Review of Tangata Whenua Documentation Relevant to the Franklin District Growth Strategy

Prepared for Franklin District Council

September 2007

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Prepared by Dr Peter Phillips for
Franklin District Council

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September 2007

This review is based on a collection of documents held by the Franklin District Council and selected by the Council for analysis. It also includes other publications to which Iwi from Franklin have contributed where these were considered by the author to be required to provide additional coverage. The report does not purport to represent information on behalf of tangata whenua or to be comprehensive.

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1 INTRODUCTION

A tangata whenua perspective is required as an input to the development of the District Growth Strategy. The manner in which this input might be obtained was raised at a meeting with Iwi Maori on 22nd February 2006. While Iwi were willing to participate, it was suggested that Council first review the many submissions and other inputs Iwi had made over the years that are relevant to strategy development rather than asking Iwi to rehearse all these matters again.

This review has gone through two main stages:

(1) an examination of a range of documents held by the Council and the preparation of a preliminary report;[1] and

(2) a critique of the preliminary report to identify and remedy errors of interpretation and omission and incorporate additional materials.

In the course of the work the range of Iwi canvassed was extended by Council to include Ngati Naho and Ngati Tahinga/Karewa.[2] Material is now included for each of the Iwi represented on the Council's Maori Committee, although no consultation has been undertaken with Ngai Tai.

1.1 Initial Literature Review

The initial literature review examined a range of documents supplied by Council (Appendix 1) supplemented by research of secondary sources to elaborate a range of matters which complemented these documents. As such it was an eclectic collection of materials. It did **not** purport to represent information on behalf of tangata whenua or to be comprehensive.

The material canvassed included both the Auckland and Waikato Regional Plans and related policy statements to which Iwi have made submissions as well as various inputs on resource management matters. Such is the history since 1863 that tangata whenua inputs into the planning process relevant to the DGS have primarily been from a kaitiaki perspective rather than about specific Maori land (as there is so little left in the District). There are, nonetheless, a range of sites of special interest to tangata whenua to be considered.

Two of the most significant documents reviewed were the Waitangi Tribunal report on the Manukau Claim[3] (for the historical context it provides) and the Iwi

1 Work on the District Growth Strategy study was placed on hold between late April and August 2006 while Council waited for the outcome of the hearings on the Rural Plan Change (Change 14) The review of tangata whenua documentation resumed in July 2006 and a draft was ready for circulation among tangata whenua in September 2006.

2 The analysis was based initially on documents prepared by or having input from five Iwi groups nominated by Council: Huakina Development Trust, Ngati Paoa; Ngati Whanaunga; Ngati Te Ata; Ngati Tamaoho. Submissions by the Ngati Naho Cooperative Society on a resource consent application and the environmental strategy of Ngai Tai ki Umupuia were also included. After the formation of the Maori Committee of Council in October 2006 the stakeholders were redefined by Council to include Ngati Naho and Ngati Tahinga/Karewa. A new representative of Ngati Paoa was also nominated for the consultation.

3 Waitangi Tribunal, (1985), *Report of the Waitangi tribunal on the Manukau Claim*, (Wai-8), Waitangi Tribunal, Department of Justice Wellington,

Management Plan for the Manuka Harbour.[4] The latter has as its sole objective *"The restoration and enhancement of the Manukau Harbour, its catchments, and the well-being of its people".* The Plan is also specific that this requires an holistic approach *"that embraces environmental, spiritual, political, social, economic and cultural components"* and that *"The spiritual, social, political, cultural and economic needs of Waikato must be reflected and accorded importance within the management of the Manuka"*.[5]

In terms of the Iwi Management Plan the challenge for the DGS is take into account these matters raised in the context of the Manukau Harbour and to generalise them across the District.[6] It also must recognise that in Haddon v Auckland Regional Council[7] the Environment Court stated: *"It would appear that the duty 'to take into account' indicates that a decision maker must weigh the matter with the other matters being considered and in making a decision, effect a balance between the matter at issue and be able to show he or she has done so."* [8] In this respect, the provisions of Policy 1 related to discharges to water (see page 58 herein) and Policy 3 (page 60) related to the containment of urban growth may be among the more challenging.

Many of the documents reviewed focused on environmental and governance issues.[9] There were, however, three sets of documents related more specifically to district growth issues:

(1) inputs into the District Growth Management Strategy (DGMS) from 1999;

(2) submissions on the Council's Rural Plan Change process have also provided local information; and

(3) tangata whenua input to the consultation on the Community Outcomes.

The inputs to the DGMS and on the Rural Plan Change provide some clear direction in terms of the preferred character of growth, translating aspects of tikanga into the land use management context.

The topics raised in consultation on the Community Outcomes have been reviewed and allocated, where possible to, to the outcome statements. This analysis suggests that many of the concerns raised at the two meetings are reflected to a greater or lesser extent in the community outcomes – although the

4 Huakina Development Trust, (1996), *Waikato Iwi Management Plan Manuka*, Prepared for the Tainui Trust Board, 138pp

5 Huakina Development Trust *op.cit.* p132

6 The Plan states that *"Not withstanding that this Waikato Iwi Management Plan deals specifically with the Manuka Harbour and its catchments, it is the policy document for the entire region of responsibility given to Huakina Development Trust by the people of Te Puaha ki Manuka o Waikato,"* Huakina Development Trust *op.cit.* p3

7 Haddon v Auckland Regional Council [1994] NZRMA 49

8 See Ministry for the Environment, (2004), *Whakamau ki Nga Kaupapa*, Wellington 52pp, for a discussion of how the Resource Management Amendment Act 2003 changed to status of Iwi Management Plans by changing from *"shall have regard to"* the stronger to *"take into account"*

9 There is a otherwise relatively little reference in the documents supplied to other matters although it is noted in *Nga Iwi o Tainui - Long Term Community Planning Meeting With Councils* Hopuhopu 12 May 2005, p6 that the Huakina Development Trust's interest includes community involvement.

match in some cases is modest. There are, however, a number of gaps related to governance[10] and to a lesser extent equity.[11]

In terms of many of the environmental issues raised in the documents that were reviewed, Outcome 6.2.9 which states *"Tangata whenua and Maori input is provided in designing and managing our natural and built environment*" is clear enough. The range of mechanisms that will be employed to ensure effective implementation that is satisfactory to both the Council and tangata whenua need to be finalised.

1.2 Supplementary materials

The consultation with Iwi in November and December 2006 identified a range of materials not previously included in the analysis which provided further guidance to the study team in the development and assessment of the growth scenarios (Appendix 2).

The study process sought agreement from Iwi that the final version of the document was a reasonable representation of their views for the purposes of the district growth strategy (although it has wider relevance).

1.3 Structure of this report

The balance of this report is divided into four sections which move from the general to the specific:

(2) discusses the historical context the draft settlement on the Waikato-Tanui claims to the Waikato Rivers, and aspects of traditional beliefs, customs and values;

(3) examines matters of significance to Maori and related policies in regional planning documents for Auckland and the Waikato;

(4) reviews Iwi documents related to Franklin District including the *Waikato Iwi Management Plan, Manuka*, submissions on the DGMS, the Rural Plan Change and resource consent applications; and

(5) seeks to synthesise critical elements relevant to the District Growth Strategy and recommends follow up consultation.

[10] Ray Cooper, (2004), *Submission 196 to FDC Community Plan*, 1pp + Apps sought Maori representation within district governance and Maori input into policies impacting Maori. Discussions with Council continue. In recent times Nganeko Minhinnick made a submission (#177) to the 2005/2006 Draft Annual Plan to which the Council responded that *"The Council is currently working on its engagement with Maori and will be consulting with Ngaati Te Ata within the next three months,"* Monica Wenzlich (1 July 2005).

[11] This is a theme expressed elsewhere, see for example, Dennis Ngataki (26 April 2002) *Sub: Ngati Tamaoho Trust Franklin District Draft Annual Plan*, which states *"Ngati Tamaoho maintain that although Enterprise Franklin trust is servicing several key funding developments it has no policy servicing the needs of tangata whenua*". Also in 2001 and 2002 Huakina Development Trust in submissions by William Simpson to the draft Annual Plans applied for funding for various projects including a Maori Economic Development Strategy, all of which were declined.

2 CONTEXT

There are two key elements of context which provide essential background for exploring tangata whenua input relevant to the DGS cover the history of the area and aspects of Māori traditional beliefs, customs and values.

2.1 Waitangi Tribunal Report on the Manukau Claim

A significant portion of the documents examined in this review focus on the tiaki role of local Iwi rather than issues related to Māori-owned land.[12] The historical context for this is provided by the report on the Manukau Claim (known as Wai 8) which documents not only the confiscations[13] but also the subsequent losses of land and jurisdiction over waters that *"have continued, in one form or another, from then to the present day. In their view the pattern of unjust treatment continues still, and unless arrested, will yet continue until nothing is left but a deeply embittered people and the shreds of a worthless treaty."*

The report documents confiscations from "Manukau Maori" under the New Zealand Land Settlements Act 1863 of approximately 59,162 ha, nearly all of which was in what is now Franklin District. Section 5 records the impact of what it terms *"Te Riri Ture"* (The Anger of the Law) which included measures to convert tribal titles to titles held in individual ownership; legal proceedings which resulted in land losses (including the Paraerae marae of Ngati Te Ata); inappropriate land transfer (leading, for instance to the loss of Moeatoa Marae; the compulsory acquisition of the Waiuku Forest; loss of access to, and ownership of the lakes on the Awhitu Peninsula; and the designation of Maori land at Rangiriri for a bird sanctuary.

The other significant issues addresses in the report include the degradation of the Harbour by pollution and public works which had a profound impact on the once-plentiful fish and shellfish resources; the failure of the law to recognise Māori fishing rights; and commercial exploitation of the fishery.[14]

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12 The Manukau Claim was made by Nganeko Minhinnick and Te Puaha ki Manuka. A subsequent claim (Wai 121) was lodged by Ted Ngataki of Ngati Tamaoho citing a rohe comprising an area bounded by Muriwai, Port Waikato, Meremere, Mangatangi , the Wairoa River up the East Coast of the Hauraki Gulf embracing the Tamaki Straits, including islands within the straits and the Hauraki Gulf, the upper Hauraki Gulf and the Waitemata, and Tiritiri Matangi

13 "*our researches reveal that the Manukau Maori people were attacked without just cause by British troops, their homes and villages ransacked and burned, their horses and cattle stolen. They were then forced to leave their lands and were treated as rebels, all their property being confiscated in punishment for a rebellion that never took place.*" Waitangi Tribunal (1985) *op.cit.*, p1.

14 The Report states that *"That (at the head of the Waiuku estuary) is the only Maori oyster reserve existing in the Manukau today. It is provided for in The Fisheries (Maori Oyster Reserves) Notice 1983. There are doubts about the exact location of the reserve as the original map has been lost but the general area is in close proximity to the Southside outfall of the New Zealand Steel Mill on the bank opposite the old marae site. On our visit to the area we could find only dead oyster shells. There is evidence that the area is not the most suitable habitat for rock oysters quite apart from any implications of the current discharge. The reserve was located there because of the immediately adjoining Moeatoa Marae, but as noted earlier, the marae was "lost" some years ago.",* Waitangi Tribunal, (1985), *op.cit.*, p59.

2.2 Draft Agreement in Principle for the Settlement of the Historical Claims of Waikato-Tainui in relation to the Waikato River

Significant developments are underway with the approaching settlement of of the Waikato-Tainui claims in relation to the Waikato River[15] which cover a significant portion of the district,

Figure 1 Northern portion of Waikato catchment

The draft agreement in principle for the settlement states that the deed of settlement and settlement legislation will contain the following statement of significance of the Waikato River to Waikato-Tainui:

•

15 Waikato-Tainui and Her Majesty The Queen In Right of New Zealand, (26 May 2007), *Draft Agreement in Principle for the Settlement of the Historical Claims of Waikato-Tainui in relation to the Waikato River.* 27pp

He Whakamaarama Na Ngaa Iwi o Waikato-Tainui mo Te Awa o Waikato.

Tirohia Te Pukapuka Whakaaetanga me Ngaa Pukapuka Whakatau Tikanga mo aua whakamaarama.

"No maatou tenei tupuna, Te Awa o Waikato. He tupuna whai mana, he tupuna maurituutahi no ngaa Iwi o Waikato-Tainui. Rere mai ai oona wai i te Wairere o

Huka (Huka Falls) puta atu ki te Moana Taapokopoko a Taawhaki (The Tasman Sea) i Te Puuaha o Waikato (the mouth of the Waikato River). Mai i te Wairere o Huka ki te Puuaha, hono haere ai ngaa wai o te Awa o Waikato i ngaa awaawa (waterways, tributaries, streams); i ngaa parenga (banks); i ngaa roto (lakes); i ngaa nohoanga ika wai Maaori (fresh water fisheries); i ngaa tupunga otaota (growth, vegetation); i ngaa maania (floodplains) me oona tohu a-wairua. Na tenei hononga o maatou o ngaa Iwi o Waikato-Tainui ki to maatou tupuna, Te Awa o Waikato, me to maatou whakaaro nui anoo hoki ki a ia, ka whakamanawa maatou ki te tiaki i te mana me te mauri o taua Awa.

Ka puumau tonu maatou, kia tika tonu taa maatou hapai i te Mana Whakahaere o te Awa o Waikato i raro anoo i ngaa tikanga tuku iho a ngaa Iwi katoa. Na tenei whakaaro nui, mai i o maatou tuupuna o ngaa Iwi o Waikato-Tainui, ki to maatou Awa, i puumau ai enei tumanako a maatou mo to maatou oranga a-wairua, atinana, me o maatou tikanga a-Iwi me oona whakahaere i waenga i ngaa Iwi katoa."

"The Waikato River is our tupuna (ancestor) which has mana (spiritual authority and power) and in turn represents the mana and mauri (life force) of Waikato-Tainui; the Waikato River is a single indivisible entity that flows from the Huka Falls to Te Puuaha (the mouth) and includes its waters, banks, bed (and all minerals under it) and its streams, waterways, tributaries, lakes, aquatic fisheries, vegetation and floodplain as well as its metaphysical being with its own mauri. Our relationship with the Waikato River, and our respect for it, gives rise to our responsibilities to protect the mana and mauri of the River and to exercise our mana whakahaere (authority, rights of control) in accordance with long established tikanga (values, ethics, governing conduct). Our relationship with the River and our respect for it, lies at the heart of our spiritual and physical wellbeing, and our tribal identity and culture."

The draft states that the deed of settlement and settlement legislation will contain the following objectives of Waikato-Tainui for the Waikato River:

a the restoration, maintenance and enhancement of the health and wellbeing of the Waikato River;

b the restoration and protection of the relationship of Waikato-Tainui and other Waikato River iwi with the Waikato River, including their economic, social, cultural, and spiritual relationships;

c the integrated and holistic management of the natural, physical, cultural and historic resources of the Waikato River;

d the adoption of a precautionary approach towards decisions that may result in significant adverse effects on the Waikato River, and in particular those effects that threaten serious or irreversible damage to the River;

e the recognition and avoidance of adverse cumulative effects, and potential cumulative effects, of activities undertaken both on the Waikato River and within its catchment on the health and wellbeing of the River;

f the recognition that the Waikato River is degraded and should not be required to absorb further degradation as a result of human activities; and

g the protection and enhancement of significant fisheries, flora and fauna.

As soon as practicable after the signing of the Agreement in Principle, the Crown and Waikato-Tainui will establish a committee to be called the Guardians Establishment Committee. The purpose of the Guardians Establishment Committee is to:

a develop an initial Vision for the Waikato River which is based on and incorporates the intent of:
- *I Waikato-Tainui's Objectives for the Waikato River*
- *ii any additional Objectives to represent the interests of all New Zealanders; and*
- *iii any amendments to those Objectives as are considered necessary by the Guardians Establishment Committee, following appropriate public consultation.*

b inform the Crown, Waikato-Tainui and other parties as to the nature and content of provisions to be included in an initial Strategy that is to implement and promote the Vision, including, without limitation, addressing the following:
- *i processes and methods to improve the quality of the Waikato River;*
- *ii opportunities for Waikato-Tainui and each Waikato River Iwi to exercise rights and interests in the Waikato River;*
- *iii the public's use of, and access to, the Waikato River; and*
- *iv the recognition of the duration and terms of existing consents, licences, authorisations and other rights in relation to the Waikato River.*

Once agreed, the Vision will be included in the deed of settlement and the settlement legislation, as will the provision for the establishment of the permanent Guardians of the Waikato River (the Guardians).

The Guardians is a model promoted by Waikato-Tainui in which the Crown and other Waikato River iwi are invited to participate. The Guardians will:

a assist each Waikato River iwi to exercise mana whakahaere over the Waikato River;

b work to achieve an integrated and co-ordinated approach to the management of the Waikato River;

c act consistently with the Vision; and

d act in a manner that is consistent with and achieves Co-management.

The functions of the Guardians will be to:

a finalise and approve the initial Strategy to implement the Vision including, without limitation, to promote:
- *i processes and methods to improve the quality of the Waikato River;*
- *ii opportunities for Waikato-Tainui and each Waikato River Iwi to exercise rights and interests in the Waikato River;*

iii the public's use of, and access to, the Waikato River;
iv the recognition of the duration and terms of existing consents, licences, authorisations and other rights in relation to the Waikato River; and
v the spirit of the Waikato River Treaty settlement between Waikato-Tainui and the Crown;

b as necessary, develop arrangements to achieve Co-management with persons (including management agencies and regulatory authorities) exercising powers or carrying out functions under any Act that affects the Waikato River;
c share and review information on the state of the Waikato River;
d consider documents about the management of the Waikato River such as iwi and hapu management plans in any review or updating of the Vision and Strategy;
e promote and monitor the inclusion of the Vision and Strategy in policies, plans and processes related to the Waikato River, including proposing how the methods contained in the Strategy could be provided for in those policies, plans and processes;
f regularly monitor and, if necessary, amend the Strategy to ensure that it is enabling progress towards the Vision;
g report at least every 5 years to the Crown and relevant iwi authorities on the progress being made towards achieving the Vision;
h review the Vision at least every 10 years and, if the Guardians agree, recommend to Waikato-Tainui and the Crown, any amendment to it; and
i undertake public consultation on any proposed changes to the Vision and incorporate appropriate changes when it is appropriate to do so.

