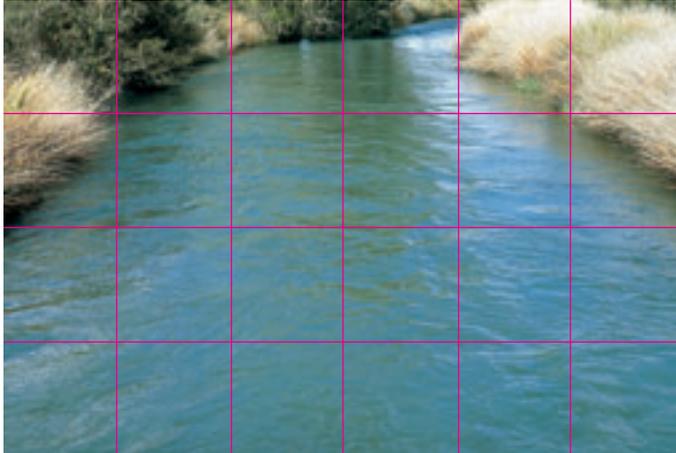


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*‘Whakamau ki Nga Kaupapa’ means to fix attention on  
and be intent on plans and ideas.*

This guide, *Whakamau ki Nga Kaupapa*, provides a practical summary of ideas to help local authorities make the most of iwi management plans and other iwi planning documents.

The guide will be most relevant to preparing and amending planning and policy documents and people processing resource consents under the Resource Management Act 1991 (RMA).

*Whakamau ki Nga Kaupapa* provides suggestions about how council staff and their consultants can work more effectively with iwi and represent their views in district and regional planning processes using iwi management plans as a focus and starting point.

To help prepare the guide and ensure its relevance, we asked councils about their experiences of working with iwi management plans. Their comments and ideas throughout the guide illustrate both the benefits and limitations of working with iwi management plans.

The establishment of plans and processes to facilitate communication between iwi and local authorities has the potential to achieve a much better understanding of each other's issues and to set some shared expectations. However it should also be understood that plans and processes, of themselves, will be no more than a means of facilitating the kind of consideration and consultation that the RMA requires. They will never be a substitute for dialogue on specific issues.



# What is an iwi management plan?



An iwi management plan is any planning document recognised by an iwi management authority (the authority which represents an iwi and which is recognised by that iwi as having authority to do so).

Iwi management plans may be a formal planning document similar to council policy documents, or they may be a statement of iwi policies in a less formal and detailed memo or

report. Iwi management plans are usually developed by iwi, whanau or hapu for their iwi, whanau or hapu. They provide a statement on the position of the tangata whenua on a range of issues so that these can be heard and considered by councils and other stakeholders.

In some instances iwi management plans provide a holistic document of the iwi's

concerns and may go more broadly than RMA requirements (and deal with social and economic matters, health issues, etc). Or they may be a statement on the iwi's interests in relation to one resource area, such as the Ngai Tahu document on fresh water (see Appendix 1 for key resources). Some iwi management plans are single-issue plans and focus on one specific single site or a particular "hot" issue and are developed jointly by iwi and councils.

**"[An iwi management plan is] ...a planning document recognised by an iwi authority. This may include planning for social, economic, and resource management issues based on tribal management and self-development..."**

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**...[it is] a vision of how the management and protection of natural and physical resources can be achieved based on the cultural and spiritual values of tangata whenua."**

*(Ministry for the Environment, Te Raranga A Mahi, 2000)*

**Iwi management plans have been prepared by a number of iwi around the country to:**

- avoid reactive responses to resource consent applications or issues and policies (including resource management plans) that affect iwi in a particular rohe
- clearly state iwi kaupapa on environmental issues
- enable whanau, hapu, iwi or runanga to exercise their tino rangatiratanga over resources in their rohe
- state how whanau, hapu, iwi or runanga intend to participate in resource management processes
- directly influence how regional and district councils develop policy on matters of significance to tangata whenua
- clearly state expectations about how organisations should exercise their functions and responsibilities under the RMA
- set out the ground rules for consultation with whanau, hapu, iwi or runanga.

*(Ministry for the Environment, Te Raranga A Mahi, 2000)*

In Appendix 2 of this guide is a list of iwi management plans available and known about at this time.

## Legislative context for iwi management plans

**Note:** This guide does not discuss legal requirements or case law regarding consultation. For further information on this topic please refer to *Case Law on Tangata Whenua Consultation, Working Paper (Ministry for the Environment, June 1999)* or seek your own legal advice.

There are a range of sections under the RMA to provide for Maori interests (see Appendix 3 for a detailed list of RMA provisions). In relation to iwi management plans, regional councils and territorial authorities are required to “take into account any relevant planning document recognised by an iwi authority” under the provisions of sections 61(2)(a)(ii), 66(2)(c)(ii), and 74(2)(b)(ii) of the RMA. This is relevant to preparing and changing a Regional Policy Statement, Regional Plan and a District Plan.

Part II of the RMA makes varying provision for Maori perspectives to be considered in planning and decision-making processes of local authorities. Iwi management plans often state how iwi want councils to deal with Part II of the RMA. Section 104 of the RMA (matters to

be considered in relation to considering an application for a resource consent) is subject to Part II (of the RMA), so iwi management plans can be of assistance to councils with meeting RMA requirements in relation to considering resource consent processing. In addition councils can transfer some of their functions, powers and duties under section 33 of the RMA, and this could be to iwi authorities.

Making the best of iwi management plans is a good start for councils to meet legislative requirements relating to Maori in the resource management planning process. Integrating iwi management plans into your planning can complement other approaches to meeting your legislative requirements and acting in good faith with your local iwi.



## The status of 'iwi planning documents' in the plan hierarchy

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When a regional council or district council prepares or changes a plan or regional policy statement, the relevant matters that must be considered are listed in sections 61(1), 66(1) and 74(1) of the Act (for regional policy statements, regional plans and district plans respectively). The weight to be given to the various matters differs depending on the legal phraseology used eg the phrases 'in accordance with', 'give effect to', 'take into account', and 'have regard to'.

The Resource Management Amendment Act took effect on 1 August 2003 and changes the status of iwi management plans by requiring that they be 'taken into account' rather than 'had regard to'.

The phrase 'shall have regard to' is not synonymous with 'shall take into account'. The latter phrase requires a further step in the consideration process so such a change will elevate the status of iwi management plans.

It has been held that 'to take into account' matters means that the appropriate matters must necessarily affect the discretion of the decision-maker (*R v CD* [1976] 1 NZLR 436 (HC)). In *Haddon v Auckland Regional Council* [1994] NZRMA 49 the Environment Court stated: "It would appear that the duty 'to take into account' indicates that a decision maker must weigh the matter with the other matters being considered and in making a decision, effect a balance between the matter at issue and be able to show he or she has done so."

By comparison the Court of Appeal has stated that matters which are to be 'had regard to'

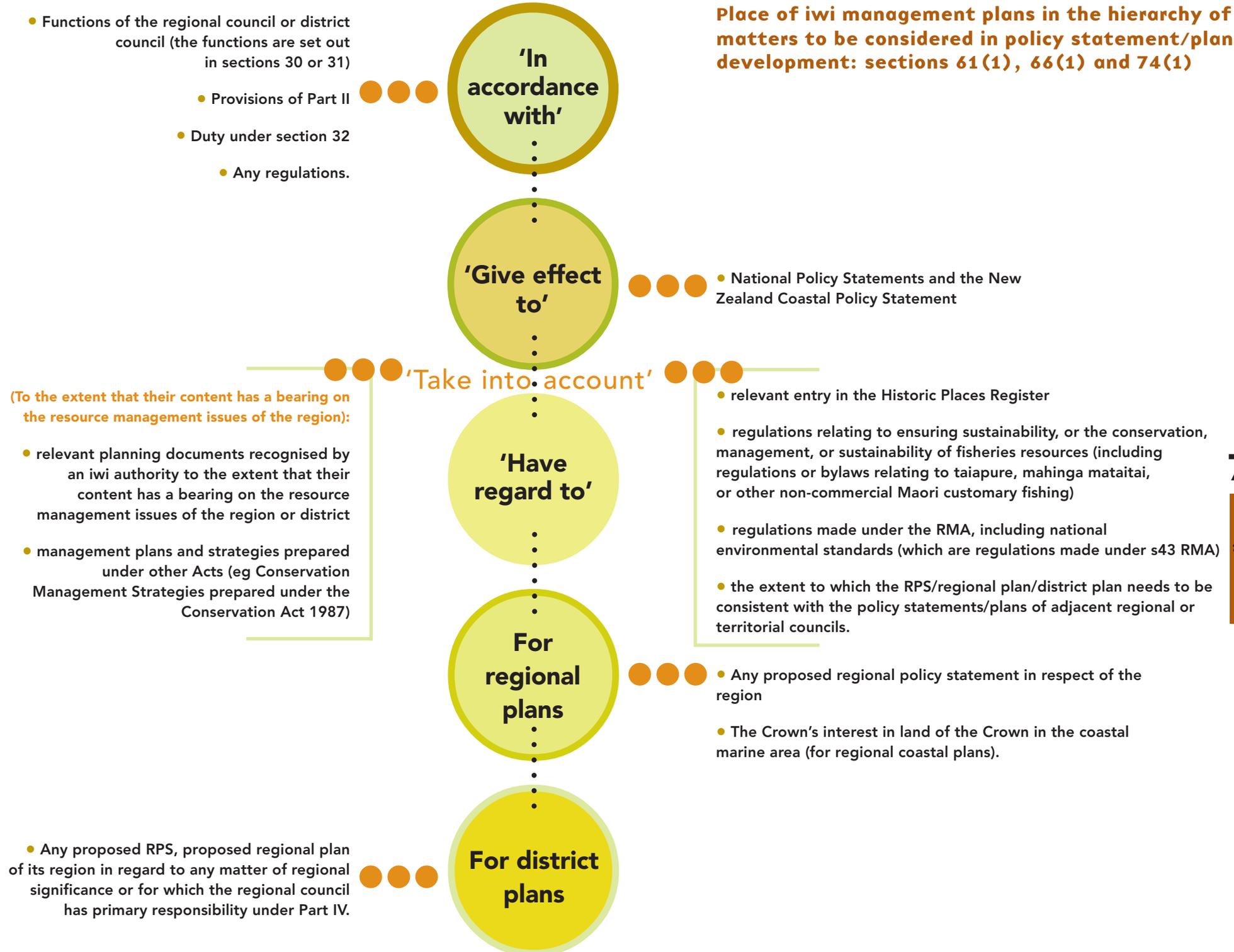
*"may in the end be rejected, or accepted only in part. They are not, however to be rebuffed at the outset by a closed mind so as to make the statutory process some idle exercise."* (*New Zealand Fishing Association v Ministry of Agriculture and Fisheries* [1988] 1 NZLR 544 Cooke P quoting McGechan J in the High Court). The Court has also said that there is no magic in the words 'have regard to' - they mean no more than what they say: the statement or document cannot be ignored (*NZ Cooperative Dairy Co Ltd v Commerce Commission* [1992] 1 NZLR 601).

In summary, both phrases make iwi management plans a relevant consideration for the council. However unlike 'have regard to', the phrase 'take into account' means that the iwi management plan must be shown to have influenced the council's discretion.

Table 1 shows the place of iwi management plans in the hierarchy of matters to be considered in policy statement/plan development: sections 61(1), 66(1) and 74(1). The matters at the top of the Table must be given the most weight.

Note however that other provisions are relevant. In the context of plan preparation consultation with tangata whenua is mandatory (see clause 3(1)(d) First Schedule). And all local authority decision making, whether on plans or resource consents, is subject to the overarching principles in Part II. These provisions raise a number of issues, including some of particular interest to Maori, well above the 'have regard to' standard.

**Place of iwi management plans in the hierarchy of matters to be considered in policy statement/plan development: sections 61(1), 66(1) and 74(1)**



## Dealing with 'having regard to' and overlapping and conflicting iwi planning documents

Iwi planning documents can be of considerable value to a local authority in undertaking consultation with iwi. They can provide a starting point for identifying interested iwi and a reference point for identifying issues of interest to iwi. They also provide a platform for further interaction between local authorities and iwi.

Dealing with overlapping and conflicting iwi management plans is little different from dealing with different groups in the community who have opposing views on the way resources should be managed under the RMA. (An analogy would be differing Government departments putting in dissimilar or even contrary submissions on a proposed plan.)

When making decisions on plans, councils consider all the information, determine the relative weight of the conflicting issues, weigh up the evidence and make an overall judgement as to the appropriate course of action. They would go through the same decision making process when taking into account overlapping and conflicting iwi management plans.

Under the Resource Management Amendment Act 2003 there is a stronger direction to councils to consider iwi management plans ('take into account'). This means that the matter must be weighed with all the other matters being considered (eg another iwi management plan) and the decision maker must effect a balance between these matters and be able to show that he or she has done so.

