

## Project Team

Te Raranga a Mahi was prepared under the Sustainable Management Fund Project N° 1001 "Iwi Management Plan Toolkit".

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## HE MIHI

Korōria ki te Atua i runga rawa  
Maungarongo ki te whenua  
Whakaaro pai ki ngā tāngata katoa.

Tēnā koutou e te iwi whānui.  
He mihi tēnei ki a koutou katoa.

He mihi hoki ki a rātou kua mene ki tua o te ārai.  
E ngā mātua i te pō haere haere.  
Hoki atu ra ki paerau ki te kainga tūturu o te tāngata.  
Kei reira e noho noa atu. Kāti.

E te iwi  
Ānei he pukapuka mā koutou kia pai ai te haere o ngā waka  
I runga i ngā kaupapa nunui o tēnei ao hurihuri.  
Kei ngaro tātou i te korokoro o te Parata.  
Kia tū rangatira ai  
Hikihikitia! Riariakina! Hapahapainga! Rangarangahia!  
Te tapuae o tō waka  
Haumi e, Hui e, Taiki e!

One of the options being pursued by tangata whenua to assert their tino rangatiratanga over their ancestral taonga is to prepare and implement environmental management plans (often referred to as iwi management plans or ‘IMPs’). For some time tangata whenua have sought detailed guidelines on the preparation of iwi management plans, resulting in the Ministry for the Environment making resources available through the Sustainable Management Fund for the preparation of a “Toolkit”. In 1999 a team comprising Te Rūnanga o Ngāi Tahu, Wellington Tenth Trust, and Beca Carter Hollings & Ferner were selected to carry out the project.

The title Te Raranga ā Mahi seeks to acknowledge that this document is a result of the interweaving of many efforts over the years, and to acknowledge the contemporary advice and resources that have resulted in this document. The title also acknowledges that the preparation of an IMP requires the coordination and integration of many endeavours.

There are many reasons why a whānau, hapū or iwi may decide to prepare a management plan. The team brought together a range of skills but comprised people who work in resource management and had the belief that a “Toolkit” would be useful for whānau, hapū and iwi. The collective knowledge of many individuals and groups is what we hope whānau, hapū and iwi will be able to see in this document.

A management plan can be as simple or detailed as you want it to be. Te Raranga seeks to provide tools to enable you to prepare whatever type of plan that suits, or to further develop an existing plan.

Some local authorities have realised the value of whānau, hapū or iwi management plans and are having due regard to existing plans in the preparation and implementation of statutory plans. The next challenge is to work with other local authorities that have yet to reach the same conclusion.

Ngā mihi ki a koutou katoa.



Liz Mellish  
Kaiwhakahaere  
Nga Tekau o Poneke, Wellington Tenth's Trust



Mark Solomon  
Kaiwhakahaere  
Te Rūnanga o Ngāi Tahu

## ***ACKNOWLEDGEMENTS***

For many years individuals and groups have sought to have the customary rights and responsibilities of tangata whenua over their ancestral taonga recognised by various statutory and private organisations. Te Raranga is a result of the seeds sown by those many individuals and groups.

In the preparation of Te Raranga there have been a range of individuals and groups who provided advice and aroha at various stages. These include:

### ***Interviews***

Liz Mellish, Wellington Tenth Trust

Nganeko Minhinnick, Ngaati Te Ata

Hirini Matunga, Kai Tahu, Ngati Kahungunu

Edward Ellison, Kai Tahu Ki Otago

Chris Koroheke, Ngati Wai, Ngati Maniapoto

Vaughan Payne, Whakatohea, Ngai Tai

### ***Case Studies and Examples***

Kai Tahu Ki Otago

Ngati Haumia

Whakatohea

Kawerau a Maki

Ngati Porou

### ***Reviewers***

Ruth Nepia, Tuwharetoa

Murray Hemi, Ngati Kahungunu

Tremane Barr, Makawhio Runaka

Vaughan Payne, Whakatohea, Ngai Tai

Tim Manawatu, Koukourarata – Onuku Runaka

Teriana Smith, Taumutu Runaka

Peter Garvin, Murihiku Runaka

Edward Ellison, Otago Runaka

Gail Tipa, Moeraki Runaka

Mark Te One, Wellington Tenth Trust

Andrew Hazelton, Rudd Watts & Stone

### ***Resources***

Manatu mo te Taiao

Te Puni Kokiri

## **ABOUT TE RARANGA A MAHI**

Te Raranga a Mahi (Te Raranga) seeks to provide whanau, hapu and iwi with tools to prepare Environmental Management Plans (otherwise known as Iwi Management Plans or “IMPs”).

Te Raranga comprises four parts as follows:

### **Part One – The Toolkit**

This part provides an overview of Te Raranga, what IMPs are, why they are important, and how this toolkit can help your whanau, hapu or iwi prepare one. Two options for structuring your IMP are also explained.

### **Part Two – The Process**

This part highlights that before actually writing your IMP, it is important to get organised and put a number of matters in place. This includes defining the scope of the IMP, identifying information needs, knowing how you are going to consult, and obtaining authority to proceed from your whanau, hapu or iwi.

### **Part Three – The Preparation**

This part provides guidelines on preparing different sections of your IMP. Examples and Case Studies are used extensively to illustrate how the guidelines can be used in practice.

### **Part Four – Resource Directory**

This final part identifies where you can obtain further information and resources to assist you in preparing an IMP. A series of fact sheets summarising various legislation relating to resource management are also provided.

The four parts are illustrated on the following page. Within the margin of each part are summarised points, and the experiences and thoughts of particular iwi or hapu, relating to that section.

It is intended that the contents of Te Raranga will be reviewed and updated progressively to enable holders to keep abreast of best IMP practices.

All Te Raranga holders are registered at the time of receiving it and will be contacted automatically regarding future updates. People downloading Te Raranga who wish to be sent updates will need to notify the Ministry for the Environment (MfE) directly.

A form is also included which enables you to provide feedback on Te Raranga or to let others know if you have prepared an IMP. Please photocopy the form and keep the original in Te Raranga. Alternatively, you may wish to provide less formal feedback (eg phone, email). Your feedback will be useful for any future review of Te Raranga.

In the long term it is intended that Te Raranga be owned and managed by tangata whenua. In the interim, MfE are identified as a contact point.

In order to make Te Raranga more accessible, MfE intend to place it on their website. [www.kaitiaki.org.nz](http://www.kaitiaki.org.nz), or [www.kaitiakitanga.org.nz](http://www.kaitiakitanga.org.nz). Additional information on case studies may be found or referenced in the future on the website.

## **PART ONE The Toolkit**

**Section One**  
First Principles

**Section Two**  
Structure of  
Te Raranga

**Section Three**  
An  
IMP Template

**Section Four**  
Getting  
Started

## **PART TWO The Process**

**Section One**  
Purpose and  
Scope of the Plan

**Section Two**  
Preparing the  
Plan

**Section Three**  
Project  
Management

**Section Four**  
Resources

**Section Five**  
Consultation

## **PART THREE The Preparation**

**Section One**  
Introduction to  
Part III

**Section Two**  
Foundations of  
the IMP

**Section Three**  
Resource  
Inventory

**Section Four**  
Issue and  
Outcomes

**Section Five**  
Objectives

**Section Six**  
Achieving  
Outcomes

**Section Seven**  
Checking our  
Achievements

**Section Eight**  
Keeping up  
with Change

## **PART FOUR Resource Directory**

**Section One**  
Funding  
Sources

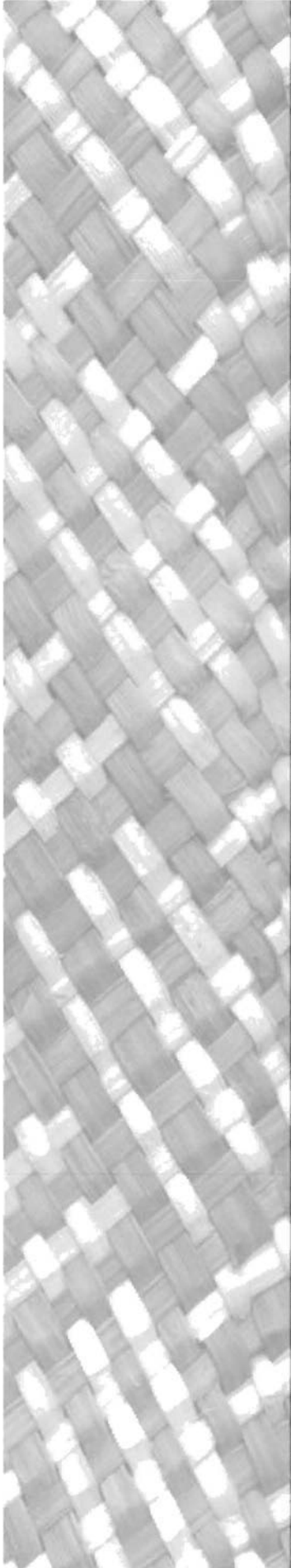
**Section Two**  
Existing IMP

**Section Three**  
Publications

**Section Four**  
Web Sources

**Section Five**  
Legislation  
Fact Sheets

# ***HOW TO USE TE RARANGA A MAHI***



# How to use Te Raranga



# **HOW TO USE TE RARANGA A MAHI**

## **Template Concept**

Each section of Part II and Part III of the Toolkit uses templates as a model or an outline of a key part of the IMP. These can be used time and time again to help build an IMP, or a series of IMP.

## **Guidelines**

The guidelines are intended as a map through the planning process.

The construction of the template and its contents are set out in the guidelines. These also act as a link to other templates and guidelines that need to be looked at or considered at the same time.

## **Checklists**

The checklists are designed to ensure that the key steps in the construction of a particular part of the IMP are all completed, and that linkages to other parts of the IMP have been considered.

## **Process and Structure**

The guidelines and checklists fall into two main types;

- Process related guidelines and checklists that cover matters that will be important throughout the whole project, like project management, consultation, and resourcing.
- Structure related guidelines and checklists that go with specific parts of the plan preparation process, like issues and outcomes, setting objectives, deciding how to get there, and checking achievements.

The process related guidelines contain advice that is aimed at helping iwi and hapu fully understand the demand on resources that the planning process will make. Some basic project management tools are included. However, the preferred way of doing this will only be developed over time as whanau, hapu or iwi preferences emerge. These may be quite different from the “textbook” approach.

The structure related guidelines are based on the Resource Management Act 1991 (RMA) model of issue identification, setting desired outcomes, setting objectives, deciding on how to get there, and checking achievements. While it is a model that can be applied to a wide variety of situations, it is likely that over time, whanau, hapu or iwi will work out ways of doing the same thing, but that better suits their needs.

## **Worksheets**

Worksheets are provided to assist in the completion of parts of the IMP, or elements of project management. These are for repetitive tasks such as identifying issues, desired outcomes and objectives. Also included are tasks such as preparing funding applications.

## Other Matters

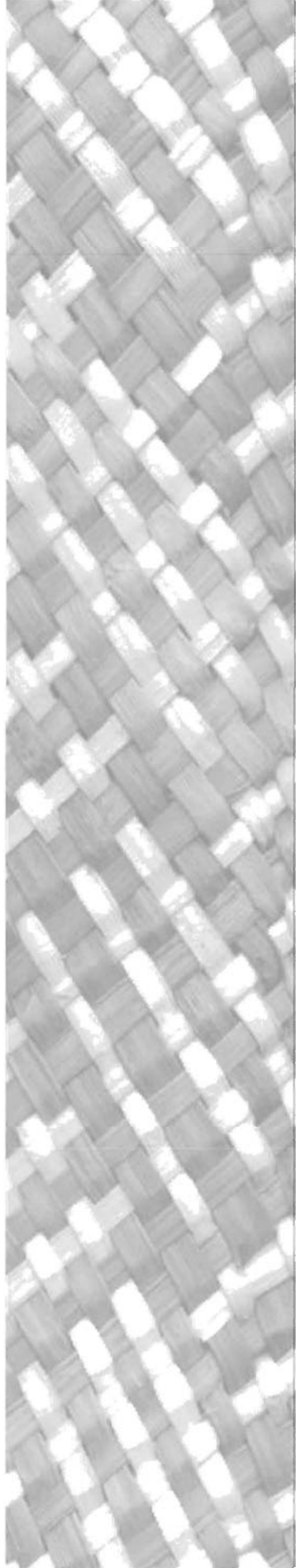
It is acknowledged that tangata whenua throughout the motu are at different stages in terms of experience and capacity to address environmental issues. Some have already prepared an IMP and others have not. It is intended that tangata whenua “pick and mix” different sections of Te Raranga to suit, and to be adapted to, their own particular circumstances.

It is also intended that Te Raranga only be used as a guide. It is not intended that Te Raranga be regarded as a “standard”. Te Raranga is simply a starting point, or to provide guidance for developing existing IMPs further.

It is also recognised that iwi throughout the motu may use different terminology for explaining the same or similar concepts. Kaitiaki, for example, is generally used in the North Island when referring to either spiritual and human guardians. Kai Tahu, however, use the term “tangata tiaki” when referring to human guardians. Accordingly, Maori terms used in Te Raranga may have different meanings to different tangata whenua.

Another important issue is the need to determine which information you want to put in the public domain and which information you want to retain control over. This is a personal matter but needs to be debated when preparing your IMP. It is a balancing exercise to ensure that your IMP provides enough guidance to external agencies regarding when they need to consult but preventing your IMP becoming a substitute for consultation.

Lastly, it is essential that an IMP be “owned” by a particular whanau, hapu or iwi. This means that while help may be available from external sources (eg other IMPs) and external agencies (eg Council funding), the **process** for preparing your IMP **and** the **content** of your IMP needs to be determined and controlled by you. It’s the old story of unless you own the process you will not own the outcome. Consistent with the above is that your IMP should not be driven by legislation. Legislation will come and go but tangata whenua and their tikanga will remain. Legislation should simply be regarded as tools for implementing your IMP.



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# ***UPDATES***

<b>Amendment N°</b>	<b>Issue Date</b>	<b>Description</b>
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# TE RARANGA A MAHI FEEDBACK FORM

Ingoa: .....

Iwi/Hapu/Whanau: .....

Waahi Noho: .....

Waea: ..... Waea Whakaahua: .....

Email: .....

1. We consider that the following sections of Te Raranga a Mahi are the most useful:

.....  
.....

2. We consider that the following sections of Te Raranga a Mahi need to be improved (please give reasons):

.....  
.....

3. Other comments

.....  
.....

4. We have completed an IMP as follows:

Name of IMP: .....

Prepared by: .....

Date Completed: .....

Please send the Feedback Form to:

Manager  
Maruwhenua  
Manatu mo te Taiao  
PO Box 10-362  
WHANGANUI A TARA

Manager  
Maruwhenua  
Ministry for the Environment  
PO Box 10-362  
WELLINGTON

Phone: (04) 917 7400

Fax: (04) 917 7523

*Note: Your response will be subject to the requirements of the Privacy Act.*

## **GLOSSARY**

<b>Big Picture Approach:</b>	An approach to Plan preparation that concentrates on the main issues and desired outcomes without going into detail.
<b>Building Blocks:</b>	In this document it refers to a set of components that are assembled together to form a framework for the Iwi Management Plan.
<b>Checklist:</b>	A list for reference and verification.
<b>Concept:</b>	A general notion of how an issue will be addressed or how a process will be put into effect.
<b>Consultation:</b>	A genuine invitation to give advice and genuine consideration of that advice. To achieve consultation, sufficient information must be supplied and sufficient time allowed by the consulting party to consulted to enable it to tender.
<b>Content:</b>	A description of what each main part of the document will cover and how they relate to the other parts of the document.
<b>Cross Boundary Issues:</b>	Issues or processes that affect resources, people or responsibilities both inside and outside your takiwa or rohe.
<b>Cross-Reference:</b>	A reference from one part of a book, article, etc. to another.
<b>Draft:</b>	Preliminary written version of the IMP or part of it.
<b>Format:</b>	The style, layout, or design of the IMP.
<b>Foundation:</b>	A basis or underlying principle.
<b>Framework:</b>	The broad structure of the IMP or the main elements of a process or strategy that you want to use.
<b>Fundamental Values:</b>	Essential primary qualities usually based in the tikanga or Mātauranga Māori or the iwi, hapu or runanga, which underpin the development of the IMP or its objectives.
<b>Goals:</b>	The broad aims or objectives towards which effort is being directed.
<b>Guidelines:</b>	Principles or criteria guiding a course of action.
<b>Implementation:</b>	The means to achieving a purpose.
<b>Interrelationships:</b>	Relate to one another.
<b>Introduction:</b>	An explanatory section at the beginning of a document.
<b>Issues:</b>	Important matters required to be addressed.
<b>Issue Identification:</b>	Identifying the topic or area of interest.
<b>Iwi Management Plan:</b>	Iwi planning document recognised by an iwi authority. May include planning for social, economic and resource management issues based on

tribal management and self-development.

<b>Methods:</b>	Techniques or ways available to implement a given objective or policy.
<b>Methodology:</b>	The tasks and process used to develop and deliver the IMP.
<b>Mitigation:</b>	To make less severe or harsh.
<b>Model:</b>	A particular design or style of a structure or process.
<b>Monitoring:</b>	Form of information gathering to assess the achievement of particular objectives or the effectiveness of methods of implementation.
<b>Negotiation:</b>	To bring about a result by reaching a compromise or agreement.
<b>Objective:</b>	Specific statements of intent as to how the desired outcomes will be achieved.
<b>Outcome:</b>	Statement of the result that the planning process should have respect of the specific issue to which the outcome relates.
<b>Policy Statement:</b>	A statement of the key issues and outcomes to be addressed by whanau, hapu, iwi or runanga, and supported by resource specific IMPs. Occasionally includes key objectives supporting the desired outcomes.
<b>Principles:</b>	Fundamental truth or law as the basis of reasoning or action.
<b>Process:</b>	A series of actions, which produce an outcome, change or development
<b>Programme:</b>	A specially arranged selection of tasks which when linked together result in an outcome such as the completion of the IMP or implementation of a strategy.
<b>Project Management:</b>	The process by which a project is planned and controlled, and resources are applied to achieve the delivery of an outcome, such as a completed IMP.
<b>Purpose:</b>	Reason for which anything is done, created or exists.
<b>Resourcing:</b>	The supply or sourcing of aid or support.
<b>Scope:</b>	Range of views, outlook.
<b>Sequence:</b>	The successive order of two or more things.
<b>Specific Issues:</b>	Issues relating to definite or particular topics.
<b>Strategy:</b>	A broad plan of action.
<b>Structure:</b>	Refers to the main parts of the document and what form and order they will come in.
<b>Task:</b>	A piece of work to be done or undertaken.
<b>Templates:</b>	Pattern or design used to help shape something accurately, and designed to be used repeatedly for similar tasks or in a similar context.

- Timeframes:** A specific period of time in which something occurs or is planned.
- Tribal Authority:** The authority, which represents an iwi/tribe and which, is recognised by that tribe/iwi as having the right to do so.
- Toolkit:** Set of instruments, which when used together provide the means to develop the IMP.
- Vision Statement:** Statement reflecting long term aspiration or moemoea of the whanau, hapu and iwi in respect of their ancestral taonga. This vision should provide a single focus for each generation.

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Structure of  
Te Raranga

**Section Three**  
An  
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**Section Four**  
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# **PART ONE**

## **The Toolkit**



## ***PART I: THE TOOLKIT***

*Tungia te ururua kia tupu  
whakaritorito te tupu o te harakeke*

*Set the overgrown bush alight, and  
the new flax shoots will spring up*

- ***First Principles***
- ***Structure of Te Raranga***
- ***An IMP Template***
- ***Getting Started***

## ***THE TOOLKIT***

### **First Principles**

- ***What is an Iwi Management Plan?***

Iwi live their “management plan” on a daily basis. The interaction of kaumatua, kuia, tangata tiaki, and the whai korero of the marae has provided the framework for decisions made by whanau, hapu and iwi or runanga.

In recent times it has become necessary in some cases to formalise that framework in Iwi Management Plans (IMP), so that the position of tangata whenua on a range of issues can be heard and taken into account.

In the context of this Toolkit, an IMP is a vision of how the management and protection of natural and physical resources can be achieved based on the cultural and spiritual values of tangata whenua.

- ***Why Prepare an Iwi Management Plan***

Some of the reasons might be;

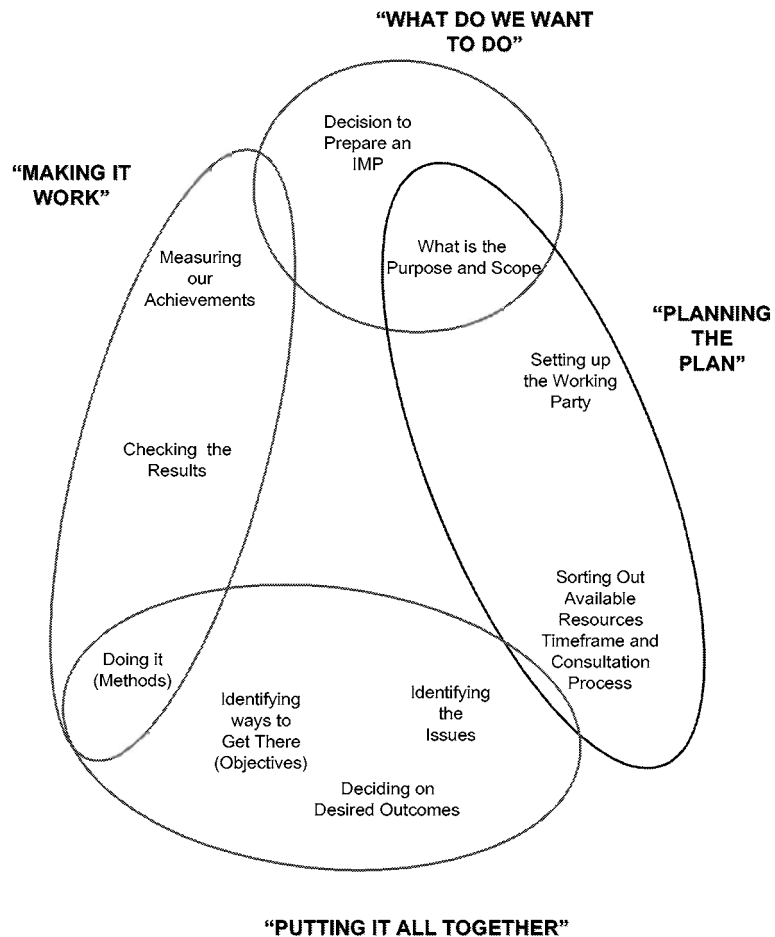
- To get out of the situation of continually reacting to consent applications or environmental problems that affect land and resources within the rohe;
- To clearly set out iwi kaupapa on environmental matters;
- To enable whanau, hapu, iwi or runanga to exercise their tino rangatiratanga over resources within their rohe;
- To clearly state how whanau, hapu, iwi or runanga intend to participate in the resource management process;
- To directly influence how regional and district councils develop policy on matters of significance to tangata whenua;
- To clearly state expectations about how other agencies or organisations should exercise their functions and responsibilities under the RMA 1991;
- To set out the ground rules for consultation with whanau, hapu, iwi or runanga.

- ***The Aim of the Toolkit***

The aim of the Toolkit is to assist tangata whenua to do all of the above. The Toolkit provides a range of ways to get started in the preparation of an IMP, and to tailor the Plan to the needs and resources of the whanau, hapu, iwi or runanga.

The Toolkit should also be capable of being used to prepare Management Plans on a wide range of matters, not just resource management. It is simply a case of using the same way of preparing the plan, but on other issues, like employment, health or education.

**Figure 1 - Preparation of the IMP Broad Concept**



## Structure of Te Raranga

### *Part 1 The Toolkit*

This part of Te Raranga talks about the following:

- *An IMP Template* A basic format for an IMP.
- *Getting Started* The two main styles of IMP
  - The **“Big Picture” Approach;**
  - The **“Single Issue” Approach.**

### *Part 2 The Process*

This part talks about the following:

- *The Purpose and Scope of the Plan* helping to decide
  - identifying the kaupapa of the plan;
  - just what the Plan will cover;
  - identifying manawhenua and the rohe to be covered;
- *Plan Preparation* helping to work out
  - What steps will be followed to prepare the plan;
  - How information will be gathered and stored;
  - What information will be released through the plan;
  - What format and structure will be used;
  - How consultation will be carried out;
  - How different stages will be reviewed;
- *Project Management* helping to work out
  - How the Working Party running the project will be formed;
  - What order various steps will be done in;
  - How people, time and money will be allocated to get things done;

- **Resources**

- How progress will be checked and reported.
- working out
- How much time will be required to do all of the steps to complete the Plan;
- Identifying who needs to work on the Plan and how much time they have available;
- Working out how much money is required and where to get it from.

- **Consultation**

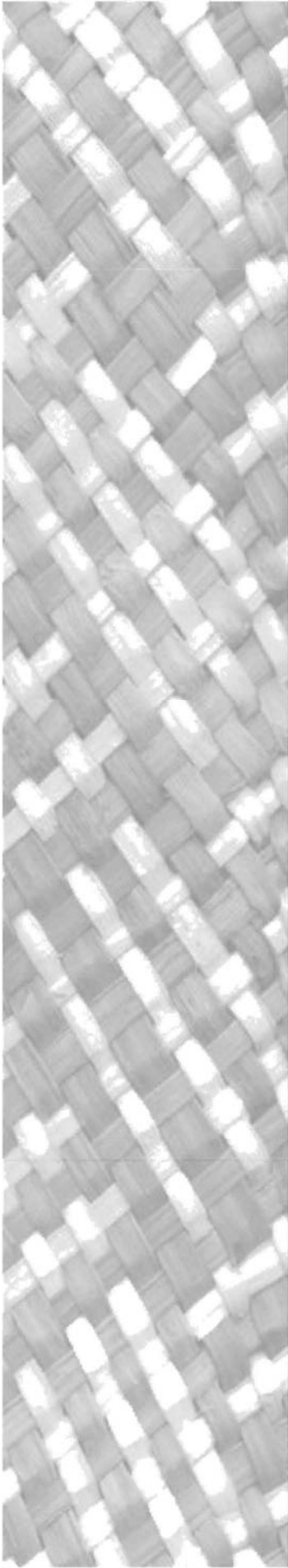
- working out
- Who needs to be consulted within the whanau, hapu, iwi or runanga;
- Who needs to be consulted outside of the whanau, hapu, iwi or runanga;
- What consultation is expected to achieve;
- Who will do the consultation, where, when and how.

### **Part 3 The Preparation**

This Part includes the following:

- **Foundations of the IMP** including

- Introduction, setting out the background and context of the IMP;
- Tikanga Maori, and its application to the scope of the IMP;
- Manawhenua and Manamoana, held by the whanau, hapu, iwi or runanga within its takiwa or rohe, and relationships to adjacent iwi or hapu;
- Matauranga Maori, and the fundamental values supporting the IMP;
- Resource Inventory, containing the information on the particular resources covered by the Plan, but only that information that tangata whenua are happy to have in the public domain.

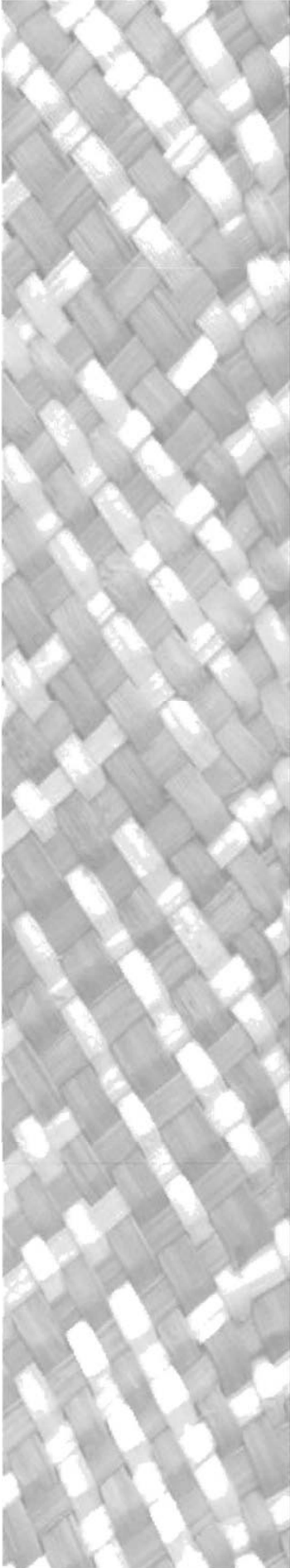
- 
- *Issues and Outcomes*, providing guidance on
    - What is meant by an issue and how to describe them;
    - What is meant by an outcome and how to describe them;
    - The process for refining and merging issues and outcomes;
    - Taking into account cross boundary issues.
  - *Ways to Get There*, providing guidance on
    - What is meant by an objective and how to define them;
    - Choosing the best objective to address an issue;
    - Avoiding conflicting objectives.
  - *Achieving Outcomes*, providing advice on
    - What is meant by a method;
    - Choosing the best method to implement an objective;
    - Deciding who should be responsible for doing it;
    - Looking at how different methods can be used together.
  - *Checking Achievements*, providing advice on
    - Deciding the level of monitoring that is required;
    - Identifying the indicators that allow you to measure change or results;
    - Decide how information will be gathered, stored and reviewed.
  - *Keeping up with Change*, providing advice on
    - Deciding on a timeframe within which assessment or review will be done;
    - Identifying new issues that have arisen;
    - Reviewing the understanding that tangata whenua have of the environment within the rohe;

- Working out what parts of the IMP are still relevant or not;
- Making recommendations for change.

#### ***Part 4 Resource Directory***

This Part includes the following:

- ***Funding Sources***, providing advice on how to get putea from
  - District and Regional Councils;
  - Community Trusts;
  - Lottery Grants Board;
  - Community Employment Grants;
  - Sustainable Management Fund;
  - Public Good Science Fund.
- ***Existing IMP***, providing references to a range of existing IMPs throughout the motu.
- ***Publications***, providing references to
  - Iwi resource management publications;
  - Project management publications;
  - Video.
- ***Web Sources***, providing links to a range of web sites including
  - Universities;
  - Libraries;
  - Iwi and hapu;
  - Other Maori organisations;
  - Government agencies;
  - Local government.
- ***Legislation Fact Sheets***, setting out the main legislative provisions that iwi resource managers should be aware of in the preparation of IMP. Fifteen significant pieces of legislation are covered in areas as diverse as



- Resource management;
- Conservation;
- Fisheries;
- Local Government;
- Mining and petroleum;
- Historic Places;
- Treaty settlements.



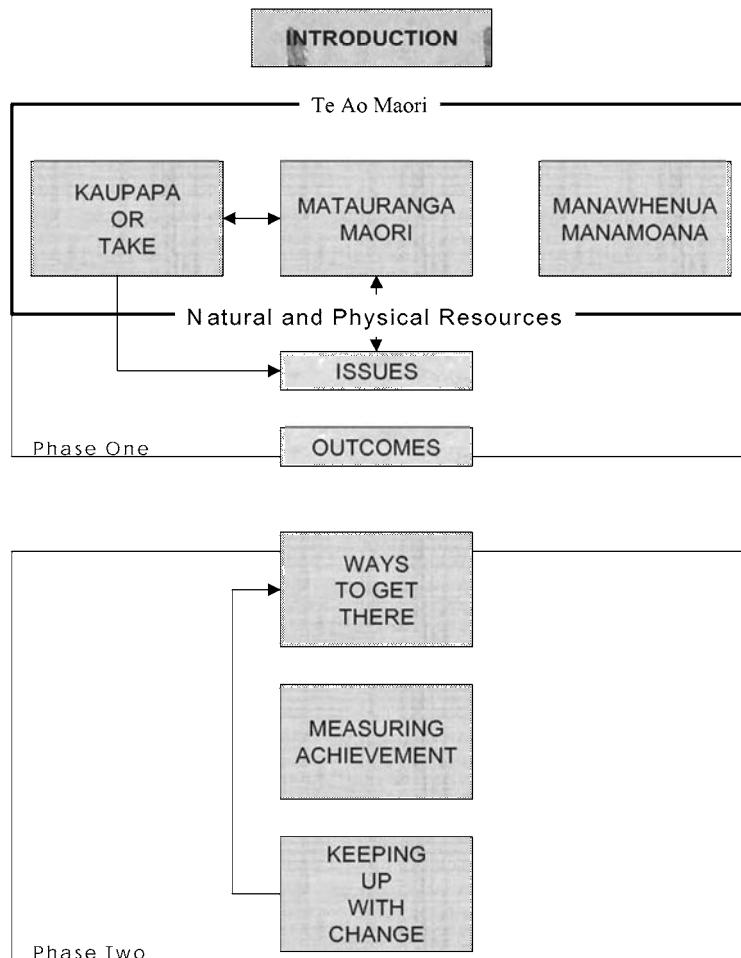
## An IMP Template

### Template Concept

If you look at the structure of Part III of the Te Runanga you will get an idea of the overall IMP Template. It reflects the broad structure adopted by a number of current, proposed and draft IMPs.

