

MINUTES

TITLE: Special Council
DATE: Friday 2 June 2006
TIME: 1.36 pm
VENUE: Tasman Council Chamber, 189 Queen Street, Richmond

PRESENT: Mayor J C Hurley, Crs R G Kempthorne, E J Wilkins, M J Higgins, T E Norriss, R G Currie, S G Bryant, P K O'Shea, E M O'Regan, S J Bryant

IN ATTENDANCE: Chief Executive (R G Dickinson), Corporate Services Manager (D G Ward), Policy Manager (S Markham), Motueka Area Manager (B Askew), Utilities Manager (J Cuthbertson)

Iwi Representatives: R Taylor, B Thomas, G Thomas, F Temiha, C Atutahi, J Billens, C Hemi, C Hill, B Mason, C Shand

APOLOGIES

**Moved Crs Bryant/Borlase
CN06/06/18**

**THAT apologies from Cr T B King, N Riley, J L Inglis, and P Morgan (iwi representative) for absence and Cr E E Henry for lateness be sustained.
CARRIED**

1 R Taylor

Mr Taylor said participation in processes, eg LTCCP, isn't completely satisfactory for Maori and they would like to explore other processes and resources. Democracy doesn't work for Maori. We make a huge contribution to the community, and communication and relationship isn't what it could be. He said he had written to Tasman District Council about developing a Memorandum of Understanding and now feel we're in a position to come to Tasman District Council and begin that process. He said Maori would like a response about initiating a Memorandum of Understanding with Tangata Whenua to give effect to the Local Government Act and take an integrated approach to all we're involved in. They want a process where they can resolve conflicts, but not necessarily as part of a big free-for-all. They would like to host Tasman District Council and talk to it on their marae about issues strategic to our region and be part of leadership of the region.

Amalgamation

Mr B Thomas said from a Maori perspective, iwi are responding twice to all requests, once to Nelson City Council and once to Tasman District Council. Iwi are recommending that Tasman District Council hold a referendum with the community to see whether or not they would support or otherwise, the issue of amalgamation. The decision should be made by the community, not councillors.

Infrastructure

Mr G Thomas said iwi are concerned about barriers to regional development because of infrastructure that goes right across the district with Nelson City Council and Tasman District Council. There is a need to work in partnership with Nelson City Council and private development areas and it will become more important to iwi as major landholders, as they will become significantly greater landowners once treaty settlements take place. If there are barriers because of lack of infrastructure, it is of concern. He asked that Council works to ensure barriers we currently have to regional development are reduced.

Rates Relief

Mr B Thomas said iwi would like a more integrated approach to address remission of rates on culturally significant land. Land cannot be used for further purposes where there are wahi tapu (occupation sites) or urupa (burial sites). Further lands will be included following treaty settlements. He asked for development of a policy that integrates farmers lands and iwi lands. We are a major ratepayer and a lot of the lands that we pay rates on are culturally significant. Not all the lands are set aside for cultural significance, but some are.

Representation

One of amendments to the Local Government Act is that representation should be provided for by Council. Iwi wrote a letter in relation to the Wards but hasn't had a response. They had a staff report and couldn't see where that letter is mentioned. Iwi sees representation as being important from its perspective and also from Council's. Iwi don't want to be treated different to anyone else, but they want to make a contribution to community and Council. Representation is important for us to move ahead. When treaty settlements come back we will be investing in our community, which is your community. They would like Tasman District Council to support iwi at having representation at the table. In doing that we will be able to support Council in decision-making and bring the knowledge from an iwi perspective. What is good for tangata whenua should also be good for community.

