CULTURAL WELL-BEING AND LOCAL GOVERNMENT: LESSONS FROM NEW ZEALAND

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ABSTRACT: Reforms of local government legislation in the United Kingdom (2000) and in New Zealand (2002) both introduced well-being powers. The UK reform gave local government a new power to promote social, economic and environmental well-being, but New Zealand added a fourth dimension – cultural well-being. This paper examines the background to New Zealand's 'quadruple bottom line' approach. It explains that it was the result of policymakers in New Zealand grappling for 25 years with the question of how to give effect to what the Town and Country Planning Act 1977 described as 'the relationship of the Māori people and their culture and traditions with their ancestral lands'. New Zealand's legislation requires a fully integrated approach by decision-makers using the well-being power, and the essay concludes with a discussion of how this has provided a forum for contests and compromises over cultural well-being to take place within a framework of democratic local decision-making by communities.

1. INTRODUCTION

The United Kingdom's reform of its Local Government Act in 2000 introduced a new discretionary 'well-being power' for local authorities to do anything 'they consider likely to promote or improve the economic, social or environmental well-being of their area' (ODPM, 2001, par. 1). This key part of the local government modernisation agenda endorsed a wider role of community leadership for local authorities (ODPM, 2005, pp. 23-25 and pp. 41-46). Two years later, New Zealand reformed its local government legislation in a way that similarly expanded the scope and responsibilities of local authorities (Curras, 2004; Saunders and Dalziel, 2004 and 2005). In particular, the New Zealand reform also created a new well-being power as one of two statutory purposes of local government (Local Government Act 2002, section 10):

(a) to enable democratic local decision-making and action by, and on behalf of, communities; and

(b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.

Recognising the similarities between the two reforms, a recent evaluation of the well-being power in the United Kingdom concludes: 'it is probable that fruitful comparisons can be made as the experience of Well Being develops in New Zealand and the UK' (ODPM, 2005, p. 27). This paper begins that task by focusing on a significant point of difference between the two countries, which is that New Zealand has four objectives rather than three: 'to promote the social, economic, environmental, *and cultural well-being* of communities'.[1] This is reinforced by explicit inclusion of cultural well-being in other parts of the New Zealand Act: in the definition of sustainable development in section 14; in the rules for local government decision-making in section 77; and in the requirements for the preparation of long-term council community plans in section 91.

This paper explains the background to New Zealand's inclusion of 'cultural well-being' as a fully integrated statutory objective with equal status to social, economic and environmental objectives of local government. Section 2 describes how the historical exclusion of Māori from local government planning led to protest and policy responses in the mid-1970s. Section 3 considers three important judicial cases in the 1980s that cemented the place of Māori culture in planning decisions. Section 4 examines New Zealand's Resource Management Act 1991, which included explicit reference to the Māori cultural value of 'kaitiakitanga' (generally translated as 'guardianship'), allowed Māori planning documents to be included in local government planning mechanisms, and included cultural well-being in its definition of sustainable management. Section 5 concludes with a discussion of New Zealand's integrated approach to well-being in its Local Government Act 2002, paying particular attention to how it has provided a forum for contests and compromises over cultural well-being to take place within a framework of democratic local decision-making by communities.

2. THE HISTORICAL EXCUSION OF MĀORI BEFORE 1977

On 28 October 1835, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand declared themselves to be an independent state, and entreated His Majesty the King of England to 'continue to be the parent of their infant State, and … become its Protector from all attempts upon its independence'.[2] This Declaration of Independence was instigated by the British Resident, James Busby, who sent the English translation back to the Colonial Office in London. Four and a half years later, Captain William Hobson (a naval

[1] There is a brief mention of cultural well-being in the United Kingdom's statutory guidance accompanying the legislation, which advises that the government 'considers [social, economic or environment well-being] to be sufficiently broad to encompass both cultural well-being and the promotion or improvement of the health of a council's residents or visitors to the area' (ODPM, 2001, par. 27). Curran (2004, p. 273) also notes that New Zealand's provision for cultural considerations extends the standard international definition of sustainable development found for example in OECD (2001).

