

Report to Statutory Management Committee

Date: 31 May 2017

Councillors

WHANGANUI DISTRICT COUNCIL

Subject: **Section 42a Officers Report**
Proposed Plan Change 50 – Tangata Whenua

Meeting Date: **11 July 2017**

Prepared for Chief Executive by: **Rachael Pull**

1.0 SUMMARY

- 1.1 Council is presently reviewing the District Plan in phases. This Plan Change relates to the overarching principles directly related to Tangata Whenua, although it is acknowledged that there are provisions relating to Tangata Whenua throughout the Plan and other Council documents.
- 1.2 The purpose of Proposed Plan Change 50 (PC50) is to update, in liaison with Tangata Whenua, the information likely to be most useful for Plan users such as Treaty Settlement implications, provision of appropriate iwi contacts, processes and protocols for engagement for Plan review and resource consent matters.

RECOMMENDATIONS (Of the Statutory Management Committee)

That the Council:

1. receives the report.
2. adopts the Decisions Report including the evaluation required under section 32AA of the Resource Management Act 1991.
3. accepts, accepts in part or rejects the submissions as set out in Section 7 of the Report for the reasons given.
4. adopts Proposed Plan Change 50 to the Whanganui District Plan.

Appendices:

1. **Copy of the Public Notices**
2. **Submissions Received**
3. **Proposed District Plan provisions – clean text**
4. **Proposed District Plan provisions – marked up text**
5. **Proposed Appendix D – Statutory Acknowledgements**
6. **Section 32AA Evaluation**

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2.0 INTRODUCTION

- 2.1 The current Tangata Whenua section of the District Plan was drafted over 20 years ago, in the early days of the Resource Management Act (RMA). Much has happened and changed since then. Whanganui has experienced and learned from the Pakaitore occupation which was a significant catalyst for change in our community and at Council. Long-term formal, robust and evolving relationship agreements have been developed between the Council and Tamaupoko and Tupoho. Informal arrangements exist between the Council and Ngā Wairiki Ngāti Apa and Ngāa Rauru Kītahi. Both Ngāa Rauru Kītahi and Ngā Wairiki Ngāti Apa have settled their Treaty claims with the Crown. The Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 has established the legal identity of Te Awa Tupua which will have direct and indirect implications for Council processes. The Whanganui land claim report has been delivered and negotiations are in progress.
- 2.2 The above relationship agreements with Tamaupoko and Tupoho and developments have resulted in progress in a number of areas for river iwi in respect to resource management and district plan matters:
- Engagement of Iwi representatives on the District Plan Review Working Party.
 - Iwi members training as RMA hearing commissioners.
 - Agreement on using the District Plan to present iwi archaeological information.
 - Collaboratively working through to set up the Outstanding Natural Landscapes – Tamaupoko and Tupoho Landscape Project 2016.
 - Iwi initiation of a process with Whanganui District Council to explore ways to map cultural heritage information spatially.
 - Growing understanding of Iwi cultural perspectives by Council policy officers.
- 2.3 Development of Te Matapihi ki Tangaroa – an accord between Tangata Whenua and Council in regards to the wastewater treatment plant.
- 2.4 These developments reflect progress towards a collaborative resource management system which is working towards co-governance and co-management. The growing understanding and capacity building for all involved provides a shared cultural context for the Plan and its operation. A significant potential addition will be guidance from future iwi management plans, as provided for under the RMA.
- 2.5 When the Plan Change was notified, the following content was reviewed:
- The Tangata Whenua sections of Chapter One (Introduction).

- Chapter 15 (Tangata Whenua and Papakainga). Note: the Papakainga content was added by PC 37 in 2013 and is not subject to this review.

Since notification, Plan Change 51 (Miscellaneous) has become operative, which moved the Tangata Whenua Sections in Chapter 1 to the start of Chapter 15. Therefore the marked up text for this hearing report and decision report assesses all the relevant text from both chapters within the Tangata Whenua Chapter (15), even though the notification report referred to Chapter 1.

The only provisions affected by this Plan Change in Chapter 15 are:

- The introduction (excluding paragraph 13 on Papakainga)
- Issues (15.1.1 to 15.1.3 and 15.1.7 to 15.1.9)
- Objectives (15.2.1 to 15.2.3 and 15.2.7)
- Policies (15.3.1 to 15.3.5)

Rules within Chapter 15 are beyond the scope of this Plan change as they were introduced in Plan Change 37 (Papakainga) in 2014.

Associated changes to Chapter 2 (Definitions) and Chapter 10 (Natural Environment) has also occurred as a result of reviewing this topic.

3.0 PROPOSED PLAN CHANGE

3.1 Purpose

The purpose of proposed PC50 is to update, in liaison with Tangata Whenua, the information likely to be most useful for Plan users such as Treaty Settlement implications, provision of appropriate iwi contacts, processes and protocols for engagement for Plan review and resource consent matters.

3.2 Background Research

The current provisions of the District Plan relating to Tangata Whenua are no longer relevant for Whanganui today. Since they were drafted, Council and Iwi have made significant progress in working together.

Councils around the country have been recognising Māori values within the RMA, by the development of joint-management agreements, iwi management plans and the newly legislated mana whakahono a rohe (Iwi participation arrangements). The District Plan needs to be encouraging of these different methods.

Tangata Whenua have also experienced changes during the past twenty years with some treaty settlements being made and increased knowledge and skill in relation to RMA rights and obligations.

4.0 **PROCEDURAL MATTERS**

4.1 **Consultation Summary**

Consultation with a range of stake holders, in accordance with the requirements of Schedule 1, was undertaken in formulating the proposed Plan change.

