

# **Nga Hua o Te Taiao o Rakaipaaka**

## **Te Iwi o Rakaipaaka Hapu Environment and Resource Management Plan**

**2000**

## Te Tikanga - Foreword

*E hoa, ata tirohia te ara haere nei, nga piki, nga heke me nga tawhainga hoki. Haere pono tonu atu, tika hoki, a, u rAwa ki te taumata e whai ngakautia nei te Iwi i tenei whai ao. Ma te pakari o te hinengaro ka taea ra. No reira haere pai atu, kimihia nga rau whai ake nei, a, kia mau rAwa hei tokotoko, hoa haere.*

In fulfilling our responsibility to represent the Tangata Whenua for our rohe, it is with pleasure that we give birth to this document. *Nga Hua o Te Taiao o Rakaipaaka* is Te Iwi o Rakaipaaka's foundation document for the protection and better management of our natural environment and resources. Improved co-ordination and teamwork with agencies will enhance our ability to exercise our Kaitiakitanga over our natural environment and resources, taonga, cultural assets and all other resources we consider to be of significance. This 'guardian right' has been conferred to us by our Tupuna me nga Atua o te ao.

The aim of this exercise is two-fold. Firstly, this plan has been written for the *benefit and protection* of Te Iwi o Rakaipaaka interests on behalf of our Tupuna who have gone before us, and both our present and future generations. Secondly, it documents Te Iwi o Rakaipaaka's aims, aspirations and expectations of Crown and Private sector agencies in relation to the protection of our taonga and the effective management of local resources. It relates to those activities which potentially affect and impact upon our cultural beliefs and the social fabric of Tangata Whenua and Rakaipaakatanga. Further, it identifies ways in which we as a hapu can exercise our Tino Rangatiratanga and proactively apply our *Kaitiaki* role to the protection, the maintenance and the sustainability of our natural environment and resources.

Te Iwi o Rakaipaaka operates on the principles of whanaungatanga thus recognising the rangatiratanga of whanau and its constituents as integral to this whole process. Whanau consultation therefore, will be a key strategy adopted by this Committee.

In accordance with the principles of Te Tiriti o Waitangi and further endorsed within the Resource Management Act 1991 (RMA), we hold the expectation that Te Iwi o Rakaipaaka is viewed as an equal partner in resource management. It is our firm belief that effective partnership is the key to effective environment and resource management that benefits all.

*Nga Hua o Te Taiao o Rakaipaaka* is a 'living document,' thus, providing us with the scope to review and monitor its implementation, and to make amendments as needed.

Pai marire 

Hula Kozioi

Makere McPherson

 J. Dyne . P. Whaanga

Te Komiti mo Te Iwi o Rakaipaaka Incorporated

## **Nga Take – Background Issues**

There has been minimal or no consultation with Te Iwi o Rakaipaaka on environmental and resource issues in the past. The RMA brought about a sense of legal commitment and responsibility upon government agencies to seek out fair consultation and management processes with Tangata Whenua on environment and resource matters. This in part has prompted Te Iwi o Rakaipaaka to develop this document.

Government agencies hold the information. We remain powerless to act or participate if this information is not forthcoming. We do not recall consistency around public notifications in local newspapers concerning resource consent applications and pending decisions on the use of resources in our rohe. When we have been consulted with it has been piece-meal, often involving individuals rather than us as a collective, and lacking in information. The failure of Crown agencies to consult with us on resource issues and to advise resource consent applicants of their responsibility to seek consultation with us has been ongoing. For the majority of occasions we have not known that a consent application process had in fact been undertaken until after an activity has already commenced.

Further to the above, we observe the increasing pressure placed upon our natural resources to 'give,' for economic gain. Much of the activity relates to a variety of local activities including agricultural and horticultural ventures. This is of major concern as we anticipate the need for resource applications and consent procedures is likely to intensify.

