



TE URI O HAU KAITIAKITANGA O TE TAI AO



TE URI O HAU
SETTLEMENT TRUST
ENVIRONS HOLDINGS



Ka mau tonu nga taonga tapu o nga matua tupuna

koinei nga taonga I tuku iho, na te Atua

**Hold fast to the treasures of the ancestors for they are the
treasures that have been handed down to us by God**

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PART 1

INTRODUCTION

1. Purpose

The purpose of 'Te Uri o Hau Kaitiakitanga o te Taiao' is to provide a comprehensive plan to support Te Uri o Hau kaitiakitanga (guardianship) and rangatiratanga (authority) responsibilities in natural resource management within the statutory area of Te Uri o Hau. 'Te Uri o Hau Kaitiakitanga o te Taiao' plan provides the policies that the Crown and representative agencies, resource consent applicants and research institutions must take into account and in the future give effect to when preparing or reviewing statements, plans, policies and strategies. It has set objectives, policies, and methods in response to identified natural resource issues. These objectives, policies, and methods are measurable aims or end results to which efforts should be directed. 'Te Uri o Hau Kaitiakitanga o te Taiao' plan identifies relationships and natural resource issues of concern to Te Uri o Hau and how best to interact with Te Uri o Hau. 'Te Uri o Hau Kaitiakitanga o te Taiao' plan is also beneficial for Te Uri o Hau whānau in the management of natural resources within the statutory area of Te Uri o Hau.

2. Te Uri o Hau

Te Uri o Hau, a hapū of the Ngāti Whātua tribe, is located in the North Island embraced by the Mangawhai and Kaipara Harbours and coastal marine area. Te Uri o Hau is represented by approximately 7000 beneficiaries, who are the tangata whenua and kaitiaki of natural resources within the statutory area of Te Uri o Hau.

Haumoewaarangi is the recognised eponymous ancestor of Ngāti WhātuaTe Uri o Hau. The various hapū and whānau are versed with Ngāti WhātuaTe Uri o Hau traditional oratory, and ensure that whakapapa is sustained for the benefit of future generations.

Te Uri o Hau hapū groups include:

- Ngāi Tahuhu;
- Ngāti Tahinga;
- Ngāti Rangī;
- Ngāti Mauku;
- Ngāti Kauae;
- Ngāti Kaiwhare; and
- Ngāti Kura.

3. Whakataukī

**Tupu te Toi
Whanake te Toi
He Toi ora
He Toi he Toi i ahu mai i Hawaiki
To tau muri ki te Atua
No te mea
Ko taku taha tera**

**Knowledge that grows
Knowledge that expands
Knowledge that survives
Knowledge that comes from Hawaiki
Knowledge that comes from patience and tolerance
Knowledge that comes from God for that is wisdom**

4. Whakapapa

**Ko te tūpuna taketake o Te Uri o Hau, Ko Haumoewaarangi.
Ka moe a Haumoewaarangi i a Waihekeao,
Ka puta ki waho ko a raua tamariki tokowhitu: ko Makawe, ko Mauku, ko
Whiti, ko Weka, ko ruinga, ko rongo me Hakiputatomuri.
Ka puta i a Hakiputatomuri ko nga uri matinitini e mohiotia nei i tenei wa,
Ko Te Uri o Hau.**

**According to the traditions of Te Uri o Hau, the eponymous ancestor of Te Uri
o Hau is Haumoewaarangi.**

**From the marriage of Haumoewaarangi with Waihekeao came seven
offspring: Makawe, Mauku, Whiti, Weka, Ruinga, Rongo and Hakiputatomuri.**

**From Hakiputatomuri came many descendants known to this day
as Te Uri o Hau.**

5. Te Uri o Hau Marae

Table 1.1 shows Te Uri o Hau Ngā Marae Tukurū (ancestral marae) and their relationship to whānau marae within the statutory area of Te Uri o Hau.

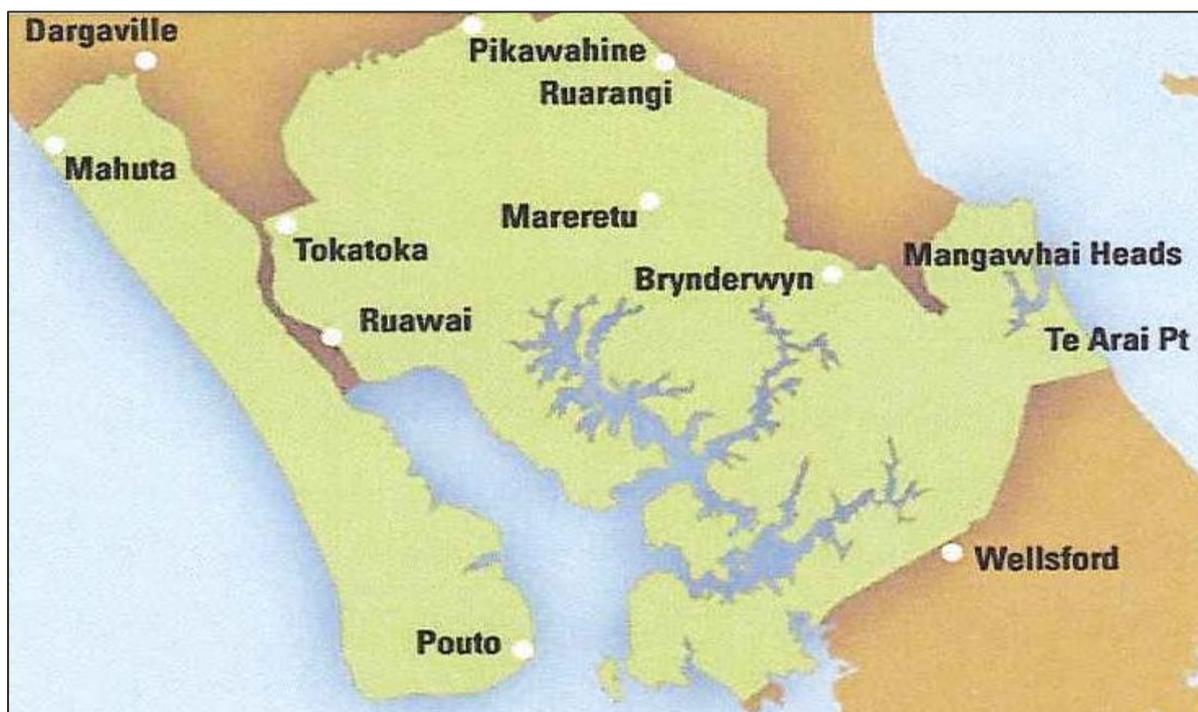
Table 1.1 Nga Marae Tukurū and Whānau Marae

NGA MARAE TUKURU	WHĀNAU MARAE
Otamatea (Batley)	Te Punga (Kaiwaka)
Waikaretu (Pouto)	Oturei (Dargaville) Ripia (Te Kopuru)
Oruawharo (Oruawharo)	
Waihaua (Arapaoa)	Ngatai Whakarongorua (Tinopai) Waiohou (Tinopai) Waiatea (Tinopai) Naumai (Ruawai) Parirau (Matakohe) Rawhitiora (Hukatere) Te Kowhai (Ruawai)

6. Te Uri o Hau Statutory Area of Interest

The Te Uri o Hau rohe as defined by the Te Uri o Hau Settlement Act 2002 and covers land and the marine and coastal area located in the Northern Kaipara region. It embraces locale north of Wellsford in the south, to Te Arai Point taking in the Mangawhai Heads in the east, to Pikawahine in the north, across to Mahuta Gap on the West Coast and down, including Pouto. Plate 1.1 shows the statutory area of Te Uri o Hau.

Plate 1.1 Te Uri o Hau Statutory Area of Interest



Source: Te Uri o Hau Settlement Trust Website, www.uriohau.com

7. Te Uri o Hau Mandate

Te Uri o Hau were formally acknowledged by the Crown in 2000 for the loss of their natural resources. This was legislated in 2002 and became known as the 'Te Uri o Hau Claims Settlement Act 2002', legally formalising Te Uri o Hau Settlement Trust. The responsibility of Te Uri o Hau Settlement Trust is to provide for the environmental, cultural, social and economic well-being of Te Uri o Hau hapū, marae and whānau.

Environs Holdings Trust (Environs) is the environmental subsidiary of Te Uri o Hau Settlement Trust which is responsible for the implementation of activities that advance the well-being of Te Uri o Hau people and their environment within the statutory area of Te Uri o Hau. Environs is mandated by the Te Uri o Hau Settlement Trust to advocate, protect, maintain and preserve the kaitiakitanga status and rights of Te Uri o Hau on behalf of the Te Uri o Hau people. Environs provide advice to the trustees of Te Uri o Hau Settlement Trust on conservation and cultural matters, as well as monitoring cultural redress properties.

8. Te Uri o Hau Values

Table 1.2 Te Uri o Hau Values

Tikanga	<i>Striving for professionalism and excellence</i>
Mātauranga	<i>Willingness to learn and share knowledge with others</i>
Whakapono	<i>Upholding integrity and honesty</i>
Tūmanako	<i>Fostering and instilling a better future</i>
Manākitanga	<i>Committed to caring for responsibilities and obligations</i>
Aroha	<i>Respecting all people and all things created</i>

9. Te Uri o Hau Environs Short Term Objectives

- Set long-term aspirations and develop a strategic direction for effective engagement with the Crown and their representative agencies, resource consent applicants, research institutions and the wider community.
- Develop an environmental management plan that will describe issues, objectives, policies and methods concerning natural resources relevant to Te Uri o Hau hapū, whānau and marae.
- Develop strategies for Te Uri o Hau hapū, whānau and marae to participate actively in the formulation of natural resource management planning.
- Provide for retrievable traditional knowledge, such as sites of significance, through developing GIS mapping systems and databases.
- Promote Te Uri o Hau representation in the decision-making processes relevant to natural resource management.
- Promote joint management agreements with statutory agencies, private developers and land-owners.

10. Te Uri o Hau Environs Long Term Objectives

- Educate and empower hapū, whānau and marae to be proactive in their role as kaitiaki of natural resources within the statutory area of Te Uri o Hau.
- Develop an appropriate role for each of the ancestral marae in the work undertaken by Environs.
- Develop, maintain and enhance a kaitiakitanga and conservation approach to managing natural resources.
- Develop and maintain an ability to respond to and participate in, amongst other matters: conservation matters with the Department of Conservation; fisheries

Te Uri o Hau Kaitiakitanga o te Taiao

matters with the Ministry for Primary Industries (formerly know as the Ministry of Agriculture and Fisheries); antiquities and heritage matters with the Ministry of Culture and Heritage and the Historic Places Trust; mineral matters with the Ministry for Economic Development; and resource management matters with Regional and District Councils within the statutory area of Te Uri o Hau.

- Monitor, manage and enhance Te Uri o Hau cultural heritage properties.
- Develop Te Uri o Hau capacity by ensuring Environs possesses the infrastructure and technical skills to undertake any natural resource management function that may arise.
- Assist hapū, marae and whānau to be involved in the development of successful commercial ventures and to protect and nurture the environment as a taonga which is based on mātauranga Māori.

11. Te Uri o Hau Kaitiakitanga o te Taiao

This plan proposes a direction that contributes and shapes the work of Te Uri o Hau hapū natural resource management over the next 3- 5 years.

The main objectives are:

- Long Term Integrated Catchment Plan for the Kaipara Harbour
- Mangawhai and Kaipara Harbour Management Plan
- Kaipara District Plan review
- Maintenance and enhancement plan for cultural redress properties
- Ngā marae tūturu environmental participation and kaitiakitanga roles
- Resource consent participation
- Maintain and enhance fresh water quality, quantity and access
- Sustainable coastal development (and water use and allocation)
- Property development
- Marae and cultural heritage
- Utilisation of Māori land and papakāinga development
- Forestry
- Fisheries and aquaculture marine plans
- Indigenous flora, forest and fauna protection and restoration to pre-European contact
- Marine mammal protection and management
- Devolution of resource management responsibilities to tangata whenua/ahi kā through the marae

12. Te Uri o Hau Settlement Trust Organisational Map

Plate 1.2 Te Uri o Hau Settlement Trust Organisational Map

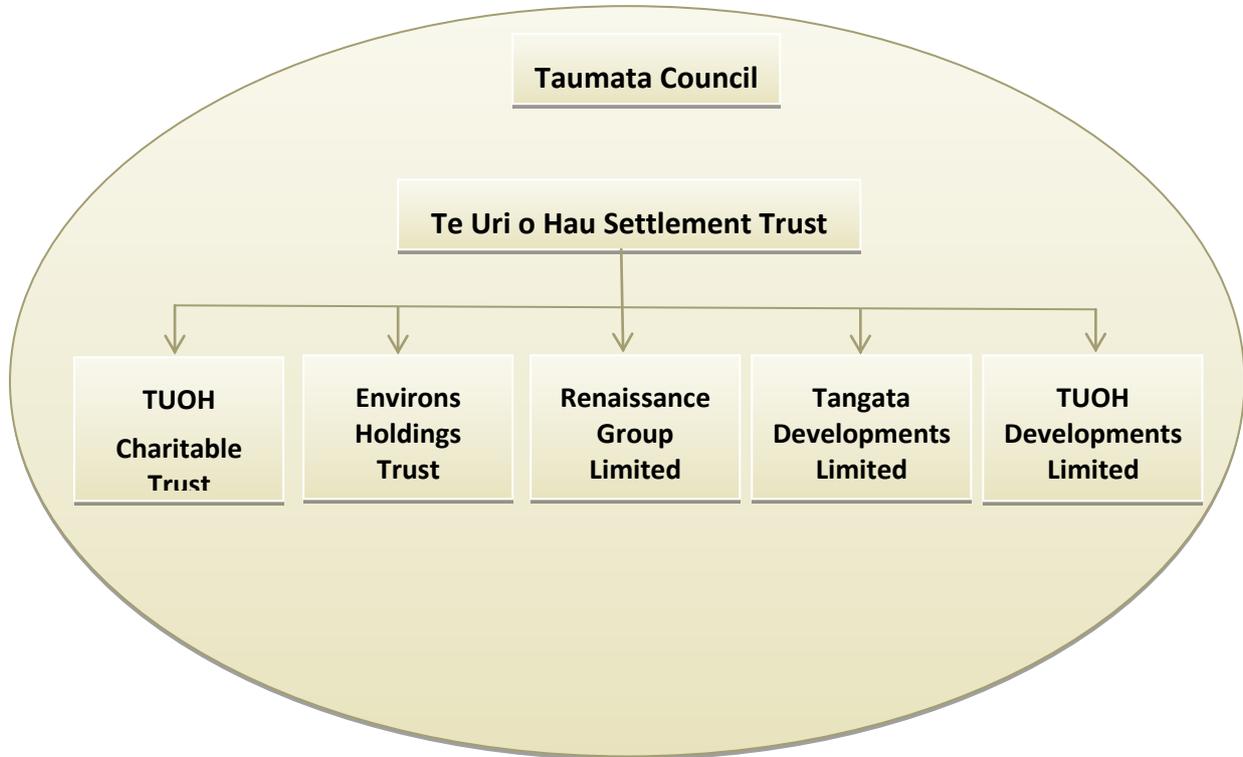


Figure 1: Te Arai Beach, Mangawhai ; Source: Te Uri o Hau Website, www.tuoh.co.nz.

PART 2

IMPLEMENTATION

13. Te Uri o Hau Natural Resource Management

The management of natural resources within the statutory area of Te Uri o Hau are of paramount importance. Te Uri o Hau recognise that both legislative structures such as the Te Uri o Hau Settlement Trust and marae within Te Uri o Hau are important in the management of natural resources.



Te Uri o Hau recognises that marae are the primary focus of Te Uri o Hau hapū and whānau processes relating to tikanga and whanaungatanga. Hui (meetings/gatherings) are the preferred means of mass communication and the marae is the appropriate venue for holding hui, especially on matters that are likely to have considerable impact on Te Uri o Hau. Marae are often specific to particular hapū or whānau and are central to tribal decision-making for those groups.

Figure 2: Waihaia Marae, Arapaoa;
Source: Ranger, A., 2010.

The management of natural resources within Te Uri o Hau occurs through consultation, communication and consideration with its people. This provides for the recognition of the marae as the base for tikanga and a central gathering point for Te Uri o Hau hapū, marae and whānau.

Different approaches are required for the management of natural resources in terms of Te Uri o Hau wider objectives and priorities. Integrated management of natural resources is an important aspect for Te Uri o Hau, including the:

- Integration between the Te Uri o Hau Deed of Settlement 2000 and the Te Uri o Hau Claims Settlement Act 2002;
- Integration across natural and people resources;
- Integration between Te Uri o Hau and partnerships with training institutions; and,
- Integration of Te Uri o Hau with national and regional management objectives.

14. Te Uri o Hau Legislation

Te Uri o Hau Claims Settlement Act 2002 is pivotal to the integrated management strategies of Te Uri o Hau. Key legislation and regulations affecting Te Uri o Hau are outlined in Table 2.1.

Table 2.1 Key Legislative & Regulative Management Partners

Organisation	Source of Statutory Powers
Regional Councils	Land Transport Management Act 2003 Te Uri o Hau Claims Settlement Act 2002 Local Government Act 2002 Local Government (Rating) Act 2002 Civil Defence Emergency Management Act 2002 Resource Management Act 1991 Biosecurity Act 1993 Environment Act 1986 Reserves Act 1977 Hazardous Substances and New Organisms Act 1996 Soil Conservation and Rivers Control Act 1941
District Councils	Te Uri o Hau Claims Settlement Act 2002 Local Government Act 2002 Local Government (Rating) Act 2002 Civil Defence Emergency Management Act 2002 Local Electoral Act 2001 Hazardous Substances and New Organisms Act 1996 Land Transport Act 1993 Resource Management Act 1991 Historic Places Act 1995 Transit New Zealand Act 1989 Local Government and Official Information Act 1987 Public Works Act 1981 Dangerous Goods Act 1974 Reserves Act 1977 Forest and Rural Fires Act 1977 Health Act 1956 Land Drainage Act 1908
Department of Conservation	Te Uri o Hau Claims Settlement Act 2002 Historic Places Act 1995 Marine Mammals Protection Act 1978 & Marine Mammals Regulations 1992 Resource Management Act 1991 Marine Reserves Act 1991

Te Uri o Hau Kaitiakitanga o te Taiao

	Conservation Act 1987 National Parks Act 1980
Ministry of Primary Industries (formerly know as Ministry of Agriculture and Fisheries)	The Marine and Coastal Area (Takutai Moana) Act 2010 Māori Commercial Aquaculture Claims Settlement Act 2004 Te Uri o Hau Claims Settlement Act 2002 Fisheries Act 1996 The Kaimoana Customary Fishing Regulations 1998 Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977
Ministry of Culture and Heritage	Te Uri o Hau Claims Settlement Act (2002) Historic Places Act (1993) Conservation Act (1987) Marine & Coastal Area (Takutai Moana) Act (2011) Resource Management Act (1991)
Ministry of Economic Development	Crown Minerals Act 1991 Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 Continental Shelf Act 1964

15. Monitoring of Te Uri o Hau Kaitiakitanga o te Taiao Plan

Monitoring is important in ensuring that the ‘Te Uri o Hau Kaitiakitanga o te Taiao’ plan is being implemented according to Te Uri o Hau practices and tikanga customary lore. In order to ensure Te Uri o Hau is achieving their objectives, Te Uri o Hau will seek resourcing to develop a monitoring plan that will on a regular basis:

- Review the implementation of the ‘Te Uri o Hau Kaitiakitanga o te Taiao’ plan;
- Develop cultural indicators for monitoring the health of our environment, culture and tangata whenua;
- Provide for participation of marae/ahi kā in the implementation and review of the plan; and
- Monitor relationships with the Crown and their representative agencies, resource consent applicants, research institutions, and the wider community.

The review of ‘Te Uri o Hau Kaitiakitanga o te Taiao’ plan is important to Te Uri o Hau to ensure the Crown and their representative agencies, resource consent applicants, research institutions, the wider community, and Te Uri o Hau hapū, marae and whānau remain consistent in achieving their objectives, policies and methods. Te Uri o Hau will undertake to review ‘Te Uri o Hau Kaitiakitanga o te Taiao’ plan as and when required.

Review is necessary to ensure implementation of 'Te Uri o Hau Kaitiakitanga o te Taiao' plan is being carried out consistently by measuring environmental gains within the statutory area of Te Uri o Hau. Te Uri o Hau will undertake internal auditing measures through the evaluation of the Crown and their representative agencies in the management of natural resources within the statutory area of Te Uri o Hau.

16. Te Uri o Hau Relationship Principles

In order to achieve effective natural resource management relationships between Te Uri o Hau, the Crown and their representative agencies, resource consent applicants, research institutions and the wider community, the principles of the Te Tiriti o Waitangi 1840 (Treaty of Waitangi) are paramount in developing meaningful relationships. For Te Uri o Hau these principles are not limited to Memoranda of Understanding as prescribed between Te Uri o Hau Settlement Trust, the Crown and their representative agencies. In the future Te Uri o Hau may seek to extend these principles outlined by 'Te Uri o Hau Kaitiakitanga o te Taiao.' Te Uri o Hau acknowledge the following relationship principles as the starting point for further Memoranda of Understanding.

The Principles of Honesty and Trust

Te Uri o Hau endorse the principles of honesty and trust with the Crown and their representative agencies, resource consent applicants, research institutions and the wider community to build long term mutual relationships in the cultural, social, environmental and economic development of the Te Uri o Hau people and natural resources within the statutory area of Te Uri o Hau.

The Principle of Mutual Respect

Te Uri o Hau will respect their relationship with the Crown and their representative agencies, resource consent applicants, research institutions and the wider community in the social, cultural, environmental and economic management of natural resources within the statutory area of Te Uri o Hau, and require that this is reciprocated.

The Principle of Communication

Te Uri o Hau will openly communicate with the Crown and their representative agencies, resource consent applicants, research institutions and the wider community in their capacity as tangata whenua and partners to the Te Tiriti o Waitangi/Treaty of Waitangi for

the cultural, social, environmental and economic well-being of Te Uri o Hau people through agreed channels and processes.

The Principle of Empowerment

Adequate resourcing is required to enable effective Te Uri o Hau participation in natural resource management and should be provided for by the Crown and their representative agencies. Te Uri o Hau acknowledges that resourcing can be of a technical, managerial and/or financial nature. Where appropriate, parties may support each other in making joint applications for adequate resources, e.g. the integrated management of the Kaipara Harbour.

Resource Consent Applications/Concessions & Permits

Pursuant to section 64 of the Te Uri o Hau Claims Settlement Act 2002 the Minister for the Environment may make recommendations to the Governor General to make regulations (for a period of 20 years) requiring regional and territorial authorities to provide Te Uri o Hau Settlement Trust with a summary of every application for resource consent activities that are within, adjacent to, or impact directly on the statutory area of Te Uri o Hau. The Te Uri o Hau Claims Settlement Act 2002 also provides the discretion for the Te Uri o Hau Settlement Trust to waive this requirement should it so desire. Te Uri o Hau seek to remain proactive in the management of natural resources through the resource consent process.

Transfer of Powers

Section 33 of the Resource Management Act 1991 provides for the Crown and their representative agencies to transfer functions, powers or duties to Te Uri o Hau as a statutory authority. Te Uri o Hau has indicated that this is a long term goal for the management of the Mangawhai and Kaipara Harbours. When appropriate, Te Uri o Hau will approach the Crown and their representative agencies to seek transfer of powers in accordance with section 33 of the Resource Management Act 1991.

Early Involvement in Policy Development

Pre-consultation will occur when either parties are preparing policies or plan changes that may affect the other party, e.g. regional plans or long term and annual plans. Regional and district councils, and territorial authorities long-term and annual planning processes which establish long-term direction and allocation of resources for their implementation will involve the Te Uri o Hau Settlement Trust before the draft documents are circulated. Similarly, the Te Uri o Hau Settlement Trust will involve regional and territorial authorities in the early stages when shaping its direction for Te Uri o Hau within their statutory area of interest.

17. Te Uri o Hau & Consultation

Consultation with Te Uri o Hau includes the recognition of traditional hapū, marae and whānau communities and in particular the Te Uri o Hau Settlement Trust who is a legally constituted statutory authority representing the interests of Te Uri o Hau hapū, marae and whānau.

Communication with Te Uri o Hau hapū, marae and whānau should be as comprehensive as possible and at a minimum should be through public notice as well as notification to Te Uri o Hau Settlement Trust as the statutory representative. Efficiency in communication can be achieved through negotiating with Te Uri o Hau as to the issues and scale of the project.

Consultation needs to ensure that all the affected parties are notified and are able to be included in any consultation process. Marae should be used as the venue for hui on matters of natural resource management significance to Te Uri o Hau. Hui is the recognised form of communication of complex matters where decision-making is by consensus. Information of significance to a marae should be sent to the marae to be made available to tangata whenua/ahi kā for their consideration.

An up-to-date list of marae and their contacts should be maintained by the Northland Regional Council, Kaipara District Council and the Auckland Council. A database of key people together with postal, telephone, facsimile and email addresses will assist regional and territorial authorities in distributing preliminary material for hui.

PART 3

MĀTAURANGA MĀORI

18. Te Ao Māori: Māori World View

**Te whakapapa mai a Io Matua Kore
Ka moe a Papatuanuku a Ranginui i
Ka puta ko Tanenuiarangi
Ko Tangaroa
Ko Tumatauenga
Ko Haumietiketike
Me Rongomatane
Ko enei nga taonga tuku iho
Putake i te rohe o Te Uri o Hau, Ngāti Whātua
Ko matou te kaitiaki**

Io, the Supreme Being and creator of the heavens and the earth created all living things of divine creation. Whakapapa is the axis upon which the world spins. It is not confined to people and people alone; indeed it is the domain of all things, no matter how small, large, simple or profound.

Whakapapa goes back to the beginning of time, to the very first seed that produced the entire universe. Papatuanuku is the earth mother, Ranginui is the sky father; their 70 children are the original custodians of its parts. Trees were the first born, birds the second, fish, insects and animals followed, and then finally people were born. Humans are the teina, the last born, the babies of the family as it were.

Te Uri o Hau, Ngāti Whātua arrived to Aotearoa New Zealand on their ancestral waka Mahuhu ki te Rangi around the year 1250 AD at Taporapora on the shores of the Kaipara Harbour. From their present tribal beginnings Ngāti Whātua had grown and spread throughout the present tribal area from Tāmaki Makaurau, now also referred to as the Auckland Isthmus, northwards along both coasts to Whangarei Harbour on the east coast and Waipoua Forest on the west coast. The blood of thousands of Te Uri o Hau, Ngāti Whātua men, women and children were spilled defending their right to occupy their tribal area, having to ward off thousands of numbers of hostiles from other tribes.

