

2 Resource Management and the Tangata Whenua of Lower Hutt

2.1 Introduction

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

(Section 8 RMA)

Throughout the Act there is an explicit emphasis on partnership and this Plan has been developed and prepared in partnership with Te Runanganui o Taranaki Whanui ki te Upoko o Te Ika a Maui, and the Wellington Tenth Trust.

2.2 The Treaty of Waitangi and the principles this plan has been prepared under

Much has been written about the Treaty of Waitangi. In particular there have been principles enunciated by the Court of Appeal, the Waitangi Tribunal and others. It has been recognised that this is a developing area of understanding and new principles will be deduced as further understanding of the meaning and intent of the Treaty is developed. A list of principles which are of primary significance for the District Plan process follows. This list has provided, and will continue to provide, guidance in the interpretation of section 8 of the Act.

- (a) *Partnership* includes the duties to act reasonably and in good faith. This principle provides a duty on both Iwi and the Council to interact in the best possible way with reason and respect.
- (b) *Active Protection* has been identified by the courts to ensure that the Maori interest in resource management is not simply a passive one but is, in all senses, active. Active protection implies adequate resourcing for tangata whenua in resource management activities.
- (c) *Rangatiratanga* provides a recognition that Maori could retain responsibility and control of resources if it was their (Maori's) wish to retain that control. This is partially provided for in section 33, with the ability for a local authority to transfer one or more of its resource management functions to another public authority. This may include an Iwi Authority. Iwi Authorities can also be Heritage Protection Authorities.
- (d) *Consultation* is an inherent process between Treaty partners that should be approached in a holistic manner. It is not an end in itself, but rather a means to take into account the relevant Treaty principles and the requirements in sections 6(e), 7(a) and 8 of the Resource Management Act in the decision making process. Consultation in this

context is not simply informing tangata whenua of impending actions. Consultation should be carried out as a positive process that ensures sufficient information of an adequate quality is available. Consultation requires Council to adopt an active role in consulting early and in good faith as implied in the principle of partnership.

To give effect to these principles the Plan recognises:

- (i) Partnership needs to be maintained throughout all the functions and activities of the Council. The tangata whenua are not merely an interest group in this instance, but are the Council's partner.
- (ii) Active protection extends not only to matters relating to the recognition and protection of waahi tapu, urupa and sites of significance to the tangata whenua. Active protection also includes proactive policies relating to the maintenance and survival of tangata whenua culture and identity. Proactive policies in relation to marae, urupa, papakainga or whanau housing and the like, have been carefully examined with the cooperation of the tangata whenua.
- (iii) Rangatiratanga has been recognised and provided for. The particular resources and type of control have been identified by tangata whenua in consultation with the Council. These matters include the management and control of waahi tapu and waahi tupuna (ancestral sites) and the appropriate form of management and planning for adjacent areas.
- (iv) Consultation will be guided in the medium term by the Resource Management Strategy. It is intended this Strategy will be produced by tangata whenua and will provide detailed guidance to resource managers on matters of significance to tangata whenua. This will allow a measure of practicality in matters of consultation by identifying areas and matters that are of importance to tangata whenua.
- (v) The Council currently recognises two iwi authorities that represent Te Atiawa, namely the Wellington Tenth's Trust and Te Runanganui o Taranaki Whanui ki te Upoko o Te Ika a Maui. Council works in partnership with these two organisations in dealing with matters under the Act.

2.3 Regional Perspective

The Regional Policy Statement has a section titled *Tiakina Te Mauri Ora : The Protection of "Mauri"* (Section 3.3). That section was written by a working party comprising people with local iwi affiliations who were familiar with resource management issues. It is appropriate that the Section is repeated in this Plan as it is also of local application.