Consultation

Ms C Hill said where we are now in terms of iwi/Council relationship is further down the track than we were in terms of consultation and improved abilities to meet in a meaningful way to both parties. There is a discrepancy in what perhaps Council's idea of what consultation is and its expectation and understanding of that and understanding and expectation of Local Government Act in terms of consultation with

iwi and what iwi's expectations and understandings are of what consultation entails. Ms Hill said it works for iwi in Golden Bay and said contact and involvement with Council has been a major part of that work and they have often been contacted by Council staff about different issues and projects. She said there is some inconsistency so there are examples where consultation has been very good and works well for both parties, eg sewerage treatment plant in Golden Bay, when they have been meeting in a meaningful way and listening and taking account. Other examples of less than adequate, eg Tarakohe rock work. There are inconsistencies in quality and how effective it is in terms of working well for us and you. There needs to be policies and procedures in place to maintain the way things happen. There is good progress with Resource Management committees and level of understanding about the process that is good. The LGA is clear about what partnership means and what it is referring to and how and there is a discrepancy between our and Council's understanding of that amendment to the Act. This process around the LTCCP would highlight what you as Council consider to be adequate and what our expectations are, in terms of decision-making and partnership as well. To be true partners iwi should be sitting with Council receiving submissions to the plan. A key thing about consultation is that we meet face to face and the ideal is that we would be on the marae doing this. An iwi management plan is an important plan which will contribute to understanding from both parties. She asked Council to investigate options and develop improved policies, again with close involvement of Maori. Come to us at the very beginning and then plans distributed will already have iwi values in them.

Capacity

Mr B Thomas said this is important for iwi, but it's difficult to get iwi onto committees. Iwi is looking at having one committee where the applicants, councils and government departments can come and talk to all of us at a one-stop-shop. There is provision for Council to create opportunities to support iwi in relation to capacity. He asked Council to investigate mechanisms for funding consultation processes with Maori, including where specialist knowledge is sought and provided as required by the Local Government Act 2002.

Tainui Taranaki ki te Tonga Ltd – C Atutahi

Mr Atutahi gave a powerpoint presentation.

Cr Borlase noted there was land identified and put into a land bank. He asked if the land you consider us looking at is that over and above that.

Mr Atutahi said part of the process will involving looking at that. Many of the sites are not significant. There is a need to identify crown lands, but also other lands that Tasman may have that were previously reserves, and look at the mechanisms which they were taken.

Cr O'Regan said one area of claim includes a large slice of the South Island that has already been settled and is under challenge from another iwi. Is there comment about the likelihood of settlement coming quickly while you pursue a claim over those areas.

Mr Atutahi said in terms of West Coast, iwi owned reserves that weren't taken into account by the Crown. We've highlighted issues in that we had ancestors living there and saying we've got an issue with the Crown, not necessarily with that iwi. It is a matter we will have to confront once we start negotiations.

Mr Atutahi said iwi would like Council to look at lands that it administers that may be part of the treaty settlement.

Cr Higgins asked if iwi are talking about cash settlement in exchange for lands or land being given.

Mr Atutahi said it is a matter we need to talk about. Are you talking about in terms of council's willingness to return land to tribes? We are putting forward the issue and want to get into dialogue and see what the consequences are.

Mr B Thomas said it may not be iwi that pays Council, it may be the Crown, there are a number of options.

Mr Atutahi said they've been mandated and can go into negotiations when the Crown wants to talk to us. The Tribunal report is due out December 2006 and the Board of Tainui doesn't want to enter negotiations until we've seen the report. It may take 3 or 4 years to get through.

Mayor Hurley noted the government has acknowledged the process has been well and truly under resourced and extra has been put in. He said there seems to be a willingness to apply greater resource that may hasten the process.

Cr Currie said when he became a Councillor he swore to represent all people domiciled in area covered by Tasman District with no preference being given to any particular group, regardless of any circumstances. You are asking for ratepayers to fund claims by having meetings etc in light of your organisation receiving between \$60m and \$100m. Do you believe this is fair on our ratepayers at large to go down this path? Are we to believe that you do not know at this point what lands are involved in your claims, other than lands that possibly are vested in crown or council?

Mr Taylor said the situation the people are in today is what's occurred in history. The establishment of settlements in Nelson, Richmond, Motueka is a result of grievances that go back to original people prior to signing of treaty. He asked whether councillors adequately represent interest of iwi. We don't think the relationship is good or that we've had a fair deal. There has been no justice historically and we'd like to be positive about the future. There is a statutory responsibility under the Local Government Act to have a relationship and we don't feel we have one.

