

Section 5 Maori Culture And Traditions[#]

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5.1 General Features

5.1.1 Maori Population

Kaipara is home to a substantial Maori population. At the time of the 1991 census 2886 people were recorded as being of Maori descent. This represents about 17% of the total district population. By comparison 15% of the nation's population and 25% of the regional population were recorded as being of Maori descent in the same census.

The total Maori population of the district has increased significantly over recent years. An 11% increase was recorded between the 1986-1991 census. Significant changes have also occurred within the district, the most notable being the increasing number of Maori living in Dargaville (18% at the time of the 1991 census). Several other settlements such as Te Kopuru also have higher than average Maori populations.

5.1.2 Iwi Authorities

The Maori people of the Kaipara district generally belong to two iwi or tribal runanga, these being Ngati Whatua and Te Roroa. Two other groups, Ngapuhi and Ngatiwai, have historical connections with and descendants living within the district.

Ngati Whatua occupy the largest portion of the district. Their takiwa or territory in which they are tangata whenua extends in a general sense from Auckland up around the Kaipara Harbour and to the Northern Wairoa in the vicinity of Dargaville. Te Roroa's takiwa generally extends from the Northern Wairoa River in the vicinity of Dargaville along the coast and includes the Waipoua Forest and Maunganui Bluff areas. It also extends into the South Hokianga area which is part of the Far North District.

The interests of Ngapuhi and Ngatiwai in the district are not clear at this stage and discussions are planned on this matter. When this matter is clarified further explanatory statements may be incorporated into the plan.

Each iwi has its own identity and administrative structure. However they tend to have some common features; these include:-

- descent from a commonly acknowledged tupuna or ancestor.
- a structure of underlying hapu (subtribes) and whanau (family groups).
- a network of functioning marae.

The marae is the focal point of Maori community life and the place where decisions on tribal resources are made. It has also important social cultural and religious uses and serves as a gathering place for all people and their visitors. Most maraes are in rural areas and administered by a particular hapu or whanau. Figure 5.1 shows the location of marae in the district.

The manu whenua or customary authority which each iwi or hapu has over a particular area and associated tribal resources is usually described by natural boundaries. Dominant physical features such as mountains, rivers and lakes are generally referred to in whaikorero (formal speeches) on marae serving to reinforce the relationship between each tribal group and its traditional boundaries.

5.1.3 Maori Land

The Kaipara district contains around 230 blocks of Maori Land. They vary in size with the largest being the 2981 ha Pouto Topu A block on the Pouto Peninsula. They have a combined area of around 9600 ha which represents just over 3% of the total district land area. Although blocks of Maori land are present throughout the district they tend to be concentrated in a few localities. The main localities concerned are Waipoua, Kaihu, Pouto, Ounawhao, Tinopai and Oruawharo.

The term Maori land refers to land owned by Maori and administered by the Maori Land Court under Te Ture Whenua Maori Act 1993 (Maori Land Act). It is essentially land which has never passed out of Maori ownership and is often held by a particular hapu or whanau. The term covers both Maori customary land and Maori freehold land. Maori customary land is that for which the ownership has never been determined and is accordingly not held in a title. It is vested in the Crown but held by Maori and managed accordingly to tikanga Maori i.e traditional customs and usages. Maori freehold land is

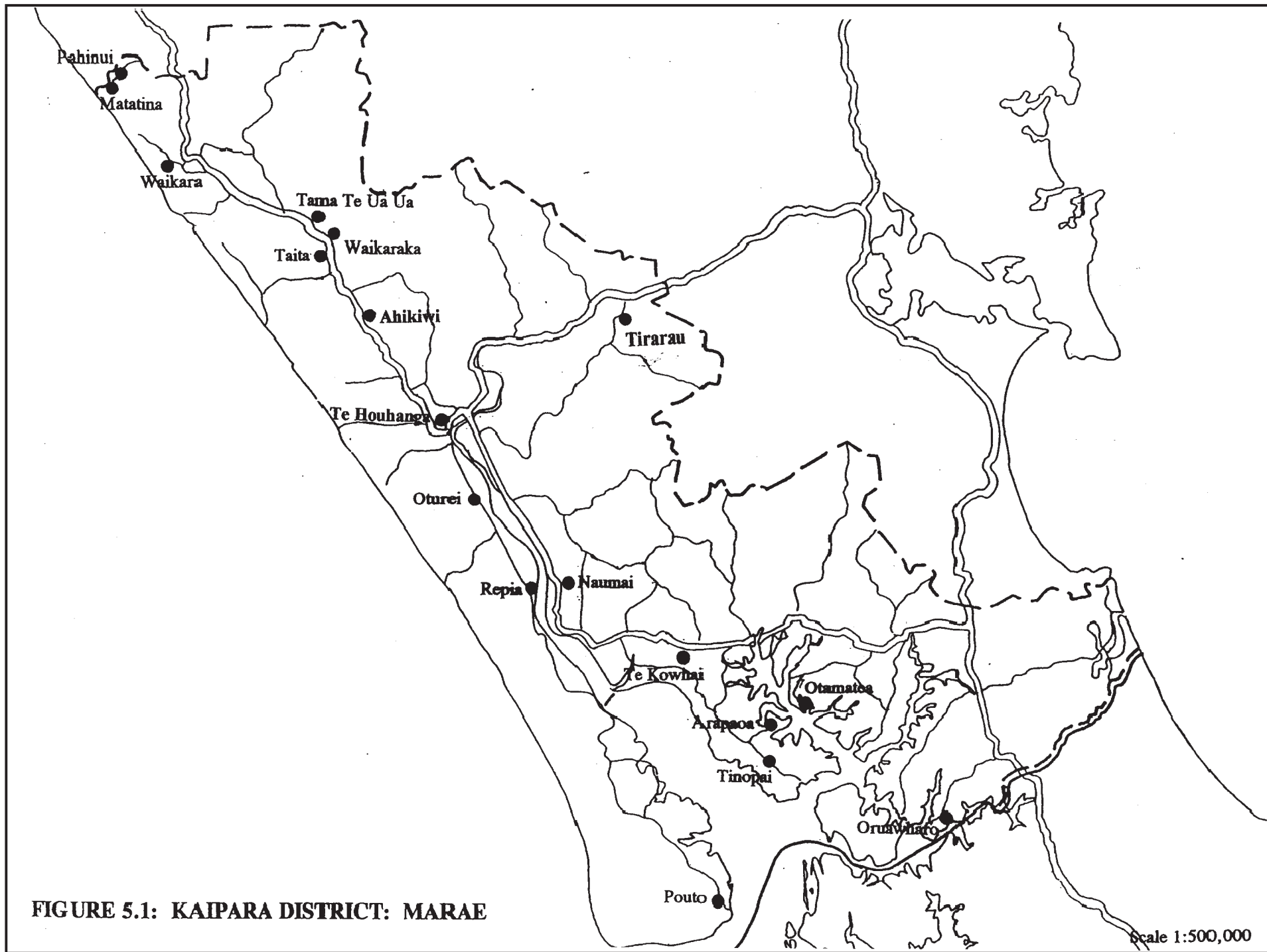


FIGURE 5.1: KAIPARA DISTRICT: MARAE

land (other than General or European land) which Maori own in fee simple title. General land owned by Maori people is not Maori land in the technical sense although it is sometimes administered by the Maori Land Court under sections of the Maori Land Act.

