Table 13: Checking Our Achievements (Monitoring) - Checklist

Key Tasks

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

Project Timeline

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

Summary
Rolled Up Task
Rolled Up Split
Rolled Up Milestone

Rolled Up Progress
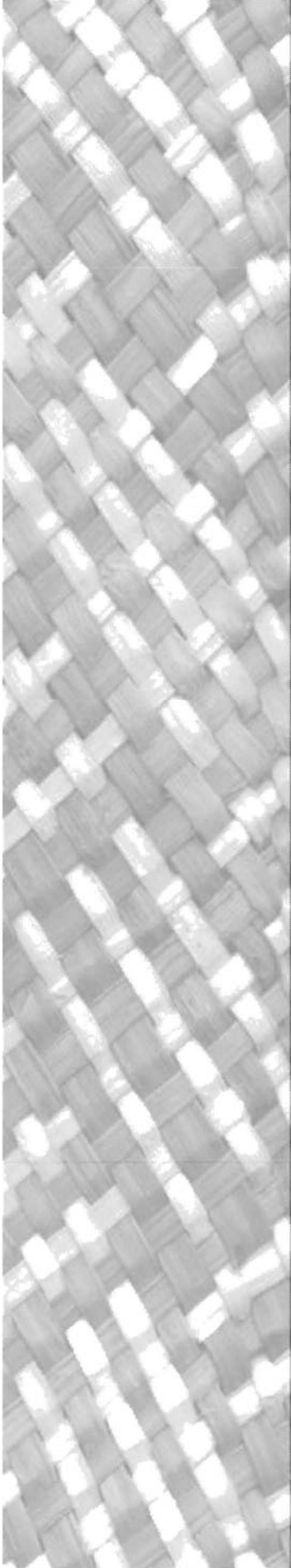External Tasks
Project Summary

Project: Blank
Date: Wed 09/08/00

Resource Estimation Table

Task	Total Hours Required	Team Member (TM)							Total Hours Available	+/-
		Team Leader	TM1	TM2	TM3	TM4	TM5	TM6		
Total Hours										

Keeping Up With Change (Review):
"Te Ao Hurihuri - The World Moves On"

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

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

Purpose:

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

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

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

G u i d e l i n e s

Process:

- Determine a regular timeframe (months/years) in which the assessment of the IMP is to be completed;

- Identify if new significant resource management matters have arisen;

- Analyse new resource material (case law, research findings) available on resource management;

- Review the understanding which the iwi or hapu have of the current state of the environment within the rohe;

- Compare current state with that which existed at the time the IMP was implemented;

- Consult internally and externally on the effectiveness of the IMP;

- Consider options for addressing issues that may arise as a result of any new resource management matters;

- Assess if any IMP content is inappropriate or unnecessary;

- Report to whanau, hapu or iwi, including recommendations for action; and

- If required, initiate a review of part of the IMP or the entire IMP in line with procedures established for the preparation of the original IMP.

Other Relevant Guidelines And Checklists

- Preparing the Plan;

- Consultation Process;

- Ways To Get There (Objectives);

- Achieving Outcomes; and

- Checking Our Achievements

CASE STUDY: ASSESSMENT AND REVIEW

NGATI HAUMIA FRESHWATER MANAGEMENT PLAN

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

Annual Review

- Ngati Haumia will convene a Hui on an annual basis, to review the issues, outcomes, objectives and methods contained within the Plan.

- This annual review will also set any priorities and work programmes for specific actions by Ngati Haumia in respect of any objectives contained within the Plan.

- The review will also identify any joint action that is required by Ngati Haumia and any resource management agency in respect of any objective in the Plan.

- Where necessary the hui will result in the initiation of a change to the Plan, an identification of the scope of the investigation and consultation required, and the setting of a timeframe for the process of making the appropriate change to the Plan.

5 Yearly Review

- On or around the 5th anniversary of this Plan becoming operative, Ngati Haumia will convene a hui to initiate the process of a formal review of the IMP.

- This hui will identify the scope of the review, the consultation process to be undertaken, and the timeframe for the completion of the review process.

