



Section 32 report: resource management with tangata whenua

Quality for Life



greater WELLINGTON REGIONAL COUNCIL | Environment





Section 32 Report

Resource management with tangata whenua

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1. Introduction

This report presents the Section 32 evaluation in accordance with the Resource Management Act 1991, “Consideration of alternatives benefits and costs” for the proposed Regional Policy Statement on the topic of resource management with tangata whenua. Section 32 states:

32 *Consideration of alternatives, benefits, and costs*

(1) In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by—

.....

(c) the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or

(3) An evaluation must examine—

(a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and

(b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

....

(4) For the purposes of [[the examinations referred to in subsections (3) and (3A)]], an evaluation must take into account—

(a) the benefits and costs of policies, rules, or other methods; and

(b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.

(5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.

(6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.

1.1 Structure of this report

Section 2 of this report outlines the issues identified and the process of identification.

Section 3 outlines the appropriateness of each objective in accordance with the purpose of the Act.

Section 4 then evaluates the most appropriate policy and method options to achieve each objective. When evaluating the policy and method options, the range of options available is outlined first, and then each option is evaluated. There are four types of options discussed in each instance. These are:

(a) Regulatory direction to district and/or regional plans

This is where a regional policy directs matters that must be provided for within district and/or regional plans. The method sets out when the provisions are to be included.

(b) Regulatory direction as to matters to be given particular regard in resource management decision making

This is where a regional policy sets out specific matters that are to be given “particular regard” when making resource management decisions. The method sets out when these matters are to be considered. This may include resource consent decisions, decisions on notices of requirements or when making decisions about reviewing, varying, replacing or otherwise changing district and/or regional plans.

(c) Non-regulatory options

This is where a regional policy and a method specifies non-regulatory programmes or action that will be put in place. The non regulatory methods include:

- provision of information or guidance
- integrating management
- identification or investigation
- providing support.

(d) Doing nothing

This is where no intervention, either regulatory or non-regulatory will occur.

Determining the most appropriate policies and methods is based on an assessment of the *effectiveness* and *efficiency* of the policy and method options, and the risks of acting or not acting when there is uncertain or insufficient information.

Effectiveness is a measure of how much influence a resource management intervention has or how successful it is in addressing the issues, in terms of achieving the desired environmental outcome. Effectiveness is a cumulative value, derived from the range of types and scope of influences or impacts of an intervention, towards achieving intended results and environmental outcomes. The effectiveness of an option is not able to be assessed as an absolute value. Rather, options are appraised as to whether they exhibit the qualities which contribute to ‘effectiveness’ and to what degree, and a determination is made as to the cumulative effect of the pertinent attributes in terms of high, medium or low ‘effectiveness’.

When evaluating the *efficiency* of the policy and method options both the benefits (social, economic and environmental) and costs (social, economic and environmental) are outlined. Each option is then deemed to be either efficient or inefficient. The following diagram outlines how this assessment is undertaken.

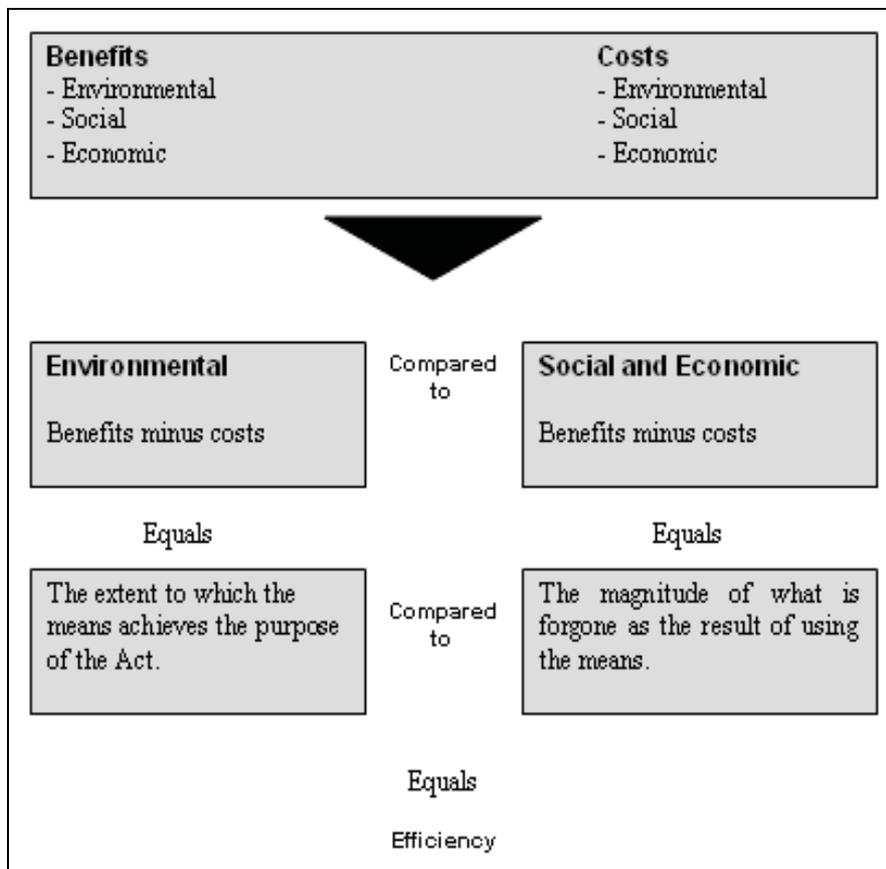


Figure 1: Deriving efficiency from benefits and costs

The evaluation of ‘efficiency’ will result in either a positive or negative result in terms of efficiency. Alternatively, if efficiency is expressed as a cost/benefit ratio, it will be either greater than or less than 1. In the event the ratio is considered to be less than 1, the option can be considered efficient, in that the sum of the benefits outweigh the sum of the costs. In the event the ratio is deemed to be greater than 1, the option can be considered to be inefficient, in that the sum of the costs outweigh the sum of the benefits. It is important to

note that in this evaluation of 'efficiency', absolute values for each of the variables considered pertinent (i.e. identified as either a cost or a benefit within the evaluation of the options) are not available. Rather, the analysis has endeavoured to present an accurate appraisal of the relative costs and benefits between the options, in order to determine which are efficient and which are not. A simple yes or no is used to differentiate the options as efficient or inefficient.

2. Issues

2.1 Issues identification with iwi authorities in the region

In accordance with section 62(1)(a) and (b) of the Resource Management Act 1991, regional policy statements must state:

- The significant resource management issues for the region; and
- The resource management issues of significance to:
 - iwi authorities in the region; and
 - the board of a foreshore and seabed reserve, to the extent that those issues relate to that reserve.

There are currently no foreshore and seabed reserves boards in the Wellington region.

2.1.1 Tangata whenua and iwi authorities in the Wellington region

There are five recognised tangata whenua tribal groups in the Wellington region. They are Ngati Raukawa, Ngati Toa, Rangitane, Ngati Kahungunu, and Taranaki Whanui, which includes Te Ati Awa, Taranaki, Ngati Tama and Ngati Ruanui.

These tribes are represented by the following seven iwi authorities who are represented on an inter-iwi representative group called 'Ara Tahi' who meet regularly with Greater Wellington to discuss council business.

2.2 Process for identification of issues

As part of the review the Regional Policy Statement for the Wellington region 2005, the issues were evaluated then reviewed using:

- Te Runanga o Raukawa Inc:
- Te Runanga o Atiawa ki Whakarongotai Inc
- Te Runanga o Toa Rangatira Inc
- Wellington Tenths Trust
- Te Runanganui o Taranaki Whanui ki te Upoko o te Ika a Maui
- Kahungunu ki Wairarapa
- Rangitane o Wairarapa Inc
- Measuring up: State of the environment report for the Wellington region (2005) and the Iwi Environmental Management Systems Background Report, (2005)
- A workshop with Ara Tahi to discuss the findings from Measuring up (2005)

- A workshop with Ara Tahi to discuss the draft regionally significant resource management staff had determined for freshwater, the coastal environment, air, soils and minerals, indigenous biodiversity, landscape, historic heritage, natural hazards, energy, infrastructure and waste and regional form design and function. This included discussion around additional issues in iwi management plans or previously communicated to Greater Wellington.
- Our region – their future: A discussion document on the review of the Regional Policy Statement for the Wellington Region (2006)
- Two reports prepared to record feedback from interviews with representatives from each iwi authority about the resource management issues of significance to them. The reports are:
 - Resource Management Issues of Significance to Iwi Authorities in the Wellington Region (2007); and
 - Resource Management Issues of Significance to Iwi Authorities in the Wellington Region – further background work (2008).
- A workshop with Ara Tahi to discuss feedback in response to Our region – their future (2006) and to confirm the issues of significance to iwi authorities in the region for inclusion in the Regional Policy Statement; and
- Criteria to ensure the issues are regionally significant, are ‘resource management’ matters and appropriate for inclusion in the Regional Policy Statement (see Appendix 1 for a copy of the criteria).

2.3 Resource management issues of significance to iwi authorities in the Wellington region

In workshops Ara Tahi confirmed that the draft regionally significant resource management staff had determined for freshwater, the coastal environment, air, soils and minerals, indigenous biodiversity, landscape, historic heritage, natural hazards, energy, infrastructure and waste and regional form design and function – are also significant for the region’s iwi authorities.

Four additional issues were identified, and confirmed as additional resource management issues of significance to the Wellington region’s iwi authorities. These are:

1. Lack of involvement in resource management decision-making
 - Lack of tangata whenua involvement in resource management decision-making.
2. Loss of mauri
 - Loss of mauri, in particular in relation to fresh and coastal waters.

3. Quality, quantity and access to mahinga kai and natural resources used for customary purposes

Continuing loss of quality, quantity, and access to mahinga kai and natural resources used for customary purposes.

4. Degradation and destruction of spiritual and cultural historic heritage values

Degradation and destruction of places, sites and areas with spiritual, cultural or historic heritage value to tangata whenua.

Note: To better reflect the content of these issues and the means of addressing them in the proposed Regional Policy Statement, the additional resource management issues of significance to iwi authorities and the objectives, policies and methods, are entitled 'Resource management with tangata whenua'. The chapter in the 1995 Regional Policy Statement was 'The iwi environmental management system'.

3. Extent to which the objectives are the most appropriate way to achieve the purpose of the Act

The proposed resource management with tangata whenua objectives are:

Objective 22: The region's iwi authorities and local authorities work together under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future.

Objective 23: The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.

Objective 24: The concept of kaitiakitanga is integrated into the sustainable management of the region's natural and physical resources.

Objective 25: Mauri is sustained, particularly in relation to coastal and fresh waters.

Objective 26: Mahinga kai and natural resources used for customary purposes are maintained and enhanced, and these resources are healthy and accessible to tangata whenua.

Objective 27: Adverse effects on the cultural relationship of Maori with their ancestral lands, water, sites, wahi tapu and other taonga are avoided.

To follow is an outline of the extent to which each of the resource management with tangata whenua objectives are the most appropriate to achieve the purpose of the Resource Management Act.

3.1 Objective 22

Objective 22: The region's iwi authorities and local authorities work together under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future.

- Objective 22 addresses a key aspect of Issue 1, by seeking that the region's iwi authorities and local authorities work together, under Treaty partnership principles, for the sustainable management of the region's environment, for the benefit of all the community.
- Measuring up (2005) reported on progress towards the objectives in the Regional Policy Statement for the Wellington region (1995). There were four objectives in 'The iwi environmental management systems' chapter. The objectives sought a mutually satisfactory relationship between Wellington Regional Council and the iwi of the region (objective 1), that the principles of the Treaty of Waitangi be taken into account in resource management (objective 2), that there would be increased opportunities for tangata whenua to exercise kaitiakitanga (objective 3), and increased opportunities for the cultural aspirations and tikanga of tangata whenua

with regard to natural and physical resources to be met (objective 4). Measuring up 2005) and the background report on 'The iwi management system' reported that iwi and Greater Wellington were positive about their relationship and both parties felt it had matured over the ten years. However, iwi authorities noted that the relationship was not a 'true' partnership and in that regard there was room for improvement,

For further information on Measuring up (2005) see: <http://www.gw.govt.nz/section1768.cfm>

And, on the iwi environmental management systems see: <http://www.gw.govt.nz/story13090.cfm>

- Objective 22 builds on the existing objective 1, which sought a mutually satisfactory relationship, by outlining the need to work together under Treaty partner principles, for the benefits of all the community. The objective has also been broadened so that the Regional Policy Statement clarifies that this relationship should exist with all local authorities in the region.
- Our region – their future (2006) was a discussion document on the review of the Regional Policy Statement for the Wellington Region 1995. Feedback was sought on the issues that needed to be addressed by the next regional policy statement. There was little feedback from the general community about Greater Wellington, or other local authorities, working together with tangata whenua
For further information on Our region – their future (2006) see: <http://www.gw.govt.nz/section2101.cfm>
And, a summary of feedback in response see: http://www.gw.govt.nz/story_images/5010_RPSNewsletterNo_s10086.pdf
- The report Resource Management Issues of Significance to Iwi Authorities in the Wellington Region (2007) on the issue of working together identified that all iwi authorities wished:
 - to have a more active role in resource management decision-making, early in the process, on matters of interest - and not be simply consulted.
 - That the Regional Policy Statement include policies and mechanisms to ensure iwi involvement in decision-making.

Another significant issue raised by all iwi authorities was on-going resourcing to enable iwi to build capacity and participate in decision making. This issue was acknowledged; however, it was recognised that the Regional Policy Statement was not the appropriate mechanism to deal with financial or other resourcing issues. It was, nevertheless, an important consideration in the selection of objectives, policies and methods.

- The report Resource Management Issues of Significance to Iwi Authorities in the Wellington Region – further background work (2008) was prepared to ascertain whether the four issues outlined in section 2.3 above, applied to all local authorities in the Wellington region. This was particularly important for issue 1 and objectives 22, 23 and 24 as these

objectives continue to build on the existing objectives in the operative Regional Policy Statement, however, they will apply to all local authorities in the region (rather than just Greater Wellington). The report confirmed that the issue of ‘lack of involvement in resource management decision making’ was definitely an issue for all local authorities. Iwi authorities outlined that there was currently considerable variation in the nature and extent of local authority engagement. In addition, where formal mechanisms provided for iwi input, it was not always effective, meaningful or in accordance with Treaty principles.

Objective 22 responds to the concerns identified in the two reports on ‘Resource Management Issues of Significance to Iwi Authorities in the Wellington Region’ by revising the existing objective and its focus on a mutually satisfactory relationship between Greater Wellington and the region’s iwi authorities to all local authorities and iwi authorities “working together under Treaty partner principles.”

