

Section 1 Introduction[#]

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[#] Updated August 2005

1.1 Background to the Kaipara District Council

The Kaipara District Council was constituted on 1 November 1989 by Order in Council following the Local Government Commission's Final Reorganisation Scheme for the Northland Region. The Council took over the functions of six former authorities, these being the Hobson County Council, Dargaville Borough Council, Otamatea County Council, Raupo Drainage Board, Kaiwaka Reserve Board and Pahi Reserve Board. It was also given responsibility as a territorial authority over some small areas of land in the former Rodney County and former Whangarei County which were incorporated into the new district. The Council consists of a Mayor and 10 Councillors elected from four wards - Dargaville, Pouto, Ruawai and Otamatea.

The Council was responsible under the Town and Country Planning Act 1977 for administering district schemes covering the former Hobson County, Dargaville Borough and Otamatea County as well as those parts of the district schemes relating to areas in the former Rodney and Whangarei Counties. On 1 October 1991 the Resource Management Act 1991 came into effect. It repealed the Town and Country Planning Act and introduced a new set of planning principles and procedures. The district schemes administered by the Council were given status as transitional district plans under the Resource Management Act 1991 for a specified period. Following enactment of the Resource Management Act the Council resolved to prepare a new district plan covering the whole district.

1.2 Statutory Basis of the District Plan

Section 73 of the Resource Management Act requires each territorial authority to have at all times a district plan for its district. The purpose of a district plan as outlined in Section 72 of the Act is to assist the Council carry out its functions and achieve the purpose of the Act.

The functions of the Council as prescribed in Section 31 of the Act are:-

- The establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district.

- The control of any actual or potential effects of the use, development or protection of land including the implementation of rules for the avoidance or mitigation of natural hazards and the prevention and mitigation of any adverse effects of the storage, use, disposal or transportation of hazardous substances:
- The control of subdivision of land:
- The control of the emission of noise and the mitigation of the effects of noise:
- The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:

The purpose of the Act to which these functions are to be directed is "to promote the sustainable management of natural and physical resources" (Section 5 refers).

The term sustainable management is defined as:-

"managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while -

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment".

(Section 5 refers)

The term natural and physical resources is defined as:-

"Land, water, air, soil minerals and energy, all forms of plants and animals (whether native to New Zealand or introduced) and all structures."

The term structure is further defined as:-

"any building equipment device or other facility made by people and which is fixed to land."

(Section 2 refers)

Taking into account the above definitions the district plan can deal with a range of natural processes or activities undertaken by people and animals which affect the present state of the environment including the built environment. Its contents are not specifically prescribed in the Act although some general guidance is given.

1.3 Contents and Structure of the District Plan

Section 75 of the Act requires the district plan to make provision for such of the matters set out in the Second Schedule (Part II) as are appropriate to the circumstances of the district. Part II of the Second Schedule essentially outlines the general scope of the district plan. It enables the district plan to deal with any of the following matters:-

- Land use activities including those involving the erection of structures excavation, and disturbance of land.
- Land subdivision including the provision of financial contributions ie cash, reserves, works and services.
- Protection of heritage sites and values.
- Hazard mitigation ie related to the effects of erosion, flooding, land stability and the like.
- Noise emission and mitigation.
- Public works and utilities including refuse disposal, electricity, sewerage and water supply services.

- Hazardous substances management including matters related to storage, use, disposal and transportation.
- Management of lakes and rivers (principally related to public access and surface water activities).

In dealing with the above matters Section 75 of the Act requires the district plan be structured in a certain manner.

It is required to state the following:-

- (a) The significant resource management issues of the district and
- (b) The objectives sought to be achieved by the plan; and
- (c) The policies in regard to the issues and objectives, and an explanation of those policies; and
- (d) The methods being or to be used to implement the policies, including any rules; and
- (e) The principal reasons for adopting the objectives, policies, and methods of implementation set out in the plan; and
- (f) The information to be submitted with an application for a resource consent, including the circumstances in which the powers under Section 92 may be used; and
- (g) The environmental results anticipated from the implementation of these policies and methods; and
- (h) The processes to be used to deal with issues which cross territorial boundaries; and
- (i) The procedures to be used to review the matters set out in paragraphs (a) to (h), and to monitor the effectiveness of the plan as a means of achieving its objectives and policies; and
- (j) Any other information that the territorial authority considers appropriate; and
- (k) Such additional matters as may be appropriate for the purpose of fulfilling the territorial authority's functions, powers, and duties under this Act.

