



Planning Under  
Co-operative Mandates

**Māori Working Paper No. 2:**

# **Evaluation of Iwi and Hapū Participation in the Resource Consents Processes of Six District Councils**

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**.I.G.C.I.**



# Mihi

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Ngā mihi ki ngā atua e tiaki nei i a tātou katoa. Ki a Ranginui e tū nei, ki a Papatūānuku e takoto nei. Ko Papatūānuku te whaea o tātou te tangata, te pūtake hoki o ngā whirwhiringa kōrero i roto i ngā pepa nei.

Ngā mihi hoki ki a rātou mā kua huri ki tua o te ārai. Ko rātou hoki i poipoi, i ngaki, i tiaki hoki i te whenua, i mau hoki ki te mana o te whenua i nohoia e rātou. Heoi ano, ko rātou ki a rātou, ko tātou te hunga ora ki a tātou.

Kei te mihi atu mātou ki a koutou i āwhina mai nei i a mātou i roto i ngā rangahau, ngā kohikohi, ngā tātari i ngā take kei roto i ēnei pepa. Ahakoa ko wai te tangata nāna te pepa nei i tito, ko te tūmanako mā te whakatakoto me te whakapāhō o ēnei pūrongo kōrero ka kōkiritia ēnei kaupapa. Hei aha, hei painga mo te whenua, hei painga hoki mo te tangata - ōtira ngā uri o Papatūānuku – i roto i ngā nekenekehanga o tēnei ao hurihuri. Hei whakamāramatanga hoki ki te tangata e kimi nei i te mātauranga o te Ao Māori e pā ana ki te manaaki me te tiaki i te whenua.

Ko tōna mutunga, kia whai mana tonu ngā kaupapa Māori i roto i ngā tikanga a te Ao Pākehā.

Nā mātou iti nei,

Nā,

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# Table of Contents

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<i>Mihi</i>	<i>i</i>
<i>Table of Contents</i>	<i>ii</i>
<i>List of Acronyms</i>	<i>iii</i>
<i>Preface</i>	<i>iv</i>
<i>Acknowledgements</i>	<i>v</i>
<i>Executive Summary</i>	<i>vi</i>
<b>Plan Implementation Research</b>	<b>1</b>
The Resource Management Act	1
The PUCM Research Programme	2
Phase 2 Research Design	2
<b>Methods for Gauging Iwi Interests</b>	<b>6</b>
Interviews with Hapū and Iwi Representatives	6
Conducting the Interviews	7
Presenting Results	7
<b>Findings on Māori Participation</b>	<b>8</b>
Resources of Concern to Hapū and Iwi	8
Capacity of Hapū and Iwi to Participate	9
Iwi and Hapū Relationships with Council	10
Hapū and Iwi Involvement in the Resource Consent Process	13
Commitment of Council Staff and Councillors	15
Hapu and Iwi Relationships with Consent Applicants	19
<b>Conclusions and Recommendations</b>	<b>23</b>
Treaty Matters and the RMA	23
Building Better Commitment and Capacity for Hapu/Iwi Participation	24
Linking Policies in Plans to Resource Consents	26
<b>References</b>	<b>28</b>
<b>Appendix 1: Relevant Sections of the RMA to Māori</b>	<b>30</b>
<b>Appendix 2: Brief Summary of PUCM Research Programme</b>	<b>33</b>
<b>Appendix 3: Brief Summary of PUCM Phase 2 Results</b>	<b>36</b>
<b>Appendix 4: Commitment, Capacity, Enforcement and Plan Quality Variables</b>	<b>38</b>
<b>Appendix 5: Hapu/iwi Interview Schedule</b>	<b>39</b>

# List of Acronyms

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**HIMP** – Hapū / Iwi Management Plans; planning document identifying issues, concerns and priorities of special importance to tangata whenua

**IGCI** – The International Global Change Institute; a self-funding research institute with the University of Waikato

**LGA** – The Local Government Act; refer Borrie et al. (2004) for further information

**LTCCP** – Long Term Council Community Plans; required to be produced by Regional and District Councils under the amended LGA — refer Borrie et al., 2004

**MOP** – Memorandum of Partnership; an agreement between, for example, iwi and a district council, formalising their relationship and used to determine the roles, processes and expectations of both partners

**MOU** – Memorandum of Understanding; another term for MOP

**PIE** – Plan Implementation Evaluation; the method used by the PUCM team to measure plan implementation through linking District Plans with resource consents

**PUCM** – Planning Under Co-operative Mandates; a FRST-funded project investigating the quality of environmental planning and governance in New Zealand

**RMA** – The Resource Management Act; refer Appendix 1 for relevant sections to Māori

# Preface

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The FRST-funded programme of research on *Planning Under a Co-operative Mandate* (PUCM) has been sequentially examining the quality of: policies and plans; plan implementation; and environmental outcomes under the RMA since mid-1995. A key component of this planning and governance research has focused on the interests of iwi as Government's Treaty partner.

In 2002, KCSM Consultancy Solutions (formerly Kōkōmuka Consultancy Ltd - Opotiki) joined the PUCM team — which is based at the International Global Change Institute (IGCI), University of Waikato — with the goal of developing a kaupapa Māori research framework for examining environmental (and other) outcomes for Māori.

The IGCI and KCSM partnership sees merit in establishing a Māori Working Paper Series, as an alternate means for not only making results from the PUCM research on hapū/iwi interests in resource management available to interested parties, but also for critical comment on papers prior to publication. As well, others who wish to test their research ideas and results may submit to the series, which will be posted on the PUCM Website. Feedback from readers on the series, and the papers posted to it, is welcomed.

This is the second in a series of Māori Working Paper titles to be posted on the PUCM website. The series is expected to include:

1. Iwi Interests and the RMA: Evaluation of the Quality of Council Plans
2. Evaluation of Hapū and Iwi Participation in the Resource Consents Processes of Six District Councils
3. Reflections on Relationship-building between Tangata Whenua and Local Government: Notes from Research and Practice
4. From Rhetoric to Reality: Achieving Māori Aspirations of Kaitiakitanga (RMA ss33 & 34)

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# Executive Summary

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Planning Under Cooperative Mandates (PUCM) was established in mid-1995 with a grant from FRST-PGSF. It focussed on the quality of planning and governance under the RMA, including iwi interests. The Māori research was strengthened in 2000 and further enhanced in 2002 with Kōkōmuka Consultancy Ltd joining the PUCM team.<sup>1</sup>

This working paper analyses the processes adopted by councils for involving hapū/iwi in plan implementation, including the resource consents process (PUCM Phase 2: refer Day et al., 2003).

Three topic issues were investigated to assess plan implementation — urban amenity, storm water, and issues of importance to iwi. Initially, the research design had sought to use resource consents as an indicator of plan implementation by linking those techniques found in resource consents to techniques identified in plans. However, for iwi issues there was insufficient evidence of iwi and hapū participation in resource consents to allow for a valid statistical analysis. The results are therefore based mostly on interviews carried out with representatives from 24 hapū and iwi included within the boundaries of the six councils, which were: Kaipara, Waitakere, Papakura, Tauranga, Horowhenua, and Hurunui. As well, interviews and documentary searches were undertaken in each of the six councils, while telephone interviews were held with resource consent applicants or their consultants for most of the 360 consents that were evaluated.

Questions were asked about the capacity of hapū/iwi to engage in the resource consent process, which resource issues were of concern to them, their relationship with council and consent applicants, and their perception of the consent process. A number of questions asked of hapū/iwi also appeared in the council and applicant interviews, to enable comparative analysis.

Most resources listed in the questionnaire were of concern to hapū/iwi, with water quality, wāhi tapu and heritage the most commonly cited.

The majority of hapū/iwi charged for their services, but many of the people undertaking the work were not being paid. Of those that did not charge applicants, only two received funding from local government. This indicates that the capacity of hapū/iwi to deal with resource consent applications was variable, but generally low. Despite recent encouraging efforts by most councils to establish governance relationships, we found only the highest capacity councils could afford to build the capacity of local iwi.

There was generally a low level of representation of Māori interests at most councils, with the exception of Waitakere City. Respondents perceived council staff to have a poor understanding of both the Treaty of Waitangi and kaitiakitanga, despite these being fundamental to the RMA, especially sections 6(e), 7(a) and 8 (refer Appendix 1).

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<sup>1</sup> As of 1 April 2003, Kokomuka Consultancy Ltd merged with three other companies (Cookson, Sharman, and Milroy) to become KCSM Solutions Ltd ([www.kcsmsolutions.com](http://www.kcsmsolutions.com)).

There was also some confusion over involvement of hapū/iwi in the consent process, with council responses generally divergent from hapū/iwi. Contrasting views were found over the commitment of council to iwi provisions in the district plan, and to iwi involvement in the monitoring and enforcement of resource consent conditions. A lack of resourcing from councils to enable participation in the resource consent process reinforces perceptions amongst hapū/iwi that councils' commitment to tangata whenua is poor. Unsurprisingly, hapū/iwi were generally unsatisfied with the councils we studied. To address this, effective participation requires a combination of relationship building and capacity building with, and of, iwi at a governance level. Once capacity is increased, communication regarding resource consent applications requires clear guidance and criteria about when an application should involve iwi consultation.

Hapū/iwi representatives were also asked about their experience with resource consent applicants. Generally, respondents rated applicants similarly to council staff and politicians and were usually dissatisfied with them in terms of their understanding of, and commitment to, issues of importance to hapū/iwi.

In conclusion, we found a general dissatisfaction on the part of hapū/iwi with councils' performance with respect to both Treaty relationships and consent processing under the RMA. A further contributing factor to the poor relationships found between hapū/iwi and councils, was the lack of clarity over the role of hapū and iwi in resource management. In several districts, diverging responses from hapū/iwi and councils to questions about level of understanding and commitment suggests there is a need for more effective communication. These problems are compounded by the generally low capacity of hapū/iwi to participate in resource consent processes.

These findings suggest that there is much to be done to improve relationships and behaviour of these key stakeholder groups in the plan implementation process if key provisions in the RMA related to hapū/iwi interests are to be fulfilled. The differences shown in reciprocal perceptions have serious implications for establishing a sound working partnership between councils and hapū/iwi in their areas. Making clear these discrepancies is a first step towards taking the measures needed for building a better partnership. Further, the capacity of hapū/iwi to participate could be better utilised if there was greater integration between regional and district councils on issues of significance and processes for iwi involvement.

Interestingly, research on iwi interests in PUCM Phase 1 found that many plans concentrated on *processes* for iwi participation rather than *substantive* resource issues that affect Māori. However, PUCM Phase 2 results show little evidence of these processes, due in part to the issues of capacity as described above, as well as to a lack of clarity surrounding the roles of hapū/iwi in the consent process. It seems that councils were not implementing their plan policies as decided in consultation with hapū/iwi during the plan-making process. However, there are signs of improvement with fledgling efforts by both hapū/iwi and councils in clarifying their roles, for example by producing memoranda of understanding, undertaking co-management of resources, and improving staff training and capacity.



# Plan Implementation Research

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## The Resource Management Act

The Resource Management Act (RMA) is a national mandate for promoting the sustainable management of natural and physical resources, while at the same time taking heed of the economic, social and cultural well-being of communities (s5). It requires regional and district councils to consider matters of national importance and other matters when developing policy statements and plans (s6 and 7), including iwi interests. The RMA (s8) requires councils to take the Treaty of Waitangi into account when planning for their areas.

The RMA is characterised as a *devolved* mandate, because the Government gave councils the main responsibility for implementing the Act with respect to resolving issues over the sustainable management of natural and physical resources. The underlying assumption is that councils are better able to make decisions about local resource uses than is central government. While central government should provide policy guidance and set national standards, decision-making occurs in local government (Boston, et al., 1996; Ericksen, 1994; Kerr et al., 1998; Martin, 1991; and May, Burby, Ericksen, Handmer, Dixon, Michaels and Smith, 1996). The RMA is also characterised as a *co-operative* mandate, because its implementation is carried out through a partnership between regional and district councils in association with central government agencies. Moreover, councils are to give effect to partnership principles in the Treaty of Waitangi when dealing with matters of importance to iwi (May et al., 1996).

A key assumption underpinning devolved and co-operative mandates is that sub-national government (i.e., councils in New Zealand) is willing to comply with the national statute, but may not have the capacity to do so (May et al., 1996).<sup>2</sup> The expectation is that central government will work to ensure that all councils have the capacity to implement its mandate. This can be achieved by amalgamating small councils into larger units (as was done under amendments to the *Local Government Act* in the late 1980s), inducements to foster commitment, and/or capacity building to develop human capital (McDonnell and Elmore, 1987; Ericksen et al., 2003). Another expectation is that because of the time-lag in developing capacity in weaker councils, the quality of planning (i.e., the preparation and implementation of plans) will vary across the country until capacity is improved (May et al., 1996).

For its iwi partner, the expectation is that Government will ensure intergovernmental arrangements allow local government to work with iwi and hapū in implementing the mandate, to enhance the capacity of Māori to participate effectively (O'Reilly and Wood, 1991). Thus, Government made iwi a statutory consultee under the RMA requiring councils to consult effectively with them when developing policy statements and plans. What is more, councils could, through RMA sections 33 and 34, transfer powers and/or delegate functions to an iwi authority in their area. Indeed, there are over 30 sections in the RMA which require councils to consider matters of

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<sup>2</sup> On the other hand, a centralised coercive mandate assumes that councils may have the capacity to comply, but not the commitment to do so.

significance to tangata whenua, the most important being sections 6(e), 7(a), 8 and 74(2A) (see Appendix 1).

