



**Ngāti Tama ki
Te Waipounamu Trust
Environmental
Management Plan 2018**



NGĀTI TAMA
KI TE WAIPOUNAMU
TRUST

Titiro whakarongo ngā iwi e

Listen and hear, our people are Ngāti Tama ki Te Tau Ihu

**Ko Horoirangi, Maungatapu, Wharepapa,
Piki-ki-runga e Tai atu ki Pukeone, Anatoki,
Parapara, Aorere, Wakamarama, ngā māunga e**

The highest loftiest peaks that etch out our mountain ranges

Ko Whangamoa ki Kahurangi te rohe nei

From Whangamoa in the east to Kahurangi in the west
are the lands of Ngāti Tama ki Te Tau Ihu

**Hoki mai mātou ngā awa o Whangamoa, Whakapuaka,
Mahitahi, Waimea, Wai-iti, Wairoa, Motueka e**

Our rivers that flow through our lands

Pupū ake te puna tapu o Te Waikoropupū e

The sacred bubbling puna waiora, the life essence of
Ngāti Tama ki Te Tau Ihu

**E tiaki ake ngā taniwha e Kaiwhakaruaki,
Ngararahuarau, Huriawa, Poutini e**

Our spiritual guardians who protect our treasures,
our people and our lands

**Titiro mai mātou ki ngā wāhi o mātou tūpuna e
Wakapuaka, Whakatū, Motueka, Tākaka, Mōhua,
Onetāhua, Kahurangi e**

Our ancestral homelands across Te Tau Ihu

**E tū tonu ngā whare o ngā tūpuna e no Whakatū,
Te Awhina, Onetāhua e Anei te rohe o
Ngāti Tama ki Te Tau Ihu e**

Our marae, our place to stand as Ngāti Tama across Te Tau Ihu

He Mihi

Ngāti Tama ki Te Tau Ihu are mana whenua under tikanga Māori and through raupatu have continuously maintained rangatiratanga and kaitiakitanga in this rohe - Mai Whangamoa i Kahurangi since pre-1840.

Ngāti Tama ki Te Tau Ihu (Ngāti Tama) look forward to an enduring partnership relationship with the Crown, Local Government Authorities and resource users based on good faith, mutual trust and co-operation, and respect for the te Tiriti o Waitangi and its principles.

The Ngāti Kōata, Ngāti Rārua, Ngāti Tama ki Te Tau Ihu, and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 ("Ngāti Tama Settlement Act") was signed in 2014 at Onetahua Marae. The Crown acknowledged it failed to protect the interests of Ngāti Tama ki Te Tau Ihu and that it was a breach of the Treaty of Waitangi and its principles. Further the Crown failed to adequately provide for Ngāti Tama ki Te Tau Ihu to control those lands they occupied and used; and to ensure that the area of reserved lands (known as the Nelson and Motueka Tenths Reserves) was sufficient for the ongoing use and benefit of Ngāti Tama ki Te Tau Ihu. As a result, Ngāti Tama ki Te Tau Ihu was unable to fully benefit from the developing economy of Nelson and the wider Te Tau Ihu region.

The Ngāti Tama Settlement Act includes resource management instruments; Statements of Association, Statutory Acknowledgements, Deeds of Recognition, Coastal Statutory Acknowledgement and Te Korowai Mana (Overlay Classification) for Te Waikoropupū Springs. These instruments and the Environmental Management Plan will guide Councils, Crown agents and resource users to recognise and provide for matters of importance to Ngāti Tama ki Te Tau Ihu and the relationship of Ngāti Tama ki Te Tau Ihu and their cultural and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.

A paramount environmental principal is to safeguard the mana, mauri and wairua of natural and physical resources handed down from tupuna - for future descendants and communities. It is therefore important Ngāti Tama ki Te Tau Ihu cultural, spiritual, environmental and economic values are protected in natural resource management.

The spiritual and physical health and well-being of Ngāti Tama ki Te Tau Ihu is intrinsically linked to the health and well-being of natural and physical resources in the rohe.

Thank you to Rob McKewen for permission to use the photographs in this document. Thank you also to the Tākaka Department of Conservation office for providing the Taonga Species schedules.

Ehara taku toa

I te toa takitahi

Engari, he toa takitini

Success is not the work of one, but the work of many

Ngā mihi,

Ngāti Tama Board

Front and back images: Te Waikoropupū Springs 2014

Ko Wai Au?



Pounamu Stone and Base 2015

Ngāti Tama ki te Waipounamu Trust

Ngāti Tama ki Te Waipounamu Trust (The Trust) was established in April 2013 to receive, hold, manage and administer the Deed of Settlement on behalf of and for the benefit of Ngāti Tama ki Te Tau Ihu (Ngāti Tama) whānau. The Trust is responsible for implementing the Te Tau Ihu Settlement Act 2014.

Ngāti Tama also includes various organisations or bodies that Ngāti Tama has established to manage the individual and collective affairs of Ngāti Tama whānau. This includes, but is not limited to committees, trusts, or other organisations such as marae, hapū, management committees, and other structures that, from time to time, Ngāti Tama whānau may establish to consider matters of relevance under this Plan.

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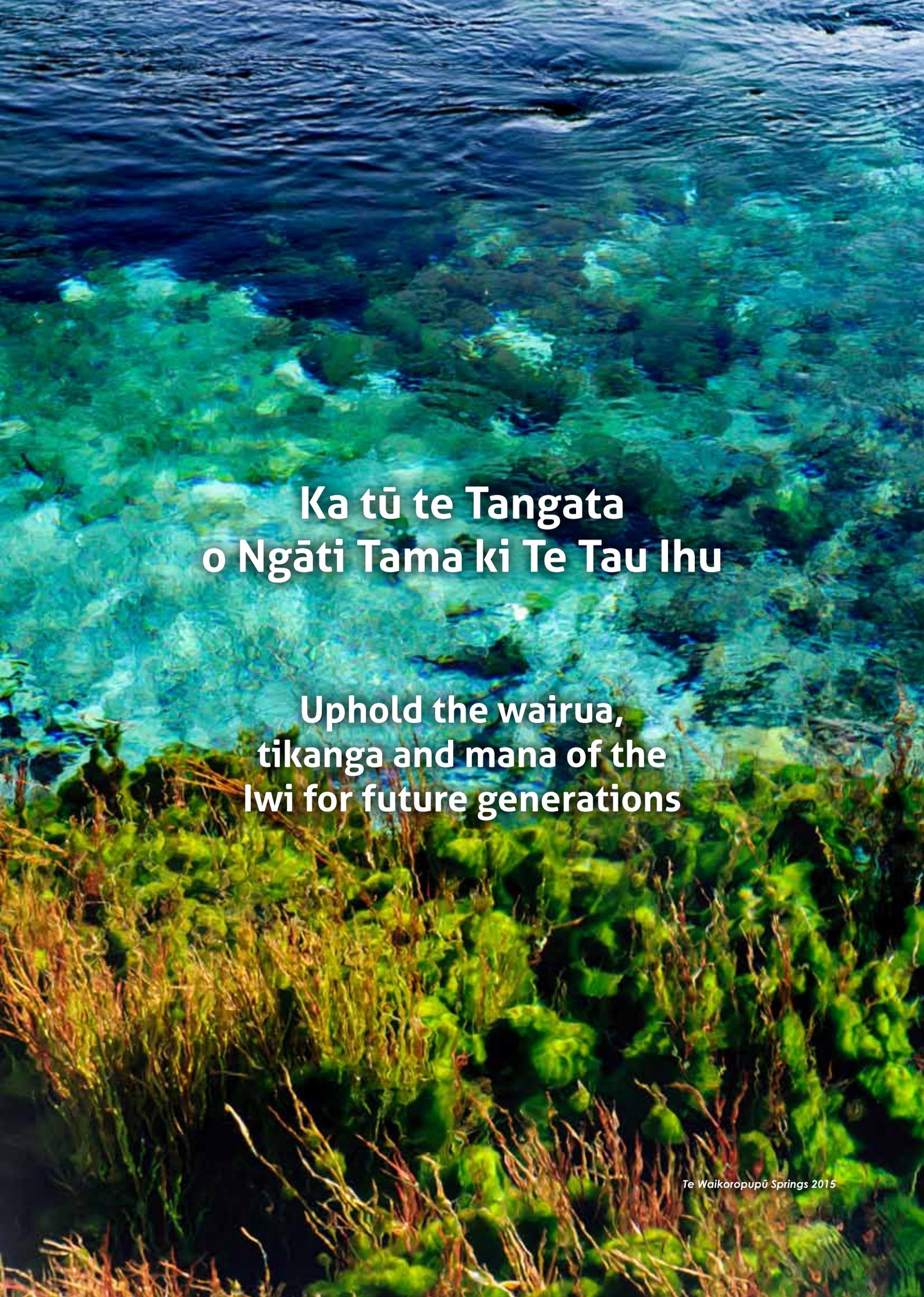
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A photograph of a coastal landscape. The top half shows clear, rippling blue water. The bottom half shows a dense thicket of green and brown coastal vegetation, including what appears to be a large green fern. The text is overlaid on the water and vegetation.

**Ka tū te Tangata
o Ngāti Tama ki Te Tau Ihu**

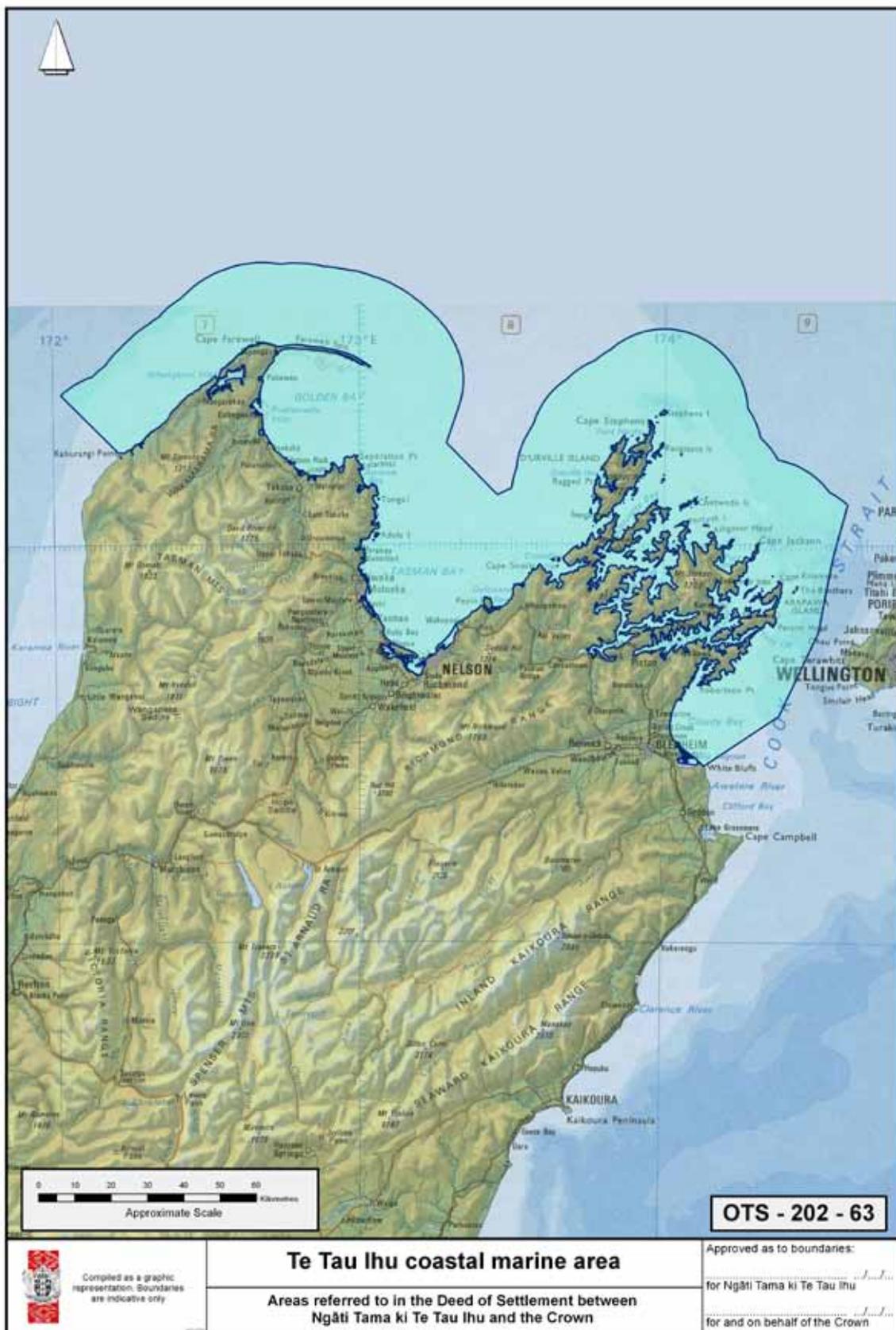
**Uphold the wairua,
tikanga and mana of the
Iwi for future generations**

Mai Whangamoā i Kahurangi te rohe o Ngāti Tama ki Te Tau Ihu



A03750 14/03/2013

Ngāti Tama Te Tau Ihu Coastal Marine Area



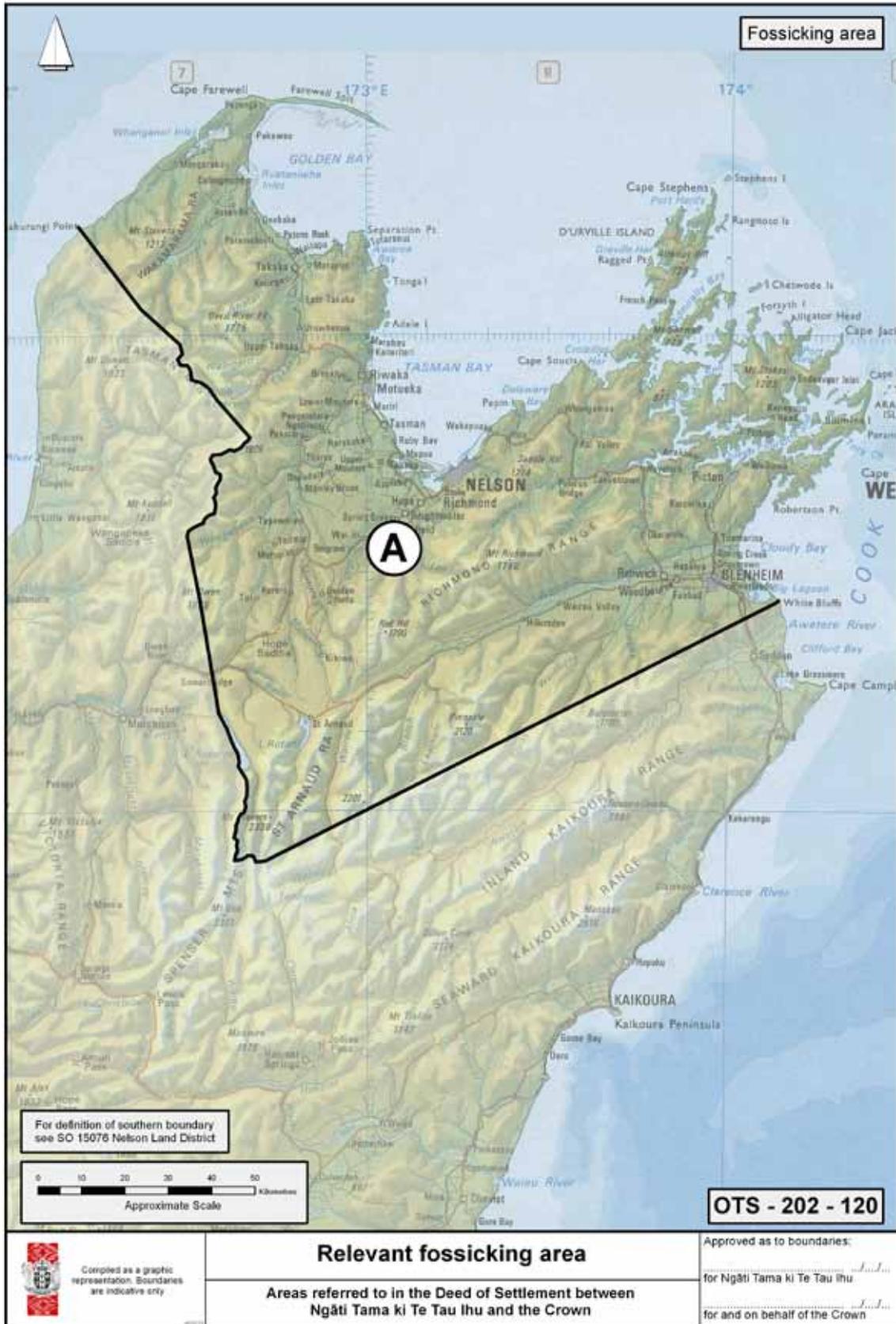
Compiled as a graphic representation. Boundaries are indicative only.

Te Tau Ihu coastal marine area

Areas referred to in the Deed of Settlement between Ngāti Tama ki Te Tau Ihu and the Crown

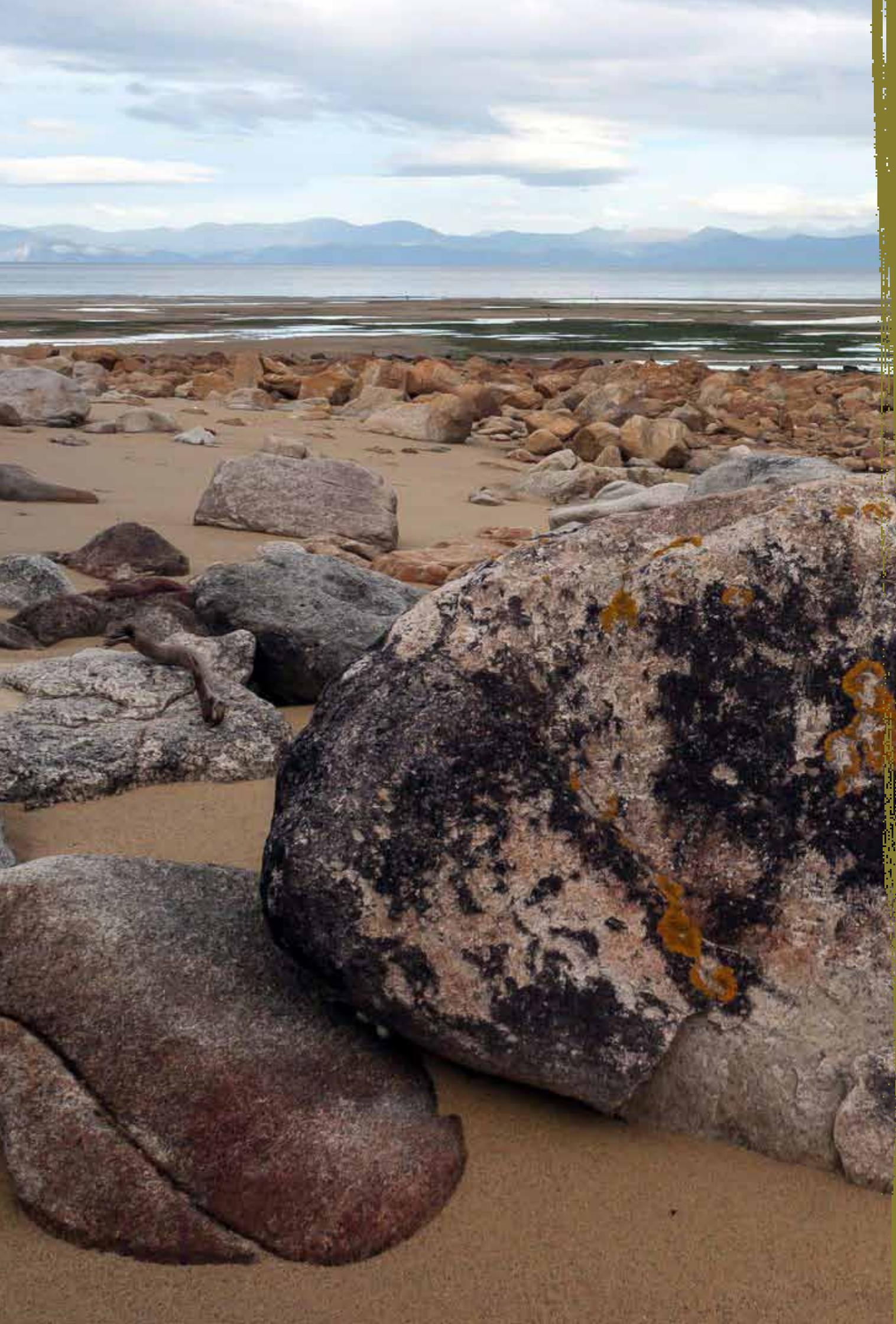
Approved as to boundaries:
 for Ngāti Tama ki Te Tau Ihu
 for and on behalf of the Crown

Ngāti Tama ki Te Tau Ihu Relevant Fossicking Area



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Section A:

Introduction to the Environmental Management Plan

In this section:

- Part 1.0 Overarching purpose of the Plan
- Part 2.0 Te Ahi-kā-roa o Ngāti Tama ki Te Tau Ihu
- Part 3.0 Ngāti Tama Cultural Values
- Part 4.0 Ngāti Tama Whānau Ora
- Part 5.0 Natural Resource Enhancement

Section A

Introduction to the Environmental Management Plan

Part 1.0 – Overarching Purpose of the Plan

The purpose of this plan is to highlight Ngāti Tama aspirations for managing ancestral whenua, awa, wāhi tapu and wāhi taonga in the Ngāti Tama rohe (from Whangamoa in the east to Kahurangi in the west).

The plan is a tool for Ngāti Tama to:

- express kaitiakitanga and uphold customary rights, obligations and responsibilities;
- describe Ngāti Tama values, interests and priorities for natural resource management;
- protect, maintain and enhance the mauri and wairua of natural resources and the relationship Ngāti Tama maintains with the natural environment; and
- ensure that the management of natural resources achieves meaningful cultural and environmental outcomes, and a positive net benefit to the environment.

The Plan is also a guide for councils, government agencies and natural resource users to understand issues of significance to Ngāti Tama, and how those issues can be resolved in a manner consistent with cultural values and interests to:

- meet Ngāti Tama statutory obligations
- assist the development of more specific plan provisions for national and local government to recognise and provide for the relationship of Ngāti Tama to ancestral land, water, fisheries, forestry, wāhi tapu and wāhi taonga as a matter of national importance;
- identify a suite of actions to protect, enhance, maintain Ngāti Tama cultural and environmental outcomes;
- determine the nature and extent of engagement that may be required regarding particular activities or places of importance; and
- to ensure appropriate weight is given to Ngāti Tama values and customary rights in decision making processes.

Part 2.0 – Te Ahi-kā-roa o Tama

This section provides a brief overview of Ngāti Tama history and traditions in the rohe. Te Ahi-kā-roa o Tama, or continual occupation of the rohe, reflects the concept that Ngāti Tama have continued to 'keep the home fires burning' and maintained their mana and connections with the whenua maunga, moana, wāhi tapu, awa and wāhi taonga since their arrival in Te Tau Ihu.

For Ngāti Tama, their relationship with natural resources in the rohe originates through whakapapa. Ancestral ties bind Ngāti Tama to wāhi taonga and associated ecosystems, as these resource areas were used extensively by tūpuna. This centuries old relationship and kaitiakitanga is reflected in the numerous and interconnected occupation and cultivation sites (wāhi tapu) from Whangamoa in the east to Kahurangi in the west. The spatial and temporal distribution of wāhi tapu within these boundary markers is an indication of the importance of wāhi taonga found across the rohe and the fact that whānau tūpuna maintained a continuous connection with these taonga for generations.

Ngāti Tama trace their roots to the Tokomaru waka from Hawaiki, and take their name from Tamaariki, one of the five co-captains aboard the vessel.

Whakapapa of these rangātira and others aboard, the sagas of their journey and eventual establishment in northern Taranaki are preserved in tribal traditions.

Around 1820 an alliance of Tainui and Taranaki tribes, including some Ngāti Tama under their paramount chief Te Pūoho ki te Rangī, participated in a raid to Te Upoko o Te Ika. Relationships based on trade, service provision and marriage were established with European whalers.

Eventually the Tainui and Taranaki alliance crossed the Cook Strait to Te Tau Ihu o te Waka a Māui. Te Pūoho ki te Rangī, other Ngāti Tama chiefs, and rangātira from other iwi led the invasion of western Te Tau Ihu in Mōhua. After the invasion members of Ngāti Tama established permanent communities in the northern South Island. Ngāti Tama thus established customary rights in Te Tau Ihu by raupatu followed by occupation.

Ngāti Tama established pā and kāinga at several localities in Te Tau Ihu and at some places in northern Te Tai Poutini (Westland). In Te Tau Ihu, Ngāti Tama main pā (meeting house) were at Wakapuaka (near Nelson) and at Wainui, Tākaka, Tukuruā and Parapara in Mōhua (Golden Bay). Ngāti Tama utilised, maintained, enhanced and protected the rich resources available across the rohe, including flora, fauna, minerals and kaimoana.

Part 3.0 – Ngāti Tama Cultural Values

Cultural values underpin Ngāti Tama holistic and inclusive relationships with each other, the natural, spiritual and physical world. For Ngāti Tama kaitiakitanga requires sustaining and enhancing the mauri and life support system of papatūānuku. The following cultural values guide Ngāti Tama tikanga, kawa and mātauranga Māori.

Whanaungatanga	For Ngāti Tama, whānau relationships are important – the relationships between whānau, the relationships between tangata whenua and the physical world, and the relationships between tangata whenua and the spiritual world.
Whakapapa	Whakapapa refers to genealogy and the relationships between the natural world and tangata whenua. For example, the recital of cultural identity refers to tūpuna, wai, moana, whenua, maunga and awa. This holistic approach strengthens the physical and spiritual connection between people and natural resources. The health and wellbeing of the environment is linked to the health and wellbeing of tangata whenua.
Karakia	Karakia is an important cultural ritual reflected in all areas of cultural matters. It is recited to acknowledge and recognise and strengthen physical and spiritual sustenance.
Kaitiakitanga	Kaitiakitanga is an obligation and responsibility passed down from tūpuna to current generations to wisely use and manage natural resources and wāhi taonga sustainable to ensure a positive net benefit to the environment and to people.
Mana	In general terms, mana refers to the authority and integrity bestowed upon a person or entity to speak on behalf of whānau, hapū and iwi. The Trust is acknowledged and recognised to speak on behalf of the iwi on matters in Te Tau Ihu.
Mātauranga Māori	Mātauranga Māori refers to Māori knowledge. Mātauranga covers all areas of social, cultural, economic and environmental areas and was passed down the generations through oral traditions and naming of people and places, natural resources, wāhi taonga and reference to significant events, hui and meetings.
Tikanga and Kawa	Tikanga and kawa are important cultural rituals to Ngāti Tama. Tikanga refers to customary practices. Kawa refers to rules to govern human behavior. Ngāti Tama tikanga and kawa guide the use and management of natural resources and the interrelationships with other whānau, hapū, iwi and the wider stakeholders and communities.
Manaakitanga	An important cultural practice is manaakitanga. Manaakitanga refers to looking after manuhiri to ensure their safety and provide sustenance, both physical (local kai from the environment) and spiritual (cultural rituals). It is important for Ngāti Tama to sustainably manage and use natural resources and wāhi taonga.
Mauri	The continued health and wellbeing of the mauri (life force) of natural resources over time. This approach refers to resource use and ensuring the mauri is protected and enhanced. It is synonymous with the concept of sustainable management.

Part 4.0 – Ngāti Tama Whānau Ora

Whānau ora relates to the overall wellbeing of Ngāti Tama whānau underpinned by cultural values and and whakapapa relationships - to their wider community, their tūpuna, whenua, wāhi taonga and their physical, emotional, spiritual and social health. Ngāti Tama will contribute to policies and plans that affect Ngāti Tama or Te Taiao within their rohe mai Whangamoa i Kahurangi, in a way that is meaningful and constructive to them. This is depicted in the table below.

	Rangāiiratangā Leadership and governance capability is strengthened	Kaitiakitangā To protect and enhance our sustainable futures	Manaakitangā Ngāti Tama cultural values and interests maintained	Whakawhanaungatangā To build strong and healthy relationships and leaders	Wairuatangā To participate as Māori in te ao Māori and te ao whānui
Cultural	Ngāti Tama are active participants and leaders in the community	Ngāti Tama tikanga and kawa is upheld in natural resource management, wāhi taonga and wāhi tapu	Ngāti Tama cultural identity is strengthened to understand who we are and where we come from	Decision-making processes strengthen whānau connectedness and collective action	Ngāti Tama whānau cultural heritage is valued and protected
Economic	Ngāti Tama is active across all sectors of the economic community	Ngāti Tama improve and enhance the wellbeing of their people, assets and resource base	Ngāti Tama capability is enhanced to realise economic opportunities	Ngāti Tama earn income and returns that fulfil lifestyle expectations	Ngāti Tama businesses are visible and prosperous
Social	Create pathways for capacity and capability building for future generations	To support and implement education pathways to build capacity and capability in natural resource management	To enhance and improve health and wellbeing across Tama whānau and future mokopuna	Enhance and promote communication systems to ensure Tama whānau are well informed decision makers and leaders	Enhance and implement Ngāti Tama tikanga and kawa
Environment	Ngāti Tama is actively involved in decision making and management of Te Taiao.	Ngāti Tama are kaitiaki of Te Taiao mai Whangamoa i Kahurangi	Enhance, restore, protect and maintain the mauri of natural and physical resources and wāhi taonga	Te Taiao support Ngāti Tama whānau and communities	Wāhi taonga are enhanced, restored and protected mai Whangamoa i Kahurangi

Part 5.0 – Natural Resource Enhancement

5.1 Introduction

For Ngāti Tama it is essential to protect, enhance and maintain the health and wellbeing of the mauri and wairua of natural resources. Central to the role of kaitiaki is to maintain customary practices and uses (tikanga and kawa). Any resource use or activity must therefore provide a positive net benefit to the environment and enhance the mauri and wairua of natural resources.¹

5.2 Management of Effects

The management of effects of activities on natural resources and Ngāti Tama cultural values and interests is essential for resource use. Ngāti Tama consider the following matters in the assessment of effects:

- a. Magnitude (how big the effect is)
- b. Likelihood (how likely it is that the effect will occur)
- c. Frequency (how often the effect occurs)
- d. Duration (how long the effect occurs when it does occur)
- e. Cumulative effects (if the effect arises over time or in combination with other effects)
- f. Positive and negative effects (includes intangible and tangible spiritual and emotional elements)

The assessment of effects may differ between Ngāti Tama and applicants. Applicants must engage and consult early with Ngāti Tama to ensure any effects of activities on Ngāti Tama values are appropriately mitigated.

