

# Mōtakotako Marae Hapu Management

## Providing for Kaitiakitanga

### Introduction

Prior to the arrival of non-Maori in Aotearoa, Maori people governed themselves. Decision-making and behaviour were guided by tikanga and this affected people's social, economic, cultural, and environmental well-being.

The environment sustained the people, and they sustained the environment according to the ethic and exercise of kaitiakitanga. The processes of colonisation have severely eroded the ability of tangata whenua to make decisions and exercise kaitiakitanga. Despite this however, traditional tikanga and practices of kaitiakitanga were retained, have evolved and are still observed today. It is important that future generations of tangata whenua do not inherit difficulties associated with the right to exercise kaitiakitanga.

The estates of the inhabitants of the areas now associated with Mōtakotako marae are of great significance to Ngāti Whakamarurangi and their hapū. In this document, Ngāti Whakamarunga i.e the tangata whenua have worked to develop processes that allow us to share information and work co-operatively with one another and with statutory organisations and the community. This provides clarity about who to consult, when to consult, what the consultation process is likely to include, issues of concern to us and processes to be undertaken to resolve them. Processes involve their coming together to hear about planning and consent matters relative to the estates.

### Estates

See attached map of Mōtakotako rohe/area of interest

## Key Tangata Whenua Values

This section describes how kaitiakitanga can be integrated with resource management practice to achieve better environmental management of the Mōtakotako ancestral estate.

Key values have been identified by tangata whenua include but are not limited to the following.

- The estate has been and is an important traditional mahinga mataitai, mahinga waimāori mahinga kai, waahi tapu and ahi kā roa of the tangata whenua
- Preservation of mahinga mātaimai, mahinga waimāori , mahinga kai, waahi tapu and ahi kā roa is important to us
- Historical events of great significance to tangata whenua have occurred on the estate

- The estate in its entirety as a landscape is a taonga
- We view the estate as a connected and interrelated environment each part dependant and connected inextricably to the other parts
- Waahi tapu located in and around the estate are important to tangata whenua and are a connected landscape element
- Important traditional customary practices are observed and taught on the estate
- Maintenance and enhancement of the mauri of resources on the estate is important
- The estate includes areas of customary and recreational fishery and moana related activities
- The maintenance and enhancement of traditional Maori relationships with the estate is important to tangata whenua
- Tangata whenua support the retention of the existing natural character of the estate and the rehabilitation of areas where it has been degraded
- Observation of rahui and other traditional methods of kaitiakitanga are supported by tangata whenua

These key values have been considered in the development of recommended actions, which appear at the end of this section.

## Key Tangata Whenua Issues

Tangata whenua have identified the following issues relevant to the estate:

- Sedimentation of Aotea Harbour is adversely affecting aquatic ecosystems
- Pollution from septic tanks and farm effluent is entering Aotea Harbour
- Stock access to waterways, including the harbour fringes, has adverse effects on water quality and riparian vegetation
- Structures are being placed in locations that adversely affect natural character and amenity values and are viewed as inappropriate
- The landscape and natural character of the estate is adversely affected by inappropriate developments like multiple sites and dwellings, large buildings, inappropriate (i.e. out of character) dwellings and tall structures
- Development causes light pollution that adversely affects the ability of people to see the stars in the night sky
- Pa and other significant places are being adversely affected by tracks, driveways and buildings
- Engaging in consultation and other processes can create a financial burden for tangata whenua
- The ability of tangata whenua to access traditional areas and/or effectively carry out kaitiaki duties can be affected by inappropriate development (includes loss of traditional place names)
- The mauri of water is being degraded by the activities of humans and this impacts on tangata whenua well-being
- Lack of appropriate controls on earthworks results in effects on water quality
- Lack of appropriate controls on vegetation clearance degrades the environment and our well being
- Loss of kaimoana has an adverse effect on our well-being.
- There is a distinct lack of cultural values and landscape assessments that address tangata whenua values and interests.

# The Ethic of Kaitiakitanga

Kaitiakitanga is a duty inherited by tangata whenua people who act in accordance with their tikanga (principles) and kawa (practices, protocols and behaviours).

Kaitiakitanga is inextricably linked to tino rangatiratanga and embraces a diverse set of practices, designed to achieve sustainable management of resources.

The root word is tiaki, which includes the ideas and principles of:

- Guardianship
- Care
- Wise management, and;
- Resource indicators, i.e. where resources themselves indicate the state of their own mauri.

