

5 Addressing issues of significance to Mana Whenua - Ngā take matua a ngā Ahikā-roa mai i tawhiti

Ngā ahikā roa mai i tawhiti

The original inhabitants from afar.

Introduction

The Unitary Plan must, as a matter of national importance (s. 6 of the RMA), 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 Unitary Plan must have particular regard to kaitiakitanga, take into account the principles of Te Tiriti o Waitangi / Treaty of Waitangi, and recognise the historic, traditional, cultural, and spiritual relationship of Mana Whenua with the Hauraki Gulf/Te Moana Nui o Toi/Tīkapa Moana.

5.1 Recognition of Te Tiriti o Waitangi partnerships and participation

Objectives

1. The principles of the Treaty are recognised and provided for in the sustainable management of ancestral lands, water, air, coastal sites, wāhi tapu and other taonga, and natural and physical resources. The Treaty is articulated in law through an evolving set of principles. These include:
 - a. reciprocity
 - b. rangatiratanga
 - c. partnership
 - d. shared decision-making
 - e. active protection
 - f. mutual benefit
 - g. right of development
 - h. redress.
2. Mana Whenua can exercise Tino Rangatiratanga through participation in resource management processes and decisions.
3. The relationship of Mana Whenua with Treaty settlement land is provided for, recognising:
 - 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
 - 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:
 - a. cultural redress is intended to meet the cultural interests of Mana Whenua
 - b. commercial redress is intended to contribute to the social and economic development of Mana Whenua.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

Policies

1. Provide opportunities for Mana Whenua to actively participate in the sustainable management of ancestral lands, water, air, coastal sites, wāhi tapu and other taonga, and natural and physical resources in a way that:
 - 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 taonga
 - f. acknowledges historical circumstances and impacts on resource needs
 - g. recognises and provides for mātauranga and tikanga
 - h. recognises the role and rights of whānau and hapū to speak and act on matters that affect them.
2. Involve Mana Whenua specialists in mātauranga and tikanga in resource management decisions where Mana Whenua values are affected.
3. Recognise and take into account partnership arrangements and agreements between Mana Whenua and the council when making resource management decisions.
4. Enable the transfer of powers and/or establishment of joint management agreements for certain functions relating to the development and management of ancestral lands, water, air, coastal sites, wāhi tapu and other taonga, and the sustainable management of natural and physical resources, where an iwi authority:
 - a. has an ancestral connection or mana over a resource
 - b. has a clear mandate to represent the interests of that iwi or hapū
 - c. can demonstrate the ability to fulfill the requirements of the RMA, whether directly or by outsourcing.
5. Recognise the following matters, where a proposal affects land or resources subject to Treaty settlement legislation, and provide for in resource management processes:
 - 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
 - d. any other specific requirements of Treaty settlement legislation.
6. Take into account, 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, when considering the effects of the proposal.
7. Engage with Mana Whenua on a case-by-case basis to discuss options for the future use and development of Treaty settlement land, including:
 - a. during negotiation, providing information to the Office of Treaty Settlements and Mana Whenua to

The Proposed Auckland Unitary Plan (notified 30 September 2013)

support the negotiation process

- b. following the signing of a Deed of Settlement, assessing whether existing zoning meets iwi aspirations
 - c. after the relevant Claims Settlement legislation has passed, working with iwi to develop site specific plan changes to fulfil iwi aspirations and meet the objectives and policies of the Unitary Plan.
8. Enable the development of land acquired as commercial redress for social and economic development.
 9. Enable Mana Whenua to access and use cultural redress lands and interests for cultural activities.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

Methods

Regulatory

Unitary Plan

- Auckland wide objectives, policies and rules for Treaty Settlement land
- Zone objectives, policies and rules for the Maori Purpose Zone
- Auckland wide rules for cultural impact assessments in the General Provisions.

Non-regulatory

Non-Statutory layers, plans and strategies

- Memoranda of understanding between the council and Mana Whenua
- Co-management framework
- Land subject to Treaty Settlement legislation identified in the council's GIS database
- Treaty Settlement legislation statutory acknowledgements (non-statutory) in Appendix 4.3.

Advocacy and education

- Governance meetings between iwi authorities and Auckland Council elected members, to discuss issues of importance
- Toolkits guiding the preparation of a cultural impact assessment
- Toolkits guiding early, effective and meaningful engagement with Mana Whenua
- Toolkits to assisting the understanding Mana Whenua values
- Preparation of expert advice training for Mana Whenua
- Toolkits guiding the implementation of mātauranga Māori
- Encourage and promote new technologies that implement mātauranga Māori
- Toolkits to assist with the development of Treaty Settlement land.

