

SECTION 3.0 RESOURCE MANAGEMENT AND TANGATA WHENUA

3.1 INTRODUCTION

The natural and physical environment has always been regarded as taonga, or important tribal resources of Tangata Whenua (the iwi, hapu or whanau holding mana in a particular locality). Taonga refers to all things prized or treasured, both tangible and intangible. Resources traditionally lay in the hands of the iwi or hapu (subtribes), and were governed by a set of tikanga or rules designed to ensure that the current generation, as kaitiaki (spiritual or physical guardian), or caretakers of the resource, exercised responsibilities in respect to previous and future generations.

The introduction of the Resource Management Act in 1991 introduced specific and new obligations for those exercising functions and powers under the Act to provide for the special relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. The Act also introduced a requirement that in achieving the purpose of the Act, in relation to the use, development and protection of natural and physical resources, account is to be taken of the principles of the Treaty of Waitangi.

Ngati-Kahungunu, the local Tangata Whenua of the Hastings District have very strong spiritual, cultural and historical links with the environment. As such, they have very specific resource management issues and concerns that were raised through an extensive consultation process. Acknowledging both its obligations under the Act, and to the local tangata whenua, the Hastings District Council has strived to address and accommodate such issues and concerns throughout the District Plan. Provisions incorporated into the District Plan provide for the active participation of Maori in resource management decision-making through consultation, the identification of sites of significance to Tangata Whenua, the provision of Papakainga Maori housing on Maori Land, and the provision of Places of Assembly and Marae.

3.2 CONCEPTS OF MAORI ENVIRONMENTAL SYSTEMS

3.2.1 MAORI VERSION OF CREATION

The natural environment is regarded by Maori as a sacred asset of the people as a whole. Managed in an holistic manner, Maori customary title to land never separates the land from the surrounding elements of air, water, minerals, flora and fauna. All these elements make up one world created from the union of the Sky Father, Rangi-nui-e-te-nei, and the Earth Mother, Papa-tua-nuku.

According to Maori tradition, all elements of the natural world are linked through genealogy or whakapapa, with the Maori world created by the union of Rangi and Papa. As tradition goes, the atua, or children of Rangi and Papa, grew tired of living in the dark space between their parents and forced a wedge between them, creating the space between the earth and the sky. In the world of light the various atua were responsible for the creation and evolution of all living things. The Maori role, as tangata whenua (People of the Land) was to wisely manage the natural world. The strong links of Maori with the natural environment can be attributed to these Maori beliefs about the way the natural world was created.

Evolving from this concept of creation, whereby the domains of atua provide linkages across resources, is a culture conscious of maintaining and preserving this balance between all elements. It is this special relationship of Maori with the environment, based upon deep spiritual beliefs, that has determined the manner in which the natural environment is managed by Maori.

3.2.2 TRADITIONAL MAORI ENVIRONMENTAL MANAGEMENT SYSTEMS

In traditional Maori view everything in the natural world possesses mauri or physical life force, with various tribal groups holding total mana and rangatiratanga over them. Mana refers to the legitimacy to act in an authoritative and responsible capacity, while rangatiratanga means the expression of chiefly authority and legitimacy based on mana and tikanga. Control of such resources prior to the arrival of the Pakeha was with different hapu groups within each iwi who were the guardian over the resources or taonga. The Maori people use a system of tribal and sub tribal control and management over their natural resources. These tribal groups held, and still hold today, the status of kaitiaki, or guardian over their resources, governed by them to ensure that current generations as caretakers, preserve them on behalf of themselves and future generations, holding them in trust for future generations to come. Resources were held on a communal basis for the benefit of the various iwi and hapu, with each having input into the decision making process. Decisions regarding resource use and management were generally made by a consensus process between the tribal or subtribal leaders and the people.

The arrival of the Pakeha with their concepts of individual ownership and tenure in regard to resources, conflicted with traditional tribal customs and traditions. In 1840 under Article II of the Treaty of Waitangi, the Maori tribes and hapu were guaranteed the protection of rangatiratanga over their taonga. The Treaty required and obliged the Crown to protect the rangatiratanga of Maori in respect to their taonga or treasures.