This district plan has been prepared based on the provisions in Section 75 and the Second Schedule (Part II). It is in two parts:- the plan statement and rules and

planning maps. The plan statement and rules are combined into this one document whilst the planning maps are in a separate document.

The plan statement and rules comprises thirteen sections. Section 1 gives a general overview of the process involved in preparing the plan, its relationship to other plans and policy statements and the opportunities for future changes and reviews. The following ten sections focus on major resource management subjects or topics these being:-

- Rural Development
- Residential Settlement
- Industry and Commerce
- Maori Culture and Traditions
- Coastal Lake and River Management
- Hazard Mitigation
- Heritage and Landscape Protection
- Transportation
- Public Works and Services
- Land Subdivision

The last two sections, Sections 12 and 13, deal with monitoring and plan procedures.

Sections 2 to 11 begin with a brief description of the features or resources present in the district and the relevant statutes which affect their management. The key management issues related to the subject are then identified along with the options available for dealing with these issues. The objectives, policies and methods of implementation including the general nature of rules proposed by the Council are finally outlined along with the environmental results anticipated and any monitoring expected to be undertaken. Wherever possible the reasons for the Council adopting particular objectives policies and methods are given.

Each section concludes with the rules relating to the resource management subject topics discussed earlier. The rules generally relate to the use and subdivision of land. They are based around the zoning technique and the associated classification of activities as permitted, controlled, discretionary and non-complying. The general powers of the Council to promulgate rules are explained in Section 1.9. Rules have also been developed relating to activities on some water areas.

The planning maps primarily illustrate the zoning pattern and show areas designated for public works and other purposes. They also identify various natural and heritage features which are subject of special rules.

1.4 Process of Plan Preparation

This district plan has been prepared following a public process prescribed in the First Schedule (Part 1) to the Act. Clause 3 requires the Council to consult with certain parties during the preparation of the proposed plan namely:-

- The Minister for the Environment and other Ministers of the Crown who may be affected.
- Other local authorities who may be so affected.
- The tangata whenua who may be affected through iwi authorities and tribal runanga.

The Council consulted with the above parties and a variety of other organisations in the community. It sought public input to the proposed plan through newspapers and a circular letter to all occupiers of land. Over 50 letters were received from people on matters to be considered in the proposed plan. The letters were analysed and appropriate proposals and requests incorporated into the proposed plan.

Clause 4 of the First Schedule (Part 1) required the Council to invite requiring authorities and heritage protection authorities to give notice of any requirements they may have prior to public notification of the proposed plan. This procedure was carried out and associated requirements incorporated into the plan.

The proposed plan was publicly notified in September 1993. Some 200 submissions were received which were in turn publicly notified for cross submissions. Hearings on the submissions and cross submissions were held between May and December 1994. Decisions on the submissions and cross submissions were notified in February 1995.

1.5 Relationship of the Plan to other Plans and Policy Statements

The District Plan is the key document through which the Council is expected to carry out its resource management functions. It is however only part of the overall planning framework established under the Act which makes provision for plans and policy statements to be prepared at both a national and regional level.

The Minister of Conservation is required to prepare and administer a N.Z Coastal Policy Statement containing policies and proposals relating to management of the coastal environment. The Minister publicly notified a proposed NZ Coastal Policy Statement in September 1992. A board of inquiry examined the policy statement and associated public submissions and released its report in February 1994. The NZ Coastal Policy Statement was officially gazetted on 5 May 1994.

The Minister for the Environment may prepare and administer one or more National Policy Statements covering a range of matters considered to be of national significance. To date no national policy statements have been prepared by the Minister. Sections 45 to 58 of the Act outline the purposes of the two types of policy statements and the procedures involved in their preparation change and review.

