

2 Kaitiakitanga

Para 1 “Whatungarongaro te tangata, toitu te whenua”

Koia nei te pepeha e whakahuatia ake ai nga tikanga a te Maori ki ona whenua. Mai i nehe ra ano, ko te mea nui ki a ia ko te tiaki pumau i te whenua, e kore ranei e tukinotia, tae noa ki te wa e heke iho ai ki ona uri, ki nga whakatipuranga e whai ake ana, i muri iho i a ia. Ko nga whakarite o te kaitiakitanga, he taonga tuku iho. Kua korerotia te korero, kua wanangatia te wananga. Heoi ano, ko te mahi i naianei he whakararangi i aua korero, e marama ai ki a tatau katoa. He mahi uaua tonu, engari ko a koutou pononga ki te kaunihera enei e ngana nei ki te whakatutuki i te kaupapa. Ko te tumanako, kei kona koutou e te iwi hei whakatikatika mai, e tau ai te puehu, e whakaae ai tatou katoa. Tihe mauri ora.

Para 2 Explanation: The above statement quotes the Maori aphorism “Mankind perishes, the land remains eternal” as this epitomises Maori beliefs on kaitiakitanga or guardianship of the land and its resources. Furthermore Maori concern is to avoid insensitive and squanderous exploitation so that the land can be passed on to future generations in a sound and healthy condition. The statement also notes that much discussion and debate has taken place and then suggests that what is now required is a detailed inventory of the outcomes from those talks for our enlightenment. The report concedes that the task is onerous and that Environment Bay of Plenty staff have worked conscientiously to complete the assignment. Final sentence requests that iwi interests advise Environment Bay of Plenty of any corrections so that a consensus may be reached.

Para 3 Practices or tikanga were developed over many generations to maintain the mauri of all parts of the natural world. These tikanga evolved into the ethic and exercise of kaitiakitanga or guardianship of their resources that they will pass on to future generations. These responsibilities include but are not limited to the principles contained within Article II of the Treaty of Waitangi.

Para 4 Kaitiakitanga is a term now in general use to denote the practice of guardianship of natural and physical resources by tangata whenua (see Definition of Terms).

The practices of ‘guardianship’ can be applied in different ways by different iwi and tribal groups in the Bay of Plenty region.

In some instances the term kaitiakitanga itself will not accurately describe the practices of some iwi and tribal groups. Some Te Arawa groups, for example, consider the term ‘tiakitanga’ to be more accurate as they perceive the inclusion of the prefix ‘kai’ to refer specifically to the management of food resources only, whereas many other iwi consider that prefix to be an indicator of the ‘doer’ of the work. For Te Arawa people, the preferred term ‘nga tangata tiaki’ identifies those people appointed as guardians of natural and physical resources within their tribal rohe.

The term ‘nga tangata pukenga’ is used to identify those Maori people acknowledged by their iwi and tribal group as being people with the mana and capacity to understand, appreciate and identify cultural and historical qualities of significance, in accord with the tikanga and kawa of their people.