[2] This paragraph is based on King (2003), Dalziel and Higgins (2004), Moon and Biggs (2004) and Orange (2004).

captain who had been appointed Consul to the independent New Zealand early in 1839) was given authority by the Colonial Office to make a treaty with Māori to allow New Zealand to be made a British colony. Hobson sailed to New Zealand and reconvened a meeting of the Northern tribes at Waitangi in the Bay of Islands. The Treaty of Waitangi was signed on 6 February 1840, allowing Busby to declare British sovereignty over the North Island of New Zealand on 21 May 1840. On the same day Busby declared sovereignty over the South Island (whose Māori leaders had not signed the 1835 Declaration of Independence) on the basis of British discovery, although this was quickly superseded when South Island chiefs signed copies of the Treaty in May and June that year.

Table 1 provides a simple indicator of the passage of history in the new colony. At the signing of the Treaty of Waitangi, Māori tribes were acknowledged as owning all land in New Zealand. A combination of voluntary sales, forced sales, land confiscations by the Crown and dishonest purchase agreements by private settlers resulted in the amount of land in Māori ownership falling from 66.4 million acres in 1840 to 3 million acres in 1975. This dispossession was sanctioned by central government (backed with armed forces during the land wars of the nineteenth century, and facilitated by a variety of statutes beginning with the Native Lands Act in 1862), and relations were no better at the local government level. Matunga (1989, p. 2) observes that 'Māori people from the signing of the Treaty through to at least the mid 1970s … have simply not been accorded the recognition politically and administratively worthy of a sovereign Treaty partner in the establishment, implementation and successive reform of local government'. Another author recently characterised the relationship during that period in even stronger terms (Rikys, 2004, p. 20):

> *Local government's regulatory entities have universally been the vehicle for benign/ignorant or malignant/racist oppression of Māori across the full range of Local Government activities. Up until the late 1970s the structures and power configurations of local government remained fiercely monocultural in form, function, philosophy and intent. They served the majority culture almost exclusively and when its objectives ran contrary to Māori interests those interests were typically swept aside, ignored or trampled upon.*

In 1975, two events raised the profile of long-standing Māori grievances among the wider New Zealand population. On 14 September, a group of Māori set out from Te Hapua at the top of the North Island on a 1,120 km land march to Parliament in Wellington. Led by 79 year-old elder, Whina Cooper, the protestors marched under the banner of 'not one more acre of Māori land' to be alienated. The participants were hosted by 25 Māori communities during their journey, and their number had swelled to 5,000 by the time they reached the steps of Parliament on 13 October to present a Memorial of Rights signed by 200 elders, with a supporting petition signed by 60,000 people, calling for the protection of Māori land (King, 1991, chapter 11). The land March was described by a senior Māori academic in July 1978 as 'the greatest show of unity

in Māori history' (republished in Walker, 1987, p. 56; see also Walker, 1992, pp. 512-513).

Table 1. Number of Hectares of Land in Maori Ownership

Year	Acres
1840	66,400,000
1852	34,000,000
1860	21,400,000
1891	11,079,486
1911	7,137,205
1920	4,787,686
1939	4,028,903
1975	3,000,000

Source: Asher and Naulls (1987, Appendix, pp. 97-101).

The second significant event that year was the passing of the Treaty of Waitangi Act. The purpose of this legislation was 'to provide for the observance, and confirmation, of the principles of the Treaty of Waitangi by establishing a Tribunal to make recommendations on claims relating to the practical application of the Treaty and to determine whether certain matters are inconsistent with the principles of the Treaty' (Treaty of Waitangi Act 1975, Preamble). The Tribunal was empowered to consider claims by any individual Māori about prejudicial behaviour by the Crown, and to make recommendations for compensation or other changes where a claim was found to be justified. Further, section 5(2) gave the Tribunal 'exclusive authority to determine the meaning and effect of the Treaty'. The 1975 legislation did not give the Waitangi Tribunal any power to investigate historical grievances – this came later – and so little was achieved in the Tribunal's early years. Nevertheless, a mechanism had been created whereby Māori could begin to call the Crown to account for ongoing breaches of its obligations under the Treaty of Waitangi (Durie, 1998, p. 184).