Transactions involving Maori land are required to be dealt with by the Maori Land Court. The land cannot be removed from Maori ownership without the Court's approval. Most Maori land is in multiple ownership and the owners have shares or interests in the land. If an owner wants to have sole control over their shares or interests then they must apply to the Maori Land Court for a partition order. The partition order divides the land into parts giving an individual owner or group of owners particular occupation rights over them. The procedures involved in partitions of Maori land are discussed later in this section.

The Maori Land Court in Whangarei holds a Maori Land Titles Register. It has the following details on all blocks of Maori land in the district:-

- Schedule of ownership orders - this schedule identifies the owners.
- Memorial Schedule - this schedule notes all orders and notices affecting the title other than ownership orders.
- Rate Charging Order Schedule.
- Description of boundaries and sketch plan if the land is not surveyed.
- Title order supported by a survey diagram if the land has been surveyed. The survey is referenced to a particular Maori land plan.

Copies of relevant Maori land plans can be obtained from the Department of Survey and Land Information in Whangarei.

5.2. Legislative Considerations

5.2.1 Resource Management Act

The Resource Management Act 1991 contains several provisions of particular significance to Maori. Foremost amongst these is Section 8 which requires all persons exercising functions under the Act to take into account the principles of the Treaty of Waitangi. (Te Tiriti O Waitangi).

Section 6 of the Act lists as one of the matters of national importance, the "relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga" whilst under Section 7 particular regard is to be had to the concept of kaitiakitanga or the exercise of guardianship of resources. Management issues related to the above provisions are discussed in following sections of the plan.

5.2.2 Maori Land Act (Te Ture Whenua Maori)

The Maori Land Act 1993 deals primarily with the administration of Maori land and associated bodies, like the Maori Land Court. It replaced the Maori Affairs Act 1953 and various Maori Purposes Acts. The Act's principles are generally outlined in the introductory section. It refers to facilitating and promoting the retention, use, development and control of Maori land as taonga tuku iho by Maori owners, their whanau, their hapu and their descendants, and maintenance of a court and establishment of other mechanisms to achieve these principles.

The key parts of the Act are:

- Part I The Maori Land Court
- Part II Maori Appellate Court
- Part VI Status of Land
- Part VII Alienation of Maori Land
- Part XIV Title Reconstruction and Improvement (including partitions, easements and roadways)

- Part XVII Maori Reservations

Section 5.3.4 of this plan explains aspects of the partitioning of Maori Land and how these relate to the subdivision consent provisions in the Resource Management Act.

5.2.3 Treaty of Waitangi Act

The Treaty of Waitangi Act 1975 provides for the observance and confirmation of the Treaty of Waitangi through establishment of a special Waitangi Tribunal. It has powers to conduct investigations and make recommendation on claims related to the Treaty. Under Section 6 of the Act, any Maori can submit a claim to the Tribunal where they consider any Act of Parliament, regulation or other statutory instrument, any policy or practice act or omission by or on behalf of the Crown is inconsistent with the principles of the Treaty.

The Tribunal can for certain reasons specified in the Act decide not to inquire into any claim made. Where it does conduct any inquiry then it is required to follow the procedures specified in the Second Schedule to the Act. Its findings and recommendations are to be reported to the claimants, the Minister of the Maori Affairs and any other persons, including Ministers of the Crown, considered to have an interest in it. The Tribunal can under Section 6 (3) recommend to the Crown that action be taken "to compensate for or remove the prejudice or to prevent other persons being affected in the future."

The Act is administered by the Department of Maori Affairs. A number of claims have been made under the Act, several of which relate to past Crown land dealings and actions in the Kaipara District. Details on these claims can be obtained from the Waitangi Tribunal in Wellington.

5.3. Management Issues

5.3.1 Treaty of Waitangi Considerations

The Treaty of Waitangi although being the founding document of the nation has only recently been given formal recognition in laws like the Resource Management Act which govern the ownership and use of resources. Section 8 of the Act requires all persons to

take into account the principles of the Treaty. 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. Copies of the two Treaty versions appear in Appendix 1A.

The principles of the Treaty are being continually interpreted in their current context by bodies such as the Waitangi Tribunal and the High Court. The implications of the related provisions in Section 8 of the Resource Management Act are likewise being interpreted by the Planning Tribunal. The application of the Treaty principles to the Council's resource management functions is therefore one which needs careful consideration.

The Planning Tribunal has in several recent decisions considered the implications of Section 8 and associated consultation obligations. The tenor of these decisions is that consent authorities such as the Kaipara District Council are not subject to the obligations of the Crown under the Treaty or its principles. However they are required to take the principles of the Treaty into account in making decisions under the Act.

The Council recognises the principle which accords Maori tino rangitiratanga or authority over their lands, forests, fisheries and other taonga (treasured possessions). This authority extends to their right to be fully consulted on and contribute to resource consent and other Council decisions which impinge on tribal resources. In this regard the Council will advise iwi of all notified applications. It will also require people making non-notified applications to the Council to consult with relevant iwi authorities on matters which may affect their interests, eg. esplanade areas prior to making such applications. Under the Act iwi authorities and tribal runanga are required to be advised of all changes to and reviews of the district plan.

The Council is aware of the concerns that Maori people have about some past Crown land dealings in the district and associated claims to the Waitangi Tribunal. Some of these claims affect reserves, like the Taharoa Domain, which the Council administers on behalf of the Crown. The Council will continue to administer these reserves in a sensitive manner and seek advice from the iwi on matters likely to affect their interests. In a related regard the Council will endeavour to ensure that decisions made on resource consents and other matters under the Act do not prejudice any outstanding Treaty based claims before the Waitangi Tribunal or Courts.