- Para 5 The role and responsibilities of kaitiaki are wide and varied, are tangible and intangible and all are based on Maori lore relevant to particular Maori groups [iwi, hapu, whanau] and their resources. It is the sole prerogative of each Maori group to determine their role and responsibilities as kaitiaki, and their interpretation of the concept of mauri. These roles, responsibilities and interpretations cannot be defined by any other persons, rather they need to be determined by the group according to their values and the circumstances of each case.
- It is important to clarify this with the kaitiaki who claim the role in each rohe. There may also be other valid claimants who need to be recognised.
- Para 6 The traditional knowledge that has been handed down from generation to generation provides the power or authority to sustain the mauri in relation to resources within the rohe of Maori groups [tangata whenua].
- Para 7 Broadly speaking kaitiakitanga involves a wide set of practices based on a world and regional environmental view. The root word is *tiaki* that includes the ideas and principles of:
- (a) Guardianship.
 - (b) Care.
 - (c) Wise management.
 - (d) Resource indicators, where resources themselves indicate the state of their own mauri.
 - (e) Maintenance of spiritual and cultural aspects of the natural and physical resources.
 - (f) Protection of mauri.
 - (g) Enhancement of mauri.
 - (h) Restoration of mauri.
 - (i) Appropriate development of resources where necessary.
- Para 8 Kaitiakitanga of natural and physical resources is not confined to the mere protection of those resources from damage, destruction, modification and development. Maori believe that within their rohe they are empowered with the responsibility of ensuring that the spiritual and cultural aspects are maintained for the future, for the benefit of all the people of New Zealand. This relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga is a matter of national importance.
- Para 9 Kaitiakitanga has a variety of applications including, but not limited to:
- (a) The protection and maintenance of waahi tapu and other areas of special significance.
 - (b) The placing of rahui to allow replenishment of traditional kaimoana, mahinga mataitai, or for use at times of disasters, drowning and pollution of food sources.
 - (c) Directing development to ways that do not negatively compromise the mauri of the resource.
 - (d) Observing tikanga associated with traditional activities such as prayer, ceremony and ritual.
 - (e) Active opposition to developments with actual or potential adverse effects on resources, taonga, mauri and Maori cultural relationships.
 - (f) Consultation.
 - (g) Monitoring resource indicators, where resources indicate the state of the mauri.
 - (h) Physical restoration and enhancement of resources to rejuvenate and improve the mauri of the resource.

- (i) Lodging claims against Crown actions that have adversely affected the mana of Maori.
- (j) Celebrating places by teaching future generations about the special Maori values associated with them.
- (k) Enhancing the natural world by teaching future generations about the special (Maori) values associated with them.

- Para 10 Mauri is the life force present in all animate and inanimate objects. The mauri binds one resource to every other element in a natural order, both physical and spiritual. It provides Maori a series of formal relationships, which, when recognised in practice and prayer ensures physical and spiritual integrity of the environment for future generations. Mauri may be described as the cornerstone of Maori cosmology. Maori believe it is the vital essence or life force by which all things cohere in nature. When mauri is absent there is no life. Of all taonga tuku iho, mauri is the most precious. Mauri provides unity between the natural order and the spirituality of the gods, and also by providing a series of formal relationships to ensure the physical and spiritual integrity of the environment for future generations. While mauri has a spiritual basis, it also leads to practical application of traditional resource management (kaitiakitanga) by ensuring that the environment is maintained in its natural condition. Kaitiaki are responsible for the mauri of their rohe. Failure of the iwi or hapu to protect, restore, maintain and enhance mauri through the practice of kaitiakitanga has the potential to adversely affect the relationship of the iwi or hapu with their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, and the mana of the iwi or hapu in general.
- Para 11 Practices or tikanga were developed and observed to maintain the mauri of parts of the natural world. Observing these tikanga evolved into the ethic and exercise of kaitiakitanga.
- Para 12 The complex sets of tikanga were developed in relation to specific resources in the domain of atua, recognised the combination of fundamental primary dimensions:
- Taha tinana - physical and economic significance
 - Taha hinengaro - intellectual significance
 - Taha wairua - spiritual significance
 - Taha whanaunga - social and cultural significance
- Para 13 Commonly recognised parts of the Maori resource management system are the practices associated with tapu (sacrosanct), rahui (moratorium), whakanoa (secularise), whakawaatea (liberate) and a whole range of tikanga (practices) specific to particular resources including but not limited to, harakeke (flax), tuna (eel), ika (fish), waimaori (fresh water), waitai (salt water) and whenua (land) including sand, stones, rocks, soil, minerals, metals, geothermal resources and any other physical and or natural resource, including air.
- Para 14 The appropriate development and use of land does not cause damage to mauri nor lessen the capacity of the land to sustain life. The appropriate development of land causes an increase in the capacity of the land to sustain life, creates a healthy relationship between land 'owner' and the land, and strengthens the mauri of the land by increasing the lands capacity to sustain not only itself but other creatures, including man. Appropriate development of land guarantees the sustainable management of land as a natural and physical resource but also preserves, protects, recognises and strengthens the cultural and spiritual aspects of the land as well⁷.

