

Appendix B: Officer's Recommended Amendments to Tangata Whenua/Mana Whenua

Note the below provisions represent the Section 42A Report Writing Officer's recommended amendments to the provisions of the Proposed District Plan, in response to submissions (with red underline used for new text and ~~red strikethrough~~ for deleted text).

Mai Waipoua ki Pouto i Te Tai Hauāuru;
Whakawhiti atu i te raki o te moana o Kaipara ki Oruawharo.
Mai Oruawharo ki Mangawhai ki te rāwhiti.
Mai Mangawhai ki Tangiteroria,
haere whakateraki ki Tutamoe,
whakahoki atu ki Waipoua.

Overview

This chapter provides context and process-related information. There are no planning objectives, policies or rules in this chapter. Planning provisions related to Tangata Whenua/Mana Whenua are integrated throughout other parts of the plan.

The natural environment, including whenua, waters, coasts, oceans, air, flora, and fauna, is important in regard to how Tangata Whenua/Mana Whenua engage and interact with the natural environment.

The natural environment contains the physical landmarks of the places where Māori moved and lived throughout the Kaipara District since their arrival. This connection and relationship to the whenua (land), resources, and people within the Kaipara rohe has enabled them to maintain and develop generations of mātauranga Māori about the whenua, moana (sea), awa (rivers, streams), ngāhere (forest) and their other taonga within the Kaipara District.

Many iwi and hapū link back to the Kaipara District area, connecting themselves through historical events and occupation over time. However, the tangata, who maintain and hold mana over areas within the Kaipara District generally whakapapa back to the following Iwi Authorities: Te Uri o Hau, Te Roroa, Ngāti Manuhiri, Te Kawerau ā Maki, Ngātiwai, Ngāti Whātua Rūnanga and Ngāpuhi.

Iwi authorities within the Kaipara District

Kaipara District contains the seven Iwi Authorities in the table below. Four have been established under Treaty Settlement Claims legislation, with the remaining three established under other legislative mechanisms. These three Iwi Authorities are still progressing their own Treaty settlements with the Crown.

Contact details for iwi are available from Council.

Kaipara iwi authorities

There are areas within Kaipara District where Treaty settled Iwi Authorities areas of interest overlap one another.

Iwi/Hapu	Iwi Authority	Legislation
Te Uri o Hau	Te Uri o Hau Settlement Trust	Te Uri o Hau Claims Settlement Act 2002

Te Roroa	Te Roroa Whatu Ora Trust	Te Roroa Claims Settlement Act 2008
Te Kawerau ā Maki	Te Kawerau ā Maki Iwi Tribal Authority	Te Kawerau ā Maki Claims Settlement Act 2015
Ngāti Manuhiri	Ngāti Manuhiri Settlement Trust	Ngāti Manuhiri Claims Settlement Act 2012
Ngāti Whātua Rūnanga	Te Rūnanga o Ngāti Whātua	Te Runanga o Ngāti Whatua Act 1988
Ngātiwai	Ngātiwai Trust	Charitable Trusts Act 1957

Ngāpuhi	Te Rūnanga Ā Iwi Ō Ngāpuhi	Māori Fisheries Act 2004
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Te Iwi o Ngāti Whātua

Ngāti Whātua are a confederation of autonomous whānau and hapū who are connected by tātai and long association over time. The term Ngāti Whātua is generally used to describe the descendants of Haumoewarangi and Tuperiri. Their rohe covers the whole of the Kaipara, some of Whangārei District and much of Tamaki Makaurau. It extends from Maunganui and Manaia in the north to the Tamaki River in the South. It is usually expressed as Tamaki ki Maunganui i te Tai Hauauru and Tamaki ki Manaia i te Rawhiti. The northern boundary is expressed as Manaia titiro ki Whatitiri, Whatitiri titiro ki Tutamoe, Tutamoe titiro ki Maunganui. The Southern boundary is expressed as Te Awa o Tamaki.