The following is a hierarchy assessment to manage the effects of activities and includes:

- a. Abandon activity: the effects cannot be managed appropriately
- b. Avoid: avoid any effects
- c. Remedy: eliminate any effects
- d. Minimise: the effect is minimised and does not cause Ngāti Tama any concern
- e. Mitigate: mitigate or offset the effect to create a benefit not directly linked to the proposed resource use or activity. (eg an effect of discharge to water being offset by additional riparian planting or wetland restoration)
- f. Balance: ensure positive effects adequately balance out the negative effects, and there

is a net benefit to the environment. Only Ngāti Tama can determine whether effects are suitably balanced.

- g. Ignore: the effect is less than minor and so can be ignored for the purposes of the proposed activity.

Ngāti Tama will determine for themselves and provide input as to what creates a suitable way to avoid, remedy, minimise, mitigate, or balance effects caused from a resource use of activity.

5.3 Best Practicable Option:

- a. The Resource Management Act (1991) (part 1, section 2) provides the following interpretation of 'best practicable option:'

5.3.1

Best practicable option, in relation to a discharge of a contaminant or an emission of noise, means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to-

- a. the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and
- b. the financial implications, and the effects on the environment, of that option when compared with other options; and
- c. the current state of the technical knowledge and likelihood that the option can be successfully applied.

5.3.2

Ngāti Tama expects that any claims of best practice has had regard to any adverse effects on Ngāti Tama values and interests. Resource users and or regulators will need to work with Ngāti Tama to consider any adverse effects on Ngāti Tama values and interests.

5.4 Precautionary Approach

5.4.1 A precautionary approach is encouraged and promoted if consents are to be granted and setting consent terms for a resource use or an activity that may continue to have an adverse effect on the social, economic, cultural, spiritual or environmental wellbeing of the people of Ngāti Tama. Consent terms should be granted for the shortest practical period to allow for a full review of the activity or resource use.

¹ Ko Ta Maniapoto Mahere Taiao – Maniapoto Environmental Management Plan

R Slow 2017



This image depicts the Tohora whales at Onetāhua and the rich ecology at Farewell Spit.

Kereru 2016



Oystercatcher 2016



Section B:

Engaging with Ngāti Tama

In this section:

Part 6.0 Engagement and Consultation Process

- 6.1 Developing a positive working relationship
- 6.2 Level of engagement
- 6.3 Cost recovery

Part 7.0 Who should use this Plan?

- 7.1 External users
- 7.2 For Internal users
- 7.3 Relationship between this Plan and other Environment Management Plans
- 7.4 Review of the plan

Part 8.0 How to use this Plan – Flowchart

Part 9.0 Engagement and consultation process – Flowchart

Section B

Engaging with Ngāti Tama

Part 6.0 – Engagement and Consultation Process

The Trust is an iwi authority as defined in section 2 of the Resource Management Act 1991 (RMA) and is recognised by Ngāti Tama as having authority to represent the iwi. The Trust consider themselves an affected party for any activity that affects or potentially affects, waterways, aquifers, springs, puna, whenua, maunga, wāhi tapu, sites of significance, settlement areas, statutory areas/sites, overlay areas/sites in the rohe. This includes, but not limited to water takes, discharges to water and land use consents.

6.1 Developing a positive working relationship

The following best practice principles for engagement and consultation with Ngāti Tama includes:

- ensure **early engagement** with the right people on the right issues;
- commit to **good faith** engagement at the highest level;
- **kanohi ki te kanohi (face to face)**;
- good practice in upholding Treaty principles of **partnership, mutual respect and good faith**
- a commitment to **open, honest and transparent** communication;
- a **reasonable timeframe** (to allow for meetings and decision-making);
- the **flow of quality information** (to support the process);
- operate on a **no surprises approach**;
- acknowledge the **evolving nature of the relationship**;
- respecting the **independence** of the parties and their respective **individual mandates, roles and responsibilities**; and
- recognise and acknowledge the **benefits from working together** sharing knowledge and expertise.

6.2 Level of engagement

The level of engagement required of a resource user with the Trust will depend on:

- purpose and goals of the engagement;
- degree and likely effect of the proposed activity on Ngāti Tama values and interests;
- potential effect on natural resources and/or the environment; and
- potential effects on cultural heritage – sites of significant, wāhi tapu and wāhi taonga.

Local Authorities, Crown agencies, resource users and regulators will be required to complete an initial assessment of the project, application or proposal against the relevant issues, aspirations and actions of this Plan, prior to engagement and consultation with the Trust.

6.3 Cost Recovery

The resourcing of the Trust input to resource management matters is comparable to any other specialist or professional contribution. Timeframes and resources required will depend on the scope of the process and/or project in question and the type of skill or knowledge required; to allow for information to be collected to support the consideration of a policy or planning matter, an application or proposed activity.

Part 7.0 – Who should use this Plan?

7.1 External Users

This Plan provides a starting point and guide for matters of resource use that may impact on Ngāti Tama cultural values and interests.

This Plan is also a tool for external users, providing guidance on Ngāti Tama resource management matters. External users include but are not limited to:

- local authorities (Councils);
- Crown agencies;
- businesses;
- community groups and individuals;
- education institutions;
- schools; and
- Non Government Organisations (NGO's).

This Plan will assist external users to assess potential impacts on Ngāti Tama values and interests, including but not necessarily limited to the following:

- activities, proposals, resource consents;
- resource use;
- monitoring and enforcement;
- review and update of policies and plans;
- implementation of policies and plans;
- development of policies and plans;
- regulations or bylaws;
- national environmental standards and National/ Government policy statements;

- applications to the Environmental Protection Agency, or to local councils;
- statutory authorisations (concessions, special permits);
- Heritage New Zealand Pouhere Taonga applications; and
- permits (Fisheries, Biosecurity, Petroleum and Minerals).

7.2 For Internal Users

The Plan is a tool to support Ngāti Tama, trustees, staff, whānau, hapū, Marae, and other Ngāti Tama groups involved in natural resource management.

Ngāti Tama can also use the Plan as a guide to make submissions, prepare restoration plans and to support education studies.

7.3 Review of the Plan

This Plan will be monitored, reviewed and updated by the Trust.

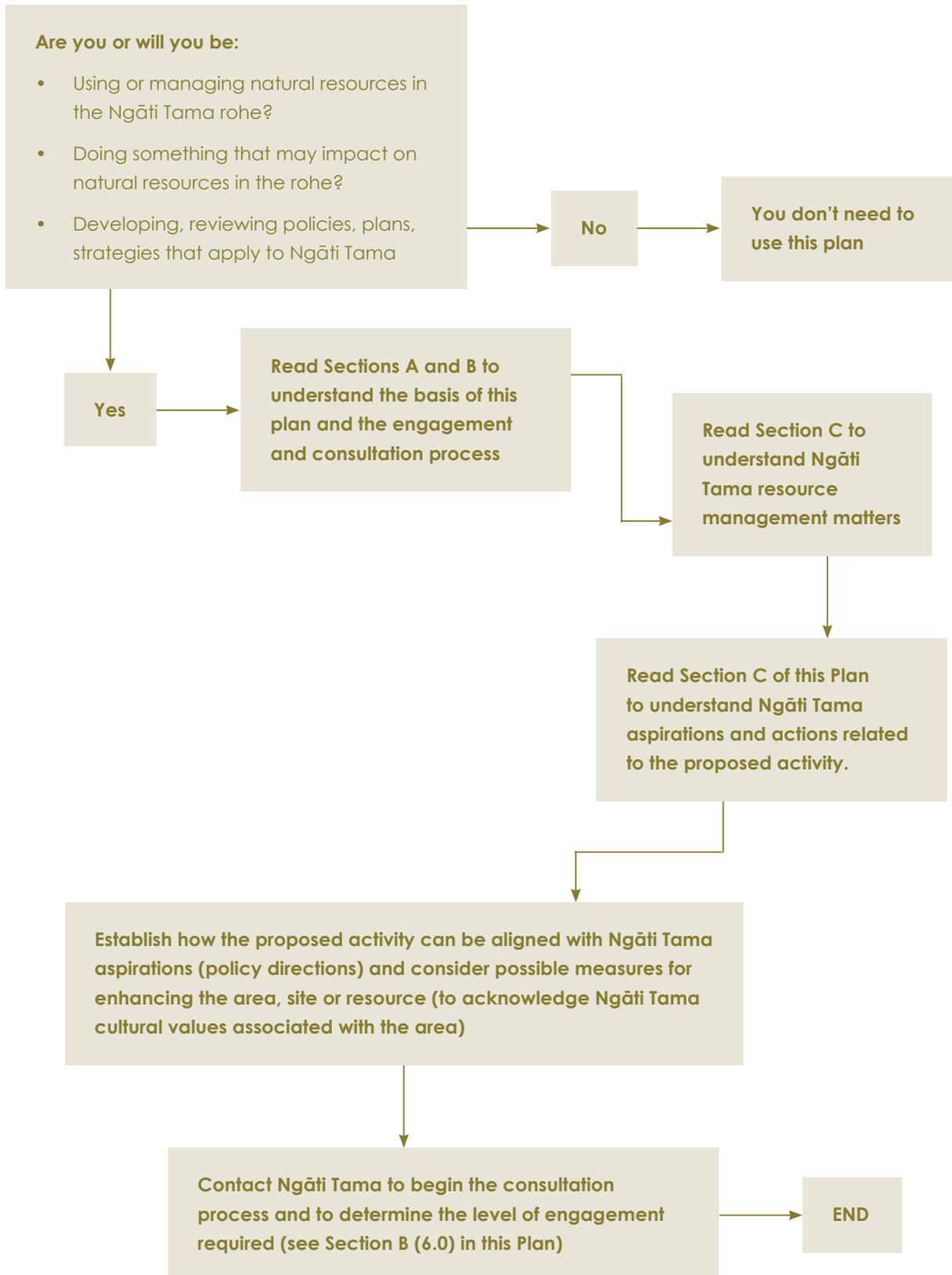
Part 8.0 – How to use this plan

Resource users, councils, government agencies, community organisations will need to work with Ngāti Tama, this Plan and any other Ngāti Tama Plans, policies, processes to assess the effects of a project, application or proposal on Ngāti Tama values and interests in the rohe. (See following flowchart)

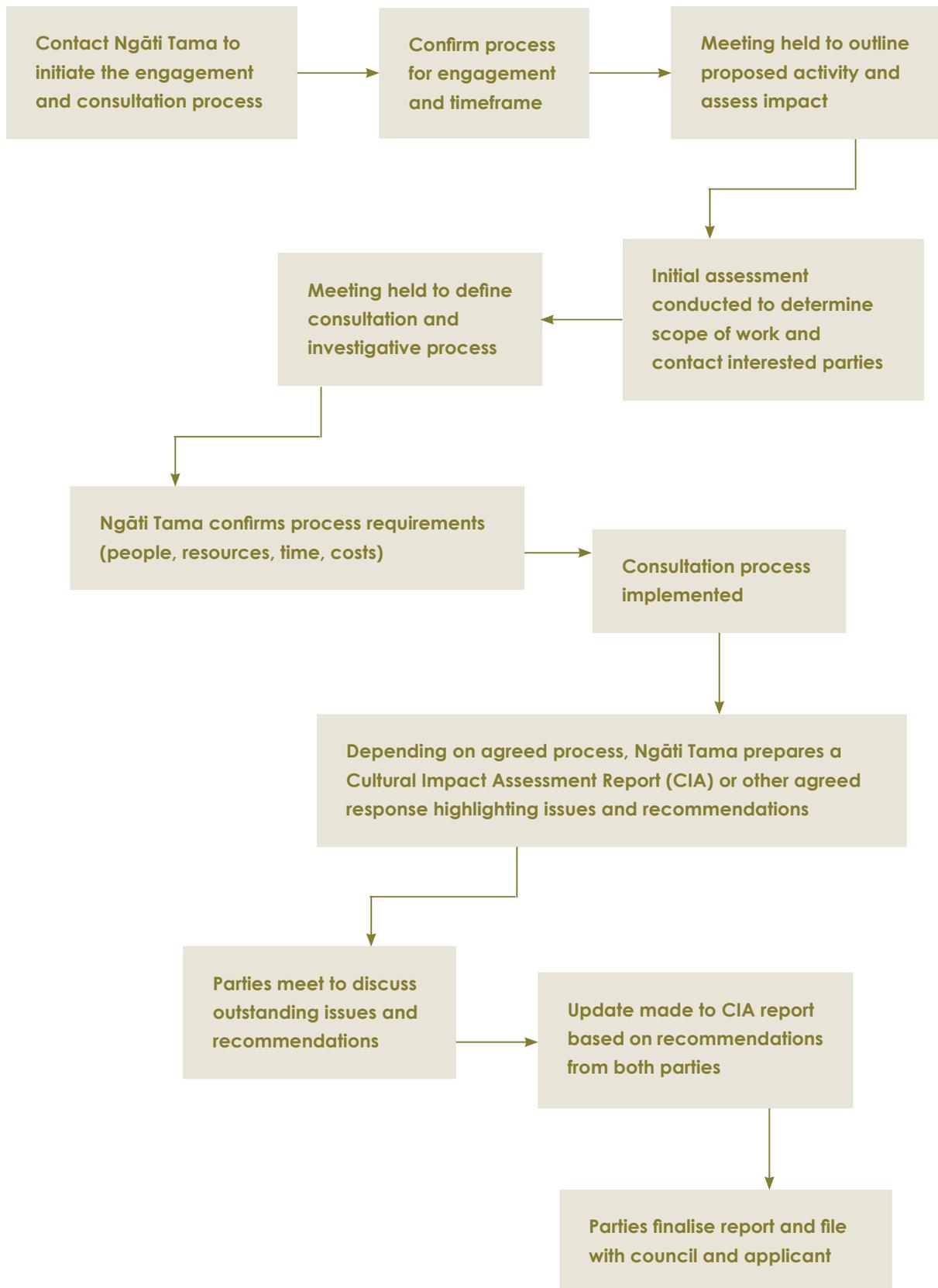


Onetahua Marae 2015

Part 8.0 – How to use this plan - Flowchart



Part 9.0 – Engagement and Consultation Process - Flowchart





Section C:

Natural Resource Management

In this section:

Part 10.0	Cultural Heritage	Part 14.0	Hau Ora
10.1	Introduction	14.1	Introduction
Part 11.0	Whenua (Maunga and Hill Country)	Part 15.0	Coastal Marine Environment
11.1	Introduction	15.1	Introduction
11.2	Activities	15.2	Marine and Coastal Area Act
11.3	Mining and Exploration	15.3	Coastal Water Quality
11.4	Energy Generation	15.4	Coastal Environment Land Use and Development
11.5	Forestry Operations (Indigenous and Exotic)	15.5	Structures in the Coastal Marine Area
11.6	National Park Management	15.6	Coastal Access
Part 12.0	Whenua (Valleys and Plains)	15.7	Coastal Mining
12.1	Introduction	15.8	Commercial Surface Water Activities
12.2	Farming	15.9	Offshore Petroleum Exploration
12.3	Mining and Exploration	15.10	Marine and Coastal Birds
12.4	Wastewater Management	15.11	Marine Mammals
12.5	Solid Waste Management	15.12	Marine Reservices
12.6	Industrial Activity	15.13	Fisheries Protocol
12.7	Subdivision and Development	Part 16.0	Biodiversity and Biosecurity Management
12.8	Earthworks	16.1	Introduction
12.9	Stock Transport	16.2	Species Recovery
Part 13.0	Wai Ora	16.3	Plant and Animal Pest Control
13.1	Introduction	16.4	Hazardous Substances and New Organisms
13.2	Water Quality		
13.3	Hydro Development Generations		
13.4	Repo (Wetlands)		
13.5	Freshwater Fisheries		

Section C

Natural Resource Management – Introduction



Taonga 2018

Section C describes issues, aspirations, actions and indicators to guide the management of ancestral whenua, awa, moana, wāhi tapu and wāhi taonga within the rohe. The spiritual and physical wellbeing of Ngāti Tama is dependent on the health of the natural environment and cultural heritage resources, sites and areas – this relationship spans generations and is integral to Ngāti Tama cultural identity.

This Plan reflects Ngāti Tama worldview of the interrelated nature of all living things, embodied in the concept *ki uta ki tai* – the flow of water from source to sea. In order to safeguard the life-supporting capacity of natural resources and the environment, it is of the utmost importance to Ngāti Tama that all activities within catchments are managed in an integrated way.

Each section contains:

- a brief explanation of the importance of each resource area;
- An example (from one of the four Takiwā) of an important cultural association Ngāti Tama have maintained with that resource area over time;
- Ngāti Tama issues and aspirations for the overall health and wellbeing of each resource area;
- actions to take positive steps towards achieving Ngāti Tama outcomes; and
- indicators to measure progress towards the outcomes.

Part 10.0 – Cultural Heritage

10.1 Introduction

Cultural heritage is an essential part of Ngāti Tama identity. Cultural heritage includes, but is not limited to:

- places of birth or death;
- pā sites, Marae and Urupā;
- sites used for ritual and ceremonies;
- battle sites or places blood was spilled;
- places imbued with the mana of chiefs or tūpuna;
- traditional kainga and settlement sites;
- places associated with customary harvest, such as mahinga mātaītai, weaving materials, collection of medicines; and
- stories about places/people and or events (oral history); Te Reo; and recorded whakapapa (including photographs).

10.1.1 Onetāhua

*Onetāhua*²

Te Rangātira ukiuki

Tāhuhua o te one

Onetāhua tuauri

Ancient and wise

formed over centuries

Noble Onetāhua

Onetāhua is a strategic land form – a physical marker that is steeped in ancestral history. Onetāhua is of a cultural heritage area of great significance to Ngāti Tama ki Te Tau Ihu; it is the departing place of te wairua o ngā tangata o te Waipounamu (the place from which the spirits depart).³

Onetāhua is linked to the legend of Māui-Tikitiki-a-Taranga (Māui), famous for having “fished up” or discovered islands across the Polynesian Pacific.

The legend suggests that Māui cast his line from a headland near the Southern end of Onetāhua to snare and battle with his giant fish.⁶ The legends of Ngahue and Poutini indicate that from the earliest times, tribes from all over New Zealand knew of the taonga in the northern South Island and Onetāhua.

Ngahue was the atua (guardian) of pounamu (greenstone). He and his taniwha Poutini (a giant sea monster) were the guardians of this taonga. A dispute between Ngahue and his adversary Hine-tu-ahoanga entangled their taniwha; Poutini was driven out of Hawaiiki by Whatipu (Hine-tu-ahoanga taniwha) and pursued to different places around New Zealand. One of the places Poutini found temporary refuge was Onetāhua (Farewell Spit).

Traditionally, whānau valued Onetāhua for the variety of wāhi taonga gathered there. The traditions associated with the area and its resources are integral to the identity and role of Ngāti Tama ki Te Tau Ihu as Kaitiaki of the rohe. The mātauranga Māori and wāhi tapu associated with Onetāhua are taonga Ngāti Tama wish to protect for future generations.

Seasonal camps were frequently used to harvest shellfish, fish and bird life.⁴ At the base of the Spit, a number of small caves sheltered tūpuna as they cleaned and sewed sealskins.

Oral traditions recount the frequent stranding of whales on the beaches of Onetāhua. Whales are a highly valued taonga – a gift from Tangaroa. Such a precious gift could not be wasted, so traditionally every part of a stranded whale was used. Onetāhua is also a resting place for whales that stranded and died there – a whale burial ground. Whalebone is still a central part of the identity of Ngāti Tama today.⁵

Pounamu can be found in the bays and coves of Onetāhua and on the long western beach itself. Pounamu is a taonga and an important item for trade and gifting.

² Ngāti Tama Ki Te Tau Ihu and The Crown: Deed of Settlement Schedule: Documents pg 24

³ H & J Mitchell, (May 2008:1) Ngāti Tama Sites of Significance

⁴ Hilary and John Mitchell (April 2008:25) Cultural

Significance of Māori Archaeological Sites and Wāhi Tapu in the Tasman District

⁵ Peers comm. Fred Te Miha (April 2009)

⁶ H & J Mitchell, A History of Nelson and Marlborough (2004:20 & 23)

10.2 Aspirations

Ngāti Tama cultural heritage is valued, protected and enhanced for future generations which includes:

- The protection of cultural heritage resources, sites and areas
- Ngāti Tama kaitiakitanga is recognised in the management of whales and other taonga species, central to whānau cultural identity;
- mahinga kai ecosystems are protected and enhanced; and
- resource harvesting areas are restored to provide for Ngāti Tama customary practices and traditions.

10.2.1 Issues

Issues that impact on the relationship of Ngāti Tama and cultural heritage:

- wide-spread loss and degradation of cultural heritage resources and sites or areas over time
- limited and or loss of access to cultural heritage resources and sites or areas;
- the lack of protection and use of cultural heritage areas and sites and recognition of their significance to Ngāti Tama; and
- the degradation of culturally important natural features and landscapes through inappropriate mining and exploration activities

10.2.2 Actions

- a. Develop Geographical Information System Cultural Taonga Register.
- b. Adhere to Conservation Protocols on the use and management of cultural materials and the protection of wāhi tapu on land administered by the Department of Conservation (DOC).
- c. Adhere to protocols for whale stranding.
- d. Ensure accidental discovery protocols are in place to appropriately manage any taonga finds.
- e. Review and update cultural heritage schedules in Council plans and strategies.
- f. Enhance, protect and restore cultural heritage sites and areas as a matter of priority (For example: Te Waikoropupū, Whakapuaka, Taiāpure, Te Tai Tapu, Farewell Spit and West Whanganui).

- g. Promote the development of Cultural Impact Assessments (CIA) tools and archaeological site visits to specify protection of areas/sites of significance to Ngāti Tama
- h. Monitor activities adjacent to cultural heritage areas/sites.
- i. Ngāti Tama tikanga and kawa guides the management of cultural heritage.
- j. Develop Te Reo Naming Policy.
- k. Include Ngāti Tama representation on national and local government decision making committees and panels
- l. Local authorities review their activities to identify opportunities to use RMA S33 and S36B
- m. Explore options for Ngāti Tama to be designated heritage protection authorities under RMA S188 if required

10.2.3 Indicators

An increase in the number of:

- √ Opportunities for Ngāti Tama to participate in decision making processes
- √ Mahinga mātaihai areas being managed by Ngāti Tama;
- √ Mahinga kai areas where active protection, restoration or enhancement is achieved;
- √ Cultural heritage sites (including urupā) actively protected;
- √ Bilingual place names used across the rohe; and
- √ Waharoa and pou erected at Ngāti Tama cultural sites and areas.



Mt Wharepapa/Mt Arthur ranges 2015

Part 11.0 – Whenua (Maunga and Hill Country)

11.1 Introduction

Whenua is central to Māori society and provides a link to the past, present and future – it unites whāna, hapū and iwi. Horoirangi, Maungatapu, Wharepapa, Pukeone and Parapara Peak are maunga whenua of significant to Ngāti Tama. It is important that customary rights of whenua and the use and occupation continue to be upheld for future generations.

For Ngāti Tama, maunga whenua are important reservoirs for wai, which provide an essential link between resources – *ki uta ki tai*.

Maunga whenua provide important ngāhere habitats for a range of rongoā, manu, ngā rara and other taonga species, such as *Powelliphanta* snails. Healing stones, serpentine, copper, pounamu and pakohe were also collected from these environments.

Wāhi taonga, such as flora and fauna, are collected from the diverse, interconnected habitats in maunga whenua areas.

11.1.1 Wharepapa/Mount Arthur Range ⁷

Wharepapa dominates the skyline of Te Tai Aorere and while we whakapapa to many maunga, we wish to highlight, Wharepapa which has cast its influence over the

iwi living in the rohe for hundreds of years. For Ngāti Tama ki Te Tau Ihu, this maunga is a taonga. Wharepapa is a sacred ancestor, providing an historical and spiritual link to the natural world.

Wharepapa has a mauri of its own – this life force binds the spiritual world with the physical world. All elements of the natural world have a life force and it is this life force that connects the people with maunga. Mauri is therefore the basis of the spiritual relationship of Ngāti Tama with Wharepapa.

Wharepapa is a natural reservoir for high quality fresh water. The water that flows from Wharepapa as the snow melts is sacred. Water is an essential element of life – a taonga that is considered to transcend life itself. Wai is necessary to ensure the physical and spiritual survival of all things; it also represents the lifeblood of Papatūānuku and the tears of Ranginui. Sacred waterways such as the Motueka awa carry this lifeblood from Wharepapa to the sea.

The relationship Ngāti Tama has with Wharepapa provides whānau with a “sense of place” and belonging to the rohe. This maunga was also a boundary marker for the manawhenua iwi of Motueka. When speaking in a formal setting it is still customary practice for Ngāti Tama to identify where they come from and to recite the relationship that connects them to the natural world. The significance of Wharepapa to Ngāti Tama is illustrated in their pepehā – “Ko Wharepapa te maunga”. Wharepapa is also recognised through the oral tradition of waiata.

⁷ Ngāti Tama Ki Te Tau Ihu and The Crown: Deed of Settlement Schedule: Documents pg 19

11.2 Activities

11.2.1 Aspirations

Ngāti Tama cultural values associated with maunga landscapes and hill country are protected

- the headwaters of awa and roto (within maunga and hill country landscapes) are managed to ensure a continuous healthy flow ki uta ki tai; and
- the natural character of ngā maunga and surrounding hill country is recognised and protected for future generations.

11.2.2 Issues

- Ngāti Tama exclusion from decision-making processes;
- impacts of land use activities, tourism and recreation activities on maunga landscapes and Ngāti Tama relationship with such landscapes;
- inappropriate interpretation of Ngāti Tama values by users of the maunga landscapes; and
- individuals harvesting and selling pounamu and other taonga from maunga and hill country environments without iwi permission.

11.2.3 Actions

- a. National and Local Government policies and plans recognise and provide for Ngāti Tama ancestral relationships with maunga landscapes, as a matter of national importance.
- b. adopt best practice sustainable land management practices to improve soil nutrient balance and prevent erosion;
- c. Ensure activities provide a positive net benefit to the environment;
- d. Develop conditions during the assessment process to avoid, remedy or mitigate adverse effects on Ngāti Tama values and interests
- e. Ensure activities occur in a way that Ngāti Tama values, interests, taonga, land and water are protected and enhanced;
- f. Engagement with Ngāti Tama on all resource use activities in maunga landscapes and hill country.

11.2.4 Indicators

An increase in the number of opportunities for Ngāti Tama to:

- √ participate in management of maunga and hill country areas.

- √ Implement cultural health monitoring systems and environmental programmes.

11.3 Mining and Exploration

11.3.1 Aspirations

Ngāti Tama maunga and associated heritage areas/sites are protected from mining and exploration activities

- no mining on the DOC Estate, in or around waterways or springs, Ngāti Tama settlement areas and statutory acknowledgement areas/sites; and
- Ngāti Tama maintain access to ancestral resources such as pākohe and pounamu for customary harvest and use.

11.3.2 Issues

- impact of mining activities on Ngāti Tama relationship with cultural landscape values;
- mining and exploration activities in the rohe;
- impact of mining activities on cultural landscape values;
- mining in culturally sensitive areas – waterways, springs, aquifers, ground water, limestone areas;
- heavy material run off and other contaminants from mining operations into waterways and other culturally sensitive areas; and
- indigenous vegetation, habitats and taonga species being damaged, degraded and or diminished as a result of mining operations.

11.3.3 Actions

Require Ministry, agencies and resource users to engage and consult early with Ngāti Tama and work with the DOC to ensure:

- a. Ngāti Tama participates at the highest level of decision making for mining and exploration activities
- b. Plans and policies relating to wāhi pakohe and wāhi pounamu contain a clause about the significance of these taonga to Ngāti Tama and detail agreed protection mechanisms.
- c. Ngāti Tama fossicking right is upheld for conservation land
- d. Ngāti Tama values, interests, taonga, wāhi tapu, whenua and wai are protected and enhanced.