## **The PUCM Research Programme**

With these characteristics and expectations in mind, the FRST-funded research programme on Planning Under Cooperative Mandates (PUCM) set out to evaluate the quality of plan-making and plan implementation under the RMA. PUCM has entered its third and fourth phases of research on environmental outcomes from district plans (2003-2006) and lessons from the RMA research for Long-Term Council Community Plans (LTCCP) under the new Local Government Act (LGA) (2003-2009), respectively.

During Phase 1 (1995-1998), the PUCM research team (refer Appendix 2) investigated the quality of planning documents produced by district and regional councils under the RMA. Part of the research focused on how well councils used relevant sections of the RMA to plan for iwi interests. The significance of this research for Māori was explained in our first Māori Working Paper No. 1 (2002). The research was extended to Phase 2 (1998– 2002) in order to evaluate the quality of plan implementation through the resource consents process, and the study of iwi interests was continued. As a result, the IGCI-based<sup>3</sup> PUCM Programme sub-contracted Kōkōmuka Consultancy Ltd (now KCSM Consultancy Solutions Ltd., Opotiki) in 2002 to complete the Māori component of the research and examine ways in which it could be extended to an evaluation of environmental outcomes for Māori from district plans using kaupapa Māori research methods in Phase 3 (2003-2006).

This working paper focuses on iwi interests that were studied as a part of the PUCM Phase 2 research on the quality of plan implementation through the resource consents process. The working paper integrates findings from six case study councils, including interviews conducted with iwi and hapū representatives, council staff, and resource consent applicants.

A summary of the main findings from the overall Phase 2 research is presented in Appendix 3. It provides a good context for the research on iwi interests reported on in this paper. The main findings relating to iwi interests are reported below, but before doing so we briefly explain how the Phase 2 research was designed and why. This is important because when we came to apply it, we found that there were not enough resource consents in the district councils dealing with Māori interests for us to draw a valid sample. This required a change in the way we approached iwi interests, as explained below.

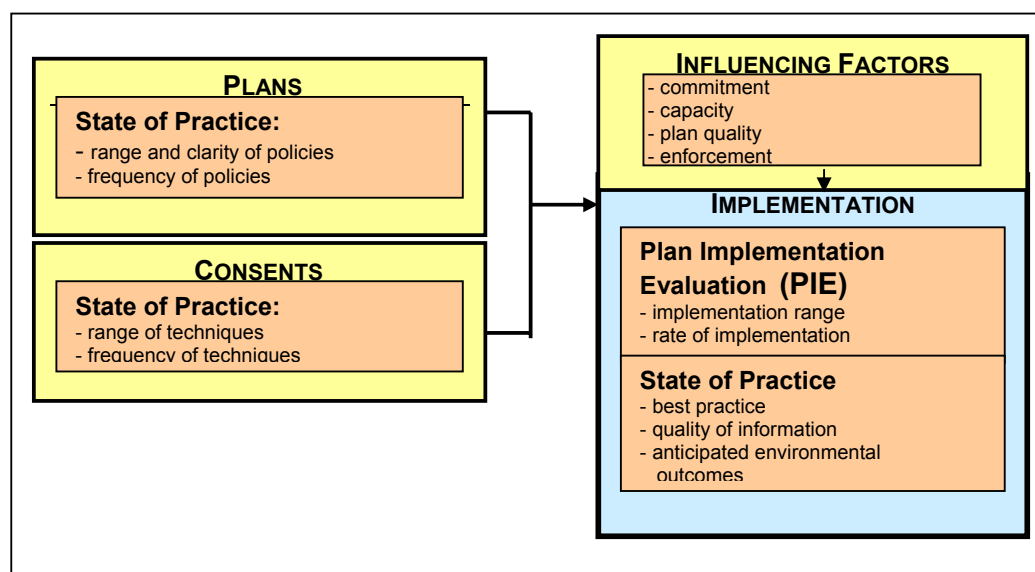
### **Phase 2 Research Design**

The design for the PUCM Phase 2 research is schematised in Figure 1. We wanted to see how well the *policies* aimed at achieving desired environmental outcomes in district plans are matched to the techniques used in the *resource consents* which help

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<sup>3</sup> Until 1997, IGCI (International Global Change Institute) was known as CEARS (Centre for Environmental and Resource Studies). PUCM started in 1995 as a joint project between University of Waikato (IGCI) and Massey University (Department of Planning). From 1998, administration was through Waikato. In 2001, Massey was no longer able to participate in the programme.

to *implement* the plan. We denote this in Figure 1 by linking the plans and consents boxes with an arrow pointing to the implementation box. We also wanted to know what factors influenced implementation, indicated by the top right box (refer Appendix 4 for an explanation of these variables).



**Figure 1: Schematic diagram of PUCM 2 research design**

We wanted to apply our Plan Implementation Evaluation (PIE) method to three topic issues found in district plans: urban amenity, storm water management and iwi interests. The PIE method that we developed would enable us to systematically identify and compare policies and methods in plans with techniques used in resource consents (Day, Backhurst, and Ericksen et al., 2003; Laurian and Day et al., 2003). We aimed at drawing a random sample of 30 resource consents from each of six councils selected for study and for each of the three topics. This would provide 540 resource consents for us to analyse (6 councils x 30 consents x 3 topics). We also wanted council staff to identify what they considered to be their best practice resource consents, hoping for perhaps 270 consents for analysis (6 councils x 15 consents x 3 topics). In all, we expected to have around 810 consents for analysis. While we could gain the numbers for urban amenity and storm water management, we could not do so for Māori interests. There were so few consents dealing with iwi issues that the PIE method could not be applied to the topic of Māori interests. Instead, we focused on researching the processes adopted by councils for involving iwi and hapū in plan implementation. This is explained further in the methods section.

In addition to applying the PIE method for linking policies and methods in plans to techniques in resource consents, we aimed at carrying out interviews with council staff, consent applicants (or their consultants) and iwi representatives, in order to better understand what the documentary data were telling us. Also where similar questions were asked of the three groups about the implementation process, we would be able to compare and contrast the answers.

In order to help better explain data gained from both applying the PIE method and the interviews, we went into each council to review planning documents and discuss with

staff a range of matters to help place plan implementation into a wider biophysical, social, economic, and political context.

Of the 32 district councils whose notified plans had been evaluated for their quality in Phase 1 (see Table 1), six were chosen to maximise the range of scores for plan quality and capacity to plan. (Refer Appendix 4 for an explanation of how plan quality and capacity were measured.) They were Kaipara, Horowhenua, Hurunui, Papakura, Tauranga, and Waitakere. Tauranga had the highest quality publicly notified plan, closely followed by Waitakere, and both had high capacity for planning. Hurunui and Horowhenua had medium quality plans, but medium to low capacity to plan, respectively. Kaipara and Papakura had the lowest scores for plan quality and council capacity. Note, however, that even the highest scoring plans were only mediocre (27.8 out of 40). Additional information about each council is given in Table 2, including the percentage of the population identifying themselves as Māori living in each district.

**Table 1: District council plan quality scores and capacity to plan from Phase 1**  
(the 6 councils selected for Phase 2 research on implementation quality are in bolded capital letters)

		Council capacity		
		High	Medium	Low
Plan Quality	High	<b>TAURANGA</b> Christchurch <b>WAITAKERE</b>	Queenstown Lakes Tasman Masterton Far North	
	Medium	Palmerston North Matamata – Piako Wellington Dunedin <b>HURUNUI</b> Clutha	Gore Tararua Rotorua South Taranaki Waikato Southland Kapiti Coast	Rangitikei  <b>HOROWHENUA</b> Otorohanga Timaru
	Low	Hutt City*  Stratford	Waimate	<b>KAIPARA</b> South Waikato*  <b>PAPAKURA</b> Kawerau

\*Declined to assist

Plan quality was measured through four of the eight criteria used in the PUCM Phase 1 research. These four criteria were: the factual basis of the plan; the comprehensiveness of issues covered; the internal consistency of the plan (which ought to show clear links from issues through objectives, policies, methods, monitoring and anticipated environmental outcomes); and the extent of provisions and understanding of monitoring (refer Berke et al., 1999; Ericksen et al., 2003 for further information on PUCM Phase 1 methods).

**Table 2: Some details about case study councils**

<b>Council</b>	<b>Region</b>	<b>Population</b>	<b>% Māori</b>	<b>Plan Quality</b>	<b>Council Capacity</b>	<b>Population Growth</b>
Kaipara	Northland	17,460	21%	Low	Low	High in coastal area. Low elsewhere
Waitakere	Auckland	16,8750	13%	High	High	High
Papakura	Auckland	40,668	23%	Low	Low	High
Tauranga	Bay of Plenty	90,906	16%	High	High	High
Horowhenua	Manawatu– Wanganui	29,820	19%	Medium	Low	Low
Hurunui	Canterbury	9,885	5%	Medium	High	High in alpine area. Low elsewhere

Council capacity was measured using median house price and population as a proxy for wealth. Other indicators, like the number and skills of staff and funds committed to preparation and implementation, show the extent to which councils commit the resources necessary for good planning.

# Methods for Gauging Iwi Interests

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As already noted, the six councils selected for study did not have enough evidence of iwi consultation in resource consents for us to draw a valid random sample of 30 consents per council. Indeed, there were very few iwi consultations across the councils we surveyed. (This in itself was a significant finding.) Thus, we decided to focus on the processes by which councils consulted iwi and hapū over resource consents to find out why this was occurring.

## Interviews with Hapū and Iwi Representatives

Our approach was to talk with representatives of all iwi within each of the six district councils. In general, we wanted to ask them about:

- resource issues of concern to hapū and iwi;
- capacity of hapū and iwi to engage in the resource management process of councils;
- hapū and iwi relationships with councils;
- hapū and iwi involvement in the resource consent process;
- commitment of council staff and politicians to tangata whenua; and
- hapū and iwi relationships with resource consent applicants.

In total, 24 iwi and hapū representatives were interviewed (refer Table 3).

**Table 3: Number of iwi and hapū surveyed**

Council	Horowhenua	Hurunui	Kaipara	Papakura	Tauranga	Waitakere	Total
No. of iwi or hapū surveyed	4	3	3	8	4	2	24

A semi-structured interview schedule was used when gaining information from iwi and hapū representatives (see Appendix 5). This meant that some questions would be quite open-ended to enable the interviewer to probe for further information and to generate discussion. Most questions were, however, of a more specific and closed kind. The reason for closed questions was to enable us to compare answers from iwi and hapū representatives with similar questions asked of council staff<sup>4</sup> and resource consent applicants<sup>5</sup> about their perceptions and practices regarding Māori involvement in the resource management planning process.

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<sup>4</sup> We asked the senior planner in each council a number of questions about resource management processes in Council, including their perception of the overall commitment of consent staff and politicians to hapū and iwi issues in their district.

<sup>5</sup> Resource consent applicants were asked questions about their commitment and capacity to engage in resource management, including their commitment to hapū and iwi issues.

## Conducting the Interviews

We wanted to talk with the hapū/iwi representatives who had the most experience liaising with staff in our case study councils over resource management issues. We therefore contacted each council and asked planning staff to provide information about iwi in their districts, including the most appropriate contact person(s) for each iwi. This provided the starting point for interviews, although it was recognised that the names of other iwi representatives might emerge as fieldwork got underway (i.e., a snowballing identification method was employed).<sup>6</sup>

Iwi and hapū representatives often talked about interests outside of the interview schedule. This increased our understanding of the barriers and situations preventing implementation of plans, policies and ultimately the RMA, including the expectations or obligations that the representatives had of councils regarding the Treaty of Waitangi.

Because many representatives dealt with several councils, including regional councils, it was difficult for some of them to separate out responses for the specific council under investigation. Thus, it was not always clear to the interviewer that the representative was referring to experiences outside of the relevant study council(s), and this posed some problems for later interpretation.

## Presenting Results

While tables and figures are used throughout this paper to provide an easily digestible summary of responses, the relationships between council, tangata whenua and applicants, and the issues surrounding this, are unique for each hapū/iwi grouping. Thus, there is no standard or 'average' response from Māori to the questions we posed of them; quantitative analyses would likely oversimplify our findings. Thus, we have incorporated comments received from interviewees into the summary of results.

It was often pointed out by Māori who were interviewed that iwi and hapū have been interviewed on numerous occasions by researchers with little follow up and feedback from those researchers. The view was that they have got what they wanted and then no longer maintained contact. As a result of these past experiences, some hapū/iwi respondents were reluctant to be involved in research. This working paper series is in part designed to help overcome this problem.

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<sup>6</sup> The interviews were carried out in two separate sessions in mid-2001 and early 2002. The reason for this separation was that the original researcher left the project and it was some time before a replacement was commissioned to take over. KCSM Consultancy Ltd was engaged to complete iwi interviews, and help with the analysis and preparation on this working paper.

# Findings on Māori Participation

The following are the main findings based on the results from the survey of 24 hapu and iwi representatives, as well as responses from council staff, planning consultants and applicants. Our findings are presented under six headings: resources of concern to hapū and iwi; capacity of hapū and iwi to participate; hapū and iwi relationships with council; hapu/iwi involvement in the resource consent process; commitment of council staff and politicians to tangata whenua; and hapu and iwi relationships with resource consent applicants.

## Resources of Concern to Hapū and Iwi

Hapū/iwi representatives were asked to identify resources of concern to them in their rohe (area). The aggregated results are shown in Figure 2. Water quality, wahi tapu and heritage were the most commonly cited. Perhaps surprisingly, fauna (animals) and flora (vegetation) were considered less important. The ‘other’ category produced a range of responses, for example earthworks affecting sites of significance to Māori, the coastal environment, and air quality. In some districts there were specific resources under pressure, such as where development was allowed to occur in areas with large quantities of koiwi (bones).

