



# Pilot of a tool for Cultural Impact Assessment in local government RMA decisions

Based on the waiora concept of Māori wellbeing

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E ngā mana, e ngā reo o te motu, ngā kaipupuri o te mauri e  
Ngā mihi manahau, ngā kupu maioha hoki ki runga i a koutou katoa  
Pupu ake ngā hau o Harataunga, te tuhonotanga o ngā aho  
Ka tui tahi ngā tini rangatira rongo hau, hei paihere te muka tangata

Tū mai ra, ko Tama-te-Pō  
Tū mai ra, ko Tama-te-Rā  
Tū mai ra, ko Whanaunga e  
Ko Huarere e!  
Marutūāhu rae roa  
Tama-te-kapua e  
Ko Paikea, ko Porourangi e!

Tēnā tātou i ō tātou mate, e hinga nei, e hinga atu nā i ngā marae maha o ō tātou mātua, tūpuna huri haere, haere atu ra. Ngā mihi ki ō tātou tupuna rangatira kua mene kia Hine-nui-te-pō. Kā nui ngā mihi ki a koutou kātoa ngā kaimahi, kaiāwhina, kaitautoko o te tini kaupapa nei. He mihi tēnei ki Te Puni Kōkiri, ko Alice hoki, mo te tautoko me te pūtea i takoha mai i a koutou. Kā nui ngā mihi mo te manaakitanga mai koutou ko Marie te whānau o Horua te Rā Charitable Trust. He mihi manahau ki te haūkainga, ngā tamariki, rangatahi me te whānau o Te Kura Kaupapa Māori o Harataunga. Ka mahi te hukuroa i ana mahi. Ngā mihi ki a koutou hoki, ngā taura here whānau kua tae mai i te tautoko ko Missy, ko Liz, ko Kep, ko Paora, ko Cross, ko Mereana, ko Mike, ko Raukawa, ko Hamish-Maku ma. Ngā mihi hoki ki ngā rāwaho i noho mai ko Keith, ko Leigh, ko Bruce. Kua tū a Glenn hei mea o te rohe. He mihi ki a koutou i tautoko mai i a ko Tania raua ko Denise, ko Beth raua ko Janet e mahi ana kei Kā Rakahau o te Ao Tūroa no. Ki a koutou hoki ko Shenagh, ko Greg, ko Barry ratou ko Rongomai e whiu ana to matou ha ki te rangi kia rongo ai te ao. Otira ka nui te mihi kia koutou katoa. Mā pango, mā whero ka oti te mahi.

Nō reira, kia piki te kaha te ora me te maramatanga ki runga ki a koutou katoa.

nā



Kaumatua  
**Ngāti Porou ki Harataunga**

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# WHAKARĀPOPOTOTANGA

## Synopsis

Last weekend Porou Ariki came to Harataunga Marae to practice for Te Matatini, the national kapahaka festival. This group of urban-based Ngāti Porou tribal members chose Harataunga because it is a whenua tuku from Hauraki iwi, they wanted to imbue their songs with the empowering energy of land that was gifted to Ngāti Porou to occupy and look after. Porou Ariki performed a few items at a gala Te Kura Kaupapa Māori o Harataunga was holding to fundraise for a second teacher. All of their songs were about the whenua ... the importance of belonging and having a place to stand, our affiliation with the mountains and rivers, the eponymous ancestors who established our relationship with te whenua, how te whenua is the source of Ngāti Porou pride and identity. Our love for te whenua is woven throughout karakia, karanga, whaikōrero, haka, mōteatea, pātere, pepeha, whakatauāki, paki waitara. And yet, this beloved whenua tuku is on the brink of open-market sub-divisions that will dismantle our cultural heritage forever.

This document tells the story of tangata whenua engagement in a 15-year struggle to stop the establishment of sub-divisions in Harataunga. It is not a personal attack on the developers, two of whom are our own whānau members, or the people and families who will buy land and move here. We realise they may bring valuable skills and experience or knowledge that could be of benefit. This story is about kaitiakitanga - the guardianship of ngā taonga tuku iho, the advancement and retention of our heritage and identity and Ngāti Porou ki Harataunga honouring the intentions of a substantial tuku that was given for a specific purpose.

A combination of scientific and kaupapa Māori methodologies have been used to unravel and acknowledge the many complex layers of issues, obstacles and challenges that have created a socio-cultural climate in which the sub-division of papatipu can occur .... inter-generational immersion in assimilation policies; universal acceptance of capitalistic ideologies; decades of exodus to cities and towns; the relentless individualisation of multiple-owned Māori land titles; pre-occupation with personal wealth and property rights; indigenous inequity and disadvantage; whānau/hapū/iwi being disempowered by diversity, lack of leadership, internal turmoil over the mandating of governance structures and FSSB/Treaty claim representatives; local government incompetence and inability to understand or incorporate mātauranga Māori positions in their decision-making about resource management issues of crucial importance for Māori.

This work has drawn on the wisdom of Tane-te-Waiora and various scholars who have identified the factors that are essential for Māori to experience wellbeing. It has taken a validated construct of Māori wellbeing and shown that this provides an easily administered framework for cultural impact assessment (CIA) within the timeframes and constraints of local government RMA decisions.

As a context for piloting this method, tangata whenua and an independent panel of Māori and non-Māori stakeholders, including RMA and LGA expertise, assessed the cultural impact of a local council decision to allow the establishment of three sub-divisions on ancestral land in Harataunga. During the approval process, it is interesting to note, the developers were never ever asked to talk about the benefits or impacts of sub-division for tangata whenua. Yet everyone who participated in the pilot of this assessment

	mean score
Te Ao Tawhito	10.5
Te Aronui	10.0
Te Ao Hou	10.7
Te Wairua	10.2
Te Mauri	10.2
Te Hinengaro	9.7
Te Whenua	10.9
Te Tinana	10.8
Te Whānau	10.2
Te Mana	10.5
Te Whatumanawa	10.8
Te Tikanga	10.6
Waiora	10.8

Figure 1: Overall mean scores on Waiora scale for Cultural Impact Assessment

tool thought the establishment of these sub-divisions would have an overwhelmingly negative impact on the wellbeing, or waiora, of Ngāti Porou ki Harataunga.

As a mechanism for simplifying the outcomes of LGA consultation with Māori - which the local council (in this region) have described as too complex and/or fragmented to influence their decision-making in any substantial way - it couldn't get any easier. The CIA outcomes are produced as scores on a series of bipolar rating scales which can be used to identify differences in the pattern of responses across groups and component items, or dimensions, of the waiora scale. Furthermore, an aggregated mean score provides a single, overall score of perceptions about the cultural impact of proposed developments on the wellbeing Māori .

In this pilot, respondents who completed the cultural impact assessment produced an overall, aggregated mean score of 10.5. With a maximum score of 11 representing the worst possible impact on Māori, there is no doubt respondents were gravely concerned about impact these sub-divisions would have on the wellbeing of tangata whenua and Ngāti Porou ki Harataunga whānau/hapū/iwi. It is hoped the Thames-Coromandel District Council (TCDC) will ensure this finding is represented in ongoing deliberations about the development of this land.

There wasn't time, within the pilot, for discussion about strategies for mitigating or eliminating the impact of establishing these sub-divisions but tangata whenua have, nevertheless, identified the following:

- the developers must be **willing to compromise and engage** in the discussions that are needed to identify mutually feasible solutions
- Ngāti Porou ki Harataunga leadership must **take responsibility** for representation on this important issue
- TCDC and other relevant LGAs must **value** the national importance of Māori culture and traditions, stop focusing on the interests of developers and **co-operate** with tangata whenua strategies for the mitigation of negative effects
- the Wai 792 treaty claim provides an opportunity to **restore the papatipu status** of these lands, and
- Ngāti Porou ki Harataunga leadership, and LGA authorities, would benefit from **engagement in forums that allow us to learn** about the innovative ways in which other iwi have eliminated the threat of sub-division.

This report specifically targets Ngāti Porou ki Harataunga tribal members and RMA decision-makers at the Thames-Coromandel District Council but the content will also have relevance for other iwi and local government authorities. It aims to document the views and experience of Ngāti Porou ki Harataunga, facilitate the development of an appropriate and effective tool for cultural impact assessment in the Thames-Coromandel region and identify strategies that could mitigate or even eliminate the threat of sub-division in Harataunga.

Mā te Atua, he tiaki, he manaaki



Stephanie Palmer  
Kaituhituhi



# HEI KORERO WHAKATAKI

## Introduction

This initiative was funded by Te Puni Kōkiri, under their Māori Potential policy, which aims to create opportunities for Māori to build and benefit from collective resources, knowledge and skills that will improve our overall quality of life. The Māori Potential Fund supports outcome-based investments in the realisation of Māori potential (Te Puni Kōkiri, 2006a). The expected short-term outcome of this project was:

to develop and pilot a Cultural Impact Assessment tool that facilitates Māori engagement in local government decision-making about resource management issues affecting Harataunga (Kennedy Bay)

In addition to development and pilot of the tool, this project was funded to produce a report which:

- evaluates the effectiveness of this approach to cultural impact assessment
- identifies particular obstacles, challenges and/or areas for improvement
- recommends strategies and pathways for future engagement of local government and Māori in decision-making about resource management issues (in the Hauraki rohe)

A rapidly expanding body of literature has drawn attention to the need for mechanisms that enable Māori world views and positions to be incorporated in local government decisions about resource management issues of relevance for Māori (Allen, Ataria, Marina Apgar et al., 2009; Anaya, 2010; Barcham & Durette, 2010; Dawson, 2008; Linkhorn, 2006; Lowe, Carr, McCallum et al., 2009; NZ Human Rights Commission, 2010a, 2010b; Rotorangi & Russell, 2009; Te Aho, 2009; Uhlmann & Almstadt, 2009). Various documents highlight the inadequacy of current processes and unwillingness or inability of decision-making authorities to consider Māori points-of-view (Hogg, 2009; Local Government New Zealand, 2004; Parliamentary Commissioner for the Environment, 1998; Te Puni Kōkiri, 2006a). Others have provided examples of good practice and mutually beneficial tools, processes and instruments for assessment and monitoring of cultural impacts (Awatere, Rolleston, & Pauling, 2010; Cragg, 2010; East Otago Taiapure Management Committee, 2010; Hikuroa, Slade, Morgan et al., 2010; Hovell & Morrison, 2010; Kanawa, Stephenson, & O'Brien, 2010; Local Government New Zealand, 2007; Morgan, 2006; Te Puni Kōkiri, 2006b; Te Runanga a Iwi o Ngāpuhi, 2009; Te Runanga o Ngāi Tahu, 2008; Tipa & Tierney, 2006).

In March 2005, the Parliamentary Commissioner for the Environment (PCE) investigated the effectiveness of Thames-Coromandel District Council (TCDC) processes for addressing community concerns about the environmental impacts of development in the Whangamata catchment area (Parliamentary Commissioner for the Environment, 2005a). Subsequent guidelines for improving the quality of TCDC's decision-making on planning issues throughout the wider Thames-Coromandel region were also published (Parliamentary Commissioner for the Environment, 2005b). Although the PCE investigation did not aim to consider issues associated with the effectiveness of cultural impact assessment, relevant shortcomings in TCDC's general approach to planning and decision-making were nevertheless identified. In particular, it was felt the TCDC process:

- ✘ lacked adequate consultation with tangata whenua and awareness or understanding of Māori history, traditional rights and aspirations. Council members, staff and representatives were also confused about mana whenua, how to deal with cultural issues and their statutory obligations to Māori;

- ❑ did not have the appropriate skill-base, specialist advice or technical expertise for proper assessment of short- and long-term social, economic and environmental effects;
- ❑ lacked capacity, as well as the political will and institutional commitment, to implement the outcomes of community consultation, identify appropriate priorities and actions, monitor progress towards objectives or track community-identified goals to statutory mechanisms;
- ❑ needed to incorporate and respect local knowledge, clarify the purpose and objectives of consultation, make information more accessible, improve communication and work with communities to address social, environmental and economic concerns;
- ❑ lacked genuine opportunities for community participation in decision-making;
- ❑ is constrained by structural uncertainty, a lack of strong leadership, funding limitations and inefficient use of available knowledge, skills and resources.

TCDC have since taken measures to address these issues and newly-elected grass-roots mayor Glenn Leach brings hope the special character of communities will be protected in future decisions. However, TCDC has never had a policy or process for cultural impact assessment. At best, developers are sometimes asked to seek comment from individuals, or groups, within the Māori community (pers comm, Leigh Robcke, District Plan Manager on 12/1/2011). Leigh notes recent amendments to the Resource Management Act 1991 (which have imposed penalties when local government authorities take longer than 20 days to process applications) have made it more difficult for Councils to request or engage in any type of meaningful assessment. In his experience of consultation with Māori, TCDC has struggled to deal with the complexity of worldviews, range of opinions within whānau/hapū/iwi and fragmented way in which information is presented. Māori who have invested in such consultation, respectively complain of burdensome voluntary workloads, lack of clear process and inability to influence decisions. With imminent settlement of the Hauraki Treaty claims, and an inherent collective of at least 12 distinct iwi, there is an urgent need for collaboration to not only establish an appropriate, acceptable and easily administered process for cultural impact assessment (CIA) but also ensure the outcomes are tracked to mutually agreed goals and actually influence LGA decisions about the management of Māori resources in this rohe.

### **Waiora as a framework for cultural impact assessment**

Tāne-te-Waiora is part of the pantheon which explains Māori cosmology. As a model of wellbeing, however, the concept of waiora first entered the public arena in the early-80s, when Dr Rangimarie Pere began to describe her ancestral Ngāi Tahu traditions (Pere, 1982, 1991). Although other models of Māori wellbeing have been presented, such as Te Whare Tapa Whā (Durie, 1997) and Ngā Pou Mana (Henare, 1988), a core set of underlying principles, values or attributes can be identified (Barlow, 1991; Barrett-Aranui, 1981; Pohatu & Pohatu, 2003; Te Roopu Awhina o Tokanui, 1986). Literally speaking, waiora is the river of life which nurtures and sustains whānau wellbeing, within the ebb and flow of day-to-day life, and wider context of human survival.

Tumana has been studying the concept of waiora since the mid-90s (Palmer, 2004). A key objective has been the development of a tool that is able to overcome diversity amongst Māori and, thereby, facilitate discussions about the relevance of waiora as a value-base for decision-making in everyday, contemporary, life. Almost 2000 Māori, nationwide, have taken part in a range of validation strategies that have aimed to generate consensus about the meaning of items and ensure the tool is able to be used regardless of involvement in Te Ao Māori, understanding of mātauranga Māori, ability to speak te reo Māori, iwi affiliations or demographic differences (Palmer, 2007). Previous studies have shown that waiora is a psycho-social resource which has the capacity to mediate both qualitative and quantitative indicators of Māori health status (Palmer, 2002). Moreover, the construct of waiora is able to be measured and provides an acceptable foundation for discussion, planning and conflict resolution within Māori whānau (Palmer, in press-b). A 12-item picture-based tool for the conceptualisation and measurement of waiora has been developed (called Hōmai te Waiora ki Ahau) and work is currently underway to ensure it can be easily integrated within Māori-specific evaluation and service delivery settings (Palmer,



in press-a). As a framework for cultural impact assessment Hōmai te Waiora ki Ahau offers the following strengths:

- development of the tool has been informed by psychometric theory;
- there is an evidence-base which shows it is a valid, reliable and generalisable approach to the conceptualisation and measurement of Māori wellbeing;
- the tool produces multi-dimensional (item) scores as well as an overall, uni-dimensional (positive-negative) waiora score and also creates opportunities for indepth discussion about each of the component items;
- it is entirely feasible to suggest the scores could be easily integrated (and monitored) within TCDC planning and decision-making processes about Māori RMA issues;
- considerable resources, from a range of sources, have already been invested in the development of an acceptable, useable and effective tool.

