

## **5 Tangata Whenua**

### **5.1 Purpose**

This chapter sets out the importance of the relationship between Tangata Whenua and Council's Resource Management Act (RMA) processes within the Queenstown Lakes District. Tangata Whenua are those people who, by whakapapa (genealogical descent), derive their status as mana whenua from their ancestors, who held customary title and aboriginal rights to the land at the time of the signing of the Treaty of Waitangi (at Ruapuke and Otakau locally).

Queenstown Lakes District Council acknowledges Ngai Tahu as its Treaty of Waitangi partner, as The Crown has formally acknowledged Ngai Tahu's Tangata Whenua status through the Ngai Tahu Claims Settlement Act 1998.

This chapter also sets out who are the relevant runanga (or runaka – see glossary) of Ngai Tahu for resource management issues and identifies their guiding Resource Management Act documents (Iwi Management Plans). These documents identify the significant resource management issues particular to each of the runanga.

### **5.2 Ngai Tahu**

Ngai Tahu have a tribal council, te Runanga o Ngai Tahu, which is made up of 18 papatipu runanga who hold the rights and responsibilities to defined areas of land and waters within the rohe of Ngai Tahu. Te Runanga o Ngai Tahu Act 1996 establishes Te Runanga o Ngai Tahu as the iwi authority for the purposes of the Act. The takiwa of two groups extend over the Queenstown Lakes District.

South of the Mataau (Clutha River) and Whakatipu Waitai (Lake McKerrrow) there are four Murihiku papatipu runanga. They are:

- Waihopai Runaka
- Te Runanga o Awarua
- Te Runanga o Oraka-Aparima
- Hokonui Runaka

These runanga share an interest in their takiwa in the mountains and the lakes to the West Coast with runanga from Waihemo southwards. The four Murihiku papatipu runanga created an entity, Te Ao Marama Incorporated (TAMI), which is mandated to provide input into the processes required by the Resource Management Act 1991 (RMA) and other relevant legislation.

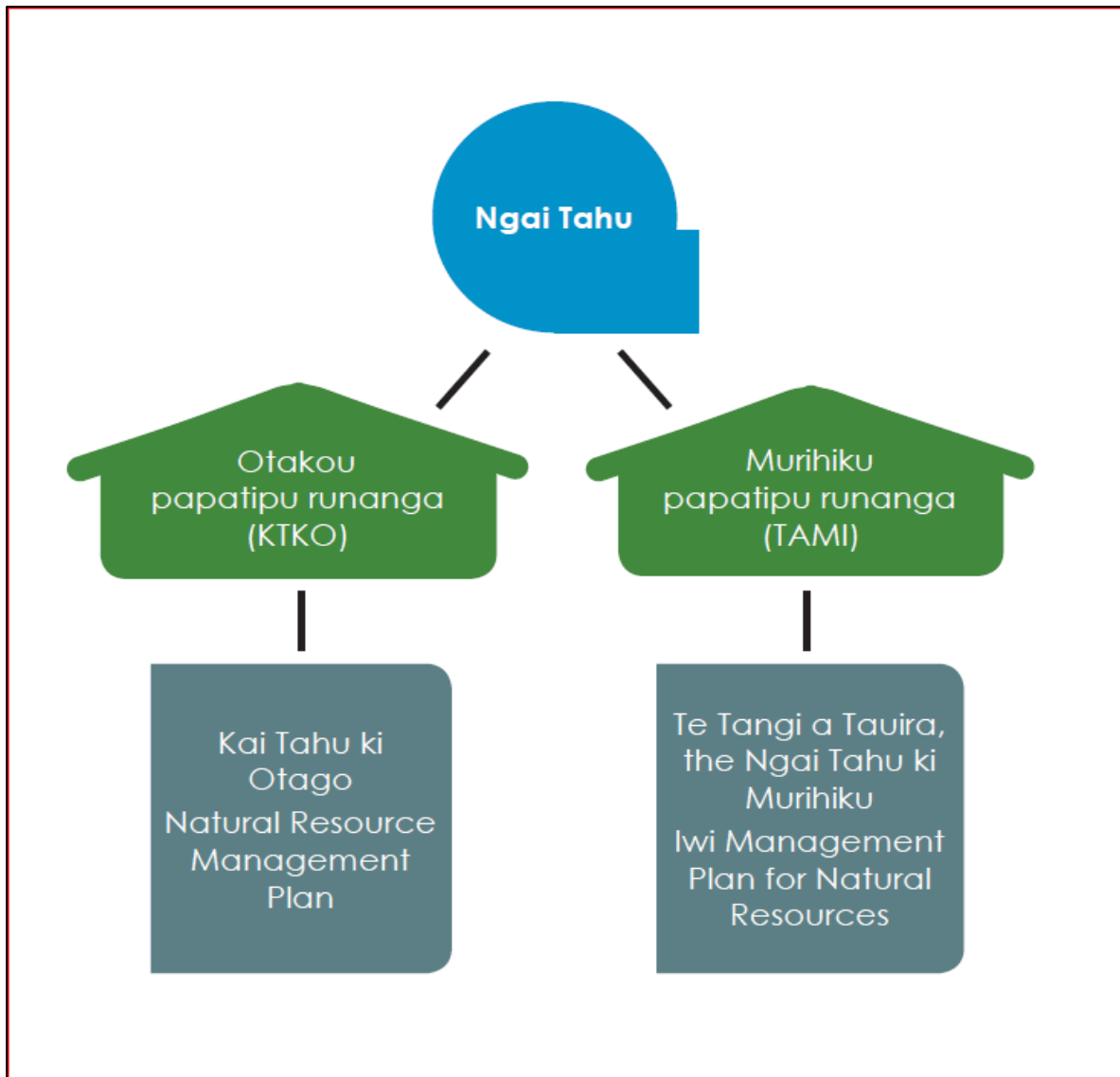
North of the Mataau and Whakatipu Waitai there are three Otakou papatipu runanga. They are:

- Te Runanga o Otakou
- Kati Huirapa ki Puketeraki
- Te Runanga o Moeraki

These runanga share an interest in their takiwa in the mountains and the lakes to the West Coast with runanga to the south. The three Otakou papatipu runanga created an entity, Kai Tahu Ki Otago Ltd, who are similarly mandated (as above) to represent those runanga.

Iwi Management Plans, as described in the RMA, have been produced and are available directly from the two representative entities.

- Kai Tahu ki Otago Natural Resource Management Plan
- Te Tangi a Taurira, the Ngai Tahu ki Murihiku Iwi Management Plan for Natural Resources



## 5.3 The Treaty of Waitangi

Sections 6, 7 and 8 of the RMA contain specific obligations in relation to the Treaty of Waitangi and Maori interests. The Act identifies, as a matter of national importance that the Council must recognise and provide for, the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi 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.

In relation to the District Plan, all principles of the Treaty of Waitangi are important. However, two key themes that are most relevant are partnership, and active protection, of resources important to Maori. In order to obtain the information necessary for these principles to be fulfilled, consultation is required.

Many of the issues identified in relation to tangata whenua overlap with general concerns regarding the quality of the environment, especially in relation to water quality and public access to lakes and rivers. These concerns show that there is much common ground shared between Maori and many non-Maori in the District.

## 5.4 Statutory Acknowledgement

A Statutory Acknowledgement is an acknowledgement by the Crown of the special relationship of Tangata Whenua with identifiable areas. Namely, the particular cultural, spiritual, historical and traditional association of Ngai Tahu with those areas (known as statutory areas).

Within the Queenstown Lakes District the Ngai Tahu Claims Settlement Act (1998) (NTCSA) identifies the following statutory areas, also marked on the map below.

- Lake Hawea
- Lake Wanaka
- Whakatipu-wai-maori (Lake Wakatipu)
- Mata-au (Clutha River)
- Pikirakatahi (Mount Earnslaw)
- Tititea (Mount Aspiring)

The Ngai Tahu Claims Settlement Act 1998 is an Act:

- To record the apology given by the Crown to Ngai Tahu in the deed of settlement executed on 21 November 1997 by the then Prime Minister for the Crown, and Te Runanga o Ngai Tahu; and
- To give effect to certain provisions of that deed of settlement, being a deed that settles the Ngai Tahu claims.

The entire Ngai Tahu Claims Settlement Act 1998 can be viewed at the Council offices in Queenstown and Wanaka, or online at <http://www.legislation.govt.nz/>

Statutory Acknowledgements impact upon the RMA. When you apply for a resource consent for an activity that is within, adjacent to, or directly impacting on a statutory area;

- Queenstown Lakes District Council must send a summary of your resource consent application to Te Runanga o Ngai Tahu, and
- Queenstown Lakes District Council must have regard to the Statutory Acknowledgement in going through the process of making the decision on whether Te Runanga o Ngai Tahu is an affected party in relation to the resource consent application.

