



6.0 TANGATA WHENUA

6.1 Introduction

In relation to a particular area, *tangata whenua*¹ means the *iwi* or *hapu* that holds *mana whenua* over that area. *Mana whenua* means customary authority exercised by an *iwi* or *hapu* in an identified area. *Tangata whenua* interests are identified as a significant resource management issue in Section 3.

Maori represented 23% of the total population of the South Waikato District in the 1991 Census. Ngati Raukawa represent the major *iwi* in the District. The Resource Management Act 1991 requires greater recognition of *tangata whenua* values than was afforded under previous legislation, and consequently there is now a greater emphasis and recognition of the *tangata whenua* as partners to the Treaty of Waitangi. The Resource Management Act 1991 therefore provides a significant challenge for the Council, developers and *tangata whenua* when considering resource use issues within the District.

Council intends to work with the *tangata whenua* to ensure that the economic, social and cultural aspirations of all sectors of the community can be promoted and achieved through the planning process.

6.2 Objectives

- 6.2.1 The principles of the Treaty of Waitangi taken into account in all aspects of resource management within the South Waikato District.
- 6.2.2 Provision made in the District Plan for the cultural, economic, spiritual and social needs of the *tangata whenua*.
- 6.2.3 Use, development and protection of natural and physical resources that recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, *waahi tapu* and other *taonga*.

6.3 Policies

- 6.3.1 To recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, *waahi tapu* (sacred sites), and other *taonga* (treasures).

¹ All Maori terms used in this District Plan are defined in the Definitions Section of this document.



- 6.3.2 To allow for Marae Developments and papakaianga housing to provide recognition of ancestral ties to the land, special heritage values and to provide for associated uses including residential and community development.
- 6.3.3 To ensure that the provisions of the District Plan are monitored and reviewed to ensure the needs of the *tangata whenua* are being met and any adverse effects on the environment are avoided, remedied or mitigated.
- 6.3.4 To require, when deemed appropriate by Council, consultation to be undertaken between the applicant and the Tangata Whenua, prior to lodging a resource consent application.
- 6.3.5 To have regard to relevant planning documents adopted by an *iwi* authority when reviewing, changing or administering the District Plan.
- 6.3.6 To ensure all sites of cultural, traditional, and spiritual significance to *tangata whenua* are identified where appropriate in the Heritage and Ecological Inventory and on the Planning Maps.

6.4 Methods to Achieve Objectives and Policies

The following identifies the methods that are to be used to achieve the objectives and policies contained in this section of the District Plan:

6.4.1 General

- (i) Matters relating to *tangata whenua* specified in Part II of the Resource Management Act 1991 will be taken into consideration for all resource developments affecting their interests.

See Section 5 (Administration)
Refer to Policy 6.3.1

- (ii) As part of Council's recognition of the relationship of Maori and their culture and traditions with their ancestral lands, water, sites and waahi tapu, and other taonga Marae developments have been provided for as Permitted Activities in the Rural Zone and will be subject to the same performance standards as every other activity within the zone. Papakaianga housing developments are allowed as a Discretionary Activity in the Rural Zone.

See Section 19 (Rural Zone)
Refer to Policies 6.3.2, 6.3.3 and 6.3.4



- (iii) Consultation will be undertaken with tangata whenua for all Plan reviews, Plan changes and resource consents as appropriate. For consultation requirements, see Section 5 (Administration) of the District Plan.

Refer to Policy 6.3.4.

- (iv) Planning documents recognised by *iwi* authorities will be considered with this District Plan for resource use matters.

Refer to Policy 6.3.5.

- (v) Site of cultural, traditional, and spiritual significance will be identified in the Heritage and Ecological Inventory and on the Planning Maps as appropriate.

Refer to Policy 6.3.6.

6.5 Principal Reasons

It is important that the needs of *tangata whenua* are incorporated into this District Plan due to the role of the *tangata whenua* as partners to the Treaty of Waitangi. In addition, the Resource Management Act 1991 places greater emphasis than previous legislation on the needs and aspirations of *tangata whenua* through Part II of the Act.

Section 6(e) of the Act requires the Council to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites and waahi tapu, and other taonga.

Section 7(a) of the Act requires that the Council have particular regard to *kaitiakitanga*, that is the exercise of guardianship, and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.

Section 8 of the Act requires that:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

This is the first time the Treaty of Waitangi has been expressly referred to in resource management legislation and requires the principles as established by Treaty jurisprudence to be taken into account in all matters considered under the Resource Management Act. This means Council will endeavour to develop a partnership with *tangata whenua* in relation to resource management within the District.

The Conservation Act 1987 administered by the Department of Conservation also gives recognition to the Treaty of Waitangi.



6.6 Anticipated Environmental Results

It is anticipated that the objectives, policies and methods outlined in this section will achieve the following environmental results:

- (i) The principles of the Treaty of Waitangi will be taken into account in all aspects of resource management within the South Waikato District.
- (ii) Recognition and provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, sties, waahi tapu, and other taonga.