Also, as is noted below, iwi boundaries do not accord with the boundaries of regional and district councils. While acknowledging that there is likely to be some degree of overlap in an area this is unlikely to be over the whole local authority area. Iwi generally have defined areas within which they claim manawhenua and although this may overlap with another neighbouring iwi the majority of the area claimed as manawhenua is likely to be distinct.

Further to this, the development of iwi management plans might help alleviate this issue, rather than intensify it. Iwi management plans are likely to identify the area a particular iwi authority is claiming manawhenua over and the issues they have within that area. This is likely to help the local authority identify the issues for iwi (both allowing them to provide for these in early drafts of their plans and thus smooth the process for implementation of such plans, and allowing them to give greater recognition to the requirements of sections 6(e), 7(a), and 8).

FIG. 104

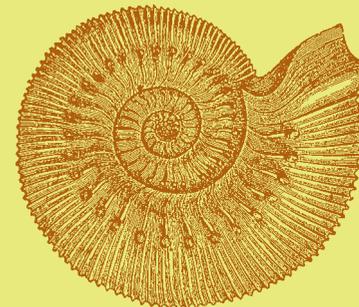
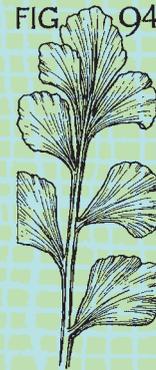
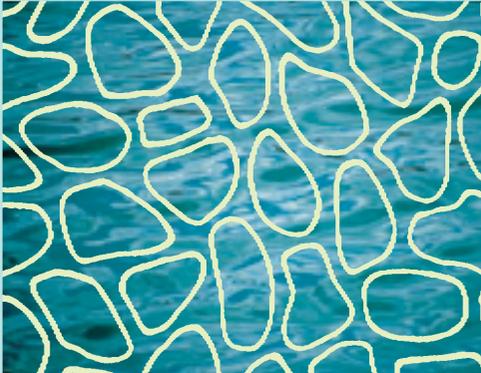
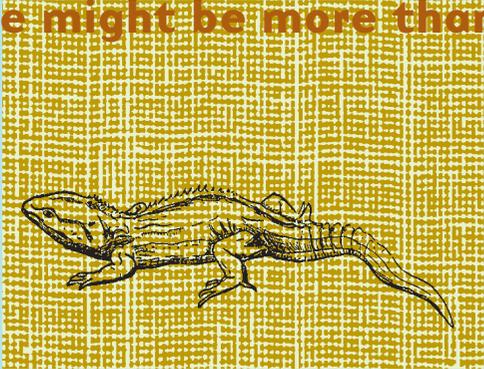


FIG. 113A  
Fruiting head of piri-piri  
(*Acaena sanguisorbæ*)

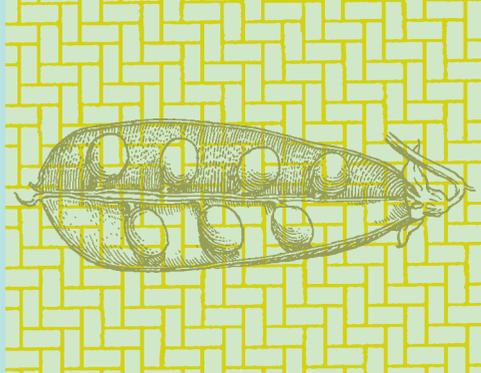
Situation where there might be more than one iwi in a particular district or region



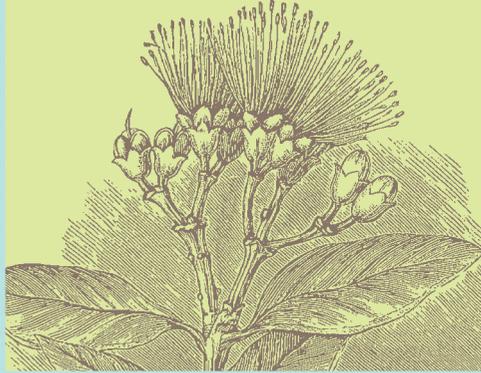
**Iwi boundaries** do not accord with the boundaries of regional and district councils set up under the Local Government Act. Where there is more than one iwi in a particular region or district there can be disputes over who has manawhenua over an area. The Environment Court has held that it is not for the council or Environment Court to decide who is entitled to manawhenua over an area, stating that the appropriate forum for this is the Maori Land Court. The procedure for deciding contested claims to representation is prescribed by Te Ture Whenua Act 1993 (Maori Land Act). It is acknowledged that this may place councils in a difficult position.



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1241 Green leaves



# Taking into account iwi planning documents

## Recommended good practice

You must approach and consider an iwi management plan with an open mind, and work within a clearly defined process which recognises that in some circumstances the plan may be of considerable importance.

Meeting the statutory requirement for iwi planning documents requires:



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### Good Identification

Identify all relevant iwi management plans in your region or district.

Identify any RMA issues, policies, objectives, strategies, proposed rules of relevance to your Council and its responsibilities or to the matters being considered.

### Good Documentation

You should have a clear paper trail, which demonstrates how you have met your statutory obligations regarding iwi planning documents.

Be transparent in how decisions are made. This includes being explicit about the process you have used, the conclusions you have reached, the weighting you have given to differing matters in the iwi management plan.

## Good Analysis

Evaluate and analyse the relevant information in the iwi management plan.

Ask yourself:

- is the issue a resource management issue?
- is the issue a significant one in the district/region?
- does the issue need to be addressed in the proposed Regional Policy Statement, regional or district plan development or change?

Decide on the appropriate level of analysis. The depth of any analysis will relate to the scope and size of the exercise. More time, in-depth analysis, communication, consultation and documentation is required when developing a whole new plan than when proposing a minor plan change. The depth of analysis required can be influenced by considering:

- the importance of the resource management issue in relation to the purpose of the Act and the matters being addressed
- the complexity of the issue being addressed
- the significance of the issue being addressed.

Consulting with iwi should help identify the level of analysis they expect, and this may be helpful in deciding on the level of analysis you will take.

## Good Decisions

Under the current statutory obligations to 'take into account' iwi planning documents there is a wide range of decisions you can make.

You can choose to take no action, to reject the iwi management plan, adopt it in whole or part, or undertake further investigation of certain issues. Identify your action in a simple analysis table, eg:

Other plans and strategies that must be taken into account (s74(2)(b))

Plan	Policies/Issues	Comment	Action
Department of Conservation management plan			
Ngati Ao iwi management plan			
Regional Land Transport strategy			

- Ensure that you have followed other requirements of the Act such as considering Part II matters and section 32.

Clearly articulate your decisions and show the reasons for them. At a bare minimum having regard to iwi planning documents means that you have tried to identify their existence, read the document, considered its contents and reached a decision based on the relative weighting afforded to it.

- It is in the consideration that must be given to iwi management plans in terms of further actions where the essential difference between 'have regard' and 'take into account' will rest, not in the process you used to reach that point.

It is important to remember that the provisions of Part II, establish the principles for all decision-making under the RMA. Where sections 6 to 8 provide for the consideration of matters of particular importance to Maori, they tend to do so in stronger terms than the 'have regard to' directions in sections 61, 66 and 74:

- section 6 stipulates that decision makers 'shall recognise and provide for' all the matters listed in it
- section 7 states that decision makers 'shall have particular regard to' all the matters listed in it
- section 8 stipulates that decision makers 'shall take into account' the principles of the Treaty.

The relevance of these 'higher' standards should not be overlooked. None of these requirements in itself gives any particular force to iwi management plans, but where such a plan deals with any of these issues in an authoritative way, the weight to be given to that expression of the iwi's views must increase accordingly. In other words, leaving aside for the moment the statutory language, the more specific and authoritative an iwi management plan is in the RMA context, then the more weight the Council will have to give it in its decision-making. The weight to be given to any particular plan may vary significantly.



# Benefits and limitations of iwi management plans

Iwi management plans are useful tools for understanding iwi concerns that may relate to the RMA planning environment. Council staff were asked what they thought were the main benefits and barriers or limitations of iwi management plans. These Council ideas are summarised below.

## Benefits

- Helps meet Part II requirements of the RMA
- Provides a clear statement of iwi policy and saves time having to meet on a case-by-case basis to discuss similar issues
- Gives a better understanding of the iwi generally - how they are set up structurally, who they are and how they are organised. This assists with consultation
- Identifies values and important sites right up front so avoids having to debate the same issues for every resource consent
- Provides a fundamental vehicle for addressing partnership issues
- Strengthens the partnership we have with iwi because there is a common interest
- Ensures integrated management - allows any relevant issues to be considered at all stages of the process
- Identifies Maori values and relationships in relation to the region's resources and this can be used to target environmental management in plans, and protect, maintain and enhance those values and relationships where appropriate
- Ensures a wider focus than a case-by-case assessment and ensures that obligations of the consent authority under the RMA are met
- Builds partnerships, trust, and good working relationships
- Leads to more sustainable management of resources for all sectors of NZ society.

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Iwi management plans are important because they can assist councils in the following ways by:

- informing council decision-making (as iwi management plans often state how they want councils to deal with Part II of the RMA)
- reducing uncertainty about when and where Maori consider themselves to be affected parties, and how they wish to communicate with councils
- helping with resource consent processing (including the writing of consent conditions) and plan preparation
- reducing points of contention and the unknowns for councils

**Iwi management plans often contain very useful information that can assist councils with meeting statutory requirements of the RMA and they provide a good starting point for integrating Maori concerns into planning processes and documents.**

*"Iwi management plans provide a 'window of insight' into the aims and aspirations of the iwi, and an opportunity to minimise confusion, uncertainty and ignorance at this interface." (Matunga, H 1992)*



# Benefits and limitations of iwi management plans

## Barriers and Limitations

- There is no iwi management plan in our district/region
- We do not know if there are iwi management plans and what they say
- Broader than the RMA and sometimes it is hard to extract the matters to consider from a local authority perspective
- There is uncertainty about how well they reflect iwi opinion
- Complications of knowing whom the local authority should work with
- It is a challenge to make sure that they are sufficiently integrated into council plans because of different priorities and timing
- Training is needed in order to know how best to use iwi management plans - we know we should be incorporating concerns into planning processes but how to do so is another matter. Implementation is a challenge.
- There is a lack of resourcing for iwi so some plans are not as clear as they could be or not existent. Better funding would result in better iwi management plans
- Loss of corporate knowledge with staff turn-over
- It is a challenge to know what to do with silent files. Where do these sit and who has access to them.

Iwi management plans are important because they can assist councils in the following ways :

- reducing the risks of litigation
- assisting with the council's broader functions (in addition to the RMA) in relation to community development, housing development, regional parks etc
- assisting council staff in understanding issues of concern to iwi, runanga or hapu.

Some Maori have commented that the most important and useful part of iwi management documents is the statement that is often included on consultation and how the iwi, runanga or hapu wish to communicate with the council(s). Iwi management plans can open dialogue between councils and iwi, runanga or hapu.

"Iwi management plans provide us with a 'talking point', and opportunity for local authorities and iwi to talk chief to chief." (Matunga, H 1993)



## Benefits of iwi management plans

"[They help the Council] to meet RMA requirements. [By making use of iwi plans the council is] respecting iwi protocols and providing a kaupapa overview."

(Manukau City Council)

"Iwi plans help strengthen the relationship with iwi and provide more certainty in making sure the interests of iwi in the district are taken into consideration at the proper time."

(Rodney District Council)

"They provide a framework for consultation in plan preparation and review. [Iwi plans] highlight issues needing a policy shift. [Iwi plans] are a fundamental vehicle for addressing resource management.

[Iwi plans] also provide a coherent voice from Maori."

(Marlborough District Council)

"Iwi plans give local authorities some understanding of different approaches to the environment and the thinking of iwi authorities and where their planning is at a point in time. Local authorities also have something to relate to before going to consultation. Iwi plans give plan writers/resource consent processors a clearer sense of the task at hand rather than second-guessing or trying to take it out of consultation notes."

(Palmerston North City Council)

"Iwi Management Plans (IMPs) belong to the iwi that prepared them, and identify the values and relationships iwi have with their resources and how they ought to be protected, maintained or enhanced. IMPs also provide a useful indicator on how to consult with iwi. Iwi management plans may also have maps that show the locations of places of significance, so that those sites can be better protected. IMPs can contain consultation processes, which are beneficial when approaching various iwi. Policies will indicate preferences or requirements for specific resource management regimes in specific areas (ie, areas to be protected, other areas to be used in certain ways, etc). However they do not negate the need to consult directly with Maori. Rather, they provide some initial information that helps the planner and resource management practitioners know how they might be received by Maori. There are benefits for section 32 documentation, plan development and council-iwi relations if IMPs are considered prior to consultation with iwi. The iwi can see that their values have been taken into account, and that the planner has made a genuine effort to be ready to consult with them."

