

# Tangata Whenua





**Tangata Whenua**

**Key Issues:**

The District Plan is the key resource management document for the District and therefore has an important role in recognising and taking into account the principles of the Treaty of Waitangi. Implementation of Council’s responsibilities through the District Plan is just one mechanism by which Council gives effect to the Treaty. The Resource Management Act 1991 gives special provision to the Treaty of Waitangi. *‘In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)’*. The District Plan works to recognise and protect ancestral lands, water, sites, waahi tapu and other taonga, which is attempted through zoning of reserves, the identification of waahi tapu, and the provision for consultation with Maori in the Plan preparation and implementation stages. Are the District Plan provisions effective in giving effect to the Treaty?

**Indicators**

State:

- Number of complaints received from iwi;
- Number of responses to consultation from iwi; and
- Area of land in Maori ownership or management.

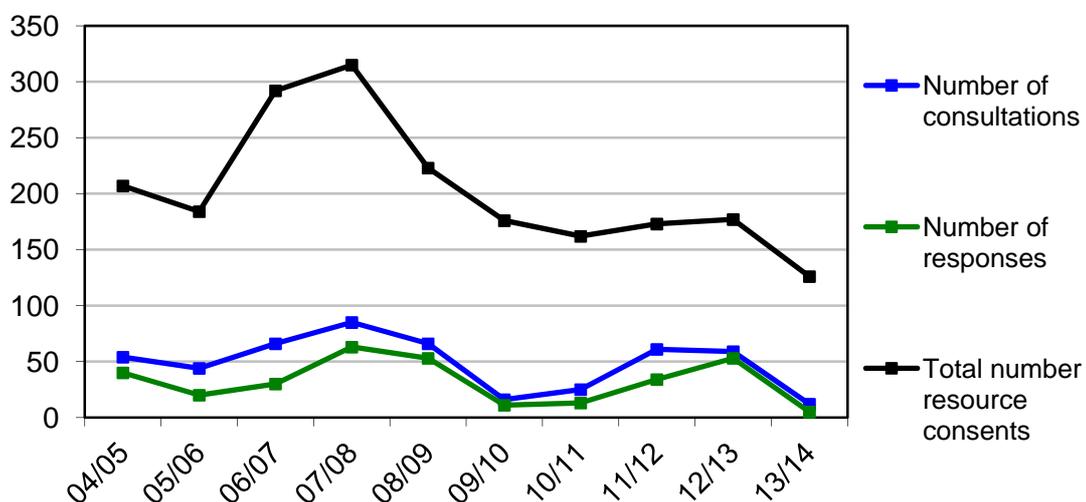
Response:

- Number of consultations with iwi;
- Number of consent conditions imposed to protect iwi interests;
- Number of iwi development and management plans in operation; and
- Number of Council initiated working parties which have iwi representation e.g. District Plan, Memorandum of Understanding.

**Results**

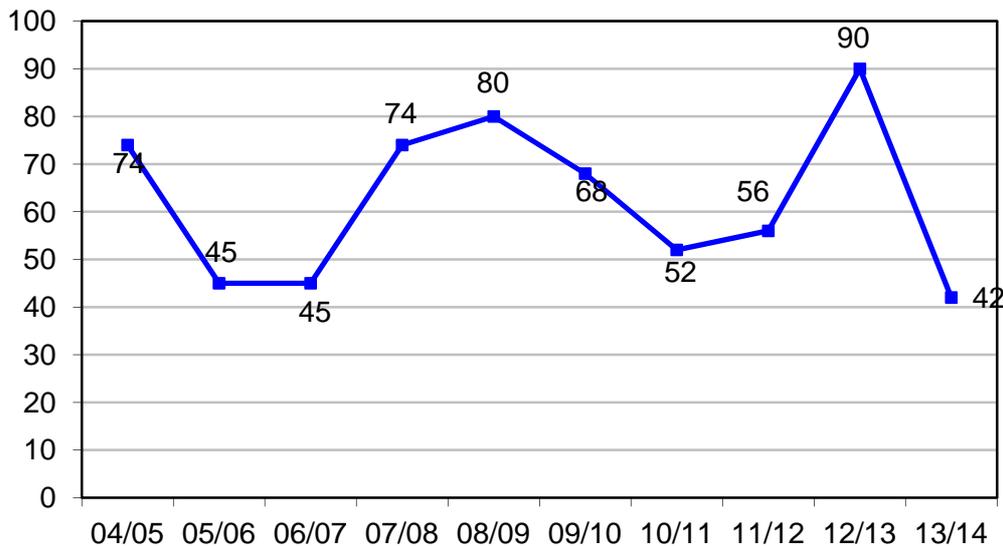
In 2006/07 Council received one complaint regarding a lack of consultation with a particular iwi/hapu for the 2007/08 Annual Plan. Other than that there have been no complaints received by Council from local Iwi that have been recorded.

