

# TANGATA WHENUA OF THE RUAPEHU DISTRICT

## Introduction

The tangata whenua of the District have actively participated in the preparation of this Plan. This participation has been facilitated by a working party called the "Iwi Liaison Working Party".

The Working Party has its origins from an approach by the Tamaupoko Trust (an autonomous Tupuna Rohe Trust organisation within the Whanganui River Maori Trust Board structure) in early 1993 seeking consultation on resource management matters. From this, after discussions, the Iwi recommended an approach whereby the Council could facilitate consultation in the preparation of the Plan as required by Clause 3(1)(d) of the First Schedule of the Act, and could promote the development of the resources that Maori exercise ownership and kaitiakitanga over within the District.

The Working Party structure, apart from the two Council representatives in the last stage of its project, was determined by the Iwi. The process the Working Party undertook to facilitate consultation within the District in regard to this Plan was again determined by the Iwi. The Council provided the agreed resources to enable this to occur.

## Important Events

A number of important events occurred during the work of the Working Party and the preparation of this Plan. These are recorded below.

The claim in respect of the Whanganui River under the Treaty of Waitangi Act 1975 has influenced the relationship between the Council and the Iwi, the work of the Working Party, and this Plan.

The claim was brought by the late Hikaia Amohia and by nine persons, who are, or were at the time, members of the Whanganui River Maori Trust Board. In November 1993 the Waitangi Tribunal made an "Interim Report and Recommendation" on a claim of the Trust Board for a stay in certain proceedings with respect to the River. In particular, the certain proceedings that relate to this Plan included:

- The preparation of the Regional Plan for the Beds of Lakes and Rivers by the Manawatu-Wanganui Regional Council.
- Proceeding with the application for a Water Conservation Order for the Whanganui River made by the Royal Forest and Bird Protection Society.
- The actual and prospective amendment and extension of rules governing the use of the Whanganui River's surface water under the Water Recreation Regulations 1979 and the Whanganui River Control Bylaws 1991.
- The prospective granting of new resource consents under the Resource Management Act 1991, or the renewal or amendment of those currently operative.

The Waitangi Tribunal did not consider it appropriate or practical to recommend statutory intervention without a prior full inquiry and a finding that the substantive claim is well founded.

In the first and middle parts of 1994 the substantive claim was heard by the Waitangi Tribunal. The timing of the Government's decision is unknown.

In addition to the above claim there are a number of other claims made under the Treaty of Waitangi Act 1975 awaiting to be heard by the Waitangi Tribunal. For the claimants these claims are of no lesser importance than the claim set out above.

### **Consultation Process**

As stated above, the consultation process of the Working Party for the District Plan was determined by Iwi. In brief this consultation process was as follows:

- A series of hui to mandate the process
- A series of hui with marae/hapu to form a draft position to the preparation of the Plan
- A series of hui to ratify the position
- A hui to present the position to the Council

### **Tangata Whenua Planning Document - Ruapehu District**

The final input of the tangata whenua for the preparation of the Plan was in the form of a "Tangata Whenua Planning Document - Ruapehu District". This document is acknowledged in this Plan as an important Iwi Planning Document recognised by the Iwi Authorities of the District by virtue of the process that was used to develop it.

The document covers a wide breadth of topics providing the Council with statements of Issues, Outcomes, Objectives and Policies on behalf of the tangata whenua. Many of the issues identified fall outside the purpose of a district plan as defined by Section 72 of the Act. However, they are summarised as a record and to accord the document appropriate recognition within this Plan.

The issues identified can be categorised under the following headings:

- District Plan
- Other (General Resource Management, Iwi Development, and General Council Business)
- Ongoing Relationship

The content of the document are summarised under the above headings.

### **District Plan**

The document identifies eight issues associated with Nga Rahui Whenua (Tangata Whenua Conservation Estate). The underlying concept is the management of land by the Iwi in a way that preserves and maintains the tangata whenua traditional spiritual, cultural, social and economic links with their ancestral land, waterways, places of habitation, waahi tapu and other taonga within areas defined as Nga Rahui Whenua. This concept has been provided for in the Plan through the Maori Land provisions.

