
AUCKLAND UNITARY PLAN

Report To: Unitary Plan Political Working Party

Report Name: Issues Paper – Treaty of Waitangi

1. Executive Summary

This report contains the core issues relating to the Treaty of Waitangi. It is expected that Treaty of Waitangi outcomes will be integrated through all parts of the Unitary Plan and will be developed in partnership with Māori (Mana Whenua and Matawaka).

The research which informs this report is based on a review of published research papers, the Auckland District and Regional Plans including the draft Auckland Regional Policy Statement and technical papers for the draft Auckland Plan. Internal consultation was undertaken with subject matter experts from Maori Strategy and Relations, Unitary Plan, Heritage and Community and Cultural Policy teams. The information has been based primarily on previous consultation with Maori on resource management issues. Ongoing consultation with Maori will continue to be essential to develop a meaningful response to the issues identified in this report.

The report outlines the key issues associated with each topic and broad regulatory and non regulatory approaches that could be explored further through the development of the Unitary Plan.

The following priority issues are identified for the Unitary Plan:-

1. Early, effective and meaningful consultation with Māori
2. Co-governance
3. Recognition of the Maori view of sustainability
4. Providing an environment for Maori economic development
5. Sustainable growth planning for Maori land
6. Sustainable growth planning for Maori communities
7. Recognising the desire of Maori to connect with their traditions and the land
8. Recognition of the Treaty of Waitangi, Maori and cultural heritage in the sustainable management of our coastal environment
9. Recognising and providing for the role of Maori as kaitiaki in the management of fresh water and natural resources of the region
10. Minimising the impact of hazardous substances and contamination on cultural values
11. Protecting Maori values and the adequate provision of appropriate land and water transport infrastructure

The broad approaches to respond to the issues seek to:

Regulatory

- Provide guidance within the policy framework on how and when to engage with Maori in an effective and meaningful way in resource management processes. In consultation with iwi, explore the use of maps / overlays to indicate which groups have a particular interest or where an Iwi Management Plan or co management agreement is in place over a particular area, and provide guidance on where a cultural heritage assessment is required;
- Develop policies that integrate Te Ao Maori (Maori values) such as Tikanga and Matauranga Maori through all aspects of the Unitary Plan, such as urban design, transport infrastructure, sustainability, natural resource management, protection of cultural heritage, monitoring etc.

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- Development of cross region objectives and policies that acknowledge Maori concepts and indicators as legitimate approaches to sustainable management of certain resources (where supporting Indigenous Research has been undertaken to support this);
 - Work in partnership with Maori to develop Iwi Management Plans that build on our understanding of Te Ao Maori and to provide a robust basis to support their inputs into resource management processes and decision making.
 - Utilise knowledge contained within existing Iwi Management Plans in the development of the policy framework to ensure Maori values are given appropriate consideration in development of resource management techniques;
 - Develop a policy framework that provides clear guidance on measures to reduce disturbance and modification to culturally significant areas (e.g. pa, papakainga, waahi taonga, waahi tapu, mahinga kai, whai kaimoana) using low impact design and development.
 - Identify and map Maori land within the Plan, consider the use of zones or overlays to describe the type of land and to develop a policy framework and provisions that will help to overcome barriers to development;
 - Work in partnership with Maori to explore options for concept or master planning (iwi spatial plans) of key sites on Maori land or within Growth Areas to enable opportunities for economic development, tourism, protection and enhancement of cultural heritage values, provision of communal infrastructure and community facilities such as papakainga and marae;
 - Develop a policy framework, cross region rules and development standards that provide a flexible approach for traditional land uses such as papakainga and marae to establish and develop in a variety of forms, densities and locations within the Auckland region.
 - Explore opportunities for a waiver of development contributions, reserve contributions on Maori land;
 - Working in partnership with Treaty Settlement collectives to translate the outcomes of (finalised) Treaty Settlements within the Plan, and by making provision for Council sponsored Plan changes to incorporate Treaty Settlement legislation to enable Maori to fully realise their social, economic, environmental and cultural aspirations for this land;
 - Explore opportunities and techniques for Maori involvement in resource management through co-governance on appropriate matters from section 33 transfer of powers, establishment of Mana Whenua under section 187-188 as heritage protection authorities, or s36(b)-(e) inclusive joint management or other non-regulatory measures such as a memorandum of understanding;
 - Develop a clear definition of the concept of co management.

Non regulatory

- Build the capacity of Maori to respond to resource management issues within the Auckland region through the establishment of Mana Whenua technical forums, development of tool kits, GIS / Information Management systems, Iwi Management Plans and supporting the development of indigenous research;
- Develop a shared vision for sustainable development that integrates Te Ao Maori as a fundamental basis for the development of sustainability principles for all Plans being developed by the Auckland Council;

- Use of the Maori language in describing sustainability and urban design concepts to give it a truly New Zealand feel. For example, explore the idea of “Atea” spaces, as opposed to calling them plaza’s or piazza’s.
- Support the ongoing development of indigenous knowledge research that will support the continued integration of Maturanga Maori as a means of sustainable management, and work with Maori to develop case studies and tool kits to apply them to the Auckland context;
- Maori with expertise in design, planning and implementation of natural sustainability in urban environments are engaged by Council to assist with spatial and city planning .
- Work with Maori to develop a series of tool kits / protocols to educate Planners / developers and the public on the range of issues identified in this report;
- Funding and capacity building (public / private partnerships) to enhance opportunities for Maori to develop their land is provided for in the Long Term Plan;
- Development of incentives to support the development of Maori Freehold Land (rating policy, transferrable development rights, funding, toolkits, public / private partnerships);
- Develop a work programme to assist Maori with Papakainga development proposals;
- Support the establishment of a forum where social infrastructure providers (central government, council, iwi) come together to develop unified approaches to growth areas and identify potential for joint delivery of infrastructure and to overcoming barriers to development for Maori;
- Support the establishment of a relationship between iwi and regional transport committees to explore options for transport infrastructure to support the concept or master planning (iwi spatial plans) of key sites on Maori land or within Growth Areas.

Issues relating to the Treaty of Waitangi covered in other reports include:-

Subject	Main Workstream
Cultural Heritage	Community, Culture and Heritage
Biodiversity	Natural Environment
Transport infrastructure and public transport	Transport

While there is a lot of available information on Treaty of Waitangi, Maori and cultural values for the Auckland region, this is of little value if we are unable to undertake early, effective and meaningful consultation with Maori.

Within the Auckland Region there are multiple iwi authorities all with overlapping interests. The establishment of the new Auckland Council in November 2009, has brought about the need to establish new relationships between Council and Maori.

Relationship building is important to facilitate better and more effective consultation processes, particularly as the Council is currently in the process of consulting with Iwi on a number of different Plans. The processes and relationships for consultation between the Auckland Council and Iwi groups within the region are still being established. Significant time is required to hear from Maori on what their issues and aspirations are for the development of the Unitary Plan. This may be difficult if the relationship with Maori is new.

The ability for Maori to engage in this process may also depend on the level of resourcing or capability they have (currently a number are also focused on Treaty negotiations) and this should be factored into any timetable for plan development.

2. Glossary of Maori Terms¹

The following is a summary and explanation of commonly used Maori terms contained in this report.

<i>Hapu</i>	A tribal descent group, sometimes called the 'sub-tribe' of an iwi (see iwi); also means pregnant.
<i>Hui</i>	A meeting, conference, or band together
<i>Iwi</i>	Tribe or nation; also means 'bone'; iwi kainga: the tribe of a place
<i>Kaiawa</i>	food resources from freshwater areas
<i>Kaimoana</i>	food resources from seawater areas
<i>Kaitiaki</i>	Guardian, care giver
<i>Kaitiakitanga</i>	The role or responsibility of guardianship
<i>Kaupapa</i>	purpose, policy
<i>Kaumatu</i>	respected elder
<i>Mataa waka</i>	people living in the rohe of one iwi / hapu, but linked by descent to other iwi / hapu.
<i>Maunga</i>	mountain
<i>Mana</i>	power, authority or prestige
<i>Manaaki, manaakitanga</i>	hospitality, generosity, especially of a host to visitors
<i>Mana Whenua</i>	Customary authority exercised by an iwi or hapu in an identified area.
<i>Mana moana</i>	Iwi, hapu and whanau customary authority exercised over a area of sea or foreshore
<i>Manuhiri</i>	Visitors, guests
<i>Marae</i>	A complex of buildings, centred around a wharenuī (meeting house) and house built around a ceremonial courtyard, the marae atea.
<i>Matauranga</i>	knowledge or wisdom; matauranga Maori, Maori knowledge or wisdom, particularly traditional knowledge deriving from the wisdom and experience of ancestors;
<i>Mauri</i>	Life force
<i>Pa</i>	Maori villages and towns, particularly fortified on hill settlements.
<i>Papakainga</i>	home place (from papa, land + kainga, village)

¹ Reference: Taone Tupu Ora – Indigenous knowledge and sustainable urban design, edited by Keriatā Stuart & Michelle Thompson-Fawcett

Puha	sow thistle
<i>Rangatiratanga</i>	sovereignty, chieftainship, leadership, self-determination or self-management (from rangatira, a chief)
<i>Rohe</i>	boundary; region, district or territory, tribal territory (of an iwi or hapu);
Rahui	Temporary restrictions on activities mainly associated to food gathering
<i>Taonga</i>	thing of value, treasure; taonga tuku iho, treasure handed down from the ancestors; both tangible and non tangible
<i>Turangawaewae</i>	Place of origin
<i>Maori</i>	people of the land (from Tangata, person or people, and Whenua)
Tauranga waka	Landing place of a canoe
Teina	junior sibling
<i>Te reo</i>	language
<i>Tikanga</i>	Maori practices, customs and procedures, established over time, and often specific to an iwi, hapu or place.
Tuakana	elder sibling
<i>Urupa</i>	Maori cemetery
<i>Wahi tapu</i>	Sacred sites,
Whakapapa	ancestry, genealogy

3. Legislative requirements

3.1 Treaty of Waitangi (Te Tiriti o Waitangi)

The Treaty of Waitangi (Te Tiriti o Waitangi) is a central theme in New Zealand's resource management legislation. The Treaty of Waitangi is the contract between Māori and the Crown setting forth the rights of Māori, the rights of citizenship and the right of Government to govern and is the guiding document in the relationship between Maori and the Crown.

Council is legally obliged to take into account the principles of the Treaty of Waitangi in accordance with the requirements of the Resource Management Act 1991 and other legislation in the development of the Unitary Plan. The Treaty of Waitangi framework provides an effective guide for council in regard to upholding its Treaty responsibilities both in its operations and through governance

3.2 Resource Management Act 1991

The Resource Management Act (RMA) provides a clear direction on Council's responsibilities in terms of the Treaty.