The Act makes provision for a Regional Policy Statement, a Regional Coastal Plan and one or more Regional Plans, to be prepared and administered by the Northland Regional Council. The Regional Policy Statement is expected to provide an overview of resource management issues in the region and contain policies and proposals for integrated resource management. (Section 59 refers). The Regional Coastal Plan is intended to assist the Regional Council in conjunction with the Minister of Conservation, manage the coastal marine area where they have specific functional responsibilities (Sections 28, 30 and 63 refer).

The Northland Regional Council publicly notified a proposed Regional Policy Statement in October 1993. In the proposed policy statement the Regional Council advised of its intentions to prepare a Regional Air Quality Plan, a Regional Water and

Soil Plan and a Joint Regional and District Protected Areas Plan. Discussion documents and draft plans have been prepared relating to the first two mentioned regional plans. A proposed Regional Coastal Plan was also notified in December 1994. Further details on the respective regional plans can be obtained from the Northland Regional Council offices in Whangarei and Dargaville.

In preparing this plan the Council has had regard to the above mentioned provisions of the Act and the associated documents released to date. Section 75(2) of the Act states that the district plan is not to be inconsistent with any National Policy Statement, (including the N.Z Coastal Policy Statement), or any Regional Plan (including the Regional Coastal Plan) in relation to any matter of regional significance for which the Regional Council has primary responsibility. Section 74(2) of the Act also requires the Council to have regard to certain other documents when preparing a district plan, including any:-

- (b) (i) Management plans and strategies prepared under other Acts and
- (ii) Relevant planning document recognised by an iwi authority affected by the district plan; and
- (iii) Regulations relating to the conservation or management of taiapure or fisheries, - to the extent that their content has a bearing on resource management issues of the district; and
- (c) The extent to which the district plan needs to be consistent with the plans of adjacent territorial authorities.

The Council has taken into account the above requirements and in particular the need for a consistency of approach to land management issues between the three adjoining territorial authorities in the region.

1.6 Principles of the Resource Management Act

Sections 6, 7 and 8 contain several key principles which are to be recognised by all persons exercising functions and powers under the Act. These principles were used by the Council to guide preparation of this plan and will be mandatory reference points for its ongoing administration.

Section 6 lists five matters of national importance to be recognised and provided for in relation to managing the use development and protection of natural and physical resources.

These matters are:-

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;
- (e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

Section 7 requires all persons to have regard to certain other matters; these being:-

- (a) Kaitiakitanga;
- (b) The efficient use and development of natural and physical resources;
- (c) The maintenance and enhancement of amenity values;

- (d) Intrinsic values of ecosystems;
- (e) Recognition and protection of the heritage values of sites, buildings, places, or areas;
- (f) Maintenance and enhancement of the quality of the environment.
- (g) Any finite characteristics of natural and physical resources;
- (h) The protection of the habitat of trout and salmon.

The term kaitiakitanga is defined as "the exercise of guardianship, and in relation to a resource, includes the ethic of stewardship based in the nature of the resource itself." (Section 2 refers).

Section 8 requires all persons to take into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi). There are two versions of the Treaty, English and Maori, which are recorded in the First Schedule to the Treaty of Waitangi Act 1975. Both versions have three articles or principles which together with the Treaty principles the Waitangi Tribunal considers in its proceedings under the Treaty of Waitangi Act. Copies of the two Treaty versions appear in Appendix 1A.

1.7 Objectives, Policies and Methods of Implementation

The district plan in accordance with the requirements in Section 75 is based around the development of "objectives" "policies" and "methods of implementation". The terms "objectives" and "policies" are not defined in the Act but have been interpreted by the Council to mean as follows:-

- **Objective** - a measurable aim or end result to which efforts are directed.
- **Policy** - a general course of action to be followed in order to meet an objective.

The term "method of implementation" is also not defined in the Act. However in a general sense there are five principal methods by which the Council can implement policies, these are by:-

- **Education** - ie attempting to change management practices by way of publicity material, advisory services, and the like.
- **Regulation** - ie controlling certain activities through rules in this plan, bylaws or other legislative means.
- **Provision of facilities or services** - ie encouraging certain management priorities by providing specific facilities or services eg refuse collection and disposal.
- **Economic instruments** - ie changing particular management provisions by way of financial incentives eg rates relief, or disincentives eg special rating charges.
- **Transfer of Powers** - ie transfer of power to another public authority ie. the Northland Regional Council, an iwi authority, a government department, statutory authority or joint committee set up to administer a combined regional-district plan.