"3.3.1 Te Orokohanganga mai o Te Ao: The Creation of the World

The environmental management system of the iwi/hapu in our Region was developed over many centuries and has been exercised by numerous generations. It is still practised today and is recognised in the Treaty of Waitangi. Of fundamental significance to this management philosophy is the Maori perception of the natural world and its origins. The underlying set of principles arising from this perception guides all interaction with the environment.

Iwi/hapu traditions discuss the origins of the universe as being with Io who dealt in Te Korekore. Io created various realms, such as the numerous Po, which lasted eons. Ranginui (the sky father) and Papatuanuku (the earth mother) emerged from these realms and had some 70 children, all of which were Atua (Departmental Gods). The children of Ranginui and Papatuanuku created various domains in Te Ao Marama, the world between earth and sky. Within these domains everything in the natural world was created. Hence the tangata whenua view of reality is that it is constructed of interrelated and interconnected domains of Atua.

Iwi/hapu traditions concerning the creation of the universe do not recount the emergence of the physical reality (taha tinana) alone, but include the creation of the intellectual plane (taha hinengaro), and, most importantly, the spiritual realm (taha wairua) which is present in all things.

The children of Ranginui and Papatuanuku breathed life or mauri which emanated from Io into their various domains. These children of Ranginui and Papatuanuku became the Atua of these domains and created the plants and animals within. They are the original kaitiaki or guardians of the domains.

The authority of the Atua (mana Atua), which allows them to be kaitiaki is handed down through whakapapa (genealogy). Mana is passed from Io to Ranginui and Papatuanuku, and then to the Atua. All things in the universe are interconnected through whakapapa.

Some of these Atua and their domains include:

- *Papatuanuku (land)*
- *Rangi (sky)*
- *Tane Mahuta (forests)*
- *Tangaroa (ocean including inland water)*
- *Ruaumoko (earthquakes)*

3.3.2 Tikanga

Practices, or tikanga, were developed to maintain the mauri of the domains of Atua. They are based on the general understanding that people belong to the land and have a responsibility of Kaitiaki to that land.

Tikanga incorporates concepts such as tapu (sacredness) and rahui (temporary restriction). These are forms of social control which manage the interrelationship of people and the environment.

Tikanga were developed in recognition of the three planes of reality:

- *te taha tinana (the physical plane)*
- *te taha hinengaro (the intellectual plane)*
- *te taha wairua (the spiritual plane)*

Tikanga seek to unify these planes in a holistic way. Observing tikanga is part of the ethic and exercise of kaitiakitanga.

3.3.3 Kaitiakitanga

Kaitiakitanga is the term that denotes the package of tikanga or practices concerning environmental management. A Kaitiaki is a person and/or agent who performs the tasks of guardianship.

All persons exercising powers and functions under the Act, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to kaitiakitanga (Section 7). Yet kaitiakitanga is not explained adequately in the Act.

Kaitiakitanga is an environmental decision making system which has been developed by tangata whenua to fulfil their responsibility toward the environment. The responsibility of kaitiaki is twofold: first, there is the ultimate aim of protecting mauri and, secondly, there is the duty to pass the environment to future generations in a state which is as good as, or better than, the current state.

Kaitiakitanga is a broad notion which includes the following ideas:

- *Guardianship;*
- *Care;*
- *Wise Management; and*
- *Resource indicators, where resources themselves indicate the state of their own mauri.*

Kaitiakitanga may be practised through:

- *The maintenance of waahi tapu, waahi tupuna and other sites of importance;*
- *The management of fishing grounds (mahinga maataitai);*
- *Protesting about environmental degradation (e.g. Moa Point protest);*
- *Observing the maramataka (lunar calendar);*
- *Observing the tikanga of sowing and harvest; and*
- *Designing settlements in keeping with the environment.*

Kaitiakitanga is linked inextricably to tino rangatiratanga as it may only be practised by those iwi, hapu or whanau who possess tino rangatiratanga (customary authority) in their tribal area.