**Number of consultations and responses to consultation with iwi**



Consultation with iwi is important in creating an effective partnership in the management of the District's natural and physical resources. Council consults iwi when it receives land use and subdivision consent applications that may be of iwi interest. The number of consultations relative to the total number of resource consents has remained steady over time, as indicated by the graph above.

**Percentage of responses from iwi consultation**



Response rates by iwi to Council consultation peaked at 90% in 2012/13, before dropping down to 42% in 2013/14.

- Of the 175,300ha of land in the District, 4,802ha is held in rateable Maori Title.
- Developments arising from subdivisions and land use activities can place significant pressures on iwi interests. Council responds to pressures on culturally significant sites by imposing conditions on resource consents when necessary to protect iwi interests such as pa and waahi tapu sites. In 2000/01 there were two consent conditions imposed to protect iwi interests, and one in 2001/02. Since then, no consents that have been granted have had conditions to protect iwi interests. However there are 78 waahi tapu sites listed in the District Plan and these include urupa (Maori burial sites), pa and midden sites, and marae. One of these culturally significant sites (a pa site) was added to the District Plan in the 2006/07 financial year after a plan change was undertaken.
- Council has a standing committee called the 'Te Manawhenua Forum Mo Matamata-Piako'. This Forum has two representatives from Council, and each of the iwi in the District. These include Ngati Haua, Ngati Paoa, Ngati Ruakawa, Ngati Maru, Ngati Tumutumu and Ngati Whanaunga. The Heads of Agreement also provides for representation by Ngati Tamatera.
- The purpose of the Forum is to facilitate tangata whenua contribution to Council's decision-making. The members meet four times a year and consider any matter that has the potential to promote the social, economic, environmental and cultural well-being of Maori communities today and in the future.

## District Plan Provisions

### Section 2.4 Sustainable Management Strategy

#### Objective:

- To maintain and encourage kaitiaki responsibility (guardianship) of Maori by implementing a partnership approach to the sustainable management of the District's natural and physical resource.

#### Policy:

- To establish a joint Council/iwi management process for considering and resolving resource management issues and policy.

#### Anticipated Environmental Result:

- An acceptance of, and willing participation in, an iwi management plan process and the provision of tangata whenua housing areas judged by the consultation partnership with Council.

### Effectiveness and Efficiency

Are the District Plan's objectives and policies the most effective and efficient way to achieve the following anticipated environmental result?

- *An acceptance of, and willing participation in, an iwi management plan process and the provision of tangata whenua housing areas judged by the consultation partnership with Council.*

Council aims to maintain and encourage kaitiaki responsibility (guardianship) of Maori by implementing a partnership approach to the sustainable management of the District's natural and physical resources.

The Resource Management Act 1991 requires that in achieving the purpose of the Act all persons under it shall:

- Recognise and provide for the relationship of Maori and their culture and traditions with ancestral lands, water, sites, waahi tapu (spiritual and culturally important places for Maori), and other taonga (items, objects or things that represents the ancestral identity of a Maori kin group [whanau, hapu or iwi] with their particular land and resources) as a matter of national importance
- Have particular regard to kaitiakitanga (the exercise of guardianship)
- Take into account the principles of the Treaty of Waitangi.

