

Proposed Bay of Plenty Regional Policy Statement Section 32 report Iwi resource management



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Section 32 Report

Iwi Resource Management

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1 Introduction

This report presents the Section 32 evaluation of the Proposed Bay of Plenty Regional Policy Statement (RPS) on the Iwi Resource Management chapter provisions in accordance with Section 32 of the Resource Management Act 1991 (the Act).

Section 32 states:

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 1.2 of this report outlines the issues of resource management significance to iwi authorities in the region. Section 2 identifies the objectives proposed to address the issues of resource management significance to iwi authorities in the region. An assessment is made of the appropriateness of each objective in accordance with the purpose of the Act.

The remaining sections provide an evaluation of the most appropriate policy and method options to achieve each objective.

1.2 Evaluation framework

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) Broad directives to district and/or regional plans

This is where a policy directs that a change is to be made to a district and/or regional plan and/or the Regional Land Transport Strategy. The method then sets out when this change is to be undertaken.

(b) Specific directives to resource consents, regional and district plans, and notices of requirement

This is where a policy sets out a series of 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 changes to district or regional plans.

(c) Guiding policies and methods

This is where a policy and a method (or methods) outlines the non-regulatory actions that need to be put in place. These include:

- Information and guidance
- Integrating management
- Identification and investigation

(d) Doing Nothing

This will occur where no intervention, either directive (regulatory) or guiding (non-regulatory) will occur.

1.3 Evaluation criteria

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.

Effectiveness is therefore measured by making an assessment of the probability of success by taking into account a range of factors including:

- Relevant influences
- Environmental impact
- Regionally significant issues

- Feedback/consultation
- Existing regulations and policies

The policy or method is then assigned a rating: 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.

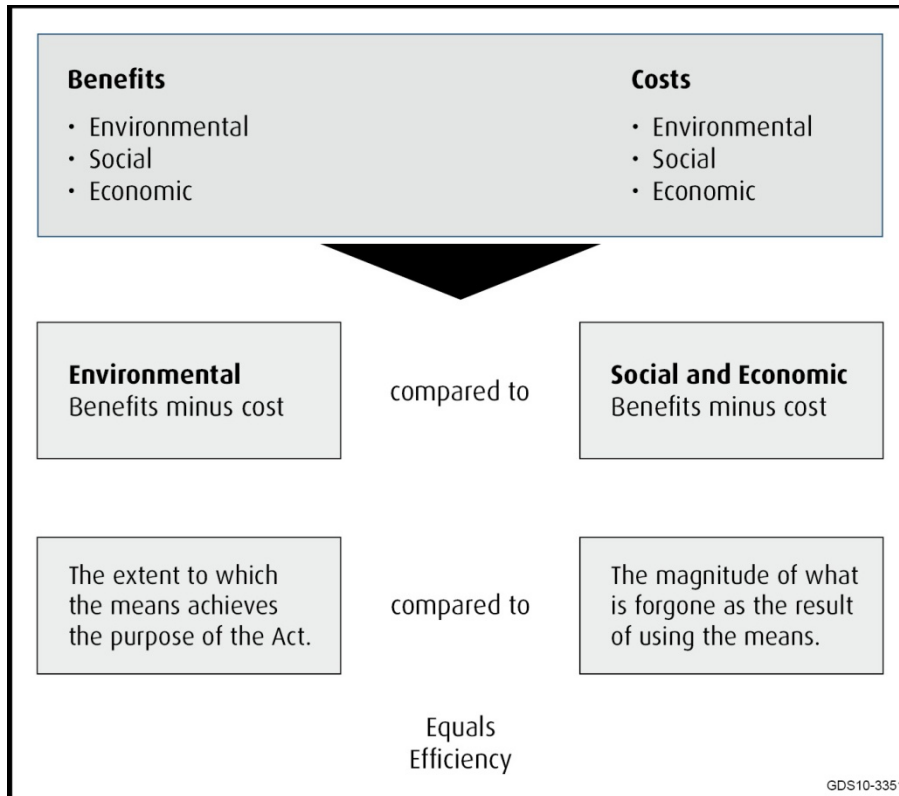


Figure 1 Deriving efficiency from benefits and costs

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.

The evaluation of the benefits and the costs should be appropriate to the circumstances¹ which has been taken into account in the evaluation framework through consultation and prior experience within the region

¹ The Environment Court in Wakatipu Environmental Society Inc v Queenstown Lakes District Council (180/99) noted in accepting an absence of rigorous cost benefit analysis the Court: "...where there are matters of national importance [such as landscape] the need for analysis is greatly reduced."

1.4 Issues of resource management significance to iwi authorities

As part of the Operative Bay of Plenty RPS review process, the existing resource management issues of significance to iwi authorities were evaluated and reviewed using:

- Bay Trends - Report on the state of the Bay of Plenty environment (2004)
- Written comments received on the Draft Regional Policy Statement
- Written comments received on the Next Bay of Plenty Regional Policy Statement: Issues and Options discussion document (2008)
- Monitoring and Evaluation of the Operative Bay of Plenty Regional Policy Statement report (2008)
- Ongoing consultation with iwi, hapu, stakeholder and community groups and the region's territorial authorities during the review of the Operative RPS, consultation on the Next Bay of Plenty Regional Policy Statement Issues and Options (2008) discussion document and during the preparation and following the release of the Draft Bay of Plenty Regional Policy Statement.
- A comprehensive review of the iwi and hapu management plans lodged with Bay of Plenty Regional Council including draft plans.
- Criteria used to determine regionally significant resource management issues (refer *Appendix 1* for a copy of the criteria)

The resulting issues recommended for inclusion in the proposed Regional Policy Statement on matters of national importance are:

1 **Inadequate recognition of kaitiakitanga, the Māori Environmental Resource Management System and Te Tiriti o Waitangi principles**

Kaitiakitanga, the Māori Environmental Resource Management System and Te Tiriti o Waitangi principles are not always recognised, considered and provided for in resource management decision-making processes.

2 **Insufficient protection of tangata whenua environmental values**

Planning and resource consent decisions can provide insufficient protection of tangata whenua environmental values.

3 **Inconsistent inclusion of tangata whenua in resource management decision making**

Inconsistent inclusion by local authorities of tangata whenua in resource co-management and decision-making particularly in terms of the Bay of Plenty's geothermal, fresh and coastal water resources.

4 **Degradation of mauri**

The mauri of water, land, air and geothermal resources has been degraded and needs to be protected and restored.

5 **Difficulties developing Māori land**

Legislative provisions, lack of infrastructure and prior planning and resource allocation means multiple-owned Māori land is often more difficult to develop than general land.

6 Inadequate recognition and provision for iwi/hapū management plans

Iwi/hapū resource management planning documents are not always recognised and provided for in resource management decisions.

Also specific to iwi and hapū authorities, but dealt with in the matters of national importance section, is the following issue:

7 Damage and destruction of special cultural sites

Waahi tapu, sites of traditional cultural activities and other ancestral sites and taonga with which Māori have a special relationship continue to be damaged or destroyed by land use and development activities.

2 Extent to which the objectives are the most appropriate

The proposed iwi resource management objectives are:

Objective 13: The principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are recognised and systematically taken into account in the practice of resource management.

Objective 14: Partnerships between Bay of Plenty Regional Council, district and city councils and iwi authorities.

Objective 15: Water, land, coastal and geothermal resource management decisions take into account iwi and hapū resource management planning documents.

Objective 16: Multiple-owned Māori land is developed and used in a manner that enables Māori to provide for their social, economic and cultural well-being and their health and safety, while maintaining and enhancing the quality of the environment and safeguarding its mauri

Objective 17: The mauri of water, land, air and geothermal resources is sustained or improved where degraded

To follow is an outline of the extent to which the iwi resource management objectives are the most appropriate way to achieve the purpose of the Resource Management Act 1991 (the Act).

2.1 Objective 13

Objective 13: The principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are recognised and systematically taken into account in the practice of resource management.

Objective 13 is the most appropriate way to achieve the purpose of the Act for the following reasons:

- Objective 13 addresses all the regionally significant iwi resource management issues. The most relevant issues are:
 - Kaitiakitanga, the Māori environmental resource management system and Te Tiriti o Waitangi principles are not always recognised, considered and provided for in resource management decision-making processes.
 - Planning and resource consent decisions can provide insufficient protection of tangata whenua environmental values.
 - Inconsistent inclusion by local authorities of tangata whenua in resource co-management and decision-making particularly in terms of the Bay of Plenty's geothermal, fresh and coastal water resources.
- Iwi and hapu representatives consulted during the monitoring and review of the Operative Bay of Plenty Regional Policy Statement verified that the Treaty principles remain a matter of resource management significance to them. Iwi continue to seek greater recognition of the Treaty principles in resource management decision making processes in the region.

- Council appeared to be making progress toward achieving the Treaty of Waitangi objective 5.3.1(a) through its governance structure, non-statutory strategies and programmes (e.g. Rotorua Lakes Action programme and Ohiwa Harbour Strategy) and environmental enhancement initiatives. These programmes or projects were identified by iwi and hapū representatives of examples initiatives with positive outcomes consistent with the Treaty principles. The Treaty principles are recognised and taken into account to variable extent in Council's regional plans and strategies. While some strategies recognise the Treaty principles (e.g. Ohiwa Harbour Strategy and Rotorua Lakes Strategy) others make little or no explicit provision for them (e.g. Regional Land Transport Strategy).
- Because resource management applies to a considerable amount of Council work, opinions varied on whether the objective 5.3.1(a) in the Operative RPS was being achieved. Council personal have different levels of involvement and experiences with Maori in resource management practice. The same applies to iwi and hapu members consulted and their experiences in dealing with Council on resource management matters.
- Objective 13 refines Treaty of Waitangi objective 5.3.1(a) in the Operative Bay of Plenty Regional Policy Statement. There have been neither amendments to the Act nor changes to the regional situation in the interim (i.e. since the RPS was made operative in 1999) to suggest the objective is no longer relevant or necessary to promote the achievement of the purpose of the Act.
- Feedback from consultation during the review of the Operative RPS, the release of the Next Bay of Plenty Regional Policy Statement Issues and Options discussion document, and the Draft Bay of Plenty Regional Policy Statement is consistent with Objective 13 being included in the next Bay of Plenty Regional Policy Statement.
- Particular principles in Part II of the 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 principles*
- Objective 13 is consistent with the following relevant functions of regional councils" for the objective 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.
- Objective 13 promotes the following policies of the New Zealand Coastal Policy Statement 1994:
 - 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.*

2.2 Conclusion

On this basis of the above, objective 13 is considered to be the most appropriate for achieving the purpose of the Act. This is because it 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.

2.2.1 Objective 14

Objective 14: *Partnerships between Bay of Plenty Regional Council, district and city councils and iwi authorities*

Objective 14 is the most appropriate way to achieve the purpose of the Act for the following reasons:

- Objective 14 addresses the following regionally significant resource management issues to iwi authorities:
 - Planning and resource consent decisions can provide insufficient protection of tangata whenua environmental values.
 - Inconsistent inclusion by local authorities of tangata whenua in resource co-management and decision-making particularly in terms of the Bay of Plenty's geothermal, fresh and coastal water resources.
 - Legislative provisions, lack of infrastructure and prior planning and resource allocation means multiple-owned Māori land is often more difficult to develop than general land.
 - Kaitiakitanga, the Māori environmental resource management system and Te Tiriti o Waitangi principles are not always recognised, considered and provided for in resource management decision-making processes.
 - The mauri of water, land, air and geothermal resources has been degraded and needs to be protected and restored.
 - Waahi tapu, sites of traditional cultural activities and other ancestral sites and taonga with which Māori have a special relationship continue to be damaged or destroyed by land use and development activities.
 - Iwi/hapū resource management planning documents are not always recognised and provided for in resource management decisions.

- Objective 14 mirrors objective 5.3.4(a)(i) in the Operative Bay of Plenty Regional Policy Statement. There have been no amendments to the Act nor changes to the regional situation in the interim to suggest the objective is no longer relevant or necessary to promote the achievement of the purpose of the Act.
- Consultation during the review of the Operative RPS, the release of the Next Bay of Plenty Regional Policy Statement Issues and Options discussion document, and the Draft Bay of Plenty Regional Policy Statement have reinforced the objective as being warranted within the next Bay of Plenty Regional Policy Statement.
- The Monitoring and Evaluation of the Operative Bay of Plenty Regional Policy Statement report (2008) showed the objective remains relevant to addressing the above identified resource management issues, and that more directive policies are necessary.
- Objective 14 meets Part II of the Resource Management 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. The purpose of the Resource Management Act 1991 recognises the need to enable people and communities to provide for their social, economic and cultural wellbeing, health and safety while also sustaining natural and physical resources, safeguarding life supporting capacity and avoiding, remedying and mitigating adverse effects on the environment.
- Particular principles in Part II of the 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*
- It recognises and effectively addresses Part II responsibilities as required by the stated functions of regional council. Relevant sub sections to Section 30 "Function of regional councils" for the objective 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 14:
 - 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.*

2.3 Conclusion

On this basis of the above, objective 14 is considered the most appropriate for achieving the purpose of the Act.

2.4 Objective 15

Objective 15: Water, land, coastal and geothermal resource management decisions take into account iwi and hapū resource management planning documents

Objective 15 is the most appropriate way to achieve the purpose of the Act for the following reasons:

- Objective 15 addresses the following regionally significant resource management issue to iwi authorities:
 - Iwi/hapū resource management planning documents are not always recognised and provided for in resource management decisions.
 - Consultation undertaken during the preparation of the Monitoring and Evaluation of the Operative Bay of Plenty Regional Policy Statement report (2008) and an evaluation of the 23 iwi resource management planning documents lodged with Bay of Plenty Regional Council (in November 2009) verified that iwi and hapu authors of resource management planning documents are dissatisfied with the extent to which those plans have been taken into account in resource management decision making processes. Many examples were provided of plan change processes having not provided any evidence these plans were considered despite them containing clear guidance on iwi resource management issues relevant to those plan change processes.
 - Many iwi and hapu representatives consulted during consultation during both the monitoring of the operative Bay of Plenty Regional Policy Statement and the preparation of the Proposed RPS expressed strong desire to see greater recognition of iwi resource management planning documents when weighted against competing environmental, social and economic interests during plan change and resource management decision making processes.
 - Regional Council considers the inadequate recognition of iwi resource management planning documents is a regionally significant issue and consequently any adverse effects on their relationship may be of regional significance.

