

# SECTION 3: TANGATA WHENUA AND RESOURCE MANAGEMENT

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# 3. TANGATA WHENUA AND RESOURCE MANAGEMENT

## 3.1 Introduction

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

This section provides guidance around the resource management matters of importance to the Tangata Whenua Rangitane o Manawatu in Palmerston North, and how their resource management objectives should be addressed throughout the District Plan

## 3.2 Tangata Whenua of Palmerston North

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 o Manawatu are Tangata Whenua within the Palmerston North City Council boundary. They have lived in the region for hundreds of years. Rangitane o Manawatu inter alia descend from Whatonga, who was one of the three Chiefs that commanded the Kurahaupo Waka (canoe) and Kupe, who discovered Aotearoa. Within this area the Rangitane o Manawatu iwi consists of the following hapu:

- Ngati Hineaute
- Ngati Te Rangitepaia
- Ngati Te Rangiaranaki
- Ngati Mairehau (Ngai Tuahuriri)
- Ngati Kapuarangi ki Manawatu
- Ngati Taurira

Rangitane o Manawatu have a primary involvement in the central urban area of the city. The other hapu are involved along the Manawatū River and environs and other parts of the rohe. The last occupied Rangitane o Manawatu marae within the City boundary was at Awapuni. Te Hotu Manawa o Rangitane o Manawatu Marae, located on Maxwells Line, is the only standing Rangitane o Manawatu marae in the City. There is also significant and ongoing relationship between Te Rangimarie Marae, based at Rangiotu (affiliated to Ngati Te Rangitepaia), and the City.

## 3.3 Statutory Requirements and the Treaty of Waitangi

Consultation with Tangata Whenua has identified the following resource management issues:

### Statutory Requirements

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 6(f) “the protection of historic heritage from inappropriate subdivision, use, and development”.

- 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].

## 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 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:

- Consultation;
- Partnership;
- Active Protection; and
- Tribal Self-Determination.

## 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 significant and special relationship with the Council by virtue of them being tangata whenua.

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

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 o Manawatu to be of interest, the Council acknowledges it has a duty, through its officers, to consult with all arms of Rangitane o Manawatu 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.

### 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.

The development of marae, papa kainga housing, kohanga reo and kura kaupapa are directly and indirectly provided for in the District Plan.

Other forms of active protection as required by Tangata Whenua will continue to occur on a case by case basis as well.

### **Tribal Self-Regulation/Tino Rangitiratanga**

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. This includes Crown, Council and private property.

Rangitane o Manawatu have an expectation that Rangitanenuiarawa be followed in Resource Consent and District Plan Change Hearings, where Rangitane o Manawatu is involved.

## **3.4 Resource Management Issues of Significance to Tangata Whenua**

Consultation with Tangata Whenua has identified the following resource management issues:

- 1 Degradation of the mauri of the Manawatu River, its ongoing protection and enhancement;
- 2 Recognition, protection and preservation of wahi tapu, wahi taonga and wahi tupuna;
- 3 Use of development that may affect mahinga kai, culturally significant resources used in medicine, weaving, carving, art, ornamentation and/or other customary usages; and
- 4 Development of marae, urupa, papa kainga, kohanga reo, kura kaupapa and other forms of cultural institutions.

## **3.5 Objectives and Policies**

Within the broad framework of the City View objectives in Section 2, the following specific objectives and policies have been identified:

### **OBJECTIVE 1**

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**To acknowledge Rangitane o Manawatu as Tangata Whenua within Palmerston North City.**

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### **POLICIES**

- 1.1 To inform Tangata Whenua of all notified Discretionary and Non-Complying 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.
- 1.4 To follow Rangitanenuiarawa in resource management processes which Rangitane o Manawatu are involved in

## OBJECTIVE 2

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

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### POLICIES

- 2.1 To consult early on with Tangata Whenua, including Rangitane o Manawatu, in resource management processes.
- 2.2 To consult Tangata Whenua with regard to the identification of and appropriate protection of urupa, wahi tapu, wahi tupuna and other sites.
- 2.3 To ensure ongoing consultation and communication is maintained with regard to resource management issues of particular concern to Tangata Whenua.

