



TREATY SETTLEMENTS

WHAKATAUNGA TIRITI

THE CASE FOR INCREASED FINANCIAL
CONTRIBUTION TO LOCAL GOVERNMENT
FOR IMPLEMENTING TREATY SETTLEMENT
ARRANGEMENTS

**We are.
LGNZ.**

PROPOSAL

TĀ MĀTOU E

WHAKATAKOTO NEI

That the Crown consider the evidence in this report and make a greater financial contribution (both one-off and ongoing) to local government for the implementation of Treaty of Waitangi settlement arrangements.

EXECUTIVE SUMMARY

KŌRERO WHAKARĀPOPOTO

The Crown is committed to settling historic claims for breaches of the Te Tiriti o Waitangi/Treaty of Waitangi (the Treaty) through Treaty settlement. An outcome of Treaty settlements is the provision of co-governance and co-management arrangements over significant natural resources and reserve lands. Local authorities are critical to the successful implementation of these arrangements, both as the regulatory authority for the natural resource or land, and as the co-governance and co-management partner with Treaty settling groups.¹

Treaty settlement arrangements provide valuable connectivity between iwi and local government, and opportunities to deliver mutually beneficial environmental and resource management outcomes. At the same time however, they impose costs on local authorities that are over and above councils' business as usual costs.

Crown policy is to provide one-off financial contributions to local government for the implementation of Treaty settlement outcomes.² This report, while recognising the short and long term benefits of Treaty settlements to iwi, communities and councils, provides evidence that current Crown contributions are inadequate, that greater financial contributions are required and for a longer period. Evidence of the Crown's inconsistent approach to funding for similar arrangements is also provided.

This report provides a costs framework (the Framework) to record costs associated with the functions and activities of Treaty settlement arrangements. The Framework allows a greater level of accuracy, visibility and consistency in tracking the cost of establishing, implementing and maintaining Treaty settlement arrangements. The Framework is attached as a separate document.

1 The terms "local authorities", "councils" and "local government" are used interchangeably in this report to mean the same thing: regional councils, territorial authorities and unitary authorities.

2 The term Crown policy refers to the documents provided in Appendix 4.

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RECOMMENDATIONS

WHAIKUPU

That the Crown:

1. Consider this report and the Framework to assess the actual costs of implementing Treaty settlement arrangements by local authorities.
2. Increase the financial investment provided to local authorities for the functions and activities of Treaty settlement outcomes.
3. Introduce the provision of staged financial contributions in addition to one-off financial contributions.
4. Update Crown policy to cover all forms of Treaty settlement arrangements currently being negotiated.
5. Address inequities in the provision of financial support to local authorities and consider how financial support can be retrospectively provided.
6. Provide financial assistance to iwi for capacity and capability building to ensure iwi can participate and contribute equally in co-governance and co-management arrangements to assist in reducing local government costs.



Maungawhau/Mount Eden - Photo: Alan Collins

INTRODUCTION

HE KUPU WHAKATAKI

TREATY SETTLEMENTS ARE AN IMPORTANT ASPECT OF NEW ZEALAND'S NATURAL RESOURCE MANAGEMENT LANDSCAPE. WHILE THEY ARE AN EXPRESSION OF THE CROWN-IWI RELATIONSHIP THEY ALSO PROVIDE AN AREA WHERE LOCAL GOVERNMENT CAN BUILD ROBUST RELATIONSHIPS WITH IWI. COUNCILS HAVE A STRONG INTEREST IN ENSURING THE NEW ARRANGEMENTS ESTABLISHED THROUGH TREATY SETTLEMENTS ARE SUCCESSFUL, AND THAT THE SETTLEMENTS ARE DURABLE, FAIR AND FINAL.

Treaty settlement arrangements involving local government do, however, come with costs. With the significant number of Treaty settlements over recent years involving co-governance entities and co-management arrangements (including authorities, committees, joint management agreements and various descriptions of natural resource plans), the issue of cost needs to be recognised and discussed.

Treaty settlements provide opportunities to develop relationships with iwi that benefit not only environmental and resource management outcomes, but the many other outcomes for central and local government. Whilst local government has non-Treaty settlement requirements to engage with iwi under the Resource Management Act 1991 (RMA) and the Local Government Act 2002 (LGA), it is the post-settlement landscape that attracts additional costs. The requirements that are placed on councils can be challenging in terms of resourcing and planning community priorities. Councils operate within financial constraints, and expenditure in one area can mean less expenditure in another.

Funding provided to local government by the Crown as a contribution to costs has been welcomed. However, analysis shows that both establishment and ongoing costs of co-governance and co-management arrangements are far greater than anticipated, and that Crown contributions have been underestimated.

There are significant risks associated with the current levels of Crown funding. The first risk is that an undue financial burden is placed on councils to implement Treaty settlement redress that the Crown has determined is required to settle long-standing grievances of Māori. That outcome means costs of settlements are carried by ratepayers, rather than

by central government. It is the Crown, not councils, that settles the historical grievances of iwi, and it is inequitable that ratepayers of today are being expected to pay for the settlement of grievances by the Crown. Vote Conservation, for example, is not expected to cover the costs of Treaty settlement redress from its baseline funding. Rather, the Department of Conservation is funded via detailed costing estimates (and despite having the strongest statutory Treaty weighting to give effect to the principles of the Treaty). In the same way, local authorities should not incur the costs for settlement redress that is over and above its business as usual activities and statutory commitments to iwi.

The second risk is that fiscal pressures will, over time, undermine the ability of local government to support co-governance and co-management arrangements, meaning they will not produce the outcomes sought. Non-delivery of Treaty settlement arrangements could ultimately undermine the durability of settlements, create new injustices for iwi, and potentially trigger contemporary Treaty claims against the Crown.

Evidence suggests individual councils are operating on a continuum that ranges from meeting the minimum requirements to complying with Treaty settlement legislation, to full engagement with iwi under co-governance and co-management arrangements. Although the latter is the outcome sought from settlements, it is not always achievable. A key reason for Treaty settlement outcomes not being fully achieved is that there are significant costs associated with engagement for both local authorities and iwi entities. It is also common for iwi authorities to rely on council staff for support as they participate in Treaty settlement arrangements.³

³ It should be noted too that not all iwi authorities/entities rely on, or ask for council support.

The Crown practice of making limited one-off financial contributions does not adequately recognise the ongoing commitment required by councils to ensure Treaty settlement arrangements are enduring and sustainable. Furthermore, there needs to be greater clarity, visibility, certainty and consistency across councils as to how financial contributions are determined by the Crown in each region.

REPORT STRUCTURE

This report sets out the need for increased funding from the Crown and provides a Framework that can be used when negotiating financial investment with the Crown. The following section describes the scope of this exercise and the methodology underlying the report. The Treaty settlement arrangements, and those likely to be established in the foreseeable future, are then set out with their key functions described. The estimated cost to respective councils for the establishment and implementation of each entity, plan and/or agreement is then provided.

Importantly, the report details the numerous activities performed by councils to support the implementation of the arrangements. For example, organising meetings and assisting with the drafting of statutory plans and governance documents. By documenting these activities the extent of required council staff time is revealed. Often that time and associated costs is not immediately visible or was not contemplated when Treaty settlement arrangements were established. The Crown's factors for considering financial contribution towards arrangements are compared with that of local government's factors to provide a complete list for the Crown to consider.

Lastly, the Framework's purpose, benefits and practical application are explained.

LOCAL GOVERNMENT IN TREATY SETTLEMENTS

Treaty settlements are increasingly providing mechanisms for local government to work with iwi authorities to govern nationally and regionally significant natural resources: important rivers or other water bodies, reserves and parks, etc. Iwi, councils and the Crown share an interest with the public to ensure these resources are well governed and protected for future generations.

A crucial role for councils is the implementation of Treaty settlement arrangements. A council's role includes establishing and maintaining co-governance entities, providing technical advice for the entities, and plan development. This includes legal, scientific, policy, planning and resource consenting advice, to name a few. In addition, councils provide physical resources and time to assist with the upskilling of iwi entities on council functions, plans and processes.

Although local authorities are not a party to the deeds of settlement they are nonetheless bound by the resulting legislation, which gives councils responsibilities and duties to carry out. These obligations can be perceived by local government as being undertaken on the Crown's behalf. Appropriate Crown financial investment for local government is therefore critical to conduct this role.

PARTICIPATING COUNCILS

TE TŌPŪ KAUNIHERA

Over several years, councils – both collectively and separately – have raised concerns over sustainable post-Treaty settlement funding with Ministers and Crown officials. In late October 2016 councils agreed a nationally coordinated approach was required to identify options to resolve this collective issue. Local Government New Zealand (LGNZ) provided their support for this report, as did seven North Island councils (the participating councils).⁴

REPORT SCOPE

ARONGA PŪRONGO

This report focuses on Treaty settlement arrangements, the costs incurred and the estimated costs for undertaking arrangements by the participating councils. It is assumed these costs are common to all councils across New Zealand. It reviews financial and other information for the participating councils and provides a rationale for the best approach to obtain fair and accurate funding from the Crown for such arrangements.

The following matters are not captured by this report.

- Costs for local authorities to engage with the Crown and iwi through Treaty settlement negotiations on an as and when required basis.⁵
- Costs associated with Treaty settlement arrangements that are not directly provided for by settlement legislation.
- Costs to local government of engaging with iwi/ Māori under non-Treaty settlement legislation (i.e. (LGA, RMA and the Reserves Act 1977).
- Mana Whakahono a Rohe Agreements (iwi participation agreements) provided through recent amendments to the RMA.

- RMA or voluntary arrangements between councils and iwi authorities.
- Notification obligations for statutory acknowledgements.
- Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) applications.

Costs to local authorities who have not contributed to this report are not included. For example, city and district councils contribute as members on a range of co-governance and co-management arrangements. These councils however, will have similar costs when undertaking Treaty settlement functions and activities, to varying degrees.

This is the second report prepared specifically for the Crown on the financial impact of Treaty settlements on local authorities. The first study was conducted by Bay of Plenty Regional Council and Waikato Regional Council in 2012.⁶ This report expands on the types of settlement costs identified in the 2012 study. It also provides a methodology or tool for calculating local government costs, that accounts for a phase out period to business as usual.

⁴ A proposal was tabled at the Regional Council Chief Executive Officers meeting in February 2017 entitled “Establishing a Methodology to Assess Costs (over and above business as usual costs) to Local Authorities for Implementing Treaty of Waitangi Settlement Arrangements”. The participating councils are acknowledged on the back of this report.

