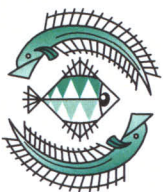


**Wāhi tuawhā:**

**Kia whakatinana te  
mahere - Te hātepe me  
ngā huarahi**

**Part 4:**

**Implementing the  
plan - process and  
procedures**



## 4.1 Whakawhiti Kanohi ki te Kanohi Kōrero

### *The need for good working relationships*

Parts I - III of the Te Taumutu Rūnanga Natural Resource Management plan set out the goals and policy directions for natural resource management for the Taumutu takiwā. Here, Part IV outlines the procedures and protocols associated with implementation of the plan, including the Te Taumutu Rūnanga Consultation Policy.

The interactions and relationships between Ngāi Te Ruahikihiki (and Te Taumutu Rūnanga), landowners, town residents, and local, regional, and national authorities have shaped the landscape historically and continue to do so today.

It is imperative to Te Taumutu Rūnanga that these relationships are maintained, encouraged and improved, in order to ensure better environmental outcomes in the management of natural resources. The establishment of genuine working relationships and consultative processes is the means to achieve this goal.

#### 4.1.1 Consultation defined

Te Taumutu Rūnanga views consultation as a process that promotes genuine working relationships between parties, and occurs in the spirit of a Treaty relationship and the status of tāngata whenua as manawhenua. As such, consultation shall consistently and functionally occur at the level of partnership.

A leading example from case law on tāngata whenua consultation is *Air New Zealand vs. Wellington International Airport* (1993) (Court of Appeal). In this case, the Court defined the essential elements of consultation as:

- **Relevant and sufficient information** provided to the consulted party, so that they can make intelligent, informed and useful decisions;
- **Sufficient time** for both the participation of the consulted party and the consideration of advice given;
- **Listening** to what others have to say and considering their responses;
- **Genuine consideration** of that advice, including an open mind and a willingness to change.

#### 4.1.2 Degrees of tāngata whenua participation in resource management

Te Taumutu Rūnanga is involved in natural resource management in several different ways. These include (but are not limited to):

- Resource consent applications (notified and non-notified)
- Concessions applications (DOC) and permit applications
- Submissions to regional and district policy statements
- Submissions to regional and district planning documents
- Representation on advisory committees, conservation and management boards and special issue committees (local bodies)
- Advocacy in natural resource and environment issues
- Participation, as part of Ngāi Tahu whānui, in national policy statements and environmental strategies
- Fisheries sustainability rounds and research

Participation in resource management may range from being informed of decisions that have already been made (low / weak participation) to working partnerships (high / strong participation).

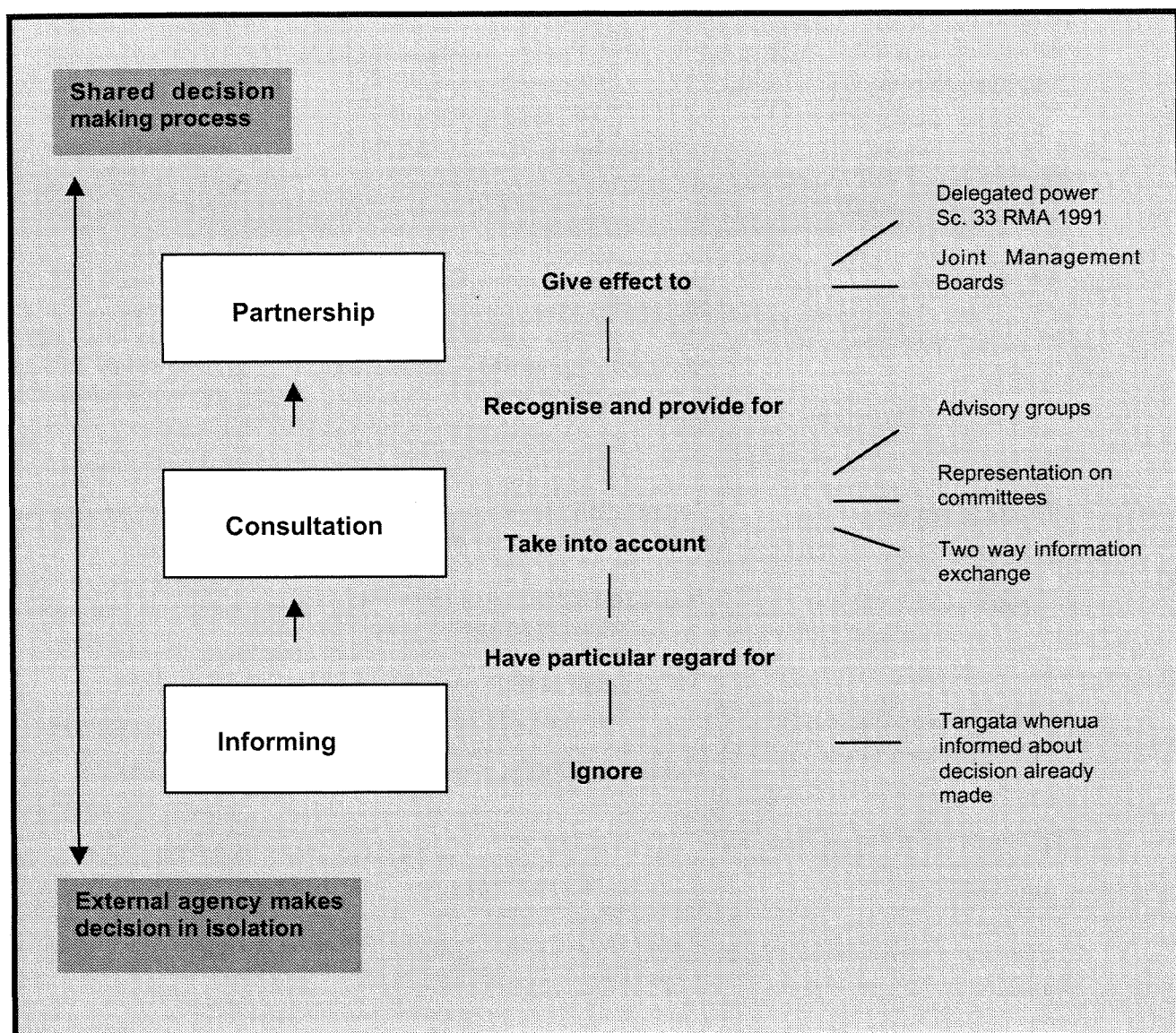
In many areas of natural resource management, Te Taumutu Rūnanga has established good working relationships with local, regional and national authorities. However in other areas there is a clear need for improvement.

