

# IMPLEMENTING THE PLAN



# TE WHAKATINANATANGA

*The policies in this Environmental Management  
Plan are about management. How we implement  
the plan is about governance.*



## Part 4: IMPLEMENTING THE PLAN TE WHAKATINANATANGA



This part of the plan describes how Ngāti Kuri values and policies are incorporated into the wider forum of natural resource and environmental management in the takiwā. The focus of this section is relationships between Te Rūnanga o Kaikōura and other agencies, and the tools and methods that are available to facilitate such relationships.

### 4.1 EFFECTIVE PARTNERSHIPS *NGĀ WHAKAHOATANGA WHAI MANA*

Tangata whenua have a special relationship with the environment, a relationship that is acknowledged by the Crown as an expression of customary rights guaranteed by the Treaty of Waitangi. This relationship is reflected in the Resource Management Act, Conservation Act, and other environmental legislation that recognise and provide for, to varying degrees, the Treaty of Waitangi, kaitiakitanga, and the relationship of tangata whenua with their ancestral lands, waters, sites, wāhi tapu, and other taonga.

Giving effect to the relationship between tangata whenua and the environment is dependent on communication and collaboration between those parties responsible for managing natural and physical resources. Communication and collaboration are fundamental to genuine consultation and effective participation.

For Te Rūnanga o Kaikōura, effective participation is best achieved through establishing partnerships with local authorities and other agencies involved in natural resource management. In recognition of the role of local, regional and national government bodies, and the wider community, in natural resource and environmental management, Te Rūnanga o Kaikōura will pursue the following objective:

**To establish and maintain effective partnerships between Te Rūnanga o Kaikōura and local and regional authorities, and other relevant organizations and groups, for the management of the natural, physical and cultural resources of the takiwā.**

Effective partnerships mean that tangata whenua are involved in natural resource and environmental management at management and governance levels of decision-making. That is, Ngāti Kuri values and policies should be represented and reflected in regional and district plans and policy statements, on planning committees and decision making boards, and in every day resource consent or concession application management processes.

Effective partnerships are founded in genuine working relationships that improve the nature and extent of tangata whenua participation in environmental management, and thus result in better environmental outcomes. These relationships must be robust enough to be sustained over the long term; even when people come and go, or challenges arise. Thinking long-term and maintaining consistency is key. All parties must respect the knowledge, experience, and skills of the others if effective partnerships are to develop.

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*Effective relationships only work if they occur across all levels of decision making and management.*

*Raewyn Solomon, Te Rūnanga o Kaikōura*

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#### 4.2 WHAT IS CONSULTATION? *HE AHA TĒNEI MEA TE AKAOAKO?*

The leading case on consultation generally is *Wellington International Airport Ltd v. Air New Zealand (1991)* (Court of Appeal). The elements of consultation can be summarised as including, but not limited to the following:<sup>21</sup>

- » Consultation is the statement of a proposal not yet finally decided upon.
- » Consultation includes listening to what others have to say and considering responses.
- » Sufficient time must be allowed and a genuine effort must be made.
- » There must be enough information made available to the party obliged to consult, to enable the consultee to be adequately informed so as to be able to make intelligent and useful responses.
- » The party obliged to consult must remain open minded and be ready to change and even start afresh. However, the party consulting is entitled to have a working plan already in mind.
- » Consultation is an intermediate situation involving meaningful discussion.
- » The party obliged to consult holds meetings, provides relevant information and further information on request, and waits until those being consulted have had a say before making a decision.

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<sup>21</sup> Source: Case Law on RMA Decision Making and Consultation Involving Tangata Whenua

Consultation is not:

- » Merely telling or presenting, or
- » Intended to be a charade, or
- » The same as negotiation, although a result of consultation could be an agreement to negotiate.

Not all issues require extensive consultation. It is the view of Te Rūnanga o Kaikōura that different degrees of consultation and participation are appropriate at different times. However, the nature and extent of involvement should be decided by Te Rūnanga o Kaikōura and not the consulting agency.

#### 4.3 WHO DOES CONSULTATION OCCUR WITH? *ME AKOAKO TAHI KI A WAI?*

The interactions and relationships between Te Rūnanga o Kaikōura and the wider community have shaped the landscape of the takiwā historically, and continue to do so today.

The Rūnanga works with a range of local, regional and national government authorities and other agencies on a diversity of natural resource and environmental management issues (Table 12).

Table 12: Who does consultation occur with?