The Treaty was a short document with just three Articles. Its modern interpretation is complicated because it was originally drafted in English but the version signed on 6 February 1840 was a Māori translation. The Treaty of Waitangi Act put both versions into an appendix, and gave exclusive authority for the Tribunal to decide issues raised by textual differences. Debate about the Treaty has been extensive and controversial (Kelsey, 1990; Orange, 2004, chapters 6-9), but for the purposes of this paper the key debates concern the following sentence from Article 2, reproduced here as its original English text, as the Māori translation signed by both parties on 6 February 1840, and as a modern translation of the Māori text by Professor Sir Hugh Kawharu (1988):

> *Original English text:* Her majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession

> of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession.
>
> *Signed Māori text:* Ko te Kuini o Ingarani ka wakarite ka wakaae ki ngā Rangatira ki ngā hapū – ki ngā tāngata katoa o Nu Tirani te tino rangatiratanga o o rātou wenua o rātou kāinga me o rātou taonga katoa.
>
> *English translation:* The Queen of England agrees to protect the Chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures.

The phrase 'tino rangatiratanga', translated by Professor Kawharu as 'unqualified exercise of their chieftainship', remains a rallying call for diverse social and political groups seeking greater Māori self-determination or Māori sovereignty (Fleras and Spoonley, 1999, pp. 22-31). The explicit mention of lands, forests and fisheries in the English version led to a number of successful legal challenges to government policies in the 1980s. An equally important phrase, however, is the guarantee to protect 'all their treasures' ('o rātou taonga katoa'). This guarantee made it necessary for Parliament and the Courts to consider whether Māori culture might be itself a taonga or treasure that the Crown was obliged to protect.

A first step towards addressing that question took place with the passing of the Town and Country Planning Act 1977. Section 3(1)(g) of the Act declared that 'the relationship of the Māori people and their culture and traditions with their ancestral lands' is a matter of national importance that must be provided for in regional, district and maritime schemes. Although the practical implications of this section were limited, especially since the Act did not make any specific reference to Māori cultural and spiritual values, several authors have noted the significance of this first statutory recognition of Māori culture in local government planning (Matunga, 1989, p. 2; Klein, 2000, p. 82; Stephenson, 2001, p. 176; Hayward, 2003, pp. xv-xvi; Love, 2003, pp. 28-29; Rikys, 2004, p. 18). It set the platform for more substantive progress in the mid-1980s.

3. MĀORI CULTURAL VALUES AND LOCAL GOVERNMENT PLANNING

The election of the fourth Labour government in 1984 resulted in a programme of wide-ranging economic and social reforms (Kelsey, 1990; Dalziel and Lattimore, 2001). In 1985, for example, the government amended the Treaty of Waitangi Act to allow the Tribunal to investigate claims going back to 1840. The Tribunal's subsequent work in facilitating the resolution of historical grievances between Māori tribes and the Crown is an extraordinary history that continues to the present day (Hayward and Wheen, 2004). This section, however, concentrates on three landmark cases in 1985, 1986 and 1987 that were important further steps in cementing the place of Māori cultural values in local government planning.

In the first landmark case, the Waitangi Tribunal considered a wide-ranging claim brought by Nganeko Minhinnick with the general support of Waikato-Tainui Māori about despoliation of the Manukau Harbour. One part of the claim objected to a proposal by New Zealand Steel Mill Works to construct an underground slurry pipeline over 18 kms that would take water drawn from the Waikato River and discharge it into the Manukau Harbour. This proposal was culturally offensive to the claimants, since the mauri (life-force) of the two water bodies is incompatible and so the waters of the Waikato should not be mixed with those of the Manukau. The Planning Tribunal (which was responsible for hearing appeals against local authority planning decisions) had declared that such 'metaphysical' concerns were outside its statutory purview. The Waitangi Tribunal found that such failure to provide for metaphysical concerns was inconsistent with the principles of the Treaty of Waitangi, and went on to comment (Waitangi Tribunal, 1985, p. 57):