11.3.4 Indicators

- √ number of environmental projects that provide a positive net benefit to the environment
- √ Ngāti Tama support the highest target or measure that enhances and protects the mauri of natural resources; and
- √ The number of cultural heritage resources, sites or areas (includes wāhi tapu and mahinga kai) are protected from mining and exploration activities in the rohe

11.4 Energy Generation

11.4.1 Aspirations

- Cultural heritage landscapes and landforms are protected for future generations;
- Ngāti Tama whānau have access and use to ancestral land, waters, wāhi tapu and mahinga kai sites;
- Ngāti Tama right to develop energy is recognised and provided for in the management of areas suitable for energy generation; and
- research and development is focused on alternative energy generation to support sustainable energy use.

11.4.2 Issues

- energy generation can contribute to high emission levels and long term effects on climate change and Ngāti Tama cultural values;
- unsustainable harvest and use of fossil fuels;
- destruction and loss of indigenous vegetation, ecosystems, landscapes and cultural heritage sites or areas; and
- damming or diverting of waterways to generate energy and impact on Ngāti Tama ancestral land, waters, wāhi tapu and mahinga kai areas

11.4.3 Actions

- a. Energy developers consult and engage with Ngāti Tama early in the process on proposed energy developments
- b. A CIA report is required of effects that may impact on Ngāti Tama values, interests and significant areas
- c. Avoid infrastructure development near significant natural areas and landscapes

11.4.4 Indicators

- √ number of mahinga kai areas protected and enhanced as a requirement of energy generation projects/activities;
- √ an increase in the number of indigenous vegetation areas being protected and enhanced in association with energy generation projects/ activities; and
- √ number of environmental projects that provide a positive net benefit to the environment

11.5 Forestry Operations (Indigenous and Exotic)

11.5.1 Aspirations

Ngāti Tama mahinga kai habitats, wāhi tapu and wāhi taonga are protected and enhanced for future generations

- indigenous forests are managed in accordance with established sustainable forest management accords, conditions and protocols;
- mahinga kai habitats (including waterways), wāhi tapu and wāhi taonga are protected and enhanced as a condition associated with forestry operations; and
- indigenous forest remnants, bush stands or regenerating indigenous vegetation are protected by buffer zones.

11.5.2 Issues

- degradation of wetlands, native forestry areas and significant natural areas
- adverse effects of forestry practices on water quality and culturally significant sites and resources.

11.5.3 Actions

- a. raise awareness of Ngāti Tama cultural protocols with resource users, contractors and operational staff.
- b. best practice forest management is applied to avoid the following adverse effects:
 - a reduction in water quality in the catchment as a result of forestry operations; and
 - habitat loss through vegetation clearance and subsequent loss of mahinga kai.

- c. require CIA report (to assess impact of activity and make recommendations to protect cultural heritage values)
- d. Best practice management of animal and plant pests is required as a routine part of forestry operations.
- e. Forestry operation plans identify all roads, waterway crossings and access ways prior to commencement.
- f. Management of animal and plant pests is required as a routine part of forestry operations.

11.5.4 Indicators

An increase in the number of:

- √ riparian buffer zones to protect waterways;
- √ conditions in place to protect and enhance Mahinga kai areas; and
- √ areas which receive formal protection for their high cultural or conservation values.

11.6 National Park Management

11.6.1 Aspirations

Ngāti Tama associations with land, water, wāhi tapu and other taonga are recognised and provided for in the management of National Parks

- future growth of visitor numbers is planned and managed to ensure that cultural values are not compromised;
- Ngāti Tama cultural history is protected and acknowledged in the landscape; and
- management of National Parks recognises and protects the land, water, biodiversity and cultural landscape associated within these unique areas.

11.6.2 Issues

- increasing numbers of tourists and commercial tourism ventures in National Parks resulting in increased pressure on existing facilities and adverse effects on wāhi taonga (including wai);
- noise pollution in Nelson lakes, Kahurangi and Abel Tasman National Parks, where boats and airplane noise is amplified by maunga and surrounding landscape; and
- inaccurate interpretation of Ngāti Tama history, values and beliefs by tourism operators.

11.6.3 Actions

- a. Advocate for the retention of undeveloped areas to be retained in as natural state as possible.
- b. Limit the type and number of concessions operating in culturally sensitive areas.
- c. Raise awareness of Ngāti Tama customary role and responsibilities with culturally significant landscapes/taonga within National Parks.

11.6.4 Indicators

- √ number of areas which are set aside to be retained in as natural a state as possible;
- √ visitor activities concentrated in areas which have been approved by Ngāti Tama (areas with appropriate infrastructure in place);
- √ number of culturally sensitive sites/area protected from visitor activities;
- √ number of instances where commercial operators utilise new technologies to minimise adverse effects of their activities on the environment; and
- √ Ngāti Tama interpretation panels in National Parks.



Motueka Harbour entrance 2015

Part 12.0 – Whenua (Valleys and Plains)

12.1 Introduction

Valleys and Plains were once significant forest habitats providing a home to a diverse number of taonga species, including the Powelliphanta snails. Tūpuna harvested waka trees from the Valleys and Plains; important ngāhere (forest) habitats for rongoā, manu and ngā rara species. Awa and ngāhere created corridors through the plains and the valleys providing pathways for species migration from the mountains to the sea. These corridors were also used as Ara and trading routes, linking different parts of the rohe.

Lowland ngāhere and harakeke swamps were traditionally of great value for mahinga kai, due to the diversity of species living there. The valleys and plains fertilised by floods provided valuable papakāinga and occupation sites - places where Ngāti Tama lived, cultivated land and collected resources. Modified soils on the flood plains were used as maara kai as they required less digging. Mātauranga associated with the plains and valleys included seasonal knowledge about when to grow and harvest crops using Matariki stars.

12.1.1 Motueka Catchment⁸

Traditionally, the Motueka River was the source of life. The water channels, swamps and wooded areas associated with the catchment provided habitats for a huge range of species. Oral traditions identify the Motueka catchment as an extensive and bountiful mahinga kai from which a huge variety of natural resources were gathered. Floods would replenish and fertilise the catchment, enabling tūpuna to cultivate food.

Modified soils, argillite adzes, drill points, whalebone patu and pounamu pendants convey the association tūpuna had with the river catchment and surrounding lands. Wāhi tapu sites found in the catchment include extensive gardens and an important area for tūpuna to gather pīngao for weaving.

The Motueka headwaters are linked to the legend of Ngahue and Poutini. This pūrākau is significant because it illustrates that from the earliest times, tribes from across New Zealand knew of the precious resources found in Te Tau Ihu. Ngahue was the atua of pounamu. He and his taniwha Poutini were the guardians of this taonga. Poutini found temporary refuge was at the eastern headwaters of the Motueka.

In the upper Motueka river valley, clusters of argillite working areas and source sites indicate the importance of this stone to tūpuna – buried boulders, hammer stones and adzes found in the river valley illustrate the traditional stone working techniques.

The Motueka river valley provided a natural inland pathway or Ara to reach Te Tai Poutini. This pathway was a traditional greenstone trail, used by tūpuna in search of this valuable taonga and other items for trade. The route followed the Motueka river valley, before connecting with the Wairau and Waimea and Wai-iti routes, ahead of Lakes Rotoiti and Rotoroa. Therefore, the Motueka river has many traditional tauranga waka and camps sites, which were used to fish along its banks.

⁸ Ngāti Tama Ki Te Tau Ihu and The Crown: Deed of Settlement Schedule: Documents pg 22 & 23

12.2 Farming

12.2.1 Aspirations

Ngāti Tama relationship with their ancestral lands, waters and other taonga is protected:

- the life supporting capacity of soils and waterways is maintained for future generations;
- statutory land management policy and planning recognises the interrelated nature of all activities in a catchment; and
- monitor and tracking of the cumulative effects of activities in catchments

12.2.2 Issues

- intensive farming leading to an increasing carrying capacity of stock to land ratio;
- discharge of animal wastes, agrichemicals and sediment into waterways;
- degradation and decline of water quality and associated resources;
- fragmentation of agricultural land, leading to intensified land use; and
- insufficient monitoring of farming practices.

12.2.3 Actions

- a. Ngāti Tama participate in the highest level of decision making for land use management processes (including involvement in pre hearing meetings and develop conditions for discharge consents);
- b. Promote buffer zones to protect waterways from farming practices, which have the potential to degrade riparian margins and reduce water quality;
- c. Promote cultural health monitoring systems to address Ngāti Tama interests or concerns;
- d. Develop relationships with landowners to protect wāhi tapu on private land; and
- e. Identify culturally significant taonga register for recognition in schedules associated with National and Local Government Plans.

12.2.4 Indicators – Number of:

- √ wāhi taonga protected on private land;
- √ riparian areas planted with indigenous vegetation to reduce sedimentation and contaminants entering waterways; and

- √ indigenous forest remnants which are set aside and protected from development.
- √ Cultural Health monitoring programmes implemented;
- √ The number of environmental projects provide a positive net benefit to the environment.

12.3 Mining And Exploration

12.3.1 Aspirations

Ngāti Tama valleys and plains and associated cultural heritage areas/sites are protected from commercial mining and exploration activities;

- no mining on DOC Estate, in or around waterways or springs; Ngāti Tama ki Te Tau Ihu Claims Settlement Act 2014 areas of interest, statutory acknowledgement areas, Coastal Marine Area, Te Korowai Mana (Overlay Classification); and
- Ngāti Tama maintain access to ancestral resources such as pakohe and pounamu for customary harvest and use.

12.3.2 Issues

- impact of mining activities on cultural landscape and Ngāti Tama values;
- mining in culturally sensitive areas – waterways, springs, aquifers, ground water, limestone areas;
- heavy material run off and other contaminants from mining operations into waterways and other culturally sensitive areas; and
- indigenous vegetation, habitats and taonga species being damaged, degraded and or diminished as a result of mining operations.

12.3.3 Actions

Work with the DOC to ensure:

- a. All concessionaries operating within lands administered by the DOC are subject to an Ngāti Tama approved Accidental Discovery Protocol for cultural heritage materials. Plans and policies relating to wāhi pakohe and wāhi pounamu contain a clause about the significance of these taonga to Ngāti Tama and detail agreed protection mechanisms.
- b. Ngāti Tama has approval to access pakohe and pounamu resources on conservation lands.

- c. The NZ Petroleum and Minerals agency and Crown agencies work with Ngāti Tama to implement Minerals Protocol (See Appendix 19.5)

12.3.4 Indicators

- √ number of plans and policies that give effect to Ngāti Tama Environmental Plan in relation to mining and exploration activity; and
- √ number of cultural heritage sites/areas (includes wāhi tapu and mahinga kai) protected from mining and exploration activities in the rohe.

12.4 Wastewater Management

12.4.1 Aspirations

Ngāti Tama sit at the decision-making table to ensure cultural values are protected in the management of wastewater across the rohe

- Ngāti Tama participate in decision making to ensure cultural values are protected in the management of wastewater infrastructure across the rohe
- active protection of Ngāti Tama wāhi tapu and resource gathering areas from wastewater contamination and degradation;
- areas where wastewater is treated and disposed of are:
 - maintained or enhanced to protect the mauri of surrounding wāhi taonga;
 - actively rehabilitated/restored in order to give something back to the environment; and
 - develop and implement cultural health indicators to collect data and inform the management of areas.

12.4.2 Issues

- physical and spiritual degradation of wai as a result of wastewater entering waterways and contaminating kaimoana beds and coastal fisheries downstream;
- location of wastewater treatment facilities adjacent to waterways and coastal areas – culturally significant localities which are highly productive and greatly valued for gathering resources;
- storm water run-off from roads or industrial sites contaminating water and soils;

- poorly designed or operating effluent and sludge disposal schemes; and
- over-saturation of the soil from discharges to land resulting in wastewater entering waterways.

12.4.3 Actions

- Ngāti Tama participate at highest level of decision making and management including pre-hearing meetings, site visits, development of consent conditions and monitoring requirements.
- Require CIA report and cultural health monitoring systems
- Require soil risk assessments (type and percolation of the soils) prior to consent for discharge to land, to assess the suitability of the receiving environment and buffer zones (as a precautionary measure to prevent wastewater entering wai).
- Stipulate a five year review of wastewater disposal operations, to provide the opportunity for consent holders to consider the implementation of technological improvements.
- Require that large scale wastewater disposal operations (for example, town sewage schemes) develop environmental plans as a condition of the consent. These plans will include contingency measures to cope with faults, breakdowns, natural disasters or extreme weather events.
- Ensure that any discharge activity includes a robust monitoring programme, including regular monitoring of discharges and the effects of operations on the receiving environment.
- Advocate for wastewater infrastructure to be located away from waterways and coastal environments, where they pose a threat to water quality and impact on cultural values.

12.4.4 Indicators – Number of:

- √ discharge or point source discharges, which are moved or located away from wai environments or land which is unsuitable as a receiving environment for contaminants;
- √ innovative and culturally sustainable approaches implemented for treating and disposing of wastewater; and
- √ wetlands established to improve discharges to land, allowing Papatūānuku the opportunity to filter and clean any impurities.

- ✓ number of environmental projects that provide a positive net benefit to the environment

12.5 Solid Waste Management

12.5.1 Aspirations

The mauri and wairua of Ngāti Tama wāhi taonga and wāhi tapu are protected from the effects of solid waste operations

- the highest environmental standards are applied to all consents involving waste management;
- solid waste facilities are located away from fresh and coastal water, wāhi tapu and mahinga kai gathering sites; and
- new landfills or sites for waste disposal follow best practice guidelines relating to leachate collection, impermeable liners and landfill gas systems to minimise the adverse effects of operations on the receiving environment.

12.5.2 Issues

- inappropriate location, construction or management of landfills;
- contamination of surface and ground waters and soils from landfill material (including hazardous substances); and
- release of contaminants including dust, greenhouse gases and ozone depleting substances into the atmosphere.

12.5.3 Actions

- Ngāti Tama participate at highest level of decision making including resource management planning processes, statutory plans, best practice guidelines, hearing panels and resource consent conditions;
- Ngāti Tama assess all consents in terms of potential cumulative and long term effects of an activity on the receiving environment (NB: The solid waste consent period must not exceed the lifetime of the disposal or treatment system).
- Ngāti Tama participates in local and central government initiatives, strategies and programmes for waste reduction – through consultation hui, submissions or working groups. For example Pare Kore Whaingaroa.
- Identify actions to achieve zero and value waste on Marae, through the overall reduction of waste, the use of composting and recycling schemes.

- Decommissioned landfills are monitored regularly, with monitoring information provided to Ngāti Tama.

12.6 Industrial Activity

12.6.1 Aspirations

The mauri and wairua of Ngāti Tama wāhi taonga and wāhi tapu are protected from the effects of industrial activity.

- the highest environmental standards are applied to all consents involving industrial activities;
- industrial activities are located away from fresh and coastal water, wāhi tapu and mahinga kai gathering sites; and
- industrial sites follow best practice guidelines to ensure that potential adverse effects of industry operations on the receiving environment are avoided.

12.6.2 Issues

Industrial activity includes saw mills, wood processing sites, dairy factories and fish processing plants.

Industry has the potential to:

- contaminate flora and fauna, water, soil, mahinga kai and wāhi tapu through runoff or direct discharge;
- discharge of contaminants resulting in adverse effects on the mauri of air and on the health of ngā tangata; and
- release contaminants through storm water at industry sites.

12.6.3 Actions

- Protect Ngāti Tama cultural values from the adverse effects of industrial activities using:
 - on site mitigation;
 - off site mitigation, such as restoration projects; and
 - compensation.
- Require CIA report to address Ngāti Tama interests or concerns;
- Require industries develop and implement an environmental management plan which includes:
 - a monitoring programme to assess impact on the surrounding environment; and

- procedures for managing the disposal of hazardous industrial waste, faults, natural disasters and extreme weather events.

d. Support industry led initiatives which work to address climate change.

e. Develop working relationships with industry through sites visits, monitoring reports and development of plans.

3.5.4 Indicators – Number of cases where industry:

- √ employs new technologies and best practice approaches in an effort to look after the environment and public health; and
- √ adopt innovative strategies for reducing waste, including emissions.

12.7 Subdivision And Development

12.7.1 Aspirations

Ngāti Tama cultural values are protected from adverse effects associated with subdivision residential development

- urban development such as commercial, subdivisions and residential housing is contained within urban zones;
- productive rural areas are protected from the increasing demands placed upon land from urban development; and
- urban development is carried out in ways which maintain and enhance the natural environment.

12.7.2 Issues

- loss of whānau access to waterways and associated resource gathering areas as a result of urban sprawl;
- pressure on infrastructure to provide for urban development outside of urban areas;
- visual effects of building design and location; and
- destruction or contamination of wāhi tapu.

12.7.3 Actions

a. Ngāti Tama is actively involved in statutory decision-making processes to zone land in the rohe and establish building codes.

b. Ngāti Tama identifies measures to protect cultural values in council plans, placing conditions on resource consent activities as deemed necessary.

c. Subdivision proposals, which have the potential to impact on Ngāti Tama cultural values will be required to include one or more of the following (the cost of which is covered by the applicant);

- a site visit;
- an archaeological assessment by a professional approved by Ngāti Tama;
- a CIA report;
- cultural monitoring (as a condition of the consent); and
- an accidental discovery protocol (as a condition of the consent).

12.7.4 Indicators – Number of:

Cases where an urban development protects or enhances, provides a positive net benefit to the environment, ecological and/or cultural values;

- √ instances where urban planning provisions are used to protect waterway health; and
- √ projects where developers engage with Ngāti Tama at the outset of the development.

12.8 Earthworks

12.8.1 Aspirations

Ngāti Tama cultural heritage (mahinga kai, wāhi tapu and wāhi taonga) are protected from the effects of earthworks

- earthwork operations avoid contaminants entering waterways and cultural heritage areas/sites (includes dust, sediment run-off from stock piles or any hazardous substances).

12.8.2 Issues

- the potential for earthworks and other ground disturbances to damage or destroy culturally important sites, resource gathering areas or indigenous vegetation;
- ability of contractors to identify cultural heritage material and comply with Accidental Discovery Protocols; and
- the impact of earthworks on cultural landscape values, including indigenous vegetation.

12.8.3 Actions

a. Ngāti Tama requires any activity involving earthworks that has the potential to modify, damage or destroy a mahinga kai, wāhi tapu or archaeological site to include one or more of the following (at a cost to the applicant):

- a site visit;
- an archaeological assessment approved by Ngāti Tama;
- a CIA;
- cultural monitoring as a condition of the consent; and
- an accidental discovery protocol, as a condition of the consent.

12.8.4 Indicators – Number of:

- √ instances where Ngāti Tama are involved development projects and setting conditions to avoid, mitigate any adverse effects on cultural values;
- √ companies/contractors who attend wānanga to increase their understanding of how to identify and protect cultural heritage sites during earthwork operations; and
- √ areas which are rehabilitated to compensate for the loss of vegetation due to earthworks.

12.9 Stock Transport

12.9.1 Aspirations

Stock effluent is transported in such a way as to avoid contaminants entering waterways and impacting on all Ngāti Tama cultural values

- stock transport is managed in an integrated way with the involvement of local authorities, farmers, transport companies, industry and if required, a Ngāti Tama representative.

12.9.2 Issues

- effluent and sludge washed off stock transport trucks entering waterways;
- stock effluent disposal and spillage on roads from stock trucks; and
- stock movement on roads, where such movement results in discharge of contaminants into waterways and drains.

12.9.3 Actions

- a. Ngāti Tama participate at the highest level of decision making for selection of stock effluent disposal sites.
- b. Indigenous planting is used to enhance areas where cultural values have been adversely affected as by the construction of stock effluent disposal facilities.
- c. The wash down of stock transport occurs in designated areas, well away from surface waterways.

12.9.4 Indicators

- √ an integrated approach is used to deal with the management of stock transport– one where all stakeholders are involved in discussions;
- √ stock effluent disposal facilities are located in areas where the amount and likelihood of effluent spillage on roads is minimised; and
- √ number of cases where underpasses and overpasses are used to move stock.

12.10 Riparian Zones

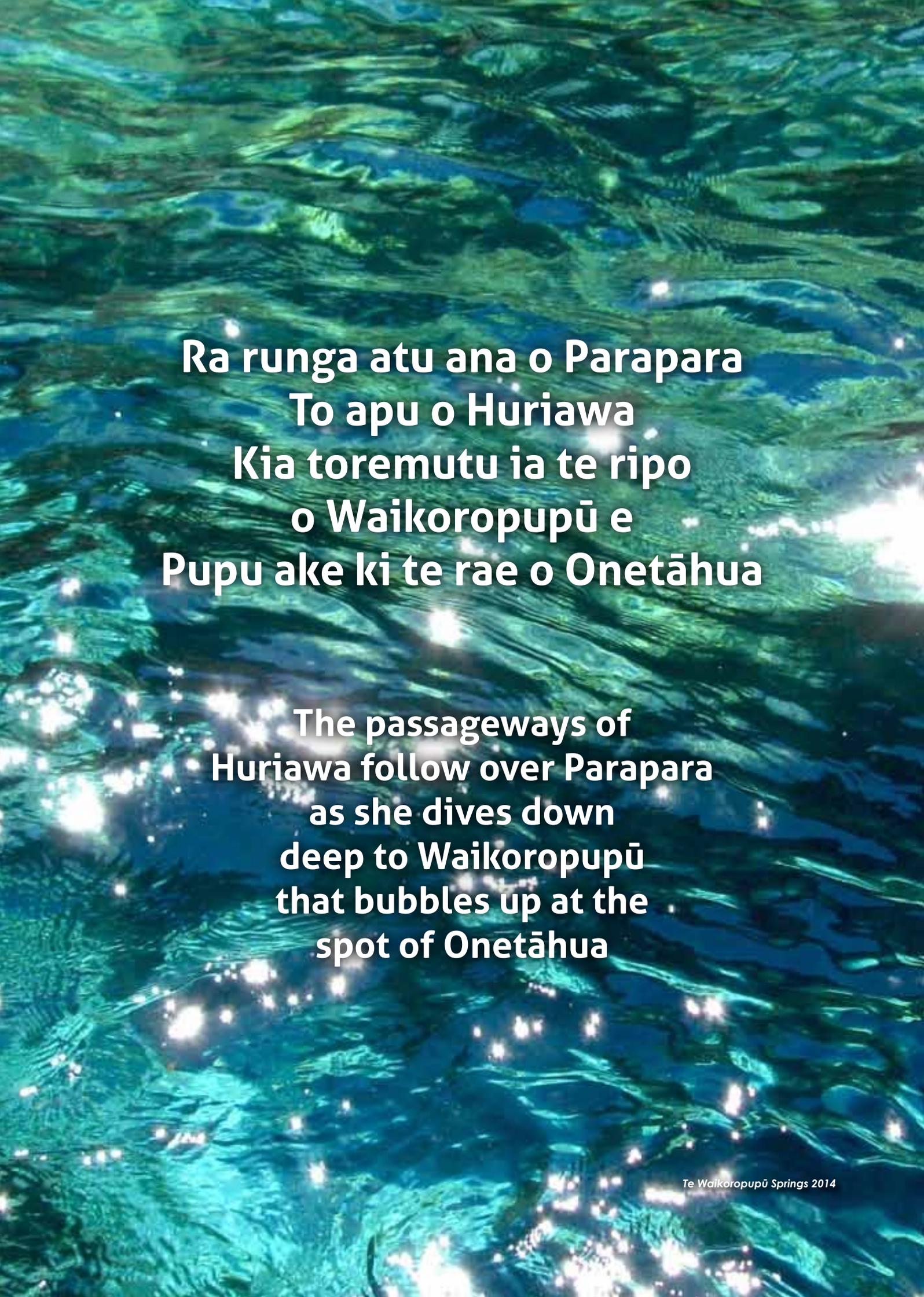
12.10.1 Actions

- a. Advocate for the retention of undeveloped areas to be retained in as natural state as possible.
- b. Limit the type and number of concessions operating in culturally sensitive areas.
- c. Raise awareness of Ngāti Tama customary role and responsibilities with culturally significant landscapes/taonga within National Parks.

12.10.2 Indicators

- √ number of areas which are set aside to be retained in as natural a state as possible;
- √ visitor activities concentrated in areas which have been approved by Ngāti Tama (areas with appropriate infrastructure in place);
- √ number of culturally sensitive sites/area protected from visitor activities;
- √ number of instances where commercial operators utilise new technologies to minimise adverse effects of their activities on the environment; and
- √ Ngāti Tama interpretation panels in National Parks





**Ra runga atu ana o Parapara
To apu o Huriawa
Kia toremutu ia te ripo
o Waikoropupū e
Pupu ake ki te rae o Onetāhua**

**The passageways of
Huriawa follow over Parapara
as she dives down
deep to Waikoropupū
that bubbles up at the
spot of Onetāhua**

Part 13.0 – Wai Ora

13.1 Introduction

Wai is the life force of Ngāti Tama whānau. Without wai life would not survive, therefore it is an important indicator or sign of environmental health and wellbeing.

Wai is a living taonga, classified under Article II of the Treaty of Waitangi. A sacred treasure, wai symbolises the wairua link between past and present. The life blood of Papatūānuku, wai connects all life within a catchment – from ngā maunga to ngā moana. It is through wai that all life is related.

At the centre of all cultural practices, wai provides Ngāti Tama with kai, rongoā and rārangā, linking resource harvesting areas. For whānau, the spiritual and physical relationship with wai is intertwined – both elements are essential to life.

On a spiritual level, wai and the life wai sustains are treasures within the realms of ngā atua kaitiaki. Tangaroa is the spiritual guardian of wai and Tane Mahuta of the forests, trees and birds living along river banks and in the surrounding catchments. In recognition of the mauri and wairua that exists in all taonga, wai is considered tapu.

Ngāti Tama use tikanga, kawa and mātauranga Māori to manage wai. Rituals and spiritual practices associated with wai are central to cleansing, healing, birth and death.

13.1.1 Te Puna Waiora o Te Waikoropupū⁹

Waikoropupū, Waikoropupū

Pupū ake te whenua

Pupū ake ko ngā waiora

Waikoropupū

Ngā puna wai o Tākaka

Ngā puna roimata wairua

Waikoropupū, Waikoropupū

Waters bubbling from the throat of the spring

Waters bubbling from the throat of the spring

Forever bubbling from the land

Forever bubbling for the health of the people and the spring waters

The spring water Tākaka

The tears of the spirit ancestor

Waters bubbling from the throat of the spring

Waters bubbling from the throat of the spring

Te Waikoropupū is a large karst resurgence consisting of a collection of springs. It is a precious taonga, which has outstanding water quality. Since their occupation of Mōhua, Te Waikoropupū has been central to lives of Ngāti Tama. Their ancestral connection with this wāhi tapu encompasses spiritual and physical realms.

The spiritual significance of Te Waikoropupū is illustrated by the legend of Huriawa, the Kaitiaki Taniwha. Huriawa is a tūpuna who works her way through the lands of Mōhua, travelling in the waters that flow through the domains of Hine-tu-ahoanga (the sandstone lady). Huriawa clears the waterways from storm debris (fallen trees and vegetation), to free the flow of water. Originally, Huriawa was buried on Parapara Maunga, but she was called forth to guard the waterways and caves of Te Waikoropupū. Huriawa resides within the numerous sandstone caves and underground streams of Te Waikoropupū.

The waters of Te Waikoropupū represent the lifeblood of Papatūānuku and the tears of Ranginui, symbolising the link between past and present. Te Waikoropupū is the source of wai, an essential element of life. Traditionally, Te Waikoropupū water was called the “water of life” or Wai ora; the purest form of freshwater. This pure water was used for a range of customary practices, such as ceremonial practices, blessing and healing purposes – traditions practiced by the Ngāti Tama for hundreds of years.

Te Waikoropupū is subject to Te Korowai Mana (overlay classification) as per the Ngāti Tama Settlement legislation 2014.

⁹ Ngāti Tama Ki Te Tau Ihu and The Crown: Deed of Settlement Schedule: Documents pg 4

13.2 Water Quality

13.2.1 Aspirations

The mauri and wairua of freshwater resources in the rohe is enhanced and protected

- water levels and flows are maintained within catchments to protect cultural values including but not limited to:
 - aquifers and puna;
 - aquatic habitats and ecosystems;
 - fisheries and other customary resources; and
 - cultural values, such as mahinga kai and wāhi tapu.
- Ngāti Tama access to freshwater resources for cultural purposes;
- riparian margins of water bodies are restored with indigenous vegetation, providing habitat and pathways for indigenous species;
- promote integrated catchment planning to recognise the relationship between land and water;
- zero increase in or no new water take permits in Mōhua, until a comprehensive water management plan has been adopted; and
- zero water take from Te Waikoropupū Springs, associated aquifers and puna.

13.2.2 Issues

Ngāti Tama concerns relate to the adverse effects on the relationship of Ngāti Tama and waterbodies and the mauri of water bodies including but not limited to:

- watertakes and water abstraction from waterways, aquifers and puna;
- mining and exploration activities in, on or near waterways, aquifers and puna may degrade, damage and pollute wai;
- discharge of contaminants into wai, aquifers, puna;
- damming, draining or diverting wai, aquifers, puna;
- over allocation of wai; and low flow levels in waterways, aquifers, puna;
- loss of indigenous habitats on riparian margins; and
- the effects and cumulative effects on waterways from the activities listed above;

- Ngāti Tama whānau access to customary resources and future economic opportunities around the use of wai; and
- inadequate water management planning across the rohe (absence of a water management plan for Mōhua).