Not all issues require extensive consultation. It is the view of the Rūnanga that different degrees of participation and consultation are appropriate at different times. However, the nature and extent of involvement must be decided by Te Taumutu Rūnanga and not the consulting agency.

**Consultation is about a working relationship, rather than a presentation of words.**



**Figure 5:** Degrees of tāngata whenua participation in resource management processes. The Te Taumutu Rūnanga policy on consultation is that all consultation shall occur on the level of partnership, as early as possible in any planning, policy or management process.



## 4.2 Hei Mahi Akoako - *The duty to consult*

The duty to consult with Te Rūnanga o Ngāi Tahu and Te Taumutu Rūnanga, in issues pertaining to natural resource management, is established through both statutory and non-statutory requirements. Most environmental legislation includes an obligation to give recognition to the Treaty of Waitangi, or the principles of the Treaty, which include the principles of consultation and partnership.

Requirement	Explanation
<b>Manawhenua</b>	Ngāi Te Ruahikihiki ki Taumutu, as the descendants of Te Ruahikihiki, enjoy an undisturbed traditional manawhenua right in the Taumutu takiwā. Te Taumutu Rūnanga is the legal representative of Ngāi Te Ruahikihiki, and thus holds kaitiaki status as mana whenua who exercise rangatiratanga within the takiwā.
<b>Treaty of Waitangi</b>	<p>Consultation with tāngata whenua also is given effect through the principles of the Treaty of Waitangi, including:</p> <ul style="list-style-type: none"> <li>• active protection of Maori interests</li> <li>• partnership and reasonable cooperation</li> <li>• utmost good faith in dealing with other Treaty Partner</li> <li>• courtesy of early consultation</li> <li>• options – the principle of choice</li> </ul> <p>Treaty clauses exist in much of the environmental legislation.</p>
<b>Te Rūnanga o Ngāi Tahu Act 1996</b>	Section 15 (2) identifies Te Rūnanga o Ngāi Tahu as the iwi authority for all resource management matters requiring consultation under the RMA 1991. However, it is the acknowledged practice of Te Rūnanga o Ngāi Tahu that initial consultation is through the Papatipu Rūnanga.
<b>Resource Management Act 1991</b>	<p>Sections 6, 7, and 8 establish Māori interests in resource management as greater than the general public.</p> <p>Sections 66 (c) and 74 (b) require local and regional authorities to have regard to iwi planning documents. The First Schedule, cl 3 (1) (d) explicitly requires local authorities to consult with tāngata whenua when preparing planning documents and policy statements.</p> <p>Consultation will also occur when tāngata whenua are an affected party (Sections 93, 94, 104)</p>

<b>Conservation Act 1987</b>	Section 4 states that the Act shall be interpreted and administered as to give effect to the principles of the Treaty of Waitangi. This then applies to all Conservation Management Strategies and Management Plans and Strategies.
<b>Wildlife Act 1953 Reserves Act 1977 Marine Mammals Protection Act 1987</b>	Section 4 applies to all legislation that is administered by the Department of Conservation, including the Wildlife Act 1953 and Reserves Act unless such legislation expressly provides otherwise. Case law has determined that the Marine Mammals Protection Act 1978 should be interpreted and administered in accordance with sc. 4 as well.
<b>Hazardous Substances and New Organisms Act 1996</b>	<p>Section 6 (d) provides for taking into account the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.</p> <p>Section 8 states that all persons exercising powers and functions under the Act shall take into account the principles of the Treaty of Waitangi.</p>
<b>Crown Minerals Act 1991</b>	Section 4 states that all persons exercising powers and functions under the Act shall take into account the principles of the Treaty of Waitangi.
<b>Crown Pastoral Land Act 1998</b>	Section 25 (1) (b) states that during a tenure review process, the Commissioner must take into account the Treaty of Waitangi.
<b>Fisheries Act 1996</b>	<p>Section 5 (b) provides that the Act be interpreted in a manner consistent with the provisions of the Treaty of Waitangi (fisheries claims) Settlement Act 1992.</p> <p>Consultation must be undertaken prior to the Minister setting or altering sustainability measures, or quota management areas.</p>
<b>Biosecurity Act 1993</b>	Section 73 (1) (a) requires that regional council consult with tāngata whenua when preparing regional pest management strategies.
<b>Environment Act 1986</b>	<p>The purpose of the Act is to (c) ensure that, in the management of natural and physical resources, full and balanced account is taken of (iii) the principles of the Treaty of Waitangi.</p> <p>Section 17 (c) states that regard is to be given to those matters which are part of the heritage of tāngata whenua or which contribute to their well being</p>

