

Background Information

1.0 INTRODUCTION

1.1 GLOBAL CONTEXT

There is increasing concern for the state of the world environment and the degradation of the resources upon which future social and economic development depends.

In recent years, a number of international protocols and conventions have been aimed at controlling the adverse effects of human activities on the environment. The Rio Declaration on Environment and Development and Agenda 21, adopted by the Earth Summit in Rio de Janeiro in 1992, are two such initiatives. The Rio Declaration on Environmental Development sets out 27 guiding principles on sustainable development; Agenda 21 provides a common framework of action for all countries to pursue sustainable development¹. Although Agenda 21 is not legally binding, the commitment of over 180 nations gives it a high moral standing at an international as well as a national level.

Two legally binding conventions were negotiated at the Earth Summit. The Framework Convention on Climate Change is aimed at stabilising greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous changes to the climate system. The Biodiversity Convention is aimed at conserving the world's biological diversity. New Zealand has ratified both conventions.

The future is likely to see increasing emphasis on global initiatives to address environmental management problems.

1.2 NATIONAL CONTEXT

Domestic legislation is the means by which global agreements and protocols are given effect at a national level.

The requirements of the Resource Management Act 1991 are, in many respects, consistent with the outputs of the Earth Summit, referred to above. In essence, Part II of the Act represents a statement of the outcomes and considerations deemed to be relevant to the pursuit of sustainable development in New Zealand [see section 2.1. of this document]. The Resource Management Act 1991 enables the New Zealand Government to develop national policy statements or environmental standards.

1.3 LOCAL CONTEXT

The Regional Policy Statement is the main vehicle for interpreting and applying the sustainable management requirements of the Act and national policy statements in a local context and, in this regard, guides the development of lower order plans. The Regional Policy Statement is primarily a strategic planning document aimed at ensuring that the use, development and protection of natural and physical resources is put on a sustainable footing. The emphasis is on the management of natural and physical resources rather than on social or economic objectives.

The Gisborne District Council has prepared another strategic planning document, Vision 2020, which presents a vision for Gisborne based on social and economic as well as environmental aspirations. Council derives its wider mandate to concern itself with community well-being from the Local Government Act 1974.

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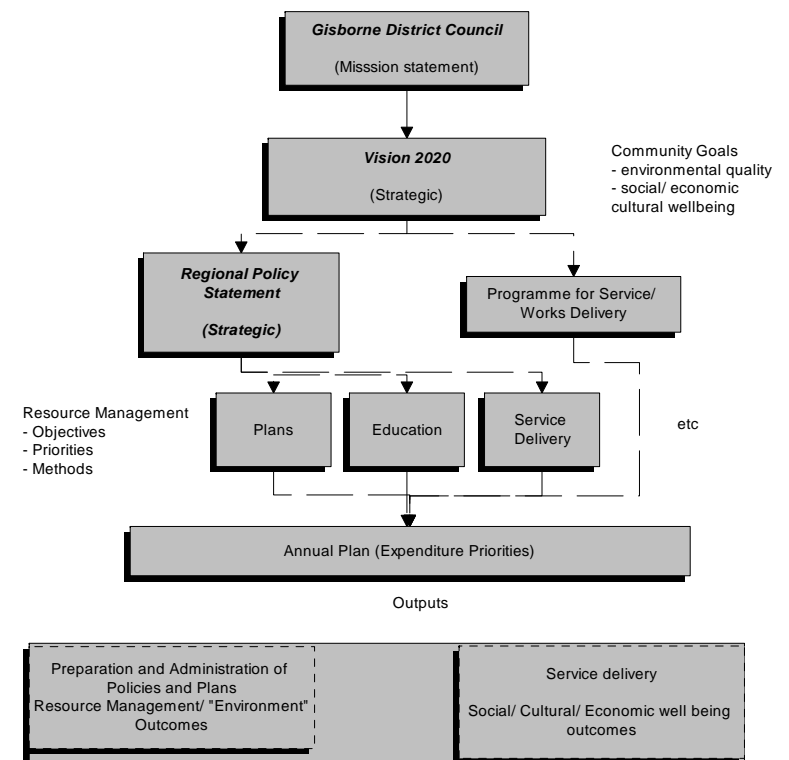
In preparing Vision 2020, Council has had regard to its statutory responsibilities under the Resource Management Act 1991.

The goals of Vision 2020 are pursued partly through the delivery of services under the Local Government Act 1974 and other legislation, and partly through the preparation and administration of policies and plans under the Resource Management Act 1991 - to the extent that such plans underpin economic activity and relate to the attainment of social and environmental goals.

Under the Local Government Act 1974, the Gisborne District Council is required to prepare an annual plan outlining the scope and cost of activities to be undertaken by the organisation over the financial year. The resource management priorities established in the Regional Policy Statement will have a strong influence over Council's annual work programme. In addition to allocating funds to the preparation and administration of resource management policies and plans, Council may choose to fund the delivery of a particular service as a means of achieving a specified resource management objective.

The relationship between the plans prepared by Council is illustrated in figure 2.

**FIGURE 2
RELATIONSHIP BETWEEN PLANS PREPARED BY THE
GISBORNE DISTRICT COUNCIL**



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2.0 THE STATUTORY FRAMEWORK FOR RESOURCE MANAGEMENT IN THE GISBORNE DISTRICT

2.1 THE RESOURCE MANAGEMENT ACT 1991

The Resource Management Act 1991 is the principal statute for the management of New Zealand's natural and physical resources.

The Act establishes an integrated framework for the management of land, vegetation, water, air, and the control of discharges to the environment. It provides for national, regional and territorial levels of responsibility for the management of resources.

Part II (Sections 5-8) of the Act contains a statement of purpose and principles.

2.1.1 Purpose

The Act has a single purpose stated, in section 5(1) as being :-

"To promote the sustainable management of natural and physical resources."

The Act defines sustainable management as :

'... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.' (Section 5(2)).

Further guidance and direction on the way in which resources are to be managed is provided for in sections 6, 7 and 8 of the Act, as set out below.

2.1.2 Matters of National Importance

Section 6 of the Act lists five matters of national importance which must be recognised and provided for in the preparation and administration of planning schemes.

- a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.
- b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.
- c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- d) The maintenance and enhancement of public access to and along the coastal marine area, lakes and rivers.

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- e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.'

2.1.3 Other Matters

Section 7 of the Act sets out "other matters" which persons exercising authorities under the Act are to have "particular regard" to :

- a) Kaitiakitanga:
- b) The efficient use and development of natural and physical resources.
- c) The maintenance and enhancement of amenity values.
- d) Intrinsic values of ecosystems.
- e) Recognition and protection of the heritage values of sites, buildings, places, or areas.
- f) Maintenance and enhancement of the quality of the environment.
- g) Any finite characteristics of natural and physical resources.
- h) The protection of the habitat of trout and salmon.'

2.1.4 Treaty of Waitangi

Section 8 of the Act provides that
'... In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources,

shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).'

2.1.5 Functions of Central and Local Government

The Act sets out the functions, powers and duties of central government, regional councils and territorial authorities.

Regional councils and territorial authorities have been given primary responsibility for the management of natural and physical resources within their areas, subject to the requirements of central government as exercised through the instruments available under the Act (Section 2.1.6, below) or other legislation (Section 2.2 below).

The functions of regional councils are set out in Section 30 of the Act. These include responsibilities for preparing objectives and policies to achieve the integrated management of natural and physical resources and the control of any effects of the use, development and protection of land which are of regional significance. Regional councils have responsibility for the control and management of water quality and quantity, air quality, land use (for the purposes of soil conservation, water management, natural hazards avoidance and mitigation, and hazardous substances management), control of the coastal marine area (in conjunction with the Minister of Conservation), control of the discharge of contaminants into the environment and control of river and lake beds.



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The functions of territorial authorities are set out in Section 31 of the Act. These include responsibilities for integrated management of the effects of land use, control of the effects of land use including for the purpose of the avoidance and mitigation of natural hazards and hazardous substances management, control of land subdivision, noise control and control of activities on the surface of water in rivers and lakes.

Gisborne District Council, as a unitary authority, possesses the functions, duties and powers of both a regional council and a territorial authority. Sections 30 and 31 of the Act are reproduced in full in Appendix 1.

2.1.6 Policies, Plans and Other Instruments

To enable central and local government (regional councils and territorial authorities) to carry out their functions and achieve the purpose of the Act, the Act provides for a hierarchy of policy statements and plans. The main statutory instruments are shown in figure 3.

CENTRAL GOVERNMENT

At the national level, the Act provides for :

National Environmental Standards

Technical standards in the form of regulations are made on the recommendation of the Minister for the Environment. These relate to the use, development and protection of natural and physical resources and may prescribe methods of implementing such standards. [Sections 43 and 44 of the Act].

National Policy Statements

These state policy on matters of national significance relevant to achieving the purpose of the Act. They are issued on recommendation of the Minister for the Environment [sections 44 and 45 of the Act].

New Zealand Coastal Policy Statement

States policies to achieve the purpose of the Act in relation to the coastal environment of New Zealand. This is prepared and issued by the Minister of Conservation. [Sections 56-58].

The New Zealand Coastal Policy Statement was released by the Minister of Conservation and gazetted on the 5th of May 1994. Copies of the New Zealand Coastal Policy Statement can be obtained from the Department of Conservation Regional Conservancies.