An example of such activity is the increasing demand on our water resources. In certain areas the effects are noticeable with lower than normal river levels and obvious changes in the turbidity of the water. Resource applications are being lodged to acquire water from other sources traditionally used by whanau/hapu living within the kainga, and to Marae.<sup>1</sup> It is our desire to build strong relationships with public authorities so that we may participate in the effective management of the consent processes from here on.

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<sup>1</sup> Refers to water resource applications from artesian waterways traditionally used to supply the kainga for the health and wellbeing of its residents and to support Marae activities.

## **Te Iwi O Rakaipaaka - The Iwi**

Te Iwi o Rakaipaaka is comprised of a complex of descendants of the eponymous ancestor Rakaipaaka, of hapu, whanau, Marae and bona fide institutions and organisations who are bonded by genealogy and historical relationships.<sup>2</sup>

The *ahi kaa* or heartland of the Iwi is historically and culturally defined in terms of significant phenomena, events, sites and geographic features.<sup>3</sup> The Rakaipaaka rohe extends from Opoho and the back of Hereheretau in the South, to the Whareratas in the West as far as Te Puinga Block, also known as Te Manga o Puraka. The northern line takes in the mountain ranges situated at the back of Opoutama ending at Waikokopu, while the customary fishing boundary off the coastline creates the eastern margin.<sup>4</sup> An outline of our boundaries is attached as Appendix 1 and serves as a general guideline only.

### **He Taiao Motuhake O Te Iwi – Some of Our Special Natural Features**

The significant physical focus points of the Iwi are the Maunga Moumoukai, various sacred sites, the rivers Waitirohia and Nuhaka and their tributaries as well as the tipuna whare, Manutai and Hineahi, Kahungunu and Te Aroha o Kahungunu, Te Tahinga, Kotahitanga, Te Poho o Rehu and Katea, Tamakahu and Hine Whakarua, and Taane Nui A Rangi.<sup>5</sup>

Other taonga tuku iho, Waahi Tapu, waahi Tupuna, taonga, cultural sites, traditional knowledge, values and guiding principles entrusted to Te Iwi o Rakaipaaka will also be protected and better managed through us actively seeking to increase our Kaitiakitanga role.

In doing so we acknowledge in the first instance, that any information provided by Iwi/whanau/constituents remains the intellectual property of the Iwi/whanau and its constituents, hence, we have the right to retain specific information and knowledge from the public.

### **Te Mana Kokiri a Te Iwi o Rakaipaaka – Our Mandate**

Te Iwi o Rakaipaaka Incorporated is a legally constituted, representative body of the Rakaipaaka people. The Committee has a duty to exercise the sovereignty of the Iwi by the Iwi. This warrants Te Iwi o Rakaipaaka to act on behalf of its members. In doing so, Te Iwi o Rakaipaaka acknowledges the need to consult and to recognise the autonomy of its whanau/constituent members.<sup>6</sup>

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<sup>2</sup> *Registered Rules of Te Iwi o Rakaipaaka, 1996*

<sup>3</sup> Ibid

<sup>4</sup> Paora Whaanga; Kaumatua, Kaitiaki Whakapapa and Kaikorero mo Nga Iwi Taonga o Rakaipaaka

<sup>5</sup> Ibid

<sup>6</sup> *Registered Rules of Te Iwi o Rakaipaaka, 1996, points 7.01, and 10.23*

The Management Committee also has a constituted responsibility to consult with the Iwi through general meetings on matters of strategic importance. In light of that we consider environmental and resource management to be of major importance to our constituents. Consultation with whanau/constituents will occur on environmental and resource issues of concern, and, on those activities which have the potential to impact upon the cultural and social wellbeing of whanau/constituents.<sup>7</sup>

Our place as Kaitiaki of the area provides us with the mandate to pro-actively exercise our Kaitiakitanga role over the useage, management and protection of Rakaipaaka natural resources. This includes our involvement in the safe management and safe keeping of taonga, culturally significant areas and other resources deemed by us to be of importance.