Te Rūnanga o Ngāti Whātua was constituted by Te Rūnanga o Ngāti Whātua Act 1988 (the Rūnanga). It is a Māori Trust Board under the Māori Trust Boards Act 1955. The Rūnanga is the sole representative body and authorised voice to deal with issues affecting the whole of Ngāti Whātua.

Whilst most of Ngāti Whātua historical claims have been settled by deeds of settlement for Te Uri o Hau, Te Roroa, Ngāti Whātua o Kaipara and Ngāti Whātua Ōrakei, the remaining Ngāti Whātua historical claims including redress over Kaipara Moana are still in the process of being finalised.

Te Uri o Hau

The ancestor of Te Uri o Hau is Haumoewaarangi. From the marriage of Haumoewaarangi with Waihekeao came seven offspring: Makawe, Mauku, Whiti, Weka, Ruinga, Rongo and Hakiputatomuri. From Hakiputatomuri came many descendants known to this day as Te Uri o Hau. Te Uri o Hau is a proud hapū of Ngāti Whātua with whom they share the common ancestor Haumoewaarangi.

The oral history of Te Uri o Hau records that Ngāti Whātua (of whom Te Uri o Hau is part of) and the Crown had a special relationship which was recognised in two distinctive ways. First, by their entering into a separate treaty written on a sheepskin parchment which is known as 'Kirihipi Te Tiriti o Ngati Whatua'. Secondly, in the presentation by the Crown of a bust of Queen Victoria which is sited in a place of importance at Otamatea marae to this day.

The Te Uri o Hau takiwa within the Kaipara District is marked by Mahuta Gap to Pouto Point along Ripiro and from here it follows the District's boundary line and dissects the Kaipara Harbour across the land to Mangawhai on the East Coast. The Te Uri o Hau boundary line follows the District's boundary line north then swings back inland to the Brynderwyns. From this point the Te Uri o Hau boundary heads north to the northern most point at Pikawahine Stream and turns back West to Dargaville then back out to Mahuta Gap. Te Uri o Hau holds mana whenua over the largest portion of the Kaipara District. Te Uri o Hau takiwa also extends beyond the Kaipara District boundaries and into both Auckland and Whangarei District Councils.

Te Uri o Hau consists of fourteen Marae within the Kaipara District.

Te Uri o Hau Settlement Trust is the legal entity of Te Uri o Hau hapū and whanau, and provides for the environmental, cultural, social, and economic well-being. Environs Holdings Limited is the environmental subsidiary of Te Uri o Hau Settlement Trust that is responsible for the implementation of the activities that advance the well-being of Te Uri o Hau hapū and whānau, to their natural resources within Te Uri o Hau estates and territory.

Te Uri o Hau Claims Settlement Act 2002 recognises the rangatiratanga of Te Uri o Hau over their statutory area of interest, records the Crown apology to Te Uri o Hau and gives effect to provisions of the Te Uri Hau Deed of Settlement. It provides a number of mechanisms enabling Environs Holdings Limited to exercise kaitiakitanga throughout Te Uri o Hau estates and territory.

Statutory areas of interest:

1. Protocols with Crown Ministers and their statutory agencies;

2. Memoranda of Understanding with regional and territorial authorities;
3. Statutory Acknowledgement areas throughout Te Uri o Hau estates and territories;

4. Deeds of Recognition throughout Te Uri o Hau estates and territories;
5. The designation of Kirihipi Overlay (Conservation areas) throughout estates and territory;
6. Working Together document with the Department of Conservation;
7. Cultural redress properties returned to Te Uri o Hau; and
8. Te Uri o Hau Kaitiakitanga o Te Taiao 2011 (environmental management plan).