- It recognises and effectively addresses Part II responsibilities as required by the stated functions of regional council.
- Particular principles within Part II of the 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*
- It recognises and effectively addresses Part II responsibilities as required by the stated functions of regional council. Relevant sub sections to Section 30 “Function of regional councils” for the objective 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 15:

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.*

2.4.1 Conclusion

On this basis of the above, objective 15 is considered the most appropriate for achieving the purpose of the Act.

2.5 Objective 16

Objective 16: Multiple-owned Māori land is developed and used in a manner that enables Māori to provide for their social, economic and cultural well-being and their health and safety, while maintaining and enhancing the quality of the environment and safeguarding its mauri

Objective 16 is the most appropriate way to achieve the purpose of the Act for the following reasons:

- Objective 16 addresses the following regionally significant resource management issues to iwi authorities:
 - Legislative provisions, lack of infrastructure and prior planning and resource allocation means multiple-owned Māori land is often more difficult to develop than general land.
 - Kaitiakitanga, the Māori environmental resource management system and Te Tiriti o Waitangi principles are not always recognised, considered and provided for in resource management decision-making processes.
 - Planning and resource consent decisions can provide insufficient protection of tangata whenua environmental values.
 - Inconsistent inclusion by local authorities of tangata whenua in resource co-management and decision-making particularly in terms of the Bay of Plenty's geothermal, fresh and coastal water resources.
 - The mauri of water, land, air and geothermal resources has been degraded and needs to be protected and restored.
 - Waahi tapu, sites of traditional cultural activities and other ancestral sites and taonga with which Māori have a special relationship continue to be damaged or destroyed by land use and development activities.
 - Iwi/hapū resource management planning documents are not always recognised and provided for in resource management decisions.
- Objective 16 mirrors objective 17A.3.3(a) in the Operative Bay of Plenty Regional Policy Statement which only recently became operative on 16 October 2009 following the resolution of appeals on Change No. 2 (Growth Management). There have been no Act amendments, nor any changes to the regional situation in the interim to suggest the objective is no longer relevant or necessary to promote the achievement of the purpose of the Act.
- Consultation during the review of the Operative RPS, the release of the Next Bay of Plenty Regional Policy Statement Issues and Options discussion document, and the Draft Bay of Plenty Regional Policy Statement have reinforced the objective as being warranted within the next Bay of Plenty Regional Policy Statement. There has been overwhelming support from iwi and hapu to extend this objective to apply across the entire region, rather than being limited to the western Bay of Plenty sub-region only. Iwi and hapu consulted in the Okurei and Kohi constituencies clearly validated the issue as being relevant within those sub-regions also.
- Objective 16 meets Part II of and the purpose of the Act by recognising the need to enable people and communities to provide for their social, economic and cultural wellbeing, health and safety while also sustaining natural and physical resources, safeguarding life supporting capacity and avoiding, remedying and mitigating adverse effects on the environment.
- Under the Act the Bay of Plenty Regional Council is required to recognise and provide for the following as a matter of national importance:
 - 6(f) - The protection of historic heritage from inappropriate subdivision, use, and development*
 - 6(e) - The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*

And for the following matters, to have particular regard to:

7(a) - Kaitiakitanga

7(f) - the maintenance and enhancement of the quality of the environment

7(g) - any finite characteristics of natural and physical resources

- The objective recognises and effectively addresses Part II responsibilities as required by the stated functions of regional council. Relevant sub sections to Section 30 “Function of regional councils” for the objective 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 16:
 - 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 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.*

2.5.1 Conclusion

On this basis of the above, objective 16 is considered the most appropriate for achieving the purpose of the Act.

2.6 Objective 17

Objective 17: The mauri of water, land, air and geothermal resources is sustained or improved where degraded

Objective 17 is the most appropriate way to achieve the purpose of the Act for the following reasons:

- Objective 17 addresses the following regionally significant resource management issues to iwi authorities:
 - The mauri of water, land, air and geothermal resources has been degraded and needs to be protected and restored.
 - Waahi tapu, sites of traditional cultural activities and other ancestral sites and taonga with which Māori have a special relationship continue to be damaged or destroyed by land use and development activities.
 - Iwi/hapū resource management planning documents are not always recognised and provided for in resource management decisions.
- Most iwi and hapu resource management planning documents lodged with Bay of Plenty Regional Council identify the protection and restoration of mauri as one of the core issues faced within the relevant iwi/hapu rohe. The protection and restoration of mauri is a core principle of kaitiakitanga and is central to maintaining the mana of iwi or hapu.
- Consultation during the review of the Operative RPS, the release of the Next Bay of Plenty Regional Policy Statement Issues and Options discussion document, and the Draft Bay of Plenty Regional Policy Statement has reinforced the mauri objective 17 as being warranted within the next Bay of Plenty Regional Policy Statement. There has been overwhelming support from iwi and hapu to include mauri objective 17.
- Objective 17 meets Part II of the Act by seeking to sustainably manage the mauri of water, land, air and geothermal resources consistent with the purpose of the Act which recognises the need to enable people and communities to provide for their social, economic and cultural wellbeing, health and safety while also sustaining natural and physical resources, safeguarding life supporting capacity and avoiding, remedying and mitigating adverse effects on the environment. By sustaining the mauri of natural resources has a range of benefits for existing and future generations, not just for Maori, but all cultures.
- Under the Act, the Bay of Plenty Regional Council is required to recognise and provide for the following matters of national importance relevant to mauri objective 17:
 - 6(f) - The protection of historic heritage from inappropriate subdivision, use, and development*
 - 6(e) - The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*

And for the following matters, to have particular regard to:

 - 7(a) - Kaitiakitanga*
 - 7(f) - the maintenance and enhancement of the quality of the environment*
 - 7(g) - any finite characteristics of natural and physical resources*

- It recognises and effectively addresses Part II responsibilities as required by the stated functions of regional council. Relevant sub sections to Section 30 “Function of regional councils” for the objective 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 17:

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 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 this basis of the above, objective 18 is the most appropriate for achieving the purpose of the Resource Management Act.

2.7 Summary analysis of which are the most appropriate objectives

Final chosen objective	Other alternatives?	Why <u>not</u> the most appropriate to achieve the Resource Management Act
<p>Objective 13: The principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are recognised and systematically taken into account in the practice of resource management.</p> <p>Objective 14: Partnerships between Bay of Plenty Regional Council, district and city councils and iwi authorities.</p> <p>Objective 15: Water, land, coastal and geothermal resource management decisions take into account iwi and hapū resource management planning documents.</p>	<p>Alternative 1. No objectives in the next Bay of Plenty Regional Policy Statement to address the involvement of tangata whenua in resource management decision making.</p> <p>Alternative 2 (applies to objectives 13 and 15). The objectives in the existing 1999 Operative Bay of Plenty Regional Policy Statement about Te Tiriti o Waitangi principles and iwi resource management planning documents be retained unamended.</p> <p>Alternative 3 (applies to objective 14). An amended version of the partnership objective in the existing 1999 Operative Bay of Plenty Regional Policy Statement is included.</p>	<p>Alternative 1 is not the most appropriate option as there would be no regional direction as to how involvement of the region's iwi authorities should be improved consistently across the region. The issues of significance identified for the next RPS would not be addressed. Section 6(e), 7(a) and 8 of the Resource Management Act 1991 would not be provided for by the second generation Bay of Plenty RPS.</p> <p>Alternative 2 is not the most appropriate option. Objectives 13 and 15 reflect updated versions of the objectives contained in the Operative RPS. The equivalent existing objectives in the Operative RPS were found to be less effective during the Operative RPS monitoring and review process. Hence their refinement for inclusion within the second generation Bay of Plenty Regional Policy Statement.</p> <p>Alternative 3 is not the most appropriate option. The existing partnership objective in the Operative RPS was found to be effective during the monitoring and review process. Its refinement for inclusion within the second generation Bay of Plenty Regional Policy Statement is not warranted.</p>
<p>Objective 16 Multiple-owned Māori land is developed and used in a manner that enables Māori to provide for their social, economic and cultural well-being and their health and safety, while maintaining and enhancing the quality of the environment and safeguarding its mauri</p>	<p>Alternative 1. No objective in regional policy statement to provide for the sustainable development of multiple owned Maori land.</p> <p>Alternative 2: Limit the objective to provide for the sustainable development of multiple owned Maori land in the western Bay of Plenty sub-region only.</p>	<p>Alternative 1 is not the most appropriate option as the regional policy statement would not play a role in providing direction on sustainable development of multiple owned Maori land which has been identified as an issue of resource management significance to iwi authorities in the Bay of Plenty region.</p> <p>Alternative 2 is not the most appropriate option as this objective was assessed as part of the review of the operative Regional Policy Statement and the issue concerning difficulties developing multiple owned Maori land was identified as a regionally significant issue relevant to the Okurei and Kohi constituencies and not just the Mauao rohe (i.e. western Bay of Plenty sub-region).</p>

Final chosen objective	Other alternatives?	Why <u>not</u> the most appropriate to achieve the Resource Management Act
<p>Objective 17 The mauri of water, land, air and geothermal resources is sustained or improved where degraded</p>	<p>Alternative 1. No objective in regional policy statement to sustain mauri of water, land, air and geothermal resources.</p> <p>Alternative 2. The objectives relating to other resource topics (e.g. water quality, air quality and coastal environment) in the proposed RPS are relied upon to broadly address the issue of sustaining mauri.</p>	<p>Alternative 1 is not the most appropriate option as the regional policy statement would not play a role in providing direction on how to address the iwi concerns over the loss of mauri, which is an issue of resource management significance to iwi authorities in the region.</p> <p>Alternative 2 is not the most appropriate option as the objectives in the proposed RPS for other resource topics do not address mauri as a specific component. To address the significant resource management issue relating to mauri, there needs to be a specific objective which provides a framework for identifying actions to address it.</p>

3 Evaluation of policies and methods to achieve Objective 13

Objective 13: The principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are recognised and systematically taken into account in the practice of resource management.

The appropriateness of the policies and methods to achieve Objective 13 are evaluated by looking at the effectiveness and the efficiency of the policy and method options and the risks of acting or not acting if there is uncertain or insufficient information.

3.1 Range of policy and method options considered

Objective 13 addresses the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) to ensure they are recognised and systematically taken into account in the practice of resource management.

In addressing this objective, the primary focus is to determine whether it can be best achieved through broad direction to regional and district plans or through specific direction as to matters to be considered when making resource management decisions (e.g. plans and resource consents), or through the provisions of guidance (e.g. non-regulatory programmes), or by doing nothing.

3.2 Broad 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 account in a systematic way

This option requires regional and district plans to include provision which ensure that the principles of the Treaty of Waitangi are taken into account in a systematic way in resource management decision making processes.

3.2.1 Specific direction on matters to be given particular regard to, in resource management decision making

Option 2 Direction to take into account the principles of the Treaty of Waitangi in resource management decision making processes

This option requires local authorities to take into account Te Treaty o Waitangi principles in accordance with the RPS policy, within resource management decision making (i.e. plans and consents) processes.

Option 3 Direction to enable the development of multiple owned Māori land

This option requires resource management decision making processes (i.e. plans and resource consents) to provide for the development of multiple owned Māori land in a manner which enables sustainable development of Māori land. This includes the development of papakāinga and associated customary uses and protecting those uses and associated activities from the adverse effects of subdivision, use and development, in the vicinity of a marae.

Option 4 Direction to recognise statutory acknowledgement areas

This option requires local authorities to recognise the significant cultural relationships iwi have with natural resources within statutory acknowledgement areas in circumstances where they may be adversely affected by proposed subdivision, use and development.

3.2.2 Guidance options

Option 5 Cultivating partnerships between iwi and statutory authorities

This option encourages partnerships between iwi and statutory management agencies in statutory and non statutory resource management decision making processes.

Option 6 Provision of information and guidance on the meaning and application of Te Tiriti o Waitangi principles in the Bay of Plenty region

This option is to develop information and guidance on the meaning and application of Te Tiriti o Waitangi principles, particularly in relation to resource management decision making processes, within the Bay of Plenty region.

3.2.3 Do nothing

Option 7 No intervention

This option offers no intervention to ensure Te Tiriti o Waitangi principles are taken into account in a systematic way in resource management decision making processes.

