

MĀORI PLANNING FUTURES

REVIEW OF PRODUCTIVITY COMMISSION'S
"BETTER URBAN PLANNING" DRAFT REPORT (AUGUST 2016)

NGĀ AHO & PAPA POUNAMU

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MIHI

Tēnei te rūrū te kōkōu nei
Kīhai i māwhitiwhiti,
Kīhai i māarakaraka
Te ūpoko nui o te rūrū terekou
He pō, he pō
He ao, he ao
Ka awatea
Tihe i mauri ora.

*This is the morepork, harbinger of the spirit world, calling.
Whose head does not bow side to side,
nor nod up and down.
It is the steadfast stance of the Rūrū
That anchors its call throughout the night
Til the dawn of understanding enlightens.
Behold, it is life.*

Tēnā koutou o te motu, ngā maunga whakahī, ngā awa whakaterere. Tēnei mātou o Ngā Aho, o Papa Pounamu anō hoki, e whakatakoto nei i ō mātou nei whakaaro mō te pūrongo a Te Komihana Whai Hua o Aotearoa (NZ Productivity Commission). He pūrongo ia e pā ana ki ngā ture whakariterite taone, whakahaere taone, whakawhanake taone, rauhi taiao.

Ko te aronga nui o tā mātou i whakatakoto ai, ko te whakatutuki i ngā tikanga o Kui mā, o Koro mā e whai mana ai tēna hapū, e whai rawa ai tēna whānau. Ōtirā, ko tā mātou whāinga matua, mā wēnei kupu whakatau nei e whai wāhi ai a Ngāi Māori mā ki ngā mahi whakariterite taone, whakahaere taone, whakawhanake taone.

Heoi anō, hei te otinga atu, mā ngā Iwi, ngā Hapū, ngā Mata-a-waka me ngā Taunga Hou o te motu tēnei kaupapa e kōkiri kia tika ai ki tēnā moka, ki tēnā moka o te motu. Ko ngā kupu kōrero e whai iho nei, he whakaaro āwhina noa iho nō mātou o Ngā Aho me Papa Pounamu. He mea tuku mā wai ake, mā wai ake e wānanga, , e whiriwhiri, e whakatau.

Kia hui anō tātou ki te rangi ora.
Haria mai te toki.
Hāumi ē, Hui ē
Tāiki ē.

PREFACE

This Review Report presents a joint perspective on the Productivity Commission’s ‘Better Urban Planning’ Draft Report from the national institutes of Māori design and urban planning professionals and practitioners – Ngā Aho and Papa Pounamu.

The Productivity Commission is undertaking a review of the urban planning system in Aotearoa/New Zealand to identify, from first principles, the most appropriate system for allocating land use through this system to support desirable social, economic, environmental and cultural outcomes.

In December 2015 the Productivity Commission released a ‘Better Urban Planning’ Issues Paper to assist people to participate in the inquiry. The Commission then contracted Ngā Aho to work with Papa Pounamu to inform their ‘Better Urban Planning’ Draft Report. A wānanga was held at with the Productivity Commission at Te Noho Kotahitanga on 17 June 2016, and a ‘Wānanga Report’ prepared subsequently by Ngā Aho and Papa Pounamu representatives in July 2016.

The ‘Wānanga Report’ made the following points about urban planning:

- Māori communities have strong and varied interests in better urban planning.
- A better urban planning system needs to recognise planning based on mātauranga Māori.
- Better urban planning must focus on holistic outcomes.
- The existing planning framework does not deliver outcomes for Māori communities.
- There is a lack of guidance and capacity.
- Kaitiakitanga is more than ‘preservation’.
- Rangatiratanga is more than ‘consultation’.

The Productivity Commission published their ‘Better Urban Planning’ Draft Report in August 2016, and a second wānanga of Ngā Aho and Papa Pounamu members was held on 25-26 August to review its contents. Attendees agreed that a formal review was warranted and nominated representatives from Ngā Aho (Te Marino Lenihan) and Papa Pounamu (Jacky Bartley) to draft a review. Agreement was reached with the Productivity Commission to undertake the review and focus specifically on Chapter 11 (Urban Planning and the Treaty of Waitangi).

A draft review report was prepared and distributed to all wānanga attendees for review and comment, and specifically to a panel of Ngā Aho and Papa Pounamu representatives so that its key findings and recommendations could be robustly interrogated and refined. The panel consisted of:

- Reginald Proffit (Chair – Papa Pounamu)
- Desna Whaanga-Schollum (Chair – Ngā Aho)
- Dr Diane Menzies (Deputy Chair – Ngā Aho)

- Professor Hirini Matunga (Professor of Māori and Indigenous Development, Lincoln University)
- Lena Henry (Lecturer, School of Planning and Architecture, University of Auckland)
- Craig Pauling (Kaiarataki, Boffa Miskell)
- Lara Taylor (Specialist in Māori strategy, policy and planning)

The final draft review report were discussed and endorsed at a meeting on 7 October 2016, and the final report was presented to the Productivity Commission on 14 October 2016.

Ngā Aho and Papa Pounamu would like to acknowledge the Productivity Commission for supporting this review and agreeing for its contents to be shared amongst our profession and wider collective of Mana Whenua, Mata-a-waka and urban Māori authorities.

**“Ka mau koe, āe, ārahina au ki te rohe o tōku whenua patu ai,
kia mihi au ki tōku whenua”¹**

*You will surely understand, I must be taken to the boundary of my land to be killed,
so that I can greet my land*

– Hirini Moko Mead

¹ This saying is illustrative of the love of Māori for their home territory.

CONTENTS

1. EXECUTIVE SUMMARY	7
2. KEY RECOMMENDATIONS	10
3. CONTEXT & OVERVIEW	13
4. CHAPTER 11 – URBAN PLANNING AND THE TREATY OF WAITANGI	15
5. FEEDBACK ON OTHER CHAPTERS	32
CHAPTER 3 – A RATIONALE FOR PLANNING	33
CHAPTER 5 – THE URBAN PLANNING SYSTEM IN NEW ZEALAND	35
CHAPTER 6 – OUTCOMES FROM THE CURRENT SYSTEM	38
CHAPTER 7 – REGULATING THE BUILT ENVIRONMENT.....	39
CHAPTER 8 – URBAN PLANNING & THE NATURAL ENVIRONMENT	41
CHAPTER 12 – CULTURE & CAPABILITY	42
6. TE REO MĀORI TERMS	44
7. CONCLUSION	45
8. WORKS CITED	46
APPENDIX A – GLOSSARY OF MĀORI TERMS	47
APPENDIX B – POSSIBLE OUTLINE OF PROPOSED NATIONAL POLICY STATEMENT ON TE TIRITI O WAITANGI	52
APPENDIX C – TABLE OF RECOMMENDATIONS	57

1. EXECUTIVE SUMMARY

This report provides a summary of perspectives, experiences and recommendations from a broad range of Māori planners, design professionals and practitioners from throughout Aotearoa me Te Wai Pounamu, New Zealand.

The Māori world is changing rapidly: Te Ao Hurihuri. Since the last reform of the urban planning system in New Zealand in the late 1980's, and the corresponding amalgamation of various 'town planning' acts within the Resource Management Act 1991, much has happened in regards to the settlement of Treaty grievances, the emergence of iwi and urban Māori authorities, the development of iwi management plans, and rise of co-management and co-governance arrangements between Crown and Mana Whenua representatives.

While the current urban planning system includes some strong provisions for recognizing and protecting Māori relationships with natural, physical and spiritual resources, its implementation has been 'uneven' and, exceptional examples aside, can not be said to have achieved genuine planning outcomes for Māori communities.

Any future planning system must therefore build upon the current provisions and strengthen our ability as a nation to enable the expression and active protection of Māori values, rights and interests in their ancestral lands, waters, wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga and other taonga, *inclusive of urban environments*.

- **Strong national guidance on Te Tiriti o Waitangi and the role of Mana Whenua in planning and decision-making processes:**

Local government approaches to engaging Māori communities in urban planning processes are uneven. The range of values, rights and interests held by iwi, hapū and whānau is often not recognised or provided for within local government planning documents. One of the key desirable outcomes that Mana Whenua (iwi, hapū and whānau) seek from the planning system is to be able to make joint decisions with local government on matters of significance to them. Best practice co-governance and co-management has emerged through Treaty settlements where central government has worked with iwi to provide strong guidance to local government to establish new relationships based on the Treaty principle of partnership. Any future urban planning system must therefore acknowledge the fundamental relevance of Te Tiriti o Waitangi and provide appropriate opportunities for both Mana Whenua (Article 2) and Mata-a-waka (Article 3) to participate appropriately in the planning process, including plan development, decision-making and implementation.

Strong national-level guidance is required from central government to direct local government engagement and partnership with Māori communities, including adequate resourcing and representation. Clear protocols are required to manage sensitive information.

- **Coherent legislative framework:**

The current approach to recognising and providing for Māori values, rights and interests in

urban planning legislation is fragmented. Any future planning system must therefore provide a stronger platform for enabling the expression and active protection of Māori values, rights and interests. Any such platform must provide a coherent statement of the nature, extent and relevance of Māori values, rights and interests to the planning system in New Zealand. Moreover, a future planning system must explicitly acknowledge the validity of planning approaches based on tikanga Māori and mātauranga Māori, and build stronger connections between iwi and local government planning documents.

- **“Effects” vs “Values and outcomes”:**

The current “effects based” approach to planning focuses on ‘avoiding, remedying, and mitigating’ adverse effects on resources and the environment. This approach has led to the cumulative degradation of core Māori values, rights and interests (e.g. water quality) as decision makers and developers have only ever been required to mitigate their adverse effects. In order to support “desirable cultural, economic, environmental and social outcomes” (as the Productivity Commission has been tasked to do), a future planning system should instead adopt a “values and outcomes” based approach to decision-making and development. The question can then be asked: how does any given development or decision align with the underlining values and lead to the outcomes identified?

- **“Enabling the expression and active protection”:**

A future planning system must enable Māori communities to express and actively protect their values, rights and interests in their ancestral lands, waters, wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga and other taonga. It is not always sufficient to simply “recognise and protect”.

- **“Urban” vs “Rural”**

The holistic Māori world-view recognises as a first principle the integrated relationship of all natural and physical resources within a catchment. It does not matter if natural and physical resources fall within an urban or rural zone within a town-planning document: they are connected regardless. Any future planning system must ensure, therefore, that the urban environment is not divorced nor managed independently from its surrounding natural environment.

- **Capacity Building & Culture**

Planners and decision-makers must up-skill to understand the relevance of Māori values to urban planning (including values articulated through Cultural Value Assessments) and implement planning outcomes that are meaningful to Māori communities.

- **Fast-tracked planning must include Mana Whenua:**

Any proposals within a future planning system to fast-track urban planning processes by limiting community engagement or restricting appeals must provide opportunities for Mana Whenua to participate in decision-making. Without these opportunities, fast-tracked processes will continue to minimise Māori values, marginalize Māori rights and destroy Māori interests. Fast-

tracked processes may also undermine carefully negotiated redress for settlement of breaches of Te Tiriti o Waitangi. Faster planning requires stronger relationships with clear protocols around engagement.

- **Improved coordination and alignment:**

Iwi, hapū and whānau struggle to work effectively with multiple agencies across various local government territories that overlap their takiwā (tribal territory). Improved coordination and alignment between central government and local government agencies is critical to supporting effective engagement with Mana Whenua in any future urban planning system.

It is clear that the ‘principal purpose of the Commission is to provide advice to the Government on improving productivity in a way that is directed to supporting the overall well-being of New Zealanders, having regard to a wide range of communities of interest and population groups in New Zealand society’ (New Zealand Productivity Commission Act, Part 1 s7). As stated in our Wānanga Report, ‘no other party has more of a vested interest in urban planning than that of Mana Whenua’.² The performance of New Zealand’s urban planning system is critically important to the relationship of all Māori to our ancestral lands, waters, wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga and other taonga. We therefore expect that any future review of the urban planning system in New Zealand will meaningfully engage with Māori – including Mana Whenua, Mata-a-waka and Māori professionals – from the beginning of the process.

While we acknowledge the support of the Productivity Commission in holding a wānanga with our organisations in June, we note that the draft report struggles to analyse information on Māori planning issues in a meaningful way, and does not offer recommendations to strengthen the current urban planning system which is clearly not working for Māori communities.

We appreciate that understanding of te ao Māori and, more specifically to this report, kaupapa Māori planning, is a specialized skill. At a minimum, therefore, we would expect an inquiry of this nature to engage an advisor skilled in Māori planning issues, values, rights and interests to not only help design the aims and scope of the inquiry, but to assist with planning engagement with Māori communities during the inquiry, and to work alongside colleagues with other skill to ensure that Māori issues are understood and integrated throughout the inquiry. In the absence of any such involvement, we are ultimately restricted to commenting on Productivity Commission findings and responding to Productivity Commission recommendations.

As the recommendations of this inquiry are advanced, we urge Parliament and to proactively involve a diverse range of Māori experts and community voices (Mana Whenua, Mata-a-waka and Urban Māori Authorities) in developing policy and legislation, and to consider how Māori values, rights and interests are best represented on the Productivity Commission itself moving forward.

