

## **B6. Mana Whenua**

### ***Ngā take matua a ngā ahikā-roa mai i tawhiti***

The original inhabitants from afar

#### **B6.1. Issues**

The development of Māori Land and Treaty Settlement Land needs to be enabled to ensure that these lands and associated resources contribute to lifting Māori social, cultural and economic well-being significantly.

Development and expansion of Auckland has negatively affected Mana Whenua taonga and the customary rights and practices of Mana Whenua within their ancestral rohe. Mana Whenua participation in resource management decision-making and the integration of mātauranga Māori and tikanga into resource management are of paramount importance to ensure a sustainable future for Mana Whenua and for Auckland as a whole.

Issues of significance to Māori and to iwi authorities in the region include:

- (1) recognising the Treaty of Waitangi/Te Tiriti o Waitangi and enabling the outcomes that Treaty settlement redress is intended to achieve;
- (2) protecting Mana Whenua culture, landscapes and historic heritage;
- (3) enabling Mana Whenua economic, social and cultural development on Māori Land and Treaty Settlement Land;
- (4) recognising the interests, values and customary rights of Mana Whenua in the sustainable management of natural and physical resources, including integration of mātauranga and tikanga in resource management processes;
- (5) increasing opportunities for Mana Whenua to play a role in environmental decision-making, governance and partnerships; and
- (6) enhancing the relationship between Mana Whenua and Auckland's natural environment, including customary uses.

#### **B6.2. Recognition of Treaty of Waitangi/Te Tiriti o Waitangi partnerships and participation**

##### **B6.2.1. Objectives**

- (1) The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are recognised and provided for in the sustainable management of natural and physical resources including ancestral lands, water, air, coastal sites, wāhi tapu and other taonga.
- (2) The principles of the Treaty of Waitangi/Te Tiriti o Waitangi are recognised through Mana Whenua participation in resource management processes.
- (3) The relationship of Mana Whenua with Treaty Settlement Land is provided for, recognising all of the following:

- (a) Treaty settlements provide redress for the grievances arising from the breaches of the principles of Te Tiriti o Waitangi by the Crown;
  - (b) the historical circumstances associated with the loss of land by Mana Whenua and resulting inability to provide for Mana Whenua well-being;
  - (c) the importance of cultural redress lands and interests to Mana Whenua identity, integrity, and rangatiratanga; and
  - (d) the limited extent of commercial redress land available to provide for the economic well-being of Mana Whenua.
- (4) The development and use of Treaty Settlement Land is enabled in ways that give effect to the outcomes of Treaty settlements recognising that:
- (e) cultural redress is intended to meet the cultural interests of Mana Whenua; and
  - (f) commercial redress is intended to contribute to the social and economic development of Mana Whenua.

#### **B6.2.2. Policies**

- (1) Provide opportunities for Mana Whenua to actively participate in the sustainable management of natural and physical resources including ancestral lands, water, sites, wāhi tapu and other taonga in a way that does all of the following:
- (a) recognises the role of Mana Whenua as kaitiaki and provides for the practical expression of kaitiakitanga;
  - (b) builds and maintains partnerships and relationships with iwi authorities;
  - (c) provides for timely, effective and meaningful engagement with Mana Whenua at appropriate stages in the resource management process, including development of resource management policies and plans;
  - (d) recognises the role of kaumātua and pūkenga;
  - (e) recognises Mana Whenua as specialists in the tikanga of their hapū or iwi and as being best placed to convey their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga;
  - (f) acknowledges historical circumstances and impacts on resource needs;
  - (g) recognises and provides for mātauranga and tikanga; and
  - (h) recognises the role and rights of whānau and hapū to speak and act on matters that affect them.

- (2) Recognise and provide for all of the following matters in resource management processes, where a proposal affects land or resources subject to Treaty settlement legislation:
  - (a) the historical association of the claimant group with the area, and any historical, cultural or spiritual values associated with the site or area;
  - (b) any relevant memorandum of understanding between the Council and the claimant group;
  - (c) any joint management and co-governance arrangements established under Treaty settlement legislation; and
  - (d) any other specific requirements of Treaty settlement legislation.
- (3) Where Mana Whenua propose an activity on Treaty Settlement Land, the benefits for the wider community and environment provided by any property-specific protection mechanism, such as a covenant, shall be taken into account when considering the effects of the proposal.
- (4) Enable the subdivision, use and development of land acquired as commercial redress for social and economic development.
- (5) Enable Mana Whenua to access, manage, use and develop cultural redress lands and interests for cultural activities and accessory activities.