> *The values of a society, its metaphysical or spiritual beliefs and customary preferences are regularly applied in the assessment of proposals without a thought as to their origin. Some societies make rules about noise on Sunday while others protect sacred cows. When Māori values are not applied in our country, but western values are, we presume our society is monocultural. In our multicultural society the values of minorities must sometimes give way to those of the predominant culture, but in New Zealand, the Treaty of Waitangi gives Māori values an equal place with British values, and a priority when the Māori interest in their taonga is adversely affected.*

It specifically found that 'the guarantee of undisturbed possession, or of rangatiratanga, means there must be a regard for the cultural values of the possessor', that 'taonga means more than objects of tangible value', and that 'the mauri of the Waikato River is a taonga of the Waikato tribes' (idem, p. 70).

The second case was an application to the Waitangi Tribunal by Huirangi Waikerepuru and Nga Kaiwhakapumau i te Reo for the Tribunal to recommend that Te Reo Māori (The Māori Language) should be recognised as an official language throughout New Zealand, and for all purposes. The hearings were held in 1985, and the resulting report was published in 1986. One of the key points that the Tribunal had to consider was 'whether or not the Treaty of Waitangi protects the Māori language'. The Tribunal's answer was unequivocal (Waitangi Tribunal, 1986, section 4.2.4):

> *When the question for decision is whether te reo Māori is a "taonga" which the Crown is obliged to recognise we conclude that there can be only one answer. It is plain that the language is an essential part of the culture and must be regarded as "a valued possession". The claim itself illustrates that fact, and the wide representation from all corners of Māoridom in support of it underlines and emphasises the point.*

Consequently, the Tribunal accepted the claim that te reo Māori should be an

official language in certain contexts. This recommendation was accepted by the government, resulting in the Māori Language Act being passed in 1987. The Act's preamble justified itself in the following simple terms: 'the Treaty of Waitangi the Crown confirmed and guaranteed to the Māori people, among other things, all their taonga [and] the Māori language is one such taonga'.

The third case concerned an objection by the Huakina Development Trust (a Māori organisation, represented by the claimant in the first case above, Nganeko Minhinnick) to a water right that had been granted to discharge treated farm effluent into a tributary of the Waikato river. The Planning Tribunal had decided that article 2 of the Treaty of Waitangi and the spiritual and cultural relationship of the Māori people to the waters of the region were not proper matters for it to consider when granting such a right. The Trust appealed, but this time to the High Court. The judgment recognised there was no specific mention of Māori values in the legislation, but did not agree that consideration of Māori values should therefore be excluded. To the contrary, Judge Chilwell wrote as follows ([1987] 2 NZLR, p. 223):

> *The answer to the rhetorical questions in the immediately preceding chapter of this judgment whether or not the word "interests" and the phrase "the interests of the public generally" include Māori spiritual and cultural values must, in my judgment, be that they cannot be excluded from consideration if the evidence establishes the existence of spiritual, cultural and traditional relationships with natural water held by a particular and significant group of Māori people.*

Thus by the late 1980s it had been established that Māori cultural values could not be ignored in planning processes as they had been for a century. This had a significant impact when the government decided to reform the Town and Country Planning Act and other related Acts, to produce the Resource Management Act in 1991.

4. MĀORI CULTURAL VALUES AND THE RESOURCE MANAGEMENT ACT 1991

New Zealand's Resource Management Act 1991 (hereafter referred to as the RMA) represented a radical reform of previous approaches to local government planning, internationally as well as domestically. The declaration in the Town and Country Planning Act 1977 about the relationship of Māori with their ancestral lands was carried over and expanded in section 6(e) of the RMA, where one of the listed matters of national importance is: 'the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu [sacred places], and other taonga'. Note the addition of the word taonga from Article 2 of the Treaty of Waitangi. This recognition is reinforced in section 7(a) of the RMA, where all persons exercising functions and powers under the Act in relation to managing the use, development and protection of natural and physical resources are required to 'have particular regard to kaitiakitanga'. Kaitiakitanga is a Māori word that was initially defined in section 2 of the RMA as 'the

