

Best Practice Example: Tangata Whenua Consultation

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Local Government is being challenged ...

Local government is being challenged to work with Maori in ways that it has never done before. While partnership models are beginning to be developed, examples of how these models have been applied are needed as well as information about the success of their application. Preparation of the Taharoa Domain Reserve Management Plan is a practical example of partnership in action. Not only did the process used result in a robust Plan for the future of the Domain, it provided Kaipara District Council with a blueprint for working with Maori and other sectors of the community on projects or issues of common interest.

This paper outlines the process that Kaipara District went through to prepare the Taharoa Domain Reserve Management Plan. Particular emphasis is placed on the involvement in tangata whenua in this project, how their involvement contributed to the outcomes of the project and what lessons Council learnt from the process.

Taharoa Domain is special ...

Taharoa Domain (also known as Kai Iwi Lakes) is located just over 30 kilometres northwest of Dargaville, 2.5 kilometres from the Tasman Sea and 30 kilometres south of the Waipoua Forest (Figure One). The Domain contains three dune lakes – Lakes Taharoa, Waikare and Kai Iwi – which are valued for their clear blue waters, sandy beaches, scenic qualities and varied recreation opportunities. Tangata whenua, local residents and the many visitors to the District regard the Domain as one of the jewels of the Kaipara.

Administered by Kaipara District Council, the Domain covers 538 hectares of crown owned land which has been set aside as recreation reserve. It is a key part of the greater recreational and tourism network of the Kaipara and the greater Northland coast.

As the largest freshwater lakes in Northland, the Domain is extraordinarily popular as a holiday destination for Northlanders and Aucklanders alike. Lake Waikare is particularly renowned as national water skiing circuit and several national water skiing championships are hosted on the Lake. Fishing is also a popular activity.

Local Maori have a long association with the Lakes and the Domain is recognised by tangata whenua as taonga. Taharoa Native Reserve (Figure Two), which includes almost all of Lake Kai Iwi, is subject to a Treaty of Waitangi Claim (Wai 38). The Wai 38 Claim was originally lodged in 1986 and, while being upheld by the Waitangi Tribunal, settlement is yet to be reached.

The Plan development process was unique ...

There were five distinct phases in the process of preparing the Taharoa Domain Management Plan (Figure 3).

Initiation:

Through its 2000/01 Annual Plan, Council decided to review the Taharoa Domain Management Plan. In October 2000, DJ Scott and Associates were engaged to prepare the Plan and shortly after their appointment a meeting was held between Councillors and the consultants to discuss the parameters of the project and the outcomes sought. Representatives from Te Roroa and Te Kuihi (the Claimants) were invited to be a part of this first meeting.

This initial meeting was an opportunity to have a wide ranging discussion about the past, present and future. The process that had to be followed in preparing the Plan to meet the requirements of the Reserves Act 1977 were explained, the objectives of the project were agreed to and the steps to be taken to prepare the Plan were confirmed.

At this point, the sponsors of the project (ie. Council and the consultants) had to keep an open mind about the process for preparing the Plan.

The significance of this step for the success of the project was that secured the initial 'buy-in' from both the Council politicians and the tangata whenua representatives. Buy-in was achieved because both partners helped shape the objectives and the direction of the project.

Data Gathering

Once the process had been confirmed, Council's consultants began gathering the background information for the preparation of the Plan. This included researching existing files and other sources of information, undertaking field trips and interviewing key stakeholders. In this instance Te Roroa and Te Kuihi were treated as key stakeholders. As well as being formally interviewed, they produced written information that was later incorporated into the supporting documentation for the Management Plan. (See Compendium Document. Copy circulated separately with this paper.)

As the background data gathering coincided with the Christmas holiday period – a busy time with many visitors to the Lakes – a survey of users was undertaken to identify their aspirations for the Domain.