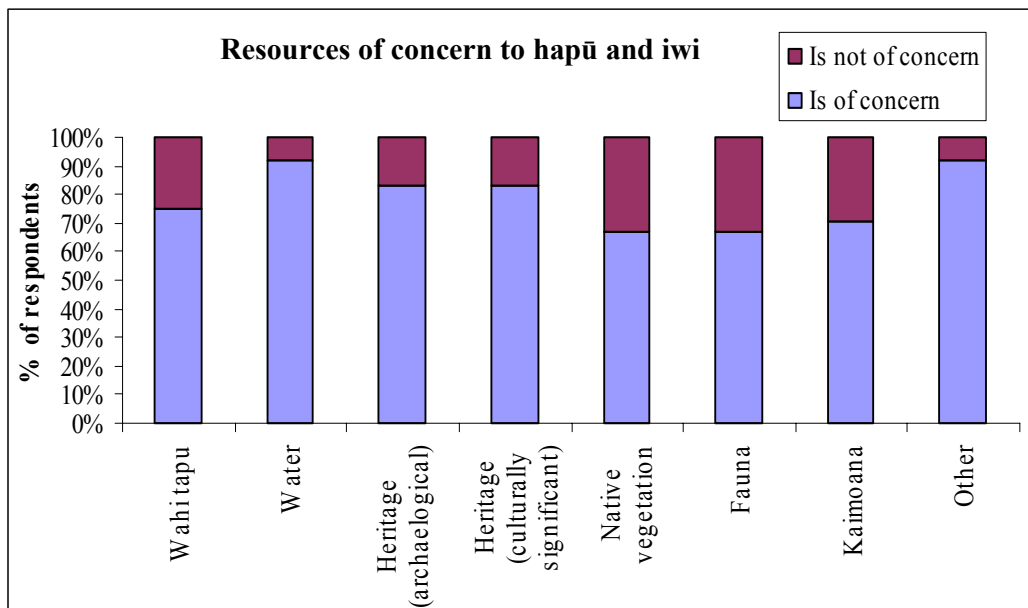


Figure 2: Resources of Concern to Hapū and Iwi



## Capacity of Hapū and Iwi to Participate

Ensuring hapū and iwi have sufficient capacity to participate in resource management activities, through such things as direct funding by councils or consultation fees from resource consent applicants, is important to ensure quality consultation with tangata whenua over issues of importance to them and protection of iwi interests. This is discussed in the section below.

### Hapū and iwi management plans

The RMA directs all local authorities (regional, city and district councils) to take into account any relevant planning documents recognised by an iwi authority. These are commonly known as Hapū and Iwi Management Plans (HIMP), and help identify issues, concerns and priorities around resources of special importance to tangata whenua (Matunga, 2000). Table 4 indicates that half of the hapū and iwi surveyed had a management plan. Approximately the same number employed people to vet resource consent applications.

**Table 4: Capacity of hapū and iwi to engage in the resource consent process**

Capacity to engage in consent process	Yes	No
Does iwi have a management plan?	50%	50%
Does iwi charge applicants?	67%	33%
Are people employed at hapū/iwi to deal with consents?	46%	54%

### Charging for resource management services

Most hapū and iwi representatives charge applicants for their services, but one-third did not. The amount charged by hapū/iwi for their resource management services varied. Prices ranged from \$60-\$150 per hour, with an average of around \$90 per hour (Table 5). Only one hapū and iwi had a fixed charge. Of those that charge, the range and rates quoted were considered to be comparable with the fees charged by planning consultants. Only two of the eight respondents who did not charge applicants received funding from local government.

**Table 5: Cost of hapū and iwi consultation to applicants**

Charges to applicants for hapū and iwi consultation	Mean	Minimum	Maximum
\$\$/hr (n=9)	\$88.90	\$60.00	\$150.00
\$\$ fixed rate (n=1)	\$135.00	-	-

### Capacity of hapū and iwi resource consent processing team

The number of people employed by hapū and iwi to process resource consents, and their level of experience, varied somewhat (Table 6). While an average of three people at each hapū/iwi reviewed consents, just over one of the three was actually paid for their service. This indicates that the capacity of hapū and iwi to deal with resource consent applications was variable, but generally low. Although the level of experience (measured in years) was relatively high, and the majority of hapū/iwi charged for their services, many of the people undertaking the work were not being paid.

**Table 6: Number and experience of hapū and iwi engaged in consent processing**

Number and experience of hapū and iwi	Mean	Minimum	Maximum
No. of people employed at hapū/iwi to deal with consents	1.3	0	8
No. of people at hapū/iwi dealing with consents	3	1	7
No. of years of experience in dealing with consents	10.5	0	20
No. of consents per annum for each hapū/iwi (2000/2001)	165.8	0	2080 <sup>7</sup>

Many representatives interviewed expressed their frustration with regard to the expectation from developers that their work was voluntary and would be provided free. However, iwi and hapū need sufficient capacity and resources if replies are to be consistent and of high quality. Our results thus validate the findings of the Office of the Parliamentary Commissioner for the Environment in its report *Kaitiakitanga and Local Government: Tangata Whenua Participation in Environmental Management*, which stated that: “the issue of consultation must be viewed in light of the general lack of consultation with Māori, and the inability of iwi to respond and keep responding in any meaningful way without support structures in place” (PCE, 1998, p.21).

## **Iwi and Hapū Relationships with Council**

The relationship of iwi and hapū with councils was considered through three topics: representation of hapū and iwi at council, council understanding of Māori concepts, and an evaluation of councils’ performance with regard to specific resource management activities.

### **Representation of hapū and iwi in Councils**

Representation of hapū and iwi in councils can take one or more of several forms, including: councillors who are Māori; a standing committee of Māori representatives; Māori working groups; individual Māori representation; formal memorandums of understanding; memorandums of partnerships; or informal understandings between councils and iwi and hapū.

Figure 3 indicates the level of hapū and iwi representation by type of representation at the six case study councils. Results from the interviews with hapū and iwi representatives are compared with those from the council staff. The overall results suggest that there was generally a low level of representation of Māori interests at most councils, with the exception of Waitakere City. Kaipara District was identified as having no Māori representation despite over 20% of the population identifying themselves as Māori. However, since our interviews in 2002, Kaipara has lifted its game and is now more actively involved with hapū/iwi groups in the decision-making processes of the council.

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<sup>7</sup> This is equal to all the consents processed by the largest of our councils; we hypothesise that the respondent incorrectly included the summary of consents applications sent to hapū/iwi, rather than actual consents reviewed by hapū/iwi

Waitakere City							
Tauranga District							
Papakura District							
Kaipara District							
Horowhenua District							
Hurunui District							
<b>Key:</b> - respondents in iwi survey replied 'YES' - respondents in council survey replied 'YES'	Councillors who are Maori	Standing committee of Maori reps	Maori working group	Individual Maori representative	MoU between Iwi and council	Informal understanding between iwi and council	Council provides resources for representation

**Figure 3: Representation of hapū and iwi at council**

In some districts, memorandums of understanding (MOU) or memorandums of partnership (MOP) have been developed to help determine the roles, processes and expectations of hapū and iwi and council. Six of the 24 iwi and hapū interviewed were in the process of, or had established, a MOU or MOP. A further two groups had no formal agreement, but did have an informal understanding with staff regarding Māori issues and concerns. In many instances memoranda outlined the process for communication, indicating the intent of councils and iwi to work together and to exchange information at an early stage. These documents had no particular legal status (Joseph and Bennion, 2002), but were nonetheless considered useful by hapū and iwi groups. Thus, while an MOU might outline a process to involve iwi and hapū representatives, iwi and hapū still needed to have the capacity to carry out requirements outlined in these documents.

Our survey results suggest that not all iwi and hapū representatives knew what governance structures existed. Conversely, not all council staff knew of the existence of Māori representation at their council. There was some confusion over the level of involvement of iwi and hapū in the planning process and the nature of representation that was available to iwi and hapū groups. Our results thus concur with an earlier assessment by the Office of the Parliamentary Commissioner for the Environment (PCE) that there is a strong need to clarify the roles of both council and iwi or hapū (PCE, 1998). Doing this would change the current perception that many iwi and hapū representatives have of the cursory attempt by council to involve them in resource management, as typified by the following comment: “Interpretation of issues is a huge problem [for us]. What suits the council is what direction they tend to go in. There are certain instances where council may say one thing but do the opposite”. Ways for doing this are explored in our Māori Working Paper No. 3 (Neill, 2003).

### **Council understanding of Māori concepts**

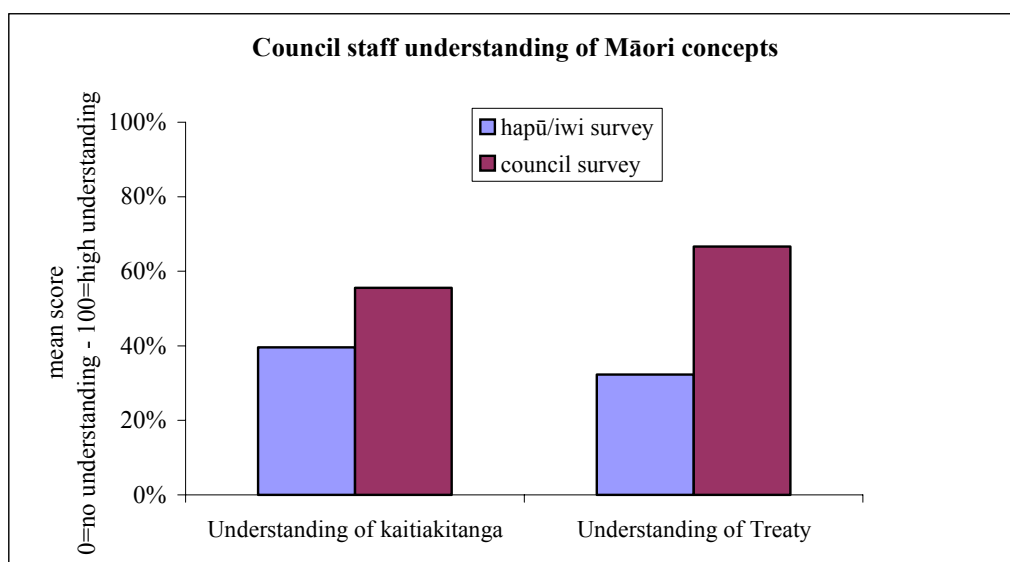
Both hapū and iwi representatives and council staff were asked what level of understanding council staff had of the *Treaty of Waitangi* and kaitiakitanga (Figure 4).

Hapū/iwi respondents gave a low score for both questions; only one-sixth (four) iwi and hapū respondents saying that the council consent processing team had a *somewhat adequate* or *high* understanding of the Treaty principles and kaitiakitanga. This lack of understanding of the Treaty and its implications was continually commented on by respondents in iwi and hapū interviews, as illustrated by the following comment: “They try the best they can, in the circumstances, but they never understand kaitiakitanga or the Treaty of Waitangi”.

Limited understanding by council staff of Treaty concerns was especially evident in issues that involved intrinsic values and issues of a spiritual nature, which are concepts fundamental to comprehending kaitiakitanga. The hapū and iwi respondents said most councils disregarded or did not consider these concerns, including Treaty principles.

Where a council was considered to have a reasonable understanding it was acknowledged that this had taken time to achieve. Representatives from two hapū and iwi said they had an *adequate* relationship with the same council.

For their part, council staff gave a slightly higher rating than iwi and hapū representatives, but generally acknowledged that their understanding of the Treaty and kaitiaki was only low to moderate (Figure 4). To remedy this, many iwi and hapū representatives felt there was a strong need to educate staff, applicants, and the general public about the Treaty, the history of Māori in their area, and Māori terms, as illustrated by the following comment: “A lot of our role is education for them”. In some instances hapū and iwi representatives had offered council staff and councillors the opportunity to learn about the history of their people and what the Treaty meant for them, but the offer was not taken up. This need seems urgent since Treaty and kaitiaki are matters that are fundamental to the RMA, especially sections 6(e), 7(a) and 8 (refer Appendix 1).



**Figure 4: Council staff understanding of Māori concepts**

## Overall satisfaction with council

The overall perception of hapū and iwi on the performance of council in respect to hapū and iwi issues is illustrated in Figure 5. Generally, hapū and iwi respondents were *very* or *somewhat dissatisfied* with the six councils we studied. Thus, hapū and iwi perceived council as doing a fair to poor job in dealing with issues. However, they thought that council staff are best at addressing issues raised in iwi submissions on resource consents. In contrast, the overall quality of the district plan in addressing Māori concerns received the lowest rating. Comments like: “The District plan does not reflect [our] issues/concerns” and: “We made submissions to the Plan but they have been ignored” were commonplace.