Water Conservation Orders

These are issued on the recommendation of the Minister of the Environment as set out in Part IX of the Act. Their purpose is to recognise and sustain -

- (a) Outstanding amenity or intrinsic values which are afforded by waters in their natural state.
- (b) Where waters are no longer in their natural state, the amenity or intrinsic values of those waters which in themselves warrant protection because they are considered outstanding. [Section 199].



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Orders may restrict or prohibit the granting of resource consents to dam, take water or discharge contaminants into water, or place other restrictions on the use of water.

Regulations

Made by Order in Council to provide for the matters specified in Section 360 of the Act.

Call-in Powers

Enable the Minister for the Environment to decide on applications for resource consents relating to proposals of national significance.

Other Powers

Other central government powers are provided for in the Act. These include the powers of the Minister of Conservation to approve regional coastal plans and to specify restricted coastal activities for which the Minister is the decision-making authority. The Minister for the Environment may make recommendations on the approval of network utility operators as requiring authorities and the approval of heritage protection authorities.

REGIONAL COUNCILS

At the regional level, the Act provides for :

Regional Policy Statements

Required to be prepared by every regional council and unitary authority to achieve the purpose of the Act 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 [see Section 3.0 of this Policy Statement].

Regional Coastal Plans

Required to be prepared by regional councils and unitary authorities to achieve the purpose of the Act in relation to the coastal marine area of the region. Regional coastal plans may contain rules to control activities and effects. [Sections 63-71 of the Act].

Regional Plans

Prepared by regional councils and unitary authorities to them to carry out their functions under the Act.

Regional plans are optional and may focus on specific activities, issues, resources or geographic areas and may contain rules to control activities and effects. [Sections 63-71 of the Act].

Resource Consents

Required from regional councils to carry out activities or to do things that otherwise would contravene the restriction on the use and development of natural resources contained in the Act or in plans. [See Part VI of the Act].

TERRITORIAL AUTHORITIES (DISTRICT, CITY COUNCILS)

At a district level, the Act provides for :



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District Plans

Required to be prepared by territorial authorities to assist them to carry out their functions under the Act. District plans may contain rules to control activities and effects. [Section 72-77 of the Act].

Resource Consents

Required from territorial authorities to carry out activities or do things that otherwise would contravene the restrictions on the use and development of natural and physical resources contained in the Act or in district plans. [See part VI of the Act].

Designations

Provisions made in district plans to give effect to requirements made by requiring authorities (Ministers of the Crown, local authorities or approved network utility operators), for public works, or for projects or works of approved network utility operators.

Heritage Orders

Provisions made in district plans by heritage protection authorities for protecting places of special interest, character, intrinsic or amenity value or visual appeal or of special significance to the tangata whenua for spiritual, cultural or historical reasons. [Part VIII of the Act].

INTEGRATION BETWEEN INSTRUMENTS

The Act creates statutory linkages between the different policies and plans that it provides for, and with the plans of other agencies.

The Act requires that, in preparing regional policies and district plans, regard must be had to plans prepared under other Acts or by adjacent councils, planning documents recognised by an iwi authority, relevant entries in the Historic Places Register and to fisheries or other regulations.

Regional policy statements must not be inconsistent with any national policy statement, the New Zealand Coastal Policy Statement or a water conservation order.

Regional plans and district plans must not be inconsistent with the Regional Policy Statement or other regional plans or any national policy statement, the New Zealand Coastal Policy Statement or a water conservation order.

Decisions or recommendations on resource consents and requirements for public works and for heritage protection orders must have regard to the above mentioned national policies, and regional and district policies, plans and rules.

2.2 OTHER LEGISLATION

Section 32 of the Act requires those developing objectives, policies and rules under the Act to have regard to alternative methods available under other Acts that may be used to promote the sustainable management of natural and physical resources.

Action may be taken by councils under one or more of the following Acts:

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Local Government Act 1974

Establishes functions, powers and procedures for local authority operations. These include the preparation of Annual Plans and Annual Reports on the implementation of those plans.

Public Works Act 1981

Provides for the acquisition and use of land for public works.

Building Act 1991 and Building Regulations 1992

Establish a regulatory framework for the control, construction and maintenance of buildings to safeguard public health, safety and amenity. The Building Regulations establish a Building Code. The Building Act provides for the receipt, consideration and approval or refusal by territorial authorities of building consents, and the issuing of project memoranda, code compliance certificates and compliance schedules.

Rating Powers Act 1988

Provides powers for local authorities to make and levy rates. The Act makes provisions for differential rating, the payment of rates, remission and postponement of rates and rates relief.

Civil Defence Act 1983

Establishes national, regional and local functions and responsibilities in relation to civil defence emergencies, including the preparation of regional and district civil defence plans, and to provide for restoration and rehabilitation.

Health Act 1956

Provides for the protection, promotion and conservation of public health, including public health matters relating to water supply, sanitary works, buildings and offensive trades. The Act provides wide powers to local authorities particularly territorial authorities, to control nuisances as defined in the Act.

Dangerous Goods Act 1974

This Act and associated regulations provide powers to regulate the packing, marking, handling, carriage, storage and use of certain dangerous goods. Local territorial authorities are licensing authorities for the purpose of the Act.

Soil Conservation and Rivers Control Act 1941

Provides powers for regional councils as catchment boards to promote soil conservation, the prevention and mitigation of soil erosion, the prevention of damage by floods and the use of land in a manner that will help in the achievement of these purposes.

Land Drainage Act 1908

Provides for the establishment of drainage districts and boards and for powers of local authorities in relation to the cleaning, repairing and maintaining of watercourses and drains.

Powers are provided to order the removal of obstructions from watercourses or drains where an obstruction is likely to cause damage to property.

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Biosecurity Act 1993

Provides for the exclusion, eradication and effective management of pests and unwanted organisms.

Transit New Zealand Act 1989

The Transit New Zealand Act 1989 establishes Transit New Zealand, defines the functions and responsibilities of regional councils and territorial authorities, including the preparation of regional land transport strategies and district land transport programmes to achieve safe and efficient land transport systems.

A number of these and other Acts are currently under review. This may lead to changes in responsibilities for regional councils and territorial authorities.

Many other Acts are of relevance to the achievement of integrated resource management. These include the following :

Conservation Act 1987

In 1990 an amendment to the Conservation Act - the Conservation Law Reform Act 1990 - was made and establishes the New Zealand Conservation Authority, Conservation Boards, and Fish and Game Councils and provides for conservation management planning, management of freshwater fisheries and for marginal strips.

Fisheries Act, 1983

Provides the legislative basis to New Zealand's fisheries management system and in the CMA is the major resource

management statute. Unlike the Resource Management Act, the Fisheries Act limits itself to managing and conserving populations of aquatic species.

Wildlife Act 1953

Provides for the protection and control of wild animals and birds and the regulation of game shooting seasons.

National Parks 1980

Provides for the administration and management of National Parks by the Department of Conservation, the New Zealand Conservation Authority and Conservation Boards and for the maintenance of National Parks in their natural state and the preservation of indigenous plants and animals within National Parks.

Forests Amendment Act 1993

Promotes the sustainable management of indigenous forest land. The Act controls for harvesting of indigenous forests for timber production and the export of indigenous forest produce.

Historic Places Act 1993

Establishes the Historic Places Trust and promotes the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand.



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Marine Reserves Act 1971

Provides for the establishment and maintenance of areas of the sea and foreshore as marine reserves for the purpose of preserving them in their natural state as the habitat of marine life for scientific study.

Queen Elizabeth the Second National Trust Act 1977

Establishes the Queen Elizabeth the Second National Trust to provide, preserve, protect or enhance land or water with aesthetic, cultural, recreational, scenic, scientific or social interest or value.

Reserves Act 1977

Provides for the acquisition, control, management, maintenance, preservation, development and use of public reserves. It also makes provision for public access to the coastline and the countryside.

New Zealand Walkways Act 1990

Provides for the establishment of walking tracks over public and private land for recreation and enjoyment.

Te Ture Whenua Maori Act 1993 (Maori Land Act)

Provides for the continuation of the Maori Land Court whose primary objective is to promote and assist the retention of land owned by Maori and the effective use, management and development of such land. It provides the mechanisms for dealing with Maori land.

Toxic Substances Act 1979

Establishes the Toxic Substances Board and provides for the control of toxic and other harmful substances.

Crown Research Institutes Act 1992

Provides for the formation of Crown owned companies to undertake scientific research including research into the physical, biological and social sciences, and technology.

Where appropriate, reference is made in this Regional Policy Statement to actions that may be undertaken under other legislation to achieve the purpose of both the Act and this Regional Policy Statement.

Defence Act 1990

Identifies the purposes for which the New Zealand Defence Force has been raised and maintained and defines defence areas. The Act also enables provision for regulations restricting access to defence areas.

The Planning Process Under the Resource Management Act 1991



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Fig 4.
See section 3.4 of this Statement

3.0 THE REGIONAL POLICY STATEMENT

3.1 PURPOSE OF REGIONAL POLICY STATEMENT

The purpose of the regional policy statement is to

“... achieve the purpose of the Act 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.” [section 59 of the Act].

