Maori Cultural Values within Far North Landscapes Guide
FOREWORD

Tena Koutou Katoa

He mea hanga toku whare ko Papatuanuku te paparahi
Ko nga maunga ko nga poupou, ko Ranginui e titiro nei te tuanui.

Puhanga-tohora titiro ki Te Ramaroa e hakakurupae ake ra i te Hauauru
Te Ramaroa titiro ki Whiria te Paiaka o te riri te kawa o Rahiri.

Whiria titiro ki Panguru, ki Papata ki te rakau tu patapata ki te tai Hauauru;
Panguru Papata titiro ki Maungataniwha
Maungataniwha titiro ki Tokerau
Tokerau titiro ki Rakaumangamanga
Rakaumangamanga titiro ki Manaia e tu kohatu mai ra i te akau
Manaia titiro ki Tutamoe
Tutamoe titiro ki Maunganui
Maunganui titiro ki Puhanga-tohora.

Ehara aku maunga i te maunga nekenke he maunga tu tonu te Ao tu te Po.

Ka mihi nui atu ki te hunga i hakaae kia mahi tahi Te Runanga A Iwi O Ngapuhi me te Kaunihera A Rohe
kia hanga ai tenei pukapuka hei arahi atu i te hunga e tumanakohia atu ana kia hakarite whanaketanga ki roto i tenei rohe potae. Ahatia he aha te whanaketanga e hiahiaia ana kia hakaritea, kei roto i te pukapuka nei nga korero, mahere me nga kaupapa hei arahi atu ia koutou ki te huarahi tino mama kia tutuki ai o koutou moemoea.

The principal role of Te Runanga A Iwi O Ngapuhi is to protect, enhance and promote the well being and assets of our people.

Te Runanga A Iwi O Ngapuhi has established a collaborative working relationship with the Far North District Council in addressing issues involving Maori cultural values to provide a wider understanding of how Maori relate to all aspects of their land, seas, rivers, mountains and where they fit within our Culture. Through this collective approach we see the benefits of collaboratively working with Councils, agencies, developers and landowners to produce this understanding of Maori Cultural connectedness to their taonga (treasures).

This document aligns well with the future strategic direction and aspirations of the Ngapuhi nation as we become involved in ensuring that our Cultural relationships with our taonga are catered for. Te Runanga A Iwi O Ngapuhi has enjoyed the opportunity to work with all parties concerned to produce this document, and look forward to continuing working closely with Councils, agencies, developers and landowners to assist in making this journey as easy as possible.

No reira e nga iwi, nga mana, nga hapu o Ngapuhi-nui-tonu, me hakakotahi wa tatou hakaaro mo te mahi nei, kia wawe ai te hakawhiti korero atu ki te hunga e tumanakohia atu ana kia timata whanaketanga ki roto te rohe potae o Te Whare Tapu O Ngapuhi.

Mauri Ora

Raniera T (Sonny) Tau
CHAIRMAN - TE RUNANGA A IWI O NGAPUHI
Tuatahi, tena koutou rau rangatira ma
Mai i Te Rawhiti
Ki Te Hauauru
Huri whakarunga ki Te Raki

Tuarua ki nga whare haporan a iwi
Timata atu i Rawene ki Te Wahapū o Hokianga
Kaitaia ki Te Hiku o te Ika
Kaeo ki te Moana o Whangaroa
Kerikeri ara Kawakawa ki te Pe-ote-Whairangi
Huri awhio mai ki Kaikōhe ki Te Pū o Te Whēke

Tuatoru ka mihi nui atu ki nga matakite i hanga ai tenei kaupapa hei hakaaro mo nga kai whanake me nga kai tiaki pamu, kia mōhio ai ratou ki nga tikanga a te iwi Maori.

No reira huri noa ki roto i te rohe potae o Te Whare Tapu O Ngapuhi me te Kaunihera o Te Tai Tokerau ki Te Raki, kia ora huihui mai tatou katoa.

The Far North District Council and Te Runanga A Iwi O Ngapuhi have collaborated to produce “Best Practice” guide with the aim of protecting and providing for Maori cultural values within Far North landscapes. This booklet will assist applicants, landowners, local government and Maori to confidently and proactively step through the relevant legislative processes. Anyone involved in or contemplating a development project is invited to use this guideline to suit their own particular situation, as a way to develop sustainable outcomes and achieve win/win solutions.

This guideline promotes early, open dialogue and the building of constructive relationships with Maori. These approaches are the most successful way of ensuring that cultural values of the landscapes within the Far North are recognised and provided for. Other guidance is available on best practice, and useful web-links are listed at the end of this document.

