

7 Tangata Whenua Values

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7. Tangata Whenua Values

7.1 Tangata Whenua

The Resource Management Act 1991 (RMA) places upon local authorities, in the carrying out of their duties and responsibilities, a number of requirements relating to Maori. These are:

- ⇒ *Section 6(e)*: the relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga
- ⇒ *Section 7(a)*: kaitiakitanga
- ⇒ *Section 8*: the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)

Consultation with the tangata whenua has identified their view that the most important means of giving effect to these requirements is to ensure that the tangata whenua themselves are actively involved in the management of physical resources of concern to them.

Tangata whenua is an important term - it means the people of the land: that is the Maori iwi or hapu (sub-tribes) which have mana whenua (customary authority) over a particular area.

On the North Shore there are three iwi with tangata whenua status. These include:

- Ngati Whatua
- Ngati Paoa
- Kawerau A Maki.

A fourth, Ngapuhi, also possibly has status.

Under the RMA the Council has particular responsibilities to consult with tangata whenua having historical associations and claims in the North Shore area.

Of the Council's goals in Section 6, the Natural Environment, Community Well-being and Managing Change goals reflect the requirements of the RMA in respect of tangata whenua. These requirements form the basis of the provisions of this Section and particularly those in Section 7.3 and Section 7.4.

7.2 Tangata Whenua Issues

Resource management issues which need to be considered in relation to tangata whenua interests are:

- The manner in which the Council is to take into account the principles of the Treaty of Waitangi
- The way in which, and the extent to which, the concept of kaitiakitanga should be taken into account in the District Plan
- The location of traditional sites, including waahi tapu and other taonga within North Shore City, and the manner in which they should be protected
- The extent to which special provision should be made in the District Plan for Maori cultural uses and activities including marae.

These issues stem mainly from the provisions of the RMA and their application to the North Shore. The history of Maori occupation of the North Shore, as the dominant group, is lengthy, extending approximately a thousand years, until the early part of this century. This involved a complex web of successive occupation, migration and conquest. The signs of this long occupation are evident from place names, archaeological sites, such as middens and karaka groves and landscape features, such as pa sites. As a result of this occupation, a number of iwi groups claim mana whenua over the North Shore. They

expect to exercise their customary rights over resources of importance to them and to protect traditional places and sites (including waahi tapu).

Maori residents in North Shore City at the 1991 Census numbered 8,433 (includes those who are part Maori). Some do not have tangata whenua rights to North Shore so are in the same situation as other people. This means that their social and economic well-being is to be provided for in the management of physical and natural resources. This can be facilitated by providing opportunity for the establishment of activities (such as marae and educational facilities) which support Maori values.

7.3 Treaty Principles and Kaitiakitanga

Objective

To take into account the principles of the Treaty of Waitangi and the concept of kaitiakitanga in the management of the city's natural and physical resources in such a way that ensures the sustainability of resources.

Policies

1. By involving iwi in the management of resources which affect the customary authority and interests of the tangata whenua.
2. By ensuring that consultation is carried out with the tangata whenua on Plan changes and on resource consents as appropriate.
3. By assisting iwi in the preparation of iwi management plans which will deal with resource management issues relating to iwi.
4. By including provisions to conserve the coastal margins of the city, which are of particular significance to tangata whenua, and to ensure appropriate public access to these areas.
5. By allowing the collection of certain plant material for medicinal purposes within public parks and reserves.
6. By supporting education initiatives that may be undertaken to promote understanding of the needs of tangata whenua.

Methods

- Policies 1, 2, 3, and 6 will be implemented by Council initiatives
- Policy 4 will be implemented by rules
- Policy 5 will be implemented by Council regulatory processes outside the Plan.

Explanation and Reasons

Under the Treaty of Waitangi, the Maori chiefs in 1840 ceded "Kawanatanga" (governorship) to the Crown but in turn were guaranteed "tino rangatiratanga" (absolute authority) over their lands, villages, and all things of value (taonga). In addition, Maori were granted all the rights and privileges of British citizenship. The principles of the Treaty of Waitangi referred to in the RMA have arisen out of determinations of the Waitangi Tribunal and decisions of the High Court and Court of Appeal. They include the requirements for:

1. *The active protection of resources of importance to Maori, in accord with Maori cultural and spiritual values.*
2. *The need to exercise utmost good faith in the development and exercise of partnership between tangata whenua and the Crown and its agents.*

It is assumed that the interpretation of the principles can continue to evolve through consultation between the Council and the tangata whenua. There is also likely to be an expectation amongst Maori that the terms as well as the principles of the Treaty will be honoured.

