

EXPLORATION OF MĀORI PARTICIPATION IN FRESHWATER MANAGEMENT

Final Report

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Exploration of Māori Participation in Freshwater Management

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1.0 EXECUTIVE SUMMARY

This report has been commissioned by the Ministry for the Environment. Its purpose is to document the tools being used to support Māori participation in the management of fresh water under the Resource Management Act 1991 (RMA) and suggest areas that could be further investigated.

This work is primarily a literature review of regional policy statements, regional plans and some long-term council community plans prepared by regional councils and unitary authorities in New Zealand. Supporting this work is a review of a number of iwi management plans prepared by iwi authorities along with 15 interviews of iwi representatives and regional council staff. There is already a large body of literature on the subject of Māori participation in resource management.

This review has found that all regional policy statements and regional plans (affecting fresh water) identify and describe relationships between Māori and freshwater resources, issues of concern to Māori and that they use a broad range of methods. There are some regional policy statements and regional plans that stand out, these being reflective of high levels of input from iwi authorities, particularly those who are post-settlement governance entities.

Iwi management plans reviewed have a strong focus on freshwater resources, relationships with statutory agencies, education and recognition of cultural values. The stand-out plans were often produced by post-settlement iwi authorities and were comprehensive, articulate, professional and reflective of higher levels of capacity and capability.

Of the long-term council community plans reviewed, all had statements regarding building the capacity of Māori, these being general statements rather than specifically related to fresh water. The development of community outcomes that articulate Māori outcomes appears to be a potentially important tool for influencing local government processes and plan development.

Māori participation in freshwater management can be improved by building capacity and capability of Māori along with support by the increasing use of statutory acknowledgements following Treaty settlements, monitoring effectiveness of regional plans and regional policy statements, education of councils, iwi and the community, improvements in iwi planning documents, and the robust and reliable indicators for measuring Māori values and relationships.

This report suggests options for central government, local government and Māori to work towards improving Māori participation in freshwater management. These are summarised under key areas below.

Capacity and capability

- a) Conduct an investigation into improving Māori capacity and capability to participate in freshwater management. Such an investigation could include i–vii below.
 - i. The journey and experiences of post-settlement governance entities in freshwater management and leadership could be recorded, published and disseminated to a wide audience. The characteristics of post-settlement entities could be further assessed to provide an insight into levels of capacity and capability, and the corresponding level of participation in freshwater management.
 - ii. The identification and promotion of regional council governance and management models for freshwater bodies that have improved Māori participation in freshwater management.
 - iii. The use of Māori commissioners and Māori experts, in particular proactively identifying potential commissioners and providing resource support for training and ongoing up-skilling. Māori experts could be supported to facilitate discussions between themselves regarding cultural values and water resources.
 - iv. A stocktake of iwi authorities' capability and capacity and the tools and mechanisms they use to participate in freshwater management.
 - v. An investigation into the feasibility of establishing a national framework that includes resourcing of capacity and capability building for iwi authorities who wish to improve their participation in freshwater management.
 - vi. Increased support for new and second generation iwi planning documents that address freshwater resources. This could include more collaborative packaging of resource support to gain efficiencies in application and approvals.
 - vii. The development of tools that can be used by regional councils and unitary authorities to regularly monitor the effectiveness of plans with regard to relevant Part II matters of the RMA relating to Māori.

Statutory tools

- b) Increase the detail of statutory acknowledgements in settlement legislation to provide more direction to the statutory water manager.

Education and training

- c) Further develop education and training tools for councils and iwi/hapū. This includes a stocktake of public and private programmes, a list of training providers and piloting training programmes. This work could build on the New Zealand Planning Institute's review of training available to planners.

- d) Prepare information sheets and guidelines for regional council staff and iwi practitioners to assist in recognising and providing for cultural values in freshwater management.

Articulating outcomes and indicators

- e) Further develop Māori outcomes regarding fresh water for long-term council community plans and iwi management plans. This would be beneficial to articulate Māori aspirations and influence the development of indicators.
- f) Cultural standards and indicators for Māori values associated with fresh water could be developed in the areas of mauri, wairua, manaakitanga, whanaungatanga and other relevant values.

Access to information

- g) Continue to improve access to the wide range of resources that have been produced regarding freshwater management and Māori resource management. This may use existing internet and intranet systems, and electronic formats such as CDs and DVDs.

2.0 INTRODUCTION

2.1 Purpose

This literature review is part of a project commissioned by the Ministry for the Environment exploring existing practice and implementation of Māori participation in freshwater management. The purpose of the report is to inform discussions on ways to improve iwi engagement in the management of fresh water under the Resource Management Act 1991 (RMA).

2.2 Methodology

A summary of council and iwi plans and policies has focused on Part II of the RMA and other matters that facilitate Māori to exercise their interests and values in freshwater management (eg, monitoring provisions, resourcing). In particular, the review has included the following:

- review of 17 regional policy statements (RPSs) and 17 regional plans (RPs)
- review of 4 long-term council community plans (LTCCPs)
- review of 13 iwi planning documents
- review of existing literature including Local Government New Zealand, Te Puni Kōkiri (Ministry of Māori Development) publications and other relevant literature.

Each RPS and RP was reviewed and notes taken regarding whether they:

- articulated relationships between Māori and fresh water
- identified the role of Māori in freshwater management
- identified methods for implementation and the nature of those methods.

Thirteen iwi planning documents were also reviewed and a similar exercise performed.

Four LTCCPs were reviewed to identify any particular programmes or resourcing for areas related to Māori and freshwater management.

Summary tables of categories of methods, tools and statistics regarding plan inclusion of policy, methods, and tools were prepared and used to compare results for variation or similarity.

3.0 LITERATURE REVIEW

3.1 Previous reviews and studies

There are a number of reviews, surveys, consultations and case studies regarding Māori participation or engagement in local government. The Ministry for the Environment (the Ministry), Local Government New Zealand, the Department of Internal Affairs and Te Puni Kōkiri are the main authors of these.

Apart from a report developed for the Ministry for the Environment *Review of the effectiveness of Iwi Management Plans – An iwi perspective* (available at <http://www.mfe.govt.nz/publications/rma/review-effectiveness-iwi-management-plans-jul04>) there does not appear to have been a survey of iwi authorities to assess the level of iwi capability and capacity, the tools and mechanisms used by iwi authorities, or the status of relationships with local and central government agencies. Furthermore, the reviews, surveys and consultation have seldom assessed the effectiveness of the participation and engagement.

A list of literature referred to above is included in Appendix 1.

3.2 Summary of regional policy statement review

The following is a summary of the main points following review of 17 RPSs (Appendix 2).

- Contrary to the popular perception of Māori (recorded in literature) that regional planning documents do not recognise Māori relationships and roles, all RPSs reviewed identify and describe relationships between Māori and fresh water and the role of Māori (often as kaitiaki) in freshwater management.
- All RPSs reviewed provide a wide range of methods of implementation to address issues aligned with relevant Part II matters of the RMA.
- The key methods of promoting Māori engagement in RPSs are:
 - requirements and considerations for inclusion in district plans or during resource consent processes
 - standard operational tasks and services provided by a statutory body
 - programmes or publications designed to raise awareness, educate and guide management of Māori resources
 - consultation with Māori regarding a proposal.
- Several RPSs identify specific iwi and hapū groups and their representative organisations.

- A number of RPSs include references to statutory acknowledgements. Many of these relate specifically to bodies of fresh water and the relationships and values of iwi and hapū with those water bodies.
- Some RPSs provide a specific section on Māori or iwi issues and have incorporated methods of implementation.
- Some RPSs provide methods in specific resource sections such as water quality, water allocation, and wastewater. In these cases there was often no obvious link to the Māori issues and policies.
- Some councils are developing sophisticated tools under their responsibilities pursuant to the Local Government Act 2002 for monitoring the effectiveness of their RPSs and RPs.

3.3 Summary of regional plan review

The following is a summary of the main points following a review of 17 RPs (Appendix 3).

- All RPs reviewed identify and describe relationships between Māori and fresh water.
- With the exception of three plans, all other RPs identify the role of Māori in freshwater management.
- All RPs reviewed identify issues and concerns for Māori regarding freshwater management.
- With the exception of three RPs reviewed, all others provide a wide range of methods of implementation to address issues aligned with relevant Part II matters of the RMA.
- RPs have either taken a broad-brush approach to issues, objectives, policies and methods, or have provided a high level of detail.
- The key methods of participation being promoted in RPs are:
 - consideration of cultural values during resource consent processes
 - ongoing monitoring of environmental effects
 - education and raising awareness of cultural matters
 - provision of relevant information to iwi authorities
 - consultation with Māori regarding a specific proposal
 - general liaison with tāngata whenua

- incentive funds for conservation projects
 - use of Māori commissioners in relevant hearings
 - development of, and links to, iwi planning documents
 - identification of sites of significance
 - standards and codes of practice
 - resolution of Treaty claims between the Crown and Māori.
- Some RPs have a high level of detail articulating issues, objectives, policies and methods. These include the South Island RPs of Southland, Otago and Canterbury. All these RPs appear to have had a high level of input from Te Rūnanga o Ngāi Tahu and Papatipu Runanga.
 - The Southland Proposed Regional Water Plan stood out as a good example of recognising cultural values in a policy framework.
 - The Otago Regional Plan Water 2004 (Chapter 4) provides a thorough analysis of the issues and clearly links policies to methods in various sections of the plan.
 - The Bay of Plenty Regional Water and Land Plan provides for an advocacy role for the Council in matters of Māori participation.
 - The Waikato Regional Plan includes a diverse range of issues from many sources, reflecting the large number of iwi and hapū interests in their region. The plan demonstrates a strong policy framework on the management of water resources and the consideration of Māori cultural values in this context.

3.4 Summary of long-term council community plan review

The following is a summary of the main points following review of four LTCCPs (Appendix 4).

- All LTCCPs include references to maintaining relationships with iwi/tāngata whenua.
- All LTCCPs include the required statement (under the Local Government Act 2002 (LGA)) of how the council will improve Māori capacity to participate in decision-making processes. Whilst these were seldom related specifically to freshwater management, they would be relevant. The range of specific activities that councils will be undertaking include:
 - employing Māori students
 - creating awareness of Māori electoral opportunities

- making Māori appointments to specialist working parties, committees and hearing panels, where appropriate
 - participating in a review of iwi planning documents and regional documents
 - assisting iwi monitoring of mahinga kai
 - provision of advice and information
 - formalising relationships
 - assisting in the development of, and taking into account, iwi planning documents
 - putting in place responsive forums for effective iwi representation in council processes.
- In all but one plan there are specific projects relating to improving water resources in partnership with iwi.
 - One LTCCP (Waikato) included specific community outcomes for three individual iwi.

3.5 Iwi planning documents (Appendix 5)

- The iwi planning documents that have been reviewed all prioritise the recognition of the role of kaitiaki and multi-level partnerships.
- The iwi planning documents reviewed provide a wide range of methods of implementation relating specifically to important freshwater resources.
- Many of the iwi planning documents identify specific water bodies that are particularly significant to the group, and many also present a tāngata whenua classification for water quality.
- All iwi planning documents supported education as a method of implementation. Some examples such as iwi wānanga were provided.
- Most iwi planning documents promoted relationships and governance arrangements to be established and maintained with councils and other statutory bodies.
- Most iwi planning documents promoted specific projects to be undertaken in partnership with regional and district councils to improve water quality and recognise Māori cultural values.
- All but one iwi planning document promoted requirements or considerations of Māori values, relationships and roles in district plans and/or resource consent processes.

- One iwi planning document suggested the use of levies on all development that affected water.
- Less than half of the iwi planning documents identified consultation regarding a proposal that affected fresh water or other taonga as an effective tool.
- Two iwi planning documents identified information provision as a method of implementation. It is possible this is not considered as important as other methods, or alternatively it may be considered commonplace and not worthy of mention.
- The more recent iwi planning documents prepared by post-settlement governance entities were comprehensive, articulate and professional documents.

4.0 INTERVIEWS

Fifteen interviews with iwi practitioners and regional council staff were conducted to seek feedback on the types of tools being used by the respective parties. The questions asked included the following.

1. *What tools do you currently use to ensure Māori participation in managing freshwater resources?*
2. *What tools from your experience have not worked well for you?*
3. *Do you have any alternatives tools/agreements that should be investigated further?*
4. *What other matters need to be considered when improving Māori participation in fresh water?*

In most cases, respondents requested that they not be identified personally in the report.

4.1 Regional council staff responses

Tools currently being used.

- All respondents identified RPSs and RPs as key tools increasing Māori participation in freshwater management.
- Other tools identified included the LTCCPs, formal and informal relationships between regional council and iwi, environmental monitoring and specific projects.

- The LTCCPs provide the allocation of resources and pick up worthwhile projects that may otherwise not be supported by current policy in the RPSs and RPs.

Tools not working well.

- A number of respondents identified the confusion with the 2005 amendments to the RMA, which clarified there is no duty to consult with regard to resource consents and designation applications.
- There is a lot of variability in the quality of submissions, cultural assessments and relationships. All these factors have an impact on the quality of decisions being made especially when there are other well-prepared and well-resourced stakeholders.
- Most respondents identified the low capacity of hapū groups and many iwi groups, which makes achieving meaningful and sustainable Māori participation in freshwater management very difficult to achieve.

Potential alternative tools for further investigation include.

- Improvements in capacity amongst some iwi which have settled claims.
- Means of improving Māori participation in freshwater management and improving the capacity and capability of iwi authority staff.
- Resolving historical freshwater issues such as ownership, allocation, and the degraded state of freshwater resources is very important.
- Better access to contact people in iwi authorities including email and phone details.

4.2 Iwi responses

Tools currently being used.

- The tools being relied on most by iwi practitioners are iwi planning documents (for those who had them) and resource consent processes triggered by the RPs.
- Consultation during the resource consent process was most commonly identified by iwi as a tool for participating in freshwater management. Several iwi have produced brochures, information sheets and have websites educating applicants and council staff about their consultation processes.
- Two iwi identified strategic planning processes as important tools. They were referring to the RPS and growth management strategies eg, Bay of Plenty's SmartGrowth strategy.

- Council forums, committees and working parties were identified by all iwi respondents as methods of participation in freshwater management.
- Those iwi who had Treaty of Waitangi settlements identified their settlement legislation and the statutory acknowledgements as tools in protecting their participation in freshwater management.
- Ngāi Tahu has released a tool for iwi monitoring of waterways called the Cultural Health Index and have applied this tool when compiling their State of the Takiwa monitoring report.
- Several tāngata whenua groups have held workshops with interested parties (including councils and planning consultants) for using iwi planning documents.

Tools that are working well

- Good relationships with councils were identified as a key method to achieving good outcomes in freshwater management.
- Some iwi were now reviewing and refining iwi planning documents and getting good results from having such a platform with which to engage with regional and district councils.
- The involvement of Māori as commissioners and members of hearing panels was considered beneficial by some respondents. There was a preference that Māori commissioners should be from that area, although this is often deemed a conflict of interest.
- Statutory acknowledgements were being used as a safety net to catch new activities that might otherwise not have been brought to their attention.

Tools not working well

- All iwi respondents believed that RPSs and RPs were not working for them. In some instances, this was blamed on a disconnection between a RPS and the RP. For others it was the implementation that appeared to contradict the intentions of the policies.
- Iwi respondents did not believe the LTCCPs were working well as Māori outcomes and projects were competing against council and wider community priorities. Some iwi respondents had not been involved at all in LTCCP preparation.
- Many of the iwi respondents were wary of making any commitments to freshwater management before Treaty settlements had been concluded because it could undermine their negotiations.