Consultation and collaborative effort with Iwi via representatives from the four runanga of the District has greatly improved the content of the proposed Plan Change. In mid-2016 Council planners prepared a paper to facilitate discussion with iwi representatives. This was followed by a draft text document which indicated the proposed plan wording. The iwi representatives on the District Plan Working Party agreed that the way forward was to make relevant modifications to the original material, deleting information which was no longer relevant, giving the present state of progress and setting out aspirations for the future.

Consultation during the Plan text drafting has included:

Time	Stakeholders involved	Activity	Response
26 May, 21 July, 18 August, 15 September 2016	Tamaupoko, Tupoho representatives on the District Plan Working Party	Discussion about the options for the Plan Change process and content	
24 June 2016	Ngaa Rauru Kiitahi, Tamaupoko, Tupoho and Ngati Apa	Letter introducing the topic	
5 August 2016	Ngaa Rauru Kiitahi, Tamaupoko, Tupoho and Ngati Apa	Discussion paper circulated	
8 August 2016	Daryn Te Uamairangi, Tamaupoko	Feedback on discussion paper from Tamaupoko	Amendments and additions made to draft text
19 August 2016	Nicola Patrick, Ngaa Rauru Kiitahi	Met to discuss the topic	Ngaa Rauru Kiitahi were awaiting further information
25 August 2016	Tupoho representatives	Feedback on discussion paper from Tupoho	Minor amendments made to draft text
21 September 2016	Ngaa Rauru Kiitahi, Tamaupoko, Tupoho and Ngati Apa and District	A draft District Plan chapter circulated for final review prior to formal public	

	Plan Working Party.	notification	
7 October 2016	Tupoho representatives	Provided feedback and approval	Draft text approved

4.2 Key Statistics

PC50 was publicly notified in accordance with Clause 5 of the 1st Schedule of the RMA on 10th December 2016, with the period for submissions closing on Tuesday 31st January 2017. A copy of the public notice is included as Appendix 1.

A total of four submissions, were received at the close of submissions. Copies of submissions received are included in Appendix 2.

All submissions received were summarised and the decisions requested by submitters were publicly notified in accordance with Clause 7 of the First Schedule of the RMA. The further submission process closed on 24th February 2017. Three further submissions were received.

5.0 STATUTORY AND LEGISLATIVE FRAMEWORK

5.1 Resource Management Act 1991

Section 74 of the RMA requires the Council to change the District Plan in accordance with its functions under Section 31, the purpose of the RMA in section 5 and the other matters under sections 6, 7 and 8.

Territorial authorities have the following functions under the Act:

31 Functions of territorial authorities under this Act

1. *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - a. *The establishment, implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources.*
2. *The methods used to carry out any of the functions under subsection (1) may include the control of subdivision.*

The Council is given these functions for the purpose of promoting the sustainable management of natural and physical resources, which is defined:

5(2) 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.*

In accordance with Section 5 of the RMA, PC50 has been developed with a focus on providing for the community's social and cultural wellbeing.

Other Part 2 matters which influenced this Plan change are:

6 Matters of national importance

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 recognise and provide for the following matters of national importance:

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(g) the protection of protected customary rights.

7 Other matters

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 have particular regard to—

(a) kaitiakitanga:

(aa) the ethic of stewardship:

8 Treaty of Waitangi

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).

Plan Change 50 plays an important supporting role in ensuring that Council acknowledges and meets its obligations under sections 6, 7 and 8 of the RMA.

5.2 National Policy Statements and Environmental Standards

There are no national policy statements or national environmental standards relevant to this Plan change.

5.3 Regional Policy Statement and Regional Plan (the One Plan)

Sections 75 (3) and (4) of the RMA require that a district plan must give effect to any regional policy statement and must not be inconsistent with any regional plan. Horizons Regional Council's One Plan contains issues, objectives and policies relating to Tangata Whenua, however only those relating to the District Plan are assessed below¹.

The One Plan became operative on 19 December 2014.

