

Part 2 – Resource management overview

RMIA – Resource management issues of significance to iwi authorities

Land, water, and air are taonga to Māori. Their use and management require special care and attention. Nelson City Council has a leadership role in working together with iwi of Te Tau Ihu to protect and improve both our natural environment and the things we build, as well as the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.

Nelson City Council acknowledges the Crown's apology to the iwi of Te Tau Ihu in the Treaty settlement legislation, and the role that tikanga (what we do) and kawa (the way we do it) and the value base associated with these concepts have in delivering the sustainable management of natural and physical resources of the region. Nelson City Council also acknowledges its role in supporting the iwi of Te Tau Ihu post Treaty settlements.

Issues

RMIA-I1 Acknowledgement of Te Tiriti o Waitangi [RPS]

Te Tiriti o Waitangi and its principles need greater acknowledgement in resource management in Whakatū.

Putting a level of understanding of Te Tiriti o Waitangi (also referred to as the Treaty or Te Tiriti) into practice is still challenging for Nelson City Council. The Council owns, administers and/or maintains a significant area of Whakatū including the coastal environment, rivers, forestry, and reserves. As such Nelson City Council activities themselves can have a significant impact on both resource management and providing for the implementation of Te Tiriti o Waitangi across activities.

The RMA requires that in exercising its functions and powers, the Nelson City Council takes into account the principles of the Treaty. Active participation by Māori in the planning process supports the achievement of Treaty principles. There has been some resourcing for iwi participation in Nelson City Council resource management functions and this relationship continues to strengthen.

Treaty settlement legislation includes Statutory Acknowledgements, which Nelson City Council must have regard to when deciding if iwi are affected persons. In addition, the settlements provide for the eight iwi of Te Tau Ihu to participate in a freshwater and rivers advisory committee. The committee provides input into Council policy and decision making in relation to the management of rivers and freshwater, and applies across the top of the south within the jurisdictions of Marlborough District Council, Nelson City Council and Tasman District Council.

The ability of Nelson City Council to undertake a partnership approach to resource management and provide for active protection is provided by sections 6, 7 and 8 of the RMA. Nelson City Council acknowledges that to carry out its legislative obligations it needs to establish and maintain strong relationships with iwi of Te Tau Ihu in order to give effect to its duties, functions and obligations. There is a need to move beyond legislative obligations and to continue to work on strengthening relationships.

Taking into account the principles of the Treaty as part of council functions and duties under the RMA requires a willingness and desire for both parties to develop a relationship and to define what is expected. This relationship is a work in progress for both Nelson City Council and the iwi of Te Tau Ihu.

RMIA-I2 Enable environmental, commercial, social and cultural development of Te Tau Ihu natural and physical resources [RPS]

Tāngata whenua are responsible for the use, development and protection of resources owned by them for the benefit of hapū and iwi. The provisions of the Whakamahere Whakatū Nelson Plan have the potential to enable or constrain development opportunities. Tāngata whenua are looking to the Whakamahere Whakatū Nelson Plan to enable environmental, commercial, social and cultural development of natural and physical resources owned by iwi, hapū and whānau in a manner consistent with tikanga and kaitiakitanga.

In 2014 the eight iwi of Te Tau Ihu settled claims with the Crown for breaches of the Treaty. Treaty settlement legislation addresses historic breaches of the Treaty through an apology, a range of acknowledgements, and a range of redress, including the transfer of Crown-owned land parcels to claimants. Some land is acquired as 'cultural redress' (generally reserves) and other land is acquired as 'commercial redress'. Commercial redress is intended to provide land and resources on the land to form an economic base for development by iwi, in the same manner as other developers.

Iwi of Te Tau Ihu consider that resource management provisions should seek to address the implications of the settlements for resource management and the development and use of Treaty settlement land, in accordance with the outcomes sought under the settlements. Iwi also consider that enabling the development of, and access to, all iwi, hapū and whānau natural and physical resources should be acknowledged in resource management provisions as an expression of the Nelson City Council giving effect to sections 6, 7 and 8 of the RMA.

This issue in Whakamahere Whakatū Nelson Plan is a significant shift from previous resource management plans where recognition of Treaty settlements was limited to appending statutory acknowledgements to the plan, as required by the settlement acts, and the only provisions in relation to iwi, whānau and hapū land were for papakāinga. This issue takes a broader view of the effect of the settlement of Treaty claims on how natural and physical resources are accessed and managed in Whakatū, including the need to recognise and provide for the relationship of tāngata whenua iwi, hapū and whānau with all natural and physical resources. This issue therefore applies to all land and resources owned and traditionally used by iwi of Te Tau Ihu members living in the rohe, as well as access to those resources and their development and management.

