

Section 3: Tangata Whenua and Resource Management

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3. TANGATA WHENUA AND RESOURCE MANAGEMENT

3.1 Tangata Whenua View of Resource Management

3.1.1 Introduction

Over the centuries Maori have developed and maintained a close spiritual bond with the natural world. Out of this relationship developed an intricate system of resource management practice which was integral to sustaining both people and natural resources over succeeding generations.

Since the signing of the Treaty of Waitangi in 1840 the consolidation of the State has resulted in a situation where Maori systems of resource management have seldom been recognised. To redress this situation, this plan incorporates guidelines to facilitate a more active participatory role by Tangata Whenua in the area of resource management practice. For example, if known wahi tapu (sacred sites) are potentially compromised by excavation or development, Tangata Whenua will be consulted. Consultation provides the vehicle for Tangata Whenua to work with the Council to establish constraints or prohibitions on such activity.

The incorporation of Maori values adds an equally valid perspective to resource management. The way we govern how our natural and physical resources are used to provide Tangata Whenua with a cultural perspective enables them to exercise Tino Rangatiratanga and Kaitiakitanga. The long-term goal for the future in terms of the physical environment is the same as that for sustainable management: to sustain both the people and the resources into the future.

Finally, the involvement of Tangata Whenua provides the addition of a more explicit spiritual connection to both the resource and the use of resources, which, in turn, provides a wider appreciation of the position of Tangata Whenua. This extends well beyond the purely physical and provides a unique position in the use of resource management matters which concern Maori.

3.2 Tangata Whenua

The Resource Management Act 1991 defines Tangata Whenua in relation to a particular area; as the Hapu or Iwi that holds Mana Whenua over that area.

Rangitane are Tangata Whenua within the Palmerston North City Council boundary. Within this area the Rangitane Iwi consists of several hapu. Some of these hapu are:

Ngati Hineaute
Ngati Te Rangitepaia
Ngati Te Rangiaranaki
Ngati Mairehau
Ngati Kapuarangi

Ngati Hineaute and Ngati Te Rangitepaia have a primary involvement in the central urban area of the city. The other hapu are involved along the Manawatu River and environs which include, for example, the Hokowhitu Native Reserve which is now part of the urban area. The last occupied Rangitane marae within the City boundary was at Awapuni, which is now on the southern fringe of the urban area.

The former pa Te Motu a Poutoa, now referred to as Anzac Park, is in the centre of an area of significant urban growth between Massey University and Aokautere.

Both the development of this section and of the Proposed District Plan have been undertaken in consultation with Rangitane.

3.3 Concepts of Maori Environmental Systems

The concept of Maori environmental management is the maintenance of mauri (life essence) through the exercise of Kaitiakitanga (guardianship) by Tangata Whenua. Kaitiakitanga involves sustaining the mauri of the natural and physical resources. Traditional Maori environmental management is based on tikanga, a dynamic process able to adapt to changing circumstances.

The following are relevant concepts:

- Spiritual beliefs of the Maori, starting with an understanding of the creation stories.
- Cultural practices developed within iwi groups which are tikanga. These practices incorporate the mauri held within the domain of atua.

Tikanga is based on concepts of tapu (sacredness) and rahui (temporary restraint on use), which are common concepts with all iwi, with variations on the way resources are used. Tikanga unifies the esoteric and holistic dimension so that no significant separations of Te taha tinana, Te taha hinengaro, Te taha wairua, and Te taha whanau, occur.

Kaitiakitanga

Kaitiakitanga or guardianship is the cornerstone of Maori environmental management systems.

A Maori understanding of Kaitiakitanga views the Tangata Whenua as Kaitiaki, or the enactors of Kaitiakitanga, in the identified area over which they have Mana Whenua or customary authority.

Kaitiakitanga, or guardianship, is inextricably linked to tino Rangatiratanga and is a diverse set of tikanga which result in the sustainable management of a resource.

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

- guardianship;
- care;
- wise management; and
- resource indicators, where resources themselves indicate the state of their own mauri.