The whole idea of the template is that it will give you a framework for an IMP. It is likely that your vision of the IMP will change as you go through the process of preparing the IMP. You may decide to adopt a different structure for the IMP than the one set out in the template. At the end of the day, the IMP will emerge in a form that the whanau, hapu, iwi or runanga is most comfortable with.

Figure 2 - IMP Template



## Getting Started

### *Styles of IMP*

There are two main styles of IMP. One is a broad statement of values and policy, that we call the “*Big Picture Approach*”.

The other deals with either a single issue or a single set of resources. We call this the “*Single Issue Approach*”.

### *The Big Picture Approach*

This approach is based on covering a wide range of resources or issues, and setting out the broad outcomes that whanau, hapu, iwi or runanga want to achieve. It is often intended to provide the “umbrella” for more specific and detailed plans at a later date.

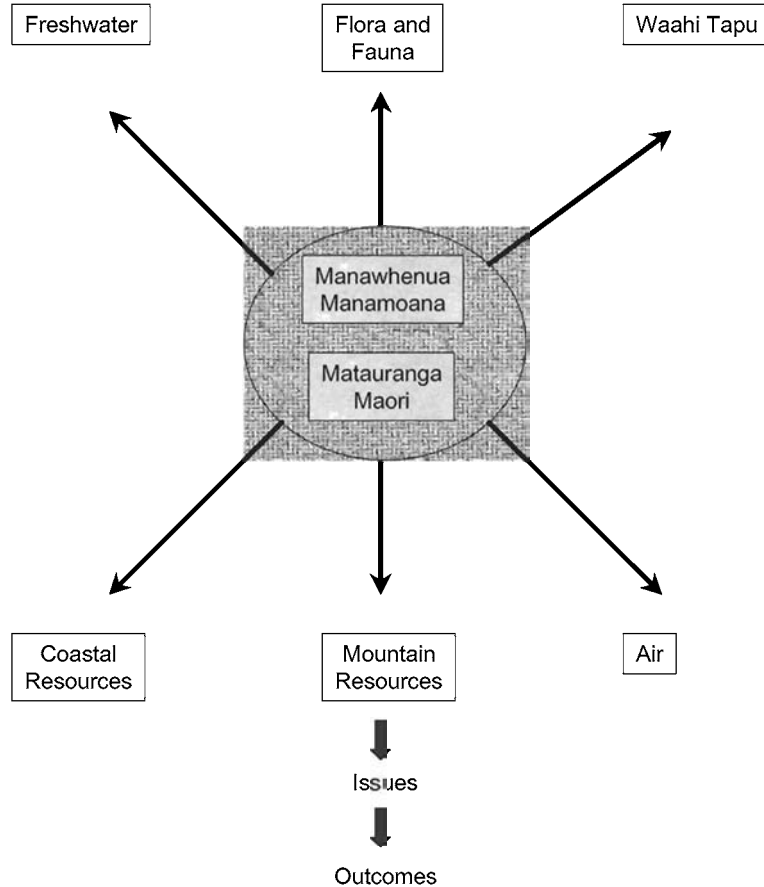
One of the key features is that these plans generally have a base in Mataranga Maori. It is this “world view” that makes IMP different from any other resource management policy statements or plans.

Usually this approach starts with the main **sets of resources** like freshwater, air, flora and fauna, waahi tapu and waahi taonga, mountain resources, or coastal resources.

For each of these sets of resources, the main issues are described followed by the broad outcomes that whanau, hapu, iwi or runanga want to see achieved.

This is sometimes called a “top-down” approach. These IMP generally don’t go beyond this initial stage. On the following page is a diagram of how this approach might be used.

**Figure 3 - Big Picture Approach**



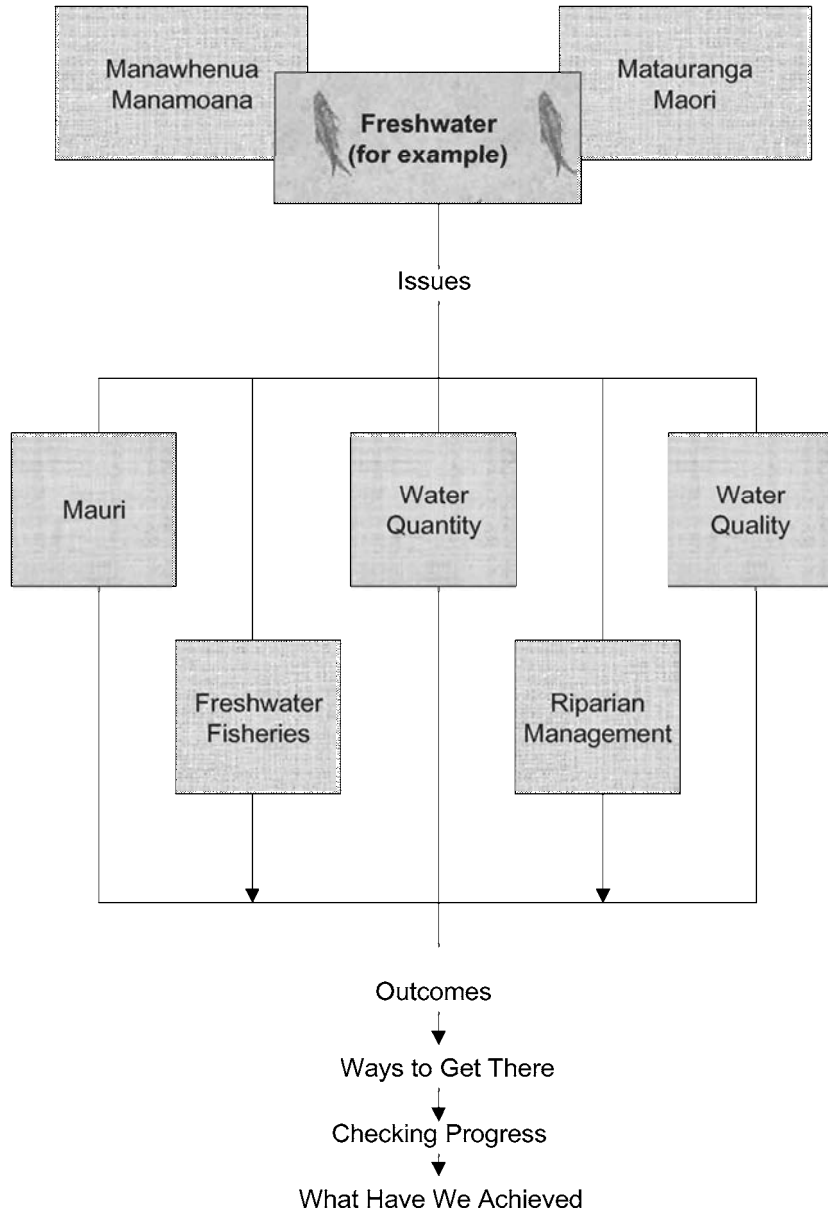
### ***The Single Issue Approach***

Sometimes it isn't possible to begin with the "big picture approach". It's the old story of "when you find that your puku is sore from eating paru cockles, it's no time to think about shifting the nearby septic tanks." You may have to prepare a specific IMP on say freshwater, either because the resource is under threat, or to enable the whanau, hapu, iwi or runanga to directly influence the development of regional freshwater policy statements or plans.

While you may not have the "big picture approach" of Mataranga Maori on which to develop the IMP, you will have iwi or hapu tikanga and kaupapa in respect of freshwater to act as a foundation.

As IMP are developed for different issues or resources, it will become possible to move towards a “big picture approach”. These single issue IMP are your “building blocks”. This is sometimes called a “bottom-up” approach.

**Figure 4 - Single Issue Approach**



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Te Paranga

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Sources

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### **Section Four**

Web Sites

### **Section Five**

Legislation  
Fact Sheets

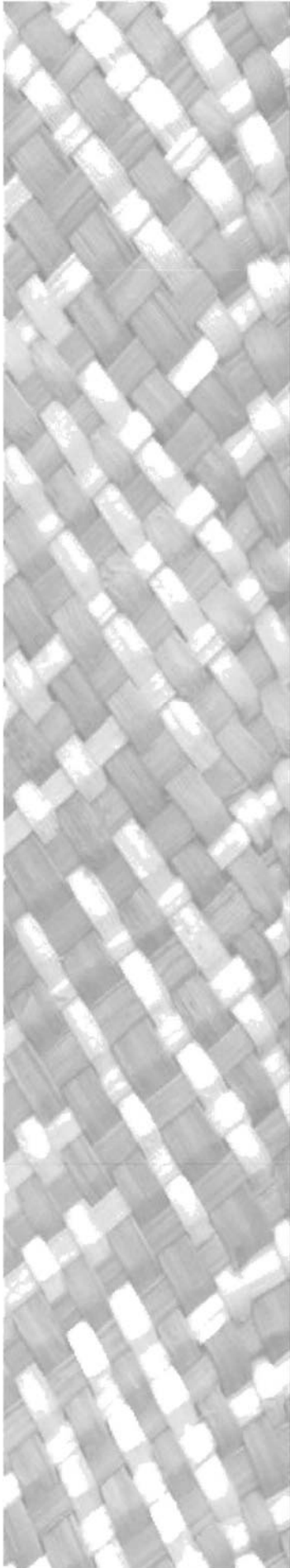
## ***PART II: THE PROCESS***

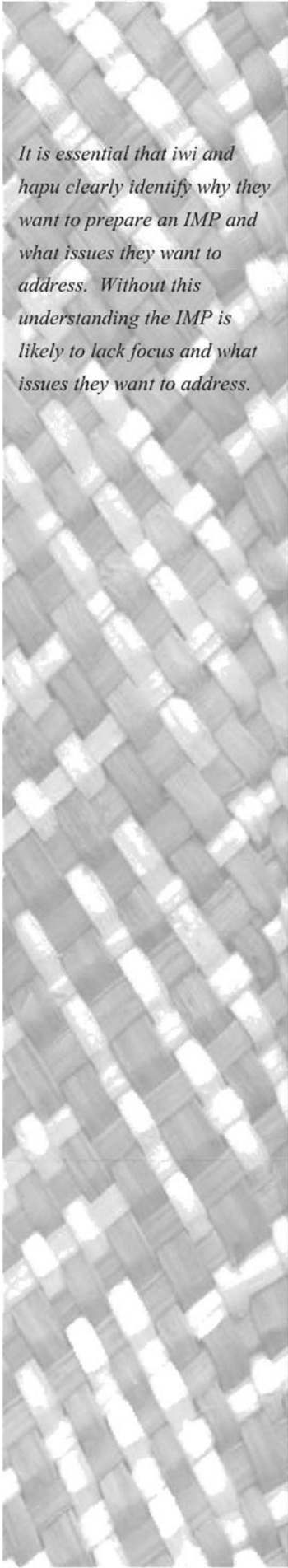
*E kore te matau e rawe ki te moana  
taka ai, engari ano a uta*

*It is useless fastening a fish hook at  
sea, that is better done ashore*

- ***The Purpose And Scope Of The Plan***
- ***Preparing The Plan***
- ***Making Sure It Happens  
(Project Management)***
- ***Resources  
(Getting The Resources To Do It)***
- ***Consultation Strategy And Programme  
(Making Sure Everyone is Involved)***

***THE PURPOSE AND SCOPE OF THE  
PLAN***





*It is essential that iwi and hapu clearly identify why they want to prepare an IMP and what issues they want to address. Without this understanding the IMP is likely to lack focus and what issues they want to address.*

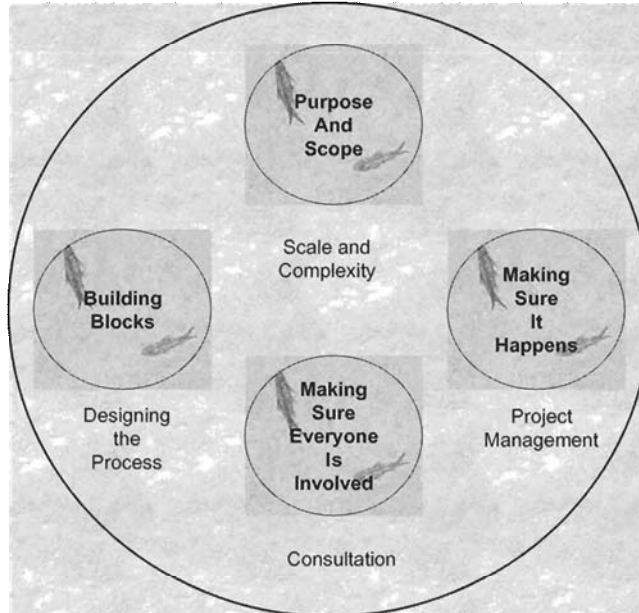
## ***The Purpose And Scope Of The Plan***

### **First Principles**

Tangata whenua are involved in a wide range of activities relating to environmental management, economic development, and social and cultural issues. In general, tangata whenua are also tired of continually reacting to the proposals of others. Tangata whenua want to be proactive and set a framework for asserting their tino rangatiratanga. Along with this has come a need for iwi to be clear about what it is they seek to achieve by being involved. Iwi are now seeking to clearly state their position on a wide range of matters, and this leads to the decision to prepare policy statements and plans of different levels of scope and complexity.

This set of guidelines is about "...the decision to plan", or getting past the "good idea" stage to setting up the framework for preparing an IMP for a specific purpose and scope.



**Figure5 - How Are We Going To Do This**

*Often we want to address every issue facing our iwi but the reality is that we can't. It will be necessary to identify which issues are the most important to address in the short term. These issues become the scope of the initial IMP.*

## **Kaupapa**

A necessary first step is to identify the actual purpose of the IMP. From an environmental management perspective this might include;

- Asserting the tino rangatiratanga of whanau, hapu or iwi over ancestral taonga.
- Identifying the environmental management kaupapa of the whanau, hapu, iwi or runanga.
- Influence the policy statements the Councils or government departments and the consent applications of developers.

*"We chose to break out of the cycle of reacting and being controlled by others to a state of control over our own affairs, defining our preferences and laying the ground rules for any interaction between ourselves and others."*

**Ngaati Te Ata**

*"The subject matter and scope of our IMP decided itself to a degree. Key concepts had to be explained, who we are, where we are, and basic tikanga. This put things in content. Then we looked at the major groups of resources we wanted to see protected."*

**Kai Tahu ki Otago**

## Guidelines

### Process

- Review the issues that have led the iwi to consider preparing an IMP;
- Use this review to decide on the scope of the IMP; for example
  - *A general policy statement along the lines of a Regional Policy Statement;*
  - *A general policy statement about a single issue;*
  - *A general policy statement about a specific resource or area;*
  - *A detailed statement of outcomes, objectives and policies about a single issue;*
  - *A detailed statement of outcomes, objectives and policies about a specific resource or area.*
- Clearly define the purpose and scope in a single brief statement that can be agreed on by the iwi.
- Develop a brief statement of how the decision was reached to prepare an IMP with the stated purpose and scope.
- Develop a consultation process that allows the purpose and scope of the proposed IMP to be agreed on by the iwi (see Consultation Strategy and Programme).
- Achieve agreement on the scope of the IMP and move to the Plan Preparation Process Toolkit.

**Table1: The Purpose and Scope of the Plan – Purpose Checklist****Key Tasks**

Task	Yes	No
Clearly identified the intended purpose of the IMP		
Clearly identified the intended scope of the IMP		
Clearly identified a process for consultation and sign-off		
Achieved sign-off of the purpose and scope		

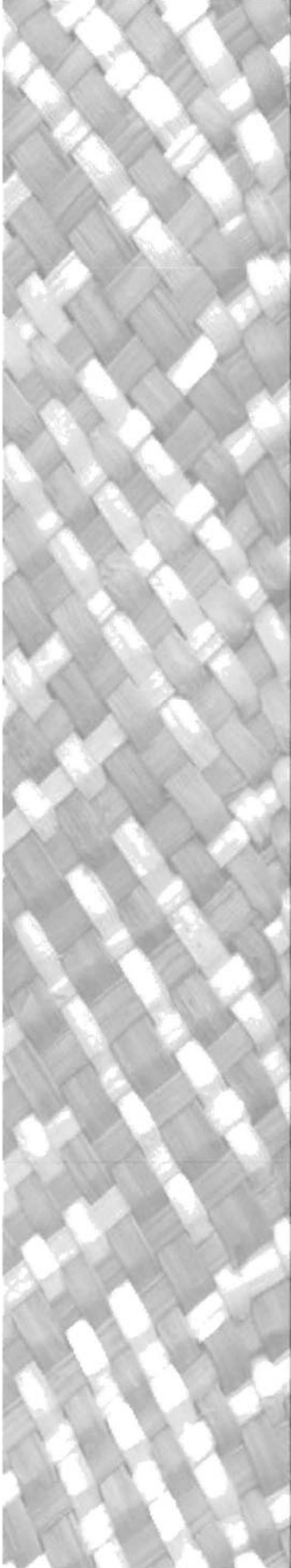
**Table2: The Scope of the Plan - Scope Checklist**

What is the intended scope?

Resource Set	Category	Activities
Mountain land	Lakes Forests High country Wetlands Glaciers Rivers	Land management Erosion control Retirement Riparian management De-stocking Recreation activities Discharges
Plains/Rural	Forests Lakes Rivers Wetlands Pastoral areas Cropped areas Built development Infrastructure	Land management Erosion control Farming activities Forestry activities Riparian management Recreation activities Wildlife management Conservation Discharges
Coast	Forests Wetlands Rivermouths Estuaries Lagoons Dunes Foreshore Built development Infrastructure	Land management Erosion control Siltation control Riparian management Recreation activities Access management Wildlife management Conservation Enhancement Restoration activities Discharges

<b>Resource Set</b>	<b>Category</b>	<b>Activities</b>
Water	Coastal Rivers and streams Wetlands Instream fisheries Kaimoana	Fishing/harvesting Aquaculture Enhancement Restocking Discharges Takes
Urban Environment	Built development Infrastructure Waterways Open space	Residential activities Commercial activities Industrial activities Riparian management Recreation activities Amenity enhancement Discharges
Customary Uses and Activities	Waahi tapu Waahi taonga Urupa Mahinga kai Taiapure Mataitai Nohanga kainga Topuni Marae Kohanga reo Trails and tracks Taonga raranga	Reinstatement Enhancement Riparian management Restocking Erosion control Restoration activities Recreation activities Residential activities Commercial activities Wildlife management Access management Discharges

## ***PREPARING THE PLAN***



*It is important that the process of preparing an IMP is owned by iwi and/or hapu. Only then will they be committed to its implementation.*

*Most tangata whenua have formed a Working Party to prepare their plans. Working Parties are not there to make decisions on behalf of hapu or iwi. Rather, they are a team of 'workers' to carry out directions from hui, and then at a later date seek feedback and/or decisions from hapu or iwi on whether they have got it right.*

## ***Preparing The Plan***

### **First Principles**

The next stage is to set out how the plan will be prepared. This should start from broad first principles and then be developed into more detailed steps as agreement is reached on what direction to take.

The iwi or hapu will have ways of deciding how tribal kaupapa and tikanga is built into preparing the IMP. There may also be preferences about how different stages are reported back to the whanau, hapu, iwi or runanga and agreed upon.

There may be external processes and timeframes that put pressure on the process agreed to by the iwi, for example, the timeframe adopted by a Council for the preparation of a regional or district plan. This may need to be built into the plan preparation process.

### **Building Blocks**

The key building blocks of the plan preparation process are;

- Working Party Formation
  - How will the Working Party be selected and set up?
  - How will the Project be managed overall?
  - How will the Working Party report and to whom?
  - How will the Working Party deliver the different parts of the IMP?
- Tikanga
  - What is the tikanga relevant to the scope of the IMP?
- Issue Identification
  - Based on the Purpose and Scope, how will the key issues be identified?
  - What tools or methods will be used to do this?
  - How will the outcomes of the issue identification process be agreed on?

*“The need to prepare a resource management plan was identified and a Hui-a-Iwi formed a Project Team to prepare it. The main steps in our process were then:*

- *Deciding on a wawata as a long-term vision for each generation.*
- *Brainstorming issues and refining them through further hui and research (e.g. field trips).*
- *Brainstorming what we wanted to achieve and how to achieve it.*
- *Obtaining internal feedback on a draft plan.*
- *Hui-a-Iwi approving our plan”*

#### **Whakatohea**

*“We held workshops to brainstorm issues and then looked at which issues were related. This enable issues to be grouped under common headings.”*

#### **Ngati Wai ki Aotea**

*“For part of our process, we co-opted a scientist to provide additional knowledge relating to instream values and water quality.”*

#### **Kai Tahu ki Otago**

- Getting Information
  - Collecting relevant information from internal and external sources.
  - Collation and storage.
  - Analysis of information.
- Consultation
  - Development of a Consultation Strategy.
  - Development of a Consultation Programme.
  - Implementation.
- Creating the Plan
  - Deciding on a Format, Structure and Style.
  - Preparing a First Draft.
  - Review of the Draft.
  - Preparing the Proposed IMP.
  - Review of the Proposed IMP.
  - Preparing the Final IMP.

You may not need to have the three stages of a draft, proposed and final IMP. Some iwi have found that all you need is a draft and a final IMP. The choice is up to you.

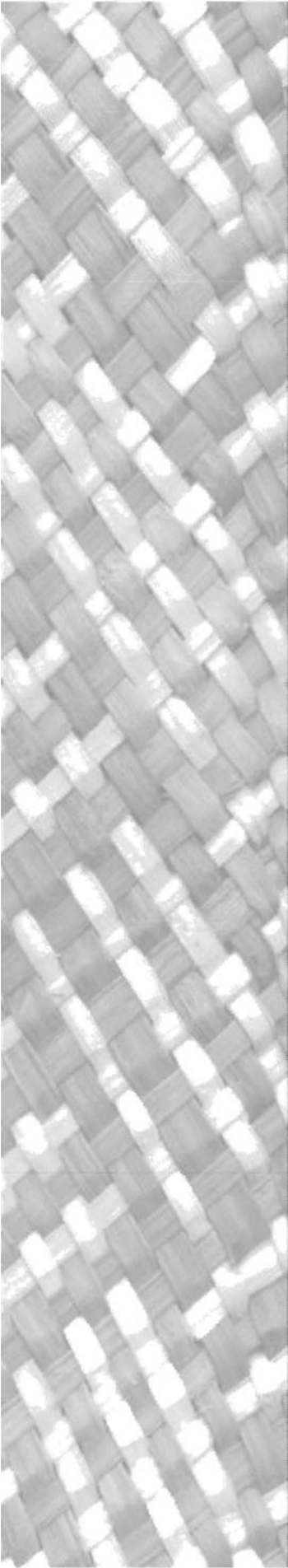
## **Guidelines**

### ***Working Party Formation***

A detailed set of guidelines, checklists and process diagrams are included in the Project Management Toolkit.

### ***Issue Identification***

- What is an Issue? An issue is a problem or matter relevant to the scope of the IMP that the IMP will try to address. For example, a Freshwater Management Plan may have as an issue “.... the adverse effect of summer low flows on native fish habitat.”
- Make sure that the issues are relevant to the scope of the IMP.

- 
- Make sure that the issue is a statement of the problem, not what iwi seek to achieve to overcome it (these are outcomes or objectives).
  - Spread the net widely in the early stages.
  - Look for opportunities to merge similar issues.

### ***Case Studies***

A useful technique for helping to identify issues and outcomes, and to set the scene for parts of the IMP is the use of case studies.

These can show how issues of significance to an whanau, hapu, iwi or runanga have emerged and can be addressed. Case studies recognise the mahi that has been put in by others and how that is recognised in the preparation of the plan.

### ***Getting Information***

- Focus on information relevant to the issues.
- Use internal contacts and consultation to identify information sources within the iwi, particularly those with traditional knowledge.
- Use external sources to provide the technical and scientific information to support traditional sources, if you think this is needed, if not available internally.
- Develop a way of collating and storing the information that is issue based.
- Cross-reference to other issues.
- Note that not all of the information gathered will be reflected in the Plan.

### ***Resource Inventory***

There is some truth in the expression “you can’t manage what you can’t measure”.

Identifying the location, extent and state of all the tribal taonga that you are seeking to manage is likely to be an enormous task but will be worth the effort. Often time and resource constraints will not permit an exhaustive inventory to be developed as a step in preparing an IMP. In such cases, creating an inventory is normally identified as an “Objective” or method to implement the IMP.



In the absence of a comprehensive resource inventory, you can still start preparing an IMP based on existing information and knowledge of your ancestral taonga.

### ***Consultation***

A detailed set of templates, guidelines and checklists on consultation is provided in the Consultation section below (pages 64).

### ***Creating the Plan***

What is an Outcome? – an outcome is a statement of the result that the iwi wants to achieve in respect of the specific issue ; for example; *“.... low flow regimes in rivers and streams that support sustainable native fish populations”*.

What is an Objective? – an objective is a statement of how the iwi or hapu will get to the desired outcome; for example, *“To encourage the setting of summer low flows which sustain or enhance native fish habitat in streams and rivers.”*

### ***Setting out the Format, Structure and Style***

- Decide on a format and structure which reflects the process that you have adopted.
- Use an introductory section to set out the Purpose and Scope of the IMP.
- Be clear in the way in which you state the relevant issues and explain the background to them.
- Have clear links between issues, outcomes and objectives.
- Spend time discussing and deciding on things like page layout, fonts, text spacing etc.

### ***Preparing the First Draft***

- The first draft represents the results of the initial issue identification and the first cut of desired outcomes and ways to get there (objectives).
- Consider setting only one desired outcome in respect of each issue, and a maximum of three objectives for each desired outcome.
- Make sure that different objectives do not conflict with one another, or at least minimise potential conflict.

*“An external review may provide useful information or additional issues that you are unaware of. It is then up to you whether to accept or reject their advice.”*

***Wellington Tenth Trust***

- Prepare the first draft in a format that allows the document to be easily changed, i.e. go to a new page for the start of each issue/outcome/objective section.
- Keep the consultation and communication process going while you are preparing the draft, and ask relevant questions where you are unsure.
- Develop a process within the Working Party for reviewing each others input to the draft and a sign-off procedure when it is completed.

#### ***Getting the Draft Reviewed***

- Make allowance for both internal and external review of the draft.
- Make sure that the reviewer is both culturally and technically competent to do the review, and has not been involved in preparing the draft.
- Consider developing some specific review criteria.
- Set a timeframe for completion of the review and discussion of the results with the reviewer.
- Make provision for the review to be repeated on the Proposed Plan.
- Make sure the consultation process allows tangata whenua to comment on the draft, and also to contribute to preparation of the Proposed Plan.

#### ***Proposed Plan***

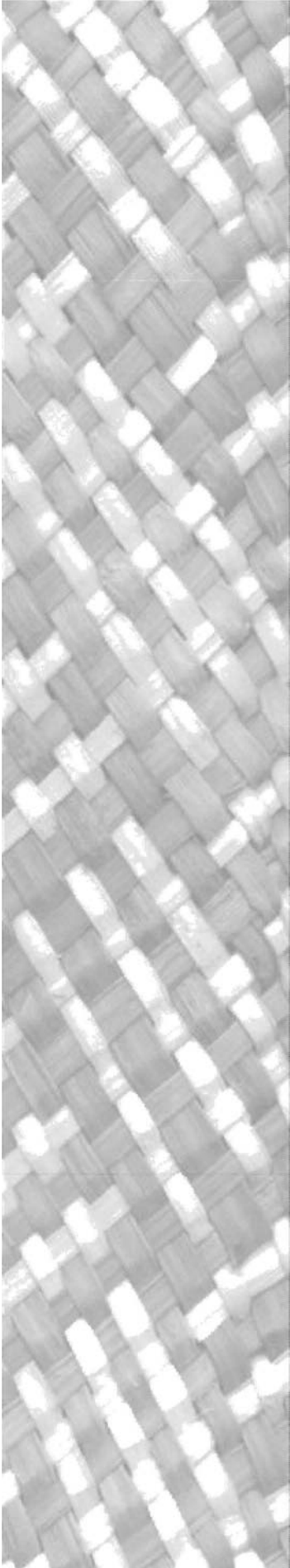
- The Proposed Plan represents your best effort at preparation of the IMP.
- Be able to demonstrate how the Proposed Plan differs from the Draft, particularly if this has resulted in significant changes to issues, outcomes or objectives.
- Consider allowing the consultation process to include external participants commenting on the Plan. This may be particularly important where the IMP seeks to influence public policy in Regional and District Policy Statements or Plans.

#### ***Final Plan***

- Be able to demonstrate how the Final Plan differs from the Proposed Plan and how the decision was reached to change the document, particularly where significant changes to outcomes and objectives have resulted.

*"We publicly notified our draft policy statement and sent it to local authorities and government departments for comment. A three person Hearing Committee was formed to hear submissions but all the submissions were supportive."*

*Ngaati Te Ata*

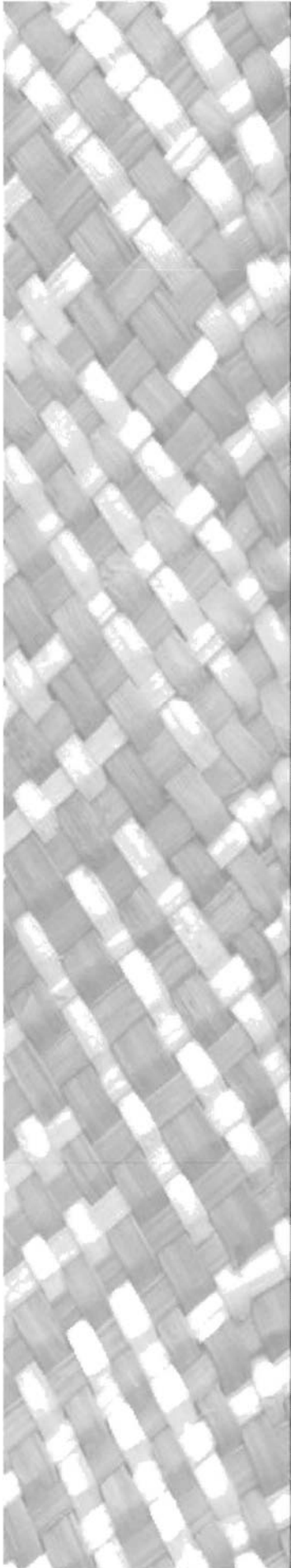


- Ensure that the approval process has been properly completed and the appropriate approvals have been obtained.

**Table3: Preparing The Plan - Checklist*****Key Tasks***

Task	Yes	No
Tikanga and Kaupapa identified		
Issue Identification completed		
Internal and external information sources identified		
Framework for collating and storing information developed		
IMP format, structure and style established		
Consultation strategy in place		
Internal peer review process in place		
External Peer Review process and criteria in place		
Draft Plan preparation and peer review completed		
Draft Plan signed off for release		
Draft Plan consultation process completed and documented		
Proposed Plan completed and changes from Draft Plan documented		
Proposed Plan Peer Review completed and Plan released for consultation		
Proposed Plan consultation with both internal and external affected parties completed and documented		
Final Plan prepared and changes from Proposed Plan as a result of consultation documented		
IMP approved and released as the completed document		

# ***PROJECT MANAGEMENT***



## ***Making Sure It Happens (Project Management)***

*Manage the project from the start to finish so that the IMP is completed:*

- *To hapu and iwi expectations*
- *Within budget*
- *On time*

*Ensure that the team doesn't operate in a vacuum. Link yourselves to existing hapu or iwi structures and reporting processes.*

*"Team members were allocated different responsibilities. A financial planner monitored progress of the team to ensure previously agreed project goals and budgets were followed."*

***Ngati Wai ki Aotea***

### **First Principles**

This section provides guidance on how to manage the preparation of an IMP. The process can be modified to suit the size and type of IMP you are preparing. For example, a small team, or even a skilled individual could carry out a general policy statement on a small range of key issues with little in the way of detailed objectives.

The aim is to manage resources so that the IMP is delivered on time, within budget and to a standard acceptable to the iwi or hapu. The key points are that the Project Team must have a clear understanding of how the project will be carried out, the resources available, and the quality standard that is expected of them.