(Environment BOP)



## Limitations of iwi management plans

"In some cases, the limitation is the documents themselves. The documents are not a substitute for due consultation."

*(Manukau City Council)*

"Lack of resourcing of iwi and an apparent lack of unity... among ... iwi, and the difficulty sometimes of finding a common voice to speak for iwi."

*(Rodney District Council)*

"Sometimes it can be hard to include Maori concepts in the district plan that are not easily understood or fit hand in hand with other concepts in the plan, for example, what is waahi tapu and what level of importance should it be given by the district plan? Iwi may decide that the whole river is waahi tapu but where does that leave the local authority and plan writers? Consent authorities do not have authority to identify who has customary authority in an area. This brings complications of knowing whom the local authority should work with.

We are required by case law to consult with all entities of Tangata Whenua who self-identify. It can also be difficult to know what to do about silent files: where do these sit and who has access to them?"

*(Palmerston North City Council)*

"We do not believe there are many barriers to using iwi management documents but if they were available on CD-Rom we could better utilise the information. And while a planning officer may recommend a course of action because of issues raised in an iwi management document, the Council may choose to reject the officer's recommendation because in the Council's opinion other factors may outweigh iwi concerns."

*(Environment Southland)*

"The major barrier is the lack of clarity about the relationship between iwi and Council that is required by legislation (ie, section 8 of the RMA). There are no protocols on how Environment BOP is to have regard to iwi management plans in planning processes. Most iwi management plans lodged with the Council do not indicate affirmation of the plan by the iwi authorities themselves."

*(Environment BOP)*

"How to apply them in the context of the RMA."

*(Marlborough District Council)*



## Key issues for councils

When we asked councils what they needed to know more about when working with iwi plans a number of issues were identified, for example:

- How do you find out if there is an iwi management plan and what to do you do if there is none?
- Who do you consult with?
- How do you know if the iwi management plan reflects iwi opinion?
- How do you maintain a healthy relationship with iwi and resolve old grievances?
- How do you deal with funding issues?
- How do you integrate iwi management plans into council policies and plans and resource consent processing when the issues raised are beyond council control?
- How do you develop and maintain a Memorandum of Understanding (MoU) or policy for making the best use of iwi management plans in the council's planning processes and how do to you integrate iwi management plans with council policy documents?

Training to help staff make the best use of iwi management plans in the planning process was another common issue. A number of council staff commented that "we know our responsibilities, it is how to actually take account of iwi management plans in a meaningful way that is the challenge".

The remainder of this guide attempts to address a number of these issues and provide some step-by-step processes, templates and checklists to help get you started and assist you with making the best use of iwi management plans in planning and policy documents and resource consent processing. These can be integrated with your own ideas of what would work for your council.

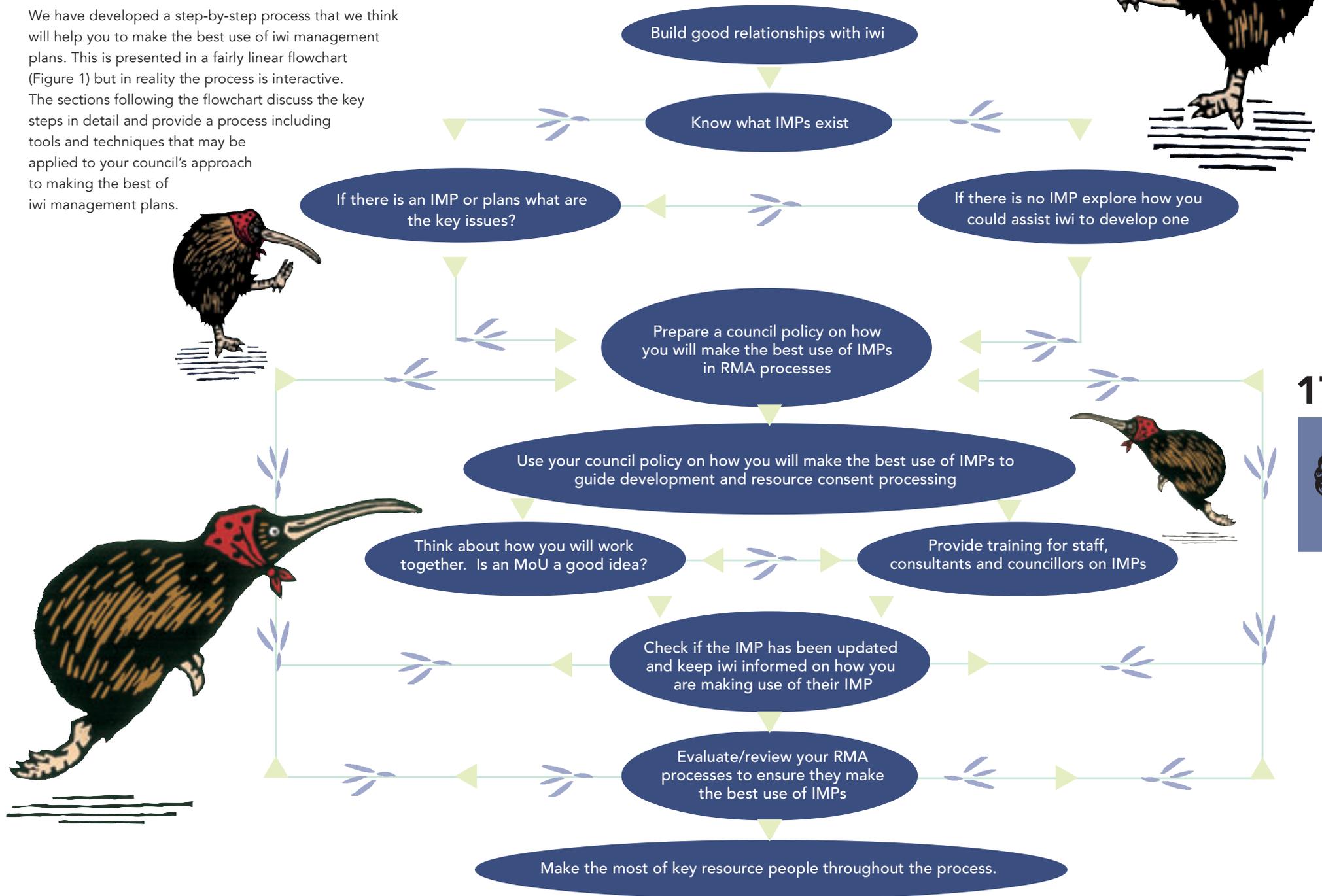
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# Steps to making the best use of iwi management plans

We have developed a step-by-step process that we think will help you to make the best use of iwi management plans. This is presented in a fairly linear flowchart (Figure 1) but in reality the process is interactive. The sections following the flowchart discuss the key steps in detail and provide a process including tools and techniques that may be applied to your council's approach to making the best of iwi management plans.

**Figure 1: Ideas to make the best use of iwi management plans**



## Steps to making the best use of iwi management plans

Figure 1 and Checklist 1 (below) provide a suggested process to make the best use of iwi management plans. You can use Checklist 1 like an audit form to check your processes and to assist with setting up processes to integrate iwi concerns into your council resource management planning processes.

### ✓ Checklist 1 - Ten tips to make the best use of iwi management plans

- Build good relationships with iwi and maintain them - listen to any grievances and do not develop new ones.
- Know what exists - is there an iwi management plan? What are the key issues/ concerns to iwi, and in what situations will iwi want to be considered an affected party?
- If there is no iwi management plan offer to assist iwi (to address funding and other resource issues), as this may be holding up the development of an iwi management plan.
- Prepare a statement of intent of how the iwi management plan(s) will be integrated into your council's planning processes.
- Use your policy to implement processes/ procedures to assist staff, management and councillors in making the best use of information from iwi throughout policy development and resource consent processing.
- Train staff, management, councillors and your consultants in using the iwi management plan(s) effectively.
- Consider developing a Memorandum of Understanding (MoU) with iwi and/or a statement of policy intent for the council about how you will work in partnership with your iwi (this is not essential but may help).
- Check if the iwi management plan has been updated and your policy needs updating, and keep iwi informed on key resource management work you are progressing and how you are integrating iwi concerns into your planning.
- Evaluate and review your planning documents and resource consent procedures to ensure they make the best use of iwi management plans, and discuss whether things are working with iwi.
- Make the most of trained facilitators, trainers, mediators and experts in tikanga Maori throughout the process.

**But one size does not fit all and there may be extra things you can think of to enable your council to take iwi management plans into account in council planning processes.**



## Building relationships with iwi

Developing positive working relationships between iwi, hapu and whanau and local authorities is important, as good processes and procedures for making the most of iwi plans flow on from positive relationships.

Start by asking around council who the iwi in your area are and who are the key contacts. Most iwi will have an iwi authority based locally that represents their interests. This can be complicated when there is more than one iwi in your area, and especially if there is more than one iwi management plan. When there is more than one iwi management plan in your area it is important to do the following:

- **make sure you contact all iwi to check if they have a plan as there may be different views expressed by different iwi and one iwi is unlikely to represent another's views**
- **pick out areas of commonality in the iwi management plans and document this**
- **pick out areas of conflict in the iwi management plans and document this**
- **note how each iwi has asked to be consulted in relation to their resource management interests and consult accordingly.**

If you are still unsure about who to contact, contact your nearest regional office of Te Puni Kokiri (the Ministry of Maori Development) or the Maori Land Court and they will be able to advise you about who you should consult with.

It is usually important that before contact is made on specific iwi issues that there has been a meeting between leaders of the council and the kaumatua of the iwi. After this has occurred you can start to develop a relationship with the iwi on specific issues. Once you have some names and addresses, make contact and find out whom to talk to about RMA matters. Ensure that iwi are placed on any mailing lists for papers and reports affecting RMA processes and that they are informed of issues in a timely manner.

Most iwi will have someone designated to attend to environmental issues. Find out if they have an iwi management plan and ask if you can obtain or purchase a copy to read. Use this as an opportunity to meet with the iwi planners and kaumatua. Showing an interest in iwi perspectives on resource management and reading any plans that do exist can be a good starting point for making the best of iwi management plans.

**Remember that iwi management plans do not necessarily replace consultation with iwi. You also need to keep iwi informed of how you are going with integrating their concerns into RMA planning processes. You will also need to consult all iwi in your area as it is not up to council to decide who is tangata whenua.**

Ways of developing excellent processes for consulting with iwi or how to do so to meet legal requirements have been covered in many other reports so are not dealt with in detail here. There are useful ideas in the reports listed under the "key resources" section of this guide. Key things to remember are:

- get to know your iwi and develop a good working relationship with them
- listen to and try to understand what issues iwi regard as likely to affect them
- inform iwi of your ideas and council issues as early in the process as possible
- provide as much support as possible and work on areas of agreement
- consult with iwi face-to-face in an environment and way iwi feel comfortable with
- provide sufficient resourcing for iwi input
- be honest and open minded
- be flexible and respectful of cultural differences
- continually work on building your working relationship with iwi.

We acknowledge that it is not always easy to integrate iwi concerns into your planning, and that being inclusive can be a time consuming and frustrating process at times. But once a good relationship is built up and maintained with iwi it may well save you time and stress later in your planning processes.



