

Cultural Values Assessments

Negotiating kāwanatanga and rangatiratanga through local government planning processes in Aotearoa, New Zealand: A review of the literature

Claire Gooder

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1.0 Executive summary

This literature review considers the intersection between indigenous knowledge and local government planning regimes as expressed through the Cultural Values Assessment (CVA) process that is part of the Resource Management Act 1991 (RMA).¹ This review focuses on the use of CVAs within a local government context, but recognises that they have broader application than this. Within a local government context, CVAs are documents prepared by mana whenua to assist local authority planners in decisions regarding resource consents. They are an example of a planning tool that facilitates engagement between local authorities and mana whenua. CVAs outline a range of information, including past, present and future cultural values and aspirations associated with the natural resources of an area. The CVA process cannot be understood outside its broader context. This literature review is designed to contribute to the assessment of mana whenua values and interests by placing CVAs within the literature on colonisation, Crown/Māori interaction, the Treaty of Waitangi, mātauranga Māori, Māori and Western planning models, and indigenous rights.

Drawing from the literature on boundary objects and negotiated space, the CVA process can be seen as sites of interaction that may provide an opportunity to bring together different knowledge systems and worldviews based on respect and recognition. The CVA process and the documents themselves can be described as a meeting place for multiple worldviews – they have the potential to have multiple meanings to different people. For mana whenua, the information within a CVA draws from mātauranga Māori and is intended to open a conversation or negotiation; it is an invitation to an ongoing relationship. For planners and applicants, CVAs are one assessment among a range of statutory requirements that must be completed to satisfy the resource consent process of a local authority, and in compliance with the RMA. The meanings attributed to CVAs are indicative of different worldviews and knowledge paradigms.

¹ Cultural Values Assessment (CVA) is the term currently used by Auckland Council and so is the term used throughout this review. The previously used term, Cultural Impact Assessment (CIA) is more common in the literature reviewed here, and appears to be largely interchangeable within a New Zealand context with CVA. The term Māori Values Assessment (MVA) is used occasionally, see for example, Te Ākitai Waiohū, 'Māori Values Assessment by Te Ākitai Waiohū for City Rail Link Project', 2012.

This topic represents a complex mix of practical, ideological and governance challenges that are inherently political. Resource management involves the challenge of finding ways of promoting the sustainable development of Aotearoa New Zealand's natural resources. This is complicated by the different approaches to framing the issue of resource management, including from the perspectives of Te Ao Māori (Māori world) and Te Ao Pākehā (Western world). The literature on decolonising planning provides both theoretical and operational arguments for recognising and redressing these underlying issues of governance through structural change and the sharing of political power. This literature shows that mātauranga Māori and practices from Te Ao Māori cannot be simply tacked on to a system that remains firmly Western. The Treaty of Waitangi is at the heart of this topic; honouring the spirit of the Treaty necessitates balancing kāwanatanga and rangatiratanga.

2.0 Introduction

This literature review considers the intersection between indigenous knowledge and local government planning regimes as expressed through the Cultural Values Assessment/Cultural Impact Assessment/Māori Values Assessment (CVA/CIA/MVA) process that is part of the Resource Management Act 1991 (RMA). The CVA is a document created by mana whenua as part of the resource consent application process, outlining potential cultural impacts arising from proposed developments. The CVA can be viewed as a legislative requirement under the RMA and the Local Government Act 2002. However, led by the literature, this review places the CVA process within its broader historical and cultural context to provide a more nuanced understanding. It is not intended for this review to repeat verbatim the existing legislation or council policy documents. Instead it seeks to contextualise the existing management regime and process of CVA, including limitations and opportunities, within indigenous (international) and iwi/hapū (local) concepts of mātauranga/knowledge, the history of colonisation, and ongoing issues of governance, resource management and indigenous rights.

This section presents key contexts for considering and interpreting the process of CVAs and the documents themselves. It explains how the review is structured and outlines the methodologies used. The last part of this section introduces a conceptual tool for respectfully holding these different worlds, contexts and perspectives in mind. This is the theoretical approach of boundary work and negotiated space.

2.1 Background

This review was conducted as part of Auckland Council's 'Improving the Assessment of Mana Whenua Cultural Values and Interests' research project. This research project was established to address some of the suggestions from the 2015 *Issues and Recommendations Report* prepared by the Mana Whenua Cultural Values Implementation Group (MWCVIG).² The MWCVIG is a non-decision-making group that works on behalf of the 19 mana whenua entities in Auckland. At its inception in

² Cultural Impact Assessment Project Working Group, *Mana Whenua Cultural Impact Assessment Issues and Recommendations Report*, Auckland Council, Auckland, 2015.

2014, the stated purpose of the MWCVIG was to improve the effectiveness of Auckland Council and mana whenua in protecting Māori cultural heritage and values. Despite the narrow initial terms of reference, in practice, the way in which 'Māori cultural heritage and values' are interpreted by Auckland Council remains one of the longstanding areas of discussion and debate for this group. While its members hold a range of views as to how they understand their cultural values, they share the concern that Auckland Council processes need to improve in order to take them into account effectively. While the MWCVIG continues to provide feedback to Regulatory Services with regards to the use of CVAs in the resource consenting process, the scope of the group has broadened to some extent such that it has also provided feedback on other processes and to other parts of Auckland Council including Healthy Waters, Plans and Places, Research and Evaluation Unit (RIMU).

The MWCVIG 2015 report prioritised information and research that enables Auckland Council to be more effective in considering mana whenua values through the consenting process. Their ideas included: case study research that could illustrate the importance of Māori cultural values and heritage to the wider public, and raise awareness of the contribution of mana whenua to positive development outcomes in Auckland; identifying whether resource consent planners face challenges in interpreting CVAs and/or require further training; and research into monitoring the results achieved in relation to the protection of mana whenua cultural values and interests.

2.2 Contexts

2.2.1 The Treaty of Waitangi/ Te Tiriti o Waitangi

An overarching context for this review is the place of the *Treaty of Waitangi/Te Tiriti o Waitangi* in local government processes.³ The Treaty is of constitutional importance to Aotearoa New Zealand; it recognises Māori indigeneity and forms the basis of a partnership for past and ongoing relationships between Māori and the Crown. It has been described as a living document, whose intent and application

³ There are two texts of the Treaty of Waitangi/Te Tiriti o Waitangi – a Māori version (te Tiriti) and an English version (the Treaty). There are differences between the texts, particularly relating to sovereignty. This literature review, in line with New Zealand legislation and the Waitangi Tribunal, uses the term 'the Treaty' with a focus on the principles, namely the spirit that underpins both texts – that of partnership.

requires ongoing interpretation within a contemporary context.⁴ The Treaty is also the underlying foundation for Crown and iwi/hapū relations with regard to resource management. Protecting the values and interests of tangata whenua and enabling Māori to exercise resource management are obligations under the Treaty. The Treaty recognises the right of Māori to plan for and manage their environment. This makes the Treaty the principal reference point for all natural resource decision-making. The Treaty principles considered important in the realm of resource management and RMA interpretation include iwi/hapū self-regulation, partnership, consultation and active protection.⁵

2.2.2 Colonisation

The Treaty is situated within the historical and ongoing context of colonisation. Colonisation involves the imposition of Western worldviews and institutions, as well as violent land confiscation and intergenerational cultural trauma. Colonisation has an ongoing impact in the context of resource management, impacting mātauranga Māori and Māori relationships to the whenua. Forster has labelled these entwined processes ‘colonising the mind’ and ‘colonising the landscape’.⁶ The process of colonisation involved separating Māori from their lands and waterways, damaging ‘the culture-environment bonds that were interwoven between different iwi and their atua, tupuna, mahinga kai, cultural sites, and resources’ as well as affecting ‘their social order and, more importantly, their mana and obligations as kaitiaki’.⁷ Historical grievances, redress for the colonising process, governance and honouring the Treaty are fundamental contexts for the literature on Māori and local government, resource co-management, decision-making, and Māori and the RMA.

⁴ M. H. Durie, ‘Universal provision, indigeneity and the Treaty of Waitangi’, *Victoria University of Wellington Law Review*, 33, 2002, pp.591-602; Mark Barrett and Kim Connolly Stone, ‘The Treaty of Waitangi and Social Policy’, *Social Policy Journal*, 11, 1998.

⁵ M. H. Durie, ‘Mana atua: A resourceful environment’, in M. H. Durie, *Te Mana, Te Kāwanatanga: The Politics of Māori Self-Determination*, Auckland: Oxford University Press, 1998, p.29.

⁶ Margaret Forster, ‘Indigeneity and trends in recognizing Māori environmental interests in Aotearoa New Zealand’, *Nationalism and Ethnic Politics*, 20, 1, 2014, pp.66-68.

⁷ Ruth Panelli and Gail Tipa, ‘Placing Well-Being: A Māori Case Study of Cultural and Environmental Specificity’, *EcoHealth*, 4, 4, 2007, p.452.

2.2.3 Planning

The discipline of planning is another important context for this topic. Planning can be broadly defined as the process of developing strategies to achieve desired objectives, solve problems, create opportunities and facilitate action.⁸ Planning is culturally informed, meaning planning concepts and processes have changed over time and been shaped by their social, cultural and historical milieu.⁹ There are dual planning traditions within Aotearoa New Zealand – Western models of planning, and Māori models of planning. Planning enacted at national and local government levels in New Zealand, like in other settler countries, has been largely shaped by Western worldviews that incorporate a separation between people and the land.¹⁰ There is also a long history of indigenous planning, which draws from traditional and local knowledge, even as it has been impacted by colonisation.¹¹ Mātauranga Māori informs Māori planning practices – from traditional iwi planning to Māori post-colonisation planning – by incorporating concepts from Te Ao Māori and mātauranga Māori while negotiating the impacts of colonisation.¹²

Indigenous and Western planning paradigms have influenced each other. CVAs are a subset of environmental management tools known as Impact Assessments (IA). IAs are tools for describing potential or realised environmental, economic, social, and/or cultural impacts of a proposed development, strategy, policy or plan.¹³ IAs emerged from changing discourses about the environment and people, influenced by

⁸ Bruce Mitchell, *Resource and Environmental Management*, 2nd edn, Routledge: London, 2013.

⁹ John Friedmann, 'Planning Cultures in Transition' in B. Sanyal, ed., *Comparative Planning Cultures*, Routledge, New York, 2005; B. Sanyal, 'Planning Cultures in Transition' in B. Sanyal, ed., *Comparative Planning Cultures*, Routledge, New York, 2005. For a history of planning in New Zealand see Caroline Miller, 'Introduction' in Caroline Miller and Lee Beattie, eds, *Planning Practice in New Zealand*, LexisNexis: Wellington, 2017, pp.5-12.

¹⁰ Libby Porter, *Unlearning the Colonial Cultures of Planning*, Routledge: Oxon, 2016.

¹¹ Leonie Sandercock, 'Commentary: indigenous planning and the burden of colonialism', *Planning Theory & Practice*, 5, 1, 2004, pp.118-124; Ryan Walker, Ted Jojola, and David Natcher, eds, *Reclaiming indigenous planning*. McGill-Queen's native and northern series, 10, 10, 2013.

¹² Hirini Matunga, 'The concept of indigenous planning as a framework for social inclusion', Abridged version of paper presented at *Imagine – Impacts, the NZPI [New Zealand Planning Institute] and PIA [Planning Institute Australia] Congress*, 2-5 April 2006, Available http://www.qualityplanning.org.nz/images/documents/QP_resources/Reference_Library/Maori/The%20Concept%20of%20Indigenous%20Planning%20as%20a%20Framework%20for%20Social%20Inclusion.pdf (Accessed 14 September 2017).

¹³ Adriana Partal, 'Impact Assessment: A Tool to Assist Cultural Sustainable Development', in Paul James, Chris Hudson, Sam Carroll-Bell, Alyssa Taing, eds, *People and the Planet 2013 Conference Proceedings*, Global Cities Research Institute, RMIT University: Melbourne, 2013, pp.1-12.

indigenous worldviews and movements for indigenous rights.¹⁴ Like indigenous influences in other settler colonial states, Māori concepts about natural resource management have influenced the environmental management tools used in Aotearoa New Zealand.

2.2.4 Te Ao Māori

There is also the Te Ao Māori context. Māori knowledge and beliefs inform contemporary Māori perspectives.¹⁵ In Te Ao Māori all forms of life are part of complex networks, interrelated and dependent on each other for balance. Through whakapapa, Māori position their place within the environmental context with all other entities.

Māori, as tangata whenua, and iwi and hapū as mana whenua (those with demonstrated mana whakahaere (governance, authority), have kaitiaki rights and responsibilities for their rohe (iwi/hapū territory). Each whānau or hapū are kaitiaki for the area over which they hold mana whenua – their ancestral land.¹⁶ It is both a mana whenua right and a responsibility to kaitiaki. Jim Williams describes the two dimensions of kaitiakitanga thus:

On the metaphysical level it refers to the various ways in which atua are manifest to support the present generation; each atua being seen to have its own area of concern. On the practical level, the practice of kaitiakitanga requires the Manawhenua linked with resources in a particular locality, to mirror the kaitiakitanga of atua for the good of the entire descent group. Sustainability is key to the concept of kaitiakitanga.¹⁷

¹⁴ Adriana Partal and Kim Dunphy, 'Cultural impact assessment: a systematic literature review of current methods and practice around the world', *Impact Assessment and Project Appraisal*, 34, 1, 2016, pp.1-13.

¹⁵ Garth Harmsworth and Shaun Awatere, 'Indigenous Māori Knowledge and Perspectives of Ecosystems', in J.R. Dymond, ed. *Ecosystem services in New Zealand – conditions and trends*, Manaaki Whenua Press: Lincoln, 2013, pp.274-286.

¹⁶ 'Mana whenua' is used here in line with how the Independent Māori Statutory Board (IMSB) uses the term; see IMSB, *The Māori Plan for Tāmaki Makaurau*, IMSB: Auckland, 2012. The contested use of the term 'mana whenua' is discussed in section 3.2.6 on language.

¹⁷ Jim Williams, 'Ngāi Tahu Kaitiakitanga', *MAI Journal*, 1, 2, 2013, pp.99-100.

Durie notes that Māori were guided by principles that underlie sustainable management and the needs of future generations 'well before the enactment of the Resource Management Act 1991'.¹⁸

Māori planning academic, Hirini Matunga outlines a Māori environment management framework that comprises four fundamental Māori values: taonga, tikanga, mauri and kaitiaki. These four values each have varying applications and coverage:

- Taonga covers wāhi tapu, seas and rivers, mahinga kai, taonga raranga, native animals and plants, air, minerals and geothermal energy.
- Tikanga are guides to moral behaviour, and vary between hapū and iwi. Tikanga includes wairuatanga, manaakitanga, rangatiratanga and manawhenua.
- Mauri covers the life essence or spiritual force in every entity – animate and inanimate – and includes considering the abundance and status of a resource, the extent of pollution and the resource's regenerative ability.
- Kaitiaki is about a holistic and restorative approach, promoting ecological harmony and reduced risk to present and future generations.¹⁹

Māori resource management perspectives are 'sourced from mātauranga Māori (indigenous knowledge) which is based on customary and traditional/cultural practices exercised through their role as kaitiaki. This role is performed in accordance with the tikanga and kawa of tāngata whenua.'²⁰ The understandings and applications of these concepts will vary according to hapū/iwi. Mana is at the root of manaakitanga and kaitiakitanga, and 'without resources and authority it becomes very challenging for Māori to take care of their own, and others.'²¹ The land is fundamental to Māori identity and survival:

¹⁸ Durie, 'Mana atua' p.22.

¹⁹ Hirini Matunga, *The Resource Management Act 1991 and Māori perspectives*, Centre for Māori Studies and Research, 1994, cited in Durie, 'Mana atua', pp.23-4.

²⁰ Papa Pounamu, 'Māori Perspective: Māori in Planning', <https://www.papapounamu.org/maoriinplanning> (Accessed 1 August 2017).

²¹ Tahu Kukutai and Arama Rata, 'From mainstream to manaaki: Indigenising our approach to immigration', in David Hall, ed., *Fair Borders? Migration Policy in the Twenty-First Century*, Bridget Williams Books: Wellington, 2017, p.43.

[I]t's about the much more basic relationship in whakapapa between ourselves and Papatūānuku, between the whenua we bury when we are born and the whenua that is our land ... I can't think of a value that's any more basic than that.²²

2.2.5 Mātauranga Māori

Mātauranga Māori is about Māori knowledge, and ways of interpreting and being.²³ It covers both the tangible and the intangible. The Waitangi Tribunal argues that mātauranga Māori needs to be validated in its own right as a taonga.²⁴ As a taonga, mātauranga Māori is protected under Article Two of the Treaty.²⁵ Mātauranga Māori incorporates both past and future knowledge. Mātauranga covers customary Māori worldviews (holistic, Māori social systems and oral traditions) and contemporary Māori worldviews (social and cultural diversity, redress, Treaty-based protection and partnership, and responsiveness related to public sector interactions).²⁶ Māori health academic Chris Cunningham points out that 'past' knowledge is both the *recent* past (post-Treaty, colonisation, urbanisation) and the *distant* past (pre-Treaty). The future knowledge, however, is always informed by the past. Ani Mikaere says we can think of a mātauranga continuum: drawing on the knowledge of the ancestors, contributing to that knowledge in the present, passing on that knowledge to be further developed by mokopuna in the future. This intergenerational continuity is part of Te Ao Māori.²⁷

Providing information drawn from mātauranga Māori to council and other stakeholders relies on those receiving the information recognising the legitimacy of

²² Respondent quoted in Matike Mai Aotearoa, *He Whakaaro Here Whakaumu Mō Aotearoa: The Report of Matike Mai Aotearoa – The Independent Working Group on Constitutional Transformation*, January 2016, p.82, Available <http://www.converge.org.nz/pma/iwi.htm> (accessed 18 August 2017).

²³ For a foundational understanding about mātauranga within a Māori worldview see section 'Iho matua' in Haylee Koroi, *Indigenous Knowledge as Evidence in Local Government Decision Making: Challenges and Opportunities*, Auckland Council, Auckland, 2017, pp. 7-10.

²⁴ David Williams, 'Mātauranga Māori and Taonga: The Nature and Extent of Treaty Rights Held by Iwi and Hapu in Indigenous Flora and Fauna, Cultural Heritage Objects, Valued Traditional Knowledge', Waitangi Tribunal Publication, 2001, esp. pp.13-26.

²⁵ Waitangi Tribunal, *Ko Aotearoa Tēnei – A Report into the Claims Concerning NZ Law and Policy Affecting Māori Culture and Identity* (Wai 262), 2011, vol 1.

²⁶ Chris Cunningham, 'A Framework for Addressing Māori Knowledge in Research, Science and Technology', *Pacific Health Dialog*, 7, 1, 2000, p.63.

²⁷ Ani Mikaere, 'From Kaupapa Māori Research to Re-Searching Kaupapa Māori: Making Our Contribution to Māori Survival', in J. Hutchings, H. Potter and K. Taupo, eds, *Kei Tua o te Pae Hui Proceedings – The Challenges of Kaupapa Māori Research in the 21st Century*, NZCER, Wellington, 2011, p.33.

‘the information and accumulated knowledge bases of iwi, hapū and whānau.’²⁸ For Māori, providing such knowledge is a relationship of respect and trust. ‘It is important to remember that in Māori society knowledge and learning are associated with being tapu (sacred)’, and as such, obtaining knowledge and then not using it for what it was intended, is a breaking of tapu. For this reason, when Māori share their knowledge, it needs to be treated with respect for the sacredness of learning.²⁹

The issue of ‘knowledge stealing’, or the intellectual property of mātauranga being disrespected, is of real concern to Māori.³⁰ Garth Harmsworth emphasises the importance of recognising and not exploiting intellectual property when developing tools that use mātauranga Māori to enhance understandings of the environment.³¹ Maui Solomon argues that trying to fit traditional knowledge into an intellectual property framework is ‘like a round peg in a square hole’. Traditional knowledge systems tend to favour collective rights (with concomitant obligations), intergenerational responsibility, cultural identity, and sacred and environmental sustainability.³² There is a global literature on Indigenous Knowledge (IK) and the way it informs indigenous and collaborative research that resonates strongly with discussions in Aotearoa New Zealand about mātauranga Māori.³³ Issues such as trust, relationship-building, and intellectual property dominate this discussion.³⁴

²⁸ Parliamentary Commissioner for the Environment, ‘Kaitiakitanga and local government: Tangata whenua participation in environmental management’, Wellington, 1998, p.iii.

²⁹ Kataraina Pipi, Fiona Cram, Rene Hawke, Sharon Hawke, Te Miringa Huriwai, Tania Matakai, Moe Milne, Karen Morgan, Huhana Tuhaka, and Colleen Tuuta, ‘A Research Ethic For Studying Māori and Iwi Provider Success’, *Social Policy Journal of New Zealand*, 23, 2004, p.151.

³⁰ Laura Jardine-Coom, *When Men and Mountains Meet: Rūiamoko, western science and political ecology in Aotearoa/New Zealand*, Saarbrücken, Germany, 2010, p.20.

³¹ Garth Harmsworth, ‘Indigenous Values and GIS: a Method and a Framework’, *Indigenous Knowledge and Development Monitor*, 6, 3, 1998, pp.1-7.

³² Maui Solomon, ‘An indigenous perspective on the WIPO IGC’ in Daniel F. Robinson, Ahmed Abdel-Latif and Pedro Roffe, eds, *Protecting Traditional Knowledge: The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore*, Routledge: New York, 2017, p.219.

³³ Deborah McGregor, ‘Lessons for Collaboration Involving Traditional Knowledge and Environmental Governance in Ontario, Canada’, *AlterNative: An International Journal of Indigenous Peoples*, 10, 4, 2014, pp.340-353; Donna L. M. Kurtz, ‘Indigenous Methodologies: Traversing Indigenous and Western Worldviews in Research’, *AlterNative: An International Journal of Indigenous Peoples*, 2013, pp.217-229; Jessica Mercer, Ilan Kelman, Lorin Taranis and Sandie Suchet-Pearson, ‘Framework for integrating indigenous and scientific knowledge for disaster risk reduction’, *Disasters*, 34, 1, 2010,

There is a healthy literature on IK and science, as well as internationally recognised principles to ensure indigenous knowledge is equally valued and considered alongside science.³⁵ The literature on mātauranga Māori and science is a subset of this wider literature.³⁶ A consensus has emerged that science and mātauranga Māori are different knowledge paradigms, and that comparing them is unhelpful.³⁷ However, there continues to be discussion about how these paradigms can contribute to each other, or work together, in collaborative environments.³⁸ Such collaborations are acknowledged to involve – in the language of the policy and

pp.214-39; Arun Agrawal, 'Why "indigenous" knowledge?', *Journal of the Royal Society of New Zealand*, 39, 4, 2009, pp.157-8; Phil Lyver, Christopher Jones and Henrik Moller, 'Looking past the wallpaper: Considerate evaluation of traditional environmental knowledge by science', *Journal of the Royal Society of New Zealand*, 39, 4, 2009, pp.219-223; Priscilla M. Wehi, Hēmi Whaanga and Tom Roa, 'Missing in translation: Maori language and oral tradition in scientific analyses of traditional ecological knowledge (TEK)', *Journal of the Royal Society of New Zealand*, 39, 4, 2009, pp.201-204; Les R. Tumoana Williams and Manuka Henare, 'The double spiral and ways of knowing', *MAI Review*, 3, 2009.

³⁴ For work on intellectual property and Māori see A.T.P. Mead, 'Understanding Māori Intellectual Property Rights', The Inaugural Māori Legal Forum, 2002; Williams, 'Mātauranga Māori and Taonga', esp. pp. 27-54; International Research Institute for Māori and Indigenous Education, 'Cultural and Intellectual Property Rights: Economics, Politics & Colonisation', vol. 2, Series: Critical Issues in Contemporary Māori Society, 1997; Fiona Cram, 'Māori and Science: Three Case Studies: Final Report' prepared for the Royal Society of New Zealand, 2002, pp.11-12.

³⁵ Claudio Chiarolla and Annalisa Savaresi, 'Indigenous Challenges under IPBES: Embracing indigenous knowledge and beyond', in Marie Hrabanski and Denis Pesche, eds, *The Intergovernmental Platform on Biodiversity and Ecosystem Services: Meeting the Challenges of Biodiversity Conservation and Governance*, Routledge: 2016; Charles Lawson, 'Relationships between IGC and Other Forums', in Daniel F. Robinson, Ahmed Abdel-Latif and Pedro Roffe, eds, *Protecting Traditional Knowledge: The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore*, Routledge: New York, 2017, p.63.

