

CULTURAL LANDSCAPES & WĀHI TAPU



INTRODUCTION

To Ngāti Mutunga all land in our rohe is ancestral land. The landscape is steeped in the history of our tūpuna. Many sites in the rohe have significance to Ngāti Mutunga due to their occupation and use or association with historic events. For Ngāti Mutunga, these areas represent the links between our tūpuna, present and future generations. This history and relationship reinforce tribal identity, connections between generations and provides a sense of identity and community.

The landscape of the Ngāti Mutunga rohe bears witness to occupation by many generations of our tūpuna. Many places in the rohe are significant to us because of their spiritual or historical associations. There may be many other sites which are not known to us but have significant historical or archaeological value. Artefacts and kōiwi lie buried throughout the rohe.

To Ngāti Mutunga all sites associated with our tūpuna and history are important because, even if similar features are found elsewhere in the country, the sites in our rohe relate to our tūpuna and history and are therefore unique and special.

It is important to recognise the context of sites within the landscape. As in present times, no settlement exists in isolation. For example, Pā complex would have included gardens and other sources of mahinga kai and a network of paths or waterways which linked the Pā to other sites. All aspects of these sites are important and help us to understand and connect with our tūpuna; therefore, all aspects of a site should be protected.

CULTURAL LANDSCAPES

The term “cultural landscape” describes the combined natural and man-made features of the land. For Ngāti Mutunga, understanding the cultural landscape means seeing and appreciating the history of our tūpuna and the land, as well as providing for cultural activities we carry out today. This section of the plan describes our relationship with the cultural features of our rohe and sets out issues and policies relating to this relationship.

The Ngāti Mutunga rohe was once densely populated by our tūpuna. Our people had a deep and strong connection to the land, evidenced by their knowledge of and names for every part of the landscape. The many Pā sites still visible on the landscape today are evidence of the lives of our tūpuna and testament to the rich past of our people. Resources were accessed and gathered on a regular, seasonal basis. This cyclical pattern of land and resource use has led to the location of a multitude of campsites, pathways, urupā and other sites of significance to Ngāti Mutunga spread throughout the rohe. Such sites may include (but are not limited to) –

Awa

The Onaero, Urenui, Mimitangiatua, Waitoetoe and Waiau rivers as well as the upper reaches of the Waitara River were named by our tūpuna and hold deep spiritual significance to Ngāti Mutunga. They provide sources of water for healing and rites associated with birth and death, food and other resources and were a means of transport in days gone by. The significance of these sites has been recognised by the Crown through Statutory Acknowledgements.

Marae

The Urenui Pā is a focal point for the iwi. It is the hub of the Ngāti Mutunga community and is a second home to many of our people.

Kāinga Nohoanga

Ngāti Mutunga lived primarily along the coast but moved inland on a seasonal basis to gather food and resources. The place names and whakapapa in the area show that our tūpuna occupied the land continuously through a network of settlements.

Umu

The remains of earth ovens used by our tūpuna can be found throughout our rohe.

Wāhi Mahi Kohātu

Quarry sites provided the raw materials for making stone tools. There are also sand quarries in the rohe. The sand was used to alter the composition of the soil for cultivation.

Wāhi Ingoa

Place names were often given in memory of significant people or events. These names and the stories that go with them are an important part of Ngāti Mutunga culture.

Ara Tawhito

Our tūpuna travelled extensively throughout our rohe, both on foot and over water. Trails linking villages, campsites and mahinga kai sites, crossed the land.

Māra

Pā were surrounded by gardens which sustained their inhabitants.

Tauranga Waka

There were many landing sites along the coastline and rivers for waka.

Tauranga Ika

Our tūpuna had an intimate knowledge of the moana and awa, and the places where resources can be gathered. Fishing grounds were named and known, and our people retain much of this knowledge to this day.

Mahinga Kai

Mahinga kai is about mahi ngā kai – the way we gather resources, where we get them from, how we process them and what we produce. These places, processes and skills are an essential element of Ngāti Mutungatanga, which are treasured by our people to this day.

Wāhi Pakanga

The history of our tūpuna and our people is tied to the battles fought in our rohe. The places where these battles took place are important historical markers and a key part of our culture and history.

Pā

Pā are fortified occupation sites. They were usually built somewhere that provided a good view of the surrounding area and could be easily defended against invaders. There are many pā within the rohe, some of which are quite large. They can be easily recognised by their prominent locations and distinctive terraces, and may also have pits used for storing kumara on top. They are significant to Ngāti Mutunga because they were the home of our tūpuna and often the sites of important historical events. Pā are likely to be associated with other sites such as māra and urupā.

Middens

Middens are mounds or pits containing the remains of day to day human life. Typical examples in the rohe contain many shellfish shells.

Urupā

Urupā are the places where our tūpuna were laid to rest. There are many urupā within the rohe, Ngāti Mutunga do not know where all of them are located.

Whenua or Pito

When babies are born, their placenta is buried, and a tree is often planted to mark the site. These sites are very special to individuals and their families.

Wāhi tohi

Certain water sources are used for baptism. These places are important spiritual sites for our people.

Many of these sites can be described as Wāhi tapu.

Traditionally, places were regarded as tapu if they were places of intense and potentially dangerous spiritual presence. Tapu places are subject to the state and restrictions of tapu.

Today, Ngāti Mutunga often refer to places as their “wāhi tapu” when speaking of places of special cultural significance. While this may include places that correspond with traditional notions of wāhi tapu, they will as likely as not also include places such as kainga and pā sites, even umu and midden sites - places usually not formerly regarded as tapu. This modern perspective may have developed because of the rarity and fragility of such places now, or their relevance to Ngāti Mutunga identity, values and history, or simply because those places are associated with tūpuna. Some people might say that all sites which are important to Ngāti Mutunga are wāhi tapu, or even the entire rohe.

This plan uses the terms “**sites of significance**” and “**wāhi tapu**” to accommodate both views.

OUR WĀHI TAPU SITES – HISTORY AND SURVEYS

The Original Wāhi Tapu Survey - 1995

In 1995 the New Plymouth District Council (NPDC) asked Ngāti Mutunga Iwi Authority to carry out a survey of the wāhi tapu within the Ngāti Mutunga rohe. This was to check and update the information on their District Plan. The following work was carried out;

- Each known wāhi tapu site was visited, photographed and its current state described. The level of the threat for each site was assessed. These included the sites listed by the New Zealand Archaeological Association (which are on the Council's maps), sites known by Iwi members and other sites that became apparent during the survey. These included urupā, Pa sites, kainga sites, and other signs of occupation - pits, hangi stones and quarries sites.
- The legal description was established and where possible the current ownership. This information was used to correctly position each site on the Council's District Plan.
- A report for each site was produced that included the details described above and any other relevant information about each site. The information from the New Zealand Archaeology Association (NZAA) files from the Museum were researched and added to these reports.
- A draft policy that outlined the procedures and protections that Ngāti Mutunga wanted in order to protect the sites, according to the tikanga of Ngāti Mutunga was prepared. This policy was presented to a Kaumatua hui, a Rangitahi hui, the Ngāti Mutunga Iwi AGM and a special meeting at Urenui Marae.

State of Sites in the 1995 Survey

A major focus of the survey was to establish what state the sites were in and whether they were deteriorating from the last time they were visited. This was assessed using information from the NZAA files held at the Taranaki Museum. Most of the sites were last recorded and visited in the early 1960's and this information was summarized in the publication by A Buist. (Buist, A P Archaeology in North Taranaki, New Zealand)

This survey did not cover all the known Ngāti Mutunga sites. Of the 87 sites listed, only 20 were said to be in good state. Of the rest, some level of damage was listed for 45 of the sites. Five were listed as having poor condition and 17 had been destroyed.

The causes of the damage were: bulldozing, farming, houses were built on six sites and roads had damaged four sites. One site had been damaged by a quarry.

