

APPENDIX 4 – OPERATIVE PLAN PROVISIONS AND PROPOSED AMENDMENTS

PC50 Hearing Report

Key

Italics – Not part of PC50

Grey – altered by submission

Underlined – altered from operative text

Chapter 2 DEFINITIONS

Hapū: means a sub-tribe of Iwi, and is made up of a group of families with a common ancestor.

a kinship group, clan, tribe, subtribe - section of a large kinship group and the primary political unit in traditional Iwi society. It consisted of a number of whānau (family in the broadest sense) sharing descent from a common ancestor, usually being named after the ancestor, but sometimes from an important event in the people's history.¹

Iwi: means major tribes who are Tangata Whenua.

an extended kinship group, tribe, nation, people, nationality, race - often refers to a collective of related hapū, descended from a common ancestor and associated with a distinct territory.²

Kaitiaki: means the Tangata Whenua guardian who has ancestral authority and responsibility for the management of resources.³

Kaitiakitanga*: means 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.

Kaumatua housing: means housing for Māori elders.⁴

Kawanatanga: means the act of governing, or government.⁵

Mana Whenua*: as defined under the RMA, means customary authority exercised by an iwi or hapū in an identified area.⁶

Marae: For the purposes of this Plan, means the⁷ land and buildings (meeting house/ wharehui, kitchen and dining hall/ wharekai, ablutions block/ wharepaku) generally associated with gatherings and meetings and programmes of tangata whenua, hapū or whānau for religious, educational, community purposes.

Papakāinga: *means development or activity established on ancestral land by an iwi, hapū or whānau of the Whanganui District on behalf of and for use by its members which promotes Tangata Whenua community development, and*

¹ Submission 1.1 – Whanganui District Council

² Submission 1.1 – Whanganui District Council

³ Submission 1.1 – Whanganui District Council

⁴ Submission 1.1 – Whanganui District Council

⁵ Submission 1.1 – Whanganui District Council

⁶ Submission 1.1 – Whanganui District Council

⁷ Submission 1.1 – Whanganui District Council

sustains the relationship of Tangata Whenua with their culture, traditions and ancestral land.

Rahui: means temporary restrictive controls imposed over the use of resources for conservation purposes.⁸

Tangata Whenua*: In relation to a particular area, means iwi or hapū that holds mana whenua over that area.

means in relation to a particular place or area, the iwi or hapū that holds, or at any time has held, mana whenua in relation to that place or area.⁹

Taonga: means all things that are considered to be treasures and of great value, and includes things that are intangible.

Tikanga Māori*: means Māori customary values and practices.¹⁰

Tino Rangatiratanga: means great chieftainship and full authority over land and all taonga.¹¹

Tribal runanga: means an organisation or authority set up to administer tribal affairs.¹²

Urupa: means a Māori burial ground.

Waahi Tapu: means a device whose sole purpose is to inform road users of an approaching traffic hazard.

means a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense.¹³

Whānau: means a family as interpreted in accordance with Māori culture and values.

means the extended family, family group, a familiar term of address to a number of people.¹⁴

⁸ Submission 1.1 – Whanganui District Council

⁹ Submission 1.1 – Whanganui District Council

¹⁰ Submission 1.1 – Whanganui District Council

¹¹ Submission 1.1 – Whanganui District Council

¹² Submission 1.1 – Whanganui District Council

¹³ Submission 1.1 – Whanganui District Council

¹⁴ Submission 1.1 – Whanganui District Council

Chapter 10 NATURAL ENVIRONMENT

The following documents should be considered when assessing any activity within the Natural Environment:

- The Ngā Wairiki Ngāti Apa statutory areas (Ruakiwi, part of the Whangaehu River ~~Statement of Association~~ and part of the Mangawhero River);
- Ngaa Rauru Kītahi Puutaiao Management Plan;
- The Statutory Acknowledgement for the Nukumarū Recreational Reserve; and
- The ~~Whanganui River Treaty Settlement~~ Te Awa Tupua (Whanganui River Claims Settlement) Act 2017¹⁵ which recognises Te Awa Tupua as a living and indivisible whole comprising the Whanganui River from the mountains to the sea, incorporating its tributaries and all its physical and metaphysical elements.