# Building relationships with iwi

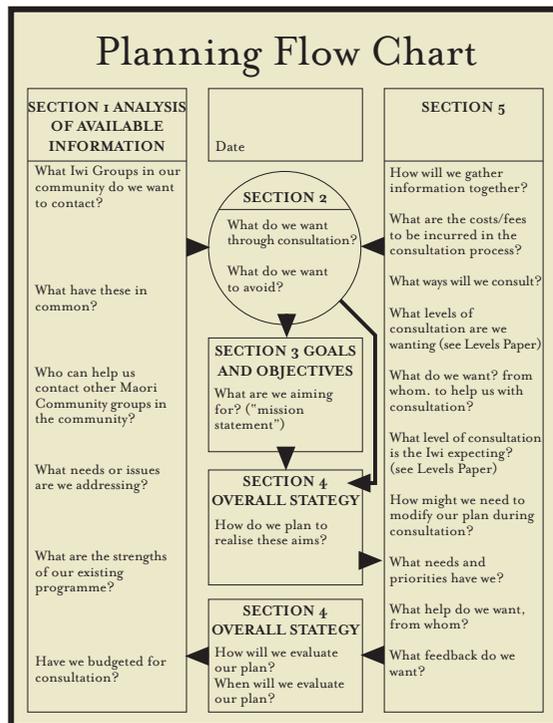


## Tools & Techniques

Tools and techniques that could be developed to help council staff build positive relationships with iwi, as a starting point for making good use of iwi plans, include the following:

- develop guidelines for staff on consultation and communication with iwi (see example consultation planning flowchart from Palmerston North City in the margin)
- develop an 'Iwi Communications Plan' for your council in relation to iwi plans and use this as a starting point to communicate effectively with iwi (see pages 22-23 of this guide for a communications template, a worked example, a checklist and tips)
- introduce induction processes for new staff, consultants and councillors on working effectively with iwi (such as the Auckland Regional Council induction processes which include information on who the tangata whenua are, what iwi management plans exist and appropriate consultation processes. The Council also runs regular tikanga Maori training courses that all staff are welcome to attend and regularly update an iwi contact list that is made accessible to all staff)
- have ongoing professional development in tikanga Maori; train staff, management, consultants and councillors on effective communication with iwi, such as basic tikanga and kawa, te reo, what type of meeting to have and who to invite (such as is conducted by Manukau City Council, whose policy is to train all staff so that they can take account of iwi concerns in their planning responsibilities. They have an attractive, succinct internal tool kit guide that is distributed to all staff)
- with the approval and co-operation of Maori, develop an iwi database of key contact people, key events and main issues (such as the one held by Environment BOP), and ensure this is readily accessible to all council staff involved in iwi consultation (ie plan preparation and resource consent processing). Add key contact people to mailing lists for papers and reports affecting RMA processes
- keep iwi informed of current council work that might be of interest to them and provide your iwi with informal information that may be of interest to them via telephone and short, newsy faxes or email newsletters
- employ iwi liaison officers or contract in iwi to provide a bridge between the council and iwi (for example, Environment Canterbury and Auckland Regional Council have developed these options). These placements could be permanent positions or secondments and could be effective in ensuring that both parties understand each other and that good relationships are developed between the council and iwi

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## Building relationships with iwi

- build on the ideas of other councils and what has worked for them. This could include setting up an Iwi Liaison Officers' network of like councils and sharing ideas via an email group or setting up links through websites and annual hui
- when consulting and working with iwi be clear about what is and what isn't within the scope of council concern and do not make promises you cannot follow through with
- rank the key issues expressed in any iwi management plans against the key priorities for your council
- involve key resource people, skilled facilitators and mediators in developing your relationship with iwi if there are old grievances that are getting in the way of building a positive working relationship. And use the Ministry for the Environment guide Talking Constructively (2000) (see Appendix 1) as a reference point; this has some good ideas
- develop a policy of how you will deal with conflict (such as the councils in Southland have done) or areas where the iwi and council needs are different. We suggest that you look at the following website, developed by Manukau City Council, which considers how best to formalise relationships between council and iwi and summarises what other councils have done including how they deal with dispute resolution: <http://www.kennett.co.nz/law/indigenous/1999/43.html>  
On the issue of conflict resolution, the website notes:

Many of the instruments provide for the resolution of disputes between parties. In summary, the following points (included on this website) can be made about dispute resolution:

- there is often a recognition in the instruments that there will be situations where disputes will arise between parties
- that in situations where a dispute arises, the parties should endeavour to reconcile their differences through dialogue, mediation and negotiation. An independent mediator might be sought or the matter referred to arbitration, if the dispute cannot be resolved. In one instrument, for example, the parties are directed to "initially refer any such dispute to the Local Government Commission for the appointment of an independent mediator"
- the instruments frequently provide that the parties should avoid recourse to the media or other bodies, and, in particular, legal processes to resolve conflict
- there is an acceptance, in a few of the instruments, that where the dispute cannot be resolved the agreement may have to be terminated.

The instrument signed by Taupo District Council contains a very useful Conflict Resolution Procedure as an Appendix.



## Template 1 - Iwi communications plan to build relationships with iwi

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- Title of project:** *(Insert communications plan title)*
- Purpose and background:** *(State the purpose of the iwi communications plan and the background. What key events have led to this point? WHY communicate?)*
- Communications objectives:** *(State your communications objectives - what outcomes are sought. Be specific, ensure they are measurable and time bound. The WHAT.)*
- Issues (SWOT analysis):** *(List the strengths, weaknesses, opportunities and threats - this is a situational analysis and is an important part of your communications plan. Why is this communication important and what are the positive and negative facts relating to your proposed communication? The WHY.)*
- Iwi concerned (your audience):** *(List iwi in your area and note any with iwi management plan/s, and identify and describe any key values and perspectives of your iwi. WHO.)*
- Key messages:** *(Provide a clear, succinct statement of the key things you wish to communicate. WHAT.)*
- Is there an Iwi Communications Strategy?** *HOW do these iwi wish to communicate with councils? (Write in the words of any iwi consultation policy/strategy.)*
- Communications strategy:** *(Provide a list of your tactics and how you will achieve your communications objectives. Provide details of how long it will take to achieve each step in the process. Who will be involved/what resources will be needed? HOW.)*

What you will do to achieve effective communications	When you will do it	Resources you will need	
<i>(Describe the sequence of steps involved in your communications strategy)</i>	<i>(Indicate the time required to undertake the different steps)</i>	<i>(Provide a list of resources required in each step including staff resources, who is responsible and any other resources required)</i>	
		<b>Who responsible?</b>	<b>What resources?</b>

**Evaluation:** *(State how you will evaluate the success of your communications - consider qualitative as well as any quantitative measures.)*

## Example of an iwi communications plan

**Title of project:** Iwi Management Plans Communication Strategy for Extra District Council (EDC)

**Purpose and background:** The purpose of this communications plan is to outline how the EDC will communicate with iwi and work towards making the best use of iwi management plans in Extra District. There are three known iwi in Extra District...

**Communications objectives:** The communications objectives are to:

- ensure two way interactive communications between EDC and all iwi
- make better use of iwi planning documents and concerns in council work.

**Issues (SWOT analysis):** There has been limited contact between EDC and iwi. Strengths: Council has appointed an Iwi Liaison Officer; Weaknesses: The three iwi are geographically isolated; Opportunities: Iwi are in the process of forming a combined runanga; Threats: Iwi resources are limited.

**Iwi concerned (your audience):** Aotearoa 1 Iwi, Aotearoa 2 Iwi, Aotearoa 3 Iwi. Values not yet known.

**Key messages:** EDC wants to work effectively and proactively with iwi in the rohe  
EDC seeks information on how RMA issues affect iwi  
The council can provide some assistance to iwi to do RMA planning  
The EDC also has a range of other obligations to balance with iwi concerns.

**Is there an Iwi Communications Strategy?** Aotearoa 1 wish to be consulted by XYZ, as outlined in their iwi planning document "Nga Kaitiaki o te Whenua".  
**HOW does your iwi wish to communicate?**

### Communications strategy:

What you will do to achieve effective communications	When you will do it		Resources you will need
	Who responsible?	What resources?	
1. Check to see if there is an iwi plan(s) or identified iwi view on	1 hour March 2001	GF	None required
2. Facilitate a hui to allow iwi and council to discuss their key resource management concerns and establish processes. <ul style="list-style-type: none"> <li>• CEO to phone kaumatua and key environment iwi contact person</li> <li>• Develop budget and programme outline including speakers. Follow up letter to confirm arrangements etc</li> <li>• Designate appropriate facilitator and develop presentation material</li> </ul>	20 hours April 2001	GF	Council to designate a hui coordinator and identify speakers.  RMA planner to develop presentational material on RMA obligations of council and iwi.  Budget for venue hire, catering and koha for kaumatua attendance.

**Evaluation:** Working relationship established with all local iwi via regular communication activities and processes.  
Clear understanding achieved of who and when to consult, and what issues are of importance to iwi.  
Council and iwi have agreed on actions needed in response to issues of significance to iwi and RMA processes.



## Building relationships with iwi

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### ✓ Checklist 2 - Iwi communications

Check that you have:

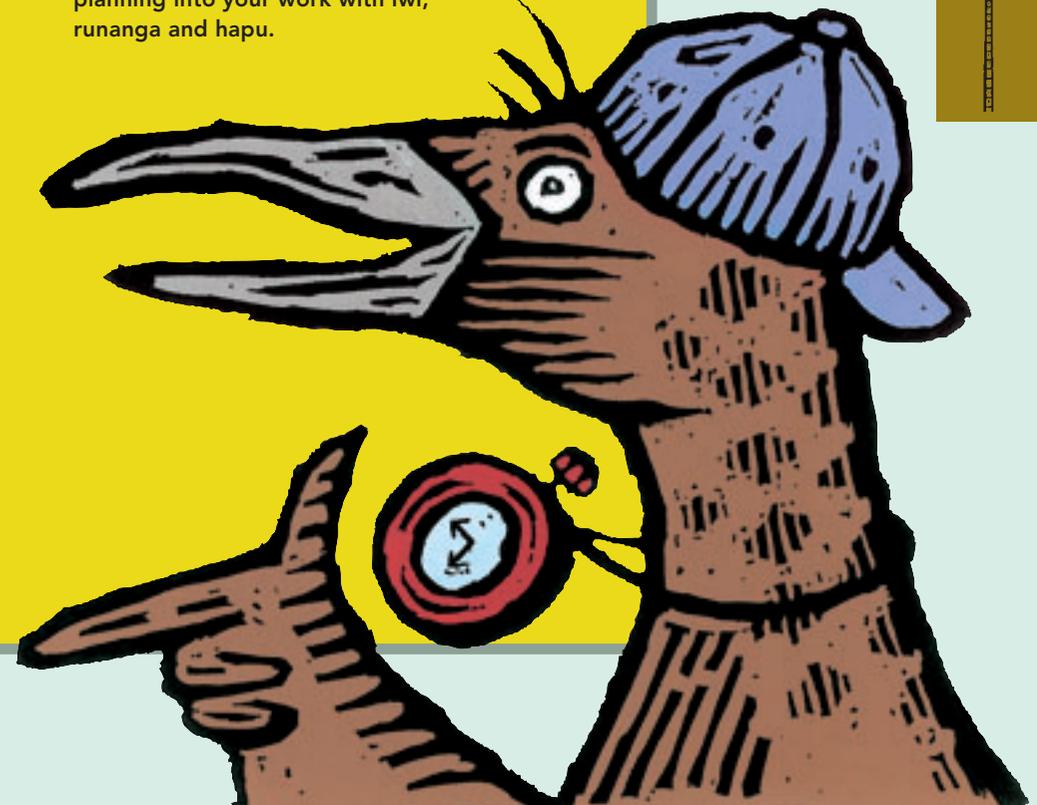
- developed an iwi communications plan (stated purpose/background; communication objectives; SWOT analysis; identified target audience; identified key messages; identified steps & timing of strategies; identified resources required)
- identified the expectations for consultation and communication of the parties concerned (iwi, runanga or hapu and council)
- ensured that your council leaders meet face-to-face with iwi, runanga or hapu and discussed how both parties wish to communicate with each other
- checked that people at all levels within your council and iwi, runanga or hapu have been given the opportunity to communicate face-to-face with each other
- identified the key issues for iwi, runanga or hapu
- identified how any conflict situations or differences of opinion will be dealt with
- noted how sensitive information and privacy issues/intellectual property issues will be dealt with. Have identified legal requirements
- provided for formal and informal opportunities for communication between council and the iwi, runanga or hapu, eg morning tea, regular update meetings, special issue events
- identified measures to evaluate when you have successfully achieved your communication objectives.



## Building relationships with iwi

### Tips for effective communications with iwi

1. Perceptions can become reality - be proactive and create a positive image.
2. Plan well - make communications part of your project planning for making the best use of iwi management plans and allow time and resources for this.
3. Know your iwi and their needs. Visit iwi on their home territory if possible and ask about the main iwi concerns. Relate issues using relevant iwi examples.
4. Be clear about your key messages. Know what you want iwi to remember and make sure it comes through in everything you say and write.
5. Remind iwi why you are doing this work, what the problem is and what has been achieved and completed.
6. All good communication is a two-way process. Listen. Acknowledge the role iwi play and involve iwi in identifying issues, processes and solutions. Say thanks or kia ora for their input!
7. One size does not fit all. Check with each iwi how they want to communicate. Be professional and flexible in your approaches to working with iwi, runanga or hapu.
8. Communicate in a variety of ways (visual, kinesthetic and oral) eg phone calls, visits, emails, e-groups, quarterly update letters, newsletters, meetings and hui, publications, website. A little often works well.
9. Use language that will be understood by iwi. Avoid planning jargon, acronyms and technical language.
10. Do not raise expectations or make promises you cannot keep but be positive about what you are trying to achieve.
11. Be effective in your consultation and avoid consultation fatigue by iwi.
12. Ensure that you work towards continually improving and integrating communications planning into your work with iwi, runanga and hapu.



## Where to find iwi management plans

It is important to know about any iwi planning documents in your area because councils have statutory requirements under the RMA in relation to iwi management plans, and the Resource Management Bill may strengthen these requirements. Find out what exists.

We suggest that you check first at the council for any iwi management plans before you also contact your local iwi to establish if they have such a plan. Checking at the council first can avoid any embarrassment of being told the iwi management plan was given to the council a year ago (or similar). If you cannot find reference to an iwi management plan at the council then approach iwi to check if they do have an iwi management plan and if so ask if you can obtain or purchase a copy.