⁷ Love, Morris Te Whiti, Tikitu Tutua-Nathan, Mike Barns, Tamati Kruger, 1993. Ngaa Tikanga Tiaki I Te Taiao: Maori Environmental Management in the Bay of Plenty. Report for Bay of Plenty Regional Council.

Para 15 Specific water, land and geothermal resource management issues that are also of concern to Maori are addressed in the chapters relating to the topic. For example, concerns about stormwater discharges are addressed in the Discharges to Water and Land chapter - Discharges of Stormwater section. This is to integrate cultural aspects into wider resource management decisions and practices.

Para 16 In this chapter the phrase 'water, land and geothermal resources' is inclusive of all related resources, cultural sites and taonga. 'Water' includes the beds of rivers and lakes, gravel, wetlands, water quality and quantity, aquatic habitats, and other heritage values. 'Geothermal' refers to surface features and underground systems.

2.1 Kaitiakitanga

2.1.1 Issues

Issue 1 **There is a significant gap in understanding between tangata whenua claim of rangatiratanga of land, water and geothermal resources, and the role of the Crown and regional council in the management of those resources, particularly water.**

Para 1 Issues relating to the ownership, possession and management of land, water and geothermal resources are still to be resolved between iwi/hapu and the Crown. The Crown, under the Act, has made regional councils responsible for the management of land, water and geothermal resources. These responsibilities, including the control of the use of land of the purpose of soil conservation, the maintenance and enhancement of water quality, and maintenance of water quantity, is irrespective of the ownership of water and land. Resolving issues of 'ownership' of natural and physical resources are matters to be dealt with by Maori and the Crown through processes established to resolve Treaty of Waitangi claims and administered by the Waitangi Tribunal.

Para 2 Ownership of resources is an important issue to Maori, but it is not an issue that can be addressed in the regional plan as it is outside the scope of the Act, the regional plan, and the functions of Environment Bay of Plenty. Environment Bay of Plenty is relying on the Crown to resolve Treaty of Waitangi claims and issues relating to the ownership of resources.

Issue 2 **The extent to which tangata whenua seek to assume the management of water, land and geothermal resources, and other taonga, within their tribal rohe has yet to be described or achieved.**

Para 1 Tangata whenua believe they are entitled to actively participate in effective management and control of water, land and geothermal resources and taonga within their tribal rohe, alongside local and regional authorities. They have asserted that active participation includes managing and monitoring river gravel, the beds of rivers and lakes, land, water and geothermal resources.

Objective 1, 2

Policy 1, 2, 3, 4

Method 1, 2, 3, 4 6, 7, 8, 9, 11, 12, 15, 18, 19, 20

- Issue 3 **The role of tangata whenua as kaitiaki of water, land and geothermal resources is given token regard or not being recognised at all.**
- Objective* 2
Policy 4, 7, 8, 9, 12
Method 1, 2, 3, 4, 5, 6, 7, 11, 12, 20, 21, 22, 23
- Issue 4 **Tangata whenua may feel their concerns about water, land and geothermal resources are not fully addressed or considered during resource management decisions.**
- Para 1 Iwi and hapu believe they are entitled to have input into the planning process and decision-making on consent applications to ensure taonga and water, land and geothermal resources are sustainably managed for future generations.
- Objective* 2, 4
Policy 5, 6
Method 1, 11, 19
- Issue 5 **Consultation with tangata whenua on water, land and geothermal issues may not be occurring to the extent tangata whenua consider necessary to recognise and provide for the status Maori have under the Act.**
- Para 1 The principles of consultation have been established through case law and various government publications. Such principles include, but are not limited to, a genuine invitation to give advice and genuine consideration of the advice given, and the provision of information and time for the consulted party to be adequately informed, appraise the information and make useful responses.
- Objective* 3
Policy 13, 14, 15
Method 9, 10, 12, 13, 14, 18, 19
- Issue 6 **Resource management processes and decisions may not recognise that water, land and geothermal issues of concern to tangata whenua may be different between individual iwi and hapu.**
- Objective* 4
Policy 15, 16
Method 7, 11, 13, 19
- Issue 7 **Iwi/hapu resource management planning documents may not be recognised in resource management decisions.**
- Objective* 5
Policy 17
Method 12
- Issue 8 **The mauri of water, land and geothermal resources has been degraded, and needs to be protected and restored.**
- Para 1 The mauri of most water, land and geothermal resources has been affected by human activity and degraded to some degree. The mauri of some rivers, areas of land, or geothermal resources has been affected to a lesser extent, while in other cases it may not be possible to restore the mauri of water, land or geothermal resources due to contamination. Mauri can be adversely affected by inappropriate use and development, which in turn, has potential to adversely affect the relationship of Maori with their culture, tradition, ancestral lands, taonga and resources. However, positive effects created by for example, improved water quality may, in fact, restore or enhance mauri.