The prefix kai denotes the agent by which tiaki is performed. A Kaitiaki is the person or other agent who performs the tasks of guardianship. The addition of a suffix brings us Kaitiakitanga or the practice of guardianship, and contains the assumption that guardianship is used in the Maori sense meaning those who are genealogically linked to the resource.

Kaitiakitanga is practised through:

- protecting or preserving wahi tapu (sacred sites), wahi tupuna (ancestral sites), and other

sites of importance;

- the management and control of food gathering areas;
- good resource management; and
- environmental protection.

In particular, Kaitiakitanga is a specific concept of resource management. By acknowledging ancestral relationships to both the land and the natural world, a basis can be constructed for addressing modern forms of cultural activities.

While Rangatiratanga is not specifically mentioned in the Resource Management Act and there is no legislative requirement to take it into account, Kaitiakitanga and Rangatiratanga are intrinsically linked. Both Kaitiakitanga and Rangatiratanga are concerned with actions which are the rights and responsibility of the Tangata Whenua. However, there are differences, Kaitiakitanga infers a relationship between people and their environment, while Rangatiratanga is primarily exercised between people and includes the right to control access to a resource. The particular resources and type of control would be identified by Tangata Whenua in consultation with the Council. Such matters may also be addressed in Iwi Management Plans.

Kaitiakitanga therefore determines the relationship whereby people interact with the natural world, in both the physical and the metaphysical senses. Kaitiaki are the people who exercise Kaitiakitanga.

Kaitiakitanga is a part of Maori cultural and spiritual belief which is steeped in the values of that society.

Both terms Rangatiratanga and Kaitiakitanga cannot be fully understood without reference to those values. Therefore, the meaning of these two terms to Rangitane are a crucial factor in determining those characteristics of Kaitiakitanga to which the Act requires the Council to have particular regard.

Mauri

Any object within nature, whether it is animate or inanimate, contains a life force principle, or mauri. This life essence is important to Maori for two reasons:

Firstly, mauri holds a binding force that is able to interrelate one resource to every other element in the natural order, including the people. Secondly, it binds the resource to the spiritual realm(s) of the gods.

The practices of tikanga were observed to help maintain the mauri of parts of the natural world. These tikanga eventually evolved into the ethic of Kaitiakitanga. A complex set of tikanga were developed in relation to resources. Spiritual notions, such as tapu and rahui imply some form of prohibition and were grouped by their sphere of significance:

- taha wairua - spiritual
- taha hinengaro - intellectual
- taha tinana - physical/economic
- taha whanau - social/cultural

Taonga

“Me aha e Te iwi ka riro atu ano Te Koha o Te whenua”

“How, oh my people, can we again yield up the treasures of the land”

(Source: Waiata by Te Aweawe of Rangitane in J M McEwen’s “Rangitane, A Tribal History”).

The term taonga is used in Section 6 of the Resource Management Act 1991 and in Article II of the Treaty of Waitangi. Taonga defines things of value to Tangata Whenua.

Taonga (treasures), encompass both the animate and the inanimate; the tangible and intangible. This meaning also encompasses both the spiritual and physical domains: At a spiritual level taonga includes the three great states of reality:

- Te Ao Marama (the world of light)
- Te Po (the night)
- Te Korekore (the void)

These states of reality are found in the whakapapa of Rangitane which are recorded on page 186 of Volume 6 of the Ancient History of the Maori, His Mythology and Traditions (1890) written by John White. Hoani Meihana Te Rangiotu gave John White this information.

From out of this metaphysical state the physical was created. At a physical level, taonga include:

- Papatuanuku (land)
- Moana (water bodies)
- Wai (water)

Papatuanuku

Land provides the basis of Maori ideology. Consultation with Tangata Whenua is important before any decision is made about a particular land use which may erode, reduce, undermine, or negate a resource. In Maori mythology Papatuanuku possesses the power to regenerate resources polluted or made tapu by human usage.