In 1865 after the Colonial government saw the need to make Maori lands available for Pakeha settlement, it introduced a form of land administration based upon English tenure systems which effectively saw the demise of traditional Maori control over their land and resources. The process of individualising Maori titles to land by the Native Land Court in 1865 enabled the Crown to convert Maori customary tenure of land, into titles that would be cognisable under English law. While this allowed for the sale of Maori land, Maori still believe that even though land was sold, the specific resources attached to the land which held significant cultural, spiritual and economic importance, were never compromised.

3.3 LEGISLATIVE REQUIREMENTS

3.3.1 RESOURCE MANAGEMENT ACT 1991

The introduction of the Resource Management Act in 1991 signified a new approach to environmental management in New Zealand. While the Act reaffirms Crown control over natural and physical resources, it does bring with it a clear obligation for those exercising functions and powers under it to recognise and provide for matters of significance to Maori and to take into account the principles of the Treaty of Waitangi. It provides for iwi to have a much greater role in resource management than was the case under previous legislation, acknowledging that Tangata Whenua have a special status under the Act and are not to be considered just another interest group. Relevant provisions include:

- A requirement to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (Section 6e)
- A requirement to have particular regard to kaitiakitanga (Section 7)
- A requirement to take into account the principles of the Treaty of Waitangi (Section 8)
- A requirement to consult with iwi in the preparation of plans and policies (First Schedule)

3.3.2 TREATY OF WAITANGI ACT 1975 - PRINCIPLES OF THE TREATY

The purpose of the Treaty of Waitangi was to provide an environment for colonisation in a way that would allow Maori retention of their resources for the use they enjoyed prior to the arrival of the British, in return for the acceptance of British sovereignty and its settlers.

The advent of the Waitangi Tribunal in 1975 was a move on behalf of the Crown to rectify injustices under the Treaty. The principles of the Treaty of Waitangi were first introduced into New Zealand legislation in 1975 by the passage of the Treaty of Waitangi Act 1975, which also provided for the establishment of the Waitangi Tribunal. The principles of the Treaty were formulated by Government to overcome a number of problems associated with considering the literal words of the Articles alone.

The principles of the Treaty of Waitangi have to date been defined by the Waitangi Tribunal and the Courts based upon individual claims and cases that have come before them. To Ngati-Kahungunu these principles, based on interpretations by the Courts and Waitangi Tribunal and as applied in the context of sustainable management of natural and physical resources under the Act, have the following meaning:

- THE PRINCIPLE OF TE TINO RANGATIRATANGA

Te tino rangatiratanga (full chiefly authority) over resources including lands, forests, fisheries and other taonga were guaranteed to Maori under Article II of the Treaty. Te Tino rangatiratanga includes tribal self-regulation of resources in accordance with their own customary preferences.

- THE PRINCIPLE OF PARTNERSHIP

The Treaty signified a partnership between Maori tribes and the Crown. The exchange of promises under Articles I and II of the Treaty is seen as an exchange of gifts. The gift of the right to make laws and the promise to do so as to accord the Maori interest in appropriate priority. Good faith, reasonable co-operation and compromise are fundamental to this concept of a partnership.

- THE PRINCIPLE OF KAWANATANGA

Kawanatanga, as ceded by Maori under Article I of the Treaty, gave the Crown the right to govern and to make laws applying to everyone. The delegation of resource management powers by the Crown to local authorities under the Act means that those authorities can make policies, set objectives and make rules affecting the management of natural and physical resources, subject to the guarantee of te tino rangatiratanga to Maori and recognition of the partnership between Maori and the Crown.

- THE PRINCIPLE OF ACTIVE PROTECTION AND CONSULTATION

The spirit of the Treaty calls for Maori to have a much greater say in the management of the environment. Effective, early and meaningful consultation is an integral and necessary component and forerunner to greater participation by Maori in resource management decision-making.