Part 2 - Purpose and principles

Part 2 (purpose and principles) of the RMA clearly outlines the importance of the relationship of Maori in the sustainable management of natural and physical resources under the RMA.

The purpose of the Act (section 5) is the promotion of sustainable management of natural and physical resources.

The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga and the protection of recognised customary activities is identified as a matter of national importance under section 6(e) and 6(f).

In achieving the purpose of the act, section 7(a) and 7(aa) of the RMA requires that particular regard shall be given to kaitiakitanga and the ethic of stewardship.

In achieving the purpose of the 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 (section 8).

Schedule 1 - Preparation of plans and consultation

Schedule 1 of the RMA sets clear requirements for the Maori involvement in the Plan development process. Maori are statutory consultees who must be involved throughout the Plan development process.

Section 33 – Transfer of powers

Section 33 outlines the process for Council to transfer its functions, powers or duties to another public authority. This includes an Iwi Authority.

Section 36 (b-e) - Joint management

Sections 36b to 36e inclusive outline how joint management agreements can be developed under the RMA in sharing Council's decision making responsibilities.

3.3 Local Government Act 2002

Section 4 – Treaty of Waitangi

Recognises the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi (TOW) and to maintain and improve opportunities for Māori to contribute to local government decision-making processes. The LGA provides principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.

Section 77(1) (c)

In making its decisions concerning land or a body of water Council must take into account:

- (a) the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna and other taonga..

Section 82 (2)

A local authority must ensure that it has in place processes for consulting with Māori.

Schedule 10. Part 1 (5)

Development of Māori capacity to contribute to decision-making processes.

The non-regulatory approaches identified in this report would be addressed through Council’s long-term council community plan (LTCCP). The LTCCP must set out any steps that the local authority intends to take, having considered ways in which it might foster the development of Māori capacity to contribute to the decision-making processes of the local authority, over the period covered by that plan.

3.4 Other legislation

In addition to above, the following legislation also outlines Council’s role and responsibilities in giving effect to the Treaty of Waitangi:-

- Te Ture Whenua (Maori Land) Act 1993
- Treaty Settlement Legislation
- Local Government (Auckland Council) Act 2009
- Local Government Act 2002
- Reserves Act 1977
- Conservation Act 1987
- Historic Places Act 1993
- Hazardous Substance and New Organisms Act 1996
- Hauraki Gulf Marine Park Act 2000
- Local Electoral Act 2001
- Fisheries Act 1996
- New Zealand Coastal Policy Statement 2010
- National Policy Statement on Biodiversity
- National Policy Statement on Renewable Energy Generation
- National Policy Statement on Fresh water Management
- Waitakere Ranges Heritage Area Act 2008
- Marine and Coastal Area (Takutai Moana) Act 2011
- Land Transport Management Act 2003.

4. Non Statutory Frameworks and Plans

4.1 Auckland Sustainability Framework / Te Kohao o te Ngira

The Auckland Sustainability Framework (ASF) is a first for Auckland. It provides the direction that the region's local authorities and central government agencies need so that they can work together to develop a sustainable future for the region.

The Framework was endorsed by the Regional Growth Forum on 5 September 2007 as the region's overarching sustainability framework and has since been endorsed by all the region's councils.

It describes a series of aspirational sustainability goals and the shifts we need to make in thinking and action to attain those goals.

It was written with a 100 year view and is considered to be a 'living document'. It is dynamic and intended to evolve and change over time.

The Auckland Sustainability Framework, in relation to the Mana Whenua role in regional sustainability states:

“Acknowledge Mana Whenua as the indigenous people of Tamaki Makaurau Auckland and recognise the significant role they play in sustaining the region. Accord value and celebrate Te Ao Maori (the Maori world view, culture and values) as a core element of the region’s identity.”

In response to the Framework and sustainability challenges, Mana Whenua have developed their own sustainability Framework in parallel, “Te Kohao o te Ngira”.

The Mana Whenua Framework (*Te Kohao o te Ngira*) offers a useful tool in recognising and understanding the role and responsibilities of Mana Whenua in contributing to the region’s sustainability.

This document was written in part by Mana Whenua so the force of this document in terms of Maori outcomes and principles has significant support within Auckland.

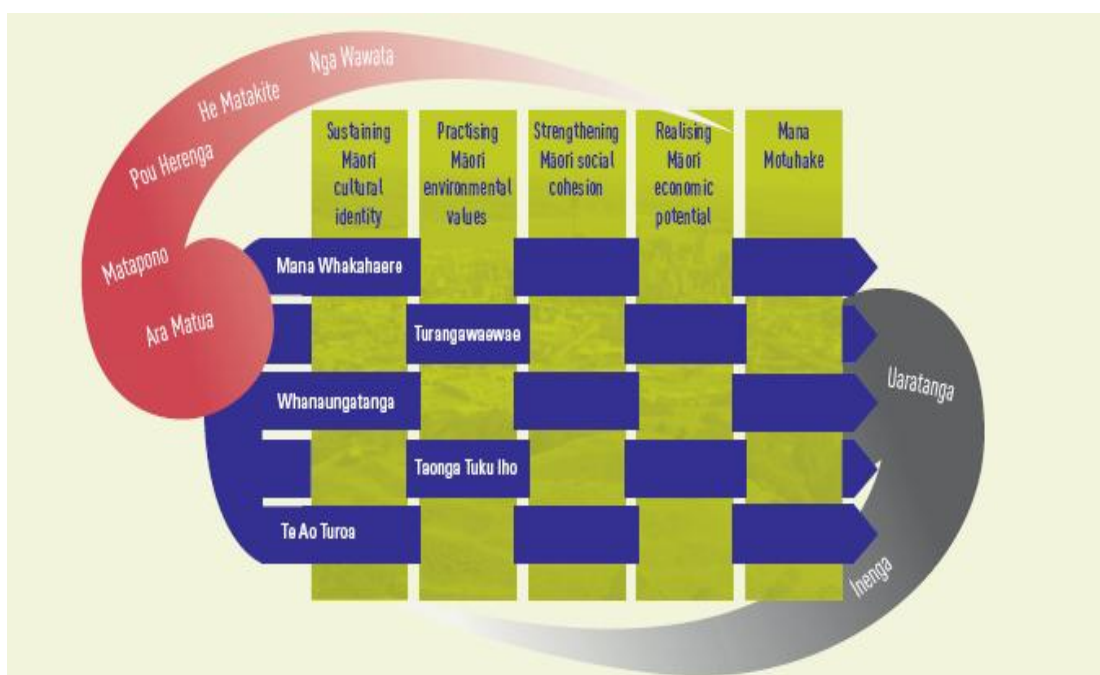


Figure 1. Mana Whenua Sustainability Framework / Te Kohao o te Ngira

4.2 Iwi Management Plans

The Resource Management Act 1991 (RMA) describes an iwi management plan (IMP) as "...a relevant planning document recognised by an iwi authority and lodged with the council". Section 2 of the Act defines an iwi authority as "the authority which represents an iwi and which is recognised by that iwi as having authority to do so".

IMP's must be taken into account when preparing or changing regional policy statements and regional and district plans (sections 61(2A)(a), 66(2A)(a), and 74(2A)(a)) The RMA establishes three criteria for IMP's to be taken into account when making plans under the RMA; they must be:

- recognised by an iwi authority
- relevant to the resource management issues of the region/district
- lodged with the relevant council(s).

IMP's can assist in implementation of the Act by:

- guiding councils in giving effect to Part 2, particularly sections 6(e), 6(f), 6(g), 7(a), and 8
- informing the preparation or change of regional policy statements and regional and district plans
- informing the preparation and assessment of applications for resource consent.

The following Iwi Management Plans meet the criteria and must be taken into account in the preparation of the Unitary Plan²:-

- Te Iwi o Ngatiwai Iwi Environmental Policy Document 2007
- Whaia to Mahere Taiao a Hauraki – Hauraki Iwi Environmental Plan 2004
- Ngati Paoa Resource Management Plan 1996
- Nga Tikanga o Ngaati Te Atta 1991
- Te Kawerau a Maki Resource Management Statement 1995
- Waikato Iwi Management Plan 2007
- Ngai Tai Kaitiaki

The following Iwi Management Plans are currently in preparation and may be completed prior to notification of the Unitary Plan:

- Te Wahapu o Kaipara Manaakitanga – South Kaipara Takiwa Environmental Protection and Management Plan
- Ngati Whatua o Orakei

Note:

The Marine and Coastal Area Act 2011 also recognises that where customary marine title is granted IMPs must be recognised and provided for on matters relating to resource consents. Mana Whenua are able to refer to their own IMP when making decisions to accept or reject a resource consent application. IMPs must be attached to the relevant plans and then integrated into the Plan at the point of review.

² Based on an inventory prepared by Auckland Councils Maori Strategy and Policy team.

4. Context

Current situation

There are two general Māori audiences in the Auckland region – Mana Whenua and Matawaka.

In terms of Mana Whenua there are many iwi and hapu who have a connection to the Auckland region. These iwi include Ngati Wai, Ngati Whatua, Marutuahu, Waiohua and Waikato. The iwi and hapu in more cases are represented by a tribal entity who advocate for their tribal interests.

Matawaka are those Māori who have chosen to settle in Auckland, however their turangawaewae (place of origin) is outside the region. The two largest Matawaka groups in Auckland are Nga Puhi and Ngati Porou both having a profound connection to the Tamaki and Hauraki tribes through marriage and land association.

Matawaka's contribution to the resurrection of Māori culture and the language is enormous. Some of the leading figures in literature, academic endeavor and scientific research come from outside of Auckland. They provide services across the social landscape in some cases are the most significant providers of social and community services (Te Waipareira Trust).

Treaty settlements

Currently Mana Whenua are involved in 20 separate negotiations within the Auckland region which will be completed within two to five years. These settlements will comprise of commercial and cultural redress at an estimate of \$250 million. The settlements in the Auckland region will benefit 50,000 iwi members.

Treaty settlement legislation (includes iwi settlement legislation, fisheries, aquaculture and coastal settlements) will clarify the mandate, and the geographic areas of iwi authorities. This provides the Auckland Council with the added confidence to enter into relationships knowing there is a clear mandate while also assisting iwi to engage without the need to justify their engagement. Treaty settlements may also require the Council to enter into a relationship agreement such as a Memorandum of Understanding (MOU) with that iwi.

The types of relationships that are being proposed under current negotiations include joint management arrangements over the volcanic cones or co-governance relationships such as that established through the Waikato River Settlement. This example will set the benchmark for future relationships with iwi with respect to managing other regional resources as a means of improving decision making.

