

RESOURCE MANAGEMENT

Maori and the Resource Management Act

Introduction

The Resource Management Act contains provisions which encourage Maori involvement in the management of natural and physical resources and which require consideration of Maori values, culture and traditions in resource management decision making.

This Environment Topic provides a guide on what these provisions mean for planning and for resource consent applications under the Act.

Principles of the Act

Part II of the Resource Management Act contains a series of principles. Three of these are of special importance to Maori:

- *Section 6 (e) - recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- *Section 7(a) - having particular regard to kaitiakitanga (i.e. the exercise of guardianship); and*
- *Section 8 - taking into account the principles of the Treaty of Waitangi*

How do these principles apply in practice?

These principles, together with other sections of the Act, place a duty to consult with tangata whenua in two instances:

- The preparation and change of policy statements and plans (including coastal plans and district plans) ; and
- The preparation of assessments of environmental effects accompanying resource consent applications.

The key points from case law regarding consultation with tangata whenua are;

- Consultation needs to be carried out in mutual good faith and to a degree sufficient that the council is familiar with tangata whenua concerns and interests;
- Consultation does not mean consensus. If the outcome of the consultation process is disagreement then this has to be accepted;
- Consultation should be ongoing;
- Consultation should not affect the council's decision-making responsibility by an understanding reached prior to the notification of a policy statement or plan.



Staff consider protection of a Maori Pa site near a housing development in Bay View.

Policy Statements and Plans

In the Hawke's Bay Proposed Regional Resource Management Plan, which includes the regional policy statement, the matters of resource management significance to iwi/hapu are set out. These

have been established through a hikoī, or series of hui, throughout Hawke's Bay during the development of the Plan, and include:

- Recognition of Tikanga Maori values and the contribution they make to sustainable development;
- Acknowledgement that water is the essential ingredient of life and has a wairua, consistent with how Maori perceive its quality and use;
- The protection of mahinga kai (food gathering areas), mahinga mataitai (sea-food gathering places), taonga raranga (resources used for traditional crafts) and taonga rongoa (medicinal plants, herbs, and resource) from any significant adverse effects of activities;
- Recognition that the most effective consultation is carried out 'kanohi ki te kanohi' (face to face);
- An expectation that consultation involving iwi or hapu (as opposed to individuals) will generally take place on a marae.

Resource Consents

Unlike consultation by Council in the course of preparing a policy statement or plan, consultation with tangata whenua by someone applying for resource consent is not mandatory. However, it is recognised good practice that applicants for resource consents engage in consultation with the tangata whenua where their proposal may affect the matters referred to in section 6(e) or 7(a) of the RMA.

Generally the following areas are of interest to tangata whenua:

- water quality and water allocation;
- discharges into water bodies;
- erosion, or sedimentation affecting waterways;
- quality of the coastal environment;
- reclamations or structures in coastal areas;
- extraction of sand and shingle from river beds or the coast;

- fish, seafood and traditional food sources;
- ancestral sites such as waahi tapu (sacred sites) or urupa (burial grounds).

The most appropriate level for consultation on any proposal depends on its scale and likely effect. Localised effects, such as most resource consent applications, are likely to require consultation with a Hapu or Whanau. Regional Council staff may be able to assist resource consent applicants to identify who should be consulted.

Regional Council Maori Committee

Hawke's Bay Regional Council has a Maori Committee, which has 12 members (plus 3 Councillors) who represent the four Maori districts within the region.

Members of the Maori committee are nominated by taiwhenua, kaumata and executives in their relevant areas every three years at the time of council elections.

The committee meets every two months, occasionally on marae, to discuss and make recommendations on issues that are of direct interest to Maori within the functions of the Council.

Members of the Maori Committee are also appointed to other Committees, such as the Hearings Committee, which makes decisions on resource consent applications, and the Regional Plan Committee, which develops the Proposed Regional Resource Management Plan.

For further information

or further information or advice on any resource management topics, ask for other titles in this series, contact the Ministry for the Environment or Environmental Regulation staff at the Regional Council on:

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