Agency	Type of consultation and participation
Environment Canterbury	Resource Management Act obligations: resource consents, regional policy statements, regional planning documents
	Local Government Act obligations
	Technical panels (e.g. minimum flows)
Kaikōura District Council	Resource Management Act obligations: resource consents, district planning documents
	Local Government Act obligations
Marlborough District Council	Resource Management Act obligations: resource consents, territorial planning documents and policy statements
	Local Government Act obligations
Hurunui District Council	Resource Management Act obligations: resource consents, district planning documents
	Local Government Act obligations

<b>Agency</b>	<b>Type of consultation and participation</b>
<b>Te Rūnanga o Ngāi Tahu</b>	Joint advocacy
	Collaboration on shared issues
	Support and capacity building
	Technical advice
<b>Other Rūnanga</b>	Shared boundary issues
	Joint advocacy
	Collaboration on shared issues
<b>Department of Conservation</b>	Conservation Act responsibilities
	Concessions and permits
	Historic and cultural resources
	Visitor information
	Coastal management
	National parks policy and planning
	Conservation boards and advisory committees
	Pest control operations
	Joint advocacy with tangata whenua on common objectives (e.g. coastal management issues)
<b>Historic Places Trust</b>	Historic Places Act obligations
	Protection of significant sites
<b>Private landowners Developers General public</b>	Resource Management Act: pre-application consultation, Cultural Impact Assessments
	General enquires about protocol
	Information about tangata whenua
	Protection of significant sites
<b>Fish and Game</b>	Conservation Act responsibilities
	Joint advocacy with tangata whenua on common objectives (e.g. freshwater issues)
	Non voting seat on Fish and Game Council
<b>Ministry of Fisheries</b>	Working relationship with tangata whenua established through Treaty of Waitangi (Fisheries Claim) Settlement Act, South Island Customary Fishing Regulations

Agency	Type of consultation and participation
	Sustainability measures
	Research planning and stock assessment
	Biosecurity
	Marine protection and Fisheries Plans
<b>Ministry for the Environment</b>	Consultation responsibilities outlined under Environment Act, Resource Management Act, Hazardous Substances and New Organisms Act
	National planning and policy statements
	National environmental indicators
<b>Ministry of Agriculture and Forestry</b>	Biosecurity
	National planning and policy statements
<b>Transit New Zealand</b>	Transit New Zealand Act and Land Transport Management Act obligations
	Specific issues: protection of significant sites during transport projects
<b>Crown research institutes (CRIs), universities</b>	Research protocols
	Collection permits
	Collaborative projects
	Information and support
<b>Environmental Risk Management Authority</b>	Applications for hazardous substances, new organisms Specific issues: genetically modified organisms (GMO)

**Disclaimer:** The information provided in this table is to be used as a general guide only. It is not intended to be a definitive or comprehensive summary of all agencies with whom consultation occurs, or of the kinds of consultation that do occur.

#### 4.4 CONSULTATION POLICY *TE KAUPAPA AKOAKO*

To achieve the objective of effective partnerships in natural resource and environmental management, Te Rūnanga o Kaikōura has developed following consultation policy, outlining the processes and protocols that should guide consultation with the Rūnanga.

- (1) All matters relating to natural resource and environmental management in the takiwā are to be directed to Te Rūnanga o Kaikōura, as the representative body of Ngāti Kuri, the tangata whenua who have manawhenua in the takiwā.
- (2) The Te Rūnanga o Kaikōura Environmental Management Plan 2005 shall provide the basis, but not a substitute, for consultation on natural resource and environmental management.
- (3) The Te Rūnanga o Kaikōura Environmental Management Plan 2005 represents the view of a Treaty partner, and of a stakeholder in the larger community.
- (4) Local, regional and national authorities shall, to the fullest extent possible, recognise and provide for the values, goals, and policy directions outlined in this plan.
- (5) Tangata whenua participation should be clearly visible at all levels of natural resource management planning and decision-making (management and governance).
- (6) Te Rūnanga o Kaikōura will assist external agencies and applicants to determine the nature and extent of consultation required for specific issues.
- (7) Te Rūnanga o Kaikōura encourages early consultation. Consultation at the earliest possible stage in the design and development of proposals, policies or plans can save both time and money. This includes pre-application consultation on resource consent and concession applications.
- (8) Consultation requests must include sufficient information to allow the Rūnanga to gain a comprehensive understanding of the issue, and thus have the ability to make informed decisions.
- (9) Consultation processes must allow for sufficient time to make informed decisions.
- (10) Adequate resourcing for consultation: The value of technical, cultural and other advice provided by the Rūnanga must be recognised and provided for.
- (11) Oral evidence, as part of accumulated knowledge base of Ngāti Kuri, shall be considered equally with written evidence in all consultation processes.
- (12) Outcomes should reflect input: Final decisions and outcomes must be an accurate reflection of the consultation process. Consultation extends beyond asking for opinions.
- (13) Genuine consultation includes a willingness to change, and recognition of differing priorities, concerns and values.