5.3.2 Traditional Rights and Land Management Controls

The ability of Maori people to fully utilise their land and other resources in accordance with the rights guaranteed in the Second Article to the Treaty has been the subject of considerable debate over recent years. Requests have been made to local authorities, including the Kaipara District Council, for the special nature of Maori land to be recognised in district plans and it be largely free of land management and other planning controls. Special Maori Purposes zones which apply to all Maori land have been proposed and adopted in some districts.

The Council recognises Maori people have a special relationship with their land. Unlike most European land it is not seen in terms of its productive or commercial value alone. It establishes tribal and personal identity, is a resting place for the dead, and an important source of spiritual strength and heritage for present and future generations. It is also regulated by customs such as rahui and tapu which determines what, when and how it is used.

The Council considers that the concept of a Maori Purposes Zone is an appropriate one for recognising, in a planning sense, the special nature of Maori land. It enables provision to be made for a range of traditional activities including marae and papakainga housing which are unique to such land. The zone also serves to highlight to the wider public the location of Maori land blocks in the district, many of which contain wahi tapu and other sacred places. People proposing development activities on adjacent properties need to be aware of the land's special character and consult with the owners in activities, such as forest harvesting and mining, which can have significant off-site impacts.

The Maori Purposes Zone in the district plan applies only to Maori land administered by the Maori Land Court under the Maori Land Act. It covers land recorded as being under the control of the Court at the date of the plan's public notification. The land concerned is identified in Appendix 5B.

One of the most significant changes that has occurred in New Zealand society over recent years has been the return of Maori people to their land and settlement in papakainga housing areas. Papakainga is a concept denoting a place of settlement generally on land adjacent to a marae which is of historical significance. Although only a small number of papakainga have been developed in Kaipara over recent years the concept is expected to become more widely adopted.

Papakainga if appropriately planned and serviced have little or no impact on the environment, and bring social and economic benefits to the wider community. The district plan provides for small scale papakainga developments as permitted activities in the Maori Purposes zone. Some performance standards are specified related to the siting of dwellings, provision of access and services. Papakainga comprising four or more household units are listed as controlled activities in order that more detailed consideration can be given to access arrangements, supply of services and other environmental matters in accordance with the general settlement provisions in the plan.

5.3.3 Protection of Wahi Tapu and other Sacred Sites

Section 6 of the Act lists as one of the matters to national importance "the relationship of Maori and their culture and traditions with their ancestral land, water, sites, wahi tapu and other taonga." The term ancestral land is not defined in the Act. However it has been held by the Planning Tribunal to refer to land which Maori people collectively identify with, has been owned by their tupuna (ancestors) and to which a special, often spiritual, attachment still exists. In this sense it is not confined to Maori land or other land which is owned by Maori people although this will generally be the case.

Ancestral land is often important to Maori because it contains wahi tapu or places particularly sacred or spiritually meaningful to an iwi, hapu or whanau. They may be:-

- burial grounds or urupa containing the remains of celebrated ancestors, or
- places where significant events have taken place, eg canoe landing sites or tauranga waka,
- areas where food resources have traditionally been gathered, ie mahinga kai,
- places where animal and plant resources have historically been obtained for ceremonial or medicinal purposes;
- places where tribal possessions such as carvings are buried.

Of all wahi tapu, urupa are the most significant. The dead are seen as a link with the past and to the land. They are given the utmost respect and attention in order that the mana or authority of the ancestor and their descendants is protected.

Wahi tapu have traditionally not been defined or officially recorded. Their location is invariably known only to a few individual iwi members, although most others know of their general existence and treat them with reverence. Whilst the identification and protection of wahi tapu is a matter which needs to be considered within the framework of the district plan, effective implementation is difficult. Privacy is intrinsic to wahi tapu and any attention drawn to them through say a register in the district plan may be inappropriate.

Wahi tapu can be given some recognition and protection through other means. They can be entered on the NZ Historic Places register of historic places and areas in accordance with provisions in the Historic Places Act 1993. Applications for such sites to be registered are made to the Maori Heritage Council (a special body established under the Act) and go through a process of notification to landowners and the public. Interim protection is given to any site proposed for registration and special measures may be taken once it is confirmed (Sections 25, 32, 33 and 103 refer). The Council is aware that some iwi have fundamental philosophic objections to the processes of the Historic Places Act as being contrary to the principles of the Treaty and recognises that those iwi may well wish to follow other procedures.

Another option available is for wahi tapu to be declared Maori Reservations by the Maori Land Court under Section 338 of the Maori Land Act 1993 which is similar to Section 439 of the former Maori Affairs Act 1953. Such reservations can be placed over cemetery sites and places of historic or scenic interest. Several burial grounds in the district have been set aside in this manner. The merits of this option were highlighted by the Waitangi Tribunal in its recent report on the Te Roroa claim.

Over recent years some iwi authorities have established 'secret files' which identify the location of wahi tapu. They have in turn been utilised by local authorities for planning purposes on some occasions. Under Section 42 of the Act provision is made for Council proceedings, including resource consent hearings, to be conducted in private in order to avoid the disclosure of the location of wahi tapu. The Council will utilise these provisions and discuss with iwi matters related to the definition and protection of wahi tapu. It will be guided by their views on whether any particular initiatives in Kaipara are

required. One small initiative that the Council has taken is to provide for wahi tapu to be subdivided from any land in the district (see Section 15 - Land Subdivision in the Code of Rules).

5.3.4 Partitions of Maori Land

The statutory framework governing the partitioning of Maori Land has been altered significantly with the introduction of the Resource Management Act. Prior to its enactment the Maori Land Court could not approve any partition order until a scheme plan of subdivision had been approved by the Council under Section 279 of the Local Government Act. This requirement for scheme plan approval was contained in Section 432 of the former Maori Affairs Act.

Section 432 of the Maori Affairs Act was substantially amended as part of the Resource Management law reform process. The Maori Affairs Act was in turn repealed with introduction of the Maori Land Act 1993. The combined effect of the legislative changes has been to limit Council involvement in the partitioning of Maori land. The Maori Land Act provides for the following situations:-

1. Hapu Partitions

The Maori Land Court has complete authority to deal with any partitions where the parcels are to be held by owners of the same hapu. Such partitions do not have to be referred to the Council or comply with provisions of the district plan. Under Section 304 (2) of the Maori Land Act the Court is required to impose a restriction that the land shall not be alienated.

2. Partitions for non-hapu

Any partition which involves parcels being held by owners who are not members of the same hapu is deemed to be a subdivision under Section 301 (2) of the Maori Land Act. The Maori Land Court can only issue an order for such partitions after an associated subdivision consent has been granted by the Council. Conditions can be placed on any subdivision consent granted by the Council, except those requiring a reserves contribution in land where the court has certified that the land is of special historic significance, or emotional association to Maori people. (Section 302 (2) (a) refers.)