Objective 6
Policy 11
Method 7, 16, 17, 22

Issue 9 **Waahi tapu and taonga, and sites of traditional cultural activities are being damaged or destroyed by use and development activities.**

Para 1 Significant Maori cultural sites, waahi tapu (sacred sites), heritage sites, spiritual values and taonga may be damaged or destroyed by inappropriate activities on land, in the beds of surface water bodies, or the inappropriate development of geothermal resources. Waahi tapu areas are of value for oranga (healing), horohoro (cleansing and purification rites), and tohi (baptism). The protection of Maori culture and heritage forms one of the key areas of concern to iwi, including the protection of ancestral lands, water, sites, waahi tapu, and other taonga (including geothermal features).

Para 2 Tangata whenua have traditional uses associated with land, rivers, lakes, streams, wetlands and geothermal features, including mahinga kai (food gathering), wai kaukau (bathing sites), and wai tohi (baptism sites). Lakes and rivers provide food resources (tuna [eel], kakahi [freshwater mussels], koura [freshwater crayfish] and inanga [whitebait] amongst others), wai inu (drinking water), and taiapure (seafood reserves). Native vegetation provides material for rongoa (natural remedies and medicines).

Objective 7
Policy 10, 13, 18, 19, 20
Method 3, 5, 13, 14, 18, 20, 21, 46

2.1.2 Objectives

Objective 1 The principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are recognised and taken into account in the management of water, land and geothermal resources.

Objective 2 Environment Bay of Plenty to cultivate partnership protocols with tangata whenua to:

- (a) Have particular regard to the role of kaitiaki and Nga Tangata Pukenga in the management of water, land and geothermal resources.
- (b) Achieve the integrated management of land, water and geothermal resources.

Objective 3 Consultation with tangata whenua that recognises their societal structures, practices, protocols, and procedures, and status under the Act.

Objective 4 The water, land and geothermal concerns of tangata whenua are taken into account and addressed as part of resource management processes, while recognising that different iwi and hapu may have different concerns or practices.

Objective 5 Water, land and geothermal resource management decisions have regard to iwi resource management planning documents.

Objective 6 Maintain the biological and physical aspects of the mauri of water, land and geothermal resources; and where practicable achieve the ongoing improvement of the biological and physical aspects of the mauri where it has been degraded, as it relates to:

- (a) Water quality meeting the specified water quality classifications.
- (b) Water flows not breaching the instream minimum flow requirements.
- (c) The life-supporting capacity of soils are sustained.
- (d) Protection of geothermal surface features identified by, and of special value to tangata whenua.

Objective 7 The extent of the spiritual, cultural and historical values of water, land and geothermal resources (including waahi tapu, taonga and sites of traditional activities) to tangata whenua are identified.

Cross-Reference Also refer to Objective 20.

2.1.3 *Policies*

Policy 1 To recognise that tangata whenua, as indigenous peoples, have rights protected by the Treaty of Waitangi (Te Tiriti o Waitangi) and that consequently the Act accords Maori a status distinct from that of interest groups and members of the public.

Policy 2 To take into account the principles of the Treaty of Waitangi in the management of land, water and geothermal resources.