<b>Local Government Act (LGA) 1974</b>	<p>When local authorities are undertaking RMA 1991 functions they must comply with the Treaty of Waitangi and Maori provisions of the RMA.</p> <p>The LGA is currently under review, and the Local Government Bill 2001 under consideration includes a clause to recognise and respect the Treaty of Waitangi, as well as specific provisions relating to Maori.</p>
<b>Historic Places Act 1993</b>	<p>Section 4 states that in achieving the purpose of this Act, all persons exercising functions and powers under it are to recognise the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga.</p>
<b>Transit New Zealand Act 1989</b>	<p>Local authorities must consult with iwi or hapū that may be affected by any transport project.</p>

Disclaimer: Please note that references to specific legislation are to be taken as guide only. Information provided here should not be taken as providing a definitive or comprehensive interpretation of specific legislation.

### 4.3 Ko Wai i Akoako i a Mātou?

*Who does consultation occur with?*

Agency	Type of consultation
<b>Selwyn District Council</b>	<ul style="list-style-type: none"> <li>• RMA 1991 obligations – resource consents, planning documents</li> <li>• Te Waihora issues</li> <li>• Local Government Act 1974</li> </ul>
<b>Banks Peninsula District Council</b>	<ul style="list-style-type: none"> <li>• RMA 1991 obligations – resource consents, planning documents</li> <li>• Te Waihora issues</li> <li>• Local Government Act 1974</li> </ul>
<b>Ashburton District Council</b>	<ul style="list-style-type: none"> <li>• RMA 1991 obligations – resource consents, planning documents</li> <li>• Local Government Act 1974</li> </ul>

<b>Environment Canterbury</b>	<ul style="list-style-type: none"> <li>• RMA 1991 obligations – resource consents, policy statements, planning documents</li> <li>• Te Waihora issues</li> <li>• Local Government Act 1974</li> <li>• Pest management strategies</li> </ul>
<b>Private landowners General public</b>	<ul style="list-style-type: none"> <li>• RMA 1991 - resource consent applicants</li> <li>• General enquires about protocol</li> <li>• Information about tāngata whenua</li> <li>• Protection of significant sites</li> </ul>
<b>Department of Conservation (Te Papa Atawhai)</b>	<ul style="list-style-type: none"> <li>• Conservation Act 1987 obligations (Wildlife Act 1953, Reserves Act 1977, etc)</li> <li>• Concessions, historic and cultural resources</li> <li>• Visitor information</li> <li>• RMA 1991 advocacy</li> <li>• National parks policy and planning</li> <li>• Conservation boards and advisory committees with designated Ngāi Tahu seats (Roopu Kaitiaki)</li> </ul>
<b>New Zealand Conservation Authority</b>	<ul style="list-style-type: none"> <li>• Designated Ngāi Tahu seat in membership</li> <li>• Representation on regional Conservation Board</li> </ul>
<b>Fish and Game</b>	<ul style="list-style-type: none"> <li>• Wildlife permits</li> <li>• S.4 of Conservation Act 1987 sets out responsibilities to tāngata whenua</li> <li>• Joint advocacy with tāngata whenua on common objectives (e.g. freshwater issues)</li> <li>• Non voting seat on Fish and Game Council</li> </ul>
<b>Ministry of Fisheries</b>	<ul style="list-style-type: none"> <li>• Working relationship with tāngata whenua established through Maori Fisheries Act 1989, Treaty of Waitangi (Fisheries Claim) Settlement Act 1992, South Island Customary Fishing Regulations 1998.</li> <li>• Planning process (e.g. Total Allowable Catch)</li> </ul>
<b>Ministry for the Environment</b>	<ul style="list-style-type: none"> <li>• Legal obligations to consult outlined under Environment Act 1986, RMA 1991, Hazardous Substances and New Organisms Act 1996</li> <li>• Monitoring, planning and national policy</li> <li>• statements</li> </ul>
<b>Ministry of Agriculture and Forestry</b>	<ul style="list-style-type: none"> <li>• Biosecurity</li> </ul>



<b>Crown research institutes (CRIs), universities</b>	<ul style="list-style-type: none"> <li>• Research protocols</li> <li>• Collection permits</li> <li>• Collaboration</li> <li>• Information and support</li> </ul>
<b>Environmental Risk Management Authority</b>	<ul style="list-style-type: none"> <li>• Applications for hazardous substances, new organisms, all GMO issues.</li> </ul>

Disclaimer: The information provided in this table is to be used as a general guide only. It is not intended to be a definitive or comprehensive summary of all agencies with whom consultation occurs, or of the kinds of consultation that do occur.

## 4.4 Te Kaupapa Akoako o Te Taumutu Rūnanga

### *Te Taumutu Rūnanga Consultation Policy*

This policy sets out the protocols and procedures that Te Taumutu Rūnanga requires local, regional and national authorities to follow when undertaking consultation with the Rūnanga, in matters of natural resource management. The policy is intended to provide clarity about who, when and how consultation should take place.

**Te Taumutu Rūnanga Consultation Policy shall form the basis upon which future consultation with the Rūnanga will take place.**

## GENERAL

### 4.4.1 Te Taumutu Rūnanga natural resources management plan

Te Taumutu Rūnanga Natural Resources Management Plan shall provide the basis, but not a substitute, for consultation. Local, regional and national authorities shall give effect to the values, goals, and policy directions outlined in the plan.

#### **4.4.2 Treaty partner not stakeholder**

This hapū management plan represents the view of a Treaty partner in addition to that of stakeholder in the larger community. Consultation with tāngata whenua is not a gift, it is a treaty and manawhenua right.

