



Planning Under
Co-operative Mandates

Māori Provisions in Plans

Mana Whenua, Mauri of Water, and Wāhi Tapu

by

Nathan Kennedy and Richard Jefferies

PUCM Māori Report 3

31 July 2008



IGCI
University of Waikato



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**Published 31 July 2008 by
The International Global Change Institute (IGCI)
The University of Waikato
Private Bag 3105
Hamilton
New Zealand**

ISBN 978-0-9864558-1-0

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Preface

This report on *Māori Provisions in Plans* was developed as a Supplementary Document to the worksheets and user guides in Report 2, *Nga Mahi: Kaupapa Māori Outcomes and Indicators Kete* (Jefferies and Kennedy, 2009). It is one of two supplementary documents to the Kete, the other being *Kaupapa Māori Framework and Literature Review of Key Principles* (Kennedy and Jefferies, 2005). The Kete and its two supporting documents have been designed for use by staff in councils, iwi and Crown agencies applying our kaupapa Māori framework to the assessment of outcomes for Māori from statutory plans.

The kete and its two supplementary documents come after 5 years work by the PUCM Māori research project, which aimed to develop a Kaupapa Māori environmental outcomes and indicators framework and methodology. The project was led by Richard Jefferies, director of KCSM Consultancy Solutions Ltd, Opotiki. Research took place within a wider research programme on *Planning Under a Cooperative Mandate (PUCM)*, led by the *International Global Change Institute (IGCI)*, a self-funding research institute within Te Whare Wānanga o Waikato – The Waikato of University, in association with several partners.

PUCM is a FRST-funded programme that since mid-1995 has been sequentially examining the quality of policies and plans (Phase 1), plan implementation (Phase 2), and environmental outcomes (Phase 3) under the 1991 *Resource Management Act (RMA)* and more recently the 2002 *Local Government Act (LGA)*. An important part of this planning and governance research was consideration of the interests of Māori as Government's Treaty partner.

Following Phase 1 analysis of RMA plan quality, Richard Jefferies of Ngāti Tukorehe and his firm, KCSM Consultancy Solutions Ltd were brought onto the PUCM research programme in 2002 to lead the Māori component of the research. KCSM staff initially assisted with interpretation of findings relating to plan implementation and Māori interests. Nathan Kennedy, an environmental officer for Ngāti Whanaunga iwi and with experience working in local government, was employed at the beginning of PUCM Phase 3 to undertake research on Māori environmental outcomes.

The PUCM Māori team has published a series of working papers and reports as a means for making public its research findings, and in an effort to influence change in response to observed issues with plan quality and implementation, and the environmental results, especially as they relate to Māori. These documents are downloadable from <http://www.waikato.ac.nz/igci/pucm>.

Located in grey in Figure 0.1 next page is the Phase 3 Māori RMA Objective with its published reports identified in the lower row of boxes; the one shaded grey being this report.

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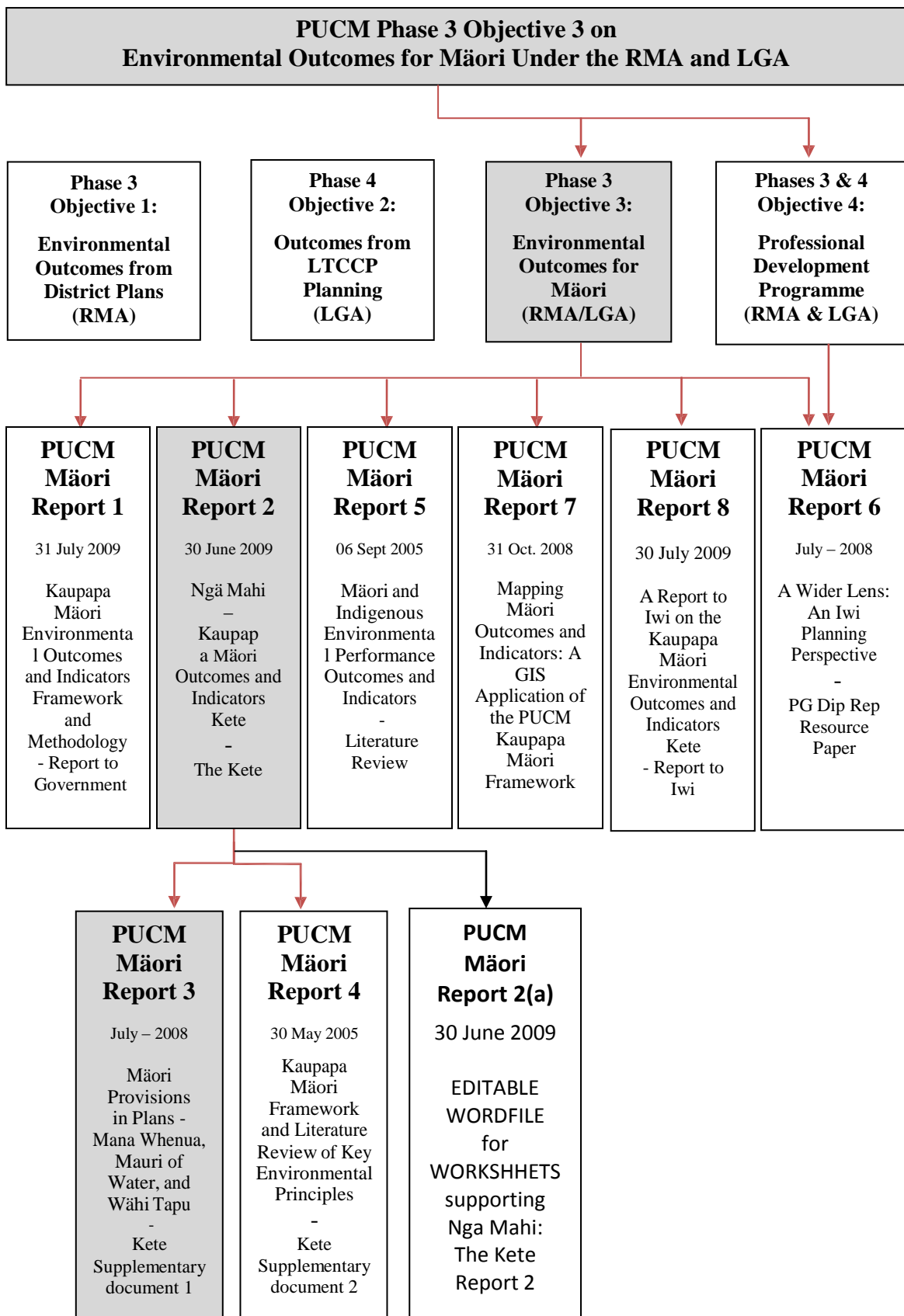


Figure 0.1. Māori Report 3 in context of the PUCM Research Programme on Planning Under Co-operative Mandates RMA (1991) and LGA (2002)

1. Introduction

The intention of this document is to allow those using *Ngā Mahi: Kaupapa Māori Outcomes and Indicators Kete* (Jefferies and Kennedy, 2009, PUCM Māori Report 2) to view a range of examples of Māori provisions within statutory planning documents against plans being evaluated. The extracts in this Report 3 on *Māori Provisions in Plans* relate to the three tikanga in the *Ngā Mahi* report: Mana Whenua, Mauri (relating to water), and Wāhi Tapu. It is intended that as we develop new kete (containing worksheets and user guides) and thereby expand *Ngā Mahi*, this current report will be revised to include plan provisions relating to additional tikanga.

Extracts in this current report are included from various council plans that we reviewed when developing our kauapa Māori outcomes and indicators. They seem to be of reasonable quality for presenting as examples to users of our *Ngā Mahi* outcomes and indicators kete. There is, however, no suggestion that these are the best examples, or better than others that are not referred to here. As this document will be periodically updated, we encourage you to bring quality examples from other plans to our attention.

Using this report

It is recommended that you use this document electronically, that is, on your computer rather than printing a paper copy. If doing so please turn on “Document Map” in Microsoft Word, in order to view section headings as an index and to use these to navigate the document – this will save you lots of time and frustration. This function is usually under the view menu, otherwise search for “Document Map” in the help files.

A Table of Contents is provided to assist those who prefer to use printed documents to navigate the report.

All text in *italics* is copied from statutory plans or reports. Document names / organisations are referenced for each example. Section headings from plans are included for extracts. This allows the reader to quickly identify from which part of a plan an extract comes (e.g. wāhi tapu provisions might be included in a section on Subdivision and Land). All text has been de-formatted when copying into this document. Where **headings or other text are in bold type** this is our emphasis and is not in the original plan.

Where these are available web links are provided for each of the plans used so that the reader can easily investigate them further, or investigate cascades for particular tikanga / issues in the original plans.

For each of the tikanga considered (mana whenua, mauri of water, and wāhi tapū), the various components of statutory plans are presented here in the order they would be found in plans. It is not intended in this document to evaluate the plans from which provisions are copied here. For example, Policies are not considered in relation to their associated methods, issues, etc. (what we call the cascade for any particular theme or issue).

In each example the text might or might not include specific reference to the tikanga under which it is listed (mana, mauri, tapu.). Examples of plan provisions are sometimes given for a particular tikanga where it might also be relevant to another – the reader is encouraged to familiarise themselves with the whole document in advance of the trialling exercise. Where an example is obviously relevant to multiple tikanga it will be included in each section.

Where information is copied from lists in council plans only those list entries relating to the tikanga in question are included here. For example, a plan might have a policy relating to activities in the coastal zone, and amongst the anticipated environmental results of this might be to provide for kaitiakitanga, others being to preserve natural character etc. Unless there is a particular reason to show the non-Maori list entries we do not. The letter or number within the list will show the reader that this is one of multiple list entries.

There are subject-specific notes that briefly introduce the reader to each part of a plan (Issues objectives etc) and the kind of thing we would expect to find in statutory plans.

As evident from the Table of Contents, each of the three tikanga (mana whenua, mauri of water, and wāhi tapū) is organised into two parts. The first identifies Māori provisions in plans under the RMA (*Resource Management Act*). It is organised according to the rational planning model adopted by the RMA, as indicated in the following flow-chart, which is explained in Ericksen, et al. (2003).

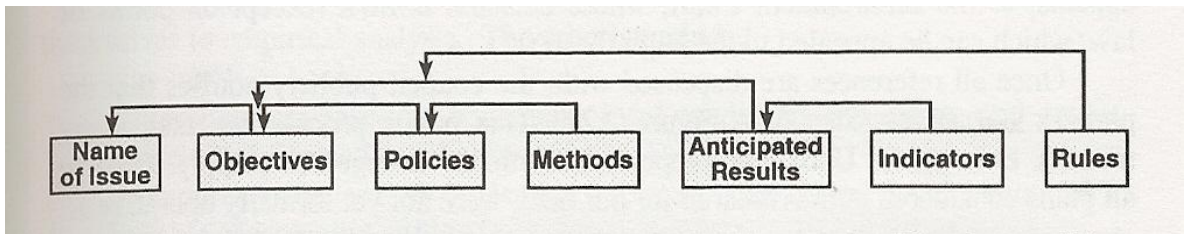


Figure 1.1. Cascade of elements, including feedback, required in plan-making under the RMA (Source: Ericksen, et al., 2003, p. 35)

In the second part for each tikanga presents provisions for long-term council community plans (LTCCP) under the LGA (*Local Government Act*). Here the organisation emphasises: overall purpose of the LTCCP; provisions for Māori participation in the planning process; and the expected outcomes, including indicators and measures for achieving an outcome.

2. Mana Whenua

2.1 RMA PLANS – Mana Whenua

Note: In this Section 2.1, the focus for is on Plans required under the 1991 *Resource Management Act* (RMA) with respect to tikanga Mana Whenua

Glossary definitions

Note: The RMA provides no definition for Mana, but does define mana whenua as: *Mana whenua* means customary authority exercised by an iwi or hapū in an identified area

Example 1 – BOP Regional Coastal Plan

Mana: Effective customary authority or prestige

Example 2 – Tauranga City Approved District Plan

Mana: Spiritual power, charisma, prestige. Also (in respect of a person) integrity to act in an authoritative capacity.

Example 3 - Waikato Regional Policy Statement

Mana whenua* means customary authority exercised by an iwi or hapū in an identified area.

Tino rangatiratanga means chiefly authority, chieftainship, full authority. According to the Waitangi Tribunal's Manukau report (1985), tino rangatiratanga "...refers not to a separate sovereignty but to tribal self management on lines similar to what we understand by local government... rangatiratanga denotes the mana not only to possess what one owns but, and we emphasise this, to manage and control it in accordance with the preferences of the owner."

➤ Plan purpose

Example 1 - Proposed Auckland Regional Coastal Plan

Note: Plans often include sections that describe the purpose of plans and where they fit within the RMA, often paraphrasing or repeating the Act's provision. Such as this example:

1.3.4 Section 8 of the RMA

The RMA requires the ARC to take into account the principles of the Treaty of Waitangi. Section 8 states:

"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

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resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”

Customary rights, responsibilities and intimate relationships of Tangata Whenua with the natural and physical resources of the Auckland Region have been developed over several centuries. Courts have found that the exercise of Kawanatanga by the Crown under Article I of the Treaty of Waitangi is qualified or limited by the Tino Rangatiratanga of Tangata Whenua guaranteed under Article II.

The management of natural and physical resources of the Auckland Region has not always been in accordance with the Treaty, and has resulted in Treaty claims seeking to restore the health of ancestral taonga and to have the Rangatiratanga and Kaitiakitanga of Tangata Whenua formally recognised and respected e.g. Manukau Harbour Claim of 1985.

Claims relevant to the sustainable management of natural and physical resources of the Region continue to be heard by the Waitangi Tribunal and other Courts, or are the subject of direct negotiation between the Crown and Tangata Whenua.

While it may not be possible to remedy such matters through resource management processes, it is important that decisions under the RMA recognise that this process is occurring. In relation to Crown land in the coastal marine area, the New Zealand Coastal Policy Statement requires the special Treaty relationship between the Crown and Tangata Whenua to be recognised and facilitated. This Plan addresses Treaty requirements, primarily by recognising the special status of Tangata Whenua and providing for their direct involvement in managing their ancestral taonga.

The Tangata Whenua of the Auckland Region have been consulted throughout the development of the Plan. Part III: Values includes a chapter on Tangata Whenua values and also objectives and policies which seek involvement of Tangata Whenua in the sustainable management of the natural and physical resources of the coastal marine area. Tikapa Moana and Te Moananui a Toi are recognised by Tangata Whenua as names for the Hauraki Gulf.

1.6.7 Iwi Planning Documents Section 66 (2)(c)(ii) requires the ARC, in preparing this Plan, to have regard to relevant planning documents recognised by affected Iwi. Significant adverse effects on ancestral taonga can occur as a result of the granting of resource consents. Consistent with the requirements of the RMA and the New Zealand Coastal Policy Statement, and to facilitate the assessment of effects on relationships with ancestral taonga, it is important that regard be had to Iwi planning documents in consent assessment processes.

Tangata Whenua hold that their customary rights and responsibilities over their ancestral taonga have never been extinguished, and consider a significant issue to be the Crown’s exercise of presumptive ownership, management and control over such taonga e.g. minerals, water and land in the coastal marine area.

Treaty claims pertaining to the ownership of resources is a matter which cannot be resolved under the RMA.

ARC recognises that Tangata Whenua have a historic, traditional, cultural and spiritual relationship with the Hauraki Gulf, its islands, catchments, foreshore and seabed and that the natural, historic and physical resources (including kaimoana), islands, catchments, foreshore and seabed of the Hauraki Gulf are considered to be taonga by Tangata Whenua.

While an abundance of food is valued for the physical sustenance it provides a tribe,

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tikanga also places enormous value on the concept of manaakitanga. The ability to provide an abundance of food to guests is a matter of tribal mana and well-being.

10.1

Tangata Whenua hold that their customary rights and responsibilities over their ancestral taonga have never been extinguished, and consider a significant issue to be the Crown "s exercise of presumptive ownership, management and control over such taonga, e.g., minerals, water, land in the coastal marine area. Granting of occupation consents does not derogate from any claim which Tangata Whenua have over the foreshore and seabed of the Hauraki Gulf.

Structures (in the CMA)– 12

During the construction phase and afterwards, structures may have adverse environmental effects. For example degradation of natural character, inappropriate alteration of landscape, disruption of ecosystems and physical processes, changes to amenity values, restriction of public access, alteration, damage or destruction of cultural heritage sites, offence to spiritual values, and adverse effects on the relationship of Tangata Whenua with their ancestral taonga.

Example 2 - Proposed Waikato Regional Coastal Plan

Rangatiratanga over their coastal resources, the coastal resources themselves and the ability to perform the Kaitiaki role is an issue that forms the basis of Hauraki concerns with respect to planning processes. These were customary rights reaffirmed to Hauraki by the Treaty of Waitangi. To Hauraki, the Treaty establishes the proper framework in which coastal resources are conserved and nurtured for present and future generations.

2.1 Tangata Whenua Relationship with Natural and Physical Resources

The tangata whenua of the Waikato Region's coast are Hauraki, Maniapoto, Raukawa, and Waikato Tainui. Through the tribal network, and the Maaori tradition, the people of these tribes are stakeholders in the welfare of both the west and east coasts of the Waikato Region.

Hauraki Views

The Hauraki Maori Trust Board brings together iwi with interests in the east coast of the Region "s coastline, and the Firth of Thames.

Known by Hauraki as „Te Tara o te Whai " or „the barb of the stingray ", the Coromandel Peninsula extrudes northwards supported by the sheened waters of Tikapa Moana on the west and the tumultuous seascape of Te Tai Tamawahine on the east. It is also referred to as a waka which extends from Moehau in the north to Te Aroha in the south whose ribs are the river which flow from the mountains and empty into the estuaries and harbours below. These ancient traditions serve to illustrate the importance of the coast to Hauraki and the manner in which they took on personifications of great reverence.

See also historical account of tangata whenua of different places.

Environment Waikato recognises and acknowledges that Hauraki is tangata whenua of the west and east coast of the Coromandel Peninsula and recognises and acknowledges that the physical, spiritual, cultural, social and economic well-being of Hauraki is dependent upon the well-being of their coastal resources and upon their ability to perform their Kaitiaki role over the areas covered by the coastal plan. The holistic approach to resource management advocated by Hauraki is supported.

