

<b>PART 4      PARTNERSHIP WITH TANGATA WHENUA</b>
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The District Council has legal obligations with respect to Tangata Whenua when managing the natural and physical resources of the District. These obligations are set out in the Resource Management Act 1991 as follows:

- recognise and provide as a matter of national importance the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. *Section 6 (e)*
- have particular regard to Kaitiakitanga. *Section 7 (a)*
- take into account the principles of the Treaty of Waitangi. *Section 8*
- have regard to any relevant planning document recognised by an Iwi authority. *Section 74 (2) (b) (ii)*.
- the requirement to consult tangata whenua during the preparation of a proposed plan, including any proposed plan changes *First Schedule cl.(3)*

The District Council is also required under the Local Government Act 2002 to take into account the relationships of Maori, which includes tangata whenua, and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna and other taonga where a significant decision is being made in relation to those resources.

The Tangata Whenua of Franklin trace their ancestry back to the Tainui canoe that came to rest at Kawhia. Marriage and wars through the centuries gave different tribes influence over what is now called Franklin. At the time the Treaty of Waitangi was signed in 1840 three tribes dominated - Ngaati Te Ata, Ngaati Tamaoho and Ngaati Pou. No definite boundaries between the tribes existed but Ngaati Te Ata were situated roughly in the Waiuku area while Ngaati Tamaoho claimed the Patumahoe - Drury area. Ngaati Tipa occupied the south bank of the Waikato and Ngaati Pou were living at Tuakau, Pokeno and Maketu. On the Thames coast were Ngaati Paoa.

During the 1860's Franklin was in the front line of the land wars as Imperial troops battled into the Waikato to seize Maori land. Large tracts of the land in Franklin were confiscated by the Crown during these wars. This has been at the root of much of the grievances expressed by tangata whenua. The Tainui settlement with the Crown regarding land claims resolved some of these grievances.

Franklin District Council has set in place a project to review the current and future structures and processes through which their relationship with Maori are managed and options for giving effect to the Resource Management Act 1991 provisions. This review shall pursue the issues to be addressed and/or setting up of structures for building relationships, appropriate ways to work together, mandate and a range of matters to be dealt with such as ways to communicate clearly on roles, objectives and powers.

In terms of broader concerns of Tangata Whenua the District Plan addresses the following issues:

- Tinorangatiratanga (or 'self management')  
In the wider sense this is more appropriately an issue for Central Government. However the District Plan addresses matters such as Papakainga housing. In recognising the right of "self-management" the District Plan provides for papakainga housing in rural and coastal areas subject to the relevant performance standards and assessment criteria and health and building requirements.
- Kaitiaki (or 'stewardship')  
The term kaitiakitanga is defined in the Resource Management Act 1991 as: *the exercise of guardianship; and, in relation to a resource, includes the ethic of stewardship based on the nature of the resource itself.*

The sustainable management of Franklin's natural and physical resources is an issue of common concern to the Treaty partners. The Council acknowledges its responsibility to co-operate with Tangata Whenua in this matter, and aims to ensure that this Plan's objectives, policies and assessment criteria (not just those listed in this section) reflect Tangata whenua perspectives on sustainable management.

**4.1 OBJECTIVE, POLICIES AND METHODS****4.1.1 OBJECTIVE - TRADITIONAL RELATIONSHIP**

To protect the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

**Policies:**

1. Adverse effects on Tangata Whenua's ancestral lands, water, sites, waahi tapu, and other taonga and on their relationship with such should be avoided, remedied or mitigated.
2. The assessment of effects on Tangata Whenua should occur in a way that respects Maori customary values and practices.
3. Tangata Whenua should be consulted where activities have the potential to adversely affect ancestral lands, water, sites, waahi tapu, and other taonga.

**Methods:**

Involvement of Tangata Whenua in vetting resource consent applications.

Assessment of resource consent applications.

The protection of sensitive information as it relates to Tangata Whenua and only using this information in a way that is acceptable to Tangata Whenua.

Identification of sites of importance to Tangata Whenua subject to the above.

**Reasons and Explanation:**

The Council has certain obligations in terms of the Resource Management Act in managing the District's resources to ensure that Tangata Whenua's rights are recognised and provided for.

**4.1.2 OBJECTIVE CULTURAL HERITAGE**

To protect, restore and enhance the natural and cultural heritage resources of the District.

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