

Mayor and Councillors
COUNCIL

27 SEPTEMBER 2012

Meeting Status: **Public**

Purpose of Report: For Decision

TE HAERENGA WHAKAMUA - A REVIEW OF THE DISTRICT PLAN PROVISIONS FOR MĀORI: A VISION TO THE FUTURE

PURPOSE OF REPORT

- 1 This report recommends that the Council receive Te Haerenga Whakamua: A Review Of The District Plan Provisions For Māori: A Vision To The Future (otherwise referred to in this report as 'Te Haerenga Whakamua'), which is attached as Appendix 1 to this report (SP-12-670), and endorse its use in informing the District Plan Review.

SIGNIFICANCE OF DECISION

- 2 This decision does not trigger the Council's Significance Policy.

BACKGROUND

- 3 The Kāpiti Coast District Council (Council) began a statutory review of the District Plan in 2009. In October 2010, seven discussion documents were released (Global Change, Issues and Pressures; Urban Form and Transport; Infrastructure and Essential Systems; Natural Hazards and Managed Retreat; Landscape Character and Heritage; Biodiversity; and Food and Rural Productivity). Over 100 submissions were received from members of the public, with approximately 12 of these submissions regarding Māori issues.
- 4 In 2010, the Council advised Te Whakaminenga o Kāpiti (TWOK) that the District Plan Review was underway. TWOK had been heavily involved in the development of the first district plan in 1992-1995. Council asked TWOK to confirm a process for Tāngata whenua engagement through the current review.
- 5 Members of TWOK formed the Tāngata Whenua Working Party (TWWP). Members of the working party were able to co-opt members from the wider iwi with relevant expertise to assist with the review. A core group of eight individuals were endorsed to represent the iwi (Ngāti Toa Rangatira, Te Āti Awa, and Ngāti Raukawa) in the Review process.
- 6 TWWP have been involved over the course of the project (2010-2012) by either attending meetings or providing feedback on papers, issues and/or discussion documents.

- 7 In December 2010, the TWWP agreed to meet once a month with Council staff to discuss the areas covered by the discussion documents mentioned above.
- 8 In January 2011, the TWWP realised that the District Plan Review was progressing very quickly and that iwi input was minimal compared with the scope of the Review. The TWWP made an application to TWoK and Council to provide support for a 'parallel review process'.
- 9 The TWWP developed a proposal that was endorsed by TWoK. The entity chosen to present the proposal and undertake the work on their behalf was Hāpai Whenua Consultants Ltd. A letter of support was provided from each of the iwi that Hāpai Whenua Consultants Ltd be tasked with this work on behalf of iwi.
- 10 The proposal was accepted and included three pieces of work:
 - A review of the Tāngata whenua/Māori material in the current operative District Plan, and a revised 'Glossary of Environmental Values';
 - A process to provide iwi representatives with information and gather feedback from other iwi members on the seven discussion documents;
 - Analysis of values and aspirations against kaupapa Māori and the evolution of tikanga Māori policy development.
- 11 The Kaupapa/Tikanga Framework (developed at Te Wānanga o Raukawa, Ōtaki) was used to guide the review. Kaupapa Māori (overarching principles) were used by both Hāpai Whenua Consultants and the working party members as common themes through which to articulate and frame the feedback. Although Te Wānanga o Raukawa uses ten kaupapa, four over-arching kaupapa were selected to assist in this review, those being: Pūkengatanga (creating and preserving knowledge), Ūkaipōtanga (belonging and contributing to your land and resources), Manaakitanga (showing respect and consideration towards others), and Kaitiakitanga (ensuring and maintaining taonga, safety measures).
- 12 The name Te Haerenga Whakamua was chosen. It describes the pathway or journey forward, and was taken from the Council whakataukī (proverb) 'me huriwhakamuri, katitirowhakamua'. The name Te Haerenga Whakamua received the endorsement and support of Te Whakaminenga o Kāpiti at their meeting of 11 October 2011.
- 13 The title refers to the journey that began in 1994 between Council and Tāngata whenua of the Kāpiti Coast. This relationship has had another chapter added to it with the release of Te Haerenga Whakamua in 2012. This document looks to build on the past with new and innovative ways to contribute to the future of the district. Te Haerenga Whakamua has provided an opportunity for iwi to voice their concerns, share their perspectives and look to innovative ways to share the district with others.
- 14 It is envisioned that this document will not only provide input to the District Plan but also provide iwi and Council with a basis for further discussions around iwi plans and further research work.

- 15 The Te Haerenga Whakamua booklet emphatically states that: “[i]t is through the use of tikanga Māori that kaupapa Māori values will be expressed throughout the district, and a partnership model of management achieved”.
- 16 Te Haerenga Whakamua was received and endorsed by Te Whakaminenga o Kāpiti at their March 2012 meeting.