- Iwi respondents believed that whilst there are some good staff in regional councils, many staff were ignorant or unable to understand Māori perspectives on fresh water.
- One iwi respondent held negative views of council processes and believed that assessments of environmental effects (produced by consent applicants) and council officer reports (produced for hearings) often did not contain any mention of cultural matters even when these had been articulated in supporting documents and submissions.
- One iwi respondent thought that the usefulness of guidelines being produced by the Ministry could be enhanced by training or face-to-face presentation.
- There was a feeling of frustration with regard to the resource consent application process which is perceived as adversarial and does not align with iwi priorities. There was also a feeling that resource consent processes are reactive and not proactive.
- A couple of iwi respondents believed that some of the statutory acknowledgements were ambiguous and did not identify all the sites of significance. Many sites were not covered by statutory acknowledgements and in hindsight should have. They indicated that statutory acknowledgments were historical and part of a negotiation rather than an inventory of sites to be recognised. Once established, statutory acknowledgments are difficult to review due to them being enshrined in legislation and part of a settlement. There was also a view statutory acknowledgements were sometimes a burden as many activities of little or no consequence needed to be responded to.

Potential alternatives for further investigation

- A process or mechanism that mirrors the statutory acknowledgements and is available to iwi without having to go through settlement process.
- Education and training of council staff in understanding Māori values associated with fresh water.
- Use of Māori commissioners and Māori experts in policy making and decision-making procedures.
- One respondent thought there is merit in identifying indicators for different Māori values to assist iwi state of the environment reporting.
- Education of a broad range of stakeholders has been identified as an important tool for improving management of fresh water. Ideas included guidelines, information sheets, workshops, conferences and television.

5.0 FURTHER DISCUSSION

5.1 Iwi and regional representatives

A workshop was held on 25 March 2008 and attended by two iwi representatives and a representative from each regional council. The workshop provided an opportunity to look at preliminary results of the literature review and seek feedback on further areas to investigate best practice tools and methods for improving Māori participation in fresh water.

The workshop involved a wide and broad-ranging discussion regarding barriers to effective Māori participation in freshwater management. Barriers identified by participants included:

- lack of capacity amongst iwi/hapū working at all levels eg, governance, management and operations
- councils balancing the views of all stakeholders and by doing so watering down expectations of iwi
- rights as owners are stronger than rights as kaitiaki
- there are two world views that are in conflict
- unrealistic expectations by Māori with regard to RMA's section 33 transfers of powers due to the high level of risk and liability for Māori, and their lack of capacity
- difficulties experienced by iwi in having Māori rights acknowledged and recognised, due to limited capacity to participate in RMA processes
- freshwater projects signalled in RPSs and RPs not being funded through LTCCPs
- maintaining positive working relationships between iwi and councils.

Tools identified to improve participation in freshwater management were elusive, however, those identified included:

- the use of bylaws to provide specific recognition of Māori rights 'on the ground'
- specific Māori community outcomes included as part of the LTCCP development process
- engagement with Māori in catchment plan development and implementation have positive and practical outcomes
- potential for joint management arrangements under Section 36B of the RMA
- freshwater wānanga like those held by Ngāi Tahu
- increasing the number of, use of and skills of Māori commissioners
- improving the understandings and awareness of non-Māori commissioners

- considering secondments of iwi practitioners into regional councils, as well as, council staff into iwi authorities to gain insight, increase capability and share values
- inclusion in RPs of specific, measurable and relevant Māori environmental outcomes.

5.2 Comments from Māori advisors, officials and professionals

Workshops on 31 July 2008 and 22 August 2008 were held to provide comments on the draft report. These comments were grouped into similar areas and provided below.

Capacity.

- Local government expectations of engagement with iwi rise exponentially when iwi raise their capacity eg, Te Rūnanga o Ngāi Tahu.
- Pre-settlement tribes have limited capacity to participate in RMA processes.
- Can local government improve capacity of both themselves and iwi?
- Iwi will need skilled people and resources to effectively participate in RMA procedures.
- Regional councils have much more resource and capacity than district councils.

Statutory tools.

- Local Government Act still applies to post-settlement entities regardless of their capacity.
- Difficult to articulate statutory acknowledgements during Treaty settlement negotiations because of the speed and complexity of the negotiations process.
- Links between the planning tools is not good.
- RMA may not be able to deliver the desired outcomes to Māori because it does not look at the whole.
- RPSs and RPs based on 'keeping the line' ie, do not provide opportunities for enhancement of degraded environments.
- There is a disconnection between community outcomes and budgets/actions in LTCCP.
- Provide for water permits for cultural purposes that are not reliant on land ownership (eg, in stream use).
- In Tasman district, iwi have the first right of access to water reservoirs.

- Some iwi don't have a settlement process available to them so do not have access to statutory acknowledgements and other co-management/ownership mechanisms.

Non-statutory tools.

- Education resources prepared by iwi authorities that will provide credibility and longevity to iwi perspectives on resource management.
- The influences of political views on Māori involvement are very strong.
- Should not require a Treaty outcome to effectively participate in RMA processes.
- Document the journey of settlement and co-management.
- Guidelines for articulating cultural values in scientific terms.
- Provision of checklists for planners to recognise Māori cultural values.

Other.

- Articulate what pre- and post-settlement entities are within the region/district.
- Look into the Organisation for Economic Co-operation and Development (OECD) review of environmental performance for international comparative analysis.
- Work with the Ministry for the Environment in scoping best practice management practices (story of the journey).
- Māori access to water for commercial and social needs is important.
- Each region has a diversity of water resources. In some areas, there are obvious large water bodies that form the focus of freshwater management activities eg, Taupo, Waikato River, Rotorua and Canterbury lakes. However, in some areas there is a diversity of water resources such as groundwater in Nelson, and rivers, streams and wetlands in South Waikato.

6.0 CONCLUSIONS

6.1 Tools being used

Regional councils are using RPSs and RPs as the primary framework for the participation of Māori in freshwater management. These documents are using a broad range of tools; however, there is little consistency across the country. Long-term council community plans reviewed are the mechanism for funding activities that support Māori participation in local government decision-making including freshwater

management. There are, however, a few examples where LTCCPs are providing some direction for Māori participation.

For Māori, iwi planning documents and statutory acknowledgements appear to be the primary mechanisms for ‘triggering’ participation of iwi in freshwater management. Where iwi do not have iwi planning documents and statutory acknowledgements, resource consent consultation and policy/plan review appear to be opportunities for participation.

6.2 Tools not working well

Consultation was identified in less than half of the reviewed iwi management plans as a tool or mechanism. This was contrasted by the mention of partnerships and relationships in iwi management plans. Furthermore, the statutory consultation requirements in the RMA, LGA and other legislation are not consistent. This facilitates confusion and does not meet expectations of councils and Māori.

There appear to be gaps in the provision of relevant information between councils and Māori. This includes submissions, cultural impact assessments and liaison. The gaps appear to be related to variable capability and capacity of councils and Māori.

There are few education tools being implemented whilst education is consistently identified in RPSs and plans.

Iwi respondents did not believe that statutory documents such as RPS, RP and LTCCP were working for them. This appears to be influenced by the low number of plans directly affecting Māori and the low levels of Māori participation in their development.

Iwi respondents expressed concern for the perceived lack of recognition of cultural values in policy, process and implementation.

6.3 Tools working well

The Local Government Act directs councils to provide opportunities for the Māori communities of interest to contribute to decision-making processes. These opportunities are facilitated by formal policies and processes, supported by competent staff and decision-makers who understand Māori issues. Recent historical legislation relating to the Treaty of Waitangi settlements have included prescriptive provisions for joint management/co-governance regimes, specific plans and participation in resource consent processes. Recent post-settlement governance and management structures that incorporate Māori representation appear to be working well and add to the body of best practice.

RPSs that included specific sections on tāngata whenua or iwi matters stood out as good examples of linking issue, policy and action.

6.4 Tools not mentioned

Cultural assessments (also known as cultural impact assessments or CIAs) are more commonly used by iwi to articulate effects on cultural values when assessing a resource consent application, designation and district plan changes. This tool was seldom mentioned in the interviews and does not feature strongly in the literature. This could be influenced by the relatively recent advent of the cultural impact assessment and discipline.

Water conservation orders under the RMA have been used on occasion to protect and preserve the outstanding features or characteristics of particular freshwater bodies. Water conservation orders can provide for “the protection of characteristics which any water body has or contributes to, and which are considered to be of outstanding significance in accordance with tikanga Māori” (<http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM236752.html>). While iwi and regional councils have not mentioned water conservation orders as a potential tool, it should be noted that iwi can, and do, participate in water conservation order processes. For example, submissions by Te Rūnanga o Ngāi Tahu to the Special Tribunal for the Rangitata River Water led to recognition of its “significance in accordance with tikanga Māori”.

Water permits for cultural purposes are a potential tool to preserve rights to a water body or resource. Mentioned only once in a workshop they have not been identified in the literature.

The RMA, at its inception, included a third schedule ‘Water Quality Classes’, which included standards for water after receiving contaminants. ‘Class C Water’ managed for cultural purposes cannot be altered in those characteristics which have a direct bearing upon specified cultural or spiritual values. This class of water was the last of 11 listed and one of three that had no measurable or specific measures. It may be possible to identify a list of characteristics that could inform the development of cultural indicators.

6.5 Major barriers

There are significant gaps in addressing Māori expectations to participate at all levels in freshwater management. This is contributed to by low levels of iwi capacity or capability and the high volume of matters that need to be responded to. It would be prudent to either increase capability or capacity in iwi authorities and/or lower expectations.

This review has identified a tension between science and cultural values. This is most obvious within RPSs and RPs which have a strong basis in natural sciences. Iwi respondents expressed the view that science had precedence over cultural values. Previous research and anecdotal evidence would suggest this occurs due to the reliance on measurable data to make decisions, particularly with regard to water quality and allocation.

There is a divergence between Māori principles in the RMA (sections 6e, 7a and 8) and Māori principles expressed in iwi management plans eg, Manaakitanga, Rangatiratanga, Kotahitanga, Tumanako, Mauri and partnership. There is a divergence between the priority or weighting placed on the principles of the Treaty of Waitangi in the RMA and those articulated in iwi management plans (active protection, partnership, and kaitiakitanga). This can lead to a narrow focus of the values expressed in the RMA environment. A number of respondents have identified cultural values as a key area in need of further work, particularly in articulating methods or measures for recognising Māori cultural values on the ground.

The Treaty settlement process in recent times has provided some iwi with resources, capacity and mandate to influence the management of freshwater resources. Whilst this is positive, there are significant barriers to those iwi who have settled early and those who do not wish to wait for a Treaty settlement to have access to statutory acknowledgements and other mechanisms to improve their participation in freshwater management. Significant also is the inability to update statutory acknowledgements as they are perceived to be 'written in stone'. Such updates may not be achievable given that statutory acknowledgements are set out in Deeds of Settlement and reflected in the specific settlement legislation.

In the absence of an iwi management plan, iwi may struggle to improve the effectiveness of their participation in RMA processes. In these cases, it is even more important to have robust participation processes for resource consent applications, policy review applications, articulate policy documents, and skilled and experienced implementation staff.

6.6 Effectiveness

Whilst identification of specific iwi and hapū representative groups in several regional policy statements is a proactive and positive method of informing readers of who are the tāngata whenua and Māori representative bodies, identification may not be responsive to socio-political changes in Māori communities, particularly if changes to the statement or plan are required.

Since many of the RPSs and RPs were prepared there have been changes to the RMA 1991 that facilitate the provision of contact details of iwi authorities by Te Puni Kōkiri. The Kahui Mangai website is an example of this. It is unclear whether this has been useful to regional councils and iwi alike.

There appears to be a trend of good engagement as a result of councils encouraging Māori participation, improving the capability and capacity of iwi, and maintaining relationships between iwi and councils.

Where there are a large number of iwi and hapū interests within a region, regional policy statements and plans will need to articulate the diverse range of views and issues of various tāngata whenua. This is particularly prevalent in the North Island. The approach developed by Environment Waikato as part of their long-term council community plan is a model worthy of mention and consideration by other councils.

The broad-brush approach to Māori issues, objectives, policies and methods, lends itself to a higher level of reliance on the individual discretion of planning staff. This approach has the potential of creating significant gaps or inconsistencies in implementation.

Regions with one or two iwi have greater opportunities to facilitate one voice in the plan of policy statement. This means there may be more scope for improving capacity to increase input into plan of policy statement development.

A number of respondents have identified the role of governance (councillors) of regional councils as most important when prioritising projects, giving commitments to relationships and levels of resources. Buy-in at the governance table will enable more effective relationships and participation to occur.

6.7 Examples of good practice

Regional policy statements and regional plans

As part of this review a number of key elements were identified in developing good RPSs and RPs that address Māori participation in freshwater management. These included:

- having a specific section of tāngata whenua or iwi matters
- where there are many iwi and hapū interests, articulating the diversity of values at a local level
- where a generic or a broad-brush approach is being used, there is a need to have well linked issues, objectives, policies and methods.

Iwi planning documents

The following iwi planning documents were identified as best practice examples:

- Tuwharetoa – articulates Ngāti Tuwharetoa values and principles to various water classes and bodies
- Ngāti Maniapoto – includes a broad range of outcomes for the environment based on protection and enhancement. Includes a resource inventory
- Ngāi Tahu Freshwater Policy Statement – includes detailed policy related to freshwater and provides a range of methods for inclusion in regional policy statements and plans. Also includes a contact list of local representatives
- Hauraki Iwi Management Plan – uses traditional principles and Mātauranga Māori and includes a range of water quality and quantity standards with sets of specific tasks/actions.

Governance and management models

- Te Arawa Lakes Trust – a landmark settlement that saw the return of 13 lakebeds to Te Arawa ownership, co-management of Te Arawa Lakes, a range of statutory acknowledgements and considerable work to improve the lakes' water quality
- Te Rūnanga o Ngāi Tahu – one of the most significant settlements of its time, with a strong focus on the freshwater lakes
- Environment Bay of Plenty – the only council in the country with specific Māori constituencies and representation. This was established as a result of The Bay of Plenty Māori Constituency Empowering Bill.

Iwi capacity and capability

- Murihiku – a partnership between local Papatipu Runaka to service local councils in Southland
- Te Rūnanga o Ngāi Tahu – employs professional staff with responsibilities for environment, planning and statutory acknowledgements
- Waikato Raupatu Lands Trust – employs a dedicated professional team for environmental and local government issues.

Monitoring

The Cultural Health Index stands out as a freshwater monitoring tool. It has been developed by Māori for Māori.

Combinations for good relationships

As part of this review, a number of key elements were identified in developing good relationships between councils and iwi. These were:

- high levels of Māori participation at governance, management and operations
- training for councillors eg, Making Good Decisions Programme
- relationship building through projects. This builds momentum, trust and working relationships based on outcomes
- strong personal relationships between management staff and tāngata whenua representatives
- well-developed formal relationships and service contracts. This provides more certainty and sustainable participation

- deployment of skilled staff across council which increases the capacity of a council to respond to Māori issues
- administrative support for meetings between iwi, local government and the wider community
- robust policy and guidelines which institutionalises intent of relationships, legislation and expectations
- joint management arrangements on parks and reserves adjoining water bodies. This gives relevance on the ground to the relationships between Māori and a water resource
- ongoing training for governance members to up skill and provide opportunities for succession
- iwi-based membership of council committees and governance structures.

6.8 Potential tools

Statutory acknowledgements

Statutory acknowledgements stood out as a potential best practice tool of recognising Māori in freshwater management. The link to the Treaty of Waitangi claims and negotiation process is seen by the reviewers as a positive way of meeting expectations of Māori. These should be supported as a means of recognising Māori role in the management of freshwater resources, particularly water bodies. This tool is however reliant on iwi having access to and undertaking the lengthy process of, settlement. There needs to be some serious thought into providing a process or mechanism for iwi who have either, settled prior to statutory acknowledgements being developed or those iwi who may not settle in the foreseeable future. This may be via a national framework for recognising significant water bodies to iwi or classifying water as was the case under schedule 7 of the RMA 1991.