Associated with land are such things as wahi tapu, wahi tupuna and other sacred areas. These sites constitute a major element of Maori culture and decisions about the use of resources associated with such sites should involve due respect with an aim to conserve them.

Moana

Moana denotes larger bodies of fresh water (e.g. lakes, rivers). Te Moana-nui-a-Kiwa refers to the open sea. The Hokowhitu Lagoon would be defined in this instance as moana.

Moana draws its mana atua (divine authority) from Tangaroa, the Maori god of the sea. For Maori, the sea is a food basket of the people. Practices which defile or pollute the mauri of the sea would not only destroy the mana of the sea but also the mana of the people associated with that particular area. The discussion of Moana takes into account the down stream effects of river water use and abuse.

Wai

Water is the most precious commodity on earth. It has the power to generate life; to create the living. It has the mauri to heal and has the ability to bond or unify. For Maori water provides a unique relationship with the environment - it is a living, breathing, provider of life.

Mauri in regard to water means life and living. Because of its life-giving uniqueness, all living things are dependent on the mauri for their well-being and sustenance. Various qualities of

water exist which each contain a different mauri. These are:

- Waioara (water in its purest form) is used to whakanoa (lift) tapu off objects or people;
- Waimaori (ordinary water) and waimate (polluted water) do not hold the same value.

Each water type is seen as a separate taonga; the mauri of each waterway is sacred to that particular area and cannot be mixed with the mauri of another.

3.4 Matters of Importance for Tangata Whenua

3.4.1 Introduction

The Resource Management Act contains a number of sections which require the Council to take into consideration matters of significance to Tangata Whenua and include, amongst other matters, the following:

- Section 6(e). “the relationship of Maori and their culture and traditions with their ancestral lands, waters, sites, wahi tapu, and other taonga”.
- Section 8 “the principles of the Treaty of Waitangi and their application to the management of resources”.
- Section 7(a) “having particular regard to the exercise of kaitiakitanga or the iwi’s exercise of guardianship over resources”.
- Section 74 (2A) “any relevant planning document recognised by an iwi authority, and lodged with the authority”.
- “the obligation to consult with iwi over consents, policies, and plans” [Part II, First Schedule, and Section 104].

3.4.2 Principles of the Treaty of Waitangi

The development of the principles of the Treaty of Waitangi is an evolving process. A number of principles have developed in recent years, particularly from the decisions of the Court of Appeal, the High Court and the Waitangi Tribunal.

The Treaty of Waitangi is widely recognised as the founding document of our nation. The Resource Management Act by reference, infers the principles of the Treaty of Waitangi to act as a guideline for decision-makers in the exercise of their responsibilities to Tangata Whenua.

The Resource Management Act requires that emphasis be given to those principles that need to be interpreted mutually in the context of those issues which concern resource management as distinguished from resource ownership. The important factor for both Council and Tangata Whenua is endeavouring to arrive at a mutual agreement on what the principles should be. A spirit of partnership and good faith needs to be exercised by both parties, bearing in mind that the application of the principles are on-going, practical and legal under the Act.

The following are the lists of principles of the Treaty of Waitangi which are of direct importance to the District Plan process:

The Principle of Consultation

Consultation is both a principle and a duty under the Resource Management Act. Consultation

does not simply mean that Tangata Whenua are to be informed of proposals. It implies a requirement for the Council to consult early with Tangata Whenua, and in good faith, in order to promote a mutual and beneficial relationship. Consultation involves:

- a genuine invitation to consult between Council and Tangata Whenua.
- provision of adequate information and time for the consulted party to consider the information.
- listening to the response to consultation with an open mind.

The Principle of Partnership

This implies a duty to act in good faith. Both Tangata Whenua and Council have a duty to work together in good faith and with respect for one another.

The Principle of Active Protection

The principle of active protection has been identified by the courts to ensure that Maori participation in resource management is not a passive role but an active one.

Active protection includes, for example, recognition and protection of wahi tapu sites.

The Principle of Tribal Self-Regulation (Tino Rangatiratanga)

This principle recognises the rights of the Tangata Whenua to have control over the resources they own.