Policy 3 To encourage tangata whenua to identify their particular requirements to address sections 6(e), 7(a) and 8 of the Act, in relation to their ancestral lands (rohe), sites or resources, and mauri.

Policy 4 To actively develop an integrated water, land and geothermal resource management regime and effective working relationships, between councils and tangata whenua.

Policy 5 To ensure that resource management issues of concern to tangata whenua are taken into account and addressed, where these concerns are relevant and within the functions of Environment Bay of Plenty.

Policy 6 To promote greater understanding by tangata whenua of the water, land and geothermal resource management responsibilities that are within the functional jurisdiction of Environment Bay of Plenty.

Policy 7 To make provision for kaitiaki to manage their ancestral land, water, and geothermal resources where this is consistent with the Act.

Policy 8 To recognise that kaitiakitanga involves both:

- (a) The use and development of land, water and geothermal resources by tangata whenua, and
- (b) The protection of taonga, waahi tapu, significant sites, traditional use sites, and other natural and physical resources of importance to tangata whenua.

Policy 9 To have particular regard to kaitiakitanga, including customary use and management practices relating to water, land and geothermal resources, including mahinga kai whenua and mahinga kai awa, waahi tapu and taonga raranga, in accordance with tikanga Maori, and the mana and responsibilities of Nga Tangata Pukenga, where this is consistent with the Act.

Policy 10 To identify the extent of cultural values associated with rivers, streams, lakes, wetlands, geothermal resources and land, where this is considered appropriate by tangata whenua.

Policy 11 To recognise and provide for the mauri of water, land and geothermal resources when assessing resource consent applications.

Policy 12 To use the Ministry for the Environment's Maori environmental performance indicators as part of Environment Bay of Plenty's environmental monitoring programmes, while recognising that there are different applications and interpretations of traditional Maori water categories between individual iwi and hapu in the region.

- Policy 13 To advise and encourage resource consent applicants to consult directly with tangata whenua where it is necessary to identify the relationships of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga, and the actual and potential adverse effects of proposed activities on that relationship.
- Policy 14 To consult tangata whenua on water, land and geothermal resource management issues according to the requirements of the Act, tikanga Maori methods of consultation, and in a manner consistent with case law.
- Policy 15 To consult all appropriate tangata whenua holding mana whenua in circumstances where rohe (tribal boundaries), or areas of ancestral or historic interest overlap.
- Policy 16 To recognise that different iwi and hapu may have different water, land and geothermal resource management concerns, practices and management methods.
- Policy 17 To:
- (a) Take into account iwi resource management planning documents, when preparing or changing a regional plan, where such documents exist.
 - (b) Have regard to iwi resource management planning documents when considering resource consent applications, where such documents exist.
- Policy 18 To avoid, remedy or mitigate adverse effects on water, land and geothermal resources or sites of spiritual, cultural or historical significance to tangata whenua, where these resources and sites have been identified by tangata whenua.
- Policy 19 To encourage tangata whenua to recommend appropriate measures to avoid, remedy or mitigate the adverse environmental effects of the use and development of water, land and geothermal resources.
- Policy 20 To assess effects of proposed development activities on the cultural and historic values and sites of water, land and geothermal resources in consultation with tangata whenua.
- Cross-Reference Also refer to Policy 42.

2.1.4 *Methods of Implementation*

Environment Bay of Plenty will:

Working with Other Resource Management Agencies and the Community

- Method 1 Work with iwi and hapu to educate and share information about each other's processes and practices.
- Method 2 Facilitate a process with iwi and hapu and resource management agencies to discuss the ability of tangata whenua to access, use and enjoy their ancestral taonga within the Act framework.
- Method 3 Work with iwi and hapu, the city council and district councils as part of an ongoing process to map areas of significance to tangata whenua, where this is deemed appropriate by tangata whenua, and in relation to Method 7.
- Method 4 In conjunction with tangata whenua, the city council and district councils develop methods to maintain or improve the mauri of water, land and geothermal resources through the appropriate management of water quality, water quantity, land use and management practices, and geothermal resources.

