

2.3 NGA TAKE TUTURU MO TÄNGATA WHENUA (MATTERS OF SIGNIFICANCE TO TÄNGATA WHENUA)

*Toitu Te Marae o Tane
Toitu Te Marae o Tangaroa
Toitu Te Iwi
If the domain of Tane is sustained
And the domain of Tangaroa sustained
So too will the people be sustained*

2.3.1 INTRODUCTION

The RMA includes a number of matters which relate to the relationship of Tängata Whenua to the management of air, land and water resources. This plan is required, among other things:

- (a) As a matter of national importance to recognise and provide for the relationship of Mäori and their culture and traditions with their ancestral lands, water, sites, **wähi tapu** and other **taonga** (section 6(e));
- (b) To have particular regard to kaitiakitanga (section 7(a));
- (c) To take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (section 8);
- (d) To have regard to recognised relevant **lwi** planning documents, the Historic Places Register, and any regulations relating to ensuring sustainability, or the conservation, management or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing) (sections 66(2)(c)(ii)(ia)&(iii));
- (e) Not to be inconsistent with the ARPS (section 67(2) (c)).

Most Tängata Whenua of the Auckland Region have prepared planning documents. A list of **lwi** planning documents is available from the Iwi Relations section of the Auckland Regional Council. The NZHPT Historic Places Register of the region lists a number of sites and areas of significance to Tängata Whenua.

Chapter 3 of the RPS identifies and addresses matters of significance to Tängata Whenua. There are five main policy directions of the ARPS relating to Tängata Whenua:

- (a) Recognising sites and areas of special value in accordance with tikanga Mäori, and providing appropriate levels of protection;
- (b) Providing for Mäori customary activities and actively protecting these from the effects of other activities;

2.3 – Tāngata Whenua Values

- (c) The effective involvement of Tāngata Whenua in the preparation, implementation, monitoring and review of statutory plans and resource consent processes; ~~and~~ [cl 16]
- (d) Taking into account the effects of managing resources on Treaty claims and customary rights; *and* [cl 16]
- (e) Enabling the practical expression of Kaitiakitanga by Tāngata Whenua: ~~and~~[cl 16]
- (f) ~~Ensuring consultation is undertaken on consent applications where appropriate.~~

This plan supplements the provisions of the ARPS relating to Tāngata Whenua, and should be read alongside the ARPS. Policies and methods have been included in the ARPS which, amongst other things, establish the rights of Tāngata Whenua to be involved in resource management decision-making, recognise the obligations of the ARC to consult with Tāngata Whenua, and encourage consent applicants to consult with Tāngata Whenua. New policies and methods dealing with consultation and other procedural matters are not included in this section of the plan. The ARPS provisions are considered adequate. Rather, the policies and methods in this section focus on environmental outcomes to be achieved.

2.3.1.1 TĀNGATA WHENUA WORLD VIEW

Māori values associated with the land, air and freshwater bodies of the Auckland Region are based on ***whakapapa***, and stem from long social, economic and cultural associations and experiences with such ***taonga*** extending over several centuries.

The Māori world begins with the creation, where all life emanated from Io, the Supreme God. A series of cosmological birth stages followed, culminating with Papatuanuku, the earth mother and Ranginui, the sky father. Ranginui and Papatuanuku were separated by one of their children, Tane Mahuta, to let light, and hence knowledge, into the world. The children of Rangi and Papa subsequently set about creating their domains, breathing ***mauri*** or life force emanating from Io into all things, both living and inanimate.

As well as the values attributed to them by those who benefit from and, in turn, care for them, land, air and freshwater bodies and their associated resources have inherent values of their own. They are part of the domains of various deities and consequently have mana atua.

Through creation Tāngata Whenua claim an intimate relationship established by ***whakapapa*** to all entities of the natural world. Inherent in this relationship are the ancestral obligations as ***Kaitiaki*** to care for all other parts of the natural world.

Kaitiaki can take a physical or spiritual (metaphysical) form. Physical ***Kaitiaki*** include Tāngata Whenua, reptiles, fish and birds. An example of a spiritual ***Kaitiaki*** is a taniwha.

Tāngata Whenua Values – 2.3

Kaitiakitanga is an integral part of the expression of Rangatiratanga or authority, whereby it is often impossible to protect resources without also exercising a degree of authority and control over them. This is axiomatic.