Individuals, and sometimes families and subtribes, are charged with the tasks of kaitiakitanga. Kaitiaki often receive their mana or authority with respect to a particular locality, place or resource. For example, a family or individual might be the kaitiaki for a pa or for a fishing ground because they possess an intricate knowledge of the local environment.

Whilst iwi authorities themselves may not be considered kaitiaki, they often represent them or can help in identifying them.

Kaitiakitanga is a proactive and preventative approach to environmental management. However, this traditional management system has rarely had the opportunity to address large-scale environmental degradation. For example, places like Moa Point and the mouth of the Waiwhetu Stream, through long-term, abuse have lost their mauri. Maori feel that if kaitiakitanga had been recognised, such degradation would not have occurred.

3.3.4 Taonga

Within the domains of Atua there are a variety of sites, resources, environmental phenomena and cultural institutions that are of particular significance to iwi. The term taonga is used in s.6(e) of the Act and in Article 2 of the Treaty of Waitangi. It is an important institution, as it defines things of value to tangata whenua and also symbolises a different philosophical approach to environmental management.

The term taonga can refer to anything that contributes to the maintenance of a tribe's intellectual, physical and spiritual estate.

Although some taonga, such as land and water in any form (including rivers, lakes, ground water, pools, waterfalls and springs), relate directly to domains, other taonga are of a different nature. They include sites and resources such as waahi tapu, tauranga waka, and mahinga maataitai (each is referred to in the Act), other sites for gathering food and other cultural resources, hills, mountains, and caves.

Taonga can refer to intangible, as well as tangible entities. Institutions that give expression to the tino rangatiratanga and mana whenua of the iwi are also regarded as taonga. All taonga are part of the cultural and tribal identity of iwi.

Examples of taonga are:

- *Nga Wai (Water)*

Water is an essential element of life. Consequently, it is a very significant taonga to Maori and plays a central role in both the spiritual and secular worlds. Water represents the life blood Papatuanuku, the tears of Rangi, and is the domain of Tangaroa. The condition of water is a reflection of the state of the land, and this in turn is a reflection of the health of the tangata whenua.

- *Te Moana (sea)*

The domain of Tangaroa has great spiritual significance vested in mana Atua. It also has a practical value. The sea is a food basket of iwi. As such, practices and elements that defile the mauri and the mana of the sea are seen as abhorrent. The discharge of pollutants into the sea is an obvious example.

Te moana includes the shoreline, foreshore, estuaries, river mouths and so forth. Lakes, such as Lake Wairarapa, are often referred to as moana.

- *Nga Maunga (mountains)*

Maunga are a source of, and enhance, the mana of an iwi/hapu. The relationship of an iwi with its maunga can be affirmed and strengthened in a number of ways. Often a maunga is named directly after a tribal tipuna (ancestor), thereby establishing a clear genealogical relationship or commemorating a significant event. Often such maunga are classified as tapu to an iwi or hapu.

- *Nga Awa (rivers)*

Awa have a mauri, mana and tapu of their own. They are entities, like maunga, with which iwi groups identify. Tangata whenua often refer to the river as taonga and in doing so denote their relationship to the entire river system, not to any one part. Rivers carry the life blood of the land; the wellbeing of a river is reflected in the wellbeing of the local people.

- *Nga Kai (traditional food)*

Various traditional foods are of value to the iwi. Some like maataitai (see below) are identified as such in both the Act and in the National Coastal Policy Statement. However, there are other valued sources of kai, for example, eels and watercress. All fauna and flora are the offspring of various deities, for example, all sea life are of Tangaroa, forests and animals are of Tane Mahuta and uncultivated foods are of Haumietikitiki. For this reason they have mana atua (divine origins) and are considered hapu.

Food also has a strong social and cultural meaning. Manaaki tangata is the custom of being aware of and caring for the needs of your guests. Food is a fundamental way of expressing this ethos. In turn, the mana of the tangata whenua is both upheld and enhanced. The loss of the ability of tangata whenua to provide for guests in this way can be seen as a loss of mana.