3.2 CONTENT OF REGIONAL POLICY STATEMENT

The regional policy statement is required to state:

- *the significant resource management issues of the region*
- *matters of resource management significance to iwi authorities.*
- *and is to make provision for*
- *the matters of national importance set out in section 6 of the Act [see section ... above].*
- *such of the matters set out in Part I of the Second Schedule (and such of the matters set out in Part II of that schedule as are of regional significance), that are appropriate to the circumstances of the region [s 62 of Act].*

3.3 STRUCTURE OF THE REGIONAL POLICY STATEMENT

The Act requires that, in relation to the resource management issues identified as “significant”, the Regional Policy Statement shall state :

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- objectives
- policies
- methods [of implementation]
- the reasons for the objectives, policies and methods
- the environmental results anticipated
- review and monitoring procedures [section 62 of the Act].

In essence this requirement coupled with the requirement of section 32 of the Act [see section 5.6 below], provides a prescription for the planning process [refer figure 4].

The terms referred to above have not been defined in the Act. The Gisborne District Council has adopted working definitions which are included in Part Two, section 1.4, of this Policy Statement.

3.4 METHODS OF IMPLEMENTING OBJECTIVES AND POLICIES

There are six main types of methods that can be used to implement the objectives and policies of the Regional Policy Statement.

Information and advice

Resource management objectives may be achieved by offering information and advice to people on the sustainable management of natural and physical resources and on how to avoid, remedy or mitigate any adverse effects of activities on the environment.

This requires the gathering of relevant information (research) and ensuring that the information is transferred to those who will use it. Information could be in the form of technical advice, management plans or guidelines for resource users, educational material or publicity through various media, for example newspaper, newsletter or radio.

Regulation

Regulatory methods involve the use of powers of compulsion within the Resource Management Act to control the use, development and protection of national and physical resources. These methods include regulations made by central government, rules made by local authorities in regional and district plans, water conservation orders, heritage orders and the enforcement provisions of the Act.

Regulations restrict the range or nature of activities individuals can undertake and thereby impose costs that may not always be transparent. They are most appropriate when transaction costs of using other methods are high or the environmental effects cannot be sustained.

As a unitary authority, the Gisborne District Council can make regional rules² (in regional plans) or district rules in the district plan. Rules in plans may specify permitted activities, controlled activities, discretionary activities, non-complying activities, prohibited activities and restricted coastal activities.³

Other Acts also contain regulatory powers.

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Provision of Works and Services

The direct provision or purchase of works and services by Council can be used to achieve resource management objectives. Such works and services could range from flood or river control works and waste treatment or disposal facilities to assistance with the preparation of farm management plans.

Economic Instruments And Other Incentives

These methods use price and market mechanisms to influence the behaviour of resource users. A range of incentives is potentially available:

Economic incentives which apply financial costs to the continuation of undesirable activities and/or which reward desirable ones. They typically include subsidies, grants, levies, charges and rates rebates. They can be used in conjunction with regulatory methods, for example bonds and financial contributions or conditions on resource consents.

Obtaining ownership over a resource or site or negotiating a covenant involving exchange of property rights. In some, cases covenants may involve some form of compensation for restrictions placed on the resource.

Creating markets for resources that have not traditionally been traded in New Zealand such as water or water rights [The scope for the use of tradeable rights is limited under the Act].

Advocacy

Advocacy involves making representations to other agencies or individuals to give effect to regional resource management objectives and policies. Advocacy may lead to statutory actions by others under the Act or under other legislation.

Voluntary Agreements

These are agreements voluntarily entered into among interested parties, to achieve stated environmental objectives. These can be used in conjunction with regulatory methods and include negotiated agreements, charters, accords, codes of practice, contracts or covenants.

3.5 EFFECT OF THE REGIONAL POLICY STATEMENT

This Regional Policy Statement has been prepared for the Gisborne District under the provisions of section 60 (1) of the Resource Management Act 1991.

The Statement shall have effect in the manner set out in the Act over the “the Gisborne District” as constituted by the Local Government [Gisborne District] Re-organisation Order 1989.

Regional and district plans prepared by the Gisborne District Council are not to be inconsistent with this Regional Policy Statement.

Council is required to have regard to the relevant policies and objectives of the Regional Policy Statement when considering an application for a resource consent [see section 104 (4) (c) of the Act].

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4.0 INVOLVEMENT OF TANGATA WHENUA IN RESOURCE MANAGEMENT

4.1 INTRODUCTION

Maori people make up 40% of the population of the District, are substantial landowners and have long-established skills and customary practices in the management of environmental resources.

The Tangata Whenua of the Gisborne Region include all the whanau hapu and iwi of the region, as represented by Marae Committees, Trust Boards, Incorporations, Iwi, Runanga, the Tairāwhiti District Maori Council, the Maori Women's Welfare League, the Tairāwhiti Federation of Maori Incorporations and other organisations:

- *Ngati Porou*
- *Paikea*
- *Te Aitangi-A-Mahaki*
- *Rongowhakaata*
- *Ngai Tamanuhiri*
- *Nga Ari O Mangatu*
- *Ngati Kahungunu (Wairoa Taiwhenua)*
- *Whakatohea*
- *Ngai Tai*
- *Te Whenua Apanui*

- *Te Whanau a Te Ehutu*
- *Ngati Ruapani*

In recognition that Maori and the Crown are Treaty partners, the Resource Management Act 1991 makes provision for a significant increase in the involvement of tangata whenua in resource management. It requires Maori values to be taken into account in the planning process and reflected in outcomes.

The Act requires that:

[As a] Matter of National Importance

"... all persons exercising functions and powers under [the Act] shall recognise and provide for ... the relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga".

[Section 6(e)]

Treaty of Waitangi

"... all persons exercising functions and powers under [the Act] ... shall take into account the principles of the Treaty of Waitangi [Te Tiriti o Waitangi]"

[Section 8].



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Consultation

“During the preparation of a policy statement or plan, the Council shall consult ... the tangata whenua of the area who may be so affected through iwi authorities and tribal runanga”.

[First Schedule, Part I, Clause 3(1)(d)]

Further, it is required to serve notice of resource consent applications on:

“such iwi authorities ... as it considers appropriate”. [Section 93(10(f))]

Kaitiakitanga

“... all persons exercising functions and powers under the Act shall have particular regard to ... kaitiakitanga”

[Section 7 (a)]

While the requirement to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga is aimed essentially at achieving appropriate resource management outcomes (e.g. protection of waahi tapu), the other provisions referred to above relate more to the nature of the relationship that should be developed between Council and iwi and the way in which Council goes about exercising its responsibilities to Maori under the Act⁴.

Consequently, Council has dealt with the issues of significance to iwi authorities relating to the relationship of Maori with their ancestral lands, water, sites, waahi tapu, and other taonga in the resource-based sections [2-6] of Part II and with the other provisions in the section on “process issues” [Part II, section 7.0].

The rest of this section provides background information on the principles of the Treaty of Waitangi, the concept of Kaitiakitanga and the significance of [Council’s approach to] consultation in relation to the implementation of the Act’s requirements.

4.2 THE MAORI ENVIRONMENTAL RESOURCE MANAGEMENT SYSTEM

4.2.1 Te Timatanga (The Beginning)

Ki te Maori kotahi tonu te wairua o nga mea katoa. Ko taua te paiheretanga o te ira tangata ki te ira atua o te taiao ki te orononui o lo.

Kei a to te uruta pu, te awe wairua. Ko lo te matua tuturu o nga mea pu, te awe wairua.

Ko lo te matua tuturu o nga mea katoa ko ia hoki te mahara te wananga te whiwhi o te katoa. Na lo te mataho i whakaputa nga atua, nga Rangi me ona kauhanga, te tuawhenua, te moana tae atu ki nga taonga katoa kei reira.

Ko lo te timatanga ka puta:

- *Te Pu*



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- *Te More*
- *Te Weu*
- *Te Aka*
- *Te Rea*
- *Te Waonui*
- *Te Kune*
- *Te Whe*
- *Te Kore*
- *Te Po*

Ranginui - Papatuanuku

Te Whaiao - Te Ao Marama

Hokowhitu atu nga atua i puta i te wheiao ki ao marama; he tamariki katoa nga Ranginui raua ko Papatuanuku.

Tihei Mauri Ora

Toitu te marae o Tane

Toitu te marae o Tangaroa

Toitu te iwi.

If the domain of Tane survives to give sustenance, and the domain of Tangaroa likewise remains, so too will the people.

Maori ideology and Maori identity come from the natural environment. When a Maori introduces him or herself in a situation where they are not familiar, they will generally introduce themselves in relation to their tribal boundaries, their turangawaewae with reference to their mountain, to the rivers from that mountain, to the lands adjacent to the mountain, to their tribe and then down to their hapu and marae, and thence out to their moana, the sea, into which their river flows, or in the case of inland tribes often a large lake. In the tribal consciousness the makers of the natural environment provide the identity.

4.2.2 The Domains of the Environment from the Maori Perspective

The Maori ethic in relation to the environment grew from the creation of the world of light from the void.

ka po, ka ao, ka awatea

Life stemmed after the void, from Io-Matua-kore, the parentless one, who created the pre-val parents, Ranginui (male sky) and Papatuanuku (female earth) and from their union sprang some seventy atua or gods. The departmental atua became the first kaitiaki of the domains of the world of light, te ao marama, and presided over domains in the natural world.