In general, most of the sites had deteriorated since the last survey. The main causes were:

- **Coastal erosion** - 13 sites had been badly affected by erosion into the sea, including the almost destruction of four sites.
- **Bulldozing** - nine sites had been badly affected by bulldozing since the last survey
- **House building** - a further seven sites had been damaged by house building since the last survey (and one application was pending for Pa Oneone)
- **Trigs** - four sites had a trig on them, Kaipikari, Tokikinikini, Tuahu and one other
- **Fencing** - many sites had been damaged by fencing.
- **Exotic tree plantations** - there were exotic trees growing on nine sites that would cause or have caused damage when the trees were removed.
- **Roads** - the relocating/forming of a road had damaged several pa sites and an urupā.
- **Grazing** - all the sites that were being grazed by domestic animals showed varying levels of damage. Only six Pa and four urupā were fenced to exclude domestic animals. Five of these were in Department of Conservation Historic Reserves and one was in private ownership. Seven others are in areas covered in forest. Many sites showed severe damage due to over grazing that caused soil erosion and damage to the visible archaeological features. In contrast, the best-preserved sites were those that were in second growth forest. In these although the structure was not apparent from outside the site, the visible archaeological features) pits etc. were in far better condition.

Issues Arising from This Survey

At the time of the last survey, incidents involving consents for sites within the Ngāti Mutunga boundaries motivated the Iwi to want New Plymouth District Council (NPDC) and Taranaki Regional Council (TRC) policies to be strengthened and made clearer.

The specific problems these incidents highlighted were:

- Confusion over what protection was offered by the different Acts - i.e.; the Building Act, the Heritage New Zealand Pouhere Taonga Act 2014 and the Resource Management Act.
- Confusion over the different procedures that occurred with applications made to NPDC and TRC under the above Acts.
- Confusion about the Status of Iwi under the different Acts.
- The different time frames in which the Iwi must respond to NPDC and TRC for the different applications.
- Who and how the NPDC and TRC notifies for the different consents.
- A lack of a clear set of rules about what is allowable for wāhi tapu, i.e. can someone build a house on a pa site, plant trees on a site etc, plow a site
- A lack of communication between the different parties involved. (This would be solved by NPDC and TRC, calling a meeting of all interested parties).

Results of this Survey

The information from this survey was given to the New Plymouth District Council when it was completed. However, it is not clear what action the Council took with it. Some new sites were added to the District Plan but, the positions of old sites were not corrected, and many sites remained in the wrong Legal Description.

The placing of areas under silent file was carried out for some wāhi tapu (e.g. Tutanganui) but not for others (e.g. Urenui Township and the Urenui Motor Camp).

The Need for a Policy on the Protection of Wāhi Tapu

At the time, it was evident from the results of the above survey that the state of the wāhi tapu of Ngāti Mutunga was deteriorating. Substantial damage to some sites resulting in their almost being destroyed had occurred over the past 30 years since the last survey. Although some erosion on the coast and of the soil was natural, this process appeared to be accelerating by controllable factors. For these reasons, and to ensure the protection of these sites, action was necessary.

New Zealand Archaeological Association (NZAA) Upgrade 2006

The NZAA commissioned archaeologists Ivan Bruce and Nicola Molloy to visit all the known sites in NPDC area listed with them and complete an updated site assessment form. During this survey the locations of the sites visited were corrected but this information does not seem to have been used by the NPDC to make changes to the District Plan.

The NZAA has a data base of all the sites registered with them within the Ngāti Mutunga area. This contains both the old and newest NZAA site record forms.

New Plymouth District Council Wāhi Tapu Review 2010

In 2010, NPDC undertook a review of all wāhi tapu and other archaeological sites within the District. The contract for this work was given to Geometria (a company from Auckland) run by Daniel McCurdy and Russell Gibb.

Graham Wallace and Rena Kettle accompanied Geometria when they visited the sites in the Ngāti Mutunga rohe. The site visits took place between 2011 and 2013.

Results of this Review

All known sites, where access was allowed have been visited and their exact location mapped using a Global Positioning System (GPS). The extent of the visible archaeological features of the sites have been mapped e.g. pits, terraces etc. These locations and extents have been mapped on an application for Google earth.

Geometria have completed an updated site file for each site which includes a description of the current condition of the sites and includes the old and updated NZAA site records and other historic information.

Ngāti Mutunga has copies of the information gathered in this review which is has been checked by Rena Kettle and Marlene Benson and updated by Geometria.

The Ngāti Mutunga sites have now been uploaded to the New Plymouth District Council Arcgis platform – at this stage this information is only able to be accessed by the Ngāti Mutunga Iwi.

During this survey 15 new sites were located, the exact location of four sites could not be found, access to three sites was refused by landowners and six were inaccessible. There are just over **200** sites in the Ngāti Mutunga rohe.

Current condition of sites

- **Coastal erosion** - has affected all coastal sites to some extent and with this has been major for several of these sites. This has probably caused the greatest damage to the sites since the last survey.
- **Bulldozing** - has affected four sites
- **House building** – has caused damage to two sites (Kumara Kaiamo, Wairoa)
- **Grazing** - and stock damage effects all sites that are in pasture to some extent but major damage was noted on five sites (Okoki, Te Rau o Te Huia, Tupare, Otumoana and one other)
- **Road damage** - one site (Moeariki) was damaged when Avenue Road was realigned

Changes to the New Plymouth District Council rules about Wāhi Tapu

In 2015/2016 the New Plymouth District Council made two plan changes to the District Plan about the provisions in the plan that applied to Wāhi Tapu. One of the changes involved adding the wāhi tapu sites identified and updated by Ngāti Rahiri onto the District Plan and the other made some changes to the rules effecting wāhi tapu sites. In summary the changes were:

- The sites identified by Ngāti Rahiri were added to the District Plan – these sites included the mapped and correctly located extents of the sites rather than sites being represented on the plan by a triangle. The sites now have 50 m and 100 m buffer zones that extend from the outside of the mapped extent of the site (see summary of rules below)
- The sites were now to be described as Wāhi Taonga/Sites of Significance to Māori
- The 50- and 100-meter buffer zones to no longer apply within Residential and Business zones

Consultation with Landowners

During 2015/2016 Marlene Benson and Larry Crow undertook a consultation process with the landowners of the properties containing Ngāti Mutunga wāhi tapu. This involved identifying the landowners, contacting them and inviting them to meet with Larry and Marlene to discuss where the site(s) were and what implication this had for property owners.

The aim of this process was to fulfil the need for more effective consultation between Iwi and landowners that had been identified during the New Plymouth District Plan Change process for the Ngāti Rahiri sites. It was also to identify any sites over which there might be conflict and to educate the landowners about what could or could not be done around Wāhi tapu.

The other aim was to establish a relationship between Ngāti Mutunga and the landowners of Ngāti Mutunga wāhi tapu in recognition that the landowners have a kaitiaki role for Ngāti Mutunga sites. It is impossible for Ngāti Mutunga to monitor what happens over all the sites in the Ngāti Mutunga rohe and by establishing a good relationship with the Land owners we are encouraging their support in protecting our sites.

The process has proved to be largely successful with over 90% of the Landowners engaging in this process – this has already led to better communication about any plans they have that may affect Ngāti Mutunga wāhi tapu.

Update of sites on the New Plymouth District Plan

Under the current review of the New Plymouth District Plan it is intended to update the extents and positions of the Ngāti Mutunga sites based on the information from the Geometria survey with some additions and site extensions made by Te Runanga o Ngāti Mutunga.