Ongoing monitoring

One of the obvious gaps in the review is the lack of any tools for regular monitoring of the effectiveness of plans, including Māori participation in freshwater management.

Related to this previous point, there are no obvious indicators identified in the plans or policy statements for Māori cultural characteristics of water bodies, wāhi tapu, wahi taonga, mahinga kai and mauri. There is potential to integrate the Cultural Health Index indicators into second generation plans. Furthermore, whilst all RPSs, RPs, LTCCPs and iwi management plans mention relationships, this is difficult to monitor and measure. There is potential to develop some qualitative measures eg, reporting on 'iwi satisfaction'. In contrast, there are a number of scientific measures used for allocation and water quality in the various regional plans.

National policy statements and national environmental standards

National policy statements and national environmental standards on water are currently being developed. Whilst not mentioned directly in the interviews, it is understood this is a significant issue for Māori. There are potential opportunities to conduct further work on Māori standards for water and the values associated with this resource.

LTCCP

The LTCCP process and, in particular, the development of community outcomes are opportunities for articulating a tāngata whenua vision for freshwater resources and how they may be provided for in statutory documents such as the RPS, RP and iwi planning documents.

Recent iwi planning documents are more focused and are articulate with regard to freshwater issues. Examples include:

- the Ngāi Tahu Freshwater Policy (post 1998)
- Tuwharetoa Environmental Iwi Management Plan (2003)
- draft Maniapoto Iwi Environmental Management Plan (2007)
- Hauraki Iwi Environmental Plan (2004).

It is reasonable to expect that the quality of iwi planning documents is improving and statutory bodies and agencies should support this as a matter of priority through provision of technical expertise and resourcing.

Education

In almost every RPS, RP, LTCCP and iwi planning document, there was mention of education. Whilst education was identified more often than any other method, there was seldom any articulation of what education actually was. The few examples given include iwi wānanga, training and provision of information. This is certainly an area for further investigation to identify appropriate education resources that would assist Māori participation in freshwater management.

Capacity/capability

This review, like many before it, has identified capacity and capability as a significant barrier to Māori participating in decision-making processes. The area of freshwater management is one of a number of areas iwi authorities work in, and, as such, it would be appropriate to develop strategies to improve participation for Māori in resource management generally. The development of a national framework to achieve or facilitate this is certainly long overdue.

6.9 Opportunities for enhancing Māori participation in freshwater management

From the research conducted, the following options have been identified for central government, local government and Māori to work towards improving Māori participation in freshwater management.

Capacity and capability

- Conduct an investigation into improving Māori capacity and capability to participate in freshwater management. Such an investigation could include the following:
 - The journey and experiences of post-settlement governance entities in freshwater management and leadership could be recorded, published and disseminated to a wide audience. The characteristics of post-settlement entities could be further assessed to provide an insight into levels of capacity and capability and the corresponding level of participation in freshwater management.
 - Identify and promote regional council governance and management models for freshwater bodies that have improved Māori participation in freshwater management.
 - Use of Māori commissioners and Māori experts, in particular proactively identifying potential commissioners, and providing resource support for training and ongoing up-skilling. Māori experts could be supported to facilitate discussions regarding cultural values and water resources.
 - Undertake a stocktake of iwi authorities' capability and capacity, including the tools and mechanisms used by iwi authorities to participate in freshwater management.
 - Investigate the feasibility of establishing a national framework that includes resourcing of capacity and capability building for iwi authorities who wish to improve their participation in freshwater management.
 - Increase support for new and second generation iwi management plans that address freshwater resources. This could include more collaborative packaging of resource support to gain efficiencies in application and approvals.
 - Develop tools that can be used by regional councils and unitary authorities to regularly monitor the effectiveness of plans with regard to relevant Part II matters of the RMA relating to Māori.

Statutory tools

- Increase the detail of statutory acknowledgements in settlement legislation to provide more direction to the statutory water manager.

Education and training

- Further development of education and training tools that can be made available to councils and iwi/hapū.
- This includes a stocktake of public and private programmes, list of training providers and piloting training programmes. This work could build on the New Zealand Planning Institute review of training available to planners.
- Prepare information sheets and guidelines for regional council staff and iwi practitioners to assist in recognising and providing for cultural values in freshwater management (for instance, including use of cultural assessments).

Articulating outcomes and indicators

- The further development of Māori outcomes regarding fresh water for LTCCP and iwi planning documents would be beneficial to articulate Māori aspirations and influence the development of indicators.
- Cultural standards and indicators for Māori values associated with fresh water could be developed in the areas of mauri, wairua, manaakitanga, whanaungatanga and other relevant values. This work could be completed as part of the cultural values indicators project.

Access to information

- Continue to improve access to the wide range of resources that have been produced already regarding freshwater management and Māori resource management. This may use existing internet and intranet systems and electronic formats such as CDs and DVDs.

Appendices



Appendix 1 – List and summary of literature reviewed

1. List of items reviewed

1(a) Legislation

Resource Management Act 1991

Local Government Act 2002

Ngāti Awa Claims Settlements Act 2005

Ngāti Tuwharetoa (Bay of Plenty) Claims Settlement Act 2005

Te Arawa Lakes Settlement Act 2006

Foreshore and Seabed Act 2004

1(b) Settlement Agreements

Agreement in Principle for the Settlement of the Historical Claims of Waikato – Tainui in relation to the Waikato River. 16 Dec 2007.

1(c) Reports

Local Government New Zealand. (2002). *Local Government Relationships with Māori*.

Te Puni Kōkiri. (2006). *Te Kotahitanga o te Whakahaere Rawa: Māori and Council Engagement under the Resource Management Act 1991*.

Department of Internal Affairs, Local Government New Zealand, Te Puni Kōkiri. (2004) *Local Authority Engagement with Māori*.

Ministry for the Environment. (2005) *Regional Council Management of Freshwater Resources: Current and Emerging Issues*.

Ministry for the Environment. (2005). *Waioara: Report of the Sustainable Water Programme of Action Consultation Hui*.

1(d) Waitangi Tribunal Findings and Recommendations

Waitangi Tribunal. (1999) *The Whanganui River Report*.

Waitangi Tribunal. (1984) *The Kaituna River Report*.

1(e) Reports, websites and other documents

Tipa G & Teirney LA. (2003) *Cultural Index for Streams and Waterways: Indicators for recognising and expressing Māori values*. (noted but not reported on).

Tipa G & Teirney LA. (2006) *Cultural Index for Streams and Waterways: A tool for nationwide use*. (noted but not reported on).

Te Rūnanga o Ngāi Tahu. *Takiwa 2.0 Monitoring Database – State of the Takiwa*. (noted but not reported on).

Environment Bay of Plenty website. <http://www.ebop.govt.nz/Kaupapa-Maori/Kaupapa-Maori.asp>.

Ministry for the Environment. (2001) *Case Study 3 Waipunahau (Lake Horowhenua): Restoring the Mauri*. <http://www.mfe.govt.nz/publications/water/managing-waterways-jul01/case-study-3-jul01.pdf>.

KCMS Consultancy Solutions. (2004) *Review of the Effectiveness of Iwi Management Plans – An Iwi Perspective*. A report prepared for the Ministry for the Environment. <http://www.mfe.govt.nz/publications/rma/review-effectiveness-iwi-management-plans-jul04/review-effectiveness-iwi-management-plans-jul04.pdf>.

Ngāti Pahauwera website: <http://ngatipahauwera.co.nz/ngati-pahauwera-waitangi-claims/the-mohaka-river-claim/>.

Nga Pae o Rangitikei and Horizons Regional Council.

2020 Taupo-nui-a-tia Action Plan.

Integrated Catchment Management (ICM) projects.

Report of the United Nations High Commissioner for Human Rights (Aug 2007).

Report on the Grand Codroy Ramsar Site Newfoundland, Canada.

Conservation by Communities of the Tonda Wildlife Management Area, Papua New Guinea.

SYNEXE Handout. Indigenous Freshwater Rights in Settler Countries.

The Whaingaroa Environment Catchment Plan

2. Summary of literature

2(a) Legislation

Resource Management Act 1991

The Resource Management Act 1991(RMA) is the primary legislation for the sustainable use, development and protection of natural and physical resources. The Act sets out some key responsibilities for resource managers that impact on Māori including Māori special relationships with the environment, sites of significance to Māori, Kaitiakitanga and the taking into account the principles of the Treaty of Waitangi. The Act provides opportunities for Māori to have input into statutory plans and policy documents through consultation and recognition of relevant iwi policy documents. Recent changes to the Act in 2005 have clarified that there is no duty to consult with regard to resource consents and requirements. Resource consent processes have been the primary vehicle for Māori to influence outcomes on the ground. The RMA also links to other Acts, namely the Foreshore and Seabed Act in relation to customary rights orders, and Historic Places Act with regard to the register.

Local Government Act 2002

The recent Local Government Act 2002 provides for democratic and effective local government that recognises the diversity of New Zealand communities and enables democratic local decision-making and action by, and on behalf of, communities.

The Act sets out new parameters for promoting the social, economic, environmental and cultural well-being of communities, in the present and for the future. It sets out principles when exercising any power or performing any duty under the Act. It requires long-term council community plans to be developed by councils which include statements of community outcomes. There are no fewer than 38 Māori references in the Act, including such matters as the Treaty of Waitangi, Māori input into decision-making processes, provision of information to Māori, consultation with Māori, and capacity building.

Ngāti Awa Claims Settlements Act 2005

This legislation requires the council to consider Te Rūnanga o Ngāti Awa as an affected party to resource consent applications that affect an area subject to a statutory acknowledgement. It also requires the council to record statutory acknowledgements in the regional policy documents and plans. As a matter of process, Te Rūnanga o Ngāti Awa shall be sent summaries of resource consent applications till 2025.

Ngāti Tuwharetoa (Bay of Plenty) Claims Settlement Act 2005

This Act follows the June 2003 Deed of Settlement which includes statutory acknowledgements, which register the special association Ngāti Tuwharetoa (Bay of Plenty) has with an area and will be included in the settlement legislation. They are recognised for certain purposes relating to standing and notification under the Resource Management Act and the Historic Places Act.

There are five statutory acknowledgements over Rotoma Forest Conservation Area, Lake Rotoma Scenic Reserve, Lake Tamarenu Wildlife Management Reserve, parts of the Tarawera and Rangitaiki Rivers. There is a sixth statutory acknowledgement over geothermal water and geothermal energy located in the Kawerau Geothermal System and this is recognised in section 46 of the Act.

This legislation requires the council to consider Ngāti Tuwharetoa ki Kawerau governance entity as an affected party to resource consent applications that affect an area subject to a statutory acknowledgement. It also requires the council to record statutory acknowledgements in the regional policy documents and plans. As a matter of process Ngāti Tuwharetoa at Kawerau shall be sent summaries of resource consent applications till 2025.

Te Arawa Lakes Settlement Act 2006

The Act records the statutory acknowledgement and apology by the Crown to the Te Arawa confederation of hapū and iwi whereby both parties agree to a final settlement of all Te Arawa's historical claims relating to 14 lakes and the remaining annuity issues. Of particular relevance to the council is the ownership of the 13 lake beds vested with Te Arawa Lakes Trust, governance and joint management regimes (Rotorua Lakes Strategy Group which consist of Te Arawa, Rotorua District Council and Environment Bay of Plenty) that are put in place to manage Te Arawa lakes and the harvesting of plants and traditional materials.

The title to the lake beds and subsoil of all these lakes, except for Ōkaro, is being transferred to Te Arawa. Lakes Rotoehu, Rotomā, Rotoiti, Rotorua, Ōkātina, Ōkareka, Rerewhakaaitu, Tarawera, Rotomahana, Tikitapu, Ngāhewa, Tutaeinanga and Ngāpourī are covered by the settlement. The Crown will continue to own the water column and airspace. The water itself is not owned by either the Crown or Te Arawa, and will continue to be regulated in accordance with the Resource Management Act 1991.

Foreshore and Seabed Act 2004

This legislation vests the Coastal Marine Area with the Crown and provides for recognition of customary rights to coastal resources. The provisions relating to the regional councils' functions are potential recognition of Customary Rights Orders through the Resource Management Act 1991. Whakatohea Iwi and Te Whanau a Apanui have customary rights order applications before the Māori Land Court.

2(b) Settlement agreements

Agreement in Principle for the Settlement of the Historical Claims of Waikato – Tainui in relation to the Waikato River. 16 Dec 2007

Recognises the traditional relationships Tainui/Waikato; Ngāti Tuwharetoa and other iwi have with the Waikato River in principle. This agreement is to reflect a commitment by the Crown and Waikato–Tainui to enter into a new era of co-management over the Waikato River. The purpose of the agreement is to restore and protect the health and well-being of the Waikato River for future generations. Settlement offer includes Crown acknowledgements (Para 28–36); co-management (Para 38–39); statement of significance (Para 43); vision and strategy; guardians of the Waikato River (Para 49–53); Waikato Statutory Board (Para 66–68); Waikato River accords with Ministers of the Crown; lands; financial packages and settlement implementation funding.

2(c) Reports

Local Government New Zealand. (2002). *Local Government Relationships with Māori*

This report provides a number of case studies including Wellington Regional Council, and two unitary authorities, Marlborough District Council and Gisborne District Council.

The report identifies seven areas of action for improving engagement with Māori. These are:

- balancing strong leadership and relationships with formal processes and structures
- distinguishing between governance, participation and consultation
- guidance around the role of councils in relation to the Treaty of Waitangi
- managing conflict
- adequate resourcing
- raising the capacity of tāngata whenua to engage with councils
- building councillor and staff understanding of tāngata whenua issues, history, tikanga Māori, and Māori social and political structures

The report also mentions a number of methods that have not worked for these councils.

Te Puni Kōkiri. (2006). *Te Kotahitanga o te Whakahaere Rawa: Māori and Council Engagement under the Resource Management Act 1991*

In 2005, Te Puni Kōkiri commissioned a case study report on practical issues including capacity and capability affecting engagement between local government and Māori.

Of relevance to this review are the successful practices taking place across the country in the areas of relationships, governance, Māori participation in decision-making processes and resourcing.

- The best examples of Māori participation encountered were all supported through

strong structural arrangements.¹

- In areas such as Rotorua and Te Tau Ihu o te Waka a Maui where there are large numbers of iwi/hapū within a council's boundaries, pan-iwi and hapū advisory committees and forums have been successfully used to coordinate iwi/hapū participation in RMA matters.²
- Māori groups consistently expressed the view that the key to moving from reactive to proactive participation in resource management is to ensure they are involved at the planning and policy-making stage under the RMA.³
- All of the councils interviewed provide some level of administrative support to Māori groups.⁴
- It was stressed that council–Māori engagement must be developed at all levels, from councillors to senior management to operational staff and volunteers.⁵
- Awareness of the time constraints to provide well-formulated and researched policy response has prompted the formation of multi-iwi committees such as the Nelson iwi Resource Management Advisory Komiti and the Tai Tokerau Technicians Forum (now Te Waka Motuhake).
- In areas such as Te Taihū o te Waka a Maui and Te Taitokerau, where there are a large number of iwi within council boundaries, pan-iwi/hapū advisory committees and forums coordinate iwi participation in RMA matters. Councils and iwi generally agreed that multi-iwi committees are efficient in terms of time and resources and create certainty of process around iwi involvement.⁶
- Multi-iwi structures for collective engagement can be problematic. Councils tend to dictate the committee's objectives, and iwi concerns become diluted within the collective forum.⁷
- Wairoa District Council has a Māori Advisory Committee, which consists of the mayor, councillors and 14 hapū representatives. The council visits 80 per cent of the marae in its area each year and publishes a newsletter on Māori issues.⁸
- Gisborne District Council has formed committees or advisory groups to help manage specific projects, which has had positive outcomes.⁹
- Auckland City Council has a tāngata whenua consultation policy that has three levels of status for local Māori: 'Ahi kaa', iwi with historical connections and 'Taurahere'.¹⁰
- Rotorua District Council uses a comprehensive system of committees for involving Māori in council activities. There are a total of eight Māori committees, including the main Te Arawa Standing Committee.¹¹

**Department of Internal Affairs, Local Government New Zealand, Te Puni Kōkiri.
(2004) *Local Authority Engagement with Māori***

In July 2004, a report was published describing surveys of local government in New Zealand¹². The report identifies the following key characteristics:

- Involvement of Māori in council structures
 - governance and management structures, advisory committees, Māori wards/constituencies
- Policies and practices for maintaining relationships with Māori
 - co-management of sites and activities
 - relationship agreements
 - consultation policies and practices
 - iwi management plans
 - projects and funding
- Council resource, training and monitoring
 - iwi liaison and Māori policy units
 - internal staff and councillor training
 - monitoring of relationship
 - Māori hearing commissioners.