The settlement will also establish a Waikato River Statutory Board whose purpose is to assist the implementation of the Vision and those parts of the Strategy that relate to Environment Waikato's responsibilities through enabling Waikato-Tainui's effective participation in decision-making under the Resource Management Act and the Local Government Acts that affect the Waikato River.

Following enactment of the settlement legislation the Waikato River Statutory Board will perform a range of activities including:

a evaluate, at least every ten years, the Regional Policy Statement and Regional Plans in respect to the Waikato River and its catchment to determine whether the Regional Policy Statement and Regional Plans are sufficient to give effect to the Vision in accordance with the relevant portions of the Strategy and, if necessary, recommend changes to the Regional Policy Statement and Regional Plans;
b evaluate Environment Waikato's Long Term Council Community Plan, Annual Plan, Regional Pest Management Strategy, Management Plans, Bylaws and other Strategies that affect the Waikato River to determine whether they are sufficient to give effect to the Vision in accordance with the relevant parts of the Strategy, and if necessary, recommend changes to these plans and other statutory instruments;
c identify, evaluate and, where appropriate, scope implementation of non-regulatory measures that would assist achievement of the Vision and Strategy;

d prior to public notification of any planning document, plan change, Management Plans, Bylaw, Strategy or variation proposed by Environment Waikato under the Resource Management Act or Local Government Acts or any other relevant legislation that affects the Waikato River and activities in its catchment affecting the Waikato River downstream from Karapiro Dam to Te Puuaha and the Waipa River from its junction with the Puniu River to the Waipa's junction with the Waikato River, prepare a report evaluating whether the provisions of the document will assist the achievement of the Vision in accordance with the relevant parts of the Strategy;

e evaluate District Plans, Long Term Council Community Plans and other statutory instruments of territorial authorities that affect the Waikato River and activities in its catchment to determine whether they assist the achievement of the Vision in accordance with the relevant parts of the Strategy and where changes are recommended, agree with Environment Waikato the process for advocating these changes to the relevant territorial authorities….

The general concern expressed in the draft over the degraded state of the river is of significance for the DGS, especially in terms:

- of the growth of settlements in the towns served by the District's treatment plants;
- the manner of sewage treatment and disposal;
- the prospects for future supplies of water for the District from the Waikato River.

Matters of significance to the Franklin District Council which may have a bearing on the **implementation** of the DGS include provision of the deed of settlement and the settlement legislation that:

a under the Resource Management Act 1991:

i Environment Waikato will give effect to the Vision in accordance with the relevant provisions of the Strategy, to the extent that the Vision's content has a bearing on the resource management issues affecting the Waikato River, in the preparation and change of regional policy statements and regional plans. (As District plans are required to give effect to the regional policy statement this will mean that the Vision will also be incorporated into District plans);

ii in respect of resource consent applications relating River, the Vision and Strategy are deemed to be had regard to in accordance with s 104 (1)…..

Also significant in the future of the District's infrastructure related to the River may be the references under "Disposition of Waikato River" S59 particularly in terms of subsection (d) which related to any extension of the 35 year limitation period for the grant of water permits under the Resource Management Act.

2.3 Maori traditional beliefs, customs and values

A range of documents into which Iwi from Franklin have had input include statements of Māori philosophy and values as a key element in understanding Iwi perspectives and taking into account Iwi views. A cultural assessment by Ngaati Te Ata on the Waiuku estuary, for instance, states *"To understand what is of cultural significance to a people one must understand the underlying beliefs, values and principles of these people and what therefore motivates their decisions and responses."* [16]

Reviews undertaken by Maori and Psychology Research, University of Waikato and Manaaki Whenua Landcare Research for Environment Waikato,[17] contend that *"Traditional Maori beliefs, custom, and values are derived from a mixture of cosmogony, cosmology, mythology, and anthropology. Maori values are instruments through which Maori make sense, experience and interpret the modem world. These values are based on a mixture of the traditional and contemporary, and form the basis for explaining a Maori world-view."*

The "Maori Values Framework" used in these reviews identifies important Maori values relevant to environmental resource management as including:

- **Rangatiratanga:** Rangatiratanga is often referred to as leadership yet 'leadership' does not quite capture the real essence of the concept. Rangatiratanga carries with it a large dose of authority, respect and the will of a people. Rangatira and rangatiratanga provide a pivot point for a people to protect themselves, their customary practices and taonga, and to ensure that future generations inherit a better world.
- **Kaitiakitanga:** Kaitiaki and the recently introduced term kaitiakitanga refer to the responsibility that certain entities, not exclusively people, have to protect and guard the mauri of particular people, groups, objects, resources, traditions, practices and places. A practical philosophy, the kaitiaki role is a process that is locally defined and owned. The kaitiaki role is not a process of ownership but an individual and collective role to safeguard nga taonga tuku iho (those treasures that have been passed down) for the present and future generations.
- **Tikanga:** Tikanga can be described as lore, custom, practice and commonsense thoughts that are based on the Maori belief system. Tikanga is taught and learnt within an appropriate context. In other words, rituals pertaining to "fishing ground A" may not necessarily apply to "fishing ground B." From a resource management perspective, Tikanga provides a framework for rules that govern harvesting, the care and respect for customary resources and the environment.
- **Ritenga:** Ritenga are the inherent laws, rules, regulations, protocols, and obligations that include tapu, noa, and rahui. They determine responsibilities and relationships between people, and regulate the use of

[16] Karl Whare Tipeti Flavell, (2005), *Cultural Heritage Assessment for the Coastal Compartment Management Plan Waiuku Estuary*, Te Iwi o Ngaati Te Ata, p4

[17] See the series of seven technical reports in the Environment Waikato Internal Series 2004/1, Maori and Psychology Research, University of Waikato and Manaaki Whenua Landcare Research for Environment Waikato (2003), *Maori Perspectives of the Environment*, reports 1-7

natural resources. Maori resource management endeavours to achieve a balance between people and the environment through the recognition of ritenga such as tapu, rahui and noa.

- **Mauri:** The management of taonga is based on a set of principles and values inherent in the Maori belief system. Mauri is the fundamental anchor stone of this belief system. It refers to the life principle instilled in all objects by the Atua. Mauri is also the life principle that gives being and form to all things in the universe.
- **Taonga:** Taonga is a broad concept and include physical and meta-physical assets such as, te reo, intellectual property rights, traditional knowledge and use, social organisation and the arts. Objects can become taonga through the formal attention paid to them by tikanga Maori, and may include any material or non-material object having cultural or spiritual significance for a given iwi or hapu.
- **Tapu:** Tapu for Maori signifies the sacred, dedicated, protected, or that which is not ordinary or everyday. Tapu is the state or condition of a person or objects, placed under the patronage of the Atua. It is directly related to the mauri of a person or object and recognises an appreciation of and a respect for another life force and other life in general.
- **Rahui:** Rahui is a tool used by kaitiaki to manage natural resources. Rahui were declared by kaitiaki to restrict access to and use of natural resources, for various reasons. Rahui is a form of temporary restriction relating to the condition of a resource and the nature of the tapu in or around a specific area. Indeed, rahui are not unlike prohibitions on the taking of shellfish, the fishing for trout or other species, or swimming in contaminated or toxic water ways.
- **Waahi Tapu:** When tapu is applied to places of significance to iwi, hapu, or whanau, they are deemed waahi tapu. The literal translation of waahi tapu is sacred place. Waahi tapu are areas that provide physical and metaphoric links to tribal ancestors. In some instances they signify ahi kaa, (literally *"keeping the fires burning*") and are sources of identity.
- **Noa:** Noa is the opposite of tapu. The term reflects the status of people, places or objects free from the restrictions of tapu. Noa is that which is ordinary, everyday, and safe to be in contact with. Indeed, noa is a much more healthier condition than tapu. With regard to resource growth for example, kumara, kereru) reached a sustainable level for harvesting, restrictions on the access and use of natural resources such as rahui were relaxed and replaced with noa. Tapu and noa are complementary; one cannot exist without the other.

A key aspect of the Māori perspective is its holistic character. This is exemplified in the statement by Carmen Kirkwood to the Waitangi Tribunal that:

"The Manukau not only belongs to us but we to it. We are a people begotten from within the depths of its waters."[18]

[18] Waitangi Tribunal, (1985), *op.cit.*, p17

3 REGIONAL PLANNING MATTERS

Iwi based in Franklin District have been consulted and made contributions through consultation to the policies and plans of both the Auckland[19] and Waikato Regions[20]. These matters provide both a statement of interest and an *aide memoire* for topics against which any development proposals in the DGS need to be checked.

3.1 Auckland RPS

The Auckland Regional Council notes that under the Resource Management Act (RMA) the Regional Policy Statement (RPS)[21] *is required, among other things:*

(i) as a matter of national importance, to recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga (section 6(e));

(ii) to have particular regard to kaitiakitanga (section 7(a));

(iii) to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) (section 8);

(iv) to have regard to recognised relevant Iwi planning documents and any regulations relating to the conservation and management of taiapure or fisheries (sections 61 (2)(a)(ii) & (iii));

(v) to state matters of resource management of significance to Iwi authorities (section 62(1)(b)).

The RPS states that *"Traditional approaches to resource management focus on maintaining and enhancing the mauri of ancestral taonga. Taonga generally refers to something highly prized and treasured, tangible or intangible, that contributes to Maori intellectual, physical or spiritual wellbeing. The term equates roughly to the concept of a resource, but incorporates a range of social, economic and cultural associations (the courts and the Waitangi Tribunal have maintained broad and flexible descriptions of the term taonga). Mauri is normally described as the life-essence, life-force or power which, through the creation of the natural world, exists in all things.*

Taonga are intimately linked by mauri. Mauri binds the spiritual and physical elements of taonga together, enabling existence within the bounds of their own creation. When something dies the mauri is no longer able to bind the physical and spiritual elements together and thereby give life. Without mauri nothing can survive. Tikanga customary values and practices have been developed and observed over many centuries to sustain the mauri of all things, and continues to provide the basis for traditional approaches to resource management."

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19 Consultees included Huakina Development Trust, Awaroa ki Manuka (representing Ngati Te Ata) and Ngati Paoa Whanau Trust

20 Contributions include those from Huakina Development Trust

21 Auckland Regional Council, (1999), *Auckland Regional Policy Statement, Operative*

The ARC identified that the matters of resource management significance to each Tangata Whenua group of the Auckland Region are diverse, summarising them as:

- ***Relationships with ancestral taonga are being adversely affected by inappropriate processes and activities***

  Relationships with ancestral taonga continue to evolve and differ between Tangata Whenua groups. Maori regard the natural world holistically, and consider themselves to be an integral part of it. All things are interrelated and interconnected via whakapapa or genealogy.

  All taonga must be managed as a whole and cannot be separated. Adverse effects on ancestral taonga damage the wellbeing of Tangata Whenua as Kaitiaki of those taonga.

  The effects of Auckland's continued growth and development on the Tangata Whenua of the Region and on their relationship with their ancestral taonga are significant. The Tangata Whenua identify as adverse effects, constraints on the ability to manage their taonga according to tribal customs and preferences, the widespread loss of natural and cultural heritage, and reduction of access to remaining heritage. Also, development in the Region has had adverse effects on water resources and associated habitats. In addition, the little Maori land remaining in the Region is fragmented into small isolated blocks.

  The number and variety of activities affecting the mauri of ancestral taonga has increased significantly since traditional times. A combination of both traditional and modern approaches is likely to be required to maintain and enhance the mauri of natural and physical resources today.

  Despite improvements in recent years, Tangata Whenua continue to be concerned that their relationship with ancestral taonga is adversely affected and that these effects are not being avoided, mitigated, or remedied.

- ***There is a need for direct and effective involvement of Tangata Whenua in the sustainable management of their ancestral taonga***

  Tangata Whenua have developed traditional practices for the sustainable management of most natural and physical resources. These are encompassed by kaitiakitanga, mana, and tikanga - all terms which are referred to in the RM Act. Only Tangata Whenua can exercise kaitiakitanga over their taonga, and therefore determine how kaitiakitanga and rangatiratanga should be expressed.

  The RM Act and related legislation provides significant opportunities for the direct and effective involvement of Tangata Whenua in the sustainable management of their ancestral taonga. At present, however, the effective and efficient application of such provisions has yet to be fully realised.

- ***The Treaty of Waitangi needs to be recognised in the sustainable management of ancestral taonga***

  The management of natural and physical resources in the Region has not always been in accordance with the Treaty. Findings of the Waitangi Tribunal thus far demonstrate that Crown breaches of the Treaty in the Auckland Region have resulted in:

- *the alienation of land and other resources which were guaranteed to Tangata Whenua;*
- *loss of the use and enjoyment of resources as a result of pollutive discharges to ancestral waters;*
- *the over-riding of the customary rights and*
- *responsibilities over ancestral taonga.*

Tangata Whenua hold that customary rights and responsibilities over their taonga have never been extinguished. Tangata Whenua have continually opposed Crown laws and actions seen to be in breach of the Treaty of Waitangi agreement which confirms and guarantees customary rights.

Tangata Whenua consider a significant resource management issue to be the Crown's exercise of presumptive ownership, management and control over ancestral taonga. In many instances the Crown has individualised title, and granted use rights in respect of taonga (e.g., minerals, water, and land) to individuals and organisations. The Crown receives income as a result of those actions.

Such matters cannot be remedied through resource management processes. However, it is important that decisions under the RM Act are made with an awareness of these issues where they exist. So far as possible, care should be taken not to prejudice relationships of the Tangata Whenua with ancestral taonga, nor to exacerbate matters which are the subject of Treaty claims.

3.2 Waikato Regional Plan

Matters that are of concern to Waikato-Tainui noted in the Environment Waikato Regional Plan are:

- ***Waikato River:*** Waikato-Tainui are deeply concerned about the Waikato River. They therefore wish to ensure that they, through the Tainui Maori Trust Board or its successor, are consulted on any proposals which may affect the River.
- ***Manawhakahaere:*** Waikato-Tainui have manawhakahaere (authority) over their lands and the Waikato River.
- ***Kaitiakitanga:*** Waikato-Tainui are the Kaitiaki of their rohe and consider they should be actively supported to exercise duties and obligations as Kaitiaki. Waikato-Tainui consider it important that they are involved in resource management issues, decision-making and the monitoring of natural and physical resources.
- ***River and Lake Beds:*** Waikato-Tainui have concerns with dredging of the Waikato and Waipa River beds, ownership issues and clarification on defining the extent of the river bed. Specific concerns include the need for more monitoring of structures and policing of stock in waterways.
- ***Water:*** The direct discharge of waste, effluent or other pollutants, whether treated or untreated, from land or boats is unacceptable and offensive to Waikato-Tainui. Concerns also relate to excessive permitted water takes from the Waikato and Waipa Rivers, the need to restrict the transfer of water permits to prevent potential abuse, the damming and diverting of

water, and a need for greater emphasis to be placed on riparian management of non-point source discharges.

- ***Air:*** Waikato-Tainui require that no discharge of pollutants into the air will affect the well-being of their people, the people they host within their rohe, or put fauna and flora, which rely on clean air, at risk.
- ***Waikato Iwi Customary Use and Values:*** Waikato-Tainui consider that their customary uses of waterways and wetlands should be recognised and provided for as part of consent processes and policy development. Public access to waahi tapu sites should be restricted, while local tangata whenua should have unimpeded access to these sites for traditional purposes.
- ***Land:*** Concerns are expressed regarding soil disturbance activities which impact on cultural values, reduce soil productivity and increase sediment discharges to water bodies. The adoption of good land management practices is required to reduce soil erosion.
- ***Coast:*** The key issue for Waikato-Tainui includes management, restoration and protection of the coastal environment for future generations. This and related issues are addressed in more detail by the Regional Coastal Plan for the Waikato Region.[22]

In the Waikato Regional Plan, matters of concern to Hauraki have been identified as:

- ***Tino Rangatiratanga:*** Recognition of Tino Rangatiratanga, including resource ownership, bears on such matters as the decision-making role in the management of its resources, its ability to exercise kaitiakitanga and care for the natural environment and future generations.
- ***Kaitiakitanga:*** Issues of concern include recognition and understanding of the meaning and obligations of kaitiakitanga, decision-making roles in the management of resources, mainstream misuse of traditional Kaitiaki* concepts, protection of customary uses and values, and the relationship with the environment.
- ***Water and Water Bodies:*** Issues include the effects of taking water and discharging contaminants (particularly human-based sewage) on waterways and cultural resources associated with water. Also of concern are effects on ground water arising from contaminant discharge and the cumulative effect of all of these activities on water quality and waahi tapu* associated with water.

[22] The Regional Coastal Plan discusses tangata whenua relationship with natural and physical resources and records a range of matters relevant to the District Growth Strategy including that: Waikato Tainui is committed to cleaning up the environment and considers that a regional coastal plan is fundamental to that process. It also considers that the tangata whenua perspective is integral to, and should be incorporated in, the Plan. The Regional Coastal Plan goes on to discuss issues of mana; taonga; the Maori as a combination of spiritual, cultural and physical balances intricately woven, which acknowledges the significance of where they came from, the sacredness of water and their intimate kin relationship to all entities within the environment and the way that Maori culture does not separate the land from the surrounding elements of air, water, minerals, flora or fauna; the common roots of the mauri of water and the wairua of the tangata whenua; the significance of kai moana; water quality; rahui; taiapure; and waahi tapu (citing, Maketu the landing place of the Tainui waka as *"extremely sacred, for it is the resting home of the waka."*

- ***Land:*** Land is conceptualised as the spiritual and physical embodiment of Papatuanuku, the Earth Mother. There is concern about the cumulative adverse effects of poor land management practices on lands, waters, fisheries and other resources. Protection of waahi tapu and heritage sites, features and landscapes is also specifically of concern.
- ***Air:*** Air falls within the domain of Ranginui, the Sky Father, and is essential to life itself. Matters of concern include greenhouse gas discharges, depletion of the ozone layer and adverse effects of pollutants on air, land, water, and ecosystem quality and cultural and physical resources.
- ***The Coast:*** A key issue is the protection of customary rights, interests and values in the coastal area (see preceding footnote)
- ***Stone, Mineral and Geothermal Resources:*** Issues include third party access to and the exacerbation of Treaty claims in respect of stone, mineral and geothermal resources.
- ***Waahi Tapu:*** *Waahi tapu have a specific tapu nature and include places (e.g. burial sites, springs, mountains), artefacts and religious or ceremonial instructions. They are sacred to the iwi of Hauraki. A key issue is that local authorities are managing the use and development of resources without good information about the nature and extent of waahi tapu in the Hauraki region. There is concern about the lack of mainstream protection of waahi tapu from resource use and development.*

4 FRANKLIN-SPECIFIC MATTERS

A range of documents canvas the tangata whenua perspective on local issues relevant to the DGS. Some of these are discussed here starting with the canvassed here starting with the "Waikato Iwi Management Plan, Manuka" prepared by the Huakina Development Trust local issues.[23] A range of other documents are then used to discuss specific issues and particular localities.