Principle among them were:

Tane mahuta-atua of the forests and all living things within them

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Tangaroa-atua of the fish in the sea and sea life

Tu-matauenga-atua of war and guardian of the marae atea

Tawhirimatea-atua of the winds and storms

Ruauumoko-atua of earthquakes and volcanoes

Haumiatiketike-atua of fern roots and other wild foods

Rongomatane-atua of the sweet potato and of cultivated foods

Tutewehiwehi-the grandson of Tangaroa and the atua of amphibians and the inland water creatures.

4.2.3 The Domains of Atua and the Maori Environmental Management System

The domains of Atua provide the linkages across resources giving a more holistic approach to environmental management. These linkages provide the basis for the Maori Environmental Resource Management System, which was fully developed and operational throughout Aotearoa at the arrival of the European.

That system of management was gradually replaced by the influence of colonisation, especially as a result of “christianising” Maori by missionaries. Elements of the system persist today, along with much of the ethos and ideology but with a marked reduction in practices. One major part of that system has persisted albeit in an evolutionary form. That is the practice of

Kaitiakitanga. The nature and function of kaitiakitanga will be explored in some detail in this Report.

Recognition of Atua by Maori was achieved through the practice of karakia (prayer), kawa (protocol) and tikanga (practices). This regime of social controls maintained the integrity of Maori Society and led to a sensitive environmental management system. Key to this was the concept of Mauri.

Policies such as Nga Whenua Rahui operating under the Department of Conservation offer financing for fencing and some pest controls for block owners who wish to covenant on a perpetual basis, reviewed every 25 years. This policy retains the ability of Iwi/Maori to use cultural resources from the areas without compromising the integrity of the whole ecosystem.

The interface here is again between the rights embodied in the term tino rangatiratanga and the extent to which Government, or its delegated authorities can limit or terminate those rights.

4.2.4 Moana

Ko te moana ehara rawa i te wai kau.

No Tangaroa ki tenei marae.

He maha ona hua i ora ai nga manu o te rangi.

Te iwi ki te whenua.

Background Information

The sea is not only water, it is the marae of Tangaroa. It yields life for many things, the birds in the sky, the people on the land.

The Moana for Maori, be it large bodies of fresh water or Te Moana-nui-a-kiwa, the open sea, derives its mana atua (divine authority) from Tangaroa who holds dominion over the sea. While the sea has an inherent quality of its own there are also utilitarian aspects which form the basis or the relationship between the sea and those that derive benefit from, and in turn care for it. The sea is the food basket of the iwi/hapu. As such, practices and elements that would defile the mauri and the mana of the sea are seen as abhorrent. The discharge of pollutants into the sea is an obvious example. Ngai Tamanuhiri have clearly indicated their concerns regarding these matters.

4.2.5 Waioira A Tane

Water is a very significant resource to Maori, and plays a central role in both the spiritual and secular worlds.

The origins of water from a Maori viewpoint are central to Maori culture. In order to understand how water is an agent of bondage between the physical and spiritual worlds of the Maori, we need to understand the origins of water. Maori mythology gives voice to this. The creation myths tell Maori of the lineage of his or her unique relationship with the environment, and how the environment is perceived as the living, breathing, delicate source of life. Maori mythology also explains the connection that Maori have with the divine forces present in the environment, such as mauri.

Mauri in relation to water means life and living. It has the capacity to generate, regenerate and uphold creation. Because of this, all living things in the water and its environs (which include people), are dependent on its mauri for their well-being and sustenance. Hence, each water type is seen as a taonga (a highly prized possession) and is sacred due to the potential prosperity it can give to Maori associated with it. The mauri of each water-way is a separate entity and cannot be mixed with the mauri of another. There are clearly impacts of this within water pollution, agricultural spray, fertiliser run off and effluent discharge, as expressed by Ngati Porou and Turanganui-a-Kiwa and other iwi/hapu/Maori horticultural areas of Gisborne.

Kaitiakitanga is inextricably linked to tino rangatiratanga and is a diverse set of practices that result in the sustainable management of a resource.

Kaitiakitanga involves a broad set of practices based on a world and regional environmental view. The root word is tiaki which includes the ideas and principles of -

- *guardianship*
- *care*
- *wise management*
- *resource indicators, where resources themselves indicate the state of their own mauri*

Background Information

The prefix kai denotes the agent by which tiaki is performed. Kaitiaki stands for a person(s) and/or other agents who perform the tasks of guardianship. Finally the addition of the suffix tanga creates kaitiakitanga, or the practice of guardianship, with the provision that guardianship is used in the Maori sense and so is exercised by those who are genealogically linked to the resource.

Kaitiakitanga is practised through:

- *the maintenance of waahi tapu, tupuna and other sites of importance*
- *the management and control of fishing grounds (mahinga mataitai)*
- *good resource management*
- *environmental protection through formal and informal processes such as the Waitangi Tribunal or protesting the dumping of raw sewage adjacent to waahi tapu and so on.*

Kaitiaki can be iwi, hapu, whanau and/or individuals of the region. Whilst tribal authorities themselves may not be considered kaitiaki, they can represent kaitiaki and can help to identify them or those with authority to interpret the kaitiaki obligations.

Kaitiaki derive their role and function from their own relationship with a resource not by appointment by any other agency.

4.2.6 The Essence of the Maori Environmental Management System and its Application Within the Resource Management Act

The goal of Maori environmental management is the maintenance of mauri through the exercise of kaitiakitanga. Sustainable management involves sustaining the mauri of natural, physical and metaphysical resources.

The Maori Environmental Resource Management System had been developed by a system of trial and error over at least one thousand years. It is based in the spiritual beliefs of Maori, starting from the belief and understanding of creation. In maintaining the mauri within the domain of atua, a set of cultural practices were developed and became the tikanga of tribal groups. There are some similarities of tikanga across tribes but also some significant differences or variations.

Tikanga used the concepts of tapu (sacredness or beyond common usage) and rahui (temporary restraint on use or timeliness of harvest) which are common to all tribes with variations on the way in which they used. Tikanga sought to unify the elements of all things on a holistic way so that there were not significant separations of:

Te taha tinana-the physical plane

Te taha hinengaro-the intellectual plane

Te taha wairua-the spiritual plane

Te taha whanaunga-the social and cultural plane

Background Information

The Maori Environmental Resource Management System is much more complex than this and tikanga is a developing process, able to adapt to modern circumstance from within the holistic and spiritual framework.

4.3 THE TREATY OF WAITANGI

The Treaty of Waitangi (Te Tiriti o Waitangi) was signed in 1840 by representatives of the Queen of England and about 500 Maori chiefs (including some 37 chiefs from tribes within the area that is now known as the Gisborne District). The Treaty contained three main parts:

Article I: The chiefs ceded sovereignty (Kawanatanga or “governorship”) to the Crown.

Article II: The Crown guaranteed to protect the chief’s absolute authority (te tino rangatiratanga) over their lands, villages and all possessions, including their taonga or treasures, as long as they wished to retain them.

Article III: Accorded Maori all of the rights and privileges of British subjects.

There were Maori and English versions of the Treaty (Appendix).

The Treaty was written and signed in two versions, one in English which contained some 50 Maori signatures and a Maori version that was copied and taken around Aotearoa and Te Wai Pounamu and signed by approximately a further 500 Chiefs.

The Treaty was not taken to all areas for a variety of reasons, therefore many areas did not sign and were not first parties. It is accepted today that the Treaty is inclusive of all Maori and was a reconfirmation of pre-existing Maori rights so that even those tribes that were not signatories would not be deprived of the rights recognised in the Treaty. The Governance of New Zealand was to be and is, universal to all inhabitants in all regions.

The Waitangi Tribunal and the courts have been involved in the identification and refinement of a set of principles which can be seen as reflecting the general intentions and spirit of the Treaty as it applies to today’s society. At present, the Court of Appeal’s principles are the only ones that have standing in law.

4.3.1 The Principles of the Treaty

The principles of the Treaty of Waitangi that have been identified and are relevant to this statement [refer in particular to Section 9.3 Part II] of this Statement are as follows:

The Kawanatanga (or Sovereignty) Principle

The Kawanatanga principle derives from the first Article of the Treaty which recognises the right of the Crown to make laws and to govern in accordance with constitutional process.

Under the Resource Management Act 1991, the Crown has delegated to local authorities the ability to make rules with the status of law.



Background Information

In essence, local government - in this case, the Gisborne District Council - has the right to exercise Kawanatanga. However, this is not an unconstrained right. It is subject to the protection of rangatiratanga.

The Tribal Rangatiratanga Principle

Recognition of this principle by the Waitangi Tribunal, the courts and by Government, derives from an acknowledgement by these bodies that, in return for ceding sovereignty to the Crown, Maori signatories of the Treaty were provided with an assurance in Article II, that their te tino rangatiratanga would be protected.

Te tino rangatiratanga refers to the right of iwi to retain control over their resources and taonga and to manage them in accordance with their customs and cultural preferences.

Rangatiratanga may, but does not necessarily require, ownership. It does, however, embody the right to use and control traditional resources.⁵

Rangatiratanga was traditionally exercised, and to some extent is still exercised, through the use of customary rules relating to such matters as the conservation of fisheries.

The exercise of rangatiratanga is inextricably linked to the development and retention of mana.

Government has given recognition to rangatiratanga by providing, under the Resource Management Act 1991, the capacity for Maori to actively participate in the management of resources and taonga. Rangatiratanga can be safeguarded by the Crown or

public authorities by adopting appropriate plans and administrative arrangements. The latter can include the formal recognition of Kaitiaki (see below) who would then be vested with mana, with their role upholding the mana of the people.⁶

The Partnership Principle

Both the Waitangi Tribunal and the Court of Appeal have found that the Treaty requires a partnership between two races.