The Proposed District Plan was notified in November 2019 and the Waahi tapu sites became operative from this date –there has been no date set for the hearings for this plan but they are expected to happen some time in 2021

Summary of current rules for Wāhi Taonga/Sites of Significance to Māori under the current NPDC District Plan

- Erection of a structure on or within 50 m of a wāhi tapu is a discretionary activity. Structures of over 10m height are discretionary within the 100m butter zone
- Earthworks on or within 50 m of the outer extent are a discretionary activity. (and so require a Resource Consent which Ngāti Mutunga must be notified of)
- Fencing within the extent of a wāhi tapu is a discretionary activity
- Clearance of trees on or within 50m of a wāhi tapu is a discretionary activity
- Subdivision of a property that includes a wāhi tapu site is a discretionary activity
- Fencing of a wāhi tapu site is a discretionary activity

- From the time the sites are notified the Land owner is now eligible for an automatic rate discount of 50% for the area that is covered by the extent of the Wāhi tapu

The notified proposed District Plan had changes to these rules to which Ngāti Mutunga, other iwi and the Historic Places Trust made submissions against. The sites that Ngāti Mutunga and their extents are now operative (ie in force) but it is unknown what the final rules around these sites will be until the plan is formally adopted which is not expected to happen until 2022.

Education

Ngāti Mutunga realize that the most effective way of ensuring wāhi tapu are protected and cared for properly, is for everyone who lives and works in the Ngāti Mutunga rohe to have a good relationship with and understanding of the lwi. This would ensure that they know why it is important to lwi for these sites to be protected, how they should be protected and hopefully be as enthusiastic as the lwi in protecting them.

This is not the current situation nor is it likely to happen in the foreseeable future, but it would be improved if NPDC took responsibility for undertaking an education programme within the Ngāti Mutunga area

However, this level of community education will take a long time to achieve, and in the meantime, to ensure the protection of wāhi tapu, we feel it is necessary to have regulations in place.

WAHI TAPU POLICY

Objectives of this Policy

- 1) To ensure the protection and safety of wāhi tapu within the Ngāti Mutunga boundaries according to the tikanga of the lwi.
- 2) To establish clear procedures within NPDC, TRC and other organisations, that acknowledge the status of the lwi and allow for the lwi to be involved in the decision making about any wāhi tapu.

KAITIAKITANGA/DECISION MAKING ABOUT SITES

For Ngāti Mutunga, the principal of Kaitiakitanga is an obligation and responsibility of the lwi to act as custodians, guardians and protectors of the tikanga and resources of the lwi.

Ngāti Mutunga asks for recognition that:

- Te Rūnanga o Ngāti Mutunga is the legitimate authority in all matters of protection of wāhi tapu and urupā within the takiwa of Ngāti Mutunga.
- Only Ngāti Mutunga has the skills, expertise and knowledge necessary to ensure the continuing protection of their wāhi tapu and urupā.
- Ngāti Mutunga has never given up the right to make and enforce decisions that ensure the continuing protection of wāhi tapu and urupā.

PHYSICAL PROTECTION OF SITES

Any activity that is likely to cause immediate or lead to any damage or disturbance, in any way to a wāhi tapu site is to be prohibited. This includes;

Grazing Damage by grazing of wāhi tapu by domestic animals is to be prevented. Ideally, grazing other than by sheep and young stock is to be prohibited. Any grazing should not result in the removal of the grass cover. Where the sites are in native forest/scrub, efforts must be made to control damage caused by possums, goats and pigs.

Exotic trees are to be removed as soon as practical in a way that minimizes damage to the site and the planting of further exotic trees is to be prohibited.

Construction of buildings or structures including power/telephone pylons, or trigs on any site is to be prohibited.

Fencing/bulldozing/seismic survey or any other action liable to cause modification of any site is to be prohibited.

Archaeological investigations are to be carried out only with the permission of the Iwi.

ACCESS TO WĀHI TAPU SITES

Public Access

It is against the tikanga of Ngāti Mutunga to permit or encourage public access to wāhi tapu, in particular, sites that have been used as urupā.

Because of this the Iwi wish that:

- The erecting of any signs marking these sites is only done with the approval and involvement of the Ngāti Mutunga Iwi and any owners.
- That no steps or actions be taken that will encourage public access to any sites without the written approval of Ngāti Mutunga Iwi or owners.

Access by Iwi

The Iwi reserves the right to visit all wāhi tapu at their discretion for the purpose of maintaining their protection.

OWNERSHIP OF WĀHI TAPU SITES

To be able to protect the sites as is required under the tikanga of Ngāti Mutunga, all sites need to be in the ownership of the Ngāti Mutunga Iwi. However, some Māori owners may have a problem with this.

MANAGEMENT OF WĀHI TAPU SITES IN OWNERSHIP

These sites will be gazetted under the relevant sections of Te Ture Whenua Act and trustees to represent the former owners or descendants, of the people who lived or were buried there, will be appointed.

Plans will be prepared for each of these sites that will ensure the site is managed to the tikanga of the Ngāti Mutunga Iwi.

RESPONSIBILITY FOR UPHOLDING ACTS

Ngāti Mutunga maintains that it is the responsibility of the NPDC, Taranaki Regional Council (TRC) and the Heritage New Zealand/Pouhere Taonga (HNZPT) to uphold the protection of wāhi tapu as outlined in their various Acts. Ngāti Mutunga expects the Councils and the Trust to take a proactive stance in this matter and not to act only in response to pressure from the Iwi.

RELATIONSHIP WITH NEW PLYMOUTH DISTRICT COUNCIL:

The following procedures have been outlined in the MOU between NPDC and Ngāti Mutunga;

PROCEDURE FOR RESOURCE CONSENTS AND BUILDING PERMITS

Before a building permit (under the Building Act of 2004) or (remove) a Resource Consent (under the Resource Management Act) is issued by the New Plymouth District Council or the Taranaki Regional Council in the vicinity of a known wāhi tapu or within the area marked by a silent file, the following procedures should take place;

- Notification of the Iwi in writing of the details and location of the application, and the person/s applying.

- This notification should contain clear outlines of the steps Iwi can take if they object to the application, and a clear time frame the Iwi have to notify Council of their support or objection to the application. This time frame should not be less than 15 working days.
- If the Iwi notify Council of its objection to the application, then the Iwi can request the Council call a joint meeting of all the people involved, including Iwi representatives, the person/s making the application, the Historic Places Trust representative (if they have been involved) and a Council representative.
- Before the permit is issued, the Council must receive written notification of the Iwi's agreement to the application.
- If the Council issues a permit against the wishes of the Iwi, there must be a clear procedure for the Iwi to object.

INFORMATION IN THE NPDC DISTRICT PLAN

- 1) Description of sites - Ngāti Mutunga wish that all their sites simply be describe as wāhi tapu.

NOTIFICATION OF RESOURCE CONSENTS

Ngāti Mutunga wishes to be informed of the details of all Resource Consent Applications made within their boundaries.

PROTECTING CULTURAL LANDSCAPES

Ngāti Mutunga can divide the landscape into three broad groups for the purpose of protecting wāhi tapu and sites of significance –

1. **Known** wāhi tapu and sites of significance
2. Areas which are **likely** to contain wāhi tapu, sites of significance, artefacts or kōiwi
3. Areas which are **unlikely** to contain wāhi tapu, sites of significance, artefacts or kōiwi

These different areas require different methods of protection.

GENERAL POLICIES

1. Identify methods of identifying wāhi tapu and sites of significance, areas which are likely to contain wāhi tapu and/or sites of significance and areas which are unlikely to contain wāhi tapu and/or sites of significance. Methods may include engaging in Regional and/or District Council GIS projects. All methods will include consideration of how to protect information.

