

Guidelines for Preparing and Taking into Account Iwi and Hapu Environmental Management Plans

September 2006

Creating the ultimate living environment



Introduction

This policy was initiated in compliance with an Environment Court consent order signed between Ngatiwai Trust Board and Whangarei District Council to finalise an appeal on the Whangarei Proposed District Plan.

It recognises Council's duty under the Resource Management Act 1991 to "take into account" any relevant planning documents prepared by iwi or hapu, and lodged with Council, when preparing resource management plans, e.g. changes to the Whangarei District Plan. Taking into account means that the iwi/hapu environmental management plan must be shown to have input into the planning process and to have been incorporated into Council's decision making.

The policy aims to give guidance for iwi and hapu throughout the Whangarei District in the preparation of environmental planning documents and guidance for Council in taking them into account.

This policy has two parts:

§ Part I - Guidelines for preparing iwi/hapu management plans

§ Part II – Guidelines for how Whangarei District Council will take into account iwi/hapu environmental management plans

The policy also includes information on who to contact for advice on preparing iwi/hapu environmental management plans and a list of useful documents and websites (Part Ia).

In addition, the policy specifies the process which Council will follow on receiving an iwi/hapu environmental planning document (Part IIa).

Recognition is given that there is currently not a level playing field between Council and tangata whenua, and within tangata whenua groups. Rather there are a range of capabilities and capacity and tangata whenua do not have the same level of resources available as Council.

The policy has been developed with representatives from iwi and hapu and Council staff. Publications from the Ministry for the Environment have been used, as well as examples of finalised iwi/hapu planning documents. All these publications are available to be borrowed from Council's Iwi Liaison Office.

The policy will be reviewed as deemed necessary by representatives from iwi and hapu or Council staff.

Part I Guidelines for preparing iwi/hapu environmental management plans (under s74 of the RMA 1991)

1. *Consider the purpose(s) of the iwi/hapu environmental management plan and the audience(s) it is intended for, e.g. hapu, iwi authority, district/regional council, developers, and government agencies.*
2. *The language used in the plans will be that considered appropriate by the iwi/hapu, and could include te reo, tikanga, Resource Management Act terms, diagrams and pictures. Council will respect the language of the plan and the way it is written.*
3. *The content of the plans will be that considered appropriate by the iwi/hapu and could be very broad (e.g. include health, education and environmental issues) or could be narrow (e.g. focused on one issue such as earthworks).*
4. *Recognition is given that the plan could be critical of Whangarei District Council and other agency's processes.*
5. *It would be helpful to Council if the content included:*
 - *Indicative rohe areas (ahi kaa, mana whenua, whakapapa, history) covered by the Plan*
 - *Recognition from the relevant iwi authority e.g. supporting letter from iwi trustees*
 - *A statement of how and when the iwi/hapu want to be consulted*
 - *A statement of issues/themes/concerns/problems*
 - *Outcomes or actions sought from the council or other agencies.*
6. *It is acknowledged that there will be reviews and updates of the iwi/hapu environmental management plans; these will be prepared as considered necessary by the iwi/hapu and as resources permit.*
7. *It is noted that the iwi/hapu environmental management plan is a starting point for discussions and in itself does not count as consultation.*
8. *The plan should state who is actually responsible for administering the plan and their contact details.*

Part Ia Contacts and Resources for Preparing Iwi/Hapu Environmental Management Plans

In the first instance contact your local runanga or trust board.

These could include:

Ngatiwai Trust Board	PO Box 1332	Whangarei
Te Runanga A Iwi O Ngapuhi	PO Box 263	Kaikohe
Te Runanga O Ngati Whatua	PO Box 1784	Whangarei
Te Runanga O Ngatihine	PO Box 36	Kawakawa

Council staff may also be able to help point you in the right direction for further help.

Resources to help you prepare you hapu/iwi environmental management plan include:

Publications

Review of the effectiveness of IRMPs – local authority and consent applicant perspectives. May 2006. Prepared for Ministry for the Environment by Environmental Management Services.

Review of the effectiveness of iwi resource management plans – an iwi perspective. July 2004. Prepared for Ministry for the Environment by KCSM Consultancy Solutions.

Towards developing hapu/iwi management plans. January 1998. Prepared by Te Kotahitanga O Te Taitokerau Resource Management Committee in conjunction with the Northland Regional Council.