Table 1

One Plan Chapter 2		Proposed Plan Change 50																								
Objectives / Whāinga	Policy / Kaupapa	Evaluation																								
<p>Objective 2-1: Resource management <i>Te whakahaere rauemi</i></p> <p>(a) To have regard to the <i>mauri</i>* of natural and physical resources[^] to enable <i>hapū</i>* and <i>iwi</i>* to provide for their social, economic and cultural wellbeing.</p> <p><i>Kia aro atu ki te mauri o ngā rauemi māori - ōkiko hoki - hei oranga haporiōhanga hoki, tikanga hoki mō ngā hapū me ngā iwi.</i></p> <p>(b) <i>Kaitiakitanga</i>[^] must be given particular regard and the relationship of <i>hapū</i>* and <i>iwi</i>* with their ancestral <i>lands</i>[^], <i>water</i>[^], <i>sites</i>[^], <i>wāhi tapu</i>* and other <i>taonga</i>* (including <i>wāhi tūpuna</i>*) must be recognised and provided for through resource management processes.</p> <p><i>Ka mate ka tino arohia te kaitiakitanga, ā, ka mate ka whakamanatia te hononga o ngā hapū me ngā iwi ki ō rātou whenua tūpuna, wai, papa, wāhi tapu hoki me ētahi atu taonga (pērā i ngā wāhi tūpuna), ā, ka whakaratonga mā ngā tukanga whakahaere rauemi.</i></p>	<p>Policy 2-2: <i>Wāhi tapu</i>*, <i>wāhi tūpuna</i>* and other <i>sites</i>* of significance</p> <p><i>Ko ngā wāhi tapu, wāhi tūpuna hoki me ētahi atu papa hirahira</i></p> <p>(a) <i>Wāhi tapu</i>*, <i>wāhi tūpuna</i>* and other <i>sites</i>* of significance to Māori identified:</p> <p><i>Kua tautuhia ngā wāhi tapu me ngā wāhi tūpuna me ētahi atu wāhi hirahira ki te Māori:</i></p> <p>(i) In the Regional Coastal Plan and <i>district plans</i>[^],</p> <p>(ii) as historic reserves under the Reserves Act 1977,</p> <p>(iii) as Māori reserves under the Te Ture Whenua Māori Act 1993,</p> <p>(iv) as sites recorded in the New Zealand Archaeological Association's Site Recording Scheme, and</p> <p>(v) as registered sites under the Historic Places Act 1993</p> <p><i>(i) kei roto i te Mahere Takutai ā-Rohe me ngā mahere ā-takiwā,</i></p> <p><i>(ii) hei Historic Reserves i raro i te Reserves Act 1977,</i></p> <p><i>(iii) hei Māori Reserves i raro i Te Ture Whenua 1993,</i></p> <p><i>(iv) hei wāhi kua rēhitatia mā te Site Recording Scheme o te New Zealand Archaeological Association, ā</i></p> <p><i>(v) hei wāhi kua rēhitatia i raro i te Historic Places Act 1993</i></p> <p>Te Ao Māori 2-12 One Plan - 2014</p> <p>must be protected from inappropriate subdivision, use or development that would cause adverse effects[^] on the qualities and features which contribute to the values of these <i>sites</i>*.</p> <p><i>ka whakamarumarutia i te hē o te wehewehe whenua, te whakamahi whenua, whakaahu whenua rānei e puta ai pea he pānga kino ki ngā painga me ngā āhuetanga ka pā ki te ūara o ēnei wāhi...</i></p> <p>Policy 2-4: Other resource management issues</p> <p>Table 2.1 Resource management issues of significance to <i>hapū</i>* and <i>iwi</i>*</p> <table border="1"> <thead> <tr> <th>Resource issue of significance to <i>hapū</i>* and <i>iwi</i>*</th><th>Resource issue in the context of <i>tikanga</i> Māori[^]</th><th>Relevant part of One Plan where issue is addressed</th></tr> <tr> <th><i>He take rauemi e hirahira ana ki ngā hapū me ngā iwi</i></th><th><i>He take rauemi me te tikanga Māori</i></th><th><i>Te wāhanga o te One Plan ka kōrerotia te take</i></th></tr> </thead> <tbody> <tr> <td>(q) Monitoring and enforcement of environmental standards, including those contained in regional plans[^], district plans[^] and resource consents[^], are insufficient at times.</td><td>Te aroturuki me te ūruhitanga (monitoring and enforcement)</td><td>Monitoring and enforcement</td></tr> <tr> <td><i>I ētahi wā he iti rawa te aroturuki me te ūruhitanga o ngā taumata talao pērā ki ērā kei roto i ngā mahere rohe, ngā mahere takiwā, me ngā whakaetanga rauemi.</i></td><td><i>Te aroturuki me te ūruhitanga</i></td><td><i>Te aroturuki me te ūruhitanga</i></td></tr> <tr> <td></td><td>Māori wish to see a greater level of monitoring undertaken for resource use activities. Many Māori also wish to see those who do not comply with resource consent[^] or permitted activity[^] conditions[^] undertake remedial work to remedy their actions.</td><td>Chapter 12</td></tr> <tr> <td></td><td><i>Ko te pirangi o te Māori kia nui ake te aroturuki ka mahia hei ngohe whakamahi rauemi. 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¹ Majority of the One Plan provisions relate to how Horizons Regional Council will meet their statutory duty to recognise and take into account *iwi* cultural perspectives.

6.0 **Section 32 Evaluation**

- 6.1 The RMA requires that when a council undertakes a plan change that it produce a report evaluating the costs and benefits of primary options considered. This is known as a Section 32 evaluation.
- 6.2 A re-evaluation of that initial section 32 report has been completed as required by s32AA of the RMA to assess amendments that are now proposed as a result of submissions. (Refer to Appendix 6)

7.0 **SUBMISSION ANALYSIS**

The following are the assessment of submissions and further submissions with recommendations by the Planning Officer.

7.1 **Submitter Name:** **Whanganui District Council**

Submission No: 1.1

Summary:

Support the plan change. Requesting amendments to the definitions that relate to this topic and use within the District Plan.

Decision Sought:

That the following definitions be **retained**:

Kaitiakitanga, Papakāinga, Taonga, Urupā

That the following definitions be **amended**:

Hapū, Iwi, Marae, Tangata Whenua, Wāhi Tapu, Whānau

That the following definitions be **deleted**:

Kaitiaki, Kaumatua housing, Kawanatanga, Mana Whenua, Rahui, Tikanga Māori, Tino Rangatiratanga, Tribal Runanga

7.2 **Submitter Name:** **Ngā Tāngata Tiaki o Whanganui**

Submission No: 2.1

Summary:

Support the Plan Change. Request amendments to improve references within the Plan.

Decision Sought:

The addition of a paragraph to recognise the Treaty of Waitangi/Te Tiriti o Waitangi.

Standardise the wording within the document.

Referances to Ngā Tāngata Tiaki should be referred to by its full name: Ngā Tāngata Tiaki o Whanganui Trust.