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

Durie (2003, p. 31) has commented on the way in which the RMA contains many Māori words and phrases, which he suggests may reflect the emergence of a bicultural jurisprudence in New Zealand. He also notes, however, that this requires an understanding of Māori custom that is often lacking by those who interpret the law, and expresses his concern that the presence of short English translations in the legislation runs the risk of diminishing deeper Māori understandings of particular concepts. Several commentators have suggested this is true of 'kaitiakitanga' in the RMA (Matunga, 1994; Hemi, 1995; Beverley, 1998, p. 151; Durie, 1998, p. 29; Love, 2003, pp. 35-36; Tutua-Nathan, 2003). Durie (1998, p. 29) reports that the country's three major national Māori organisations (National Māori Congress, NZ Māori Council, Māori Women's Welfare League) made a submission to Parliament on the Resource Management Bill that criticised the definition of kaitiakitanga for introducing new concepts largely unknown to Māori. Love (2003, pp. 35-36) records a particular objection to the statute's inclusion of the ethic of stewardship (since a steward acts on someone else's behalf, which is not the case for Māori owners exercising kaitiakitanga).

The danger that 'kaitiakitanga' might become little more than a Māori spelling for a fundamentally non-Māori concept was reinforced in 1994 when the Environment Court found that the RMA did not restrict the exercise of kaitiakitanga to Māori (as had generally been presumed), but could be exercised by a local authority (Beverley, 1998, pp. 151-152; Love, 2003, p. 35). That decision led to an amendment to the RMA in 1997, so that kaitiakitanga is now defined in section 2 as 'the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources, and includes the ethic of stewardship'. Tangata whenu refers to the Māori iwi or hapu [tribe or sub-tribe] holding customary authority in an identified area, while tikanga refers to Māori customary values and practices.

A further effort to allow for specific Māori involvement in local government planning is made in sections 61(2)(a)(ii), 66(2)(c)(ii) and 74(2)(b)(ii) of the RMA, which require regional councils and territorial authorities to 'take into account any relevant planning document recognised by an iwi authority' (Ericksen et al, 2004, p. 107).[3] This means that an authority must be able to demonstrate good identification of relevant iwi management plans, good analysis of the contents of the plans, good documentation of how the contents were weighed against other matters being considered by the authority, and good decisions supported by reason (Ministry for the Environment, 2003, pp. 8-10; see also Matunga, 1993 and 2000). Critics of the RMA argue that this does not really address long-standing Māori grievances about their Treaty of Waitangi right to exercise tino rangatiratanga over their taonga of natural and physical resources (Kelsey, 1990, chapter 7; Hemi, 1995; Durie, 1998, pp. 32-34;

[3] The 1991 legislation initially required that authorities 'have regard to' iwi planning documents; this was strengthened to 'take into account' in a 2003 amendment.

Stephenson, 2001, pp. 181-185; Rikys, 2004, chapter 2). Indeed, the Waitangi Tribunal (1993, p. 152) has stated its belief that the Resource Management Act 1991 is 'fatally flawed' because it does not oblige decision-makers to act in conformity with the Treaty.[4] Nevertheless, Matunga (2006, section 2.2) notes that, perhaps for the first time in the world, these sections of the RMA give statutory recognition to a parallel planning system grounded in indigenous knowledge, processes and institutions. Māori tribal planning documents are now an indelible part of New Zealand's planning landscape.

Section 33 of the RMA offers a further avenue for Māori involvement in regional planning, by allowing local authorities to transfer some functions, powers and duties to other public authorities, including iwi authorities. There have been studies of how this provision might be used, and there have also been some applications by Māori for a section 33 transfer, but 'there have been no transfers granted to iwi to date, the main barrier being the reluctance of local government to hand this power over' (Clark, 2003, p. 54).

