

121 Aotea Road
RD1
KAWHIA

SCANNED

ENVIRONMENT
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REMINDER NOTICE

Tena koe

As communicated in the past the Motakotako marae and its people have a hapu management plan. It is attached for you. This sets out our requirements to be involved in decision making that affects us. We wish our Treaty partner groups and authorities to note that in addition to the above that any activity that has an effect, both potential and real on, in and with Aotea harbor is of interest to us. This includes subdivision applications, potential for increased human population, soil removal and all related activities.

We recognize that the current local authority boundaries separate the harbour in half and in cases may be seen as a reason for a local authority to not communicate with us on issues that occur in an area on one side of the boundary. This is not the view of tangata whenua and we expect that any activity regardless of where in or round the harbour it may occur is of interest to us.

We look forward to being involved in the communications where such activities are or will occur.

Mauri Ora, Mauri Tangata

Shane Edwards



Chairman, Motakotako Marae Environment committee

Cc: Natasha Hayward – EW
Nath Pritchard – WDC
Allan Turner – WDC
Sheryl Paekau – WDC
Dale Williams – ODC
Reg Proffitt – ODC
Andrew Loe - ODC

Motakotako Marae Hapu Management Plan

April 2008

Providing for Kaitiakitanga

Introduction

Prior to the arrival of non-Maori in Aotearoa, Maori people governed themselves. Decision-making and behaviour was guided by tikanga and this affected people's social, economic, cultural, and environmental well-being. The environment sustained the people, and they sustained the environment according to the ethic and exercise of kaitiakitanga. The processes of colonisation have severely eroded the ability of tangata whenua to make decisions and exercise kaitiakitanga. Despite this however, traditional tikanga and practices of kaitiakitanga were retained, have evolved and are still observed today. It is important that future generations of tangata whenua do not inherit difficulties associated with the right to exercise kaitiakitanga.

The estates of the inhabitants of the areas now associated with Motakotako marae are of great significance to Maori people of the area and connected to the marae. In this document, tangata whenua have worked to develop processes that allow us to share information and work co-operatively with one another and with statutory organisations and the community. This provides clarity about who to consult, when to consult, what the consultation process is likely to include, issues of concern to us and processes to be undertaken to resolve them. Processes involve their coming together to hear about planning and consents matters relative to the estates.

Estates

HEATHER TO DETAIL AREA HERE AND APPENDIX A MAP of our rohe.

Key Tangata Whenua Values

This section describes how kaitiakitanga can be integrated with resource management practice to achieve better environmental management of the Motakotako ancestral estate.

Key values have been identified by tangata whenua include, but are not limited to the following.

- The estate has been and is an important traditional mahinga mataitai, mahinga kai and waahi ahi ka roa of tangata whenua
- Preservation of mahinga mataitai, mahinga kai, waahi ahi ka roa is important to us
- Historical events of great significance to tangata whenua have occurred on the estate
- The estate in its entirety as a landscape is a taonga
- We view the estate as a connected and inter related environment each part dependant and connected inextricably to the other parts
- Waahi tapu located in and around the estate are important to tangata whenua and are a connected landscape element
- Important traditional customary practices are observed and taught on the estate
- Maintenance and enhancement of the mauri of resources on the estate is important
- The estate includes areas of customary and recreational fishery and moana related activities
- The maintenance and enhancement of traditional Maori relationships with the estate is important to tangata whenua

- Tangata whenua support the retention of the existing natural character of the estate and the rehabilitation of areas where it has been degraded
- Observation of rahui and other traditional methods of kaitiakitanga are supported by tangata whenua

These key values have been considered in the development of recommended actions, which appear at the end of this section.