3. Alienation of hapu partitions

An application can be made to the Maori Land Court to alienate any part of land subject to a hapu partition. The Court has the powers to publicly notify any such application and invite submissions from the Council and other persons likely to be affected. In considering the application the Court is to have regard to Section 106, 108, 220 and 229 - 237 of the Resource Management Act. These sections deal with circumstances where subdivision consents may not be granted, conditions of such consents and esplanade reserves. The Court has the powers to refuse to confirm the alienation, vary the terms of it, or confirm it subject to conditions.

No particular management issues arise from the provisions governing the partitioning of Maori Land in the legislation. In considering any subdivision consent involving partitions for non-hapu the Council will bear in mind the special nature of the land and ensure that the provisions in Sections 6 & 8 of the Act are given effect to.

5.3.5 Recognition of Water Body Values

Water is held in the highest regard by Maori people mainly because of its spiritual qualities and value as a source of food. The spiritual beliefs and practices of each iwi are very much based around the mauri or life-giving force of water and its ability to purify and sanctify. Water is seen as the provider of all life and represents the life blood of the environment. In a related sense it has been traditionally used for some ceremonies including the lifting of tapu and baptisms. Water used for such ceremonies has generally been taken from particular sources which are classified or set aside for these purposes.

Water sourced foods are particularly important to iwi. They have developed an extensive knowledge of the resources available and associated harvesting techniques. Most iwi groups rely heavily on kai-moana (sea food) kai-awa (river food) and kai-roto (lake food). Their gathering, presentation and gifting are central to Maori culture. They give iwi the opportunity to participate in the practices of their tupuna and show aroha to visitors.

The maintenance of water quality and quantity are of paramount importance to Maori people. Because of the sacred nature and pragmatic importance of water, various practices and restrictions on its use are enforced. For example it is unacceptable to discharge sewage and other waste products into waterways, especially where food is

collected. The cultural values that Maori people put on natural waterways and their protection from unnecessary contamination are matters which are formally recognised in this plan.

5.4 Objectives Policies and Methods of Implementation

5.4.1 Objectives - Maori Culture and Traditions

Objective 1: To recognise and protect the rights Maori people have over their lands, forests, fisheries and other taonga in accordance with the Treaty of Waitangi.

Explanation: The Treaty of Waitangi is the cornerstone around which a bicultural approach to resource management should be developed.

5.4.2 Policies and Methods of Implementation

(1) Iwi Consultation

Policy 1: To consult with iwi on resource management matters which impact on tribal resources and ensure that associated decisions do not prejudice outstanding Treaty based claims .

Methods of Implementation

1. Advise iwi authorities of all notified applications for resource consents, changes to and reviews of the district plan.
2. Utilise the provisions for notification of non-notified applications for resource consents where they may affect iwi interests.
3. Encourage and where appropriate require people seeking resource consents to consult iwi prior to making applications.
4. Consult with iwi on other resource management matters of significance to Maori people, through a variety of formal and informal means.

Explanation: Consultation with iwi is paramount to effective decision making because of extensive Maori ownership and interests in resources.

(2) Maori Land

Policy 1: To encourage the settlement and utilisation of Maori land in accordance with traditional values.

Methods of Implementation

1. A Maori Purposes zone which provides for papakainga housing and other traditional uses on Maori land.
2. Assist with investigations into the utilisation of Maori land.

Explanation: The settlement and utilisation of Maori land will assist iwi self determination.

(3) Wahi Tapu

Policy 1: To recognise the special significance of wahi tapu to Maori and encourage their protection.

Methods of Implementation

1. Investigate the establishment of a recording system for wahi tapu in consultation with iwi.
2. Rules which provide for wahi tapu to be subdivided from properties.
3. Investigate in consultation with iwi the establishment of rules in the plan prohibiting land use activities affecting wahi tapu.
4. Investigate in consultation with iwi, the fencing of wahi tapu on Council administered reserves.

5. Encourage applicants for subdivision consent to vest wahi tapu sites in iwi authorities and treat any such vesting as a partial or whole waiver of reserve contribution requirements.
6. Not require the creation of legal access to wahi tapu on private land.
7. Maintain ongoing consultation with tangata whenua as to how protection mechanisms for wahi tapu can be enhanced in a culturally sensitive manner.

Explanation: Wahi tapu require special recognition and protection but in a manner which recognises the sensitive nature of such sites.

(4) Water Bodies

Policy 1: To recognise the spiritual and life-giving values placed on water bodies by Maori.

Methods of Implementation

1. Promote wherever possible the disposal of treated waste effluent onto land rather than into natural waterways.
2. Assist iwi and the Regional Council to identify water bodies of special significance to Maori and develop associated policies and proposals for their future management.

Explanation: The cultural significance of water to Maori people needs special recognition and joint management proposals developed with interested parties.

5.5 Rules - Maori Purposes Zone

5.5.1 Maori Purposes Zone - Zone Statement

This zone applies to all Maori land in the district which is under the jurisdiction of the Maori Land Court and associated provisions of the Maori Land Act 1993. Its purpose is to recognise the special culture and traditions Maori have with the whenua (land) whanaungatanga (kinship) and their turangawaewae (place to stand).

The zone makes provisions for Maori traditional uses such as marae and papakainga as well as general rural uses which have little or no impact on the environment. Nearly all of the land concerned is in a rural situation and the environmental standards are similar to those for the Rural zone. The zone is intended give practical recognition to the principles of the Treaty of Waitangi and the associated planning objectives and policies of the Council.

5.5.2 Maori Purposes Zone - Permitted Activities

1. Aquaculture landward of mean high water springs.
2. Borrow pits.
3. Farming.
4. Forestry.
5. Home occupations.
6. Homestay accommodation.
7. Kohanga Reo.
8. Marae.
9. Maori reservations.
10. Network utilities including those in existence at the date of public notification of the proposed plan and their maintenance and upgrading where of a minor nature.
11. Papakainga housing comprising up to three household units on a site provided each household unit has a net site area of 1000m².
12. Plant nurseries.
13. Portable batten mills portable post peelers and portable sawmills.
14. Private conservation areas.
15. Remote camp sites in compliance with the Camping Ground Regulations 1985.
16. Temporary military activities.
17. Urupa

18. Accessory buildings and uses to any of the above.

5.5.3 Maori Purposes Zone - Controlled Activities

1. Animal boarding facilities
2. Airstrips.
3. Cottage industries.
4. Depots.
5. Factory farming.
6. Marine farming ancillary facilities.
7. Mineral prospecting.
8. Roadside stalls except on sites with vehicle access into a state highway.
9. Telephone exchanges.
10. Accessory buildings and uses to any of the above.