Mr B Thomas, said if Cr Currie could say you represent my iwi in council the way we expect to be represented I doubt you could answer that in the positive.

J Billens

Ms Billens said having listened today to all various issues that are coming forward she can see Kaumatua do have a place. They are considered wise and they listen and

become full of knowledge. She asked that there be Maori Commissioners for RMA hearings, that Council co-ordinates an accreditation process to engage suitable Hearing Commissioners who understand Te Reo Maori. It is important that if you want this partnership with Maori that you consider the Kaumatua role and also for ceremonial occasions. She asked that Council looks at involving the Kotahitanga Hui as a means of supporting the role of a Council Kaumatua and that visits of important people be brought to the attention of the Kaumatua and local iwi with sufficient time to ensure tikanga can be followed and that sister city budget should allow Kaumatua travel when appropriate. There is a process that must be followed for a Kaumatua.

Ms Billens said there is also a need for an iwi manager. She asked that Council establishes an iwi manager position shared with Nelson City Council to advise Councils and support outcomes explained in the submission. Kaumatua is a status given by iwi.

Ms Billens asked Council to look at the appropriate means to complement the role of local Maori in informing the Tasman community so the public, and particularly youth, better understand Te Reo Maori.

Mr B Thomas said he believes not only do Council have a responsibility to educate the community, but we do as well and suggested working together on that issue. Nelson City Council have been working with iwi and bringing the community to open days at the Marae. They are looking at the curriculum for local schools and having history told in relation to local iwi.

Motueka Township

Mr B Thomas said we consider we're a large ratepayer especially in Motueka area and asked Council to give priority to upgrading Motueka Township infrastructure and upgrading the Motueka River stop bank to ensure protection of the township from flooding.

Archaeological Sites

Ms Hill said there is work to be done in getting accurate data. Iwi have knowledge of sites, recorded sites in Archaeological Assn files, and there are sites that iwi know about but are not recorded. Partnership around the issues will assist.

She asked that Council continues with working towards upgrading the archaeological database and work in with Tangata whenua to draft up provisions to protect those sites under the TRMP.

Mr Temiha noted that Wainui Road goes across the top of a cemetery where 42 people are buried underneath the road. The road will have to be relocated. It is part of your responsibility with the crown.

Mr Mason referred to the District Health Board, where there are two Maori representatives on the board. He would like them to be elected. He thanked Council for listening.

Cr Norriss referred to those committees at Marlborough District Council that iwi were involved in and asked if they have voting rights.

Mr Dickinson said the Marlborough District Council situation relies on the principle that councils may appoint to subcommittees non-elected members where they believe they have expert knowledge that could assist the subcommittee. They can vote and get paid. One option for Council to consider is whether it wants to explore a Maori ward option. If you follow that process you have an elected Councillor from that ward.

Mr Taylor paid tribute to Tasman District Council for taking time to meet with iwi. He reiterated they want a positive relationship with Tasman District Council. He said there were some points made before around contribution to community and said we're sincere and here for the long haul. They are interested in investing in this region and landscape and everything about its climate has shaped our identity today. Whilst there is tension that we're familiar with between iwi and other sectors of community that's around misunderstanding. They would like to communicate frequently and openly with Council. Respect is important and would like that to be the foundation of the relationship. Iwi don't want to be seen as a sector of the community that threatens the way of life for any other part. We play an important role in the region and encourage you to think progressively about a strategic relationship. We're an economic powerhouse and will continue to be and signalling to Tasman District Council we want a positive progressive relationship.

Cr O'Regan, said there could be a lot of money involved if Council gave consideration to the matters you raised. He said we could have special rating areas (user pay) and canvassed the question as to whether funding for a Kaumatua could be gained from establishing a special rating area over your holdings.

