

SmartGrowth Strategy 2023–2073

ISSUES AND OPTIONS PAPER

Tāngata Whenua

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Topic	Section 2: Tāngata Whenua
Issues	<ol style="list-style-type: none"> 1. Partnership and Participation within SmartGrowth 2. Enabling the Marae as Centres approach 3. Recognition of co-governance partnerships & documents

Staff Narrative

It is important to highlight that matters of significance to tāngata whenua are not limited to this particular section of the Strategy. Topic specific matters such as housing and papakāinga, freshwater and values are covered in other Issues and Options Papers.

Overview of feedback received

Tāngata whenua have submitted on a broad range of issues that overlap with other SmartGrowth topics and chapters including Housing, Te Taiao, Climate resilience, Rural, Future Development Strategy and General matters.

5 of the 10 iwi, hapū and Māori Land Trust entities presented their submissions during the hearings.

Issue 1: Partnership and Participation within SmartGrowth

Several of submissions highlighted key tāngata whenua matters relating to Partnership and Participation in relation to the draft Strategy and engagement with SmartGrowth as a whole:

- a) The voice and cultural identity of tāngata whenua are essential within SmartGrowth.
- b) Concerns about the adequacy of tāngata whenua consultation on the draft Strategy.
- c) Tāngata whenua confirm the importance of seeking the balance between protection and development within their traditional rohe (area), whenua Māori (land), marae and papakāinga, the effects on te taiao (environment), climate resilience, wai Māori (freshwater), as well as heritage identity and management.
- d) Capacity to respond to tāngata whenua future growth management needs and aspirations are limited within hapū and iwi to participate in a meaningful way on the draft Strategy, let alone within SmartGrowth.
- e) Engagement fatigue is a very real issue facing hapū and Māori land trust representatives.
- f) Lack of effective engagement with tāngata whenua outside of the Combined Tāngata Whenua Forum (CTWF).

- g) Importance of supporting capacity and capability building within tāngata whenua to ensure that Strategy implementation is successful and long-lasting.

At the hearing, a number of submitters acknowledged the efforts of Tū Pakari advisors to support tāngata whenua engagement on the draft Strategy.

Given the recent changes in government priorities, it is anticipated that CTWF members will want to discuss ways to ensure Treaty based partnership models are explored and discussed within SmartGrowth. This will need to be carefully guided by Tū Pakari advisors and specialist staff/teams within Councils and Central Government Agencies.

Issue 2: Enabling the Marae as Centres approach

A number of submissions supported the Marae as Centres approach as it:

- recognises the role and importance of marae as a central focal point for whānau members and the surrounding community as a place of gathering or refuge for community meetings, events and civil defence emergencies.
- enables the co-location of papakāinga, kohanga reo (early childhood facilities) and hauora (health care) facilities for communities that need it the most.
- enables resilience planning for those marae that are located in coastal areas and/or areas prone to flooding.
- empowers and uplifts hapū, marae communities and their whānau through mana motuhake (self-determination) and resilience building.

However, this programme needs to be adequately funded and coordinated. Opportunities should also be pursued to build tāngata whenua capacity and capability so that the programme results in positive, tangible and long-lasting outcomes for all involved.

One submitter suggested that marae need to be specifically provided for within new development areas.

Issue 3: Recognition of co-governance partnerships, documents and Treaty settlement outcomes

Recent feedback from Te Maru o Kaituna River Authority

Te Maru o Kaituna River Authority (TMOK) is a co-governance partnership, established by the Tapuika Claims Settlement Act 2013, to safeguard and enhance the health and wellbeing of the Kaituna River. It is a permanent joint committee, comprising representatives from five Kaituna River Iwi and four local authorities.

Concerns were raised at the recent TMOK meeting (23 February) regarding the Wairākei South proposal and SmartGrowth. Of specific relevance are concerns about the lack of visibility of TMOK and their statutory document (Kaituna River Document) within the draft Strategy.

Treaty Settlement context

Appendix 1 to this paper provides context relating to treaty settlements and co-governance partnerships within this sub-region.