### **Guidelines**

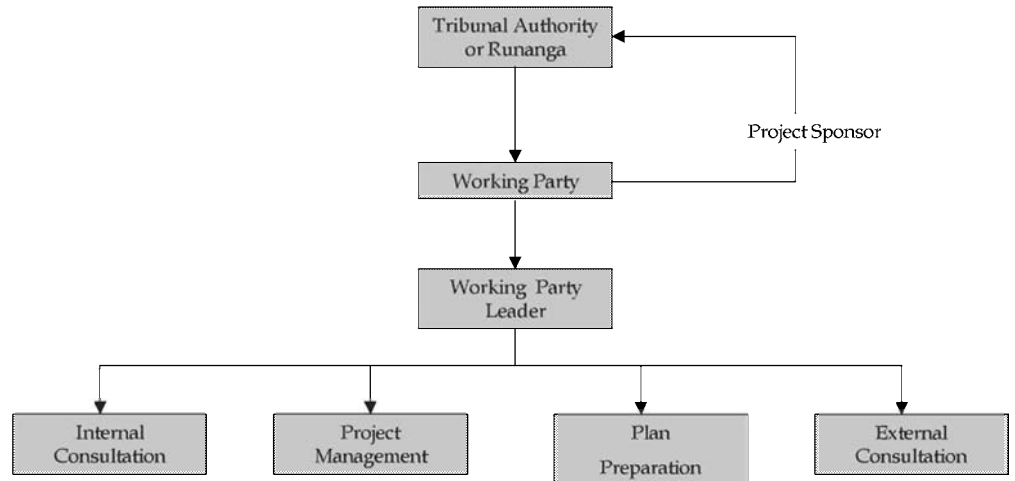
#### ***Working Party Selection***

Getting the right people for the Working Party is vital. The Team Leader needs to have the mana and skills to see the project through to the end. In some cases, this may mean having the ability to complete the IMP on their own.

Working Party members need to have a background in resource management issues on behalf of whanau, hapu, iwi or runanga. There may be others with complimentary skills that you can also draw on, but the core members should have experience in the mahi.

#### ***Team Structure and Relationships***

The Working Party does not operate in isolation from the other parts of whanau, hapu, iwi or runanga. This must be recognised in the set-up and operation of the Working Party. It can be useful to draw a simple diagram to reflect this. An example is shown below:

**Figure6 - Possible Team Structure and Relationships**

*A project mentor is someone independent of the Working Party and Runanga who can give advice on how to deal with problems or difficulties.*

*This could be a kaumatua or kuia of wide experience in iwi affairs, tikanga and knowledge, and with good mediation skills.*

The key points to note are;

- The Working Party has a clear line of accountability to the whanau, hapu, or iwi or for example through a Tribal Authority, Runanga or some other structure.
- The Working Party members have clearly defined roles, including the Team Leader.
- A project mentor can be useful to bounce ideas off, or to act as support when discussing the progress of the project with the Runanga or Iwi Authority. This could be someone external with planning expertise or someone internal with experience in the tikanga which will underpin the IMP.

### ***Deciding How the IMP Will Be Prepared***

#### ***What Steps are Involved?***

This involves deciding on the way in which the IMP will be prepared, and what steps are involved. This Toolkit provides a series of templates that help to set out a standard way of preparing an IMP, however there are alternatives, and these have different resourcing requirements, or different effects on timeframes.

*A methodology specifies steps needed to complete a project.*

*Timelines are simple project management tools.*

*Prepare a chart which:*

- *Breaks the project up into stages*
- *Lists and orders tasks to complete each stage*
- *Allocates resources to each task*
- *Identifies timeframes*

*"We used a core group of 6 or 7 supplemented by working parties to deal with specific aspects of the mahi."*

*Kai Tahu ki Otago*

It is important to clearly identify the stages of the project, the deliverables that are expected at various stages, the key milestones and how interested parties will be involved in the plan preparation process.

### ***Programming:***

The Working Party is responsible for showing how the IMP will be developed and delivered within the agreed timeframe. This process will be gone through a number of times usually at an increasing level of detail. A simple Tool is the Project Timeline. An example is shown after the Making Sure It Happens (Project Management) Checklist (Table 4 below).

The key elements are;

- A clear identification of all of the tasks involved in putting the IMP together.
- A clear understanding of what tasks need to be completed in what order.
- A clear understanding of what tasks can overlap or be run in parallel.
- If necessary more detailed Timelines can be prepared for specific stages of the process, for example doing consultation.

### ***Resource Estimating:***

This involves working out what resources will be required to put the IMP together within the agreed timeframe, and based on the tasks that have been identified. This does not need to be a complicated exercise, and in some cases may need to be very flexible, depending on the availability of people and time.

The "first cut" of the estimate is done quite early in the process, once the decision has been made to prepare an IMP of a defined purpose and scope, and a methodology has been agreed.

The main sets of resources are;

### **People**

- In-house iwi or hapu employees with current responsibilities in portfolios relevant to the IMP, i.e. a Natural Resources Co-ordinator/Manager
- Koroua and Kuia
- Kaitiaki for specific resources covered by the IMP
- Volunteers with an interest or background in the subject matter covered by the IMP



*“Having external funding through the Regional Council Annual Plan was good. It gave us the resources but also imposed accountability.”*

**Kai Tahu ki Otago**

*“We completed our IMP without any funding. The kaupapa was more important. So it can be done with the right people and commitment.”*

**Whakatohea**

*As the IMP project proceeds you will need to measure actual progress against the Timeline. Report progress (including problems encountered) to those that the team is accountable to. Keeping people informed will maintain their confidence and commitment to the project.*

*When agreed changes to the project are made, adjust the Timeline accordingly.*

- Personnel obtained from external sources i.e. local authority staff on secondment or consultants.

### **Time**

- The proportion of their total workload that fulltime staff can devote to IMP preparation
- The number of hours per week that kaitiaki and volunteers are able to devote to the IMP process
- The time available from seconded staff or contracted from a consultant;
- The agreed timeframe for completing the IMP.

### **Money**

- The putea allocated by the runanga or iwi to IMP plan preparation:
- Additional funds that can be sourced from external sources such as local authorities and government departments

Estimates need to be made of the total resources required to complete each task on the Timeline by the due date. The easiest way to do this is on a spreadsheet, and to concentrate on estimating time required rather than money or services in lieu. Dollar figures can be put against the hours later.

This exercise is a useful reality check, and usually results in the scope of work and methodology being reviewed, or the timeframe set more realistically. It is also used to justify additional resources when the project has a high priority.

A sample spreadsheet, or Resource Estimation Table, is shown after the Making Sure it Happens (Project Management) Checklist (Table 4 below).

### **Monitoring and Reporting**

Monitoring and reporting progress on the preparation of the IMP ties back to the project management structure and the organisation to which the Working Party reports. On small IMP projects all that may be required is a brief written and verbal report to a runanga board or committee. Larger projects may require more formal reporting, particularly where the budget is significant or timeframes are tight.

The most basic form of monitoring is to review progress against the Timeline for the project. This will demonstrate progress on tasks against

projected completion dates, and allows “red flags” to be raised when progress falls behind programme.

Another tool is to break down the overall budget into phases for the project, and to review expenditure against both that phase and the overall project. It is possible to produce a reporting framework that puts the two together, but this depends on the quality of the financial reporting system.

A simple monthly report format would include the following;

- Progress against programme;
- Expenditure against budget;
- Identification of any issues or problems that may affect delivery of parts of the IMP;
- Any bright ideas that may improve quality or shorten the timeframe.

**Table4: Making Sure It Happens (Project Management) - Checklist*****Key Tasks***

Task	Yes	No
Team structure defined and team selected		
Roles allocated and reporting protocols set up		
Plan preparation programme set out and agreed on		
Resource estimates prepared and agreed on		
Monitoring and reporting process in place		
Sign-off obtained to commence work		



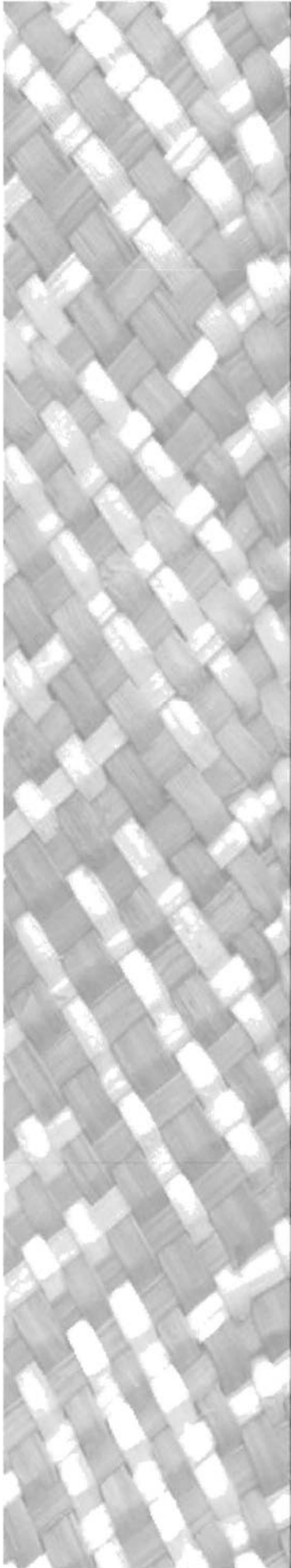
**Table 5: Resource Estimation Table**

Task	Total Hours Required	Team Member (TM)						Total Hours Available	+/-
		Team Leader	TM1	TM2	TM3	TM4	TM5		
<b>Total Hours</b>									

**WORKSHEET: REPORTING*****Monthly Reporting Format***

<b><i>Date;</i></b>
<b><i>Reporting Period</i></b>
<b><i>Progress Against Programme</i></b>
<b><i>Expenditure Against Budget</i></b>
<b><i>Issue or Problems</i></b>
<b><i>Recommendations and Actions</i></b>

## ***RESOURCES***



*Without resources the project will not happen.*

*Be innovative and bold in order to secure the necessary resources.*

*Be flexible.*

*External sources may include:*

- *Central government (e.g. MfE, TPK)*
- *Regional; and district councils*
- *Private companies*
- *Funding agencies (e.g. NZ Lotteries)*

*Check out the Resource Directory at the rear of the Toolkit*

## **Resources**

### **First Principles**

As previously discussed in the Project Management Toolkit there are three main types of resources;

- Time;
- People;
- Money.

It is necessary to have a clear understanding of what resources will be required to complete the IMP. It is also useful to know what resources are required for each phase.

Where you get the required resources from is also important. The Project Management Toolkit has already referred to the “reality check” that comes from mapping out the plan development process.

All three types of resources are linked together. Limited funds and personnel usually mean a longer time frame. Limited funds, but with enough people will shorten the timeframe, particularly if the people involved are volunteers or made available by some other organisation.

Circumstances change, so the resources available can vary through the project. This particularly applies to volunteers working on the project, or to people provided by other organisations. You need to be flexible. What usually happens is that the timeframe gets extended. However, this cannot happen all the time and usually involves looking for replacement personnel or additional funds to buy in skills and time.

#### **Time**

It is important to understand from the start the timeframe within which the IMP will be prepared. This has an important effect on the other resources, people and money. For example, a simple environmental policy statement prepared over a two or three-year period may not make a large demand on scarce resources. An Iwi Freshwater Policy Statement that needs to be prepared in time to influence a Regional Freshwater Plan may have quite significant demands.

#### **People**

Your team is likely to involve a variety of different individuals with different skills (see Resource Estimation Worksheet from the Project Management Toolkit).



*In June each year local authorities set their budgets for the following financial year. Therefore approach senior management of your local Council or Councillors in about October–November of the previous year. Alternatively, make a formal submission on the Draft Annual Plan when it is publicly released in about May. The former approach, however, is the most proactive.*

It is unlikely that many of these people will be working only on the IMP. Therefore you need to know just how much time is available from each person and when it is available. You may find yourselves using some of these people only on particular parts of the overall project.

You may also find that your Working Party changes quite significantly through the project.

### ***Money***

Getting access to the necessary funds to complete the project within the proposed timeframe is always a difficult task. You need to have a good understanding of how the different organisations set their budgets, and how they decide on who or what they will spend it on. This applies equally to your iwi authority, local Council, the Sustainable Management Fund or other sources, such as the Crown Forest Rentals Trust.

## **Resources And Project Management**

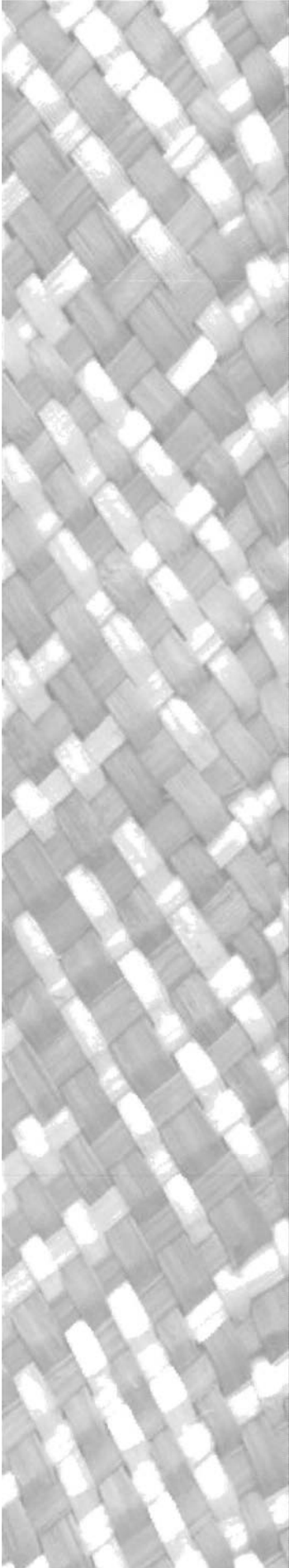
There is a very close relationship between deciding on the way in which the plan will be prepared (Plan Preparation Toolkit), getting the necessary resources (Resources Toolkit), and project management (Making Sure It Happens (Project Management Toolkit)). It is best to fit all of these together before you start.

What tends to happen is that the project gets underway before all of these pieces are fully tied together. In these circumstances you need to make sure that this project management part catches up with doing the work, so that you can be in control of the project.

## **Guidelines**

### ***Time and People***

- Use the Timeline from the Project Management Toolkit to set the overall timeframe and the timeframe for key tasks.
- Identify the personnel that you have available and the tasks that they will be involved in.
- Identify the gaps and potential sources of assistance.
- Use the Resource Estimation Spreadsheet from the Project Management Toolkit to estimate how much time each team member will be required to put into the project. You may wish to do this stage by stage, especially if the availability of team members is likely to change.



- Negotiate for additional resources.
- Confirm availability of people and commitment to the timeframe.

### ***Putea***

- Work out an initial budget and the money required over and above existing funds.
- Identify the potential sources of funds.
- Identify the budget setting process that each organisation uses and the best time to influence what projects are to be funded by that organisation. This applies particularly to Regional and District Council budgets.
- Identify the process used to select projects for funding after the budgets are set, and the timing of applications. This applies to sources such as the Ministry for the Environment's Sustainable Management Fund.
- Be clear about the requirements for the content of applications, due dates for submitting applications, and reporting requirements. Build this into your overall project management.
- Develop an overall strategy for bringing the different sources of funding together. Identify your core source of funding and concentrate your effort on securing those funds. Not all applications for funding will be successful.
- Confirm your available budget and revise your initial budget, timeframe and the availability of personnel to suit.

**Table6: Resources - Checklist*****Key Tasks***

Task	Yes	No
Time and Personnel		
Overall timeframe worked out using Timeline		
Available personnel identified and matched with tasks		
Hours available from each team member matched with time required for each task		
Commitment and availability of team members confirmed		
Putea	Yes	No
Initial budget worked out and any shortfall assessed		
Potential funding sources identified		
Process for applying for funds from each source clearly understood and built into project management process		
Strategy for obtaining funds from each source worked out		
Strategy implemented and funding confirmed		
Budget confirmed and alterations made to scope, programme and timeframe to suit.		

# Project Timeline

ID	Task Name	Duration	Start	Finish	2001				2002				2003				2004							
					Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4						
1																								
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Project: Blank  
Date: Wed 09/08/00

- Task
- Split
- Progress
- Milestone
- Summary
- Rolled Up Task
- Rolled Up Split
- Rolled Up Milestone
- Rolled Up Progress
- External Tasks
- Project Summary



# ***CONSULTATION***



## **Consultation Strategy And Programme**

### **Introduction**

The purpose of this template is to give a framework for a Consultation Strategy and Programme. The Strategy and Programme can be varied to suit the nature of the plan that you are preparing and the range of affected parties you want to consult with. The Consultation Strategy and Programme is a plan in its own right, so you will recognise some common elements from elsewhere in the Toolkit. Use the Guidelines to help you.

A Strategy is a broad plan of action while a programme identifies specific tasks to achieve the strategy.

You may not need to use a formal consultation strategy. It may be only necessary to keep in mind the characteristics of good consultation and use the consultation tools that suit you.

This section of the Toolkit allows you to choose a consultation process that suits the size and scope of the IMP that you are preparing.

### **First Principles**

Consultation is a process of involving all affected and interested parties in plan preparation. It starts before plan preparation begins and is a constant thread throughout the whole process.

Good consultation has the following characteristics;

- Listening to what others have to say and considering responses
- Allowing enough time for proper consultation
- A genuine effort is made to consult
- Sufficient information is given to the party being consulted
- Keeping an open mind and being ready to change or even start again.

It is important to realise that consultation does not necessarily involve coming to a consensus, although that may be the outcome of a good consultation process. It is also important to remember that consultation is not negotiation. Negotiation with various parties may be an outcome of the consultation process, if support is required for a particular position which the iwi or hapu wishes to take.

Consultation is usually divided into two categories;

*Consultation between parties is important for a number of reasons including:*

- *Two-way information exchange*
- *Buy-in to the project*
- *Informed decision making*

*“Consultation was a constant process with hapu and Papatipu Runanga. This was vital to get buy-in to the process and the outcomes.”*

***Kai Tahu ki Otago***

*“We basically relied on hui-a-hapu, hui with individual whanau, and interviews with kaumatua and kuia.*

*As always, we could have done with more time and information.”*

***Ngati Wai ki Aotea***

*Prepare a strategy to help ensure you achieve good results from consultation.*

- Internal consultation within the whanau, hapu or iwi. In order to ensure quality involvement consultation will normally be undertaken at various levels including hui-a-iwi, hui-a-hapu, focus groups, and individual interviews/meetings.
- External consultation with parties or agencies that are affected by the plan preparation process and the potential outcomes. This consultation can take a variety of forms, some based on tikanga Maori and some on the protocols or preferences of the groups being consulted.

## **Consultation Strategy**

### ***Context***

Set out the context of the consultation, i.e. why the plan is being prepared, the timeframe over which it is expected to be prepared and what other processes it fits into.

### ***Consultation Outcomes***

These are the outcomes of the Consultation Strategy and Programme, not the particular outcomes of the Plan being prepared. Examples of potential consultation outcomes are shown below;

- *Development of a communication process which promotes the clear exchange of information between the Working Party and those that it is accountable to (e.g. hapu, iwi) and any external groups that it wants to consult (e.g. Councils, local community);*
- *Development of a recording system of project correspondence and consultation, and the use of a single point of contact to make sure that information is consistent, accurate and timely;*
- *Hapu, whanau, and other affected parties are informed and educated on the scope of the project, the issues identified, the timeframe for plan preparation and opportunities for them to get involved;*
- *Hapu, whanau and other affected parties are informed about how all the options have been examined, and their input obtained on suggested alterations to draft and proposed plans.*

These are just examples of potential outcomes. The main thing is that they apply specifically to the consultation process, and show how you



intend to be accountable and transparent in the way you prepare the Iwi Management Plan.

### **Objectives**

These are specific statements of intent as to how identified consultation outcomes will be achieved. The link between them should be very clear. Examples of potential objectives are shown below;

- *To clearly identify the hapu, whanau, marae and other tangata whenua groups within or outside the rohe that need to be involved in the consultation process and to establish clear communication links;*
- *To clearly identify the external organisations or affected parties that need to be involved and to establish clear communication links;*
- *To ensure that the consultation is timely, and that the information given out is consistent and accurate;*
- *To present information in a clear and concise manner and to allow informed discussion to take place;*
- *To reflect back to participants the outcomes of consultation at each stage of the plan preparation process.*

### **Consultation Tools**

Each of the consultation tools set out in the Consultation Guidelines should be considered. The Consultation Programme does not need to have each of these itemised by time and date, but the important ones, especially hui-a-iwi and the release of newsletters, should be programmed, as they tend to take the most time and effort to organise.

### **Details of the Consultation Strategy**

#### **Parties to Consult:**

This is a simple statement of who you intend to consult, and a breakdown of how you intend to consult with each group, for example;

*“Parties to Consult”*

*Consultation will take place with whanau, hapu, interest groups, communities and local authorities adjacent to the coastline of the rohe, who may be affected by the current management of the coast and the outcomes of the iwi coastal management plan.*

*Consultation with Hapu and Whanau*

*Consultation with hapu and whanau will take place at Orimupiko and Oeo Marae, in accordance with the tikanga of those marae. The timing of the consultation hui will be arranged through the respective marae trustees.*

A similar consultation statement is repeated for each significant group, such as interest groups, local authorities, government departments or industry groups.

**Stages of Consultation:**

Remember that you may need to repeat each round of consultation meetings for each significant stage in the plan preparation process. It may well be that some groups or individuals will not want to be directly involved in consultation until you have something specific to discuss with them. Adjust your programme to accommodate this.

**Recording Consultation:**

It is important to accurately record consultation and to action matters raised in consultation (like providing additional information on a specific matter). The strategy should state how this is to be done. Taking the minutes (or any record) of your consultation meetings can be useful. This allows you to recall important issues, ideas or sources of information that can easily be forgotten after a meeting or hui. It is really important when you are asking a meeting to vote on an issue, and you need to record any resolutions or agreements. An example is given below.

*“Records of Consultation and Actions Taken”*

*Minutes will be taken for most meetings, and the minutes circulated and confirmed. Minutes from meetings will be distributed to those recorded as attending. A standard meeting record form has been developed and is to be used for all consultation meetings. The main actions to be carried out by the Working Party as a result of the consultation meeting shall be recorded on the form.*

A consultation strategy should:

- Identify who and when you need to consult
- How consultation results will be recorded
- Allocate responsibilities amongst team members, including responsibilities for media and public liaison.

***Responding to Enquiries and the Media:***

You need to make allowance for enquiries by individual hapu or whanau members, the general public and the media. You need to set out who is responsible for receiving these enquiries and responding to them. In general, any team member should be able to respond to the general enquiries from whanau or the general public, but only the team leader should be able to respond to the media.

An example of this is set out below;

*“Responding to Public Enquiries”*

*Working Party members can expect to receive numerous telephone calls, items of correspondence and other contacts from whanau members, the general public, groups and organisations and the media. The principal point of contact is the Working Party Chairperson.*

*Individual team members shall record all telephone discussions with whanau and the general public on the consultation record sheets. Any enquiries from the media will be referred to the Working Party Chairperson.*

**Consultation Programme*****Programme Format:***

There are two options;

- A simple series of paragraphs under main headings setting out the main elements of the Consultation Programme, for example;
 

*“Hui-a-Iwi February 2000 : Orimupiko, Eltham Road, Opunake, to present the overall Kaupapa for the Freshwater Management Plan, the plan preparation process and how nga uri will be involved in the plan preparation process.”*
- A table or spreadsheet setting out the main parts of the consultation, responsibility for the task and important dates. An example is set out below;

Task	Responsibility	Start Date	Finish Date
Hui-a-iwi	Working Party and Marae Trustees	12 Feb 2000	
Internal Consultation on Issues	Working Party	28 Feb 2000	30 Apr 2000
Hui-a-Iwi to report on Issues	Working Party and Marae Trustees	7 May 2000	

You need to be flexible. Don't treat the Consultation Programme as being cast in stone, and be prepared to review progress and change the programme to suit.

### ***Consultation Strategy – Sample Table of Contents***

#### **Context**

#### **Consultation Outcomes**

#### **Consultation Objectives**

#### **Consultation Tools**

#### **Details of the Strategy**

*Stages of Consultation*    *Issue Identification*

*Desired Outcomes, Objectives and Policies*

*Release of Draft Plan*

*Release of Proposed Plan*

*Parties to Consult*    *Hapu and Whanau*

*Interest Groups*

*Local Authorities*

*Government Departments*

*General Public*

*Recording Consultation*

*Responding to Media Enquiries and the Media*

#### **Consultation Programme**

*Tools and Timing*

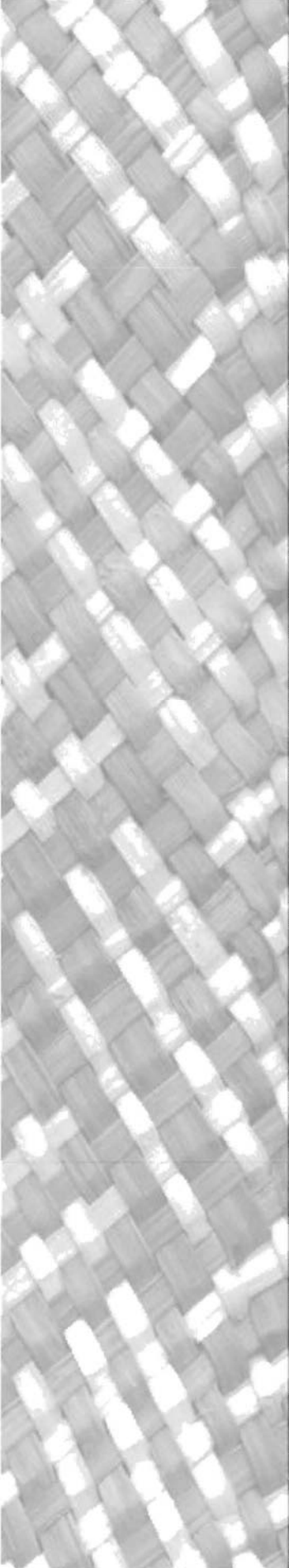
*Programme Elements*

#### **Programme Spreadsheet**

## **Guidelines**

### ***Consultation Strategies and Programmes***

- Plan the consultation process from the outset, and consider using a consultation strategy and programme to guide the process.
- Clearly identify the actual outcomes that you expect from the consultation process, i.e., "all hapu members have the opportunity to participate in the plan preparation process..."
- Map out your consultation on the basis of the main stages in the overall process. There will be overlaps and some may be able to be run together.

- 
- Clearly state who is doing what consultation, where it is being done, how it is being done, and how it will be recorded and reported (see the Resources Guidelines).
  - Separate the internal consultation and the external consultation. Develop contacts early on in the process and be open about how you are going to deliver the whole plan preparation process.
  - At each stage deliver the information as clearly and concisely as possible. Give people ample time to respond. Report back to them on the responses of all the people you have consulted, not just that group or organisation.
  - Clearly demonstrate how the consultation has affected your decision-making and any changes that you intend to make.
  - Clearly identify where you disagree and the reasons why.
  - Make sure that you have a document trail which allows you to demonstrate that you have consulted widely and in good faith.

## Consultation Tools

### *Tools and Timing*

The Programme should briefly describe the range of consultation tools that are being used and the broad timing of their use. This provides a broad framework for the programme. An example is given below.

#### *“Means of Consultation”*

*Consultation on the Freshwater Management Plan will involve the use of Hui, articles in the local newspaper, and presentations as part of talk back sessions on tribal radio. Hui-a-iwi will be used at the start of each key stage in the Plan preparation process, with specific hui or meetings for both tangata whenua and external interest groups. Newspaper articles and talk back radio will be used to update whanau and hapu on the progress of the Plan, the issues being considered and how they are being approached.*

There is a range of consultation tools that you can use;

- **Hui** varying in size from hui-a -iwi through to those with specific hapu or whanau. Hui-a-iwi are most likely to be used at key points in the process, such as when the overall project is introduced to the iwi or hapu, issue identification, draft plan stage and proposed plan stage. Smaller hui are more likely to be used where the input of more focused groups is required.
- **Newsletters** which depend a lot on the resources which you have available for preparation, printing and distribution. Information can be included in iwi newsletters that currently exist rather than preparing a special one for the project.
- **Newspapers** either specific iwi newspapers or the general newspaper circulating in your area. Prepare the articles yourselves, and then seek help to “polish” them for publication. This is a good back-up for any Panui advertising hui associated with the plan preparation.
- **Radio** particularly iwi based radio broadcasting in your region. A number of these stations have talkback programmes which you can get access to.
- **Contact person and telephone number.** Advertise specific people on your team who are available to discuss the plan and its preparation. Make sure they are well informed and available.
- **Kanohi ki te kanohi consultation** with kaumatua, kuia, kaitiaki or any other individuals with particular knowledge or experience. This

*A programme provides details on how to implement the strategy:*

- *Identifying what consultation methods are appropriate for each stakeholder*
- *Specifying consultation tasks, responsibilities and dates*

may be best achieved through interviews as opposed to hui. Hui are useful for obtaining the necessary detailed korero if they involve overnight stays.

- **Site visits** enabling people to identify and explain examples of actual issues in the field. Field inspections/visits of taonga are important for bringing tribal history and issues to life.


**Table7: Consultation Strategy And Programme - Checklist*****Key Tasks***


Task	Yes	No
Have you prepared a consultation strategy and programme?		
Does the strategy and programme: State the desired outcomes and objectives of the strategy Set out the programme by stage of plan preparation Set out the programme in respect of both internal and external consultation by stage of plan preparation Clearly identify who is doing what consultation, where, with whom and under what protocol Set up the process for recording, documenting and retrieving the results of consultation		
For each stage of the plan preparation process have you: Reviewed the consultation programme Confirmed venues, times, and resources Provided any necessary information beforehand Adequately recorded and collated consultation responses Analysed the responses and reflected the results back to the participants Demonstrated how the outcome of consultation with all groups has influenced decision-making to that point.		





# Project Timeline


ID	Task Name	Duration	Start	Finish	2001				2002				2003				2004			
					Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4		
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Task 


Split 


Progress 


Milestone 


Summary 


Rolled Up Task 

Rolled Up Split 

Rolled Up Milestone 

Rolled Up Progress 

External Tasks 

Project Summary 

Project: Blank  
Date: Wed 09/08/00



## **PART ONE The Tools**

**Section One**  
First Principles

**Section Two**  
Structure of  
Te Karanga

**Section Three**  
An  
IMP Template

**Section Four**  
Getting  
Started

## **PART TWO The Process**

**Section One**  
Purpose and  
Scope of the Plan

**Section Two**  
Preparing the  
Plan

**Section Three**  
Project  
Management

**Section Four**  
Resources

**Section Five**  
Completion

## **PART THREE The Preparation**

**Section One**  
Introduction to  
Part III

**Section Two**  
Foundations of  
the IMP

**Section Three**  
Resource  
Inventory

**Section Four**  
Issue and  
Outcomes

**Section Five**  
Objectives

**Section Six**  
Achieving  
Outcomes

**Section Seven**  
Checking our  
Achievements

**Section Eight**  
Keeping up  
with Change

## **PART FOUR Resource Directory**

**Section One**  
Funding  
Sources

**Section Two**  
Existing IMPs

**Section Three**  
Publications

**Section Four**  
Web Sites

**Section Five**  
Legislation  
Fact Sheets

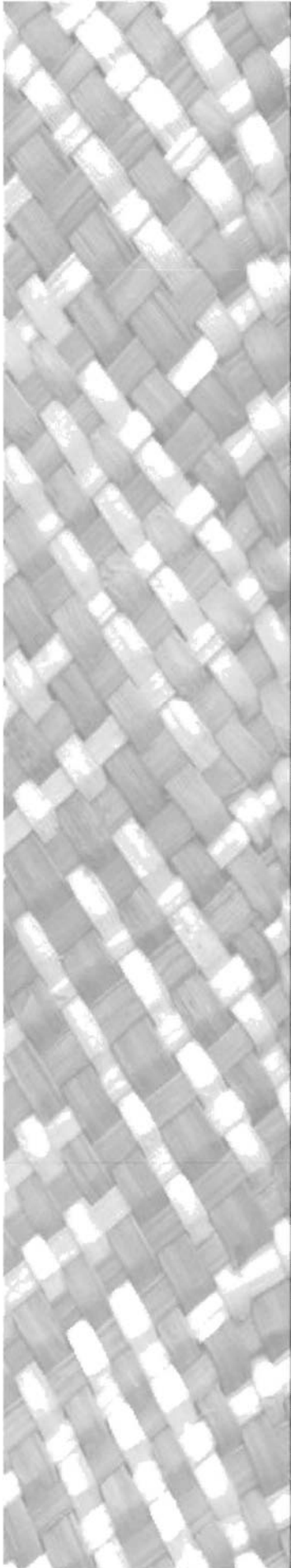
## ***PART III: THE PREPARATION***

*Ki te watea o te hinengaro  
Me te pai o te rere o te wairua  
Ka taea nga mea katoa*

*When the mind is free  
And the spirit is flowing  
All things are possible*

- ***Introduction to Part III***
- ***The Foundations of the IMP***
- ***Resource Inventory***
- ***Issues and Outcomes***
- ***Cross Boundary Issues***
- ***Ways to Get There (Objectives)***
- ***Achieving Outcomes***
- ***Checking Achievements***
- ***Keeping Up With Change (Review)***

## ***THE PREPARATION***



## ***Introduction to Part III***

### **Using Part III of the Toolkit**

In general existing IMP only go as far as identifying the issues, outcomes and objectives that are relevant to the scope of the IMP. This is particularly the case where whanau, hapu, iwi or runanga are using the “big picture approach” and trying to provide a broad base of objectives.