⁵ Participating in Treaty settlement negotiations also incurs significant costs for councils. For example, councils are often asked to provide technical advice and information, Light Detection and Ranging (LiDAR) data, and feedback and support for the development of the settlement options the Crown proposes.

⁶ Bay of Plenty Regional Council and Waikato Regional Council, “Supporting Information: Impact of Treaty Settlements on Bay of Plenty and Waikato Regional Council”, November 2012.

METHODOLOGY

Participating councils provided information on the costs they have incurred implementing Treaty settlement arrangements. Information was also provided on the wide range of tasks, processes and activities councils undertook to deliver these arrangements.

Every effort has been made to record activities required to establish and operate new arrangements and where possible the actual costs of these arrangements. In most instances councils have been able to call upon financial records to provide accurate numbers. In other instances, cost estimates have been provided. One limitation of the data is that the practice of recording costs after settlement has not been undertaken by councils until more recently.

Work by the Post-Settlement Commitments Unit within the Ministry for Justice, and by Te Puni Kōkiri, has been reviewed to inform the development of the Framework. A register was developed of councils' obligations under the various Treaty settlements by the Post-Settlement Commitments Unit and a stocktake of council-iwi participation agreements was developed by Te Puni Kōkiri.⁷ Financial and supporting information provided by the participating councils, and primary documents such as the settlement legislation and deeds of settlement, were also reviewed.

7 "Te Puni Kōkiri Draft Stocktake of Council Iwi Participation Agreements (November 2015)" was developed based on publicly available information and it includes voluntary arrangements as well as those required under Treaty settlements. Te Puni Kōkiri with the support of the Ministry for the Environment developed a spreadsheet. The Post-Settlement Commitments Unit developed a Master List of Commitments for all councils based on Treaty settlement deeds and legislation.



Waikato River

TYPES OF TREATY SETTLEMENT COSTS

NGĀ MOMO UTU WHAKATAUNGA TIRITI

Local authorities incur two types of costs when implementing Treaty settlement arrangements:

1. Additional costs, which are imposed on councils due to settlement legislation.
2. Business as usual costs, which occur as a result of engaging with iwi irrespective of settlement legislation.

ADDITIONAL COSTS

Additional costs, as defined here, are costs that local authorities incur as a direct result of Treaty settlement arrangements. Notably, additional costs are associated with the establishment and ongoing costs of co-governance entities, and the development and implementation of plans, documents or agreements. Additional costs vary from region to region depending on the type of settlement arrangement negotiated between iwi and the Crown. Examples of additional costs are listed in Appendix 3 and are classified as functions and activities that need to be undertaken when implementing Treaty settlement arrangements. For example:

- Administrative support, democratic services and other council staff services required for the provision of the exercise of powers and functions for the co-governance entities, boards or committees.
- RMA policy development activities that are not planned or anticipated but are required by a Treaty settlement within a specified timeframe.
- Specialist technical staff time on the development and implementation of co-governance entity plans, documents and joint management agreements or other such agreements as required.
- Assistance with building iwi capacity to participate in the Treaty settlement arrangements. For example, councils contracting independent advisors for the tangata whenua representatives who sit on the Hawke's Bay Regional Planning Committee and the establishment of two senior Treaty advisors to support the Rangitāiki River Forum, Kaituna River Authority Te Maru o Kaituna and the forthcoming Tauranga Harbour Governance Group in the Bay of Plenty.

BUSINESS AS USUAL COSTS

Business as usual (BAU) costs are associated with the normal conduct of business, regardless of current circumstances, such as administering iwi arrangements under the RMA. Treaty settlement costs may be considered BAU if they overlay or can be accommodated within current processes. For example, if a regional or district plan is due to be reviewed or changed at or around the same time as a co-governance entity is developing or has developed its own plan for consideration by council, coordination of the two projects should negate any extra Treaty settlement cost. This needs to be qualified by the amount and type of additional work involving council staff, which will vary between councils.

Relationship management with iwi is also considered a BAU cost. For example, councils can act in an intermediary capacity for iwi with the Crown or other entities both within and outside Treaty settlement arrangements. Council staff are regularly asked to interpret maps or legislation, or to assist with the resolution of other relevant issues or concerns that may arise from arrangements.

ISSUES WITH TREATY SETTLEMENT COSTS

1. Not all arrangements are put into place immediately following Treaty settlement legislation being enacted. Some are delayed for several reasons. One example includes a Joint Management Agreement with Tūwharetoa Māori Trust Board. The Waikato River section of this Joint Management Agreement was developed in August 2016, with the Taupo Waters section currently being developed. However, the legislation came into force in October 2010.⁸ Similarly, one arrangement was put into place prior to Treaty settlement legislation being enacted. For example, the Hawke's Bay Regional Planning Committee.⁹
2. Costs vary for councils in each region. Whilst the arrangements may be similar in nature the scale and functions may vary for each. In addition, staff time, expertise and experience with the arrangements is key.

8 Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010.

9 Hawke's Bay Regional Planning Committee Act 2015.



Confluence of Taruheru, Waimata and Turanganui Rivers

TREATY SETTLEMENT ARRANGEMENTS AND COSTS

NGĀ RITENGA/UTU WHAKATAUNGA TIRITI

The Treaty settlement arrangements for the participating councils are set out in the Appendices. Appendix 1 highlights the types of settlement arrangements for the participating councils and Appendix 2 highlights the costs associated with each arrangement.¹²

TYPES OF TREATY SETTLEMENT ARRANGEMENTS

Participating councils are all involved in the implementation of Treaty settlement arrangements for co-governance and co-management within their respective regions. Each arrangement has different levels of responsibilities and obligations that trigger activities and thereby attract additional costs.

Appendix 1 outlines 25 arrangements that are either in place through statute or are at the Bill or deed of settlement stage and are thus imminent. In all cases, the participating councils are required to establish and maintain some form of permanent co-governance entity, committee or board. These entities must prepare and approve a plan or document of some description, which has varying legal weight and status, for consideration by councils under the RMA and the LGA.

Obligations arise for councils when preparing, reviewing or amending RMA planning documents, considering resource consent applications and making decisions. These functions require a significant amount of council time, money and resource in the development and implementation stages.

TREATY SETTLEMENT COSTS

Appendix 2 compares Crown contributions to the actual costs (where available) or estimated costs for councils when implementing Treaty settlement arrangements. The table also shows what councils have sought from the Crown for future settlement arrangements where this has occurred. These amounts have been forecasted by councils and are significantly more than past Crown contributions. In some instances the Crown has directed where Crown funding is spent. In other instances councils can determine how funding is apportioned across arrangements or the co-governance entity can determine.

The evidence is clear that council costs of implementing Treaty settlement arrangements far exceed Crown contributions. The evidence is also clear that ongoing costs for councils are significant. A strong argument can be made, therefore, for the Crown to also contribute to ongoing costs for a defined period.

For example, the Hawke's Bay Regional Planning Committee received \$100,000 as a one-off Crown contribution on its establishment. Actual costs to run the committee for the period 2010 to 2016 were \$787,627 (or an average of \$131,271 per annum). The annual costs of running the now formally established body is estimated at \$163,000. This cost is due to the number of meetings (two per month), the type of work undertaken by the committee and the addition of two contracted independent iwi advisors for the tangata whenua representatives who sit on the committee.¹¹

¹⁰ Some costs are estimated or forecasted.

¹¹ The Hawke's Bay Regional Planning Committee established itself pre-Treaty legislation.

The Crown's approach to funding has been inconsistent with different amounts provided to councils for similar arrangements. For example, within the Bay of Plenty region there are two mandated co-governance entities: the Rangitāiki River Forum and the Te Maru o Kaituna Kaituna River Authority. Both require the development of statutory river planning documents (which are not required by any other legislation). The Crown did not provide any funding for the establishment of the Rangitāiki River Forum co-governance entity or plan. Bay of Plenty Regional Council has provided a conservative estimate that the development of the Rangitāiki River Document (plan) has cost around \$164,000 and believes the ongoing costs of implementation will be significant.¹² In contrast the Crown provided a contribution of \$250,000 to establish the Kaituna River Authority. The Kaituna Statutory River Planning Document is currently out for public consultation thereby potentially attracting further costs for Bay of Plenty Regional Council.

Treaty settlement legislation can also require reviews and amendments of statutory plans earlier than when required by the council. This can lead to additional costs for councils. For example, under the Waikato and Waipā rivers settlement legislation Waikato Regional Council is required to assess whether the Regional Policy Statement gives effect to the Vision and Strategy for the Waikato River, and to initiate an amendment to the Regional Policy Statement if it does not do so. In 2012 a review was carried out which determined the regional plan needed to be reviewed to give effect to the Vision and Strategy. No funding was provided by the Crown for this work. In contrast, the RMA only requires Waikato Regional Council to commence a review of sections of the regional plan every 10 years.¹³

The cost to Waikato Regional Council to develop the Healthy Rivers/Wai Ora: Proposed Waikato Regional Plan Change 1 to the notification stage is conservatively estimated at \$13 million. Due to both the co-governance arrangements and the highly collaborative nature of the Healthy Rivers Wai Ora process, the \$13 million spend to date is higher than any other policy process implemented by this regional

council. Costs incurred by Waikato Regional Council to support participation in the process by the five Waikato and Waipa river iwi have been estimated at \$5,860,000.¹⁴

TREATY SETTLEMENT ACTIVITIES

The research undertaken for this report reveals a significant amount of council staff time is spent on drafting documentation, processes and policies for the various arrangements. This includes undertaking activities and tasks for a co-governance authority, a joint management agreement, or for plan development and implementation. Rarely is this time recorded in an accurate or consistent fashion. Often there are reactive or unplanned tasks associated with activities which are not immediately obvious from the deeds of settlement and empowering legislation. The importance of staff time should not be underestimated as this is the key area where councils carry additional costs. It is these functions and activities that underpin council costs and form the basis of the Framework set out in the next section.

Appendix 3 shows a breakdown of the functions and activities including tasks required for each Treaty settlement arrangement.¹⁵

CROWN POLICY

Under Crown policy the level of Crown contribution to local government is at the discretion of Cabinet and is assessed on its own merits taking into account a range of factors. These factors have been assessed and updated by the participating councils to show what should be considered when determining the financial investment needed to establish and implement arrangements. These factors are outlined in Appendix 4 alongside the Crown policy.

¹² This amount does not factor in staff and management time, engagement and public notices, meeting and venue costs, technical expertise, the Tuna Plan or Regional Policy Statement Change 3. These are variables that will increase this cost estimate. The plan was developed in 2014/2015.