- *Maataitai (seafood)*

Maataitai is food provided by the sea, for example, shellfish fish, crayfish. Apart from being a major source of mana, the state of maataitai is a reflection of an iwi, hapu or whanau duty of kaitiakitanga. Where they are no longer able to protect these resources, iwi may suffer a loss of mana in being unable to fulfil their role as kaitiaki.

- *Waahi Tapu*

Waahi Tapu, which is specifically referred to in the Act, covers a broad range of places. It is a status which recognises the tapu of the area. The area may be associated with the creation of stories of tangata whenua, a particular event (such as a battle or ceremony); it may be where the whenua (placenta) was returned to the earth, or where a certain type of valued resource is found.

- *Tauranga Waka*

Tauranga waka are landing sites for canoes. Sites used for landing and berthing of waka taua (war canoes) may, because of the association with life and death, be considered waahi tapu. Similarly, where a waka is of significance to the mana of the tangata whenua, its resting place may be categorised as a tauranga waka.

- *Cultural Resources*

Cultural resources comprise a broad category of resources used in cultural practices and activities of the Maori. Such resources include flora and fauna for rongoa Maori (medicine), prized flora and fauna for weaving (e.g. pingao, kiekie, pigeon feathers), and wood (e.g. totara) for carving purposes.

Cultural activities are the essential working elements of the tribal culture. They give rise to, and reaffirm, the relationship of tangata whenua with the land. The guaranteed availability of these

resources has implications that extend beyond the use of a material for any one cultural activity. It extends to preserving tikanga (customary practices) associated with their use.

- **Cultural Institutions**

Cultural institutions are matters of significance to iwi because of their relationship to tribal identity and tribal development. They comprise the essential institutional elements that denote mana whenua, the customary right of power relating to tribal rohe (boundaries). Turangawaewae (ancestral homes, including marae), papakainga (whanau/communal housing settlements), and maahinga are some of these institutions.

3.3.5 Te Tiriti o Waitangi

The general mandate for Maori involvement in resource management stems from s. 8 of the Act which states that:

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

A number of principles have been developed over recent years about the meaning, application and jurisdiction of the Treaty of Waitangi. In a legal sense, the primary source of Treaty principles has been the decisions of the Court of Appeal in relation to cases brought by Maori under the State Owned Enterprises Act 1986. The Waitangi Tribunal also has statutory responsibilities under the Treaty of Waitangi Act 1975 to determine whether certain matters are inconsistent with the principles of the Treaty. Waitangi Tribunal reports and findings are therefore a significant source of information on Treaty principles.

Because many of the claims before the Waitangi Tribunal have been concerned with land and other natural resources, many of the Treaty principles which have been developed to date are directly relevant to resource management matters under the Act. However, in both the Court of Appeal cases and the Waitangi Tribunal cases, principles have been developed in response to a particular claim or grievance. The principles, therefore, do not yet form a “complete set” to cover every resource management issue, and neither are specific principles always directly applicable to the range of circumstances that might arise under the Act. It is also important to remember that the principles defined by the Waitangi Tribunal and the Courts have been defined by bodies acting under legislation determined by the Crown. Tangata whenua may derive different principles from the Treaty which reflect their interpretations of the relationship between rangatiratanga and kawanatanga.

There is, therefore, a need for local authorities exercising powers under the Act and tangata whenua to consult and negotiate with each other as to how the principles of the Treaty should apply to resource management.”

2.4 Local Perspective

Kupe, who followed other Maori to this area, named many places. He did not stay to populate the area. There are many mythologies about Kupe but the local people hold fast to his naming of Matiu (Somes Island) and the two smaller islands of Mokopuna and Makaro (Ward Island). Kupe has a strong presence in the life of Atiawa but no greater than Maui Tikitiki Ataranga.

