapes, and resources of Tāngata Whenua, and constraints for future urban and rural development in the Western Bay of Plenty sub-region from existing publications & sources	Des Kahotea, heritage consultant
M5	All iwi and hapu management plans that exist in the sub-region (regional council has a copy of all existing HIMP's)	The plans contain information relating to specific cultural values, , historical accounts and descriptions of areas of interest for the hapu/iwi.	Iwi and hapu
M6	Evidence relating to the WBOP sub-region presented at the Waitangi Tribunal	Provides historical documentation of the sub-region that informs Treaty claims.	

	Government planning and support for housing on Maori land (performance audit report) August 2011	Reviews how well Government agencies as a group support Maori to build on their multiple-owned land.	Office of the Auditor General
	Nga Taonga Tuku Iho o nga Tipuna mai nga Kuriawharei ki Otamarakau Maori (Cultural Heritage Report), August 2003	Provides an appropriate framework for the identification and protection of Maori / Tāngata Whenua cultural heritage resources in the Western Bay of Plenty sub-region.	SmartGrowth Tāngata Whenua Project Team
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Appendix Two – Draft Contents

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Nature of Treaty Settlements

Quantity

Timing

Substance of settlements (cultural, financial, environmental, entities)

Economic

Economic Development Profile

Maori land development and zoning

Aquaculture / Fisheries

Responses to strategic regional initiatives

Other economic/commercial rights and opportunities

Environmental

Tauranga Moana Framework

Resource Development and Protection Principles

Mountains to Sea Plan

Statutory Acknowledgements and other mechanisms

Social/Political

Housing

New Marae and restorations

Tertiary Education partnerships

Impacts on governance from Treaty settlement representation and mandate

Co-governance of public land

Cultural

New Cultural/Education programmes

New issues for SmartGrowth

Alignment with SmartGrowth

Recommendations

Further research

Appendix Three – Western Bay of Plenty Treaty Settlement matrix

No.	Settlement Group / Iwi	Status [as at date]	Timetable for settlement	Redress package detail	Impact area for SmartGrowth	SmartGrowth reference	Implications
1	Hauraki	Agreement in principle (equivalent) with each of twelve iwi		\$80m (offer)			Owners of Athenree Forest Co-management of Conservation Estate – Kaimai-Mamaku Forest Park
2	Ngaiterangi	Letter of offer	DOS June 2012	Quantum offer not agreed			Owners of Athenree Forest Co-management of Conservation Estate – Kaimai-Mamaku Forest Park
3	Ngāti Makino	Deed of Settlement	Legislation 2012	\$11.3m Forestry RFR School			
4	Ngāti Haua	Subject to negotiations leading to agreement in principle.		Not applicable			
5	Ngāti Hinerangi	Deed of Mandate in progress	unknown	Not applicable			
6	Ngāti Ranginui	Statement of Position and Intent (Dec 2011)	DOS 2012 Legislation 2013	\$39.5m 41 properties Reserves Sale and lease back on 2 Schools RFRs	Papakainga 3 new Marae and papakainga Commercial properties Education Cultural		Owners of Athenree Forest Co-management of Conservation Estate – Kaimai-Mamaku Forest Park Settlement pattern

					properties		Zoning Zoning
7	Ngāti Rangiwewehi	Agreement in Principle		\$6m 4 properties			
8	Ngāti Raukawa	Initialled Deed of Settlement		\$52m 13 cultural properties 25 deferred selection properties RFR over 36 properties			
9	Ngāti Pukenga	Subject to negotiations leading to agreement in principle.	DOS June 2012	Not applicable			
10	Tapuika	Agreement in Principle		\$6m 18 properties RFRs 13 cultural sites			
11	Tauranga Moana Iwi Collective	Statement of Position and Intent (Dec 2011)	DOS May 2012 Legislation 2013	RFRs Sale and lease back options Co-governance model for Tauranga Moana	Commercial		
12	Waitaha a Hei	Deed of Settlement (Nov 2011)	Legislation	\$11.8m plus interest 6 reserves 1 property Education endowment	Education		
13	Ngāti Whakaue Tribal Lands	In Negotiation		Properties	Commercial		

	trust						
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