

BEFORE THE HORIZONS (MANAWATU – WANGANUI) REGIONAL COUNCIL

**IN THE
MATTER OF**

The Resource
Management Act 1991
("the Act")

AND

**IN THE
MATTER OF**

Proposed One Plan
notified by the Horizons
(Manawatu – Wanganui)
Regional Council.



**STATEMENT OF TE KENEHI TEIRA IN SUPPORT OF
THE NEW ZEALAND HISTORIC PLACES TRUST/POUHERE TAONGA SUBMISSION TO
PROPOSED ONE PLAN NOTIFIED BY THE HORIZONS (MANAWATU – WANGANUI) REGIONAL
COUNCIL**

11 July 2008

Introduction

1. My name is Te Kenehi Teira. I am employed the Kaihautu for the New Zealand Historic Places Trust/Pouhere Taonga (NZHPT). I hold a Bachelor of Maori and Administration degree from Te Wananga o Raukawa.
2. Today I am presenting Maori Heritage evidence in support of the NZHPT's submission on the Horizons Regional Council's proposed One Plan (OP).
3. I have read and heard about some material that has been produced by Council on the overall plan and the Historic Heritage provisions of the proposed OP. I attended a pre-hearing session with other submitters to discuss the proposed OP.
4. I have read the Environment Court's practice note Expert Witnesses – Code of Conduct and I agree to comply with it.

The purpose of my evidence

5. The main purpose of my evidence is to highlight that Maori heritage is not only the prerogative of whanau, hapu and iwi but also Crown agencies because the principles of the Treaty of Waitangi apply to the work of the Council.
6. To illustrate this point, my evidence will cover how Maori Historic heritage, sits in the context of the Historic Places Act 1993 (HPA) and the role of the Regional Council under the Resource Management Act 1991 (RMA), in providing for the protection of Maori Historic Heritage.

Role of the New Zealand Historic Places Trust

7. The NZHPT is the lead historic heritage agency in New Zealand and is responsible for the administration of the HPA. The purpose of the HPA is to promote the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. The NZHPT is directed by an independent Board and Maori Heritage Council. The functions of the Maori Heritage Council includes advocating for the identification and conservation of Maori heritage places, assisting iwi, hapu and whanau conserve historic heritage, and considering and determining proposals for the registration of wahi tapu and wahi tapu areas.

8. Wahi tapu, under the HPA, are places sacred to Maori in the traditional, spiritual, religious, ritual or mythological sense. A wahi tapu area contains 1 or more wahi tapu. The Maori Heritage Council registers wahi tapu and wahi tapu areas in line with the procedures of Part 2 of the Act. The Maori Heritage Council can issue recommendations to local authorities for the conservation of wahi tapu areas in relation to resource consent applications (section 33 of the HPA). Maori heritage values are also relevant for many registered historic places and historic areas.
9. As with other NZHPT registered places and areas, registration alone by the NZHPT does not provide protection. Protection can only be achieved if the place is listed in a regional or district plan under the RMA or if the place is an archaeological site defined under the HPA. The NZHPT, therefore, can identify Maori heritage by registration, but relies on regional and district plans for protection.

Maori historic heritage under the RMA

10. All local authorities must promote the sustainable management of natural and physical resources under the RMA. In promoting sustainable management, local authorities shall recognise and provide for matters of national importance, including the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga (section 6(e), RMA); protection of historic heritage from inappropriate subdivision, use and development (section 6(f), RMA), and the protection of recognised customary activities (section 6(g) RMA). In addition, all local authorities shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi, section 8, RMA).
11. Maori historic heritage comprises of a full range of places: mountains, lakes, rivers, lakes, marae, archaeological sites, the coast. The NZHPT's submission includes examples of a few places of significance to Maori in the region such as Lake Papaitaonga, Mt Ruapehu (Tongariro), Te Porere Redoubt, Lake Horowhenua, Te Awahou Wahi Tapu, and Waiu Pa, Waiouru.
12. The RMA enables Regional Council's to provide for Maori historic heritage in their plans in a number of ways:
 - Objectives, policies, and methods in the RPS.
 - Objectives and policies in relation the protection of regional landscapes that have historic heritage value, including value to Maori.

- Managing the effects of activities controlled by the Regional Council through a Regional Plan.
- Providing for the management of natural and physical resources, including resources of Maori value in the Coastal Marine Area, through the Regional Coastal Plan.
- When preparing or changing their plans to have regard to any relevant entry in the Historic Places Register as a matter to be considered when preparing a regional policy statement, regional plan and coastal plan under section 61(2)(a)(iia) and 66(2)(c)(iia).
- Take into consideration iwi management plans when preparing a regional policy statement and a regional plan which would include issues related to the management of Maori historic heritage under section 61(2A)(a) and 66(2A)(a).

Regional Policy Statement and Maori Historic Heritage

13. It is important that the RPS provides direction for territorial authorities in the listing of places and areas of significance to Maori. As will be stated in other NZHPT evidence, few district plans in the region provide adequate recognition of Maori historic heritage. In fact, many district plans include no Maori heritage schedule and no protective rules. For example, many historic places, wahi tapu and wahi tapu areas registered by the NZHPT are not listed in district plans and are therefore not protected. This situation cannot continue and leads to the loss of places and areas of significance to Maori.
14. Maori heritage is a matter of national significance under both section 6(e) and 6(f) of the RMA. Many local authorities now have ongoing relationships with tangata whenua and the NZHPT expects that recognition of Maori historic heritage is a key outcome of those relationships.
15. The schedule of the proposed OP of regionally significant landscapes also has inadequate recognition of Maori historic heritage. Maori heritage values are a critical aspect of landscape values. The proposed OP schedule fails, for example, to recognise the values of Tongariro National Park and the Whanganui River in relation to Maori and the related cultural values. This schedule requires substantial research and consultation to ensure it does fairly identify all the regionally significant landscapes.