The Waikato Tainui position is that they have “never objected to sharing the waterways or its fisheries and its use for recreation, however, Waikato Tainui do object to the abuse of such a resource.” Waikato Tainui believe that they must fulfil their Kaitiaki responsibilities to ensure the preservation and wise use of natural resources.

*They believe that when the performance of their duty as Kaitiaki is interfered with, the well being of their people, both spiritually and physically, is at risk. Their **mana** is determined not only by their feats, their standing in their community and the ability to cater for visitors, but also by the quality of the taonga they pass to their descendants. Such taonga are the natural resources within the area subject to the Regional Coastal Plan.*

The strong association tangata whenua have with the Region, subject to the Regional Coastal Plan, is closely allied to the gathering of food. Kai moana provides for the daily needs of tangata whenua as well as supplying marae for important ceremonial occasions.

*The **mana** of the tangata whenua is based, in part, on an ability to provide kai moana for such events. Kai moana is considered to be fundamental to the perpetuation of cultural and related social activities. For these reasons water quality and the productivity of the environment within the Regional Coastal Plan is highly valued by the Waikato Tainui people.*

*This section of the Plan therefore seeks to outline ways in which the **mana** and role of the tangata whenua of this Region can be recognised and a partnership with iwi developed.*

The Waikato River

The Waikato River catchment straddles the rohe of the Tainui, Ngati Tahu and Ngāti Tuwharetoa. It is 425 km long from its source in the volcanic region of the Central Plateau to its mouth at Port Waikato, making it the longest river in New Zealand.

*The predominant use of the river is for electricity generation. Below Lake Taupo, discharges to the river and the ponding effects of dams combine to significantly modify the nature, flow characteristics, water and habitat quality of the river. Natural inflows to Lake Taupo and therefore to the Waikato River are significantly increased by diversions from the Wanganui, Whangaehu and Rangitikei River Catchments. These diversions play a significant part in the NZ electricity generation system and add to water available for other uses in the Waikato River. The catchments from which water is diverted are located in the Manawatu-Wanganui Region and it is important that the adverse effects of the diversions in the Manawatu-Wanganui Region (**principally on the natural character and ecological habitat of the water bodies concerned and Maori values**) are considered as part of an integrated cross-boundary process which takes account of beneficial effects in the Waikato Region.*

Water and habitat quality are further degraded by discharges from a number of sources (notably community sewage and agricultural sources)³⁸.

Example 3 - Rotorua Proposed District Plan

Council has consulted with Maori during the development of this Plan and will continue to do so during the life of the Plan. In order to give effect to Section 8 of the Resource Management Act 1991, Council believes there should be a spirit of partnership between tangata whenua and Council, and a recognition of the special relationship of iwi, whānau and hapu and their ancestral land. This relationship will be recognised when Council is

dealing with resource management issues. One of the ways in which this can be done is through the identification and protection of sites or areas of significance to tangata whenua.

Around thirty percent of Rotorua’s population are of Maori descent compared with 12.8% of the population New Zealand wide. This is one of the highest proportions within New Zealand and recognition of tangata whenua issues is therefore of great significance in meeting the requirements of the Resource Management Act 1991

There are a number of values associated with the geothermal surface features which are an integral aspect of the District’s character and the well-being of local communities, including:

*(b) **Maori cultural values** - tangata whenua traditionally use geothermal waters for cooking, bathing, washing and heating;*

Example 4 - Wairoa District Plan

1.2.1 Wairoa District has about 130 km of coastline. This coastline includes a large portion of Hawke Bay, the Mahia Peninsula, and a southern portion of Poverty Bay. The coastal environment is defined as Tatahi (the sea part), and Taha moana (the land part), with Mana Maori extending to the low water mark.

1.2.8 The cultural importance of the coastline to Tangata Whenua is also significant. This is particularly so in and around Mahia, Opoutama and Mahanga areas where there is the most coastal development pressure. Additional development undoubtedly places added and differing demands and pressures onto those coastal areas and the Tangata Whenua people of the District. Potential adverse effects of this include:

- depletion and/or pollution of traditional food sources,*
- pollution of the environment through increased use of sand and recreational vehicles,*

1.3 TANGATA WHENUA LANDSCAPE

1.3.1 The Wairoa District is the cherished ancestral homeland of the District’s tangata whenua. Through their long association with the District the tangata whenua have developed special relationships with their ancestral landscape – the hills and mountains, lakes, rivers, streams, springs, wetlands, coasts, bush, and special places. The landscape and these relationships are extremely important to the identity, culture and traditions of the tangata whenua.

The maintenance and enhancement of public access to the coastal marine area, lakes and rivers (Section 6(d)), and the relationship of Maori culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga shall be recognised and provided for (Section 6(e)).

GRAVEL EXTRACTION

1.7.8 Gravel suitable for roading and construction is a natural resource in the district. The coastal environment and rivers, particularly the Mohaka, are the principal sources. Gravel extraction may be acceptable provided that the activity can be managed to minimise adverse effects on the environment, including effects on the values held by the tangata whenua associated with the locality.

➤ Issues

Example 1 - Proposed Auckland Regional Coastal Plan

Section - Nga Take Takutai Tuturu Mo Tangata Whenua – 6: (Coastal Matters of Significance to Tangata Whenua) - 6.2 ISSUE

6.2.1 Subdivision, use and development in the coastal environment can have actual or potential effects on the relationship of Maori and their culture and traditions with their ancestral taonga. Decisions made under the RMA may affect, and be affected by, the customary rights of Tangata Whenua confirmed by the Treaty of Waitangi, and expressed in its principles. The involvement of Tangata Whenua in the sustainable management of characteristics of the coastal environment of special value to Tangata Whenua should therefore be recognised and provided for.

Example 2 - Proposed Waikato Regional Coastal Plan

2.4 Tangata Whenua Relationship with the Coast

In the past little recognition has been given to cultural, spiritual and traditional values of tangata whenua. This lack of recognition has meant the values tangata whenua hold in relation to the coast have been ignored.

3.4 Water

Public Access

The maintenance and enhancement of public access to and along lakes and rivers is a matter of national importance that must be provided for in Regional Policy Statements. Such access will provide for the use and enjoyment of the amenity, scenic, and recreational values of rivers and lakes, and for the cultural and spiritual values and customary uses of tangata whenua.

Foreshore and seabed disturbances

7.4 Reclamation of the Foreshore or Seabed

Issue: *Reclamations and declamations can have adverse and irreversible effects on habitat, natural coastal processes, amenity values, archaeological sites, sites of significance to Maaori and natural character. However, reclamation and drainage have also been seen as enhancing the economic and social well-being of the community by increasing the area of useable land, or by enhancing access to the coast.*

Objective: *Inappropriate reclamation, declamation and drainage in the CMA avoided.*

Principal Reasons for Adopting: *Habitat is permanently lost by reclamation, declamation or drainage of the foreshore and seabed. Reclamations, and impoundments which restrict tidal flushing, adversely affect water quality with resulting adverse effects on ecosystems. Onshore, offshore and longshore sediment transport processes, natural character, hazard risk, amenity values, archaeological sites, sites of significance to Maaori, and public access may also be affected. The following policies further define what Environment Waikato considers to be inappropriate in relation to reclamation, declamation and drainage.*

Example 3 - Rotorua Proposed District Plan

3.1 Issues

(a) resource management practices do not always adequately recognise the principles of the Treaty of Waitangi

(b) some activities have the potential to adversely affect Maori cultural and spiritual values

The use, development and protection of resources has sometimes in the past been carried out without adequate recognition of the responsibilities presented by the Treaty of Waitangi. Some Maori still believe this is the case. Practices such as discharging effluent into water and allowing housing over urupa and other waahi tapu, were often undertaken because of a lack of appreciation by developers and authorities of the significance of water or sites to the tangata whenua. Planning provisions and consenting procedures did not always take sufficient account of multiple Maori land ownership and the Maori tribal decision-making processes which rely on consensus.

*The second principle of the Treaty of Waitangi is that of self management or **rangatiratanga**. This principle arises from the second article of the Treaty which guarantees to Maori the control and enjoyment of those resources which they wish to retain. Maori retain a number of resources within Rotorua District, and there are others over which iwi currently have claims to the Waitangi Tribunal.*

*The second principle should be considered in conjunction with the fourth, which establishes the principle of **reasonable co-operation** between two peoples.*

Example 4 - Tauranga City Approved District Plan

5.1 Issue: Maori Relationships with Water, Land and Other Taonga

The relationship of Maori and their culture and traditions with their ancestral lands, water, wahi tapu and other taonga may be destroyed or compromised through inappropriate development.

Issue Statement

*Traditional Maori culture and values are closely linked to the natural environment. **Mana** and identity are derived from the land to which tangata whenua belong. As a resting place for the dead, the land is an important source of spiritual strength.*

Only a fraction of the original Maori land holdings within the Tauranga District now remain in Maori ownership. Remnant Māori lands lie around the upper reaches of Tauranga Harbour, the Waimapu and Wairoa River estuaries, Papamoa, Kaitemako, Welcome Bay and Kairua Basin areas.

Land in current Maori ownership is only part of what are termed "ancestral lands" or "ancestral landscapes". Even some lands that are no longer in Maori ownership hold importance to particular iwi, hapu, or whanau as part of their ancestral heritage.

➤ Objectives

Example 1 - Proposed Auckland Regional Coastal Plan

1.3.4 To promote sustainable management of natural and physical resources including the ancestral lands of tangata whenua, taking into account the principles of the Treaty of Waitangi so as to enable tangata whenua to provide for their social, economic and cultural well-being.

Example 2 - Proposed Waikato Regional Coastal Plan

Recognise and provide for the special relationship which tangata whenua have with the coastal environment.

Principal Reasons for Adopting: *The relationship tangata whenua have with the coastal environment is given special recognition in the RMA. Part of Council's role is to ensure recognition is given to the cultural, spiritual and traditional values of tangata whenua in relation to the coast.*

Example 3 - Rotorua Proposed District Plan

2.2.1 RESOURCE MANAGEMENT OBJECTIVE

District Plan provisions and consent processes that recognise and effectively provide for the relationship of Maori people and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Example 4 - Wairoa District Plan

1.3.1 To promote, including recognising and providing for, the relationship of tangata whenua with their ancestral land, water, sites, waahi tapu and other taonga.

1.3.2 To develop a partnership between Wairoa District Council and the tangata whenua of the District for the purpose of promoting the sustainable management of natural and physical resources.

1.3.3 To enable tangata whenua to provide for their social, economic and cultural well-being and for their health and safety, while promoting sustainable management of the environment.

1.3.5 To enhance opportunities for future hapu development such as multiple dwellings, expanding marae facilities, hapu or whanau based tourism ventures, summer camping for related family members, and to promote protection of sacred areas and ancestral heritage areas.

6.3.1 To recognise that the coastal marine area has characteristics of special spiritual, historical, and cultural significance to Tangata Whenua.

➤ Policies

Example 1 - Proposed Auckland Regional Coastal Plan

7.4.1 Subdivision, use, development and protection should ensure that public access to, along and within the coastal marine area is maintained or enhanced, except where it is necessary to restrict access in order to:

- a protect areas of significant indigenous vegetation, significant habitats of indigenous fauna or natural features; or*
- b protect areas or sites within the coastal marine area identified by the Tangata Whenua as being of special spiritual, cultural and historical significance; or*
- c protect significant cultural heritage places and areas identified in the Cultural Heritage Schedules and Plan Maps; or*

10.4.3 Subdivision, use and development of the coastal marine area shall be considered more appropriate where the environment has already been highly modified by human activities, or located in areas where development already exists, unless:

- a location elsewhere in the coastal marine area of the Auckland Region would better avoid, remedy, or mitigate significant adverse effects of that subdivision, use and development; or*
- b an application brought by Tangata Whenua better provides for the special relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

Example 2 - Proposed Waikato Regional Coastal Plan

2.3.1 Policy - Tangata Whenua Values

Recognise and take into account historical, spiritual, cultural and traditional values of tangata whenua in relation to activities in the CMA.

Explanation and Principal Reasons for Adopting: *Tangata whenua have traditional practices to ensure the sustainable management of coastal resources. The RMA provides significant opportunities for the involvement of tangata whenua and recognition of their relationship, and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Environment Waikato needs to recognise this and take it into account in decision-making.*

2.3.2 Policy - Participation

Participation of tangata whenua in decision-making and the management of resources in the CMA will be encouraged.

Explanation and Principal Reasons for Adopting: *A partnership requires joint commitment and responsibility by tangata whenua, local authorities, resource users/applicants and interests groups to work toward resolving resource management issues and conflicts. This also recognises the importance of the involvement of tangata whenua in the on-going development of the Plan.*

2.4.1 Policy - Kaitiakitanga

Have particular regard to the tangata whenua role as Kaitiaki, and provide for the practical expression of kaitiakitanga by tangata whenua in the CMA.

Explanation and Principal Reasons for Adopting: *There is a statutory requirement for Environment Waikato to have particular regard to kaitiakitanga. Tangata whenua hold the knowledge of their cultural and spiritual values, and have the right and responsibility to articulate these values.*

2.5.1 Policy - Principles of the Treaty of Waitangi

Mutual understanding between tangata whenua and Environment Waikato on the application of the principles of the Treaty of Waitangi as they apply to the CMA.

Principal Reasons for Adopting: *It is a statutory requirement that local authorities take into account the principles of the Treaty of Waitangi when exercising their functions and powers. There is, therefore, a need for Environment Waikato and tangata whenua to develop a mutual understanding as to how the principles of the Treaty should apply to the management of natural and physical resources in the CMA.*

2.5.2 Policy - Treaty Claims

Ensure that tangata whenua are informed where Treaty claims or customary rights may be affected by applications to use, develop or protect the CMA.

Principal Reasons for Adopting: *Many of the natural and physical resources governed by the RMA are claimed by Maaori under Article II of the Treaty of Waitangi. Plans and resource consents have the potential to impact on Treaty claims. The policies and methods in the Plan should not lead to new claims arising or exacerbate existing claims.*

13.1.2 Policy - Coastal Environment Inter-Relationships

When managing the use, development and protection of the coastal environment, provide for:

- *the interconnected nature of the coastal environment; and*
- *the inter-relationships between natural and physical resources; and*
- *the potential for adverse effects to occur; and*
- *the range of social, cultural and economic values within the Region.*

Explanation and Principal Reasons for Adopting: *The coastal environment is one where the effects of an activity in one location can easily be transferred to other locations. Similarly adverse affects on one component of an ecosystem can subsequently adversely affect the rest of the ecosystem. The protection of natural marine resources contributes to the social, economic and cultural well-being of people and communities. Therefore, when managing the coastal environment, the interconnectedness of coastal resources must be recognised.*

2.2.2 Achieving Integrated Management

Policy Two: Inter-Agency Integration and Cross Boundary Processes

Ensure inter-agency integration and consideration of cross boundary processes in the management of natural and physical resources.

8) Encourage joint resource management projects with territorial authorities, neighbouring Regional Councils, iwi authorities and other resource management agencies where there are clear benefits to all parties.

The reasoning for Policy Two and the accompanying implementation methods is that effective, sustainable resource management requires a close working relationship between all organisations with resource management responsibilities or interests.

Some of the organisations Environment Waikato will need to have a close working relationship with include:

- a) territorial authorities*
- b) iwi authorities*
- c) neighbouring regional councils*
- d) The Department of Conservation*
- e) Ministry for the Environment*
- f) Regional health authorities*
- g) Other government departments.*

Example 3 - Rotorua Proposed District Plan

2.1.2.1 Policy:

Draft report subject to ongoing modification – Please refer to original documents

To actively continue the development of partnership relationships between Council and iwi authorities.

2.1.2.2 Policy:

To recognise the importance of the rangatiratanga principle when dealing with the management of Maori resources.

2.1.2.3 Policy:

To effectively consult with tangata whenua when making decisions that affect them.

2.2.2.1 Policy:

To consult with tangata whenua, where an application for a resource consent may adversely affect the relationship of Maori and their culture with their ancestral lands, water, sites, waahi tapu, and other taonga, unless the tangata whenua indicate that adequate consultation has already taken place.

2.2.2.2 Policy:

To recognise that some information held by tangata whenua which may be necessary for informed decision-making may be considered by tangata whenua to be privileged.

2.2.2.3 Policy:

To recognise the important role of Maori Reserves including identified waahi tapu in preserving the spiritual and cultural heritage of tangata whenua within the District.

Example 4 - Wairoa District Plan

Identify and protect areas, sites and structures of archaeological, cultural or historic significance including sites listed on New Zealand Historic Places Trust Register, New Zealand Archaeological Association Recorded Sites Index and tangata whenua databases and in Schedule 1 – Historic Structures, Sites, Waahi Tapu and Notable Trees so as to avoid, remedy or mitigate any adverse effects of activities which may lead to the degradation or loss of the values associated with these areas, sites and structures. In carrying out methods to protect cultural and historic resources, the rights of landowners to use their land should also be recognised and provided for where possible.

Identify and protect, in a manner appropriate to tangata whenua, cultural heritage resources of importance to tangata whenua.

Recognise that any information databases on tangata whenua interests may be incomplete and that consultation with tangata whenua will be necessary in order to identify the likely effects of resource management decisions on tangata whenua interests before those decisions are made.

1.4.1 I raro i te mauri o te Tiriti o Waitangi me ata korero te Kaunihera Takiwa ki te tangata whenua nona nei te whenua, te ahi ka me te mana ki runga i nga wahi i whakatapua e o ratou tupuna. Ma reira e whakamana na wawata o ia rohe, o ia rohe i roto i te Kaunihera Takiwa o Te Wairoa kia tutuki ai te ha o te Tiriti o Waitangi.

1.4.2 A translation of the preceding paragraph into English is as follows: Within the spirit of the Treaty of Waitangi, the Wairoa District Council must consult with Maori who are the descendents of the original inhabitants, who own the land, who currently reside in the area, and who exercise traditional authority over the areas made sacred by their ancestors.

Through this consultation process the aspirations of each area within Wairoa District will be realised in accordance with the Treaty of Waitangi.

1.4.3 Promote the protection and sustainable management of all cultural heritage places, mahinga kai, and other taonga of Maori.

1.4.4 Recognise the importance of marae to tangata whenua and their culture and to the cultural life of the District.

1.4.5 Provide for multiple dwellings and papa kainga on any land in the District, on the condition that they comply with relevant zone standards and district wide rules.

1.4.6 Provide for the development of existing and new marae and for the re-establishment of existing marae on new sites as permitted activities where these activities comply with the relevant performance standards.

