2013

Consent Support Guidance Note

FAQ's about Iwi Management Plans

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This guidance only includes changes to the RMA as a result of the Resource Management Amendment Act 2013 that are already in force. Part 3 of the Amendment Act will come into effect on 3 March 2015, which is 18 months from the date of Royal Assent (3 September 2013). For more information about the amendments please refer to the Ministry for the Environment's – Fact Sheets available from the Ministry's website.

The following questions and answers have been prepared to help with the understanding, interpretation and use of IMP, and include links to examples of these. Definitions of key terms are found at the end of the guidance note.

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What is an iwi management plan?

An iwi management plan (IMP) is a term commonly applied to a resource management plan prepared by an iwi, iwi authority, rūnanga or hapū.

IMPs are generally prepared as an expression of rangatiratanga to help iwi and hapū exercise their kaitiaki roles and responsibilities. IMPs are a written statement identifying important issues regarding the use of natural and physical resources in their area. While the Resource Management Act 1991 (RMA) does not define IMPs, it refers to these plans as 'planning documents recognised by an iwi authority'. More information is available at: What is the statutory recognition for an iwi management plan?

IMPs are often holistic documents that cover more than RMA matters. They may assume a variety of shapes and forms; from formal planning documents similar to council policy documents, to more informal statements of iwi policies. An IMP may also be referred to as an iwi or hapū natural resource or environmental management plan.

IMPs may address a single issue or resource such as freshwater or Māori heritage, or provide a regional assessment of issues of significance to iwi/hapū in a given area.

Examples:

Mahaanui Iwi Management Plan 2013

Te Awanui: Tauranga Harbour Iwi Management Plan 2008 (PDF, 7.6 MB)

Hapū/Iwi Management Plan of Nga Ariki Kaiputahi 2012 (Gisborne District Council website)

What does an iwi management plan contain?

The contents of an iwi management plan (IMP) will depend on the priorities and preferences of the iwi/hapū preparing the plan. IMPs are often holistic documents that cover more than resource management issues under the Resource Management Act 1991 (RMA). Some IMPs will address economic, social, political and cultural issues in addition to environmental and resource management issues.

Much like council plans, IMPs may include issues, objectives, policies and methods relating to ancestral taonga, such as rivers, lakes, seabed and foreshore, mountains, land, minerals, wāhi tapu, wildlife and biodiversity, and places of tribal significance. IMPs may address a single issue or resource such as aquaculture or freshwater, or provide a regional assessment of resource management issues of significance.

IMPs are often used by iwi/hapū to express how the sustainable management of natural resources can be achieved based on cultural and spiritual values. They often detail how the iwi/hapū expect to be involved in the management, development and protection of resources, and outline expectations for engagement and participation in RMA processes.

At a minimum, an IMP should identify the area of interest (rohe) to the iwi/hapū preparing the plan and state the resource management issues of significance to tangata whenua within that area.

How do I use an iwi management plan?

Iwi management plans (IMPs) are not just about the Resource Management Act 1991 (RMA). They can provide useful insight and information for:

- councils, in carrying out their powers and functions under various statutes, including the Local Government Act 2002 (e.g. providing opportunities for Māori to contribute to decision-making processes; preparing Long Term Plans)
- people considering applying for resource consents or permissions for resource use under other statutes.

IMPs provide a starting point for achieving the purposes of the RMA in relation to recognising and providing for Māori cultural values and interests. In particular they:

- assist to meet obligations under Part 2 of the Act, by providing a general understanding of tangata whenua values and interests in the natural and physical resources in a particular area
- must be taken into account when preparing or changing regional policy statements and regional and district plans (sections 61, 66, 74)
- provide a starting point for consultation with iwi and hapū on council plans and policies (Schedule 1 clause 3(1)(d), clause 3B, and clause 3C), by providing information to understand key issues and the ways to resolve those issues
- provide a starting point for understanding potential effects of a proposed activity on Māori cultural values when making an application for resource consent (section 88 and Schedule 4)
- may be cited in submissions and/or evidence relating to applications for resource consent, and decision-makers may have regard to IMPs under section 104(1)(c).