Treaty settlement outcomes

Each treaty settlement comprises four components:

- Historical acknowledgement and Crown apology
- Cultural redress
- Commercial redress
- Financial redress

Cultural redress recognises the historical, traditional, spiritual and cultural significance of sites and or areas to the claimant group. This can be in the form of statutory acknowledgements (which impact statutory plans and resource consents processes); changes in name places; vesting of Crown reserve land to iwi for cultural use as well as the establishment of co-governance partnerships like TMOK.

Financial and commercial redress is intended to enable long term social and economic wellbeing for the claimant iwi, which includes the ability to purchase ex-Crown properties and forest sites. This presents opportunities for investment and collaboration with iwi as well as development or intensification of housing on these redress sites.

References within the draft Strategy to treaty settlement outcomes

Treaty settlement outcomes are acknowledged only in relation to commercial redress (Issue 7, Section 2). Cultural redress outcomes, which includes co-governance entities, are not referenced within the draft Strategy.

Within the Te Taiao Chapter, the Kaituna River Document is shown on Map 8: Protecting and Enhancing Key Areas (p89) but not referenced within Figure 2: Connections to existing work programmes (pg 82).

All statutory acknowledgements within the Kaituna River Catchment are shown in Map 3 (pg 64) but not within Map 9: Marine Natural and Cultural Areas (p90).

Options Overview

Issue 1: Partnerships and Participation within SmartGrowth

No specific content changes are suggested for the Strategy. Nevertheless, the hearing panel will need to consider the extent to which strategy implementation and wider systems and processes within SmartGrowth ensure a meaningful partnership with, and active participation by, tāngata whenua.

Option 1A
(recommended)

Note the submissions and make no changes to Strategy content. Nevertheless, review and improve the way the SmartGrowth partners work with hapū, marae, iwi and Māori communities to achieve SmartGrowth outcomes.

	<p>Work with the CTWF (and their respective hapū and iwi) to identify improvements within SmartGrowth systems and processes to:</p> <ol style="list-style-type: none"> Ensure the voice of tāngata whenua is heard within SmartGrowth. Ensure a meaningful partnership with tāngata whenua. Improve communication and engagement with tāngata whenua on SmartGrowth projects and decisions. Empower hapū and iwi to be more actively involved with SmartGrowth projects, particularly the Marae as Centres Programme. Build tāngata whenua capacity and capability. <p>This option does not suggest that SmartGrowth overhauls its systems and processes to improve Tāngata Whenua partnership and participation. An iterative and adaptive approach is needed given the dynamic nature of the political climate along with the relationships within and between SmartGrowth partners.</p> <p>This Option will be guided by the CTWF as well as Council Kaupapa Māori staff and partner forums.</p>
Option 1B	<p>Note the submissions. In addition, make no changes to Strategy content or way of working with tāngata whenua.</p> <p>Continue SmartGrowth engagement through the CTWF and, where needed, wider community consultation processes. Utilise existing Council Forums for specific projects, where appropriate.</p>
<p>Issue 2: Enabling the Marae as Centres approach</p> <p>No specific content changes are suggested for the Strategy. Nevertheless, the hearing panel will need to consider the extent to which the implementation and funding plan supports and empowers hapū, iwi and Māori land trusts to be actively involved (or leading) parts of the Marae as Centres Programme.</p>	
Option 2A (recommended)	<p>Note the submissions and make no changes to Strategy content. Nevertheless, include action(s) in the funding and implementation plan relating to future support and resourcing of tāngata whenua in the Marae as Centres programme.</p>
<p>Issue 3: Recognition of co-governance partnerships, documents and Treaty settlement outcomes</p>	
Option 3A (recommended)	<p>Note the feedback and make three changes to Strategy content.</p> <ol style="list-style-type: none"> Add new Challenge 8 on p63 to recognise cultural redress outcomes, as follows:

	<p><i>"8. Recognition of cultural redress outcomes of treaty settlements.</i></p> <p><i>Cultural redress within a treaty settlement is intended to recognise the traditional, historical, and spiritual association of iwi with places and sites. The form of this redress can include (but is not limited to):</i></p> <ul style="list-style-type: none"> • <i>Co-governance of natural resources (e.g., Te Maru o Kaituna River Authority, Nga Poutirao o Mauao).</i> • <i>Statutory documents resulting from co-governance.</i> • <i>Statutory Acknowledgement Areas.</i> • <i>Return of land or sites (e.g. Crown reserves and reserve strips).</i> • <i>Protocol agreements with Crown Agencies.</i> • <i>Place name changes.</i> <p><i>It will be essential that SmartGrowth is mindful of these arrangements to ensure that land development does not undermine the intent and integrity of the settlement."</i></p> <p>2. Amend Figure 2 on p82 as follows:</p> <ul style="list-style-type: none"> • Update the documents list to include the Kaituna River Document, Kaituna Action Plan, Mauao Historic Reserve Management Plan and Nga Tai ki Mauao (pending). • Change the label in the circle from "Co-governance river documents" to "Co-governance documents". • Change title from "Te Taiao - our environment connections to existing work programmes" to "Te Taiao - Our Environment and connections to existing work programmes, strategies and plans ". <p>3. Amend Map 9 on p64 to include Statutory Acknowledgement Areas.</p>
Option 3B	Note the feedback and make no changes to Strategy content

Issue 1: Partnerships and Participation within SmartGrowth

Option 1A (recommended): Note the submissions and make no changes to Strategy content. Nevertheless, review and improve the way the SmartGrowth partners work with hapū, marae, Iwi and Māori communities to achieve SmartGrowth outcomes. The method of review will be guided by the CTWF as well as Council Kaupapa Māori staff and partner forums.

Advantages

- Addresses the matters within submissions.
- Improved view and perception of SmartGrowth.
- Potential increase in engagement of hapū and Iwi with the CTWF and SmartGrowth projects.

Disadvantages

- Capacity of already-stretched Tū Pakari team to coordinate discussions (outlined below) and identified recommended improvements.
- Diverted focus and attention from Strategy implementation (e.g. Marae as Centres Programme).

Financial implications

There is no specific budget to review and improve the way of working within SmartGrowth.

Other considerations: The first CTWF meeting of the year is scheduled for 26 February 2024. This meeting will include focused discussion on strategic direction; work plan for the year and ways to connect better with hapū, marae and Māori land trusts. Time will be set aside at this workshop for further discussion on the matters outlined within this paper.

SmartGrowth to consider providing more interactive, useable, and accessible online mapping tools. This would help to better inform tāngata whenua engagement and support the Marae as Centres programme.

Issue 1: Partnerships and Participation within SmartGrowth

Option 1B: Note the submissions. In addition, make no changes to Strategy content or way of working with tāngata whenua.

Advantages

- Systems and processes already in place.

Disadvantages

- Submissions highlight that this option does not adequately ensure meaningful partnership and participation of tāngata whenua within SmartGrowth.
- Increase in frustration of hapū and Iwi with SmartGrowth.

	<ul style="list-style-type: none"> • Increase in dis-engagement of hapū and Iwi from CTWF and SmartGrowth projects. • Potential risk of submissions or appeals for SmartGrowth projects that require a plan change or resource consent.
Financial implications	
No implications to existing budget.	
Other considerations: It is worth noting that irrespective of efforts made within SmartGrowth to improve Partnership and Participation, some former CTWF members may prefer to work directly with SmartGrowth partners (or via Council Partnership Forums) to progress their aspirations.	

Issue 2: Enabling the Marae as Centres approach

Option 2A (recommended): Note the submissions and make a minor changes to Transformational Shift 2 within the Strategy (in bold):

02. Marae as Centres and Opportunities for Whenua Māori

Marae as cultural, social, and economic centres, activating the affordable development of housing on whenua Māori and opportunities for papakāinga (housing, education, social, hauora facilities). **This bottom-up, marae community-driven approach supports mana whenua practice and exercise of “ahi ka / ahikāroa” being the occupation of the whenua in a new and evolving context. Such an approach not only strengthens marae communities at the grassroots level but also empowers them to actively shape the development and decisions that impact their whenua, fostering self-determination and resilience for present and future generations.**

In addition, include action(s) in the funding and implementation plan relating to future support and resourcing of tāngata whenua in the Marae as Centres programme. Implementation will need to be guided by the CTWF as well as Council Kaupapa Māori staff and partner forums. This will build on existing work and ensures that initiatives are adequately phased, resourced and supported.