1.4.1 I raro I te mauri o te Tiriti o Waitangi me ata korero te Kaunihera Takiwa ki te tangata whenua nona nei te whenua, te ahi ka me te mana ki runga i nga wahi i whakatapua e o ratou tupuna. Ma reira e whakamana na wawata o ia rohe, o ia rohe i roto i te Kaunihera Takiwa o Te Wairoa kia tutuki ai te ha o te Tiriti o Waitangi.

1.4.2 A translation of the preceding paragraph into English is as follows: Within the spirit of the Treaty of Waitangi, the Wairoa District Council must consult with Maori who are the descendents of the original inhabitants, who own the land, who currently reside in the area, and who exercise traditional authority over the areas made sacred by their ancestors. Through this consultation process the aspirations of each area within Wairoa District will be realised in accordance with the Treaty of Waitangi.

1.4.9 Where practicable and appropriate, to use traditional Maori means to manage natural and physical resources, such as rahui.

Example 5 - Proposed Stratford District Plan

Recognition and facilitation of the desire of iwi to maintain and enhance their relationship between their culture and traditions and their ancestral lands, water, sites, wāhi tapu and other taonga.

Policies

To recognise and provide for the relationship between iwi and their culture and traditions... including (but not limited to) waahi tapu and other taonga.

➤ **Methods**

Example 1 - Proposed Auckland Regional Coastal Plan

11.6 OTHER METHODS

11.6.1 The ARC may, within 2 years of this Plan becoming operative, and in consultation with territorial authorities, DOC, Tangata Whenua, interest groups and the Maritime Safety Authority, identify recreational areas which are important to the region, and consider appropriate identification and provisions in this Plan.

11.7 PRINCIPAL REASONS FOR ADOPTING

11.7.4 Policies 11.4.2, 11.4.4 and Rule 11.5.6

The adverse effects of activities on areas and places in the Cultural Heritage Schedule 1 (preservation) will be significant. The Schedule contains those areas and places that should not be modified by human action, except for the purpose of maintaining intrinsic heritage values of a site, building, place or area identified in that Schedule. Therefore activities which could modify (except as above), damage or destroy these places and areas are prohibited.

Example 2 - Proposed Waikato Regional Coastal Plan

17 IMPLEMENTATION METHODS - OTHER METHODS

17.1 Tangata Whenua

Consultation on Consent Applications

Marae-Based Meetings Identification of Iwi Authorities Establishing a Working Relationship

Identification of Areas/Characteristics of Special Value

17.1.7 Identification of Iwi Authorities

Environment Waikato will seek, through consultation with tangata whenua, the identification of iwi, hapu and whanau having the authority to speak on behalf of tangata whenua interests in the CMA.

*Principal Reasons for Adopting: Local authorities need to understand tribal structures and the **concept of mana whenua**, and who has authority to speak on resource management issues. Although the **identification of mana whenua** is something that tangata whenua decide, local authorities need to be aware of appropriate people to approach, and become familiar with working within tangata whenua processes. This information needs to be accessible so that resource users and the community are also aware of the appropriate people to approach.*

17.1.1 Establishing a Working Relationship

Environment Waikato will work within tribal structures when consulting with tangata whenua and will seek to establish a working relationship to manage coastal resources in this Region in an integrated manner.

Principal Reasons for Adopting: Environment Waikato is aware that there are some iwi who would like to have further involvement in the future development of this Plan as well as in managing coastal resources in their area. It is recognised that tangata whenua have structures and protocols which Environment Waikato should respect and acknowledge when consultation takes place. However, it is also recognised that for this to occur a well-founded working relationship needs to be established.

17.1.2 Transfer/Delegation of Functions

Environment Waikato will consider the transfer and/or delegation of RMA functions, powers or duties, in relation to the management of those characteristics which have been identified in the CMA as being of special value to the tangata whenua.

Principal Reasons for Adopting: While the issue of Maaori „ownership“ of coastal resources does not come under the focus of the RMA, it is recognised that tangata whenua still consider such resources to be in their ownership and guardianship. Transferring

responsibilities relating to the management of the CMA to tangata whenua is a management option which would recognise their role as Kaitiaki with respect to the coast.

17.1.3 Identification of Areas/Characteristics of Special Value

Environment Waikato will work with tangata whenua over time to identify areas or characteristics of special value that require protection from use or development in the CMA.

Principal Reasons for Adopting: *It is recognised that there is a need to identify areas of special value to tangata whenua and to record these in a manner acceptable to tangata whenua.*

17.1.4 Consultation on Consent Applications

Environment Waikato will encourage applicants to consult with tangata whenua prior to submitting applications for coastal permits.

Principal Reasons for Adopting: *The coastal environment and its resources are of great cultural, spiritual and economic value to tangata whenua. The productivity of the coastal environment and water quality are highly valued, and the iwi and hapu who are Kaitiaki have a responsibility to nurture and safeguard these values for future generations. Consultation with tangata whenua has an important place in the decision-making process under the RMA.*

17.1.5 Marae-Based Meetings

Environment Waikato will encourage marae-based meetings when consulting with tangata whenua on coastal management issues.

Principal Reasons for Adopting: *Environment Waikato recognises the importance of having marae-based meetings, not only for receiving valuable input from local people for the purpose of coastal management, but also for discussing contentious issues. Such meetings would contribute to information gathering, community education, and allow tangata whenua to have valuable input into the management of coastal resources.*

17.1.6 Consultation with Tangata Whenua and Promotion of Kaitiakitanga

Environment Waikato will consult with tangata whenua on a resource and site specific basis, and develop the meaning of kaitiakitanga as it applies to the management of resources in the CMA, and within this Plan. Environment Waikato will also consult with tangata whenua to seek to identify opportunities for the practical expression of kaitiakitanga within the CMA.

Principal Reasons for Adopting: *The practical role of kaitiakitanga can be identified in terms of knowledge, willingness to assist on the identification of key participants within the tribal framework and interpretation of tikanga Maaori. These are roles that local authorities cannot assume or undertake on behalf of tangata whenua. Early and meaningful consultation is therefore an essential part of understanding and promoting the role that tangata whenua have as Kaitiaki.*

17.1.7 Identification of Iwi Authorities

Environment Waikato will seek, through consultation with tangata whenua, the identification of iwi, hapu and whanau having the authority to speak on behalf of tangata whenua interests in the CMA.

Principal Reasons for Adopting: *Local authorities need to understand tribal structures and the concept of mana whenua, and who has authority to speak on resource management issues. Although the identification of mana whenua is something that tangata whenua decide, local authorities need to be aware of appropriate people to approach, and become familiar with working within tangata whenua processes. This information needs to be accessible so that resource users and the community are also aware of the appropriate people to approach.*

17.1.8 Treaty Claims

Environment Waikato will ensure tangata whenua are informed where Treaty claims or customary rights, including the use and enjoyment of ancestral taonga, may be affected by proposals.

Principal Reasons for Adopting: *Under s6(e) and s8 of the RMA the implications of resource management decisions on Treaty claims and customary rights need to be taken into account in the decision-making process. These methods recognise that much should be done to avoid and not exacerbate Treaty grievances.*

17.2.8 Tangata Whenua Values

Environment Waikato will consult with tangata whenua to determine how information on areas of significant value to Maaori should be identified and recorded and how such areas should be protected. Such information would contribute to determining appropriate use and development in the CMA. Applicants will also be required to consult with iwi over specific proposals in the CMA.

Principal Reasons for Adopting: *While a regional overview of tangata whenua values has been taken into account in this Plan, Environment Waikato recognises that there is a need to identify significant areas at a more localised level. Consultation will be required as to how best to proceed.*

17.5.6 Marine Farming Forum

Environment Waikato will facilitate and promote the development of a marine farming forum between key parties involved in marine farming development and management to ensure a strategic approach is taken to address issues of concern.

Principal Reasons for Adopting: *There are a number of different parties with responsibilities linked to marine farming or with interests in marine farming (e.g. territorial authorities, Regional Council, Maritime Safety Authority, Ministry of Fisheries, Department of Conservation, Health Waikato, Transit NZ, industry representatives, tangata whenua, marine farm operators and other relevant parties, e.g. adjacent coastal landowners). [DEC 32]). This method acknowledges the benefits of involving these parties in the management of marine farming and in addressing strategic issues related to marine farming, and provides the opportunity to establish a forum to discuss these matters and help decide on directions to be taken. This method will assist in allowing for marine farming activities and any associated effects above and below the line of MHWS to be dealt with consistently.*

Financial contributions

Assessing Values for a Financial Contribution

EFFECT - CHARACTERISTICS OF SPECIAL VALUE TO TANGATA WHENUA - where a proposed activity is likely to adversely affect characteristics of special value to the tangata whenua within the CMA, including, waahi tapu, tauranga waka, mahinga mataitai, and taonga raranga.

MAXIMUM AMOUNT

The full actual costs involved in protecting, maintaining or restoring characteristics of special value to tangata whenua, including, but not limited to, the protection, restoration, or enhancement of their relationship, culture, and traditions with that place or area; or the full actual costs of compensating for any permanent loss to these characteristics.

Example 3 - Rotorua Proposed District Plan

2.1 ISSUE ONE - RESOURCE MANAGEMENT PRACTICES DO NOT ALWAYS ADEQUATELY RECOGNISE THE PRINCIPLES OF THE TREATY OF WAITANGI

2.1.3 METHODS OF IMPLEMENTATION

The policies will be implemented through the promotion of regular contact between Council and iwi at both Councillor level (for instance the Te Arawa Standing Committee) and at staff level. More specific Methods of Implementation, that are relevant to promoting general contact, are detailed below.

Council is unable to give full rangatiratanga to iwi: that can be done only by the Crown. Nevertheless, there are avenues open to Council to explore with iwi that may lead to particular recognition of particular aspects of rangatiratanga.

One way is to make activities such as papakainga development as permissible as possible. In Part Ten, this activity is classified as a Discretionary Activity, with a number of assessment criteria designed to ensure environmental concerns are satisfactorily addressed. It could be possible to make papakainga development a Controlled or even a Permitted Activity with sufficiently comprehensive Performance Standards designed to ensure that adverse effects are avoided, remedied or mitigated and that the Objectives and Policies of the Plan are met.

However, this can only be done satisfactorily when Council has finalised some studies aimed at identifying a number of resource management matters that are important to the wider community. Many of these studies are identified elsewhere in this Plan. These include the Lakes Strategy, the Natural Heritage Inventory, and the Landscape Study. These studies should identify critical elements for protection and effective methods for doing so, including relevant performance standards, and criteria to be used in the assessment of resource consent applications. Once these are completed or well under way, Council could develop, with tangata whenua, acceptable provisions to allow developments such as papakainga to proceed with a minimum of control.

Another method is the use of Section 33 of the Resource Management Act 1991, which allows Council to transfer functions, powers or duties to an iwi authority. It needs to be noted, however, that this transfer cannot be complete: although functions, powers or duties can be transferred, the Act specifically requires Council to retain its responsibility for those matters, including approval of any Plan that may be developed under that transfer by the authority. In addition, Section 35 requires Council to monitor the exercise of those transferred powers, duties or functions.

Transfers must be done by way of a special consultative procedure, and would need to be negotiated separately with each iwi authority that wishes to accept transfer. If an iwi authority indicates its desire to accept a transfer from Council under Section 33 of the Resource Management Act 1991, Council will consider such a request, and if terms, acceptable to both parties are negotiated, Council will initiate proceedings under Section 33(4).

Another method is for Te Arawa, or a particular iwi, and Council to jointly develop Plans or Strategies. In this way, the interests and concerns of both parties can be addressed together in ways that are mutually agreed and mutually supporting. Both jointly developed documents and transfers under Section 33 of the Resource Management Act 1991 could provide for iwi to formally exercise kaitiakitanga.

2.2 ISSUE TWO - SOME ACTIVITIES HAVE THE POTENTIAL TO ADVERSELY AFFECT MAORI CULTURAL AND SPIRITUAL VALUES. 2.2.3 METHODS OF IMPLEMENTATION

The Resource Management Act 1991 requires Council to consult with iwi, including consultation over consent applications. This requirement cannot be delegated or transferred to applicants, however desirable that may be. However, in their own interests applicants should also consult with iwi, preferably when their applications are being prepared. This allows iwi more time to consider the effects, and it gives opportunities for constructive debate between the parties.

Council will encourage applicants to consult with iwi where appropriate prior to lodging applications for resource consents.

The requirement to notify iwi authorities in Section 93 of the Resource Management Act 1991 can be overruled by Section 94. However, this ability is circumscribed and usually requires the written approval of affected persons unless Council considers this unreasonable in the circumstances. Tangata whenua are affected persons if any of the matters referred to in the Objective will be affected by a proposed activity.

To facilitate both the consideration of consents and the consultation workload of iwi authorities, Council will consult with iwi in the District to develop protocols that identify their rohe (areas of interest), the types of application they want to have referred, contact persons, and ways the processes can be streamlined. Council recognises that the protocols may differ from iwi to iwi.

When an application for resource consent is submitted that affects resources regarded as taonga by tangata whenua, Council will:

(a) Ask the tangata whenua whether the applicant has adequately consulted and whether their concerns have been accommodated in the consent application. Where necessary, Council will delay notification of applications under Section 92 of the Resource Management Act 1991, to allow time for consultation to be undertaken; and

(b) If required to, under Section 93(1)(f) of the Resource Management Act 1991, to ensure that appropriate notice is served on iwi authorities. Some of the features valued by tangata whenua are identified in Appendix A of this Plan. These features are afforded protection by the requirement for a Discretionary Activity application to modify or destroy any of the features concerned. Decisions on these applications require consultation with tangata whenua.

Council recognises that it may be inappropriate to expressly identify certain sites that are of particular sensitivity to tangata whenua and will release specific details of these sites only where this is acceptable to the tangata whenua concerned. Council will consult with tangata whenua to develop protocols, such as silent files, to handle sensitive information in ways that preserve the tangata whenua "s mana over it.

R10.4.3.11 PAPAKAINGA

- (a) Applications for papakainga shall also be assessed in terms of the following criteria:*
- (i) the land concerned shall either be in close proximity to the marae or have some other important significance to the Maori people;*
 - (ii) the land concerned shall be Maori multiple owned land or otherwise be under the jurisdiction of the Maori Land Court;*
 - (iii) the land concerned shall be vested in trustees whose authority is defined in a Trust Order or other empowering instrument which will ensure as far as practicable that:
 - (1) the land remains vested in the trustees without power of sale;*
 - and*
 - (2) the occupation and/or beneficial interest in the land shall be restricted to members of the hapu.**
 - (iv) the papakainga must not have significant net adverse effects on natural, visual, landscape, geothermal or wildlife resources;*
 - (v) the papakainga must not have significant net adverse effects on the sustainable management of the natural and physical resources of the District;*
 - (vi) the papakainga must not have significant adverse effects on the rural character of the area; and*
 - (vii) the papakainga must not result in adverse effects on streams, rivers, lakes or other water supplies.*
- (b) Applications for papakainga shall include a Development Plan for the area. It will also be a condition of any consent that the activity will be required to be in accordance with any approved Development Plan. The Development Plan shall show:*
- (i) the location and extent of the area proposed to become a papakāinga including any community land or adjacent activity;*
 - (ii) land contours, water bodies, vegetation and existing activities;*
 - (iii) the proposed layout of building sites and/or the location of building platforms and the number of household units proposed for each site or platform;*
 - (iv) the proposed provision and design of access, including ingress and egress; (v) the proposed reticulation of water supply and provisions for storm-water and sanitary drainage, including the disposal of effluent;*
 - (vi) the proposals for landscaping to avoid, remedy or mitigate any adverse visual effects of the activity; and*
 - (vii) any proposal for the staging of the development.*

Council may decline the application or grant it subject to additional conditions that will avoid, remedy or mitigate the adverse effects identified in the above criteria.

Author's Note – while specific provisions for papakāinga sound positive, consider the prescriptive approach to papakāinga here

Example 4 - Wairoa District Plan

- 1.5.1 *Encourage applicants to consult tangata whenua about resource consent applications, notices of requirement for a designation or heritage order, and proposed plan changes which could have a significant adverse effect on resources of interest to them, before these applications, notices of requirement and plan changes are publicly notified.*
- 1.5.2 *All resource consent applications, notices of requirement and plan change requests received by Wairoa District Council will be reviewed by the District Planner and the Maori Liaison Officer as part of discharging Council's duties under the Resource Management Act.*
- 1.5.4 *If the District Planner and Maori Liaison Officer advise that tangata whenua are an affected party, then the applicant will be encouraged to carry out consultation with tangata whenua. The Maori Liaison Officer may be available to introduce the applicant to the tangata whenua and to facilitate the consultation, if the parties so desire.*
- 1.5.5 *If tangata whenua are opposed to a resource consent application as evidenced from the documents presented as part of the application, this may constitute **special circumstances for notification** in terms of Section 94(5) of the Resource Management Act 1991.*
- 1.5.6 *Encourage a resource consent applicant, requiring authority, or promoter of a proposed plan change to reach agreement with tangata whenua on a process for consultation including the costs of that consultation.*
- 1.5.7 *Together, the RMA (s.34(1)) and the Local Government Act 1974 (s.114Q(5), and s.114R(4), (6) and (7)) provide, under certain conditions, for persons who are not members of a local authority to be appointed to a committee or sub-committee exercising the local authority's Resource Management Act functions, powers or duties. Such appointments can be made if, in the opinion of the Council, such persons have knowledge that will assist the work of the Council's committee or subcommittee.
*Where the Council considers it appropriate, these provisions will be used to appoint one or more persons with appropriate knowledge and understanding of Maori issues to a committee considering proposals that could affect tangata whenua interests, provided that such persons are not a party affected by the proposals under consideration. The Maori Committee of the Wairoa District Council will nominate people for the Wairoa District Council to consider appointing to the relevant committee.**
- 1.5.8 *Holding all or part of any hearings or pre-hearing meetings under the RMA on a marae when issues of significance to the tangata whenua are involved, and when the relevant tangata whenua group requests a marae-based hearing or meeting.*
- 1.5.9 *Following Maori protocol and tikanga Maori at hearings and pre-hearing meetings, and providing for the use of the Maori language at these gatherings.*
- 1.5.10 *Providing notice of a Resource Management Committee decision on a proposal to tangata whenua groups consulted about the proposal.*
- 1.5.11 *Have regard to any relevant planning document recognised by and iwi authority affected by the District Plan when preparing or changing the District Plan.*
- 1.5.12 *To consider alteration to the District Plan to ensure that it is better able to have regard to any newly developed relevant planning document produced in the future and recognised by an iwi authority affected by the District Plan.*
- 1.5.13 *Transferring Wairoa District Council functions, and the necessary resources to carry out those functions, to an iwi authority in circumstances where the criteria specified in Section 33(4) of the RMA are satisfied.*

- 1.5.14 *Providing for the Maori Committee of Wairoa District Council and the tangata whenua of Wairoa District to participate in monitoring the effectiveness of the District Plan.*
- 1.5.15 *Provide for multiple dwellings and papakainga on a single title and for marae developments in the Rural Area.*
- 1.5.16 *Consider a change to the District Plan in order to accommodate tangata whenua development plans formulated in the future.*
- 1.5.17 *Facilitate the involvement of tangata whenua in the resource management process and accommodate, where possible, the exercise by them of tino rangatiratanga and kaitiakitanga.*
- 1.5.18 *Establish rules for the control of activities on the surface of water adjacent to marae so as to ensure that these activities do not adversely affect ceremonies on the marae.*
- 1.5.19 *Take steps to ensure the Council's decision makers are adequately informed about tangata whenua issues before they make decisions, which may affect tangata whenua interests. This is to be achieved by continuing to support and consult the District Council Maori Committee, and, as the need arises, by consulting other Māori organisations and the tangata whenua.*
- 1.5.20 *Establish and regularly update a register of tangata whenua contacts for consultation.*
- 1.5.21 *Council agreeing protocols with tangata whenua groups concerning the resourcing of the tangata whenua comment on resource consent applications, notices of requirement and plan change requests.*

➤ Other Methods

Example 5 - Waitakere City District Plan

District Plan Rules:

Harvesting of native plants for cultural purposes must pass through a resource consent process.