¹³ Section 79(1)(b) of the RMA.

¹⁴ The five Waikato and Waipa river iwi are Waikato-Tainui, Maniapoto, Raukawa, Te Arawa and Ngāti Tuwharetoa.

¹⁵ Appendix 3 is not an exhaustive list. Further activities are listed in the Framework.

THE FRAMEWORK

TE ANGAANGA

As set out in this report Crown contributions for costs are discretionary and have been inconsistently applied across the many Treaty settlement arrangements. To make clear the higher than assumed costs for councils to implement Treaty settlement arrangements, and to ensure consistency in the provision of future funding arrangements, a comprehensive planning framework has been developed.

PURPOSE OF THE FRAMEWORK

The Framework is designed to assist the Crown and councils to assess accurate costs of establishing, implementing, maintaining, monitoring and reviewing Treaty settlement arrangements. It is recommended as a tool during the negotiation stages to provide consistency, certainty, accountability and transparency for Crown funding.

KEY PURPOSES OF THE FRAMEWORK INCLUDE:

- Provide a tool to calculate actual costs of Treaty settlement arrangements and associated functions and activities.
- Show accountability and transparency to Treaty partners, ratepayers, interest groups, industries, communities and stakeholders when entering legislated arrangements.
- Provide certainty and clarity to local government on how Crown financial contributions are determined and applied nationally.
- Demonstrate that the Crown has a strong interest in ensuring that Treaty settlement arrangements are successful and enduring.
- Highlight the importance of local government's acceptance of responsibilities for the Crown (as Treaty partner) in ensuring beneficial social, economic, cultural and environmental outcomes are achieved for iwi.

DESIGN OF THE FRAMEWORK

The Framework is based on actual commitments or obligations arising from each Treaty settlement arrangement. These commitments have been transferred into activities and tasks typically undertaken by groups within council responsible for the regulatory, integrated catchment management and policy functions.

The activities have been identified through the research undertaken with each participating council and have been merged to form a complete set. Not all activities are required by each council and not all are required for each Treaty settlement arrangement. This is an outcome of variation between different settlement arrangements and the practices of individual councils.¹⁶

The Framework provides a selection tool to assess what each council is required to undertake when discussing with the Crown the type of arrangement being considered. It is flexible in that additional arrangements, functions, activities and tasks can be added to the Framework. Rates for staff, management and councillors have been provided as an example and can be substituted for each council's own rates. Once activities and costs have been entered a discount method is applied automatically to the costs.

The discount method can discount BAU costs from additional costs. This is done in the following way.

- If there is a new activity under the arrangement or an activity that has been brought forward by five years or more due to Treaty settlement legislation, then 100 per cent of the costs are applied.

¹⁶ Updates are being made to the Framework to recognise the dynamic nature of the arrangements and to allow for council variation. This will be an ongoing process.

- If a council has planned to undertake an activity within a five-year period, but due to Treaty settlement requirements the activity is bought forward, then 20 per cent of the total implementation costs per annum are applied for each year that the activity is implemented earlier. This is represented in the Framework as a 20 per cent discount for the Crown off the full cost of implementation of the activity for each year within the five-year period that the activity is bought forward. The discount method is shown in appendix 5.
- The discount rate and the five-year time period are based on the established principle that every three years the long term plan is reviewed and every five years catchment or other council plans are reviewed, amended or developed including consideration of RMA planning documents for review.¹⁷ In this situation BAU costs under the Crown policy could commence from five years as opposed to three years. This would provide the Crown with a phase out or transition period for arrangements to become 'normalised' within councils.

BENEFITS OF THE FRAMEWORK

THE FRAMEWORK:

- Contains a comprehensive spectrum of costs.
- Has been developed to enable each council to actively negotiate a financial contribution for costs with the Crown.
- Can be used to highlight the costs of all arrangements to the Crown retrospectively.
- Caters for delayed or staged arrangements, so that planning for a Joint Management Agreement or other such arrangement two or more years after the commencement date can be accounted for.
- Details functions and activities to enable councils to undertake better planning, financial management and project management, and avoid duplication of work.

ALIGNMENT WITH CROWN POLICY

THE FRAMEWORK ALIGNS WITH CROWN POLICY:

- It is a transparent tool capturing all activities and can be adapted to include more, recognising the varied nature of Treaty settlement arrangements.
- It deals with additional costs in a consistent manner as opposed to an-hoc approach across councils.
- Each contribution can be assessed on its own merits based on activities that must be undertaken.
- It allows the Crown to retain a phasing-out policy for BAU costs so that longer term arrangements are 'normalised'.
- It allows the Crown to contribute to new arrangements that are not part of a council's LTP or annual plans (i.e., that are not BAU costs).
- It provides a clear framework to consider true costs, but also allows flexibility to respond to different circumstances and the nature of a particular arrangement.
- The complexity of arrangements are broken down into manageable components so that the scale and nature of costs can be assessed more easily.
- It has the ability to be updated and amended in line with changes to Crown policy or council specific arrangements.

¹⁷ These plans are not all on the same cycle but at any given point over the five year period a plan of some description will need reviewing, amending or developing.

REFERENCES

KOHIKOHINGA RAUEMI

LEGISLATION

- Hawke's Bay Regional Planning Committee Act 2015
- Nga Wai o Maniapoto (Waipa River) Act 2012
- Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014
- Ngāi Takoto Claims Settlement Act 2015
- Ngāi Tāmanuhiri Claims Settlement Act 2012
- Ngāti Manawa Claims Settlement Act 2012
- Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010
- Ngāti Whare Claims Settlement Act 2012
- Ngati Whatua o Kaipara Claims Settlement Act 2013
- Ngati Whatua Orakei Claims Settlement Act 2012
- Orakei Act 1991
- Rangitane o Manawatu Claims Settlement Act 2016
- Pare Hauraki Collective Redress Deed 2017
- Raukawa Claims Settlement Act 2014
- Reserves Act 1977
- Tapuika Claims Settlement Act 2014
- Te Arawa Lakes Settlement Act 2006
- Te Awa Tupua (Whanganui River Claims Settlement) Act 2017
- Te Aupouri Claims Settlement Act 2015
- Te Hiku Claims Settlement Act 2015
- Te Rarawa Claims Settlement Act 2015
- Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

DEEDS OF SETTLEMENT

- Ahuriri Hapū and the Trustees of the Mana Ahuriri Trust and the Crown Deed of Settlement of Historical Claims 2 November 2016
- Deed of Settlement of Historical claims - Ngāti Tūwharetoa
- Nga Mana Whenua o Tamaki Makaurau Collective Redress Deed
- Ngāti Rangi and the Trustees of Te Tōtarahoe o Paerangi Trust and the Crown Deed of Settlement of Historical Claims 17 August 2017
- Pare Hauraki Collective Redress Deed
- Tauranga Moana Iwi Collective Deed

AGREEMENTS

- Co-Management Agreement for Waikato River Related Lands – Waikato Raupatu River Trust and Waikato Regional Council (2012)
- Joint Management Agreement – Raukawa Settlement Trust and Waikato Regional Council (10 May 2012)
- Joint Management Agreement – Tuwharetoa Maori Trust Board and Waikato Regional Council (August 2016)
- Joint Management Agreement – Te Arawa River Iwi Trust and Waikato Regional Council (August 2012)
- Joint Management Agreement – Maniapoto Maori Trust Board and Waikato Regional Council, Otorohanga District Council, Waikato District Council, Waipa District Council and Waitomo District Council (April 2013)
- Joint Management Agreement – Te Runganganui o Ngāti Porou Trustee Limited and Gisborne District Council (October 2015)
- Joint Management Agreement – Waikato Raupatu River Trust and Waikato Regional Council (18 June 2013)
- Ngāti Whātua Iwi and the Crown Kaipara Moana Framework Agreement (18 August 2014)

REPORTS AND PLANS

- “Establishing a Methodology to Assess Costs (over and above business as usual costs) to Local Authorities for Implementing Treaty of Waitangi Settlement Arrangements (the Proposal)
- Local Government New Zealand [LGNZ] “Frequently Asked Questions on Council – Maori Engagement: A Resource to Support Councils”, October 2007
- Office of Auditor-General “Principles for Effectively Co-Governing Natural Resources” February 2016
- Te Oneroa-a-Tohe “Board Request for Proposal Māori Focus Treaty Settlement Implementation: Beach Management Plan”
- Waikato Regional Council “Joint Management Agreement Review Waikato Raupatu Settlement Trust Case Study” 2014
- Te Puni Kōkiri Draft Stocktake of Council Iwi Participation Agreements (November 2015)
- Waikato Regional Council and Bay of Plenty Regional Council, “Supporting Information: Impact of Treaty Settlements on Bay of Plenty and Waikato Regional Councils” November 2012

APPENDIX 1: SETTLEMENT ARRANGEMENTS

SETTLEMENT ARRANGEMENTS FOR PARTICIPATING COUNCILS

SETTLEMENT	TYPE OF ENTITY OR ARRANGEMENT	SCOPE AND MEMBERSHIP	DOCUMENT AND LEGAL WEIGHTING
2006 BAY OF PLENTY REGIONAL COUNCIL Te Arawa Lakes Settlement Act 2006	ROTORUA-TE ARAWA LAKES STRATEGY GROUP Formerly Rotorua Lakes Strategy Group Permanent joint committee of council	Catchment includes the 12 large Rotorua lakes and their associated catchments. ¹⁸ Six members <ul style="list-style-type: none"> • Two appointed by iwi • Four appointed by relevant local authorities • One MFE member attends meetings Members must comply with the terms of the Strategy Group Agreement.	Develop Vision and Strategy for the Lakes of the Rotorua district. Overarching policy document.
2010 WAIKATO REGIONAL COUNCIL Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010	WAIKATO RIVER AUTHORITY Independent statutory body	Covers a catchment comprising the Waikato River from Huka Falls to Te Puaha o Waikato, the Waipā River from its source to its connection with the Waikato River, and their catchments. Ten members <ul style="list-style-type: none"> • Five appointed by iwi • Five appointed by the Crown 	Develop Vision and Strategy for the Waikato River ¹⁹ (Te Ture Whaimana o Te Awa o Waikato). The Vision and Strategy forms part of the Waikato Regional Policy Statement. It is binding on all national, regional, and district policy statements and decisions for the management of the Waikato and Waipā rivers.
2012 AUCKLAND COUNCIL Ngāti Whātua Ōrākei Claims Settlement Act 2012	NGĀTI WHĀTUA ŌRĀKEI RESERVES BOARD Formerly Ngāti Whātua o Ōrākei Reserves Board under the Ōrākei Act 1991 Statutory body	Control and manage the Whenua Rangatira (Bastion Point). ²⁰ Six members <ul style="list-style-type: none"> • Three appointed by iwi • Three appointed by Auckland Council 	Prepare and approve a management plan (under s41 of the Reserves Act 1977). Governance and management work under the Reserves Act 1977.
2012 BAY OF PLENTY REGIONAL COUNCIL Ngāti Whare Claims Settlement Act 2012 and Ngāti Manawa Claims Settlement Act 2012	RANGITAIKI RIVER FORUM Permanent joint committee of council	Rangitaiki River and its catchment including the Whirinaki, Wheao and Horomanga rivers. Twelve members <ul style="list-style-type: none"> • Six appointed by iwi • Six appointed by relevant local authorities • Ngāti Tūhoe and Ngāti Hīneuru were subsequently added to the Forum after its establishment in 2012²¹ 	Prepare and approve Rangitaiki River Document. RMA planning documents Local authority must recognise and provide for the vision, objectives and desired outcomes contained in the Rangitaiki River Document. Prior to plan change local authority must have particular regard to the River document.