5.5.4 Maori Purposes Zone - Discretionary Activities[#]

1. Camping grounds and travellers accommodation.
2. Coastal protection works.
3. Commercial services offices and shops.
4. Community and recreational facilities.
5. Electricity substations, electricity transmission lines (high voltage) and telecommunication works.
6. Factories and industrial premises processing agricultural produce.
7. Hotels restaurants, taverns and tourist house premises.
8. Mineral exploration.
9. Mining and quarrying.
10. Public conservation areas, reserves and walkways.
11. Roadside stalls on sites with access onto a state highway.
12. Sawmills and timber treatment plants.
13. Service stations.
14. Slipways.
15. Stock saleyards.
16. Wharves, jetties and other landing facilities.
17. Windmills not being a permitted activity.

[#] Updated August 2005

- 18. Accessory buildings to any of the above.
- 19. Any activity listed as a permitted or controlled activity which fails to comply with the environmental standards for the zone.
- 20. Papakainga housing comprising four or more household units on a site

5.5.5 Maori Purposes Zone - Environmental Standards

The following standards shall apply to all permitted activities in the zone, except network utilities.

1. Buildings and Structures[#]

- (a) Location of Buildings in Relation to Site Boundaries (Yards)
No building shall be erected within the front side or rear yards of a site which are as follows:
 - Front Yards 10 metres
 - Side and Rear Yards 3 metres
- (b) Location of Buildings Near Lakes Rivers and the Sea
No building shall be erected within 30 metres of mean high water mark of the coastal marine area, or the banks of any lake whose bed has an area of 8 ha or more, or the bank of any river or stream whose bed has an average width of 3 metres or more.
- (c) Distances between Buildings or Enclosures Housing Livestock and Residential Dwellings.
No building or enclosure intended to house livestock shall be erected within 50 metres of any residential dwelling unless that dwelling is occupied by the owner or occupier of the site or their employees.
- (d) Height of Buildings - General

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No building shall exceed a height of 10 metres or that equal to 3 metres plus the shortest horizontal distance between that part of the building and any site boundary whichever is the lesser.

- (e) Minimum Floor Levels of Buildings
See N.Z. Building Code (Clause E1.3.2)
- (f) Relocation of Dwellings
 - (i) Any relocated dwelling intended for use as a dwelling (excluding previously used garages and accessory buildings) must have been previously designed built and used as a dwelling.
 - (ii) A building inspection report shall accompany the application for a building consent. That report is to identify all reinstatement work required to the exterior of the building.
 - (iii) All work required to reinstate the exterior of any relocated building including the siting of the building on permanent foundations, shall be completed within six months of the building being delivered to the site.

NB: Relocated dwellings are permitted activities only where they meet the environmental standards above. Where it will take longer than 6 months to carry out the necessary work to meet these standards on application must be made for consent to a discretionary activity. The Council may use its powers under sections 314 and 322 of the Resource Management Act 1991 to apply for an enforcement order or to issue an abatement notice where these standards are not met and/or appropriate consent has not been granted.

- (g) Buildings and Structures Near Road and Rail Intersections
See Section 9.9
- (h) Buildings and Structures Near Electricity Lines
See Electricity Regulations 1993
- (i) Buildings and Excavations Near Gas Lines
See Gas Supply Regulations 1984
- (j) Buildings and Structures Near Drains
See Kaipara District Council Land Drainage Bylaw

NB: Compliance with the above standards does not derogate the Council's powers under section 36 of the Building Act 1991.

2. Noise Emissions

(a) Noise Limits

All activities shall be conducted so as to ensure that noise from the site shall not exceed the following limits, neither at nor within the boundary of any site zoned Residential, nor within the notional boundary of any dwelling on a site in the Rural, Coastal or Maori Purposes zones.

7.00 am to 7.00 pm Monday to Saturday	50 dBA L10
All other times and on public holidays	40 dBA L10
Any day from 10.00 pm to 7.00 am the following day	70 dBA Lmax

provided that the abovementioned noise limits may be exceeded under the following circumstances:-

- (1) where emergency valves need to be used for a short period of time during emergencies.
- (2) where safety valves are being tested on site. On these occasions public notification of safety valve testing shall be given one week prior by advertisement in the local paper.

(b) Measurement of Noise

Subject to the express provisions of this rule, sound levels shall be measured in accordance with New Zealand Standard NZS 6801:1991 Measurement of Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound.

(c) Construction Noise

Construction noise shall meet the limits recommended in, and shall be measured and assessed in accordance with, NZS 6803P:1984 The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work.

(d) Noise From Temporary Military Activities

Noise emanating from military activities of a temporary nature shall not exceed the following limits, neither at nor within the boundary of any site zoned Residential nor within the notional boundary of any dwelling on a site in the Rural, Coastal and Maori Purposes zones.

Time (Any Day)	Limits (dBA)		
	L10	L95	Lmax
0630 - 0730	60	45	70
0730 - 1800	75	60	90
1800 - 2000	70	55	85
2000 - 0630	40		

Notwithstanding the above, noise resulting from the use of explosives shall not exceed 122 dBC and shall be limited to daylight hours. The noise measurement shall be taken at or within the boundary of site zoned residential and within the notional boundary of any dwelling on a site in the Rural, Coastal or Maori Purposes zones.

3. Use of Explosives and Blasting

All explosives shall be handled stored and used in accordance with the provisions in the Dangerous Goods Regulations 1979 and N.Z. Standard NZS 4403 (1976) "Code of Practice for Storage, Handling and Use of Explosives."

All blasting operations shall be carried out between the following hours:

Monday to Friday	0700 - 1900 hours
and Saturday	0700 - 1300 hours

except in emergency situations where the Council is advised accordingly and provided the following levels are not exceeded:

- a peak overall sound pressure level of 128dBA linear unweighted
- a peak particle velocity ground vibration of 10mm per second measured in the frequency range 3-12 metres as measured from or within 20 metres of any occupied dwelling on any adjacent site.

Records shall be kept of all blasting activities and made available for Council inspection at all times.

4. Contaminant Discharges

No activity shall be carried out which results in the discharge of any contaminant to the air, onto land or into water in contravention of Section 15 of the Resource Management Act unless provided for by a rule in a Regional Plan, or a Proposed Regional Plan or resource consent (See Section 4.3.4 for further explanation).