In particular, council practitioners can use an IMP to:

- more effectively understand what is important to iwi/hapū, including matters outside the RMA
- gain a clearer insight into what 'sustainable management ' means from a tangata whenua perspective, and how this can be delivered in their region/district
- identify and understand the expectations of iwi/hapū (e.g. how they would like to be consulted and on what, and how things of value identified by tangata whenua might be managed both within and outside the RMA framework)
- guide a potential applicant for resource consent on what information is required for assessing potential environmental effects, including effects on Māori cultural values (see Frequently Asked Questions on Cultural Impact Assessments).
- identify key areas where the capacity and capability of tangata whenua could be enhanced to help manage natural and physical resources
- improve their understanding of the foundations on which relationships between iwi/hapū and local authorities can be fostered and, through this, improve relationships.

The Waitangi Tribunal has recently confirmed the importance of iwi management plans to enable iwi/hapū priorities for the environment to be integrated into local authority decision-making. See Kō Aotearoa Tēnei: A report into the claims concerning New Zealand law and policy affecting Māori Cultural and Identity (Waitangi Tribunal, 2011) and Kō Aotearoa Tēnei - Fact Sheet 4 Resource Management (Waitangi Tribunal, 2011).

Additional information on how to use IMPs is contained in the Ministry for the Environment publication Whakamau ki Nga Kaupapa – Making the best of iwi management plans under the Resource Management Act 1991.

What is the statutory recognition for an iwi management plan?

The Resource Management Act 1991 (RMA) describes an iwi management plan (IMP) as "…a relevant planning document recognised by an iwi authority and lodged with the council". Section 2 of the Act defines an iwi authority as "the authority which represents an iwi and which is recognised by that iwi as having authority to do so".

IMPs must be taken into account when preparing or changing regional policy statements and regional and district plans (sections 61(2A)(a), 66(2A)(a), and 74(2A) (see What does it mean to 'take into account ' an iwi management plan when preparing or changing a plan?). The RMA is silent on how IMPs are developed, and they therefore assume a variety of shapes and forms.

The RMA establishes three criteria for IMPs to be taken into account when making plans under the RMA; they must be:

- recognised by an iwi authority
- relevant to the resource management issues of the region/district
- lodged with the relevant council(s).

A number of provisions within the RMA provide for Māori interests in resource management. IMPs can assist in implementation of the Act by:

- guiding councils in giving effect to Part 2, particularly sections 6(e), 6(f), 6(g), 7(a), and 8
- informing the preparation or change of regional policy statements and regional and district plans
- informing the preparation and assessment of applications for resource consent.

Iwi planning documents are also provided for under s.16 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 and s.16 of the Fisheries (South Island Customary Fishing) Regulations 1999.

How do I know if there is an iwi management plan for the area I am interested in?

The Resource Management Act 1991 (RMA) requires iwi management plans (IMPs) to be 'lodged' with the relevant local authority for them to be considered under the RMA. Lodging an IMP can simply involve the iwi authority delivering a copy to the relevant local authority through the post, by email or over the counter. However, often an official launch will be held on a marae, or some other kind of formal notification will be given by the iwi authority. Environment Bay of Plenty and the Hawke's Bay Regional Council have official lodgement forms to help ensure all IMPs are known and accurately recorded.

- Environment Bay of Plenty Official Lodgement Form for a Hapū/Iwi Planning Document
- Hawke's Bay Regional Council Iwi/Hapu Management Plan Lodgement Form

Section 35A of the RMA requires each local authority to keep and maintain a record of any planning document within its region or district that is recognised by an iwi authority and lodged with the council. Council records must also include:

- the contact details of each iwi authority and group that represents hapū for RMA purposes (the Crown, through Te Puni Kōkiri, provides this information as a starting point at www.tkm.govt.nz).
- any area of the region or district over which one or more iwi or hapū exercise kaitiakitanga.