Assessment criteria include: a requirement that the plants used for harvesting can absorb any impacts and continue to function as a healthy component of the surrounding ecosystem, in the short and long term; impacts on the ecological integrity of the Green Network (including fauna habitat); seasonal conditions of the resource; heritage status of any listed heritage trees; and other criteria set out under the harvest protocol.

Assessment of the resource consent is carried out by the iwi under the delegation powers set out in Section 34 of the Resource Management Act. The delegation of such powers is made in accordance with the conditions set down in the joint harvest protocol.

Other Methods:

- *development of planting programmes on City reserves;*
- *joint Harvest Protocols.*

➤ Anticipated Results

Example 1 - Proposed Auckland Regional Coastal Plan

- 6.8.1 *The special Treaty relationship between the Crown and Tangata Whenua is recognised and facilitated.*
- 6.8.2 *The relationship of Tangata Whenua and their culture and traditions with their ancestral taonga, including use of and access to these taonga, are recognised and provided for.*
- 6.8.3 *Adverse effects of subdivision, use and development on the relationship of Tangata Whenua and their culture and traditions with their ancestral taonga are avoided, remedied, or mitigated.*
- 6.8.4 *Appropriate and meaningful consultation is undertaken with Tangata Whenua on all matters of resource management of significance to them.*
- 6.8.5 *Involvement of Tangata Whenua in managing their ancestral taonga, including decision making, in accordance with tikanga Maori.*
- 6.8.6 *The historic, traditional, cultural and spiritual relationship of Tangata Whenua with the Hauraki Gulf, its islands, catchments, foreshore and seabed is provided for. Those natural, historic and physical resources (including kaimoana), islands, catchments, foreshore and seabed of the Hauraki Gulf with which Tangata Whenua have a historic, traditional, cultural and spiritual relationship are recognised and, where appropriate, enhanced.*

Public Access

7.8.1 *The maintenance and enhancement of public access to, along and within the coastal marine area without adverse effects on the natural or **cultural values** of the coastal environment.*

NOTE - It is recognised that some parts of the coastal marine area are in private ownership. As such, the owners of these areas have the right to deny public access. Policy 7.4.1 does not restrict the right of land owners to deny public access to privately owned land, nor does it restrict or impinge on obligations under other legislation.

Example 2 - Proposed Waikato Regional Coastal Plan

- *Ongoing involvement of tangata whenua in the management of coastal resources.*
- *Historical, spiritual, cultural and traditional values of tangata whenua recognised and provided for.*
- *The tangata whenua role as Kaitiaki provided for.*
- *Ancestral lands, water, sites, waahi tapu and taonga protected.*
- *Mutual understanding of the principles of the Treaty of Waitangi.*
- *The special relationship between the crown and tangata whenua is recognised.*

Example 3 - Rotorua Proposed District Plan

Issue 2.1– RESOURCE MANAGEMENT PRACTICES DO NOT ALWAYS ADEQUATELY RECOGNISE THE PRINCIPLES OF THE TREATY OF WAITANGI - 2.1.4 Anticipated Environmental Results

- *Increased mutual understanding and improved relationships between tangata whenua and Council;*
- *More effect given to the principles of the Treaty of Waitangi;*
- *Consideration of possibilities for tangata whenua to exercise rangatiratanga and kaitiakitanga;*

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- *Innovative solutions for resource management according to the principles of the Treaty of Waitangi.*

Issue 2.2 – SOME ACTIVITIES HAVE THE POTENTIAL TO ADVERSELY AFFECT MAORI CULTURAL AND SPIRITUAL VALUES - 2.2.4 ANTICIPATED ENVIRONMENTAL RESULT

- *The relationship of Maori people and their culture and traditions with taonga is recognised.*
- *Resources regarded as taonga are accorded adequate protection, and thus their mana is respected by not releasing sensitive information.*

Example 4 - Wairoa District Plan

- 1.7.1 *Te whakahaere tokonga o nga rauemi taahorahora, tinana ranei i roto i te Kaunihera takiwa o te Wairoa, me te whakaae whakarite ano hoki ki te hononga o te Maori me ona tikanga a iwi me na taonga tuku iho e pa ana ki te whenua o nga tupuna, na wai, na ngahere, na waahi tapu me etahi atu taonga, he take a iwi tino hira.*
- 1.7.2 *A translation of the preceding paragraph into English is:
The sustainable management of natural and physical resources within Wairoa District while recognising and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga as a matter of national importance.*
- 1.7.3 *Greater public awareness of Maori cultural considerations concerning the management of natural and physical resources.*
- 1.7.4 *Maori communities and their culture and values are sustained and enhanced within the Wairoa District.*

➤ **Indicators**

As previously discussed in the introduction, few plans refer explicitly to environmental indicators, mainly because when many of them were written talk in terms of social and environmental outcomes and associated indicators was not yet common. For this reason the regional and district plans previously referred to in each section are not included here. The few plans in which references to indicators were found are shown.

Example 1 – Thames Coromandel Proposed District Plan

Environmental Result = Decision making more sensitive to Tangata Whenua values.

Indicators to be derived from:

- *review plan following Iwi environmental/ resource management plans*
- *audit resource consent and application process*
- *maintain watching brief on cross boundary issues*

District & Regional Data Sources: Iwi management plans, Resource consents

Environmental Result = Greater protection of land, water, sites, waahi tapu and taonga.

Indicators to be derived from:

- *review plan following Iwi environmental/ resource management plan*
- *audit resource consent and application process*

District & Regional Data Sources: Iwi management plans, Resource consents

Environmental Result = Enhanced communication between Council, the public and tangata whenua. Indicators to be derived from:

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- *opinion survey the stakeholders*
- *audit resource consent and application process*
- *convene workshops to rate performance.*

District & Regional Data Sources: Survey results, Resource consents, Record of meeting Environmental Result = Development of Maori land and resources, increased involvement in decision making over it, recognition of kaitiaki role. Indicators to be derived from:

- *number and type of resource consent applications*
- *implementation of management plans*
- *implementation of Sections 33 & 34 RMA*
- *opinion survey of stakeholders*
- *maintain watching brief on jurisdiction issues with regional council and government departments.*

District & Regional Data Sources: Resource consents, Management Plan application, Recorded use, Survey results

13 Through consultation with local hapu and iwi develop concepts and indicators which are useful and meaningful to tangata whenua to:

13.1 Ensure concepts and indicators are relevant to the spiritual and philosophical goals of Maori

13.2 Enable hapu and iwi to track the health of the environment in their areas.

13.3 Ensure hapu and iwi environmental interests are protected in accordance with Council obligations under the Treaty of Whitangi [sic]

Example 2 - BOP Regional Coastal Environment Plan

Plan Monitoring and Review

Change in indicators of values of significance to tangata whenua (to be developed through consultation).

Definitions

Tiaki: Includes the ideas and principles of guardianship, care, wise management, resource indicators, where resources themselves indicate (our emphasis) the state of their own mauri.

5.3.10 Education

*5.3.10(a) Objective - The adoption of an environmental ethic, based on sustainability, by all resource users - **Methods of Implementation***

Environment B·O·P and District Councils are encouraged to:

5.3.11(c)(v) Include, in monitoring programmes, social, economic and cultural indicators in relation to their functions.

Example 3 - Rotorua Proposed District Plan

4. POLICY MONITORING

*Many of the policies in the District Plan will be monitored through compliance monitoring and state of the environment monitoring. This is possible because many Rules in the Plan can be directly linked back to specific policies. If the anticipated environmental results are being achieved, it is **an indication** (our emphasis) that the policies are working. If the anticipated environmental results are not being achieved, this will be a trigger for the review of policies.*

***Authors Note** - this plan doesn't list indicators, but this reference characterises the achievement or otherwise of anticipated environmental results (AERs being like outcome statements) as being indicators. While not being a Māori specific example this is one of the few references to indicators in RMA plans found so I included it here.*

Example 4 - Wairoa District Plan

***Policy 1.6.1** To identify key environmental indicators to monitor changes in the significant resource management issues in Wairoa District.*

➤ **Monitoring provisions**

Notes

Plans may have specific sections relating to monitoring and review, complete with identification of issues, objectives etc. Others will have monitoring strategies in some other form. Most consulted have had **few or no Māori specific monitoring provisions**, but if monitoring requirements are adequately written so as to require monitoring and report of all plan provisions this may prove adequate.

If there are no identified methods for determining performance in terms of Māori values and provisions then Council is likely to fail in this task. Only if strongly worded monitoring standards and results are required in the plan itself can the council concerned can be held accountable by tangata whenua.

Example 1 - Proposed Waikato Regional Coastal Plan

15 MONITORING AND REVIEW

In addition to evaluating the information from the monitoring strategies outlined in this chapter, Environment Waikato will consult with the following groups of people at regular intervals:

- *The Department of Conservation, with respect to the implementation of this Plan and its effectiveness.*
- *Other regional councils with respect to any cross-boundary matters which have caused difficulties.*
- *Territorial authorities with respect to the effectiveness of cross-boundary management in the coastal environment.*
- *Consent holders with respect to the requirements in this Plan.*
- *Key community groups with respect to the directions in this Plan.*
- *Tangata whenua with respect to the on-going development and implementation of requirements and directions, in this Plan.*

The monitoring approach will include the following four key areas:

- *Current status of the various components of the coastal ecosystems, as well as trend monitoring to identify changes or trends in the quality or quantity of resources in the CMA*
- *The use of resources within the CMA to assess the extent and way in which resources in the CMA are being used in relation to coastal permits granted:*
- *the effects of each permit on physical, biological and intrinsic qualities and values and*
- *compliance with the conditions on the permit.*

The processes outlined in this Plan which will assist in measuring the effectiveness and appropriateness of its objectives, policies and methods.

17.3 Water Quality

17.3.4 Gathering Further Information

Environment Waikato will gather further information, including base-line data on the Region's water quality against which any future changes can be measured and appropriate classification standards developed if necessary.

Principal Reasons for Adopting: *Unless there is frequent and comprehensive monitoring of water quality, degradation will not be detected. At present there is a lack of baseline data on water quality.*

Example 2 - Proposed Auckland Regional Coastal Plan

39 - Monitoring – 39.2 INFORMATION GATHERING

Monitoring of anticipated environmental results will, as far as practicable, be undertaken annually by review of coastal resource consents. Analysis of the information will include compliance of consents issued with the anticipated environmental results in the relevant chapters of the Plan. Reporting of the results to Council will also be undertaken annually. If the monitoring reveals that the anticipated environmental Auckland Regional Plan: Coastal 39–2

Auckland Regional Council results are not being achieved, a review of the relevant parts of the Plan will be undertaken and if necessary changes made in accordance with Chapter 40.

39.2.4 Compliance with the Resource Management Act 1991

The consent authority may require monitoring and reporting to be undertaken by coastal consent holders as a condition of permits. In these Auckland Regional Plan: Coastal 39–4 Auckland Regional Council circumstances, records will be kept of the results, and reported to the relevant ARC Committee, where appropriate.

The ARC also monitors compliance with the conditions of coastal permits issued. This includes audit monitoring of self monitoring permits. Records of this will be maintained and reported to the relevant ARC Committee, as appropriate.

Example 3 - Rotorua Proposed District Plan

4. POLICY MONITORING

Many of the policies in the District Plan will be monitored through compliance monitoring and state of the environment monitoring. This is possible because many Rules in the Plan can be directly linked back to specific policies. If the anticipated environmental results are being achieved, it is an indication that the policies are working. If the anticipated environmental results are not being achieved, this will be a trigger for the review of policies.

The anticipated environmental results specified in this Plan are Council's interpretation of the community's perception of the environmental outcomes they want to see achieved in the District. Over time peoples' perceptions change and in the future the Plan's anticipated environmental results may no longer adequately express community feeling.

To ensure that the Plan reflects the changing perceptions of the District's communities, the anticipated environmental results will need to be periodically reviewed. To achieve this, perception surveys will be carried out throughout the life of the Plan. The nature and level of complaints relating to environmental issues are also an indication of changing community views.

6. REVIEW

This Plan is dynamic and must meet changing circumstances. An outdated plan with policies which are no longer relevant cannot meet the requirements of the Resource Management Act 1991. Section 79 of the Act and the aspirations of the District's communities requires the District Plan to be reviewed at maximum intervals of 10 years however re-evaluation and fine-tuning will be a continuous on-going process.

It is important to consistently monitor the Plan's effectiveness to determine whether the Objectives are being achieved and to refine them where necessary. The provisions enabling any person to request changes to the Plan will also affect the review process as any proposed change could affect the integration of other policies.

Example 4 - Wairoa District Plan

Methods - 1.5.14 - *Providing for the Maori Committee of Wairoa District Council and the tangata whenua of Wairoa District to participate in monitoring the effectiveness of the District Plan*

Policy 1.7.7 - *Develop a State of the Environment monitoring programme, with input from the community and tangata whenua, to assess the changes in the environmental quality of the District "s natural and physical resources, based on:*

- *Resource Management Strategy – Objectives, Policies and Methods*
- *Identification of baseline data sources*
- *Agreement on key indicators*
- *Frequency of monitoring, reporting, agency/consent holder support*

➤ Enforcement Provisions

Notes

The following example is given to show how simple and specific a compliance statement in a plan can be. This is one approach. Consider the Māori provisions examples given here, and those in plans you are assessing, against this in terms of whether you think the statement will lead to the council forcing compliance:

Where non-compliance with any lighting consent conditions occurs, Environment Waikato reserves the right to arrange to repair the lights and duly charge the consent holders for this service, or take other enforcement actions as provided under the Resource Management Act 1991. (Waikato Regional Council - Proposed Regional Coastal Plan)

As noted for some previous levels, there will often be no specific reference to compliance regarding Māori provisions, as the compliance is generally expressed so as to apply to each and all plan issues.

Example 1 - Proposed Waikato Regional Coastal Plan

15 MONITORING AND REVIEW

..... *To achieve a consistent approach, Environment Waikato will ensure any monitoring requirements that are stated within a coastal permit are established to assist in meeting the objectives of this Plan and reflect scientifically acceptable methods (including the format in which data will be supplied to Environment Waikato).*

All permits will clearly outline which conditions will be monitored by the permit holder. Additional conditions stating specific “not to be exceeded” values will be monitored on a priority basis (including potential environmental effects, public perception, past performance, etc.) and may sometimes include sampling at random intervals by Environment Waikato, to ensure compliance. The frequency and timing of random checks will be determined in accordance with the annual work programme. Should adverse effects to the natural environment occur that were not apparent or anticipated at the time of approving a permit, Environment Waikato would review the consent conditions in accordance with s128 of the RMA.

Example 2 - Proposed Auckland Regional Coastal Plan

39.2.4 Compliance with the Resource Management Act 1991

Monitoring of compliance with the RMA may be carried out either through coastal permits granted by the ARC or the Minister of Conservation, or through actions taken by the ARC concerning breaches of the RMA outside consent administration.

Example 3 - Thames Coromandel Proposed District Plan

MONITORING STRATEGY- Techniques

.2 Council is active in undertaking this type of monitoring to ensure environmental credibility is achieved. It is important that resource users are held accountable for their actions, appropriate methods are being used by Council to achieve desirable environmental results and to ensure objectives and policies are relevant to the issues arising.

.3 Examples of issues and incidents currently being addressed are:

3.1 noise

3.2 on-site wastewater treatment systems

3.3 septage removal and disposal areas

3.4 carparking requirements

3.5 bush protection covenants

Example 4 - Wairoa District Plan

Method 1.7.6 *Use enforcement powers where appropriate, to remedy or mitigate the adverse effects of activities so as to achieve the environmental outcomes sought in the District Plan.*

Reason 1.8.3 *- The monitoring programme undertaken by the Council should also highlight situations in which abatement notices or enforcement orders may be required.*

2.2 LTCCP – Mana Whenua

Note: In this Section 2.2, the focus is on Long-term Council Community Plans (LTCCP) required under the 2002 *Local Government Act* with respect to tikanga mana whenua.