- Objective 22 meets Part II of the Act by seeking that sustainable management of the region’s environment (for the benefit of all the community) involves both the region’s iwi authorities and local authorities working together, under Treaty partnership principles.
- Particular principles (within Part II of the Resource Management Act) of relevance include:

6(e) – the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

6(g) – the protection of recognised customary activities

7(a) – kaitiakitanga

8 - Treaty of Waitangi

- Relevant sub sections to Section 30 “Function of regional councils” for Objective 22 include:

30(1)(a) – the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region

30(1)(b) – the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance.

- The following policies of the New Zealand Coastal Policy Statement 1994 are relevant to Objective 22:

Policy 4.2.1 - All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area shall recognise and facilitate the special relationship between the Crown

and the tangata whenua as established by the Treaty of Waitangi (Te Tiriti o Waitangi).

Policy 4.2.2 - All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area should follow these general guidelines:

- (i) take into account the principles of the Treaty of Waitangi;*
- (ii) make provision for consultation with tangata whenua which is early, meaningful and on-going, and which is as far as practicable in accordance with tikanga Maori;*
- (iii) have regard to any relevant planning document recognised by the appropriate iwi authority;*
- (iv) where appropriate, involve iwi authorities and tangata whenua in the preparation of plans and policy statements, in recognition of the relationship of Maori and their culture and traditions with their ancestral lands; and*
- (v) where practicable, and with the consent of the tangata whenua, incorporate in policy statements and plans and in the consideration of applications for resource consents, Maori customary knowledge about the coastal environment, in accordance with tikanga Maori.*

On the basis of the above, objective 22 is the most appropriate to achieve the purpose of the Resource Management Act.

3.2 Objective 23

Objective 23: The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.

- Measuring up (2005) reported on progress towards the objectives in the Regional Policy Statement for the Wellington Region (1995). There were four objectives in ‘The iwi environmental management systems’ chapter. The objectives sought a mutually satisfactory relationship between Wellington Regional Council and the iwi of the region (objective 1), that the principles of the Treaty of Waitangi be taken into account in resource management (objective 2), that there would be increased opportunities for tangata whenua to exercise kaitiakitanga (objective 3), and increased opportunities for the cultural aspirations and tikanga of tangata whenua with regard to natural and physical resources to be met (objective 4). Measuring up and the background report on ‘The iwi management system reported that Greater Wellington was not taking the principles of the Treaty into account in a systematic way in resource management decision-making. Concern was expressed that many staff at Greater Wellington did not understand the principles or were not translating them into their work. Education and awareness was identified as an obstacle to progress. For further information on Measuring up (2005) see: <http://www.gw.govt.nz/section1768.cfm> And, on the iwi environmental management systems see: <http://www.gw.govt.nz/story13090.cfm>

Objective 23 responds to the concerns identified by seeking that the Treaty of Waitangi be taken into account in a ‘systematic way’.

- Our region – their future (2006) is a discussion document on the review of the Regional Policy Statement for the Wellington region, 1995. Feedback was sought on the issues that needed to be addressed by the next regional policy statement. There was little feedback from the general community about the principles of the Treaty of Waitangi.
For further information on Our region – their future (2006) see: <http://www.gw.govt.nz/section2101.cfm>
And, a summary of feedback in response see: http://www.gw.govt.nz/story_images/5010_RPSNewsletterNo_s10086.pdf
- The report Resource Management Issues of Significance to Iwi Authorities in the Wellington region (2007) identified that iwi authorities wished for the management of use, development and protection of natural and physical resources to be done in a way that gives effect to the Treaty of Waitangi.
- The report Resource Management Issues of Significance to Iwi Authorities in the Wellington Region – further background work (2008) was prepared to ascertain whether the four issues outlined in section 2.3 above, applied to all local authorities in the Wellington region. This was particularly important for issue 1 and objectives 22, 23 and 24 as these objectives continue to build on the existing objectives in the operative Regional Policy Statement, however now apply to all local authorities in the region (as opposed to just Greater Wellington). The report confirmed that the issue of ‘lack of involvement in resource management decision making’ was definitely an issue for all local authorities. Iwi authorities outlined that there was currently considerable variation in the nature and extent of council engagement. In addition, where formal mechanisms provided for iwi input, it was not always effective, meaningful or in accordance with Treaty principles.

Objective 23 responds to the concerns identified in the two reports on Resource Management Issues of Significance to Iwi Authorities in the Wellington Region by revising the existing objective and emphasising the need to consider the Treaty of Waitangi principles in a systematic way.

- Objective 23 meets Part II of the Act by seeking that the principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.
- Particular principles within Part II of the Resource Management Act of relevance include:

6(e) – the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

6(g) – the protection of recognised customary activities

7(a) – *kaitiakitanga*

8 - *Treaty of Waitangi*

- Relevant sub sections to Section 30 “Function of regional councils” for Objective 23 include:

30(1)(a) – the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region

30(1)(b) – the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance.

- The following policies of the New Zealand Coastal Policy Statement 1994 are relevant to Objective 23:

Policy 4.2.1 - All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area shall recognise and facilitate the special relationship between the Crown and the tangata whenua as established by the Treaty of Waitangi (Te Tiriti o Waitangi).

Policy 4.2.2 - All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area should follow these general guidelines:

- (i) take into account the principles of the Treaty of Waitangi;*
- (ii) make provision for consultation with tangata whenua which is early, meaningful and on-going, and which is as far as practicable in accordance with tikanga Maori;*
- (iii) have regard to any relevant planning document recognised by the appropriate iwi authority;*
- (iv) where appropriate, involve iwi authorities and tangata whenua in the preparation of plans and policy statements, in recognition of the relationship of Maori and their culture and traditions with their ancestral lands; and*
- (v) where practicable, and with the consent of the tangata whenua, incorporate in policy statements and plans and in the consideration of applications for resource consents, Maori customary knowledge about the coastal environment, in accordance with tikanga Maori.*

On the basis of the above, objective 23 is the most appropriate to achieve the purpose of the Resource Management Act.

3.3 Objective 24

Objective 24: The concept of kaitiakitanga is integrated into the sustainable management of the region’s natural and physical resources.

- Measuring up (2005) reported on progress towards the objectives in the Regional Policy Statement for the Wellington Region (1995). There were four objectives in ‘The iwi environmental management systems’ chapter. The objectives sought a mutually satisfactory relationship between Wellington Regional Council and the iwi of the region (Objective 1), that the principles of the Treaty of Waitangi be taken into account in resource management (Objective 2), that there would be increased opportunities for tangata whenua to exercise kaitiakitanga (objective 3), and increased opportunities for the cultural aspirations and tikanga of tangata whenua with regard to natural and physical resources to be met (objective 4). Measuring up (2005) and the background report on ‘The iwi management system’ reported on strong criticism by all iwi authorities about the existing objective 3 on kaitiakitanga. As written, iwi authorities were concerned that the objective implied that Greater Wellington believed it has the power to ‘allow’ iwi to exercise kaitiakitanga. Iwi authorities noted that kaitiakitanga is a process that occurs regardless of whether Greater Wellington provided opportunities for it or not. Tangata whenua are the only group able to exercise kaitiakitanga because they are the guardians of tikanga.

For further information on Measuring up (2005) see: <http://www.gw.govt.nz/section1768.cfm>

And, on the iwi environmental management systems see: <http://www.gw.govt.nz/story13090.cfm>

The existing objective 3 has been revised within Objective 24, so that it now seeks that the concept of kaitiakitanga be integrated into the sustainable management of the Wellington region’s natural and physical resources.

- Our region – their future (2006), was a discussion document on the review of the Regional Policy Statement for the Wellington region 1995. Feedback was sought on the issues that needed to be addressed by the next regional policy statement. There was little feedback from the general community about the concept of kaikiatikanaga.

For further information on Our region – their future (2006) see: <http://www.gw.govt.nz/section2101.cfm>

And, a summary of feedback in response see: http://www.gw.govt.nz/story_images/5010_RPSNewsletterNo_s10086.pdf

- The report Resource Management Issues of Significance to Iwi Authorities in the Wellington Region (2007) identified that that the regional policy statement should recognise iwi authorities as kaitiaki.
- The report Resource Management Issues of Significance to Iwi Authorities in the Wellington Region – further background work (2008) was prepared to ascertain whether the four issues outlined in section 2.3 above, applied to all local authorities in the Wellington region. This was particularly important for issue 1 and objectives 22, 23 and 24 as these objectives continue to build on the existing objectives in the operative Regional Policy Statement, however, it will apply to all local authorities in the region (rather than just Greater Wellington). The report confirmed that the

issue of a ‘lack of involvement in resource management decision making’ was definitely an issue for all local authorities. Iwi authorities outlined that there was currently considerable variation in the nature and extent of council engagement. In addition, where formal mechanisms provided for iwi input, it was not always effective or meaningful and there was a lack of recognition of iwi as kaitiaki.

- Objective 24 meets Part II of the Act by seeking that the concept of kaitiakitanga be integrated into the sustainable management of the Wellington region’s natural and physical resources.
- Particular principles within Part II of the Resource Management Act of relevance include:

6(e) – the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

6(g) – the protection of recognised customary activities

7(a) – kaitiakitanga

8 - Treaty of Waitangi

- Relevant sub sections to Section 30 “Function of regional councils” for Objective 23 include:

30(1)(a) – the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region

30(1)(b) – the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance.

- The following policies of the New Zealand Coastal Policy Statement 1994 are relevant to Objective 24:

Policy 4.2.1 - All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area shall recognise and facilitate the special relationship between the Crown and the tangata whenua as established by the Treaty of Waitangi (Te Tiriti o Waitangi).

Policy 4.2.2 - All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area should follow these general guidelines:

- take into account the principles of the Treaty of Waitangi;*
- make provision for consultation with tangata whenua which is early, meaningful and on-going, and which is as far as practicable in accordance with tikanga Maori;*
- have regard to any relevant planning document recognised by the appropriate iwi authority;*

- (iv) *where appropriate, involve iwi authorities and tangata whenua in the preparation of plans and policy statements, in recognition of the relationship of Maori and their culture and traditions with their ancestral lands; and*
- (v) *where practicable, and with the consent of the tangata whenua, incorporate in policy statements and plans and in the consideration of applications for resource consents, Maori customary knowledge about the coastal environment, in accordance with tikanga Maori.*

On the basis of the above, objective 24 is the most appropriate to achieve the purpose of the Resource Management Act.

3.4 Objective 25

Objective 25: Mauri is sustained, particularly in relation to coastal and fresh waters.

- Objective 25 addresses a significant aspect of Issue 2, by seeking that mauri is sustained, particularly in relation to coastal and freshwater.
- Measuring up (2005) reported on progress towards the objectives in the Regional Policy Statement for the Wellington Region (1995). There were four objectives in the chapter ‘The iwi environmental management systems’. The objectives sought a mutually satisfactory relationship between Wellington Regional Council and the iwi of the region (objective 1), that the principles of the Treaty of Waitangi be taken into account in resource management (objective 2), that there would be increased opportunities for tangata whenua to exercise kaitiakitanga (objective 3), and increased opportunities for the cultural aspirations and tikanga of tangata whenua with regard to natural and physical resources to be met (objective 4). As there were no existing objectives in the 1995 Regional Policy Statement in ‘The iwi environmental management systems’ chapter or other chapters directly about sustaining mauri, no analysis was undertaken as to the current state of mauri. Measuring up (2005) does, however, report on the state of a full range of natural and physical resources which directly impact on mauri.
For further information on Measuring up (2005) see: <http://www.gw.govt.nz/section1768.cfm>
- Our region – their future (2006) is a discussion document on the review of the Regional Policy Statement for the Wellington Region (1995). Feedback was sought on the issues that needed to be addressed by the next regional policy statement. As the issue of sustaining mauri was not identified as an issue with objectives, policies and methods in the existing Regional Policy Statement, questions were not raised in this document about how it should be addressed or recognised.
For further information on Our region – their future (2006) see: <http://www.gw.govt.nz/section2101.cfm>
And, a summary of feedback in response see: http://www.gw.govt.nz/story_images/5010_RPSNewsletterNo_s10086.pdf

- The report ‘Resource Management Issues of Significance to Iwi Authorities in the Wellington Region (2007) outlined an agreement by all the region’s iwi authorities that sustaining mauri was a significant issue that should be reflected in objectives, policies and methods in the next regional policy statement. All iwi also attributed high significance to issues affecting freshwater and the coastal environment and the mauri of all natural and physical resources was important.
- The report ‘Resource Management Issues of Significance to Iwi Authorities in the Wellington Region – further background work, 2008’ was prepared to ascertain whether the four issues outlined in section 2.3 above applied to all local authorities in the Wellington region. Iwi authorities stated that the protection of mauri was the responsibility of all local authorities. They stated that local authority policies and resource management decision making have ‘huge’ impacts on mauri – but that the protection of mauri is overlooked.

Objective 25 responds to the concerns identified in the two reports on Resource Management Issues of Significance to Iwi Authorities in the Wellington Region by seeking that mauri be sustained, particularly in relation to coastal and fresh waters.

- Particular principles within Part II of the Resource Management Act of relevance include:

6(e) – the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

6(g) – the protection of recognised customary activities

7(a) – kaitiakitanga

8 - Treaty of Waitangi

- Relevant sub sections to Section 30 “Function of regional councils” for Objective 23 include:

30(1)(a) – the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region

30(1)(b) – the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance.

- The following policies of the New Zealand Coastal Policy Statement 1994 are relevant to Objective 25:

Policy 2.1.1 - Provision should be made for the identification of the characteristics of the coastal environment of special value to the tangata whenua in accordance with tikanga Maori. This includes the

right of the tangata whenua to choose not to identify all or any of them.

Policy 2.1.2 - Protection of the characteristics of the coastal environment of special value to the tangata whenua should be carried out in accordance with tikanga Maori. Provision should be made to determine, in accordance with tikanga Maori, the means whereby the characteristics are to be protected.

Policy 2.1.3 - Where characteristics have been identified as being of special value to tangata whenua, the local authority should consider:

(a) The transfer of its functions, powers and duties to iwi authorities in relation to the management of those characteristics of the coastal environment in terms of Section 33 of the Resource Management Act 1991; and/or

(b) The delegation of its functions, powers and duties to a committee of the local authority representing and comprising representatives of the relevant tangata whenua, in relation to the management of those characteristics of the coastal environment in terms of Section 34 of the Resource Management Act 1991.

Policy 5.1.1 - Rules should be made as soon as possible with the object of enhancing water quality in the coastal environment (including aquifers) where that is desirable to assist in achieving the purpose of the Act, and in particular where:

(a) there is a high public interest in, or use of the water;

(b) there is a particular tangata whenua interest in the water;

(c) there is a particular value to be maintained or enhanced; or

(d) there is a direct discharge containing human sewage.

Policy 5.1.2 - Those rules should provide that a discharge of human sewage direct into water, without passing through land, may occur only where:

(a) it better meets the purpose of the Act than disposal onto land;

(b) there has been consultation with the tangata whenua in accordance with tikanga Maori and due weight has been given to Sections 6, 7 and 8 of the Act; and

(c) there has been consultation with the community generally.

