

Proposed Horowhenua District Plan

General Part 1 (incorporating Part A – Introduction and Chapter 14 Cross Boundary Issues)

Hearing: 4 April 2013

Officer Right of Reply and Response to Commissioners Questions

Maori Values and Statutory Acknowledgements

Q. Mr Rudd explained the reasons for re-ordering the list of iwi/tribe under the heading ‘Maori Values’. Do you have any further comment in relation to the order?

A. Mr Rudd contended the order should be based on “who came first”, and in his contention, the genealogical order is “Muaupoko > Rangitane > Ngati Apa > Ngati Raukawa kit e Tonga. In response to the question from Commissioners, I note Mr Rudd acknowledged members of the other iwi/tribe may dispute this order on “who came first”. Furthermore, Mr Rudd acknowledged there is no hierarchy between iwi/tribes. Given the above, particularly the potential for different views on “who came first”, I consider alphabetical order is still the most appropriate order for listing the iwi/tribes. To clarify the basis of the order and avoid misunderstandings or perceptions of the listed order, it is recommended an amendment is made to this part of the Plan to confirm the listed order is alphabetical. Therefore, I now recommend Mr Rudd’s submission point 109.00 be accepted in part.

Recommended Amendment:

Amend the paragraph below the heading “Maori Values” to read as follows:

The RMA recognises the importance of ensuring the incorporation of Maori values in resource management decision making. The following Iwi and their hapu exercise mana whenua within the boundaries of the Horowhenua District (listed in alphabetical order):

- *Muaūpoko*
 - *Ngāti Apa*
 - *Ngāti Raukawa*
 - *Rangitāne*
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Q. Mr Rudd made multiple references to the use of the term “iwi” in the Proposed Plan. He contended the more appropriate term was “Maori” and/or “tribes and their respective families and individuals”. Do you have any comments on the use of the term “iwi” and whether it is appropriate or not in the Proposed Plan?

A. According to the Online Maori Dictionary¹, ‘iwi’ is defined as “extended kinship group, tribe, nation, people, nationality, race - often refers to a large group of people descended from a common ancestor”. ‘Maori’ is defined as “Māori, indigenous New Zealander, indigenous person of Aotearoa/New Zealand”.

¹ www.maoridictionary.co.nz

I understand the use of the term ‘iwi’ in the Proposed Plan was discussed with the Iwi Advisory Group formed to inform the preparation of the Proposed Plan. ‘Iwi’ was considered the appropriate term to use in relation to the different tribal groups in the Horowhenua. The use of the term ‘iwi’ in the Proposed Plan is considered appropriate when referring to tribal groups. Replacing the term ‘iwi’ with ‘Maori’ is not considered appropriate, as it could refer to an individual person, when could cause confusion. Therefore, it is recommended the use of the term ‘iwi’ is retained and submission point 109.01 is rejected.

Q. Mr Rudd contended the District Plan should not include any reference to Treaty of Waitangi settlements as they were not relevant. If references are to be included, Mr Rudd contended they need to correctly state that settlements do not relate to “iwi” but “tribes of New Zealand and to their respective families and individuals”. Related to the previous question, do you have any comments on of the use of the term “iwi” in this context in the Proposed Plan, and whether the Proposed Plan should or should not include references to Treaty of Waitangi settlements?

A. The Ministry for the Environment website² states:

“Historical land claim settlements generally include a range of redress mechanisms relating to resource management including Statutory Acknowledgements.

Statutory Acknowledgements record the traditional significance to claimants of sites that are in Crown ownership. They require that the claimant group must be informed whenever a local authority receives a resource consent application affecting a site that is subject to a Statutory Acknowledgement; and that a local authority must have regard to the Statutory Acknowledgement when deciding whether the claimant group is “adversely affected” by an activity for which a resource consent is sought. When dealing with a resource consent application, the Environment Court must also have regard to any relevant statutory acknowledgements in determining whether the claimant group has an interest in the proceedings greater than that of the general public.”

There is one settlement in the Horowhenua District which includes a Statutory Acknowledgement – Ngati Apa (North Island) Claims Settlement Act 2010. Given the above requirements under the Resource Management Act where a statutory acknowledgement applies, it is considered it appropriate that the Proposed Plan refers to statutory acknowledgements in Treaty of Waitangi settlements. Therefore, it is recommended this part of the Part A – Introduction in the Proposed Plan be retained.

In relation to who is the party in a Treaty of Waitangi settlement, the Office of Treaty Settlements website³ states:

“A Treaty settlement is an agreement between the Crown and a Maori claimant group to settle all of that claimant group's historical claims against the Crown.

Claimant groups are usually iwi or large hapu (tribes and sub-tribes) that have a longstanding historical and cultural association with a particular area. Some very specific claims may result in agreements with smaller groups.”