Most tangata whenua who have IMP are looking to develop more specific plans or strategies as time goes on.

The next part of the toolkit provides a general guide to preparing each specific part of the IMP. It is intended to be used whatever approach you decide to use.

Two sets of examples are provided to help guide you;

- *Examples from existing IMP*

It is important that the mana and wairua of these IMP is respected. These examples exist in a specific context in their respective IMP and should not be adapted for use in your document without appropriate consultation with the whanau, hapu, iwi, or runanga responsible for their preparation. It is their intellectual property.

- *Examples built through Te Raranga*

Throughout this section of Te Raranga, we have used a case study of a Freshwater Management Plan.

This Case Study is at the hapu level, and relates to the rohe of Ngati Haumia, between the Waiaua River and the Ouri Stream, in coastal Taranaki.

The purpose of this Case Study is to show how the different parts of the IMP come together. This Case Study is also reflected in the various tools such as the Consultation Strategy (Part II).

### **Stand Alone Sections**

Each section of Part III is intended to be able to stand alone. Each section has its set of guidelines, examples, worksheets (where necessary) blank resource estimation table, and blank timeline.

This is to allow a Working Party to delegate the role of preparing parts of the IMP to smaller groups who will take responsibility for the work.

## ***The Foundations of the IMP***

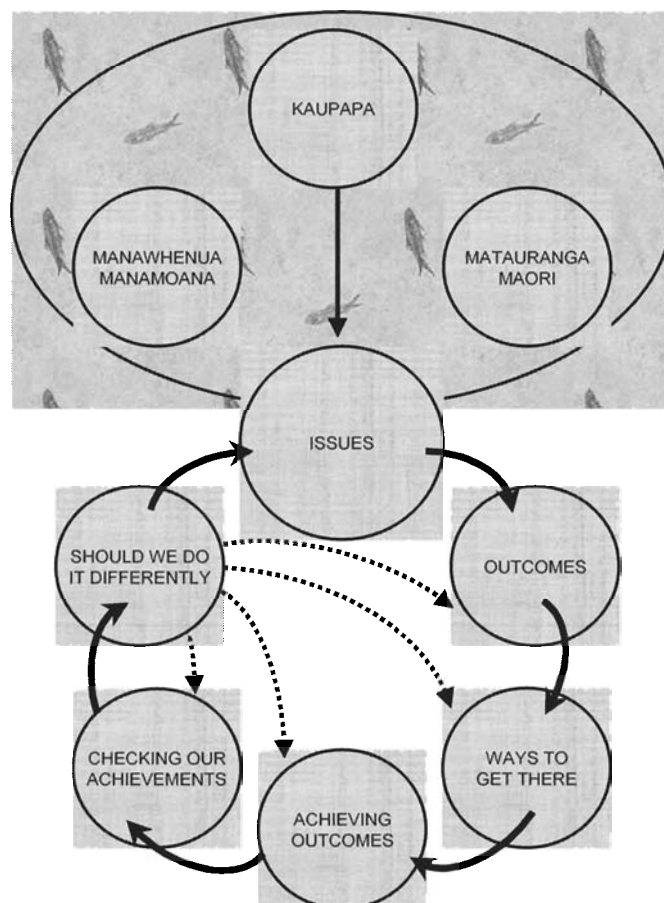
### **First Principles**

The actual issues, outcomes and objectives set out in the IMP need to be based on a firm foundation. That foundation is usually comprised of a vision statement setting out the overarching kaupapa of the iwi, hapu or runanga, a statement of Manawhenua-Manamoana, and an explanation of the Maturanga Maori which underpins the issues, outcomes and objectives of the whanau, hapu, iwi or runanga.

The template sets out the key elements that each section needs to contain. There are cross-references to other templates that will be useful in preparing this part of the IMP.

At the end of this section of Te Raranga is a blank Timeline and Resource Estimation Table, to help you scope out the process you will use to prepare this part of the IMP and the assistance you will need to complete the task.

**Figure8 - Te Raranga a Mahi**



## Introduction

The Introduction should contain the following;

- Background to the preparation of the IMP, and the context within which the plan is being prepared. Describe the relationship with other IMP which have already been prepared or that are intended to be prepared in association with the IMP.
- A description of the purpose of the document. The common themes amongst existing IMPs are;
  - *To express the mana motuhake maori or tino rangatiratanga of the iwi or hapu over whenua and moana*
  - *To lay down the environmental kaupapa of the iwi or hapu*
  - *To articulate tribal policy for external agencies*
  - *To define the process for consultation and negotiation between iwi/hapu and external agencies*
- A description of the format of the IMP and how the various parts of the document fit together.
- A description of the IMP preparation process, and the process to be used to review and change the document.
- A statement regarding intellectual property, and the management of the information contained within the document.

### **Other Relevant Guidelines and Checklists**

- Purpose and Scope of the Plan
- Preparing the Plan

## Kaupapa

This section sets out the broad kaupapa of the whanau, hapu or iwi that overarches the IMP and any other plans prepared.

## Guidelines

### **Broad Format**

Common elements amongst existing IMPs are;

- A vision statement
- The principles of Kaitiakitanga as applied by the iwi or hapu
- The core elements of iwi or hapu tikanga as applied by the iwi or hapu.

### **Vision Statement**

Examples of vision statements are;

*“Ko te whakapumau i te mana motuhake o Ngati Porou i roto i tona mana Atua, mana tangata, manawhenua.”*

Ngati Porou Environmental Policy Statement.

*“The promotion, enhancement, protection, and implementation of the tikanga of the iwi.”*

Ngaati Te Ata.



## **EXAMPLE: AIMS AND PURPOSES**

### ***KAI TAHU KI OTAGO RESOURCE MANAGEMENT PLAN***

- This Plan will provide basic information on natural resource issues and a framework to assist resource users and managers to develop consultation and partnership processes.
- This plan will not replace the continuing need for direct communication and dialogue as the main method for consultation.
- This Plan represents the principal planning document from which a number of further policy and planning documents will be developed.

#### **This Plan Aims to:**

##### **Assist Kai Tahu ki Otago through:**

1. achieving greater public understanding of Kai Tahu ki Otago's natural resource issues and objectives;
2. providing a basis from which Kai Tahu ki Otago participation in natural resources management is further developed; and
3. providing direction to the consultation process.

##### **Assist Natural Resource Managers and Users in Otago by:**

4. backgrounding Kai Tahu resource issues and concerns in Otago;
5. detailing the Crown legal obligations to the Iwi in regard to the management of resources;
6. detailing Iwi expectations of the consultation process and presenting various options and suggestions to promote more effective consultation;
7. providing a list of initial points of contact for consultation; and
8. providing some information about specific areas or locations of concern and importance to Otago Kai Tahu.

## EXAMPLE: KAITIAKITANGA

### ***KAWERAU A MAKI TRUST RESOURCE MANAGEMENT STATEMENT***

#### ***2.0 Kaitiakitanga***

*Our continuing role as guardians and the basis of that role.*

Kaitiakitanga is a concept fundamental to the Kawerau view of resource management. The Kaitiaki is the tribal guardian which can be non-human (e.g. a taniwha) or human, their role is to protect all tribal taonga. The person or group of people who are Kaitiaki must also hold manawhenua.

'Tiaki' includes notions of guardianship, care and wise management.

'Kaitiakitanga' is the process or system of exercising Kaitiaki responsibilities.

The primary responsibilities of the Kaitiaki are to protect the mauri or life force of all things in a way which ensures that the quality of tribal taonga passed on to future generations is protected and enhanced. Mauri can be described as the life force present in all things. Mauri generates, regenerates and upholds creation, binding physical and spiritual elements of all thing together. Recognition of the spiritual aspects of reality are central to our definition of sustainable management.

The role of Kaitiaki continues in current resource management. Kaitiaki responsibilities include, but are not limited to:

- the protection and maintenance of waahi tapu and other heritage sites;
- the placing of rahui to allow replenishment of harvested resources;
- directing development in ways which are in keeping with the environment;
- observing the tikanga associated with traditional activities;
- active opposition to developments with actual or potential adverse effects on taonga;
- providing for the needs of present and future generations.

The role of Kaitiaki is based upon manawhenua and rangatiratanga. The traditional owners of an area are the iwi or hapu who hold manawhenua in that area. These people retain kaitiaki responsibilities whether or not land has been sold. Rangatiratanga is the expression of authority and is held by the manawhenua within their tribal area.

#### ***2.1 Objective***

To meet in full our responsibilities as Kaitiaki.

**2.2 Policies**

1. Within the limits of our resources, Trust representatives will actively participate in all relevant aspects of resource management.
2. By promoting the sustainable management of the environment in accordance with Te Kawerau tikanga.
3. By ensuring that all agencies involved in resource management within our tribal area recognise our role as Kaitiaki, and by working with these agencies to establish methods by which our role as Kaitiaki is given effects.
4. By ensuring wananga and other programmes are held to educate iwi members on issues regarding resource management and Te Kawerau tikanga.

## **CASE STUDY: VISION STATEMENT**

### ***NGATI HAUMIA FRESHWATER MANAGEMENT PLAN***

Ngati Haumia are concerned that waterbodies and waterways within their rohe are subject to continued pressure of them for both instream and obstructive uses.

Water is central to all Maori life. It is a taonga left by ancestors to provide and sustain life. It is the responsibility of the current generation as kaitiaki for the resource to ensure that the taonga is available for future generations.

The waterways of the rohe were traditionally a significant source of kai for the hapu including tuna, inanga, lamprey, koaro and patiki. The coastal waters into which these waterways drain were also significant in terms of kaimoana. Many of the traditionally significant species have part of their life cycle at sea. Therefore the freshwater/sea water interface is also important.

Ngati Haumia has the following vision in respect of freshwater resources within its rohe;

“That the mauri and the wairua of the individual waterways within the rohe is respected and enhanced, and that the taonga is able to support the cultural, spiritual and social needs of the hapu on a sustainable basis.”

## Tikanga Maori

Most existing IMP contain a discussion of the concept of tikanga and how it is to be applied in the context of the IMP.

### Guidelines

The key elements are generally;

- Whanaungatanga
- Manaakitanga
- Kotahitanga
- Core principles of iwi or hapu affairs regarding the conduct of iwi or hapu affairs in respect of the IMP.
- Consultation processes within the iwi and with outside agencies.

An example drawn from the Ngati Hauiti Environmental Policy Statement is as follows;

“In the exercise of our responsibilities, Ngati Hauiti affirm the concepts of whanaungatanga, manakitanga and Kotahitanga. Thus our objective is to conduct our affairs in the following way

- *Kanohi ki te kanohi: discussing and resolving issues face to face;*
- *By ensuring that our representatives are given a mandate by the appropriate levels of whanau, hapu, and iwi according to the issue under consideration;*
- *By making policy decisions on our marae;*
- *By recognising our links to neighbouring hapu and iwi with the*

*aim of acting as one on regional issues;*

- *By supporting our own Roopu where possible (including financially) instead of relying on others.”*

There are overlaps between this part of the IMP and others, particularly that dealing with Matauranga Maori.

### **Other Relevant Guidelines and Checklists**

- Purpose and Scope of the Plan
- Preparing the Plan
- Consultation Process
- Issues and Outcomes

## **EXAMPLE: CONSULTATION POLICY**

### ***NGATI POROU RESOURCE MANAGEMENT STATEMENT***

#### ***4.3 Consultation***

The development of a consultation policy is important, as consultation processes are usually the main if not the only opportunity for Ngati Porou to participate in decisions that affect the tribe. Additionally, consultation is a necessary expression of partnership. Te Runanga o Ngati Porou can provide the following services to assist consultation:

1. Facilitation assistance to external agencies consulting with Ngati Porou by identifying key contact people and arranging suitable hui venues and dates;
2. Assistance to whanau and hapu of Ngati Porou by;
  - arranging and facilitating hui on matters that affected them;
  - obtaining further information on a particular matter;
  - assisting whanau and hapu to developing and/or presenting submissions; and
3. Representation on behalf of Ngati Porou in resource management forums and providing a Ngati Porou perspective on issues that affect Ngati Porou generally.

##### ***4.3.1 Objective***

1. To participate effectively in consultation processes that affect Ngati Porou.

##### ***4.3.2 Policies***

1. The following principles will guide how consultation is to be undertaken within Ngati Porou.

1. Full and adequate consultation is required;
2. Consultation is to be timely and genuine;
3. The principle of "kanohi ki te kanohi" will be adhered to in any consultation process;
4. Tikanga Ngati Porou, to tatau reo ake and Matauranga Ngati Porou are to be recognised and provided for.

2. The following consultation process applies to all persons and agencies consulting with Ngati Porou whanau and hapu.

- a) That the issue to be discussed and the appropriate process of consultation be confirmed with Ngati Porou through Te Runanga o Ngati Porou. Some issues may require iwi-wide consultation while other issues may require consultation with communities, hapu and marae;
- b) Hui shall be advertised through all available media and appropriate forums including Radio Ngati Porou, The Gisborne Herald and Community Noticeboards;
- c) Information be circulated to affected groups/ individuals in advance of the hui;
- d) Representatives will be available at hui to give a full and accurate presentation of the issue.
- e) Further information may be required for the following reasons
  - where effects of an activity have not been adequately provided;
  - inadequate information restricts Ngati Porou's ability to make an informed decision.
- f) The consultation process may be delayed until such time adequate information has been obtained;
- g) The consulting party acknowledge that Ngati Porou be able to discuss matters by themselves;
- h) The organisation seeking the view of Ngati Porou meet the consultation costs;
- i) The costs of consultation shall include: advertising and notification of hui; koha to venue; catering; facilitation of hui; compilation of a consultation report and Ngati Porou perspective; contracting of independent technical advice;
- j) The consulting party shall acknowledge that Ngati Porou may not agree with the objectives of the consulting party.

## CASE STUDY: TIKANGA

### ***NGATI HAUMIA FRESHWATER MANAGEMENT PLAN***

Water is a living thing with a mauri of its own. This mauri varies from one water body to another, and from one place to another on larger waterbodies. Ngati Haumia recognise two main classes of water, *waimaori* or freshwater, and *waitai* or salt water.

Three states of water are recognised;

*Waiora (waters of life)* including rainwater, springs, holy water and water derived from waahi tapu where exceptional events have occurred in the past. Waiora can often rejuvenate the damaged mauri of other things.

*Waimate (dead water)* having no mauri at all, and being unable to support humanity to act as a source of food.

*Waikino (bad water)* which includes a dangerous place such as a stretch of water with physical hazards, or water that has become polluted, either physically or spiritually. In either case the mauri has changed and is susceptible to being changed again.

Ngati Haumia are kaitiaki for the rivers and streams that flow from Te Maunga Tapu o Taranaki to Moana nui a Kiwa. That responsibility is devolved to present day generations from Io Matua Kore and the atua, through the mana, mauri, and wairua granted by those deities.

These rivers and streams are taonga that are to be protected and enhanced for the benefit of future generations. Ngati Haumia tikanga forms the basis of the rules and processes by which the role of the kaitiaki is carried out. This is through the binding concepts of whanaungatanga, rangatiratanga, kotahitanga, manaakitanga and wairuatanga.



## Manawhenua And Manamoana

This part details the manawhenua and manamoana held by the iwi or hapu within its rohe or takiwa. This part also can be used to identify relationships with adjacent iwi or hapu.

### Guidelines

The key elements are;

- Whakapapa, including where relevant the whakapapa relationships between hapu and whanau.
- A description of the boundaries of the rohe or takiwa, including where appropriate discussion of cross boundary matters.
- A description of iwi history and how manawhenua and manamoana came to be established.
- A description of the way in which manawhenua and manamoana is maintained throughout the rohe or takiwa.
- A description of current iwi or hapu management structures, including runanga, tribal authorities, management committees and marae committees.

Identify what is unique to your iwi or hapu, including:

- Whakapapa
- Rohe
- History
- Existing structures

Don't forget to include a map showing the takiwa or rohe and relationships with adjacent whanau, hapu, iwi or runanga.

### *Other Relevant Guidelines and Checklists*

- Purpose and Scope of the Plan
- Preparing the Plan
- Consultation Process
- Cross Boundary Issues

## **CASE STUDY: MANAWHENUA MANAMOANA**

### ***NGATI HAUMIA FRESHWATER MANAGEMENT PLAN***

The rohe of Ngati Haumia extends from the Waiaua River to the Ouri Stream, and by the course of those waterways to Maunga Taranaki. To the north west are Ngati Tara, and to the south east are Titahi and Ngati Tamaahuroa. The rohe of Titahi overlaps that of Ngati Haumia to the Taungatara Stream.

At the mouth of the Waiaua River on the south-eastern bank is the site of a former major papakainga. Other significant sites are Pukekohatu at the mouth of the Mangahume Stream, Mataikahawai at the mouth of the Taungatara River, Papaka Te Rangi and Puhara Te Rangi at the mouth of the Punehu Stream, and Otumatua at the end of the Puketapu Road.

Orimupiko Marae is located on the Eltham Road, 1.5km from the intersection with SH 45.

Ngati Haumia are affiliated by whakapapa to the Taranaki iwi and to Kurahaupo and Aotea.

Despite elements of Ngati Haumia moving to Paekakariki and Whanganui-a-Tara in the 1830's to avoid the Waikato raids into Taranaki, Ngati Haumia still managed to maintain ahi kaa within their rohe. The Waikato raids were finally turned back by combined forces of Taranaki and Nga Ruahinerangi led by Wiremu Kingi Matakatea, at Te Namu, Orangi Tuapeka and Otumatua in 1832.

## **Matauranga Maori**

This part of the IMP sets out the fundamental values associated with the environment and the relationship that tangata whenua share with the environment. The range and depth of the information provided in this section will need to be agreed upon by the iwi or hapu, and is important in terms of the intellectual property which it represents.

IMP either include discussion of Matauranga Maori in one section, or, as in the case of the Waikato Iwi Management Plan (Manuka 1996), the text is spread throughout the document, next to issues and policy on specific topics.

## **Guidelines**

The key elements in existing IMP include;

- A description of values and beliefs associated with natural and physical resources;
- A description of customs associated with management and conservation of those resources;
- A description of tribal history and how this relates to changes in the ability of tangata whenua to maintain values, beliefs, customs and practices.

The decisions of any group will be rooted in or consistent with their value base.

This part of the IMP articulates the value base of your iwi or hapu, which will flow throughout the rest of the IMP.

### ***Other Relevant Guidelines and Checklists***

- Purpose and Scope of the Plan
- Preparing the Plan

## **CASE STUDY: MATAURANGA MAORI**

### ***NGATI HAUMIA FRESHWATER MANAGEMENT PLAN***

Ngati Haumia note that Matauranga Maori as it applies to the management of freshwater fisheries and instream values is a complex body of traditional knowledge, held orally by kaitiaki. As such, Ngati Haumia do not wish at this stage to express their traditional knowledge in a written form, until the hapu have reached a decision on how that information should be held, and to what extent it should be released in written form through this IMP.

Water, and the resources that it supports are of pivotal importance to Ngati Haumia. It has determined the siting of kainga, the health and welfare of the people, supported fish and shellfish populations, been used as a pivotal component of religious ceremonies, and used for transport and recreation.

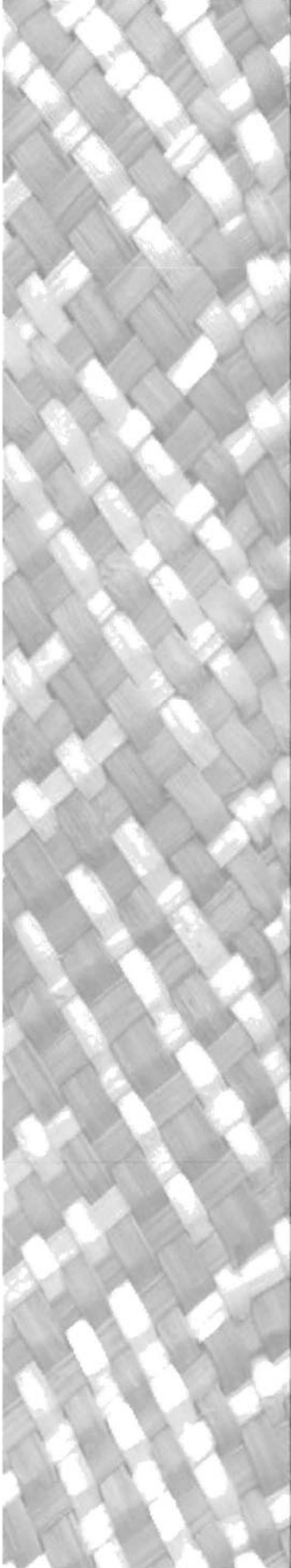
In particular the dependence on kaimoana and kaiawa has persisted through until the present day. This source of mahinga kai represents one of the few opportunities for present generations to participate in the traditional practices of their ancestors.

Over a long period of time Ngati Haumia have accumulated an extensive knowledge about the water resources of their rohe. Harvesting methods reflect a sophisticated understanding of breeding cycles, migration times and feeding habits.

These food resources are pivotal to the mana of Ngati Haumia, particularly in respect of their ability to show manaakitanga, support their Kaumatua, and help cater at functions such as tangi.

Water is also used by tohunga for various religious ceremonies. Each ceremony is performed with water suitable for that function or purpose. Also, because of the sacred nature and pragmatic importance of water specific practices and restriction are enforced.

## ***Resource Inventory***



## ***Resource Inventory***

Do this as comprehensively as you can then decide what will go in the IMP.

This section of the IMP will include only that information about the resources of your rohe that you are comfortable having in the public domain.

There should be a clear link between the scope of the IMP, the description of the resources covered by the IMP and the issues that you have identified.

This section should also contain clear links back into the Sections on Matauranga Maori, Manawhenua, Manamoana and Tikanga.

As a guide, the key elements in existing IMP include;

- A description of the whenua of the rohe.
- A description of the significant waterways and waterbodies of the rohe.
- A description of the flora and fauna, particularly significant indigenous species.
- A description of land use patterns and significant land uses that impact on the issues relevant to iwi, hapu or runaga.
- A description of the coastal resources.
- A description of the cultural landscape including significant maunga, pa, ngahere, awa, wai and moana, and any other taongatuku iho that can be appropriately referenced in the IMP.

Consideration could also be given to a description of community assets such as roading, energy networks, water and

wastewater treatment facilities, ports and airports where these are relevant to the scope of the IMP.

### ***Other Relevant Guidelines and Checklists***

- Purpose and Scope of the Plan
- Preparing the Plan
- Resource Inventory

### ***Guidelines***

- Before collecting data, agree on how the data will be stored and maintained (updated) on an ongoing basis. Restrictions on access to, and use of, the data also needs to be agreed with those who own it (i.e. particular whanau or hapu).
- List all the types of resources that fall within the scope of your IMP.
- Obtain a suitable map(s) that covers your takiwa or rohe and as far as practicable, identify the location and extent of each resource. Topographic and existing Council or Department of Conservation maps, are useful starting points for this exercise.
- Record any special features or historical events associated with each resource or taonga.
- Identify or describe the current state of each resource. This may include visual inspections, photographs, or council records.

*Note: Computer systems are useful for managing large amounts of information. Geographic Information Systems (GIS), for example, are a useful tool for storing and displaying different and often complex layers of information for defined areas.*

**Table8: Resource Inventory - Checklist*****Key Tasks***

Task	Yes	No
Identified the types of resources that needs to be identified.		
Decided what data needs to be collected for each type of resource.		
Identified a system for storing and maintaining data within the inventory.		
Reached agreement with relevant whanau or hapu on the necessary restrictions for accessing and using the inventory.		
Obtained suitable maps or other systems for recording and retrieving data.		
Collected and entered all possible data for each type of resource.		
Responsibilities and written procedures established for managing the inventory.		

**WORKSHEET: RESOURCE INVENTORY*****Resource Set:******Data to be Collected:***

Associated whanau or hapu, current ownership, (location, quantity, quality, traditional uses, current uses, current users, historical significance, other)

***Potential Data Sources***

(list Internal and External sources (individuals, organisations))

***Actual Data Collected:******Restrictions on Use of Data:***



## WORKSHEET EXAMPLE: RESOURCE INVENTORY

<p><b><i>Resource Set:</i></b></p> <p>Waahi tapu</p>
<p><b><i>Data to be Collected:</i></b></p> <p>Name          Location          Map reference          Archaeological Record forms          Legal Descriptions          Names and contract details of current landowners          Current landuse          Written and oral history</p>
<p><b><i>Potential Data Sources</i></b></p> <p>Kaumatua and Kuia          Historic Places Trust</p>
<p><b><i>Actual Data Collected and Source:</i></b></p> <p>Name: Turuturu Mokai          Location: Turuturu Road, Hawera          Map Reference: 2620990 E 6181348 N          NZ AA: 121 3          Legal Description: Lot 1 DP2257          Current Landowners: South Taranaki District Council          Current Landuse: Grazing, pasture          Current Landuse: Titokowaru attached AC Redoubt on site in July 1869. Previous history retained orally.</p>
<p><b><i>Restrictions on Use of Data:</i></b></p> <p>To be authorised in writing by Ngaati Ruanui Tahua Trustees prior to release</p>





## ***ISSUES AND OUTCOMES***



## ***Issues And Outcomes***

Identifying the issues is the first step in making the building blocks for whanau, hapu, iwi or runanga policy. There must be a clear link between the issues and how they are dealt with.

### **Guidelines**

#### ***An issue is:***

- A matter of concern relevant to the scope of the IMP;
- Clear and focused on the problem; and
- A statement that identifies what the situation currently is.

Issues clearly define problems and, therefore, provide a strong base for subsequent policies and actions.

Each issue needs to be followed by a discussion which places the issue in context and further describes the problems facing whanau, hapu, iwi, or runanga in respect of that resource.

#### ***An outcome is:***

- A result intended to be achieved through the management of a natural resource or as a result of a management process.

Each outcome needs to be followed by a link to any subsequent objectives, unless

you have decided to limit your IMP preparation to simply identifying issues and outcomes.

#### ***Process:***

Decide on a range of problems or matters that relate to the scope of the IMP. Spread the net widely. These become the issues;

- Refine the issues so they are clear and concise;
- Look for opportunities to merge similar issues;
- Develop a consultation process that allows the issues to be agreed on by the iwi. (See the Consultation Toolkit); and
- Achieve agreement on the Issues and Outcomes.
- Go to the “Ways to Get There (Objectives)” Toolkit.

#### ***Other Relevant Guidelines and Checklists***

- Preparing the Plan;
- Consultation;
- “Ways to Get There (Objectives)”.

## ***Cross Boundary Issues***

Cross boundary issues arise where traditional and modern issues overlap with either adjacent iwi or internally within hapu and whanau.

There are also likely to be cross boundary issues involved with:

- External parties such as stakeholders and other agencies; and
- District or regional councils, and government departments.

If cross boundary issues are dealt with at an early stage, the IMP would then likely have a greater level of acceptance with adjacent iwi both internally and externally.

Consider how issues might affect your neighbouring whanaunga.

When the IMP is completed there are likely to be cross boundary issues in terms of administration, especially with regard to issues relating to resource consents.

### **Guidelines**

- Determine where the cross boundary issues arise;
- Develop a consultation process which allows discussion with adjacent whanau, hapu or iwi, district or regional councils, and/or central government departments;
- Establish appropriate tikanga or kaupapa to deal with cross boundary issues as they arise; and
- Ensure consistency of approach.

### ***Other Relevant Guidelines and Checklists***

- Preparing the Plan;
- Cross Boundary Issues; and
- Consultation Process.

## EXAMPLE: ISSUES

### ***KAI TAHU KI OTAGO RESOURCE MANAGEMENT PLAN***

#### ***Case Study – Takiroa Rock Art Site***

Takiroa rock art shelter is over one hours travel from Moeraki marae. It is a Crown Reserve just west of Duntroon in the Waitaki Valley. Along with the nearby Maerewhenua site, Takiroa is managed by the NZ Historic Places Trust (HPT) on account of the notable rock art it contains and the associated archaeological deposits. These two sites are among the most publicly accessible shelters that contain a large quantity of Maori rock art that is easily discernible to the untrained eye. They have become the public flagships of our rock art heritage. Takiroa has been poorly managed over the past few years with its presentation being an embarrassment to most interested parties.

Various discussions were held regarding the site's upkeep but little action eventuated. Te Runanga o Moeraki is the kaitiaki runanga responsible for the site within Ngai Tahu, but had not been actively included in the site's management. The Runanga has two principle concerns regarding Takiroa in the first instance, and Maerewhenua in the second:

1. The Crown, through the HPT, had assumed the prerogative to interpret our cultural heritage to the wider public;
2. Despite this, they have been neglectful of the care that should be afforded such a site.

The principle difficulties are understood to be related to the funding available to the HPT along with difficulties in managing the site from Wellington. Local interests, including the North Otago Branch Committee of the Trust, were not empowered to address the state of neglect.

In December 1993, Te Runanga o Moeraki developed a proposal to see the site management come under the authority of Te Runanga o Ngai Tahu Ltd (then Te Runanganui o Tahu). The management would be on-vested to Te Runanga o Moeraki who as kaitiaki runanga would convene a management committee of interested parties. This would include in particular the North Otago Branch of the HPT and the Waitaki District Council interests (principally the local museum and visitors centre). It would address the issue of Iwi mana over the site and a co-ordinated local effort that was suitably empowered to undertake management and upkeep.

The HPT deferred a decision on future management while it instituted a site redevelopment programme. An extensive conservation report was developed to which the Iwi contributed. By October 1995, a protective fence had been installed and paving laid for easy visitor access. Work ceased, however, on account of the Trust having no further funding for the project. While local interests have expressed a willingness to complete the work, HPT Head Office, holding full responsibility, has not empowered these interests to do so. This has led to immeasurable frustration.

Whilst Ngai Tahu recognise that the rock art is of national significance, the Iwi maintains that it has a prior right to manage the art generated by our tupuna which is part of the cultural heritage we inherit. Given the nature and age of these taonga, Te Runanga o Moeraki do not claim the treasures unto itself, but rather sees them as the heritage of all Ngai Tahu Whanui. It has a responsibility, then, to manage them on behalf of the wider iwi. Similarly, it is concerned to ensure that all legitimate interests within the community have an opportunity to input effectively into the management of and caring for these treasures.

### ***Takiroa Specific Issues***

1. Historical neglect of a wahi tapu and wahi taoka – the site is of rock art, archaeological and burial significance – under Government Agency management
2. Resurrecting Takiroa as the Nation's primary means of interpreting southern rock art in context
3. Respectful presentation of a significant cultural site
4. Manawhenua authority over the preservation and public presentation of our own taonga at Takiroa
5. Site management from within the District so ensuring appropriate and ongoing attention
6. Legitimate interests able to make effective input, especially with local interests empowered to do so
7. HPT Head Office facilitating community efforts rather than maintaining overall responsibility with obligations it has not been able to meet.



## **EXAMPLE: ISSUES AND OUTCOMES**

### ***WHAKATOHEA (1993) TAWHARAU O NGA HAPU O WHAKATOHEA – WHAKATOHEA RESOURCE MANAGEMENT PLAN***

#### ***Significant Issues***

- The introduction of bird and animal species without Whakatohea consultation or approval.
- Introduced species including possums, cattle, sheep, pigs, cats, stoats, weasels, dogs, goats, rats and deer destroying native birds and vegetation, and aiding erosion.
- Adverse effects on the ability of Whakatohea to have continued access to traditional food resources.
- The importance of native and some introduced bird and animal species for social, economic and cultural wellbeing.
- Animals causing erosion of sites and areas including waahi tapu.
- Animal disease posing threats to humans and natural resources.
- Crown agencies assuming ownership, control and management of traditional Whakatohea fauna.
- The protection of intellectual and cultural property rights over fauna.

#### ***Desired Outcome***

The active protection and enhancement of Te Tino Rangatiratanga over all ancestral fauna of Whakatohea.

#### ***Objectives***

- To ensure strict management controls are applied to all introduced species which pose a threat to any native species or which contribute to soil erosion or heritage destruction.
- To ensure sustainable management of fauna in a way that contributes to the social, economic and cultural wellbeing of Whakatohea including the use and active protection of customary rights over native fauna.
- To ensure no flora or fauna are introduced into the rohe without Whakatohea approval.

## **CASE STUDY: ISSUES AND OUTCOMES**

### ***NGATI HAUMIA FRESHWATER MANAGEMENT PLAN***

#### ***Issues***

Ngati Haumia have identified the following issues in respect of freshwater management within their rohe;

- Loss of spawning habitat for indigenous fish species
- Lack of riparian management along the margins of rivers and streams
- High sediment loads in the Waiaua and the smothering of instream habitat
- Effluent discharges from both point and diffuse sources
- Nutrient loadings from both point and diffuse discharges
- Loss of access to traditional sites or reaches of rivers and streams.