How do I get a copy of an iwi management plan?

Local authorities should hold a copy of each planning document recognised by an iwi authority and lodged with them.

Councils may make iwi management plans (IMPs) available for viewing over the counter at council offices. Some IMPs may be available electronically through the council or iwi websites. In addition, copies may be available for purchase from the relevant iwi authority or hapū. Contact details of each iwi authority and group that represents hapū for the purposes of the Resource Management Act 1991 (RMA) are available from councils or at www.tkm.govt.nz.

Examples of council websites that have IMPs available electronically:

- Bay of Plenty regional council website – list of Iwi Management Plans
- Environment Canterbury website – list of Iwi Management Plans
- Waikato Regional Council website – list of Iwi Management Plans

How do I know if an iwi management plan has been 'recognised by an iwi authority'?

The responsibility for preparing iwi management plans (IMPs) rests with iwi/hapū, not local authorities.

The IMP should identify the area affected by the plan and state which iwi authority has recognised the plan as a 'relevant planning document' for the purposes of the Resource Management Act 1991 (RMA). If these matters are unclear, or if the IMP has not been recognised by the iwi authority, the council should follow up with iwi/hapū to confirm the status. This ensures accurate records are kept and enables appropriate consideration of the IMP in RMA plan development.

Section 35A records should only contain IMPs that have been recognised by the iwi authority. With any new IMP lodged, council should confirm that it has been recognised by the appropriate iwi authority before recording it under section 35A.

Some iwi authorities have developed criteria to recognise iwi/hapū planning documents (see Te Rūnanga o Ngāi Tahu example).

What does it mean to 'take into account ' an iwi management plan when preparing or changing a plan?

Having identified the relevant factors for decision-making, the Courts have held that the obligation to 'take into account' an iwi management plan (IMP) consists of a number of elements:

- weigh the relevant factors being considered
- effect a balance between these factors that is appropriate to the circumstances
- be able to show that you have done so.

These elements have been derived from Bleakley v ERMA [2001] 3 NZLR 213 and Haddon v Auckland Regional Council [1994] NZRMA59. If a matter is appropriately taken into account, then it must necessarily affect the discretion of the decision-maker (R v CD [1976] 1 NZLR 436).

While there has been no specific ruling on its meaning in terms of IMPs under the Resource Management Act 1991 (RMA), the elements above provide some useful prompts for councils preparing plans.

The RMA further qualifies the words 'take into account' with 'to the extent that its content has a bearing on the resource management issues of the district'. This infers that there may be circumstances where some of the material contained in an IMP may not be relevant for RMA purposes. 'Take into account' also infers that the policy direction contained in an IMP may not be in line with the most appropriate policies or methods in terms of section 32 evaluations.

Whangarei District Council has prepared Guidelines for preparing and Taking into Account Iwi and Hapū Environmental Management Plans (PDF 106KB) (September 2006). The Council defines 'taking into account' to mean the IMP "must be shown to have input into the planning process and to have been incorporated into Council's decision making".

What is the role of iwi management plans in the Resource Management Act plan review/preparation process?

The focus of tangata whenua participation in resource management is at the 'front end' of the planning process. IMPs must be taken into account when preparing or changing regional policy statements and regional and district plans (sections 61, 66 and 74).

As councils prepare or review parts of their district plans, regional plans, and regional policy statements under the Resource Management Act 1991 (RMA), IMPs can:

- help identify the tangata whenua of a region/district and their values and interests
- assist the development of more specific plan provisions to better provide for the relationship of tangata whenua with important sites, areas and resources
- form the basis for improved relationships between local authorities and tangata whenua consistent with the Local Government Act 2002 and the RMA, in particular clause 3B of Schedule 1 introduced by the 2005 amendment (Consultation with iwi authorities).

What do iwi management plans mean for resource consent applications?