This culturally distinct view of the world established natural and proper behavioural patterns – tikanga – between Tāngata Whenua and other living things. When Tāngata Whenua needed to hunt birds or fish, dig up plants or cut down trees, for example, proper rituals were performed recognising the sacredness of other life forms. The various deities maintained absolute power over their domains and it was to such deities that requests to use specific resources were made. Underlying these relationships was the holistic world view briefly described earlier, and it was only after such tikanga was satisfied that Tāngata Whenua could safely take the lives of other living entities for food and resources for survival. For those who ignored tikanga, punishment was by way of personal calamity.

Over time Tāngata Whenua developed a highly specialised knowledge of their environment and the resources that they relied upon for survival. Tribal tikanga sought to maintain the balance between people and other life forms. Birds and fish, for example, were protected much of the year by **rahui** or temporary ban, ensuring that such resources were not disturbed during breeding. Although continuing to evolve to suit changing circumstances, tribal tikanga still determines what activities can occur, and if so, how they can occur. While there is tikanga which is universal to Māori, there is also tikanga which is specific to different **Iwi** and **Hapu**.

A Māori world view is further illustrated by the following statement by an **Iwi** authority of the Auckland Region:

*“Rivers are not just channels to facilitate the flow of water
Rivers are the lifelines, the blood veins of Papatuanuku
Rain is not just water that falls out of the sky
Rain represents the tears of Ranginui, the sky father
who continues to weep as a result of the separation from Papatuanuku.”
(Huakina Development Trust 1995)*

While an abundance of food is valued for the physical sustenance it provides a tribe, tikanga also places enormous value on the concept of **manākitanga**. The ability to provide an abundance of food to guests is a matter of tribal mana and well-being. Māori values are also expressed in the importance placed on cultural materials found in the coastal environment, including those used for weaving and dyeing processes. The ability to live and work on ancestral lands (e.g. marae and **papakāinga**) is also of fundamental importance, facilitating the meeting of **Kaitiaki** responsibilities and enabling relationships, culture and traditions with ancestral **taonga** to be nurtured.

Many activities have the potential to adversely affect the relationship of Māori and their culture and traditions with their ancestral water, sites, **wāhi tapu** and other **taonga**. Of particular concern are the effects of **sewage** and **stormwater** discharges into waterways, degradation of water quality, damage to or destruction of **wāhi tapu**, and any action that degrades or depletes life forms, particularly of species gathered and used by Tāngata Whenua.

2.3 – Tāngata Whenua Values

The values of Tāngata Whenua towards land, air and freshwater bodies and associated resources, and the expression of such values in tribal tikanga and institutions, were confirmed and guaranteed by Te Tiriti o Waitangi, signed in 1840. Rights and obligations in terms of the principles of the Treaty of Waitangi need to be taken into account in the management of natural and physical resources.

2.3.1.2 THE TREATY OF WAITANGI (TE TIRITI O WAITANGI)

Tāngata Whenua consider that the Treaty forms the basis of relationships between Tāngata Whenua and the Crown (including organisations such as the ARC that have been delegated Crown responsibilities under the RMA). The following is an example of Tāngata Whenua statement regarding what the Treaty means to them and how it should be given effect.

*“... the Treaty still provides the clearest articulation of **iwi** and Crown relationships in resource management and in particular the primacy of the relationship between **iwi** and natural resources and consequently the central role they could expect to play in making decisions about their environment today....*

A Treaty based partnership with Council in the sustainable management of natural and physical resources is something that the Board is definitely committed towards achieving...Taking the step from talking about partnership to defining it is a complex task but an absolutely essential one.” (Hauraki Māori Trust Board 2000).

2.3.2 ISSUES

Following is a list of Tāngata Whenua concerns which are illustrated in **iwi** planning documents and have been confirmed in consultation with Tāngata Whenua during preparation of this Proposed Plan. The concerns are grouped according to the three matters of resource management significance to Tāngata Whenua identified in the ARPS:

- (a) Relationships with ancestral **taonga** are being adversely affected by inappropriate processes and activities;
- (b) There is a need for direct and effective involvement of Tāngata Whenua in the sustainable management of their ancestral **taonga**;
- (c) The Treaty of Waitangi needs to be recognised in the sustainable management of ancestral **taonga**.