Chapter 15 TANGATA WHENUA AND ~~PAPAKAINGA~~

Tangata Whenua as Partners¹⁶

The connections between Tangata Whenua and the local environment are known to have existed before the arrival of the Polynesian explorer, Kupe. From that time to the present day the inter-dependence between Tangata Whenua and their environment has resulted in the development of a sophisticated value system. This is recognised in the Treaty of Waitangi that establishes Tangata Whenua and the Crown as treaty partners with the obligation to work together to manage the environment.¹⁷

A management regime to care for and protect the environment, based on this cultural and spiritual value system, developed and improved over time.

Ongoing management of the environment is the responsibility of the whole community, with specific rights and responsibilities identified for local, regional and central government and Māori are formalised in the RMA. This management is now shared with the whole community, as formalised in the Resource Management Act.¹⁸ In particular the reference to kaitiakitanga,

¹⁵ Submission 3.1 – Te Kaahui o Rauru

¹⁶ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

¹⁷ Submission 2.1 - Ngā Tāngata Tiaki o Whanganui and Submission 3.1 & 3.2 – Te Kaahui o Rauru

¹⁸ Submission 3.2 2 – Te Kaahui o Rauru

which is a way of managing the environment through guardianship and protection.¹⁹

Recognition and Protection of Matters of Significance to Tangata Whenua

A range of issues of significance to Tangata Whenua have been identified through the consultation and partnership development processes. Some of these relate to resource allocation and all are considered in terms of the land claims presented to the Waitangi Tribunal. At this stage the Whanganui River claim has been heard by the Tribunal but no report and recommendation has been made. Although it is understood that the issue of ownership is one of over-riding significance to Tangata Whenua, this is an area which is outside the scope of the District Plan.

Tangata Whenua Consultations

Consultation with Tangata Whenua has been undertaken on the basis of a strategy agreed between Tangata Whenua and the Council by Te Roopu Whakakotahi. While the Act requires consultation through Iwi authorities and tribal runanga, the Council's approach to partnership necessitated advice from Tangata Whenua on the appropriate means for communication and consultation on resource management issues.

That input came from Te Roopu Whakakotahi representatives who advised that consultation should take place at hāpu/Whānau or marae level.

The strategy adoption was identified as important for a number of reasons, including:

- i. Recognition of the difference between consultation and partnership, and formally involving Tangata Whenua in determining the appropriate method for consultation.
- ii. Ensuring tribal administrative processes were adhered to in determining the process to be used.
- iii. Sharing information with Tangata Whenua on the role of the District Plan, how it is prepared, and the opportunities and need for involvement in its preparation.

Consultation included an initial consultation Hui arranged by Te Roopu Whakakotahi and the Council at Te Rau Oriwa marae in February 1993. This was followed by further meetings at marae throughout Nga Rauru and some meetings with Whanganui River hāpu/marae groups.

¹⁹ Submission 3.2 2 – Te Kaahui o Rauru

The process and progress of consultation has been reported back to Te Roopu Whakakotahi regularly, to provide an overview and to ensure it remains valid to the expectations of Tangata Whenua.

For the preparation of the Plan Nga Rauru have been active in discussing and identifying the issues and concerns they have. A series of meetings has been held with each of the hāpu within that part of Nga Rauru situated in the District. Consultation meetings will be ongoing.

Consultation at hāpu level with Atihaunui-a-Paparangi has involved a number of meetings at marae along the Whanganui River. The guiding principle in this consultation has been that the issues in relation to resource management matters would generally be held over until after the Waitangi Tribunal hearing on the Whanganui River claim.

Consultation with Iwi and hāpu has identified a number of resource management issues of concern to Tangata Whenua. While some of these relate to the processes to be adopted by the Council in the implementation of its responsibilities under the Resource Management Act 1991, they cannot be said to be 'issues' in the framework of the Plan. They are matters which require negotiation and the development of guidelines and protocols between Tangata Whenua and the Council.