18 Rotorua lakes means Lakes Ōkareka, Ōkaro, Ōkataina, Rewhakaaitu, Rotoehu, Rotōiiti, Rotokakahi, Rotomā, Rotomahana, Rotorua, Tarawera, and Tikitapu.

19 The Guardians Establishment Committee first developed the Vision and Strategy for the Waikato River in 2008. Legislation was enacted in 2010 creating the Waikato River Authority. See Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

20 As described in Schedule 3 of the Ōrākei Act 1991.

21 Hīneuru and Tūhoe all have a seat on the Rangitaiki River Forum through their claim settlement Acts. Ngāti Awa and Ngāti Tūwharetoa have membership via the settlement acts of Ngāti Whare and Ngāti Manawa. Whakatane District Council, Taupo District Council and BoPRC make up the remaining seats. Other iwi and local authorities may join the forum through consensus.

SETTLEMENT	TYPE OF ENTITY OR ARRANGEMENT	SCOPE AND MEMBERSHIP	DOCUMENT AND LEGAL WEIGHTING
2012 WAIKATO REGIONAL COUNCIL Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010	Raukawa Settlement Trust and Waikato Regional Council	Waikato River and activities within its catchment affecting the Waikato River and matters relating to activities in the catchment of the Waipā River from its source to its junction with the Puniu River	Development of Joint Management Agreement. Establishment of co-governance committee. Establishment of processes for RMA planning documents, resource consents, monitoring and enforcement and customary activities. Upper Waikato River Integrated Management Plan (to be developed).
	Statutory committee of council	Eight members - Joint Management Agreement joint committee <ul style="list-style-type: none"> • Four appointed by iwi • Four appointed by Waikato Regional Council 	
2012 WAIKATO REGIONAL COUNCIL Ngāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010	Te Arawa River Iwi Trust and Waikato Regional Council	Waikato River and activities within its catchment affecting the Waikato River.	Development of Joint Management Agreement. Establishment of co-governance committee.
	Statutory committee of council	Eight members – Joint Management Agreement joint committee <ul style="list-style-type: none"> • Four appointed by iwi • Four appointed by Waikato Regional Council 	Establishment of processes for RMA planning documents, resource consents, monitoring and enforcement and customary activities. Upper Waikato River Integrated Management Plan (to be developed).
2012 WAIKATO REGIONAL COUNCIL Waikato Tainui Raupatu (Waikato River) Settlement Act 2010	Waikato Raupatu River Trust Waikato Regional Council	For Waikato River related lands including fee simple sites, managed properties and reserve sites.	Development of Co-managed Lands Agreement.
	Waikato Regional Council		
2013 AUCKLAND COUNCIL Ngāti Whātua o Kaipara Claims Settlement Act 2013	Formerly Parakai Recreation Reserve Board	Kaipātiki (formerly Parakai Recreation Reserve).	Prepare and approve Reserve Management Plan. Governance and management work under the Reserves Act 1977.
	The Board is a public entity within the meaning of s4 of the Public Audit Act 2001	Six (or eight, if agreed) members <ul style="list-style-type: none"> • Three appointed by iwi • Three appointed by Auckland Council 	

SETTLEMENT	TYPE OF ENTITY OR ARRANGEMENT	SCOPE AND MEMBERSHIP	DOCUMENT AND LEGAL WEIGHTING
2013 WAIKATO REGIONAL COUNCIL Ngā Wai o Maniapoto (Waipā River) Act 2012	JOINT COMMITTEE UNDER JOINT MANAGEMENT AGREEMENT	Waipā River and activities within its catchment affecting the Waipā River. Ten members – Joint Management Agreement joint committee <ul style="list-style-type: none"> • Five appointed by iwi • Five appointed by the local authorities (1) Waikato Regional Council, (1) Waitomo District Council, (1) Otorohanga District Council, (1) Waipa District Council and (1) Waikato District Council 	Development of Joint Management Agreement. Establishment of co-governance committee. Establishment of processes for RMA planning documents, resource consents, monitoring and enforcement and customary activities. Upper Waipā River Integrated Management Plan (to be developed).
	JOINT COMMITTEE UNDER JOINT MANAGEMENT AGREEMENT	Waikato River and activities within its catchment affecting the Waikato River. Eight members – Joint Management Agreement joint committee <ul style="list-style-type: none"> • Four appointed by iwi • Four appointed by Waikato Regional Council 	Development of Joint Management Agreement. Establishment of co-governance committee. Establishment of processes for RMA planning documents, resource consents, monitoring and enforcement and customary activities. Integrated River Management Plan (to be developed).
2013 WAIKATO REGIONAL COUNCIL Waikato Tainui Raupatu (Waikato River) Settlement Act 2010	JOINT COMMITTEE UNDER JOINT MANAGEMENT AGREEMENT	Waikato Raupatu River Trust and Waikato Regional Council Statutory committee of council	Development of Joint Management Agreement. Establishment of co-governance committee. Establishment of processes for RMA planning documents, resource consents, monitoring and enforcement and customary activities. Integrated River Management Plan (to be developed).
	TE MARU O KAITUNA	Kaituna River Authority ²² Permanent joint committee of council	Kaituna River Document. RMA Planning Documents Local authority must recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document. Prior to plan change local authority must have regard to the Kaituna River Document. LGA Councils must take into account the provisions of the Kaituna River Document when making decisions under the LGA.
2014 BAY OF PLENTY REGIONAL COUNCIL Tapuika Claims Settlement Act 2014	TE MARU O KAITUNA	Kaituna River Authority ²² Permanent joint committee of council	Kaituna River Document. RMA Planning Documents Local authority must recognise and provide for the vision, objectives and desired outcomes of the Kaituna River Document. Prior to plan change local authority must have regard to the Kaituna River Document. LGA Councils must take into account the provisions of the Kaituna River Document when making decisions under the LGA.

22 Ngāti Rangiwewehi, Waitaha and affiliate Te Arawa all have a seat on the Kaituna River Authority via the Tapuika Settlement Act. Other iwi and local authorities can join the Kaituna River Authority through consensus of the Authority or through Treaty legislation.

23 The collective group of iwi of Auckland.

SETTLEMENT	TYPE OF ENTITY OR ARRANGEMENT	SCOPE AND MEMBERSHIP	DOCUMENT AND LEGAL WEIGHTING
2014 AUCKLAND COUNCIL Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014	TŪPUNA MAUNGA O TĀMAKI MAKAURAU AUTHORITY Statutory authority	Covers the 14 Tūpuna Maunga (ancestral mountains) transferred collectively to Ngā Mana Whenua o Tāmaki Makaurau. ²³ Thirteen members <ul style="list-style-type: none"> • Six appointed by iwi • Six appointed by Auckland Council • One non-voting member appointed by the Minister for Arts, Culture and Heritage 	Prepare and approve the Integrated Management Plan (IMP) - s41 of the Reserves Act applies to the IMP. Hold annual hui between Ngā Mana Whenua o Tāmaki Makaurau and Auckland Council. Each year the Tūpuna Maunga Authority and Auckland Council must agree and adopt an annual operational plan. Other governance and management work under the Reserves Act 1977.
2015 NORTHLAND REGIONAL COUNCIL Te Hiku Claims Settlement Act 2015 Collective redress for Ninety Mile Beach ²⁴	TE ONEROA A TŌHĒ BOARD Ninety Mile Beach Permanent joint committee of council	Te Oneroa a Tōhē management area which includes the marine and coastal area, marginal strips adjacent to the beach, Beach sites A to D (Mai I Waikanae ki Waikoropūpūnoa, Mai i Hukatere ki Waimāhuru, Mai I Ngāpae ki Waimoho and Mai I Waimimiha ki Ngāpae) and may include any adjacent land subject to Board and land owner agreement Eight members <ul style="list-style-type: none"> • Four appointed by Te Hiku iwi • Four appointed by relevant local authorities 	Development and approval of Beach Management Plan. Includes the development of four Reserve management plans (under s41 of the Reserves Act 1977). RMA planning documents Local authority must recognise and provide for the vision, objectives and desired outcomes identified in the Beach Management Plan. Council must have regard to the Beach Management Plan until the obligation above has been complied with. LGA Councils must take into account the Beach Management Plan when making decisions under the LGA.

²⁴ Te Hiku Claims Settlement Act 2015 contains the collective redress for Ninety Mile Beach. It includes the following iwi: Te Aupouri, Ngāi Takoto, Te Rarawa and Ngāti Kuri. Ngāti Kahu is at the deed of settlement stage but has decided not to join the Te Oneroa a Tōhē Board.