This report provides results of surveys with district and regional councils regarding Māori participation in governance, relationships and training. At the time of the development of this report, all regional councils had formal consultation processes, and all but one had training in Treaty of Waitangi on subjects such as statutory obligations, the Treaty of Waitangi, the Māori language, and culture and marae-based protocols. Most regional councils also provide for or have projects to work with Māori communities (10), provide funding targeted at initiatives with Māori (10), and hold iwi management plans (10). In addition, one third (4) have established a co-management regime with Māori, and half (6) have implemented tools to monitor and assess the effectiveness of their engagement with Māori. Only two (20 per cent) regional councils have Māori standing committees, only three have a Māori advisory committee and nine (33 per cent) have formal relationships with Māori. Most councils have Māori hearings commissioners, projects with communities and targeted funding for iwi initiatives.

Noteworthy methods include:

- Northland Regional Council co-management of Lake Omapere
- Bay of Plenty Regional Council Māori Standing Committee (Bay of Plenty Regional Māori representation Empowering Act 2001)
- Taranaki Regional Council MoUs with iwi who have deeds of settlement
- Hawkes Bay Regional Council co-management regime with Ngāti Pahauwera (Mohaka River Gravel Extraction)
- Wellington Regional Council Māori commissioners used on all resource consent

hearings

- West Coast Regional Council process with Te Rūnanga o Ngāi Tahu regarding statutory acknowledgments
- Canterbury Regional Council riparian planting projects with runaka
- Environment Southland Charter of Understanding
- Tasman District Council Māori member on strategic water resources committee.

Ministry for the Environment. (2005) *Regional Council Management of Freshwater Resources: Current and Emerging Issues*

This report commissioned by the Ministry for the Environment identified regional council practices for managing fresh water under the current regulatory framework, the Resource Management Act 1991 (RMA). It identified current and emerging issues and areas where central government may assist in improving practice through a variety of mechanisms including legislative changes, development of national policy statements and national environmental standards, and preparation of best practice guidelines. There are a few references to Māori and iwi participation in freshwater management.

The report indicated that local government involvement in Waitangi Tribunal claims and settlement negotiations is becoming more common – and this had significant cost and other implications for councils. This may also have different settlements and different ownership issues.

Support for a pool of iwi commissioners for hearings to better Māori involvement in decision-making. Need central government to establish expectations to get better consistency across councils. No other party required to be involved in RMA without the ability to obtain funding/resourcing – assistance with capacity building required.

Consideration of the application of Treaty of Waitangi settlement redress to local government and role of councils in managing fresh water. Also need to consider methods to build capacity within iwi – pool of experts to assist local iwi, encouraging Māori into sciences/planning/policy, cadetships into local government etc – wider issue than just at local level.¹³

All of the major freshwater plans reviewed in this report had sections dedicated to iwi issues, values, matters of cultural significance and the Treaty of Waitangi. Most plans identified ways in which tāngata whenua can participate in resource management including through consultation, identification of sites of special significance, the development of iwi management plans and the transfer of powers under section 33 of the RMA. However, it is not clear how this translates into practice.

In the report (Issue 8) identifies *iwi groups often have limited capacity to be adequately involved in the resource management process.*

All councils have established processes to involve iwi in plan development and general resource management activities. However, many councils indicated that a lack of expertise and capacity within iwi often compromised an iwi's ability to be involved at an appropriate

level. It was suggested that this could lead to “generic” submissions from iwi on notified consents. Consideration could be given to how central government might facilitate or assist capacity building within iwi. The report identified a range of options available to assist iwi in building increased expertise and capacity to be more involved in freshwater management. These included:

- the retention of “expert” iwi panels to assist local organisations on an as required basis
- the development of incentives to encourage iwi into planning or the sciences
- the development of placement schemes to encourage iwi into councils or the Ministry to assist in developing expertise
- funding assistance as appropriate.

The report considered that costs were likely to be low to moderate, depending on the options that are preferred. Benefits were assessed as moderate, as iwi capacity and resourcing was variable.

Ministry for the Environment. (2005). *Waioara: Report of the Sustainable Water Programme of Action Consultation Hui*

This report recorded views of Māori throughout the country with respect to the sustainable water programme of action. Within the report a large number of methods to improve the management of fresh water are identified. This includes national water standards, Māori involved at all levels, regular consultation as part of relationships rather than response to a proposal, education of young people and decision-makers, technological solutions, consistency among councils, resolving competing interests, preparation of iwi management plans, Māori principles in legislation, pilot programmes, bonds on discharges, Māori community access to fresh water, re-use, recycle, reduce, restoration, resourcing iwi, catchment and river specific recognition, riparian management, customary water quality indicators, efficiency based on costs, governance. Examples of good practice identified included Kaituna and Whanganui River recommendations, Mahurangi Catchment study, and Environment Bay of Plenty governance structure.

2(d) Waitangi Tribunal Findings and Recommendations

Waitangi Tribunal. (1999) *The Whanganui River Report*

The Whanganui River report provides a strong opinion that the RMA does not give effect to the principles of the Treaty of Waitangi, in particular the active protection of iwi ownership and management interests in the Whanganui River. The report highlights the wish of iwi to manage and control the water resource, rather than have Māori relationships and values balanced with others within regional policy statements and regional plans.

This report provides an assessment of environmental law, in particular the RMA, as it applies to the Whanganui River (chapter 10). At chapter 10.4, the contention of the claimants is that Te Atihaunui authority is subsumed within policy statements and regional plans. The contention is that Treaty rights are one of many considerations to be balanced not only within the RMA but also the regional policy statement and plan. The issue was not

whether the interests of Te Atihaunui were being acknowledged, as they most certainly were, but that the authority to make decisions for the resource were not being recognised. Furthermore, the Tribunal found that the RMA did not 'give effect' to the Treaty principles and by doing so avoided the Crown's duty of active protection of Māori property interests. Thus, the regional policy statement and plans were constrained to giving effect to the principles of the Treaty, rather taking them into account. As a result, the ability of Atihaunui to manage and control the Whanganui River had not been protected.

Waitangi Tribunal. (1984) *The Kaituna River Report*

- The Kaituna River report provides the Tribunal's findings on water rights with respect to the Kaituna River. It contends that Māori cultural and spiritual values should be considered in water allocation.
- This report was released prior to the enactment of the RMA. Claim Wai 4, the Kaituna River claim, was brought on 30 January 1978 by six claimants on behalf of the Ngāti Pikiao people, a sub-tribe of Te Arawa, and concerned the Kaituna River pipeline scheme, a project developed to address pollution affecting Lake Rotorua. The Tribunal found that the scheme was contrary to the principles of the Treaty because of the pollution it would cause to the Kaituna River fisheries and that there were alternatives to the pipeline which were practical and did not go against Māori values. It recommended that the pipeline not proceed, that research be carried out into land disposal as an alternative method for getting rid of the effluent, and that the Water and Soil Conservation Act 1967 and related legislation be amended so that regional water boards and the Planning Tribunal had to take account of Māori spiritual and cultural values when they made decisions about water rights.
- The Crown subsequently abandoned all financial support for the pipeline and instead announced its support for a combined treatment plant and land-disposal option for Rotorua's effluent. This decision gives weight to the consideration of cultural and spiritual values with regards to water rights.

2(e) Reports, websites and other documents

Environment Bay of Plenty website. <http://www.ebop.govt.nz/Kaupapa-Maori/Kaupapa-Maori.asp>

Environment Bay of Plenty has governance and management structures with Māori participation. The council has been a leader in Māori participation at governance level, being the only regional council with Māori constituencies. There are consultation policies and practices, use of iwi management plans, projects and funding. The council has a dedicated Māori policy section, internal training and Māori hearing commissioners.

Ministry for the Environment (2001) *Case Study 3 Waipunahau (Lake Horowhenua): Restoring the Mauri*. <http://www.mfe.govt.nz/publications/water/managing->

waterways-jul01/case-study-3-jul01.pdf

Muaupoko working with Manawatu-Wanganui Regional Council, Department of Conservation and Horowhenua District Council, launched the Lake Horowhenua and Hokio Catchment Management Strategy in 1998 to address concerns with the state of these two water bodies. The strategy aims, by 2018, to restore water quality to a level that satisfactorily provides for cultural and amenity values and enhances the life-supporting capacity of the lake and stream.

Ngāti Pahauwera website <http://ngatipahauwera.co.nz/ngati-pahauwera-waitangi-claims/the-mohaka-river-claim/>

Following the Waitangi Tribunal Report *The Mohaka River* in 1992, Ngāti Pahauwera is in discussion with the Crown to settle its Treaty claim to provide for joint management of the river. Currently, the Mohaka River is subject to a water conservation order as well as being a taonga of Ngāti Pahauwera.

KCMS Consultancy Solutions (2004) *Review of the Effectiveness of Iwi Management Plans – An Iwi Perspective*. A report prepared for the Ministry for the Environment. <http://www.mfe.govt.nz/publications/rma/review-effectiveness-iwi-management-plans-jul04/review-effectiveness-iwi-management-plans-jul04.pdf>

As part of a wider focus on improving the effectiveness of Māori participation in the management and use of natural resources, this report outlines the findings of a review of iwi management plans (IMPs). The review investigated whether IMPs are meeting the expectations of both the iwi who have developed them and the relevant local authorities.

Nga Pae o Rangitikei and Horizons Regional Council

Nga Pae o Rangitikei is a pan-tribal iwi/hapū group formed with Horizons Regional Council in relation to management of the Rangitikei River. 'Nga Pae o Rangitikei' and Horizons Regional Council formed a major partnership in 2005/2006 for the purpose of improving tāngata whenua engagement with council in relation to management of the Rangitikei River.

2020 Taupo-nui-a-tia Action Plan

2020 Taupo-nui-a-tia Action Plan is a non statutory long-term action plan for Lake Taupo. The Plan is supported by central and local government (Ministry for the Environment, Department of Conservation, Department of Internal Affairs, Environment Waikato, Taupo District Council), the Tuwharetoa Māori Trust Board and the Lakes and Waterways Action Group (see <http://www.taupoinfo.org.nz/>).

Integrated Catchment Management (ICM) projects

There are also a number of Integrated Catchment Management (ICM) projects around the country with iwi/hapū involvement. Examples include the Taieri Trust (<http://www.taieri.org.nz/trust/trust.html>) and the Motueka River ICM project (http://icm.landcareresearch.co.nz/research/research.asp?theme_id=4&research_id=35).

Report of the United Nations High Commissioner for Human Rights (Aug 2007)

Report of the United Nations High Commissioner for Human Rights on the scope and

content of the relevant human rights obligations related to equitable access to safe drinking water and sanitation under international human rights instruments.

The report reviews international human rights obligations related to the provision of safe drinking water and sanitation. It discusses their scope and content, nature and monitoring, and points to areas needing further elaboration. The report ends with conclusions and recommendations to further strengthen and implement human rights obligations related to access to safe drinking water and sanitation.

For example, conclusions 65 to 69 find that although various mechanisms at the international, regional and national level monitor certain aspects and dimensions of human rights obligations in relation to access to safe drinking water and sanitation, this issue is currently being neglected, and that while the United Nations special procedures and treaty bodies have contributed to clarifying human rights obligations in relation to access to safe drinking water and sanitation, the UN HR Commission's work also highlights the difficult task of covering these issues in a comprehensive and continuous way.

The Commission finds that specific, dedicated and sustained attention to safe drinking water and sanitation is currently lacking at the international level, given the broad range of issues that special procedures and treaty bodies have to address within their mandate and the specific questions that arise in relation to access to safe drinking water and sanitation.

Report on the Grand Codroy Ramsar Site Newfoundland, Canada

This report identified effective communication and a coordinated effort amongst key stakeholders as a crucial factor in freshwater management. A key element of the communication effort seemed to be the non-judgemental assessment carried on by the field crew that spent an entire summer season in the area in the first year of the programme. Report recommendations (page 7) include:

- local people should be involved in wetlands management
- local people must be able to realise that non-local (regional, provincial and national) governments recognise the value of wetlands management
- local people must be given support from interested agencies to facilitate meetings and interaction in which they can be assured of the 'buy-in' of other stakeholders including landowners, residents and interested wetlands agencies
- key process steps for RAMSAR include:
 - careful selection of working groups (field and office)
 - familiarisation with social, cultural and economic parameters of local people
 - familiarisation with the wetlands themselves
 - use of an informal approach
 - commitment to a plan for management based on non-judgmental

assessment of past activities

- commitment to a plan for management based on a 'bottom up' construction rather than the traditional 'top down' approach
- keeping in mind that the goal is the sustained conservation of the integrity and potential of the wetlands
- acceptance that sustained results come from slow processes
- negotiation procedures include:
 - using an approach which is locally familiar to the culture and sensitive to their politics
 - taking time to build trust
 - always demonstrating the good intentions of wetlands management
 - being willing to compromise
- agreements
 - formal and informal agreements are beneficial, but should only be introduced after a convincing demonstration of the benefits which will be derived by such agreements
- procedures to enforce such agreements:
 - the best enforcement is community social pressure to live up to commitments
 - legislative requirements should be strongly defended and enforced
- management institutions
 - existing organisations should compliment wetlands management efforts. If they do not or are indifferent, their participation should be minimal
 - the creation of such organisations should be as a result of a need identified in the planning process
- monitoring and evaluation
 - the criteria for these measures should be based on the need to allow for growth of the consciousness of this ethic among the people of the area without compromising the goal of sustainable conservation of the RAMSAR site.

Conservation by Communities of the Tonda Wildlife Management Area, Papua New Guinea

The Tonda experience and others in Oceania suggests that engagement of indigenous communities is most likely to be successful where:

- indigenous land tenure is recognised or clear claims exist that may be recognised in future
- conflicts over resource ownership have been or can be resolved
- the community is now or may potentially become a significant user of wetland resources and has a stake in maintaining productivity and significant sites
- indigenous communities are eager to be involved in continued wetland management
- communities have or can develop the capacity to manage (or contribute to management of) wetlands
- identified community leadership is supported and collaborative
- indigenous land management systems exist and are operating eg, clan structures, land spokespersons, delegation systems, and harvest restrictions
- government extension and support for wetland management is weak and co-management is necessary to extend limited resources.

SYNEXE Handout. Indigenous Freshwater Rights in Settler Countries

A comparison of water rights law in United States of America, Canada, Australia and New Zealand reveals that although the notion of indigenous customary rights to fresh water is widely accepted, the content and outcomes from this recognition vary considerably.

Freshwater rights are a key area of concern for indigenous people worldwide yet water law is a relatively new area, especially in terms of indigenous commercial rights to water and rights of management. In many settler countries, including Australia and New Zealand, indigenous rights to water have been inadequately recognised by the legal system.