This booklet pulls together key perspectives from hui hosted by Te Runanga A Iwi O Ngapuhi in early 2007. Pertinent viewpoints were expressed by planners, surveyors, developers, landowners, iwi/hapu resource management technicians, the Far North District Council (FNDC) and New Zealand Historic Places Trust (NZHPT) staff and other professionals. My sincerest thanks to all those who have contributed constructively to this exercise.

I am confident that those contemplating development have much to gain by adopting the approaches outlined here. Correspondingly, this will benefit our communities and tangata whenua in particular, by encouraging sustainable development that acknowledges the wealth of cultural values inherent in the Far North.

Regards,

Mayor Yvonne Sharp
MAYOR—FAR NORTH DISTRICT COUNCIL
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WHAT ARE CULTURAL VALUES IN THE LANDSCAPE?

From a Maori point of view, the landscape of Aotearoa (New Zealand) in its entirety contains significant and perpetual cultural values that encapsulate the following principles:

<table>
<thead>
<tr>
<th>Maori Word</th>
<th>English Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>whakapapa</td>
<td>inheritance</td>
</tr>
<tr>
<td>manaakitanga</td>
<td>hospitality</td>
</tr>
<tr>
<td>kotahitanga</td>
<td>unity</td>
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<tr>
<td>aroha</td>
<td>compassion</td>
</tr>
<tr>
<td>marmatanga</td>
<td>relationships</td>
</tr>
<tr>
<td>mana whenua</td>
<td>authority over land based resources</td>
</tr>
<tr>
<td>wairuatanga</td>
<td>spirituality</td>
</tr>
<tr>
<td>tikanga</td>
<td>correctness</td>
</tr>
<tr>
<td>oritenga</td>
<td>equivalence</td>
</tr>
<tr>
<td>kaitiakitanga</td>
<td>guardianship</td>
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<tr>
<td>tauutuutu</td>
<td>reciprocity</td>
</tr>
<tr>
<td>rangatiratanga</td>
<td>prestige</td>
</tr>
<tr>
<td>mana moana</td>
<td>authority over water based resources</td>
</tr>
</tbody>
</table>

Illustration shows cultural values arise from interactions between people, their practices (activities, traditions, events) and place. These inherent relationships are a fundamental part of Maori identity.

DEVELOPING AN UNDERSTANDING OF MAORI CULTURAL VALUES IN LANDSCAPE

Building strong relationships through robust and meaningful engagement with Maori is the best way to develop an understanding of the significant features, relationships and traditions associated with a place.

Experience has shown that the most successful outcomes are achieved when Maori, landowners, developers, and consultants talk openly, honestly and early in the development of a project, while the project design is still flexible. Clear and open conversations are the best way to exchange information, address concerns from both sides, and identify solutions. The list below outlines methods which can assist parties to engage and start to understand the cultural value relationship.
Kanohi ki te Kanohi
It is Maori tikanga to undertake kanohi ki te kanohi engagement. Kanohi ki te kanohi is an important Maori proverb literally meaning face to face. It means that face to face meetings are essential to avoid misunderstandings and misinterpretations. By taking the time and energy to arrange and travel to meet somebody, you are showing that you value and respect that person and the relationship that you will develop.

Iwi/ Hapu Management Plans
Many Iwi/hapu have found that developing an Iwi/hapu management plan can assist building relationships with developers, landowners, planning consultants and agencies on terms that suit Iwi/hapu. Plans can include preferences and mechanisms for meaningful engagement and dialogue in a constructive manner. They can provide information on significant matters or issues relating to resource management within the area of interest to that Iwi/hapu.

Iwi and hapu can be at different levels in terms of developing their management plan. Some may not have a plan as of yet and others may have completed their plans. FNDC can provide details of Iwi/hapu management plans prepared to date within the Far North District.

Te Runanga A Iwi O Ngapuhi and FNDC are in the process of designing Iwi/hapu Management Plan templates to nurture the development of management plans within Ngapuhi.

Cultural Impact Assessments
Cultural Impact Assessments (CIAs) are valuable tools for assessing the potential impacts of a project and how adverse effects might be avoided, remedied or mitigated. They can identify site or project specific issues or concerns and offer solutions. CIA’s are a professional service it empowers indigenous groups to assume responsibility for identifying and assessing the effects of an activity on the local environment. A CIA is not consultation, as a CIA may be compiled by a consultant who is independent of tangata whenua. CIAs are generally commissioned by the person or organisation that is proposing a development, and are carried out by appropriately qualified persons. They include a description of the relationship of Maori with the landscape, the relevant cultural values, and details of who the current kaitiaki for those values and landscapes. They may also recommend how adverse effects on these relationships can be avoided, remedied or mitigated.