According to the Tribunal, partnership involves ensuring that the needs of both Maori and the wider community are met. Extending the courtesy of early consultation, extending reasonable co-operation on issues of concern and involvement in decision making are ways of achieving this.

The Crown has stated its position as follows:

"The Treaty is regarded by the Crown as establishing a fair basis for two people in one country. Co-operation is an obligation placed on both parties to the Treaty. Reasonable co-operation can only take place if there is consultation on major issues of common concern and if good faith, balance and common sense are shown on all sides. The outcome of reasonable co-operation will be partnership".⁷

The concept of "reasonable co-operation" has found support in the observations of the Court of Appeal:

"...the principles (of the Treaty) require the Pakeha and Maori Treaty partners to act toward each other reasonably and with the utmost good faith."



Background Information

The partnership principle is of major significance in the Gisborne District.

The Principle of Active Protection

The principle of active protection comes from the guarantee of te tino rangitiratanga. It is a duty to protect Maori people in the use of their lands and taonga to the fullest practicable extent.

Maori should be protected, as far as the Resource Management Act permits, from restrictions imposed by plans which prevent or limit them from using their lands and resources according to their cultural preferences. They should also be informed and supported in developing resource management strategies for the lands and resources, and in participation in the resource management process.

Policies relating to Council's obligation to take into account the principles of the Treaty of Waitangi are set out in Section 7.3, Part II of this Statement.

4.4 RECOGNITION OF KAITIAKITANGA

Kaitiakitanga is defined, in the Act, as:

"the exercise of guardianship and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself."

It is apparent, from the following quote, that this traditional Maori stewardship ethic has much in common with the "sustainable management" purpose of the Resource Management Act 1991:

"Inherent in this concept (of Kaitiakitanga) is the understanding that members of the present generation have a responsibility passed to them by preceding generations to care for the natural environment. Kaitiakitanga carries with it an obligation not only to care for the natural world, but also for each generation, by ensuring that a viable livelihood is passed on. Individuals, or tribal units, act as Kaitiaki over particular resources and ensure that their use is consistent with tribal laws.

Kaitiaki are tangata whenua who have the authority to exercise the guardianship role on behalf of Maori.

Notwithstanding the definition in the Act, the concept of kaitiakitanga can mean different things to different iwi and hapu.

4.5 CONSULTATION WITH TANGATA WHENUA

Consultation is seen now more as a duty, rather than a principle as such. The duty is an active one requiring Council to consult early and in good faith.

Judge McGechan (in the 1992 case of Air New Zealand Ltd v Wellington International Airport Ltd) considered that consultation involves:

a genuine invitation to give advice and a genuine consideration of advice given;

the provision of sufficient information and time for the consulted party to be adequately informed, to approve the information and make useful responses;

Background Information

the party obliged to consult, keeping its mind open, being ready to change and to seek consensus.

The Council has begun to develop appropriate consultation methods with tangata whenua.

Tangata Whenua choose to group themselves, or be represented, in a variety of ways. This includes Te Runanga o Ngati Porou, Te Runanga o Turanganui-a-Kiwa, Te Runanga o Paikea, Te Runanga o Nga Ariki, marae committees, and Maori umbrella organisations e.g. Tairāwhiti District Maori Council, Maori Women's Welfare League, and the Tairāwhiti Federation of Maori Incorporations.

To date, Council has established a Maori Liaison Group (representing the various runanga and Maori umbrella organisations), while recognising that on occasions it will be necessary to consult with the hapu and whanau on matters of specific local concern. The Council also recognises that there are iwi organisations based in the Bay of plenty and Hawkes Bay whose rohe extends into the Gisborne Region. The Council accepts an obligation to consult also with those organisations.

The Terms of Reference for the Maori Liaison Group are set out in Appendix 2.

Policies on consultation are set out in Section 9.4, Part II of this Statement.

4.6 IWI RESOURCE MANAGEMENT STRATEGIES OR PLANS

An iwi/hapu strategy is a policy document, expressing what the important issues are to iwi/hapu, regarding the use of natural and physical resources. Strategies do not necessarily have to be restricted to natural and physical resources.

There are no statutory obligations to prepare iwi/hapu strategies, and there is no particular format or process which such a strategy should follow. It can have elements of both strategic and operational planning in it, and it could be one comprehensive document or a number of strategies which look at particular issues in detail. It could be closely linked to or part of an iwi/hapu development plan.

4.6.1 The Parts of an Iwi/Hapu Resource Management Strategy

An Iwi/Hapu Resource Management Strategy is made up of various components, which deal with the philosophic, spiritual, practical and operational matters of resources within their takiwa. They are:

- *Whakapapa*
- *Takiwa*
- *Whakatauaki*

This section introduces an iwi's/hapu's ancestral relationship with its whenua (land), moana (seas or lakes), awa (rivers), maunga (mountains), me nga tangata (people), preparing and operating its plans and policies.

Background Information

Common policy statements - these are issues or policy statements which can be agreed across tribes. These could include such matters as:

- *waahi tapu policies*
- *kaitiakitanga policies*
- *co-management of resources policies (between the Regional Council and Tribes)*
- *delegation of powers policies*
- *development of resources policies*
- *consultation policies and principles*
- *representation policies and principles*
- *funding principles*

Tribal specific policy statements - this section would contain those policies specifically applicable to the natural resources of that tribal group as opposed to those that can apply to other tribal groups. This is where considerable work will need to be done by tribal staff and representatives and the Council. In order to produce iwi/hapu strategies or plans the following are required:

- *skill and practical training for tribal staff*
- *human resources or people who may be able to assist*
- *financial resources or sources of funding for associated work and research*
- *technical resources that may assist in the planning process.*

It is usual for planning to occur under the mantle of the recognised iwi/hapu authority. The co-ordinating group must have the authority within the iwi/hapu to initiate, motivate, sponsor, negotiate, arbitrate and collate the many facets of strategy preparation and review. They must also have, or be able to develop the operational and administrative capacity to support the planning process.

4.6.2 Summary Of What An Iwi/Hapu Strategy Is

Strategies make statements about how an iwi/hapu wants to be involved in the management, development, protection of any natural and physical resources.

These could include any ancestral taonga - rivers, lakes, mountains, land, minerals, waahi tapu, wildlife and places of tribal significance.

In the past, resource management decisions have often been made without any consideration given to the potential effects on Maori tribal and Treaty of Waitangi interests. The reasons for this are various, including a perceived legal inability to do so and uncertainty on the part of decision makers.

This is gradually being changed through the process of legislative reform. Consideration has not been given to Maori interests in many cases because these matters have not been made explicit in the past and Maori interest has usually only emerged as an objection to some particular proposal. Very little has been said about what Maori want, in contrast to the volumes related to the things that Maori do not want.

Background Information

4.6.3 Iwi/Hapu Strategies, Te Tiriti O Waitangi and Local Authorities

The Resource Management Act imposes a duty on decision-makers to consider the Treaty of Waitangi, and local authorities must consult with tangata whenua in a variety of situations. This means that decision-makers must specifically address issues of concern to iwi/hapu. It should be remembered however that increasing demands are being placed on iwi/hapu to respond on a variety of matters, not just resource management issues. Iwi/hapu strategies will help to reduce the pressure on all parties in the long term.

They are one way in which iwi/hapu can participate in the system established by the Resource management Act to manage the effects of the use of natural and physical resources. When local authorities are preparing or changing plans and policy statements under the Act, they must have regard to iwi/hapu strategies to the extent that their contents has a bearing on resource management issues (Sections 61, 66, 74).

This does not mean that the local authority is bound to follow an iwi/hapu strategy. Local authorities must balance a number of apparently competing interests, including Maori interests.

The Act lists a number of principles which decision makers must have a regard to the importance of, one of which is Maori and their culture and traditions with their ancestral lands, waters, sites, and other taonga (Section 6(e)). The weighting that each principle gets depends on the circumstances that the decision maker is considering.

However, it does mean that local authorities must at least be aware of the issues and, where it is in accordance with the Act, support or give effect to the objectives of the strategy. The advantages to local authorities are clear. There would be less likelihood of challenge before the Courts or Tribunals, and in some cases the iwi/hapu strategy could also help the consistency of Regional Policies and Plans.

5.0 THE GISBORNE DISTRICT COUNCIL'S APPROACH TO RESOURCE MANAGEMENT

5.1 INTRODUCTION

The requirements of the Resource Management Act 1991 are, in many respects, open to interpretation.

This Policy Statement represents a first attempt to interpret the requirements of the Act in the Gisborne context.

Council recognises that, over time, there may be a need to adjust its approach to certain issues to accord with the Environment Court's interpretation of the Act.

As a unitary authority, possessing the functions, duties and powers of both a regional council and a territorial authority, the Gisborne District Council is required under the Act to prepare a regional policy statement a regional coastal plan and a district plan (refer figure 3). It may, at its own discretion, prepare other plans to address particular resource management issues.

Background Information

The ability of Council to prepare both regional and district planning documents, places it in a strong position to achieve integrated management of the Region's resources.

5.2 MANAGEMENT OF EFFECTS

The Resource Management Act 1991 [unlike its predecessor the Town and Country Planning Act 1977] places emphasis on managing the effects of activities on the environment rather than on the control of activities as such [e.g. see sections 5(2)(c), 88(4)(b), 104(2) of the Act].