Iwi Management Plans (IMPs) can be used in the resource consent process to:

- identify the relevant tangata whenua and their preferred method of engagement for potential resource consent applicants.

Note: section 36A of the Resource Management Act 1991 (RMA) clarifies that neither an applicant for resource consent nor a council has a duty to consult any person in respect of applications for resource consent or notices of requirement. However, councils still need to consider whether specific iwi or hapū are an affected party, and applicants and/or the council may need to make contact to identify any potential effects on Māori cultural values or interests.

- help potential applicants for resource consent identify, early on, relevant matters that should be considered in preparing an assessment of environment effects (AEE) through the information requirements contained in section 88(2). IMPs assist applicants and councils to identify where a cultural impact assessment report may be required to inform the preparation of an AEE (see Frequently Asked Questions on Cultural Impact Assessment).
- form an opinion as to whether tangata whenua, and which iwi or hapū, may be adversely affected by an activity subject to a resource consent application.
- provide guidance and assistance to council officers and decision makers when considering resource consent applications, particularly relevant Part 2 matters pertaining to Māori cultural values and interests (section 104(1)(c)).
- highlight any other matters important to the tangata whenua of the district/region that may be relevant and necessary to determining the application.

Until such time as IMPs are adequately taken into account in RMA policies and plans, the resource consent process is important to help deliver resource management outcomes sought by iwi/hapū. The resource consent process is also important to demonstrate outcomes that implement Part 2 provisions of the RMA pertaining to Māori.

If there is an iwi management plan for the region/district should I still consult?

Although iwi management plans (IMPs) form a basis for consultation and iwi/hapū involvement in resource management processes, they do not replace the need to engage tangata whenua, and wider Māori, in a meaningful way.

For councils preparing policies and plans, IMPs provide a useful starting point for iwi and hapū consultation and participation, including:

- identifying the relevant tangata whenua, hapū and iwi authorities who may be affected by the proposed policy statement or plan
- identifying methods to assist iwi/hapū to engage in plan preparation
- identifying resource management issues of significance to iwi authorities in the region when preparing regional policy statements (section 62(1)(b)), and how those issues can be resolved in a manner consistent with cultural values
- meeting the requirements of Schedule 1 (particularly clauses 3(1)(d), 3B, 3C) to consult with iwi authorities who may be affected by policy statements and plans.

For applicants for resource consent, IMPs provide a useful starting point for consultation/engagement including:

- identifying the relevant iwi/hapū within the area subject to the proposed activity
- identifying when an iwi or hapū may be considered an affected party by the council
- identifying preferred methods of engagement and participation with tangata whenua
- outlining the information and assistance required by the iwi or hapū in order to consider a proposal
- identifying general issues of interest to tangata whenua and any particular sites or resources of importance
- identifying areas where certain activities may or may not be supported by the iwi or hapū
- guidance in assessing potential environmental effects of particular activities, including whether or not a cultural impact assessment may be beneficial for the application (see Frequently Asked Questions on Cultural Impact Assessments).

For councils in assessing applications for resource consent, IMPs provide a useful starting point for consultation and engagement to:

- identify the relevant iwi/hapū within the area subject to the application
- help identify whether or not the iwi/hapū may be an affected person; that is, whether the iwi/hapū is 'affected in a manner different from the public generally' (see To Notify or Not to Notify? That is the Question for more information on identifying affected persons)
- provide a starting point for understanding potential effects of a proposed activity on Māori cultural values when considering an application for resource consent (section 88)
- identify where further information, in the form of a cultural impact assessment, may be desirable
- address resource management matters considered important to iwi/hapū that need to be accorded appropriate weight under section 104.

There may be some information that iwi/hapū decide not to include in IMP. One of the challenges in preparing IMPs relates to the disclosure of sensitive information, such as the location of wāhi tapu. Therefore even if there is an IMP in the region/district, consultation with tangata whenua may still be necessary to fully identify issues and assess effects.