Regional Plans and Maori Historic Heritage

16. Maori historic heritage can be damaged and destroyed by a wide range of activities. These might include coastal erosion, earthworks, heavy stocking, forestry and subdivision. Vegetation clearance may not only affect 'natural values' but also the cultural values of trees such as pingao, karaka and cabbage trees used for cultural harvest.
17. The drawing of ground water is a particularly important issue in districts such as Horowhenua and can adversely affect the waters relating to lakes and rivers of importance to Maori. Activities relating to the beds of streams, rivers and lakes may also affect places of importance to Maori, for example wetlands, dune lakes, submerged island lake pa, pa tuna (i.e. Putahi site near Lake Horowhenua). The following is a summary of some of the activities that can harm Maori heritage values:
- Earthworks and quarries, including construction of stopbanks.
 - Clearance of vegetation.
 - Discharges of all types.
 - Silviculture (i.e. damage to Maori heritage sites caused by logging, tree fall, tracking, planting of new trees on archaeological sites or wahi tapu).
 - Water-take, especially in regard to the impact on important water bodies.
 - New buildings and structures.
 - Activities relating to the beds of rivers, streams and lakes.
 - Reclamation.
 - Wetland-related works (i.e. may damage artefacts and taonga buried by Maori within wetlands).
 - Coastal protection works.
 - Contaminated sites remediation (i.e. Mapua remediation works, Tasman District).
 - Gravel extraction (including land-based and river gravel extraction).
18. Regional plans, therefore, must ensure that the adverse effects of these activities are managed to protect Maori heritage values. It requires more than just rules in territorial authority district plans or accidental discovery procedures for archaeological sites or koiwi. To give an example, a river in the region might contain a number of special pools used for Maori ceremonial purposes such as baptism. These pools may be considered to be wahi tapu by the tangata whenua. A gravel extraction operation could destroy those

pools and change the course of the river and its surrounding environment. Or a discharge might pollute the waters of the pool. These issues are regional plan issues and go wider than just having a procedure for discovery of archaeological sites or koiwi.

19. Regional plans, therefore, must aim towards the identification and protection of places and areas of significance to Maori, especially in relation to lakes, rivers and the coast. Places such as Lake Papaitonga must be recognised and protected in the Regional Plan because reserving by DOC, for example, does not ensure survival since many threats come from activities such as water-take and discharges outside the DOC reserve.

Maori Coastal Historic Heritage

20. The coast is important to Maori and Maori coastal heritage must be identified and protected. Places of cultural significance to Maori in the coastal environment can include registered wahi tapu and wahi tapu areas, natural landforms such as reefs, rocks, and other parts of the shoreline that are of traditional importance (e.g. tauranga waka), as well as places with evidence of past habitation such as archaeological sites.
21. Under the RMA the Regional Council is the sole authority (in conjunction with DOC) for the management of natural and physical resources located in the Coastal Marine Area. (CMA), which includes Maori coastal historic heritage. The RMA requires there to be at all times a Regional Coastal Plan (RCP) for a region¹. This enables Regional Council's to develop a regulatory framework to identify and protect coastal Maori historic heritage. This document also must give effect to the New Zealand Coastal Policy statement which contains policies in relation to the identification and protection Maori values of the Coastal Environment². These are summarised in Attachment 1 to this evidence. Given the responsibilities required of the Regional Council, the proposed OP must provide for the identification and protection of Maori Coastal Historic Heritage in the CMA.
22. I understand that Council has acknowledged this gap in the Regional Coastal Plan and is considering the preparation of a coastal historic heritage inventory. This will be welcomed by the NZHPT and we can provide advice and assistance as necessary. It is very important that the schedule includes Maori historic heritage in the coast.

¹ Sec 63 RMA

² Sec 67(3)

Conclusion

23. The proposed OP needs to identify and protect Maori heritage values so to ensure active protection of Maori heritage or taonga. This is a requirement of Council that comes from being a partner to the principles of the Treaty of Waitangi.

Dated this 11th day of July 2008

Te Kenehi Teira

Kaihautu

New Zealand Historic Places Trust / Pouhere Taonga

National Office

Attachment 1: NZCPS Policies in relation to the Maori Values of the Coastal Environment.

- § As a general principle (No.8, p 3), cultural, historical, spiritual, amenity and intrinsic values are the heritage of future generations and damage to these values is often irreversible. Also (No. 9), the tangata whenua are the kaitiaki of the coastal environment.
- § Policy 1.1.3. It is a national priority to protect characteristics of special spiritual, historical or cultural significance to Maori identified in accordance with tikanga Maori and significant places or areas of historic and cultural significance.
- § Policy 2.1.1. Provision should be made for the identification of the characteristics of the coastal environment of special value to the tangata whenua in accordance with tikanga Maori.
- § Policy 3.1.2. Policy statements and plans should identify (in the coastal environment) those scenic, recreational and historic area, areas of spiritual or cultural significance, and those scientific and landscape features, which are important to the region or district and which should therefore be given special protection; and that policy statements and plans should give them appropriate protection.
- § Policy 4.2.1. Recognition and facilitate the special relationship between the Crown and the tangata whenua as established by the Treaty of Waitangi.