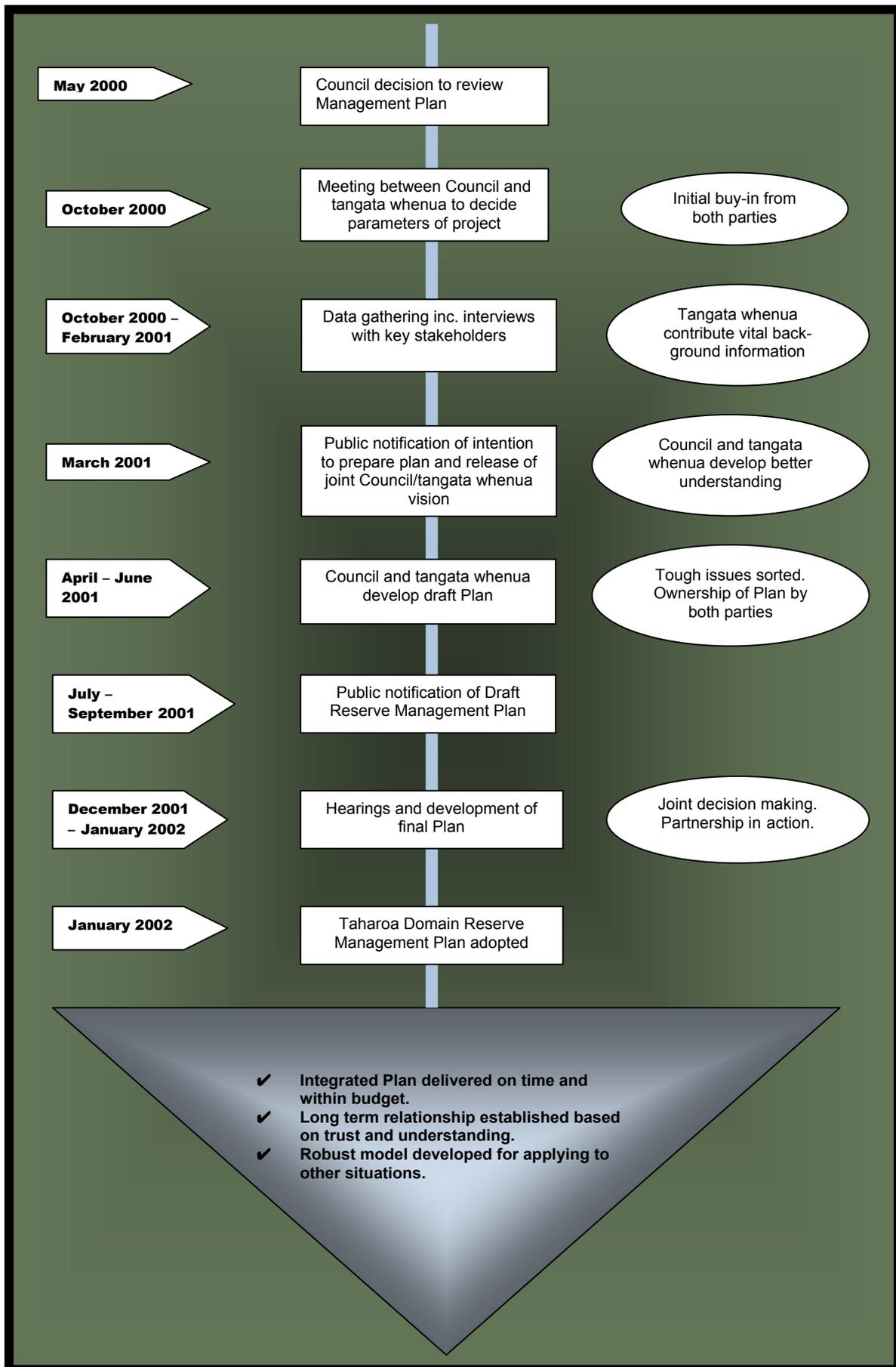


Figure Three: Plan Development

Vision

The Reserves Act requires that prior to preparing a management plan, Council must¹:

- give public notice of its intention to prepare a plan
- invite interested parties to send in their written suggestions on the proposed plan.

Furthermore, when preparing the draft plan, Council must give full consideration to the suggestions it receives through the public notification process.

Rather taking a 'blank slate' approach to public notification, a brochure was prepared outlining a broad vision for the Lakes and highlighting some the issues that the management plan must address. Based on the initial data collection, the brochure was intended to both invite comment and promote discussion.

Vision:

To protect and sustain the Kai Iwi Lakes (Taharoa Domain) as taonga of the Kaipara District for the benefit of all people.

Kaitiaki tautoko I roto o Kai Iwi (Te Rohe Taharoa) ki taonga tuku iho mo te takiwa o Kaipara.

Before publicly releasing the brochure Council and tangata whenua met to discuss the content of the 'Vision' for the Domain with the consultants. This step was important for determining whether they held a shared Vision. The final Vision that was released for public comment incorporated the views of both Council and tangata whenua with both partners agreeing on the content of the final document.

During March 2001, copies of the Vision brochure were widely distributed throughout Northland and Council received comments from a range of groups and individuals including the Department of Conservation and adjoining landowners.