Monitoring and information gathering

- Partnerships with Mana Whenua to develop and update performance measures and state of the environment reporting based on mātauranga Māori
- Monitoring of consented planning applications by Mana Whenua kaitiaki.
- Making information on Mana Whenua values available using the council's GIS.

Funding and assistance

- Advice, information and funding for Mana Whenua when resource management information and advice is sought by the council
- Assistance for regional Mana Whenua Kaitiaki forums and integrated resource management groups.

Explanation and reasons

The policies above recognise the responsibility of the council under s. 8 of the RMA and Objective 3 and Policy 2 of the NZCPS to take account of the principles of the Treaty. The council acknowledges the importance of the Treaty and Treaty settlements to Mana Whenua and recognises the aspirations of Mana Whenua through its

The Proposed Auckland Unitary Plan (notified 30 September 2013)

statutory obligations the specific provisions of the RMA, and the NZCPS.

These policies also help to achieve Objective 3 of the NZCPS which promotes meaningful relationships and interactions between Mana Whenua and decision-makers as part of recognising the principles of the Treaty.

The strongest RMA mechanisms to encourage greater Mana Whenua participation in resource management are the ability for Mana Whenua and the council to establish joint management arrangements, and for the council to transfer powers over a particular resource 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.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

5.2 Recognising Mana Whenua values through integrating mātauranga and tikanga in the sustainable management of Auckland's natural and physical environment

Objectives

1. Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making.
2. The mauri and the relationship of Mana Whenua with freshwater, geothermal, land, air and coastal resources is enhanced.
3. Mana Whenua are involved and empowered in the management of natural resources.
4. The relationship of Mana Whenua and their customs and traditions with areas scheduled for natural heritage or historic heritage values is recognised and provided for.

Policies

1. Enable Mana Whenua to identify and articulate their values associated with:
 - a. ancestral lands, biodiversity, water, air, coastal sites, wāhi tapu and other taonga
 - b. freshwater, including rivers, streams, aquifers, lakes, wetlands and associated values
 - c. 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 ancestral lands, biodiversity, waters, sites, wāhi tapu and other tāonga
 - b. in the management of freshwater and coastal resources, such as the use of rāhui to enhance ecosystem health
 - c. to find innovative solutions to remedy the long-term adverse effects on historical, cultural and spiritual values from discharges to freshwater and coastal water
 - d. in resource management processes and decisions relating to freshwater, geothermal, land, air and coastal resources.
3. Ensure that resource management decisions take into account relevant iwi and hapū resource management plans.
4. Promote the preparation of a cultural impact assessment for activities that may adversely affect the values of Mana Whenua.
5. Provide opportunities for Mana Whenua to be involved in the integrated management of natural and physical resources in ways that:
 - 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
 - c. restore or enhance the mauri of freshwater and coastal ecosystems.
6. Establish:
 - a. minimum water quality standards for freshwater, including groundwater, and coastal water
 - b. maximum allocation limits for freshwater resources, including groundwater that incorporates Mana Whenua values in addition to the ecological values of the water resource.
7. Require resource management decisions to have particular regard to potential impacts on:
 - a. the exercise of kaitiakitanga
 - b. mauri, particularly in relation to freshwater and coastal resources

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- c. customary activities, including mahinga kai
 - d. places, sites and areas with significant spiritual or cultural heritage value to Mana Whenua.
8. Identify, define and set goals for ecosystem health from a Mana Whenua perspective using tools such as:
- a. the Ministry for the Environment's Māori environmental performance indicators
 - b. specific environmental or cultural indicators based on mātauranga and tikanga Māori.

Methods

Methods identified within section 5.1 and the following:

Regulatory

Unitary Plan

- Auckland wide objectives, policies and rules for natural resources
- Objectives, policies and rules in Auckland-wide, Mana Whenua Management precinct.

Bylaws

- Solid Waste.

Non-regulatory

Non-Statutory layers, plans and strategies

- Iwi planning documents.

Funding and assistance

- Development and updating of iwi planning documents
- Environmental Initiatives Fund Grants.