Haumoewaarangi is the recognised eponymous tūpuna (ancestor) of Te Uri o Hau, Ngāti Whātua. Iwi traditional social framework provides for the federation of unified hapū (with an eponymous ancestry) the ability to stand together as iwi. The hapū provide the

Te Uri o Hau Kaitiakitanga o te Taiao

federation of unified whānau (also of eponymous ancestry) an ability to stand together with dignity in the presence of other whānau from the same hapū. Their eponymous ancestry links every hapū. Ngāti Whātua te iwi (the people) is made up of 19 hapū and 34 marae. The social order of whānau (extended family) provides the framework for uri (ancestry).

Spiritual and Cultural Connectedness

Tangata whenua are connected to both the spiritual and physical dimensions, inherent of cultural values with responsibilities abound. As tangata whenua, Te Uri o Hau Ngāti Whātua has an inherent relationship and responsibility within the natural environment and specifically to that part of Papatuanuku which lies within their tribal area. At the heart of this relationship is the philosophy of holistic management. Holistic management demands the respect of humans to all divine creations of natural environment. The concept of mauri is essential to respecting each and all creation. All taonga possess a mauri; an intangible life force that unites all creatures and enables them to flourish. The principles of holistic management acknowledge that human interactions with the natural environment impose a reaction to the mauri of nga taonga. The same principles are equally associated to the energy of life in an ecosystem. An ecosystem is a set of organisms living in an area, their physical environment, and the interactions between them. Likewise to te mauri o nga taonga, human interactions with one part of an ecosystem necessitates a reaction to the whole.

Tikanga: Cultural Practice

Tikanga Māori (cultural best practice) is dynamic and capable of responding to the changing world. Tikanga Māori forms the basis of how we live in a relationship with all living things and their environment, and how we manage those natural and physical resources and all mauri. Tikanga Māori is defined under Section 2 of the Resource Management Act 1991 and Section 3 of Te Ture Whenua Māori Act 1993 as Māori customary values and practices.

Taonga: Valued Treasures

Taonga are those things considered culturally valuable to Te Uri o Hau which may be a tangible or intangible element. Article 2 of the Treaty of Waitangi acknowledges taonga as being lands, estates, forests, fisheries and other properties. Taonga represents an element of the Māori philosophical worldview and all living things representing mauri. All living and non-living things contain a life force, one cannot live without the other, all intricately living in harmony to sustain their being and existence on earth.

Kaitiakitanga: Guardianship

Te Uri o Hau as kaitiaki, acknowledge customary lore to include the protection of all living things, natural resources, culture and people. In this regard kaitiaki are universal. The protection of our natural resources and culture require a commitment through the whole of Māori society which is constantly evolving. Kaitiakitanga not only relates to the environment and the management of natural resources but also extends to the socio-economic well-being of future generations.

Mana Whenua and Mana Moana: Power from and Rights to the Land and the Waters

A return to ones marae is also a return to the land, to one's tūrangawaewae (place where one has rights of residence and belonging through kinship and whakapapa). After the birth of a child their pito (umbilical cord) and the whenua (afterbirth) are buried in the ground or placed up in a tree. The whenua is also the word for land and the burial of the umbilical cord and the afterbirth ensures a strong link with one's own land.

The land is also linked to the spiritual powers, to the children of Ranginui and Papatuanuku. Each Matariki/ New Year, at one place on the upper Wanganui River, hangi (earth ovens) are set aside for Tane and Tangaroa and offerings are made to them. This recognises that Tane is responsible for the forests and its foods and Tangaroa is responsible for the sea and its foods. Te Uri o Hau continue to carry on these responsibilities as taught by our ancestors.

For Te Uri o Hau our ancestral land cannot be bought or sold. We cannot buy or sell our own mother, nor can we claim to own our mother. The land that is handed down to a particular people is gifted to that people in trust. They are responsible for it. They must care for it. This also applies to rivers, lakes, and harbours and areas of sea which are a source of life for the people. To witness the present pollution and destruction of some of these areas can be a very deep hurt to the people who once had control of these areas and are still responsible for these areas handed down to them through their ancestors, but now are almost powerless to do anything about them.

Te Uri o Hau values ancestral land based on our responsibilities and relationships with our lands and it is important that how we value land is recognised (i.e. not on monetary value or productive capacity). Māori land is often considered undeveloped or underutilised and therefore considered as of little value by Pakeha because Māori values are not recognised or understood.

Te Uri o Hau has mana moana over their customary fishing areas. Traditional chiefs determined the harvesting of kaimoana ensuring the protection and management through traditional customary methods.

Mana Atua: Spiritual Powers

One with the people, one with the land, we also become one with the Atua (the spiritual powers). The spiritual powers are our immediate source of mana (inherited status), they are a source of our tapu.

Tapu and Noa: Sacred and Profane

Traditionally, Māori life was organised in all its aspects through the intricate interplay of two states of being, tapu and noa, which were complementary and of equal importance. In numerous contexts a person, place or thing would be said to be either tapu or noa. The word tapu indicated that the person, place or object could not be freely approached, that restrictions had been placed upon access, and in this way the term referred not only to the tapu entity but also to the restricted relationship others might have with it. In many contexts it can be translated as restricted, forbidden, or sacred. The word noa indicated unrestricted access and can generally be understood as ordinary, everyday, common, and profane.

Tapu restrictions were imposed for religious, social and political reasons, so they varied greatly. Basically such a restriction marked the importance of a person or other entity by setting them apart from indiscriminate contact with others. It might also serve to protect a resource or property, or focus attention on important undertakings.

Atua (the spiritual beings) were extremely tapu, along with places and objects associated with them, and so were tūpuna (ancestors) and other supernatural beings. Tohunga (high ranking person) because of their relationship with atua and their tapu knowledge, were considered highly tapu. Rangatira (chiefs/chieftans) were tapu as a consequence of their rank, with tapu restrictions being observed to a lesser or greater degree in accordance with their precise status.

The head of a tohunga was extremely tapu. All of the property of such persons, houses, storehouses, garments and other possessions were tapu (and therefore protected from thieves). This tapu extended to everything that was closely associated with them such as the remains of their food and even the fires in their houses; a tohunga's fire could on no account be lit from a common cooking fire but had to be specially kindled.

A rangatira could also be seriously at risk when his tapu was infringed, however accidentally, for his atua could be expected to punish him with illness or some other disaster for allowing this to happen.

A tohunga might impose a temporary tapu (rāhui). This was often done to manage or protect a seasonal food resource, birds, fish or certain plant foods until the time came to lift the rāhui. Kumara gardens were protected by tapu during the growing season. After a death by drowning it was (and sometimes still is) customary to declare a stretch of coastline tapu for a certain time, so that no-one can fish those waters (Orbell, M., 1995).

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Despite their knowledge of and skill in sustainably managing the natural environment, the tribes periodically suffered unpredictable disasters, migration of birds and fish from their usual haunts, droughts, frosts, and insect plagues. Attributing these to offended gods or spirits, they often used rituals to avert them. These rites accompanied and regulated every stage of productive effort. To protect the life principle (mauri) of forests, gardens or fishing grounds from inadvertent or enemy interference, a tohunga localised it in some material object (also called mauri), recited incantations over it, and hid it away. Sometimes he set up a post (rāhui), sharpening its teeth with spells to kill meddlers.

Each hapū of the tribe controlled a defined stretch of the tribal territory, which they guarded jealously. Trespassers and poachers were punished severely, and persistent border violations led to fighting, even amongst hapū of the same iwi.

Within the hapū, whānau, nuclear families and individuals held rights of occupation and use over specific resources such as garden plots, fishing stands, rat run sections, trees attractive to birds, clumps of flax and shellfish beds. These they could bequeath to their children. However they could not hand this over to outsiders, even to a spouse, until the hapū as a whole had discussed and approved the transfer; and they had to surrender their claim to particular pieces (though never without recompense) whenever the hapū (or chief as trustee) required it for purposes. Similarly the hapū could alienate no part of its territory without the consent of the rest of the tribe. To put it another way, the rights of the individuals and lesser groups were always subject to the other rights of the greater group. Tribal history and songs abounded in references to its natural features, all of which were named, and tribesmen gladly fought and died to protect its sacred burial grounds, shrines and marae (Metge, J., 1967).

Wairuatanga: Spirituality

In the cosmological myths of Māori we are told that the universe was brought into being through Io, the supreme-being. It was he who willed the earth should appear; he was the primal origin of all things; everything on earth or in the heavens could be traced back to one cause, the sole origin, Io, the parent of the eternal.

In one of these curious evolutionary formulae, conception was given as the forebear of growth, who produced energy; then followed thought, mind, and desire. Then came various phases of Po and other conditions of chaos, until at least one in conjunction with Atea (space) produced the heavens. The sky (personified in Ranginui), took Papatuanuku (the earth mother) as a wife, and begat seventy offspring, all males, and all supernatural beings.

Many of these personified light, the sun, moon, darkness, wind, rain, clouds, and lightning. Some were described as originating beings, tutelary beings and parents of fish, birds, stars, and stones, while yet others were denizens of the uppermost heavens. From among these offspring were selected many of the poutiriao, or guardians, appointed by the supreme

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being to watch over and preserve the welfare of the different realms of the universe.

The following are the best-known members of the numerous offspring of the primal parents, Ranginui (sky father) and Papatuanuku (earth mother):

- **Tane** who is the (personified form of the sun), the fertiliser, he who fertilised the earth and caused it to produce trees and herbage, and also man who was born of the earth-formed maid;
- **Rongo** who represented the moon, as shown in Hawaiian myth, was the patron of peace and the art of agriculture;
- **Tu** who is the patron of war and death, personified the setting sun;
- **Whiro** personified darkness, evil, and death;
- **Tangaroa** was the origin and personification of all marine life;
- **Tawhirimatea** personified wind;
- **Ngana** or **Uru-te-ngangana**, was the origin of stars;
- **Kiwa** was the guardian of the ocean;
- **Te Ihorangi** personified rain; and
- **Ruaumoko** was the origin of earthquakes and all volcanic disturbances.

The curious myth concerning the children of the earth mother is to the effect that at night the sky and earth were in close contact. The sky father would embrace the earth mother and darkness would appear.

Indigenous Flora and Fauna

Mātauranga Māori refers to the body of knowledge originating from our ancestors, including our worldview and perspectives. It is a key concept which defines Te Uri o Hau values and relationships to indigenous forests, flora and fauna. Indigenous forests, flora and fauna are related to Māori through whakapapa and cosmologies of the great creation stories of the universe and all living things. As kaitiaki of indigenous forests, flora and fauna, Te Uri o Hau seek to play a primary role in the protection and use of these natural resources.

Nature provided medicine and food to ensure man continued to survive on earth. When anyone got sick you went to the bush. Through all those fruits and more, we are provided with the ingredients to assist our wellbeing. The puwharawhara provides oil that assists with rheumatics. Flax oil when boiled is used to heal open sores and wounds, working as a poultice. Tupaakihe is still used today as a medicine to heal wounds and bruising. Kohekohe is another plant used for the same purpose. Kawakawa is also commonly used today for external cuts, bites and grazes. Kawakawa and karemu can also be used as an anti-oxidant or a blood purifier. Indigenous forests are a taonga which support all the life force components to assist man in his life, birds, insects, ferns, mosses, controlling the flow of water through the land out to the seabeds and oceans. The forest provides us with its natural calendar for sustaining life (rongoā) and equipping us to provide for our whānau with the different seasons come the flowers, berries and fruit repeating itself every year.

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The whaikorero (oral history) of our tūpuna from of old and now honoured by each generation thereafter, places the utmost importance on the role of Te Uri o Hau as kaitiakitanga (guardians) for all the life forms of the environment. Te Uri o Hau has always believed that the environment, including all indigenous species of fish, flora, and fauna alive, are interrelated through whakapapa, and therefore all is precious to Te Uri o Hau. All species are important and all play their particular role within the environment. The integration of all species in the environment is woven within the holistic pattern of life itself. Te Uri o Hau as a people is part and parcel of the environment itself.

Te Uri o Hau continues to maintain a kaitiaki role to look after all species within our environment.

19. He Whakaputanga o Nu Tirenī 1835: Declaration of Independence 1835

He Whakaputanga o Nu Tirenī (1835) (The Declaration of Independence 1835)¹ declared that Māori would become an independent state under the auspices of the United Tribes of Aotearoa. It was also affirmed that the United Tribes would retain their sovereignty, and not permit the British to assert any legislative authority or governance, unless the united tribes in congress had agreed otherwise (Turton cited in Taylor, 1960). The principles of the Declaration of Independence resound in the preamble and articles of the Treaty of Waitangi, and are subject to international law. The Waitangi Tribunal (1988, p. 291) in the Muriwhenua Fishing Report wrote “since 1835 (the signing of the Declaration of Independence), Britain had recognized the independent authority of Māori as a right of sovereignty and New Zealand as an independent state. The Crown cannot argue now against that recognition.” The belief of Māori is that sovereignty was never ceded. The Crown has not proven that under Article 2 of the Treaty of Waitangi that Māori authority (mana) is extinguished. The Crown's regard to exercising Māori sovereignty exists through the Treaty of Waitangi settlement process. This is not so, the Declaration of Independence like the Treaty of Waitangi accords an equal authoritative, as does the Crown, to that of Governments under the Constitution Act 1962.

20. Te Tiriti o Waitangi 1840: Treaty of Waitangi 1840

Te Tiriti o Waitangi/ Treaty of Waitangi² is the founding document of Aotearoa New Zealand which recognises a partnership between Māori and the Crown. The Treaty of Waitangi is acknowledged in Schedule 1 of the Te Uri o Hau Settlement Act 2002. Under Part 1, Section 8 of the Te Uri o Hau Settlement Act 2002 the Crown acknowledges the historical claims and the breaches of the Treaty of Waitangi in relation to Te Uri o Hau.

¹ Appendix 1.

² Appendix 2.

The English version of the Treaty of Waitangi guaranteed Māori full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties for so long as they wished to retain them. Te Uri o Hau has assumed an increasing role in natural resource management, due in part, to the recognition of the legitimacy of customary cultural sites of significance and practices. In resource management forums, however, to protect cultural redress properties has a role limited to one of advocacy. Reliance on advocacy fails to recognise the nature and extent of relationships Te Uri o Hau has with their ancestral lands and cultural redress properties in its rohe to be active participants in all aspects of resource management and maintenance. Te Uri o Hau sought to redress these deficiencies during the settlement negotiations with the Crown. The Te Uri o Hau Claims Settlement Act 2002 contains a number of mechanisms that can improve the effectiveness of Te Uri o Hau participation in preservation, protection, enhancement and management of the environment.

21. Principles of Te Tiriti o Waitangi 1840: The Principles of the Treaty of Waitangi 1840

The Resource Management Act 1991 requires the Crown and their representative agencies to take into account the principles of the Treaty of Waitangi. The principles of the Treaty of Waitangi continue to evolve as Māori assert their customary authority. The Court of Appeal in the case of the New Zealand Māori Council v Attorney General 1987 1NZLR noted in particular principles must be capable of adaption to new and changing circumstances which may be developed and refined over time. For Te Uri o Hau our inherent right as kaitiaki includes the right to participate in the decision-making processes affecting natural resource management within the Te Uri o Haus rohe. Te Uri o Hau affirm that the principles of the Treaty of Waitangi are fundamental to developing any relationship, policies or plans regarding the management of natural resources. Te Uri o Hau seek to establish relationships with the Crown and their representative agencies and the wider community that are based on the intent of the Treaty of Waitangi.

The Kawanatanga Principle: The Principle of Essential Bargain

Article 1 of the Treaty of Waitangi gives expression to the right of the Crown to make laws and its obligation to govern in accordance with constitutional process. This sovereignty is qualified by the promise to accord the Māori interests specified in the second Article an appropriate priority. The Court of Appeal has noted that the principles of the Treaty of Waitangi do not authorise unreasonable restrictions on the right of a duly elected government to follow its chosen policy. Under the Resource Management Act 1991, the delegation of resource management powers to local authorities means that those authorities can set objectives, make policies and make rules affecting the sustainable management of natural and physical resources subject to satisfying sections of the Resource Management Act 1991.

The Rangatiratanga Principle: The Principle of Self-Management

The Treaty of Waitangi under Article 2 guarantees to Māori the control and enjoyment of natural resources and taonga so long as they wish to retain them. This includes the preservation of a resource base, restoration of iwi self-management, and the active protection of taonga, both material and cultural. This also extends to the active protection of Māori people in the use of their lands and waters to the fullest extent practicable. Rangatiratanga also includes elements of management, control and tribal self-regulation of resources in accordance with their own customary preferences.

The Principle of Equality

The principle of equality is represented in Article 3 of the Treaty of Waitangi. Article 3 provides for social equities and equal human rights for all citizens of New Zealand. This is acknowledged in the Treaty of Waitangi as a document relating to fundamental rights, that it should be interpreted widely and effectively and as a living instrument taking account of the subsequent development of international human rights.

The Principle of Co-operation, Partnership and Good Faith

The principle of co-operation provides for establishing a fair basis for two peoples in one country. This provides the scope for agreement between Māori and the Crown and their representative agencies involving a measure of compromise and change. This requires Treaty partners to act towards each other reasonably and with the utmost good faith. Reasonable co-operation and compromise through effective, early and meaningful consultation by both partners are also fundamental to this concept of a partnership.

The Principle of Redress

The principle of redress acknowledges where a grievance is established and compensation is required, the Crown has an obligation of some form of redress integral to the Treaty of Waitangi partnership.

The Principle of Active Protection

Active protection is not only the responsibility of the Crown as partners to the Treaty of Waitangi, but extends to governments and local authorities in the administration of legislation and policy. This supports Article 3 of the Treaty of Waitangi and the principle of equality between Māori and Crown as partners to the Treaty of Waitangi.

22. Declaration on the Rights of Indigenous Peoples

While not currently enforced in Aotearoa New Zealand, the UN Declaration on the Rights of Indigenous Peoples³ provides a fundamental human right for Māori as the indigenous people of Aotearoa New Zealand to freely exercise full authority to natural resources.⁴ The possibility of the Declaration on the Rights of Indigenous Peoples becoming a Treaty agreement, as a matter of municipal law in Aotearoa New Zealand, remains to be seen. As Treaties continue to be tested in Aotearoa New Zealand law the place of the Declaration on the Rights of Indigenous Peoples in society may also become subject to legal interpretation. The Crown and their representative agencies have an obligation to ensure Māori statutory participation in the exercise of authority and control of their natural resources in Aotearoa New Zealand including water,⁵ foreshores, oceans, seabed, land, indigenous forests, air, flora, fauna and minerals. The United Nations Humans Rights Division recognises the rights of indigenous people to self-determination, ownership, control, management of traditional territories, lands and natural resources, exercise of customary lore, and to represent themselves through their own institutions.

23. Tino Rangatiratanga: Authority

A key issue for Te Uri o Hau is recognition of and provision for the exercise of tino rangatiratanga over taonga. The provision of appropriate mechanisms, incentives and resources for Te Uri o Hau to develop hapū natural resources or environmental strategies, and their recognition within all policies and plans provides for best practice in developing a partnership which is consistent with the principles of the Treaty of Waitangi.

An issue that is being addressed by Te Uri o Hau as well as other iwi and indigenous peoples around the world is the reversal of the history of degradation in order to realise the potential of their resource base guaranteed by Treaties. Prior to the enactment of the Conservation Act 1987 and Resource Management Act 1991, there were very few statutory provisions requiring resource managers to address hapū, marae and whānau interests. Today, conservation managers for example, pursuant to section 4 of the Conservation Act 1987, are required to give effect to the principles of the Treaty of Waitangi.

Resource managers have to meet the obligations set out in Part II of the Resource Management Act 1991. Part II requires that anyone exercising functions or powers under the Resource Management Act 1991 shall recognise and provide for matters of national

³ Appendix 3.

⁴ Article 26: Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. States shall give legal recognition and protection of these lands, territories and resources. Such recognition shall be conducted with due respect to customs, traditions and land tenure systems of the indigenous peoples concerned.

⁵ Indigenous Peoples Kyoto Water Declaration, Third World Water Forum, Kyoto, Japan, March 2003 (9).

importance including the relationship of Māori and their cultures and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga (s6e). They are also required to have particular regard to kaitiakitanga (s7a). In addition the Resource Management Act 1991 requires that in relation to managing the use, development and protection of natural and physical resources, anyone exercising functions and powers under the Resource Management Act 1991 shall take into account the principles of the Te Tiriti o Waitangi (The Treaty of Waitangi) (s8).

24. Kaitiakitanga: Te Uri o Hau Natural Resource Environmental Management

Te Uri o Hau seek to ensure the provision and implementation of policies which give recognition to kaitiakitanga. Kaitiakitanga is a central manifestation of the Māori natural resource management system and should be recognised as both a practice and the result of a philosophy of natural resource management within the Te Uri o Hau rohe.

Te Uri o Hau as tangata whenua, value themselves as an integral part of the natural resources in the environment. Everything has a purpose in life and natural resources that were available to Māori were held most precious to that hapū. Since ancient times, Te Uri o Hau natural resources have always been a part of Te Uri o Hau culture and traditions. This can be heard by way of whaikōrero (oration) within Te Uri o Hau marae, through whakapapa and through customary lore. Natural resources are central to Te Uri o Hau life. Natural resources are taonga left by ancestor's tuku iho (gone by) to provide and sustain life. It is for the present generation to ensure that natural resources are sustained for future generations in as good as, if not better state.

Te Uri o Hau traditional environmental knowledge is based upon concepts which differ from those of western society. These concepts recognise the interrelatedness, the interdependence of all living things in the natural world. For Te Uri o Hau natural resource management is a continued vigilance in the observation and monitoring of the environment so that humans may dwell within the design of the natural world. Te Uri o Hau recognises human beings as part of the natural world and subject to the same natural laws and processes of that environment. Natural resources of the world constitute all those taonga of the environment, some which were traditionally managed for a particular purpose. These natural resources are harvested in every area of a hapū, marae and whānau sphere of influence. For example:

- Plants for weaving – pingao, kakaho and harakeke;
- Plants for food consumption – kumara and puha;
- Fish and other kaimoana;
- Plants for medicinal purposes;
- Plants for ceremonial purpose;
- Animals and birds for a variety of purposes;
- Tūhua, obsidian used for a variety of purposes;

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- The bones of whales and other animals;
- Particular kinds of clay and dyes; and
- Trees for building waka and whare.

Kaitiakitanga requires the recognition and empowerment of kaitiaki as the implementers. The role of kaitiaki would traditionally belong with a particular whānau or person or where tribal processes nominate kaitiaki in relation to a particular resource. The taiapure system is one where the equivalent of a kaitiaki group is appointed to carry out management functions.

Te Uri o Hau seek to ensure that policies and plans enable the practice of kaitiakitanga. This requires clarifying the meaning, function and effect of the practice of kaitiakitanga in natural resource management. The recognition of the role and function of kaitiaki is consistent with the sustainable management of resources and in particular the sustaining the mauri of a resource.

25. Historical Account

Land Claims Commission

Te Uri o Hau participated in several transactions that were claimed to have been purchases made by individual Europeans in the Kaipara area in 1839 and 1840. Te Uri o Hau through participating in these transactions, sought to promote settlement and trade opportunities.

The Land Claims Commission was established to investigate land transactions that occurred in New Zealand prior to 14 January 1840, in order to determine whether they were equitable. Between 1841 and 1844, the Commission heard claims relating to land in which Te Uri o Hau had interests. The Land Claims Commission inquired into whether a transaction occurred or not, and generally validated those claims where Māori supported the transaction, but did not explore possible broader Māori expectations regarding the transactions.

Four of these claims were further considered by the Bell Commission in the 1850's. Two of those claims were not pursued by the settler claimants, but the Crown provided some compensation to the settlers for previous outlay and made further payments to Māori. In respect of the two claims that were pursued, the Commissioner made awards of land to the European claimants. Approximately 6,000 acres of the land under claim was retained by the Crown as surplus. Of this 6,000 acres, the Crown later purchased approximately 5,400 acres of the same area from Māori.

Te Kopuru Land

In 1842, the Protector of Aborigines prevailed upon chiefs of Te Uri o Hau and Ngapuhi to cede an area of land as restitution for the plunder of the store of a local resident. Māori suspected that the storeowner had desecrated an urupā (burial ground) and removed human remains. Representative chiefs selected an area of land at Te Kopuru for this purpose. The Crown made no payment for the land and retained the area as punishment for the plunder. When land to the south of Te Koputu was purchased by the Crown, uncertainty surrounded the boundaries of the ceded block and the area does not appear to have been surveyed until 1857. It is estimated that the block contained 6,000 – 8000 acres.

Pre-1865 Purchases

The first Crown purchases involving Te Uri o Hau land occurred in 1854. By 1865, approximately 300,000 acres in the northern Kaipara area had been alienated. These early Crown purchases were characterised by the following features:

- Inter-iwi rivalry between the groups of Ngāpuhi/Te Parawhau and Te Uri o Hau/Ngāti Whātua with regard to the ownership of blocks that the Crown had sought to purchase;
- Approximately 60% of land in the northern Kaipara area in which Te Uri o Hau had interests was purchased before 1865; and
- Only one small reserve was set aside out of the twelve purchases made in the Otamatea area in which Te Uri o Hau had interests. The two reserves made in the purchase of blocks on the Pouto peninsula were almost entirely alienated within a few years of their exclusion from the purchases.

The Crown's purchase in 1854 in the Mangawhai block was notable in that the Deed stated that "ten per cent or the proceeds of the sale of this block of land by the Queen is to be expended for the benefit of the Natives". There was performance of this clause up to 1874. No further payments were made after this date.

The Operations of the Native Land Laws and Purchases 1871-1900

The Native Land Court began title investigations in the Kaipara area from 1864 onwards. A number of mostly small blocks in which Te Uri o Hau had an interest, were heard by the Court in the late 1860's and early 1870's in the Otamatea region. Little land was alienated during this time and revenue was generated through leasing the land. By the late 1870's

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and early 1880's, the use of the Court by Te Uri o Hau was restricted to blocks of land they intended to sell.