On the basis of the above, objective 25 is the most appropriate to achieve the purpose of the Resource Management Act.

3.5 Objective 26

Objective 26: Mahinga kai and natural resources used for customary purposes, are maintained and enhanced, and these resources are healthy and accessible to tangata whenua

- Measuring up (2005) reported on progress towards the objectives in the Regional Policy Statement for the Wellington Region (1995). There were four objectives in the chapter ‘The iwi environmental management systems’. The objectives sought a mutually satisfactory relationship between Wellington Regional Council and the iwi of the region (Objective 1), that the principles of the Treaty of Waitangi be taken into account in resource management (Objective 2), that there would be increased opportunities for tangata whenua to exercise kaitiakitanga (objective 3), and increased opportunities for the cultural aspirations and tikanga of tangata whenua with regard to natural and physical resources to be met (objective 4). As there were no existing objectives in the 1995 Regional Policy Statement directly about maintaining and enhancing mahinga kai and natural resources used for customary purposes no analysis was undertaken as to the current state. Measuring up (2005) does however report on the state of a full range of natural and physical resources which will directly impact on mahinga kai and natural resources used for customary purposes.

For further information on Measuring up (2005) see:
<http://www.gw.govt.nz/section1768.cfm>

- Our region – their future (2006) is a discussion document on the review of the Regional Policy Statement for the Wellington region. Feedback was sought on the issues that needed to be addressed by the next regional policy statement. As the issue of maintaining and enhancing mahinga kai and natural resources used for customary purposes was not identified as an issue with objectives, policies or methods in the existing Regional Policy Statement, questions were not raised in this document about how it should be addressed.

For further information on Our region – their future (2006) see:
<http://www.gw.govt.nz/section2101.cfm>

And, a summary of feedback in response see:

http://www.gw.govt.nz/story_images/5010_RPSNewsletterNo_s10086.pdf

- The report Resource Management Issues of Significance to Iwi Authorities in the Wellington Region (2007) identified a gap in the current regional policy statement with regard to the issue of maintaining and enhancing mahinga kai and natural resources used for customary purposes.
- The report Resource Management Issues of Significance to Iwi Authorities in the Wellington Region – further background work (2008) was prepared to ascertain whether the four issues outlined in section 2.3 above applied to all local authorities in the Wellington region. Iwi authorities outlined that continued loss of quality, quantity and access to mahinga kai and natural resources used for customary purposes was highly relevant to all local authorities. Iwi authorities believe that all councils have an important role in looking after mahinga kai and natural resources used for cultural purposes, but that a number of councils are not aware of the importance.

Objective 26 responds to the concerns identified in the two reports on Resource Management Issues of Significance to Iwi Authorities in the Wellington Region, by seeking that and mahinga kai and natural resources

used for customary purposes be maintained and enhanced and these resources be healthy and accessible to tangata whenua.

- Objective 26 meets Part II of the Act by seeking to protect mahinga kai and natural resource used for customary purposes that are important in order for tangata whenua to provide for their social, economic and cultural wellbeing, health and safety.
- Particular principles within Part II of the Resource Management Act of relevance include:

6(e) – the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

6(g) – the protection of recognised customary activities

7(a) – kaitiakitanga

8 - Treaty of Waitangi

- Relevant sub sections to Section 30 “Function of regional councils” for Objective 23 include:

30(1)(a) – the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region

30(1)(b) – the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance.

- The following policies of the New Zealand Coastal Policy Statement 1994 are relevant to Objective 26:

Policy 2.1.1 - Provision should be made for the identification of the characteristics of the coastal environment of special value to the tangata whenua in accordance with tikanga Maori. This includes the right of the tangata whenua to choose not to identify all or any of them.

Policy 2.1.2 - Protection of the characteristics of the coastal environment of special value to the tangata whenua should be carried out in accordance with tikanga Maori. Provision should be made to determine, in accordance with tikanga Maori, the means whereby the characteristics are to be protected.

Policy 2.1.3 - Where characteristics have been identified as being of special value to tangata whenua, the local authority should consider:

(a) The transfer of its functions, powers and duties to iwi authorities in relation to the management of those characteristics of the coastal environment in terms of Section 33 of the Resource Management Act 1991; and/or

(b) The delegation of its functions, powers and duties to a committee of the local authority representing and comprising representatives of the relevant tangata whenua, in relation to the management of those characteristics of the coastal environment in terms of Section 34 of the Resource Management Act 1991.

Policy 3.1.2 - Policy statements and plans should identify (in the coastal environment) those scenic, recreational and historic areas, areas of spiritual or cultural significance, and those scientific and landscape features, which are important to the region or district and which should therefore be given special protection; and that policy statements and plans should give them appropriate protection

Policy 3.2.8 - Provision should be made for the protection of the habitats (in the coastal marine area) of species which are important for commercial, recreational, traditional or cultural purposes

Policy 3.5.4 - Policy statements and plans should as far as practicable identify the access which Maori people have to sites of cultural value to them, according to tikanga Maori.

Policy 4.2.1 - All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area shall recognise and facilitate the special relationship between the Crown and the tangata whenua as established by the Treaty of Waitangi (Te Tiriti o Waitangi).

Policy 4.2.2 - All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area should follow these general guidelines:

- (a) take into account the principles of the Treaty of Waitangi;*
- (b) make provision for consultation with tangata whenua which is early, meaningful and on-going, and which is as far as practicable in accordance with tikanga Maori;*
- (c) have regard to any relevant planning document recognised by the appropriate iwi authority;*
- (d) where appropriate, involve iwi authorities and tangata whenua in the preparation of plans and policy statements, in recognition of the relationship of Maori and their culture and traditions with their ancestral lands; and*
- (e) where practicable, and with the consent of the tangata whenua, incorporate in policy statements and plans and in the consideration of applications for resource consents, Maori customary knowledge about the coastal environment, in accordance with tikanga Maori.*

Policy 5.1.1 - Rules should be made as soon as possible with the object of enhancing water quality in the coastal environment (including aquifers) where that is desirable to assist in achieving the purpose of the Act, and in particular where:

- (a) there is a high public interest in, or use of the water;*
- (b) there is a particular tangata whenua interest in the water;*
- (c) there is a particular value to be maintained or enhanced; or*

(d) there is a direct discharge containing human sewage.

On the basis of the above, objective 26 is the most appropriate to achieve the purpose of the Resource Management Act.

3.6 Objective 27

Adverse effects on the cultural relationship of Maori with their ancestral lands, water, sites, wahi tapu and other taonga are avoided.

Objective 27 is the most appropriate way to achieve the purpose of the Resource Management Act for the following reasons:

- Measuring up (2005), the state of the environment report for the Wellington region, reported on progress towards the objectives in the Regional Policy Statement for the Wellington region (1995). There were four objectives in the chapter ‘The iwi environmental management systems’. The objectives sought a mutually satisfactory relationship between Wellington Regional Council and the iwi of the region (Objective 1), that the principles of the Treaty of Waitangi be taken into account in resource management (Objective 2), that there would be increased opportunities for tangata whenua to exercise kaitiakitanga (objective 3), and increased opportunities for the cultural aspirations and tikanga of tangata whenua with regard to natural and physical resources to be met (objective 4). This chapter did not specifically address adverse effects on the cultural and traditional relationship of Maori with their ancestral lands, water, wahi tapu and other sites and taonga. However, the chapter on landscape and heritage reported that the quality of information on many archaeological sites and numerous heritage items was poor and their condition was mixed and registration across the region was uneven. For further information on Measuring up (2005) see: <http://www.gw.govt.nz/section1768.cfm>
And, on the landscape and heritage see: <http://www.gw.govt.nz/story13093.cfm>
- Our region – their future (2006) is a discussion document on the review of the Regional Policy Statement for the Wellington region, 1995. Feedback was sought on the issues that needed to be addressed by the next regional policy statement. Feedback relevant to heritage included concerns about the loss of heritage building and damage and destruction to cultural sites. For further information on Our region – their future (2006) see: <http://www.gw.govt.nz/section2101.cfm>
And, a summary of feedback in response see: http://www.gw.govt.nz/story_images/5010_RPSNewsletterNo_s10086.pdf
- The report ‘Resource Management Issues of Significance to Iwi Authorities in the Wellington Region (2007) identified a concern about the protection and preservation of archaeological sites, wahi tapu and koiwi.

- The report Resource Management Issues of Significance to Iwi Authorities in the Wellington Region – further background work (2008) was prepared to ascertain whether the four issues outlined in section 2.3 above applied to all local authorities in the Wellington region. Iwi authorities outlined that all local authorities had a critical role in protecting Maori cultural heritage. There was concern that the significance of Maori cultural heritage sites was not being consistently acknowledged across the region.

Objective 27 responds to the concerns identified in the two reports on ‘Resource Management Issues of Significance to Iwi Authorities in the Wellington Region’ by seeking that the adverse effects on the cultural and traditional relationship of Maori with their ancestral lands, water, wahi tapu and other sites and taonga are avoided. This objective complements the historic heritage objectives to identify and protect historic heritage from inappropriate modification, use and development.

- Particular principles within Part II of the Resource Management Act of relevance include:

6(e) – the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

6(g) – the protection of recognised customary activities

7(a) – kaitiakitanga

8 - Treaty of Waitangi

- Relevant sub sections to Section 30 “Function of regional councils” for Objective 23 include:

30(1)(a) – the establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the natural and physical resources of the region

30(1)(b) – the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance.

- The following policies of the New Zealand Coastal Policy Statement (1994) are relevant to Objective 27:

1.1.3 - It is a national priority to protect the following features, which in themselves or in combination, are essential or important elements of the natural character of the coastal environment:

(b) characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori; and
(c) significant places or areas of historic or cultural significance.

Policy 2.1.1 - Provision should be made for the identification of the characteristics of the coastal environment of special value to the tangata

whenua in accordance with tikanga Maori. This includes the right of the tangata whenua to choose not to identify all or any of them.

Policy 2.1.2 - Protection of the characteristics of the coastal environment of special value to the tangata whenua should be carried out in accordance with tikanga Maori. Provision should be made to determine, in accordance with tikanga Maori, the means whereby the characteristics are to be protected.

Policy 2.1.3 - Where characteristics have been identified as being of special value to tangata whenua, the local authority should consider:

(a) The transfer of its functions, powers and duties to iwi authorities in relation to the management of those characteristics of the coastal environment in terms of Section 33 of the Resource Management Act 1991; and/or

(b) The delegation of its functions, powers and duties to a committee of the local authority representing and comprising representatives of the relevant tangata whenua, in relation to the management of those characteristics of the coastal environment in terms of Section 34 of the Resource Management Act 1991.

Policy 3.1.2 - Policy statements and plans should identify (in the coastal environment) those scenic, recreational and historic areas, areas of spiritual or cultural significance, and those scientific and landscape features, which are important to the region or district and which should therefore be given special protection; and that policy statements and plans should give them appropriate protection.

Policy 3.2.8 - Provision should be made for the protection of the habitats (in the coastal marine area) of species which are important for commercial, recreational, traditional or cultural purposes

Policy 3.5.1 - In order to recognise the national importance of maintaining public access to and along the coastal marine area, a restriction depriving the public of such access should only be imposed where such a restriction is necessary : ...

(b) to protect Maori cultural values

Policy 3.5.4 - Policy statements and plans should as far as practicable identify the access which Maori people have to sites of cultural value to them, according to tikanga Maori.

Policy 4.2.1 - All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area shall recognise and facilitate the special relationship between the Crown and the tangata whenua as established by the Treaty of Waitangi (Te Tiriti o Waitangi).

Policy 4.2.2 - All persons exercising functions and powers under the Act in relation to land of the Crown in the coastal marine area should follow these general guidelines:

- (a) take into account the principles of the Treaty of Waitangi;*
- (b) make provision for consultation with tangata whenua which is early, meaningful and on-going, and which is as far as practicable in accordance with tikanga Maori;*
- (c) have regard to any relevant planning document recognised by the appropriate iwi authority;*
- (d) where appropriate, involve iwi authorities and tangata whenua in the preparation of plans and policy statements, in recognition of the relationship of Maori and their culture and traditions with their ancestral lands; and*
- (e) where practicable, and with the consent of the tangata whenua, incorporate in policy statements and plans and in the consideration of applications for resource consents, Maori customary knowledge about the coastal environment, in accordance with tikanga Maori.*

On the basis of the above, objective 27 is the most appropriate to achieve the purpose of the Resource Management Act.

3.7 Analysis of which are the most appropriate objectives

| Final chosen objectives | Other alternatives? | Why not most appropriate to achieve the Resource Management Act |
|--|--|---|
| <p>Objective 22 The region's iwi authorities and local authorities work together under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future.</p> <p>Objective 23 The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.</p> <p>Objective 24 The concept and spirit of kaitiakitanga are integrated into the sustainable management of the Wellington region's natural and physical resources.</p> | <p>Alternative 1 - No objectives in the Regional Policy Statement to address involvement of tangata whenua in resource management decision-making</p> <p>Alternative 2 - The objectives in the existing 1995 Regional Policy Statement about a mutually satisfactory relationship between Wellington Regional Council and the iwi of the region (objective 1), that the principles of the Treaty of Waitangi be taken into account in resource management (objective 2), that there would be increased opportunities for tangata whenua to exercise kaitiakitanga (objective 3).</p> | <p>Alternative 1 - there would be no regional direction as to how involvement for the region's iwi authorities should be improved consistently across the region. The issue of significance identified with the region's local authorities would not be addressed. Sections 7(a) and 8 of the Resource Management Act would also not be met.</p> <p>Alternative 2 - The objectives in the operative Regional Policy Statement were assessed as part of the review with the region's iwi authorities, as being ineffective and inadequate. Alternative 2 would, therefore, not be appropriate. The required changes have been reflected in the revised objectives. Importantly, the revised objectives also address involvement of all local authorities, not just Greater Wellington.</p> |

Table 1: Analysis of which are the most appropriate objectives to address a lack of involvement of tangata whenua in resource management decision-making

| Final chosen objective | Other alternatives | Why not most appropriate to achieve the Resource Management Act |
|---|---|---|
| <p>Objective 25. Mauri is sustained Mauri is sustained, particularly for coastal and freshwater.</p> | <p>Alternative 1. No objectives in the Regional Policy Statement to sustain mauri. Alternative 2. The objectives on other topics in the proposed Regional Policy Statement are used to address the issue of sustaining mauri.</p> | <p>Alternative 1 is not the most appropriate as there would be no regional direction as to how to address the issue about loss of mauri identified by the region's iwi authorities. Section 6(e) of the Resource Management Act would also not be met. Alternative 2 is not the most appropriate as the objectives in the proposed Regional Policy Statement for other topics do not specifically respond to the issue of loss of mauri. To ensure integrated management for the purpose of sustaining mauri, there needs to be an additional objective with a focus on mauri which provides a framework for identifying other actions (policies and methods) required.</p> |