² Ngā Aho and Papa Pounamu (July 2016) at page 1.

2. KEY RECOMMENDATIONS

<p>R1</p>	<p>That a future planning system must:</p> <ul style="list-style-type: none"> a) centre the fundamental relevance of Te Tiriti o Waitangi; b) enable the expression and active protection of Māori values, rights and interests in managing the environment within their tribal takiwā; c) recognise and provide for the ongoing relationship Māori have with their lands, waters, wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga and other taonga; and d) reflect the diversity of Māori identities and realities by using the terms ‘Māori communities’, ‘Mana Whenua’ and ‘Mata-a-waka’ as appropriate, rather than just ‘iwi/Māori’.
<p>R3</p>	<p>That a future planning system must:</p> <ul style="list-style-type: none"> a) recognise that Māori values, rights and interests in urban planning are framed by the holistic nature of Māori worldviews, which understand: <ul style="list-style-type: none"> i. the inter-connected relationship between natural and physical resources within a catchment; and ii. the intrinsic relationship between cultural, economic, environmental and social well-beings. b) provide for these values, rights and interests in a manner that gives effect to the integral relationships between environmental, social, cultural and economic well-beings; and c) support the development of urban areas in ways which enable Māori communities to see their culture (values, narratives and aspirations) reflected in the urban landscape, including promoting ahi kā through enabling Māori to occupy ancestral land.
<p>R12</p>	<p>That a future planning system must acknowledge the existence of a dual planning tradition in Aotearoa New Zealand by:</p> <ul style="list-style-type: none"> a) recognising that Māori society managed natural, physical and spiritual resources within their takiwā, including the location and organisation of residential and industrial settlements, prior to the institutionalisation of English laws and the Westminster system of government; b) recognising that Mana Whenua are the Crown’s Treaty partner and are taking increasing responsibility in this role through the Treaty Settlement process; c) developing a new category of planning document that connects iwi and local

	<p>government planning documents; and</p> <p>d) instituting a new national planning authority with specific expertise in Māori values, rights and interests in urban planning and the management of natural, physical and spiritual resources.</p>
R25	<p>That a future planning system should:</p> <ul style="list-style-type: none"> require greater alignment and co-ordination across local and regional council boundaries to reduce complexities and costs on Māori communities engaging in planning processes.
R24	<p>That a future planning system should:</p> <ul style="list-style-type: none"> ensure greater consistency in how Māori values, rights and interests are recognised and provided for across local government boundaries through, for example, the amalgamation of current planning legislation and alignment of core provisions that effects such matters.
R2	<p>That a future planning system should:</p> <ul style="list-style-type: none"> require the development of a National Policy Statement for Te Tiriti o Waitangi to provide clear direction about how Māori values, rights and interests are to be enabled and actively protected throughout the country. <p>A National Policy Statement should cover a range of topics, including but not limited to:</p> <ol style="list-style-type: none"> The principles of Te Tiriti o Waitangi; Māori worldviews, tikanga Māori and mātauranga Māori; The exercise of tino rangatiratanga; The exercise of kaitiakitanga; Protection of Mana Whenua customary, proprietary and usufructuary rights; Land use, subdivision and development of ancestral lands (including papa kāinga); Water quality, quantity and use; Coastal environments, coastal processes and use of the Coastal Marine Area (including mātaimai and taiapure); Sites of significance to Māori (including wāhi tapu and wāhi taonga); Māori cultural landscapes (including historic and natural heritage features); Other taonga (including intellectual property and biodiversity).

<p>R22</p>	<p>That a future planning system must, if it is to effectively support desirable cultural, economic, environmental and social outcomes, move away from the current “adverse effects” base approach and instead adopt a “values and outcomes” based approach to allocating and managing land use.</p>
<p>R23</p>	<p>That a future planning system should:</p> <ul style="list-style-type: none"> • require local government authorities and, where relevant, central government agencies to collaborate with both Mana Whenua and Mata-a-waka representatives to: <ol style="list-style-type: none"> i. identify their respective values, rights and interests in the urban environment; ii. determine their key cultural, economic, environmental and social outcomes; iii. develop assessment and monitoring methodologies and frameworks that integrate tikanga Māori and mātauranga Māori, in order that a culturally responsive and robust evidence base can be developed to inform urban planning processes and decision-making; and iv. develop annual and long-term work programmes to resource and deliver the social, cultural, environmental and economic outcomes that Māori communities identify as important in urban environments.
<p>R20</p>	<p>That the final ‘Better Urban Planning’ Report adequately explores the following core Māori values and rights in order to contextualize and explain respective Mana Whenua and Mata-a-waka values, rights and interests in urban planning:</p> <ol style="list-style-type: none"> i. whakapapa ii. mana whenua, mana moana iii. rangatiratanga iv. kaitiakitanga v. wāhi tapu vi. wāhi taonga vii. mahinga kai viii. papa-kāinga ix. taonga x. the central relevance of Te Tiriti o Waitangi in urban planning in New Zealand including, but not limited to, the distinction between Article II and Article III rights and responsibilities for Mana Whenua and Mata-a-waka.

3. CONTEXT & OVERVIEW

TERMS OF REFERENCE

The Productivity Commission has been tasked to review the urban planning system in Aotearoa New Zealand and to identify, *from first principles*, the most appropriate system for allocating land use through this system to support desirable social, economic, environmental and cultural outcomes.

Importantly, the review is to look beyond the current resource management and planning paradigm and legislative arrangements to consider *fundamentally alternative* ways of delivering improved urban planning, and subsequently, development.

In examining alternative planning approaches and design attributes that could form the basis of a future planning system in Aotearoa New Zealand, the Commission has been guided by the extent to which the following four goals are likely to be achieved.

- i. flexibility and responsiveness - ability to change land uses easily
- ii. provision of sufficient development capacity to meet demand
- iii. mobility of residents and goods to and through the city
- iv. ability to fit land-use activities within a defined biophysical envelope.

In this inquiry, the Commission’s focus is on environmental issues most closely connected to cities, urban development and land-use, including:

- air quality;
- water (potable/drinking water and water quality); and
- climate change.

The ‘Better Urban Planning’ Draft Report identifies the following key areas of change:³

- Clearer set of distinctions between the built and natural environment.
- Greater prioritisation.
- More responsive infrastructure provision.
- A more restrained approach to land use regulation.
- Stronger capabilities within councils and central government.

³ Productivity Commission (2016) pp 6-9

The draft report has identified a number of priority areas that a future planning system should provide for, including:⁴

- A presumption that favours development in urban areas, subject to clear limits.
- A clearer set and hierarchy of priorities for the natural environment.
- More and more robust, environmental management tools.
- Infrastructure pricing and funding that more accurately reflects actual costs, use and impacts.
- Rezoning and regulatory change that adapts more rapidly to circumstances.
- A focus on those directly affected by change, not third parties.
- A different role for the environment court.
- More representative, less rigid consultation.
- Continued recognition and protection of Māori interests.
- Spatial planning as a core, and fully integrated, component.

COMMENTS – OVERALL

Not since the drafting of the Resource Management Act 1991 (RMA) has there been such a radical review of the urban planning system in Aotearoa New Zealand and a corresponding opportunity to craft improvements to better recognize and provide for the values, rights and interests of iwi, hapū and whānau in respect of the governance and management of their ancestral lands, waters, wāhi tapu, wāhi taonga, papa-kāinga, mahinga kai and other taonga.

We agree with the Commission’s statement that:

“Successful cities are not only places where people work; they are also attractive places where people consume goods and services, play and are creative, all within urban areas that have atmosphere and unrivalled access to a wide range of amenities. Successful New Zealand cities also acknowledge the special relationship of Māori with the land on which cities are built, and provide “great spaces and places for Māori to be Māori”⁵

In order to deliver on this vision, it is fundamentally important that any future urban planning system enables the expression and active protection of Māori values, rights and interests.

The ‘Better Urban Planning’ Draft Report contains no recommendations in relation to Māori values, rights and interests. Conversely, the Commission found that “there is broad support for carrying forward into any new urban planning system the current general regulatory framework for recognition and protection of Māori interests and for Māori engagement in land-use planning”
(Finding 11.4)

⁴ Productivity Commission (2016) pp 7-9

⁵ Productivity Commission (2016) p 1

While we support the Commission’s finding to retain the strong provisions in the present urban planning system, we are emphatic that improvements must also be made in any future urban planning system. Our cities are growing, and large urban developments are being proposed in areas significant to Māori communities. Strengthening the recognition and provision for Māori rights, values and interests in urban planning is absolutely critical when considered in the light of the Commission’s recommendations to reduce the level of engagement within a new urban planning system, limit appeal rights and fast-track planning processes. Early engagement increases certainty for both developers and Māori.

“It is fundamentally important that any future urban planning system enables the expression and active protection of Māori values, rights and interests.”

4. CHAPTER 11 – URBAN PLANNING AND THE TREATY OF WAITANGI

OVERVIEW

Chapter 11 (Urban Planning and the Treaty of Waitangi) canvasses the following specific areas:

- i. Māori and urban development.
- ii. The Treaty in legislation and jurisprudence.
- iii. The Treaty and protection of Māori interests in planning legislation.
- iv. The current law: meshing two traditions.
- v. How well does the planning system recognise and protect Māori interests?
- vi. How would a new planning system provide recognition and protection of Māori interests?

The “Key Points” noted by the Commission are:⁶

1. “Māori have diverse interests in urban development, arising from:
 - cultural connections with ancestral lands, expressed through the obligation of Kaitiakitanga (stewardship and protection);

⁶ Productivity Commission (2016) p. 272

- a desire to “create great urban spaces and places for Māori to be Māori”;
 - being owners and developers of urban land; including being collective owners as a result of Treaty settlements over the last several decades; and
 - being urban residents with a desire for prosperity and wellbeing.
2. Māori designers and planners have developed and promoted a set of principles for a “Māori cultural landscape strategy” that reflect values and knowledge based in Māori culture and custom.
 3. New Zealand’s planning law contains diverse provisions that give recognition to and protect Māori interests arising from the Treaty of Waitangi.
 4. Planning legislation requires local authorities to engage with iwi/Māori in developing and administering plans. Other never – or little – used provisions allow devolution of planning to Māori authorities, or for them to join with councils in managing particular areas or aspects of planning.
 5. Some Treaty settlements have, over the last decade, provided for iwi, local authorities and central government agencies to co-govern the management of features of the natural environment such as rivers and mountains. Some of these arrangements cover urban areas. Such arrangements have helped build relationships between iwi and local authorities and develop capability on both sides. As a result, engagement of these iwi in other planning processes has strengthened.
 6. Over the last 25 years, iwi/Māori engagement in planning processes and the protection of Māori interests has grown through practice guided by legislation and case law. From a Māori perspective, engagement has been most successful where it has been based on building positive relationships that allow Māori to participate early and strategically in planning. There are many examples where this approach has produced outcomes welcomed by both councils and Māori.
 7. Despite ongoing development in the relationships between councils and Māori on planning, practice remains uneven across the country. The biggest barriers to good practice seem to stem from some councils and some Māori groups having insufficient capacity to engage effectively. Information on what has been achieved by good practice, learning from experience, and growing capability from Treaty settlement processes should stimulate further improvements.
 8. Carrying forward the current general framework for the planning relationship between Māori and local authorities has broad support. Successful relationships depend more on local circumstances, good practice and willingness to engage, than on adjustments to the national regulatory framework.
 9. Fruitful opportunities exist to draw on mātauranga Māori (Māori knowledge) in urban planning and to build on Māori design principles in urban design”.

COMMENTS – KEY BARRIERS

We agree that relationships between councils and Māori in urban planning are fragmented and remain uneven across the country. We disagree, however, that the biggest barrier to effective engagement is ‘insufficient capacity’. Instead, we suggest that a more significant factor is the present lack of national direction and guidance on how councils and Māori (Mana Whenua and Mata-a-waka) might effectively work together.

We also disagree that engagement between Councils and Mata-a-waka has improved significantly. The local government landscape is still too uneven on this front for such a conclusion to be made.

Stronger legislative provisions and guidance from central government is still required to drive greater efficiency and consistency in terms of how local government work with Mana Whenua and Mata-a-waka throughout the country to enable the expression and active protection of their respective values, rights and interests.

The need for such improvements in any future urban planning system is fundamental, particularly given the Commission’s proposal to introduce ‘faster’ processes and ‘less prescriptive’ rules as key components of a future planning system.⁷

Fortunately, we can now draw on 25 years of experience in the development of iwi planning documents, the evolution of Treaty settlements and resource management jurisprudence relating to Māori values, rights and interests, and the emergence of iwi and urban Māori authorities. The present review of the urban planning system is a fine opportunity to capitalise on such developments and advances, and re-set the baseline for what constitutes good practice in urban planning and resource management in New Zealand.