### **Context for the pilot**

As a context for piloting the CIA tool, Māori landowners (tangata whenua) welcomed an opportunity to evaluate the cultural impact of three (3) open-market sub-divisions that TCDC had approved for development on land that is under Treaty claim in Harataunga, Kennedy Bay. Over the last 14 years (since release of their Provisional District Plan in 1996), tangata whenua had invested huge amounts of time and energy in opposing the establishment of these sub-divisions through the usual RMA processes of consultation, submissions, further submissions, attendance at public meetings and Environment Court proceedings but had never once had the opportunity to participate in a cultural impact assessment. Although the context for this particular pilot was clearly retrospective (as TCDC had already granted approval for the developments) it would, nevertheless, provide an appropriate forum to not only test the tool but also enable tangata whenua to at least engage in a formal, documented process of cultural impact assessment which could, if relevant, identify potential mitigation strategies. With regard to the validation of a CIA tool for specific use within the Thames-Coromandel region, it was also felt the retrospective outcomes would provide a foundation for gathering additional information about its validity in a prospective context such as the proposed controversial development of nearby New Chums beach.



The pilot was scheduled to happen on 19 September 2010 at Harataunga Marae under the following design:

- establishment of a **Stakeholder Reference Group** to take part in pre/post-pilot discussions about the validity of methods, objectives, techniques and strategies for improvement - comprising tangata whenua and representatives from relevant decision-making authorities/fields of expertise including but not limited to Thames-Coromandel District Council (Policy & Planning), Local Government NZ (Māori Policy Unit), Ministry for the Environment (Māori Analyst), Parliamentary Commissioner for the Environment, Department of Internal Affairs Pouarahi Unit (Local Government Services), University of Otago (Te Tiaki Mahinga Kai), Te Puni Kōkiri (Māori Potential Fund), Hauraki Māori Trust Board (Resource Management), Coromandel Blueprint Project (Political Steering Group – Hauraki Whānui) and the Human Rights Commission (Kaituhonohono)<sup>1</sup>;
- establishment of an **objective, independent panel** to take part in the pilot (comprising tangata whenua and members of the Stakeholder Reference Group)<sup>2</sup>;
- **dissemination** of information, inviting tangata whenua/developers to participate;
- **delivery** of the pilot methodology, ie:
  - developers, TCDC and tangata whenua present *background information* about their experience of the process and factors that influenced decision-making (approx. 20 mins each);
  - the Waiora model, components and rating scale is *introduced/explained* (10 mins);
  - tangata whenua/panel members *consider/discuss/rate* the perceived benefits/impacts of sub-division in relation to each component of the 12-item waiora tool - Te Ao Tawhito, Te Ao Hou, Te Aronui, Te Wairua, Te Mauri, Te Hinengaro, Te Whenua, Te Tinana, Te Whānau, Te Mana, Te Whatumanawa, Te Tikanga (approx. 2-3 hours);
  - the *data is analysed* and collated with a view to:
    - understanding differences between tangata whenua/independent panel scores (approx 10-15 mins)
    - discussion of strategies to mitigate impacts, if relevant (approx 30 mins).

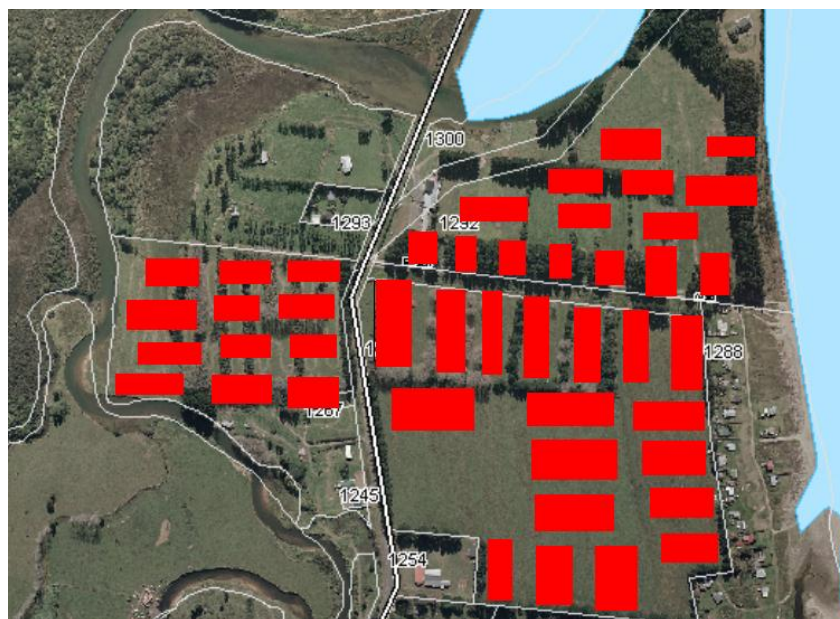
A few days before implementation, Local Government NZ advised they were re-structuring and unable to take part in the pilot. It became clear one (or more) of the developers had also lodged a high level complaint which led to several stakeholders withdrawing their commitment to participate in the pilot

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<sup>1</sup> representatives from the following stakeholders agreed to be part of the pilot Reference Group – TCDC, Local Government NZ, Ministry for the Environment, Department of Internal Affairs, Human Rights Commission, Hauraki Māori Trust Board, Te Puni Kōkiri.

<sup>2</sup> representatives from the following stakeholders agreed to sit on the independent panel – Ministry for the Environment, Department of Internal Affairs, Human Rights Commission, Hauraki Māori Trust Board, Te Puni Kōkiri, tangata whenua

(notably - TCDC, Ministry for the Environment and the Department of Internal Affairs). According to Beth Tupara, Māori Analyst from the Ministry for the Environment “we are very interested in the report and the potential use of this tool but feel this particular issue is a local one and it would not be appropriate for the Ministry to be involved” (pers comm, 13 September 2010). Due to tangihanga and the need to reconstruct aspects of the design, the pilot was re-scheduled for 4 December 2010. With election of the new mayor in October, TCDC had a change of heart and agreed to attend and present background information but not sit on the panel. Planning for the panel proceeded around representation from tangata whenua, Te Puni Kōkiri, Coromandel Blueprint Project (Hauraki Whānui), the Human Rights Commission (Kaituhonohono), an Independent Māori Commissioner and Māori Planning & RMA expertise from the University of Auckland. After discussion with TCDC Group Manager, Sam Napia, it was decided to create an opportunity for non-Māori to also sit on the panel. As it is predominantly non-Māori (councillors, planners, consultants, community board members) who are engaged in decision-making about the management of Māori resources, it was felt the inclusion of non-Māori panel members would enable the report to comment on scoring patterns and the acceptability of this tool from their perspective.



Around 40 people took part in the pilot on 4 December 2010 at Harataunga Marae mostly tangata whenua. The panel comprised Māori and non-Māori representatives from Ngāti Porou ki Harataunga, Resource & Environmental Studies at the University of Auckland, Coromandel-Colville Community Board and an independent community-based mediator/adjudicator from Thames. Fifteen people completed the rating scales including one non-Māori extended whānau member.

- All three (3) developers declined the opportunity to take part in the assessment and/or present information about the benefits of sub-division for tangata whenua.
- TCDC's District Plan Manager, Leigh Robcke, summarised the main reasons for approval of the three sub-divisions (see Appendix 1 for details), noting:
  - one consent (Harataunga 2C2B2C) had been granted despite planning staff recommendations to engage in further consultation;
  - technically speaking, Harataunga 2B2 only had a structure plan for 14 additional houses, resource consent had not yet been granted;
  - it was difficult for Council to acknowledge all of the material they received (eg tangata whenua petitions, submissions and consultation themes) as the decision about one block (Harataunga 2C2B2C) was moved into public excluded proceedings and two appeals were filed with the Environment Court.
- Tangata whenua presented a power-point summarising their investment in consultation about this issue over a 10-year period (see Appendix 2). This workload was carried voluntarily on top of day-to-day jobs and usual commitments to the community. The **sole** objective of iwi engagement in TCDC consultation processes was to oppose sub-division, this involved:
  - attendance at 17 public meetings, 165 submissions, 2 petitions (signed by more than 400 Māori land-owners) and 24 letters/reports/power point presentations;
  - establishment of working groups, sub-committees and a "good faith" MoU;
  - page-by-page analysis of the Draft District Plan, Provisional District Plan, Transitional District Plan, Issues & Options papers and Variation #4 documents,
  - requests for access to Regulatory Committee and Policy & Planning Committee Order Papers/Minutes/Summary of Decisions under the Official Information Act;
  - participation in hearings, Environment Court proceedings and a settlement meeting (about Harataunga 2B2) during which iwi were told no formal record of discussions would be kept.

The remainder of the day (approx. 4 hours) was spent on assessment (see Appendix 3 for discussion points) and completion of bipolar (positive-negative) rating scales for each component of the waiora model. The rating scale ranged from 0 to 11 with a score of 3 or less indicating a positive or beneficial effect, a score of 4-7 being ambivalent and a score of 8 or more suggesting respondents thought sub-division would have a negative impact on the wellbeing (waiora) of tangata whenua. The rating scale for each component also offered a "don't know" option for respondents who felt unable, or unwilling, to rate the impact (see Appendix 4).

With this sample size, there was not enough data for statistical analysis of responses to the rating scales. However, broad differences in group scores and numerous discussion themes were able to be described. In general, this approach to cultural impact assessment produced the following outcomes:

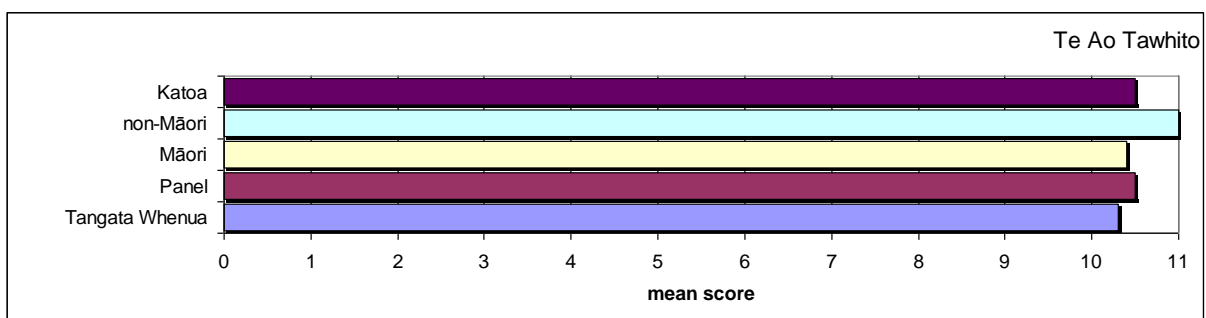
# Te Ao Tawhito

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origins, foundations, source  
explains purpose/reason  
.. I te kore, ki te Pō, ki te Ao Marama ...  
multiple realms  
hierarchy/levels of enlightenment/understanding (ngā rangitūhāhā)

---

- ★ Harataunga is a take tuku, a tāpae toto, it was gifted to Ngāti Porou hapū collectively, for the purposes of occupation
- ★ Ka wera hoki i te ahi, e mana ana anō .. if you do not want to occupy the land yourself then pass it on to someone else in the whānau, Ngāti Porou was not given the right to sell
- ★ these blocks are papatipu, he taonga tuku iho – they have never had European title
- ★ some of this land is wahī tapu - they were battle sites, soaked in human blood, many lives were lost
- ★ this land is under Treaty claim, it should never have passed into individual ownership or gone up for sale, whānau were alienated and didn't even know it had happened – uneconomic shares, succession, the Native Land Act, the Māori Land Incorporation Act, exchange of shares, the Māori Trustee, use for collateral, purchase or sale without consent from majority of shareholders ... these are some of the mechanisms that were used to displace whānau, layer upon layer of wrongdoing, injustice, misdemeanour has created the situation we have today
- ★ Ngāti Porou ki Harataunga are the kaitiaki of this whenua tuku, our role is guardianship, protection, ensuring this taonga tuku iho is passed on to the next generation in a better condition than it is in now
- ★ Harataunga is the cornerstone of our mana, identity, status as Māori, as Ngāti Porou in Hauraki, as the recipients of a significant tuku, it is the foundation for our relationship with Hauraki iwi and the reason why Ngāti Porou is able to engage in the settlement of Hauraki Treaty claims, it was never intended this land would be sub-divided or sold



From a Te Ao Tawhito perspective, everyone thought the sub-divisions would have a negative impact on the wellbeing of tangata whenua but non-Māori said it would have the most impact. The overall mean rating, across all groups, was 10.5.



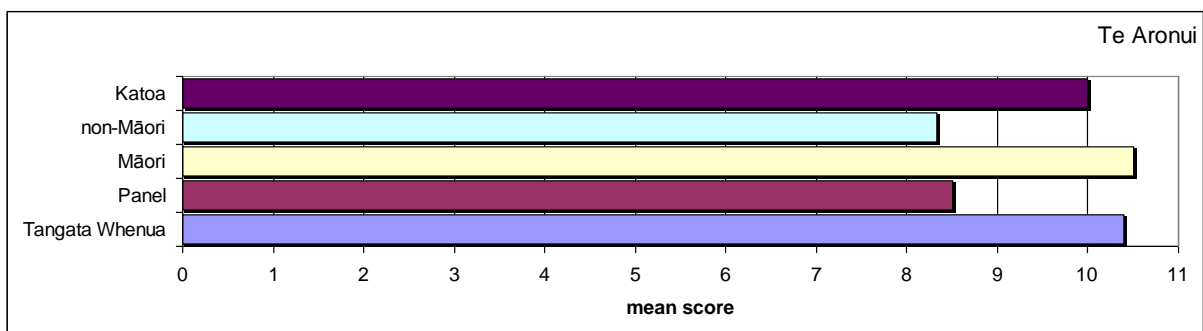
# Te Aronui

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here & now, the world in which we reside  
informed by mātauranga Māori - toku reo, toku ohooho  
core responsibilities/obligations/functions  
laying the foundation/pathways for survival (te tauranga waka)  
able to overcome adversity, resilient & dynamic

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- ★ open-market sub-division is not a kaupapa that has been informed by mātauranga Māori - it does not acknowledge the whakapapa of this land, it will not help Ngāti Porou ki Harataunga to advance, it will not help to strengthen our Māori identity, culture or asset base, it will not help Ngāti Porou ki Harataunga to stand together (kotahitanga), care for each other (manaakitanga), make collective decisions (whakatākoto tikanga) or perform the key functions and responsibilities (pūpuri taonga) that are needed to ensure the (collective) wellbeing of our tamariki/mokopuna
- ★ time and again, experience has shown that sub-division leads to the marginalisation of indigenous identity in their own communities, it intensifies their experience of socio-economic disadvantage and creates inequities in the distribution of power, wealth and opportunities, sub-division will change how we live our lives
- ★ there is one sub-division in Harataunga already and everyone knows it should never have happened, the establishment of 3 additional sub-divisions will change the character of this community forever, it will never again be predominantly Māori
- ★ estimating 5 people per household the 50-odd houses the planned sub-divisions plan will bring over 200 newcomers (rāwaho) into this community, they will quickly overwhelm tangata whenua and become the resident majority, their needs will drive development and change ... already those who have bought land here assume the right to access places and spaces that have always been occupied by whānau ... not so long ago (before they started selling land) everyone you met here was connected through whakapapa or extended whānau ... nowadays you don't know where they come from ... division is being forced upon us, in-groups and out-groups are being created ... familiarity is being replaced with suspicion, fear and uncertainty ... nō hea koe?
- ★ for hau kainga whānau the aspirations of Te Aronui are clear - normalisation of te reo me ngā tikanga Māori, support the Kura and marae, engage in kaitiakitanga, overcome the diversity of worldviews amongst whānau, build an economic base - will sub-division help us to do that?