³⁶ See for example Daniel Hikuroa, Angela Slade and Darren Gravley, 'Implementing Māori indigenous knowledge (mātauranga) in a scientific paradigm: Restoring the mauri to Te Kete Poutama', *MAI Review*, 3, 2011; G. R. Harmsworth, R. G. Young, D. Walker, J. E. Clapcott and T. James, 'Linkages between cultural and scientific indicators of river and stream health', *New Zealand Journal of Marine and Freshwater Research*, 45, 3, 2011, pp.423-436; Jardine-Coom, *When Men and Mountains Meet*, J. S. Te Rito and S. M. Healy, eds, *Te Ara Pūtaiao: Māori Insights in Science*, Auckland, 2008; Cram, 'Māori and Science'.

³⁷ Mason Durie, 'Exploring the Interface Between Science and Indigenous Knowledge', presentation at the 5th APEC Research and Development Leaders Forum, Capturing Value from Science, Christchurch, 2004.

³⁸ See the special issue of the *Journal of the Royal Society of New Zealand*, 39, 4, 2009: the papers in this issue all highlight the importance of working with indigenous peoples on issues of environmental management. The use of indigenous knowledge in environmental research raises some particular issues for transdisciplinary approaches. Questions are raised about indigenous vs science debate and whether collaboration, partnership and dialogue can work, and how they work. See also the special issue 'Our Lands, Our Waters, Our Peoples', *New Genetics and Society*, 31, 1, 2012: focused on the contribution indigenous studies can make to the study of science technology and society (STS).

planning literature – ‘messy’ and ‘wicked’ problems that are resistant to simple resolution.³⁹

2.2.6 Legislation and local government

Another context is that of legislation and local government from Te Ao Pākehā. Council processes are shaped by statutory requirements and intersecting or conflicting considerations. Each local government authority – local, regional or unitary council – has its own policies and procedures for how it enacts national government policy, and each has a differing constituent and geographic make-up. Local Government New Zealand (LGNZ) says such diversity of circumstance, distinct challenges and differing levels of service makes comparison of councils difficult.⁴⁰ The Local Government Act 2002 requires councils to consider and promote the current and future wellbeing of communities and legislates responsibilities for engagement and cooperation between councils and Māori.

2.3 Structure

This literature review has been structured around the question ‘to what extent do planning tools, such as the CVA, allow for mātauranga Māori?’ Structuring the review in this way immediately places a Western legislative framework at the centre of the question, consequently marginalising mātauranga Māori. Similarly, the methodology of a literature review comes from a Western disciplinary tradition that is linear in structure, and usually privileges academic voices.⁴¹ A linear structure does not honour the interrelationship of context – past, present and future, nor a Te Ao Māori view of concepts that need to be considered in relation to each other: mātauranga Māori, kaitiakitanga, whakapapa, Te Tiriti o Waitangi, mana motuhake, mana whakahaere, mana whakahono, rangatiratanga and mauri. In an effort to recognise the interwoven and complex nature of this there is a necessary repetition and

³⁹ B. Frame, “‘Wicked’, “messy”, and “clumsy”: long term frameworks for sustainability’, *Environmental and Planning C: Government and Policy*, 26, 2008, pp. 1113-1128; Jessica Hutchings, ‘Our Lands, Our Waters, Our Peoples issue’, *New Genetics and Society*, 31,1, 2012, p.1; Australian Public Service, ‘Tackling wicked problems: A public policy perspective’, 2012, available <http://www.apsc.gov.au/publications-and-media/archive/publications-archive/tackling-wicked-problems> (accessed 9 September 2017).

⁴⁰ Local Government New Zealand, ‘Council data good, league tables little value, LGNZ says’, 22 August 2017. Available <http://www.lgnz.co.nz/news-and-media/2017-media-releases/council-data-good-league-tables-little-value-lgnz-says/> (accessed 18 September 2017).

⁴¹ Mikaere, ‘From Kaupapa Māori Research to Re-Searching Kaupapa Māori’, p.30.

circularity to the themes and across sections. However, to increase usability, each section has also been written so it can stand alone.

This literature review aims to bring together complex realities and different knowledge domains in a workable manner. It presents the idea that the CVA process and CVA documents themselves can be seen as a ‘boundary objects’ – things that sit on the boundary of intersecting worlds. This literature review can be viewed similarly. It is a piece of work that attempts to dialogue with many different (but not exclusive) perspectives (experts, mana whenua, council, planners, academics, stakeholders) and make those perspectives intelligible to each other in a workable way. This is not to deny or undermine the reality of the power imbalance that exists between, within and across all of these domains.

2.4 Methodology

This review covers literature created by mana whenua, academics, planners, and government.⁴² This includes government reports and websites,⁴³ information and reports from international organisations and overseas governments, local government policy documents, iwi management plans and cultural impact assessments, the grey literature from iwi organisations, planning consultants, associations, legal advisors, as well as published and unpublished academic work. Searches were performed with a combination of terms, such as ‘indigenous’, ‘Māori’, ‘local government’, ‘resource management’, ‘kaitiakitanga’, ‘traditional knowledge’, ‘mātauranga’, ‘impact assessment’, ‘cultural values’, ‘co-management’, and their synonyms.

This review also includes international literature, placing Māori within the broader indigenous experience, and CVAs within an international planning literature. However, the fundamental context here is Aotearoa New Zealand and the experience of Māori and local authorities following the signing of the Treaty. It provides an overview of how planning and resource management processes have developed, been experienced and contested.

⁴² These are not exclusive categories, i.e. people may identify with more than one of these descriptors.

⁴³ Including: MfE; Landcare; IMSB; Auckland Council; Resource Management Law Association; New Zealand Planning Association; and Papa Pounamu.

2.5 A conceptual tool: boundary work, boundary objects and negotiated space

A useful approach to conceptualising different knowledge paradigms is the theory of 'boundary work'. First introduced to demarcate science from other knowledge systems,⁴⁴ the notion of boundary work considers boundaries as interfaces rather than walls. Boundary work facilitates knowledge exchange, bridges knowledge paradigms and co-produces new knowledges. Robinson and Wallington consider it 'boundary work' to bring scientific and IK together (while still maintaining the integrity of each) to create an effective co-management strategy for social-ecological systems. In order to be successful, boundary work needs meaningful participation, translation and transmission of knowledge, and joint knowledge production.⁴⁵

'Boundary objects' are tools for developing and maintaining coherence across intersecting social worlds.⁴⁶ They are key to the activity of boundary work. Boundary objects can be abstract or physical objects. Their meaning is malleable and can mean different things to different people. They work to enable 'effective interaction at the interfaces of scientific disciplines, research and policy, and research and society'.⁴⁷ Huvila cautions that boundary objects are not necessarily equal or neutral and can be read as an expression of hegemony – of exerting one system over another.⁴⁸

Linda Tuhiwai Smith and colleagues have developed a concept of 'negotiated space'

⁴⁴ Thomas F. Gieryn, 'Boundary work and the demarcation of science from non-science: Strains and interests in professional ideologies of scientists', *American Sociological Review*, 48, 6, 1983, pp.781-95.

⁴⁵ Catherine J. Robinson, and Tabatha J. Wallington, 'Boundary work: engaging knowledge systems in co-management of feral animals on Indigenous lands', *Ecology and Society*, 17, 2, 2012.

⁴⁶ Susan Star and James Griesemer, 'Institutional Ecology: "Translations" and Boundary Objects: Amateurs and Professionals in Berkeley's Museum of Vertebrate Zoology', *Social Studies of Science*, 1989, 19, 3, pp.387-420.

⁴⁷ Roel Slootweg and Peter P. Mollinga, 'The impact assessment framework', in Roel Slootweg, Asha Rajvanshi, Vinod Mathur and Arend Kolhoff, eds, *Biodiversity in Environmental Assessment: Enhancing Ecosystem Services for Human Well-Being*, Cambridge University Press: Cambridge, 2010, p.89.

⁴⁸ Isto Huvila, 'The politics of boundary objects: Hegemonic interventions and the making of a document', *Journal of the American Society for Information Science & Technology*, 62, 12, 2011, pp.2528-39. See also Lucas Ward, Matthew Anderson, Susan Gilbertz, Jamie McEvoy and Damon Hall, 'Public stealth and boundary objects: Coping with integrated water resource management and the post-political condition in Montana's portion of the Yellowstone River watershed', *Geoforum*, 83, 2017, pp.1-13.

relating to mātauranga Māori, science, and new technologies.⁴⁹ 'Negotiated space' is a similar concept to 'the boundary object'. It is a conceptual space or 'bridge' that connects different ways of knowing and meaning-making in ways that facilitate a respectful and transformative knowledge exchange, knowledge growth and empowerment, and knowledge protection.⁵⁰ In the Aotearoa New Zealand context the 'negotiated space' is the interface of mātauranga Māori and Western scientific knowledge, where each paradigm extends and adds to the other. Such a space requires 'critical self reflection' on power relationships, multiplicity and the limits of knowledge systems.⁵¹ As Hudson et al. emphasise, empowerment is a precursor to effective dialogue.⁵²

2.6 Section conclusion

Keeping a sense of these intersecting influences not only enables a contextualised understanding of CVAs, it also serves as a reminder about their constructed nature. CVAs, like all planning tools, are the product of social, cultural and historic contexts, as well as subject to ongoing interpretation and production of meaning.

This literature review uses the conceptual tool of boundary work, boundary objects, and negotiated space. This provides a theoretical thread, woven throughout the review, to encourage recognition and support for the different knowledge paradigms and worlds involved and how they interact, connect and entangle. CVAs are boundary objects, articulating concepts between different worldviews. The ideal outcome is that new knowledge is created in a space of respect, negotiation and change.

⁴⁹ Linda Tuhiwai Smith, Maui Hudson, M. Hemi, S. Tiakiwai, R. Joseph, A. Barrett, and M. Dunn, 'The Negotiated Space' [unpublished paper Te Hau Mihi Ata: Mātauranga Māori, Science and Biotechnology], Waikato: Waikato University; 2008.

⁵⁰ Maui Hudson, 'The art of dialogue with indigenous communities in the new biotechnology world', *New Genetics and Society*, 31, 1, 2012, pp. 11-24.

⁵¹ Smith et al., 'Negotiated Space'.

⁵² Maui Hudson, Mere Roberts, Linda Tuhiwai Smith, Murray Hemi and Sarah-Jane Tiakiwai, 'Dialogue as a method for evolving Mātauranga Māori: Perspectives on the use of embryos in research', *AlterNative: An International Journal of Indigenous Peoples*, 6, 1 2010, pp.54-65.

3.0 Legislation

Legislation is the political and legal expression of how those who govern a society conceptualise an issue. Such conceptualisations are subject to change based on historical, social and cultural context, meaning that legislation can provide a temporal snapshot into how issues are understood. This section predominantly explores legislation – the Resource Management Act (RMA) 1991 and the Local Government Act (LGA) 2002 – and places these within international and domestic contexts relating to resource management, governance and indigenous rights. Cultural Values Assessments (CVAs) as well as other documents, such as Iwi Management Plans (IMPs), can be viewed as boundary objects. They articulate mana whenua concepts and aspirations, and are part of a dialogue between mana whenua and local government.

3.1 Background

3.1.1 International legislation

International law has developed to address the issues specifically facing indigenous peoples – such as rights to land, territories, resources and self-determination, all of which are recognised as intertwined and indivisible.⁵³ The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) 2007, declares the rights of indigenous peoples to ‘maintain, control, protect, and develop their cultural heritage, traditional knowledge and traditional cultural expressions’, as well as the right to maintain, control and protect their intellectual property’ over those things.⁵⁴ The active encouragement of effective community participation in decision-making is another important aspect of international laws on these topics.⁵⁵

As well as indigenous rights, there are international guidelines for indigenous participation in sustainable resource management and decision-making. These

⁵³ United Nations Human Rights Office of the High Commissioner, *Indigenous Peoples and the United Nations Human Rights System*, Fact Sheet No. 9, Rev. 2, United Nations: New York, 2013.

⁵⁴ UNDRIP, Article 31.

⁵⁵ See for example: UNESCO Intangible Cultural Heritage, *The Convention for the Safeguarding of Intangible Cultural Heritage*, ratified by the General Conference of UNESCO, 17 October 2003; Farida Shaheed, United Nations Special Rapporteur, *Report of the Independent Expert in the Field of Cultural Rights*, UN Doc (A/HRC/17/38), 2011.

include 'soft law guidance' on procedures for cultural, environmental and social impact assessment for activities concerning sacred sites, lands and waters traditionally occupied or used by indigenous and local communities. The *Akwé: Kon Guidelines* provide a voluntary decision-making framework for the incorporation of indigenous and local knowledge as part of environmental, social and cultural impact processes that recognise the unique relationship indigenous peoples have with their land.⁵⁶ The *Akwé: Kon Guidelines* define Cultural Impact Assessments (CIAs) as:

a process of evaluating the likely impacts of a proposed development on the way of life of a particular group or community of people, with full involvement of this group or community of people and possibly undertaken by this group or community of people: a cultural impact assessment will generally address the impacts, both beneficial and adverse, of a proposed development that may affect, for example, the values, belief systems, customary law, language(s), customs, economy, relationships with the local environment and particular species, social organisation and traditions of the affected community.⁵⁷

International laws governing the rights of indigenous peoples are guiding principles, rather than enforceable legislation. In practice, evaluations have shown that while bottom-up participation may be encouraged it remains for communities to conform to state processes, which remain at the centre of the decision making process.⁵⁸

3.1.2 Aotearoa New Zealand legislation

Successful resource management in Aotearoa New Zealand is both a technical and a governance challenge, interacting with the international context as well as the

⁵⁶ Secretariat of the Convention on Biological Diversity, *Akwé: Kon Voluntary Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessment regarding developments proposed to take place on, or which are likely to impact on, sacred sites and on lands and waters traditionally occupied or used by Indigenous and Local Communities*, COP 7 Decision adopted 13 April 2004, UNEP/CBD/COP/DEC/VII/16, Part F, p.10.

⁵⁷ Secretariat of the Convention on Biological Diversity, *Akwé: Kon*, Guideline 6(a).

⁵⁸ UNESCO, Evaluation of UNESCO's Standard-setting Work of the Culture Sector, Part I – 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, B Toggler, E Sediakina-Rivière and J Blake, Final Report, (October 2013), UNESCO Doc.IOS/EVS/PI/129 REV 2013, p.v. Quoted in Ana Filipa Vrdoljak, 'Indigenous Peoples, Intangible Cultural Heritage and Participation in the United Nations' in C. Antons and W. Logan, eds, *Intellectual Property, Cultural Property and Intangible Cultural Heritage*, London: Routledge, 2016.

national historical and the legislative contexts.⁵⁹ UNDRIP provides international weight to Māori assertions of rights and tino rangatiratanga (Māori self-determination). UNDRIP can be viewed as ‘an international benchmark against which the exercise of rangatiratanga may be defined and measured’.⁶⁰ It can also be a ‘useful starting point for beginning a new conversation between the Crown, Māori and non-Māori and producing impacts that Māori are more likely to want’.⁶¹

Alongside international legislation, Māori are guided by He Whakaputanga o te Rangatiratanga o Nu Tirene/Declaration of Independence (1835) and Te Tiriti o Waitangi (1840) in seeking Māori control over Māori resources.⁶² All branches of government have a duty to actively protect the interests of Māori and provide support and opportunity while balancing tino rangatiratanga and kāwanatanga (governance).⁶³ At the local government level, the Treaty-based rationale for Māori rights is often implied rather than clearly set out. This can be an ongoing obstacle for Māori.⁶⁴

The history of resource management legislation and local government reform are connected. As a Local Government New Zealand (LGNZ) report stated, the resource management reforms ‘were integral to the whole process of local government reform, especially as resource management is a major function of local government’.⁶⁵ In 1989 local government reforms reduced the number of local authorities from 700 to 86, introduced local government requirements for consultation and disclosure of information, and increased local authorities’ role in the

⁵⁹ Fikret Berkes, ‘Evolution of co-management: Role of knowledge generation, bridging organisations and social learning’, *Journal of Environmental Management*, 90, 4, 2009, pp.1692-1702.

⁶⁰ Matike Mai Aotearoa, *He Whakaaro Here Whakaumu Mō Aotearoa*, p.61.

⁶¹ M. Bargh, ‘The Post-settlement world (so far): Impacts for Māori’ in N. Wheen and J. Hayward *Treaty of Waitangi Settlements*, Auckland: Bridget Williams Press, 2012, p.180.

⁶² Bargh, ‘The Post-settlement world (so far)’, p.168; Forster, ‘Indigeneity and trends in recognizing Māori environmental interests’, pp.65-6.

⁶³ Maria Bargh, ‘Opportunities and complexities for Māori and *mana whenua* representation in local government’, *Political Science*, 68, 2, 2016, p.144.

⁶⁴ Maria Bargh, ‘Tiers of confusion and blurring boundaries: Māori and the Local Government Act 2002 and the General Agreement on Trade in Services (Gats)’, *Political Science*, 56, 1, 2004, pp.65-73.

⁶⁵ Douglas McKinlay, ‘Local Government Reforms in New Zealand: What was ordered and what has been delivered’, A paper prepared for Local Government New Zealand, 1998, p.14, available <http://www.mdl.co.nz/site/mckinley/Local%20Government%20Reform%20NZ%201990s.pdf>. Accessed 29 August 2017.

delivery of social services.⁶⁶ The RMA 1991 was developed at a time of international change in the way state governments articulated their responsibilities and the linked nature of the environment and development.⁶⁷ A small number of academics have outlined the history and origins of the RMA, as well as considering its impact since the passing of the Act in 1991.⁶⁸ The RMA was conceptualised during a period of increasing environmental and resource management awareness in Te Ao Pākehā. These changes were influenced by growing public articulation of concepts of natural resource management and the role of mana whenua as kaitiaki from Te Ao Māori: the 1975 Bastion Point hikoi; the establishment of the Waitangi Tribunal; 1984 Hui Taumata (Māori Development Summit); and the 1992 fisheries settlement for Māori.⁶⁹ Legislative and policy change increasingly started to incorporate recognition of Māori values, concepts and practices.⁷⁰ This includes the increased use of Māori language in legislation.⁷¹ The RMA 1991 and the LGA 2002 are both examples of legislative incorporation of Treaty principles as well as Māori concepts, values, and language.⁷²

3.2 The Resource Management Act 1991

The RMA is a planning framework, with responsibilities held by both central and local government. The RMA requires central government, through the Ministry for the Environment (MfE), to provide national direction on managing the environment and determining priorities through policy. For local governments (territorial authorities – which cover city and district councils – and regional councils), the regional and

⁶⁶ McKinlay, 'Local Government Reforms in New Zealand'.

⁶⁷ Lindsay Gow, 'The Resource Management Act: Origins, Context and Intentions', *Resource Management Journal*, November, 2014, p.29.

⁶⁸ Chris Jacobson, Hirini Matunga, Helen Ross and Bill Carter, 'Mainstreaming indigenous perspectives: 25 years of New Zealand's Resource Management Act', *Australasian Journal of Environmental Management*, 23:4, 2016, pp.331-37; Gow, 'The Resource Management Act'; Rod Oram, 'The Resource Management Act: Now and in the Future' Paper presented at the *Beyond the RMA Conference*, Langham, Auckland, 30-31 May 2007; David Young, *Values as Law: The History and Efficacy of the Resource Management Act*, Institute of Policy Studies: Wellington, 2001; Durie, 'Mana atua'.

⁶⁹ Panelli and Tipa, 'Placing Well-Being', p.452.

⁷⁰ Mason Durie, 'Public Sector Reform, Indigeneity and the goals of Māori development', Commonwealth Advanced Seminar, Wellington, 17 February 2004.

⁷¹ Catherine Iorns Magallanes, 'The use of tangata whenua and mana whenua in New Zealand legislation: Attempts at cultural recognition', *New Zealand Association for Comparative Law (NZACL) Yearbook*, 16, 2010, pp.83-102.

⁷² Gow, 'The Resource Management Act', p.28.

district resource management plans outline how each local community will approach and make planning decisions regarding transport, infrastructure and economic development. Essentially, the RMA provides national direction on significant issues while enabling local communities to make decisions on how their own environment is managed through the creation and interpretation of regional and district resource management plans. The MfE states that '[d]ecisions on resource consents are made with consideration to these plans, national direction and the objectives in the RMA.'⁷³ For Māori,

[k]ey to the legislation is that Māori are 'partners' who expect to be able to exercise rangatiratanga or authority in decision-making in the management and sustainability of a natural resource as of right, not only because of their long-term occupation in a location but because of their responsibilities to future generations.⁷⁴

Section 5 of the RMA outlines the purpose of the Act: 'to promote the sustainable management of natural and physical resources'. The RMA has three principles, which are outlined in sections 6, 7, and 8. These sections of the legislation are of particular significance to Māori. Section 6, 'Matters of National Importance', covers that local government must recognise and provide for 'the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga' (6e). Section 7, lists matters that all decisions 'shall have particular regard to', which includes kaitiakitanga (7a) and the ethic of stewardship (7aa⁷⁵). Section 8, 'Treaty of Waitangi', states that in achieving the purpose of the RMA 'account shall be taken' of the principles of the Treaty of Waitangi.⁷⁶ Section 33, where consenting authorities have the power to transfer or delegate authority, has the potential to be of significance to Māori, as do the joint management agreements

⁷³ Ministry for the Environment (MfE), 'Introduction to the RMA', available <http://www.mfe.govt.nz/rma/introduction-rma> (accessed 12 April 2018).

⁷⁴ Katharina Ruckstuhl, Michelle Thompson-Fawcett and Hauauru Rae, 'Māori and mining: Indigenous perspectives on reconceptualising and contextualising the social licence to operate', *Impact Assessment and Project Appraisal*, 3, 4, 2014, p.306.

⁷⁵ This was inserted in the Resource Management Amendment Act, 1997.

⁷⁶ Resource Management Act, 1991.

under Section 36 (B-E).⁷⁷ In 2017, new iwi participation agreements, Mana Whakahono a Rohe (MWR), were introduced to the RMA through Sections 58M and 58N.

As noted previously, local authority and mana whenua worldviews do not always align, and neither do their objectives or ideas of 'success' under the RMA. The Environment Court has recognised how these competing objectives make difficult the 'delicate balance between the concept of partnership recognised in the Treaty of Waitangi, the Resource Management Act and in the relevant Policy Statements and Plans, and the need for certainty about the continued operation of the consent'.⁷⁸ This can lead to discontent with RMA processes. The Matike Mai report on constitutional transformation noted that the land is something tangata whenua are attached to and concerned for:

[f]or that reason there was a real frustration [by mana whenua respondents] that the authority to give practical effect to that concern, to be real kaitiaki, was still largely denied by the Crown within the constraints of the Resource Management Act and general environmental policy.⁷⁹

The Waikato-based Planning Under a Cooperative Mandate (PUCM) project looked into the quality, implementation and outcomes of planning under the RMA. They developed a kaupapa Māori outcomes (results sought) and indicators (outcomes achieved) framework for iwi to use to assess the efficacy of the implementation of the RMA provisions in their rohe.

Their research also looked into whether council planners and decision makers understood Māori perspectives and values.⁸⁰

⁷⁷ Nathan Kennedy, *Viewing the world through a wider lens: Māori and council planning documents, PUCM Māori Report 6*, International Global Change Institute (IGCI), University of Waikato: Hamilton, 2008, p.8.

⁷⁸ Ngāti Pikiao Ki Maketū v Bay of Plenty Regional Council [2016] NZEnvC 97, cited in Annie O'Connor, Dave Randal and Alanna Garland Duignan, 'Māori interests in natural resource management: 2016 in review', *Māori Law Review*, April 2017, p.4.

⁷⁹ Matike Mai Aotearoa, *He Whakaaro Here Whakaumu Mō Aotearoa*.

⁸⁰ R. Jefferies and N. Kennedy, *A Report to Iwi on the Kaupapa Māori Environmental Outcomes and Indicators Kete*, PUCM Māori Report 8, Hamilton: University of Waikato, International Global Change Institute, 2009, p.1.