While Treaty claims are ongoing and not yet settled, it is possible to provide mechanisms in the RMA context in anticipation of iwi or hapu settlements. For example, conditions in resource consents may provide for a future review of policies or plans, or resource consents to take into account matters arising from a finalized Treaty settlement. Similarly, plans may provide provisions recognizing an intention to undertake plan changes or variations to a plan to provide for Treaty settlements.

Existing Plans

Recognition within Regional and District Plans of Treaty settlements

To date there has only been two complete full and final land settlements in the Auckland region – Te Uri o Hau and Ngati Manuhiri. These settlements are at the northern-most part of the Auckland region. The Waikato Raupatu settlement covered parts of the Auckland region although there are still some outstanding claims in relation to the Manukau Harbour and East Wairoa Blocks. Small commercial redress over the railway lands was settled with Ngati Whatua and Ngati Paoa while a cultural redress property was returned to Ngati Paoa at Waiheke.

The legislation arising from Treaty settlements provides a clear direction to Council's, as agents of the Crown to recognise and provide for the Treaty outcomes. This can be through measures such as co-governance (Waikato River Claim) and the inclusion in Plans of specific provisions acknowledging the settlements. The Manukau District Plan, Auckland Isthmus District Plan and Auckland Regional Coastal Plan are good examples of where Treaty Settlements have been recognised.

The Auckland legacy plans were reviewed in terms of their approach to the Treaty of Waitangi (te Tiriti o Waitangi). Most plans contained the following common themes, however the level of information provided and value these sections added to the Plan as a whole varied.

Some of the common approaches are described below:-

Maori strategy

The majority of plans provide a chapter on Maori issues / perspectives within the region or district. This section usually outlines the Council's statutory requirements to achieve the purpose and principles under Part 2 of the Resource Management Act (RMA), and makes reference to Council's obligations under the Treaty of Waitangi. These can be written in partnership with Maori or as in the Manukau District plan example can include a Te Reo version of the text.

In practice, unless objectives and policies or strong linkages back to the Maori strategy are integrated throughout plans this section has the potential to be overlooked. The draft Auckland Regional Policy Statement is a good example of how the Treaty of Waitangi matters have been integrated throughout the entire Plan.

Cultural heritage / waahi tapu

The Heritage chapters of Plans usually identify how the adverse effects of subdivision, use and development on sites of significance to Maori such as midden sites, waahi tapu and other taonga are identified and protected within the Plan.

Some Plans do not specifically list areas of waahi tapu at the request of Maori due to the culturally sensitive nature of these features. This has meant that the recording of these sites is held in a number of places, and not always easy to find. Where cultural heritage and waahi tapu are identified in plans, methods are included to ensure that they are considered and protected. A number of plans also include accidental discovery protocols for earthworks in the likelihood anything is discovered.

Where cultural heritage information is not included in Plans there is a heavy reliance on consultation with Iwi to identify these values and features. If it is not clear from the Plan that Iwi consultation is required there is the potential for this to be overlooked and valuable sites and features to be destroyed or lost

This view is now beginning to change with a number of groups wanting to identify their sites in Plans and have started a lot of the work already, through Treaty settlement processes. This would have a positive effect on development by providing more certainty in Plans.

Rural zone provisions

The Manukau, Papakura, Franklin, Waitakere and Rodney Plans comprise the majority of rural zoned land within the Auckland Region. Earthworks, subdivision and farming activities have the potential to adversely affect cultural values/interests in rural areas.

These plans all make specific reference to Māori values within the issues, objectives and policies of their rural chapters.

Zoning / Overlays

In general most plans did not have a separate Māori land zone or overlay to recognise traditional activities and practices or cultural values associated with a particular area.

Some good examples that were found of how zoning and overlays have been applied include the Manukau District Plan and Auckland Isthmus District Plan where zoning has been used to enable papakainga and marae to establish outside of traditional growth areas.

The Manukau District Plan has a Papakainga and Maori Purpose Areas zone and the Mangere Puhinui Heritage zone that provide for Maori traditional land uses such as papakainga and marae to establish with some certainty, whilst protecting important cultural resources such as Otataua Stonefields Historic Reserve.

The Auckland Isthmus Plan has a special purpose 4a and 4b zone, which provides for the papakainga and whenua Rangatira lands that have been defined by the provisions of the Orakei Act 1991 (Treaty settlement legislation). Provisions contained in the zone ensure scope for their continued occupation of the land in a manner that is in keeping with their cultural needs, while ensuring any effects generated by activities within the zone do not adversely impact both between the areas or the amenities of the neighbouring sites.

The Auckland Regional Coastal Plan identifies Tangata Whenua Management Areas (TWMA) within the Manukau Harbour. These areas recognise that local Maori as Kaitiaki of the lands in question, and their historical association with the maintenance of natural and ecological values over several centuries. The TWMA recognise the customary rights, responsibilities, and relationships of the Maori with their ancestral taonga over these areas. The number of these within the Auckland region are likely to increase, as there are a number of claims in process over the foreshore and seabed at present.

Co-governance / Co-management agreements

A number of co-management agreements currently exist between Mana Whenua and Councils within the Auckland region. These have been a result of council policy to enable Maori to fully participate in resource management processes. Some examples of this are the Te Pukaki Tapu o Poutukeka / Pukaki Explosion Crater (Lagoon) Historic Reserve and Waiomanu Reserve in Manukau city, are both co-management agreements which were signed with the former Manukau City Council to enable co-management of Maori taonga that is in Council ownership. At present, these are the only co management agreements in the Auckland region, which have been finalised outside of the treaty settlement process.

A key point of difference with Pukaki Crater, however, is that the crater floor is Maori owned land. This existing joint ownership arrangement sets this site apart from the rest and presents both Council and Te Akitai with an opportunity to develop a leading example of co-management.

Equally, the Waiomanu Reserve co-management agreement is also unique as the reserve is situated on the coast where iwi have other customary waahi tapu interests. Both agreements were signed at the end of 2010. The currency of these agreements enables the potential to develop a new model triggered by the RMA rather than the Treaty settlements.

Co-governance considerations are being currently explored between Auckland Council and Nga Mana Whenua o Tamaki, the iwi collective consisting of 11 iwi / hapu and two individual agreements in principle with Ngati Whatua o Orakei and Te Kawerau A Maki in regard to the management of some of the volcanic cones within the region.

A Co-governance / Co-management Framework for Auckland

Within the Auckland region the Treaty settlement process is well underway with approximately 20 iwi groups at different stages in the negotiation process. The settlement process will enable

clarity and affirmation of Maori customary interests in the region, and the resultant settlements will strengthen collective views for Mana Whenua of their right to participate in governance.

The development of a co-governance / co-management framework is currently being investigated by Council as means to clarify the role of the Treaty in the context of the Auckland region and would acknowledge the role that the Treaty has to play in the region as well as provide guidance for how Council can interact with Maori, both Mana Whenua and Mataawaka.

The co-governance / co-management framework would provide guidance for parties involved and enable a consistent and integrated approach to managing natural resources along with enhancing Maori values in decision making. It will be important that there is opportunity for equal partnerships to establish to make it a success.

In this context, the following factors are regarded as crucial to the success of co-management:

- A relationship based on mutual trust
- Political commitment and leadership
- A formal framework for shared decision making
- An acceptance of parties' 'bottom-lines' or 'non-negotiable'
- A mutually acceptable process for working through issues
- Adequate capacity and resourcing of both parties
- Good dispute resolution processes
- A well defined group with a clear focus
- Expert input available but not dominant³

The Mayoral Office, Executive leadership team and senior management team are developing a Council position statement in lieu of a Treaty framework, while the Maori Strategy and Relations unit will lead across council a policy process for the Treaty framework. This will enable council officers to progress various work programmes associated with treaty settlements in addition to scoping Maori engagement needs and maintaining levels of engagement in particular existing iwi relationship agreements or memorandums of understanding.

³ Manukau City Council (2007) Report to Treaty of Waitangi Committee: The co-management of Manukau Parklands by Manukau City Council and Mana Whenua.

5. Significant Issues

Issue 1 – Early, effective and meaningful engagement with Maori

Early, effective and meaningful engagement with Maori is vital, in meeting Councils responsibilities under Part 2 of the RMA to the plan development and decision making.

The Unitary Plan deals with regulatory matters that involve the use of land and water which can have considerable impact on iwi and hapu interests. Maori participation in the development of the Unitary Plan is complex. Under the RMA, Maori are identified as having an important role in inputting into Plan development they are seen as advisors in terms of Maori values, interests and practices, and hold essential information, such as the location of taonga.

Within the Auckland region, there are a number of mana whenua groups, Treaty settlement collectives and Mataa waka organisations. These groups need to be engaged on a number of levels (governance and technical), following appropriate protocols.

Maori knowledge is a taonga (treasure) in its own right, it is important to consider intellectual property rights and protocols carefully when managing this information. Some information may not be appropriate to be included in the plan, however Council can assist by managing the information obtained in a way that can support Iwi into the future.

Explanation

The legacy Councils had different approaches for engaging with Iwi. Their approach of who to consult, on what and when was not always identified within the Plans. It will be important to make it easy for users of the Plan to easily identify which groups to consult with, about what and when.

A consistent approach for consultation with Iwi for the new Auckland Council is currently being developed by the Maori Strategy and Relations team. The department is responsible for providing guidance to council on Maori considerations in policy, planning, research and evaluation. They are also responsible for stakeholder engagement, relationship management, bicultural development and training, and Māori protocol and process information and activities.

The Unitary Plan team seeks to commence consultation with Maori as soon as possible. However there are currently delays in being able to commence this work due to a review of how Council undertakes consultation on all of its Plans. There are a number of Plans being consulted on at present (Local Board Plans, Unitary Plan, Auckland Plan and Annual Plan etc). The Maori Strategy and Relations team are seeking to establish an Iwi Consultation team that will coordinate all of the consultation on all Plans including the Unitary Plan. This should avoid duplication of consultation and a drain on resources of both council staff and iwi.

It is still up to Iwi groups to confirm how they wish to engage, so the logistics of this may take longer once the internal Council structure and process is resolved. While we are able to start talking informally to some groups, until the technical iwi representatives have been mandated at a governance level there is the risk we may be talking to the wrong people.



Figure 2. A powhiri (welcome) onto a Marae.

Broad approach

Regulatory

- Develop a policy framework that clearly identifies when and what matters Maori should be engaged on, and what matters should be considered. (Aligned with Māori Strategy and Relations guidance / structures for consultation with Iwi)
- Explore the use of maps / overlays to indicate which groups may have a particular interest over an area
- Provide clarity within the Plan on when Iwi Management Plans should be considered.