Some of the land acquired through Treaty settlements is land with which Māori have a relationship as a matter of national importance (section 6(e) of the RMA being the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga).

RMIA-I3 Erosion of cultural and natural resource values [RPS]

There has been an erosion of cultural and natural resource values over time which needs to be stopped so that remaining areas are protected and the values are recognised.

The Whakatū landscape and coastline are rich in iwi heritage. This history is reflected in the many sites and features of particular significance to iwi of Te Tau Ihu (either individually or collectively). These sites are connected to iwi histories, traditions and tikanga, some of which are broadly described in the Statutory Acknowledgements arising from the Treaty settlements for Te Tau Ihu. Examples include mahinga mataitai (places for gathering seafood), wāhi tapu (ancestral sites), landscape features that define iwi of Te Tau Ihu boundaries, arawhito (significant trails), access points to rivers, wetlands and the coast, places of iwi occupation such as pā and marae, urupā (burial sites), battle grounds, and mineral fossicking areas. These sites, features and landscapes are collectively part of the cultural heritage of each iwi of Te Tau Ihu.

Māori place names are also part of Whakatū's cultural heritage. These provide an important link to the significance of traditional sites, historical events and spiritual associations. Many local Māori place names have been lost from general community use and their inclusion within the Whakamahere Whakatū Nelson Plan is one way in which to regain their use.

The destruction and degradation, or reduction in access to cultural heritage sites, features, resources and landscapes of significance to iwi of Te Tau Ihu has occurred in the past as a result of the use and development of Whakatū's resources, particularly for land development. Whakatū's tāngata whenua believe this makes those areas that do remain, and access to them, even more significant.

Collectively habitat loss and resource degradation has a cumulative effect on the mauri of natural resources and on the wellbeing of tāngata whenua of Whakatū Nelson. Protection of the mauri of natural resources should be the overarching goal for all resource management practices in Whakatū Nelson. Therefore there is a strong need for Māori environmental practices, such as kaitiakitanga, to be recognised and implemented across the freshwater, air, coastal and land resources. These practices are documented in Part 1 – Tāngata Whenua of the Whakamahere Whakatū Nelson Plan.

The change in land tenure that has occurred with European settlement has also created difficulties for Whakatū's tāngata whenua in physically accessing mahinga kai as well as areas that contain other cultural resources. Some areas are now privately owned or can only be accessed through private land, creating barriers to the ability of Whakatū's tāngata whenua to continue their cultural harvest or activities, as they were historically able to. Legal barriers can also prevent the harvest of traditional kai (foods) and other cultural resources, such as the protection afforded to endangered species.

The difficulties in accessing mahinga kai and using traditional foods have an impact upon the mana of Whakatū's tāngata whenua as it adversely affects the ability of each iwi, and whānau within the iwi, to provide for their family members and to care for guests. It also compromises their mana by impairing their ability to fulfil their role and responsibilities as kaitiaki and, further, it presents barriers to the maintenance and enhancement of traditional cultural practices.

RMIA-I4 Partnership [RPS]

Council and government agencies need to work in partnership with iwi in a way that recognises the status of iwi as kaitiaki and enables expression of kaitiakitanga in decision making processes at all levels.

The iwi of Te Tau Ihu have developed an Aotūroa Framework for the sustainable management of natural resources, which is embodied in kaitiakitanga. The responsibility of kaitiaki includes the aim of

protecting the mauri as well as the duty to pass the environment onto future generations in a state which is as good as, or better than, the current state. While there has been recognition, there has been very little understanding as to how to enable kaitiakitanga in resource management decision and policy making in Whakatū.

Nelson City Council also acts as a guardian of Whakatū's future and as such needs to make decisions that enable kaitiakitanga to be expressed and to improve the social and physical world around us. A significant step in enabling iwi to express kaitiakitanga is to provide greater involvement by iwi in decision making. Whakatū's tāngata whenua seek the opportunity to explore ways of improving their participation in resource management decision making processes as a practical expression of kaitiakitanga.