#### ***Desired Outcomes***

- A gradual improvement in the availability of suitable spawning habitat for indigenous species especially inanga and tuna.
- An extension of the length of river and streambank actively managed to protect riparian habitat and values.
- A substantial reduction in sediment inflows to the Upper Waiaua, enabling the river to gradually flush sediments and return to its natural character.
- A reduction in the nutrient loadings in rivers and streams.
- Improved access to traditional sites and to reaches of rivers and streams with significant values, as waahi tapu, wai tapu or as known sources of kai and other traditional resources.

**Table9: Issues And Outcomes - Checklist*****Key Tasks***

Task	Yes	No
Clearly identified all the problems or matters that the IMP will address.		
The issues are relevant to the scope of the IMP.		
The issues are clear and concise.		
The issue is a statement of the problem.		
You have completed and documented the consultation. Consultation completed and documented.		
All similar issues have been merged.		

**Table10: Cross Boundary Issues - Checklist*****Key Tasks***

Task	Yes	No
Cross boundary issues identified.		
Consultation completed.		
Mechanisms and administrative processes defined.		
Information sharing established.		
Review processes established.		

**WORKSHEET: ISSUES**

***Resource Set:***

***Issue Statement:***

***Discussion of Issue***

(why is this an issue, for whom, and how does it relate to other issues)

***Further Information Requirements and Research***

**WORKSHEET: OUTCOMES**

***Resource Set***

***Issue Statement***

***Outcomes Statement***

***Discussion***

***Further Information Requirements and Research***

## WORKSHEET EXAMPLE: ISSUES

**Resource Set:**

Freshwater

**Issue Statement:**

Freshwater Quality

The adverse effect of discharge of contaminants to water on water quality

**Discussion of Issue**

- Declining stock of indigenous fish
- Declining water quality
- Adverse effects on the mauri of waterways and waterbodies

**Further Information Requirements and Research**

- Records of discharge consents to water approved by consent authority to the area.
- Records of fish catch from streams in the area.
- Records on water quality for freshwater bodies from Regional Council.
- Record of standards for freshwater bodies from Regional Council and other specialised groups.
- Information from ngauī regarding changes in water quality and fish stocks.

**WORKSHEET EXAMPLE: OUTCOMES*****Resource Set:***

Freshwater Quality

***Issue Statement:***

The adverse effect of discharge of contaminants to water on water quality

***Outcomes Statement:***

Reduction in contaminants in freshwater lakes and streams.

***Discussion:***

- (a) Talk to Regional Council regarding water quality standards and indicators.
- (b) Look at use of traditional indicators to use alongside scientific techniques.
- (c) Information gathering.
- (d) Personnel for project.

***Further Information Requirements and Research:***

- (e) Records of tests undertaken of levels of contaminants in the lakes and rivers.
- (f) Cost for project/availability of funds.
- (g) Look at how to do own monitoring.



# Project Timeline

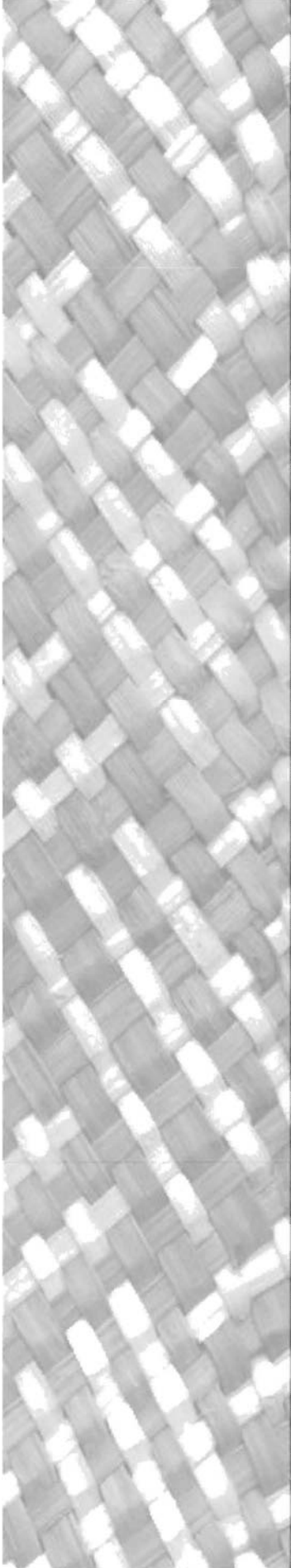
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## ***OBJECTIVES***



## ***Ways To Get There (Objectives)***

### ***An objective is:***

An objective states how you want to address a particular issue. It is a statement of intent, or general course of action.

Objectives are;

- Based on the issues, and state what you want to achieve; and
- Positive statements of action.

Objectives cannot be looked at in isolation. This can lead to conflicting objectives, resulting in compromises being made in preparation of the IMP. It is necessary to continually consider the IMP as a whole.

## **Guidelines**

### ***Process:***

- Work out how you will address each issue;
- Define the issue as a series of statements about how the iwi wishes to address the problem;
- Convert these statements into clear objectives;

- Look at alternative objectives, and choose the most appropriate ones;
- Prioritise the objectives through importance, urgency, and/or the ease with which they can be achieved;
- Look for situations where the objectives may conflict with other objectives, or with each other;
- Establish how you will resolve these conflicts;
- Establish how you will identify, and if appropriate, resolve conflicts between the whanau, hapu or iwi position and that of key external organisations, especially district and regional councils; and
- Achieve agreement.

### ***Other Relevant Guidelines And Checklists***

- Preparing the Plan;
- Consultation Process; and
- Issues and Outcomes.

## CASE STUDY: OBJECTIVES

### ***NGATI HAUMIA FRESHWATER MANAGEMENT PLAN***

The following objectives have been identified by Ngati Haumia as part of a process of achieving the outcomes sought by Ngati Haumia in respect of freshwater management. Some of these objectives require a joint approach with adjacent hapu, and also with agencies responsible for freshwater management under the Resource Management Act 1991. Ngati Haumia wish to develop a partnership between the hapu and these agencies so that the rangatiratanga of Ngati Haumia can be expressed in freshwater management.

#### ***Objectives***

- To actively participate in the management of freshwater resources within the rohe of Ngati Haumia.
- To actively undertake the role of kaitiaki for the freshwater resources within the rohe, and the instream communities of those streams and rivers.
- To promote the extension of riparian management along the margins of streams and rivers as a means of enhancing riparian habitat, water quality, and the control of diffuse sources of nutrient loading.
- To monitor the management of point source discharges of nutrient and effluent to rivers and streams within the rohe.
- To monitor the source and amount of sediment entering the Upper Waiaua and to participate in identifying ways to minimise the adverse effects on the river.
- To participate with the Taranaki Regional Council in the development of catchment management plans or strategies for enhancement of instream values.
- To negotiate with landowners to achieve better access to the rivers and streams of the rohe, focussing on specific sites and reaches of value to tangata whenua.

**Table11: Ways To Get There (Objectives) - Checklist*****Key Tasks***

Task	Yes	No
Each issue is addressed.		
Clear and concise objectives developed.		
Objectives prioritised.		
Consultation completed and documented.		
Potential areas of conflict identified and resolved.		
Process established for resolving conflicts between the position of iwi and external stakeholders.		
The objectives ratified.		

**WORKSHEET: OBJECTIVES**

***Resource Set:***

***Issue Statement:***

***Outcomes Statement:***

***Objective:***

***Discussion:***

**WORKSHEET EXAMPLE: OBJECTIVES*****Resource Set:***

Freshwater Quality

***Issue Statement:***

“The adverse effect of discharge of contaminants to water on mahinga kai”.

***Outcomes Statement:***

Better water quality in freshwater lakes and streams for indigenous species.

***Objective:***

- “To promote the management of discharges to water in a manner which avoids, remedies or mitigates adverse effects on mahinga kai”.

***Discussion:***

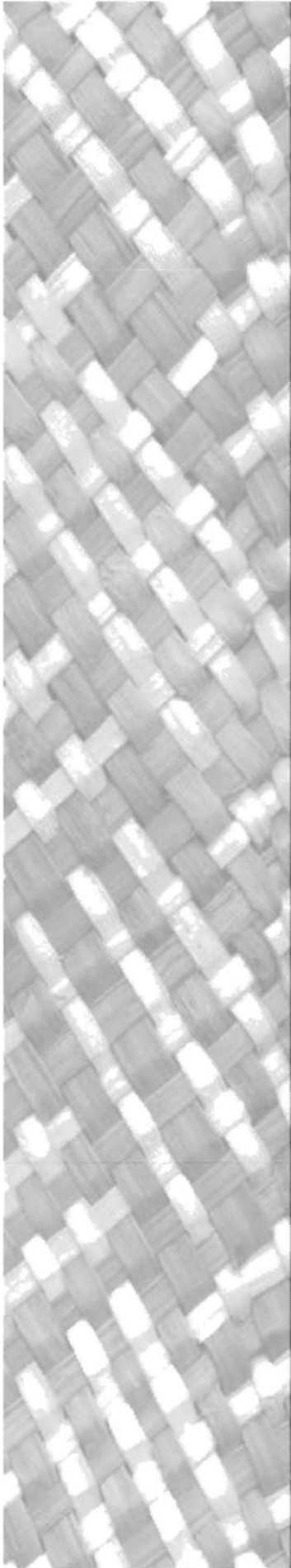
- (a) The methods that iwi or hapu will need to undertake to promote the management of discharge into freshwater lakes and streams.
- (b) Parties to consult with e.g. Regional Council, adjoining landowners next to water bodies, adjoining iwi or hapu, interest groups etc.
- (c) Meeting costs.
- (d) Education programme
- (e) Information gathering, further research on traditional indicators of how indigenous species react to discharges.







## ***ACHIEVING OUTCOMES***



## ***Achieving Outcomes***

Objectives provide the basis from which practical action will be implemented. The **method** puts the objective into effect. For Kaitiaki, the types of methods available will differ according to the participation of external parties, like district and regional councils and government departments.

### **Guidelines**

- Methods describe how you will implement the objectives; and
- Issues, objectives and methods should be clearly linked.

#### ***Purpose:***

The specific guidelines are to help identify methods that are available to whanau, hapu or iwi to implement the objectives. It is not a requirement to pursue **all** the methods of implementation identified.

The choice of method will depend either on the resources available to whanau, hapu or iwi, or on the ability of tangata whenua to convince others to implement methods, which reinforce the outcomes and objectives.

When you outline how outcomes are to be achieved, identify which agency is responsible for executing the method of

implementation. How these methods are to be implemented can be set out in the IMP.

#### ***Process:***

- Determine the mechanisms available to Kaitiaki to implement the objectives;
- Develop these mechanisms into effective methods;
- Identify the resources available (refer Resourcing Toolkit), including limitations associated with each method identified;
- Rank the methods according to available resources; and
- Determine links or dependencies between different methods

#### ***Other Relevant Guidelines And Checklists***

- Preparing the Plan;
- Consultation Process;
- Issues and Outcomes;
- Ways to Get There (Objectives).

**Table12: Achieving Outcomes - Checklist*****Key Tasks***

Task	Yes	No
Mechanisms available to Kaitiaki identified		
Mechanisms requiring action from external parties identified		
Consultation between parties completed		
Mechanisms developed into structured methods		
Methods ranked according to resource availability		
Limits of each method identified		
Links or dependencies between different methods determined		

## EXAMPLE : METHODS

### ***KAI TAHU KI OTAGO RESOURCE MANAGEMENT PLAN***

This example uses the phrase “Management Guidelines” to describe sections of the document that deal primarily with methods of achieving objectives. Some of these are based on process, and some on specific actions. The examples are drawn from Section 13.5 of the Plan dealing with Water (Note that the whole of section 13.5.3 Management Guidelines is not reproduced below).

#### ***Management Guidelines***

- Establish processes to incorporate Kai Tahu values in all management practices which will impact on waterways.
- Prepare a regional water management plan that provides for the characteristics of specific catchments.
- Develop a database on water abstraction and discharge which provides for an holistic approach to be taken in assessing resource consent applications.
- Control land use activities that may have adverse effects on waterways.
- Adopt rules and consent conditions to set rigorous monitoring programmes in discharge permits.
- Protect indigenous fisheries, particularly their spawning habitats from the adverse effects of alluvial mining activities.
- Investigate and set minimum flows and flow regimes for Otago waterways.
- Investigate and set appropriate lake operating levels.
- Establish the critical requirements of quantity and timing of water release in waterways to provide for the healthy functioning of associated ecosystems.

**Note :** *All section of the Resource Management Plan have a cross reference to other Management Guidelines that are applicable, i.e. management guidelines relating to kaitiakitanga, waahi tapu, waahi taoka, mahika kai, land and the coast.*

## CASE STUDY: METHODS

### ***NGATI HAUMIA FRESHWATER MANAGEMENT PLAN***

Ngati Haumia have identified the following methods as being appropriate to the achievement of the objectives of the Freshwater Plan.

#### ***Ngati Haumia will use the following methods;***

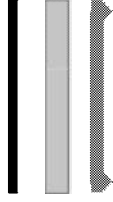
- Use of traditional methods of maintaining or enhancing habitat within waterways.
- To encourage landowners adjacent to rivers and streams to participate in riparian management programmes.
- Assistance to landowners in the implementation of riparian management programmes or planting schemes particularly along reaches of significance to Ngati Haumia.
- Active monitoring of point source discharges to rivers and streams particularly during periods when peak loading of dairy effluent ponds occurs.
- Active monitoring of the source of sediment discharges into the Upper Waiaua, particularly flood flows from the Oaonui catchment.
- To provide relevant information and assistance to the Taranaki Regional Council in the preparation of catchment management plans.
- Negotiation with landowners adjacent to rivers and streams where access is required to traditional sites or reaches of significance to tangata whenua.

#### ***Ngati Haumia expects resource management agencies to;***

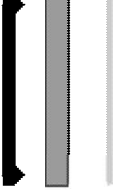
- Actively promote riparian management programmes on a co-ordinated basis along waterways in the Ngati Haumia rohe.
- Actively monitor both point source and diffuse source discharges of nutrients to rivers and streams within the rohe, and to communicate the results to Ngati Haumia.
- Undertake regular and comprehensive water quality monitoring within the rohe and to report the results to Ngati Haumia.
- To prepare catchment management plans for waterways within the rohe, particularly the Waiaua, Taungatara, Punehu and Ouri Streams, and to actively involve Ngati Haumia in the process.
- To evaluate the effects of current flow conditions and nutrient loadings on indigenous fish species within the rohe of Ngati Haumia and the effects on those species at different times of the year.

# Project Timeline

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Rolled Up Progress  
External Tasks  
Project Summary



Summary  
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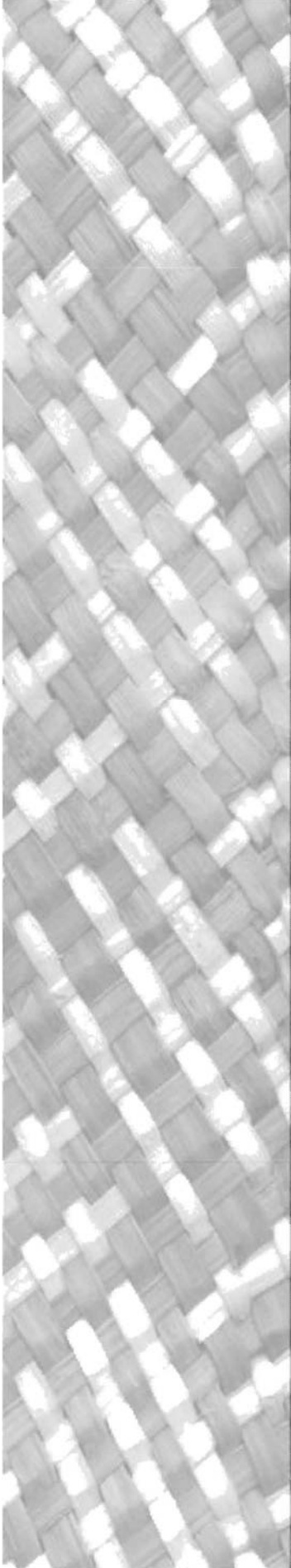
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## ***CHECKING OUR ACHIEVEMENTS***



## ***Checking Our Achievements***

**Monitoring** is a form of information gathering to assess the effectiveness of the IMP. It also highlights where further information, research or investigation is required.

- There is an important link between the objectives set out earlier in the IMP and monitoring;
- Checking on the implementation of the objectives in the IMP is important and will result in the outcomes being achieved; and
- If possible, the achievement of an objective should be measurable. How it's measured can be built into the monitoring.

It is important to keep tabs on whether the methods being used are achieving the desired outcomes. Over a period of time, monitoring will provide information on changes and trends. It will assist in identifying the order and magnitude of changes resulting from natural processes or human actions. The information obtained will enable iwi to review the IMP. Monitoring is another opportunity to:

- Involve kaitiaki
- Use traditional practices and monitoring techniques

### **Guidelines**

#### ***Process:***

- Review the objectives and methods to determine the level of monitoring required;
- Identify existing monitoring, being undertaken internally and externally;
- Identify areas where new monitoring systems are required;
- Identify key indicators demonstrating the stage of particular resources;
- Establish methods to measure accurately and effectively changes in/to the key indicators;
- Determine how the information is to be collated, stored and retrieved;
- Determine how this information is to be reviewed and analysed; and
- Devise a system for reporting monitoring outcomes.

#### ***Other Relevant Guidelines And Checklists***

- Preparing the Plan;
- Consultation Process;
- Resource Inventory;
- Issues and Outcomes;
- Ways to Get There (Objectives);
- Achieving Outcomes.

## EXAMPLE: MONITORING

### *Te Runanga o Ngai Tahu Freshwater Policy*

This example is drawn from the Te Runanga o Ngai Tahu Freshwater Policy, and demonstrates the link between the objective and the monitoring. It also demonstrates the links back into matters such as resourcing resource management tasks.

#### ***Priority Area***

Kaitiakitanga

#### ***Objective***

To promote collaborative management initiatives that enable the active participation of Ngai Tahu in freshwater management

#### ***Monitoring***

- Papatipu Runanga could submit to the annual planning process seeking an allocation of financial and technical resources to projects that facilitate participation of Papatipu Runanga in water management activities.
- Papatipu Runanga should maintain an inventory of projects that the various resource management agencies commit to, and follow the Annual Plan (or equivalent) process to make sure such actions receive an allocation of funding.
- Te Runanga o Ngai Tahu, Papatipu Runanga, and resource management agencies should encourage long term research projects on changing patterns of water use and their effects on mauri, mahinga kai species and habitats.
- Councils should commission Ngai Tahu to test the extent of integration across land, water and coastal environs by examining the implications of the various regional plans for a given catchment or area within a region. For instance Ngai Tahu could choose a catchment as a case study and test whether the relevant district and regional water plan will contribute to the achievement of coastal plan objectives.
- The study would identify the provisions that should be included in a land plan, or a catchment management plan. The assessment will also consider whether or not the performance measures in the various plans are sufficiently robust to actually measure progress towards objectives.
- Te Runanga o Ngai Tahu and Papatipu Runanga support the investigation of the health risks of eating eels (and other traditional kai) because their long life expectancy can result in accumulation of persistent toxins and endocrine disrupters.

- Councils should establish, maintain and strengthen statutory and enforcement programmes. Where Papatipu Runanga have advised Council of a particular water management issue, Council should advise the Runanga of the results of such programmes.

## **CASE STUDY: MONITORING**

### ***NGATI HAUMIA FRESHWATER MANAGEMENT PLAN***

#### ***Ngati Haumia will do the following monitoring;***

- Habitat loss or modification particularly habitat of value to indigenous fish species.
- Performance of point source discharges of nutrient particularly when dairy effluent pond loadings are high.
- The frequency, size and effects of sediment discharges to the Upper Waiaua catchment from the Oaonui catchment and the effects on indigenous fish habitat.
- The response of indigenous fish species to changes in the instream environment using traditional indicators.

#### ***Ngati Haumia expects that the Taranaki Regional Council will;***

- Make available a summary of the results of monitoring of both point source discharges to rivers and streams within the rohe, and general ecosystem monitoring.
- Involve Ngati Haumia in the development of instream monitoring initiatives that at least in part use traditional indicators of instream health.
- To respond quickly to any notification by Ngati Haumia of adverse effects on instream values recorded by Ngati Haumia initiated monitoring of streams and rivers within the rohe.

**Table13: Checking Our Achievements (Monitoring) - Checklist****Key Tasks**

Task	Yes	No
Key indicators identified.		
The level of monitoring required is determined.		
Existing monitoring resources identified.		
Resources required for completing the monitoring identified.		
Monitoring methods defined.		
Data collection, storage, retrieval and analysis systems established.		
The process for reviewing the effectiveness of the monitoring determined.		
A reporting system devised.		

# Project Timeline

ID	Task Name	Duration	Start	Finish	2001				2002				2003				2004						
					Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	
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18																							
19																							

Project: Blank  
Date: Wed 09/08/00

Task		Summary		Rolled Up Progress	
Split		Rolled Up Task		External Tasks	
Progress		Rolled Up Split		Project Summary	
Milestone		Rolled Up Milestone			





***KEEPING UP WITH CHANGE***



## ***Keeping Up With Change (Review): “Te Ao Hurihuri - The World Moves On”***

Assessment and review is necessary to ensure that the IMP remains a living document, responding to the changing circumstances of iwi and hapu.

A plan is only as good as it's implementation. Continually review the implementation of the plan and make amendments where necessary.

### ***Purpose:***

As previously stated the assessment and review process will ensure the IMP continues to be relevant and effective in terms of its links back to the kaupapa; relationships to Mātauranga Māori; anticipated outcomes of the IMP; and resource management process.

The preparation of the IMP needs to look to the future, and a time when the plan has been in operation for some time. Circumstances and priorities will change, so you will need to review progress and how you will change to meet new challenges.

This section is more about process than the content of the IMP. It will describe how you will go about reviewing the success, or otherwise, of the implementation of the IMP. That all comes back to monitoring, and linkages between outcomes and objectives. This section will be based on the Keeping Up With Change (Review) Guidelines and Checklist.

## **Guidelines**

### ***Process:***

- Determine a regular timeframe (months/years) in which the assessment of the IMP is to be completed;
- Identify if new significant resource management matters have arisen;
- Analyse new resource material (case law, research findings) available on resource management;
- Review the understanding which the iwi or hapu have of the current state of the environment within the rohe;
- Compare current state with that which existed at the time the IMP was implemented;
- Consult internally and externally on the effectiveness of the IMP;
- Consider options for addressing issues that may arise as a result of any new resource management matters;
- Assess if any IMP content is inappropriate or unnecessary;
- Report to whānau, hapu or iwi, including recommendations for action; and
- If required, initiate a review of part of the IMP or the entire IMP in line with procedures established for the preparation of the original IMP.

***Other Relevant Guidelines And Checklists***

- Preparing the Plan;
- Consultation Process;
- Ways To Get There (Objectives);
- Achieving Outcomes; and
- Checking Our Achievements

## **CASE STUDY: ASSESSMENT AND REVIEW**

### ***NGATI HAUMIA FRESHWATER MANAGEMENT PLAN***

The following process will be used to review this Freshwater Management Plan.

#### ***Annual Review***

- Ngati Haumia will convene a Hui on an annual basis, to review the issues, outcomes, objectives and methods contained within the Plan.
- This annual review will also set any priorities and work programmes for specific actions by Ngati Haumia in respect of any objectives contained within the Plan.
- The review will also identify any joint action that is required by Ngati Haumia and any resource management agency in respect of any objective in the Plan.
- Where necessary the hui will result in the initiation of a change to the Plan, an identification of the scope of the investigation and consultation required, and the setting of a timeframe for the process of making the appropriate change to the Plan.

#### ***5 Yearly Review***

- On or around the 5<sup>th</sup> anniversary of this Plan becoming operative, Ngati Haumia will convene a hui to initiate the process of a formal review of the IMP.
- This hui will identify the scope of the review, the consultation process to be undertaken, and the timeframe for the completion of the review process.

#### ***Assessment Criteria***

The assessment of the performance of the IMP will be subject to the following criteria;

- The extent to which the specified outcomes have been achieved over the review period;
- The effectiveness of the objectives in pursuing those outcomes;
- The effectiveness of the methods in achieving the objectives;
- The resources required to both pursue the stated objectives and to implement the chosen methods;
- The effectiveness of the consultation process and relationships developed with other hapu, resource management agencies and the wider community.

**Table14: Keeping Up With Change (Review) - Checklist*****Key Tasks***

Task	Yes	No
The assessment and review timeframe determined.		
New resource management matters and material identified and analysed.		
The effectiveness of objectives and anticipated results determined.		
The state of the environment determined.		
Consultation with iwi and external organisations completed.		
Options for addressing issues that have arisen identified.		
The assessment of IMP content completed.		
A reporting system devised.		
Recommended actions reported to iwi.		
Agreement reached on actions from iwi or hapu.		
Review has started.		

**WORKSHEET: KEEPING UP WITH CHANGE**

*Outcome, Objective or Method of Implementation*

*Review Standards or Criteria*

- 
- 
- 

*Analysis*

*Recommended Changes*







## **PART ONE The Tools**

**Section One**  
First Principles

**Section Two**  
Structure of  
Te Karanga

**Section Three**  
An  
IMP Template

**Section Four**  
Getting  
Started

## **PART TWO The Process**

**Section One**  
Purpose and  
Scope of the Plan

**Section Two**  
Preparing the  
Plan

**Section Three**  
Project  
Management

**Section Four**  
Resources

**Section Five**  
Consultation

## **PART THREE The Preparation**

**Section One**  
Introduction to  
Part Three

**Section Two**  
Foundations of  
the IMP

**Section Three**  
Resource  
Inventory

**Section Four**  
Issue and  
Outcomes

**Section Five**  
Objectives

**Section Six**  
Achieving  
Outcomes

**Section Seven**  
Checking our  
Achievements

**Section Eight**  
Keeping up  
with Change

## **PART FOUR Resource Directory**

**Section One**  
Funding  
Sources

**Section Two**  
Existing IMP

**Section Three**  
Publications

**Section Four**  
Web Sources

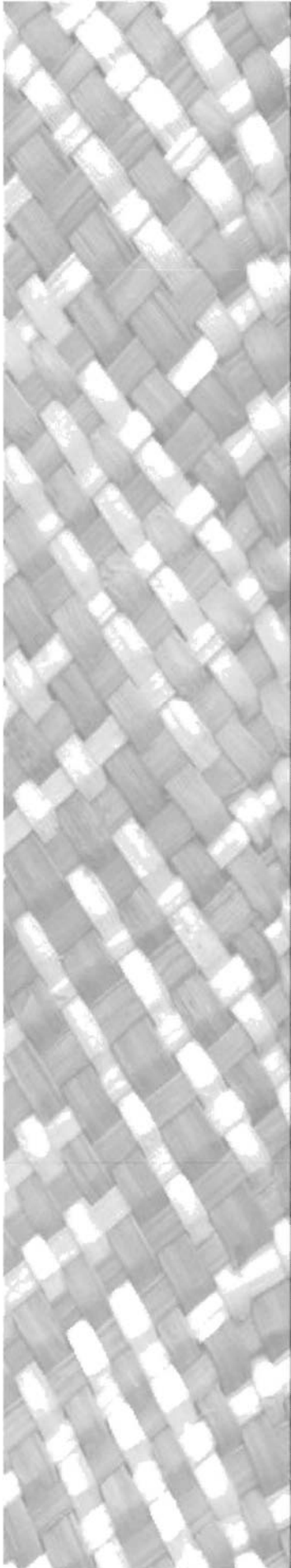
**Section Five**  
Legislation  
Fact Sheets

## ***PART IV: RESOURCE DIRECTORY***

*Nau te rourou, naku te rourou, ka makona te iwi*  
*Your contribution, and my contribution, will*  
*provide sufficient for all*

- ***Funding Sources***
- ***Existing IMPs***
- ***Publications***
- ***Web Sources***
- ***Legislation Fact Sheets***

## ***FUNDING SOURCES***



## **FUNDING SOURCES**

### **Introduction**

The following are some of the funding sources that whanau, hapu, iwi or runanga can tap into. All of these are external sources, but that does not mean that you should rely on these exclusively. Most external sources want to see a proportion of the total budget come from internal sources, although some may allow you to value goods and services in kind as part of that contribution. For example, you may be able to put a value on voluntary work.

It should also be recognised that funding for policy or process related projects is relatively limited. Most of the recognised funding sources cater primarily for capital works projects.

The actual part of the IMP project that made need the bulk of the funding may in fact be the research that underpins the policy. From this point of view it may be possible to get funding for specific research tasks or enter into a joint venture with an established scientific research organisation.

### ***District and Regional Councils***

In order to access the funds of the District or Regional Council, you need to be able to influence the preparation of the Draft Annual Plan. This document sets out Councils' expenditure for the coming financial year, and includes an explanation of all major projects. Where the local Council has an Iwi Liaison or Advisory Committee, it may be useful for a proposal for Council funding to be initiated through that forum.

The Council financial year runs from 1 July to 30 June. Council managers generally commence their "wish lists" prior to Christmas, and the first draft of the Annual Plan comes out in about March of the following year. Projects then have to withstand political scrutiny and a series of budget rounds, before being finalised.

Your IMP project will be competing against a range of other in-house and external projects. Therefore any approach for funding needs to be well thought out and consistent with Council's strategic and operational plans.

You will need the enthusiastic support of both Council divisional managers and key politicians if you are to have any degree of certainty.

Councils may offer professional assistance and other services in lieu of actual cash. Council can generally absorb these costs into operating budgets, so they tend not to show up as balance sheet costs.

### ***Community Trusts***

In the past, the Trustee Savings Banks remitted a portion of their profits to the community through Community Trusts. While de-regulation and rationalisation of the banking industry has altered this to some degree, the community trusts are still an important source of funding for community and voluntary projects. The Trusts usually have two funding rounds in each year, with payments being made around March-April and August-September. In the past these funds were usually spread very thinly over a large number of groups. More recently the Trusts have tended to set aside a proportion of their funding for a small number of larger projects. There is a tendency for these to be highly visible “bricks and mortar” projects.

This should not be a disincentive to making an application for funding for a well thought out IMP project, particularly one which has demonstrable benefits to the wider community in its implementation. A good example would be a riparian management strategy for a significant waterway. The actual implementation of the strategy in the future could be the subject of further grant applications by a variety of community groups, not just whanau, hapu, iwi or runanga.

### ***Lottery Grants Board***

The New Zealand Lottery Grants Board was set up by Parliament to benefit the community by distributing the profits from state lotteries such as Lotto, Lotto Strike, Instant Kiwi, Daily Keno and Telebingo.

The different funding areas are;

#### *Lottery General*

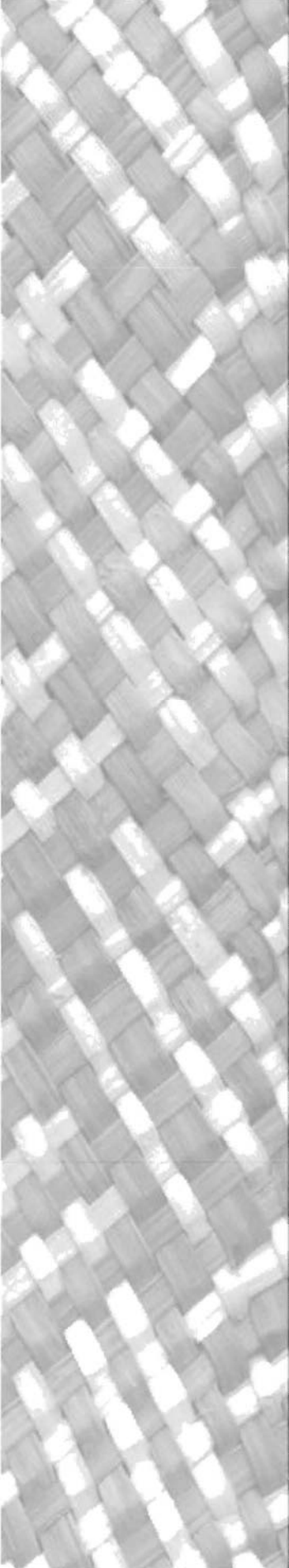
This funds projects of national, regional or local significance which are outside the scope of the other distribution committees. This includes a range of both capital works and programme expenditures.

#### *Lottery Environment and Heritage*

This funds a range of projects which promote, protect, and conserve New Zealand’s natural, physical and cultural heritage. This may include IMP which are aimed at specific resources or specific issues, such as conservation or protection of waahi tapu sites.

#### *Development Initiatives*

These are the responsibility of the Lottery Welfare Regional Committees. Only applications with a regional focus are considered. The regional committees set their own priorities within the following guidelines;

- 
- Development and community resource networks and community centres;
  - Cultural development initiatives
  - Iwi structural and developmental initiatives, particularly in rural and provincial areas
  - Local initiatives which encourage participation and build community identity, particularly in low-income communities.
- Grants are made on a one-off basis to a maximum of \$30,000.