7.3 Officer Comments Relating to Submissions 1.1 & 2.1:***Definitions and standardised wording: Response to Submitters 1.1 & 2.1***

1. The deletion, retention and amending of definitions will provide clarity to Plan users as to the intent of the issues, objectives and policies as detailed in the submission.
2. It is appropriate that these definitions be reviewed as part of this Plan Change as indicated in Plan Change 51 (Miscellaneous - which reviewed all definitions) because the definitions are Tangata Whenua specific, and not standardized (except where quoting the RMA).
3. Throughout the draft text, Tangata Whenua are referred to in a number of ways, including: 'māori', 'iwi', 'hāpu' and 'Tangata Whenua'. The RMA refers to 'Māori' which the Plan duplicates when referring to RMA provisions. For the rest of the Plan, it is recommended that the terms are standardized as requested by the submitter to 'Tangata Whenua' so it is clear that the provisions relate to groups with a connection to part of the Whanganui District rather than all iwi.
4. It is agreed that Ngā Tāngata Tiaki o Whanganui Trust should be referred to by its full name: Ngā Tāngata Tiaki o Whanganui Trust. The same respect should be shown to all iwi organisations referred to within the District Plan.
5. Ngā Tāngata Tiaki o Whanganui Trust also requested amendments to improve references within the Plan. As a result of this, it is recommended that the sentence in the Introduction to Chapter 15 discussing the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017 be updated to reflect that the legislation passed.

Treaty of Waitangi/Te Tiriti o Waitangi: Response to submitter 2.1 (also raised by submitter 3.1)

6. Submitter 2.1 was concerned about the lack of reference to the Treaty of Waitangi, given its prominence both within the RMA and the Local Government Act (2004).
7. Given that one of the purposes of this Plan Change is to provide information to Plan users about the Treaty and the treaty settlement implications, it makes sense to provide additional information about the Treaty.
8. Additional information is recommended for the Introduction to Chapter 15 to acknowledge that the Treaty is one of the founding documents to consider. An addition to the first paragraph to give a brief overview and a more detailed description located at paragraph five based on the Māori Heritage Council and the Waitangi Tribunal's interpretation of the Treaty principles will achieve this.

7.4 Officer Recommendation

That submissions 1.1 and 2.1 from Whanganui District Council and Ngā Tāngata Tiaki o Whanganui Trust be **accepted in full**.

The following amendments are recommended as a result of these submissions:

Amend definitions in Chapter 2: Definitions as set out below:

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.

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.

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

Kaumatua housing: means housing for Māori elders.

Kawanatanga: means the act of governing, or government.

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

Marae: For the purposes of this Plan, means the land and buildings (meeting house/ wharehau, 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.

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

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.

Tikanga Māori*: means Māori customary values and practices.

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

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

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.

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.

Chapter 15 – Tangata Whenua

Amend text to standardise wording and refer to all Iwi organisations by their full name.

Introduction

Add to the end of paragraph one as follows:

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.

Insert as paragraph five as follows:

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

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.

Amend paragraph six as follows:

Informal arrangements exist between the Council and Ngā Wairiki Ngāti Apa and Ngāa Rauru Kītahi. Both Ngāa Rauru Kītahi and Ngā Wairiki Ngāti Apa have settled their Treaty claims with the Crown.

Delete paragraph eight and replace as follows:

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, 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. The Whanganui Land Settlement Group claim report for Te Atihaunui-a-Paparangi hapū has been delivered and negotiations are in progress.

7.5 Submitter Name: [Te Kaahui o Rauru](#)

Submission No: 3.1

Summary:

Support the Plan Change. Request amendments to strengthen and improve references within the Plan and activities outside it. Requests better consultation processes for both Plan changes and general Council activities.

Decision Sought:

1. Reference to include the relevant statutory acknowledgement areas and Puutaiao Management Plan in chapters 10 and 15.
2. Include reference in the Methods section to support implementation.
3. Balance the relationship with Whanganui Iwi with Ngaa Rauru Kiitahi.
4. Reference the Iwi Accord developed for the wastewater treatment plan consent.
5. Reference the Treaty of Waitangi and its principles better within Chapter 15.
6. Provision made within the planning document to provide resources to Tangata Whenua.
7. Refer to Ngaa Rauru Kiitahi by its full name.

7.6 Submitter Name: [Te Runanga O Tupoho](#)

Further Submission No: 1

Summary:

Opposed in part to submission 3 in relation to the area claimed by Ngaa Rauru Kiitahi.

Decision Sought:

That the area that Ngaa Rauru Kiitahi have mana whenua over within the Whanganui District be limited to the land between the Kai Iwi Steam and western boundary.

7.7 Submitter Name: [Te Kaahui o Rauru](#)

Submission No: 3.2

Summary:

Support the Plan Change. Request amendments to strengthen and improve content of Chapter 15.

Decision Sought:

1. Within the Introduction to Chapter 15
 - a. Need to reference Tangata Whenua as Treaty Partners.
 - b. Amend the term “sharing of management with the whole community”
 - c. No recognition of Kaitiakitanga.
 - d. No explanation how the Treaty principles are taken into account.
 - e. How does this chapter support the One Plan commitments to Tangata Whenua?
 - f. Grouping all Iwi together in paragraph 2² confuses the issue as to the ‘progress’. Ngaa Rauru Kiitahi are not represented equally on this progress.
 - g. Need better explanation/acknowledgement as to which iwi/hāpu/marae has mana whenua and where etc.
2. Issues
 - Issue 15.1.1 should be amended to reference building capacity and understanding in both directions (and creating associated methods). Reference should also be made to Department of Conservation land under Council control and how Tangata Whenua

² In the marked up text for the Hearing Report this paragraph is referred to as paragraph 9.

can be involved in the management and transfer of reserve land and other assets.