Tautoki, the founder of the Rangitane tribe, was the brother of Tara of the Ngai Tara. Tautoki's tribe occupied the Wairarapa with their boundary up the Harataunga River (Hutt River) and along the Tararua range. Ngai Tara occupied the area to the west and southern coast.

Ngati Mamoe of Hawkes Bay and Ngai Tahu ki Wairoa are said to have coexisted around the harbour with the Ngati Ira people.

Although Ngati Ira were considered to be subsumed into Ngati Kahungunu, even with the arrival of the last of the Taranaki tribes in 1832, people of Ngati Ira were resident in this area.

Ngati Kahungunu were finally driven from this area just prior to the arrival of the settlers. They followed their relations who had already returned to the Wairarapa and Eastern coastlines.

A commemorative stone Cairn and plaque known as Te Wharepouri's mark on the coast about three kilometres north of Castlepoint, today indicates the place where the original stone marker was erected by Te Whanganui a Tara and Te Atiawa Rangatira (Chief) Te Wharepouri on pledging the peace between Ngati Kahungunu and Te Atiawa iwi on the 23rd of September 1839, - just four days before the sale of Wellington to William Wakefield's New Zealand Company.

Just prior to 1840, the history was more turbulent as the Taranaki tribes had really only held substantial sway over the area since 1832. Various Taranaki peoples, such as Ngati Mutunga and Ngati Tama, however had occupied the area since around the 1820's. During the years 1819 to 1836, Te Whanganui a Tara (Wellington Harbour) was invaded by potentially hostile forces at least six times. It changed hands twice in that time. The last occasion occurred in November 1835, when the Ngati Mutunga people left the harbour for the Chatham Islands.

The years of coexistence of Maori and European settlers had started with the turbulent times in the 1840's, when rapid colonisation had surprised the tangata whenua. The transfer of the colony from the Hutt delta to the flood-free regions on the opposite side of the harbour (in what is now Wellington), had postponed these impacts on the Hutt Valley. Maori were active participants in rural industry and had supplied the new colony with primary produce for a period of time.

Before World War I and back to the last quarter of the previous century, was a time of industrial expansion, especially in Petone. This activity had the support of tangata whenua who saw job creation as important.

The period between the two wars ushered the arrival of state housing and the transformation of rural land to suburban estates. This was a period of severe transformation for Maori, with, among other things, the Maori language being replaced as the first language of the Maori people.

The period from the Second World War to the present time, was a time of migration to the city and the arrival of the urban Maori. Thousands came from places like the East Coast to the City to work and live. The tangata whenua welcomed these arrivals as they had the European settlers over one hundred years before.

In 2003, the peoples of Te Atiawa and associated Taranaki tribes from Tokomaru, Kurahaupo and Aotea waka still maintain the tangata whenua role, despite 163 years of consolidation.

Nowadays, tangata whenua interest has followed the general renaissance of taha Maori throughout the country. This has seen an increase in the significance of "things Maori" in society and a genuine move towards the Maori world view. Locally this has meant a revitalisation of Maori administrative and political structures, with the establishment of a Runanganui or collective tribal Council. Marae and attendant parts such as the kokiri (training centres) and kohanga reo (language nests) have flourished in the region. They are providing a basis for vitality in the culture, producing raised self-esteems, especially in young Maori.

An important consideration for Maori is a clear recognition that the present is shaped by the past. In Maori terminology, they go into the future with their past before them. Today there is little of the Maori landscape left visible and what is left is extremely valuable. There is a landscape which is not visible and relates to certain sites that have mana or standing

even now after their physical manifestation has disappeared. These are places of our ancestors (waahi tapu and waahi tupuna). Principal among these are the pa sites, some of which persist in name today.