4.1 Waikato Iwi Management Plan, Manuka

A historical perspective on the change wrought on the Manukau Harbour is provided by the "Waikato Iwi Management Plan, Manuka" when discussing evidence presented to the Waitangi Tribunal:

"Our people have also recorded and documented the desecration of our taonga. During the Waitangi Tribunal hearings and in subsequent documents that emanated from the claim, they described in detail the manner in which our waterways have been turned upside down, our creeks and rivers drained to a mere shadow of their original size, disrupting large areas of life in the waters.[24]

We are adamant that "the growth and industrialisation of Tamaki Makaurau has seen the Manuka Harbour, a once proud waterway and the nexus of the tangata

23 The 1996 version of the Plan was used in preparing the first draft of this report. Finalisation of the report included a review of the 2007 version of the Plan

24 Ref: Barney Kirkwood, Interview with J Wade of Huakina at Whatapaka Marae, 1988

whenua cultural and spiritual life, relegated to a second class backwater, a mere geographic convenience". Major developments built, to better the country as a whole, such as the International Airport at Mangere, were at the expense of our taonga.

We are adamant that "the growth and industrialisation of Tamaki Makaurau has seen the Manuka Harbour, a once proud waterway and the nexus of the tangata whenua cultural and spiritual life, relegated to a second class backwater, a mere geographic convenience".[25] *Major developments built, to better the country as a whole, such as the International Airport at Mangere, were at the expense of our taonga.*

Kaani Wawatai was interviewed by Julie Wade of Huakina for the Manuka Plan of the Auckland Regional Council in 1989 and this tupuna of Whatapaka stated "When the aerodrome was built they pushed thousands of tons of soil onto the floor of the Manuka and that's when those scallops from Whatapaka disappeared.

We could document at length the loss of the fisheries, the destruction of the wetlands, the cladding of Papatuanuku in increasing acres of concrete and asphalt, the reclamations of the harbour after which the stench of the dying shellfish could be smelt for months, the stripping of the earth for horticulture, the encroaching cities that spread and ran into one another until they became one amorphous mass. But this is enough to demonstrate our point. For our people, the harbour and its catchments have gone from a place for living in, to a place of survival. In the space of a few decades the Manuka was changed from the food-basket of the iwi to the sewer of Auckland .[26]

The Plan goes on to acknowledge that some progress was made in the period following the Tribunal through the Manukau Harbour Action Plan but considered (in 1996) that while this *"has resulted in an improvement of harbour ecological values relative to their status in the immediate decades preceding the claim to the Tribunal. They are still a long way short of restoring those values to the status they were when pakeha assumed management of the harbour and its catchments. Much work still remains to be done. The integrity of the harbour and its catchments are under ever increasing pressure from an international city ever hungry for future expansion."* [27]

Commenting specifically on the Franklin District, the Plan states:

Franklin lies to the south of metropolitan Auckland. It has an area of 220,000 ha and a population of 42000 who are concentrated on the Franklin lowlands. The two principal service centres are Pukekohe and Waiuku. Franklin goes coast to coast (Tasman to Hauraki Gulf) and enjoys a lengthy Manukau Harbour frontage. There is extensive first class land producing an extremely diverse range of agricultural products.

Franklin District is one of the most significant farming districts in New Zealand, capitalising on a unique combination of physical, infrastructure and market location factors. It is New Zealand's premier fresh milk production area and grows one-quarter of New Zealand's fresh vegetables.

25 Ref: Julie Wade of Te Puaha ki Manuka Committee 1987

26 Huakina Development Trust, (2007), *op.cit.*, p51-2

27 Huakina Development Trust, (2007), *op.cit.*, p54

The productivity capability of the soil along with mild all year round climatic conditions contribute to making this area New Zealand's leading farming area for 12 months milk production. The loss of this land to other uses would result in winter milk production being drawn from fragmented pockets of farmers extending over a large area.

Significant changes have occurred in the rural areas in recent years. There has been a diversification away from pastoral farming to more intensive activities like horticulture. A growth in rural and residential development has also been evident and the subdivisions of these lands have put added pressure on the services of the region.

In Franklin the biggest threats to natural resources are: soil loss from market gardens, nitrate pollution of ground water, runoff, dairy shed discharges to waterways, pesticides, possible breakdown of soil structure in cropping areas, inappropriate development of hazard prone coastal areas, ineffective subdivision control resulting in fragmentation of prime agricultural land."[28]

The Plan notes that: *The lines of ridges at Keri Hills and along Redoubt Road and Point View Drive are seen as providing a natural backdrop to urban development and are valued environmental features of this sector. Metropolitan Auckland is growing so fast that it is subject to continual evaluation. It is equally important that events, trends and future needs within the region are continually monitored so that current planning remains relevant to the needs of the region. One of the most significant changes in the past decade has been the rapid expansion of the urban fringe into areas that were once exclusively farmland.*

The ultimate goal of the Plan is *"to see the well-being of our people and the health of our natural resources restored and managed wisely"* which is expressed as "*The Restoration and Enhancement of the Manukau Harbour its catchments and the well-being of its People*". This is re-stated through three goals to establish and implement three relationships that Huakina has identified as being essential to achieve the objective of this plan:[29]

(1) relationship with the environment;

(2) a relationship with our people; and

(3) a relationship with external agencies.

The Plan discusses six issues of direct relevance to land use aspects of the DGS and sets out policy for each (reported in full in Appendix 2):[30]

28 Huakina Development Trust, (2007), *op.cit.*, p68

29 The 1996 version had a fourth goal "a relationship with Tangaroa", noting *"Although it is categorised as Part C of this plan, it is to be recognised as an iwi planning document in its own right."*

30 The Plan also contains a significant number of provisions relating to consultation with, and the provision of advice by, tangata whenua and the resourcing of their kaitiaki role. This include support for the setting up of a Manuka Harbour Guardian Trust as a legal entity with auditing responsibilities over all activities that may impact on the wise management and restoration of the harbour fisheries, water quality and its habitats.

Water: addressing the following specific matters,

- discharges;
- coastal areas;
- aquifers;
- dams, wetlands, flood protection;
- subdivision;
- future development;
- water extraction;
- reclamation and dredging; and
- maintenance of natural waterways.

(1) **Air**: addressing the following specific matters,

- discharges from transportation; and
- discharge standards for all discharges to air

(2) **Land and land resources**: addressing the following specific matters,

- access;
- containment of urban growth;
- soil erosion and sedimentation;
- landscape values;
- refuse treatment and disposal;
- esplanade reserves and strips;
- pest control;
- contaminated sites;
- mineral extraction; and
- indigenous fauna and flora.

(3) **Papakainga:** addressing the right of Iwi to develop their papakainga.

(4) **Marae:** addressing the right of Iwi to develop their marae.

(5) **Wahi tapu:** addressing the following specific matters,

- *the status of mana whenua as the only ones capable of defining and identifying wahi tapu;*
- *the reduction of registered sites in the Manuka catchments due to historical modification and destruction;*
- *the lack of archaeological surveys carried out in the catchment; and*
- *records of archaeological sites are not held by iwi and so wahi tapu are consequentially difficult to protect.*

In terms of infrastructure planning in the DGS the provisions relating to discharges could be challenging, notably:

- *No point source discharges, treated or untreated, are to be discharged directly to waterways.*
- *Discharges must go through the land before entering a waterway.*
- *Stormwater systems must be developed and/or improved to collect and treat pollutants.*

- *The direct discharge of effluent and other contaminates, including anti-foulants from land or vessels into the waterways of Waikato is to be prohibited.*

The central issue of water quality is complemented by provisions relating to water supply and use including:

- *further damming of our natural waterways is to be prohibited.*
- *further drainage of wetlands is to be prohibited.*
- *the treatment and recycling of water where appropriate is encouraged;*
- *all reclamation works impacting on the waters and waterways of Waikato are to be prohibited unless it can be demonstrated to be in the interests of the well-being of the water.*
- *the diversion of waterways is to be prohibited.*

The Plan makes specific reference to aquifers which in some areas may be threatened by urban development:

- *all external agencies, including developers, must participate with Huakina and the Marae of Waikato upholding ahi kaa on all issues concerning the aquifers of Papatuanuku.*

It also refers to subdivision and future development and the containment of urban growth:

- *All external agencies, including surveyors and developers, must participate with Huakina and the marae of Waikato upholding ahi kaa or their hapu representatives regarding subdivision practices. This includes all planning for the provision of services such as sewerage, stormwater and water allocation and any other practice that may impact on the water quality of the region;*
- *All planning for urban, suburban and rural development, whether commercial, industrial or otherwise (including expansion of regional infrastructure), must include the participation of Huakina and Waikato marae upholding ahi kaa or their hapu representatives from its outset where there are possible or potential impacts on land, air or water quality within the Manuka region.*

The provisions of the Plan related to urban containment are also significant in terms of planning for the growth of the District. The Plan states that:

The effects of the built environment pose the greatest threat to the ecosystem of the Manuka Harbour and its catchments. While future growth is inevitable it is essential that development is contained within existing ARC metropolitan limits.[31]

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31 Huakina Development Trust, (2007), *op.cit.*, p83**,** The Plan states elsewhere that *"All activities occurring on the isthmus have some actual or potential effects on the land, water and air resources. Much of the region's urban development has taken place in soils highly valued for food production. Pockets of intensively farmed land within the urban area remain as an important*

4.2 Ngaati Te Ata Tribal Policy Statement

The Ngati Te Ata Tribal Policy Statement is probably the single most significant of the additional documents identified through the consultation. The Statement identifies as the context:

Ngaati Te Ata are an impoverished people. This impoverishment has been bought about by a process of colonisation which has rendered the Iwi landless, resulted in large scale confiscation of Iwi resources, Imposed a foreign system of land ownership and resource management, rejected Iwi values, and denied recognition of Ngaatl Te Ata status as manawhenua in Its tribal territory.

The impact on Ngaatl Te Ata has been devastating. To ensure that this does not happen again, the Iwi must begin the slow recovery towards the form of self sufficiency it enjoyed In previous times, though within a modem context.

The statement sets out five goals for the Iwi which all relate directly to community outcomes identified by the Franklin District Council.

In terms of the DGS, the section related to kaitiakitanga has most bearing. [32] The Statement defines the kaitiaki approach to environmental management as being "holistic" and providing for:

(1) Restoration of damaged ecological systems;

(2) Restoration of ecological harmony;

(3) Ensuring that resources and their usefulness increases;

(4) Reducing risk to present and future generations; and

(5) Providing for the needs of present and future generations.

The kaitiaki objectives of Ngaatl Te Ata defined as:

(1) Restore mana of the Iwi;

(2) Plan long term usage of taonga;

(3) Protect sensitive features of the environment;

(4) Plan for the provision of kai (including kaimoana) for future generations.

Section 6 when discussing the theme of Nga Tikanga makes specific statements about a range of activities/resources related to the DGS:

- *Policy 6.3.4 Water, (e) Discharges: That the discharge of all pollutants (including sewage) into all waterways within Ngaati Te Ata territory shall be prohibited;*[33]
- Policy 6.3.11 Urupa (a) That all urupa *within Ngaati Te Ata territory shall be protected from modification or destruction and the right to modify waahi tapu shall remain solely with the Iwi;*[34]

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source of fresh produce for the local market." Huakina Development Trust, (1996), op.cit., p68

32 The report states: *the kaitiaki principle denotes obligations or responsibilities Incumbent on the Iwi, its members and appointed kaumatua, kuia or tohunga to carry out particular functions, be custodians, protectors and guardians of Iwi interests, its taonga and the various resources it owns",* Awaroa Ki Manuka, (1991), *Ngaati Te Ata Tribal Policy Statement,* pp9-10

33 Awaroa Ki Manuka, (1991), op.cit. p 49

34 Awaroa Ki Manuka, (1991), op.cit. p 53

Beyond the specifics of the kaitiaki theme, the prime significance of the Policy Statement is in terms of the process of self-reliance it articulates and the positions taken in relation to a range of statutory authorities and legislation.[35] The key policy statements in sections 4 and 5 of the report assert Ngaati Te Ata authority and ownership in relation to a wide range of matters including land water, taonga, planning and development.

4.3 Ngaati Te Ata Cultural Heritage Assessment: Genesis Wind Farm Proposal

The introduction to the assessment provides the context for the analysis of effects as well as significant implications for DGS in terms of any significant development on the Awhitu Peninsula:

"The Ngaati Te Ata rohe [tribal area] is surrounded by water. Manukatanga O Hoturoa [Manukau Harbour] to the north and east, Moanaui O Rehua [Tasman] to the west and Te Awa O Waikato [Waikato River] to the south. The whole Awhitu peninsula was once heavily populated and settled by our people. The main passage route used by all tribes was via the Waikato River, the Awaroa waterway to Waiuku, then onto the Manukau harbour and beyond. Harbour headlands and promontories were settled and highly valued for their access to the "Manukau foodbowl". The coastal plateau was strategically used to establish defensive Pa Taua [fighting Pa] and Pa Whawhai [Buffer Pa], their remnants still evident today.

We still have a spiritual and emotional attachment to these places. They are our natural encyclopædias and an integral part of this country's history. They deserve the very best protection we can all afford."[36]

To support this view the report cites ARC senior archaeologist Ian Lawlor:

"The pa sites on the Awhitu Peninsula are more numerous and larger in size because of resources available, rua, kumara, taro, gardens, waterways and fish, then anywhere in the Auckland region. The available food and water of the area is unique geologically, the natural round reservoirs of the peninsula providing clean fresh water, as well as underground puna, lakes and fresh water streams.

Significantly the red loan soils located down the middle of the peninsula are another unique characteristic in that this soil type was exceptionally productive

35 Section 4 sets out the Iwi's interpretation of the obligations of various organisations under ten Acts of Parliament. In general terms these assert the Iwi's rights to ownership and management over as range of matters including (but not limited to) fisheries, natural and physical resources, historic places, koiwi, and minerals. Section 5 sets out the Iwi's interpretation of the obligations of external agencies under the Resource Management Act 1991. It covers a range of matters including the definition of sustainable management, matters of national importance, Treaty of Waitangi, policy statements and plans, resource consents, heritage protection, water conservation, and hazard protection Of the agencies making submissions, only the Parliamentary Commissioner for the Environment provided a detailed analysis of the interpretation presented, identifying both areas of concurrence and those where the Commissioner's view differed. No submission was made by Franklin District Council or any other of the territorial authorities notified by the Iwi when the Policy Statement was published.

36 Karl Whare Tipeti Flavell, (2005), *Cultural Heritage Assessment for the Genesis Wind Farm Proposal* Te Iwi o Ngaati Te Ata, nn pp

for growing the Kumara an extremely significant factor in determining early Maori permanent settlement. Then there is the natural features which are the high points or ridge of hills that extends throughout the Peninsula which meant in terms of growing kumara, the land warmed up easier, and was frost free, giving the advantage. When added to the climate description of humidity, wind and weather, these unique conditions provided the special characteristics of being raised, frost free, warmer, sheltered, exceptional productiveness of the soil, and availability of water.

Add to this the abundance of fishery from the coast, the largest river in the country at one and the second largest harbour at the other and notably a low harbour which meant more shellfish and other foods then the deeper Waitemata, but still being the closest point of contact geographically between the Tasman and pacific oceans in New Zealand, the islands at the entrances, the resources of those waterways, the number and size of pa and kumara gardens , one could say the Awhitu peninsula is unique in New Zealand. As a landscape the Awhitu peninsula is comparable to nowhere else in New Zealand or nowhere else compares…"

On a wider scale the report states: *Most of Franklin District remains to be surveyed and therefore, there are substantial gaps where there has been no survey and consequently no recorded sites. Many surveys, irrespective of their coverage and standard were implemented 20-25 years ago or in response to threats from development. There is a lack of effective recognition and protection of historic places and areas, and waahi tapu areas. Iwi have traditionally been under funded and resourced, which has inhibited adequate assessment of sites of significance for particular hapu throughout the district.*

In terms of the Awhitu, the report notes that: *The Awhitu Peninsula is increasingly under pressure from population expansion and currently undergoing unprecedented growth and development. As a consequence significant archaeological sites and areas of great sensitivity to Ngaati Te Ata are under threat of being damaged and degraded. In many cases sites have been totally destroyed.*[37]

4.4 Ngaati Te Ata Cultural Heritage Assessment Waiuku Estuary

The Cultural Heritage Assessment for the Coastal Compartment Management Plan Waiuku Estuary[38] explores the cultural significance to Ngaati Te Ata of the project area. Matters addressed include:

- a reinforcement of key messages presented to the Waitangi Tribunal including those related to the mauri of the Harbour stating "*The Manukau harbour has mauri (a living energy). It is this mauri which provides for*

37 The Tohu Kaitiaki project primarily seeks to protect and ensure the appropriate management of Ngaati Te Ata cultural sites and taonga from any impact that compromises their integrity. Other objectives include identifying, recording and documenting sites which are of special significance, and where appropriate reinstate tribal place names. The project also endeavours to provide an educational resource for Ngaati Te Ata iwi and future generations, to educate and inform property owners, council and the general public of the importance of our cultural sites and together explore methods that can protect them into the future.

38 Karl Whare Tipeti Flavell, (2005), *Cultural Heritage Assessment for the Coastal Compartment Management Plan Waiuku Estuary*, Te Iwi o Ngaati Te Ata, 21pp

all living things and every place with a unique disposition. It is therefore imperative that nothing adversely impacts upon its integrity. Such an action detrimentally affects the mauri of the resource and consequently the mana, wellbeing and health of the people. The key here is the importance of altering the mauri to the extent that it is no longer recognisable as a healthy component (wai ora). The act of discharging wastewater (including stormwater) into natural water (the harbour) goes against this very belief."