In preparing this plan the Council has considered a variety of objectives, policies and methods of implementation. This has been done in accordance with the requirements in Part II along with Section 32 of the Act which requires all parties who prepare policy statements and plans to consider alternatives and assess the benefits and costs of each objective, policy and method of implementation.

1.8 Changes to and Review of the District Plan

The Council is required under Section 79 of the Act to undertake a full review of its district plan no later than 10 years after it becomes operative. Under Section 73(2) any person may at any time request the Council to change its district plan. The procedure for requesting a change and the circumstances under which the Council may agree to or refuse to consider the request is outlined in the First Schedule to the Act (Clauses 22-25 refer). The Council may itself use the above mentioned provisions to initiate a change to its district plan.

The Council will seek to recover the costs associated with processing each plan change request, except where it considers significant public benefits are likely to arise from the matter being dealt with. The charges will be made on a time and cost recovery basis. No charges will be made for people making submissions to plan changes.

1.9 District Plan Rules

Section 76 of the Act gives the Council the power to include rules in its district plan to "prohibit regulate or allow activities". Such rules have the force and effect of a regulation under the Act. In making any rule the Council is required to have "regard to the actual or potential effect on the environment of activities including any adverse effect."

District rules may be made under Section 76 relating to particular classes of activities, these being:-

- permitted activities
- controlled activities
- discretionary activities
- non-complying activities
- prohibited activities

The classes of activities referred to above are defined in Section 2 of the Act. Under the provisions a resource consent is required to be obtained from the Council for any activity specified in the district plan as being a controlled activity, a discretionary activity or a non-complying activity. Part IV of the Act contains various procedures relating to applications for resource consents and their consideration by the Council. Further details on these procedures are contained in Section 13 of this plan.

Permitted activities are defined in Section 2 of the Act as those which are allowed by a district plan and do not require any resource consent provided they comply with any conditions or standards specified in the plan. Prohibited activities are those which a plan expressly prohibits and for which the Council cannot grant any resource consent.

Rules may under Section 76(4) apply throughout the district or any part of it, apply all the time or for stated periods or seasons, and be specific or general in their application. Powers are also given to the Council to require that a resource consent be obtained for any activity not specifically referred to in the plan.

Section 77 of the Act empowers the Council to include rules in its district plan relating to the setting aside of esplanade reserves and esplanade strips upon subdivision and road stopping.

1.10 Zoning[#]

The zoning of land is one of the principal methods of implementation used in this plan for managing the effects of the use development or protection of land and associated natural and physical resources. Seven zones have been constituted, these being:-

- Rural
- Maori Purposes
- Coastal
- Residential
- Commercial
- Industrial
- Limited Industrial

The reasons for using zoning and the basis of the respective zones are explained in Sections 2-6 of the plan. Each of the zones contains a set of rules which control land use and subdivision activities. The accompanying planning maps illustrate the extent of each zone and their application to particular sites in the district.

Each zone is structured in a similar manner and comprises the following parts:-

- (1) Zone Statement - This part outlines the general objectives of the zone and its principal features. It is included mainly for explanatory purposes and serves to link the rules with the objectives and policies in earlier parts of the plan.

- (2) Permitted Activities - This part lists those land use activities which are allowed as of right and do not require any land use consent from the Council provided they comply with the environmental standards specified for the zone.
- (3) Controlled Activities - This part lists those land use activities which are considered to have a minor effect on the environment and for which a land use consent is required. Applications for the land use consent involving controlled activities are generally dealt with in a non-notified manner. They are required to be approved by the Council but conditions may be imposed on them in accordance with policies and assessment criteria in the plan.
- (4) Discretionary Activities - This part lists those land use activities which are considered to have more than a minor effect on the environment and for which a land use consent is required. Applications for land use consent involving discretionary activities may be treated in a notified or non-notified manner depending on the Council's consideration of their effect on the environment and the need for the approval of any affected parties to be obtained. The Council has powers to grant consent or refuse consent to such applications and impose conditions on any consent granted.
- (5) Environmental Standards - This part specifies standards which are to be met by all permitted land use activities in the zone. They cover matters such as the design and location of buildings, landscaping and provision of open space areas, noise and vibration, which are particular to the zone. The standards are intended to limit the off-site impacts of permitted land use activities and ensure that the amenity values, especially of adjacent sites, are not adversely affected. Special environmental standards and consent procedures relating to the protection of heritage and natural features, provision of roads and access ways, loading and parking facilities, utility services, reserves and esplanade reserves are contained in Section 7-11.