Esplanade Reserves are also addressed, and in particular the need to build safe-guards into the Plan to ensure tangata whenua Treaty of Waitangi rights are not prejudiced. To a degree this protection is provided by the Maori Land Act 1993 and for this reason additional protection is not provided for in this Plan.

Waste disposal, including the illegal dumping of rubbish is identified as a significant issue to the tangata whenua. The document states that the tangata whenua wish to be involved in any planning for new or existing waste disposal facilities and wish all illegal disposal sites to be removed. With respect to new waste disposal sites, as a use of land these are addressed in the Plan. The illegal sites will be identified in monitoring the state of the environment. It is noted that both the Manawatu-Wanganui Regional Council and the Council have jurisdiction under the Act for different facets of waste disposal.

The document identifies the tangata whenua desire to become involved in production forestry in the future. The management regime in this Plan in the rural areas provides for this to occur.

With respect to indigenous flora and fauna, and in particular indigenous forests, the document recognises these as important for their unique nature in terms of their cultural, ecological and amenity values. Protection and enhancement of indigenous forests is identified as important, provided that the principles of the Treaty of Waitangi are observed. The document indicates that there are a number of circumstances where the tangata whenua wish to see the removal of native trees, including; for culturally appropriate purposes, dwelling purposes, for commercial operations where the entire commercial operation is located within the District, and where there is a proven danger to human occupation and service amenities. The Plan only addresses significant indigenous vegetation and significant habitats of indigenous fauna in accordance with Section 6 of the Act. Limited provision is made for the removal of indigenous vegetation as a permitted activity. With respect to the commercial operation provisions desired, it is the Council's view such provisions would be outside the Act and therefore *ultra vires*.

Within the document the tangata whenua address the issue of outstanding natural features and landscapes. The tangata whenua seek to have the values associated with the list of features they identify protected, while ensuring that traditional and customary usage can still occur. The list of outstanding natural features and landscapes identified in the Plan include some of the features identified by the tangata whenua and those contained within the Proposed Regional Policy Statement for Manawatu-Wanganui as changed by decisions on Submissions (May 1995). Customary usage is not controlled unreasonably by the provisions of the Plan relating to these features.

Pipiriki Township is identified in the document as being a place that the tangata whenua value due to the present lifestyle it provides. The Plan reflects this.

The document makes it clear that the tangata whenua view as an issue the need to expand existing, and provide new, urupa sites. In the context of this Plan regarding the use of land, urupa are subject to minimal control on Maori Land.

The tangata whenua request through the document that on the planning maps the Council recognise tangata whenua place names. This recognition is only provided insofar as the tangata whenua place names are the legally recognised name of the area or feature due to the confusion it may otherwise cause.

**Other (General Resource Management, Iwi Development, and General Council Business)**

For the purpose of this document it is recorded that the "Tangata Whenua Planning Document - Ruapehu District" also addressed the following issues:

- Resourcing of tangata whenua in order to protect nga taonga
- Rating of Nga Rahui Whenua
- Council service delivery of landfills
- Rating of forestry managed by the tangata whenua
- Paper roads and surplus land
- Pipiriki landfill, sewerage, waste water, proposed information centre, water front development, and the Pipiriki to Raetihi Road
- Raetihi landfill
- Rating of Te Puke Marae
- Waimarino hospital/health care services
- Pollution of waterways around and in Waimiha Township and roading in the township
- Te Koura Swing Bridge
- Old papakainga/whare sites and buildings
- Kakahi township landfill, water supply, and roading

### **Ongoing Relationship**

The document advises the Council that the tangata whenua wish ongoing consultation with the Council on resource management matters. This is a process issue that the Council will address in the main outside the Plan as a statutory document. However, within the Plan it is clearly signalled that the Council will invite a representative, or representatives of Iwi, to sit as a Hearings Commissioner, or Hearings Commissioners, for hearings on matters affecting the Iwi, or to act as an adviser to the hearings body. However, the hearings body must retain impartiality at all times.

### **Other Matters**

The "Tangata Whenua Planning Document - Ruapehu District" is also significant for the matters it does not address. In particular the issue of the Whanganui River and that of recognising and providing for the relationship of Maori and their culture and traditions with their ancestral waahi tapu.

It is understood that the Iwi did not want these matters discussed with the Council and this is respected by the Council and reflected in the Plan.