- Issue 15.1.2 should be amended to cover present as well as future generations. The description of Kaitiakitanga should be deleted as it dilutes its meaning. Each Iwi have their own explanation and stories and this should be mentioned here or at least reference the Puutaiao Management Plan.
- Reference of the statutory acknowledgement areas, water bodies and other areas are missing. Also special information such as the sites of significance which can be viewed in the Management Plan.
- Issue 15.1.3 Amend the numbering reference in this issue as it is current unclear.
- Issue 15.1.8 Amend this issue to include the kaitiaki role which is not well understood. This will help the Plan user.

3. Objectives

- Objective 15.2.1 Amend to include active two way decision making and learning. Also how to resource Tangata Whenua in key processes.
- Objective 15.2.2 Amend to include contemporary practices as well as traditional.
- Objectives 15.2.4-6 Although not part of this Plan Change, this submission recommends inclusion of text to reference a strong Treaty-based relationship.

4. Policies

- Policy 15.3.1 Amend to include cultural and legislative roles within resource management. Also need to reference more than consultation, but instead move towards co-governance and joint decision making.
- Addition of a policy to support collaboration/co-governance/co-management, so that this is undertaken where there is the opportunity to do so.
- Addition of an objective/policy around “Enhancing Tangata Whenua engagement”. The Management Plan provides several methods for achieving this.
- Policy 15.3.2 Amend wording as current wording undermines the intent of the Treaty principle. Recommended that the word principle is replaced with obligation to help the Plan user understand that these are statutory acknowledgements.

Recommend strengthening policy so open communication regarding issues like the Port and sewerage spill occurs.

- Policy 15.3.3 Amend “may include” to “including but not limited to”.

5. Rules

- Amend this section to include rules related to the relationship and resource management. Reference to the statutory acknowledgement areas may be appropriate.

7.8 Submitter Name: [Horizons Regional Council](#)

Submission No: 4.1

Summary:

Support the Plan Change. Request amendments to strengthen and improve content of Chapter 15.

Decision Sought:

No changes.

7.9 Submitter Name: [Mr. Ian Brougham](#)

Further Submission No: 2

Summary:

Opposed to all four submissions in their support of this Plan Change. In particular the term “Tangata Whenua” which does not relate to Māori. The Tiriti o Waitangi does not refer to “Tangata Whenua”.

Decision Sought:

That the Council investigate our True New Zealand History.

7.10 Submitter Name: [One New Zealand Foundation Inc](#)

Further Submission No: 3

Summary:

Opposed to all four submissions in their support of this Plan Change. In particular:

1. The term “Tangata Whenua” which does not relate to Māori.
2. There being a relationship between “Māori and the Crown”

Decision Sought:

That the wording of the District Plan be corrected to reflect New Zealand’s ‘True’ History.

7.11 Officer Comments Relating to Submissions 3, 4.1 and FS1-3:***Broad submission points: Response to Submission 3.1, 3.2 and 4.1***

1. Ngaa Rauru Kiitahi requested reference to the relevant **statutory acknowledgement areas** and their management plan in Chapters 10 (Natural Environment) and 15 (Tangata Whenua). This is a legal requirement of most settlement legislation³. Therefore, in order to be compliant, it is recommended that the statutory acknowledgement areas for all Treaty Settlements⁴ be updated in Chapters 10 and 15 and a more detailed explanation of them are provided in Appendix D of the District Plan. Reference to the Te Kaahui o Rauru Puutaiao Management Plan (2013) will also be made in Chapters 10 and 15.
2. Ngaa Rauru Kiitahi requested reference to the **methods** section to support implementation. The methods section of the District Plan was removed as part of Plan Change 51 (Miscellaneous). This was because the methods were either redundant, no longer followed best practice principles or sat outside the Plan and/or RMA process. Ngaa Rauru Kiitahi are particularly keen to retain methods relating to liaising/working with Tangata Whenua.

Because I have no reason to believe that the decision to remove the methods was flawed, it is recommended that instead of reinstating the methods chapter of the Plan, that Council and Ngaa Rauru Kiitahi continue to work towards a potential partnership agreement (whether a Memorandum of Understanding or a Mana Whakahono a Rohe) where these types of process-based agreements can be made.

Regardless of the former methods section or any partnership agreement, Council will still have obligations as stated in the RMA and Local Government Act 2002 to work with Tangata Whenua to meet its statutory requirements.

3. Ngaa Rauru Kiitahi have also commented that the **relationship** between different Iwi groups and Council is unbalanced. Council has a duty under the principles of the Treaty of Waitangi to act fairly between Māori groups and not to unfairly advantage one group over another⁵. Within the District Plan document this involves acknowledging, referencing and referring to all known Iwi groups that claim to be Tangata Whenua within the District boundaries and treating information received from each group fairly and on its merits. The Plan reflects this by listing recent planning progress made with various Iwi.

³ Section 45(2); Ngaa Rauru Kiitahi Claims Settlement Act 2005 and Section 32(2); Ngāti Apa (North Island) Claims Settlement Act 2010

⁴ The land settlement part of the Treaty Settlement for Tamaupoko and Tupoho and the Treaty Settlement for Ngāti Rangī have not yet been passed into law and therefore cannot be referenced in Appendix D at this time.