The complexity of the Native land laws was an issue in the sale of the Okahukura block. Te Uri o Hau non-seller Hemana Whiti agreed to the transfer of the block after reaching an agreement with the private purchaser. The witnessed and signed agreement documented that 100 acres was to be reconveyed to Hemana Whiti subsequent to the block's sale. The Court's inability to give legal recognition to this agreement due to a provision in the Native Land Act 1873, Hemana Whiti was evicted from his land and his property destroyed. Successive governments did not intervene in this legal dispute.

Advance payments were made by the Crown to rangatira of Te Uri o Hau prior to title investigation by the Native Land Court, in an attempt to secure the purchase of blocks following the determination of title. Such payments occurred, for example, in Crown purchases of the Tikinui block and Pouto Point.

Reserves set aside in land purchases in which Te Uri o Hau had an interest often included wāhi tapu sites and several reserves were made inalienable but were subsequently alienated. Additionally, some of the reserves were awarded exclusively to individual Māori, thus leaving the reserves subject to partition and succession. The consequence of this was fragmentation of land-holdings and whānau.

The Validation Court, which was established to hear claims from those seeking to "validate" incomplete dealings in Māori land, investigated the alleged purchase of 2,200 acres of Pouto land in 1893 and 1897. The operative land legislation enabled the Validation Court to rule in favour of a provisional and disputed purchase agreement between a settler and Te Uri o Hau, and allow it to be validated despite strong objections from Te Uri o Hau.

Desecration of Urupā and other Wāhi Tapu

Taonga (treasures) were taken from wāhi tapu (sacred areas) in the Wairoa-Kaipara district and the Pouto peninsula without permission of tangata whenua despite Māori concerns about the violation of wāhi tapu. Specific legislation to provide some protection for taonga did not exist until 1901. This legislation restricted the export of Māori antiquities.

20th Century Land Administration

The Tai Tokerau District Māori Land Board was created under the Māori Land Settlement Act 1905. Some of Te Uri o Hau land was compulsorily vested in the Tai Tokerau District Māori Land Board after 1905 for lease. Later legislation allowed some land to be sold by the Tai Tokerau District Māori Land Board without the permission of owners. The mandate of the owners was required in other cases.

Due to the existing private and state lending criteria, attempts to obtain development finance by some Te Uri o Hau land owners were unsuccessful. State funding was provided after 1929 to assist in the economic development of the land in the Kaipara area.

The operative land administration legislation gave the Minister of Māori Affairs (followed by the Board of Māori Affairs) substantial powers, leaving the landowners with few, if any, legal powers over their land. In 1903, all land owned by Māori within the Kaipara area was brought under the provisions of the Māori land development legislation. Māori could enter into land development schemes either through station development or smaller individual unit schemes administration, due to a number of political and economic changes.

Administration and economic difficulties with little immediate prospect of land being released from state control, may have encouraged some landowners to sell their interests in scheme land to the Crown. The Crown actively promoted such sales with legislation to foster the buying of Māori land interests. These interests were retained by the Crown in many instances and later became available for repurchase by the remaining owners.

The long-term benefits of the schemes have been variable. Some of the schemes have had positive outcomes. However, some of the individual unit schemes, in particular, were of limited economic benefit and failed to fulfil owners' expectations.

26. Kirihipi Overlay

The word kirihipi has special significance for Te Uri o Hau. The oral history of Te Uri o Hau records that Ngāti Whātua and the Crown had a special relationship. This relationship was recognised by Ngāti Whātua entering into a separate Treaty written on a sheepskin parchment which is known to this day as 'Kirihipi Te Tiriti o Ngāti Whātua'. Te Uri o Hau has adopted an additional meaning for the word kirihipi: that of confirming and placing an overlay of Te Uri o Hau values upon a piece of land owned and/or managed by the Crown, while not overriding the powers and obligations of the Crown to manage that land for the purpose for which it is held from time to time.

Kirihipi overlay area⁶ means an area of land which is administered under the Conservation Act 1987, the Reserves Act 1977, or the National Parks Act 1980, having Te Uri o Hau values and declared a kirihipi overlay area under the Te Uri o Hau Claims Settlement Act 2002. Under section 40 of the Te Uri o Hau Claims Settlement Act 2002 a declaration of kirihipi overlay for each area is described in Schedule 3 and Schedule 4 and has Te Uri o Hau values associated to the kirihipi overlay area.

⁶ Appendix 4.

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Under section 41 of the Te Uri o Hau Claims Settlement Act 2002 the only purposes of the Crown declaring a kirihipi overlay area and acknowledging Te Uri o Hau values in relation to the area, are to enable agreement on specific principles under section 43 of the Act. Further provisions include the requirement that the New Zealand Conservation Authority and Conservation Boards are to have particular regard to Te Uri o Hau values and views and those specific principles, as provided in sections 44 and 45 of the Te Uri o Hau Settlement Act 2002, and to enable the taking of action under section 47 or section 48. This section does not limit sections 54 to 56 of the Te Uri o Hau Settlement Act 2002.

Under section 42 of the Te Uri o Hau Claims Settlement Act 2002 (clause 5.1.3 of the Deed of Settlement) the Crown acknowledges the statement of the cultural, spiritual, historic, and traditional values of Te Uri o Hau relating to Mānukapua Government Purposes (Wildlife Management) Reserve and the Pouto Stewardship Area.

Mānukapua Statement of Values

Mānukapua (cloud of birds) is extremely significant to Te Uri o Hau because it is the remains of Taporapora, the tauranga waka (landing place) of our ancestral waka (canoe) Mahuhu ki te Rangi.

When Mahuhu ki te Rangi and its crew arrived in the Kaipara region from Hawaiki, they named the tauranga waka Taporapora after a remembered place in Hawaiki. Te Uri o Hau traditional history recalled by our kaumatua and kuia (elders) states that Taporapora was then a peninsula that extended from the present day location of Mānukapua out to the Tasman Sea creating a north and south channel at the mouth of the Kaipara Harbour.

Rongomai (Ariki of Mahuhu ki te Rangi) and some crew members settled and built their whareniui (meeting house) on Taporapora. The tūpuna (ancestors) used the whareniui to recite ancient knowledge, karakia (incantation), waiata (song) and whakapapa (genealogy) with rangatira (chiefs) from around the region. This whareniui housed their taonga brought with them from Hawaiki.

Rongomai married a wahine (woman) from the surrounding area and relocated his kainga (village) from Taporapora to Mānukapua and the Okahukura peninsula. From this kainga he used the surrounding land and water to gather kai (food) for the people. Te Uri o Hau whaikorero (oration) passed down from generation to generation talks of the drowning of Rongomai and of a great tempest that washed away Taporapora because Rongomai did not perform the appropriate karakia before he went fishing.

It is only evident at high tide that Mānukapua is an island. At low tide one is able to walk from the Okahukura peninsula to Mānukapua. One can also see the remains of the whenua (land) of Taporapora at low tide.

For many generations and still today the waters surrounding Mānukapua provide kaimoana (seafood) such as patiki (flounder), kanae (mullet), pioke (shark), tamure (snapper), kuakua

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(scallop), pipi, and kutae (mussel) for Te Uri o Hau. The shifting sandbars of the Kaipara Harbour protect this source of kai for Te Uri o Hau. The whenua of Mānukapua and the surrounding area provided manu (birds) of many species and many of those species still nest and roost here today.

Pouto Statement of Values

Te Uri o Hau has a very special relationship with this area. It is recognised as a significant wāhi tapu because many of Te Uri o Hau tūpuna are buried here. Many urupā and taonga rest beneath the whenua in this region as a result of the many battles that were fought here throughout Te Uri o Hau history. During extreme weather conditions wheua (human bones) are often exposed.

Traditionally Te Uri o Hau used this region extensively for gathering kai. The fresh water lakes provided an abundance of kai for Te Uri o Hau. In 1909 a Te Uri o Hau rangatira said “These lakes are where we fish for eels, net mullet and snare birds for our food. They have been with us since the beginning, handed down by our tūpuna to our parents and to us today”.

Traditionally there were many nohoanga (temporary settlements) within this area. Te Uri o Hau whānau (families) from the Pouto peninsula and from other marae around the Kaipara Harbour would camp here catching tuna (eels) and kanae (mullet) from the lakes and gathering manu (birds), harakeke (flax), and berries from the wetlands and surrounding area.

Te Uri o Hau are the kaitiaki of this area. Knowledge of the traditional trails and nohoanga sites handed down from generation to generation is a taonga to Te Uri o Hau. A hikoi (walk) along the trails allows Te Uri o Hau to rebury wheua and taonga should they become exposed by the drifting sand.

27. Statutory Acknowledgements

The Te Uri o Hau Claims Settlement Act 2002 provides for statutory acknowledgements related to Te Uri o Hau natural resources.⁷ Without natural resources the mana of Te Uri o Hau is unable to be sustained. Natural resources play a unique role in the traditional culture and are a taonga of Te Uri o Hau. Taonga have an inherent value that must be recognised in the event of potentially competing resources in the wider environment. Use on and around the taonga can have a drastic effect on the environment and the values Te Uri o Hau has with their natural resources.

⁷ Appendix 5.

Te Uri o Hau Kaitiakitanga o te Taiao

Under Section 58(1)(a) of the Te Uri o Hau Claims Settlement Act 2002 the purpose of statutory acknowledgements are to require that consent authorities forward summaries of resource consent applications to Te Uri o Hau governance entity for activities within, adjacent to, or impacting directly on statutory areas. Section 63 requires consent authorities to record the statutory acknowledgement to all regional policy statements, regional coastal plans, other regional plans, district plans, and proposed plans as defined by section 2 of the Resource Management Act 1991. This may be by way of reference to this in part or by setting out the statutory acknowledgement in full.

Under section 59 of the Te Uri o Hau Claims Settlement Act 2002 the Crown acknowledges the statements made by Te Uri o Hau of the particular, cultural, spiritual, historic, and traditional association to the Pouto Stewardship area, Mangawhai marginal strip, Oruawharo River stewardship area, Kaipara Harbour coastal area (including Oruawharo River, Wairoa River, Otamatea River, Arapaoa river, and the Whakakei River), Pukekaroro Scenic Reserve, and Mangawhai Harbour coastal area.

Oruawharo River

Te Uri o Hau whaikorero about this area goes back to the era of our eponymous ancestor, Haumoewaarangi, when Te Uri o Hau first resided in the north Kaipara region. This area is very important to Te Uri o Hau because of the wāhi tapu and the urupā where our tūpuna rest. A wahine named Te Hana lived at Mahipatua Pa on the Pouto peninsula. Her whakapapa (genealogy) links were from a different tribe that lived peacefully among Te Uri o Hau at that time. Te Hana was betrothed to Rangiwhapapa, brother of Haumoewaarangi, who resided at a nearby kainga called Rangitane Pa. A warrior from Oporo Pa, which was located at the mouth of the Oruawharo River on the Okahukura peninsula, had heard of this beautiful woman that lived across the Wairoa River at Mahipatua Pa. He visited Te Hana's kainga in the hope of gaining her affections for himself. As Te Hana was pūhi (a virgin of noble family who was kept for the right match) she could not participate in the ceremonies but could only watch from a distance.

Te Uri o Hau traditions state that the visiting warrior cast a spell of atahu (love charm) over Te Hana so that her affections would be diverted to him. In time the spell began to weave its magic. Early one morning Te Hana and her maid sneaked down to the Wairoa River. They swam across the Wairoa River to the Okahukura peninsula, stopping to rest on the sandbanks on their way. While crossing the first channel, Te Hana's maid looked back to the Pouto peninsula and subsequently drowned. Te Hana, however, made it over to the other side and landed on Mānukapua Island where she was found and taken to Oporo Pa. On hearing of Te Hana's disappearance, and knowing where she had gone, Rangiwhapapa and his taua (war party) left Pouto for Okahukura. It is said that the waters of the Wairoa were black with canoes in their quest to retrieve Te Hana. A great battle took place and many lives were lost from both sides. The battle was fought along the ridge from Oporo Pa to Whakahuranga Pa and the invading taua from Pouto pushed the inhabitants of Okahukura

Te Uri o Hau Kaitiakitanga o te Taiao

out of the region. Te Hana was taken back to Pouto where she married Rangiwahapapa. The area known as the Oruawharo stewardship area is still tapu today.

The shores and banks of the Pouto peninsula, Mānukapua Island and the Kaipara Harbour were used as nohoanga by Te Uri o Hau Mānuka for gathering kai for the people. As kaitiaki Te Uri o Hau would also keep watch over the wāhi tapu sites in this area during their journeys around the Kaipara Harbour.

Pukekaroro Scenic Reserve

The maunga (mountain) Pukekaroro is of great importance to Te Uri o Hau. Pukekaroro was a key strategic site for Te Uri o Hau, as from the very top you are able to see the Mangawhai Heads to the east and the Kaipara Harbour entrance to the west. Traditionally Te Uri o Hau used the timber that grew on the mountain to build waka, which were renowned for their seaworthiness. During the battle known as Te Ika Ranganui in 1825, Karoro, a rangatira who had a pa site at the very top of the mountain retrieved many Te Uri o Hau dead and wounded from the surrounding area and carried them up to the pa so they would not be found by the enemy. Pukekaroro is of special spiritual significance to Te Uri o Hau because of the many wāhi tapu sites on the mountain. The mountain has been tapu since that battle and remains so today.

Kaipara Harbour

Te Uri o Hau has used the Kaipara Harbour for food and other resource gathering since long before 1840 and continue to do so today. Te Uri o Hau are kaitiaki of the harbour and its resources. There are many traditional land blocks surrounding the harbour that take their names from indigenous species that live within the Kaipara Harbour environs. There are natural features, which include sandbanks and reefs that have also been named after tūpuna of Te Uri o Hau. Many whānau have also been given names that refer to these features. Indeed the very name given to the harbour, kai meaning food and para meaning king fern, is our acknowledgment of the sustenance obtained by our people in and around the harbour.

The Kaipara Harbour is a primary source of life and well-being for Te Uri o Hau. The harbour has provided kaimoana (seafood) as well as communication routes. This is obvious in the placement of nga marae tūuturu (the ancestral marae) of Te Uri o Hau at the headlands and on the foreshores of the harbour. Te Uri o Hau believe that water is the very life force of our people, a basic and core element providing for our own existence. The harbour is a flowing together of the waters of many rivers as elaborated in the whaikorero of our tūpuna and honoured by each generation thereafter. The harbour has always been of the utmost importance to Te Uri o Hau.

Oruawharo River

The Oruawharo River was named after a rangatira, Ruawharo, who resided in the area around the river. The land adjoining the river, where the Te Uri o Hau marae “Rangimarie” is sited is also named Oruawharo. Te Uri o Hau has long gathered kaimoana from this river and continue to do so today, particularly from the oyster reserve located on the river. It was on this river that the first settlement of Albertlanders from Manchester was established in the Kaipara area. This settlement not only provided Te Uri o Hau with a market for their goods, but also enabled Te Uri o Hau and the settlers to interact with and learn from each other.

As you travel from the mouth of the Oruawharo River, towards the east, you reach the Topuni River, meaning the Rainbow River. Sometimes a rainbow forms above the meeting point of the Oruawharo River and the Topuni River. This rainbow, which can be seen at night as well as in the daylight, is vertical rather than a bow. When this rainbow is present, Te Uri o Hau believe that war is inevitable.

Wairoa River

The Wairoa River is one of the traditional communication links for all of Te Uri o Hau marae around the Kaipara Harbour. The awa (river) was used extensively throughout Te Uri o Hau history and last century prior to roads being established. Te Uri o Hau pā (fortified villages) sites, urupā and wāhi tapu line the shores of the Wairoa River. The Waikaretu Marae was formerly located on the banks of the Wairoa River. It has now been relocated to higher ground. The association of Te Uri o Hau with the Wairoa River has always been part of our history. Because it is the major transportation river of the northern Kaipara Harbour, many of Te Uri o Hau traditional histories involve the Wairoa. The numerous sandbanks and reefs along the length of the Wairoa River feature in many aspects of Te Uri o Hau history. Rongomai (Ariki of the Mahuhu ki te Rangi our ancestral waka) drowned on the west side of the Wairoa River; Mahanga (a Te Uri o Hau tūpuna) and his people drowned at sandbanks now called Te Wai a Mahanga (the waters of Mahanga) and Te Hana (an important maiden in Te Uri o Hau history) rested on three sandbanks of the Wairoa during her swim to Okahukura. Te Uri o Hau kaumatua and kuia also speak of the taniwha (river guardians) whose presence may be observed at times.

The resources of the Wairoa River have sustained Te Uri o Hau for generations and still do today, although to a lesser degree. The kaimoana of the Wairoa River is special to Te Uri o Hau and is considered a taonga. Te Uri o Hau historically guarded this taonga with extreme jealousy, threatening to kill anyone caught taking their resources without permission, especially if those caught did not belong to the tribe.

Otamatea River

The Otamatea river is a tidal tributary of the Kaipara Harbour. The land block known as Ranganui (meaning the great spur) divides the eastern end of the Otamatea into the Wairau River flowing northeast and the Kaiwaka River flowing southeast. Te Uri o Hau know the part of the Otamatea River that is in front of Ranganui as the Ranganui River. This part of the Otamatea River was crucial to Te Uri o Hau transportation and communication routes when travelling around the inner parts of their rohe. Traditionally Te Uri o Hau would travel by waka, past Ranganui, onto the Kaiwaka Creek, and then on to Mangawhai to gather kaimoana. As you travel down the Ranganui River toward the northeast you arrive at the Wairau River, which takes you into the township of Maungaturoto. To the southeast, the Ranganui River flows into the Kaiwaka River, which flows into the Kaiwaka township. Otamatea was named after Tamatea, a visitor from a distant region who travelled extensively throughout Aotearoa. When Tamatea came to the Ranganui River he found footprints along the banks of the tidal creek running from Kaiwaka into the Ranganui River, which indicated that the area was inhabited. In fact the area was inhabited by Te Uri o Hau who claimed to have been in the area since before the great migration.

Tamatea did not see Te Uri o Hau as they surrounded him. But he soon realised that he was surrounded and had no way to escape but to swim the river. Tamatea decided to call his God, Raiera, to come and protect him. Raiera came to him in the shape of a rock by the bank. Tamatea climbed on the rock and it drifted into the middle of the river. Out of curiosity Te Uri o Hau stormed the foreshore and induced Tamatea to return ashore. Tamatea accepted their invitation and thereafter Tamatea was greatly welcomed. Before returning to the eastern coast, Tamatea said “in recognition of your kindness and hospitality, I will leave my God, Raiera, in this river as a bridge for my descendants in days to come”. It is called Te Toka Turangi (the Rock of Tamatea) and the river was there after called Otamatea. Raiera has been seen at low tide, where the Kaiwaka Creek meets the Ranganui River and then on to the Otamatea River. It was last seen washed ashore at half tide mark outside Aotearoa marae when Arama Karaka Haututu the second died in the late 19th or early 20th century. Some years after Tamatea left, his son lived in the Kaipara area for many years, before returning to the eastern coast. His descendants reside at Otamatea and Oruawharo today. The Otamatea River played an important part in the life of Te Uri o Hau as part of their traditional communication routes in ancient times and continues to be important today. The Otamatea River is of great spiritual importance to Te Uri o Hau as there are many pa, wāhi tapu and urupā along both sides of the river. This river is also renowned for the many species of kaimoana that Te Uri o Hau used.

Arapaoa River

The Arapaoa River received its name, which in translation means Smoky Pathway, when Te Uri o Hau burnt off the scrub around the river once the land around the river was recognised as having good soil for planting crops. Te Uri o Hau Kaumatua and Kuia have said

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that the smoke was so thick that you had to take every precaution when travelling up the river.

The Arapaoa River flows east into the Pahi River and Paparoa Creek moving in a northerly direction. Te Uri o Hau has a spiritual connection with the Arapaoa River, which is evident today by the many wāhi tapu sites that can be seen along the river. The river was also one of the main kaimoana gathering places, and many nohoanga sites were established along both sides of the river. Many of Te Uri o Hau wounded from the battle known as Te Ika Ranganui in 1825 died along the shores of the Arapaoa River.

Whakakei River

Whakakei means 'to lift the harvest' or to 'lift the nets'. The Whakakei was well known for the big snapper that could be caught there due to the shellfish and worms found only in this area. The shellfish were similar to the toheroa and the shells of these species are still found today on the land as well as in the tidal mud flats. Because of the tremendous resources of this river, Pakarahaki, a rangatira of Te Uri o Hau, reserved it as his own fishing ground.

Te Uri o Hau has spiritual connections to the Whakakei River as seen by the many wāhi tapu sites on both sides of the river. The many kaimoana species that Te Uri o Hau would seasonally gather from the river are evident from the many middens within the traditional nohoanga areas.

As you travel towards the interior of the Whakakei, you pass the land known as Tuhirangi. The land along the river was very fertile and was used by Te Uri o Hau for many horticultural activities. Because of the fertility of the soil, Te Uri o Hau gifted some of this land to the Reverend William Gittos and his family as a show of friendship and so they would stay in the Kaipara area.

Mangawhai Harbour

Te Uri o Hau has an important spiritual relationship with Mangawhai Harbour due to the many wāhi tapu sites in the area. Traditionally, prior to the battle of Te Ika a Ranganui, Te Uri o Hau gathered kaimoana from the harbour. Te Uri o Hau also gathered materials for making tools for tattooing and cutting hair, flax fibres for use in certain types of weaving, and coastal grass species for tukutuku panels (woven panels) from the harbour and surrounding area.

There are many Te Uri o Hau traditional nohoanga within the Mangawhai area, where Te Uri o Hau would camp to enable them to gather what was required. Te Uri o Hau would then travel back to their kainga (villages) beside the Kaipara Harbour. The Mangawhai Harbour is

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on the eastern rim within the statutory area of Te Uri o Hau and played a role as a major resource kete (food basket).

In 1825 the battle known as Te Ika Ranganui began in this area. A large proportion of Te Uri o Hau died during this battle. As a result of this battle, Te Uri o Hau consider that the area from and including the Mangawhai Harbour to Kaiwaka and beyond is tapu.

PART 4

KAITIAKITANGA O TE TAI AO

28. Introduction

‘Te Uri o Hau Kaitiakitanga o te Taiao’ plan aims to advocate and support kaitiakitanga and the management and development of natural resources within the statutory area of Te Uri o Hau. This plan is addressed to Te Uri o Hau whānui (all whānau), the Crown and their representative agencies, resource consent applicants, research institutions, land-holders, a wider community and non-government organisations. In general Te Uri o Hau policies describe:

- *The ways in which Te Uri o Hau, as kaitiaki, want to participate in natural resource management within their statutory area of interest; and*
- *The rangatiratanga and kaitiakitanga of natural resources as guaranteed by Article 2 the Treaty of Waitangi.*

The Te Uri o Hau Claims Settlement Act 2002, Te Uri o Hau Deed of Settlement 2000 and stated principles and values of Te Uri o Hau are a guiding force, which sets the framework by which holistic natural resource management outcomes can be achieved.

‘Te Uri o Hau Kaitiakitanga o te Taiao’ plan provides a starting point to continue active participation in the management of natural resources and specific priorities to natural resources under Article 2 of the Treaty of Waitangi. Te Uri o Hau cultural, social, environmental and economic policies establish issues, objectives, policies that are of importance in the preservation, protection, enhancement and management of the environment. This is then supported by methods to achieve positive gains in the management of natural resources within Te Uri o Hau statutory area interest. A unified approach in the role of kaitiakitanga through the process of preparing and implementing this plan at both a marae and whānau level is a desired outcome for Te Uri o Hau.



Figure 3: Arapaoo River; Source: A Ranger, 2010.

29. Wai: Fresh Water

Issues

- *Pollution of freshwater-ways, wetlands and aquifers is a continual source of concern for Te Uri o Hau.*
- *Poor land management and use has left our natural water courses today unfit for human consumption within the statutory area of Te Uri o Hau.*
- *This is a serious affront to the preservation of the mauri within freshwater-ways, as well as the physical and spiritual health of Te Uri o Hau people and the wider community.*

Te Uri o Hau view freshwater as a necessity for life. In our traditions freshwater is sacred because of its purity and life supporting qualities. Freshwater is essential and plays an important role from birth through to death. Each freshwater body has its own mauri of life essence. Degradation of this natural resource is a major issue for Te Uri o Hau.

The Māori world-view and value of freshwater is expressed in the concept wairua, which is an underlying principle of the Te Uri o Hau relationship to freshwater. Traditionally freshwater was always conserved; like all taonga, water was protected. In order to prevent the bad uses of water, traditional methods for protection included rāhui and tapu. The mauri of freshwater represents the life-force of water resources and the ecology systems that live within that resource. Human activities such as urbanisation, development, agriculture and horticulture often impact on the mauri of freshwater which may have negative and/or positive effects.

Te Uri o Hau is committed to the holistic management of freshwater natural resources. Under section 14(3)(c) of the Resource Management Act 1991, Māori may use geothermal water, water, heat, or energy in accordance with tikanga Māori for the communal benefit of the tangata whenua of the area, and must have no adverse effect on the environment.

Objectives

Support the preservation and restoration of the mauri of all freshwater within the statutory area of Te Uri o Hau.

The maintenance and enhancement of the purity of freshwater and of all waters, rivers, streams, lakes, ponds, lagoons wetlands, impoundments, canals, channels, watercourses or other bodies of water whether naturally occurring or artificially made.

Policies

- Develop protocols for the protection of indigenous species within all freshwaters of estuaries or coastal lagoons, and all other fresh or estuarine waters where freshwater fish indigenous to or introduced into Aotearoa New Zealand are found.
- Develop protocols for a sustainable holistic freshwater management approach embracing Te Uri o Hau tikanga in partnership with the Northland Regional Council and Auckland Council.
- Develop protocols for the culturally appropriate monitoring of freshwater and saltwater in accordance with Te Uri o Hau tikanga in partnership with the Northland Regional Council and Auckland Council.
- Protect, restore and maintain existing wetlands in collaboration with the Northland Regional Council, Auckland Council and land-holders.
- Monitor discharges of wastes or pollutants directly to freshwater from agriculture, horticulture, marine farming, and subdivisions within the Te Uri o Hau rohe in collaboration with the Northland Regional Council, Auckland Regional Council and land-holders.
- Advocate appropriate planning of subdivisions to avoid, remedy or mitigate adverse effects to freshwater with resource consent applicants or their representatives, and developers.
- Collaborate the planning of roads and state-highways in communication with the Northland Regional Council, Kaipara District Council, Auckland Council and New Zealand Transport Agency (NZTA).
- Restore and enhance fourteen waterways through developing and implementing integrated catchment management plans led by tangata whenua/ahi kā through the marae.