Method 5 Consider the transfer of water, land and geothermal resource management functions, duties or powers to iwi authorities where this is appropriate to the circumstances, subject to the requirements of section 33 of the Act.

Advocacy

Method 6 Encourage iwi to develop resource management planning documents that contain:

- (a) Specific requirements to address the management of water, land and geothermal resources, including mauri, and in relation to section 6(e), 7(a) and 8 of the Act.
- (b) Protocols to give effect to their role of kaitiaki of water, land and geothermal resources.
- (d) Instructions or protocols describing how the document is to be used, including how it is to be used by Environment Bay of Plenty and the community.

Works and Services provided by Environment Bay of Plenty

Method 7 Facilitate the development of an appropriate and secure system for the release by tangata whenua of culturally sensitive information, including the location of significant sites, taonga and significant cultural values of water, land and geothermal water resources, to Environment Bay of Plenty.

Method 8 Develop and implement procedures with iwi and hapu to take into account the principles of the Treaty of Waitangi. Such procedures will be periodically updated to recognise that principles evolve through processes such as case law, negotiation and the development of memoranda of understanding and co-management agreements.

Method 9 Develop procedures in accordance with tikanga Maori to facilitate effective consultation with tangata whenua about proposals for the use or development of water, land and geothermal resources. This may be according to processes defined in iwi management planning documents, where appropriate.

Method 10 Continue to maintain and make available a database that contains a register of:

- (a) Contact persons for tribal federations, iwi authorities, tribal runanga, hapu or whanau of the region to assist applicants in their consultation with tangata whenua.
- (b) Kaitiaki of water, land and geothermal resources.
- (c) Iwi resource management documents.
- (d) Agreements between Environment Bay of Plenty and iwi or hapu.

Note: Resource consent applicants should understand that Environment Bay of Plenty can only provide initial contact details.

Method 11 Develop and implement procedures to ensure that water, land and geothermal resource management concerns of tangata whenua are taken into account and addressed by appropriate means, where the concerns are relevant to the planning document or resource consent application being addressed, and are within the functions of Environment Bay of Plenty. This may include, but not be limited to, co-management protocols and memoranda of understanding.

Method 12 Develop guidelines for resource consent applicants to assist consultation with tangata whenua. The guidelines will include, but not be limited to, matters to ensure compliance with the requirements of the Act, and assessment criteria to determine adequacy of consultation.

Matters Relevant to Resource Consent Applications and Processing

- Method 13 Have regard to any relevant iwi resource management strategies or plans when considering applications for resource consents under this regional plan.
- Method 14 Consult tangata whenua through tribal federations, iwi authorities, tribal runanga, hapu or whanau, as appropriate to the issue.
- Method 15 Consult with tangata whenua at hui held at marae where this is possible, practicable, appropriate to the scale of the issue, and agreed to between parties. Alternative venues and processes may be used where agreed to by the parties involved.
- Method 16 Consider the appointment of people (Nga Tangata Pukenga) with recognised expertise in tikanga Maori to hearing committees whenever matters of water, land or geothermal resource management significance to tangata whenua are being considered.
- Method 17 When assessing resource consent applications, recognise and provide for the effects on the mauri of the receiving environment. Indicators that the activity will affect the mauri may include:
- (a) Direct discharges of human or animal faecal matter and contaminants to water.
 - (b) Adverse effects on water quality relative to the Water Quality Classification of the receiving water body.
 - (c) The activity is inappropriate in relation to the cultural sensitivity of the location.
 - (d) There is a mixing of waters from different catchments.
 - (e) Adverse effects or changes to the natural water cycle.
 - (f) Adverse effects on the state of the water body, including natural processes and heritage values.
- Method 18 Maintain, and where practicable improve the mauri of water, land and geothermal resources by using a range of mechanisms, including resource consent conditions to ensure:
- (a) Water quality meets the specified water quality classifications.
 - (b) Water flows do not breach the instream minimum flow requirements.
 - (c) The life-supporting capacity of soil is sustained.
 - (d) Geothermal surface features identified by, and of special value to tangata whenua are protected.
- Method 19 Advise and encourage resource consent applicants to consult directly with tangata whenua where this is appropriate to the proposed activity.
- Method 20 Where appropriate to the scale and magnitude of effects, or location of the activity, require resource consent applicants to supply a record of consultation with all tangata whenua who are affected by the proposed activity.
- Method 21 Avoid, remedy or mitigate adverse effects on those characteristics, sites, features, resources or attributes of water, land and geothermal resources that are of significant cultural value or special significance to tangata whenua, where these are known. This applies to the community when planning use and development activities, and to Environment Bay of Plenty when considering resource consent applications.
- Method 22 Encourage tangata whenua to recommend appropriate measures to avoid, remedy or mitigate adverse environmental effects on cultural values, resources or sites, from the use and development activities as part of consultation for resource consent applications.