Table 2: Analysis of which is the most appropriate objective to sustain mauri

| Final chosen objective | Other alternatives | Why not most appropriate to achieve Resource Management Act |
|---|--|---|
| <p>Objective 26 Mahinga kai and natural resources used for customary purposes, are maintained and enhanced, and these resources are healthy and accessible to tangata whenua.</p> | <p>Alternative 1. No objectives in the Regional Policy Statement to maintain and enhance mahinga kai and natural resources used for customary purposes.</p> <p>Alternative 2. The objectives on other topics in the proposed Regional Policy Statement are used to maintain and enhance mahinga kai and natural resources used for customary purposes.</p> | <p>Alternative 1 is not the most appropriate as there would be no regional direction as to how to address the issue of significance, about maintaining and enhancing mahinga kai and natural resource used for customary purposes, identified by the region's iwi authorities. Sections 6(e) and 6(g) of the Resource Management Act would also not be met.</p> <p>Alternative 2 is not the most appropriate as the objectives in the proposed Regional Policy Statement for other topics do not specifically respond to the issue of maintaining and enhancing mahinga kai and natural resources used for customary purposes. To ensure integrated management for the purpose of maintaining and enhancing mahinga kai and natural resources used for customary purposes, there needs to be an additional objective with a focus on maintaining and enhancing mahinga kai and natural resources used for customary purposes, which provides a framework for identifying other actions (policies and methods) required.</p> |

Table 3: Analysis of which is the most appropriate objective to maintain and enhance mahinga kai and natural resources used for customary purposes

| Final chosen objective | Other alternatives | Why <u>not</u> most appropriate to achieve the Resource Management Act |
|---|--|--|
| <p>Objective 27</p> <p>Adverse effects on the cultural relationship of Maori with their ancestral lands, water, sites, wahi tapu and other taonga are avoided.</p> | <p>Alternative 1. No objectives in the Regional Policy Statement to avoid adverse effects on the cultural relationship of Maori with their ancestral lands, water, sites, wahi tapu and other taonga.</p> <p>Alternative 2. The objective for historic heritage in the proposed Regional Policy Statement is used to avoid adverse effects on the cultural relationship of Maori with their ancestral lands, water, sites, wahi tapu and other taonga.</p> | <p>With Alternative 1 there would be no regional direction as to how to address the issue of significance, about destruction of places, sites and areas with spiritual, cultural or historic heritage value to tangata whenua, identified by the region's iwi authorities. Sections 6(e) and 6(f) of the Resource Management Act would also not be met.</p> <p>The objectives in the proposed Regional Policy Statement on historic heritage focus on the identification and protection of historic heritage from inappropriate, modification, use and development. To manage the degradation and destruction of areas with spiritual, cultural or historic heritage value to tangata whenua, a separate objective is also required to recognise that tangata whenua may not feel that public identification of sites of significance would be appropriate. Alternative 2 is therefore not appropriate in isolation.</p> |

Table 4: Analysis of which is the most appropriate objective to manage the degradation and destruction of places, sites and areas with spiritual, cultural or historic heritage value to tangata whenua

4. Evaluation of policies and methods to achieve objective 22

The appropriateness of the policies and methods to achieve Objective 22 are evaluated by looking at the effectiveness and the efficiency of the policy and method options, and the risk of acting or not acting if there is uncertain or insufficient information.

4.1 The range of policy and methods options considered

Objective 22 seeks that the region's iwi authorities and local authorities work together under treaty partner principles.

In addressing this objective, the primary focus is to determine whether it can be best achieved through regulatory direction to plans or through regulatory direction as to matters to be considered when making resource management decisions, or through non-regulatory programs, or by doing nothing.

4.1.1 Regulatory direction to district and/or regional plans

Option 1 – Direction to district and regional plans to involve iwi authority representatives in resource management decision making

This option requires regional and district plans to ensure iwi authority representatives are involved in resource management decision making (district and regional plans and resource consents).

4.1.2 Regulatory direction as to matters to be given particular regard in resource management decision making

Option 2 – Direction to consider involvement of iwi authority representatives in resource management decision making

This option requires local authorities to have particular regard to involving iwi authority representatives in resource management decision making (district and regional plans and resource consents).

4.1.3 Non-regulatory options

Option 3 – Integrated management - to encourage the involvement of iwi authorities in resource management decision making

This option is to encourage the involvement of iwi authority representatives in resource management decision making (Regional Policy Statement, district and regional plans and resource consents).

4.1.4 Do nothing

Option 5 – No intervention

This option offers no intervention to improve involvement of iwi authorities in resource management decision making (Regional Policy Statement, district and regional plans and resource consents).

4.2 Evaluation as to the effectiveness and efficiency of the policy and method options to achieve Objective 22

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|---|--|----------------------|--|---|------------|
| Regulatory direction to district and/or regional plans | | | | | |
| Option 1 Direction to district and regional plans to involve iwi authority representatives in resource management decision making | Establishes a consistent policy framework within which plans need to ensure that iwi authority representatives are involved in resource management decision making. Promotes certainty around desired involvement of iwi authority representatives in resource management decision making. However, the power to appoint any person(s) to a hearing panel or committee to hear and/or decide on a plan or resource consent is with a 'council' not a direction in a regional policy statement or plan. | Med | Establishes a clear intent as to how iwi authority representative are to be involved in resource management decision making. All relevant parties must work to achieve the objective, which aims to improve social and cultural outcomes. Council's act to give effect to the principles to the Treaty of Waitangi and to address an issue of significance to iwi authorities in the Wellington region. Benefit in having tangata whenua representatives integrated into the decision making process to provide a more comprehensive consideration of matters of significance to iwi authorities in a timely and direct manner, during resource management decision making processes. | There are likely to be unnecessary costs associated with being prescriptive and not allowing case-by-case determination as to whether involvement is appropriate. Could create conflict, debate or contesting of the value of involvement of iwi authority representatives in resource management decision making. Cost involved in training of representatives to sit on hearings Additional costs will be born by ratepayers and applicants for the appointment of iwi authority representatives to resource management hearings. Additional resourcing of iwi authorities will also be borne by the authorities themselves, and they must retain discretion over how they allocate resources, as an authority may not be able to contribute to all resource management decision making processes, and would wish to retain discretion as to which processes they will elect to be involved in. | No |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|--|--|----------------------|---|---|------------|
| Regulatory direction as to matters to be given particular regard in resource management decision making | | | | | |
| Option 2 Direction to consider involving of iwi authority representatives in resource management decision making | Establishes a consistent policy framework within which particular regard is given to involvement of iwi authority representatives in resource management decision making. Promotes greater certainty around desired involvement of iwi authority representatives in resource management decision making. However, the power to appoint any person(s) to a hearing panel or committee to hear and/or decide on a plan or resource consent is with a 'council' not a direction in a regional policy statement or plan. | Med | Establishes a clear intent as to how iwi authority representative should be involved in resource management decision making. All relevant parties work to achieve the objective, which aims to improve social and cultural outcomes Council's actively deliver on the principles to the Treaty of Waitangi and address an issue of significance to iwi authorities in the Wellington region. Benefit in having tangata whenua representatives integrated into the decision making process to provide a more comprehensive consideration of matters of significance to iwi authorities in a timely and direct manner, during resource management decision making processes. | Could create conflict, debate or contesting of the value of involvement of iwi authority representatives in resource management decision making. Cost will be involved in training of representatives to sit on hearings Additional costs will be born by ratepayers and applicants for the appointment of iwi authority representatives to resource management hearings. Additional resourcing of iwi authorities will also be borne by the authorities themselves, and they retain discretion over how they allocate resources, and may not be able to service a commitment to contribute to all resource management decision making processes, and may wish to exercise discretion as to which processes they will elect to be involved in. | No |
| Non-regulatory options | | | | | |
| Option 3 Integrated management – to encourage the involvement of iwi authorities in resource consent decision making | Establishes a consistent policy framework which encourages involvement of iwi authority representative in resource management decision making. Promotes greater certainty around desired involvement of iwi authority representatives in resource management decision making. No certainty that the actions will be appropriately delivered or resourced, and | Low | Establishes a clear intent as to how iwi authority representative should be involved in resource management decision making. Allows for flexibility of approach rather than imposition of regulatory policies. Recognises that people can "do the right thing" without compulsion. Social benefits for tangata whenua and wider community from the involvement | Cost will be involved in training of representatives to sit on hearings Additional costs will be born by ratepayers and applicants for the appointment of iwi authority representatives to resource management hearings. Additional resourcing of iwi authorities will also be borne by the authorities themselves, and they retain discretion over how they allocate resources, and | Yes |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|------------------------------------|---|----------------------|---|--|------------|
| | can be achieved. | | of iwi authority representatives. Benefit in having tangata whenua representatives able to be included and therefore considerations of importance to tangata whenua could be better integrated into the decision making process, and provide a more comprehensive consideration of matters of significance to iwi authorities in a timely and direct manner, during resource management decision making processes. | may not be able to service a commitment to contribute to all resource management decision making processes, and may wish to exercise discretion as to which processes they will elect to be involved in. | |
| Doing Nothing | | | | | |
| Option 4 No intervention | This is not effective in resource management terms. Nor could it be argued to be efficient, given the issue continues unabated. As the issue has been found to be of significance to iwi authorities – this would be a dereliction of function and duty under the Resource Management Act. There would also be no regional direction as to how tangata whenua should be involved in resource management decision making across the region. | Low | Local authorities can work with their relevant iwi authorities and community to determine locally the most appropriate way in which to improve involvement of tangata whenua in decision making. | The issue of lack of involvement identified by the region's iwi authorities will continue in the same trend or pattern, and objective 22 will not be achieved with social and cultural costs. | No |

Table 5: Evaluation as to the effectiveness and efficiency of policy and method options to achieve Objective 22

4.3 Results of evaluation as to the most appropriate policy and method options to achieve objective 22

| Policy and method options | Effectiveness | Efficient? | Selected options | Proposed policies and methods |
|---|---------------|------------|------------------|-------------------------------|
| Regulatory direction to district and/or regional plans | | | | |
| Option 1 Direction to district and regional plans to involve iwi authority representatives in resource management decision making | Med | No | x | |
| Regulatory direction as to matters to be given particular regard in resource management decision making | | | | |
| Option 2 Direction to consider involvement of iwi authority representatives in resource management decision making | Medium | No | x | |
| Non-regulatory options | | | | |
| Option 3 Integrated management –to encourage the involving iwi authorities in resource consent decision making | Medium | Yes | ✓ | Policy 66 and method 36 |
| Doing Nothing | | | | |
| Option 4 No intervention | Low | No | x | |

Table 6: Results of evaluation as to the most appropriate of policy and method options to achieve objective 22

4.4 Discussion on selected options to achieve objective 22

A non-regulatory approach, option 3 (policy 66 and method 36), to promote integrated management by encouraging the involvement of tangata whenua in resource management decision making (resource consents and plans) is the most appropriate option to achieve the objective and address the issue 1. This will lead, in time, to improvements in how the region’s iwi authorities are involved in resource management decision making and enhance how iwi authorities and local authorities work together under Treaty partnership principles.

Proposed method 36 applies to the involvement in decision making for both resource consents and plans (including the Regional Policy Statement) and also clarifies that involvement is for matters of significance to iwi authorities.

Regulatory direction (both options 1 and 2) are not considered appropriate, as the power behind such a direction does not lie with a regional policy statement, as the decision rests with a ‘council’. Therefore, any attempt to regulatory compel the appointment of particular representatives to decision making processes would be ultra vires. The power to appoint any person(s) to a hearing panel or committee to hear and/or decide on a plan or resource consent is with a ‘council’ not a direction in a regional policy statement or plan. Doing nothing is not appropriate as it would not achieve objective 22 or address issue 1.

4.5 Risk of acting or not acting if information is uncertain or insufficient

Section 32(4)(b) of the Resource Management Act requires the evaluation of appropriateness to take into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies or methods.

There is certain and sufficient information from iwi authorities in the region about the issue of lack of involvement in resource management decision making. The risk of acting or not acting, because of uncertain or insufficient information, is therefore not considered relevant.

The risk of acting in the way proposed is that costs will be imposed on local authorities and on resource consent applicants or property owners, as well as upon iwi authorities, (potentially for little gain in some instances)

The risk of not acting in the way proposed is that the regional policy statement would fail to address a significant iwi resource management issue, that being a lack of involvement of tangata whenua in resource management decision-making. Opportunities to better integrate management considerations within resource management decision making will be lost, and the ability to address each of the other iwi resource management issues will be diminished. Important values for tangata whenua will continue to be degraded and lost. This would impact on the wellbeing of the tangata whenua of the Wellington region and very likely also on the region’s iwi’s relationships with the Treaty partner.

It is clear to Greater Wellington that the risk of acting is much less than the risk of not acting.

5. Evaluation of policies and methods to achieve objective 23

The appropriateness of the policies and methods to achieve Objective 23 are evaluated by looking at the effectiveness and the efficiency of the policy and method options, and the risk of acting or not acting if there is uncertain or insufficient information.

5.1 The range of policy and methods options considered

Objective 23 seeks that the principles of the Treaty of Waitangi are taken into account in a systematic way when making resource management decisions.

In addressing this objective, the primary focus is to determine whether it can be best achieved through regulatory direction to plans or through regulatory direction as to matters to be considered when making resource management decisions, or through non-regulatory programs, or by doing nothing.

5.1.1 Regulatory direction to district and/or regional plans

Option 1 – Direction to district and regional plans to ensure that the principles of the Treaty of Waitangi are taken into in a systematic way

This option requires regional and district plans to ensure that the principles of the Treaty of Waitangi are taken into in a systematic way.

5.1.2 Regulatory direction as to matters to be given particular regard in resource management decision making

Option 2 – Direction to consider the principles of the Treaty of Waitangi

This option requires local authorities to have particular regard to the Treaty of Waitangi in accordance with a policy in the Regional Policy Statement, within resource management decision making processes.

5.1.3 Non-regulatory options

Option 3 – Provision of information and guidance on the meaning and application of the Treaty of Waitangi in the Wellington region

This option is to develop information and guidance on the meaning and application of the Treaty of Waitangi, particularly in relation to resource management decision making processes, within the Wellington region.

5.1.4 Do nothing

Option 5 – No intervention

This option offers no intervention to ensure the Treaty of Waitangi is taken into account in a systematic way.