- THE PRINCIPLE OF ACTIVE PROTECTION

The guarantee of Te Tino Rangatiratanga given in Article II is consistent with an obligation to actively protect Maori people in the use of their lands, water and other protected taonga, to the fullest extent practicable. In the context of resource management, the various elements which underlie and are fundamental to a spiritual association with the environment may all fairly be described as taonga that have been retained by Maori in accordance with Article II of the Treaty. The principle of active protection therefore extends to the spiritual values and beliefs of Maori.

- **THE PRINCIPLE OF HAPU/IWI RESOURCE DEVELOPMENT**

Article III of the Treaty gave to Maori the same rights and duties as other New Zealand citizens. The Treaty guaranteed to Maori retention of their property rights under II, and the choice of developing those rights under Article III. To Maori, the efficient use and development of what are in many ways currently under-utilised hapu/iwi resources is a very important principle of the Treaty in the context of resource management under the Act. Recognition of the ability and needs for hapu/iwi to develop their resources in a manner which achieves the purposes of the Act is a fundamental principle embodied in the Treaty.

3.4 LOCAL TANGATA WHENUA - NGATI KAHUNGUNU TE IWI

3.4.1 HISTORY

Ngati Kahungunu is the sole iwi in the Hastings District. The Ngati Kahungunu iwi region extends from Wairoa in the north to Wairarapa in the south - the Whareratas to the Rimutakas. The Hastings District Council encompasses the area of the iwi known as Ngati Kahungunu Ki Heretaunga. Within this iwi there are hapu that from time to time will stand alone, nevertheless whakapapa is to the common ancestor Kahungunu and to the Waka Takitimu.

Ngati Kahungunu iwi is an overlay of many previous whanau, hapu and iwi groupings including Te Tini o Toi, Maruiwi, Hapuoneone, Ngati-Awa-Nui-a-Rangi, Rangitane, Ngai Tara, Whatumohoe, Ngati Ira and Ngai Tahu. Through strategic alliances, marriages or acts of aggression, Ngati Kahungunu became the dominant corporate entity that was able to unite the peoples in a process that took centuries to develop and was not achieved until the early 1800's. The catalysts to this occurring were the musket raids of other iwi and continued inroads by pakeha settlers with new technology, laws, economics, diseases and politics. The Ngati Kahungunu iwi acted to defend their lands, protect their values but actively sought to be part of any new developments too. The iwi tried to repudiate all land sales and to establish a Maori Parliament to unite all Maori under the mantle of the Treaty of Waitangi. Today, the iwi is promoting economic and educational development.

3.4.2 POPULATION

Ngati Kahungunu is the third largest iwi and occupies the second largest land mass in the country. The Hastings District Council comprises 14,000 Maori of whom 57% are of Ngati Kahungunu descent. This is the largest concentration of Kahungunu iwi throughout the country. Maori comprise 22% of the general population of Hastings which is twice the national average.

There are 24 active marae in the Hastings District with one, Te Aranga being of an urban nature and the rest being at the centre of each Hapu. Numerous sites of cultural, spiritual and historic significance to the various hapu are dispersed amongst the Hastings District, concentrated mainly within the Heretaunga Plains.

MARAE	HAPU	MARAE	HAPU
Pukehou	Ngati Whatuiapiti	Ruahapia	Ngati Hawea, Ngati Hori
Te Hauke	Ngati Rangikoianake	Matahiwi	Ngati Hawea, Ngati Hori
Houngarea	Ngarengare, Papatuamaro	Kohupatiki	Ngati Toaharapaki, Hori
Taraia	Ngarengare, Papatuamaro	Waiohiki	Ngati Parau
Mawhai	Ngarengare, Papatuamaro	Moteo	Ngati Maahu, Hinepare
Mihiroa	Ngati Mihiroa	Timi Kara	Ngati Maahu, Hinepare
Korongata	Ngati Poporo	Wharerangi	Ngati Maahu, Hinepare
Mangaroa	Ngati Poporo	Petane	Ngati Matepu, Whakaari
Omahu	Ngati Hinemanu, Upokoiri	Tangoio	Ngati Tu, Moe, Tatara
Te Awhina	Ngati Hinemanu, Upokoiri	Te Haroto	Ngati Hineuru
Runanga	Ngati Hinemanu, Upokoiri	Waimarama	Kurukuru, Whakaiti, Hikatoa
Waipatu	Ngati Hawea, Ngati Hori	Te Aranga	Ngati Heretaunga