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### Tools & Techniques



**Tools and techniques to help find out about existing iwi management plans and whether there is one in your area include:**

- checking at council first
- contacting your iwi directly and asking to purchase a copy of any iwi management plans
- contacting all iwi in your area if there is more than one
- being inquiring and active in seeking information from iwi about their most important resource management issues, as reflected in any iwi plans (for example you could invite iwi to talk to planners, councillors and possibly eventually developers about the most significant issues for them and ask them to walk you through their plans).

## Encouraging iwi planning where there is no plan



It is important to facilitate iwi involvement in resource management in areas without iwi management plans. Councils have policy expertise, information and resources that can help iwi to better understand the planning environment and requirements. These can help make plans work better and ensure that iwi know about planning processes.

Iwi may then consider preparing an iwi management plan or developing a series of policies and procedures with the council to ensure that their resource management concerns are considered and where possible integrated into planning processes. Assisting iwi with developing an iwi management plan has the advantage of ensuring that iwi are familiar with the key issues and policies of your area.

*Assistance such as funding and resourcing may need to be considered to enable iwi involvement in developing an iwi management plan.*

This assistance may be financial so that consultant advice may be obtained to help develop an iwi management plan, or it may be in-kind assistance, such as providing expert assistance from council planners into the process of developing an iwi management plan.

You may consider seeking assistance from the Sustainable Management Fund if you have more than one iwi, no iwi management documents, and you wish to co-ordinate an effort to develop an integrated approach to iwi management plans in your area.

In order to ensure that you have resources allocated to encourage iwi planning where there is no plan, it is important to provide for iwi planning through the annual planning cycle. This means allocating some time and financial resources to encouraging iwi planning and ensuring it is clear who is responsible for making progress on activities.

You may also decide to take a strategic and focused approach and contract iwi to work with your council on a specific issue or site and gain agreement on how iwi concerns will be integrated into your planning processes in relation to this issue or site.

Having iwi on your planning committees can also help councils to understand the key issues concerning iwi and provide an opportunity for a relationship of trust to be developed, so that these issues can be discussed and considered through decision-making processes.



# Encouraging iwi planning where there is no plan

## Tools & Techniques



You can encourage iwi planning when there is no iwi management plan using the following tools and techniques:

- develop a council policy on assisting iwi so they can participate in council planning processes and to ensure iwi interests are considered and integrated into planning processes

- take opportunities to communicate and/or visit your iwi as much as possible outside of the statutory process - ie do not only talk to iwi when you want something urgently for your planning purposes. Some examples are listed below:

Environment Canterbury in the early 1990s developed an environmental education resource on water from the perspective of Ngai Tahu that was developed by the council in partnership with Ngai Tahu

hold 'how to write an effective submission' or 'how to prepare or appeal resource consents' sessions, and sessions on 'how to present evidence at a council or Environment Court hearing' for iwi.

- make contact with iwi and if an iwi management plan does not exist, meet to discuss what assistance is needed and available to enable one to be prepared, including financial, skills and other resource input by council

- consider inviting iwi to be contracted by the council to prepare relevant statements for key sections of plans or for important resource consents (such as has been done by Taranaki Regional Council and in the case of the RPS by Environment BOP)

- provide either in-kind help from planners (such as technical assistance and advice) or financial assistance for preparing an iwi management plan

For example, Palmerston North City Council has developed a Maori Consultation Budget report that includes the purpose, principles and process to be followed to resource tangata whenua so that they may participate in resource management processes. Any proposal for funding must meet certain criteria and a process is provided to help staff across the whole council to determine whether a budget or koha is required and if so how much.

For example, to date Auckland Regional Council has provided assistance to Ngati Rehua, Huakina Development Trust and Ngati Paoa in the preparation of iwi planning documents.

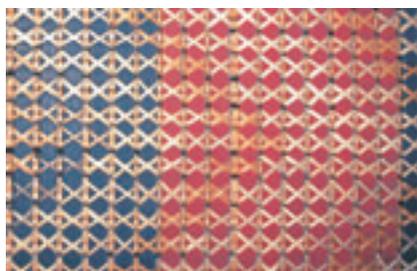
- ensure that all staff are aware of the iwi funding and resourcing policy to assist iwi with the preparation of iwi management plans

- consider establishing a Maori Advisory Komiti (such as Marlborough District Council does) for advice and direction as issues arise and ensure there is Maori representation on the council as this could be a means of taking into account Maori views

- check to see and ensure that iwi are included in mainstream council committees and have voting rights where appropriate (such as the Christchurch City Council) so that they are involved in your decision-making (where it affects them).



## Developing MoUs and other agreements with iwi



It can be useful to develop a formal agreement with iwi - such as a Memorandum of Understanding (MoU) or charter or other agreements. It is not essential to develop a MoU/Charter of Understanding but some councils have found this a useful tool. This can occur even if an iwi management plan is not yet in place. You can develop an MoU at the beginning of the process of integrating iwi concerns into your planning, but sometimes this can delay the process of thinking through ways of integrating the key issues and policies from iwi management plans into council planning processes and documents.

In general MoUs establish common goals, identify issues and set out joint processes that the council and iwi agree to undertake. Some councils such as Environment Southland, Invercargill City Council, Southland District Council, Gore District Council, Environment Canterbury, Environment Waikato and Palmerston City Council have such formal agreements.

For example in Southland there is a Charter of Understanding between Environment Southland, Invercargill City Council, Southland District Council, Gore District Council and Te Ao Marama Incorporated (representing Te Runaka O Awarua, Hokonui Runanga, Oraka/Aparima Runaka and Waihopai Runaka). This MoU is based on the Wellington Regional Council Charter. The Southland Charter outlines the nature of the relationship between the parties, within the context of the Treaty of Waitangi. It includes:

- common goals (such as sustainable management of the region's environment for the benefit and well-being of the community)
- the principles for the relationship
- expectations for consultation
- how any conflicts will be resolved
- how resourcing issues will be addressed
- protocols relating to consent hearings and pre-hearing meetings
- information about the possibility of transfer of powers to iwi under the RMA
- protocols for the protection of sensitive information
- and an agreement on the spirit of the Charter (which is one of goodwill).

Other examples of MoUs are listed on the website developed by Manukau City Council (<http://www.kennett.co.nz/law/indigenous/1999/43.html>). The website is useful for ideas on how best to formalise relationships with iwi, runanga and hapu. If you are considering negotiating a formal written agreement (ie 'the instrument') with tangata whenua, the website identifies the following points of significance:

- there will be at least two parties to the instrument - council and Maori. It seems important that council and Maori are adequately resourced throughout any negotiations
- consideration should be had at the outset about whether council is seeking to negotiate a broad instrument encompassing an overall relationship with tangata whenua, or a more limited instrument relating to particular activities (such as resource management, representation or consultation)
- council should determine whether the instrument is to be considered legally binding
- council should examine whether the instrument should be in English, Maori or both languages
- where council is seeking to establish relationships with more than one Maori party, there might be consideration about whether to establish one written instrument for all Maori parties or separate distinct instruments
- there is a need for clarification of local government's constitutional relationship with Maori.

When developing your council's MoU it may also help to consider addressing the issues noted in Template 2 (over) on Developing a Memorandum of Understanding.





## Developing council policies and procedures and implementing them



There is no one right or wrong way to make the best use of iwi management plans in RMA planning processes. But there are some approaches that appear to have been successful including the suggestions we have already made about developing good relations with iwi, knowing where to find existing iwi management plans and encouraging iwi planning where there is no plan.

Another factor for success appears to be developing a clear policy and processes for how iwi management plans will be used and then ensuring it is implemented.

Councils were asked whether they had formal policies for working with iwi and how useful they found them. About half of the councils who replied had formal policies and they found these useful. A number of councils that had developed formal policies on how to integrate iwi concerns into their planning processes did not have any iwi management plans in their area. Their policies tended to relate to how the council would work with iwi to ensure their concerns were heard in relation to resource consents and the development of RMA plans and policies.

*It is important to include iwi as early as possible in the process of developing policies and plans and processing resource consent applications. Some councils have iwi liaison officers or contract in iwi to provide a bridge between the council and iwi and this can help by ensuring that both parties understand each other.*

Where iwi management plans do exist, these can be used to inform staff, managers, councillors, consultants, applicants and the public about the main issues of concern to iwi. It is important that there are sufficient

copies of iwi management plans available for staff, managers, councillors, consultants and the public to read. This will enable them to become familiar with the key issues of concern to iwi. You may wish to develop a short summary of the main concerns of iwi and have this available for all people involved in RMA planning. Where there is more than one iwi highlight any similarities and differences between different iwi. It can also help you to know what concerns iwi have in common with each other. If you do summarise the content of an iwi planning document it is important to check with the iwi that your summary picks up the most important points and is verified by the iwi, runanga or hapu.

Iwi management plans often cover a broader range of issues than you will be able to deal with in your resource management planning processes (such as plan and policy statement preparation and reviews and in resource consent processing). This has been identified as an issue by a number of councils we talked to. But do not let this put you off making good use of iwi management plans as they often contain very useful information that can help you with your resource management planning and your social, economic and governance functions under legislation such as the Local Government Act.

The remainder of this guide offers some suggestions of things to consider when integrating iwi concerns into plan preparation/reviews and resource consent processing. Hopefully the ideas contained in this guide will make your task of making the best use of iwi management plans a less daunting one.

Over the page is a table that can be used as a good starting point for making the best use of iwi planning documents. This table provides a systematic structure to assess the most important elements of iwi management plans and how these relate to council policies.



# Table 1: Analysis of iwi management plans

Council: \_\_\_\_\_ Date: \_\_\_\_\_

Analysed by: \_\_\_\_\_

Tangata Whenua	IMP Reference	Key Issues	Category	Relevant RMA Document	Other Relevant Legislation	Council Policies	Not relevant to Council Functions/ Policies	Tangata Whenua Suggestions to Address Issues	Council Suggestions to Address Issues	Comments to Follow up with Iwi	Action Points for Council
<i>State the iwi, tangata whenua</i>	<i>State the titles of any iwi plans, authors, publisher and date published</i>	<i>Produce a list of the key issues, ie matters relevant to the scope of the IMP, a clear and focused problem &amp; a statements that identifies what the situation is</i>	<i>This is a grouping of issues into subject areas</i>	<i>List any relevant plans or policy statements and particular rules</i>	<i>List any other relevant legislation</i>	<i>List any additional relevant council policies eg copy in the wording of your council IMP policy</i>	<i>Tick if not relevant</i>	<i>This should be copied from the iwi planning document/s</i>	<i>This could include any statutory and non-statutory methods</i>	<i>List any things you wish to follow up etc</i>	<i>Provide a list of action steps for the future that have arisen as a result of filling out this template</i>
Example: Ngati Aotearoa	Ngati Aotearoa Policy Statement (1993)	Septic tank discharge to ground and polluting Lake Poto and affecting food resources	Water quality  Mahinga kai  Infrastructure	Regional Land and Water Plan  Regional Land and Water Plan  Regional Land and Water Plan and District Plan	Health Act 1953  Waitangi Fisheries (Ngati Aotearoa) Treaty Settlements Act 1997  Health Act 1953	"To take into account IMPs when processing resource consents" (RP 4.3.1)		Respect and enhance mauri  Promote alternative waste disposal methods  Ensure people regularly maintain their tanks  Ensure tanks and associated works are appropriately sized to cope with anticipated activities	Regulatory  Rules requiring performance standards in relation to septic tank sizes, location and maintenance  Enforcement procedures  Non-regulatory  Education, brochures. Integration with Council's Building Act processes  Pollution hotline  Guidelines for residents on maintaining septic tanks  More targeted monitoring of water quality and kai within Lake Poto	Clarify the particular location(s) around Lake Poto with Ngati Aotearoa	G.F. to check with Ngati Aotearoa the best way to progress issues identified  G.F. to check availability of CEO to meet with Ngati Aotearoa kaumatua (should they wish to meet)  Obtain Water Quality monitoring results re Lake Poto from S.A. and kai within Lake Poto
Example: Ngati Hou	Ngati Hou IMP page 46	Protection of waahi tapu and sites of significance	Heritage sites	Rule 1.2.3 in the resource management plan	Historic Places Trust Act and Resource Management Act	'To provide for the protection of waahi tapu' (policy 3.4 in district plan)		IMP states that there should be protection of all waahi tapu - no more detail is provided	See rule 1.2.3 in resource management plan which provides for protection of waahi tapu	Clarify the particular location(s) of waahi tapu with Ngati Hou	Resource consents officer to seek further information (s92)



Tangata Whenua	IMP Reference	Key Issues	Category	Relevant RMA Document	Other Relevant Legislation	Council Policies	Not relevant to Council Functions/ Policies	Tangata Whenua Suggestions to Address Issues	Council Suggestions to Address Issues	Comments to Follow up with Iwi	Action Points for Council
										Check whether applicant has talked to Ngati Hou & included possible impact on waahi tapu in the AEE	- Talk to applicant about AEE and waahi tapu. - Talk to Ngati Hou about waahi tapu in relation to specific resource consent application - ensure there is a good AEE in relation to waahi tapu
									(a)		(a)
				(a)					(a)		(a)
			Resource consents	Regional Land and Water Plan		"To ensure the effective involvement of Tangata Whenua in resource consent processes"			Ensure effective involvement of TW in consent processing	Involve Ngati Aotearoa in Council's current review of consent processing	(a) Review of consent process.
		Lack of resources for Ngati Aotearoa to meeting Kaitiaki obligations and effectively respond to applicant and Council requests	Kaitiakitanga	Regional Policy Statement		"To support Kaitiaki initiatives as far as practicable"		(a) Joint Council/TW training programmes (b) Information (c) Research (d) Education of applicants and general public	As per Ngati Aotearoa suggestions		(a) Clarify extent of TW resource needs (b) Prepare report to Policy Committee (c) Incorporate decisions of Policy Committee into Annual Plan budget
			Liaison		Local Government Act (Annual Plan)	"To develop an effective iwi consultation process"			Annual retainer. Incorporate TW costs into application fees. Section 92 requests from applicants re TW issues		As above



## Developing council policies and procedures and implementing them

### Develop a council policy on how to take account of iwi management plans

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It is recommended that you develop a clear council policy on how you will use iwi management plans in policy formulation and resource consent processing, but do not let doing this hold up the process of taking account of iwi concerns. Be clear about your legal obligations and how you will meet them. Identify what you believe to be the bare legal minimum. Your council policy could be as simple as a short memorandum or a more detailed statement on your intended policy. (See Template 3 - following page - on issues to consider when developing a council policy on making the best of iwi plans. You may wish to integrate this with the information you developed in Template 2 on MoUs and other agreements with iwi.)