Assessment Criteria

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

- The extent to which the specified outcomes have been achieved over the review period;

- The effectiveness of the objectives in pursuing those outcomes;

- The effectiveness of the methods in achieving the objectives;

- The resources required to both pursue the stated objectives and to implement the chosen methods;

- The effectiveness of the consultation process and relationships developed with other hapu, resource management agencies and the wider community.

Table14: Keeping Up With Change (Review) - Checklist

Key Tasks

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

WORKSHEET: KEEPING UP WITH CHANGE

Outcome, Objective or Method of Implementation
Review Standards or Criteria •   •   •
Analysis
Recommended Changes

Project Timeline

ID	Task Name	Duration	Start	Finish	2001				2002				2003				2004			
					Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Qtr 1	Qtr 2	Qtr 3	Qtr 4
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Task		Summary	Rolled Up Progress
Split		Rolled Up Task	External Tasks
Progress		Rolled Up Split	Project Summary
Milestone	◆	Rolled Up Milestone ◆	

Project: Blank
Date: Wed 09/08/00

Resource Estimation Table

Task	Total Hours Required	Team Leader	TM1	TM2	TM3	TM4	TM5	TM6	Total Hours Available	+/-
Total Hours										

PART IV: RESOURCE DIRECTORY

Nau te rourou, naku te rourou, ka makona te iwi

Your contribution, and my contribution, will provide sufficient for all

- *Funding Sources*

- *Existing IMPs*

- *Publications*

- *Web Sources*

- *Legislation Fact Sheets*

FUNDING SOURCES
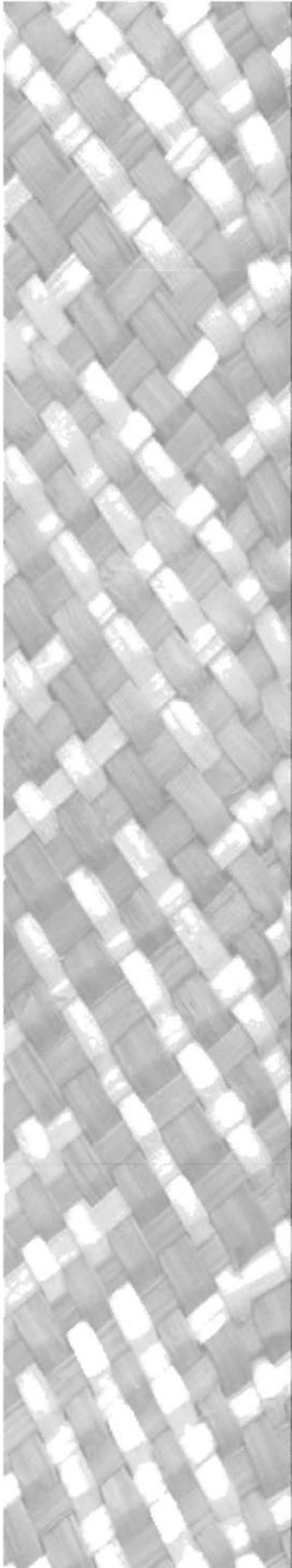
FUNDING SOURCES

Introduction

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

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

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

District and Regional Councils

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

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

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

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

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

Community Trusts

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

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

Lottery Grants Board

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

The different funding areas are;

Lottery General

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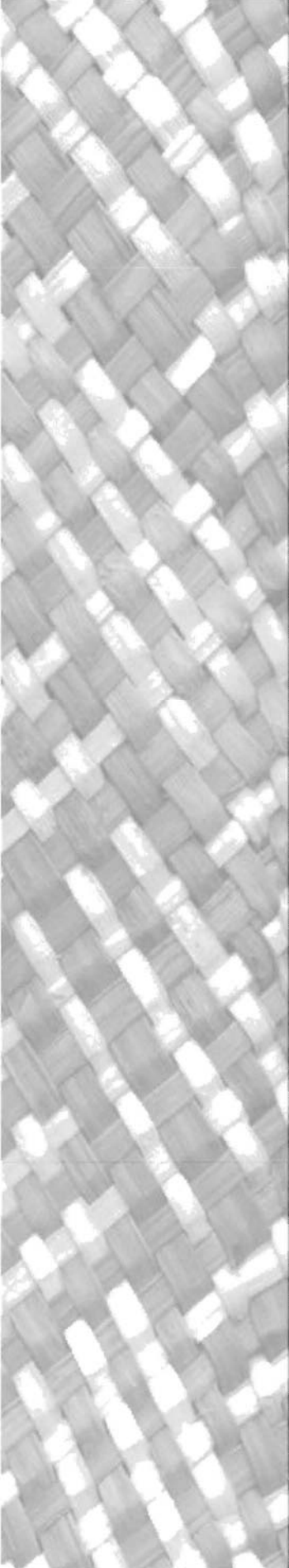
Lottery Environment and Heritage