The overall mean for Te Aronui was 10. Every group thought sub-division would have a negative impact on the wellbeing of Ngāti Porou ki Harataunga but tangata whenua and Māori anticipated the most impact.



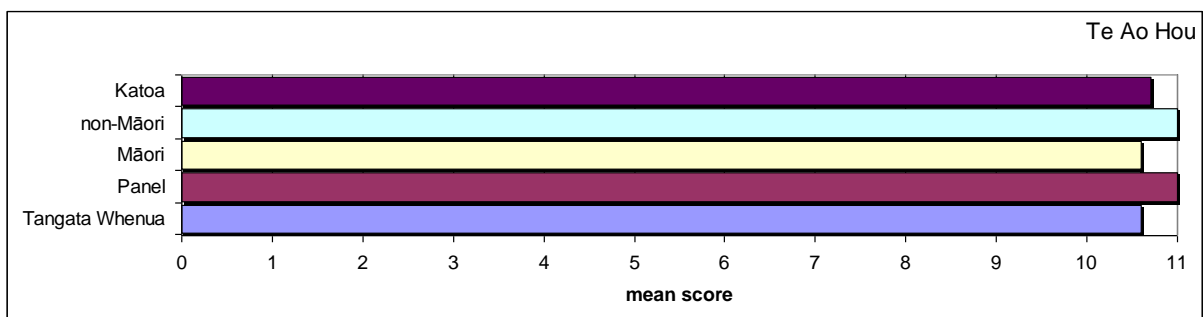
# Te Ao Hou

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the world we are working towards  
belongs to the collective not individuals  
grounded in whakapapa  
realisation of potential, tino rangatiratanga  
safety & survival

---

- ★ Te Ao Hou is a positive place for Ngāti Porou ki Harataunga, it is full of promise and opportunity, we have lots of work to do to prepare - care of the ngahere, takutai moana and human realm are priorities - getting rid of the wilding pines, possums, rats, stoats, ginger, woolly nightshade, wild cats; protecting the sanddunes, mangroves, pipi beds; replenishing pātiki, tuna migration paths, koura, pateke, pingao, kiwi; preserving our wetlands, ancient walking tracks, wahi tapu; ensuring the transmission of knowledge about whakapapa, kaitiakitanga, tikanga, manaakitanga; cleaning up our rivers, estuary, waterways; strengthening collective skill-sets, expertise, capacity; establishing training, employment, monitoring programmes; creating a sustainable economic base; ensuring our Kura Kaupapa and Marae thrive; growing our own food, getting off the national grid; giving our babies, tamariki, rangatahi, whānau the skills they need to stand tall in Te Ao Māori but also be citizens of the world if they wish; building papakainga housing and eco-friendly lifestyles; encouraging whānau to reconnect, become ahi kaa again; creating safe and nurturing spaces where whānau feel like they belong once more (ukaipō) and the profound love that our tupuna had for their people and land is once again the norm (te matemate-a-one)
- ★ the land they want to sub-divide is vital for Te Ao Hou, the sections they plan to sell are right in the heart of Harataunga, clustered all around the river mouth, marae and only entrance to the beach – tangata whenua have their own plans for this land ... just an option, food for thought, a possible alternative to open-market sub-division ... we see a return to multiple ownership perhaps a Māori reservation would be best, then gardens, camping grounds, walking tracks, kaumatua housing, rangatahi sports facilities, a parking lot to get those damm cars and boat-trailers off the beach, public toilets, ripping out that half buried wire fence that is way beyond the high tide mark anyway, replacing the millions of pine trees with native species, proper protection of the wahi tapu, sand dunes, pingao and dotterel nesting beds – retaining mana whenua but allowing public access - as long as they understand and respect its purpose and reason for being (whakapapa).



The mean score for Te Ao Hou was 10.7. Māori and tangata whenua scores were slightly lower than those obtained from non-Māori and panel members, but everyone thought sub-division would have an extremely negative impact on the wellbeing of Ngāti Porou ki Harataunga whānau.

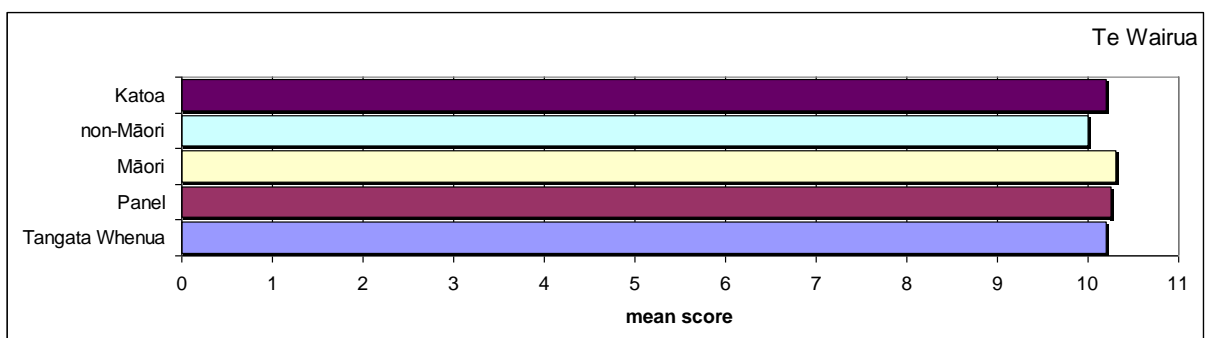
# Te Wairua

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iho nui  
seeks to maintain/restore balance  
responsive to positive & negative energies  
spiritual wellbeing, must be tika  
maximises the opportunities for positive influence

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- ★ if you do not believe in the spiritual realm you cannot do this assessment
- ★ take a minute to think about the spiritual despair open-market sub-division will cause for rangatira who were involved in the tuku (Paora te Putu, Te Rakahurumai ma) and the many tupuna who gave their lives so Harataunga would not be occupied by Ngā Puhi and our own grandparents and great grandparents who moved away from established support systems on the coast (Te Tai Rāwhiti) to work on the tuku because government had a policy of giving settlers the right to buy Māori land that was seen to be “idle”
- ★ a few months ago a spiritual healer came to the Bay and said the tangata whenua are in turmoil because we are building houses on the bones of the dead (Rangariri/Harataunga 2B2)
- ★ if we were serious about measuring the impact of sub-division on Te Wairua we would invest in the collection of baseline data about the spiritual health of tangata whenua then compare it against data obtained when the sub-divisions were established, but by then it would be too late
- ★ in DSM terminology, some of the ailments that are attributed to a spiritual cause include depression, mind/body dissociation, nervous disorders, compulsive/obsessive behaviours, schizophrenia, anomie - conditions like “rāwakiwaki” and “whakamomori” have also been used to describe the spiritual impact of land loss on Māori last century (when the settler government was openly enforcing laws that alienated more than 90 percent of Māori ancestral lands) – among indigenous people worldwide, an international evidence-base has associated the spiritual origins of powerlessness, hopelessness and helplessness with the loss of traditional lands - in terms of day-to-day health and wellbeing, social scientists have demonstrated the behavioural and psychological manifestations of spiritual despair can predispose indigenous communities to life-long, inter-generational experience of disparity, disadvantage and inequity
- ★ an understanding of taha wairua involves concepts of spiritual healing, collective progression and transgression – each and every human being has a spiritual origin and the opportunity to progress



The overall mean was 10.2 across all groups. Everyone took part in the assessment process and thought sub-division would have negative impact on the spiritual wellbeing of tangata whenua.

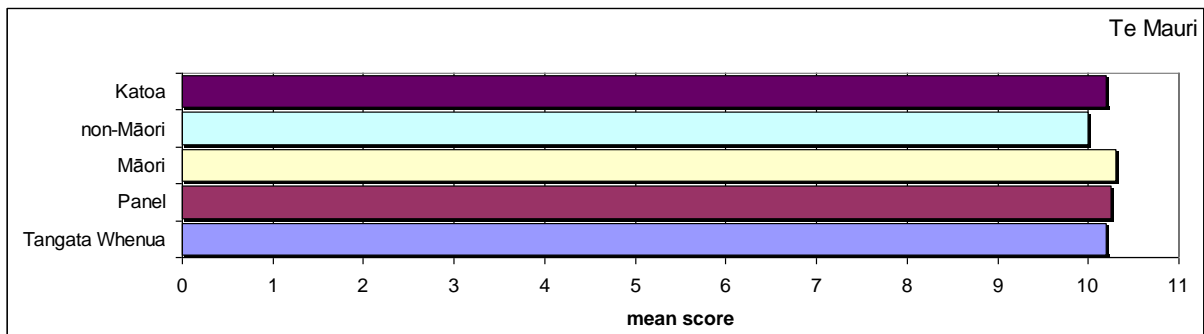
# Te Mauri

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life-force  
multi-sensory  
thrives on synergies, connectedness  
imbued in people/places/things  
waxes and wanes  
measures quality/integrity/vitality

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- ★ Te Mauri measures and describes the vitality, quality, integrity of existence - it is a concept that allows humanity to distinguish between a life-force that is vibrant, alive and emanately well from that which is sickly, weak and/or bereft of life (mauri tū, mauri ora – mauri noho, mauri mate)
- ★ mauri exists within and between all living things, it is reflected in the quality of relationships, processes and interactions – including the integrity and synergy of conversations, communications, discussions with others, eg local government authorities such as Thames Coromandel District Council, Environment Waikato and DoC
- ★ the mauri of Ngāti Porou ki Harataunga, as a whānau/hapū/iwi, is imbued within the whenua, maunga, rivers, takutai moana, ngahere, people, marae and numerous sacred sites including our identity as Māori and the way in which rangatiratanga is expressed, eg - how decisions are made about key issues, confidence in representatives and the processes for governance/management/ protection (kaitiakitanga) of collectively-owned assets such as the tuku
- ★ within an RMA context, a number of models are using the concept of mauri to assess and monitor the impact of development on iwi resources - such as rivers, fish stocks, geothermal activity
- ★ Ngāti Porou ki Harataunga capacity to engage in cultural impact assessment would clearly benefit from investment in the collection of qualitative and quantitative baseline data about the mauri of ngā taonga tuku iho (cultural resources) – this information is not currently available in any coherent form – a number of indicators could also be developed to measure the integrity of internal and external discussion/consultation/decision-making processes
- ★ mauri is the energy that is drained by diversity and turmoil, it is most powerful when it is captured and channelled in one direction, this is the connectedness and synergy a life-force needs to thrive



Despite the lack of baseline information, respondents felt the establishment of these sub-divisions would have a negative impact on the mauri of Ngāti Porou ki Harataunga. Non-Māori scores tended to be slightly less negative but the mean score, across all groups, was 10.2.

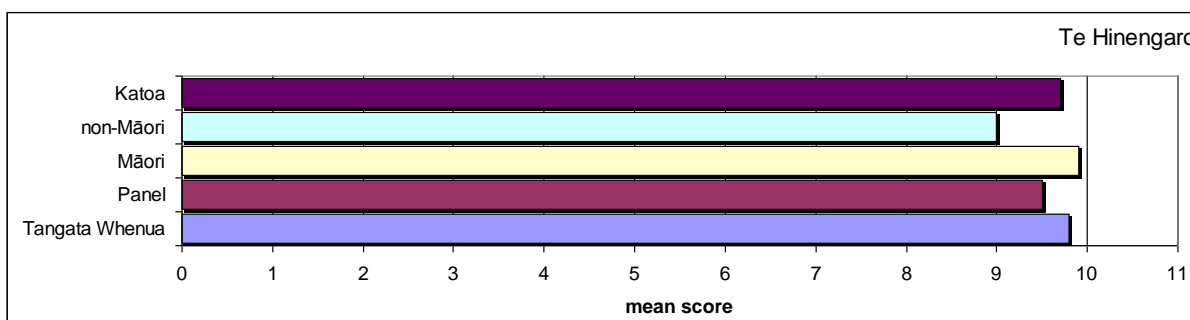
## Te Hinengaro

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more than the mind and its physical components  
understanding, knowledge, intelligence, wisdom  
people have different levels/abilities (some are not capable of wisdom)  
a life-long, inter-generational journey  
not obtained by simple means, needs space and time

---

- ★ we must ask ourselves whether the decision to approve these sub-divisions reflects collective wisdom about honouring the Treaty of Waitangi or protection of Māori [Ngāti Porou ki Harataunga] culture and traditions (as required within RMA and LGA provisions)?, did the process allow the space and time needed to generate wisdom about the cultural impact of sub-division – was the mauri of te hinengaro vibrant?
- ★ Māori are used to the short-comings of LGA decision-making about Māori RMA issues and Ngāti Porou ki Harataunga have to recognise the minds (worldviews/values/attitudes) we are dealing with
- ★ developers are adhering to the ownership of property rights and invest in consultants to ensure their own financial gain is pursued over collective good, guardianship of culture or acknowledgement of whānau who were displaced and alienated through opportunistic misdemeanour
- ★ the developers who are themselves of Ngāti Porou ki Harataunga descent also turn their back on the wellbeing of their own extended whānau and choose to ignore the whakapapa which shows their strategies for the generation of personal wealth will irrevocably dismantle a common, shared heritage of whakapapa-based culture and identity
- ★ Ngāti Porou ki Harataunga, as the kaitiaki of this tuku, is disempowered by yawning diversities which have origins in decades of assimilation into mainstream ways of being, exodus from ancestral lands to the cities and towns and lack of leadership in the identification of collective aspirations
- ★ TCDC, as the LGA decision-makers, are baffled by wholistic mātauranga Māori positions, fearful of costly litigation and do not have the nous to operationalise mechanisms that could potentially protect the special character of indigenous communities - precedence is inevitably given to individual rights and capitalistic points-of-view
- ★ this is the context, in which minds (information, knowledge and intelligence) collide in the ostensible search for wisdom (as this is the purpose of Te Hinengaro) – or perhaps the goal was simply power and control? tangata whenua would rather te hinengaro was channelled towards kaitiakitanga



Across all groups, the mean score was 9.7 but non-Māori were less likely to say the sub-divisions will have a negative impact on tangata whenua experience of Te Hinengaro.