#### **4.4.3 Legislative requirements**

Those parties consulting with Te Taumutu Rūnanga must recognise the full implications of legislative requirements to consult. They shall actively support their obligations under the Treaty of Waitangi, to the extent that it is part of the law of New Zealand.

#### **4.4.4 Who to consult with**

All matters related to natural resource management in the Te Taumutu Rūnanga takiwā are to be referred directly to Te Taumutu Rūnanga. The Rūnanga structure includes a committee with a defined process in place for dealing with natural resource and environment issues.

#### **4.4.5 Extent of consultation**

The level of consultation required will vary from issue to issue. However, the nature and extent of involvement will be decided by Te Taumutu Rūnanga, and not the consulting agency.

#### **4.4.6 Early Consultation**

Consultation with tāngata whenua should occur at the earliest possible stage in the design and development of policies, plans or other activities. Agencies seeking consultation with Te Taumutu Rūnanga must provide for appropriate opportunities for the Rūnanga to contribute to the planning process at the early stages.

#### **4.4.7 Sufficient time**

Consultation processes must allow for sufficient time to make informed decisions. There must be adequate notice for meetings, so that the Rūnanga can consider the agenda. Silence by the Rūnanga shall not be taken as approval.

In addition, just because an applicant or authority is in a hurry, does not mean the Rūnanga has to be. The Rūnanga shall not feel pressured to make decisions or respond to applications or issues just because someone else is in a hurry.

#### **4.4.8 Adequate resourcing**

Consultation requires adequate resourcing and support, which cannot be the sole responsibility of the Rūnanga. Agencies coming to the Rūnanga for information must also be prepared to assist in terms of consultation resourcing.

#### **4.4.9 Appropriate representation**

All consultation processes must include appropriate and adequate representation. Requests for consultation must come through Te Taumutu Rūnanga. Iwi liaisons and Crown agencies **do not** represent tāngata whenua.

Allowances must be made for appropriate representation, and Rūnanga members shall not be required to attend consultation processes as the sole tāngata whenua representative. The Rūnanga shall decide how many representatives are required to appropriately support tāngata whenua views.

#### **4.4.10 Interpretation of Ngāi Te Ruahikihiki ki Taumutu values**

Ngāi Te Ruahikihiki ki Taumutu are the only ones who can assess and interpret Ngāi Te Ruahikihiki ki Taumutu values.

Ngāi Te Ruahikihiki ki Taumutu are the only ones who can say they are an affected party (because it does not only come down to science).

Any information and consultation request via other Government Agencies or organisation is unacceptable.

#### **4.4.11 Joint advocacy**

Te Taumutu Rūnanga supports and encourages joint advocacy with other agencies on common objectives.

### **RESOURCE CONSENTS**

#### **4.4.12 Notification of activities/affected party**

Te Taumutu Rūnanga is to be an approval party (affected party) to all notified and non-notified resource consent applications.

#### **4.4.13 Pre-application consultation**

Te Taumutu Rūnanga encourages all resource consent applicants to seek consultation prior to lodging applications with regional or district councils. Pre-application consultation with the Rūnanga helps to ensure that sufficient information is provided, and often saves the applicant both time and expense.

Large activities applying for resource consent may require a Cultural Impact Assessment to be prepared, at the cost of the applicant.

#### **4.4.14 Sufficient information**

All resource consent and other consultation applications must include sufficient information to allow for comprehensive understanding of the issue and ability to make informed decisions.

#### **4.4.15 Participation at decision making level**

Tāngata whenua representation must be clearly visible at the decision making level (e.g. notified consents - hearing committees; non-notified consents – in council offices).

#### **4.4.16 Basic understanding of tāngata whenua and values**

Te Taumutu Rūnanga is concerned that council staff is not always competent when dealing with issues that involve consultation with tāngata whenua. At a minimum, local body employees must be aware of which Rūnanga to consult with and the appropriate channels of communication.

Investigating officers need to be educated so that they understand where the Rūnanga is coming from. They must have a basic understanding of the requirements to work with tāngata whenua, and of the associated values. It is not a Rūnanga responsibility to train local authority staff.

#### **4.4.17 Resource consent hearings**

Conduct of hearings must provide for tikanga Māori. For issues involving significant cultural impacts, hearing panels should have a suitably qualified tāngata whenua representative.

#### **4.4.18 Notification and explanation of decisions**

Where seen as necessary by Te Taumutu Rūnanga, authorities shall provide notification and explanations of decisions, particularly with reference to how Rūnanga concerns have been met. There must also be provisions to allow the Rūnanga to respond to the decision, if there are still concerns.

There must be no further non-notified changes once the Rūnanga has signed off on a consent.

#### **4.4.19 Valuing technical advice supplied by Te Taumutu Rūnanga**

The value of technical, cultural and other advice provided by the Rūnanga leading to consultation must be recognised. Applicants, via Cultural Impact Assessments, need to bear the full cost of the provision of that information by the Rūnanga.

#### **4.4.20 Written and oral evidence**

Oral evidence, as part of Ngāi Tahu tribal knowledge, shall be considered equally with written evidence. (i.e. location of significant sites)

### **PLANNING AND POLICY**

#### **4.4.21 Contributions to planning documents and policy statements**

There must be adequate time for internal Rūnanga consultation and preparation of contributions to district, regional and national planning and policy documents (including Department of Conservation planning documents). Tāngata whenua should be involved at the design stages of such documents. This may be accomplished through the provision of a seat on the planning committee.

There must be no further changes to sections involving Rūnanga contributions once the Rūnanga has signed off on a document.