⁵ As stated on the Waitangi Tribunal website accessed on 20 May 2017.
<https://www.waitangitribunal.govt.nz/treaty-of-waitangi/principles-of-the-treaty/>

The list of recent planning progress is recommended to be amended as a result of this submission to more accurately acknowledge the varying maturity of relationships Council has with Tangata Whenua of the District. These relationships are dynamic and will continue to evolve throughout the life of this Plan.

4. Ngaa Rauru Kiitahi have also requested reference to the **Iwi Accord** developed for the wastewater treatment plan. It was not signed at the time of the drafting of this Plan Change or Hearing Report. There is no evidence yet that it is effective as an example of Council and all Tangata Whenua working together, therefore, it is recommended that it is not referenced at this time.
5. Ngaa Rauru Kiitahi and Ngā Tāngata Tiaki o Whanganui (Submitter 2) both requested better reference to the **Treaty of Waitangi** and its principles. As this is a key document which guides the relationship between the Crown and Māori and the principles guide and influence the District Plan processes. The proposed text is amended to provide more clarity and explanation of the Treaty. The statement of principles recommended to be included in the Plan is largely based on the One Plan text and are consistent with the Waitangi Tribunal website and the Māori Heritage Council.
6. Ngaa Rauru Kiitahi request that the District Plan provide **resources** to Tangata Whenua. The purpose of the Plan Change is to provide information to Plan users. The District Plan does not allocate financial resources. This request is beyond the scope this Plan change. Financial planning is a full Council decision (via the Annual Plan or Ten Year Plan) in accordance with the Local Government Act 2002.
7. It is agreed that Ngaa Rauru Kiitahi should be referred to by its **full name**: Ngaa Rauru Kiitahi. The same respect should be shown to all iwi organisations referred to within the District Plan.
8. Horizons Regional Council (Submission 4.1) has provided a submission in **general support** of the Plan change and requests that any changes from the notified text strengthen and improve the content of the Plan change. The changes recommended as a result of the submissions received will greatly improve the content of Chapter 15.

<i>Introduction: Partial response to Submission 3.2</i>
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9. It was requested that **Tangata Whenua** be referenced as Treaty Partners. An additional sentence referencing the Treaty was inserted near the start of the Introduction to stress its importance. Using the term “Tangata Whenua” as the Treaty partner with the Crown (even though the term is not directly used within the Treaty as stated in further submissions 2 and 3) provides consistent terminology as requested by submitter 2.1 and is recommended to be accepted.

10. Ngaa Rauru Kiitahi were concerned with the statement '*sharing of management with the whole community*' in paragraph 2 as it could potentially understate government responsibility.

The purpose of the District Plan (and in particular Chapter 15) is to provide for all Plan users, not just Council, information regarding statutory obligations under the RMA to work with and respect Tangata Whenua. Therefore it is recommended that this sentence is re-worded to clarify that these provisions relate to the **community** as well as every level of government.

11. A specific reference to '**Kaitiakitanga**' was requested in the Introduction. It is a defined term in the RMA and has a specific requirement that those making decisions to '*have particular regard*' to. The purpose of this chapter and the review is to provide information and clarity to these types of requirements, therefore it is appropriate to add an additional sentence stating the importance of kaitiakitanga to paragraph 3. Additional information is also provided in Issue 15.1.3.

12. Ngaa Rauru Kiitahi questioned how this chapter supports the **One Plan** commitments to Tangata Whenua. Chapter 2 of the One Plan sets out the issues, objectives, policies and methods for how the Horizons Regional Council will interact with Tangata Whenua and meet their legal requirements within their document. There are only minor references to what Whanganui District Council needs to do to support the One Plan (as assessed in section 5.3 of this report) as a territorial authority preparing a District Plan. Our legal responsibility is to not be inconsistent with regional documents which we have achieved by setting out in Chapter 15 the relevant statutory duties to consider Tangata Whenua. Whanganui District Council's other role as a developer/land user subject to the One Plan requirements is a separate issue outside the scope of the District Plan and this Plan change.

13. There was comment that the Introduction should better explain who has mana whenua where. This is information that would be very useful to Plan users, however we only have this information for Ngaa Rauru Kiitahi, courtesy of their management plan. Therefore it is recommended that a summary of the Ngaa Rauru Kiitahi area be included in the Introduction to the Chapter and that Council insert a description of the other Iwi's **rohe** as information becomes available.

<p>Issues: <i>Partial response to Submission 3.2</i></p>

14. Ngaa Rauru Kiitahi requested that **Issue 15.1.1** should be amended to include understanding of viewpoints by Council and Tangata Whenua and the potential for more collaborative processes like joint management agreements. Issues are about setting out the problem/issue to be resolved by the later provisions, so instead it is recommended that an additional reference is inserted into the Introduction (paragraph 11) providing for this potential

outcome and future successes. The reference to DOC within the submission point was a typographical error by the submitter. And no changes to Issue 15.1.1 are recommended.

15. **Issue 15.1.2** is recommended to be amended as requested by Ngaa Rauru Kiitahi to include present as well as future generations.

16. Ngaa Rauru Kiitahi suggested that the definition of kaitiakitanga in **Issue 15.1.3** be amended to be more encompassing and include whakapapa. As the RMA definition of kaitiakitanga is included in the definition section of the Plan there is the ability to explain the meaning in a more traditional sense in the issue and therefore amendments to this issue to clarify this are recommended.

The suggestion to reference the **Puutaiao Management Plan** within the issue are covered by the amendments to the Introduction and the proposed Policy 15.3.4, which have been seen and provisionally approved by the submitter. Other sites of significance can/have been picked up (with rules attached to protect them) in the heritage, archaeological, natural environment and proposed outstanding natural landscape plan changes. Therefore no further changes to address these issues are recommended.

