

**BOARD PAPER**

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<b>Board function:</b>	National Land Transport Programme 2015-18
<b>Subject:</b>	<b>Maori Engagement in the National Land Transport Programme (NLTP)</b>



## PURPOSE

1. To outline the obligations on the Transport Agency to engage with Maori in the development of the 2015/18 NLTP, what our current practice looks like, and what will be focused on in the lead up to June next year to ensure we are meeting our obligations.



## SUMMARY

2. We have obligations, as a member of Regional Land Transport Committees, to ensure processes are in place for consulting with Maori in the development of RLTPs, which then feeds into the NLTP. We also have an obligation to establish and maintain processes for Maori to contribute to decisions relating to funding from the NLTF. And we have an obligation to consult Maori whose land, or historical, cultural or spiritual interests are affected by an activity proposed by the Agency.
3. Our role is to ensure that opportunities are provided that enable Maori to contribute to land transport decision making processes by maintaining clear processes, fostering capability and providing relevant information.
4. We consider that we are largely meeting our obligations with respect to our activities proposed by the Agency as a road controlling authority.
5. Our practice around the country in the other aspects is variable, with some examples of very good practice and also some areas for improvement.
6. In ensuring we have done all we can to engage with Maori in the development of the 2015 NLTP we have identified three additional areas of focus, so that by the time the Board considers

the 2015/18 NLTP, we will be able to give you confidence that we have taken all reasonable steps that are possible.



## RECOMMENDATIONS

7. That the NZ Transport Agency Board:
  - a) **Notes** the legal requirements placed on the Transport Agency to provide opportunities for Maori to contribute to land transport decision-making processes, and our interpretation of those requirements.
  - b) **Supports** the planned actions between now and June 2015 to to improve our practice prior to the release of the next NLTP.



## REQUIREMENTS AND CURRENT PRACTICE

8. The Transport Agency's legal interpretation of its obligations to engage with Maori are at three levels: its role as investment decision maker in respect of funds from the NLTF, its role as a member of a Regional Land Transport Committee in the task of bringing the Regional Land Transport Plans together; and its role as a road controlling authority in developing its own programme for inclusion in the RLTP where activities directly affect Maori interest. Our view on these requirements and our current practice is set out in the table on the next page:

Role	Legal Requirements (paraphrased)	Our interpretation – outcome and processes	Our current practice
<b>All</b>	Land Transport Management Act (LTMA) section 4: improve opportunities for Maori to contribute to land transport decision-making processes	<p>Maori, as a stakeholder audience, would achieve the same level of engagement as we expect of our other stakeholder groups and that we would be fulfilling our statutory obligations specific to Maori and the Treaty of Waitangi.</p> <p>Process would include specific stakeholder engagement focused on capability development.</p>	To date we have assumed that Maori contribution to decision-making process should occur through the RLTP process. We have not taken an active role in seeking Maori contribution to the development of the National Land Transport Programme (NLTP).
<b>Regional Transport Committee (RTC)</b>	LTMA section 18 sets out the consultation requirements in the development of the RLTP; the provisions are primarily directed at RCAs (through their statutory processes in the LGA and RMA)	<p>All investment decisions arrive through the RLTP/RTC process. We are members of each RTC around the country which we consider that this process is key to discharging the obligations on us to engage with Maori directly..</p> <p>We see our specific role to ensure RTC awareness of the requirements, and champion and encourage their processes to</p>	<p>Engagement practice with Maori at RTCs is mixed:</p> <ul style="list-style-type: none"> <li>• In the Hamilton, Wellington and Otago/Southland regions Maori input into RLTPs has sometimes been met through intermittent representation of iwi in RTC forums.</li> <li>• Several regional council's (Wellington Regional Council, Eastern Bay of Plenty and Greater Wellington Regional Council) have attempted to exchange ideas and information relating to transport specific issues derived</li> </ul>

Role	Legal Requirements (paraphrased)	Our interpretation – outcome and processes	Our current practice
		include Maori perspectives, engagement and views.	<p>either through iwi submissions to statutory planning documents or participation in regional growth strategy forums such as Smart Growth and Future Proof.</p> <ul style="list-style-type: none"> <li>• Te Runanga o Ngai Tahu’s role as a statutory partner to the Canterbury Earthquake Recovery Authority in the rebuild of Christchurch city and redevelopment of the Canterbury region provides them opportunity to input into various strategic documents.</li> <li>• Auckland Transport has embarked on a new process for engaging its key Maori stakeholders, which allows for high level Maori engagement in the development of a transport programme in Auckland.</li> <li>• In the remaining parts of the country engagement is minimal, and not visible</li> </ul>
<b>Planning and Investment as Investment Decision Maker</b>	<p>LTMA section 18H requires that the Transport Agency must, with respect to funding from the national land transport fund:</p> <ol style="list-style-type: none"> <li>establish and maintain processes to provide opportunities for Maori to contribute decision-making processes</li> <li>foster development of Maori capacity to contribute</li> <li>provide relevant information to Maori for the purposes of</li> </ol>	<p>Our obligations are to:</p> <ol style="list-style-type: none"> <li>uphold a process where Maori are able to contribute to decision-making</li> <li>encourage development of Maori capacity to contribute</li> <li>provide relevant information on the National Land Transport Fund (NLTF)</li> </ol>	<p>All projects funded by the NLTF are derived from RLTP development at the RTC level, and engagement with Maori is a requirement of that process. We consider that our obligations are met through these processes.</p> <p>However, there isn’t a formal practice of encouraging the development of Maori to participate, NLTF information specifically tailored Maori stakeholders isn’t provided.</p>