The Principle of Shared Decision Making

This principle originates from the requirement to balance the kawanatanga or governance role of Article I of the Treaty with the rangatiratanga role of Article II of the Treaty.

3.4.3 Giving Effect to the Principles of the Treaty in the District Plan

The principles of the Treaty of Waitangi, as outlined above, are given effect to in the District Plan as follows:

Consultation

In the development and application of the District Plan, Tangata Whenua are not another interest group, but are acknowledged as having a special relationship with the Council.

Consultation will be guided by a Resource Management strategy to be produced in future by Tangata Whenua. This form of consultation provides two functions:

- provides a detailed account to resource managers, of matters of importance to Tangata Whenua.
- provides a practical consultation process for Tangata Whenua and Council which will be used to identify matters of significance to Tangata Whenua.

Consultation will continue to be an evolving process between the Council and Tangata Whenua.

Partnership

A relationship between Tangata Whenua and the Council must be maintained throughout all resource management activities undertaken by the Council. Any future refinement of the

District Plan will have Tangata Whenua input.

Active Protection

This includes the protection of wahi tapu, urupa and sites of significance to Tangata Whenua and is given force through the Cultural and Natural Heritage Section of the District Plan.

Pro-active policies exist in the District Plan which allow the development of marae, papakainga housing and kohanga reo in particular activity zones of the Plan.

Tribal Self-Regulation

Tribal self-regulation includes the provision for management and control of selected resources under the ownership of Tangata Whenua. These resources would be identified by Tangata Whenua in consultation with the Council and may include the management of wahi tapu and wahi tupuna sites and advice on the appropriate form of management and planning for adjacent areas.

3.5 Council's Response to Matters of Importance to Tangata Whenua

3.5.1 Introduction

Consultation with Tangata Whenua has identified a number of resource management issues of particular concern. These issues are water, gravel extraction, sacred and ancestral sites, provision for the development of community facilities like marae and on-going consultation on resource management matters in the city.

Water quality is a major issue for Tangata Whenua. It is said to have the mauri to heal and is held as a living, breathing provider of life. The Manawatu River, in particular, has high importance for Rangitane. Whilst the Council acknowledges the importance of water quality to Tangata Whenua, control over the effects of activities on water and matters concerned with water quality generally are responsibilities which are given under the Resource Management Act to the Manawatu-Wanganui Regional Council.

Gravel extraction is another issue of concern to Tangata Whenua. Gravel extraction has an impact on water quality and may also disturb sacred sites. It is also said to have an effect on the mauri of the water. The extraction of gravel frequently involves both land based effects which are the concern of this Council, and effects on the beds of rivers and water quality which are the concern of the Manawatu-Wanganui Regional Council. In terms of dealing with land based aspects of gravel extraction, this Council will consult with Tangata Whenua on the issue when a resource consent application is made. This is dealt with specifically in the Rural and Flood Protection Zones.

Wahi tapu or sacred sites and their recognition and preservation are central issues for Tangata Whenua. Wahi tapu sites and wahi tupuna sites have been significantly modified over time by natural and human causes. Although the physical manifestation of some sites may have disappeared they still have high significance and mana for Tangata Whenua. Provision for the protection of wahi tapu and wahi tupuna sites and consultation over any modification of such sites is of high importance to Tangata Whenua. Treatment of wahi tapu and wahi tupuna sites is given effect through the Cultural and Natural Heritage Section of the Plan. It is also important to note that the protection of wahi tapu, wahi tupuna, and moveable cultural property of significance to Tangata Whenua is also provided by the Historic Places Act 1993 and the Antiquities Act 1975.

There has been a general renaissance of taha Maori throughout New Zealand. Locally this has

meant a revitalisation of Maori administrative and political bodies, development of marae, kohanga reo, kura kaupapa, training facilities and Maori community and health facilities. It is important that the District Plan allows for the development of such activities in appropriate locations. Provision for these activities is made in the Rural, Residential, Business and Industrial sections of the Plan.