Known wāhi tapu and sites of significance –

2. Require councils to prohibit all activities within 50 metres of the outer extent of a wāhi tapu
3. Require, as a condition of consent, applicants wishing to carry out any activity within 50 metres of the outer extent of a wāhi tapu identified in council plans to commission a cultural impact assessment (CIA)
4. Require that applicants apply for an archaeological authority from the HNZPT for any activity which may disturb an archaeological site
5. Require, as a condition of consent, a Ngāti Mutunga cultural monitor to be on site for activities involving earthworks or other activities which will disturb land in an area known to contain wāhi tapu, sites of significance, artefacts or kōiwi even if Ngāti Mutunga have consented to the activity

6. **Require Council to respect iwi views on activities which may disturb wāhi tapu. If the iwi say that a proposal is unacceptable it should not be processed**

Areas which are likely to contain unidentified wāhi tapu, sites of significance, artefacts or kōiwi -

7. **Require, as a condition of consent, a Ngāti Mutunga cultural monitor to be on site for activities involving earthworks or other activities which will disturb land in an area likely to contain wāhi tapu, sites of significance, artefacts or kōiwi**
8. **Require, as a condition of consent, applicants to apply for an archaeological authority from the HNZPT for any activity which may disturb an archaeological site**

Areas which are unlikely to contain unidentified wāhi tapu, sites of significance, artefacts or kōiwi -

9. **Require, as a condition of consent, all people carrying out activities involving earthworks or other activities which will disturb land in an area unlikely to contain wāhi tapu, sites of significance, artefacts or kōiwi to enter an accidental discovery protocol with Ngāti Mutunga**
10. **Require anyone who is carrying out earthworks to receive training from Ngāti Mutunga on identifying wāhi tapu, taonga and sites of significance, and compliance with accidental discovery protocols**

WĀHI TAPU AND SITES OF SIGNIFICANCE

As Ngāti Mutunga, we have a kaitiaki duty to protect our wāhi tapu and sites of significance. It is of utmost importance that Ngāti Mutunga can stop activities which would disturb and destroy sites of significance. This means that Ngāti Mutunga must be consulted on any activity which has the potential to impact on a wāhi tapu or site of significance, and that the views of the iwi must be the bottom line when councils are deciding whether to grant resource consent.

OBJECTIVES

To ensure that:

1. All wāhi tapu and sites of significance are protected from inappropriate activities and maintained and enhanced where appropriate
2. Those who unlawfully damage wāhi tapu are held accountable
3. Ngāti Mutunga have access to wāhi tapu and sites of significance
4. The cultural landscape and the significance of wāhi tapu and sites of significance to Ngāti Mutunga is recognised in all resource management activities and decisions.
5. The wider community understand and appreciate our relationship with the cultural landscape

NGĀ TAKE - ISSUES

Land use -

1. **Damage or destruction of wāhi tapu and sites of significance as a result of:**
 - **land use or development and activities involving earthworks;**

- public access to sites, particularly urupā;
 - Contamination of the environment from human activities;
 - Fossicking for artefacts;
 - Rising sea levels and storm events caused by climate change;
2. Deterioration of material culture e.g. Marae buildings, rock art sites
 3. Lack of control of activities such as earthworks. Current policies and rules permit certain activities, even though they may damage wāhi tapu or sites of significance. Ngāti Mutunga are unable to control or participate in decision making for these activities
 4. Current protection mechanisms do not protect wāhi tapu sites unless they have been identified by Ngāti Mutunga

Iwi Involvement -

5. Current council consultation mechanisms do not provide enough protection for wāhi tapu because applications for consent may be approved despite iwi objections
6. The current “150 metre” rule for identified wāhi tapu is arbitrary and does not provide enough protection. Activities beyond this area may have an adverse effect on wāhi tapu especially if they cover a large area. When the NPDC District Plan is updated this year there will be a 50/100m buffer from the extent of the wāhi tapu
7. Ngāti Mutunga are not sufficiently involved in planning and consenting for earthworks and other activities which may disturb wāhi tapu or sites of significance. Triggers for iwi involvement are too low, and Ngāti Mutunga are frequently not involved in activities of interest to us
8. Wāhi tapu, sites of significance, artefacts and kōiwi may be disturbed by activities such as earthworks and vegetation disturbance which do not require resource consent under current council planning documents, so cannot be controlled

Access -

9. Ngāti Mutunga are (in some cases) unable to access or protect wāhi tapu or sites of significance on private land
10. Public access to wāhi tapu and sites of significance is offensive and may result in degradation of the sites
11. District council policies provide for the protection of sites of cultural importance to be protected by prohibiting public access, but these policies have not been implemented

Destruction and/or damage to sites -

12. Several pā sites have been destroyed without the consent of Ngāti Mutunga or an archaeological authority. This is both deeply offensive and against the law according to the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT)
13. There is a lack of understanding of and compliance with the NZHPT Act.
14. Ngāti Mutunga lack the resources required to provide adequate protection of wāhi tapu and sites of significance
15. Land uses (such as heavy stocking or planting exotic trees) may damage wāhi tapu, especially large sites such as pā

Engagement with Heritage New Zealand Pouhere Taonga –

- 16. Heritage New Zealand must provide for consultation with Ngāti Mutunga when issuing archaeological authorities**

Implementation of the Ngāti Mutunga Claims Settlement Act 2006 -

- 17. Lack of recognition and implementation of the Cultural Redress components of the Ngāti Mutunga Claims Settlement Act 2006 by local and central government agencies namely:**

- **Statutory Acknowledgements**
- **Protocols**
- **Nohoanga sites.**

Nohoanga sites -

- 18. Lack of use and potential misuse of nohoanga site**

Wāhi ingoa -

- 19. Disruption of intergenerational knowledge transfer of wāhi ingoa**
- 20. Inappropriate shortening of the name “Mimitangiatua” to “Mimi”**
- 21. Renaming of sites leading to a loss of traditional names**

NGĀ KAUPAPA - POLICIES

- 1. Require that all engagement on wāhi tapu and sites of significance occur through the Rūnanga**
- 2. Encourage policies and partnerships which enable Ngāti Mutunga to effectively exercise our role as Kaitiaki for our entire rohe**
- 3. Identify ways to work with local authorities and other statutory agencies involved in the protection of cultural landscapes to ensure that Ngāti Mutunga perspectives and policies are reflected in statutory plans, best practice guidelines and strategies, and in resource consent processes**

Land use and iwi involvement -

- 4. Require councils to identify, in partnership with Ngāti Mutunga, ways to change the mechanisms which “trigger” iwi engagement in consent processes. Ngāti Mutunga should be involved in any proposal which may have an adverse effect on a wāhi tapu or site of significance**
- 5. Require, as a condition of consent, applicants for resource consent to commission a Cultural Impact Assessment (CIA) for any application relating to -**
 - a. An area within 50 metres of the outer boundary of the extent of any wāhi tapu site identified on council plans**
 - b. Subdivision**
 - c. Discharge to land, air or water**
 - d. Indirect discharge to water**
 - e. Earthworks**
 - f. Taking of surface or ground water**

g. Quarrying or mining

h. Marine farms

6. Require councils to prohibit all activities on or within 50 metres of any wāhi tapu. Some activities may be unacceptable beyond this area as well, but the distance will depend on the activity and wāhi tapu in question. Ngāti Mutunga require councils to consult with Ngāti Mutunga on how close an activity can be to a wāhi tapu or site of significance
7. Oppose “fossicking” and encourage any action which reduces this activity
8. Require all applications for subdivision to include the location of building platforms, utility easements and driveways so that Ngāti Mutunga can assess whether the proposed subdivision will affect a wāhi tapu or site of significance
9. Require all applications for resource consent to include methods (such as use of cultural monitors or accidental discovery protocols) to avoid damaging wāhi tapu which are not identified on council plans

Access –

10. Identify ways to develop and maintain good working relationships with agencies involved in the protection of historic and cultural resources in the rohe, landowners and the wider community, with regards to the protection of, and access to wāhi tapu and sites of significance
 - a. Require implementation of council policies relating to access to sites of cultural importance through the installation of fencing and signage on all wāhi tapu sites on public reserves. All signs should be developed in consultation with Ngāti Mutunga

Destruction and/or damage of sites -

11. Promote understanding of legal protection for sites. Sites that meet the archaeological criteria pursuant to section 4 of the HNZPT Act whether recorded or not (it just must be suspected) are protected under the Act. This applies even if Ngāti Mutunga have been involved and consented to the disturbance. Sites on the New Zealand Heritage List under the HNZPT Act pursuant to Part 4 of the Act are recognised by councils and can be listed in District and Regional Plans.
12. Require, as a condition of consent, applicants obtain an archaeological authority from Heritage New Zealand before disturbing any known wāhi tapu site, as well as consent by Ngāti Mutunga
13. Require a full archaeological investigation of a site if it is to be destroyed or substantially damaged
14. Where appropriate, encourage landowners to protect wāhi tapu on their properties through voluntary agreements or covenants
15. Require potential buyers or new owners of land in the rohe to be notified of the existence, but not the type or location of wāhi tapu sites on properties. This could be given effect to by including a note in LIM reports or on property titles
16. Encourage LINZ to include the existence, but not the type or location of wāhi tapu sites on public information and property titles
17. Encourage New Plymouth District Council to notify landowners or potential landowners of wāhi tapu or sites of significance on their land