5.2

Evaluation as to the effectiveness and efficiency of the policy and method options to achieve Objective 23

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|--|--|----------------------|--|--|------------|
| Regulatory direction to district and/or regional plans | | | | | |
| <p>Option 1 Direction to district and regional plans to ensure that the principles of the Treaty of Waitangi are taken into in a systematic way</p> | <p>Establishes a consistent policy framework within which the principles of the Treaty of Waitangi are considered. However, such a framework is already provided for through Part II of the Resource Management Act (in accordance with section 8). Without specially describing in a policy how the principles to the Treaty should be taken into account (i.e. what it would entail) or given effect in practise, this policy would have limited effect, in that it would still require interpretation and lead to variable responses by local authorities and iwi authorities across the region.</p> | Med | <p>All relevant parties must work to achieve the objective, which aims to improve social and cultural outcomes, in addition to natural environmental outcomes. Council's act to give effect to the principles to the Treaty of Waitangi and address an issue of significance to iwi authorities in the Wellington region. Benefit in having tangata whenua representatives able to be included and therefore considerations of importance to tangata whenua could be better integrated into the decision making process, and provide a more comprehensive consideration of matters of significance to iwi authorities in a timely and direct manner, during resource management decision making processes.</p> | <p>Costs for councils and communities, associated with interpretation and consultation to formulate and establish actions to implement the policy. Could act as a disincentive or discouragement to innovation, which has potential to derive alternative solutions to regulatory intervention. Cost for iwi authorities, in responding to the demands of resource management activity. Additional resourcing of iwi authorities will also be borne by the authorities themselves, and they retain discretion over how they allocate resources, and may not be able to service a commitment to contribute to all resource management decision making processes, and may wish to exercise discretion as to which processes they will elect to be involved in.</p> | No |
| Regulatory direction as to matters to be given particular regard in resource management decision making | | | | | |
| <p>Option 2 Direction to consider the principles of the Treaty of Waitangi</p> | <p>Provides a consistent framework, in addition to Part II of the Resource Management Act, as to how the principles are to be given particular regard.</p> | Low | <p>Provides a consistent framework with regard to 'considerations' across the region. Allows discretion and thus variation in interpretation and implementation. The management responses can be adapted to the specific proposal under consideration. While certain triggers or prompts demand certain considerations, the</p> | <p>Costs will be borne by some proposals as a result of their activity status as an application for resource consent, and the matters around which discretion and/or control is reserved. Costs will be borne by councils as they are must secure sufficient information to understand what it means to take the principles of the treaty into account in a systematic way, within resource</p> | Yes |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|---|--|----------------------|---|--|------------|
| Non-regulatory options | | | | | |
| <p>Option 3</p> <p>Provision of information and guidance on the meaning and application of the Treaty of Waitangi, within resource management decision making processes, in the Wellington region,</p> | <p>Promotes greater certainty around the meaning and application of the principles of the Treaty of Waitangi in resource management decision making.</p> <p>Informs and thus assists to clarify matters around applying or giving effect to the principles of the Treaty to resource management decision making which might otherwise be contestable or open to variable interpretation.</p> <p>Expected to enhance performance, but this is difficult to monitor and when monitored, difficult to attribute to this intervention.</p> | Med | <p>Will help to establish a clear intent as to what the meaning and application of the principles to the Treaty of Waitangi means for resource management and for iwi authorities in the Wellington region.</p> <p>Allows for flexibility of approach rather than imposition of regulatory policies</p> <p>Recognises that people can "do the right thing" without compulsion.</p> <p>Social benefits for tangata whenua and wider community from further understanding about the meaning and application of the principles of the Treaty in the Wellington region.</p> | <p>Costs are borne by iwi authorities and local authorities in the preparation of guidance material.</p> | Yes |
| | | | <p>responses or action that results is less certain than direction to plans.</p> <p>Being able to identify the concerns and likely responses allows efforts to find solutions to be targeted.</p> <p>All relevant parties must work to achieve the objective, which aims to improve social and cultural outcomes in addition to natural environment outcomes.</p> <p>Council's act to give effect to the principles to the Treaty of Waitangi and address an issue of significance to iwi authorities in the Wellington region.</p> | <p>management decision making.</p> <p>Additional resourcing of iwi authorities will also be borne by the authorities themselves, and they retain discretion over how they allocate resources, and may not be able to service a commitment to contribute to all resource management decision making processes, and may wish to exercise discretion as to which processes they will elect to be involved in.</p> | |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|------------------------------------|---|----------------------|---|---|------------|
| Doing Nothing | | | | | |
| Option 4 No intervention | <p>This is not effective in resource management terms. Nor could it be argued to be efficient, given the issue continues unabated.</p> <p>As the issue has been found to be of significance to iwi authorities – this would be a dereliction of function and duty under the Resource Management Act. There would also be no regional clarification as to how the principles of the Treaty need to be considered in resource management decision making.</p> | Low | Local authorities are able to work with relevant iwi authorities and community to determine locally how the principles to the Treaty should be applied. | The issue will continue in the same trend or pattern, and objective 23 will not be achieved with social and cultural costs. | No |

Table 7: Evaluation as to the effectiveness and efficiency of policy and method options to achieve Objective 23

5.3 Results of evaluation as to the most appropriate policy and method options to achieve objective 23

| Policy and method options | Effectiveness | Efficient? | Selected options | Proposed policies and methods |
|--|---------------|------------|------------------|-------------------------------|
| Regulatory direction to district and/or regional plans | | | | |
| Option 1 Direction to district and regional plans to ensure that the principles of the Treaty of Waitangi are taken into in a systematic way | Low | No | x | |
| Regulatory direction as to matters to be given particular regard in resource management decision making | | | | |
| Option 2 Consider the principles of the Treaty of Waitangi | Low | Yes | ✓ | Policy 47 and method 4 |
| Non-regulatory options | | | | |
| Option 3 Information and guidance on meaning and application of the Treaty of Waitangi within resource management decision making in the Wellington region | Medium | Yes | ✓ | Method 19 |
| Doing nothing | | | | |
| Option 4 No intervention | Low | No | x | |

Table 8: Results of evaluation as to the most appropriate of policy and method options to achieve objective 23

5.4 Discussion on selected options to achieve objective 23

Option 2, seeking that the principles of the Treaty and Waitangi be given particular regard (policy 47 and method 4) in resource management decisions (resource consents, designations and when changing, varying or replacing plans) supported by option 3, to prepare information and guidance on the meaning and application of the principles of the Treaty of Waitangi within resource management decision making in the Wellington region (method 19) is the most appropriate option to achieve objective 23 and improve how the principles to the Treaty of Waitangi are taken into account - in a systematic way.

Although the effectiveness of option 2 is low and only marginally efficient, with further guidance provided in the explanation to the policy (policy 47) it is considered an appropriate and necessary first step to address the issue and

achieve the objective. In conjunction with method 19, which sets out the development of information and guidance on the meaning and application of the principles of the Treaty, to be given effect within resource management decision making processes in the Wellington region, this option's effectiveness and efficiency is significantly improved.

Option 1 is not appropriate without being able to provide clear direction within the derived policy as to how the principles should be specifically applied, or given effect, when plans are reviewed. As such specific policy guidance is not yet available, using current information.

Doing nothing is not appropriate as this would not achieve objective 23 or address issue 1. There would be no additional progress made to improve the systematic application of the Treaty of Waitangi principles in resource management decision making consistently across the region.

5.5 Risk of acting or not acting if information is uncertain or insufficient

Section 32(4)(b) of the Resource Management Act requires the evaluation of appropriateness to take into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies or methods.

The risks of acting or not acting because of uncertain and insufficient information about the how to apply the principles associated with the Treaty of Waitangi, within in resource management decision making was considered in selecting appropriate options.

It is not considered appropriate to select option 1 as there is currently inadequate information, able to provided within the policy, about what should be included in plans. Although similar risks are associated with a policy to be given particular regard, a detailed explanation (to policy 47) to assist with implementation, in conjunction with the development and dissemination of additional information and guidance on the meaning and application in the Wellington region, to give effect to the principles associated with the Treaty of Waitangi, within resource management decision making, was considered to satisfactorily address the associated risk.

The risk of acting in the way proposed is that costs will be imposed on local authorities and on resource consent applicants or property owners, as well as upon iwi authorities, (potentially for little gain in some instances).

The risk of not acting in the way proposed is that the regional policy statement would fail to address a significant iwi resource management issue, that being a lack of involvement of tangata whenua in resource management decision-making. Opportunities to give effect to the principles associated with the Treaty of Waitangi within resource management decision making, and thus to better integrate management considerations within resource management decision making processes will be lost, and the ability to address each of the other iwi resource management issues will be diminished. Important values for

tangata whenua will continue to be degraded and lost. This would impact on the wellbeing of the tangata whenua of the Wellington region and very likely also on the region's iwi's relationships with the Treaty partner.

It is clear to Greater Wellington that the risk of acting is much less than the risk of not acting.

6. Evaluation of policies and methods to achieve objective 24

The appropriateness of the policies and methods to achieve Objective 24 are evaluated by looking at the effectiveness and the efficiency of the policy and method options, and the risk of acting or not acting if there is uncertain or insufficient information.

6.1 The range of policy and methods options considered

Objective 24 seeks that the concept and spirit of Kaitiakitanga is integrated into the sustainable management of the region's natural and physical resources.

In addressing this objective, the primary focus is to determine whether it can be best achieved through regulatory direction to plans or through regulatory direction as to matters to be considered when making resource management decisions, or through non-regulatory programs, or by doing nothing.

6.1.1 Regulatory direction to district and/or regional plans

Option 1 – Direction to district and regional plans on kaitiakitanga

This option requires regional and district plans to ensure that the concept and spirit of kaitiakitanga is integrated into the sustainable management of natural and physical resources.

6.1.2 Regulatory direction as to matters to be given particular regard in resource management decision making

Option 2 – Direction to consider kaitiakitanga

This option requires local authorities to have particular regard to the concept and spirit of kaitiakitanga when making resource management decisions.

6.1.3 Non-regulatory options

Option 3 – Provision of information and guidance on kaitiakitanga

This option is to provide information and guidance on applying the concept and spirit of kaitiakitanga into sustainable management of natural and physical resources.

6.1.4 Do nothing

Option 5 – No intervention

This option offers no intervention to improve the integration of the spirit and concept of kaitiakitanga into sustainable management of natural and physical resources.

6.2

Evaluation as to the effectiveness and efficiency of the policy and method options to achieve Objective 24

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|--|--|----------------------|--|--|------------|
| Regulatory direction to district and/or regional plans | | | | | |
| Option 1 Direction to district and regional plans on kaitiakitanga | Establishes a consistent policy framework within which the spirit and concept of kaitiakitanga is considered. However, such a framework is already provided for through Part II of the Resource Management Act (in accordance with section 7(a)). Without specifically describing in a policy how the spirit and concept of kaitiakitanga should be considered (i.e. what it would entail) this policy would have limited effect, particularly in adding value above what might be achieved by the options considered most appropriate in relation to objectives 22 and 23, considered above. | Low | All relevant parties must work to achieve the objective, which aims to improve social and cultural outcomes, in addition to natural environment outcomes. Council's act to deliver on integrating the concept and spirit of kaitiakitanga within resource management, to achieve sustainable management of natural and physical resources and to address an issue of significance to iwi authorities in the Wellington region. This option would compel a parallel and integrated consideration of both the formal resource management framework to achieve sustainable management, and tikanga, as expressed through kaitiakitanga practises. While there is considerable cultural and social benefit in attempting such an approach, it may complicate the decision making process as duplication and overlap would arise in the respective solutions or treatments of issues. | Costs for councils and communities, associated with interpretation and consultation to formulate and establish actions to implement the policy. Could act as a disincentive or discouragement to innovation, which has potential to derive alternative solutions to regulatory intervention. Cost for iwi authorities, in responding to the demands for kaitiakitanga input to resource management activity. Additional resourcing of iwi authorities will also be borne by the authorities themselves, and they retain discretion over how they allocate kaitiaki resources, and may not be able to service a commitment to contribute to all resource management decision making processes which may seek kaitiaki input, and may wish to exercise discretion as to which processes they will elect to be involved in. Potential for cultural impacts from sharing information/intellectual property | No |
| Regulatory direction as to matters to be given particular regard in resource management decision making | | | | | |
| Option 2 Direction to consider adverse effects on the exercise of | Clarifies that the 'spirit and concept' of kaitiakitanga is to be considered and provides a consistent framework, in addition to Part II of the Resource Management Act, as to how kaitiakitanga is to be given particular regard, in that | Low | Provides a consistent framework with regard to 'considerations' across the region. Allows discretion and thus variation in interpretation and implementation. The | Costs will be borne by some proposals as a result of their activity status as an application for resource consent, and the matters around which discretion and/or control is reserved. | Yes |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|---------------------------|--|----------------------|--|--|------------|
| kaitiakitanga | adverse effects upon its exercise are to be avoided. | | <p>management responses can be adapted to the specific proposal under consideration.</p> <p>While certain triggers or prompts demand certain considerations, the responses or action that results is less certain than direction to plans.</p> <p>Being able to identify the concerns and likely responses allows efforts to find solutions to be targeted.</p> <p>All relevant parties must work to achieve the objective, which aims to improve social and cultural outcomes</p> <p>Council's act integrate the concept and spirit of kaitiakitanga into sustainable management and address an issue of significance to iwi authorities in the Wellington region.</p> <p>This option promotes and encourages (rather than compels) consideration of how resource management to achieve sustainable management, can be delivered so that it does not interfere with or adversely affect tikanga, expressed largely through kaitiakitanga practises. While there is considerable cultural and social benefit in attempting to integrate kaitiakitanga into the resource management response, it may complicate the decision making process as it is not possible to compel tangata whenua to practise kaitiakitanga or tikanga in relation to any given proposal or circumstance. However, there is considerable discretion possible as to</p> | <p>Costs will be borne by councils as they are must secure sufficient information to understand how to integrate the spirit and concept of kaitiakitanga into sustainable management.</p> <p>The costs of developing solutions to address causes and or to avoid remedy or mitigate adverse effects may fall on individual applicants, but then be generally available for use in other circumstances or by other applicants.</p> <p>Cost for iwi authorities, in responding to the demands for kaitiakitanga input to resource management activity. Additional resourcing of iwi authorities will also be borne by the authorities themselves, and they retain discretion over how they allocate kaitiaki resources, and may not be able to service a commitment to contribute to all resource management decision making processes which may seek kaitiaki input, and may wish to exercise discretion as to which processes they will elect to be involved in.</p> <p>Potential for cultural impacts from sharing information/intellectual property.</p> | |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|---|--|----------------------|---|--|------------|
| Non-regulatory options | | | | | |
| Option 3 Provision of information and guidance on kaitiakitanga | Promotes greater certainty around how to apply the concept and spirit of kaitiakitanga in sustainable management of natural and physical resources. Informs and thus assists to clarify matters around Kaitiakitanga which might otherwise be contestable or open to variable interpretation. Expected to enhance performance, but this is difficult to monitor and when monitored, difficult to attribute to this intervention. | Medium | Establishes a clear intent as to what needs to be considered in relation to kaitiakitanga. Allows for flexibility of approach rather than imposition of regulatory policies. Recognises that people can "do the right thing" without compulsion. Social benefits for tangata whenua and wider community from further understanding of the concept and spirit of kaitiakitanga. | Costs are borne by iwi authorities and council's in the preparation of guidance material. Cultural impacts from sharing information/intellectual property | Yes |
| Doing Nothing | | | | | |
| Option 4 No intervention | This is not effective in resource management terms. Nor could it be argued to be efficient, given the issue continues unabated. As the issue has been found to be of significance to iwi authorities – this would be a dereliction of function and duty under the Resource Management Act. There would also be no regional clarification as to how the kaitiakitanga should be considered in resource management decision making. | Low | Local authorities are able to work with relevant iwi authorities and community to determine locally how the spirit and concept of Kaitiakitanga should be applied. | The issue will continue in the same trend or pattern, and objective 24 will not be achieved. | No |

Table 9: Evaluation as to the effectiveness and efficiency of policy and method options to achieve Objective 24

6.3 Results of evaluation as to the most appropriate policy and method options to achieve objective 24

| Policy and method options | Effectiveness | Efficient? | Selected options | Proposed policies and methods |
|--|---------------|------------|------------------|-------------------------------|
| Regulatory direction to district and/or regional plans | | | | |
| Option 1 Direction to district and regional plans on kaitiakitanga | Low | No | x | |
| Regulatory direction as to matters to be given particular regard in resource management decision making | | | | |
| Option 2 Direction to consider adverse effects on the exercise of kaitiakitanga | Low | Yes | ✓ | Policy 48 and method 4 |
| Non-regulatory options | | | | |
| Option 3 Provision of information and guidance on kaitiakitanga | Med | Yes | ✓ | Method 37 |
| Doing Nothing | | | | |
| Option 4 No intervention | Low | No | x | |

Table 10: Results of evaluation as to the most appropriate of policy and method options to achieve objective 23

6.4 Discussion of options

Option 2, seeking that particular regard be given (policy 48 and method 4) to avoiding adverse effects on the exercise of kaitiakitanga when making resource management decisions (resource consents, designations and when changing, varying or replacing plans), together with option 3, (method 37) to prepare information and guidance about the exercise of kaitiakitanga (within a planning document recognised by an iwi authority, or iwi management plans) - to support implementation of policy 48, is the most appropriate option to achieve objective 24.