Sections 6, 7 and 8 of the Resource Management Act 1991 places a duty various duties on the Council with regard to Māori. Section 6 identifies as a matter of national importance the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Section 7 requires particular regard to be had to Kaitiakitanga and the recognition and protection of the heritage values of sites, buildings, places or areas. Section 8 requires the principles of the Treaty of Waitangi to be taken into account. Other sections of the Act relate specifically to procedural matters.

This Chapter section in the Plan²⁰ responds to the requirements of the Act with regard to Tangata Whenua. However, It²¹ is not a 'stand-alone' section and reference should be made to all²² other chapters of the Plan, particularly eg Earthworks (Chapter 14)²³, the Natural Environment (Chapter 10), Heritage (Chapter 9), and Rural Settlement Zone (Chapter 3) Appendix G (Design Guidelines)²⁴.

The Treaty of Waitangi (Te Tiriti o Waitangi) is New Zealand's founding document that establishes the relationship between Tangata Whenua and the

²⁰ Minor amendment to improve clarity

²¹ Minor amendment to improve clarity

²² Minor amendment to improve clarity

²³ Minor amendment to improve clarity

²⁴ Minor amendment to improve clarity

Crown, and by association the Whanganui District Council. It is underpinned by the principles of partnership – incorporating a duty to act reasonably, honourably and in good faith, and a duty to make informed decisions.²⁵ The Waitangi Tribunal have recognised several core principles from the terms of the Treaty and the surrounding circumstances in which the Treaty agreement was entered into. These include:

- **Partnership** – Both the Crown and Tangata Whenua agree to act towards each other with good faith. The obligations of partnership include the duty to consult tangata whenua.
- **Reciprocity** – The partnership is a reciprocal one. Tangata whenua ceded to the Crown kawanatanga (governance) of the country in return for a guarantee that tino rangatiratanga (full authority) over their land, people and taonga would be protected.
- **Autonomy** – The Crown guaranteed to protect tangata whenua autonomy.
- **Active protection** – The Crown's duty to protect tangata whenua rights and interests is not merely passive, but extends to active protection and full consultation.
- **Equal treatment** – The Crown is required to treat all Iwi/hāpu fairly and not advantage one Iwi/hāpu over another if their circumstances, rights and interests are broadly the same.²⁶

Informal arrangements exist between the Council and Ngā Wairiki Ngāti Apa²⁷ and Ngāa Rauru Kiitahi²⁸. Both Ngāa Rauru Kiitahi²⁹ and Ngā Wairiki Ngāti Apa³⁰ have settled their Treaty claims with the Crown.

Ngāa Rauru Kiitahi have developed the Te Kaahui o Rauru Puutaiao Management Plan (2013) which identifies their statutory acknowledgement areas. Ngā Wairiki Ngāti Apa also have statutory acknowledgement areas within the Whanganui District. These areas must be taken into account when considering any resource consent application. A summary of these areas is found in Appendix D of the Whanganui District Plan.³¹

Whanganui Iwi are awaiting legislation to enact the Whanganui River settlement and establish the legal identity of Te Awa Tupua, administered by Ngā Tāngata Tiaki o Whanganui Trust. The Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 was recently enacted whereby Ruruku Whakatupua (the Whanganui River Settlement) was recognised at law. The Te Awa Tupua Act provides for a new legal framework for Te Awa Tupua.

²⁵ Submission 2.1 - Ngā Tāngata Tiaki o Whanganui and Submission 3.1 & 3.2 – Te Kaahui o Rauru

²⁶ Submission 3.2 – Te Kaahui o Rauru

²⁷ Submission 2.1 - Ngā Tāngata Tiaki o Whanganui

²⁸ Submission 3.1 – Te Kaahui o Rauru

²⁹ Submission 3.1 – Te Kaahui o Rauru

³⁰ Submission 2.1 - Ngā Tāngata Tiaki o Whanganui

³¹ Submission 3.1 – Te Kaahui o Rauru

where Te Awa Tupua is recognised as a legal person with its own intrinsic values (Tupua te Kawa) and voice. Ngā Tāngata Tiaki o Whanganui Trust has been established as the post-settlement governance entity for Whanganui Iwi for the purposes of the Whanganui River Settlement and the Te Awa Tupua Act.³² The Whanganui Land Settlement Group³³ claim report for Te Atihaunui-a-Paparangi hapū³⁴ has been delivered and negotiations are in progress.