The prefix kai denotes the agent by which 'tiaki' is performed. 'Kaitiaki' are therefore a person or agent (not necessarily human) that performs tasks of guardianship.

Addition of the suffix tanga creates 'kaitiakitanga' or the practice of guardianship.

Kaitiakitanga is based on Maori values and tradition and is practiced by hapū who are genealogically linked to the resource, who continue their long standing customary harvesting rights and who are recognised as knowledgeable about the resource and kaitiakitanga.

The ethic of kaitiakitanga requires people to pause, reflect, discuss and demonstrate care for the environment they live in. It's about people being clear about their respective relationships with the environment and always seeking to enhance that relationship.

## The Exercise of Kaitiakitanga on the Mōtakotako Estate

Kaitiakitanga helps people to behave appropriately when making decisions about occupying, using and sharing geographical space and resources.

Tangata whenua will exercise kaitiakitanga by making decisions about how they will act when change or development is proposed within the estate.

As kaitiaki the tangata whenua share a responsibility to manage their natural and ancestral taonga in a manner that is not only sustainable but is also in keeping with tikanga and kawa.

To be a kaitiaki of the Mōtakotako estate a person needs to be recognised by Ngāti Whakamarurangi and their hapū that make up the Mōtakotako marae as being sufficiently knowledgeable about the resource and tikanga, kawa, history, places and cultural relationships of the iwi and hapu with the resource.

The responsibilities of kaitiaki are wide and varied. They can include, but are not limited to:

- Choosing and using appropriate ways to protect, maintain, restore and enhance the mauri of waahi tapu and other significant taonga
- Observing tikanga when carrying out activities
- Engaging in hui to clearly identify issues and ways of mitigating, avoiding or remedying actual or potential adverse environmental effects
- Monitoring resource indicators that show the state of mauri
- Responding to actions that adversely affect the mauri of a resource or the relationships of iwi and hapu with a resource

For example, the placing of rāhui to allow replenishment of traditional kaimoana, mahinga mataitai, or for use at times of disasters, drowning and pollution of kai; active opposition to activities that will have adverse environmental effects on resources and taonga

- Teaching future generations about the important values that Maori people associate with natural and physical resources

Fishery kaitiaki are also appointed by Ngāti Whakamarurangi members specifically to manage offshore customary fisheries, including the customary fishery at Aotea harbour. A key function of fishery kaitiaki is to manage customary fishing permits. While consistent with the overall responsibilities of kaitiakitanga, fishery kaitiaki are specifically appointed to deal with the customary fishery. They will be expected to participate in the monthly kaitiaki (Ngā hapu o te Uru) meetings at MPI Ruakura Hamilton. They must also have a good working knowledge of the marine environment including information on the state of fisheries and report back on any proposed legislative changes regarding customary fisheries.

Today the practice of kaitiakitanga includes active engagement in resource management processes like consultation and the preparation of cultural assessments, as well as implementing restoration and enhancement projects, and monitoring the environmental effects of activities.

## What do Kaitiaki do?

In carrying out our role as kaitiaki, the tangata whenua have agreed to:

- Communicate with one another about management of the estate, most commonly at marae meetings.
- Share information and deliberate alongside one another in order to make informed decisions about the appropriate action to take to mitigate, avoid or remedy adverse environmental effects on natural resources and ancestral taonga.
- Ensure that Māori people expert in tikanga, kawa and knowledgeable about the resource are involved in these deliberations.
- Clearly identify issues that affect or have potential to affect the relationship with and between Papatuanuku.
- Recommend or suggest mitigation, avoidance or remediation measures.
- Respond clearly by providing advice or information about what action needs to be taken to minimise adverse environmental effects.
- Develop hapu and iwi management plans and other planning documents.

- Communicate about respective positions in regard to fisheries management at iwi/hapū forums or or any other forum which concerns our rohe moana.
- Where necessary, pursue an issue through the appropriate statutory processes.
- Engage with landowners, developers and agencies in good faith.
- Raise issues on behalf of tangata whenua – for example, identification of any issues of non-compliance with district or regional plans, resource consent conditions e

Mōtakotako marae will use all communications methods such as pānui via social media ( Mōtakotako Trust page) hui, wānanga, noho marae, hui topa (zoom) email, and take into account a host of cultural values relevant to our decision-making.