**Some of the main benefits of developing a council policy on how you will take account of iwi management plans and iwi concerns are:**

- this can be given to new staff so that they know what to do
- this can remove any ambiguities for existing staff, consultants and councillors
- it is a useful reference point to show how you are attempting to take account of iwi concerns and therefore can be evaluated and reviewed
- therefore it is a means of showing you are meeting the requirements of the RMA.

It is often useful for an interdisciplinary council team to develop such a policy, with members from each of the groups responsible for implementing it. Ideally anyone who may be implementing the policy should be aware of it. You may wish to include this policy as part of your strategic planning document(s).



# Developing council policies and procedures and implementing them

## Prepare a project plan



To ensure that iwi management plans are integrated into council planning processes it is a good idea to develop a simple project plan to establish what will be done, by whom and when. It can be helpful to set up a cross-disciplinary and intra-council team to develop the plan. This might include a Maori Liaison Officer, plan writer, resource consent processor and a key manager. You may wish to also involve a councillor in this team. Template 4 on the following page is provided to help you develop a project plan appropriate to your council.

Your task will be more complicated when there is more than one iwi and a number of iwi management plans. It is important to assess the similarities and differences between the different statements. To do this we suggest you fill in Template 4 on the following page and the table on page 52 for each iwi in your council boundaries and include all you know about their main concerns.

When you have completed the analysis highlight the similarities and differences between the iwi and prepare a brief statement of the key concerns that relate to:

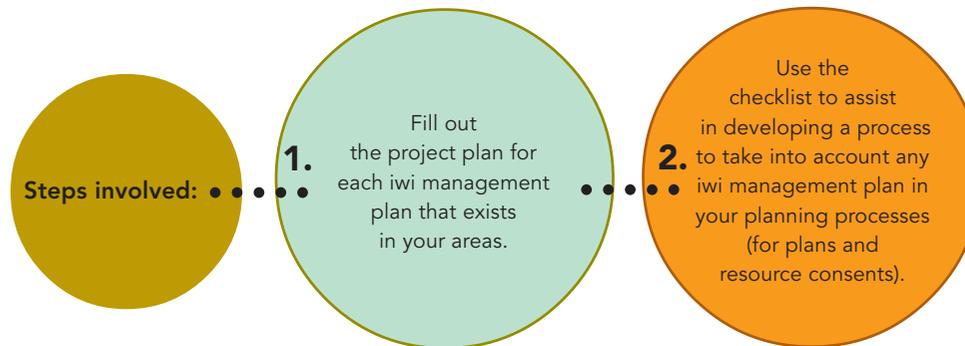
- all iwi (ie a statement of the concerns iwi hold in common)
- a particular iwi (ie points of difference)
- how you will deal with any conflict or differences.

Once the project plan is complete we suggest that you refer again to Checklist 1: Ten tips to make the best use of iwi management plans - see page 18 - to help establish your progress and audit current practice.

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## Template 4 - Iwi management plans project plan



### Project Plan

**Title of project:** Insert title - eg Rotorua District Council Iwi Management Plans Policy

**Purpose:** State the overall purpose of the project: eg to take into account the iwi management plan in the district

**Objectives:** State the objectives of the project: eg to ensure that Ngai Tahu concerns are accounted for in council policies and planning processes and to lessen the likelihood of appeals from Ngai Tahu of plan provisions and resource consent decisions

**Iwi concerned:** List the iwi in your district/region and which if any have an iwi management plan

**Anticipated output:** Describe the anticipated output including what the information is going to be used for - eg to provide iwi input into RMA plans and resource consent processes

**Methodology:** Describe the steps involved in the methodology chosen, using the table below

Steps	Time	Resources	
Describe the sequence of steps involved in the methodology	Indicate the time required to undertake the different steps	Provide a list of resources required in each step including staff resources, who is responsible and any other resources required	
		Who responsible?	What resources?
1. eg develop communications plan for making best use of iwi plans	Planner - 3 days Comms staff - 2 hours Iwi officers - 2 hours	Planner	Time
2.			
3...			



# Developing council policies and procedures and implementing them

## Resource consent processes and plan writing

Use your iwi management plan policy/procedure to develop structured processes for ensuring the best use is made of iwi management plans in writing and reviews of plans and policy statements and resource consent processing. This could include tools and

techniques relevant to both resource consent processing and plan writing (see Table 2 below) and also for specific things to consider at each stage of processing resource consents or writing a plan. Some more specific examples are given after this table.

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<b>Table 2: General Tools and Techniques</b>	<b>Relevant to Consents</b> <small>(tick when completed)</small>	<b>Relevant to Plans</b> <small>(tick when completed)</small>
<p>Develop a protocol on the types of resource consents OR the type of plan issues that iwi are likely to be most interested in (such as Manukau City Council and Environment BOP), ie a guide to issues on which iwi consider themselves to be affected parties.</p> <p>Develop a checklist for staff on what to do at each stage of the resource consent and plan writing/review process to make the best use of any iwi management plans. See the examples provided after this table.</p> <p>Ensure that you have clearly spelt out provisions in your plan(s) and policy statements relating to iwi (such as Porirua City Council) and develop a guide for resource consent applicants that summarises what issues iwi are concerned about.</p> <p>Make any iwi management plans in your area available at the service counter so that the public can read them and to help provide applicants with pre-application advice and information about the likelihood of iwi having concerns with the proposal; and ensure that planners (including any consultants working for you) have access to iwi management plans.</p> <p>Educate staff, management, councillors, consultants, resource consent applicants and the public about key concerns of iwi.</p> <p>Hold regular planning/consents team meetings to discuss issues of concern to iwi, how they are relevant and how these can be integrated into plans.</p> <p>Have a tick box in plan preparation and review sign-off forms to ensure iwi management plans are referred to and legal obligations met.</p> <p>Consider identifying one person to check all consents/plans in relation to iwi concerns, for example an iwi planner, the Maori Liaison Officer.</p> <p>Have iwi management plans available electronically so the relevant provisions can more easily become part of consent conditions or plans.</p> <p>Use technology to develop good systems for information sharing and early warning systems of iwi concerns (taking account of privacy issues and intellectual property), eg develop a computer system that scans for key words included in council policies, match this with key issues iwi are concerned about and then refer these to relevant staff (as done by Rodney District Council).</p> <p>Develop a list of key iwi contacts and put this in an iwi database that can be updated regularly (such as the one developed by Environment BOP). Also include on the database issues raised by iwi, and refer to this throughout resource consent application and plan writing and review processes.</p> <p>Encourage iwi to attend resource consent and plan hearings and meetings to present information in the plan that takes account of iwi concerns. Ensure that the environment is conducive to full participation of iwi.</p> <p>Evaluate and review your processes regularly to ensure they are working.</p>		

# Developing council policies and procedures and implementing them

## Tools and techniques for policies and plans

### Tools & Techniques

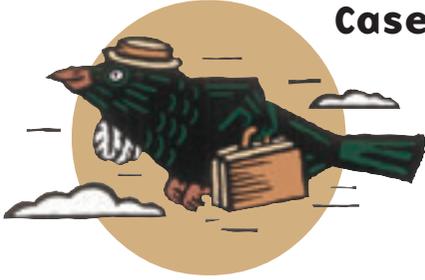


There are a variety of ways of integrating iwi concerns into policies and plans.

- Have a generic statement of iwi concerns included in your statutory plans. This can be a useful provision to have if you do not have any iwi management plans in your area, as it is general enough to provide for any issues that may be included in future iwi planning documents.
- Meet with iwi before plan drafting begins to:
  - build a good relationship
  - inform them of the process and timing of plan preparation in advance
  - ask how they wish to be consulted
  - request information from iwi on their values and key concerns.
- Ask iwi for approval of drafts of plans at various stages of the process, before they go out for formal comment and become part of the formal system.
- Include some specific provisions in your policy documents in relation to each stage in the policy and planning cycle: ie some issues, policies and methods relating to how you will provide for iwi concerns. We include some examples on the following page from plans in New Zealand that may be useful to you.



## Case study examples: plan and RPS provisions



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### Issues

In 1993 Environment BOP engaged Maori professionals to prepare a collective statement on iwi interests to include in the RPS. This included key environmental issues of concern and process issues.

### Policies

The Auckland Regional Council RPS and coastal plan include statements on policy intent in relation to how iwi planning documents and iwi concerns generally will be incorporated into the council's resource management policies. For example in the RPS the following policies (among others relevant to Maori) are included:

"Waahi tapu and other ancestral taonga of special value to tangata whenua shall, where agreed by tangata whenua, be identified, evaluated, recognised and provided for in accordance with tikanga Maori, and given an appropriate level of protection."

"The involvement of tangata whenua in the preparation, implementation, monitoring, change or review of the RPS and the regional and district plans shall be undertaken in ways which:

- (i) ...
- (ii) provide for the district involvement of tangata whenua where decisions are being made on an issue of significance to iwi or hapu concerning ancestral taonga or tikanga Maori;
- (iii) enable the assessment of effects of activities on relationships with ancestral taonga, including effects on access to, or use of, ancestral taonga;
- (iv) provide for early and effective consultation.

In addition, in relation to resource consents, the ARC and TAs shall:

- (v) take into account where relevant any planning document recognised by an Iwi authority affected by a resource consent;
- (vi) enable applicants to be aware of their responsibilities to tangata whenua early in the consent process."

## Methods

The Auckland Regional Council RPS includes 12 methods to clarify how the council will take account of iwi planning documents as specified in their policies. In summary form this includes a commitment to:

- consult with each iwi authority of the region, and agree on procedures
- determine the situations in which tangata whenua are likely to wish to be consulted, and provide for this in the implementation of regional and district plans
- maintain a list of tangata whenua representatives explicitly appointed for consultation over resource management matters
- establish co-ordinated education programmes to improve the understanding of all parties regarding the responsibilities pertaining to matters of significance to tangata whenua under the RMA
- provide for tikanga Maori, marae hearings, and the use of the Maori language in hearings etc
- maintain a list of Hearing Commissioners with recognised expertise in tikanga Maori/resource management and appoint them for relevant hearings
- ensure matters of significance to tangata whenua are identified during plan preparation and provided for
- develop and maintain guidelines and checklists to assist people in consulting with tangata whenua
- ensure that a directory of Maori organisations is available to help consultation
- encourage applicants to consult the appropriate tangata whenua prior to submitting their applications for resource consents
- ensure that tangata whenua are consulted when it is proposed to transfer duties, powers and functions.

## Rules

The Tauranga District Plan includes in their rules:

“(b) the extent to which the proposal is consistent with any relevant tangata whenua planning document, including effects on sites or areas of significance identified in a tangata whenua planning document...”

Applications are assessed against the following assessment criteria and information requirements:

“In assessing discretionary and non-complying activity applications other than those by tangata whenua, the following matters will be considered, including but not limited to:

a) Consultation shall consist of the following steps:

- (i) Provision of sufficient information to enable the proposal to be understood by tangata whenua.





- (ii) Allow at least 15 working days for a response to the information.
- (iii) If a meeting is requested by the relevant tangata whenua or group within this time, attend the meeting.
- (iv) If a response in writing is provided by tangata whenua, that response is forwarded to Council with the application.