3.3 Evaluation as to the effectiveness and efficiency of the policy and method options to achieve Objective 13

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
Broad direction to district and/or regional plans					
<p>Option 1 Direction to district and regional plans to ensure that the principles of Te Tiriti o Waitangi are taken into in a systematic way</p>	<p>Establishes a framework within which the principles of the Treaty of Waitangi are applied.</p> <p>Addresses issue of consistency with regard to applying the Treaty principles and promotes a higher level of certainty.</p> <p>However, Part II of the Resource Management Act 1991 (in accordance with section 8) already sets out a regulatory framework which incorporates the principles of the Treaty of Waitangi.</p> <p>This policy would only replicate an existing regulation unless specific policies were developed within regional and district plans, directing how the Treaty Principles should be applied. Developing such policies could involve an extensive process (and limit flexibility in application).</p>	Med	<p>Issues of significance to iwi authorities relating to the Treaty principles are given specific consideration within district and regional plan development.</p> <p>Should promote greater and more direct participation of tangata whenua in resource management decision-making processes at regional and district level.</p> <p>Acknowledges the significance of the Treaty and tangata whenua in resource management decision-making processes, within the region.</p>	<p>Associated costs for councils to formulate and establish actions to implement the policy.</p> <p>Cost for Councils to undertake consultation with stakeholders, the community and iwi.</p> <p>Costs in time and resources for iwi authorities potentially increased because of additional regulations and processes requiring administration internally.</p> <p>A percentage of costs may be carried by some applications, depending on the matters under consideration (such as an application for resource consent).</p> <p>Additional regulations could act as a disincentive to seeking non-regulatory solutions.</p> <p>Issues of significance to iwi authorities relating to the Treaty principles may be forgone during resource consents processes whilst there is a policy vacuum in regional and district plans (i.e. before the RPS policy is given effect to by plans).</p>	Yes

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
Specific direction on matters to be given particular regard to, in resource management decision making					
<p>Option 2 Directive to consider the principles of Te Tiriti o Waitangi in resource management decision making processes (i.e. resource consents and plan change processes)</p>	<p>Provides a supplementary framework to Part II of the Act, as to how the principles are to be given particular regard. Addresses issue of consistency across the region with regard to applying the principles of the Treaty. Maintains discretion and flexibility in interpretation and implementation of the Treaty Principles. Responses can be adapted to specific proposals under consideration. Issue of certainty of consideration not strongly addressed.</p>	<p>High</p>	<p>Environmental issues of significance to iwi authorities given specific consideration within resource management decision making processes. Policy takes immediate effect in resource consents processes. Should promote greater and more direct participation of tangata whenua in resource management decision-making processes at regional and district level. Acknowledges the significance of the Treaty to tangata whenua in resource management decision-making processes, within the region.</p>	<p>Associated costs for councils to formulate and establish actions to implement the policy. Cost for Councils to undertake consultation with stakeholders. Costs in time and resources for iwi authorities potentially increased because of additional regulations and processes. Additional regulations could act as a disincentive to seeking non-regulatory solutions. A percentage of costs may be carried by some applications, depending on the matters under consideration (such as an application for resource consent).</p>	<p>Yes</p>
<p>Option 3 Direction to enable the development of multiple owned Māori land</p>	<p>Provides certainty that the sustainable development of multiple owned Māori land shall be enabled through plans and consents decision making processes. Promotes consistency in resource consents processes and a consistent regional and district plan framework for the development of consent conditions, policies, rules and methods pertaining to the development of multiple owned Māori land. Effective in setting out specific matters concerning the development of multiple owned Māori land in assessments in resource consents and plan change processes, the extent to be determined at the district level. Effective in that it will provide certainty regarding where the policy applies.</p>	<p>High</p>	<p><u>Environmental</u></p> <ul style="list-style-type: none"> ▪ Will promote greater provision for culturally significant views to and from marae in resource consents and plan change processes. <p><u>Social and cultural</u></p> <ul style="list-style-type: none"> ▪ Māori social and cultural benefits by contributing to iwi and hapu quality of life, cultural values, sense of place, historical linkages and spiritual renewal. Promotes manaakitanga, whanaugatanga and rangatiratanga by enabling Māori to provide for their own well-being on their ancestral lands, thereby strengthening the cultural ties and 	<p><u>Environmental</u></p> <ul style="list-style-type: none"> ▪ There may be environmental trade offs (e.g. reverse sensitivity effects) with adjacent land owners who do not want mixed land uses (e.g. residential homes and marae) developing on land neighbouring them. <p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ There are human and economic costs for councils, developers and communities associated with research, consultation, analysis, implementation and decision making processes to provide for the development of multiple owned Māori land so as to give effect to the regional policy 	<p>Yes</p>

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
			<p>relationships.</p> <ul style="list-style-type: none"> ▪ Provides some certainty for iwi and hapū that the sustainable development of multiple owned Māori land must be given effect to by regional and district plans and regard had to such in resource consents processes. <p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Will provide the greater opportunities for Māori home ownership as most find it difficult to afford to finance home ownership on general title land. 	<p>statement.</p> <ul style="list-style-type: none"> ▪ Potentially higher costs to least resourced district councils with least amount of subdivision and development pressure. ▪ District plans and resource consent applicants would be required to implement the policy and therefore incur the costs. ▪ Costs to iwi and hapū of developing multiple owned Māori land. <p><u>Social</u></p> <ul style="list-style-type: none"> ▪ Potential stress to existing communities who oppose or resist the perceived threats to their livelihoods resulting from the influx of Māori onto their neighbouring ancestral lands. 	
<p>Option 4 Direction to recognise statutory acknowledgement areas</p>	<p>Provides certainty that Statutory Acknowledgement areas must be considered in consents processes where such areas are potentially affected.</p>	<p>High</p>	<p><u>Environmental</u></p> <ul style="list-style-type: none"> ▪ Certainty that the values and relationships iwi and hapū have with Statutory Acknowledgement areas will be recognised in resource consents processes. <p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Potential administrative savings to the regions' territorial authorities if they choose to adopt the Statutory Acknowledgements compendium document, thereby avoiding the need to include them within their own plans (which is required by the settlement legislation). 	<p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Potential administrative and compliance costs involved with ensuring Statutory Acknowledgement areas are provided for in resource consents processes. However, these costs should be borne regardless of whether this option exists. ▪ May discourage investment into development which could adversely affect Statutory Acknowledgement areas. 	

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
			<p><u>Social</u></p> <ul style="list-style-type: none"> ▪ Clearly establishes relevance of Statutory Acknowledgement areas to Te Tiriti o Waitangi principles. ▪ Protects against Statutory Acknowledgement areas being disregarded in resource consents processes. 		
Guiding options					
<p>Option 5 Encouraging the cultivation of partnerships between iwi and statutory authorities</p>	<p>Promotes Te Tiriti o Waitangi principle of 'partnership' between iwi authorities and statutory authorities involving the courtesy of early consultation and extending reasonable cooperation on iwi issues of concern.</p> <p>As a guiding policy the adoption of this policy is not mandatory but relies on councils acting in good faith towards iwi authorities.</p>	Medium	<ul style="list-style-type: none"> ▪ The formatting of partnerships should result in a movement away from a generally mono-cultural understanding of the environment and resource management issues, towards a more bi-cultural approach. This will only come about through the education of all parties involved, including staff and councillors. ▪ This option is consistent with the Treaty principles, and therefore Council's Part II responsibilities. ▪ Encourages cooperation and commitment from both parties. <p>Promotes sustainable relationships.</p>	<p>There will be development and administration costs associated with implementing partnership initiatives/methods adopted by councils and iwi authorities to implement this policy. Such methods could include the preparation of joint plans and establishing joint committees and working parties and appointing Pūkenga to hearing committees.</p>	Yes
<p>Option 6 Provision of information and guidance on the meaning and application of the Treaty of Waitangi principles, within resource management</p>	<p>Providing guidelines promotes consistency in application and interpretation, providing greater level of certainty for both councils and for iwi authorities in the Bay of Plenty region.</p> <p>Maintains discretion and flexibility in</p>	Medium	<p>Allows for flexibility of approach rather than imposition of regulatory policies; Interested parties can work together to determine meaning and application within the region.</p>	<p>Associated costs for councils to formulate and establish actions to implement the policy.</p> <p>Cost for Councils to undertake consultation with iwi and stakeholders.</p>	Yes

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
decision making processes, in the Bay of Plenty region	<p>interpretation and implementation of Treaty Principles. Responses can be adapted to specific proposals under consideration.</p> <p>However if there is no compulsion to implement guidelines, the objective cannot be guaranteed.</p> <p>In the case of disputes concerning interpretation or application, non-regulatory options can unintentionally create uncertainty if there are no enforcement mechanisms in place.</p>			Costs in time and resources for iwi authorities to participate in development of guidelines and implementation.	
Do Nothing					
<p>Option 7 No intervention</p>	<p>This option is considered in effective because the issues impeding the consideration of Te Tiriti o Waitangi principles in resource management decision-making will remain unresolved.</p> <p>Application of Treaty Principals remains inconsistent across the region.</p> <p>In particular, the issue identified to be of significance to iwi authorities will not be addressed which would be a dereliction of function and duty under the Act.</p>	Low	Local authorities are able to work with relevant iwi authorities and community to determine how the principles to the Treaty should be applied within their districts and with regard to their particular interests.	Tangata whenua interests are not adequately taken into account across the region. Iwi loss of faith and trust in regional and local governance. Potential to expose Council to litigation through neglecting responsibilities under the Act.	No

3.4 Results of evaluation as to the most appropriate policy and method options to achieve objective 13

Policy and method options	Factors contributing to effectiveness ²	Efficient?	Selected (most appropriate) option(s)(tick or cross)	Proposed policies and methods
Broad 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	N/A
Specific direction on matters to be given effect in regional and district plans and which consent authorities must have regard to				
Option 2 – Direction to consider the principles of the Treaty of Waitangi in resource management decision making processes	High	Yes	√	Policy IW 3B methods 3, 9 and 40
Option 3 – Direction to enable the development of multiple owned Māori land	High	Yes	√	Policy IW 1B and method 3
Option 4 – Direction to recognise statutory acknowledgement areas	High	Yes	√	Method 9
Guiding actions				
Option 5 – Cultivating partnerships between iwi and statutory authorities	High	Yes	√	Policy IW 7D and methods 7, 9, 41 and 42
Option 6 – Provision of information and guidance on the meaning and application of the Treaty of Waitangi, within resource management decision making processes, in the Bay of Plenty region	Medium	No	X	N/A
Do nothing				
Option 7 – No intervention	Low	No	X	N/A

3.5 Discussion on selected options

Options 1 and 2 are essentially the same, except Option 2 includes having regard to Te Tiriti o Waitangi principles in resource consents processes. Option 2 is considered more effective than option 1 as it takes immediate effect in consents processes. If relied upon, option 1 would involve a time lag involving years before plans give effect to this policy directive. Option 2 directs that the principles of the Treaty of Waitangi be given particular regard (policy IW 3B and methods 3, 9 and 40) in resource management decisions (resource consents, designations and when changing, varying or replacing plans) and is the preferred option. This option can be further enhanced by providing additional guidance regarding application of Treaty Principles (policy 60).

² Effectiveness becomes the net value of an assessment of the relative difference between options in terms of their ability to influence or deliver intended outcomes.... The have great or widespread effect vs being of marginal or limited effect.

Option 2 works in conjunction with and is able to build on existing information and guidance on the meaning and application of the principles of the Treaty. This information is available from a variety of information sources including on regional councils website.

Option 3 is considered highly effective and appropriate to promote the achievement of objective 13. This policy option sets out specific matters to be considered in order to promote the sustainable development of multiple owned land. It is consistent with the Treaty principles of 'active protections' and 'tribal rangatiratanga'. Tribal rangatiratanga refers to the right of iwi to retain control over their resources and taonga. It implies iwi control of iwi resources, which in many cases the council has also been charged with managing (e.g. through district plan controls). The principle of active protection requires that the duty of protection of Māori interests in resource management is an active duty to the fullest extent practicable. There is ample evidence to verify the issue of difficulties developing multiple owned Māori land across the region. Without policy intervention this trend is likely to continue impeding the ability for Māori to provide additional housing, particularly around marae and leading to ongoing adverse social and cultural effects.

Option 4 is considered an appropriate means of promoting the achievement of objective 13. Statutory acknowledgement areas are a mechanism arising from the Treaty of Waitangi. Method 4 in turn links to the Statutory Acknowledgements compendium document which includes all statutory acknowledgements within the Bay of Plenty region. Option 4 ensures these areas are considered in resource consents processes and is consistent with the Treaty principles of 'active protection'.

Option 5 is considered an appropriate means of promoting the achievement of objective 13. This option is consistent with the Treaty principle of 'partnership' which includes a duty for partners to act reasonably and in good faith.

Option 6, is considered a moderately effective option for achieving objective 13. An existing method (i.e. 5.3.1(c)(ii)) consistent with this option is contained within the Operative RPS. The regional council maintains a Treaty of Waitangi toolbox which is available on the website. There is ample information available elsewhere for assisting the region's territorial authorities with understanding the meaning and application of Te Tiriti o Waitangi principles in resource management processes. The need for such a policy directive is therefore no longer considered necessary in the RPS. For these reasons option 6 has not been adopted for the Proposed RPS.

The do nothing option is considered inappropriate as it would not achieve objective 13. There would be no improvement to applying the Treaty of Waitangi principles in resource management decision making consistently across the region.

3.6

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 both certain and sufficient information to verify the issue is significant to iwi across the region and that policy direction is appropriate to promote the achievement of objective 13. The risks of acting or not acting because of uncertain and insufficient information about the how to take into account the Treaty principles within in resource management decision making was considered low in selecting appropriate options. Not acting could be perceived as not having sufficient regard for the Principles of the Treaty under Section 8 of the RMA and also put at risk

relationships with tangata whenua in the region. The associated costs of the preferred option are not considered to be high risk.

On balance, the risk to the Bay of Plenty region of acting is considered much less than the risk of not acting

4 Evaluation of policy and methods to achieve Objective 14

The range of policy and method options considered

Objective 14: Partnerships between Bay of Plenty Regional Council, district and city councils and iwi authorities.

The appropriateness of the policies and methods to achieve Objective 14 are evaluated by looking at the effectiveness and the efficiency of the policy and method options and the risks of acting or not acting if there is uncertain or insufficient information.

In addressing this objective, the primary focus is to determine whether it can be best achieved through broad direction to regional and district plans or through specific direction as to matters to be considered when making resource management decisions, or through guidance, or by doing nothing.

This assessment of policy options to achieve Objective 14 over and above the alternatives assessed in relation to and presented within the section 32 reports relating to the other resource areas covered in the Proposed RPS. These include section 32 reports for the Coastal Environment, Geothermal Resources, Matters of National Importance, and Urban Form and Growth Management. This evaluation should therefore be considered in conjunction with those other section 32 reports as they contain further information pertinent to addressing the regionally significant resource management issues to iwi authorities.

4.1 Broad direction to district and/or regional plans

Option 1 Direct plans to identify consultation measures

This option requires regional and district plans to identify consultation principles for specified types of activities (e.g. non complying) or procedures.

4.1.1 Specific direction on matters to be given particular regard to, in resource management decision making

Option 2 Direction to adopt an integrated approach to resource management

This option requires local authorities to adopt an integrated approach to resource management including through recognising the interconnected nature of and multiple values associated with resources, seeks to maximise synergistic benefits to achieve multiple objectives, is strategic in approach, applies consistent and best practice standards and processes to decision making.

Option 3 Direction to use consultation in the identification and resolution of resource management issues

This option requires local authorities to encourage the timely exchange, consideration of, and response to, relevant information by all parties with an interest in the resolution of a resource management issue by consulting as widely as practicable and by consulting all potentially affected parties.

Option 4 Direction to promote consistent and integrated management across jurisdictional boundaries

This option requires local authorities to provide for the integrated management of the region's natural and physical resources, across agencies and jurisdictional boundaries by recognising the extent of the coastal environment, catchments at risk and geothermal fields and using consistent management mechanisms, while coordinating consultation, research, restoration, management and monitoring activities.

4.1.2 Allocation of responsibilities

Option 5 Allocating responsibilities for land use controls for hazardous substances

This option involves directing local authorities to specify objectives, policies and rules including conditions of resource consent, for the control of the use of land for the prevention or mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances.