[#] Updated August 2005

1.11 Applications For Land Use Consent (Controlled or Discretionary Activities)

Sections 104 and 105 of the Act outline the general matters which the Council is to have regard to, or take into account when considering applications for land use consent involving controlled or discretionary activities. One of the matters concerned is any relevant rules in the district plan. In this regard the Council has developed some specific criteria which it will use when assessing applications for land use consent. Most of the criteria apply across the six zones whilst some are particular to one of the zones or a land use activity within it. Section 13 of the plan list the criteria which will be used.

1.12 Applications For Land Use Activities Made Discretionary By Their Failure To Comply With Zone Environmental Standards

The environmental standards specified for permitted activities and controlled activities, including those relating to the design and location of buildings, signs, access, loading and parking, are of a general nature and there will be circumstances where non-compliance with them will have minor environmental effects. Provision is therefore made in the plan for people to seek consent for land use activities which do not comply with one or more of the environmental standards. Such applications will be considered as being for discretionary activities and may be dealt with in a non-notified manner where the provisions in Section 94(2) of the Act are met. Further details on applications and associated procedures are given in Section 13.

1.13 Control of Land Subdivision

The control of land subdivision is also based around the above mentioned zoning pattern. Each zone has rules on land subdivision which are contained in Section 11. Applications for subdivision consent are required for all subdivision activities in order that servicing issues can be considered and if necessary conditions imposed. Those types of subdivision which are considered to have a minor affect on the environment are listed as controlled activities whilst those which are likely to have a more significant impact and may not be suitable on all sites are listed as discretionary activities. The criteria which the Council will have regard to when considering applications for subdivision consent involving controlled or discretionary activities are contained in Section 13.

1.14 Conditions of Land Use and Subdivision Consent

The Council has general powers under Section 108 of the Act to impose conditions on any land use or subdivision consent, which may relate to one or more of the following matters:

- Financial contributions
- Performance bonds and associated covenants
- Administrative charges

It also has more specific powers under Section 220 of the Act to impose conditions on any subdivision consent relating to one or more of the following matters:

- Esplanade reserves and esplanade strips
- Transfer or amalgamation of allotments
- Bulk, height, location, foundations or floor level height of buildings
- Protection of land against erosion, subsidence, slippage or inundation
- Earthworks, filling and compaction of land
- Granting, reservation and relinquishing of easements

Under Section 108 of the Act a financial contribution may be in cash, land, works or services, the purposes of which must be specified in the district plan. The four main purposes for which the Council is likely to require a financial contribution are:

- The provision of roads and private ways
- The provision of sewage, stormwater, water, electricity, telephone and other utility services
- The provision of reserves

- The protection and enhancement of significant heritage and natural features, including indigenous vegetation and habitats of indigenous fauna.

Sections 8-11 outline the basis upon which such financial contributions will be sought and associated assessment techniques.

1.15 Land Use and Subdivision Activities Not Provided For (Non Complying Activities)

Any land use or subdivision activity not specifically referred to in the provisions of a zone shall be considered as a non-complying activity. Any person can at any time make an application for land use or subdivision consent to the Council for a non-complying activity. Applications for land use or subdivision consent involving non-complying activities may be treated in a notified or non-notified manner depending on the Council's consideration of their effect on the environment and the need for the approval of any affected parties to be obtained. The Council has powers to grant consent or refuse consent to such applications and impose conditions on any consent granted. Sections 104 and 105 of the Act outline the general matters which the Council is to have regard to or take into account when considering applications for non-complying activities.