- the taniwha Kaiwhare;
- the cultural and historical significance of the sites related to Tamakea and Tamakou at Waiuku;
- the Awaroa ki Manuka including the portage from the Waikato River (at the end of Crouch Road) to the Waiuku estuary;
- Moeatoa Pa;
- Waitangi Falls;
- the battle site at Tahuna Kaitoto;
- the pollution of Te Ware waterway;
- the impacts of discharges from the Waiuku treatment plant and the BHP Steel Mill;
- tauranga waka (landing area) including one at the Tamakea Reserve.[39]

4.5 Iwi input to the District Growth Management Strategy (1999)

Huakina Development Trust identified that the district growth management strategy should focus on protecting the environment (especially biodiversity) and maintaining a balance between rural and urban living.[40] Other key priorities included the protection of cultural heritage and the improvement of water quality. Huakina contended that *"all activities must be controlled so as to not impact on the environment and the pleasantness of rural and urban living."*

In response to questions posed in strategy survey about the urban/rural mix, Huakina considered that a 50:50 urban/rural growth ratio may not be appropriate to accommodate proposed growth. It contended that an 80:20 urban/rural split was more appropriate to accommodate the influx from outside the District. It advocated that the Council designate areas for housing, heavy and light industry and commerce, etc. to manage the growth. It was recognised that this may limit growth in the rural sector but argued it would allow stormwater control and agriculture to continue.

In advocating urban intensification Huakina stated that *"the development of townhouses and apartments are more suitable at this stage to cope with the*

39 The continuation of the Tamakea Reserve as a historical and cultural landmark of Waiuku was supported in a submission on the review of the Tamakea Reserve and Waiuku Botanical Reserve Management Plan in 1999, along with a proposal for tohu and a waka area/launching area, Karl Flavell, 12/10/1999

40 Selwyn Shaw, (28 April 1999), Letter to Ken Dyer, "District Growth Management Strategy", Huakina Development Trust, 4pp

influx of people into the area. The designs of the buildings will have to incorporate the landscaped feature, and safeguard the urban character within the development, and associated environmental issues." It was also noted that:

- in new developments, stormwater retention schemes are required to be incorporated in the design of the project;[41]
- water and sewerage systems must accommodate predicted increase in population;
- transport system must be quick and be more cost-effective; and
- well designed roads for maximum efficiency and user safety were required.

Huakina placed high importance on protection of versatile soils stating that *"High quality soil and minerals that are available to produce a variety of commodities that compliment the rest of the District's activities must be protected, nurtured and enhanced for future generations."* Huakina also not that *"it should not be forgotten that the Franklin District is the vegetable produce bowl for metropolitan Auckland and for export."*

In a reference to reverse sensitivity issues, Huakina argued that choices made to accommodate growth should not make economic activities more difficult. Citing the case of spray drift in rural areas and lifestyle development issues, the Iwi argued that such problems must not hinder viable projects.

While acknowledging that there was a demand for lifestyle blocks Huakina that it was necessary first to set aside appropriate areas for rural lifestyle blocks. e.g. areas of uneconomic value, where land cannot support traditional forms of production e.g. stormwater and market gardening. Huakina contended that criteria must be developed so that dispensation to develop lifestyle blocks in other areas of higher value and excellent soils is only approved if the development will not be detrimental to the environment or the district growth strategy. The Iwi also indicated that:

- The larger portion of the block be retained for stormwater.
- Proposed buildings need to be constructed away from stormwater activity.
- This type of subdivision could be staged over a number of years.

It was also noted that the development of coastal areas has a major impact on the coastal ecosystems, particularly, harbours, estuaries, and inlets and that is was a key priority to ensure that ensuring that land-based activities *"operate effectively to ensure coastal areas are not degraded any further, and improved where need be."* It was contended that the biggest problem is stormwater discharged directly into the harbour, causing erosion and silt build-up which damages the ecosystem i.e. indigenous flora, fauna and lowland bush etc.

Huakina envisaged that there would be no further development on Pukekohe or Bombay Hills unless developers can produce a plan that will enhance the

[41] It was noted that "*The values on the receiving environment proposes to limit the quantity of stormwater discharged off site into the stormwater system, and will enhance the environment as a whole"*

significant values of these areas. It also argued that to safeguard cultural heritage such as buildings, sites, places, historical trees etc. restrictive covenants should be placed on these areas to protect them from being destroyed by future development.

Returning to a theme of the Iwi Management Plan, Manuka, Huakina stressed that the water quality in Franklin has to be upgraded and maintained to a very high standard, especially given the proposed future population growth. It was also stated that Hickey Springs needs to be looked at closely in future developments. The Iwi noted issues of poor quality in the water supply and the need for residents to boil drinking water in a recent storm. The Iwi believed that it would require *"a huge amount of resources to eliminate this problem."* It advocated looking at alternative supplies to ensure that this will not occur again and noted the possibility of boring for water in the future.

Ngaati Te Ata noted in a submission on the Draft Auckland Regional Growth Strategy that they have seen many 'development' changes during their long occupation in the region and that "*It can not be said that many of these changes have been to the benefit of the tribe. Ngaati Te Ata is cautious of any development, as it has found itself in the invidious position numerous times continually reacting to a barrage of proposals developed, controlled, and ultimately initiated for the benefit of others. Local authorities and developers have been seen in the past to be almost driven by a pioneering mentality and the physical and economic ease with which modem earth moving equipment can provide roads, house sites and service connections is a worry in itself.*"[42]

The Iwi identified a number of issues in relation to the Franklin District Growth Management Strategy including:

- the destruction of natural features and structuring elements in the landscape (including ecological links and habitat) that might otherwise provide points of interest within developed areas and contribute to a local sense of place.
- the loss of physical containment, psychological protection and separation from adjacent areas of development
- a resultant homogenising of the landscape and of residential estates, and
- the pollution of water courses and gully streams with silt and storm water run-off resulting in the secondary loss of features and elements.

Ngaati Te Ata expressed a preference for the containment of urban growth within already established urban areas.[43] It contended that there were needs to:

- restrict growth along the coastal margin, lake and river edges;
- protect Ngaati Te Ata values, heritage and tikanga from any adverse subdivision and other development. Lands, waterways, mountains, rocks or caves, certain waka landing places can all be considered as waahi tapu

[42] Ngaati Te Ata Awaroa Environment , (no date), *Extract from Awaroa Environment submission on the Draft Auckland Regional Growth Strategy, Section 4: Growth Matters of Significance to Ngaati Te Ata Iwi,* p 13-16

[43] Ngaati Te Ata Awaroa Environment , (14June 1999), *A Growth Management Strategy*, 8pp

through past association with historic events. Many of the Waiuku and Awhitu waterways have been the centre of iwi village life in pre-European times. Subdivision, flood protection works, government and private development, and other construction have already interfered with a large number of these sites;[44]

- protect and improve water quality;
- improve infrastructure (water supply sewerage, roading etc.) for the expected population growth. Look for improved technology in waste disposal methods, and environmentally and culturally sensitive development; and
- protect the right of tangata whenua to have undisturbed access to all reserves and the ability to plan and develop those reserves for the best interests of Ngaati Te Ata people.

Ngaati Te Ata identified a range of risks posed by regional growth including:

- **Air and air space:** the probability of increasing emission of contaminants into the air will have dire implications for Ngaati Te Ata, and have long been a concern for Maori in general. Particularly those activities within tribal airspace and their effects, and secondly activities that take place elsewhere such as industry, airports, telecommunications, etc. Such activities have already affected Ngaati Te Ata health, over recent years there has been concern for a high asthma rate among iwi members related with near-by industries (Glenbrook Steel Mill) which have for certain caused respiratory problems;
- **Ancestral Lands:** there is a concern for the immediate environmental problems facing tribal lands. With predicted construction works there will be a concern of trying to maintain forest cover on steep river headwaters to prevent erosion, slumping and river situation still exist. Problems over inappropriate land use, deforestation, soil erosion and the loss of soil quality for productive use. There has been concern for tribal lands covered with native forest and remnant bush land blocks, while the Government has worked to discourage native tree felling through its indigenous forests policy, local authorities still require rates to be paid, from land which is usually unproductive;

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[44] Ngaati Te Ata expressed concern that *"the Resource Management Act provides only limited guidance on the objectives for protecting and managing natural and physical resources, heritage and cultural sites, and opportunities contained in the Resource Management Act for enabling the use and development of resources.*
It stated that *This was evident in the recent Wiri stonefields case where the RM Act proved to have insufficient teeth to deal with developmental impacts on an important Ngaati Te Ata waahi tapu site."*
Ngati Te Ata contended that *"Those matters of significance in regards to regional growth that concern Ngaati Te Ata iwi are those similarly faced by other stakeholders in the region. However for Ngaati Te Ata there will be concern over both the physical degradation of the natural and physical environment, and perhaps more persistently, the consequential demise of their spiritual values. Ngaati Te Ata iwi often speak not only of the physical scars and physical abuse to the environment caused by regional growth but also of the spiritual contamination of the people as a result. As such, the issues of concern identified here can best be understood within that cultural context."*

- **The coast and coastal waters:** regional growth will undoubtedly have an adverse effect on the coastal environment. This has been evident with the introduction of exotic species (both animal and plants), the clearing of coastal vegetation for farm and residential land-use, the use of coastal waters for waste disposal, the reclamation of mangrove forests, and the industrial extraction of coastal sands for the manufacture of glass and concrete. The depletion of mahinga kai areas (shellfish beds) and decreasing stock and the violation of places designated as urupa, in caves and underground caves along the coastline will be a major concern for Ngaati Te Ata;
- **Inland waterways and wetlands:** many of the surviving wetland areas have already been degraded by drainage, pollution, animal grazing and introduced plants. Only a small percentage of original wetlands remain. This could only increase with regional development. Ngaati Te Ata see the protection of existing wetlands as vital, particularly from inappropriate drainage or subdivision The damming and drainage of these waterways are, perhaps, the biggest threat to Ngaati Te Ata, both in a resource use sense and a spiritual loss. There is a very real likely threat that the earthworks (in the construction phase of development) will disturb, violate and uncover waahi tapu (Pa sites, urupa, koiwi). Adverse effects of nitrification and pollution from farm and industrial run-off may also be a problem; and
- **Harbours/Estuaries:** regional growth has the potential to affect the natural character and habitat of harbours and estuarine waters. Such aesthetic value has been lost already (i.e. Manuka Harbour) or degraded by drainage, the construction of flood channels and stop banks, residential development, the removal of riparian vegetation, increased waste disposal, urban stormwater concerns and agricultural run-off. Pollution from non-point sources (diffuse sites such as paddocks and roads) are still a major problem particularly where nutrients and sediments wash into waterways or nitrates leach into groundwater. Urban stormwater causes serious problems polluting estuaries and harbours with sediment and toxic substances.

Ngaati Paoa expressed concern about development and subdivisions allowed on the coastline and especially in areas where it is known to flood, when commenting on the implications of growth for the Eastern Coast- Kaiaua area.[45] It also was concerned especially with the effects of sewerage discharges into coastal waters and the ensuing danger to human life.

Enable Maori to provide homes and properties for children when they grow up and elders when they wish to retire. Therefore support for scattered type rural

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[45] Rosalind Wilton, (08/06/99 16:09) Memo to: Ewen Patience, cc: Ken Dyer, *Subject: Ngaati Paoa meeting*, 2pp.
The meeting notes also include the statement that *"We discussed the consultation that had been done so far and suggested that they fill out the questionnaire and make other comments on the white paper or the green paper. They took a dozen copies each and said that they were having a meeting on Saturday (12/6) and they would use the questionnaires as a way to start the discussion. They would hopefully have time to put together a response from that meeting".* No further information has yet been identified

subdivision, although recognise potential benefits of designating rural lifestyle areas to mitigate reverse sensitivity effects.

Ngati Paoa also expressed concern that growth principles and development standards based on these need to be monitored and enforced. This requires adequate resources attached to monitoring. They noted that "*Experience with other strategies shows that strategies that are not monitored or enforced are meaningless.*" The Iwi requested that there be a statement in the strategy as to how the outcomes of the principles were to be monitored and resources allocated to this.

4.6 Submissions on the Rural Plan Change

The report on the submissions[46] and further submissions on the Rural Plan Change (Change 14) identified 27 submission points and 31 further submissions on Tangata Whenua matters.[47]

It assessed them under the following headings.

- Resource Management Act Part II Considerations, Maori Culture and Traditions and Maori Consultation;
- Cultural Heritage and Conservation;
- Public Access to Manukau Harbour Foreshore Areas and Esplanade Reserves;
- Manukau Harbour Fringe Policies;
- Coastal Development and Coastal Village Zones;
- Environmental Lot Provisions;
- Protection of Taonga;
- Management Areas - Coastal and Cultural Aspects;
- Papakainga Housing;
- Rural Subdivision Procedure;
- Rural Subdivision Criteria;
- Transferable Rural Lots – Whakatiwai;
- Discharges and Water Quality;
- Whakatiwai Village Structure Plan Area Zoning and Urupa;
- Map 10 Whatapaka Marae; and
- Concept Plans – Urupa.

Many matters raised, including those related to the consultation process and te ownership of the foreshore and seabed are outside the ambit of the DGS. Matters of significance to the land use elements of the DGS included:

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46 Keith Phyn, (2004) Proposed Rural Plan Change (Plan Change 14) Report no: 1, Report on submissions and further submissions (tangata whenua), Franklin District Council, 41pp

47 The submitters included Ngaati Te Ata, Kirkwood Family, A Thompson, Wharekawa Marae Trust, and Ngati Tamaoho.

Cultural Heritage and Conservation

The area between the Waikato River and the Manukau Heads on the Awhitu Peninsula has one of the highest densities of archaeological sites in the Auckland province. However, many sites are not recorded and many have been destroyed through farming practices and development. Countless artefacts are buried in numerous spots all over the Whenua.

Carbon dating at a Pa site at Maioro in 1969 was dated at AD. 1042 (Green and Fox). Many stone tools have been found, many of these are held at Auckland and Waiuku Museums. Because there were no rocks along the coast large amounts of rock was couriered to the coastal region to flaking sites to manufacture Toki (adzes).

The coastal terrain also offered early Maori ideal features to strategically build their defensive Pa Taua (fighting Pa). The red clay was sought after for digging ditches and the sandy soil for growing kumara - storage pits can still be seen today.

Public Access to Manukau Harbour Foreshore Areas and Esplanade Reserves

The submitter (Kirkwood Family) opposed further access to Manukau Harbour Management Areas given their environmental sensitivity and the encroachment on traditional fishing grounds and waahi tapu areas. The major portion of the Ellets Beach to Karaka Point foreshore is ranked as a Coastal Protection Area 1 in the Regional Plan: Coastal (RPC) for the Auckland Region. This area of foreshore retains outstanding natural character and also lies along the landward margin of significant intertidal wetlands that are also an important feeding area for wading birds. The area encompasses the two most numerically important bird roosting areas on the harbour (Seagrove and Karaka).

The submitters also opposed increases in esplanade reserves citing the significant management issues (vandalism/land damage by off road vehicles); required under Local Government Act to take account of relationships with Maori; public access/creation of esplanade will encroach on fishing grounds and waahi tapu areas; and the large proportion identified as Special Coastal Character Area/sensitive to change.

Manukau Harbour Fringe Policies

The submitter (Kirkwood Family) supported the Manukau Harbour Fringe policies, particularly those that will assist repair of harbour and which will avoid encroachment on fishing grounds and waahi tapu areas.

Coastal Development and Coastal Village zones

The submitters strongly opposed any coastal development (including subdivision), and proposed Coastal Village Zones, within the:

- Tasman Coast Management Area;
- Manukau Harbour Management Area; and
- Waikato River Management Area.

The submitters claimed that there continues to be numerous outstanding and unresolved issues such as customary rights and title and that no Crown legislation extinguished customary rights. They also claim that the assumption that the Crown owns the foreshore and seabed is wrong and that Ngati Te Ata manawhenua is wider than just the foreshore and seabed; the iwi's mana blankets the entire coastal marine areas.

Environmental Lot Provisions

Ngaati Te Ata supported the RPC's Environmental Lots provisions increasing the range of opportunities for restoration, enhancement, protection of indigenous vegetation, wetlands, cultural, historic, and archaeological features.

Management Areas - Coastal and Cultural Aspects

Ngaati Te Ata requested additions to the Awhitu, Central Rural, Waikato River, Tasman Coast and Manukau Harbour Fringe Management Areas citing that the connections from coast to coast, from the Manukau Heads to the Waikato River, the Manukau Harbour and the central districts have a highly valued historical and cultural importance to Tangata Whenua. They were places where tupuna (ancestors) resided and used frequently. That relationship for Tangata Whenua still exists and continues today. It has never been relinquished. Subdivision, development, landuse activity, and (other) inappropriate use, have the potential to destroy these values.

Wharekawa Marae Trust raised concerns about the Seabird Coast Management Area, which is not in original submission and raised concerns about the *"intense pressures"* that the Whakatiwai Stream and adjacent lands have undergone. It was asserted that with waahi tapu and urupa sites on the coastal fringes, it is likely that many more negative issues will arise in the wake of proposed Village Structure Plan Areas. *Development poses risk to the cultural heritage in this immediate area and therefore was strongly opposed. It was also asserted that any development on these low lying coastal lands seriously vulnerable to coastal flooding and sea level rise. Alluvial layers can be seen in stratigraphy eroding waahi tapu banks of the Whakatiwai Stream. States that the Wharekawa Marae upgraded their septic tank system because of council regulations and that it was enlightening to find that septic tanks floated on the high tide. Quotes this is a prime example of their ecological point of difference, substantiating the further submitter's opposition to the Village Structure Plan for Whakatiwai and the negative impacts of development on social (including infrastructure), cultural, ecological and therefore a holistic sustainable management of this area.*

Papakainga Housing

The submitters opposed what was interpreted as a Council proposal to determine how far away from marae papakainga could be built.

Transferable Rural Lot Rights Whakatiwai

Submitters opposed Transferable Rural Lot rights for Whakatiwai.

Discharges and water quality

Ngaati Te Ata reconfirmed that the discharge of sewage and other wastes into water is culturally unacceptable and offensive; seek maximum protection of waterways in all decisions regardless how minimal the environmental effect is purported to be.

Wharekawa Marae Trust contended that effective management of water resources requires a firm understanding of three things:

(1) The effects of adjacent landuse/management on water quantity and quality.

(2) The equitable allocation of water for out-of-stream and in-stream uses.

(3) The connections between freshwater and coastal ecosystems.