Methods

Te Uri o Hau will work with tangata whenua/ahi kā through the marae, the Northland Regional Council, Kaipara District Council, Auckland Council and land-holders to co-ordinate the governance, management, control, use and monitoring of all fresh water within the statutory area of Te Uri o Hau.

30. Tawhirimatea: Air

Issues

- ***Degradation to the quality of air in the Te Uri o Hau statutory area of interest is a significant natural resource management issue.***
- ***The contamination of air adversely affects the mauri of all living things including plants, animals and people.***



Figure 4: Taporapora; Source: M. Miru, 2010.

The airspace is considered a taonga above Te Uri o Hau tribal territory. It is the hauora (health) of the people that is derived from the mauri of Tawhirimatea. Clean air is a core life sustaining element, and is essential for the well-being of people, animals and plants. Te Uri o Hau is committed to the holistic management of air.

Under Article 2 of the Treaty of Waitangi the Crown have an obligation to protect air as a Treaty right.

Objectives

Protect the mauri of air to ensure excellent air quality within the statutory area of Te Uri o Hau.

Policies

- The full recognition and implementation of Māori natural resource management practices to preserve the mauri for the airspace of Tawhirimatea within the statutory area of Te Uri o Hau.
- Develop tikanga to put into operation the appropriate practices that will preserve the mauri of airspaces of Tawhirimatea.
- Provide recognition within national, regional and coastal policy statements, plans, policies and strategies for the necessity of protecting and preserving the mauri of airspace of Tawhirimatea.

Te Uri o Hau Kaitiakitanga o te Taiao

- Promote the decrease of discharges to airspace of Tawhirimatea by industrial activities, crematoriums and land-use activities within the statutory area of Te Uri o Hau.
- Advocate the decrease of noise effects within the airspace of Tawhirimatea through roading, residential, earthworks, and development within the statutory area of Te Uri o Hau.

Methods

Te Uri o Hau will seek resources in order to work with the Northland Regional Council, Auckland Regional Council and the Northland Health Board in the management, control and use of the airspace of Tawhirimatea within the statutory area of Te Uri o Hau.

31. Takutai Moana : Marine and Coastal Area and Harbours

Issues

- ***The use and abuse of the marine and coastal areas, harbours, and estuaries within the statutory area of Te Uri o Hau has been an on-going concern.***

Te Uri o Hau has a special physical and spiritual relationship with the marine and coastal area, and the Kaipara and Mangawhai Harbours. Te Uri o Hau is committed to the holistic management of the marine and coastal area and harbours. The marine and coastal area, harbours and their estuaries are the main breeding areas of mahinga mataitai, and are the life support of the entire marine and coastal area. The marine and coastal area, and harbours have provided a traditional food source, natural materials for tools, customary practices and transportation for trade and barter.

Te Uri o Hau maintains a long traditional relationship with the marine and coastal area, and the Kaipara and Mangawhai Harbours and the many catchments of the rivers that enter these harbours. Ngāti Whātua and their associated hapū have held mana over both land and water through numerous generations of occupation.



Figure 5: The coast of the Kaipara Harbour
Source: Integrated Kaipara Harbour Management Group, www.kaiparaharbour.net

Te Uri o Hau continue to apply customary techniques to protect the mauri of the marine and coastal area and harbours through maintaining tikanga Māori. Today, tikanga for Te Uri o Hau evolves to adjust to change. Understanding marine and land tenure to Te Uri o Hau is a underlying principle when defining tikanga Māori values in any relationship to the marine and coastal area and harbours. Traditional management methods based on the concept of rangatiratanga include making territorial decisions, generally exercised on a hapū basis to ensure the sustainability of natural resources. Practices such as using rāhui to conserve food sources also form part of rituals and regulations of the marine and coastal area and harbours for Te Uri o Hau.

Te Uri o Hau Kaitiakitanga o te Taiao

The Kaipara Harbour is a source of mana and pride for the hapū and iwi of Ngāti Whātua. The harbour is recognised not only for its cultural and spiritual connection to Te Uri o Hau and Ngāti Whātua but also its important physical and economic attributes. The well-being of the Kaipara is paramount to Te Uri o Hau and Ngāti Whātua– “it is our family member, we are of the same.”

The Te Uri o Hau Claims Settlement Act 2002 outlines a holistic management approach. While the Kaipara Harbour is in environmental decline the vision is for the creation of a healthy and productive harbour. The Crown and their representative agencies have multiple and overlapping roles with regard to the management of harbours and the marine and coastal area. Tangata whenua and the local community have settled on the view that a sustainable integrated catchment management plan or co-management is the correct mechanism to address the issues to restore the Kaipara Harbour in particular to a healthy and productive state.



Figure 6: Taporapora; Source: Miru, M., 2010.

The Kaipara Harbour is New Zealand’s largest estuarine ecosystem. It is the receiving environment of a massive 640,000ha catchment. The Kaipara contains four broad ecosystems including forest freshwater, shrub lands, dune lands and estuarine ecosystem. The Kaipara Harbour also contains some of the rarest ecosystems in Aotearoa New Zealand namely sand dune, sea-grass, freshwater and estuarine wetland ecosystems. Evidence exists that the Kaipara Harbour plays a significant fisheries role in the wider west coast north island ecosystem by acting as a nursery ground (Makey, L., 2010)

Objectives

Integrated management of the marine and coastal area and the Kaipara and Mangawhai harbours within the statutory area of Te Uri o Hau led by tangata whenua/ahi kā.

Policies

- Develop protocols with the Crown and their representative agencies, neighbouring hapū and iwi, and the wider community for the transfer and management or co-management of the marine and coastal area, Kaipara and Mangawhai Harbours under section 33 of the Resource Management Act 1991.

Te Uri o Hau Kaitiakitanga o te Taiao

- Protect the biodiversity of the marine and coastal area, and the Kaipara and Mangawhai Harbours through sustaining the mauri of ecological systems within harbours and estuaries in accordance with Te Uri o Hau customary practices and lore.
- Collaborate with the Northland Regional Council, Kaipara District Council, Auckland Council, resource consent applicants, and land-holders to minimise adverse effects of land use and development of the marine and coastal area, and the Kaipara and Mangawhai Harbours through land based waste disposal schemes (including earthworks controls).
- Promote aquaculture management protocols to minimise the effects of aquaculture structures through the degradation of the marine and coastal area, and the Kaipara and Mangawhai Harbours.
- Lobby for the appropriate planning of marinas and moorings to avoid, remedy or mitigate adverse effects to the marine and coastal area with the Northland Regional Council and Auckland Council.
- Lobby for the appropriate planning of subdivisions to avoid, remedy or mitigate adverse effects to the marine and coastal area, and the Kaipara and Mangawhai Harbours with the Northland Regional Council, Kaipara District Council and Auckland Council.
- Advocate appropriate planning of roads to avoid, remedy or mitigate adverse effects to the marine and coastal area, and the Kaipara and Mangawhai Harbours with the Northland Regional Council, Kaipara District Council, Auckland Council and New Zealand Transport Agency (NZTA).
- Educate the wider community in the adverse effects of agriculture run-off to the coastal marine area and the Kaipara and Mangawhai Harbours to minimise negative effects in collaboration with the Northland Regional Council, Auckland Council and Ministry of Primary Industries.
- Protect existing riparian vegetation and encourage native vegetation plantings along all waterways adjacent to the marine and coastal area, and the Kaipara and Mangawhai Harbours to act as a buffer or filter in collaboration with the Northland Regional Council, Auckland Council, Department of Conservation, Ministry of Primary Industries and other non-government agencies including Fonterra and Te Arai Coastal Lands Trust.

Methods

Te Uri o Hau with Ngāti Whātua and key stakeholders will develop a clear and common philosophy of how ecosystems within the marine and coastal area and the Kaipara and Mangawhai Harbours will be managed by tangata whenua/ahi kā, Northland Regional Council, Auckland Regional Council, Department of Conservation and the Ministry of Primary Industries. All parties will ensure adequate provision for public participation across all sectors (i.e. fisheries, marine protection, and resource consent applicants).

Te Uri o Hau will continue to take an active leadership role in effective integrated management of the marine and coastal area and the Kaipara and Mangawhai Harbours.

Te Uri o Hau will lobby the Northland Regional Council, Auckland Council, Department of Conservation, Ministry of Primary Industries and the wider community to ensure adequate resourcing and commitment is given to the integrated management of the marine and coastal area, and the Kaipara and Mangawhai Harbours.

32. Customary Fisheries

Issues

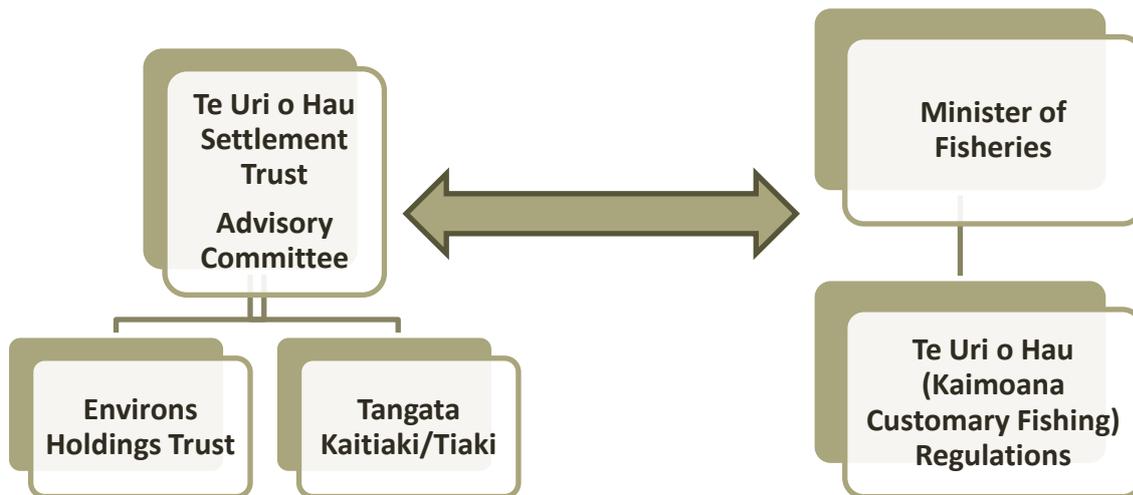
- *Te Uri o Hau as kaitiaki seeks to assure their role as having mana moana over their fisheries within the statutory area of Te Uri o Hau.*
- *Promote Te Uri o Hau participation in the management and administration of toheroa, fish, shell-fish, seaweed and aquatic life for future generations.*
- *Ensure Te Uri o Hau are accorded their statutory obligations by the Crown and its representative agencies under the Te Uri o Hau Deed of Settlement 2000 and Te Uri o Hau Settlement Act 2002.*
- *The regeneration and sustainability of shellfish for future generations.*
- *The degradation of waterways and decline of tuna in rivers and streams through pollution and habitat depletion.*

Te Uri o Hau has been appointed as an Advisory Committee under section 21 of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995, to provide advice to the Minister of Fisheries (now known as Ministry of Primary Industries) on all matters concerning the utilisation, while ensuring sustainability, of fish, seaweed, shell-fish and aquatic life administered by the Minister of Fisheries within Te Uri o Hau Fisheries Protocol/Advisory Area.

Te Uri o Hau Fisheries Protocol/Advisory Area means the waters (including the foreshore and seabed) of the coastal areas adjacent to the coastal boundary within the Kaipara and Mangawhai harbours and extending to the outer limits of the Exclusive Economic Zone (as defined in the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977).

Legal obligations to Te Uri o Hau concerning non-commercial fishing rights are defined by section of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, sections 33 and 36 of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 and sections 5 and 12 of the Fisheries Act 1996. Plate 4.1 shows the Te Uri o Hau customary fisheries statutory relationship to the Minister of Fisheries (now known as Ministry of Primary Industries) under the Te Uri o Hau Claims Settlement Act 2002.

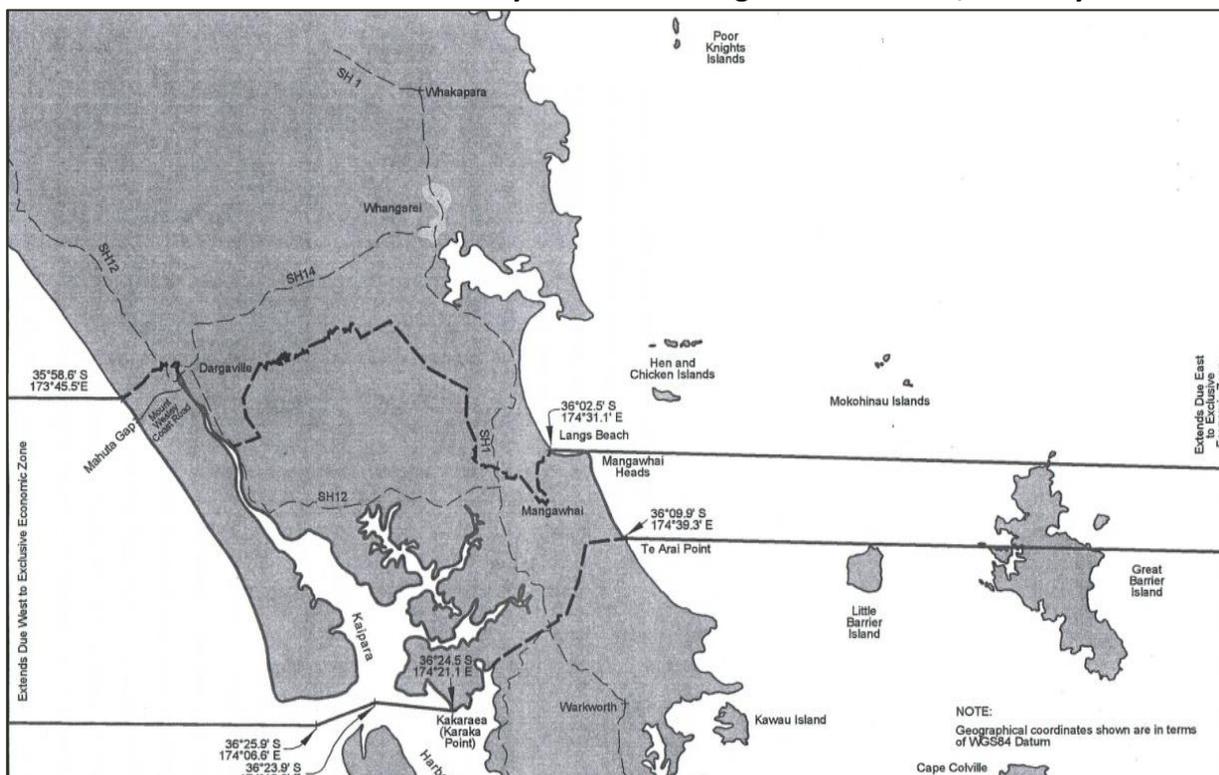
Plate 4.1 Te Uri o Hau Customary Fisheries Statutory Relationship



Tangata Kaitiaki/Tiaki

Under regulation 6 of the Fisheries (Kaimoana Customary Fishing) Regulation 1998, Te Uri o Hau Settlement Trust is representative of tangata whenua who claim management rights within their statutory area of interest. Te Uri o Hau will occasionally nominate Tangata Kaitiaki/Tiaki for managing customary food gathering from north of Mahuta Gap to Kakaraea-Karaka Point (west coast North Island and Langes Beach to Te Arai Point on the east coast of the North Island). The areas extend to the limit of the exclusive economic zone. Plate 4.2 represents Te Uri o Hau Customary Fisheries Management Protocol/Advisory Area.

Plate 4.2 Te Uri o Hau Customary Fisheries Management Protocol/Advisory Area



Fish

The Crown acknowledges Te Uri o Hau customary non-commercial interest in shark, ray, flounder, snapper, kahawai and mullet fisheries within Te Uri o Hau Fisheries Protocol/Advisory Area. Te Uri o Hau acknowledge the Minister of Fisheries responsibility in the management of fisheries. Under 5.6.2 of the Te Uri o Hau Deed of Settlement 2000, the Minister of Fisheries will consult with the advisory committee of Te Uri o Hau and recognise and provide for the customary non-commercial interest of Te Uri o Hau in shark, ray, flounder, snapper, kahawai and mullet in Te Uri o Hau Advisory Area, consistent with the overall objectives of the fisheries legislation.

In developing protocols for the sustainable management of natural resources within the Te Uri o Hau Fisheries Protocol/Advisory Area, Te Uri o Hau will use tools such as mataitai reserves, rāhui and taiapure.

- A **mataitai** reserve identifies an area that is a place of importance for customary food gathering and allows for tangata whenua to manage these areas. Komiti Kaitiaki are appointed by tangata whenua to manage the reserve through the making of bylaws (which must be approved by the Minister responsible for Fisheries, and must apply generally to all individuals). A mataitai reserve prohibits commercial fishing within its boundaries unless otherwise authorised by the Minister of Fisheries.
- A **rāhui** is a temporary closure provision under Section 186B of the Fisheries Act 1996, allowing for the closure or restriction of fishing methods in an area. The purpose of a rāhui is to improve the size and/or availability of fish stocks, or to recognise the use and management by tangata whenua.
- A **taiapure** identifies an area (being estuarine or littoral coastal waters) that has been customarily been of special significance to an iwi or hapū as a source of food or for spiritual or cultural reasons. The provisions for taiapure are contained in Part IX of the Fisheries Act 1996. The provisions include a management committee to be established to give advice and recommendations to the Minister responsible for Fisheries and for regulations.

Toheroa



While toheroa (*Pahies Ventricosa*) spat disappears almost immediately, tuatua takes a little longer because they dig down into the sand and can live there up to six weeks. The temperature of the water and sand influences the number of spat produced. Toheroa spawn twice a year in April and September and with the full moon on big tides, toheroa spat are swept closer to the sand dunes. Toheroa also like fresh water and often beds can be found near fresh running water.

Figure 7: Spat of toheroa

Source: Integrated Kaipara Harbour Management Group, www.kaiparaharbour.net

The Crown through the Ministry of Primary Industries (formerly know as Ministry for Agriculture and Fisheries) acknowledges Te Uri o Hau customary non-commercial interests of the toheroa from Mahuta gap (west of Dargaville) south to the north head of the Kaipara Harbour. Te Uri o Hau are an advisory body to the Minister of Fisheries on all issues where toheroa is concerned.

Objectives

Promote the sustainable management of fish, toheroa, eels, shell-fish, seaweed and aquatic life for Te Uri o Hau future generations.

Policies

- Actively participate in the sustainable management of fish, seaweed, shell-fish and aquatic life in accordance with Te Uri o Hau traditional practices and customary lore within Te Uri o Hau Fisheries Protocol/Advisory Area.
- Advise the Minister of Fisheries on specific issues concerning fisheries within Te Uri o Hau Fisheries Protocol/Advisory Area with regard to the protection of specific fisheries such as toheroa and tuna (eels).
- Provide for Te Uri o Hau customary non-commercial interests ensuring sustainability in the utilisation of fish, toheroa, eels, seaweed and aquatic life within Te Uri o Hau Fisheries Protocol/Advisory Area.
- Te Uri o Hau, with the Ministry of Primary Industries (formerly known as Ministry of Agriculture and Fisheries), will consider methods to protect Te Uri o Hau customary rights to the eel within all the lakes on the Pouto peninsula. Should Te Uri o Hau wish to improve stock numbers for future aquaculture farming projects then the

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Ministry of Primary Industries (formerly known as Ministry of Agriculture and Fisheries) will consider those proposals.

- Te Uri o Hau, in communication with the wider community, will develop strategies for the sustainable management of fish, toheroa, tuna, seaweed, shellfish and aquatic life within Te Uri o Hau Fisheries Protocol/Advisory Area.
- Maintain the potential of fisheries resources to meet the reasonable foreseeable needs of future generations by ensuring the sustainability of natural fisheries resources through Te Uri o Hau tikanga.
- Right of first refusal over certain shellfish species if introduced into the quota management system in accordance with Te Uri o Hau Claims Settlement Act 2002.
- Conserving, using, enhancing and developing fisheries resources to enable Te Uri o Hau people and the wider community to provide for their cultural, environmental social and economic well-being.
- Educate and promote that associated or dependent species are maintained above a level that ensures sustainable long-term viability.
- Advocate the protection, enhancement and management of the biological diversity of the aquatic environment.
- Advocate the protection, enhancement and management of habitat significant to fisheries management.

Methods

Te Uri o Hau will work with the Ministry of Primary Industries (formerly known as Ministry of Agriculture and Fisheries) to develop sustainable measures and reporting provisions for the management of fish, toheroa, eels, shellfish, seaweed and aquatic life within the Te Uri o Hau Fisheries Protocol/Advisory Area.

Te Uri o Hau will work with tangata whenua/ahi kā to ensure empowerment as kaitiaki in shellfish fisheries management.

Te Uri o Hau will collaborate with the Ministry of Primary Industries (formerly known as Ministry of Agriculture and Fisheries), research institutes and the wider community for the protection of fish, toheroa, tuna, seaweed and aquatic life within the Te Uri o Hau Fisheries Protocol/Advisory Area.

33. Oyster Reserves

Issues

- *That other plans (e.g. Regional Coastal Plans) may unnecessarily constrain customary management of oyster reserves e.g. Aquaculture Management Areas.*
- *Whilst the Crown has recognised the significance of oyster reserves to Te Uri o Hau, enabling regulations has yet to be implemented to empower Te Uri o Hau management and use of the reserves.*

Statutory regulations propose to meet the Te Uri o Hau Treaty settlement obligations under the Te Uri o Hau Claims Settlement Act 2002, in relation to the oyster reserves in the Kaipara Harbour.

As part of the Te Uri o Hau Claims Settlement Act 2002, the Crown agreed to restore to Te Uri o Hau access to traditional foods and food gathering areas. In particular, the cultural redress package recognised the customary non-commercial relationship between Te Uri o Hau oysters within the existing Māori Oyster Areas of the Kaipara Harbour.



Figure 8: Arapaoa; Source: Ranger, A., 2010

The Crown agreed that the Minister of Fisheries would recommend to the Governor General regulations to be made under Part IX of Fisheries Act 1996 and section 297 of the Fisheries Act 1996.

In addition, regulations 9(e) (the current regulation) of the Fisheries (Auckland and Kermadec Areas Amateur Fishing) Regulations 1986 prohibit non-Māori from taking oysters within the Māori Oyster Areas of the Kaipara Harbour. Historically, amendments have broadened the concept of regulation 9, whereas the new proposal allows the Crown to acknowledge the special association of Te Uri o Hau with the Oyster Reserves as confirmed by the Te Uri o Hau Claims Settlement Act 2002.

Objectives

Effective customary harvesting and management of Te Uri o Hau Māori Oyster Reserves within the Kaipara Harbour by tangata whenua/ahi kā.

Policies

- Te Uri o Hau, with the Ministry of Primary Industries (formerly known as Ministry of Agriculture and Fisheries), will make provisions for regulations for the customary management of Māori Oyster Reserves in the Kaipara Harbour. This includes the following areas of the Kaipara Harbour: Arapaoa and Otamatea Rivers between Te Kopua Point and Waipako; Otamatea River between Batley Wharf and Tanoa Point; Otamatea River between Paparaoa Point and Onoke Point; Oruawharo River (Motu Ngaio) between Raekau Wharf (Te Raekau) and Waingopai (Waingohe) Creek; and Wairoa River between Pouto Wharf (Pouto Point) and Sail Point.
- Te Uri o Hau will nominate committee/s to manage customary non-commercial food gathering of oysters within the Māori Oyster Reserves.
- Te Uri o Hau will develop a management plan for the Māori Oyster Reserves with purpose and principles that are consistent with the Fisheries Act 1996.

Methods

Te Uri o Hau will meet regularly with staff of the Ministry of Primary Industries (formerly known as Ministry of Agriculture and Fisheries) to finalise the Te Uri o Hau Māori Oyster Regulations to ensure the customary use and management of Māori Oyster Reserves within the Kaipara Harbour.

Te Uri o Hau will work with kaitiaki/ahi kā to ensure they are empowered through resourcing to sustainably manage and harvest the Māori Oyster Reserves.

Te Uri o Hau will work with the Crown and their representative agencies to ensure constraints on the customary management of the Māori Oyster Reserves are removed or avoided.

Te Uri o Hau will collaborate with other hapū/iwi with Māori Oyster Reserves.

34. Whenua: Land

Issues

- ***It is an issue of great concern to Te Uri o Hau that the mauri of these taonga have not been sustained due to poor land management practices.***

The Te Uri o Hau rohe is considered a taonga; this also includes all natural resources associated to the land.



*Figure 9: View from the top of Pukekaroro;
Source: Miru, M., 2010.*

Te Uri o Hau is committed to the holistic management of land. Te Uri o Hau has an abundance and wealth of natural resources within the statutory area of Te Uri o Hau.

The coastal margins and forest regions historically provided Te Uri o Hau with a profusion of kai and living materials. Natural features and landscapes are valued for their unique characteristics, strategic location or historical importance. Te Uri o Hau has identified many of these areas that are of importance and as kaitiaki Te Uri o Hau must ensure they are protected and maintained for future generations.

Objectives

Te Uri o Hau tikanga and tino rangatiratanga in accordance with the use of the natural resource management of whenua within the statutory area of Te Uri o Hau is recognised and provided for.

Policies

- Promote recognition of Te Uri o Hau tikanga regarding the use and management of whenua within the Northland Regional Council, Kaipara District Council and Auckland Council policy statements, plans, policies and strategies.
- Provide appropriate resource consent advice in the planning of subdivisions to minimise adverse effects to the environment while protecting Te Uri o Hau wāhi

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tapu/wāhi taonga and the biodiversity of the whenua.

- Protection of existing indigenous plants and animals, and promote the restoration of habitat through developing strategies for plant and pest control, and revegetation with locally significant native plants and trees.
- Appropriate planning of roads including state-highways in collaboration with the Northland Regional Council, Kaipara District Council, Auckland Council and the New Zealand Transport Agency (NZTA).
- Through education, promote sustainable land management practices which improve the indigenous flora and fauna and its indigenous biodiversity to ensure the health of waterways, marine and coastal areas, and the Kaipara and Mangawhai Harbours, in collaboration with the Northland Regional Council, Kaipara District Council, Auckland Regional Council, Ministry of Primary Industries (formerly known as the Ministry of Agriculture and Fisheries) and Department of Conservation.

Methods

Te Uri o Hau will seek adequate resources to ensure an effective and equitable partnership in the statutory and non-statutory decision-making processes and issues that affect whenua within the statutory area of Te Uri o Hau in collaboration with Northland Regional Council, Kaipara District Council and Auckland Council.