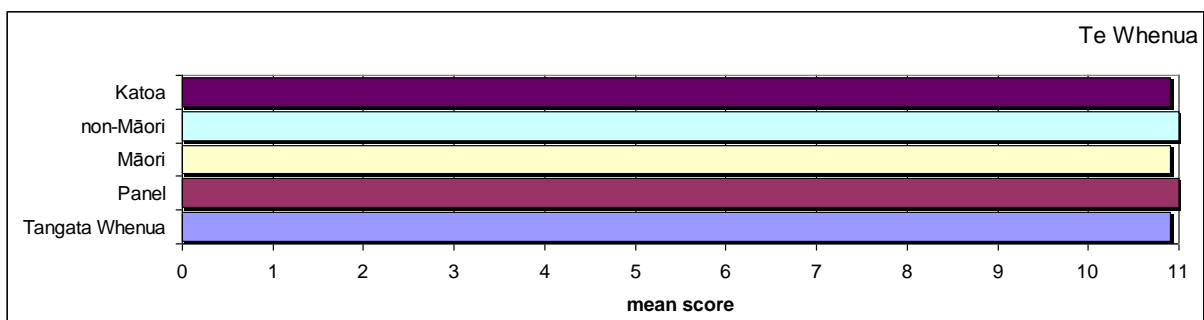
# Te Whenua

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te whare tangata  
repository of inter-generational energy/emotion/experience  
tangata whenua are kaitiaki  
decision-making is informed by mātauranga Māori solutions/strategies  
defines personal and collective culture/identity/status/mana

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- ★ concepts of whenua, mana and mauri are closely entwined – mana comes from having a relationship with te whenua, mauri is determined by the quality of our relationship with te whenua, te whenua is the corner-stone of Māori wellbeing and identity
- ★ you don't have to look far to see how development has changed the character of other communities (Coromandel, Pauanui, Whangamata, Matarangi, Whangapoua, Tairua, Te Puru, Waiomu)
- ★ sub-divisions in Tu-a-te-awa (15kms away) have already impacted on the whenua here in Harataunga - cell towers, power lines; walking down the roads is no longer a safe or enjoyable activity; cars, trucks and boat trailers bring dust, noise and speed; they complain about things our tamariki/rangatahi have been doing for years; Tokatea is clogged with their travel needs;
- ★ tangata whenua wanted a commitment to sustainable, eco-friendly management of resources, we asked TCDC to project the infra-structure and amenity needs associated with increasing the population and number of dwellings in Harataunga (eg – roading, sewerage disposal, drainage, water and power supply), we thought they might want to avoid their mistakes, in many other communities, where development has rapidly exceeded capacity
- ★ we asked for a staggered, population-based, community-wide approach that would allow the environmental impacts of development to be carefully assessed and managed – we felt existing problems should be resolved (eg water supply, sewerage overflow at Moana Crescent, cars on the beach) before additional pressure was placed on valuable resources, we thought planning for papakainga and kaumatua housing was a priority, we believe te whenua is worth future-proofing against unwarranted pollution and development ... ma te whenua, ma te wahine, ka mate te tangata
- ★ what we have is a fragmented, piecemeal, developer-driven approach to character changing sub-division without commitment to eco-friendly, sustainable solutions or tangata whenua involvement in any aspect of assessment, monitoring, planning or decision-making ...

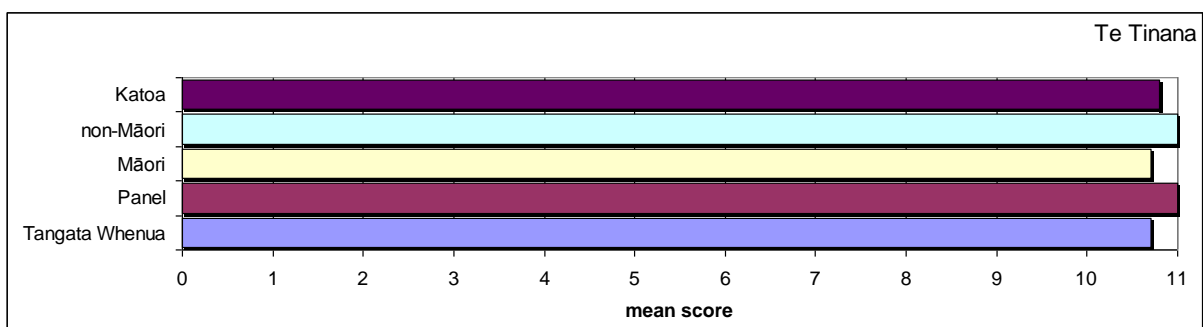


The overall mean score was 10.8. Every group unanimously agreed the establishment of these sub-divisions would have a negative impact on te whenua.

# Te Tinana

physical realm/dimension  
 shelters/protects/provides  
 vehicle for the transmission of mana, mauri, whakapapa  
 integrated, wholistic  
 source of identity/status  
 must be nurtured/cared for/sustained

- ★ te tinana is the physical embodiment of our tupuna, it carries their DNA and passes this on to our tamariki/mokopuna, our future leaders and kaitiaki, there is nothing more vibrant than a hapū of related whānau standing together – ā tinana – to support a kaupapa, sing traditional waiata or work the land
- ★ we do not have the baseline data that would allow us to scientifically monitor how sub-division may impact on the tinana of Ngāti Porou ki Harataunga
- ★ once again we have to draw on historical and international evidence which shows the loss of ancestral lands has devastating, long-term impacts on indigenous health and wellbeing
- ★ for many decades, Māori have had higher rates of morbidity (illness) and mortality (death) than their non-Māori counterparts and, in one way or another, this always comes back to the cycles of deprivation and disadvantage that has been created by catastrophic land loss
- ★ it's not that we haven't developed resilience or learned to survive in non-Māori worlds, its about understanding relationships between tinana and whenua – how te tinana thrives when whānau are able to live and work on the land (ā tinana), te whenua nutures and nourishes te tinana, how te tinana cares for te whenua (kaitiakitanga) ... look after the land and the land will look after you
- ★ te tinana is wholistic which means numerous indicators could be used to monitor and assess the impact of sub-division, including but not limited to - general health and disability profiles, housing conditions, income levels, experience of deprivation, participation in ahi kaa training/employment/kaitiakitanga/economic/healthy lifestyle initiatives, number of ahi kaa whānau, number of kaumatua able to sit on the pae, number of whānau returning to live on the land, levels of participation in the Māori world (Kura Kaupapa Māori, waka ama, kapa haka, knowledge of whakapapa/waiata/repositories of knowledge, ability to speak te reo Māori), confidence in leadership models, investment in sustainability, exposure to pollution/pesticides/poisons/electromagnetic energy, water quality ... we do not currently collect any of this data but we should



Across all groups, the overall mean was 10.8 with non-Māori and panel members being slightly more likely to say these sub-divisions will have a negative impact on the tinana of tangata whenua.



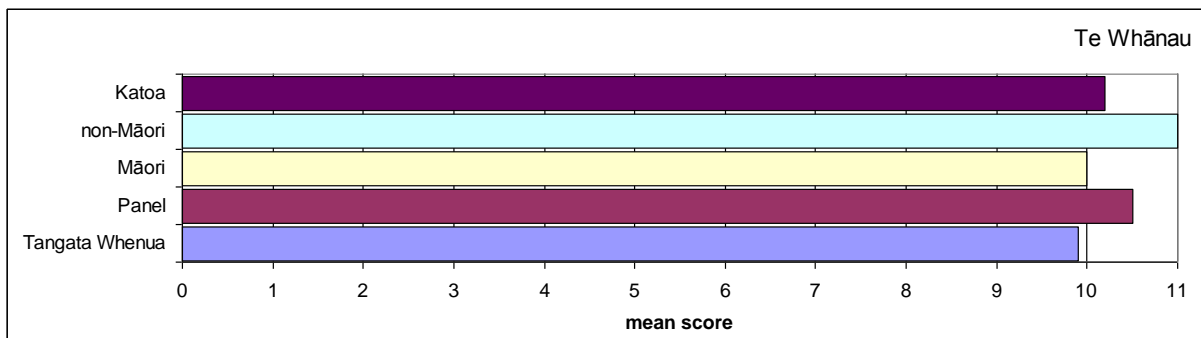
## Te Whānau

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to give birth and to whom we are born  
establishes hapū/iwi  
defined by whakapapa  
everyone has a right to belong  
thrives on whanaungatanga  
te pā harakeke (cycles of birth, death, new beginnings)

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- ★ te whānau is an empowering place where connectedness through shared bloodlines and land ties are acknowledged and celebrated as the reason for being, this forms the foundation for alliance and recognition as a distinct hapū/iwi with our own repositories of resources and knowledge – whānau members may opt to ignore one another but whakapapa determines who has the right to belong
- ★ engagement in whanaungatanga (caring for one another) and manaakitanga (the physical act of upholding each other's mana) is how relationships among whānau are nurtured and strengthened – far too often this only seems to happen at tangi, nowadays, when extended whānau members (usually ahi kaa) work for days on end to manaaki the ones who are burying their dead
- ★ the whānau system is reciprocal, mutually-beneficial and a collective responsibility - the strong ones support those in need of help and this is given back at some other time, in some other way but the debt is never forgotten, everyone contributes in the best way they can, strategies are devised to make the most of collective capacity and work towards outcomes that are best for everyone, no-one intentionally sabotages the structural foundations of whānau
- ★ in order to identify (and achieve) collective aspirations and goals, whānau must be willing to talk to each other, engage in wananga/discussions, give te hinengaro the time and opportunity to identify pathways and strategies that will lead to collective wellbeing
- ★ problems emerge when inequity is created in the distribution of collectively-owned assets, no matter how they might have happened, in the experience of Ngāti Porou ki Harataunga, the “haves” see no reason for engagement with the “have nots” and prefer instead to apply non-Māori concepts of ownership and property rights in which their own personal wealth and financial return is the main objective ... the building blocks of whānau/hapū/iwi are readily forgotten



Everyone thought the sub-divisions would have a negative impact on Ngāti Porou ki Harataunga whānau, non-Māori and panel members anticipated the greatest impact. Across all groups, the overall mean was 10.2.

## Te Mana

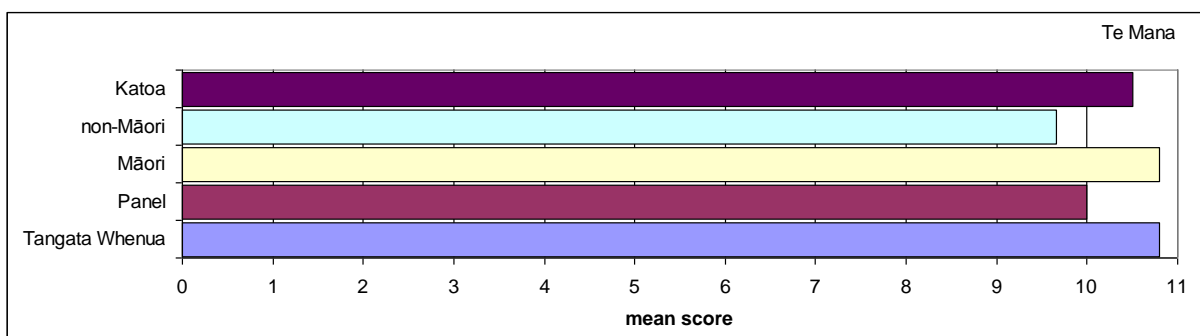
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intrinsic authority/uniqueness  
not passive recipients  
imparted by others, derived from manaakitanga  
collective responsibility

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- ★ Te Mana goes something like this .... in the mid-1800s Hauraki ariki (rangatira) had the mana (authority) to gift this land to Ngāti Porou hapū (collectively) for the purposes of occupation and use (in accordance with customary lore) - the settler Government then introduced laws which forced the Ngāti Porou custodians (alongwith all other iwi) to put names on surveyed titles and pay rates to local authorities (or their lands could have been forfeited for Pākehā settlement) – the names that were chosen initially represented extended whānau groupings who (collectively) had equal rights to occupy and use the land - this system of multiple-custodianship was troublesome for Pākehā who found it easier to buy land that was in individual title
- ★ in the decades that followed, numerous pieces of legislation aimed to break up Māori land holdings, individualise titles and undermine Māori mana (authority) to make decisions about their own lands – roads pushed through under the Public Works Act have broken up large blocks of land in Harataunga that would otherwise have remained intact; miners were also given rights of use which later converted into ownership titles as were logging, cutting and gumfield rights; parts of the tuku whenua have been taken for unpaid rates, survey fees, war veteran settlement, conservation purposes and reserve contributions – by the 1900s Māori occupation titles were passing from one generation to another by succession (usually bloodline) which means the shareholdings become smaller and smaller, somewhere along the line the inheritance of customary occupation rights was construed as an ownership right, by the 1930s only 4 percent of Māori customary lands remained in Māori ownership
- ★ since the 1950s, succession has been the main mechanism for individualisation and alienation of Māori land - despite legislation which was meant to prevent further alienation, the office of the Māori Trustee spent a couple of decades writing-off shareholdings which fell below an arbitrary (uneconomic) level (usually without advising the affected whānau), thus paving the way for aggregation, sale and partitioning to enterprising individuals; the Land Incorporation Act (and its various amendments) also created opportunities for a few “trustees”, and sometimes individuals, to make self-aggrandizing decisions about development, exchange of shares and the (illegal) use of multiple-owned lands for collateral – many lands have been lost through the use of these mechanisms (including the blocks these developers want to sub-divide) and in most cases the other shareholders were not consulted and/or the requirements for majority consent were not satisfied; similarly, the Land Transfer Office has allowed Executors (of a will) to individualise multiple-owned titles without even checking to see if they have the consent of beneficiaries they are meant to represent
- ★ local government has taken the remaining steps needed to disempower mana Māori in decisions about the occupation and use of their own lands – District Plans and RMA processes dictate the rules for development including the number of dwellings, types of buildings, where and how access is gained, whether earthworks can occur and the timeframes for completion - then they demand insurmountable fees on top of rates and other charges - once the land is in individual title (irrespective of grievance or whether it is under Treaty claim) they decide how it will be classified (or zoned) which then paves the way for open-market sub-division and business development

- ★ as an example of how sub-division has a negative impact on the mana of tangata whenua, several whānau here have shares in land that was used as a walking track to the beach by extended whānau, over the years friends of whānau and people who bought land in the sub-division (at Moana Cres) also used the track for beach access, gradually the track was made bigger and wider to cope with increasing volumes of cars and boat-trailers, then in the mid-1990s the sub-division people made application to have it made into a public road (because they had used it for years), the whānau who had let them use it objected to the application saying it belonged to them not the general public - their objections were ignored (for the good of the wider community) and the road was made public thus ensuring anyone could use it to access the beach forever more – for this reason that whānau no longer let extended whānau cross their lands to access an urupa!
- ★ another example is found in a recent Māori Land Court order to uphold a Gazette Notice which says the beneficiaries of Harataunga Marae are the “residents” of Kennedy Bay (despite a vesting order in which the beneficiaries are defined as the Māori descendants of 3 Ngāti Porou hapū). As a result of sub-division and land sale, non-Māori residents already outnumber Māori and, therefore, have the mana for decision-making about issues on the marae. The irony is every person who buys land in the proposed sub-divisions will also have this mana but the Māori owners of this land, ie - mokopuna of the kuia who vested the land for the purposes of a marae in the first place – will not, because they are not residents. How is that for a takahia (insult) on mana Māori?
- ★ yet another recent example of sub-division disempowering Māori is a whānau who applied for resource consent to build a house on multiple-owned land, in order to get approval they had to ask the people who had bought houses in the sub-division at Moana Cres whether they minded! TCDC did not even want to know what Māori landowners thought.
- ★ a final example is the 500-odd tangata whenua who signed petitions and submissions opposing one of the sub-divisions we are currently assessing - TCDC opted to approve an application submitted by 2 non-Māori individuals, in other words mana Māori meant absolutely nothing, oops that’s right TCDC say this is because the developers invoked Enviroment Court proceedings ...
- ★ the mana of Ngāti Porou ki Harataunga is derived from our status as tangata whenua and authority to make our own decisions about the management of resources (ngā taonga tuku iho) on behalf of our whānau/hapū/iwi (mana tangata), mana Māori is also derived from our collective knowledge, skills, expertise and capacity, the calibre of decisions we make, relationships we form and effectiveness of actions that are taken – as an iwi, we realise the Resource Management Act contains provisions for tangata whenua to reclaim the mana for decision-making about the management of resources within their own rohe – our potential to ever do this diminishes with every sub-division that is created, every rāwaho that buys land, every piece of multiple-owned land that loses its Māori land (papatipu) title.