Statutory Acknowledgements and Overlays

Statutory acknowledgements within the Kaipara District ~~are can be~~ located on the planning maps where these are within the jurisdiction of Kaipara District Council,¹ and may be listed as a site or area of significance to Māori as identified in SCHED 3 - Sites and Areas of Significance to Māori:

- Mangawhai marginal strip;
- Oruawharo River stewardship area;
- Pukekaroro scenic reserve;
- Kaipara Harbour coastal area;
- Mangawhai Harbour coastal area; and
- Kiripihi Overlay

Nohoanga Areas

Nohoanga entitlements provide a right of seasonal occupation and use for Te Uri o Hau whānau of specified areas of Crown-owned land near water bodies for harvest of natural resources (sections 75- 91, Te Uri o Hau Act).

Nohoanga areas within the Kaipara District are located in the schedules of the Te Uri o Hau Act:

- Lake Whakaneke (Waterway) - Lake Whakaneke
- Kaipara Harbour (Waterway) - Te Taa Hinga
- Lake Mokeno (Waterway) — Lake Mokeno

Te Roroa

Te Roroa is the District's oldest iwi, whose progenitor is Manumanu 1. Great grandson of Tohe, Manumanu 1 descends from Ngai Tamatea. He joined the great taua of tangata made up from Ngati Awa, Ngati Miru, Nga Ririki, Ngai Tahu, and Ngai Tamatea to explore and settle new lands as they travelled Southwards from the Far North area.

Manumanu 1 began his settlement regime in Waimamaku by leaving some of his tangata behind to maintain his ahi ka and settle the whenua there whilst he continued South. He along with his brother continued this occupation pattern as far as Tikitiki, across to Tokatoka and up into hinterlands of Opanake and Tutamoe.

To commemorate the death of Manumanu 2 (Manumanu 1's son who died in a battle at Kawakawa, whilst aiding his mother's whānau), the Tangata Whenua who made up Manumanu 1 and his brothers respective Iwi were merged and renamed Te Roroa.

The Te Roroa takiwa within the Kaipara District is marked by two maunga that stand as their inland boundary, Tutamoe and Tokatoka. With the two tributaries along Ripiro Beach, Waipoua River in the north and Tikitiki in the south, representing the coastal boundary within the Kaipara District. Te Roroa rohe extends into the South Hokianga area which is part of the Far North District Council.

Te Roroa consists of five Marae in the Kaipara District.

Te Roroa Whatu Ora Trust is the legal entity of Te Roroa hapū and whānau, and provides for the environmental, cultural, social, and economic well-being. Whatu Ora Custodial Company Limited is the environmental subsidiary of Te Roroa Whatu Ora Trust who is responsible for the implementation of the activities that advance the well-being of Te Roroa hapū and whānau, and their natural resources within the Te Roroa rohe.

¹ Daytona Trust [263.3], Tappenden Holdings Limited [289.3], BTRA [300.4]

Te Roroa Claims Settlement Act 2008 recognises the rangatiratanga of Te Roroa over their statutory area of interest, records the Crown apology to Te Roroa and gives effect to provisions of the Te Roroa Deed of Settlement. It provides a number of mechanisms enabling Whatu Ora Custodial Company Limited to exercise kaitiakitanga throughout Te Roroa estates and territory. Statutory agreements and obligations:

1. Protocols with Crown Ministers and their statutory agencies;
2. Memoranda of Understanding with regional and territorial authorities;
3. Statutory Acknowledgement areas throughout Te Roroa estates and territories;
4. Deeds of Recognition throughout Te Roroa estates and territories;
5. Te Tarehu Overlay;
6. Mahi Tahī document with the Department of Conservation;
7. Cultural redress properties returned to Te Roroa; and
8. Nga Ture Mo Te Taiao O Te Roroa (Environmental management plan).

Statutory Acknowledgements and Overlays

Statutory acknowledgements within the Kaipara District can be located on the planning maps and may be listed as a site or area of significance to Māori as identified in SCHED 3 - Sites and Areas of Significance to Māori:

- Tokatoka Scenic Reserve; and
- Te Tarehu overlay

Resource management decision makers are advised to contact Te Roroa should your proposed activity affect their interests or values in these areas.