This step represented a shift in the relationship between Council and tangata whenua. Having come to some consensus on a document for discussion with the wider community, Council and tangata whenua were beginning to develop a better understanding of one another.

Draft Plan

A draft Management Plan was prepared drawing on people's written comments on the Vision for the Domain and analysis of the extensive range of background information that had been collected. In May 2001, an all day workshop of Council and tangata whenua was held at the Lakes to go over the content of the draft Management Plan. It was at this workshop that the 'tough' issues were thoroughly discussed and agreement was reached on the direction to be taken.

Before the draft Plan was released for public comment, Te Roroa and Te Kuihi were asked to consider their role in preparing the final document. They could join Council on the committee that was to be formed to hear and deliberate on submissions or they could make submissions on the Plan as an

¹ Section 41(5).

interested party. Both Te Roroa and Te Kuihi decided to be members of the hearing committee. By this stage in the process there was clearly a high degree of ownership in the Plan by both Council and tangata whenua.

The draft Management Plan was publicly notified on 12 July 2001 and people had until 14 September (the required two months) to make written submissions.

Final Plan

Thirty five submissions were received on the Draft Plan and were considered in detail by the Hearing Committee during December 2001 and early January 2002. Tangata whenua's advice during the deliberations on the draft Plan was invaluable.

The final Management Plan was prepared based on the Hearing Committee's recommendations and Council adopted the final Plan on 23 January 2002 as scheduled.

The process delivered ...

- ✓ A Reserve Management Plan integrating the cultural, environmental, social, recreational and economic dimensions of the Domain (copy circulated separately).
- ✓ A high level of community acceptance of the directions of the final Management Plan².
- ✓ Model for future governance of the Domain based firmly on partnership with tangata whenua (see pages 7 to 10 of the Management Plan).
- ✓ A strong relationship with Te Roroa and Te Kuihi founded on goodwill and trust³.
- ✓ A method of working with Maori and other sectors of the community that can be widely applied (see Appendix Four).
- ✓ A Management Plan that was completed on time and within budget⁴.

Submitters said ...

"The Plan represents a reasonable balancing of the various competing interests ... well done!"

"Overall I think this Reserve Management Plan is a very good, well balanced document and has set out some good objectives and policies."

"... well organised, professional document which addresses most of the issues ..."

"The overall vision is excellent."

² Overall submissions on the draft Plan are supportive of the directions proposed in the Management Plan (see Appendix One). This is indicative of the level of comfort the community had with the Management Plan. Appendix Two contains a letter from the Department of Conservation indicating their support for the Plan.

³ Appendix Three contains a letter of support from representatives from Te Roroa and Te Kuihi.

⁴ Prior to beginning the project, Council had negotiated a contingency fund with its consultants. The fund could only be used under certain conditions. For example, if more extensive consultation was required over and above what had already been provided in the workbrief. The process ran smoothly and there was no need to call on the fund.

What we learnt was ...

- ✓ Explicit support of the principles of the Treaty of Waitangi from senior positions within the organisation is essential.

This lesson is not new. Research and other project evaluations confirm that the messages – explicit or implicit – from the top of the organisation permeate all levels. If progress is to be made on Treaty issues senior managers must promote such a direction and 'walk the talk'.

- ✓ Importance of involving Maori early in the process (ie. at the objective setting phase).

This was critical for gaining buy-in and commitment to the project from both parties.

- ✓ Partnership is not consultation – it means making joint decisions.

By virtue of their claim, which was upheld by the Waitangi Tribunal, Te Roroa and Te Kuihi have a special status in relation to the Taharoa Domain. Simply including them in the process as a key stakeholder could not satisfy this special relationship. They needed to be a part of the decision making for the Domain.

Strategic Plan says ...

Council recognises the special status of tangata whenua given by the Treaty of Waitangi and the statutory and moral obligation Council has in working with Maori.

(Strategic Plan, Page 25)

Council had clearly set out in its Strategic Plan recognition of the special status of Maori under the Treaty of Waitangi. The Plan also expressed a clear desire to work with Maori. This placed Council in good position when it came time to prepare the Taharoa Domain Management Plan as it had already indicated its position on Treaty issues.

- ✓ Not being afraid to ask for help.

Council was hesitant about inviting Te Roroa and Te Kuihi to be part of the committee to hear submissions on the draft Management Plan. This hesitancy was related to Council's concerns about not wanting to impose a time consuming activity on tangata whenua and not wishing to compromise their independence by including them within Council's structure.