The Canadian experience shows that historical treaties are liberally interpreted such that they have been extended to more commercial uses of natural resources, but most useful are the modern treaties which result in significant natural resource development rights for indigenous people.

The Canadian Constitution further advances and protects indigenous water rights deriving from both common law and treaties, making indigenous natural resource rights in their customary form legally paramount to other interests in water. This superior interest is second only to conservation measures.

The Whaingaroa Environment Catchment Plan

Over the last 20 years, mana whenua, local community groups and the general public have been working to address concerns about the water quality of the harbour and catchment land use practices in the Whaingaroa Harbour. Those concerns included land erosion, degradation of the water quality of inflowing streams to the harbour and the health of the harbour fishery. The Whaingaroa Environment Protection Trust developed a catchment plan to protect and restore the special qualities of this harbour environment. Work

undertaken by the Trust under the plan includes:

- supporting Whaingaroa Harbour Care and other landcare groups, and working with farmers to fence and plant stream and harbour margins
- improving culvert and bridges on public and private roads so native fish can travel upstream
- assisting whitebaiters to work together to restore the fishery on particular streams
- building partnerships between government agencies and locals to preserve key natural areas through formal protection and plant and animal pest control
- creating a range of learning opportunities for the community in the management of catchment wildlife including fresh and saltwater fisheries, and in sustainable land and waste management.

Appendix 2 – Regional policy statement review table and summaries

1. Regional policy statement review table

Name of Plan	Reference	Identifies relationship between Māori and fresh water (Yes /No / Other)	Identifies role of Māori in freshwater management (Yes / No / Other)	Identifies issues/ concerns for Māori	Identifies methods of implementation to assist Māori in management of freshwater (Yes / No / Other)	Nature of methods (refer to key at bottom of table)
Auckland Regional Policy Statement (1999)	Chapters 2.3.8, 3, 8.2.4, 8.4.24 and Appendix D	Yes	Yes	Yes	Yes	Statutory, operations, education and consultation
Bay of Plenty Regional Policy Statement (1999)	Chapters 3.1.1, 3.1.4, 3.2.1, 3.3.1, 3.4.0, 3.4.1, 4 and 5.3	Yes	In part	Yes	Yes	Statutory, operations, education and consultation
Canterbury Regional Policy Statement (1998)	Chapters 2.2, 3.2(b), 5, 6, 9 1(a), and 9.4	Yes	Yes	Yes	Yes	Statutory, operations, education, consultation and governance
Regional Policy Statement for Southland (1997)	Chapters 1.4, 2.2, 3.8, 5.1, 5.3, 5.4 and 5.5.	Yes	Yes	Yes	Yes	Statutory, operations, projects, education, consultation, governance and levies
Waikato Regional Policy Statement (2000)	Chapters 2.1 and 3.4.10	Not really	Not really	Yes	Yes	Statutory, operations, projects, education and consultation

EXPLORATION OF MĀORI PARTICIPATION IN FRESHWATER MANAGEMENT

Name of Plan	Reference	Identifies relationship between Māori and fresh water (Yes /No / Other)	Identifies role of Māori in freshwater management (Yes / No / Other)	Identifies issues/ concerns for Māori	Identifies methods of implementation to assist Māori in management of freshwater (Yes / No / Other)	Nature of methods (refer to key at bottom of table)
Taranaki Regional Policy Statement (1994)	Sections 3.2.13, 3.3.8 and 4.4	Yes	Yes	Yes	Yes	Statutory, operations, projects, education, consultation, governance and levies.

Reference key for “nature of methods” in table above

Statutory	Provides a policy or rule in relation to Māori involvement in water management
Operations	Operational tasks and activities that are already part and parcel of services provided by a statutory body (would continue regardless of its reference in the document/are required by legislation)
Projects	Temporary activities or tasks that require resourcing, a detailed plan and management
Education management	Programmes or publications designed to raise awareness, educate and guide
Consultation	Requests to applicants to liaise, discuss, or engage with Māori regarding a proposal
Relationship	Cooperation, partnership, relationship to resolve matters as they arise
Governance	The establishment of a new governance or management structure that includes Māori in decision-making processes
Levies	The consideration of a tax, rate or levy on an activity as financial contribution to environmental impacts
Monitoring	Measuring water quality and quantity
Information	The provision of relevant information (outside resource consent process)

2. Regional policy statement summaries

Auckland Regional Policy Statement (1999)

The ARPS has a specific section on matters of significance to iwi. This section sets out a broad range of methods to address policy relating to Māori and fresh water. The methods of implementation include:

- consultation
- listing sites of significance
- protection of sites of significance
- provision of information
- evaluation of management techniques
- recognition of customary uses of ancestral tāonga
- maintaining an inventory of customary uses
- formal agreements
- information base of Treaty claims
- lists of representatives
- Māori hearings commissioners
- Māori language and tikanga in hearings
- consultation guidelines
- directory of Māori organisations
- consultation when considering section 33 transfers
- consultation with tāngata whenua when Treaty claims and relevant customary uses affected in regard to findings of Waitangi Tribunal
- opportunities to involve tāngata whenua in management/transfer of functions in specific sites and areas.

Bay of Plenty Regional Policy Statement (1999)

The Bay of Plenty Regional Policy Statement (RPS) has a specific chapter on 'Matters of Resource Management Significance to Iwi Authorities'. Freshwater issues are focused on water contamination and natural hazards (flood).

Methods of implementation include:

- maintaining understandings of law and Tribunal reports
- considering Māori hearings commissioners
- protection mechanisms
- consultation
- feedback during reviews of RPS

- consultants in resource consents
- contact with other councils
- establishing joint committees
- assistance with iwi management plans
- considering s33 transfers.

Tāngata whenua is not mentioned (specifically) in freshwater section of RPS (chapter 8).

A recent Plan Change No 1 became operative in late June 2008. This plan change includes a set of criteria for identifying, recording and assessing the significance of natural and historic heritage features (Chapters 5, 15 and 16). These changes will effect district plan changes and resource consents.

Environment Bay of Plenty is currently conducting a review of the regional policy statement. It is using section 35 (RMA) as a method for reviewing the plan's efficiency and effectiveness. The tools it is using have identified gaps in policy which have suggested rationalisation, prioritisation, more measureable objectives, and use of key performance indicators.

Canterbury Regional Policy Statement (1998)

Promotes partnerships, relationships and three Treaty principals (partnership, active protection, good faith).

Chapter 5 which deals specifically with tāngata whenua regional management matters – relationships, roles and tribal organisation, and the representation list – is useful.

Freshwater and rivers issues cover water quality and quantity and sites protection. Issues are identified for the region and each committee's interest area. These are more an expression of tāngata whenua views rather than the council's position or policy.

Chapter 6 sets out provision for the relationship of tāngata whenua with resources. Methods of implementation include consultation, participation, conflict resolution procedures, education and promotion, joint management of sites (such as Lake Ellesmere (Te Waihora)), and encouragement for iwi management plans and monitoring.

In Chapter 9 Water, methods cover those above plus setting levels.

Regional Policy Statement for Southland (1997)

The Southland Regional Policy Statement (RPS) includes a full range of methods and well-linked policy. The issue user guide in the front section of the plan includes 'takata whenua' issues. In 1.4 'terminology', reference is made to Māori dialect in the plan.

The RPS identifies iwi authorities as having some statutory role through iwi management and Part II matters. It sets out the following methods of implementation:

- information, education and public awareness

- promotion
- advocating
- negotiation, facilitation, mediation and arbitration
- consultation
- developing guidelines for resource users
- protocols and accords
- monitoring
- investigation and research
- strategies
- regional plans, coastal plans
- district plans
- plans and other documents
- resource consents
- conditions on public works
- economics instruments – compensation – grants
- assistance (technical)
- works and services
- delegations and transfers of powers
- ownership.

In 5.1.7, the RPS has a specific section: ‘the values and relationships of takata whenua with water’.

In 5.1.11, the RPS articulates the commitment through the accord with ‘takata whenua of Murihiku’ to methods of implementation for each section of the RPS – information, education and awareness, consultation, assistance for investigation and research, engagement on preparing and administering regional and district plans, consultation on resource consents, and consideration of section 33 + 34 transfers.

In 5-3, 5-4, 5-5, underwater quality and water quantity, the RPS has consultation provisions.

Waikato Regional Policy Statement (2000)

The RPS puts a lot of emphasis on consultation with tāngata whenua to determine how to recognise Part II matters relevant to tāngata whenua.

Implementation methods regarding the principles of the Treaty include identification of iwi authorities, process for mutual understanding of Treaty principles, agreement on roles and implementing Treaty principles, and education programmes.

For active participation of tāngata whenua in plan development and resource consents, there is support for iwi preparing plans, negotiating assistance and encouraging consultation.

For acknowledging the relationship of tāngata whenua with natural and physical resources, there is:

- consultation regarding significant sites
- consultation over policy and plan preparation
- provisions in plans and consents.

With regard to kaitiakitanga, there is:

- consultation on a resource and site-specific basis
- consultation on practical expressions of kaitiakitanga
- integrating kaitiakitanga into regional plans and district plans.

In Chapter 3.4.10, Water – implementation methods for Māori interests include:

- recognition in regional plans and consents
- establish water bodies that recognise Māori
- develop an action plan for regional information
- provide information and guidance.

Appendix 3 – Regional plan review table and summaries**1. Regional plan review table**

Name of Plan	Reference	Identifies relationship between Māori and fresh water (Yes/No/Other)	Identifies role of Māori in freshwater management (Yes/No/Other)	Identifies issues / concerns for Māori (Yes/No/Other)	Identifies methods of implementation to assist Māori in management of fresh water (Yes/No/Other)	Nature of methods (refer to key at the end of this table)
Bay of Plenty Regional Water and Land Plan	Chapters 2, 3, 4, 5, 6, 8, 9, 10 and 11	Yes	Yes	Yes	Yes	Statutory, operations, projects, education, consultation, relationships, governance, monitoring and information
Canterbury Natural Resources Regional Plan	Chapters 4, 5, 6, and 7	Yes	Yes	Yes	Yes	Statutory, operations, projects, education, consultation, relationships, governance, monitoring and information
Gisborne Regional Discharge to Land & Water Plan (2006)	Introduction and Chapter 7	Yes	Yes (lightly)	Yes (very broadly)	Yes – limited to Treaty of Waitangi principles and broad-brush introductory statements	Statutory, consultation, relationships, monitoring and information
Marlborough District Council Regional Plan (2003)	Chapters 3 and 6	Yes	Yes	Yes	Yes	Statutory, operations, projects, education, consultation, relationships, governance, monitoring and information

EXPLORATION OF MĀORI PARTICIPATION IN FRESHWATER MANAGEMENT

Name of Plan	Reference	Identifies relationship between Māori and fresh water (Yes/No/Other)	Identifies role of Māori in freshwater management (Yes/No/Other)	Identifies issues / concerns for Māori (Yes/No/Other)	Identifies methods of implementation to assist Māori in management of fresh water (Yes/No/Other)	Nature of methods (refer to key at the end of this table)
Nelson City Council Freshwater Plan	Chapters 4 and 5	Yes	Yes	Yes	Yes	Statutory, projects, education, consultation, relationships, governance, monitoring and information
Northland Water and Soil Plan	Chapters 4, 5 and 6	Yes	Yes	Yes	Yes	Statutory, education, consultation, relationships, governance, monitoring and information
Southland Proposed Regional Water Plan (2008)	Chapters 1, 2, 3, 4, 5, 6	Yes	Yes	Yes	Yes	Statutory, education, consultation, relationships, governance, monitoring and information
Taranaki Freshwater Plan	Chapter 4	Yes	Yes	Yes	Yes	Statutory, education, consultation, relationships, governance, monitoring and information
Tasman District Regional Plan Water	Chapter 30	Yes	Yes (limited)	Yes	Yes (limited)	Statutory, education, consultation, relationships, monitoring and information

EXPLORATION OF MĀORI PARTICIPATION IN FRESHWATER MANAGEMENT

Name of Plan	Reference	Identifies relationship between Māori and fresh water (Yes/No/Other)	Identifies role of Māori in freshwater management (Yes/No/Other)	Identifies issues / concerns for Māori (Yes/No/Other)	Identifies methods of implementation to assist Māori in management of fresh water (Yes/No/Other)	Nature of methods (refer to key at the end of this table)
Waikato Regional Plan	Chapters 1, 2 3, 4	Yes	Yes	Yes	Yes	Statutory, operations, projects, education, consultation, relationships, governance, levies, monitoring and information
Auckland Regional Plan Air Land Water	Chapters 1, 2, 3, 5, 6, 7	Yes	Yes	Yes	Yes	Statutory, operations, projects, education, consultation, relationships, governance, levies monitoring and information
Horizons Manawatu Regional Land Water Plan (2003)	Chapters 2, 3, 4 and 5	Yes (limited)	Yes (limited)	Yes	Yes (limited description; reliance on rules)	Statutory, education, consultation, relationships, monitoring and information
Otago Regional Plan Water (2004)	Chapters 2, 4, 6, 7, 8, 9 and 10	Yes	Yes	Yes	Yes	Statutory, operations, projects, education, consultation, relationships, governance, levies monitoring and information

EXPLORATION OF MĀORI PARTICIPATION IN FRESHWATER MANAGEMENT

Name of Plan	Reference	Identifies relationship between Māori and fresh water (Yes/No/Other)	Identifies role of Māori in freshwater management (Yes/No/Other)	Identifies issues / concerns for Māori (Yes/No/Other)	Identifies methods of implementation to assist Māori in management of fresh water (Yes/No/Other)	Nature of methods (refer to key at the end of this table)
Regional Freshwater Plan for Taranaki	Part I, II (in particular Chapter 4), III, and IV	Yes	Yes	Yes	Yes	Statutory, education consultation, relationships, governance, monitoring and information
Waitaki Regional Plan	Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9	Yes	Yes	Yes (focus on allocation)	Yes	Statutory, education consultation, relationships, governance, monitoring and information
Wellington Freshwater Plan (1999)	Chapters 1, 2, 4, 5, 6, 7, and 8	Yes	Yes	Yes	Yes	Statutory, education consultation, relationships, governance, monitoring and information
West Coast Proposed Regional Water Plan (2007)	Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, and 13	Yes	Yes	Yes	Yes	Statutory, education consultation, relationships, governance, monitoring and information

Reference key for “nature of methods” in table above

Statutory	Provides a policy or rule in relation to Māori involvement in water management
Operations	Operational tasks and activities that are already part and parcel of services provided by a statutory body (would continue regardless of its reference in the document/are required by legislation)
Projects	Temporary activities or tasks that are will require resourcing, a detailed plan and management

EXPLORATION OF MĀORI PARTICIPATION IN FRESHWATER MANAGEMENT

Education management	Programmes or publications designed to raise awareness, educate and guide
Consultation	Requests to applicants to liaise, discuss, or engage with Māori regarding a proposal
Relationship	Cooperation, partnership, relationship to resolve matters as they arise
Governance	The establishment of a new governance or management structure that includes Māori in decision-making process
Levies	The consideration of a tax, rate or levy on an activity as financial contribution to environmental impacts
Monitoring	Measuring water quality and quantity
Information	The provision of relevant information (outside resource consent process)

2. Regional plan summaries

Bay of Plenty Regional Water and Land Plan

The Bay of Plenty Regional Water and Land Plan has a specific section afforded to kaitiakitanga (Chapter 2). A number of resource management issues of importance to tāngata whenua are identified in this part of the plan as follows:

- there being a significant gap between tāngata whenua claim of rangatiratanga for water and the role assumed by the Crown and delegated to the regional council
- the extent to which tāngata whenua seek to assume the management of water and other taonga within their tribal rohe has yet to be described or achieved
- the role of tāngata whenua as kaitiaki of water resources is given token regard or not recognised at all
- tāngata whenua may feel their concerns about water resources are not being fully addressed or considered during resource management decisions
- consultation with tāngata whenua on water issues may not be occurring to the extent tāngata whenua consider necessary to recognise and provide for the status Māori have under the RMA
- iwi/hapū resource management planning documents may not be recognised in resource management decisions
- wāhi tapu and taonga and sites of traditional cultural activities are being damaged or destroyed by use and development activities.