This boundary work between Māori, local authorities, and applicants, enables different paradigms to interact, challenge and influence each other. Indigenous concepts have been incorporated into public discourse through the RMA. Durie argues that the RMA was in part a response to challenges and concerns raised through the Waitangi Tribunal regarding the management of natural resources, which led to the incorporation of a number of Māori values and beliefs as well as provisions for special Māori interests.⁸¹ Ruckstuhl et al. contend that the way the RMA uses tikanga as the basis for tangata whenua rights 'has enabled Māori cultural values such as kaitiakitanga or guardianship to become acceptable and commonly held 'yardsticks' for measuring resource usage impact.'⁸²

In their review of the 25 years since the RMA, planning academics, Jacobson et al. argue that the RMA's 'ability to provide a framework and process that addresses a desire for and right to partnership is an ongoing negotiation' and one that requires an ongoing dialogue in order to 'address our collective interests in promoting sustainable management of our natural resources in just, equitable and transparent ways'.⁸³ This frames the resource management legislation as a living document, one that requires interpretation and evaluation in differing contexts. It has been noted that theoretically, flexibility to accommodate local knowledge and context is positive.⁸⁴ However, in reality this sits uneasily within the Western judicial system, which relies on evidence, fixed definitions, and precedents.⁸⁵

3.2.1 Cultural Values Assessments – the resource consent process

One site of negotiated space or boundary work between mana whenua and local government occurs in the granting of resource consent through the CVA process. The applicant is also situated in this space. The resource consent process follows a clear pathway including who is responsible at different stages for gathering,

⁸¹ Durie, 'Mana atua', p.28.

⁸² Ruckstuhl et al., 'Māori and mining', p.306.

⁸³ Jacobson et al., 'Mainstreaming indigenous perspectives', pp.332-3.

⁸⁴ Sloodweg and Mollinga, 'The impact assessment framework', p.93.

⁸⁵ Prue Kapua, 'Review of the Role of Māori Under the Resource Management Act 1991', Salmon Lecture 2006, *Resource Management Theory and Practice*, 2007, p.95; Robert Joseph, 'Māori Values and Tikanga: Consultation under the RMA 1991 and the Local Government Bill – Possible Ways Forward', Inaugural Māori Legal Forum Conference, Te Papa Tongarewa, Wellington 9-10 October 2002.

processing or reporting on information.⁸⁶ CVAs are required as part of this process, and involve mana whenua, the local authority, and the resource consent applicant. A CVA is defined as ‘a report documenting Māori cultural values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these.’⁸⁷ Applicants need to engage with mana whenua to determine whether a CVA is required for their proposed development. According to Auckland Council’s practice notes, ‘where tangata whenua have a legitimate interest in, or are affected by, an application they also have the right to have their views considered in the decision-making process.’⁸⁸ This refers to the RMA provision to protect and recognise mana whenua relationships with waahi tapu, taonga, water, and ancestral lands. Under the RMA a CVA may be required by developments subject to or involving: landscape overlays; maunga (volcanic) viewshafts; ancestral lands; significant ecological areas; coastal marine areas; discharges that may enter the sea, rivers, streams, lakes, wetland, aquifers and air; sites and places of significance to mana whenua; historic heritage overlay sites of Māori interest and significance; statutory acknowledgements; treaty settlement land; and Māori land.⁸⁹

CVAs are also required under other legislation. Some of the experiences and guidelines developed in these other contexts can inform good practice guidelines for CVAs under the RMA. For example, in relation to the Hazardous Substances and New Organisms Act 1996, a Best Practice Guidelines for Preparing a Tangata Whenua Effects Assessment has been created, which foregrounds relationship building, understanding the proposed activity, and assessing the impact across environmental, cultural, social and economic areas with consideration for impacts

⁸⁶ The RMA Quality Planning Resource: The Resource Consent Process, <http://www.qualityplanning.org.nz/index.php/supporting-components/consent-administration/the-resource-consent-process> (Accessed 16 August 2017).

⁸⁷ The RMA Quality Planning Resource, *Consent Support: FAQs about Cultural Impact Assessments*, 2013, http://qualityplanning.org.nz/index.php/supporting-components/faq-s-on-cultural-impact-assessments#what_is_cia (Accessed 15 August 2017).

⁸⁸ Mike Reid, ‘Council-Māori Engagement: the Ongoing Story’, Paper presented at Working with Iwi Conference 2011, Wellington 14 June 2011, p.3. Available <http://www.lgnz.co.nz/assets/Uploads/Our-work/CME-pr1308025629.pdf> (accessed 11 August 2017).

⁸⁹ Auckland Council, ‘Engaging with mana whenua’, <https://www.aucklandcouncil.govt.nz/building-and-consents/understanding-building-consents-process/prepare-application/prepare-resource-consent-application/Pages/engaging-with-mana-whenua.aspx> (Accessed 18 September 2017).

that are temporary, permanent, past, present, future, cumulative, acute and chronic.⁹⁰

Resource consent applications for water permits may also require a CVA. Water management must also take into consideration the matters stated in sections 6 and 7 of the RMA. Increasingly, issues of indigenous rights and involvement in resource governance and management are explored in relation to water, which is recognised as a particularly complex issue both internationally⁹¹ and in Aotearoa New Zealand.⁹² For Māori, the mauri of water requires protection and nurturing by kaitiaki, and is an indicator of whether systems are in balance.⁹³ Water is one of the most commonly cited resources of concern to hapū/iwi⁹⁴ and is frequently mentioned by hapū in cultural impact assessments as a cultural, spiritual, practical and economic

⁹⁰ Repo Consultancy Limited, Best Practice Guidelines: Tangata Whenua Effects Assessment – a road map for undertaking Cultural Impact Assessment under HSNO 1996, 2010, <http://www.epa.govt.nz/publications/erma-cia%20guidelines-250510.pdf> (Accessed 15 August 2017).

⁹¹ Ward et al., 'Public stealth and boundary objects'; Deborah McGregor, 'Traditional Knowledge and Water Governance: the ethic of responsibility', *AlterNative: An International Journal of Indigenous Peoples*, 10, 5, 2014, pp. 493-507; Margaret Ayre and John Mackenzie, '“Unwritten, unsaid, just known”: the role of Indigenous knowledge(s) in water planning in Australia', *Local Environment*, 18, 7, 2013, pp.753-68; Jessica K. Weir, 'Cultural Flows in Murray River Country', *Australian Humanities Review*, 48, 2009, pp.131-142.

⁹² P.A. Memon and N. Kirk, 'Role of indigenous Māori people in collaborative water governance in Aotearoa/New Zealand', *Journal of Environmental Planning and Management*, 55, 7, 2012, pp.941-959; Garth Harmsworth and Shaun Awatere, *Māori Values – Iwi/Hapū Perspectives of Freshwater Management in the Auckland Region*, Landcare Research Manaaki Whenua: Palmerston North, 2012; Shona Russell, Bob Frame and James Lennox, eds, *Old Problems, New Solutions: Integrative research supporting natural resource governance*, Landcare Research, Manaaki Whenua Press: Lincoln, 2011; L. Te Aho, 'Indigenous challenges to enhance freshwater governance and management in Aotearoa New Zealand – the Waikato River settlement', *The Journal of Water Law*, special edition, 20, 5, 2010, pp. 285-292; Jacinta Ruru, 'Undefined and unresolved: exploring indigenous rights in Aotearoa New Zealand's freshwater legal regime', *The Journal of Water Law*, special edition: 2010, pp. 236-242; Brad Coombes, 'Defending community? Indigeneity, self-determination and institutional ambivalence in the restoration of Lake Whakaki', *Geoforum*, 38, 2007, pp.60-72.

⁹³ Jefferies and Kennedy, *A Report to Iwi on the Kaupapa Māori Environmental Outcomes and Indicators Kete*; Te Kipa Kepa Brian Morgan, 'Waiora and Cultural Identity: Water quality assessment using the Mauri Model', *AlterNative*, 3, 1, 2006, pp.43-67.

⁹⁴ Michael Backhurst, Maxine Day, Tricia Warren, Neil Ericksen, Jan Crawford and Richard Jefferies, *Evaluation of Iwi and Hapū Participation in the Resource Consents Processes of Six District Councils: Māori Working Paper 2*, International Global Change Institute, University of Waikato: Hamilton, 2004, p.8. See also Te Rūnanga o Ngāi Tahu, 'Summary Report, Te Wai Pounamu: Te Mana o Te Wai Case Study', Te Rūnanga o Ngāi Tahu, Christchurch, June 2015, <http://iwichairs.maori.nz/wp-content/uploads/2015/06/Case-Study-Te-Waipounamu-Te-Mana-o-Te-Wai-June-2015.pdf> (Accessed 3 August 2017).

resource for Māori that is impacted by development and resource use.⁹⁵ After more than 20 years since enactment of the RMA legislation, many Māori claim to be battle weary from protesting resource consent applications for the take of fresh water.⁹⁶ The government, academics, the Waitangi Tribunal and iwi groups have recognised that resource management relating to freshwater requires further attention.⁹⁷

3.2.2 Resources/costs for mana whenua

The importance of resourcing and capacity building to enable Māori engagement with local government processes is well documented.⁹⁸ Legal academic, Prue Kapua notes that reviews of the RMA have pointed to the cost of participation for Māori as particularly onerous, not just in money but also in time for iwi who have many responsibilities and commitments to uphold. 'A difficulty for Māori is weighing up a virtually insurmountable cost against their own obligations and responsibilities as kaitiaki and as members of the current generation.'⁹⁹ Resourcing includes financial help and assistance to build capacity and is required for meaningful engagement in

⁹⁵ See for example: Nyssa Payne-Harker and Kathryn Gale (KTKO Consultancy) for Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Ōtākou, *Cultural Impact Assessment: OceanaGold (NZ) Ltd Coronation North Project*, September 2016; April Bennett on behalf of Ngāti Kauwhata, 'Cultural Impact Assessment: In relation to an application to discharge treated meatworks effluent to the Oroua River', 17 August 2016; Ngāti te Ata Waiohua, 'The Mangere New 'Old' bridge: Cultural Impact Assessment', March 2015; Tama Hovell (for Atkins Holm Majurey Limited), 'Cultural Values Assessment in Support of the Notices of Requirement for the Proposed City Rail Link Project', 11 December 2012; Tangata Whenua [Tuhourangi Tribal Authority], 'Cultural Impact Assessment: Adverse Environmental Affects on Hapū Communities', Northern River Section, 2012; Dyanna Jolly Consulting for Te Rūnanga o Kaikōura, *Cultural Impact Assessment: For a Proposed Plan Change and Coastal Subdivision at Claverley*, February 2007.

⁹⁶ Jacinta Ruru, 'Māori and the Courts', in Shona Russell, Bob Frame and James Lennox, eds, *Old Problems, New Solutions: Integrative research supporting natural resource governance*, Landcare Research, Manaaki Whenua Press: Lincoln, 2011, pp.23-29.

⁹⁷ Bridget Spence, 'Future allocation of freshwater under the Resource Management Act 1991: An analysis of the Government's response to the Land and Water Forum reports', *Resource Management Bulletin*, 10, 10, 2014, pp.115-119; Waitangi Tribunal, *Stage 1 Report of the Waitangi Tribunal on the National Freshwater and Geothermal Resources Claim* (Wai 2358, 2012); Te Aho, 'Indigenous challenges to enhance freshwater governance'; Ngāti Koroki Kahukura Trust, *Mai I te Maunga ki te Awa: Te Hapori o Maungatautari Freshwater case Study*, 2015; Harmsworth and Awatere, *Māori Values – Iwi/Hapū Perspectives of Freshwater Management*.

⁹⁸ For a discussion of this literature see Claire Gooder, 'Māori Responsiveness Plan Literature Review', Prepared for Research and Evaluation Unit (RIMU), Auckland Council, June 2015, pp.18-19.

⁹⁹ Kapua, 'Review of the Role of Māori Under the Resource Management Act 1991', p. 102.

resource management processes, including the CVA process as well as creating IMPs.¹⁰⁰ As a report from Te Rūnanga o Ngāi Tahu noted,

It is difficult to imagine any council or government agency expecting any single business unit or team within their agency to have even a limited understanding of such a wide range of issues, let alone be experts and able to engage at a technical level with other council or government agencies. Yet, this is expected of the iwi resource management teams that participated in this case study on a daily basis.¹⁰¹

Inadequate resourcing by local authorities can be interpreted as a lack of commitment to hapū/iwi and council relationships.¹⁰² Conversely, resourcing and capacity building is a way to encourage and support Māori participation in council processes and decision-making. Whetu recommended that Auckland Council recognise and provide for costs associated with CIA reports.¹⁰³ The Bay of Plenty Regional Council (BOPRC) recognises the resources involved in CVAs and raises the issue of possible remuneration – assessed on a case-by-case basis and measured against a spectrum of participation.¹⁰⁴

Some commentators indicate that local authorities also need to address their internal resourcing. The PUCM research largely found that local councils' implementation of the provisions of the RMA were inadequate in terms of their Māori provisions. Alongside an under-resourcing of Māori capacity building, the research found poor institutional and workforce capability. This included a gap between intent and

¹⁰⁰ Ngāti Whātua Ōrākei, 'General Submission, Feedback by Ngāti Whātua Ōrākei Whai Maia Ltd - Draft Auckland Unitary Plan 2013', 30 May 2013, http://www.ngatiwhatuaorakei.com/wp-content/uploads/2014/02/NWO-Whai-Maia-DAUP-Feedback_Final.pdf (Accessed 31 July 2017); Independent Māori Statutory Board, *The Māori Plan for Tāmaki Makaurau*, Independent Māori Statutory Board: Auckland, 2012, pp.52-53; Te Puni Kōkiri, *Te Kotahitanga o te Whakahaere Rawa: Māori and Council Engagement Under the Resource Management Act 1991*, Te Puni Kōkiri: Wellington, 2006, p.48; Richard Jefferies, Vaughan Payne and Jascoe Ngaia, 'Review of the effectiveness of iwi management plans: An iwi perspective', Prepared for the Ministry for the Environment: Wellington, 2004.

¹⁰¹ Te Rūnanga o Ngāi Tahu, 'Summary Report, Te Wai Pounamu', p.17.

¹⁰² Borrie et al., 2004, p.35.

¹⁰³ James Whetu, Strategic Options Analysis: Investment Decision Report to Support Mana Whenua in the Implementation of the Provisions in the Proposed Auckland Unitary Plan, Whetu Consultancy for Auckland Council, 2016, p.25.

¹⁰⁴ Bay of Plenty Regional Council, *Engaging with Māori*, 2011, p.30.

practice, as well as poor staff understanding of sections 6(e), 7(a) and 8 of the RMA.¹⁰⁵

3.2.3 Transfer of powers – Section 33

Section 33 of the RMA provides for local authorities to transfer their functions, powers or duties under the Act to public bodies, including iwi authorities. Janet Stephenson argues that Section 33 is ‘potentially the most powerful tool in the RMA for recognising rangatiratanga’ as it ‘allows for a shift in the locus of decision-making from the local authority to iwi authorities’ albeit with the constraints ‘that the power to approve policy statements and plans remains with the local authority.’¹⁰⁶ Thompson-Fawcett et al. concur, arguing that such an approach would enable a hybrid governance model that is potentially more innovative and allows for more inclusive practices to be adopted.¹⁰⁷ Despite this potential, in 2017 it was noted that *no* local authorities had undertaken the transfer of powers option.¹⁰⁸

In considering why the transfer of authority provision has not been used, commentators have put forward the following possibilities:

- the lack of formal requests (i.e. not verbal) by iwi
- the Act’s need for the transfer to be ‘efficient’ interpreted as meaning ‘cost effective’
- reluctance to damage council-Māori relations by being seen to privilege one iwi authority over another
- applications made by groups not considered by council to be an ‘iwi authority’.

¹⁰⁵ M. Day, M. Backhurst, N. Ericksen, J. Crawford, S. Chapman, P. Berke, L. Laurian, J. Dixon, R. Jefferies, T. Warren, C. Barfoot, G. Mason, M. Bennett and C. Gibson, *District Plan Implementation Under the RMA: Confessions of a Resource Consent*, Hamilton: University of Waikato, International Global Change Institute, Second Planning Under Cooperative Mandates (PUCM) Report to Government, 2003, pp.63-5.

¹⁰⁶ Janet Stephenson, ‘The management of a Māori-owned resource’, in M. Kawharu, ed., *Whenua: Managing our resources*, Auckland: Reed Books, 2002, p.175.

¹⁰⁷ Michelle Thompson-Fawcett, Levi Rona and Hauauru Rae, ‘Taiao Toitū: Māori and Planning’ in C. Miller and L. Beattie, eds, *Planning Practice in New Zealand*, LexisNexis: Wellington, 2017, p.180.

¹⁰⁸ Thompson-Fawcett, Rona and Rae, ‘Taiao Toitū’ p.181. This had been noted previously in 2008 and 2014, see Kennedy, *Viewing the world through a wider lens*, p.8 and Gow, ‘The Resource Management Act’.

- lack of desire by iwi to then be held to the RMA rather than mana whenua protocols.¹⁰⁹

A 1998 report stated that Ngāti Whātua and Ngāti Wai had sought transfer of powers under section 33 for some areas but no transfers had been granted.¹¹⁰ However, the main reason seems to be a reluctance by local authorities to devolve power: 'Tangata whenua generally perceive councils to be fearful and distrustful of devolution to Māori... tangata whenua are impatient with councils' timidity in this area, and are keen to demonstrate their practical abilities and commitment'.¹¹¹ The Environment Foundation's *Environment Guide* clearly frames it as an issue of control, pointing out that 'Local authorities have generally been reluctant to relinquish their powers in this manner'.¹¹² There is also no mechanism for Māori to challenge the lack of use of Section 33 by local authorities and the RMA does not incentivise its use.¹¹³

Consultation between local authorities and Māori is raised in the literature as an example of local authorities upholding the word of the RMA, but not addressing the underlying issues of valuing mātauranga Māori, nor honouring the Treaty through power sharing and partnership. Kapua notes that local governments have most commonly chosen the RMA path of 'consultation' as this is the easiest option, requires no specific level of influence over outcome, and no transfer of powers.¹¹⁴ Lisa Kanawa et al. argue that while consultation with Māori has become a 'normal part of the resource consent process' this has not necessarily meant incorporation of

¹⁰⁹ E. Clark, "Section 33 of the Resource Management Act 1991," in J. Hayward, ed., *Local Government and the Treaty of Waitangi*, Victoria: Oxford University Press, 2003; Te Puni Kōkiri, *Te kotahitanga o te whakahaere rawa: Māori and Council Engagement Under the Resource Management Act 1991*, Wellington, NZ: Te Puni Kōkiri, 2006; J. Thompson, H. Rennie, and T. Tuta-Nathan, 'Transferring Resource Management Act functions to iwi and other public authorities: Asymmetric progress' New Zealand Geographical Society Conference, Massey University, July 1999 quoted in Janine Hayward, *The Treaty Challenge. Local Government and Māori: A Scoping Report*, Crown Forestry Rental Trust: Wellington, 2002, pp.64-65; Thompson-Fawcett, Rona and Rae, 'Taiao Toitū' p.181.

¹¹⁰ Parliamentary Commissioner for the Environment, 'Kaitiakitanga and Local Government', pp.35, 36.

¹¹¹ *ibid.*, pp.70-1.

¹¹² <http://www.environmentguide.org.nz/rma/maori-and-the-rma/>

¹¹³ Thompson-Fawcett, Rona and Rae, 'Taiao Toitū' p.181; Waitangi Tribunal, *Ko Aotearoa Tēnei*.

¹¹⁴ Kapua, 'Review of the Role of Māori Under the Resource Management Act 1991', p.98.

Māori knowledge and values in the process and outcomes of those consents.¹¹⁵

Robert Joseph similarly argues that the Environment Court faces complexity when attempting to incorporate Māori values and determine tikanga Māori definitions in legislation. He considers that IMPs and the effective use of section 33 could support incorporation of Māori values.¹¹⁶

3.2.4 Joint management agreements – Section 36

RMA amendments in 2005 saw the insertion of provisions for joint management agreements (Section 36B-36E). These provisions enable agreements to be made between local authorities and public authorities, and iwi authorities or groups representing hapū. They allow the parties involved to jointly perform the local authority's functions in relation to a natural or physical resource in all or part of the region/district.¹¹⁷ LGNZ states that the joint management agreement provision 'was specifically introduced into the RMA as a "stepping stone" towards the full delegation of local authority responsibilities as provided for by section 33 of the Act'.¹¹⁸ The Act stipulates that in cases where a joint agreement is being considered, the local authority 'must satisfy itself that each party to the joint management agreement represents the relevant community of interest and has the technical or special capacity or expertise to perform or exercise the function, power, or duty jointly with the local authority'.¹¹⁹ Koroi found that 'joint management schemes are the common form of indigenous power sharing found in the [international] literature',¹²⁰ and that such agreements are seen as a 'justice mechanism' through enabling indigenous participation, contribution and decision-making.¹²¹

An increasingly common mechanism for creating joint management agreements is

¹¹⁵ Lisa Kanawa, Janet Stephenson and Marg O'Brien, 'Beyond consultation: Getting good outcomes for everyone in cross-cultural resource consent practice', in J. Te Rito and S. Healy, eds, *Presented at the 4th International Traditional Knowledge Conference: Kei Muri i te Awe Kapara he Tangata Ke: Recognising, Engaging, Understanding Difference*, University of Auckland, 2009, pp. 175-181.

¹¹⁶ Joseph, 'Māori Values and Tikanga', p.22.

¹¹⁷ RMA Section 36B.

¹¹⁸ Local Government New Zealand, *Local Authorities and Māori: case studies of local arrangements*, Local Government New Zealand, 2011, p.11.

¹¹⁹ RMA Section 36B.

¹²⁰ Koroi, *Indigenous Knowledge as Evidence*, p.12.

¹²¹ V.M. Morrison, 'Environmental Justice and Co-Management of the Te Arawa Lakes', MA Thesis, University of Auckland, 2011, pp.65-6, cited in Koroi, *Indigenous Knowledge as Evidence*, p.12.

through the Treaty of Waitangi settlements process.¹²² For example, joint management has been established through the Te Arawa Lakes Settlement Act 2006, between the BOPRC, the Rotorua District Council and the Te Arawa Lakes Trust (a representative of various iwi). In this case the BOPRC maintains control over scientific experiments and expenditure. The Waikato River and Waipa River Settlement Acts require relevant councils to enter into joint management agreements with iwi. These provide for the local planning, consenting, monitoring and enforcement functions under the RMA. The BOPRC and the Waikato Regional Council were listed in a 2016 report as examples of local authorities with well-defined engagement processes and an established commitment to ensure mana whenua participation, and the incorporation of their values and interests.¹²³

Hancock explores the joint management agreement between Taupō District Council and the Tūwharetoa Māori Trust Board to illustrate lessons for local governments.¹²⁴ While Hancock concludes that the joint management tool proved effective in this case, she recognises that Ngāti Tūwharetoa's dominant land holdings in the Taupō District contributed to their power going into the agreement. LGNZ frame the Taupō/Tūwharetoa agreement as a unique arrangement that 'provides an innovative structure for the realising of the Treaty of Waitangi and closer relationships at operational, political, governance levels.'¹²⁵

Joint or co-management means the sharing of power and responsibility between the local government and local resource users. However, the joint management agreement has faced critique. While it is recognised that such agreements through the RMA have potential for Māori, Coates contends that in reality they have amounted to 'empty promises'.¹²⁶ Joint agreements have neglected to address the issue of power differentials. For example, Muru-Lanning critiques the Waikato River co-governance agreement for the implied agreement to not determine legal

¹²² Local Government New Zealand, *Local Authorities and Māori*, p.3.

¹²³ Whetu, Strategic Options Analysis, p.23.

¹²⁴ Sonja Hancock, 'Joint Management Agreement between Taupō District Council and Ngāti Tūwharetoa: A summary of lessons for local government', MPlan (Resource and Environmental Planning), Massey University, 2011.

¹²⁵ Local Government New Zealand, *Local Authorities and Māori*, p.13.

¹²⁶ Natalie Coates, 'Joint Management Agreements in New Zealand: Simply Empty Promises?', *Journal of South Pacific Law*, 13, 1, 2009, pp.32-9.

ownership of the river.¹²⁷ Where the underlying issues of governance and rangatiratanga are not addressed, the ultimate decision-making and responsibility remains with the Crown (or local government), indigenous voices take a backseat, and no fundamental power redistribution takes place. These are indicative of structural impediments, where existing institutions and systems can accommodate participation or engagement, but do not go further to structural and transformative change.¹²⁸

3.2.5 Mana Whakahono a Rohe agreements – Section 58

Amendments in 2017 to Sections 58M and 58N of the RMA, sought to enhance Māori participation in resource management processes, including new Mana Whakahono a Rohe agreements (MWR): Iwi Participation Arrangements. MWR are formal written agreements between iwi authorities and local governments as a mechanism to ‘discuss, agree and record ways in which tangata whenua may participate in resource management and decision making processes under the RMA’ and ‘assist local authorities to comply with their obligations under the RMA’.¹²⁹ Section 58N outlines the guiding principles for the MWRs, which are rooted in collaboration and cooperation, honesty and openness, and effectiveness and efficiency. There are time allocations – once a request for a MWR has been made, a hui (with relevant iwi and local authorities who wish to be involved in discussions) must be convened within 60 working days, an MWR must be agreed upon within 18 months – and, if no agreement can be reached, both parties must accept the resolutions determined by a dispute process. The MWR provisions reflect the influence of the Māori Party and Iwi Chairs Forum (ICF), and indicate a deviation from the original terms of reference for the Act review, which focused on simplifying

¹²⁷ Marama Muru-Lanning, ‘Tupuna Awa and Te Awa Tupuna: An Anthropological Study of Competing Discourses and Claims of Ownership to the Waikato River’, PhD thesis, The University of Auckland, 2010, p.160.