SETTLEMENT	TYPE OF ENTITY OR ARRANGEMENT	SCOPE AND MEMBERSHIP	DOCUMENT AND LEGAL WEIGHTING
2015 HAWKE'S BAY REGIONAL COUNCIL Hawkes Bay Regional Planning Committee Act 2015	Permanent joint committee of council HAWKE'S BAY REGIONAL PLANNING COMMITTEE	To oversee the development and review of RMA documents. Twenty members <ul style="list-style-type: none"> • Ten appointed by iwi • Ten appointed by Hawke's Bay Regional Council 	The Hawkes Bay Regional Planning Committee may recommend to the council for public notification the content of any draft change to the regional policy statement or regional plan, or proposed plan and to monitor the efficiency and effectiveness of the RMA documents in accordance with s35 of the RMA and implement a work programme for their review. Voting by committee requires at least a super majority (80 per cent of members present). Council cannot simply reject a recommendation made by the Hawkes Bay Regional Planning Committee. Council is required to refer back for further Hawkes Bay Regional Planning Committee consideration if council is minded not to accept a Hawkes Bay Regional Planning Committee recommendation.
2016 WAIKATO REGIONAL COUNCIL Ngaāti Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010	Tūwharetoa Māori Trust Board and Waikato Regional Council (signed 2016) Statutory committee of council JOINT COMMITTEE UNDER JOINT MANAGEMENT AGREEMENT	Matters relating to the Waikato River and activities within its catchment affecting the Waikato River and matters relating to the waterways within Taupo Waters. Eight members - Joint Management Agreement joint committee <ul style="list-style-type: none"> • Four appointed by iwi • Four appointed by Waikato Regional Council 	Development of Joint Management Agreement. Establishment of co-governance committee. Established processes for RMA planning documents, resource consents, monitoring and enforcement and customary activities. Upper Waikato River Integrated Management Plan (to be developed).
2016 HORIZONS REGIONAL COUNCIL Rangitāne o Manawatu Claims Settlement Act 2016	Statutory board Board can be disestablished by majority vote MANAWATU RIVER CATCHMENT ADVISORY BOARD	Manawatu River catchment that is within Horizons Regional Council jurisdiction. Membership <ul style="list-style-type: none"> • Horizons Regional Council and iwi to draft terms of reference for the appointment of members, operation and administration of the Board 	The Board may provide written advice to Horizons Regional Council in relation to freshwater management issues. Horizons Regional Council must have regard to advice of the Board and report back to the Board as to how the council considered that advice.

25 Te Awa Tupua is the Whanganui River's legal identity.

SETTLEMENT	TYPE OF ENTITY OR ARRANGEMENT	SCOPE AND MEMBERSHIP	DOCUMENT AND LEGAL WEIGHTING
2017 HORIZONS REGIONAL COUNCIL Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 ²⁵	Permanent joint committee of council TE KŌPUKA NĀ TE AWA TUPUA (STRATEGY GROUP)	Whanganui River catchment from the mountains to the sea. Up to seventeen members <ul style="list-style-type: none"> • One appointed by Ngā Tangata Tiaki o Whanganui • Up to five appointed by iwi with interests in the Whanganui River • Up to four appointed by the relevant local authorities • One appointed by Fish and Game New Zealand • One appointed by the Director-General of Conservation • One appointed by Genesis Energy Limited • Four members appointed by Horizons Regional Council to represent the following interests: <ul style="list-style-type: none"> • environmental and conservation • tourism • recreational • primary sector. 	Te Keke Ngahuru (Management Strategy Document). Persons exercising powers under a number of statutes must have particular regard to Te Heke Ngahuru. Statutory decision makers under a range of statutes must recognise and provide for the status of Te Awa Tupua and Tupua Te Kawa. RMA planning documents Must consider RMA planning documents in light of Te Heke Ngahuru.
2017 WAIKATO REGIONAL COUNCIL Deed of Settlement of Historical claims – Ngāti Tūwharetoa (signed 8 July 2017)	TE KOPIUA KĀNAPANAPA (Taupo Catchment Entity) Permanent joint committee of council	Jurisdiction across the whole Lake Taupō catchment. Eight members <ul style="list-style-type: none"> • Four appointed by Ngāti Tūwharetoa • Four appointed by relevant local authorities 	Te Kaupapa Kaitiaki (Taupō Catchment Plan) RMA planning documents Local authority must recognise and provide for the vision, objectives and desired outcomes in Te Kaupapa Kaitiaki. Resource consent Local authority must have particular regard to Te Kaupapa Kaitiaki. LGA A local authority must have particular regard to Te Kaupapa Kaitiaki in preparing or approving long term plans or annual plans under the LGA.

²⁶ The Local Leadership Body area is outlined in the O15 Deed plan O15-005-044 under the Ngai Tāmanuhiri Deed of Settlement.

SETTLEMENT	TYPE OF ENTITY OR ARRANGEMENT	SCOPE AND MEMBERSHIP	DOCUMENT AND LEGAL WEIGHTING
2017 GISBORNE DISTRICT COUNCIL Ngai Tāmanuhiri Claims Settlement Act 2012	LOCAL LEADERSHIP BODY Permanent joint committee of council	Purpose of the Local Leadership Body is to contribute to the sustainable management of the natural and physical resources in the Local Leadership Body Area. ²⁶ Twelve members <ul style="list-style-type: none"> • Six appointed by iwi • Six appointed by Gisborne District Council 	Primary function is to achieve the purpose. Gather and disseminate information and hold meetings to identify existing and new issues. Develop policy and strategies and monitor the same. Promote integrated and coordinate management of the natural and physical resources of the Local Leadership Body area. Provide information to assist with the preparation of RMA planning documents.
FUTURE NORTHLAND REGIONAL COUNCIL AND AUCKLAND COUNCIL Ngāti Whatua Iwi Kaipara Moana Framework Agreement (signed 2014)	KAIPARA MOANA BODY Committee status to be determined	The coastal marine area of the Kaipara Harbour (Kaipara Moana) and any agreed parts of the rivers flowing into the Kaipara Moana and the coastal environment of Kaipara Moana (to be determined). Membership to be determined but equal iwi and council members	Prepare and approve the Kaipara Moana Strategic document. Level of legal weighting to be determined.
FUTURE BAY OF PLENTY REGIONAL COUNCIL Tauranga Moana Iwi Collective Deed ²⁷ (signed 2015)	TAURANGA MOANA GOVERNANCE GROUP Committee status to be determined	The waters (including internal waters and tidal lagoons) and other natural resources and other geographical features (including Tauranga Harbour) comprising the coastal marine area; and the rivers, streams, creeks and natural watercourses within the catchment in Tauranga Harbour or the sea at any points; and wetlands, swamps, and lagoons within the catchment and the beds and aquatic margins of the water bodies; and the ecosystems associated with the waters and natural features. Membership to be determined but equal iwi and council numbers.	Prepare and adopt Nga Tai ki Mauao (Tauranga Moana Framework document). Level of legal weighting to be determined.

²⁷ Tauranga Moana Iwi Collective Deed includes Ngai Te Rangī, Ngāti Pukenga and Ngāti Ranginui.

SETTLEMENT	TYPE OF ENTITY OR ARRANGEMENT	SCOPE AND MEMBERSHIP	DOCUMENT AND LEGAL WEIGHTING
FUTURE WAIKATO REGIONAL COUNCIL Pare Hauraki Collective Redress Deed of Settlement (initialled December 2016)	WAIHOU, PIAKO, COROMANDEL CATCHMENT AUTHORITY Statutory authority	The waterways of the Coromandel, Waihou and Piako catchments. Fourteen members <ul style="list-style-type: none"> • Seven appointed by iwi • Two appointed by Waikato Regional Council • Five appointed by relevant territorial authorities Subcommittee Te Mātāpuna o ngā Waihou Piako is to be established as a committee of the co-governance authority and will focus on the upper Waihou and Piako rivers. Eight members on subcommittee <ul style="list-style-type: none"> • Four appointed by iwi • Four appointed by relevant local authorities 	Hauraki Authority Resource Plan (HARP) Effect of HARP on the RPS and resource consents Two methods for incorporation of the plan into the RPS. Through direct incorporation or through the obligation to “recognise and provide for” the plan through the RMA process. Council must have regard to plan until the obligation above has been complied with. If direct incorporation then the component of the RPS containing HARP may not be amended even when the RPS is under review. Schedule 1 of the RMA does not apply to direct incorporation. LGA A local authority must have particular regard to the catchment plan when making decisions under the LGA.

28 Te Muriwai o Te Whanga or Te Whanga means the Ahuriri Estuary and catchment areas shown on SO 486367 under the Ahuriri Hapu Deed of Settlement.



SETTLEMENT	TYPE OF ENTITY OR ARRANGEMENT	SCOPE AND MEMBERSHIP	DOCUMENT AND LEGAL WEIGHTING
FUTURE WAIKATO REGIONAL COUNCIL Mangatangangi and Mangatawhiri Waterways (separate but part of Hauraki Collective)	UPPER MANGATANGI AND MANGATAWHIRI CATCHMENT AUTHORITY Status of committee to be determined	The waterways of the Upper Mangatangangi and Mangatawhiri catchments. Committee membership to be finalised.	Upper Mangatangangi and Mangatawhiri Catchments Plan. Effect on RMA and LGA documents to be finalised.
FUTURE HAWKE'S BAY REGIONAL COUNCIL Ahuriri Hapu Deed of Settlement (signed 2016)	TE KOMITI MURIWAI O TE WHANGA Statutory authority	Ahuriri Estuary and catchment areas. ²⁸ Eight members Four appointed by iwi Three appointed by relevant local authorities One appointed by the Department of Conservation	Prepare and approve Te Muriwai o Te Whanga Plan. Local authority must have regard to the Te Muriwai o Te Whanga Plan when preparing or amending a RMA planning document or resource consent application. LGA A local authority must have regard to Te Muriwai o Te Whanga Plan when making a decision under the LGA 2002.
FUTURE HORIZONS REGIONAL COUNCIL Ngāti Rangī Deed of Settlement (initialled August 2017)	TE WAIŪ-O-TE-IKA (WHANGAEHU RIVER) CATCHMENT ENTITY (Entity name to be determined) Permanent joint committee of council	Te Waiū-o-te-Ika (Whangaehu River) Catchment. Ten members <ul style="list-style-type: none"> • Five appointed by iwi • Five appointed by relevant local authorities 	Prepare Te Waiū-o-te-Ika catchment document. When making decisions on resource consents, a consent authority must have particular regard to the Te Waiū-o-te-Ika catchment document. LGA A local authority must have particular regard to the Te Waiū-o-te-Ika catchment document.

29 This plan change involved the five Waikato River and Waipa River iwi suspending their joint working party meetings under their respective Joint Management Agreements with Waikato Regional Council to meet as part of the Healthy Rivers plan change. At the time Ngāti Tuwharetoa did not have a signed Joint Management Agreement with Waikato Regional Council.

30 This is for the period 2012 to 2016.

31 This amount was paid retrospectively by the Crown.

32 Waikato Regional Council "Joint Management Agreement Review Waikato Raupatu Settlement Trust Case Study" 2014.

33 This is an ongoing cost with no end period.

34 This sum includes \$10,000 per annum as an apportioned estimation of the cost of the Document (i.e., \$100,000 expended over 10 years).