#### **4.4.22 Outcomes must reflect input**

Consultation must extend beyond asking for opinions to seeing the recommendations reflected in the final decisions. The concerns of Te



Taumutu Rūnanga shall not be considered as personal or stakeholder considerations.

Te Taumutu Rūnanga is concerned that in some cases, contributions and recommendations are disregarded if they are considered invalid by external agencies, or if considered to extend beyond the context or flow of a previously established planning framework.

Outcomes must to reflect a process of balancing differing values and aspirations.

#### **4.4.23 Willingness to change**

Genuine consultation includes a willingness to change, and recognition of differing priorities, concerns and values.

#### **4.4.24 Consistency**

Consistency shall be maintained with staff changeovers that occur at local, regional or central authorities; and it is not the responsibility of the Rūnanga to bring new staff (e.g. investigated officers) up to speed.

Consistency shall also be maintained when there is a staff change at the Rūnanga level. It is the responsibility of local and regional authorities to maintain previously established protocol and requests.

#### **4.4.25 Agendas need to move forward**

Te Taumutu Rūnanga is concerned that in some cases meetings or hui do not progress matters. When there are multiple meetings that each involve consultation and input from the Rūnanga, there must be more efforts directed at moving agendas forward rather than repeating the same issues on the next agenda. This includes following up on recommendations, and reflecting this progress in the next agenda.

#### **4.4.26 Consultation on the Marae**

Where deemed necessary by tāngata whenua, and when possible, consultation shall occur on the Ngāti Moki marae.

#### **4.4.27 Local authority annual plans**

There shall be adequate budgets in annual plans that allow local and regional authorities to give effect to Treaty principles and a meaningful consultation process.

## 4.5 Methods of Consultation

Tool	Explanation
<b>Cultural Impact Assessments (CIA)</b>	<p>If a proposed activity has the potential to impact tāngata whenua values to an extent that is of concern to the Rūnanga, the applicant can be required to commission a CIA report.</p> <p>These assessments enable applicants to better understand tāngata whenua values and concerns, and suggest ways to remedy, avoid or mitigate adverse affects.</p>
<b>Memorandum of Understanding</b>	<p>Memoranda of Understanding are statements of intention. They work to provide the foundations and define the nature of the working relationship.</p>
<b>Consultation protocols</b>	<p>Define the process for facilitating participation in resource planning and management.</p>
<b>Hui</b>	<p>“Kānohi ki te kānohi” - eye to eye, face to face contact. Hui is a means to bring parties together to discuss issues and hear concerns, usually on the marae.</p> <p>A means of disseminating information, resolving conflict, mediating between differing values and exchanging ideas.</p>
<b>Representation on Committees/ advisory groups / boards</b>	<p>Allows for consultation on a regular basis.</p>

## 4.6 Relationship between Te Taumutu Rūnanga and Te Rūnanga o Ngāi Tahu

Te Rūnanga o Ngāi Tahu is the tribal representative body of Ngāi Tahu Whānui, a corporate body established under Section 6 of the Te Rūnanga o Ngāi Tahu Act 1996 (the “TRoNT Act”).

In 1999, Te Rūnanga o Ngāi Tahu and the 18 Papatipu Rūnanga entered into an internal consultation protocol. This protocol established the relationship as transparent, efficient, and effective when dealing with natural resource and environmental management issues. Natural resources and environmental management within Te Rūnanga o Ngāi Tahu is the responsibility of Kaupapa Taiao. The Unit assists and supports Papatipu Rūnanga responses to various environmental issues.

The TRoNT Act 1996 identifies Te Rūnanga o Ngāi Tahu as the consulting authority for all resource management matters requiring consultation arising from the Resource Management Act 1991. However, it is the acknowledged practice of Te Rūnanga o Ngāi Tahu that consultation in the first instance is with Papatipu Rūnanga.

### Recommendation

- That yearly Natural Resources and Environmental Management hui be hosted by Kaupapa Taiao, Te Rūnanga o Ngāi Tahu, to discuss natural resource management issues. These hui would maintain and improve the link between Te Rūnanga and Papatipu Rūnanga. They would facilitate sharing and communication between Rūnanga, in a forum without external agencies. It would also allow for collective Papatipu Rūnanga input into the development of tribal policy.

## 4.7 Relationship between Te Taumutu Rūnanga and other Papatipu Rūnanga

Te Taumutu Rūnanga often works with other Papatipu Rūnanga when it comes to natural resources issues. In some instances, proposed activities may occur within areas that are considered to be of shared interest by one or more Canterbury Rūnanga. These shared interests are based on whakapapa and embody principles of *take tupuna*, *tuturu te noho* and *ahi kaa*, and are a result of marriages of ancestors.

Strong working relationships between Papatipu Rūnanga enable tāngata whenua to provide support, share information and exchange ideas. However, it is important to acknowledge that each Rūnanga has its own kaupapa and that not all Rūnanga think the same.

**Recommendations:**

- ❑ That shared boundary issues are seen as areas of shared responsibility, and not hard line boundaries that divide interests.
- ❑ That when a resource consent or other application for consultation may be an issue of shared concern with another Papatipu Rūnanga, Te Taumutu Rūnanga will ensure that the other Rūnanga is notified.

## **4.8 Resource Consent Applications - Process**

The Te Taumutu Natural Resource Management Plan is a policy and process document for both the Rūnanga and external agencies.

For external agencies, such as district and regional councils, the plan is a tool to better understand tāngata whenua values, concerns, objectives and policies for natural resources. This understanding can then be applied to consultative processes with the Rūnanga, such as resource consent applications.

