

1 TAKATA WHENUA VALUES

1.1 RESOURCES, ACTIVITIES AND VALUES

The natural resources of Waitaki District have for a long time had, and continue to have, particular significance for Kai Tahu. This is primarily because natural resources are linked to the whakapapa of Kai Tahu, as whakapapa links humankind to atua (god), earth, water, forests, animals, fish and birds. Whakapapa is used both intra-tribally and inter-tribally to maintain relationships between people and their leadership, their speaking rights and their environment. These relationships determine access to resources, philosophies concerning their use, and also the responsibilities of people to each other.

Whakapapa and the principles of ahi kaa (continuous occupation and resource use) form the foundation for Kai Tahu manawhenua in the area encompassed by the Waitaki District. Manawhenua is described as the political and occupational authority over a particular area and is usually defined by natural boundaries.

Kai Tahu tribal history was accepted by the Waitangi Tribunal as proof that Kai Tahu hold manawhenua status in the greater portion of Te Waipounamu - a conclusion verified by the Court of Appeal and the Privy Council. The political centre of Kai Tahu within Waitaki District is Moeraki.

While dominion over the land and its resources was traditionally vested in the Kai Tahu tribe, occupation of the land and rights for access to resources was held by individuals, whanau (extended families) and hapu (sub-tribe) by way of whakapapa. For individuals or whanau to maintain manawhenua, ahi kaa had to be maintained in order for manawhenua to be recognised by other groups.

The whanau and hapu of Te Runanga o Moeraki have exercised this ahi kaa within Kai Tahu Whanui through various associations throughout its history. Te Runanga o Moeraki has traditionally been, and continues to be, vested with the management of concerns of Kai Tahu for the area which encompasses the Waitaki District, south to the Waihemo (Shag) River. Te Runanga o Moeraki is therefore, the organisation which exercises the manawhenua of Kai Tahu Whanui over this area. Te Runanga o Kati Huirapa ki Puketeraki exercises tribal manawhenua south of the Waihemo (Shag) River.

The foundation for the relationship between the Crown and Kai Tahu Whanui is the Treaty of Waitangi. As the Waitaki District Council gains its authority by statute, the Treaty is therefore the foundation for relations between the Waitaki District Council and Te Runanga o Moeraki.

Kai Tahu consider that all parts of the Treaty are important but that the Second Article is particularly significant as it guarantees to Maori tino rangatiratanga. Helen Hughes, the Parliamentary Commissioner for the Environment, stated in a report in 1988 that "tino rangatiratanga includes management of resources and other a taonga according to Maori cultural preferences".

Te Runanga o Moeraki consider this statement was placed in context by Sir Robin Cooke, President of the Court of Appeal, in *New Zealand Maori Council v Attorney-General*, 1987: that the principles of the Treaty of Waitangi require the Treaty partners to act towards each other "reasonably and in the utmost of good faith".

Of particular importance to takata whenua are waahi tapu and waahi taoka and the concepts of kaitiakitanga, cultural property rights and mahinga kai.

Waahi tapu are sacred and spiritual places of importance. Some of these places have been identified by the New Zealand Historic Places Trust and the NZ Archaeological Association as archaeological sites, including rock art sites. Some of these sites are urupa (burial sites) for tupuna (ancestors) and are sacred places that have not been identified. Other sites are those that were used by tohuka for traditional and sacred ceremony and have hence a great significance for Kai Tahu and in particular, Moeraki iwi. Waahi taoka are treasured resources. These resources, although treasured, are not necessarily regarded by iwi as being spiritual in nature. They may include archaeological sites where remains of earth ovens, middens and places of occupation exist. Other waahi taoka relate to natural resources such as the land, the bush, waterways, estuaries, wetlands and sites such as Te Kai Hinaki (Moeraki Boulders). Ancestral lands and reserves also exist within Waitaki District.