These features of the RMA were unimaginable when the Town and Country Planning Act was passed in 1977. Within a relatively short time, national debates and judicial decisions about the importance of Māori taonga had created a political environment where the exclusion of Māori values from regional planning was equally unimaginable by 1991. This was reflected in the RMA statement of purpose. Part 1 of section 5 states that 'the purpose of this Act is to promote the sustainable management of natural and physical resources'. Part 2 then defines sustainable management in the following terms:

> *In this Act, "sustainable management' means 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.*

The list of considerations in (a), (b) and (c) are core elements of 'environmental well-being'. Thus section 5 of the RMA introduced into law the understanding that had emerged in New Zealand that sustainable management is comprised of *four* elements, involving cultural well-being alongside the traditional elements of social, economic and environmental well-being.

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[4] Instead, section 8 states that the principles of the Treaty of Waitangi are another consideration to be taken into account.

5. CONCLUSION

This paper began by contrasting the statutory well-being power in New Zealand (which explicitly includes cultural well-being) with the well-being power in the UK (which does not). This paper has explained how the difference arose because policymakers in New Zealand had been grappling for 25 years with the question of how to give effect to 'the relationship of the Māori people and their culture and traditions with their ancestral lands'. Consequently, the Resource Management Act 1991 adopted a definition of sustainable management that recognised cultural well-being alongside the traditional list of social, economic and environmental well-beings. This 'quadruple bottom line' approach was then carried over to section 10 of the Local Government Act 2002.

Māori led the way for this recognition, but this does not mean that cultural well-being refers exclusively to indigenous values. European New Zealanders have sought to articulate their own cultural values, particularly in relation to the environment (see, for example, Phillips, 1987; Sydney, Turner and Marshall, 1995; Bergin and Smith, 2004). More recent migrants to New Zealand from the Pacific and from Asia are also seeking public acknowledgement of important cultural values. A widespread acceptance in New Zealand has now emerged that culture is an essential component of individual and community well-being. From this perspective, a statutory list of well-being objectives that does not explicitly include cultural well-being appears deficient.

This view is reinforced by the requirement in the New Zealand statute for all four components to be considered together – 'social, economic, environment, *and* cultural well-being' – whereas the well-being components are listed separately in the United Kingdom legislation – 'social, economic *or* environment well-being' (see ODPM, 2001, par. 23-24). The New Zealand approach reflects a recognition, going back to the Royal Commission on Social Policy's (1988, pp. 275-446) analysis of economic and social well-being, that the elements of well-being are strongly interconnected. Social well-being outcomes do depend on social policies, for example, but also depend on economic, environmental and cultural policies. Cultural well-being is not possible, to give another example, without supportive social, economic, and environmental policies. These linkages and mutual dependencies make it essential that regional authorities do not overlook any one of the four components of well-being, nor can any of them be treated in isolation.

Table 2 illustrates these mutual interconnections using a standard matrix format. The columns represent the four well-being outcomes – social, economic, environmental and cultural – while the rows represent the policies available to regional planners under each heading. The combination of policies and well-being outcomes make up what the table terms the 'well-being fabric' of a region. A non-integrated planning framework would concentrate only on the cells down the main diagonal; that is, AA, BB, CC and DD. Social policies would focus only on social well-being, economic policies would focus only on economic well-being, and so on. An integrated framework, however, also pays attention to the off-diagonal elements, recognising that adverse social outcomes, for

example, can result from poor economic policies (cell BA), poor environmental policies (cell CA) or poor cultural policies (cell DA).

Table 2. The Well-Being Fabric of a Region

		Well-Being Outcomes			
		Social	Economic	Environmental	Cultural
Policies	Social	AA	AB	AC	AD
	Economic	BA	BB	BC	BD
	Environmental	CA	CB	CC	CD
	Cultural	DA	DB	DC	DD

The implication is that consideration of cultural well-being is not simply an optional element that might supplement social, economic and environmental policies for regional development. Policies that recognise important cultural values held by a region's ethnic communities, and which strengthen cultural identities in those communities, are an integral part of promoting all four dimensions of regional well-being. It remains true that social, economic, environmental and cultural policies are often fiercely contested by different interests and by different parts of the community at different times. As is recognised in the case law reviewed in this paper, trade-offs and compromises are inevitable. A strength of the New Zealand model is that including cultural well-being in its Local Government Act has provided a forum for those contests and compromises to take place within a framework of democratic local decision-making by communities.