Whakatū's tāngata whenua consider it is important for a resource consent or plan change applicant to work with the relevant iwi authority where the interests of an iwi are potentially affected by a proposal. Indicators of the matters that may affect an iwi are the matters set out in iwi management plans and section 6(e), section 7(a), and section 8 of the RMA. The provisions of this chapter and other chapters in the Whakamahere Whakatū Nelson Plan and iwi management plans also assist to identify these matters.

Working with the iwi authority allows an assessment of cultural effects to be carried out and, where necessary, the preparation of a cultural impact assessment, as part of the process of assessing environmental effects.

Whakatū's tāngata whenua have identified that a significant barrier to participation in resource management decision making is the capacity to participate. Iwi have to spread resources across the full range of topics that Nelson City Council seeks to consult iwi on, and across the three local authorities of Te Tau Ihu. It is, therefore, the view of most iwi of Te Tau Ihu that they do not currently have the capacity to effectively take part in the two processes that they have the greatest interest in, resource consent processing and policy development. As part of addressing capacity issues, Whakatū's tāngata whenua seek to develop mechanisms for effectively managing cross boundary issues across rohe and local authority boundaries.

Objectives

RMIA-O1 Acknowledgement of Te Tiriti o Waitangi [RPS]

Te Tiriti o Waitangi and its principles are acknowledged in resource management policies and practice.

RMIA-O2 Natural and physical resource management [RPS]

Natural and physical resources are managed in a manner that provides for tikanga Māori and the spiritual and cultural values of Whakatū tāngata whenua.

RMIA-O3 Recognise and provide for cultural and traditional relationships [RPS]

The cultural and traditional relationship of Whakatū tāngata whenua with their ancestral lands, water, air, coastal environment, wāhi tapu and other sites and taonga are recognised and provided for.

RMIA-O4 Development of natural and physical resources [RPS]

Whakatū tāngata whenua have the opportunity to develop natural and physical resources in a way that respects their relationship with land, water (fresh and marine), air, significant sites and wāhi tapu.

RMIA-O5 Resource management decision making processes [RPS]

All resource management decision making processes have particular regard for the cultural and spiritual values of Whakatū tāngata whenua, and tāngata whenua are able to participate in an effective and efficient way.

Policies**RMIA-P1 Provide for the development of land and resources [RPS]**

Provide for the development and use of Treaty settlement land and resources, and other iwi, hapū and whānau land and resources, recognising that:

1. cultural redress is intended to address the cultural needs of the tāngata whenua; and
2. commercial redress is intended to acknowledge the grievance for tāngata whenua and contribute to the social and economic development of tāngata whenua.

Explanation

This policy addresses RMIA-I2 by identifying that Nelson City Council has a role in supporting tāngata whenua post-Treaty settlements by enabling the use and development of Treaty settlement land and resources. The policy recognises the historical significance of the Treaty settlement process in restoring tāngata whenua well-being through strengthening connections with cultural resources, and through enabling economic and social development.

Māori land has unique constraints compared to other land in Whakatū. This is due to the tenure of Māori land and the multiple ownership of this land, which has historically made it difficult for iwi to develop their land efficiently. In addition, and partially as a result of limited development, most iwi, hapū and whānau land contains areas of ecological, cultural and landscape values that contribute to the amenity and character of Whakatū. It is important that the Whakamahere Whakatū Nelson Plan recognises these unique constraints and characteristics to ensure that iwi, hapū and whānau land can still be developed efficiently in accordance with the needs and aspirations of the iwi of Te Tau Ihu, and the intention of cultural and commercial redress under the Treaty settlements.

RMIA-P2 Proposal affecting land or resources of significance to Whakatū tāngata whenua [RPS]

Where a proposal adversely effects land or resources of significance to Whakatū tāngata whenua, including places and values of significance to Whakatū tāngata whenua, recognise and provide for the following matters in all resource management processes:

1. the traditional, spiritual, cultural or historical association of the tāngata whenua of the area, and any historical, cultural or spiritual values associated with the site or area;
2. any Mana Whakahono a Rohe agreement;
3. any relevant memorandum of understanding between Nelson City Council and the iwi;
4. any joint management and co-governance arrangements established;
5. access to areas of natural resources used for customary purposes including mahinga kai;
6. any customary marine title or protected customary right;
7. any water conservation order;
8. any heritage protection order;
9. any relevant iwi management plan; and
10. Te Aotūroa Framework.