➤ Overall purpose

Example 1 - Waitakere LTCCP

*The first thing we had to get right was the partnership with Maori. Since adopting Agenda 21 in 1993, the Council has developed a number of strategic partnerships with iwi and Maori communities. The Council has supported a representative committee, called Te Taumata Runanga, since 1992, which provides advice to the Council. Iwi Maori relationships are supported and fostered through Memoranda of Understanding, which ensures that iwi are engaged in decision making and information flows on issues that are of concern to them. This includes heritage, water, development of policy, parks development and **any issue that iwi wish to be engaged in** (our emphasis).*

Example 2 - Draft EW LTCCP2006-2016

As with the Waikato River, the west coast harbours of Manukau, Whaingaroa, Aotea and Kawhia have significant historical and cultural importance to Waikato-Tainui, particularly for the mana whenua who reside around them. p.17

*Revenue and Financing Policy - Protecting Lake Taupo - Our Decision-Making Process
Tuwharetoa is the iwi with mana whenua in the Lake Taupo catchment. Tuwharetoa are Treaty partners with the Crown and hold the legal title of the Lake bed and its tributaries. Tuwharetoa are kaitiaki of the Lake – it is their taonga. p.7*

Environment Waikato is also working directly with Tuwharetoa Maori Trust Board as a partner in Protecting Lake Taupo, recognising Tuwharetoa "s status as mana whenua, owner of the lake bed and kaitiaki of Lake Taupo. p.17

Example 3 – Matamata Piako LTCCP 2006-2016

KEY ISSUES - Democracy

Council recognises that a number of groups have not always been well represented within Council, and there is increasing pressure and awareness amongst minority groups about their rights so they can be included in the democratic process. Two groups identified as priorities for our area are Maori and young people. We have already taken steps to begin strengthening relationships with Mana Whenua, to improve Maori participation in decision making, through the set up of Te Manawhenua Forum Mo Matamata-Piako; and we are considering ways to improve participation for young people. p.33

Example 3 – Manukau City Council LTCCP

Manukau - A Brief History

The Auckland isthmus has been the home and territory of the ancestors of the Te Wai-o-Hua people since the 9th century AD and for the Tainui waka after the mid-14th century AD.

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Manukau "s name derives from the sound of the many birds that Hoturoa, rangatira of the Tainui, and his people heard and mistook as human voices as they first paddled down the harbour – he manu kau noa iho. Settling around the Eastern shores of Manukau Harbour, Tainui have been a constant presence in and around Manukau, and are recognised as tangata whenua.

3.1 DEMOCRACY

In line with obligations under the Local Government Act 2002, Council is developing opportunities for Maori to participate in decision-making, including establishing a Te Tiriti o Waitangi Standing Committee.

➤ Māori participation provisions

Example 1 - Auckland Regional Council LTCCP

DEVELOPING MAORI CAPACITY

According to Schedule 10 (clause 5) of the Local Government Act 2002, “a long-term council community plan must set out any steps that the local authority intends to take, having considered ways in which it might foster the development of Māori capacity to contribute to the decision-making processes of the local authority, over the period covered by that plan”.

The ARC is currently considering a number of options to increase our commitment to fostering the development of Māori capacity to contribute to decision-making processes.

In the interim, the ARC will maintain the approach we have taken over the past year, which includes:

- *Contributing to tāngata whenua research and input into relevant policy documents*
- *Providing tāngata whenua input into relevant policy prior to public notification. This allows tāngata whenua to be strategic in the outcomes obtained from limited human resource capacity*
- *Resourcing environmental and cultural projects between tāngata whenua and the ARC that provide mutual benefit. This can include, for example, the protection of significant wāhi tapu and the promotion of significant sites in interpretation signage and written material. The ARC often provides resources in the form of financial contributions and staff expertise/time*
- *Contributing to the development of iwi planning documents. Again, this is a contribution to a strategic policy document that promotes a proactive approach to resource management*
- *Operating or providing iwi and hapu resource management representatives with opportunities to attend ARC and/or other resource management training programmes*
- *Establishing means for tāngata whenua to network and to share information and ideas amongst themselves. A good example of this is a newsletter called the „ Tāiao Times “. This contains Māori environmental success stories and is issued quarterly.*
- *Sharing ARC resources such as maps and GIS services*
- *Consolidating healthy and productive relationships through the use of formal agreements such as memoranda of understanding. In 2003 the ARC signed its first Māori memorandum of understanding in at least four years.*

Example 2 – Thames Coromandel District Council LTCCP

Maori Capacity

An important part of the Long-term Council Community Plan is outlining how Council

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might help Maori better participate in Council decision-making. Council has adopted the following policy to aid Maori participation in such decision-making:

- 1. Council will compile a contact list for consultation purposes in order to provide for the provision of more detailed information where specifically requested by community groups and or individuals including Māori.*
- 2. Those persons who have identified themselves as Māori for the purposes of the Local Government Act 2002 will be specifically targeted for consultation when Council decides that it wishes to consult. Where specific legislation requires specific consultation with Māori or tangata whenua, then the requirements of that specific legislation will over-ride this policy.*
- 3. Additional resources will be provided in the 2004/2005 financial year and subsequent years to enable a dedicated community liaison person to be employed to assist Council in meeting its obligations in terms of Section 81 of the Local Government Act 2002.*
- 4. Regular forums will be held with each Community Board to enable Māori to participate in decision-making processes.*

Example 3 – Wairoa District Council LTCCP 2006-2016

The Wairoa Community is 58.8% Māori compared to 14.7% in New Zealand as a whole. This means that Māori are well represented at most levels within the community.

Council acknowledges that specific iwi have ahikaa (unbroken occupation) and exercise mana whenua (maintenance and sustainable management of land) over lands within the Council's boundaries.

Council consult iwi for the purpose of the Resource Management Act 1991 (where there is a duty to consult with tangata whenua) and where there is mutual agreement between the

Council and iwi exercising mana whenua. The Council also acknowledges that specific iwi have historical and spiritual ties to land within Council "s boundaries.

Within the Wairoa District there are several Rūnanga or Iwi Authorities which involve themselves in a range of issues. The Rūnanga in Wairoa is as follows: te Taiwhenua of Ngati Kahungunu ki te Wairoa, Te Rūnanga o Tuhoe Pōtiki ki Waikaremoana, Te Whānau o Rongomaiwahine Trust, Te Mana Taio o Rongomaiwahine, Te Rūnanga o Rakaipaaka, Te Pahuwera Incorporated Society, and the Wairoa-Waikaremoana Trust Board.

The Council maintains processes that provide opportunities for Māori to contribute to decisions. The Wairoa District Council Māori Standing Committee, (the group who advise and support Council on things pertaining to Māori) advise on how best to manage the consultation process and to facilitate relationships between the Council and iwi exercising mana whenua.

The Wairoa District Council Māori Policy outlines the relationship between the Council and tangata whenua and is the foundation document for how this will proceed. Council will continue to consider, and where appropriate, implement ways to foster the development of Māori capacity to contribute to the decision-making process.

Council have adopted the following steps to further facilitate and enhance Māori involvement in decision-making:

- 1. Council has established the position of Māori Liaison Officer.
The roles of this position are:*

- *To liaise with local hapū to ensure they understand the processes of Council, how they can become involved and to ensure that their views are considered by Council on matters of concern to them.*
- *To ensure Council and management have an understanding of Tikanga and don't alienate Māori through their actions.*
- 2. *Council has established a Māori Committee, which has representatives of (and appointed by) local hapū. This Committee is funded and supported by Council and is regarded as a standing committee of Council. The Māori committee is free to discuss any item on Council agendas and to make representations or recommendations to Council on those matters.*
- 3. *In Consulting with the public Council has a history of meeting with Māori and the Community on local marae where appropriate.*
- 4. *Council has a commitment to work with Māori at a variety of levels to both raise awareness of issues and hear their voice before making decisions.*

Monitoring Our Effectiveness

Council's effectiveness in involving Māori in decision-making will be measured in the following ways:

1. *The percentage of Māori Councillors elected approximately reflecting the percentage of Māori in the Community.*
2. *The degree to which Māori participate in Council/Community consultation.*
3. *The attendance of elected representatives at meetings of the Māori Committee.*

➤ Outcomes

Example 1 - Matamata Piako LTCCP 2006-2016

1.3 Participation in Decision Making

- c) *Tangata whenua with manawhenua status are recognised and involved in decision making*

Definition provided: Tangata whenua with mana whenua status - those with authority over the land under Maori lore. p.2

Example 2 - Waitakere City Council LTCCP

2020 Vision: People in the City are proud to uphold the Treaty of Waitangi.

Over the next ten years we will - Recognise the Treaty of Waitangi as the ridgetop for the Council's relationship with Maori.

Over the next ten years we will work creatively with others to:

- *Ensure that the Treaty of Waitangi is upheld by the Council in all of its activities.*
- *Better understand and support the rights of iwi as **mana whenua**.*
- *Support the development of the role of Te Taumata Runanga, strengthening its links with the Maori community and enhancing its status within the Council.*
- *Ensure the Council meets its statutory responsibilities in respect of its dealings with iwi and Maori communities and with Crown agencies. p.10*

- *Provide a range of opportunities for Maori to participate which enable them to make a difference.*
- *Obtain information about Maori children and youth from Māori sources where possible as their needs and interests are best defined by Maori.*
- *Provide greater opportunities for Maori to have a say in decision making.*

- *Provide opportunities for Maori to develop their leadership and participation skills to allow them to participate in developing and maintaining the City for the future.*
- *Be aware and informed of Maori needs and best interests and provide support in accordance with biculturally aware best practice.*
- *Support the effective involvement of Maori children, youth and their whanau, as well as iwi and Maori communities in decision making, planning, development and delivery of services.*
- *Work with others to advance Māori rights and well being.*
- *Develop effective relationships with iwi and Maori communities to increase the capacity and capability of Maori providers to deliver services for Maori in accordance with their own goals and priorities.*
- *Work with Maori providers, community and Central Government to strengthen family safety and wellbeing and whanau development.*
- *Work with Maori providers and others to provide more and better Maori educational opportunities.*

Example 3 - Manukau City Council LTCCP

- *Manukau "s natural and cultural heritage and significant sites are recognised, protected and enhanced*
- *Development in Manukau is sensitive to the need to protect cultural heritage and promote environmental well being*

Example 4 – Auckland Regional Council LTCCP

- *Māori are succeeding socially and economically, and contribute to decision making*
- *The significant place of tāngata whenua is acknowledged and their role as kaitiaki is recognised*

➤ Indicators

Example 1 - Waitakere City Council LTCCP

Strong Maori leaders are working side by side with the Council and are achieving positive outcomes for Maori.

Authors Note – the following are described as action points, but are listed under the heading How we will Measure Success. Some are expressed as achievements, for example “Youth recreation precinct in Henderson built”. The writers of this document have taken the view that this is being included as a measure – or sub-measure. That is, the building of the youth recreation centre in Henderson is an indicator of progress toward some of the LTCCP outcomes.

Actions over the next 1-3 years

Current:

- *Support the development of Te Taumata Runanga.*
- *Maintain relationships with Te Kawerau a Maki and Ngati Whatua.*
- *Involve Maori children in Council activities through Te Roopu Puawai O Waitakere.*

- *District Plan operative.*
- *Waitakere Ranges strategy initiated.*
- *Marae policy adopted.*

2003/04:

- *Maori Library work programme implemented.*
- *Work with key housing providers to support affordable housing options.*
- *Local youth “events places” established.*
- *Waitakere City events centre/stadium completed.*
- *Civics education in schools.*
- *Early childhood strategy developed.*

2004/05:

- *Treaty of Waitangi Framework agreed.*
- *Youth recreation precinct in Henderson built.*
- *Whare Wananga Stage 1 completed.*
- *New high school in north west sector being built.*
- *Major new technology industries operating in the City - Maori scholarships available.*
- *Support establishment of a West Coast marine park.*

2005/06:

- *Harbourview (Te Atatu) Marae built.*
- *Plan to ensure youth fully employed.*
- *Youth Conference (Pumaia) in Waitakere.*
- *Maori and European heritage sites of significance actively protected.*

Example 2 - Manukau City Council LTCCP

PERFORMANCE MEASURES

To maintain relationship agreements with mana whenua groups.

Actions

- *Maintain Mana Whenua relationship agreements.*
- *Enable increased participation of Mana Whenua and Maori in democratic and consultative processes.*

Example 3 – Auckland Regional Council LTCCP

- *Highest qualification of Māori school leavers*
- *Perceptions of Māori on whether the quality of life for Māori in general is improving*

3. Mauri of Water

3.1 RMA Plans – Mauri of Water

Note: In this Section 3.1, the focus is on Plans required under the 1991 *Resource Management Act* (RMA) with respect to tikanga “mauri of water”.

Note, however, that “mauri” is not mentioned in the RMA, but many plans include provision for mauri, and a substantial case law is developing around this tikanga.

➤ Glossary definitions

Example 1 – Auckland Regional Policy Statement

Mauri is normally described as the life-essence, life-force or power which, through the creation of the natural world, exists in all things.

Example 2 - Tauranga City Approved District Plan

Mauri: The essential life essence. The term "mauri" may on occasion also refer to the special character of an area or feature. Mauri binds the physical and spiritual essence of a resource together.

Example 3 – Waitakere City Council District Plan

MAURI

Mauri can be described as the life force present in all things and all people. Mauri generates, regenerates and upholds creation, binding physical and spiritual elements of all things together. Recognition of the spiritual aspects of reality is central to a definition of sustainable management.

➤ Overall

Example 1 - Auckland Regional Policy Statement

Mauri is normally described as the life-essence, life-force or power which, through the creation of the natural world, exists in all things. Taonga are intimately linked by mauri. Mauri binds the spiritual and physical elements of taonga together, enabling existence within the bounds of their own creation. When something dies the mauri is no longer able to bind the physical and spiritual elements together and thereby give life. Without mauri nothing can survive. Tikanga – customary values and practices have been developed and observed over many centuries to sustain the mauri of all things, and continues to provide the basis for traditional approaches to resource management.

The number and variety of activities affecting the mauri of ancestral taonga has increased significantly since traditional times. A combination of both traditional and modern approaches is likely to be required to maintain and enhance the mauri of natural and physical resources today.

Example 2 - Proposed Waikato Regional Coastal Plan

Mauri and its maintenance is the key to the Māori world view of the environment and it is no different in Hauraki. The practitioners of the maintenance of mauri are Kaitiaki. Kaitiaki are tangata whenua. The obligation to fulfil this Kaitiaki role is ancestral derived from whakapapa connections to the natural world and beyond. Built into this system is a check and balance component of tikanga. Tikanga insists upon a certain course of action. Mauri was traditionally maintained using tikanga such as karakia, kawa, tapu, rahui and whakanoa. The Kaitiaki ethos recognises that the spiritual well-being of a resource is essential to its physical well-being. It approaches the environment in a holistic sense where land, air, waters, soils, minerals, seas, energy, plants, animals, birds, rivers, trees, people all interact and affect each other.

According to Māori tradition, even water has a mauri. The mauri is the force that ensures within a physical entity such as the sea, harbours, rivers, lakes and estuaries including land, that all species that it accommodates will have continual life. The mauri should not be interrupted or desecrated. However, if it is, whatever it accommodates is at risk.

The tangata whenua believe that disasters or natural phenomena cannot harm the mauri, only that instigated by people, merely by the use of artificial components such as chemicals. The mauri is defenceless against components that are not part of the natural environment. The mauri of waters and the wairua of the tangata whenua have the same origin. Therefore when the mauri is harmed, so too is the spirit of the tangata whenua.

Example 3 – Wellington City Council

Section 2 – Issues for Tangata whenua

2.4 Mauri

Through the creation process, divine forces visited the domains of the atua/deities, giving them a life force principle or mauri. This life essence, which is found in both animate and inanimate resources, is important to Māori for two reasons: firstly it holds a binding force that is able to inter-relate one resource to every other element in the natural order (including people), and secondly it binds the resource to the spirituality of the gods. Despite the diversity of all forms of life and the natural world, it is unified through mauri. Tikanga/practices were observed to maintain the mauri of parts of the natural world.

These tikanga evolved into the ethic of kaitiakitanga. Complex sets of tikanga were developed in relation to resources. These are largely based on spiritual notions such as tapu (sacredness) and rahui (temporary restriction), both of which imply some form of prohibition. They were grouped by their sphere of significance.

taha wairua - spiritual significance

taha hinengaro - intellectual significance

taha tinana - physical and economic significance

taha whanaunga - social and cultural significance

The major objective of the Māori resource management system is to sustain the mauri of resources.

Example 4 – BOP Regional Coastal Environment Plan

Tangata whenua are kaitiaki (or guardians) of their coastal resources. As such they have assumed the responsibility to ensure that the mauri (or life essence) of these resources is safeguarded. The mauri of a resource embodies a spiritual as well as a physical essence. From a Maori perspective, damaging the physical essence of a resource also causes spiritual damage. It is even possible to damage resource (through pollution or despoliation) to the extent that they can lose their mauri entirely. Protecting the mauri, on the other hand, ensures the maintenance of its integrity and the protection of supply for future generations.

Water in particular has high spiritual, social and cultural value to Maori. In the spiritual sense it is viewed as life-giving, as a living entity to be respected and nurtured. In social terms it is used extensively for mahinga maataitai and recreation, and in cultural terms there are specific areas of the coastal marine area which have their own mana, taniwha and waahi tapu which need to be protected.

Maintaining the integrity of waitai (coastal water) is thus an issue of paramount importance to tangata whenua. As kaitiaki for this water they have concern for protecting its mauri and are particularly upset by practices which result in waimate (polluted water). These practices include the discharge of human sewage into waitai, rural discharges, industrial and urban run-off, leachate from land disposal sites and disposal of dredging spoil.

Maintenance of water quality is of particular importance to tangata whenua, for the reasons given in chapter 8 – Tangata Whenua Interests. This includes both the physical quality and the Mauri (spiritual essence) of coastal waters. Discharge of human sewage to the sea, whether or not treated, is highly offensive to tangata whenua. The harbours and estuaries are of particular significance to tangata whenua (refer to the Fourteenth Schedule – Areas of Significant Cultural Value).

For this reason discharge of human sewage into harbours and estuaries is a prohibited activity unless it has passed through soil or wetland first. This prohibition does not apply to discharges of sewage from vessels which are subject to national regulations. Discharges of human sewage off the open coast (ocean outfalls) will be considered on a case by case basis as discretionary activities.

Example 5 – Manukau Operative District Plan

2.3 WATER/WAI - 2.3.1 State of Resource - 2.3.1.1 The Importance of Water

Water (Wai), like land, plays an important role in Maori life and provides physical and spiritual sustenance.

Water is viewed as life-giving and is used in various rituals and customs. Just as there is a physical water cycle moving through the landscape - from rain to stream, river and ground water and down to the sea – there is a spiritual cycle. Water at its most spiritually pure falls as rain. The physical quality of the waterways, including the sea, is essential to Maori spiritual wellbeing.