REFERENCES

Asher, G. and Naulls, D. (1997). *Māori Land*. Wellington: New Zealand Planning Council.

Bergin, H. and Smith, S. (eds.) (2004). *Land and Place, He Whenua He Wāhi*. Auckland: Accent Publications.

Beverley, P. (1998). 'The Mechanisms for the Protection of Māori Interests under Part II of the Resource Management Act 1991.' *New Zealand Journal of Environmental Law*, 2, pp. 121-155.

Clark, E. (2003). 'Section 33 of the Resource Management Act 1991.' Appendix to Chapter 2 in Hayward, J. (ed.) *Local Government and the Treaty of Waitangi*. Melbourne: Oxford University Press, pp. 43-54.

Curran, S. E. (2004). 'Sustainable Development v Sustainable Management: The Interface Between the Local Government Act and the Resource Management Act.' *New Zealand Journal of Environmental Law*, 8, pp. 267-294.

Dalziel, P. and Higgins, J. (2004). 'Globalisation, Colonisation and the Land.' Chapter 1 in Bergin, H. and S. Smith (eds) *Land and Place, He Whenua He Wāhi*. Auckland: Accent Publications, pp. 9-26.

Dalziel, P. and Lattimore, R. (2001). *The New Zealand Macroeconomy: A Briefing on the Reforms and Their Legacy*. Fourth Edition. Melbourne: Oxford University Press.

Durie, M. (1998). *Te Mana Te Kāwanatanga: The Politics of Māori Self-Determination*. Oxford: Oxford University Press.

Ericksen, N. J., Berke, P.R., Crawford, J.L. and Dixon, J.E. (2004). *Plan-Making for Sustainability: The New Zealand Experience*. Aldershot: Ashgate.

Fleras, A. and Spoonley, P. (1999). *Recalling Aotearoa: Indigenous Politics and Ethnic Relations in New Zealand*. Auckland: Oxford University Press.

Hayward, J. (ed.) (2003). *Local Government and the Treaty of Waitangi*. Melbourne: Oxford University Press.

Hayward, J. and Wheen, N.R. (eds.) (2004). *The Waitangi Tribunal: Te Roopu Whakamana i te Tiriti o Waitangi*. Wellington: Bridget Williams Books.

Hemi, M. A. (1995). *Tino Rangatiratanga: Assessing the Resource Management Act*. Unpublished Masterate Thesis, Lincoln University.

Kawharu, I. H. (1988). 'Treaty of Waitangi: English Translation of Māori Version.' In *The April Report: Volume II Future Directions*. Wellington: Royal Commission on Social Policy, pp. 87-88.

Kelsey, J. (1990). *A Question of Honour: Labour and the Treaty*. Wellington: Allen and Unwin.

King, M. (1999). *Whina: A Biography of Whina Cooper*. Auckland: Penguin Books.

King, M. (2003). *The Penguin History of New Zealand*. Auckland: Penguin Books.

Klein, U. (2000). 'Belief-Views on Nature – Western Environmental Ethics and Māori World Views.' *New Zealand Journal of Environmental Law*, 4, pp. 81-119.

Love, M. T. W. (2003). 'Resource Management, Local Government, and the Treaty of Waitangi.' Chapter 2 in Hayward, J. (ed.) *Local Government and the Treaty of Waitangi*. Melbourne: Oxford University Press, pp. 21-37.

Matunga, H. (1989). 'Local Government: A Māori Perspective.' A report for the Māori Consultative Group on Local Government Reform, Lincoln University.

Matunga, H. (1993). 'Walking the Talk- Integration of Iwi Planning Documents with Regional and District Policy Statements and Plans.' Centre for Māori Studies and Research, Lincoln University.

Matunga, H. (1994). 'The Resource Management Act 1991 and Māori Perspectives.' A seminar for the Palmerston North City Council, Centre for Māori Studies and Research, Lincoln University.