Te Uri o Hau will work collaboratively with land-holders, developers, and lobby groups etc. to improve land management practices that protect and enhance the mauri of our whenua.

Te Uri o Hau will support kaitiaki/ahi kā to ensure they are empowered to actively participate in resource consent processes in relation to land use activities in collaboration with the Northland Regional Council, Kaipara District Council, and Auckland Council.

35. Growth and Development

Issues

- ***Inappropriate development and uncontrolled growth is having adverse effects on Te Uri o Hau environment, taonga and relationships.***
- ***The mitigation and remediation of adverse effects to natural resources within the statutory area of Te Uri o Hau in the development of subdivisions and the associated infrastructure.***

Population growth is an inevitable factor in Aotearoa New Zealand. However, ensuring sustainable growth through the development of subdivisions is pivotal in the development of any lands within the statutory area of Te Uri o Hau. There are many ways in which mitigation or remediation might be undertaken. The challenge for Te Uri o Hau, resource consent applicants, developers and land-holders, will be finding practical solutions for creating sustainable development. There are many ways in which Te Uri o Hau, resource consent applicants, developers and land holders can work together to find such practical solutions.

The need for papakāinga housing and employment opportunities is essential for Te Uri o Hau. Climate change considerations also need to be recognised in development proposals e.g. energy efficiency strategies, renewable energy, self-sufficiency, and the protection of productive soils for food production.

Objectives

Sustainably manage and use natural resources while providing for adequate housing infrastructure and population growth within the statutory area of Te Uri o Hau.

Support resilient, self-sufficient communities with a focus on community-wide solutions including sewage disposal, self-sufficient water supplies and renewable energy.

Policies

- Memoranda of Understanding or other forms of agreements with resource consent applicants, developers and land-holders to determine how a development will proceed, and which may include processes to be followed in the event of a culturally significant site and/or taonga being discovered.

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- Memoranda of Understanding to ensure practical solutions are provided for the mitigation or remediation of adverse effects of any growth and development.
- Any proposed development or subdivision shall avoid, remedy or mitigate adverse effects of natural hazards including erosion, flooding and inundation, landslips, rock fall, alluvion (deposition of alluvium), avulsion (erosion by streams and rivers), unconsolidated fill, soil contamination, subsidence, and fire hazards.
- Where no reticulated water supply is available, the ability to provide individual water supply on any respective allotment within a subdivision/development.
- The adequacy of the supply of water to every allotment being created on the subdivision, and its suitability for the likely land use, e.g. the installation of filtration equipment if necessary, and water supplies for fire fighting purposes.
- The provision of allotments with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way to mitigate any adverse effects of storm-water runoff on receiving environments.
- Control of water-borne contaminants, litter and sediments, and the effectiveness and environmental impacts of any measures proposed for by avoiding or mitigating the effects of storm-water run-off, including low impact design principles.
- All plantings to be locally sourced native species.
- Where connection is not available for sanitary sewage disposal, all allotments in urban, rural and coastal zones shall be provided with a means of disposing of sanitary sewerage within the neat area of the allotment, except where the allotment is for a road, or for access purposes, or for a purpose of activity for which sewerage is not necessary.
- Locally produced renewable energy that is of an appropriate scale and technology is supported by Te Uri o Hau.
- Preservation of heritage resources, vegetation, fauna and landscape and land set aside for conservation purposes including notable trees, historic sites, buildings or objects, and sites of cultural significance to Te Uri o Hau. The continued preservation and enhancement of any natural resource, area or feature shall be an on going condition for approval to subdivision consents.
- Te Uri o Hau access to sites and places for cultural purposes is provided through appropriate mechanisms e.g. legal agreement, condition of consent.

Methods

Te Uri o Hau will establish Memoranda of Understanding with resource consent applicants, developers and land-holders to establish clear resource consent processes, consultation and assessments of subdivisions, and development within the statutory area of Te Uri o Hau.

Te Uri o Hau in collaboration with the Northland Regional Council, Kaipara District Council, Auckland Council and wider community will develop strategies for the sustainable growth and development of resilient, self-sufficient communities within the statutory area of Te Uri o Hau.

36. Wāhi tapu and Wāhi Taonga: Sacred Area and Treasures

Issues

- *Wāhi tapu and wāhi taonga such as urupā or tauranga waka and areas of sites of significance are often desecrated.*
- *Te Uri o Hau cultural and spiritual values associated with such areas are often disregarded. This is a serious offence to the mana, wairua and tino rangatiratanga of Te Uri o Hau.*

The Te Uri o Hau association to wāhi tapu and wāhi taonga provides for the last remnants of Te Uri o Hau cultural, historical and traditional settlement within the statutory area of Te Uri o Hau. Taonga were taken from wāhi tapu in the Wairoa-Kaipara district and the Pouto peninsula without the permission of the tangata whenua/ahi kā despite voiced concerns about the violation of wāhi tapu and wāhi taonga.



Figure 10: Pouto; Source: Te Uri o Hau.

The application of wāhi tapu and wāhi taonga is related to those things considered culturally valuable to Te Uri o Hau which may have a tangible or intangible element. Article 2 of the Treaty of Waitangi acknowledges taonga as being lands, estates, forests, fisheries and other properties. Wāhi tapu and wāhi taonga represents an element of Te Uri o Hau philosophical world view and all living things representing mauri.

Objectives

The protection and preservation of all urupā, wāhi tapu and wāhi taonga and archaeological sites within the statutory area of Te Uri o Hau.

Respect is shown for Te Uri o Hau association with urupā, wāhi tapu and wāhi taonga, and archaeological sites within the statutory area of Te Uri o Hau.

Acknowledgement of the relationship and association with Te Uri o Hau and their wāhi tapu, wāhi taonga, and archaeological sites within the statutory area of Te Uri o Hau is accurately recognised and provided for.

Policies

- Promote the identification, protection, preservation, conservation and values of Te Uri o Hau sites of urupā, wāhi tapu, and wāhi taonga and archaeological sites.
- Prevent the desecration of urupā, wāhi tapu and wāhi taonga including archaeological sites, Te Uri o Hau sites of significance and cultural redress properties within the statutory area of Te Uri o Hau.
- Develop protocols to work with the Northland Regional Council, Kaipara District Council, Auckland Council, New Zealand Historic Places Trust, Department of Conservation, and Ministry of Culture and Heritage in the management of wāhi tapu and wāhi taonga within the statutory area of Te Uri o Hau.
- Work with the Northland Regional Council, Kaipara District Council, Auckland Council, New Zealand Historic Places Trust, Department of Conservation and the Ministry of Culture and Heritage, developers and land-holders to ensure the preservation and protection of wāhi tapu, wāhi taonga, urupā and archaeological sites to ensure there are no significant earthworks and disturbances of soil and/or vegetation will be avoided where possible.

Methods

Te Uri o Hau will work with the Northland Regional Council, Kaipara District Council, Auckland Council, New Zealand Historic Places Trust, Department of Conservation to ensure that their policies and plans are consistent with Te Uri o Hau policies in regards to urupā, wāhi tapu and wāhi taonga including archaeological sites.

Develop protocols for wheua (human remains) or taonga found or uncovered within the statutory area of Te Uri o Hau.

Where significant earthworks and disturbances of soil and/or vegetation cannot be avoided, Te Uri o Hau will be consulted and particular regard will be given to our relevant policies, including those relating to wheua tangata (unidentified human remains) and archaeological sites.

Develop a database of wāhi tapu and wāhi taonga within the statutory area of Te Uri o Hau.

37. Minerals

Issues

- ***Inappropriate extraction of minerals from Te Uri o Hau rohe has desecrated natural resources. This can negatively impact on Papatuanuku, ecological systems and the mauri within those systems.***

The Crown Minerals Act 1991 defines a number of natural resources in respect of minerals including coal, gold, industrial rocks and building stones, non-metallic and metallic minerals, sand, silver, fuel minerals, petroleum and uranium. For the benefit of national interest the Crown retains the statutory management of nationalised minerals including petroleum, gold, silver and uranium.

Under the Crown Minerals Act 1991 the Crown retains a property right to minerals under Section 107 of the Te Uri o Hau Claims Settlement Act 2002. The Ministry of Economic Development will, on a continuing basis, ensure consultation with Te Uri O Hau and provide for the input of Te Uri o Hau into the decision-making processes of the Ministry. The protocol area is defined as the waters (including foreshore and seabed) of the marine and coastal areas adjacent to the coastal boundary of the Kaipara Harbour and the Mangawhai Harbour, and extending to the outer limit of the Exclusive Economic Zone (as defined in the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977). This protocol acknowledges the Crown's pre-emptive rights to minerals within the statutory area of Te Uri o Hau including the foreshore and seabed.



Figure 11: Kaipara Harbour;
Source: New Zealand Land Trust.

Te Uri o Hau seek to ensure that their cultural values are taken into consideration in any mining of minerals or activities associated with mining within the Te Uri o Hau rohe. As kaitiaki of their natural resources Te Uri o Hau place a significant value on natural resources, the environment, and everything that lives within the environment and give particular regard to their wāhi tapu, wāhi taonga or sacred sites of significance.

Objectives

Protocols are developed and implemented that provide for Te Uri o Hau values in the management of minerals within the statutory area of Te Uri o Hau.

Policies

- Te Uri o Hau is consulted by the Ministry of Economic Development in all mining activities within Te Uri o Hau rohe in a manner that is consistent with the principles of the Treaty of Waitangi.
- Te Uri o Hau are consulted by the Ministry of Economic Development in the preparation of any new minerals programme, and the planning, or any tender allocation of a permit block within the Te Uri o Hau coastal marine area.
- Te Uri o Hau are consulted by the Ministry of Economic Development concerning the renewal of permits where land is extended within the permit block that are in Te Uri o Hau marine and coastal areas.
- Te Uri o Hau is to be consulted of any mining activities that are to occur in the statutory area of Te Uri o Hau. Particular regard is to be given to Te Uri o Hau cultural and environmental concerns.
- Te Uri o Hau will seek to reserve land with taonga such as natural landscapes, characteristics, features, wāhi tapu, wāhi taonga, and archaeological sites from the extraction of minerals within the statutory area of Te Uri o Hau.
- Biological diversity is preserved to the highest possible extent. The investigation and utilisation of Te Uri o Hau mineral resources is provided for, whilst ensuring that associated effects on the whenua are avoided or remedied.

Methods

The Ministry of Economic Development will exercise its functions, powers, and duties in relation to specified matters within Te Uri o Hau Protocol Area.

The Ministry of Economic Development, on a continuing basis, will consult with Te Uri o Hau and provide for the input of Te Uri o Hau into the decision-making processes of the Ministry.

Te Uri o Hau will work with the Ministry of Economic Development, Northland Regional Council, Kaipara District Council, Auckland Council, and the Department of Conservation to ensure that all mining within the statutory area of Te Uri o Hau is sustainable for future generations.

Develop Memoranda of Understanding with mining companies within the statutory area of Te Uri o Hau. These agreements will help to ensure mineral extraction is at a rate where there will be a net environmental gain (e.g. replanting of site after extraction is complete, ponds to be developed to include wetlands and bird habitat etc.) that is sustainable for future generations. These agreements will mitigate the adverse effects to the environment.

38. Biodiversity

Issues

- ***Massive loss of indigenous biodiversity and habitats, especially wetlands, compounded by increasing pest plant and animal numbers.***
- ***Ensuring the recognition of Te Uri o Hau mātauranga Māori and tikanga in the management and administration of indigenous biodiversity within Te Uri o Hau DOC Protocol Area.***
- ***The lack of recognition of Te Uri o Hau special association with indigenous species, fish, flora and fauna within the Te Uri o Hau Department of Conservation Protocol Area.***
- ***Intellectual property rights to indigenous forests, flora and fauna is an issue under WAI 262 e.g. bioprospecting.***
- ***On-going disregard for the mauri of indigenous forests, flora and fauna within the statutory area of Te Uri o Hau. Introduced pests and the effects of bush clearing has meant that there has been almost total destruction of native forests within the statutory area of Te Uri o Hau .***
- ***Te Uri o Hau recognises that any negative effects on one indigenous species may have unforeseen flow-on effects for other indigenous species and ecosystems.***

Northland habitats have more threatened species than any other region in Aotearoa New Zealand. There has been a compounding habitat loss and degradation, PTA (*Phytophthora taxon agathis*) has affected kauri without any sign of a possible cure, and the number of marine pests has increased in Northland harbours.

There is some level of legal protection of biodiversity through resource consents for subdivisions, development and land-use, however activities that are permitted may lead to significant biodiversity losses and do not require a resource consent, e.g. farming and forestry activities. There needs to be a requirement of legal protection and active management e.g. by implementing an on going biodiversity management plan.

Subpart 6 of the Te Uri o Hau Claims Settlement Act 2002 provides for indigenous species. Indigenous species means the indigenous fish, flora, and fauna species found within Te Uri o Hau Department of Conservation protocol area, in relation to which the Department of Conservation performs statutory duties. The Crown acknowledges Te Uri o Hau cultural, spiritual, historic, and traditional association with indigenous species.

Objectives

Achieve Te Uri o Hau hapū, marae and whānau participation in the management of indigenous biodiversity within the statutory area of Te Uri o Hau.

Develop protocols with the Crown and their representative agencies to provide for the enhancement, protection, preservation and restoration of indigenous habitats such as forests, flora and fauna for future generations.

Policies

- To acknowledge and recognise Te Uri o Hau traditional knowledge, practices and customary lore in statutory planning documents within the statutory area of Te Uri o Hau.
- An acknowledgement of the Te Uri o Hau relationship to natural resources in regional and territorial authorities regional statements, plans, policies and strategies.
- Through integrated management, develop biodiversity plans and/or Memoranda of Understanding between the Crown and their representative agencies for the protection of significant biodiversity (indigenous/native species).
- Recognition of the biodiversity of Te Uri o Hau sites of significance in regional and territorial authorities regional statements, plans and policies.
- The protection and preservation of plants and animals of all kinds, air, water and soil in or on which any plant or animal lives or may live, systems interacting with any living organisms, and their environment; and any other interest in natural resources for future generations.
- The sustainability of fresh water fisheries activities that involve catching, taking or harvesting.
- Educate and empower Te Uri o Hau hapū, marae and whānau in the role of kaitiakitanga through Te Uri o Hau tikanga, and supported through attaining education qualifications through Crown representative agencies, research institutions, tertiary institutions and the wider community.
- Develop strategies to enable Te Uri o Hau to participate in the native plants scheme through the Northland Regional Council and Auckland Council.

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- Pursue the collection of local indigenous seeds for nursery production, and to develop strategies to enable participation in a native replanting scheme through Oruawharo, Otamatea, Waihaua and Waikaretu marae.
- Identify indigenous plant species and reserves useful for rongoā, and practice customary lore in the harvesting and use of rongoā.

Methods

Te Uri o Hau will work with the Northland Regional Council, Auckland Council, land holders and developers to develop an indigenous biodiversity plan for the protection of significant biodiversity (indigenous/native species) within the statutory area of Te Uri o Hau.

Te Uri o Hau will seek preferred contractor status for pest control and native vegetation planting as one mechanism to empower kaitiaki/ahi kā and the active use of mātauranga Māori and Te Uri o Hau tikanga.

Te Uri o Hau will provide the necessary expertise to manage indigenous biodiversity including forests, flora and fauna and their eco-systems, and co-ordinate resources to achieve objectives within the Te Uri o Hau statutory area of interest.

Te Uri o Hau Environs and tangata whenua will hold wananga on rongoā.



Figure 12: Dune Species; Source: Te Uri o Hau.

Te Uri o Hau Environs will work with marae to establish native plant and tree nurseries, including assisting and securing resources.

Te Uri o Hau will work with the Northland Regional Council, Auckland Council and Department of Conservation to develop regional strategies for the protection of indigenous biodiversity, with emphasis on cultural sites of significance to Te Uri o Hau.

Te Uri o Hau will develop strategies through the four ancestral marae to enhance indigenous native species and to practice customary lore.

39. Marine Mammals

Issues

- **Marine mammals are a taonga to Te Uri o Hau. Te Uri o Hau has utilised marine mammals for life sustenance for generations while ensuring their protection through sustainable harvesting methods.**



Figure 13: Observing a stranded whale;

Source: Te Uri o Hau website, www.tuoh.com.

Marine mammals include any mammal which is morphologically adapted to, or which primarily inhabits, any marine environment, and all species of seal (*Pinnipedia*), whale, dolphin, and porpoise (*Cetacea*), and dugong and manatee (*Sirenia*); and the progeny of any marine mammal; and any part of any marine mammal. Marine mammals are a taonga to Te Uri o Hau who provide not only a food source for Te Uri o Hau, but have also play a part in the cultural, environmental, social and economic well-being of Te Uri o Hau.

The Department of Conservation administers the Marine Mammals Protection Act 1978 and the Marine Mammals Regulations 1992. The Acts provide for the establishment of marine mammal sanctuaries, for permits in respect to marine mammals, the disposal of sick or dead specimens and the prevention of marine mammal harassment.

All marine mammals within Aotearoa New Zealand fisheries are protected under the Marine Mammals Protection Act 1978. The Department of Conservation is responsible for the protection, conservation, and management of all marine mammals under the Act.

Objectives

In accordance with Te Uri o Hau Claims Settlement Act 2002 and protocols as issued by the Crown through the Minister of Conservation, Te Uri o Hau will develop integrated management strategies for the management of marine mammals within the statutory area of Te Uri o Hau.

Policies

- Preserve, protect, and manage marine mammals through rangatiratanga and kaitiakitanga.
- Make sure opportunities exist for Te Uri o Hau to communicate with the Department of Conservation, and to review legislative protocols every six months.
- Determine practical ways in which Te Uri o Hau can exercise kaitiakitanga over marine mammals within the statutory area of Te Uri o Hau.
- Develop protocols with the Department of Conservation for the integrated management of live/dead stranded marine mammals.
- Develop protocols with the Department of Conservation for the decision-making process to euthanise live stranded marine mammals, and the subsequent disposal of dead marine mammals.
- Develop protocols for the recovery of bone following the collection of scientific data which may be gathered at a stranding of a marine mammal depending on the species of the marine mammal. Te Uri o Hau will ensure that appropriate practices and customary lore is understood and followed for any recovery of bone collection from a dead marine mammal. Te Uri o Hau will identify and seek to make an agreement with the Department of Conservation on the burial sites of marine mammals.
- Provide key contact people who will be available at short notice to make decisions on Te Uri o Hau desires to be involved or perform rituals consistent with Te Uri o Hau practices and customary lore.

Methods

Te Uri o Hau will work with ahi kā/tangata whenua, Department of Conservation and the Northland Regional Council to develop protocols for the management of marine mammals within the statutory area of Te Uri o Hau.

Te Uri o Hau will investigate and secure resources for kaitiakitanga training in the management marine mammals.

40. Cultural Landscapes

Issues

- ***The desecration and destruction of cultural landscapes is a key issue for Te Uri o Hau.***
- ***Cultural landscapes are of high significance to Te Uri o Hau and the wider community. Ensuring the protection and preservation of cultural landscapes for future generations is paramount to Te Uri o Hau.***

Building strong relationships through robust and meaningful engagement with the Northland Regional Council, Kaipara District Council, Auckland Council and the Department of Conservation in the preservation and protection of cultural landscapes is a priority for Te Uri o Hau. Understanding significant features, relationships, and traditions associated with a place or site of significance is important not only for Te Uri o Hau but the wider community in the education to protect cultural landscapes.

In the protection and enhancement of cultural landscapes Te Uri o Hau, land-holders, and developers need to establish Memoranda of Understanding in the early development of any project. Te Uri o Hau support face-to-face communication as the best way to exchange information, address concerns and identify solutions.

Objectives

Protect and preserve cultural landscapes and sites of significance through establishing meaningful relationships with the Northland Regional Council, Kaipara District Council, Auckland Council and the Department of Conservation, resource consent applicants, developers, land-holders and the wider community.

Policies

- To register cultural landscapes and sites of significance of importance to Te Uri o Hau through the Historic Places Act 1993, New Zealand Historic Places Trust, Northland Regional Council, Kaipara District Council, Auckland Council and the Department of Conservation within the statutory area of Te Uri o Hau.
- Consultation with Te Uri o Hau whānau through the marae in regards to any application for an authority to modify an archaeological site, cultural landscape and sites of significance.
- Memoranda of Understanding or other forms of agreements which record the agreement between parties as to how a development will proceed, and the inclusion of processes that will be followed in the event of a culturally significant site being discovered.

Te Uri o Hau Kaitiakitanga o te Taiao

- Memoranda of Understanding that recognise an on-going management relationship between two or more parties for a particular site or natural resource.
- Legal protection of a cultural landscape, archaeological sites or sites of significance through a covenant registered on a certificate of title.
- Restoration of a cultural landscape, archaeological sites or sites of significance as a joint project, including access agreements between landowners and Te Uri o Hau
- Information to be included in Land Information Memorandums (LIM's) and District Plans, notifying new landowners of the cultural landscape values associated with a property.
- Bi-lingual interpretation panels or signposts identifying cultural landscape values associated to the area.
- Develop education and advocacy projects for Te Uri o Hau whānau and the wider community, concerning cultural landscapes, archaeological sites and sites of significance.
- Site visits to identify cultural landscape, archaeological sites, and sites of significance values which may be difficult to express through other means, by providing visualising potential impacts of a proposed development.
- Establishing a memorial such as pou, mauri stone, carving, plaque, statue, planting, or reserve to highlight and acknowledge the cultural values associated with a particular land scape.

Methods

Face-to-face meetings with resource consent applicants, developers and land-holders are essential to avoid misunderstandings and misinterpretations regarding the desecration of cultural landscapes.

Cultural Impact Assessments will be undertaken for assessing the potential impacts of a project and how adverse effects might be avoided, remedied or mitigated.

Where there are cultural landscapes of significance, Te Uri o Hau will undertake consultation with landowners and developers prior to a development being proposed on cultural values concerning Te Uri o Hau.

PART 5

MANAGEMENT OF TE URI O HAU NATURAL RESOURCES

41. Economic Development

Issues

As part of the redress under the Te Uri o Hau Claims Settlement Act 2002, the Crown returned economic or commercial properties to provide for the economic, environmental, social and cultural well being of Te Uri o Hau. In order to create development opportunities for the people within the statutory area of Te Uri o Hau, Te Uri o Hau seek to achieve economic goals through forestry, mineral extraction, urban development, wind farming, shellfish farming, agriculture, eco-tourism and Māori land development. The Renaissance Group Limited is the economic arm of the Te Uri o Hau Settlement Trust.

The focus of the Renaissance Group Limited is on the long term financial sustainability of the Te Uri o Hau Settlement Trust and assets. This is to be achieved through maximising the commercial returns from Te Uri o Hau assets, investing in business ventures consistent with the aims and values of Te Uri o Hau, and diversifying the asset base, including the private sector, to achieve a greater level of self determination. This is consistent with the principle of tino rangatiratanga.

Objectives

To maximise profit return from the appropriate management of Te Uri o Hau commercial assets for allocating into social, environmental and cultural development of Te Uri o Hau people.

Policies

- Provide long-term financial sustainability for Te Uri o Hau people and future generations while enhancing and maintaining natural resources and the biodiversity within those natural resources.
- Provide for the diversification of commercial business in order to maximise profits for the social, environmental, cultural and economic benefit of Te Uri o Hau and the wider community.

Te Uri o Hau Kaitiakitanga o te Taiao

- Ensure transparent decision-making and accountability to share-holders and beneficiaries of Te Uri o Hau.
- Provide for sufficient returns to enable Te Uri o Hau to undertake economic, social, cultural and environmental projects.
- Involve a focus on land acquisition and utilisation within the statutory area of Te Uri o Hau.
- Provide training and employment opportunities for Te Uri o Hau people within business developments.
- Ensure consistency with the long-term aims and values of Te Uri o Hau.
- Provide access to outside capital, expertise, markets and technologies.

Methods

- Te Uri o Hau Settlement Trust will develop commercial best-practice methods by ensuring return on investments to provide for the social, cultural, environmental and economic well being of Te Uri o Hau people.

42. Exotic and Indigenous Forestry

Issues

- *Te Uri o Hau lands have been underutilised and face significant barriers if opportunities for forestry are to be realised.*
- *The lack of replanting of native forests for the purpose of commercial development such as rongoā and the apiculture industry.*
- *The utilisation of commercial forestry and native forests for the participation in the Carbon Emission Trading Scheme.*

Since time began forests have been important as a source of wood for building, heating, cooking, waka and carving. Heating and cooking still account for about 50% of the use of wood. Wood is also now the raw material for many other substances in common use including paper, fuel, chemicals, foodstuffs and pharmaceuticals. The heritage values of forests are important to Te Uri o Hau following an intense period of deforestation with European settlement in Aotearoa New Zealand. Te Uri o Hau has no short term plans to increase its investment in land leasing or forestry. Te Uri o Hau currently has a long term rental agreement for land at Pouto.

Objectives

Sustainable and profitable forestry which provides economic and environmental benefits for future generations.

Policies

- Continuously improve the returns to Te Uri o Hau of its land investment in the forestry asset while managing the estate to achieve a sustainable yield.
- Evaluate the returns from a conversion to a native forest in a holistic approach within the emission trading scheme.
- Oversee the management of the forest in such a way as to maintain the broad diversity of species, both flora and fauna, while complying with the New Zealand Forest Accord and Principles of Commercial Plantation Forest Management.
- Safeguard the integrity of soil and water resources through overseeing the effective management, planning earthworks and harvesting techniques.

Te Uri o Hau Kaitiakitanga o te Taiao

- Maintain the features and integrity of sites of significance to Te Uri o Hau within the statutory area of Te Uri o Hau.
- Promote proactive and inclusive relationships with key external parties.

Methods

Te Uri o Hau will promote proactive and inclusive relationships with key external parties in the development and maintenance of forestry initiatives within the statutory area of Te Uri o Hau.

Te Uri o Hau will investigate options for commercial native forestry such as work done by Farm Forestry groups and alternative forest regimes (e.g. mixed species agroforestry), permanent cover, and selective logging.

Develop native revegetation plans such as mānuka for areas to be retired from pine plantations.

Assist Te Uri o Hau hapū, marae and whānau to develop sustainable forestry plans for their lands.

Develop management plans for Te Uri o Hau commercial forests in collaboration with the Department of Conservation and land-holders.

Develop a commercial nursery for the replantation of native forest species.