The Marae Trust also supported that statement that the discharge of sewerage, effluent runoff and other wastes into waterways is currently unacceptable and offensive. It contended that mitigation of adverse affects through sustainable practices such as riparian management to enhance and restore biodiversity and thereby reduce erosion should be required.

Whakatiwai Village Structure Plan Area - Zoning and Urupa

Wharekawa Marae Trust wholly opposed the Village Structure Plan and contended that the development setbacks should be increased to include all the low lying area as development will have a major effect on the Whakatiwai Stream. The absence of an inventory of cultural heritage items was noted with reference made to Karamu Pa sits atop this site and many other archaeological features also dominate this area. which both the Department of Conservation and the Auckland Regional Council are reported to have identified as sites of major significance to the Tangata Whenua.

The report also notes that *"The land itself fosters genetic diversity within the ecological goods and services that dominate. The remnant bush stand is one of the last along these eastern 36 coastal lands adjacent to Tikapa Moana. Visible on this land also are the Whakatiwai Gravel Ridges that in other places have slowly degraded due to human imposed negative influences. The site is of cultural significance due to the presence of unmarked graves on both waahi tapu and urupa, the presence of the Rueone Lagoon which is a traditional Tauranga waka is a taonga that will not be compromised….. Wharekawa Marae is also active in Kaupapa Waka with the presence of Te Kotuiti Tuarua which takes centre stage at the annual Wine and Cheese Festivals.*

4.7 Response to Local Coastal Planning draft scoping study

The Ngati Whanaunga Environment Unit wrote to Environment Waikato expressing concerns about the adequacy of consultation in a proposed Local Coastal Plans scoping study.[48] Beyond procedural issues that the Marutuahu

[48] Nathan Kennedy - Environment Officer Ngati Whanaunga Environment Unit, (17 August 2005), Letter to Rosalind Wilton, Environment Waikato, *Local Coastal Planning draft scoping study - inadequacy of tangata whenua considerations,* 5pp

Iwi[49] do not consider themselves represented by the Hauraki Maori Trust Board the letter made the significant statement that *"Tangata whenua issues and values are generally separated out from other assessment, failing to recognise that there might be alternate perspectives on the likes of landscape, amenity, and development to those put forward. It is tangata whenua that have often fought against councils and developers alike, when the provisions made for Maori in all the existing statutory documents are set aside by councils bending over backwards to accommodate development. This being the case, we approach the development of non statutory planning instruments with some scepticism as to their effectiveness.*

This tendency to restrict recognition of Maori values and perspectives to select issues such as cultural heritage and wahi tapu is patronising, and this report appears to perpetuate this approach. For example the section Natural Heritage/Biodiversity makes no reference to Maori values - yet this is a subject of particular importance to tangata whenua. The report notes that DoC and NIWA are considering 10 new Marine Reserves - but fails to recognise the potential for this to undermine the mana moana of Marutuahu. Where is consideration of establishing mahinga mataitai, or taiapure?"

4.8 Submissions on Resource Consent applications

4.8.1 Karioitahi Parks Ltd

A commentary on the significance of the Awhitu Peninsula in general and on the Karioitahi Reserve as a place where tupuna of Ngaati Te Ata resided and used was provided in a paper on August 2005[50] which stated:

- *Every square hectare of land along the peninsula was named and has its own particular meaning that describes that location. This site was also known to our people as Rukuwai [the leaping place].*
- *There is an ara wairua [pathway used to carry the dead] that runs along the length of the reserve leading to the nearby urupa and further down toward Maioro. Over the years large numbers of koiwi [skeletal remains] have been retrieved around this area often as a result of erosion and sand movement. Tikanga [custom] was strictly adhered to where ritual and ceremony were an everyday occurrence with practically all activities under some form of tapu.*
- *The whole Awhitu peninsula in fact was once heavily populated and settled by our people.*
- *The main transport route via the Waikato River, the Awaroa River to Waiuku, and the Manukau harbour and beyond was the main access way for all tribes in Aotearoa and was used for various reasons. However inter tribal war made this area very perilous to live at times and compelled our people to move to higher ground along the coastal plateau where they built defensive Pa Taua [fighting Pa] and Pa Whawhai [Buffer Pa]. The remnants still evident today.*

[49] Ngati Maru, Ngati Whanaunga, Ngati Tamatera and Ngati Paoa. The rohe of Marutuahu stretches from Matakana, near Tauranga in the South to Matakana, near Leigh in the North.

[50] Karl Whare Tipeti Flavell, (26th August 2005), *letter to G. Shine, Karioitahi Parks Ltd*, Ngaati Te Ata, 5pp

- *The coastal terrain offered our people the ideal features to strategically build their settlements. It commanded all round views of the sea, harbour and wider landscape. Red clay soils were sought after as defensive ditches could be formed without crumbling away. The sandy soils of the coastline suited and provided good kumara crops and the whole coastal region was extensively cultivated. Rua [storage pits] are still seen today on Pa sites, hill kainga and ridges that provided ideal drainage.*

4.8.2 Awhitu wind farm

Submissions on the Genesis wind farm on the Awhitu Peninsula traversed a number of the issues raised in other contexts relevant to the DGS[51] such as the intensity of occupation of the peninsula raising the specific instance of the former Te Kete burial reserve.[52] A submission by Karl Whare Tipeti Flavell asserted that *"the proposal would have an adverse effect on, and detract from, the natural character and values of the coast environment"* and that *"this proposal would be totally in conflict with the Resource Management Act section [6a] the preservation of the natural character of the coastal environment [including the coastal marine area] wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development."* [53]

4.8.3 Ngaio

Coastal erosion on the northern Awhitu peninsula and in particular works at Hudsons Beach, Sargants Beach, and Grahams Beach were the focus of interactions between the Council and Ngati Te Ata over a number of years.[54]. Issues addressed included the nature and extent of works[55] and the avoidance of dredging of any scale (particularly avoiding traditional sources of kaimoana). It is also noted that at a meeting on 10 May 1999 Nganeko Minhinnick of Ngaati Te Ata indicated that the beach at the Hudsons Beach Recreation Reserve was a favoured waka launching point for the tribe an area of significance for access to the Manukau.[56] This was subsequently noted In the *"Future Development*

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51 Other matters were also raised including a claimed property right in the wind, the appearance of the wind turbines, the consultation process and the merits of the archaeological report.

52 Statement of Evidence of Roimata Minhinnick on Behalf of Te Iwi o Ngati Te Ata Waiohua, tabled at the Commissioners' Hearing 2/7/2004.

53 Karl Whare Tipeti Flavell, (08/09/2000), *Letter to Greg Lowe, FDC, Re Hudsons Beat – erosion/boat ramp Sargants Beach erosion*, Ngaati Te Ata, 1+pp

54 See, for example, Karl Whare Tipeti Flavell, (17th December 2004), *Letter to Paul Majurey and Tania Waikato, Russell McVeagh*, Ngaati Te Ata, 3pp Other matters canvassed in Council documents related to the area included the status of the Te Ngaio Reserve, Waatara Black 15 January 1993) *Letter to Registrar, Waitangi Tribunal re Te Ngaio Reserve*, 2pp

55 While Ngaati Te Ata generally acknowledged the need for works its preference was for nature to take its course. It was also particularly concerned in 1999 when contractors exceeded the design brief for works at Grahams Beach, noting that *"in the past, Council contractors have actually destroyed waahi tapu because they worked outside their brief,"* Nganeko Minhinnick, (no date) *Letter to Greg Lowe, FDC, re variation of Consent for Grahams Beach erosion*, 1pp

56 G Lowe, (no date), *File Note Meeting 10 May 1999: Awaroa Environment to discuss a review of the Hudsons Beach Recreation Reserve Management Plan,* 1pp

and Development Controls" section of the Management Plan released in 2000.[57]

4.8.4 Wallace /Golden Homes

The primary issue arising out of the documentation of this development was identified in the additional notes which stated *"The currently used cultural heritage inventory (CHI) linked to the Franklin District Council GIS [database input from the ARC and HPT] remains **incomplete** regarding cultural heritage identification, recording and surveying of the Franklin District."* [58]

4.8.5 Envirosand

Ngati Naho Co-operative Society Ltd prepared a cultural report for Envirosand Mercer Ltd [59] who were applying for resource consents to mine sand from 12 ha property near Mercer.[60] Ngati Naho assessed the proposal against the following criteria:

- *What impacts and long-term effects would this development have on the land, wetlands, streams, lakes, and river?*
- *What impacts would this development have on the wildlife?*
- *What provisions are there to protect the health of the rivers its tributaries and wild life from such use? Would the development impact on customary fishing rights?*
- *How would access be affected?*
- *What is the overall plan for the earth works? What is involved?*
- *What provisions have been made with regards to any run off?*
- *What provisions are there to protect Koiwi that may lie in and around the proposed development site?*
- *How would koiwi be treated if found on the site?*
- *How would the applicant address the removal of a number of native trees (Kahikatea) How would the water quality be protected? What is involved?*
- *How will these be dealt with in the Assessment of Environment Effects (A.E.E Report)?*

4.8.6 Storm water discharge for Pukekohe South Catchment (Application 29526)

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57 Franklin District Council (2000), Hudsons Beach Recreation Reserve Management Plan, p13

58 Karl Whare Tipeti Flavell, (5 May 2005), Letter to R. Wallace/Golden Homes, *Franklin District Council : Cultural Values Assessment*, 2pp + attachments. This point was also made in a submission on the Annual Plan seeking that the Council provide resources for the collection of information about the cultural heritage of Franklin District, Karl Whare Tipeti Flavell, (24 March 2005), Cultural Heritage Project, Submission number 179

59 R Herbert, (no date), C*ultural report for Envirosand Mercer Ltd,* Ngati Naho Cooperative Society, 13pp

60 It should be noted that Ngati Tamaoho Trust Environment objected to the inclusion of the Ngati Naho cultural report in the application on various grounds including that *the tangata whenua history is flawed and not reflective of Ngati Tamaoho Tangata whenua status in the area,* Dennis Ngataki, (11/10 2004) *Sub: Proposed Sand extraction application for Envirosand Mercer Limited.*

Ngati Tamaoho Trust objected to the application[61] stating that *"Ngati Tamaoho people have a long associated history with the Pukekohe Region and realize the significant value in mitigating and controlling storm water flows in the area Ngati Tamaoho Environment as part of our Kaitiaki responsibility have constantly work to protect and nurture environmental impacts in line with Part II Section 6(e) of the Resource Management Act 1991."*

The grounds for objection were that *"Ngati Tamaoho environment maintain that further consideration needs to be given to the ever-increasing growth projections for Frank1in Region, Ngati Tamaoho environment are very mindful of the impacts that storm water can have on our waterways especially the Manukau Harbour and Waikato River."*

Stormwater discharges in this catchment have been the basis of long-running interaction between the Council and tangata whenua. Ngataki noted in 1999 that the Council had previously consulted Huakina twice in 1995 on the issue.[62]

4.8.7 Spookers Ltd Café and Maze operation

Ngati Tamaoho Trust opposed the operation on the grounds [63]that *"we strongly maintain your practice or operation is totally in sensitive to those that have lost their life's and have had to endure in human treatment in the pass regarding King seat Hospital.*

Secondly there has been a lack of consideration towards consulting with local Tangatawhenua especially regarding part II section 6 of the Resource Management Act 1991,

Thirdly the current waste water facility is not adequate for discharge. Whatapaka Creek is reserved for customary use under section 439 of the Maori Affairs Act 1953 reserved to Whatapaka Marae back in 1991. We are or have the Kaitiaki responsibility to uphold and nurture the creek from environmental impacts for future generations."

4.8.8 Emerald Downs gravel extraction

Issues related to resource extraction and traffic/safety and consultation were raised in a submission on a proposed quarry at Emerald Downs.[64] The submitter objected to both the addition of a new quarry in an area already having five within 15.5 km between Ridge Road Pokeno and Emerald Downs. The submitter also sought conditions on truck movements in the vicinity of Mangatangi School.

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61 Dennis Ngataki (27 February 2006), *Sub: Application 29526 For storm water discharge for Pukekohe South Catchment,* 1pp

62 Dennis Ngataki (4 November 1999), *Letter to Tim Mills, Franklin District Council re Stormwater Discharge consent for the Pukekohe South Catchment*, 4pp

63 Dennis Ngataki (15 November 2005), *Sub: Spookers Limited and Maze Operation* 1pp

64 Heraraumati Brown, (no date), *Statement of Sally Brown, Application by Emerald Downs Limited for Resource Consents to extract gravel at Emerald Downs, Mangatangi,* 4pp

4.9 Tangata Whenua input into the Community Outcomes

The records of tangata whenua input into the consultation on the community outcomes are contained in the reports of two meetings held:

(1) with Ngaati Te Ata on 7 March 2005; and

(2) at the Pukekohe Town Hall, 2nd March 2005

The issues raised have been compared with the Community Outcomes Statements (Appendix 4) to assess the extent to which they are directly addressed, partially referenced or not covered in these statements.

Table 1 Ngati Te Ata

Comment	Directly addressed	Partial reference
Improve roading to and around Marae		2.1.4
Support health centre - the health centre is for the community	3.2	3.2.2
Health promotion, promote healthy recreational activities and events - waka ama/ Smokefree		3.2
Support Recreational programmes	3.3	
Improve Maori Health	3.2.2	
Develop better relationships and networking with FDC	6.2.9	4.3.1*
Maintain communications with tangata whenua	6.2.9	4.3.1*
Cooperation between Ngaati Te Ata, FDC and Counties Manukau District Health Board		4.3.1*
Maori cultural needs to be supported		4.3.2
Heritage: support and funding for recording cultural heritage		5.1.2
Provision of data base and money for cultural heritage		5.1.2
Funding for the upkeep of Marae reserves and Marae area.		6.1.6
Tangata whenua be made aware of non-notifiable Resource Management planning applications before Council		6.2.9
Education: support Maori education initiatives		7.1.2
Training and support for community groups – funding applications etc.		7.3.1
Need to provide trust training		7.3.1
Employ 'Maori' Liaison Officer		
Ensure equity for the provision of services for all ratepayer groups		

- Given the Councils' Treaty obligations and other responsibilities to tangata whenua, the allocation of working in partnership with Iwi to the outcome 4 and specifically to *"4.3 The District's rich cultural make-up is valued and fostered"* might be considered unduly restrictive. Outcome *"6.2.9 Tangata whenua and Maori input is provided in designing and managing our natural and built environment",* however, cover significant areas of tangata whenua concern.

Table 2 Pukekohe Town Hall

Comment	Directly addressed	Partial reference
Transport a major issue	2	
Lower speeds on some roads	2.1.1	
Need Rail connection to Tuakau	2.2.2	
500m road needs to be sealed		2.1.3
Tar seal around the Marae		2.1.3
Tuakau Bridge large trucks using the bridge need lights		2.1.4
No signs for Marae for visitors		2.3.6
Need footpaths – good trees	2.3.2/5.2.5	5.2.2
Signs spelling incorrect		2.3.6
Health services need to come back to Kaiaua	3.2.2	
Pool over summer holidays – school needs $5000 from the Council to keep pool open for rural children - Kaiaua	3.3.2	3.3.1
More facilities for poor kids		3.3.1
Kaiaua - housing for older people stumbling blocks		4.4.1
Council needs to be looking to support youth	4.5	
Need to give more help to the young	4.5.1/7.3.3	
Need to look at ways of keeping kids away from drugs	4.5.2	
Social structures need to be redressed – it does not accommodate the needs of all children		4.5
City problems in the holidays		4.5.2
Fundamental problem in Council dealing with sacred sites wai tapu etc		5.1.6
Sewerage – bad quality that ends up in river – improve quality of sewerage	6.1.2	
Rubbish collection Waikaretu - problem		6.1.3
Want Housing NZ houses spread across the District	6.2.8	
“Dark side” of Puke needs to be removed – New houses–owners care for it	6.2.8?	
Need to clean up Dark side	6.2.8?	
Plan for all to see and comment on	6.2.9	
Issues need to be brought to the Marae	6.2.9	4.3.1
Desire for partnership in decision making – not only consultation Treaty of Waitangi	6.2.9	4.3.1
Kids go up to schools Auckland, there is a need to keep them local	7.1	
Schools not doing their job properly – need better relation with ‘Education	7.1	
Education, need to support the establishment of a Maori college	7.1.2	
Need to help our kids - community concern		7.2

Education kids drop out		7.2
Loss of parenting skill - very young parents unsupported – need to stop the circle	7.2.1	
Puke High Caters for middle to upper class		7.3.1
Truancy big problem	7.3.2	
Roading rates on capital value introduced last year - Some people have an issue with this		
Kaiaua – EW and ARC Boundaries through the town presents a problem		
Need Data base for Maori groups including when and where they meet		
Maori staff in Council - too few		
Too few Maori staff in Govt departments		
Need parent involvement		
Not growth in demand for rentals - Housing New Zealand		
Low demand to rent out here		
Housing NZ difficulty in attracting new people to the district		
Further down beach large houses being built – problem around Marae housing		
People not being treated equally		
Where is the plan for Kaiaua?		
Planting over the river a problem - Kaiaua		
Cemetery flash house next door – not suitable		
No Maori street names way – introduce Maori street name to Pukekohe		
Why is the Maori community not invited to name streets?		

The tables demonstrate that there is reasonable alignment between coverage of the matters raised in the meetings in the current set of community outcomes, although there are some matters directly related to Council (such as the employment of a Maori liaison officer) which are not covered addressed .

While the outcomes are congruent with some of the statements in the documents reviewed, there are clearly stark differences of philosophy and interpretation. For example, the focus of 6.1.2 on *"efficiency and effectiveness"* is remote from the concept of protecting the mauri of water (and with it the mana, wellbeing and health of the people).

4.10 Inputs in response to the consultation

4.10.1 Ngati Paoa

A Ngati Paoa submission endorsed the interim preferred strategy stating:

In simple terms, Ngati Paoa support the preferred scenario. In our view, the scenario represents an approach to protecting and enhancing the physical environment of Franklin that is reasonably sympathetic to our values and beliefs.