Ngātiwai

Ngātiwai is unified by its descent from one of the oldest lineages in Taitokerau, Ngāti Manaia. Unlike surrounding iwi, direct descent from Manaia has given Ngātiwai status on Northland's east coast since the beginning of human occupation. The occupation of Manaia established iwi status in the northern part of the Ngātiwai rohe. Principally through the son of Manaia, Tahuhuniorangi, manawhenua and manamoana of Ngātiwai on the coast from Whangarei to Whangaparaoa was established.

At times this extended to Tamaki. After the time of Te Rangihokaia, himself a descendent of Manaia, a number of key marriages cemented the relationship between Ngātiwai and the Kawerau hapū of Ngāti Rehua and Ngāti Manuhiri. This ongoing relationship with Tainui is another unique feature of Ngātiwai among iwi in Taitokerau. Today, Ngātiwai claims manawhenua and manamoana from Rākaumangamanga to Mahurangi, across to Aotea, and returning to Rākaumangamanga by way of the many islands and waters of Te Moana-nui-a-Toi.

The Ngātiwai Trust Board, based in Whangarei, is the mandated authority for Te Iwi o Ngātiwai. Te Iwi o Ngātiwai exercises mana whenua and mana moana over its rohe or region of responsibility, which extends from Tapeka Point in the Bay of Islands to Takatu Point, south Omaha and encompasses the eastern seaboard and all off-shore islands, including Tawhiti Rahi and Aorangi (Poor Knights), Taranga and Marotere (Hen and Chickens Islands), Aotea (Great Barrier Island) and Hauturu (Little Barrier Island).

The rohe of Te Iwi o Ngātiwai encompasses part of the jurisdictional area of five district councils (Far North, Whangarei, Kaipara, Rodney, Auckland City) and two regional councils (Northland and Auckland).

Ngāpuhi

Ngāpuhi is the largest iwi in Aotearoa. They are located in te tai tokerau, the far north. The territory spans west to east from Hokianga to the Bay of Islands, and southwards to Maunganui Bluff and Whangārei.

Rāhiri is the founding ancestor of Ngāpuhi. He was born at Whiria pā, the son of Tauramoko and Te Hauangiangi. Tauramoko was a descendant Kupe, captain of the Matawhaorua canoe, and Nukutawhiti of the Ngātōkimatawhaorua canoe. Te Hauangiangi was the daughter of Puhi, captain of the Mataatua canoe. The maunga that form the sacred house of Ngāpuhi have geographical, spiritual and ancestral significance to the iwi. The following are significant maunga: Pūhanga Tohorā, Te Ramaroa which is the mountain that guided the master navigator and captain Kupe into Hokianga Harbour. Whiria which was the home of many members of the founding family of Ngāpuhi. Panguru and Papata, Maungataniwha, Tokerau, Rākaumangamanga, Manaia, Tūtāmoe and Maunganui Bluff.

The Ngāpuhi Rūnanga Group is a collective of four organisations who represent the interests and aspirations of

more than 125,000 people who identify themselves as Ngāpuhi.

Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi is the parent organisation of the Group that includes Ngāpuhi Iwi Social Services, Te Hau Ora O Ngāpuhi and the Ngāpuhi Asset Holding Company.

The Trust Deed for Te Rūnanga-Ā-Iwi-Ō-Ngāpuhi defines the purpose of Takiwā, to provide an opportunity for any person of Ngāpuhi descent to participate and provide input into the interests of all Ngāpuhi.

Statutory acknowledgements and overlays

Statutory acknowledgements within the Kaipara District can be located on the planning maps and may be listed as a site or area of significance to Māori as identified in SCHED 3 - Sites and Areas of Significance to Māori:

- Tokatoka Scenic Reserve; and
- Te Tarehu overlay

Ngāti Manuhiri

Ngāti Manuhiri Settlement Trust is the legal entity of Ngāti Manuhiri hapū and whanau, and provides for the environmental, cultural, social, and economic well-being.