Although the effectiveness of option 2 is low and only marginally efficient, in conjunction with proposed option 3 (method 37), to provide information about the exercise of kaitiakitanga, it is considered the non-regulatory option will greatly assist with the implementation of proposed policy 48, and that this option's effectiveness and efficiency is significantly improved.

Option 1 is not considered appropriate without there being clear direction in the policy as to how on how to apply kaitiakitanga when plans are reviewed. Such a specific policy is not possible using current available information.

Doing nothing is not considered appropriate as it would not achieve objective 24 or address issue 1.

6.5 Risk of acting or not acting if information is uncertain or insufficient

Section 32(4)(b) of the Resource Management Act requires the evaluation of appropriateness to take into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies or methods.

The risks of acting or not acting, because of uncertain and insufficient information about how to apply the concept of kaitiakitanga when making resource management decisions, were considered when selecting appropriate options.

It is not considered appropriate to select option 1 as there is insufficient information to be able to provide clear guidance within the policy, about what should be included in plans. Although similar risks are associated with a direction to give particular regard to specific matters, information will be prepared and disseminated (within iwi management plans) to assist with implementation of proposed policy 48 (proposed method 37). This approach is considered to satisfactorily address the associated risk.

The risk of acting in the way proposed is that costs will be imposed on local authorities and on resource consent applicants or property owners, as well as upon iwi authorities, (potentially for little gain in some instances).

The risk of not acting in the way proposed is that the regional policy statement would fail to address a significant iwi resource management issue, that being a lack of involvement of tangata whenua in resource management decision making. Opportunities to avoid adverse effects upon the exercise of kaitiakitanga, and also perhaps to enable kaitiakitanga to be exercised within resource management responses will be lost. This in turn, would fail to provide for better integration within resource management decision making of the exercise of kaitiakitanga. Important values for tangata whenua will continue to be degraded and lost. This would impact on the wellbeing of the tangata whenua of the Wellington region and very likely also on the region's iwi's relationships with the Treaty partner.

It is clear to Greater Wellington that the risk of acting is much less than the risk of not acting.

7. Evaluation of policies and methods to achieve objective 25

The appropriateness of the policies and methods to achieve Objective 25 are evaluated by looking at the effectiveness and the efficiency of the policy and method options, and the risk of acting or not acting if there is uncertain or insufficient information.

7.1 The range of policy and methods options considered

Objective 25 seeks that mauri, particularly for coastal and fresh water, is sustained.

The evaluation below is an assessment of options to address objective 25, over and above the provisions proposed to maintain and enhance the quality of natural and physical resources addressed by other sections of the Regional Policy Statement which also play an important role in sustaining mauri (specifically see sections 3.2 ‘Coastal environment’ and 3.4 ‘Fresh water’). This evaluation should therefore be considered alongside other topic section 32 reports.

In addressing this objective, the primary focus is to determine whether it can be best achieved through regulatory direction to plans or through regulatory direction as to matters to be considered when making resource management decisions, or through non-regulatory programs, or by doing nothing.

7.1.1 Regulatory direction to district and/or regional plans

Option 1 – Direction to district and regional plans to sustain mauri

This option requires regional and district plans to sustain mauri.

7.1.2 Regulatory direction as to matters to be given particular regard in resource management decision making

Option 2 – Direction to consider avoiding adverse effects on mauri, particularly for fresh and coastal water

This option requires local authorities to have particular regard to avoiding adverse effects on mauri, particularly for coastal and fresh water, within resource management decision making

7.1.3 Non-regulatory options

Option 3 – Provision of information and guidance about avoiding adverse effects on mauri

This option is to develop and disseminate information and guidance about avoiding adverse effects on mauri

7.1.4 Do nothing

Option 5 – No intervention

This option offers no intervention to sustain mauri.

7.2

Evaluation as to the effectiveness and efficiency of the policy and method options to achieve Objective 25

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|--|---|----------------------|--|---|------------|
| Regulatory direction to district and/or regional plans | | | | | |
| Option 1 Direction to district and regional plans to sustain mauri | Establishes a consistent policy framework within which the need to sustain mauri is considered. Without specifically describing in the policy how mauri should be sustained (i.e. what it would entail) this policy would have limited effect. | Low | All relevant parties must work to achieve the objective, which aims to improve social, cultural and environmental outcomes, by sustaining mauri. Council's act to sustain mauri and address an issue of significance to iwi authorities in the Wellington region. | Costs for councils and communities, associated with interpretation and consultation to formulate and establish actions to implement the policy. Could act as a disincentive or discouragement to innovation, which has potential to derive alternative solutions to regulatory intervention. Cost for iwi authorities, in responding to the demands for input to resource management activity aimed at sustaining mauri. Additional resourcing of iwi authorities will also be borne by the authorities themselves, and they retain discretion over how they allocate resources, and may not be able to contribute to all resource management decision making processes which may seek information about sustaining mauri, and may wish to exercise discretion as to which processes they will elect to be involved in. Potential for cultural impacts from sharing information/intellectual property. | No |
| Regulatory direction as to matters to be given particular regard in resource management decision making | | | | | |
| Option 2 Direction to consider avoiding adverse effects on mauri, particularly for fresh and | Clarifies that the adverse effects on mauri are to be avoided and provides a consistent framework for assessment of effects across the region. This option would be difficult for a local authority (resource management decision | Medium | Provides a consistent framework with regard to considerations across the region. Allows discretion and thus variation in interpretation and implementation. The management responses can be | Costs will be borne by some proposals as a result of their activity status as an application for resource consent, and the matters around which discretion and/or control is reserved. Costs will be borne by councils as they | Yes |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|---|---|----------------------|---|---|------------|
| coastal water | <p>makers) on its own, but when applied alongside or in conjunction with options considered appropriate in relation to other objectives, its ability to be effective is increased. Specifically, should local authorities appoint iwi authority representatives to advise their deliberations, it is likely the representative would have kaitiakitanga status and bring expertise in sustaining mauri to the considerations. Similarly, when information about the exercise of kaitiakitanga is available to resource management decision making processes, being enabled to avoid adverse effects upon, and thus to sustain mauri becomes more likely.</p> <p>This option as a stand alone option, therefore would prove difficult to implement, but when applied in tandem with other options selected to achieve related objectives for iwi resource management, then this option would prove more effective than utilising only non-regulatory options to sustain mauri.</p> | | <p>adapted to the specific proposal under consideration.</p> <p>While certain triggers or prompts demand certain considerations, the responses or action that results is less certain than direction to plans.</p> <p>Being able to identify the concerns and likely responses allows efforts to find solutions to be targeted.</p> <p>All relevant parties must work to achieve the objective, which aims to improve social, cultural and environmental outcomes, by sustaining mauri.</p> <p>Council's act to sustain mauri and address an issue of significance to iwi authorities in the Wellington region.</p> | <p>are must secure sufficient information to understand how to integrate the spirit and concept of kaitiakitanga into sustainable management.</p> <p>The costs of developing solutions to address causes and or to avoid remedy or mitigate adverse effects may fall on individual applicants, but then be generally available for use in other circumstances or by other applicants.</p> <p>Cost for iwi authorities, in responding to the demands for kaitiakitanga input to resource management activity. Additional resourcing of iwi authorities will also be borne by the authorities themselves, and they retain discretion over how they allocate kaitiaki resources, and may not be able to service a commitment to contribute to all resource management decision making processes which may seek kaitiaki input, and may wish to exercise discretion as to which processes they will elect to be involved in.</p> <p>Potential for cultural impacts from sharing information/intellectual property</p> | |
| Non-regulatory options | | | | | |
| <p>Option 3</p> <p>Provision of information and guidance about avoiding adverse effects on mauri</p> | <p>Promotes greater certainty around how to avoid adverse effects on mauri, particularly in relation to coast and fresh water.</p> <p>Informs and thus assists to clarify matters around mauri which might otherwise be contestable or open to variable interpretation.</p> <p>Expected to enhance performance, but</p> | Medium | <p>Establishes a clear intent as to what needs to be considered in relation to sustaining mauri.</p> <p>Allows for flexibility of approach rather than imposition of regulatory policies.</p> <p>Recognises that people can "do the right thing" without compulsion.</p> <p>Social benefits for tangata whenua and</p> | <p>Costs are borne by iwi authorities and council's in the preparation of guidance material.</p> <p>Cultural impacts from sharing information/intellectual property</p> | Yes |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|------------------------------------|--|----------------------|--|---|------------|
| | this is difficult to monitor and when monitored, difficult to attribute to this intervention. | | wider community from further understanding of the concept of mauri and its potential contribution to sustainable management of natural and physical resources. | | |
| Doing Nothing | | | | | |
| Option 4 No intervention | This is not effective in resource management terms. Nor could it be argued to be efficient, given the issue continues unabated. As the issue has been found to be of significance to iwi authorities – this would be a dereliction of function and duty under the Resource Management Act. There would also be no regional clarification as to how mauri should be sustained. | Low | Local authorities are able to work with relevant iwi authorities and community to determine locally how mauri should be sustained. | The issues of loss of mauri, particularly in relation to fresh and coastal waters, will continue in the same trend or pattern, and objective 25 will not be achieved. | No |

Table 11: Evaluation as to the effectiveness and efficiency of policy and method options to achieve Objective 25

7.3 Results of evaluation as to the most appropriate policy and method options to achieve objective 25

| Policy and method options | Effectiveness | Efficient? | Selected options | Proposed policies and methods |
|--|---------------|------------|------------------|-------------------------------|
| Regulatory direction to district and/or regional plans | | | | |
| Option 1 Direction to district and regional plans to sustain mauri | Low | No | x | |
| Regulatory direction as to matters to be given particular regard in resource management decision making | | | | |
| Option 2 Consider avoiding adverse effects on mauri, particularly for fresh and coastal water | Low | No | ✓ | Policy 48 and method 4 |
| Non-regulatory options | | | | |
| Option 3 Information and guidance on avoiding adverse effects on mauri | Med | Yes | ✓ | Method 37 |
| Doing Nothing | | | | |
| Option 4 No intervention | Low | No | x | |

Table 12: Results of evaluation as to the most appropriate of policy and method options to achieve objective 23

7.4 Discussion of options

The evaluation above is provided in addition to the evaluations associated with other aspects of the policy framework in relation to other, related topics, addressed by the Regional Policy Statement which also have an influence in sustaining mauri. Policies of particular importance include policy 3 (discouraging development in areas of high natural character in the coastal environment), policy 5 (Maintaining and enhancing coastal water quality for aquatic ecosystem health), policy 11 (Maintaining and enhancing aquatic ecosystem health in water bodies), policy 15 (Promoting discharges to land) and policy 16 (Protecting aquatic ecological function of waterbodies).

In addition, the evaluation in table 11 has highlighted that including tangata whenua representatives (individuals likely to have knowledge and expertise in the exercise of kaitiakitanga) within resource management decision making processes, and seeking to avoid adverse effects upon the exercise of kaitiakitanga (or even providing for its exercise within resource management responses), are options that will very likely increase the ability, within resource management considerations, to sustain mauri.

Option 2, seeking that particular regard be given (policy 48 and method 4) to avoiding adverse effects on mauri, particularly in relation to coastal and fresh waters, when making resource management decisions (resource consents, designations and when changing, varying or replacing plans) along with a non-regulatory method (method 37) on the preparation of information and guidance (in the form of planning document - recognised by an iwi authority, or iwi management plans) - to support implementation of policy 48, are the most appropriate options to achieve objective 25 and sustain 'mauri'.

Although the effectiveness of option 2 is low and only marginally efficient, in conjunction with proposed method 37, to provide certain information to assist with implementation of proposed policy 48, this option's effectiveness and efficiency is significantly improved.

Option 1 is not considered appropriate without there being clear direction in the policy as to how to sustain mauri when plans were reviewed. Such a specific policy is not possible using current available information.

Doing nothing was not considered appropriate as it would not achieve objective 25 or address issue 2.

7.5 Risk of acting or not acting if information is uncertain or insufficient

Section 32(4)(b) of the Resource Management Act requires the evaluation of appropriateness to take into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

The risks of acting or not acting, because of uncertain and insufficient information about how to avoid adverse effects on 'mauri' and to sustain mauri when making resource management decisions, was considered when selecting appropriate options.

It is not considered appropriate to select option 1 as there is insufficient information about the guidance to contain within the policy about what should be included in plans in order to sustain mauri. Although similar risks are associated with a direction to be given particular regard, information assist with implementation of proposed policy 48 (proposed method 37) is considered to satisfactorily address the associated risk.

The risk of acting in the way proposed is that costs will be imposed on local authorities and on resource consent applicants or property owners, as well as upon iwi authorities, (potentially for little gain in some instances).

The risk of not acting in the way proposed is that the regional policy statement would fail to address a significant iwi resource management issue, that being a lack of involvement of tangata whenua in resource management decision making. Opportunities to avoid adverse effects upon mauri and to sustain mauri within resource management responses will be lost. An important value for tangata whenua will continue to be degraded and potentially lost. This would

impact on the wellbeing of the tangata whenua of the Wellington region and very likely also on the region's iwi's relationships with the Treaty partner.