While IMPs help facilitate resource management processes for councils and applicants for resource consent, they are not a substitute for face-to-face consultation and engagement.

What if there is no iwi management plan in my area or the activity I want to carry out is not covered in the iwi management plan?

For significant or large activities, it is good practice to contact the iwi/hapū concerned to inform them and clarify their position in order to inform the development of proposals. Where there is no iwi management plan (IMP) for the area or the activity, or the activity is not included within an existing iwi management plan, good consultation practices with tangata whenua remain important. For more information on engaging with tangata whenua see Consulting with tangata whenua.

Depending on the size and significance of the application, applicants may meet with iwi/hapū to discuss their application prior to lodgement. Good practice is to consult when in doubt.

If no IMP exists for an area, councils can assist the preparation of IMPs by providing funding and/or expertise and resources to the iwi or hapū. For information on resourcing the participation of iwi/hapū in RMA processes and decision-making see Facilitating consultation with tangata whenua. There are many good examples of councils supporting the development of IMP. The Ngāi Tahu ki Murihiku Natural Resource and Environmental Management Plan 2008 was prepared with the help of a council planner, and Environment Southland provided funding support for the development of the plan. The Environment Bay of Plenty website is a good example of council support for IMP, with links to council policies, procedures and funding applications relating to iwi planning documents.

What if there is more than one iwi management plan for the area I am interested in?

Iwi/hapū boundaries do not necessarily align with local authority boundaries, and many councils have multiple iwi/hapū within their boundaries (see Te Kāhui Māngai - Directory of Iwi and Māori Organisations).

Council practitioners will need to consider all the information, including instances where there are multiple iwi management plans (IMPs) and where there are no iwi management plans, and weigh the relevant issues when making a decision on resource management matters.

Multiple IMPs should be considered in the same way as multiple technical reports on a matter or multiple submissions, with council practitioners having regard for all the relevant values and points. The Environment Court, in Chapple, J v Bay of Plenty Regional Council [2006] W077/06, has held that it is not for the council or the Environment Court to decide who is entitled to mana whenua over an area. It is therefore not appropriate to weigh one iwi planning document over another if both claim mana whenua over a single area, but to ensure that matters in both are addressed. Other tangata whenua may not have an IMP and still need to be consulted and engaged with on plan development and resource consents.

Applicants for resource consent should be aware that boundaries between iwi/hapū often overlap. Each IMP will help with understanding the environmental and cultural values of the respective iwi or hapū. Each IMP should be used to inform and prepare comprehensive applications for resource consent. Again, good practice indicates the need to consult all groups.

Additional resources

Iwi Management Plans: A guide for Māori working in resource management and planning (NZHPT), PDF 1.4 MB). The New Zealand Historic Places Trust Pouhere Taonga prepared this guide for inclusion within the Sustainable Management of Historic Heritage Guidance Series. The guide is designed to assist in the preparation of IMP for the identification and protection of Māori heritage.

Review of the Effectiveness of Iwi Management Plans: An Iwi Perspective. July 2004. Prepared for the Ministry for the environment, by KCSM Consultancy Solutions.

Provisions within the Resource Management Act 1991 providing for Māori interests in resource management

Below are some key provisions within the Resource Management Act 1991 (RMA, the Act) that recognise Māori interests in resource management. Full provisions of the RMA can be viewed on the New Zealand Legislation website.

Part	Section	Provision
Part 2: Purpose and Principles	5(2)	'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.
	6	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: (e)... the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. (f)… the protection of historic heritage (as defined in s2 to include sites of significance to Māori, including wāhi tapu) from inappropriate subdivision, use and development. (g)… the protection of protected customary rights.
	7(a)	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.
	8	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 take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
Part 3: Duties and Restrictions under this Act	14(3)(c)	Restrictions relating to water: a person is not prohibited 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 Māori for the communal benefit of the tangata whenua of the area and does not have an adverse effect on the environment.