**It should be noted that effects on cultural heritage are matters considered throughout this Plan and are not restricted to only these Statutory Areas.**

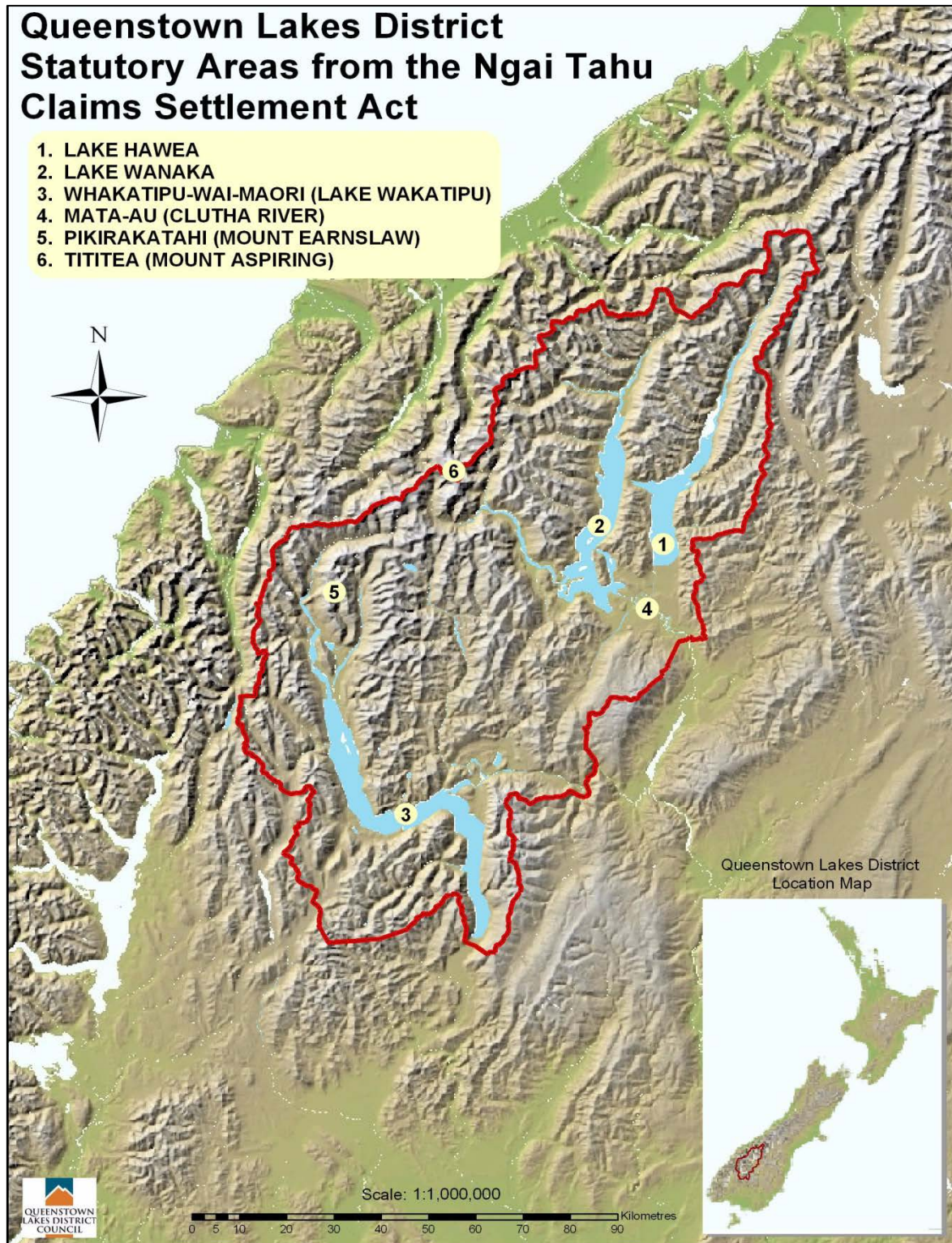
The purpose of this Statutory Acknowledgement is:

- To ensure the particular association of Ngai Tahu with certain significant areas in the South Island are identified, and that Te Runanga o Ngai Tahu is informed when a proposal may affect one of these areas.
- To improve the implementation of Resource Management Act (1991) processes, in particular by requiring consent authorities to have regard to Statutory Acknowledgements when making decisions on the identification of affected parties.

The NTCSA also identifies further elements for protection such as nohoanga sites, Topuni and taonga species. These are not listed within this plan but are an important material consideration in resource consents where Ngai Tahu are considered an affected party.