17. Ngaa Rauru Kiitahi pointed out that with **Issue 15.1.3** that there was no number and therefore the rest of the numbering was incorrect. The provisions should be re-numbered and re-formatted (with the headings removed) in order to be consistent with the rest of the Plan. For clarity's sake, the notified numbers are remaining on the marked up text until decisions are released (with correct numbering beside them) in order to prevent confusion when dealing with submission points.
18. Ngaa Rauru Kiitahi requested to amend **Issue 15.1.8** (now 15.1.9) to include the kaitiaki role and its implementation. As this will help the Plan user, this minor amendment to the issue is recommended to be adopted.

<p>Objectives: <i>Partial response to Submission 3.2</i></p>

19. Ngaa Rauru Kiitahi requested amending **Objective 15.2.1** to include active two way decision making and how to resource Tangata Whenua. As discussed in section 7.11, point 6 of the officer's comments, resourcing is not a function of the District Plan and is beyond the scope of this Plan change.

The purpose of the objective is to set out the goal of working with Tangata Whenua to achieve the purpose of the RMA. Therefore it is recommended that the objective is amended to better reflect the two way decision making and learning as raised by the submitter.

20. **Objective 15.2.2** is recommended to be amended as suggested by Ngaa Rauru Kiitahi to include contemporary practices as well as traditional. This is logical and reflects the changing values of all cultures over time.

21. Ngaa Rauru Kiitahi requested amending **Objectives 15.2.4-6** (which relate to papakainga) to better reflect the Treaty-based relationship. These provisions were inserted as part of Plan Change 37 and are beyond the scope of this Plan change. The proposed explanation of the Treaty relationship and the principles in the introduction to this chapter will provide context to any RMA decisions. No changes are recommended to be made to Objectives 15.2.4-6 as a result of this submission point.

<i>Policies: Partial response to Submission 3.2</i>
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22. Ngaa Rauru Kiitahi requested amending **Policy 15.3.1** to include cultural and legislative roles within resource management and expand beyond consultation. More clarity in the different roles held by Tangata Whenua helps the Plan user understand the viewpoint of Tangata Whenua, and therefore it is recommended to be included in the policy.

The references to co-governance and joint decision making are discussed in the introduction to the Chapter. The intent of this policy is to encourage all Plan users to understand Tangata Whenua values within the RMA context. If co-governance and other models of joint decision making were recorded here it becomes a policy limited to Council and Iwi, instead of everyone and loses its effectiveness. Therefore no further changes beyond clarifying the roles is recommended.

23. A new policy was requested to support **collaboration/co-governance/co-management** which are processes to share governance and decision making responsibilities. Policies are in place to explain how to achieve objectives and assess breaches to the District Plan provisions. With the changes to the text to include/encourage these types of processes in the Introduction to the chapter, the Plan has provided reference. However the only way to enforce these types of shared responsibilities is outside the District Plan in a type of partnership agreement. Therefore a new policy is not the most efficient way to encourage collaboration/co-governance/co-management and is not recommended.
24. A new objective/policy was suggested around “Enhancing Tangata Whenua engagement”. The purpose of **Objective 15.2.1** is about engagement and active participation with Tangata Whenua. Therefore this objective can be expanded to include improving engagement into the future as mentioned in their management plan.
25. Ngaa Rauru Kiitahi requested that within Policy **15.3.2** that the word ‘principle’ is replaced with ‘obligation’. The reasoning behind this request was to emphasise the importance of partnership. However the term ‘principle’ in relation to the Treaty is a legalisation and case law term which gives weight to the importance of partnership. The ‘obligation’ within the Treaty belongs to the Crown, not Council.

There was also a request to strengthen this policy so that communication issues like what was experienced with the Port and sewerage spill at Mowhananu were reduced. Both these issues were outside the scope of the District Plan.

Therefore no amendments are recommended as a result of this submission point.

26. Ngaa Rauru Kiitahi requested that **Policy 15.3.3** is amended to clarify that sites of value are not limited to those listed in the policy. This is recommended to be accepted as it will provide clarity to Plan users.

<p><i>Rules: Partial response to Submission 3.2</i></p>
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27. There was a request to insert rules related to the relationship and resource management. There is no ability regulate with the rules a relationship between Tangata Whenua and Council, because rules need to be a quantifiable measure of a physical effect.
28. There are rules throughout the Plan relating to earthworks, archaeology, town centre design and the natural environment that require Plan users to assess their effect on identified Tangata Whenua values. This chapter provides guidance to developers and Council staff on how to consider those effects and what Tangata Whenua, Council and the community are trying to achieve for the District's future.
29. Reference to the statutory acknowledgement areas is appropriate in terms of meeting the purpose of this Plan Change (usability for Plan users) and is recommended to be added as an appendix to the Plan as a supporting document.

<p><i>The extent of the area claimed by Ngaa Rauru Kiitahi: Partial response to Submitter 3 & Further Submission 1</i></p>

30. Submitter 3 (Ngaa Rauru Kiitahi) has referred to the Te Kaahui o Rauru Puutaiao Management Plan (2013) to establish the area of which they wish to be consulted. This area is: (within Whanganui District) 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
31. Te Runanga O Tupoho have further submitted that based on an agreement between the two Iwi, that the Ngaa Rauru Kiitahi area should be significantly smaller and run only from the Kai Iwi Stream to the District Boundary in the west.
32. In weighing up the evidence provided by the two submissions, it is concluded that it is not for Council to decide the boundary, rather to identify the rohe as requested. It is noted that weight would be given on any resource consent

application or Plan change according to the evidence presented. In this case, Ngaa Rauru Kiitahi have prepared and published a management plan under the RMA, which Council has a legal obligation to ‘take into account’. It is recommended that the District Plan identify the rohe of Ngaa Rauru Kiitahi as they have identified, although it is noted that the area as far as Kai Iwi Stream is also in the rohe of Te Runanga O Tupoho.