### ***Community Employment Grants***

Funding is available through Work and Income New Zealand under the Community Grants Scheme for projects which help identify and initiate projects or strategies which use local resources to promote opportunities for employment and activities leading to self-sufficiency for unemployed people.

### ***Sustainable Management Fund***

The Sustainable Management Fund is administered by the Ministry for the Environment. It provides support for practical initiatives which help to achieve the sustainable management of New Zealand's resources. The Fund focuses on projects which are practical, have national benefit, consult with stakeholders and demonstrate community demand. The focus is on developing and applying methods, rather than on pure research.

Projects are divided into Project Topic Areas and Priorities. Applications need to address the criteria associated with the relevant Project Topic Area.

Projects can be allocated between \$20,000 and \$500,000 per year. These funds are allocated as a proportion of the total costs incurred. The proportion ranges from 20-80%.

There are two funding rounds each year, one in February and the other in August.

The Ministry publishes an SMF Guide for Applicants and a Summary of Funded Projects.

While the SMF currently funds projects aimed at developing IMP this is expected to diminish over time. The current projects are aimed at developing methods that can be adopted by whanau, hapu, iwi and

runanga to enable them to develop their own plans in a cost-effective way.

### ***Public Good Science Fund***

This fund is administered by the Foundation for Research, Science and Technology. The April 1999 round of funding involved allocations of over \$200 million. Only one iwi group is currently funded by the PGSF. Te Whare Wananga o Ngati Porou has been granted \$150,000 to investigate Maori community goals for enhancing ecosystem health. The aim of the project is to combine indigenous knowledge (matauranga Maori) and information from mainstream science to provide an holistic understanding of catchment ecosystems.



***EXISTING IMPS***



## IWI MANAGEMENT PLANS

*Te Maire Tau, Anake Goodall, David Palmer, Rakihia Tau (1990) Te Whakatau Kaupapa – Nga Tahu Resource Management Strategy for the Canterbury Region*

This was the first truly comprehensive iwi management plans and set the benchmark for other IMP. Notable for its extensive discussion of Matauranga Maori, and for its approach to the protection of waahi tapu. Format later adopted for the Murihiku IMP.

*Kai Tahu ki Otago (1995) Natural Resource Management Plan; Aoraki Press*

This is one of the most comprehensive iwi management plans that have been prepared to date. The standard of production and graphics is very high, with good use of colour and photography. The format is well structured and the policy development is quite detailed.

*Garven P, Nepia M, Ashwell H, Goodall M (ed) (1997) Te Whakatu Kaupapa o Murihiku : Ngai Tahu Resource Management Strategy for the Southland Region, Aoraki Press.*

This is also a comprehensive IMP and parallels the ground breaking document prepared for the Canterbury region in the 1980's. This IMP has one of the more comprehensive discussions of Matauranga Maori to underpin the plan, tribal whakapapa, and detailed discussions of customary methods of resource management.

*Henare E (1990) An Introductory Perspective to Resource Management Planning, Te Runanga o Ngatihine.*

This was the first IMP to be prepared in Aotearoa. The Plan is significant for its basic structure and layout, and for its discussion of resource management principles.

*Huakina Development Trust (1996) Waikato Iwi Management Plan : Manuka, Tainui Maori Trust Board*

This is a comprehensive IMP for a particular set of resources, those associated with the Manukau Harbour. The standard of presentation is very high and makes good use of colour photography and graphics. The policy is quite detailed and the plan also contains detailed discussions of Matauranga Maori and tikanga.

*Te Runanga o Ngati Porou (1999) Ngati Porou Environmental Policy Statement, Ngati Porou Hapu Environmental Plans Project*

This IMP is significant in that it is intended to provide an over-arching policy statement for a series of hapu based environmental plans. The

plan preparation process follows a similar path to that used for District or Regional Plans with provision made for public submissions and hearings. The IMP has a clear structure, but the policy development is relatively limited.

*Awaroa ki Manuka (1991) Ngaati Te Ata Tribal Policy Statement*

This IMP pre-dates the RMA 1991, at least in its draft form. The IMP has a broadly based kaupapa, and so does not limit itself to environmental issues. The plan preparation process is similar to that used by Ngati Porou. The Plan also contains definitive statements about the kaupapa which underpins the Plan, the principles arising from that kaupapa, and how that translates into policy.

*Te Runanga o Ngati Hauiti (1996) Kaupapa Taiao : Environmental Policy Statement*

This is a relatively slim IMP, being only 10 pages long. The simplicity of the document is its greatest strength and demonstrates that IMP do not have to be detailed and comprehensive to be effective. The Plan contains all the key elements of whakapapa, manawhenua, tikanga, issue identification and an explanation of desired outcomes.

*Marks M (et al) (1999) He Kaupapa Mo Te Taiao :Draft Environmental Policy Statement, Kororareka Marae Society Incorporated.*

*Kawerau a Maki Trust (1995) Resource Management Statement*

This IMP is closely modelled on the Ngati Hauiti Environmental Policy Statement. The principal difference is the level of policy detail. Each of the key objectives is backed up by specific policies. Each of the main policy subject areas is briefly discussed to give a context to the objectives and policies.

*Swann S (et al) (May 1996) Ngati Paoa Resource Management Plan*

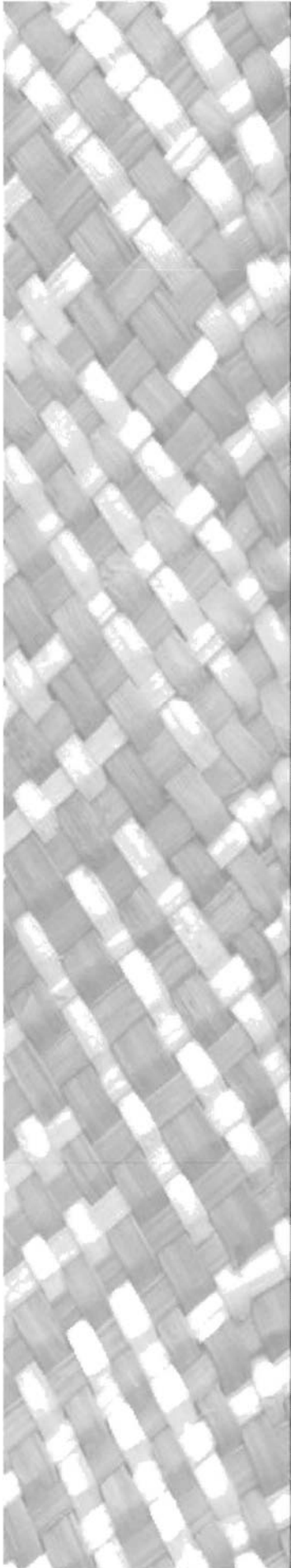
This IMP builds upon earlier Ngati Paoa research and planning statements, highlighting the primary resource management concerns of Ngati Paoa and methods of address these. In addition to stating objectives and policies, the IMP includes a map showing the general location of waahi tapu.

*Whakatohea Project Team (July 1993) Tawharau o Nga Hapu o Whakatohea – Whakatohea Resource Management Plan*

This IMP was prepared over an eight month period to assist Whakatohea in proactively influencing regional and district policies, and to provide a framework for internal initiatives. Like other IMPs, it is a broad policy framework addressing both process issues (eg consultation) and significant environmental issues (eg heritage, river gravel extraction).

There are also some useful appendices, including a Ministerial Statement of Intent regarding papakainga housing.

# ***PUBLICATIONS***



## IWI RESOURCE MANAGEMENT PUBLICATIONS

- Bay of Plenty Regional Council (1993) Iwi Resource Management Strategy – Resource Planning Kit.
- Maruwhenua, Ministry for the Environment (1998) “He Tohu Whakamarama: A report on the interactions between local government and Maori organisations in Resource Management Ad Process”.
- Ministry for the Environment (1999) Case law on Tangata Whenua consultation Ministry for the Environment, Wellington.
- Ministry for the Environment (1992) Kia Matiratira: The Resource Management Act, A Guide for Maori, Ministry for the Environment, Wellington.
- Nga Kaiwhakamarama I Nga Ture (1999) Ki Te U O Te Hiahia : A Guide to the Resource Management Act 1991 Maori Legal Service Inc. Wellington.
- Te Kaitiaki Taiao o Te Whare Paremata – Office of the Parliamentary Commissioner for the Environment (1998). Kaitiakitanga and Local Government. Tangata Whenua Participation in Environmental Management.
- Te Kaitiaki Taioa o Te Whare Paremata – Parliamentary Commissioner for the Environment (1998). Environmental Management and the Principles of the Treaty of Waitangi. Report on Crown Response to the Recommendations of the Waitangi Tribunal.
- Te Puni Kokiri (1993) Mauriora Ki Te Ao : An Introduction to Environmental and Resource Management Planning Te Puni Kokiri, Wellington
- Te Tira Ahu Iwi (1990) Nga Whetu Kapokapo : Navigation Points, Iwi Transition Agency.

## PROJECT MANAGEMENT PUBLICATION

- Burton C and Michael N (1991) Basic Project Management : How to Make it Work in Your Organisation, Reed Books, Auckland
- Burton C and Michael N (1994) A Practical Guide to Project Planning, Reed Books, Auckland.

## VIDEO

- Maori Legal Services Inc (1999) The Resource Management Act 1991 : An Introduction, Nga Kaiwhakamarama I Nga Ture Inc, Wellington. (*Companion to the text by the same name listed above.*)

## ***WEB SOURCES***



## WORLD WIDE WEB

The World Wide Web is providing a rapidly expanding source of information that whanau, hapu or iwi can access to assist in the preparation of IMPs. As yet, none of the current IMP appears to have been loaded onto the Web. The iwi web sites generally provide an introduction to the current iwi organisational structure, key events or initiatives, and contact details.

The web sites referenced below are generally sites which will allow you to access related links and expand the range of information sources available for your plan preparation process. In this regard the University web sites are the most comprehensive. The existing iwi based sites are also referenced.

### *Universities*

The University based sites are the best place to start. They tend to have the most comprehensive tables of links to other sites and resources. Some of the key sites are reviewed below.

#### *Canterbury University*

[www.soci.canterbury.ac.nz/links.htm](http://www.soci.canterbury.ac.nz/links.htm)

[www.maori.canterbury.ac.nz/links.html](http://www.maori.canterbury.ac.nz/links.html)

Both of these sites are comprehensive. The first site listed is for the Sociology Department, and comes with a good table of contents. The Maori links listing contains an extensive range of links to related sites. The second listing is for the Maori Studies Department and contains some additional links which are more specific to tangata whenua issues or research needs.

#### *Lincoln University Centre for Maori and Indigenous Planning and Development*

[www.lincoln.ac.nz/libr/nz/maori.htm](http://www.lincoln.ac.nz/libr/nz/maori.htm)

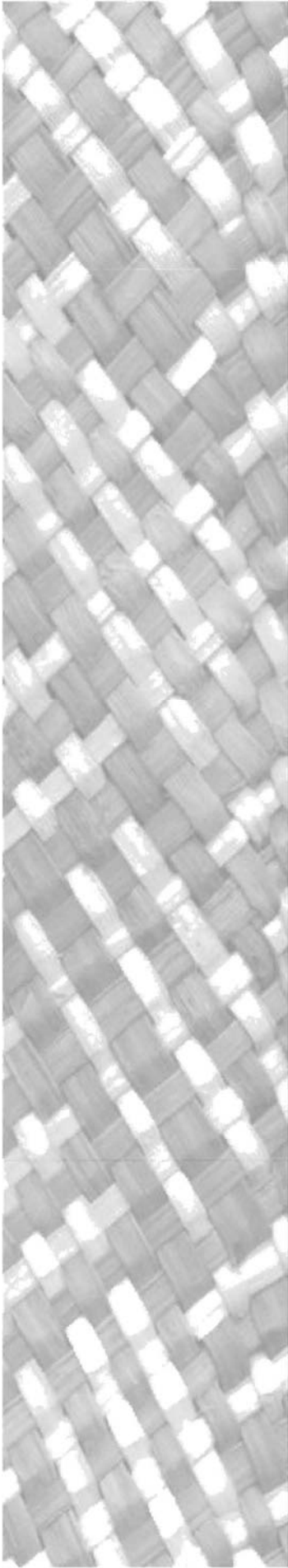
[www.lincoln.ac.nz/emd/groups/msr.htm](http://www.lincoln.ac.nz/emd/groups/msr.htm)

The Lincoln University Library site is called Ara Nui, or the "Many Pathways to Aotearoa". This is another comprehensive set of links to interrelated sites dealing with tangata whenua issues.

#### *Auckland University*

[www.auckland.ac.nz/lbr/maori/maorigate.htm](http://www.auckland.ac.nz/lbr/maori/maorigate.htm)

[www.arts.auckland.ac.nz/maori](http://www.arts.auckland.ac.nz/maori)



The Auckland University site has a useful contents page which leads to a wide range of links. These include links to other University sites such as Te Matahauariki at the University of Waikato.

*Waikato University*

[www.lianz.waikato.ac.nz](http://www.lianz.waikato.ac.nz)

[www.waikato.ac.nz/research/html](http://www.waikato.ac.nz/research/html)

The two Waikato sites are Te Matahauariki and Te Pua Wananga ki te Ao. Both sites relate to the research capability of Waikato University in respect of tangata whenua issues. Both sites have a wide range of links to other Universities and organisations.

*Other Universities*

Te Whare Wananga o Otago

[www.otago.ac.nz/Web\\_menus/Dept\\_Homepages/Maori\)Studies/Other\\_Maori.html](http://www.otago.ac.nz/Web_menus/Dept_Homepages/Maori)Studies/Other_Maori.html)

Te Whare Wananga o Te Upoko o te Ika a Maui - Te Kawa a Maui

[www.vuw.ac.nz/maori/intro.html](http://www.vuw.ac.nz/maori/intro.html)

[www.vuw.ac.nz/maori/tira.html](http://www.vuw.ac.nz/maori/tira.html)

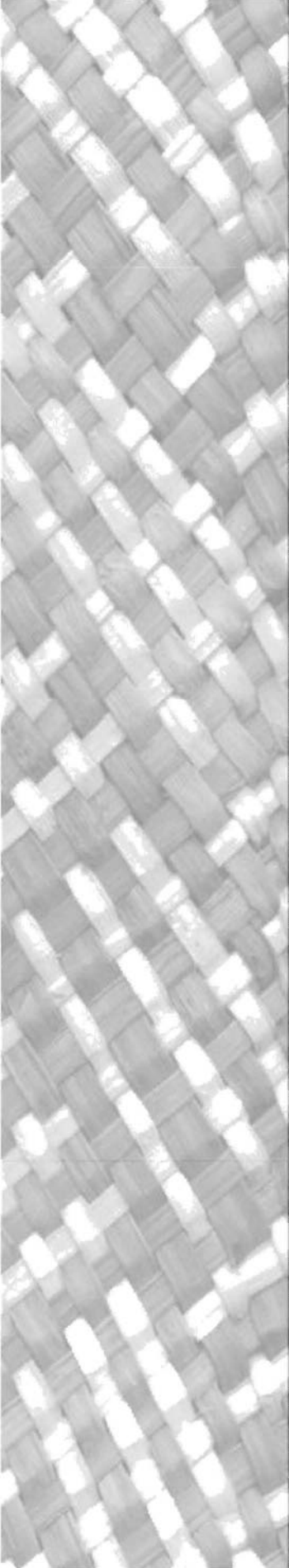
***Iwi***

None of the iwi web pages appear to contain information directly related to IMPs, either those already completed or those in preparation. The basic format includes the following web pages;

1. Powhiri
2. Location
3. History
4. Organisational Structure
5. News
6. Events
7. Contacts

*Arawa Net*

[www.arawa.net.nz](http://www.arawa.net.nz)



*Muriwhenua News*

[www.Webnz.co.nz/tekorero/muriwhenua/mihi/html](http://www.Webnz.co.nz/tekorero/muriwhenua/mihi/html)

*Ngai Tahu*

[www.ngaitahu.iwi.nz](http://www.ngaitahu.iwi.nz)

*Ngati Awa*

[www.ngatiawa.co.nz](http://www.ngatiawa.co.nz)

*Ngati Maniapoto Marae Pact Trust*

[www.maniapoto.org.nz](http://www.maniapoto.org.nz)

*Ngati Porou*

[www.ngatiporou.iwi.nz/business.html](http://www.ngatiporou.iwi.nz/business.html)

*Te Rarawa*

[www.terarawa.co.nz](http://www.terarawa.co.nz)

*Tainui Corporation*

[www.tainui-corp.co.nz](http://www.tainui-corp.co.nz)

Also see the Landcare Trust link below.

### ***Other Maori Organisations***

*Nga Korero o te wa*

This is a monthly newsletter of information and articles of relevance to tangata whenua. This site also contains a comprehensive list of In-related links to other Maori organisations and sites.

*Te Kupenga*

This site has been set up by a group of web page designers, and contains links to other tangata whenua sites such as those listed below.

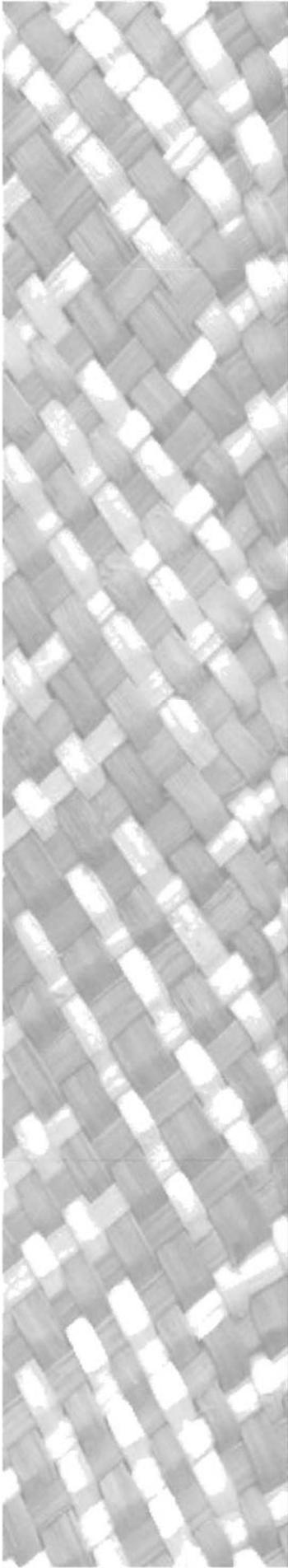
[www.kupenga.maori.co.nz](http://www.kupenga.maori.co.nz)

*The Maori Net*

This is a tangata whenua site which seeks to bring together a wide range of iwi related sites and resources. There are links to the other major tangata whenua sites.

[www.maori.net.nz](http://www.maori.net.nz)

*Maori.org.nz*



This is the principal iwi based site, with a comprehensive set of links relating to topics such as Te Tiriti O Waitangi, land issues, legal matters, tikanga, whakapapa, waiata, legends, history and the environment.

[www.maori.org.nz](http://www.maori.org.nz)

#### *Maori Law Review*

This is an on-line version of the Maori law journal, Maori Law Review. This publication is published monthly and back issues are available on-line.

[www.kennett.co.nz/maorilaw](http://www.kennett.co.nz/maorilaw)

### **Government Agencies**

The government department and agencies sites are particularly useful for a number of reasons. They are well resourced, so contain significant amounts of information regarding Crown involvement in particular issues, current programmes or initiatives, and sources of funding. The sites follow a common format in terms of their opening pages with links to more specific pages for each ministry or department.

You will need to spend some time exploring each site to get the information that you require. Most have useful links to other related departments, ministries, Crown agencies or associated organisations.

The principal sites from a resource management perspective are listed below.

#### *Ministry for the Environment*

This site contains links to the Sustainable Management Fund, which is a potential lending source for the preparation of iwi management plans. The site also has information on some current projects which involve the preparation of iwi management plans.

[www.mfe.govt.nz](http://www.mfe.govt.nz)

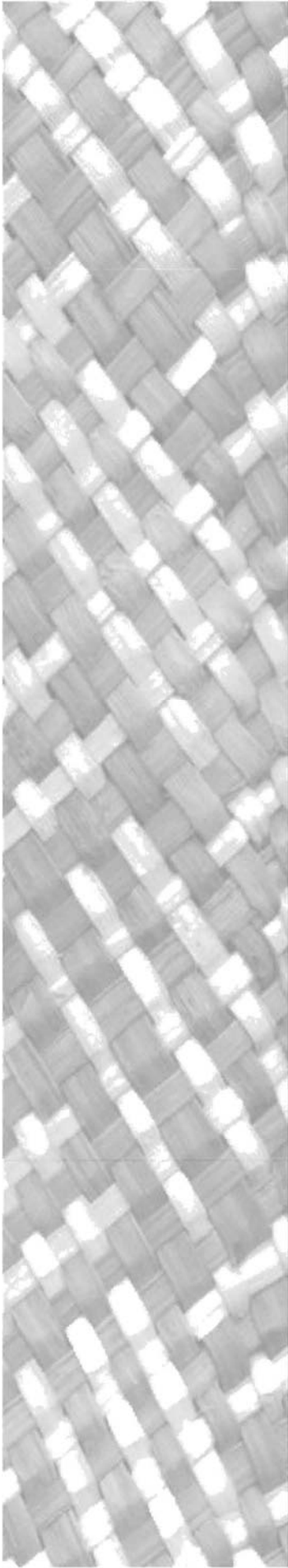
#### *Ministry of Fisheries*

This site provides useful information in respect of the planning for taiapure, and mataitai reserves. The site also contains information regarding customary fishing regulations and their recognition as part of an IMP.

[www.fish.govt.nz](http://www.fish.govt.nz)

[www.fish.govt.nz/customary/southcfr.html#Planning](http://www.fish.govt.nz/customary/southcfr.html#Planning)

#### *Department of Conservation*



This site has extensive material regarding the involvement of the Department in the resource management process and involvement with tangata whenua. This involvement spans the functions of the Department and also includes references to DoC participation in the resolution of Waitangi Tribunal claims.

[www.doc.govt.nz](http://www.doc.govt.nz)

[www.doc.govt.nz/commu/maori/ha97/ha12.htm](http://www.doc.govt.nz/commu/maori/ha97/ha12.htm)

*Te Puni Kokiri*

This site contains information relating to Kapa Hanga Kainga, the community housing project involving development on communally owned land. This includes some very useful material on project planning for funding applications. There are recommendations in this material which can easily be applied to other planning projects.

[www.tpk.govt.nz/default.htm](http://www.tpk.govt.nz/default.htm)

*Ministry of Agriculture, Food and Fibre*

This site contains a particularly useful resource, the Bibliography of Rural Research. In addition it describes relevant government policies and programmes for Maori living in rural areas. These are the subject of a separate web link.

[www.maf.govt.nz](http://www.maf.govt.nz)

[www.maf.govt.nz/MAFnet/articles-man/rurbib/rurbib29.htm](http://www.maf.govt.nz/MAFnet/articles-man/rurbib/rurbib29.htm)

*National Institute of Water and Atmospheric Research Ltd*

NIWA is a Crown Research Institute. The link shown below deals specifically with the establishment of taiapure.

[www.niwa.cri.nz/maori/taiapure.htm](http://www.niwa.cri.nz/maori/taiapure.htm)

*Department of Internal Affairs*

This site hosts pages dealing with the Lotteries Grants Board. The Community Development Grants Scheme, and Lotteries Grants: General are potential sources of funding for IMP development.

[www.dia.govt.nz/businesses/cdg/c\\_1.html](http://www.dia.govt.nz/businesses/cdg/c_1.html)

### ***Local Government***

The best link into sites dealing with local government is New Zealand Local Government Online. The web link is as follows;

[www.localgovt.co.nz](http://www.localgovt.co.nz)



[www.localgovt.co.nz/council-frame.htm](http://www.localgovt.co.nz/council-frame.htm)

[www.localgovt.co.nz/library/default.htm](http://www.localgovt.co.nz/library/default.htm)

The second link provides contact details for all of the Councils in New Zealand, along with contact details for key staff. The third link is to a set of resources and related links. This for example, contains the Manukau City Council Marae Policy.

### ***Public Libraries and Related Organisations***

*Te Ropu Whakahaau : Maori Library and Information Workers*

[www.trw.org.nz](http://www.trw.org.nz)

[www.trw.org.nz/trwres.htm](http://www.trw.org.nz/trwres.htm)

The second link is to a comprehensive Maori Information Resource, containing numerous links to other sites.

*Christchurch Public Library*

[www.ccc.govt.nz/library/resources/maori](http://www.ccc.govt.nz/library/resources/maori)

This site is called Ara Ipurangi mo te iwi Maori. It is one of the most comprehensive sites on the web.

All of the major Public Libraries have web pages that include bibliographies of their resources and links to other sources of information.

### ***Other Community Organisations***

*Community Net Aotearoa*

This is the largest site involving links to a wide range of community organisations, information sources, funding sources, and support agencies. The site has a comprehensive range of iwi based links.

[www.community.net.nz/community/maori.htm](http://www.community.net.nz/community/maori.htm)

[www.community.net.nz/community/funding.htm](http://www.community.net.nz/community/funding.htm)

*Landcare Trust*

The Landcare Trust was formed in 1996 to encourage the development of sustainable land management practices and to help communities become more involved in land management issues. This site has an excellent link to a list of iwi organisations affiliated to the Landcare Trust and some of the activities that those groups are involved in, including the preparation of IMPs.

[www.landcare.org.nz](http://www.landcare.org.nz)

[www.landcare.org.nz/db/search.asp](http://www.landcare.org.nz/db/search.asp)



# ***LEGISLATION FACT SHEET***



## ***Fact Sheet Disclaimer***

The following Legislation Fact Sheets are summaries of legislation relevant to the preparation of Environmental Management Plans by whanau, hapu and iwi.

For the avoidance of doubt resource managers should refer to the full text of any relevant legislation or take appropriate legal advice. These Legislation Fact Sheets cannot be taken as providing legal advice upon which whanau, hapu, or iwi could rely when participating in any statutory proceedings.

## RESOURCE MANAGEMENT ACT 1991

### Fact Sheet N° 1 – Resource Management Act 1991

#### Introduction

This Act is concerned with the sustainable management of natural and physical resources. It is the principle statute for the management of land, sub-division, water, soil resources, the coast, air and pollution control and integrated existing laws in 1991 to set up a resource management system to promote sustainable management of natural and physical resources.

It sets out the rights and responsibilities of individuals, territorial and regional councils, and central government. It also sets the system of policy and plan preparation and administration that is effects based.

This fact sheet will, from an iwi perspective, set out the provisions of: -

- Part II of the Act which defines the purpose and principles of sustainable management;
- Part IV which sets out the resource management functions of territorial, regional, and central governments;
- Part V which provides the framework for policy statements and plans; and
- Part VI which establishes features of resource consents and the process for resource consent considerations.

Finally, it will touch a number of miscellaneous provisions.

#### 1 Part II: Purpose and Principles

##### 5. PURPOSE--

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
- (2) *In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while--*
  - (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

This Act therefore has one overarching purpose and that purpose applies to every part of the Act.

**Comment:**

- Sustainable management includes physical as well natural resources and therefore includes all structures.
- Sustainable management includes enabling communities to provide for their cultural wellbeing.
- The definition should be taken as the whole and not broken up into a number of separate principles.
- Section 6, 7, & 8 are meant to refine and give further meaning to section 5.
- The definitions of "environment" (section 2), and "effect" (section 3), should be kept in mind when considering section 5.

***"Environment" includes--***

- (a) Ecosystems and their constituent parts, including people and communities; and*
- (b) All natural and physical resources; and*
- (c) Amenity values; and*
- (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters:*

***Meaning of "effect"--***

*In this Act, unless the context otherwise requires, the term "effect" includes--*

- (a) Any positive or adverse effect; and*
  - (b) Any temporary or permanent effect; and*
  - (c) Any past, present, or future effect; and*
  - (d) Any cumulative effect which arises over time or in combination with other effects-- regardless of the scale, intensity, duration, or frequency of the effect, and also includes--*
  - (e) Any potential effect of high probability; and*
  - (f) Any potential effect of low probability which has a high potential impact.*
- Section 5 is not about achieving a balance between benefits occurring from an activity and its adverse effects. It requires adverse effects to be avoided, remedied, or mitigated irrespective of any benefits which may accrue from an activity.

## **S6 MATTERS OF NATIONAL IMPORTANCE-**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other Toanga.*

### **Comment:**

- The standard required of councils in relation to matters of national importance is very high, that is to “recognise and provide for” such matters.
- A number of the “matters of national importance” may be relevant to any one consent application. It is for a planning authority to undertake a balancing exercise between the matters in section 6 and the proposal in any particular consent application.
- All subsections (i.e. 6(a) – 6(e)) are important to iwi.
- Section 6(c) is to form the basis of a National Policy Statement on Biodiversity.
- The Matters of National Importance attach to all elements of resource management including plan and policy statement developments, as well as resource consent consideration.
- Through a management plan iwi can show their relationship and their culture and traditions with those matters listed in section 6(e) and challenge territorial and regional authorities, as both planners and consent authorities, to show how they have recognised and provided for those matters.
- Section 6(c) raises the question of to whom areas of indigenous vegetation or habitat of indigenous fauna are significant and for what purpose. It may not be restricted to threatened or rare flora and fauna. It may include areas which are significant for their use such as harakeke for weaving.

**Note:** There is a proposal to amend section 6 by addition of a further subsection that recognises and protects the heritage values of sites, buildings, places, or areas.

### S7 OTHER MATTERS--

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to--*

- (a) *Kaitiakitanga:*
  - [(aa) The ethic of stewardship:]*
- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance and enhancement of amenity values:*
- (d) *Intrinsic values of ecosystems:*
- (e) *Recognition and protection of the heritage values of sites, buildings, places, or areas:*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*
- (h) *The protection of the habitat of trout and salmon.*

#### **Comment:**

In relation to these matters councils have to “have particular regard”. The courts have seen this as being a duty to be “on enquiry”.

- Kaitiakitanga is defined as:

*“Kaitiakitanga” means the exercise of guardianship by the tangata whenua of an area in accordance with Tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship*

### S8 TREATY OF WAITANGI--

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

#### **Comment:**

- In relation to this section a council considering a resource consent application is required to “take into account” the principles of the Treaty. A council must be careful to consider what additional information it ought to require in relation to particular applications.

- The courts have stated that local authorities are not subject to the obligations of the Crown under the Treaty but rather they must take the principles of the Treaty into account in reaching a decision on a resource consent application.
- The courts have upheld that principles of the Treaty must be applied on a case by case basis. The principles include –
  - The need to act reasonably and in good faith
  - Active protection of Māori interests, which requires positive action;
  - Consultation; or
  - The obligation recognised with tino rangatiratanga.
- Where it is known that a natural and physical resource that is the subject of a resource consent application is the object of a valued relationship for iwi, the court has held that an advisor preparing a report on the application for an consent authority should investigate and report on the extent to which the proposal would affect that relationship.

Note: The provisions of sections 6, 7, & 8 of the Act are not to be approached independently of section 5 as ends in themselves. They are there to promote the essential purpose of sustainable management. Therefore, it is important to keep in mind when formulating an iwi management plan those matters included in Part II so that the plan not only reflects an iwi resource management strategy for its takiwā, but also fulfils the purpose of enabling territorial and regional councils and applicants to provide for the purpose of the Act as laid down in section 5 and promoted in sections 6, 7, & 8.

### **3. PART IV FUNCTIONS POWERS AND DUTIES OF CENTRAL AND LOCAL GOVERNMENT**

#### **Central Government**

The following sections may be of interest.

Section 24 - Functions of the Minister for the Environment

Section 25 - Residual Powers of the Minister for the Environment

Section 26 - Minister may make grants and loans.

#### **Function Powers and Duties of Local Authorities**

Section 30 - Functions of Regional Councils under the Act

Section 31 - Functions of Territorial Authorities under the Act

### **Section 33 - Transfer of powers**

A Local authority may transfer any one or more of its functions, powers, or duties to another public authority (apart from the approval of policy statements or plans, or the issuing or the making of recommendations on a requirement for designation).

For the purpose of this section a public authority includes an iwi authority.

A local authority may not transfer any of its functions, powers, or duties unless it has been through a special consultative procedure as specified in the Local Government Act 1974.

The grounds for the transfer of power include an appropriate community of interest relating to the exercise of the performance of the activity to be transferred; efficiency, and technical or special capability or expertise.

Through an iwi management plan iwi can indicate functions, powers, or duties to which it wishes to work towards transfer and show the elements of community of interest, etc.

### **Section 34 - Delegation of Functions by Local Authorities**

A local authority may delegate to any committee of the local authority established in accordance with the Local Government Act and any of its functions, powers, or duties under the RMA. An iwi management plan could therefore identify what matters an iwi committee of the local authority could deal with e.g. Māori heritage management matters.

### **Section 35 - Duty to gather information, monitor, and keep records**

This section directs a local authority to gather information and undertake, or commission, research to carry out its functions under the Act effectively. It also requires every Local authority to monitor the state of the whole or any part of the environment of its region or district.

It also identifies what information shall be kept and made available by the Local Authority.