In addition consultation may include the following steps:

- (i) Any issues identified in the consultation requiring resolution are discussed with the appropriate people and solutions devised.
- (ii) Should the significance of the issues be considered by tangata whenua to warrant a meeting (hui) with other members of the hapu with an interest in the particular site then undertake to attend the meeting..."

The Tauranga District Plan goes on to state the matters that council may impose conditions on:

"If council considers it appropriate to grant consent to a discretionary or non-complying activity, conditions imposed may include (but are not limited to) any one or more of the following matters:

- Specifying further involvement of nominated tangata whenua representatives where on-going consultation may be required during the development of a site.
- Requiring monitoring information to be reported back to tangata whenua representatives where specific conditions have been imposed to address their concerns.
- Specifying a procedure to be followed according to tikanga Maori.
- Financial contributions to remedy or mitigate adverse effects on matters of significance to tangata whenua (refer Part Seven Financial Contributions).
- Actions to be undertaken to ensure the ongoing protection or enhancement of cultural and spiritual values of the site."

The Wellington City Plan includes rules relating to any listed sites of significance for Maori, and states conditions that relate to any listed site of significance to tangata whenua or other Maori:

- the degree to which the activity detracts from the heritage significance of the site
- where the site is within a Maori precinct, the effect of the activity on the significance and objectives of the precinct
- the outcome of consultation with tangata whenua and other Maori.

# Developing council policies and procedures and implementing them

## Tools and techniques for resource consent processes

### Tools & Techniques



There are a variety of ways of ensuring you have made the best use of iwi planning documents and integrated iwi concerns into the resource consent application process. Iwi management plans can contain information which is useful in resource consent decision-making processes. They can help you to:

- identify whether an application may affect iwi
- identify whether further information is required on the potential effects and mitigation measures
- identify if iwi are affected parties and their written approval is required
- decide if an application should be notified.

#### Stage 1: Throughout the process and pre-application

- try to develop a culture of continuous improvement and a learning environment in which people can learn how to better make the best use of any iwi planning documents and integrate Maori concerns into resource consent processing
- ensure iwi management plans are readily available and people know where to find them  
*eg Manukau City Council have available at the service centre a list of all iwi plans in their area*
- have a summary of the contents of iwi management plans to make them more accessible. It is important to verify with iwi that your summary is an accurate record  
*eg Auckland Regional Council ensures all iwi management plans are available to council officers and a draft analysis of the policies in the iwi management plans and the Auckland Regional Policy Statement 1999 has been completed which provides a summary of iwi plans*
- provide guidance to staff, consultants, councillors and applicants on the ways of making the best use of iwi planning documents and ensure that this is available in an accessible format such as a simple pamphlet
- provide guidance to staff, consultants, councillors and applicants on who are considered to be affected parties, where they are located and in relation to what they are affected  
*eg try to develop a composite map for the whole area specifying who is affected and where, etc;*
- encourage resource consent applicants to read iwi management plans (or at least summaries of them) and understand how their proposed development may impact on iwi
- hold a workshop for developers and/or iwi on how to use the iwi planning documents and to understand how these relate to council policies





- use an iwi planning document to know what information to make available to resource consent applicants in relation to possible impacts of a development on iwi. The table on page 52 provides a format for distilling key components of an iwi planning document and linking this to council policies

- ensure that any resource consent processing checklists and audit forms include a reference check to ensure that any iwi planning documents have been read and taken into consideration in the resource consent application process

- refer to Ministry for the Environment and Local Government New Zealand guidance material on resource consents.

### Stage 2: Application

- check if all the information is there, including relevant information from any relevant iwi planning documents (this provides a check that the document has been referred to)

- fill in the table on page 52 to ensure that staff, consultants and applicants have considered any relevant iwi management planning document as one way of identifying any potential adverse effects for iwi and ensuring that they are considered as part of the resource consent application process

- refer also to the Ministry for the Environment guide *Auditing Assessments of Environment Effects (1999)* for some general checklists to use and adjust to consider the effects of any consent application on iwi, runanga or hapu. A suggestion is to include a simple checklist or a tick box to ensure that the information in iwi planning documents has been referred to

- list any relevant policies from the iwi planning document/s - particularly in relation to your assessment of anticipated environmental effects (AEE) ie what specific effects should be considered that are identified in the iwi planning documents

- check if there is any information missing in the iwi management plan. Do you need specialist advice?

- consider whether a pre-hearing meeting between the iwi and the developer would help to establish areas of mutual agreement and disagreement

- if an applicant has not taken account of the relevant sections of an iwi management plan in relation to activity levels in a plan (discretionary, non-complying, unrestricted etc) ensure that you know where it falls within performance criteria in the plan

- schedule in site visits with iwi if they are available and want to be involved in this way to discuss effects of the development on their values

- have guidance on notification and non-notification eg Tauranga District Council have a notification committee

- make sure that there is a reference to iwi management plans in officers resource consent application processing reports.

### Stage 3: Resource consent hearings

- ensure you provide for tikanga and te reo Maori in resource consent hearings where appropriate

- ensure that people with expertise in tikanga Maori and resource management are involved in hearings where ancestral taonga or tikanga Maori is a significant issue to tangata whenua.

# Developing council policies and procedures and implementing them

## Training

*Better use of iwi management plans will occur if council staff understand where to go to get help, what the key resource management issues are for iwi and what processes are needed to establish and maintain good working relationships with iwi.*

It is important that council training in a range of areas takes account of matters affecting Maori, including effective communication with Maori, best practice in consultation methods and the implications of different environmental perspectives.

## Tools & Techniques



- induction processes should include information on iwi management plans (eg make available any key checklists and procedures) and whether any such plans exist in your council area (such as Auckland City Council's approach)
- ensure that all relevant staff, councillors and consultants have been trained so that they can make the best use of any documents outlining iwi concerns
- do not be afraid to have a go and start the process of making the best of iwi concerns even if there are past grievances
- ask for help from others who are working on the same issues (such as building on other council ideas) and hire professionals (eg facilitators) if that would help
- encourage staff to seek ongoing professional development in tikanga Maori and ensure staff can undertake effective communication with Maori - basic tikanga and kawa, guide on the type of meeting to have and who to include to discuss certain issues with iwi
- have rewards for staff who display good practice in making the best use of iwi management plans and get them to share ideas with others (ie internal role modelling where possible)
- assess training needs of staff, consultants and councillors on making the best use of iwi management plans (eg Manukau City Council trains all staff on tikanga Maori so all can make the best use of information provided by iwi and apply it to their particular area of resource management planning)
- review training needs regularly to ensure the ways of integrating iwi management plans into planning processes are working
- remember to evaluate your approaches from time to time to check that they are still working. Check with iwi on their perspectives of whether or not you are adequately integrating their concerns into planning processes.

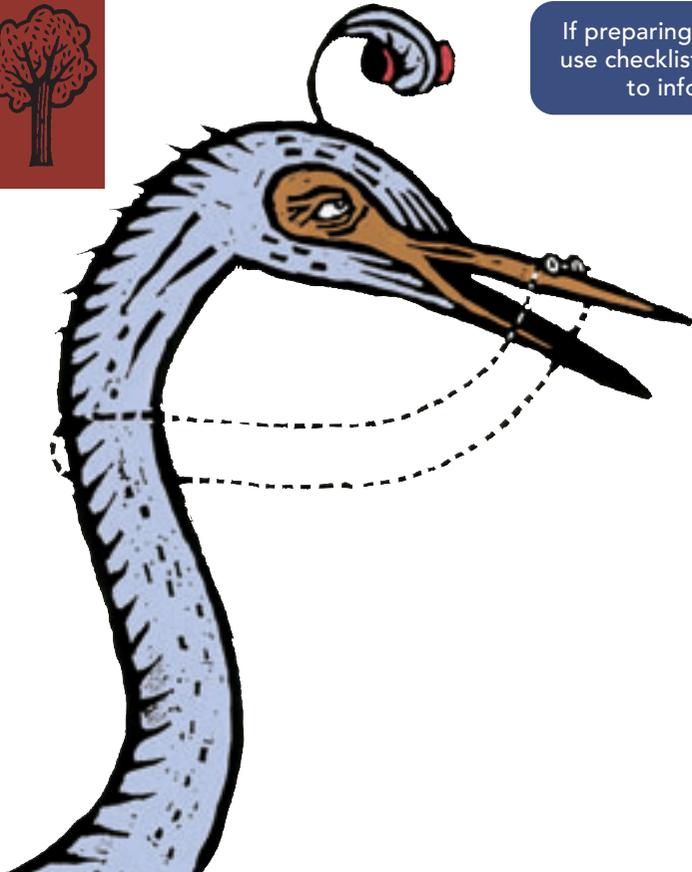
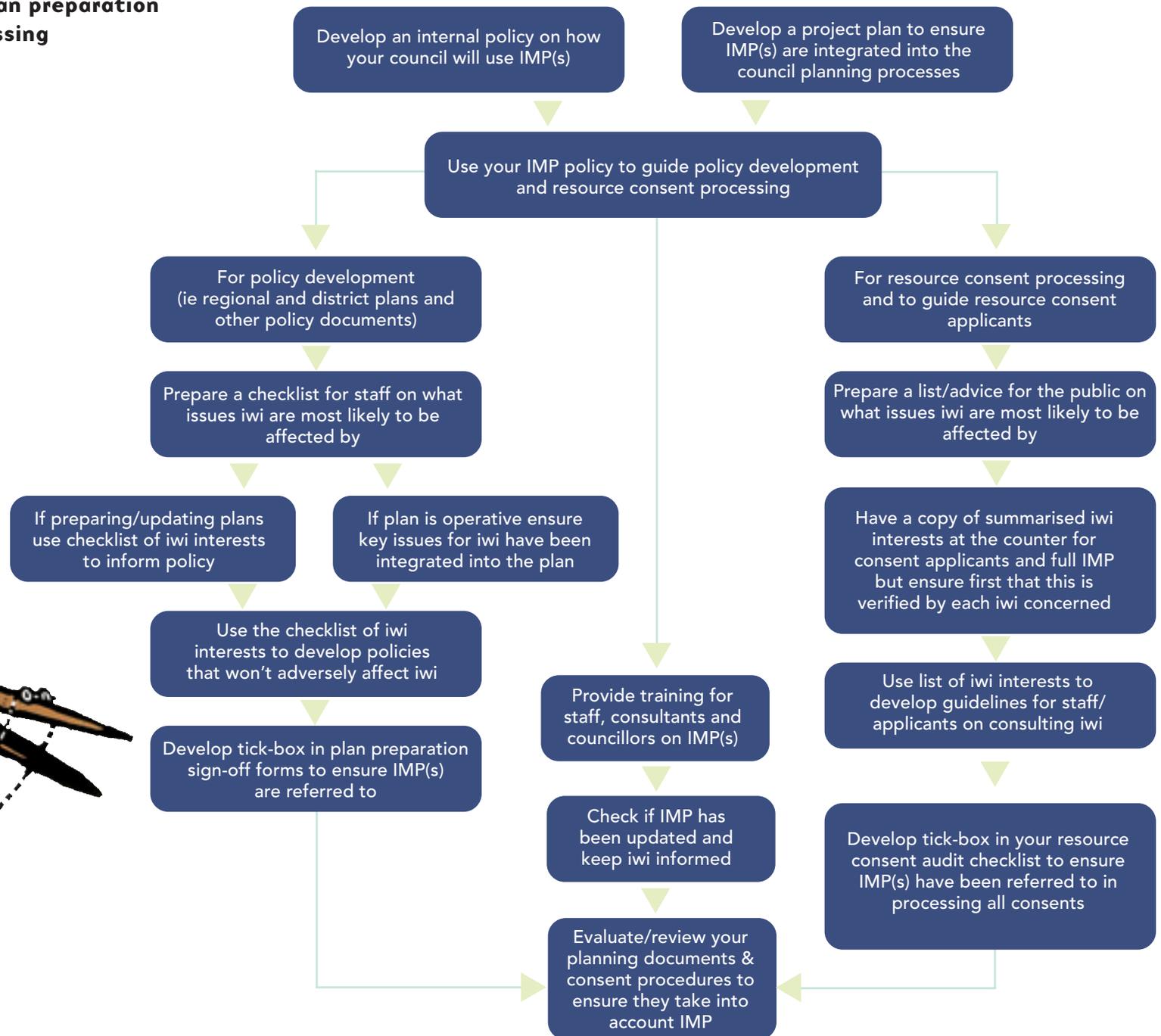
## Checking and evaluating your progress

The flowchart over the page, Figure 2, provides an overview of things to consider when seeking to integrate iwi concerns in plan preparation/reviews and resource consent processing. We suggest you use this flowchart as a reference point for checking and evaluating your council RMA processes.