Key Tangata Whenua Issues

Tangata whenua have identified the following issues relevant to the estate:

- Sedimentation of Aotea Harbour is adversely affecting aquatic ecosystems
- Pollution from septic tanks and farm effluent is entering Aotea Harbour
- Stock access to waterways, including the harbour fringes, has adverse effects on water quality and riparian vegetation
- Structures are being placed in locations that adversely affect natural character and amenity values and are viewed as inappropriate
- The landscape and natural character of the estate is adversely affected by inappropriate developments like multiple sites and dwellings, large buildings, inappropriate (i.e. out of character) dwellings and tall structures
- Development causes light pollution that adversely affects the ability of people to see the stars in the night sky
- Pa and other significant places are being adversely affected by tracks, driveways and buildings
- Engaging in consultation and other processes can create a financial burden for tangata whenua
- The ability of tangata whenua to access traditional areas and/or effectively carry out kaitiaki duties can be affected by inappropriate development (includes loss of traditional place names)
- The mauri of water is being degraded by the activities of humans and this impacts on tangata whenua well being.
- Lack of appropriate controls on earthworks results in effects on water quality
- Lack of appropriate controls on vegetation clearance degrades the environment and our well being
- Loss of kaimoana has an adverse effect on our well being

The Ethic of Kaitiakitanga

Kaitiakitanga is a duty inherited by Maori people who act in accordance with their tikanga (principles) and kawa (practices, protocols and behaviours).

Kaitiakitanga is inextricably linked to tino rangatiratanga and embraces a diverse set of practices, designed to achieve sustainable management of resources.

The root word is *tiaki*, which includes the ideas and principles of:

- Guardianship

- Care
- Wise management, and;
- Resource indicators, i.e. where resources themselves indicate the state of their own mauri.

The prefix *kai* denotes the agent by which 'tiaki' is performed. 'Kaitiaki' are therefore a person or agent (not necessarily human) that performs tasks of guardianship.

Addition of the suffix *tanga* creates 'kaitiakitanga' or the practice of guardianship undertaken by Maori people.

Kaitiakitanga is based on Maori values and tradition, and is practiced by Maori people who are genealogically linked to the resource and recognised as knowledgeable about the resource and kaitiakitanga.

The ethic of kaitiakitanga requires people to pause, reflect, discuss and demonstrate care for the environment they live in. It's about people being clear about their respective relationships with the environment and seeking to live in union with it.

The Exercise of Kaitiakitanga on the Motakotako Estate

Kaitiakitanga helps people to behave appropriately when making decisions about occupying, using and sharing geographical space and resources.

Tangata whenua will exercise kaitiakitanga by making decisions about how they will act when change or development is proposed within the estate.

As kaitiaki the tangata whenua share a responsibility to manage their natural and ancestral taonga in a manner that is not only sustainable, but is also in keeping with tikanga and kawa.

To be a kaitiaki of the Motakotako estate a person needs to be recognised by the hapu that make up the Motakotako marae and as being sufficiently knowledgeable about the resource and tikanga, kawa, history, places and cultural relationships of the iwi and hapu with the resource.

The responsibilities of kaitiaki are wide and varied. They can include, but are not limited to:

- Choosing and using appropriate ways to protect, maintain, restore and enhance the mauri of waahi tapu and other significant taonga¹
- Observing tikanga when carrying out activities
- Engaging in hui to clearly identify issues and ways of mitigating, avoiding or remedying actual or potential adverse environmental effects
- Monitoring resource indicators that show the state of mauri
- Responding to actions that adversely affect the mauri of a resource or the relationships of iwi and hapu with a resource
- Teaching future generations about the important values that Maori people associate with natural and physical resources

¹ For example the placing of rahui to allow replenishment of traditional kaimoana, mahinga mataitai, or for use at times of disasters, drowning and pollution of kai; active opposition to activities that will have adverse environmental effects on resources and taonga

Fishery kaitiaki are also appointed by Motakotako whanau members specifically to manage customary fisheries, including the customary fishery at Aotea Harbour. A key function of fishery kaitiaki is to manage customary fishing permits. While consistent with the overall responsibilities of kaitiakitanga, fishery kaitiaki are specifically appointed to deal with the customary fishery (i.e. they are not necessarily mandated by their iwi/hapu to manage other resources).