Mahinga kai are customary food resources and the places from which they are gathered. Kai Tahu consider these resources and places deserve a special mention in addition to waahi taoka. Mahinga kai were traditionally the most important resource for iwi, as the very existence of iwi depended on an abundant supply. It was also used to trade, increase mana, lift tapu from visitors and to raise strong warriors to protect the resource. The abundance of these natural foods is diminished today. However, these foods and places still play an important part in iwi culture.

Kaitiakitanga (guardianship) is a long standing tradition within Kai Tahu. The guardianship role exists at several levels within the iwi. Whanau (families) look after specific resources concerning their specific background and maintained this role for generations. Wider resource guardianship may be the responsibility of a wider group such as a hapu or in some cases it may extend to the whole tribe.

Cultural property rights relate to the use and interpretation of tribal histories and materials within the District. The integrity of tribal history and custom is considered by Kai Tahu to underpin tribal identity and mana.

1.2 ISSUES

A - Resource Management Act 1991

The Resource Management Act contains specific obligations in relation to the Treaty of Waitangi and Maori interests. The Act identifies, as a matter of national importance, the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga. The Act also states that the principles of the Treaty of Waitangi must be taken into account when managing the use, development and protection of natural and physical resources. Consultation by the Council with takata whenua in the preparation of the District Plan is also required by the Act.

B - Protection of Waahi Tapu and Waahi Taoka

Activities have the potential to adversely affect waahi tapu and waahi taoka. Earthworks in particular may have significant adverse effects on these places. In the past, a considerable number of such sites have been destroyed or damaged as a result of activities, or have had taoka removed from them. As such sites are of great importance to Kai Tahu, it is important that these sites are protected.

C - Recognition of Kaitiakitanga

As mentioned above, kaitiakitanga is a long standing tradition within Kai Tahu. In line with the Treaty of Waitangi and to meet the requirements of the Resource Management Act it is appropriate that particular regard is given by the Council to the role of Kai Tahu as kaitiaki.

D - Protection and Enhancement of Mahinga Kai

Activities have the potential to adversely affect mahinga kai. In particular, activities which adversely affect water quality have the potential to adversely affect mahinga kai found in both salt and fresh water. Adverse effects on mahinga kai resource must be avoided wherever possible, and enhancement of resources which are already degraded is to be encouraged.

(Note: as part of the Ngai Tahu Claims Settlement Act 1998, the nohoanga camping entitlements are attached in Appendix I of this Plan)

E - Provision for Use of Ancestral Lands and Reserves

In future Kai Tahu may wish to establish buildings or activities, such as cultural centres or marae on ancestral lands and reserves, to meet their needs. Such proposals may require special consideration by the Council.

1.3 OBJECTIVES AND POLICIES

1.3.1 Objective A

Recognition of a partnership between the Council and the manawhenua in the management of the District's natural and physical resources.

1.3.2 Policies A

- 1 To recognise the Treaty of Waitangi as providing a foundation document for relationships between the Council and Kai Tahu as manawhenua.*
- 2 To recognise Kai Tahu Whanui as the manawhenua of all land within the District and to recognise Te Runanga o Moeraki as exercising this manawhenua from the Waitaki River south to the Waihemo (Shag) River, and Te Runanga o Kati Huirapa ki Puketeraki exercising this manawhenua south of the Waihemo (Shag) River.*
- 3 To ensure an appropriate level of iwi input into resource management matters guided by the principles of the Treaty of Waitangi.*
- 4 To recognise Te Runanga o Moeraki as the appropriate body to determine management strategies (including interpretation) for all rock art within the District.*

1.3.3 Explanation and Reasons A

The Resource Management Act contains specific obligations in relation to Maori interests, which require the Council to take account of the principles of the Treaty of Waitangi when managing the natural and physical resources of the district. The Council will foster a partnership approach with the takata whenua in recognition of the relationship of the takata whenua with the District's natural resources.

Consultation procedures will be developed between the Council and the appropriate runanga to ensure that iwi values are recognised and provided for appropriately as policies are being developed relating to the use, protection and development of natural and physical resources. Through the use of continuing dialogue between iwi and the Council, a system of consultation will be achieved that meets the needs of both partners.