4.1.3 Guidance options

Option 6 Direction to consider consultation in the identification and resolution of resource management issues

This option encourages local authorities to consult widely and in a timely manner when exchanging, considering and responding to parties involved in the resolution of resource management issues.

4.1.4 Do nothing

Option 7 No intervention

In 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 14

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
Broad direction to district and/or regional plans					
<p>Option 1 Direct plans to identify consultation measures This option requires regional and district plans to identify consultation principles for specified types of activities (e.g. non-complying) or procedures.</p>	<p>Provides for a specific consultative framework to promote a streamlined approach, bringing consistency to decision-making processes, implementation and reduce variations in interpretation. Reduces potential for duplicating information for individual consent applications, thus reducing compliance costs.</p> <p>Provides increased certainty for individuals, interested and affected parties, the community and councils within the region.</p> <p>Clearer consultation procedures and principles should enhance consistency of measuring the effect of the consultative framework.</p> <p>There will be a time lag before consultation principles and procedures are included within plans take effect within consent processes.</p>	<p>Medium</p>	<p><u>Environmental and social</u></p> <ul style="list-style-type: none"> ▪ Consultative framework provides consistency across the region but retains decision-making at a local level. ▪ Community input in identifying where significant values are located (identification) and developing various protection mechanisms within the plan making process. Increases public support for the process and environmental protection mechanisms. ▪ Ensures interests of the community are taken into account. ▪ Encourages collaboration where parties have input at the front-end of the process. ▪ Provides streamlined decision-making regarding development (discourages ad-hoc development). ▪ Ability to identify relative values associated with significant historic or natural features. ▪ ▪ ▪ <p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Reduces chances of unknown 	<p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ There will be associated costs for policy design, development and implementation including research and testing, analysis, consultation and review. ▪ Policy process administration costs will be the responsibility of councils. ▪ There could be significant costs associated with community consultation and identifying values and sites for protection. <p><u>Environmental</u></p> <ul style="list-style-type: none"> ▪ Potential risk that only regionally significant values are identified and lesser values may not be sufficiently protected. ▪ Landowners may be affected through increased environmental protection impeding land development opportunities.\ <p><u>Cultural</u></p> <ul style="list-style-type: none"> ▪ Will be difficult to develop consultation principles and procedures that neatly fits all iwi circumstances across the region. 	<p>No</p>

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
			variables occurring in the resource management process, thereby increasing certainty, speed of processes and reduced administration costs.		
Specific direction on matters to be given particular regard to, in resource management decision making					
<p>Option 2 Direction to adopt an integrated approach to resource management This option requires local authorities to adopt an integrated approach to resource management including through recognising the interconnected nature of and multiple values associated with resources, seeks to maximise synergistic benefits to achieve multiple objectives, is strategic in approach, applies consistent and best practice standards and processes to decision making.</p>	<p>Promotes holistic consideration of relevant attributes to integrated management necessary to support a partnership approach. Effective where relevant agencies adopt integrated management approaches consistent with policy IR 3B. Degree of effectiveness will depend on the level of commitment and resourcing towards integrated management processes. Increases certainty that resource management issues are considered and addressed in an integrated manner by the relevant agencies.</p>	<p>High</p>	<p><u>Social</u></p> <ul style="list-style-type: none"> Reduces conflict over resource use and helps to build better relationships, understanding and information sharing across relevant agencies. Integrated resource management will better meet or provide for the needs of future generations, rather than placing emphasis on the short term needs of present populations. <p><u>Environmental</u></p> <ul style="list-style-type: none"> Likely to lead to better environmental outcomes, compatible with natural systems and processes, and sustainable management. Provides greater certainty about the importance of competing values, potential environmental effects and risks associated with natural and physical resource use and development. <p><u>Economic</u></p> <p>Potential long term benefits from a reduction in rate payer funded programmes being spent on private land holdings because they have achieved a better match of land uses with their land capabilities, with resulting improvements in water quality. More efficient and shared use of</p>	<p><u>Economic</u></p> <ul style="list-style-type: none"> There will be development and administration costs associated with implementing integrated management initiatives/methods adopted by relevant agencies to give effect to this option. Costs include monitoring and measuring resource use, the success of integrated management approaches, research. Such costs would likely be incurred irrespective of integrated management approaches, and so are likely to be distributed amongst relevant agencies thereby reducing the financial burden to them. 	<p>Yes</p>

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
			resources leading to greater economic gain by a wider sector of the community.		
<p>Option 3 Direction to use consultation in the identification and resolution of resource management issues</p>	<p>This policy option could be effective if relevant local authorities and resource users implement it and undertake genuine consultation where proposed activities are likely to have adverse effects on communities, cultural values and landowners.</p> <p>Effectiveness is reliant upon adequate resourcing of consultation processes.</p> <p>Consultation assist with addressing the significant iwi resource management issues relating to insufficient protection of tangata whenua environmental values, and inadequate recognition of kaitiakitanga, the Maori environmental resource management system and Te Tiriti o Waitangi principles.</p>	High	<p><u>Environmental</u></p> <ul style="list-style-type: none"> ▪ Early consultation with affected parties will assist with identifying potentially affected values and places, and appropriate mitigation measures. <p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Enduring outcomes generated through consultation processes can avoid lengthy and expensive litigation processes. Early consultation may also expedite planning processes later on down the consent process if Environment Court proceedings do eventuate. <p><u>Social</u></p> <ul style="list-style-type: none"> ▪ Incorporation of stakeholder views increases support for process and could increase community awareness of relevant environmental issues. 	<p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ There will be organisational and resourcing costs associated with developing and implementing consultation processes for various activities. <p><u>Social</u></p> <ul style="list-style-type: none"> ▪ There is the potential for conflict between agencies, community and landowner groups if agreement cannot be achieved. ▪ Cost would be determined by particular activities and nature of application on a case-by-case basis. ▪ Costs of investigations, justifications and addressing particular matters which are site specific are borne by the applicant. ▪ More complex applications (ie multiple values) will potentially increase costs and resources to address issues. ▪ There is the possibility that some environmental values will be compromised if development proceeds. The community needs to ensure the values can be balanced appropriately. 	Yes

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
<p>Option 4 Direction to promote consistent and integrated management across jurisdictional boundaries</p>	<p>Would be effective if relevant agencies commit to consistent and integrated management approaches. Degree of effectiveness will depend on the level of commitment and resourcing towards integrated management processes.</p> <p>Increases certainty that resource management issues spanning jurisdictional boundaries are considered and addressed in an integrated manner by the relevant agencies.</p>	<p>High</p>	<p><u>Social</u></p> <ul style="list-style-type: none"> Reduces conflict over resource use and helps to build better relationships, understanding and information sharing across relevant agencies. <p><u>Environmental</u></p> <ul style="list-style-type: none"> Provides greater certainty about the importance of competing values, potential environmental effects and risks associated with natural and physical resource use and development. Improves the sustainable management of resources. <p><u>Economic</u></p> <ul style="list-style-type: none"> Potential efficiencies through shared use of resources including skilled expertise. May lead to increased opportunities for sustainable management and development of natural and physical resources. 	<p><u>Economic</u></p> <ul style="list-style-type: none"> There will be development and administration costs associated with implementing integrated management initiatives/methods adopted by relevant agencies to implement this policy. Costs include monitoring and measuring resource use, the success of integrated management approaches, research. Such costs would likely be incurred irrespective of integrated management approaches, and so are likely to be distributed amongst relevant agencies thereby reducing the financial burden to them. 	<p>Yes</p>
<p>Allocation of responsibilities</p>					
<p>Option 5 Allocating responsibilities for land use controls for hazardous substances</p>	<p>An RPS must state the local authority responsible in the whole or any part of the region for specifying the objectives, policies, and methods for the control of the use of land to prevent or mitigate the adverse effects of the storage, use, disposal, or transportation of hazardous substances.</p> <p>This policy fulfils this requirement and is therefore effective in clearly allocating the necessary responsibilities for the land area and coastal marine area within the</p>	<p>Medium</p>	<p>Establishes certainty over the authority of regional, city and district councils in terms of the control of the use of land to prevent or mitigate the adverse effects of the storage, use, disposal, or transportation of hazardous substances.</p> <p><u>Environmental</u></p> <ul style="list-style-type: none"> Environmental benefits in the longer term, arising from the implementation of objectives, policies, rules and conditions of consent must still be established by 	<p><u>Economic</u></p> <ul style="list-style-type: none"> Additional costs may be borne by ratepayers to resource plan changes and consent processing procedures if objectives, policies, methods and consents do not currently address hazardous substances consistent with this policy option. 	

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
	region.		<p>the relevant local authorities to address the avoidance or mitigation of adverse effects of hazardous substances.</p> <p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Fulfils a requirement of the Act and therefore avoids any risk and associated expense of litigation or mediation arising from a dereliction of function and duty under the Act. 		
Guidance options					
<p>Option 6 Promoting the cultivating of partnerships between iwi and statutory management authorities</p>	<p>Provides potential for partnership to be established based on shared outcomes and principles. Promotes Te Tiriti o Waitangi principle of 'partnership' between iwi authorities and statutory authorities involving the courtesy of early consultation and extending reasonable cooperation on iwi issues of concern.</p> <p>As a guiding policy the adoption of this policy is not mandatory but relies on councils acting in good faith towards iwi authorities. This policy option will be effective if relevant agencies enter into genuine consultation with the aim of attaining enduring partnerships. Adequate resourcing is crucial to the effectiveness of any partnership agreements.</p> <p>Jurisdiction could also bring challenges where values, particularly ecological, geological and natural character values, may extend across jurisdictional boundaries. In such instances there would need to be a coordinated approach between</p>	High	<p><u>Environmental</u></p> <ul style="list-style-type: none"> ▪ Promotes sustainable relationships. Encourages cooperation and commitment from both parties. ▪ The formation of partnerships should result in a movement away from a generally mono-cultural understanding of the environment and resource management issues, towards a more bi-cultural approach. This will only come about through the education of all parties involved, including staff and councillors. <p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Potential cost savings through shared use of resources and streamlined processes. <p><u>Social and cultural</u></p> <ul style="list-style-type: none"> ▪ Incorporation of stakeholder views increases support for process and could increase community awareness of the importance of various resource management issues. 	<p><u>Environmental</u></p> <ul style="list-style-type: none"> ▪ Environmental effects associated with unidentified cultural or historic heritage places that may otherwise be avoided if consultation occurred. Issues of responsibility, overlapping jurisdictions and resourcing may lessen the effectiveness of this approach if not well managed. <p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ There will be organisational and resourcing costs associated with developing and implementing partnership options. For example, costs involved in training of Pūkenga to sit on hearing panels. <p><u>Social and cultural</u></p> <ul style="list-style-type: none"> ▪ There is the potential for short and long term conflict or strained relations between agencies, community and landowner groups if agreement cannot be achieved or partnership agreements are not considered to be honoured. 	Yes

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
	relevant district and regional councils to be effective.		<ul style="list-style-type: none"> ▪ This option is consistent with the Treaty principles, and therefore Council’s Part II responsibilities. 		
Do Nothing					
Option 7 – No intervention	<p>No process in place to address the significant iwi resource management issues concerning inconsistent inclusion of tangata whenua in resource management decision making, and insufficient protection of tangata whenua environmental values, inadequate recognition of kaitiakitanga, the Maori environmental resource management system.</p> <p>As the issue has been found to be regionally significant (refer to criteria in Appendix 1) – this would be a dereliction of function and duty under the Act.</p>	Low	<p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Financial and resourcing costs saved through not designing and implementing a consultation process which is often resource and time intensive. <p><u>Social</u></p> <ul style="list-style-type: none"> ▪ Local authorities are able to work with their communities to identify on a case-by-case basis whether consultation is necessary and what, if any, resource management intervention is required, without a predetermined regional policy direction. 	<p><u>Social</u></p> <ul style="list-style-type: none"> ▪ Iwi concerns regarding lack of ability to influence resource management decision making processes will remain unresolved, risking potential to damage stakeholder relationships. ▪ Council legislative responsibilities could be compromised and potentially open to litigation. ▪ Local authorities would have to formulate their own approach and response to the issue. Iwi relations with local authorities will likely be damaged without appropriate regional policy guidance and action to support iwi assertions and provide an overarching framework to guide resource management decision making processes. 	No

4.3 Results of evaluation as to the most appropriate policy and method options to achieve objective 14

Policy and method options	Factors contributing to effectiveness ³	Efficient?	Selected (most appropriate) option(s)(tick or cross)	Proposed policies and methods
Broad direction to district and/or regional plans				
Option 1 – Direct plans to identify consultation measures	Med	No	X	N/A
Specific direction on matters to be given particular regard to, in resource management decision making				
Option 2 – Direction to adopt an integrated approach to resource management	High	Yes	√	Policy IR 3B and methods 3, 9 and 41
Option 3 – Direction to use consultation in the identification and resolution of resource management issues	High	Yes	√	Policy IR 4B and methods 3 and 39
Option 4 – Direction to promote consistent and integrated management across jurisdictional boundaries	High	Yes	√	Policy IR 6B and methods 3 and 39
Allocation of responsibilities				
Option 5 – Allocating responsibilities for land use controls for hazardous substances	High	Yes	√	Policy IR 7C and method 3
Guidance				
Option 6 – Promoting the cultivating of partnerships between iwi and statutory management authorities	High	Yes	√	Policy IW 7D and methods 7, 9, 41 and 42
Do nothing				
Option 7 – No intervention	Low	No	X	N/A

4.3.1 Discussion on selected options

Having regard to the efficiency and effectiveness of the policy options above, a combination of options 2, 3, 4, 5 and 6 are considered appropriate to achieve partnership objective 14.

Option 6, a guidance approach, to promote the cultivation of partnerships between iwi and statutory management authorities, is considered an appropriate option to achieve partnership objective 14 and address significant iwi resource management issues 3, 2 and 1. In time this will lead 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 the Treaty partnership principle.

³ Effectiveness becomes the net value of an assessment of the relative difference between options in terms of their ability to influence or deliver intended outcomes.... The have great or widespread effect vs being of marginal or limited effect.

Option 3 is more efficient and effective than option 1 as it has immediate effect in consents processes. Option 3 combines consultation policies 5.3.3(b)(i), 5.3.3(b)(ii) and 5.3.3(b)(iii) from the Operative RPS. These policies were assessed as efficient and effective in the review of the operative RPS, and remain relevant to good resource management practice in the region. Option 1 could involve a time lag of years before a plan change is fully implemented and consultation measures included to direct resource management decision making processes.