2.3.3 Resource Management Issues: WATER 2.3.3.1 Management Responsibilities

2.3.3.2 Quality - Introduction

(i) There is a Need to Take More Account of Tangata Whenua Perspectives

The tangata whenua of Manukau City, the Tainui people, have a particular perspective on

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water as a taonga. As a principle, they wish to see all wastes derived from land returned to the land. This includes sewage discharges and other urban and rural discharges and run-off. For purification purposes, discharges need to be discharged to land to find their own way to the natural water ways.

➤ Issues

Example 1 - Wairoa District Plan

4.1 High Water Quality Maintained

A reduction in the quality of [coastal water](#) may adversely affect ecological, recreational and commercial values, as well as having impacts on amenity and cultural values.

Waikato Regional Council - Proposed Regional Coastal Plan

1.3.4 Activities on land and water can adversely affect the wild, scenic, recreational, cultural, spiritual or ecological values of the surface of rivers and lakes, and wetlands, and their margins.

Example 2 – Waikato Regional Policy Statement

Maori consider that the disposal of contaminants to water has the potential to diminish the mauri of that water.

*The discharge of contaminants to surface and ground water has the effect of **diminishing the mauri of water** if the health, abundance and diversity of life forms and food sources is reduced. Historically, the disposal or discharge of contaminants has not been managed in a manner consistent with Maori values or concerns. However, with an increase in community awareness of the adverse environmental effects of these activities, practices for contamination disposal have improved within the Region.*

As a result, water quality has improved which has led to an enhancement of the physical and spiritual attributes of the water.

Example 3 – BOP Regional Coastal Environment Plan

8.2.1 Key Issue

Degradation of coastal resources and the lack of recognition of the role of tangata whenua as kaitiaki of this resource can adversely affect the relationship of Māori and their ancestral lands, waters, sites, waahi tapu and other taonga.

Example 4 – Tauranga District Plan

5.1 Issue: Maori Relationships with Water, Land and Other Taonga

The relationship of Maori and their culture and traditions with their ancestral lands, water, wahi tapu and other taonga may be destroyed or compromised through inappropriate development.

■ Issue Statement

Traditional Maori culture and values are closely linked to the natural environment. Mana and identity are derived from the land to which tangata whenua belong. As a resting place for the dead, the land is an important source of spiritual strength.

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Only a fraction of the original Maori land holdings within the Tauranga District now remain in Maori ownership. Remnant Māori lands lie around the upper reaches of Tauranga Harbour, the Waimapu and Wairoa River estuaries, Papamoa, Kaitemako, Welcome Bay and Kairua Basin areas.

Land in current Maori ownership is only part of what are termed "ancestral lands" or "ancestral landscapes". Even some lands that are no longer in Maori ownership hold importance to particular iwi, hapu, or whanau as part of their ancestral heritage.

Water has traditionally been an important source of food, and has strong spiritual connections. Water also has mauri (a spiritual "life essence") which can be damaged or lost through pollution or alteration of quality. The adverse effects of stormwater or wastewater discharges into the waterways, wetlands and natural ecosystems of the Tauranga Harbour, inland waterways (such as the Wairoa River) and the open coast are therefore of particular concern to Maori.

Tauranga District is experiencing rapid population and physical growth, resulting in ancestral landscapes and sites (wahi tupuna) being destroyed or their value compromised, and is placing pressure on those sites which remain.

Example 5 – Waitakere City District Plan

5.8 ISSUE - EFFECTS ON THE SPIRITUAL DIMENSION (MAURI)

Adverse effects on the mauri or life force that is considered by Maori to exist within all aspects of life and the environment, have occurred within the City.

This spiritual dimension (te wairua) of the environment is considered by tangata whenua to be severely degraded in many parts of the City.

Contamination of the City's waters is a clear and continuing example of this, as is the loss of bush and the contamination of the soils. The effects of different pressures on various resources have been documented in previous sections.

These changes to the City's environment have resulted in the following significant resource management issues:

➤ Objectives

Example 1 - Wairoa District Plan

To identify which rivers, lakes and wetlands and their margins in the District have significant:

- *Natural character values;*
- *Intrinsic values;*
- *Ecological values, including wildlife corridors;*
- *Recreational and amenity values;*
- *Finite natural and physical resources;*
- *Cultural, historical and spiritual values and protect them from inappropriate subdivision use and development.*

1.4.3 To manage activities on the surface of water to ensure that cultural values, recreational values and amenity values, water quality and the natural values associated with water bodies are sustained.

Example 2 - Waikato Regional Policy Statement

Tangata whenua concerns relating to the mauri of the water recognised and provided for.

Example 3 – Proposed Auckland Regional Coastal Plan

Section = Nga Take Takutai Tuturu Mo Tangata Whenua – 6: (Coastal Matters of Significance to Tangata Whenua)

6.3.2 To sustain the mauri of natural and physical resources of the coastal environment, and to enable provision for the social, economic and cultural wellbeing of Maori.

Example 4 - BOP Regional Coastal Environment Plan

8.2.2(c) Sustaining the mauri of coastal resources.

Example 5 - Waitakere City District Plan

Objective 8

To protect and maintain those aspects of the environment that are of significance to tangata whenua, including:

- protecting the spiritual dimension and the mauri (life force) of natural and physical resources and of humans;*
- recognising and protecting the kaitiaki of these resources and significant sites and waahi tapu within the City;*
- providing for those institutions that are integral to the relationship of tangata whenua with their environment; in a way that promotes the expression and practice of kaitiakitanga (guardianship).*

➤ **Policies**

Example 1 - Waikato Regional Policy Statement

Policy One: Effects of Contaminants

Ensure that decisions about the discharge of contaminants associated with the use, development and protection of natural and physical resources are made in a way that recognises and provides for the mauri of water.

Example 2 - Waitakere City District Plan

Policy 8.1

Any activity that takes place within the City "s coastal edges or riparian margins must be carried out in a way that adverse effects on the quality of the water resource, and the mauri of that waterway, taiapure or mahinga mātaitai are avoided or, where unavoidable, are remedied or mitigated.

Policy 8.2

Activities involving the clearance of native vegetation and fauna habitat within the Green Network should be carried out in a way that the mauri of that resource is not adversely affected.

Policy 8.3

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Any activity involving the intensification of settlement or subdivision within the Green Network, the Waitakere Ranges, Bush Living, Foothills and Countryside Environments, should be managed in a way that avoids, remedies or mitigates adverse effects on the quality of water, soils and native vegetation and fauna habitat, and the mauri of those resources.

Policy 8.4

Any activity within the Riparian Margins/ Coastal Edges Natural Areas, Coastal Natural Areas and Protected Natural Areas that involves:

- *disturbance of soils and removal of rock;*
- *alteration to the natural character of the coastal area or impeding of any natural process that forms that character;*
- *alteration to the interface between land and water;*
- *removal of vegetation; should be managed in a way that avoids, remedies or mitigates adverse effects on the natural character and mauri of the coastal area.*

Policy 8.6

Any activity involving landfills and cleanfills should be carried out in a way that avoids adverse effects on the mauri of the City "s soils and waters.

Policy 8.8

Harvesting of plant materials for medicines, food, weaving and ritual purpose shall be undertaken in a way that avoids remedies or mitigates any adverse effect on the physical and spiritual health of these resources, provided that any harvest is carried out in a way that is consistent with other District Plan Objectives objectives, policies and methods and Policies, and with joint management protocols drawn up by Council and iwi.

Example 3 – Whakatane District Plan

Tangata Whenua - Policy 3

To maintain the mauri of water and other natural resources of significance to tangata whenua when considering the effects of subdivision, use and development.

Conflict of Use - Policy 2

To respect the mauri of water.

➤ **Methods**

Example 1 - BOP Regional Coastal Environment Plan

Environment Bay of Plenty and the iwi of the region will:

8.2.4(a) Develop methods to protect the mauri of the natural and physical resources of the coastal marine area.

Areas of Significant Cultural Value

SITE NAME: KOHI POINT (INCLUDING PIRIPAI TO OTARAWAIRERE) - SITE NUMBER: ASCV-12 MAP SHEET: 24b

This area is of major spiritual significance to the people of Ngati Awa for its wairua and mauri.

SITE NAME: WHAKAARI (WHITE ISLAND)/PAEPAE O AOTEA (VOLKNER ROCKS) - SITE NUMBER: ASCV-14 MAP SHEET: 47, 48a

Whakaari is an important mahinga kai and historical repository for the Mataatua tribes. It is a waahi tuku mauri which is the place where voyagers arriving in the Bay of Plenty (Te

Example 2 – BOP Regional Policy Statement

5.3.2(c)(i) *Include in plans, through consultation with iwi, policies and methods to protect the mauri of resources.*

Example 3 – Waikato Regional Policy Statement

Implementation Methods:

- 1) *Ensure, in conjunction with territorial authorities, and through consultation with tangata whenua, that resource use and development practices recognise and provide for the mauri of water.*
- 2) *Provide recognition in regional plans and resource consents, through appropriate rules, criteria, conditions, guidelines and information, of Maori interests in the potential adverse effects of the discharge of contaminants on the mauri of water.*
- 3) *Through regional plans, in consultation with interested parties, investigate the establishment of water quality classes for water bodies which recognise the mauri of water.*
- 4) *Liaise with tangata whenua of the Region to ascertain appropriate mechanisms, as part of the Regional Information Gathering Action Plan, to determine whether mauri is being affected by the effects of use, development and protection of water.*
- 5) *Provide information and practical guidance to resource users on the significance of the mauri of water to tangata whenua and encourage applicants to consult with the appropriate tangata whenua groups prior to submitting applications for resource consents.*

Example 4 – Waitakere City District Plan

District Plan Rules:

- *Riparian Margins/Coastal Edges Natural Areas Rules*
- *Vegetation Clearance Rules*
- *Subdivision Rules*
- *Impermeable Surfaces Rules*
- *Buildings Rules*
- *Stock Rules*

Other Methods:

- *conduct of Council operations and services to take account of iwi concerns about water quality;*
- *development of planting programmes within reserve management plans.*

➤ Anticipated Results

Example 1 - Auckland Regional Policy Statement

- (a) *Ongoing beneficial relationships between Tangata Whenua and the ARC and TAs.*
- (b) *Protection and enhancement of relationships of Tangata Whenua with their ancestral taonga.*
- (c) *Consultation on all matters of resource management significance to Tangata Whenua.*
- (c) *Provision for social, economic and cultural wellbeing of Tangata Whenua, in accordance with Treaty rights and obligations.*
- (e) *Involvement of Tangata Whenua in managing their ancestral taonga, including decision-making, in accordance with Treaty rights and obligations.*

These results mean that the mauri of ancestral taonga in the Auckland Region will be sustained.

Example 2 - BOP Regional Coastal Environment Plan

It is anticipated that the implementation of the policies and methods contained within this plan will achieve the following environmental outcomes:

Example 3 – Waikato Regional Policy Statement

- 1. The quality of water bodies maintained and enhanced.*
- 2. Tangata Whenua are satisfied that their concerns in regard to the mauri of water, are being recognised and are being appropriately addressed in the Region as a whole.*
- 3. The relationship of tangata whenua with water resources is better understood and iwi concerns and values are considered in the management of water bodies.*

➤ Indicators

Example 1 – NZ State of the Environment Report 2007

Note: State of the Nation / Region / District reports are not statutory planning documents – but are a requirement under the RMA in a similar manner to Plans and is intended to report information to review whether statutory plans are effective. Plan monitoring provisions are expected to translate into a state of the nation report.

Takiwä – a culturally-based environmental monitoring system

Takiwä is a culturally-based environmental monitoring and reporting tool that incorporates both traditional and science-based knowledge and methods. Te Rünanga o Ngäi Tahu worked with Papatipu Rünanga, regional councils, and a number of Crown Research Institutes to develop Takiwä, with funding from the Ministry for the Environment.

The monitoring tool uses a specially designed database and a series of associated monitoring forms. Together, these allow for data from selected sites to be gathered, stored, analysed, and reported on in terms of the values Mäori associate with the environment – in particular, the concept of mahinga kai, or customary food and resource gathering.

Currently, the system has a particular focus on freshwater monitoring, drawing on the Cultural Health Index (see box „More about iwi monitoring of freshwater: Cultural Health Index “ in chapter 10, „Freshwater “). Plans are under way to develop and include specific cultural assessment tools for coastal, estuarine, and lake sites.

To date, Takiwä has been used to assess more than 100 sites within 11 catchments in Canterbury, Ötago, and Southland, including sites of traditional importance and those within coastal, headwater, plains, and urban areas.

Results from this monitoring will be used to develop a report on the quality of waterways in the South Island.

Takiwä monitoring has also been used to complement regional council monitoring of waterways, as well as to monitor the conditions of resource consents affecting sites of cultural significance, such as Te Waihora/ Lake Ellesmere.

This monitoring aims to identify the current health of catchments both as a baseline for future monitoring and restoration work, and to report the extent of change within these

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areas. It does so by allocating a „score “ to each site, based on factors such as pressures on the site, its suitability for harvesting mahinga kai, ease of access to the site, its degree of modification, and whether valued and pest species are present. Other natural resources, such as particular types of stone (for example, pounamu/ greenstone or hāngi stones), are also identified.

Where appropriate, Takiwā site assessments are complemented by the Cultural Health Index and other assessment methods.

Because Takiwā monitoring focuses on whether the environment is healthy enough to allow food and resources to be gathered, it plays an important role in building a more complete picture of overall environmental health. This is because conventional monitoring may focus only on either ecological or recreational requirements. For example, an assessment of the quality of water for swimming does not identify whether it is safe to gather mahinga kai or drink the water. Moreover, the presence at a site of a particular species, such as tuna (eels), does not mean the species is abundant or healthy enough to harvest.

Through its ongoing use and development of Takiwā, Te Rūnanga o Ngāi Tahu hopes culturally-based indicators will become a regular part of future environmental monitoring and reporting.

Māori indicators for marine protection

In 2004, Ngāti Konohi, the Department of Conservation, and the Ministry for the Environment worked together to establish a framework for marine protection for the rohe moana (coastal area) of Ngāti Konohi of Whangarā. The rohe extends from Waihou Bay in the north to Tatapouri Heads in the south, and includes Te Tapuwae o Rongokako Marine Reserve, established in 1999. Identifying the indicators (tohu) The project aimed to:

- define a process to identify Māori marine indicators (tohu) that would measure the health of the rohe moana
- pilot the implementation of tohu
- test how marine reserves contribute to iwi conservation objectives.

The project involved members of Ngāti Konohi who regularly used the rohe moana to gather kaimoana (seafood). The project identified traditionally important locations and species and collected information on traditional catch techniques and customs relating to management of kaimoana. Using this information, tohu were developed by Ngāti Konohi to monitor changes in the health of their rohe moana and address problems using customary management practices.

Primary and secondary tohu Ngāti Konohi established primary and secondary tohu.

Primary tohu were divided into species-focused and process-focused tohu. Species-focused tohu monitor the availability, accessibility, abundance, and quality of species of traditional importance. For example, tohu indicate whether kaimoana can be readily harvested to provide for customary needs.

Process-focused tohu monitor the condition and presence of processes that indicate a healthy marine environment. For example, seasonal observations of ‘bait fish’ feeding or predators (such as marine mammals or sea birds) were categorised as process-focused tohu.

Secondary tohu included:

- *a series of plots established at various locations in the rohe moana to quantify the size and location of key indicator species*
- *data on water quality, shellfish health, and beach bathing standards from marine environmental monitoring undertaken by Gisborne District Council*
- *a series of land-based tohu, which were defined to aid management of the rohe. These include the flowering seasons of the kōwhai, pōhutakawa, and tī kouka (cabbage tree) as indicators of ripeness of kina for harvesting.*

The identification of marine environmental tohu has proven to be a catalyst for heightened interest in and awareness of marine protection in the area.

Example 2 – Wellington City District Plan

2.2.3 Kaitiakitanga

Kaitiakitanga/guardianship involves a broad set of practices based on a world and environmental view. The root word is tiaki, to guard or protect, which includes the ideas and principles of:

- *resource indicators, where resources themselves indicate the state of their own mauri*

Example 3 – Waitakere City District Plan

MONITORING INDICATORS

In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results relating to water quality and quantity, the Council will develop and maintain a monitoring programme which may include the following monitoring indicators:

- *surveys of tangata whenua/iwi to ascertain their satisfaction with the quality and quantity of the water resource;*

In order to assess the suitability and effectiveness of the Objectives, Policies and Methods in achieving the anticipated environmental results relating to significant and outstanding native vegetation and fauna habitat, the Council will develop and maintain a monitoring programme which may include the following monitoring indicators:

- *surveys of tangata whenua/iwi to ascertain their satisfaction with the level of protection of the amount and quality of native vegetation and fauna habitat;*

In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results relating to land, the Council will develop and maintain a monitoring programme which may include the following monitoring indicators:

- *surveys of tangata whenua/iwi to ascertain their satisfaction with the level of protection of land resources;*

In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results relating to ecological stability, and in particular Ecological Linkage Opportunities and Restoration Natural Areas, the Council will develop and maintain a monitoring programme which may include the following monitoring indicators:

- *surveys of tangata whenua/iwi to ascertain their satisfaction with the level of protection of the amount and quality of the indigenous vegetation and fauna habitat;*

In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results relating to outstanding natural features, the Council will develop and maintain a monitoring programme which may include the following monitoring indicators:

- *surveys of tangata whenua/iwi to ascertain their satisfaction with the level of protection of outstanding natural features;*

In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results relating to tangata whenua, the Council will develop and maintain a monitoring programme which may include the following monitoring indicators:

- *monitoring resource consents relating to earthworks, land modifications, development, subdivision, modification or use of natural water resources, vegetation clearance, including the number of applications granted consent, compliance with consent conditions and the effectiveness of those conditions.*
- *monitoring the effect of urban consolidation on the ability of people and communities to meet their social and economic needs, including housing affordability.*
- *independent auditing of whether Council is meeting its obligations to tangata whenua as kaitiaki and under Sections 6(e), 7(a) and 8 of the Resource Management Act;*
- *a statement from iwi about the state of the environment.*

➤ **Monitoring provisions**

Example 1 - Auckland Regional Policy Statement

The following monitoring is necessary to evaluate the suitability and effectiveness of the policies and methods.

- Report on the state of the environment, identifying significant adverse effects on relationships, and work initiated or completed to avoid, remedy or mitigate these.*
- Report each three years on the effectiveness of resource consent procedures, and suggestions for continuous improvement.*
- Report each three years on provisions for achieving policies, their effectiveness, and suggestions for continuous improvement.*

The results of this monitoring should provide assurance that the objective of sustaining the mauri of natural and physical resources in the Auckland Region with Tangata Whenua will be achieved.

