

3. Tangata Whenua and Neighbourhood Reserves Management

Background

Taranaki has been settled by humans for over 2000 years, with the arrival of a great number of waka over the centuries. There are six intertwined iwi groups having rohe in New Plymouth District: Ngati Tama, Ngati Mutunga, Te Atiawa, Ngati Maru, Taranaki, and Ngati Maniapoto. Most iwi trace their ancestry back to the last wave of waka migration, namely Mataatua, Tainui, Tokomaru and Kuahaupo waka¹.

Some of the hapu groups within the district are Hapu o Poutama, Manukorihi, Ngati Rahiri, Pukerangiora, Otaraua, Puketapu, Ngati Tawhirikura, Ngati Te Whiti, Ngati Tuparikino, Hamua Te Matehou, Ngati Tairi and Nga Mahanga.

Much of the coastal land in New Plymouth District was settled by Maori prior to the arrival of European settlers, from the Hangatahua (Stony) River in the south to the northern boundary of the district near Mokau.

The Crown assumed ownership of a large amount of land at the time of European settlement and in later years as the district developed. Over a million hectares of land was confiscated during the 1860 land wars. Subsequently, lands were taken for public works such as the railway and schools. These events disrupted the relationship between tangata whenua and their rohe and the kaitiakitanga, or stewardship, role that they traditionally held with regard to those lands and resources.

Issues related to land ownership are still in the process of being resolved. The Treaty of Waitangi settlement process has given statutory acknowledgement to Ngati Tama and Ngati Mutunga of their relationship to lands and resources with their rohe. Te Atiawa Iwi Authority entered into a Heads of Agreement with the Crown in 1999 and is working towards a Deed of Settlement. Additional settlements may occur in the future as iwi bring forward claims to the Waitangi Tribunal.

Kaitiakitanga

The Mana Whenua Mana Moana document prepared by the Mana Whenua Reference Group in 2005 describes the history and connection of each iwi and hapu group with their rohe. The document notes that “One of the most important issues for tangata whenua is land and land use, whether it is in their ownership, private ownership or local authority ownership. Their responsibilities of kaitiakitanga do not alter”(page 5).

The Mana Whenua Mana Moana document describes kaitiakitanga as follows:

“KAITIAKITANGA in the traditional concept was an obligation and responsibility of tangata whenua to be protectors and caretakers of the tribal estates, interests and resources. This included the ability to put in practice particular protection methods such as rahui. The modern concept of kaitiakitanga is the responsibility on tangata whenua to advocate and practice sustainable development.”

One of the most immediate ways for the Council to acknowledge the kaitiaki role of tangata whenua within their rohe is to provide opportunities for participation in

¹ New Plymouth District Council, Tangata Whenua website:
<http://www.newplymouthnz.com/tangata+whenua/history.htm>

decision-making processes on issues related to the management of land and resources, including reserves owned and/or administered by the council. Mana Whenua Mana Moana notes that “It is of utmost importance that any decision regarding land and resources will be of significance to tangata whenua.”

Legislative context

As a partner to the Treaty of Waitangi / Te Tiriti O Waitangi, Maori are given special recognition under the Conservation Act 1987, Resource Management Act 1991 and Local Government Act 2002. All persons exercising powers and functions under these Acts are required to have regard to these matters.

Section 4 of the Conservation Act 1987 requires that the Reserves Act 1977 be interpreted and administered to give effect to the principles of the Treaty of Waitangi². This management plan must therefore take into account the principles of the Treaty. The Council must consult with and have regard to the views of tangata whenua before undertaking action and making decisions about reserves for which council is the administering body. At the same time, any actions and decisions made by the Council for the purposes of managing a reserve must comply with the Reserves Act and be in accordance with the primary and secondary purposes for which the reserve is classified.

The Resource Management Act 1991 and the Local Government Act (LGA) 2002 contain requirements to involve tangata whenua in decision-making regarding lands and resources that are within their traditional rohe but outside of their fee simple ownership. Parts [2](#) and [6](#) of the Local Government Act 2002 outline principles and requirements for local authorities to facilitate participation by Maori in local authority decision-making processes.

Section 77(1)(c) of the LGA 2002 requires that any significant decision made by a local authority in relation to land or a body of water, “take into account the relationship of Maori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga”.

Section 81(1) of the LGA 2002 requires a local authority to:

- a. establish and maintain processes to provide opportunities for Maori to contribute to the decision-making processes of the local authority, and
- b. consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of the local authority, and
- c. provide relevant information to Maori for the purposes of paragraphs (a) and (b).

Tangata whenua considerations in the Neighbourhood Reserves Management Plan

Iwi and hapu were consulted regarding their interests and concerns related to neighbourhood reserves management during the initial information gathering period and will have the opportunity to make a formal submission on the draft plan during

² Crown Law Office opinion is that the Conservation Act 1987 binds the Acts listed in Schedule 1, including the Reserves Act 1977.

the second round of consultation over the 09/10 summer. As an outcome of the consultation to date and gathering of information, the following was incorporated into the Plan.

- For each reserve in the Neighbourhood Reserves Management Plan, the interests of tangata whenua are noted.
- The plan contains a general policy that the Council will consult with the relevant tangata whenua group(s) regarding proposals for any significant developments or activities on neighbourhood reserve lands within their area of interest.
- Tangata whenua will have the opportunity to provide input into reserve names as part of an ongoing process, with the goal of identifying Maori names to be included in signage and council documents pertaining to council administered reserves. This is consistent with council policies on reserve naming and concurrent with the Council signage strategy.

Additional information with regard to tangata whenua interests may be added to this plan as new information becomes available.