Explanation

Nelson City Council and iwi of Te Tau Ihu will seek to create and maintain a partnership approach to resource management in Whakatū in order to acknowledge Te Tiriti and its principles. It is important that Nelson City Council, in exercising its resource management functions, has respect for traditional Māori knowledge (mātauranga Māori), and demonstrates this through incorporation of 'other' knowledge into plans, policy, management, decision-making and the development of new projects, and in the way outcomes are measured.

Nelson City Council will continue to work with iwi to identify places and values of significance to Whakatū tāngata whenua.

RMIA-P3 Management of natural and physical resources [RPS]

Manage natural and physical resources in Whakatū in a manner that:

1. takes into account the principles of Te Tiriti, including kawanatanga, rangatiratanga, partnership, active protection of natural resources, the development of cultural resources, and informed decision making;
2. recognises that the way the principles of Te Tiriti are applied will continue to evolve;
3. promotes awareness and understanding of the Nelson City Council's obligations under the RMA regarding the principles of Te Tiriti among council decision makers, staff and the community; and

4. recognises that tāngata whenua have rights protected by Te Tiriti and that consequently, the RMA accords iwi a particular status distinct from that of interest groups and members of the public.

Explanation

The policy identifies Te Tiriti o Waitangi principles that Whakatū's tāngata whenua agree are important in terms of sustainably managing Whakatū's natural and physical resources, and that how these principles are taken into account will continue to evolve over time.

RMIA-P4 Consultation [RPS]

Encourage applicants for resource consent or a plan change to consult early and throughout the development of a proposal so that the necessary cultural values of Whakatū's tāngata whenua can be taken into account in the design of proposals.

Explanation

Only Whakatū's tāngata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. This means only iwi are in a position to determine whether a proposal will affect areas of significance for iwi. Because of this, it is important that consultation with iwi occurs early in the planning of a development (either by resource consent or a plan change) to ensure impacts are appropriately identified and addressed.

RMIA-P5 Considerations with respect to resource consent or plan change applications [RPS]

Where an application for resource consent or plan change is likely to adversely affect the relationship of Whakatū's tāngata whenua and their culture and traditions, decision makers shall ensure:

1. the ability for tāngata whenua to exercise kaitiakitanga is maintained;
2. mauri is maintained and enhanced, or improved where degraded, particularly in relation to fresh and coastal waters, land and air;
3. mahinga kai and natural resources used for customary purposes are maintained or enhanced, and these resources are healthy and accessible to tāngata whenua;
4. tāngata whenua values and interests are identified and reflected in the management of the region's freshwater resources; and
5. rangatiratanga and manaakitanga are provided for.

Explanation

The key principles of Te Aotūroa Framework include Mauri, Kaitiakitanga, Rangatiratanga and Manaakitanga.

These are the matters that must be assessed by decision makers when considering an application for resource consent or a plan change in which there is a likelihood that particular values of significance to iwi may be adversely affected. The matters to be assessed in relation to the mauri of water bodies are detailed further in LF – Land and freshwater of the Whakamahere Whakatū Nelson Plan. Dependent on the circumstances of the consent application or plan change, these matters may need to be

assessed. An example of this would be the use of a hearings commissioner with expertise in tikanga Māori in notified resource consent applications.

RMIA-P6 Development of iwi management plans [RPS]

Support and encourage iwi to develop iwi management plans that contain:

1. specific requirements to address the management of coastal waters, land and air resources, including mauri and taonga;
2. protocols to give effect to their role of kaitiaki of water and land resources;
3. sites of cultural significance;
4. descriptions of how the document is to be used, monitored and reviewed;
5. the outcomes expected from implementing the iwi management plan; and
6. the use and development of natural and physical resources by iwi.

Explanation

Encouraging iwi of Te Tau Ihu to develop and implement iwi management plans will help to achieve two significant outcomes. Ultimately it will help the Nelson City Council to meet its requirements relating to Māori in the resource management planning process, especially when preparing new resource management policy and plans. Secondly, because the plans belong to the iwi who prepared them, they will help iwi express and identify the values and relationships iwi have with their resources and how they ought to be protected, maintained or enhanced. Iwi management plans can provide a framework for consultation on both plan reviews and resource consenting processes. Developing and subsequently implementing iwi management plans that include the matters identified in this policy will build and strengthen partnerships between iwi and the Nelson City Council, as well as building trust and good relationships.