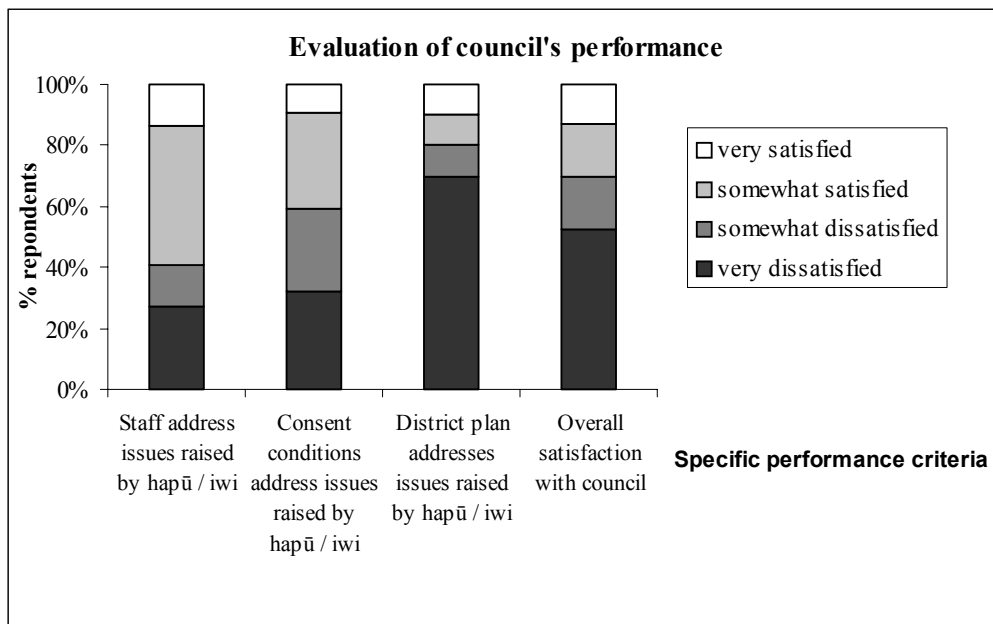


Figure 5: Evaluation of council’s performance by hapū and iwi respondents

## Hapū and Iwi Involvement in the Resource Consent Process

We investigated hapū and iwi involvement in resource consent processes as consultation with iwi and hapū is essential to gain the information required to address those RMA provisions relevant to Māori (PCE, 1998; refer Appendix 1 for those sections of the RMA). In addition, the Fourth Schedule of the RMA requires an Assessment of Environmental Effects (AEE) for all resource consent applications, which should identify if tangata whenua will be affected by the proposal, outline the consultation undertaken, and provide responses to the views of those consulted (RMA, clause 1(h)). AEEs must also acknowledge any effect on natural and physical resources having spiritual or cultural value for present or future generations (RMA, clause 2(d)).

The level of commitment of council to involve iwi in the resource consent process is discussed below, with both hapū and iwi, and council representatives, having been asked the same questions.

### Notifying hapū and iwi of consent applications

A range of responses was given when hapū and iwi were asked whether they thought council staff considered it was the council or applicant who was responsible for consultation with iwi over a resource consent application (Figure 6). Again council responses were generally divergent from hapū and iwi.

Our results also suggested that the majority of the council staff used criteria for deciding when to inform iwi of consent applications and whether to consult with iwi when deciding if public notification is required. While iwi and hapū representatives revealed that five of the six councils had guidelines, staff in only three of the councils said that they used some form of decision-making criteria.

Of the 24 iwi and hapū representatives interviewed only six (in five of the six case study councils) stated that there was a process that allowed iwi and hapū to be informed of all consents, both notified and non-notified. Of these, only Waitakere City Council informed all ‘recognised’ tangata whenua. The other councils — some with up to eight iwi and hapū groups<sup>8</sup> — only informed one or two of hapū and iwi. Where iwi and hapū were informed by Council about resource consents, it was Māori who had initiated a process whereby they received a summary list of all consent applications. Iwi and hapū representatives interviewed considered consent summaries to be good practice.

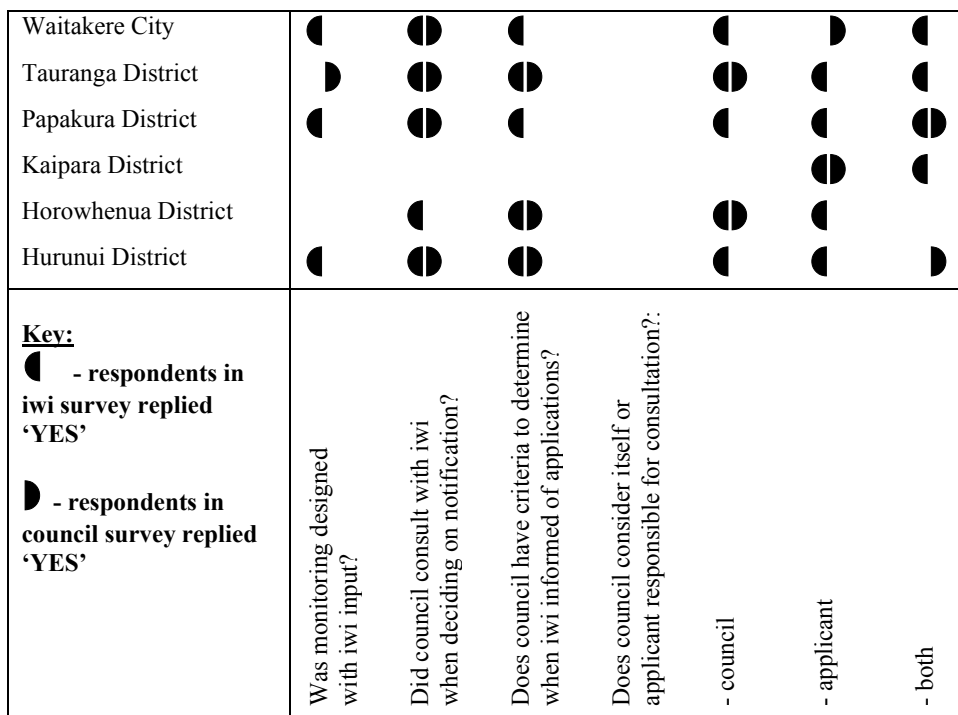


Figure 6: Hapū and iwi involvement in the resource consent process

<sup>8</sup> At the time of the interviews the maximum number of hapū/iwi groups in any one district was eight.

## **Hapū and iwi submissions on consents**

Where a resource consent is publicly notified, the district council may notify iwi as a directly affected party. However, hapū and iwi representatives stated that consent applications should be directed to hapū or whānau who have a direct association with the resources subject to the development proposal, as hapū are considered the effective ‘unit’ of Māori society (Joseph and Bennion, 2002). Councils thus need to establish relationships with hapū who have manu whenua to ensure those that are affected by a consent proposal are part of the consultation process.

Hapū and iwi respondents complained that the 20 working day requirement for council to process a consent (with some councils having internal processes that encourage applications to be processed even faster) does not allow adequate time for hapū and whanau to be contacted. Because many hapū meet only monthly, the 20 working day deadline limited their participation.

## **Designing consent monitoring systems**

Monitoring of resource consents is a requirement under s35 of the RMA. The PUCM Phase 2 results showed that monitoring was minimal to non-existent in the study councils and that this had contributed to the general dissatisfaction felt by Māori towards councils (refer Day et al., 2003). Results from the hapū and iwi interviews indicated that three of the six councils consulted iwi when designing consent monitoring systems, yet only one council acknowledged that this had occurred (refer Figure 6). In some instances, respondents thought council did not trust hapū/iwi to undertake monitoring, as the following comment illustrates: “[There is a] lack of trust in the abilities and capabilities of iwi members to carry out research and develop appropriate [monitoring] systems”.

Another issue raised by hapū and iwi respondents was that environmental monitoring was often guided by national health standards and health indices. These can be very different from iwi and hapū standards and values and therefore was not found to be very useful to Māori. Monitoring results are also often presented in a technical scientific format, which can overwhelm non-scientists, including hapū and iwi representatives.

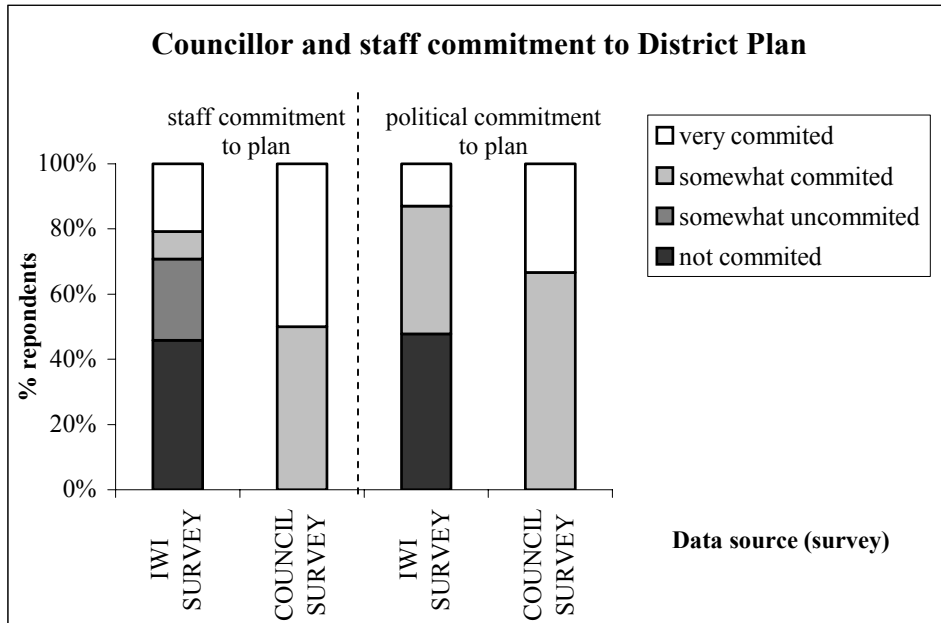
Whatever the difference, our findings indicated that monitoring of resource consents was not common practice and, where it did occur, the council often did not involve iwi and hapū. In many instances the environmental values of important to Māori were not considered, either because they were too difficult to monitor or deemed unimportant.

## **Commitment of Council Staff and Councillors**

Our interviews with hapū and iwi representatives and council staff suggested contrasting views over the commitment of staff and councillors to iwi provisions in the district plan, iwi involvement in the monitoring and enforcement of resource consent conditions, and resources provided by councils in support of hapū and iwi participation in the resource consents process. These results are given in detail below.

### Commitment to the district plan

Nearly half of the iwi and hapū respondents thought consent processing staff were *not committed* to plan provisions relating to iwi issues (Figure 7). Reasons for this varied between councils not wanting to deal with iwi, a lack of relevant provisions in plans, and a lack of involvement by Māori in the plan development and implementation process. The remaining respondents were divided between viewing staff as *somewhat uncommitted* (25%), *somewhat committed* (8%) and *very committed* (21%). In contrast, councils’ self-evaluation scored either *somewhat* or *very committed*.



**Figure 7: Commitment of council staff and politicians to iwi provisions in the District Plan as viewed by council staff, hapū and iwi representatives**

### Commitment to monitoring of consents

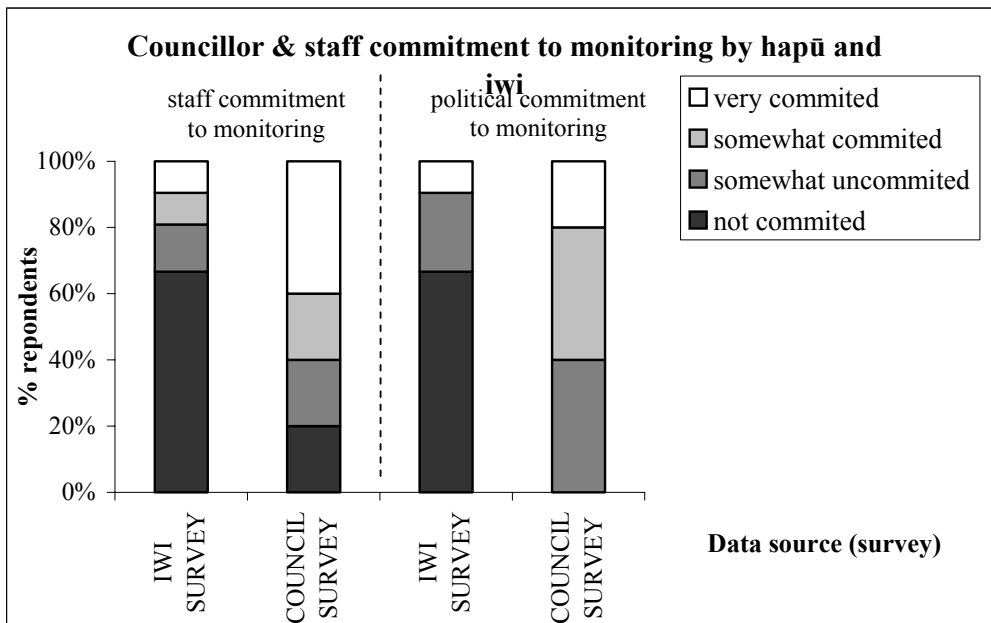
The majority of iwi and hapū respondents thought consent processing staff were *not committed* or *somewhat uncommitted* to monitoring of consent conditions relevant to Māori by hapū or iwi (Figure 8). Less than 30% of respondents thought staff were *very* or *somewhat committed* to monitoring by hapū and iwi. The following comment was typical: “There is nothing in place. Council is absolutely lax [on monitoring]”. Again, councils’ self-evaluation answers scored either *somewhat committed* or *very committed*.

