



Resource Management Act 1991  
Submission on a Publicly  
Notified Plan Change To  
The Whanganui District Plan

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

PC 50 Submission: 003



WHANGANUI  
DISTRICT COUNCIL  
Te Kaunihera a Rohe o Whanganui

TO: Whanganui District Council, PO Box 637, Whanganui

Name: (print in full) Anne-Marie Broughton, Kaiwhakahaere, Te Kaahui o Rauru

This is a submission on Plan Change No. 50 to the Whanganui District Plan. Closing Date: 31/1/17

1. (a) I ~~could~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) I am/~~am not~~\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

Proposed plan change 50 - Tangata Whenua - in its entirety.

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

I wish to have amendments made, as per attached letter.

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

I wish to have amendments made, as per attached letter.

Use additional pages if required

5. I do/~~do not~~\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I would/~~would not~~\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

Te Kaahui o Rauru  
PO Box 18  
Waverley 4544

Signature:

Day time phone No: 06 3465707 (Person making submission or person authorised to sign on behalf of person making submission)

Email: anne-marie@rauru.iwi.nz

Date: 31/1/17

D-246215

# TE KAAHUI O RAURU

NGAA RAURU KIITAHĪ IWI  
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PO BOX 18, WAVERLEY 4544  
PHONE: (06) 346 5707



31 January 2017

Whanganui District Council  
WHANGANUI

Email: [Leayne.Huirua@whanganui.govt.nz](mailto:Leayne.Huirua@whanganui.govt.nz)

Teenaa koe

## **Submission on District Plan's Tangata Whenua Section**

The Tangata Whenua section of the Whanganui District Plan is critical in establishing a genuine approach to working together in our rohe. We appreciate the opportunity to contribute our thoughts as outlined in this letter and the attached Form 5.

It is good to see some progressive elements within the plan, including the recognition of Maaori values. However, there are a number of areas requiring strengthening or amendment. We provide both high level comments then more detailed analysis, and would be happy to meet to discuss our recommendations. We also need to emphasize the need for strong relationships to underpin the words documented, and have been disappointed with recent serious lapses in recognising this, e.g. no proactive contact regarding the two sewerage spills into Mowhanau Stream and no engagement with us in relation to the port redevelopment plan, which is within our rohe. The lack of contact around the sewerage spills is of particular concern given the real health and safety risks and our regular use of this waterway, including by our children on a school holiday programme over the weekend in question.

Before getting into this feedback, we also wish to note our disappointment around the process to release this draft document. We were not given notice that the document was being released over the Christmas period and formal notification was not received until 23 December by letter alone, giving little time to engage with the wider iwi. While we had received a draft in September, there had been no further contact and no feedback provided. We note that Section 32 report states that Nicola Patrick had said "general agreement" on behalf of Ngaa Rauru Kiitahi – this is incorrect and needs amending

It is disappointing that the document does not include the relevant statutory acknowledgement areas established within the Ngaa Rauru Kiitahi settlement legislation, more than 10 years ago. There is also no mention of our Puutaiao Management Plan officially released in 2013, of which the council holds a copy. This management plan includes clear information on Ngaa Rauru Kiitahi's expectations, and even provides a listing of many of our sites of significance.

The draft released for consultation does not include reference to the Methods section of the district plan. It appears this is not under review; however, this chapter would benefit from identified methods to support the implementation. We would be interested to understand how this will be approached.

There is a strong emphasis on the relationship between the council and Whanganui iwi in this draft chapter. We will be seeking a balanced approach to ensure Ngaa Rauru Kiitahi is appropriately represented. This is

a similar theme to that underpinning the letter we wrote to the council in late 2016 to identify our interest in participating in a similar Outstanding Natural Landscapes process to the engagement undertaken with Tupoho and Tamaupoko. Please also ensure Ngaa Rauru Kiitahi is referenced using the full name, not an abbreviated Ngaa Rauru or Nga Rauru version.

The council has taken a progressive and positive approach to the Iwi Accord prompted by the wastewater treatment plant consent, Te Matapihi ki Tangaroa, working across all the Iwi, including Ngaa Rauru Kiitahi. It is surprising this key piece of work is not referenced in this draft chapter and ideas and content have not been carried across. This draft accord contains well developed concepts and descriptions of Maaori values developed collaboratively.

While not included in the current consultation, we note that Chapter 10 of the district plan regarding Natural Environment includes reference to the Whanganui River Treaty settlement and the Whangaehu River, but again does not have reference to the Ngaa Rauru Kiitahi statutory acknowledgement areas. It would be helpful to understand the reason for the omission. We have maps available that illustrate these and other sites of significance, which we are happy to share.