3.4.3 NGATI KAHUNGUNU KI HERETAUNGA OVERVIEW ON RESOURCE MANAGEMENT

Ngati Kahungunu Ki Heretaunga recognises and welcomes the responsibility that the Resource Management Act has placed upon them, as a tribe, and local authorities to find district and regional solutions of a practical nature for sustainable resource management. As the local tangata whenua they applaud the obligations that the Act has placed upon consultation, recognition of Maori values, and recognition of the principles of the Treaty of Waitangi. Accordingly they welcome the opportunity to demonstrate the worth of the Maori ethic for conservation and the protection of the environment, by giving practical examples that their principles, unchanged by the passage of time, have a very real application in the modern setting.

Ngati Kahungunu Ki Heretaunga views on resource management can be depicted by four traditional Whakatauki (proverbs).

- KAITIAKITANGA (STEWARDSHIP)**
Heretaunga Haro Te Kahu - Heretaunga gleaned through the eyes of a soaring hawk. The Hawk is the symbolic Kaitiaki over lands, waterways, forests, fisheries and people resources. Tangata whenua have Kaitiakitanga over these resources. The Hawk also transcends both the physical and spiritual realms therefore also protects the spiritual values of the environment.
- TE WHENUA, TE WAI, TE TANGATA (LAND, WATER AND PEOPLE)**
Heretaunga Haukunui - Heretaunga of the Life Giving Dew. Good management over land and water resources have ensured that people have thrived for it is the richness of the soil and the quality of water that is symbolised by the Dew.
- MAHI, MATATINI (INDUSTRY, DIVERSITY)**
Heretaunga Ararau - Heretaunga of Converging Pathways. Industry and diversity are key factors as all roads lead to Heretaunga to take advantage of the attributes of the Haukunui products, also offering access to national and international peoples and markets.
- TOI TE WHENUA (SUSTAINABILITY)**
Heretaunga Takoto Noa - Heretaunga of the Departed Chiefs. Only the land endures while people come and go therefore strong leadership is needed to ensure that the land is safe for generations to come.

3.4.4 MATTERS OF RESOURCE MANAGEMENT SIGNIFICANCE TO LOCAL IWI

- The recognition of Tangata Whenua as Kaitiaki
- The need to preserve and protect the Mauri (life force) of natural and physical resources
- The recognition of Article II of the Treaty of Waitangi and its guarantees of protection of all Taonga
- The recognition of Marae as epicentres of Hapu activities
- The protection of Waahi Tapu and other significant cultural sites
- The involvement of Tangata Whenua in compliance and enforcement processes
- Recognition of traditional practices of Maori such as Rahui and Taiapure
- Recognition of traditional Maori knowledge
- Recognising Tangata Whenua wish to re-establish ties with ancestral lands through activities such as Papakainga development, Marae establishment, Whenua Rahui Trusts and others.