Today the practice of kaitiakitanga includes active engagement in resource management processes like consultation and the preparation of cultural assessments, as well as implementing restoration and enhancement projects, and monitoring the environmental effects of activities.

What do Kaitiaki do?

In carrying out our role as kaitiaki, the tangata whenua have agreed to:

- Communicate with one another about management of the estate, most commonly at marae meetings.
- Share information and deliberate alongside one another in order to make informed decisions about the appropriate action to take to mitigate, avoid or remedy adverse environmental effects on natural resources and ancestral taonga.
- Ensure that Maori people expert in tikanga, kawa and knowledgeable about the resource are involved in these deliberations.
- Clearly identify issues that affect or have potential to affect the relationship with and between Papatuanuku.
- Recommend or suggest mitigation, avoidance or remediation measures.
- Respond clearly by providing advice or information about what action needs to be taken to minimise adverse environmental effects.
- Develop hapu and iwi management plans and other planning documents.
- Communicate about respective positions in regard to fisheries management, change or development activities on land or in the harbour, heritage protection, and hapu and iwi management planning.
- Where necessary, pursue an issue through the appropriate statutory processes.
- Engage with landowners, developers and agencies in good faith.
- Raise issues on behalf of tangata whenua – for example, identification of any issues of non-compliance with district or regional plans, resource consent conditions etc.

Motakotako marae will use traditional communications methods like panui, hui, wananga, noho marae, and take into account a host of cultural values relevant to our decision-making.

Kaitiakitanga practices can include implementation methods like rahui, mataitai, tatau pounamu and can involve kawa (practices, protocols and behaviours) that can provide for mutually acceptable agreements between parties.

Consultation

When to consult

In relation to the management of natural and physical resources within the Motakotako estate there are two processes that require consultation with Maori:

1. Preparation and change of statutory and non-statutory planning documents
2. Resource consent processes (including pre-lodgement – i.e. when applications are being prepared).

In both these processes consultation should begin early.

Ongoing consultation in both these processes will assist:

- Active protection of sensitive cultural values and places
- Effective maintenance of meaningful relationships
- Recognition and provision for kaitiakitanga
- Recognition and provision for the relationship of Maori and their culture and traditions with their ancestral lands, waters, air, waahi tapu, sites and other taonga
- The principles of Te Tiriti o Waitangi, in particular the principles of active protection, meaningful consultation and preservation of tino rangatiratanga, to be taken into account

Costs associated with the development of cultural assessments and responses to applications made by Motakotako marae for resource consents relevant to the estate, shall be covered by the resource consent applicant at the pre-agreed rate.

When Motakotako marae pursue a statutory process in opposition to an application for resource consent or provisions in a statutory plan we will cover costs, however, recovery of costs will be sought where processes provide for this (e.g. in the Environment Court).

The preference will always be to address and resolve matters of importance to tangata whenua during consultation and thereby remove the need to become involved in formal processes in opposition to any proposal.

Preparation and Change of Plans, Policy Statements and Strategies

When statutory organisations are drafting or proposing changes to their planning documents they are required to consult Maori people.

Planning documents include (but are not limited) to the following:

- Regional plans
- District plans
- Reserve management plans
- Asset management plans
- Plan changes and variations
- Policy statements
- Strategies
- Bylaws
- Conservation management plans
- Conservation management strategies
- Fisheries management plans and strategies
- Fisheries regulations

The members of Motakotako marae encourage statutory agencies to consult at the earliest time and to keep consulting throughout the different phases of development of such documents, including reviews.

The process of consultation is supported by Motakotako marae. However, being solely responsible for covering the costs of consultation initiated by statutory authorities is not supported. Being a party to consultation can create the need to invest time and resources in processes that will ultimately affect and give benefit to the whole

community. Iwi and hapu do not receive a rate or tax with which they can support their contributions to consultation. Yet there is a statutory requirement for them to be consulted. They are obliged to use their own limited resources, or find willing volunteers to act on their behalf. Identification of consistent methods for covering costs incurred by tangata whenua when engaged in consultation for the preparation of statutory documents is required. Statutory agencies and tangata whenua are encouraged to meet and discuss costs so they may arrive at mutually agreeable and consistent methods to address this issue at each instance.