¹²⁸ For more on structural impediments see Gooder, ‘Māori Responsiveness Plan Literature Review’, pp.15-18.

¹²⁹ RMA, 1991, pp.159-60. (Amendment inserted 19 April 2017 under Resource Legislation Amendment Act, 2017).

the consents process through consistency, guidance, efficiency and effectiveness of resource consents.¹³⁰

The response to the MWRs has been mixed. For proponents it is hoped that the MWRs will support iwi and hapū to undertake their kaitiaki responsibilities.¹³¹ Those opposed to the MWR amendments have raised concerns about how these will play out in practice, particularly regarding a potential shift in power to iwi authorities.¹³² As yet it is too soon for a critical evaluation of the impacts MWR may have on the processes of resource management and decision making, though the differing perspectives voiced in public debates indicate the complexities inherent in development, planning and policy.

3.2.6 Language: the use of te reo in the RMA

Language and inconsistent interpretations of the RMA are other aspects considered in the literature on this topic. This relates particularly to the use of te reo and concepts drawn from Te Ao Māori, and the interpretation of phrases such as ‘have regard for’ and ‘in consultation’. If the resource management process brings different knowledge paradigms together, then the language used needs to work as a bridge, not a barrier between those different worlds.¹³³ As Jackson iterates, resource management in Aotearoa New Zealand is a *political process*,¹³⁴ and the choice of words and their interpretation has impacts on resource management in Aotearoa New Zealand at both theoretical and practical levels.

¹³⁰ Ministry for the Environment, ‘Resource Management Reform 2013 Proposal’ as outlined in Jacinta Ruru, ‘Proposed 2013 reform of the Resource Management Act 1991’, *Māori Law Review*, September 2013.

¹³¹ Mark Solomon and Freshwater Iwi Leadership Group, Regional Iwi Hui Presentation, 7 July 2016, <http://www.maniapoto.iwi.nz/wp-content/uploads/2016/07/FINAL-Regional-Iwi-Hui-Presentation-July-2016.pdf> (accessed 2 August 2017).

¹³² Stephen Franks, ‘Resource Legislation Amendment Bill: Mana Whakahono a Rohe’, New Zealand Centre for Political Research, 26 March 2017, <http://www.nzcpr.com/resource-legislation-amendment-bill-mana-whakahono-a-rohe/> (Accessed 7 August 2017); Muriel Newman, ‘Tinkering with the RMA’, New Zealand Centre for Political Research, <http://www.nzcpr.com/tinkering-with-the-rma/> (Accessed 18 September 2017).

¹³³ Sloodweg and Mollinga, ‘The impact assessment framework’, p.121.

¹³⁴ Anne-Marie Jackson, ‘Towards understanding indigenous knowledge in environmental management practise: A discursive analysis of the East Otago taiāpure proposal’, *MAI Review*, 1, 2008, p.12.

The RMA is an ‘extremely significant piece of legislation’ for its use of kupu Māori (words and expressions), many for the first time in legislation, and the ‘visibility and primacy’ it gives to considering Māori concepts.¹³⁵ The inclusion of the terms kaitiakitanga, tangata whenua, mana whenua, tikanga, waahi tapu, mataitai, and tauranga waka in the RMA has led to their more frequent use in other legislation, environmental documentation and discussion, and use by the wider public.¹³⁶ However, as law academic Iorns Magallanes points out, such increased usage has involved ‘significant difficulty over their interpretation’.¹³⁷ Durie argues that the removal of reference to ‘mauri’ from the Act (it was in the Bill) meant an omission of that ‘key Māori concept which links resources with the environment and people’ and that the replacement phrase, ‘intrinsic values of ecosystems’, does not convey the same sense of the interconnectedness of all living entities.¹³⁸ Concepts and language from Te Ao Māori are not always translatable into Te Ao Pākehā, which has led to disagreements over definitions and difficulties for some institutions bringing those concepts into a working application.¹³⁹ For example, the separate listing out of ‘waahi tapu’, ‘taonga’, and ‘waterways’ in the RMA is a legislative convention that effectively undermines the holistic and cultural landscape approach of Te Ao Māori.

The term ‘tangata whenua’ in RMA legislation denotes customary authority over a geographic area. This is different from its use in some other legislation, where it is used more as a synonym for ‘Māori’ as a collective group. However, the RMA’s use of the term does not necessarily reflect its usual use within Te Ao Māori, where tangata whenua does not describe political power.¹⁴⁰ ‘Mana whenua’ is used in the RMA as part of the definition of ‘tangata whenua’. However, the Waitangi Tribunal disapproves of the use of ‘mana whenua’ as a noun, stating that it is not in line with the Māori concept but instead a ‘19th century invention that does violence to cultural

¹³⁵ Iorns Magallanes, ‘The use of tangata whenua and mana whenua in New Zealand legislation’, p.85; Ruckstuhl et al., ‘Māori and mining’, p.306.

¹³⁶ Iorns Magallanes, ‘The use of tangata whenua and mana whenua in New Zealand legislation’.

¹³⁷ *ibid.*, p.86.

¹³⁸ Durie, ‘Mana atua’, p.30.

¹³⁹ Kapua, ‘Review of the Role of Māori Under the Resource Management Act 1991’.

¹⁴⁰ Waitangi Tribunal, *Rekohu: A Report on Moriori and Ngati Mutunga Claims in the Chatham Islands (WAI 64 Ministry of Justice 2001)*, quoted in Iorns Magallanes, ‘The use of tangata whenua and mana whenua in New Zealand legislation’, p.89.

integrity' by taking the concept of 'mana' (which is about personal authority) and applying it to land in a way that is more linked to Western than Māori concepts of land authority and ownership.¹⁴¹ Despite these and other criticisms of the use of 'mana whenua', it continues to be used in legislation, including the Local Government (Auckland Council) Act 2009. There is also the argument, as Joseph points out, that an historical examination of tikanga terms, concepts and institutions reveals the way all of these change slightly according to circumstance and context.¹⁴²

Language is rooted in particular cultural worldviews, and the use of te reo can be problematic when the concepts are not adequately translated into English – sometimes because the concept is not one held within Te Ao Pākehā. In their Māori supplement to the RMA training Making Good Decisions (MGD), Majurey et al. discuss the difficulties experienced when trying to explain Māori concepts and perspectives to non-Māori.¹⁴³ Similarly Ngāi Tahu's 2015 Summary Report notes:

the challenge of incorporating traditional Te Reo terminology into legislative frameworks and the significant loss of context and meaning when these phrases are reinterpreted into English language. This is particularly challenging when seeking to recognise and provide for iwi rights, interests and values in water and the appropriation of terms such as kaitiakitanga by the Resource Management Act.¹⁴⁴

The use of 'kaitiakitanga' provides a good example of the difficulty of translating a Māori concept into an English term. Kawharu argues that term 'kaitiakitanga' is often mistakenly translated as guardianship – whereas in reality it is the way in which a tikanga Māori framework translates into practice.¹⁴⁵ Similarly, James Whetu found

¹⁴¹ Waitangi Tribunal, "The Interim Closing Submissions of the Crown to Claim by Te Iwi Moriori Trust Board and Tchakat Henu Society (Wai 64 and 308)" (WAI 64 DOC G15 Ministry of Justice 2001) at [22-43], quoted in Iorns Magallanes, 'The use of tangata whenua and mana whenua in New Zealand legislation', p.91.

¹⁴² Joseph, 'Māori Values and Tikanga', pp.19-21.

¹⁴³ Paul F. Majurey, Helen Atkins, Vicki Morrison and Tama Hovell, 'Māori Values Supplement', *Making Good Decisions Workbook*, ME 679, part D, Ministry for the Environment: Wellington, 2010.

¹⁴⁴ Te Rūnanga o Ngāi Tahu, 'Summary Report, Te Wai Pounamu', p.16.

¹⁴⁵ Merata Kawharu, 'Kaitiakitanga: A Maori anthropological perspective of the Maori socio-environmental ethic of resource management', *Journal of the Polynesian Society*, 349, 2000, p.353.

that mana whenua in Tāmaki Makaurau believed ‘kaitiakitanga should not be confined to the RMA definition which is currently being applied by the Auckland Council, i.e. environmental focus. Any proposed option going forward for Mana Whenua needs to enable the holistic nature of kaitiakitanga.’¹⁴⁶ Durie points out that the incorporation of the term ‘kaitiakitanga’ in the RMA was contested at the time; critics felt that it was made incomprehensible by being placed outside of its Te Ao Māori context.¹⁴⁷ Panelli and Tipa show how the RMA’s use of the term ‘kaitiakitanga’ increased its prominence but at the expense of the traditional meaning which was synonymous with rangatiratanga and used mātauranga Māori that incorporated observation, experimentation and a spiritual connection to the care and management of the land.¹⁴⁸

Marama Muru-Lanning argues that while language and discourses are always changing, sometimes such language can imply partnership, collaboration or change but is a new term simply disguising an old paradigm. She uses the example of the increasing use of the term ‘mātauranga’ within science circles, which often is simply replacement for the word ‘knowledge’. This can create a new ‘Māori-science discourse’ without addressing issues of ownership, elitism, and supplanting modern ‘mātauranga as science’ narratives at the expense of cosmology, genealogy and other oral traditions.¹⁴⁹

Reid explores how the most frequently used terms in the RMA and LGA legislation are ‘consult’, ‘engage’ and ‘provide opportunities for participation’. These terms indicate an underlying ‘assumption that dialogue should be occurring in order to understand the values, aspirations and interest of local and regional Māori organisations.’¹⁵⁰ Simmonds recommends a shift in the RMA language away from the original ‘consultation’ to the language of ‘partnership.’ He believes that this more adequately encapsulates Māori aspirations in the twenty-first century including aspirations and political intentions for exercising rangatiratanga and mana motuhake

¹⁴⁶ Whetu, Strategic Options Analysis, p.21.

¹⁴⁷ Durie, ‘Mana atua’, p.29.

¹⁴⁸ Panelli and Tipa, ‘Placing Well-Being’, p.451.

¹⁴⁹ Marama Muru-Lanning, ‘Māori Research Collaborations, Mātauranga Māori Science and the Appropriation of Water in New Zealand’, *Anthropological Forum*, 22, 2, 2012, p.160-2.

¹⁵⁰ Reid, ‘Council-Māori Engagement’, p.3.

in part through resource management partnership with local councils.¹⁵¹ Likewise, the RMA phrasing ‘have regard’ has been singled out as requiring modification;¹⁵² Ngāi Tai suggesting an alternative of “‘give proper and meaningful effect” to iwi and cultural issues of significance as opposed to the “have regard” as per the RMA 1991 language.’¹⁵³ This is in line with the argument of Porter and Barry, who challenge ‘the received wisdom that participation and consultation can solve conflicts of sovereignty’, and instead argue for transformative and decolonising planning practices.¹⁵⁴

3.2.7 Educating planners in mātauranga Māori and tikanga Māori

In 2004, Vanstone et al. noted that a major obstacle for the inclusion of Māori in planning was ‘the lack of understanding, among local authorities and applicants, of Māori cultural beliefs and traditions, and the related implications of the Treaty of Waitangi, Resource Management Act and Local Government Act.’¹⁵⁵ Kennedy indicated a change might have occurred, with his 2012 report *Mātauranga Māori in Urban Planning* stating:

Planners today are generally exposed to Māori values and issues under the RMA as part of their degree. Eventually, on the basis of the above exposure to tikanga and mātauranga Māori it might be expected that decision makers will be increasingly familiar with things Māori and inclined to consider these matters in their decisions.¹⁵⁶

However, Māori planning professionals also advocate for a more proactive approach, insisting that:

¹⁵¹ Naomi Simmonds, ‘Planning Framework Review’ in Ngāti Koroki Kahukura Trust, *Mai I te Maunga ki te Awa: Te Hapori o Maungatautari Freshwater case Study*, 2015, Appendix 1, pp.32-3.

¹⁵² Joseph, ‘Māori Values and Tikanga’, p.14.

¹⁵³ Ngāi Tai ki Tāmaki, ‘Cultural Impact Assessment Report to Yachting New Zealand: National Sailing Centre Proposal’, December 2014, p.7. Available http://temp.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/consents/getinvolved/Documents/CMHA_Appendix_7_CIA_Ngai_Tai_Ki_Tamaki.pdf (Accessed 1 September 2017).

¹⁵⁴ Libby Porter and Janice Barry, *Planning for Co-existence: Recognizing Indigenous rights through land-use planning in Canada and Australia*, Routledge: Oxon, 2016.

¹⁵⁵ Anita Vanstone, Michelle Thompson-Fawcett and Richard Morgan, ‘Cultural Impact Assessment: A Collaborative Management Tool with Potential’, *Planning Quarterly*, 2004, p.6.

¹⁵⁶ N. Kennedy, (for Landcare Research Manaaki Whenua), ‘Mātauranga Māori in Urban Planning: A Tāmaki Makaurau Case Study’, 2012, pp.16-17.

Planners and decision-makers must up-skill to understand the relevance of Māori values to urban planning (including values articulated through Cultural Values Assessments) and implement planning outcomes that are meaningful to Māori communities.¹⁵⁷

The MGD programme and the *Māori Values Supplement* is one way of enabling this knowledge transfer. The programme is designed to help councillors, community board members, and independent commissioners make better decisions under the RMA.¹⁵⁸ It provides RMA decision-makers with the skills needed to run fair and effective hearings, and to make informed decisions. Attendance is required. Councillors, council officials, industry professionals and iwi groups must attend a MGD programme to gain certification to sit as an accredited member of a hearings panel. Facilitating Māori attendance at the programme is also seen as something the Crown can do to encourage Māori participation in decision-making.¹⁵⁹ MGD is designed and promoted by the MfE and LGNZ. Opus Environmental Training run courses locally, on behalf of the MfE.¹⁶⁰ The MfE states that: 'The purpose of the *Maori Values Supplement* is to improve the quality of RMA decision making and resource management practice by increasing awareness and integration of Māori values, knowledge and aspirations (mātauranga Maori and tikanga Maori) into resource management processes and activities.'¹⁶¹

The *Māori Values Supplement* is designed to help RMA decision-makers and practitioners to:

- understand key concepts and values underpinning Māori perceptions of the environment
- integrate Māori values and dimensions into decision-making at hearings
- and facilitate practical expression of tikanga Māori in hearing proceedings.

¹⁵⁷ Te Marino Lenihan and Jacky Bartley (Ngā Aho and Papa Pounamu), *Māori Planning Futures: Review of Productivity Commission's "Better Urban Planning" Draft Report* (August 2016), Auckland, 2016, p.8.

¹⁵⁸ Kennedy, 'Mātauranga Māori in Urban Planning'.

¹⁵⁹ Waitangi Tribunal, *Ko Aotearoa Tēnei: Te Taumata Tuarua*, 2011, p.266; Māori Policy Unit of the Bay of Plenty Regional Council, *Engaging with Māori: A Guide for Staff of the Bay of Plenty Regional Council*, 2011, p.13.

¹⁶⁰ <https://opusetc.co.nz/making-good-decisions>

¹⁶¹ MfE, 'Māori values supplement', <http://www.mfe.govt.nz/publications/rma/maori-values-supplement>

This includes an intention to enable practitioners and decision-makers to work at the boundary space between indigenous knowledge and local government planning regimes, valuing and recognising those different forms of knowledge.¹⁶²

3.3 Iwi/hapū Management Plans

Iwi/hapū Management Plans (IMPs) are referred to, but not defined, in the RMA 1991 as ‘planning documents recognised by an iwi authority’. Being undefined, IMPs differ in scope and style, and their contents ‘depend on the priorities and preferences of the iwi/hapū preparing the plan’.¹⁶³ IMPs are the formalisation of a process that tangata whenua have always undertaken: ‘the interaction of kaumatua, kuia, tangata tiaki, and the whai korero of the marae has provided the framework for decisions made by whānau, hapū and iwi or runanga.’¹⁶⁴ They might include:

- the use of natural and physical resources in their area
- environmental, cultural, economic, spiritual aspirations and values
- areas of cultural significance
- an outline of how the iwi/hapū expects to be involved in the management, development and protection of resources
- an outline of expectations for engagement and participation in RMA processes.

2014/2015 data from MfE on the iwi/hapū management plan process shows that 190¹⁶⁵ iwi/hapū management plans had been lodged with 53 local authorities, and 25 local authorities had no lodged iwi/hapū management plans.¹⁶⁶

¹⁶² ibid.

¹⁶³ Ministry for the Environment, ‘Iwi/hapū management plans’, Available <http://www.mfe.govt.nz/rma/rma-monitoring-and-reporting/reporting-201415/māori-participation/iwi-management-plans> (accessed 15 August 2017).

¹⁶⁴ Ministry for the Environment, *Te Raranga a Mahi: Developing environmental management plans for whānau, hapū and iwi*, Ministry for the Environment: Wellington, 2000, p.22.

¹⁶⁵ Hirini Matunga puts the number at 160 iwi management plans as of 2016. H. Matunga, ‘I Nga Wa o Mua: a retrospective on the RMA and Maori’, Keynote presentation at New Zealand Planning Institute Conference, Dunedin, New Zealand, 12-15 April 2016, cited in Jacobson et al., ‘Mainstreaming indigenous perspectives’, p.332. The figure of 190 plans could include some replications, as a single plan may be lodged with more than one local authority.

¹⁶⁶ Ministry for the Environment, ‘Māori participation dataset, 2014/15’ available <http://www.mfe.govt.nz/nms-iwi-hapu> (Accessed 12 September 2017).

Thompson-Fawcett et al. define IMPs as ‘an indigenous resource management and planning document’. The style, language and form of the document comply with non-Indigenous, formal planning expectations, yet the content is indigenous knowledge (values, concepts, aspirations and indicators).¹⁶⁷ Tipa et al. recognise the importance of IMPs as something

unique to Māori in the way that they consolidate indigenous knowledge and understanding about resource management issues of significance to the people and wider economic, social, political and cultural issues of importance to iwi and hapū development and integrity.¹⁶⁸

The MfE’s guide to producing IMPs, *Te Raranga a Mahi*, provides templates to help whānau, hapū and iwi create and structure their IMPs. They acknowledge that it is a model based on the RMA and ‘it is likely that over time, whānau, hapū or iwi will work out ways of doing the same thing, but that better suits their needs.’¹⁶⁹ *Te Raranga* also reinforces the need for tāngata whenua to ‘own’ the process and content of the IMPs. It advises that iwi only include information that is in the public realm, and be guided by the needs and aspirations of their people, not legislation: ‘Legislation will come and go but tangata whenua and their tikanga will remain.’¹⁷⁰

Commentators have highlighted a number of issues on the RMA wording around IMPs. The use of ‘iwi’ has been raised as a misnomer in this context as ‘it is often hapū who deal with environmental issues within iwi’,¹⁷¹ and changing the term to ‘Hapū Management Plans’ has been mooted.¹⁷² In its usage now, IMP is often defined as ‘Hapū/Iwi Management Plan’. Another issue with wording relates to the efficacy of IMPs. Under the RMA, local authorities must ‘take into account’ IMPs

¹⁶⁷ Michelle Thompson-Fawcett, (Ngāti Whātua), Jacinta Ruru (Ngāti Raukawa ki Waikato, Ngāi Ranginui ki Tauranga, Ngāti Maniapoto) and Gail Tipa (Ngāi Tahu) ‘Indigenous Resource Management Plans: Transporting Non-Indigenous People into the Indigenous World’, *Planning Practice & Research*, 2017.

¹⁶⁸ Gail T. Tipa, E. K. Williams, C. Van Schravendijk-Goodman, K. Nelson, W. R. K. Dalton, M. Home, B. Williamson and J. Quinn, ‘Using environmental report cards to monitor implementation of iwi plans and strategies, including restoration plans’, *New Zealand Journal of Marine and Freshwater Research*, 51, 1, 2017, p.22.

¹⁶⁹ Ministry for the Environment, *Te Raranga a Mahi*, p.ix.

¹⁷⁰ *ibid.*, p.x.

¹⁷¹ Te Puni Kōkiri, *Mauriora Ki Te Ao*, Ministry of Māori Development: Wellington, 1993, p.7, cited in Joseph, ‘Māori Values and Tikanga’, p.13.

¹⁷² Jefferies, Payne and Ngaia, ‘Review of the effectiveness of iwi management plans’, p.18.

when preparing or changing regional policy statements and regional and district plans,¹⁷³ and IMPs are something the authority can 'have regard to' in the resource consent process.¹⁷⁴ This wording is described as 'weak at best', and has led iwi to 'argue that councils have not been utilizing iwi management plans'.¹⁷⁵ The Waitangi Tribunal has suggested moving beyond 'taking into account' and instead focus on 'shall act in a manner which is consistent with the principles of the Treaty of Waitangi'.¹⁷⁶ However, the Tribunal's 2011 confirmation of the importance of IMPs is a strong endorsement of their role in local authority decision-making and resource management in general.

Academics, mana whenua, planners and local authorities have pointed out that local governments could better utilise IMPs. Under the current arrangement, IMPs give mana whenua control over how their interests are represented, but IMPs are still only given effect in resource management through other regulatory and legislative instruments.¹⁷⁷ In 2002, Joseph argued that although IMPs are a valuable source of information about values held by Māori communities they do 'not seem to have had the impact that was possibly expected when the RMA 1991 was passed'.¹⁷⁸ These arguments continue. A 2017 thesis urged councils to make better use of IMPs as planning documents to understand the aspirations held by iwi or hapū.¹⁷⁹ Thompson-Fawcett and colleagues question whether Māori attempts to be heard through IMPs in formal planning systems are actually worth it (considering the time, effort and goodwill required on the part of mana whenua).¹⁸⁰ Simmonds argues that enhancing the status of IMPs in the RMA would help strengthen relationships between local

¹⁷³ Resource Management Act, Sections 61, 66, 74.

¹⁷⁴ Resource Management Act, Section 104, (1, c). This is noted in Bay of Plenty Regional Council, 'Using iwi and hapū resource management plans in our work', https://www.boprc.govt.nz/media/157198/using_iwi_and_hapu_resource_management_plans_in_our_work_web.pdf, (Accessed 12 September 2017).

¹⁷⁵ Koroī, Indigenous Knowledge as Evidence, p.14.

¹⁷⁶ Waitangi Tribunal quoted in Durie, 'Mana Atua: A resourceful environment', p.33.

¹⁷⁷ Te Rūnanga o Ngāi Tahu, 'Summary Report, Te Wai Pounamu', p.14.

¹⁷⁸ Joseph, 'Māori Values and Tikanga', p.13.

¹⁷⁹ Brigid Livesey, 'Planning to develop land returned under Treaty settlement in Waikato, Aotearoa New Zealand: An institutional ethnography', PhD (Health), Massey University, 2017; Jefferies, Payne and Ngaia, 'Review of the effectiveness of iwi management plans'.

¹⁸⁰ Thompson-Fawcett, et al., 'Indigenous Resource Management Plans'.

government and iwi/hapū based on Treaty partnership status.¹⁸¹ Tipa et al. state that there is a 'potential mismatch' with Māori seeing IMPs as a means of having their relationships with wāhi taonga and wāhi tapu recognised and provided for as a matter of national significance, while resource managers only see IMP contents as something to 'have regard to'. They argue that this highlights the 'importance of establishing initiatives to further enhance the effectiveness of IMPS/HMPs'.¹⁸² The literature concurs that IMPs have unmet potential in the planning process.

The BOPRC clearly articulates the importance of, and potential for IMPs within their planning and resource management systems. They put the onus on council workers to recognise these resources in their daily work, stating 'the most important thing any council staff member can do to integrate a HIRMP [hapū/iwi resource management plan] document into their work is to read and understand the plan.'¹⁸³ The guide also outlines the value of HIRMPs for different groups including:

- For councils:
 - as a tool for engagement and partnership
 - decision-making assistance
 - helping with relationship building
- For community:
 - building awareness and understanding
- For Māori:
 - facilitating knowledge transfer
 - a framework to articulate values, aspirations and issues
 - a tool to capture mātauranga Māori.

The BOPRC sees that, in terms of the resource consents process, HIRMPs can help council, Māori and the community by:

- identifying tāngata whenua who may be affected and their preferred method

¹⁸¹ Simmonds, 'Planning Framework Review', pp.21-38.

¹⁸² Tipa, et al., 'Using environmental report cards', p.23.