Achievement of the partnership objective is heavily reliant upon the timely exchange, consideration of and response to, relevant information by all parties with an interest in the resolution of a resource management issue. This is critical to effective resource management processes. Consultation is an integral part of the process, and as key stakeholders and Treaty partners, iwi authorities have a vested interest in ensuring their views are being adequately considered.

Options 2 and 4 are both effective in promoting the achievement of the partnership objective 14. Both options recognise holistic resource management requires collaboration and information sharing amongst relevant organisations and agencies, including iwi authorities. Option 4 provides for consultation with potentially affected tangata whenua early in a proposal development, or as the occasion may dictate (method 39). Option 2 provides for the establishment of joint committees and working parties for the preparation of combined plans (method 41).

Option 5 simply allocates responsibilities in relation to hazardous substances within the region. It is acknowledged this option is not entirely effective in achieving the partnership objective. However, it is a requirement under the Act for the RPS to allocate these responsibilities. It is debatable that this option fits better with integrated approach objective 11 within the Integrated Resource Management chapter.

Option 7 (do nothing) is assessed as ineffective and inefficient. Doing nothing is likely to result in ongoing dissatisfaction by iwi and tangata whenua about their significant iwi resource management issues concerning inconsistent inclusion of tangata whenua in resource management decision making, and insufficient protection of tangata whenua environmental values, inadequate recognition of kaitiakitanga, and the Maori environmental resource management system. Iwi concerns regarding lack of consultation will remain unresolved, creating the potential to damage stakeholder relationships. Lack of participation and consultation could be a dereliction of function and duty under the Act.

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

There is sufficient information that strongly indicates that a range of options can be used to achieve the objective, and that the risk of acting is minimal.

The most significant economic cost relates to consultation processes and adequate resourcing of partnership agreements and processes. Such processes are often resource intensive and time consuming. However, the risk of not acting is assessed as significantly outweighing that economic cost.

Not acting risks damaging stakeholder relationships, in particular with iwi, and also exposes councils to potentially compromising their legislative responsibilities under the Resource Management Act 1991 and the Local Government Act 2002.

5 Evaluation of policy and methods to achieve Objective 15

The range of policy and method options considered

Objective 15: Water, land, coastal and geothermal resource management decisions have regard to iwi resource management planning documents.

The appropriateness of the policies and methods to achieve Objective 15 are evaluated by looking at the effectiveness and the efficiency of the policy and method options and the risks of acting or not acting if there is uncertain or insufficient information.

5.1 Range of policy and method options considered

Objective 15 seeks that iwi and hapū resource management planning documents are taken into account in water, land, coastal and geothermal resource management decisions.

In addressing this objective, the primary focus is to determine whether this objective can be best achieved through a broad direction to regional and district plans or through specific direction as to matters to be considered when making resource management decisions, or through non-regulatory guidance, or by doing nothing.

5.1.1 Broad direction to district and/or regional plans

Option 1 – Direct plans to include iwi management plans in assessment criteria for specified activities

This option requires regional and district plans to include assessment criteria requiring that iwi resource management planning documents be taken into account.

5.1.2 Specific direction on matters to be given particular regard to, in resource management decision making

Option 2 Taking iwi management plans into account

This option requires resource management decision making processes (i.e. plans and resource consents) to take into account iwi resource management planning documents.

Option 3 Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse effects on matters of cultural significance

This option requires resource management decision making processes (i.e. plans and resource consents) to encourage tangata whenua to recommend appropriate measures to avoid, remedy or mitigate adverse environmental effects on cultural values, resources or sites, from use and development activities as part of consultation for resource consents applications and in their own resource management plans.

5.1.3 Guidance options

Option 4 Encouraging the development of iwi management plans

This option encourages iwi and hapu to develop their own resource management planning documents.

5.1.4 Do nothing

Option 5 No intervention

In this option, there is no intervention, either directive or guidance, to promote the consideration of iwi resource management plans in water, land, coastal and geothermal resource management decisions.

5.2 Evaluation as to the effectiveness and efficiency of the policy and method options to achieve Objective 15

Selected option	Analysis of effectiveness	Effective ness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
Broad direction to district and/or regional plans					
Option 1 – Direct plans to include iwi management plans in assessment criteria for specified activities	<p>This policy option is unlikely to be effective as plans may not be specific enough or provide sufficient guidance to assist applicants or consent officers in determining what measures should be taken in response to the specified activities proposed.</p> <p>A broader policy requiring iwi resource management plans to be considered in resource management decision making processes is likely to be more effective. Kaitiaki representatives are best placed to determine when proposed activities will likely be of concern to iwi and hapū. They will than be able to use their iwi or hapū resource management plans to identify what measures are considered appropriate to tangata whenua to avoid, remedy or mitigate potential effects of proposed activities.</p>	Low	<p><u>Environmental</u></p> <ul style="list-style-type: none"> Potential for environmental benefits arising from the consideration of and provision for measures identified in iwi resource management plans in response to consent applications. <p><u>Social and cultural</u></p> <ul style="list-style-type: none"> Potential for Māori cultural benefits from the consideration of iwi resource management plans during the processing of certain types of activities. <p><u>Economic</u></p> <ul style="list-style-type: none"> Potential cost savings for iwi and hapū with resource management plans through the avoidance of expensive litigation proceedings that would have otherwise arisen if their plans had not been considered. 	<p><u>Economic</u></p> <ul style="list-style-type: none"> There are likely to be considerable administration costs for councils associated with implementation, including costs of analysing iwi management plans, consultation with iwi and hapū authors of such iwi management plans. <p><u>Environmental</u></p> <ul style="list-style-type: none"> Activities affecting some iwi and hapū may not require that iwi resource management plans as part of their assessment criteria in plans, therefore, impeding the ability for their provisions to be considered. This could hinder resource management responses appropriate to iwi and consent applicants. 	No
Specific direction on matters to be given particular regard to, in resource management decision making					
Option 2 – Taking iwi management plans into account	<p>The option seeks to ensure iwi resource management plans are taken into account in resource management decision making processes. It applies to plan change and consents processes and is therefore likely to be effective in achieving the objective.</p>	High	<p><u>Economic</u></p> <ul style="list-style-type: none"> Will provide justification for investing in the development of iwi management plans. Contributes to more effective and efficient management of natural and physical resources within the rohe to which plans apply. 	<p><u>Economic</u></p> <ul style="list-style-type: none"> There will be associated costs for councils to consider and where necessary integrate planning documents, however, because iwi resource management plans would have been taken into account under current processes (even if inadequately or in consistently), 	Yes

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
			<u>Environmental</u> <ul style="list-style-type: none"> Increased level of recognition and provision for values and resources of significance to Māori identified in iwi and hapū resource management planning documents 	the resulting resource costs shouldn't be exponentially significant.	
Option 3 – Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse effects on matters of cultural significance	<p>This policy option is considered effective in contributing to the achievement of the objective. Iwi and hapū resource management plans could be more effective in addressing significant iwi resource management issues if tangata whenua identify measures to avoid, remedy or mitigate adverse environmental effects on cultural values, resources or sites, from use and development activities.</p> <p>These measures can be used as a platform for kaitiaki representatives to engage consent applicants and local authorities as part of consultation for resource consents applications and plan change processes.</p> <p>This option provides a process to recognise and provide for the special relationship Māori have with their natural and physical resources of significance however there is a lower level of protection because of lack of enforcement.</p> <p>This option would require the agreement, active monitoring and implementation by iwi authorities to be effective.</p>	Medium	<u>Social and cultural</u> <ul style="list-style-type: none"> This option encourages collaboration and communication between tangata whenua and Council. Iwi and hapū need to be careful that such measures are not used as a means of avoiding face to face consultation with their kaitiaki representatives. <u>Economic</u> <ul style="list-style-type: none"> Likely to promote greater efficiencies in resource management decision making processes, for all parties (i.e. iwi, applicants and local authorities) by providing greater certainty whether iwi interests will be affected by a proposal and the likely means of addressing them. These efficiencies will lead to cost saving for all parties. <u>Environmental</u> <ul style="list-style-type: none"> By stating preferred measures for addressing various environmental issues, iwi are better able to influence more resource management practices within their own rohe. 	<u>Economic</u> <ul style="list-style-type: none"> It is difficult assess potential costs arising from this policy option however it will require resources on the part of both councils and iwi authorities. <u>Social and cultural</u> <ul style="list-style-type: none"> There is a risk that measures proposed by iwi and hapū are not favoured by applicants and other resource management agencies, leading to loss-win outcomes and strained relations. <u>Environmental</u> <ul style="list-style-type: none"> There is no guarantee the measures proposed by iwi will be implemented by consent applicants or local authorities. 	Yes

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
Guidance options					
<p>Option 4 – Encouraging the development of iwi and hapū resource management plans</p>	<p>Iwi management plans are an effective way to identify cultural values, resources or sites of significance to Maori and identify how they can best be protected.</p> <p>The development of iwi management plans are the responsibility of iwi authorities but in the interests of environmental protection and effective resource management decision making processes, councils can promote their development.</p> <p>However evidence shows that there are many examples of iwi management plans not being adequately considered in decision-making processes, and therefore this option is unlikely to have much of an effect without giving stronger recognition of existing iwi and hapū resource management plans.</p>	Medium	<p><u>Social and cultural</u></p> <ul style="list-style-type: none"> ▪ Potential for mutual collaboration, relationship building and engagement between iwi authorities and councils. ▪ Capacity and knowledge building for iwi authorities through engagement with members to facilitate development of iwi resource management plans, and the development of skills to facilitate the preparation of their own resource management planning document. <p><u>Environmental</u></p> <ul style="list-style-type: none"> ▪ More proactive resource management aligned with the objectives and policies of the iwi resource management plan. Greater certainty for kaitiaki when engaging with stakeholders and local authorities. Ability to reference authoritative document to support assertions and measure specifically relating to resource management proposals and issues within their respective rohe. <p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Likely to lead to more efficient use of resources by enabling iwi and hapū to align actions consistent with resource management priorities identified in their plans. 	<p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Could involve costs to councils if funding is provided to iwi and hapū to develop resource management plans (e.g. Bay of Plenty Regional Council's iwi management plan development fund). ▪ Costs to iwi and hapū of developing their resource management plans. <p><u>Social and cultural</u></p> <ul style="list-style-type: none"> ▪ Risk of break down in trust and relations if iwi and hapū do develop their plans, but consequently find they are not being considered or taken into account in resource management decision making processes. 	Yes

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
Do Nothing					
Option 5 – No intervention\	<p>Doing nothing will not achieve objective 15 nor address significant iwi resource management issue 6, relating to inadequate recognition and provision for iwi and hapū resource management plans.</p> <p>As this significant iwi resource management issue has been found to be regionally significant (refer to criteria in Appendix 1), this would be a dereliction of councils functions and duties and the Act.</p>	Low	<ul style="list-style-type: none"> ▪ Economic costs would be saved through not having to implement any policies or methods. ▪ Local authorities are able to work with iwi to identify on a case-by-case basis when iwi resource management plans should be taken into account, and what, if any, resource management intervention is required, without a predetermined regional policy direction. 	<ul style="list-style-type: none"> ▪ Strained relations with the authors of iwi and hapū resource management plans through ongoing dissatisfaction their plans are not being addressed. 	No

5.3 Results of evaluation as to the most appropriate policy and method options to achieve objective 15

Policy and method options	Factors contributing to effectiveness ⁴	Efficient?	Selected (most appropriate) option(s)(tick or cross)	Proposed policies and methods
Broad direction to district and/or regional plans				
Option 1 – Direct plans to include iwi and hapū resource management plans in assessment criteria for specified activities	Med	No	X	N/A
Specific direction on matters to be given particular regard to, in resource management decision making				
Option 2 – Taking iwi management plans into account in resource management decision making processes	High	Yes	✓	Policy IW 4B and methods 3, 10, 39 and 40
Option 3 – Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse effects on matters of cultural significance	High	Yes	✓	Policy IW 6B and methods 3, 9, 10 and 42
Guidance				
Option 4 – Encouraging development of iwi and hapū resource management plans	Low/Med/High	Yes	✓	Policy IW 8D and method 57
Do nothing				
Option 5 – No intervention	Med	No	X	N/A

5.4 Discussion on selected options

Having regard to the efficiency and effectiveness of the policy options analysed above, the preferred option includes both guidance policy to encourage the development of iwi and hapū resource management plans (option 4) and specific directives to take iwi management plans into account (option 2) and encourage tangata whenua to identify measures to avoid, remedy or mitigate adverse effects on matters of cultural significance (option 3).

Option 2 is considered an effective means of achieving objective 15. It requires resource management decisions to take into account iwi management plans (policy IW 4B) and assessments of environmental effects consider cultural values and relationships identified therein (method 10). It also requires that consideration of consultation with tangata whenua early in a proposal development and in accordance with tikanga Māori (method 39). Option 2 also includes provision for council officers to consider consulting tangata whenua wherever circumstances indicate issues of Māori cultural significance are relevant to a consent activity (method 40). These methods retain provisions which exist within the operative RPS, deemed to be of ongoing relevance to resource management decision making processes within the region.

⁴ Effectiveness becomes the net value of an assessment of the relative difference between options in terms of their ability to influence or deliver intended outcomes.... The have great or widespread effect vs being of marginal or limited effect.

Option 3 is also assessed as an effective and efficient option to achieve the objective. This option encourages tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects to provide specific direction to resource management decision making processes. Such measure contained within iwi resource management plans has the potential to make them more effective documents for resource management purposes, and lay the platform for engagement with local authorities, consent applicants and resource users and developers.

Option 4 (policy IW 8D and method 57) seeks to encourage and assist with the development of iwi and hapu resource management plans. This is considered an effective and efficient option for achieving the objective. To assist with the development of iwi and hapu resource management plans to ensure they is greater buy in to their policies by stakeholder agencies. And improve their use, understanding and implementation.

The do nothing option 5 is considered ineffective as it will not assist with addressing the objective nor resolving the issue of insufficient recognition and provision of iwi and hapu resource management plans.

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

There is sufficient information from iwi authorities in the region about the issue of insufficient recognition and provision for iwi and hapu resource management plans. The risk of acting because of insufficient or uncertain information is not deemed relevant.