Non regulatory

- Develop protocols to align with Council wide processes currently being developed by Māori Strategy and Relations for consultation with Iwi.
- Utilise existing research and information to develop toolkits to assist the public and practitioners on how to engage with Maori. Work with Maori to develop appropriate methods that would be acceptable to address particular issues.
- Funding to Maori to develop Iwi Management Plans (Council officers to work with them to develop these so they can be used in a meaningful way).
- Funding to Maori to provide technical inputs into a range of resource management matters to help build their capacity to fulfil their requirements under the RMA;
- Monthly hui facilitated by Council to enable RMA issues to be addressed.
- Protocols established
- Funding for Maori to work with Council to develop tool kits and practice notes, to help minimise duplication of consultation
- Information management software / websites managing knowledge gained through consultation

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- Explore the use of GIS layers to indicate which groups may have a particular interest over an area and list of key contacts.
 - Through an integrated engagement approach identify which iwi need support in generating their own cultural maps, and work in partnership to establish protocols around the design and use of this information.

Issue 2 Co-governance / Co-management

Councils role / requirements

The establishment of the new Auckland Council in November 2009, has provided the opportunity to re-examine existing relationships between Council and Manawhenua, and develop more responsive arrangements.

A number of relationship agreements and memoranda of understanding exist between the legacy Councils and some Manawhenua groups in the region. These documents provide a useful foundation upon which to build future co-management agreements.

Co-governance / co-management as a tool for managing resources is increasingly being proposed as a method of addressing part of the settlement claims. As Iwi continue to engage with the Crown over Treaty settlements, partnerships with Council and other agencies concerning the management of natural and physical resources is likely to increase.

An effective governance entity is about establishing co-management arrangements and building relationships and social capital. Council has a role and obligation to develop relationships with Maori to enable and enhance opportunities of leadership in the form of vision and goals.

Explanation

There are a range of options for how co-governance can be enabled, from full transfer of powers (s33 RMA) at one end of the spectrum, to a non-statutory "Memorandum of Understanding" that sits outside of the RMA. In between these two extremes are a range of options for co-governance / co-management arrangements to occur.

A governance position will clarify the role and decision making position of iwi and the nature of the relationship iwi will have with council. Co-governance clarifies the dual decision making roles. Co-management clarifies the dual execution of decisions through agreed protocols on how best to manage natural and physical resources.

The comparative lack of resources available to Mana Whenua groups is often a major obstacle to their effective participation in co-management. For that reason, co-management arrangements should also consider issues of capacity building as a primary focus.

Broad approach

Regulatory

- Development of policies that provide clear guidance at a RPS level on when opportunities for co-management arrangements should be considered e.g. management of natural resources, Maori land, cultural heritage, reserves, coastal marine area etc;
- Provide guidance within the policy framework as to when Iwi should be involved in decision making processes (eg. As commissioners on Hearings panels), or where specialist input is required (cultural heritage assessments).
- In consultation with Iwi give effect to any co-governance / co-management agreements that arise through the Treaty Settlements through the policy framework of the Plan.
- Overlay maps in the Plan identifying co-management agreements exist and the development of objectives and policies that provide clear guidance on how the co-management agreements work.
- Consider including a schedule to the Plan which references co-management agreements.

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- Consensus on a co-management definition

Non Regulatory

- Development of a co-management framework for the Auckland Council that show cases the spectrum of co-management arrangements that can be used (s33 Transfer of Powers, through to non statutory Memorandums of Understanding), and guidance on situations where they can be applied and the tools required to give effect to them.
- Develop tool kits that explain how co-management works and when it could be applied including best practice examples to promote co-management as an accessible and user friendly management method;
- Review and update the current database of co-management agreements that exist between Auckland Council and Iwi.
- Develop a GIS layer that identifies where co-management agreements exist (between Iwi and Council, and also other agencies). Create a database to record the details of those agreements including:
 - the areas over which the co-management occurs;
 - the type of arrangement in place;
 - who is involved;
 - the scope of the arrangement.
- That Council and Maori are actively engaged in the development and implementation of all policy relating to co-management including treaty settlements outcomes in other areas of Council other than the Unitary Plan.
- A cohesive funding framework is introduced to adequately resource a continuum of service delivery including support programmes for iwi with limited capacity and capability to be fully engaged and involved in the co-management process, Maori community initiatives, community development, Maori services, technical support, registration of waahi tapu, monitoring functions, iwi involvement in Council processes that have an impact on matters of significance and long-term support. It is not yet known whether funding would be more appropriately provided through department specific funding or through the Long Term Plan.
- Central and local government, community groups and Maori concerned with co-management, to work collaboratively to develop and implement local strategies with culturally appropriate solutions, informed by overseas and local good practice and including standardised data collection processes which can be monitored and evaluated.

Issue 3 - Recognition of the Maori view of sustainability

The integration of Maori values and traditions into sustainable management approaches provides an innovative approach for strengthening cultural identity.

Mana Whenua principles that conserve, protect and value ecosystems as integral to human life, can assist to both sustain and enhance natural resource use.

Maori, like other indigenous communities throughout the world, have their own planning systems, values, philosophies, attitudes, traditions, relationships and processes for making decisions. These are dictated by Maturanga Maori and te reo me ona Tikanga (language and custom).

Working with tikanga Maori enables formerly marginalised indigenous principles to be expressed and celebrated in the material practices of our contemporary culture. While founded on traditional concepts, such indigenous practices will have new knowledge embedded within them.

There is formal recognition at national, regional and local levels of the importance of the Maori world view of living in harmony with nature and our environment as a whole.

Participation of Maori in resource management processes and the recognition of the Maori world view, culture and values in resource management planning can play a significant role in sustaining the region.

Explanation

Integration of Maturanga Maori and Tikanga into Plans

Mana Whenua seek to be embedded in the resource management process to ensure that their knowledge, values and aspirations guide the way in which natural and physical resources are sustainably managed and used.

The Auckland legacy plans do not provide a consistent approach to the recognition of Maturanga Maori and Tikanga in the sustainable resource management of Auckland's natural and physical resources.

Mana Whenua have developed a sustainability framework in parallel to the Auckland Sustainability Framework. The Mana Whenua Framework (*Te Kohao o te Ngira*) accords value to Te Ao Māori (the Māori world view, culture and values) as a core element of the regions identity. It offers a useful tool in recognising and understanding the role and responsibilities of Mana Whenua in contributing to the region's sustainability. This can help to inform how the Unitary Plan integrates Maturanga Maori and Tikanga into the Plan.

Utilisation of indigenous knowledge and research

In developing the Unitary Plan consultation with Iwi will help to enhance our understanding of these traditional values and concepts. It is important that this information is captured in a meaningful way. A large amount of Maori knowledge has been lost in New Zealand from many previous generations, for many tribes, research for Treaty of Waitangi claims has been a catalyst for recording cultural knowledge and a positive way for developing a research capability.

A number of institutes both within New Zealand and internationally have undertaken research into indigenous concepts, values and knowledge for sustainable development. Research undertaken in New Zealand to date provides examples of how Maori knowledge can help to improve the understanding of catchment and ecological processes. An example of how this could be applied is through research on the development of taonga lists (species of flora and fauna that represent good ecosystem health) as a traditional form of monitoring.

Indigenous research can help inform the development of sustainable management principles that integrate Maori knowledge and traditions. These principles could then be used to provide an integrated approach to informing the development of policies and methods for sustainable management while integrating Maori values throughout the Unitary Plan.

Broad approaches

Regulatory

- Develop integrated urban design policies and sustainable development policies for the Unitary Plan that integrate Mātauranga Māori, tikanga and the core principles of the Mana Whenua Sustainability framework; / Te Kohao o te Ngira within them so that there is true integration of Maori values into the policy framework of the Unitary Plan;
- Development of cross region objectives and policies that acknowledge Maori concepts and indicators as legitimate approaches to sustainable management of certain resources (where supporting Indigenous Research has been undertaken to support this);
- Utilise knowledge contained in existing Iwi Management Plans in the development of a Policy framework to ensure Maori values are given appropriate consideration in development of resource management techniques;
- Development of design principles for the sustainable development of Marae and Papakainga in an urban context, including approaches such as low impact design approaches, rain water tanks, community gardens, traditional principles to site layout, encourage a range of communal facilities and common spaces that reflect local identity.
- Development of policies that support the identification of areas that have significance to Maori in growth areas to develop appropriate ways to reflect Maori values;
- Explore the development of policies that encourage opportunities for food production in parks, such as vegetable gardens, fruit trees and bee hives.
- Explore options to develop standards for the design and use of natural systems (e.g. wetlands, streams) to enhance cultural sites and control and reduce erosion, sediment, and reduce off site impacts of sensitive areas.
- Explore options to reduce disturbance and modification to culturally significant areas (e.g. pa, papakainga, wahi taonga, wahi tapu, mahinga kai, whai kaimoana) using low, medium impact design and development).
- Explore options for mandatory freshwater buffer zones / fencing of waterways
- Explore the development of policies that will encourage the introduction of native vegetation and taonga species to culturally significant areas to enhance cultural values, and to reduce runoff and stormwater, increase of use and application of rain gardens using taonga species, recreate habitats based on Maori values.
- Explore options for culturally appropriate design for sewerage reticulation, sewage disposal and treatment, effluent treatment, elimination of sewage directly entering waterways and coastal areas.
- Explore the development of policies that consider the use of alternative methodologies for valuing cultural resources, cultural sites, and other taonga in urban environments when assessing applications for resource consent.

Non regulatory

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- Develop a shared vision for sustainable development with mana whenua, Mataa waka and the wider community which promotes an Auckland society based on eco centered sustainability -
 - Research international best practice in indigenous approaches to sustainable management
 - Support the ongoing development of indigenous knowledge research that will support the continued integration of Maturanga Maori as a means of sustainable management within the Unitary Plan and work with Maori to develop case studies and tool kits to apply them to the Auckland context.;
 - Develop a Maori values classification of all the types of information that could be recorded, and the development of a structured framework and database within which all information could be stored taking into account, resolution, detail, sensitivity of information, confidentiality, acknowledgement and cultural and intellectual property rights.
 - Opportunities for joint ventures are explored between the private, public sectors and Maori which employ innovative, sustainable technologies e.g. energy production
 - Maori with expertise in design, planning and implementation of natural sustainability in urban environments are engaged by local government to assist with spatial and city planning
 - Develop a research and development program to study international, national models and initiatives which support Maori participation and partnership in sustainable development.

Issue 4 – Providing an environment for Maori Economic Development

Maori economic development and the growth of the Auckland economy are closely intertwined. Improvements in one will have positive benefits for the other. Both are underpinned by the same key drivers: skill and talent, innovation and technological change, investment, entrepreneurship, and sound institutions. Maori and the interests of the wider community are complementary and Maori success does not detract from or lessen the prospects of other New Zealanders.

There is currently untapped potential to grow Maori enterprises in the primary and tourism sectors and through opportunities for indigenous research and innovation within the Auckland region.