Matunga, H. (2000). 'Decolonising Planning: The Treaty of Waitangi, the Environment and a Dual Planning Tradition.' Chapter 3 in Memon, A. and H. Perkins (eds.) *Environment Planning and Management in New Zealand*. Palmerston North: Dunmore Press.

Matunga, H. (2006). 'The Concept of Indigenous Planning as a Framework for Social Inclusion.' Paper presented to the New Zealand Planning Institute and Planning Institute Australia Congress, Gold Coast Convention Centre, Australia, 2-5 April.

Ministry for the Environment (2003). *Whakamau ki Nga Kaupapa – Making the Best of Iwi Management Plans under the Resource Management Act 1991*. Wellington: Ministry for the Environment, Ref. ME395.

Moon, P. and Biggs, P. (2004). *The Treaty and its Times: The Illustrated History*. Auckland: Resource Books.

ODPM (2001). 'Power to Promote or Improve Economic, Social or Environmental Well-Being.' Office of the Deputy Prime Minister. Downloaded 10 April 2006 from *www.odpm.gov.uk/index.asp?id=1133736*.

ODPM (2005). 'Formative Evaluation of the Take-Up and Implementation of the Well Being Power, 2003-2006.' A baseline report for the Office of the Deputy Prime Minister from the School of Public Policy, University of Birmingham and the Cities Research Centre, University of the West of England. Downloaded 10 April 2006 from *www.odpm.gov.uk/index.asp?id=1136973*.

OECD (2001). *Sustainable Development: Critical Issues*. Paris: Organisation for Economic Cooperation and Development.

Orange, C. (2004). *An Illustrated History of the Treaty of Waitangi*. Wellington: Bridget Williams Books.

Phillips, J. (1987). *Te Whenua Te Iwi The Land and the People*. Wellington: Allen and Unwin in association with Port Nicholson Press.

Rikys, P. (2004). *Local Government Reform and Māori 1988 to 2002*. Waiheke Island: Te Ngutu o te Ika Publications.

Royal Commission on Social Policy (1988). *The April Report: Volume II Future Directions*. Wellington: Royal Commission on Social Policy.

Saunders, C. and Dalziel, P. (2004). 'Economic Well-Being in Regional Economic Development.' *Australian Journal of Regional Studies*, 10(3), pp. 355-366.

Saunders, C. and Dalziel, P. (2005). 'Sustainable Economic Development: Selwyn District Council.' Australia and New Zealand Regional Science Association International Annual Conference, Manukau City, 27-30 September 2005, Proceedings published on CD-ROM, pp. 439-451.

Stephenson, J. (2001). 'Recognising Rangatiratanga in Resource Management for Māori Land: A Need for a New Set of Arrangements.' *New Zealand Journal of Environmental Law*, 5, pp. 159-193.

Sydney, G., Turner, B. and Marshall, O. (1995). *Timeless Land*. Dunedin: Longacre Press.

Tutua-Nathan, W. (2003). 'Kawanatanga: A Commentary on the Resource Management Act 1991.' Appendix to Chapter 2 in Hayward, J. (ed.) *Local Government and the Treaty of Waitangi*. Melbourne: Oxford University Press, pp. 39-42.

Waitangi Tribunal (1985). *Report of the Waitangi Tribunal on the Manukau Claim (Wai-8)*. Wellington: Waitangi Tribunal.

Waitangi Tribunal (1986). *Report of the Waitangi Tribunal on the Te Reo Māori Claim (Wai-11)*. Wellington: Waitangi Tribunal.

Waitangi Tribunal (1993). *Ngawha Geothermal Resource Report (Wai-304)*. Wellington: Brooker and Friend Ltd.

Walker, R. J. (1987). *Nga Tau Tohetohe: Years of Anger*. Auckland: Penguin Books.

Walker, R. J. (1992). 'Māori People since 1950.' Chapter 19 in Rice, G.W. (ed.) *The Oxford History of New Zealand*, Second Edition. Oxford: Oxford University Press, pp. 498-519.