Part 4: Functions, Powers, and Duties of Central and Local Government	33	(1) A local authority may transfer any 1 or more of its functions, powers, or duties under this Act, except this power of transfer, to another public authority in accordance with this section. (2) For the purposes of this section, public authority includes any local authority, iwi authority, government department, statutory authority, joint committee set up for the purposes of section 80, and local board (within the meaning of section 4(1) of the Local Government (Auckland Council) Act 2009).
	34	(1) A local authority may delegate to any committee of the local authority established under the LGA 2002 any of its functions, powers or duties under this Act.
	35A	Local authorities must keep and maintain, for each iwi and hapū within its region or district, a record of: • The contact details of each iwi authority and group that represents hapū for RMA purposes. • Any planning documents recognised by each iwi authority and lodged with the council. • Any area of the region or district over which one or more iwi or hapū exercise kaitiakitanga. Section 35A (2)(a) states that the Crown must provide local authorities with information on iwi authorities within the region or district, groups that represent hapū for RMA purposes, and the areas over which one or more iwi or hapū exercise kaitiakitanga. The Crown provides this information via Te Puni Kōkiri at www.tkm.govt.nz.
	36B (1)(b)(i)	A local authority that wants to enter into a joint management agreement with an iwi authority or group that represents hapū for the purposes of the RMA to exercise a function, power or duty jointly with the local authority must ensure that the iwi authority or group represents the relevant community of interest and has the technical or special capability or expertise to perform or exercise the function, power, or duty.
	39(2)(b)	In relation to hearings, in determining an appropriate procedure, a local authority, a consent authority, or a person given authority to conduct hearings shall recognise tikanga Māori where appropriate, and receive evidence written

		or spoken in Māori and the Māori Language Act 1987 shall apply accordingly.
	42	A local authority may make an order for a resource consent hearing to exclude the public or restrict the publication or communication of any information supplied to avoid serious offence to tikanga Māori, or to avoid the disclosure of the location of wāhi tapu (protection of sensitive information).
Part 5: Standards, Policy Statements, and Plans	44(2)	The Minister for the Environment must not recommend to the Governor-General the making of any national environmental standards unless: • the Minister has notified the public and iwi authorities of the proposed standard and the reasons for considering that standard is consistent with the purpose of the Act; and • established a process that gives adequate time and opportunity to comment on the proposal, and prepared and publicly notified a report and recommendations on those comments received.
	45(2)(h)	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).
	46(a)	If the Minister considers it desirable to issue a national policy statement, the Minister must seek and consider comments from the relevant iwi authorities.
	58(b)	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 wāhi tapu, tauranga waka, mahinga mātaitai and taonga raranga.
	61(2)(a)(iii)	When preparing or changing a regional policy statement, the regional council shall have regard to any regulations relating to ensuring sustainability, or the conservation, management or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mātaitai or other non-commercial Māori customary fishing).
	61(2A)(a)	When preparing or changing a regional policy statement, the regional council must take into account any relevant planning document recognised by an iwi authority and lodged with the council, to the extent that its content has a

		bearing on resource management issues of the region.
	61(2A)(b)	When preparing or changing a regional policy statement, the regional council must recognise and provide for matters set out in planning documents prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, to the extent that they relate to the relevant customary marine title area, and take into account those matters that relate to a part of the common marine and coastal area outside of the customary marine title area.
	62(1)(b)	A regional policy statement must state the resource management issues of significance to iwi authorities in the region.
	65(3)(e)	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.
	66(2)(c)(iii)	When preparing or changing any regional plan, the regional council shall have regard to any regulations relating to ensuring sustainability, or the conservation, management or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mātaitai or other non-commercial Māori customary fishing).
	66(2A)(a)	When preparing or changing a regional plan, the regional council must take into account any relevant planning document recognised by an iwi authority and lodged with the council, to the extent that its content has a bearing on resource management issues of the region.
	66(2A)(b)	When preparing or changing a regional plan, the regional council must recognise and provide for the matters set out in planning documents prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, to the extent that they relate to the relevant customary marine title area, and take into account those matters that relate to a part of the common marine and coastal area outside of the customary marine title area.
	74(2)(b)(iii)	When preparing or changing a district plan, a territorial authority shall have regard to any regulations relating to ensuring sustainability, or the conservation, management or sustainability

