

BEFORE THE QUEENSTOWN LAKES DISTRICT COUNCIL

IN THE MATTER of The Resource Management Act 1991

AND

IN THE MATTER of the proposed Queenstown Lakes District
Proposed District Plan – Stage 1 Chapter 5 Tangata Whenua

EVIDENCE OF MICHAEL RICHARD SKERRETT QSM, JP, HON SIT FELLOW

ON BEHALF OF TE AO MARAMA INC. REPRESENTING

**TE RUNANGA O AWARUA, TE RUNANGA O ORAKA APARIMA,
WAIHOPAI RUNAKA AND HOKONUI RUNAKA**

MIHI

I te tuatahi nei me mihi ki Te Atua, nāna I hanga te Ao Whānui puta ki a mātou te tangata.

He whakamoemiti ki aia

Papatūānuku me ou nei taonga a Tane ngā mihi.

Ngā mihi, ka tangi ki a rātou kua ngaro ki tua te Arai, ka hoki mai ki a tātou e huihui nei, tēnā koutou, tēnā koutou tēnā koutou katoa. Ōku rangatira, tū whakaiti mai ahau ki te whakamarama I a koutou ngā whakaaro o Ngāi Tahu ki Murihiku e pa ana ki tēnei Mahere. Arohamai, ahakoa he mihi poto, he mihi mahana. Kia ora tātou.

Te Whare Huihui e tū nei, tū mai tū mai.

Firstly we must acknowledge the Almighty, it was he who created the Universe into which we humans emerged. Praises to him.

Earth Mother and your treasures of Tane Mahuta we acknowledge you. We acknowledge and grieve for those who are lost beyond the veil, returning to us gathered here, greetings, greetings, greetings to one and all. My rangatira I humbly stand to enlighten you as to the thoughts of Ngāi Tahu ki Murihiku in regards to this Plan. Apologies for the briefness of my mihi, although it is a very short acknowledgement of you it is given with warmth. Good health to us all.

The Meeting House standing here, stand, stand.

QUALIFICATIONS AND EXPERIENCE

1. My name is Michael Richard Skerrett. I'm 73 years of age and I have lived in Murihiku all my life.
2. I'm Kaiwhakahaere and Upoko of Waihopai Rūnaka, their member and Kaiwhakahaere of Kaitiaki Rōpū o Murihiku which meets with the Department of Conservation six weekly to provide advice on matters of concern to Ngāi Tahu ki Murihiku. I am also the Waihopai Representative on Te Rūnanga o Ngāi Tahu.
3. Since 1996 I have been employed as Kaupapa Taiao Manager for Te Ao Mārama Inc. My key task is to facilitate Ngāi Tahu Ki Murihiku input into the processes required by the Resource Management Act 1991 and other relevant Legislation.
4. I have undertaken and passed the "Making Good Decisions" course to qualify as a RMA Hearings Commissioner.
5. I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note and this evidence has been prepared in accordance with it and I agree to comply with it. In compiling this evidence I have considered the material facts known to me.
6. Te Ao Marama Inc (TAMI), on behalf of Ngāi Tahu ki Murihiku, thank Queenstown Lakes District Council for the opportunity to submit on its proposed District Plan.

NGĀI TAHU KI MURIHIKU ASSOCIATIONS WITH THE QUEENSTOWN LAKES DISTRICT

7. Mai i a nehe ki nāianeī (From the earliest times right up to this moment) Ngāi Tahu ki Murihiku have maintained and continue maintain their association with the Queenstown Lakes District. The District was and still is an important part of Ngāi Tahu mahinga kai trails. There are various trails leading to Murihiku coastal kainga. For example, three of the Pounamu Trails link to one of the sources of pounamu located well up Te Awa Whakatipu (the Dart River) Catchment. One trail from up the Dart follows the river to Lake Whakatipu and connects with the Greenstone Valley and across to the Mavora Lakes system onto the Mararoa River thence to the Waiau River and on down to the coast. Another connects with the Von Valley across to the Oreti Valley and down the Oreti River to the coast. Yet another follows Lake Whakatipu to Takerehanga (Kingston) and onto the Mataura River and down to the coast at Fortrose. Within that there are other variations between those trails.
8. I must also acknowledge Ngāi Tahu ki Otago associations with the Queenstown Lakes District.
9. Today, in Queenstown Lakes District, Ngāi Tahu not only maintain its Treaty Partnership relationships and its associations with mahinga kai but a strong community presence and significant business interests.