The policies in the plan seek to deliver environmental outcomes that take into consideration the above mentioned issues. The rules framework is also thorough, with Māori cultural values assessment criteria for most discretionary activities. The policies establish appropriate objectives and methods of implementation, with explanations and principal reasons.

Of note, methods of implementation to assist in achieving the intent being the policy framework include an undertaking by EBOP to:

- educate, promote and provide information
- work with other resource management agencies and the community
- use regulatory methods appropriately
- consider matters relevant to resource consent applications and processing
- provide works and services
- undertake monitoring and investigation of the environment
- when appropriate, provide an advocacy role.

Canterbury Natural Resources Regional Plan

Chapters 4 (water quality), 5 (water quantity), 6 (beds and margins of lakes and rivers), and 7 (wetlands), all refer to the significance of tāngata whenua values and the legislative requirement for tāngata whenua to have involvement in resource management procedures.

Each chapter has an introduction, background, the statutory framework for management and resolution of each issue through objectives, policies and rules.

At 4.1.1, a specific section is devoted to Ngāi Tahu values. It states: “Ngāi Tahu seeks the following outcomes:

- maintenance of the mauri of natural and physical resources and the restoration of mauri where it has been degraded by the actions of humans
- recognition of tāngata whenua as kaitiaki of water
- protection of wāhi tapu sites from inappropriate activities
- protection of the integrity of water bodies for cultural uses by prohibiting “unnatural” mixing of waters from different water bodies
- maintenance or enhancement of water quality by controlling the discharge of point and non-point sources of contaminants to water and the prohibition of the direct discharge of human effluent to water
- the discharge of water containing industrial or agricultural effluent be required to pass through land before it enters a water body
- the restoration of wetlands and riparian margins to be encouraged because of their pollution abatement functions.”

Links are made in Chapter 4 to the regional policy statement provision to ... “protect wāhi tapu and other wāhi taonga of value to tāngata whenua”.

Section 4.3.4 refers to the Ngāi Tahu Freshwater Policy.

Section 5.2.1.5 acknowledges the significance placed on mauri, wāhi tapu, wāhi taonga and mahinga kai. Section 5.2.2.3 refers to tāngata whenua values in and around lakes.

Reference is made throughout the plan to the Ngāi Tahu Claims Settlement Act (1998) and to Ngāi Tahu plans and strategies. Overall, it seems Ngāi Tahu have had significant involvement in the development of the Canterbury NRRP with tāngata whenua values well represented and clearly defined.

Gisborne Regional Discharge to Land and Water Plan (2006)

At 1.4.4.1, the plan identifies the relationships with iwi authorities. Principles have been incorporated from several sources including the reports of Māori working groups. Principles include:

- that the mauri of the district’s environment is protected

- that the principles of the Treaty of Waitangi are taken into account in resource management
- that there are increased opportunities for tāngata whenua to exercise kaitiakitanga in the district
- that there are increased opportunities for cultural aspirations and tikanga of tāngata whenua with regard to natural and physical resources.

There are links to the Gisborne District RPS with respect to Treaty of Waitangi principles.

Chapter 7 'Discharges of uncontaminated water to water' contains the following objective and supporting policy:

- Objective 7.1.2 – discharges of water to water should be managed to recognise and avoid adverse effects on the mauri of the waters
- Policy 7.2.2 – when considering applications to discharge water to water to take into account the values of tāngata whenua that may be affected
- no methods of implementation are provided.

Marlborough District Council Regional Plan (2003)

Chapter 3 (fresh water) has an introduction that discusses the various freshwater resource management issues in the Marlborough region, followed by objectives, policies and methods of implementation. The following issues and policies are identified relevant to tāngata whenua interests:

- Issue 3.2.1 – degradation of the quality of water within wetlands, lakes and rivers due to use and development of resources
- Issue 3.2.2 – objectives and policies
- Objective 1 – maintenance and enhancement of aquatic ecosystems and the management of the effects of activities on water quality in wetlands, lakes and rivers that enables (c) cultural integrity
- Policy 1.3 – avoid the discharge of contaminants into fresh water where it will adversely affect areas identified by iwi as being of special spiritual, cultural or historical significance.

Methods of implementation include rules, education, advocacy, liaison (in particular with tāngata whenua), monitoring and research.

Chapter 6 (tāngata whenua and heritage) specifies issues, objectives, policies and methods of implementation specific to tāngata whenua interests in the management of water. Methods of implementation include:

- management
- resource consents
- prohibited activities
- specific identification.

Nelson City Council Freshwater Plan

Chapter 4 – Resource Management Issues

RI (resource issue) 14 relates to tāngata whenua interests and sets out the following issues:

- adequate recognition of the needs and aspirations of tāngata whenua in resource management processes
- managing the adverse effects of resource use on cultural values and sites of significance to tāngata whenua
- access to culturally important resource such as pingao, flax, and kiekie
- identification and setting aside as wāhi tapu reserves, any sites of significant traditional value
- avoidance of damage to wāhi tapu sites as a result of earthworks or activities
- recognition of Māori communities for resource management purposes
- providing for kaitiakitanga and self management of tribal resources.

RI 18 – Freshwater Environment (section viii) states: “Fresh water is essential for survival and rivers are valued by many people for aesthetic, recreational, spiritual and cultural reasons.”

Chapter 5 – District Wide Objectives and Policies, sets out policies providing for the relationship of tāngata whenua with resources. In particular, policy 1.1.6 – water management, which states: “Make policy decisions on water management having regard to the provisions of resource management plans, such as eel management and iwi environmental management plans, that promote the sustainable use of water and associated resources.”

There is a cross reference to Nga Taonga Tuku Iho ki Whakatu Management Plan (Nelson Iwi Management Plan).

Anticipated environmental results include resource management decisions that include perspectives of Māori, increased management by iwi of their resources and iwi input into the present day management of natural resources.

DO 17 – Activities in the beds of rivers lakes and wetlands, refers to Nga Taonga Tuku Iho ki Whakatu Management Plan (Nelson Iwi Management Plan) – protection of wāhi tapu and the avoidance of adverse effects on the mauri of water resources, followed by objectives, policies and rules including monitoring and compliance to ensure cultural values are taken into consideration when dealing with water resources in the region.

Northland Water and Soil Plan

Section 4 of the plan provides specific comment on resource management issues under the jurisdiction of the plan from an iwi perspective. It states that water is a significant resource to tāngata whenua; all water is taonga and mauri is contained in taonga.

Section 5 sets out the management approach of the Northland Regional Council to address resource management issues, including:

- education, provision of information and advice
- codes of practice and guidelines
- rules and environmental standards
- water quality guidelines
- riparian management
- integrated catchment management
- minimum flows
- adoption of best practicable options
- monitoring.

The involvement of tāngata whenua in the above recognises and provides for Māori and their culture and traditions (RMA, section 6) is set out in the issues, objectives, policies, methods of implementation and principle reasons for adopting of those objectives, policies and rules. This section of the plan covering tāngata whenua interests and involvement with resource management of water resources is very comprehensive.

Plan effectiveness in terms of cultural needs (Section 39.7) is measured as follows:

- increased awareness of cultural needs of Māori, including recognition of Māori as a partner to the Treaty of Waitangi
- identification and protection of sites of special value to tāngata whenua in accordance with tikanga Māori including, where appropriate, the direct involvement of Māori in the management of the sites
- provision for the particular cultural concerns regarding the disposal of human and animal effluents to water.

Southland Proposed Regional Water Plan (2008)

Importance of partnership with tāngata whenua (Ngāi Tahu) identified in the introduction of the plan.

Purpose of the plan is to recognise and provide for the relationship of Māori and their culture and traditions with water, lakes, rivers and wetlands.

Strong policy framework that identifies Māori cultural values as being important in decision-making procedures associated with water resources.

The principle elements identified as being important to tāngata whenua in relation to rivers, lakes, and wetlands include:

- protection of mauri and wairua
- adverse effects on mahinga kai
- protection of wāhi tapu and other taonga
- recognition of special significance of particular water bodies.

Rules framework provides for tāngata whenua interests.

Taranaki Freshwater Plan

The purpose of the plan is to assist the Taranaki Regional Council (TRC) to carry out its functions under the RMA to promote the sustainable management of the freshwater resources of the region. The plan identifies how freshwater resources of the region (both surface water and ground water) are to be managed.

It does this by identifying important issues from state of the environment monitoring relating to the use, development and protection of the freshwater resources of Taranaki. Objectives, policies and methods are set out for addressing these issues. Ongoing state of the environment monitoring enables the TRC to assess the effectiveness of the plan and review policy direction where necessary.

Tāngata whenua considerations/Māori cultural values are well canvassed throughout the plan. Chapter 4 specifically relates to tāngata whenua considerations. Issue 4.1 states: “Recognising and providing for the relationship of tāngata whenua and iwi and hapū of Taranaki and their culture and traditions, with their water, sites, wāhi tapu and other taonga.”

Principle issues addressed adequately through policy framework, rules, and methods of implementation include:

- recognition of spiritual values
- adverse effects on mahinga kai
- protection of wāhi tapu and other taonga
- recognition of special significance of particular water bodies.

Methods of implementation include application of regional rules, consultation, participation of tāngata whenua in resource consent procedures, investigation of potential funding to assist tāngata whenua, and encouragement by TRC for iwi or hapū to participate in environmental monitoring.

Tasman District Regional Plan Water

Chapter 30 has an introduction which sets out the water resources of the Tasman region and discusses values associated with water. A specific section is afforded to discussion of tāngata whenua values. Here, the plan states (amongst other things):

- water is of great significance to tāngata whenua
- as kaitiaki, or guardians, tāngata whenua believe that the maintenance of the mauri, or life-supporting capacity of water, is fundamental to ensuring the physical and spiritual survival of all living things
- water bodies provide tāngata whenua with mahinga kai
- tāngata whenua have a long association with water bodies in the Tasman region
- statutory requirements to recognise and provide for Māori cultural values when dealing with resource management issues associated with water.

A suite of issues, objectives and policies are then set out, but in terms of Māori cultural values, there is no specific objective other than avoiding adverse effects on 'cultural values'.

Methods of implementation include statutory (primarily through rules (Chapter 31)), education and advocacy, financial contributions (incentives for wetland enhancement etc), and investigations and monitoring (to ensure that anticipated environmental outcomes are occurring and, in turn, measure the effectiveness of the plan).

Waikato Regional Plan

Chapter 1 sets out approaches to resource management. Environment Waikato (EW) has chosen to develop a resource-based regional plan. The Waikato Regional Plan is an integrated plan covering the parts of the environment for which EW has functions under Section 30 of the RMA: for water, river and lake beds, land and soil, air, and geothermal resources (Section 1.2.1.1).

Policies provide direction and certainty to resource users, tāngata whenua, and the general public regarding the use, development and protection of natural and physical resources of the region.

Policy 10 – Consultation with tāngata whenua, provides that Assessment of Environmental Effects (AEEs) for resource consent applications include, where appropriate:

- a record of consultation conducted with tāngata whenua
- information on how the activity will affect the relationship of tāngata whenua with the natural and physical resources EW is responsible for managing in this plan.

Section 1.2.5 provides broad implementation methods, including monitoring permitted activities, good practice guides, environmental education, economic incentives, assessment criteria and principles of good consultation.

Chapter 2 discusses matters of significance to Māori. The introduction sets out the statutory context for consideration of Māori cultural values and the key resource management issues of importance to Māori in the Waikato region. The chapter then covers the issues specific to each iwi in the Waikato region, including Hauraki, Raukawa, Waikato-Tainui, Ngāti Maniapoto and Ngāti Tuwharetoa. Water is highlighted as a key resource management issue for all iwi.

Section 2.3 – Tangata Whenua Relationship with Natural and Physical Resources, sets out at resource management issues with objectives and policies. Issues relating to water include:

- Issue 2.3.1 – There is no clear process to define the relationship between tāngata whenua and the natural and physical resources for which they are kaitiaki. This creates uncertainty and costs for resource consent applicants, council, tāngata whenua, and the community, and hinders the ability of tāngata whenua to give effect to kaitiakitanga.
- This leads to Objective 2.3.2 (a) to minimise the uncertainty for all parties regarding the relationship between tāngata whenua and resources for which they are kaitiaki; and (b) for tāngata whenua to be able to give effect to kaitiakitanga.
- Supporting policies in section 2.3.3 establish processes for defining and maintaining the relationship and increasing awareness.

Implementation methods in section 2.3.4 include:

- identification of iwi authorities
- establishing working relationships
- integration with territorial authorities
- consideration of Treaty claims
- support and encouragement of tāngata whenua with iwi management plans
- collection and collation of information to make it available publicly
- identification of culturally sensitive information
- establishment of consultation protocols
- transferring of powers to tāngata whenua (where appropriate)
- consideration of tikanga in appointing hearings commissioners/scheduling hearings at marae
- careful consideration of discharge of human-based sewage effluents
- careful consideration of customary uses
- tāngata whenua participation in resource monitoring.

Chapter 3 – Water Module, focuses on water resources, the issues, objectives, policies, rules, and anticipated environmental outcomes. Issue 3.1.1 states:

- contamination of both spiritual and physical attributes of water quality, depletion of flows and other disruption to water bodies has the potential to adversely affect the relationship tāngata whenua as kaitiaki have with their identified taonga, the freshwater fishery, and flora and fauna in and on the margins of water bodies
- the mauri of water can be degraded by changes to flow regimes, discharges of point and non-point source contaminants, abstraction, drilling and drainage of wetlands. These changes can adversely affect the relationship tāngata whenua as kaitiaki have with water and their taonga, such as wāhi tapu and native flora and fauna that have customary and traditional uses that are in or on the margins of water bodies

- the mauri of water is degraded by contaminants and over abstraction and in turn has negative impacts on the mana of kaitiaki.

Objective 3.1.2: The management of water bodies in a way which ensures (a) that people are able to take and use water for their social, economic and cultural well-being; and (b) that significant adverse effects on the relationship tāngata whenua as kaitiaki have with water and their identified taonga such as wāhi tapu, and native flora and fauna that have customary and traditional uses in or on the margins of water bodies are remedied or mitigated.

Supporting policies are primarily scientifically based, eg, water classification. However, policy 6 under the heading 'discharges' seeks to ensure that the relationship of tāngata whenua as kaitiaki with water is recognised and provided for to avoid significant adverse effects and remedy or mitigate cumulative adverse effects on: (a) the mauri of water; (b) wāhi tapu sites; (c) other identified taonga.

Chapter 4 deals with river and lake bed resource management issues. Tāngata whenua interests are well canvassed.

Auckland Regional Plan – Air, Land, Water

The statutory context (RMA Part II) is set out in the introduction.

Section 1.7.6 refers to the importance of iwi planning documents.

Chapter 2.3 – Matters of Significance to Tāngata Whenua, provides five main policy directions:

- recognising sites and areas of special value in accordance with tikanga Māori, and providing appropriate levels of protection
- providing for Māori customary activities and actively protecting these from the effects of other activities
- the effective involvement of tāngata whenua in the preparation, implementation, monitoring and review of statutory plans and resource consent processes
- taking into account the effects of managing resources on Treaty claims and customary rights
- enabling the practical expression of kaitiakitanga by tāngata whenua.