Te rarangi a mahi – developing environmental management plans for whanau, hapu and iwi. August 2000. Prepared under the Sustainable Management Fund by Beca, Carter, Hollings and Ferner Ltd, Wellington Tenth Trust and Te Runanga o Ngai Tahu.

Whakamaui ki nga kaupapa. June 2001, updated June 2003. Prepared for Ministry for the Environment by Enviro Solutions and Beca Planning.

Websites

Ministry for the Environment - www.mfe.govt.nz

Quality Planning – www.qualityplanning.org.nz

Parliamentary Commissioner for the Environment – www.pce.parliament.nz

Te Puni Kokiri – www.tpk.co.nz

Part II Guidelines for how Whangarei District Council will take into account iwi/hapu environmental management plans (under s74 of the RMA 1991)

1. *Once Council receives an iwi/hapu environmental management plan, discussions with the iwi/hapu will take place regarding whether the document is a public document which can be made available to the general public, or whether there are restrictions on it.*

For example:

- *Copies could be made available at customer services to the public and circulated to council staff*
 - *Copies (with certain sections blocked out or removed) could be made available at customer services to the public and circulated to staff*
 - *Copies could be only circulated to restricted council staff with clear statements of confidentiality*
 - *Copies could only be obtained from the relevant iwi/hapu.*
2. *The procedure for how Council formally receives the document will be discussed with the iwi/hapu and appropriate arrangements made*

For example:

- *A formal ceremony held on the Marae*
 - *A formal ceremony held at Council Chambers*
 - *A presentation to a Council or Committee meeting.*
3. *How Council takes into account the iwi/hapu environmental management plan needs to be a clear, transparent and open process for all parties. The suggested process that Council will follow on receiving an iwi/hapu environmental management plan is outlined on the following page (Part IIa). The stages in the process can be amended to suit the different needs of iwi/hapu, however it is considered that the overall process will be followed.*
 4. *Council will consider initiating a plan change to address issues arising from iwi/hapu management plans. Council will fund such a plan change, if one is agreed to be necessary.*
 5. *Where Council receives more than one iwi/hapu environmental management plan for an area, Council will ask the iwi/hapu concerned to advise whether the documents should be taken into account separately or whether the documents should be taken into account jointly.*
 6. *It is recognised that iwi/hapu management plans are living documents and there will be changes made to these documents. Changes to, or updated iwi/hapu management plans, received by Council will go through the same process (as outlined on the following page, Part IIa) as the original documents.*

Part IIa Council process for receiving and taking into account iwi/hapu environmental management plans (under s74 of the RMA 1991)

1. Planning document (formally recognised by relevant iwi first) received from iwi/hapu.
2. Discussions undertaken regarding confidentiality of the document and the appropriate formality for receiving the document, with the iwi/hapu concerned.
3. Document formally received by Council and made available in a jointly agreed upon appropriate manner.
4. Council officers review the document (it is recommended that as part of undertaking this review the table on the following page be used – this table has been adapted from Table 1 in the Ministry for the Environment's publication *Whakamau ki Nga Kaupapa*) and undertake discussions with the iwi/hapu regarding the content of the document and how it can be taken into account, including actions and timeframes.
5. Any application for transfer of powers (section 33) or joint management agreement (section 36A) will be assessed in accordance with the relevant provisions in the Resource Management Act 1991.
6. The suggested actions and timeframes are presented to the elected members of Council for discussion at a workshop and then for formal adoption at a Council Committee meeting.
7. The adopted actions are incorporated into Council's work programme (including the provision of appropriate budgets) and included in documents such as the Long Term Council Community Plan.
8. Progress on the adopted timeframes, priorities and methods is monitored 6 monthly and reported to iwi/hapu and Council. Non compliance is identified and explanation sought.

Iwi/Hapu Management Plan								
IMP Section	IMP Subsection	Summary of Issue	Which RMA Section	Which District Plan Section	Which Council Division	Other Government Institutions	Action/Timeframe	Comments

File can be accessed on M:\NEW CLASSIFICATION STRUCTURE\URBAN DESIGN & PLANNING\District Plan development\Project management\Project implementation\GuidelinesforPreparingandTakingintoAccountIwiandHapuEnvironmentalManagementPlans