43. Minerals and Sand Extraction

Issues

- *Te Uri o Hau participation in the management and economic development of sand extraction within and outside (the sand glass licence is outside the rohe) of the Te Uri o Hau rohe.*
- *There is an opportunity for Te Uri o Hau to benefit and participate in the extraction of minerals, which needs to be taken.*
- *Mineral extraction from marine and coastal area may have adverse effects on the environment and Te Uri o Hau values.*

The Auckland region is a major consumer of sand resources extracted from various sites within the Te Uri o Hau statutory area of interest. In 2005 Renaissance Group Limited established a joint venture with the company Sandglass Limited. Te Uri o Hau aim to achieve a viable business with their joint venture partner ensuring that sand extraction is at a rate that will be sustainable for future generations as a matter of priority.

Sand is primarily utilised as a fine aggregate in the production of concrete products and structures, but also to provide sand for beach re-nourishment projects such as at Auckland's Mission Bay. The dominant use of sand is for concrete manufacture and the specifications are an important determinant of the sand extraction site. The sand extracted tends to be fine to medium grain and generally well sorted. Te Uri o Hau has adopted the view of its beneficiaries who desire operations for sand extraction to move to land based extraction techniques and has built that into their future planning.

Objective

That all future sand extraction is land-based, and minerals are extracted within and outside the statutory area of Te Uri o Hau at a rate that is sustainable for future generations, and is profitable for Te Uri o Hau.

Policies

- Enable sand extraction at a rate and in a manner that will be sustainable for future generations.
- Support that the adverse effects of land use on the coastal marine area are avoided, remedied or mitigated in the process of the extraction of sand.

Te Uri o Hau Kaitiakitanga o te Taiao

- Develop a database of sand extraction companies to monitor compliance with no further extraction from the marine and coastal area that is not permitted.

Methods

Te Uri o Hau will promote proactive relationships with key external parties in the development and sustainability of mining initiatives

44. Mangawhai Development

Issues

- ***National, regional and district plans, policies and strategies can unnecessarily restrict the development aspirations of Te Uri o Hau causing Crown failure in Treaty of Waitangi obligations under the Te Uri o Hau Claims Settlement Act 2002.***

Under the Te Uri o Hau Claims Settlement Act 2002 as part of the commercial redress properties Te Uri o Hau received lands in which they seek to develop in order to achieve economic parity for Te Uri o Hau people.

Te Uri o Hau has entered into a joint venture with Te Arai Coastal Lands Trust to develop 616 hectares of land at Mangawhai. It is a significant initiative for Te Uri o Hau that will create jobs and further commercial opportunities for beneficiaries, adding a new tourism attraction to the Northland network, housing and significant kaitiakitanga and environmental gains.

Te Arai Coastal Lands Trust has considered a range of options for the Mangawhai site, but the key considerations were conservation and recreational use, balanced with long term economic use. Te Uri o Hau recognises the importance of the contribution of the local community, and has consulted them on land-use and management options that Te Arai Coastal Lands Trust plan for the site.

Regional and district policy statements, plans, policies and strategies may not adequately recognise and provide for Te Uri o Hau settlement legislation which restricts Te Uri o Hau tino rangatiratanga.

Objectives

Development of Te Uri o Hau commercial redress properties at a rate and in a manner that is economically and environmentally sustainable for future generations.

Policies

- Retain and improve current beach-front through re-vegetation of the foredune system and creation of wetlands around Te Arai.
- Manage public access to the foredune system to ensure the health and stability of this area.
- Develop detailed management plans in response to concerns about bird-life and natural ecology.

Te Uri o Hau Kaitiakitanga o te Taiao

- Protection of shorebirds through a Community of Care programme and a Shorebird Management Plan.
- Ensure that all housing development will be a minimum of 200 metres back from the beach, and that any development will not be visible from the beach.
- Collaborate with the Department of Conservation and the Auckland Council to establish a coastal park and larger conservation area through the possible vesting of land by Te Uri o Hau.
- Protect and conserve natural resources and the environment while providing population growth within the statutory area of Te Uri o Hau.
- Advocate provisions for the recreational benefit of Te Uri o Hau and the wider community through urban planning.
- Adequate and innovative infrastructure of any residential development (e.g. energy efficient building design, renewable energy, water storage tanks, and biodigestors).
- Provide for sustainable population growth and resilient communities by allowing subdivisions, while ensuring to sustainable environmental needs are met.
- Offer long-term financial sustainability for Te Uri o Hau people to achieve socio-economic development parity with all other New Zealanders.

Methods

Te Uri o Hau will work with the Northland Regional Council, Kaipara District Council, Auckland Council, Department of Conservation and the wider community to develop protocols for urban growth, and the protection of natural resources.

Te Uri o Hau will work with Northland Regional Council, Kaipara District Council, Auckland Regional Council and the Department of Conservation to ensure regional policy statements, plans, policies and strategies give effect to Te Uri o Hau commercial redress properties.

45. Wind Farming - Pouto

Issues

- ***Appropriate sustainable renewable electricity generation is needed to meet the reasonable and foreseeable needs of future generations of Te Uri o Hau and the wider community.***

In May 2006 the Trust announced its intention to investigate wind farming on the Pouto Peninsula with Meridian Energy. The initial piece of work has begun and included building test towers on the site to gather data on the feasibility of the idea. Environs are also undertaking a Cultural Impact Assessment of the proposal.

Initial assessments suggest the site could generate up to 300mW of electricity - enough energy to supply power to meet the demands of an area the size of West Auckland. The Trust is excited about the opportunities the proposal presents to the Pouto community and will be working closely with Environs and the Pouto community as the idea is developed further.

Te Uri o Hau has a substantial amount of natural resources and surroundings to take advantage of to grow Te Uri o Hau capacity. Wind or the opportunity to develop wind farming is such a resource. From an environmental perspective, wind energy is one of the best renewable generation options immediately available in Aotearoa New Zealand. Fossil fuel alternatives emit greenhouse gases, but wind farms are a sustainable and environmentally responsible alternative for electricity generation.

Aotearoa New Zealand is still developing its capacity to generate significant energy from wind farms to meet energy demands. In order to be successful wind farms need to be built in locations where they can make the best use of strong unimpeded wind flows such as hilltops and ridgelines – Pouto is an ideal location.

Objectives

To leverage off the investment in renewable energy to sustain the social, environmental and economic needs of Te Uri o Hau and the wider community.

Policies

- Ensure the philosophy of kaitiakitanga of natural resources and the environment is maintained through sustainable renewable energy.
- Grow the capacity of the community in a manner that is consistent and sustainable to the use of natural resources.

Te Uri o Hau Kaitiakitanga o te Taiao

- Provide opportunities for employment and training utilising natural resources within the statutory area of Te Uri o Hau.
- Lobby for for the upgrading of roading within the statutory area of Te Uri o Hau for the proposed wind farm at Pouto.
- Develop a training package with Meridian Energy to provide for the necessary skills and workforce for Te Uri o Hau.

Methods

Te Uri o Hau will work with Meridian Energy to develop strategies for renewable electricity for the social, environmental and economic benefit of Te Uri o Hau and the wider community.

46. Shellfish Farming Aquaculture

Issues

- *The provision of sustainable economic stability for Te Uri o Hau in shellfish farming and aquaculture to provide for growing demand for shellfish resources nationally and internationally.*

Aquaculture, or marine farming, is a million dollar industry in Aotearoa New Zealand, with domestic consumption accounting for 40% of sales. By the year 2025 the Aotearoa New Zealand aquaculture industry aims to produce \$1 billion of product.

Marine farms rely on unpolluted, nutrient-rich and sheltered waters. This can often conflict with other popular local activities like recreational water sports and has led to interest in more exposed large offshore marine farms. A joint venture with NRC, DoC and other parties is being investigated for both the mussel and oyster farming within the rohe. The start of production depends upon consents processes over the next 2-3 years.

Objectives

Provide for the economic growth of Te Uri o Hau through the prudent investment in shellfish farming and aquaculture within the statutory area of Te Uri o Hau.

Policies

- Provide for the management and allocation of shellfish farming and aquaculture within the statutory area of Te Uri o Hau.
- Undertake commercial aquaculture ventures within the statutory area of Te Uri o Hau.
- Apply for any new space as allocated under any Regional Plan by a Regional Authority.
- Create sustainable commercial shellfish farming and aquaculture in order to meet the social, environmental and economic needs of Te Uri o Hau people.

Methods

Te Uri o Hau will develop current marine farming licences and diversify shellfish farming and aquaculture opportunities seeking expertise and capital with potential joint venture partners.

47. Agriculture

Issues

- *Te Uri o Hau needs to increase its land holding and participation in the agriculture industry for the purpose economic growth and land retention for future generations.*



*Figure 14: View from the top of Pukekaroro;
Source: Miru, M., 2010.*

The Trustees intend to invest in land for the retention as farm land within the Te Uri o Hau rohe. Aotearoa New Zealand has a dairy herd of 3.5 million of predominantly Friesian cows milked by over 13,000 dairy farmers. They produce over one billion kilograms of milk fat annually. Aotearoa New Zealand has a small domestic dairy market with 95% of all milk produced being exported.

Objectives

To profitably grow the asset base for Te Uri o Hau in the agricultural sector with above coverage returns whilst ensuring sustainable practices within the statutory area of Te Uri o Hau.

Policies

- Grow the land base of Te Uri o Hau through the purchase of farms for the purpose of agriculture.
- Ensure the financial returns from the farms is above average.
- Provide for employment and training of Te Uri o Hau people.
- Develop adjacent Māori land to supplement Te Uri o Hau farms whilst improving the return to Māori owners.
- Participate in the dairy and beef industries ensuring sustainable measures in best farming practice methods.

Te Uri o Hau Kaitiakitanga o te Taiao

- Engage in specialist managers to enhance production of dairy and beef units.

Methods

Te Uri o Hau will develop a long-term strategic plan to become a competitor in the dairy and beef industry, and if need be, will provide for joint venture partnerships.

48. Eco Tourism

Issues

- ***Lack of Te Uri o Hau participation in the eco tourism industry within the statutory area of Te Uri o Hau.***

Te Uri o Hau has an opportunity to become an active participant in the eco tourism industry maximising the use of natural resources, Te Uri o Hau people, and cultural redress properties. Te Uri o Hau seeks to develop strategies to achieve this goal in relationship with the Northland Regional Council, Kaipara District Council, Auckland Regional Council, Department of Conservation and the Ministry of Primary Industries (formerly known as Ministry of Agriculture and Fisheries).

The Kaipara Harbour remains under utilised for its eco tourism potential. Eco tourism is currently considered a lower priority against other commercial activity, although this could change if other potential joint venture partners offered specific schemes. Te Uri o Hau seeks to develop a strategy to advance eco tourism.

Objectives

Develop a financially feasible eco tourism plan to unlock the potential of eco tourism within the statutory area of Te Uri o Hau.

Policies

- Communicate with the Northland Regional Council, Kaipara District Council, Auckland Regional Council, Department of Conservation, the Ministry for Primary Industries (formerly known as Ministry of Agriculture and Fisheries) and the wider community to assess the interest of eco tourism within the statutory area of Te Uri o Hau.
- Develop a long term profitable strategy for eco tourism utilising natural resources and sites of significance and cultural redress properties within the statutory area of Te Uri o Hau.
- Identify potential eco tourism opportunities by developing strategies with Auckland Regional Council, Department of Conservation, the Ministry of Primary Industries (formerly known as Ministry of Agriculture and Fisheries) and the wider community to assess the interest for a heritage trail.

Methods

Te Uri o Hau will collaborate with the Northland Regional Council, Kaipara District Council, Auckland Regional Council, Department of Conservation, Ministry of Primary Industries (formerly known as Ministry of Agriculture and Fisheries) and the wider community to assess the interest of eco tourism within the statutory area of Te Uri o Hau.

49. Māori Land

Issues

- ***Māori land as defined by the Te Ture Whenua Māori Act 1993 within the Te Uri o Hau rohe is undeveloped, and has the ability to provide for the cultural, environmental social and economic needs of Te Uri o Hau hapū, marae and whānau. The restriction for Te Uri o Hau to develop their lands impedes the social and economic well being of Te Uri o Hau.***

Māori land is important to the people of Te Uri o Hau. Māori land is the last remnants of traditional hapū, marae and whānau land of Te Uri o Hau. For years Te Uri o Hau has been deprived of their lands through Acts, regulations and omissions by the Crown in Aotearoa New Zealand. Te Uri o Hau seek to continue to develop their tribal lands to ensure the sustainability of lands for future generations of the Te Uri o Hau people.

It is critical that Māori land needs to be recognised as having environmental, social, cultural and economic importance. Under utilisation of Māori land has allowed regeneration of native bush and in turn this has increased the biodiversity value of the land. The problem is that to restrict the opportunity for Māori to develop their land at a point where they will have the economic capacity to do so because of the increased biodiversity values would be unjust. Regional and District and Council policies and plans should result in biodiversity gains as well as cultural, social and economic benefits. Riparian margins and ecological corridors are critical to the survival of native species and the need to be protected and enhanced.

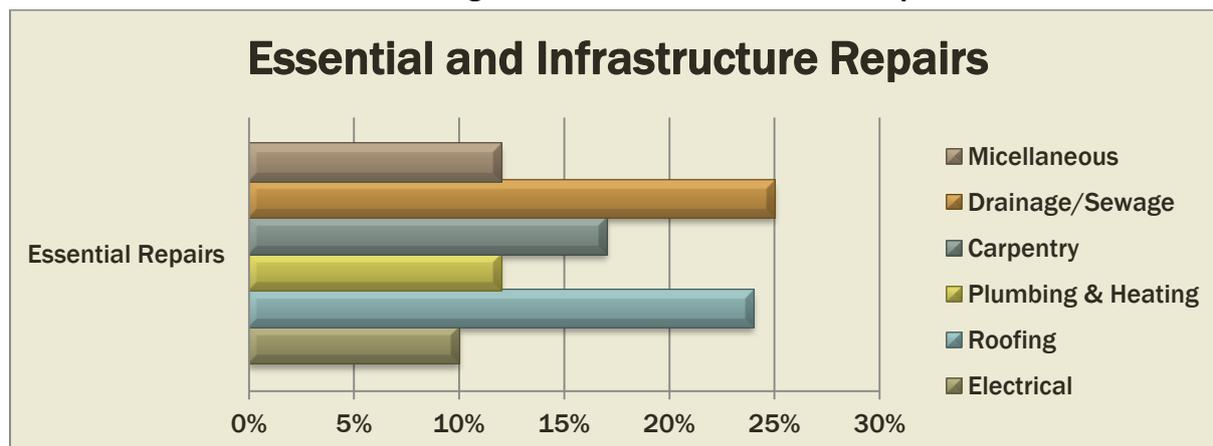
Rates

Specific issues concerning Te Uri o Hau include the rating of Māori land and the rates remission process. Physical protection through covenanting or setting aside Māori land as a Māori reservation is one way of addressing the use of uneconomic lands.

Papakāinga

Development of Māori land is a significant issue for Te Uri o Hau including providing for papakāinga housing on Māori land. Te Uri o Hau seeks to develop their community within the Te Uri o Hau rohe. Te Uri o Hau people need to establish for future generations a decent and affordable place to live where poor housing is unacceptable. Today, within Te Uri o Hau there are many homes which require essential repairs. Plate 5.1 indicates essential infrastructure repairs to Te Uri o Hau housing in order to achieve parity with other New Zealanders.

Plate 5.1: Te Uri o Hau Housing Essential and Infrastructure Repairs



Source: Te Uri o Hau Settlement Trust.

Objectives

To assist and support Te Uri o Hau land holders in the cultural, environmental, social and economic development of Māori land held under the Te Ture Whenua Māori Act 1993.

Policies

- Provide for interim rates relief for Māori uneconomic lands, and develop rates remission policies in communication with the Northland Regional Council, Kaipara District Council and Auckland Council.
- Develop sustainable strategies for the development of Māori land in communication with the Northland Regional Council, Kaipara District Council, Auckland Council and the Department of Conservation.
- Assist Māori land holders in the protection of their indigenous ecosystems under the Nga Whenua Rāhui fund, supporting possible public access agreements with land holders. The objective is long term protection with inter-generational reviews of conditions.
- Develop strategies for smaller blocks for formal protection pursuant to section 338 of Te Ture Whenua Act 1993 as Māori reservations.
- Assist Māori land holders in the physical protection and biodiversity of land through fencing off indigenous areas on Māori land for the use, benefit and enjoyment of future generations.
- Develop strategies through the afforestation scheme in communication with the Northland Regional Council and Auckland Council to reduce greenhouse gases, and provide a beneficial return to Māori land holders for future generations.

Te Uri o Hau Kaitiakitanga o te Taiao

- Assist Te Uri o Hau whānau in providing affordable papakāinga housing, and the maintenance of existing housing on Māori land.

Methods

Te Uri o Hau will work with Māori land holders, Māori Land Court, Northland Regional Council, Kaipara District Council, Auckland Council and the Department of Conservation to develop best practice methods for sustainable land use options and papakāinga housing on Māori land.

50. Apiculture

Issues

- *Te Uri o Hau has an abundance of uneconomic Māori land which could be regenerated in mānuka for the purpose of empowering hapū, marae and whānau tino rangatiratanga in the apiculture industry.*

Mānuka is a growing industry for Northland, virtually untapped mānuka covered land and the regeneration of mānuka trees has the potential to create jobs and substantial income for Te Uri o Hau. Mānuka honey is well sorted after globally for its special medicinal properties. In Northland the mānuka honey industry has the ability to produce annual earnings of some \$68 million.

Objectives

Te Uri o Hau seek to regenerate uneconomic Māori land through the replanting of mānuka to create social and economic opportunities for Te Uri o Hau hapū, marae and whānau in the apiculture industry.

Policies

- Te Uri o Hau will work with Māori organisations, Telford Rural Polytechnic and the wider community to establish an apiculture course to upskill Te Uri o Hau people.
- Te Uri o Hau will undertake an inventory with Māori land-holders of concentrated areas of mānuka.
- Te Uri o Hau will undertake a feasibility study to regenerate uneconomic Māori land and Te Uri o Hau commercial redress properties through sowing seed to increase the mānuka resource.
- Develop partnerships that will support the growth of the apiculture industry within Te Uri o Hau and establish business ventures.

Methods

Te Uri o Hau will work with the Northland Regional Council, Kaipara District Council, Auckland Regional Council, Department of Conservation and the wider community to develop the apiculture industry within the statutory area of Te Uri o Hau.

Te Uri o Hau will work with Telford Polytechnic and the wider community to establish the viability of an apiculture course.

51. Education, Training and Employment

Issues

- ***Education, training and employment of Te Uri o Hau people is integral to the social, cultural, environmental and economic well-being of Te Uri o Hau. Having skilled people for future employment in Te Uri o Hau business is essential to progress.***

Te Uri o Hau has always been concerned about unemployment and the lack of skills within Te Uri o Hau people and the need for Te Uri o Hau people to be in meaningful employment. The Te Uri o Hau Settlement Trust provides a vehicle to support hapū, marae and whānau to gain qualifications in the agriculture, horticulture, apiculture, aquaculture and fishing industries.

Developing relationships with the Northland Polytechnic and Telford Rural Polytechnic in collaboration with Te Runanga o Ngāti Whātua, Northland Regional Council, Kaipara District Council, Auckland Council, Department of Conservation and the Ministry of Primary Industries (formerly known as Ministry of Agriculture and Fisheries) is essential to developing meaningful education, training and employment opportunities.

Objectives

Establish relationships with the Northland Polytechnic and Telford Rural Polytechnic to develop New Zealand qualifications based education and training.

Assist in the establishment of employment opportunities within the statutory area of Te Uri o Hau by building relationships and new businesses.

Policies

- Te Uri o Hau will undertake an assessment of the unemployed within the statutory area of Te Uri o Hau.
- Develop meaningful education and training within the statutory area of Te Uri o Hau.

Methods

Te Uri o Hau will seek to develop Memoranda of Understanding with the Northland Polytechnic and Telford Rural Polytechnic to provide New Zealand qualifications based education and training in the horticulture, apiculture, aquaculture and fishing industries.

52. Te Uri o Hau Resource Consent Process

Issues

- *Te Uri o Hau Environs Holdings Trust (Environs) is an affected party on environmental matters impacting on the statutory area of Te Uri o Hau.*

Any activities within, adjacent to or impacting directly within the statutory area of Te Uri o Hau and the Kaipara and Mangawhai catchments will be of particular interest to Environs. This is endorsed under section 64 of the Te Uri o Hau Claims Settlement Act 2002. Councils are required to send a summary of any resource consent application to Environs.

Applications for resource consents are of high significance to Te Uri o Hau hapū, marae and whānau. A degree of consultation must be anticipated by resource consent applicants or their representatives. If a resource consent application is important to Environs, it is likely Environs would want to meet face to face with consent applicants. This reflects Te Uri o Hau oral tradition and belief that trust is built out of personal contact.

Environs would expect to have access to all relevant documentation and that both oral and written responses will be discussed and considered with an open mind. It is preferable to meet prior to undertaking an Assessment of Environmental Effects (AEE), especially for larger resource consent applications within the statutory area of Te Uri o Hau. This will give the applicant the chance to consider whether to make alterations to any proposed activity to accommodate any of Te Uri o Hau concerns, prior to the application being submitted to council. Through early consultation, Environs can assist applicants to ensure certainty, and reduce time and costs. The activity status under a regional or district plan will usually influence the amount of documentation and time required in the cultural assessment of or input into resource consent applications.

Objectives

To ensure Te Uri o Hau recognition within the resource consent process under the Resource Management Act 1991 and the Te Uri o Hau Claims Settlement Act 2002.

Policies

- In providing clarity to applicants or their representatives Te Uri o Hau Environs outline environmental effects and activities in Table 5.1.

TABLE 5.1: Te Uri o Hau Environmental Effects and Activity

Environmental Effects	Activity
Māori Ancestral Natural Resources	Lands, water, sites of significance, wāhi tapu/wāhi taonga that are directly affected by proposed activity.
Negative/Positive	Proposed applications concerning Te Uri o Hau in terms of socio-economic and cultural well-being.
Restricted Access	To Te Uri o Hau ancestral lands, water, coastal marine area, sites of significance, wāhi tapu/wāhi taonga, harbours and other taonga.
Adverse Effects	Poses adverse effects to natural resources
Avoiding Adverse Effects	Remedy or mitigation of adverse effects.
Mitigate Effects	Mitigation of environmental effects addressing Te Uri o Hau concerns
Consent Conditions	Conditions that mitigate resource consent adverse effects.
Cultural	Identification of cultural concerns.
Monitoring	Identification of monitoring of activity
On going Monitoring	Identification of the role of Te Uri o Hau in on-going monitoring of activity.

- Environs will recover any costs incurred by the resource consent applicant or their representative in any request for consultation when processing a resource consent.
- Resource consent applicants or their representative will incur charges for Cultural Impact Assessments (CIA) by Environs.
- The assessment component involves analysis of the application drawing from published sources and information from Te Uri o Hau.

This covers:

- Wāhi tapu: Such as archaeological sites;
 - Te Wairoa: Natural water courses and land based discharges;
 - Mahinga Kai: Areas of traditional food gathering
 - Nga Uri a Tane Mahuta: Ecological issues, earthworks, vegetation clearance
 - Ko Ranginui ki Runga: Effects to air); and
 - Te Papawhenua: Access, roading, earthworks.
- Initial assessments result in determining the relative sensitivity for Te Uri o Hau hapū, marae and whānau in respect of cultural values as outlined in Table 5.2.

TABELE 5.2 Sensitivity of Te Uri o Hau Cultural Values⁸

Sensitivity	Te Uri o Hau Cultural Values
Non-Sensitive Activities	Where adverse effects are expected to be minor.
Sensitive Activities*	Where adverse effects are anticipated to greater than minor.
Highly Sensitive Activities *	Where there is a high probability the proposal will result in major adverse effects

- A written report will be provided to the resource consent applicant or their representative after assessment, consultation and site inspection. Consultation includes internal consultation and meetings with local marae (tangata whenua/ahi kā). Liaison directly with the regional or district council may also be required.
- Site inspection includes communication and correspondence between Te Uri o Hau and the resource consent applicant or their representative. It includes arranging site visits for a field officer, and the officer's actual site visit time from his/her home base, to the property and return.
- Non-sensitive activities may not require a site visit and are completed in minimal time as an administrative matter under the assessment component. Every resource consent application is assessed on a case-by-case basis in determining whether the activity proposed has the potential to adversely affect Te Uri o Hau cultural, spiritual, historical or traditional values within the statutory area of Te Uri o Hau.
- Activities which are sensitive or are of a highly sensitive nature will require a site visit and/or site meeting. Additional consultation may be necessary depending on the level of sensitivity. For example, proposals which are located where there are extensive clusters of wāhi tapu sites (particularly within the marine and coastal environment) and in areas where wāhi tapu, urupā or pā fall into this category.

Methods

When proposed activities do not require a site visit, applicants or their representatives will be contacted by email or correspondence explaining the Cultural Impact Assessment process and confirming associated charges. An assessment will be supplied in 10 working days on receiving confirmation from the applicant or their representative for Environs to proceed.

⁸ Note: * in these situations Te Uri o Hau Environs Holdings Trust would expect to see a professional archaeological site inspection and report to assist their consideration.

Te Uri o Hau Kaitiakitanga o te Taiao

For proposed activities that require a site visit a Terms of Engagement form (ToE) is required to be filed by the applicant or their representative prior to undertaking site visits to any property within the statutory area of Te Uri o Hau.

Payment on all invoices issued by Environs is required by the 20th of the following month. If payment has not been received by Environs the invoice will be lodged with a collection agency for recovery. In the event this occurs the applicant will also be liable for any collection agency fees incurred. Further work will not be undertaken by Environs until full payment has been received.

Receipt of a signed copy of the Terms of Engagement indicates acceptance of the terms and conditions. Environs will contact the applicant to arrange a site visit/and or discuss the steps of a Cultural Impact Assessment (CIA).

Highly sensitive activities may require kaitautoko (cultural advice support person) or the presence of kaumatua/kuia or even a hui in which additional fees and costs will be incurred by the applicant or their representative.

The processes and charges described in this section should not be assumed to be applicable to any other hapū or iwi.

PART 6

SITES OF SIGNIFICANCE

CULTURAL REDRESS PROPERTIES

53. Te Uri o Hau Sites of Significance

Te Uri o Hau consider that its relationship with cultural sites of significance⁹, including cultural redress properties within the Te Uri o Hau rohe, have been eroded over the last 160 years. Evidence produced by Te Uri o Hau to the Waitangi Tribunal documented numerous examples of cultural sites of significance within the statutory area of Te Uri o Hau that are not identified and celebrated as sites of cultural significance.

The adverse impacts on the health and wellbeing of sites of significance and cultural redress properties have a negative effect on the cultural wellbeing and health of Te Uri o Hau. The challenge for Te Uri o Hau and resource managers is to agree as to how Te Uri o Hau interests are to be addressed, promoted and protected using the existing legislative provisions. The purpose is to provide statements for the Crown and their representative agencies and Te Uri o Hau in the planning of cultural redress properties. It is a policy statement that sets out, in broad terms Te Uri o Hau policies in relation to sites of significance and cultural redress properties. It is the starting point for a continuing process of engagement and discussion that will define the specific priorities and needs for Te Uri o Hau, and the ways in which these priorities can be met by resource managers.

Definition of Sites of Significance (Cultural Redress Properties)

Cultural redress properties includes any property listed in Schedule 2 of the Te Uri o Hau Claims Settlement Act 2002 including wāhi tapu, wāhi taonga, and cultural landscapes. Te Uri o Hau aspirations and definitions are not limited to properties returned under Te Uri o Hau Claims Settlement Act 2002. The list of cultural redress properties may in the future expand in terms of the return through joint management or other arrangements whether it be by purchase, swap or private agreement as part of development and, first right of refusal agreements with the Crown. Te Uri o Hau may also seek to consider transfers of powers under Section 33 of the Resource Management Act 1991.

Kaupapa

Te Uri o Hau considers that the following values should govern the formulation of cultural redress policies and plans within the statutory area of Te Uri o Hau.

⁹ Appendix 6.

Te Uri o Hau Kaitiakitanga o te Taiao

The cultural redress properties play a unique role in the traditional culture of Te Uri o Hau. Without Te Uri o Hau cultural redress properties the cultural strength of Te Uri o Hau is unable to be sustained.

Cultural redress properties are a taonga. Taonga have an inherent value that must be recognised in the event of potentially competing of resources within the wider environment. Use on and around taonga can have a drastic effect on the environment and associated values of Te Uri o Hau according to cultural redress properties.

Cultural redress properties are complex and interdependent and should be considered when developing policy and managing the resource. For example Pukekaroro, Te Uri o Hau owns the top half, and access is through private land owner's property.

Cultural redress properties while having significance for the whole hapū must be managed at a local level. Responsibility and opportunity could potentially be delegated to those organisations that have a personal stake in its overall health and conditions, for example whānau. To achieve this kaupapa, joint management arrangements (both statutory and non-statutory) should be explored and implemented wherever possible.

Land is a taonga that is subject to competition. In understanding the significance and values of cultural redress properties to Te Uri o Hau and other stakeholders, it is necessary to influence behaviour so that ecological and Te Uri o Hau values are entrenched in policy.

Te Uri o Hau Participation in Sites of Significance Management

External agencies do not always appreciate the depth and value of traditional environmental knowledge held by members of Te Uri o Hau whānui. Even where traditional knowledge is valued there may be difficulty in determining how best to apply the knowledge. In addition to recognising the value of traditional knowledge there is a need for agencies and Te Uri o Hau to facilitate ways in which Te Uri o Hau can be actively involved in the management of cultural redress properties. This involvement could take the form of:

- Observing the status of the cultural redress property;
- Participating and creating acceptable management regimes;
- Being offered the opportunity to tender for work programmes and projects (on sites and neighbouring sites);
- Participating in and providing research projects, surveys and assessments;
- Being contracted to provide particular management services;
- Offering opportunities for representatives or rangatahi (youth) to have placements inside agencies working on particular projects; and
- Offering opportunities for Te Uri o Hau students to gain work experience during holidays.

54. Sites of Significance Maintenance

Issues

- *Te Uri o Hau is aware that maintenance of sites of significance requires capital expenditure to ensure the sites are maintained to retain characteristics through the protection of the biodiversity of natural resources.*

One of the challenges for Te Uri o Hau is to achieve optimum maintenance of sites of significance without compromising the intrinsic values associated with the site/s. Integrated management between Te Uri o Hau, Northland Regional Council and the Department of Conservation is necessary in order to achieve the sustainability of natural resources for future generations.



Figure 15: Pukekaroro; Source: M. Miru.

Mauri supports life including the Te Uri o Hau people, flora and fauna. The primary management principle for Te Uri o Hau is the maintenance and enhancement of the mauri or life giving essence of the resource. With respect to maintenance mauri can be tangibly represented in terms of elements of the physical health of cultural redress properties. Elements of physical health which Te Uri o Hau use reflect the status of mauri and to identify the enhancements needed include:

- Aesthetic qualities e.g. pest control, weed control, fencing;
- Fitness for cultural usage e.g. education, hikoi; and
- Productive capacity.

If the mauri of an entity is desecrated or defiled, the resource itself, resource users and others depending on that entity, are at risk. The mauri of some sites of significance have been seriously eroded by surrounding land-use and development including:

- Inappropriate use;
- Unauthorised use; and
- Inconsistent maintenance.

Maintenance has the potential to celebrate and recognise site/s, and it also has the potential to degrade or extinguish the mauri of the site and will no longer have the capacity to support traditional uses and values.

Objectives

To achieve optimum maintenance of Te Uri o Hau cultural redress properties without compromising the intrinsic values associated with the site/s.

Policies

- Identify the resources and potential biodiversity threats and risks (weeds, pests etc.) associated to cultural redress properties in collaboration with the Northland Regional Council and Department of Conservation.
- Compile a maintenance plan consistent with agreed values of the site/s.
- Take restorative and general maintenance action according to the values of the site of significance and establishing maintenance standards that afford protection to values of Te Uri o Hau.
- Develop comprehensive strategies, including regulatory measures such as reserve management plans, to address unsatisfactory maintenance.
- Develop a wananga programme in association with educational institutions/schools for habitat restoration.

Methods

Te Uri o Hau will identify students studying natural resource management, or joint projects with tertiary institutions to support the maintenance and values of site/s of significance.

Te Uri o Hau will develop an inventory of the work required for sites of significance to enable Te Uri o Hau to effectively plan for the type and amount of maintenance required on each site/s.

Te Uri o Hau will rank sites of significance in order of priority, which will be consistent with ranking determined in regional statements, plans, policies and strategies for the management and access of site/s.

Te Uri o Hau will identify activities that affect the maintenance of Te Uri o Hau cultural redress properties, and facilitate with the Northland Regional Council and Department of Conservation to enhance site/s of significance.

Te Uri o Hau will develop methods for maintenance and protection of Te Uri o Hau values in the management of site/s of significance.

55. Sites of Significance Management

Issues

Environs are responsible for the management of Te Uri o Hau twelve cultural redress properties. Separate approaches are required for each site and the possibility of ranking the sites in terms of Te Uri o Hau wider objectives and priorities is required. Integration is numerous, all of which are important including:

- Integration between settlement deed and legislation;
- Integration across natural and people resources;
- Integration between Te Uri o Hau and partnerships with training institutions, training in environmental maintenance, horticulture, pest control etc.; and
- Integration of Te Uri o Hau sites with regional and national joint management strategies.



Figure 16: Environs Logo;

Source: Te Uri o Hau Website, www.tuoh.com

Using the management of cultural redress properties as an example, the need for integration and co-ordination between resource management agencies can be highlighted. The need for integration arises because several organisations are responsible for managing different aspects of resources, yet they often have different statutory objectives and duties, stakeholders and timeframes.

Some organisations respond to national values and objectives, whereas others are locally based. Many organisations will resist accepting responsibility for a needed action unless they have a clear statutory obligation to act.

Additional aspects of integration include the relationship between regional and Te Uri o Hau objectives. A regional and local council may be able to achieve some of its basic responsibilities by assisting Te Uri o Hau and their management of cultural redress properties in the statutory area of Te Uri o Hau.

Objectives

To achieve a Treaty partnership through the integrated management of Te Uri o Hau cultural redress properties.

Integrated management as several organisations manage different aspects of Te Uri o Hau cultural redress properties.

Policies

- To support and promote recreational uses on sites where this does not adversely affect cultural values associated with the site.
- Identify the state of resources on the site to encourage the integrated management of sites incorporating Te Uri o Hau cultural, traditional, historical and economic values of the site.
- Evaluate sites of significance for the purpose of commercial business. For example farming leases of Hokarako and Te Ngaio Point.
- Support and promote recreational and/or other uses on site/s where this does not adversely affect cultural values associated with the site.
- Identify the state of resources on the site/s.
- Encourage the management of the sites to incorporate Te Uri o Hau cultural, traditional, historical and economic values of the site/s.

Methods

Te Uri o Hau will identify management values in collaboration with the Northland Regional Council and Department of Conservation to develop ways in which Te Uri o Hau knowledge and aspirations can complement each other for the benefit of all parties.

Te Uri o Hau will convene a working party to prepare a plan for resources as part of the site/s of significance which requires management. Te Uri o Hau will assess whether they have or can access the necessary capabilities within Te Uri o Hau with support of the Northland Regional Council, Department of Conservation and key stakeholders.

Te Uri o Hau will create a management inventory detailing Te Uri o Hau sites of significance for use as an information and planning tool.

The Crown and their representative agencies should commit to undertake stock assessments to determine diversity and abundance of natural resources. It will be important to coordinate information collection activities and share information to avoid duplication of effort.

56. Sites of Significance Rating

Issues

- *Te Uri o Hau is interested in developing responses to the Kaipara District Council and Auckland Council rating policy on land. The Local Government (Ratings) Act 2002 provides opportunities for rates remission on Māori owned land. Te Uri o Hau needs to explore the capabilities of this remission opportunity further, and respond accordingly.*

The Kaipara District Council and Auckland Council rating policies can be often out dated. As a result Te Uri o Hau is being charged rates on land that has conservation covenants and is multiple owned land.

The Māori land rating issue deserves a policy rationale and principles based review within each council. There have been some localised and generic analyses on the Māori land rating issue coming from the Waitangi Tribunal that can form useful context to the review and first principles can be drawn from the Treaty of Waitangi, Te Ture Whenua Māori Act 1993 and the objectives contained in Schedule 11 to the Local Government Act 2002.

The marginal uptake of the rates remission and postponement policies is in part because of the lack of political will coupled with a lack of understanding by councils of the challenges facing Māori owners of multiple owned land. This in turn has resulted in a variable approach to implementing the policy.

Objectives

To provide for the exemption of rates of Te Uri o Hau cultural redress properties.

Policies

- Te Uri o Hau support the provision of rates remission and resourcing and protection of Te Uri o Hau cultural redress properties by Kaipara District Council and the Auckland Council.
- To explore the opportunities affecting the uptake of Nga Whenua Rāhui for Te Uri o Hau and further remission of rates.

Methods

Te Uri o Hau will advise councils of rates relief and provisions to be encouraged as a result of the Local Government Act 2002.

Te Uri o Hau Kaitiakitanga o te Taiao

Te Uri o Hau will explore opportunities to alter portions of the land status under the Te Ture Whenua Act.

Te Uri o Hau will engage and agree to the formulation of a Māori land/cultural redress properties rating policy with both Kaipara District Council and Auckland Council, and an action plan for addressing the existing rating of the properties.

Te Uri o Hau will explore Nga Whenua Rāhui protection mechanisms for consideration:

- **Covenanted:** Māori landowners can protect their indigenous ecosystems under Nga Whenua Rāhui kawenata. The agreement is sensitive to Māori values in terms of spirituality and tikanga. Cultural use of these natural areas is blended with the acceptance of public access within the agreements. The objective is long term protection with inter-generational reviews of conditions.
- **Māori Reservations:** Some of the smaller blocks have opted for formal protection pursuant to section 338 of Te Ture Whenua Act 1993. This involves the setting aside of areas as Māori reservations. Public access is with permission of owners.
- **Physical Protection:** Fencing costs are assessed at the time of application and the fund provides assistance for fencing off indigenous areas from farmed lands. Often these costs are the major requirement within the protection package.

Determine all current costs and rates charged by the Kaipara District Council and the Auckland Council to Environs for Te Uri o Hau cultural redress properties.

Te Uri o Hau will obtain legal advice on the Local Government Act 2002 and rating of Māori land as required.

It has been noted that there are special circumstances where agreements on rating have been struck between Māori land-holders and the Kaipara District Council and Auckland Council. Resolving any issues arising or reviewing their status is a matter to be worked through between the relevant parties and remains an on going issue.

Ensuring practical access to Te Uri o Hau cultural redress properties will ensure continued health and wellbeing of the sites and for Te Uri o Hau people.

57. Sites of Significance Access

Issues

Te Uri o Hau sites of significance access rights have been explicitly protected by the Treaty of Waitangi and endorsed by the Te Uri o Hau Deed of Settlement 2000 and Te Uri o Hau Claims Settlement Act 2002. Not only was the right to access cultural redress properties confirmed, also included was the right to expect that such access will continue to be successful as measured by reference to past practice. Unfortunately the access arrangements and impediments have resulted in adverse impacts to Te Uri o Hau cultural redress properties. Te Uri o Hau is experiencing difficulty accessing Te Uri o Hau cultural redress properties within the statutory area of Te Uri o Hau.

Ensuring the access to cultural redress properties is a prerequisite for ensuring the continued health and wellbeing of the sites and of Te Uri o Hau. Te Uri o Hau are likely to accord special value to a site that:

- Has long standing use histories for whānau, marae and hapū; and
- Provides significant habitats for important food species and cultural materials such as flax, rongoā etc.

For Te Uri o Hau today, access to cultural redress properties is an important expression of cultural identity. Continuation of traditional practices is an important means of passing values down to children and grandchildren, ensuring their survival through the generations. The access to Te Uri o Hau cultural redress properties for maintenance, cultural practices and for the wider community will require resource managers to consult with Environs to establish:

- Current access to cultural redress properties;
- The means by which Te Uri o Hau cultural redress properties are to be accessed; and
- The locations which are proving extremely difficult to access.

Objectives

To ensure practical access to Te Uri o Hau sites of significance and cultural redress properties to provide for the health and well-being of site/s and Te Uri o Hau.

Policies

- To ensure Te Uri o Hau hapū, marae and whānau have access to information about the status of access to Te Uri o Hau cultural redress properties.

Te Uri o Hau Kaitiakitanga o te Taiao

- To make provisions for kaitiakitanga of Te Uri o Hau cultural redress properties in accordance with management and maintenance priorities.
- Ensure Te Uri o Hau has access to information about the status of access to Te Uri o Hau cultural redress properties
- Te Uri o Hau Environs will assess cultural redress properties in accordance with management and maintenance priorities.

Methods

Some Te Uri o Hau cultural redress properties require access via the beach and on foot. Other properties have right-of-way access through private property, for example Whakahuranga Pā. Once Te Uri o Hau has this information, relationships with private land holders that enable access to Te Uri o Hau properties need to be developed consistent with the ranking of properties, and management and maintenance priorities of Te Uri o Hau.

Te Uri o Hau should determine the activities that will require regular access to cultural redress properties.

Regarding access to the cultural redress properties for the purpose of Te Uri o Hau practices, neighbouring landowners and agencies should ensure protocols are established so that other activities do not adversely prevent access or prevent a Te Uri o Hau cultural activity occurring.

58. References

- Auckland Council. (2003). Memorandum of Understanding Between the Auckland Regional Council and Te Uri O Hau Settlement Trust Concerning Cooperation In Pursuit of Common Goals. Author: Auckland, New Zealand.
- Boffa Miskell Limited. (2009). Exploration of Māori Participation in Freshwater Management. Retrieved 10 October, 2010, from <http://www.qualityplanning.org.nz/pubs/Māori-Participation-in-Freshwater-Management.pdf>.
- Chetham, J. (2006). A Healthy and Productive Kaipara Harbour. Retrieved October 8, 2010 from http://www.rmla.org.nz/publications_2006/1530-Juliane-Chetham.ppt.
- Chetham, J. (2008 18, April). Submission to the Royal Commission on Auckland Governance. Retrieved 8, 2010 from <http://www.royalcommission.govt.nz/rccms.nsf/0/CC2573E80010C73BCC257432001095AA?open>.
- Chetham, J. (n/d). Te Uri o Hau (Draft) Cultural Redress Properties. Whangarei, New Zealand: Environs Holdings Trust..
- Chetham, J. (n/d). Te Uri o Hau Environmental Policy Framework. Whangarei, New Zealand: Environs Holdings Trust.
- Cooke, R. President (1987). New Zealand Māori Council v Attorney General, C.A. 1 NZLR 641, 29 June 1987.
- Environs Holdings Ltd. (2010). Tohora Stranding Protocol. Whangarei, New Zealand : Environs Holdings Limited.
- Environs Holdings Ltd. (2010). Environs Holdings Ltd Information Brochure. Whangarei, New Zealand: Environs Holdings Limited.
- Fisheries Act 1996. Wellington, New Zealand: New Zealand Government.

Te Uri o Hau Kaitiakitanga o te Taiao

Hayward, J. Dr. (2008). *Rangahaua Whanau National Overview*.

The Principles of the Treaty of Waitangi, Appendix, pp. 477 -493. Waitangi Tribunal. Retrieved 10 October 2010 from: [http://www.waitangi-tribunal.govt.nz/doclibrary/public/Appendix\(99\).pdf](http://www.waitangi-tribunal.govt.nz/doclibrary/public/Appendix(99).pdf).

Hetaraka, W. (2004). Environs Holdings Trust. Report to Directors Meeting, Friday 26 November 2004. Matakohe House, Matakohe, New Zealand: Environs Holdings Trust.

Kaipara District Council. (2002). Management Implementation of Memorandum Understanding Between Kaipara District Council, Te Uri o Hau, Ngāti Whātua. Dargaville, New Zealand: Te Uri o Hau Settlement Trust.

Labour Government. (2000). Te Uri o Hau and Her Majesty the Queen in right of New Zealand. Deed of Settlement To Settle Te Uri o Hau Historical Claims. Wellington, New Zealand: Author.

Lange, D. (1989). Principles for Crown Action on the Treaty of Waitangi. Parliament Buildings, Wellington pp. 8, 10. Wellington, New Zealand: Department of Justice.

Local Government Act 2002. Wellington, New Zealand: New Zealand Government.

Makey, L. (2010). The World of Kaipara. Information Review and Gap Analysis Phase One. Executive Summary. Whangarei, New Zealand: Te Uri o Hau Settlement Trust.

Marine and Coastal Area (Takutai Moana) Bill 2010. Wellington, New Zealand: New Zealand Government.

Marine Mammals Protection Act 1978. Wellington, New Zealand: New Zealand Government.

Mammals Regulations 1992. Wellington, New Zealand: New Zealand Government.

Metge, J. (1967). The Maoris of New Zealand. London : Routledge & K. Paul.

Ministry of Economic Development (2007). Waitangi Claim Wai 262.

Te Uri o Hau Kaitiakitanga o te Taiao

Retrieved October 10, 2010 from

http://www.med.govt.nz/templates/Page_1207.aspx.

Ministry of Economic Development. (2010). Reviewing the Crown Minerals

Act 1991. Discussion Paper, August 2010. Wellington, New Zealand: Author.

Necklen, R. (November 3, 2005). Correspondence. Ministry of Fisheries. Nelson, New Zealand: Ministry of Fisheries.

New Zealand Parliament. (2010). Ministerial Statements, UN Declaration on

the Rights of Indigenous Peoples, Government Support [Volume: 662, Page 100229]. Parliamentary Debate (Hansard). Retrieved October, 11, 2010 from http://www.parliament.nz/en/NZ/PB/Debates/Debates/6/5/a/49HansD_20100420_00000071-Ministerial-Statements-UN-Declaration-on.htm.

Northland Regional Council. (2003). Memorandum of Understanding Between Te Uri o Hau Settlement Trust and The Northland Regional Council. Whangarei, New Zealand: TE Uri o Hau Settlement Trust.

Orbell, M. (1995). The Illustrated Encyclopaedia of Maori Myth and Legend. Christchurch : Canterbury Press

Ranger, A. (2010, 2 September). Correspondence. Reviewing the Crown Minerals Act 1991, Discussion Paper. Environs Holdings Ltd, Whangarei, New Zealand: Environs Holdings Trust.

Rodney District Council. (2004). Memorandum of Understanding Between Te Uri o Hau Settlement Trust And Rodney District Council. Wellsford, New Zealand: Te Uri o Hau Settlement Trust..

Resource Management Act 1991. Wellington, New Zealand: New Zealand Government.

Resource Management Amendment Act 1996. Wellington, New Zealand: New Zealand Government.

Resource Management (Foreshore & Seabed) Amendment Act 2004. Wellington, New Zealand: New Zealand Government.

Te Uri o Hau Kaitiakitanga o te Taiao

Taylor, C.R.H. (1960). Facsimilies of the Treaty of Waitangi. Facsimilies of the Declaration of Independence and the Treaty of Waitangi. Wellington, New Zealand: R.E. Owen, Government Printer.

Te Uri o Hau (Environs). (n/d). Te Uri o Hau (Environs): Ministerial Briefing Paper. Whangarei, New Zealand: Environs Holdings Trust.

Te Puni Kokiri. (2001). *He Tirohanga o Kawa ki te Tiriti o Waitangi*. A Guide to The Principles of the Treaty of Waitangi as expressed by the Courts and the Waitangi Tribunal, pp. 93, 100. Wellington, New Zealand: Te Puni Kokiri.

Te Uri o Hau. (2006). Te Uri o Hau Area of Interest. Retrieved October 10, 2010, from <http://www.uriohau.com/>.

Te Uri o Hau Deed of Settlement. (2000). Wellington, New Zealand: New Zealand Government.

Te Uri o Hau Settlement Act (2002). Wellington, New Zealand: New Zealand Government.

Te Uri o Hau Settlement Trust. (2003). Te Uri o Hau Settlement Trust – Hapū Plan. Whangarei, New Zealand: Te Uri o Hau Settlement Trust.

Waitangi Tribunal. (1986). Report of the Waitangi Tribunal on the Muriwhenua Fishing Claim: WAI 22. Wellington, New Zealand: NZ Government.

Waitangi Tribunal. (2008). *Treaty of Waitangi. Principles of the Treaty of Waitangi*. Retrieved October 11, 2010, from <http://www.waitangitribunal.govt.nz/treaty/principles.asp>.

Appendix 1: He Whakaputanga o Te Rangatira o Nu Tireni 1835

Ko matou ko nga Tino Rangatiratanga o nga iwi o Nu Tireni, i raro mai o Hauraki kua oti nei te huihui i Waitangi i Tokerau 28 o Oketopa 1835, ka wakuputa i te Rangatiratanga o to matou wenua a ka meatia ka wakuputaia e matou he wenua Rangatira kia huaina ko te wakaminenga o nga Hapū o Nu Tireni.

Ko te Kingitanga ko te mana i te wenua o te wakaminenga o Nu Tireni ka meatia nei kei nga Tino Rangatira anake i to matou huihuinga, a ka mea hoki e kore e tukua e matou te wakarite ture ki te tahi hunga ke atu, me te tahi Kawanatanga hoki kia meatia i te wenua o te wakaminenga o Nu Tireni, ko nga tangata anake e meatia nei e matou e wakarite ana ki te ritenga o o matou ture e meatia nei e matou i to matou huihuinga.

Ko matou ko nga tino Rangatira ka mea nei kia huihui ki te runanga ki Waitangi a te Ngahuru i tenei tau i tenei tau ki te wakarite ture kia tika ai te wakakanga, kia mau pu te rongo kia mutu te he kia tika te hokohoko, a ka mea hoki ki nga tauwiwi o runga, kia wakarerea te wawai, kia mahara ai ki te wakaoranga o to matou wenua, a kia uru ratou ki te wakaminenga o Nu Tireni.

Ka mea matou kia tuhituhia he pukapuka ki te ritenga o tenei o to matou whakaputanga nei ki te Kingi o Ingarani hei kawae atu i to matou aroha nana hoki i wakaae ki te Kaara mo matou. A no te mea ka atawai matou, ka tiaki i nga Pakeha e noho nei i uta e, rere mai ana ki te hokohoko, koia ka mea ai matou ki te Kingi kia waiho hei matua ki a matou i to matou Tamarikitanga kei wakakahoretia to matou Rangatiratanga.

Kua wakaaetia katoatia e matou i tenei ra i te 28 Oketopa, 1835 ki te aroaro o te Reireneti o te Kingi o Ingarani.

Declaration of Independence 1835

We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands, on this 28th day of October, 1835, declare the Independence of our country, which is hereby constituted and declared to be an Independent State, under the designation of The United Tribes of New Zealand.

All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of Government to be exercised within the said territories, unless by persons appointed by

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them, and acting under the authority of laws regularly enacted by them in Congress assembled.

The hereditary chiefs and the heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.

They also agree to send a copy of this Declaration to His Majesty the King of England, to thank him for his acknowledgement of their flag; and in return for the friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence. Agreed to unanimously on this 28th day of October, 1835, in the presence of His Britannic Majesty's Resident.

Appendix 2: Te Tiriti o Waitangi 1840

Ko Wikitoria, te Kuini o Ingarani, i tana mahara atawai ki nga Rangatira me Nga Hapu o Nu Tirani, i tana hiahia hoki kia tohunga ki a ratou o ratou rangatiratanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki nga Tangata Māori o Nu Tirani-kia wakaaetia e nga Rangatira Māori te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga motu-na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haeremai nei. Na, ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kua ai nga kino e puta mai ki te tangata Māori ki te Pakeha e noho ture kore ana. Na, kua pai te Kuini kia tukua ahau, a Wiremu Hopihona, he Kapitana I te Roiara Nawi, hei Kawana mo nga wahi katoa o Nu Tirani e tukua aiane, amua atu ki te Kuini e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

Ko Te Tuatahi

Ko nga Rangatira o te Wakaminenga me nga Rangatira katoa hoki ki hia i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu-te Kawanatanga katoa o o ratou wenua.

Ko Te Tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu-ki nga tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini to hokonga o era wahi wenua e pai ai te tangata nona te Wenua-ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini he kai hoko mona.

Ko Te Tuatoru

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini- Ka tiakina e te Kuini o Ingarani nga tangata Māori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani. (Signed) William Hobson Consul and Lieutenant-Governor.

Na ko matou ko nga Rangatira o te Wakaminenga o nga Hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia, ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu. Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri, i te tau kotahi mano, e waru rau e wa tekau, o to tatou Ariki. Ko nga Rangatira o te wakaminenga.