13.2.3 Actions

- a. Participation of Ngāti Tama representative/s on co-governance and co-management arrangements for water management.
- b. Formalise River Freshwater Advisory Board as set out in the NTKTTICS Act 2014.
- c. Ngāti Tama and statutory authorities work together to ensure that cultural values and interests are reflected in statutory water plans, best practice guidelines, strategies and regulations.
- d. Cultural Health indicator data is collected and interpreted by Ngāti Tama to inform freshwater management.
- e. Early engagement and consultation with Ngāti Tama prior to public release or notification of consents, policies, discussion documents, protocols, plans and or regulations.
- f. Statutory Acknowledgements are records of the special association Ngāti Tama has with water bodies and will therefore need to be:
 - Identified in relevant district and regional plans and policy statements as notice of their cultural important to Ngāti Tama
 - used as a trigger for a notice of application to Ngāti Tama with respect to resource consents relating to, or impacting on, such areas; and
 - accepted as evidence of the relationship of Ngāti Tama has with a particular area in any proceedings under the Resource Management Act or Historic Places Act.
- g. Enhance and protect quality and integrity of freshwater, aquifers, puna and mahinga kai sources.
- h. Ensure secure and reliable access to drinking water for marae and communities.
- i. Promote integrated catchment management for land and water use activities to protect

and enhance the quality and integrity of waterbodies.

- j. Protect and maintain flow rates for Te Waikoropupū, puna and aquifers.

13.2.4 Indicators

Number of projects where:

- √ Ngāti Tama confirmed in co-governance and co-management roles for water management;
- √ River Advisory Board confirmed and implemented;
- √ Cultural Health Indicators (CHI) are used to monitor the health of water bodies;
- √ implementation of riparian restoration and enhancement projects, giving priority to the creation of corridors for species to move within catchments;¹¹ and
- √ resource users implement projects that increase the mauri of water bodies in the rohe.

13.3 Hydro Development Generation

13.3.1 Aspirations

Wāhi tapu and wāhi taonga are protected from potential adverse effects resulting from hydro developments

- hydro developments give effect to the principle ki uta ki tai (flow of water from mountain to sea).
- Ngāti Tama participate at the highest level of decision making for Hydro Development Generation planning and development.

13.3.2 Issues

Hydro development has the potential to significantly impact on Ngāti Tama cultural values such as the spiritual value of water, mahinga kai, land and water based vegetation and water quality. Key concerns relate to:

- the scale of proposed hydro projects;
- impacts of hydro developments on downstream values, such as the ability of the river to cleanse itself;
- cumulative effects of hydro developments. For example, changes to the river mouth and changes to saltwater mix; and
- adverse effects on the long fin eel industry.

13.3.3 Actions

- a. Establish collaborative relationships between Ngāti Tama, Councils and Industry to facilitate the assessment of effects Hydro Development Generation may have on Ngāti Tama values, interests, cultural heritage and sites;
- b. Developers to implement a monitoring programme (in consultation with Ngāti Tama), to ensure that activities in the upper catchments do not have adverse effects on cultural values downstream;
- c. Ngāti Tama will set conditions on hydro development applications, including limits on the amount of water which can be taken for the purposes of hydro development.

13.3.4 Indicators

- √ number of hydro projects where Ngāti Tama is able to protect and enhance their customary relationship with freshwater resources.

13.4 Repo (Wetlands)

13.4.1 Aspirations

Wetlands are recognised and protected for their cultural significance and biodiversity values

- Ngāti Tama whānau are able to utilise the resources associated with wetlands in the rohe.

13.4.2 Issues

Repo are culturally significant ecosystems, rich in biodiversity. They are a significant source of mahinga kai and weaving materials and rongoā. Ngāti Tama concerns relate to:

- continued drainage and modification of repo resulting in a loss of function, such as filtering contaminants from water and soils;
- diminishing cultural association with repo in the rohe, due to their degradation;
- discharge of contaminants into wetland areas; and
- impact of stock on wetland areas.

¹¹ Ngāti Tama to provide advice on customary species to be planted, such as those harvested for rongoā and weaving materials

13.4.3 Actions

Ngāti Tama will:

- a. Advocate for the fencing of wetlands areas to prevent stock accessing them.
- b. Seek to collaborate with private landowners to protect wetland areas.
- c. Place conditions on resource consents relating to the development of wetlands areas, to protect them from drainage and to create opportunities for restoration of these areas.

13.4.4 Indicators

- √ number of wetlands areas protected from drainage; and
- √ number of new wetland areas established to improve the ability of Papatūānukū to filter and clean any impurities.

13.5 Freshwater Fisheries

13.5.1 Introduction

Freshwater fisheries are managed under two sets of legislation, the Fisheries Act 1983 and 1996 and the Conservation Act 1987. The DOC's functions include the preservation of freshwater fisheries and habitats. The NTKTICS Act 2014 sets out the Conservation Protocol, the Department is required to consult with Ngāti Tama and provide participation where reasonably practicable in the conservation and management (including research) of customary freshwater fisheries (in particular fresh water mussels and eel) and fresh water fish habitats. For further details, see Conservation Protocol for fresh water fisheries in Appendix 19.1.

13.5.2 Aspirations

Ngāti Tama whānau maintain their traditional associations with taonga species associated with freshwater

- waterways and riparian margins are restored and enhanced as a means of protecting and enhancing the ability of taonga species to reproduce (such as inanga); and
- activities carried out in the bed or margin of a river or lake do not compromise freshwater fisheries values.

13.5.3 Issues

- Changes to the natural balance of fish habitat and breeding patterns due to reduced shade, increased nutrients, reduced organic matter, channel modification, increased suspended sediments and changes to water flow;
- Restricted or blocked fish passage due to culverts, weirs and dams; and

Introduction of exotic species into and around waterways, which compete with indigenous species for food and habitat.

13.5.4 Actions

- a. Support restrictions on stock access to riparian zones and stream beds.
- b. Require that Fish and Game New Zealand and the DOC consult Ngāti Tama in relation to any proposal to release exotic species into rivers and lakes in the rohe.
- c. Protect customary sites and freshwater fisheries by placing strict conditions on all consents relating to activities in rivers and lakes.
- d. Require monitoring of freshwater fisheries as a condition of such consents.
- e. Ngāti Tama participate in any native fish survey, recovery and transfer projects to ensure cultural values and interests protected.



Ngā Tuna Taonga 2015



Pohara 2017

Part 14.0 – Hau Ora

14.1 Introduction

Hau is fundamental to life. Without hau, wāhi taonga would not exist. All taonga are connected by hau.

Hau oxygenates ecosystems; air travelling through waterfalls increases the mauri of wai.

Hau is an important indicators of the health of the rohe. Therefore, Ngāti Tama whānauora are closely linked to clean hau.

Maintaining the mauri of hau is imperative to Ngāti Tama.

14.1.2 Aspirations

The mauri of hau is maintained to a level which safeguards the:

- spiritual nature of hau;
- health of wāhi taonga;
- health of ngā tangata;
- ability of Ngāti Tama to maintain their customary practices; and
- Ngāti Tama cultural heritage is protected from the adverse effects of air pollution and noise contamination.

14.1.3 Issues

- the effect of a reduction in air quality on the health and wellbeing of ngā taonga, tangata whenua and wāhi tapu;
- the depletion of atmospheric ozone and the increasing quantities of green house gases; and

- pollution of hau (including the effects of noise) diminishes the mauri of Ngāti Tama cultural resources and wāhi tapu.

14.1.3 Actions

- a. Develop and implement Cultural Health Indicators (CHI) for hau to collect data and monitor the health of hau across the rohe.
- b. Tasman District and Nelson City Council implement strategies and initiatives to ensure potentially offensive air discharge are contained within the property boundary of consent holders.
- c. Councils engage early with Ngāti Tama to ensure adequate planning provisions are in place for managing the effects of air pollution on ancestral lands, water, sites and other taonga.
- d. Advocate for the use of technologies, which aim to reduce current levels of air pollution (including noise).
- e. Require consent conditions to reduce air or noise pollution associated with a particular activity and area.

14.1.4 Indicators

- √ Number of projects where cultural health indicators are used to monitor the health of a site/area; and
- √ Number of cases where improved technologies are employed to reduce air or noise pollution of an activity.

Part 15.0 – Coastal Marine Environment

15.1 Introduction

Ngāti Tama has maintained ahi kā roa in the rohe for generations. Cultural traditions revolve around fishing, with rituals adhered to before whānau enter and leave the domain of Tangaroa. The practice of karakia, kawa and tikanga determine the nature of the relationship whānau maintain with coastal taonga. The coastal marine environment is integral to Ngāti Tama whānauora.

Ngāti Tama occupied pā, kāinga and fishing stations across the rohe. Coastal areas of particular significance include Wakapuaka, Whakatū, Tasman Bay, Kaiteriteri, Wainui, Motupipi, Pakawau, Puponga, Onetāhua and Te Tai Tapu. Coastal fisheries and resources were maintained by Ngāti Tama whānau, who continue to exercise their kaitiaki role in the present day.

Coastal marine environments provide culturally significant habitats, such as estuaries- a feeding ground for a huge number and diversity of shellfish species. Coastal areas contain habitats suitable for taonga plant species, such as Kiekie and Pingau. These areas are also essential to the nesting and migration patterns of manu. Marine life encompasses taonga species such as whales, seals and penguins.

Ngāti Tama maintain extensive mātauranga associated with the coast - from knowledge of tidal systems to use of materials, such as sand for sand paper, clay for dying materials (korowai). Kōtuku and pātiki are indicators of health.

Traditional kāinga and occupation sites were located where Ngāti Tama tūpuna lived worked and gathered resources. Subsequently, numerous wāhi tapu can be found in coastal areas. Headlands were used by tūpuna as vantage points and boundary markers.

Coastal trading routes linked different parts of the rohe, therefore coastal ara and tauranga waka sites are plentiful.

15.1.1 Wakapuaka

Ko Horoirangi te maunga

Ko Wakapuaka te awa

Ko Wakapuaka te takiwā

Ko Te Tai o Aorere te moana

Ko Hava te urupā tapu

Ko Ngāti Tama ki Te Tau Ihu te iwi

Ko Te Pūoho ki te Rangi te tūpuna rangātira

From the tip of Horoirangi Peak

Wakapuaka flows through

The valley and lands of Tama to the sea

Hava is scared resting place of our tūpuna

Ngāti Tama ki Te Tau Ihu is the iwi

Te Pūoho ki te Rangi is our legendary paramount chief

Wakapuaka/Whakapuaka was the name of the fishing ground in Hawaiki from which Kupe cast the giant octopus out and chased it across the Pacific to Aotearoa, where it was killed.¹²

The land and waters associated with the Wakapuaka estuary and river mouth are of great historical and traditional significance to Ngāti Tama. The length of Māori occupation, the Māori customary use of the wāhi taonga and its coastal location are indicators of its importance. For whānau, their relationship with Wakapuaka originates through whakapapa.

Ancestral ties bind present day Ngāti Tama whānau and the estuary.

Wakapuaka is an important wai environment encompassing not only the coastal estuary, but also the Wakapuaka River Mouth and Tuarawhati sand spit. The whole area was used extensively by tūpuna and remains significant to present day whānau identity.

This centuries old relationship is reflected in the numerous and interconnected occupation and cultivations sites, wāhi tapu found in the area.

¹² Māori Traditions and occupation of Nelson Haven and Tasman Bay and Environs; Hilary and John Mitchell (1998:54)
A report compiled for Port Nelson Ltd, Nga Iwi o Whakatū and Te Ohu Kai Moana

The distribution of wāhi tapu sites indicates that the whole coastline was important for tūpuna. Haua, the urupā at the end of Tuarawhatai is still the burial place of families who are directly connected to Wakapuaka.

Most of Tuarawhatai has evidence of Māori occupation in the form of shell and midden remains. An historic kainga called Kahupakira was situated where the sand bank meets the mainland. Another important site is located on a small point on the south side of Delaware Estuary. This is the probable location for a Pā named Ngawhakapakoko. Adjacent to this site lies a small terrace, which is a probable kainga associated with Ngawhakapakoko Pā. Further evidence of the extensive occupation and use of resources at Wakapuaka include numerous midden, hangi stones, waka landing sites and argillite flakes.¹³

The area is also known for the dramatic rescue of the crew of the Delaware, when the ship was driven onto rocks at Wakapuaka on 4th September 1863. Huria Matenga, her husband, Hemi Matenga, and Hohapata Kahupuku swam out in stormy seas to grasp a line thrown out by the crew. They returned to shore to secure the line to a large rock and then entered the water time and again to help the crew to make their way to land. Shortly after the Captain reached the shore (the last of nine crew) the rope frayed and disappeared into the sea. All were saved apart from the chief mate, who was injured and unable to leave the ship. As they reached the shore at Wakapuaka, they were assisted by other whānau who waited there.¹⁴

Tūpuna gathered a large variety of natural resources from the Wakapuaka river mouth, estuary sand spit, adjacent islands and coastal waters. These diverse habitats provided shelter for a wide variety of indigenous species. Whānau fished whitebait, herring, flounder and kahawai from the estuary and river mouth, while pipi, cockles and mussels were harvested from the extensive shellfish beds. Paua, lobster, flounder, snapper, kina, oysters and scallops were harvested from the adjacent coastal waters. Tūpuna were able to harvest bird species which were found in abundance nesting or feeding from the rich mud flats.

Due to the significance of the wāhi taonga in the area, Ngāti Tama Manawhenua Ki Te Tau Ihu Trust proposed the establishment of the Whakapuaka Taiāpure in 1997. This was to enable local management of local resources by people who care about them and have strong ties to the area.

After more than five years of negotiation and consultation between Ngāti Tama, the government, fishing groups and the community, Ngāti Tama succeeded in establishing a Taiāpure for Delaware Bay in 2002.

The Whakapuaka Taiāpure lies east of Nelson and covers an area from Ataata Point to Whangamoā Head, including Cable Bay and Pepin Island. The Trust's goal for the Taiāpure is to protect, manage and enhance an area of historic and cultural importance to Ngāti Tama in order to:

- manage the area conservatively so that fish stocks recover;
- impose conservative recreational catch limits and place some restrictions on commercial fishing;
- establish a five-year moratorium on traditional fishing;
- actively enhance appropriate stocks; and
- implement a research programme, aimed at testing the viability of enhancing specific species within the Taiāpure.

The association of Ngāti Tama ki Te Tau Ihu with the coastal marine area is an integral part of their rohe in Te Tau Ihu. Ngāti Tama ki Te Tau Ihu Deed of Settlement confirmed the statement of coastal values for Ngāti Tama.

¹³ *Ibid* (1994)

¹⁴ www.theprow.org.nz; Ngā kōrero o te tai ihu; Māori Rescues, written by Hilary and John Mitchell



Delaware Bay 2015

15.2 Marine and Coastal Area Act 2011

The Marine and Coastal Area Act replaced the Foreshore and Seabed 2004. Ngāti Tama must apply to the Crown and or High Court to secure Customary Marine Title and Protected Customary Rights. The benefits are described below.

15.2.1 Customary Marine Title

Customary marine title recognises the relationship of an iwi, hapū or whānau with a part of the common marine and coastal area. Customary marine title can't be sold and free public access, fishing and other recreational activities are allowed to continue in customary marine title areas.

Once granted, customary marine title will enable the following rights:

- a Resource Management Act permission right which lets the group say yes or no to activities that need resource consents or permits in the area;
- a conservation permission right which lets the group say yes or no to certain conservation activities in the area;
- the right to be notified and consulted when other groups apply for marine mammal watching permits in the area;
- the right to be consulted about changes to Coastal Policy Statements;

- a wāhi tapu protection right which lets the group seek recognition of a wāhi tapu and restrict access to the area if this is needed to protect the wāhi tapu;
- the ownership of minerals other than petroleum, gold, silver and uranium which are found in the area;
- the interim ownership of taonga tūturu found in the area; and
- the ability to prepare a planning document which sets out the group's objectives and policies for the management of resources in the area.

15.2.2 Protected customary rights

Protected customary rights can be granted for a customary activity like collecting hāngi stones or launching waka in the common marine and coastal area.

If Ngāti Tama is granted protected customary right for customary activities, a resource consent is not required to carry out those activities. Further, Local Authorities cannot grant resource consents for activities that would have an adverse effect on the protected customary right of Ngāti Tama.

15.3 Coastal Water Quality

15.3.1 Aspirations

The interconnected nature of water environments is recognised in the management of catchments.

- Ngāti Tama customary marine title and protected customary rights granted as provided for in the Marine and Coastal Area (Takutai Moana) Act 2011;
- water bodies are managed with particular regard to protecting the mauri of wai, and protecting Ngāti Tama cultural and spiritual values (present and future);
- water is protected from being used as a medium for transporting and treating waste; and
- waste water is treated to the highest standard possible before being discharged to land.

15.3.2 Issues

The principle of ki uta ki tai - the flow of water from the source to the sea, recognises the interconnected nature of rivers, lakes, wetlands, wai puna and the coastal environment. Upstream activities have the potential to degrade the mauri of estuarine and seaward areas. For example:

- cumulative effects on coastal water from runoff and discharges into fresh water upstream;
- contamination and loss of kai moana and kai mātaītai as a result of activities upstream;
- adverse effects of abstraction, damming and diversion of fresh water on coastal water;
- diminishing coastal water quality as a result of discharges from commercial and recreational vessels (sewage, grey and ballast water), oils and diesel spills;
- rubbish accumulating and breaking down on coastal beaches and estuaries;
- impact of coastal development and protection works on coastal water quality; and
- Ngāti Tama customary marine title and customary rights for the coastal marine area in the rohe to be confirmed.

15.3.3 Actions

- a. Ngāti Tama and statutory authorities develop policies and methods to protect and enhance the quality of coastal waters
- b. Ngāti Tama promotes co-governance and

co-management models to assist statutory authorities

- c. Provide for Ngāti Tama to be actively involved in monitoring of where they have an identified interest in the outcome the condition/s is seeking to achieve.
- d. CIA's to give emphasis to the importance of re-locating wastewater treatment facilities away from water environments to inland areas, where disposal can be made to land and
- e. Ngāti Tama works with statutory authorities to develop and review contingency plans to respond to marine emergencies such as oil and diesel spills.

15.3.4 Indicators

- √ Ngāti Tama Customary Marine Title and Customary Rights confirmed;
- √ Number of cases where restrictions are placed on activities which have the potential to reduce coastal water quality;
- √ An increase in the level of treatment of wastewater, with discharges to land, avoiding contamination of water bodies;
- √ Instances where new technologies are used to treat waste (other than water);
- √ Number of coastal wetland and riparian areas which are restored to help address non-point source pollution of coastal waters; and
- √ Number of existing coastal sewage treatment systems, which are diverted away from coastal areas.

15.4 Coastal Environment (Land Use And Development)

15.4.1 Aspirations

The coastal marine environment is managed in an integrated way, recognising the interconnected nature of inland areas with the coastal environments

- Ngāti Tama spiritual and historical association with coastal resources is recognised in coastal land use decision-making;
- The coastal marine environment is respected, protected and enhanced;
- Ngāti Tama and statutory authorities work together to protect and enhance the relationship of Ngāti Tama with the coastal marine environment; and

- Ngāti Tama protects and enhances kai moana and kai mātaītai as kaitiaki of the rohe.

15.4.2 Issues

Cumulative effects of land use practices resulting in the deterioration of cultural coastal values including:

- natural dune systems;
- visual and amenity values (the character of coastal areas);
- estuarine health;
- resource gathering areas (Customary use);
- wāhi tau sites/areas;
- indigenous coastal bio-diversity;
- Marine mammals.

Adverse effects on the coastal environment from:

- coastal protection works;
- dredging reclamation;
- recreational vehicles on coastline, foreshore coastal dunes;
- gravel and sand extraction;
- discharges to water;
- land use upstream, such as land clearance, which can lead to sedimentation of coastal areas; and
- natural and human induced erosion.

15.4.3 Actions

- Ngāti Tama and statutory authorities work together to ensure resource management planning documents have adequate provisions to protect cultural values associated with the coastal marine environments (including ancestral taonga).
- Ngāti Tama and statutory authorities identify ways to safeguard cultural heritage (including resource gathering areas) from coastal protection works.
- CIA's are conducted for activities in culturally sensitive coastal environments.
- develop resource consent conditions to protect kaimoana, kai mātaītai sites or areas, wāhi tapu and wāhi taonga sites.
- Culturally significant coastal environments are monitored using CHI's to inform the management of these ecosystems and traditional resources.

15.4.4 Indicators - Number of:

- √ opportunities for early engagement for Ngāti Tama to work with developers to protect cultural values;
- √ opportunities to educate and raise awareness and respect for Ngāti Tama coastal marine environment values;
- √ coastal estuarine areas, wetlands and river mouths and dune systems protected and restored to enhance indigenous biodiversity;
- √ projects where cultural health monitoring of estuarine and coastal river mouth areas is undertaken; and
- √ cases where marginal strips, buffer zones and indigenous riparian margins are maintained adjacent to waterways and coastal environments to protect cultural values.

15.5 Structures In The Coastal Marine Area

15.5.1 Aspirations

The significance of the coastal marine environment to Ngāti Tama is recognised and cultural heritage sites are protected

- the foreshore and seabed, coastal waters, mahinga kai and kaimoana are protected from developments which are incompatible with Ngāti Tama cultural values; and
- structures within the coastal environment are of sound construction and compatible with the natural character of the area.

15.5.2 Issues

Facilitating access to the coastal environment may include the development of coastal structures such as marinas, slipways, wharves, piers, boat ramps, jetties. However, structures can give rise to:

- a visual and physical obstruction for migratory manu;
- loss of habitat and adverse effects on indigenous species;
- damage or loss of wāhi tapu;
- loss of natural and landscape values;
- increased density of coastal structures in particular localities; and
- restrictions on the use of the area for other activities.

15.5.3 Actions

- a. Ngāti Tama identifies "no go" zones in the coastal marine area.
- b. Any structure or activity within or adjacent to the coastline will require consultation with Ngāti Tama.
- c. Ngāti Tama works with developers on protocols for accidental discovery of cultural sites and materials within the coastal environment.
- d. Ngāti Tama maintains a close working relationship with Maritime New Zealand and the Harbourmaster and will actively engage in assessments of any developments involving new structures in the coastal marine environment.
- e. Ngāti Tama adopts a precautionary approach towards any proposals involving new structures in the coastal marine environment.

15.5.4 Indicators

- ✓ number of coastal structures, which are compatible with Ngāti Tama cultural values; and
- ✓ number of new structures, which are erected within existing Port Zones (such as Mapua, Motueka and Tarohe).

15.6 Coastal Access

15.6.1 Aspirations

- Ngāti Tama whānau maintain their traditional relationships with coastal sites and resources.

15.6.2 Issues

Increased public pressure on coastal areas resulting in adverse effects on:

- culturally significant sites;
- the natural character of the landscape;
- the availability of resources; and
- the protection of sensitive and vulnerable areas or resources.

Increased public pressure to coastal areas resulting in:

- increased infrastructure pressure, such as the provision of public toilets and camping grounds;
- an increase in rubbish being dumped in sacred and sensitive areas;
- building activity for tourism development;
- increased risk of sewage discharge to the coastal marine environment; and

- loss of access to culturally significant sites in the coastal marine area.

15.6.3 Actions

Ngāti Tama will:

- a. Participate in planning processes relating to improved access to the coastal environment. This includes the development of structures to facilitate access such as public toilets, upgrading existing structures, waste disposal and discharge methods.
- b. Work with statutory authorities and interest groups to raise awareness of the importance of the coastal environment to whānau.
- c. Work with statutory authorities to identify areas where coastal development will take place, to ensure whānau have continued access to mahinga kai resources.
- d. Require limits on coastal developments (which may include camping sites, reserves and parks) which Ngāti Tama considers to be under pressure or do not have the infrastructure to cope with increased pressures.

15.7 Coastal Mining

15.7.1 Aspirations

Mining operations within or adjacent to the coastal environment do not compromise the mauri of coastal waters and ecosystems

- culturally significant coastal areas and landscapes are protected from coastal or mining activities within or adjacent to the coastline; and
- nursery and spawning areas are protected from mining and extraction activities.

15.7.2 Issues

Mining and quarrying in the coastal environment has the potential to reduce the life supporting capacity of coastal ecosystems. For example,

- heavy metal/ contaminant run off into coastal waters;
- increased erosion and coastal instability as a result of extraction;
- loss of coastal vegetation through clearance;
- loss and damage to cultural heritage sites including (wāhi tapu and wāhi taonga);
- pest transfer as a result of machinery movement;

- loss of access of Ngāti Tama to cultural heritage sites; and
- sedimentation of shellfish grounds, including nursery and spawning areas.

15.7.3 Actions

- a. Ngāti Tama must participate at the highest level of decision making in relation to:
 - all coastal mining for extraction activities within or adjacent to the coastline; and
 - removal of sand, rock, gravel or stones from coastal areas for commercial purposes.
- b. Ngāti Tama requires the highest environmental standards be applied to mining resource consents or extraction activities within or adjacent to the coastal marine area.
- c. Ngāti Tama requires an Accidental Discovery Protocol be established for all mining operations within the coastal marine area.

15.7.4 Indicators

Number of cases where:

- √ direct discharge of contaminated water to waterways or coastal estuaries is avoided;
- √ the removal of sand or stones in culturally significant coastal areas is prohibited; and
- √ machinery is checked for pest organisms and extraction methods minimise disturbance in an effort to decrease the likelihood of pest organisms establishing.

15.8 Commercial Surface Water Activities

15.8.1 Aspirations

Ngāti Tama whānau are able to access healthy kai moana from coastal marine environments

Culturally sensitive coastal marine environments are protected from the adverse effects of commercial surface water activities (For example, traditional resource gathering areas such as Westhaven Inlet).

15.8.2 Issues

- noise pollution from motors, loudspeakers, and vessel horns;
- discharge of sewage from boats and grey water containing contaminants;
- risk of one-off coastal disasters such as oil spills, ballast discharges and accidental vessel groundings; and

- potential for vessels to spread introduced pests when anchoring or mooring, particularly near offshore islands.

15.8.3 Actions

- a. Ngāti Tama works with the DOC to assess the nature and number of concession applications issued for commercial recreation and tourism operations.
- b. Ngāti Tama stipulates conditions on concessions relating to surface water activities to ensure any potential adverse effects on cultural values are avoided.
- c. Statutory authorities have accidental disaster prevention and clean up plans in place.
- d. Ngāti Tama works with Port companies and statutory authorities to ensure that vessels coming from outside Ngāti Tama area of interest do not release contaminated ballast water into whānau food baskets.
- e. Advocate for the removal of contaminated water from vessels to designated land based sewage and grey water discharge facilities.
- f. Actively encourage operators to take advantage of new technologies to reduce the effects of commercial tourism on the coastal environment.

15.9 Offshore Petroleum Exploration

15.9.1 Aspirations

Areas of cultural significance (including Mātaitai and Taiāpure) are protected from adverse effects associated with prospecting, exploration, drilling and mining operations

- prospecting, exploration, drilling and mining operations use efficient and environmentally sound waste disposal mechanisms; and
- prospecting, exploration, drilling and mining operations are carried out according to best practice to minimise adverse effects on the coastal marine environment.

15.9.2 Issues

Ngāti Tama is concerned about offshore petroleum exploration and the potential impacts prospecting, exploration, drilling and mining activities have on the coastal marine environment and associated cultural values including:

- sites, areas and resources of cultural importance to Ngāti Tama;
- increased waste and the requirement to dispose of this;
- potential risk of accidental oil spills/leakages and the impact on marine life;
- potential impacts from seismic surveys on migratory bird populations and marine mammals; and
- Ngāti Tama ability to protect Mātaitai, Taiāpure, Tauranga Ika and marine reserve exclusion areas.

15.9.3 Actions

- Require consultation with Ngāti Tama and Tangata Tiaki on Offshore Petroleum Exploration operations as required under the SI Customary Fishing Regulations.
- Require detailed information be provided to Ngāti Tama with regard to all prospecting, exploration, drilling and mining activities within the coastal marine environment.
- Improve the relationship with the Crown, established under the Treaty of Waitangi and the Crown Minerals Act 1991 (See protocols in Appendix 19.5).
- Request CIA to ascertain concerns and potential impacts on cultural values from prospecting, exploration, drilling and mining.
- Ngāti Tama participation in decision making processes to determine areas to be excluded from prospecting, exploration, drilling and mining.
- Require risk assessment and contingency measures to be put in place prior to any operations taking place, to reduce the potential for spills or leaks.
- Cultural health monitoring is undertaken.

15.10 Marine And Coastal Birds

15.10.1 Aspirations

Ngāti Tama cultural associations with marine and coastal birds are protected

Marine and coastal bird nesting and feeding areas are protected from developments in marine coastal areas.

15.10.2 Issues

Many marine birds found within the coastal areas are taonga species. However these taonga are at risk from:

- activities which disrupt nesting and feeding areas;
- seabird by catch through inappropriate fishing practices;
- the loss of indigenous coastal habitat;
- pollution such as the discharge of water and the presence of plastics (which can be mistaken for food and fed to young birds); and
- global weather patterns and ocean warming.

15.10.3 Actions

- Ngāti Tama works with statutory authorities to make sure management plans recognise traditional associations with marine and coastal bird populations and protect these taonga from potentially disruptive or life threatening activities.
- Ngāti Tama places conditions on coastal land use consents to protect the nesting and feeding areas of ngā manu populations.

15.10.4 Indicators

- ✓ number of research programmes aimed at enhancing marine bird populations and habitats;
- ✓ number of cases where technology is used to eliminate the effects of light pollution from coastal structures on migratory marine birds; and
- ✓ increase in the adoption of fishing practices to avoid sea bird by-catch.