Explanation

In terms of collective Maori contribution to the economy, the advent of Treaty Settlements occurring in the Auckland region for approximately 20 iwi groups over the next few years will result in Maori becoming a key player in the Auckland economy.

While these groups may have the same goals and objectives as the wider community, there are some key differences in terms of the practices and processes employed by Maori. A key point of difference for iwi is that, membership is involuntary and based on whakapapa. Rights are not generally traded or tradeable. Decisions involving incompatible preferences are resolved by other, often political means.

A key focus for iwi is on the need to keep reinvesting in their communities in order to meet their values and aspirations. The type of investments they make are usually through educational grants and other more socially oriented community based ends that may not result in any direct or tangible benefit to the business, but can provide wider benefits to the local community.

Broad approach

Regulatory

- Identify and map Maori land within the Plan, consider the use of zones or overlays to describe the type of land and to develop a policy framework and provisions that will help to overcome barriers to development;
- Work in partnership with iwi to explore options for concept or master planning (iwi spatial plans) of key sites on Maori land or within Growth Areas to enable opportunities for economic development, tourism, protection and enhancement of cultural heritage values, provision of communal infrastructure and community facilities such as papakainga and marae;
- Develop a policy framework, cross region rules and development standards that provide a flexible approach for traditional land uses such as papakainga and marae to establish and develop in a variety of forms, densities and locations within the Auckland region.
- Explore opportunities for a waiver of development contributions, reserve contributions on Maori land;
- Working in partnership with Treaty Settlement collectives to translate the outcomes of (finalised) Treaty Settlements within the Plan to enable Maori to fully realise their social, economic, environmental and cultural aspirations for this land;
- Explore opportunities and techniques for Maori involvement in resource management through co-governance on appropriate matters from section 33 transfer of powers, or s36(b)-(e) inclusive joint management or other non-regulatory measures such as a memorandum of understanding;

Non regulatory

- Work with Iwi to develop a series of tool kits / protocols to educate Planners / developers and the public on the range of issues identified in this report;
- Funding and capacity building (public / private partnerships) to enhance opportunities for Maori to develop their land;
- Work with Council's Finance department to develop a rating policy that will recognise the constraints of Maori Freehold Land;
- Develop a work programme to assist Maori with Papakainga development proposals;
- Support the establishment of a forum where social infrastructure providers (central government, council, iwi) come together to develop unified approaches to growth areas and identify potential for joint delivery of infrastructure and to overcoming barriers to development for Maori;
- Build the capacity of Maori to respond to resource management issues within the Auckland region through the establishment of Mana Whenua technical forums, development of tool kits, GIS / Information Management systems, Iwi Management Plans and supporting the development of indigenous research;
- Develop a shared vision for sustainable development with mana whenua, Mataa waka and the wider community which promotes an Auckland society based on eco centred sustainability;
- Support the ongoing development of indigenous knowledge research that will support the continued integration of Maturanga Maori as a means of sustainable management, and work with Maori to develop case studies and tool kits to apply them to the Auckland context;
- Maori with expertise in design, planning and implementation of natural sustainability in urban environments are engaged by Council to assist with spatial and city planning .

Issue 5 - Sustainable growth planning for Maori land

Indigenous knowledge regarding tradition, history and the landscape means that indigenous people may aspire to settle and develop specific locations. Indigenous perceptions of growth planning may focus on different growth centres, and have different goals to those considered by local government and the wider community.

There is a desire by Maori to return to their ancestral land in a sustainable manner. In order to achieve this appropriate employment, housing and investment in infrastructure is required.

In order to understand how Maori may wish to manage and develop Maori land, it is important to understand where it is located and what values, opportunities and constraints are associated with the use of the land. It is important that the complexities associated with all types of Maori land are understood in order that Maori can develop and manage their land in accordance with their own needs and aspirations.

Explanation

There are a number of different types of Maori land that exist within Auckland, the ownership structure and legislation such as the Te Ture Whenua (Maori Land) Act 1993, and recent Treaty Settlement Legislation adds further complexity to the way this land should be managed and developed. (A summary of the different types of Maori land and the legislation associated with them is included in Appendix A).

Maori freehold land is only a small proportion of Auckland and usually has multiple owners, sometimes hundreds. Maori freehold land is administered under the Te Ture Whenua (Maori Land) Act and is not held in general title. For this reason the development of this type of land needs to follow different process and is often very difficult to develop in an economic manner.

Treaty settlement land is the land that is returned or identified (as first right of refusal for purchase) through Treaty Settlements. Treaty settlement land is held in general title. Despite this, it can be subject to a range of restrictions, including restrictive covenants and existing designations. The land is returned by the Crown, based on an understanding of the range of uses available through the Operative Plan provisions. The Unitary Plan review needs to take account of this when reviewing zoning, overlays or provisions to ensure the Plan does not limit the ability for Iwi to develop the land in accordance with the intent of their settlements.

All types of Maori land have the potential to provide for affordable housing, particularly where it is near urban areas. Maori as a group within NZ experience disproportionately poorer housing situations compared with the rest of the population. There is a long history of government assistance but mixed success. Multiple agency involvement is key to effective development of Maori land. The Council can assist by overcoming barriers to development of Maori land and working in partnership with Iwi to undertake detailed planning for Maori land. This can help to create a clear vision for the future for sustainable development of Maori land for Maori in Auckland.



Figure 3. Mangere Gateway Heritage Area is an example of how spatial planning can help to balance Maori values and growth

Broad approach

Regulatory

- Identify and map Maori land within the Plan, consider the use of zones or overlays to describe the type of land and to develop a policy framework and provisions that will help to overcome barriers to development.
- Work in partnership with Mana Whenua to explore options for concept or master planning (iwi spatial plans) of key sites **on Maori land** to enable opportunities for economic development, tourism, protection and enhancement of cultural heritage values, provision of communal infrastructure and community facilities such as Papakainga and Marae. (Note: Some Mana Whenua groups have also indicated the desire to do their own spatial planning, independent of Council);
- Work in partnership with Treaty Settlement Collectives to translate the outcomes identified through Treaty Settlement Legislation into the Unitary Plan;
- Develop a policy framework that acknowledges the values, opportunities and constraints for providing traditional land uses on Maori land within the region
- Develop a policy framework and cross region rules and development standards that provide a flexible approach for traditional land uses such as Papakainga and Marae to establish and develop in a variety of forms, densities and locations within the Auckland region.
- Explore options for section 33 transfer of powers over certain types of Maori land;

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- Explore opportunities for waiver of development contributions, reserve contributions on Maori land and Treaty Settlement land, (e.g. if the land is being developed for affordable housing / community facilities that benefit the wider community);
 - Explore approaches such as low impact design approaches, rain water tanks, community gardens, traditional principles to site layout, encourage a range of communal facilities and common spaces that reflect local identity.

Non regulatory

- Develop a series of tool kits / protocols to educate Planners / Developers and the public on development of Maori land;
- Integrate Maori values into the development of sustainable design and urban design guidelines to enable true integration of Maori values to be translated into the built form for the Auckland region;
- Funding and capacity building to enhance opportunities for Maori to develop their land
- Explore public private partnerships to develop Maori land
- Development of a rating policy that will recognise the constraints of Maori Freehold Land
- Develop a work programme with Maori to assist with Papakainga development proposals.
- Promote investment in social infrastructure where the greatest benefits are achieved
- Consider public private partnership with Maori stakeholders in the supply and provision of infrastructure to reduce capital expenditure for council and promote economic opportunity for Maori.
- Support the development of a forum where social infrastructure providers (central government, council, iwi) come together to develop unified approaches to growth areas and identify potential for joint delivery of infrastructure and to overcoming barriers to development of Maori land.

Issue 6 - Sustainable growth planning for Maori communities

Facilities such as Marae and Kohanga reo are valuable institutions that contribute to Maori and wider community development. In order to enable them to be sustainable they need to provide for a mix of activities to enable them to function as centres of cultural, social, health, cultural and economic activities. As a focal point for Maori and tribal development Marae are often the desired site for papakainga developments and housing for kuia and kaumatua.

Urban Maori may not have a historical association with the land in which they live. However, they do have a desire to reconnect with their culture and traditions in these areas. The cost of housing in Auckland means it is unaffordable for a lot of Māori to own their own home and there is increased demand for affordable housing within the Auckland region. With the onset of Treaty settlements, Mana Whenua groups are becoming larger land owners within the region it is likely that some will explore opportunities for investing in affordable housing / papakainga developments for their people.

The traditional models of marae and papakainga development may not fit well within an urban context. Alternative approaches to urban form and design outcomes are required in order to maximise economic opportunity, social well-being, cultural diversity and environmental health for Maori in urban areas.



Figure 4. Auckland University Marae is an example of a traditional marae set within at urban context

Broad approach

Regulatory

- Develop a policy framework that acknowledges the values, opportunities and constraints for providing Papakainga, Marae and other Māori community facilities within a contemporary context within the region;
- Work in partnership with Mana Whenua to explore options for concept or master planning (iwi spatial plans) of key sites **within growth areas**, to enable opportunities for economic development, tourism, protection and enhancement of cultural heritage values, provision of communal infrastructure and community facilities such as Papakainga and Marae;
- Develop a policy framework and cross region rules and development standards that provide a flexible approach for Papakainga and Marae to establish and develop in a variety of forms, densities and locations within the Auckland region;

*Non regulatory*ⁱ

- Public / private partnerships Council to work with government agencies, Maori communities to identify development opportunities and funding.
- Tool kits and case studies that highlight Maori projects and research which employ natural sustainable development principles and practice to inform planning and design in urban spaces for Papakainga and Marae;
- Maori with expertise in design, planning and implementation of eco-development in urban environments are engaged by local government to assist with spatial and city planning
- Develop a research and development program to study international, national models and initiatives which support Maori participation and partnership in sustainable development.
- Explore opportunities for protecting and recognising Maori traditional sites in the region, via better storm water and indigenous planting and supporting the 'Green City' ideas for more green space, eco streets, green buildings and ecological corridors (that will strongly feature indigenous plantings).
- Use of the Maori language in describing sustainability and urban design concepts to give it a truly New Zealand feel. For example, explore the idea of "Atea" spaces, as opposed to them all being called plaza's or piazza's.
- Promoting the idea of indigenous precincts within the city and facilities for cultural pastimes such as kapahaka, waka ama, mau rakau etc."

Issue 7 – Recognising the desire of Maori to connect with their traditions and the land

Protecting the biological diversity of our native plants and animals along with the right to use and derive benefit from them is a valuable foundation for the traditional practices of Maori.

Rural areas contain most of the region's freshwater resources, the largest areas of remaining biological diversity in the region, and places, areas or sites of historic heritage value and of significance to Maori.