		of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mātaitai or other non-commercial Māori customary fishing).
	74(2A)	When preparing or changing a district plan, a territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the council, to the extent that its content has a bearing on resource management issues of the region.
	85A	A plan or proposed plan must not include a rule that describes an activity as a permitted activity if that activity will, or is likely to, have an adverse effect that is more than minor on a protected customary right carried out under Part 3 of the Marine and Coastal Area (Takutai Moana) Act 2011.
Part 6: Resource Consents	95E(2)(c)	In determining affected party status, the consent authority must have regard to relevant statutory acknowledgements as set out in Schedule 11.
	104	A consent authority's consideration of an application for a resource consent and any submissions received is subject to Part 2 of the RMA.
	104 (1)(c)	A consent authority's consideration of an application for resource consent and any submissions received must have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.
Part 6AA: Proposals of national significance	142(3)(a)(vii)	In deciding whether a matter is or is part of a proposal of national significance, the Minister may have regard to any relevant factor, including whether the matter is or is likely to be significant in terms of section 8.
Part 7: Coastal tendering	154	The Minister shall cause a notice the making of an Order in Council (as per s152) and its effect to be served on the tangata whenua of that region, through iwi authorities.
Part 7A: Occupation of common marine and coastal area	165E(2)(b)	A consent authority may grant a coastal permit authorising any other activity in an aquaculture settlement area, but only after consultation with iwi in the region.
	165K	The Governor-General, on the recommendation of the Minister, as the power to give direction to a regional council regarding allocations of authorisations for coastal space as provided for in a regional coastal plan or proposed coastal plan, in order to: • Preserve the ability of the Crown to give effect to its obligations under any agreement

		in principle of deed of settlement between the Crown and Māori. • To assist the Crown to comply with obligations under the Māori Commercial Aquaculture Claims Settlement Act 2004.
	165N(5)	In approving the use of an allocation method for the occupation of space in the common marine and coastal area under s165L(2), the Minister must have regard to: • the ability of the Crown to give effect to its obligations under any agreement in principle of deed of settlement between the Crown and Māori. • The ability of the Crown to comply with obligations under the Māori Commercial Aquaculture Claims Settlement Act 2004.
	165W	In conducting a tender of authorisations under Part 7 of the Act, a regional council must give effect to any preferential rights of iwi, as conferred under the Settlement Acts listed in 165W(2), to purchase a proportion of the authorisations.
Part 8: Designations and heritage orders	189(1)(a)	A heritage protection authority (as per section 187) may require a heritage order to protect any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua for spiritual, cultural, or historical reasons. The heritage order can include an area of land surrounding a place as is reasonably necessary for the purpose of ensuring the protection and enjoyment of a place.
Part 9: Water Conservation Orders	199(2)(b)(v)	A water conservation order can provide for the protection of characteristics which any water body has or contributes to, and which are considered to be outstanding, for recreational, historical, spiritual or cultural purposes.
	199(2)(c)	A water conservation order can provide for the protection of characteristics which any water body has or contributes to, and which are considered to be of outstanding significance in accordance with tikanga Māori.
Part 11: Environment Court	253(e)	When considering whether a person is suitable to be appointed as an Environment Commissioner, regard shall be had to the need to ensure that the court possesses a mix of knowledge and experience, including knowledge and experience