### Commitment to enforcement of consent conditions

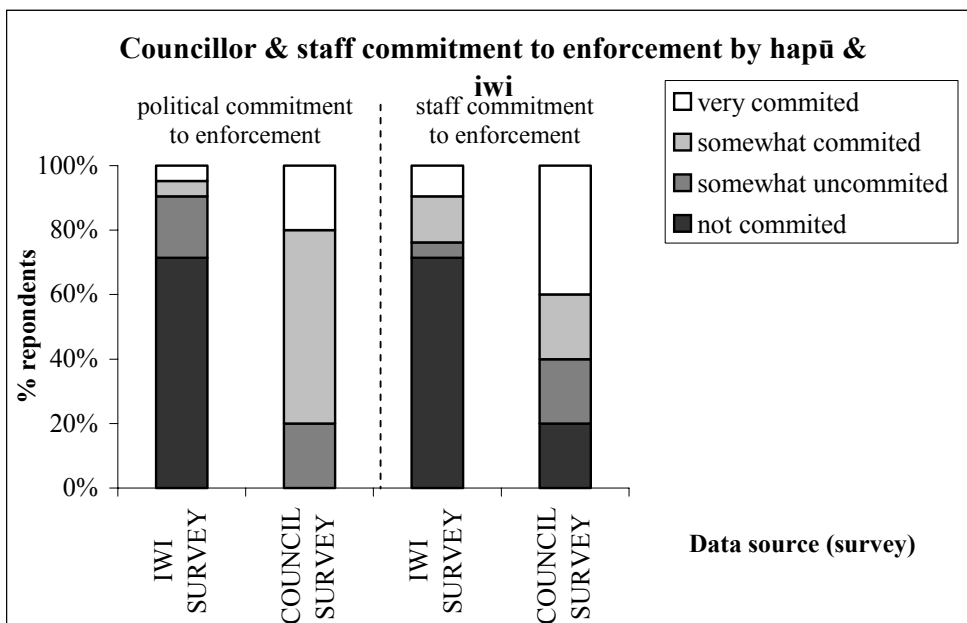
Over 90% of respondents judged councils to be *not* or *somewhat committed* to enforcement of consent conditions relevant to Māori by hapū or iwi (Figure 9). This indicated a poor outcome for hapū/iwi groups wanting to be involved in enforcing



consent conditions that were of relevance to them. Again, councils' self-evaluation answers contradicted the iwi survey results.



**Figure 8: Commitment of staff and councillors to monitoring of resource consent conditions as viewed by council staff, hapū and iwi representatives**



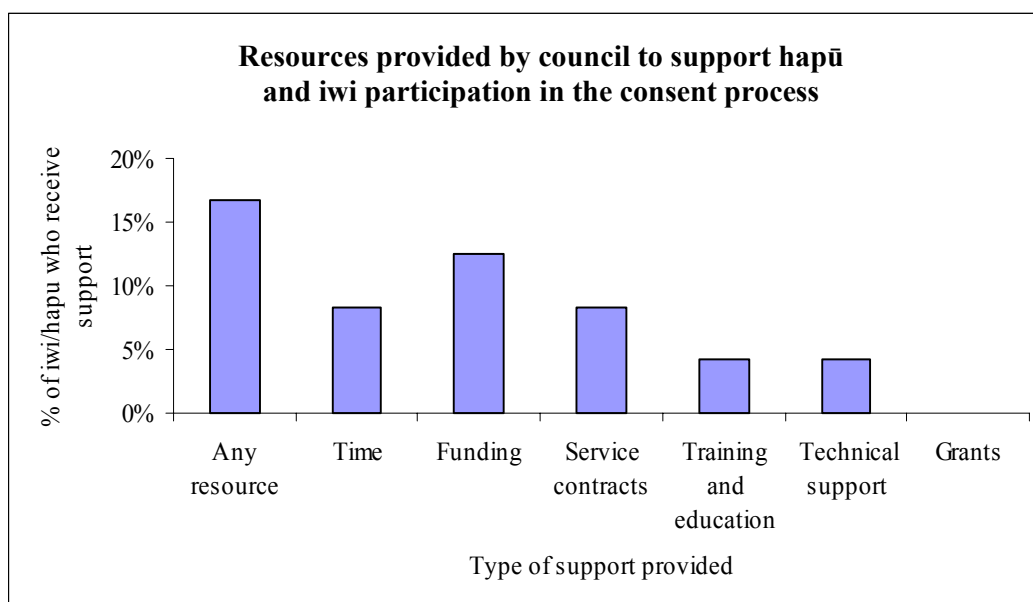
**Figure 9: Commitment of staff and councillors to the enforcement of resource consent conditions as viewed by council staff and hapū and iwi representatives**

## Council resources supporting hapū and iwi participation

Nearly 83% of hapū and iwi representatives did not receive any support from councils and in many instances they processed resource consents with no recompense (Figure 10). Of the four representatives that did receive council support, direct funding of iwi and hapū and contracting of services and time were the most common.

Only one of the six councils employed people from the hapū or iwi organisations in the district to deal with resource consents and other resource management issues. Other types of resourcing identified included training and education, and technical support. However, the general lack of resources for iwi and hapū to participate in resource management (refer previous section on hapū and iwi capacity) further reinforced perceptions that councils' commitment to tangata whenua was not good. Thus, the capacity of iwi and hapū to deal with resource consent applications, while variable, was generally low. Yet sufficient capacity for iwi and hapū to engage in the resource management process was crucial to ensure consultation and the protection of iwi interests.

This capacity issue of iwi and hapū was compounded further because the rohe of each often overlapped with more than one council jurisdiction. Thus, hapū and iwi often had to deal with more than one district plan and councils that had varying political commitments and capacities to act.



**Figure 10: Resources provided by councils to support hapū and iwi participation in the resource consents process**

## Overall commitment of council

Overall, respondents commented that the level of councils' commitment to involve Māori in the resource management process was predominantly based on personal relationships between hapū and iwi representatives and the staff or council members. It was found that Māori could better advocate their concerns when a

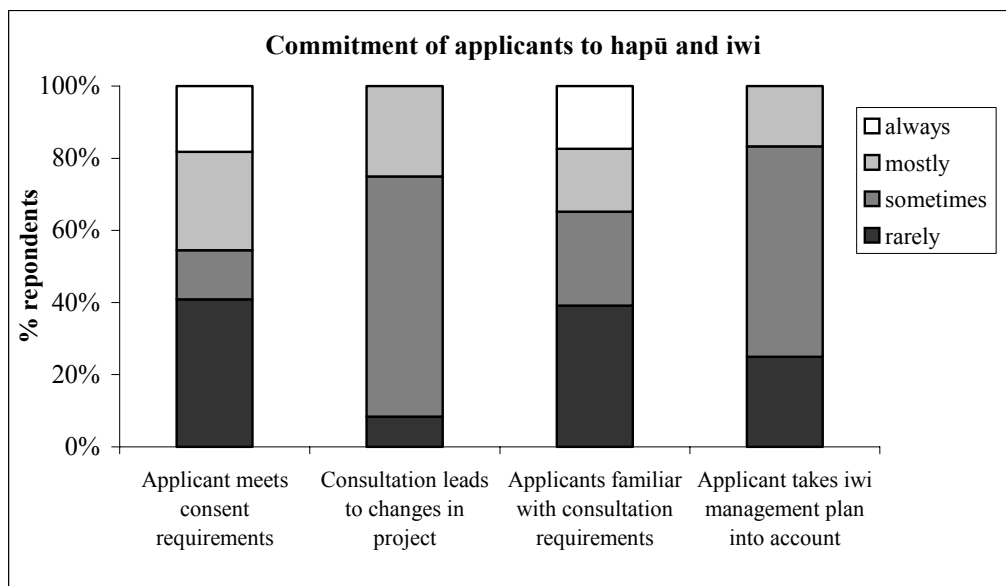
good relationship existed between senior council staff and politicians, and hapū and iwi representatives, which the following comment illustrates: “The mayor has a tendency to lean toward Māori, which in turn pulls members of the council this way. The mayor is one of the few high profile people in this small town, [so] the community tends to follow the mayor”.

## Hapu and Iwi Relationships with Consent Applicants

The relationship of iwi and hapū with the resource consent applicants is considered through two topics: commitment of applicants to hapū and iwi concerns, and consultation between hapū and iwi and applicants. These are dealt with in turn below.

### Commitment of applicants to hapū and iwi interests

Hapū and iwi representatives were asked about their experience with resource consent applicants (Figure 11). Generally, they rated applicants similarly to council staff and councillors, perceived applicants to be only *somewhat familiar* with consultation requirements. On average, applicants would *sometimes* change their development proposal following consultation with hapū and iwi, and only *sometimes* met consent conditions that mitigated hapū and iwi concerns.

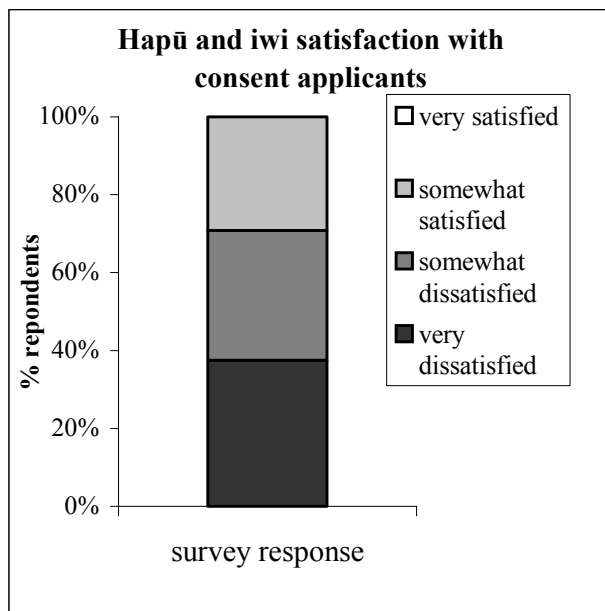


**Figure 11: Commitment of applicants to hapū and iwi as viewed by hapū and iwi representatives**

Although nearly half of all iwi and hapū interviewed had a hapū and iwi management plan (HIMP), the findings from the interviews suggested that these plans are only *sometimes* taken into account by applicants when applying for resource consents. Iwi and hapū representatives commented that applicants often did not even know an HIMP existed. They also commented that those aware of the HIMP, such as developers and consultants, interpret the HIMP documents to their own end.

Applicants often considered it a role of council to acquaint them with tangata whenua requirements. However, iwi and hapū representatives felt the information that council

supplies to applicants is limited, and does not educate the applicant on why consultation should occur. In other examples, applicants provided hapū and iwi with only small amounts of information, which reduced the ability of hapū and iwi groups to make an informed decision with regard to the effects of development on Māori resources and values. Figure 12 indicates that, overall, respondents were usually *somewhat dissatisfied* or *very dissatisfied* with consent applicants.



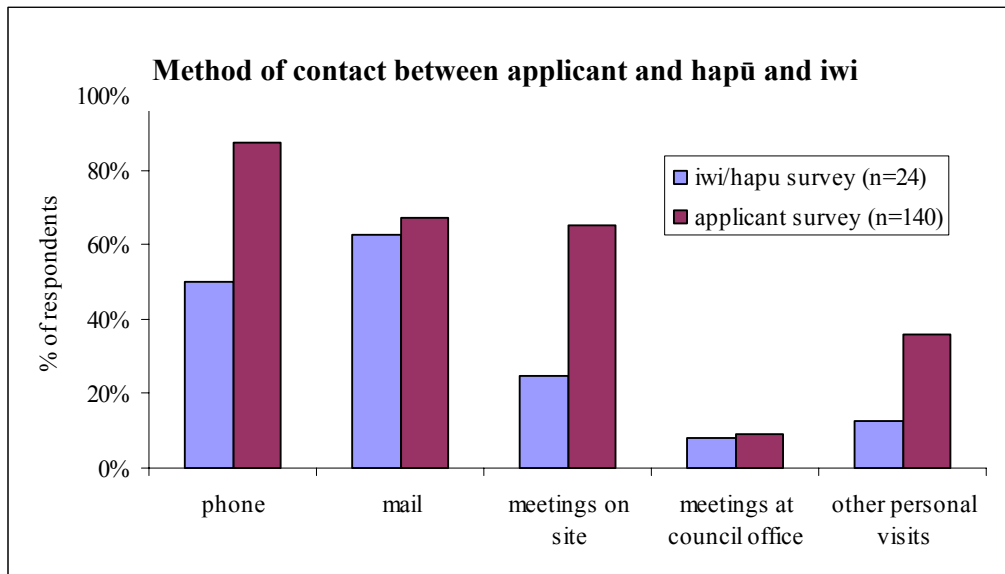
**Figure 12: Overall satisfaction of hapū and iwi with resource consent applicants**

### **Relationship of hapu and iwi with applicants' consultants**

Hapū and iwi interviewees commented that consultants primarily approach representatives on behalf of consent applicants. This is verified by Phase 2 results where around 70% of resource consents we surveyed were prepared by consultants (Day et al., 2003). Hapū and iwi representatives felt that one of the advantages in using consultants is that often there is an established working relationship between the parties. In these cases respondents perceived that consultants better understood the issues and concerns of Māori than would the applicants themselves.

### **Consultation between hapū and iwi and applicants**

Both hapū and iwi and applicants (including their consultants) were asked about the nature of communication used when contacting Māori over resource consent applications. Surprisingly, Figure 13 shows a divergence of views over the methods used. Although phone and mail were cited as the most common communication method in both surveys, applicants considered that this was used more often than did hapū/iwi respondents. As well, 60% of applicants identified meetings on site as a common means of communication, but less than 25% of hapū and iwi representatives agreed that this occurred.



**Figure 13: Method of contact between applicants and hapū and iwi**

Māori highly value personal contact, ‘kanohi ki te kanohi’ – ‘face to face’ communication, particularly when it occurs at a marae. A hui at the start of the consent application process enables applicants to explain their proposal and provides an opportunity for iwi and hapū to ask questions. However, the interviews suggest personal meetings between applicants and iwi and hapū occurred infrequently and, when they did take place, meetings usually occurred at the site of the proposed development.