Productive use of rural land can conflict with the protection of these resources due to the impacts of certain agricultural practices, land development and construction activities, and general land management practices such as lack of weed and pest control and allowing stock in streams.

Rural production activities give rise to soil erosion and loss of soil productivity, sediment and other contaminant discharges, loss of riparian vegetation, drainage of wetlands, weed invasion and pest damage to all ecosystems and habitats.

The provision of public open space in rural areas is important for Maori to be able to connect with their traditions and their ancestral lands.

Explanation

The majority of land in the Auckland region is no longer owned by Maori. However Maori still have the desire to connect with their ancestral lands and to undertake traditional activities. The provision of public open space in rural areas can provide this access and is an important resource for Maori. Public open space can provide access to traditional fishing grounds and food sources and can be used to harvest traditional materials such as flax for weaving.

Maori knowledge can also help to improve the understanding of catchment and ecological processes in the restoration and management of these areas, particularly where they have become degraded as a result of rural production activities.



Figure 5. Wetland areas provide traditional food sources such as eels and traditional materials such as flax for weaving.

Broad approach

Regulatory

- Develop a policy framework that provides clear guidance on measures to reduce disturbance and modification to culturally significant areas (e.g. pa, papakainga, wahi taonga, waahi tapu, mahinga kai, whai kaimoana) using low impact design and development).
- Develop a policy framework for requiring mandatory freshwater buffer zones / fencing of waterways in at risk locations
- Explore the development of policies that encourage the use of traditional Maori knowledge and practices to restore and enhance degraded ecosystems e.g. utilising alternative practices that can be supported through indigenous research.
- Develop design standards that utilise traditional Maori values and natural systems (e.g. wetlands, streams) to enhance cultural sites and control and reduce erosion, sediment and reduce off site impacts of sensitive areas.
- Explore the development of policies that encourage the development of culturally appropriate design for earthworks, sediment control, storm water discharges, sewerage reticulation, sewage disposal and treatment, effluent treatment, elimination of sewage directly entering waterways and coastal areas.
- Explore the development of policies that seek to maintain or enhance the connectivity between cultural sites and indigenous ecosystems in rural areas through the provision of public open space associated with rural subdivision and development;
- Develop a policy framework that enables traditional activities and practices to occur on public open space, e.g. community buildings for Marae, harvesting of flax, gaining access to traditional food sources;
- Explore opportunities for co-governance as well as section 33 Transfer of Powers, or section 36B-E Joint Management agreements to be formed between Council and Iwi to manage resources in areas of Public Open Space in rural areas, and over discharges to water and land.

Non regulatory

- Develop incentives / funding / rates rebates for landowners to undertake riparian planting
- Work with Maori, community groups and land owners to undertake riparian planting / restoration initiatives
- Reduce biosecurity risks to cultural areas and indigenous ecosystems by working with Maori in pest management strategies and operations;
- Promote co-management of traditional food sources with Maori.
- Restoration and enhancement projects around or near traditional food sources.
- Work with Maori to integrate Maori values and traditions into the development of best practice guidelines for land owners to manage water ways;
- Explore the use of traditional practices such as rahui (fishing bans) over areas where resources are depleted.

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- Explore non-statutory methods such as the use of Memorandum of Understanding or development of reserve management plans that recognise Iwi as a partner in managing Public Open Space in rural areas, and over discharges to water and land;
 - Work with Iwi to develop iwi management plans that explore the use of traditional practices to sustainably manage the waterways and land.
 - Incorporate the use of accidental discovery protocols within the Plan, for all activities requiring earthworks.

Issue 8 – Recognition of the Treaty of Waitangi, Maori and cultural heritage in the sustainable management of our coastal environment

The coastal environment is a place of the utmost importance to Maori in terms of the mauri (definition in glossary) of the harbours and coastal waters, and the concentration of historic sites along the coastline. A high proportion of ancestral sites are found along the coast: papakainga, pa, mahinga kai and maataitai, waahi papakainga, urupa and waahi tapu, tauranga waka (definition in glossary) and areas of cultivation.

Development has been and continues to be responsible for the destruction of numerous ancestral sites, and has resulted in the loss of natural character.

Human interventions such as structures in the coastal marine area aimed at preserving coastal property and associated activities, represent an intrusion on natural processes within this most important realm. Pollution continues to impact on the mauri of waterways and harbours and practices continue that are harmful to the mauri of waterways and offensive to Maori, such as the spreading of ashes and dredging.

It is important that resource management in the coastal environment not only controls the extent, nature and impact of development on sites and values of significance to Maori but also identifies opportunities for restoration and enhancement to ensure there is no net loss of value.

Explanation

At a national level the significance of the relationship of Maori and the coastal environment has been recognised in a number of pieces of legislation.

The New Zealand Coastal Policy Statement 2010 determines policy on how planning and decision making should recognise Maori values in relation to the coast, and the relationships Maori have with certain coastal places and resources. This includes Maori interests in protecting special sites (such as waahi tapu) and in using resources and developing places (e.g. gathering kaimoana, developing papakainga and marae).

In addition to this, current and forthcoming Treaty Settlement legislation affecting the Auckland region will recognise the historic, cultural and spiritual association that mana whenua have with certain parts of the coast. This Unitary Plan must follow this legislation and the outcomes of Treaty Settlements given effect to.

It is important that the relationship of Maori as kaitiaki of the coast is recognised through the policy framework of the Unitary Plan, and that they are involved throughout the planning process.



Figure 6. The Manukau Harbour has a significant cultural association for Mana whenua

Broad approach

Regulatoryⁱⁱ

- Involve Maori in the preparation of the Unitary Plan and in the development of marine spatial plans;
- Develop a policy framework that recognises the relationships of Maori with the coastal environment and integrates the use of traditional Maori knowledge and practices into measures to identify, manage and protect the mauri of the harbours and coastal waters, and the concentration of historic sites along the coastline.
- Explore the development of policies that encourage the development of culturally appropriate design for earthworks, sediment control, storm water discharges, sewerage reticulation, sewage disposal and treatment, effluent treatment, elimination of sewage directly entering waterways and coastal areas.
- Explore opportunities for the requirement of a cultural heritage assessment as part of the assessment of activities that are considered to be harmful to the mauri of waterways and offensive to Maori, such as the spreading of ashes and dredging;
- Consider the use of an alert layer within 2km of the coast to identify areas as requiring a cultural heritage assessment or other predictive methodologies;
- Provide clarity within the Plan where the consideration of an Iwi Management Plan (IMP) would need to be considered (if one exists for that area) or if relevant integrate IMP policies into the Plan,
- Provide funding and resources to work in partnership with Maori to develop a policy framework and undertake Cultural Heritage mapping and to identify and manage sites and areas of significance to Maori within the Plan. Agree a process for alerts and management of those sites that are considered too sensitive to include within the Plan.
- Provide opportunities for section 33 Transfer of Powers, so that Iwi can exercise kaitiakitanga in managing resources in the coastal environment, where the outcomes of decision making have an impact on cultural values and practices.

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- Promote co-management initiatives to deliver on integrated, effective and cost efficient land sea monitoring, pest and weed management, innovative development of restoration techniques, partnerships and integrated management.
 - Work in partnership with Maori to conduct a spatial analysis utilising both spatial and temporal data on direct and indirect land based stressors and develop a policy response to protect habitat and nursery areas for fish and shellfish and to identify sites of significance across the land-seascape
 - Develop a monitoring framework that incorporates Te Ao Māori (Maori values), tikanga and Mātauranga Māori.
 - Incorporate the use of accidental discovery protocols within the Plan, for all activities requiring earthworks.

Non regulatory

- Work with Maori to develop Iwi Management Plans that explore the use of traditional practices to sustainably manage the coast and taonga.
- Work with Maori to manage information / share knowledge
- Establish public / private partnerships to share knowledge, and align projects by working in partnership. An example is the Integrated Kaipara Harbour Management Group which includes a group of representatives from Council, Iwi, Government Agencies such as the Department of Conservation, Ministry of Fisheries, Forest and Bird etc, who work together on the management of the Kaipara Harbour.
- Work in partnership with key stakeholders to develop Integrated Harbour Management Strategies that identify public / private partnerships for the management of each of the harbours.
- Explore the use of traditional practices such as rahui (fishing bans) over areas where resources are depleted.
- Explore non-statutory methods such as the use of Memorandum of Understanding or development of reserve management plans that recognise Iwi as a partner in managing public open space near the coast, and over the Coastal Marine Area.
- Restoration and enhancement projects around the coast.
- Reduce biosecurity risks to cultural areas and indigenous ecosystems by working with Maori in pest management strategies and operations.
- Promote co-management of traditional food sources with Maori
- Work with Maori to integrate Maori values and traditions into the development of best practice guidelines for land owners to manage water ways;

Issue 9 – Recognising and providing for the role of Maori as kaitiaki in the management of fresh water and natural resources of the region

Maori, as kaitiaki, have developed tikanga for the care of the environment over centuries. Tikanga is the adherence to a principle or lore that denotes the correct Maori way of doing something. Kawa is the rohe- based practice of tikanga. Over time, the kawa or practice of tikanga to protect the mauri (life-force) of water has come under severe pressure from the development of land, poor waste water management and ignorance of the cultural values Maori have attached to water.

Land use practices and the discharge of contaminants to land or freshwater, can result in actual and potential adverse effects on the water quality and ecosystem of freshwater bodies, estuaries, harbours and their margins. The use, damming, diversion and artificial interference with waterways affects the mauri, wairua (spirit), and mana of the water. As kaitiaki, this is of particular concern to Maori, and has been the subject of a large number of claims before the Waitangi Tribunal, and appeals to the Environment Court.

Explanation

From the Maori world view, water represents the tears of Ranginui, the life blood of Papatuanuku, and is the domain of Tangaroa. The mauri of water is a principle determinant for sustaining Papatuanuku. The “purity” of water, its spiritual essence to cleanse, and its importance to the ongoing well-being of people is clearly understood by Maori. It is evidenced by the ritual and lore developed over centuries by Maori, to ensure that it remain a natural asset, a taonga, for generations to come.

Diverting and mixing waterbodies can bring together mauri with differing whakapapa, which can compromise and potentially extinguish the mauri (Waitangi Tribunal, Te Ika Whenua Rivers Report, 1998). Examples of this in the modern world include, polluted rivers infecting clean rivers, foreign flora or fauna spreading infection or pollution into other water ways that sustain the indigenous ecosystems. In addition to effects on the mauri of waterways, diverting and damming waterways can have a range of other impacts. There have been instances where rivers have been diverted into one of its tributaries, which, in terms of whakapapa, reverses the tuakana/teina relationship, eroding the mana of the main river. Maori in the region have successfully argued against the construction of tidal gates at Pahurehure, on the basis that such interference will decay the wairua (spirit) of the water. This decay will then affect the wairua of the greater Manukau Harbour when the gates are reopened.