Te Roroa and Te Kuihi were perfectly capable of deciding what the best role was for them to play. It was important that Council gave them options rather than making a decision for them by default by not asking for their assistance.

- ✓ Wherever possible, use your partner's strengths.

While it may seem obvious that wherever possible partners should draw on each others strengths, too often the contribution one partner is capable of making is overlooked. Te Roroa and Te Kuihi made an enormous contribution to the Taharoa Domain Reserve Management Plan.

Their knowledge and skills were not limited to the cultural aspects of the Domain. They provided advice and information on issues from governance through to economic development.

Figure One

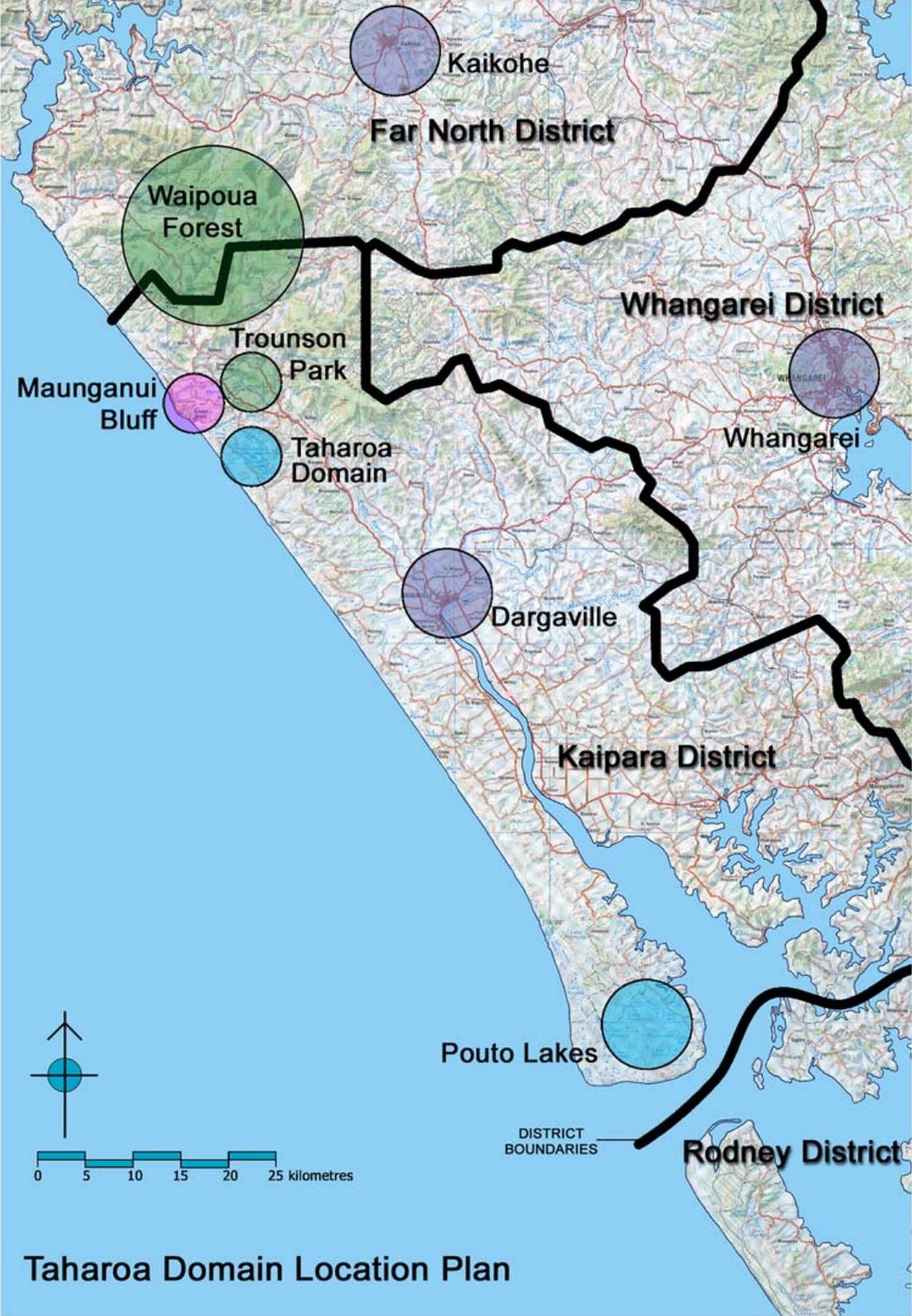


Figure 2: Cultural Sites