Resource Consent Applications

When people are considering undertaking or applying to undertake an activity to use or develop a resource, they are encouraged to consult before lodging any applications for resource consent.

Consultation should continue until the application process is complete.

Who to consult?

The processes described here are aimed at rationalising the consultation process.

Anyone wishing to consult with Motakotako marae about the ancestral estate can telephone or email the current Chair of the Motakotako Environment Committee listed below. The Chair will confirm who the appropriate contact person will be for the process and the relevant contact details (where this is a third person, the Chair will arrange for them to contact the party as soon as possible following the initial contact). Following telephone or email contact, written information should be sent to the contact person. This will automatically trigger communications and will facilitate consultation with the wider Motakotako marae and any others deemed appropriate. The Motakotako marae meets every month on the first Sunday of the month and people should plan their needs in line with these time frames.

This approach increases efficiency for both the consulting party and the parties being consulted. It also allows for greater clarity and the effective use of time and resources.

Motakotako Environment Committee Chair:
Shane Edwards – shane.edwards@twoa.ac.nz
027-4705711

Consultation Process for Resource Consents

The following is a brief description of actions the contact person will take to facilitate consultation.

Where possible and/or appropriate consultation should be undertaken in person; that is, kanohi ki te kanohi (face to face) at the marae. The level of consultation required will depend on the scale of the proposal and the likely effects on matters of importance to the tangata whenua. Considerable effort may be required to engage in consultation and provide responses, such as written responses and/or permission, submissions and cultural assessments. This service and these products justify the need to charge for the works contributed to the enquiry initiated by statutory agencies or resource consent applicants. Each consultation exercise will be dealt with on a case-by-case basis, however, the contact person will provide guidance on this before costs are incurred.

In a resource consent process the contact person will:

- Receive and respond to all relevant telephone calls, mail and other correspondence
- Provide to the party seeking consultation an estimate of costs to be incurred during consultation. Costs may include those associated with: site visits, the preparation of cultural assessments, responses to consultation enquiries, the preparation of an assessment of environmental effects.
- Open a file on the matter to be consulted upon.

- Advise the applicant what information will be required by tangata whenua and ensure that sufficient copies of information are received for distribution to the appropriate parties.
- Distribute copies of the relevant information to the appropriate tangata whenua parties to be consulted ensuring that at least two copies of the material remain on file.
- Seek guidance and instructions from Motakotako marae whanau as deemed necessary.
- Advise that all information resulting from consultation with tangata whenua of Motakotako marae is the intellectual property of tangata whenua. The chair will ensure that the consulting party agrees that the information provided by tangata whenua is not to be used for any other purpose and that the use of the information is required to be agreed to by all parties concerned before being used.
- Advise that any archaeological evaluation of resources is not a cultural evaluation of the resource. Only tangata whenua of Motakotako are qualified to determine the cultural significance of places and taonga within the ancestral estate.
- Arrange for meetings and appropriate preparation as required.
- Ensure that an accurate record of proceedings is taken at any meetings, circulated to all participants including the consulting party. All notes or minutes will be recorded on a 'without prejudice' basis.
- Ensure that resources like display charts, sheets of paper and other equipment can be made available at the meetings or hui. At least one copy of all display material will remain with iwi and hapu and be placed on the appropriate file.
- Be responsible for drafting responses on behalf of and to the satisfaction of the marae.
- Where a hearing is necessary or likely, the contact person will organise the tangata whenua submission in consultation with the appropriate person(s).
- Liaise between tangata whenua, the consulting parties and the decision-making organisation(s). The contact person may telephone, fax, email, or write to the decision-making organisation on behalf of tangata whenua however all communications will be 'without prejudice' and will be recorded and filed for future reference.
- Be responsible for preparing any invoice and ensuring that the consultation costs are paid to the appropriate organisation(s). A high level of accountability will be required and therefore all invoices will be reviewed at the monthly marae meeting. All invoices will be specific. All costs will be disclosed to the consulting party.