These policy directions provide the basis for dealing with issues, and setting objectives, policies, rules and anticipated environmental outcomes within the plan. Tāngata whenua values for water resources are well canvassed.

Tāngata whenua “world view” is set out in Chapter 2.3. Relevant issues include:

- processes and activities adversely affecting relationships with ancestral taonga (2.3.2.1) – includes extensive discussion of relationships and water quality
- direct and effective tāngata whenua involvement in managing their ancestral taonga (2.3.2.2).

Methods of implementation to address the above issues include:

- ensuring plan rules provide opportunities for tāngata whenua to assess the potential effects of resource consent applications on relationships with ancestral taonga
- supporting and protecting kaitiaki initiatives, including rahui and whakatapu, and monitoring, enforcement and enhancement programmes
- local authorities assisting with the preparation of iwi resource management plans and incorporating such plans into statutory processes
- ensuring proactive and quality consultation occurs between tāngata whenua, applicants and local authorities
- ensuring quality information is available regarding tāngata whenua interests
- increasing the representation of tāngata whenua interests in decision-making, including the use of hearings commissioners with recognised expertise in tikanga Māori, where appropriate.

The plan demonstrates a strong policy framework on the management of water resources and the consideration of Māori cultural values in this context.

Horizons Manawatu Regional Land Water Plan (2003)

There is limited discussion and recognition in the plan of tāngata whenua relationships with water, and interests in the management of water through the issues, objectives and policies. Statutory requirements to engage with tāngata whenua are only indirectly acknowledged with no specific mention of Part II. Both regulatory (primarily rules) and non-regulatory methods are used to achieve sound water management and consideration of tāngata whenua interests.

Otago Regional Plan Water (2004)

Chapter 4 – Kai Tahu ki Otago, has a thorough analysis of tāngata whenua relationship with water and the legislative requirements to take Māori cultural values into account. Issues of concern to Kai Tahu are clearly set out with a helpful link to relevant issues, objectives and policies throughout the rest of the plan.

Chapter 4 enables Chapters 6 (water quantity), 7 (water quality), 8 (beds and margins of lakes and rivers), 9 (groundwater) and 10 (wetlands) to focus on the science behind achieving good quality outcomes while cross-referencing to chapter 4 for tāngata whenua values.

Section 2.3 – Other Resource Management Documents, states that reference should be had to the Natural Resource Management Plan prepared by Kai Tahu ki Otago.

Regional Freshwater Plan for Taranaki

In Part II, Chapter 4, the plan states that it is important to recognise and provide for the relationship of tāngata whenua and iwi and hapū of Taranaki and their culture and traditions with their water, sites, wāhi tapu and other taonga. The principal issues identified are:

- recognition of spiritual values
- adverse effects on mahinga kai
- protection of wāhi tapu and other taonga
- recognition of special significance of particular water bodies.

These are followed by objectives and supporting policies to address the principal issues identified. Methods of implementation include the application of regional rules, tāngata whenua consultation, provision for tikanga Māori in hearings procedures, support for iwi/hapū initiatives, planning assistance, funding, and encouraging tāngata whenua monitoring to measure the effectiveness of the plan.

Waitaki Catchment Water Allocation Regional Plan (2005)

The plan sets out in Chapters 1, 2 and 3 the legal framework and introduces the natural and physical resources and communities of the Waitaki catchment.

Chapter 4 provides an overview of requirements for water. A specific section is afforded to tāngata whenua cultural requirements for water.

Chapters 5, 6, 7, 8, and 9 set out the key issues for water allocation, the policy framework, rules, and anticipated environmental outcomes. Tāngata whenua values are taken into consideration.

The plan mentions requirement to take into account the Ngāi Tahu Claims Settlement Act (1998) and that iwi management plans must be considered.

Wellington Freshwater Plan (1999)

Chapter 1 provides a broad introduction to the area covered by the plan and its scope. Chapter 2 identifies key issues. In Section 2.1, the relationship of tāngata whenua with fresh water is identified as a key issue.

Chapter 4 sets out 'general' objectives and policies. Sections 4.1 and 4.2 relates to the relationship of tāngata whenua with fresh water.

More specific objectives, policies and rules are provided for in each of Chapters 5 (water quality and discharges to fresh water), 6 (water quality and the taking, use, damming or diversion of fresh water), and 7 (use of beds of rivers and lakes and development on the flood plain).

In section 8.1 the following methods have been identified to deliver on the issues, objectives and policies relating to the relationship of tāngata whenua with fresh water. Wellington Regional Council will:

- assist with collecting and collating relevant information to give effect to policy
- provide opportunities for tāngata whenua to participate in the resource consent process
- liaise with tāngata whenua over water resource issues in the region.

West Coast Proposed Regional Water Plan (2007)

Chapters 1, 2 and 3 introduce the plan, its purpose, the water resources within the West Coast region, and summarise the relevant legislative and policy framework. RMA Part II matters including provisions for Māori cultural values to be recognised and provided for are included throughout the plan.

Section 2.4 states that iwi management plans need to be considered for water management issues.

Chapter 4 specifically focuses on the Ngāi Tahu perspective on water resources. Various issues are identified.

Chapters 5, 6, 7, 8, and 9 contain objectives, policies and rules which refer 'generously' to tāngata whenua values.

Chapter 13 sets out methods (other than rules) to achieve the objectives and policies of the plan, including:

- liaison
- information channels
- promotion and education
- monitoring
- codes of practice and environmental management systems.

Appendix 4 – Long-term council community plan review tables

Greater Wellington Regional Council 10-Year Plan, 2006–2016

Indicators of community outcomes.

Healthy environment – fresh water and coastal water quality.

Strong and tolerant community – recognition of tāngata whenua.

Essential services – availability of potable water.

Māori capacity to improve Māori participation in discussion/meeting

- Charter of understanding
- Ara-tahi (iwi representative group)
- Wellington Regional Strategy Forum
- Iwi appointee on all resource committee hearing panels
- Technical works lawyers
- Iwi projects
- Secondments
- Two dedicated Māori liaison officers
- Training, direct contact with iwi

Environment – Quality and quantity of water

- River flows
- Identification of non-regulatory aspects – provision of information, education, restoration and enhancement of degraded eco-systems
- Key partnerships with iwi
- Rehabilitation of the Waiwhetu Stream

Levels of services – Develop and implement RPS and regional plans by 2016 targets:

- 60 wetlands
- Water quantity /quality in rivers and streams maintained or enhanced

By June 2007

- Wetland native plan
- Freshwater ecosystems programme
- Kaiwharawhara stream plan
- Waiwhetu stream action plan

- Pauatahanui inlet action plan
- Stormwater action plan

By June 2008

- Implementing above plans

By June 2009

- RPS approved and programme report
- Above plans implemented and progress report

Research key environmental issues and threats

- Response to pollution incidents
- Monitoring programmes

Investigate and clean-up pollution incidents

- Measure state of the environment
- Levels of services:
 - measure the quality and quantity of our natural resources eg, river flows

Confirm by 30 June 2016

- Provide environmental data – bathing water quality, river levels, rainfall, groundwater levels and lake levels
- Timely warning of threats to environment and human life

Short term by 30 June 2007

- Flood managers notified of river or rainfall triggers
- Water and consents manager notified of low groundwater levels in Waiwhetu aquifer

Report on State of the Environment

- Annual report cards – six yearly SIE
- Report card initiatives hydrology, groundwater and freshwater quality

Water supply

- Iwi not identified as a key partnership
- Iwi not identified as having a relationship

Parks

- Iwi identified as having key partnership
- Five regional parks
- Relationship with iwi a key issue as no obvious link between “relationship with iwi” and long-term and short-term targets
- An assumption has been made that Treaty claim will not change land ownership or administration of land

Community

- Iwi identified as being a key partnership
- “Iwi relationships” identified as a key issue
- Identity LGA 2002 as request for establishing and maintaining processes to provide opportunities for Māori to contribute to decision-making processes of council
- Specific activity identified “involve Māori in our work”

Levels of service

- Work with iwi collectively through Ara Tahi and also individually
- Assist iwi to undertake special requests and to work with council

Long-term target by 30 June 2016

- Mutually beneficial relationship

Short-term target by 30 June 2007

- Meet six times
- Iwi undertake projects within budget

Short term by 30 June 2008

- Meet six times
- Iwi committed to undertake projects within budget

Short term by 30 June 2009

- Meet six times
- Iwi committed to undertake projects within budget

Southland Long-term Council Community Plan, 2000–2016

The plan identifies seven community outcomes:

- Southland is a great place to live
- a diverse economy built from our strengths for growth and prosperity
- safe places in a caring society that is free from crime
- we are healthy people
- strong effective leadership taking us into the future
- a treasured environment which we care for and which supports us now and into the future
- a well-educated and skilled community continually seeking further opportunities.

Whilst local iwi appear to have been approached for formal written agreement to commitments, there are no obvious Māori expressions in the content.

The plan appears to give strong mandate to legislation and the tools of regional plans and strategies.

There is a specific section on water at the front of the plan (page 23). One of the measures and targets is:

- water quality of surface water will be maintained or enhanced so that it is suitable for bathing (in popular bathing sites), front and native fish, stock drinking water and Ngāi Tahu cultural values (including mahinga kai) by 2010

At page 71, there is a specific section on “Development of Māori” capacity to contribute to decision-making. The council has set out to undertake the following over the three-year period, 2006–2009:

- employ a tikanga Māori student
- fulfil obligations in the Huaraki no Nga Uri Whakatapu to those who hold manawhenua and to mata waka living in te takiwa o Murihiku
- create awareness of Māori electrical opportunities
- make appointment to specialist working parties, committees and hearing panels, where appropriate
- participate in a review of te Whakatau Kaupapa o Murihiku.

Summary: This plan is quiet on the subject of Māori community outcomes and has few references to freshwater management and Māori. There are general references to participation and identification of existing formal agreements. There does not appear to be any long-term levels of service and no indicators.

Environment Bay of Plenty – The 10-Year Plan, 2006–2016

The only council in New Zealand with Māori constituencies.

There are a few bilingual references.

The plan sets out eight community outcomes:

- a clear and protected environment
- healthy and safe communities
- value on learning and excellence
- quality, affordable infrastructure
- a vibrant and fulfilling lifestyle
- a prosperous and sustainable economy
- open and inclusive leadership
- respected culture and heritage.

Māori outcomes are difficult to distinguish in most of the outcomes with the exception of “respected culture and heritage”.

The clean and protected environment outcome rectifies “kaitiakitanga guardianship is practiced by all. We look after our land, air, and water resources”.

In the “open and inclusive leadership” outcome “council and Māori work in partnership”. This is measured by partnership between Māori and local government.

The plan sets out how outcomes are achieved in terms of strategic plans and processes. There are 35 of these: 9 strategies; 10 regional plans; 5 asset management plans; 6 policies and internal plans; 1 restoration programme; 1 partnership agreement; 3 scoping/marketing reports; and 1 RPS.

There is a specific section on “development of Māori capacity to constitute to decision-making processes”. The plan sets out principles and some steps to develop Māori capacity (p 37). These include:

- continue to provide Māori constituency seats
- assist hapū/iwi to head management plans
- continue to operate Māori Regional Representation Committee (MRRC)
- provide more opportunities to input information plans and strategies
- database of iwi contacts
- communication with Māori community
- continue to produce Treaty of Waitangi toolbox
- consider and offer support to proposals that enhance relationship with Māori
- investigate barriers to Māori capacity to contribute to decision-making processes
- interpreters at hearings
- implement statutory acknowledgements in treaty settlement legislation through MOUs
- consultation guidelines.

Under “Governance” Representation:

By term, level of services

- councillors are elected from Māori constituencies within Bay of Plenty Region.

Māori policy:

By term, levels of service:

- four meetings per year of MRRC
- consultation guidelines updated each year
- up-to-date hapū/iwi contents database
- RPS and regional plans recognise the relationship of Māori and their culture and traditions with their ancestral taonga.

2006–2009:

- implement statutory acknowledgements
- implement and evaluate new and existing methods of engaging with Māori community
- maintain and upgrade the hapū/iwi contacts database
- support MRRC
- fund/assist with hapū/iwi management plans
- advice on Treaty of Waitangi, kaitiakitanga, tikanga and kawa
- oral and written submissions in Te Reo Māori in accordance with council policy
- maintain and upgrade council Treaty toolbox
- complete hapū/iwi funding criteria and application form
- implant WBOP sub-region cultural heritage framework (Smartgrowth strategy and implementation plan)
- help with investigating tāngata whenua development areas
- committee guidelines
- Treaty of Waitangi training for checked-reps and staff.

The plan sets out revenue and expenditure for Māori policy.

There is an interesting issue on page 87 where it states that Kura Kaupapa Māori Schools are missing out on environmental education opportunities due to a shortage of Māori-speaking educators. The long-term plan is to work with Kura Kaupapa Māori and Whare Wananga to achieve environmental education outcomes by valuing Matauranga Māori.

At page 94, the natural resource management section includes sustainable water management capabilities for Māori to revitalise culture and heritage. Whilst the plan does not identify Māori issues or comments from Māori communities, the short- and long-term levels of service directly impact on local Māori communities particularly in relation to Rotorua Lakes Protection and Restoration Programme and to Kaituna River and Maketu Estuary Management strategy.

Summary: This plan does not articulate iwi or Māori community outcomes, however the community outcomes do have some reference to Māori. The plan relies on existing plans and strategies to implement measures to achieve outcomes. There is a separate Māori policy section and a large list of short-term methods but many of these have already occurred.

Environment Waikato Long-term Council Community Plan, 2006–2016

This plan provides a specific section on iwi community outcomes. The regional council, together with district councils, held hui throughout the region with tribal authorities and management boards. These meetings were recorded and a report prepared 'Nga Iwi o Tainui Long-term Community Planning Meeting with Councils, Hopuhopu, 12 May 2005'.

A community-outcomes working group was formed including five representatives of iwi, eight community stakeholder organisations, five from community, one from rural community, and eight from Strategic Partners Network. The working group were responsible for identifying draft community outcomes.

Raukawa Trust Board, Maniapoto Māori Trust Board and Waikato Rauputu Lands Trust developed iwi-specific outcomes. Summaries of hui are included in the LTCCP. The Strategic Plan has a set of eight principles and values (Pukenga, Ukaipo, Wairua, Kaitiakitanga, Whanaungatanga, Rangatiratanga, Manaakitanga, Kotahitanga).

The Maniapoto iwi-specific outcomes are a set of 17 objectives. A number of these objectives relate to conservation, restoration and the role of kaitiaki. The headings of the objectives include sustainable environment, quality of life, sustainable economy, identity, participation and equity.

The Waikato iwi-specific outcomes focus very strongly on the Waikato River. The summary sets out the relationship and role of Waikato iwi. There are eight outcomes identified which include:

- Mana-whakahaere over taonga
- education of the people
- partnership with the Crown
- resolution of outstanding claims
- tribal development
- Te Kotahitanga and Matauranga of its people
- safe and healthy lifestyles
- sustainable, equitable economic development.

The community outcomes have incorporated the iwi-specific outcomes:

- the traditional role of iwi and hapū of kaitiaki is acknowledged, respected and enabled
- iwi, hapū and Māori work together with central government, local government and community organisations in mutually beneficial partnerships
- our communities understand partnerships under the Treaty of Waitangi and representation and processes for the partnerships have integrity

- the unique status of tāngata whenua is respected and reflected in community processes
- Māori have an opportunity to participate in community development and sustain us. We respect and celebrate them as taonga.

The plan also has bi-lingual components eg, mission and goals – Ko to uaratanga me nga Whainga.

The plan then lists council contributions and actions to community actions. The contributions are broken into resource areas including AIS Quality, biodiversity, biosecurity, coastal, geothermal, governance and participation, inland waters, land and soil, navigation safety, regional hazards and emergency management, regional policy development and regulatory services, river and catchment systems, transport, waste, pollution prevention and contaminated land, EEO policy and programme.