¹⁸³ Bay of Plenty Regional Council, Māori Policy Unit, 'Using iwi and hapū resource management plans in our work', 2012, p.1, https://www.boprc.govt.nz/media/157198/using_iwi_and_hapu_resource_management_plans_in_our_work_web.pdf, (Accessed 12 September 2017).

of engagement regarding potential resource consent applications

- helping potential applicants identify relevant matters to be considered
- and identifying specific natural resources and/or sites of significance.¹⁸⁴

Reports outlining Māori perspectives indicate that IMPs are useful tools for engagement. In a 2004 review, iwi identified that IMPs were helpful externally – for councils, consent applicants and consultants – but also internally, by whanaunga themselves.¹⁸⁵ This review indicated that IMPs had been useful as an initial strategy and way of strengthening consultation processes and relationships.¹⁸⁶ Te Rūnanga o Ngāi Tahu's 2015 summary report on the case study of Te Mana o Te Wai notes:

Iwi Management Plans are useful tools for focusing mana whenua on aspirations and priorities, but not an end point in themselves. They are a tool to support iwi, hapū, and rūnanga identify their rights, interests and values, but do not replace the need for engagement based on partnership between iwi and the Crown (including central and local government, and through them resource users).¹⁸⁷

This is reiterated in the findings of Thompson-Fawcett and colleagues: that IMPs are viewed as a process of facilitation, fostering commitment to the Treaty of Waitangi and cultivating engagement between hapū/iwi, and resource managers and users, so that IMPs are seen by tangata whenua as 'part of a dynamic and ongoing interaction over environmental futures'.¹⁸⁸ Recent research indicates that IMPs are one of the best mechanisms available to not only influence environmental decision-making, but also to improve the ground for engagement and collaboration.¹⁸⁹

¹⁸⁴ Bay of Plenty Regional Council, Māori Policy Unit, 'Using iwi and hapū resource management plans in our work', 2012, p.3, https://www.boprc.govt.nz/media/157198/using_iwi_and_hapu_resource_management_plans_in_our_work_web.pdf, (Accessed 12 September 2017).

¹⁸⁵ Jefferies, Payne and Ngaia, 'Review of the effectiveness of iwi management plans', p.11.

¹⁸⁶ *ibid.*, p.12.

¹⁸⁷ Te Rūnanga o Ngāi Tahu, 'Summary Report, Te Wai Pounamu', p.6.

¹⁸⁸ Thompson-Fawcett, et al., 'Indigenous Resource Management Plans', p.7.

¹⁸⁹ Thompson-Fawcett et al., 'Taiao Toitū', pp.179-80.

3.4 The Waitangi Tribunal

The Treaty of Waitangi Act 1975 established the Waitangi Tribunal and recognised the Treaty in New Zealand law. In 1985 an amendment extended the Tribunal's power to investigate historical breaches back to 1840. The Tribunal has been influential in demanding the government recognise and provide for Māori environmental rights and interests. The evidence presented to the Tribunal, as well as Tribunal research reports, are a rich source of information regarding hapū relationships with the natural environment in both past and contemporary settings.¹⁹⁰ For Durie:

The issue of Māori involvement in resource management processes and claims under the Treaty of Waitangi has been recognised as being hand in hand. There are issues relating to management of resources that the Treaty Settlement process has [sic] highlighted in Waitangi Tribunal Reports such as *Mutunui, Kaituna, Manukau* and *Whanganui River* but that have not transferred through to the processes under the [Resource Management] Act.¹⁹¹

The impacts of development, resource use, and local authority planning on Māori values have consistently come before the Waitangi Tribunal.¹⁹²

The Waitangi Tribunal has also been critical of the resource management framework in Aotearoa New Zealand, prior to and post the RMA 1991.¹⁹³ This is expressed in Tribunal reports – particularly around the prevention of iwi and hapū from controlling the management of their own taonga or natural resources.¹⁹⁴ In their report on the Wai262 claim, *Ko Aotearoa Tēnei*, the Tribunal stated that the RMA had been designed to deliver a system of power sharing, through partnership or relinquishing control to iwi. However, they note that this was not effective, and iwi and hapū turned

¹⁹⁰ Durie, 'Mana atua'; Forster, 'Indigeneity and trends in recognizing Māori environmental interests', p.71.

¹⁹¹ Kapua, 'Review of the Role of Māori Under the Resource Management Act 1991', p.100.

¹⁹² Durie, 'Mana Atua', pp.24-7; Paul Dalziel, Hirini Matunga and Caroline Saunders, 'Cultural well-being and local government: Lessons from New Zealand', *Australasian Journal of Regional Studies*, 12, 3, 2006, pp.271-4.

¹⁹³ Caren Fox and Chris Bretton, 'Māori Participation, Rights and Interests', *Resource Management Law Association*, 2016.

¹⁹⁴ For example Waitangi Tribunal, *Ngāwha Geothermal Resource Report* 1993 (Wai 304, 1993) at 154; Waitangi Tribunal, *Ko Aotearoa Tēnei*.

to Treaty settlements to try and achieve partnership or control over resource management.¹⁹⁵ Ko Aotearoa Tēnei called for a Treaty-compliant resource management system, recommending that the RMA be amended to: enhance the development and use of iwi management plans; improve mechanisms for delivering control to Māori; commit to capacity building for Māori; and ensure greater use of national policy and tools.¹⁹⁶

3.5 Local Government Act 2002

The Local Government Act (LGA) 2002 has a number of references to Treaty of Waitangi principles. These can be found in Part 2 of the Act under the purpose, role and powers of local government and at Part 6, addressing planning, decision-making and accountability. The Act states that while the Crown is the Treaty partner, local government has legislative obligations to uphold the Crown's obligations via Article 3 of the Treaty of Waitangi/Te Tiriti and its guarantees relating to Māori representation, and engagement and participation in decision-making.¹⁹⁷ The LGA clarified the role of the Treaty of Waitangi in local government processes, reinforcing the RMA legislative directive for greater Māori involvement in local government decision-making processes.¹⁹⁸ This has the potential to enable Māori engagement, and recognising the principles of the Treaty on matters relevant to Māori resources.

3.5.1 Local governments and Māori – unequal partners

Commentators indicate that discussions around resource management at the regional and local level should occur between mana whenua and councils from their position as Treaty partners – Crown and iwi/hapū.¹⁹⁹ Māori and local government engagement and relationships via the RMA can be complex and diverse. For Māori this includes 'having a right to be consulted on plans and proposals, being advisers as well as being the holders of essential information, such as, information about the

¹⁹⁵ Waitangi Tribunal, *Ko Aotearoa Tēnei*, pp.285-86.

¹⁹⁶ *ibid.*

¹⁹⁷ Nancy Borrie, Ali Memon, Neil Erickson and Jan Crawford, *Planning and Governance under the LGA: Lessons from the RMA Experience*, Hamilton: University of Waikato, International Global Change Institute, 2004, p.7.

¹⁹⁸ Joseph, 'Māori Values and Tikanga', p.12.

¹⁹⁹ Ngāti Koroki Kahukura Trust, *Mai I te Maunga ki te Awa*, p.18; Bargh, 'Opportunities and complexities'; Livesey, 'Planning to develop land returned under Treaty settlement'.

location of taonga'.²⁰⁰ Those involved in this area raise the issue that the inclusion of Māori values and tikanga into local government policies and national legislation does not necessarily mean genuine recognition of the values and processes from Te Ao Māori, nor a sense of partnership and power-sharing. The PUCM research programme to investigate the quality of plans, plan implementation, and environmental outcomes of the RMA and LGA found local government acknowledgment of tikanga and Māori values, but:

In practice, however, there is widespread concern that despite these provisions, Māori are largely excluded from local government resource management processes and their values subordinated to those of the wider community, particularly western scientific values.²⁰¹

The Matike Mai Aotearoa working group similarly argued that

If tikanga and manaaki ... and democracy is going to mean anything there has to be a way of having kāwanatanga and rangatiratanga in some kind of balance ... we need to get away from the idea that rangatiratanga is just a resource management right or something that the Crown has delegated to Iwi ... or a co-governance thing where the Crown nearly always ends up having the final say.²⁰²

Koroi's work on how local governments incorporate indigenous knowledge in decision-making found that 'most, if not all interactions permitted by local government ensure that this power imbalance remains unchallenged.'²⁰³ Durie contends that 'Māori preference is for involvement as participants, equals in the planning process or not at all' and this would be 'relatively straightforward were it not for the political costs for councils if genuine partnership with tangata whenua was actually implemented.'²⁰⁴ Power sharing would be one such political cost.

²⁰⁰ Reid, 'Council-Māori Engagement', p.3.

²⁰¹ Jefferies and Kennedy, *A Report to Iwi*, p.1.

²⁰² Matike Mai Aotearoa, *He Whakaaro Here Whakaumu Mō Aotearoa*, p.86.

²⁰³ Koroi, *Indigenous Knowledge as Evidence*, p.11.

²⁰⁴ Durie, 'Mana Atua: A resourceful environment', p.32.

This literature on facilitating boundary work between mana whenua and local authorities tends to focus on two aspects: governance and operations. The practically-orientated material focuses on issues of engagement, consultation and relationship building,²⁰⁵ and the formal mechanisms and options available to facilitate these.²⁰⁶

The processes, resources and outcomes of the resource management system are inconsistent across local authorities. Despite arguments to streamline processes in a centralised or consolidated way,²⁰⁷ government has kept operations at the local authority level but encouraged knowledge sharing and consistency through forums such as LGNZ and the Quality Planning website.²⁰⁸ Research has shown that the incorporation of Māori interests and values relies on council engagement, but 'disinclined councils' take a 'minimalist approach to iwi interests under the RMA'.²⁰⁹ Those local governments who actively consult with local Māori use an array of tools and mechanisms including iwi management documents, memoranda of understanding, memoranda of partnership, and liaison committees.²¹⁰

Many local authorities have entered into written memoranda or agreements with local iwi.²¹¹ These documents have no legal status, but do indicate the intent of councils and hapū/iwi to work together and to exchange information.²¹² Kapua argues that the absence of legal rights and obligations conferred by these agreements suggests they are an expression of goodwill, rather than a transfer of

²⁰⁵ Local Government New Zealand, *Council-Māori Participation Arrangements: Information for councils and Māori when considering their arrangements to engage and work with each other*, Local Government New Zealand, June 2017.

²⁰⁶ Grant Hewison, 'Agreements between Māori and local authorities', *New Zealand Journal of Environmental Law*, 4, 2000, pp.121-146; Local Government New Zealand, *Local Authorities and Māori: case studies of local arrangements*, Local Government New Zealand, 2011.

²⁰⁷ PUCM, 'The Quality of District Plans and their implementation: Towards Environmental Quality, Australia-New Zealand Planning Congress, Wellington, April 2002, p.15

²⁰⁸ Oram, 'The Resource Management Act', p.19. See www.lgnz.co.nz and www.qualityplanning.org.nz.

²⁰⁹ Borrie et al., 2004, p.30.

²¹⁰ Ibid., p.31. See also Hewison, 'Agreements between Māori and local authorities'.

²¹¹ These have been various title including 'Partnership Agreement', 'Charter of Understanding', 'Memorandum of Understanding', 'Memorandum of Agreement', 'Memorandum of Partnership', 'Agreement of Understanding' and 'Operating Protocol'.

²¹² Joseph, 'Māori Values and Tikanga', pp.11-12.

power or authority.²¹³ Some commentators indicate that Māori communities feel such agreements need to be formalised in order to be effective, and offer security of participation beyond inter-personal relationships.²¹⁴ Kapua contends that '[i]t would be fair to say that in instances where such memoranda have been entered into, Māori have been severely disappointed at their partners [sic] reactions when faced with the hard decisions.'²¹⁵

In 2015 the ICF signed a Memorandum of Understanding (MoU) with LGNZ. The ICF is a pan-tribal group that brings together (mostly post-settlement) iwi leaders with a focus on Māori aspirations and tikanga-based processes. This MoU acknowledges the mana and kaitiakitanga status of iwi over the nation's land and natural resources, as well as the need to build and develop relationships between iwi and local government. In particular the MoU focuses on making local government more accountable to Māori and recognising its responsibility in improving relationship building.²¹⁶ This MoU is seen as exemplifying changing attitudes in local governments towards collaborating with Māori communities.²¹⁷

3.5.2 Local and diverse

Political scientist, Maria Bargh notes that mana whenua interests and aspirations will be divergent, and that this points towards the need for policy and its enactment to be local.²¹⁸ Internationally, scholars have argued that national-level resource management policies can mask heterogeneity at a local level. In order to be effective, resource management policies need to be adaptive to contextual, bottom-up, community-driven assessments and needs.²¹⁹ Winstanley et al. maintain that recognising and understanding the difference and diversity of values and needs

²¹³ Kapua, 'Review of the Role of Māori Under the Resource Management Act 1991', p.98.

²¹⁴ Hewison, 'Agreements between Māori and local authorities'; Kennedy, 'Mātauranga Māori in Urban Planning', p.32; Jefferies and Kennedy, *A Report to Iwi*.

²¹⁵ Kapua, 'Review of the Role of Māori Under the Resource Management Act 1991', p.98.

²¹⁶ Iwi Chairs Forum and Local Government New Zealand, *Memorandum of Understanding*, Wellington, 6 August 2015, <http://www.lgnz.co.nz/assets/LGNZ-Iwi-Leaders-Forum-MoU-6-August-2015.pdf> (accessed 11 August 2017).

²¹⁷ Lenihan and Bartley *Māori Planning Futures*, p.43.

²¹⁸ Bargh, 'The Post-settlement world (so far)'.

²¹⁹ Donna Green, Stephanie Niall and Joe Morrison, 'Bridging the gap between theory and practice in climate change vulnerability and assessments for remote Indigenous communities in Northern Australia', *Local Environment: The International Journal of Justice and Sustainability*, 17, 3, 2012.

enables more effective resource management decision-making.²²⁰ This does not reduce the need for national policy. Ngā Aho and Papa Pounamu have articulated a desire for strong national-level guidance from central government to direct local government on Te Tiriti o Waitangi and the role of mana whenua in planning and decision-making processes, including engagement and partnership, adequate resourcing and representation.²²¹

In Aotearoa New Zealand differences at a local level include factors such as hapū/iwi aspirations, council systems and sizes, urban/rural locales, and local relationships including between hapū and/or between council and hapū. Māori are also heterogeneous, including by settlement status – which can impact on resource and capacity availability – and whether groups are mana whenua or mataawaka. Within tikanga Māori, mana whenua have particular authority associated with possession and occupation of tribal land which means greater rights and responsibilities as well as an argument for representation and involvement in decision making over and above other Māori who may live in that area.²²² More than one mana whenua group may also have rights, authority and connection to an area.

In Tāmaki Makaurau, mana whenua and mataawaka have different levels of authority and responsibilities relating to governance and kaitiakitanga. Mataawaka are a significant proportion of Māori in Tāmaki Makaurau. The *Māori Plan* details that of 157,500 people in Tāmaki Makaurau who identify as Māori, 14.5% are mana whenua, 63.4% are mataawaka, and 22.1% do not identify with any iwi.²²³ Auckland Council recognises the 19 mana whenua groups who have tribal links to Tāmaki Makaurau; they represent mana whenua interests and exercise mana whakahaere.²²⁴ These mana whenua iwi and hapū are at different stages of the

²²⁰ Ann Winstanley, Annabel Ahuriri-Driscoll, Maria Hepi, Virginia Baker and Jeffrey Foote, 'Understanding the impact of democratic logics on participatory decision making in New Zealand', *Local Environment*, 21, 10, 2016, p.1173.

²²¹ Lenihan and Bartley *Māori Planning Futures*, p.43, p.7.

²²² Bargh, 'Opportunities and complexities'.

²²³ IMSB, *The Māori Plan*, p.17; Controller and Auditor General, *Auckland Council: Transition and Emerging Challenges*, Wellington: Office of the Controller and Auditor General, 2012, p.49.

[illegible]

settlement process (pre and post), which impacts on their ability to engage and put resources into non-Treaty processes.

The Waitangi Tribunal's *Tāmaki Makaurau Settlement Process* report noted that the tangata whenua groups in Auckland have a history of complex relationships and layered interests. Officials need to be aware of the dynamics within and between these groups when working on relationships between officials and tangata whenua and understand what underpins assertions of customary rights and obligations by various tangata whenua groups in Tāmaki Makaurau:

While it would not be expected that officials would be expert in whakapapa, they need to have engaged with enough of the Māori knowledge inherent in customary interests to really understand where people are coming from, and why the perceptions of the various groups differ. They also need to understand how that information feeds into the modern iwi political landscape.²²⁵

The Report also states that officials need to engage with Māori sources of knowledge and seek external advice on customary interests that is Māori, local and specific.²²⁶ Whetu indicates that a 'lack of familiarity and understanding by both Mana Whenua and the [Auckland Council] Resource Consent Department of each other's expectations, needs, challenges, pressures, practices, obligations (statutory or tribal constituency), priorities, and availability' is a barrier to successful mana whenua involvement in resource management and decision making.²²⁷

Mātauranga Māori is diverse within and across hapū and iwi.²²⁸ In some circumstances (possibly unforeseen when the RMA was drafted), evidence given by hapū or iwi is contested by other hapū or iwi, and as a consequence of this some

April 2017, p. 35,
http://www.aucklandcouncil.govt.nz/EN/AboutCouncil/meetings_agendas/governing_body/Documents/localgovernancestatement-april2017.pdf (accessed 11 August 2017).

²²⁵ Waitangi Tribunal, *The Tāmaki Makaurau Settlement Process Report* (Wai 1362), Legislation Direct, Wellington, 2007, p.93,
https://forms.justice.govt.nz/search/Documents/WT/WT_DOC_67988073/Tamaki%20Makaurau%20W.pdf (Accessed 31 July 2017).

²²⁶ *ibid.*, p.109.

²²⁷ Whetu, *Strategic Options Analysis*, p.20.

²²⁸ Williams, 'Mātauranga Māori and Taonga', p.21.

information cannot be given in a public and foreign forum. Giving evidence that contradicts the knowledge or desires of another hapū might cause ongoing and long-term divisions within communities, long after the RMA-based matter has been addressed.²²⁹ Relationships need to be fostered between Māori and councils, and within and across Māori communities as well. This should not be done at the expense of critical engagement and an ability to express differences.²³⁰

3.6 Section conclusion

As Nathan Kennedy articulates, Māori rights are not matters to be determined by public debate. They are

enshrined in common law, confirmed in Treaty jurisprudence, and protected in statute. The Crown is additionally bound by the various international conventions to which it is signatory. These protect Māori heritage, recognize the validity and important role of indigenous worldviews, knowledge and traditional practices, and require that governments provide space for these in environmental management.²³¹

Governance, rights, partnership, and the Treaty are strong themes in the literature on how Māori and local authorities can undergo boundary work by bringing together competing agendas and interests. For Māori, the right to exercise rangatiratanga is drawn from indigenous rights and partnership as guaranteed by the Treaty. However, although the legislation has mechanisms for ensuring mana whenua ability to kaitiakitanga and rangatiratanga, such as through transfers of powers, joint management agreements, or Mana Whakahono A Rohe, these are framed as being delegated from a more powerful decision maker rather than between partners. In order for CVAs and IMPs to be successful as boundary objects, enabling knowledge transfer between mana whenua and local authorities, underlying issues of power differentials need to be acknowledged and addressed.

²²⁹ Kapua, 'Review of the Role of Māori Under the Resource Management Act 1991', p.100.

²³⁰ Muru-Lanning, 'Māori Research Collaborations', p.156.

²³¹ Nathan Kennedy, 'Race Relations and Planning: An Auckland Perspective', in J Crawford and P. Taylor, eds, *Dangerous Ideas in Planning: Essays in Honour of Tom Fookes*, School of Architecture and Planning, University of Auckland: Auckland, 2015, p.197.

4.0 Auckland Council

Auckland Council formed in 2010 as the result of the Local Government (Auckland Council) Act 2009. The new council replaced the former seven city and district councils and the Auckland Regional Council.²³² The creation of Auckland Council was informed by the Report of the Royal Commission on Auckland Governance, and was based on two factors: to achieve cohesive and effective planning and decision making across the region, and to increase local participation and engagement.

One of the features of the Act was to establish arrangements for the promotion of issues significant to mana whenua and mataawaka of Tāmaki Makaurau. The Independent Māori Statutory Board (IMSB) was formed through the Local Government (Auckland Council) Act 2009. The IMSB seeks to ensure a voice for Māori in the governance of Auckland,²³³ and has created the *Māori Plan for Tāmaki Makaurau* to identify the priorities and aspirations of mana whenua and Mataawaka across cultural, social, economic and environmental domains. The *Māori Plan* is a 30-year plan and is based on Māori values and outcomes. It includes activity or action based plans in four wellbeing domains, derived from the aspirations of Tāmaki Makaurau Māori. Under the ‘Kaitiakitanga’ and ‘Urban Design and Planning’ sections, *The Māori Plan* lists ways Auckland Council can support Māori advancement in resource management including:

- supporting the development of Iwi Management Plans (IMPs)
- establishing joint management agreements with mana whenua over areas of significance
- supporting collaborative measures for resource management
- reviewing the costs that fall to mana whenua for resource management
- partnering with mana whenua to educate council staff and the public on mana whenua values
- developing an Urban Māori Design Protocol

²³² Auckland Regional Council, Auckland City Council, Manukau City Council, North Shore City Council, Papakura District Council, Rodney District Council, Waitakere City Council, and Franklin District Council.

²³³ The Board has seven mana whenua and two mata-a-waka representatives.

- supporting mana whenua to engage with the resource consents process.²³⁴

Auckland Council's *Auckland Plan*, *Long-term Plan* and *Unitary Plan* outline current and future plans for development, land use, activities and programmes. The *Auckland Plan* is overarching. It includes a chapter on Māori in Tāmaki Makaurau. Two of the five priorities are of particular relevance: enable Tangata Whenua to participate in the co-management of natural resources and explore partnerships with mana whenua to protect, identify and manage wāhi tapu sites.²³⁵ The *Long-term Plan* is prepared under the Local Government Act (LGA) 2002 and outlines council activities, programmes, and 10-year budget. The *Long-term Plan* has identified Treaty principles that are relevant to local councils. These include reciprocity, rangatiratanga, shared decision-making, partnership, active protection, ōritetanga (equality and mutual benefit), options for Māori to choose their own direction and process, the right to development property and taonga, and redress of past Treaty breaches.²³⁶ Two specific objectives of the *Long-term Plan* are 'fostering more positive and productive relationships with Auckland Māori' and maintaining and improving opportunities for Māori to contribute to local government decision-making processes.²³⁷ While all three plans (Auckland, Long-term and Unitary) are important to the issues and processes relating to local governance, partnership, resource management and development and indigenous rights, the *Unitary Plan* is directly related to the Resource Management Act (RMA) 1991.

4.1 The Auckland Unitary Plan

The *Unitary Plan* is a land use planning document, prepared under the RMA 1991.²³⁸ The Auckland Unitary Plan (AUP) has been through various stages: the Proposed Auckland Unitary Plan (PAUP, notified September 2013), the Decisions Version of the PAUP (notified August 2016), and the Auckland Unitary Plan Operative in Part

²³⁴ IMSB, *The Māori Plan*, pp.53-54.

²³⁵ Auckland Council, *Auckland Council Local Governance Statement*, Auckland, April 2017, p. 40. http://www.aucklandcouncil.govt.nz/EN/AboutCouncil/meetings_agendas/governing_body/Documents/localgovernancestatement-april2017.pdf (accessed 11 August 2017).

²³⁶ For a fuller description see Auckland Council, *Long-term Plan*, p.27.

²³⁷ Auckland Council, *Long Term-plan*.

²³⁸ Roger Blakeley, 'The Planning Framework for Auckland "Super City": An insider's view', *Policy Quarterly*, 11, 4, 2015, pp.4-5.

(AUPO, notified November 2016).²³⁹ The AUPO online version is being regularly updated but at the time of this review does not include the PAUP's regional coastal plan nor the parts that are under appeal with the Environment Court and High Court.

The statutory role of the AUP is to achieve the purpose of the RMA 1991 'by providing an overview of the resource management issues of the region and policies and methods to achieve integrated management of the natural and physical resources of the whole region'.²⁴⁰ The AUP is the first combined resource management plan for Auckland and is the principal regulatory tool to implement the Auckland Plan's development strategy.²⁴¹ The AUP also covers resource consents and the Cultural Values Assessment (CVA) process. Under the Plan, and in accordance with the RMA, activities are classed into one of six 'activity status' categories: permitted activity, controlled activity, restricted discretionary activity, discretionary activity, non-complying activity, and prohibited activity. The level of assessment required depends on the scale and potential effects of any given proposal on mana whenua values and interests.