Cross-Reference Also refer to Method 46.

Monitoring and Investigation of the Environment

Method 23 Support the establishment and maintenance of a community-based state of the environment monitoring programme that involves tangata whenua in their role as kaitiaki, using the Ministry for the Environment's Maori environmental performance indicators, matauranga Maori, and other relevant initiatives.

Cross-Reference Also refer to Method 186.

2.1.5 Explanation/Principal Reasons

Para 1 The objectives, policies and methods in this section are necessary to address Environment Bay of Plenty's obligations in relation to sections 6(e), 7(a) and 8 of the Act. The provisions are consistent with the Act (including sections 8 and 104) recent case law, *Nгаа Tikanga Tiaki I Te Taiao*⁸ report, and Whanganui River Report by the Waitangi Tribunal (1999)⁹. The regional plan defers to, and is consistent with and implements, the provisions the Bay of Plenty Regional Policy Statement.

Para 2 The policies and methods are to provide a framework within which particular agreements with individual iwi or hapu can be made. This flexibility recognises current dynamic processes due, in part to the ongoing settlement of Treaty of Waitangi claims, and the development of iwi or hapu resource management plans. This is to allow for the ongoing evolution of relationships, understandings, processes and agreements. With regards to Method 5, there are restrictions to the transfer of functions specified in section 33 of the Act, and any transfer is subject to consultation with the community (a requirement of the Local Government Act 2002).

Para 3 Implementation of the policies and methods in this section of the regional plan will be achieved through a process to contact each iwi and hapu in the region to initiate discussion on the development of individual agreements, and promote the development of iwi or hapu resource management documents. The Maori Regional Representative Committees and the Maori Standing Committee will be involved in this process. Environment Bay of Plenty also has internal procedures that will assist the implementation of the methods such as Methods 13, 17, 19, 20 and 21.

Para 4 The Criteria for Assessing Specified Matters in the Bay of Plenty Region and associated processes promulgated in relation to the Bay of Plenty Regional Policy Statement will be used to assess the values of an activity site when a resource consent application is made under a discretionary rule in this regional plan. This is consistent with the requirements of section 104 of the Act. Table 1 describes Environment Bay of Plenty's responsibilities for heritage matters in relation to this regional plan.

Para 5 Method 23 is intended to encourage community groups such as iwi and hapu to establish state of the environment-type environmental monitoring projects, similar to the current Stream Sense programme. This links to one aspect of the Ministry for the Environment's Environmental Performance Indicators programme. The gathering of information will allow tangata whenua to assess the condition of the environment within their rohe, and is a practical expression of Kaitiakitanga.

⁸ Love, Morris Te Whiti, Tikitu Tutua-Nathan, Mike Barns, Tamati Kruger, 1993. *Nгаа Tikanga Tiaki I Te Taiao*: Maori Environmental Management in the Bay of Plenty. Report for Bay of Plenty Regional Council.

⁹ Waitangi Tribunal, 1999. *The Whanganui River Report (Wai 167)*. GP Publications, Wellington.

Para 6

Policy 10 will be implemented by:

- (a) Environment Bay of Plenty in relation to Method 3, Method 7, Method 22, and Method 190;
- (b) Iwi in relation to Method 6; and
- (c) Resource consent applicants in relation to Method 13 (where applicable), Method 14, Method 20 and Method 21.