1.16 Land Use and Subdivision Consent Procedures

The procedures involved in making applications for land use and subdivision consent and their associated consideration by the Council are very similar and prescribed in Part VI of the Act. Section 13 identifies the main provisions of the Act relating to notification of applications, hearings, decisions and the like. It also outlines the associated requirements of the Council relating to information to be supplied with applications.

APPENDIX 1A: TREATY OF WAITANGI

(THE TEXT IN ENGLISH)

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

ARTICLE THE FIRST

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

ARTICLE THE SECOND

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

ARTICLE THE THIRD

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

(THE TEXT IN MAORI)

“Ko Wikitoria, te Kuini o Ingarani, i tana mahara atawai ki nga Rangatira me nga Hapu o No Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatirantanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakarite ki nga Tangata maori o Nu Tirani-kia wakaatia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu-na te mea hoki he tokomaha ke nga tangata o te Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Rorari Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aianei, amua ki te Kuini e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

Ko te Tuatahi

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

Ko te Tuarua

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

Ko te Tuatoru

Hei wakaritenga mai hoki tenei mo te wakaatanga ki te Kawanatanga o te Kuini-Ka tiakina e te Kuini o Ingarani nga tangata maori katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(Signed) WILLIAM HOBSON,
Consul and Lieutenant-Governor.

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaatia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia teni ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

Ko nga Rangatira o te wakaminenga.

APPENDIX 1A: TREATY OF WAITANGI

• TREATY OF WAITANGI: A LITERAL ENGLISH TRANSLATION OF THE MAORI TEXT •

Signed at Waitangi February 1840, and afterwards by about 500 chiefs.

VICTORIA, the Queen of England, in her kind (gracious) thoughtfulness to the Chiefs and Hapus of New Zealand, and her desire to preserve to them their chieftainship and their land, and that peace and quietness may be kept with them, because a great number of the people of her tribe have settled in this country, and (more) will come, has thought it right to send a chief (an officer) as one who will make a statement to (negotiate with) Maori people of New Zealand. Let the Maori chiefs accept the governorship (KAWANATANGA) of the

Queen over all parts of this country and the Islands. Now, the Queen desires to arrange the governorship lest evils should come to the Maori people and the Europeans who are living here without law. Now, the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy to be Governor for all places of New Zealand which are now given up or which shall be given up to the Queen. And she says to the Chiefs of the Confederation of the Hapus of New Zealand and the other chiefs, these are the laws spoken of.

THIS IS THE FIRST

The Chiefs of the Confederation, and all these chiefs who have not joined in that Confederation give up to the Queen of England for ever all the Governorship (KAWANATANGA) of their lands.

THIS IS THE SECOND

The Queen of England agrees and consents (to give) to the Chiefs, hapus, and all the people of New Zealand the full chieftainship (rangatiratanga) of their lands, their villages and all their possessions (taonga: everything that is held precious) but the Chiefs give to the Queen the purchasing of those pieces of land which the owner is willing to sell, subject to the arranging of payment which will be agreed to by them and the purchaser who will be appointed by the Queen for the purpose of buying for her.

THIS IS THE THIRD

This is the arrangement for the consent to the governorship of the Queen. The Queen will protect all the Maori people of New Zealand, and give them all the same rights as those of the people of England.
WILLIAM HOBSON, Consul and Lieutenant-Governor

Now, we the Chiefs of the Confederation of the Hapus of New Zealand, here assembled at Waitangi, and we, the chiefs of New Zealand, see the meaning of these words and accept them, and we agree to all of them. Here we put our names and our marks.

THE FOURTH ARTICLE

Two churchmen, the Catholic Bishop, Pompallier and the Anglican Missionary William Colenso recorded a discussion on what we would call religious freedom and customary law. In answer to a direct question from Pompallier, Hobson agreed to the following statement. It was read to the meeting before any of the chiefs had signed the Treaty.

E mea ana te Kawana ko ngā whakapono katoa o Ingarani, o ngā Weteriana, o Roma, me te ritenga Maori hoki e tiakina ngatahitia e ia.

Translation:
The Governor says that the several faiths (beliefs) of England, of the Wesleyans, of Rome, and also Maori custom shall alike be protected by him.