### **B6.3. Recognising Mana Whenua values**

#### **B6.3.1. Objectives**

- (1) Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making.
- (2) The mauri of, and the relationship of Mana Whenua with, natural and physical resources including freshwater, geothermal resources, land, air and coastal resources are enhanced overall.
- (3) The relationship of Mana Whenua and their customs and traditions with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, natural resources or historic heritage values is recognised and provided for.

#### **B6.3.2. Policies**

- (1) Enable Mana Whenua to identify their values associated with all of the following:
  - (a) ancestral lands, water, air, sites, wāhi tapu, and other taonga;
  - (b) freshwater, including rivers, streams, aquifers, lakes, wetlands, and associated values;
  - (c) biodiversity;
  - (d) historic heritage places and areas; and

- (e) air, geothermal and coastal resources.
- (2) Integrate Mana Whenua values, mātauranga and tikanga:
- (a) in the management of natural and physical resources within the ancestral rohe of Mana Whenua, including:
    - (i) ancestral lands, water, sites, wāhi tapu and other taonga;
    - (ii) biodiversity; and
    - (iii) historic heritage places and areas.
  - (b) in the management of freshwater and coastal resources, such as the use of rāhui to enhance ecosystem health;
  - (c) in the development of innovative solutions to remedy the long-term adverse effects on historical, cultural and spiritual values from discharges to freshwater and coastal water; and
  - (d) in resource management processes and decisions relating to freshwater, geothermal, land, air and coastal resources.
- (3) Ensure that any assessment of environmental effects for an activity that may affect Mana Whenua values includes an appropriate assessment of adverse effects on those values.
- (4) Provide opportunities for Mana Whenua to be involved in the integrated management of natural and physical resources in ways that do all of the following:
- (a) recognise the holistic nature of the Mana Whenua world view;
  - (b) recognise any protected customary right in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011; and
  - (c) restore or enhance the mauri of freshwater and coastal ecosystems.
- (5) Integrate Mana Whenua values, mātauranga and tikanga when giving effect to the National Policy Statement on Freshwater Management 2014 in establishing all of the following:
- (a) water quality limits for freshwater, including groundwater;
  - (b) the allocation and use of freshwater resources, including groundwater; and
  - (c) integrated management of the effects of the use and development of land and freshwater on coastal water and the coastal environment.
- (6) Require resource management decisions to have particular regard to potential impacts on all of the following:
- (a) the holistic nature of the Mana Whenua world view;

- (b) the exercise of kaitiakitanga;
- (c) mauri, particularly in relation to freshwater and coastal resources;
- (d) customary activities, including mahinga kai;
- (e) sites and areas with significant spiritual or cultural heritage value to Mana Whenua; and
- (f) any protected customary right in accordance with the Marine and Coastal Area (Takutai Moana) Act 2011.

#### **B6.4. Māori economic, social and cultural development**

##### **B6.4.1. Objectives**

- (1) Māori economic, social and cultural well-being is supported.
- (2) Mana Whenua occupy, develop and use their land within their ancestral rohe.

##### **B6.4.2. Policies**

- (1) Provide for papakāinga, marae, Māori customary activities and commercial activities across urban and rural Auckland to support Māori economic, social and cultural well-being.
- (2) Enable the integration of mātauranga and tikanga Māori in design and development.
- (3) Enable the occupation, development and use of Māori land for the benefit of its owners, their whānau and their hapū.
- (4) Enable Mana Whenua to occupy, develop and use Māori Land (including for papakāinga, marae and associated developments) with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, natural resources, coastal environment, historic heritage and special character, provided that adverse effects on those resources are avoided, remedied or mitigated.

#### **B6.5. Protection of Mana Whenua cultural heritage**

##### **B6.5.1. Objectives**

- (1) The tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced.
- (2) The relationship of Mana Whenua with their cultural heritage is provided for.
- (3) The association of Mana Whenua cultural, spiritual and historical values with local history and whakapapa is recognised, protected and enhanced.
- (4) The knowledge base of Mana Whenua cultural heritage in Auckland continues to be developed, primarily through partnerships between Mana Whenua and the Auckland Council, giving priority to areas where there is a higher level of threat to the loss or degradation of Mana Whenua cultural heritage.

- (5) Mana Whenua cultural heritage and related sensitive information and resource management approaches are recognised and provided for in resource management processes.