CONSIDERATIONS

Issues

- 17 The District Plan Review process has benefited from the participation and input of iwi. Following the first seven monthly meetings between Tāngata whenua representatives and Council officers, it became obvious that the meetings were mutually beneficial. Regular meetings were therefore agreed to continue throughout the entire District Plan Review period, to allow information dissemination from Council to iwi, and feedback and advice from iwi to Council.
- 18 In addition to reviewing draft District Plan provisions across a range of topics, iwi have contributed directly to specific work including:
 - A kaupapa Māori review of eco-sites;
 - A kaupapa Māori review of significant amenity landscapes and outstanding natural landscapes; and
 - Production of material for the development of an Archaeological Predictive Layer for the district.
- 19 The Waahi Tapu project, which began several years ago but which has received a boost in recent years since the appointment of a Waahi Tapu Researcher, is also providing input to the District Plan Review.
- 20 The Te Haerenga Whakamua document represents a significant contribution by iwi to the District’s future planning. Because it directly references the current District Plan and recent discussion documents from the District Plan Review, it has obvious relevance to the District Plan Review. Beyond this, its holistic approach to the natural and physical environment provides suggestions and guidance for other Council policies and processes such as infrastructure and other community facility provision, parks and open spaces, resource consents, monitoring and enforcement, governance and decision-making. There are also statements relevant to the activities of other authorities such as Greater Wellington Regional Council (e.g. river management and water abstraction) and the Department of Conservation.
- 21 Te Haerenga Whakamua was not developed specifically as an Iwi Management Plan and therefore does not itself have legal weight under the Resource Management Act. It is, however, a document that Council can consider in its development of the District Plan.
- 22 Not every recommendation in Te Haerenga Whakamua can be actioned through the District Plan Review. Some of these (for example, a prohibition on

subdivision until such time as an ecological stocktake within the District has been undertaken) would be difficult to implement under the RMA. A few others (e.g. those relating to water quality) fall within the jurisdiction of other authorities, while some others (e.g. those relating to Council infrastructure or community facilities) are outside the regulatory framework of the District Plan.

- 23 Despite these limitations, there is much that can be and in fact has been incorporated into the District Plan Review thus far. A table showing linkages between Te Haerenga Whakamua and the proposed District Plan provisions will be developed soon to show iwi representatives and other interested parties how much has been able to be implemented. In some cases the proposed District Plan wording is different from the Te Haerenga Whakamua wording, but the meaning is quite similar. This commonality of views is evidenced by the general support for many proposed District Plan provisions that the TWWP has voiced in meetings with Council staff.
- 24 The recommendation of this report, to receive Te Haerenga Whakamua and endorse its use in informing the District Plan Review, is seen as giving the document the respect and consideration it deserves, while allowing the Council to make policy decisions through the usual legal channels.

Legal Considerations

- 25 Once Te Haerenga Whakamua is received and endorsed by the Council as an input to the District Plan Review, the Council will have an obligation to consider it in its future work. This is not a legal obligation under the Resource Management Act or Local Government Act, but a moral obligation coming from the partnership approach that has been taken through the District Plan Review. Consideration of Te Haerenga Whakamua will ensure that both partners to Te Tiriti o Waitangi are participating in planning for the District's future.

Delegation

- 26 The Council has authority to make this decision.

Consultation

- 27 The development of Te Haerenga Whakamua by Hāpai Whenua Consultants was endorsed by the three iwi (Āti Awa, Raukawa, Toa Rangatira), via 'letters of support' in March and April 2011.
- 28 Te Haerenga Whakamua was endorsed by Te Whakaminenga o Kāpiti at their March 2012 meeting.

Policy Implications

- 29 Te Haerenga Whakamua is not a Council policy document but can be used to inform Council policies such as the District Plan.

Tāngata Whenua Considerations

- 30 Iwi were involved, and indeed guided (through mandated iwi representatives) the entire Te Haerenga Whakamua process.

Publicity Considerations

- 31 Te Haerenga Whakamua is available on the Council website via the 'District Plan Review' page: http://www.kapiticoast.govt.nz/Documents/Downloads/District-Plan-Review/1-296920-FINAL_TeHaerengaWhakamua_updated_20_6_2012.pdf
- 32 Te Haerenga Whakamua has been distributed to a number of individuals and bodies including: Mandated Iwi Organisations, Iwi Authorities, Te Wānanga o Raukawa, Public Libraries, Councillors, Māori Environmental Management Units, the Raukawa District Māori Council, Greater Wellington Regional Council Māori Liaison and Policy Staff, Kaumātua Committees, Marae Committees, and others.

RECOMMENDATIONS

- 33 That the Council receives Te Haerenga Whakamua (Appendix 1 to this report SP-12-670) and endorses its use in informing the District Plan Review.

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ATTACHMENTS:

Appendix 1: Te Haerenga Whakamua