Ngāti Manuhiri Claims Settlement Act 2012 (NM Act) recognises the rangatiratanga of Ngāti Manuhiri over their statutory area of interest, records the Crown apology to Ngāti Manuhiri and gives effect to provisions of the Ngāti Manuhiri Deed of Settlement. It provides a number of mechanisms enabling Ngāti Manuhiri Settlement Trust to exercise kaitiakitanga throughout Ngāti Manuhiri estates and territory.

1. Protocols with Crown Ministers and their statutory agencies;
2. Statutory Acknowledgement areas throughout Ngāti Manuhiri estates and territories;
3. Deeds of Recognition throughout Ngāti Manuhiri estates and territories; and
4. Cultural and commercial redress properties.

Statutory acknowledgements and overlays

Ngāti Manuhiri do not have any statutory acknowledgements within the Kaipara District; however, their area of interest does extend into the South-eastern boarder of the District.

Te Kawerau ā Maki

Te Kawerau ā Maki Settlement Trust is the legal entity of Te Kawerau ā Maki hapū and whanau, and provides for the environmental, cultural, social, and economic well-being.

Te Kawerau ā Maki Claims Settlement Act 2015 (TKaM Act) recognises the rangatiratanga of Ngāti Manuhiri over their statutory area of interest, records the Crown apology to Ngāti Manuhiri and gives effect to provisions of the Te Kawerau ā Maki Deed of Settlement. It provides a number of mechanisms enabling Te Kawerau ā Maki Settlement Trust to exercise kaitiakitanga throughout Te Kawerau ā Maki estates and territory.

1. Protocols with Crown Ministers and their statutory agencies;
2. Statutory Acknowledgement areas throughout Te Kawerau ā Maki estates and territories;
3. Deeds of Recognition throughout Te Kawerau ā Maki estates and territories; and
4. Cultural and commercial redress properties.

Statutory acknowledgements and overlays

Te Kawerau ā Maki do not have any statutory acknowledgements within the Kaipara District, however, like Ngāti Manuhiri their area of interest does extend into the South-eastern border of the District.

Iwi/hapū environmental management planning documents

Iwi/Hapū Environmental Management Plan (IHEMP) is a term commonly applied to a resource management plan developed by hapū, iwi or an iwi authority. IHEMPs are holistic documents that describe resource

management issues of importance to Tangata Whenua.

The plans may also contain information relating to specific cultural values, historical accounts, and descriptions of areas of interest (iwi/hapū boundaries/rohe) along with consultation/engagement protocols for resource consents and monitoring, plan changes and matters of significance for Tangata Whenua.

IHEMPs are taken into account by Council when preparing or changing the district plan, to the extent that its content has a bearing on the resource management issues of the District.

Table of Iwi/Hapū Environmental Management Planning Documents:

Iwi Authority	Iwi/hapū Environmental Management Plan
Te Uri o Hau	Te Uri o Hau Kaitiakitanga o te Taiao
Te Roroa	Nga Ture Mo Te Taiao o Te Roroa
Te Kawerau ā Maki Iwi Tribal Authority	Te Kawerau ā Maki Iwi Management Plan
Patuharakeke	Patuharakeke Hapū Environmental Management Plan 2014

Participation of Tangata Whenua in RMA processes

Alongside the provisions contained in the RMA, Claims Settlement legislation ensures that Iwi Authorities can participate at a local level through the Council resource consent process as follows:

- Section 70 of the Te Roroa Claims Settlement Act 2008 and 95B of the RMA recognise the interests of Te Roroa in statutory acknowledgement areas in regards to notification of resource consent applications for activities that may affect land in these areas;
- Section 28 of the Ngāti Manuhiri Claims Settlement Act 2012; and
- Section 29 of the Te Kawerau ā Maki Claims Settlement Act.