Hearings

Where a hearing is necessary or likely, the contact person may:

- Request that at least one Maori Hearing Commissioner is appointed to the Hearing Committee.
- Request the hearing occur on the marae or elsewhere within the ancestral estate.
- Ensure the submitters appearing for tangata whenua are fully briefed and prepared for the hearing. This may include facilitating strategic planning meetings at which the contact person will assist tangata whenua submitters and advocate on their behalf.
- Attend hearings on behalf of tangata whenua and be responsible for seeking clarification or raising questions on behalf of tangata whenua.
- Assist the Hearings Clerk by providing advice as to the number, name, status, and any other information relevant to the hearings proceedings (such as the need for an interpreter). This will include providing

sufficient copies of the submission to the hearing committee and maintaining a copy of all material on the appropriate tangata whenua file, for future reference.

- Ensure that decisions made at hearings are copied to the appropriate participants and that a copy of the decision is kept on the appropriate file.

Referrals to the Courts²

The following is a brief guide designed to assist and protect the Chair when making or joining a referral to the Court on behalf of tangata whenua of Motakotako marae.

The Chair will:

- Seek approval from the marae to make or join a referral. If time does not permit, permission from the Marae Committee Chair and Marae Trustee Chair will suffice.
- Seek legal assistance and prepare a referral to the Court on behalf of tangata whenua.
- Request that hearings be carried out on local marae nominated by tangata whenua.
- Seek the assistance of a solicitor or other appropriate professional person(s).
- Liaise with and assist the solicitor in preparing a case and co-ordinating evidence and submitters appearing in Court.

Other Maori interests

Other Maori people, who may not be affiliated to the local tangata whenua, can hold special interests in an environmental issue affecting the estate. This latter group must seek the support of the local tangata whenua and should not describe themselves as 'tangata whenua' to any statutory agencies. They must demonstrate that the issue they are addressing has support of the tangata whenua.

² This section also applies to both Environment Court and High Court proceedings

Iwi/Hapu – Statutory Agency
Planning Documents
Submissions Protocol

1 Introduction

This Protocol is an agreement between Motakotako marae and _____ covering the referral of statutory planning documents to Motakotako marae.

This Protocol helps to achieve integrated management of resources within the identified ancestral estate (shown in Appendix x).

Under this Protocol _____ agrees to engage in early and ongoing consultation with Motakotako marae on the preparation, review and change of planning documents that are relevant to and within the Motakotako ancestral estate.

The Protocol confirms that early consultation during the preparation of statutory planning documents and planning provisions made by _____ will be undertaken with Motakotako marae via the Environment Committee Chair.

Consultation will be undertaken for the purpose of remaining in accord with sections 6(e), 7(a), 30(1)(a), 66(1)(c)(i) & (ii), 67(2)(c), 104(1)(i) and Part I (3)(d) of the First Schedule of the Resource Management Act 1991; sections 81 and 82(2) of the Local Government Act 2002; and policies, objectives and methods identified in various plans, regulations and policy statements relevant to the ancestral estate and people of Motakotako marae.

2 Protocol Objectives

The objectives of the Protocol are to facilitate the achievement of integrated resource management by confirming:

- That early and ongoing consultation on planning documents and provisions will take place between _____ and Motakotako marae.
- That Motakotako marae comments, responses and submissions on planning documents and provisions clearly identify issues and concerns held by Motakotako marae. Comments and responses will suggest or recommend options for resolution of issues that are not inconsistent with national and regional planning provisions
- Motakotako marae comments, responses and submissions relate to responsibilities of kaitiakitanga under the following:

Resource Management Act 1991

Local Government Act 2002

Te Ture Whenua Maori

Historic places Trust Act

(Iwi/Hapu) Policy or Management Plans

- Motakotako marae comments, responses and submissions will clearly identify any actual or potential inconsistencies with iwi management plans that might arise in planning documents so as to achieve integrated management of resources while avoiding duplication of the role and functions of the Council.