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

Development Initiatives

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

- Development and community resource networks and community centres;

- Cultural development initiatives

- Iwi structural and developmental initiatives, particularly in rural and provincial areas

- Local initiatives which encourage participation and build community identity, particularly in low-income communities.

- Grants are made on a one-off basis to a maximum of $30,000.

Community Employment Grants

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

Sustainable Management Fund

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

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

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

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

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

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

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

Public Good Science Fund

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

EXISTING IMPS

IWI MANAGEMENT PLANS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Kawerau a Maki Trust (1995) Resource Management Statement

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

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

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

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

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

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

PUBLICATIONS
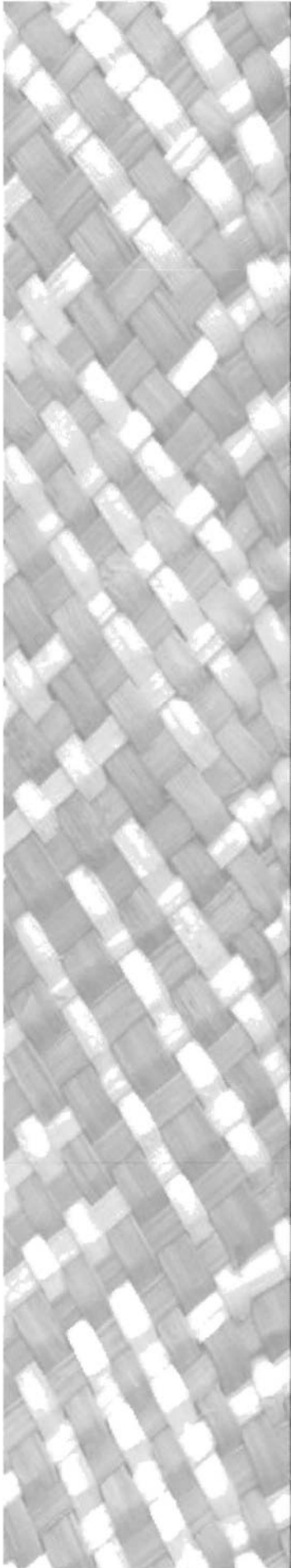
IWI RESOURCE MANAGEMENT PUBLICATIONS

*   Bay of Plenty Regional Council (1993) <u>Iwi Resource Management Strategy – Resource Planning Kit</u>.

*   Maruwhenua, Ministry for the Environment (1998) <u>"He Tohu Whakamarama: A report on the interactions between local government and Maori organisations in Resource Management Ad Process"</u>.

*   Ministry for the Environment (1999) <u>Case law on Tangata Whenua consultation</u> Ministry for the Environment, Wellington.

*   Ministry for the Environment (1992) <u>Kia Matiratira: The Resource Management Act, A Guide for Maori</u>, Ministry for the Environment, Wellington.

*   Nga Kaiwhakamarama I Nga Ture (1999) <u>Ki Te U O Te Hiahia : A Guide to the Resource Management Act 1991</u> Maori Legal Service Inc. Wellington.

*   Te Kaitiaki Taiao o Te Whare Paremata – Office of the Parliamentary Commissioner for the Environment (1998). Kaitiakitanga and Local Government. Tangata Whenua Participation in Environmental Management.