Iwi/hapu Training
A proactive method for Maori to engage with landowners and developers prior to a development being proposed is for Maori to hold training hui for landowners and developers specifically on cultural values within their rohe. This can be marae based and forms part of the tikanga kanohi ki te kanohi.

Registration under Historic Places Act 1993
The Historic Places Act 1993 provides a means of ensuring places and landscapes of significance to Maori are identified and recognised. This can be an important first step towards protection. Iwi, hapu and individuals including landowners can nominate places for registration as historic places, historic areas, wahi tapu or wahi tapu areas, as outlined in the Act.
Protection of Archaeological Sites

All archaeological sites in New Zealand, whether recorded or not, are protected under the Historic Places Act 1993. An authority is required from the Trust if there is “reasonable cause” to suspect an archaeological site may be modified, damaged or destroyed in the course of any activity. Consultation with Iwi/hapu is an essential requirement of any application for an authority to modify an archaeological site. Someone discovering a site in the course of any activity must stop work and inform the Trust as soon as a site is discovered. An authority is required whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted.

**NOW I HAVE IDENTIFIED THE VALUES, WHAT SHOULD I DO?**

Once a developer or landowner has a reasonable understanding of the particular cultural values of a landscape, the next question is what to do next. Ideally values may be able to be retained or even enhanced through a win-win solution. In other cases the parties may need to mutually explore options to remedy or mitigate adverse effects on valued landscapes where these can not be avoided.

There are many ways in which mitigation or remediation might be undertaken, the challenge will be finding a practical solution. Some real examples of different approaches are outlined below. Responses are not limited to these, as there are many innovative ways that Maori, developers and landowners can work together to find their own solutions.

**Avoiding adverse effects through relocating a development**

Example: A consultant contacts the local hapu regarding a proposed development. The hapu representative and consultant meet on site and discuss the proposal. The hapu representative identifies one part of the property which holds cultural value and asks the consultant to avoid any works in that area. The hapu representative explains that it is an old pa site that has not been previously identified as a site of significance. Due to the good relationship established the consultant agrees to avoid work in this area. The adverse effects on cultural values have been avoided.

**Mitigation of effects through a Memorandum of Understanding**

A Memorandum of Understanding or other forms of agreements can record the agreement between the parties as to how a development will proceed, and can include what processes will be followed in the event of a culturally significant site being discovered. The agreement provides clarity for both parties on the issues of concern and how they will be dealt with.

Example: FNDC wants to construct a new road which will help prevent flooding of nationally important heritage buildings. FNDC enters into a MoU with Ngati Rehia which acknowledges that any sites found in the path of the new road will be modified (i.e. can not avoid adverse effects). The Council applies for an authority to modify archaeological sites under the Historic Places Act 1993, and Ngati Rehia are consulted as part of the process to grant an authority. The MoU and the authority provide for a hapu representative and an archaeologist to be on site whilst any earthworks are undertaken. The hapu representative and the archaeologist identify many artefacts during the earthworks, some of which are removed off site for preservation and those which could not be preserved are reburied elsewhere where they will not be damaged further. Adverse effects on cultural values are mitigated. The hapu make application under the Protected Objects Act to become kaitiaki for the artefacts.
Joint Management Agreements
Joint management agreements provide a mechanism which recognises an ongoing management relationship between two or more parties for a particular site or resource. This agreement may include provision for shared decision making.

Enhancement/Protection
Cultural landscapes can be enhanced through projects focusing on improving and/or protecting their values. Tools to achieve this include:
• Legal protection of a cultural landscape through a covenant registered on the Certificate of Title,
• Restoration of a cultural landscape as a joint project,
• Access agreements between landowners and Maori,
• Information to be included in Land Information Memorandums (LIM’s) notifying new landowners of the cultural landscape values associated with the property,
• Interpretation panels and/or signposts identifying cultural landscape values,
• Education and advocacy projects.

Site Visits
Site visits are an important way of identifying cultural landscape values which may be difficult to express through other means. It also provides a better way of visualising potential impacts of a proposed development.

Recording of sites/landscapes
This involves the Identification of sites and landscapes which hold cultural values for Maori.