Damming and diverting waterways also impacts on kaimoana and kaiawa (traditional obligations to manaaki manuhiri (host visitors)). The assumption of control over the rivers, implicit in water allocation, diversion, and construction of dams, is a fundamental issue of rangatiratanga over their taonga for Maori. This matter is closely related to the whakapapa of waterbodies.

The National Policy Statement on Freshwater Management 2011, Policy D1 also outlines Councils requirements in providing for Maori roles and interests in the management of freshwater resources. This includes taking reasonable steps to ensure the involvement of iwi and hapu in the identification, reflection and management of Maori values and interests in the management of fresh water and freshwater ecosystems in the region.

The draft National Policy Statement on Biodiversity recognises and provides for the role of Maori as kaitiaki in the development of Plans. While this is still in its draft form, it is likely to be gazetted prior to notification of the Unitary Plan. Policy 7, directs Council's to consider Maori values and interests to be incorporated in the management of biodiversity and requires active involvement of Maori in the protection of cultural values associated with indigenous biodiversity.

It is important that Council acknowledges the role of Maori as kaitiaki over these resources in the development of the Unitary Plan.

Broad approach

Regulatory

- Develop methodologies that recognise the importance of tikanga and accommodate the implementation of Matuaranga Maori as a basis for sustainable management of fresh water and natural resources;
- Develop measurable standards that embrace Maori concepts and indicators as legitimate approaches to resource management;
- Develop a policy framework that provides clear guidance on measures to reduce disturbance and modification to fresh water and natural resources using low impact design and development.
- Develop a policy framework for requiring mandatory freshwater buffer zones / fencing of waterways in at risk locations
- Explore the development of policies that encourage the use of traditional Maori knowledge and practices to restore and enhance degraded ecosystems e.g. utilising alternative practices that can be supported through indigenous research.
- Develop design standards that embrace traditional Maori concepts and indicators to in the management of freshwater and natural resources (e.g. wetlands, streams) to enhance cultural sites and control and reduce erosion, sediment and reduce off site impacts of sensitive areas.
- Explore the development of policies that encourage the development of culturally appropriate design for earthworks, sediment control, storm water discharges, sewerage reticulation, sewage disposal and treatment, effluent treatment, elimination of sewage directly entering waterways and coastal areas.
- Explore the development of policies that seek to maintain or enhance the connectivity between cultural sites and indigenous ecosystems in rural areas through the provision of public open space associated with rural subdivision and development;
- Develop a policy framework that enables traditional activities and practices to occur on public open space, e.g. community buildings for Marae, harvesting of flax, gaining access to traditional food sources;
- Explore opportunities for section 33 Transfer of Powers, or section 36B-E Joint Management agreements to be formed between Council and Iwi to manage resources in areas of Public Open Space in rural areas, and over discharges to water and land.
- Undertake cultural heritage assessment to identify and record the traditional Maori values and knowledge associated with an area. Utilise this knowledge to develop a policy framework that supports sustainable management and provides clarity on Maori's role as kaitiaki in the sustainable management of these resources.
- Develop a consistent methodology for assessing "mauri" (e.g. for each kaitiaki group)

Non regulatory

- Work with Maori, community groups and land owners to undertake riparian planting / restoration initiatives to restore or enhance degraded ecosystems in line with Maori indigenous values.

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- Reduce biosecurity risks to cultural areas and indigenous ecosystems by working with Maori in pest management strategies and operations;
 - Promote co-management of traditional food sources with Maori.
 - Restoration and enhancement projects around or near traditional food sources.
 - Work with Maori to integrate Maori values and traditions into the development of best practice guidelines for land owners to manage water ways;
 - Explore the use of traditional practices such as rahui (fishing bans) over areas where resources are depleted.
 - Explore non-statutory methods such as the use of Memorandum of Understanding or development of reserve management plans that recognise Iwi as a partner in managing Public Open Space in rural areas, and over discharges to water and land;
 - Council to offer resources and/or funding to Maori to help build their knowledge base and record information on ecosystem health and explore the use of traditional practices to sustainably manage water ways and land within their local area to develop indicators that can be recorded in Iwi Management Plans.
 - Identify opportunities for funding to further research into the integration of Maori values in freshwater management.
 - Work in partnership with Iwi to develop taonga lists and inventories (grouped into plants, animals, birds, fish, invertebrates, and micro organisms) as at 1840-1880 to present;
 - Work in partnership with Iwi to record 'unwanted' flora and fauna, such as introduced pests and plants in and around wetlands;

Issue 10 – Minimising the impact of hazardous substances and contamination on cultural values

The central theme for iwi/hapū regarding hazardous substances and contamination is the need to minimise the impact that hazardous substances and contamination have on cultural sites: e.g. Wāhi tapu and mahinga kai.

As acknowledged by the New Zealand Waste Strategy 2002, inappropriate waste disposal can damage the relationship Maori have with their lands, waters, food gathering areas, and waahi tapu. Dumping waste into mahinga kai diminishes the sites mauri and mahinga kai values.

Discharges of wastes into the air such as spray drift in close proximity to marae, papakainga, water bodies and other sensitive areas, can also impact on the Mauri of water ways. There can also be cumulative effects on contaminants on important food sources – puha and water cress.

The interdependence of mahinga kai ecosystems means any contamination, even of one species has a negative flow on to all species in the ecosystem, including people. Contamination of a food source threatens the ability of Maori to fulfil their kaitiaki obligations and the ability to host visitors, as well as to sustain them from that food source.

Certain substances are considered to be hazardous by Maori regardless of western perceptions regarding these, as is the case for genetically modified organisms. Genetic modification involving different species is contrary to tikanga Maori because it interferes with the whakapapa as well as the mauri of both species.

Explanation

Applications relating to hazardous substances that are likely to raise cultural issues for Maori include those where:

- The hazardous substance is classified as a hazard in terms of toxicity (poisonous to people) and eco-toxicity (poisonous to the environment);
- The hazardous substance will or may be discharged to water;
- The information in the application is highly technical, and little effort has been made to make information accessible and understandable;
- There is a lack of culturally relevant information;
- There is insufficient testing to address cultural values;
- A sound scientific knowledge and understanding of the use and nature of the hazardous substance is not demonstrated;
- The effects of the hazardous substance on the environment and associated values are considered more than minor;
- Monitoring provisions are absent from the application;
- The severity of the problem is not considered to outweigh the risk;
- The benefits of the manufacture or use of the hazardous substance are unknown or unclear.

The use of cultural impact assessments as a tool when assessing applications involving hazardous substances and contamination can help to provide a good understanding of the particular issue or application so that the effects on cultural values can be assessed.

In terms of waste management the principles of sustainability to minimise the effects of waste through reduction, reuse, recycling, restoration, are also consistent with the guiding principle of kaitiakitanga, particularly the aspect of avoiding damaging effects to the environment and its parts, mana whenua, mana moana, mana ao-te-rangi.

Tikanga (traditional practices) associated with hazardous substances and contaminated lands include Tapu and Rahui Tapu refers to both sacred and the state of uncleanness, and carries a

requirement for physical separation. Rahui is a ceremonial prohibition or closure and is the response to Tapu.



Figure 7. An example of how traditional practices such as rahui can be applied as a form of sustainable management.

Broad approach

Regulatory

- Recognise within the policy framework triggers for when cultural values may be affected in relation to hazardous substances and contamination and a cultural heritage assessment is required
- Provide guidance within the policy framework, as to when consultation with Iwi is required
- Development of a policy framework that provides guidance on how to minimize or eliminate contamination to culturally significant areas, such as traditional food source areas, through advanced environmental technologies, design and planning.
- Development of a policy framework that encourage the integration of traditional Maori knowledge and practices to in the sustainable management of hazardous substances and contamination, in situations where cultural values are affected.
- Development of standards to achieve culturally appropriate design for management of hazardous substances, sewerage reticulation, sewage disposal and treatment, effluent treatment, elimination of sewage directly entering waterways and coastal areas;
- Explore opportunities for section 33 Transfer of Powers, or section 36B-E Joint management agreements to be formed between Council and Iwi to manage resources in areas where cultural values may be affected in relation to hazardous substances or contamination.

Non-regulatory

- Work with Iwi to develop tool kits that provide guidance on protocols for when Rāhui and Tapu should be applied;
- Work with Iwi to develop tool kits that provide guidance on culturally appropriate responses to the management of cultural values;
- Encourage Māori participation in solid waste minimisation and management and education initiatives;
- Explore the use of traditional practices such as Tapu / Rāhui in areas that have been contaminated;
- Work with Iwi to develop Iwi management plans that outline approaches for the management of hazardous substances and contamination in relation to cultural values;
- Support research initiatives that will contribute to the development of knowledge and understanding of the effects of hazardous substances and new organisms on cultural values, such as whakapapa, kaitiakitanga and rangatiratanga;
- Identify a panel of Iwi technical experts in hazardous substances and contamination who can be called upon to support Iwi groups;

Issue 11 – Protecting Maori values and the adequate provision of appropriate land and water transport infrastructure

It is widely understood that the current state of Auckland's transport system and the high reliance on private vehicle travel has a significant adverse impact on the environmental state of Auckland.

For Maori, key considerations for the transport system relate to the impact of the construction and location of transport infrastructure on sites of cultural, historical and environmental significance; the likely increase in demand on transport infrastructure in the near future that results from anticipated Maori development particularly in more rural areas; and the lack of public transport in areas with a high Maori population.

Explanation

A brief summary of the relevant legislation is provided as a background to the proceeding discussion. The purpose of the Land Transport Management Act 2003 (LTMA) is to contribute to the aim of achieving an integrated, safe, responsive and sustainable land transport system by providing:

- an integrated approach to land transport funding and management;
- an improved social and environmental responsibility in land transport funding, planning and management; and
- improving long term planning and investment in land transport.

The provisions of the LTMA are closely linked to the Treaty of Waitangi and the Resource Management Act 1991 (RMA), particularly in section 4 of the LTMA which recognises and respects the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Maori to contribute to the land transport decision-making processes. Sections of the LTMA provide principles and requirements that are intended to facilitate these processes. Section 18G states specific requirements to consult Maori where activities are likely to affect Maori land; or land subject to any Maori claims settlement Act; or Maori historical, cultural or spiritual interests. The facts of the particular case will determine which, and the extent to which the Treaty of Waitangi principles are relevant. This section envisages consideration of the redress that comes through the resolution of the settlement process.