'Kaitiakitanga' entrusts us with the responsibility to:

- ◆ Pass onto our future generations an environment which is in the same condition as we received it, if not better
- ◆ Take only what we need
- ◆ Give back to the source what we don't use
- ◆ Understand that a resource is a gift
- ◆ Understand that everything is given for a purpose
- ◆ Continue nurturing, giving and returning the life essence to our resources e.g. karakia, water

### **He Matapono - Our Guiding Principles**

- For the past, the present and the future! – Passing onto our mokopuna a world at least as good as we received, if not better!<sup>8</sup>
- Exercising our Tino Rangatiratanga! – Exercising our cultural authority and equal partnership at all levels.
- Whakapapa – Protecting our linkages to the past and maintaining our cultural wellbeing. In this context Whakapapa is both physical and spiritual and Whakapapa is what makes us unique.
- Rakaipaaka Tikanga and Cultural Values, Aims, Aspirations and Life Principles.
- In matters of cultural importance, adopt a policy whereby we promote 'protection first, sustainability second.'
- Te Ao Maori – Maori world-view based on 'holistic interaction.' It recognises the interconnectedness and interrelatedness of all things, that is, an action affects all other aspects of self and our wider existence.

<sup>7</sup> Regional Policy Statement, Hawkes Bay Regional Council, 1995, 5.1.2

<sup>8</sup> Dame Te Atairangikahu, Opening Speech, Planning and Development Conference, Te Rapa, November 1993

- Hapu/whanau wellbeing – "does this activity have the potential to impact upon, or threaten our cultural/whanau wellbeing?"
- Consultation processes are undertaken based on the principles of inclusiveness.

## **Te Tiriti o Waitangi - The Treaty of Waitangi**

Te Iwi o Rakaipaaka recognises and supports the principles and values contained within Te Tiriti o Waitangi. Te Tiriti provides us with a broad framework from which to establish a meaningful relationship with Crown and private sector agencies according to our aims, aspirations, values and principles. In that respect, Te Iwi o Rakaipaaka acknowledges and embraces the Maori interpretation and understanding of Te Tiriti.

## **Kawangatanga - Crown Agencies**

The three Treaty principles have been expressed by Crown agencies as partnership, co-operation and the active protection of resources of importance to Maori.<sup>9</sup> In light of that, government agencies are obligated to meaningfully consult with Tangata Whenua/Iwi/hapu/whanau on environment and resource issues. There is also an expectation that agencies will design their processes and strategies to enhance and develop the opportunity for Tangata Whenua to be an equal partner in the partnership by increasing our capacity and capability to participate in the decision making and monitoring of resource usage in our rohe. The RMA section on 'Transfer of Ownership' supports this view.

Te Iwi o Rakaipaaka aims to promote our position on resource management among the key Crown and central agencies involved in the protection and management of our environment and resources. Te Iwi o Rakaipaaka is willing to develop partnership relationships with agencies, as deemed necessary. We are Aware there a number of ways in which we can consolidate a meaningful relationship that is based upon partnership, trust, good will, and effective participation. Thus, Te Iwi o Rakaipaaka is prepared to consider and discuss a range of options with agencies.

This may occur by way of:

- ◆ Memoranda of Understanding
- ◆ Letters of Agreement
- ◆ Contractual processes
- ◆ Joint working groups
- ◆ Representation and participation at all levels of the consents, decision making and monitoring process

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<sup>9</sup> *Guidelines for Local Authority Consultation with Tangata Whenua, 1992, Wellington, Parliamentary Commissioner for the Environment*

Agencies need to note however that when developing our relationships and applying them in practice, Te Iwi o Rakaipaaka will not compromise our mana, our integrity or our life principles.

Our major stakeholder agencies include the:

- ◆ Rakaipaaka Marae
- ◆ Neighbouring Hapu
- ◆ Ngati Kahungunu Environmental Agency
- ◆ Hawkes Bay Regional Council
- ◆ Tairāwhiti District Council
- ◆ Wairoa District Council
- ◆ Ministry for the Environment
- ◆ Department of Conservation
- ◆ Ministry of Fisheries
- ◆ Ministry of Agriculture and Forestry
- ◆ NZ Historic Places Trust
- ◆ Ministry of Maori Development
- ◆ Parliamentary Commissioner for the Environment
- ◆ Members of Parliament

As agencies hold significant authority to administer the RMA within our rohe, Rakaipaaka sees the need for us to undertake and consolidate a close and meaningful working relationship with them on environmental and resource matters.