5. Protection of Heritage and Natural Features See Section 8.

6. Signs See Section 9.

7. Vehicle Access Loading and Parking see Section 9.

8. Other Resource Consents

People undertaking a land use listed as a permitted activity, controlled activity or discretionary activity in the zone are advised to contact the Northland Regional Council to determine if any other resource consents are required under the provisions of any Regional Plans. Regional Plans are available for inspection at the Regional Council offices in Dargaville and Whangarei.

APPENDIX 5A: MAORI PURPOSES ZONE - SCHEDULE OF LAND

<u>Block</u>	<u>Area</u>	<u>Survey District</u>
AOROA 4D2A	1.0117 ha	I TOKATOKA
AOROA 4D2C	3.1869 ha	I TOKATOKA & XIII MAUNGARU
TE APU OR TE TAPU	1.4163 ha	IV MAUNGARU
ARAPAOA 1	1.8122 ha	III HUKATERE
HATOI No. 1	108.4557 ha	IV MAUNGARU
KAIHU 1A2C2	1.6415 ha	VI KAIHU
KAIHU 1A2D2A	0.1011 ha	VI KAIHU
KAIHU 1A2D3	3.7433 ha	VI KAIHU
KAIHU 1A2D5	19.2554 ha	VI KAIHU
KAIHU 1A2E3B1	0.1770 ha	VI KAIHU
KAIHU 1A2G	0.2023 ha	VI KAIHU
KAIHU 2A PT WAHITAPU	.8389 ha	XV KAIHU
KAIHU 2B1B (TE HOUHANGA MARAE)	0.7259 ha	XV KAIHU
KAIHU 2B2A	1.2140 ha	XV KAIHU
KAIHU 2B2B	1.2140 ha	XV KAIHU
KAIHU 2B2C1	0.2023 ha	XV KAIHU
KAIHU 2B2C1 & 2	6.8417 ha	XV KAIHU
KAIHU 2B3D RESIDUE	0.5766 ha	XV KAIHU
KAIHU 2B4	1.3278 ha	XII KAIHU
KAIHU No. 5	39.4947 ha	VI & VII KAIHU
KAIHU 1C (NGAKIRIPARAURI)	5.7516 ha	I KAIHU
KAIHU 1D (NGAKIRIPARAURI)	5.7516 ha	I KAIHU
KAIHU T	50.1710 ha	VI, VII KAIHU
KAITARA 2A1B1A	0.1045 ha	II OTAMATEA
KAITARA 2A1B1B	60.7332 ha	II, VI OTAMATEA
KAITARA 2A1B2A	0.4370 ha	II OTAMATEA
KAITARA 2A1B2B	60.2657 ha	II, VI OTAMATEA
KAPEHU F	71.5767 ha	II, VI TOKATOKA
KARAKANUI A1	9.7124 ha	III HUKATERE
KARAKANUI A3	16.4150 ha	III HUKATERE
KARAKANUI A8A	0.4805 ha	III HUKATERE
KARAKANUI A8B	17.1232 ha	III HUKATERE
KARAKANUI A9	1.0875 ha	III HUKATERE
KARAKANUI B	13.1522 ha	III HUKATERE
KARAKANUI C	38.8498 ha	III HUKATERE

APPENDIX 5A: MAORI PURPOSES ZONE - SCHEDULE OF LAND

<u>Block</u>	<u>Area</u>	<u>Survey District</u>
KARAMURAMU 2A	1.6630 ha	V OTAMATEA
KARAMURAMU 2B	32.6100 ha	V OTAMATEA
SECTION 1B BLK II TE KURI S.D	6.0702 ha	II TE KURI
TE KOMITI 1A1	100.5643 ha	VII HUKATERE
TE KOMITI 1B PT (PURIRI PT NATIVE RESERVE)	20.2342 ha	III,IV,VII,VIII HUKATERE
TE KOMITI 1B2A1	32.3748 ha	VII,VIII HUKATERE
TE KOMITI 1B2B2	188.2244 ha	VII,VIII HUKATERE
TE KOMITI 2A1A	92.8754 ha	VIII HUKATERE
TE KOMITI 2A1B	39.2545 ha	VIII HUKATERE
TE KOMITI 2A2	49.3716 ha	VIII HUKATERE
TE KOMITI 2A3	299.4673 ha	VIII HUKATERE
TE KOMITI 3 (WAIAOTEWA WAHITAPU)	2.0234 ha	VIII HUKATERE
TE KOMITI 4 (HUIAMANU WAHITAPU)	0.8093 ha	VIII HUKATERE
TE KOMITI 5 (TE KOMITI WAHITAPU)	2.0234 ha	XI HUKATERE
TE KOMITI X2B	8.5045 ha	VII HUKATERE
TE KOMITI Z2C	20.2925 ha	VII HUKATERE
MANGAITI A	1.1002 ha	V OTAMATEA
MAREIKURA D1	8.5717 ha	III MAUNGARU
MAREIKURA E	8.0937 ha	III MAUNGARU
MAREIKURA G2A3C	1.2680 ha	IV MAUNGARU
MAREIKURA G2A3D	13.5764 ha	IV,VIII MAUNGARU
MAREIKURA G2C	0.7486 ha	IV,VIII MAUNGARU
MAREIKURA G2G	0.2023 ha	IV MAUNGARU
MAREIKURA G2H	0.2023 ha	IV MAUNGARU
MATAKOHE PARISH LOT 259A2	10.2790 ha	XIII MATAKOHE
MATAKOHE PARISH ALLOTMENT 257Y	3.7357 ha	XIII MATAKOHE
MATAKOHE PARISH LOT 54A2B	5.2937 ha	I HUKATERE
MATAKOHE PARISH LOT 6 OF ALLOTMENT 54	0.4048 ha	I HUKATERE
MATAKOHE PARISH LOT 259B	4.0469 ha	XIII MATAKOHE
MATAKOHE PARISH LOT 3B OF ALLOTMENT 54	21.7710 ha	I HUKATERE
MATAKOHE PARISH NTH EASTERN PORTION LOT 54 SEC 3B1	13.5656 ha	XIII MATAKOHE & I HUKATERE
NUHAKA	1.0193 ha	X OTAMATEA
NUKUROA 1G2	0.4957 ha	X OTAMATEA
NUKUROA 1G4A1	0.4046 ha	X OTAMATEA
NUKUROA 1G4A2	1.2139 ha	X OTAMATEA
NUKUROA 2A3B1	4.0468 ha	X OTAMATEA
NUKUROA 2A3C1	27.9080 ha	X OTAMATEA