## OBJECTIVE 3

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**To enable Tangata Whenua institutions to develop within Palmerston North City.**

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### POLICIES

- 3.1 To provide for the development of marae, urupa, papa kainga, kohanga reo and kura and other forms of cultural institutions in the City.
- 3.2 To support the implementation of Treaty of Waitangi redress mechanisms as applicable.

## OBJECTIVE 4

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**To actively protect sites of cultural, historic and natural significance to Tangata Whenua.**

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### POLICIES

- 4.1 To contain provisions within the District Plan which facilitate tino rangitiratanga and kaitiakitanga of Tangata Whenua, in relation to sites and objects of cultural, historic and natural heritage value to Tangata Whenua.

#### ***Explanation***

*Section 17: Cultural and Natural Heritage contains provisions related to sites and objects of cultural and natural heritage value to Tangata Whenua.*

## 3.6 Methods

- Mana Whakahono a Rohe (Iwi Participation Agreements).
- District Plan Rules (refer to the Rural, Residential, Business, Industrial, and Cultural and Natural Heritage Sections).
- Annual Plan and Long Term Plan Projects (e.g. a comprehensive archaeological study).
- Strategic Plans.
- Consultation with Tangata Whenua, in preparing any changes to the District Plan.
- Iwi Management Plans.
- Memoranda of Understanding.
- Use of Geographical Information Systems (GIS), where appropriate, to spatially recognise wahi tapu, wahi Tupuna and other sites and/or areas of significance to Tangata Whenua.
- In consultation with Tangata Whenua, Council will develop appropriate mechanisms for managing any sites Tangata Whenua wish to remain confidential.
- The Council will encourage applicants for resource consents to consult Tangata Whenua prior to lodging

any application.

- The Council will consult with Tangata Whenua and the owners of land where wahi tapu, wahi taonga or wahi Tupuna are present – with a view to enhancing the protection of those values or sites.  
(Discussion may not, alone, be sufficient to secure protection but it is a necessary first step to appreciating the importance of values and sites and to gaining voluntary protection.)
- Where resource consents are required for activities, the Council will seek to ensure that the details of proposals likely to affect, or to be affected by Kaitiakitanga, are forwarded to Tangata Whenua.
- The Council will seek guidance of Tangata Whenua in understanding specific Kaitiakitanga issues in individual resource consents.
- The Council will follow Rangitanenuiarawa in Resource Consent and Plan Change hearings which Rangitane o Manawatu are involved in.
- The Council will work with the Regional Council and Heritage New Zealand Pouhere Taonga who have functions and powers in recognising and protecting wahi tapu, wahi taonga and wahi tupuna.
- Cultural monitoring.
- Cultural landscape recognition.
- Such other plans and documents as appropriate.

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.

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

## 3.7 Rangitāne o Manawatu Statutory Acknowledgement Areas

### 3.7.1 REQUIREMENT TO PROVIDE SUMMARIES OF RESOURCE CONSENTS TO RANGITĀNE O MANAWATU

The statutory acknowledgement in the Rangitāne o Manawatu Claims Settlement Act 2016 requires Council to provide Rangitāne o Manawatu with summaries of all resource consent applications that may affect the areas named in their acknowledgements, prior to decisions being made on those applications.