Some of their policy statements identify the statutory requirements under the RMA as the basis for Maori involvement in resource management. It also acknowledges the Treaty's guarantee of Tino Rangatiratanga and our special relationship with Kāwanatanga in environmental planning and decision making. Of particular interest to us are those policies that recognise and incorporate into their planning and operational systems:

- ◆ Our Tino Rangatiratanga
- ◆ Their obligations associated with Kāwanatanga under the Treaty (good government)
- ◆ Our special status as Tangata Whenua and the partnership and relationship issues associated with that
- ◆ Appropriate consultation with hapu/whanau
- ◆ The diversity of Tangata Whenua structures and how we are constituted
- ◆ The partnership and active participation by Tangata Whenua in management processes
- ◆ Procedures which transfer the power to hapu/whanau to actively share in the decision making and the application of those decisions
- ◆ The protection of taonga and Waahi Tapu
- ◆ Te Ao Maori with regards to our spiritual and cultural values and in that context the significance of our Kaitiakitanga role
- ◆ Tangata Whenua resource management
- ◆ Tangata Whenua resource development <sup>10</sup>

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<sup>10</sup> *Regional Policy Statement, 1995, Hawkes Bay Regional Council*

Te Iwi o Rakaipaaka is Aware that some agencies have been developing their governance and operational business systems, enabling them to respond better to their Treaty responsibilities with Tangata Whenua.<sup>11</sup> The Hawkes Bay Regional Council (HBRC) for example has provided the 'seeding funding' for the establishment of the Ngati Kahungunu Environmental Agency. The Agency's main objective is to bring to bear some consistency and improved co-ordination around the way Tangata Whenua interests are approached and how concerns are responded to and managed. Rakaipaaka holds the expectation that the infrastructure and systems developed will provide for us as the Kaitiaki of our rohe to actively engage in administering our Tino Rangatiratanga. In that regard we aim to make known our desire to participate through this document as well as other relationship building exercises.

## **Te Korero Whakawhiti - Consultation**

Te Iwi o Rakaipaaka considers consultation with its people, as paramount. Appropriate and effective consultation is integral to our role as Kaitiaki and to our values of whanaungatanga, manaakitanga, arohatanga and kotahitanga. Effective decision making and successful outcomes will only come about if appropriate consultation is undertaken with whanau and constituents. Furthermore, public and consents authorities can not pick and choose whom to consult with, thus, adequate consultation will require notifying and gaining the input of hapu and whanau.<sup>12</sup>

Te Iwi o Rakaipaaka will be responsible for that process and for ensuring that our people's issues and concerns, at all levels, are embraced and well represented.

### **In light of the above:**

- 1. Te Iwi o Rakaipaaka expects that when a resource consent application may or will affect Te Iwi o Rakaipaaka interests, they must consult with Te Iwi o Rakaipaaka. Direct consultation with Te Iwi o Rakaipaaka must take place regardless of whether there has been consultation or dialogue with other Marae, individuals, or Maori groups in the area.<sup>13</sup>**
- 2. Te Iwi o Rakaipaaka will consider the applications on a case by case basis.**
- 3. Te Iwi o Rakaipaaka expects applicants to provide us with full information that will assist us in making decisions on the impact the activity may have on cultural assets and resource usage. This also includes the expected impact the activity will have on our environment and resources, and, any possible health effects.**

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<sup>11</sup> *Kaitiakitanga and Local Government: Tangata Whenua Participation in Environmental Management, 1998*, Office of the Parliamentary Commissioner for the Environment

<sup>12</sup> Advice from the Parliamentray Commissioner for the Environment, kanohi ki te kanohi discussion held with the Principal Environmental Investigator, August 1999.