*   Te Kaitiaki Taioa o Te Whare Paremata – Parliamentary Commissioner for the Environment (1998). <u>Environmental Management and the Principles of the Treaty of Waitangi. Report on Crown Response to the Recommendations of the Waitangi Tribunal</u>.

*   Te Puni Kokiri (1993) <u>Mauriora Ki Te Ao : An Introduction to Environmental and Resource Management Planning</u> Te Puni Kokiri, Wellington

*   Te Tira Ahu Iwi (1990) <u>Nga Whetu Kapokapo : Navigation Points</u>, Iwi Transition Agency.

PROJECT MANAGEMENT PUBLICATION

*   Burton C and Michael N (1991) <u>Basic Project Management : How to Make it Work in Your Organisation</u>, Reed Books, Auckland

*   Burton C and Michael N (1994) <u>A Practical Guide to Project Planning</u>, Reed Books, Auckland.

VIDEO

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

WEB SOURCES

WORLD WIDE WEB

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

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

Universities

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

Canterbury University

www.soci.canterbury.ac.nz/links.htm

www.maori.canterbury.ac.nz/links.html

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

Lincoln University Centre for Maori and Indigenous Planning and Development

www.lincoln.ac.nz/libr/nz/maori.htm
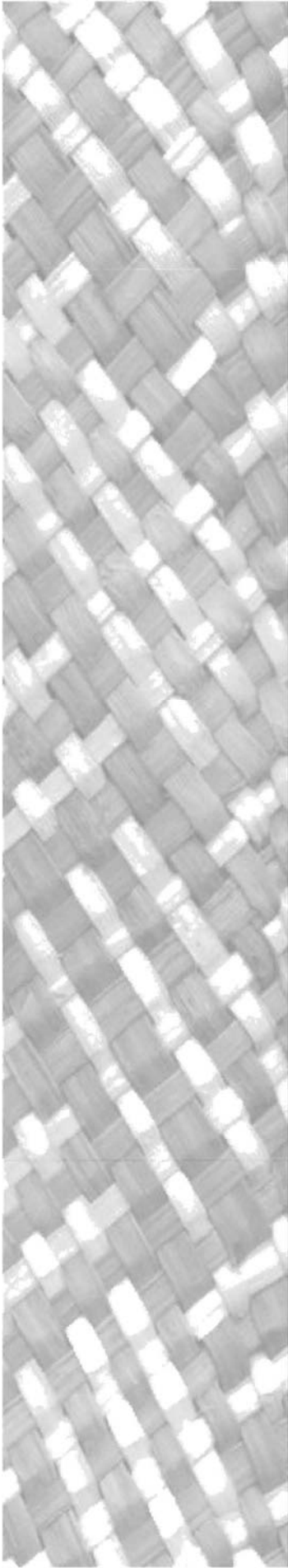
www.lincoln.ac.nz/emd/groups/msr.htm