At 10.5 the mean score suggests everyone thought the sub-divisions would have a negative effect on the mana of tangata whenua, however, non-Māori and Panel members anticipated less impact.

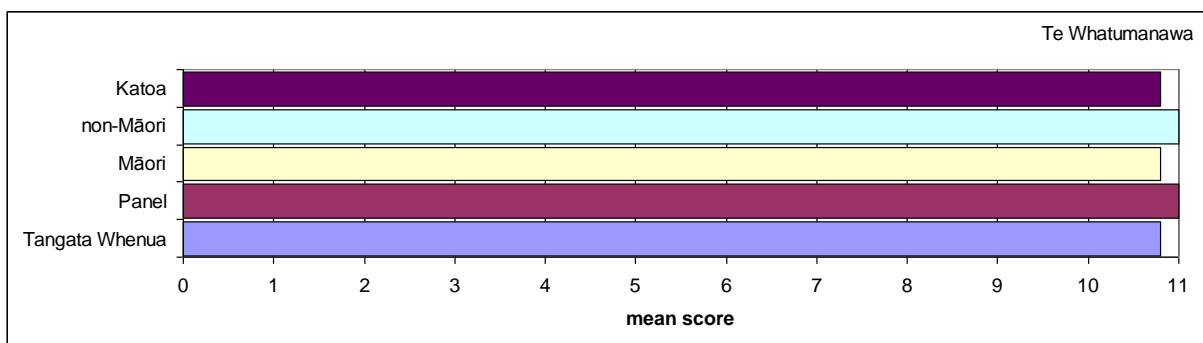
# Te Whatumanawa

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inter-generational reservoir  
 accumulated emotion and experience  
 kaitiaki function  
 specific tikanga needed  
 deep-seated & powerful

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- ★ mātauranga Māori has a name for the place where feelings and emotions go when experience of controversy, conflict, abuse, grievance, injustice is unresolved or our values, worldviews, philosophies and beliefs are misunderstood and ignored
- ★ that place is te whatumanawa
- ★ te whatumana is a reservoir of experience and emotion, it gathers the good and bad, it is said to be the “cradle which rocks our heart”, the “window to our soul”, the “anchor to which our mana is moored” – te whatumanawa passes from one generation to another, shapes our view of the world (attitudes) and explains why we respond or behave to situations like we do ... driven by rage, frozen with fear, green with jealousy, overwhelmed with grief ...
- ★ the concept of te whatumana may help to explain some of differences/diversity within Ngāti Porou ki Harataunga whānau ... why is it that some invest their time and energy in the protection and retention of our identity as Māori whereas others are willing to sacrifice our (collective) cultural heritage for their own personal gain?
- ★ te whatumanawa is a concept that can help us to understand some of the ways in which we human beings may respond to situations ... perhaps an obsession with money is a response to experience of extreme poverty and hardship?, perhaps alcohol and drug use is a response to hopelessness and despair?, perhaps vandalism and petty theft is a form of retribution against those who have taken from us?, perhaps violence and aggression is how we deal with marginalisation and oppression?
- ★ our ancestors have said that te whatumanawa is important if we wish to understand factors that influence the wellbeing (waiora) of whānau



With an overall mean score of 10.8, it was evident all groups believed the sub-divisions would have a substantial negative impact on tangata whenua experience of te whatumanawa.

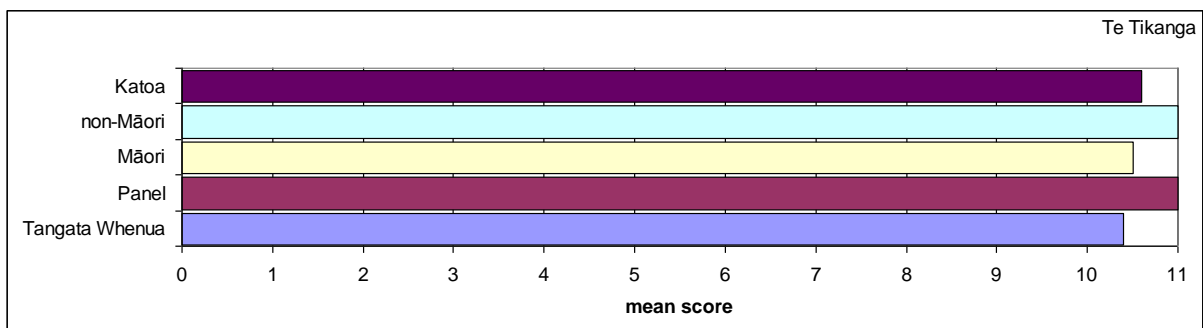
# Te Tikanga

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doing the right thing, at the right time, for the right reasons  
informed by kawa  
aims to maximise positive outcomes  
must be appropriate for time and place  
any wrongdoing must be put right

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- ★ Te Tikanga refers to the behaviours and protocols that we follow in our day-to-day lives - the tikanga we decide to use, in any given situation, is meant to be informed by values and belief systems about things that are important to us, as Māori, which in our case is Ngāti Porou ki Harataunga
- ★ tikanga is a powerful vehicle for the transmission and socialisation of worldviews and cultural norms within whānau/hapū/iwi but only when everyone understands the rationale (for choosing one behaviour over another) and agrees to follow it themselves
- ★ in order to identify our tikanga, Ngāti Porou ki Harataunga should engage in discussion and debate (wānanga) to identify the values and worldviews that are important to us - except that is not so easy to do, in this day and age, with everyone scattered all over the world and whānau having different levels of commitment to involvement with iwi affairs and various members preferring a personal property right point-of-view and so-called mandated representatives not taking an interest in the issue at all and RMA/LGA/Māori Land Court processes that are fostering the individualisation of Māori lands and minds
- ★ what we do have is 500-odd iwi members who have said they value the tuku whenua, as one of our taonga tuku iho, and believe that Ngāti Porou ki Harataunga were given the right to occupy this land, not the right to sell for personal gain, and our tikanga is kaitiakitanga or the protection and retention of Harataunga so we can establish a sustainable economic-base that benefits us all, collectively, and enables us to hand the whenua on to future generations intact, and in a better condition than it is now
- ★ as a tikanga for protecting the wellbeing (waiora) of Ngāti Porou ki Harataunga, TCDC chose to disregard the information which showed why sub-division is **not** “doing the right thing, at the right time, for the right reasons”, and instead empowered the transmission and socialisation of behaviours and protocols that will inevitably dismantle our cultural heritage.

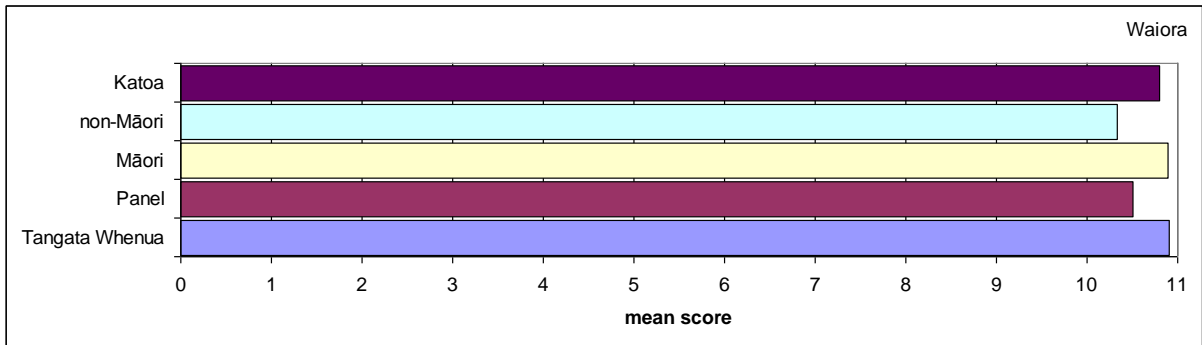


Across all groups, the mean score was 10.6 which suggests everyone thought the sub-divisions would have a negative impact on tangata whenua experience of tikanga. Non-Māori and panel members anticipated the most negative impact.

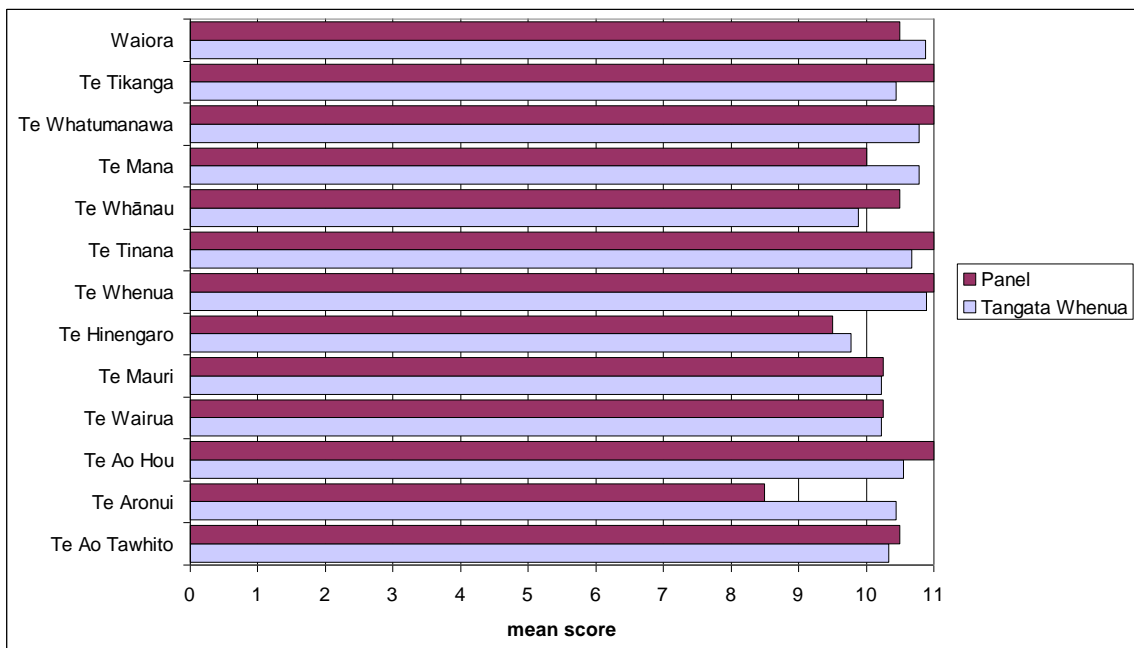
# Waiora

the river which nurtures and sustains whānau wellbeing,  
 within the ebb and flow of their day-to-day life,  
 and wider context of human survival  
 ... a positive, healing energy ...

In addition to the 12 component items, respondents self-rated perceptions about the impact of sub-division on the waiora (overall wellbeing) of tangata whenua. One 'Don't Know' response was received and this was the only time this option was used during the pilot. Across all groups, the self-rated mean score for waiora was 10.8 which was slightly higher than the aggregated mean score of responses to all items in the scale (M = 10.5). Regardless of which technique is used, the mean scores clearly show everyone thought the sub-division would have a negative impact on the waiora of tangata whenua. In comparison with non-Māori and panel members, Māori and tangata whenua were more likely to say sub-division will have a negative impact on Ngāti Porou ki Harataunga experience of waiora.



The following graph compares mean scores for panel members and tangata whenua on all items in the waiora scale. This suggests little difference between the mean scores obtained for all items except Te Aronui, Te Whānau and Te Mana. Compared with panel members, tangata whenua were more likely to say sub-division will have a negative impact on their experience of Te Aronui and Te Mana.





# NGĀ KUPU WHAKATEPE

## Discussion

This pilot has contributed to an evidence-base that is gathering information about the validity of Hōmai te Waiora ki Ahau as a tool and framework for discussion about the meaning of waiora and its relevance for contemporary Māori. More information about the development and use of this tool is available at [www.tumana.maori.nz](http://www.tumana.maori.nz).

As a mechanism for cultural impact assessment (CIA) within the context of LGA decision-making about RMA issues of relevance to Māori, the pilot outcomes have demonstrated the tool is:

- acceptable and appropriate for Māori
- relatively quick and easy to administer (can be completed in one day)
- able to be completed by a range of participants including tangata whenua, planners, community board representatives, Māori and non-Māori who have no previous knowledge about the meaning of concepts and are not able to speak te reo Māori
- produces multi-dimensional component scores as well as a single overall score that could, in principle, be incorporated in LGA decision-making processes
- enables comparison of group scores and identification of outliers, or points which may need to be specifically resolved
- creates opportunities for discussion and debate about the benefits and impacts of resource management from a mātauranga Māori worldview
- provides an effective framework for recording key issues and concerns in a logical and meaningful manner without fragmenting or simplifying the content of information
- produces a report and reference document for tangata whenua and LGA decision-makers

It is regrettable none of the developers were willing to participate in this process as discussions clearly lacked information about the benefits of sub-division for tangata whenua. Amongst those who did take part, there was obvious consensus the establishment of these sub-divisions will have an overwhelmingly negative impact on the wellbeing of Ngāti Porou ki Harataunga. In general, individual ratings on all 12 components of the waiora model always fell towards the upper, most negative, end of the scale but mean scores ranged from 9.7 to 10.9. In respective order, respondents anticipated sub-division would have the most impact on the mauri of te whenua as well as tangata whenua capacity to realise their potential and create the platforms needed for survival of future generations. They also anticipated a negative impact on the emotional and physical wellbeing of tangata whenua along with their mana or identity (as a distinct and vibrant iwi) and authority to make decisions about the management of ngā taonga tuku iho (ancestral treasures) and collectively owned assets or resources. Although still alarmingly negative, respondents thought sub-division would have the least impact on te whānau, te wairua and tangata whenua capacity to overcome obstacles, search for wisdom (te hinengaro) and actively participate in Te Aronui. In this regard, participation in the CIA process highlighted two underlying challenges that are frequently impacting on the waiora (collective wellbeing) of Ngāti Porou ki Harataunga:

- firstly, there is an urgent need to improve the quality, integrity and effectiveness of relationships with TCDC and other LGA's involved in decision-making about the management of collectively-owned resources;
- secondly, Ngāti Porou ki Harataunga capacity to engage in decision-making about the management of iwi resources would be uplifted considerably if whānau/hapū/iwi stand together (kotahitanga), support each other (manaakitanga) and engage in the discussions

and leadership processes that are needed to identify common values and ensure the achievement of collective aspirations (whakatakoto tikanga).

