

Draft September 2016

~~Strikeout~~ = deleted

Underlined = new

Shaded = recently added, not under review

TANGATA WHENUA ~~AND PAKAINGA~~

The section from * to ** is from Chapter 1, excluded from Plan Change 51

***Tangata Whenua and the District Plan**

Tangata Whenua as Partners

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.

~~a) — 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.~~

~~b) — 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 hapu/whanau 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 hapu/marae groups.

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 hapu within that part of Nga Rauru situated in the District. Consultation meetings will be ongoing.

Consultation at hapu 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 hapu 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 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.

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).

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 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.

The above relationships and developments have resulted in progress in a number of areas.

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

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.

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.

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 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.

15.1 ISSUES ~~(Issues 15.1.1 – 15.1.3 not yet reviewed)~~

15.1.1 Involvement of Tangata Whenua in resource management

~~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 establish 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 Maori culture and traditions

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 the concept of Kaitiakitanga (ethic of stewardship). ~~How this is implemented at a local level depends very much on the information provided to the Council by Tangata Whenua.~~

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:

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

Exercising Kaitiakitanga

~~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 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. ~~Determining exactly how effect is to be given to this concept for implementation throughout the District is part of the consultation process.~~

Protecting Special Information

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 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 Maori land

~~The marae is recognised as traditionally being the centre of Maori communal life and activity. It is significant in terms of today's society as it continues as a spiritual and cultural focus for hapu/whanau 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 hapu groups relating to the alienation of Maori 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 hapu 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 Maori land and is recognised as an issue by Iwi and hapu groups.~~

~~The marae is the centre of Maori 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 Maori land places restrictions on development and use which are outside the control or influences of resource management. In some cases, partitioning or subdivision of Maori land is required to meet the requirements~~

of the Council, eg when being disposed of outside the hapu. Consideration of the implications of this for the provision of esplanade reserves and access to waterways and the coast is a resource management matter. Similar content to 15.1.6 below (moved from 15.2.3)

15.1.4 Difficulty in developing Maori land may inhibit efficient use of such land.

15.1.5 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.

15.1.6 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 Development works

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

15.1.8 Maori values

Maori values and information are not always well understood or respected 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 management

~~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. Developing meaningful relationships which take into account the unique roles and responsibilities of 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 commitment is made to go beyond consultation and consider the processes available for active participation by Tangata Whenua.~~

15.2.2 Recognition of Maori culture and traditions

Traditional practices and beliefs in resource management are recognised and valued.

~~**15.2.3 Use, development and protection of Maori land**~~

~~The marae is the centre of Maori 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 Maori land places restrictions on development and use which are outside the control or influences of resource management. In some cases, partitioning or subdivision of Maori land is required to meet the requirements of the Council, eg when being disposed of outside the hapu. 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)~~

15.2.4 Development of Maori land that sustainably achieves Tangata Whenua aspirations.

15.2.5 Development reflects a culturally inclusive community.

15.2.6 Development that avoids or mitigates adverse effect on the cultural values of items and places of significance to Tangata Whenua, hapu or whanau.

15.2.7 ~~Development and Maori values~~

~~Development that avoids or mitigates adverse effects on the cultural values of items and places of significance to Maori. (Duplication)~~

15.3 **POLICIES** ~~(not yet reviewed)~~

15.3.1 **Promote the Tangata Whenua Maori role in resource management**

Promote knowledge and understanding of the Tangata Whenua Maori role in resource management.

~~To recognise the relationship of Tangata Whenua Maori 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 hapu groups prior to development proposals being placed before the Council may also assist.~~

15.3.2 **Communication between Tangata Whenua and Council**

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 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 Maori 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.

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

While many archaeological sites of Iwi significance have been identified and are protected, other wahi tapu sites also require protection.

Note: Sites of value to Tangata Whenua Maori 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 Maori 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 hapu, 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.~~

15.3.6 To enable Papakainga or marae developments to be established by Tangata Whenua, hapu or whanau.

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

15.3.8 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

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*.

Relevant Existing Plan text – provided here for information purposes only (not part of this Plan Change 50).

14 EARTHWORKS

14.2 OBJECTIVES

14.2.1 Quality earthworks development.

Earthworks and land modification in Whanganui that:

a. Maintains or enhances:

- i. Amenity values.
- ii. Landforms and natural processes.
- iii. The efficiency and effectiveness of infrastructure.

iv. The safety of people and property.

v. The stability of soils.

vi. The structural stability of infrastructure and the ability for that infrastructure to safely operate and be maintained; and

b. Has appropriate regard to cultural heritage sites and values.

14.3 POLICIES

14.3.3 Maori values and earthworks.

Incorporate Maori cultural values and practices into large scale earthworks and land modification, and within areas of cultural significance.