An iwi management plan could identify information gathering or research which iwi could undertake on contract for a local authority e.g. water quality, wāhi tapu sites.

### **Section 36 - Administrative Charges**

This section details the ability of local authorities to make charges in relation to applications for a change of policy statement or a plan, and resource consents. It would be possible under this section for a local authority to set an administrative charge to be paid to iwi for the preparation of cultural audits in relation to resource consent applications, plan changes, and policy statements which enable the council to better consider those matters contained in Part II.

## **4 PLANNING AND POLICY MAKING**

At all times each region has to have a regional policy statement which provides an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region. (Section 59 & 60).

Section 61(2)(a)(ii) states that when preparing or changing a regional policy statement the regional council has to have regard to;

- relevant planning documents recognised by an iwi authority affected by the regional policy statement.
- relevant entries in the Historic Places Register.
- regulations relating to ensuring a sustainably or the conservation, management of sustainability of fisheries resources (including regulations of bylaws relating to taiapure, mataitai, or non-commercial Māori customary fishing).

### **S62 - Contents of Regional Policy Statement**

A regional policy statement has to make provision for matters set out in Part I of the Second Schedule and amongst other matters should state "matters of resource management significance to iwi authorities". An iwi management plan should therefore identify such matters.

### **Regional Plans**

There has to be at all times for all the coastal marine area of a region one or more regional coastal plans. Therefore it is important that iwi management plans identify coastal issues, values, etc.

Section 65 provides that a regional council may, in addition to its regional coastal plan, have one or more other regional plans.

The regional council should consider if it is desirable to prepare a regional plan whenever any of a number of circumstances arise, or are likely to arise, these include -

- any significant need or demand for the protection of natural or physical resources or any site, feature, place, or area of regional significance;
- any significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources;
- the restoration or enhancement of any natural and physical resources in a deteriorated state or the avoidance or mitigation of any such deterioration; or
- Any use of land or water that has actual a potential adverse effects on soil conservation, air quality, or water quality.



Section 65 (4) states that any person may request a regional council to prepare or change the regional plan in a manner set out in the First Schedule. This means that iwi could request a specific regional plan to deal with the significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources. Indications of the need for such a plan could be given in an IMP.

Section 66 outlines matters to be considered by a regional council in preparing or changing any regional plan. In doing so the council shall have regard amongst other matters to relevant planning documents recognised by any iwi authority affected by the regional plan, relevant entries in the Historic Place Register and regulations relating to ensuring sustainability of fisheries resource (including regulations and bylaws relating to taiapure, mahinga mataitai, other non-commercial Māori customary fishing).

Section 67 states the contents of a regional plan and includes the issues to be addressed by the plan. An IMP should therefore indicate matters that iwi consider should be addressed by regional plans.

### **First Schedule, Part I**

Clause 3 - "Consultation" states that during the preparation of a policy statement or plan a local authority shall consult with amongst others "tangata whenua of the area who may be so affected, through iwi authorities and tribal Rūnanga".

### **District Plans**

Section 72 states the purpose of a district plan.

Section 73 deals with preparation and change of district plans including that council shall have regard to relevant planning documents recognised by an iwi authority affected by the district plan, relevant entries in the Historic Places Register, and regulations relating to ensuring sustainability, fisheries resources (including the regulations of bylaws relating to taiapure, mahingataitai, other non-commercial Māori customary fishing).

Section 75 sets out the contents of district plans.

District and City Councils are also subject to the consultation requirements of the First Schedule in the preparation of their plan.

### **Resource Consent Process**

Part VI of the Act deals with resource consent matters in sections 87 - 139.

Section 88 deals with making an application. Section 88 (4) indicates that an application for resource consent has to be in the prescribed forms and outlines the matters that should be included.

**Section 88(6)**

An assessment of any actual or potential effects of the activity has to be included in the application in such detail as corresponds with the scale of significance of the actual or potential effects of the activity may have on the environment. The application must also be prepared in accordance with the Fourth Schedule.

Clause 1 of the Fourth Schedule outlines matters that should be included in the assessment of effects on the environment including identification of persons interested or affected by the proposal and the consultation undertaken and any response to the views of those consulted.

Clause 2 indicates matters that should be considered when preparing an assessment of effects on the environment including cultural effects, and any effect on natural and physical resources having historic, spiritual, or cultural value for present or future generations.

Section 92 indicates that further information may be required to be supplied by the applicant to the consent authority if the consent authority is of the opinion that a significant adverse effect on the environment may result from the activity.

An iwi management plan should assist the council in this regard in that it will identify areas and issues of value and importance of tangata whenua to serve as a flag to consent authorities for the possible need for further information.

**Section 93 – Notification of application**

This section identifies where notice of an application should be sent once the consent authority is satisfied that it has received adequate information. This includes section 93 (1)(e) “served on such a persons who are in the opinion likely to be directly affected by the application, including owners and occupiers of land where appropriate” and, 93(1)(f) “served on such local authorities, iwi authorities, and other persons or authorities the authority considers appropriate”.

This section, therefore, identifies the importance of an iwi management plan in identifying sites and issues of importance so that a consent authority is better enabled to ensure that notices of applications are sent appropriately.

Section 94 indicates when applications do not require notification. This includes situations where the consent authority is satisfied that that the adverse effects on the environment of the activity will be minor. It is therefore important that the iwi management plan includes information about activities that are considered by iwi to be more than minor, such as discharge to waterbodies.

Section 104 deals with matters to be considered in making decisions on resource consent applications.

Section 104(1)(i) provides for “any other matters that a consent authority considers relevant and reasonably necessary to determine the application”. The provisions of an iwi management plan could be considered under this section.

### **Sections 107 and 108**

Section 107 deals with the restrictions on the ground of certain discharge permits and section 108 the conditions of resource consents. It would therefore be helpful in an iwi management plan, in relation to certain matters, for iwi to indicate the kinds of conditions they would find appropriate in those circumstances.

### **MISCELLANEOUS**

**Section 140** deals with the Minister’s power to call in applications of national significance and what considerations the Minister has to have regard to in relation to any such proposal. This occurs when a proposal has aroused wide spread public concern or interest regarding effects on the environment, including

- is likely to involve to significant use of natural and physical resources,
- effects that are likely to affect any structure, feature, place, or area of national significance,
- is or is likely to be significant in terms of section 8 (Treaty of Waitanga).

**Sections 187 – 198** deal with Heritage Orders including applications to become a Heritage Protection Authority. Sections 199 – 217 deal with water conservation orders including their purpose and applications for water conservation orders. IMP could indicate an iwi’s intentions in relation to seeking these protection for specific sites.

**First Schedule – Part I, Clause 20** – a local authority must provide one copy of its operative policy statement or plan without charge to organisations including “(f) the tangata whenua, iwi authorities, and tribal Rūnanga”.

**Second Schedule – Part I** – matters that may be provided for in policy statements and plans matters related to regions.

**Second Schedule – Part II** – matters related to districts that may be provided for in policy statements and plans.

**Third Schedule** – Water Quality Classes.

## CONSERVATION ACT 1987

### Fact Sheet N° 2 – Conservation Act 1987

#### Introduction

This is an Act to promote the conservation of New Zealand's natural and historic resources, and for that purpose establish a Department of Conservation.

The Act sets up the Department of Conservation and outlines its functions. It also sets up the New Zealand Conservation Authority and Conservation Boards.

The Act also deals with among other matters:-

Conservation areas	Marginal strips
Management Planning	Stewardship areas
Concessions	Sports, Fish and Game Councils
Specially protected areas	Administration

There are a number of provisions in the Act relevant to iwi and to the preparation of iwi management plans. The overarching important section is section 4 which states –

*Section 4: Act to give effect to Treaty of Waitangi – This Act should be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi.*

As stated in Fact Sheet 1 the Principles of the Treaty include:

- the need to act reasonably and in good faith
- active protection of Māori interests, which requires positive action.
- consultation.
- the obligation recognised with tino rangatiratanga.

#### Comment:

Section 4 imposes a stronger obligation than legislation which merely requires a body “to take into account the Principles of the Treaty of Waitangi”, section 4 applies to all legislation that is administered by the Department Conservation, i.e. Wildlife Act 1953, unless such legislation expressly provides otherwise.

In response to its section 4 obligations the Department has formulated the Kaupapa Atawhai strategy that includes guidelines for staff in maintaining working relationships with tangata whenua. It also outlines the Department's vision and strategy for the development of a relationship with Māori. The Kaupapa Atawhai Strategy has eight goals, the first three specifically refer to the Treaty of Waitangi.

(Reference: Department of Conservation/Te Kaupapa Atawhai Service Delivery to Māori) Monitoring and Evaluation Branch, November 1998.

It is therefore important that iwi through an iwi management plan articulate the relationship they wish to have with the Conservation estate. Iwi should make themselves familiar with the Conservation Management Strategy for the Department of Conservation areas within their rohe. The Conservation Management Strategy should articulate how the Department is going to give effect to the principles of the Treaty of Waitangi.

Iwi should make sure that they are intimately involved with the development and review of such Conservation Management Strategies and Conservation Management Plans and also other management plans, such as National Park Plans, developed within their rohe so that their values and aspirations are provided for.

As well as section 4 the Conservation Act has a number of other provisions of importance to iwi.

## **2 Part II: Establishment of Functions of Department of Conservation**

The functions of the Department of Conservation are to administer the Conservation Act and Acts specified in the First Schedule shown below, to which section 4 obligations also attach –

*The Canterbury Provincial Buildings Vesting Act 1928*

*The Fisheries Act 1983: Part V*

*The Foreshore and Seabed Endowment Revesting Act 1991]*

*The Harbour Boards Dry Land Endowment Revesting Act 1991]*

*The Historic Places Act 1993]*

*The Kapiti Island Public Reserve Act 1897*

*The Lake Wanaka Preservation Act 1973*

*The Marine Mammals Protection Act 1978*

*The Marine Reserves Act 1971*

*The Mount Egmont Vesting Act 1978*

*The National Parks Act 1980*

*The Native Plants Protection Act 1934*

*The New Zealand Walkways Act 1990]*

*The Ngai Tahu (Tutaepatu Lagoon Vesting) Act 1998]*

*The Queen Elizabeth the Second National Trust Act 1977*

*The Queenstown Reserves Vesting and Empowering Act 1971*

*The Reserves Act 1977*

*The Sand Drift Act 1908*

*The Stewart Island Reserves Empowering Act 1976*

*The Sugar Loaf Islands Marine Protected Area Act 1991]*

*The Trade in Endangered Species Act 1989]*

*The Waitangi Endowment Act 1932-33*

*The Waitangi National Trust Board Act 1932*

*The Waitutu Block Settlement Act 1997]*

*The Wild Animal Control Act 1977*

*The Wildlife Act 1953*

3 A number of the functions of the Department are of interest to iwi – section 6 includes -

(a) *To manage for conservation purposes, all land, and all other natural and historic resources, for the time being held under this Act, and all other land and natural and historic resources whose owner agrees with the Minister that the Department should manage them:*

(ab) *To preserve so far as is practicable all indigenous freshwater fisheries, and protect recreational freshwater fisheries and freshwater fish habitats:*

(b) *To advocate the conservation of natural and historic resources generally...*

4 Conservation is defined in the Act to mean -

*the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations:*

**Comment:**

It is important to note that the functions include conservation of historic resources on the conservation estate. Consideration should be given in the development of iwi management plans as to how iwi wish to develop co-operative conservation management of those areas with the Department of Conservation.

Similarly, iwi could expect to be involved in the management of indigenous freshwater fisheries and their habitats given the provisions of section 4.

It is important to realise that an iwi management plan addresses a number of audiences. In the past such plans have tended only to focus towards regional and district councils and the

provisions of the Resource Management Act. If integrated environmental management is to be achieved then a plan should also contain a consideration of the conservation estate and the values and vision, issues and outcomes, that iwi expect in relation to those areas.

## **5 Part IIA**

This part establishes the New Zealand Conservation Authority, outlines its functions, powers, and membership, and other administrative matters in relation to the Authority.

It also establishes Conservation Boards, their functions and powers, membership, and other matters.

The functions of the Authority are contained in section 6B –

### **FUNCTIONS OF AUTHORITY –**

(1) *The functions of the Authority shall be--*

- (a) *To advise the Minister on statements of general policy prepared under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the New Zealand Walkways Act 1990, and this Act:*
- (b) *To approve conservation management strategies and conservation management plans, and review and amend such strategies and plans, as required under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the National Parks Act 1980, the New Zealand Walkways Act 1990, and this Act:*
- (c) *To review and report to the Minister or the Director-General on the effectiveness of the Department's administration of general policies prepared under the Wildlife Act 1953, the Marine Reserves Act 1971, the Reserves Act 1977, the Wild Animal Control Act 1977, the Marine Mammals Protection Act 1978, the New Zealand Walkways Act 1990, and this Act:*
- (d) *To investigate any nature conservation or other conservation matters the Authority considers are of national importance, and to advise the Minister or the Director-General, as appropriate, on such matters:*
- (e) *To consider and make proposals for the change of status or classification of areas of national and international importance:*
- (f) *To advise the Minister or the Director-General, as appropriate, on any matter relating to or affecting walkways:*
- (g) *To encourage and participate in educational and publicity activities for the purposes of bringing about a better understanding of nature conservation in New Zealand:*
- (h) *To advise the Minister and the Director-General annually on priorities for the expenditure of money:*
- (i) *To liaise with the New Zealand Fish and Game Council:*
- (j) *To exercise such powers and functions as may be delegated to it by the Minister under this Act or any other Act.*

The Authority has a membership of thirteen outlined in section 6d-

**MEMBERSHIP--**

- (1) *The members of the Authority shall be appointed by the Minister having regard to the interests of conservation, natural earth and marine sciences, and recreation, and the Authority shall consist of--*
- (a) *Two persons appointed after consultation with the Minister of Māori Affairs:*
  - (b) *Two persons appointed after consultation with the Minister of Tourism:*
  - (c) *One person appointed after consultation with the Minister of Local Government:*
  - (ca) *One person nominated by Te Runanga o Ngai Tahu (as established by section 6 of Te Runanga o Ngai Tahu Act 1996):]*
  - (d) *One person appointed on the recommendation of the Royal Society of New Zealand:*
  - (e) *One person appointed on the recommendation of the Royal Forest and Bird Protection Society of New Zealand Incorporated:*
  - (f) *One person appointed on the recommendation of the Federated Mountain Clubs of New Zealand Incorporated:*
  - (f) *Four persons appointed following public notice given in accordance with subsection (2) of this section.*
- (2) *Every notice required by subsection (1) (g) of this section shall--*
- (a) *State the number of appointments intended to be made to the Authority:*
  - (b) *Call for nominations for membership of the Authority to be sent to the Minister:*
  - (c) *State a date, being not less than 28 days after the date of the first publication of the notice, after which the Minister may decline to accept such nominations:*
  - (d) *Be published--*
    - (i) *At least twice in a daily newspaper circulating in each of the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin; and*
    - (ii) *In such other communications media and on such occasions as the Minister may direct.*
- (3) *Every appointment of a member of the Authority shall be made by notice published in the Gazette, and shall take effect from the date of such notice or such later date as may be specified in the notice.*
- (4) *No person employed by the Department shall be eligible for appointment as a member of the Authority.*

**Comment:**

One of the best ways to get iwi values and concerns recognised in the conservation estate is to be represented on the Conservation Authority and Conservation Boards.

There is no reason why, as well as the two persons appointed after consultation with the Minister of Māori Affairs, that Māori could not qualify for the other identified sectors including the four public appointments.



- 6 New Zealand is divided into conservancies under the Department of Conservation and each conservancy has a Conservation Board. The functions of the Board are contained in section 6M –

### **FUNCTIONS OF BOARDS--**

- (1) *The functions of each Board shall be--*
- (a) *To recommend the approval by the Conservation Authority of conservation management strategies, and the review and amendment of such strategies, under the relevant enactments:*
  - (b) *To approve conservation management plans, and the review and amendment of such plans, under the relevant enactments:*
  - (c) *To advise the Conservation Authority and the Director-General on the implementation of conservation management strategies and conservation management plans for areas within the jurisdiction of the Board:*
  - (d) *To advise the Conservation Authority or the Director-General--*
    - (i) *On any proposed change of status or classification of any area of national or international importance; and*
    - (ii) *On any other conservation matter relating to any area within the jurisdiction of the Board:*
  - (e) *To advise the Conservation Authority and the Director-General on proposals for new walkways in any area within the jurisdiction of the Board:*
  - (f) *To liaise with any Fish and Game Council on matters within the jurisdiction of the Board:*
  - (g) *To exercise such powers and functions as may be delegated to it by the Minister under this Act or any other Act.*
- (2) *Every Board shall have such other functions as are conferred on it by or under this Act or any other Act.*

The Board has twelve members appointed by the Minister after a public process and consultation with the NZCA. In that appointment process, particular regard is given to –

- (a) *The particular features of land administered by the Department in the area of the Board's jurisdiction; and*
- (b) *The interests of nature conservation, natural earth and marine sciences, recreation, tourism, and the local community including the tangata whenua of the area.*

### **Comment:**

- 7 Section 6P(3) provides that before making any appointments representing any interests of tangata whenua for an area the Minister should consult with the Minister of Māori Affairs about those interests. It should be noted that Ngati Tuwharetoa, the Taranaki Māori Trust Board, the Wanganui River Māori Trust Board, Kahui Ariki, and Ngāi Tahu all have membership of the Conservation Boards in their rohe.

Because the Boards are involved in the development of the Conservation Management Strategies and Plans it is important that iwi consider representation at the Board level throughout either the special provision or the general Ministerial appointment.

Section 6Q provides that any Board may co-opt for such term that it deems fits any suitable person or persons to be a member or members of the Board. Co-opted members entitled to attend and speak at any meeting of that Board but is not entitled to vote on any question.

Therefore, iwi should be aware that they may be able to persuade their Conservation Board to co-opt additional Māori members for the term or specific projects so that the Board better meets its responsibilities under section 4 of the Act.

## **9 Part III – Conservation Areas**

This part states –

- How land may be acquired and held for conservation purposes;
- How conservation areas may become reserves, national parks, etc;
- Under what circumstances the conservation areas may be closed;
- How stewardship land under the control of the Department of Conservation can be exchanged for other land; and
- Provisions for access to conservation area.

## **10 Part IIIA**

This part sets out the management planning provisions of the Act. It indicates how conservation areas are to be managed and the general policy and outlines Conservation Management Strategies and Plans.

Section 4 of the Act means that there will have to be thorough consultation with iwi in relation to the development of such strategies and plans.

Conservation Management Plans can also relate to areas managed by the Department under the National Parks Act, the Wildlife Act, the Marine Reserves Act, the Reserves Act, the Marine Mammals Protection Act, as well as the Conservation Act.

Section 17F sets out the procedure for preparation and approval of Conservation Management Strategies and through section 17G the procedures for Conservation Management Plans. Under those provisions the draft plan has to be prepared in consultation of Conservation Boards that are affected by it and “such other persons or organisations as the Director-General consider practicable and appropriate”. Given section 4 that consultation should be extended to iwi.

There is also provision that such a draft has to be notified to “the appropriate iwi authorities”. Iwi authority is not defined in the Act.

**Comment:**

It would, therefore, be appropriate that an iwi management plan includes comments and statements about proposed involvement in such management planning on the conservation estate, what the values, issues and concerns are, and what outcomes are hoped to be achieved.

- 11 Section 17J - N deals with freshwater fisheries management, plans and the preparation of sports fish and game management plans. This is another area where iwi no doubt have an interest and would want to have input. Such input will be easier if the issues and concern in relation to such matters have been expressed in an iwi management plan.

**12 Part IIIB - Concessions****Comment:**

The use of the conservation estate by people with concessions including permits and licences should be a matter interest to iwi. This interest should be to make sure that iwi values, traditions, and culture are not adversely affected by such concessions.

The forms to be completed by concession applicants include questions in relation to effects on Māori values. It should be noted that many applicants do not consult with iwi prior to lodging their concession application and merely tick the boxes that say that Māori values are not affected. Iwi need to be vigilant to ensure that the Department of Conservation in assessing such applications are requiring applicants to explain how they know that Māori values have not be affected.

Processes should be established with each conservancy for consultation and input into the consideration of applications or conditions on any concession which is granted.

It is reasonable that if the concession is going to affect or impinge on an area of value to iwi, that a cultural audit report is required. The only appropriate persons to do such a report is iwi.

The Department of Conservation can require an environmental impact assessment in the form set out in the Fourth Schedule of the Resource Management Act.

That schedule includes - clause 1(h) the identification of those persons interested in, or effected by the proposal, the consultation undertaken, and any response to the views of those consulted.

Clause 2(a) any effect of those in the neighbour and, where relevant, the wider community including any social economic and cultural effects.

Clause 2(d) any effect on natural or physical resources having an athesthetic, recreational, scientific, historic, spiritual, or cultural, or other special values for present or future generations.

Therefore, it is important that iwi management plans contain a section on concessions and the conservation estate including what values in general and in relation to specific sites that are sought to be preserved and what restrictions or conditions iwi would expect to be attached to concessions. Including such information in an iwi management plan will help the Department of Conservation better fulfil its responsibilities under section 4.

It should be noted that such concessions also have to be consistent with Conservation Management Strategies and Plans.

### **13 Part IV**

This part deals with special protected areas such as conservation parks, wilderness areas, ecological areas, sanctuary areas, watercourse areas, community areas, and the wildlife management areas.

### **14 Part IVA**

This part deals with marginal strips including when they are to be reserved, when they can be reduced or increased, when exemptions can be given, as well as the purposes of marginal strips, and their management.

#### **Comment:**

It is important to remember that marginal strips can be a good tool for habitat protection around foreshores, lakes, and rivers.

### **15 Part VA**

This part sets up the Sports Fish & Game Councils and states their functions, membership, the ability to co-opt members, their powers, and the appointment of rangers.

#### **Comment:**

It is important to note that section 26E provides the same ability for the New Zealand Fish & Game Council to co-opt members as does section 26V for the Regional Fish & Game Councils.

Involvement with the Fish & Game Councils is important to iwi so that relationships can develop where some waterways within the rohe can be agreed to be left for native fauna, and where introduced species are not to be placed. Such waterways can be identified in an iwi management plan. There are also a number of issues where there is common ground e.g. discharge to water, water abstraction.

### **16 Part VB**

This part deals with freshwater fisheries. It is important to note section 26ZH which states

#### **MAORI FISHING RIGHTS UNAFFECTED BY THIS PART--**

- (1) *Nothing in this Part of this Act shall affect any Maori fishing rights.*
- (2) *Subsection (1) does not apply to customary Maori fishing rights with respect to freshwater fisheries within South Island fisheries waters, in respect of which regulations have been made under section 48B, for so long as such regulations remain in force.*

#### **Conclusion**

This fact sheet is only a summary of some of the more relevant parts of the Conservation Act for iwi.

It is important to recognise that section 4 of the Act gives iwi a great deal of ability to be involved in the management and business planning processes of the Department of Conservation. It is important to reinforce in iwi management plans, the importance of the DoC estate in the rohe to iwi, with particular reference to waterbodies, sites, and other toanga both from a general policy approach and in a site-specific manner. In this way those managing the conservation estate are better able to fulfil their section 4 duties in an appropriate way by making themselves aware of the values, visions, and concerns of iwi.

## LOCAL GOVERNMENT ACT 1974

### Fact Sheet N° 3 – Local Government Act 1974

#### Introduction

This Act, passed in 1974, is overdue for review. It makes no reference to the Treaty of Waitangi and does not contain a section similar to section 4 of the Conservation Act.

The purpose of the Local Government Act is contained in section 37K –

#### PURPOSES OF LOCAL GOVERNMENT--

*The purposes of local government in New Zealand are to provide, at the appropriate levels of local government,--*

- (a) Recognition of the existence of different communities in New Zealand:*
- (b) Recognition of the identities and values of those communities:*
- (c) Definition and enforcement of appropriate rights within those communities:*
- (d) Scope for communities to make choices between different kinds of local public facilities and services:*
- (e) For the operation of trading undertakings of local authorities on a competitively neutral basis:*
- (f) For the delivery of appropriate facilities and services on behalf of central government:*
- (g) Recognition of communities of interest:*
- (h) For the efficient and effective exercise of the functions, duties, and powers of the components of local government:*
- (i) For the effective participation of local persons in local government.*

#### Comment:

Apart from local authorities responsibilities under the Resource Management Act, the only way in which tangata whenua concerns could be formally recognised in relation to the functions and duties of local government is under section 37k(a) and 37(b).

## CROWN MINERALS ACT 1991

### Fact Sheet N° 4 – Crown Minerals Act 1991

#### **Introduction**

This Act restates and reforms the law in relation to the management of Crown owned minerals.

Section 4 of this Act states –

#### **TREATY OF WAITANGI--**

*All persons exercising functions and powers under this Act shall have regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

#### **Comment:**

The principles of the Treaty of Waitangi are those expressed in Fact Sheet 1 in relation to the Resource Management Act.

Those principles include consultation and active protection. The active protection requires positive action.

A group within the Ministry of Commerce processes permit applications. When considering whether to grant a permit the Ministry of Commerce must seek tangata whenua's view on the application.

Therefore, a copy of the application should be sent to the relevant iwi so that the Minister can take into account their views before deciding whether to grant the permit.

Tangata whenua may request protection of certain areas of land which are of importance to iwi and covered by the application. For example part of the application area may be important to the mana of tangata whenua because it is a known wāhi tapu site or that it has some traditional significance. Special conditions may then be placed on a permit to protect areas of significance.

When looking at comments from iwi the Minister will consider a number of points including:

- What it is about the specific area of land that makes it important to the mana of tangata whenua, hapū, and iwi;
- Whether the area is a known wāhi tapu;

- Whether the uniqueness of the specific area of land is one of many mahinga kai areas or the only waka tauranga;
- Whether the importance of the area to tangata whenua, hapū, and iwi has already been demonstrated, e.g. by Treaty claims, and other legislation;
- Whether granting the permit would impair the prospect of redress, grievances, or any relevant Treaty claims;
- **Whether any iwi management plans are in place that detail the area of importance**
- The area's land ownership status;
- Whether the area is already protected under other legislation, e.g. the Resource Management Act, the Conservation Act, or the Historic Places Act; and
- The size of the area and the value of the resource effected of the area is excluded.

Because the Minister has indicated that iwi management plans are matters that he will take into consideration when looking at Crown Mineral permit applications, it is important in areas where such applications may be made for iwi management plans to identify iwi sites of importance.



## CROWN PASTORAL LAND ACT 1998

### Fact Sheet N° 5 – Crown Pastoral Land Act 1998

#### **Comment:**

This is an Act to establish a system of reviewing the tenure of Crown land held under certain perpetually renewable leases; and establishing a system for determining how the Crown land formerly held under pastoral occupation licence should be dealt with.

Part II of the Act deals with tenure reviews. One of the objects is to promote the management of reviewable land in a way that is ecologically sustainable and to enable the protection of significant values of the land.

When undertaking tenure review the Commissioner has to take a number of matters into account. These are set out in section 25. Section 25(1)(b) indicates that while undertaking the review the Commissioner must take into account the Principles of the Treaty of Waitangi.

Section 26 of the Act deals with consultation and indicates that before undertaking a review or putting a preliminary, or a substantive proposal to a person in relation to tenure, the Commissioner must consult with the Director-General of Conservation. Therefore it is important that the Director - General of Conservation understands iwi values and concerns in relation to the tenure of Crown Land. It would be appropriate for iwi to be aware of pastoral leased land within their rohe and through the iwi management plan report their values, concerns, and issues in relation to that land.

## CROWN RESEARCH INSTITUTES ACT 1992

### Fact Sheet N° 6 – Crown Research Institutes Act 1992

#### Introduction

This Act provides for the formation of Crown and companies to undertake scientific research and other related activities. Organisations such as The National Institute of Water and Atmospheric Research, the New Zealand Institute of Crop and Food Research Limited, and Manaaki Whenua/Landcare Research are all examples of such Crown research institutes.

Section 10 of the Act states:

#### **TREATY OF WAITANGI--**

*In relation to the transfer, pursuant to this Act, of any land, or any interest in any land, to a Crown Research Institute or a subsidiary of a Crown Research Institute, the shareholding Ministers shall have regard to the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

Under the Principles of Operation of Crown Research (CRI) institutes is that research should be undertaken for the benefit of New Zealand and should comply with any ethical standards. It also has to exhibit a sense of social responsibility by having regards to the interests of the community in which the CRI operates.

Therefore, in dealing with issues and interests such as mahinga kai and habitat it would be relevant for any iwi management plan to indicate what areas of research it considered necessary to enable better environmental management. Many institutes have access to funding which may enable joint research projects on matters of interest to iwi.

## HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996

### Fact Sheet N° 7 – Hazardous Substances And New Organisms Act 1996

#### Introduction

The purpose of the Act is to protect the environment and the health and safety of people and communities by preventing or managing the adverse effects of hazardous substances and new organisms.

Hazardous substances is defined as –

unless expressly provided otherwise by regulations, any substance--

- (a) *With one or more of the following intrinsic properties:*
- (i) *Explosiveness:*
  - (ii) *Flammability:*
  - (iii) *A capacity to oxidise:*
  - (iv) *Corrosiveness:*
  - (v) *Toxicity (including chronic toxicity):*
  - (vi) *Ecotoxicity, with or without bioaccumulation; or*
- (b) *Which on contact with air or water (other than air or water where the temperature or pressure has been artificially increased or decreased) generates a substance with any one or more of the properties specified in paragraph (a) of this definition*

New organisms means –

#### MEANING OF TERM "NEW ORGANISM"--

- (1) *A new organism is--*
- (a) *An organism belonging to a species that was not present in New Zealand immediately before 29 July 1998:*
  - (b) *An organism belonging to a species, subspecies, infrasubspecies, variety, strain, or cultivar prescribed as a risk species, where that organism was not present in New Zealand at the time of promulgation of the relevant regulation:*
  - (c) *An organism for which a containment approval has been given under this Act:*
  - (d) *A genetically modified organism:*

- (e) *An organism that belongs to a species, subspecies, infrasubspecies, variety, strain, or cultivar that has been eradicated from New Zealand.*
- (2) *An organism ceases to be a new organism when an approval has been given in accordance with this Act for the importation for release or release from containment of an organism of the same kind as the organism.*
- (3) *Despite the provisions of this section, an organism present in New Zealand before 29 July 1998 in contravention of the Animals Act 1967 or the Plants Act 1970 is a new organism.*
- (4) *Subsection (3) does not apply to the organism known as rabbit haemorrhagic disease virus, or rabbit calicivirus."*

The principles relative to the purposes of the Act are contained in section 5 -

#### **PRINCIPLES RELEVANT TO PURPOSE OF ACT--**

All persons exercising functions, powers, and duties under this Act shall, to achieve the purpose of this Act, recognise and provide for the following principles:

- (a) The safeguarding of the life-supporting capacity of air, water, soil, and ecosystems:
- (b) *The maintenance and enhancement of the capacity of people and communities to provide for their own economic, social, and cultural wellbeing and for the reasonably foreseeable needs of future generations.*

Section 6 deals with matters relative to the purpose of the Act which are -

#### **MATTERS RELEVANT TO PURPOSE OF ACT--**

*All persons exercising functions, powers, and duties under this Act shall, to achieve the purpose of this Act, take into account the following matters:*

- (a) *The sustainability of all native and valued introduced flora and fauna:*
- (b) *The intrinsic value of ecosystems:*
- (c) *Public health:*
- (d) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, valued flora and fauna, and other taonga:*
- (e) *The economic and related benefits to be derived from the use of a particular hazardous substance or new organism:*
- (f) *New Zealand's international obligations.*

Section 6 has similar wording to sections in the Resource Management Act. Section 7 of the Act indicates that persons exercising function, powers, and duties, shall take into account the need for caution and the use of precautionary approach.

Section 8 of the Act states-

## **TREATY OF WAITANGI--**

*All persons exercising powers and functions under this Act shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

Section 14 of the Act sets up the Environmental Risk Management Authority. That authority investigates and hears applications in relation to hazardous substances and new organisms. There is an application process similar to that in the Resource Management Act, under which consultation has to be undertaken with iwi and submissions are open to the general public.

It is important that when developing an iwi management plan to provide specific policies for toanga fauna and flora species. This will generally be in relation to kaitiakitanga and rangatiratanga, mauri, and whakapapa. For instance, there may be a policy developed on the release of genetically modified plants into the environment, or the importation and release of organisms such as insects not previously been present in New Zealand.

## STATE – OWNED ENTERPRISES ACT 1986

### Fact Sheet N° 8 – State-Owned Enterprises Act 1986

#### Introduction

This is the Act to promote improved performance in respect of Government trading activities. It covers organisations such as the generation companies still owned by the State, Transit NZ, and Transpower.

Although the principle objective is to be a successful business the organisation has to exhibit a sense of social responsibility by having regard to the interests of the community in which it operates.