It is clear to Greater Wellington that the risk of acting is much less than the risk of not acting.

8. Evaluation of policies and methods to achieve objective 26

The appropriateness of the policies and methods to achieve Objective 26 are evaluated by looking at the effectiveness and the efficiency of the policy and method options, and the risk of acting or not acting if there is uncertain or insufficient information.

8.1 The range of policy and methods options considered

Objective 26 seeks that mahinga kai and natural resources used for customary purposes be maintained and enhanced and these resources remain healthy, sustainable and accessible to tangata whenua.

The evaluation below is an assessment of options to address objective 26, over and above the provisions proposed to maintain and enhance the quality of natural resources addressed by other sections of the Regional Policy Statement which also play an important role in maintaining and enhancing mahinga kai and natural resources used for customary purposes. This evaluation should therefore be considered alongside other topic section 32 reports.

In addressing this objective, the primary focus is to determine whether it can be best achieved through regulatory direction to plans or through regulatory direction as to matters to be considered when making resource management decisions, or through non-regulatory programs, or by doing nothing.

8.1.1 Regulatory direction to district and/or regional plans

Option 1 – Direction to district and regional plans to ensure that mahinga kai and natural resources used for customary purposes are maintained and enhanced

This option requires regional and district plans to maintain and enhance mahinga kai and natural resource used for customary purposes.

8.1.2 Regulatory direction as to matters to be given particular regard in resource management decision making

Option 2 – Direction to consider avoiding adverse effects on mahinga kai and natural resources used for customary purposes

This option requires local authorities to have particular regard to avoiding adverse effects on mahinga kai and resource used for customary purposes.

8.1.3 Non-regulatory options

Option 3 – Provision of information and guidance on avoiding adverse effects on mahinga kai and resource used for customary purposes

This option involves the development of information and guidance on avoiding adverse effects on mahinga kai and natural resource used for customary purposes

Option 4 – Integrated management - a protocol on access to mahinga kai and natural resource used for customary purposes on public land

This option is to develop a protocol around access of tangata whenua to mahinga kai and natural resource used for customary purposes on public land

8.1.4 Do nothing

Option 5 – No intervention

This option offers no intervention to maintain and enhance, and improve access to mahinga kai and natural resource used for customary purposes by tangata whenua.

8.2 Evaluation as to the effectiveness and efficiency of the policy and method options to achieve Objective 26

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|---|---|----------------------|---|---|------------|
| Regulatory direction to district and/or regional plans | | | | | |
| <p>Option 1</p> <p>Direction to district and regional plans to ensure that mahinga kai and natural resources used for customary purposes are maintained and enhanced</p> | <p>Establishes a consistent policy framework within which the maintenance and enhancement of mahinga kai and resource used for customary purposes is considered.</p> <p>Without specifically describing in the policy how to maintain and enhance mahinga kai and resource used for customary purposes (i.e. what it would entail) this policy would have limited effect.</p> | Low | <p>All relevant parties must work to achieve the objective, which aims to improve social, cultural and environmental outcomes and how Council's actively maintain and enhance mahinga kai and resource used for customary.</p> <p>Council act to maintain and enhance mahinga kai and resources used for customary purposes and address an issue of significance to iwi authorities in the Wellington region.</p> | <p>Costs for councils and communities, associated with interpretation and consultation to formulate and establish actions to implement the policy.</p> <p>Could act as a disincentive or discouragement to innovation, which has potential to derive alternative solutions to regulatory intervention.</p> <p>Cost for iwi authorities, in responding to the demands for input to resource management activity aimed at avoiding effects on mahinga kai and natural resources used for customary purposes.</p> <p>Additional resourcing of iwi authorities will also be borne by the authorities themselves, and they retain discretion over how they allocate resources, and may not be able to contribute to all resource management decision making processes which may seek information and may wish to exercise discretion as to which processes they will elect to be involved in.</p> <p>Potential for cultural impacts from sharing information/intellectual property</p> | No |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|--|---|----------------------|--|---|------------|
| Regulatory direction as to matters to be given particular regard in resource management decision making | | | | | |
| <p>Option 2 Direction to consider avoiding adverse effects on mahinga kai and natural resources used for customary purposes</p> | <p>Clarifies that avoiding adverse effects on mahinga kai and resource used for customary purposes is to be considered and provides a consistent framework for assessment of effects across the region. This option would be difficult for a local authority (resource management decision makers) on its own, but when applied alongside or in conjunction with options considered appropriate in relation to other objectives, its ability to be effective is increased. Specifically, should local authorities appoint iwi authority representatives to advise their deliberations, it is likely the representative would have kaitiakitanga status and bring expertise in how to avoid adverse effects upon and sustain mahinga kai and resources used for customary purposes. Similarly, when information about the mahinga kai and resources for customary purposes is made available to resource management decision making processes, being enabled to avoid adverse effects upon these values and resources, and thus to sustain them becomes more likely. This option as a standalone option, therefore, would prove difficult to implement, but when applied in tandem with other options selected to achieve related objectives for iwi resource management, then this option would prove more effective than utilising only non-regulatory options to avoid adverse effects upon, and to sustain, mahinga kai</p> | Med | <p>Provides a consistent framework with regard to considerations across the region. Allows discretion and thus variation in interpretation and implementation. The management responses can be adapted to the specific proposal under consideration. While certain triggers or prompts demand certain considerations, the responses or action that results is less certain than direction to plans. Being able to identify the concerns and likely responses allows efforts to find solutions to be targeted. All relevant parties must work to achieve the objective, which aims to improve social, cultural and environmental outcomes and how Council's actively maintain and enhance mahinga kai and resource used for customary. Council act to maintain and enhance mahinga kai and resources used for customary purposes and address an issue of significance to iwi authorities in the Wellington region.</p> | <p>Costs will be borne by some proposals as a result of their activity status as an application for resource consent, and the matters around which discretion and/or control is reserved. Costs will be borne by councils as they are must secure sufficient information to understand how to avoid adverse effects on mahinga kai and resource used for customary purposes. The costs of developing solutions to address causes and or to avoid remedy or mitigate adverse effects may fall on individual applicants, but then be generally available for use in other circumstances or by other applicants. Cost for iwi authorities, in responding to the demands for input to resource management activity. Additional resourcing of iwi authorities will also be borne by these authorities themselves, and they retain discretion over how they allocate resources, and may not be able to contribute to all resource management decision making processes which may seek input about mahinga kai and resources for customary purposes, and may wish to exercise discretion as to which processes they will elect to be involved in.</p> | Yes |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|--|--|----------------------|--|---|------------|
| | and resources for customary purposes. | | | | |
| Non-regulatory options | | | | | |
| Option 3 Provision of information and guidance on avoiding adverse effects on mahinga kai and resource used for customary purposes | Promotes greater certainty around how to avoid adverse effects on mahinga kai and resource used for customary purposes. Informs and thus assists to clarify matters around mahinga kai and natural resources used for customary purposes which might otherwise be contestable or open to variable interpretation. Expected to enhance performance, but this is difficult to monitor and when monitored, difficult to attribute to this intervention. | Med | Establishes a clear intent as to what needs to be considered in relation to maintenance and enhancement of mahinga kai and resource used for customary purposes. Allows for flexibility of approach rather than imposition of regulatory policies. Recognises that people can "do the right thing" without compulsion. Social benefits for tangata whenua and wider community from further understanding of the importance of maintaining and enhancing mahinga kai and resource used for customary purposes. | Costs are borne by iwi authorities and council's in the preparation of guidance material. Cultural impacts from sharing information/intellectual property | Yes |
| Option 4 Integrating management – a protocol on access to mahinga kai and resource used for customary purposes on public land | Promotes greater certainty around access of tangata whenua to public land to access mahinga kai and natural resources used for customary purposes. Expected to enhance performance, but this is difficult to monitor and when monitored, difficult to attribute to this intervention. | Med | Allows for flexibility of approach rather than imposition of regulatory policies. Social benefits for tangata whenua and wider community from access to mahinga kai and natural resources used for customary purposes on public land. | Costs are borne by iwi authorities and council's in the preparation of a protocol. | |
| Doing Nothing | | | | | |
| Option 5 No intervention | This is not effective in resource management terms. Nor could it be argued to be efficient, given the issue continues unabated. | Low | Local authorities are able to work with relevant iwi authorities and community to determine locally how mahinga kai and natural resources used for customary purposes can be maintained | The issues of continuing loss of quality, quantity and access to mahinga kai and natural resources used for customary purposes will continue in the same trend or pattern, and objective 26 will not be | No |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|---------------------------|---|----------------------|---|--|------------|
| | As the issue has been found to be of significance to iwi authorities – this would be a dereliction of function and duty under the Resource Management Act. There would also be no regional clarification as to how to maintain and enhance mahinga kai and natural resources used for customary purposes. | | and enhanced. | achieved. | |

Table 13: Evaluation as to the effectiveness and efficiency of policy and method options to achieve Objective 26

8.3 Results of evaluation as to the most appropriate policy and method options to achieve objective 26

| Policy and method options | Effectiveness | Efficient? | Selected options | Proposed policies and methods |
|--|---------------|------------|------------------|-------------------------------|
| Regulatory direction to district and/or regional plans | | | | |
| Option 1 Direction to district and regional plans to ensure that mahinga kai and natural resources used for customary purposes are maintained and enhanced | Low | No | x | |
| Regulatory direction as to matters to be given particular regard in resource management decision making | | | | |
| Option 2 Direction to consider avoiding adverse effects on mahinga kai and natural resources used for customary purposes | Med | Yes | ✓ | Policy 48 and method 4 |
| Non-regulatory options | | | | |
| Option 3 Provision of information and guidance on avoiding adverse effects on mahinga kai and resources used for customary purposes | Med | Yes | ✓ | Method 37 |
| Option 4 Integrated management – a protocol on access to mahinga kai and resource used for customary purposes on public land | Med | Yes | ✓ | Method 38 |
| Doing Nothing | | | | |
| Option 4 No intervention | Low | No | x | |

Table 14: Results of evaluation as to the most appropriate of policy and method options to achieve objective 26

8.4 Discussion of options

The evaluation above is carried out in addition to the policy framework for other topics addressed by the Regional Policy Statement which also play an important role in maintaining and enhancing mahinga kai and natural resources used for customary purposes. Policies of particular importance include policy 3 (Discouraging development in areas of high natural character in the coastal environment), policy 5 (Maintaining and enhancing coastal water quality for aquatic ecosystem health), policy 11 (Maintaining and enhancing aquatic ecosystem health in water bodies), policy 16 (Protecting aquatic ecological function of waterbodies), policy 22 (Identifying indigenous ecosystems and habitats with significant biodiversity values) and policy 23 (Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values).

Option 2, seeking that particular regard be given (policy 48 and method 4) to avoiding adverse effects on mahinga kai and natural resources used for customary purposes when making resource management decisions (resource consents, designations and when changing, varying or replacing plans) along with the preparation of information and guidance (method 37, which is to prepare a planning document recognised by an iwi authority or iwi management plans) - to support implementation of policy 48, and the development of a protocol about access to mahinga kai and natural resources used for customary purposes on public land (method 38), in combination is the most appropriate option to achieve objective 26.

Although the effectiveness of option 2 is low and only marginally efficient, in conjunction with proposed method 37, which outlines that iwi management plans should contain certain information to assist with implementation of proposed policy 48 this option's effectiveness and efficiency is significantly improved.

Option 1 is not considered appropriate without there being clear direction as to how to avoid adverse effects on mahinga kai and natural resources used for customary purposes through plans. Such a specific policy is not possible using current available information.

Doing nothing is not considered appropriate as it would not achieve objective 26 or address Issue 3.

8.5 Risk of acting or not acting if information is uncertain or insufficient

Section 32(4)(b) of the Resource Management Act requires the evaluation of appropriateness to take into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

The risks of acting or not acting, because of uncertain and insufficient information about the how to avoid adverse effects on mahinga kai and natural

resources used for customary purposes when making resource management decisions, was considered when selecting appropriate options.

It is not considered appropriate to select option 1 as there is insufficient information about the guidance to contain within the policy about what should be included in plans in order to avoid adverse effects upon mahinga kai and natural resources used for customary purposes. Although similar risks are associated with a direction to be given particular regard, information to assist with implementation of proposed policy 48 (proposed method 37) is considered to satisfactorily address the associated risk.

The risk of acting in the way proposed is that costs will be imposed on local authorities and on resource consent applicants or property owners, as well as upon iwi authorities, (potentially for little gain in some instances).

The risk of not acting in the way proposed is that the regional policy statement would fail to address a significant iwi resource management issue, that being the loss of mahinga kai and natural resources used for customary purposes, or the lack of access to these. Opportunities to avoid adverse effects upon mahinga kai and natural resources used for customary purposes within resource management responses will be lost. An important resource and value for tangata whenua will continue to be degraded and potentially lost. This would impact on the wellbeing of the tangata whenua of the Wellington region and very likely also on the region's iwi's relationships with the Treaty partner.

It is clear to Greater Wellington that the risk of acting is much less than the risk of not acting.

9. Evaluation of policies and methods to achieve objective 27

The appropriateness of the policies and methods to achieve Objective 27 are evaluated by looking at the effectiveness and the efficiency of the policy and method options, and the risk of acting or not acting if there is uncertain or insufficient information.

9.1 The range of policy and methods options considered

Objective 27 seeks that adverse effects on the cultural relationship of Maori with their ancestral lands, water, wahi tapu and other sites of toanga are avoided.

The evaluation below is an assessment of options to address objective 27, over and above the historic heritage, indigenous ecosystems and landscape provisions (see sections 3.5, 3.6 and 3.7 in the proposed Regional Policy Statement). This evaluation should therefore be considered in addition to the section 32 reports on historic heritage, indigenous ecosystems and landscape.

In addressing this objective, the primary focus is to determine whether it can be best achieved through regulatory direction to plans or through regulatory direction as to matters to be considered when making resource management decisions, or through non-regulatory programs, or by doing nothing.

9.1.1 Regulatory direction to district and/or regional plans

Option 1 – Direction to district and regional plans to avoid adverse effects on the cultural relationship of Maori with their ancestral lands, water, wahi tapu and other toanga

This option requires regional and district plans to avoid adverse effects on the cultural relationship of Maori with their ancestral lands, water, wahi tapu and other toanga.

9.1.2 Regulatory direction as to matters to be given particular regard in resource management decision making

Option 2 – Direction to consider avoiding adverse effects on the cultural relationship of Maori with their ancestral lands, water, wahi tapu and other toanga

This option requires local authorities to have particular regard to avoiding adverse effects on the cultural relationship of Maori with their ancestral lands, water, wahi tapu and other toanga.