Explanation and reasons

These policies seek to ensure that resource management processes in Auckland are informed by Mana Whenua perspectives, including 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. Consideration of the values of Mana Whenua form part of the consideration of cultural and social well-being required under s. 5 and 6 of the RMA. A number of iwi and hapū in Auckland have developed iwi planning documents (also known as Iwi Management Plans, Hapū Environmental Management Plans, or similar names) which articulate their specific resource management issues, objectives, policies, and methods. Iwi planning documents are recognised as 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. Under Part 2 of the RMA, applicants and the council have certain responsibilities to Mana Whenua, and 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 customary rights over 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

The Proposed Auckland Unitary Plan (notified 30 September 2013)

freshwater and freshwater ecosystems in accordance with the National Policy Statement on Freshwater Management 2011.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

5.3 Māori economic, social and cultural development

Objectives

1. Development supports the economic, social and cultural aspirations of Māori.
2. Mana Whenua occupies, develops and use their land within their ancestral rohe, particularly in areas identified as Māori cultural landscapes.

Policies

1. Provide for papakāinga, marae, customary use, cultural activities and commercial activities across urban and rural Auckland to support Māori economic, social, and cultural development.
2. Provide for the integration of mātauranga and tikanga in design and development.
3. Provide for the development of Māori cultural institutions, including institutions which provide economic opportunities through cultural education and tourism.
4. Enable the occupation, development and use of Māori land for the benefit of its owners, their whānau, and their hapū.
5. Enable Mana Whenua to occupy, develop and use Māori land within areas scheduled for natural heritage or historic heritage values in ways that recognise and provide for those values.

Methods

Methods identified within section 5.1, 5.2 and the following:

Regulatory

Unitary Plan

- Auckland wide objectives, policies and rules for Māori Land
- Zone objectives, policies and rules for Special Purpose – Māori Purpose zone
- Precinct objectives, policies and rules in Māori Purpose Zone and other zones to provide for aspirations for specific sites
- Policies and rules to provide for the development of marae complex in Residential, Rural, Public Open Space, Future Urban, and Business zones.
- Policies to provide for the development of papakāinga in Residential and Rural zones
- Rules to provide for customary use in Rural, Future Urban, and Public Open Space zones
- Assessment criteria relating to Mana Whenua values in design.

Non-regulatory

Non-statutory layers, plans and strategies

- Open Space Strategy
- Open Space Acquisition Policy
- Property Disposal and Acquisition Policy
- Auckland Design Manual, including Te Aranga Design Principles and principles of Māori cultural landscapes.

Advocacy and education

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- Toolkits to assist with the development of Māori land.

Explanation and reasons

These policies 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 Proposed Auckland Unitary Plan (notified 30 September 2013)

5.4 Protection of Mana Whenua culture and heritage

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. Mana Whenua cultural, spiritual and historical values associated with their cultural landscapes are recognised, protected and enhanced.
4. The knowledge base of Mana Whenua cultural heritage in Auckland continues to be developed, 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 management approaches are respected.

Policies

1. The council will work with Mana Whenua to develop a methodology for identifying, researching and assessing unscheduled sites and places of significance to Mana Whenua that will be nominated for scheduling.
2. Schedule Mana Whenua cultural heritage where it can be demonstrated it is of significance to Mana Whenua.
3. Identify and protect the values of Mana Whenua cultural heritage using one or more of the following criteria to support scheduling:
 - 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 venue or repository for Mana Whenua cultural and spiritual values.
 - 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.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