3 Consultation

The _____ undertakes to consult Motakotako marae regarding the preparation or change of any planning documents that will have effect within the boundaries of the ancestral estate. For the purpose of this protocol, planning documents include (but are not limited to) the following:

- Regional plans
- District plans
- Reserve management plans
- Asset management plans
- Regional policy statements
- Strategies
- Bylaws
- LTCCP/Annual plans

Consultation with Motakotako marae on resource management plans and planning provisions will occur from the early stages of development of those documents and provisions. Any comments/responses provided prior to a document being formally notified shall be on a 'without prejudice' basis.

When drafts of planning documents are being prepared by council staff, contact persons at Motakotako marae will be consulted and sufficient time provided for comments to be prepared. Timing needs to recognise the practical constraints facing Motakotako marae and, where possible, should align with established meetings of the Environment Committee? Comments from individual specialists at Motakotako marae may also be sought however all such comments should be reported to the relevant person at Motakotako marae. This is because the relevant person will be responsible for co-ordinating and preparing formal submissions on behalf of Motakotako marae.

Where it is mutually agreed that it is necessary or appropriate the relevant person at Motakotako marae will facilitate consultation meetings to occur at which relevant iwi and/or hapu members will be invited to meet and participate in consultation with statutory agency representatives. Comments and responses made at these meetings will be recorded by the statutory agency and copies forwarded to the participants and/or relevant contact person(s). The contact person of Motakotako marae will either confirm the accuracy of the record or provide further clarification or amendments if necessary.

It is intended that pre-draft consultation meetings will be held to assist statutory agency representatives to prepare planning documents identified above.

Discussions held between statutory agency representatives and specialist practitioners employed at Motakotako marae are not prevented by this protocol. Participants in those discussions will be required to advise their respective organisations and their committees of the discussions held.

4. Receipt of Draft/Proposed Planning Documents

Upon receipt of a planning document for comment or submission the Motakotako marae Environment Committee Chair, assisted by their colleagues, will:

- Copy and distribute the document to relevant people at Motakotako marae
- Where necessary or appropriate, arrange for a consultation meeting between Motakotako marae and statutory agency representatives

- Receive comments from staff for the purpose of drafting comments or a submission
- Circulate the draft comments/submission to the appropriate whanau members
- Present at a meeting at which the draft comments/submission will be deliberated upon for the purpose of finalising the formal response
- Send the formal response to the statutory agency on or before the closing date for submissions
- Receive correspondence and responses (e.g. staff reports, decisions reports)
- Co-ordinate further action (if required)

Marae Provisions

Where possible or appropriate we will make comments and submissions that clearly identify relevant provisions of statutory plans and strategies and/or legislation to achieve integrated management of our ancestral estate.

Such responses may be made in te reo Maori.

Prior to making a response, the statutory agency should be advised if they are to be made in te reo Maori.

Where necessary or appropriate we will request that a Maori Hearings Commissioner be appointed to hear formal submissions.

Note that we will pay particular attention to draft or proposed permitted and controlled activity standards, terms, and conditions.

5. Marae Submissions

Submissions made under this protocol agreement are the official submissions representing Motakotako marae. Our official submissions will be recognisable by:

- Presentation of the signature of the Chair of the Environment Committee (who has duly delegated authority to sign the submission).

We undertake to provide responses within the stated timeframe or within an agreed timeframe where this can be negotiated.

Where appropriate, the statutory organisation may wish to offer a digital submission template for use by the iwi/hapu agency.

Signed by:

Signed by:

(Iwi/Hapu)

Statutory Agency

Date: _____

Date: _____