### Consultation on Takahanga Marae

Te Rūnanga o Kaikōura encourages consultation to occur at Takahanga Marae. The Marae has traditionally been, and continues to be, the place where formal dialogue can occur. The Marae provides a neutral setting, giving individuals or groups the opportunity to speak and present their perspectives, and for all viewpoints to be acknowledged. The Marae provides an environment where many dialogue processes from different cultures or places can come together as one.

## 4.5 IMPLEMENTATION TOOLS AND METHODS *NGĀ ARA O TE WHAKATINANATANGA*

There are a range of tools, methods and processes that are used by Te Rūnanga o Kaikōura to facilitate effective participation and partnerships, and the implementation of Rūnanga policies into decision-making processes.

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*Māori environmental understanding and management ethics should form part of the vision for district and regional planning. Better environmental outcomes can occur through the inclusion of different cultural values. The holistic environmental outlook of Māori in essence incorporates the concept of sustainability: managing the use, development and protection of natural and physical resources in a way that enables communities to provide for their social, economic, and cultural well being, while also safeguarding the life supporting capacity of the air, water, soil, and ecosystems, and sustaining the potential of such resources to meet the needs of future generations.*

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### 4.5.1 Local government planning processes

One of the most effective ways to give effect to tangata whenua values in environmental management is to integrate such values into the planning processes of local government. This may include tangata whenua representation on planning committees, involvement in the preparation of district and regional plans or policy statements, submissions on particular issues, or participating in annual business planning meetings to discuss collaborative projects.

Effective participation in local government planning processes means that Rūnanga values and policies should be clearly visible in decision making. For example, when Rūnanga values are included in district and regional plans, they can be included in a “Tangata Whenua Values” chapter or section, but they also must be embedded within operative policies throughout the plan or policy statement.

Often customary values such as kaitiakitanga, mauri, wairua, wāhi tapu and wāhi taonga are recognised in planning documents, but an understanding of how to apply, interpret, and implement such values in operative policy is lacking. Having Rūnanga values well represented and reflected in operative policies means that decision making in relation to managing the use, development, and protection of natural resources reflects the values, issues and aspirations of both local government and tangata whenua, which in turn reduces the workload of the Rūnanga and councils at the management level, such as processing resource consent applications.

#### 4.5.2 Resource consent and concession applications

Te Rūnanga o Kaikōura responds to resource consent applications and concessions applications in the takiwā, through district and regional councils and the Department of Conservation. Participation in such processes allows the Rūnanga to assess proposed activities according to Ngāti Kuri values and policies. The Te Rūnanga o Kaikōura Environmental Management Plan 2005, as a written compilation of policy, provides a tool to effectively and consistently assess applications.

The plan can also assist external agencies to better understand Ngāti Kuri values, concerns, and policies. Councils can use the plan to make an initial assessment of applications, including identifying the kinds of information the Rūnanga may require to assess a particular application, or the kinds of conditions that may be appropriate to minimising adverse effects on cultural values. Further, consent and concession applicants themselves can use the plan while preparing applications, to identify potential concerns, or highlight positive outcomes, early on in the process.

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*How we respond to resource consent applications is often dependant on provisions within each of the District or Regional Plans, and how well our values are already recognised and provided for within operative policies.*

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#### 4.5.3 Kanohi ki te kanohi

Kanohi ki te kanohi means “eye to eye” or “face to face” contact, which is the way dialogue has occurred for Māori for generations. Te Rūnanga o Kaikōura encourages those wishing to consult to provide opportunities to meet in person, including site visits, field trips, hui or informal meetings. The Rūnanga also encourages the use of Takahanga Marae as a place where dialogue can occur (see Consultation on Takahanga Marae, above). Kanohi ki te kanohi consultation is a positive way of disseminating information, and is often the most effective way of exchanging ideas, resolving conflict or mediating between differences of values.