Effects are defined in the Act to include positive, adverse, temporary, permanent, past, present, future, cumulative or potential effects, effects of high probability and effects of low probability but high potential impact.

5.3 THE IDENTIFICATION OF ISSUES

A critical component of the Regional Policy Statement is the identification of the issues to be addressed within the Region.

Statutory Requirements

The Act identifies a number of specific issues or matters to be addressed viz.

- *the "significant" resource management issues of the region [s 62 (1) (a)]*
- *matters of resource management significance to iwi [s 62 (1) (b)];*
- *cross boundary issues [s 62 (1) (h)]*

- *matters of national importance [s 6]*

The requirements of sections 7 and 8 of the Act to have "particular regard" for certain specified matters and to "take into account" the principles of the Treaty of Waitangi are also potentially relevant to issue identification.

Regionally Significant Issues

The first of the matters referred to above requires Council to exercise its discretion. The following criteria have been adopted to assist Council with the identification of issues of regional significance:

- *The actual or potential severity of adverse effects associated with a particular issue i.e. the extent of conflict with the Act's "sustainable management" requirements.*
- *The weight of public opinion i.e. the amount of concern within the community in relation to an issue.*
- *The extent of need for policy guidance for resource uses and Council decision making.*
- *The significance or value of the resource concerned.*
- *Whether matters in Section 6 and 7 of the Act will be affected.*

Matters Of Significance To Iwi Authorities

Iwi authorities, representing tangata whenua, have identified a number of matters of actual or potential significance to Maori.

Background Information

They fall into two groups: resource management issues and process issues.

The resource management issues of concern to iwi have been integrated into the resource sections of Part Two of this Statement and the process issues are dealt with in section 9 of Part Two.

5.4 INTEGRATED MANAGEMENT

The Regional Policy Statement is required to provide policies and methods to achieve the integrated management of the natural and physical resources of the region (s 59 of RMA).

The Gisborne District Council considers that integrated management means adopting an approach which recognises:

- *the merits of an holistic [whole system] approach to resource management;*
- *the vertical integration requirements of the Act viz. that regional and district plans are not to be inconsistent with the provisions of the Regional Policy Statement; and the need for extensive cross-referencing within and between the Policy Statement, Regional and District Plans.*
- *the linkages between resources i.e. decisions on the use, development and protection of any given resource may have effects on other resources or the values that people hold about resources;*
- *the need for co-operation and co-ordination between agencies exercising functions, powers and duties under the Resource Management Act (e.g. the Council and the Minister*

of Conservation have joint responsibility for preparing a coastal plan) and the opportunities that agencies operating under the Acts may have to contribute to the sustainable management of the District [see section 2.2 Part I, of this Statement].

- *the requirement for Council, in preparing or changing its Regional Policy Statement, to have regard to :- management plans and strategies prepared under the legislation [in particular conservation management strategies (Conservation Act 1987) and land transport strategies (Transit NZ Act 1989)]; relevant planning documents recognised by an iwi authority; regulations relating to the conservation or management of taiapure or fisheries; and the extent to which the Statement needs to be consistent with policy statements and plans of other councils.*
- *the need for internal Council structures information flows and decision making processes to reflect the requirement for integrated management of natural and physical resources.*
- *The Gisborne District Council has adopted policies and methods aimed at promoting the integrated management of resources (refer section 7.2, Part II of this Statement).*

5.5 SECTION 32 ANALYSIS

Section 32 of the Resource Management Act 1991 requires certain duties to be performed by Council before adopting any objective, policy, rule or method, viz. that it:

Background Information

- have regard to the alternative means that may be available to achieve the purpose of the Act [in relation to a particular issue] including the use of non-regulatory methods (e.g. provision of information, services, incentives or the levying of charges) and the option of taking no action.
- evaluate the likely benefits and costs of the principal alternative means.
- be satisfied that any proposed objective, policy, rule or other method is necessary to achieve the purpose of the Act and is the most effective and efficient means.

In addition, as an extension of the s32(1) (a) requirement to have regard to the reasons for and against a proposed course of action, section 62(f) of the Act requires the Regional Policy Statement to:

- state the principal reasons for adopting the objectives, policies and methods of implementation set out in the policy statement.

In the preparation of this proposed Regional Policy Statement, Council has endeavoured to give effect to section 32 through a process of public consultation, preparation of public discussion papers and the analysis and consideration of submissions on these papers.

The principal alternative means of achieving objectives and policies have been included in this proposed Regional Policy Statement to assist the Council to fulfil its duty, under s32, to consider alternatives and their likely cost and benefits.

An “explanation” section is included under each issue, outlining why the Council considers the approach adopted is necessary and to satisfy the requirement to state the principal reasons for adopting the objectives, policies and methods of implementation set out in the Statement.

5.6 SHARED RESPONSIBILITY FOR THE ENVIRONMENT

Central government and the Gisborne District Council have extensive powers under the Resource Management Act to promote the sustainable management of natural and physical resources [section 2.1.6 above]. Other agencies will be able to contribute to the sustainable management of the District’s natural and physical resources.

Under Section 17 of the Act, every person has a duty to ensure that their activities do not have a harmful effect on the environment.

This Regional Policy Statement encourages people and communities, agencies and industry to take responsibility for protection of the Gisborne environment. In the long term, this will reduce the need for, and the cost of, public authority intervention.

5.7 COMMUNITY INVOLVEMENT

The Act enables the Council to prohibit, regulate or allow activities relating to the use, development and protection of natural and physical resources.

Background Information

Such actions may affect existing 'rights' or expectations and, over time, may redistribute the costs and benefits of resource management throughout the community. Consequently, it is important that people have the opportunity, and are encouraged, to become involved in resource management decision making.

The Act requires the Council to publicly notify and seek submissions on proposed policies, plans or resource consent applications. In the case of resource consent applications, Council is required to serve notice of the application on persons likely to be directly affected by the application, including adjacent owners and occupiers of land where appropriate.

Council is aware of the linkages between community involvement, consultation methods, information provision and public education and has developed policies to address these issues [see Part 2, Chapter 9].

5.8 COUNCIL AS A RESOURCE USER

Council recognises that as a unitary authority with the functions, duties and powers of both a territorial authority and a regional council, there is greater potential for conflict between service delivery and regulatory roles than there would be in the case of a stand-alone territorial authority or regional council. There will be instances where the Council, in its capacity as a provider of services (e.g. sewage treatment) will need to apply to itself for a consent (e.g. a discharge permit).

In order to minimise the potential for conflict of interest, to ensure that Council as an applicant is treated in the same way or any

other applicant, and to protect third party interests [i.e. objectors to Council proposals], Council has:

- *separated service delivery and regulatory functions within Council through its organisational structures.*
- *adopted a Code of Practice for dealing with applications for resource consent by the Council or its interests. The Code ensures that Council subjects resource consent applications from itself to public scrutiny similar to any other applications. It details notification, delegation and hearing arrangements. Independent commissioners will hear and make a decision on all Council resource consent applications where any submission in opposition is received. The Code of Practice is reproduced as Appendix 5 to this Statement.*
- *resolved to maintain a public register of all the resource consents that it operates and to make financial allocation for monitoring the consents that it holds, through the Annual Plan.*

MAP 1, RANGES, RIVERS AND MOUNTAINS OF THE GISBORNE REGION.

6.0 THE RESOURCES OF THE GISBORNE DISTRICT

6.1 INTRODUCTION

The Gisborne Region covers a land area of 8265 square kilometres on the central eastern coast of the North island. This is approximately 4.9% of New Zealand's total land area.



Background Information

The region stretches from just north of the Morere Springs and Mahia Peninsular in the south to include the East Cape and Potaka township to the east of Opotiki and includes all of the coastal marine area extending out to the 12 nautical mile territorial limit within the Gisborne District. Adjacent regions are Hawkes Bay and Bay of Plenty. Adjacent districts are Wairoa, Opotiki and Whakatane [See Map 1].

The population of the region was 44,281 at the 1991 census. The major urban settlement is Gisborne with outlying townships including Ruatoria, Tokomaru and Tolaga Bays and Te Karaka.

The region is administered by the Gisborne District Council which is a unitary authority having the functions of both a Regional and District Council.

6.2 GEOGRAPHIC DIVERSITY

The Gisborne District Council boundaries are based either on water catchment or community interest boundaries. The Region's boundaries include the headwaters of three major river catchments which flow into other regions. These are the Hangaroa River (flowing into the Hawkes Bay), and the Motu and Waikura Rivers (flowing into the Bay of Plenty).

Water Bodies

The rivers of the region that drain to the east are generally of a different character to those flowing to the north into the Bay of Plenty. These rivers of the east are predominantly slower with wide valleys carrying heavy sediment loads. The north flowing rivers flow quickly through largely narrow valleys with little

suspended sediment. All rivers of the Gisborne District are characterised by low summer flows. The heavy sediment and gravel bed loads carried by these rivers have caused aggradation of the river beds which in turn have increased the potential of flooding. This is particularly so in the Poverty Bay Flats and Tolaga Bay. High sediment loadings also reduce the visual amenity of streams, destroy natural habitats and the river's ability to support wildlife and significantly restrict the suitability of water for irrigation purposes. There can also be a threat to essential services and a continuing problem maintaining the road network.