Long-term formal, robust and evolving relationship agreements have been developed between the Council and Tamaupoko and Tupoho. The above relationships agreements and developments³⁵ have resulted in progress in a number of areas.

- The engagement of Tangata Whenua representatives on the District Plan Review Working Party.
- Tangata Whenua members training as RMA commissioners.
- Agreement on using the District Plan to present Tangata Whenua archaeological information.
- Collaboratively working through a major issue to set up the Outstanding Natural Landscapes – Tamaupoko and Tupoho Landscape Project 2016 Tupoho Tamaupoko Engagement team³⁶.
- Tangata Whenua initiation of the recording of information for cultural overlay mapping.
- Growing understanding of Tangata Whenua cultural perspectives by policy officers.
- Provision for recovered koīwi to be interred at Aramoho Cemetery.³⁷

Additional relationship building is required with Ngāa Rauru Kiitahi in the future. According to the Te Kaahui o Rauru Puutaiao Management Plan (2013), their rohe (within Whanganui District) extends along the coast north of the Whanganui River, extends up the river as far as the Wordsworth Street area, and extends from St Johns Hill north and west to the shared district boundary with South Taranaki District Council.³⁸

These developments reflect progress in a fluid situation towards a resource management system which is collaborative and working towards co-governance, co-management and the potential for joint management agreements³⁹. The growing understanding and capacity building for all involved provides a shared cultural context for the Plan and its operation. A

³² Submission 2.1 - Ngā Tāngata Tiaki o Whanganui

³³ Minor amendment to improve clarity

³⁴ Minor amendment to improve clarity

³⁵ Submission 3.2 – Te Kaahui o Rauru

³⁶ Minor amendment to improve clarity

³⁷ Minor correction as not related to a RMA process

³⁸ Submission 3.2 – Te Kaahui o Rauru and Further Submission 1 Te Runanga O Tupoho

³⁹ Submission 3.2 – Te Kaahui o Rauru

significant potential addition is guidance from iwi and hāpu management plans, as provided for under the Act.

Plan users and those considering development activity need to ensure they engage with Tangata Whenua as appropriate. Up-to-date contact information is available from the Council.

PAPAKAINGA

Multiple ownership of land has led to some difficulties with development and use. The intention of the papakainga provisions is to enable Tangata Whenua to cater for their aspirations. Development of papakainga will bring benefits to the people, the land, the community and the economy. It is recognised by Council that papakainga has multiple meanings from hāpu to hāpu. The definition in the District Plan is intended to recognise the significance of marae and to enable hāpu to use land in a way that meets their aspirations for the future.

15.1 ISSUES *(Issues 15.1.1—15.1.3 not yet reviewed)*

15.1.1 Involvement of Tangata Whenua in resource management⁴⁰

~~This issue is not directly related to avoiding, remedying or mitigating the effects of activities on the environment. It is related to recognising and implementing processes and obligations under the Act in relation to resource management, and providing for Tangata Whenua involvement in this. It is important to the Council to build on establish⁴¹ agreed approaches with Tangata Whenua to address resource management matters of significance to Tangata Whenua. This is in the early stages at present. It is expected that when decisions are made about the ongoing relationship between the Council and Tangata Whenua, and the nature of that relationship, that agreed protocols and methodologies will be developed. Identifying this involvement at this stage respects the wishes of Tangata Whenua and signals the Council's ongoing commitment.~~

15.1.2 Recognising Māori culture and traditions⁴²

The Act requires recognition of and provision for the special relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, and having particular regard to the concept of Kaitiakitanga (ethic of stewardship). ~~How this is implemented at a local level depends~~

⁴⁰ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁴¹ Minor amendment to improve clarity

⁴² Minor amendment to be consistent with the rest of the reviewed District Plan provisions

~~very much on the information provided to the Council by Tangata Whenua.~~

Tangata Whenua identify that their role in respect of land and water is as guardians for current and⁴³ future generations and this impacts on how land and resources are used, developed and protected. It relates to, but is not limited to, the following:

- a. Marae, pa, urupā, ancestral lands, waahi tapu sites.
- b. Whanganui River, coastal water.
- c. Objects and places of cultural significance.