1.3.4 Objective B

Protection and, where appropriate, enhancement of waahi tapu, waahi taoka, cultural property and mahinga kai.

1.3.5 Policies B

- 1 *To recognise and to protect the values attached to waahi tapu, waahi taoka and cultural property of iwi.*
- 2 *To allow Kai Tahu to manage waahi tapu and waahi taoka in a manner consistent with traditional practices.*
- 3 *To recognise important mahinga kai areas and to protect such areas.*

1.3.6 Explanation and Reasons B

Values of waahi tapu, waahi taoka and the cultural property of iwi in general, are of the utmost importance to iwi. Through information in the District Plan and consultation, the protection of waahi tapu and waahi taoka can be achieved. In addition, consultation with iwi will continue and the Council may promulgate further provisions to protect these values where this is considered necessary.

The Council will also recognise and retain traditional takata whenua place names as part of the ongoing recognition of the District's heritage and the relationship of takata whenua with the resources, lands and places of the District. Inappropriate use of Maori place names can be offensive to the values and importance of places recorded through takata whenua names.

At some time in the future, the takata whenua may wish to establish or support the establishment of a cultural centre in the District as a focal point for local cultural activities. As kaitiaki possessing manawhenua, the takata whenua are the repository of customary and traditional Maori values in the District, including the establishment of any Maori cultural facility.

Kai Tahu have developed policy for the management of burial sites and procedures to be followed when such discoveries are made. Early and prompt action is necessary in the event of unearthings or discoveries. The Council will adopt the procedures set out in the Ngai Tahu Koiwi tangata policy.

Mahinga kai was an essential element of survival for the early Maori, who survived on resources that were entirely indigenous. The significant loss of this resource is an indication of the degree of modification and introduction of exotic flora and fauna that has occurred in recent times, as well as a much restricted access. The health of the environment can be measured by the range of stocks of native biota that exist. The Council will take into account the traditional importance of mahinga kai, when considering resource consents applications.

1.4 IMPLEMENTATION METHODS

- 1 Achieve Objective 1.3.1(a), policies 1 - 4 through:
 - i Recognition of the kaitiaki role of Kai Tahu in the District can be achieved by on-going consultation on policy development relating to the management of natural, physical and cultural resources within the District.
 - ii Consultation with Te Runanga o Moeraki and Te Runanga o Kati Huirapa ki Puketeraki on Maori issues.
 - iii Educating Councillors and Council staff regarding the content and implications of the Treaty of Waitangi with respect to Kai Tahu, and in particular, Te Runanga o Moeraki and Te Runanga o Kati Huirapa ki Puketeraki.
 - iv Ensuring Councillors and staff are aware of the content of iwi policy papers and supporting documents affecting the district.

2. Achieve Objective 1.3.4(b), policies 1 - 3 through:
 - i Utilising the Kai Tahu ki Otago Natural Resources Management Plan as the basis for identifying issues of importance to Kai Tahu for consultation purposes.
 - ii Requiring applicants for resource consents and plan changes to actively consult with relevant Kai Tahu runanga where waahi tapu, waahi taoka, mahinga kai, or other cultural issues arise.
 - iii Early notification of Te Runanga o Moeraki or Te Runanga o Kati Huirapa ki Puketeraki if koiwi takata are found. This will include requiring applicants for resource consents which include excavations to notify Te Runanga o Moeraki or Te Runanga o Kati Huirapa ki Puketeraki if koiwi takata are found.
 - iv Assisting Kai Tahu in the development and implementation of strategies designed to **encourage** landowners to protect waahi tapu, waahi taoka and mahinga kai on their property.
 - v Recognising and supporting the implementation of the Kai Tahu policy for the protection of archaeological and rock art sites.
 - vi Refer all new place-names to Te Runanga o Moeraki to determine if the locality has an existing Maori place-name, and any proposed new Maori place names.