TE AO MARAMA INC SUBMISSIONS

10. **Goal 3.2.7** Council will act in accordance with the principles of the Treaty of Waitangi and in partnership with Ngāi Tahu

TAMI strongly support this Goal. I must highlight the importance of the Treaty of Waitangi. The Treaty of Waitangi is the founding document of the Nation and shapes all New Zealand legislation. It is a solemn agreement about how New Zealand would be colonised while protecting the rights and interests of tangata whenua.

Chapter 5: Tangata Whenua

11. TAMI strongly support Chapter 5: Tangata Whenua as written because it was developed in collaboration with KTKO and TAMI and was previously agreed upon.
12. TAMI supports the purpose of Chapter 5: Tangata Whenua. Chapter 5: Tangata Whenua recognises that tangata whenua are fundamental to any planning framework in New Zealand, and articulates the implementation of the Treaty of Waitangi in a district context. This Chapter should influence all other chapters in the Plan and serves the following purposes:
- Clearly articulates and reconfirms the relationships between tangata whenua and the District Council
 - Outlines matters of significance to tangata whenua
 - Provides the bases for the integration of Ngāi Tahu matters throughout the District Plan
 - Provides for Part 2 of the RMA, notably sections 6(e), 7 and 8.
13. I look forward to further developing TAMI's relationship with Queenstown Lakes District Council. The continuance of this relationship, outlined in the *Charter of Understanding He Huarahi mō Nga Uri Whakatupu*, is of great importance to Ngāi Tahu ki Murihiku as are the related Goals, Objectives and Principles of that agreement. The common goal of that agreement is:

the sustainable management of the region's environment and for the social, cultural, economic, and environmental needs of communities, for now and into the future.

14. The following is taupara is taken from the *Charter of Understanding*

Mai ea, mai ea, mai ea
 Mai ea te tupuranga
 Ki te whaiao
 Ki te ao marama

E kī anei

Kia mura tonu te ahi
 O te hinengaro
 Ka oho ake nga uri
 Hei tiaki mō
 Nga whenua papatupu

Whakamaua kia tina, tina!

Haumi e Hui e Taiki e

15. In support of proposed Objective 5.4.1, the Crown has made laws relating to the promotion of the sustainable management of natural and physical resources, and enhancing the role of local government. The relevant legislation requires that in achieving the purpose of those Acts, all persons exercising functions and powers under them shall:
- recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga as a matter of national importance (RMA);
 - have particular regard to Kaitiakitanga (RMA);
 - take into account the principles of the Treaty of Waitangi (RMA);
 - recognise and respect the Crown's responsibility to take account of the Treaty of Waitangi by complying with Parts 2 and 6 of the LGA 2002; and
 - to maintain and improve opportunities for Māori to contribute to local government decision-making processes (LGA).
16. The Crown has also created the signatory Councils under the Orders specified in the Local Government Act 2002, and requires them to exercise certain functions and powers in relation to:
- the sustainable management of natural and physical resources (RMA);
 - the requirements for local authorities to facilitate participation by Māori in local authority decision-making processes (LGA);
 - enable democratic local decision-making and action by, and on behalf of, communities (LGA); and
 - enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety (RMA).
17. The Council has made steps to implement the two points above in the District and its RMA frameworks by the enabling and recognising the role of Ngai Tahu in Chapter 5.
18. The ability of Ngāi Tahu to express itself within Chapter 5: Tangata Whenua using Te Reo is an important feature of the Chapter and the terminology used must be relevant to tangata whenua. Section 6(e) requires that Council as a matter of national importance recognise and provide for the relationship of 'Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga'. That relationship is expressed in Te Reo Māori. There is no direct English equivalent for kaitiakitanga, for example.
19. Ngāi Tahu ki Murihiku prefer to use the terms currently used in Chapter 5: Tangata Whenua rather than replacing them with "Manawhenua" as recommended by KTKO. Using Tangata Whenua is consistent with the Resource Management Act and is defined in that Act. The exercise of Manawhenua comes from being Tangata Whenua, contiguous connection with their Ancestral Lands and a history of customary use *pre-1840*. *Only Ngāi Tahu have ancestral connection to the Queenstown Lakes District and exercise manawhenua.*
20. I think this Chapter, collaboratively written by the Council and tangata whenua, is efficient and effective, and within the parameters of the Treaty of Waitangi.

Ongoing protection in Queenstown Lakes of those rights and interests Ngai Tahu negotiated with the Crown that are provided for in Treaty Settlement legislation and other Crown/Ngāi Tahu instruments.