Remedy through relocation of valued resources
Example: A proposal involves the drainage of a small wetland that is home to a specific type of flax bush which is valued for its weaving qualities. The wetland is significant to the local hapu because of the importance of the habitat for the flax, this means, its not the wetland that is significant rather that it provides the ‘ideal habitat’ for the successful growth of the flax. If the ‘ideal habitat’ can be provided elsewhere, the significance of the existing habitat is reduced. The development can’t avoid the impact on the wetland but provides for the flax bushes to be relocated to another site where they can still be used for weaving. The adverse effects on cultural values are remedied.

Memorial (pou, mauri stone, carving, plaque, statue, planting, reserve)
A memorial can be used to highlight and acknowledge the cultural values associated with a particular landscape.

Name (street names, suburbs)
Streets and suburbs can be named to reflect Maori relationships to an area and original place names.
Site blessings
Site blessings can acknowledge the relationship of Maori with a landscape and acceptance of the development by local Maori.

Incorporated into landscape management plans and/or resource consent conditions
Landscape management plans can include how Maori cultural landscape values will be acknowledged and catered for. Resource consents can also include conditions which provide for these values.

WHAT DOES LEGISLATION PROVIDE FOR?

Resource Management Act (1991)
The Resource Management Act 1991 (RMA 1991) directs decision makers to recognise and provide for Maori relationship with their ancestral lands, water, sites, waahi tapu and other taonga (Section 6(e)), to have particular regard to kaitiakitanga (section 7(a)) and to take into account the principles of the Treaty of Waitangi (section 8). Additionally, section 6(f) requires the protection of historic heritage, which includes sites of significance to Maori and other cultural qualities. Whilst the RMA does not specifically use the term “cultural values”, the concept is supported by all of these sections.

Regional Policy Statement
In response to the Northland Regional Councils responsibilities under the RMA, the Regional Policy Statement currently recognises that for Maori in particular, landscapes can have a spiritual significance where these are closely connected with their heritage. Some features such as mountains can be fundamental to the traditional beliefs and cultural identity of local Iwi/hapu.

Far North Proposed District Plan
In 1995 FNDC completed a district-wide landscape assessment using methodology based on best practice at that time. This landscape assessment is available on FNDC’s website and at service centres. Best practice and case law has since confirmed that landscape assessments should take cultural values and relationships into account. FNDC acknowledges that in this regard the landscape identification and protection in the District Plan does not reflect best practice by today’s standards. Whilst cultural values in landscapes were not included in the 1995 assessment, the District Plan does provide some protection to sites of significance and outstanding landscapes.

Historic Places Act
The New Zealand Historic Places Trust (HPT) is the statutory authority established under the Historic Places Act 1993 (HPA) to promote the identification, protection, preservation, and conservation of New Zealand’s historic and cultural heritage. The Trust’s powers extend to all land in New Zealand, including the Conservation Estate.

Under section 2 of the HPA, an archaeological site is defined as a place associated with pre-1900 human activity, where there may be evidence relating to the history of New Zealand. The HPA provides protection for all archaeological sites, whether recorded or not. It is unlawful to modify, damage or destroy an archaeological site without prior authority from HPT. Section 10 of the HPA directs that an authority is required from HPT if there is “reasonable cause” to suspect an archaeological site may be modified, damaged or destroyed in the course of any activity. An authority is required whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted.
Archaeology provisions of the Historic Places Act
These apply to all archaeological sites in New Zealand prior to 1900, whether recorded, registered or not. A database of recorded sites is held by the NZ Archeological Association (Northland file in Whangarei). An authority from Historic Places Trust will be required to destroy, damage or modify the whole or any part of an archeological site.

Gazetting under Historic Places Act
The Historic Places Trust Board can declare a place to have the same recognition and protection as an archaeological site, even if it is younger than 1900, provided that there are reasonable grounds.

Heritage Covenant (Historic Places Trust and/or other)
A covenant is the formal protection through the registration of a heritage site on the certificate of title. The covenant is an agreement between the landowner and registering authority (e.g. HPT, FNDC) which becomes legally binding on the land, and any subsequent landowners, once registered on the title.

Heritage Order

Registration under the HPA of historic places, historic areas and waahi tapu
An identification and advocacy rather than a protection mechanism. HPT maintains and updates a database of sites which it has registered. Almost all of these registered sites have been included in the district plan (refer to Appendix 4 of the Far North District Plan).

District Plan scheduling
The FNDC District Plan contains a list of historic scheduled sites, buildings, objects (refer to Appendix 4 of the Far North District Plan), registered archaeological sites (refer to Appendix 5B of the Far North District Plan) and notable trees (refer to Appendix 3 of the Far North District Plan). They are afforded protection through rules contained within the district plan which restrict alterations to, and maintenance of, the listed sites, buildings, objects and notable trees.