COMMENTS – UNDERSTANDING TE TIRITI O WAITANGI

The relevance of Te Tiriti o Waitangi (including its principles) to urban planning is clearly not well understood. The development of a National Policy Statement on Te Tiriti o Waitangi would promote greater understanding and drive greater efficiency and consistency throughout New Zealand in terms of how local government works with Mana Whenua and Mata-a-waka representatives to enable the expression and active protection of their respective values, rights and interests.

Section 45(2) of the Resource Management Act already provides the legislative mandate by which such a National Policy Statement on Te Tiriti o Waitangi can be developed, subsection (h) of which states:

"In determining whether it is desirable to prepare a national policy statement, the Minister

⁷ Productivity Commission (2016), p340

may have regard to – (...) Anything which is significant in terms of section 8 (Treaty of Waitangi).”

Notwithstanding such provision, one has yet to be prepared.

RECOMMENDATION 1

The final ‘Better Urban Planning’ Report should recommend that any future planning system must:

- i. Centre the fundamental relevance of Te Tiriti o Waitangi;
- ii. Recognise and provide for the ongoing relationship Māori have with their lands, waters, wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga and other taonga;
- iii. Enhance, express and enable Māori values, rights and interests in urban environments;
- iv. Recognise and provide for the rights and responsibilities that Mana Whenua have in managing the urban environment within their tribal takiwā.

RECOMMENDATION 2

A National Policy Statement for Te Tiriti o Waitangi should be developed to provide clear direction on how to enable the expression and active protection of Māori values, rights and interests consistently and effectively throughout the country. Any such National Policy Statement should cover a range of topics, including but not limited to:⁸

- i. The principles of Te Tiriti o Waitangi;
- ii. Māori worldviews, tikanga Māori and mātauranga Māori;
- iii. The exercise of tino rangatiratanga;
- iv. The exercise of kaitiakitanga;
- v. Protection of Mana Whenua customary, proprietary and usufructory rights;
- vi. Land use, subdivision and development of ancestral lands (including papa kāinga);
- vii. Water quality, quantity and use;
- viii. Coastal environments, coastal processes and use of the Coastal Marine Area (including mātaimai and taiapure);
- ix. Sites of significance to Māori (including wāhi tapu and wāhi taonga);
- x. Māori cultural landscapes (including historic and natural heritage features);
- xi. Other taonga (including intellectual property and biodiversity).

⁸ Refer to Appendix B for a list of further topics that could be covered by a National Policy Statement on Te Tiriti o Waitangi. This list is not exhaustive and requires further development through engaging with Māori communities.

COMMISSION'S FINDINGS

Drawing on insights and examples from practitioners around Aotearoa New Zealand, the Commission has raised five key questions in relation to Urban Planning and the Treaty of Waitangi, and made four specific findings. In preparing this report, Ngā Aho and Papa Pounamu have reviewed each finding and offer the following comments and recommendations. Furthermore, we consider that the questions raised by the Productivity Commission are best answered through the development of a National Policy Statement on Te Tiriti o Waitangi (see Recommendation 2 above).

Finding 11.1 – Māori and urban development

"Māori have a broad range of interests in urban development arising from connections with ancestral lands; a desire to live in spaces identifiably Māori; their individual and collective ownership and development of urban land; and their desire for prosperity and wellbeing. Some of these interests are more closely connected to urban land-use planning than others"⁹

COMMENTS – HOLISTIC WORLDVIEWS

We disagree with the implication of Finding 11.1 that the holistic nature of Māori worldviews is irrelevant to urban planning processes. Conversely, we consider that it is fundamentally important to understand Māori worldviews in order to comprehend the nature and extent of Māori interests in urban planning. As stated clearly in our wānanga report (July 2016), Māori world-views:

- a) recognise the interconnected relationship (and therefore well-being) of all parts of the environment, including people;
- b) do not distinguish urban and rural areas by artificial lines on maps;
- c) are framed by 'whakapapa' (genealogy) which records and accounts for the relationship each whānau, hapū and iwi has with their ancestral lands, waters, wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga and other taonga.

There are an increasing number of researchers and practitioners working to articulate how urban development can create decolonised cities that actively protect and reflect Māori culture (values, narratives and aspirations) in the urban landscape. Māori organisations are increasingly involved as investors and developers in urban areas. In respect of the holistic nature of Māori worldviews, these organisations tend to operate with a 'quadruple bottom line' approach that sees economic development as an integral driver for social, cultural and environmental improvements.

The urban planning system can either constrain or enable the expression of Māori values, rights and interests (particularly the ability to exercise their roles and responsibilities as kaitiaki), and thus we contend that holistic Māori objectives for investment and development need to be acknowledged in planning processes and decisions.

⁹ Productivity Commission (2016) p. 279

RECOMMENDATION 3

A future planning system must:

- a) recognise that Māori values, rights and interests in urban planning are framed by the holistic nature of Māori worldviews, which understand:
 - i. the inter-connected relationship between natural and physical resources within a catchment; and
 - ii. the intrinsic relationship between cultural, economic, environmental and social well-beings.
- b) provide for these values, rights and interests in a manner that gives effect to the integral relationships between environmental, social, cultural and economic well-beings; and
- c) support the development of urban areas in ways which enable Māori communities to see their culture (values, narratives and aspirations) reflected in the urban landscape, including promoting ahi kā through enabling Māori to occupy ancestral land.

RECOMMENDATION 4

A future planning system (including structure, spatial, land-use and financial plans) should:

- enable Māori to protect, develop and sustainably manage their natural, and spiritual physical resources in accordance with their values, rights and interests.

Finding 11.2 – The Treaty and protection of Māori interests in planning legislation

“Treaty settlements have often given iwi and hapū a significant role in the governance and management of environmental features and resources. At the same time, the settlement process has strengthened iwi and hapū capabilities and provided resources that enable stronger participation in environmental planning under the Resource Management Act”¹⁰

COMMENTS – CO-GOVERNANCE

We agree with the Commission’s finding that some Treaty settlements have led to iwi and hapū authorities playing significant roles in governing or managing tribally significant environmental features and resources (e.g. Waikato and Whanganui River Settlements). Co-governance arrangements around the Country have enabled some iwi and hapū to participate more efficiently and effectively in planning processes.

However, these co-governance arrangements are still exceptional and are not the norm. Not all Mana Whenua in urban areas have completed Treaty settlements. Despite the existence of

¹⁰ Productivity Commission (2016) p. 288

provisions for co-management within the Resource Management Act (e.g. s36 – Joint Management, s33 – Transfer of Powers), only a handful of examples can be identified occurring in the last two decades. We suggest that the limited use of co-governance mechanisms indicates a lack of political will. Based on our experience, we suggest that it is often politically difficult for councils to include Mana Whenua representatives on council decision-making committees without strong direction from Central government requiring Māori representation.

RECOMMENDATION 5

A future planning system should contain a coherent overview of Māori (Mana Whenua and Mata-a-waka) values, rights and interests in planning and resource management supported by a legislative framework that enables the expression and active protection of those values, rights and interests as and where appropriate. (See Recommendation 20 for non-exhaustive list of key values to be covered.)

RECOMMENDATION 6

A future planning system must direct councils to establish co-governance arrangements with Mana Whenua over key natural, physical and spiritual resources (lands, waters, wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga and other taonga) identified as important to Mana Whenua.

RECOMMENDATION 7

A future urban planning system must protect Māori customary, proprietary and usufructuary rights in their lands, waters, wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga and other taonga.

RECOMMENDATION 8

A future urban planning system must be regularly reviewed in order to account for and reflect emerging Treaty settlements and evolving Treaty jurisprudence.

Finding 11.3 – How well does the planning system recognise and protect Māori interests?

“Māori engagement in urban land-use planning is growing as a result of improving capability in local authorities and Māori groups, experience from successful practice (often stimulated by Treaty Settlements) and strengthening relationships. Yet the system’s performance has proven uneven, due to factors such as:

- i. Constraints on the capability of some councils and some iwi to engage with each other;*
- ii. Lack of clarity about how to implement legislative requirements for Māori participation in planning; and*
- iii. Varying expectations about the nature of council-Māori relationships¹¹*

¹¹ Productivity Commission (2016) p. 299

COMMENTS – CAPACITY & CAPABILITY

We agree with the Commission’s finding that there are constraints on the capability of councils, iwi, hapū and other Māori communities. The Waitangi Tribunal has found that protecting and transmitting mātauranga Māori is a shared responsibility between Māori and the Crown.¹² However, in our experience, many planners and decision-makers do not know how to meaningfully integrate tikanga Māori and mātauranga Māori into planning processes. This lack of capability may mean that information provided through submissions from Mana Whenua and Cultural Impact Assessments is not integrated into the decision-making process.

In addition to the limited capability of planners and decision-makers, poor past relationships mean that Mana Whenua do not always trust planners or resource consent applicants to protect and respect information about their sites of significance. It is appropriate that this knowledge is held by Mana Whenua, not councils, and in many places, this lack of trust has resulted in little if any protection for sites and places of significance to Mana Whenua in planning documents.

We agree with the Commission’s finding that there is a lack of clarity about legislative requirements to support Māori participation in planning and consider that Māori need to be involved at all stages in the planning process in order for their values, rights and interests to be considered appropriately within the urban planning system.

Plans that have more successfully integrated tikanga Māori and mātauranga Māori have often involved Mana Whenua and Māori planners as part of the plan development team (e.g. Proposed Auckland Unitary Plan; Kaipara District Plan; Christchurch City Plan).

In planning processes that affect Māori values, rights and interests, a future planning system must provide for suitably qualified people with understanding of Māori worldviews to act as:

- a) Decision-makers (for example, representatives on Independent Hearings Panels, local government bodies, sitting on co-governance or joint management committees, and/or Independent Māori Commissioners where there is a potential for conflicts of interest).
- b) Planners (for example, developing provisions relating to Māori values, rights and interests). Best practise approaches involve Mana Whenua as part of the drafting team to prepare plans, and partnering Mana Whenua with kaupapa Māori planners to assist with translating values, rights and interests into policy and planning outcomes.
- c) Specialists (for example, providing input into resource consent processes through Cultural Impact Assessments or providing input directly into Resource Consent applications).

Further issues encountered in attempting to implement provisions for Māori participation within the Resource Management Act include:

- “limits to the application of ss 6(e), 7(a) and 8;

¹² Waitangi Tribunal (2011) p 584

- absence of compulsion to accord weight to Māori rights and interests and provide meaningful outcomes for Māori;
- lack of incentives to use section 33 Transfer of Powers (never been used for Māori authorities); section 36B joint management agreements (seldom used); and section 188 (enables iwi as heritage management authorities but never been used for Māori authorities);
- limited capacity building and funding initiatives; and
- lack of central government direction¹³

We agree with the Commission’s finding that there are varying expectations about the nature of council-Māori relationships, and that this has led to inconsistent approaches to Māori participation in planning processes (including spatial planning, plan development, plan changes, and resource consents).

To improve the urban planning system, we require mandatory minimum standards for effective engagement with Mana Whenua, and a consistent approach to the thresholds for requiring a Cultural Impact Assessment and timelines for assessments.

Mana Whenua should be resourced to participate in planning processes, just as Councils and central government agencies are (i.e. rates and taxes).

RECOMMENDATION 9

A future urban planning system should enable the development of local training programmes to improve understanding of Māori worldviews, tikanga Māori and mātauranga Māori by planners and decision-makers.

RECOMMENDATION 10

A future planning system must recognise that Mana Whenua are the experts in their own values and interests; and provide for their involvement as technical specialists, plan writers and decision makers where their values, rights and interests in the urban environment are affected.¹⁴

RECOMMENDATION 11

A future planning system must, where Māori values, rights and interests are affected, provide for suitably qualified people with understanding of Māori worldviews to act as:

- a) Decision-makers (for example, representatives on Independent Hearings Panels, local

¹³ Taylor (2015) p. 59

¹⁴ Refer to Recommendation 2 for proposed content of a National Policy Statement to address capacity and capability.

government bodies, sitting on co-governance or joint management committees, and/or Independent Māori Commissioners where there is a potential for conflicts of interest).

- b) Planners (for example, developing provisions relating to Māori values, rights and interests). Best practise approaches involve Mana Whenua as part of the drafting team to prepare plans, and partnering Mana Whenua with kaupapa Māori planners to assist with translating values, rights and interests into policy and planning outcomes.
- c) Technical Specialists (for example, providing input into resource consent processes through Cultural Impact Assessments or providing input directly into Resource Consent applications).

Finding 11.4 – How would a new planning system provide recognition and protection of Māori interests?

“There is broad support for carrying forward into any new urban planning system the current general regulatory framework for recognition and protection of Māori interests and for Māori engagement in land use planning”¹⁵

COMMENTS – REGULATORY FRAMEWORK

We agree with the Commission’s finding that the current regulatory framework for recognising and protecting Māori values, interests, and rights should be retained – but emphasise that this framework needs to be strengthened. There is significant evidence provided in Chapter 11 to demonstrate that the current planning system needs to be improved in order to manage Māori values, rights and interests well.

COMMENTS – IWI PLANNING DOCUMENTS

Iwi Management Plans and Iwi Planning Documents are a valuable way for Mana Whenua to identify, record and disseminate specific values, rights and interests they have in any given environment. Iwi planning documents assists Mana Whenua to determine a consistent approach to the multiple planning processes they are asked to participate in. However, the effectiveness of iwi planning documents is hindered by limited resources and limited recognition in the existing planning system.