Example 2 - Waitakere City District Plan

In order to assess the suitability and effectiveness of the objectives, policies and methods in achieving the anticipated environmental results relating to tangata whenua, the Council will develop and maintain a monitoring programme which may include the following monitoring indicators:

- *monitoring resource consents relating to earthworks, land modifications, development, subdivision, modification or use of natural water resources, vegetation clearance, including the number of applications granted consent, compliance with consent conditions and the effectiveness of those conditions;*
- *independent auditing of whether Council is meeting its obligations to tangata whenua as kaitiaki and under Sections 6(e), 7(a) and 8 of the Resource Management Act;*
- *a statement from iwi about the state of the environment.*

➤ **Enforcement Provisions**

Note: No enforcement provisions explicitly referring to mauri were found in the plans we looked at. However, those presented in the preceding section on mana whenua can be applied to situations where mauri was affected. Also, as previously stated enforcement provisions or intentions can be generally stated but still effective in terms of protecting the specific values and issues provided for in plans.

3.2. LTCCP – Mauri of Water

Note: In this Section 3.2, the focus is on Long-term Council Community Plans (LTCCP) required under the 2002 *Local Government Act* with respect to tikanga mauri of water.

➤ Overall

Example 1 – Waikato Regional LTCCP 2006-2016

Governance and Democracy - Why we are involved?

*The Act also requires local government to facilitate participation by Maori in local authority decision making processes. In addition, the Resource Management Act 1991 requires the Council to take into account the relationship of Maori and their culture and traditions with their ancestral lands, **mauri** (life force), waahi tapu sites and other taonga.*

Waikato (Tainui)

*Their relationship with the river is unique. The Waikato River is regarded as a tuupuna awa, the ancestral river of the people representing the mana and the **mauri** of the people. It is central to our tribal identity, and to our spiritual and physical well being. Its power is both protective and healing.*

The importance of this relationship is evident in many whakatauki and waiata, and in oral histories, which record the association of the ancestors with places, events, daily activities, thoughts, emotions, and everything that touched their lives. Over the generations Waikato-Tainui have developed tikanga that embody their profound respect for the river and all life within it. Their tikanga recognises that if they care for the river, the river will continue to sustain the people. Waikato-Tainui has mana whakahaere over the river. Accordingly, Waikato-Tainui has a duty to past, present and future generations to protect the river and Waikato-Tainui is obliged to satisfy that duty.

The Peninsula Project - Working together to protect our people, property and environment

Over the next 20 years, the project will have far reaching benefits for both the environment and the people who live and holiday on the peninsula. It will reduce flooding and sedimentation in rivers, harbours and estuaries, improve water quality, reduce possums and goat numbers, stabilise catchments and sustain the mauri of the peninsula from the mountain ranges to the sea.

What we want to achieve

Environment Waikato has a long-term vision of what we want to achieve for this group of activities over the next 10 years. By looking to the long-term, we can evaluate and prioritise projects as they arise, and assess whether we are succeeding in what we set out to do.

Our goals include:

Tangata whenua concerns about the mauri of water will be reducing.

➤ Outcomes

Example 1 - Matamata Piako District LTCCP 2006-2016

4.0 HEALTHY AIR, WATER, LAND: HEALTHY PEOPLE

4.6 Water Quantity and Quality

(a) Our rivers and water supplies will be clean and safe for industrial, business and residential consumption, cultural purposes and recreational uses.

b) The mauri (life) of all waterways will be maintained in optimum condition

Example 2 – Waikato Regional LTCCP 2006-2016

Geothermal Outcome

There is greater awareness of the value and fragility of geothermal surface features. People use the benefits of geothermal resources wisely, so that future generations have access to the same benefits. The relationship of Maori with their geothermal taonga provided for, and the mauri of geothermal resources preserved and enhanced.

Environment Waikato "s contribution to the community outcome includes:

- Recognising and providing for tangata whenua concerns relating to the mauri (life force) of water.*

This year we will

- Investigate how tangata whenua concerns about the mauri of water are taken into account in Environment Waikato "s decision-making processes.*

Looking ahead two years

In 2006 we will conduct a case study investigating hapū based water quality monitoring and reporting needs to assist Maori capacity to provide for the mauri (life force) of water.

Looking ahead 10 years

Tangata whenua concerns about the mauri of water will be reducing.

We will encourage tangata whenua to contribute to decision-making to ensure concerns relating to the mauri (life force) of water are recognised and provided for.

➤ Indicators

Example 1 - Waikato Regional LTCCP 2004-2014

This year we will

- Investigate how tangata whenua concerns about the mauri of water are taken into account in Environment Waikato "s decision-making processes.*

Looking ahead two years

In 2006 we will conduct a case study investigating hapū based water quality monitoring and reporting needs to assist Maori capacity to provide for the mauri (life force) of water.

Looking ahead 10 years

We will encourage tangata whenua to contribute to decision-making to ensure concerns

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Note: these “indicators” are not phrased as indicators. However, the results of the first two might be indicators. The third is more akin to a policy or even method intended to contribute to the achievement of an outcome.

4. WÄHI TAPU

4.1 RMA Plans – Wähi Tapu

Note: In this Section 4.1, the focus for is on Plans required under the 1991 *Resource Management Act* (RMA) with respect to tikanga wähi tapu.

➤ Glossary definitions

Example 1 – Auckland Regional Policy Statement

Waahi tapu - A place sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense.

Example 2 - Waikato Regional Policy Statement

Waahi tapu means sacred site: these are defined locally by the hapu and iwi which are the kaitiaki for the waahi tapu. Typically includes burial grounds and sites of historical importance to the tribe. In order to protect particular sites from interference and desecration, some tribes will refuse to disclose the exact location to outsiders.

Example 3 - Tauranga City Approved District Plan

Wahi tapu: Means a place sacred to Maori in the traditional, spiritual, religious, historical, or mythological sense. Those places defined as "wahi tapu" vary from hapu to hapu, but typically include urupa and battlesites.

Example 4 - Taranaki Regional Plan

Wähi tapu means places or things which are sacred or spiritually endowed.

➤ Overall

Example 1 - Proposed Auckland Regional Coastal Plan

8.1 INTRODUCTION

Section 7 (e) of the RMA requires that particular regard be had to the recognition and protection of the heritage values of sites, buildings, places or areas. This chapter deals essentially with European heritage. Heritage values associated with Maori and processes for consultation with Tangata Whenua of the Region are outlined in Chapter 6: Nga Take Takutai Tuturu Mo Tangata Whenua (Coastal Matters of Significance to Tangata Whenua). However, some archaeological sites of Maori origin that are of scientific importance have been included.

The rich resources of the Auckland Region have attracted human settlement for many centuries. Throughout this period the coastal environment has been extensively modified by

cultural influences, making cultural heritage an important element in the character of the coastal environment of the Auckland Region.

The cultural heritage associated with the coastal environment has always been of central importance in creating the sense of place that is Auckland. The entire coastal marine area is overlain by a grid of places of cultural and historical importance to both Tangata Whenua and Europeans alike. The maritime heritage that has developed during this period is reflected in the numerous associations, structures and features that exist today. Auckland's maritime cultural heritage includes archaeological sites, historic places, historic areas, shipwrecks, buildings and structures, as well as natural features and objects of historic and cultural significance. The importance of this heritage is well illustrated by the expression that currently identifies Auckland to the world, that is 'Auckland – City of Sails.' Many cultural heritage sites, buildings, places or areas in the coastal marine area, or straddling the Mean High Water Springs boundary, are under threat of being compromised or lost through increasing pressure for subdivision, use and development in the Auckland Region.

Research by the ARC into the cultural heritage values of the coastal marine area has resulted in the production of the Maritime Cultural Heritage Inventory. The sites, buildings, places or areas identified in this research and evaluated as having particular cultural heritage significance to the district, regional or national community have been recorded in the Cultural Heritage Schedules of the Plan. Those included in Schedule 1 for preservation are the sites, buildings, places or areas where modification should not occur and where it is appropriate that change is left to natural forces except where intervention is for the purpose of maintaining intrinsic heritage values. Those included in Schedule 2 for protection are the sites, buildings, places or areas where it is recognised that modification and change may need to occur. Modification for the purpose of maintenance, upgrading or restoration which is undertaken in a manner which still retains the integrity of the site, building, place or area is recognised as generally being acceptable.

The cultural heritage of the coastal environment is not static. It is a resource that is constantly being created, and may be modified by natural processes. The identification and collection of information on cultural heritage is an ongoing process and other structures and/or sites may be proposed for addition in the Cultural Heritage Schedules in the future. Many of the sites, buildings, places or areas that are included in the Cultural Heritage Schedules of the Plan extend landward of Mean High Water Springs. To achieve the integrated management of these areas they also need to be given appropriate recognition and protection in the relevant district plans.

Example 3 – Auckland City district Plan

Central Area Section - 10.2.2 CULTURAL RESOURCES - 10.2.2.3 Heritage Sites

Significant archaeological and heritage features, and waahi tapu sites have been identified in the Central Area. These often relate to items of particular social and cultural heritage value to Maori, but also to significant early European cultural, habitation, commercial and industrial sites. Where preservation of these sites can be ensured and disclosure will not put the items at risk, they should be scheduled for protection.

Example 1 - Wairoa District Plan

CULTURAL HERITAGE

Heritage resources can include all historic resources identified in the district plan, all resources subject to a heritage protection order under Section 189 of the RMA 1991 and can include sites (archaeological, waahi tapu), buildings, objects or areas, and landforms. Information on heritage resources are sourced from:

- *Historic places, sites, waahi tapu registered by the New Zealand Historic Places Trust as Category I or II.*
- *Archaeological sites - known recorded sites from the New Zealand Archaeological*

Association file-keepers register.

- Sites subject to a heritage order.
- Waahi tapu sites identified by tangata whenua.

To provide the necessary public protection, the plan sets out rules for the use and alteration of these sites. These rules relate to alterations and additions, or the alteration of historic sites to enable alternative uses to be considered. Other sites not recorded as Category I or II by the Historic Places Trust are listed in Schedule 1 – Historic Buildings, Sites, Waahi Tapu and Notable Trees, of the District Plan. This listing is one way to inform the public and Council of their heritage value to the Wairoa community. This information will be considered as part of a resource consent process. Council is also supportive of initiatives to educate and inform landowners about any heritage sites on their property. The overall aim is to promote the protection of heritage resources through tangata whenua, community and private initiatives.

➤ Issues

Example 1 - Proposed Auckland Regional Coastal Plan

8.2.1 Cultural heritage sites, buildings, places or areas in, or associated with the coastal marine area are an important component in the history and identity of the coastal environment of the Auckland Region. Many of them have been, and continue to be, modified, damaged, or destroyed by subdivision, use and development. Accordingly, those places and areas which are an important element in Auckland's and New Zealand's maritime heritage should be preserved or protected. Cultural heritage of significance to Tangata Whenua is required to be identified according to tikanga Maori and shall be provided for in accordance with Chapter 6.

8.2.2 Many of the sites, buildings, places or areas listed in Cultural Heritage Schedules 1 and 2 extend landward of Mean High Water Springs. There is a need to achieve integrated management of these with other relevant bodies and organisations.

8.2.3 Heritage Protection Authorities (as defined in the RMA) cannot issue heritage orders in respect of sites in the coastal marine area as the provisions of the RMA are restricted to sites on land covered by district plans. The Regional Plan: Coastal is therefore the prime means of providing appropriate recognition and protection of the heritage values of sites, buildings, places, or areas located below Mean High Water Springs.

Example 2 - Waikato Regional Policy Statement

2.1.5 Tangata Whenua Relationship with Natural and Physical Resources

Issue: The relationship tangata whenua have with the environment is given specific recognition in the purpose and principles of the RMA. To date there has been limited involvement of tangata whenua in resource management decision making regarding the protection and enhancement of ancestral lands, water, sites, waahi tapu and other taonga, and in the practical expression of kaitiakitanga. This lack of involvement has the potential to lead to conflict about the management of natural and physical resources under the RMA.

Example 3 – Auckland City District Plan

Gulf Islands Section - PART 10 – HERITAGE - 10.1 RESOURCE MANAGEMENT ISSUES - 10.1.2 CULTURAL RESOURCES

Sites: Significant archaeological and heritage features and waahi tapu sites have been identified on the Hauraki Gulf Islands. These generally, but not exclusively relate to items of particular social and cultural heritage value to Maori.

Others relate to early settlement and industry by the European. Where preservation of these can be ensured and disclosure will not put the items at risk, these should be scheduled for protection.

Example 4 - Taranaki Regional Plan

ISSUE FIVE: THE RELATIONSHIP OF TANGATA WHENUA WITH THE COASTAL MARINE AREA - *The issue to be addressed is that of recognition of, and provision for, the physical, historical and cultural relationship of iwi o Taranaki with the Taranaki coastal marine area, including:*

- *the protection of wāhi tapu e.g., urupā, coastal battlegrounds, tauranga waka, mauri stones, toko taunga ika, mahinga mātaitai, and landscape features determining iwi or hapū boundaries from the effects of resource use and development.*

➤ Objectives

Example 1 - Proposed Auckland Regional Coastal Plan

8.3.1 To preserve and protect significant maritime cultural heritage sites, buildings, places or areas in the coastal environment.

8.3.2 To retain a diverse and representative range of maritime cultural heritage resources in the coastal environment.

Example 2 – Waikato Regional Policy Statement

2.1.5 Tangata Whenua Relationship With Natural and Physical Resources

Objective: The relationship which tangata whenua have with natural and physical resources recognised.

Example 3 - Wairoa District Plan

1.3.5 To enhance opportunities for future hapu development such as multiple dwellings, expanding marae facilities, hapu or whanau based tourism ventures, summer camping for related family members, and to promote protection of sacred areas and ancestral heritage areas.

Loss of evidence relating to the history of New Zealand through the unlawful destruction or modification to archaeological sites.

Example 4 – Auckland City District Plan

Gulf Islands Section - 5.13.3.1

To recognise and provide for the relationship of Maori, their culture and traditions with Their ancestral lands, water, sites, waahi tapu and other taonga.

10.2.1

To recognise and protect the heritage values of sites, buildings, trees, places and areas.

➤ Policies

Example 1 - Proposed Auckland Regional Coastal Plan

8.4.1 *Cultural heritage sites, buildings, places or areas identified for preservation in Cultural Heritage Schedule 1 shall be preserved by avoiding subdivision, use and development which would modify, damage or destroy them.*

8.4.2 *Any work, structure or activity which is for the purpose of maintaining intrinsic heritage values of a site, building, place or area identified for preservation in Cultural Heritage Schedule 1 shall generally be considered appropriate, and shall be in accordance with the provisions of any Conservation Plan prepared for the site, building, place or area and approved by the ARC.*

8.4.3 *Cultural heritage places and areas identified for protection in Cultural Heritage Schedule 2 shall be protected by avoiding, where practicable, remedying, or mitigating the adverse effects of subdivision, use and development which would modify, damage or destroy their heritage values.*

8.4.4 *In assessing applications for subdivision, use or development which will affect sites, buildings, places and areas listed in Cultural Heritage Schedule 2 regard shall be had to: a the intrinsic values of the site, building, place or area, including the relationship that people and communities have with the site, building, place or area, and the extent to which it will be maintained; b the integrity of the site, building, place or area, including in the case of a structure its physical appearance, and the extent to which it will be maintained; c the extent to which the proposed modifications will maintain or enhance the efficient operation of an operating facility.*

8.4.5 *Having had regard to Policy 8.4.4, where an application for subdivision, use and development which will affect a site, building, place or area included in Schedule 2 is deemed to be appropriate, provision shall be made for the recording of the site, building, place or area by any or all of the following means;*

- a photographic record;*
- b written record;*
- c identification at or near the site by a plaque, sign, or other method;*
- d archaeological investigation and recording.*

8.4.6 *Subdivision, use and development in the coastal marine area should consider any effect on resources which are recognised as having historical or cultural value, and where practicable should avoid, remedy or mitigate any adverse effects on these resources.*

NB. The Maritime Cultural Heritage Inventory is a non-statutory document prepared by the ARC which contains information on a large number of cultural heritage sites, buildings, places and areas in the Auckland region, including those in Cultural Heritage Schedules 1 and 2.

Many of the sites in this inventory are archaeological sites which are subject to the provisions of the Historic Places Act 1993. Authority is required from the New Zealand Historic Places Trust prior to any activity being undertaken which would modify, damage or destroy any archaeological site whether recorded or not.

The Maritime Cultural Heritage Inventory is available at the ARC offices and information on a particular area or site can be provided on request.

8.4.7 Maintenance and repair works on Schedule 2 sites shall be considered appropriate where they are consistent with the provisions of a Conservation Plan approved by the ARC.

11.4.2 Activities shall be avoided where they will modify, other than as provided for in Policy 11.4.4, damage, or destroy a site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

12.4.5 Structures shall be avoided where they will modify, other than for the purpose of maintaining intrinsic heritage values, damage, or destroy a site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

12.4.6 Any maintenance, repair or restoration of any structure listed in Cultural Heritage Schedules 1 or 2 shall, as far as practicable, be undertaken in a manner and in materials which are consistent with the style and design of the original structure and do not adversely affect its cultural and historical value.

Example 2 - Waikato Regional Policy Statement

Policy One: Maori Culture and Tradition

Ensure that the relationship tangata whenua have with their ancestral lands, water, sites, waahi tapu and other taonga is recognised and provided for in resource management decision making.

Example 3 - Wairoa District Plan

1.4.3 Promote the protection and sustainable management of all cultural heritage places, mahinga kai, and other taonga of Maori.

1.4.4 To avoid adverse effects on sites of value to tangata whenua.

1.4.5 To avoid unlawful destruction or modification to archaeological sites in the coastal area.

Example 4 – Proposed Waikato Regional Coastal Plan

2.3.1 Policy - Tangata Whenua Values

Recognise and take into account historical, spiritual, cultural and traditional values of tangata whenua in relation to activities in the CMA.

Explanation and Principal Reasons for Adopting: *Tangata whenua have traditional practices to ensure the sustainable management of coastal resources. The RMA provides significant opportunities for the involvement of tangata whenua and recognition of their relationship, and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. Environment Waikato needs to recognise this and take it into account in decision-making.*

2.4.2 Policy - Protection of Sites

Work with tangata whenua to protect those sites in the CMA which have been identified as having cultural and spiritual significance, including ancestral lands, water, sites, waahi tapu and other taonga.