3.5 COUNCIL RESPONSE TO MATTERS OF IMPORTANCE TO TANGATA WHENUA

3.5.1 DISTRICT PLAN PROVISIONS

As outlined previously, new legislative requirements oblige those exercising functions and powers under the Resource Management Act to take into account the principles of the Treaty of Waitangi, to recognise and provide for sites of special significance to Maori, and have regard to kaitiakitanga. The Council not only acknowledges these new responsibilities, but has also actively worked together with local iwi in the formulation of the District Plan to ensure that where possible, all their concerns and issues are adequately provided for. This District Plan is designed to recognise Maori issues throughout. In particular Tangata Whenua values have specifically influenced the following sections of the District Plan:

- **Section 2.4 - Urban Development and Strategic Urban Directions**
- **Section 2.6 - Low Density Residential Strategy**
- **Section 2.7 - Coastal Environment Strategy**
- **Section 12.2 - Landscape Areas Resource Management Unit**

In addition three Sections address the issues of Tangata Whenua specifically, namely:

- **Section 12.4 - Waahi Tapu Resource Management Unit**
- **Section 13.1 – Papakainga District Wide Activity**
- **Section 13.5 - Community Facilities, Recreation and Marae District Wide Activity**

3.5.2 WAAHI TAPU RESOURCE MANAGEMENT UNIT

Waahi Tapu sites play an important part in the culture and traditions of tangata whenua, referring to places held in reverence according to tangata whenua. Under the Resource Management Act, Council has specific obligations in relation to tangata whenua, with a requirement to recognise and provide for ancestral lands, water, sites, waahi tapu and other taonga. Waahi tapu sites may include old pa sites, old burial grounds and caves, current cemeteries, battlefields, sacred rocks and trees, water courses, lakes and their edges, and any other site of spiritual or cultural significance to iwi.

The purpose of the Waahi Tapu Resource Management Unit is to identify land within the Hastings District which contains Waahi Tapu sites, and to protect from damage, modification and destruction from subdivision and land use activities in order to meet Council's obligation under the Resource Management Act. In pursuing this goal Council must also balance the rights of those landowners over whose sites the Waahi Tapu may exist, with such a system also required to respect their rights to carry out legitimate land use activities on their land. Accordingly the policies and rules proposed by Council endeavour to:

- Identify, in consultation with tangata whenua, the location of Waahi Tapu in the Hastings District.
- Notify and consult with tangata whenua on applications received by Council for Project Information Memoranda and Building Consents relating to land containing Waahi Tapu.
- Notify and consult with Tangata Whenua on applications received by the Council for resource consents for activities that will potentially affect such sites, with the aim of discussing methods that could be used to avoid or mitigate damage to them. Accordingly, this process will enable Council, landowners and the iwi or hapu to work through the development in a manner sensitive to the needs of Tangata Whenua and landowners.

3.5.3 PAPAKAINGA

Papakainga is the development of housing for Maori people on Maori Land. The Papakainga section of the District Plan provides for this as a District Wide Activity on Maori Land. Traditionally Maori Land is held in joint ownership. Accordingly, the objectives, policies and rules in regard to Papakainga have been designed in a flexible manner that encourages communal type development. The Papakainga provisions are closely linked to the functioning of the Maori Land Act 1993 to ensure that any development is genuinely provided for Maori to meet their housing needs and cultural aspirations. It is anticipated that such provisions will maintain or improve Maori quality of life in a manner consistent with their cultural values and customs in relation to other traditional lands, water, sites, waahi tapu and other taonga.

3.5.4 PROVISION OF MARAE AND PLACES OF ASSEMBLY

As stated earlier, there are currently 24 active marae in the Hastings District. Such places are of extreme importance to Maori, with the marae being the focus of all community life. The marae is bound up with all the most vital social happenings of its community of people. The marae community, a hapu or whanau, may be geographically dispersed, but through kin linkages, can identify with a particular marae. Strictly the term marae refers to the open courtyard in front of the meeting house, the marae atea. However, in modern usage, the term marae is used for the whole complex of meeting house, open area used for ceremonial occasions, dining hall and other community facilities.

Council has recognised the importance of such areas to local Tangata Whenua, and has provided for marae and places of assembly in the District Plan as District Wide Activities. The term 'Places of Assembly' refers to land and/or buildings used for the public and/or private assembly of people, primarily for worship, education, recreation activities, social, ceremonial, cultural and spiritual activities for meditation and functions of a community character. Such places include the land and buildings associated with the marae.