The Te Taumutu Rūnanga policy for resource consents is that all consent applications are sent to the Rūnanga, by district and regional councils. Upon reviewing the application, the Rūnanga decides if tāngata whenua are an adversely affected party. However, the difficulty in this process is often the lack of information about the application. In many cases, there is insufficient information to enable the Rūnanga to fully understand the nature of the proposed activity, or the potential impacts on tāngata whenua.

Te Taumutu Rūnanga would like to see district and regional councils use the Natural Resource Management plan in the resource consent process. Through using the plan to make an initial assessment of tāngata whenua concerns and policies associated with a particular activity, councils can then provide the Rūnanga with sufficient and relevant information with each application. This allows the Rūnanga to more effectively process the large volume of applications received. Further, applicants themselves can be directed towards, and/or use, the plan to assist them in creating applications and potentially avoid unnecessary delay at a later stage.

Te Taumutu Rūnanga has identified the following process to guide local and regional government authorities in applying this plan to the resource consent consultative process. This process is seen as evolving, and will be monitored as part of the overall monitoring and review of this plan.

1. District or regional council receives resource consent application.
2. For all consent applications, Te Taumutu Rūnanga as Treaty partner is to be considered an affected party, until that time as the Rūnanga assesses otherwise.
3. Application is forwarded to Investigating Officer, with Te Taumutu Rūnanga identified as affected party.
4. Investigating officer uses the Te Taumutu Rūnanga Natural Resource Management Plan to identify the relevant values, concerns and policies for that particular activity.
5. Investigating officer can then identify potential basic conditions for that application.
6. The resource consent application is then sent to the Rūnanga, as per current protocol. Based on the relevant sections gathered from the Natural Resource Management Plan, the application will include additional information as required by the Rūnanga to effectively process the application.
7. Te Taumutu Rūnanga receives application. Depending on the nature of the activity and the information included, the Rūnanga may be able to make an immediate assessment of the application, as opposed to requesting more information. In some cases, a Cultural Impact Assessment may be required, at the cost of the applicant.
8. There shall be no further changes to the consent application once the Rūnanga has signed off, without first coming back to the Rūnanga.
9. Te Taumutu Rūnanga is to be considered an affected party throughout the entire consent process, including when the consent reaches the decision making stage at council. Decision makers at council may not revoke Rūnanga status as affected party in the final decision process.



## 4.9 Ngā Wāhi Taonga, Ngā Wāhi Tapu

### *Management of sites and places of significance*

Wāhi tapu and wāhi taonga, or sites of significance, are those places that hold special cultural, historical or spiritual associations for tāngata whenua. Such sites may be a specific location or a more general area such as a waterway or mountain range. Sites may be of tribal significance, or specific to hapū and whānau.

**Wāhi tapu is defined by the Historic Places Act 1993 as a place sacred to Māori in the traditional, spiritual, religious, ritual, or mythological sense.**

**The law treats sites associated with human activity before 1900 or which may yield evidence relating to the history of New Zealand as archaeological sites.**

Wāhi tapu and wāhi taonga include specific streams or rivers, urupā (burial sites) sites associated with births or deaths, pā or kāinga (past occupation) sites, battle sites or other places where blood has been spilled, tauranga waka (canoe landing sites), tuhituhi o neherā (rock art sites), places imbued with the mana of the people, or locations where the remains of ovens, middens or kumara pits are found.

There are thousands of significant sites in the Ngāi Te Ruahikihiki ki Taumutu takiwā. On the Kaitōrete Spit alone there are hundreds of sites attributing to the past occupation and use of the area.

#### **Ngā Take/Issues:**

- Tāngata whenua access to wāhi tapu and wāhi taonga sites
- Protection of sites from inappropriate activity
- Ownership of cultural materials/ archaeological finds
- Misinterpretation of information about sites
- Protection of sites on lands under private ownership
- Levels of access to information
- Levels of protection of information
- That current lists of significant sites are non-comprehensive
- Property rights

#### 4.9.1 Management guidelines:

- Any activity that has the potential to affect a wāhi tapu, wāhi taonga or other site of significance shall involve consultation with Te Taumutu Rūnanga.
- Te Taumutu Rūnanga is the only one to assess the degree of significance of any given site in the Taumutu takiwā.
- That the process for identifying and protecting significant sites recognises and respects that current lists (e.g. silent files) of significant sites are non-comprehensive. These lists are a guide only.
- Any archaeological finds remain the cultural property of Ngāi Te Ruahikihiki ki Taumutu and Te Taumutu Rūnanga (The Rūnanga is licensed to hold artefacts). This information is not to be made public, unless provided for by the hapū or Rūnanga.
- Tikanga Māori shall be observed on wāhi tapu/wāhi taonga sites as these sites shall be protected from inappropriate activities that may denigrate the wāhi tapu status.
- On land owned by Te Rūnanga o Ngāi Tahu or Te Taumutu Rūnanga, general public access to sites designated as wāhi tapu/wāhi taonga shall only occur in consultation with Te Rūnanga o Ngāi Tahu and Te Taumutu Rūnanga. On all other lands, public access to significant sites shall only occur under agreed conditions between landowner (private, Crown, etc) and ngā Rūnanga.
- Any persons proposing activities, in which earth moving or similar work will occur in an area of known or possible culturally significant sites, are required to enter into an Accidental Find Protocol. In some areas, such as Rakaia Huts, Te Taumutu Rūnanga requires that an archaeologist be on site when any excavations are undertaken. Te Taumutu Rūnanga has a Cultural site/ Accidental Discovery Protocol, based on Te Rūnanga o Ngāi Tahu policy. The protocol is between the Rūnanga and the applicant, and will be implemented as a condition on the consent.