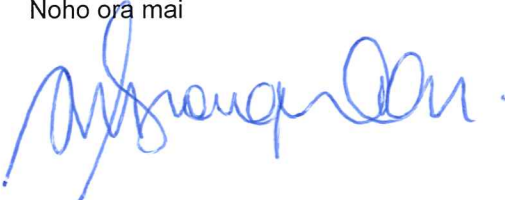
We note the limited mention of the Treaty of Waitangi in this draft chapter. The position of Ngaa Rauru Kiitahi regarding the Treaty of Waitangi principles is that they are also obligations and align to the Treaty as follows:

- Article 1: Rangatira gave the Crown an authority to govern (kawanatanga) in partnership with Rangatira
- Article 2: The Crown promised to protect Rangatiratanga, and
- Article 3: The Crown guaranteed full participation as citizens for whanau as equals to British subjects and without discrimination.

Finally, we note the importance of Tangata Whenua engagement in order that council is able to fulfil its obligations through the planning process. However, this level of engagement requires a high level of specialist expertise and incurs significant cost. We propose that provision should be made within the planning document for council to provide Tangata Whenua with adequate resourcing to participate effectively in this work.

We look forward to working with the council to build a stronger relationship and deeper understanding of Ngaa Rauru Kiitahi and our values. Our more detailed comments are attached in a table format.

Noho ora mai



Anne-Marie Broughton  
**Kaiwhakahaere**



## Specific Comments

Page ref	Proposed content	Comments, amended content or requests
	<p><b>Chapter 1 intro:</b></p> <p><b>Tangata Whenua and the District Plan</b></p> <p><b>Tangata Whenua as Partners</b></p> <p>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. A management regime to care for and protect the environment, based on this cultural and spiritual value system, developed and improved over time. This management is now shared with the whole community, as formalised in the Resource Management Act.</p>	<p>Reference to Tangata Whenua as Treaty partners is missing and needs including.</p> <p>The “sharing of management with the whole community” is unusual wording and has a risk of understating the responsibility local (and central) government have to ensure Maaori are able to exercise kaitiakitanga.</p> <p>RMA states those exercising functions and powers under RMA shall “have particular regard to kaitiakitanga” and kaitiakitanga is recognised as a Maaori value. It’s about ensuring tangata whenua are able to exercise their rights effectively – this wording needs clarification.</p>
	<p><b>Chapter 15 intro:</b></p> <p>Sections 6, 7 and 8 of the Resource Management Act 1991 places a duty various duties on the Council with regard to Maori. Section 6 identifies as a matter of national importance the relationship of Maori 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.</p> <p>This section in the Plan responds to the requirements of the Act. However, it is not a ‘stand-alone’ section and reference should be made to other chapters, eg the Natural Environment (Chapter 10), Heritage (Chapter 9) and Rural Settlement Zone (Chapter 3).</p> <p>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 Ngati Apa and Nga Rauru. Both Nga Rauru and Ngati Apa have settled their Treaty claims with the Crown. Whanganui</p>	<p>How does this plan take Treaty principles into account? How will the council approach this? What measures are in place? What policy and/or rules and or methods are appropriate? How does this chapter support the Horizons’ One Plan commitments to tangata whenua? A report showing how those higher level directions have been considered and addressed would be of value.</p> <p>In paragraph two, all iwi in district boundaries have been grouped together as “Iwi”. Consequently, there is no clarity as to where each iwi sits in regards to this “progress”. There is no explanation or acknowledgement as to which iwi/hapuu/marae has mana whenua and where etc. This should be expanded on – it sets a precedence for each iwi/hapuu/marae being treated equally and fairly if</p>