9.1.3 Non-regulatory options

Option 3 – Provision of information and guidance on avoiding adverse effects on the cultural relationship of Maori with their ancestral lands, water, sites, wahi tapu and other toanga

This option involves the development of information and guidance to assist with avoiding adverse effects on the cultural relationship of Maori with their ancestral lands, water, sites, wahi tapu and other toanga.

Option 4 – Investigation into the potential use of Maori names for river, lakes and places of cultural significance in the region

This option is to investigate where the use of Maori names should be used for river, lakes and places of cultural significance in the region

9.1.4 Do nothing

Option 5 – No intervention

This option offers no intervention to avoid adverse effects on the cultural relationship of Maori with their ancestral lands, water, wahi tapu and other toanga.

9.2

Evaluation as to the effectiveness and efficiency of the policy and method options to achieve Objective 27

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|---|---|----------------------|--|--|------------|
| Regulatory direction to district and/or regional plans | | | | | |
| Option 1 Direction to district and regional plans to avoid adverse effects on the cultural relationship of Maori with their ancestral lands, water, wahi tapu and other toanga. | Establishes a consistent policy framework within which adverse effects on the relationship of Maori with their ancestral lands, water, sites, wahi tapu and other toanga is sought to be avoided. Part II of the Resource Management Act however already seeks that this relationship be recognised and provided for (in accordance with section 6(e)). Without specifically describing in a policy how adverse effects are to be avoided (i.e. what it would entail) this policy would have limited effect. | Low | All relevant parties must work to achieve the objective, which aims to improve social and cultural outcomes. Council's act to avoid adverse effects on the cultural relationship of Maori with their ancestral lands, water, sites, wahi tapu and other toanga. | Costs for councils and communities, associated with interpretation and consultation to formulate and establish action to implement the policy. Could act as a disincentive or discouragement to innovation, which has potential to derive alternative solutions to regulatory intervention. Cost for iwi authorities, in responding to the demands for input to resource management activity aimed at avoiding adverse effects upon cultural relationships. Additional resourcing of iwi authorities will also be borne by the authorities themselves, and they retain discretion over how they allocate resources, and may not be able to contribute to all resource management decision making processes which may seek information and may wish to exercise discretion as to which processes they will elect to be involved in. Potential for cultural impacts from sharing information/intellectual property | No |
| Regulatory direction as to matters to be given particular regard in resource management decision making | | | | | |
| Option 2 Direction to consider avoiding adverse effects on | Clarifies that 'avoiding adverse effects' on the relationship of Maori with their ancestral lands, water, sites, wahi tapu and other toanga is to be considered | Medium | Provides a consistent framework with regard to 'considerations' across the region. Allows discretion and thus variation in | Costs will be borne by some proposals as a result of their activity status as an application for resource consent, and the matters around which discretion and/or | Yes |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|---|---|----------------------|--|--|------------|
| <p>the cultural relationship of Maori with their ancestral lands, water, wahi tapu and other toanga</p> | <p>Provides a consistent framework, in addition to Part II of the Resource Management Act.</p> <p>This option would be difficult for a local authority (resource management decision makers) on its own, but when applied alongside or in conjunction with options considered appropriate in relation to other objectives, its ability to be effective is increased. Specifically, should local authorities appoint iwi authority representatives to advise their deliberations, it is likely the representative would have kaitiakitanga status and bring expertise in how to avoid adverse effects upon the cultural relationship of Maori with their ancestral lands, water, wahi tapu and other toanga.</p> <p>Similarly, when information about the factors contributing to, enhancing or diminishing Maori cultural relationships is made available to resource management decision making processes, being enabled to avoid adverse effects upon these value and relationships and thus to sustain them becomes more likely.</p> <p>This option as a standalone option, therefore, would prove difficult to implement and of limited effect, but when applied in tandem with other options selected to achieve related objectives for iwi resource management, then this option would prove more effective than utilising only non-regulatory options to avoid adverse effects upon, and to sustain, mahinga kai and resources for</p> | | <p>interpretation and implementation. The management responses can be adapted to the specific proposal under consideration.</p> <p>While certain triggers or prompts demand certain considerations, the responses or action that results is less certain than direction to plans.</p> <p>Being able to identify the concerns and likely responses allows efforts to find solutions to be targeted.</p> <p>All relevant parties must work to achieve the objective, which aims to improve social and cultural outcomes.</p> <p>Council's actively deliver actions to avoid adverse effects on the relationship of Maori with their ancestral lands, water, sites, wahi tapu and other toanga.</p> | <p>control is reserved.</p> <p>Costs will be borne by councils as they are must secure sufficient information to understand how to avoiding adverse effects on the relationship of Maori with their ancestral lands, water, wahi tapu and other sites of toanga.</p> <p>The costs of developing solutions to address causes and or to avoid remedy or mitigate adverse effects may fall on individual applicants, but then be generally available for use in other circumstances or by other applicants.</p> <p>Cost for iwi authorities, in responding to the demands for input to resource management activity aimed at avoiding adverse effects upon cultural relationships.</p> <p>Additional resourcing of iwi authorities will also be borne by the authorities themselves, and they retain discretion over how they allocate resources, and may not be able to contribute to all resource management decision making processes which may seek information and may wish to exercise discretion as to which processes they will elect to be involved in.</p> <p>Potential for cultural impacts from sharing information/intellectual property</p> | |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|--|---|----------------------|--|--|------------|
| | customary purposes. | | | | |
| Non-regulatory options | | | | | |
| Option 3 Provision of information and guidance on avoiding adverse effects on the cultural relationship of Maori with their ancestral lands, water, wahi tapu and other toanga | <p>Promotes greater certainty around how to avoid adverse effects on the relationship of Maori with their ancestral lands, water, wahi tapu and other toanga.</p> <p>Informs about the relationship of Maori with their ancestral lands, water, wahi tapu and other toanga which might otherwise be contestable or open to variable interpretation.</p> <p>Expected to enhance performance, but this is difficult to monitor and when monitored, difficult to attribute to this intervention.</p> | Medium | <p>Allows for flexibility of approach rather than imposition of regulatory policies.</p> <p>Recognises that people can "do the right thing" without compulsion.</p> <p>Social benefits for tangata whenua and wider community from further understanding of the relationship of Maori with their ancestral lands, water, wahi tapu and other toanga.</p> | <p>Costs are borne by iwi authorities and council's in the preparation of guidance material.</p> <p>Cultural impacts from sharing information/intellectual property</p> | Yes |
| Option 4 Investigate where the use of Maori names for river, lakes and places of cultural significance in the region | <p>Informs and thus assists to clarify the relationship of Maori with their ancestral lands, water, wahi tapu and other toanga which might otherwise be contestable or open to variable interpretation.</p> <p>Expected to enhance performance, but this is difficult to monitor and when monitored, difficult to attribute to this intervention.</p> | Medium | <p>Social benefits for tangata whenua and wider community from further understanding of the relationship of Maori with their ancestral lands, water, wahi tapu and other toanga.</p> | <p>Costs are borne by iwi authorities and council's in an investigation.</p> <p>Cultural impacts from sharing information/intellectual property</p> | Yes |
| Doing Nothing | | | | | |
| Option 5 No intervention | <p>This is not effective in resource management terms. Nor could it be argued to be efficient, given the issue continues unabated.</p> <p>As the issue has been found to be of significance to iwi authorities – this would be a dereliction of function and duty under the Resource Management Act. There</p> | Low | <p>Local authorities are able to work with their relevant iwi authorities and community to determine locally how adverse effects on the relationship of Maori with their ancestral lands, water, wahi tapu and other toanga should be avoided.</p> | <p>The issue of degradation and destruction of spiritual, cultural or historic heritage value to tangata whenua will continue in the same trend or pattern, and objective 27 will not be achieved.</p> | No |

| Policy and method options | Analysis of effectiveness | Effectiveness Rating | BENEFITS (social, economic and environmental) | COSTS (social, economic and environmental) | Efficient? |
|---------------------------|--|----------------------|---|--|------------|
| | would also be no regional clarification as to how the kaitiakitanga should be considered in resource management decision making. | | | | |

Table 15: Evaluation as to the effectiveness and efficiency of policy and method options to achieve Objective 27

9.3 Results of evaluation as to the most appropriate policy and method options to achieve objective 27

| Policy and method options | Effectiveness | Efficient? | Selected options | Proposed policies and methods |
|--|---------------|------------|------------------|-------------------------------|
| Regulatory direction to district and/or regional plans | | | | |
| Option 1 Direction to district and regional plans to avoid adverse effects on the cultural relationship of Maori with their ancestral lands, water, sites, wahi tapu and other toanga. | Low | No | x | |
| Regulatory direction as to matters to be given particular regard in resource management decision making | | | | |
| Option 2 Consider avoiding adverse effects on the cultural relationship of Maori with their ancestral lands, water, sites, wahi tapu and other toanga | Medium | Yes | ✓ | Policy 48 and method 4 |
| Non-regulatory options | | | | |
| Option 3 Information and guidance on avoiding adverse effects on the cultural relationship of Maori with their ancestral lands, water, sites, wahi tapu and other toanga | Medium | Yes | ✓ | Method 37 and 13 |
| Option 4 Investigate where the use of Maori names for river, lakes and places of cultural significance in the region | Low | Yes | ✓ | Method 48 |
| Doing Nothing | | | | |
| Option 5 No intervention | Low | No | x | |

Table 16: Results of evaluation as to the most appropriate of policy and method options to achieve objective 27

9.4 Discussion of options

The evaluation above is carried out in addition to the policy frameworks for the coastal environment, historic heritage, indigenous ecosystems landscape, and freshwater themes, which outline the appropriateness of policies and methods to require district and regional plans to identify and protect:

- habitats and features in the coastal environment, because of their significant indigenous biodiversity, recreational, cultural, historical or landscape values (policies 4, 21, 23, 25, 27, 34 and 37, and methods 1, 2, 7, 31, 49,)
- the natural character of the coastal environment, and the integrity, functioning and resilience of its physical and ecological processes, from the adverse effects of inappropriate subdivision, use and development (policies 3, 4, 34, 36, and 37, and methods 1, 2, 7, 31 and 49)
- significant historic heritage (policies 20, 21 and methods 1 and 2)
- indigenous ecosystems and habitats with significant indigenous biodiversity values (policies 22, 23 and methods 1 and 2)
- outstanding natural features and landscapes (policies 24, 25 and methods 1 and 2)
- and to manage the quantity and quality of fresh water to meet the range of uses and values for which water is required; to safeguard the life supporting capacity of water bodies; and, meet the reasonably foreseeable needs of future generations (policies 11, 12, 13, 14, 15, 39, 40 and 41, and methods 1, 2, 4, 33, 34 and 35).

The policy and method options evaluated above look at additional options to achieve the outcomes of avoiding adverse effects on the cultural relationship of Maori with their ancestral lands, water, wahi tapu and other toanga.

Important considerations in determining the appropriateness of the additional policy and method options was the focus of objective 27 on ‘avoiding effects’ and the ‘cultural relationship of Maori with’, as opposed to an ‘understanding and appreciation of New Zealand history and cultures’ (as per the definition of historic heritage in the Resource Management Act). The need for a flexible framework to allow tangata whenua to decide how they wish information about their cultural relationship to be managed and used was also an important consideration.

Option 2, seeking that particular regard be given (policy 48 and method 4) to avoiding adverse effects on places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua, when making resource management decisions (resource consents, designations and when changing, varying or replacing plans), along with the provision of information and guidance (method 37, via the preparation of planning documents – recognised by an iwi authority or iwi management plans – to support implementation of policy 48, the provision of information and guidance on best practice when carrying out earthworks (method 48), and an investigation into where Maori names should be used for rivers, lakes and places of cultural significance in the region, in combination, and in conjunction with the policies and methods proposed for historic heritage, is the most appropriate option to achieve objective 27.

Although the effectiveness of option 2 is low and only marginally efficient as a standalone option, when selected to act in conjunction with proposed method 37, (to provide information to assist with implementation of proposed policy 48), this option's effectiveness and efficiency is significantly improved.

Option 1 is not considered appropriate without there being clear direction within the policy as to how to avoid adverse effects upon the cultural relationship of Maori with their ancestral lands, water, wahi tapu and other toanga, through district and regional plans. Such a specific policy is not possible using current available information.

Doing nothing is not considered appropriate as it would not achieve objective 27 or address Issue 4.

9.5 Risk of acting or not acting if information is uncertain or insufficient

Section 32(4)(b) of the Resource Management Act requires the evaluation of appropriateness to take into account the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

The risks of acting or not acting, because of uncertain and insufficient information about the how to avoid adverse effects on the cultural relationship of Maori with their ancestral lands, water, sites, wahi tapu and other toanga when making resource management decisions, was considered when selecting appropriate options.

It is not considered appropriate to select option 1 as there is insufficient information about where ancestral lands, water, wahi tapu and other taonga are located within the region, what the relationship is, and how adverse effects should be avoided. Although similar risks are associated with a direction to be given particular regard, information to be provided (in iwi management plans) to assist with implementation of proposed policy 48 (proposed method 37) was considered to satisfactorily address this risk.

The risk of acting in the way proposed is that costs will be imposed on local authorities and on resource consent applicants or property owners, as well as upon iwi authorities, (potentially for little gain in some instances).

The risk of not acting in the way proposed is that the regional policy statement would fail to address a significant iwi resource management issue, that being the continuing adverse effects upon the cultural relationship of Maori with their ancestral lands, water, wahi tapu and other taonga. Opportunities to avoid these adverse effects, within resource management responses, will be lost. An important resource management issue for tangata whenua would continue without adequate check. This would impact on the wellbeing of the tangata whenua of the Wellington region and very likely also on the region's iwi's relationships with the Treaty partner.

It is clear to Greater Wellington that the risk of acting is much less than the risk of not acting.

Appendix 1: Criteria used to determine regionally significant issues

The criteria used for determining whether an issue was a resource management issue of regional significance were:

- The issue was a natural or physical resource management problem.
- The issue was to be of regional significance (see further criteria below).
- The issue was about achieving the purpose of the Resource Management Act, 1991.
- The issue did not “repeat” the Resource Management Act, the New Zealand Coastal Policy Statement, any other national policy, or another issue in the Regional Policy Statement.
- The issue was explained in the context of the Wellington region.

Regional significance was determined using the following criteria:

- The issue concerns a resource which is regionally significant, and the issue requires integrated management at a regional level ; and
- There is a potential shortage of the resource and resultant allocation issues; or
 - There is a significant level of conflict over the resource which is either occurring or is foreseeable over the next 10 years; or
 - The resource is potentially subject to significant adverse effects at a regional level; or
 - There are significant issues in terms of Part 2 of the Resource Management Act which are or are likely to arise at a regional scale (eg maintenance and enhancement of access along waterways); or
 - The community has signalled that it regards a particular issue as being of regional significance; or
 - The issue is one of national significance (eg preservation of natural character) and requires regional intervention; or
 - The issue is one of District significance but requires regional intervention; or
 - The matter is one which a National Policy Statement or National Water Conservation Order requires to be addressed.

Appendix 2: References

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