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

Auckland University

www.auckland.ac.nz/lbr/maori/maorigate.htm

www.arts.auckland.ac.nz/maori

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

Waikato University

www.lianz.waikato.ac.nz

www.waikato.ac.nz/research/html

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

Other Universities

Te Whare Wananga o Otago

www.otago.ac.nz/Web_menus/Dept_Homepages/Maori)Studies/ Other_Maori.html

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

www.vuw.ac.nz/maori/intro.html

www.vuw.ac.nz/maori/tira.html
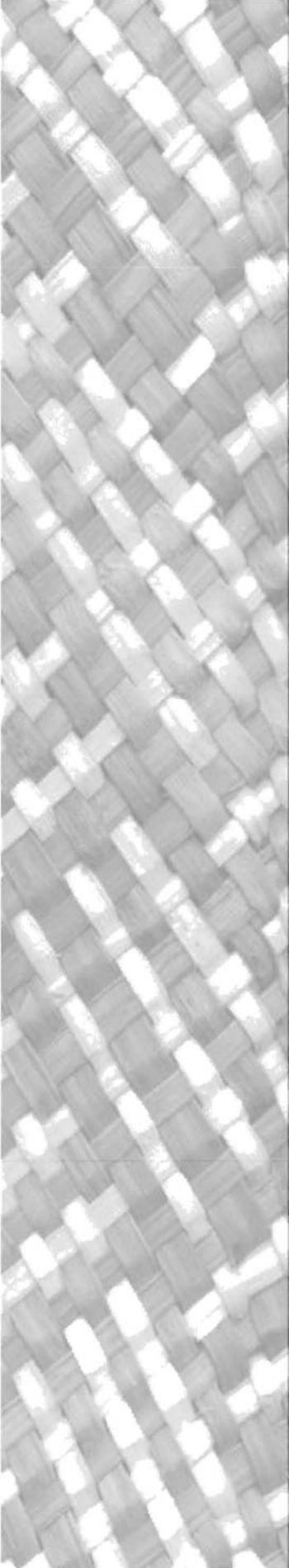
Iwi

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

1. Powhiri

2. Location

3. History

4. Organisational Structure

5. News

6. Events

7. Contacts

Arawa Net

www.arawa.net.nz

Muriwhenua News

www.Webnz.co.nz/tekorero/muriwhenua/mihi/html

Ngai Tahu

www.ngaitahu.iwi.nz

Ngati Awa

www.ngatiawa.co.nz

Ngati Maniapoto Marae Pact Trust

www.maniapoto.org.nz

Ngati Porou

www.ngatiporou.iwi.nz/business.html

Te Rarawa

www.terarawa.co.nz

Tainui Corporation

www.tainui-corp.co.nz

Also see the Landcare Trust link below.

Other Maori Organisations

Nga Korero o te wa

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

Te Kupenga

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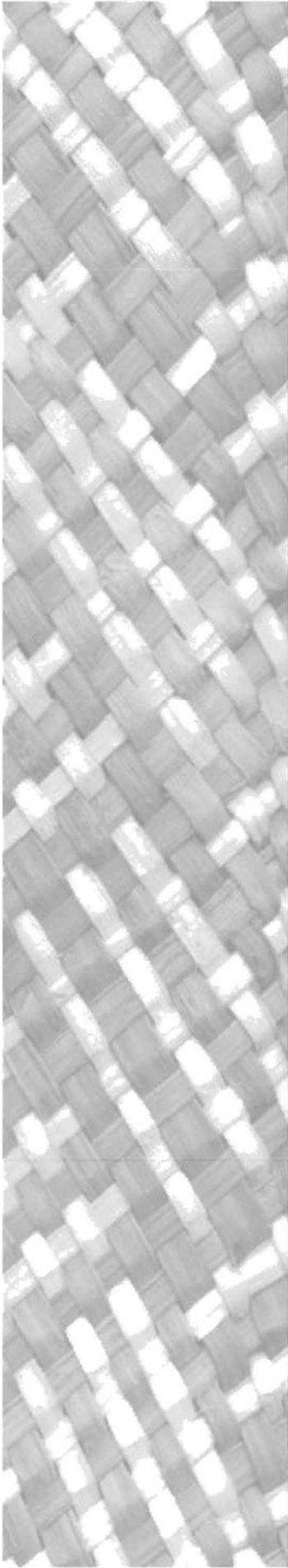
www.kupenga.maori.co.nz