18. Encourage education programmes which provide information about historic heritage in the rohe and specific sites or events where appropriate

19. Require action on any unlawful or unconsented damage to wāhi tapu or sites. This should include -

- a. Ngāti Mutunga notifying councils and/or HNZPT of any suspected illegal activities
- b. councils notifying the HNZPT of any suspected illegal activities
- c. Prosecution by the HNZPT

If councils or the HNZPT decide not to take action on or prosecute illegal activities, Ngāti Mutunga require them to communicate this decision and explain their reasoning

20. Identify options for resourcing protection of wāhi tapu and sites of significance

21. Encourage land use which preserves sites of significance and wāhi tapu including –

- a. Avoiding planting of exotic trees on wāhi tapu, particularly pā sites
- b. fencing and light stocking to protect pā sites
- c. fencing and reversion to native bush to protect urupā

Heritage New Zealand Pouhere Taonga Act (HNZPT) -

22. Require the HNZPT to work collaboratively with Ngāti Mutunga to establish effective protocols for consultation on archaeological authorities involving:

- a. an archaeological find; and/or
- b. the disturbance of any archaeological site; and/or
- c. the discovery of kōiwi

Further disturbance should be prohibited until clearance has been obtained from the Rūnanga.

23. Require HNZPT to implement enforcement provisions to discourage fossicking and prosecute those who destroy wāhi tapu

24. Require NZHPT to recognise Ngāti Mutunga Kaitiakitanga in the protection of archaeological sites.

25. Require all archaeologists carrying out archaeological survey assessing the cultural heritage values in an area to be mandated by Ngāti Mutunga

26. Encourage understanding among applicants for resource consent that liaising with Ngāti Mutunga on the cultural impacts of a development does not constitute an archaeological assessment or iwi approval for a given proposal

27. Encourage discussions with HNZPT concerning the conservation of Marae heritage

Implementation of the Ngāti Mutunga Claims Settlement Act 2006 -

28. Encourage implementation of the cultural redress components of the Ngāti Mutunga Claims Settlement Act 2006. Identify priorities and opportunities to work with relevant agencies to achieve this

Nohoanga sites -

29. Encourage noting of the nohoanga site in regional and district plans and the inclusion of Ngāti Mutunga as an affected party as the occupier of that land

30. Identify ways to develop and use system for the nohoanga site which ensures that -

- a. appropriate authorisations are gained;
- b. the site is safe to use;
- c. operational management procedures are established;

Wāhi ingoa -

31. Encourage and promote the use of traditional place names

32. Encourage the use of the full name of the Mimitangiatua River on all new signage or maps in the area

33. Encourage consultation with Ngāti Mutunga over the naming of new reserves and developments

34. Encourage the development of signage using Ngāti Mutunga names in the rohe

35. Identify ways for the Rūnanga to support and encourage the appropriate intergenerational transfer of knowledge of sites of significance and associated stories and tikanga

ARTEFACTS AND KŌIWI

Tools and taonga belonging to our tūpuna lie buried throughout our rohe. These artefacts may have been lost, thrown away or buried in days gone by. They are important to Ngāti Mutunga for several reasons:

- they may have spiritual or sentimental value;
- they may have historic or archaeological value; and
- they provide us with tangible ties to our tūpuna.

Ngāti Mutunga consider that all artefacts in the rohe or used by our tūpuna belong to the iwi - the descendants of past owners. We want them to lie undisturbed. If they are unearthed by human activities or natural processes, they should be treated by Ngāti Mutunga according to our tikanga.

Our tūpuna (kōiwi), also lie throughout our lands, and may be disturbed by human or natural activities. We consider that kōiwi should be treated with the upmost respect and left to lie in peace. If kōiwi are accidentally discovered Ngāti Mutunga must be involved and allowed to direct how kōiwi should be treated.

OBJECTIVE

To ensure that:

- all Ngāti Mutunga artefacts are treated and protected in a culturally appropriate way
- kōiwi lie undisturbed

NGĀ TAKE - ISSUES

1. The disturbance destruction of artefacts and kōiwi through inappropriate land use

2. Artefacts which have been discovered may not be recognised and may be destroyed or treated inappropriately
3. Discovered artefacts or kōiwi are not treated appropriately and are sometimes kept by the people who find them
4. Laws relating to the discovery of artefacts and kōiwi are not complied with
5. Ngāti Mutunga seek the return of kōiwi and artefacts held in private collections
6. Sites where artefacts may be found are plundered by those looking for artefacts to collect or sell. The high price of these artefacts makes these activities profitable and provides an incentive for this behaviour

NGĀ KAUPAPA - POLICIES

1. Establish a protocol with the HNZPT for discoveries of kōiwi within our rohe
2. Require, as a condition of consent, all people carrying out activities involving earthworks or other activities which will disturb land to enter an accidental discovery protocol with Ngāti Mutunga
3. Require, as a condition of consent, a Ngāti Mutunga cultural monitor to be on site for activities involving earthworks or other activities
4. Provide for anyone who is carrying out earthworks to receive training from Ngāti Mutunga on identifying artefacts and sites of significance and compliance with accidental discovery protocols
5. Require purchasers of new lots to be notified of the likelihood of finding artefacts or kōiwi on the property due to the formerly dense population of Ngāti Mutunga in the area, and require them to notify Ngāti Mutunga if they discover artefacts or kōiwi
6. Encourage people who find artefacts to notify Ngāti Mutunga immediately and follow correct legal processes
7. Encourage people who find kōiwi to notify Ngāti Mutunga immediately after they have notified the police and follow correct legal processes
8. Identify options for the return of artefacts held in private collections to Ngāti Mutunga

IMPLEMENTATION



INTRODUCTION

This section provides guidance on how relevant agencies can use this plan, what Ngāti Mutunga will do to implement this plan and how we would like to work with others to achieve our objectives.

Ngāti Mutunga has a deep spiritual, cultural and historical relationship with the environment in our rohe. We are affected by all activities which affect the environment of use resources in our rohe. We may not have the capacity to participate in all aspects of decision making on environmental issues, but we require agencies to provide opportunities for us to engage in all their work which relates to or impact on our rohe.

OBJECTIVES

To:

- work in partnership with local and central government bodies to manage resources
- ensure that all engagement on environmental issues occurs through the appropriate channel – the office of Te Rūnanga o Ngāti Mutunga
- ensure that the values, objectives and policies of Ngāti Mutunga are provided for in local and central government planning documents
- ensure that Ngāti Mutunga are involved in decision making for any application of interest to Ngāti Mutunga
- support organisations carrying out environmental work which achieves Ngāti Mutunga objectives

EFFECTIVE PARTICIPATION

The plan paves the way for the more effective participation of Ngāti Mutunga in environmental management and better engagement between Ngāti Mutunga and other agencies.

Implementation of the plan and effective participation of Ngāti Mutunga in environmental management must be underpinned by good working relationships.

WORKING TOGETHER

Ngāti Mutunga would like to resume our customary role as kaitiaki of our rohe. Our traditional role has been taken over by several local and central government bodies established through legislation.

Ngāti Mutunga note that the special relationship between Ngāti Mutunga and the environment, and our role as kaitiaki is acknowledged through central and local government documents, including –

1. Ngāti Mutunga Deed of Settlement, Ngāti Mutunga Claims Settlement Act 2006
2. Legislation such as the Resource Management Act 1991, Conservation Act 1987, Local Government Act 2002 and Fisheries Act 1996
3. Council policies and plans, which provide for tangata whenua participation and include specific policies relating to tangata whenua

However, we consider that there is still a long way to go in terms of both implementing obligations set out in these documents and providing for true partnership in environmental management.