	<p>Iwi are awaiting legislation to enact the Whanganui River settlement and establish the legal identity of Te Awa Tupua, administered by Nga Tangata Tiaki. The Whanganui land claim report has been delivered and negotiations are in progress.</p> <p>The above relationships and developments have resulted in progress in a number of areas.</p> <ul style="list-style-type: none"> <li>• Iwi members training as RMA commissioners</li> <li>• Agreement on using the District Plan to present Iwi archaeological information</li> <li>• The engagement of Iwi representatives on the District Plan Review Working Party</li> <li>• Collaboratively working through a major issue to set up the Outstanding Natural Landscapes Tupoho Tamaupoko Engagement team</li> <li>• Iwi initiation of the recording of information for cultural overlay mapping</li> <li>• Growing understanding of Iwi cultural perspectives by policy officers</li> <li>• Provision for recovered koiwi to be interred at Aramoho Cemetery.</li> </ul> <p>These developments reflect progress in a fluid situation towards a resource management system which is collaborative and 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 is guidance from Iwi and Hapu Management Plans, as provided for under the Act.</p> <p>Plan users and those considering development activity need to ensure they engage with Iwi as appropriate. Up-to-date contact information is available from the Council.</p>	<p>they are acknowledged as holding mana whenua in their own right. Speaking in generalised terms "Maaori" or "Tangata Whenua", undermines this. This would also provide helpful context for anyone consulting the plan.</p> <p>How many of these examples of progress apply to Ngaa Rauru Kaitahi? Are we represented on the working party? Do our koiwi get interred at Aramoho?</p> <p>This list (and the chapter as a whole) could benefit from mention of and reference to the Iwi Accord in development following the wastewater treatment plant consent condition.</p> <p>There is no acknowledgement of the Te Kaahui o Rauru Puutaiao Management Plan.</p> <p>What does collaboration/co-governance/co-management look like? Tangata whenua need to have input into developing this so that all parties' aims can be identified and agreed. This could benefit from a policy or rule or method to ensure the movement towards co-management is undertaken when there is opportunity to do so.</p>
	<p><b>PAPAKAINGA</b></p> <p>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 hapu to hapu. The definition in the District Plan is intended to recognise the significance of marae and to enable hapu to use land in a way that meets their aspirations for the future.</p>	Not open for consultation
	<p><b>15.1 ISSUES</b></p> <p><b>15.1.1 Involvement of Tangata Whenua in resource management</b></p>	There needs to be a range of ways to engage on this front, including building capability and understanding



	<p>It is important to establish agreed approaches with Tangata Whenua to address resource management matters of significance to Tangata Whenua.</p>	<p>in both directions. Ngaa Rauru Kiitahi believes this is essential and relies on capability and capacity building in partnership so both partners grow in their understanding. Methods need to be identified to support how this will be undertaken.</p> <p>There are Department of Conservation lands under council management, which should carry a higher standard of responsibility for ensuring Tangata Whenua involvement.</p> <p>Given the introductory comments regarding co-governance, this section could benefit from the discussion (or cross-reference) of transfer of management of assets (particularly reserve land) to Iwi as allowed under the Act.</p>
	<p><b>15.1.2 Recognising Maori culture and traditions</b></p> <p>The Act requires recognition of and provision for the special relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga, and having particular regard to Kaitiakitanga (ethic of stewardship). Maori identify that their role in respect of land and water is as guardians for 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:</p> <ul style="list-style-type: none"> <li>• Marae, pa, urupa, ancestral lands, waahi tapu sites.</li> <li>• Whanganui River, coastal water.</li> <li>• Objects and places of cultural significance.</li> </ul> <p><b>Exercising Kaitiakitanga</b></p> <p>Kaitiakitanga is defined in the Act as 'the exercise of guardianship by the tangata whenua of an area in accordance with tikanga Maori in relation to natural and physical resources; and includes the ethic of stewardship.' This definition is not necessarily the same as that which Maori would give the word. Although it is a Maori 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.</p> <p><b>Protecting Special Information</b></p> <p>The Council recognises the value and sensitivity of information shared between Tangata Whenua and the Council. Knowledge held by Tangata Whenua has</p>	<p>This doesn't cover current generations – only future.</p> <p>The description of kaitiakitang limits or dilutes the depth of the relationship between tangata whenua and the environment, i.e. the description of whakapapa is missing. Furthermore, reiterating what was mentioned above, each iwi has their own explanation and stories of their relationship to the environment. At the least, recognition of this (such as reference to Ngaa Rauru Kiitahi's Puutaiao Management Plan) should be included in order to provide a direct source as to how iwi articulate that relationship.</p> <p>Water bodies and other areas are missing for Ngaa Rauru Kiitahi, such as the statutory acknowledgement areas referenced in the settlement legislation. For Ngaa Rauru Kiitahi, the entire rohe is of importance: "mai te rangi ki te whenua mai uta ki tai, ko nga mea katoa e tapu ana, Ngaa Rauru Kiitahi ki a mau ki a ita".</p> <p>It is important to protect special information – Ngaa Rauru Kiitahi has a list of sites of significance</p>