APPENDIX 5A: MAORI PURPOSES ZONE - SCHEDULE OF LAND

<u>Block</u>	<u>Area</u>	<u>Survey District</u>
OPANAKE 1 SECTION 1A1	1.2760 ha	XIII TUTAMOE
OPANAKE 1 SECTION 1A2	0.4552 ha	XIII TUTAMOE
OPANAKE 1 SECTION 1B1	0.7587 ha	XIII TUTAMOE
OPANAKE 1 SECTION 1B ROADLINE	0.0758 ha	XIII TUTAMOE
OPANAKE 1B1A	11.7763 ha	XIII TUTAMOE
OPANAKE 1B1B	4.3680 ha	XIII TUTAMOE
OPANAKE 1 SECTION 1B3 & 1A3	2.3016 ha	XIII TUTAMOE
OPANAKE No. 1 No. 1C ROADLINE	1.0926 ha	XIII TUTAMOE
OPANAKE 1C2C3	0.4046 ha	XIII TUTAMOE
OPANAKE 1C2C4A	0.1011 ha	XIII TUTAMOE
OPANAKE 1C2C4B & 1C2C2	2.9668 ha	XIII TUTAMOE
OPANAKE 1C3A	0.1133 ha	XIII TUTAMOE
OPANAKE 1C3B	0.7523 ha	XIII TUTAMOE
OPANAKE 1C NORTH No. 1	14.1639 ha	XIV TUTAMOE
OPANAKE 1C NORTH 3B1 & 3B2	25.7076 ha	XIII & XIV TUTAMOE
OPANAKE 1C NORTH 3C	27.1139 ha	XIII & XIV TUTAMOE
OPANAKE 1C NORTH 3D1 & 3D2	20.7830 ha	XIV TUTAMOE
OPANAKE 1C NORTH 3E	1.0117 ha	XIII & XIV TUTAMOE
OPANAKE 1C NORTH 3F	0.6070 ha	XIV TUTAMOE
OPANAKE 1C NORTH 3G	0.4426 ha	XIII & XIV TUTAMOE
OPEKAPEKA C1	6.1461 ha	XI OTAMATEA
OPEKAPEKA C2	13.2787 ha	XI OTAMATEA
OPEKAPEKA F No. 2	17.6771 ha	VII OTAMATEA
OPOUTEKE 2B1B	90.9429 ha	VIII TUTAMOE & V MANGAKAHIA
OPOUTEKE 2B3B2B1	28.3279 ha	VIII TUTAMOE&V MANGAKAHIA
OPANAKE 1C SOUTH No. 3	80.8360 ha	II,III KAIHU
OPANAKE 1C SOUTH 6B	29.5420 ha	II KAIHU
OPANAKE 1C SOUTH 6C	24.2811 ha	II KAIHU
OPANAKE 1C SOUTH 6D	24.6858 ha	II KAIHU
OPANAKE 1C SOUTH 6F1	0.4046 ha	II KAIHU
OPANAKE 1C SOUTH 6F2	46.5388 ha	II KAIHU
OPANAKE 1C SOUTH 9	41.1717 ha	II KAIHU,XIV TUTAMOE
OPANAKE 1C SOUTH 10	80.6159 ha	II KAIHU,XIV TUTAMOE
OPANAKE 1C SOUTH 11A1	66.1100 ha	XIV TUTAMOE,II KAIHU
OPANAKE 1C SOUTH 11A2	1.6190 ha	XIV TUTAMOE,II KAIHU
OPANAKE 1C SOUTH 11B	109.0071 ha	XIV TUTAMOE,II KAIHU
OPANAKE 2G3	.5059 ha	II KAIHU
OPANAKE 2G4	10.9796 ha	II KAIHU
OPANAKE 2G5A	4.7702 ha	II KAIHU

APPENDIX 5A: MAORI PURPOSES ZONE - SCHEDULE OF LAND

<u>Block</u>	<u>Area</u>	<u>Survey District</u>
OPANAKE 2K1	3.3335 ha	XIII TUTAMOE
OPANAKE 2K2A	0.8776 ha	XIII TUTAMOE
OPANAKE 2K2C1	0.2630 ha	XIII TUTAMOE
OPANAKE 2K2C2	2.5740 ha	XIII TUTAMOE
PT OPANAKE 2K2D	.1034 ha	XIII TUTAMOE
OPANAKE 2K2F	3.1237 ha	XIII TUTAMOE
OPANAKE 2K2J2	3.8277 ha	XIII TUTAMOE
OPANAKE 2K2L1	0.5387 ha	XIII TUTAMOE
OPANAKE 2K2L2	1.3481 ha	XIII TUTAMOE
OPANAKE 2K2M1	1.3177 ha	XIII TUTAMOE
OPANAKE 2K2M2	6.1192 ha	XIII TUTAMOE
OPANAKE 2K2P1	0.1011 ha	XIII TUTAMOE
OPANAKE 2K2P2B	5.3899 ha	XIII TUTAMOE
OPANAKE 2K2T1	0.2426 ha	XIII TUTAMOE
OPANAKE 2K2T2	3.3715 ha	XIII TUTAMOE
OPANAKE 2K2W	0.1770 ha	XIII TUTAMOE
OPANAKE 2K2Z	1.3506 ha	XIII TUTAMOE
PT OPANAKE 2M3 (LOT 1)	1.1566 ha	II KAIHU
ORUAWHARO A2A	5.6655 ha	X OTAMATEA
ORUAWHARO A2B	39.0572 ha	X OTAMATEA
ORUAWHARO A3A	25.2928 ha	X OTAMATEA
ORUAWHARO A3B	20.4770 ha	X OTAMATEA
ORUAWHARO A3C	24.1496 ha	X OTAMATEA
ORUAWHARO A4A	1.3357 ha	X OTAMATEA
ORUAWHARO A4B	13.2534 ha	X OTAMATEA
ORUAWHARO A4C1	0.3237 ha	X OTAMATEA
ORUAWHARO A4C2	18.0202 ha	X OTAMATEA
ORUAWHARO A5	48.4484 ha	X OTAMATEA
ORUAWHARO A6A	32.0688 ha	X OTAMATEA
ORUAWHARO A6B	0.4046 ha	X OTAMATEA
ORUAWHARO A6C1	5.0710 ha	X OTAMATEA
ORUAWHARO A6C2A	0.9600 ha	X OTAMATEA
ORUAWHARO A6C2B	21.9172 ha	X OTAMATEA
ORUAWHARO A6C2C	1.9300 ha	X OTAMATEA
ORUAWHARO A7A	9.2463 ha	X OTAMATEA
ORUAWHARO A7B	65.3197 ha	X,XI OTAMATEA
ORUAWHARO D1A	0.2024 ha	X OTAMATEA
ORUAWHARO D1B1	0.1012 ha	X OTAMATEA