The Maori Net

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

www.maori.net.nz

Maori.org.nz

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

www.maori.org.nz

Maori Law Review

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

www.kennett.co.nz/maorilaw

Government Agencies

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

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

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

Ministry for the Environment

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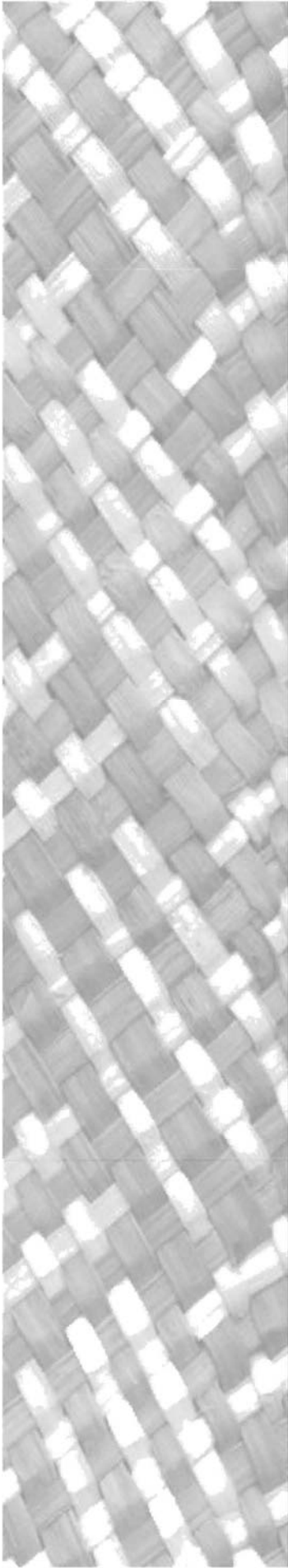
www.mfe.govt.nz

Ministry of Fisheries

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

www.fish.govt.nz

www.fish.govt.nz/customary/southcfr.html#Planning

Department of Conservation

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

www.doc.govt.nz

www.doc.govt.nz/commu/maori/ha97/ha12.htm

Te Puni Kokiri

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

www.tpk.govt.nz/default.htm

Ministry of Agriculture, Food and Fibre

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

www.maf.govt.nz

www.maf.govt.nz/MAFnet/articles-man/rurbib/rurbib29.htm

National Institute of Water and Atmospheric Research Ltd

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

www.niwa.cri.nz/maori/taiapure.htm

Department of Internal Affairs

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

www.dia.govt.nz/businesses/cdg/c_1.html

Local Government

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

www.localgovt.co.nz

www.localgovt.co.nz/council-frame.htm

www.localgovt.co.nz/library/default.htm

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

Public Libraries and Related Organisations

Te Ropu Whakahau : Maori Library and Information Workers

www.trw.org.nz

www.trw.org.nz/trwres.htm

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

Christchurch Public Library

www.ccc.govt.nz/library/resources/maori

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

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

Other Community Organisations

Community Net Aotearoa

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

www.community.net.nz/community/maori.htm

www.community.net.nz/community/funding.htm

Landcare Trust

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

www.landcare.org.nz

www.landcare.org.nz/db/search.asp

LEGISLATION FACT SHEET

Fact Sheet Disclaimer

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

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

RESOURCE MANAGEMENT ACT 1991

Fact Sheet N° 1 – Resource Management Act 1991

Introduction

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

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

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

- Part II of the Act which defines the purpose and principles of sustainable management;

- Part IV which sets out the resource management functions of territorial, regional, and central governments;

- Part V which provides the framework for policy statements and plans; and

- Part VI which establishes features of resource consents and the process for resource consent considerations.

Finally, it will touch a number of miscellaneous provisions.

1   Part II: Purpose and Principles

5. PURPOSE--

(1)   The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2)   *In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while--*

> *(a)   Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

> *(b)   Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

> *(c)   Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

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

Comment:

- Sustainable management includes physical as well natural resources and therefore includes all structures.

- Sustainable management includes enabling communities to provide for their cultural wellbeing.

- The definition should be taken as the whole and not broken up into a number of separate principles.

- Section 6, 7, & 8 are meant to refine and give further meaning to section 5.

- The definitions of "environment" (section 2), and "effect" (section 3), should be kept in mind when considering section 5.

"Environment" includes--

(a)   Ecosystems and their constituent parts, including people and communities; and

(b)   All natural and physical resources; and

(c)   Amenity values; and

(d)   The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters:

Meaning of "effect"--

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

(a)   Any positive or adverse effect; and

(b)   Any temporary or permanent effect; and

(c)   Any past, present, or future effect; and

(d)   Any cumulative effect which arises over time or in combination with other effects--

regardless of the scale, intensity, duration, or frequency of the effect, and also includes--

(e)   Any potential effect of high probability; and

(f)   Any potential effect of low probability which has a high potential impact.

- Section 5 is not about achieving a balance between benefits occurring from an activity and its adverse effects. It requires adverse effects to be avoided, remedied, or mitigated irrespective of any benefits which may accrue from an activity.