	generally been closely guarded and what has been given has sometimes been reinterpreted and/or misused.	documented in its Puutaiao Management Plan so these could be referenced here.
	<b>15.1.3 Use of Maori land</b> Similar content to 15.1.6 below (moved from 15.2.3)	Unsure of the numbering/content here – the way the draft document has been shared makes it hard to follow.
	<b>15.1.4</b> Difficulty in developing Maori land may inhibit efficient use of such land.	Not open for consultation
	<b>15.1.5</b> The character of development in the Whanganui District does not reflect the long established tradition of Maori settlement and use of natural resources which may diminish the community awareness of the significance of this history.	
	<b>15.1.6</b> 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.	
	<b>15.1.7 Development works</b> The development process through impacts on land modification, building location, scale, height or even presence alone, may adversely affect Maori values for that place.	
	<b>15.1.8 Maori values</b> Maori values and information are not always well understood or respected in resource management processes.	This doesn't include the kaitiaki role, identified in legislation, which is also not well understood. An explanation of how Tangata Whenua have a kaitiaki role set out in legislation over areas, regardless of ownership, may help a plan user.
	<b>15.2 OBJECTIVES</b>	
	<b>15.2.1 Participation of Tangata Whenua in resource management</b> Developing meaningful relationships 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 processes available for active participation by Tangata Whenua.	There's an opportunity to talk about active, two-way learning here, especially at a decision-making level. This also requires discussion of resourcing to support sustainable participation by Tangata Whenua in key processes.
	<b>15.2.2 Recognition of Maori culture and traditions</b> Traditional practices and beliefs in resource management are recognised and valued.	Contemporary practices should be included here.
	<b>15.2.4</b> Development of Maori land that sustainably achieves Tangata Whenua aspirations. <b>15.2.5</b> Development reflects a culturally inclusive community.	Not open for consultation; however, we do not believe it is appropriate to reflect a culturally inclusive



	<b>15.2.6</b> Development that avoids or mitigates adverse effect on the cultural values of items and places of significance to Tangata Whenua, hapu or whanau.	community without first being "underpinned by a strong Treaty-based relationship".
	<b>15.3 POLICIES</b>	
	<b>15.3.1 Promote the Tangata Whenua role in resource management</b> Promote knowledge and understanding of the Tangata Whenua role in resource management.	This could be expanded to take in the Tangata Whenua role in both legislated and cultural roles in resource management. It also needs to describe how to move towards a co-governance model that involves joint decision-making, not simply consultation.  There is a missing objective around "Enhancing Tangata Whenua engagement in resource management". The Ngaa Rauru Kaitahi Puutaiao Management Plan includes a number of possible methods to improve engagement (page 12), such as instituting statutory instruments, undertaking best practice training, ensuring lwi representation on key bodies, funding capacity and regular monitoring and reporting. This missing section requires development.
	<b>15.3.2 Communication between Tangata Whenua and Council</b> Develop and maintain open communication and participation between Tangata Whenua and the Council in resource management matters. Open communication will provide for participation by Tangata Whenua in resource management matters in a way which recognises the partnership principle of the Treaty, and ensures recognition of tikanga Maori in the processes and practices of the Council, in areas of significance to Tangata Whenua. This does not mean that Tangata Whenua principles take precedence, but that these areas will be discussed and agreed between the Council and Tangata Whenua.	Unsure about this precedence wording – it undermines the intent of the Treaty principle.  It also uses the word "principle" not "obligation" in relation to the Treaty – the word obligation is useful to help a plan user understand these are not optional interpretations but statutory obligations.  Given the recent communications lapses on significant issues, this area needs strengthening with specific commitments flowing through that give us confidence that there will be open communication on issues that matter, like sewerage spills and the port redevelopment.
	<b>15.3.3 Protection of sites and places of value to Tangata Whenua</b> While many archaeological sites of lwi significance have been identified and are protected, other wahi tapu sites also require protection. Note: Sites of value to Tangata Whenua may include marae, waahi tapu (canoe landing sites, burial grounds [urupa], 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 sites is the need to	Expand "may include" to "including but not limited 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.	
	<p><b>15.3.6</b> To enable Papakainga or marae developments to be established by Tangata Whenua, hapu or whanau.</p> <p><b>15.3.7</b> To enable Tangata Whenua to design papakainga and marae developments in accordance with cultural needs, subject to relevant legislation and District Plan requirements.</p> <p><b>15.3.8</b> Ensure that adverse effects beyond the outer boundary of papakainga or marae developments are avoided, remedied or mitigated.</p>	Not open for consultation
	<p><b>15.4 RULES</b></p>	<p>This section is missing any rules related to the relationship and resource management. Including recognition of and reference to the statutory acknowledgement area obligations in the settlement legislation may be appropriate.</p> <p>This gap is hard to analyse without referring to the Methods section to better understand how this chapter would be implemented.</p>
	<p><b>15.4.1 Permitted activities</b> All activities shall comply with Performance Standards and District-wide rules where relevant. The following are permitted activities in all zones: Papakainga or marae development or activity on ancestral land that comply with the zone performance standards at the outer boundary.</p> <p><b>15.4.2 Restricted Discretionary Activities</b> The following are restricted discretionary activities: 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: The effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliance.</p> <p><b>15.4.3 Discretionary Activities</b></p>	Not open for consultation

	<p>The following are discretionary activities:</p> <p>Papakāinga or marae development or activity on land that does not comply with the District Plan definition of ancestral land*.</p>	
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