*In particular, we **support** the following features of the preferred scenario:*

***(a) Protection of Coastal Area**s: The scenario seeks to limit growth in fragile coastal areas. In our view, it is imperative that marine, coastal and aquatic environments - which are a dominant feature of Franklin - are protected to the maximum extent possible under any growth scenario. We have a particular interest in the marine and coastal environments associated with Tikapa Moana, but our concern is not limited to these areas.*

***(b) Limits on Urban Growth:** Urban growth is achieved as much through intensification/ densification as through areal growth. In our view, the potentially negative effects of growth are most likely to be controlled when growth occurs within relatively confined areas- although we also believe that FDC needs to become far more proactive and far more longsighted in its attempts to apply best-practice urban design if a good standard of urban development is to be achieved.*

***(c) Rural Character:** The predominantly rural character of Franklin is preserved. In our view, this is the single most important physical consideration for the people of Franklin, having been consistently affirmed in many different forums over many years.*

The submission expressed the following concerns about the preferred scenario:

***(a) Sites of Significance:** Before FDC proceeds too much further down the path of finalising the DGS, it is important that concrete steps are taken to identify and protect sites of significance to Maori. The DGS must reflect the primacy of such sites over any proposed development. Furthermore, FDC must demonstrate its commitment to protecting such sites by funding the necessary work.*

***(b) Papakainga:** There is an apparent absence of any provision for (or consideration of) the needs of Maori in providing papakainga housing in close proximity to marae. For many Maori, including Ngati Paoa, development at such locations, which have been occupied for (in some cases) hundreds of years, is a high priority.*

***(c) Transferable Development Rights:** The potential impact of transferable development rights on the hill-country and coastal environments of the Hunua Rural Management Area is of major concern to Ngati Paoa - in part because the impact of these rights is almost impossible to predict.*

Ngati Paoa also expressed more general concerns about two aspects of the DGS and matters associated with it:

(a) Implementation: *The broad sweep of a high-level, district-wide strategy is, in many ways, easy to develop-what really matters is how the strategy is implemented in the more detailed plans and policies of FDC. In this regard, we have a continuing concern, based on many years of experience, that Maori values will not feature strongly in FDC's considerations. We urge FDC to do a much better job of engaging with the tangata whenua of this district in shaping the future of the district.*

(b) Rural Plan Change: *Ngati Paoa are staggered - not to put too fine a point on it - by the apparent lack of connection between the process to create the DGS and the process to bring about the Rural Plan Change ("RPC"). It seems amazing to us that FDC could have allowed these two processes to become so out-of-step, to the point where the impacts of one of the processes - the RPC - have the potential to completely undermine the intended effects of the other process - the DGS. Whilst we understand that the present Council has inherited a situation not of its own making, it beggars belief to see the confused and contradictory state which prevails at present - not to mention the apparent waste of ratepayers' funds on uncoordinated and conflicting initiatives.*

4.10.2 Ngati Naho

The Ngati Naho Iwi/Hapu Development Trust Board prepared a submission on the Growth Strategy which has wide-ranging relevance to the Community outcomes and specific implications for the DGS.

The year 2006 has been a journey of rebirth for descendants of Ngati Naho. Much of the history of the tribe is currently either lost or has been obscured by dispossession, neglect or, in some cases, by those who have their own personal gains ahead of the interest of the iwi.

In more recent times, Ngati Naho Iwi has been overlooked as part of the round of Raupatu settlements, and thus the organisation is lacking funds to undertake the types of Social, Economic and Commercial development which other Iwi are beginning to enjoy. Nevertheless, the Iwi of Ngati Naho is striving to enhance the Social and Spiritual well-being of our Community.

We see an opportunity to be a part of the Franklin District Council Growth Strategy Iwi consultation review for which we can have input.

The Waikato River is the bloodline for the Iwi of Ngati Naho, therefore we have a strong interest in the well-being of the River. We see rehabilitation of the river and its surrounding environment as integral to our re-invigoration as a tribe.

1 Economic Development

1.1 Promote local employment by means of :

1.1.1 Research and documenting local history with a view to developing a Tourist potential (signage-Tourist Trail etc.)

1.1.2 Consultation on multi-lingual signage for place names

1.1.3 Liaison with local Iwi/community, with a view of compiling an inventory of local employment related skills

1.1.4 Ngati Naho Trust will operate as a Work-Broker and Training agency for employment within their rohe/district

2 Social Development

2.1 Increase Social Well-being by:

2.1.1 Provision of Housing for Elderly and disadvantaged

2.1.2 Development of Papa kainga Housing, particularly where future housing development threatens to displace existing iwi

2.1.3 Improve Public Transport areas to link isolated communities to main centres i.e., Mercer-Mangatangi to Pukekohe: Restoration of a rail service would be preferred, wherever possible

2.1.4 Pro-active approach to tangata whenua and local community for management of their own Community, Recreational and Reserve facilities and Boards to encourage and promote the area and the interests of local people.

2.1.5 Initiate an oral history project to record the memories of elderly current and former residents of the rohe.

2.1.6 Study how other iwi have undertaken research and reconstruction of tribal history.

2.1.7 Document areas of urupa and Tiahuia's land on the Western side of the Waikato river, and ensure that the sites are respected and that further degradation does not occur.

3 Recreational Facility

3.1 Identify Wahi-tapu and areas of historic interest with a view to creating information packs/maps/brochures with accompanying signs at the sites: Incorporate appropriate parts of the oral history project into literature and signage

3.2 Creation and maintenance of History trail/walkways

3.2 Improving Boat-ramp access

3.3 Provision and staffing of an Information Centre

3.4 Restoration and provision of access to sites of significance within the Ngati Naho rohe, for example, Tawhiao's Spring, Te Teoteo Pa, Te Pou O Mangatawhiri Marae site

3.5 Register of Cultural Heritage sites and signage

3.6 Restoration and provision of Battle sites for The Queens Redoubt and The Bluff of Te Ia Iaroa

3.7 Restoration of the historic first marae, Te Pou O Mangatawhiri as part of the new Marae Project.

3.8 Integration of the Marae site with a District Tourism strategy

3.9 Cooperate with non-maori historical organisations to find commonalities of accounts of cultural heritage

4 Environmental Issues

4.1 Improving the health and well-being (Mauri) of the Waikato River is paramount to the identity of the Ngati Naho Iwi.

4.2 Undertake and provide to support projects aimed at enhancing the water quality of the river system as a whole

4.3 Liaise with other authorities located upstream of Franklin District to reduce the level of environmentally harmful and unwanted discharges into the river

4.4 Encourage the farming community to minimise dairy run-offs into the river by adopting Best Practice policies

4.5 Monitor direct and indirect industrial discharge into the Waikato River

4.6 Ensure the fishing and boating activities on the river comply with current legislation in respect of fishing quota, safety and pollution

4.7 Initiate a regeneration program to replace noxious and introduced plants and animals with indigenous flora and fauna, wherever possible.

4.8 Monitor and permit only environmentally sensitive dredging of the River (to restore the River as much as possible to its original state, rather than primarily maximising extraction of sands).

5 Restitution-rehabilitation of the Mercer land-fill and other degraded former Industrial sites.

5.1 Notification of contaminated areas and removal of hazardous objects and substances from land-fills i.e. concrete, steel

5.2 Rehabilitate landfill sites to make available for social amenities i.e., park, playing fields, rest areas (remove or stabilise hazardous waste from former landfill)

5.3 Rehabilitation of the site of the proposed marae site, i.e., removal of concrete and steel, to restore, as much as possible, the whenua to its state prior to the 19th century confiscation.

6 Marae Project

The daughter of Tawhiao, the second Maori King, Tiahuia lived on the Northern banks of the Waikato in the Maori village known as Te Paina. Her daughter, Princess Te Puea Herangi made Te Paina her kainga (home village). It was here that Princess Te Puea erected a marae known as Te Pou O Mangatawhiri. The name, Te Pou O Mangatawhiri is said by some to have come from a Pou, or pole, that King Tawhiao placed in the Mangatawhiri stream as a sign, marking the Northern boundary of a place of healing for his people.

In 1921, Princess Te Puea relocated the principal buildings of the marae by barge up the river to Ngaruawahia.

During 1987-1989, negotiations commenced between Ngati Naho Iwi and Mercer Reserve Board for a section of the Mercer Reserve-Lot 139- for a marae site.

In December 1991, Ngati Naho delegates and members of the Mercer Reserve Board agreed on site - Lot 139 - and informed Franklin District Council that this area should be set aside for Local Purpose Reserve for a Tourist marae. By April 1992 the Mercer Reserve Board resolved that part of Lot 139 be requested of Franklin District Council to be classified as Local purpose-Tourist marae. There was an approach previous with much discussion between Ngati Naho Delegates and Mercer Reserve Board for land in this area to be gifted back to the Ngati Naho Iwi.

Today, in the year 2006, Ngati Naho Iwi are still committed to seeing the return of their historic marae, Te Pou O Mangatawhiri. The marae is, in its truest sense, the gathering place for the people.

Funding to assist the construction and ground maintenance of marae will be sought from a range of agencies, as this project will be both a vehicle to restore the mana of Ngati Naho, as well as a significant cultural asset for the entire population of the district.

4.10.3 Ngaati Te Ata

A wide range of issues were canvassed with Ngaati Te Ata identifying a range of concerns including:

- *the Community Outcomes make no specific mention of the "coast" and do not refer to the "foreshore" and "seabed". Coastal locations, particularly the promontories of the Harbour have particular significant to the Iwi. There are also significant matters related to customary use that are not canvassed in the Community Outcomes. The Iwi still has a relationship to the coast even if it does not own farms/land along it;*
- *the Portage for the Awaroa River from the Waikato River to the Manukau Harbour has considerable significance but it is not adequately recognised and protected;*
- *there are major concerns about infrastructure particularly the wastewater treatment plants. Question whether the Waiuku treatment plant is operating up to ARC standards and there are also concerns with the other plants. It has been stated many times that* "the discharge of wastewater to natural water is culturally offensive;"
- *the lack of taking into consideration our Tribal Policy Statement as a requirement under the RMA;*
- *the lack of protection in the subdivision rules of the District Plan in the way they allow earthworks which can destroy pa sites and other significant sites;*
- *two major issues related to waahi tapu:*
    - *first, the inadequate coverage of the Cultural Heritage Inventory. While there was an attempt to update the heritage register [schedule 8 Linda Albertyn] this did not eventuate. There is an urgent need to identify the many potential new sites still unrecorded. We know that the database probably is only 25% complete (Tatton). Need to identify other sites.*
    - *second, that sites of pa, midden etc. are typically viewed in isolation without regard for their interconnections. This overly-specific site focus fails to recognise the integrity of past settlements. This was illustrated with reference to Te Kete urupa and Lake Pokorua;*
- *the Community Outcome 5.1.2 needs to amended to read* "The heritage of the Franklin area is continued to be identified, promoted and protected"*;*
- *the question was posed as to the mechanisms to be adopted to ensure that 6.2.9 is properly undertaken (Tangata Whenua and Maori input is provided in designing and managing our natural and built environment)*

given the nature and scale of developments, issues related to non-notified applications, and the pressures on Iwi;

- *in terms of environmental management, sensitive areas of particular interest to Iwi are lakes, coast, fresh and salt waters and all sites affected by subdivision and /or earthworks;*
- *while focus on District Growth Strategy, must recognise the underlying matters related to the Treaty;*
- *need Jim Bradley from MWH to discuss options for more culturally appropriate treatment of wastewater – land based disposal (including with Maori Standing Committee);*
- *required infrastructure upgrades include treatment plant at Tuakau and water to Waiuku and Clarks Beach;*
- *transferable lots in RPC a major concern in terms of threat to managed growth as largely uncontrolled and Council can't efficiently and effective direct resources. Range of options including pulling whole or part (e.g. Pokeno and Kingseat maps) and variations to environmental and transferable lots; supporting appeals such as ARC on excess capacity. Risks in using variations including potential adverse decision from Environment Court and multiple overlapping current provisions. Not based on analysis of consequences, a traffic management plan or catchment plan.*

4.10.4 Ngai Tamaoho

A range of supplementary issues were identified in consultation with Ngaio Tamaoho including:

- endorsements for the Pukekohe South stormwater management scheme;
- problem of land-locked marae at Whakatapa and risk posed by adjoining land sales;
- 42 ha block of horticultural development within the Whakatapa coastal compartment posing risk to water quality and kaimoana of the estuary without any consultation on land use or historical sites;
- misnaming of Pokino and the importance of names as statements, such as Patumahoe and Karaka;
- past small papakainga at Kingseat;
- concerns for developments like Spookers on infrastructural ground with potential discharges to the estuary;
- since decommission of Kingseat ponds an increase in fish size has been observed;
- seeking more sophisticated approach to wastewater treatment and disposal including reuse and recycling as well as land-based treatment;
- problem of difficulty that many pakeha have of understanding the "mauri" of water which is hard to marry up to a western "scientific" approach;
- concern for heavy metals in discharges and need for appropriate treatment;

- need to protect historical sites and the stories associated with them. Number of significant sites not recognised. Rua Pit next to Horotiu Bridge and pa site close to Whakatapa on Seagrove side.

Additional Ngai Tamaoho documents reviewed in this round of the consultation included the cultural report on Cosseys Dam and the Cultural Heritage Plan for the Hingaia Peninsula. While the latter is in Papakura District, the document has a number of recommendations of general application including:

(1) Waste disposal systems should be land based. Direct disposal of wastewater (includes sewage and other waste) into waterways should be prohibited.

(2) Community water supply should be derived from the locality of that community. A study should be undertaken to identify sources of water which' have the potential to service settlements. This must have a corresponding cultural survey to identify those sources of water which are not appropriate for community water supply.

(3) The damming of waterways should be prohibited

(4) Margins of waterways should be planted with indigenous plant species and fenced to minimise the level of sedimentation and contaminants from land run-off and grazing animals

(5) Riparian planting and restoration guidelines for stream edges, wetlands, and the coastal edge should be developed and adopted

(6) The planting of environmental weeds of indigenous ecosystems should be prohibited in areas where they could have a negative impact an existing or developing indigenous ecosystem.

(7) Where practical, indigenous plants that are suitable for cultural use should be used. Access to and use of these resources by Tangata Whenua needs to be provided for and managed where appropriate.

(8) Wetland landscapes should be protected.

(9) Increased setbacks should be provided to allow the expansion of wetlands inland as sea-levels rise.

(10) Ecological restoration and ongoing management needs to be planned to ensure involvement of Tangata Whenua at all stages of Governance, Management and Monitoring.

(11) The unnatural mixing of waters from different waterways must be avoided.

(12) Locating industrial zones, industrial sites, refuse stations, rubbish tips and landfills around waterways and the shoreline should be avoided.

(13) Dredging of the seabed or riverbed should be prohibited unless it is essential for the maintenance of mauri. Methods used for dredging any sea bed or riverbed should be reviewed by Tangata Whenua.

(14) Wetlands that are important traditional fisheries to Waikato Hapu must be maintained and protected whilst still allowing for appropriate use by Waikato Hapu.

(15) The right of Tangata Whenua to freely exercise their communal associations and activities with lands in their ownership should be recognised and provided for.

(16) *Vehicle access for the public onto kai moana grounds, areas of taonga raranga and waahi tapu should be prohibited.*

(17) *Recreational use and public access can have adverse effects on ancestral taonga. Consultation must be undertaken with Tangata Whenua to ensure that any zones, policies, or management plans regarding the use of an area containing ancestral taonga are culturally appropriate.*

(18) *Tracks for recreational purposes, tourist ventures, developments or public access should be prohibited in the vicinity of burial grounds and other sacred sites. Consultation must be undertaken with Tangata Whenua if this cannot be avoided.*

(19) *Waikato Hapu must have continued access to the harbours, wetlands and estuaries.*

(20) *Wetland nurseries and waahi tapu should be protected from grazing animals.*

(21) *Private landowners should be encouraged to fence off any known urupa on their property.*

(22) *Papakura District Council should develop a process for addressing situations involving the discovery of koiwi, taonga, or waahi tapu.*

(23) *Papakura District Council should recognise characteristics of special cultural, spiritual and historical value to Tangata Whenua when considering development contributions and land acquisitions. The acquisition of Cultural heritage resources a part of the open space network should be considered a priority.*

(24) *Waikato Hapu should be consulted when Papakura District Council proposes to dispose of any reserves, parks or other Council owned land within the Papakura District area that have been identified by Tangata Whenua as containing cultural heritage sites of significance to Tangata Whenua.*

(25) *Major development proposals on sites containing identified cultural heritage sites of significance to Tangata Whenua should have a cultural management plan prepared in consultation with Tangata Whenua prior to resource consent or subdivision notification.*

(26) *All recorded archaeological or cultural heritage sites should be assessed, researched and protected from development.*

(27) *The protection of archaeological sites within the esplanade reserves should be incorporated into policies used for the management and enhancement which include the restoration of natural areas and landscaping with indigenous plant species. It may be necessary to increase the width of esplanade reserve in places to assure the protection of archaeological sites.*

(28) *Decisions on the conservation and protection of archaeological sites should be undertaken with the combined advice of Tangata Whenua and an archaeologist.*

(29) *That Papakura District Council undertake a detailed assessment of Cultural Heritage resources within the Papakura District as part of a re-evaluation of the district plan schedules*

(30) That since archaeological and cultural heritage survey cannot always detect wahi tapu and sites of traditional significance to Maori, the Tangata Whenua should be consulted regarding the values and sites of significance to Maori within Papakura District.

(31) The Hingaia Peninsula Structure Plan should provide the opportunity to use traditional names applicable to local Maori and/or European history. Any suggestions for the use of Maori names would need to be interpreted and decided upon by Tangata Whenua.

(31) The naming of places in Maori that are not or do not represent Tangata Whenua should be prohibited.

(32) The management, use and development of areas, sites and places, including reserves administered by Council or their delegated authorities must be consistent with the mauri of those areas, sites and places.

(33) Papakura District Council should seek to improve its relationship with Waikato Hapu. Ngati Tamaoho have suggested a process that may improve the current processes through which Papakura District Council and Ngati Tamaoho relate.

The draft management plan for Te Maketu Historic Reserves prepared by the Whakatapa Marae Trustees Management Committee was also examined. This contains valuable objectives and policies related to cultural and natural heritage that could very usefully be used in the preparation of a cultural heritage strategy for the District.