Role	Legal Requirements (paraphrased)	Our interpretation – outcome and processes	Our current practice
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<b>Highway Network Operations as Road Controlling Authority</b>	<p>LTMA section 18G requires that an approved organisation, Auckland Council or the Transport Agency:</p> <p>Must do everything reasonably practicable to separately consult Maori affected by a proposed activity that is likely to affect Maori land, land subject to Maori claims, or Maori historical, cultural or spiritual interests.</p>	<p>When considering this obligation in the context of developing the RLTP and NLTP (rather than considering it in the context of the <i>delivery</i> of projects) we consider this is an obligation to ensure our highway network planning activities are fully integrated into the district and regional planning processes as well as the processes for developing the RLTP, as its through these processes Maori have an opportunity to engage and participate in the planning and choice of investment to meet regional needs.</p>	<p>Our involvement in network planning and the integration of land use and transport planning considerations is strong nation wide.</p> <p>We consider that this obligation is being met and will be continuously improved.</p>



## STRENGTHS, GAPS AND RISKS

- There is good practice around the country, specifically at a regional level, through some RTCs. For example, in the Waikato we consider that we are meeting our obligation to provide opportunities for Maori to contribute through their conversations around land use planning: eg post-settlement agreements identify specific land interests of hapu and iwi.

10. We are meeting our obligations to Maori in bringing together the SHAMP, as we are active in all regional and district land use/transport planning processes and an active participant at RTCs.
11. However, our approach is not consistent nationwide and there is room for improvement. For example our conversations are not planned or documented as well as they should be. A lot of reliance is placed on the RTC processes for discharging our responsibilities and more needs to be achieved in understanding the specific outcomes are trying to achieve in engaging with Maori through the RTC mechanism at a regional level.
12. While legislation expects us to chase process outcomes (i.e. a process opportunity to be engaged, to influence and to contribute and to ensure that we are considering cultural and environmental impacts of transport planning proposals) without going as far as to demand substantive outcomes (such as providing for Maori development and economic growth), there is an opportunity to improve our practices at RTCs.
13. Improvements can also be made to our practices in how we foster the development of Maori capacity to contribute to the process.
14. Legislation requires us to provide relevant information to Maori with regard to decision-making around the NLTF. We need to consider if any more can be done at the process stage in bringing the NLTP together. While the NLTP is about giving effect to the substantive outcomes sought through the Government Policy Statement (GPS) and the GPS makes no specific reference to Maori outcomes, there is an opportunity to consider how we engage with Maori in the process aspects of bringing the NLTP together and communicating around the NLTF.



## ACTIONS BETWEEN NOW AND JUNE 2015

15. To address the opportunities previously identified, we propose the following actions between now and June 2015 to ensure we have done as much as possible to fulfil our obligations to Maori in the development of the 2015/18 NLTP:
  - Define more clearly for ourselves our understanding of the outcomes we would expect to see in Maori involvement at the RTC table in developing the RLTPs. There may be a set of generic outcomes, and also specific ones for those regions where Maori have explicit roles (such as Christchurch) or articulated expectations.
  - Through our Regional Directors and regional staff, focus more deliberately on those regions and RTCs where Maori engagement at the RTC table is diminished with a view to actively encourage outcome achievement between now and when the RLTPs are finalised.
  - Consider how the development of Maori capacity to participate and provide information on the NLTF and NLTP processes to Maori that is made specifically relevant to this stakeholder group can be fostered. This could be achieved through the signalling of planning and investment signals to Maori stakeholders and audiences, and providing information to specific groups about the process of bringing an NLTP together, and its significance for transport investment around the country.





## CONTINUALLY IMPROVING OPPORTUNITIES

16. In regards to the development of the 2018/21 NLTP, there are a number of opportunities for us to improve. Signals from Maori indicate that our engagement practice in national and regional decision-making may need to change to accommodate the growing expectations of iwi as key stakeholders. There is an emerging expectation of treating Maori as potential investors in the transport sector as treaty claims are settled.
17. As the parameters of Maori focus on transport sector activities are expanding from environmental/cultural impacts to investment, training and employment opportunities, an inclusive approach to encourage greater Maori input into national/regional decision making may be needed. As their capability develops, Maori are increasingly seeking a higher level of engagement in national decision-making where it concerns regional infrastructure and utilities.
18. We will need to develop our understanding of our role and obligations as it develops. Future discussions will include further development of our processes and mechanisms for monitoring our activities and performance.
19. In addition, we could consider whether we should, and how we could seek contributions from Maori in development of draft SHAMP, and our role in encouraging development of Maori capacity to contribute.
20. We continue to learn from our experiences and improve our engagement practices.



## ATTACHMENTS

21. There are no attachments.