A larger group of respondents (sample size) would have enabled the use of statistical techniques to discuss the reliability of this tool in terms of group differences, internal consistency and generalisability. It is unlikely this information will add value to the process of cultural impact assessment within an RMA context, however, it is important to note **the aggregated mean of item scores provides the most reliable indicator of outcomes** and the single score that could be easily integrated within LGA decisions. With a maximum score of 11 representing the most negative outcome of cultural impact assessment, Ngāti Porou ki Harataunga would expect an aggregated mean score of 10.5 to definitely influence an LGA decision.

Several respondents felt participation in the pilot had greatly improved their understanding of Māori values and worldviews but others were frustrated by the unawareness of key concepts, superficial nature of discussions and need to primarily speak English. Given the diverse realities of whānau, varying levels involvement in Te Ao Māori and need for techniques which foster non-Māori/LGA participation in the CIA process, it is unlikely such issues will be easily resolved. Better time management is also needed to ensure the CIA methods are fully implemented including discussion of rating scale outcomes and strategies to mitigate or eliminate potentially negative impacts, if relevant.

There was not enough time for pilot discussion about mitigating the negative impacts of these particular sub-divisions, but tangata whenua have nevertheless identified a number of strategies:

- first of all, the developers must be **willing to compromise and engage** in the discussions that are needed to identify mutually feasible solutions, in this regard proposed strategies for the resolution of public concerns about the sub-division of nearby New Chums beach provide a timely model for consideration, albeit led by non-Māori;
- secondly, Ngāti Porou ki Harataunga leadership must **take responsibility** for representation on this important issue starting, if they wish, with the use of survey techniques to validate the CIA outcomes and confirm the positions they are expected to represent;
- thirdly, TCDC and other relevant LGAs must **value** the national importance of Māori culture and traditions, stop focusing on the interests of developers and **co-operate** with tangata whenua strategies for the mitigation of negative impacts - at the very least this would involve formal acknowledgement of the CIA outcomes, establishment of an effective communication process and the stringent use of statutory mechanisms for tangata whenua involvement in relevant decisions – since initial approval of the Harataunga 2C2B2C sub-division in 2005, for example, TCDC has disregarded 3 opportunities to bring tangata whenua to the decision-making table and chosen not to take advantage of available statutory pathways<sup>3</sup>. Their justification for this approach is .... the potential or actual adverse effects would be minor, no parties are adversely affected and there are no special circumstances that warrant public notification ... (pers. comm, emails between Bruce Baker and Stephanie Palmer on 30-31 March 2009) but they could have equally argued a position which aimed to protect the cultural heritage of tangata whenua;

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<sup>3</sup> on 12 January 2009 TCDC approved two variations to the original consent, the first gave permission for the sub-division to be established in 3 stages, the second has allowed for the construction of a private road, on 8 March 2010 they also granted an extension of time for submission of the s223 (survey plan) and s224 (completion of conditions) certificate

- fourthly, the Wai 792 treaty claim seeks redress for grievances associated with the loss of these lands and the imminent settlement of this claim (as part of the Harataunga Treaty claims), therefore, provides an opportunity to **restore their papatipu status**, and
- lastly, Ngāti Porou ki Harataunga leadership (and LGA authorities) would benefit from **engagement in forums that allow us to learn** about the innovative ways in which other iwi have negotiated across sectors to not only regain and retain collective ownership of ancestral lands (and thereby eliminate the threat of sub-division) but also used their lands to establish sustainable housing solutions and economic initiatives that aim to improve the collective wellbeing of iwi members<sup>4</sup>.

The only thing which stops Ngāti Porou ki Harataunga from achieving these goals is our commitment to the kaupapa.

He kura kāinga e hokia  
he kura tangata e kore e hokia

(the land is a precious hierloom it retains its value forever, human possessions will not)

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<sup>4</sup> goto The Māori Bay Conservation Estate at [www.maoribay.com](http://www.maoribay.com), and recently released information on the Paroa Housing Development Project available from Te Rūnanga o Ngāti Awa at [www.ngatiawa.iwi.nz](http://www.ngatiawa.iwi.nz)

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## TCDC Chronology of Planning Processes for Approval of Sub-Divisions

**Planning process for D B Munn land at Kennedy Bay****Owner:** D B Munn**Site location:** 1292 Kennedy Bay Road, Kennedy Bay**Legal description:** Harataunga 2C2B2C Block**Total site area (structure plan):** 14.5058 hectares**Current District Plan zone:** Coastal Zone (Village Policy Area)Structure Plan rule 342.6 provides for maximum of 18 lots (minimum net lot area 5000m<sup>2</sup>).**Background**

A summary of the planning process for the Proposed Thames-Coromandel District Plan in relation to this site at Kennedy Bay follows:

Date	Action	Comment
26 June 1996	Draft District Plan approved for public consultation	Council resolve to approve draft for consultation with community and interest groups
30 July 1996	All ratepayers advised of District Plan review	Information posted out with rates advice to all ratepayers in district
14 August 1996	Kennedy Bay consultation	Consultation clinic held at Harataunga Marae
August and September 1996	Consultation throughout district	Meetings and consultation clinics held with public
21 and 22 March 1997	Proposed District Plan publicly notified.	Advertisement made in NZ Herald and Hauraki Herald
23 May 1997	Submissions closed	Six submissions were received from D B Munn. Seven other submissions on matters relating to Kennedy Bay received.
5 July - 1 August 1997	Summary of Submissions notified for further submissions	All submissions on Kennedy Bay issues described in summary of submissions notified on 5 July 1997.
3 - 28 November 1997	Further submission period notified	One Hahei submission separately notified (omitted in 5 July notification summary)
1997-1998	Hearings held on Proposed District Plan	Report 54 - Whangapoua Planning Area hearing report included - Issue 11 Kennedy Bay
7 October 1998	Decisions on submissions adopted by Council	Reports with decisions on submissions from District Plan hearings adopted by Council. Council also resolved to proceed with a variation to the District Plan for the 'Kennedy Bay Planning Project'.
19 - 26 October 1998	Decisions on submissions posted to all submitters	Copies of relevant decisions adopted by Council served on all persons who made submissions.

The Council rejected all but one submission made on the Proposed District Plan relating to Kennedy Bay issues:

- By Council resolving to proceed with the Kennedy Bay Planning Project. The objective of this project was to prepare a change or variation to the district plan to address the significant local resource management issues;
- By ensuring that the Kennedy Bay Planning Project included consultation specially designed to identify local resource management issues and means of addressing and resolving them;
- By retaining the proposed plan in the form notified for Kennedy Bay except for the submission by R.L. & H.L. Grey (54/11/1132/5054) which was accepted to rezone the submitters land from Coastal Zone Maori Interests Policy Area to Coastal Zone (Outside all policy areas).
- For all the following submissions on the Proposed District Plan, the decisions made by Council retained the provisions which were notified in the proposed plan. These decisions are set out in District Plan Hearing reports (and relevant submitters):
  - Report 1010/1/743/2952D B Munn
  - 10/1/743/2951D B Munn
  - Report 3232/12/1138/5073Ngati Porou ki Hauraki
  - Report 4747/7/743/2953D B Munn
  - Report 5454/11/408/570Edward McLean
  - 54/11/454/3715HCN Hovell and Family
  - 54/11/456/682Kaye Rabarts
  - 54/11/648/2653TCDC
  - 54/11/743/2938D B Munn
  - 54/11/743/2949D B Munn
  - 54/11/743/2955D B Munn
  - 54/11/970/4184RC and EG Nightingale

Another key factor in the decision to initiate the Kennedy Bay variation was that Ngati Porou Ki Hauraki had not been involved in the consultation process prior to notification of the proposed plan. This needed to be redressed.

The reasons for making the decision on the above submissions and to proceed with the Kennedy Bay variation to the proposed plan were as follows:

- The Kennedy Bay area contains a mixture of European and Maori land holdings.
- It is predominantly coastal in character and provides for a small permanent population. There are a number of holiday residences and baches. The community buildings comprise, school, marae complex, volunteer fire brigade. Activities revolve around fishing (commercial and recreational), holiday, leisure and recreational activities, farming, horticulture, family gatherings, and education.
- Resource management issues identified for the area are:
  - Public access to the beach,
  - Facilities for boating (launching, retrieval, provisioning and repairs and maintenance)
  - Development of land for farming, forestry, horticulture, fish farming, and maybe processing and storage facilities
  - Housing development and subdivision for permanent and holiday population

- Recognition of the relationship of Maori and the culture with ancestral lands, sites, waahi tapu and other taonga
- The ecology of the area is rich in biodiversity and has important indigenous landscape values
- The Kennedy Bay area was recognized as an area of the district which required a focussed and more comprehensive planning review than what could be achieved within the framework of preparing a new district plan for the whole district.
- Funding was provided by Council to address the particular resource management issues in Kennedy Bay as a separate special project.
- Upon completion of the district plan review, a new plan will be in place with new district objectives and policies providing an overall framework. Such a project can then usefully concentrate more on the local issues and needs and develop particular methods appropriate to Kennedy Bay.
- A Kennedy Bay Planning Project could then concentrate on identifying local issues and needs through a community consultation process and to agree on appropriate methods for resolving the local issues.
- In the meantime, the district plan provisions as notified would remain in place except for the alteration set out in the decision (Grey submission).

A summary of the main events associated with the DB Munn appeal follows:

Date	Action	Comment
November 1998	DB Munn files an appeal with the Environment Court against Council's decisions on his submissions to the Proposed District Plan	Appeal seeks to have zone of Munn land at Kennedy Bay changed to Coastal Village Policy Area or Kennedy Bay Village Zone
1999 - 2002	Intermittent discussions with D B Munn on settlement of appeal	No other parties joined in the appeal as s 274 parties to the proceedings.
April 2003	Further discussion with DB Munn's agent on settlement of appeal	Munn's agent (Denis Nugent) proposed a structure plan based on minimum lot areas proposed in Variation 4 for the Iwi Kainga Zone Report to Committee on appeal progress.
15 May 2003	Policy and Planning Committee meeting	Committee resolve: "Item referred to the June meeting and instruct staff to further research on the reference background"
19 June 2003	Policy and Planning Committee meeting  This committee meeting resolved to accept structure plan proposal by Munn's agent (Denis Nugent)	Planning staff recommendation to Committee is to include the Munn land in the notification of Variation 4: "That the Committee decline to accept the settlement offered for the reason that the Munn land needs to be a part of the variation proposed for Kennedy Bay and has been included in all consultation undertaken to date."
15 September 2003	Consent Order signed by Environment Court approving structure plan to be inserted into DP	Structure Plan provides for a Controlled Activity subdivision
20 October 2003	Corrigendum signed by Environment Court	Attached structure plan diagram to be included as part of Consent Order.

A summary of the main events associated with the resource consent for Harataunga 2C2B2C Block (DB Munn land) follows:

Date	Action	Comment
23 May 2005	SUB 20040008 subdivision consent approved by Council.	Proposed subdivision is consistent with the structure plan approved by the Environment Court. As a Controlled Activity, Council is required to grant consent to the proposed subdivision.
12 January 2009	Variation of SUB 2004 0008 to implement consent in stages	Three stages for proposed subdivision approved - no change in scope of proposed subdivision.
8 March 2010	Extension of time for SUB20040008 (and variation SUB/2008/103) is granted	Extension of time has no effect on objectives and policies of District Plan.

## Planning process for Hobson-Downs Trust land at Kennedy Bay

**Owner:** Hobson-Downs Trust

**Site location:** 1292 Kennedy Bay Road, Kennedy Bay

**Legal description and area:** Harataunga 2B2 Block

**Total site area (structure plan):** 12.33 hectares

**Current District Plan zone:** Coastal Zone (Village Policy Area)

Structure Plan 342.7 provides for no more than 14 additional lots (minimum net lot area 5000m<sup>2</sup>).

### Background

A summary of the planning process for the Proposed Thames-Coromandel District Plan in relation to this site at Kennedy Bay follows:

Date	Action	Comment
26 June 1996	Draft District Plan approved for public consultation	Council resolve to approve draft for consultation with community and interest groups
30 July 1996	All ratepayers advised of District Plan review	Information posted out with rates advice to all ratepayers in district
14 August 1996	Kennedy Bay consultation	Consultation clinic held at Harataunga Marae
August and September 1996	Consultation throughout district	Meetings and consultation clinics held with public
21 and 22 March 1997	Proposed District Plan publicly notified.	Advertised in NZ Herald and Hauraki Herald
23 May 1997	Submissions closed	Thirteen submissions were received on Kennedy Bay issues
5 July - 1 August 1997	Summary of Submissions notified for further submissions	All submissions on Kennedy Bay issues described in summary of submissions notified on 5 July 1997.
3 - 28 November 1997	Further submission period notified	One Hahei submission separately notified (omitted in 5 July notification summary)
1997-1998	Hearings held on Proposed District Plan	Report 54 - Whangapoua Planning Area hearing report included: Issue 11 Kennedy Bay
7 October 1998	Decisions on submissions adopted by Council	Reports with decisions on submissions from District Plan hearings adopted by Council. Council also resolved to proceed with a variation to the District Plan for the ' <i>Kennedy Bay Planning Project</i> '.
19 - 26 October 1998	Decisions on submissions posted to submitters	Copies of relevant decisions adopted by Council served on all persons who made submissions.

The Council rejected all but one submission made on the Proposed District Plan relating to Kennedy Bay issues:

- By Council resolving to proceed with the Kennedy Bay Planning Project. The objective of this project was to prepare a change or variation to the district plan to address the significant local resource management issues;
- By ensuring that the Kennedy Bay Planning Project included consultation specially designed to identify local resource management issues and means of addressing and resolving them;

- By retaining the proposed plan in the form notified for Kennedy Bay except for the submission by R.L. & H.L. Grey (54/11/1132/5054) which was accepted to rezone the submitters land from Coastal Zone Maori Interests Policy Area to Coastal Zone (Outside all policy areas).
- For all the following submissions on the Proposed District Plan, the decisions made by Council retained the provisions which were notified in the proposed plan. These decisions are set out in District Plan Hearing reports (and relevant submitters):
  - Report 1010/1/743/2952D B Munn
  - 10/1/743/2951D B Munn
  - Report 3232/12/1138/5073Ngati Porou ki Hauraki
  - Report 4747/7/743/2953D B Munn
  - Report 5454/11/408/570Edward McLean
  - 54/11/454/3715HCN Hovell and Family
  - 54/11/456/682Kaye Rabarts
  - 54/11/648/2653TCDC
  - 54/11/743/2938D B Munn
  - 54/11/743/2949D B Munn
  - 54/11/743/2955D B Munn
  - 54/11/970/4184RC and EG Nightingale

Another key factor in the decision to initiate the Kennedy Bay variation was that Ngati Porou ki Hauraki had not been involved in the consultation process prior to notification of the proposed plan. This needed to be redressed.