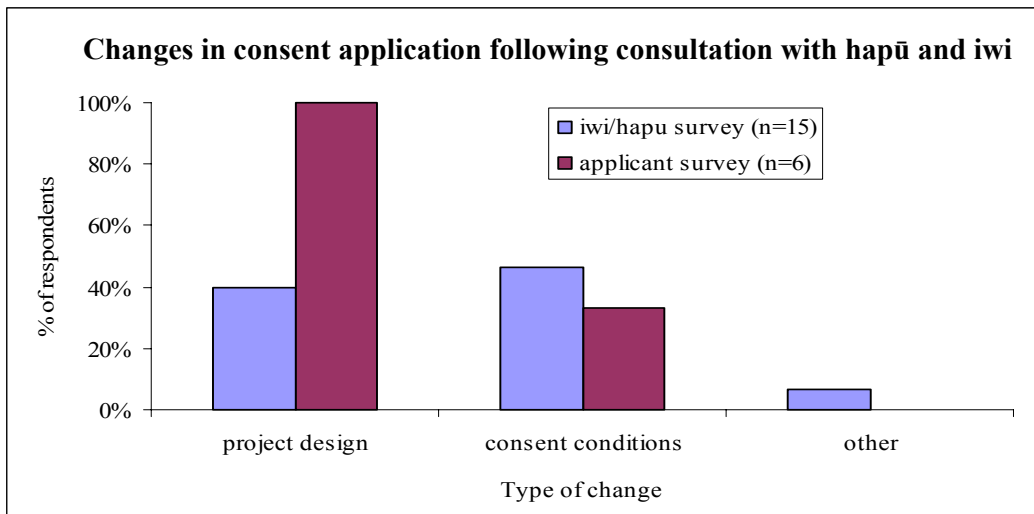
### Consultation outcomes

The types of amendments that were made to resource consent applications following consultation with hapū and iwi are indicated in Figure 14. Applicants indicated that changes to the design of the project were the most likely outcome, followed by changes to the conditions of the resource consent. In contrast, hapū and iwi respondents cited changes to consent conditions as more commonly occurring than changes to project design. Other types of changes were rarely or not observed in both the applicant and hapū and iwi responses. The reason for the difference in results between the two groups was unclear.

Iwi and hapū representatives perceived the process of consultation over resource consents as being a ‘tick box’ gesture by applicants in order to be granted their resource consent and, similarly, a token gesture by council to involve iwi and hapū. Māori interviewees stated that applicants were not obliged to act on suggestions from iwi and hapū and, consequently, consultation is often seen as a time consuming exercise that is not enforced by council. The following comment from a respondent illustrates this: “Consultation consists of writing a letter, if no-one replies then that is regarded as consultation”.

Hapū/iwi dissatisfaction with the efforts of applicants was consistent across all six councils. Hence it seems that the current consultation process is not encouraging iwi

and hapū participation. The findings indicate it is often a cursory effort from other parties with few concrete outcomes for tangata whenua. A general ignorance or misunderstanding of Maori issues was a consistent theme to emerge from the interviews, as illustrated by the following comment: “Some applicants are not aware of what tangata whenua means; there was one applicant who thought that tangata whenua was the name of a person!”



**Figure 14: Changes in consent applications following consultation between resource consent applicants and hapū and iwi**

## Conclusions and Recommendations

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Our PUCM Phase 2 research found little evidence of policies in district plans highlighting issues of importance to Māori being implemented through the resource consents process. In fact, there were so few resource consents relating to policies in plans that we were forced to re-focus our evaluation onto the processes for building relationships between councils and hapū and iwi for plan implementation, including: the capacity of hapū and iwi to engage in consent processes, particular resource management issues of concern to hapū and iwi, and the perceptions of hapū and iwi representatives of themselves and others in the resource consents process.

Our findings reveal a general dissatisfaction on the part of hapū and iwi with councils' performance with respect to both Treaty relationships and consent processing under the RMA. This result, while disappointing, in one respect may not be as bad as it seems. This is because we found low implementation scores for the other two topics we investigated — urban amenity and stormwater management. That is, councils were, in general, not enacting the intentions of their plans (refer Day et al., 2003).

### Treaty Matters and the RMA

There are several findings that showed the need for clarifying the role of the Treaty of Waitangi for local government and improving council understanding of its significance in resource management issues pertaining to hapū and iwi interests.

#### **Recommendation 1: Clarify governance relationships with iwi**

The development of plans under the RMA was impaired by Government's failure to clarify the nature of the partnership between the Crown and Māori and between the Crown and local government in relation to Māori interests. The lack of guidance on the nature of partnership with Māori enabled disinclined councils to minimise their activities with regard to hapū and iwi interests within their areas.

*The Government should therefore clarify the role of local government with respect to the partnership between Crown and Māori.*

#### **Recommendation 2: Improve understanding of the Treaty of Waitangi and issues of importance to mana whenua and tangata whenua through training of council staff and politicians**

Council staff and iwi and hapū representatives presented differing views about relationships with their Treaty partner. While council staff knew that their understanding of the Treaty was only low to medium, Māori viewed it as being much worse. The same discrepant outcome applied to the perceived commitment of councils to iwi and hapū interests through plan provisions and involvement in monitoring resource consents. Consequently, council staff thought that they were doing rather better regarding iwi interests than did the iwi and hapū representatives.

*The Government should ensure that there is appropriate training of council staff and politicians regarding Treaty matters and their significance for resource management under the RMA.*

**Recommendation 3: Building better partnerships between tangata whenua and councils through developing better understanding of each other's needs**

Developing relationships with iwi through good governance is an essential pre-cursor to effective participation. Differences shown in reciprocal perceptions of various issues have serious implications for establishing a sound working partnership between councils and hapū and iwi in their areas. Not only do results show that there is disagreement over key issues, but also suggests that misunderstandings between the groups exist, including a failure to acknowledge that there are misunderstandings<sup>9</sup>. Making clear these discrepancies is a first step towards taking the measures needed for building a better partnership.

*Councillors should develop protocols with hapū and iwi kaumatua at the highest levels in order to lay the foundation for a sound partnership for building mutual understanding of resource management issues under the RMA.*

**Building Better Commitment and Capacity  
for Hapu/Iwi Participation**

Both councils and hapū/iwi had limited capacity for effectively involving Māori in planning and governance under the RMA. Both require strengthening. The prerequisite for this is commitment to the cause by both councillors and kaumatua.

**Recommendation 4: Improve commitment of council staff and politicians to involve hapū and iwi in the resource management processes of council**

The commitment of many councils to issues of importance to Māori and to involve hapū and iwi in resource management processes was found to be generally low. Councils' emphasis on economic growth may be a contributing factor to the perception of iwi and hapū that councils are not overly committed to iwi provisions in the plan, or to their involvement in monitoring and enforcement of issues concerning iwi. This led to an overall perception amongst hapū and iwi representatives that councils were not overly committed to fulfilling their responsibilities under the RMA.

Where there were good interpersonal relationships and communication flows between tangata whenua and council, we found this resulted in better understanding and commitment from council staff and politicians to their local hapū and iwi. In councils where commitment to Māori permeated all levels of the organization, from consent processing staff through to senior management and politicians, hapū/iwi respondents' perceived better outcomes for Māori.

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<sup>9</sup> For theory and methods underpinning the meaning and importance of reciprocal perceptions see, for example, Ericksen and Barbour (1980) and Laing, Philipson and Lee (1966).



*The Government should strengthen provisions in the RMA so that councillors better recognize their responsibilities to hapū and iwi within their districts. (See Recommendation #10 for progress on this matter.)*

**Recommendation 5: Build council capacity to enable them to more meaningfully engage hapū and iwi in plan implementation**

The capacity of councils was found to affect the extent of hapū and iwi involvement in implementing district plan policies. Despite recent encouraging efforts by most councils to establish governance relationships with hapū and iwi, only the highest capacity councils could afford to build the capacity of local iwi to participate effectively in the consent process. Only one of the six case study councils provided funding for iwi involvement in resource consent evaluation. Results showed that once capacity was increased, communication regarding resource consent applications required clear guidance and criteria about when an application should involve iwi consultation.

*The Government should ensure that councils have the capacity to effectively implement its RMA mandate, including the capacity to deal effectively with hapū and iwi in their areas.*

**Recommendation 6: Build hapū and iwi capacity to meaningfully participate in plan implementation**

While some iwi and hapū charge for their time when consulted by applicants, many individual Māori take part in assessing resource consents without recompense. Results showed that on average hapū/iwi employed three staff to deal with consents, but could only afford to pay one of them. While it is reasonable for costs associated with resource consent consultation to be recovered from consent applicants, responsibility for iwi costs associated with participation in governance relationships is that of council.

*The Government and councils should work together to ensure that hapū and iwi have the capacity to help implement the national RMA mandate.*

**Recommendation 7: Promote integration between regional and territorial authorities to ensure hapū and iwi are involved efficiently and appropriately where resource consents impact on their interests**

For many iwi, resource management issues transcended local government boundaries. Consequently, iwi were invariably dealing with a multitude of councils, including regional and local councils, when considering resource consents. This problem needed to be recognised and addressed consistently.

*To enhance the capacity of iwi to participate under the RMA there should be greater integration between local councils (cities and districts), and between regional and local councils on issues of significance to, and processes for, iwi.*

## **Linking Policies in Plans to Resource Consents**

Phase 1 (1995-1998) of the PUCM research on plan quality found that many of the district plans concentrated on developing *processes* in the plan for iwi participation rather than incorporating substantive resource issues of concern to Māori (Ericksen, Berke, Crawford and Dixon, et al., 2003; Jefferies, Ericksen, Crawford and Berke, 2003). In Phase 2 (1998-2002) of the research, little evidence of these processes being implemented could be found, due in part to the issues of commitment and capacity and a lack of clarity surrounding the roles of hapū and iwi in the consent process, as described above.

### **Recommendation 8: Councils, in consultation with mana whenua and tangata whenua, should improve the quality of plans through plan changes to improve policy direction with respect to resources of significance to Māori**

The transference of knowledge and guidance attained at the policy level in councils to those implementing the plan policies through consents was found to be a significant factor in building capacity in councils. Overall, we found that plan quality was a good predictor of implementation quality. However, because plan quality around the country is generally fair to poor, an even greater emphasis on building the understanding of significant iwi issues among implementation planners is required, particularly until the next generation of plans have been prepared, as these will hopefully provide better policy direction on issues of concern to Māori.

*Councils should rigorously analyse the cascade of hapū and iwi issues, objectives, policies, methods, and anticipated environmental results in their district plans to ensure that they are logically consistent, and then ensure that they are systematically applied through the resource consents process.*

### **Recommendation 9: Drawing lessons from research on hapū and iwi interests under the RMA for long-term council community planning (LTCCP) under the new *Local Government Act (LGA) 2002***

Our research findings, although rather negative, are to some extent a product of the ‘hands off’ approach that typified governance in the 1990s. Local government received little guidance from central government on how to implement the new and complex RMA legislation, including its provisions for the *Treaty of Waitangi* and consultation with mana whenua and tangata whenua (Ericksen et al., 2001; Ericksen, et al., 2003). Anecdotal evidence suggests things are now improving with fledgling efforts by many councils to, for example, produce memoranda of understanding, undertake co-management, and improve staff training and capacity.

Since starting the Phase 2 research on iwi interests in plan implementation in 2000, the Government has revised the *Local Government Act (LGA) 1974*. The new LGA (2002), if properly implemented, should further improve the relationship between council and tangata whenua and build better partnerships. This is because it is more directive of councils in relating to Māori interests than either the old LGA or the RMA (1991).

Section 4 of the new LGA makes clear that it is the Crown’s responsibility to ‘... recognise and respect the principles of the *Treaty of Waitangi* and to maintain and

improve opportunities for Māori to contribute to local decision making processes'. As a result of this obligation, the Crown has included provisions in the LGA requiring local authorities to facilitate Maori participation in local decision-making. Councils are not the Treaty partner, but are required by law to act in ways consistent with the Crown's Treaty obligations through delegated responsibility (LGA, Part 2).

Section 14 (1)(d) requires councils to "...provide opportunities for Māori to contribute to its decision-making processes', while Section 77 (1)(c) requires that, where a significant decision involves land or a water body, councils must '...take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wahi tapu, valued flora and fauna and other taonga'.

Furthermore, Section 81 requires that councils must (a) '...establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and (c) provide relevant information to Māori for the purposes of (a) and (b) above.

Moreover, Section 82(2) states that a council '...must ensure that it has in place processes for consulting with Māori in accordance with subsection (1)' (i.e. Principles of consultation).

A key element in planning under the new LGA is the development of long-term council community plans (LTCCP). These must be produced by 2006. They are to be prepared through a consultative process, the outcomes from which provide inputs into community social, economic, cultural and environmental well-beings. The new Act therefore puts much greater emphasis than the RMA for promoting Māori engagement in local government decision-making (Borrie et al., 2004).

Obviously, for councils to fulfil these new requirements with respect to Māori interests, they must build their own capacity by providing sufficient finances for increasing staff and councillor skills and understandings of Māori culture and traditions and building appropriate institutional processes to deal effectively with them.

There are many lessons for councils to learn from research dealing with hapū and iwi interests under the RMA (1991) for application to dealing with Māori interests under the LGA (2002).