15.1.3⁴⁴ **Exercising Kaitiakitanga**⁴⁵

~~The exercise of Kaitiakitanga is a way of caring for Māori heritage and respecting the relationship between Māori and the environment based upon traditional perspectives, knowledge, values and world view.~~ ⁴⁶ ~~The concept of Kaitiakitanga is defined in the Act as~~⁴⁷ ~~‘the exercise of guardianship; and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.’~~ ~~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.’ This definition is not necessarily the same as that which Māori would give the~~ ~~word.~~⁴⁸ Although it is a Māori term, the courts have defined that the exercise of Kaitiakitanga is a responsibility placed on all people exercising functions under the Act, including the Council. ~~Determining exactly how effect is to be given to this concept for implementation throughout the District is part of the consultation process.~~

15.1.4 **Protecting Special Information**⁴⁹

The Council recognises the value and sensitivity of indigenous information shared between Tangata Whenua and the Council. Knowledge held by Tangata Whenua has ~~always~~ generally been closely guarded and what ~~little~~ has been accessed given ~~has in some cases~~ sometimes been reinterpreted and/or misused. ~~With~~

⁴³ Submission 3.2 – Te Kaahui o Rauru

⁴⁴ Submission 3.2 – Te Kaahui o Rauru

⁴⁵ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁴⁶ Submission 3.2 – Te Kaahui o Rauru

⁴⁷ Submission 3.2 – Te Kaahui o Rauru

⁴⁸ Submission 3.2 – Te Kaahui o Rauru

⁴⁹ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

the increased awareness by Tangata Whenua and the community of the value of this information, and the need to protect the information, it is considered by Tangata Whenua that mechanisms may need to be put in place to protect that information in the long term.

15.1.3 Provision for Use of Māori land⁵⁰

The marae is recognised as traditionally being the centre of Māori communal life and activity. It is significant in terms of today's society as it continues as a spiritual and cultural focus for hāpu/Whānau members. Although protected through Gazettal procedures, and non-rateable under the Rating Powers Act, marae development has in some cases been hindered by the imposition of rules related to 'residential' type development in rural and urban areas. Even so, development of urban and rural based marae will promote the sustainable management of natural and physical resources and avoid, remedy or mitigate adverse effects on the environment.

Multiple ownership of land has led to some difficulties with development and use, including subdivision and partitioning of land. Concerns expressed by Iwi and hāpu groups relating to the alienation of Māori land is an issue of tenure and cannot be addressed through the District Plan. However, the process of subdivision or partitioning for disposal outside the hāpu comes under the control of the Council. In these instances, the requirements for creating esplanade reserves and/or strips adjacent to the coast and rivers in the District are part of the subdivision process. This may result in alienating Māori land and is recognised as an issue by Iwi and hāpu groups.

The marae is the centre of Māori communal life. In many cases it provides a focus for spiritual and secular activity. Providing for the development of marae and associated activities in a manner which recognises traditional values and current day expectations is essential. This should be carried out in a way which avoids, remedies or mitigates any adverse effects on the environment. Multiple ownership of Māori land places restrictions on development and use which are outside the control or influences of resource management. In some cases, partitioning or subdivision of Māori land is required to meet the requirements of the Council, eg when being disposed of outside the hāpu. Consideration of the implications of this for the provision of esplanade reserves and

⁵⁰ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

access to waterways and the coast is a resource management matter. Similar content to 15.1.6 below (moved from 15.2.3)⁵¹

~~15.1.4~~ ~~15.1.5~~⁵² *Difficulty in developing Māori land may inhibit efficient use of such land.*

~~15.1.5~~ ~~15.1.6~~⁵³ *The character of development in the Whanganui District does not reflect the long established tradition of Māori settlement and use of natural resources which may diminish the community awareness of the significance of this history.*

~~15.1.6~~ ~~15.1.7~~⁵⁴ *Marae are places with a high cultural value that are centres of learning, traditional arts, community interaction, celebration and mourning. There is potential for activities that surround Marae to adversely impact on these activities, and conversely for activities within the Marae to impact on surrounding activities.*

~~15.1.7~~ ~~15.1.8~~ **Development works**⁵⁵

The development process through impacts on land modification, building location, scale, height or even presence alone, may adversely affect Tangata Whenua values for that place.