There will however be economic costs, primarily relating to development and implementation which must be considered however on balance, the benefits of acting outweigh the economic costs.

The risks of not acting could compromise relationships with iwi and protection of the natural environment. Moreover, not acting could put councils at risk of failing to meet obligations under the Act.

6 Evaluation of policy and methods to achieve Objective 16

The range of policy and method options considered

Objective 16: Multiple-owned Māori land is developed and used in a manner that enables Māori to provide for their social, economic and cultural well-being and their health and safety, while maintaining and enhancing the quality of the environment and safeguarding its mauri.

The appropriateness of the policies and methods to achieve Objective 16 are evaluated by looking at the effectiveness and the efficiency of the policy and method options and the risks of acting or not acting if there is uncertain or insufficient information.

6.1 Range of policy and method options considered

Objective 16 seeks that multiple-owned Māori land is developed and used in a manner that enables Māori to provide for their social, economic and cultural well-being and their health and safety, while maintaining and enhancing the quality of the environment and safeguarding its mauri.

In addressing this objective, the primary focus is to determine whether it can be best achieved through broad direction to regional and district plans or through specific direction as to matters to be considered when making resource management decisions, or through guidance policy options, or by doing nothing.

This assessment of policy options to achieve Objective 16 over and above the alternatives assessed in relation to and presented within the section 32 reports relating to urban form and growth management and matters of national importance. This evaluation should therefore be considered in conjunction with those other section 32 reports as they contain further information pertinent to addressing multiple owned Maori land development issues.

6.1.1 Broad direction to district and/or regional plans

Option 1 Direction to district plans to include provisions enabling the development of multiple owned Maori land

This option requires district plans to include specific provisions to enable the development of multiple owned Maori land.

6.1.2 Specific direction on matters to be given particular regard to, in resource management decision making

Option 2 Direction to enable the development of multiple owned Maori land in resource management decision making processes

This option requires resource management decision making processes (i.e. plans and resource consents) to provide for the development of multiple owned Maori land in a manner which enables sustainable development of Maori land including the development of Papakainga and associated uses and protecting those uses and associated customary activities from the adverse effects of subdivision, use and development, in the vicinity of a Marae.

Option 3 Recognising matters of significance to Maori

This option requires resource management decision making processes (i.e. plans, heritage orders, designations and resource consents) to recognise and provide for specific matters of significance to Maori including:

- traditional Maori uses and practices relating to natural and physical resources such as mahinga maataitai, waahi tapu, papakainga and taonga raranga.
- the role of tangata whenua as kaitiaki of their resource.
- the Manawhenua relationship of tangata whenua with, and their role of kaitiaki of, characteristics of the natural environment.
- sites of cultural significance identified in iwi and hapu management plans.
- that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Option 4 Avoiding adverse effects on matters of significance to Maori

This option requires resource management decision making processes (i.e. plans and resource consents) to recognise and provide for avoiding, remedying or mitigating adverse effects on Maori cultural values including the exercise of kaitiakitanga, Mauri, mahinga kai and resources used for customary purposes, places of significant cultural and historic heritage value and existing and zoned Marae or papakainga land.

Option 5 – Providing for papakainga

This option requires resource management decision making processes (i.e. plans and resource consents) to provide for papakainga including Marae based housing outside existing urban areas and the western Bay of Plenty sub-region urban limit boundaries (identified on maps 4 to 13 in Appendix E).

Option 6 Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse effects on matters of cultural significance

This option requires resource management decision making processes (i.e. plans and resource consents) to encourage tangata whenua to recommend appropriate measures to avoid, remedy or mitigate adverse environmental effects on cultural values, resources or sites, from use and development activities as part of consultation for resource consents applications and in their own resource management plans.

6.1.3 **Guidance policy**

Option 7 Provision of information and guidance on how Maori land has been successfully developed within the region

This option involves producing information pamphlets and educational resources showing Maori land development success stories within the region to provide a source of inspiration and guidance for a range of development options for multiple owned Maori land in order to meet the current and strategic needs of tangata whenua.

6.1.4 Do nothing

Option 8 No intervention

In this option, there is no intervention, either regulatory or non-regulatory, to provide for the development of multiple owned Maori land.

6.2 Evaluation as to the effectiveness and efficiency of the policy and method options to achieve Objective 16

Selected option	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 plans to include provisions enabling the development of multiple owned Maori land</p> <p>This option requires district plans to include specific provisions to enable the development of multiple owned Maori land.</p>	<p>Establishes a clear and consistent policy framework within which to develop regulatory provisions and/or actions within plans; requires all pertinent plans to enhance opportunities for the development of multiple owned Māori land.</p> <p>Provides certainty that Māori land development is important and benefits the region. However, lacks guidance as to how to prioritise or differentiate as to where and how best to enhance opportunities to develop multiple owned Māori land.</p> <p>Promotes greater certainty for individual applicants, the community of interested parties, and for councils about what the intent of the policy is.</p> <p>Increases the ability to critique provisions and rationale/s within plan making processes</p> <p>Changes to district plans are required, so regulatory effect would be delayed for consents processes.</p> <p>Specific decisions would still be determined at the local level.</p>	<p>Med</p>	<p><u>Social/cultural</u></p> <ul style="list-style-type: none"> ▪ Long term social and cultural benefits arising from development on multiple owned Māori land, the reconnecting of tangata whenua with their ancestral land, reigniting turangawaewae, enhanced mana and improved opportunities for cultural immersion and whanaungatanga. ▪ Greater certainty that Māori land can be developed in accordance with Māori land trustees aspirations. <p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Potential cost savings for Māori land trustees resulting from reduced barriers to developing multiple owned Māori land. The direction is targeted and clearly attributed to a regionally significant issue – helping to reduce time, money and other resources on process. <p><u>Environmental</u></p> <ul style="list-style-type: none"> ▪ More efficient use of natural and physical resources on multiple owned Māori land. 	<p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ On-going implementation costs for councils – to investigate, implement, monitor compliance with, delivery and environmental outcomes of the intervention. Potential legal costs associated with appeals in opposition to planning provisions designed to give effect to this policy option. <p><u>Environmental</u></p> <ul style="list-style-type: none"> ▪ May be adverse effects on landowners adjacent to Māori land who oppose any development that is approved. <p><u>Social/cultural</u></p> <ul style="list-style-type: none"> ▪ Potential for ongoing tension and conflict where existing communities or neighbouring landowners are opposed to development on multiple owned Māori land. 	<p>No</p>

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
Regulatory direction on matters to be given particular regard to, in resource management decision making					
<p>Option 2 – Direction to enable the development of multiple owned Maori land</p> <p>This option requires resource management decision making processes (i.e. plans and resource consents) to provide for the development of multiple owned Maori land in a manner which enables sustainable development of Maori land including the development of Papakainga and associated uses and protecting those uses and associated customary activities from the adverse effects of subdivision, use and development, in the vicinity of a Marae.</p>	<p>Promotes consistency in resource consents processes and a consistent regional and district plan framework for the development of consent conditions, policies, rules and methods to enable the development of multiple owned Māori land.</p> <p>Will actively protect customary uses of Māori land from the adverse effects of subdivision, use and development on adjacent land.</p> <p>Effective in addressing the issue of difficulties developing multiple owned Māori land.</p>	High	<p><u>Environmental</u></p> <ul style="list-style-type: none"> ▪ Environmental benefits associated with strengthened cultural connections and relationships through the development of ancestral land for customary and contemporary purposes. <p><u>Social</u></p> <ul style="list-style-type: none"> ▪ Social and cultural benefits by contributing to the regional community's quality of life, cultural values, sense of places, historical linkages and spiritual renewal. ▪ The regional and each district community will be given opportunity to submit on the associated protection or restrictions proposed through the plan making process. ▪ Provides some certainty for the Maori community that Māori land is to be afforded particular recognition through plan and resource consents decision making processes. <p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Depending on the location of Māori land, there may be cost savings and reduced energy consumption, if travel distances for work, live and play purposes are reduced. 	<p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ On-going implementation costs for councils – to investigate, implement, monitor compliance with, delivery and environmental outcomes of the intervention. Potential legal costs associated with appeals in opposition to planning provisions designed to give effect to this policy option. <p><u>Environmental</u></p> <ul style="list-style-type: none"> ▪ May be adverse effects on landowners adjacent to Māori land who oppose any development that is approved. <p><u>Social/cultural</u></p> <ul style="list-style-type: none"> ▪ Potential for ongoing tension and conflict where existing communities or neighbouring landowners are opposed to development on multiple owned Māori land. ▪ There are potentially high social costs when engaging the community in consultation about a provisions for enabling the development of multiple owned Māori land. 	Yes

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
<p>Option 3 - Recognising matters of significance to Maori</p>	<p>The policy option is effective in addressing the issue pertaining to difficulties developing multiple owned Māori land. It involves recognising that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, Waahi Tapu and other taonga. It also requires having special consideration to Māori culture and traditions where these are relevant to a particular proposal.</p> <p>This policy is effective, in that it streamlines and combines several existing Māori culture and traditions policies from the current operative RPS (i.e. policies 5.3.2(b)(i) – 5.3.2(b)(vi)) that together recognise the relationship of Māori and their culture and traditions with their ancestral land and sites, waahi tapu and other taonga which comprise historic heritage and outstanding natural features and landscapes in the region.</p> <p>All policies have received strong support from iwi and hapū across the region. This support has been communicated through consultation undertaken during the review of the operative RPS and the preparation and release of the Draft RPS. These policies recognise and provide for the special relationship Māori have with their historic heritage identified as an issue of resource management significance in almost all iwi and hapū resource management plans lodged with the regional council.</p> <p>Implementing this policy option is considered effective as it demonstrates genuine consideration of iwi and hapū values and relationships with historic heritage regionally and their ongoing support for these provisions throughout the Proposed RPS policy development process.</p>	<p>High</p>	<p><u>Social/cultural</u></p> <ul style="list-style-type: none"> ▪ This policy option promote Māori cultural benefits as it recognises and provides for a fundamental principle that when an assessment of Maori culture and traditions is required only Maori can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Option 6 recognises and provides for section 6(e), 7(a) and 8 matters. ▪ It is considered that there are Maori cultural benefits arising from this policy, as it guides resource management decision-making where an assessment of Maori culture and traditions is necessary. <p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ As this policy option combines policies from recently operative Change No. 1 there is a high degree of certainty the provisions will be upheld if appealed by submitters who oppose them. <p><u>Environmental</u></p> <ul style="list-style-type: none"> ▪ Policy option will promote greater recognition of matters significant to Māori culture and traditions in resource management decision making processes. 	<p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ It is difficult to assess, with certainty, the public and private compliance costs arising from this policy. There may costs associated with consulting Maori where an assessment of Maori culture and traditions is necessary in relation to sites of cultural significance. However, it is considered that this is a duty implicit in sections 6(e), 7(a) and 8 of the RMA and this policy merely clarifies this. In isolation this policy option is unlikely to result in any additional private compliance costs. 	<p>Yes</p>

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
<p>Option 4 – Avoiding adverse effects on matters of significance to Maori</p> <p>This option requires resource management decision making processes (i.e. plans and resource consents) to recognise and provide for avoiding, remedying or mitigating adverse effects on Maori cultural values including the exercise of kaitiakitanga, mauri, mahinga kai and resources used for customary purposes, places of significant cultural and historic heritage value and existing and zoned Marae or papakainga land.</p>	<p>The policy option is effective in promoting the achievement of objective 16 addressing significant issues of resource management significance to iwi authorities including issue 5 (difficulties developing multiple owned Māori land).</p> <p>This policy option provides for avoiding, remedying or mitigating adverse effects on Maori cultural values including the exercise of kaitiakitanga, Mauri, mahinga kai and resources used for customary purposes, places of significant cultural and historic heritage value and existing and zoned marae or papakainga land.</p> <p>This policy is effective, in that it streamlines and combines several significant concepts of Māori culture and traditions into a single policy to guide resource management decision making processes and address the matters of national importance issues of resource management significance including the iwi resource management issues of significance.</p> <p>This policy option has received strong support from iwi and hapū across the region. This support has been communicated through consultation undertaken during the review of the operative RPS and the preparation and release of the Draft RPS.</p> <p>Implementing this policy option is considered effective as it demonstrates genuine consideration of iwi and hapū values and relationships regionally and their ongoing support for these provisions throughout the Proposed RPS policy development process.</p>	High	<p><u>Environmental</u></p> <ul style="list-style-type: none"> Will generate Māori cultural benefits by the extent it contributes to recognising and providing for the adverse impacts which growth and development pressures has had on the Māori culture and traditions throughout the region. These include incompatible land uses or activities being granted consent to locate beside papakāinga or Marae. Option 4 recognises and provides for section 6(e), 7(a) and 8 matters. <p><u>Economic</u></p>	<p><u>Economic</u></p> <ul style="list-style-type: none"> It is difficult to assess, with certainty, the public and private compliance costs arising from this policy. There may costs associated with consulting Maori where an assessment of Maori culture and traditions is necessary in relation to section 6(e) (in plan change and resource consent processes). In isolation this policy option is unlikely to result in any additional private compliance costs. 	Yes