Advantages

- Addresses the matters within submissions, particularly regarding marae/hapū resilience building and self-determination.
- Increase in engagement of hapū and Iwi with the CTWF and SmartGrowth projects.
- Greater chance of success for the Marae as Centres programme.

Disadvantages

- Financial implication.

Financial implications

To be addressed in the Funding and Implementation Plan.

Other considerations: Other external funding sources should also be explored.

Issue 3: Recognition of co-governance partnerships, documents and Treaty settlement outcomes

Option 3A: Note the feedback and make three changes to Strategy content:

- Add new Challenge 8 on p63 to recognise cultural redress outcomes, as follows:
- Amend Figure 2 on p82 as follows:
- Amend Map 9 on p64 to include Statutory Acknowledgement Areas.

Advantages

- Addresses the concerns of TMOK.
 - Acknowledges cultural redress outcomes of all hapū and iwi in Appendix 1.
- Acknowledges all other co-governance partnerships and documents.

Disadvantages

- Nil

Financial implications

No implications to existing budget.

Other considerations:

1. Cultural redress outcomes, such as statutory acknowledgements and co-governance partnerships, already involve SmartGrowth local authority partners or processes such as resource consents and plan development. The recommended amendments ensure due recognition is given within the Strategy.
2. Ron Hooper, Te Arawhiti – Office for Crown Relations has reviewed the wording for new Challenge 8:

"I think the suggestion of adding the cultural redress outcomes statement is to ensure any land development is cognisant of both the commercial and cultural implications of Treaty settlements – to leave it as just commercial risks mistakes and omissions that could undermine Treaty settlements. It sounds like a good suggestion to add this further protection."

Issue 3: Recognition of co-governance partnerships, documents and Treaty settlement outcomes	
Option 3B: Note the feedback and make no change to Strategy content.	
<p>Advantages</p> <ul style="list-style-type: none"> • Nil 	<p>Disadvantages</p> <ul style="list-style-type: none"> • Could undermine the intent, integrity and effect of treaty settlements (refer above comment from Te Arawhiti). • Does not address the concerns of TMOK. • Does not acknowledge cultural redress outcomes of all hapū and iwi in Appendix 1. • Does not acknowledges all other co-governance partnerships and documents within the sub-region.
Financial implications	
No implications to existing budget.	

Recommended Decisions

Issue 1: Partnerships and Participation within SmartGrowth

Option 1A: Note the submissions and make no changes to Strategy content. Nevertheless, review and improve way of working within SmartGrowth.

Issue 2: Enabling the Marae as Centres approach

Option 2A: Option 2A: Note the submissions and make a minor change to Transformational Shift 2 within the Strategy. In addition, include action(s) in the funding and implementation plan relating to future support and resourcing of tāngata whenua in the Marae as Centres programme.

Issue 3: Recognition of co-governance partnerships, documents and Treaty settlement outcomes

Option 3A: Note the feedback and make three changes to Strategy content:

- Add new Challenge 8 on p63 to recognise cultural redress outcomes, as follows:
- Amend Figure 2 on p82 as follows:
- Amend Map 9 on p64 to include Statutory Acknowledgement Areas.
- Amend challenge 7 page 63 of the draft SmartGrowth Strategy to replace “are not hampered by” to “are taken into account”.

Decision

Issue 1: Partnerships and Participation within SmartGrowth

Option 1A: Note the submissions and make no changes to Strategy content. Nevertheless, review and improve way of working within SmartGrowth.

Issue 2: Enabling the Marae as Centres approach

Option 2A: Note the submissions and make a minor change to Transformational Shift 2 within the Strategy. In addition, include action(s) in the funding and implementation plan relating to future support and resourcing of tāngata whenua in the Marae as Centres programme.

Issue 3: Recognition of co-governance partnerships, documents and Treaty settlement outcomes

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- Add new Challenge 8 on p63 to recognise cultural redress outcomes, as follows:

“8. Recognition of cultural redress outcomes of treaty settlements.