Changes are evident between the PAUP and the AUPO relating to consents and the CVA/Cultural Impact Assessment (CIA) process.²⁴² Under the PAUP, CIAs were required to assess whether a consent application had an environmental impact that may have an adverse impact on mana whenua values, or if it is in an area that has a site of significance or value to mana whenua. It was proposed that applications located within 200 metres of a scheduled and/or professionally recorded Māori wāhi tapu site (authenticated within the Unitary Plan Sites of Significance layer) must provide a CIA with their resource consent applications. This overlay faced opposition in PAUP submissions and in public forums.²⁴³ The AUPO has retained the Sites and

²³⁹ Auckland Council, 'History of the Plan', Available <http://temp.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/abouttheproposedunitaryplan.aspx> (Accessed 19 September 2017).

²⁴⁰ Auckland Council, Introduction, *Proposed Auckland Unitary Plan Decision Version*, 19 August 2016, p.1, Available <http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Council%20Decision/Chapter%20A%20Introduction/A1%20Introduction.pdf>

²⁴¹ Auckland Council, *Auckland Council Local Governance Statement*, Auckland, April 2017, p. 48. http://www.aucklandcouncil.govt.nz/EN/AboutCouncil/meetings_agendas/governing_body/Documents/localgovernancestatement-april2017.pdf (accessed 11 August 2017).

²⁴² For more on this see Kennedy, 'Race Relations and Planning'.

²⁴³ Kennedy, 'Race Relations and Planning', pp.189-92.

Places of Significance to Mana Whenua Overlay (Section D21), explaining that such sites have ‘tangible and intangible cultural value ... not necessarily associated with archaeology’ and that some sites have been scheduled, more may be added, and some cannot be scheduled because of sensitivity.²⁴⁴

However, the AUPO does not mention CVAs/CIAs,²⁴⁵ emphasising instead iwi planning documents and environmental assessments for recognising and understanding mana whenua values (Section B)²⁴⁶ and policy (Section D).²⁴⁷ This removal of reference to CVAs/CIAs occurred because ‘they were considered unnecessary given they were already part of the required content of assessments of environmental effects (clause 7(1)(a) of Schedule 4 to the RMA)’.²⁴⁸ This change shifts the focus from CVAs to iwi planning documents and is in line with the recent literature that encourages local authorities to look to those documents for ascertaining iwi and hapū aspirations.²⁴⁹

Tāmaki Makaurau has 19 mana whenua groups. Under the RMA, they are recognised as having a special cultural and spiritual relationship with the environment, and that these relationships are considered matters of national importance. Section B of the AUPO states:

In the policies relating to Mana Whenua values, the Unitary Plan seeks to ensure that resource management processes in Auckland are informed by Mana Whenua perspectives, including their values, mātauranga and tikanga ... A number of iwi and hapū in Auckland have developed iwi planning documents (also known as Iwi Management Plans, Hapū Environmental

²⁴⁴ Auckland Council, *Auckland Unitary Plan Operative in part*, 2016, Section D21: Sites and Places of Significance to Mana Whenua Overlay, p.1.

²⁴⁵ For an outline of the CIA requirements in the PAUP see Whetu, *Strategic Options Analysis*, pp.9-12.

²⁴⁶ Auckland Council, *Auckland Unitary Plan Operative in Part*, ‘Mana Whenua’, Section B6, <http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20B%20RPS/B6%20Mana%20Whenua.pdf>, Accessed 3 September 2017).

²⁴⁷ Auckland Council, *Auckland Unitary Plan Operative in Part*, Section D21: Sites and Places of Significance for Mana Whenua Overlay, p.2, <http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20B%20RPS/B6%20Mana%20Whenua.pdf>, Accessed 3 September 2017).

²⁴⁸ Personal communication from Auckland Council, 20 September 2017.

²⁴⁹ Thompson-Fawcett, et al., ‘Indigenous Resource Management Plans’; Livesey, ‘Planning to develop land returned under Treaty settlement’.

Management Plans, or by similar names) which articulate their specific resource management issues, objectives, policies, and methods. Iwi planning documents are a valuable source of information for integrating mātauranga and tikanga into resource management in Auckland.²⁵⁰

The AUPO subsection, 'Mana whenua', within Section B. Regional Policy Statement' states

Mana Whenua participation in resource management decision-making and the integration of mātauranga Māori and tikanga into resource management are of paramount importance to ensure a sustainable future for Mana Whenua and for Auckland as a whole.

Issues of significance to Māori and to iwi authorities in the region include:

- (1) recognising the Treaty of Waitangi/Te Tiriti o Waitangi and enabling the outcomes that Treaty settlement redress is intended to achieve;
- (2) protecting Mana Whenua culture, landscapes and historic heritage;
- (3) enabling Mana Whenua economic, social and cultural development on Māori Land and Treaty Settlement Land;
- (4) recognising the interests, values and customary rights of Mana Whenua in the sustainable management of natural and physical resources, including integration of mātauranga and tikanga in resource management processes;
- (5) increasing opportunities for Mana Whenua to play a role in environmental decision-making, governance and partnerships; and
- (6) enhancing the relationship between Mana Whenua and Auckland's natural environment, including customary uses.²⁵¹

The 'Mana Whenua' section of the AUPO covers the RMA requirements for decision-makers to:

- recognise and provide for the relationship of Māori with land and water as a matter of national importance
- have particular regard to the importance of Māori exercising kaitiakitanga

²⁵⁰ Auckland Council, Auckland Unitary Plan Operative in Part, Section B6: Mana Whenua, p.8. <http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20B%20RPS/B6%20Mana%20Whenua.pdf>, Accessed 3 September 2017).

²⁵¹ *ibid.*

- take into account the principles of the Treaty of Waitangi.

The AUPO adds that Auckland Council will ‘recognise the historic, traditional, cultural, and spiritual relationship of Mana Whenua with the Hauraki Gulf/Te Moana Nui o Toi/Tīkapa Moana’.²⁵² Sections 33 and 36 of the RMA (transfer of powers and joint management agreements, respectively) are also referenced under this section of the AUPO, recognising the importance of Treaty principles, partnership and relationship building as well as ‘including greater Mana Whenua participation in resource management through the establishment of joint management arrangements and the transfer of powers over particular resources to Mana Whenua.’²⁵³

4.2 CVAs and Auckland Council

In 2013 the PAUP made CIAs a requirement in applications where resource consents were deemed to have an ‘adverse effect on mana whenua values’. The applicant was required to engage with mana whenua to see if a CIA was required. The CIAs created by mana whenua were designed to articulate their values, associations and relationships with an area or natural resource and how a proposal may impact upon them. If mana whenua considered a proposal would not impact their cultural values, they could advise the applicant that a CIA was not required. The council set up a facilitation service in March 2014 in response to concerns that applicants might find it difficult to engage with mana whenua, including to find out if a CIA was required. In its first year the facilitation service sent mana whenua almost 300 applications, 36 of which required a CIA. This was from a total of over 10,000 resource consent applications in the same period.²⁵⁴

The CIA requirement faced vocal opposition by some members of the public and special interest groups, with concern that resource consent and development processes would be delayed, that claims of cultural sites and value were spurious,

²⁵² *ibid.*, p.8

²⁵³ *ibid.*

²⁵⁴ Auckland Council, ‘Media Release: Support for Cultural Impact Assessments re-stated’, 26 March 2015, <http://temp.aucklandcouncil.govt.nz/EN/newsevents/culture/OurAuckland/mediareleases/Pages/supportforculturalimpactassessmentsrestated.aspx> (Accessed 22 August 2017). See also Kennedy, ‘Race Relations and Planning’.

and that the CIA was a moneymaking venture.²⁵⁵ Auckland Council tried to allay some of these concerns. For example, in a 2014 media release, Roger Blakeley, Chief Planning Officer, stated that the CIA process was not new but had in fact 'been around for years'.²⁵⁶ Blakeley reassured the public that '[t]here is a misconception that these assessments involve some kind of veto from iwi. They don't. They are about iwi providing expert advice. The council takes that expertise into account, but it is the council that makes the decision'.²⁵⁷ In 2015, Blakeley remarked again that the CIA is a 'critical tool' that informs council assessments of the impacts of development and the values held by mana whenua, but that 'ultimately decisions still rest with the council'.²⁵⁸ As Māori legal expert Jacinta Ruru points out, where guarantees are not made for the protection of mana whenua values 'their voice is often trumped by other public and commercial interests'.²⁵⁹

The resource management and decision making requirements outlined in the AUP place additional pressures and requirements on mana whenua. Planning consultant James Whetu's analysis of mana whenua requirements under the PAUP noted that through the resource consent process, mana whenua involvement is linked to Auckland Council's statutory obligations as a consenting authority. In effect, this means:

Mana Whenua have become a quasi-unit of the Resource Consent Department, much like engineering and/or transportation units in the department, but do not receive the financial support. Therefore the cost to Mana Whenua is both their time and resources, and lost financial opportunity, to support the Resource Consent Department.²⁶⁰

²⁵⁵ New Zealand Taxpayers' Union, *The Taniwha Tax: Briefing paper on Auckland Council's new Mana Whenua rules*, 15 April 2015.

²⁵⁶ Auckland Council, 'Media Release: Cultural impact assessments: balance needed', 17 October 2014, (quote from Auckland Council Chief Planning Officer Roger Blakely), <http://temp.aucklandcouncil.govt.nz/EN/newseventsculture/OurAuckland/mediareleases/Pages/culturalimpactassessmentsbalanceneeded.aspx> (Accessed 22 August 2017).

²⁵⁷ *ibid.*

²⁵⁸ Auckland Council, 'Media Release: Support for Cultural Impact Assessments re-stated', 26 March 2015, <http://temp.aucklandcouncil.govt.nz/EN/newseventsculture/OurAuckland/mediareleases/Pages/supportforculturalimpactassessmentsrestated.aspx> (Accessed 22 August 2017).

²⁵⁹ Ruru, 'Māori and the Courts'.

²⁶⁰ Whetu, *Strategic Options Analysis*, p.20.

Mana whenua from Tāmaki Makaurau have identified their need for technical and financial support to ensure they can adequately engage in resource management and decision-making processes.²⁶¹ In a recent Ministry for the Environment (MfE) review, Auckland Council outlined their processes to enable mana whenua participation. By the end of 2014/15 Auckland Council had 10 iwi/hapū agreements lodged, had 57 senior planners and 165 FTE planners employed to process resource consents, and had a budget allocation for assisting iwi participation in the resource consenting, policy statement and plan making processes.²⁶² Some of the processes undertaken are about the council being proactive, such as sending a weekly resource consent application register to 19 mana whenua groups and to the Tūpuna Maunga o Tāmaki Makaurau Authority (the statutory authority established to co-govern Auckland's 14 Tūpuna Maunga (ancestral mountains)). Other processes may help relieve some of the burden on mana whenua, including council liaising with iwi on behalf of applicants, addressing internal staff competency through council-provided training, and guidance on iwi engagement for staff, consultants and applicants led by principal planners.²⁶³ By developing these processes, Auckland Council may be able to address issues indicated in the literature that limit Māori engagement in planning and resource management.

Iwi and Auckland Council established the Cultural Impact Assessment Project Working Group (CIA-PWG) to develop a consistent and workable CIA implementation process. The CIA-PWG produced an *Issues and Recommendations Report* (2015) that contained 'a comprehensive analysis of the process, identification of issues and proposed solutions for these, proposals to ensure the efficiency and effectiveness of the process, and protocols and methods for evaluating these over time'.²⁶⁴ This literature review is part of a research project established to address some of the suggestions from the 2015 Report.²⁶⁵ The CIA-PWG, renamed the Mana Whenua Cultural Values Implementation Group (MWCVIG), is supported by both mana whenua and Auckland Council, and has joint aims for the more effective

²⁶¹ *ibid.*

²⁶² Ministry for the Environment 'Māori participation dataset, 2014/15' available <http://www.mfe.govt.nz/nms-iwi-hapu> (Accessed 12 September 2017).

²⁶³ *ibid.*

²⁶⁴ Kennedy, 'Race Relations and Planning', p.196.

²⁶⁵ CIA-PWG, *Mana Whenua Cultural Impact Assessment Issues and Recommendations Report*.

protection of Māori cultural heritage and values.²⁶⁶ It considers the issues of resource management, resource consent processes, and mana whenua values under the PAUP and the AUPO. It makes a range of recommendations to address issues of responsibility and support consistency in processes including charges for CIAs, intellectual property protocols, and creating frameworks and templates for CIAs.

4.3 Section conclusion

When preparing and considering resource consent applications applicants and council are required to take into account the principles of the Treaty; have particular regard to kaitiakitanga; and recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. The statutory obligations to do so are linked to the RMA and the AUPO. In addition to the RMA requirements, the recently notified AUPO also includes directions on the consideration of mana whenua values; although this approach is different to the one initially proposed by the council the desired outcome remains the same.

It is important to ensure that the new AUPO, in combination with the RMA, is functioning effectively in its current form to genuinely promote and celebrate the Māori identity of Auckland in the context of rapid urban development. This is an area of research and monitoring that mana whenua in Auckland have identified as a priority.

²⁶⁶ Whetu, Strategic Options Analysis, p.20.

5.0 Cultural Values Assessments – ‘collaborative management tools with potential’

5.1 CVA background

The constructed nature of the Cultural Values Assessment (CVA) process is underlined by the ways it has changed over time, and the ways in which they have changed in response to different worldviews and contexts. Further, it indicates potential for re-shaping and re-development of this process.²⁶⁷ CVAs have developed out of the Cultural Impact Assessments (CIAs) process, which in turn developed out of the Impact Assessment (IA) framework.

IAs have been used since the late 1960s across a range of areas, including public health, education and urban development. They are tools for describing impact types, and include environmental, economic, social, and, most recently, cultural impact.²⁶⁸ There is an extensive literature on the history and origins of IAs. Social and cultural impact assessments grew from recognition that sustainability of the environment is an important aspect of development. With regard to CIAs, they emerged from an increasing awareness of indigenous concepts in environmental, sustainability and resource management areas, and the incorporation of those concepts within planning and legislative frameworks.²⁶⁹ The incorporation of ‘culture’ to the list of ‘environmental, economic and social’ considerations is called the expansion of the Triple Bottom Line to the ‘Fourth’ or ‘Quadruple Bottom Line’

²⁶⁷ Frank Vanclay, ‘Changes in the Impact Assessment Family, 2003-2014: Implications for Considering Achievements, Gaps and Future Directions’, *Journal of Environment Assessment Policy and Management*, 17, 1, 2015.

²⁶⁸ Partal, ‘Impact Assessment’.

²⁶⁹ F. Scrimgeour and C. Iremonger, ‘Māori Sustainable Economic Development in New Zealand: Indigenous Practices for the Quadruple Bottom Line’; Adriana Partal, ‘Impact Assessment: A Tool to Assist Cultural Sustainable Development’, Paul James, Chris Hudson, Sam Carroll-Bell, Alyssa Taing, eds, *People and the Planet 2013 Conference Proceedings*, Global Cities Research Institute, RMIT University: Melbourne, 2013, p.1; Frank Vanclay, ‘The Triple Bottom Line and Impact Assessment: How do TBL, EIA, SIA, SEA and EMS all relate to each other?’, *Journal of Environment Assessment Policy and Management*, 6, 3, 2004, pp.265-288; Ross E. Mitchell, ‘SIA: Evolving Perspectives and Emerging Approaches’, IAIA16 Conference Proceedings | Resilience and Sustainability, 2016, <http://conferences.iaia.org/2016/Final-Papers/Mitchell,%20Ross%20-%20SIA,%20Evolving%20Perspectives%20and%20Emerging%20Approaches.pdf> (Accessed 16 August 2017).

(QBL).²⁷⁰ There have been recent attempts to create a decolonised QBL that recognises the overlap inherent in indigenous perspectives of the four bottom lines.²⁷¹ This development reflects a wider debate about the inherent value of indigenous knowledge, and allowing an indigenous worldview to drive and determine the process, rather than fitting into a Western framework. A recent literature review of global cultural impact assessment practice found differences in how the concept is defined and, while there is interest in the CIA process in policy and local government, there is less evidence of implementation and practice.²⁷²

CVAs in Aotearoa New Zealand have developed and responded to changes in planning language and perspectives. In the 1990s scholars advocated a bicultural approach to resource management,²⁷³ while in the twenty first century the language moved to themes of partnership and Treaty principles.²⁷⁴ The resource consent process has been part of this development within Aotearoa New Zealand, contributing to the development of a 'sophisticated, albeit unevenly exercised, cultural impact assessment practice in Aotearoa New Zealand'.²⁷⁵

While CIAs became a requirement through Auckland Council in 2013, Blakeley informed the public that they had 'been around for years'.²⁷⁶ CIAs from mana whenua in Tāmaki Makaurau are available online from as early as 2007²⁷⁷ and

²⁷⁰ For a consideration of the history of QBL in relation to planning in New Zealand see Dalziel, et al., 'Cultural Well-being and local government'.

²⁷¹ Fonda Walters and John Takamura, 'The Decolonized Quadruple Bottom Line: A Framework for Developing Indigenous Innovation', *Wicazo Sa Review*, 30, 2, 2015, p.79.

²⁷² Partal and Dunphy, 'Cultural impact assessment'.

²⁷³ Bev James, 'A Bicultural Partnership for Te Waihora (Lake Ellesmere): A Case Study in Management Planning', Science and Research Series, No.41, Wellington: Department Of Conservation, 1991; Emma Oliver, 'Bicultural resource management in an Aotearoa New Zealand context – Me Aka Whakamua', Lincoln University, 1994.

²⁷⁴ Ruckstuhl, et al., 'Māori and mining', p.306.

²⁷⁵ *ibid.*

²⁷⁶ Auckland Council, 'Media Release: Cultural impact assessments: balance needed', 17 October 2014, (quote from Auckland Council Chief Planning Officer Roger Blakely), <http://temp.aucklandcouncil.govt.nz/EN/newseventsculture/OurAuckland/mediareleases/Pages/culturalimpactassessmentsbalanceneeded.aspx> (Accessed 22 August 2017).

²⁷⁷ Te Roopu Kaitiaki o Papakura, Cultural Values Assessment: Takanini Structure Plan Area 6, Papakura, December 2007; Ngati Paoa Cultural Impact Assessment 2010 – produced as part of Council v Auckland City Council 2010 NZENV 248, decision 20 July 2010; Tama Hovell, Atkins Holm Majurey Limited, 'Cultural Values Assessment in Support of the Notices of Requirement for the Proposed City Rail Link Project', 11 December 2012.

earlier from other areas.²⁷⁸ Mana whenua have altered their approach to creating CVAs over time. There was a phase when outsiders with 'more readily recognised qualifications within a majority culture perspective' were brought in to provide assessment. This has slowly changed to recognise the importance of people 'rooted in the tikanga and the language and the history of the area'.²⁷⁹ Many iwi and hapū now employ their own experts to undertake CVA work in relation to resource applications in their area.²⁸⁰

Auckland Council has shifted its phrasing from cultural *impact* assessment to cultural *values* assessment. The Resource Management Act (RMA) Quality Planning website indicates the difference thus:

Cultural values reports (CVR) are variations of CIAs. These can be used in assessing or providing background information when preparing plans. CVRs can identify and describe values pertaining to an area or resource. *They differ from CIAs in that they may not include a description of effects as they do not relate to a specific activity.* However, they may address *broad level impacts* of development occurring or anticipated in that area. Cultural values reports can provide direction as to the relevant issues and how these should best be addressed.²⁸¹

This shift in language indicates a broadening in Auckland Council's conceptualisation of the process and the documents produced. So far, however, this has not been matched by a broadening in practice at Auckland Council: CVAs are currently used only in relation to resource consents. As a future-oriented tool, CVAs could also be employed in regard to all council plans, strategies and policies if they are to be used in the ways the RMA envisages.

²⁷⁸ CIAs as part of the resource consent process are referred to in Parliamentary Commissioner for the Environment, 'Kaitiakitanga and local government', pp.37, 56, 97-8. For an early example of a CIA see Antoine Coffin and Ngapotiki Resource Management Unit, Tauranga City Council Wastewater Consents Project – Cultural Impact Assessment, 2004.

²⁷⁹ Kapua, 'Review of the Role of Māori Under the Resource Management Act 1991', p.99.

²⁸⁰ Ruckstuhl, et al., 'Māori and mining', p.306.

²⁸¹ The RMA Quality Planning Resource, *Consent Support: FAQs about Cultural Impact Assessments*, 2013, http://qualityplanning.org.nz/index.php/supporting-components/faq-s-on-cultural-impact-assessments#what_is_cia (Accessed 15 August 2017).

5.2 CVAs – partnership potential

In 2004 planning academics Vanstone, Thompson-Fawcett and Morgan wrote about CIAs as a ‘collaborative management tool with potential’.²⁸² The ‘potential’ they saw was in delivering the Treaty principles of participation and partnership. A 2010 document outlining CIAs for the Environmental Risk Management Authority notes that CIAs should be considered as a tool for establishing a basis for a partnership between tangata whenua, applicants and the local governance authority in regard to a particular application.²⁸³ The ‘roadmap’ goes on to say that ‘Tangata whenua will usually have an expectation that where effects are identified on their environment, culture, or values that the relationship will be an ongoing one.’²⁸⁴ Vanstone et al. expressed a similar sentiment, concluding that ‘Cultural impact assessment reports are foundational documents from which interaction and collaboration can be constructed. However, it is important they are not seen as a means to an end.’²⁸⁵ Viewing CIAs in this way – as a partnership and as part of an ongoing relationship – provides a Māori perspective on the process, rather than seeing CIAs as potentially a one-off transaction or legislative necessity to ‘tick off’. In his recent peer review of a cultural impact assessment, Nick Roskrug positions CIAs as a primary tool to consolidate a partnership approach to a proposal that affects both parties – for example iwi, hapū, whānau and a territorial authority.²⁸⁶

While viewing CVAs as an expression of partnership may be in line with mana whenua perspectives, the literature shows that local and central government frequently view them as a document of consultation and evidence that councils are enabling Māori participation. The RMA Planning website states that:

²⁸² Vanstone, et al., ‘Cultural Impact Assessment’, pp.6-8.

²⁸³ Repo Consultancy Limited, *Best Practice Guidelines*.

²⁸⁴ *ibid*.

²⁸⁵ Vanstone, et al., ‘Cultural Impact Assessment’, p.7.

²⁸⁶ N. Roskrug, ‘Peer Review of the Gisborne Managed Aquifer Recharge Cultural Impact Assessment’, Palmerston North: Land Management Group, cited in Jessica Hutchings, Jo Smith, Nick Roskrug, Charlotte Severne, with Jason Mika and Joy Panoho, ‘Enhancing Māori Agribusiness through kaitiakitanga tools’, for the Our Land and Water, National Science Challenge, July 2017, Available <http://www.ourlandandwater.nz/assets/Uploads/VM-Think-Piece-Enhancing-Maori-Agribusiness-July-2017.pdf>.

CIA's are a tool to facilitate meaningful and effective participation of Māori in impact assessment. A CIA should be regarded as technical advice, much like any other technical report such as ecological or hydrological assessments.²⁸⁷

This description places the CVA as a one-off document, as part of a process of engagement for a specific situation. The Bay of Plenty Regional Council (BOPRC) list CVAs as an 'example of an engagement tool' which enables the council to fulfil its obligations to whakauru (involve) Māori and ensure Māori issues and concerns are consistently understood and considered.²⁸⁸

The 2016 report *Māori Planning Futures* outlines ways that local authorities can work with CVAs prepared by Māori authorities to ensure their values, rights and interests are meaningfully expressed and actively protected. As well as ideas for bringing consistency, *Māori Planning Futures* identifies the CVA process as part of the rights of Māori for involvement in shaping and determining planning processes.²⁸⁹

5.3 CVA documents as boundary objects/negotiated space

The resource management system 'has required negotiation and dialogue between disparate groups – Māori, councils, businesses and the wider community – in order to take into account Māori viewpoints on the environmental, social and cultural impacts of resource usage', as well as increasing non-Māori use and understanding of te reo and of Treaty principles.²⁹⁰ CVAs have a place within this process as a boundary object, a conduit between different worlds. They also have the opportunity to create new knowledge. CVAs contain information over and above what exists in the public domain, thus 'contributing to the extension of the mātauranga continuum and the building of new Māori environmental knowledges'.²⁹¹

²⁸⁷ The RMA Quality Planning Resource, *Consent Support: FAQs about Cultural Impact Assessments*, 2013, http://qualityplanning.org.nz/index.php/supporting-components/faq-s-on-cultural-impact-assessments#what_is_cia (Accessed 15 August 2017).