~~15.1.8~~ ~~15.1.9~~ **Māori values**⁵⁶

Tangata Whenua values and information and the concept of kaitiaki are not always well understood, or respected or implemented correctly⁵⁷ in resource management processes.

15.2 OBJECTIVES (~~Objectives 15.2.1 – 15.2.3 not yet reviewed~~)

15.2.1 Participation of Tangata Whenua in resource management⁵⁸

Enhancement of Tangata Whenua participation in resource management by The Act places an obligation on people and organisations to take into account the principles of the Treaty of Waitangi, and to consult with Tangata Whenua. To do so effectively requires goodwill, trust and communication. further⁵⁹ developing meaningful relationships, through understanding and learning which take into account the unique roles and responsibilities of

⁵¹ Minor amendment to notified text – removal of author's note

⁵² Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁵³ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁵⁴ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁵⁵ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁵⁶ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁵⁷ Submission 3.2 – Te Kaahui o Rauru

⁵⁸ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁵⁹ Minor amendment to improve clarity

Tangata Whenua ~~and the Council is essential~~, but how this will be actioned is not really a District Plan matter. It is important however, that a A commitment is made to go beyond consultation and consider the further⁶⁰ processes available for active participation by Tangata Whenua, for example through joint decision making and building capacity⁶¹.

15.2.2 Recognition of Māori culture and traditions⁶²

Contemporary and⁶³ traditional practices and beliefs in resource management are recognised and valued.

15.2.3 Use, development and protection of Māori land

~~The marae is the centre of Māori communal life. In many cases it provides a focus for spiritual and secular activity. Providing for the development of marae and associated activities in a manner which recognises traditional values and current day expectations is essential. This should be carried out in a way which avoids, remedies or mitigates any adverse effects on the environment. Multiple ownership of Māori land places restrictions on development and use which are outside the control or influences of resource management. In some cases, partitioning or subdivision of Māori land is required to meet the requirements of the Council, eg when being disposed of outside the hāpu. Consideration of the implications of this for the provision of esplanade reserves and access to waterways and the coast is a resource management matter. (moved to 15.1.3)~~⁶⁴

15.2.4⁶⁵ *Development of Māori land that sustainably achieves Tangata Whenua aspirations.*

15.2.5⁶⁶ *Development reflects a culturally inclusive community.*

15.2.6⁶⁷ *Development that avoids or mitigates adverse effect on the cultural values of items and places of significance to Tangata Whenua, hāpu or whānau.*

15.2.7 Development and Māori values

⁶⁰ Minor amendment to improve clarity

⁶¹ Submission 3.2 – Te Kaahui o Rauru

⁶² Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁶³ Submission 3.2 – Te Kaahui o Rauru

⁶⁴ Minor amendment to notified text – removal of author's note

⁶⁵ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁶⁶ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁶⁷ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

Development that avoids or mitigates adverse effects on the cultural values of items and places of significance to Māori.

~~(Duplication)~~⁶⁸

15.3 POLICIES ~~(not yet reviewed)~~

15.3.1 **Promote the Tangata Whenua Māori role in resource management**⁶⁹

Promote knowledge and understanding of the Tangata Whenua Māori legislative and cultural roles⁷⁰ in resource management. To recognise the relationship of Tangata Whenua Māori with their land and other resources requires an understanding within the Council and the community as to what it means within the District. For this information to be circulated within the community requires Tangata Whenua approval. Improved knowledge about the significance of resources such as the Whanganui River (as the tribal symbol of Whanganui Iwi) can assist. Improving the understanding of the community of its resource management responsibilities reduces the potential for conflict later. Encouraging consultation with Iwi and hāpu groups prior to development proposals being placed before the Council may also assist.

15.3.2 **Communication between Tangata Whenua and Council**⁷¹

Develop a framework for and maintain open communication and participation between Tangata Whenua and the Council in resource management matters.