Section 9 states –

#### TREATY OF WAITANGI--

Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the principles of the Treaty of Waitangi.

Therefore, the principles of active protection, good faith, and consultation apply.

The schedules to the Act contain the list of state enterprises –

<i>Agriquality New Zealand Limited</i>	<i>Meridian Energy Limited</i>
<i>Airways Corporation of New Zealand Limited</i>	<i>Meteorological Service of New Zealand Limited</i>
<i>Asure New Zealand Limited</i>	<i>Mighty River Power Limited</i>
<i>At Work Insurance Limited</i>	<i>New Zealand Post Limited</i>
<i>Crown Forestry Management Limited</i>	<i>New Zealand Railways Corporation</i>
<i>Electricity Corporation of New Zealand Limited</i>	<i>Solid Energy New Zealand Limited</i>
<i>Genesis Power Limited</i>	<i>Television New Zealand Limited</i>
<i>Land Corporation Limited</i>	<i>Terralink NZ Limited</i>
<i>MCS Limited</i>	<i>Timberlands West Coast Limited</i>
	<i>Transpower New Zealand Limited</i>

Therefore it is to be expected that such organisations will consult with iwi on relevant matters. For instance, generation companies such as Contact or Meridian would be expected to consult in relation to the review of water rights, resource consent applications, and work programmes which may affect iwi values.

Therefore, if within its rohe an iwi has significant works or lands owned by State-owned enterprises they should be recognised within the iwi management plan and perhaps an outcome noted of an intention to enter into memoranda of understanding with such organisations.

## ENVIRONMENT ACT 1986

### Fact Sheet N° 9 – Environment Act 1986

#### Introduction

*This Act is to –*

- (a) Provide for the establishment of the office of Parliamentary Commissioner for the Environment:*
- (b) Provide for the establishment of the Ministry for the Environment:*
- (c) Ensure that, in the management of natural and physical resources, full and balanced account is taken of--*
  - (i) The intrinsic values of ecosystems; and*
  - (ii) All values which are placed by individuals and groups on the quality of the environment; and*
  - (iii) The principles of the Treaty of Waitangi; and*
  - (iv) The sustainability of natural and physical resources; and*
  - (v) The needs of future generations*

This Act therefore puts the Parliamentary Commissioner for the Environment and the Ministry for the Environment on notice in relation to their duties and functions and the importance of the principles of the Treaty of Waitangi.

The functions of the Commissioner for the Environment are set out in section 16.

#### 16. FUNCTIONS OF COMMISSIONER--

- (1) The functions of the Commissioner shall be--*
  - (a) With the objective of maintaining and improving the quality of the environment, to review from time to time the system of agencies and processes established by the Government to manage the allocation, use, and preservation of natural and physical resources, and to report the results of any such review to the House of Representatives and to such other bodies or persons as the Commissioner considers appropriate:*
  - (b) Where the Commissioner considers it necessary, to investigate the effectiveness of environmental planning and environmental management carried out by public authorities, and advise them on any remedial action the Commissioner considers desirable:*

- (c) To--
- (i) Investigate any matter in respect of which, in the Commissioner's opinion, the environment may be or has been adversely affected, whether through natural causes or as a result of the acts or omissions of any person or body, to an extent which the Commissioner considers warrants investigation; and
  - (ii) Advise, where necessary, the appropriate public authority and any other person or body the Commissioner thinks appropriate of the preventive measures or remedial action which the Commissioner considers should be taken; and
  - (iii) Report the results of the investigation to the House of Representatives:
- (d) At the request of the House of Representatives or any select committee of the House of Representatives, to report to the House or committee on any petition, Bill, or other matter before the House or committee the subject-matter of which may have a significant effect on the environment:
- (e) On the direction of the House of Representatives, to inquire into any matter that has had or may have a substantial and damaging effect on the environment, and to report the results of the inquiry to the House:
- (f) To undertake and encourage the collection and dissemination of information relating to the environment:
- (g) To encourage preventive measures and remedial actions for the protection of the environment.
- (2) For the purposes of any inquiry held under subsection (1) (e) of this section, the Commissioner shall have the same powers as are conferred on Commissions of inquiry by section 4 and sections 4B to 9 of the Commissions of Inquiry Act 1908; and those sections shall apply to all persons involved in any capacity in any such inquiry as if it were an inquiry conducted by a Commission under that Act.
- (3) The Commissioner shall have, in relation to any such inquiry, and any report on the results of the inquiry, the same immunities and privileges as are possessed by a District Court Judge in the exercise of the Judge's civil jurisdiction.

Therefore the Commissioner has the ability to undertake inquiries in relation to environmental matters. Therefore, it maybe that an iwi management plan can identify matters which the iwi consider needs such investigation with the rohe. Although these matters can be of regional, specific site matter it is important to understand that broader issues can be investigated and reports from the Commissioner have included "Kaitiakitanga and Local Government: Tangata Whenua Participation In Environmental Management". The functions for the Ministry for the Environment are stated in section 31 -

### **31 FUNCTIONS OF MINISTRY--**

*The Ministry shall have the following functions:*



- (a) *To advise the Minister on all aspects of environmental administration, including--*
- (i) *Policies for influencing the management of natural and physical resources and ecosystems so as to achieve the objectives of this Act:*
  - (ii) *Significant environmental impacts of public or private sector proposals, particularly those that are not adequately covered by legislative or other environmental assessment requirements currently in force:*
  - (iii) *Ways of ensuring that effective provision is made for public participation in environmental planning and policy formulation processes in order to assist decision making, particularly at the regional and local level:*
- (b) *To solicit and obtain information from any source, and to conduct and supervise research, so far as it is necessary for the formulation of advice to the Government on environmental policies:*
- (c) *To provide the Government, its agencies, and other public authorities with advice on--*
- (i) *The application, operation, and effectiveness of the Acts specified in the Schedule to this Act in relation to the achievement of the objectives of this Act:*
  - (ii) *Procedures for the assessment and monitoring of environmental impacts:*
  - (iii) *Pollution control and the co-ordination of the management of pollutants in the environment:*
  - (iv) *The identification and likelihood of natural hazards and the reduction of the effects of natural hazards:*
  - (v) *The control of hazardous substances, including the management of the manufacture, storage, transport, and disposal of hazardous substances:*
- (d) *To facilitate and encourage the resolution of conflict in relation to policies and proposals which may affect the environment:*
- (e) *To provide and disseminate information and services to promote environmental policies, including environmental education and mechanisms for promoting effective public participation in environmental planning:*
- (f) *Generally to provide advice on matters relating to the environment.*

The Ministry for the Environment also has the responsibilities set out in clause 24 and 25 of the Resource Management Act, which include monitoring of the effects of the implementation of the Act.

Therefore an iwi management plan could indicate in general terms the matters under the Resource Management Act that iwi wish the Ministry to monitor in its rohe. This could include how local authorities are recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. Now they are having particular regard to kaitiakitanga and how they are taking into account the Principles of the Treaty of Waitangi.

There may be specific issues within the rohe which iwi wish the Ministry to monitor such as discharge of sewage into waterbodies by local authorities in relation to their duties under the Act.

## HISTORIC PLACES ACT 1993

### Fact Sheet N° 10 – Historic Places Act 1993

#### Introduction

The purpose of this Act is to provide the identification, protection, preservation, and conservation of the historic and cultural heritage of New Zealand. In achieving the purpose of the Act all persons exercising functions and powers under it have to recognise the relationship of Māori and their cultural and traditions with their ancestral lands, water, sites, wāhi tapu, and other Toanga.

As part of the review of heritage management the Historic Places Act is being reviewed. There is an intention to devolve the responsibility from the Historic Places Trust in relation to the management of archaeological sites and historic heritage to local authorities. This intention is reflected in proposed amendments to the Resource Management Act, which at the time of preparing this fact sheet have not returned to the House from the Select Committee.

This fact sheet therefore deals with the legislation as it currently exists. The Act contains a process for Heritage Orders and Heritage Covenants and for the of application and consenting in relation to activities which may destroy, damage, or modify archaeological sites. An archaeological site is defined as –

any place in New Zealand that--

(a) *Either--*

(i) *Was associated with human activity that occurred before 1900; or*

(ii) *Is the site of the wreck of any vessel where that wreck occurred before 1900; and*

(b) *Is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand;*

The Trust also has the ability to investigate matters where it has reasonable cause to believe that work will destroy, damage, or modify an archaeological site and no application has been made to it.

The Act also sets out a registration process for historic places, historic areas, wāhi tapu, and wāhi taonga areas.

The New Zealand Historic Places Trust, Board of Trustees, and the Māori Heritage Council are also provided for under the Act. Section 84 describes the Māori Heritage Council

**MAORI HERITAGE COUNCIL--**

- (1) *There is hereby established a Council to be called the Maori Heritage Council.*
- (2) *The Council shall consist of the following:*
  - (a) *Two members of the Board who have been appointed under section 42 (b) of this Act; and*
  - (b) *One member of the Board, being Maori, who has been appointed under section 42 (d) of this Act; and*
  - (c) *One member of the Board who has been either elected by virtue of section 42 (c) of this Act and the regulations under the Act or who has been appointed under section 42 (d) of this Act; and*
  - (d) *Four persons, being Maori and having skills, knowledge, or cultural background appropriate to the functions and powers of the Council, to be appointed by the Minister after consultation with the Minister of Maori Affairs and the Board.*
- (3) *The Chairperson of the Council shall be a member of the Board and shall be appointed by all members of the Council from among their number.*
- (4) *Members of the Council shall hold office for a term of not more than 3 years and may from time to time be reappointed.*
- (5) *Unless a member of the Council vacates or is removed from his or her office under section 88 of this Act, or (in the case of a member appointed under subsection (2) (a) of this section) who ceases to be a member of the Board, he or she shall continue in office until his or her successor comes into office.*

The functions of the Council are

**FUNCTIONS OF COUNCIL--**

*The Maori Heritage Council shall have the following functions:*

- (a) *To ensure that, in the protection of wahi tapu, wahi tapu areas, and historic places and historic areas of Maori interest, the Trust meets the needs of Maori in a culturally sensitive manner:*
- (b) *To develop Maori programmes for the identification and conservation of wahi tapu, wahi tapu areas, and historic places and historic areas of Maori interest, and to inform the Board of all activities, needs and developments relating to Maori interests in such areas and places:*
- (c) *To assist the Trust to develop and reflect a bicultural view in the exercise of its powers and functions:*
- (d) *To develop its own iwi and other consultative and reporting processes and to recommend such processes for adoption by the Board, branches, and staff of the Trust when dealing with matters of Maori interest:*

- (e) *To make recommendations to the Trust on applications referred by the Trust under section 14 (3) of this Act that relate to archaeological sites of Maori interest:*
- (f) *To consider and determine proposals for the registration of wahi tapu and wahi tapu areas:*
- (g) *To propose the registration of historic places and historic areas of Maori interest:*
- (h) *To make recommendations to the Trust on applications for resource consents referred by the Trust under section 33 of this Act:*
- (i) *To perform such functions as are delegated to the Council by the Board:*
- (j) *To perform such other functions as are imposed on the Council by this Act or any other Act:*
- (k) *To advocate the interests of the Trust and the Council so far as they relate to matters of Maori heritage at any public or Maori forum.*

This is therefore important when developing an iwi management plan to consider the issues of wāhi tapu and wāhi toanga sites and the protection afforded by this Act in relation to the registration of sites and the need for consents to damage or modify sites. Therefore consideration should be given to identifying if not the actual sites then the general area of sites in the iwi management plan so that local authorities and applicants can undertake appropriate consultation.

## **BUILDING ACT 1991**

### **Fact Sheet N° 11 – Building Act 1991**

#### **Introduction**

The provisions of this Act should be viewed in conjunction with the Historic Places Act 1993 and its provisions for registration of wāhi tapu and wāhi toanga sites. Often an activity on land does not need a resource consent but will need a building consent.

As part of the building consent, anyone undertaking any building work can apply to a territorial authority for a project information memorandum in respect of the work. That project information memorandum provides information to the territorial authority about the building project. As well as the location of the building also includes provision for vehicular access and disposing of stormwater and wastewater. If the application affects any registered historic place, historic area, wāhi tapu, or wāhi taonga area, the territorial authority has to advise the Historic Places Trust of the application within five working days.

Therefore there is an additional benefit in having such sites registered with the Historic Places Trust or recognised in a regional or district plan in that the process of project information memorandum will serve as flag in relation to such sites that do not need a resource consent.

## RESERVES ACT 1997

### Fact Sheet N° 12 – Reserves Act 1997

#### Comment:

This Act is under review at the time of preparing this fact sheet but the changes proposed are generally minor and seek to improve the efficiency and effectiveness of the Act. For instance, making sure that the new concession provisions that relate to the Department of Conservation estate also apply to administrating bodies who are not Department of Conservation.

The purpose of the Act –

#### GENERAL PURPOSE OF THIS ACT--

- (1) *It is hereby declared that, subject to the control of the Minister, this Act shall be administered in the Department of [Conservation] for the purpose of--*
- (a) *Providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing--*
    - (i) *Recreational use or potential, whether active or passive; or*
    - (ii) *Wildlife; or*
    - (iii) *Indigenous flora or fauna; or*
    - (iv) *Environmental and landscape amenity or interest; or*
    - (v) *Natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value:*
  - (b) *Ensuring, as far as possible, the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats, and the preservation of representative samples of all classes of natural ecosystems and landscape which in the aggregate originally gave New Zealand its own recognisable character:*
  - (c) *Ensuring, as far as possible, the preservation of access for the public to and along the sea coast, its bays and inlets and offshore islands, lakeshores, and riverbanks, and fostering and promoting the preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development.*
- (2) *In the exercise of its administration of this Act, the Department may take any action approved or directed from time to time by the Minister so far as it is consistent with this Act or is provided for in any other Act and is not inconsistent with this Act.*

The Act covers the administration, acquisition of land for reserves, classification of management of reserves, the management and control of reserves, the functions of administering bodies, and their general powers, and the particular powers of the Minister and administering bodies, as well as providing for the protection of private land and conservation covenants along with the ability to create bylaws and make provision for offences on reserves.

Organisations other than the Department of Conservation can manage and control reserves. Usually this is local authorities, however, other groups can be the administering body of reserves for example Ngäi Tahu under their Deed of Settlement.

Part III of the Act deals with the classification and management of reserves. Reserves can be classified as recreational, historic, scenic, nature, scientific, government purpose, or local purpose reserves. The overarching purpose of each of these kinds of reserves is outlined in the Act. However, if a body other than the Department of Conservation is given the responsibility to manage and control a reserve then that management and control will be subject to section 4 of the Conservation Act as already outlined as long as it does not conflict with the major purpose for the reserve. Most reserve classifications have an overarching and secondary purpose. In most cases the secondary purpose states that –

*Where scenic, historic, archaeological, biological, geological, or other scientific features or indigenous flora or fauna or wildlife are present on the reserve, those features or that flora or fauna or wildlife shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:*

*Provided that nothing in this subsection shall authorise the doing of anything with respect to fauna that would contravene any provision of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the [[Historic Places Act 1993*

It is important to consider in relation to the management of reserves by local authorities that they do, because of the umbrella of the Conservation Act, have some section 4 responsibilities attaching to that control and management. This may be a fact, that is not recognised by some local authorities.

One of the proposed changes to the Reserves Act would result in all reserves having to have a management plan developed for them, although a number of reserves could be grouped into one plan. It is important that in an iwi management plan the reserves in the takawä for which there is to be a management plan developed are recognised where there is an iwi interest, with an expectation that iwi are consulted about and involved in the development of the management plan.



## MARINE RESERVES ACT 1971

### Fact Sheet N° 13 – Marine Reserves Act 1971

#### **Introduction:**

The purpose of this Act is to preserve as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life of such distinctive quality, or so typical, beautiful, or unique, that the continued preservation is in the national interest.

Such areas have to be preserved as far as possible in their natural state and the marine life of the reserves is to be protected and preserved.

This is another Act that is currently under review at the time of preparing this fact sheet.

Currently, customary harvest is prohibited in a marine reserve. Therefore, if areas are made into marine reserves iwi are prevented from undertaking customary Māori fishing rights. This is a matter that iwi may wish to submit on as part of the review process.

Some tribes have only given its support for a marine reserve if a maitaitai or taiapure area is developed concurrently within the takiwā. Under existing legislation this is a clumsy and difficult solution because marine reserves are the responsibility of the Minister of Conservation and maitaitai and taiapure are the responsibility of the Minister of Fisheries.

#### **S9 CONTROL AND MANAGEMENT OF RESERVES--**

*Subject to this Act, the Director-General shall administer, manage, and control marine reserves in accordance with approved general policies, conservation management strategies, and conservation management plans.*

Section 3 sets out how Marine Reserves are to be maintained. This includes freedom of access where compatible with the protection of marine life.

#### **3. MARINE RESERVES TO BE MAINTAINED IN NATURAL STATE, AND PUBLIC TO HAVE RIGHT OF ENTRY--**

- (1) *It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving, as marine reserves for the scientific study of marine life, areas of New Zealand that contain underwater scenery, natural features, or marine life, of such distinctive quality, or so typical, or beautiful, or unique, that their continued preservation is in the national interest.*
- (2) *It is hereby further declared that, having regard to the general purpose specified in subsection (1) of this section, marine reserves shall be so administered and maintained under the provisions of this Act that--*

- (a) *They shall be preserved as far as possible in their natural state:*
  - (b) *The marine life of the reserves shall as far as possible be protected and preserved:*
  - (c) *The value of the marine reserves as the natural habitat of marine life shall as far as possible be maintained:*
  - (d) *Subject to the provisions of this Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the marine life or for the welfare in general of the reserves, the public shall have freedom of access and entry to the reserves, so that they may enjoy in full measure the opportunity to study, observe, and record marine life in its natural habitat.*
- (3) *For the purposes of this section but subject to any authorisation given under section 11 (b) of this Act, no person shall fish in a marine reserve except--*
- (a) *Persons (not being persons holding a permit issued under Part IV of the Fisheries Act 1983) authorised by notice in the Gazette given by the Minister after having regard to the purpose specified in subsection (1) of this section; and*
  - (b) *In accordance with such conditions as to time, place, species of fish, methods, and gear to be used in fishing, as may be specified in the notice; and*
  - (c) *Where not inconsistent with any conditions imposed under paragraph (b) of this subsection, in compliance with restrictions imposed on fishing by the Fisheries Act 1983 and any regulations made under it.*
- (4) *Nothing in this section shall apply to prohibit any person from fishing in the reserve in accordance with any conditions imposed by any Order in Council made under section 5 of this Act.*

**Comment:**

**Note:** No fishing is allowed in the reserve, with limited exceptions, that relate to taking for scientific purposes and Part IV of the Fisheries Act 1983..

Part IV of the Fisheries Act 1983 relates to fishing vessels and methods of fishing including fishing permits and special permits. Therefore the Act contemplates that commercial fishing may take place with a special permit under certain circumstances.

Although section 5 of the Act empowers the Governor General to declare a marine reserve on conditions recommended by the Minister, it must be remembered that the Marine Reserve Act is subject to section 4 of the Conservation Act. However that provision is not permitted to overrule the purpose of the Marine Reserves Act.

Section 5 of the Marine Reserves Act sets out the procedures for declaring a marine reserve including a public information and objecting process.

**S5. PROCEDURE FOR DECLARING A MARINE RESERVE--**

- (1) *No Order in Council shall be made under section 4 of this Act unless--*
- a) *Application for the Order in Council is made to the Director-General by one or more of the following:*
    - (i) *Any university within the meaning of the Universities Act 1961:*
    - (ii) *Any body appointed to administer land subject to the Reserves Act 1977 if such land has frontage to the seacoast:*
    - (iii) *Any body corporate or other organisation engaged in or having as one of its objects the scientific study of marine life or natural history:*
    - (iv) *Maori iwi or hapu who have tangata whenua status over the area:*
    - (v) *The Director-General*
  - (b) *Notice of intention to apply for an Order in Council declaring the area a marine reserve has, after consultation with the [Director-General], been published by the applicant for the Order at least twice, with an interval of not less than 5 nor more than 10 days between each publication, in some newspaper circulating at or nearest to the place where the area is situated, and at least once in each of 4 daily newspapers, one of which shall be published in Auckland, one in Wellington, one in Christchurch, and one in Dunedin:*
  - (c) *Every notice published pursuant to paragraph (b) of this subsection--*
    - (i) *States the date of first publication of that notice:*
    - (ii) *States the place where the plan referred to in subsection (2) of this section may be inspected:*
    - (iii) *Gives a general description of the area proposed to be declared a marine reserve:*
    - (iv) *Gives an address for service:*
    - (v) *Calls upon all persons wishing to object to the making of the Order to send their objections in writing, specifying the grounds thereof, to the [Director-General] within 2 months from the date of first publication of the notice and to serve a copy of the objections, specifying the grounds thereof, on the applicant within the same time:*
  - (d) *Notice in writing of the proposed marine reserve is given by the applicant to--*
    - (i) *All persons owning any estate or interest in land in or adjoining the proposed reserve. For the purposes of this subparagraph, land shall be deemed to adjoin a proposed marine reserve notwithstanding that it is separated from it by the foreshore or by any road, or that is at a distance of not more than [100 metres] from the proposed marine reserve if separated from it by any other reserve of any kind whatsoever [or any marginal strip within the meaning of the Conservation Act 1987]:*

- (ii) *Any harbour board if the area or any part of the area proposed as a marine reserve is within the jurisdiction of that harbour board:*
  - (iii) *Any local authority or public body in which the foreshore or the control of the foreshore is vested if that foreshore or any part of it is within the area proposed as a marine reserve:*
  - (iv) *The Secretary for Transport:]*
  - (v) *The Director-General of Agriculture and Fisheries].*
- (2) *The [Director-General] shall cause a plan to be prepared on a suitable scale showing all tidal waters coloured blue, and the boundaries and extent of the area sought to be declared a marine reserve. The plan shall be open for inspection free of charge during ordinary office hours by any person at the office of the [Department] nearest to the proposed reserve.*
- (3) *All persons wishing to object to the making of the Order shall, within 2 months from the date of first publication of the notice published pursuant to paragraph (b) of subsection (1) of this section, send their objections in writing, specifying the grounds thereof, to the [Director-General] and shall serve a copy of their objections, specifying the grounds thereof, on the applicant within the same time.*
- (4) *The applicant may, on receiving any copy of objections under subsection (3) of this section, answer those objections in writing to the [Director-General] within 3 months from the date of first publication of the notice published pursuant to paragraph (b) of subsection (1) of this section, and the [Director-General] shall send any such answer he may receive within that time to the Minister for consideration.*
- (5) *The [Director-General] shall refer to the Minister all such objections received within the said period of 2 months, and any answer received within the said period of 3 months.*
- (6) *Where any objection has been made in accordance with subsection (3) of this section, the Minister shall, before considering the application, decide whether or not the objection should be upheld and, in doing so, shall take into consideration any answer made to the objection by the applicant [and, if the applicant is the Director-General, any report on the objection and the application the Minister may have obtained from an independent source]. If the objection is upheld the area shall not be declared a marine reserve. In making any such decision, the Minister shall not be bound to follow any formal procedure, but shall have regard to all submissions made by or on behalf of the objector, and to any answer made by the applicant, and shall uphold the objection if he is satisfied that declaring the area a marine reserve would--*
- (a) *Interfere unduly with any estate or interest in land in or adjoining the proposed reserve:*
  - (b) *Interfere unduly with any existing right of navigation:*
  - (c) *Interfere unduly with commercial fishing:*
  - (d) *Interfere unduly with or adversely affect any existing usage of the area for recreational purposes:*

- (e) *Otherwise be contrary to the public interest.*
- (7) *The decision of the Minister shall be final.*
- (8) *The [Director-General] shall cause the Minister's decision, together with the grounds therefor, to be notified in writing to the objector and to the applicant.*
- (9) *If, after consideration of all objections, the Minister is of the opinion that no objection should be upheld and that to declare the area a marine reserve will be in the best interests of scientific study and will be for the benefit of the public, and it is expedient that the area should be declared a marine reserve, either unconditionally or subject to any conditions (including any condition as to providing the cost of marking the boundaries of the marine reserve under section 22 of this Act, and any condition permitting fishing within the reserve by persons not holding a permit issued under Part IV of the Fisheries Act 1983), the Minister shall, if the Ministers of Transport and Fisheries concur, recommend to the Governor-General the making of an Order in Council accordingly.]*
- (10) *If notice is required by this section to be given to any person, it shall be deemed to be given to all the owners of any Maori land within the meaning of the Maori Affairs Act 1953, when it is given to such owners as have been nominated for the purpose by the Registrar of the Maori Land Court at the request of the person required to give the notice. On receiving any such request the Registrar shall nominate all owners whose current addresses are known to him.*
- (11) *For the purposes of this section the expression "estate or interest in land" shall include any mining interest.*
- (12) *This section shall bind the Crown.*

**Comment:**

Therefore, when contemplating an iwi management plan which includes the coastal marine area it would prudent to include consideration of where it may be appropriate to have marine reserves. However, this should be considered in conjunction with the issue of maitaitai and taiapure, which are discussed in the next fact sheet under the Fisheries Act.

## NGĀI TAHU CLAIMS SETTLEMENT ACT 1998

### Fact Sheet N° 14 – Ngāi Tahu Claims Settlement Act 1998

#### Comment:

This Act is to record the apology given by the Crown to Ngāi Tahu and to give effect to certain provisions of the Deed of Settlement entered into between the Crown and Te Rūnanga o Ngāi Tahu. The Act contains a number of provisions, which, although they apply only to Ngāi Tahu, might serve as the basis of discussion with bodies such as the Department of Conservation, for example, when considering how iwi might become more involved in the management of the Conservation estate. These instruments were created to recognise Ngāi Tahu's mana in relation to a range of sites and areas and to provide for this to be reflected in the future management of those sites.

#### Statutory Acknowledgements

The Statutory Acknowledgement provisions seeks is to improve the effectiveness of Ngāi Tahu's participation under the Resource Management Act, and the protection of areas significant to Ngāi Tahu receive under that Act.

Statutory Acknowledgements record the statement of Ngāi Tahu's association to each of 64 land and five coastal identified areas. There are four practical outcomes –

- a noting on plans – the existence and location of statutory acknowledgements will be shown on relative district and regional plans and policy statements prepared by councils, meaning that people applying for resource consents will be on notice that the areas are special to Ngāi Tahu.
- b notice of applications – whenever a council receives an application for resource consent relating to, or impacting on, one of the Statutory Acknowledgements areas it will be required, for a period of twenty years following the settlement, to send notice of that application to Te Rūnanga o Ngāi Tahu, so that the tribe will be aware of potential developments while there is still time to take part in the process.
- c Standing - when councils, the Environment Court, and the Historic Places Trust make decisions in relation to Statutory Acknowledgement areas about who had the right to comment on and be listened to, or to appear in court, they must have regard to the Statutory Acknowledgement.
- d The Statutory Acknowledgement may be produced by Ngāi Tahu in any proceedings under the RMA or Historic Places Act as evidence of this relationship with a particular area.

## Deeds of Recognition

These apply to the same areas as Statutory Acknowledgements and compliment them by providing Ngāi Tahu input into the decision-making processes of the Crown body responsible for the administration of each of those areas.

The Deeds of Recognition take the form of specific agreements between Ngāi Tahu and the land holding agency (either DoC or Land Information New Zealand). They recognise Ngāi Tahu's historical, spiritual, cultural, and/or traditional relationship with each of the areas and the mana and tangata whenua status that results from that relationship. Deeds of Recognition also create an obligation on the Department of Conservation or LINZ to consult with Ngāi Tahu and to have particular regard to Ngāi Tahu's views in relation to the management of each of these areas.

## Tōpuni

A tōpuni confirms and places an "overlay" of Ngāi Tahu values and specific pieces of land managed by the Department of Conservation. It does not override or alter the existing status of the land but ensures that Ngāi Tahu values are also recognised and acknowledged and provided for.

Each tōpuni will involve three levels of information –

- A statement of Ngāi Tahu values in relation to the area.
- A set of principles aimed at ensuring that the Department of Conservation avoids harming or diminishing those values.
- Specific acts that the Department has agreed to undertake to give effect to those principles.

## FISHERIES ACT 1996

### Fact Sheet N° 15 – Fisheries Act 1996

#### **Comment:**

The purpose of the Act is set out in section 8 –

#### **S8. PURPOSE--**

(1) *The purpose of this Act is to provide for the utilisation of fisheries resources while ensuring sustainability.*

(2) *In this Act--*

*"Ensuring sustainability" means--*

(a) *Maintaining the potential of fisheries resources to meet the reasonably foreseeable needs of future generations; and*

(b) *Avoiding, remedying, or mitigating any adverse effects of fishing on the aquatic environment:*

*"Utilisation" means conserving, using, enhancing, and developing fisheries resources to enable people to provide for their social, economic, and cultural wellbeing.*

The Act is based on a number of environmental principles which are set out in section 9 –

#### **S9. ENVIRONMENTAL PRINCIPLES--**

*All persons exercising or performing functions, duties, or powers under this Act, in relation to the utilisation of fisheries resources or ensuring sustainability, shall take into account the following environmental principles:*

(a) *Associated or dependent species should be maintained above a level that ensures their long-term viability:*

(b) *Biological diversity of the aquatic environment should be maintained:*

(c) *Habitat of particular significance for fisheries management should be protected.*

#### **Comment:**

The Act in the main deals with commercial fishing and the quota management system and there are provisions in relation to customary fishing with the Act.



Part IX deals with “Taiapure – Local Fisheries and Customary Fishing”. The Act recognises that areas of New Zealand fishery waters has customarily been a special significance to iwi as a source of food, spiritual, or cultural reasons, and therefore, seeks to make better provision for the inclusion of tino rangatiratanga and the rights secured in relation to fisheries by Article 2 of the Treaty of Waitangi.

Section 175 states that the Governor-General may from time to time by an Order of Council declare any area of New Zealand fisheries waters to be a “taiapure – local fishery”.

Sections 177 to 185 of the Act set out the process for establishing a taiapure. This includes a public process.

Essentially a taiapure is a fisheries management process under the management of iwi but including the rest of the community.

Customary fishing is dealt with by section 186 of the Act.

#### **186. REGULATIONS RELATING TO CUSTOMARY FISHING--**

- (1) *The Governor-General may from time to time, by Order in Council, make regulations recognising and providing for customary food gathering by Maori and the special relationship between tangata whenua and places of importance for customary food gathering (including tauranga ika and mahinga mataitai), to the extent that such food gathering is neither commercial in any way nor for pecuniary gain or trade.*
- (2) *Without limiting the generality of subsection (1) of this section, regulations made under that subsection may--*
  - (a) *Declare the relationship between such regulations and general fishing regulations and regulations relating to taiapure-local fisheries; and declare that the first-mentioned regulations are to prevail over the other regulations:*
  - (b) *Empower the Minister to declare, by notice in the Gazette, any part of New Zealand fisheries waters to be a mataitai reserve; and any such regulations shall require that, before any such notice is given, the Minister and the tangata whenua shall consult with the local community and the Minister shall have regard to the need to ensure sustainability in relation to the reserve:*
  - (c) *Provide for such matters as may be necessary or desirable to achieve the purpose of this Act in relation to mataitai reserves, including general restrictions and prohibitions in respect of the taking of fish, aquatic life, or seaweed:*
  - (d) *Empower any Maori Committee constituted by or under the Maori Community Development Act 1962, any marae committee, or any kaitiaki of the tangata whenua to make bylaws restricting or prohibiting the taking of fish, aquatic life, or seaweed:*
  - (e) *Empower any such Maori Committee, marae committee, or kaitiaki to allow the taking of fish, aquatic life, or seaweed to continue for purposes which sustain the functions of the marae concerned, notwithstanding any such bylaws.*

- (3) *The following provisions apply in relation to bylaws made under regulations made under subsection (2) (d) of this section:*
- (a) *Every restriction and every prohibition imposed on individuals by such bylaws shall apply generally to all individuals:*
  - (b) *Bylaws shall not come into force until they have been approved by the Minister and have been published in the Gazette:*
  - (c) *The publication in the Gazette of bylaws purporting to have been approved under this subsection shall be conclusive evidence that the bylaws have been duly made and approved under this section.*

**Comment:**

This section enables a maitaitai to be set up for food gathering that is neither commercial or for pecuniary gain or trade by iwi. The provisions set up a reserve which allows those who manage it to put general restrictions and prohibitions in respect of the taking of fish, aquatic life, or seaweed. It can also empower the Māori committee, marae committee, or kaitiaki to allow the taking of fish, aquatic life, or seaweed for the purpose that sustains the function of the marae concern, notwithstanding any by-laws to the contrary.

In developing an integrated iwi management plan it is therefore important for iwi to consider what areas within their tākawa they wish to develop as a taiapure or maitaitai and the programme for so doing. This would act as guidance to regional councils dealing with applications from marine farms and discharge into the coastal marine area.