21. The Waitangi Tribunal Ngāi Tahu Report 1991 cover the "nine tall trees" of Te Kereme (Wai 27, the Ngai Tahu Claim), investigating the eight regional purchases of Ngāi Tahu lands over

two decades between 1844 and 1864, and Ngai Tahu claims to mahinga kai resources (the ninth tall tree).

22. Section 4.7.11 of the 1991 Report records the following excerpt from the Court of Appeal ruling of Sir Robin Cooke,

“the duty of the Crown is not merely passive but extends to active protection of Māori people in the use of their lands and waters to the fullest extent practicable”.
23. The Resource Management Act framework for resource management covers Crown responsibilities to Māori in relation to this principle of active protection. Part 2 of the Act provides the means for active protection to occur in decision-making at both the national and regional level. Active protection is one of a number of established Treaty principles relevant to Section 6(e), Section 7(a) and Section 8 considerations under the Act.
24. In addition to the Resource Management Act 1991, Ngai Tahu Whānui, including hapū and whānau have their rights and interests to lands, water, sites, wāhi tapū, and other taonga, and customary rights protected in other legislation. Other Legislation includes: Treaty of Waitangi Act 1975, Ngāi Tahu Claims Settlement Act, various Māori Land acts, Fisheries Act, Te Runanga o Ngāi Tahu Act, Ngāi Tahu (Pounamu Vesting) Act, Conservation Act, Local Government Act, Heritage New Zealand Pouhere Taonga Act, etc. There are also agreements and historic decisions that embed Ngāi Tahu’s rights and interests throughout the Ngāi Tahu takiwa, including the Queenstown Lakes Districts.
25. No Chapter of this District Plan should ignore, erode or impede those rights and interests of Ngai Tahu whanui. Rights negotiated between the Crown and Ngāi Tahu are not to be renegotiated at the local level nor ignored by Resource Management Act plans.
26. The rights and interests of Ngāi Tahu ki Murihiku as of 2008 are outlined in its Iwi Management Plan, *Te Tangi a Taurira: The Cry of the People* which shows the importance of adequately recognising these documents in the District Plan.

The Council’s initial attempts to integrate the provisions of the Tangata Whenua Chapter throughout the Plan.

27. TAMI’s comments on this Chapter have implications for the whole Plan. As the second wave of Resource Management Act Plans aim to better integrate tangata whenua values, uses and associations throughout the whole document, this work can be undone by amendments, gaps and contrary points that sever the ‘golden thread’. As the author of this Plan, it is the Council and Hearing Panel’s responsibility to ensure Ngāi Tahu is considered in all its deliberations and recommendations. Changes in other Chapters should consider Ngāi Tahu’s rights and interests in the District, and their consistency with Chapter 5 and its definitions. Ngāi Tahu should not have to make this point in the hearing of each Chapter.

There is a need to ensure that the Ngāi Tahu terminology used in Chapter 5 is consistently used throughout the Plan and in the definitions and maps.

28. With regards to integration, I submit that a stronger link should be made between Chapter 5 and Chapter 33: Indigenous Vegetation and Biodiversity; particularly, the clearance criteria in 33.2.1.9, and taonga species and related habitat, and nohoanga.

Maps for Chapter 5

29. The inclusion of tools in Stage 2 of the District Plan to recognise wāhi tūpuna and historic heritage will provide additional guidance to plan users on the specific areas or features of significance to tangata whenua.
30. While the tools for recognising wahi tūpuna are an important feature, they are not the sole focus of Chapter 5: Tangata Whenua. As outlined above in TAMI's support of the Chapter, the Chapter recognises relationships, protection of rights and interests, Ngāi Tahu's historic and contemporary associations with the District and provides clarity about the matters of interest to tangata whenua. The Chapter also provides a touch stone to allow for the integration of tangata whenua throughout the entire District Plan.
31. The provisions of the Heritage New Zealand Pouhere Taonga Act still apply to all lands and waterways in Queenstown Lakes and people should not act contrary. People should consider all relevant legislation when undertaking subdivisions and other developments, not just the Resource Management Act.

AMENDMENTS SOUGHT

32. Amend the titles of the four chapters in *Part Two: Strategy* to have the prefix "Strategic". The way the chapters are currently titled, and promoted by Council during the submission phase, it seems that the only strategy chapter in the Plan is "Strategic Direction". TAMI has been informed by Council that Chapter 5 is a strategic chapter and this information has affected TAMI's submission and the content of the Chapters 3 and 5. Therefore, if one strategic chapter has the prefix 'strategic', all the strategic chapters should follow the same naming convention.



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