## Developing council policies and procedures and implementing them

Figure 2: How to make the best use of iwi management plans in plan preparation and resource consent processing



## A final word

*Iwi management plans can help to streamline processes between iwi and councils, minimise the need for councils to take a case-by-case approach to similar issues and can generate greater understanding of the views of iwi on the environment.*

Iwi management plans are a useful tool for better understanding iwi views on the environment and in the context of RMA processes. In some instances iwi management plans may be broader than RMA requirements and not all issues will be able to be integrated into council processes. When consulting and working with iwi be clear about what is and what isn't within the scope of council concern

and do not make promises you cannot follow through with. Equally, take the opportunity to be flexible, to be open to new ideas and to push out the boundaries.

When making requests for iwi input be aware of the multiple pressures on iwi and iwi members to contribute on a wide spectrum of issues and to a wide range of institutions.

Make your request for input timely and focused. Consider what resources, financial or otherwise, are available to facilitate the effective input of iwi, particularly in the development of iwi management plans.



## Appendix 1 – Key resources

We have developed a list of some resources that we think may help you in working out how your council will take account of iwi management plans in RMA planning processes. These are listed below. Do not be afraid to ask for help. There are a number of people who are skilled in developing successful working relationships with iwi who may be able to help you (for example, planners and iwi in your council and some of the other councils mentioned in this guide as taking a particular approach that you may be able to adopt).

Key written resources include:

He Tohu Pou Whenua Taranaki 1992. *He Tohu Pou Whenua Taranaki, Iwi Resource Management Participation.*

Matunga, H 1993. *Walking the Talk - Integration of Iwi Planning Documents with Regional and District Policy Statements and Plans.*

Matunga, H 1992. *Benefits for Both Parties. Planning Quarterly, December 1992.*

Ministry for the Environment 2000. *Talking Constructively: A Practical Guide for Iwi, Hapu and Whanau on Building Agreements with Local Authorities.*

Ministry for the Environment August 2000. *Te Raranga a Mahi - Developing Environmental Management Plans for Whanau, Hapu and Iwi. Prepared under the Sustainable Management Fund by Beca Carter Hollings & Ferner Ltd, Wellington Tenth's Trust and Te Runanga O Ngai Tahu.*

Ministry for the Environment February 2000. *Iwi and Local Government Interaction under the Resource Management Act 1991: Examples of Good Practice.*

Ministry for the Environment March 1999. *Auditing Assessments of Environmental Effects – A Good Practice Guide.*

Ministry for the Environment June 1999. *Case Law on Tangata Whenua Consultation, RMA Working Paper.*

Office of the Parliamentary Commissioner for the Environment June 1992. *Proposed Guidelines for Local Authority Consultation with Tangata Whenua.*

Te Puni Kokiri/Ministry of Maori Development 1993. *Mauriora Ki Te Ao - An introduction to Environmental and Resource Management Planning.*

Web resource:

[www.qp.org.nz](http://www.qp.org.nz) - in particular the Consultation with tangata whenua and 'hot topics' in relation to iwi sections.



## Appendix 2 – Known iwi management plans and documents

Awaroa ki Manuka 1991. *Ngaa Tikanga o Ngaati Te Ata, Tribal Policy Statement.*

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

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

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

Kai Tahu ki Otago 1995. *Natural Resources Management Plan, Aoraki Press.*

Kawerau a Maki Trust 1995. *Resource Management Statement.*

Kowhai Consulting 2002. *Ngati Maniopoto State of the Environment Report.*

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

Nga Hapu O Otaki on behalf of Ngati Raukawa ki te Tona 2000. *Proposed Ngati Raukawa Otaki River Catchment Iwi Management Plan.*

Tai Poutini Tuna/Eel Management Committee 1999. *Eel Management Plan - Covering the West Coast of the South Island, New Zealand, Prepared for Te Waka a Maui me ona Toka Mahi Tuna.*

Te Maire Tau, Anake Goodall, David Palmer, Rakihia Tau 1990. *Te Whakatau Kaupapa Ngai Tahu Resource Management Strategy for the Canterbury Region.*

Te Runanga o Ngati Hauti 1996. *Kaupapa Taiao: Environmental Policy Statement.*

Te Runanga o Ngati Porou 1998. *Ngati Porou Environmental Policy Statement, Ngati Porou Hapu Environmental Management Plans Project.*

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

Te Runanga o Ngai Tahu 2000. *Te Runanga o Ngai Tahu - Freshwater Policy.*

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

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



## Appendix 3 – Provisions in the Resource Management Act 1991 that recognise Maori interests in natural resources

Part	Section	Provision
Part II: Purpose and Principles	s5(2)	<ul style="list-style-type: none"> <li>• “Sustainable management” means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety</li> </ul>
	s6(e)	<ul style="list-style-type: none"> <li>• In achieving the purpose of the RMA, all persons exercising functions and powers under it in relation to managing the use, development, and protection of natural and physical resources... shall recognise and provide for the following matters of national importance... the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga</li> </ul>
	s7(a), (e)	<ul style="list-style-type: none"> <li>• In achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to kaitiakitanga and the heritage value of sites</li> </ul>
	s8	<ul style="list-style-type: none"> <li>• In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)</li> </ul>
Part III: Duties and Restrictions under this Act	s14(3)(c)	<ul style="list-style-type: none"> <li>• Restrictions relating to water: A person is not prohibited by subsection (1) of this section from taking, using, damming, or diverting any water, heat, or energy if in the case of geothermal water, the water, heat, or energy is taken or used in accordance with tikanga Maori for the communal benefit of the tangata whenua of the area and does not have an adverse effect on the environment</li> </ul>
Part IV: Functions, Powers, and Duties of Central and Local Government	s33(1), (2)	<ul style="list-style-type: none"> <li>• A local authority that has functions, powers, or duties under the RMA may transfer any one or more of those functions, powers, or duties to another public authority in accordance with this section. For the purposes of this section, “public authority” includes any iwi authority</li> <li>• A local authority may not transfer the approval of a policy statement or plan or any changes to a policy statement or plan; the issuing of, or the making of a recommendation on, a requirement for a designation or a heritage order under Part VIII; or this power of transfer</li> </ul>
	s39(2)(b)	<ul style="list-style-type: none"> <li>• In relation to hearings, in determining an appropriate procedure for the purposes of subsection (1) of this section, a local authority, a consent authority, or a person given authority to conduct hearings shall recognise tikanga Maori where appropriate, and receive evidence written or spoken in Maori and the Maori Language Act 1987 shall apply accordingly</li> </ul>
Part V: Standards, Policy Statements, and Plans	s45(2)(h)	<ul style="list-style-type: none"> <li>• In determining whether it is desirable to prepare a national policy statement, the Minister for the Environment may have regard to anything which is significant in terms of s8 (Treaty of Waitangi)</li> </ul>
	s58(b)	<ul style="list-style-type: none"> <li>• A New Zealand coastal policy statement, prepared and recommended by the Minister of Conservation, may state policies about the protection of the characteristics of the coastal environment of special value to the tangata whenua including waahi tapu, tauranga waka, mahinga maataitai, and taonga raranga</li> </ul>
	s61(2)(a)(ii), (iii)	<ul style="list-style-type: none"> <li>• When preparing or changing a regional policy statement, the regional council shall take into account any relevant planning document recognised by an iwi authority affected by the regional policy statement, and any regulations relating to ensuring sustainability, or the conservation, management or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing)</li> </ul>
	s62(1)(b)	<ul style="list-style-type: none"> <li>• A regional policy statement shall make provision for such of the matters set out in Part I of the Second Schedule (and such of the matters set out in Part II of that Schedule as are of regional significance) that are appropriate to the circumstances of the region, and shall state the resource management issues of significance to iwi authorities in the region.</li> </ul>

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Part	Section	Provision
	2nd Schedule, Part I, cl 4(c)  2nd Schedule, Part II, cl 2(c)  s64(1)	<ul style="list-style-type: none"> <li>Part I of Second Schedule says, in relation to regions, policy statements and plans may provide for any matter relating to the management of any actual or potential effects of any use, development, or protection described in clauses 1 or 2 on natural physical, or cultural heritage sites and values, including landscape, land forms, historic places, and waahi tapu</li> <li>Part II of the Second Schedule says, in relation to districts, policy statements and plans may provide for any matter relating to the management of any actual or potential effects of any use, development, or protection described in clause 1 of this Part, including on natural, physical, or cultural heritage sites and values, including landscape, land forms, historic places, and waahi tapu</li> <li>There shall at all times be, for all the coastal marine area of a region, one or more regional coastal plans prepared in the manner set out in the First Schedule</li> </ul>
	1st Schedule cl 2(2)  1st Schedule cl 3(1)(d)  1st Schedule cl 5(4)(f)  1st Schedule cl 20(4)(f)  s65(3)(e)  s66(2)(c)(ii), (iii)  s67(1)  s74(2)(b)(ii)	<ul style="list-style-type: none"> <li>A proposed regional coastal plan shall be prepared by the regional council concerned in consultation with the Minister of Conservation and iwi authorities of the region</li> <li>During the preparation of a proposed policy statement or plan, the local authority concerned shall consult the tangata whenua of the area who may be so affected, through iwi authorities and tribal runanga</li> <li>A local authority shall provide one copy of its proposed policy statement or plan without charge to the tangata whenua of the area, through iwi authorities and tribal runanga</li> <li>The local authority shall provide one copy of its operative policy statement or plan without charge to the tangata whenua of the area, through iwi authorities and tribal runanga</li> <li>Without limiting the power of a regional council to prepare a regional plan at any time, a regional council shall consider the desirability of preparing a regional plan whenever any significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources arise or are likely to arise</li> <li>When preparing or changing any regional plan, the regional council shall take into account any relevant planning document recognised by an iwi authority affected by the regional plan, and regulations relating to ensuring sustainability, or the conservation, management or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing)<sup>1</sup></li> <li>A regional plan may make provision for such of the matters set out in Part I of the Second Schedule as are appropriate to the circumstances of the region (see above for Part I of Second Schedule)</li> <li>When preparing or changing a district plan, a territorial authority shall take into account any relevant planning document recognised by an iwi authority affected by the district plan and regulations relating to ensuring sustainability, or the conservation, management or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing)<sup>2</sup></li> </ul>
	s75(1)	<ul style="list-style-type: none"> <li>A district plan shall make provision for such of the matters set out in Part II of the Second Schedule as are appropriate to the circumstances of the district (see above for Part II of Second Schedule)</li> </ul>
Part VI: Resource Consents	s93(1)(c)(ii), s93(1)(f)  s104  s140(2)(h)	<ul style="list-style-type: none"> <li>Once a consent authority is satisfied that it has received adequate information, it shall ensure that notice of every application for a resource consent made to it in accordance with this Act is served on the New Zealand Historic Places Trust if the application affects any historic place, historic area, waahi tapu, or waahi tapu area registered under the Historic Places Act 1993; and served on iwi authorities as it considers appropriate</li> <li>A consent authority's consideration of an application for a resource consent and any submissions received is subject to Part II of the RMA</li> <li>The Minister may call in applications for resource consents of national significance, such as where the applications are relevant to the Treaty of Waitangi</li> <li>The RMA must be read subject to the requirements of the Ngai Tahu Claims Settlement Act 1998. See Part 12 and the "Statutory Acknowledgements" in the Schedules, in particular ss205-229</li> </ul>

<sup>1</sup> Clause 25 of the Resource Management Amendment Bill 1999 amends section 66 of the principal Act to ensure that the regional council must take iwi planning documents into account instead of having regard to them.

<sup>2</sup> Clause 28 of the Resource Management Amendment Bill 1999 amends section 74 of the principal Act to ensure that a territorial authority takes iwi planning documents into account instead of having regard to them.



# Table 1: Analysis of iwi management plans

Council: \_\_\_\_\_

Date: \_\_\_\_\_

Analysed by: \_\_\_\_\_

Tangata Whenua	IMP Reference	Key Issues	Category	Relevant RMA Document	Other Relevant Legislation	Council Policies	Not relevant to Council Functions/ Policies	Tangata Whenua Suggestions to Address Issues	Council Suggestions to Address Issues	Comments to Follow up with Iwi	Action Points for Council
<i>State the iwi, tangata whenua</i>	<i>State the titles of any iwi plans, authors, publisher and date published</i>	<i>Produce a list of the key issues, ie matters relevant to the scope of the IMP, a clear and focused problem &amp; a statements that identifies what the situation is</i>	<i>This is a grouping of issues into subject areas</i>	<i>List any relevant plans or policy statements and particular rules</i>	<i>List any other relevant legislation</i>	<i>List any additional relevant council policies eg copy in the wording of your council IMP policy</i>	<i>Tick if not relevant</i>	<i>This should be copied from the iwi planning document/s</i>	<i>This could include any statutory and non-statutory methods</i>	<i>List any things you wish to follow up etc</i>	<i>Provide a list of action steps for the future that have arisen as a result of filling out this template</i>