#### 4.5.4 NTCSA / Deed of Settlement implementation

In 1998 the Ngāi Tahu Claims Settlement Act was passed to achieve full and final settlement of historical Ngāi Tahu Claims against the Crown. The Deed of Settlement and NTCSA, amongst other things, established taonga species, tōpuni, statutory acknowledgements and nohoanga site provisions, recognising the special association of Ngāi Tahu with specific areas and species. Such provisions aim to improve the effectiveness of Ngāi Tahu participation in natural resource and environmental management, specifically building on Part II of the Resource Management Act. The provisions provide for Ngāi Tahu input into decision-making processes of Crown agencies responsible for managing identified areas of cultural, historical, spiritual and traditional significance to Ngāi Tahu.

#### 4.5.5 Memorandum of Understanding

Memoranda of Understanding are statements of intent. They establish and define the nature and extent of a working relationship between two or more parties. Te Rūnanga o Kaikōura encourages the establishment of Memorandum of Understanding (or similar Protocols) with external agencies; to improve relationships and facilitate effective participation in specific natural resource management related activities and processes.

Memorandum of Understanding can be used to help implement the Te Rūnanga o Kaikōura Environmental Management Plan 2005. They can establish standard procedures and agreed terms between Rūnanga and regional or district councils, on issues such as affected party status on resource consent applications, or consultation triggers.

#### 4.5.6 Cultural Impact Assessments

A Cultural Impact Assessment (CIA) report is a professionally prepared assessment of the potential impacts of a given activity on resources and values of importance to tangata whenua. Such reports document Rūnanga values associated with an area, and provide appropriate measures to avoid, remedy or mitigate any adverse effects on those values.

CIA reports are an effective means of providing cultural and technical input, mainly with respect to resource consent applications under the Resource Management Act. Such reports should form part of a resource consent application's Assessment of Environmental Effects (AEE). Reports may be requested by an applicant or developer, as part of pre-resource consent consultation. Alternatively, Te Rūnanga o Kaikōura may advise an applicant or developer that a CIA is needed.

A cultural impact assessment may be required when:

- » An in-office assessment cannot be made: the cultural values associated with the site or in relation to the proposal are not easily assessed, or are unknown;
- » The proposed activity is either on, adjacent to or will impact upon a site or species of cultural importance, or within an area of cultural significance;
- » The size and scale of the proposed activity is such that multiple values or multiple effects need to be considered;
- » The proposal is considered to have significant impacts on tangata whenua values.

Cultural Value Reports (CVR) are similar to CIA reports; but are focused on providing information on the nature and extent of cultural interests in a given area, as opposed to assessing impacts of a specific proposal.

#### 4.5.7 Technical panels, advisory groups and boards

Te Rūnanga o Kaikōura policies and perspectives may also be implemented through representation on technical panels, boards and advisory groups. Examples include Environment Canterbury minimum flow review technical panels, or the Department of Conservation species recovery groups (as part of Ngāi Tahu Claims Settlement Act implementation). Representation on, and participation in, such panels, boards or groups allows Ngāti Kuri to advocate for tangata whenua interests.

#### 4.5.8 Wānanga

Increasing awareness and capacity building are key themes for Te Rūnanga o Kaikōura with regards to methods and tools for implementing Rūnanga policy. One of the best ways to ensure that tangata whenua values are reflected in planning processes is to ensure that natural resource managers and users are aware of, and knowledgeable about, cultural values and Rūnanga policies. Wānanga are one method to increase the awareness and capacity of external agencies.

Te Rūnanga o Kaikōura holds regular wānanga on Takahanga Marae, keeping with established traditions of the marae as a place of education. Such wānanga include archaeological wānanga, to assist developers and the contractors working for them to understand tangata whenua values and perspectives with regards to the management of sites of significance, Section 4 Conservation Act training wānanga, and also general cultural values wānanga for local government.

#### 4.5.9 Joint advocacy

Joint advocacy can also be used to implementing the policies in this plan. Joint advocacy allows the Rūnanga to work with other agencies towards supporting or achieving common objectives, and is characterised by information sharing, communication and collaboration.