33. In terms of RMA processes, this does not limit or restrict Te Runanga O Tupoho area, as it is well known that rohe can overlap. In these instances, Plan users must consult with both iwi.

The term “Tangata Whenua” and New Zealand History: Response to Further Submitters 2 & 3

34. The District Plan is a document prepared under the Resource Management Act (RMA), which sets out Council’s legal requirements. Some of the most relevant sections to this Plan Change include:

Section 2 – Interpretation

Tangata whenua, in relation to a particular area, means the iwi, or hāpu, that holds mana whenua over that area.

Section 6 Matters of national importance

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 recognise and provide for the following matters of national importance...

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

(f) the protection of historic heritage from inappropriate subdivision, use, and development.

(g) the protection of protected customary rights.

Section 7 Other matters

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 have particular regard to—

(a) kaitiakitanga.

(aa) the ethic of stewardship.

Section 8 Treaty of Waitangi

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).

35. Therefore, regardless of what version of history is preferred, Council has a legal responsibility to enact the RMA provisions within the Whanganui District

Plan. The submitters concern is with the legislation at a national level and the documents that inform it, not this particular Plan Change and it is recommended that no changes be made as a result of these submissions.

36. In regards to the objection to there being a relationship between “Māori and the Crown”, I refer to the principles of the Treaty of Waitangi (which in accordance with the RMA must be taken into account) as determined by the Waitangi Tribunal which are: *Partnership, Reciprocity, Autonomy, Active Protection and Equal treatment between different Iwi*. None of these principles can be enacted without a relationship between the two parties. The relationship is further entrenched in law with each piece of Treaty Settlement legislation passed.
37. At a local government level, the latest changes to the RMA allow for Mana Whakahono a Rohe, which is a type of relationship document between Tangata Whenua and council(s) which enable the specific identification of the planned methods to achieve compliance with the statutory obligations to Tangata Whenua under the RMA.
38. It is entirely appropriate to refer to a relationship between the Crown and Māori in this context.

7.12 Officer Recommendations

That submission 4.1 from Horizons Regional Council be **accepted in full**.

That submissions 3.1 and 3.2 from Te Kaahui o Rauru be **accepted in part**.

That further submissions 1, 2 and 3 from Te Runanga O Tupoho, Mr Ian Brougham and One New Zealand Foundation Inc are appreciated and have been considered but the remedies sought be **rejected**.

The following amendments are recommended as a result of these submissions:

Chapter 10 – Natural Environment

Amend the second paragraph in the Introduction to as set out below:

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);
- Ngāa 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 2017 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

Introduction

Add to the end of paragraph one as follows:

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.

Delete paragraph two and replace as follows:

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. In particular the reference to kaitiakitanga, which is a way of managing the environment through guardianship and protection.

Insert as paragraph five and amend paragraph six as follows:

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

Informal arrangements exist between the Council and Ngā Wairiki Ngāti Apa and Ngāa Rauru Kītahi. Both Ngāa Rauru Kītahi and Ngā Wairiki Ngāti Apa have settled their Treaty claims with the Crown.

Insert paragraph seven as follows:

Ngāa Rauru Kītahi 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.

Amend paragraph nine as follows:

Long-term formal, robust and evolving relationship agreements have been developed between the Council and Tamaupoko and Tupoho. The above relationships agreements and developments 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.
- Tangata Whenua initiation of the recording of information for cultural overlay mapping.
- Growing understanding of Tangata Whenua Iwi cultural perspectives by policy officers.
- Provision for recovered kōiwi to be interred at Aramoho Cemetery.

Insert paragraph ten as follows:

Additional relationship building is required with Ngāa Rauru Kītahi 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.

Amend paragraph eleven as follows:

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 agreements.

15.1 Issues

Amend Issues 15.1.2, 15.1.3 and 15.1.9 as follows:

15.1.2 ... Māori identify that their role in respect of land and water is as guardians for current and future generations and this impacts on how land and resources are used, developed and protected.

15.1.3 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. The concept of 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.’ 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. 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.

15.1.9 Māori values and information and the concept of kaitiaki are not always well understood, or respected or implemented correctly in resource management processes.

15.2 Objectives

Amend Objectives 15.2.1 and 15.2.2 as follows:

15.2.1 Enhancement of Tangata Whenua participation in resource management by further developing meaningful relationships, through understanding and learning which take into account the unique roles and responsibilities of Tangata Whenua and the Council is essential. A commitment is made to go beyond consultation and consider the further processes available for active participation by Tangata Whenua, for example through joint decision making and building capacity.

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

15.3 Policies

Amend Policies 15.3.1 and 15.3.3 as follows:

15.3.1 Promote knowledge and understanding of the Tangata Whenua legislative and cultural roles in resource management.

15.3.3 While many archaeological sites of lwi significance have been identified and are protected in the District Plan, all, other wahi tapu sites also require protection.

Note: Sites of value to Tangata Whenua ~~may include~~ include but are not limited to 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).

Insert as Policy 15.3.4 as follows:

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):

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