## References

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- Berke, P., Crawford, J., Dixon, J., and Ericksen, N. 1999. *Do co-operative environmental planning mandates produce good plans? Empirical results from the New Zealand experience*. *Environment and Planning B: Planning and Design* 26(5): 643-664.
- Borrie, N., Memon, A., Ericksen, N. and Crawford, J. 2004. *Lessons for LGA Planning and Governance from the RMA Experience*. International Global Change Institute, The University of Waikato. Hamilton
- Boston, J., Martin, J., Pallot, J., and Walsh, P. 1996. *Public Management: The New Zealand Model*. Oxford University Press. Auckland.
- Day, M., Backhurst, M., Ericksen, N., et al. 2003. *District plan implementation under the RMA: confessions of a resource consent*. International Global Change Institute, The University of Waikato. Hamilton
- Ericksen, N.J. and R.H. Barbour. 1980. Perspectives on Pureora. In: Ericksen, N.J. (ed.). *Environmental Perception and Planning in New Zealand*. Environmental Studies Unit, Proceedings of a Seminar-Workshop on Field-Studies in Environmental Perception in Planning, University of Waikato, Hamilton.
- Ericksen, E., Crawford, J., Berke, P., and Dixon, J. 2001. *Resource Management, Plan Quality and Governance: A Report to Government*. International Global Change Institute, University of Waikato, Hamilton.
- Ericksen, N., Berke, P., Crawford, J. and Dixon, J. 2003. *Planning for Sustainability: New Zealand under the RMA*. International Global Change Institute, University of Waikato, Hamilton (New Zealand distribution). Published for international distribution by Ashgate Publishing, England as *Plan-Making for Sustainability: The New Zealand Experience*, 2004.
- Jefferies, R., Warren, T., Berke, P., Chapman, S., Crawford, J., Ericksen, N., and Mason, G., 2003: *Iwi Interests and the RMA: An Evaluation of the Quality of Plans and Processes of Councils*. International Global Change Institute, University of Waikato, Hamilton and Kokomuka Consultancy Ltd, Opotiki (now KCSM Consultancy Solutions Ltd).
- Joseph, R. and Bennion, T. 2002. *Māori Values and Tikanga Consultation under the RMA, 1991 and the Local Government Bill – Possible Ways Forward*. Te Matahauariki Institute, The University of Waikato. Hamilton
- Kerr, S., Claridge, M. and Milicich, D. 1998. *Devolution and the New Zealand Resource Management Act*. New Zealand Treasury Working Paper 98/7. Wellington.
- Laing, R. D., Phillipson, H. and Lee, A. R. 1966. *Interpersonal Perception: A Theory and a Method of Research*. Tavistock. London.

- McDonnell, L. and Elmore, R. 1987. *Getting the job done: Alternative policy instruments*. Educational Evaluation and Policy Analysis 9(2): 133-152.
- Martin, J. 1991. Devolution and decentralisation. In: Boston, J., Martin, J., Pallot, P. and Walsh., P. (eds.). *Reshaping the State: New Zealand's Bureaucratic Revolution* (Chapter 10). Oxford University Press. Auckland
- Matunga, H. 2000. Decolonising planning: The Treaty of Waitangi, the environment and a dual planning tradition. In: Memon, P. and Perkins, H. (eds.) *Environmental Planning and Management in New Zealand* (Chapter 10). Dunmore Press. Palmerston North
- Neill, B. 2004. *Māori Working Paper Number 3: Reflections on Relationship-building between Tangata Whenua and Local Government: Notes from Research and Practice*. International Global Change Institute, University of Waikato, Hamilton and Kokomuka Consultancy Ltd, Opotiki (now KCSM Consultancy Solutions Ltd).
- May, P. J., Ericksen, N. J., Handmer, J. W., Dixon, J. E., Michaels, S., Smith, D. I. and Burby, R. I. 1996. *Environmental management and governance: Intergovernmental approaches to hazards and sustainability*. Routledge. London
- Parliamentary Commissioner for the Environment. 1998. *Kaitiakitanga and Local Government: Tangata Whenua Participation in Environmental Management*. Parliamentary Commissioner for the Environment. Wellington

# Appendix 1: Relevant Sections of the RMA to Māori

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Relevant sections of the Act include s.6, 7, 8, 32, 33, 74, 88.

## **6. Matters of national importance —**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.*
- (f) The protection of historic heritage from inappropriate subdivision, use, and development.*

## **7. Other matters —**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to —*

- (a) Kaitiakitanga:*

## **8. Treaty of Waitangi —**

*In achieving the purpose of the Resource Management Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

## **33. Transfer of powers —**

*(1) A local authority that has functions, powers, or duties under this Act may transfer any one or more of those functions, powers, or duties to another public authority in accordance with this section, except that it may not transfer any of the following:*

- (a) The approval of a policy statement or plan or any changes to a policy statement or plan;*
- (b) The issuing of, or the making of a recommendation on, a requirement for a designation or a heritage order under Part VIII;*
- (c) This power of transfer.*

*(2) For the purposes of this section, “public authority” includes any local authority, iwi authority, Government department, statutory authority, and joint committee set up for the purposes of section 80.*

## **34. Delegation of functions, etc., by local authorities —**

*(1) A local authority may delegate to any committee of the local authority established in accordance with the Local Government Act 1974 any of its functions, powers or duties under this Act.*

*(2) A territorial authority may delegate to any community board established in accordance with the Local Government Act 1974 any of its functions, powers, or duties under this Act in respect of any matter of significance to that community, other than the approval of a plan or any change to a plan.*

*(3) A local authority may delegate to any hearings commissioner or commissioners appointed by the local authority for this purpose, who may or may not be a member of the local authority, any of its functions, powers, or duties under this Act, other than*

*(a) The approval of a policy statement or plan or any change to a policy statement or plan:*

*(b) This power of delegation.*

*(4) A local authority may delegate to any of its officers any of its functions, powers or duties under this Act, other than —*

*(a) The approval of a policy statement or plan or any change to a policy statement or plan:*

*(b) The making of a recommendation on a requirement for a designation or a heritage order under Part VIII:*

*(c) The granting of a resource consent for a non-complying activity in respect of any application which is notified in accordance with section 93:*

*(d) This power of delegation.*

**35. Duty to gather information, monitor, and keep records —**

*(1) Every local authority shall gather such information, and undertake or commission such research, as is necessary to carry out effectively its functions under this Act.*

*(2) Every local authority shall monitor —*

*(a) The state of the whole or any part of the environment of its region or district to the extent that is appropriate to enable the local authority to effectively carry out its functions under this Act; and*

*(b) The suitability and effectiveness of any policy statement or plan for its region or district; and*

*(c) The exercise of any functions, powers, or duties delegated or transferred by it; and*

*(d) The exercise of the resource consents that have effect in its region or district, as the case may be —*

*and take appropriate action (having regard to the methods available to it under this Act) where this is shown to be necessary.*

**74. Matters to be considered by territorial authority —**

*(1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part II, its duty under section 32, and any regulations.*

*(2A) A territorial authority must, when preparing or changing a district plan, take into account any relevant planning document recognised by an iwi authority, and lodged with the authority, to the extent that its content has a bearing on resource management issues of the district.*

**88 (6) (b) Assessment of the Effects in the Environment —**

*(1) Matters that should be included in an assessment of effects on the environment--- Subject to the provisions of any policy statement or plan, an assessment of effects on the environment for the purposes of section 88 (6) (b) should include---*

*(a) A description of the proposal:*

*(b) Where it is likely that an activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity:*

- (c) *Where an application is made for a discharge permit, a demonstration of how the proposed option is the best practicable option:*
- (d) *An assessment of the actual or potential effect on the environment of the proposed activity:*
- (e) *Where the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment which are likely to arise from such use:*
- (f) *Where the activity includes the discharge of any contaminant, a description of--*
  - (i) *The nature of the discharge and the sensitivity of the proposed receiving environment to adverse effects; and*
  - (ii) *Any possible alternative methods of discharge, including discharge into any other receiving environment:*
- (g) *A description of the mitigation measures (safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect:*
- (h) *An identification of those persons interested in or affected by the proposal, the consultation undertaken, and any response to the views of those consulted:*
- (i) *Where the scale or significance of the activity's effect are such that monitoring is required, a description of how, once the proposal is approved, effects will be monitored and by whom.*

**93. Notification of Applications —**

- (1) *Once a consent authority is satisfied that it has received adequate information, it shall ensure that notice of every application for a resource consent made to it in accordance with this Act is —*
- (f) *Served on such local authorities, iwi authorities, and other persons or authorities it considers appropriate;*

**First Schedule, 3. Consultation —**

- (1) *During the preparation of a proposed policy statement or plan, the local authority concerned shall consult —*
- (d) *The tangata whenua of the area who may be so affected, through iwi authorities and tribal runanga.*



## Appendix 2: Brief Summary of PUCM Research Programme

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Planning Under Co-operative Mandates (PUCM) is an ongoing research programme funded primarily from the Public Good Science Fund (PGSF) of the Foundation of Research Science and Technology (FRST). Through it, the PUCM team has been evaluating the quality of environmental planning and governance under the RMA.

The foundation for the PUCM research was laid by a three-nation study involving New Zealand, Australia and the United States (1992-95), which aimed to compare and contrast environmental policies under coercive and co-operative mandates (May, Burby, Ericksen, et al., 1996). Amongst other things, the findings indicated that coercive mandates lead to a relatively quick and uniform uptake of a national or state mandate by local governments, while co-operative mandates lead to relatively slow and uneven uptake across the nation or state. Later, detailed studies of coercive and co-operative state mandates in USA yielded similar conclusions (Burby and May, 2001).

Phase 1 (1995-98) of the PUCM research programme focused on evaluating the quality of policy statements and plans prepared under the *Resource Management Act* 1991 (RMA) and a range of inter- and intra-organisational factors that influenced plan-making and thereby its quality. In other words, the influence of central government activities on council planning and governance was also examined. Multiple methods and multiple means — both qualitative and quantitative — were used in this research, including a nation-wide survey, in-depth case studies of councils and key Government RMA implementation agencies.<sup>10</sup>

The most complete presentation of results from the Phase 1 research is in Ericksen, Berke, Crawford and Dixon (2003). The main findings and recommendations for action are provided in Ericksen, Crawford, Berke and Dixon (2001).

Phase 2 (1998-2002) focused on evaluating the quality of plan implementation through the resource consents process. The aim was to see the extent to which techniques identified in policies and methods in plans were being used in resource consents. That is, whether or not there was a gap between the two, and if so why. This aim was pursued through six district councils chosen from those identified through the national survey in Phase 1 so as to maximise the range of council capacity to plan and plan quality. For technical reasons (getting large enough samples for topics in each council), the focus was on urban amenity, storm water management and Māori interests. Again, multiple methods and means were used in this research. The most complete presentation of findings and recommendations from the Phase 2 research is in Day, Backhurst, and Ericksen, et al. (2003).

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<sup>10</sup> The methods included: a nation-wide survey of notified policies and plans (55) using a peer-reviewed plan coding protocol; questionnaires (62) that elicited factual information from councils about the plan-making process and its support; and semi-structured interviews (119) in each council with lead planners, councillors and consultants. In-depth case studies (4) were conducted in district councils aimed at elaborating on the influences found to be important in the national surveys. As well case studies of key Government RMA implementation agencies — Ministry for the Environment and Department of Conservation — were carried out.

More recently, FRST has funded the PUCM team to carry out evaluative research on environmental outcomes from district plans (Phase 3, 2002-05) and long-term council community planning under the LGA (Phase 4, 2003-2007). The latter will, among other things, draw lessons from research on planning and governance under the RMA and evaluate processes for achieving the community outcomes on which LTCCP will be based. Eventually, methods will be developed for evaluating the quality of plans produced under the LGA and their implementation, along with factors influencing community achievement of their economic, social, cultural and environmental outcomes (Phase 5, 2007-09).

Through Reports to Government, the PUCM team has identified areas in which the performance of planning and governance in central, regional and local agencies could be enhanced (Ericksen, Crawford, Berke and Dixon, 2001; Day, Backhurst, Ericksen et al, 2003).<sup>11</sup> The PUCM Reports to Government may, therefore, have helped shape the LGA response. It is evident that there are many areas of LGA implementation where lessons can be learnt from the RMA research experience to date. These lessons are the focus of this Report.

The methods developed for the several phases of research have been periodically critiqued by over 100 professionals in peer review group workshops around the country.

### **The PUCM Team**

PUCM started in 1995 as a joint programme conducted between The University of Waikato and Massey University, with sub-contracts to the University of North Carolina at Chapel Hill and Planning Consultants Ltd (Auckland). In 2000, Auckland University replaced Massey when one of the co-principal investigators relocated. The list of personnel who have been or are still involved in the PUCM Research Programme can be seen in Table 1 on the next page. The average full-time staff equivalent (FTE) per year has been 3.2.

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<sup>11</sup> The Reports to Government were sent to: relevant Parliamentary select committees; all relevant ministers; chief executive officers and key staff in relevant central government agencies; the mayors, chief executive officers, and lead planning staff of all regional and district councils; and a number of other key stakeholder groups.