RMIA-P7 Taking account of iwi management plans [RPS]

Ensure iwi management plans are taken into account in resource management decision making processes.

Explanation

Having supported and encouraged iwi of Te Tau Ihu to prepare iwi management plans, it is important that they are then taken into account by the Nelson City Council when making decisions on resource management matters. The Council has taken into account current iwi management plans in the preparation of this Whakamahere Whakatū Nelson Plan, and it is required to also take into account any iwi management plan in any future review or change to the Whakamahere Whakatū Nelson Plan. Amongst other matters, iwi management plans give local expression to the matters outlined in sections 6(e) and 7(a) of the RMA. In terms of its decision making on resource consent applications the Nelson City Council must have regard to, subject to Part 2 of the RMA, any matter the Council considers relevant and reasonably necessary to determine an application (under section 104(1)(c) of the RMA). This includes having regard to iwi management plans and maintaining a partnership approach as required in RMIA-P9 below. As more iwi management plans are prepared and lodged with the Nelson

City Council, it will be important they receive the appropriate recognition in decision making by the Council.

RMIA-P8 Marae and papakāinga development [RPS]

Enable opportunities for marae and papakāinga development on tāngata whenua iwi, hapū and whānau land that provide for a range of functions including living, working, cultural activities and recreation where:

1. development is of a scale, extent and intensity that is determined by the physical characteristics of the site, surrounding environment and tikanga Māori; and
2. significant adverse effects on adjacent sites are avoided, remedied or mitigated.

Explanation

This policy recognises that papakāinga and marae settlements are an essential means for iwi to pursue the traditional relationship with their land. The policy encourages and strengthens this relationship by enabling development of iwi, whānau and hapū land, provided it is consistent with the matters set out in the policy. Iwi, whānau and hapū land includes land that is regarded as Māori land in terms of Te Ture Whenua Māori Act 1993, including multiple owned Māori land and customary land, other land returned to iwi through settlement processes, and land held individually by tāngata whenua within the rohe.

RMIA-P9 Partnership [RPS]

Maintain and enhance the essential partnership between Whakatū tāngata whenua, the Council and statutory management agencies on an ongoing basis.

Explanation

This policy highlights that in order to give effect to the other policies in this Chapter, that a partnership between Whakatū’s tāngata whenua, the Council and statutory agencies, such as the Department of Conservation and adjoining local authorities, will be necessary. The partnership principle is reflective in the holistic approach of iwi to resource management in being all encompassing. Fostering partnerships with Whakatū’s tāngata whenua will assist in increasing capacity for iwi to add value to resource management decision making processes, and to the iwi economy and the economy of Whakatū Nelson at large. Additionally, there will be times when non-statutory groups will combine with the Nelson City Council and iwi in the context of community involvement in the management of natural and physical resources.

Methods

Regulatory methods	Who	Links to policy
The Whakamahere Whakatū Nelson Plan		

<p>RMIA-M1 [RPS]</p> <p>Integrate the policy direction within this chapter across the remainder of the Whakamahere Whakatū Nelson Plan, within the chapters to which they relate, ensuring that tāngata whenua values and the cultural and commercial interests of iwi are taken into account in resource management decisions. Relevant chapters comprise:</p> <ol style="list-style-type: none"> 1. AIR – Air; 2. CE – CMA – Coastal marine area; 3. CE – CMAR – Coastal margins; 4. EW – Earthworks; 5. LF – Land and freshwater 6. PA – Public access; 7. SASM – Sites and areas of significance to Māori; 8. FMU – Freshwater management units (including catchments and areas); 9. MRZ – Medium density residential zone; 10. GRZ – General residential zone; 11. GRUZ – General rural zone; 12. RLZ – Rural lifestyle zone 	Council	RMIA-P1 RMIA-P2 RMIA-P3 RMIA-P4 RMIA-P5 RMIA-P6 RMIA-P7 RMIA-P8 RMIA-P9
Future plan changes to the Whakamahere Whakatū Nelson Plan		
<p>RMIA-M2 [RPS]</p> <p>Identify all Statutory Acknowledgements and other settlement instruments.</p>	Council	RMIA-P1 RMIA-P2 RMIA-P3 RMIA-P5
<p>RMIA-M3 [RPS]</p> <p>Take into account iwi management plans and reflect the Aotūroa Framework.</p>	Council, iwi, applicants	RMIA-P2 RMIA-P5 RMIA-P7
<p>RMIA-M4 [RPS]</p> <p>Meet the requirements of any current Mana Whakahono a Rohe agreements and be informed by cultural values reports and cultural impact assessments.</p>	Council, iwi	RMIA-P2 RMIA-P4 RMIA-P5