On-going consultation on resource management issues is of high importance to Rangitane. Tangata Whenua involvement in the refinement, implementation and monitoring of the District Plan is recognised as a key issue by the Council. Additionally, with respect to resource consent applications identified by Rangitane to be of interest, the Council acknowledges it has a duty, through its officers, to consult with Rangitane on such applications, but notes that it is also recognised good practice that applicants engage in consultation wherever proposals have the potential to affect matters referred to in Sections 6(e) or 7(a) of the Act.

3.5.2 Objectives and Policies

Objective 1

To acknowledge nga hapu of Rangitane as Tangata Whenua within Palmerston North City.

Policies

- 1.1 To inform Tangata Whenua of all notified resource consent applications.
- 1.2 To recognise marae as an appropriate venue for consultation with Tangata Whenua.
- 1.3 To make provision for submissions to be made in te reo Maori in accordance with tikanga maori.

Objective 2

To ensure that consultation is undertaken with Tangata Whenua on resource management issues.

Policies

- 2.1 To consult with regard to the identification of and appropriate protection of wahi tapu and wahi tupuna and other sites.
- 2.2 To consult with regard to the land based effects of gravel extraction.
- 2.3 To ensure ongoing consultation and communication is maintained with regard to resource management issues of particular concern to Tangata Whenua.

3.6 Methods

- District Plan Rules (refer to the Rural, Residential, Business, Industrial, and Cultural and Natural Heritage Sections)
- Annual Plan Projects (e.g. a comprehensive archaeological study).

- Submission and Hearing Processes Associated with Resource Consent Applications and Plan Changes.

The objectives and policies detailed above will largely be met through the day-to-day operation of the Plan, particularly through the resource consent process which requires particular note to be taken of Tangata Whenua concerns. This represents a cost-effective method of achieving the objectives and policies as it operates within a system which is established and required by the Act.

However, the Annual Plan process also provides the opportunity to establish a programme to recognise wahi tapu and wahi tupuna sites through appropriate descriptive signage.

MAORI GLOSSARY

This glossary is provided to assist users of the Plan to understand the Maori terms and phrases used within it.

Ana Tuupaapaku	Means burial caves
Atua	Means God.
Awa	Refers to river, sometimes also refers to a localised stream
Hapu	Means sub-tribal units which were comprised of several Whanau or extended families which descended from an eponymous (common) ancestor; often formed a self-sufficient social and economic unit based around a marae.
Iwi	Is a blanket and general term used to describe the people of a locality, district or region and to denote that they generally come from a common source. Iwi refers to the connected hapu of a district, but was also used to describe a combination of related and/or unrelated hapu which gathered for a particular war, expedition or venture.
Kainga	Means campsite, home or wherever the fires burnt - came to mean "home".
Kaitiaki	Means the spiritual or physical guardian; protector.
Kaitiakitanga	Means "the exercise of guardianship; and in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself". Source: Resource Management Act 1991, Section 2: Interpretation.
Kawanatanga	Is applied to the right of the Crown to govern and make laws under Article 1 of Te Tiriti O Waitangi (Treaty of Waitangi).
Kohanga Reo	Means any pre school where pre school children are taught te reo Maori and cared for in accordance with tikanga Maori.
Kura Kaupapa	Means any primary school where children are taught te reo Maori and cared for in accordance with tikanga Maori.
Mana	Means the personal and political dimensions of Maori authority.
Mana Atua	Means Mana derived from the Gods.
Mana Whenua	Means "customary authority exercised by an Iwi or Hapu in an identified area". Source: Resource Management Act 1991, Section 2: Interpretation.
Marae	Currently means the complex which is centred on a main building, usually a meeting house, and an open piece of ground or court yard in front of the main building. Prior to Maori/European contact, only the open space or court yard in front of the main building was called a marae or marae atea. The concentrated villages which were often termed pa are now frequently called marae, even though the houses around the central building have disappeared.
Maunga	Means mountain.
Mauri	Refers to the essential essence of all being; the life principle.
Moana	Means the sea, oceans or lakes.
Ngakina	Means garden.
Ngahere	Refers to the bush or forest.
Pa	Means any concerted undertaking but especially "pallisaded forts" and was a term applied to the new concentrated villages.

