

Chapter 3**MANAWHENUA****3.1 INTRODUCTION**

The legislative framework for conservation and resource management was established by the Environment Act 1986, the Conservation Act 1987, the Conservation Law Reform Act 1990 and the Resource Management Act 1991.

3.2 THE RESOURCE MANAGEMENT ACT 1991

Part II of the Resource Management Act states the purpose and the principles of the Act.

Section 5 (1) promotes “the sustainable management of natural and physical resources. Section 5 (2) defines sustainable management as “managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety....”

Section 6 requires that “In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

Section 6 (e) identifies “The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.”

Section 7 directs that “In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to:-

- (a) Kaitiakitanga ...

Section 8 directs that “In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

3.3 TREATY OF WAITANGI

The principles of the Treaty are the authority for the existence of a duty on the Government to consult with Maori, and by virtue of Section 8 of the RMA, that principle must be taken into account by local authorities in their resource management decision-making. The spirit of the Treaty calls for Maori to have a greater say in the management of the environment. The Treaty of Waitangi is based on tino rangatiratanga, a concept that includes self-management, independence, autonomy, and self-determination.

3.4 THE MAORI PERSPECTIVE

The natural environment and natural resources have particular meaning and significance for the tangata whenua. These inherent values are based in ancestry, history, in spiritual dimensions and through generations of use, interactions and associations. Such values and the management priorities that derive from them can only be authoritatively determined by tangata whenua.

There is an increasing awareness amongst the iwi and hapu of the opportunities and processes for their involvement and for the practical expression of kaitiakitanga in sustainable resource management.

Ngati Kahungunu iwi and hapu are the tangata whenua of all the area within the Napier City boundaries.

Through the various hapu of the region they hold manawhenua (or customary authority) over their ancestral lands, and the natural and physical environment. This customary authority emanates through whakapapa (genealogy) and is exercised as kaitiakitanga (guardianship).

“Kaitiakitanga” in Ngati Kahungunu terms requires the responsibility accorded by divine delegation to protect the mauri or physical life force of everything in the natural environment. Customary practices and values (tikanga) were observed by tribal and sub-tribal groupings to maintain that life force. Maori sought balance in sustaining natural resources respecting them as the basis of our well-being and regarding them as taonga (treasures) rather than as limitless commodities.

These then are the paradigms within which Maori view resource management. However, rather than being particular or exclusive, Maori tend towards the inclusive. Often this can be a source of frustration as responses are often in general or holistic terms and not specific.

These too, are part of the Maori view of the universality of the world and their own place within it.

3.5 NGA HAPU, TANGATA WHENUA

Historically there are, and have been, many Hapu in the region, but over the years there has been a consolidation of both the Hapu themselves and the creation of entities representing them.

In recent years the NZ Government has been negotiating Treaty settlements with Iwi resulting in post-settlement entities being formed to hold and manage the Treaty settlement assets on behalf of Hapu and to be the representative body for the Hapu of the various Marae.

In terms of Napier, the following Hapu and the entities created to represent their interests are generally acknowledged as holding the manawhenua of the district:

Maungaharuru-Tangitu Trust represents the Hapu of **Tangoio Marae** as the following:

Ngati Kurumokihi (also known as Ngai Tatara),
Ngati Marangatuhetaua (also known as Ngati Tu),
Ngai Te Ruruku ki Tangoio,
Ngati Whakaari,
Ngai Tauira,
Ngai Tahu.

The takiwa (traditional area) of these Hapu extends from the Maungaharuru range in the west of Hawke’s Bay, to Tangitu (the sea) in the east, and from north of the Waikare river in the north to Te Whanganui a Orotu in the south.

In terms of the Napier District Plan, the area of interest for Maungaharuru-Tangitu Trust takes in the area from Bay View to the south, along Onehunga Road towards the base of the Poraiti Hills, to Hill Road, following Hill Road to State Highway 5 as far as the Esk

River and eastward down the centre of the Esk River to the coast.

Other Hapu holding Manawhenua within the district include:

**Ngati Hinepare;
Ngati Mahu** centred around **Moteo Marae**.

Ngati Paarau centred around **Waiohiki Marae**.

**Ngati Matepu;
Ngati Whakaari** centred around **Petane Marae**.

By way of clarification, although the Hapu centre around the above marae and these are physically situated outside Napier City, the **ten** Hapu still hold Manawhenua within the district of Napier.

The Hawke's Bay Regional Council in partnership with EIT has developed a new web-based tool using digital mapping to show the location and extent of iwi and hapu resources in Hawke's Bay. This is called Pataka, a store house for Tangata Whenua Resource Management & Planning information. It brings together all the information held by local and regional Councils, and gives tangata whenua a resource to assist their roles as this region's kaitiaki. Pataka includes the location and contact information for each local Marae, customary marine titles, protected customary rights and any Iwi/Hapu management plans that are available. You can find Pataka at www.patakahb.nz

The Council is aware of the significant numbers of Maori who are not tangata whenua but play as much a part in the City as other residents, and by consent, are included as part of the Maori Committee to Council.

OBJECTIVE, POLICIES AND METHODS

Objective 3.6

To facilitate and enable the exercise of tino rangatiratanga and kaitiakitanga by tangata whenua and by hapu holding manawhenua.

Policies

To achieve this objective, and in acknowledging the obligations conferred under the Treaty of Waitangi and the Purpose and Principles as outlined in section 5 of the Act of promoting sustainable management of natural and physical resources; in the exercise of its statutory functions and powers under sections 6 and 7 and 8 of the RMA, Council will adopt the following policies:

- 3.6.1** Seek, through an integrated regime, efficient and robust processes with tangata whenua, Council and other parties as required.
- 3.6.2** Facilitate consultation for resource consents applications as required.
- 3.6.3** Facilitate the compilation of a database of 'sites', ancestral lands, water, and other taonga.
- 3.6.4** Facilitate upskilling and training of hapu, marae and Maori committee members in RMA matters.

Principal Reasons for Adopting Objective and Policies

Council acknowledges the duties and obligations within the RMA. Demonstration of this can be seen in a willingness to recognise and deal with tangata whenua concerns, and a commitment to better and more effective environmental outcomes by seeking through a more integrated regimen, efficient and robust processes between tangata whenua, and the Council.

Methods

- (a) Promulgation of Maori Consultative Committee.
- (b) Maori representation on the Napier City Council Hearings Committee.
- (c) Process for input from the Ngati Kahungunu Iwi authority and early inclusion of consultation with Maori for resource consent applications.
- (d) Guidance and advice available from Council staff to assist where required.
- (e) As part of its future thinking and forward planning, a Memorandum of Understanding between Council and Tangata Whenua could be developed as another opportunity to promote better knowledge, relationships and understanding between Council and Iwi and Hapu. These agreements have been developed successfully in a number of territorial authorities and it is suggested that such a Memorandum would provide a step forward for Napier.

Principal Reasons for Methods

The partnership role of Council with tangata whenua is treated with great respect and the Council is anxious to ensure that resource management decision making is undertaken with the correct partners. To this end, it has formed a Maori Consultative Committee to ensure that the correct communication channels are pursued. The iwi consultation process that has been adopted, gives certainty to both tangata whenua and prospective applicants.

Further enhancement of the resource management partnership could be achieved through a Memorandum of Understanding between Council and tangata whenua.

3.7 ANTICIPATED ENVIRONMENTAL RESULTS

- (1) A resource management environment that reflects Maori values and traditions.
- (2) The identification and preservation of sites of significance to Maori, particularly their ancestral lands, waahi tapu and other taonga.