Kaitiakitanga practices can include implementation methods like rāhui, mātaimai, tātau pounamu and can involve and tikanga (practices, protocols and behaviours) that can provide for mutually acceptable agreements between parties.

## Consultation

### When to consult

In relation to the management of natural and physical resources within the Mōtakotako estate there are two processes that require consultation with Maori:

1. Preparation and change of statutory and non-statutory planning documents
2. Resource consent processes (including pre-lodgement – i.e. when applications are being prepared).

In both these processes consultation should begin early.

Ongoing consultation in both these processes will assist:

- Active protection of sensitive cultural values and places
- Effective maintenance of meaningful relationships
- Recognition and provision for kaitiakitanga
- Recognition and provision for the relationship of Māori and their culture and traditions with
- Their ancestral lands, waters, air, waahi tapu, sites and other taonga
- The principles of Te Tiriti o Waitangi, in particular the principles of active protection, meaningful
- consultation and preservation of tino rangatiratanga, to be taken into account

Costs associated with the development of cultural assessments and responses to applications made by Mōtakotako marae for resource consents relevant to the estate, shall be covered by the resource consent applicant at the pre-agreed rate.

When Mōtakotako marae pursue a statutory process in opposition to an application for resource consent or provisions in a statutory plan we will cover costs, however, recovery of costs will be sought where processes provide for this (e.g. in the Environment Court).

The preference will always be to address and resolve matters of importance to tangata whenua during consultation and thereby remove the need to become involved in formal processes in opposition to any proposal

### **Preparation and Change of Plans, Policy Statements and Strategies**

When statutory organisations are drafting or proposing changes to their planning documents, they are required to consult Māori, in this instance Ngāti Whakamarurangi

Planning documents include (but are not limited) to the following:

- Regional plans
- District plans
- Reserve management plans
- Asset management plans
- Plan changes and variations
- Policy statements
- Strategies
- Bylaws
- Conservation management plans
- Conservation management strategies
- Fisheries management plans and strategies
- Fisheries regulation

The members of Mōtakotako marae encourage statutory agencies to consult at the earliest time and to keep consulting throughout the different phases of development of such documents, including reviews.

The process of consultation is supported by Mōtakotako marae. However, being solely responsible for covering the costs of consultation initiated by statutory authorities is not supported.

Being a party to consultation can create the need to invest time and resources in processes that will ultimately affect and give benefit to the whole community.

Iwi and hapu do not receive a rate or tax with which they can support their contributions to consultation. Yet there is a statutory requirement for them to be consulted. They are obliged to use their own limited resources or find willing volunteers to act on their behalf.

Identification of consistent methods for covering costs incurred by tangata whenua when engaged in consultation for the preparation of statutory documents is required. Statutory agencies and tangata whenua are encouraged to meet and discuss costs so they may arrive at mutually agreeable and consistent methods to address this issue at each instance.

### **Resource Consent Applications**

When people are considering undertaking or applying to undertake an activity to use or develop a resource, they are encouraged to consult before lodging any applications for resource consent.

Consultation should continue until the application process is complete.

## Who to consult?

The processes described here are aimed at rationalising the consultation process.

Anyone wishing to consult with Mōtakotako marae about the ancestral estate can telephone or email the current Chair of the Mōtakotako Environment Committee listed below.

The Chair will confirm who the appropriate contact person will be for the process and the relevant contact details (where this is a third person, the Chair will arrange for them to contact the party as soon as possible following the initial contact). Following telephone or email contact, written information should be sent to the contact person. This will automatically trigger communications and will facilitate consultation with the wider Mōtakotako marae, and any others deemed appropriate.

This approach increases efficiency for both the consulting party and the parties being consulted. It also allows for greater clarity and the effective use of time and resources.

Mōtakotako Environment Committee Chair:  
Taruke Thomson (Heather) – [paringatai22@gmail.com](mailto:paringatai22@gmail.com)  
021-0583846

### **Consultation Process for Resource Consents**

The following is a brief description of actions the contact person will take to facilitate consultation. Where possible and/or appropriate consultation should be undertaken in person; that is, *kanohi ki te kanohi* (face to face) at the marae. The level of consultation required will depend on the scale of the proposal and the likely effects on matters of importance to the *tangata whenua*. Considerable effort may be required to engage in consultation and provide responses, such as written responses and/or permission, submissions and cultural assessments. This service and these products justify the need to charge for the works contributed to the enquiry initiated by statutory agencies or resource consent applicants. Each consultation exercise will be dealt with on a case-by-case basis; however, the contact person will provide guidance on this before costs are incurred.