		in matters relating to the Treaty of Waitangi and kaupapa Māori.
	269(3)	The Environment Court shall recognise tikanga Māori where appropriate.
Schedule 1	cl 2(2)	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, and • any customary marine title group in the region.
	cl 3(1)	During the preparation of a proposed policy statement or plan, the local authority concerned shall consult: • the tangata whenua of the area through iwi authorities, and • any customary marine title group in the area.
	cl 3B	A local authority is to be treated as having consulted with iwi authorities in the preparation of a proposed policy statement or plan if it has done all of the following: • considered ways in which to foster the development of the capacity of iwi authorities to respond to an invitation to consult • established and maintained processes to provide opportunities for those iwi authorities to consult • consulted • enabled iwi authorities to identify resource management issues of concern to them • indicated how those issues have been, or are to be addressed. (Iwi authorities are those whose details are recorded under section 35A).
	cl 5(4)(f)	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.
	cl 20(4)(f) & (g)	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.
Schedule 4	1A	An assessment of effects on the environment for the purposes of s88 must include, where an activity may or is likely to have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the proposed activity (unless written approval is provided by the protected customary rights group).
	2	Any person preparing an assessment of effects on the environment should consider the following matters: (a) Any effect on those in the neighbourhood and, where relevant, the wider community including any socio-economic and cultural effects. (d) Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual or cultural, or other special value for present or future generations.
Schedule 11		Schedule 11 provides a list of Settlement Acts that contain statutory acknowledgements.

Definitions

Cultural impact assessment: a report documenting Māori cultural values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these.
Source: Frequently Asked Questions on Cultural Impact Assessments
Hapū: clan, tribe, sub tribe - section of a large tribe.
Source: Māori Dictionary www.maoridictionary.co.nz
Iwi: tribe, nation, people, race.
Source: Māori Dictionary www.maoridictionary.co.nz
Iwi authority: the authority which represents an iwi and which is recognised by that iwi as having authority to do so.
Source: s2 of the RMA
Iwi planning document: a planning document that is recognised by an iwi authority, and lodged with the council, to the extent that its content has a bearing on resource management issues of the region or district. An iwi planning document is also commonly known as an iwi management plan.
Source: s61 of the RMA
Kaitiaki: trustee, minder, guard, custodian, guardian.
Source: Māori Dictionary www.maoridictionary.co.nz
Kaitiakitanga: 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.
Source: s2 of the RMA
Mana whenua: customary authority exercised by an iwi or hapū in an identified area.
Source: s2 of the RMA
Rangatiratanga: sovereignty, chieftainship, right to exercise authority, self-determination, self-management, ownership, leadership of a social group.
Source: Māori Dictionary www.maoridictionary.co.nz
Rūnanga: council, tribal council, assembly.
Source: Māori Dictionary www.maoridictionary.co.nz
Tangata Whenua: the iwi, or hapū, that holds mana whenua over a particular area. For the purpose of this guidance document, the term tangata whenua has been used to apply to both singular tangata whenua groups and multiple tangata whenua groups.
Source: s2 of the RMA
Whānau: extended family, family group.
Source: Māori Dictionary www.maoridictionary.co.nz

Te Rūnanga o Ngāi Tahu criteria for endorsing hapū environmental management plans as 'iwi management plans'

Te Rūnanga o Ngāi Tahu, as an iwi authority, has a set of criteria for endorsing environmental management plans prepared by Papatipu Rūnanga:

'The Kaiwhakahaere has the discretion to endorse environmental planning documents prepared by Papatipu Rūnanga, and at the request of Papatipu Rūnanga, as planning documents recognised by Te Rūnanga o Ngāi Tahu as the Iwi Authority subject to the plan meeting the following criteria:

1. The plan has been initiated and developed solely by the Papatipu Rūnanga and is an expression of rangatiratanga.
2. The plan has been formally approved/signed off by the appropriate Papatipu Rūnanga.
3. The plan shows consistency with existing tribal policy and plans.
4. The plan appropriately recognises other Papatipu Rūnanga, hapū and Te Rūnanga o Ngāi Tahu.
5. The development of the plan has involved the input and participation of relevant units of Te Rūnanga o Ngāi Tahu. '

Standing criteria passed by Te Rūnanga o Ngāi Tahu April 2003