Māori communities have many competing demands on their time and many do not have adequate resources to periodically review their iwi planning documents. Given constant changes in the national and local planning system, older iwi management plans may not be seen to meaningfully address contemporary planning issues or to provide sufficient direction to inform plan review processes. Newer iwi planning documents are more focussed on implementation, and target specific resource issues, opportunities, and actions.

¹⁵ Productivity Commission (2016) p. 300

Preparing an iwi-planning document requires resources, skills, and time. Iwi or hapū that have not prepared an iwi planning document, or have yet to update their iwi planning document are disadvantaged in planning processes which must often meet short timeframes. Without the robust evidence base provided by an iwi management plan, decisions are made that impact on Māori values, rights and interest without appropriate consideration of tikanga Māori and mātauranga Māori.

We consider that there is great potential for iwi planning documents to meaningfully inform local and national planning processes, but sufficient support is required for Mana Whenua to prepare, review and update these documents. For example, local government could programme and resource the review of iwi planning documents alongside the review of district and/or regional plans. Further guidance could be provided to councils on how to consider iwi planning documents; and non-mandatory templates provided to support iwi and hapū to draft iwi management plans that can readily be translated into planning outcomes.

Based on our experience, there is a need for a new kind of planning document – jointly developed by local government and Mana Whenua – to connect objectives, policies and rules between iwi planning documents and local government planning documents.

COMMENTS – SITES OF SIGNIFICANCE & CULTURAL IMPACT ASSESSMENTS

We have similar experiences relating to the limited resources and time available for Mana Whenua to schedule sites of significance through plan reviews, or to prepare Cultural Impact Assessments for resource consents. The process to scheduling significant sites can take several years, and requires significant investment of time and money by both council and Mana Whenua.

RECOMMENDATION 12

A future planning system must acknowledge the existence of a dual planning tradition in Aotearoa New Zealand by:

- a) Recognising that Māori society managed natural and physical resources within their takiwā, including the location and organisation of residential and industrial settlements, prior to the institutionalisation of English laws and the Westminster system of government;
- b) Recognising that Mana Whenua are the Crown’s Treaty partner and are taking increasing responsibility in this role through the Treaty Settlement process;
- c) Developing a new category of planning document that connects iwi planning documents and local government plans; and
- d) Instituting a new national planning authority with specific expertise in Māori values, rights and interests in urban planning and the management of natural, physical and spiritual resources.

RECOMMENDATION 13

A future planning system should retain and strengthen provisions and mechanisms within the current urban planning system that enable the expression and active protection of Mana Whenua and Mata-a-waka values, rights and interests in their ancestral land and seascapes including, but not limited to;

- a) sections 5, 6c, 6e, 6f, 6g, 7a, 7d, 8, 61(2A)(a), 66(2A)(a), and 74(2A) of the RMA; and
- b) provisions in both the Local Government Act and Land Transport Management Act that provide opportunities for Māori to be involved in decision-making.

RECOMMENDATION 14¹⁶

A future planning system should align with and give effect to recognised Treaty Principles through such means as:

- a) engaging with Mana Whenua and Mata-a-waka from the beginning of the reform process;
- b) drafting policies and legislation in partnership experts in Treaty jurisprudence and experienced planning practitioners; and
- c) ensuring Māori communities are represented on decision-making bodies.

RECOMMENDATION 15

Funding for the meaningful engagement of Māori (Mana Whenua and Mata-a-waka) in planning processes should be provided by the Crown and/or local government through rates and/or taxes.

CHALLENGES OF COMMISSION’S PROPOSED FUTURE PLANNING SYSTEM FOR MĀORI COMMUNITIES

While the Commission has not made any recommendations in Chapter 11, the Overview section of the ‘Better Urban Planning’ Draft Report states:

“Continued recognition and protection of Māori interests: Māori have a broad range of interests in both urban development and the protection of the natural environment. So there should continue to be an expectation under a future planning system that councils will engage with Māori / iwi early on in the development and review of Plans, and clear provisions to ensure that engagement. This should include the tools that currently exist in planning and other related statutes (e.g. devolution and joint management arrangements), and in current planning practices

¹⁶ Refer to Recommendation 2 for proposed content of a National Policy Statement to address iwi planning documents.

(e.g. the identification and protection of sites of significance to Māori and the use of cultural impact assessments)¹⁷

It is important to view this statement in light of other findings and recommendations within the draft report. The ‘Better Urban Planning’ Draft Report concludes that a future planning system would provide for the following:

- a. “Less prescriptive land use rules, creating more space for local innovation and adaptation;
- b. Faster “event based” processes for changing land use rules, better allowing regulation and the supply of development capacity to keep up;
- c. More use of market-based tools and infrastructure pricing, which signal to individuals and firms the efficient locations to develop, or times to use, infrastructure, but leave them to decide how to respond;
- d. Longer-term infrastructure and land-use planning based on real options analysis, which explicitly factors uncertainty into the development and analysis of options, and incorporates flexibility in the investments decision-making process¹⁸

COMMENTS

As stated above, we disagree that a future planning system should simply retain the status quo. Looking beyond the current urban planning and resource management paradigms, tools and legislative arrangements to consider fundamentally alternative ways of delivering improved urban planning, requires considering new approaches to support better urban planning for Māori and other communities. We offer additional findings based on our experience and feedback from Ngā Aho and Papa Pounamu members to be considered for inclusion in the final ‘Better Urban Planning’ Report.

OUR FINDINGS – ‘Tools’ vs. ‘Frameworks’

What we want are frameworks that empower the indigenous voice in urban planning and resource management processes. Tools do not do this; rather they perpetuate the mindset of the practitioners who develop the tools. Indigenous peoples outside Aotearoa have a preference for frameworks rather than tools for this reason, to avoid further perpetuation of colonising processes.

OUR FINDINGS – Enhanced Engagement

The ‘Better Urban Planning’ Draft report recommends stronger guidance at a national level for “Natural and Urban Planning”, however the report is silent on whether guidance will also include addressing Māori values, rights and interests. We suggest that there are better ways of working with Māori in developing and reviewing plans. We support the need for clear provisions on how that engagement is undertaken at a local level. These provisions must be supported by guidance at a

¹⁷ Productivity Commission (2016) p.9

¹⁸ Productivity Commission (2016) p.340

national level.

OUR FINDINGS – Timing and Certainty In “Fast-Tracked” Processes

Demand for housing, in particular, means there is a lot of pressure to develop land on the edge of cities that may be significant to Māori communities. There are a number of examples of decisions made under existing planning system which have compromised both the values of land returned under Treaty settlement as commercial and/or cultural redress. We hold a strong concern that Māori values, rights and interest must be recognised and provided for in fast-tracked planning processes within a future planning system. There is at least one example of a development fast-tracked under the Housing Accords and Special Housing Area Act (2013) which threatens to destroy a significant cultural landscape and has been strongly opposed by Mana Whenua.

It is not clear how Māori values, rights and interests will be managed in any future planning system, given a number of the recommendations in other chapters of the ‘Better Urban Planning’ Draft Report that focus on reducing the level of engagement, limiting appeal rights and fast-tracking planning processes. Both Mana Whenua and Mata-a-waka must be effectively and meaningfully engaged in any fast-tracked planning and decision-making processes. In fast-tracked planning processes, both developers and Mana Whenua need certainty about planning processes and decision-making. Attempting to assess Māori values, rights and interests in a short time can be counter-productive, causing delays and damaging long-term relationships.

To achieve timing and certainty, councils and developers need to work strategically with Mana Whenua in planning processes and decision-making to ensure that Māori values, rights and interests are enhanced, expressed and enabled. For example, a future planning system could require major development in areas significant to Mana Whenua to be referred to a joint decision-making body including kaitiaki and planners selected by Mana Whenua and chaired by an Environment Court judge. Precedents include a joint management arrangement initiated by Gisborne District Council and Ngāti Porou outside of the Treaty settlement process.

OUR FINDINGS – Identifying Cultural Landscapes In Areas Identified For Large-Scale Urban Development

We emphasise that avoiding the destruction of lands, waters, wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga and other taonga must be a critical consideration in any fast-tracked planning process. When planning to develop an area identified for large-scale urban development, mapping cultural landscapes allows both Mana Whenua and councils to understand the full significance of urban areas, and provides an evidence base which can be used to make informed decisions about development. A precedent can be found in Policy 15 of the Coastal Policy Statement that requires the protection of Māori cultural landscapes and features from ‘inappropriate subdivision, use, and development’.

Many places in Aotearoa New Zealand do not have a robust evidence base of cultural values associated with places as this knowledge is held with whānau/hapū/iwi. It is important that councils focus on developing a robust evidence base in collaboration with Mana Whenua to inform planning

processes particularly in areas where urban growth is anticipated so that cultural values are not lost. No clear methodology exists in Aotearoa New Zealand on how Māori Cultural Landscapes should be identified and mapped and reflected in plans, and this type of work takes a significant amount of time to document.

Unless Mana Whenua are part of the planning process and able to directly inform urban planning processes, these values will continue to be destroyed. A future planning system must provide councils and Mana Whenua with sufficient time and resources to identify and protect sites and places of significance before more detailed spatial planning occurs.

RECOMMENDATION 16¹⁹

A future planning framework must, where limited evidence exists regarding Māori values, rights and interests in areas marked for large scale urban development:

- a) take a precautionary approach to structure planning, spatial planning and plan review processes; and
- b) enable Mana Whenua to meaningfully participate in developing plans to ensure that their values, rights and interests are appropriately recognised and provided.

RECOMMENDATION 17

A future planning system must require councils to provide meaningful opportunities for Mana Whenua to be involved in fast-tracked decision-making processes that affect Māori values, rights and interests in urban areas including, but not limited to:

- Council participation in wānanga on urban planning issues with Mana Whenua and Mata-a-waka;
- Building relationships with Mana Whenua through regular face-to-face contact (formal and informal, at the council, on the marae, in the field).
- Identifying and robustly discussing issues and opportunities of mutual interest in a manner that meaningfully informs decision-making and supports the role of Mana Whenua as kaitiaki.
- Framing decisions and assessing their implementation and impact against all four well-beings.

¹⁹ Refer to RECOMMENDATION 2 for proposed content of a National Policy Statement to address Mana Whenua participation in urban planning.

RECOMMENDATION 18

A future planning system should provide a streamlined approach to identify and actively protect Māori Cultural Landscapes, including sites of significance to Mana Whenua in urban areas marked for major development.

LANGUAGE & CONTENT

Throughout Chapter 11, the Commission talks about “recognising and protecting Māori interests”. We are concerned that the use of this terminology risks a situation whereby councils and developers will only be required to maintain Māori interests in natural, physical and spiritual resources *as they presently exist*. We consider that “recognition and protection” alone will not facilitate the sustainable management of natural, physical and spiritual resources that are already degraded or overexploited.²⁰

RECOMMENDATION 19

The final ‘Better Urban Planning’ Report should adopt language that:

- a) enables the expression and active protection of Māori values, rights and interests in the urban environment, and
- b) recognises the diversity of Māori identities, communities and realities by using the following terms as and where appropriate rather than ‘iwi/Māori’
 - i. ‘Mana Whenua’
 - ii. ‘Mata-a-waka’
 - iii. ‘Māori communities’

RECOMMENDATION 20

The final ‘Better Urban Planning’ Report explores the following core Māori values, rights and interests in order to adequately contextualize and explain respective Mana Whenua and Mata-a-

²⁰ See, for example: Morgan, T.K.K.B., Faau, T.N. (in review) Empowering Indigenous Voices in Disaster Response: Applying the Mauri Model to New Zealand’s worst Environmental Maritime Disaster. European Jnl of Operations Research

Morgan, T.K.K.B., Fa`aui, T.N. (2014). Decision Support Systems And Promoting Socially Just Environmental Management. 11th International Conference on Hydroinformatics HIC 2014, New York City, USA. 17-20 August, 2014. ISBN 978-0-692-28129-1

Morgan, T.K.K.B., TEAHO, L. (2013). Waikato Taniwharau: Prioritising Competing Needs in Co-management of the Waikato River. Adv. in Env. Res. 29: 85-106 .

Morgan, T.K.K.B. (2009) Exploring Knowledge System Synergies for Integrated Decision Making, Jnl of Indigenous Issues, Monash University. 12 (1-4): 299-308.

Morgan T.K.K.B. (2006) Decision-support tools and the indigenous paradigm. Proceedings of the Instn of Civil Engineers, Engineering Sustainability, 159 (4): 169–177.

waka values, rights and interests in urban planning:

- whakapapa
- mana whenua, mana moana
- rangatiratanga
- kaitiakitanga
- wāhi tapu
- wāhi taonga
- mahinga kai
- papa-kāinga
- taonga
- the central relevance of Te Tiriti o Waitangi in urban planning in New Zealand, including the distinction between Article II and Article III rights and responsibilities for Mana Whenua and Mata-a-waka.