Sites of significance to Maori
Currently in the district plan is a list of sites identified as being significant to Maori. Again there are specific rules attached to these listed sites requiring resource consent. Matters for consideration include adverse effects on cultural and spiritual values and how these effects will be avoided, remedied or mitigated.
Public opinion
Public pressure that influences the decision makers on the use of a site.

Ownership of sites/land
It may be possible for land to be purchased or swapped by a public organisation, HPT, incorporated society, private individual or another body in order for the site to be protected.

Advocacy, education and information
There are many opportunities for advocacy work to be undertaken by individuals, community groups, district council, Department of Conservation and HPT. This includes the publication of brochures, interpretation panels, and education programmes.

Reservation (Local Government Act, Reserves Act, Te Ture Whenua)
Land owned by FNDC or in Crown ownership may be suitable for reserve status.

FREQUENTLY ASKED QUESTIONS

Who do I talk to?
Tribal boundaries in a landscape can overlap. Some areas in the Far North District are recognised as being under the kaitiakitanga of two or more Iwi/hapu. It is important to recognise this to ensure that all relevant parties have the opportunity to engage. Iwi authorities and FNDC can help identify who to talk to.
There has been discussion in the past that the differing viewpoints of Iwi and hapu make consultation difficult. However Iwi/hapu have shared interests in developments the same as any affected or interested party (community group or landowner), and concerns should be addressed on a case by case basis.

What do Maori expect?
- Early contact and sufficient time to respond adequately to the proposal,
- Kanohi ki te kanohi (face to face) contact with the developer or representatives,
- An outline of the concept, at a stage still flexible enough for changes to be made,
- A willingness to consider cultural values within the project design,
- A commitment to real engagement (not just ‘ticking a box’),
- That what is agreed to with the developer/landowner is followed through by any contractors or consultants involved in the development, and any subsequent landowners.

What do developers expect?
- To know they are talking to the right people (i.e. have mandate to enter into discussions),
- A timely response (even if Iwi/hapu are not interested in or affected by a project),
- A clear and precise indication of the cultural values of the place,
- A description of potential impacts of the project on those values,
- Recommendations for how to avoid, remedy or mitigate adverse effects on those values,
- Agreed process and timeframes up front,
- Recognition that the land owner or developer is a professional and may be operating a commercial business and therefore has targets to meet.
Will there be costs involved?
Just as developers are accustomed to commissioning specialist reports from engineers, ecologists, landscape architects and so on, the RMA requires consideration of cultural impacts. It would be unreasonable to expect an engineer to work for free, the same applies to Iwi/hapu when providing professional services. Costs will vary with the scale and nature of the proposal – in some cases a simple face-to-face conversation may be all that is necessary; in other cases a hui and/or cultural impact assessment may be required. Iwi/hapu resource management units can generally supply an itemised scale of professional fees for work undertaken to research and report on a project.

How long will it take?
Maori are willing to work with developers to ensure projects are kept on track. It is important to allow sufficient time for Maori to develop a considered response and a clear and reasonable timeframe from the beginning will assist this process. Projects with more significant and complex issues are likely to take longer to respond to. The earlier the engagement, the easier it will be for everyone to keep the project on track.

Benefits from this process?
Recognising cultural values benefits not just Maori. All New Zealanders can share an interest and pride in retaining the rich diversity of values in our Far North landscapes.
The benefits of implementing this guideline are:
• Ease facilitation of legislative processes,
• Provide win-win solutions,
• Reduce the need for regulation by FNDC (for example, less likely to use s92),
• Good relationships between Maori, applicants, landowners and Council,
• The health and sustainability of the Environment and Landscape is maintained,
• A shared understanding of the tangible and intangible relationships and values that Maori have with landscapes,
• Potential reduction in cost (time and money).
### Government Organisations

- www.mfe.govt.nz
- www.fndc.govt.nz
- www.nrc.govt.nz
- www.historic.org.nz
- www.historic.org.nz/publications/thing_tank.html
- www.tpk.govt.nz

### Iwi Runanga

- www.ngapuhi.co.nz
- www.terarawa.co.nz
- www.ngatikahu.co.nz
- www.teaupouri.iwi.nz

### Others

- www.kaitiakitanga.co.nz
- www.qualityplanning.org.nz/plan-topics/landscapes.ph
- eprints.otago.ac.nz/180/
- www.rmaguide.org.nz/rma/keyissues/landscape.cfm
- www.charlesroyal.net/assests/indigenousworldviews.pdf

Kaitiakitanga:

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