<sup>13</sup> *Ki Te U o Te Hiahia, A Guide to the Resource Management Act 1991*, Nga Kaiwhakamarama I Nga Ture, Maori Legal Service Inc, 1999



4. **The first step will be to notify us of the application, providing us with the following:**
- ◆ **The name of applicant/organisation and address**
  - ◆ **The proposed activity and how it will be carried out**
  - ◆ **The location of the activity**
  - ◆ **The resources it will affect**
  - ◆ **An initial cultural assessment of how this activity will impact upon our traditional sites, our cultural beliefs and wellbeing. The assessment should also inform us of the physical impact the activity will have on the resource/s in question, and its surrounding environs, native flora and fauna.**
5. **Should we consider the need for further consultation, additional information from the applicant/consents authority may be required that could include:**
- ◆ **Further information regarding the affects on Rakaipaaka taonga and tikanga**
  - ◆ **Information on the possible health effects.**
  - ◆ **Relevant maps, tables, measures, topography outlines and so forth**
  - ◆ **Organised site visits**
  - ◆ **Proposed quantities if applicable (e.g. extraction activities)**
  - ◆ **Medium to long term strategy concerning the activity**
  - ◆ **Who in the Iwi (if any) the applicant has consulted with**
  - ◆ **The decision being sought from us**
  - ◆ **Proposed monitoring procedures and how we can effectively participate**
6. **With regards to consent authorities, Te Iwi o Rakaipaaka expects that on matters of resource consent applications affecting our rohe, consent authorities will:**
- ◆ **Advise applicants they must consult with Te Iwi o Rakaipaaka early on. This means Te Iwi o Rakaipaaka expects to be consulted with, regardless of whether other Marae/whanau/constituents have been notified or consulted with over the proposed activity**
  - ◆ **Request information from a resource consent applicant on whether they consulted with Iwi**
  - ◆ **As a back up measure, advise us of pending resource consent applications affecting our rohe. Te Iwi o Rakaipaaka will make a decision on the need to take it further**
  - ◆ **Ensure timely notification of resource consent applications with Te Iwi o Rakaipaaka**
  - ◆ **Provide us with reasonable timeframes for assessing the implications, consulting with our Iwi, and responding to a resource consent application**
  - ◆ **Make it their policy to request resource applicants to provide sound information on the assessment of affects as stipulated previously. The information contained in the assessment must also be pertinent and relevant to the Maori dimension of resource usage**

- ◆ **Avoid assigning staff to the consultation process who may potentially pose a conflict of interest**
  - ◆ **Advise us of the authority's internal process**
  - ◆ **Advise us of the Appeal procedures and the formal expectations required to be part of that procedure**
7. Should consent authorities and organisations request information from Te Iwi o Rakaipaaka in order to fulfil their legislative requirements, we will expect to be adequately resourced in order to do so.<sup>14</sup>
  8. The act of consultation does not exclude this organisation, whanau or constituents from making submissions or to appeal decisions that are contrary to our opinion and assessment of the information.
  9. In addition, we expect that consultation, negotiations and discussions should be conducted in an environment and manner appropriate for Te Iwi o Rakaipaaka to fully participate. This means that the venues for debate and discussion over the issues arising will include Marae and/or a venue chosen by us. Further, if it should be held in council rooms we expect authorities to accept Marae kaupapa, and to operate within its terms.

### **Whakarongo Pikari - A Note!**

Te Iwi o Rakaipaaka has a Treaty Claim lodged with the Waitangi Tribunal. Crown and government agencies must be aware that any resource activities carried out to the contrary of hapu/whanau/constituent opinion, is subject to the claim process. In addition, it may present the opportunity for new claims to be lodged.

### **Nga Taonga Tuku Iho/Waahi Tapu/Waahi Tupuna - Our Sacred Places**

Nga Taonga Tuku Iho such as our Whakapapa, Maunga, Awa, Marae, Waahi Tapu and Waahi Tupuna hold elevated status. As Kaitiaki we aim to preserve and protect these sites from activities that erode, or potentially erode and alter their physical and spiritual ethos. This also relates to the safe passage, safe management, and safe keeping of our traditional rights, our whenua, our waters, our air space, and our native bush and its life forms. Furthermore, the Iwi holds the right to deem other natural resources as requiring special consideration where it may impact negatively upon the aims and aspirations of the Iwi.