APPENDIX 2: TREATY SETTLEMENT COSTS

The estimated costs in the table below are indicative for all councils. Participating councils have assessed costs by either using the Framework or by another means. Once an updated and enhanced version of the Framework is available all councils will be able to use it to predict the costs associated with Treaty settlements.

TREATY SETTLEMENT COSTS (CROWN AND COUNCIL) FOR PARTICIPATING COUNCILS.

COUNCIL	SETTLEMENT	CROWN CONTRIBUTION	ACTUAL OR ESTIMATED COSTS TO COUNCILS
WAIKATO REGIONAL COUNCIL	Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and Ngāti Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010	Nil	RMA planning document changes (Healthy Rivers) ²⁹ Treaty legislation related plan change process cost \$5,860,000 . ³⁰
WAIKATO REGIONAL COUNCIL	Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010	\$41,104.59 ³¹ For development of the Joint Management Agreement with Waikato Raupatu Settlement Trust	Joint Management Agreement (and committee costs) ³² Development costs for the Joint Management Agreement were \$664,754 . Ongoing costs are unknown.
GISBORNE DISTRICT COUNCIL	Ngai Tāmanuhiri Claims Settlement Act 2012	Nil	Board Establishing the Local Leadership Board has been estimated at \$50,000 . Ongoing costs have been estimated at \$50,000 per annum. ³³
BAY OF PLENTY REGIONAL COUNCIL	Ngāti Whare Claims Settlement Act 2012 and Ngāti Manawa Claims Settlement Act 2012	Nil	Rangitāiki River Document Development costs for the Document have been estimated at \$164,000 . Ongoing costs are unknown.

35 This sum includes \$10,000 per annum as an apportioned estimation of the cost of the Document (i.e., \$100,000 expended over 10 years).

36 This amount was provided for in an exchange of letters between Auckland Council and the Crown.

37 Settling up the Maungā Authority cost more than the Crown contribution. However, these costs were not accounted for separately and a full estimate has not been possible.

38 This sum includes \$25,000 per annum as an apportioned cost of the Document (i.e., \$250,000 expended over 10 years).

39 The plan will likely be reviewed in 10 years.

40 These are the actual costs spent for the period 2010 to 2016.

41 These costs are due to two meetings per month and the costs of independent advisors to Hawkes Bay Regional Planning Committee's tangata whenua representatives.

42 Establishing the Board has cost Northland Regional Council \$62,650. This amount has been fore casted annually to maintain it. This is a conservative annual estimate. It should be noted that Northland Regional Council has incurred these costs and do not form part of the \$400,000 under the settlement arrangements.

COUNCIL	SETTLEMENT	CROWN CONTRIBUTION	ACTUAL OR ESTIMATED COSTS TO COUNCILS
AUCKLAND COUNCIL	Ngāti Whatua Orakei Claims Settlement Act 2012	No one-off Crown contribution. However, annual grant from TPK covers member fees and meeting costs	<p>Reserves Board Ongoing costs have been estimated at \$175,000 per annum (excluding Crown contribution).³⁴</p> <p>Management plan External assistance for the preparation of the document estimated one-off cost of \$100,000.</p>
AUCKLAND COUNCIL	Ngāti Whātua o Kaipara Claims Settlement Act 2013	Nil	<p>Reserves Board Ongoing costs have been estimated at \$179,000 per annum (excluding Crown contribution).³⁵</p> <p>Management plan External assistance for the preparation of the document estimated one-off cost of \$100,000.</p>
BAY OF PLENTY REGIONAL COUNCIL	Tapuika Claims Settlement Act 2014	\$250,000 For establishing Te Maru o Kaituna (Kaituna River Authority)	<p>Authority Establishing the Authority is estimated at \$20,000 per annum. Ongoing costs have been estimated between \$50,000 to \$100,000 per annum.</p> <p>Kaituna River Document Development costs for the document have been estimated at \$200,000. Ongoing costs are unknown.</p>
AUCKLAND COUNCIL	Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014	\$400,000 ³⁶ For establishing Maunga Authority	<p>Authority The Crown contribution of \$400,000 was expended during establishment phase of the Authority.³⁷</p> <p>Ongoing costs have been estimated at \$634,000 per annum.³⁸</p> <p>Integrated Management Plan External assistance contracted for the preparation of the document carried a one-off cost of \$250,000.³⁹</p>
HAWKE'S BAY REGIONAL COUNCIL	Hawke's Bay Regional Planning Committee Act 2015	\$100,000	<p>Hawke's Bay Regional Planning Committee Establishing and maintaining the committee has cost \$787,627.⁴⁰ Ongoing costs have been estimated at \$163,000 per annum.⁴¹</p>

43 This amount is for the first three years post board initiation. The implementation and ongoing costings were produced using the Framework.

44 The Framework has been used to provide these estimates over a 12 to 24-month time period.

45 The Framework has been used to provide these estimates with a three year phase out period to BAU costs.

46 The Framework has been used to provide these estimates with a 12 to 24 month phase out to BAU.

47 The Framework has been used to provide these estimates with a three year phase out period to BAU costs.

48 This is for the first three years post implementation of Te Heke Ngahuru (management strategy). The development and implementation cost was provided prior to the development of the Framework. The ongoing costing was produced using the Framework.

49 This figure assumes quarterly meetings with preparation and attendance by 1 Hawkes Bay Regional Council councillor and up to 2 relevant senior staff, plus 0.2FTE Hawkes Bay Regional Council advisory services. Initially for plan preparation, then continuing as overseeing inter-agency implementation of plan.

COUNCIL	SETTLEMENT	CROWN CONTRIBUTION	ACTUAL OR ESTIMATED COSTS TO COUNCILS
NORTHLAND REGIONAL COUNCIL	Te Hiku Claims Settlement Act 2015	<p>\$400,000 to the Board</p> <p>\$150,000 to support the initial operation of the Te Oneroa a Tōhē Board</p> <p>\$250,000 for developing the first Beach Management Plan .</p>	<p>Board</p> <p>Establishing the Board has cost \$62,650. Ongoing costs have been estimated at \$62,650 per annum.⁴²</p> <p>Beach Management Plan</p> <p>Costs are unknown.</p>
HORIZONS REGIONAL COUNCIL	Rangitāne o Manawatu Claims Settlement Act 2016	Nil	<p>Board</p> <p>Establishing the Manawatu River Catchment Advisory Board has an estimated cost of \$240,000.</p> <p>Ongoing administration costs have been estimated at \$37,000 per annum.⁴³</p>

50 This estimate includes the co-governance authority and the statutory subcommittee establishment costs over a 12 to 24-month period. It provides for two Waikato Regional Council and five territorial authorities' members costs on the authority and one Waikato Regional Council and three territorial authorities' members costs on the subcommittee. The Framework has been used to provide these estimates.

51 This estimate includes the co-governance authority and the statutory subcommittee implementation costs over a three year phase out period to BAU costs. The Framework has been used to provide these estimates.

52 This estimate includes the co-governance authority and the statutory subcommittee costs for developing the natural resources plan over a 12-24 month period. The estimate also includes the incorporation process of the plan into the Waikato Regional Policy Statement. The Framework has been used to provide these estimates.

53 The Framework has been used to provide these estimates with a three-year phase out to BAU costs.

54 This is to be a three-year plan that will be implemented simultaneously with other agreements; Te Awa Tupua and Manawatu River Catchment Advisory Board.

55 This estimate is for the first three years post implementation of the catchment document. The Framework has been used to provide these estimates.



Rangitaiki River - Photo: Raftabout

COUNCIL	SETTLEMENT	CROWN CONTRIBUTION	ACTUAL OR ESTIMATED COSTS TO COUNCILS
WAIKATO REGIONAL COUNCIL	Deed of Settlement of Historical claims - Ngāti Tūwharetoa 2016	\$400,000 For administrative support to Te Kopua Kānapanapa	Committee Establishing the committee has been estimated at \$360,000 . ⁴⁴ Ongoing administration costs have been estimated at \$170,000 per annum. ⁴⁵ Plan Development costs for the plan have been estimated at \$350,000 . ⁴⁶ Ongoing implementation costs have been estimated at \$62,500 per annum. ⁴⁷
HORIZONS REGIONAL COUNCIL	Te Awa Tupua (Whanganui River Claims Settlement) Act 2017	\$430,000 For establishing Te Kōpuka na Te Awa Tupua (Strategy Group) and developing Te Heke Ngahuru (Management Strategy Document)	Management Strategy Document Development and implementation costs for the strategy have been estimated at \$850,000 . Ongoing costs have been estimated at \$62,500 per annum. ⁴⁸
BAY OF PLENTY REGIONAL COUNCIL	Tauranga Moana Iwi Collective Deed	\$575,000 For administrative and technical support to the Tauranga Moana Governance Group	Governance group Establishing the governance group has been estimated at \$20,000 . Developing the Treaty document Ngā Tai ki Mauao is estimated at \$250,000 . Ongoing costs are unknown.
HAWKE'S BAY REGIONAL COUNCIL	Ahuriri Hapu Deed of Settlement	\$100,000 (to Napier City Council) Initial operation of Te Komiti Muriwai o Te Whanga and preparation and approval of the first plan	Komiti Establishing the komiti is estimated at \$10,000 for Hawke's Bay Regional Council (excluding territorial authorities). Ongoing costs have been estimated at \$50,000 per annum for Hawke's Bay Regional Council (excluding territorial authorities). ⁴⁹ Te Muriwai o Te Whanga Plan Development costs for the plan have been estimated at \$100,000 for Hawke's Bay Regional Council. Ongoing costs of the plans have been estimated at \$25,000 per annum for Hawke's Bay Regional Council.
WAIKATO REGIONAL COUNCIL	Pare Hauraki Collective Redress Deed of Settlement	\$500,000 For establishing the Waihou, Piako, Coromandel Catchment Authority and its activities	Committee Establishing the committee has been estimated at \$1,000,000 . ⁵⁰ Ongoing implementation/administration costs have been estimated at \$500,000 per annum. ⁵¹ Plan Development costs for the plan have been estimated at \$3,500,000 . ⁵² Ongoing costs have been estimated at \$320,000 per annum. ⁵³
WAIKATO REGIONAL COUNCIL	Pare Hauraki Collective Redress Deed of Settlement - Mangatangi Stream, Mangatawhiri River and Whangamarino wetlands	\$395,000 – submitted to Crown for development costs for the Joint Management Agreement	Joint Management Agreement Development of the Joint Management Agreement has been estimated at \$395,000 . Ongoing costs of Joint Management Agreement are unknown.
HORIZONS REGIONAL COUNCIL	Ngāti Rangī Deed of Settlement (initialised August 2017)	\$400,000 – for establishment costs and development of the catchment document	Co-management arrangements Development costs have been estimated at \$790,000 . ⁵⁴ Ongoing costs have been estimated at \$62,500 per annum. ⁵⁵

APPENDIX 3: TREATY SETTLEMENT FUNCTIONS AND ACTIVITIES

The table below is an example of functions and activities undertaken when implementing Treaty settlement arrangements. It should be noted this is not an exhaustive list of functions and activities.