Mr B Thomas, said in some instances through Council, the term of consultant could be raised, however the issue I have is that those committees and that information, the knowledge we would be offering the Council, will be of benefit to Council. We already have that knowledge and we're saying we would like to share it with you. He said it is difficult for us, and again it is a capacity issue, we don't get consultants coming and volunteering their time.

Mr Temiha said your idea may be on principle, but it won't work. You're still charging iwi for rates and not just Maori people get benefit of a Kaumatua. Is that fair?

Cr Norriss said in relation to upgrade of infrastructure we have separate charges for water, stormwater, wastewater, are you supportive of those separate charges?

Mr B Thomas said the issue we have is that across the board what we would prefer Council to do is keep its infrastructure updated as we go along, rather than have infrastructure collapsing and then we're all of a sudden needing to address major cost.

Cr Higgins said the detail of issues you have raised is in the draft LTCCP. If you've got difficulty please advise us.

Cr Norriss queried whether getting involved in education in the district, is Council's role. We tend to see a lot of stuff passed down to council without money attached. Do you see us jointly with iwi and with schools putting money into that area or should it be funding from central government.

Mr B Thomas said with the education curriculum in Tasman District, it would be a feather in the cap of this Council if we went into the high schools with presentations like Mr Atutahi gave. He said out of colleges come our leaders, our councillors, mayors, government department leaders. That's where it starts.

Wakatu Submission

Mr G Thomas presented the Wakatu submission. Wakatu feel strongly about difficulties with regional development and handicaps and hardships encountered when you try to do something for the region. He suggested a referendum on amalgamation be held, noting there is a difference dealing with both councils, but can't see why there needs to be two different sets of rules. It can only benefit the region if we have one controlling authority and one set of rules. Motueka seems to be excluded from development of any description. Development won't be able to proceed because Council infrastructure is not up to scratch. Proposals to sink bores and get water from within Parker Street area (on Wakatu land), and take it through to Mapua and Coastal region, but there is no proposal to supply water to Motueka Township. There is no plan within ten years to provide water reticulation, whereas water will be taken out of the district. Motueka stop bank could fail and collapse. Council has to look at asset management plan and sort out risk management. It is held up as a barrier for development in the area. Wakatu recognises the need for a fairer distribution of the costs of growth. He suggested it would be fairer and more equitable to have specific wastewater levies dependent on location. Wakatu is charged with managing and looking after assets of iwi. Wakatu supports iwi submissions and requests that Council takes on board, reconsiders Motueka infrastructure and requests that Council gives due consideration to looking towards holding a referendum for amalgamation.

Cr Higgins said his understanding was that Wakatu is not planning to subdivide. If that is not correct and you can identify infrastructure you want upgraded can you make that available.

Mr G Thomas said they are holding meetings with Council staff looking at zoning issues, land which is zoned residential, deferred, looking at market, talking with staff regarding what is happening. He said messages coming are that infrastructure can't handle it and if you want to develop you'll have to fund it.

Cr Kempthorne said we've had meetings and Wakatu is looking at where they want to redevelop and are talking to staff.

Mr G Thomas said they had a good meeting with Steve Markham and Jeff Cuthbertson and as a result they are relooking at our proposals.

Cr Norriss noted for the Motueka River, over the ten year period \$1.4 million is to be spent and outside that there is a proposal for consultation regarding upgrading of the

stopbank, with the priority being Riwaka/Brooklyn. By the three year time period there is the opportunity for major works.

Mayor Hurley said a lot of things are a matter of planning and the key issue is priority. He said it is all right to have plans but Councils change, other things change and priority becomes important. We don't want to lose the trail of something because Council priority shifts.

Cr Currie noted reference to a referendum. He asked if it was to go ahead, would it be ratepayers or the public at large and would it include a question of unimproved rating or improved rating, as one suits farmers, one town people. There are a lot of mitigating factors in taking a referendum. What would your indications be for these important points to be addressed?

Mr G Thomas said he wouldn't presume to say either. They are questions that need to be asked.

The meeting concluded at 4.05 pm.

Chair:

Date: