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Planning to develop land returned under Treaty settlement in Waikato, Aotearoa New Zealand:
An institutional ethnography

A thesis presented in partial fulfilment of the requirements for the degree of
Doctor of Philosophy
in
Health

at Massey University, SHORE & Whārika Research Centre,
Aotearoa New Zealand

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Abstract

This research investigates planning to develop land returned as settlement for breaches of Te Tiriti o Waitangi (the Treaty of Waitangi). Using institutional ethnography methodology, I explore a case study of the relationship between an iwi authority, Te Whakakitenga o Waikato, and a local authority, Hamilton City Council. In 1995, significant areas of land were returned to Waikato-Tainui through Treaty settlement. This research focuses on processes to develop planning regulation for land owned by Waikato-Tainui at Te Rapa, site of ‘The Base’ retail development and Te Awa shopping mall, and Ruakura where an inland port and associated activities are proposed.

Iwi planning documents describe a vision to develop land returned under Treaty settlement. Commercial property development to regain ‘economic sovereignty’ is a critical element in the ‘integrated development agenda’ for Waikato-Tainui. However, critical discourse analysis and intertextual analysis illustrate that this vision is not well-reflected in local government planning documents.

Relations between Hamilton City Council and Waikato-Tainui have changed from generally adversarial in 2009 during planning processes to restrict development at Te Rapa through Variation 21, to more collaborative during planning processes to approve the Ruakura Plan Change in 2014. Complementing data from interviewing practitioners with analysis of texts created through these planning processes, I consider control, timing, and trust as key factors in this changing relationship.

This research provides evidence for dual planning traditions in Aotearoa New Zealand. Communal ownership of land and inalienability are characteristics of land returned under Treaty settlement which have influenced development decisions made by Waikato-Tainui.

Planners and the planning profession can ‘transform’ planning practices to create new relationships between local government and iwi authorities. Interviews suggest that cross-cultural planning can be a challenging and emotional experience. Iwi planning documents articulate a vision for future relationships based on mana whakahaere (affirming Māori authority) and mātauranga Māori (valuing Māori knowledge). In response, I highlight the need for changes to the New Zealand Planning Institute Code of Ethics to support planners working to decolonise planning. I conclude by ‘mapping’ the institution of planning for Treaty settlement land, and identifying levers which planners can use to support Māori goals for land development and economic self-determination.
Dedication

This work is dedicated to the memory of my mother, Janet McCallum (1947-2015).

My mother was born in Calcutta, India in the months before Indian Independence. She was a student in Paris, France, in 1968 during the Student Revolution. She was a protestor against apartheid in South Africa in Wellington, Aotearoa New Zealand in 1981. She researched and wrote about the lives of women in power, in politics and in the press. These events were important in defining her identity, shaping her commitment to both diversity and democracy, and strengthening her resolve to explore untold stories from the ‘other’ side of history.

These events were also critical in the development of the theories which shape this thesis. Postcolonial theory emerged from post-independence India, from thinkers who were contemporaries of my mother but born as colonised, not coloniser. Disparate and anarchic critical theories were proposed by those who saw the great narratives of capital and labour disintegrate on the streets of Paris. Pākehā, like my mother, turned to decolonisation theories after the success of the Springbok Tour protests, challenged by Māori to turn their anger against racism at home. Feminist theory drew strength from the stories of women, past and present, making their own terms with a world in which they could see the possibility of equality and a better life.

JM, thank you for all that you shared with us.

Moe mai rā
Dieu ait son âme
Rest in peace
Acknowledgements

I would like to acknowledge the thoughtful and always-accessible support of my supervisors, Karen Witten and Helen Moewaka Barnes. Your encouragement, trust, and counsel made all the difference. Jan, Lisa, Caroline, Stephanie and Ellen solved my administrative and technical problems with skill and elegance. The SHORE and Whāriki Research Centre provided physical and intellectual space and shelter for this research. I thank you for welcoming me in.

I would also like to acknowledge Philippa Howden-Chapman, who encouraged me to begin research; and my tuakana in the Taone Tupu Ora strand of Resilient Urban Futures - Keriata Stuart, Anaru Waa, John Ryks and Jono Kilgour. I have valued the opportunity to work closely with each of you on different aspects of this research programme. I thank you all for your generosity creating opportunities for emerging researchers.

I offer my gratitude to the interviewees who contributed their time and knowledge to this research. I am humbled by your willingness to sit down with me and talk about your experiences and your reflections. I also thank Sarah-Jane Tiakiwai at Waikato-Tainui College of Research and Development, Tim Manukau at Waikato Raupatu Lands Trust, and Paula Rolfe at Hamilton City Council, who provided on-going review and guided me to carry out research that could be practically applied in Waikato. I am grateful to staff at the High Court in Hamilton and at Hamilton City Council who provided access to documents.

I am indebted to Amy Howden-Chapman and Jane Kuhnt for laying out images and creating diagrams; Lara Taylor for introducing me to postcolonial theory and literature; Ray Nairn, Mitzi Nairn, Ingrid Huygens and others for articulating Pākehā perspectives; Alex Hotere-Barnes for your enthusiasm for institutional ethnography; and Elinor Chisholm for your empathy and encouragement in the last months of this work. Thanks to Ngā Aho for inviting me into the whānau, and for grounding me in the realities of our dual planning traditions.

My family has provided constant support: my father Chris Livesey and aunties Heather McCallum and Mary Waymouth discussed our family histories; my sister Anna shared her children with me, fed me, and reviewed the draft thesis; my brother Harry asked thoughtful questions, as always! I thank Jym Clark for his calm belief that I should carry out this inquiry, his planning expertise and professional empathy, and his loving help to make this research reality.

With the company of all these people, I have never felt lonely in this work. I hope I can support you when you need my help. Thank you, thank you, thank you.
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Glossary

Most of the following definitions are adapted from the glossary provided in Tai Tumu Tai Pari Tai Ao Environmental Plan (Waikato-Tainui Te Kauhanganui Incorporated, 2013 pp258-263). Definitions for words not included in the Tai Tumu Tai Pari Tai Ao glossary have been sourced from Stuart & Thompson-Fawcett (2010) or Ngata Dictionary. These definitions are marked with a * or # respectively.

Hapū Sub-tribe, usually containing a number of whaana and marae with a common ancestor or ancestors
Hikoi March#
Hui Gathering, meeting*
Iwi Extended kinship group, tribe, nation, people, nationality, race - often refers to a large group of people descended from a common ancestor.
Kāinga A home place, usually used for a village*
Kaitiaki Caregiver, caretaker, the role of protecting and nurturing the mauri of all living things and the surrounding inanimate environment
Kawa Underlying principles that govern behaviour
Kaumatua Elders (male or female)
Koroneihana Coronation#
Māori Indigenous people of Aotearoa New Zealand
Mana Authority, spiritual authority, protective power and prestige
Mana whakahaere The exercise of rights and responsibilities to ensure that the balance and mauri (life force) of the rohe is maintained. It is based in recognition that if we care for the environment, the environment will continue to sustain the people. In customary terms mana whakahaere is the exercise of control, access to, and management of resources within the Waikato-Tainui rohe in accordance with tikanga.
Mana whenua The taangata whenua group or groups with primary mana whakahaere over an area.
Manaaki Help, care for#
Marae Traditional and contemporary gathering places that may contain a whare nui (meeting house), wharekai (dining room), whareiti (ablution blocks), whare (other houses or structures). May also include a papakāinga.
Mātauranga Māori Traditional and contemporary Māori knowledge, knowledge systems, and knowledge bases. This includes the body of knowledge originating from Māori ancestors, including the Māori worldview and perspectives, Māori creativity, and cultural and spiritual practices. As an organic and living knowledge base, mātauranga Māori is ever growing and expanding.
<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mauri</td>
<td>Life force. Some hold the view that both animate (living) and inanimate (non-living – e.g. rocks) objects have mauri. Waikato-Tainui is intrinsically linked to the environment and so the mauri of the environment effects and is affected by the mauri of Waikato-Tainui. Having an effect on the environment’s mauri has a corresponding effect on the mauri of Waikato-Tainui.</td>
</tr>
<tr>
<td>Pākehā</td>
<td>New Zealander of European descent*</td>
</tr>
<tr>
<td>Papakāinga</td>
<td>Communities, places where Waikato-Tainui live primarily clustered around marae and other places of significance. ‘Papakāinga’ also means contemporary or ancient marae or paa sites with or without accompanying residences or buildings.</td>
</tr>
<tr>
<td>Poukai</td>
<td>An annual circuit of visits by the Māori King to marae affiliated to the Kingitanga (Papa and Meredith, 2012)</td>
</tr>
<tr>
<td>Rangatiratanga</td>
<td>Sovereignty, chieftainship, leadership, self-determination (from rangatira, a chief)*</td>
</tr>
<tr>
<td>Raupatu</td>
<td>Confiscation. In the case of Waikato-Tainui, the confiscation of lands in the Waikato-Tainui raupatu rohe, and includes the related invasion, hostilities, war, loss of life, destruction of taonga and property, and the consequent suffering, distress, and deprivation suffered by Waikato-Tainui.</td>
</tr>
<tr>
<td>Rohe</td>
<td>Tribal region, including the rohe of constituent marae and hapū.</td>
</tr>
<tr>
<td>Tangata whenua</td>
<td>Māori and their whānau, marae, hapū and iwi that whakapapa, or have genealogical connections, back to the land by virtue of first or primary occupation of the land by ancestor(s) through a variety of mechanisms such as maintaining ahi kā roa (long term occupation) or conquest.</td>
</tr>
<tr>
<td>Te ao Māori</td>
<td>The Māori world*</td>
</tr>
<tr>
<td>Tino Rangatiratanga</td>
<td>Independence*; self-determination</td>
</tr>
<tr>
<td>Te reo Māori</td>
<td>The Māori language.</td>
</tr>
<tr>
<td>Tikanga</td>
<td>Values, ethics governing conduct</td>
</tr>
<tr>
<td>Tūpuna</td>
<td>Ancestors</td>
</tr>
<tr>
<td>Wāhi tapu</td>
<td>To Waikato-Tainui, means those sites of significance that are highly prized</td>
</tr>
<tr>
<td>Waka</td>
<td>Canoe; also used to describe a group of iwi who trace their descent to a single waka which was part of settlement*</td>
</tr>
<tr>
<td>Whānau</td>
<td>Family unit, not always of immediate family, and may include those that are family by marriage, adoption, fostering, or other close relationship.</td>
</tr>
<tr>
<td>Whāngai</td>
<td>Adopt*</td>
</tr>
</tbody>
</table>

**Note on orthography**

In this thesis I employ Massey University standard orthography for the Māori language, which uses a macron to indicate a long vowel. However, I respect that the Waikato-Tainui people use a double vowel in place of a macron. In citations from material prepared by Waikato-Tainui and where requested by interviewees, I retain the double vowel.