- (a) Pito-one Pa and its urupa, once part of a traditional pa site.
- (b) Te Tatau o te Po (Wharenui and Marae) now in Hutt Road but previously sited in the vicinity of Te Puni Street and Jackson Street.
- (c) Te Puni Street Urupa.
- (d) Waiwhetu Pa (Owhiti).
- (e) Owhiti Urupa.
- (f) The present Waiwhetu Marae now in Puketapu Grove.
- (g) Hikoikoi Pa on the western side of the mouth of Te Awa Kairangi (Hutt River) where the Hikoikoi Reserve is now located.
- (h) Paetutu kainga was located near what is now the eastern end of Jackson Street.
- (i) Korokoro Roman Catholic Urupa where significant Te Atiawa chiefs were buried.

Other Pa sites included:

- (j) Ngutu-ihe Pa sited on a spur near the junction of Hutt Park Road and Gracefield Road.
- (k) Motutawa Pa sited across the river, opposite the former Belmont railway station site.
- (l) Te Mako Pa which was sited near the Naenae railway station and was where Wi Tako Ngatata built his house after moving from Kumutoto in Wellington.
- (m) Marae-nuka sited on the left bank of the Hutt River near what is now Fraser Park. This was a temporary pa built by Taringakuri soon after the settlers arrived.

Other sites of significance include:

- (n) Puketirotiro (Maori Point), a significant lookout site in Korokoro.
- (o) Te Raho-o-te Kapowai, a place on the ridge near the mouth of the Korokoro Stream.
- (p) Te Upoko-o-te Poaka, a place near the Petone railway station, possibly a hilltop site near Singers Road.
- (q) Te Ahi-parera was possibly an earthworks pa on the hill above Te Upoko-o-te Poaka.
- (r) Boulcott - site of significant battle, marks the site of the Boulcotts farm stockade in 1846.
- (s) Te Mome – former occupation site for Te Atiawa.
- (t) In front of Petone Park, along the Petone foreshore is the landing area of the first English settlers who were welcomed by Te Puni.

Other issues of significance include:

- (u) Coastal land and sites. The coastal area, generally, is one of the few resource areas where tangata whenua can still have a significant management role. Sites of importance include pa sites, fishing sites, canoe landing sites, burial sites, navigational points, fishery nursery areas, coastal lakes, estuaries and the mouths of rivers. Tangata whenua plan to produce a Coastal Management Plan including taiapure, potential development areas and areas to be set aside as cultural reserves. The Pencarrow lakes, Kohangapiripiri and Kohangatera, are of special importance to tangata whenua.

- (v) Water quality and quantity are a major issue for tangata whenua. There is strong support for the best practical option for sewerage treatment, with a strong preference for land based treatment of human and industrial waste. The fresh water of the region is of prime importance, as are the waters of the harbour. Water to the Maori is more than just the lubricant of life, it is the medium to make things usable by humans.

2.5 District Plan Approach

To give appropriate recognition to the tangata whenua of this City the Plan includes the Community Iwi Activity Area. This has three parts, which recognise marae, urupa and kokiri centres. Provision is also made in a number of other activity areas for land uses undertaken by Maori. The three parts are -

(a) Community Iwi Activity Area 1 - Marae

Those Marae which have been identified are -

- (i) Waiwhetu (Puketapu Grove, Waiwhetu),
- (ii) Te Tatau O Te Po (Puke Ariki, Hutt Road),
- (iii) Te Mangungu (Rata Street, Naenae),
- (iv) Koranui (Stokes Valley),
- (v) Te Kakano O Te Aroha (Moera),
- (vi) Wainuiomata Marae (Pukeatua).

(b) Community Iwi Activity Area 2 - Urupa

Those Urupa which have been identified are -

- (i) Te Puni Urupa (Petone),
- (ii) Seaview Urupa.

(c) Community Iwi Activity Area 3 - Kokiri Centres

Those Kokiri Centres which have been identified are -

- (i) Ngau-matau Kokiri (Seaview),
- (ii) Pukeatua Kokiri (Wainuiomata).