RMIA-M5 [RPS] Be informed by the Freshwater and Rivers Advisory Committee.	Council, applicants	RMIA-P2 RMIA-P5
RMIA-M6 [RPS] Include Māori Commissioners (including trained Te Tau Ihu Māori where possible) on hearing panels.	Council	RMIA-P5
Resource consent process		
RMIA-M7 [RPS] Include opportunities within the resource consent process for input by iwi (by forwarding copies of applications and by seeking advice on the need for cultural impact assessment for applications received).	Council	RMIA-P2 RMIA-P3 RMIA-P4 RMIA-P5 RMIA-P9
RMIA-M8 [RPS] Assess applications against the Aotūroa Framework.	Council, applicants	RMIA-P2
RMIA-M9 [RPS] Use cultural impact assessments to inform resource consent applications.	Council, applicants	RMIA-P2 RMIA-P3 RMIA-P4 RMIA-P5
RMIA-M10 [RPS] Be informed by the Freshwater and Rivers Advisory Committee.	Council, applicants	RMIA-P2 RMIA-P5
RMIA-M11 [RPS] Include Māori Commissioners on hearing panels.	Council	RMIA-P5
Other legislation, statutory policies, standards and plans		
RMIA-M12 [RPS] Take into account iwi management plans and cultural impact assessments in development of Nelson City Council policy and projects.	Council	RMIA-P3 RMIA-P4 RMIA-P7 RMIA-P9

Non-regulatory methods	Who	Links to policy
Non-statutory plans and strategies		
RMIA-M13 [RPS] Seek advice from the Freshwater and Rivers Advisory Committee early in the development of policy and plans.	Council, iwi	RMIA-P2 RMIA-P5
RMIA-M14 [RPS] Work with iwi to facilitate the development of papakāinga where appropriate sites are identified by tāngata whenua.	Council, iwi	RMIA-P1 RMIA-P3 RMIA-P8
Monitoring and information gathering		
RMIA-M15 [RPS] Identify Treaty settlement land on Nelson City Council's GIS database.	Council	RMIA-P9
RMIA-M16 [RPS] Develop a monitoring programme with iwi of Te Tau Ihu to report on the relationship between Nelson City Council and tāngata whenua.	Council, iwi, applicants	RMIA-P2 RMIA-P3 RMIA-P9
RMIA-M17 [RPS] Investigate and develop a monitoring programme where mātauranga Māori is utilised, in consultation with iwi of Te Tau Ihu.	Council, iwi	RMIA-P2 RMIA-P3 RMIA-P9
Advocacy and education		
RMIA-M18 [RPS] Incorporate Māori place names, art and design in interpretation panels at significant sites.	Council, iwi	RMIA-P3 RMIA-P9
RMIA-M19 [RPS] Provide training to: <ol style="list-style-type: none"> 1. Nelson City Council officers, elected members and commissioners involved in RMA decision making on Te Tiriti o Waitangi; and 2. Nelson City Council officers in te reo and tikanga. 	Council, iwi	RMIA-P3 RMIA-P9

<p>RMIA-M20 [RPS]</p> <p>Create formal consultation guidelines for applicants, including Nelson City Council staff undertaking projects and asset management.</p>	<p>Council, iwi</p>	<p>RMIA-P2 RMIA-P3 RMIA-P4 RMIA-P5 RMIA-P9</p>
<p>Funding and assistance</p>		
<p>RMIA-M21 [RPS]</p> <p>Provide training and support to increase local Māori Commissioners and use of Māori Commissioners for appropriate resource management decision making.</p>	<p>Council, iwi</p>	<p>RMIA-P2 RMIA-P9</p>
<p>RMIA-M22 [RPS]</p> <p>Provide resources (funds, staff time, office space, training, equipment) and capacity building to assist iwi to prepare, implement and monitor iwi management plans and allow effective iwi engagement in resource management processes.</p>	<p>Council</p>	<p>RMIA-P2 RMIA-P3 RMIA-P4 RMIA-P5 RMIA-P6 RMIA-P7 RMIA-P9</p>
<p>Partnerships</p>		
<p>RMIA-M23 [RPS]</p> <p>Document and formalise partnerships between Nelson City Council and the iwi of Te Tau Ihu (i.e. MOUs, agreements, contracts for projects, co-management of resources and/or assets).</p>	<p>Council, iwi</p>	<p>RMIA-P2 RMIA-P6 RMIA-P9</p>