#### **B6.5.2. Policies**

- (1) Protect Mana Whenua cultural and historic heritage sites and areas which are of significance to Mana Whenua.
- (2) Identify and evaluate Mana Whenua cultural and historic heritage sites, places and areas considering the following factors:
- (a) Mauri: ko te mauri me te mana o te wāhi, te taonga rānei, e ngākaunuitia ana e te Mana Whenua. The mauri (life force and life-supporting capacity) and mana (integrity) of the place or resource holds special significance to Mana Whenua;
  - (b) Wāhi tapu: ko tērā wāhi, taonga rānei he wāhi tapu, arā, he tino whakahirahira ki ngā tikanga, ki ngā puri mahara, o ngā wairua a te Mana Whenua. The place or resource is a wāhi tapu of special, cultural, historic, metaphysical and or spiritual importance to Mana Whenua;
  - (c) Kōrero Tūturu/historical: ko tērā wāhi e ngākaunuitia ana e te Mana Whenua ki roto i ōna kōrero tūturu. The place has special historical and cultural significance to Mana Whenua;
  - (d) Rawa Tūturu/customary resources: he wāhi tērā e kawea ai ngā rawa tūturu a te Mana Whenua. The place provides important customary resources for Mana Whenua;
  - (e) Hiahiatanga Tūturu/customary needs: he wāhi tērā e eke ai ngā hiahia hinengaro tūturu a te Mana Whenua. The place or resource is a repository for Mana Whenua cultural and spiritual values; and
  - (f) Whakaaronui o te Wa/contemporary esteem: he wāhi rongonui tērā ki ngā Mana Whenua, arā, he whakaahuru, he whakawaihanga, me te tuku mātauranga. The place has special amenity, architectural or educational significance to Mana Whenua.
- (3) Include cultural and historic heritage places and areas identified as significant to Mana Whenua in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule.
- (4) Protect the places and areas listed in Schedule 12 Sites and Places of Significance to Mana Whenua Schedule from adverse effects of subdivision, use and development by avoiding all of the following:
- (a) the destruction in whole or in part of the site or place and its extent;
  - (b) adverse cumulative effects on the site or place;
  - (c) adverse effects on the location and context of the site or place; and

(d) significant adverse effects on the values and associations Mana Whenua have with the site or place;

taking into account in such circumstances whether or not any structures, buildings or infrastructure are present and the adverse effects are temporary.

(5) Protect places and areas in the Schedule 12 Sites and Places of Significance to Mana Whenua Schedule from the adverse effects of subdivision, use and development by all of the following:

(a) avoiding where practicable, or otherwise remedying or mitigating adverse effects on the values and associations of Mana Whenua with the site, place or area;

(b) requiring a protocol to be followed in the event of accidental discovery of kōiwi, archaeology or artefacts of Māori origin; and

(c) undertaking appropriate actions in accordance with mātauranga and tikanga Māori.

(6) Protect Mana Whenua cultural heritage that is uncovered during subdivision, use and development by all of the following:

(a) requiring a protocol to be followed in the event of accidental discovery of kōiwi, archaeology or artefacts of Māori origin;

(b) undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and

(c) requiring appropriate measures to avoid, remedy or mitigate further adverse effects.

(7) Include a Māori cultural assessment in structure planning and plan change process to do all of the following:

(a) identify Mana Whenua values associated with the landscape;

(b) identify sites, places and areas that are appropriate for inclusion in the Schedule 12 Sites and Places of Significance to Mana Whenua Schedule for their Mana Whenua cultural heritage values as part of a future plan change; and

(c) reflect Mana Whenua values.

(8) Encourage appropriate design, materials and techniques for infrastructure in areas of known historic settlement and occupation by the tūpuna of Mana Whenua.

(9) Protect sensitive information about the values and associations of Mana Whenua in relation to their cultural heritage where disclosure of such information may put a site, place or area at risk of destruction or degradation.

### **B6.6. Explanation and principal reasons for adoption**

In the Plan, tangata whenua are called Mana Whenua to be consistent with the particular meaning of 'mana whenua group' as defined in the Local Government (Auckland Council) Act 2009.

In making and implementing the Plan, the Council must, as a matter of national importance, recognise and provide for the relationship of Mana Whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. The Council must also:

- have particular regard to kaitiakitanga;
- take into account the principles of Treaty of Waitangi/Te Tiriti o Waitangi; and
- recognise the historic, traditional, cultural, and spiritual relationship of Mana Whenua with the Hauraki Gulf/Te Moana Nui o Toi/Tīkapa Moana.