There are many tools which we can use to work together to manage the environment. Some of these, such as affected party status and Cultural Impact Assessments, have been mentioned in the body of the plan. Others may be used in order to implement objectives and policies in the plan or develop better working relationships between Ngāti Mutunga and agencies involved in environmental management.

PARTNERSHIP

Ngāti Mutunga wants the Treaty principle of partnership to be recognised in environmental management. To us this means that Ngāti Mutunga participate in all levels of decision-making processes, rather than being treated as stakeholders or submitters whose interests are balanced alongside everyone else's.

Providing for partnership could include –

- Involving Ngāti Mutunga as decision makers, not just submitters on decisions
- Providing for a direct relationship between the Ngāti Mutunga Chairperson and relevant Ministers, Mayors and CEOs
- Introducing Māori wards and councillors for local government
- Changing the basis for environmental decision making, so that more weight is given to the views of tangata whenua
- Investigating options to transfer local government powers to Ngāti Mutunga under s36B of the Resource Management Act 1991
- Investigating options for joint management under s36 of the Resource Management Act 1991

Ngāti Mutunga acknowledges that this goal cannot be achieved immediately. We seek to make the best use of other tools while working towards this goal.

CONSULTATION

Ngāti Mutunga expects to be consulted on all applications, plans or policies which are of interest to us. As previous sections of this plan indicate, Ngāti Mutunga has a deep spiritual and historical relationship with all aspects and areas of the environment. We are not able to engage on all issues, but we encourage agencies to assume we are interested in all initiatives and applications unless Te Rūnanga o Ngāti Mutunga has provided written notice to the contrary.

"Tapping a friendly Māori on the shoulder is not consultation" – Hurimoana

WHY CONSULT?

The value of consultation for central or local government is that:

- It helps to ensure that resource management issues of relevance to tangata whenua are identified and options for various methods of achieving stated objectives are explored in the development of plans under the Resource Management Act 1991
- It assists in the identification of effects and any Part II matters in Resource Management Act 1991 consent processes
- It can lead to better outcomes and environmental protection
- It enables the exploration of opportunities for tangata whenua to be actively involved in the exercise of Kaitiakitanga

The value of consultation for iwi is that:

- Matters that are of cultural, spiritual or historical importance to tangata whenua can be protected and measures put in place to avoid remedy or mitigate any adverse effects
- It facilitates the exercise of Kaitiakitanga³⁶

WHO SHOULD CONSULT?

Ngāti Mutunga considers that all agencies involved in environmental management should consult with us. A list of relevant agencies is included in **Appendix 9**.

We encourage councils or other agencies to enable potential applicants for resource consent or concessions to access the plan so that they can gain an understanding of our values and policies and shape their applications in accordance with these. We do not encourage applicants to approach Te Rūnanga o Ngāti Mutunga directly, and would prefer to engage through the relevant agency.

PRINCIPLES OF CONSULTATION

The principles of “best practice” consultation, derived from case law, are–

- The purpose of the consultation needs to be made clear at the outset
- Consultation should not be treated as a mere formality
- All parties must approach the consultation with an open mind
- Consultation is not to merely tell or present
- The person or people consulted need to be provided with adequate information so that they can understand how they may be affected by a proposal
- The person or people consulted need to be given a reasonable opportunity to express their views
- Consultation does not necessarily result in resolution by agreement or written approval, although there may be points of consensus

³⁶ Quality Planning: *Consultation with Tangata Whenua - 2017 update*,
<http://www.qualityplanning.org.nz/sites/default/files/2018-11/Consultation%20with%20tangata%20whenua.pdf>
 [Accessed March 2019]

- So long as those consulted have been given the time and opportunity to state their views the duty to consult has been discharged, even if those consulted choose not to participate
- Neither party is entitled to make demands
- Consultation does not give the party being consulted the right of veto
- There is no set form or duration, but neither should it be expected to go on indefinitely
- The process must be based on reasonableness and fairness³⁷

Ngāti Mutunga does not support all of these but accept them as legal principles.

CONSULTATION POLICIES

Ngāti Mutunga expect consultation to be carried out according to the following guidelines –

1. All consultation should occur through the office of Te Rūnanga o Ngāti Mutunga. The Rūnanga may refer the matter on to another group or person, but contacting Te Rūnanga o Ngāti Mutunga should always be the first step
2. Ngāti Mutunga expect that those wishing to consult will have read this plan and have a basic understanding of our values, issues and objectives
3. Ngāti Mutunga encourage agencies to send advance written notice of any upcoming issues or applications and to seek guidance from Ngāti Mutunga on our desired level of involvement
4. All consultation processes should refer to the legal principles set out above
5. Agencies should ask tangata whenua whether they want to engage as a group or on a separate iwi or hapū basis
6. We encourage agencies to meet with us kanohi ki te kanohi to explain issues, proposals and applications
7. We encourage all documents or presentations to be made or provided in a format and language which can be understood by all iwi members
8. We prefer to hold hui or wānaga at Te Rūnanga o Ngāti Mutunga office or Marae so that iwi representatives feel comfortable and supported, and other iwi members can attend if desired
9. We encourage agencies to contact the chair of the Urenui Pā Trustees for advice on Marae protocol when visiting the Marae (contact section at back)
10. We encourage agencies to explain steps we can take to challenge the outcomes of consultation processes if required
11. Ngāti Mutunga expect to be notified of the outcome of consultation processes
12. Ngāti Mutunga require agencies to follow all consultation processes through and explain how the information Ngāti Mutunga provided through consultation contributed to the outcome

³⁷ Quality Planning: *Consultation with Tangata Whenua - 2017 update*,
<http://www.qualityplanning.org.nz/sites/default/files/2018-11/Consultation%20with%20tangata%20whenua.pdf>
 [Accessed March 2019]

ENGAGEMENT TOOLS

KANOHI KI TE KANOHI - FACE-TO-FACE

We prefer to discuss things in person. This is the way things have always been done in Māori culture, and we find it much more effective. Meeting kanohi ki te kanohi helps to –

- Build relationships
- Ensure that issues and messages are understood
- Disseminate information
- Avoid or resolve conflict

We encourage agencies wishing to engage with Ngāti Mutunga meet with us kanohi ki te kanohi at least once as part of engagement on any issue. These meetings may be formal or informal depending on circumstance. For example, we encourage anyone carrying out environmental work in our rohe, such as monitoring, to come into the office if they are passing through Urenui to let us know what they are doing.

HUI

Holding hui supports kanohi ki te kanohi engagement. Hui can be held at the Ngāti Mutunga office or Urenui Marae. Hui should be used to pass information to large groups or provide a forum to discuss issues which concern the whole community.

WĀNANGA

Holding wānanga is one way of building awareness and capacity of individuals involved in environmental management. They could be used to educate agency staff about Ngāti Mutunga culture and values, to educate our people about environmental issues and initiatives.

Ngāti Mutunga may facilitate or attend wānanga. If Ngāti Mutunga facilitates wānanga they should be held at Urenui Marae or in Te Rūnanga o Ngāti Mutunga office.

Wānanga may also be used to educate developers and contractors about wāhi tapu, artefacts and kōiwi – particularly what they look like and how to comply with accidental discovery protocols.

EDUCATION, PUBLIC AWARENESS AND COMMUNITY ENGAGEMENT

These methods have been mentioned throughout the plan because they support understanding of our values and position. Use of these may include seeking our input on information to be sent to the public and supporting Ngāti Mutunga to raise awareness amongst our own people or in the wider community.

SHARING INFORMATION

Different groups or agencies have different levels of understanding of and information about environmental management. In order to manage resources wisely we must all have access to the best available information. Ngāti Mutunga encourages the sharing of information. Information should flow both to and from us – it is important for environmental management agencies to realise that our people may be a valuable source of information on the environment in our rohe because we have lived the land and know it well.