The District Plan works to recognise and protect ancestral lands, water, sites, waahi tapu and other taonga, which is attempted through the identification of waahi tapu, and the provision for consultation with Maori in the Plan preparation and implementation stages. There are 78 other culturally significant sites listed within "Schedule 2: Heritage - Waahi tapu", which include urupa (Maori burial sites), pa and midden sites, and marae. This scheduling of heritage sites and the rules associated to the scheduling is an effective way of protecting known Maori culture and heritage.

It is noted that Plan Change 7 was completed in 2006/07, this amended "Schedule 2: Heritage - Waahi Tapu" by including a pa site which was already recognised by the New Zealand Archaeological Association. The owner of the property initiated the plan change however, Council subsequently took it over as a Council driven plan change as it was for the benefit of the whole community.

Land use activities and subdivision development may adversely affect sites of cultural significance to iwi. Sites might be modified, damaged or destroyed by construction activity and roads or housing developments. To avoid, mitigate or minimise any adverse effects there needs to be:

- An understanding with the local iwi or hapu to identify sites of cultural significance potentially affected by development
- A partnership between iwi and Council
- Increased involvement of iwi in the decision making process such as plan development and monitoring.

The objective *'to maintain and encourage kaitiaki responsibility (guardianship) of Maori by implementing a partnership approach to the sustainable management of the District's natural and physical resource'* and the policy *'to establish a joint Council/iwi management process for considering and resolving resource management issues and policy'* are effectively achieved.

Council has a standing committee of Council called the 'Te Manawhenua Forum Mo Matamata-Piako'. This Forum has two representatives from Council, and each of the iwi in the district. These include Ngati Haua, Ngati Paoa, Ngati Ruakawa, Ngati Maru, Ngati Tumutumu and Ngati Whanaunga. There is also provision for representation by Ngati Tamatera. The purpose of the Forum is to facilitate tangata whenua contribution to Council's decision-making. The members meet four times a year and consider any matter that has the potential to promote the social, economic, environmental and cultural well-being of Maori communities today and in the future.

Iwi have some involvement in resource consent processes through consultation, where applications are known to affect Maori interests. The number of consultations initiated relative to the total number of consents processed has remained stable throughout the years. This indicates that Council is fulfilling its obligation to engage with iwi where Maori values may be affected.

The percentage of responses received from iwi has peaked at 90% in 2012/13, but otherwise has remained relatively stable at around 50%. This seems to indicate that iwi is responding to consultation where they have residual concerns. It is acknowledged that measurement of the number of consultations and percentage response to consultation does not measure whether there were any resource consents which should have been consulted on and have not been. One measure of this is whether there have been complaints from iwi or hapu. In 2006/07 Council received one complaint regarding a lack of consultation with a particular iwi or hapu for the 2007/08 Annual Plan. Other than that there have been no complaints received by Council from local iwi that have been recorded.

Councils consultation with iwi is also affected by other legislation such as the Local Government Act 2002:

*Contributions to decision-making processes by Maori*

*(1) A local authority must—*

- (a) establish and maintain processes to provide opportunities for Maori to contribute to the decision-making processes of the local authority; and*
- (b) consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of the local authority; and*
- (c) provide relevant information to Maori for the purposes of paragraphs (a) and (b).*

Although there are not many objectives, policies and AERs relating to tangata whenua in the Plan, consulting through the resource consent process is an efficient way of establishing whether subdivision or changes in land use could potentially affect Maori interests.

Although we cannot tell if all Maori interests are being protected we can assume that they are not being destroyed/eroded by subdivision and land use changes. Also having the Te Manawhenua Forum is an efficient way of gaining input into decision-making from all of the recognised iwi in our District on decisions and policies that could potentially affect Maori communities.

### Summary

<b>Anticipated Environmental Results Tangata Whenua</b>	<b>Achieved?</b>  ☺ - Achieving → - Progress towards achievement ☹ - Not achieving ? - Not monitored
An acceptance of, and willing participation in, an iwi management plan process and the provision of tangata whenua housing areas judged by the consultation partnership with Council	→