The main features of Open communication this framework will be to provide a vehicle for⁷² participation by Tangata Whenua in resource management matters in a way which recognises the partnership principle of the Treaty, and ensures recognition of tikanga Māori in the processes and practices of the Council, in areas of significance to Tangata Whenua. This does not mean that Tangata Whenua Māori principles take precedence, but that these areas will be discussed and agreed between the Council and Tangata Whenua. Implementation will depend on the issues involved and the agreements reached.

⁶⁸ Minor amendment to notified text – removal of author's note

⁶⁹ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁷⁰ Submission 3.2 – Te Kaahui o Rauru

⁷¹ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁷² Minor amendment to improve clarity

15.3.3 Protection of sites and places of value to Tangata Whenua Māori⁷³

While many archaeological sites of Iwi significance have been identified and are protected in the District Plan, all other⁷⁴ waahi tapu sites also⁷⁵ require protection.

Note: Sites of value to Tangata Whenua Māori may include include but are not limited to⁷⁶ marae, waahi tapu (canoe landing sites, burial grounds [urupā], battlefields, islands, and areas of spiritual significance) and taonga (rivers, lakes, waterways, mountains, wildlife species and plants). An important consideration in the protection of Tangata Whenua Māori sites is the need to ensure protection from deliberate or accidental interference or destruction. This includes finding and implementing methods to protect the information from common usage, but to ensure the location of sites is identified in some way to intending developers.

15.3.4 Recognise the Importance of Marae

Provide for and recognise the importance of marae to Tangata Whenua.

Provision for marae throughout the urban and rural areas of the District necessitates the identification of these in the Plan. Future development of marae and associated facilities should be permitted, providing the development is sustainable in terms of the environment in which each is located. The effects of development on the environment generally relates to addressing issues such as drainage, waste disposal, access and parking and amenity.

15.3.5 Provide for Sustainable use of multiple-owned land

The Council's role in respect of multiple-owned land is in two situations. Firstly, where it is being subdivided for sale outside of the hāpu, and secondly, where the effects of activities or use of the land are controlled by the Council, eg papakainga development and the issue of building consents. Any development of that type should meet the District-wide requirements which relate to the environment in which it is being carried out.

15.3.4 To take into account any management plans and statements of associations prepared by Tangata Whenua when considering resource consents. To date this includes (but is not limited to):

⁷³ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁷⁴ Minor amendment to improve clarity

⁷⁵ Minor amendment to improve clarity

⁷⁶ Submission 3.2 – Te Kaahui o Rauru

- The Whangaehu River Statement of Association
- The Te Awa Tupua (Whanganui River Claims Settlement) Act 2017
- Ngaa Rauru Kiitahi Puutaiao Management Plan
- The Statutory Acknowledgement for the Nukumarū Recreational Reserve⁷⁷

15.3.615.3.5⁷⁸ *To enable Papakainga or marae developments to be established by Tangata Whenua, hāpu or whānau.*

15.3.715.3.6⁷⁹ *To enable Tangata Whenua to design papakainga and marae developments in accordance with cultural needs, subject to relevant legislation and District Plan requirements.*

15.3.815.3.7⁸⁰ *Ensure that adverse effects beyond the outer boundary of papakainga or marae developments are avoided, remedied or mitigated.*

15.4 RULES

15.4.1 Permitted activities

All activities shall comply with Performance Standards and District-wide rules where relevant.

The following are permitted activities in all zones:

- a. *Papakainga or marae development or activity on ancestral land that comply with the zone performance standards at the outer boundary.*

15.4.2 Restricted Discretionary Activities

The following are restricted discretionary activities:

- a. *Papakainga or marae development or activity on ancestral land that does not comply with any relevant zone performance standard, at the outer boundary.*

Council restricts its discretion to the following matters:

- i. *The effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliance.*

15.4.3 Discretionary Activities

⁷⁷ Submission 3.2 – Te Kaahui o Rauru

⁷⁸ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁷⁹ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

⁸⁰ Minor amendment to be consistent with the rest of the reviewed District Plan provisions

The following are discretionary activities:

- a. Papakainga or marae development or activity on land that does not comply with the District Plan definition of ancestral land*.*