John Ward-Holmes karakia for Tohorā 2015

15.11 Marine Mammals

Ngāti Tama has a tikanga responsibility to preserve protect and dispose of marine mammals to ensure cultural protocols are observed in the interaction and handling of marine mammals. A protocol has been developed to assist Ngāti Tama and the DOC to co-operate in managing strandings in the rohe. Under this protocol, Ngāti Tama and the DOC accept responsibility for working together to ensure that the entire stranding management process meets all public health and safety standards and quality conservation management guidelines. (See appendix 19.1)

15.12 Marine Reserves

Marine Reserves are managed under the Marine reserves Act 1971. A protocol has been developed between Ngāti Tama and the DOC to work together in the establishment and management of marine reserves created within the Protocol Area. (See appendix 19.1)

15.13 Fisheries Protocol

The Crown, through the Ministry of Primary Industries, recognises that Ngāti Tama is entitled to have input and participation in fisheries planning processes that affect fish stocks in the Ngāti Tama Protocol Area (managed under the Fisheries Act 1996). The special relationship Ngāti Tama has with all species of fish, aquatic life and seaweed is recognised in the specified Fisheries Protocol Area. (See appendix 19.2)

Part 16.0 – Biodiversity and Biosecurity Management

16.1 Introduction

Biodiversity relates to preserving a variety of indigenous species within their natural habitats or ecosystems. Biosecurity focuses on the protection of the environment and ngā tangata health from pests and diseases. It encompasses preventing new pests and diseases from entering New Zealand and eradicating or controlling those already present.

16.2 Species Recovery

16.2.1 Aspirations

Ngāti Tama cultural and spiritual associations with indigenous species and their natural habitats are protected and enhanced for present and future generations

16.2.2 Issues

For Ngāti Tama, species recovery is about restoring populations of indigenous species, within their natural habitats to:

- restore the dawn chorus;
- protect breeding and feeding areas;
- create sanctuaries for species recovery;
- protect the relationship between Ngāti Tama and manu; and
- protect species which have been severely depleted in number due to habitat loss or poaching.

16.2.3 Actions

- a. Ngāti Tama advocate for species recovery across all resource areas, through the preparation of recovery plans and species transfers.
- b. Ngāti Tama engages in species recovery projects and habitat enhancement programmes with the DOC.
- c. Ngāti Tama considers the adverse effects of concessions and resource consents on indigenous species and specify conditions in order to protect these taonga.
- d. Ngāti Tama uses Mātauranga Māori to assist with species recovery work.
- e. Support and encourage scientific research

that assists in the conservation and recovery of taonga species, especially those at risk.

- f. Require researchers consult with Ngāti Tama as part of research on taonga species.

16.2.4 Indicators - Number of:

- ✓ opportunities for Ngāti Tama involvement in species recovery projects and habitat enhancement programmes; and
- ✓ projects where Mātauranga Māori is applied to assist with species recovery work.

16.3 Plant And Animal Pest Control

16.3.1 Aspirations

The mauri or life supporting capacity of indigenous habitats which support indigenous species is protected.

Pest control operations in the rohe are monitored by Ngāti Tama to ensure adverse effects on cultural values are avoided, minimised or mitigated.

16.3.2 Issues

- animal pests such as possums, mustelids, goats and deer are degrading the indigenous ecosystems across the rohe. Plant pests such as gorse, wilding pines and noxious weeds are competing with indigenous plants for habitat; and
- use of 1080 to control and eradicate pest species; impacts of pest control operations on non-target species.

16.3.3 Actions

- a. Ngāti Tama encourages research into viable and cost effective alternative methods (to 1080) to control and eradicate pests.
- b. Ensure weed and pest control programmes avoid adverse effects on cultural values, while providing maximum benefit to indigenous forest systems.
- c. Require that best practice techniques are employed for all pest control operations to minimise adverse effects of 1080 applications. For example: Use of Geographical Positioning Systems (GPS) during aerial operations, low application rates and monitoring pre and post operations.

16.3.4 Indicators - Number of:

- √ projects where iwi monitoring of pest control operations is carried out; and
- √ projects where Ngāti Tama are involved in biosecurity research relating to culturally significant flora and fauna.

16.4 Hazardous Substances And New Organisms

16.4.1 Aspirations

The health of wāhi tapu and wāhi taonga is paramount in relation to the use of hazardous substance use or introduction of new organisms.

Transportation of hazardous substances is undertaken according to best practice.

16.4.2 Issues

Hazardous substance can be dangerous to the health of the natural environment and to ngā tangata. New organisms, (plant, animal or micro-organisms), have the potential to compete with, attack, breed or harm indigenous species. Key concerns relate to the health of:

- Ngā tangata;
- The natural environment as a result of contamination and pollution by hazardous substances;
- Indigenous biodiversity and mahinga kai species; and
- Cultural heritage sites and harvesting areas.

16.4.3 Actions

- a. Ngāti Tama assesses the use of hazardous substances and the introduction of new organisms on a case by case basis. (NB: Pre application site visits and the presentation of technical data must be explained as simply as possible, to enable whānau to make informed decisions).
- b. When considering applications, Ngāti Tama weighs up the risks of using a biological control agent versus the degree of risk on indigenous vegetation as a result of the plant pest.
- c. CIA's are prepared as required to assess the risks associated with the use of hazardous substances and the introduction of new organisms.

d. CHI's are developed to monitor the use of biological control agents.

e. Ngāti Tama participation in monitoring any field trials of genetically modified organisms with respect to safety and site security.

16.4.4 Indicators

Number of projects where:

- CHI's are used to monitor biological control agents;
- Iwi is involved in monitoring of field trials of genetically modified organisms; and
- CIA's are prepared to assess the risks associated with the use of hazardous substances and the introduction of new organism;



Ngahere Takaka 2016



When tohora beach themselves on our shores they are considered a gift from Tangaroa.

*They are returning from the sea to their original home, the land, to die.
Now we go out and help turn them back. Some are saved, many die.*

We connect with them.



Section D:

Appendices

In this section:

Part 17.0 **Legislative and Planning Framework**

Part 18.0 **Other Legislation**

Part 19.0 **Protocols with Crown Agencies**

19.1 DOC Protocol

19.2 Schedules – Conservation Protocol

19.3 Ministry of Primary Industries (Fisheries Protocol)

19.4 Ministry of Arts, Culture and Heritage (Taonga Tūturu) Protocol

19.5 Ministry of Business, Innovation and Employment (Minerals) Protocol

Part 20.0 **References**

Section D

Appendices

Part 17.0 – Legislative And Planning Framework

17.1 Introduction

The statutory legislations outlined in this section highlight national and local government obligations and responsibilities to Ngāti Tama.

17.2 Te Tiriti o Waitangi

Te Tiriti o Waitangi confirmed Ngāti Tama rangātiratanga, customary rights and interests in natural resources and treasured taonga.

Article Two of Te Tiriti o Waitangi confirmed and guaranteed the chiefs 'te tino rangātiratanga'

– the exercise of chieftainship – over their lands, villages and 'taonga katoa' – all treasured things. In practical terms, this means Ngāti Tama, who are kaitiaki and exercise customary rights and responsibilities within their rohe will decide on matters that affect them.

The Crown formally apologised to Ngāti Tama for the breach of its obligation and responsibility under Te Tiriti o Waitangi. Ngāti Tama seek to develop a proactive and positive relationship with Crown and Local Authorities. Key relationship values include good faith, mutual trust and cooperation and upholding Te Tiriti o Waitangi and its articles.

Crown Apology

The Crown makes the following apology to Ngāti Tama and to their ancestors and descendants

The Crown profoundly regrets and unreservedly apologises for breaching its obligations to Ngāti Tama under the Treaty of Waitangi.

The Crown profoundly regrets and apologises for its cumulative acts and omissions which left Ngāti Tama virtually landless in Te Tau Ihu. The Crown deeply regrets and sincerely apologises that it did not adequately protect the interests of Ngāti Tama and appropriately respect Ngāti Tama rangātiratanga when purchasing their land.

The Crown is deeply remorseful for the significant damage that the alienation of Ngāti Tama from their whenua and customary resources in Golden and Tasman Bays has caused over many generations to the traditional social and cultural structures, mana and wellbeing of Ngāti Tama.

The Crown is sincerely sorry that its actions and omissions have detrimentally affected the ability of Ngāti Tama to exercise customary rights and responsibilities within their rohe and contributed to their economic and social marginalisation in Te Tau Ihu.

With this apology the Crown seeks to atone for its past wrongs, restore its honour which has been damaged by its actions, and begin the process of healing. With this settlement the Crown looks forward to beginning a renewed and enduring relationship with Ngāti Tama based on good faith, mutual trust and co-operation, and respect for the Treaty of Waitangi and its principles.

17.3 Ngāti Tama Deed of Settlement

The Ngāti Tama Deed of Settlement signed 20th April 2013 confirms Ngāti Tama values, customary rights and interests and kaitiaki role and responsibilities. The redress instruments for cultural, financial and commercial matters will ensure Crown and Local Authorities engage and consult appropriately with the Trust for any matters that may impact on the relationship Ngāti Tama has with their taonga, sites of significance and wāhi tapu.

The cultural redress mechanisms include:

- Vesting of Sites and Overlay Classifications,
- Statutory Acknowledgements (including coastal acknowledgement) and Deeds of Recognition,
- Statement of Historical Association and Geographic names

17.3.1 Ngāti Tama Cultural Redress Instruments

The cultural redress instruments allows Ngāti Tama and the Crown to protect and enhance the conservation values associated with these sites.

17.3.2 Vesting of sites

The settlement confirmed four sites to be vested in Ngāti Tama and seven sites jointly vested in Ngāti Tama and one or more other iwi in Te Tau Ihu, totalling approximately 169.71 hectares. Specific conditions include protection of conservation values and public access.

The sites include:

- Wainui Urupā, approximately 3.4 hectares;
- Hori Bay, approximately 100 hectares;
- Tākaka River Mouth, approximately 3.8 hectares; and
- Parapara Peninsula, approximately 11.17 hectares

Sites to be jointly vested in Ngāti Tama and Te Ātiawa and or Ngāti Rārua:

- Pūponga Farm Triangle Flat, approximately 0.2 hectares;
- Pūponga Farm Cape House, approximately 5 hectares;
- Puketawai, approximately 11.9473 hectares;
- Te Tai Tapu (Anatori South), approximately 15 hectares;

- Te Tai Tapu (Anatori North), approximately 5 hectares;
- Pūponga Point Pā site, approximately 14 hectares; and
- Mātangi Āwhio, approximately 0.2061 hectares.

17.3.3 Vest and Gift Back – Ngāti Tama Contribution To New Zealand

The settlement confirmed two sites – Kākā Point and Te Tai Tapu – totalling approximately 28,602.0209 hectares, to jointly vest in Ngāti Tama and other iwi on settlement date. The collective iwi agreed to gift the taonga to the people of Aotearoa New Zealand.

17.3.4 Te Korowai Mana - Overlay Classification

An overlay classification (known as Te Korowai Mana in the Ngāti Tama settlement) acknowledges the traditional, cultural, spiritual and historical association of Ngāti Tama with certain sites of significance. Overlay classifications apply to conservation land and require the New Zealand Conservation Authority (and any relevant conservation board) to have particular regard to Ngāti Tama values and protection principles. The overlay classifications include:

- Te Waikoropupū Springs Scenic Reserve
- Farewell Spit Nature Reserve
- Heaphy Track (northern portion).

17.3.5 Statutory Acknowledgements and Deeds of Recognition Instruments

Statutory Acknowledgements register the special association Ngāti Tama has with an area. Statutory Acknowledgements are recognised under the Resource Management Act 1991 and Historic Places Act 1993. The acknowledgements require that consent authorities provide Ngāti Tama with summaries of all resource consent applications that may affect the areas named in the acknowledgments.

Deeds of Recognition oblige the Crown to consult with Ngāti Tama and have regard to their views regarding the special association Ngāti Tama has with a site. DOC and Ngāti Tama will work together to develop management principles that give rise to Ngāti Tama values and interests.

Statutory Acknowledgement and Deed of Recognition include the following areas:

- Kākā Point (Statutory Acknowledgement only)
- Kaiteriteri Scenic Reserve
- Maungatapu
- Rotokura
- Lake Rotoiti, Nelson Lakes National Park
- Lake Rotoroa, Nelson Lakes National Park
- Westhaven (Te Tai Tapu) Marine Reserve and Westhaven (Whanganui Inlet) Wildlife Management Reserve (Statutory Acknowledgement only)
- Parapara Peak
- Pukeone/Mount Campbell
- Wharepapa/Arthur Range
- West of Separation Point/Te Matau
- Maitai River and its tributaries
- Waimea River, Wairoa River, and Wai-iti River and their tributaries
- Motueka River and its tributaries
- Tākaka River and its tributaries
- Aorere River and its tributaries
- Te Hoiere/Pelorus River and its tributaries
- Paturau River and its tributaries
- Anatori River and its tributaries
- Whangamoā River.

There is also a Coastal Statutory Acknowledgement for the Te Tau Ihu coastal marine area.

Statutory Acknowledgments and Deeds of Recognition are non-exclusive redress instruments, meaning more than one iwi can have a Statutory Acknowledgment or Deed of Recognition over the same site.

17.3.6 Place name changes

Te Reo Māori place names are important to Ngāti Tama and signify events, meetings, whānau, hapū and Iwi history and stories.

There are 53 existing geographic names to review and change and 12 sites which do not currently have official names to be assigned geographic names. See the full list of place name changes in the Ngāti Tama ki Te Tau Ihu Deed of Settlement, available on www.ots.govt.nz.

17.3.7 Mineral Fossicking

Ngāti Tama has fossicking provision in the settlement to collect by hand any minerals from the river beds within the rohe with the express permission of the Trust.

17.3.8 Memorandum of Understanding

The Deed of Settlement also provides for;

- the promotion of relationships between Ngāti Tama and Local Authorities – a Memorandum of Understanding with Ngāti Tama is required;
- Ngāti Tama and Local Authorities will develop protocols to encourage good working relationships on matters of cultural significance to Ngāti Tama;
- Ngāti Tama and Museums will enhance their working relationships;
- Ngāti Tama and Local Authorities to strengthen participation and decision making on committees for river and Freshwater management; and
- Ngāti Tama and the Department of Conservation to develop a Memorandum of Understanding.

17.4 Ngāti Tama Environmental Management Plan

The EMP provides high level statements to guide Crown and Local Authorities, applicants and communities on Ngāti Tama values and interests in the rohe and the management of Te Taiao natural resources and cultural heritage.

A local authority reviewing or changing planning documentation **must recognise** the environmental plan in the same manner as would be required under the Resource Management Act 1991 for any planning documentation recognised by an iwi authority.

A consent authority considering an application for resource consent under the Resource Management Act 1991 **must have regard to** the environmental plan; if it considers that section 104(1)(c) applies to the plan.

A person carrying out functions or exercising powers under sections 12 and 14 of the Fisheries Act 1996 **must recognise and provide for** the environmental plan to the extent to which its contents relate to the functions or powers.

A person carrying out functions or exercising powers under the conservation legislation **must have regard** to the environmental plan to the extent to which its contents relate to the function or powers.

17.5 Te Ture Whenua Māori Act 1993

Te Ture Whenua Māori Act 1993 is the primary legislation to facilitate and promote the retention, use, development and control of Māori land (Māori customary land and Māori freehold land) by Māori owners, their whānau, hapū and descendants. Marae and Papakainga may also be on Māori land and or Māori reserve land.

17.6 Resource Management Act 1991 (RMA)

The Resource Management Act 1991 (RMA) is New Zealand's primary piece of legislation for sustainably managing natural and physical resources. The RMA contains various provisions that incorporate Māori values into the management of natural resources. Key provisions include the requirement in the RMA for all persons exercising functions and powers (including policy/plan making and resource consent processes) to:

- recognise and provide for, as a matter of National Importance:
- the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other Taonga;
- the protection of historic heritage from inappropriate subdivision, use, and development;
- the protection of recognised customary activities;
- have particular regard to Kaitiakitanga;
- take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

The RMA makes specific provisions for iwi management plans. In relation to iwi management plans, regional councils and territorial authorities are required to "...take into account any relevant planning document recognised by an iwi authority and lodged with a local authority...", under the provisions of Sections 61(2A)(a), 66(2A)(a), 74(2A)(a) of the RMA. This is relevant to local authorities preparing a Regional Policy Statement, Regional Plans and District Plans.

The RMA also provides mechanisms for Local Authorities to involve Ngāti Tama in planning and decision making processes to take into account Ngāti Tama values and interests to transferring decision-making powers to Māori Authorities including:

- Section 33 Transfer of Powers
- Section 36B Joint Management Agreements
- Section 188B Heritage Protection Authority

17.7 Local Government Act 2002

The Local Government Act 2002 (LGA) provides for Local Authorities to promote the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach. The LGA requires persons exercising functions and powers under it to:

- recognise and respect the Crown's responsibility to take account of the Treaty of Waitangi;
- maintain and improve opportunities for Māori to contribute to local government decision-making processes (including Section 81 of the LGA).

Amongst other things, the special consultative procedure, and preparation of Long Term Council Community/Annual Plans are relevant LGA processes.

Section 77 of the Local Government Act 2002 also requires that a Local Authority must, in the course of the decision-making process "take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga."

17.8 Conservation Act 1987

DOC; Te Papa Atawhai is responsible under the Conservation Act 1987 for the management of protected species and ecosystems, providing for public enjoyment of public conservation lands, conserving historic resources in protected areas and promoting the conservation of natural and historic resources generally.

Section 4 of the Conservation Act 1987 requires that the Act be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.

17.9 Heritage NZ Pouhere Taonga Act 2014

The Heritage New Zealand Pouhere Taonga Act 2014 replaced the Historic Places Act 1993 on 20th May 2014 .

In the case of sites of interest to Ngāti Tama, the archaeologist approved to undertake work under an authority, must work with Ngāti Tama and iwi monitors to ensure Ngāti Tama values and interests are protected and managed appropriately.

Ngāti Tama and Heritage New Zealand will work collaboratively with interested parties and central government agencies.

17.10 Fisheries Act 1996

The primary purpose of the Ministry of Fisheries - Te Tautiaki i ngā tini a Tangaroa under the Fisheries Act 1996 is "to provide for the utilisation of fisheries resources while ensuring sustainability."

Fisheries management has to be conducted in a manner consistent with the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992. The Fisheries Act specifies that the Ministry of Fisheries- Te Tautiaki i ngā tini a Tangaroa shall provide for the input and participation of tangata whenua, undertake consultation and have particular regard to kaitiakitanga.

17.11 Fisheries (South Island Customary Fishing) Regulations 1999

The Regulations provide for iwi to be able to appoint Tangata Tiaki/Kaitiaki (customary fishery managers) to manage customary fishing, and be involved in the management of fisheries resources generally. Tangata Tiaki/Kaitiaki may authorise the taking of fish, aquatic life or seaweed for customary food gathering purposes. Customary fishery tools include mātaihai, taiāpure and temporary measures such as rāhui, and other matters

17.12 Exclusive Economic Zone Act 2013 (EEZ Act)

The Exclusive Economic Zone Act and Continental Shelf Act 2012 came into force on 28 June 2013. The EEZ Act forms a part of New Zealand's marine management regime.

The Act manages:

- prospecting and exploration for petroleum and minerals;

- extraction of petroleum and minerals;
- aquaculture;
- carbon capture and storage; and
- marine energy generation.

Some activities in the Exclusive Economic Zone are managed by other regimes- for example fishing is managed by the Fisheries Acts and shipping by the Maritime Transport Act. The EEZ Act does not replace these existing regimes.

17.13 Crown Minerals Act 1991

Section 3.1(1)(a)(b) of the Crown Minerals Act 1991 states that on request of iwi or hapū, a minerals programme may provide that defined areas of land of particular importance to its mana are excluded from the operation of the minerals programme or must not be included in any permit. The Minerals Programme for Petroleum (2013) also sets out the Crown's responsibility for the active protection of areas of particular importance to iwi.

Section 3.3(3) Section 51(2) of the Act provides that Māori Land that is regarded as wāhi tapu by the tāngata whenua cannot be entered for the purpose of carrying out a minimum impact activity without the consent of the owners of the land.

Section 3.3(5) For Māori land, section 51 of the Act also requires reasonable efforts to be made to consult with those owners of the land able to be identified by the registrar of the Māori Land Court, and requires the local iwi authority to be given ten working days notice of proposed land entry.

17.14 Takutai Moana Act 2011

The Marine and Coastal Area Act replaced the Foreshore and Seabed 2004. An application to the Crown and or High Court is required to claim Customary Marine Title and Protected Customary Rights.

17.14.1 Customary Marine Title

Customary marine title recognises the relationship of an iwi, hapū or whānau with a part of the common marine and coastal area. Customary marine title can't be sold and free public access, fishing and other recreational activities are allowed to continue in customary marine title areas.



Wakapuaka 2016

Once granted, customary marine title will enable the following rights:

- a RMA permission right which lets the group say yes or no to activities that need resource consents or permits in the area;
- a conservation permission right which lets the group say yes or no to certain conservation activities in the area;
- the right to be notified and consulted when other groups apply for marine mammal watching permits in the area;
- the right to be consulted about changes to Coastal Policy Statements;
- a wāhi tapu protection right which lets the group seek recognition of a wāhi tapu and restrict access to the area if this is needed to protect the wāhi tapu;
- the ownership of minerals other than petroleum, gold, silver and uranium which are found in the area;
- the interim ownership of taonga tūturu found in the area; and
- the ability to prepare a planning document which sets out the group's objectives and policies for the management of resources in the area.

17.14.2 Protected Customary Rights

Protected customary rights can be granted for a customary activity like collecting hāngi stones or launching waka in the common marine and coastal area. If your group has a protected customary right recognised, you don't need resource consent to carry out that activity and local authorities can't grant resource consents for other activities that would have an adverse effect on your protected customary right.

17.15 Protected Objects Act 1975

The Ministry for Cultural and Heritage administers the Protected Objects Act (formerly known as the Antiquities Act) and regulates:

- the export of protected New Zealand objects;
- the illegal export and import of protected New Zealand and foreign objects; and
- the sale, trade and ownership of taonga tūturu, including what to do if you find a taonga or Māori artefact.

Part Two of the Act: Ngā taonga tūturu ownership and Māori Land Court

Section 11 – 12 is important for outlining the process to establish the ownership and custody of Nga taonga Tūturu; taonga Tūturu found in customary marine title area; Māori Land court jurisdiction over Ngā taonga Tūturu.



Wharariki Beach 2016

Part 18.0 – Other Legislation

18.1 Introduction

This Plan may also provide guidance to agencies carrying out functions or the exercise of powers under other Acts. In particular, Acts which refer to Māori and relate to the use of natural resources. These include, but are not limited to:

Biosecurity Act 1993

Climate Change Response Act 2002

Control Act 1941

Forests Act 1949

Hazardous Substances and New Organisms Act 1996

Local Government Act 2002

Native Plants Protection Act 1934

Reserves Act 1977

River Boards Act 1908

Soil Conservation and Rivers

Walking Access Act 2008

Part 19.0 – Protocols With Crown Agencies

19.1 DOC Protocol

1.1 Under the Deed of Settlement dated 20 April 2013 between Ngāti Tama and the Crown (the “Deed of Settlement”), the Crown agreed that the Minister of Conservation (the “Minister”) would issue a Protocol (the “Protocol”) setting out how DOC will interact with the Trust trustees on matters specified in the Protocol. These matters are:

- 1.1.1 implementation and communication;
- 1.1.2 business planning;
- 1.1.3 management planning;
- 1.1.4 cultural materials;
- 1.1.5 taonga minerals;
- 1.1.6 historic resources - wāhi tapu;
- 1.1.7 species management;
- 1.1.8 marine mammals;
- 1.1.9 freshwater fisheries;
- 1.1.10 marine reserves;
- 1.1.11 pest control;
- 1.1.12 Resource Management Act 1991;
- 1.1.13 visitor and public information;
- 1.1.14 concession applications;
- 1.1.15 statutory land management; and
- 1.1.16 consultation.

1.2 Both DOC and the Trust trustees are committed to establishing and maintaining a positive and collaborative relationship that gives effect to the principles of the Treaty of Waitangi as provided for in section 4 of the Conservation Act 1987. Those principles provide the basis for an ongoing relationship between the parties to the Protocol to achieve over time the conservation policies, actions and outcomes sought by both the trustees and DOC, as set out in this Protocol.

1.3 The purpose of the Conservation Act 1987 is to enable DOC “to manage for conservation purposes, all land, and all other natural and historic resources” under that Act and to administer the statutes in the First Schedule

to the Act (together, the “Conservation Legislation”). The Minister and Director-General, or their delegates, are required to exercise particular functions, powers and duties under that legislation.

- 1.4 Ngāti Tama accept a responsibility as kaitiaki under tikanga Māori to preserve, protect, and manage natural and historic resources within their rohe.

2 PURPOSE OF THE PROTOCOL

2.1 The purpose of this Protocol is to assist DOC and the Trust trustees to exercise their respective responsibilities with the utmost cooperation to achieve over time the conservation policies, actions and outcomes sought by both.

2.2 This Protocol sets out a framework that enables DOC and Ngāti Tama to establish a constructive working relationship that gives effect to section 4 of the Conservation Act. It provides for Ngāti Tama to have meaningful input into certain policy, planning and decision-making processes in DOC's management of conservation lands and fulfilment of statutory responsibilities within the Ngāti Tama Protocol Area.

3 PROTOCOL AREA

3.1 The Protocol applies across the Ngāti Tama Protocol Area which means the area identified in the map included in Attachment A of the Protocol.

4 SUMMARY OF THE TERMS OF ISSUE

4.1 This Protocol is issued pursuant to section 33 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 (the “Settlement Legislation”) and clause 5.17.1 of the Deed of Settlement. A summary of the provisions of the Settlement Legislation and the Deed of Settlement specifying the terms on which this Protocol is issued are set out in Attachment B of the Protocol.

5 IMPLEMENTATION AND COMMUNICATION

5.1 DOC will seek to establish and maintain effective and efficient communication with Ngāti Tama on a continuing basis by:

- 5.1.1 maintaining information on the office holders of the Trust, and their addresses and contact details;
 - 5.1.2 providing a primary departmental contact for each Area for the Trust trustees who will act as a liaison person with other departmental staff;
 - 5.1.3 providing opportunities for the Trust trustees to meet with departmental managers and staff;
 - 5.1.4 training relevant staff and briefing Conservation Board members on the content of the Protocol; and
 - 5.1.5 holding alternate meetings hosted by the DOC and a Ngāti Tama marae or other venue chosen by the Trust trustees to discuss issues that may have arisen every six months, unless otherwise agreed.
 - 5.2 The parties may also:
 - 5.2.1 annually review implementation of the Protocol; and
 - 5.2.2 led by the Trust trustees, arrange for an annual report back to the Ngāti Tama in relation to any matter associated with the implementation of this Protocol.
 - 5.3 The DOC will, where relevant, inform conservation stakeholders about this Protocol and the Ngāti Tama settlement, and provide ongoing information as required.
 - 5.4 DOC will advise the Trust trustees of any departmental policy directions and the receipt of any research reports relating to matters of interest to Ngāti Tama within the Protocol Area, and provide copies or the opportunity for the Trust trustees to study those reports (subject to clause 22.1).
- 6 BUSINESS PLANNING**
- 6.1 DOC's annual business planning process determines the DOC's conservation work priorities and the DOC will as part of the annual business planning meeting in clause 6.3.1 with Ngāti Tama present a synopsis of the DOC's proposed work programme as it relates to the Protocol Area.
 - 6.2 Ngāti Tama seeks to pursue projects in the future that will enhance the rohe of Ngāti Tama and preserve the whenua and indigenous species for future generations.
 - 6.3 The process for the Ngāti Tama to identify and/or develop specific projects for consideration by the DOC is as follows:
 - 6.3.1 DOC and Ngāti Tama will on an annual basis identify priorities for undertaking specific projects requested by Ngāti Tama. The identified priorities for the upcoming business year will be taken forward by the DOC into its business planning process and considered along with other priorities;
 - 6.3.2 the decision on whether any specific projects will be funded in any business year will be made by the Conservator and General Manager Operations (Southern), after following the co-operative processes set out above;
 - 6.3.3 if the DOC decides to proceed with a specific project request by Ngāti Tama, both parties may meet again to finalise a work plan and a timetable before implementation of the specific project in that business year, in accordance with the resources which have been allocated in the business plan;
 - 6.3.4 if the DOC decides not to proceed with a specific project it will communicate to Ngāti Tama the factors that were taken into account in reaching that decision.
 - 6.4 The DOC will consider inviting Ngāti Tama to participate in specific projects, including the DOC's volunteer and conservation events that may be of interest to Ngāti Tama.
- 7 MANAGEMENT PLANNING**
- 7.1 The DOC will provide opportunities for the Trust trustees to provide input into the Conservation Management Strategy reviews or Management Plans, if any, within the Protocol Area.
 - 7.2 The DOC will advise Ngāti Tama in the event that any vacancies occur on boards or committees within the Protocol Area where the Minister or Department is responsible for making appointments and where public nominations are sought.
- 8 CULTURAL MATERIALS**
- 8.1 For the purpose of this Protocol, cultural materials are plants, plant materials, and materials derived from animals, marine

- mammals or birds for which the DOC is responsible within the Protocol Area and which are important to Ngāti Tama in maintaining and expressing cultural values and practices.
- 8.2 Current legislation means that generally some form of concession or permit is required for any gathering and possession of cultural materials.
- 8.3 In relation to cultural materials, the Minister and/or Director-General will:
- 8.3.1 consider requests from Ngāti Tama for access to and use of cultural materials within the Protocol Area when required for cultural purposes, in accordance with the relevant legislation;
- 8.3.2 consult with Ngāti Tama in circumstances where there are competing requests between Ngāti Tama and non-Ngāti Tama persons or entities for the use of cultural materials, for example for scientific research purposes;
- 8.3.3 agree, where appropriate and taking into consideration the interest of other iwi or other representatives of tangata whenua, for Ngāti Tama to have access to cultural materials which become available as a result of departmental operations such as track maintenance or clearance, or culling of species, or where materials become available as a result of accidental death or otherwise through natural causes;
- 8.3.4 identify areas administered by the DOC which may be suitable as sites where revegetation planting of indigenous plants suitable for cultural use and establishment of pa harakeke may be appropriate; and
- 8.3.5 provide, as far as reasonably practicable, advice to Ngāti Tama for the management and propagation of plant stock to reduce the need for plants to be gathered from land administered by the DOC and to provide advice to Ngāti Tama in the establishment of its own cultivation areas.
- 8.4 Where long lived indigenous trees may become available for cultural use under clause [8.3.3], the DOC will as soon as practicable notify Ngāti Tama and discuss:
- 8.4.1 possible cultural uses for any useable timber;
- 8.4.2 the practicality and cost of recovering any timber;
- 8.4.3 who will bear the cost of recovering the timber; and
- 8.4.4 the possibility of planting replacement endemic tree species.
- 8.5 The DOC and Ngāti Tama shall discuss the development of procedures for monitoring levels of use of cultural materials in accordance with the relevant legislation and appropriate tikanga.
- 9 TAONGA MINERALS AND LANDFORMS**
- 9.1 Ngāti Tama asserts it has an interest in upholding and protecting the mana and mauri of pounamu, argillite, rodingite, bowenite, serpentine, kokowai ("taonga minerals") and limestone karst and cave landforms within its rohe.
- 9.2 In recognition of the association of Ngāti Tama with its taonga minerals within its rohe the DOC will inform Ngāti Tama of any plans or policy statements on which the DOC will be actively working that directly affects those minerals and limestone karst and cave landforms.
- 10 HISTORIC RESOURCES - WĀHI TAPU**
- 10.1 Ngāti Tama consider that their wāhi tapu and other places of cultural heritage significance are taonga (priceless treasures), and the DOC will respect the great significance of these taonga by fulfilling the obligations contained in this clause of the Protocol.
- 10.2 As referred to in clause 5.6 of the Deed of Settlement, places that are sacred or significant to Ngāti Tama within Te Tai Tapu, include, but are not limited to, those places listed in Schedule 19.2.2.
- 10.3 The DOC has a statutory role to conserve historic resources in protected areas and will, within the resources available, endeavour to do this for sites of significance to Ngāti Tama in association with the Trust trustees and according to Ngāti Tama tikanga.
- 10.4 The DOC accepts that non-disclosure of locations of places known to Ngāti Tama may be an option that the Trust trustees choose to take to preserve the wāhi tapu nature of places. There may be situations where the Trust trustees will ask the DOC to treat information it provides on wāhi tapu sites in a confidential way.