4. Protect the values and associations of Mana Whenua with their sites and places of significance or value, which are identified in the Unitary Plan, where subdivision, use and development may result in the loss or degradation of those values and associations by avoiding:
 - 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
 - d. the lack of assessment of and provision for mātauranga and tikanga Māori when making decisions
 - e. significant adverse effects on the values and associations Mana Whenua have with the site or place.
5. Recognise, enhance and protect Mana Whenua values associated with their cultural landscapes by developing an agreed methodology to:
 - a. identify and record, assess and map the values within a spatial context in accordance with tikanga and mātauranga Māori
 - b. determine the most appropriate mechanisms to recognise, enhance and protect Mana Whenua values and associations
 - c. prioritise areas where there is a higher level of threat to the loss or degradation of Mana Whenua cultural heritage such as the coastal and freshwater environments, and areas subject to structure planning.
6. Provide opportunities to reflect the context provided by Māori cultural landscapes in public open space.
7. Manage the impact on unidentified sites and places of significance to Mana Whenua that are uncovered during subdivision, use and development by:
 - a. requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin
 - b. undertaking appropriate actions in accordance with mātauranga and tikanga Māori
 - c. undertaking appropriate measures to avoid adverse effects.
8. Recognise that Mana Whenua are specialists in determining their values and associations with their cultural heritage.
9. Recognise that Mana Whenua cultural heritage may be significant to whānau, hapū or iwi.
10. Enable Mana Whenua to practice their customs and traditions in relation to their cultural heritage by having regard to cultural impact assessments undertaken during a resource consent and during the exercise of accidental discovery protocols.
11. Require a cultural impact assessment where subdivision, use or development may affect Mana Whenua cultural heritage.
12. Adopt a precautionary approach where structure planning is required by undertaking a Maori cultural landscape assessment, with Mana Whenua to:
 - a. identify Mana Whenua values associated with the landscape
 - b. identify sites and places that are suitable to schedule for their Mana Whenua cultural heritage values as part of a future plan change
 - c. reflect Mana Whenua values.
13. Encourage best practice in the provision of infrastructure in areas near the coast and around natural waterways and bush environments because of the known historic settlement and occupation patterns of the tupuna of Mana Whenua.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

14. Recognise that some information surrounding the values and associations of Mana Whenua to their cultural heritage may be sensitive and put a site or place at risk of destruction or degradation, meaning it may not be appropriate to make it public.
15. Develop, together with Mana Whenua the knowledge base and methods, systems and protocols for recording, managing and protecting information relating to Mana Whenua cultural heritage.
16. Recognise that information may be held in various forms and may be in Te Reo Māori in accordance with the tikanga of the iwi or hapū.

Methods

Methods identified within section 5.1, 5.2, 5.3 and the following:

Regulatory

Unitary Plan:

- Overlay objectives, policies and rules for sites and places of significance to Mana Whenua and for sites and places of value to Mana Whenua.
- General Provisions for Mana Whenua Cultural Heritage: Accidental Discovery Protocols and Information Requirements.

Other

- Mana Whenua cultural heritage plan change
- Memoranda of understanding between the council, Mana Whenua and heritage protection agencies on processes for identifying and protecting Mana Whenua cultural heritage.

Non-regulatory

Non-Statutory layers, plans and strategies

- Information Management Protocols
- Road Naming Guidelines.

Monitoring and information gathering

- Identifying archaeological sites of Māori origin.
- Development and continual update of methods for the identification and protection of Mana Whenua cultural heritage and the values associated with cultural landscapes
- Partnerships with Mana Whenua to identify and protect Mana Whenua cultural heritage, including through a future plan change
- Ongoing work to identify and map the Mana Whenua values associated with cultural landscapes using GIS tools.

Funding and assistance

- Funding for further investigation and scheduling of Mana Whenua cultural heritage, including funding of specialist input from Mana Whenua
- Funding for a plan change to schedule additional Mana Whenua cultural heritage
- Heritage acquisition fund.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

Explanation and reasons

The approach to Mana Whenua cultural heritage addresses the multiple levels of Mana Whenua cultural heritage, incorporates the provisions of Policy 2 of the NZCPS and applies a precautionary approach where information is lacking but protection is warranted. Sites and places where the significance has been identified are protected through the Sites and Places of Significance to Mana Whenua overlay. Protection is also provided to sites and places where the presence of Mana Whenua cultural heritage has been confirmed and where Mana Whenua values exist through the Sites and Places of Value to Mana Whenua overlay. These values need to be recognised and provided for, but their significance has not yet been assessed in detail. Cultural landscape assessments are required for areas subject to structure planning to build the knowledge base and to identify additional sites that warrant protection. Cultural impact assessments are required for resource consent applications where Mana Whenua values are affected including archaeology of Māori origin where council information confirms the location. Accidental discovery protocols based on Mana Whenua values are provided for the unexpected discovery of archaeology or artifacts of Māori origin.

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, through Part 2 of the RMA, to protect Mana Whenua cultural heritage from inappropriate subdivision, use and development. These policies recognise this council's responsibilities under the NZCPS (Objective 3, Policies 2 and 15) to employ a collaborative approach with Mana Whenua, working in accordance with tikanga to identify, assess, protect and manage Mana Whenua cultural heritage including Māori cultural landscapes. Māori cultural landscapes, which provide the context for individual sites and places, are the footprint/tapu wae of Mana Whenua and will be identified in the Unitary Plan.