Cultural redress within a treaty settlement is intended to recognise the traditional, historical, and spiritual association of iwi with places and sites. The form of this redress can include (but is not limited to):

- *Co-governance of natural resources (e.g., Te Maru o Kaituna River Authority, Nga Poutirao o Mauao).*
- *Statutory documents resulting from co-governance.*
- *Statutory Acknowledgement Areas.*
- *Return of land or sites (e.g. Crown reserves and reserve strips).*
- *Protocol agreements with Crown Agencies.*
- *Place name changes.*

It will be essential that SmartGrowth is mindful of these arrangements to ensure that land development does not undermine the intent and integrity of the settlement."

4. Amend Figure 2 on p82 as follows:
 - Update the documents list to include the Kaituna River Document, Kaituna Action Plan, Mauao Historic Reserve Management Plan and Nga Tai ki Mauao (pending).
 - Change the label in the circle from "Co-governance river documents" to "Co-governance documents".
 - Change title from "Te Taiao - our environment connections to existing work programmes" to "Te Taiao - Our Environment and connections to existing work programmes, strategies and plans".
5. Amend Map 9 on p64 to include Statutory Acknowledgement Areas.
6. Amend challenge 7 page 63 of the draft SmartGrowth Strategy to replace "are not hampered by" to "are taken into account".

Reason

Options 1A and 2A

- Addresses the concerns raised in the submissions and result in actions that demonstrate a meaningful commitment to tāngata whenua as partners to SmartGrowth.
- Improved view and perception of SmartGrowth.
- Increase in engagement of hapū and lwi with the CTWF and SmartGrowth projects.
- Greater chance of success for the Marae as Centres programme.

In both cases, implementation will be guided by the CTWF as well as Council Kaupapa Māori staff and partner forums. This will build on existing work, at a local or marae level, and ensure that initiatives are adequately phased, resourced and supported.

Option 3A ensures that due recognition is given to treaty settlements in their entirety, not just commercial redress outcomes.

Date approved:

Approved by:

Appendix I Context about Treaty Settlements

Treaty settlements within the sub-region

Within this sub-region, hapu and Iwi are at various stages of the settlement process:

Grouping	Stage		
	Terms of Agreement signed / Negotiation underway	Awaiting settlement legislation	Settlement legislation in place
Tauranga Moana			
Ngāti Pukenga			2017
Ngāti Ranginui		Awaiting second reading in parliament	-
Ngāi Te Rangi			-
Tauranga Moana Iwi Collective (TMIC)			-
Tauranga Moana Framework		Yet to commence	-
Te Arawa			
Affiliate Te Arawa Iwi and Hapū			2008
Ngāti Makino			2012
Waitaha a Hei			2013
Tapuika			2014
Ngāti Rangiwewehi			2014
Ngāti Whakaue		-	-

Three co-governance partnerships are currently in place within the sub-region:

Co-governance partnership	Partnership Document(s)
Ngā Poutiriao ō Mauao / Mauao Joint Administration Board	Mauao Historic Reserve Management Plan 2018
Te Maru o Kaituna River Authority	Kaituna River Document (Kaituna, he taonga tuku iho) 2018 Kaituna Action Plan (Te Tini a Tuna) 2019
Tauranga Moana Advisory Group (until the Tauranga Moana Governance Group is in place)	Nga Tai ki Mauao (once Tauranga Moana Governance Group is in place)

Information relating to individual settlements can be found on the Te Arawhiti (Office for Maori Crown Relations) website:

<https://www.tearawhiti.govt.nz/te-kahui-whakatau-treaty-settlements/find-a-treaty-settlement/>

Additional References

1. The RPS section 1.5.3 Lists those settled Iwi who have settled their historical Treaty of Waitangi Claims with the Crown in the BOP region by date and the number of statutory acknowledgements to 2022.
<https://www.boprc.govt.nz/your-council/working-with-iwi/statutory-acknowledgements>
2. Toi Moana also has this new Treaty co-governance list for the RPS

"A new and separate Treaty Co-Governance Compendium (PDF 8.15MB)
contains Treaty Co-Governance documents to provide context for the RPS.
Link: <https://atlas.boprc.govt.nz/api/v1/edms/document/A4295188/content>