## Queenstown Lakes District Statutory Areas from the Ngai Tahu Claims Settlement Act

1. LAKE HAWEA
2. LAKE WANAKA
3. WHAKATIPU-WAI-MAORI (LAKE WAKATIPU)
4. MATA-AU (CLUTHA RIVER)
5. PIKIRAKATAHI (MOUNT EARNSLAW)
6. TITITEA (MOUNT ASPIRING)



## 5.5 Goals

- 5.5.1 To recognize and provide for the role of tangata whenua as a Treaty of Waitangi Partner and as kaitiaki.
- 5.5.2 To ensure tangata whenua have input to the processes required by the Resource Management Act 1991.

## 5.6 Objectives and Policies

### 5.6.1 Tangata whenua spiritual values and customary resources are sustained.

- 5.6.1.1 Consult with tangata whenua and ensure involvement in Queenstown Lakes District Council resource management decision-making processes where applicable, and in a manner that is consistent with the principles of the Treaty of Waitangi.
- 5.6.1.2 Actively foster partnerships and relationship agreements between local authority and tangata whenua.
- 5.6.1.3 When making resource management decisions, ensure that functions and powers are exercised in a manner that takes into account iwi management plans.
- 5.6.1.4 When making resource management decisions, ensure that the following are recognised and provided for;
- Traditional Maori uses and practices relating to natural resources (e.g., mataitai, kaitiakitanga, manaakitanga, mātauranga, rahui, wahi tapu, taonga raranga).
  - Te ahi ka (manawhenua) relationship of tangata whenua with, and as their roles as kaitiaki of, natural resources.
  - Mahinga kai and access to areas of natural resources used for customary purposes; mauri and wairua of natural resources.
  - Places, sites and areas with significant spiritual or cultural historic heritage value to tangata whenua.
  - Maori environmental health and wellbeing.
  - Preservation of nohoanga sites, including access and their settings.
  - Protection of taonga species.
- 5.6.1.5 Recognise that only tangata whenua can identify their relationship and that of their culture and traditions with their ancestral lands, water sites, wahi tapu, Topuni and other taonga.
- ### 5.6.2 Wahi tapu, wahi taonga and sites of significance are appropriately managed and protected.
- 5.6.2.1 Identify wahi tapu, wahi taonga and sites of significance to Maori on the District Plan maps and protect them from the adverse effects of subdivision, use and development.
- 5.6.2.2 Recognise that not all sites of significance are known to Council and only tangata whenua can identify their relationship with their ancestral lands, water sites, wahi tapu and other taonga.

## Glossary of Maori terms

tangata / takata whenua	<i>local people, hosts, indigenous people of the land</i>  <i>(Users of the Plan should note that the “ng” can also be written as “k”, and is the preference for some iwi. For the purposes of this Plan, and for all consent matters, either version is welcomed.)</i>
Whakapapa	<i>recite in proper order, genealogy, genealogical table, lineage, descent</i>
mana whenua	<i>territorial rights, power from the land - power associated with possession and occupation of tribal land</i>
Runanga	<i>tribal council</i>
papatipu runanga	<i>constituent areas of Ngai Tahu</i>
Rohe	<i>boundary, district, region, territory, area, border (of land)</i>
Takiwa	<i>district, area, territory, vicinity, region</i>
wahi tapu	<i>wahi tapu are places sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense</i>
Taonga	<i>treasure, anything prized</i>
kaitiaki kaitiakitanga	<i>trustee, minder, guard, custodian, guardian, keeper</i>  <i>guardianship, stewardship, trustee</i>
Mataitai	<i>seafood, shellfish - fish or other food obtained from the sea</i>
manaakitanga	<i>hospitality, kindness</i>
mātauranga	<i>education, knowledge, wisdom, understanding, skill</i>
taonga raranga	<i>weaving, woven treasures</i>
Topuni	<i>The concept of Tōpuni comes from the traditional Ngāi Tahu custom of rangatira (chiefs) extending their mana (power and authority) over areas or people by placing their cloak over them. Tōpuni provides a public symbol of Ngāi Tahu manawhenua and rangatiratanga over some of the most prominent landscape features and conservation areas in Te Wai Pounamu/South Island.</i>
mahinga kai	<i>garden, cultivation, food-gathering places</i>
Mauri	<i>life principle, special nature, a material symbol of a life principle, source of emotions</i>
Wairua	<i>spirit, soul</i>