#### **In a resource consent process the contact person will:**

- Receive and respond to all relevant telephone calls, mail and other correspondence
- Provide to the party seeking consultation an estimate of costs to be incurred during consultation. Costs may include those associated with site visits, the preparation of cultural assessments, responses to consultation enquiries, the preparation of an assessment of environmental effects.
- Open a file on the matter to be consulted upon.

- Advise the applicant what information will be required by tangata whenua and ensure that sufficient copies of information are received for distribution to the appropriate parties.
- Distribute copies of the relevant information to the appropriate tangata whenua parties to be consulted ensuring that at least two copies of the material remain on file.
- Seek guidance and instructions from Mōtakotako Trust as deemed necessary.
- Advise that all information resulting from consultation with tangata whenua of Mōtakotako marae is the intellectual property of the Mōtakotako Trust. The chair will ensure that the consulting party agrees that the information provided by tangata whenua is not to be used for any other purpose and that the use of the information is required to be agreed to by all parties concerned before being used.
- Advise that any archaeological evaluation of resources is not a cultural evaluation of the resource. Only tangata whenua of Mōtakotako are qualified to determine the cultural significance of places and taonga within the ancestral estate.
- Arrange for meetings and appropriate preparation as required.
- Ensure that an accurate record of proceedings is taken at any meetings, circulated to all participants including the consulting party. All notes or minutes will be recorded on a 'without prejudice' basis.
- Ensure that resources like display charts, sheets of paper and other equipment can be made available at the meetings or hui. At least one copy of all display material will remain with iwi and hapu and be placed on the appropriate file.
- Be responsible for drafting responses on behalf of and to the satisfaction of the marae.
- Where a hearing is necessary or likely, the contact person will organise the tangata whenua submission in consultation with the appropriate person(s).
- Liaise between tangata whenua, the consulting parties and the decision-making organisation(s). The contact person may telephone, fax, email, or write to the decision-making organisation on behalf of tangata whenua however all communications will be 'without prejudice' and will be recorded and filed for future reference.
- Be responsible for preparing any invoice and ensuring that the consultation costs are paid to the appropriate organisation(s). A high level of accountability will be required and therefore all invoices will be reviewed at the monthly marae meeting. All invoices will be specific. All costs will be disclosed to the consulting party.

### **Hearings**

Where a hearing is necessary or likely, the contact person may:

- Request that at least one Maori Hearing Commissioner is appointed to the Hearing Committee.
- Request the hearing occur on the marae or elsewhere within the ancestral estate.
- Ensure the submitters appearing for tangata whenua are fully briefed and prepared for the hearing. This may include facilitating strategic planning meetings at which the contact person will assist tangata whenua submitters and advocate on their behalf.
- Attend hearings on behalf of tangata whenua and be responsible for seeking clarification or raising questions on behalf of tangata whenua.
- Assist the Hearings Clerk by providing advice as to the number, name, status, and any other information relevant to the hearing's proceedings (such as the need for an interpreter). This will include providing sufficient copies of the submission to the hearing committee and maintaining a copy of all material on the appropriate tangata whenua file, for future reference.
- Ensure that decisions made at hearings are copied to the appropriate participants and that a copy of the decision is kept on the appropriate file.



## Referrals to the Courts

The following is a brief guide designed to assist and protect the Chair when making or joining a referral to the Court on behalf of tangata whenua of Mōtakotako marae.

The Chair will:

- Seek approval from the marae to make or join a referral. If time does not permit, permission from the Marae Trustee Chair will suffice.
- Seek legal assistance and prepare a referral to the Court on behalf of tangata whenua.
- Request that hearings be carried out on local marae nominated by tangata whenua.
- Seek the assistance of a solicitor or other appropriate professional person(s).
- Liaise with and assist the solicitor in preparing a case and co-ordinating evidence and submitters appearing in Court.

## Other Maori interests

Other Maori people, who may not be affiliated to Ngāti Whakamarurangi, can hold special interests in an environmental issue affecting the estate. This latter group must seek the support of Ngāti Whakamarurangi and should not describe themselves as 'tangata whenua' to any statutory agencies. They must demonstrate that the issue they are addressing has support of the Ngāti Whakamarurangi .