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### *Resource Management Act advocacy*

*Ngāi Tahu and the Department of Conservation often have similar concerns about the effects of activities managed under the Resource Management Act. Particular issues of mutual concern are those activities that are affecting wetlands, riparian management, freshwater fish habitat, water quality management and protection of historic resources. Ngāi Tahu and the Department will often share information and expertise, in order to advocate for issues of mutual interest. This kind of joint advocacy improves the effectiveness of both parties.*

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#### 4.5.10 Joint management

Joint management, or co-management, is about effective partnerships for natural resource conservation, use and management. It is an approach that involves the sharing of management power and responsibility between those stakeholders that have a vested interest in a particular resource or area.

For Te Rūnanga o Kaikōura, joint management is reflective of a high level of meaningful participation. Where the capacity exists, the Rūnanga considers joint management an effective method for managing particular areas or places of significance. Under the NTCSA, provisions such as Tōpuni may provide a basis for joint management in areas managed by the Department of Conservation.

An example of joint management in the takiwā of Te Rūnanga o Kaikōura is the development of an integrated community based Coastal Management Strategy for Kaikōura. The Rūnanga is actively working with the Department of Conservation and other fisheries stakeholders, to develop a strategy to protect and enhance customary, commercial, recreational and community fisheries. Many of the Rūnanga's governing policies in this Environmental Management Plan will be implemented through the Coastal Management Strategy.

The RMA now provides a framework for public authorities and iwi authorities (or groups that represent hapū for RMA purposes) to enter into joint management agreements about natural or physical resources (s. 36B-E). The framework is aimed at encouraging collaborative projects and partnerships.

#### 4.5.11 State of the takiwā environmental monitoring

Environmental monitoring, using Ngāti Kuri values, is very important to Te Rūnanga o Kaikōura. Culturally based environmental monitoring can be used to assess and report on the cultural health of natural resources and the environment in the takiwā. Such monitoring, in conjunction with other tools such as indicators, resource inventories, GIS information databases, or the Cultural Health Index,<sup>22</sup> can provide practical means to ensure that cultural values are given effect to in contemporary resource management systems.

In its most simple form, State of the Takiwā is about the gathering of information on the health, or mauri, of the environment within the takiwā, and turning the information collected into databases and reports to help inform (and monitor) policy and planning.<sup>23</sup> Such a system provides Rūnanga with baseline of environmental information that can then be used to monitor the performance of resource management agencies with regards to specific environmental outcomes. State of the Takiwā monitoring and reporting is one part of a larger bundle of Ki Uta Ki Tai – Mountains to the Sea Natural Resource Management tools being developed by Ngāi Tahu, including resource inventories and GIS information databases.

#### 4.5.12 Local expert participation

Ngāti Kuri values relating to natural resources can also be given effect to through providing opportunities for local expert participation. For example, the Rūnanga encourages research institutions and government agencies to undertake collaborative research and monitoring projects that use both Mātauranga Māori, or traditional knowledge, and mainstream science. Local expert participation may also be in the form of cultural monitoring (see below).

#### 4.5.13 Rūnanga cultural monitoring

Rūnanga cultural monitoring is a method used by Te Rūnanga o Kaikōura as part of protecting and managing cultural heritage resources in the takiwā, including wāhi tapu. The Rūnanga may require that certain activities involving surface clearing or sub-surface excavation have a cultural monitor on site, particularly in areas where the risk of modifying, damaging or destroying archaeological sites or wāhi tapu is high.

Cultural monitors allow the Rūnanga to be proactive in ensuring that all precautions are taken to protect sites of cultural significance.

<sup>22</sup> See Tipa, G. and Teirney, L. 2003

<sup>23</sup> Scoping document prepared by Kaupapa Taiao for ngā Papatipu Rūnanga, 2004

#### 4.6 MONITORING AND REVIEW *TE AROTURUKI ME TE AROTAKE*

The Te Rūnanga o Kaikōura Environmental Management Plan 2005 sets out the parameters for ensuring the protection of the natural environment and cultural heritage of Ngāti Kuri, while promoting the sustainable use of natural resources.

Te Poha a Tohu Raumati is a living, working document that will continue to evolve and grow as Rūnanga capacities increase and policy development continues. Monitoring and review of the Plan's use and effectiveness will be a key kaupapa for Te Rūnanga o Kaikōura over the next five years. This includes monitoring how the plan's effectiveness with regards to ensuring that Rūnanga values and policies are reflected in the policy and planning activities of local, regional and territorial authorities.

Section 1.10 identified ngā hua, a series of outcomes relating to what Te Rūnanga o Kaikōura wants to achieve through the development and use of this plan. These outcomes provide the benchmark against which our progress can be monitored and reviewed over time.