Parts 2 and 3 of the LTMA require regional land transport programmes to take into account relevant national and regional policy statements under the RMA, and for regional land transport strategy to be consistent with relevant national and regional policy statements and the regional plan under the RMA. In this case, the unitary plan will incorporate the regional plan. The national and regional policies and plans prepared under the RMA all give consideration to Maori values, though to varying scales. The cross referencing in the LTMA to the principles of the Treaty of Waitangi and the RMA which also addresses Maori values, show that Maori values are an important consideration in the planning and allocation of transport provision and funding.

Since the 1900s, the construction of motor vehicle, rail and water transport infrastructure has destroyed numerous sites of significance to Maori and overlaid significant travelling routes including portages and walking routes. The destruction is not limited to the location of the infrastructure alone but also the areas where material was sourced. An example of such destruction includes Te Tatua a Riukuita (Three Kings) where significant quarrying has removed many traces of Maori physical history.

The impending resolution of Treaty of Waitangi settlements for approximately 20 iwi groups within the next few years, provides greater opportunities for Maori to provide for their economic development and residential aspirations as discussed earlier within this report. Future land and resource development that is enabled by the Treaty settlements will create future demand on land and water the transport infrastructure, particularly in the more rural areas of the region. For example, the settlements may provide for growth outside of established growth areas, nearer traditional Marae sites. As Maori relocate or travel to new Marae, Papakainga, Kohanga Reo and commercial enterprises, the traffic volume of the road network will increase, creating safety issues if the roads and intersections are not engineered to carry the increased capacity.

Safety problems are already occurring where isolated Marae have entrances near or directly onto state highways. In circumstances such as tangi where there are high volumes of people visiting the Marae for several days, the limitations of the capacity and design of the road becomes obvious. Treaty settlements may also trigger the reinstatement of past awa (river) and moana (sea) portages as an alternative to reliance on land based transport systems.

Whilst the Treaty settlements and redress will assist Maori in achieving their economic and residential aspirations, unless the public transport system is developed to support potential new growth areas, there will be a high reliance on private vehicle travel, contributing to further environmental degradation and adding to transportation costs for Maori. Public transport is already below standard in parts of Auckland and is therefore a key consideration of the unitary plan. It is particularly relevant to Maori as the areas of Auckland in most need of public transport are more isolated from areas of employment and have a high population of Maori residents. Quality public transport is necessary to enable Maori to commute to jobs and provide for their own aspirations. Furthermore, Maori feature high in the driver-oriented employment such as owner operator trucking, courier and delivery industries.

As appropriately stated by Tukua and Taungapeau, 'a well-designed transport system reduces reliance on non-renewable resources, improves energy efficiency and fits into the natural and physical environment in ways which avoid, remedy or mitigate adverse effects on the environment' (*Review of Auckland Regional Land Transport Strategy*, Tamaki Regional Manawhenua Forum, 2009). Maori have a high interest in the future provision and funding of land and water transport infrastructure from a perspective as kaitiaki for the environment and to improve the well-being of their people. This is recognised within the LTMA which is supported by the RMA and guided by the Treaty of Waitangi. This interrelationship of relevant legislation provides a strong position for the protection of Maori values and the attainment of the future transport needs of Maori.

Broad Approaches

Regulatory

- Provide guidance within the policy framework on how and when to engage with Maori in an effective and meaningful way in resource management processes. Explore the use of maps / overlays to indicate which groups have a particular interest or Iwi Management Plan in place over a particular area, and provide guidance on where a cultural heritage assessment is required. This will assist regional transport committees to provide a delivery system that is cognisant and receptive to Maori environmental values from concept to delivery;
- Develop a policy framework that provides clear guidance on measures to reduce disturbance and modification to culturally significant areas (e.g. pa, papakainga, waahi taonga, waahi tapu, mahinga kai, whai kaimoana) using low impact design and development. This is particularly relevant to transport infrastructure.
- Develop policies that integrate Te Ao Maori (Maori values) such as Tikanga and Maturanga Maori that promote the visibility of Maori heritage and culture through the design of the built environment to be incorporated within all aspects of the Unitary Plan, such as urban design and transport infrastructure etc.

Non regulatory

- Support the establishment of a continued relationship between iwi and regional transport committees to explore options for transport infrastructure to support the concept or master planning (iwi spatial plans) of key sites on Maori land or within Growth Areas. Ensuring sufficient transport infrastructure and in particular, public transport, can be provided will assist Maori to realise the opportunities for Maori development;

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- Work with Maori organisations to develop a series of tool kits / protocols to guide improved roading design that take into account Maori values and knowledge.

Attachments

Appendix A Types of Maori Land
Appendix B References

Signatories

Authors	Jacky Bartley, Principal Planner, Unitary Plan Bernadette Aperahama, Planner, Unitary Plan Wiki Walker, Kairahi Planner, Maori Strategy and Policy Siani Walker, Planner, Community and Cultural Policy
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Appendix A Types of Maori Land

Resource Management Act 1991

General land owned by Maori

General land owned by Maori may be multiply owned but held in General Title. Typically, this is Maori freehold land that was converted to general land by the Maori Affairs Amendment Act 1967. Because it is general land, the subdivision of land is administered under the Resource Management Act and not affected by the special provisions that govern sale or “alienation” of Maori land in Te Ture Whenua (Maori Land) Act 1993.

Te Ture Whenua (Maori Land) Act 1993

The following types of land are owned by Maori and administered under the Te Ture Whenua (Maori Land) Act 1993.

Maori customary land

Maori customary land is land that has always been owned by Maori. It cannot be bought or sold.

Maori freehold land

Maori freehold land is administered under the Te Ture Whenua (Maori Land) Act and has been determined by the Maori Land Court by freehold order. It has strict provisions governing decisions about being bought, sold and used.

Maori Reserves

Maori reserves are land that have been officially set apart for purposes that include village sites, marae, meeting places, recreation grounds, sports grounds, places of historical significance, or places of special significance according to tikanga Maori.

Treaty Settlement legislation

As a result of Treaty Settlements there is also a new type of Maori land that is held in general title and managed by the Treaty Settlement group or collective as part of their settlement. Treaty settlements are expressed in detail in a document known as a Deed of Settlement. Legislation is usually required to fully implement the Deed of Settlement.

The key elements of Treaty Settlements that must be acknowledged through the Unitary Plan are:-

Cultural Redress¹

Cultural redress provides claimant groups with a range of mechanisms that aim to:

- Safeguard the claimant group's rights and access to customary food-gathering sources
- Provide opportunities for input into the management or control or ownership of sites, areas or customary resources on Crown-owned land with which the claimant group has traditional and cultural associations.
- Provide opportunities for developing future relationships with government departments in areas of importance to the claimant group;
- Facilitate the development of future relationships with other agencies, such as local bodies, that play significant roles in the area to which the claimant group has traditional and cultural associations.
- Provide recognition of traditional place-names by facilitating name changes to sites, for example Aoraki/Mt Cook.

Financial and Commercial Redress

- This is made up of an overall quantum or value in dollar terms agreed between the Crown and the claimant group in settlement of their historical claims against the Crown.
- The quantum is taken by the claimant group in the form of cash or Crown-owned property or some combination of the two. For example, from of a total quantum of \$10 million, a claimant group may receive \$5 million in cash and the remainder in Crown-owned property.
- The combination of cash and property is a matter for the claimant group to decide, but also depends on the extent of suitable Crown property holdings in the area relevant to the claimant group.
- The claimant group also may receive as part of the financial and commercial redress package a Right of First Refusal (RFR) to purchase certain Crown-owned property within a specified geographic area. This RFR usually lasts for a specific time-period.

Statutory Acknowledgements¹

Statutory acknowledgements are statements in Treaty of Waitangi settlements between Crown and iwi that are intended to recognise the mana of Maori groups in relation to identified sites and areas.

Statutory acknowledgements are an acknowledgement by the Crown of the particular cultural, spiritual, historic, and traditional association of an iwi with each statutory site and area.

Text for statutory acknowledgements is included in the schedules to each relevant Claims Settlement Act. The locations for statutory acknowledgement areas are shown on Survey Office (SO) plans. While these plans do not indicate the precise boundaries of the statutory acknowledgement area, they do indicate the location as nearly as possible.

Statutory acknowledgements are only over Crown land and may apply to land, rivers, lakes, wetlands, a landscape feature, or a particular part of the coastal marine area. Where a statutory acknowledgement relates to a river, lake, wetland or coastal area, it only applies to that part of the bed in Crown ownership or control.

There are also some settlement negotiations underway where a final settlement has not been yet reached, but statutory acknowledgements are already in effect through agreements in principle.

Appendix B References

“Taone Tupu Ora – Indigenous knowledge and sustainable urban design”, edited by Keriatu Stuart & Michelle Thompson-Fawcett, NZ Centre for Sustainable Cities, 2010

The following chapters were particularly relevant:-

- *Chapter 1 – Developing Maori Urban Design Principles*, Shaun Awatere, Shadrach Rolleston & Craig Pauling
- *Chapter 3 – Do urban growth strategies support the development of Maori land for residential use*, Bidy Livesey
- *Chapter 4 – Orakei papakainga ki mua: Towards 2030 and beyond*, Ngarimu Blair
- *Chapter 6 – Maori me te kainga kanohi / Maori and the landscape*, Wiki Walker

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“Maori Values Supplement to the Making Good Decisions Workbook”, Ministry for the Environment, December 2010

“Council-Maori Engagement: The Ongoing Story”, paper to the inaugural “Working with Iwi Conference 2011”, Mike Reid, Local Government New Zealand

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“Facilitating consultation with Maori”, Quality Planning <http://www.qualityplanning.org.nz/plan-development/consultation/consult-tangata-whenua>

“Draft Communication and Engagement Plan – Maori Strategy & Relations”, Auckland Council, June 2011

Review of the following Regional and District Plans:-

Regional policy statement

- *Auckland Regional Policy Statement*

Regional Plans

- *Auckland Regional Plan: Coastal*
- *Auckland Regional Plan: Air, Land and Water*
- *Auckland Regional Plan: Farm Dairy Discharges*
- *Auckland Regional Plan: Sediment Control*

District Plans

- *Rodney District Plan*
- *North Shore City District Plan*
- *Auckland City District Plan (Isthmus, Central Area and Hauraki Gulf Islands)*
- *Waitakere City District Plan*
- *Manukau City District Plan*
- *Franklin District Plan*
- *Papakura District Plan*

Update treaty of Waitangi Process (2010) report to Eden/Albert Community Board

“The Price of Mauri: Exploring the Validity of Welfare Economics when seeking to Measure Maturanga Maori. Doctoral thesis”, School of Management, The University of Waikato Awatere, S. B. (2008).

ⁱ Natural Sustainable Framework: Synergies between Swedish and Tangata Whenua views, Wiki Walker, February 2011
ⁱⁱⁱ Draft Integrated Strategic Plan of Action 2011-2016, Integrated Kaipara Harbour Management Group