Ngāti Mutunga receives a lot of reports and publications. We do not have time to read them all, so we encourage agencies to communicate important points to us kanohi ki te kanohi.

Scientific or technical information must be presented to us in a way that we can understand.

MEMORANDUM OF UNDERSTANDING

Memoranda of Understanding are statements of intention which set out how parties will work together. Writing Memoranda of Understanding can be the first step in developing an ongoing, mutually beneficial relationship.

The Ngāti Mutunga Claims Settlement Act 2006 provides for Memoranda of Understanding between Ngāti Mutunga and –

- The New Plymouth District Council
- The Taranaki Regional Council
- The Whanganui Conservation Board
- Taranaki Fish and Game
- Manaaki Whenua/Landcare Research
- NIWA

Ngāti Mutunga welcomes the opportunity to develop these documents and relationships. This implementation section may provide guidance about the content of any such document.

PROTOCOLS

Protocols are like memoranda of understanding. They are formal agreements between agencies as to the approach that will be adopted in dealing with matters or issues. The Ngāti Mutunga Claims Settlement Act 2006 provides for protocols between Ngāti Mutunga and

- The Department of Conservation
- Fisheries New Zealand (part of Ministry of Primary Industries)
- The Ministry of Business, Innovation and Employment
- The Ministry for Culture and Heritage
- Land Information New Zealand

Ngāti Mutunga looks forward to working with these groups to implement and build on the relationships established through these protocols. This implementation section may provide guidance about the content of any such document. Copies of the various Protocols are included as **Appendices 13-15**.

ACCORDS

Accords are formal agreements with industry bodies which outline the “best practice” standards to be adopted by the industry. These accords may be entered into voluntarily and make it unnecessary for central or local government to impose controls. Ngāti Mutunga supports the development of accords which are mutually beneficial for communities and industry. This implementation section may provide guidance about the content of any such document.

MONITORING

Monitoring can be used to assess impact of an activity over time. It is an essential part of environmental protection and management. Ngāti Mutunga would like to be informed of the information gathered by monitoring and participate in monitoring programmes where possible. Ngāti Mutunga may also be able to provide information on the state of the environment or changes over time due to our long association with the area. We encourage those carrying out monitoring to discuss how we can support monitoring programmes with Te Rūnanga o Ngāti Mutunga.

RESEARCH

Research can complement monitoring and provide information that enables an informed decision to be made. Ngāti Mutunga would like to be informed of and involved in research programmes where possible. As with monitoring, Ngāti Mutunga may be able to provide information on the environment due to our long association with the area. We encourage those carrying out monitoring to discuss how we can support monitoring programmes with Te Rūnanga o Ngāti Mutunga. We also encourage research agencies to make greater use of Mātauranga Māori in their work.

DEED OF SETTLEMENT/NGĀTI MUTUNGA CLAIMS SETTLEMENT ACT 2006

In 2006 the Ngāti Mutunga Claims Settlement Act was passed to achieve full and final settlement of historical Ngāti Mutunga Claims against the Crown. The provisions, as outlined in the Act, provide a tool identifying the special relationship of Ngāti Mutunga with specific areas and species and are aimed to ensure that relevant matters in Part II of the Resource Management Act are recognised and provided for in natural resource and environmental management processes. We encourage agencies to refer to this information and implement their obligations as set out in the Act.

JOINT ADVOCACY/MANAGEMENT

Joint advocacy allows agencies to support each other in working toward common objectives through collaboration and information sharing. This plan is a guide to our issues, objectives and policies, and provides a basis for other organisations to identify areas of shared interest.

Joint or co-management describes sharing of power and decision making. This may include sharing responsibility, drawing on a range of knowledge systems to inform high level decision makers and may focus on ways forward through negotiation and at times possibly consensus.

ASSISTANCE FOR MĀORI ENGAGEMENT

Ngāti Mutunga needs assistance to support our engagement in environmental management. When we are working with central and local government agencies, we expect them to pay us for our time.

AWARENESS OF NGĀTI MUTUNGA ISSUES

We encourage agencies to adopt measures to ensure that their staff are aware of issues of importance to Ngāti Mutunga. Such measures may include:

- Providing Te Reo courses
- Conducting visits to Urenui Marae
- Training staff that have direct contact with Te Rūnanga o Ngāti Mutunga, such as consents and policy planners, field staff and customer services staff
- Providing frequent training courses for new consent officers through field trips, presentations, and induction processes.
- Providing for secondments to and from Ngāti Mutunga

REGIONAL AND DISTRICT COUNCIL PROCESSES

Ngāti Mutunga seeks engagement in almost all aspects of council function. This section outlines how we would like to be involved in council processes.

PLANNING PROCESSES

Ngāti Mutunga should be involved in planning processes from the earliest possible stage. We encourage councils to use this plan as a guide to issues and policies which should be included in plans, but it does not replace direct consultation.

We encourage councils to continue to refer to issues and policies related to tangata whenua in their plans but suggest that these views and values should underpin and be represented throughout the plan, rather than in separate sections.

We also encourage councils report back to us on the implementation of existing policy, and work with us to improve implementation.

TECHNICAL PANELS, FORUMS, HEARING COMMITTEES, ADVISORY GROUPS AND BOARDS

Ngāti Mutunga representation on these types of groups or forums allows for consultation on a regular basis and helps to develop relationships between Ngāti Mutunga and council staff.

APPLICATIONS FOR RESOURCE CONSENT

Ngāti Mutunga seeks involvement in decision making for resource consents in our rohe. Applications must be assessed on a case-by case basis by Ngāti Mutunga.

Ngāti Mutunga may not be able to participate in all applications for consent. Given the low volume of applications in our rohe, we recommend that councils seek guidance as to how Ngāti Mutunga should be involved in all applications for resource consent in our rohe. **See appendix 10 for the consent processes with NPDC from our Memorandum of Understanding (MOU)**

We encourage councils to use the following procedure to assess how we should be involved –

- On receiving an application, email a brief description of all applications to Te Rūnanga Ngāti Mutunga
- The Rūnanga will notify the council of any applications of potential concern and describe potential issues or questions
- A council officer will meet with Rūnanga representatives to discuss the proposal, explain issues and answer questions
- The Rūnanga representative and council officer will discuss how Te Rūnanga o Ngāti Mutunga should be involved in the application.

We consider that, given our deep spiritual, cultural and historical relationship with the environment we are affected by all activities in our rohe, and will therefore be an “affected party” for Resource Management Act consent purposes. To save time, we consider that we should automatically be given affected party status for the following types of application –

Application type	Reason
All activities involving earthworks or other soil disturbance	Wāhi tapu, sites of significance and kōiwi may be found throughout our rohe. Any application which involves soil disturbance has the potential to destroy or disturb an important site, artefacts and kōiwi. Ngāti Mutunga must be involved in consenting for these activities so that we can protect these important parts of our culture
Any application which impacts on an area covered by a Statutory Acknowledgement. Activities which impact on rivers covered by Statutory Acknowledgements include water take, structures and other activities in river beds (for example the installation of culverts), damming or diversion of water	The relationship between these areas and Ngāti Mutunga has been recognised by the Crown. Any application which has an impact on these areas of special significance will affect Ngāti Mutunga. Note that this extends to applications which directly impact on these areas, as well as applications for activities taking place in these areas. Ngāti Mutunga consider that any application which affects catchments and/or water quality (such as direct or indirect discharges) will directly impact on rivers, and any application which impacts on coastal water quality will directly impact on the coastal statutory acknowledgement area