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
<p>Option 5 – Providing for papakainga This option requires resource management decision making processes (i.e. plans and resource consents) to provide for papakainga including Marae based housing outside existing urban areas and the western Bay of Plenty sub-region Urban Limit boundaries (identified on maps 4 to 13 in Appendix E).</p>	<p>The policy option involves recognising the significance of papakainga development for tangata whenua. It is an effective option as it addresses the issues associated with the development of multiple owned Maori land raised during consultation with iwi and hapu. The papakainga policies have received strong support from iwi and hapū across the region. This support has been communicated through consultation undertaken during the review of the operative RPS and the preparation and release of the Draft RPS. These policies recognise and provide for the special relationship Māori have with their culture and traditions and historic heritage which has been identified as an issue of resource management significance in almost all iwi and hapū resource management plans lodged with the regional council. Implementing this policy option is considered effective as it demonstrates genuine consideration of iwi and hapū values and relationships with their culture and traditions and historic heritage.</p>	<p>High</p>	<p><u>Social/cultural</u></p> <ul style="list-style-type: none"> ▪ Will improve the ability for tangata whenua to provide for their health and wellbeing. Provides for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. <p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Will provide tangata whenua with opportunity to gain financial security through home ownership. Will reduce barriers and costs for Maori associated with applying for and processing applications for papakainga development. 	<p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ Human and economic resource costs for councils and communities, associated with research, analysis, interpretation, consultation, governance and decision making processes to formulate and establish the consequent regulatory frameworks. 	<p>Yes</p>
<p>Option 6 – Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse effects on matters of cultural significance</p>	<p>This policy option is considered effective in contributing to the achievement of the objective. Iwi and hapū resource management plans could be more effective in addressing significant iwi resource management issues if tangata whenua identify measures to avoid, remedy or mitigate adverse environmental effects on cultural values, resources or sites, from use and development activities. These measures can be used as a platform for kaitiaki representatives to engage consent applicants and local authorities as part of consultation for resource consents applications and plan change processes.</p>	<p>Medium</p>	<p><u>Social and cultural</u></p> <ul style="list-style-type: none"> ▪ This option encourages collaboration and communication between tangata whenua and Council. Iwi and hapū need to be careful that such measures are not used as a means of avoiding face to face consultation with their kaitiaki representatives. 	<p><u>Economic</u></p> <ul style="list-style-type: none"> ▪ It is difficult assess potential costs arising from this policy option however it will require resources on the part of both councils and iwi authorities. <p><u>Social and cultural</u></p> <ul style="list-style-type: none"> ▪ There is a risk that measures proposed by iwi and hapū are not favoured by applicants and other resource management agencies, leading to loss-win outcomes and strained relations. 	<p>Yes</p>

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
	<p>This option provides a process to recognise and provide for the special relationship Māori have with their natural and physical resources of significance however there is a lower level of protection because of lack of enforcement.</p> <p>This option would require the agreement, active monitoring and implementation by iwi authorities to be effective.</p>		<p><u>Economic</u></p> <ul style="list-style-type: none"> Likely to promote greater efficiencies in resource management decision making processes, for all parties (i.e. iwi, applicants and local authorities) by providing greater certainty whether iwi interests will be affected by a proposal and the likely means of addressing them. These efficiencies will lead to cost saving for all parties. <p><u>Environmental</u></p> <ul style="list-style-type: none"> By stating preferred measures for addressing various environmental issues, iwi are better able to influence more resource management practices within their own rohe. 	<p><u>Environmental</u></p> <ul style="list-style-type: none"> There is no guarantee the measures proposed by iwi will be implemented by consent applicants or local authorities. 	
Non regulatory options					
<p>Option 7 – Provision of information and guidance on how Maori land has been successfully developed within the region</p> <p>This option involves producing information pamphlets and educational resources showing Maori land development success stories within the region to provide a source of inspiration and guidance for a range of development options for multiple owned Maori land in order to meet</p>	<p>Promotes the objective by providing relevant information and examples to iwi and hapu with similar aspirations to those who have already achieved such on other Maori land within the region. Helps build resource capabilities for those iwi and hapu with strategic development aims within the region.</p> <p>Informs and assists to clarify matters concerning the development of multiple owned Maori land which might otherwise unknown to iwi and hapu.</p>	Medium	<p><u>Economic</u></p> <ul style="list-style-type: none"> Potential cost savings to iwi and hapu through following best practice examples and not making the same mistakes other Maori land developments have on their lands by learning from their lessons. Establishes region based examples for consideration by other iwi. Helps build on existing capabilities and resources within a relevant local and regional context. May assist with building the strategic resources of iwi and 	<p><u>Economic</u></p> <ul style="list-style-type: none"> Costs borne by iwi authorities and councils through developing the guidance material. <p><u>Cultural/Social</u></p> <ul style="list-style-type: none"> Cultural impacts from sharing information/intellectual property. 	No

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
the current and strategic needs of tangata whenua.			hapu regionally by developing appropriate internal skill base. <ul style="list-style-type: none"> ▪ Allows for flexibility of approach to try other innovative techniques. <u>Social and cultural</u> <ul style="list-style-type: none"> ▪ Social benefits for tangata whenua and the wider community from the realisation of Maori land development. 		
Do Nothing					
Option 8 – No intervention	Unlikely to address issue of difficulty developing multiple owned Maori land if there are no policies or methods in place to achieve the objective. This option would therefore not be effective. As the issue has been found to be regionally significant (refer to criteria in Appendix 1) – this would be a dereliction of function and duty under the RMA.	Low	<ul style="list-style-type: none"> ▪ Economic costs would be saved through not having to implement policies or methods. ▪ Local authorities are able to work with their communities to identify on a case-by-case basis what types of public access resources and values are important, and what, if any, resource management intervention is required, without a predetermined regional policy direction. 	<ul style="list-style-type: none"> ▪ It can be anticipated that the issue relating to the development of multiple owned Maori land will continue in the same trend or pattern, and that the objective will not be achieved. Doing nothing will not achieve the purpose of the Resource Management Act 1991. ▪ Local authorities would have to formulate their own approach and response to the issue. 	No

6.3 Results of evaluation as to the most appropriate policy and method options to achieve objective 16

Policy and method options	Factors contributing to effectiveness ⁵	Efficient?	Selected (most appropriate) option(s)(tick or cross)	Proposed policies and methods
Broad direction to district and/or regional plans				
Option 1 Direction to district plans to include provisions enabling the development of multiple owned Maori land	Med	No	X	N/A
Specific direction on matters to be given particular regard to, in resource management decision making				
Option 2 – Direction to enable the development of multiple owned Maori land in resource management decision making processes	High	Yes	✓	Policy IW 1B methods 3 and 50
Option 3 - Recognising matters of significance to Maori	High	Yes	✓	Policy IW 2B and methods 3, 10 and 42
Option 4 – Avoiding adverse effects on matters of significance to Maori	High	Yes	✓	Policy IW 5B and methods 3, 9, 10 and 42
Option 5 – Providing for Papakainga	High	Yes	✓	Policy UF 17B and method 3
Option 6 – Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse effects on matters of cultural significance	High	Yes	✓	Policy IW 6B and methods 3, 9, 10 and 42
Guidance				
Option 7 – Provision of information and guidance on how Maori land has been successfully developed within the region	Low	No	×	N/A
Do nothing				
Option 8 - No intervention	Low	No	×	N/A

6.3.1 Discussion on selected options

Multiple-owned Māori land is more difficult to develop than land in general title. Local authorities are well placed to assist hapū, trusts and Iwi to plan for the strategic development of their land. Māori land is not valued solely for monetary considerations, there is a strong desire for tangata whenua to live on their ancestral lands. Maori have traditionally shared a special relationship with whenua [land], from which cultural, spiritual, emotional, and physical sustenance is derived.

⁵ Effectiveness becomes the net value of an assessment of the relative difference between options in terms of their ability to influence or deliver intended outcomes.... The have great or widespread effect vs being of marginal or limited effect.

Maori Freehold Land is often characterised as being in small, discontinuous parcels of marginal quality; subject to multiple, often fragmented, ownership and succession. Garnering owner agreement on land development options is often also a challenge. There are approximately 16,000 titles which have no formal management structure.

The Maori Land Court has jurisdiction over all Maori land which is acknowledged as a taonga tuku iho (most precious and valued, to be handed on to succeeding generations) and that the Court's role is to facilitate owner aspirations in terms of retention and utilisation of Maori land. Additionally, the requirements of the Resource Management Act 1991 also apply to Maori land and therefore increase the barriers and complications surrounding its use and development.

Notwithstanding those challenges, the development of multiple-owned Māori land is of regional economic, cultural and environmental significance and as such, local authorities need to consider these resources within their planning processes.

Local Authorities have the ability to enable future development that takes into account the social, economic and cultural interests of the owners in accordance with their environmental values, practices and aspirations. This will involve the need to balance economic, environmental and social/cultural interests within the context of regional development.

Option 2 requires resource management decision making processes (i.e. plans and resource consents) to provide for the development of multiple owned Maori land in a manner which enables sustainable development of Maori land including the development of papakainga and associated uses and protecting those uses and associated customary activities from the adverse effects of subdivision, use and development, in the vicinity of a marae.

Option 2 (policy IW 1B methods 3 and 50) is considered an efficient and effective option to promote the achievement of objective 16 and involves specific direction to enable the development of multiple owned Maori land. Option 2 is more effective than Option 1 (to require district and regional plans to include policies, rules and methods to enable the development of multiple owned Maori land) as it shall be regarded in resource consents processes immediately in addition to being required to be given effect to by plans.

Facilitating the appropriate development of multiple owned Māori land will promote the sustainable management of land as a natural and physical resource while preserving, protecting, recognising and strengthening the cultural and spiritual aspects of the land as well. This involves the integrated, holistic and orderly management of the effects of development and redevelopment.

The policy options selected build upon the recently operative (i.e. 16 October 2009) Bay of Plenty RPS Change No. 2 (Growth Management) suite of multiple owned Maori land development policies and methods. The key difference to the Operative RPS is the next RPS will expand these provisions to apply across the entire region, rather than being limited to the western Bay of Plenty sub-region only.

Option 2 (Policy IW 1B methods 3 and 50) combines and carries over multiple owned Maori land policies 17A.3.3(b)(i) – 17A.3.3(b)(iii) from the Operative Bay of Plenty RPS, and extends them to cover the entire region (except for paragraph c which is limited to the western Bay of Plenty sub-region only). Option 5 (Policy UF 17B and method 3) specifically require resource management decisions to provide for Papakainga outside existing urban areas or defined urban limits in the western Bay of Plenty sub-region.

Option 3 (Policy IW 2B and methods 3, 10 and 42) and option 4 (Policy IW 5B and methods 3, 9, 10 and 42) both provide for other considerations specific to iwi resource management to occur in tandem to avoiding, remedying and mitigating potential adverse effects on matters of significance to Maori including the mauri of fresh, geothermal and coastal waters, land and air.

Option 3 recognises that only tangata whenua and their pukenga (individuals with specialist Maori cultural knowledge and expertise in the exercise of kaitiakitanga) can identify their cultural relationships with their natural resources within resource management decision making processes. They are also best placed to propose measures to avoid adverse effects upon the exercise of kaitiakitanga (or even providing for its exercise within resource management responses), and options that will very likely increase the ability, within resource management considerations, to enable the development of multiple owned Maori land.

Both policy options include method 10 which requires when assessing environmental effects of activities consider potential effects on cultural values identified in iwi resource management plans. Both policy options also include method 42 which provides for the consideration of appointing pukenga to hearing committees whenever matters of water, air, land or geothermal resource management significance to tangata whenua are being considered.

Option 6 (Policy IW 6B and methods 3, 9, 10 and 42) is effective and efficient in order to assist in identifying measures to address any potential adverse cultural effects of subdivision, use or development that could have an adverse effect on existing or proposed uses of multiple owned Maori land.

Option 7 is not considered an appropriate option. Non-regulatory actions to provide information and guidance about avoiding adverse effects on the mauri of natural and physical resources would have low effectiveness and efficiency. Such measures are best proposed by iwi and hapu through their own resource management plans. This analysis accords with policy IW 2B (recognising matters of significance to Maori) under option 3 a fundamental principle of the RPS that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Option 8, to do nothing, is assessed as not being appropriate to achieve the development of multiple owned Maori land objective 16.

The evaluation above is provided in addition to the evaluations associated with other aspects and related topics addressed by the Statement. These policies also have an influence on the development of multiple owned Maori land. Policies of particular relevance to enabling the development of multiple owned Maori land are contained within the matters of national importance and urban form and growth management chapters.

These factors lead to a planning response that utilises solely directive policy options, as most appropriate to achieve objective 16. That is, the options assessed to be the most appropriate, in terms of its effectiveness and efficiency are options 2, 3, 4, 5 and 6 in combination.

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

Section 32(4)(b) of the 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 both uncertain and insufficient information about the extent of the issue concerning difficulties developing multiple owned Maori land across the region. The issue has been validated for the western Bay of Plenty sub-region and this is reflected by objective 17A.3.3(a) in the operative Bay of Plenty Regional Policy Statement. The issue has been debated and analysed during consultation with territorial authorities, iwi and hapu across the region while developing the Draft Bay of Plenty Regional Policy Statement and the Next RPS Issues and Options Discussion Document.

The risk of acting in the way proposed is that some costs will be imposed on local authorities, iwi, hapu and Maori land trustees through resource consents and plan change processes, potentially for little gain in some instances.

The risk of not acting in the way proposed is that multiple owned Maori land will continue to be addressed inadequately, inconsistently and in an ad hoc way, and this important issue may not be identified as a pertinent consideration in some instances of resource management decision making where it ought to be included, and will therefore not be provided for appropriately. At best this will mean that territorial authorities, communities and individuals will not be able always to make informed choices in relation to the development of multiple owned Maori land. At worst, there may be a continued and even accelerated decline in realising the potential development opportunities on multiple owned Maori land, or it could continue to be provided for in places where people cannot take advantage of it.

The risk to the Bay of Plenty region's community, iwi, hapu and future generations are clearly of acting is much less than the risk of not acting.

7 Evaluation of policy and methods to achieve Objective 17

The range of policy and method options considered

The appropriateness of the policies and methods to achieve Objective 17 are evaluated by looking at the effectiveness and the efficiency of the policy and method options and the risks of acting or not acting if there is uncertain or insufficient information.

7.1 Range of policy and method options considered

Objective 17 seeks that the Mauri of water, land, air and geothermal resources is sustained or improved where degraded.

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

This assessment of policy options to achieve Objective 17 over and above the alternatives assessed in relation to and presented within the section 32 reports relating to urban form and growth management and matters of national importance. This evaluation should therefore be considered in conjunction with those other section 32 reports as they contain further information pertinent to addressing the mauri of water, land, air and geothermal resources.

7.1.1 Broad direction to district and/or regional plans

Option 1 Direction to district and regional plans to include provisions to sustain or improve mauri where degraded

This option requires district and regional plans to include provisions including key performance indicators to sustain or improve where degraded the mauri of water, land, air and geothermal resources.

7.1.2 Specific direction on matters to be given particular regard to, in resource management decision making

Option 2 Recognise matters of significance to Maori

This option requires resource management decision making processes (i.e. plans, heritage orders, designations and resource consents) to recognise and provide for specific matters of significance to Maori including:

- traditional Maori uses and practices relating to natural and physical resources such as mahinga mātaītai, waahi tapu, papakainga and taonga raranga.
- the role of tangata whenua as kaitiaki of their resource.
- the Manawhenua relationship of tangata whenua with, and their role of kaitiaki of, characteristics of the natural environment.
- sites of cultural significance identified in iwi and hapu management plans.