10.5 The DOC and the Trust trustees will work together to establish processes for dealing with information on wāhi tapu sites in a way that recognises both the management challenges that confidentiality can present and provides for the requirements of Ngāti Tama.

10.6 The DOC will work with the Trust trustees at the Area Office level to respect Ngāti Tama values attached to identified wāhi tapu and other places of significance on lands administered by the DOC by:

10.6.1 discussing with the Trust trustees, by the end of the second year of this Protocol being issued and on a continuing basis, practical ways in which Ngāti Tama can exercise kaitiakitanga over ancestral lands, natural and historic resources and other taonga managed by the DOC within the Protocol Area;

10.6.2 managing sites of historic significance to Ngāti Tama according to standards of conservation practice which care for places of cultural heritage value, their structures, materials and cultural meaning, as outlined in the International Council on Monuments and Sites (ICOMOS) New Zealand Charter 1993, and in co-operation with Ngāti Tama ;

10.6.3 informing the Trust trustees if wheua tangata or koiwi are found within the Protocol Area; and

10.6.4 assisting in recording and protecting wāhi tapu and other places of cultural significance to Ngāti Tama where appropriate, to seek to ensure that they are not desecrated or damaged.

11 SPECIES MANAGEMENT

11.1 One of the DOC's primary objectives is to ensure the survival of indigenous species and their genetic diversity. An important part of this work is to prioritise recovery actions in relation to the degree of threat to a species. The DOC prioritises recovery actions at both a national and local level.

11.2 In recognition of the cultural, spiritual, historical and/or traditional association of the Trust trustees with species found within the Protocol Area for which the DOC has responsibility, the DOC shall in relation to any species that Ngāti Tama may identify as important to them:

11.2.1 where a national recovery programme is being implemented (including translocations) within the Protocol Area, where reasonably practicable, inform and provide opportunities for Ngāti Tama to participate in that programme;

11.2.2 advise Ngāti Tama in advance of any Conservation Management Strategy amendments or reviews or the preparation of any statutory or nonstatutory plans, policies or documents that relate to the management of those species within the Protocol Area;

11.2.3 where research and monitoring projects are being carried out by the DOC within the Protocol Area, where reasonably practicable provide Ngāti Tama with opportunities to participate in those projects; and

11.2.4 advise Ngāti Tama of the receipt of any completed research reports relating to any species within the Protocol Area and provide copies of such report to Ngāti Tama .

12 MARINE MAMMALS - STRANDINGS

12.1 Ngāti Tama has a tikanga responsibility in relation to the preservation, protection and disposal of marine mammals within the Protocol Area to ensure cultural protocols are observed in the interaction within and handling of these mammals.

12.2 The DOC's approach to strandings must be consistent with the Marine Mammals Protection Act 1978 and the Marine Mammals Regulations 1992, and is guided by the Marine Mammal Action Plan and, at a Conservancy level, Marine Mammal Stranding Contingency Plans.

12.3 The Protocol will assist Ngāti Tama and the DOC to co-operate in managing strandings in the core area of interest.

12.4 The Protocol also aims at assisting the conservation of cetacean species by contribution to the collection of specimens and scientific data of national and international importance while meeting the cultural interests of Ngāti Tama , such as the recovery by Ngāti Tama of bone (including teeth and/or baleen) and other material for cultural purposes from dead marine mammals.

- 12.5 There may be circumstances during a stranding in which euthanasia is required, for example if the animal is obviously distressed or refloating has been unsuccessful and live animals have irretrievably stranded.
- 12.6 Before euthanasia is carried out, Ngāti Tama representatives may wish to perform certain rituals. For this reason, it is important that all reasonable efforts are made to inform Ngāti Tama well in advance of any decision to euthanise. However, in the interests of humane treatment of the marine mammals, if Ngāti Tama representatives are not present at the time, a decision to euthanise is the sole responsibility of an officer or person authorised by the Minister of Conservation.
- 12.7 Upon the death of a stranded marine mammal, Ngāti Tama , with the advice of an officer or person authorised by the Minister of Conservation will assess the following:
- 12.7.1 cultural requirements, such as parts to be retained;
- 12.7.2 scientific requirements such as, identification, sampling or autopsy in accordance with clauses 12.9 and 12.10 and Schedule 19.2.1; and
- 12.7.3 the degree and nature of work required to recover the above, and who will undertake it.
- 12.8 Both Ngāti Tama and the DOC accept responsibility for working together to ensure that the entire stranding management process, including the safe and proper disposal of cadaver and clean-up of the beach after the stranding meets all public health and safety standards and quality conservation management guidelines. However, legislative responsibility rests with authorised officers or persons.
- 12.9 Both the DOC and Ngāti Tama acknowledge the scientific importance of information gathered at strandings and the role of the DOC in assisting the conservation of marine mammal species by contributing to the collection of specimens and scientific data of national and international importance. Decisions concerning the exact nature of the scientific samples required and the subsequent disposal of any dead animals, including their availability to Ngāti Tama , will depend on the species.
- 12.10 Category 1 Species (see Schedule 19.2.1) are known to strand most frequently on New Zealand shores. In principle these species should be available to Ngāti Tama for the recovery of teeth, bone and baleen once scientific data and samples have been collected (usually on site). If there are reasons why this principle should not be followed, they must be discussed between the parties to the Protocol.
- 12.11 Category 2 Species (see Schedule 19.2.1) are either not commonly encountered in New Zealand waters, or may frequently strand here but are rare elsewhere in the world. For these reasons their scientific value has a higher priority. In most instances, possession by Ngāti Tama of materials from category 2 species will follow an autopsy, which may occur on site. Depending on the species involved the autopsy team may request the removal of all or part of the animal for the purpose of an autopsy or for the retention of the skull or animal. The DOC must discuss such requests with and seek the support of Ngāti Tama first.
- 12.12 The DOC will endeavour to ensure that any decision on an application for marine mammal material (such as the retention by the autopsy team or Te Papa/Museum of New Zealand of parts or whole animals) from the Protocol Area will be made with the support of Ngāti Tama .
- 12.13 The Minister, in approving the provision of any marine mammal from the Protocol Area to Te Papa/Museum of New Zealand or the New Zealand Wildlife Health Centre (Massey University), makes the provision on the condition that if those agencies no longer require that marine mammal (at some future date) the skeletal remains will be returned to Ngāti Tama .
- 12.14 If Ngāti Tama does not wish to recover the bone or otherwise participate the Trust trustees will notify the DOC whereupon the DOC will take responsibility for disposing of the cadaver.
- 12.15 Subject to the prior agreement of the Conservator, where disposal of a dead marine mammal is carried out by Ngāti Tama , the

DOC will meet the reasonable costs incurred up to the estimated costs that would otherwise have been incurred by the DOC to carry out the disposal.

12.16 Ngāti Tama will provide the DOC with contact information for authorised key contact people who will be available at short notice to make decisions on the desire of Ngāti Tama to be involved when there is a marine mammal stranding.

12.17 The DOC will:

12.17.1 make all reasonable efforts to promptly notify the key contact people of all stranding events;

12.17.2 discuss, as part of the disposal process, burial sites and, where practical, agree sites in advance which are to be used for disposing of carcasses in order to meet all the health and safety requirements and to avoid the possible violation of Ngāti Tama tikanga; and

12.17.3 consult with Ngāti Tama if developing or contributing to research and monitoring of marine mammal populations within the Protocol Area.

12.18 Ngāti Tama will promptly notify the DOC's Area Office contact person of any stranding event.

12.19 In areas of overlapping interest, Ngāti Tama will work with the relevant iwi and the DOC to agree on a process to be followed when managing marine mammal strandings.

13 FRESHWATER FISHERIES

13.1 Freshwater fisheries are managed under two sets of legislation: the Fisheries Act 1983 and 1996 (administered by the Ministry of Fisheries) and the Conservation Act 1987 (administered by the DOC). The DOC's functions include the preservation of freshwater fisheries and habitats. The whitebait fishery is administered by the DOC under the Whitebait Fishing Regulations 1994, made under the Conservation Act.

13.2 The DOC shall consult with Ngāti Tama and provide for its participation where reasonably practicable in the conservation and management (including research) of customary freshwater fisheries (in particular fresh water mussels and eels) and freshwater fish habitats.

13.3 The DOC shall work at Area Office level (or where appropriate, at Conservancy level) to provide for the active participation of the Ngāti Tama in the conservation, management and research of customary freshwater fisheries and freshwater fish habitats by:

13.3.1 seeking to identify areas for co-operation in advocacy, such as proposals for Taiāpure and mātaītai under Fisheries legislation, and areas consistent with clause [16.2] of this Protocol focusing on fish passage, minimum flows, protection and enhancement of riparian vegetation and habitats, water quality improvement and in the restoration, rehabilitation or enhancement of customary freshwater fisheries and their freshwater habitats;

13.3.2 consulting with Ngāti Tama in developing or contributing to research and monitoring programmes that aim to improve the understanding of the biology of customary freshwater fisheries and their environmental and habitat requirements;

13.3.3 considering Ngāti Tama as a possible science provider or collaborator for research projects funded or promoted by the DOC in the same manner as other potential providers or collaborators; and

13.3.4 processing applications for the transfer and release of freshwater fish species, including eels, according to the criteria outlined in section 26ZM of the Conservation Act 1987.

14 MARINE RESERVES

14.1 Marine Reserves are managed under the Marine Reserves Act 1971. The purpose of the Marine Reserves Act is to preserve for scientific study areas of New Zealand's territorial sea that contain underwater scenery, natural features or marine life of such distinctive quality or which are so typical or beautiful or unique that their continued preservation is in the national interest.

14.2 Within the Protocol Area, the DOC will work at both the Conservancy and Area Office level to:

14.2.1 notify Ngāti Tama prior to undertaking any investigative work towards an application by the DOC, or upon receipt of any application by a third party, for the establishment of a marine reserve;

- 14.2.2 provide Ngāti Tama with any assistance it may request from the DOC in the preparation of an application for the establishment of a marine reserve;
- 14.2.3 provide Ngāti Tama with all information, to the extent reasonably practicable, regarding any application by either the DOC or a third party for the establishment of a marine reserve;
- 14.2.4 seek input from Ngāti Tama on any application for a marine reserve within the Protocol Area and use reasonable efforts to address any concerns expressed by Ngāti Tama ;
- 14.2.5 involve Ngāti Tama in any marine protection planning forums affecting the Protocol Area; and
- 14.2.6 involve Ngāti Tama in the management of any marine reserve created.

15 PEST CONTROL

- 15.1 A key objective and function of the DOC is to prevent, manage and control threats to natural, historic and cultural heritage values from animal and weed pests.
- 15.2 This is to be done in a way that maximises the value from limited resources available to do this work. The DOC will:
 - 15.2.1 seek and facilitate early consultation with the Trust trustees on pest control activities within the Protocol Area, particularly in relation to the use of poisons;
 - 15.2.2 provide the Trust trustees with reasonable opportunities to review and assess programmes and outcomes; and
 - 15.2.3 where appropriate, consider co-ordinating its pest control programmes with those of the Trust trustees when the Trust trustees are an adjoining landowner.

16 RESOURCE MANAGEMENT ACT 1991

- 16.1 Ngāti Tama and the DOC both have concerns with the effects of activities controlled and managed under the Resource Management Act 1991.
- 16.2 From time to time, the Trust trustees and the DOC will seek to identify issues of likely mutual interest for discussion. It is recognised that the DOC and the Trust trustees will continue to

make separate submissions in any Resource Management Act processes.

- 16.3 In carrying out advocacy under the Resource Management Act 1991, the DOC will:
 - 16.3.1 discuss with the Trust trustees the general approach that may be taken by Ngāti Tama and the DOC in respect of advocacy under the Resource Management Act, and seek to identify their respective priorities and issues of mutual concern;
 - 16.3.2 have regard to the priorities and issues of mutual concern identified when the DOC makes decisions in respect of advocacy under the Resource Management Act; and
 - 16.3.3 make non-confidential resource information available to the Trust trustees to assist in improving their effectiveness in resource management advocacy work.

17 VISITOR AND PUBLIC INFORMATION

- 17.1 The DOC has a role to share knowledge about natural and historic heritage with visitors, to satisfy their requirements for information, increase their enjoyment and understanding of this heritage, and develop an awareness of the need for its conservation.
- 17.2 In providing public information, interpretation services and facilities for visitors on the land it manages, the DOC acknowledges the importance to Ngāti Tama of their cultural, traditional and historic values, and the association of Ngāti Tama with the land the DOC administers within the Protocol Area.
- 17.3 The DOC will work with the Trust trustees at the Area Office level to encourage respect for Ngāti Tama cultural heritage values by:
 - 17.3.1 seeking to raise public awareness of any positive conservation partnerships between the Trust trustees, the DOC and other stakeholders, for example, by way of publications, presentations, and seminars;
 - 17.3.2 ensuring that information contained in the DOC's publications is accurate and appropriate by:
 - (a) obtaining the consent of the Trust trustees for disclosure of information from it, and

(b) consulting with the Trust trustees prior to the use of information about Ngāti Tama values for new interpretation panels, signs and visitor publications.

18 CONCESSION APPLICATIONS

18.1 For the purpose of the Protocol Ngāti Tama has identified that concessions and access arrangements for exploration or mining of its taonga minerals on land administered by the DOC (to the extent that the DOC or Minister has authority to enter into such arrangements) as a category of concession that paragraph 18.3 will apply to.

18.2 By the end of the second year of this Protocol being issued and on a continuing basis, the DOC will work with the Trust trustees to identify other categories of concessions that may impact on the cultural, spiritual or historic values of Ngāti Tama .

18.3 In relation to the concession applications within the categories identified by the DOC and the Trust trustees under clauses [18.1 and 18.2], the Minister will:

18.3.1 encourage applicants to consult with Ngāti Tama in the first instance;

18.3.2 consult with the Trust trustees with regard to any applications or renewals of applications within the Protocol Area, and seek the input of the Trust trustees by:

(a) providing for the Trust trustees to indicate within two working days whether an applications for a One Off Concession has any impacts on Ngāti Tama cultural, spiritual and historic values; and

(b) providing for the Trust trustees to indicate within ten working days whether applications have any impacts on Ngāti Tama cultural, spiritual and historic values; and

(c) if the Trust trustees indicate that an application has any such impacts, allowing a reasonable specified timeframe (of at least a further ten working days) for comment;

18.3.3 when a concession is publicly notified, the DOC will at the same time provide separate written notification to the Trust trustees;

18.3.4 prior to issuing concessions to carry out activities on land managed by the DOC within the Protocol Area, and following consultation with the Trust trustees, the Minister will advise the concessionaire of Ngāti Tama tikanga and values and encourage communication between the concessionaire and the Trust trustees if appropriate; and

18.3.5 ensure when issuing and renewing concessions that give authority for other parties to manage land administered by the DOC, that those parties:

(a) be required to manage the land according to the standards of conservation practice mentioned in clause 10.5.2; and

(b) be encouraged to consult with the Trust trustees before using cultural information of Ngāti Tama .

19 STATUTORY LAND MANAGEMENT

19.1 From time to time, the Minister may consider vesting a reserve in an appropriate entity; or appoint an appropriate entity to control and manage a reserve.

Such vestings or appointments are subject to the test under the Reserves Act 1977 which is "for the better carrying out of the purposes of the reserve". When such an appointment or vesting is contemplated for sites in the Protocol Area, the DOC will consult with Ngāti Tama at an early stage on the their views on the proposed vesting or appointment.

19.2 The DOC will consult, at an early stage, with Ngāti Tama when considering the classification, or change in classification, of a reserve within the Protocol Area.

19.3 If the DOC is considering entering into a management agreement, other than a vesting or control and management appointment, with any entity in respect of any land that is the subject of a Statutory Acknowledgment or Deed of Recognition within the Protocol Area, it will consult at an early stage with Ngāti Tama about the proposed management arrangement and whether the arrangement should be subject to any conditions.

20 CONSULTATION

- 20.1 Where the DOC is required to consult under this Protocol, the basic principles that will be followed by the DOC in consulting with the Trust trustees in each case are:
- 20.1.1 ensuring that the Trust trustees are consulted as soon as reasonably practicable following the identification and determination by the DOC of the proposal or issues to be the subject of the consultation;
- 20.1.2 providing the Trust trustees with sufficient information to make informed discussions and submissions in relation to any of the matters that are subject of the consultation;
- 20.1.3 ensuring that sufficient time is given for the effective participation of the Trust trustees, including the preparation of submissions by the Trust trustees, in relation to any of the matters that are the subject of the consultation;
- 20.1.4 ensuring that the DOC will approach the consultation with an open mind and genuinely consider any views and/or concerns that the Trust trustees may have in relation to any of the matters that are subject to the consultation.
- 20.2 Where the DOC has consulted with the Trust trustees as specified in clause 20.1, the DOC will report back to the Trust trustees on the decision made as a result of any such consultation.
- 20.3 When the DOC requests cultural and/or spiritual practices to be undertaken by Ngāti Tama within the Protocol Area the DOC will make a contribution, subject to prior mutual agreement, to the costs of undertaking such practices, but will not otherwise pay for consultation required or anticipated under this Protocol.

21 DEFINITIONS

In this Protocol:

Conservation Management Strategy has the same meaning as in the Conservation Act 1987;

Conservation Legislation means the Conservation Act 1987 and the statutes in the First Schedule of the Act;

Crown means the Sovereign in the right of New Zealand and includes, where appropriate,

the Ministers and Departments of the Crown that are involved in, or bound by the terms of the Deed of Settlement to participate in, any aspect of the redress under the Deed of Settlement;

Department means the Minister of Conservation, the Director-General and the Departmental managers to whom the Minister of Conservation's and the Director-General's decision-making powers can be delegated;

Ngāti Tama has the meaning set out in clause 8.8 of the Deed of Settlement;

Ngāti Tama ki Te Waipounamu trustees has the meaning set out in paragraph 5.1 of the general matters schedule of the Deed of Settlement;

Kaitiaki means environmental guardians;

On Off Concession means a concession granted under Part 3B of the Conservation Act 1987 for an activity that:

- (a) does not require a lease or licence; and
- (b) is assessed as having very low effects; and
- (c) complies with all relevant legislation, the relevant Conservation Management Strategy and Conservation Management Plans; and
- (d) where relevant, has clearly defined numbers of trips and/or landings; and
- (e) does not involve permanent structures; and
- (f) does not have a duration of more than three months; and
- (g) does not take place more than twice in any given six month period;

Protocol means a statement in writing, issued by the Crown through the Minister of Conservation to the Trust trustees under the Settlement Legislation and the Deed of Settlement and includes this Protocol;

Tikanga Māori refers to Māori traditional customs.

22 PROVISION OF INFORMATION

- 22.1 Where the Department is to provide information to the Trust trustees under this Protocol, this information will be provided subject to the Official Information Act 1981.

19.2 Schedules – Conservation Protocol

19.2.1 Marine Mammals - categories of species for purpose of scientific samples and autopsy

CATEGORY 1 SPECIES ARE:

Common dolphins (*Delphinus delphis*)

Long-finned pilot whales (*Globicephala melas*)

Sperm whales (*Physeter macrocephalus*)

CATEGORY 2 SPECIES ARE:

All baleen whales

Short-finned pilot whales (*Globicephala macrorhynchus*)

Beaked whales (all species, family Ziphiidae)

Pygmy sperm whales (*Kogia breviceps*)

Dwarf sperm whales (*Kogia simus*)

Bottlenose dolphin (*Tursiops truncatus*)

Māui's dolphin (*Cephalorhynchus hectori māui*) (North Island)

Hector's dolphin (*Cephalorhynchus hectori hectori*) (South Island)

Dusky dolphin (*Lagenorhynchus obscurus*)

Risso's dolphin (*Grampus griseus*)

Spotted dolphin (*Stenella attenuata*)

Striped dolphin (*Stenella coeruleoalba*)

Rough-toothed dolphin (*Steno bredanensis*)

Southern right whale dolphin (*Lissodelphis peronii*)

Spectacled porpoise (*Australophocoena dioptrica*)

Melon-headed whale (*Peponocephala electra*)

Pygmy killer whale (*Feresa attenuata*)

False killer whale (*Pseudorca crassidens*)

Killer whale (*Orcinus orca*)

Any other species of cetacean previously unknown or rarely strand in New Zealand waters.

19.2.2 TE TAI TAPU: WĀHI TAPU SITES

1. Big River, Anaweka, Turimawiwi and Anatori River mouth areas

(all proximate to papakāinga areas, burial caves Anatori)

2. Knuckle Hill summits

(maunga, guardian of Whanganui Inlet)

3. Mt Stevens summit

(highest peak, Taonga Tuku Ihi o Te Ao Turoa)

4. Lake Otuhie

(mahinga kai, burial caves nearby)

5. Peninsula and islands at south west end of Whanganui inlet

(papakāinga, mahinga kai, wāhi taonga)

19.2.3 Taonga species – Plants

Name in Māori	Name in English	Scientific Name	Significance
Akatorotoro	White rātā vine	<i>Metrosideros perforata</i> <i>Metrosideros colensoi</i> <i>Metrosideros diffusa</i>	Koauau, kete, hinaki, traps
Akatawhitawhi	Scarlet rātā vine	<i>Metrosideros fulgens</i>	Kete, hinaki, traps, rongoā
Akeake	Akeake	<i>Dodonaea viscosa</i>	Taiaha, patu, rakau (hard and heavy), ko
Hangehange	NZ privet	<i>Geniostoma rupestre</i> var. <i>ligustrifolium</i>	Rongoā
Harakeke	Flax (and cultivars)	<i>Phormium tenax</i>	Raranga, kai (nectar, oil from seeds), rongoā, hinaki, kete, muka, binding, ropes, korari for waka
Hīnau	Hīnau	<i>Elaeocarpus dentatus</i>	muka dye, kai (flesh of fruit), koauau, urupā
Horoeka	Lancewood	<i>Pseudopanax crassifolius</i>	Tokotoko, rongoā
Horopito	Pepper tree	<i>Pseudowintera colorata</i> <i>Pseudowintera axillaris</i>	Kai, flavouring, smoking fish, rongoā
Houhere	lacebark	<i>Hoheria ovata</i>	Rongoā, raranga
Kahikatea	White pine Kahikatea	<i>Dacrycarpus dacrydioides</i>	Rongoā, gum burnt for soot – pango, kai
Kaikomāko	Kaikomāko	<i>Pennantia corymbosa</i>	Fire making, koauau
Kanono, Raurēkau	Coprosma	<i>Coprosma grandifolia</i>	Kai, fibre dye, very important rongoā
Kānuka	Kānuka Sand kānuka	<i>Kunzea ericoides</i> <i>Kunzea amathicola</i>	Flavouring kai, oil, rakau for patu, hafts, handles, hangi
Karaka	Karaka	<i>Corynocarpus laevigatus</i>	Kai, rongoā
Karamea, Taramea	Spaniard Speargrass	<i>Aciphylla glaucescens</i> <i>Aciphylla ferox</i>	Kai, rautangi (fragrance)
Karamū	Coprosma	<i>Coprosma robusta</i> <i>Coprosma lucida</i>	Kai, rongoā
Kareao	Supplejack	<i>Ripogonum scandens</i>	Kai, kete, traps, tongs, rongoā
Karengo	Red seaweed	<i>Porphyra columbina</i>	Kai, agar
Kāretu	Holy grass, cyanide grass	<i>Hierochloa redolens</i>	Rautangi (fragrance), raranga
Kawaka	Lowland cedar	<i>Libocedrus plumosa</i>	Rakau (durable)
Kawakawa	Pepper tree	<i>Macropiper excelsum</i> ssp. <i>excelsum</i>	Rongoā, tangi
Kiekie	Kiekie	<i>Freycinettia banksii</i>	Raranga, tukutuku, kai, binding toki
Kohekohe	NZ mahogany	<i>Dysoxylum spectabile</i>	Rongoā, rakau very decorative
Kōhia	NZ passion flower	<i>Passiflora tetrandra</i>	Kai, carrying fire
kōkihi	NZ spinach	<i>Tetragonia implexicoma</i> <i>Tetragonia tetragonioides</i>	Kai, hangi
Kopotī	NZ aniseed	<i>Anisotome aromatic</i>	Kai, rautangi (fragrance)
Koromiko	Koromiko	<i>Hebe salicifolia</i> <i>Hebe leiophylla</i>	Rongoā, koauau

Name in Māori	Name in English	Scientific Name	Significance
Kōtukutuku	Tree fuchsia	Fuchsia excorticata	Kai, rongoā
Kōwhai	Kōwhai	Sophora microphylla Sophora longicarinata	Rongoā, rakau koauau, bowls, tool handles, dye
Kuta	Tall spike rush	Elaeocharis sphacelata	Raranga whariki
Mahoe	Whiteywood	Melicytus ramiflorus	Fire making, hangi, rongoā
Makomako	Wineberry	Aristotelia serrata	Rongoā, kai, koauau
Mouku	Hen and chicken fern	Asplenium bulbiferum	Kai
Pikopiko	Shield fern	Polystichum richardii	Kai
Māmaku	Black tree fern	Cyathea medullaris	Kai, rongoā, whare building, fire lighting
Ponga	Silver fern	Cyathea dealbata	
Whekī	Rough tree fern	Dicksonia squarrosa	
Whekīponga		Dicksonia fibrosa	
Manoao	Silver pine Yellow pine	Manoao colensoi Lepidothamnus intermedius	Koauau, rakau (durable), rautangi (fragrance)
Mānuka	Tea tree	Leptospermum scoparium	Rongoā, kai, oil, rakau for tools, haffs, ko, smoking and flavouring kai
Mātai	Black pine Mātai	Prumnopitys taxifolia	Puoro, waka, whakairo (carving) Po, rakau, rongoā (antiseptic)
Matangoa	Cress	Rorippa divaricata	Kai, hangi, threatened species
Mingimingi	Mingimingi	Leucopogon fasciculatus	Rongoā
Tūmingi		Leptecophylla juniperina	
Miro	Brown pine Miro	Prumnopitys ferruginea	Rakau, pahu (a very resonant wood), koauau, rongoā, oil, insecticide, dye
Nau	Peppergrass Scurvy grass	Lepidium banksii Lepidium oleraceum	Kai, endangered species, associated with titi
Naupiro	Burnett aniseed	Gingidia haematitica	Rautangi (fragrance), endangered species, endemic to Mōhua
Neinei	Grass trees	Dracophyllum elegantissimum Dracophyllum traversii Dracophyllum townsonii Dracophyllum latifolium	Raranga (rain capes), ornamental leaves, tokotoko
Ngaio	Ngaio	Myoporum laetum	Rongoā, insecticide
Nīkau	Nīkau palm	Rhopalostylis sapida	Rongoā, whare
Patē	Seven finger	Schefflera digitata	Rongoā
Patete			
Pinātoro	NZ daphne	Pimelea prostrata Pimelea carnosia	Rongoā
Pīngao	Sand sedge	Ficinia spiralis	Raranga, kai hangi, legend
Pīpipiri	Bidibid	Acaena anserinifolia	Rongoā
Pīrangī	Red flowered beech mistletoe	Peraxella tetrapetala	Kai manu, endangered species