²⁸⁸ Bay of Plenty Regional Council, *Engaging with Māori*, 2011, p.19.

²⁸⁹ Lenihan and Bartley *Māori Planning Futures*, p.43, p.55.

²⁹⁰ Ruckstuhl, et al., 'Māori and mining', p.306.

²⁹¹ Jessica Hutchings, Jo Smith, Nick Roskrige, Charlotte Severne, with Jason Mika and Joy Panoho, 'Enhancing Māori Agribusiness through kaitiakitanga tools', for the Our Land and Water, National

CVA documents were used as sources in this literature review – to examine their content, tone, depth and breadth of information, style, and presentation. While reflecting the variance of hapū practices, aspirations and local contexts, there are some commonalities. The 13 CVAs considered for this review ranged from 18 pages to 52 pages in length.²⁹² They cover historical and contextual information: establish genealogical and spiritual connections to the land, history of the area and of the hapū/iwi, history pre and post Pākehā contact, and relationships with other hapū and iwi. They often indicate a long and in-depth consultation process – hui, site visits with hapū/iwi representatives, council members, and applicants, submission of a draft CVA document to hapū/iwi, and gathering and integration of feedback from hui. There are also maps, tables, photos, reference lists and glossaries. Given the breadth and depth of the CVA documents examined it is not surprising that resourcing support and capacity building for mana whenua is a prominent theme in the literature.

The CVA documents themselves give an indication of how mana whenua view the CVA process. Te Ākitai Waiohū explain that they believe the CIA ‘represents an opportunity to provide a unique cultural lens over our affairs that can be shared with others’, drawing on its own history and core principles to address the issues, interests and concerns at stake.²⁹³ They go on to say, ‘The CIA is an invaluable tool

Science Challenge, July 2017, p.11, Available <http://www.ourlandandwater.nz/assets/Uploads/VM-Think-Piece-Enhancing-Maori-Agribusiness-July-2017.pdf>.

²⁹² Payne-Harker et al., *Cultural Impact Assessment*; Bennett, ‘Cultural Impact Assessment’; Ngāti te Ata Waiohū, ‘The Mangere New “Old” Bridge’; Te Ākitai Waiohū, *Cultural Impact Assessment*; Tāpora Trust, ‘Cultural Impact Assessment Report: Stage One – proposed earthworks to establish an avocado orchard, Tāporāpora’, April/May 2015; Ngāi Tai ki Tāmaki, ‘Cultural Impact Assessment Report’; Hovell, ‘Cultural Values Assessment’; Ngāti Te Ata Waiohū, ‘The City Rail Link Project: Māori Values Assessment for Auckland Transport’, October 2012; Te Ākitai Waiohū, ‘Māori Values Assessment by Te Ākitai Waiohū for City Rail Link Project’, 2012; Tangata Whenua [Tuhourangi Tribal Authority], ‘Cultural Impact Assessment’; Ngāti Paoa Cultural Impact Assessment 2010 – produced as part of Council v Auckland City Council 2010 NZENV 248, decision 20 July 2010; Te Roopu Kaitiaki o Papakura, Cultural Values Assessment: Takanini Structure Plan Area 6, Papakura, December 2007; Dyanna Jolly Consulting for Te Rūnanga o Kaikōura, *Cultural Impact Assessment: For a Proposed Plan Change and Coastal Subdivision at Claverley*, February 2007.

²⁹³ Te Ākitai Waiohū, *Cultural Impact Assessment by Te Ākitai Waiohū for the Old Mangere Bridge Replacement Project*, Auckland, 2015, p.7. Available at http://www.aucklandcouncil.govt.nz/EN/ratesbuildingproperty/consents/getinvolved/Documents/RLUC20153473_Old_Mangere_Bridge_Appendix17_1_Te_Ākitai_Waiohū_CIA.pdf (Accessed 31 July 2017).

to obtain better understanding of Te Ākitai Waiohū, its history and aspirations'.²⁹⁴ In the opening of a CIA on a sailing centre proposal, Ngāi Tai ki Tāmaki wrote:

This CIA represents the desire for an alignment of our values and ethics with those organisations that participate with us and to enable mutually sustainable relationships with transparent commitment and accountability for the current and future cultural protection of all Ngāi Tai ki Tāmaki taonga.²⁹⁵

Ngāi Tai ki Tāmaki articulate the CIA as an offering, part of an ongoing relationship, a partnership. In another CIA, Te Rūnanga o Kaikōura note, 'The CIA is a basis for future communication'.²⁹⁶ This indicates that mana whenua view CVAs as a negotiation, opening the lines of communication and the start of an ongoing relationship with reciprocal obligations and duties.

For resource consent applicants and council planners, the CVA process and document might be seen as a cultural *service* rather than an expression of cultural *values* and *aspirations*. This perception may be well intentioned and used as a basis for financial recompense. For example the report by the Parliamentary Commissioner for the Environment stated that mana whenua 'involvement is on a professional consultancy basis, providing a service required for the proposal just the same as engineers or scientists, and tangata whenua are clear that they should be paid appropriate fees for their expertise and specialist local knowledge'.²⁹⁷ But such an interpretation potentially reduces the spirit in which CVAs are created and shared – as a document that expresses cultural values, draws from mātauranga Māori and shows how Māori aspirations and wellbeing are interdependent on ecosystems and ecosystem services.²⁹⁸

While mana whenua may view CVAs as articulating values and impacts that are holistic and interconnected, the process does not always encourage that. A 2012

²⁹⁴ *ibid.*, p.8.

²⁹⁵ Ngāi Tai ki Tāmaki, 'Cultural Impact Assessment Report'.

²⁹⁶ Dyanna Jolly Consulting, *Cultural Impact Assessment*, p.20.

²⁹⁷ Parliamentary Commissioner for the Environment, 'Kaitiakitanga and local government', p.97.

²⁹⁸ Garth Harmsworth and Shaun Awatere, 'Indigenous Māori Knowledge and Perspectives of Ecosystems', in J.R. Dymond, ed. *Ecosystem services in New Zealand – conditions and trends*, Manaaki Whenua Press: Lincoln, 2013, pp.274-286.

Māori Values Assessment (MVA) quoted heritage consultant Ann McEwan that: 'The silo approach of iwi in one corner and the archaeology and heritage building folk in another won't be able to generate the mature and sophisticated response to heritage values that everyone can embrace and appreciate.'²⁹⁹ Western ideas of land value are related to productive capacity, an agenda of development, and economic development,³⁰⁰ but for indigenous the economic considerations cannot be separated from the social, cultural and environmental interests.³⁰¹

5.4 Section conclusion

The CVA process and the document produced have the potential to be tools of collaborative management. They are boundary objects, sitting between different worlds and drawing from and contributing to different knowledge paradigms. For mana whenua, CVAs are an expression of values and aspirations. They draw from mātauranga Māori and hapū/iwi knowledge, and are intended to be part of an ongoing relationship, between mana whenua and the local authorities, based on partnership. Smith et al.'s concept of 'negotiated space' could have application here: bringing together differing paradigms, with the CVA document as a bridge, to then create new knowledge in a respectful partnership.

²⁹⁹ Ngati Te Ata Waiohū, 'The City Rail Link Project: Māori Values Assessment for Auckland Transport', October 2012, p.8.

³⁰⁰ Forster, 'Indigeneity and trends in recognizing Māori environmental interests', pp.67-8.

³⁰¹ Mackenzie Valley Environmental Impact Review Board, *Community Visits 2005: Raising the Bar for Socio-Economic Impact Assessment. A Report on What Communities Told Us*, Yellowknife, Northern Territories, 2005; Livesey, 'Planning to develop land returned under Treaty settlement'.

6.0 Reframing and decolonising planning in Aotearoa New Zealand

Planning as a discipline largely draws from a Western worldview and decolonising the discipline would enable indigenous peoples to engage in planning on their own terms. Planning academics Porter and Barry, emphasise that planning is political. In settler-colonial states (like Aotearoa New Zealand, Australia and Canada) planning could provide a space for indigenous peoples to articulate ‘their sovereign territorial and political rights, reigniting the essential tension that lies at the heart of Indigenous-settler relations’.³⁰² International case studies of indigenous involvement in government-led impact assessment processes show that trying to fit indigenous ways of knowing into non-indigenous forums to be heard by people often unfamiliar with indigenous worldviews is undermining and ineffective.³⁰³ To ensure indigenous voices, worldviews, and political and economic aspirations have real and effective impacts will require a reframing of structures, processes, and power distribution. To bring such potential into reality would require transformative planning praxis that completely reshapes planning.

There are also predicted complex environmental challenges ahead with the impacts of climate change on land, resources, population and migration. In light of these complexities, the literature recognises that ‘resolving issues of sustainability and community buy-in for policies and decision-making requires more than institutions acting alone.’³⁰⁴ Decolonising planning also requires the recognition of heterogeneity and will generate a diverse set of problem-based solutions that could better equip future planners. One indigenous planning commentator argues that indigenous worldviews of living with and being answerable to the land may be more suited to the

³⁰² Libby Porter and Janice Barry, *Planning for Co-existence: Recognizing Indigenous rights through land-use planning in Canada and Australia*, Routledge: Oxon, 2016. See also Libby Porter, *Unlearning the Colonial Cultures of Planning*, Routledge: Oxon, 2016.

³⁰³ Patricia A. McCormack, ‘Environmental Reviews and Case Studies: Doing Credible Cultural Assessment: Applied Social Science’ *Environmental Practice*, 18, 3, 2016, pp.148-65; Naohiro Nakamura, ‘An “Effective” Involvement of Indigenous People in Environmental Impact Assessment: the cultural impact assessment of the Saru River Region, Japan’, *Australian Geographer*, 39, 4, 2008, pp.427-44; Claudia Nissley, ‘Perspectives from the Field: Integrating Cultural Impact Assessments into Environmental Analysis’, *Environmental Practice*, 18, 3, 2016, pp.222-6.

³⁰⁴ Winstanley, et al., ‘Understanding the impact of democratic logics’.

predicted changes in the environment and current lifestyles than Western models of planning, static property ownership and assumed economic appreciation.³⁰⁵

6.1 Dual planning models and partnership

As outlined at the beginning of this review, Aotearoa New Zealand has dual planning traditions – drawn from Te Ao Māori and Te Ao Pākehā, and the interactions between those worldviews. However, planning undertaken by local authorities and enacted through legislation has tended to favour Western models and worldviews. Much of the academic literature on planning and resource management in Aotearoa New Zealand now recognises differing worldviews and explores how such different perspectives can impact expectations, measures and outcomes. Some of this also posits how new systems might be put in place to ‘decolonise’ or disrupt planning systems that continue to sideline Māori planning and Māori values and concepts. One of the key issues for Māori is that these systems address the underlying principles of the Treaty: tino rangatiratanga, partnership and participation. For Māori, there is an expectation that redressing Treaty breaches includes structural change in the way political power is shared, while the Crown tends to focus on historical breaches and ignores the basis for its political power.³⁰⁶ Hirini Matunga outlines how Te Tiriti, through promising Māori unqualified rangatiratanga over their natural resources, anticipated two planning mandates for Aotearoa New Zealand – a Māori planning mandate and a Pākehā planning mandate – but that in failing to honour these promises, successive colonial governments have kept Māori planning outside the dominant, Te Ao Pākehā planning framework.³⁰⁷

Papa Pounamu is a special interest group of the New Zealand Planning Institute concerned with the role of Māori and Pacific peoples in the Aotearoa New Zealand planning framework and the integration of Māori perspectives in resource

³⁰⁵ Julian Brave NoiseCat, ‘The Western idea of private property is flawed: indigenous people have it right’, *Guardian*, 27 March 2017, <https://www.theguardian.com/commentisfree/2017/mar/27/western-idea-private-property-flawed-indigenous-peoples-have-it-right> (Accessed 3 August 2017); Louise Crabtree, ‘Hot Property: Will our systems of land ownership survive in a warming world’, *Fore-Ground: cities, places, and the people who make them*, 14 July 2017, <https://www.foreground.com.au/planning/property-ownership-warming-world/> (Accessed 3 August 2017).

³⁰⁶ Bargh, ‘The Post-settlement world (so far): Impacts for Māori’, p.166.

³⁰⁷ Hirini Matunga, ‘Decolonising planning: the Treaty of Waitangi, the environment and a dual planning tradition’, in P.A. Memon and H.C. Perkins, eds, *Environmental Planning in New Zealand*, Palmerston North: Dunmore Press, 2000.

management and decision-making.³⁰⁸ Papa Pounamu encourages the development and use of indigenous planning tools, as well as recognising and supporting the 'grass roots practitioners' (tangata whenua and/or kaitiaki) who 'have a broad range of planning and resource management experience' and, with or without formal planning qualifications, 'play a significant role in the planning scene'.³⁰⁹

Planning academic Brigid Livesey argues that local government processes need to bring together tikanga Māori and Western planning – recognising both as Treaty partners with responsibilities to undertake the process cross-culturally. Currently the New Zealand Planning Institute Code of Ethics frames the Treaty as a 'mana whenua issue', which fails to acknowledge the role of the Crown as Treaty partner, and devalues Māori resource management knowledge.³¹⁰ This is also the way Auckland Council's Unitary Plan frames the Treaty – under 'issues of significance for mana whenua'.³¹¹ Changes could be made to rectify this and support decolonising the planning process.

The 2015 Te Hapori case study put forward ideas for resource management and planning approaches that would align with Māori aspirations. These include:

- continued and proactive shift in policy and planning language to the discourses of partnership as required by the post-settlement and co-management era
- expand co-management and partnership arrangements to all catchments
- and leadership at local and regional level with ongoing national level discussions and guidance.³¹²

There is also the opportunity for greater partnership solutions by leveraging current mechanisms, such as through the Resource Management Act (RMA) sections 33, 36

³⁰⁸ <https://www.papapounamu.org>

³⁰⁹ Papa Pounamu, 'Value Added Proposition', http://media.wix.com/ugd/a43694_1216cf308d5c4c24af840747402f48dd.pdf (accessed 1 August 2017).

³¹⁰ Livesey, 'Planning to develop land returned under Treaty settlement', p.iii.

³¹¹ Auckland Council, Auckland Unitary Plan Operative in Part, Section B6: Mana Whenua <http://unitaryplan.aucklandcouncil.govt.nz/Images/Auckland%20Unitary%20Plan%20Operative/Chapter%20B%20RPS/B6%20Mana%20Whenua.pdf>, (Accessed 3 September 2017).

³¹² Simmonds, 'Planning Framework Review', pp.32-3.

and proactive implementation of hapū and iwi management plans.

Despite the incorporation of Māori concepts into RMA and Local Government Act (LGA) legislation, in reality, resource management decision-making ‘has often been at odds with tangata whenua values and thinking’.³¹³ Changing this may require a change in the planning system, legislation and outcomes frameworks. *Māori Planning Futures* recommends that the current effects-based framing of the RMA legislation could be replaced with a ‘values and outcomes’ based approach. Rather than having decision makers and developers consider ways to mitigate adverse effects, they would instead be asked ‘how does any given development or decision align with the underlining values and lead to the outcomes identified?’³¹⁴ This would require a shift in language and conceptualisation to incorporate values and outcomes identified by mana whenua. Linda Te Aho ruminates on the possibility of a Māori ‘power of veto’ in future planning decision-making in line with mātauranga Māori; stopping any developments that do not protect the integrity of natural resources for future generations.³¹⁵

6.2 Kaitiakitanga tools, frameworks and models

There are frameworks and tools created to bring a Māori lens to planning and decision making. Hutchings et al. call these ‘kaitiakitanga tools’ and they include CIAs as well as the Mauri model, Environmental Report Cards, Cultural Health Index (CHI), a New Zealand Sustainability Dashboard, and collaborative models.³¹⁶ Although mātauranga Māori represents highly localised knowledge systems, the interconnected, physical and spiritual, holistic nature of resource management is something fundamental to Te Ao Māori. Ngāi Tahu’s ‘mountains to the sea’ natural

³¹³ Te Kipa Kepa Brian Morgan, ‘A tangata whenua perspective on sustainability using the Mauri Model: Towards decision making balance with regard to our economic, social, economic, environmental and cultural well-being’, paper presented at the International Conference on Sustainability Engineering and Science, 7-9 July, Auckland, 2004.

³¹⁴ Lenihan and Bartley *Māori Planning Futures*, p.43, p.8.

³¹⁵ Linda Te Aho, ‘Proposing an Indigenous Power of Veto in Aotearoa New Zealand’, in J Crawford and P. Taylor, eds, *Dangerous Ideas in Planning: Essays in Honour of Tom Fookes*, School of Architecture and Planning, University of Auckland: Auckland, 2015, pp.170-184.

³¹⁶ Hutchings, et al., ‘Enhancing Māori Agribusiness through kaitiakitanga tools’.

resource management framework, 'Ki Uta Ki Tai' illustrates this.³¹⁷ Hutchings et al. argue that the use of kaitiakitanga tools encourages the *enactment* of mātauranga in ways that strengthen the bonds between lands, waters and peoples, fostering care for surrounding elements and agents, and deepening understandings of the interrelatedness of all things' and that this in turn can mobilise māramatanga (active knowing), as a 'multi-dimensional kaupapa and part of an interconnected Māori knowledge framework'.³¹⁸

The Mauri model is based on the four interactive aspects of our ecosystem – cultural, economic, social and environmental, with the main purpose to determine if the mauri (which is both physical and spiritual dimensions) is enhanced, diminished or neutral across all the interrelated platforms.³¹⁹ Morgan designed the Mauri model, including the 'mauri-o-meter', as a holistic assessment tool for environmental kaitiaki, evaluating the potential of a development proposal to restore or denigrate the mauri of the people or land.³²⁰ The document *Māori Planning Futures* lists examples where the Mauri decision making framework has delivered outcomes for iwi and hapū in planning contexts, including: related to water resources management (Kaituna diversion); urban stormwater (Auckland Council); wastewater schemes (Rotoma WWTP); irrigation dams (Ruataniwha); and disaster response (Rena).³²¹

Differences in worldview can have real implications in an operational context. For

³¹⁷ Te Rūnanga o Ngāi Tahu, 'Ki Uta ki Tai – Mountains to the sea natural resource management: a scoping document for developing mountains to the sea natural resource management tools for Ngāi Tahu' A Draft prepared by Kaupapa Taiao for ngā Papatipu Rūnanga. Christchurch: Te Rūnanga o Ngāi Tahu, 2003. See also Harmsworth and Awatere, 'Indigenous Māori Knowledge and Perspectives of Ecosystems'; Te Rūnanga o Ngāi Tahu, *Nga Matapono ki te wai Framework*, 2013, Available <http://ngaitahu.iwi.nz/wp-content/uploads/2013/06/Nga-Matapono-ki-te-Wai.pdf>.

³¹⁸ Hutchings, et al, 'Enhancing Māori Agribusiness through kaitiakitanga tools', p.14.

³¹⁹ Desna Whaanga-Schollum, Caroline Robinson, Keriata Stuart, Biddy Livesey with Bill Reed, 'Ensuring The Container Is Strong' – Regenerating Urban Mauri Through Wānanga, Landscape.org.nz, 2017, <https://www.landscape.org.nz/home/2017/2/23/ensuring-the-container-is-strong-regenerating-urban-mauri-through-wnanga>; Nick Kraus, 'Indigenous Māori Values in Kawerau, Bay of Plenty, New Zealand: Assessing Environmental, cultural, social and economic impacts of the Te Ahi O Maui geothermal project using the Mauri Model', *MAI Journal*, 2013, p.7; Hikuroa, et al., 'Implementing Māori indigenous knowledge (mātauranga) in a scientific paradigm'; Morgan, 'A tangata whenua perspective on sustainability'.

³²⁰ Te Kipa Kepa Brian Morgan, 'Waiora and Cultural Identity: Water quality assessment using the Mauri Model', *AlterNative*, 3, 1, 2006, pp.43-67.

³²¹ Lenihan and Bartley *Māori Planning Futures*, p.43, p.34.

example, when considering a mauri monitoring model the Bay of Plenty Regional Council (BOPRC) and Ngāti Pikiao and Ngāti Makino had different ideas of what that would involve. Tangata whenua contended that a 'Mauri Model' involved extensive gathering of historical and background information, while the BOPRC Council proposed that the Mauri Monitoring Plan identify 'whether a decline in mauri is occurring over time as a result of the project' (the definition of mauri from the Regional Plan). The Environment Court determined that the mauri monitoring protocol should be developed in collaboration with tangata whenua and submitted to the BOPRC for certification.³²²

Cultural Opportunity Mapping is another example of an alternative planning framework. Tipa and Nelson created a Cultural Opportunity Mapping and Assessment conceptualisation tool to bring together western science and mātauranga Māori in relation to resource management.³²³ They were interested in developing a mechanism whereby cultural values could be conveyed to practitioners and represented in environmental management in ways that are explicit and transparent to all parties. An important aspect of this framework is the use of opportunity mapping to ensure Māori indicators and outcomes identified by local Māori are applied to a particular localized resource management context.

Palmer's 2011 research outlines the piloting of a waiora tool as a way of undertaking cultural impact assessments that could be used in local government decisions.³²⁴ As background to the case study and pilot, Palmer found that despite tangata whenua engagement over a 15-year period relating to a proposed sub-division in Harataunga, Coromandel, local government felt the issues were too complex to take into consideration in their decision-making. The waiora tool as a way to produce a CIA provides for the conceptualisation and measurement of waiora so it can be easily integrated into evaluation and service delivery settings. The perceived cultural

³²² Ngāti Pikiao Ki Maketū v Bay of Plenty Regional Council [2016] NZEnvC 97, cited in Annie O'Connor, Dave Randal and Alanna Garland Duignan, 'Māori interests in natural resource management: 2016 in review', *Māori Law Review*, April 2017, p.4.

³²³ Gail Tipa and Kyle Nelson, 'Introducing Cultural Opportunities: a Framework for Incorporating Cultural Perspectives in Contemporary Resource Management', *Journal of Environmental Policy & Planning*, 10, 4, 2008, pp.313-37.

³²⁴ Stephanie Palmer, 'Pilot of a tool for Cultural Impact Assessment in local government RMA decisions: Based on the waiora concept of Māori wellbeing', Tumana Research: Coromandel, 2011.

impact outcomes are produced as scores on a series of ratings drawn from the Māori concept of waiora (wellbeing). An aggregated mean score is produced at the end of the CIA, which provides an overall score of perceptions about the cultural impact of proposed developments on Māori wellbeing. Palmer explains that the waiora framework draws from Māori cosmology, and the tool has the benefit of overcoming the diversity amongst Māori by facilitating 'discussions about the relevance of waiora as a value-base for decision-making in everyday, contemporary, life.'³²⁵

Tipa et al.'s recent work on Environmental Report Cards, explores how this communication and engagement tool can be used as a sustainability measure to enhance the use of Iwi Management Plans (IMPs). Two pilots involved working with two different iwi to create tools that reflected the localised knowledge and needs of each. More than a way of communicating monitoring results, Tipa et al. were driven to create report cards as an integrative mechanism to ensure the values and aspirations of Māori conveyed in iwi planning documents are recognised, understood, and utilised.³²⁶

Papakāinga developments are an example of how planning processes, Māori communities, and local government plans and regulations can change to accommodate culturally informed models of planning. Papakāinga involve development on communally held/multiple-owned Māori land, with the intention of fulfilling tangata whenua housing aspirations. This contrasts to the Western planning paradigm of 'one house one lot'. Three councils (Western Bay District, Tauranga City, BOPRC) worked with local Māori, as well as national government agencies, and other stakeholders to enable Māori Housing developments, and these resulted in the development of *Te Keteparaha Mo Nga Papakāinga – Māori Housing Toolkit*. It is proposed that the RMA can be amended to help such developments beyond section 5 (enable cultural wellbeing) and section 6 (e) (recognise and provide for the relationship with ancestral lands).³²⁷

³²⁵ Palmer, 'Pilot of a tool for Cultural Impact Assessment', p.6.

³²⁶ Tipa, et al., 'Using environmental report cards'.

³²⁷ Lara Burkhardt and Nick Swallow, 'Papakāinga development – Turning aspiration into reality' *Resource Management Journal*, November 2014, pp.11-15.