In the policies relating to partnerships, the Council acknowledges the importance of the Treaty and Treaty settlements to Mana Whenua and recognises the aspirations of Mana Whenua. These policies promote meaningful relationships and interactions between Mana Whenua and decision-makers as part of recognising the principles of the Treaty, including greater Mana Whenua participation in resource management through the establishment of joint management arrangements and the transfer of powers over particular resources to Mana Whenua. These policies identify how Treaty settlements should be taken into account in resource management processes, and outline a process for the Council to work with Mana Whenua as claims under the Treaty are settled, to determine appropriate planning outcomes for Treaty Settlement Land.

In the policies relating to Mana Whenua values, the Unitary Plan seeks to ensure that resource management processes in Auckland are informed by Mana Whenua perspectives, including their values, mātauranga and tikanga. Mana Whenua perspectives need to be considered early within resource management processes, accorded status in decision-making and have an opportunity to influence outcomes.

A number of iwi and hapū in Auckland have developed iwi planning documents (also known as Iwi Management Plans, Hapū Environmental Management Plans, or by similar names) which articulate their specific resource management issues, objectives, policies, and methods. Iwi planning documents are a valuable source of information for integrating mātauranga and tikanga into resource management in Auckland.

These policies also seek to give certainty to, and enhance, the involvement of Mana Whenua in resource management processes. Significant adverse effects on ancestral tāonga occur largely as a result of uninformed actions. Before making decisions which may affect customary rights, an understanding of the nature of the tāonga to Mana Whenua is required. This understanding can only be gained from those who have an ancestral relationship with the taonga.

These policies give guidance on how Mana Whenua values, mātauranga and tikanga should be considered in the management of, and decision-making around, Auckland's



natural and physical environments, including freshwater and freshwater ecosystems in accordance with the National Policy Statement on Freshwater Management 2014.

The policies in relation to economic, social and cultural development acknowledge that Māori have identified a wide range of activities they would like to undertake to support social, cultural and economic development. These activities include:

- establishing and extending papakāinga and marae and associated services;
- developing commercial activities, sports and recreation facilities and community gardens;
- cultural activities and iwi/hapū revitalisation activities such as historic heritage and environmental management.

Economic activities are necessary to support the ability of Mana Whenua to use and live on Māori land. Some economic activities may be based on promoting Māori culture, or utilising customary rights such as aquaculture. These policies recognise there is little Māori land remaining in Auckland and that it is also necessary to provide for Mana Whenua and mataawaka to support their aspirations through development on land held in general title.

The integration of mātauranga and tikanga in design and development may be expressed in development that, for example, is based around communal facilities and spaces, provides a range of housing sizes and layouts, or responds to the values of Mana Whenua associated with the site or landscape.

Mataawaka represent a significant proportion of the Māori population of Auckland and have the desire to connect to their culture and traditions in an urban setting. The interests of mataawaka are addressed in the Unitary Plan through providing for Māori cultural institutions and through a special purpose zone. These tools recognise rangatiratanga and the right of all Māori to express their Māoritanga, as affirmed by articles 2 and 3 of the Treaty.

The policy approach to Mana Whenua cultural heritage addresses the multiple levels of Mana Whenua cultural heritage. Sites and places where a value of significance has been identified are protected through the D21 Sites and Places of Significance to Mana Whenua Overlay. Assessments of effects on the environment which pay particular attention to potential cultural effects based on history and tikanga are expected for areas subject to structure planning to identify additional sites that warrant protection. Similar assessments are required for resource consent applications where Mana Whenua values are affected.

For reasons such as limited investment, cultural sensitivities and mismanagement of information in the past, very little Mana Whenua cultural heritage has been scheduled despite the large number of Mana Whenua groups with strong associations to Auckland. The Council has a statutory responsibility to protect Mana Whenua cultural heritage from inappropriate subdivision, use and development. This will involve a collaborative approach with Mana Whenua, working in accordance with tikanga to identify, assess, protect and manage Mana Whenua cultural heritage, including the context for individual sites and places which are the footprint/tapu wae of Mana Whenua.

The knowledge base of information about Mana Whenua cultural heritage is continually developing and tools that provide a form of protection and inform subdivision, use and development while respecting Mana Whenua values are increasingly valuable. An improved knowledge base helps reduce the risk of damage, enables development that properly reflects the values associated with the context of an area, informs land owners and applicants of the characteristics of their site, and helps to avoid major time and cost implications to applicants when development is halted by accidental discovery of protected items.