Treaty of Waitangi 1840

Her Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland, regarding with Her Royal Favour of the Native Chiefs and Tribes of New Zealand, and anxious to protect their just Rights and Property, and to secure to them the enjoyment of Peace and Good Order, has deemed it necessary, in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand, and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands. Her Majesty, therefore, being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of Native population and to Her subjects, has been graciously pleased to empower and authorise me, WILLIAM HOBSON, a Captain in Her Majesty's Royal Navy, Consul, and Lieutenant-Governor of such parts of New Zealand as may be, or hereafter shall be, ceded to Her Majesty, to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article the First

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereign thereof.

Article the Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Preemption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the Third

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British subjects. W. Hobson Lieutenant-Governor.

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Now therefore, We, the Chiefs of the Confederation of the United Tribes of New Zealand, being assembled in Congress at Victoria, in Waitangi, and We, the Separate and Independent Chiefs of New Zealand, claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which, we have attached our signatures or marks at the places and the dates respectively specified. Done at Waitangi, this sixth day of February, in the year of Our Lord one thousand eight hundred and forty.

Appendix 3: United Nations Declaration of Independence

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Further recognizing the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring an end to all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing also that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Recognizing also that indigenous peoples have the right freely to determine their relationships with States in a spirit of coexistence, mutual benefit and full respect,

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Considering that the rights affirmed in treaties, agreements and constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Also considering that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights affirm the fundamental importance of the right of self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right of self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect,

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right of self determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

(d) Any form of forced assimilation or integration by other cultures or ways of life imposed on them by legislative, administrative or other measures;

(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and

literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately-owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing

any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and

adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, of a just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a significant threat to relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also

have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of their mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of Treaties, Agreements and Other Constructive Arrangements concluded with States or their successors and to have States honour and respect such Treaties, Agreements and other Constructive Arrangements.

2. Nothing in this Declaration may be interpreted as to diminish or eliminate the rights of Indigenous Peoples contained in Treaties, Agreements and Constructive Arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to have access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States, shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations.
2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law, in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

Source: Human Rights Commission February 2008, Aotearoa New Zealand

**Appendix 4: Te Uri o Hau Claims Settlement Act 2002:
Kirihipi Overlay**

Section 43

Under section 43 the Minister of Conservation may agree on principles in relation to Kirihipi overlay areas. Te Uri o Hau governance entity and the Crown may agree on specific principles that are directed at the Minister of Conservation—

- (a) avoiding harm to Te Uri o Hau values in relation to each Kirihipi overlay area; or
- (b) avoiding the diminishing of Te Uri o Hau values in relation to each Kirihipi overlay area.

Section 44

Under section 44 the New Zealand Conservation Authority and conservation boards are to have particular regard to Te Uri o Hau values. When the New Zealand Conservation Authority or any conservation board approves or otherwise considers any general policy, conservation management strategy, conservation management plan, or national park management plan, in relation to a Kirihipi overlay area, it must have particular regard to—

- (a) Te Uri o Hau values in relation to the Kirihipi overlay area; and
- (b) any specific principles agreed between Te Uri o Hau governance entity and the Crown under section 43.

Section 45

Under section 45 the New Zealand Conservation Authority and relevant conservation boards are to consult with Te Uri o Hau governance entity. The New Zealand Conservation Authority or relevant conservation board must consult with Te Uri o Hau governance entity and have particular regard to its views as to the effect on Te Uri o Hau values in relation to a Kirihipi overlay area of any policy, strategy, or plan referred to in section 44.

Section 46

Section 46 provides for the notification of Kirihipi overlay areas:

- (1) The declaration of each Kirihipi overlay area must be identified and described in all conservation management plans, conservation management strategies, and national park management plans affecting that area.
- (2) The initial identification and description of a Kirihipi overlay area under subsection (1)—
 - (a) is for the purpose of public notice only; and
 - (b) is not an amendment to the conservation management strategy, conservation management plan, or national park management plan for the purposes of section 171 of the Conservation Act 1987 or section 46 of the National Parks Act 1980.

Section 47

Under section 47 Actions by Director-General:

- (1) On notification by the Minister of Conservation in the *Gazette* of the specific principles agreed under section 43, the Director-General must take action in relation to those principles.
- (2) The Director-General retains a complete discretion to determine the method and extent of the action to be taken.
- (3) The Director-General must notify Te Uri o Hau governance entity of what action the Director-General intends to take under subsections (1) and (2).
- (4) If requested in writing by Te Uri o Hau governance entity, the Director-General must not take action in respect of the specific principles agreed under section 43 to which the request relates.
- (5) Subsection (1) is subject to subsections (2) to (4).

Section 48

Under section 48 Amendments to strategies and plans:

- (1) The Director-General may initiate an amendment of any relevant conservation management strategy, conservation management plan, or national park management plan to incorporate objectives relating to the specific principles agreed under section 43 (including a recommendation to make bylaws or promulgate regulations).
- (2) The Director-General must consult with all affected conservation boards before initiating an amendment under subsection (1).
- (3) An amendment initiated under subsection (1) is an amendment for the purposes of section 171(1) to (3) of the Conservation Act 1987, or section 46(1) to (4) of the National Parks Act 1980, as the case may be.
- (4) This section does not limit section 47(2).

Section 49

Under section 49 of the regulations the Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, make regulations for the following purposes:

- (a) providing for the implementation of objectives included in conservation management strategies, conservation management plans, and national park management plans under section 48(1):
- (b) regulating or prohibiting activities or conduct by members of the public in a Kirihipi overlay area:
- (c) creating offences in respect of the contravention of any regulations made under paragraph (b), and providing for the imposition of fines not exceeding \$5,000 for those offences.

Section 50

Under section 50 the Minister of Conservation may make bylaws for the following purposes:

(a) providing for the implementation of objectives included in conservation management strategies, conservation management plans, and national park management plans under section 48(1):

(b) regulating or prohibiting activities or conduct by members of the public in a Kirihipi overlay area:

(c) creating offences in respect of the contravention of any bylaws made under paragraph (b), and providing for the imposition of fines not exceeding \$1,000 for those offences.

Section 51

Under section 51 notification of actions in the *Gazette*:

(1) The Minister of Conservation must notify in the *Gazette*,—

(a) the declaration of each Kirihipi overlay area; and

(b) any principles agreed under section 43, and any agreed changes to those principles.

(2) The Director-General may, at his or her discretion, notify in the *Gazette* any action taken or intended to be taken under any of sections 47 to 49.

(3) The Director-General must notify in the *Gazette* any action taken or intended to be taken under section 50.

Section 52

Section 52 provides for the existing classification of Kirihipi overlay area. The purpose or classification of an area as a national park, conservation area, or reserve is not affected by the fact that the area is, or is in, a Kirihipi overlay area.

Section 53

Section 53 provides for the revocation of status:

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Conservation, declare that all or part of a Kirihipi overlay area is no longer a Kirihipi overlay area.

(2) The Minister of Conservation must not make a recommendation for the purposes of subsection (1) unless—

(a) Te Uri o Hau governance entity and the Minister of Conservation have agreed in writing that the status of all or part of a Kirihipi overlay area is no longer appropriate for the area concerned; or

(b) all or part of a Kirihipi overlay area is alienated by the Crown to a person or body other than the Crown; or

(c) there is a change in the Minister of the Crown or the department of State responsible for the management of all or part of a Kirihipi overlay area.

(3) Subsection (4) applies if—

- (a) paragraph (b) or paragraph (c) of subsection (2) applies; or
- (b) there is a change in the statutory management regime that applies to all or part of a Kirihipi overlay area.

(4) If this subsection applies, the Crown must take reasonable steps to ensure that Te Uri o Hau governance entity continues to have input into the management of that part of the Kirihipi overlay area affected by the alienation or change in management responsibility, through negotiation with Te Uri o Hau governance entity by—

- (a) the Minister of the Crown responsible for the new management or the management regimes; or
- (b) the Commissioner of Crown lands; or
- (c) any other responsible officer.

Section 54

Section 54 provides for the exercise of powers, duties, and functions:

(1) Nothing in section 40 or section 42 affects or may be taken into account in the exercise of any power, duty, or function of any person or entity under any statute, regulation, or bylaw.

(2) No person or entity, in considering any matter or making any decision or recommendation under any statute, regulation, or bylaw, may give any greater or lesser weight to Te Uri o Hau values than that person or entity would give under the relevant statute, regulation, or bylaw, if the area were not a Kirihipi overlay area and Te Uri o Hau values had not been acknowledged in relation to the area.

(3) Subsection (2) does not limit the operation of subsection (1).

(4) This section applies subject to the other express provisions of this subpart.

Section 55

Section 55 Rights not affected:

(1) Nothing in section 40 or section 42 affects the lawful rights or interests of any person who is not a party to the deed of settlement.

(2) This section applies subject to the other express provisions of this subpart.

Section 56

Section 56 provides for the limitation of rights:

(1) Nothing in section 40 or section 42 has the effect of granting, creating, or providing evidence of any estate or interest in, or any rights of any kind relating to, a Kirihipi overlay area.

(2) This section applies subject to the other express provisions of this subpart.

Appendix 5: Te Uri o Hau Claims Settlement Act 2002: Statutory Acknowledgements

Section 58

Section 58 provides for the purpose of statutory acknowledgements.

(1) The only purposes of the statutory acknowledgements are—

(a) to require that consent authorities forward summaries of resource consent applications to Te Uri o Hau governance entity, as required by regulations made under section 64; and

(b) to require that consent authorities, the Historic Places Trust, or the Environment Court have regard to the statutory acknowledgements in relation to the statutory areas, as provided in sections 60 to 62; and

(c) to enable Te Uri o Hau governance entity and any member of Te Uri o Hau to cite statutory acknowledgements as evidence of the association of Te Uri o Hau with the statutory areas, as provided in section 65; and

(d) to empower the Minister of the Crown responsible for management of the statutory areas, or the Commissioner of Crown Lands, to enter into deeds of recognition, as provided in section 67.

(2) This section does not limit the operation of sections 70 to 73.

Section 59

Section 59 provides for statutory acknowledgements by the Crown. The Crown acknowledges the statements made by Te Uri o Hau of the particular cultural, spiritual, historic, and traditional association of Te Uri o Hau with the statutory areas, the texts of which are set out in Schedules 5 to 10.

Section 60

Under section 60 Consent authorities must have regard to statutory acknowledgments from the effective date, and without derogation from its obligations under Part 2 of the Resource Management Act 1991, a consent authority must have regard to the statutory acknowledgement relating to a statutory area in forming an opinion in accordance with sections 93 to 94C of that Act as to whether Te Uri o Hau governance entity is an entity that may be adversely affected by the granting of a resource consent for activities within, adjacent to, or impacting directly on, the statutory area. Section 60: substituted, on 1 August 2003, by section 107(1) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 61

Under section 61 the Environment Court is to have regard to statutory acknowledgements.

(1) From the effective date, the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in determining, for the purposes of section 274 of the Resource Management Act 1991, whether Te Uri o Hau governance entity is an entity having an interest in the proceedings greater than the public generally in respect of an application for a resource consent for activities within, adjacent to, or impacting directly on the statutory area.

(2) Subsection (1) does not derogate from the obligations of the Environment Court under Part 2 of the Resource Management Act 1991.

Section 62

Under section 62 of the Historic Places Trust and Environment Court is to have regard to statutory acknowledgements from the effective date, the Historic Places Trust and the Environment Court must have regard to the statutory acknowledgement relating to a statutory area in forming an opinion, under section 14(6)(a) or section 20(1) of the Historic Places Act 1993, as to whether Te Uri o Hau governance entity is an entity directly affected in relation to an archaeological site within the statutory area.

Section 63

Under section 63 Recording of statutory acknowledgements on statutory plans.

(1) Local authorities with jurisdiction in respect of a statutory area must attach information recording the statutory acknowledgement to—

(a) all regional policy statements, regional coastal plans, other regional plans, district plans, and proposed plans (as defined in section 2 of the Resource Management Act 1991) that—

(i) cover, wholly or partly, the statutory area; and

(ii) are prepared under the Resource Management Act 1991;

(b) all proposed policy statements of the kind referred to in Schedule 1 of the Resource Management Act 1991 that—

(i) cover, wholly or partly, the statutory area; and

(ii) are prepared under the Resource Management Act 1991.

(2) The attachment of information under subsection (1) to a document referred to in that subsection—

(a) may be by way of reference to this Part or by setting out the statutory acknowledgement in full; and

(b) is for the purpose of public information only, and the information is neither part of the document (unless adopted by the relevant regional council or district council) nor subject to the provisions of Schedule 1 of the Resource Management Act 1991.

Section 64

Under section 64 Distribution of applications to Te Uri o Hau governance entity.

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister for the Environment, make regulations, as contemplated by clause 5.2.8 of the deed of settlement,—

(a) providing for consent authorities to forward to Te Uri o Hau governance entity a summary of any applications received for resource consents for activities within, adjacent to, or impacting directly on statutory areas; and

(b) providing for Te Uri o Hau governance entity to waive its rights to be notified under those regulations.

(2) Nothing in regulations made under this section affects in any way the discretion of a consent authority as to—

(a) whether to notify an application under sections 93 to 94C of the Resource Management Act 1991; and

(b) whether Te Uri o Hau governance entity may be adversely affected under those sections.

Section 64(2)(a): amended, on 1 August 2003, by section 107(2)(a) of the Resource Management Amendment Act 2003 (2003 No 23). Section 64(2)(b): amended, on 1 August 2003, by section 107(2)(b) of the Resource Management Amendment Act 2003 (2003 No 23).

Section 65

Under section 65 Te Uri o Hau may use of statutory acknowledgement with submissions.

(1) Te Uri o Hau governance entity and any member of Te Uri o Hau may, as evidence of the association of Te Uri o Hau with a statutory area, cite the relevant statutory acknowledgement in submissions to, and in proceedings before, a consent authority, the Environment Court, or the Historic Places Trust concerning activities within, adjacent to, or impacting directly on the statutory area.

(2) The content of the statement of association, as recorded in the statutory acknowledgement, is not, by virtue of the statutory acknowledgement, binding as deemed fact on—

(a) consent authorities:

(b) the Environment Court:

(c) the Historic Places Trust:

(d) parties to proceedings before those bodies:

(e) any other person able to participate in those proceedings.

(3) Despite subsection (2), the statutory acknowledgement may be taken into account by the bodies and persons specified in that subsection.

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(4) Neither Te Uri o Hau governance entity nor any member of Te Uri o Hau is precluded from stating that Te Uri o Hau has an association with a statutory area that is not described in the statutory acknowledgement.

(5) The content and existence of the statutory acknowledgement do not derogate from a statement made under subsection (4).

Appendix 6: Cultural Redress Properties: Land Description

Land	Description	Encumbrances
Pukekaroro Site	14.0 hectares, more or less, being Part Lot 1 DP41763 and Part Allotment S79 of Kaiwaka, situated in Block XIV, Waipu survey District. Part Gazette Notice 764049.1 (New Zealand Gazette, 1980 page 754). Subject to survey, as shown on SO Plan 70041.	Protected Private Land Agreement as set out in Schedule 4.2
Pukeareinga Site	5000 square metres, more or less, being Part Lot 14 DP 2845, situated Block XIII, Waipu Survey District. Part Gazette Notice 591553.1 (New Zealand Gazette, 1979 page 3141). Subject to survey, as shown on SO Plan 70043.	Conservation covenant as set out in Schedule 4.3
First Whakahuranga Pa Site	5000 square metres, more or less being Part Lot 7 DP 180722. Subject to survey, as shown on SO Plan 70279.	Easement registered on title for Lots 5 and 7 DP 180722. Easement as set out in Schedule 4.4
Second Whakahuranga Pa Site	5000 square metres, more or less, being Part Okahukura 2 Block (DP 10011), situated in Block XVI, Hukatere Survey District. Part Certificate of Title 242/272 cancelled. Subject to survey, as show on SO Plan 70280.	Easement as set out in Schedule 4.4
Oteono Site	1955 square metres, more or less being Section 1 SO Plan 70271, situate in Block IX, Te Kuri Survey District. Part New Zealand Gazette, 1899 page 1359. As shown on SO plan 70271	
Whakapirau Site	1.1360 hectares, more or less, being Section 1 SO Plan 70276, situated in Block VIII, Hukatere Survey District; and	

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	<p>1.0280 hectares, more or less, being Section 2 SO Plan 70276, situated I Block VIII, Hukatere Survey District.</p> <p>As shown on SO Plan 70276</p>	
Okahukura Site	<p>2.0000 hectares, more or less, being Section 1 SO Plan 70275, situated in Block VII, Okaka Survey District. Part Certificate of Title 242/272 cancelled. As shown SO Plan 70275.</p>	
Hokarako Stewardship Area	<p>8600 square metres, more or less being Section 48, Block 1, Otamatea Survey District, SO Plan 12756/2. As shown on SO Plan 70044.</p>	
Part Humuhumu Lake Bed	<p>41.000 hectares, more or less, being Part Pouto 2E10 Block, situated in Block XIII, Hukatere Survey District and Block I, Okaka Survey District. Part Certificate of Title 428/225 cancelled. Subject to survey, as shown on SO Plan 70045.</p>	<p>Easement in favour of the Licensee of Pouto Licensed Land for power supply, water supply and an electric fence earth site</p>
Pouto Road End	<p>6526 square metres, more or less, being Part Pouto Block situated in Block II, Okaka Survey District. All New Zealand Gazette, 1955 page 403, SO Plan 38503. As shown on SO Plan 70046.</p>	
Wāhi tapu Sites in the Pouto Forest	<p>471 square metres, more or less, being Section 1 SO Plan 65781, situated in Block I, North Head Survey District. Part Certificate of Title 238/105. Subject to wildlife refuge by New Zealand Gazette 1957 page 1639 for the purpose of the Wildlife Act 1953;</p> <p>429 square metres, more or less, being Section 1 SO Plan 65781, situated in Block I,</p>	

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Okaka Survey District, Part Certificate of Title 238/105. Subject to wildlife refuge by New Zealand Gazette 1957 page 1639 for the purpose of the Wildlife Act 1953;

441 square metres, more or less, being Section 3 SO Plan 65781, situated in Block I, Okaka Survey District, Part Certificate of Title 238/105. Subject to wildlife refuge by New Zealand Gazette 1957 page 1639 for the purpose of the Wildlife Act 1953;

693 square metres, more or less, being Section 4 SO Plan 65781, situated in Block II, Okaka Survey District. Part Certificate of Title 238/105. Subject to wildlife refuge by New Zealand Gazette 1957 [age 1639 for the purpose of the Wildlife Act 1953; and

3032 square metres, more or less, being Section 5 SO Plan 65781, situated in Block I, Okaka Survey District. Part Certificate of Title 238/105. Subject to wildlife refuge by New Zealand Gazette 1957 page 1639 for the purpose of the Wildlife Act 1953.

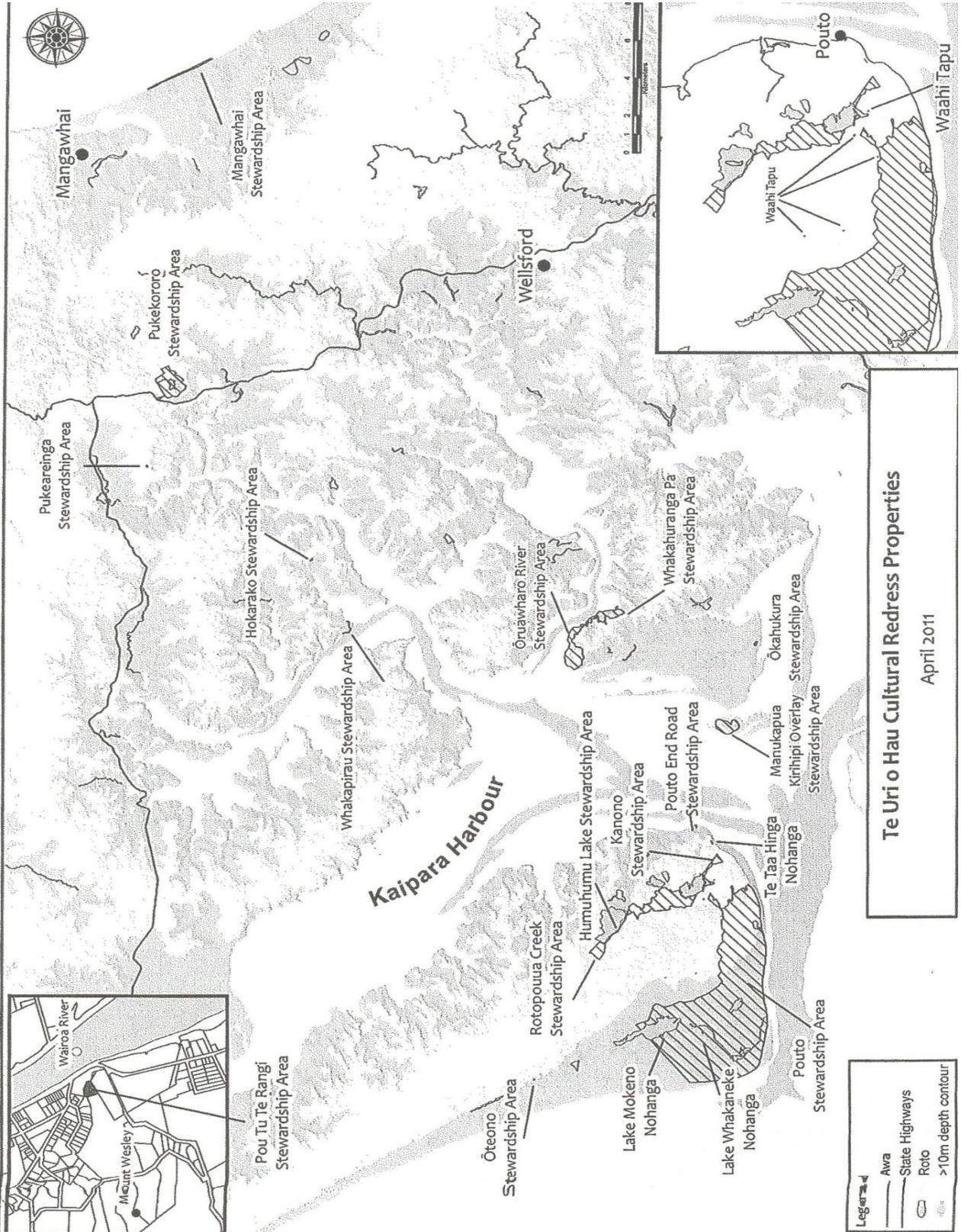
As shown on SO Plan 70047.

Pou Tu o Te Rangi

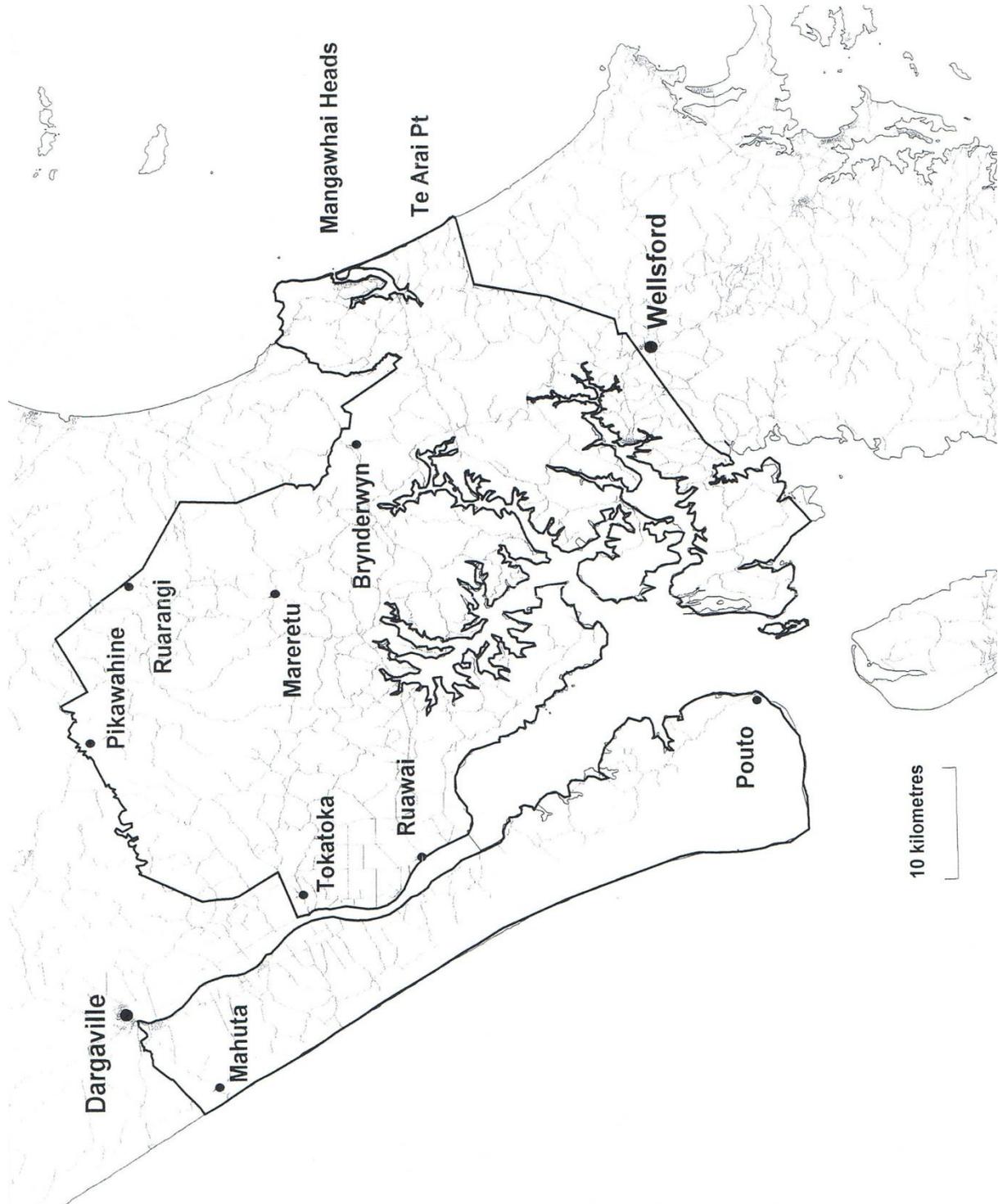
5793 square metres, more or less being Lot 1 DP 79437, situated in Block XV, Kaihu Survey District. All Certificate of Title 368/229 (Gazette Notice 737841.1 (New Zealand Gazette 1978 page 3369)).

As shown on SO Plan 70048

Appendix 7: Map Te Uri o Hau Cultural Redress Properties



Appendix 8: Map Te Uri o Hau DOC Protocol Area



Appendix 9: Map Te Uri o Hau Right of First Refusal Area