## Personnel and organisations involved in the PUCM Research Programme

ORGANISATION	PERSONNEL	PUCM PHASES			
		1	2	3	4
The University of Waikato	<b>Prof. Neil Ericksen</b> (Programme Leader)	x	x	x	x
	<b>Michael Backhurst</b> (PhD & Research Officer)		x	x	
	<b>Maxine Day</b> (PhD Research Officer)*		x	x	
	<b>Sherlie Gaynor</b> (Research Assistant)*	x	x	x	
	<b>Cushla Barfoot</b> (Research Assistant)*		x		
	<b>Matthew Bennett</b> (Research Assistant)*		x		
	<b>Claire Gibson</b> (Resource Officer)	x	x	x	x
	<b>Greg Mason</b> (PhD & Research Officer)			x	
	<b>Nathan Kennedy</b> MPhil & Research Officer			x	
The University of Auckland	<b>Prof. Jenny Dixon</b> (Co-leader) <sup>+</sup> *	x	x		
	<b>Dr Tom Fookes</b> (Snr Researcher) <sup>+</sup>			x	x
Planning Consultants Ltd (Auck.)	<b>Jan Crawford</b> (Project Manager) <sup>+</sup>	x	x	x	x
The University of North Carolina	<b>Dr. Philip Berke</b> (Theory and Method) <sup>+</sup>	x	x	x	x
	<b>Dr. Lucie Laurian</b> (Methods) <sup>+</sup>		x	x	x
Lawrence Cross and Chapman (Planning Consultants)	<b>Sarah Chapman</b> (Consultant/planner) <sup>+</sup>		x	x	x
Kokomuka Consultants (now KCSM Solutions Ltd)	<b>Richard Jefferies &amp; Tricia Warren</b> (Consultants) <sup>+</sup>		x x	x x	x
Lincoln University	<b>Prof. Ali Memon</b> (Senior Researcher) <sup>+</sup>				x
Lincoln	<b>Mrs Nancy Borrie</b> (Research Officer)				x

<sup>+</sup> Subcontracted through University of Waikato, \* Contracts completed

## Appendix 3: Brief Summary of PUCM Phase 2 Results

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The summary of main findings from the Phase 2 research (1998-2002) is taken from the PUCM Second Report to Government entitled: *District Plan Implementation Under the RMA: Confessions of a Resource Consent* (Day, M., Backhurst, M., and Ericksen, et al., 2003).

### *An implementation gap*

The results from the evaluation of six district councils showed a substantial implementation gap. That is, there was a gap between the environmental management techniques advocated in district plans and those being applied in resource consents. It was generally found that the lower the council capacity and plan quality, the greater the implementation gap. For a number of reasons, most plans are more ambitious in their scope and intentions than is realised in practice through techniques used in consents.

In daily practice, consents tended to rely on only a small range of traditional techniques for environmental management. Despite policy efforts in the plans to increase the range of techniques available, implementation was highly dependant on the capacity of the council to apply them. The results suggest that when capacity increases (through such things as staff experience and training) the quality of implementation also increases, especially with regard to 'best practice'. This is found to be particularly true of the policies in plans advocating the ecologically-focussed principles of the RMA.

The implication of these results is that in low to medium capacity councils, where the range of environmental management techniques has not greatly changed since the *Town and Country Planning Act* (1977), movement towards the goal of sustainably managed natural and physical resources is unlikely to be significant. The reliance on traditional measures, which tend to compromise achieving environmental values, can be attributed to a number of interrelated factors including:

- the lack of central government guidance, especially with regard to national policy statements and/or standards;
- poor plan quality, particularly inconsistencies between policies and rules, and vaguely written policies, with little direction shown to implementing staff for how policies can be implemented in practice (i.e., a policy-rule gap);
- lag-time between the adoption of new concepts in policies in the plan and the development of techniques to implement them; and
- limited council capacity to test, modify if necessary, and promote new environmentally robust techniques.

### *Government culpability*

The extent of the implementation gap suggests that without national policy statements for matters of national importance, along with minimum national standards combined with serious and meaningful efforts to improve the capacity of local government, the

anticipated environmental results articulated in district plans are unlikely to be achieved, unless non-plan methods (e.g., education or incentives) have a significant and positive effect on the environmental outcomes (Ericksen et al., 2003). Permitted activities were not studied in Phase 2, and their incremental effects on the environment may have a significantly countervailing effect. It is proposed to study permitted activities in the third phase of the PUCM research programme.

### ***Linking PQ and IQ***

Importantly, the research showed that improving the quality of plans (PQ) was found to improve the quality of their implementation (IQ). Councils with higher quality plans tended to implement their policies more often and with a greater range of environmental management techniques than those councils with poorer quality plans. The results showed that higher plan quality and, more specifically, better internal consistency of plans between policies and rules gave greater guidance to decision-makers in enacting the objectives of the plans, and subsequently better implementation.

### ***Commitment to planning***

Commitment by council staff and politicians to issues in plans was found to have less direct importance in determining implementation quality than the factors of council capacity and plan quality. Indirectly, however, commitment affects implementation through its inextricable link with the direction and allocation of funding and resources, political priorities, and the political understanding of district planning processes.

Commitment may also have been a significant factor in the variable levels of “information quality” found in consents. It appears a substantial number of consents are being granted without clear or detailed information, due in part to pressures for time-compliance as commitment to economic growth — often to obtain more funding through rates to fulfil functions — prevails over environmental protection and enhancement.

Many of these results reinforce and further substantiate the findings and recommendations made in the PUCM Phase 1 report *Resource Management, Plan Quality and Governance: A Report to Government* (Ericksen, et al., 2001).

## Appendix 4: Commitment, Capacity, Enforcement and Plan Quality Variables

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Factor	Variable 1	Sub-variable 1	Sub-variable 2 (by issue or both)
<b>Commitment</b>	Council	Political	a) to plan provisions and b) to enforce consent compliance
		Staff	a) to plan provisions and b) to enforce consent compliance
	Applicant	Applicant only	a) to avoid effects on environment & b) perception of responsibility for protecting environment
		Applicants consultant	a) to avoid effects on environment
<b>Capacity</b>	Council	Staff	a) number of consent processing staff; b) number of consultants employed to process consents; c) staff with degrees; d) number of staff per 100 consents processed
	Applicant	Applicant only	a) experience in applying for consents (number of previous developments); b) yearly income; c) familiarity with provisions in plan; d) understanding of impact of development on environment
		Applicant's consultant	a) profession; b) number of years experience; c) number of consents per year; d) understanding of impact of impact of development on environment; e) familiarity with provisions in plan

# Appendix 5: Hapu/iwi Interview Schedule

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## INTERVIEW SURVEY OF IWI

*We attempt to interview the person representing iwi interests for particular tangata whenua who has the most experience in the resource consent process.*

**Name and position/role of person interviewed:**

**Name of iwi/group:**

**If Tangata Whenua: What is your Rohe?**

**If urban Māori : What is your area of geographic interest in the District (eg specify boundaries)?**

### **A. Role of iwi in resource consent process**

**1. What is your protocol for responding to applications (i.e., delegated authority to act or need to refer to marae committees before submitting response to Council?)**

**2. What are the key/priority resources/features that are of concern to your group in respect of applications for resource consent?**

Resource/Feature	Comment
Waahi tapu	
Water (stream, marine)	
Heritage (archaeological)	
Heritage (site of cultural significance)	
Native vegetation	
Fauna (habitat)	
Kaimoana	
Other	

## **B. Representation of Māori in Council**

### **1. In what way is your Hapu/Iwi represented at the Council?**

- |   |        |
|---|--------|
| 1. Councillors who are Māori                            | YES/NO |
| 2. Standing committee of Māori representatives          | YES/NO |
| 3. Māori working group/advisory groups/subcommittees    | YES/NO |
| 4. Individual Māori representative on working group etc | YES/NO |
| 5. Other  |        |

### **2. Is there between council and your Hapu/Iwi:**

- |  |        |
|--|--------|
| - Protocols/memorandum of understanding/other?                                   | YES/NO |
| - No formal agreement but understanding (by staff of Māori issues and concerns)? | YES/NO |

### **3. Does the Council provide resources to support your representation in activities of Council (eg participation on standing committees)?**

YES/NO

## **C. Capacity to engage in the resource consent process**

### **1. How many people in your Hapu/Iwi deal with resource consent applications?**

### **2. Is anyone employed by your Hapu/Iwi to deal with resource consent applications. If so, how many? What are their qualifications? How are they funded?**

### **3. How many years of experience does the Hapu/Iwi have with the resource consent process? (Either collectively or individual people within the group)**

### **4 How many consents did your Hapu/Iwi deal with in 1999-2000 for the (named) Council?**

### **5. Does the Council provide resources to support participation of your Hapu/Iwi in the resource consent process?**

YES/NO

### **6. Does the Hapu/Iwi charge applicants for time spent considering their applications? If so, what are your rates?**

### **7. Has your Hapu/iwi any financial and/or technical support from central and regional government agencies (e.g. MFE, regional council) to assist your participation in the resource consent process.**

YES/NO



**8. Does your group have a hapu/iwi management plan?** YES/NO

**9. To what extent do you feel the council takes the hapu/iwi management plan into account when processing resource consents?**

Never / Some of the time / Most of the time / Always

**10. To what extent do you feel the applicant takes the hapu/iwi management plan into account when applying for resource consents?**

Never / Some of the time / Most of the time / Always

#### **D. Role of Council in resource consent process**

**1. Does the council have guidelines or other criteria for staff to determine when it is appropriate to inform tangata whenua or other Māori groups of resource consent applications?**

YES/NO/Don't Know

**2. Does the council consult with tangata whenua when deciding to notify?** YES/NO

**3. Does the council consider that it is responsible for ensuring that appropriate tangata whenua are consulted or does council consider that it is strictly the applicant's responsibility to consult?**

Council / Applicant / Both Applicant and Council

**4. What level of understanding of the Treaty of Waitangi does the council consent processing team have?**

High / Somewhat Adequate / Somewhat Inadequate / Low

**5. What level of understanding of Kaitiakitanga does council consent processing team have?**

High / Somewhat Adequate / Somewhat Inadequate / Low

**6. Are resource consent monitoring systems designed with tangata whenua input?** YES/NO

**7. Overall, do you think that the council's efforts in promoting tangata whenua consultation by applicants have been successful?**

Very successful / Somewhat successful / Somewhat unsuccessful / Not Successful

**E. Council commitment to implement the plan**

**1. What is the commitment of the consent processing staff to plan provisions regarding iwi issues?**

Very committed / Somewhat committed / Somewhat uncommitted / Not committed

**2. How much political support is there for the implementation of plan provisions for iwi issues from councillors?**

Strong support / Limited support / Limited opposition / Not committed

**3. In terms of iwi issues, do you think that resource consent conditions address the relevant objectives of the district plan?**

Always / Most of the time / Sometimes / Rarely

**F. Council commitment to enforce the plan**

**1. What is the commitment of councillors to the involvement of iwi in the monitoring of conditions that affect their interests?**

Very committed / Somewhat committed / Somewhat uncommitted / Not committed

**2. What is the commitment of councillors to the involvement of iwi in the enforcement of conditions that affect their interests?**

Very committed / Somewhat committed / Somewhat uncommitted / Not committed

**3. What is the commitment of resource consent compliance monitoring staff to the involvement of iwi in the monitoring of conditions that affect their interests?**

Very committed / Somewhat committed / Somewhat uncommitted / Not committed

**4. What is the commitment of resource consent compliance monitoring staff to the involvement of iwi in the enforcement of conditions that affect their interests?**

Very committed / Somewhat committed / Somewhat uncommitted / Not committed

## G. Role of applicant in the resource consent process

### 1. How are you usually contacted by applicants?

- by phone
- by mail
- meetings on site
- meetings at the council office
- other personal visits
- other

### 2. Usually, how familiar are applicants with the requirements for consultation with tangata whenua?

Very familiar / Somewhat familiar / Somewhat unfamiliar / Very unfamiliar

### 3. How much responsibility do you think applicants have to carry out consultation with tangata whenua about their project?

Fully responsible / Largely responsible / Not very responsible / Not responsible at all

### 4. Does consultation usually lead to changes in the applicant's project?

Never / Some of the time / Most of the time / Always

*If answer isn't "never": Would you say it leads to (select one or more)*

Changes in project design / Changes in conditions / Others changes / Don't Know

### 5. Do applicants take account of your hapu/iwi management plan? (*ask only if they have a plan, see first section*)

YES/NO

### 6. Do you think that applicants usually meet all the requirements of the resource consent (*in respect of iwi-related conditions*)?

Always / Most of them / Sometime / Rarely

## H. Evaluation of the resource consent process

### 1. Overall, how satisfied are you with the way the council staff address the issues raised in your submissions in their reports on resource consent applications?

Very satisfied / Somewhat satisfied / Somewhat dissatisfied / Very dissatisfied / Don't know

*If the answer to the above is "partly satisfied or dissatisfied", why?*

### 2. Overall, how satisfied are you with the way the council addresses the issues raised in your submissions through the conditions imposed on resource consent applications?

Very satisfied / Somewhat satisfied / Somewhat dissatisfied / Very dissatisfied / Don't Know

*If the answer to the above is "partly satisfied or dissatisfied", why?*

**3. Overall, how satisfied are you with the way the Council's plan addresses iwi interests?**

Very satisfied / Somewhat satisfied / Somewhat dissatisfied / Very dissatisfied / Don't Know

*If the answer to the above is "partly satisfied or dissatisfied", why?*

**4. Does Council meet your expectations in dealing with applications for resource consents that affect iwi interests?**

Very satisfied / Somewhat satisfied / Somewhat dissatisfied / Very dissatisfied / Don't Know

**5. Do applicants meet your expectations for consultation on applications that affect iwi interests?**

Always / Most of the time / Sometimes / Rarely

**6. In general, are you able to meet the expectations of council in responding to applications for resource consent?**

Always / Most of the time / Sometimes / Rarely

**7. In general, are you able to meet the expectations of applicants in responding to applications for resource consent?**

Always / Most of the time / Sometimes / Rarely



**. I . G . C . I .**

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