Principal reasons

RMIA-PR1 [RPS]

The objectives and policies of this Chapter seek to give effect to Nelson City Council's responsibilities under the RMA to tāngata whenua and to address the resource management issues of significance to iwi of Te Tau Ihu. The Council recognises the special status of tāngata whenua as separate and distinct from interest groups, and further recognises the need for active protection of tāngata whenua interests in dealing with other parties and in administering the Whakamahere Whakatū Nelson Plan.

The objectives and policies also seek to give certainty to, and enhance, the involvement of iwi of Te Tau Ihu in resource management processes. The policies give guidance on how iwi values should be considered in the management of, and decision-making around, Whakatū’s natural and physical environments, including freshwater and coastal ecosystems. This assists Nelson City Council in meeting its obligations under specific objectives and policies in national policy statements such as the:

1. New Zealand Coastal Policy Statement e.g. Objective 3 and Policy 2, requiring councils to take into account the principles of the Treaty, recognise the role of tāngata whenua as kaitiaki and provide for tāngata whenua involvement in management of the Coastal Environment; and the
2. National Policy Statement on Freshwater Management e.g. Objective AA1, intended to provide for tāngata whenua values and Te Mana o te Wai - tāngata whenua roles and interests.

Although Treaty settlements reflect an agreement between the Crown and iwi, they form part of the general legal context for Nelson City Council when exercising its powers. The Council also has an obligation to take the Treaty principles into account when making resource management decisions in accordance with section 8 of the RMA.

Nelson City Council needs to consider the specific Treaty settlement context in the region. One of the main purposes of Treaty settlements, aside from acknowledging historical grievances, is to provide an economic platform for tāngata whenua moving forward. This aspect of Treaty settlements recognises that one of the most significant breaches of the Treaty was economic suppression. In doing so Nelson City Council needs to strike a reasonable balance between allowing iwi of Te Tau Ihu to build their economic base and promoting the other aspects of sustainable management. Iwi in developing their land and resources, will also be seeking a balance between development and sustainable management duties in the RMA through their expression of kaitiakitanga. The objectives, policies and methods in this chapter, along with those in the Part 3 – Domains and topics chapters, seek to provide for and support that balance.

Anticipated environmental results

Relevant policies	Anticipated environmental result
<p>RMIA-P1 [RPS]</p> <p>Provide for the development and use of Treaty settlement land and resources, and other iwi, hapū and whānau land and resources, recognising that:</p> <ol style="list-style-type: none"> 1. cultural redress is intended to address the cultural needs of the tāngata whenua; and 2. commercial redress is intended to acknowledge the grievance for tāngata whenua and contribute to the social and economic development of tāngata whenua. 	<p>RMIA-AER1 [RPS]</p> <p>Whakatū tāngata whenua are able to develop their land to rebuild both an economic base for their iwi, hapū and whānau and to revive cultural knowledge and practice, including mātauranga, tikanga and kaitiakitanga.</p>

<p>RMIA-P2 [RPS]</p> <p>Where a proposal adversely effects land or resources of significance to Whakatū tāngata whenua, including places and values of significance to Whakatū tāngata whenua, recognise and provide for the following matters in all resource management processes:</p> <ol style="list-style-type: none"> 1. the traditional, spiritual, cultural or historical association of the tāngata whenua of the area, and any historical, cultural or spiritual values associated with the site or area; 2. any Mana Whakahono a Rohe agreement; 3. any relevant memorandum of understanding between Nelson City Council and the iwi; 4. any joint management and co-governance arrangements established; 5. access to areas of natural resources used for customary purposes including mahinga kai; 6. any customary marine title or protected customary right; 7. any water conservation order; 8. any heritage protection order; 9. any relevant iwi management plan; and 10. Te Aotūroa Framework. 	<p>RMIA-AER2 [RPS]</p> <p>Tāngata whenua values are understood and provided for and issues of concern to tāngata whenua are addressed in RMA decision making, including in plan changes, applications for resource consent and in enforcement of Whakamahere Whakatū Nelson Plan rules.</p>
<p>RMIA-P3 [RPS]</p> <p>Manage natural and physical resources in Whakatū in a manner that:</p> <ol style="list-style-type: none"> 1. takes into account the principles of Te Tiriti, including kawanatanga, rangatiratanga, partnership, active protection of natural resources, the development of cultural resources, and informed decision making; 2. recognises that the way the principles of Te Tiriti are applied will continue to evolve; 3. promotes awareness and understanding of the Nelson City Council's obligations under the RMA regarding the principles of Te Tiriti 	<p>RMIA-AER3 [RPS]</p> <p>The Treaty partnership is recognised in the management of natural and physical resources in the rohe.</p>