#### 4.9.2 General process

##### Resource consent applications

1. Local and regional councils, and the Department of Conservation, have general information on sites of significance in the Taumutu Rūnanga takiwā. When a resource consent or concession application is received, it is checked against this information. If the proposed activity is in the general area of a significant site, a flag identifies a general location (i.e. that the proposed activity location is within a 50 meter buffer zone).

2. The applicant or relevant authority shall then contact Te Taumutu Rūnanga to discuss the issues of the consent and the nature of the wāhi tapu or wāhi taonga site.
3. Te Taumutu Rūnanga is currently developing a Geographical Information System (GIS) in order to manage this process.
4. The council or other relevant authority will facilitate the consultation process between the Rūnanga, local authority and resource consent/concession applicant.
5. Consultation processes will be used to explain to the applicant why the site is significant, and allow the Rūnanga to assess the nature of the activity (i.e. is it a trough, or an entire building being proposed?), the location (how close is the proposed activity to the actual site?) and thus the potential impacts.
6. Te Taumutu Rūnanga reserves the right to oppose any activity that may potentially affect a site of significance, and is not required to justify that decision.

### **Accidental finds**

7. If any kōiwi tāngata or artefacts are accidentally uncovered during any activity, the activity must cease immediately, and Te Taumutu Rūnanga and the relevant council must be immediately notified. The Rūnanga confirms that it will give urgent priority to any such notifications. Consistent with wider Ngāi Tahu policy, Te Taumutu Rūnanga will take full responsibility for seeing that these remains are reinterred appropriately and in full consultation with the New Zealand police.

### **Archaeological sites**

8. Te Taumutu Rūnanga is to be notified immediately of any finds in the takiwā.
9. The decision to excavate any given site in the Taumutu takiwā for archaeological study rests with Te Taumutu Rūnanga and Te Rūnanga o Ngāi Tahu. All decisions will be made on a case by case basis.
10. All archaeological research shall occur in direct consultation with Te Taumutu Rūnanga. Members of the Rūnanga shall be invited to attend any excavation activity.
11. All archaeological research proposals shall include information on publication intentions and knowledge transfer to the Rūnanga.
12. All archaeological activity (excavation and subsequent processing) must occur with cultural sensitivity and respect for tāngata whenua.

## Recommendations

- That where possible, Te Taumutu Rūnanga consider the use of Heritage Protection Authority status registration under the Historic Places Act 1993, as statutory protection of wāhi tapu, wāhi taonga and other sites of significance. The Historic Places Act 1993 provides for the registration of historic places and wāhi tapu. Registration does not mean that the site will be protected, but it does ensure recognition of the importance of the site to tāngata whenua by notifying the relevant territorial authorities.
- Actively consult and korero with landowners about the protection of wāhi tapu and wāhi taonga on private land.
- Improve working relationships with councils and other agencies about the management and protection of wāhi tapu, wāhi taonga and places of significance.
- Actively work with external agencies and Te Rūnanga o Ngāi Tahu to update information contained in existing databases.

### **Te Taumutu Rūnanga Knowledge Database and GIS Project**

Te Taumutu Rūnanga is creating a Knowledge Database, within a GIS, to use in the identification and protection of culturally and historically significant sites. Information from Crown agencies (silent files), TRoNT, museums, local landowners, kaumatua and other agencies is being collected and compiled into one central database.

A geographic information system (GIS) is a database and mapping tool that is increasingly used in community-based resource and environmental management. It allows communities to record, organise, analyse and present culturally important geographical knowledge. Due to the spatial nature of traditional cultural and ecological knowledge, GIS is a highly effective tool that can facilitate the inclusion of tāngata whenua values and knowledge in resource management.

The Te Taumutu Rūnanga GIS project is including community-based geographical knowledge such as:

Mahinga kai – water

Mahinga kai – land

Taonga raranga (weaving sites)

Wāhi tapu and wāhi taonga

Wāhi ingoa (place names)

Pā/pāpakāinga (habitation sites)

Ara tawhito (trails, landmarks)

Sacred waters

Legends, battles, historical sites

Archaeological sites

The project will improve the ability of the Rūnanga to control the use and dissemination of culturally sensitive and important information. It will provide a more comprehensive set of significant site files than what current exists in the silent file databases. The database and mapping potential will assist with processing resource consents and other resource related enquiries. The project will also facilitate communication between the Rūnanga and other agencies, including TRoNT, other Papatipu Rūnanga, local authorities and government.

#### 4.10 He momo kirimana - Concessions

A concession is a lease, easement, license or permit granted under the Conservation Act 1987, for commercial use of lands managed by the Department of Conservation (DOC). Concessions include activities such as recreation/ tourism operations, aircraft landings, commercial filming and resource uses such as grazing, telecommunications, access easements across Department of Conservation administered land, and baches. Such activities cannot compromise natural and historical values, and must be consistent with the values for which the area is managed.

The Department of Conservation consults with Ngāi Tahu on most concessions activities as part of its section 4 Conservation Act Treaty obligations, including partnership and the active protection of Māori interests.

Te Rūnanga o Ngāi Tahu (in consultation with Papatipu Rūnanga) and the Department of Conservation is currently developing a set of Ngāi Tahu Standard Conditions (NTSC) for concessions. The purpose of these conditions is to avoid, remedy and/or mitigate any impact that concession operations may have on the general cultural, spiritual and historical values of Ngāi Tahu. These conditions will be applied automatically where relevant to the concession.