APPENDIX 5A: MAORI PURPOSES ZONE - SCHEDULE OF LAND

<u>Block</u>	<u>Area</u>	<u>Survey District</u>
ORUAWHARO E1	49.8370 ha	X OTAMATEA
ORUAWHARO E2	26.3197 ha	X OTAMATEA
ORUAWHARO E3	26.3045 ha	X OTAMATEA
OTAIRI B2	42.7847 ha	V OTAMATEA
OTAMATEA C	1.0825 ha	V OTAMATEA
OTAMATEA D2	2.2712 ha	V OTAMATEA
OTAMATEA D5	6.5255 ha	I,V OTAMATEA
OTAMATEA E	0.9712 ha	V OTAMATEA
OTAMATEA F1	33.9936 ha	I,V OTAMATEA
OTAMATEA F2	23.0468 ha	V OTAMATEA
OTAMATEA X	120.4225 ha	I,V OTAMATEA
OTAMATEA 3	65.7370 ha	V OTAMATEA
OTARA 5B	58.8964 ha	V OTAMATEA
OTARA 5C	53.9243 ha	V OTAMATEA
OTARA 5D1	4.0485 ha	V OTAMATEA
OTARA 5D2	33.7525 ha	V OTAMATEA
OTUREI A1	1.4341 ha	I TOKATOKA
OTUREI A3	0.3996 ha	I TOKATOKA
OTUREI A4	0.1315 ha	I TOKATOKA
OTUREI D	5.9767 ha	I TOKATOKA
OTUREI E	0.8093 ha	I TOKATOKA
OTUREI F1	0.1821 ha	I TOKATOKA
OTUREI H	1.5175 ha	I TOKATOKA
OTUREI J	0.9940 ha	I TOKATOKA
OTUREI K	7.8787 ha	I TOKATOKA
OTUREI M5A	9.3850 ha	IV KOPURU
OTUREI M10C	296.4828 ha	II,IV KOPURU & V TOKATOKA
OTUREI N	7.8787 ha	I TOKATOKA
OTUREI P	0.6323 ha	I TOKATOKA
OTUTAHUNA 2	19.3920 ha	IV MAUNGARU
OTUTAHUNA 3	34.7549 ha	IV MAUNGARU
OUNUWHAO 4C2	400.0019 ha	VIII,XII KAIHU V,IX MAUNGARU

APPENDIX 5A: MAORI PURPOSES ZONE - SCHEDULE OF LAND

<u>Block</u>	<u>Area</u>	<u>Survey District</u>
PIRITAHA 1	0.2529 ha	III MAUNGARU
PIRITAHA 2C2A	0.1011 ha	III MAUNGARU
PIRITAHA 2C2B	0.1011 ha	III MAUNGARU
PIRITAHA 2C2C	0.1011 ha	III MAUNGARU
PIRITAHA 2C2D1	2.0234 ha	IV MAUNGARU
PIRITAHA 3A1	2.0993 ha	III,IV MAUNGARU
PIRITAHA 3A2	31.5148 ha	III,IV MAUNGARU
POUTO 2E CHURCH SITE	0.8094 ha	X TE KURI
POUTO 2E1C1	46.6820 ha	X TE KURI
POUTO 2E3A RESIDUE	28.3279 ha	XIII,XIV HUKATERE
POUTO 2E4A	353.2653 ha	XIII HUKATERE
POUTO 2E4B1	80.1695 ha	XIII,XIV HUKATERE
POUTO 2E4B3	11.7800 ha	XIII,XIV HUKATERE
POUTO 2E4C	141.6399 ha	XIII,XIV HUKATERE
POUTO 2E6B2B1 (CHURCH SITE)	0.8094 ha	II OKAKA
POUTO 2E6B2B2	0.0923 ha	II OKAKA
POUTO 2E6B2B3	0.8189 ha	II OKAKA
POUTO 2E6B2B4A	20.6744 ha	II OKAKA
POUTO 2E6B2B4B	0.8093 ha	II OKAKA
POUTO 2E7B2	4.2011 ha	II OKAKA
POUTO 2F	1465.0000 ha	I NORTH HEAD
POUTO TOPU A	2981.020 ha	VIII,X TE KURI & IX,X,XIII, XIV HUKATERE
RAEKAU No. 1	0.6120 ha	X OTAMATEA
RUATAEWAO 5A	0.2023 ha	V MANGAKAHIA
RUATAEWAO 5B1	9.3077 ha	V MANGAKAHIA
ALLOTMENT 1 TATARARIKI PARISH LOT 1 DP59217	3.4397 ha	X TOKATOKA
TAUWHITU B2	3.5992 ha	IV MAUNGARU
TAUWHITU B3	1.8716 ha	IV,VIII MAUNGARU
TOKATOKA 2A1B	10.7697 ha	X TOKATOKA
TOKATOKA 2A3B	5.0737 ha	X TOKATOKA
TOKATOKA BLK X SEC 2B1	5.2740 ha	X,XI TOKATOKA
TOKATOKA BLK X SECS 2C,2A & 3A1	7.3068 ha	X,XI TOKATOKA
TOKATOKA BLK X SEC 2C2B3B1	2.4900 ha	X TOKATOKA
TOKATOKA BLK X SEC 2C2B3B2	3.1761 ha	X TOKATOKA
SECTION 44 BLOCK XIII TUTAMOE SD	0.9257 ha	XIII TUTAMOE

APPENDIX 5A: MAORI PURPOSES ZONE - SCHEDULE OF LAND

<u>Block</u>	<u>Area</u>	<u>Survey District</u>
WAIMATA 2A	0.8549 ha	VIII KAIHU
WAIPOUA 2A1C1	4.5000 ha	X WAIPOUA
WAIPOUA 2A1C2	33.6461 ha	X WAIPOUA
WAIPOUA 2A1D	48.7165 ha	X WAIPOUA
WAIPOUA 2B1	8.0937 ha	V,VI WAIPOUA
WAIPOUA 2B3A1C	6.7481 ha	VI WAIPOUA
WAIPOUA 2B2B1B	152.1617 ha	V,VI WAIPOUA
WAIPOUA 2B3D2A1	0.9864 ha	VI WAIPOUA
WAIPOUA 2B3D2A2A	4.8562 ha	VI WAIPOUA
WAIPOUA 2B3D2A2B2	10.9012 ha	II,VI WAIPOUA
WAIPOUA 2C	9.1054 ha	VI WAIPOUA
WHARAU TOPU C	389.9 ha	XII KAIHU