Copies of Statutory Acknowledgements are included as Appendix 11	
Whitebait stands	Ngāti Mutunga considers whitebait to be a taonga species and seek to preserve our ability to fish for them. We are concerned about whitebait depletion, the impact of more intensive fishing on stocks and lack of monitoring and enforcement of current regulations. One way of fulfilling our kaitiaki duty in relation to this important mahinga kai resource is to be involved in decision making around fishing methods.
All discharges to water – both direct and indirect	Any discharge to water will harm its mauri and wairua and is likely to have a detrimental effect on mahinga kai or spiritual uses of water. Ngāti Mutunga must be able to participate in consenting for these activities in order to provide for our cultural and spiritual values
Quarries, drilling and mines	As these activities involve earth disturbance Ngāti Mutunga must be involved in decision making so that we can protect wāhi tapu, sites of significance artefacts and kōiwi
Discharges to air	Any discharge to air may harm its mauri and wairua, and therefore our communities. Ngāti Mutunga must be able to participate in consenting for these activities in order to provide for our cultural and spiritual values
Establishment of Aquaculture Management Areas and marine farms	Our tūpuna knew and named many places in the sea, especially those associated with fishing. We must be involved in decision making for these activities so that we are able to protect important cultural sites associated with the sea and protect spawning or breeding grounds off the coast. Ngāti Mutunga are also entitled to 20% of any space available for marine farming, so must be involved in the establishment of Aquaculture Management Areas
Boatsheds, slipways, jetties and other infrastructure in the coastal area	The Crown has acknowledged the relationship between Ngāti Mutunga and the coast in our rohe. We must be involved in all applications to erect structures on the foreshore in order to provide for our cultural and spiritual values
Subdivision	Subdivision and associated activities must be carefully managed to avoid adverse effects on wāhi tapu, sites of significance, Artefacts and kōiwi. Ngāti Mutunga must be involved in decision making for all applications for subdivision so that we can protect wāhi tapu, sites of significance artefacts and kōiwi
Taking surface or ground water	Any taking of ground water or water from rivers will impact directly on Statutory Acknowledgement areas. Ngāti Mutunga must be involved in all such applications so that we can protect our cultural and spiritual values. Ngāti Mutunga consider that we own rivers.
Septic tanks	The discharge of human waste to water is culturally offensive to Ngāti Mutunga. Any discharge from septic tanks is likely to impact directly on the quality of water in Statutory Acknowledgement areas. Ngāti Mutunga must be involved in decision making for all applications relating to septic tanks so that we can make sure the tank will not contaminate rivers or the sea

CULTURAL IMPACT ASSESSMENTS

A Cultural Impact Assessment (CIA) is a report documenting Māori cultural values, interests and associations with an area or a resource, and the potential impacts of a proposed activity on these. A CIA should be regarded as technical advice, much like any other technical report such as ecological or hydrological assessments.

CIA can be requested by council, applicants or iwi groups.

A Cultural Impact Assessment (CIA) can:

- identify the effects of a proposed activity on tangata whenua cultural associations with the environment
- identify or assist identification and formulation of methods to avoid, remedy or mitigate adverse effects on cultural values and associations
- suggest what conditions of consent could be applied if consent is granted
- provide Te Rūnanga o Ngāti Mutunga with comprehensive information about and improved understanding of the proposed activity
- assist both the applicant and the consent authority in decision-making under the RMA³⁸

Benefits of a Cultural Impact Assessment (CIA) can include:

- agreement between tangata whenua and the applicant on how to avoid, remedy or mitigate any relevant potential adverse effects of the application on tangata whenua
- increased certainty and understanding of effects on cultural values and reduced risk of unintentional or unexpected effects from consented activities
- improved relationships and communication routes that facilitate more effective future contact and outcomes for all parties
- formal relationship agreements between tangata whenua and applicants
- proposed consent conditions should the application be approved
- incorporation of the relevant matters in Part II of the Resource Management Act into resource consent decision making
- encouraging active participation of tangata whenua in resource management and improving the representation of the interests of tangata whenua
- improved tangata whenua understanding of the proposal
- local authorities fostering the development of Māori capacity to contribute to decision-making processes under the Local Government Act 2002
- local authorities satisfying consultation requirements under the Local Government Act 2002
- increased public awareness of the relationship of Māori with natural and physical resources and the importance of Māori as a partner in the resource management process
- better environmental outcomes³⁹.

³⁸ Quality Planning: What is a Cultural Impact Assessment and FAQ about Cultural Impact Assessments:

www.qualityplanning.org.nz/node/990: www.qualityplanning.org.nz/node/991

³⁹Quality Planning: What is a Cultural Impact Assessment and FAQ about Cultural Impact Assessments:

www.qualityplanning.org.nz/node/990: www.qualityplanning.org.nz/node/991

After the CIA report is provided to the applicant, the applicant should respond in writing to the recommendations contained within the report. This response should identify how the recommendations will be accommodated and/or where this is not possible.

The applicant's assessment of effects on the environment should include the applicant's response to the CIA, including any negotiated outcomes after receiving the CIA report.

Councils, as the consent authorities, should take the issues reported and any agreements reached between the parties and any recommendations into account in assessing the Assessment of Environmental Effects (AEE) and the application for resource consent. The outcomes from the CIA should be reflected in the conditions of consent if granted.

We encourage councils to adopt CIA's as a tool to provide for tangata whenua input into decision making processes.

STATUTORY ACKNOWLEDGEMENTS

Statutory Acknowledgements should be described in planning documents and we encourage councils to include them on planning maps too. Ngāti Mutunga recommends that maps should be supplemented with information on the purpose of and obligations arising from the Statutory Acknowledgements. A copy of Statutory Acknowledgements is included as **Appendix 11**.

TRANSFER OF POWERS

Section 33 of the Resource Management Act 1991 enables local authorities to transfer any of their functions, powers or duties under the act to another public authority. Ngāti Mutunga encourages councils to work with us to identify opportunities for transfers of powers.

JOINT MANAGEMENT

Section 36B of the Resource Management Act 1991 enables councils to enter into joint management agreements with iwi authorities.

Benefits of joint management arrangement could include -

- working together to achieve common goals
- sharing ideas on project development
- providing for Ngāti Mutunga participation at all levels - governance, management and operational
- ensuring that the Māori world view is provided for in council processes and programmes

Ngāti Mutunga welcomes opportunities to identify opportunities for joint management.

MANA WHAKAHONO O ROHE

Mana Whakahono o rohe is an Iwi Participation Arrangement as provided for by [Sections 58L to 58U of the RMA](#) [New Zealand Legislation website] which came into force on 19 April 2017.

The aim of these agreements is to increase iwi/hāpu involvement in the Resource Management Act and to improve the working relationships between iwi/hāpu and Councils

Te Rūnanga o Ngāti Mutunga, along with several other iwi in Taranaki, is currently in discussions with the New Plymouth District Council, Stratford District Council, South Taranaki District Council and the Taranaki Regional Council to complete a template for this agreement that can be adopted by all Taranaki Iwi who wish to participate in this process.

We are aiming at using this template with the addition of Ngāti Mutunga specific requirements to have agreements with NPDC and TRC in place by the end of this year.

This work is being funded by the Councils involved and facilitated by Tina Porou from Te Poipoi consultancy.

PLAN REVIEW AND MONITORING

This plan is a living document. Ngāti Mutunga will review and amend this plan as required in order to provide for changing environmental issues or management regimes. Ngāti Mutunga intend to review this plan at least every 5 years. We will notify relevant agencies of proposed reviews and provide update copies of the plan if it is amended.

Monitoring the state of the environment and effectiveness of this plan are essential in order to carry out a well-informed review. Ngāti Mutunga will assess whether objectives set out in this plan are being met and work with relevant agencies to assess how successfully they have implemented the plan. Ngāti Mutunga will also work with other agencies to monitor the state of the environment and develop an understanding of environmental issues as they arise.

Under the Act, all taonga tūturu found are in the first instance (prima facie) Crown owned. The Ministry of Culture and Heritage handle applications for any decisions on ownership which are then determined by the Māori Land Court.

The Act also incorporates the UNESCO Convention *on the means of prohibiting and preventing the illicit import, export and transfer of ownership of cultural property* and the UNIDROIT Convention *on stolen or illegally exported cultural objects*. These are international agreements written by United Nations groups. The incorporation of these conventions allows New Zealand to recover protected objects that have been illegally exported. They also allow other countries who have signed the conventions to recover their protected objects which have been illegally exported to New Zealand.