Under the RMA the concept of kaitiakitanga means the exercise of guardianship and includes the ethic of stewardship (Maori custom) based on the nature of the resource

itself from a human and spiritual point of view. Broadly it can be described as a Maori practice of resource management. The traditional Maori approach to environmental management is holistic and provides for the following:

- *Restoration of damaged ecological systems*
- *Restoration and maintenance of ecological harmony*
- *Ensuring that resources and their usefulness increase*
- *Reducing risk to present and future generations*
- *Providing for the needs of present and future generations.*

In the traditional Maori view, all natural and physical resources possess mauri. This is a physical life force bonding the physical and spiritual essence of a resource together. Damage to the physical environment through pollution can cause it to lose its mauri. Similarly, the mauri can be restored by allowing the resource to regenerate through Maori mechanisms such as rahui (moratorium on resource use). An obligation is imposed on the tangata whenua as kaitiaki (guardians) who have the responsibility of ensuring that the mauri of the resource is protected.

Policies included in the Plan are designed to give effect to Treaty principles by allowing the active involvement of the tangata whenua in the management of resources of concern to them and ensuring that required consultation is carried out to an adequate level. These policies will also help the tangata whenua to exercise their role as kaitiaki or guardians. It is envisaged that with further consultation with the tangata whenua additional and or modified policies will be able to be included in the Plan by way of variation or plan change that amplifies this kaitiaki role. The coastal margins of North Shore are of particular importance because of their historic significance and the economic value of natural and physical resources such as kai moana (sea food) pingao, kiekie (both pingao and kiekie are plants) and, even in contemporary times, sand. Provision is also made for the collection of plant material on reserves for medicinal purposes, subject to the making of an application.

Another important means of upholding the principles is for the Council to assist iwi in the preparation of iwi management plans which would deal with resource management issues. The preparation of iwi management plans is likely to help in the Council's resource consent process and in identifying the general locations of traditional sites for inclusion in the District Plan, resulting in increased certainty for users of resources. There is a requirement under Section 74 of the RMA for territorial local authorities to have regard to relevant planning documents recognised by an iwi authority. Such plans will assist the Council in evolving resource management policy for tangata whenua issues.

It is widely accepted that the understanding of all parties on matters relating to the tangata whenua needs to be improved. Such education is considered to be best undertaken at a national or regional level, but the Council will support, so far as possible initiatives that are undertaken.

Expected Environmental Results

- *Iwi involved in the management of resources of concern to tangata whenua, as measured by an annual assessment of iwi involvement in the Assessment of Environmental Effects process and a biennial iwi consultation survey*
- *Assistance provided for the preparation of Iwi Management Plans, as measured by a biennial iwi consultation survey*
- *The tangata whenua involved in the exercise of kaitiakitanga, as measured by actual participation in Council decision making and biennial iwi consultation survey*
- *Coastal margins conserved and protected, as measured by an annual state of the environment report*
- *Iwi collection of plant material for medicinal purposes, as measured by a biennial iwi consultation survey.*

7.4 Maori Traditional Sites

Objective

To identify and provide protection of traditional sites and objects of special significance to the tangata whenua, particularly waahi tapu and other taonga.

Policies

1. By seeking to identify the location of significant places and sites on the District Plan maps.
2. By the inclusion of controls which protect the general locality of significant places, in cases where there is a reluctance to reveal the precise location of significant sites.

Method

- All policies will be implemented by rules.

Explanation and Reasons

Traditional sites are those of historic significance such as pa sites (formerly fortified villages), quarries, and mahingakai (food gathering areas) and waahi tapu. The latter are places which are particularly sacred and meaningful to the tangata whenua. Examples of waahi tapu include urupa (burial grounds), and tupaka (burial caves), pa where battles have occurred, other sites where blood has been spilt, tauranga waka (sites where some ancestral canoes have been beached) and some mountains.