The reasons for making the decision on the above submissions and to proceed with the Kennedy Bay variation to the proposed plan were as follows:

- The Kennedy Bay area contains a mixture of European and Maori land holdings.
- It is predominantly coastal in character and provides for a small permanent population. There are a number of holiday residences and baches. The community buildings comprise, school, marae complex, volunteer fire brigade. Activities revolve around fishing (commercial and recreational), holiday, leisure and recreational activities, farming, horticulture, family gatherings, and education.
- Resource management issues identified for the area are:
  - Public access to the beach,
  - Facilities for boating (launching, retrieval, provisioning and repairs and maintenance)
  - Development of land for farming, forestry, horticulture, fish farming, and maybe processing and storage facilities
  - Housing development and subdivision for permanent and holiday population
  - Recognition of the relationship of Maori and the culture with ancestral lands, sites, waahi tapu and other taonga
  - The ecology of the area is rich in biodiversity and has important indigenous landscape values



- The Kennedy Bay area was recognized as an area of the district which required a focussed and more comprehensive planning review than what could be achieved within the framework of preparing a new district plan for the whole district.
- Funding was provided by Council to address the particular resource management issues in Kennedy Bay as a separate special project.
- Upon completion of the district plan review, a new plan will be in place with new district objectives and policies providing an overall framework. Such a project can then usefully concentrate more on the local issues and needs and develop particular methods appropriate to Kennedy Bay.
- A Kennedy Bay Planning Project could then concentrate on identifying local issues and needs through a community consultation process and to agree on appropriate methods for resolving the local issues.
- In the meantime, the district plan provisions as notified would remain in place except for the alteration set out in the decision (Grey submission)

A summary of the planning process for Variation 4 to the Thames-Coromandel District Plan for the Hobson-Downs Trust land follows:

Date	Action	Comment
19 May 1999	A letter from Council is sent informing people of the Kennedy Bay Study and the consultation process.	Letter sent to over 180 landowners, occupiers or people/organisations known to have an interest in Kennedy Bay.
24 May 1999	Liaison Group meeting with Meritec planning consultants to discuss the Kennedy Bay study	Liaison Group assisted with the preparation of an Issues and Options paper
6 June 1999	Open Day on Harataunga Marae	Presentation on the background to the Kennedy Bay study and issues and options paper
2 July 1999	Members of Ngati Porou Ki Hauraki met with the Mayor, Council staff and Meritec planning consultants	Discussion on: results of consultation to date; and the manner in which Ngati Porou Ki Hauraki wish to undertake consultation, develop an iwi management plan and how these actions would complement the preparation of the variation in respect of process, timing and content.
		<b>A Memorandum of Understanding</b> agreed between Ngati Porou Ki Hauraki and Council to identify the issues of importance and the manner in which those issues could be addressed through the variation process.
September 1999 December 1999 January 2000	Hui at Harataunga Marae	Detail of draft variation to the District Plan for Kennedy Bay presented
March 2001	Members of Ngati Porou Ki Hauraki met with the Mayor and Council staff	Discussion on presentation of variation to community at Harataunga Marae

25 January 2003	Consultation with community on Variation 4 - Kennedy Bay	Community meeting held at Harataunga Marae
5 April 2003	Consultation with iwi on Variation 4 - Kennedy Bay	Hui held at Harataunga Marae with iwi
29 October 2003	Policy and Planning Committee meeting	Committee resolve to notify Variation 4 - Kennedy Bay - Iwi Kainga Zone
7 November 2003	Variation 4 - Kennedy Bay - Iwi Kainga Zone publicly notified.	Public notice of variation placed in Hauraki Herald
5 December 2003	Submission received from Hobson-Downs Trust	Submission seeks to have Harataunga 2B2 rezoned to Coastal Village Policy Area
5 December 2003	Submission period closed	49 submitters lodged submissions. Many submissions made on zone of Harataunga 2C2B2D Block (Munn land) which was not included in Variation 4.
23 December 2003	Summary of Submissions notified for further submissions	Public notice of summary placed in Hauraki Herald
9 February 2004	Further submission period closes	68 further submissions received
8 April 2004	Additional further submission period	One further submission omitted from summary of submissions and notified separately
10 May 2004	Additional further submission period closes	
3 July 2004	Hearing on Variation 4 to the Proposed District Plan held at Harataunga Marae	Commissioner Ross Jansen and Policy Committee members Noel Hewlett and Brian Sharp comprised Hearing Panel
25 August 2004	Council meeting	Approves the decisions on submissions and further submissions to the variation to the Proposed District Plan (Variation 4), to rezone and introduce new rules for land at Kennedy Bay.
31 August 2004	Decisions on submissions posted to all submitters	Two appeals lodged on Variation 4 decisions issued by Council are lodged with the Environment Court by Hobson-Downs Trust and Environment Waikato.
2005 - 2006	Communication and discussions held with Hobson-Downs Trust to settle appeal	See below
March to May 2007	Consent Order agreed between Hobson-Downs Trust and Council	Appeal by Hobson-Downs Trust is settled with agreement of Council.
12 July 2007	Consent Order signed by Environment Court	Appeal process concludes

27 August 2007	Thames-Coromandel District Plan notified as partly operative	Public notice in Hauraki Herald. All appeals made on the Proposed District Plan (including appeals on Variation 4 <i>Kennedy Bay - Iwi Kainga Zone</i> ) are finalised except for two (mining related) appeals so District Plan deemed partly operative.
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A summary of the main events associated with the Hobson-Downs appeal on decisions issued on Variation 4 follows:

Date	Action	Comment
29 October 2003	Thames-Coromandel District Council meeting	Variation 4 <i>Kennedy Bay - Iwi Kainga Zone</i> adopted by Council for public notification
7 November 2003	Variation 4 <i>Kennedy Bay - Iwi Kainga Zone</i> publicly notified.	Hauraki Herald public notice
5 December 2003	Submission lodged by Hobson-Downs Trust	Seeks to rezone part Harataunga 2B2 to Coastal Village Policy Area and additional matters sought
3 July 2004	Hearing of submissions and further submissions by Policy and Planning Committee and Commissioner.	Commissioner Ross Jansen and Policy Committee members Noel Hewlett and Brian Sharp comprised Hearing Panel
25 August 2004	Decisions on submissions and further submissions issued	Hobson-Downs Trust submission on variation 4 rejected
12 October 2004	Hobson-Downs Trust lodge an appeal with the Environment Court	
9 June 2005	Environment Court mediation session (between Council and Hobson-Downs Trust)	
23 June 2005	Council staff receive Proposed Structure Plan (PSP) provisions from the appellant (policy provisions/words) for inclusion in the PSP	
16 August 2005	Policy and Planning Committee receive a report that provides background to the appeal and PSP provisions for inclusion into the Proposed District Plan.	The Committee resolved to: "Approve the technique of a Structure Plan following further assessment of the site for residential suitability to settle the appeal on the rezoning of land at Kennedy Bay."
2 February 2006	Council staff receive two reports from consultants employed by the appellant	Reports from consultants employed by the appellant entitled: Proposed Structure Plan: Hobson-Downs Trust (Lot 2B2) Kennedy Bay (Boffa Miskell Ltd, December 2005) Kennedy Bay Development Geotechnical Report: Hobson-Downs Trust (Tonkin & Taylor Ltd, December 2005)
26 April 2006	Council receives the report " <i>Hobson-Downs Trust v TCDC Variation 4 Kennedy Bay Draft</i> "	Council resolves to "initiate consultation with the community of Kennedy Bay prior to making a decision as to whether Council should

	<i>Consent Order</i> ” with the above-mentioned reports attached	approve/decline the Draft [Proposed] Structure Plan
22 May 2006	Letter sent by Council to all residents and ratepayers of Kennedy Bay	Advising of the Proposed Structure Plan and inviting comment/feedback through a community meeting (17 June) or via receipt of information/comments by post or email.
26 May 2006	Hobson-Downs Trust advises Council they will be asking the Environment Court to schedule the appeal for hearing at the earliest available date	
17 June 2006	Community meeting held in Kennedy Bay	
10 July 2006	Registrar of the Environment Court advises a hearing on the appeal is likely in September 2006	
25 July 2006	Nga Kaitiaki O Harataunga Whenua writes to the Environment Court	Lodges an application for waiver to become a RMA s.274 party (ie. applied to join the appeal proceedings between Hobson-Downs Trust and TCDC)
30 August 2006	Council receives the report “Hobson-Downs Trust v TCDC Proposed Variation No. 4: Kennedy Bay – Iwi Kainga Zone” and	Council resolved to undertake a peer review of the information received from the Hobson-Downs Trust prior to making a decision as to whether or not Council should approve or decline the Proposed Structure Plan
11 September 2006	Environment Court releases its ruling on the Nga Kaitiaki O Harataunga Whenua application for waiver to become a party to the proceedings	Court rules that “All things considered ... the grant of waiver at this late stage ought not to be upheld. The application is accordingly declined”.
18 September 2006	Environment Court advises hearing adjourned	TCDC can complete its technical and procedural processes prior to making a decision on whether to approve or decline the Proposed Structure Plan
5 & 20 October 2006	TCDC staff meet with Ngati Porou representatives	To discuss their concerns with the Hobson Downs proposal
9 November 2006	Council staff meet with representatives of the Hobson-Downs trust	To discuss findings of the peer review and community concerns
29 November 2006	Report to Council outlining findings of the peer review of the Proposed Structure Plan	In relation to the landscape/natural character and natural hazard/coastal process aspects of the Proposed Structure Plan
30 November 2006	Council is required to report to the Environment Court	To advise the Court whether settlement is to occur, or whether a hearing date is needed

March to May 2007	Consent Order agreed between Hobson-Downs Trust and Council	
12 July 2007	Consent Order signed by Environment Court	
27 August 2007	Thames-Coromandel District Plan notified as partly operative	Public notice in Hauraki Herald. All appeals made on the Proposed District Plan (including appeals on Variation 4 <i>Kennedy Bay - Iwi Kainga Zone</i> ) are finalised except for two (mining related) appeals so plan deemed partly operative. except two (mining related) appeals settled on the District Plan

## Planning process for V A and J T McLeod land at Kennedy Bay

**Owner:** V A and J T McLeod

**Site location:** 1291 Kennedy Bay Road, Kennedy Bay

**Legal description and area:** Lot 6 DPS 84023

**Total site area (structure plan):** 6.8194 hectares

**Current District Plan zone:** Coastal Zone (Village Policy Area)

Subdivision - minimum net lot area 5000m<sup>2</sup>

### Background

A summary of the planning process for the Proposed Thames-Coromandel District Plan in relation to this site at Kennedy Bay follows:

Date	Action	Comment
26 June 1996	Draft District Plan approved for public consultation	Council resolve to approve draft for consultation with community and interest groups
26 June 1996	Draft District Plan approved for public discussion	Council resolution to approve draft for discussion
30 July 1996	All ratepayers advised of District Plan review	Information posted out with rates advice to all ratepayers in district
14 August 1996	Kennedy Bay consultation	Consultation clinic held at Harataunga Marae
August and September 1996	Consultation throughout district	Meetings and consultation clinics held with public
21 and 22 March 1997	Proposed District Plan publicly notified.	Advertisement made in NZ Herald and Hauraki Herald
23 May 1997	Submissions closed	Thirteen submissions were received on matters relating to Kennedy Bay.
5 July - 1 August 1997	Summary of Submissions notified for further submissions	All submissions on Kennedy Bay issues described in summary of submissions notified on 5 July 1997.
3 - 28 November 1997	Further submission period notified	A Hahei submission only (omitted in 5 July notification summary)
1997-1998	Hearings held on Proposed District Plan	Report 54 - Whangapoua Planning Area hearing report included: Issue 11 Kennedy Bay
7 October 1998	Decisions on submissions adopted by Council	Reports with decisions on submissions from District Plan hearings adopted by Council. Council also resolved to proceed with a variation to the District Plan for the 'Kennedy Bay Planning Project'.
19 - 26 October 1998	Decisions on submissions posted to submitters	Copies of relevant decisions adopted by Council served on all persons who made submissions.
19 May 1999	A letter informing people of the Kennedy Bay Study and the consultation process.	Letter sent to over 180 landowners, occupiers or people/organisations known to have an interest in Kennedy Bay.

The Council rejected all but one submission made on the Proposed District Plan relating to Kennedy Bay issues:

- By Council resolving to proceed with the Kennedy Bay Planning Project. The objective of this project was to prepare a change or variation to the district plan to address the significant local resource management issues;
- By ensuring that the Kennedy Bay Planning Project included consultation specially designed to identify local resource management issues and means of addressing and resolving them;
- By retaining the proposed plan in the form notified for Kennedy Bay except for the submission by R.L. & H.L. Grey (54/11/1132/5054) which was accepted to rezone the submitters land from Coastal Zone Maori Interests Policy Area to Coastal Zone (Outside all policy areas).
- For all the following submissions on the Proposed District Plan, the decisions made by Council retained the provisions which were notified in the proposed plan. These decisions are set out in District Plan Hearing reports (and advised to relevant submitters):
  - Report 1010/1/743/2952D B Munn
  - 10/1/743/2951D B Munn
  - Report 3232/12/1138/5073Ngati Porou ki Hauraki
  - Report 4747/7/743/2953D B Munn
  - Report 5454/11/408/570Edward McLean
  - 54/11/454/3715HCN Hovell and Family
  - 54/11/456/682Kaye Rabarts
  - 54/11/648/2653TCDC
  - 54/11/743/2938D B Munn
  - 54/11/743/2949D B Munn
  - 54/11/743/2955D B Munn
  - 54/11/970/4184RC and EG Nightingale

Another key factor in the decision to initiate the Kennedy Bay variation was that Ngati Porou ki Hauraki had not been involved in the consultation process prior to notification of the proposed plan. This needed to be redressed.