2.3.2.1 PROCESSES AND ACTIVITIES ADVERSELY AFFECTING RELATIONSHIPS WITH ANCESTRAL TAONGA

Tāngata Whenua are concerned that processes and activities are adversely affecting relationships of Tāngata Whenua and their culture and traditions with their ancestral **taonga**. Issues of concern to Tāngata Whenua, identified to the ARC to date, are summarised as follows:

Air Quality

Tāngata Whenua Values – 2.3

- The health and safety effects of spray drift in close proximity to marae, **papakāinga**, waterbodies and other sensitive areas;
- The effects of dust emissions;
- Cumulative adverse effects of contaminants on important food resources, in particular puha and watercress;

Land Disturbing Activities

- The potential for kolwi or artefacts to be uncovered or for other **wāhi tapu** to be damaged or destroyed during land disturbing activities. Tāngata Whenua want to monitor land disturbance activities and be consulted immediately in such an event;
- The cultural offensiveness of removing top soil from areas known to be tapu and depositing it elsewhere;
- The effects of land disturbing activities adjacent to waterbodies, including emergency works;

Water Quality

- The inappropriateness of discharging liquid wastes directly to waterbodies. As far as practicable, all liquid wastes (in particular **sewage** and **stormwater**) need to be in the first instance, discharged to land for treatment;
- The inappropriateness of combining different types of liquid waste (e.g. **sewage**, **stormwater**) and treating them together;
- Inadequate establishment and maintenance of riparian zones adjacent to waterbodies to control diffuse discharges of contaminants;
- The unauthorised dumping of wastes and the need for stronger monitoring, enforcement and penalties;

Water Resources

- Further disruption and **drainage** of wetlands;
- The adverse effects of dams, culverts, causeways and other barrier structures on natural waterbodies, particularly the obstruction of **fish passage**;
- Insufficient water being retained in natural waterbodies (including **aquifers**) to protect instream values, Tāngata Whenua traditions (e.g. mahinga kai), and **natural character** and **amenity** values;
- The potential adverse effects of **drilling** on **wāhi tapu**;
- The effects of new developments diverting **stormwater** and preventing the replenishment of natural waterbodies (e.g. **aquifers**);
- The modification and/or diversion of natural flow paths (e.g. construction of stopbanks), interfering with the normal function of waterbodies and/or causing other natural hazards (e.g. instability);
- The effect of further **reclamations** on natural waterways, unless the works can be shown to improve the wellbeing of the waterway;

2.3 – Tāngata Whenua Values

- The potential adverse effects of **dredging**, extracting and/or depositing material on instream values, Tāngata Whenua traditions, and **natural character** and **amenity** values;
- The potential adverse effects of introducing exotic species into natural water systems.

2.3.2.2 DIRECT AND EFFECTIVE TĀNGATA WHENUA INVOLVEMENT IN MANAGING THEIR ANCESTRAL TAONGA

Tāngata Whenua have expressed their wish to have direct and effective involvement in managing their ancestral **taonga**. Methods suggested by Tāngata Whenua include:

- Ensuring Plan rules provide opportunities for Tāngata Whenua to assess the potential effects of resource consent applications on relationships with ancestral **taonga**;
- Supporting and protecting **kaitiaki** initiatives, including **rahui** and **whakatapu**, and monitoring, enforcement and enhancement programmes;
- Local authorities assisting with the preparation of **Iwi** Resource Management Plans and incorporating such Plans into statutory processes;
- Ensuring proactive and quality consultation occurs between Tāngata Whenua, applicants and local authorities;
- Ensuring quality information is available regarding Tāngata Whenua interests; and
- Increasing the representation of Tāngata Whenua interests in decision making, including the use of Hearing Commissioners with recognised expertise in tikanga Māori, where appropriate.

Some of these methods relate directly to the resource consent processes proposed by this plan, while others concern the wider scope of Tāngata Whenua relationships with the ARC. Their method of implementation may occur through means other than a statutory regional plan.

2.3.2.3 RECOGNITION OF THE TREATY OF WAITANGI

The Treaty of Waitangi confirmed customary rights and practices, including the ability of Tāngata Whenua to continue to use and enjoy their ancestral **taonga**. Traditional practices include:

- The use of natural materials for cultural, domestic and health purposes (e.g. carving, weaving, medicines), and the retention of indigenous vegetation to facilitate this;
- Harvesting mahinga kai (e.g. vegetables, plants, fish, shellfish) for physical sustenance and **manākitanga**;
- Establishing and maintaining marae, **papakāinga**, **kohanga reo**, **kura**, and other facilities for social, economic and cultural wellbeing.

Such traditions can be adversely affected by other activities (e.g. spray drift, liquid waste discharges to waterbodies, earthworks removing natural material).

Tāngata Whenua are also concerned to ensure that the management of natural and physical resources does not exacerbate existing Treaty claims. Claims which Tāngata Whenua believe are relevant include those relating to environmental degradation (e.g. Manukau Harbour, destruction of **wāhi tapu**), and the ownership of natural resources (e.g. minerals, geothermal resources, foreshore).