The most significant river systems in the region are:

Hangaroa	Waiapu
Motu	Waikohu
Taraheru	Waimata
Te Arai	Waipaoa
Turanganui	Wharekopae
Uawa	

There are also many other rivers that have regional significance and ecological, wildlife and scenic values.

The Motu River flows through the south-west side of the Raukumara Range to the northern Bay of Plenty. In the upper reaches the river meanders across a wide terraced flood plain which is pastoral in character. Below the Motu Falls the topography becomes steep and rugged. This imposing environment through which the river flows is an important feature of it. The river is valued for fishing, and as a wilderness experience. Its qualities are recognised and protected by a National Water Conservation Order.

Background Information

The Coast

The Gisborne Region contains an extensive coastline of approximately 270 kilometres in length. Sandy beaches are numerous but in places the coastline comprises rugged rocky shores and headlands, off-shore islands, stacks and reefs.

The region's main urban settlement and many of the smaller townships are located adjacent to the coast and lifestyle of these areas is heavily influenced by beach and marine activity.

Lakes and Wetlands

The region has very few wetlands and only a few minor lakes. In New Zealand wetlands have traditionally been regarded as an obstacle to good farm management so may have been drained to enable use for productive purposes. Wetlands have rapidly become New Zealand's rarest ecosystem.

Individually the loss or modification of small wetlands or corners of larger ones may not have appeared important however the effects are cumulative. Wetlands are important for hydrological, wildlife, ecological, recreational scientific and scenic reasons. The survival of many bird species is dependant upon wetland areas. The most important wetlands areas include Nuhiti Highlands (inland from Anaura Bay), the Wherowhero lagoon (Muriwai), Hicks Bay, Te Araroa, Mahora (Ruatoria) Tolaga Estuary, Emirau (Loisels) Repongaere Lake margins.

There are no major lakes in the region but there are a number of very small ones including Repongaere and the Tiniroto Lakes which are important for ecological reasons. A number of small

mudlakes in the Waimata Valley are significant for geological reasons.

Landforms and Soils

The Gisborne District consists mainly of steep hill country, with many small areas of rolling land on hilltops and strips of terrace and river flats in the valleys. The hill country extends to the coast in headlands 150 - 300m high separated by numerous valleys with steep sides. Valleys are narrow except those of large rivers, especially the Waipaoa River and associated tributaries which have formed the Gisborne Plains. The range of soils in the district is fairly small but changes are very frequent and the pattern complex.

The region is situated on a large rising fold which emerged from the sea many millions of years ago, the crest of which is the Raukumara Range. There has been frequent uplifting each uplift increasing the energy of streams for deepening their beds after which widening of the valleys occurs.

Widening means repeated removal of the soil mantle by erosion and hence the effects of uplift are felt by soils for hundreds of thousands of years after the actual land movements.

The East Cape peninsular is uplifting at about 4mm per year. In geological terms this is very fast and results in faster downcutting of rivers systems than in other more stable parts of the country. Adding to this uplifting influence is the sea level. The general fall during the last ice age has only been partly compensated for by the subsequent sea level rise.

Background Information

The Gisborne East Coast region is recognised as presenting some of the most complex and baffling problems in New Zealand geology. The lithological types (the physical characteristics of rocks : colour, composition, texture) are many and diverse. There has also been extensive folding and faulting of the sedimentary layers.

The development of soils is rapid at altitudes below 300m due to the generally mild humid climate but are poor above this altitude due to slow rates of decomposition, cooler climate and high intensity of leaching. Such soils as in the Wharerata, Raukumara, Huiarau Ranges are little used for pastoral purposes unlike the lower altitude areas which enjoy a high maintenance of soil fertility. The influence of climate and plant life is less important than the physical and chemical composition of the parent materials. Due to extensive widening of valleys, flooding of river flats and the relatively recent deposition of volcanic ash most soils in the region contain fragments of parent rock near the surface.

The older sedimentary rock forming the main Raukumara range is relatively stable steep or very steep country with skeletal soils. Watercourse water quality is high and the instream flora and fauna values are particularly sensitive.

Much of the catchment drainage is through the Bay of Plenty region to a highly valued coastal and marine environment. A band of rocks of volcanic origin in the vicinity of Lottin Point and Hicks Bay behaves in a similar manner.

Skeletal soils cover most of the regions hill country. These shallow soils are recently formed from massive rock material. In the smaller terraced area and rolling hilly lands pumice soils predominate. They are friable, sandy or gravelly soils that drain readily and generally retain sufficient moisture for plants. Soils from alluvium include the soils of river flats, swamps, coastal marshes and beaches.

In places older rocks have been subjected to past tectonic activity and are fractured and crushed. This makes them highly erodible and the major contributor to bedload and aggradation problems downstream e.g. Upper Mangatu catchment.

Younger sedimentary rocks extend eastwards to the coast. They are dominated by mudstones containing clay materials which shrink and swell on response to wetting and drying cycles e.g. Waingaromia catchment. At the opposite end of particle size are the soft sandstones prone to surface erosion forms but normally producing little fine sediment resulting in localised High water quality courses e.g. Wharerata.

Instability the chief problem of the skeletal soils is due primarily to the repeated uplifts of the district during its geological history most especially the last 500,000 years. Only the main rivers in their lower reaches are past the stage of cutting into their beds. Even then rivers impinge on hill slopes and undercut them. The softness of many rocks and their content of high swelling clays is another contributing factor to this instability.

Background Information

Topography

The Region comprises two major landforms, steep hill country and flats. The dominant feature of the Raukumara Range consists of rugged bush country. This is flanked by steep hill country with easier rolling land towards the coast.

The flat land is generally found in river valleys and the narrow coastal strip. The Poverty Bay Flats formed by the flood plain for the Waipaoa River system is the largest area of flat land in the region being some 11000 ha in area.

The fragmented and underlying geology has produced an extremely varied landscape. It is not uncommon to find four different lithological groups on one averaged sized farm. These groups themselves usually contain a range of structures, particle sizes, and bedding all of which can influence slope, slope length and stability. The most erosion prone hills may be the steepest amongst the older rocks where there is a sandstone component in horizontal bedding. Some of the easiest hill country is also erosion prone; the slope not suggestive of a gentle stable angle but rather a structurally unsound type will not stand up any steeper.

Drainage patterns amongst ash covered hills are characteristically dendritic (branching) with swampy beds which can trap silt.

	'Red Report' Sub-Categories						Total Class Vile
	1b	2a	2b	3a	3b	3c	
Landcover Type (area in ha)	Class Vle						
Subalpine vegetation	19		146				146
Beech Forest	2,860		5,052	2,878		5	7935
Primary Forest dominated by broadleaved species	18,903	753	23,812	14,739	517	2,021	41,842
Podocarp Forest	11	6			109		115
Secondary broadleaved forest/scrub	9,644	3,211	6,288	5,569	695	1,625	17,403
Kanuka/Manuka	16,453	9,715	6,121	14,114	2,607	6,352	38,917
Exotic Forest	26,763	14,424	10,146	11,226	16,287	24,725	76,808
Fernland	175	15	412	660	7	65	1,159
Pasture	178,979	89,165	53,380	29,907	28,989	32,640	234,098
Bareground	2,066	1,092	1,362	399	1,863	3,207	7,923
Undefined	1,519	799	312	640	13	84	1,848
Total	257,413	119,180	107,031	80,132	51,087	70,724	428,194

Source: Landcare Mapping Project 1992

Explanation

There are eight Land Use Capability (LUC) Classes. Progressing from Class I land through to Class VIII land brings increasing limitations to the productive use of land and a decrease in land use versatility. In general terms the LUC Classes are:

Class I Land with no significant limitations to use for horticulture, cropping, grazing or forestry.

Background Information

Class II	Land with slight limitations to use for horticulture or cropping. No significant limits to grazing or forest use.
Class III	Land with moderate limitations to use for horticulture or cropping. No significant limits to grazing or forest use.
Class IV	Land with severe limitation to use for horticulture or cropping. No significant limits to grazing or forest use.
Class V	Land unsuitable for horticulture or cropping. Slight limitations to grazing or forest use.
Class VI	Land unsuitable for horticulture or cropping. Moderate limitations to grazing or forest use.
Class VII	Land with severe limitations to use for grazing or forestry.
Class VIII	Land unsuitable for productive use.
Category 1	Land with a long-term future in farming and requiring, at most, moderate soil conservation treatment.
Category 2	Land with a long term future in pastoral farming only if intensive erosion control practices are carried out.
Category 2a	Land considered suitable for farming with soil conservation measures and farm scale forestry.
Category 2b	Recommended uses are farming with soil conservation measures, farm scale forestry and, in some areas, large scale forestry.

Category 3	Land predominantly more suitable for afforestation but includes some land with a future for pastoral farming.
Category 3a	Land is appropriate for large scale production forestry and with low priority for protection.
Category 3b	Land most suitable for farm scale and large scale conservation forestry and with medium priority for protection.
Category 3c	Land recommended for large scale conservation forestry and with the greatest priority for primary production.
Category 4	Land with no potential for primary production.

The wide range of environments within the Region provides homes for a variety of plant and animal species.

Within the extensive Raukumara Range country of the western and northern fringes of the Region some large blocks of the original forest remain. A mix of red and silver beech and beech podocarp prevail. In the south west Urewera area a more subdued montane hill terrain is host to predominantly mixed red beech and beech podocarp interspersed with podocarp broadleaved (mainly tawa) trees. Outside of these areas very little primary forest remains.