FUNCTIONS AND ACTIVITIES UNDERTAKEN FOR TREATY SETTLEMENT ARRANGMENTS.

FUNCTIONS	ACTIVITIES
ESTABLISHING AND IMPLEMENTING CO-GOVERNANCE AUTHORITIES	<p>INTERNAL COUNCIL SUPPORT - ADMINISTRATIVE AND DEMOCRACY SERVICES</p> <p>Pre-meetings</p> <ul style="list-style-type: none"> • Draft and prepare agenda (and previous minutes). • Draft and prepare procedures and standing orders and related processes (conflict of interest, fees, schedule of meetings, etc). • Draft and prepare democracy reports (for standing orders and related processes). • Negotiate, amend and review procedures and standing orders, processes and reports (editing). • Oversight of technical and other reports (planning, monitoring, etc). • Negotiate, amend and review of all reports (with staff and/or iwi) (editing). • Print, distribute and upload documents to website (or postage) • Councillor/members' support. • Organising and management of councillors/members' diaries. • Legal services advice/support. • Policy guidance/support. • Draft and prepare Health and Safety plans and registers. <p>Meetings</p> <ul style="list-style-type: none"> • Organise venue (council offices, iwi offices, marae). • Organise travel for members and catering. • Organise public notices/communications for meeting. • Meeting structure and minute taking. • Undertake miscellaneous tasks for members. • Legal services in attendance (if applicable). • Policy in attendance (if applicable). • Technical support in attendance (if applicable). • External consultants in attendance (if applicable). <p>Post meetings</p> <ul style="list-style-type: none"> • Draft minutes and finalise. • Payment of transport and member fees. • Collate a hearing commissioners register. • Change and update standing orders and related process documents. • Set up and implement processes. • Councillor/members' support and education of processes, requirements and obligations. • Miscellaneous tasks from councillors/members. • Technical support (if applicable).

FUNCTIONS	ACTIVITIES
DEVELOPMENT OF PLANS	INTERNAL COUNCIL SUPPORT
	<ul style="list-style-type: none"> • Administrative and democratic services. • Relationship building/fostering. • Attending meetings/travel. • Technical support (plan and report writing, presenting at meetings, ongoing support and advice). • Management support (plan and report writing, presenting at meetings, ongoing support and advice). • Governance support (plan and report writing, presenting at meetings, ongoing support and advice). • Consultation with iwi and/or public/industry/partners/stakeholders. <p>Specialist services</p> <ul style="list-style-type: none"> • Scientific contributions – plan advice and support. • Legal contributions - oversight and drafting. • Iwi/Māori – advice, support and education. • Policy contributions – plan advice and drafting. • Resource use contributions – plan advice and drafting. • Maps/GIS – advice and data production and supply. • Finance – budget support. • Governance/councillor support. • Communications – communications protocol and media releases.
	EXTERNAL SUPPORT
IMPLEMENTATION OF PLANS	INTERNAL COUNCIL SUPPORT
	<ul style="list-style-type: none"> • Administrative and democratic support. • Relationship enhancing/maintaining. • Attending meetings/travel. • Technical support (report writing, presenting at meetings, ongoing support and advice). • Management support (report writing, presenting at meetings, ongoing support and advice). • Governance support (report writing, presenting at meetings, ongoing support and advice). • Consultation with iwi and/or public/industry/partners/stakeholders. • Incorporation of plan – new policies and processes. <p>Specialist services</p> <ul style="list-style-type: none"> • Scientific contributions – co-management and co-governance meetings, and provision of specific advice on sites and projects, ongoing advice and support. • Legal contributions – review changes to documents, provide assistance to council and governance members, report writing and ongoing advice and support. • Iwi/Māori – supporting implementation of the co-governance plan, including reporting, meetings, and follow up actions, presentations, reviews, advice and education. • Policy contributions – ongoing policy advice, assistance and support for the co-governance plan and RMA planning documents. • Resource use contributions – staff training, development of guidance/training materials, updating consent procedures, preparation for meetings and transactional costs arising from increased iwi engagement advice and drafting. • Maps/GIS – advice and data production and supply. • Finance – budget support. • Governance/councillor support. • Communications and human resources – ongoing training and updating staff on new arrangements and processes. • Planning, policy, legal, resource management and cultural – iwi/Māori.
	EXTERNAL SUPPORT
	<p>Specialist services</p> <p>Planning, policy, legal, resource management and cultural advice.</p>



CROWN CONTRIBUTIONS TO COSTS OF LOCAL AUTHORITIES AND IWI ARISING FROM TREATY SETTLEMENTS

April 2013

Note; this sheet supplements information in the sheet titled *Crown contribution to costs for Local Government and Iwi arising from new natural resource arrangements* dated October 2011.

How are Crown contributions worked out?

The level of contribution is at the discretion of Cabinet and is assessed on its own merits, taking into account a range of factors.

What factors are taken into account?

Some of the factors likely to be taken into account include:

- a. the complexity of arrangements included in the settlement
- b. the capacity of the local authority to implement the arrangement
- c. the capacity of the iwi to implement the arrangement
- d. the extent of current Crown assistance to the local authority
- e. the level of existing commitments by the local authority for involving iwi in natural resource management
- f. the potential for efficiencies arising from the arrangement

What input can local authorities or iwi have in the process?

In order to provide good advice to Cabinet, officials need to have information about the scale and nature of costs likely to be incurred by local authorities and iwi arising from the arrangement. Officials will discuss with local authorities and iwi their estimates of costs before decisions by Cabinet about the Crown contribution.

When will this information be sought?

Negotiation teams will involve affected local authorities from an early stage in the development of natural resource management arrangements. The Crown is committed to minimising costs for the affected parties. Once the final form of an arrangement has been agreed by the Crown and iwi, officials will seek input from local authorities and iwi about their likely costs. This is likely to occur towards the end of negotiations.

What costs might be considered for a contribution?

These include;

- a. one-off set up costs for new arrangements (e.g. staff costs for setting up a new joint committee or joint management agreement, development of standing orders)
- b. the costs of preparing a new plan (not identified in long-term plan) and consequential changes to other plans (the expected timing of consequential changes will be specified and taken into account when assessing costs)
- c. ongoing costs for a transitional period up to a maximum of three years (e.g. for administration, technical support etc)

Do councils and iwi have to make applications for contributions?

No. Cabinet will consider the scale of Crown contributions as a matter of course.



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Crown contribution to costs for Local Government and Iwi arising from new natural resource arrangements – October 2011

NB: to be read together with the handout *Involving Iwi in Natural Resource Management Through Historical Treaty of Waitangi Settlements* (October 2010).

Background

In 2010 Cabinet agreed to guidelines for involving iwi in natural resource management in the settlement of historical Treaty of Waitangi claims. The guidelines identify two standard arrangements (a Māori advisory board or a joint committee). Cabinet recognises these new arrangements may present some added costs for iwi and local government¹ and has agreed to an approach for determining what contribution the Crown will make, if any, to such costs.

Main elements of Cabinet decisions

- The Crown contribution, if any, for each case will be assessed on its own merits.
- The intention is to provide a modest, one-off Crown contribution towards set up costs to local government and iwi and ongoing costs up to a maximum of three years. The contribution will help set up new arrangements, the costs of preparing new plans (including the costs of any consequential amendments to other plans) that are not provided for in a council's long-term plan and not part of requirements at the national level.
- Negotiations, and the resulting arrangements, including compliance and transaction costs, should aim to minimise costs to local government, iwi and the Crown.
- The decisions only apply to new arrangements developed as part of an historical Treaty settlement, or in parallel to one, which are not part of a council's long-term plan and not a requirement at the national level. Situations where this might apply include arrangements dealing with specific natural resource management issues.
- A Crown contribution is not appropriate over the longer-term as arrangements should be 'normalised' by the council and embedded into budget and planning processes to become part of business as usual. A Crown contribution recognises the added costs incurred during the transitional period as new arrangements are developed and implemented.
- Local government is expected to meet its own costs of: participating in negotiations; the ongoing administrative costs of the new arrangements; and attendance fees for advisory boards or joint committees in a manner consistent with a council's policy on payment of such fees. Similarly, iwi are expected to meet their own costs of participating, and in developing iwi management plans, if no other funding is provided.

This approach provides a clear framework to consider costs but also allows for some flexibility to respond to different circumstances and the nature of particular arrangements. In applying this approach, an expectation is that any Crown contribution should not unduly "reward" those local authorities with the weakest past arrangements for involving iwi.

1. Local government refers to a regional council, territorial authority (city and district councils), or a unitary authority.



INVOLVING IWI IN NATURAL RESOURCE MANAGEMENT THROUGH HISTORICAL TREATY OF WAITANGI SETTLEMENTS

October 2010

Cabinet proposals

The Government has been working on an approach for fairly and consistently looking at the claims of iwi in historical Treaty negotiations for more effective involvement in natural resource management.

Background

The Government recognises the profound cultural relationships iwi have with awa, maunga and whenua from which they hail.

The Government recognises many iwi wish to have greater participation in natural resource management, given the historical associations of iwi with natural resources.

Local government has been devolved responsibility for natural resource management under the Resource Management Act 1991 and for making decisions on how iwi will be involved in such management under the Local Government Act 2002. Often iwi have not been satisfied with how this has been implemented. Therefore, there has been a greater desire for iwi to seek stronger decision-making roles through historical Treaty of Waitangi settlements.

Cabinet has recently made decisions to provide more certainty about what redress might be available in historical Treaty of Waitangi negotiations to involve iwi in natural resource management. The Government's approach balances needs to achieve enduring settlements, protect local democracy and ensure effective natural resource management.