2.3.3 OBJECTIVES

2.3.3.1 To sustain the **mauri** of natural and physical resources in ways which enable provision for the social, economic and cultural wellbeing of Māori.

2.3.3.2 To afford appropriate priority to the relationship of Tāngata Whenua and their culture and traditions with their ancestral **taonga** when this conflicts with other values.

2.3.3.3 To involve Tāngata Whenua in resource management processes in ways which:

- (a) Take into account the principles of the Treaty of Waitangi, including rangatiratanga;
- (b) Have particular regard to the practical expression of kaitiakitanga.

Explanation:

These objectives are the same as the objectives in section 3.3 of the ARPS.

2.3.4 POLICIES

Explanation:

The policies below should be read alongside the policies in section 3.4 of the ARPS. The policies and associated methods in the ARPS set out, amongst other things, how Tāngata Whenua will be consulted and involved in planning and resource consent processes. New policies and methods dealing with consultation and other procedural matters are not included in this Plan. The ARPS provisions are considered adequate. Rather, the policies below focus on environmental outcomes to be achieved. The policies and methods of both the ARPS and this Plan are required in regard to the issues (in section 2.3.2) and objectives (in section 2.3.3) concerning Tāngata Whenua matters.

2.3.4.1 Sites and areas of special value to Tāngata Whenua identified in -

- (a) Schedule 8 of this Plan; or
- (b) Appendix B of the Auckland Regional Policy Statement; or
- (c) A district plan -

2.3 – Tāngata Whenua Values

shall be protected from inappropriate use and development that would cause adverse effects on the qualities, elements and features which contribute to the values of these sites and areas.

2.3.4.2 Sites and areas of special value to Tāngata Whenua, which are not identified in accordance with Policy 2.3.4.1, shall be managed by avoiding where practicable, remedying or mitigating adverse effects on the qualities, elements and features which contribute to the values of these sites and areas, having regard to:

- (a) The significance of the site or area, taking into account:
 - i Whether it is identified in any relevant *Iwi* planning document, recognised by an *Iwi* Authority;
 - ii Whether it is identified in the Auckland Conservation Management Strategy;
 - iii Whether it has been identified as being significant in any published archaeological or heritage report;
 - iv Whether it is identified as being significant by Tāngata Whenua during consultation.
- (b) Whether any disturbance or modification would have significant or irreversible effects on the physical or cultural integrity of the site or area;
- (c) Whether the proposal will protect or enhance the cultural heritage, scientific, or *amenity* values of the site or area.
- (d) Physical or visual connections with other heritage sites or areas.

2.3.4.3 The use and enjoyment of marae, *papakaiinga* and associated customary uses of ancestral *taonga* shall be recognised and provided for.

In assessing the effects of use and development on marae, *papakaiinga* and associated customary uses of ancestral *taonga*, regard shall be had to:

- (a) Whether the proposal adversely affects the ability of local *Iwi* or *Hapu* to provide for their social, economic and cultural well-being;
- (b) Whether provision has been made to protect customary and traditional uses and enjoyment of, or access to, ancestral *taonga*.

2.3.4.4 Regional rules and decisions on resource consents which may affect matters of significance to Tāngata Whenua, shall take into account the following:

- (a) Any relevant *Iwi* planning document recognised by an *Iwi* authority;
- (b) Measures required to address the issues specified in section 2.3.2.1;
- (c) The importance of Māori customary, cultural, or traditional knowledge.

2.3.5 OTHER METHODS

2.3.5.1 Relevant aspects of those methods stated in Chapter 3 of the Auckland Regional Policy Statement, namely Methods 3.4.2, 3.4.5, 3.4.8, 3.4.11 and 3.4.14.

2.3.5.2 For the purposes of implementing Policy 2.3.4.1, Tāngata Whenua will be consulted over the appropriate process and timing for establishing Schedule 8 [c] 16] to this Plan listing sites and areas of special value to Tāngata Whenua. Prior to the introduction of Schedule 8 [c] 16] into the Plan, through a Plan Variation or Plan Change process, consultation will be undertaken with potentially affected landowners.

2.3.6 ANTICIPATED ENVIRONMENTAL RESULTS

2.3.6.1 The special Treaty relationship between the Crown and Tāngata Whenua is recognised and facilitated.

2.3.6.2 The relationship of Tāngata Whenua and their culture and traditions with their ancestral **taonga**, including use of and access to these **taonga**, are recognised and provided for.

2.3.6.3 Adverse effects of use and development on the relationship of Tāngata Whenua and their culture and traditions with their ancestral **taonga**, are avoided, remedied or mitigated.