Protection of waahi tapu forms the greatest manifestations of a tribe's presence in its takiwa (tribal area) and forms a direct connection of contemporary living Maori to their ancestors. Whether or not there are built physical symbols present on the site is often irrelevant to Maori people. The sanctity of the spot or piece of land or of natural bodies of water must be acknowledged. Destruction of that site forms the greatest contravention any person can inflict on iwi or Maori culture.

All iwi consulted in the course of preparation of the Plan felt that the safety and preservation of waahi tapu was of primary importance in their relationship with the Council.

Some waahi tapu are generally known and identified. Others are of such importance that they are only known to elders amongst the tangata whenua. The reluctance to identify specifically such sites stems from concern to ensure the integrity of the site and prevent any desecration. However it is acceptable that some level of information sharing must take place before there is any real prospect of the District Plan being able to offer protection of waahi tapu areas.

It is proposed that investigations should be undertaken and consultation carried out with the tangata whenua on the locations of significant traditional sites, including waahi tapu, so that their location can be identified on the District Plan Maps.

Expected Environmental Results

- Conservation and protection of traditional and archaeological sites, as measured by a biennial iwi consultation survey.

7.5 Cultural Activities

Objective

To enable the establishment of a range of activities of social, economic and cultural importance to the tangata whenua and Maori in general, while ensuring that any adverse effects on the environment from such activities are avoided, remedied or mitigated.

Policies

1. By providing a special zone for a marae which allows for the establishment of a

- broad range of activities whilst avoiding, remedying or mitigating any adverse effects on surrounding land uses.
2. By supporting where appropriate Maori initiatives for the establishment of additional marae on the North Shore.
 3. By providing opportunities for the establishment of a range of housing types, educational, health and community activities which promote Maori values in the various zones of the Plan.

Methods

- Policies 1 and 3 will be implemented by rules
- Policy 2 will be implemented by Council initiatives.

Explanation and Reasons

There are many types of development and cultural activities which serve Maori values. These include:

- *Marae which are of special significance to the Maori people and the focal point of their activities. A broad range of activities can, and should, take place on the marae relating to Maori spiritual, cultural, social and economic well-being: meetings and social gatherings, festivities, permanent and transient residential accommodation, employment and work opportunities and specialised services (education, health, advice, counselling). In some areas a church (whare karakia) would complement the function of a marae. At present there is a small number of marae located on the North Shore. However, in the future it is likely that additional marae will be established in the northern part of the city, including one on the Massey University campus*
- *Different educational institutions promoting Maori language, customs, religious practice, fine arts and craft. The best known is the kohanga reo providing preschool education, but there is likely to be a demand for institutions providing different levels of education, including kura kaupapa maori (primary schools) and kura maori (secondary schools)*
- *Health facilities providing a holistic approach to health care and practising alternative medicine.*

A special zone has been devised for the Awataha Marae off Akoranga Drive in Northcote (see Section 20.8) which provides for the establishment of a range of activities and incorporates controls to protect adjacent land uses. This approach has been pursued as it recognises the distinctive function, amenity and sense of community of marae and provides the most appropriate framework for permitting a diverse range of activities and controlling their effects. This zone, with modification, could be applied to other existing and proposed marae in the city.

Other cultural activities, depending on the impact or effects, are allowed as Permitted, Controlled or Discretionary activities in the particular zones. For example, kohanga reo are included under child care facilities, and facilities providing a holistic approach to health care are included under medical centres, which are listed in most residential zones.

In addition papakaianga housing on Maori ancestral land is included under residential units.

Expected Environmental Results

- Opportunities provided for the establishment of a wide range of cultural and social activities on the Awataha Marae without adversely impacting on neighbouring properties and the natural environment, as measured by a biennial land use survey of Awataha Marae and an annual assessment of Council's complaints register
- Initiatives undertaken for the establishment of additional marae in the city, as measured by a biennial iwi consultation survey
- Opportunities provided for the establishment of special forms of housing, education, health and community facilities enabling Maori people to provide for their social, economic and cultural well-being, as measured by a biennial iwi consultation survey.