We understand that whanau hold traditional knowledge passed down to them by their Tupuna. This knowledge could have regard to historical events that may have occurred on whanau land or within respective papakainga. Thus, we rightfully respect the intellectual property of whanau and

<sup>14</sup> *Ngati Hauiti Kaupapa Taiao Environmental Policy Statement, 1996*

constituents who in their Kaitiaki role, may object to a proposed activity, yet choose to reserve and withhold information from a consents authority upon which their objection is based.

Te Iwi o Rakaipaaka has built up a historical information base of our area. It too is a 'living' historical account whereby we accept there may be other areas of significance that have not yet been recorded. Our intention is to be inclusive and to be able to respond accordingly to new discoveries and information. Our historical information therefore may be built onto and/or subject to change and could significantly impact upon the resource consent process in our rohe. Te Iwi o Rakaipaaka will maintain close communication with agencies whom we have formal relationships with, regarding any changes.

The Iwi holds the right to decide whether to give generic or specific information concerning a resource, site or location. A decision on what approach to take will be assessed on a case by case basis.

### **Te Mahi Tirotiro – Monitoring and Compliance**

This plan makes known our desire to actively participate in both the protection and the decision-making, concerning Rakaipaaka resources. One way we wish to participate is to engage in the monitoring of resource consent compliance at a local level, and, to have input into monitoring reports. Further, we see this role as contributing to, and strengthening existing systems.

We expect that agencies will work with us to develop a joint strategy that:

- Enables us to participate in the monitoring of resource consents and issues
- Supports us to build our capacity and capability to engage in this exercise
- Provides us with input into monitoring and evaluation reports
- Enables us to participate in the development of new policies and statements regarding this process

## Te Tipoka - Summary

Our aim as a representative of the Tangata Whenua is:

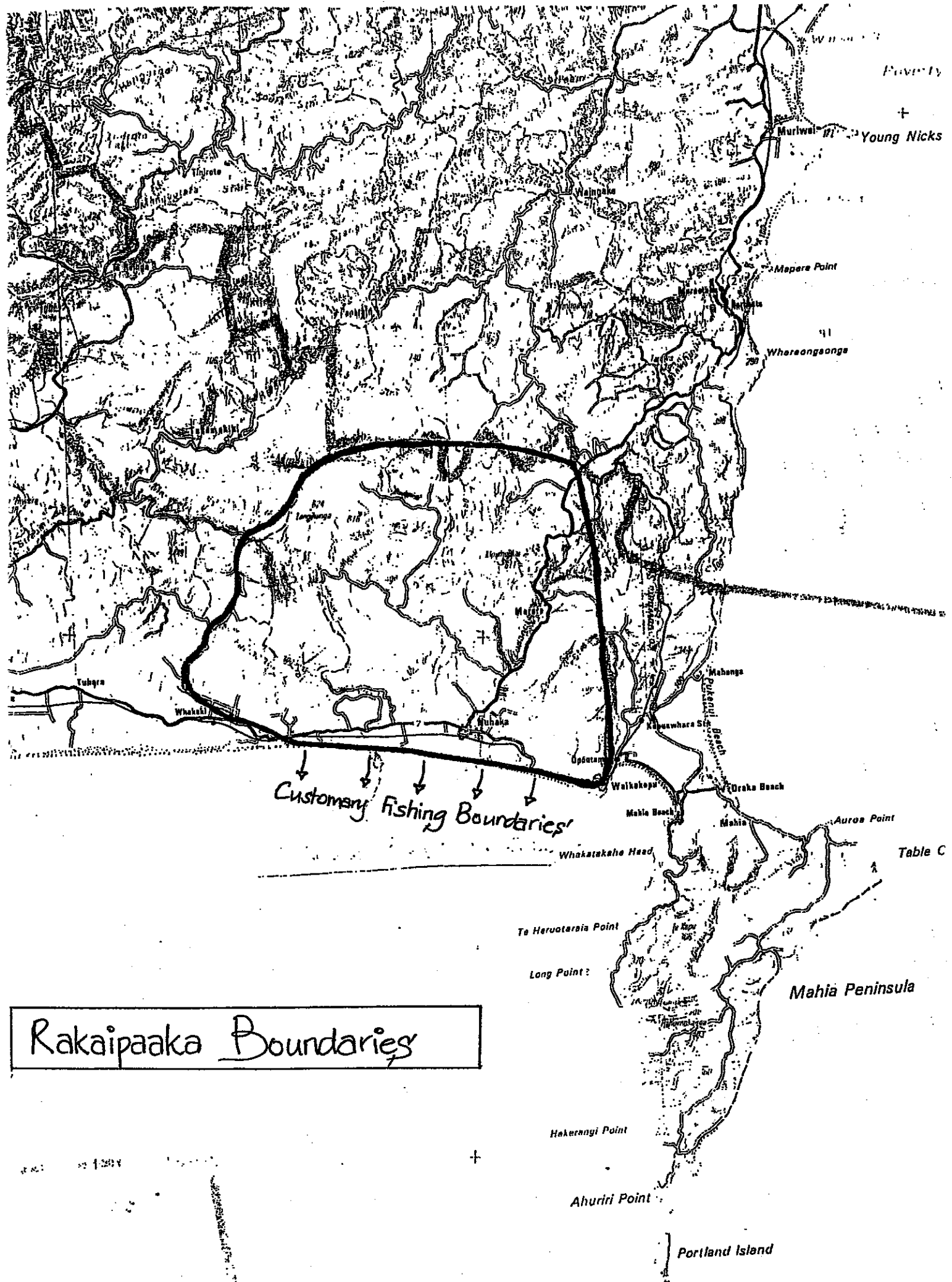
**To actively participate in exercising our Rakaipaakatanga and Kaitiakitanga, over the taonga and environmental and natural resources of Rakaipaaka.**

In the spirit of good 'partnership,' Te Iwi o Rakaipaaka expects Crown and Private sector interest applicants and agencies to:

- Know, that the statements in this document are recognized as legitimate policy statements of a legally and well-constituted body representing a recognized Treaty partner, and that within that context, it is our aim to become an active participant in the decision-making surrounding consent and resource issues in our area.<sup>15</sup>
- Note that this is a 'living document' thus subject change if warranted, following an internal review.
- Inform us on all resource consent applications affecting our rohe.
- Inform us of all resource consent applications in a meaningful and timely manner as set out in this document on pages 8-10.
- Work with us to develop formal relationships based upon 'partnership' principles and adding value to each other's work.
- Work in partnership with us to develop and implement a staged plan that enables this partnership to occur and continue to flourish and develop. This entails the development of specific management procedures and guidelines for resource consent issues.
- Assist us to build up our capacity and capability to respond to local environmental and resource management issues, including the monitoring of resource consents and allocations at a local level.
- Work in partnership to develop a plan that identifies quality measures, which recognizes and distinguishes pollution levels and/or public health concerns in our rohe.
- Provide us with a list of the key agencies involved in resource consent issues.
- Ensure all employees of your organization are informed about the process for dealing with resource consent issues affecting Te Iwi o Rakaipaaka.
- Monitor the compliance of your organisation in implementing the policy statements and expectations presented in this document.
- Continue to advise and inform us of internal changes, decisions, actions and activities that may affect the statements and intentions presented in this document.

<sup>15</sup> Established by the principles of the Treaty of Waitangi and further conferred to us through the RMA 1991

# ***Appendix 1***



Rakaipaaka Boundaries

Customary Fishing Boundaries

Young Nicks

Mapere Point

Whareongaonga

Mahanga

Oraka Beach

Mahia Beach

Whakatakehe Head

Te Heruotaria Point

Long Point

Mahia Peninsula

Hakerangi Point

Ahuriri Point

Portland Island

Table C