Arable and pastoral farming cover most of the southern half of the region with high biomass pasture covering virtually the whole of the Poverty Bay Flats.

Background Information

Scattered woodlots of a variety of exotic species are also now found on pastoral farms throughout the District.

Production forestry is found in the mainly hill country terrain in the northern half of the region to the east of the Raukumara Range. Conservation forest established principally or partially to control soil erosion occurs as small blocks on farms or as whole property forests. These are woven between large bands of arable and pastoral farming.

In the East of the Region there are few remnants of the original forests though very small local areas of low forest remain near East Cape and sparsely along the Coast. The loss of habitat and deprivations of pests on indigenous species and habitats has made many indigenous plants and fauna either extinct, threatened with extinction or locally rare. The coastal environs do though provide ideal habitats for many plants and animal species including habitats for paua, crayfish and kina.

Bird life on the East Coast includes considerable populations of gulls, oyster-catchers and shags especially around the river mouths and associated tidal flats. Estuaries contain as well as substantial bird populations, fish such as the grey mullet, yellow-eyed mullet, kahawai and flounder. NZ dotterel are recolonising scarce undisturbed beach and spit habitat. The Wherowhero Lagoon, the largest in the Region is an important wader, roosting and feeding site.

6.3 DEMOGRAPHIC DIVERSITY

The Gisborne region's population at the 1991 census was 44,281. This is approximately 1.3% of New Zealand's population. (see Table 1). Of this population 65% live within the urban boundary of Gisborne. A further 7% also live within commuting distance of the urban boundary with the remainder living in rural areas and small townships.

Table 2 : Gisborne Population by District Council Boundary

District	Population	%
East Cape	3,165	7.2
Ruatoria	813	1.8
Tokomaru Bay	529	1.3
Tarndale-Rakauroa	1,925	4.3
Te Karaka	575	1.3
Patutahi	333	0.7
Makaraka	796	1.8
Matokitoki	257	0.6
Wainui	1,206	2.7
Wharekaka	1,933	4.5
Tinirototo	2,179	4.9
Manutuke	671	1.5
Tolaga Bay	745	1.6
Gisborne City	29,154	65.8
Total: Gisborne District		44,281
Total: New Zealand	3,434,949	

Source: Department of Statistics 1991 Census.

Background Information

The region's population does to some extent reflect the multicultural society of New Zealand as a whole but is predominantly made up of New Zealanders of European extraction and heritage and Maori. The Maori population makes up a significant 40% of the region's population making it the highest proportion of persons of Maori descent in any region in New Zealand. The national average is 9%.

The population of the region is relatively young with 27% in the region under the age of 15 years. The rest of the population evenly spread with the second largest group being those over 60 years of age (14.9%). Unlike the national age distribution which suggests an aging population the Gisborne region has the highest youth population in New Zealand.

The region's population is particularly subject to the two forces that pull in opposite directions and subsequently determine population trends; natural increase (births verses deaths) and inward and outward migration. This susceptibility is due to the youthfulness of the region's population, with young adults starting families but are also more likely than average to move to other parts of the country for work or study.

With the falling fertility over recent years (thus reducing future natural population increase trends) trends depend largely on migration. Based on current trends the Gisborne population forecast is for a decline of over 10%, to a fewer than 40,000 people by the year 2016. (Source : Department of Statistics 1991 Census).

6.4 THE ECONOMY

The Region's economy, like that of the other regions of New Zealand is dynamic and in a state of flux. Historically it has been based on its natural and physical resources particularly on agriculture. Today it is seeking diversity with the urban area of Gisborne based on expanding processing and manufacturing (Cedenco, Pultron) while the rural hinterlands continue to be based on the primary sector. The types of agriculture include pastoral farming, beef, sheep, forestry, cropping and horticulture. These agricultural activities make a significant contribution to the overall economy and provide the raw materials for many of the process based industries in the Region.

The Region's economy appears to be experiencing some renewed health and growth although economic analysis of trends in production and employment between 1986/87 and 1991/92 project limited growth for the Region. Employment fell by 13.2% over the period with all sectors experiencing falls. Unemployment rose from 10.7% of the workforce at the time of the 1986 census to 13.1% in 1991 in both cases significantly above the national average. Since this time however Labour Department sources report a period of stabilisation with 100 full time jobs a month having been created for the last 3 months (October 1993). This does not alter the fact that unemployment remains too high for complacency. One of the Region's major challenges is to promote and provide the conditions in which economic growth can occur.

Background Information

Primary industry is much more significant in Gisborne than in New Zealand as a whole employing 21% of the employed labour force, more than double the national average. Manufacturing employs a similar proportion to the national average at 16%.

The other significant employment sectors are Trade Restaurant and Hotels (19.5%) and Public Services (18%). Agriculture makes a major contribution to the Regional economy. Of those employed in agriculture over two thirds are involved in sheep and beef farming with smaller proportions in dairy farming and horticulture.

The figure though vary widely within districts. For example on the Poverty Bay Flats higher proportions are involved in horticulture.

The Forestry sector is important and is likely to increase in prominence in the future as harvesting of exotic production forests comes on stream in the mid to late 1990's. Production is then expected to rise markedly between 2000 and 2040. Again this reflects a national trend.

Timber is currently available from the Mangatu Forest to the north of Gisborne City and the Patunama Forest near Wairoa. Over the next three to five years timber will become available from the Wharerata Forests in the ranges south of Gisborne and from about 1997 onwards timber will become available from the Ruatoria Forests to the northeast of Gisborne. Further on timber will become available from the Tokomaru Forests also northeast of Gisborne, the Tauwhareparae area inland from Tolaga Bay, the Waimata Valley and the Kanakanaia Valley both of which are north of Gisborne City. In the longer term smaller quantities of

timber will become available from numerous locations all over the district. See attached Map 2.

The Region is well endowed with natural features most especially its coastline which could support a growing outdoor recreation and tourism industry.

It is a Regional challenge to attract both domestic and international visitors to the area and in turn enjoy tourism related spending and employment in the region.

Natural features include long sunshine hours, extensive coastline with golden sandy beaches, and unspoilt natural bush and river areas. These provide excellent opportunities for a wide range of outdoor recreational activities such as surfing, water skiing, boating, fishing, tramping, canoeing including the "adventure" recreational activity of white water rafting. The region's environment also provides opportunities for temporary military training. The region has well developed state highway, airport and port facilities providing links with the rest of New Zealand. In the past the road and now limited railway network played an important part in the development of the Region.

The urban centre of Gisborne has provided an attractive location for manufacturing businesses. Manufacturing activity is dominated by Food, Beverages and within this by Food Processing. A rise in manufacturing output was largely in food processing which increased its output by 28% (\$18.2 million) spread consistently throughout the whole 1986/87 to 1991/92 period. The other major gain was in Beverages (wineries) almost all of which occurred in 1991/92.

Background Information

The region is well provided with excellent primary and secondary schools as well as an expanding tertiary institution. Over half of the full time students at Tairāwhiti Polytechnic are of Māori descent, a higher proportion than any other polytechnic in the country. With a strong Regional commitment the Polytechnic provides courses that meet the educational needs of those in the district.

There is also a commitment to provide courses for overseas students who come to the polytechnic in the main to study business and tourism. The Polytechnic is now affiliated to Massey and Waikato Universities offering first year papers in degree courses.

The presence of this educational facility has considerable significance in terms of its effect on the Regional economy.

The challenge for this Regional Policy Statement is to guide the people of this region into successful and sustainable environmental management as they use and develop, enjoy and prosper from the resources and opportunities described here.

REGIONAL INFRASTRUCTURE

The Gisborne Region, like many others, is dependant upon the provision of network utilities for efficient functioning. Unlike some regions, remote communities and difficult terrain make the provision of essential community services somewhat difficult at times.

The Resource Management Act describes Network Utility operators as any person who proposes or undertakes the transmission by pipeline of natural or manufactured gases, petroleum or geothermal energy or operates a telecommunication network pursuant to the Telecommunications Act 1987 or is an electricity operator or supplier ...or provides railways, roads sewers, airports or drainage services. The Act allows these people to become “requiring authorities” upon application to the Minister and thereby allows them, if authorised, to require designations.

Network utility operators and the services they provide are subject to the same provisions of the Resource Management Act as any other developer. Unlike many others, the services provided by these operators often provide a stream of benefits to the wider community and are frequently necessary for economic, social or cultural well being within the community.

The Gisborne District is well serviced by network utility operators, but the extent of services in remote settlements is less than that found in Gisborne City.

¹ See Making Connections : An Overview of Agenda 21, Ministry for the Environment, 1993.

² See glossary.

³ See glossary.

⁴ Note : the relationship is at an early stage of development and the way in which Council should exercise these responsibilities is the subject of ongoing discussion between Council and tangata whenua.



PART 1

Background Information

- ⁵ Boast, R.P. (1989) The Treaty of Waitangi in A Framework for Resource Management Law, NZPC Rpt 1 (1989) 19 VUWLR Monograph I.
- ⁶ See the Manakau Claim, Waitangi Tribunal (1985).
- ⁷ Department of Justice (1989) Principles for Crown action on the Treaty of Waitangi, at p14.
- ⁸ Court of Appeal, NZ Maori Council vs Auditor General CA 54/57.