Papatuanuku	Refers to Mother Earth (sustainer of life).
Puuna	Refers to springs.
Rahui	Refers to a social system of prohibition which recognises the tapu state of a resource, or used as a regulatory device to ensure wise management of a resource.
Rangatiratanga	Means the expression of chiefly authority and legitimacy based on mana and tikanga.
Taha Hinengaro	Refers to the intellectual domain.
Taha Tinana	Refers to the physical domain.
Taha Wairua	Refers to the spiritual domain.
Taha Whanau	Refers to the social/cultural domain.
Tangaroa	Refers to the Maori god of the sea.
Tangata Whenua	Refers to the Iwi, Hapu or Whanau. Holding mana in a particular locality; "in relation to a particular area and means the Iwi, Hapu, that holds mana whenua over that area". Source: Resource Management Act 1991, Section 2: Interpretation.
Taonga	Means all things prized or treasured, both tangible and the intangible, treasures. (Resource Management Act 1991, Section 6(e)).
Tapu	Means a state of protection from unnecessary contamination.
Tauranga Waka	Refers to the landing place of waka (canoes); may be a place still used or a particular area in which one of the migratory canoes belonging to the tupuuna (ancestor) of the Maori landed, or was lain to rest.
Te Ao Maarama	Refers to the world of light.
Te Kore Kore	Refers to the void.
Te Moana nui-a-kiwa	Refers to the open sea; the food basket of the people.
Te Po	Refers to the night.
Te Tiriti O Waitangi	Refers to the Treaty of Waitangi. Refers to the Maori text which most Iwi and Hapu signed and which contains (for) Maori the fullest expression of the spirit and principles of the Treaty.
Tiaki	Means to guard, protect
Tikanga Maori	<p>Means customary values and practices. (Source: Resource Management Act 1991, Section 2).</p> <p>Tikanga is derived from "tika", or that which is right or just. "Tikanga" may be looked upon as Maori principles for determining justice.</p> <p>"Tikanga" is also used for ritual, but in the sense that ritual is also "tika", customary or correct. Ritual and ceremony themselves are described by "kawa".</p> <p>"Kawa" refers also to process and procedure of which "karakia" (the rites of incantation), forms part</p>

Turangawaewae	Means a place to stand where a person has a foothold representing an identity and relationship to the land through a genealogical link.
Urupa	Means graveyard, burial site; can include registered and unregistered graveyards or places where skeletal remains are kept (caves, hollow trees, etc.). Tapu by nature of being associated with death.
Wahi Tapu	Refers to sites, areas or localities associated with tapu. May include urupa, places where baptismal rites are performed, historic battlegrounds, etc. Only Tangata Whenua can identify their waahi tapu.
Wahi Tupuna	Refers to sites, areas or localities of historical and spiritual significance to Whanau, Hapu or Iwi but not necessarily tapu sites. Important pathways, village sites, boundary indicators, etc. are included as waahi tupuna.
Wai	Means water.
Waimaori	Means ordinary water.
Waimate	Refers to polluted (contaminated) water.
Waiora	Means water in its purest form, use to whakanoa/lift tapu off objects or people.
Wairua	Refers to the metaphysical state and spirituality, and the associated presence of tapu (sacredness) which made the spirit world a place of reality to be manipulated, reckoned with or accommodated with the same diplomacy as governed inter-personal relationships. Tapu is connected to and reinforces personal mana.
Whanau	Refers to the more immediate relatives, those that descend from an ancestor some 3 to 4 generations back, but whanau (with distinct exceptions), were not a political entity. The members of a whanau were quite usually distributed amongst several hapu or lived at different places within a hapu. Because close kin tended to live and work together, in units of about 30, whanau could sometimes be perceived as a hapu sub-unit. It is important to note however, that not all members of a whanau were in one place.
Whenua	Means land; the land.