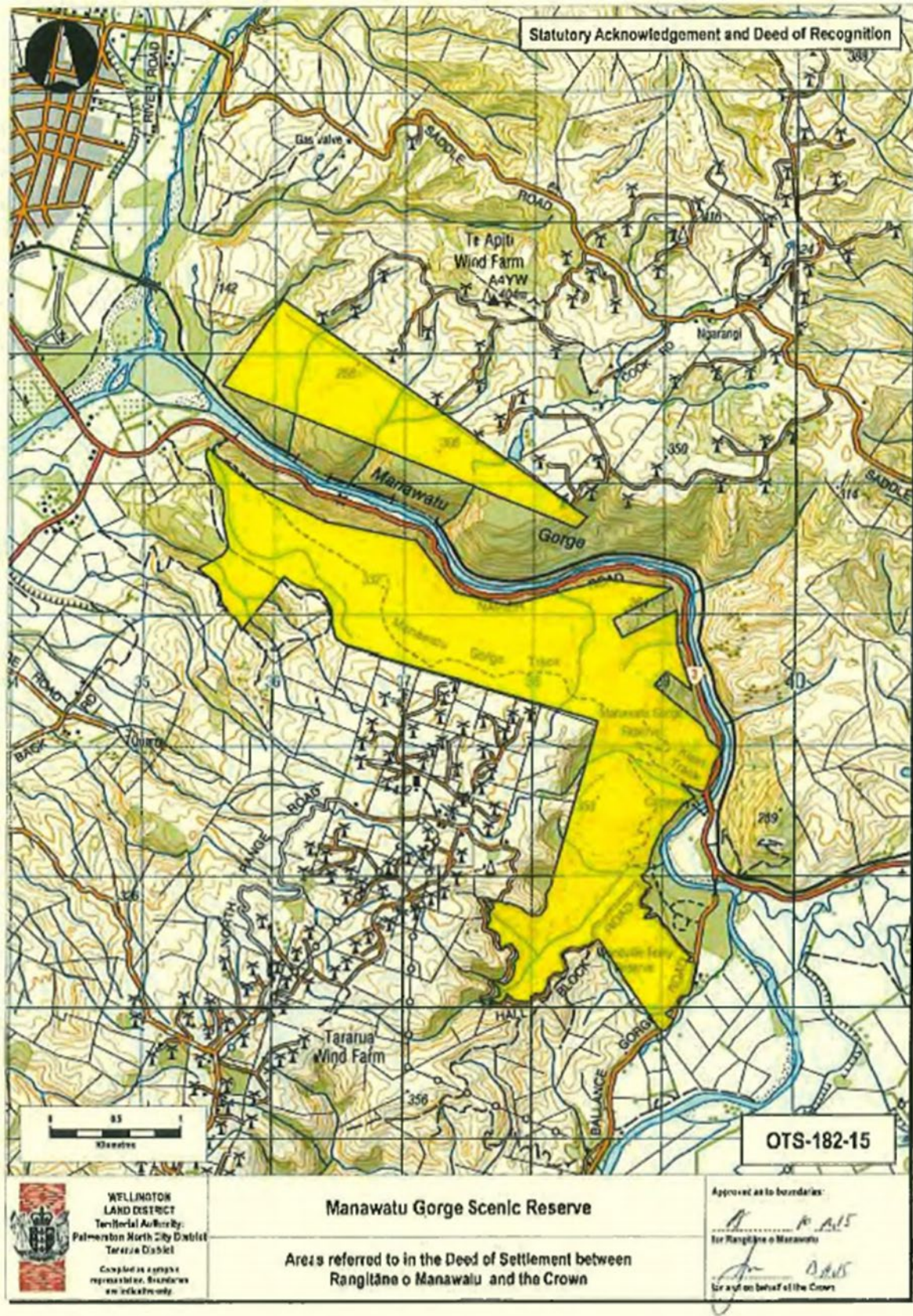
### 3.7.2 STATUTORY ACKNOWLEDGEMENT AREAS

The following are Statutory Acknowledgement Areas relevant to Rangitāne o Manawatu in the Palmerston North City District:

- Manawatu Gorge Scenic Reserve (OTS-182-15)
- Manawatu River and Tributaries (OTS-182-20)
- Pohangina River (OTS-182-22)

### 3.7.2.1 Statutory Acknowledgement for the Manawatu Gorge Scenic Reserve

The area to which this statutory acknowledgement applies is the Manawatu Gorge Scenic Reserve, as shown by OTS-182-15.





### 3.7.2.2 Statutory Acknowledgement for the Manawatu River and Tributaries

The area to which this statutory acknowledgement applies is the Manawatu River and Tributaries, as shown by OTS-182-20.



### 3.7.2.3 Statutory Acknowledgement for the Pohangina River

The area to which this statutory acknowledgement applies is the Pohangina River, as shown by OTS-182-22.