5 OVERVIEW

The District Growth Strategy is being developed to implement in land use terms the Council's Vision and Mission with particular reference to the Community Outcomes.[65] Two of the third level outcomes are specifically related to Iwi and a further three stated more generally in terms of "Maori":

4.3.1 Need to work in partnership with iwi;

6.2.9 Tangata whenua and Maori input is provided in designing and managing our natural and built environment;

6.1.6 Community facilities (including marae) are designed and maintained to be suitable for current and future generations;

7.1.2 Maori education opportunities are available; and

7.3.1 Opportunities through education are presented to Maori to contribute to a capable community

There are a further set of community outcomes that could be considered to be consistent with the environmental focus of the documentation:

5. FRANKLIN: A Place of Special Character and Healthy Natural Environment

65 Major issues represented in the documentation including Tino Rangatiratanga, governance, partnership and the exercise of kaitiakitanga are outside the ambit of the DGS and the subject of other discussions between Iwi and the Franklin District Council

5.1 The special character of the area is preserved and enhanced

5.1.1 Rural/country character of the area is safeguarded

5.1.2 The heritage of the Franklin area is promoted and protected

5.1.6 Culturally and historically significant sites are managed and protected

5.2 The natural environment is preserved and enhanced.

5.2.1 Waterways and harbours are well managed

5.2.2 Protecting, planting and maintaining native trees

5.2.3 The District's versatile soils are protected

5.2.4 Excellent environmental management is promoted

5.2.5 Local and regional cooperation for environmental management is fostered and promoted.

6.1.2 Water supply and sewerage systems are efficient and effective to maintain environmental standards

6.1.3 Efficient and sustainable waste management is implemented in the District

While these statements are congruent with some of the statements in the documents reviewed, there are clearly stark differences of philosophy and interpretation. For example, the focus of 6.1.2 on *"efficiency and effectiveness"* is remote from the concept of protecting the mauri of water (and with it the mana, wellbeing and health of the people).

The analysis of the tangata whenua input into the Community Outcomes (Section 4.7) shows some alignment across the broader range of outcomes.

5.1 Implications

In developing the DGS it will be important to take into account, and assess the implications of any development proposals for, the taonga of tangata whenua, including ancestral lands, all existing and past marae (including Moeatoa), [66] waters, fisheries, wahi tapu, native flora and fauna and notably:

- Waikato River
- Manuka Harbour
- Firth of Thames

While it is acknowledged that the coverage of the existing archaeological databases are incomplete[67] an indication of some of the sites of significance to tangata whenua can be gained from Figure 1.

An indication of the extent of survey across the western portion of the District is provided in Figure 2: [68]

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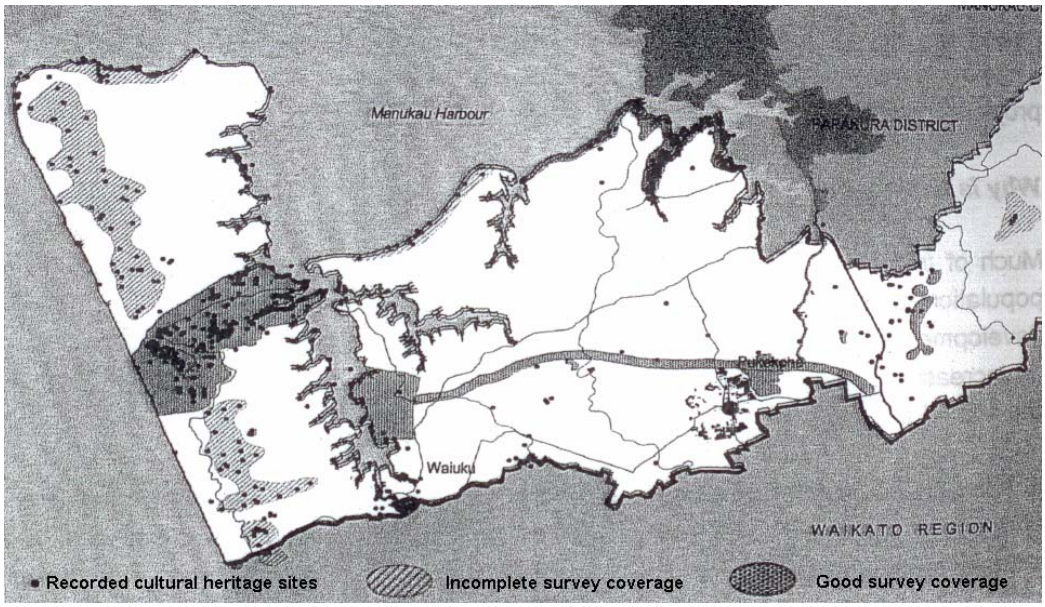
[66] Awhitu, Mangatangi, Nga Hau E Wha, Ngaa-Tai-e-Rua, Ooraeroa, Pakau, Pukerewa, Rereteewhioi, Tahuna Kaitoto Pa, Tauranganui, Te Awamahrahi, Te Kotahitanga, Te Poho O Tanikena, Waikaaretu and Wharekawa, plus Whatapaka (Cemetery & Marae Reserve), Huarau (Papakainga, Marae - Old Marae site) and Tikirahi (Papakainga and Cemetery)

[67] Even in the documentation canvassed here there are site references such as the former Moeatoa marae, the Awhitu lakes, and a reported launching place of waka at Hudsons Beach

Figure 2 Coverage of archaeological surveys



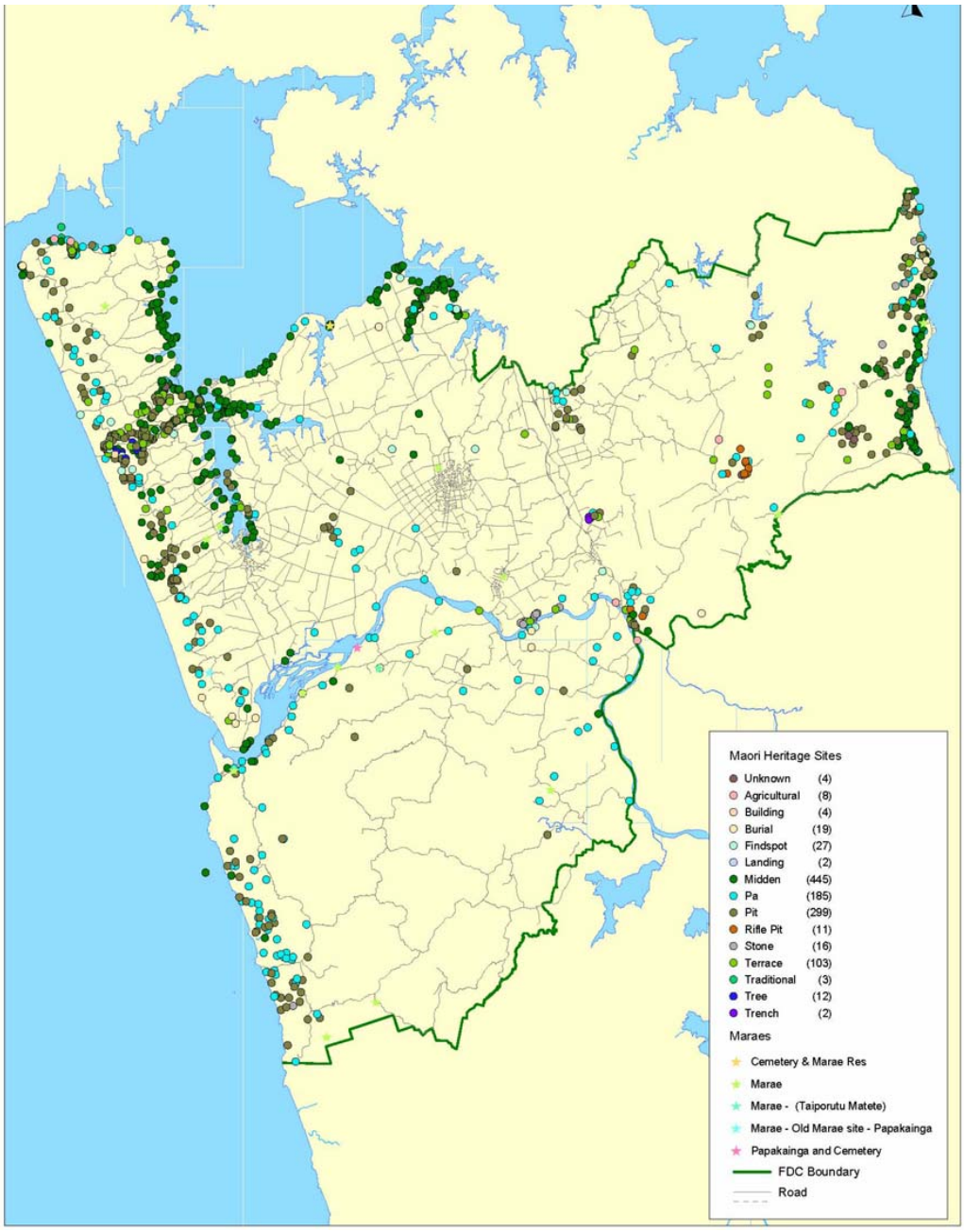
In addition to these and other sites (such as the Whatapaka Creek and those listed generically in Appendix 3) the implications of any development planned in the DGS should evaluated where they impact/involve:

- water quality (groundwater, watercourse, river, harbour, ocean);
- water supply (including groundwater, dams, and river extraction)
- wastewater disposal;
- stormwater disposal
- erosion control;
- natural hazards,
- sedimentation;
- wetlands;
- fisheries;
- native forests;
- threatened species;
- subdivision;
- quarries;
- sand extraction;
- reclamation;
- versatile soils;
- chemicals and hazardous wastes; and
- geothermal resources.

[68] Ngati Te Ata, (24 March 2005), *op.cit.*, p179.2

In terms of the broader direction of land use allocation there is a clear preference stated by Huakina for concentrated development and urban intensification (along with appropriate measures to protect the environment and for urban containment from Ngaati Te Ata.

Figure 3 Registered Maori Heritage Sites



6 POSTSCRIPT

This report will be released following the completion of the DGS. Its preparation is part of a wider process under which the District Council has legal obligations to Tangata Whenua when managing the natural and physical resources of the District as set out in the Resource Management Act 1991. Council has acknowledged these responsibilities in the Operative District Plan aiming to ensure that the Plan's objectives, policies and assessment criteria reflect Tangata whenua perspectives on sustainable management. As the precursor to future district plans, Tangata Whenua input was a key element in preparing the DGS.

Iwi perspectives were incorporated in the DGS as a result of the dedicated consultation process reported here. It is considered that the central themes of the DGS of urban containment, the concentration of development and the preservation of the rural character of the District directly reflect long-standing views expressed by Iwi. Development is largely directed away from the key taonga of the Waikato River, Manukau Harbour, Awhitu Peninsula, the Tasman Coast, and the Firth of Thames; and away from local features such as Pukekohe Hill.

The DGS also reflects Iwi statements on the management of land uses; the protection of coastal areas, water quality, water supply, natural landscape features, and versatile soils; the need for culturally appropriate wastewater treatment and disposal; the definition of specific areas of lower environmental quality for lifestyle blocks; environmental protection through effective stormwater management; and the adoption of best-practice urban design. Preparation of the DGS has also acknowledged the need for a precautionary approach in relation to wahi tapu and other sites of significance to Tangata Whenua given the modest coverage of archaeological surveys in the District, and has supported preparation of a cultural heritage strategy.

The following table summarises the way key themes from the consultation were reflected in the DGS.

Table 3 Key Themes from the consultation in the DGS

Iwi perspective	DGS actions
Kaitiakitanga, Treaty Partners	• Engage Iwi as stakeholders in land use planning processes and understand and respect their relationship with the land, sea and natural resources
Urban containment, the concentration of development and the preservation of the rural character	• Bulk of increased population housed in three towns, Pukekohe and Kingseat. • Staged development beyond existing urban boundaries where required in interests of concentrating development at acceptable densities. • Recommendation against transferable lots.

Iwi perspective	DGS actions
Management of land uses	• Sequenced land development in residential, commercial and industrial zones in three towns. • Controlled development elsewhere in District. • Requirements for structure plans. • Land use mapping at the property level. • plan change to create new business/ commercial/industrial zones in place of the current business land zone.
Protection of coastal areas	• Focus of coastal development on a consolidated Clarks Beach-Waiau Beach. • Limited development elsewhere in coastal zone.
Protection of water quality	• Three Water Strategy includes use of ecosystem services such as use of wetlands, returning stormwater and wastewater to ground to maintain the natural water cycle, natural treatment system for wastewater and stormwater.
Protection of water supply	• Avoidance of development on key aquifers, e.g. at Patumahoe and Pukekohe Hill. • Three Water Strategy includes use of roof collection and rain water tanks in urban areas to supplement FDC's water systems and to attenuate stormwater runoff; reuse of treated wastewater for industry, horticulture, agriculture, irrigation (parks and golf-courses) and non-potable household uses; use of water and energy efficient household plumbing (possible application of the new provisions of the Building Act respect to water conservation); water tariffs based on user pays and tiered charging systems.
Protection of natural landscape features	• Identification and avoidance of high value landscapes in identifying areas for potential future urban development. • Review existing landscape assessments and identify further work required then make required changes to the Franklin District Plan and LTCCP. • Prepare a plan change to the Franklin District Plan to protect outstanding natural landscapes. • Identify areas of environmental and ecological significance and prepare a plan change to the Franklin District Plan to protect them. • Assess the merit for the protection of the volcanic features of the District and implement through property purchase or changes to the District Plan as required.

Iwi perspective	DGS actions
Protection of versatile soils	• Identification of high value soils as primary constraint in urban development and planning rules.
Culturally appropriate wastewater treatment and disposal	• Three Water Strategy includes use of ecosystem services such as use of wetlands, returning stormwater and wastewater to ground to maintain the natural water cycle, natural treatment system for wastewater and stormwater.
Definition of specific areas of lower environmental quality for lifestyle blocks	• Allocation of specific areas at Paerata and Hunua for lifestyle blocks with detailed structure planning to protect higher value land within these area
Environmental protection through effective stormwater management	• Three Waters Strategy includes minimising hard surface stormwater runoff by maximising use of soft surfaces and re-entry of stormwater into the natural water cycle through utilising on-site, localised soakage, grass swales, open channels, wetlands and ponds, etc.
Adoption of best-practice urban design	• Preparation of District urban design guidelines to implement the District's commitment to the New Zealand Urban Design protocol. • Prepare a plan for improving connectivity in existing neighbourhoods (including strategic property purchases) and guidelines for neighbourhood development. • Work with ARTA to develop a Town Centre Plan for Pukekohe and then apply the process to Waiuku and Tuakau. • Preparation of structure plans to ensure that public open space contributes towards legibility, identity and a sense of place as well as recreational outcomes. • Review of existing tree protection measures, identify appropriate mechanisms for future urban areas and incorporation of changes into the Franklin District Plan, as required
Precautionary approach in relation to wahi tapu and other sites of significance	• Prepare a comprehensive cultural heritage strategy involving tangata whenua and other local, regional and national stakeholders
Support preparation of a cultural heritage strategy	• Prepare a comprehensive cultural heritage strategy involving tangata whenua and other local, regional and national stakeholders

7 APPENDIX 1: DOCUMENTS REVIEWED

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8 APPENDIX 2: POLICIES AND IMPLEMENTATION IN THE "WAIKATO IWI MANAGEMENT PLAN MANUKA" 1996 EDITION RELATED TO THE DISTRICT GROWTH STRATEGY

NB. The provisions of the 1996 edition are reproduced here as these were the ones used in the preparation of the DGS

Policy 1: Huakina will, to the best of its ability, protect the physical, cultural and spiritual integrity of the waters of the Manuka and its catchments.

All issues to do with the mauri of the waters of the Manuka Harbour and its catchments are of critical importance to Waikato. The restoration and enhancement of the Manuka requires that the waters of the Manuka be restored to the highest quality. It is important to ensure that the needs and aspirations of the people in relation to the waters and waterways of the harbour and its catchments are understood, recognised and provided for by external agencies.

In implementing the above policy Huakina will be guided by the following:

DISCHARGES

- No point source discharges, treated or untreated, are to be discharged directly to waterways.
- Discharges must go through the land before entering a waterway.
- Stormwater systems must be developed and/or improved to collect and treat pollutants.
- The discharge of ballast waters into the Manuka is prohibited.
- The siting of new refuse sites next to natural waterways are prohibited.
- Leachate from refuse sites must not enter the waterways of the harbour and its catchments.
- The use of chemical pesticides, fertilisers or other contaminants in a manner where they can affect or potentially affect any waterway is to be prohibited.
    - The grazing of agricultural stock on the riparian margins of the waterways of the harbour and its waterways is prohibited.
- The direct discharge of effluent and other contaminants, including anti-foulants from land or vessels into the waterways of Waikato is to be prohibited.

COASTAL AREAS

- All external agencies are required to participate with Huakina in any development or initiative that impact on the coastal marine area.
- The whole Manuka Harbour, Hauraki Gulf, Tamaki Straits, Waitemata Harbour, their coastal environments and islands, are of significance to the iwi of Waikato. Huakina must participate in any initiatives or development involving those areas.
- Public access to coastal areas Via marae is prohibited without the express permission of the marae.

- Access to Whatapaka, Pukaki and Oruarangi creeks for fishing is prohibited. These are fishing reserves of the iwi of Waikato.

AQUIFERS

- All external agencies, including developers, must participate with Huakina on all issue concerning the aquifers of Papatuanuku.

DAMS, WETLANDS, FLOOD PROTECTION

- Further damming of our natural waterways is to be prohibited.
- Existing dams are to be fitted with adequate and effective fish by-passes.
- Further drainage of wetlands is to be prohibited.
- Provision for the observance of whakatupu and rahui placed on waterways is to be respected at all times.
- Local authorities and other external agencies shall seek the advice of the relevant kaumatua (through Huakina) for proposed flood mitigation measures.

SUBDIVISION

- All external agencies, including surveyors and developers, must participate With Huakina regarding subdivision practices. This includes all planning for the provision of services such as sewerage, storm water and water allocation and any other practice that may Impact the water quality of the region.

FUTURE DEVELOPMENT

- All planning for urban, suburban and rural development, whether commercial, industrial or otherwise (including expansion of regional infrastructure), must include the participation of Huakina from its outset where there are possible or potential impacts on land, air or water quality within the Manuka.

WATER EXTRACTION

- Water extraction from the waterways of the harbour and its catchments requires full consultation with Huakina. The recycling of any water taken from the waterways of the harbour and its catchments in order to gain maximum benefit is expected.
- The treatment and recycling of water where appropriate is encouraged.