<p>among council decision makers, staff and the community; and</p> <p>4. recognises that tāngata whenua have rights protected by Te Tiriti and that consequently, the RMA accords iwi a particular status distinct from that of interest groups and members of the public.</p>	
<p>RMIA-P4 [RPS]</p> <p>Encourage applicants for resource consent or a plan change to consult early and throughout the development of a proposal so that the necessary cultural values of Whakatū's tāngata whenua can be taken into account in the design of proposals.</p>	<p>RMIA-AER4 [RPS]</p> <p>Iwi authorities are involved sufficiently early in relevant development proposals that they can have a meaningful and effective influence (where relevant) on those proposals.</p>
<p>RMIA-P5 [RPS]</p> <p>Where an application for resource consent or plan change is likely to adversely affect the relationship of Whakatū's tāngata whenua and their culture and traditions, decision makers shall ensure:</p> <ol style="list-style-type: none"> 1. the ability for tāngata whenua to exercise kaitiakitanga is maintained; 2. mauri is maintained, or improved where degraded, particularly in relation to fresh and coastal waters, land and air; 3. mahinga kai and natural resources used for customary purposes are maintained or enhanced, and these resources are healthy and accessible to tāngata whenua; 4. tāngata whenua values and interests are identified and reflected in the management of the region's freshwater resources; and 5. rangatiratanga and manaakitanga are provided for. 	<p>RMIA-AER5 [RPS]</p> <p>The relationship of Māori and their culture and traditions with their ancestral lands, water sites, wāhi tapu and other taonga is recognised and provided for in all RMA decision making. The values reflected in those relationships are upheld and provided for.</p>
<p>RMIA-P6 [RPS]</p> <p>Support and encourage iwi to develop iwi management plans that contain:</p>	<p>RMIA-AER6 [RPS]</p> <p>Iwi management plans are developed, providing information on sites, resources and/or values of significance that the wider community is able to</p>

<ol style="list-style-type: none"> 1. specific requirements to address the management of coastal waters, land and air resources, including mauri and taonga; 2. protocols to give effect to their role of kaitiaki of water and land resources; 3. sites of cultural significance; 4. descriptions of how the document is to be used, monitored and reviewed; 5. the outcomes expected from implementing the iwi management plan; and 6. the use and development of natural and physical resources by iwi. 	<p>use and which improves the speed and quality of the engagement with the relevant iwi.</p>
<p>RMIA-P7 [RPS]</p> <p>Ensure iwi management plans are taken into account in resource management decision making processes.</p>	<p>RMIA-AER7 [RPS]</p> <p>Iwi management plans are used to inform decision-makers of the associated sites, resources and/or are given the appropriate weight in decision-making processes.</p>
<p>RMIA-P8 [RPS]</p> <p>Marae and papakāinga development</p> <p>Enable opportunities for marae and papakāinga development on tāngata whenua iwi, hapū and whānau land that provide for a range of functions including living, working, cultural activities and recreation where:</p> <ol style="list-style-type: none"> 1. development is of a scale, extent and intensity that is determined by the physical characteristics of the site, surrounding environment and tikanga Māori; and 2. significant adverse effects on adjacent sites are avoided, remedied or mitigated. 	<p>RMIA-AER8 [RPS]</p> <p>Marae and papakāinga are developed in Whakatū Nelson both in accordance with tikanga and in a manner that resolves significant off-site effects.</p>
<p>RMIA-P9 [RPS]</p> <p>Partnership</p> <p>Maintain and enhance the essential partnership between Whakatū tāngata whenua, the Council and statutory management agencies on an ongoing basis.</p>	<p>RMIA-AER9 [RPS]</p> <p>The relationship between Nelson City Council, other agencies and the iwi authorities in its rohe remains positive, open and constructive.</p>