##### **Te Taumutu Rūnanga Policy on Concessions**

**Te Taumutu Rūnanga supports the use of Ngāi Tahu Standard Conditions. Consultation with Te Taumutu Rūnanga, as a Papatipu Rūnanga, is a component of many of these conditions and thus is required on concession applications.**

#### **Ngāi Tahu Standard Conditions (NTSC)**

- NTSC 1      The Concessionaire shall ensure that any interpretation provided to their clients on Ngāi Tahu historical, spiritual or cultural association with any area or indigenous species is entirely consistent with the Statutory Acknowledgments and Tōpuni statements contained in schedules 14-108 of the Ngāi Tahu Claims Settlement Act 1998 or any Department produced interpretive material. **The Concessionaire shall notify Te Taumutu Rūnanga if they are using the above information, as a matter of courtesy.**



**The Concessionaire shall consult with and gain approval from Te Taumutu Rūnanga** before using information from any other source that relates to Ngāi Tahu historical, spiritual or cultural association with any area or indigenous species (within the Taumutu takiwā).

- NTSC 9      The concessionaire shall not portray any Ngāi Tahu spiritual, cultural, historical or traditional association in the film without first obtaining the permission of Te Rūnanga o Ngāi Tahu **and Te Taumutu Rūnanga**. (Te Rūnanga o Ngāi Tahu has developed a set of guidelines for filming within the Ngāi Tahu rohe).

The Conditions also provide for collection permits, generally sought by researchers wanting to study indigenous plants and animals. If anyone wants to take plant, soil, rocks, any indigenous wildlife or samples from indigenous wildlife (apart from indigenous game birds and fish), they need a permit from DOC.

- Information on collection permits and Wildlife Act permits issued by DOC is sent to both Te Taumutu Rūnanga and Te Rūnanga o Ngāi Tahu, in order to keep informed about research taking place in the takiwā.
- Standard Ngāi Tahu collection permit conditions are to be applied (NSTC 16-26) to all permit applications.

Ngāi Tahu and Te Taumutu Rūnanga have developed specific 'consultation triggers' for research collecting and wildlife permits on concession lands. Consultation must occur if:

- The research activity involves the commercial use of plant/invertebrate/animal;
- Collection takes place on any areas specified as significant by Ngāi Tahu or Te Taumutu Rūnanga;
- Collection material or DNA will be used for genetic modification purposes;
- Research or collection activity may have an adverse effect on the species and/or its habitat;
- Any material is to be sent off shore;
- The research activity involves intrusive research.

There are also standard conditions for Marine Mammal Permits, which apply to anyone wanting to watch marine mammals from a boat (NTSC 13 and 15).

## 4.11 Ngā aratohu mo ngā kairangahau

### *Guidelines for Researchers*

Te Taumutu Rūnanga supports the conduct of scientific research in the takiwā, and encourages the communication of proposals and results of such research for the mutual benefit of both the scientific community and tāngata whenua.

**Rūnanga general policy for the conduct of research in the takiwā is:**

All research on, about or within the takiwā of Te Taumutu Rūnanga, relating to significant places or resources, shall include the involvement and approval of Te Taumutu Rūnanga.

This relates to all research that may affect the cultural, traditional, historic relationship between Te Taumutu Rūnanga and the natural environment.

#### 4.11.1 Guidelines

- The Rūnanga shall be notified, and if necessary consulted with, as to any research involving culturally significant flora and fauna.
- All research involving culturally significant flora and fauna shall be undertaken in a culturally sensitive matter.
- Research must equally benefit cultural and customary research issues.
- Permission from Te Taumutu Rūnanga must be obtained if research is to occur on or near Taumutu Commonage land or the Taumutu Indigenous Reserve, or if it is to involve the use of the Māori road and the Taumutu beach areas, or other specific sites of significance or waterways.
- Researchers shall communicate all results to the Rūnanga.
- The researcher shall not donate, sell or otherwise transfer to any third party any material, such as any genetic material, or any material propagated or cloned from such material, collected under this application without the written permission of the Rūnanga.

- The amount of material collected during any sampling process must be kept to a minimum at all times.
- The researcher shall not interfere with, remove or damage or endanger the natural features, animals, plants or historic resources of the site from which the collection takes place, without the agreement of the Rūnanga.
- Any research projects undertaken in the takiwā of Ngāi Te Ruahikihiki ki Taumutu shall invite tāngata whenua to be present during field research. Researchers are also encouraged to consult with local experts.
- The researcher should adequately resource involvement of the Rūnanga.
- Te Taumutu Rūnanga reserves the right to attach conditions that relate to Intellectual Property Rights.

#### 4.11.2 General process

The general process for proposals to undertake research in the takiwā is:

1. Those wishing to undertake such research shall contact Te Taumutu Rūnanga with an outline of their proposal as early as possible within the initial planning stages of any proposal.
2. The Rūnanga will review this proposal, and if supported, this may lead to a *kanohi ki te kanohi* meeting between the researchers and members of the Rūnanga to discuss the proposal. The cost of such hui shall be borne by the researcher.

#### **4.12 Te Aroturuki me te Arotake o Tēnei Mahere** *Monitoring and review of the plan*

This plan is a living, working document to guide Te Taumutu Rūnanga in management of natural resources in the takiwā. The ongoing monitoring of the environment, building of relationships with local authorities and wider natural resource management consultative process will keep the plan alive and ensure that it continues to evolve and grow.

Over the next year (2003), Te Taumutu Rūnanga Natural Resources Portfolio will be monitoring the effectiveness of this plan in achieving its objectives. A review will occur in one year from its release. This process will give Te Taumutu Rūnanga the opportunity to review existing policy and management guidelines, and identify key areas for future policy development.