Proposed Amendments To Draft Report

Chapter 11 of the ‘Better Urban Planning’ Draft Report contains a number of statements that we recommend are amended to better reflect Māori worldviews and values. They are:

1. Page 275 (Mana whenua interests in urban development)

- Current text states:
“Mana whenua have a particular set of interests because of their kaitiakitanga relationship with their ancestral lands and natural resources (Box 11.1).”
- Comment:
Mana Whenua rights and interest arise because of their whakapapa and ahi-kā-roa (ancestral occupation and long standing relationship), not because of their responsibilities as kaitiaki.
- Proposed amendment:
“Mana whenua have a particular set of interests because of their ancestral occupation and longstanding relationship with the landscape which gives rise to ongoing rights and responsibilities as kaitiaki.”

2. Page 277 (Te Aranga Principles for a Māori Cultural Landscape Strategy)

- Current text states:
“Māori have an interest in seeing themselves reflected in the urban landscape.”
- Comment:
It might encourage wider understanding if this statement was drawn out a little more such as to be clearer about what we mean by ‘seeing ourselves’ in the landscape.

- Proposed amendment:
“Māori have an interest in seeing their culture (values, narratives and aspirations) reflected in the urban landscape.”

3. Page 278 (Te Aranga Principles for a Māori Cultural Landscape Strategy)

- Current text states:
“Mātauranga is knowledge generated through long- term occupation of an environment, and is specific to each whānau, hapū and iwi.” In addition, Mātauranga Māori is evolving and dynamic. As a result “Māori creative practitioners can play a central role in translating concepts of mātauranga Māori into the contemporary context” (Ngā Aho & Papa Pounamu, 2016, p. 20).”
- Proposed amendment:
“Mātauranga is knowledge generated through long- term occupation of an environment, and is specific to each whānau, hapū and iwi.” Like all bodies of knowledge, Mātauranga Māori is evolving and dynamic. At all times, however, mātauranga Māori is founded upon tikanga, Māori world-views, and an intimate relationship with the environment.”

5. FEEDBACK ON OTHER CHAPTERS

Each chapter of the ‘Better Urban Planning’ Draft Report tackles particular aspects of the review and identifies a number of related questions, findings and/or recommendations. Chapter 11 of the draft report addresses kaupapa Māori planning issues under the heading “Urban Planning and the Treaty of Waitangi”.

COMMENTS

We support the value of a kaupapa Māori chapter to focus attention on our particular values, rights and interests. However, we emphasise that best practice is to address relevant and related Māori issues in an integrated way within each chapter, in addition to a kaupapa Māori chapter. We have provided the Commission with feedback on Chapters 3, 5, 6, 7, 8 and 12. Mana whenua and Mata-a-waka also have interests in content covered in other Chapters: for example, ‘The Thirty Year New Zealand Infrastructure Plan 2015’ includes case studies documenting Māori interests in infrastructure.

RECOMMENDATION 21

The final ‘Better Urban Planning’ Report should:

- incorporate commentary, findings and/or recommendations on Māori values, rights and interests as and where relevant to the content of each chapter, not just Chapter 11.

CHAPTER 3 – A RATIONALE FOR PLANNING

Finding 3.3 – Two broad approaches to planning in complex urban systems.

“Cities present a challenge for urban planning, given that it is not possible to predict or control in a fine-grained manner their development paths. An overly directive approach to regulating land use in cities risks suppressing the diversity, creativity and entrepreneurship that successful cities display.

One response to the complex, adaptive nature of cities, is for planners to use a relatively few, simple rules that prohibit certain types of harmful spillover effects. Planners would otherwise leave households and businesses free to develop private land as they wish.

Another logical response is a collaborative, participative approach to city development in which local communities, within envelopes set by higher levels of government, work out their own provisional and adaptive solutions to emergent opportunities and threats that arise as cities develop. Hybrids of these approaches are possible and may be optimal”²¹

COMMENTS – APPROACHES TO PLANNING

We suggest that the decision to approach urban planning through rules, codes or a hybrid of both is one of the more significant decisions to be made in considering a future urban planning system. From a kaupapa Māori perspective, traditional management of territories and communities (‘urban planning’) was based upon tikanga and mātauranga Māori: that is, a system of communally held values and associated practices (customs) that were based on an intimate understanding of the local environment and intended to ensure the long term, holistic well-being of the local community.²²

We consider that any future planning system in New Zealand would best align with kaupapa Māori planning approaches by adopting a “values and outcomes based approach” to urban planning and resource management. This approach would comprise both a codes (setting out values and principles) and rules (to provide consistency).

We suggest that adopting a values and outcomes-based approach would fulfill Treaty rights. The

²¹ Productivity Commission (2016) p.62

²² See, for example, Chapters 3 and 5 of Law Commission (2001)

Law Commission noted in its 2001 study paper on Māori Customs and Values in New Zealand Law that the Treaty protected Māori custom and cultural values and that this right extends to both (a) the control of property in accordance with custom and having regard for cultural preferences,²³ and (b) the protection of their tino rangatiratanga, being the full authority, status and prestige as regards Māori possessions and interests.²⁴ The Law Commission concluded that the right therefore encompasses the preservation for Māori of their customary title²⁵ and the Crown’s obligation to take active steps to ensure that Māori have and retain full exclusive and undisturbed possession of their culture.²⁶

RECOMMENDATION 22

That a future planning system must, if it is to effectively support desirable cultural, economic, environmental and social outcomes, move away from the current “adverse effects” base approach and instead adopt a “values and outcomes” based approach to allocating and managing land use.

Desirable cultural, economic, environmental and social outcomes can only be supported if all those exercising planning functions and powers are required to show how their decisions and activities enable or constrain cultural, economic, environmental and social well-being’s.

RECOMMENDATION 23

A future planning system should require local government (and relevant central government agencies) to collaborate with both Mana Whenua and Mata-a-waka to:

- a) identify their values, rights and interests in the urban environment;
- b) determine social, cultural, environmental and economic outcomes;
- c) develop assessment and monitoring methodologies and frameworks that integrate tikanga Māori and mātauranga Māori, in order that a culturally responsive and robust evidence base can be developed to inform urban planning processes and decision-making;²⁷ and
- d) develop annual and long-term work programmes to resource and deliver the social,

²³ Waitangi Tribunal Report Findings and Recommendations of the Waitangi Tribunal on an Application by Aila Taylor for and on behalf of Te Atiawa Tribe in Relation to Fishing Grounds in the Waitara District – Wai 6 (Department of Justice, Wellington, 1983) 51. Cited in NZLC SP9 on p.80.

²⁴ Waitangi Tribunal Report of the Waitangi Tribunal on the Manukau Claim – Wai 8 (Wellington, 1985) 67. Ibid at p.80.

²⁵ Te Runanganui o te Ika Whenua Inc. Society v Attorney-General [1994] 2 NZLR 20, 24; Waitangi Tribunal Report of the Waitangi Tribunal on the Orakei Claim – Wai 9 (Wellington, 1987) 135. Ibid at p. 80.

²⁶ Waitangi Tribunal Report of the Waitangi Tribunal on the Orakei Claim – Wai 9 (Wellington, 1987) 135. Ibid at p.80

²⁷ For example, the Mauri Model Decision Making Framework is one possible approach that has delivered outcomes for iwi and hapū in planning contexts related to water resources management (Kaituna diversion), urban stormwater (Auckland Council), wastewater schemes (Rotoma WWTP), irrigation dams (Ruataniwha), and disaster response (Rena).

cultural, environmental and economic outcomes that Māori communities identify as important in urban environments.

CHAPTER 5 – THE URBAN PLANNING SYSTEM IN NEW ZEALAND

Finding 5.1 – Role clarity

“There has been considerable debate about the purpose of the Resource Management Act 1991, and the practical implications of ‘sustainable management’ for council plans and rules. Confusion about the purpose of the RMA in its early years made it harder for councils to develop and implement land use plans”²⁸

COMMENTS – PURPOSE OF THE RESOURCE MANAGEMENT ACT

We agree that there has been considerable debate about Part 2 of the Resource Management Act. In our experience, Part 2 of the Resource Management Act is critical to ensuring that Māori values, rights and interests are recognised and provided for within local government plans. The ‘four well-being’s’ within the purpose of the Resource Management Act also accord with the holistic nature of Māori worldviews. The ‘quadruple bottom line’ approach was included in planning legislation to reflect protests from Māori communities against the historical exclusion of Māori values, rights and interests from the planning system²⁹.

In practice, however, Part 2 is treated as a ‘balancing exercise’ where ‘Māori perspectives are a consideration to be weighed against other considerations, rather than a fundamental institution of the planning system’³⁰. The Commission has identified the need for clearer priorities within a future urban planning system³¹. Mana whenua and Mata-a-waka must be involved in deciding these priorities.

However, we also note that the purpose of the Local Government Act was amended in 2012 to remove the reference to the “four well-beings”. At that point, the purpose of local government changed from promoting community wellbeing to meeting “the current and future needs of communities for good- quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost- effective for households and businesses”.

²⁸ Productivity Commission (2016) p.90

²⁹ Rikys (2004)

³⁰ White (2012) p. 82

³¹ Productivity Commission (2016) p.6

Finding 5.2 – Role clarity

“The differing purposes of the three planning Acts create internal tensions, duplication, complexity and costs”³²

COMMENTS

We agree with the Commission’s finding that working between multiple pieces of legislation is complicated. These differences also create difficulties for iwi/hapū, and the existence of multiple processes often compromise the capacity of Māori communities to engage effectively in urban planning. The complexity of engaging in multiple planning processes is amplified when tribal takiwā straddle multiple districts or regions.

Finding 5.4 – Appeal Rights

“Appeal rights in New Zealand are broader than in other comparable jurisdictions. The ability to appeal provisions of Plans is particularly unusual”³³

COMMENTS

We acknowledge the Commission’s finding that appeal rights in Aotearoa New Zealand are broad. However, these appeal rights have been extremely important to advancing Māori values, rights, and interests. Because of the issues of limited capacity and multiple processes experienced by Māori communities, coupled with the fact that councils do not engage sufficiently early with Mana Whenua, a number of iwi and hapū have had to use appeal rights to participate in planning processes.

Finding 5.7 – Monitoring, leadership and management from the centre.

“Apart from land transport, central government has, until very recently, played a relatively weak role in leading and managing the planning system”³⁴

COMMENTS – GUIDANCE FROM CENTRAL GOVERNMENT

In accordance with the Commission’s finding, we suggest that greater involvement from central government in urban planning could strengthen recognition for kaupapa Māori planning and

³² Productivity Commission (2016) p.92

³³ Productivity Commission (2016) p 347

³⁴ Productivity Commission (2016) p 118

provision for Māori values, rights and interests throughout the country.

In our experience, ‘best practice’ planning practices have either been directed through Treaty Settlement legislation, and/or emerged from strong existing relationships between local government and representatives of Māori communities. Successful relationships have been predicated on individuals and organisations developing genuine understanding and respect for respective Māori and council roles and responsibilities. Unfortunately, in many places genuine understanding and respect is either absent or still too limited to result in meaningful participation by Māori in decision making processes and/or effective recognition and provision for Māori values, rights and interests.

Finding 5.8 – Devolution & Central Control

“After decades of greater devolution of planning powers to local government, recent developments have seen a trend towards central control”³⁵

The concept of devolution is relevant to debates around the Treaty responsibilities of local government. Section 5.8 (Ensuring the principles of the Treaty of Waitangi are taken into account) states that:

“The Treaty of Waitangi is an integral part of New Zealand’s constitutional fabric, and the rights and obligations that it creates need to be reflected accordingly in regulatory and policy systems. This is particularly the case with the planning system, where decisions over land and other natural resources can touch on Article 2 rights and obligations. All three planning statutes refer to the Treaty, and require councils to take steps to enable Māori to participate in making decisions. However, councils have performed these obligations to varying extents”³⁶

COMMENT – TREATY PRINCIPLES

In our experience, the uncertainty which remains within local government about Treaty responsibilities is a key barrier to effective engagement with Māori as Treaty partners in planning processes.

RECOMMENDATION 24

A future planning system should ensure greater consistency in how Māori values, rights and interests are recognised and provided for across local government boundaries through, for example, the amalgamation of current planning legislation or the alignment of core provisions that

³⁵ Productivity Commission (2016) p 119

³⁶ Productivity Commission (2016) p 112

effects such matters

RECOMMENDATION 25

A future planning system should require greater alignment and coordination across local and regional council boundaries to reduce complexities and costs of Māori communities engaging in planning processes.

CHAPTER 6 – OUTCOMES FROM THE CURRENT SYSTEM

The Commission notes that while the current planning system as a whole currently has no single purpose statement, the three main Acts (RMA, LGA, LTMA) suggest that the present urban planning system in NZ has the following main outcomes:³⁷

- a. Protection and enhancement of the environment: The Resource Management Act (RMA) is an environmental management statute, with a definition of the ‘environment’ that gives prominence to biophysical features.
- b. The efficient, effective and appropriate provision of infrastructure and local public services: The Local Government Act (LGA) explicitly identifies these as falling within the purpose of local government.
- c. Safe, efficient and effective land transport: As stated in the purpose of the Land Transport Management Act (LTMA), and reinforced by the specific priorities of the Government Policy Statement (GPS).

Findings 6.3 to 6.10 – Poor Outcomes from the Current System

The Commission’s findings in Chapter 6 point to weaknesses in the design and operation of the current urban planning system, including:

- Freshwater quality is generally lower in waterways that flow through predominantly urban areas. The sources of pollution in urban waterways typically include sewage leaks and storm-water run-off. (Finding 6.3)
- Net and total greenhouse gas emissions increased from 1990 to 2014 by 54% and 23% respectively. Most of the increases were due to road transport activities, agriculture and reduced carbon dioxide absorption from forests. (Finding 6.4)
- Housing affordability, as expressed as the portion of the community paying more than 30% of disposable income on housing, has deteriorated significantly over the past 25

³⁷ Productivity Commission (2016) p.25

years. People on lower incomes feel the burdens of this deterioration most heavily. (Finding 6.5)

- New Zealand sewerage systems compare unfavorably against a number of international performance benchmarks (Finding 6.9)
- The absence of national standards and local or political resistance has limited the planning system’s ability to manage pollution of fresh water or cumulative pollution (Finding 6.10).

COMMENTS

We agree with the Commission’s findings in Chapter 6 that the current planning system has resulted in poor environmental outcomes. These findings reinforce our concerns that the current planning system is not fully delivering the outcomes that Māori communities expect and aspire to (for example, water quality standards that sustain mahinga kai).

We believe that the Commission’s findings substantiate support for greater involvement from central government in any new planning system through developing and implementing national policy statements and environmental standards under Part 5 of the RMA.

RECOMMENDATION 26

A future planning system should improve requirements to measure and monitor environmental outcomes against a framework which includes indicators based in mātauranga Māori.

CHAPTER 7 – REGULATING THE BUILT ENVIRONMENT

Finding 7.5 – How does current practice stack up?

“Council requirements on some developments to undergo urban design assessments are leading to poor exercises of regulatory discretion. Urban design criteria can lack clarity and precision, and design advice to resource consent applicants can lack perspective, consistency, or a sense of their cost or economic implications”³⁸

COMMENT – URBAN DESIGN GUIDELINES

We disagree with the Commission’s finding that implies a minimal value of urban design

³⁸ Productivity Commission (2016) p.172

guidelines. A number of Māori communities are developing or have developed urban design guidelines by iwi/hapū independently or in collaboration with local or central government agencies³⁹. These initiatives reflect the developing capacity of Māori communities and practitioners to engage more effectively in urban planning and design, as well as the growing commitment from local and central government to work collaboratively with Māori. Kaupapa Māori urban design guidelines are intended to facilitate meaningful and authentic expressions of the relationship that Mana Whenua have with their ancestral lands, waters, wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga and other taonga within urban environments.

Finding 7.9 – Time for Planning Processes

“Councils face procedural battles in responding to changing circumstances and preferences through the planning system. The current processes for changing land use controls through the Resource Management Act can take considerable time to complete”⁴⁰

COMMENT – TIME FOR PLANNING PROCESSES

We agree with the Commission’s finding that planning processes can be time-consuming. However, we reiterate the need for any fast-tracked planning process to provide specific opportunities for Māori communities to participate in planning processes and decision-making.

Finding 7.11 – Lack of Clear Limits

“The planning system lacks clear statutory limits. This has led the system to respond to a growing variety of social and other issues, without considering whether land use planning is the most effective and efficient mechanism for their resolution”⁴¹

COMMENTS – SCOPE OF URBAN PLANNING

The Commission considers⁴²:

- that the lack of clear limits is a reflection of the wide scope of the purposes and definitions of both the RMA and the LGA, as well as some unhelpful central government guidance;

³⁹ For example, see. Ngāi Tūāhuriri / Matapopore Urban Design Guidelines www.Matapopore.co.nz/wp-content/uploads/2016/05/Matapopora-UDG-Finalv3-18Dec2015.pdf and the Christchurch CBD Streets and Spaces Guide www.ngaitahu.iwi.nz/our_stories/joint-award-central-city-design-guide/

⁴⁰ Productivity Commission (2016) p 176

⁴¹ Productivity Commission (2016) p 179

⁴² Productivity Commission (2016) p 177-179.

- that these circumstances, combined with the range of others issues that must be considered or given effect to in Part 2 of the RMA as well as the absence of national policy statements on urban issues, provides little guidance to councils on priorities and leaves the system open to behaviour that seeks to respond to an ever-growing variety of social ills, without considering whether planning or local government action is the most effective and efficient mechanism; and
- That the range of social, economic, cultural and environmental objectives that some councils seek to achieve through the planning system can lead to “objective overload” and conflicting goals at a District Plan level.

In response, we note:

- that Māori worldviews are holistic;
- that it is entirely artificial, and therefore unreal, to separate people and economics from the natural world and environmental, social and cultural well-beings;
- that any such ‘separation’ will elevate private property rights above the right to exercise kaitiakitanga;⁴³

In conclusion, we do not believe that divorcing environmental protection from the urban planning system will result in better outcomes for either Māori communities or the country.

RECOMMENDATION 27

A future planning system should continue to encompass both urban planning and environmental protection and institute better mechanisms (e.g. NPA on Te Tiriti o Waitangi; quadruple bottom line accounting systems) to frame and guide local government decision making processes and developments.

CHAPTER 8 – URBAN PLANNING & THE NATURAL ENVIRONMENT

Finding 8.6 – Insufficient Monitoring of Environmental Outcomes

“Recent steps to strengthen central government oversight of the Resource Management Act have focused predominantly on process indicators (such as the time taken to process consents) rather than the environmental outcomes of planning decisions”⁴⁴

⁴³ Memon & Kirk (2012), Coombes et al (2011), Kepe (2008) as cited in Taylor (2015)

⁴⁴ Productivity Commission (2016) pp 204-206.

COMMENT – FOCUS ON OUTCOMES

The Commission notes that:

- Monitoring the health of the natural environment is vital to evaluate whether existing regulatory regimes are leading to the desired outcomes, yet for the first 20 years of the RMA, it seems central government had little oversight of whether the Act was actually achieving good environmental outcomes.
- In recent years, the government has taken steps to improve the monitoring of environmental health.
- While this is a step forward from the inconsistent reporting of the past two decades, questions remain around how to link the evaluation of the data to monitoring the effectiveness of the planning system at both the local and central government level.

While we accept that there are examples where decision-makers have focussed on details rather than outcomes, we consider that this Finding of the Commission adds impetus towards moving away from the current “adverse effects” based approach to urban planning (including resource management) to a “values and outcomes” based planning system that aligns with a kaupapa Māori approach to planning.

RECOMMENDATION 28

A future urban planning system must account for the holistic nature of Māori values, rights and interests in defining and developing any framework to measure decisions and developments made by those operating under it.

CHAPTER 12 – CULTURE & CAPABILITY

Finding 12.6 – The Culture of Councils Impacts Planning Practices

“Planning practices can be influenced by the organizational culture of councils, particularly in areas such as the relationship between planners and iwi/Māori...”⁴⁵

COMMENTS – ORGANISATIONAL CULTURE

We agree with the Commission’s finding that changing organisational culture is critical to improving relationships and planning outcomes for Māori communities.

⁴⁵ Productivity Commission (2016) p 318

Recent initiatives such as the Memorandum of Understanding signed between Local Government New Zealand and the Freshwater Iwi Leaders Group that is intended to ‘make local and central government more accountable to Māori’, exemplify changing attitudes in local government towards collaborating with Māori communities.⁴⁶

Finding 12.8 – What Skills and capabilities are required for planning?

“A well-functioning planning system requires central and local government to have access to specialist technical knowledge such as engineering, economics, legal analysis and environmental science. Just as important are “soft skills” such as communication, mediation and facilitation skills and an understanding of Māori worldviews”⁴⁷

COMMENTS – FOCUS ON OUTCOMES

While we agree with the Commission’s finding that planners and decision-makers must up-skill to better understand Māori worldviews, we disagree with their view that kaupapa Māori planning knowledge is more akin to a “soft-skill” rather than ‘specialist technical knowledge’.

Mātauranga, tikanga, kawa, reo, pūrākau, whakataukī waiata and the ability to monitor concepts such as mauri are just some examples of technical knowledge held by specialist kaupapa Māori practitioners.

RECOMMENDATION 29

A future planning system should:

- retain existing requirements within the Local Government Act and Resource Management Act to build Māori capacity; AND
- extend these requirements to build the capacity of local government to work with Māori communities.

⁴⁶ For more information see <http://www.radionz.co.nz/news/te-manu-korihi/280724/'a-starting-point'-for-māori-water-rights>

⁴⁷ Productivity Commission (2016) p 323

6. TE REO MĀORI TERMS

The ‘Better Urban Planning’ Draft Report contains a Glossary of Te Reo Māori terms (pp xiii-xiv).

COMMENTS

- A number of the descriptions provided in the glossary for Terms in Te Reo Māori in the draft seem to be extracted from a dictionary without understanding the meaning of those terms in this context.
- Some terms described, for example, convey modern interpretations and applications for a traditional term that is not relevant to this review. This has the potential to confuse non-Māori speaking readers, and such references have been removed.
- A number of additional terms have been used in this report and may ultimately be incorporated into the final ‘Better Urban Planning’ Report.

Please note:

- That a **NOTE** (highlighted in yellow) has, on occasion, been included within the description to draw attention to small changes made to the DRAFT text that may otherwise go unnoticed. This highlighted text is not to be included in the final description.
- That all te reo terms in the Glossary are to be written with capital letters as is the English translations provided alongside them.

RECOMMENDATION 30

- That the final ‘Better Urban Planning’ Report adopts the revised and updated glossary of te reo terms contained in Appendix A of this report.

7. CONCLUSION

The Productivity Commission has been asked to draft a report on a ‘better urban planning system’ for Aotearoa New Zealand. The draft report identifies many issues with the current urban planning system. Although significant gains have been made over the last twenty-five years, the current system is not delivering successful planning outcomes for iwi, hapū, whānau, or Māori communities generally. As practitioners working within the planning and design fields, we know that the current system must be improved. We need changes to legislation, we need changes to guidance, we need changes to regulation, planning practice and culture.

In this review of the draft report, we present ideas for a future planning system based on a Treaty partnership between central government, local government, and Māori planning authorities. A new urban planning system must enhance, enable and express Māori values and rights across a wide range of interests. Māori organisations must be recognised as planning authorities in their own right, with statutory powers, legally enforceable plans, and dedicated funding.

The wānanga held by Ngā Aho and Papa Pounamu are only the beginning of our engagement with this process of urban planning reform. We trust that this review, in conjunction with our wānanga report, makes a significant contribution to future discussion about ‘better urban planning’ in Aotearoa New Zealand.

Please keep us informed of any related work so that we can continue to contribute.

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APPENDIX A – GLOSSARY OF MĀORI TERMS

Ahi Kā	Literally ‘burning fire’. An expression for continuous occupation of a defined and recognised area, and a metaphor for those who live there and utilize their lands, forests, waterways and other natural resources (kai).
Ao-tea-roa	Literally ‘long white cloud’. This is a traditional name for the North Island that has been adopted as a generic Māori name for New Zealand.
Hapū	Kinship group; clan; sub-tribe; collection of related whānau.
Iwi	Kinship group; tribe; collection of related hapū.
Kāinga	Village, settlement, home, residence, dwelling. [NOTE – macron added above ‘a’]
Kaitiakitanga	The system of cultural practices, customs and rules – based in mātauranga Māori – that have been developed over time to protect and, where necessary, enhance the mauri of a place or resource for the benefit of present and future generations. Traditionally, this system relied on kaitiaki and taniwha that communicated the relative well-being of their respective environments to tohunga (specialists; experts) who interpreted those signs in deciding how best to manage those environments and resources. Nowadays, the role of taniwha and kaitiaki has been supplanted by other performance indicators such as the quantity and quality of surface and ground water; the quantity and quality of indigenous flora and fauna; the presence/absence of invasive pests and predators; and the productive capacity of mahinga kai resources and their fitness for cultural use. Contemporary expressions of kaitiakitanga include: Iwi Environmental Management Plans, Customary Fisheries Management Areas (i.e. mataitai & taiapure) and practices (e.g. rahui, ‘trap and transfer’ programmes, re-seeding and species translocation). Importantly, kaitiakitanga is both the process of sustainable management and the outcome: that is, the management of resources alone does not discharge the duties of kaitiakitanga if the outcome is a degradation of the resources in question. (Brief of evidence STMM Lenihan in the Matter of the Proposed Christchurch Replacement Plan (Chapter 3) Strategic Directions, November 2014.
Kaupapa Māori	Māori ideology - a philosophical doctrine, incorporating the knowledge, skills, attitudes and values of Māori society

Kawa	Kawa denotes both (i) a particular kind of ritual associated with cleansing or freeing an object or process from tapu (as in the construction and opening of a building); and, more generally, (ii) the protocols or rubrics appropriate for ceremonial occasions. In modern usage, the term often indicates the protocol governing ceremonial conduct on a particular marae and in formal contacts between social groups (Benton, R. et al 2013 at p128).
Mahinga Kai	Natural resources (including foods), the places where those resources are obtained, and the practices and underlining philosophies associated with their management and procurement. Mahinga kai are not limited to gardens and other domestic cultivations.
Mana	Prestige, authority, control, power, influence, status, standing, charisma, well-being (in a holistic sense).
Mana Whenua	The mana held by local whānau/hapū/iwi who have demonstrated and recognised authority over the whenua (land) and associated freshwater ways within a particular area. A metaphor for the people (whānau/hapū/iwi) who hold the mana.
Manaaki	Literally to boost (aki) another’s mana. Support, hospitality, kindness, generosity.
Manaakitanga	The process of showing respect, generosity and care for others.
Māori	1. Normal, usual, natural, common, ordinary; 2. Native, indigenous, fresh (of water); 3. Freely, without restraint, without ceremony, clear, unannounced. Māori began to use the word during the nineteenth century to describe and differentiate themselves from the ‘different’ European settlers. [NOTE this is an additional term to the list contained in the draft].
Marae	A communal or sacred place that serves religious and social purposes.
Mātauranga Māori	Mātauranga Māori can be defined as ‘the knowledge, comprehension, or understanding of everything visible and invisible existing in the universe’, and is often used synonymously with wisdom. In the contemporary world, the definition is usually extended to include present–day, historic, local, and traditional knowledge; systems of knowledge transfer and storage; and the goals, aspirations and issues from an indigenous perspective.
Mātāwaka / Mata-a-waka	[NOTE use of hyphens to illustrate structure of the term]. A modern term literally meaning “faces-of-ancestral waka”. The term refers to Māori living within the ancestral territory (takiwā) of another hapū or iwi. While they do not have the same rights and responsibilities of Mana Whenua, they are expected to behave in ways that are consistent with maintaining the status of their own waka.

Mauri	The intrinsic and essential quality, vitality and potential of a place, entity, or collection of such beings as in an ecosystem.
Orangatanga	Health and wellbeing [NOTE – this is not a common term. Suggest we just use the definition provided in the source document noted in footnote 90 on p. 276 – i.e. ‘health and wellbeing’].
Pākehā	New Zealander of fair complexion, usually of British colonial heritage. There are no definitive oral or written records about the exact origins of the term ‘Pakeha’, but likely to be derived from ‘pakepakehā’, a mythical human-like being with fair skin and hair.
Papa-Kāinga	‘Papa’ refers to Papatū-a-nuku, the ancestral earth mother. ‘Kāinga’ refers to the village communal living environment. Today the term is used to define both an ancestral land base as well as a collection of dwellings occupied Māori connected by common kinship or kaupapa, located in reasonable proximity to each other and normally relating to a marae or other communal area or building.
Pū-rākau	A term usually used to refer to Māori ‘myths and legends’, pūrākau are a deliberate traditional form of Māori narrative containing philosophical thought, epistemological constructs, cultural codes, and worldviews that are fundamental to our identity as Māori. (Jenny Lee; Decolonising Māori narratives: Pūrākau as a method. MAI Review, 2009, 2, Article 3). Pūrākau are fundamental statements about the nature of the world (including people). They tell us about individuals acting in particular ways and stand, therefore, as a model for individual and collective behaviour and aspirations. Legendary heroes act as exemplars of human potential. By capturing the sun, entering the underworld, or fishing up an island, Māui represents the character of the individual who can bring about change and development in a community. The ascent of Tāne through the 12 heavens to obtain the baskets of knowledge sets the template for an individual striving toward insight and understanding. In summary, pūrākau is a traditional narrative device to give people a way of looking at their world and behaving appropriately within it.
Rangatira	Chief (male or female); to be of high rank, become of high rank, noble, esteemed, revered.
Rangatiratanga	The term used in the Māori text of the Treaty of Waitangi to describe the ‘just rights’ (pre-amble) and ‘exclusive and undisturbed possession’ (article 2) of hapū over their territories and assets. Often translated as ‘chiefly authority’ or ‘autonomy’. Akin to notion of ‘sovereignty’.
Takiwā	District, area, territory, vicinity, region; time, period, season; space.
Tangata Whenua	Literally “people of the land”. This well established term refers to local people born of the whenua (placenta; land) where their ancestors lived

	and buried their placenta. It is a generic term for the local iwi/hapū/whānau, as well as indigenous peoples generally.
Tau-iwi	Immigrant, person coming from afar, foreigner, alien, stranger. [NOTE use of hyphen to illustrate structure of the term].
Taunga Hou	Literally “new anchorage”. [NOT ANCHOR] This recently coined term describes people of Māori descent and ethnicity who, through choice or circumstances, do not link back to their own iwi/hapū. [NOTE typo in text of DRAFT Report on page 274 in the paragraph above table 11.1].
Taura Here	Literally “binding ropes”. This contemporary term refers to iwi/hapū/whānau kinship groups who live in urban areas outside of their tribal takiwā but who retain links back to their ancestral lands, culture and communities.
Te Wai Pounamu	Literally ‘greenstone waters’. This is a traditional name for the South Island.
Te Tiriti o Waitangi	The Treaty of Waitangi. See Chapter 11 commentary, on page 17.
Tikanga Māori	Tikanga has been described as ‘ethical behaviours’ and refers to conduct that is consistent with the beliefs and philosophical baselines of each iwi (Royal, C. 2002). ‘Tika’ means “correct, appropriate, right”. ‘Tikanga’ therefore deal with the ‘right’ way of doing things. They provide an essential framework for regulating social action and interaction. It is important to note that the application of tikanga differs from group to group.
Wāhi Taonga	Literally “treasured site”. This term refers to sites that are treasured by Mana Whenua in accordance with their respective local values, rights and interests. For example, wetlands, springs and estuaries are considered to be wāhi taonga by Ngāi Tūāhuriri (Canterbury) as they are essential elements of the local natural environment, without which local mahinga kai values – and life itself – would struggle to survive.
Wāhi Tapu	Literally “sacred site”. This term refers to sites that have had some form of ritual restriction placed on their access or use (e.g. burial grounds or sites where someone has died.) The notion of tapu (sacred, sacrosanct, restricted, set apart, prohibited) was a means by which traditional Māori society was regulated.
Wānanga	<ol style="list-style-type: none"> 1. To meet and discuss; deliberate; consider. 2. Tribal knowledge; lore; learning. 3. Seminar; conference; forum.
Whakataukī	Māori proverbs, sayings, aphorisms that reflect the thoughts, values and advice of past generations. They are usually very succinct and

	often use metaphor to convey key messages. Some iwi and hapū have particular sayings that relate specifically to their whakapapa (geneology), history, attributes or practices. These types of sayings are called pēpeha.
Whānau	<ol style="list-style-type: none"> 1. To be born; give birth. 2. Extended family; family group; the primary economic unit of traditional Māori society. 3. A familiar term of address to a number of people.
Whanaungatanga [NOTE – there is no macron in the word, unlike its root word, whānau].	Relationship, kinship, sense of family connection - a relationship through shared experiences and working together which provides people with a sense of belonging. It develops as a result of kinship rights and obligations, which also serve to strengthen each member of the kin group.
Whenua	<ol style="list-style-type: none"> 1. Land; ground. 2. Country; nation; state; territory. 2. Placenta; afterbirth.

APPENDIX B – POSSIBLE OUTLINE OF PROPOSED NATIONAL POLICY STATEMENT ON TE TIRITI O WAITANGI

A lot has happened since 1991 in terms of the development and evolution of iwi planning documents, iwi and urban Māori authorities, Treaty settlements and resource management jurisprudence relating to Māori values, rights and interests.

The present review of the urban planning system is an opportunity to capitalise on such advances and re-set the baseline for good practice in urban planning and resource management in New Zealand.

We concur and support the Productivity Commission’s finding (Finding 11.3) that the current system has ‘performed’ unevenly throughout the country, and we have recommended that stronger legislative provisions and guidance from central government is now required to drive greater efficiency and consistency in terms of how local government work with Mana Whenua and Mata-a-waka to enable the expression and active protection of their respective values, rights and interests.

The need for improvement is fundamental, particularly given the Commission’s proposal to introduce ‘faster’ processes and ‘less prescriptive’ rules as key components of a future planning system.⁴⁸

We consider that the development of a National Policy Statement on Te Tiriti o Waitangi would drive greater efficiency and consistency in terms of how local government work with Mana Whenua and Mata-a-waka to enable the expression and active protection of their respective values, rights and interests throughout the country. We also note that section 45(2) of the Resource Management Act already provides the legislative mandate by which such a National Policy Statement can be developed, stating:

“In determining whether it is desirable to prepare a national policy statement, the Minister may have regard to—

(h) Anything which is significant in terms of section 8 (Treaty of Waitangi).”

To date, a National Policy Statement on Te Tiriti o Waitangi has not yet been prepared.

In order to inform and facilitate the development of such a document, we offer the following outline of what any such National Policy Statement on Te Tiriti o Waitangi might contain. This includes the process by which any such national policy statement might be developed, and a suggested purpose too. Ultimately, of course, such matters will need to be determined through engagement with Mana Whenua, Mata-a-waka and other experts in Māori values, rights and interests affected by the urban planning system.

1. Purpose of National Policy Statement on Te Tiriti o Waitangi [EXAMPLE ONLY]

⁴⁸ Productivity Commission (2016), p340

The purpose of a National Policy Statement for Te Tiriti o Waitangi is to state policies that will enable the expression and active protection of Māori (Mana Whenua and Mata-a-waka) values, rights and interests through planning and resource management processes and outcomes.

2. Preparation of National Policy Statement on Te Tiriti o Waitangi

[EXAMPLE ONLY]

There shall at all times be at least one National Policy Statement for Te Tiriti o Waitangi prepared and recommended by a Joint Decision-Making Committee.

The Joint Decision Making Committee shall be established and mandated prior to the preparation of the National Policy Statement commences.

The members of the Joint Decision-Making Committee will be selected by mandated representatives of the Crown, Mana Whenua and Mata-a-waka working collaboratively.

Once appointed, the Joint Decision Making Committee must engage a team of experts to prepare the National Policy Statement on Te Tiriti o Waitangi.

Experts must be recognised nationally for their significant skills and experience in the following areas:

- Tikanga Māori and mātauranga Māori;
- Translating tikanga Māori and mātauranga Māori into legislation and planning documents;
- Designing and implementing local government decision-making processes in partnership with Mana Whenua and Mata-a-waka;
- Negotiating and drafting Treaty Settlement legislation, relating to joint management and co-governance arrangements;
- Working with case law on Te Tiriti o Waitangi, Māori values, rights and interests;
- Developing planning provisions which enable the expression and active protection of Māori values, rights and interests in matters including, but not limited to:
 - Air, land, and water;
 - Wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga and other taonga;
 - Resources regulated by Te Ture Whenua Māori Act; Marine and Coastal Area (Takutai Moana) Act; Treaty settlement legislation;
 - Biodiversity; the Coastal Policy Statement and National Policy Statement on Freshwater Management;
 - Intellectual property (as described in Wai262)
 - Engaging collaboratively with Mana Whenua and Mata-a-waka;
 - Transferal of powers;

- Joint management and co-governance;
- Māori design

3. **Content of a National Policy Statement on Te Tiriti o Waitangi**

[EXAMPLE ONLY]

A National Policy Statement on Te Tiriti o Waitangi could state policies on:

- a. National Priorities under Te Tiriti o Waitangi; and
- b. Enabling the expression and active protection of Māori values, rights and interests through good practice urban planning in relation to matters including, but not limited to:
 - i. The principles of Te Tiriti o Waitangi;
 - ii. Māori worldviews, tikanga Māori and mātauranga Māori;
 - iii. The exercise of tino rangatiratanga;
 - iv. The exercise of kaitiakitanga;
 - v. Protection of Mana Whenua customary, proprietary and usufructory rights;
 - vi. Land use, subdivision and development of ancestral lands (including papa kāinga);
 - vii. Water quality, quantity and use;
 - viii. Coastal environments, coastal processes and use of the Coastal Marine Area (including mātaimai and taiapure);
 - ix. Sites of significance to Māori (including wāhi tapu and wāhi taonga);
 - x. Māori cultural landscapes (including historic and natural heritage features);
 - xi. Other taonga (including intellectual property and biodiversity).

4. **Possible examples of guidance in a National Policy Statement on Te Tiriti o Waitangi.**

- a. Working with Māori authorities in accordance with guidance on matters including, but not limited to:
 - i. Providing opportunities for Mana Whenua and Mata-a-waka to participate in decision-making on matters identified as a national priority under Te Tiriti o Waitangi
 - ii. Providing opportunities for Mana Whenua and Mata-a-waka to participate in preparing local and regional plans and assessing planning consents (e.g. forums set up so that council officers and applicants can readily engage with Māori on planning matters that affect them).

- b. Working with Māori Planning Documents prepared by Māori authorities in accordance with guidance on the matters including, but not limited to:
 - i. Identifying matters that Māori Planning Documents can include to inform meaningful planning outcomes;
 - ii. Resourcing Mana Whenua and Mata-a-waka to prepare Māori planning documents;
 - iii. Recognising planning documents developed by Māori authorities;
 - iv. Managing and protecting sensitive information;
 - v. Considering Māori planning documents through plan review and resource management decision-making;
 - vi. Reviewing Māori planning documents as part of wider local government planning documents review processes.

- c. Working with Cultural Impact Assessments prepared by Māori authorities to ensure their values, rights and interests are meaningfully expressed and actively protected in accordance with guidance on such matters as, but not limited to:
 - i. Identifying types of activities which trigger the need for a Cultural Impact Assessment;
 - ii. Identifying matters that Cultural Impact Assessments can include to inform meaningful planning outcomes;
 - iii. Establishing timeframes and processes for applicants to commission a Cultural Impact Assessment and for Mana Whenua / Mata-a-waka to respond;
 - iv. Resourcing Mana Whenua and Mata-a-waka to prepare Cultural Impact Assessments;
 - v. Identifying the skills and/or expertise required to understand and apply the content of Cultural Impact Assessments;
 - vi. Considering Cultural Impact Assessments in planning processes.

- d. Enabling development on ancestral land through codes, objectives, policies, rules and methods that accord with guidance on such matters as, but not limited to:
 - i. Integrating processes and outcomes in the Resource Management Act, Te Ture Whenua Māori Act, and evolving Treaty settlement legislation to enable development on ancestral land through a streamlined planning process for:
 - Cultural uses (e.g. marae, urupā, ...)
 - Social uses (e.g. housing, education, health ...)

- Economic uses (e.g. retail, business, administration, commercial, ...)
- e. Protecting sites of significance to Mana Whenua through developing codes, objectives, policies, rules and methods in accordance with guidance on such matters as, but not limited to:
 - i. Defining the level of detail required to identify sites of significance to Mana Whenua in planning documents;
 - ii. Defining a methodology and streamlined process to enable the expression and active protection of sites of significance to Mana Whenua in areas identified for major urban development and/or areas under ‘faster’ and ‘less prescriptive’ planning processes.

APPENDIX C – TABLE OF RECOMMENDATIONS

1. RECOMMENDATIONS RE: FUTURE PLANNING SYSTEM

<p>R1</p>	<p>Any future planning system must:</p> <ol style="list-style-type: none"> i. Centre the fundamental relevance of Te Tiriti o Waitangi; ii. Enable the expression and active protection of Māori values, rights and interests in managing the environment within their tribal takiwā; iii. Recognise and provide for the ongoing relationship Māori have with their lands, waters, wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga and other taonga; and iv. Reflect the diversity of Māori identities and realities by using the terms ‘Māori communities’, ‘Mana Whenua’, and ‘Mata-a-waka’ as appropriate, rather than ‘iwi/Māori’.
<p>R2</p>	<p>A future planning system should:</p> <ul style="list-style-type: none"> • require the development of a National Policy Statement for Te Tiriti o Waitangi to provide clear direction on how to enable the expression and active protection of Māori values, rights and interests consistently and effectively throughout the country. <p>A National Policy Statement should cover a range of topics, including but not limited to:</p> <ol style="list-style-type: none"> i. The principles of Te Tiriti o Waitangi; ii. Māori worldviews, tikanga Māori and mātauranga Māori; iii. The exercise of tino rangatiratanga; iv. The exercise of kaitiakitanga; v. Protection of Mana Whenua customary, proprietary and usufructuary rights; vi. Land use, subdivision and development of ancestral lands (including papa kāinga); vii. Water quality, quantity and use; viii. Coastal environments, coastal processes and use of the Coastal Marine Area (including mātaimai and taiapure); ix. Sites of significance to Māori (including wāhi tapu and wāhi taonga);

	<ul style="list-style-type: none"> x. Māori cultural landscapes (including historic and natural heritage features); xi. Other taonga (including intellectual property and biodiversity).
R3	<p>A future planning system must:</p> <ul style="list-style-type: none"> d) recognise that the nature and extent of Māori values, rights and interests in urban planning is framed by the holistic Māori worldview that understands: <ul style="list-style-type: none"> i. the inter-connected relationship between natural and physical resources within a catchment; and ii. the intrinsic relationship between cultural, economic, environmental and social well-beings. e) provide for these values, rights and interests in a manner that gives effect to the integral relationships between environmental, social, cultural and economic well-beings; and f) support the development of urban areas in ways which enable Māori communities to see their culture (values, narratives and aspirations) reflected in the urban landscape, including promoting ahi kā through enabling Māori to occupy ancestral land.
R4	<p>A future planning system (including structure, spatial, land-use and financial plans) should enable Māori to protect, develop and sustainably manage their natural and physical resources in accordance with their values, rights and interests.</p>
R5	<p>A future planning system should contain a coherent overview of Māori (Mana Whenua and Mata-a-waka) values, rights and interests in planning and resource management supported by a legislative framework that enables the expression and active protection of these values, rights and interests as and where appropriate.</p>
R6	<p>A future planning system must direct councils to establish co-governance arrangements with Mana Whenua over key natural and physical resources (lands, waters, wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga, significant cultural landscapes and taonga) identified as important to Mana Whenua.</p>
R7	<p>A future urban planning system must protect Māori customary, proprietary and usufructuary rights in their lands, waters, wāhi tapu, wāhi taonga, mahinga kai, papa-kāinga and other taonga.</p>

R8	A future urban planning system must be regularly reviewed in order to account for and reflect emerging Treaty settlements and evolving Treaty jurisprudence.
R9	A future urban planning system should enable the development of local training programmes to improve understanding of Māori worldviews, tikanga Māori and mātauranga Māori by planners and decision-makers.
R10	A future planning system must recognise that Mana Whenua are the experts in their own values and interests; and provide for their involvement as technical specialists, plan writers and decision makers where their values, rights and interests in the urban environment are affected.
R11	<p>A future planning system must, where Māori values, rights and interests are affected, provide for suitably qualified people with understanding of Māori worldviews to act as:</p> <ol style="list-style-type: none"> a. Decision-makers (for example, representatives on Independent Hearings Panels, local government bodies, sitting on co-governance or joint management committees, and/or Independent Māori Commissioners where there is a potential for conflicts of interest). b. Planners (for example, developing provisions relating to Māori values, rights and interests). Best practise approaches involve Mana Whenua as part of the drafting team to prepare plans, and partnering Mana Whenua with kaupapa Māori planners to assist with translating values, rights and interests into policy and planning outcomes. c. Technical Specialists (for example, providing input into resource consent processes through Cultural Impact Assessments or providing input directly into Resource Consent applications)
R12	<p>A future planning system must acknowledge the existence of a dual planning tradition in Aotearoa New Zealand by:</p> <ol style="list-style-type: none"> a) recognising that Māori society managed natural and physical resources within their takiwā, including the location and organisation of residential and industrial settlements, prior to the institutionalisation of English laws and the Westminster system of government; b) recognising that Mana Whenua are the Crown’s Treaty partner and are taking increasing responsibility in this role through the Treaty Settlement process; c) developing a new category of planning document that connects iwi planning documents and local government plans; and d) instituting a new national planning authority with specific expertise in Māori

	<p>values, rights and interests in urban planning and the management of natural, physical and spiritual resources.</p>
R13	<p>A future planning system should retain and strengthen provisions and mechanisms within the current urban planning system that enable the expression and active protection of Mana Whenua and Mata-a-waka values, rights and interests in their ancestral land and seascapes including, but not limited to;</p> <ul style="list-style-type: none"> a) sections 5, 6c, 6e, 6f, 6g, 7a, 7d, 8, 61(2A)(a), 66(2A)(a), and 74(2A) of the RMA; and b) provisions in both the Local Government Act and Land Transport Management Act that provide opportunities for Māori to be involved in decision-making.
R14	<p>A future planning system should align with and give effect to recognised Treaty Principles through such means as:</p> <ul style="list-style-type: none"> a) engaging with Mana Whenua and Mata-a-waka from the beginning of the reform process; b) drafting policies and legislation in partnership experts in Treaty jurisprudence and experienced planning practitioners; and c) ensuring Māori communities are represented on decision-making bodies.
R15	<p>Funding for the meaningful engagement of Māori (Mana Whenua and Mata-a-waka) in planning processes should be provided by the Crown and/or local government through rates and/or taxes.</p>
R16	<p>A future planning framework must, where limited evidence exists regarding Māori values, rights and interests in areas marked for major urban development:</p> <ul style="list-style-type: none"> c) take a precautionary approach to structure planning, spatial planning and plan review processes; and d) enable Mana Whenua to meaningfully participate in developing plans to ensure that their values, rights and interests are appropriately recognised and provided.
R17	<p>A future planning system must require councils to provide meaningful opportunities for Mana Whenua to be involved in fast-tracked decision-making processes that affect Māori values, rights and interests in urban areas including, but not limited to:</p> <ul style="list-style-type: none"> • Council participation in wānanga on urban planning issues with Mana Whenua and Mata-a-waka; • Building relationships with Mana Whenua through regular face-to-face contact

	<p>(formal and informal, at the council, on the marae, in the field).</p> <ul style="list-style-type: none"> • Identifying and robustly discussing issues and opportunities of mutual interest in a manner that meaningfully informs decision-making and supports the role of Mana Whenua as kaitiaki. • Framing decisions and assessing their implementation and impact against all four well-beings.
R18	<p>A future planning system should provide a streamlined approach to identify and actively protect Māori Cultural Landscapes, including sites of significance to Mana Whenua, in urban areas marked for major development.</p>
R22	<p>That a future planning system must, if it is to effectively support desirable cultural, economic, environmental and social outcomes, move away from the current “adverse effects” base approach and instead adopt a “values and outcomes” based approach to allocating and managing land use.</p> <p>Desirable cultural, economic, environmental and social outcomes can only be supported if all those exercising planning functions and powers are required to show how their decisions and activities enable or constrain cultural, economic, environmental and social well-being’s.</p>
R23	<p>A future planning system should require local government (and relevant central government agencies) to collaborate with both Mana Whenua and Mata-a-waka to:</p> <ol style="list-style-type: none"> a) identify their values, rights and interests in the urban environment; b) determine social, cultural, environmental and economic outcomes; c) develop assessment and monitoring methodologies and frameworks that integrate tikanga Māori and mātauranga Māori, in order that a culturally responsive and robust evidence base can be developed to inform urban planning processes and decision-making; and d) develop annual and long-term work programmes to resource and deliver the social, cultural, environmental and economic outcomes that Māori communities identify as important in urban environments.
R24	<p>A future planning system should ensure greater consistency in how Māori values, rights and interests are recognised and provided for across local government boundaries through, for example, the amalgamation of current planning legislation or the alignment of core provisions that effects such matters.</p>

R25	A future planning system should require greater alignment and coordination across local and regional council boundaries to reduce complexities and costs on Māori communities engaging in planning processes.
R26	A future planning system should improve requirements to measure and monitor environmental outcomes against a framework which includes indicators based in mātauranga Māori
R27	A future planning system should continue to encompass both urban planning and environmental protection and institute better mechanisms (e.g. NPA on Te Tiriti o Waitangi; quadruple bottom line accounting systems) to frame and guide local government decision making processes and developments.
R28	A future urban planning system must account for the holistic nature of Māori values, rights and interests in defining and developing any framework to measure decisions and developments made by those operating under it.
R29	<p>A future planning system should:</p> <ul style="list-style-type: none"> • retain existing requirements within the Local Government Act and Resource Management Act to build Māori capacity; and • extend these requirements to build the capacity of local government to work with Māori communities.

2. RECOMMENDATIONS re: FINAL REPORT

R19	<p>The final ‘Better Urban Planning’ Report should adopt language that:</p> <ol style="list-style-type: none"> a) enables the expression and active protection of Māori values, rights and interests in the urban environment, and b) reflects the diversity of Māori identities, communities and realities by using the following terms as and where appropriate rather than ‘iwi/Māori’ <ol style="list-style-type: none"> i. ‘Mana Whenua’ ii. ‘Mata-a-waka’ iii. ‘Māori communities’
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R20	<p>That the final 'Better Urban Planning' Report explores the following core Māori values, rights and interests in order to adequately contextualize and explain respective Mana Whenua and Mata-a-waka values, rights and interests in urban planning:</p> <ul style="list-style-type: none"> i. whakapapa ii. mana whenua, mana moana iii. rangatiratanga iv. kaitiakitanga v. wāhi tapu vi. wāhi taonga vii. mahinga kai viii. papa-kāinga ix. taonga x. the central relevance of Te Tiriti o Waitangi in urban planning in New Zealand, including the distinction between Article II and Article III rights and responsibilities for Mana Whenua and Mata-a-waka
R21	<p>That the final 'Better Urban Planning' Report incorporates commentary, findings and/or recommendations on Māori values, rights and interests as and where relevant to the content of each chapter, not just Chapter 11 .</p>
R30	<p>That the final 'Better Urban Planning' Report adopts the revised and updated glossary of te reo terms contained in Appendix A of this report.</p>