Name in Māori	Name in English	Scientific Name	Significance
Pirita, Korukoru	Scarlet flowered beech mistletoe	Peraxilla colensoi	Kai manu, endangered species
Poroporo	Poroporo	Solanum laciniatum Solanum aviculare	Rongoā, koauau
Pukatea	Pukatea	Laurelia novae-zelandiae	Rongoā, rakau for hoe
Rahurahu	Bracken fern Fern root	Pteridium esculentum	Kai, rongoā
Rangiora	Rangiora	Brachyglottis repanda	Rongoā
Rātā	Southern rātā Northern rātā	Metrosideros umbellata Metrosideros robusta	Rakau patu, taiaha, tokotoko, koauau, rongoā
Raukawa	Raukawa	Raukawa edgerleyi	Rautangi
Raupō	Bulrush	Typha orientalis	Tukutuku, kai, whare, rongoā
Rengarenga	Renga lily	Arthropodium cirrhatum	Kai, rongoā
Rimu	Red pine Rimu	Dacrydium cupressinum	Kai, hangi, rakau, burnt gum for soot, pango
Rōhutu	Heart-leaved myrtle	Lophomyrtus obcordata	Rakau, handles and hafts, oil
Tānekaha	Celery pine	Phyllocladus trichomanoides	Rakau, taiaha, koauau, tokotoko, dye and tanning, rongoā
Tangata upoko	Coastal cutty grass	Cyperus ustulatus	Raranga, nets, whare
Tarata	Lemonwood Kahurangi pittosporum	Pittosporum eugenioides Pittosporum dallii	Chewing gum. Rakau for koauau, rare tree only found in Mōhua
Tātarāmoa	Bush lawyer	Rubus australis Rubus schmidelioides	rongoā
Ti kīuka	Cabbage tree	Cordyline australis	Kai, raranga
Titoki	Titoki	Alectryon excelsus ssp. excelsus	Oil from seeds, rongoā, insecticide, rakau, koauau
Toetoe	Toetoe	Austroderia richardii	Raranga, tukutuku, rongoā, legend
Toi	Mountain cabbage tree	Cordyline indivisa	Raranga, muka
Tōtara	Tōtara	Podocarpus tōtara Podocarpus laetus	Kai, rongoā, bark for containers, torches, rakau for waka, bark for caulking, durable, carving, pou, building, roofing material
Tutu	Toot	Coriaria arborea	Rongoā, kai, koauau.
Wharariki	Coastal flax Mountain flax (and cultivars)	Phormium cookianum	Raranga, muka, kete, rongoā, kai, (nectar), korari used
Whau	Cork wood	Entelea arborescens	Rakau for net floats, koauau, rongoā
Whauwhau - paku	Fivefinger	Pseudopanax arboreus	Rakau for koauau
Wīwī	Rushes	Juncus pallidus	Raranga, kete

19.2.4 Taonga species – Birds

Name in Māori	Name in English	Scientific Name
Huahou	Knot	<i>Calidris canutus</i>
Kahu	Harrier hawk	<i>Circus approximans</i>
Kākā	Kākā	<i>Nestor meridionalis</i>
Kākariki	Red crowned parakeet	<i>Cyanoramphus novaezelandiae novaezelandiae</i>
Kārearea	NZ falcon	<i>Falco novaeseelandiae</i>
Kareke	Marsh crane	<i>Porzana pusilla affinis</i>
karoro	Black backed gull	<i>Larus dominicanus</i>
Kāruhiruhi	Pied shag	<i>Phalacrocorax varius</i>
Kawaupaka	Little pied shag	<i>Phalacrocorax melanoleucos</i>
Kawau tua whenua	Black shag	<i>Phalacrocorax carbo</i>
Kea	Mountain parrot	<i>Nestor notabilis</i>
Kereru	Pigeon	<i>Himiphaga novaeseelandiae</i>
Koekoeā	Long tailed cuckoo	<i>Eudynamys taitensis</i>
Korimako	Bellbird	<i>Anthornis melanura</i>
Korora	Cook Strait blue penguin	<i>Eudyptula minor variabilis</i>
Kotare	kingfisher	<i>Halcyon sancta vagans</i>
Kōtuku	White heron	<i>Egretta alba</i>
Kōtuku ngutupapa	Royal spoonbill	<i>Platalea leucorodia regia</i>
Kuaka	Eastern Bar-tailed godwit	<i>Limosa lapponica baueri</i>
Kuru whengu	New Zealand shoveler	<i>Anas rhynchos variegata</i>
Mātātā	South Island Fernbird	<i>Bowdleria punctata punctata</i>
Matuku-hūrepo	Australasian bittern	<i>Botaurus stellaris poiciloptilus</i>
Matuku moana	Reef heron	<i>Egretta sacra</i>
Miromiro	Tomtit	<i>Petroica macrocephala macrocephala</i>
Moho pererū	Banded rail	<i>Rallus phillippensis</i>
Mōhua	Yellowhead	<i>Mohoua ochrocephala</i>
Pakahā	Fluttering shearwater	<i>Puffinus gavia</i>
Pāpango	Scaup	<i>Aythya novaeseelandiae</i>
Pārekareka	Spotted shag	<i>Stictocarbo punctatus</i>
Pārera	Grey duck	<i>Anas superciliosa superciliosa</i>
Pihipihi , tauhou	Silvereye	<i>Zosterops lateralis lateralis</i>
Pihoihoi	New Zealand pipit	<i>Anthus novaeseelandiae</i>
Pīpīpī	Brown creeper	<i>Finschia novaeseelandiae</i>
Pīpīwharauaroa	Shining cuckoo	<i>Chrysococcyx lucidus lucidus</i>
Pītoitoi	South Island robin	<i>Petroica australis australis</i>
Piwakawaka	Fantail	<i>Rhipidura fuliginosa</i>
Poaka	Pied stilt	<i>Himantopus himantopus leucocephalus</i>

Name in Māori	Name in English	Scientific Name
Pohowera, Turiwhatu	Banded dotterel	Charadrius bicinctus
Pūkeko	Swamp hen	Porphyrio porphyrio melanotus
Pūtangitangi	Paradise duck	Tadorna variegata
Riroriro	Grey warbler	Gerygone igata
Roa	Great spotted kiwi Little spotted kiwi	Apteryx haastii Apteryx owenii
Ruru	Morepork	Ninox novaeseelandiae novaeseelandiae
Tākapu	Australasian gannet	Sula bassana serrator
Taranui	Caspian tern	Hydroprogne caspia
Tara	White fronted tern	Sterna striata
Tarāpunga	Red billed gull	Larus novaehollandiae scopulinus
Titi	Sooty shearwater Common diving petrel	Puffinus griseus Pelecanoides urinatrix
Tifipounamu	South Island Rifleman Rock wren	Acanthisitta chloris chloris
Tōrea	South Island pied oystercatcher	Xenicus gilviventris Haematopus ostralegus finschi
Torea pango	Variable oystercatcher	Haematopus unicolor
Toroa	Albatrosses, Mollymawks	Diomedea epomophora Diomedea exulans Diomedea melanophrys impavida
Tui	Parson bird	Prosthemadera novaeseelandiae
Weka	Western weka	Gallirallus australis australis
Whio	Blue duck	Hymenolaimus malacorhynchos

19.2.5 Taonga species – Vertebrates

Name in Māori	Name in English	Scientific Name
Aihe	Common dolphin	Delphinus delphis
Kākahī	Orca	Orchinus orca
Kekeno	NZ fur seal	Arctocephalus forsteri
Ngutu kura	Blue whale	Balaenoptera musculus
Parāoa	Sperm whale	Physeter macrocephalus
Pekapeka tou roa	Long-tailed bat	Chalinolobus tuberculatus
Tohorā	Southern right whale	Balaena australis
Tūpoupou	Hectors dolphin	Cephalorhynchus hectori
Upokohue	Long finned pilot whale	Globicephala melaena

19.2.5 Taonga species – Fish

Name in Māori	Name in English	Scientific Name
Araara	Trevalley	<i>Pseudocaranx dentex</i>
Aua	Yellow-eyed mullet	<i>Aldrichetta forsteri</i>
Hāpuku	Groper	<i>Polyprion oxygeneios</i>
Hauhau	Brown mudfish	<i>Neochanna apoda</i>
Hokarari	Ling	<i>Genypterus blacodes</i>
Inanga	Whitebait	<i>Galaxias maculatus</i>
Kahawai	Kahawai	<i>Arripis trutta</i>
Kōaro	Koaro	<i>Galaxias brevipinnis</i>
Kōheru	Jack mackerel	<i>Trachurus novaezelandiae</i>
Kōkopu	Banded kokopu,	<i>Galaxias fasciatus</i>
	Giant kokopu	<i>Galaxias argenteus</i>
	Shortjawed kokopu	<i>Galaxias postvectis</i>
Kumukumu	Red gurnard	<i>Chelidonich thyskumu</i>
Mako	Mako shark	<i>Isurus oxyrinchus</i>
Mangā	Barracouta	<i>Thursites atun</i>
Mararī	Butterfish	<i>Odax pullus</i>
Mongō ripi	Thresher shark	<i>Alopias superciliosus</i>
Papanoko	Torrentfish	<i>Cheimarrichthys fosteri</i>
Pātiki	Sand flounder	<i>Rhombosolea pleberia</i>
Piharau	lamprey	<i>Geotria australis</i>
Rāwaru	Blue cod	<i>Parapercis colias</i>
Tāmure	Snapper	<i>Chrysophrys auratus</i>
Tarakihi	Tarakihi	<i>Nemadactylus macropterus</i>
Tope	School shark	<i>Galeorhinus australis</i>
Tuna	Long finned eel	<i>Anguilla dieffenbachii</i>
	Short finned eel	<i>Anguilla australis</i>
Whai repo	Eagle ray	<i>Myliobatis tenuicaudatus</i>

19.2.5 Taonga species – Reptiles

Name in Māori	Name in English	Scientific Name
Honu hiwihiwi	Leather back turtle	<i>Dermochelys coriacea</i>
Kākariki	Nelson green gecko	<i>Naultinus stellatus</i>
Mokopapa	Common skink	<i>Oligosoma nigriplantare</i>
	Brown skink	<i>polychrome</i>
	Speckled skink	<i>Oligosoma zelandicum</i>
		<i>Oligosoma infrapunctatum</i>
Mokopirirakau	Forest gecko	<i>Hoplodactylus granulatus</i>
	Common gecko	<i>Hoplodactylus maculates</i>
	Kahurangi gecko	<i>Hoplodactylus sp.</i>

19.2.6 Taonga species – Invertebrates

Name in Māori	Name in English	Scientific Name
Ātaata	Cats eye	Turbo smaragdus
Awanui	Large trumpet shell	Charonia lampas capax
Hopetea	White rock shell	Thais orbita
Huhu, Tunga rere	Huhu beetle	Prionoplus reticularis
Hururoa	Horse mussel	Atrina pectinata zelandica
Kahu kura	Red admiral butterfly	Bassaris gonerilla
Kahu kōwhai	Yellow admiral butterfly	Bassaris itea
Kaikaikaroro	Triangle shell, surf clam	Spisula aequilatera
Kākahi	Fresh water mussel	Hydridella menziesi Hydridella onekaka
Karaka	Cooks turban shell	Cookia sulcata
Katipō	Katipo spider	Latrodectus katipo
Kina	Sea egg	Evechinus chloroticus
Kōura moana	Spiny crayfish	Jasus edwardsi
Kōura wai	Fresh water crayfish	Paranephrops planifrons
Kuku	Green shell mussel Blue mussel	Perna canaliculus Mytilus edulis
Kurikuri	Ground beetles	Mecodema costellum obesum
Mata	Seashore earwig	Anisolabis littorea
Ngāoikeoke	Peripatus	Peripatoides novaezealandiae
Pāpaka	Paddle crab	Ovalipes catharus
Pāua	Paua	Haliotis iris
Pepe para riki	Copper butterfly	Lycaena salustius
Pepe tunga	Huhu	Prionoplus reticularis
Pipi	Pipi	Paphies australis
Raukatauri	Bag moth	Liothula omnivorus
Pupu nehenehe		Rhytida oconnori
Pupu ngahere	Bush snails	Powelliphanta superba Powelliphanta gilliesi Powelliphanta hochstetteri
Pupu tarakihi	Paper nautilus	Argonauta nodosa
Putoko	Leaf vein slug	Pseudaneitea gigantea
Putoko ropiropi		Athoracophorus bitentaculatus
Tātarakihi, kihikihi	Cicada	Amphipsalta zealandica
Tipa	Fan scallop	Pecten novaezealandiae
Tīfiko	Mud snail	Amphibola crenata
Titiwai, Pūrātoke	Glow worms	Arachnocampa luminosa
Tokoriro	Cave weta	Gymnoplectron species
Tuangi	Cockle, clam	Austrovenus stutchburyi
Tuatua		Paphies subtriangulata Paphies donacina
Tūwhaipapa	Giraffe weevil	Lasiorrhynchus barbicornis
Wētā	Alpine scree weta Nelson alpine weta	Deinacrida connectens Deinacrida tibiospina
Wheke	Common octopus	Octopus maorum

19.3 Ministry of Primary Industries (Fisheries) Protocol

1 INTRODUCTION

- 1.1 The Crown, through the Minister for Primary Industries (the "Minister") and Director General of the Ministry for Primary Industries (the "Director-General"), recognises that Ngāti Tama as tangata whenua are entitled to have input and participation in fisheries planning processes that affect fish stocks in the Ngāti Tama Fisheries Protocol Area (the "Fisheries Protocol Area") and that are managed by the Ministry for Primary Industries (the "Ministry") under the Fisheries Act 1996. Ngāti Tama have a special relationship with all species of fish, aquatic life and seaweed found within the Fisheries Protocol Area, and an interest in the sustainable utilisation of all species of fish, aquatic life and seaweed.
- 1.2 Under the Deed of Settlement dated 20 April 2013 between Ngāti Tama and the Crown (the "Deed of Settlement"), the Crown agreed that the Minister would issue a Fisheries Protocol (the "Protocol") setting out how the Ministry will interact with the Trust trustees in relation to matters specified in the Protocol. These matters are:
- 1.2.1 recognition of the interests of Ngāti Tama in all species of fish, aquatic life or seaweed that exist within the Fisheries Protocol Area that are subject to the Fisheries Act 1996;
 - 1.2.2 input into and participation in the Ministry's fisheries plans;
 - 1.2.3 iwi fisheries plan;
 - 1.2.4 participation in iwi fisheries forums;
 - 1.2.5 customary non-commercial fisheries management;
 - 1.2.6 contracting for services;
 - 1.2.7 employment of Ministry staff with customary non-commercial fisheries responsibilities;
 - 1.2.8 information exchange;
 - 1.2.9 rahui; and
 - 1.2.10 changes to policy and legislation affecting this Protocol.
- 1.3 For the purposes of this Fisheries Protocol,

the Trust trustees are the representatives of Ngāti Tama. Ngāti Tama hold traditional and customary rights over fisheries in the Fisheries Protocol Area. Ngāti Tama have a responsibility in relation to the preservation, protection and management of their customary non-commercial fisheries within the Fisheries Protocol Area. The Trust trustees also have an interest in the sustainable utilisation (including customary, commercial recreational activities) of fish, aquatic life and seaweed that exist within the Fisheries Protocol Area. This is inextricably linked to whakapapa and has important cultural and spiritual dimensions.

- 1.4 The obligations of the Ministry in respect of fisheries are to provide for the utilisation of fisheries resources while ensuring sustainability, to meet Te Tiriti o Waitangi/Treaty of Waitangi and international obligations, to enable sustainable use of the resource, and to ensure the integrity of fisheries management systems.

- 1.5 The Ministry and Ngāti Tama are seeking a relationship consistent with Te Tiriti o Waitangi/Treaty of Waitangi and its principles.

The principles of Te Tiriti o Waitangi/Treaty of Waitangi provide the basis for the relationship between the parties to this Fisheries Protocol. The relationship created by this Fisheries Protocol is intended to assist the parties to exercise their respective responsibilities with the utmost cooperation to achieve over time the outcomes sought by both.

- 1.6 The Minister and the Director-General have certain functions, powers and duties in terms of the Fisheries Legislation. With the intention of creating a relationship that achieves, over time, the fisheries policies and outcomes sought by both Ngāti Tama and the Ministry consistent with the Ministry's obligations as set out in clause 1.4, this Protocol sets out how the Minister, the Director-General and the Ministry will exercise their functions, powers and duties in relation to matters set out in this Protocol. In accordance with this Protocol, the Trust trustees will have the opportunity for meaningful input into the policy and planning processes relating to the matters set out in this Protocol.

- 1.7 The Ministry will advise the Trust trustees whenever they proposes to consult with Ngāti Tama or with another iwi or hapū with interests inside the Fisheries Protocol Area on matters that could affect the interests of Ngāti Tama.

2 Ngāti Tama FISHERIES PROTOCOL AREA

- 2.1 This Fisheries Protocol applies across the Ngāti Tama Fisheries Protocol Area which means the area identified in the map included as Attachment A of the Protocol, together with the adjacent waters.

3 SUMMARY OF THE TERMS OF ISSUE

- 3.1 This Protocol is issued pursuant to section 33 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 (the "Settlement Legislation") and clause 5.17.2 of the Deed of Settlement and is subject to the Settlement Legislation and the Deed of Settlement.
- 3.2 This Protocol must be read subject to the summary of the terms of issue set out in Attachment B.

4 IMPLEMENTATION AND COMMUNICATION

- 4.1 The Ministry will meet with the Trust trustees within three months of the Minister issuing this protocol, to commence the development of a strategy to implement this Fisheries Protocol. The strategy may include:
- 4.1.1 any matters raised in this Protocol;
- 4.1.2 reporting processes to be put in place, including an annual report to be provided by the Ministry to the Trust trustees;
- 4.1.3 the development of an implementation plan that sets out the Ministry's obligations to the Trust trustees arising from this Protocol. The implementation plan would identify the relevant Ministry business group responsible for delivering each obligation, and any agreed actions and timeframes; and
- 4.1.4 meetings between the Trust trustees and the Ministry to review the operation of the Protocol, when required (as agreed in the implementation plan).
- 4.2 The implementation strategy described in clause of this Protocol will have effect from the date specified in the strategy.

- 4.3 The Ministry will establish and maintain effective consultation processes and communication networks with the Trust trustees by:

- 4.3.1 maintaining, at national and regional levels, information provided by the Trust trustees on the office holders of the Trust, addresses and contact details;
- 4.3.2 providing reasonable opportunities for the Trust trustees to meet with Ministry managers and staff (as might be agreed in the implementation plan); and
- 4.3.3 providing reasonable opportunities for the Trust trustees to participate, if they choose to, in regional forums that are established to interact with the Ministry on fisheries issues that affect the Fisheries Protocol Area.
- 4.4 The Ministry will
- 4.4.1 consult and involve the Trust trustees in the training of relevant staff on this Protocol and provide on-going training as required; and
- 4.4.2 as far as reasonably practicable, inform fisheries stakeholders about this Protocol and the Deed of Settlement, and provide on-going information as required.

5 PARTICIPATION IN IWI FISHERIES FORUMS

- 5.1 The Ministry will provide opportunities for Ngāti Tama to have input into and participate in any Iwi Fisheries Forums relating to the Fisheries Protocol Area, where the Ministry will engage with iwi on fisheries management activities. The Ngāti Tama iwi fisheries plan will guide the input of Ngāti Tama into those forums. The Ministry will provide assistance, within the available resources, to those iwi participating in the forums to develop forum fisheries plans.
- 5.2 At the time of the signing the Deed of Settlement which references this Fisheries Protocol, input and participation is provided for Ngāti Tama through the Te Waka a Māui me Ona Toka regional iwi fisheries forum.

6 STATEMENT OF Ngāti Tama OBJECTIVES

- 6.1 The fisheries management objectives of Ngāti Tama in relation to the Fisheries Protocol Area include:
- 6.1.1 ability to implement customary management practices such as rāhui and mātaítai;

- 6.1.2 customary fisheries management consistent with the Fisheries (South Island Customary Fishing) Regulations 1999, including:
- (a) customary fisheries practices consistent with Ngāti Tama tikanga that upholds Ngāti Tama rights guaranteed under Te Tiriti o Waitangi; and
- (b) establish customary fisheries management areas consistent with Ngāti Tama customary practices.
- 6.2 Ngāti Tama will specify their taonga species in the Te Waka a Māui me Ona Toka regional iwi fisheries forum plan (being developed at the time of signing this Protocol).
- 6.3 The Crown and the Trust trustees agree that the Ngāti Tama objectives (as set out in the Te Waka a Māui me Ona Toka Forum Plan at the time of signing this Protocol, and clause 6.1):
- 6.3.1 are intended only to provide a context for this Protocol;
- 6.3.2 do not affect how the Minister, Director-General and the Ministry will exercise their powers, functions and duties in relation to the matters specified in this Protocol; and
- 6.3.3 do not prevent the Minister, Director-General and the Ministry from interacting with other iwi or hapū with interests in the Fisheries Protocol Area.

7 INPUT INTO AND PARTICIPATION IN THE MINISTRY'S NATIONAL FISHERIES PLANS

- 7.1 Ngāti Tama are entitled to input into and participation in the Ministry's national level fisheries plans, where these are being developed, that relate to the Fisheries Protocol Area. The Ministry's national fisheries plans will reflect the high level goals and outcomes for a fishery. The plans will guide annual identification of the measures (which may include catch limits, research and compliance services) required to meet these goals and outcomes.
- 7.2 Ngāti Tama input and participation will be recognised and provided for through the iwi fisheries plan referred to in clause 8, which the Ministry must have particular regard to when developing national fisheries plans that relate to the Fisheries Protocol Area.

- 7.3 Where it is intended that any sustainability measures will be set or varied that relate to the Fisheries Protocol Area and are not addressed in any Ministry national fisheries plan, the Ministry will ensure that the input and participation of Ngāti Tama is provided for.

8 IWI FISHERIES PLAN

- 8.1 The Trust trustees will develop an iwi fisheries plan that relates to the Fisheries Protocol Area.
- 8.2 The Ministry will assist the Trust trustees, within the resources available to the Ministry, to develop an iwi fisheries plan that relates to the Fisheries Protocol Area.
- 8.3 The Ministry and the Trust trustees agree that the iwi fisheries plan will identify:
- 8.3.1 the objectives of the Trust trustees for the management of their customary, commercial, recreational and environmental interests in fisheries resources within the Fisheries Protocol Area;
- 8.3.2 how Ngāti Tama will exercise kaitiakitanga within the Fisheries Protocol Area;
- 8.3.3 how the Trust trustees will participate in fisheries planning in the Fisheries Protocol Area; and
- 8.3.4 how the customary, commercial and recreational fishing interests of the Trust trustees will be managed in an integrated way.
- 8.4 The Ministry and the Trust trustees acknowledge that at the time of signing this Protocol the Iwi Fisheries Plan referenced in this section was being developed as the Te Waka a Māui me ona Toka Forum Fisheries Plan; and that Plan will set out:
- 8.4.1 the content of the iwi fisheries plan, and how it will protect and recognise the kaitiakitanga and mana of Ngāti Tama; and
- 8.4.2 ways in which the Ministry will work with the Trust trustees to develop and review the iwi fisheries plan.

9 MANAGEMENT OF CUSTOMARY NON-COMMERCIAL FISHERIES

- 9.1 The Ministry undertakes to make available to the Trust trustees with such information and assistance, within the resources available to the Ministry, as may be necessary for the proper administration of the Fisheries (South

Island Customary Fishing) Regulations 1999. This information and assistance may include, but is not limited to:

- 9.1.1 discussions with the Ministry on the implementation of the Fisheries (South Island Customary Fishing) Regulations 1999 within the Fisheries Protocol Area;
- 9.1.2 provision of existing information, if any, relating to the sustainability, biology, fishing activity and fisheries management within the Fisheries Protocol Area; and
- 9.1.3 training the appropriate representatives of Ngāti Tama to enable them to administer and implement the Fisheries (South Island Customary Fishing) Regulations 1999.

10 CONTRACTING FOR SERVICES

- 10.1 The Ministry will consult with the Trust trustees in respect of any contract for the provision of services that may impact on the management of customary fisheries within the Fisheries Protocol Area, if the Ministry is proposing to enter into such a contract.
- 10.2 The level of consultation shall be relative to the degree to which the contract impacts upon the customary fishing interests of other iwi as well as those of Ngāti Tama, and may be achieved by one or more of the following:
 - 10.2.1 the Ministry may notify the Trust trustees of a contract for fisheries services;
 - 10.2.2 the Ministry may notify the Trust trustees of an invitation to tender for fisheries services; and
 - 10.2.3 the Ministry may direct a successful contractor to engage with the Trust trustees as appropriate, in undertaking the relevant fisheries services.
- 10.3 If the Trust trustees are contracted for fisheries services then clause 10.2.3 will not apply in relation to those fisheries services.

11 EMPLOYMENT OF STAFF WITH CUSTOMARY FISHERIES RESPONSIBILITIES

- 11.1 The Ministry will consult with the Trust trustees on certain aspects of the employment of Ministry staff if a vacancy directly affects the customary fisheries interests of Ngāti Tama in relation to the Fisheries Protocol Area.

11.2 The level of consultation shall be relative to the degree to which the vacancy impacts upon the customary fishing interests of other iwi as well as those of Ngāti Tama, and may be achieved by one or more of the following:

- 11.2.1 consultation on the job description and work programme;
- 11.2.2 direct notification of the vacancy;
- 11.2.3 consultation on the location of the position;
- 11.2.4 input into the selection of the interview panel.

12 CONSULTATION

- 12.1 Where the Ministry is required to consult the Trust trustees in relation to this Protocol, the basic principles that will be followed by the Ministry in consulting with the Trust trustees in each case are:
 - 12.1.1 ensuring that the Trust trustees are consulted as soon as reasonably practicable following the identification and determination by the Ministry of the proposal or issues to be the subject of the consultation;
 - 12.1.2 providing the Trust trustees with sufficient information to make informed decisions and submissions in relation to any of the matters that are the subject of the consultation;
 - 12.1.3 ensuring that sufficient time is given for the participation of the Trust trustees in the decision making process including the preparation of submissions by the Trust trustees in relation to any of the matters that are the subject of the consultation; and
 - 12.1.4 ensuring that the Ministry will approach the consultation with the Trust trustees with an open mind, and will genuinely consider their submissions in relation to any of the matters that are the subject of the consultation.
- 12.2 Where the Ministry has consulted with the Trust trustees as specified in clause 12.1, the Ministry will report back to the Trust trustees, either in person or in writing, on the decision made as a result of any such consultation.

13 RAHUI

- 13.1 The Ministry recognises that rahui is a traditional use and management practice of Ngāti Tama and supports their rights to place traditional rāhui over their customary fisheries.

- 13.2 The Ministry and the Trust trustees acknowledge that a traditional rāhui placed by Ngāti Tama over their customary fisheries has no force in law and cannot be enforced by the Ministry, and that adherence to any rāhui is a matter of voluntary choice. Ngāti Tama undertakes to inform the Ministry of the placing and the lifting of a rāhui by Ngāti Tama over their customary fisheries, and also the reason for the rāhui.
- 13.3 The Ministry undertakes to inform a representative of any fishery stakeholder groups that fish in the area to which the rāhui has been applied, to the extent that such groups exist, of the placing and the lifting of a rāhui by Ngāti Tama over their customary fisheries, in a manner consistent with the understandings outlined in clause 13.2 above.
- 13.4 As far as reasonably practicable, the Ministry undertakes to consider the application of section 186B of the Fisheries Act 1996 to support a rāhui proposed by Ngāti Tama over their customary fisheries for purposes consistent with the legislative requirements for the application of section 186B of the Fisheries Act 1996, noting these requirements preclude the use of section 186B to support rāhui placed in the event of a drowning.

14 INFORMATION EXCHANGE

- 14.1 Ngāti Tama and the Ministry recognise the benefit of mutual information exchange. To this end, the Ministry and Ngāti Tama will as far as possible exchange any information that is relevant to the management of the Fisheries Protocol Area.
- 14.2 The Ministry will make available to Ngāti Tama all existing information held by, or reasonably accessible to, the Ministry where that information is requested by Ngāti Tama for the purposes of assisting them to exercise their rights under this Fisheries Protocol.
- 14.3 The Ministry will make available to Ngāti Tama all existing information held by, or reasonably accessible to, the Ministry where that information is requested by Ngāti Tama concerning the management of species or stocks that are of significance to Ngāti Tama .