Under governance and participation, iwi relationships have a specific level of service over three years which includes:

- provide advice and information to enable elected members and staff to engage meaningfully with Māori
- continue to prepare and implement MOU with Māori partners
- assist in the development of, and take into account, iwi management plans
- put in place responsive forums for effective iwi representation in council processes.

Long term the plan seeks to build robust and effective relationships with iwi in the Waikato region; provide a forum for effective iwi/Māori representation; and every 3-5 years, conduct an independent audit of the way to ensure the councils' practices are effective and appropriate. There are specific budget items shown.

Under 'inland waters', the focus of the levels of service is to work more efficiently by being hard structures and plans to control allocation and use. There is a monitoring programme for one kaitiaki group to monitor mahinga kai and the mauri of water by December 2007. Long term the plan indicates that tāngata whenua concerns about the mauri of the water will be reducing.

In the river and catchments systems section, iwi and Māori are not mentioned in levels of service, but they are mentioned in the issues (Taupo-nui-a-Tia).

In summary, this plan articulates Māori aspirations well (community relations at an iwi level) and incorporates well into community outcomes. There does appear to be a disconnect between outcomes, indicators and plan; and then this flows into resource areas where traditional roles of regional council lose the essence of the outcomes in favour of legislative agreements and conventional approaches to land and water management. The iwi-specific and Māori-favoured community outcomes are well reflected in the governance and participation side, but are very light, if at all, reflected in water programmes (levels of service).

Appendix 5 – Iwi management plan review tables

1. Iwi management plan review table

Name of Plan	Reference	Identifies relationship between Māori and fresh water (Yes /No / Other)	Identifies role of Māori in freshwater management (Yes / No / Other)	Identifies issues/ concerns for Māori	Identifies methods of implementation to assist Māori in management of fresh water (Yes / No / Other)	Nature of methods
Ngaiterangi Iwi Resource Management Plan (1995)	Sections 2.4, 3.3.3, 3.4, 4.3 and 4.4	No	No (not specifically)	Yes	Yes	Projects, education, levies and governance
Pirirakau Hapū Environmental Management Plan (2004)	Sections 8.1 and 9.2.	Yes	Yes (generically for all natural resources)	Yes (very light)	Yes	Statutory, projects, education and monitoring
Ngāti Rehia Environmental Management Plan (2007)	Part B, sec11	Yes	Yes (including internal structures and relationships externally)	Yes	Yes	Statutory, operations, projects, education, consultation, relationships and governance
Waikato Iwi Management Plan (1996)	Section 2, p23, p59, p61–62 and section 4	Yes	Yes	Yes	Yes	Statutory, operations, projects, education, consultation, relationships and governance
Ngāti Paoa Perspective on Resource Management (1993)		Yes	Yes	Yes	Yes	Statutory, operations, projects, education, consultation, relationships, governance and

EXPLORATION OF MĀORI PARTICIPATION IN FRESHWATER MANAGEMENT

Name of Plan	Reference	Identifies relationship between Māori and fresh water (Yes /No / Other)	Identifies role of Māori in freshwater management (Yes / No / Other)	Identifies issues/ concerns for Māori	Identifies methods of implementation to assist Māori in management of fresh water (Yes / No / Other)	Nature of methods
						monitoring
Ngāi Tai ki Umupuia Strategic Plan 2002–2005		Yes (values)	Yes (generically)	No	Yes	Statutory, education, consultation, relationships and governance
Hauraki Iwi Environmental Plan (2004)	Section 3, p19–20, Section 5, p37–38	Yes	Yes	Yes	Yes	Statutory, operations, projects, education, relationships and monitoring
Kawerau a Maki Trust Resource Management Statement (1995)	Sections 2, 3, and 4.4	Yes	Yes (kaitiaki)	Yes	Yes	Consultation, relationships and education
Ngāti Pukenga he matakite (2000)	Pages 19, 25, 26, 28, 29	Yes	Yes	Yes	Yes	Statutory, education and governance
Wairoa River and Coastal Environment: Issues and Options Paper (1995)	Sections 4.4, 8, & 9.4	Yes (briefly)	Yes	Yes	Yes	Statutory, operations, relationships and information
Draft Maniapoto Iwi Environmental Management		No	Yes (generally)	Yes	Yes	Statutory, operations, projects, education, relationships,

EXPLORATION OF MĀORI PARTICIPATION IN FRESHWATER MANAGEMENT

Name of Plan	Reference	Identifies relationship between Māori and fresh water (Yes /No / Other)	Identifies role of Māori in freshwater management (Yes / No / Other)	Identifies issues/ concerns for Māori	Identifies methods of implementation to assist Māori in management of fresh water (Yes / No / Other)	Nature of methods
Plan (2007)						governance and monitoring
Tuwharetoa Environmental iwi Management Plan (2003)	Kaitiakitanga partnership, Te Waipuna Ariki, Appendix 5	Yes (owners/kaitiaki)	Yes	Yes	Yes	Statutory, projects, education, relationships, governance monitoring and information

2. Iwi management plan summary

Ngaiterangi Iwi Resource Management Plan (1995)

This plan focuses very much on coastal and harbour resources. As such, fresh water is referred to as a contributing resource to the harbour ie, inland waterways. The plan has hapū-centric sections that refer to pollution and siltation of inland waterways. The methods for addressing these issues include not issuing consents for sensitive waterways, restoration/conservation programmes for waterways, reduction of farm run-off and organic farming methods, recognition of land takings for water catchments and putting levies on **any** activity that has effects on inland waterways. The latter two sections of the plan relate to governance and management structures that will participate in management of natural and physical resources.

Pirirakau Hapū Environmental Management Plan (2004)

This plan sets out briefly the relationships between the hapū and fresh water with more emphasis on all natural and physical resources, in this context referred to as taonga. The role of Te Pirirakau is at a generic level. Issues and concerns regarding freshwater management are identified in a specific freshwater section as well as sections for wastewater, stormwater and water supply. The plan sets out a small number of methods

including working with councils, monitoring water quality, educating landowners, and tracking progress of regional planning documents addressing water and discharges.

Ngāti Rehia Environmental Management Plan (2007)

This plan clearly sets out the structural framework for Ngāti Rehia governance and management and the way they wish to engage with statutory authorities, landowners and other stakeholders. The plan describes relationships with natural and physical resources, referred to often as taonga.

There is a specific section on water and, in particular, water quality and quantity. Issues are well-articulated and a considered list of policies and methods are provided. The methods include prohibitions on human effluent discharges to water, participating at all levels in plan preparation and implementation, fencing and riparian planting projects, support for community-based initiatives, relationships with statutory agencies and other hapū, and monitoring of implementation.

Waikato Iwi Management Plan (1996)

This plan provides a comprehensive description of the relationships Waikato iwi have with water as well as the role they wish to play. There are specific sections addressing water including fresh water. The plan sets out a large number of policies and methods for implementation. These are particularly focused on water quality and avoidance of contamination, prohibitions on physical modifications to freshwater bodies, use of Rāhui, consultation and participation on all subdivisions, water extraction, reclamations, dredging and maintenance that improves 'natural' stream environments. The plan also sets out how the role of iwi authorities shall be implemented and the social/political context for these relationships.

Ngāti Paoa Perspective on Resource Management (1993)

This plan is in two parts. The first provides perspective on resource management matters including water quality, conservation, wāhi tapu and process matters such as consultation, transfer of powers, contracting and silent files. Part two of the plan sets out policies regarding the role of Ngāti Paoa in management of natural and physical resources. This appears to be based on Treaty principles and Part II of the RMA. Whilst there is not a specific section on fresh water, the plan sets out a range of policies that are quite specific.

Implementation methods are incorporated into the policies and include ownership of natural resources, input into all decisions, transfer of powers, no planning restrictions to water use by tāngata whenua, regional council annual budget resources, technical expertise, consultation and relationships. A section on kaitiakitanga also provides a list of policies that incorporates methods of implementation. These include affirmative action against environmental degradation, observance of the lunar calendar, employment, scholarships, education and training, and restoration projects. A small number of other policies are relevant here which include monitoring of water systems, assisting preparation of iwi

environmental management plans, Rāhui, iwi commissioners on hearings panels and active protection.

Ngāi Tai ki Umupuia Strategic Plan (2002–2005)

This strategic plan sets out the vision and underlying principles and values of Ngāi Tai ki Umupuia. The plan describes the relationship of the iwi with its environment and the role of the iwi in environmental management. The difference between this plan and plans developed within an RMA framework is that this plan does not include issues rather it is based on values and aspirations. The plan establishes a pathway for developing governance and management structures, financial systems and articulates the role of kaitiaki. The methods to achieving management of environment resources are relationships with statutory agencies.

Hauraki Iwi Environmental Plan (2004)

This plan incorporates a planning framework (background, issues, objectives, outcomes) and traditional principles and Mātauranga Māori. The relationship and values related to the natural environment are described and the role of Hauraki encapsulated in a vision “kia mau ki te mauri o te Taiao o Hauraki”.

There are several sections that address freshwater matters. The most specific of these is on page 19 ‘Tangaroa Rerenga Wai Māori’. The section includes the nature of relationships (transport, food source, habitat) and the issues (loss of habitat, pollution, water use, loss of fisheries). The methods of implementation are included in section 5.5. There are seven catchment-based strategies, water quality and water quantity standards, habitat restoration and riparian planting, monitoring programmes and production of education material. These actions are to be conducted in partnership with councils, Department of Conservation, Ministry of Fisheries, National Institute of Water and Atmospheric Research and Landcare.

Kawerau a Maki Trust Resource Management Statement (1995)

This plan sets out the role of Kawerau a Maki as kaitiaki. The general approach is being active, promoting sustainable development, recognition as kaitiaki and internal education. The plan has a specific section on water (section 4.4) with a particular emphasis on freshwater bodies. This reflects interests in the Waitakere Ranges. Methods of implementation are incorporated into the policies which include recognition of cultural and spiritual concepts, disposal of wastewater through land, protection of waterways as a food source, maintaining and enhancing water quality, conservation and efficient use of water, and formal agreements with utilities supplying water.

Ngāti Pukenga he matakite (2000)

This plan sets out the vision for Ngāti Pukenga (2020) as part of Tauranga District Council’s long-term strategic direction in 2000. The plan has a section on environment which includes

matters relating to fresh water. The plan generally promotes protection, enhancement and avoidance and specifically focuses on two water bodies. A number of solutions are provided including education of councils, representation of Māori in council and protection against development.

Wairoa River and Coastal Environment: Issues and Options Paper (1995)

This document sets out the issues and options for Ngāti Kahu hapū with regard to environmental management in the coastal river environment. Whilst the focus of the plan is the Wairoa River, there are specific references to freshwater quality and quantity and artesian waters. Strategies are included in the document that provide methods of implementation. These include preparation of hapū policy statements, access to monitoring information, assessment of effects of flow changes to river, no cost to hapū extracting artesian water, prohibiting commercial and inappropriate activities and improved access to water.

Draft Maniapoto Iwi Environmental Management Plan (2007)

This plan sets out four key principles of kaitiakitanga, rangatiratanga, kotahitanga and tumanako. The key broad objectives for the plan are participation in decision-making, communication and education, and effective relationships. Goals, targets and indicators are listed in the front section of the plan to achieve the broad objectives. With regard to fresh water, the goals, targets and indicators are focused on protection and enhancement. The tools to achieve these are incorporated in the targets and include implementation of the Cultural Health Index monitoring, territorial authority projects to prevent water pollution, Treaty partnerships, collaboration and relationships. The plan includes resource inventory and maps of sensitive areas including water bodies. Latter sections of the plan identify local management committee issues. Water and habitat quality are key concerns.

Tuwharetoa Environmental Iwi Management Plan (2003)

This plan uses a consistent format throughout of goals, issues, policies and methods of implementation. Kaitiakitanga and partnership set the scene and provide an approach that is supported by latter sections on the specific resources. The methods of implementation are focused on resource consent processes (monitoring and reviewing conditions on consents, making submissions, appointments to hearing committees) and other tools which support strategic governance and participation, representation, education and communication.

The taonga (resources) sections of the plan include water with a particular emphasis on Lake Taupo and springs. The methods of implementation and tools identified include the above resource consent participation and other tools but also establishing a resource management unit, developing environmental performance indicators, section 33 transfers, receipt of monitoring information regarding hydro projects, restoration and conservation work. The appendices include diagrams illustrating responsibilities and relationships with Ngāti Tuwharetoa. There are specific diagrams for water quality and cultural values.

Ngāi Tahu Freshwater Policy (no date, post-1998)

This is a specific policy document addressing freshwater management. It does not discuss ownership issues. It includes a section on the importance of fresh water, Treaty issues, the purpose, relationship with other documents, integrated management, and explanations of Ngāi Tahu values and uses associated with fresh water.

The policy statement provides detailed lists of policy for priority areas of wāhi tapu, mauri, mahinga kai and kaitiakitanga. The last section in the policy statement identifies goals, issues and possible indicators for measurement. A full list of local contacts is provided.

Te Tangi a Tauira (2008)

The Iwi Environment Management Plan for Ngāi Tahu ki Murihiku aims to provide a living, working document that can assist them to effectively participate in natural resource and environmental policy and planning.

There has been 'buy in' from local authorities and as such the plan acts as a resource for local authorities to ensure Ngāi Tahu ki Murihiku issues and policies are provided for in planning documents and determines the nature and extent of consultation required with respect to specific activities or areas of importance.

General policies for the management of water are included in the plan.

The intention is for there to be links to planning documents which govern the resource management of water.

ENDNOTES

- ¹ Te Puni Kōkiri. Te Kotahitanga o te Whakahaere Rawa. Māori and Council Engagement under the Resource Management Act 1991. Feb 2006. p7
- ² Te Puni Kōkiri. Te Kotahitanga o te Whakahaere Rawa. Māori and Council Engagement under the Resource Management Act 1991. Feb 2006. p8
- ³ Te Puni Kōkiri. Te Kotahitanga o te Whakahaere Rawa. Māori and Council Engagement under the Resource Management Act 1991. Feb 2006. p7
- ⁴ Te Puni Kōkiri. Te Kotahitanga o te Whakahaere Rawa. Māori and Council Engagement under the Resource Management Act 1991. Feb 2006. p8
- ⁵ Te Puni Kōkiri. Te Kotahitanga o te Whakahaere Rawa. Māori and Council Engagement under the Resource Management Act 1991. Feb 2006. p11
- ⁶ Te Puni Kōkiri. Te Kotahitanga o te Whakahaere Rawa. Māori and Council Engagement under the Resource Management Act 1991. Feb 2006. p15
- ⁷ Te Puni Kōkiri. Te Kotahitanga o te Whakahaere Rawa. Māori and Council Engagement under the Resource Management Act 1991. Feb 2006. p15
- ⁸ Te Puni Kōkiri. Te Kotahitanga o te Whakahaere Rawa. Māori and Council Engagement under the Resource Management Act 1991. Feb 2006. p20
- ⁹ Te Puni Kōkiri. Te Kotahitanga o te Whakahaere Rawa. Māori and Council Engagement under the Resource Management Act 1991. Feb 2006. p21
- ¹⁰ Te Puni Kōkiri. Te Kotahitanga o te Whakahaere Rawa. Māori and Council Engagement under the Resource Management Act 1991. Feb 2006. p25
- ¹¹ Te Puni Kōkiri. Te Kotahitanga o te Whakahaere Rawa. Māori and Council Engagement under the Resource Management Act 1991. Feb 2006. p41
- ¹² Local Government New Zealand. Local Authority Engagement with Māori. July 2004
- ¹³ Regional Council Management of Freshwater Resources – Current and Emerging Issues. Oct 2005. p24