S6   MATTERS OF NATIONAL IMPORTANCE-

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

(a)   The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b)   The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c)   The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(d)   The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

(e)   The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other Toanga.

Comment:

- The standard required of councils in relation to matters of national importance is very high, that is to "recognise and provide for" such matters.

- A number of the "matters of national importance" may be relevant to any one consent application. It is for a planning authority to undertake a balancing exercise between the matters in section 6 and the proposal in any particular consent application.

- All subsections (i.e. 6(a) – 6(e)) are important to iwi.

- Section 6(c) is to form the basis of a National Policy Statement on Biodiversity.

- The Matters of National Importance attach to all elements of resource management including plan and policy statement developments, as well as resource consent consideration.

- Through a management plan iwi can show their relationship and their culture and traditions with those matters listed in section 6(e) and challenge territorial and regional authorities, as both planners and consent authorities, to show how they have recognised and provided for those matters.

- Section 6(c) raises the question of to whom areas of indigenous vegetation or habitat of indigenous fauna are significant and for what purpose. It may not be restricted to threatened or rare flora and fauna. It may include areas which are significant for their use such as harakeke for weaving.

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

S7   *OTHER MATTERS--*

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

(a)   Kaitiakitanga:

[(aa) The ethic of stewardship:]

(b)   The efficient use and development of natural and physical resources:

(c)   The maintenance and enhancement of amenity values:

(d)   Intrinsic values of ecosystems:

(e)   Recognition and protection of the heritage values of sites, buildings, places, or areas:

(f)   Maintenance and enhancement of the quality of the environment:

(g)   Any finite characteristics of natural and physical resources:

(h)   The protection of the habitat of trout and salmon.

Comment:

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

•   Kaitiakitanga is defined as:

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

S8   *TREATY OF WAITANGI--*

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

Comment:

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

- The courts have stated that local authorities are not subject to the obligations of the Crown under the Treaty but rather they must take the principles of the Treaty into account in reaching a decision on a resource consent application.

- The courts have upheld that principles of the Treaty must be applied on a case by case basis. The principles include –

  - The need to act reasonably and in good faith

  - Active protection of Māori interests, which requires positive action;

  - Consultation; or

  - The obligation recognised with tino rangatiratanga.

- Where it is known that a natural and physical resource that is the subject of a resource consent application is the object of a valued relationship for iwi, the court has held that an advisor preparing a report on the application for an consent authority should investigate and report on the extent to which the proposal would affect that relationship.

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

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

Central Government

The following sections may be of interest.

Section 24 –   Functions of the Minister for the Environment

Section 25 –   Residual Powers of the Minister for the Environment

Section 26 -   Minister may make grants and loans.

Function Powers and Duties of Local Authorities

Section 30 -   Functions of Regional Councils under the Act

Section 31 -   Functions of Territorial Authorities under the Act

Section 33 - Transfer of powers

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

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

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

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

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

Section 34 – Delegation of Functions by Local Authorities

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

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

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

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

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

Section 36 – Administrative Charges

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

4   PLANNING AND POLICY MAKING

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

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

- relevant planning documents recognised by an iwi authority affected by the regional policy statement.

- relevant entries in the Historic Places Register.

- regulations relating to ensuring a sustainably or the conservation, management of sustainability of fisheries resources (including regulations of bylaws relating to taiapure, mataitai, or non-commercial Māori customary fishing).

S62 – Contents of Regional Policy Statement

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

Regional Plans

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

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

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

- any significant need or demand for the protection of natural or physical resources or any site, feature, place, or area of regional significance;

- any significant concerns of tangata whenua for their cultural heritage in relation to natural and physical resources;

- the restoration or enhancement of any natural and physical resources in a deteriorated state or the avoidance or mitigation of any such deterioration; or

- Any use of land or water that has actual a potential adverse effects on soil conservation, air quality, or water quality.

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

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

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

First Schedule, Part I

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

District Plans

Section 72 states the purpose of a district plan.

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

Section 75 sets out the contents of district plans.

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

Resource Consent Process

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

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