The reasons for making the decision on the above submissions and to proceed with the Kennedy Bay variation to the proposed plan were as follows:

- The Kennedy Bay area contains a mixture of European and Maori land holdings.
- It is predominantly coastal in character and provides for a small permanent population. There are a number of holiday residences and baches. The community buildings comprise, school, marae complex, volunteer fire brigade. Activities revolve around fishing (commercial and recreational), holiday, leisure and recreational activities, farming, horticulture, family gatherings, and education.
- Resource management issues identified for the area are:
  - Public access to the beach,
  - Facilities for boating (launching, retrieval, provisioning and repairs and maintenance)
  - Development of land for farming, forestry, horticulture, fish farming, and maybe processing and storage facilities

- Housing development and subdivision for permanent and holiday population
- Recognition of the relationship of Maori and the culture with ancestral lands, sites, waahi tapu and other taonga
- The ecology of the area is rich in biodiversity and has important indigenous landscape values
- The Kennedy Bay area was recognized as an area of the district which required a focussed and more comprehensive planning review than what could be achieved within the framework of preparing a new district plan for the whole district.
- Funding was provided by Council to address the particular resource management issues in Kennedy Bay as a separate special project.
- Upon completion of the district plan review, a new plan will be in place with new district objectives and policies providing an overall framework. Such a project can then usefully concentrate more on the local issues and needs and develop particular methods appropriate to Kennedy Bay.
- A Kennedy Bay Planning Project could then concentrate on identifying local issues and needs through a community consultation process and to agree on appropriate methods for resolving the local issues.
- In the meantime, the district plan provisions as notified would remain in place except for the alteration set out in the decision (Grey submission)

A summary of the planning process for Variation 4 to the Thames-Coromandel District Plan in relation to the V A and J T McLeod land follows:

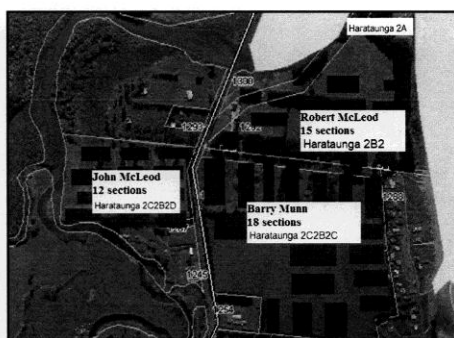
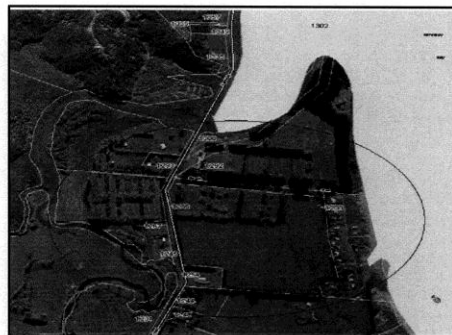
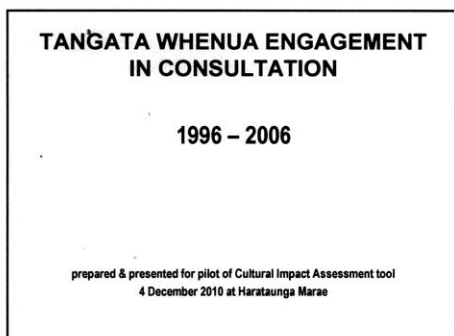
Date	Action	Comment
19 May 1999	A letter informing people of the Kennedy Bay Study and the consultation process.	Letter sent to over 180 landowners, occupiers or people/organisations known to have an interest in Kennedy Bay.
24 May 1999	Liaison Group meeting with Meritec to discuss the Kennedy Bay study	Liaison Group included people from Kennedy Bay community. Assisted with the preparation of an Issues and Options paper
6 June 1999	Open Day on Harataunga Marae	Presentation on the background to the study and issues and options
2 July 1999	Members of Ngati Porou Ki Hauraki met with the Mayor, Council staff and Meritec	Discussion on: results of consultation to date; and the manner in which Ngati Porou Ki Hauraki wish to undertake consultation, develop an iwi management plan and how these actions would complement the preparation of the variation in respect of process, timing and content.  A Memorandum of Understanding agreed between Ngati Porou Ki Hauraki and Council to identify the issues of importance and the manner in which those issues could be addressed through the variation process.
September 1999 December 1999 January 2000	Hui at Harataunga Marae	Detail of draft variation presented



March 2001	Members of Ngati Porou Ki Hauraki met with the Mayor, Council staff	Discussion on presentation of variation to community at Harataunga Marae
25 January 2003	Consultation with community on Variation 4 - Kennedy Bay	Meeting held at Harataunga Marae
5 April 2003	Consultation with iwi on Variation 4 - Kennedy Bay	Hui at Harataunga Marae
29 October 2003	Policy and Planning Committee meeting	Resolve to notify Variation 4 Kennedy Bay - Iwi Kainga Zone
7 November 2003	Variation 4 Kennedy Bay - Iwi Kainga Zone publicly notified.	Hauraki Herald public notice
5 December 2003	Submission received from V and J McLeod	Seeks to have Harataunga 2C2B2D rezoned to Coastal Village Policy Area
5 December 2003	Submission period closed	49 submitters
23 December 2003	Summary of Submissions notified for further submissions	
9 February 2004	Further submission period closes	68 further submissions received
8 April 2004	Additional further submission period	One further submission omitted from summary of submissions and notified separately
10 May 2004	Additional further submission period closes	
3 July 2004	Hearings held on Proposed District Plan	Held at Harataunga Marae
25 August 2004	Decisions on submissions adopted by Council	
31 August 2004	Decisions on submissions posted to submitters	Two appeals lodged by Hobson-Downs Trust and Environment Waikato on decisions issued.
27 August 2007	Thames-Coromandel District Plan notified as partly operative	All except two (mining related) appeals settled on the District Plan (including appeals on <i>Variation 4 Kennedy Bay - Iwi kainga Zone</i> ) so plan deemed partly operative.

# APPENDIX TWO

## Tangata Whenua Investment in Consultation



### Investment in Consultation Process

- 53 interactions/events
- attendance at 17 public/iwi meetings
- 165 submissions + petition signed by 400 Māori landowners
- establishment of Hau Kainga Working Group, Whaiti Kainga, Nga Kaiiaki
- signing of an MoU (... long-term relationship, utmost good faith, fair and equitable ...)
- internal consultation within iwi (Marae Trustees, NPKH, Hui Whakangungu x 4, Hui Motuhake x 3)
- page-by-page analysis of Draft District Plan, Provisional District Plan, Transitional District Plan, Issues & Options Paper, Regulatory Committee papers/minutes, Variation #4 papers/Synopsis, Policy & Planning Committee Order Papers/minutes/Summary of Decisions
- 15 letters, proposals, recommendations, 4 formal reports, 5 power point presentations
- numerous discussions, teleconferences, visits with TCDC representatives (Mayors/Councillors/staff/consultants), Environment Court, lawyers/QC, mediators, advisors, planners, politicians, MfE
- participation in Variation #4, mediation hui, Environment Court "settlement" meeting
- engagement in discussions about "Special Māori Purposes Zone", "Harataunga Zone", "Mana Whenua Zone", "Iwi Kainga Zone", "Iwi Management Plans", RMA/LGA provisions for delegated authority
- obtained & processed information under Official Information Act
- made a DVD

### Sole objective of iwi engagement in TCDC consultation processes

- to oppose the sub-division of Māori land in Harataunga

### Stages in the Consultation Process

- Phase 1 (1996-1999): reassurance, optimism, goodwill
- Phase 2 (2000-2001): withdrawal, hesitancy, doubt, instability
- Phase 3 (early 2003): salvage
- Phase 4 (mid-2003): deception, exclusion, notification
- Phase 5 (early 2006): new beginnings, hope, opportunity
- Phase 6 (late 2006): disappointment, despair & disillusionment

## Harataunga 2A

- ❑ PDP (1997) application to change zoning from Māori land to CVPA and establish 20-25 house sub-division
- ❑ declined (2003) - land cannot take that type of development

❑

## Harataunga 2C2B2C

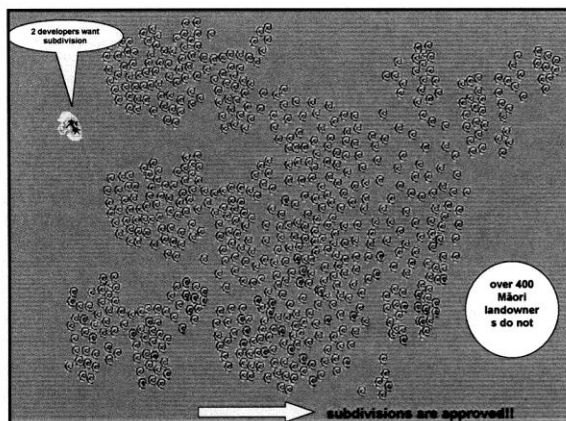
- ❑ Provisional District Plan (1997) application to change zoning from Māori land to CVPA and establish 20 house sub-division (at 4 x usual size) for relocation of beaches when lease expired
  - potential to establish 80 house sub-division
- ❑ March 2003 Variation #4 Synopsis says the number of houselots will be reduced to 9
- ❑ April 2003 Policy & Planning Committee pass resolution to exclude the public from meetings about settlement as "no third parties involved"
  - Principal Planner advises against it
- ❑ May 2003 second resolution to exclude the public, approved 18-house sub-division
  - Planning staff note the density is "significantly beyond that contemplated in draft variation" and recommends settlement is declined
- ❑ 15 September Environment Court is told "there was no opposition by any party" and grants consent order for structure plan
- ❑ 25 September 2003 TCDC hold public meeting to discuss Variation #4 - tangata whenua not informed above decision had already been made
- ❑ 28 October 2003 Tangata Whenua receive copy of EC Corrigendum to the Consent Order Paper for structure plan,
  - invoked OIA, complaint to MfE, sought legal/QC advice, told objection too expensive, due process was followed
- ❑ 23 July 2005 TCDC approve resource consent for 18 house sub-division
  - tangata whenua not notified despite letters requesting notification

## Harataunga 2C2B2D

- ❑ July 2004 – John McLeod attends public meeting, wants to change zoning from Māori land to CVPA for 12 house sub-division
- ❑ 25 August 2004 – CVPA zone is approved in public document "Decisions on Variation #4"

## Harataunga 2B2

- ❑ December 1999 – Robert McLeod attends hui-a-iwi, wants to rezone from Māori land to CVPA because it will "increase the value of his land", no intention to sub-divide but will build 3 houses for his tamariki
- ❑ July 2004 – TCDC hearing on planners recommendations contains reference to the application for CVPA zone
- ❑ August 2004 – TCDC decline CVPA application
- ❑ Oct 04 – Hobson Downs (Robert) lodges appeal against TCDC decision with Environment Court
- ❑ Aug 05 – TCDC engage in mediation process
- ❑ Dec 05 - structure plan for 15 house sub-division submitted
- ❑ June 2006 - TCDC hold public meeting, invite submissions
  - overwhelming opposition, 40 submissions plus petition (400)
- ❑ July 2006 - EC decline request for tangata whenua to be party in proceedings because "the box wasn't ticked", recommend TCDC organise a mediation process
- ❑ Nov 2006 – tangata whenua participate in mediation process, McLeods say (1) they will not sell the land for 13 years, (2) tangata whenua will have first right of refusal, (3) reserve contribution will be vested in the names of alienated shareholders
  - tangata whenua told there will be no written record of meeting outcomes
- ❑ 2007 – TCDC/EC approve structure plan for 18 houses



# APPENDIX THREE

## Waiora Discussion Themes

### The Cultural Impact of Sub-Division from a Waiora perspective

some questions to consider

### Te Ao Tawhito

- origins, foundations, source
- explains purpose/reason
- I te kore, ki te Pō, ki te Ao Mārama
- multiple realms
- hierarchy of knowledge, wisdom, understanding (ngā kete e toru)
- Why is this relevant?
- What is the whakapapa of this whenua?
- What is its purpose/reason for being?

### Te Aronui

- here & now
- integration & interaction
- mātauranga Māori
- toku reo, toku ohooho
- core functions
- te tauranga waka
- resilient & dynamic
- Is it informed by mātauranga Māori?
- How will they benefit/impact on the way in which Māori from this community live their lives?
- Will these developments contribute to the survival/vitality of whānau Māori in this community?

### Te Ao Hou

- the world we are working towards
- belongs to collective not individuals
- grounded in whakapapa
- realisation of potential, rangatiratanga
- safety & survival
- What would we like to happen on this land?
- Are the proposed developments consistent with our own (collective) vision?
- Will these developments ensure tino rangatiratanga?
- How will these developments contribute to the safety and survival of future generations (urū)?

### Te Wairua

- iho nui
- specific attributes/influence
- seeks to maintain & restore balance
- responsive to positive & negative energies
- spiritual wellbeing, must be tika
- maximises positive influence
- Why is an understanding of te wairua relevant?
- How will these developments impact on the spiritual wellbeing of whānau Māori in this community?
- Will the effects be positive/empowering/healing?

### Te Mauri

- life-force
- multi-sensory
- thrives on synergies, connectedness
- imbued in people/ places/things
- waxes and wanes
- measures quality/ integrity
- Why is te mauri relevant?
- What happens when mauri thrives?
- Will these developments have a positive or negative influence?
- How will the developments diminish/uplift the mauri of
  - te whenua (the land/seangahere)?
  - the people?
  - whānau/hapū/iwi?
- Does mauri have an influence on
  - economic wellbeing?
  - social wellbeing?
  - cultural wellbeing?
  - environmental wellbeing?

## Te Hinengaro

- more than mind
- understanding, knowledge, wisdom
- different levels/abilities
- a life-long, inter-generational journey
- not obtained by simple means
- needs space and time
- Why is te hinengaro relevant?
- Was all of the available information integrated into decision-making?
- What happens when wise decisions are not made?
- What do we know about the benefit/impact of sub-division for Māori/indigenous people in other communities?
- How will these developments impact on te hinengaro for Māori/tangata whenua in this community?
- What are the long-term effects of ignoring/undermining te hinengaro?

## Te Whenua

- te whare tangata
- repository of inter-generational experience
- tangata whenua are kaitiaki
- mātauranga Māori solutions/decisions
- defines culture/identity/ status, eg mana whenua
- Why is this whenua important for the wellbeing of tangata whenua?
- Will sub-division have an impact on mana whenua, eg.
  - Māori identity
  - ability to make decisions
  - capacity for kaitiakitanga
  - access/use/occupation rights
- How will sub-division benefit/impact on te whenua?

## Te Tinana

- physical realm/ dimension
- shelters/protects/provides
- a vehicle for the transmission of mana, mauri, whakapapa
- integrated, wholistic
- source of identity/status
- must be nurtured/cared for/sustained
- Why is an understanding of te tinana relevant when making decisions about this whenua?
- How will the sub-division of this land impact on te tinana of whānau Māori?

## Te Whānau

- birth, to give birth, to whom we are born
- defined by whakapapa
- everyone has a right to belong
- thrives on whanaungatanga
- collective responsibility
- te pā harakeke (cycles of birth, death, new beginnings)
- Why is an understanding of te whanau relevant?
- Will sub-division impact on the wellbeing of te whānau, eg.
  - identity/status/mana?
  - a place to stand?
  - collective obligations/roles/responsibilities?
  - opportunities for growth and development?

## Te Mana

- not passive recipients
- intrinsic authority/ uniqueness
- imparted by others
- derived from manaakitanga
- collective responsibility
- Why is an understanding of te mana relevant?
- Why did tangata whenua not have the mana to make this decision?
- How will sub-division benefit/impact on the mana of tangata whenua?

## Te Whatumanawa

- an inter-generational reservoir
- accumulated emotion and experience
- kaitiaki function
- specific tikanga needed
- deep-seated & powerful (the cradle in which our heart sits, shapes our view of the world)
- Why is an understanding of te whatumanawa important when making decisions about Māori land?
- How will the sub-division of this land benefit/impact on the whatumanawa of whānau Māori/tangata whenua in this community?

## Te Tikanga

- the right thing at the right time for the right reasons
- informed by kawa
- aims to maximise positive outcomes
- must be appropriate for time and place
- any wrongdoing must be put right (impacts on waiora)
- Why is an understanding of te tikanga important when making decisions about Māori land?
- What tikanga would have helped the advancement of Māori whānau who have a connection to this land?
- How will the sub-division of this land impact on the tikanga of Māori whānau in this community?

APPENDIX FOUR  
Waiora Rating Scale



# HOMAI TE WAIORA KI AHAU

When considered from the perspective of tangata whenua, I believe the impact of sub-division will be.