² www.mfe.govt.nz/issues/treaty/settlements.html

³ www.ots.govt.nz

Given the above, I consider it is appropriate to replace the references to iwi' in the Proposed Plan in the context of Treaty of Waitangi settlements with "Maori claimant group". This wording would more accurately describe the nature of settlement parties.

Therefore, I now recommend Mr Rudd's submission point 109.01 be accepted in part.

Recommended Amendment:

Amend the section under the heading "Statutory Acknowledgements" to read as follows:

Statutory Acknowledgements

A treaty settlement is an agreement between the Crown and an Iwi a Maori claimant group to give effect to a deed of settlement for all of the Iwi's group's historical claims against the Crown over land or other resources taken in breach of the Treaty of Waitangi.

A statutory acknowledgement is a formal recognition by the Crown of the particular cultural, spiritual, historic, and traditional associations that an Iwi a Maori claimant group has with a statutory area. A statutory area can include an area of land, a landscape feature, a lake, a river or wetland, or a specified part of the coastal marine area. The association of an Iwi a Maori claimant group with a statutory area is outlined in the schedules to a Claims Settlement Act.

The purposes of statutory acknowledgements are:

- *to require consent authorities, the Environment Court, and the Historic Places Trust to have regard to the statutory acknowledgements;*
- *to require relevant consent authorities to forward summaries of resource consent applications for activities within, adjacent to, or impacting directly on relevant statutory areas to the governance entity;*
- *to enable the governance entity and any member of the Iwi to cite the statutory acknowledgements as evidence of the association of the Iwi Maori claimant group with the relevant statutory areas; and*
- *to provide a statement by the Iwi Maori claimant group, for inclusion in a deed of recognition, of the association of the Iwi Maori claimant group with a relevant statutory area.*

From the effective date, consent authorities must have regard to a statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 95 to 95G of the RMA as to whether the governance entity is a person who may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, a statutory area.

Local authorities with jurisdiction in an area that includes a statutory area must attach information recording the statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area. The attachment of information is for the purpose of public information only, and the information is not part of the statutory plan or subject to the provisions of the First Schedule of the RMA. Accordingly, statutory acknowledgements within the District are included in an Appendix to the District Plan (Schedule 11).

A relevant consent authority must forward to the governance entity a summary of resource consent applications received by that consent authority for activities within, adjacent to, or impacting directly on, a statutory area. The information provided must be the same as would be given under section 95E of the RMA to persons likely to be affected, or as may be agreed between the governance entity and the relevant consent authority. It must be provided as

soon as reasonably practicable after the application is received, and before a determination is made in accordance with sections 95 to 95G of the RMA. The governance entity may, by notice in writing to a relevant consent authority, waive its rights to be notified and state the scope of that waiver. A statutory acknowledgement does not affect the obligation of a consent authority to notify an application in accordance with sections 95 and 95G of the RMA and to form an opinion as to whether the governance entity is a person that is likely to be adversely affected under those sections.

The governance entity and a member of the Iwi Maori claimant group may, as evidence of the association of the Iwi Maori claimant group with a statutory area, cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a consent authority, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or impacting directly on, the statutory area. The non-existence of a statutory acknowledgement does not mean that other areas are unimportant to the governance entity or the Iwi Maori claimant group.

Part A – Introduction: How This Plan Works

Q. Todd Energy/KCE Mangahao seek amendments to “Part F Schedules” by adding reference to Priority Waterbodies and “Planning Maps” by adding reference to High Amenity Landscapes and Outstanding Natural Features and Landscapes. In the Section 42A Report, the recommended amendments added reference to Part F Schedules on Priority Waterbodies but there is no recommended amendment to the Planning Maps and Outstanding Natural Features and Landscapes. Can you clarify whether adding reference to Outstanding Natural Features and Landscapes was an intentional or inadvertent omission?

A. Not referencing the Planning Maps and Outstanding Natural Features and Landscapes was an oversight in the Section 42A Report. For the reasons outlined in the Section 42A Report, it is recommended that reference be added to Outstanding Natural Features and Landscapes.

Recommended Amendment:

Amend sub-section ‘How This Plan Works’, ‘Part F – Schedules’ fourth paragraph to read as follows:

The Notable Tree Schedule, and Historic Heritage Schedule, State Integrated Schools Schedule and Priority Water Bodies Schedule provide detail on the individually listed items and places.

Amend sub-section ‘How This Plan Works’, ‘Planning Maps’ third bullet point on Rural Zone to read as follows:

- *Rural Zone – Landscape Domain Overlays, Flood Hazard Overlay, Outstanding Natural Features and Landscapes Overlays.*
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Response prepared by Hamish Wesney

Reviewed by David McCorkindale

Dated 23rd April 2013