Main elements of Cabinet decisions

1 *Matters to be considered when developing an arrangement to involve iwi in natural resource management*

A number of matters will be considered in all negotiations when natural resource matters are raised to guide consideration of how best to involve iwi in natural resource management. These include:

- strength and nature of association of iwi to resource
- nature of grievance in relation to resource
- how many iwi are involved or have interests in the resource
- nature and state of the resource
- nature and extent of public and private interests in the resource
- aspirations of Crown and iwi in relation to the resource
- the need for a well-designed institution
- durability of any arrangement

Any arrangement for involving iwi should:

- provide an effective role for iwi in natural resource management
- lead to good environmental, economic, social and cultural outcomes for iwi and other New Zealanders
- address issues giving rise to the claim but not create new injustices
- be well-designed, simple, transparent and affordable; and
- result in durable settlement of the claim

2 *Two standard arrangements*

Two standard arrangements can be negotiated (if shown to be appropriate after consideration of the matters above and agreed by Cabinet):

- an advisory board where the council must have regard to the advice
- a joint committee with direct input into the development of regional policy statements and regional plans under the RMA. (The recommendations of the joint committee will be subject to usual council planning processes.)

3 *Non-standard arrangements*

An arrangement outside the standard models can be considered if an assessment of the matters above show this is appropriate but this must be agreed by Cabinet before being offered as part of a settlement.

4 *Final decision making*

Local authorities should retain final decision making rights over natural resource management to maintain local democracy.

5 *Involvement of local authorities in negotiations*

Local authorities must be engaged from an early stage. Preferably, councils should agree to proposed arrangements before they are finalised.

6 *Arrangements can be made permanent (but flexible to change over time by mutual agreement)*

Settlement legislation may provide for the involvement of iwi in natural resource management. But arrangements should be able to change over time by mutual agreement.

Implementing the Cabinet decisions

The new approach reflects the sorts of considerations that have been applied in recent negotiations (and considered by Cabinet). These will continue to underpin negotiations. The new approach will make these matters more transparent and identify some bottom lines in the design of arrangements.

The Government encourages claimant groups to continue to raise any relevant issues in their negotiations with the Crown when redress concerning natural resource management is being discussed.

APPENDIX 4: CROWN POLICY

The Crown policy refers to the following three documents:

- “Crown contributions to costs of local authorities and iwi arising from Treaty settlements” 2013.
- “Crown contribution to costs for local government and iwi arising from new natural resource arrangements” – October 2011.
- “Involving Iwi in Natural Resource Management through Historical Treaty of Waitangi Settlements” – October 2010.

COMPARISON OF THE CROWN'S AND THE PARTICIPATING COUNCILS' FACTORS FOR CONSIDERATION FOR FINANCIAL CONTRIBUTION BY THE CROWN

The table below provides a breakdown of the elements and key factors outlined in the Crown Policy dated April 2013 with consideration of the 2011 and 2010 policies.

CURRENT FACTORS TAKEN INTO ACCOUNT BY CROWN	NEW/ADDITIONAL FACTORS WHEN DETERMINING FUNDING ARRANGEMENTS
<p>1. THE COMPLEXITY OF ARRANGEMENTS INCLUDED IN THE SETTLEMENT</p> <ul style="list-style-type: none"> • Strength and nature of association of iwi to resource. • Nature of grievance in relation to resource. • How many iwi are involved or have interests in the resource. • Nature and state of the resource. • Nature and extent of public and private interests in the resource. • Aspirations of Crown and iwi in relation to the resource. • The need for a well-designed institution. • Durability of any arrangement. 	<ul style="list-style-type: none"> • Is there one or are multiple iwi involved in this settlement and arrangement? • How original is this arrangement? • How big are the catchments or areas concerned? • Are there contentious issues related to this arrangement? • Is a co-governance entity being established, and how independent from council is the entity? • Is a subcommittee/s being established under the co-governance entity? • What level of involvement will council staff have in establishing and maintaining these entities? • Will new members be added over time? • What form of co-management is required? • What type of plan(s) will be developed? (Large vs small scale). • What weighting or status will this plan have for local authorities? • How will the plan be incorporated into council's current plans? (Discretionary vs mandatory inclusion of a co-governance authority's plan into a RMA planning document). • What process will this plan need to go through? Is public consultation by iwi and/or council required? <ul style="list-style-type: none"> - Is a plan change or plan review required to be undertaken by council? - If no plan change or plan review required, when will the co-governance's plan take effect and how? • What level of involvement (technical – policy, legal and administrative) is required from councils to assist in drafting the plan? • Integration of tikanga, te reo and mātauranga Māori requires adjustment to normal council ways of running meetings. Will councils require cultural upskilling? • Is a joint management agreement being considered? • Are hearing commissioners required? • Will iwi require capacity building around RMA and natural resource management? If so is council expected to undertake this role in training/upskilling iwi, including payment of it? • What is the current relationship between council and iwi like (collaborative vs non-existent)?

**CURRENT FACTORS
TAKEN INTO ACCOUNT BY
CROWN**

**NEW/ADDITIONAL FACTORS
WHEN DETERMINING FUNDING ARRANGEMENTS**

<p>2. THE CAPACITY OF LOCAL AUTHORITY TO IMPLEMENT THE ARRANGEMENT</p>	<ul style="list-style-type: none"> • Is the new arrangement included in the current long term plan or annual plan? • If not, when is the next long term plan or annual plan due date? • RMA planning documents: What is the council's planning round and how far away is a review or plan change for this catchment or area? • What competing priorities are present for council? • Do council staff have capability and capacity to undertake the roles within the arrangement? <ul style="list-style-type: none"> - If not, is additional resource or expertise required to undertake the roles within the arrangements (technical, legal, policy, administrative)? - If not, what external assistance is required by councils to ensure the arrangements become operational (legal, policy and/or other technical work)? • What availability/capacity do current councillors have to participate in new co-governance entity commitments? • What expertise do current councillors have to participate in new co-governance entity commitments? • Will iwi require capacity building around RMA and natural resource management? If so is council expected to undertake this role in training/upskilling iwi, including payment of it?
<p>3. THE CAPACITY OF IWI TO PARTICIPATE AND CONTRIBUTE EQUALLY TO IMPLEMENTING TREATY MECHANISMS</p>	<ul style="list-style-type: none"> • Will iwi require capacity and capability building around RMA and natural resource management? If so is council expected to undertake this role in training/upskilling iwi, and/or including payment of it? • What assistance is required from councils to ensure the arrangements become operational (legal, policy and/or other technical work)? • Iwi planning documents - what plans are currently in place for this iwi/hapu? • What competing priorities are present for iwi? • What availability/capacity do current iwi/board members have to participate in new co-governance entity commitments? • What expertise do current iwi/board members have to participate in new co-governance entity commitments?
<p>4. THE EXTENT OF CURRENT CROWN ASSISTANCE TO THE LOCAL AUTHORITY</p>	<ul style="list-style-type: none"> • What has the Crown contributed to so far for this settlement? • Have reviews been made available to councils of existing treaty settlement arrangements? • Does the Post Settlement Commitments Unit provide any guidance or assistance currently? If not, could it in the future? • What past financial contributions have been paid for arrangements involving this iwi? • Will the Office of Treaty Settlements and Ministry for the Environment (and other agencies) be providing ongoing support?
<p>5. THE LEVEL OF EXISTING COMMITMENTS BY THE LOCAL AUTHORITY FOR INVOLVING IWI IN NATURAL RESOURCE MANAGEMENT</p>	<ul style="list-style-type: none"> • What existing Treaty settlement arrangements are in place for this catchment? • How many council entities currently exist in the area/catchment that include iwi (with Department of Conservation, Department of Internal Affairs, Ministry for the Environment, etc.)? • What existing joint management agreements, memorandum of understandings, partnership agreements or other such arrangements are in place between council and iwi in this area (separate to Treaty settlement, i.e., RMA, LGA based)? <ul style="list-style-type: none"> o If there are such entities - what are their purposes, roles and functions? • What catchment plans or other plans does the council have in place for this area/ natural resource (including existing priorities)? • Are amalgamations of any committees being considered under the new settlement legislation (whether known at the time of settlement or not)? • Does the council have relationships with the iwi authorities currently?
<p>6. THE POTENTIAL FOR EFFICIENCIES ARISING FROM THE ARRANGEMENT</p>	<ul style="list-style-type: none"> • Can one or more iwi work together? • Can one or more councils work together? • Can sharing of information and processes be utilised? • Can some existing entities merge or close down (if purpose achieved)? • Will peer reviews and/or other reviews of arrangements be undertaken?

**CURRENT FACTORS
TAKEN INTO ACCOUNT BY
CROWN**

**NEW/ADDITIONAL FACTORS
WHEN DETERMINING FUNDING ARRANGEMENTS**

<p>7. OFFICIALS NEED TO HAVE INFORMATION ABOUT THE SCALE AND NATURE OF COSTS LIKELY TO BE INCURRED BY LOCAL AUTHORITIES (AND IWI) THEIR ESTIMATES OF COSTS BEFORE DECISIONS BY CABINET ARE MADE</p>	<ul style="list-style-type: none"> • See row 9 below for a breakdown of costs for local authorities. • Iwi costs are not considered in this report.
<p>8. WHEN WILL THIS INFORMATION BE SOUGHT?</p>	<ul style="list-style-type: none"> • Crown - as early as possible from all councils. • Councils to be provided with all information - including overlaps with councils to obtain the full extent of new arrangements.
<p>9. TYPE OF COSTS CONSIDERED</p> <ul style="list-style-type: none"> • One-off set up costs for new arrangements • The costs of preparing a new plan (not identified in long term plan and consequential changes to other plans (expected timing of consequential changes will be specified and taken into account when assessing costs) • Ongoing costs for a transitional period up to a maximum of three years (e.g. for administration, technical support, etc.) 	<p>See Appendix 3</p> <p>An example of some functions and activities undertaken when implementing Treaty settlement arrangements.</p> <p>See the Framework for where costs are incurred.</p>
<p>10. THE CROWN CONSIDER SCALE OF COSTS</p> <ul style="list-style-type: none"> • Discussion with local authorities to obtain their estimates of costs before decisions by Cabinet on the contribution is made 	<ul style="list-style-type: none"> • Utilise the new Framework to capture costs. • Earlier input by local authorities to the Crown. • Councils being privy to entire settlement deal for holistic management of catchment or catchments.

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AUCKLAND COUNCIL
WAIKATO REGIONAL COUNCIL
HAWKE'S BAY REGIONAL COUNCIL
BAY OF PLENTY REGIONAL COUNCIL
GISBORNE DISTRICT COUNCIL
HORIZONS REGIONAL COUNCIL

**We are.
LGNZ.**