Principal Reasons for Adopting: *Only Maaori can identify their taonga (and other cultural and traditional values). The Plan must provide for this identification (where appropriate) in full consultation and participation with tangata whenua. Environment Waikato has a role in protecting these sites as part of the active protection principle of the Treaty of Waitangi.*
Waikato Regional Council - Proposed Regional Coastal Plan

3.3.2 Policy - Protection of Heritage Values

Ensure the protection of the Region 's heritage resources, including historic places, areas, sites and structures from any adverse effects of use and development.

Explanation and Principal Reasons for Adopting: *Heritage resources in the CMA need to be protected to ensure that damage to such areas is avoided and the areas retain their significance for future generations. Historic places, historic areas, and waahi tapu areas include those recorded on the Historic Places register, in accordance with s22 of the Historic Places Act 1993.*

Example 5 - Waitakere City District Plan

Policy 8.5

Any activity (including subdivision design and placement of structures), should be carried out in a way that avoids adverse effects on the historical, cultural or spiritual significance of any site or waahi tapu of significance to iwi.

The effect of activities which facilitate the direct relationship of iwi with their waahi tapu should also be taken into account. Particular regard should be had for the effect of activities within the iwi heritage areas.

➤ Methods

Example 4 – Proposed Auckland Regional Coastal Plan

8.6 OTHER METHODS

8.6.1 *The ARC will prepare Conservation Plans for Cultural Heritage places and areas in Schedules 1 and 2 and liaise with DOC, territorial authorities and other agencies in order to achieve appropriate protection and integrated management of sites, buildings, places or areas of maritime cultural heritage value in the coastal environment.*

8.6.2 *The ARC will liaise on, and make submissions to, plans and other relevant documents in order to achieve the appropriate protection and integrated management for sites, buildings, places or areas of significant maritime cultural heritage value in the coastal environment.*

8.6.3 *The ARC will develop and maintain the Maritime Cultural Heritage Inventory as a system and resource for promoting the sustainable management of the cultural heritage resources of the coastal environment.*

8.6.4 *The ARC will encourage a greater public awareness and understanding of cultural heritage resources in the coastal environment to foster community support for their preservation and protection by: a providing advice and information on cultural heritage resources in the coastal environment where appropriate; and b advocating the conservation of cultural heritage resources in the coastal environment where appropriate; and c developing and implementing cultural heritage education programmes where appropriate.*

8.7 PRINCIPAL REASONS FOR ADOPTING

8.7.1 Objective 8.3.1, Policies 8.4.1 – 8.4.7

Objective 8.3.1 and Policies 8.4.1, 8.4.3 and 8.4.6 establish a hierarchy of protection for sites, buildings, places or areas which have significant cultural heritage value in the coastal marine area. This recognition and protection of heritage values is in accordance with section 7(e) of the RMA and Policy 3.1.2 of the New Zealand Coastal Policy Statement. Policy 8.4.1 aims to avoid unnatural interference or modification of sites, buildings, places or areas listed in Schedule 1. Those items listed in this Schedule are those that are not “useable” or not being “used” and where any change occurs, it is as a result of natural forces. Policies 8.4.4 and 8.4.5 recognise that the sites, buildings, places or areas identified in Cultural Heritage Schedule 2 may be modified for operational, maintenance or restoration purposes. However these policies require that this be done in a manner which retains the integrity of the site, building, place or area, and records in an appropriate manner the site, building, place or area before modification or other changes are undertaken.

8.7.2 Objective 8.3.2, Other Methods 8.6.1 – 8.6.4

Some of the sites, buildings, places or areas of significant maritime cultural heritage value cross the boundary of Mean High Water Springs. Others may be located above Mean High Water Springs but have clear and significant associations with the coastal marine area. Activities above Mean High Water Springs can have an adverse effect on cultural heritage sites either straddling, or in, the Coastal Marine Area. It is important that there is integrated management for these sites which may cross, or be located in separate jurisdictional boundaries. The Other Methods outline the means by which the ARC will seek to ensure that this occurs.

Prohibited Activities - 11.5.6 Any activity which would modify, other than for the purpose of maintaining intrinsic heritage values, damage, or destroy any site, building, place or area scheduled for preservation in Cultural Heritage Schedule 1.

Example 6 - Waikato Regional Policy Statement

2.1.5 Tangata Whenua Relationship With Natural and Physical Resources - Policy One: Maori Culture and Tradition - Implementation Methods:

- 1) Consult with tangata whenua over the management (including the identification and protection) of waahi tapu or any other significant sites or taonga which are located in the Waikato Region.*
- 2) Consult with tangata whenua over RMA policy and plan preparation, consent applications and other procedures of local authorities which may affect the relationship of Maori and their culture and traditions with their ancestral lands, water sites, waahi tapu and other taonga.*
- 3) Make appropriate provision in regional plans, district plans and resource consents for the recognition of the relationship tangata whenua have with their ancestral lands, water sites, waahi tapu and other taonga.*

Example 3 - Wairoa District Plan

In consultation with tangata whenua, establish a process for dealing with waahi tapu, taonga, culturally significant sites and protocols concerning people’s access to such information, and where acceptable to tangata whenua, to record the location of waahi tapu.

Recognise tangata whenua as kaitiaki of waahi tapu sites, taonga, culturally significant areas and develop and implement procedures for consultation with Maori on proposals for the use, development or protection of resources that may affect waahi tapu, taonga and areas of cultural significance.

Establish, in consultation with tangata whenua, a process for dealing with situations where koiwi (human remains and taonga) are exposed, either through natural processes or through excavation, and make suitable arrangements in accordance with Tikanga for the appropriate re-interment of koiwi.

Maintain liaison with tangata whenua, NZ Historic Places Trust, Hawke’s Bay Regional Council, Department of Conservation and the local Committee of the Historic Places Trust on the issue of identification, assessment, protocols and recording of waahi tapu, taonga, areas of cultural significance, historic buildings, sites, and notable trees, and their inclusion, where appropriate, in Schedule 1 – Historic Buildings, Sites, Waahi Tapu and Notable Trees.

1.4 RULE - DETERMINING AFFECTED PARTIES

1.4.1 In determining those persons that may be adversely affected by the granting of a resource consent, the Council will consider the effect on:

- *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (Section 6(e));*
- *„Kaitiakitanga “ (Section 7(a));*

1.5 ADDITIONAL INFORMATION REQUIREMENTS IN RELATION TO HISTORIC PLACES, ARCHAEOLOGICAL SITES, AND/OR NOTABLE TREES

- *The outcome of any consultation with any relevant body or affected persons (including tangata whenua, Historic Places Trust, NZ Archaeological Association).*
- *The written consent in order to deal with the matter on a non-notified basis, of any relevant heritage protection authority if the heritage resource is subject to a heritage protection order or the Historic Places Trust if the heritage resource is registered under the Historic Places Act 1993.*

1.8.8 Significance of the place for tangata whenua

Archaeological Sites register maintained by Council

Example 4 - Waitakere City District Plan

District Plan Rules:

- *Subdivision Rules All subdivisions pass through a resource consent process which allows assessment of impacts on a range of matters, including impact on waahi tapu and other sites of significance. Where the application provides for the return of waahi tapu to iwi, the positive effects on iwi will be taken into account.*
- *Heritage Rules*

Example 5 – Rotorua Proposed District Plan

4.2.4.4.3 Rules

The Rules set out for each Part of the Plan restrict activities in relation to those items listed in Appendix A. These provisions:

- (a) Ensure that any proposed demolition or modification requires a resource consent application for a Discretionary Activity;*

(b) Require applications for resource consents to include an assessment of the effects that the activity will have on the environment. This assessment includes the identification of the location of features with heritage value. The details required of this assessment are outlined in Part Two;

(c) Ensure that any area of land surrounding an historic place that is important to the integrity of that place, is recognised;

(d) Recognise that the New Zealand Historic Places Trust and the New Zealand Archaeological Association are affected parties under Section 94 of the Resource Management Act 1991; and

(e) Require that Council consider the option of acquiring land, buildings and areas under Section 86(1)(b) of the Resource Management Act 1991.

In addition, it is noted that waahi tapu kept in or returned to tribal ownership may be established as Maori Reserves under Te Ture Whenua Maori Act 1993/Maori Land Act 1993 and kept within the ownership of appropriate hapu.

4.2.4.4.4 Public Awareness Programme

A public awareness programme for cultural and natural heritage will also be introduced during the Plan period. This programme is discussed in greater detail in 4.2.1.4 of this Part, on natural heritage.

4.2.4.4.5 Financial Contributions

Financial contributions may be used for the protection of cultural heritage values. The Objectives and Policies for financial contributions are set out in 2.2.1.2 and 2.2.1.3 of this Part. Appendix U sets out the circumstances where financial contributions may be required and the methods for calculating these contributions.

4.2.4.4.6 Protection of Archaeological Sites

Archaeological sites are protected under the Historic Places Act 1993 whether or not they are recorded. Where it is proposed to use land which has the potential to adversely affect archaeological sites, the land will be surveyed to ensure that such sites are identified and effects evaluated.

Example 5 - Proposed Waikato Regional Coastal Plan

Identification of Unrecorded Historic and Archaeological Sites

Environment Waikato: Works and Services

Consultation with New Zealand Historic Places Trust

Heritage Resources

Heritage Criteria

17.2.8 Tangata Whenua Values

Environment Waikato will consult with tangata whenua to determine how information on areas of significant value to Maaori should be identified and recorded and how such areas should be protected. Such information would contribute to determining appropriate use and development in the CMA. Applicants will also be required to consult with iwi over specific proposals in the CMA.

17.8.4 Protection of Iwi Values

Environment Waikato will work with iwi to identify those areas of the coast which may need to have public access limited, to protect significant iwi values that are vulnerable to disturbance.

Principal Reasons for Adopting: *Iwi values such as urupa may require public access to be limited to ensure the values are protected from adverse effects.*

Assessing Values for a Financial Contribution

HISTORIC AND CULTURAL VALUES - EFFECT - where a proposed activity is likely to adversely affect a place or area of significant historic or cultural value.

MAXIMUM AMOUNT - The full actual costs of protecting, maintaining or restoring sites with significant historic or cultural values; or the full actual costs of compensating for any permanent loss to these values.

➤ **Anticipated Results**

Example 1 – Proposed Auckland Regional Coastal Plan

8.8.1 *The preservation and protection of sites, buildings, places and areas in the coastal marine area which have significant cultural heritage value.*

8.8.2 *The integrated management of sites, buildings, places and areas which have significant maritime cultural heritage value in the coastal environment.*

8.8.3 *That the adverse effects of subdivision, use and development on sites, buildings, places and areas recorded in the Maritime Cultural Heritage Inventory are avoided, remedied, or mitigated.*

8.8.4 *The retention of a diverse and representative range of sites, buildings, places and areas of cultural heritage value in the coastal marine area.*

Example 5 – Waikato Regional Policy Statement

1. *Ancestral lands, water, sites, waahi tapu and taonga recognised and provided for.*

2. *Outcomes which accommodate the cultural and spiritual values held by tangata whenua.*

Example 3 - Wairoa District Plan

Maori cultural values are recognised and protected.

Example 4 – Proposed Waikato Regional Coastal Plan

- *The tangata whenua role as Kaitiaki provided for.*
- *Ancestral lands, water, sites, waahi tapu and taonga protected.*
- *No net loss of amenity values.*
- *The Region "s heritage resources protected.*
- *Waikato Regional Council - Proposed Regional Coastal Plan*

Example 5 - Thames Coromandel Proposed District Plan

Environmental Result = Greater protection of land, water, sites, waahi tapu and taonga.

➤ **Indicators**

Example 1 – Thames Coromandel Proposed District Plan

Indicators to be derived from:

- *review plan following Iwi environmental/ resource management plan*
- *audit resource consent and application process*

District & Regional Data Sources: Iwi management plans, Resource consents

Example 2 – Tauranga District Plan

Definition - wahi tupuna

Ancestral sites of significance (but not necessarily tapu) to a particular whanau, hapū or iwi. These may include former village sites, pathways, or rohe indicators.

➤ Monitoring provisions

Example 1 - Proposed Waikato Regional Coastal Plan

15 MONITORING AND REVIEW - 15.1 Monitoring the State of the CMA

In addition to evaluating the information from the monitoring strategies outlined in this chapter, Environment Waikato will consult with the following groups of people at regular intervals:

f. Tangata whenua with respect to the on-going development and implementation of requirements and directions, in this Plan.

Once the Plan becomes operative, baseline investigations relating to these five sub-areas will be completed and a monitoring programme (with repeatable methodology) developed, capable of detecting changes and trends relevant to the following variables:

f. Cultural and historic values.

This monitoring programme will be designed to maximise community involvement and to ensure that community perceptions and concerns are recognised at an early stage. The programme will specify meaningful and acceptable trigger levels for every objective and/or environmental result anticipated within the Plan. These trigger levels will initiate consideration of a review and implementation of appropriate management action.

Example 2 - Tauranga District Plan

(5) Undertake monitoring on key elements of the District's environment as outlined here:

(b) Special Natural Resource Monitoring:

■ *Monitor the effects of subdivision, use and development, particularly on identified significant landscape features (including those that because of cultural or historical associations, or because of their impact on the wider community (such as ridgelines) are of importance)*

■ *Monitor the creation of heritage protection lots through subdivision*

(d) Special Heritage Resource Monitoring:

■ *Liaise with iwi and/or hapu to assist with identifying potential threats to significant sites and wahi tapu*

■ *Maintain heritage databases and review these regularly*

■ *Liaise with NZ Historic Places Trust and NZ Archaeological Association and iwi to identify registered archaeological sites, contained in the Council's Geographic Information System (GIS), and monitor these as appropriate*

■ *Liaise with iwi and/or hapū through procedures under the First Schedule of the RMA, or through resource consent submissions on heritage sites and values*

- *Maintain an archaeological and cultural site map series and heritage register of significant sites based on collating information from all accessible heritage information sources, e.g. NZ Archaeological Association File Keeper, NZ Historic Places Trust, Resource Consent Assessments, iwi management plans or cultural assessments. Update this information through implementing Council's Environmental Monitoring Strategy.*

➤ Enforcement Provisions

Notes

The Historic Places Act is the legislation under which prosecutions are generally brought against those responsible for damaging or destroying wahi tapu. However where consent conditions relate to wahi tapu councils are required to monitor and enforce these.

Despite this none of the plans consulted contain enforcement provisions specific to wahi tapu.

Example 1 - Proposed Auckland Regional Coastal Plan

39.2.4 Compliance with the Resource Management Act 1991

Monitoring of compliance with the RMA may be carried out either through coastal permits granted by the ARC or the Minister of Conservation, or through actions taken by the ARC concerning breaches of the RMA outside consent administration.

4.2 LTCCP – Wāhi Tapu

Note: In this Section 4.2, the focus is on Long-term Council Community Plans (LTCCP) required under the 2002 *Local Government Act* with respect to tikanga wāhi tapu.

Overall

Example 1 – Manukau City Council LTCCP

1.1 ENVIRONMENTAL POLICY - Description

How do we handle population and urban growth while looking after our natural environment? How do we create places that are pleasant to live in, work in and visit? And how do we protect our heritage, such as buildings and wāhi tapu?

1.3 HERITAGE

Our heritage is built on these foundations, and is now reflected in many ways. Legends and life abound in the landscape, especially in places such as the Otūataua Stonefields in Mangere, where the Council has created an historic reserve, covering more than 100 hectares of land, where skilled Maori gardeners built terraces, storage pits and walls from abundant volcanic rock. The legacy of European farmers can also be seen in dry stone walls in the reserve.

Example 2 - Matamata Piako LTCCP 2006-2016

POLICY - Remission of rates on Maori freehold land

OBJECTIVES - The objectives of this policy are:

d. To recognise and take account of the presence of wāhi tapu that may affect the use of the land for other purposes. p.45

Example 3 – Far North District LTCCP 2004-2014

Possible Significant Negative Effects - Community Services and Facilities

Council must also recognise the cultural significance of wāhi tapu areas in park or reserve management and development.

Policy - REMISSION OF RATES ON UNOCCUPIED MAORI FREEHOLD LAND

POLICY OBJECTIVES

To recognise and take account of the presence of wāhi tapu sites of cultural significance or other cultural values that may affect the use of the land for other purposes. p.77

➤ Outcomes

Example 1 - Manukau City Council LTCCP

Manukau City's natural and cultural heritage and significant sites are recognised, protected and enhanced

Actions

Acknowledge the kaitiakitanga role of Mana Whenua in regard to Manukau's environment

Draft report subject to ongoing modification – Please refer to original documents and heritage and support the capacity development of Mana Whenua to effectively carry out this role.

Seek the engagement of Mana Whenua in the development of environmental strategies and policies.

Council's Contribution

Consultation with Mana Whenua on significant environmental issues as and when required.

Example 2 – Matamata Piako LTCCP 2006-2016

5.2 Knowledge and Treasures

(b) Our history and the knowledge of our past, our customs and identity, the artefacts and treasures of our past and future will be respected and preserved

5.5 Wetlands, Significant Natural Features and Wahi Tapu

a) The wetlands, significant natural features and wahi tapu on public land throughout the district will be protected, promoted, and enhanced and restored

b) The wetlands, significant natural features and wahi tapu on private land throughout the district will be protected, promoted and enhanced for preservation purposes

Example 3 – Auckland Regional LTCCP

The significant place of tangata whenua is acknowledged

ARC role

The ARC works to conserve the region's heritage resources of significance to tāngata whenua, such as wahi tapu, urupa, and places of traditional importance. This occurs through advocacy for the restoration of key cultural and archaeological sites and natural heritage resources, and through statutory mechanisms such as regional and district plans, resource consents processing and through monitoring. The ARC has a number of kaitiakitanga partnerships and relationships with iwi groups to work together on heritage projects of significance to tāngata whenua.

Example 4 – Taupo District LTCCP

Community Outcomes - Environment

- Protection of waahi tapu (sacred sites)

➤ **Indicators**

Example 1 - Matamata Piako LTCCP 2006-2016

- *Number of resource consent applications declined involving sites which contain or adjoin a culturally significant site*
- *Number and location of listed/known or protected culturally significant sites*
- *Number of resource consents applied for/granted involving sites which contain or adjoin a culturally significant site*
- *Area of land in Maori ownership or management*
- *Number of consultations with iwi Number of consent conditions imposed to protect iwi interests*
- *Number of complaints received from iwi.*