RECLAMATION AND DREDGING

- All reclamation works impacting on the waters and waterways of Waikato are to be prohibited unless it can be demonstrated to be in the interests of the well-being of the water.
- Construction of new causeways is opposed.
- All plans for the dredging of waterways and the dumping of spoil must have the agreement of Huakina prior to the commencement of dredging operations.

MAINTENANCE OF NATURAL WATERW A YS

- All natural waterways retaining their natural banks and beds must be left in this state except where agreed by Huakina that the modification is in the best interests of the water-way. Huakina will only condone the construction of gabion or concrete banks, beds or culverts where no other practical alternative exists. Adequate ecological riparian margins of indigenous vegetation must be retained where these still exist and replanted where they do not.
- The diversion of waterways is to be prohibited.

Policy 2: Huakina will, to the best of its ability, protect the physical, cultural and spiritual integrity of the air of the Manuka and its catchments.

All issues to do with the mauri of the atmosphere of the Manuka Harbour and its catchments are of critical importance to Waikato. The atmosphere of the Manuka is a taonga of the people of Waikato. Waikato are the kaitiaki of the taonga. The restoration and enhancement of the mauri of the Manuka requires that the atmosphere of the Manuka is maintained at the highest quality possible.

Discharges from transportation are the single largest contributor of toxins to the ecosystem. Huakina will support all initiatives to minimise, treat and reduce such emissions. It is important to ensure that the needs and aspirations of the people in relation to the air resource of the harbour and its catchments are recognised and provided for by external agencies .

Waikato iwi authorities have, to date, supported the air pollution policies of the Auckland Regional Council. ARC should review these policies, at no less than three yearly intervals, to ensure that they continue to conform to Waikato values regarding air.

Huakina requires that discharge standards for all discharges to air are established in conjunction with kaitiaki.

Policy 3: Huakina will, to the best of its ability, protect the physical, cultural and spiritual integrity of the land and land resources of the Manuka and its catchments.

All issues to do with land and land-based resources of the Manuka Harbour and its catchments are of critical importance to Waikato. The restoration and enhancement of the Manuka requires that the land and land-based resources of the Manuka are restored to the highest quality possible.

The effects of the built environment pose the greatest threat to the ecosystem of the Manuka Harbour and its catchments. While future growth is inevitable it is essential that development is contained within existing ARC metropolitan limits.

It is important to ensure that the needs and aspirations of Waikato people regarding the land and land-based resources of the harbour and its catchments are understood, recognised and provided for by external agencies.

In implementing this policy Huakina will be guided by the following:

ACCESS

- All policies, prepared internally by the iwi or by external agencies, must recognise the rights of access that Waikato and their whanaunga have to all wahi tapu and burial grounds, to the harvesting and collection of kai, to their fisheries and to taonga prized for traditional, customary and cultural uses.

CONTAINMENT OF URBAN GROWTH

- The effects of the built environment pose the greatest threat to the ecosystem of the Manuka Harbour and its catchments. While future growth is inevitable, it is essential that development is contained within the Metropolitan urban limits boundary of the Regional Policy Statement.

SOIL EROSION AND SEDIMENTATION

- All excavation and earthworks, especially those related to subdivisions, must avoid or minimise by all means possible the transportation of sediments to our waterways.
- Riparian margins sufficient for ecological processes planted in appropriate sourced indigenous vegetation must be established adjacent to all waterways within the Manuka catchment. This is to be a requirement for all resource consents regarding land subdivision and modification.
- Land prone to erosion is to be clearly identified by the appropriate agencies. Such agencies are required to prepare policies and plans for the protection and rehabilitation of such land using appropriately sourced indigenous vegetation. These policies and plans to be prepared in three years.
- All excavation work in areas adjacent to waterways in the Manuka catchment are to be monitored and details and outcomes of the monitoring arrangements to be made available to the kaitiaki.

LANDSCAPE VALUES

- All external agencies are to participate with Huakina in the development of landscape values. Agencies are encouraged to give particular attention to the enhancement of indigenous landscape values for riparian margins of the Manuka Harbour and its waterways.

REFUSE TREATMENT AND DISPOSAL

- All relevant external authorities in conjunction with Huakina Development Trust are required to commence the implementation of an integrated waste management plan for the Manuka Harbour catchment
- Emphasis must be placed' on minimising the quantity' of waste produced and on recycling and reuse of waste materials.
- No refuse site is to be sited on land adjacent to waterways.
- All refuse sites are required to be of the highest standard available to minimise leachate discharges and other land, air and water related impacts.

- All hazardous wastes are to be treated at source. Waikato objects strongly to the use, storage, transportation and disposal of all hazardous waste within its rohe.

ESPLANADE RESERVES AND STRIPS

- Huakina requires reasonable notification to the Tainui Maori Trust Board when intent is apparent to put aside or purchase lands for esplanade strips or reserves.

PEST CONTROL

- Huakina expects to be notified of 'major pest eradication programmes within the Waikato iwi rohe in order to participate, comment, object or provide input.

CONTAMINATED SITES

- Huakina requires that all contaminated sites containing hazardous substances be identified and contaminated material removed.

MINERAL EXTRACTION

- No mineral extraction sites shall discharge directly into waterways.
- Run-off and stormwater: from extraction sites must be treated in settling ponds and then directed into, or through, appropriate land.
- All extraction sites should be encouraged to recycle water through the extraction processes.
- Consents for new and existing extraction sites must include an adequate. provision for the full rehabilitation of the site. Such rehabilitation must be on-going throughout the life of the site. Rehabilitation is to be achieved with sourced indigenous vegetation.

INDIGENOUS FAUNA AND FLORA

- Huakina supports all measures aimed at the preservation, conservation and restoration of indigenous fauna and flora. We strongly recommend that such conservation is based on ecosystem and habitat protection. The rights of access held by Waikato to such areas must be maintained.
- These are matters of resource management significance to Waikato and should be recognised and provided for in the plans and policy statements of local authorities and other external agencies.
- Exercise of kaitiakitanga requires the participation of marae in the monitoring of all aspects of land and land resource within the Manuka.

Policy 4: Huakina will, to the best of its ability, promote the right of the iwi of Waikato to develop their papakainga.

Papakainga are the ancestral homes of our people who are the kaitiaki of the taonga of Waikato. It is the right of our people to continue to use and develop these places as living, communal dwelling-places. The definition and extent of Papakainga are partly dependent on local authorities, who must ensure they have a close working relationship with Huakina so the needs and aspirations of the people in relation to their papakainga are recognised and provided for.

Huakina will actively participate in all planning, policy making, implementation and monitoring of policy to ensure that the development of Waikato papakainga is recognised and provided for.

Policy 5: Huakina will, to the best of its ability, promote the right of the iwi of Waikato to develop their marae.

Marae are the meeting places of our people. It is to the marae that people come to celebrate the living and to honour and grieve for the dead. They must be respected as such.

Huakina will actively participate in all planning, policy making, implementation and monitoring of policy to ensure that the development of Waikato marae is recognised and provided for.

Policy 6: Huakina will, to the best of its ability, promote the right of Waikato iwi who hold mana o te whenua status to determine policy and legislation regarding their wahi tapu.

Wahi tapu is an issue that only those holding mana o te whenua status can define and identify. Only they can state why such an area or entity is a wahi tapu. Only they can determine the level or type of protection necessary to ensure their protection.

There are presently a number of problems associated with wahi tapu that need to be addressed by local authorities together with Huakina. The number of registered sites in the Manuka catchments has, reduced due to historical modification and destruction. The reduction in numbers has become widely recognised as a serious problem. Some of these areas are now given national significance because of their rare status. Problem areas for future development include the eastern corridor of Manukau City. This problem is compounded by the lack of archaeological surveys carried out in the catchment. The significant issue for our people too is that records of archaeological sites are not held by iwi and so wahi tapu are consequentially difficult to protect.

Neither the iwi authority nor its agencies have the right to give information or permission for any activity concerning wahi tapu, this includes archaeological or research work on such sites. This permission is the sole preserve of the kaumatua. Huakina presently undertakes investigative work, accesses available information for kaumatua analysis and provides written responses to local authorities on wahi tapu issues.

Huakina undertakes to continue this work and direct requests for such information to the Waikato who hold mana o te whenua status over the area in question. It is important to ensure that the needs and aspirations of the people in relation to their wahi tapu are understood, recognised and provided for by external agencies.

In implementing this policy:

- Huakina will actively participate in the planning, policy making, implementation and monitoring of policy affecting the wahi tapu of our people.

- Waikato iwi require that any artefacts found of Maori origin are to be reported immediately to Huakina.
- Huakina will make itself available to those holding mana o te whenua where requested to assist in preparing policies regarding wahi tapu. Huakina also undertakes to act as the point of contact for authorities, developers and others requiring information or direction regarding issues of Wahi tapu.

- Any damage or destruction of wahi tapu is to be reported to Huakina who will immediately notify Waikato iwi holding mana o te whenua status.

9 APPENDIX 3: SIGNIFICANT SITES FOR NGAI TAI

Waahi Tapu and Burial Sites

Ngai Tai waahi tapu is a place that is sacred to Ngai Tai in the traditional, spiritual, religious, ritual or mythological sense. Ngai Tai undertakes, supports and encourages policies and practices that afford special consideration and protection to areas that may be considered waahi tapu to Ngai Tai, which might include:

- places associated with death (such places may be burial grounds
- caves, trees and mudflats)
- places where people have died and bodies rest battlefields
- burial places of placenta tribal tuahu (altars)
- sources of water for healing and death rites
- ara (such as pathways connecting tribal areas and resource sites) ara purahoura (sacred pathways for messengers)
- mauri stones and trees
- carved poupou representing ancestors pa sites and papakainga
- canoe landing sites
- sacred mountains, rivers, lakes and springs
- sites such as rivers and mountains named in whakatauki
- mahinga kai (such as birding, cultivation, fishing, forest and mineral resource sites)
- toko taunga ika (rocks which identify fishing grounds)
- waahi taonga mahi a ringa (resources sites for Maori arts, etc. such as for kiekie & pounamu)
- confiscated lands
- landscape features that determine iwi and hapu boundaries mythological sites
- historical sites
- waahi whakamahara (sites recognised as memorials to events)

Archaeological Sites & Natural/Historic Treasures

Ngai Tai undertakes, supports and encourages policies and practices that refer archaeological surveyors to Ngai Tai *kaumatua* for information and permission to excavate sites of archaeological significance to Ngai Tai:

- make the results of all archaeological investigations carried out within the rohe available to Ngai Tai
- recognise the special value of the coastal environment and conserve its natural character, landscape qualities, significant vegetation, fauna and habitat and the integrity of its natural and physical processes.

- conserve the full diversity of geological heritage and values, including volcanic cones, explosion craters, caves, lava flows and other features of geological significance.
- report any artifacts of Maori origin found in the rohe to Ngai Tai kaumatua immediately. [69]

[69] Ngai Tai ki Umupuia (n.d.), *Ngai Tai Kaitiaki Resource Management Principles & Operational Policies, 21 Waahi Tapu and Burial Sites*

10 APPENDIX 4: COMMUNITY OUTCOMES

1. FRANKLIN: AN ECONOMICALLY STRONG COMMUNITY

1.1 Business and appropriate industry is encouraged in and into the District

1.1.1 Support the agriculture industry/the right to farm is maintained
1.1.2 Industry clusters are encouraged/development of equine industry is encouraged
1.1.3 Development that encourages economic opportunities is supported
1.1.4 Tourism industry is promoted
1.1.5 The arts community is promoted to contribute to the district economy.

1.2 Employment opportunities in the District are promoted

1.2.1 We have a place to live and work – keep opportunities open for people to do both/either

1.3 The District hosts a wide range of sporting, cultural and community activities and events

1.4 All town centres are developed to their potential and maintained

1.4.1 Waiuku and Tuakau have facilities appropriate to their needs, e.g. shopping.

2. FRANKLIN: A DISTRICT THAT IS EASY TO GET AROUND

2.1 Roads are safe and appropriate for the community's needs

2.1.1 Speeding drivers are controlled
2.1.2 Dangerous roads and intersections are redesigned
2.1.3 Roads are suitable for all users
2.1.4 The road environment is appropriate to the needs of each local community.

2.2 Public transport is available that meets the District's needs and encourages patronage

2.2.1 Regular services to meet commuter and resident needs
2.2.2 Rail stops are provided where people need them
2.2.3 The use of public transport is built up to reduce road congestion
2.2.4 Train and bus stations are well designed, safe and comfortable, with secure parking available
2.2.5 Council will take a regional approach to District transport.

2.3 The District and its amenities are easily accessible to all groups

2.3.1 Adequate and secure public parking is available in towns
2.3.2 Footpaths are safe, suitable for all users, and maintained
2.3.3 Town centres are accessible to all
2.3.4 Buildings are designed to be accessible for all users
2.3.5 Those responsible for implementing building legislation (and carrying out footpath maintenance) respond to a wide range of user needs
2.3.6 Roads contain better signage – for road users, walkers, cyclists, tourists
2.3.7 Information centre provided to encourage people getting around the District

3. FRANKLIN: A SAFE, HEALTHY AND ACTIVE COMMUNITY

3.1 The District is a safe place to live in

3.1.1 Expanded police presence and policing throughout district is supported.
3.1.2 Suitable crime prevention measures are utilised, where necessary
3.1.3 Initiatives to combat youth issues are supported
3.1.4 Local fire services are supported.
3.1.5 Dog control issues are managed appropriately

3.2 Adequate, appropriate and accessible health services are available within the District

3.2.1 Expanded hospital services for the district's remote areas
3.2.2 Medical services cater for disadvantaged groups and remote areas
3.2.3 Mental & sexual health services meet the needs of the district

3.3 High quality recreational facilities and activities are available throughout the district, which are accessible to all groups

3.3.1 Facilities focussing on youth activities are provided

3.3.2 Sport and recreation facilities are developed and maintained that are suitable for all communities

3.3.3 Walk/cycle trails and bridle path networks are provided through and between towns and villages and into the countryside

4. FRANKLIN: A CULTURALLY AND SOCIALLY VIBRANT AND INCLUSIVE COMMUNITY

4.1 Individuals, communities and community groups are valued and fostered

4.1.1 Community halls are maintained

4.1.2 All groups included in consultation

4.1.3 Diverse and isolated community groups are considered

4.1.4 Community building and development are areas of focus

4.1.5 Meeting rooms are available for community groups to use

4.2 We are a family-focused community where all families are valued and supported

4.2.1 Family support services are provided

4.3 The District's rich cultural make-up is valued and fostered

4.3.1 Need to work in partnership with iwi

4.3.2 Strong community networks will exist, including existing cultural groups

4.3.3 Youth and cultural festivals are promoted

4.3.4 Opportunities are provided so that people are actively involved in the community

4.3.5 The unique community spirit of the area is promoted

4.4 The District's elderly citizens are valued and cared for

4.4.1 Accommodation for the elderly is provided in the district

4.4.2 Activities and facilities for the elderly are available in the district.

4.5 The District's young citizens are valued and catered for

4.5.1 Youth Development opportunities are provided to keep youth in the district

4.5.2 Youth community facilities are provided, for unorganised activities as well as sport

4.5.3 The successes of young people are celebrated e.g. through awards, scholarships, and publicity

4.5.4 Young People are consulted on what they want for their future, e.g. youth council

4.6 The District's citizens with disabilities are valued and catered for

4.6.1 A disability action plan is developed and implemented

4.6.2 Audits to ensure physical accessibility

4.6.3 A disability resource centre is established

5. FRANKLIN: A PLACE OF SPECIAL CHARACTER AND HEALTHY NATURAL ENVIRONMENT

5.1 The special character of the area is preserved and enhanced

5.1.1 Rural/country character of the area is safeguarded

5.1.2 The heritage of the Franklin area is promoted and protected

5.1.3 Waiuku as a heritage area is promoted

5.1.4 The special nature of the towns and settlements is enhanced

5.1.5 Small towns promote their opportunities and potential

5.1.6 Culturally and historically significant sites are managed and protected

5.2 The natural environment is preserved and enhanced.

5.2.1 Waterways and harbours are well managed

5.2.2 Protecting, planting and maintaining native trees

5.2.3 The District's versatile soils are protected

5.2.4 Excellent environmental management is promoted

5.2.5 Local and regional cooperation for environmental management is fostered and promoted.

6. FRANKLIN: WELL-MANAGED GROWTH FOR QUALITY LIVING ENVIRONMENTS

6.1 Infrastructure meets current needs and expected growth in the future

6.1.1 Power lines and services are placed underground as much as possible

6.1.2 Water supply and sewerage systems are efficient and effective to maintain environmental standards

6.1.3 Efficient and sustainable waste management is implemented in the District

6.1.4 An integrated local and regional approach is taken to infrastructure development.

6.1.5 Future recreation needs are planned for well ahead of demand

6.1.6 Community facilities (including marae) are designed and maintained to be suitable for current and future generations.

6.2 Living environments are attractive, well-designed and safe

6.2.1 Town centres and public spaces are designed to encourage people to get together

6.2.2 An adequate number of public toilets are provided and maintained

6.2.3 Children's playgrounds are provided around all levels of development, especially around higher density housing

6.2.4 A network of quality reserves are available throughout the District for passive and active recreation

6.2.5 Green open spaces and trees are incorporated into developments to retain visual beauty

6.2.6 Subdivision fits the needs of the district

6.2.7 Good urban design standards are used that capture the local character and fit the rural nature of the District

6.2.8 Any state housing suits the needs of the expected population and where possible, is dispersed across the district

6.2.9 Tangata whenua and Maori input is provided in designing and managing our natural and built environment

6.2.10 Visitors to the District as well as residents are considered when designing towns and roads

7. FRANKLIN: AN EDUCATED AND ENABLED COMMUNITY

7.1 High quality education facilities meet all the needs of the community

7.1.1 Future schools, including tertiary education facilities, are planned now

7.1.2 Maori education opportunities are available

7.1.3 Schools are encouraged and supported to play an integral role in sustaining communities.

7.2 Education options meet all the needs of the community

7.2.1 Life skills education is enhanced

7.2.2 Education on environment and heritage is provided

7.2.3 Values education is available and promoted

7.2.4 Skills and training opportunities support local industry

7.2.5 Development opportunities and challenges for youth are promoted.

7.3 Educational goals are set to meet the expectations of the community

7.3.1 Opportunities through education are presented to Maori to contribute to a capable community

7.3.2 Truancy is overcome through effective initiatives

7.3.3 Educational opportunities are made available for groups and individuals that need support.

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