- that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Option 3 Avoiding adverse effects on matters of significance to Maori

This option requires resource management decision making processes (i.e. plans and resource consents) to recognise and provide for avoiding, remedying or mitigating adverse effects on Maori cultural values including the exercise of kaitiakitanga, mauri, mahinga kai and resources used for customary purposes, places of significant cultural and historic heritage value and existing and zoned Marae or papakainga land.

7.1.3 **Guidance options**

Option 4 Provision of information and guidance about avoiding adverse effects on mauri.

This option involves developing and disseminating information and guidance about avoiding adverse effects on mauri.

7.1.4 **Do nothing**

Option 4 No intervention

This option proposes no intervention, either regulatory or non-regulatory, to sustain Mauri.

7.2 Evaluation as to the effectiveness and efficiency of the policy and method options to achieve Objective 17

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
Broad direction to district and/or regional plans					
<p>Option 1 Direction to district and regional plans to include provisions to sustain or improve mauri where degraded</p> <p>This option requires district and regional plans to include provisions including KPIs to sustain or improve where degraded the mauri of water, land, air and geothermal resources.</p>	Establishes a consistent policy framework within which the need to sustain mauri is considered.	Low	<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 Bay of Plenty 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 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.</p> <p>Potential for cultural impacts from sharing information/intellectual property.</p>	No
Specific direction on matters to be given particular regard to, in resource management decision making					
<p>Option 2 – Recognise matters of significance to Maori</p>	The policy option involves recognising that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, Waahi Tapu and other taonga. It also	High	This policy option recognises and provides for a fundamental principle of the heritage criteria that when an assessment of Maori culture and traditions is required only Maori can assert their relationship and that of	It is difficult to assess, with certainty, the public and private compliance costs arising from this policy. There may costs associated with consulting Maori where an assessment of Maori culture and traditions is necessary in	Yes

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
	<p>requires having special consideration to Māori culture and traditions where these are relevant to a particular proposal.</p> <p>This policy is effective, in that it streamlines and combines several existing Māori culture and traditions policies from the current operative RPS (i.e. policies 5.3.2(b)(i) – 5.3.2(b)(vi)) that together recognise the relationship of Māori and their culture and traditions with their ancestral land and sites, waahi tapu and other taonga which comprise historic heritage and outstanding natural features and landscapes in the region.</p> <p>All policies have received strong support from iwi and hapū across the region. This support has been communicated through consultation undertaken during the review of the operative RPS and the preparation and release of the Draft RPS. These policies recognise and provide for the special relationship Māori have with their historic heritage identified as an issue of resource management significance in almost all iwi and hapū resource management plans lodged with the regional council.</p> <p>Implementing this policy option is considered effective as it demonstrates genuine consideration of iwi and hapū values and relationships with historic heritage regionally and their ongoing support for these provisions throughout the Proposed RPS policy development process.</p>		<p>their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Option 6 recognises and provides for section 6(e), 7(a) and 8 matters.</p> <p>It is considered that there are Maori cultural benefits arising from this policy, as it guides resource management decision-making where an assessment of Maori culture and traditions is necessary in relation to historic heritage or outstanding natural features and landscapes. However, because the nature of Proposed Change No.1 is aimed principally at integrating administrative matters, the degree to which this policy can claim to give rise to such benefits are not considered to be significant.</p>	<p>relation to historic heritage and outstanding natural features and landscapes (in plan change and resource consent processes). However, it is considered that this is a duty implicit in sections 6(e), 7(a) and 8 of the RMA and this policy merely clarifies this. In isolation this policy option is unlikely to result in any additional private compliance costs.</p>	

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
<p>Option 3 – Avoiding adverse effects on matters of significance to Maori</p> <p>This option requires resource management decision making processes (i.e. plans and resource consents) to recognise and provide for avoiding, remedying or mitigating adverse effects on Maori cultural values including the exercise of kaitiakitanga, Mauri, mahinga kai and resources used for customary purposes, places of significant cultural and historic heritage value and existing and zoned Marae or Papakainga land.</p>	<p>The policy option involves recognising and providing for avoiding, remedying or mitigating adverse effects on Maori cultural values including the exercise of kaitiakitanga, mauri, mahinga kai and resources used for customary purposes, places of significant cultural and historic heritage value and existing and zoned Marae or papakainga land.</p> <p>This policy is effective, in that it streamlines and combines several significant concepts of Māori culture and traditions into a single policy to guide resource management decision making processes and address the matters of national importance issues of resource management significance including the iwi resource management issues of significance.</p> <p>Policy 62 has received strong support from iwi and hapū across the region. This support has been communicated through consultation undertaken during the review of the operative RPS and the preparation and release of the Draft RPS. These policies recognise and provide for the special relationship Māori have with their natural and physical resources of significance. This is identified as a matter of resource management significance in almost all iwi and hapū resource management plans lodged with the regional council.</p>	High	<p>This policy option seeks to address the adverse impacts which growth and development pressures has had on the widespread destruction and degradation of places, sites and areas with cultural, spiritual or historic heritage value of significance to tangata whenua. These include incompatible land uses or activities being granted consent to locate beside papakāinga or Marae. Option 7 recognises and provides for section 6(e), 7(a) and 8 matters.</p> <p>It is considered that there are Maori cultural benefits arising from this policy, as it guides resource management decision-making where an assessment of Maori culture and traditions is necessary in relation to section 6(e) of the Resource Management Act 1991. However, because the nature of Proposed Change No.1 is aimed principally at integrating administrative matters, the degree to which this policy can claim to give rise to such benefits are not considered to be significant.</p> <p>Where a proposed subdivision, use or development may have adverse cultural effects measures to avoid adverse effects need to be identified. Where avoidance is not practicable measures to remedy or mitigate potential adverse cultural impacts will need to be identified.</p>	<p>It is difficult to assess, with certainty, the public and private compliance costs arising from this policy. There may costs associated with consulting Maori where an assessment of Maori culture and traditions is necessary in relation to section 6(e) (in plan change and resource consent processes). However, it is considered that this is a duty implicit in sections 6(e), 7(a) and 8 of the RMA and this policy merely clarifies this. In isolation this policy option is unlikely to result in any additional private compliance costs.</p>	Yes

Selected option	Analysis of effectiveness	Effectiveness rating	BENEFITS (social, economic and environmental)	COSTS (social, economic and environmental)	Efficient?
	<p>Implementing this policy option is considered effective as it demonstrates genuine consideration of iwi and hapū values and relationships regionally and their ongoing support for these provisions throughout the Proposed RPS policy development process.</p>				
Guidance options					
<p>Option 4 – 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 coastal and freshwater quality, air, land and geothermal resources. Informs and assists to clarify matters concerning mauri which might otherwise be contestable or open to variable interpretation.</p>	<p>Medium</p>	<p>Establishes a clear intent as to what needs to be considered in relation to sustaining mauri. 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 the wider community from further understanding of the concept of mauri and its potential contribution to sustainably managing natural and physical resources.</p>	<p>Costs are borne by iwi authorities and councils by iwi authorities of guidance material. Cultural impacts from sharing information/intellectual property.</p>	<p>Yes</p>
Do Nothing					
<p>Option 5 – No intervention</p>	<p>Unlikely to address issue for mauri if there are no policies or methods in place to achieve the objective. This option would therefore not be effective. As the issue has been found to be regionally significant (refer to criteria in Appendix 1) – this would be a dereliction of function and duty under the RMA.</p>	<p>Low</p>	<p>Economic costs would be saved through not having to implement policies or methods. Local authorities are able to work with their communities to identify on a case-by-case basis how the mauri of resources is sustained in resource management processes, and what, if any, resource management intervention is required, without a predetermined regional policy direction.</p>	<p>It can be anticipated that the issue will continue in the same trend or pattern, and that the objective will not be achieved. Doing nothing will not achieve the purpose of the Resource Management Act 1991. Local authorities would have to formulate their own approach and response to the issue.</p>	<p>No</p>

7.3 Results of evaluation as to the most appropriate policy and method options to achieve objective 17

Policy and method options	Factors contributing to effectiveness ⁶	Efficient?	Selected (most appropriate) option(s)(tick or cross)	Proposed policies and methods
Broad direction to district and/or regional plans				
Option 1 – Direction to district and regional plans to include provisions to sustain or improve mauri where degraded	Med	No	X	N/A
Specific direction on matters to be given particular regard to, in resource management decision making				
Option 2 – Recognise matters of significance to Maori	High	Yes	✓	Policy IW 2B and methods 3, 10 and 42
Option 3 – Avoiding adverse effects on matters of significance to Maori	High	Yes	✓	Policy IW 5B and methods 3, 9, 10 and 42
Guidance options				
Option 4 Provision of information and guidance about avoiding adverse effects on mauri	Medium	No	×	N/A
Do nothing				
Option 5 - No intervention	Low	No	×	N/A

7.3.1 Discussion on selected options

The evaluation above is provided in addition to the evaluations associated with other related topics, addressed by the Statement which also have an influence in sustaining mauri. Policies of particular relevance to sustaining or improving mauri include policy WL 3B (establishing contaminant discharge limits for priority catchments), policy CE 8B (encouraging the development of iwi management plans), and policy 26 (Safeguarding the life supporting capacity of coastal ecosystems).

In addition, the table evaluation has highlighted that only tangata whenua and their pukenga (individuals with specialist Maori cultural 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.

These factors lead to a planning response that utilises solely directive policy options, as the most appropriate option to achieve objective 17. That is, the options assessed to be the most appropriate, in terms of its effectiveness and efficiency is options 2 and 3 in combination.

Option 1 (to require district and regional plans to include policies, rules and methods to sustain or improve mauri) is not the most appropriate because it is preferred this approach be expanded and applied to other resource management processes also.

⁶ Effectiveness becomes the net value of an assessment of the relative difference between options in terms of their ability to influence or deliver intended outcomes.... The have great or widespread effect vs being of marginal or limited effect.

Option 2 (Policy IW 2B and methods 3, 10 and 42) and option 3 (Policy IW 5B and methods 3, 9, 10 and 42) both provide for other considerations specific to iwi resource management to occur in tandem to avoiding, remedying and mitigating potential adverse effects on matters of significance to Maori including the mauri of fresh, geothermal and coastal waters, land and air.

Both policy options include method 10 which requires when assessing environmental effects of activities consider potential effects on cultural values identified in iwi resource management plans. Both policy options also include method 42 which provides for the consideration of appointing pukenga to hearing committees whenever matters of water, air, land or geothermal resource management significance to tangata whenua are being considered.

Option 4 is not considered an appropriate option. Non-regulatory actions to provide information and guidance about avoiding adverse effects on the mauri of natural and physical resources would have low effectiveness and efficiency. Such measures are best proposed by iwi and hapu through their own resource management plans. This analysis accords with policy IW 2B (recognising matters of significance to Maori) under option 2 a fundamental principle of the RPS that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Option 5, to do nothing, is assessed as not being appropriate to achieve objective 18 and bearing very high risk of degrading the mauri of resources, even though the cost to applicants may be minimal.

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

Section 32(4)(b) of the 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 both uncertain and insufficient information about the state of mauri in the region. Whilst the concept of mauri has existed within the RPS and other regional plans for many years now, there is a major lack of baseline and consistent monitoring data for specifically measuring the mauri of the Bay of Plenty's natural and physical resources.

The risk of acting in the way proposed is that some costs will be imposed on local authorities and applicants for resource consents and through plan change processes, in order to recognise and provide for the sustaining the mauri of the region's natural and physical resources. Sustaining the mauri of natural and physical resources is a sustainable option as it in turn enables the safe and ongoing use of natural resources by all affected communities taking into consideration intergenerational equity.

The risk of not acting in the way proposed is that the maintenance and enhancement of public access will continue to be addressed inconsistently and in an ad hoc way, and this important issue may not be identified as a pertinent consideration in some instances of resource management decision making where it ought to be included, and will therefore not be provided for appropriately. At best this will mean that territorial authorities, communities and individuals will not be able always to make informed choices in relation to public access. At worst, there may be a continued and even accelerated decline in public access, or it could continue to be provided for in places where people cannot take advantage of it.

The risk to the Bay of Plenty region's iwi, wider community and future generations of acting are clearly 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 (RMA).
- The issue did not “repeat” the RMA, the New Zealand Coastal Policy Statement, any other national policy, or another issue in the RPS.
- The issue was explained in the context of the Bay of Plenty 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 RMA which are or are likely to arise at a regional scale (e.g. 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 (e.g. 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

- Department of Conservation (1994) New Zealand Coastal Policy Statement. Wellington. ISB 0-478-01589-S
- Environment Bay of Plenty (1999) *Operative Bay of Plenty Regional Policy Statement*.
- Environment Bay of Plenty (2003) *Operative Bay of Plenty Regional Air Plan*.
- Environment Bay of Plenty (1999) *Operative Rotorua Geothermal Regional Plan*.
- Environment Bay of Plenty (2003) *Operative Bay of Plenty Regional Air Plan*.
- Environment Bay of Plenty (2004) *Operative Regional Plan for the Tarawera River Catchment*
- Environment Bay of Plenty (1999) *Operative Bay of Plenty Regional Policy Statement*.
- Environment Bay of Plenty (2006) *Operative On-site Effluent Treatment Regional Plan*.
- Environment Bay of Plenty (2006) *The Ten Year Plan 2006 – 2016. Volumes 1 and 2*.
- Environment Bay of Plenty (2003) *Bay of Plenty Regional Pest Management Strategy 2003-2008*
- Environment Bay of Plenty (2004) *Regional Plan for the Tarawera River Catchment*
- Environment Bay of Plenty (2001) State of the Environment report. Environment Bay of Plenty, 2001.
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- Hooker M., Taylor S. (2007) *Community Outcomes Survey 2006 – Analysis Report*. Prepared for Environment Bay of Plenty by Key Research. Strategic Policy Publication 2007/02.
- International Council on Monuments and Sites (ICOMOS) New Zealand (1993) ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value. Auckland. ISBN 978-0-908577-52-1
- Key Research (2007) *Attitudes and Perceptions towards the environment and Environment Bay of Plenty 2006*. Strategic Policy Publication 2007/01
- New Zealand Historic Places Trust (2007) Sustainable Management of Historic Heritage Guidance Series. Wellington. ISBN 0-473-03270-8