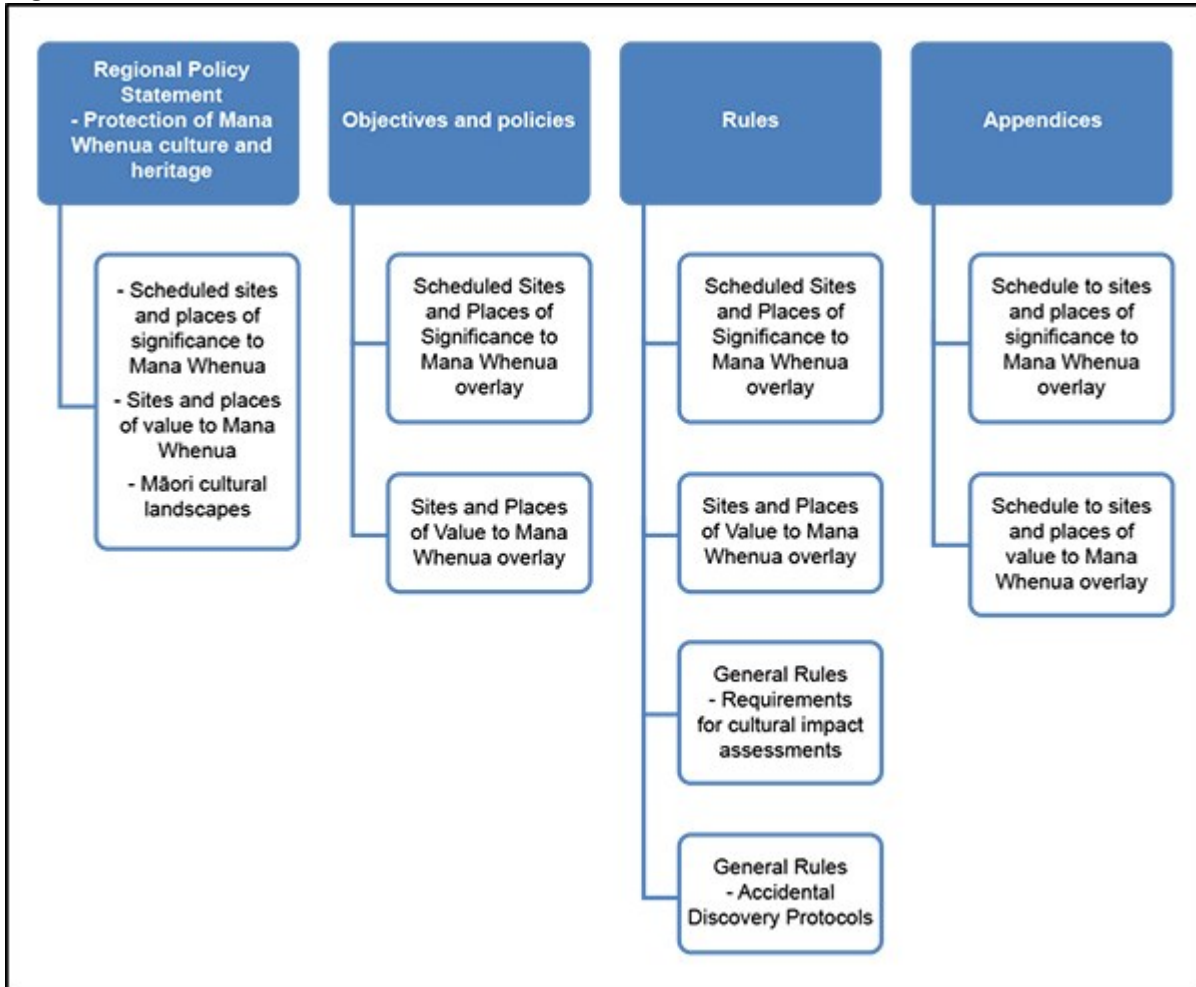
The knowledge base of information surrounding Mana Whenua cultural heritage is continually developing and tools that provide a form of protection and inform subdivision, use and development while respecting Mana Whenua protocols, are increasingly valuable. An improved knowledge base helps reduce the 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.

The use of tools to identify unscheduled sites and places of significance to Mana Whenua where the locations have been confirmed and areas where there is a high potential for accidental discovery, is consistent with Policy 2 of the NZCPS.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

Where to follow this in the Unitary Plan

Figure 1



The Proposed Auckland Unitary Plan (notified 30 September 2013)