15 DISPUTE RESOLUTION

- 15.1 If either the Ministry or the Trust trustees considers there has been a problem with the implementation of the Protocol, then that party may give written notice to the other party that they are in dispute. The following process will be undertaken once notice is received by the other party to this Protocol:
- 15.1.1 Within 15 working days of being given written notice under clause 15.1, the relevant contact persons from the Ministry and the Trust trustees will meet to work in good faith to resolve the issue;
- 15.1.2 If the dispute has not been resolved within 30 working days of receipt of the notice referred to in clause 15.1 the Director-General of the Ministry and representative of the Trust trustees will meet to work in good faith to resolve the issue;
- 15.1.3 If the dispute has not been resolved within 45 working days of receipt of the notice referred to in clause 15.1 despite the process outlined in clauses 15.1.1 and 15.1.2 having been followed, the Ministry and Ngāti Tama ki Te Waipounamu trustees may seek to resolve the dispute by asking an agreed trusted third party to mediate the dispute with a view to reaching a mutually satisfactory outcome for both parties.
- 15.2 In the context of any dispute that has been initiated under clause 15.1 the Ministry and the Trust trustees will place the utmost importance on the fact that the Ministry and Ngāti Tama are, in accordance with clause 1.5 of this Protocol, seeking a relationship consistent with Te Tiriti o Waitangi / Treaty of Waitangi and its principles, and such a relationship is intended to assist both parties to exercise their respective responsibilities with the utmost cooperation to achieve the outcomes sought by both over time.

16 CHANGES TO POLICY AND LEGISLATION AFFECTING THIS PROTOCOL

- 16.1 If the Ministry consults with iwi on policy development or any proposed legislative amendment the Fisheries Act 1996 which impacts upon this Protocol, the Ministry shall:

- 16.1.1 notify the Trust trustees of the proposed policy development or proposed legislative amendment upon which iwi will be consulted; and
- 16.1.2 make available to the Trust trustees the information provided to iwi as part of the consultation process referred to in this clause; and
- 16.1.3 report back to the Trust trustees on the outcome of any such consultation, either in writing or in person.

17. DEFINITIONS

- 17.1 In this Protocol:

Crown means the Sovereign in the right of New Zealand and includes, where appropriate, the Ministers and Departments of the Crown that are involved in, or bound by the terms of the Deed of Settlement to participate in, any aspect of the redress under the Deed of Settlement;

Fisheries Legislation means the Fisheries Act 1983, the Fisheries Act 1996, the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992, the Māori Commercial Aquaculture Claims Settlement Act 2004, and the Māori Fisheries Act 2004, and any regulations made under these Acts including the Fisheries (South Island Customary Fishing) Regulations 1999;

Ngāti Tama has the meaning set out in clause 8.8 of the Deed of Settlement;

Ngāti Tama ki Te Waipounamu trustees has the meaning set out in paragraph 5.1 of the general matters schedule of the Deed of Settlement;

Protocol means a statement in writing, issued by the Crown through the Minister to the Trust trustees under the Settlement Legislation and the Deed of Settlement and includes this Fisheries Protocol;

Settlement Date means 20 April 2013.

19.4 Ministry for Arts, Culture and Heritage (Taonga Tūturu) Protocol

1 INTRODUCTION

- 1.1 This Taonga Tūturu Protocol covers the following matters:
- (a) newly found taonga Tūturu;
 - (b) the export of taonga Tūturu; and
 - (c) the Protected Objects Act 1975 and any amendment or substitution thereof.
- 1.2 Under the Deed of Settlement 20 April 2013 between Ngāti Tama, the Ngāti Tama ki Te Waipounamu Trust and the Crown (the "Deed of Settlement"), the Crown agreed that the Minister for Arts, Culture and Heritage (the "Minister") would issue a protocol (the "Protocol") setting out how the Minister and the Chief Executive for the Ministry for Culture and Heritage (the "Chief Executive") will interact with the Trust trustees on matters specified in the Protocol. These matters are:
- (a) Protocol Area - Part 2;
 - (b) Terms of issue - Part 3
 - (c) Implementation and communication - Part 4
 - (d) The role of the Chief Executive under the Protected Objects Act 1975 - Part 5
 - (e) The role of the Minister under the Protected Objects Act 1975 - Part 6
 - (f) Ngāti Tama Ngā Taonga Tūturu held by Te Papa Tongarewa - Part 7
 - (g) Effects on Ngāti Tama interest in the Protocol Area - Part 8
 - (h) Registration as a collector of Ngā Taonga Tūturu - Part 9
 - (i) Board Appointments - Part 10
 - (j) National Monuments, War Graves and Historical Graves - Part 11
 - (k) History publications relating to Ngāti Tama - Part 12
 - (l) Cultural and/or Spiritual Practices and Tendering - Part 13
 - (m) Consultation - Part 14
 - (n) Changes to legislation affecting this

Protocol - Part 15

(o) Definitions - Part 16

- 1.3 For the purposes of this Protocol the Trust trustees are the representatives of the whānau and iwi of Ngāti Tama who have an interest in the matters covered under this Protocol. This derives from the status of the Ngāti Tama as tangata whenua in the Protocol Area and is inextricably linked to whakapapa and has important cultural and spiritual dimensions.
- 1.4 The Ministry and the Trust trustees are seeking a relationship consistent with Te Tiriti o Waitangi/ the Treaty of Waitangi and its principles. The principles of Te Tiriti o Waitangi/ the Treaty of Waitangi provides the basis for the relationship between the parties to this Protocol, as set out in this Protocol.
- 1.5 The purpose of the Protected Objects Act 1975 is to provide for the better protection of certain objects by, among other things, regulating the export of Taonga Tūturu and by establishing and recording the ownership of Ngā Taonga Tūturu found after the commencement of the Act, namely 1 April 1976.
- 1.6 The Minister and Chief Executive have certain roles in terms of the matters mentioned in Clause 1.1. In exercising such roles, the Minister and Chief Executive will provide the Trust trustees with the opportunity for input, into matters set out in Clause 1.1 and 1.2.

2 PROTOCOL AREA

- 2.1 This Protocol applies across the Protocol Area which is identified in the map included in Attachment A of the Protocol together with adjacent waters (the "Protocol Area").

3 SUMMARY OF THE TERMS OF ISSUE

- 3.1 This Protocol is issued pursuant to section 33 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 (the "Settlement Legislation") and clause 5.17.3 of the Deed of Settlement and is subject to the Settlement Legislation and the Deed of Settlement.
- 3.2 This Protocol must be read subject to the summary of the terms of issue set out in Attachment B.

4 IMPLEMENTATION AND COMMUNICATION

- 4.1 The Chief Executive will maintain effective communication with the Trust trustees by:
 - 4.1.1 maintaining information provided by the Trust trustees on the office holders of the Ngāti Tama ki Te Waipounamu Trust and their addresses and contact details;
 - 4.1.2 discussing with the Trust trustees concerns and issues notified by the Trust trustees about this Protocol;
 - 4.1.3 as far as reasonably practicable, providing opportunities for the Trust trustees to meet with relevant Ministry Managers and staff;
 - 4.1.4 meeting with the Trust trustees to review the implementation of this Protocol at least once a year, if requested by either party;
 - 4.1.5 as far as reasonably practicable, training relevant employees within the Ministry on this Protocol to ensure that they are aware of the purpose, content and implications of this Protocol;
 - 4.1.6 as far as reasonably practicable, inform other organisations with whom it works, central government agencies and stakeholders about this Protocol and provide ongoing information; and
 - 4.1.7 including a copy of the Protocol with the Trust trustees on the Ministry's website.

5 THE ROLE OF THE CHIEF EXECUTIVE UNDER THE PROTECTED OBJECTS ACT 1975

General

- 5.1 The Chief Executive has certain functions, powers and duties in terms of the Act and will consult, notify and provide information to the Trust trustees within the limits of the Act. From the date this Protocol is issued the Chief Executive will:
 - 5.1.1 notify the Trust trustees in writing of any Taonga Tūturu found within the Protocol Area or identified as being of Ngāti Tama origin found anywhere else in New Zealand;
 - 5.1.2 provide for the care, recording and custody of any Taonga Tūturu found within the Protocol Area or identified as being of Ngāti Tama origin found anywhere else in New Zealand;

- 5.1.3 notify the Trust trustees in writing of their right to lodge a claim with the Chief Executive for ownership of any Taonga Tūturu found within the Protocol Area or identified as being of Ngāti Tama origin found anywhere else in New Zealand;
- 5.1.4 notify the Trust trustees in writing of their right to apply directly to the Māori Land Court for determination of the actual or traditional ownership, rightful possession or custody of any Taonga Tūturu found within the Protocol Area or identified as being of Ngāti Tama origin found anywhere else in New Zealand, or for any right, title, estate, or interest in any such Taonga Tūturu; and
- 5.1.5 notify the Trust trustees in writing of any application to the Māori Land Court from any other person for determination of the actual or traditional ownership, rightful possession or custody of any Taonga Tūturu found within the Protocol Area or identified as being of Ngāti Tama origin found anywhere else in New Zealand, or for any right, title, estate, or interest in any such Taonga Tūturu.

Applications for Ownership

- 5.2 If the Trust trustees lodge a claim of ownership with the Chief Executive and there are no competing claims for any Taonga Tūturu found within the Protocol Area or identified as being of Ngāti Tama origin found anywhere else in New Zealand, the Chief Executive will, if satisfied that the claim is valid, apply to the Registrar of the Māori Land Court for an order confirming ownership of the Taonga Tūturu.
- 5.3 If there is a competing claim or claims lodged in conjunction with the claim of ownership of the Trust trustees, the Chief Executive will consult with the Trust trustees for the purpose of resolving the competing claims and, if satisfied that a resolution has been agreed to and is valid, apply to the Registrar of the Māori Land Court for an order confirming ownership of the Taonga Tūturu.
- 5.4 If the competing claims for ownership of any Taonga Tūturu found within the Protocol Area or identified as being of Ngāti Tama origin found anywhere else in New Zealand, cannot be resolved, the Chief Executive at the request of the Trust trustees may facilitate

an application to the Māori Land Court for determination of ownership of the Taonga Tūturu.

Applications for Custody

- 5.5 If no ownership application is made to the Māori Land Court for any Taonga Tūturu found within the Protocol Area or identified as being of Ngāti Tama origin found elsewhere in New Zealand by the Trust trustees or any other person, the Chief Executive will:
- 5.5.1 consult the Trust trustees where there is any request from any other person for the custody of the Taonga Tūturu;
- 5.5.2 consult the Trust trustees before a decision is made on who may have custody of the Taonga Tūturu; and
- 5.5.3 notify the Trust trustees in writing of the decision made by the Chief Executive on the custody of the Taonga Tūturu.

Export Applications

- 5.6 For the purpose of seeking an expert opinion from the Trust trustees on any export applications to remove any Taonga Tūturu of Ngāti Tama origin from New Zealand, the Chief Executive will register the Trust trustees on the Ministry for Culture and Heritage's Register of Expert Examiners.
- 5.7 Where the Chief Executive receives an export application to remove any Taonga Tūturu of Ngāti Tama origin from New Zealand, the Chief Executive will consult the Trust trustees as an Expert Examiner on that application, and notify the Trust trustees in writing of his or her decision.

6 THE ROLE OF THE MINISTER UNDER THE PROTECTED OBJECTS ACT 1975

- 6.1 The Minister has functions, powers and duties under the Act and may consult, notify and provide information to the Trust trustees within the limits of the Act. In circumstances where the Chief Executive originally consulted the Trust trustees as an Expert Examiner, the Minister may consult with the Trust trustees where a person appeals the decision of the Chief Executive to:
- 6.1.1 refuse permission to export any Taonga Tūturu, or Nga Taonga Tūturu, from New Zealand; or

6.1.2 impose conditions on the approval to export any Taonga Tūturu, or Nga Taonga Tūturu, from New Zealand;

- 6.2 The Ministry will notify the Trust trustees in writing of the Minister's decision on an appeal in relation to an application to export any Taonga Tūturu where the Trust trustees was consulted as an Expert Examiner.

7 NGĀTI TAMA - NGA TAONGA TŪTURU HELD BY TE PAPA TONGAREWA

- 7.1 The Chief Executive will invite Te Papa Tongarewa to enter into a relationship with the Trust trustees, for the purposes of Te Papa Tongarewa compiling a full inventory of Taonga Tūturu held by Te Papa Tongarewa, which are of cultural, spiritual and historical importance to Ngāti Tama; and
- 7.2 Associated costs and/or additional resources required to complete the obligations under paragraph 7.1 will be funded by Te Papa Tongarewa, as resources allow.

8 EFFECTS ON NGĀTI TAMA INTERESTS IN THE PROTOCOL AREA

- 8.1 The Chief Executive and Ngāti Tama ki Te Waipounamu trustees shall discuss any policy and legislative development, which specifically affects Ngāti Tama interests in the Protocol Area.
- 8.2 The Chief Executive and Ngāti Tama ki Te Waipounamu trustees shall discuss any of the Ministry's operational activities, which specifically affect Ngāti Tama interests in the Protocol Area.
- 8.3 Notwithstanding paragraphs 8.1 and 8.2 above the Chief Executive and Ngāti Tama ki Te Waipounamu trustees shall meet to discuss Ngāti Tama interests in the Protocol Area as part of the meeting specified in clause 4.1.4.

9 REGISTRATION AS A COLLECTOR OF NGĀ TAONGA TŪTURU

- 9.1 The Chief Executive will register the Trust trustees as a Registered Collector of Taonga Tūturu.

10 BOARD APPOINTMENTS

- 10.1 The Chief Executive shall:
- 10.1.1 notify the Trust trustees of any upcoming

ministerial appointments on Boards which the Minister for Arts, Culture and Heritage appoints to;

10.1.2 add the Trust trustees nominees onto the Ministry for Culture and Heritage's Nomination Register for Boards, which the Minister for Arts, Culture and Heritage appoints to; and

10.1.3 notify the Trust trustees of any ministerial appointments to Boards which the Minister for Arts, Culture and Heritage appoints to, where these are publicly notified.

11 NATIONAL MONUMENTS, WAR GRAVES AND HISTORIC GRAVES

11.1 The Chief Executive shall seek and consider the views of the Trust trustees on any national monument, war grave or historical grave, managed or administered by the Ministry, which specifically relates to Ngāti Tama interests.

11.2 The Chief Executive will provide for the marking and maintenance of any historic war grave identified by the Trust trustees, which the Chief Executive considers complies with the Ministry's War Graves Policy criteria; that is, a casualty, whether a combatant or non-combatant, whose death was a result of the armed conflicts within New Zealand in the period 1840 to 1872 (the New Zealand Wars).

12 HISTORICAL PUBLICATIONS RELATING TO NGĀTI TAMA

12.1 The Chief Executive shall:

12.1.1 provide the Trust trustees with a list of all history publications commissioned or undertaken by the Ministry that relates substantially to Ngāti Tama and will supply these on request; and

12.1.2 discuss with the Trust trustees any work the Ministry undertakes that deals specifically or substantially with Ngāti Tama.

13 PROVISION OF CULTURAL AND/OR SPIRITUAL PRACTICES AND PROFESSIONAL SERVICES

13.1 When the Chief Executive requests cultural and/or spiritual practices to be undertaken by Ngāti Tama within the Protocol Area, the Chief Executive will make a contribution, subject to prior mutual agreement, to the costs of undertaking such practices.

13.2 Where appropriate, the Chief Executive will consider using the Trust trustees as a provider of professional services. .

13.3 The procurement by the Chief Executive of any such services set out in Clauses 13.1 and 13.2 is subject to the Government's Mandatory Rules for Procurement by Departments, all government good practice policies and guidelines, and the Ministry's purchasing policy.

14 CONSULTATION

14.1 Where the Chief Executive is required to consult under this Protocol, the basic principles that will be followed in consulting with the Trust trustees in each case are:

14.1.1 ensuring that the Trust trustees are consulted as soon as reasonably practicable following the identification and determination by the Chief Executive of the proposal or issues to be the subject of the consultation;

14.1.2 providing the Trust trustees with sufficient information , to make informed decisions and submissions in relation to any of the matters ' that are the subject of the consultation;

14.1.3 ensuring that sufficient time is given for the participation of the Trust trustees in the decision making process including the preparation of submissions by the Trust trustees in relation to any of the matters that are the subject of the consultation;

14.1.4 ensuring that the Chief Executive will approach the consultation with the Trust trustees with an open mind, and will genuinely consider the submissions of the Trust trustees in relation to any of the matters that are the subject of the consultation; and

14.1.5 report back to the Trust trustees, either in writing or in person, in regard to any decisions made that relate to that consultation.

15 CHANGES TO POLICY AND LEGISLATION AFFECTING THIS PROTOCOL

15.1 If the Chief Executive consults with Māori generally on policy development or any proposed legislative amendment the Act that impacts upon this Protocol, the Chief Executive shall:

- 15.1.1 notify the Trust trustees of the proposed policy development or proposed legislative amendment upon which Māori will be consulted; and
- 15.1.2 make available to the Trust trustees the information provided to Māori as part of the consultation process referred to in this clause; and
- 15.1.3 report back to the Trust trustees on the outcome of any such consultation.

16. DEFINITIONS

- 16.1 In this Protocol:

Chief Executive means the Chief Executive of the Ministry of Culture and Heritage and includes any authorised employee of the Ministry for Culture and Heritage acting for and on behalf of the Chief Executive;

Crown means the Sovereign in the right of New Zealand and includes, where appropriate, the Ministers and Departments of the Crown that are involved in, or bound by the terms of the Deed of Settlement to participate in, any aspect of the redress under the Deed of Settlement;

Expert Examiner has the same meaning as in section 2 of the Act and means a body corporate or an association of persons;

Found has the same meaning as in section 2 of the Act and, in relation to any Taonga Tūturu, means discovered or obtained in circumstances which do not indicate with reasonable certainty the lawful ownership of the Taonga Tūturu and which suggest that the Taonga Tūturu was last in the lawful possession of a person who at the time of finding is no longer alive; and "finding" and "finds" have corresponding meanings;

Ngā Taonga Tūturu has the same meaning as in section 2 of the Act and means two or more Taonga Tūturu;

Ngāti Tama has the meaning set out in clause 8.8 of the Deed of Settlement;

Ngāti Tama ki Te Waipounamu trustees has the meaning set out in paragraph 5.1 of the general matters schedule of the Deed of Settlement;

Protocol means a statement in writing, issued by the Crown through the Minister to the Trust trustees under the Settlement Legislation and the Deed of Settlement and includes this Fisheries Protocol;

Taonga Tūturu has the same meaning as in section 2 of the Act and means an object that:

- (a) relates to Māori culture, history, or society; and
- (b) was, or appears to have been:
 - i. manufactured or modified in New Zealand by Māori; or
 - ii. brought into New Zealand by Māori; or
 - iii. used by Māori; and
- (c) is more than 50 years old.

19.5 Ministry of Business, Innovation and Employment (Minerals) Protocol

1 INTRODUCTION

- 1.1 Under the Deed of Settlement dated 20 April 2013 between Ngāti Tama, Ngāti Tama ki Te Waipounamu Trust and the Crown (the "Deed of Settlement"), the Crown agreed that the Minister of Energy and Resources (the "Minister") would issue a Protocol (the "Minerals Protocol") setting out how the Ministry of Business, Innovation and Employment (the "Ministry") will consult with the Trust trustees on matters specified in the Minerals Protocol.
- 1.2 For the purposes of this Protocol the Trust trustees are the representatives of the whānau and iwi of Ngāti Tama who have interests and responsibilities in relation to the Protocol Area. These interests and responsibilities are inextricably linked to whakapapa and have important cultural and spiritual dimensions.
- 1.3 The Ministry and Ngāti Tama are seeking a relationship based on the principles of Te Tiriti o Waitangi/the Treaty of Waitangi.
- 1.4 The purpose of the Crown Minerals Act 1991 (the "Act") is to restate and reform the law relating to the management of Crown owned minerals. Section 4 of the Act requires all persons exercising functions and powers under the Act to have regard to the principles of Te Tiriti o Waitangi/the Treaty of Waitangi.
- 1.5 The Minister is responsible under the Act for the preparation of mineral programmes, the grant of minerals permits and, monitoring the effect and implementation of minerals programmes and minerals permits. The Ministry administers the Act on behalf of the Minister.
- 1.6 This Minerals Protocol will affect the Ministry's administration of Crown owned minerals under the Act in the Minerals Protocol Area.

2 PURPOSE OF THIS PROTOCOL

- 2.1 This Minerals Protocol sets out how the Ministry will have regard to the rights and interests of Ngāti Tama while exercising its functions, powers and duties in relation to the matters set out in this Minerals Protocol.

- 2.2 The Trust trustees will have the opportunity for input into the policy, planning, and decision-making processes relating to the matters set out in this Minerals Protocol in accordance with the Act and the relevant minerals programmes issued under the Act.

3 PROTOCOL AREA

- 3.1 This Minerals Protocol applies across the Minerals Protocol Area which means the area identified in the map included in Attachment A of the Minerals Protocol together with the waters (including foreshore and seabed) of the coastal areas adjacent to the coastal boundary shown on that map within the Territorial Sea as defined in the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977).

4 SUMMARY OF THE TERMS OF ISSUE

- 4.1 This Protocol is issued pursuant to section 33 of the Ngāti Kōata, Ngāti Rārua, Ngāti Tama and Te Ātiawa o Te Waka-a-Māui Claims Settlement Act 2014 (the "Settlement Legislation") and clause 5.17.4 of the Deed of Settlement and is subject to the Settlement Legislation and the Deed of Settlement.
- 4.2 This Minerals Protocol must be read subject to the summary of the terms of issue set out in Attachment B.

5 CONSULTATION

- 5.1 The Minister will ensure that the Trust trustees are consulted by the Ministry:
 - Petroleum exploration permit block offers
 - 5.1.1 on the planning of a competitive tender allocation of a permit block for Petroleum exploration (being a specific area with defined boundaries available for allocation as a permit in accordance with section 24 of the Act and the relevant minerals programme), which relates, whether wholly or in part, to the Minerals Protocol Area;
 - Other petroleum exploration permit applications
 - 5.1.2 when any application for a petroleum exploration permit is considered, which relates, whether wholly or in part, to the Minerals Protocol Area, except where the application

- relates to a block offer over which consultation has already taken place under clause 5.1.2;
- Amendments to petroleum exploration permits
- 5.1.3 when any application to amend a petroleum exploration permit, by extending the land or minerals to which the permit relates, is considered, where the application relates, wholly or in part, to the Minerals Protocol Area;
- Permit block offers for Crown owned minerals other than petroleum
- 5.1.4 on the planning of a competitive tender allocation of a permit block for Crown owned minerals other than Petroleum (being a specific area with defined boundaries available for allocation as a permit in accordance with section 24 of the Act and any relevant minerals programme) which relates, whether wholly or in part, to the Minerals Protocol Area;
- Other permit applications for Crown owned minerals other than petroleum
- 5.1.5 when any application for a permit in respect of Crown owned minerals other than petroleum is considered, which relates, whether wholly or in part, to the Minerals Protocol Area, except where the application relates to a competitive tender allocation of a permit block offer over which consultation has already taken place under clause 5.1.4;
- Newly available acreage
- 5.1.6 when the Secretary proposes to recommend that the Minister grant an application for a permit for newly available acreage in respect of mineral other than petroleum, which relates, whether wholly or in part, to the Minerals Protocol Area;
- Amendments to permits for Crown owned minerals other than petroleum
- 5.1.7 when any application to amend a permit in respect of Crown owned minerals other than petroleum, by extending the land or minerals covered by an existing permit is considered; and
- 5.1.8 where the application relates, wholly or in part, to the Minerals Protocol Area.
- New minerals programmes
- 5.1.9 on the preparation of new minerals programmes which relate, whether wholly or in part, to the Minerals Protocol Area.
- 5.2 Each decision on a proposal referred to in clause 5.1 will be made having regard to any matters raised as a result of consultation with the Trust trustees, and having regard to the principles of Te Tiriti o Waitangi/the Treaty of Waitangi, particularly as those principles are set out in the relevant minerals programme from time to time and, taking into account the circumstances of each case.
- 5.3 Where the Trust trustees request that the Minister exclude land from a permit or competitive tender referred to in clause 5.1, the Minister will ordinarily consider the following matters:
- (a) the particular importance of the land to Ngāti Tama;
 - (b) whether the land is a known wāhi tapu site;
 - (c) the uniqueness of the land (for example, whether the land is mahinga kai (food gathering area) or waka tauranga (a landing place of the ancestral canoes));
 - (d) whether the importance of the land to Ngāti Tama has already been demonstrated (for example, by Treaty claims or Treaty settlements resulting in a statutory acknowledgment or other redress instrument under settlement legislation);
 - (e) any relevant Treaty claims or settlements;
 - (f) whether granting a permit over the land or the particular minerals would impede the progress of redress of any Treaty claims;
 - (g) any Ngāti Tama management plans that specifically exclude the land from certain activities;
 - (h) the ownership of the land;
 - (i) whether the area is already protected under an enactment (for example, the Resource Management Act 1991, the Conservation Act 1987, or the Historic Places Act 1993); and
 - (j) the size of the land and the value or potential value of the relevant mineral resources if the land is excluded.

6 IMPLEMENTATION AND COMMUNICATION

- 6.1 The Crown has an obligation under the Act (as provided for in minerals programmes) to consult with parties whose interests may be affected by matters described in clause 5.1 of this Minerals Protocol. The Ministry will consult with the Trust trustees in accordance with this Minerals Protocol and in accordance with the relevant minerals programme if matters described in clause 5.1 and clause 6 of this Minerals Protocol Area may affect the interests of Ngāti Tama.
- 6.2 The basic principles that will be followed by the Ministry in consulting with the Trust trustees in each case are:
 - 6.2.1 ensuring that the Trust trustees are consulted as soon as reasonably practicable following the identification and determination by the Ministry of the proposal or issues in relation to any matters under clause 5 of this Minerals Protocol;
 - 6.2.2 providing the Trust trustees with sufficient information to make informed decisions and submissions in relation to any of the matters described in clause 5 of this Minerals Protocol;
 - 6.2.3 ensuring that sufficient time is given for the participation of the Trust trustees in the decision making process and the consideration by the Trust trustees of its submissions in relation to any of the matters described in clause 5 of this Minerals Protocol; and
 - 6.2.4 ensuring that the Ministry will approach the consultation with the Trust trustees with an open mind, and will genuinely consider the submissions of the Trust trustees in relation to any of the matters described in clause 5 of this Minerals Protocol.
- 6.3 Where the Ministry is required to consult the Trust trustees as specified in clause 6.1, the Ministry will report back in writing to the Trust trustees on the decision made as a result of such consultation.
- 6.4 The Ministry will seek to fulfil its obligations under this Minerals Protocol by:
 - 6.4.1 maintaining information on the Ngāti Tama ki Te Waipounamu trustees address and contact

details as provided from time to time by the Trust trustees;

- 6.4.2 as far as reasonably practicable, ensuring relevant employees within the Ministry are aware of the purpose, content and implications of this Minerals Protocol;
- 6.4.3 nominating relevant employees to act as contacts with the Trust trustees in relation to issues concerning this Minerals Protocol; and
- 6.4.4 providing the Trust trustees with the names of the relevant employees who will act as contacts with the Trust trustees in relation to issues concerning this Minerals Protocol.

7 CHANGES TO POLICY AND LEGISLATION

- 7.1 If the Chief Executive consults with Māori generally on policy development or any proposed legislative amendment to the Crown Minerals Act that impacts upon this Protocol, the Chief Executive shall:
 - 7.1.1 notify the Trust trustees of the proposed policy development or proposed legislative amendment;
 - 7.1.2 make available to the Trust trustees the information provided to Māori as part of the consultation process referred to in this clause; and
 - 7.1.3 report back to the Trust trustees on the outcome of any such consultation.

8 DEFINITIONS

- 8.1 In this Minerals Protocol:

Act means the Crown Minerals Act 1991 as amended, consolidated or substituted;

Crown means the Sovereign in the right of New Zealand and includes, where appropriate, the Ministers and Departments of the Crown that are involved in, or bound by the terms of the Deed of Settlement to participate in, any aspect of the redress under the Deed of Settlement;

Crown owned minerals means any mineral (as defined below) that is the property of the Crown in accordance with sections 10 and 11 of the Act or over which the Crown has jurisdiction in accordance with the Continental Shelf Act 1964;

Deed of Settlement means the Deed of Settlement dated 20 April 2013 between the Crown and Ngāti Tama;

Land includes land covered by water and also includes the foreshore and seabed to the outer limits of the territorial sea;

Mineral means the naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water, and includes all metallic minerals, non-metallic minerals, fuel minerals (including coal and Petroleum), precious stones, industrial rocks and building stones within the meaning of the Act and a prescribed substance within the meaning of the Atomic Energy Act 1945;

Minister means the Minister of Energy and Resources;

Ministry means the Ministry of Business, Innovation and Employment;

Ngāti Tama has the meaning set out in clause 8.8 of the Deed of Settlement;

Ngāti Tama ki Te Waipounamu trustees has the meaning set out in paragraph 5.1 of the general matters schedule of the Deed of Settlement;

Petroleum means:

(a) any naturally occurring hydrocarbon (other than coal) whether in a gaseous, liquid, or solid state; or

(b) any naturally occurring mixture of hydrocarbons (other than coal) whether in a gaseous, liquid, or solid state, and one or more of the following, namely hydrogen sulphide, nitrogen, helium, or carbon dioxide;

and, except in sections 10 and 11 of the Act, includes any petroleum as so defined which has been mined or otherwise recovered from its natural condition, or which has been so mined or otherwise recovered, but which has been returned to a natural reservoir for storage purposes in the same or an adjacent area; and

Protocol means a statement in writing, issued by the Crown through the Minister to the Trust trustees under the Settlement Legislation and the Deed of Settlement and includes this Minerals Protocol.

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