Te Aranga Māori Cultural Landscape Strategy is an example of addressing the Western focus of a specific planning strategy and creating a Māori-centric alternative. Te Aranga was created through a series of hui involving Māori professionals working across the design disciplines, the resource management sector and representatives of iwi/hapū organisations in response to the absence of Māori voice or meaningful input into the Ministry for the Environment's (MfE) 2005 New Zealand Urban Design Protocol.³²⁸ Different aspects reflect a Te Ao Māori view. The name suggests interconnectedness, with 'cultural landscape' replacing 'urban design', and seven outcome-orientated design principles (mana, whakapapa, taiao, mauri tu, mahi toi, tohu and ahi kā) are guided by the core Māori values of rangatiratanga, kaitiakitanga, manaakitanga, wairuatanga, kotahitanga, whanaungatanga, and mātauranga. Te Aranga states that

The key objective of the Principles is to enhance the protection, reinstatement, development and articulation of mana whenua cultural landscapes enabling all of us (mana whenua, mataawaka, tauiwi and manuhiri) to connect to and deepen our 'sense of place'.³²⁹

In their 2014 CIA, Ngāi Tai ki Tāmaki endorsed the adoption of Te Aranga design principles 'as a way to incorporate Iwi values and outcomes into the design of elements' of the proposed project.³³⁰

There are local and internationally applicable models, designed to recognise the difference in worldviews, and allow a move towards partnership. Whatarangi Winiata's Treaty-based three-house model is specific to Aotearoa New Zealand and provides a model for partnership.³³¹ The three houses are the 'Tikanga Māori

³²⁸ Te Aranga National Steering Committee, *Te Aranga Māori Cultural Landscape Strategy*, 2nd edn, 2008, http://www.aucklanddesignmanual.co.nz/design-thinking/maori-design/te_aranga_principles#/design-thinking/maori-design/te_aranga_principles/guidance/about/description (Accessed 1 August 2017).

³²⁹ Auckland Council, Auckland Design Manual: *Te Aranga Principles* http://www.aucklanddesignmanual.co.nz/design-thinking/maori-design/te_aranga_principles (Accessed 1 August 2017).

³³⁰ Ngāi Tai ki Tāmaki, 'Cultural Impact Assessment Report', p.19.

³³¹ For a description of this concept and its genesis see Te Ahukaramū Charles Royal, 'Mātauranga Māori: Paradigms and Politics', a paper presented to the Ministry for Research, Science and Technology, 13 January 1998. Winiata's model is also outlined in Mason Durie, *Nga Tai Matatu: tides of endurance*. Melbourne: Oxford University Press, 2005; and Bronwyn Campbell, 'Te Tiriti o

House', the 'Tikanga Pākehā House' and the 'Tiriti/Treaty House'.³³² The Tiriti/Treaty House represents the place where both Māori and Pākehā come together respectfully and with commitment to unity through partnership. Each partner is responsible for all three houses and the mana of each is interconnected to the others. All partners should appreciate the mana, authority and autonomy of the Māori and Pākehā houses. This shared responsibility indicates the shared rights, responsibilities and privileges of the Treaty. Partners are also responsible for keeping their own house in order. Under this model, Campbell explains, Pākehā are responsible for working on 'cultural consciousness where they are able to critically appreciate colonisation, recognise cultural privilege/marginalisation and thereby become better prepared to engage in producing a different future.'³³³ Walker argues that through a manaakitanga lens, Pākehā and the government are guilty of takahi mana (where mana is diminished or disregarded, causing insult). For Māori the challenges include 'negotiating iwitanga with Māoritanga'.³³⁴ The Tiriti/Treaty House symbolises a space of negotiation and co-production: appreciating contemporary challenges of power, authority and the past while working towards a collaborative future of post-colonialism. Other models with international applicability, outlined previously in this review, include negotiated space,³³⁵ boundary spaces,³³⁶ and intercultural space.³³⁷ Addressing issues of governance and power is essential in all these models.

Waitangi: A Blueprint for the Future', in Huia Tomlins-Jahnke and Malcolm Mulholland, eds, *Mana Tangata: Politics of Empowerment*, Huia Publishers: Wellington, 2011.

³³² Royal, 'Mātauranga Māori', pp.10-11.

³³³ Campbell, 'Te Tiriti o Waitangi'.

³³⁴ *ibid.*

³³⁵ Smith et al., 'The Negotiated Space'.

³³⁶ Ward et al., 'Public stealth and boundary objects'; Robinson and Wallington, 'Boundary work'.

³³⁷ Bronwyn Anderson-Smith, 'Exploring Engagement between indigenous communities and government: lessons for Country', BA (Hons) Australian National University, 2008; F. Morphy, *The language of governance in a cross-cultural cultural context: what can and can't be translated*, Centre for Aboriginal and Economic Policy Research, 2007.

6.3 Collaborative frameworks: Co-management/co-governance/co-planning/partnership/rangatiratanga

Collaborative planning is part of a planning process working to decolonise planning relationships in a postcolonial context. Within an Aotearoa New Zealand context it allows for the possibility of partnership between Crown and Māori. The Collaborative Planning Process (CPP) is about encouraging community participation, and bringing differing views on complex issues together with the intention of building a common understanding of the issues at an early stage in the planning process.³³⁸ In Aotearoa New Zealand CPP was introduced as an option for freshwater management, and has been extended, by way of the 2017 RMA amendments, as a planning track for local authorities when reviewing, changing or preparing a new plan or policy statement.³³⁹ Collaborative planning requires the acceptance of plural perspectives, so that one worldview does not need to dominate the other, and different individuals or groups can articulate their own identity and define and describe their own knowledge.³⁴⁰ Research indicates that for such a collaborative process to work, issues of ‘timing, control and trust’ need to be addressed.³⁴¹

Within Aotearoa New Zealand, collaborative frameworks are often conceptualised within a co-management or co-governance arrangement, which draws from indigenous worldviews and ways of viewing sustainable environmental and resource management. While policy directions are being developed, co-management and co-governance arrangements are emerging to better involve Māori in decision-making.³⁴² Participation and collaboration are seen as central tenets in sustainable development, necessary for effective, quality resource management, and pushed by both international legislation and indigenous communities. Such frameworks are

³³⁸ Patsy Healy, *Collaborative Planning: Shaping Places in Fragmented Societies*, UBC Press: Vancouver, 1997.

³³⁹ Ministry for the Environment, ‘Resource Legislation Amendments, 2017: Fact Sheet 6’, April 2017, <https://www.mfe.govt.nz/sites/default/files/media/fact-sheet-6-a-new-optional-collaborative-planning-process.pdf>.

³⁴⁰ Livesey, ‘Planning to develop land returned under Treaty settlement’, p.173; Porter, *Unlearning the Colonial Cultures of Planning*; Sandercock, ‘Commentary: indigenous planning and the burden of colonialism’.

³⁴¹ Livesey, ‘Planning to develop land returned under Treaty settlement’.

³⁴² Ruru, ‘Māori and the Courts’.

potentially a way of addressing the alienation and marginalisation of indigenous knowledge systems within resource management and planning processes under Western systems. Rather than maintain a process of Māori consultation, a partnership approach would be part of addressing conflicts of sovereignty and move towards decolonising planning. The Waitangi Tribunal report *Ko Aotearoa Tenei* advocated for the development of innovative partnership-based conservation co-management and co-governance frameworks as an important area of postcolonial political development.³⁴³

Manaaki Whenua Landcare Research is a Crown Research Institute that undertakes research to drive innovation in the management of land biodiversity and management. Their 2015 research on collaborative planning between Māori and the Crown outlined a three-stage process. The first stage is *co-governance*, which occurs at an organisational or institutional level and usually results in a formal agreement (Memorandums of Understanding (MoUs), partnership agreements, Treaty settlements) that provides a framework for co-management. The next stage is *co-management*, which is the demonstration and implementation of such strategies on the ground through responsibilities and practical mechanisms (catchment plans, consents approval, river clean ups). The third stage is *co-planning*, which is the advanced stage of collaboration, which requires recognition and understanding of mātauranga Māori through local or regional planning and implementation stages and can usually only develop once co-governance and co-management have occurred.³⁴⁴ Robb, Harmsworth and Awatere found multiple examples and models of co-governance and co-management, but very few good examples of co-planning.

Co-management and co-governance arrangements have often emerged within relationships between Māori and local government. Local Government New Zealand (LGNZ) has profiled a number of co-management arrangements between Māori and local governments.³⁴⁵ Māori and local government have also sought alternative

³⁴³ Waitangi Tribunal, *Ko Aotearoa Tēnei*, pp.370-73.

³⁴⁴ Mahuru Robb, Garth Harmsworth and Shaun Awatere, *Māori values and perspectives to inform collaborative processes and planning for freshwater management*, prepared for the Ministry of Business Innovation and Employment and VMO Regional council forum, Wellington, 2015, p.12.

³⁴⁵ Local Government New Zealand, *Co-management case-studies involving Local Government and Māori*, Wellington, 2007; Local Government New Zealand, *Local authorities and Māori: case studies of local arrangements*, Wellington, 2011; Local Government New Zealand, *Council-Māori Participation*

mechanisms for co-management beyond the provisions provided by the RMA. Numerous examples of co-management regimes have arisen in the context of Treaty settlements.³⁴⁶ Jacobson et al. outline these mechanisms of engagement, including: co-management of multiple North Island rivers (Waikato, Waipa and Whanganui) through Treaty of Waitangi Settlement Acts; formalised co-governance arrangements such as the Ngāi Tahu, Canterbury Regional Council, Selwyn District Council arrangement (with Christchurch City Council membership) for Te Waihora (a large coastal lake near Christchurch) and tributaries; and Hawke's Bay Regional Council's TANK process.³⁴⁷

Developing cooperative relationships is often linked to acknowledgement of the Crown-Māori relationship as defined by the Treaty of Waitangi.³⁴⁸ As tangata whenua and treaty partners, Māori values, needs, and aspirations must influence public policy as a matter of honouring Treaty principles.³⁴⁹ Co-planning, as the 'advanced stage of collaboration' would also mean seeing such partnerships as part of a broader acknowledgement and dialogue about land use, indigeneity, and institutional processes.

Māori have long sought institutional change. Writing in the 1990s, Durie argued that there are five stages of biculturalism: homogeneity, pluralism, participation, partnership and rangatiratanga.³⁵⁰ Homogeneity is when a Western, monocultural framework dominates. Pluralism is when there is greater acceptance of cultural diversity and some influence of other cultures into the dominant, Pākehā culture. Participation is when non-Western ideas and perspectives are incorporated into institutions, but the institutions do not change. Finally, rangatiratanga comes from Māori institutions based on and informed by the values and beliefs of Te Ao Māori.

Arrangements: Information for councils and Māori when considering their arrangements to engage and work with each other, Local Government New Zealand, June 2017.

³⁴⁶ Coates 'Joint-management agreements in New Zealand', p.32.

³⁴⁷ Jacobson, et al., 'Mainstreaming indigenous perspectives'.

³⁴⁸ Forster, 'Indigeneity and trends in recognizing Māori environmental interests'.

³⁴⁹ Simmonds, 'Planning Framework Review', pp.21-38.

³⁵⁰ M. H. Durie, 'Māori and the State: Professional and Ethical Implications for a Bicultural Public Service', *Conference Proceedings of the Public Service Senior Management Conference*, State Services Commission, Wellington, 1993, pp. 23-35.

Oliver contends that rangatiratanga is a necessary requirement to enable effective resource management practice in Aotearoa New Zealand.³⁵¹ Frame and Russell argue for 'polycentric governance – where authority for decision-making is dispersed amongst actors in contrast to those systems where authority is centred in government agencies'.³⁵² They emphasise the importance of changing the systems to meet contemporary needs, to be collaborative, work creatively, and take a critical perspective.

Auckland Transport's 'Māori Engagement Framework' describes 'best practice' Māori-Crown engagement as evolving from 'first generation' interactions which are primarily 'relationships of consultation' to a second generation where the focus is on the relationship, 'a partnership' where Māori are involved in planning, strategy and collaboration. Second generation interaction is effectively co-management and co-governance. The document notes, 'The challenge for Auckland Transport is to move toward second-generation interactions and to develop robust and lasting relationships with Māori rather than reactive, token, event-based interaction.'³⁵³

The main thread with the critiques of co-management is that the underlying power structures are not examined.³⁵⁴ This is clearly shown in Jackson's research on the taiāpure process (applying to gain custodial management rights to a particular fishery). Jackson argues that bringing indigenous knowledge into a process controlled by non-indigenous institutions is actually a way of masking the power relations that underlie the process. While it may appear that incorporating mātauranga Māori into council or planning processes is an example of partnership or honouring Treaty principles, Jackson posits that it may also just be 'a new word for

³⁵¹ Oliver, 'Bicultural resource management in an Aotearoa New Zealand context'.

³⁵² Bob Frame and Shona Russell, 'Concluding Commentary', in Shona Russell, Bob Frame and James Lennox, eds, *Old Problems, New Solutions: Integrative research supporting natural resource governance*, Landcare Research, Manaaki Whenua Press: Lincoln, 2011, p.126.

³⁵³ Auckland Transport, *Māori Engagement Framework*, Auckland Council: Auckland, 2 April 2012, p.6.

³⁵⁴ Giles Dodson, 'Co-Governance and Local Empowerment? Conservation Partnership Frameworks and Marine Protection at Mimiwhangata, New Zealand', *Society and Natural Resources*, 27, 5, 2014, pp.521-39; A. Agrawal and C. C. Gibson, 'Enchantment and disenchantment: The role of community in natural resource conservation', *World Development*, 27, 4, 1999, pp.629-49; A. Conley and M. Moote, 'Evaluating collaborative natural resource management', *Society Natural Resources*, 16, 2003, pp.371-386.

old concepts that still lead to the marginalisation of the powerless'.³⁵⁵ Similarly, Hill et al.'s examination of 21 case studies of indigenous engagement in environmental management systems in Australia, found that the best prospects for integrating indigenous and western knowledge systems occurred in the examples of indigenous-governed and indigenous-driven projects, rather than those driven or governed by non-indigenous agencies.³⁵⁶ So while theoretical ideas around how different knowledge systems can be brought together and lead to innovation, these require an examination of power structures and attempts to equally respect those knowledge systems, as well as power-sharing, partnership, and self-determination.

Much of the literature on co-management focuses on the theoretical arguments for system change, sharing power and responsibility to encourage active participation and honour indigeneity.³⁵⁷ However, it does not always explicitly address the ways of protecting, integrating, and resourcing different knowledge systems in practice.³⁵⁸ A fundamental part of collaborative management is recognising and valuing different knowledge – which includes *process* as well as *content*.³⁵⁹ There is also an increased interest in the literature in how collaboration can work to produce *new* knowledge. Robinson and Wallington identify a growing focus in the scholarship on knowledge *production* – drawn from scientific and IK systems – rather than merely knowledge exchange.³⁶⁰ Natcher et al. argue that co-management is about managing relationships and handling new knowledge as much as managing resources.³⁶¹ For local authorities, whether in co-governance, co-management, or co-planning contexts, the development and maintenance of relationships are fundamental, as is recognition of kaupapa Māori principles in such partnerships:

³⁵⁵ Anne-Marie Jackson, 'Towards understanding indigenous knowledge in environmental management practise: A discursive analysis of the East Otago taiāpure proposal', *MAI Review*, 1, 2008, p.13.

³⁵⁶ Rosemary Hill, Chrissy Grant, Melissa George, Catherine Robinson, Sue Jackson, and Nick Abel, 'A typology of indigenous engagement in Australian environmental management: implications for knowledge integration and social-ecological system sustainability', *Ecology and Society* 17, 1, 2012, pp.1-17.

³⁵⁷ Berkes, 'Evolution of co-management'; Hill et al., 'A typology of indigenous engagement'.

³⁵⁸ Robinson, and Wallington, 'Boundary work'.

³⁵⁹ Fikret Berkes, 'Indigenous ways of knowing and the study of environmental change', *Journal of the Royal Society of New Zealand*, 39, 4, 2009, p.151.

³⁶⁰ Robinson and Wallington, 'Boundary work'.

³⁶¹ David Natcher, Susan Davis, Clifford D. Hickey, 'Co-management: Managing relationships not resources', *Human Organisation*, 64, 3, 2005, pp.240-50.

being humble and listening, building respectful relationships and trust over time, and working proactively with Māori aspirations to ensure kaupapa Māori praxis.³⁶²

6.4 Section conclusion

The most common method of incorporating Māori perspectives in planning is through ‘consultation’. However, if the structure, terms of discussion, and final determination remains within a Te Ao Pākehā model this does not honour the principles of the Treaty nor Māori aspirations. Moving from consultation to partnership would be a transformative and decolonising approach to planning practice. It would enable Māori values to sit at the heart of aspirations for resource management, address and recognise the value of mātauranga Māori, and honour the Treaty. The theory of boundary work and negotiated space can help guide a process of recognising and valuing different knowledge systems, with Cultural Values Assessments (CVAs) as a boundary object within this process. Such a process will only lead to innovation and the creation of new knowledge if it is accompanied by an examination of power structures and a shift to address power-sharing, partnership, and self-determination.

³⁶² See Gooder, ‘Māori Responsiveness Plan Literature Review’.

7.0 Conclusion

The Cultural Values Assessment (CVA) process and documents can be viewed as negotiations, as boundary objects between the worlds of mana whenua and local government. They are illustrative of mana whenua drawing on mātauranga and asserting their rangatiratanga and kaitiakitanga in the context of the Resource Management Act (RMA) system. That local government planners may view them differently is indicative of the challenges that emerge in the spaces of interaction between Māori and the Crown, between mana whenua and local government. These points of interaction do not yet operate as partnerships, despite urging in the literature for this realisation. CVAs might be described as a meeting place of multiple worldviews – the intention under which they are created, and the way in which they are read might not align. But where these contexts and worlds collide it can enable dynamic interactions.³⁶³

Iwi and hapū case studies, iwi planning documents and CVAs are all valuable sources for mana whenua voices, outlining iwi and hapū aspirations, as well as solutions and future opportunities to enable these. Local and central government can look to these documents for guidance in how to recognise and support Māori as Treaty partners and tangata whenua through planning processes, resource management and decision-making. There have also been a number of recent surveys of Māori perspectives on the planning and resource management processes.³⁶⁴ These documents show the range of perspectives and differing conceptualisations within and across Māori communities, iwi and hapū.

7.1 Te wero

A post-settlement, co-management era involves new and remaining challenges, as well as a number of opportunities, for hapū/iwi and councils. Seizing these opportunities may involve an examination and transformation of the existing structures and processes with a view to meaningful recognition of tangata whenua rights as kaitiaki and as Treaty partners. Local governments have a responsibility to

³⁶³ Anne Salmond, *Voyaging Worlds*, Auckland University Press: Auckland, 2017, p.3.

³⁶⁴ See for example, Thompson-Fawcett, et al., 'Indigenous Resource Management Plans'; Whetu, *Strategic Options Analysis*; Kanawa, et al., 'Beyond consultation'; Jefferies, et al., 'Review of the effectiveness of iwi management plans'.

uphold their part of the partnership by engaging with Māori, up-skilling in their knowledge of Māori concepts, resourcing hapū and iwi, recognising Māori planning documents, and considering aspirations and outcomes as identified in these documents. Much of the literature comes back to an underlying need to take a holistic and contextualised approach – recognising resource management as an issue of governance, partnership and rangatiratanga, within a historical and ongoing context of colonisation.

The notion of partnership lies at the heart of resource management governance in Aotearoa New Zealand, yet according to the literature CVAs in their current state do not facilitate this. CVAs in their current use by Auckland Council are restricted to their role in the consent process, rather than used to their full potential to influence plans, policies and strategies. Mana whenua are not guaranteed that their voice is given equal power to local authorities, or even in relation to ‘more powerful stakeholder groups’³⁶⁵ and ‘other public and commercial interests.’³⁶⁶ The scholarship discussed in this review indicates that this reduces the likelihood that hapū and iwi aspirations will be realised through the process of their participation, reduces the incentive to participate, and reduces trust in the relationships between local authorities and Māori. It also is a breach of the Treaty principles of partnership and active protection. Despite this, Māori do participate in state systems of resource management, while seeking ‘more substantive forms of power-sharing ... to secure tribal authority, to reaffirm Māori culture, and to ensure that land continues to shape the identity of Māori people.’³⁶⁷ Māori have urged local authorities to go beyond the minimum requirements – from compliance to commitment.³⁶⁸ Councils can be proactive in implementing the existing RMA tools for power re-distribution, such as joint management agreements, and the use of Iwi Management Plans (IMPs) and Mana Whakahono a Rohe (MWRs). The literature indicates not only a desire for such a redistribution of power and the framing of this as a justice mechanism for indigenous peoples, but also that indigenous-driven resource management systems provide the best prospects for integrating indigenous and western knowledge

³⁶⁵ Day et al., District Plan Implementation Under the RMA, pp.63-5.

³⁶⁶ Ruru, ‘Māori and the Courts’.

³⁶⁷ Forster, ‘Indigeneity and trends in recognizing Māori environmental interests’, p.63.

³⁶⁸ Ngāti Koroki Kahukura Trust, *Mai i te Maunga ki te Awa*.

systems. Within Aotearoa New Zealand this means utilising ‘kaitiakitanga tools’ informed by mātauranga Māori.

The current CVA process is about bringing or fitting mātauranga Māori into a Te Ao Pākehā paradigm of planning and resource management. However, CVAs have potential to be seen as a boundary objects that could work to decolonise planning and create new knowledge through negotiated space. Matunga sees that bringing together indigenous and Western planning practices allows planners to facilitate a more socially inclusive planning practice, where ‘[p]lanners potentially can be the process guardians between two peoples and two planning traditions and as a professional ethical practice, weather the vagaries and uncertainties of politics.’³⁶⁹

The CVA is a boundary document that conveys cultural value, which is ‘an enactment of tino rangatiratanga and holds pedagogical potential for non-Māori as well to learn different ways of interacting with natural resources’.³⁷⁰ The CVA process could fit into Harmsworth and Awatere’s vision of an ecosystem framework – drawing from indigenous framing where everything is interdependent and multi-aspirational.³⁷¹ CVAs have the power to be transformative documents through boundary work, bridging different knowledge paradigms and worldviews.

³⁶⁹ Matunga, ‘The Concept of Indigenous Planning’.

³⁷⁰ Hutchings, et al., ‘Enhancing Māori Agribusiness through kaitiakitanga tools’.

³⁷¹ Harmsworth and Awatere, ‘Indigenous Māori Knowledge and Perspectives of Ecosystems’.

8.0 Acronyms

AUP	Auckland Unitary Plan
AUPO	Auckland Unitary Plan Operative in part
BOPRC	Bay of Plenty Regional Council
CIA	Cultural Impact Assessment
CIA-PWG	Cultural Impact Assessment Project Working Group
CPP	Collaborative Planning Process
CVA	Cultural Values Assessment
HIRMP	Hapū/Iwi Resource Management Plan
IA	Impact Assessment
ICF	Iwi Chairs Forum
IK	Indigenous Knowledge
IMP	Iwi Management Plan
IMSB	Independent Māori Statutory Board
LGA	Local Government Act
LGNZ	Local Government New Zealand
MfE	Ministry for the Environment
MGD	Making Good Decisions
MoU	Memorandum of Understanding
MVA	Māori Values Assessment
MWCVIG	Mana Whenua Cultural Values Implementation Group
MWR	Mana Whakahono a Rohe
PAUP	Proposed Auckland Unitary Plan
PUCM	Planning Under a Cooperative Mandate
QBL	Quadruple Bottom Line
RMA	Resource Management Act
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

9.0 Glossary of frequently used te reo terms³⁷²

Kaitiaki	Protector, caregiver, guardian
Kawa	Protocols, customs
Kāwanatanga	Governorship, authority
Mahinga kai	Place of food gathering/collection
Manaakitanga	Acts of hospitality, kindness, generosity
Mana	Influence, prestige, power, authority
Mana motuhake	Autonomy, self determination
Mana whakahaere	Governance, authority, jurisdiction, management, mandate, power
Mana whenua	Territorial rights, power from the land, authority over land or territory, jurisdiction over land or territory – power associated with possession and occupation of tribal land
Mātauranga Māori	Knowledge/knowledge systems from Te Ao Māori
Mataawaka	Māori with tribal affiliations outside the area they live (i.e. not mana whenua)
Mauri	The life essence or spiritual force in every entity, animate and inanimate
Mokopuna	Descendant, grandchild
Rangatiratanga	Right to exercise authority, self-determination
Rohe	Iwi/hapū territory
Tangata whenua	Indigenous, people born of the whenua (land)
Taonga	Anything valued – culturally or socially. Includes tangible and intangible treasures
Te Ao Māori	The Māori world and/or a Māori worldview

³⁷² The definitions given here have come from the online Māori dictionary (www.maoridictionary.co.nz). They are contextual not definitive; they relate to the way these terms are used within this document. It is recognised that terminology may differ between hapū and iwi across Aotearoa New Zealand.

Te Ao Pākehā	The Pākehā world and/or a Pākehā worldview
Tikanga	Guides to moral behaviour
Tino rangatiratanga	Māori self-determination, sovereignty, autonomy
Wāhi tapu	Sacred place or site
Wairuatanga	Spirituality
Whakapapa	Genealogy, lineage, descent

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