OFFICIAL

Ohiwa Harbour

TE UPOKOREHE IWI MANAGEMENT PLAN

"E noho ana au i te koko ki Ohiwa"

RECEIVED
Waitangi Tribunal
30 Oct 26
Ministry of Justice
WELLINGTON

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ACKNOWLEDGEMENT

He honore, he kororia,
He maungarongo ki runga i te whenua
He whakaaro pai, ki nga tangata katoa
Āmine

He mihi maumahara, whakamiharo tenei ki to tātou Rangatira o te hapu o te Upokorehe, mo ***Charles Te rehe Aramoana*** mo tōna tūkaha ki te hāpai i nga kaupapa maori tino rangatiratanga mo te hapu.

Ko enei nga kaupapa, ko nga whakapapa, hītori, karakia me nga korero mo te Taiao me nga Takutai Moana, e here ana ki te rohe tūturu o Te Upokorehe.

Ko enei nga wawata me nga moemoeā o to tātou Rangatira, kia matatau ai, kia tōtika ai, tōna hapu me nga Whakatipuranga mo apōpo.

No reira a te Rangatira
Moe mai ra i roto i nga Manaakitanga o to tātou Matua nui i te rangi.
He aha te mea nui, he tangata, he tangata, he tangata
Tena koutou
Tena ra tātau katoa.

Acknowledgement written by Wallace Aramoana Snr and Puti Aramoana.

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CHAPTER ONE

TE ORA O TE IWI, KO OHIWA, TE UPOKOREHE

For many generations the Ohiwa Harbour has paid tribute to the existence and wellbeing of local Iwi and Hapu. Te Upokorehe, hold mandate as rightful and legal Kaitiakitanga status over these waterways and all surrounding lands, as they sit within the rohe of Te Upokorehe.

For generations the Hapu have managed, maintained and preserved the Harbour and all its precious Taonga, for it is the lifeline and identity of the local native people. Upokorehe have customary rights to fish and gather shellfish pertaining to tikanga o Tangaroa for Hapu survival and wellbeing.

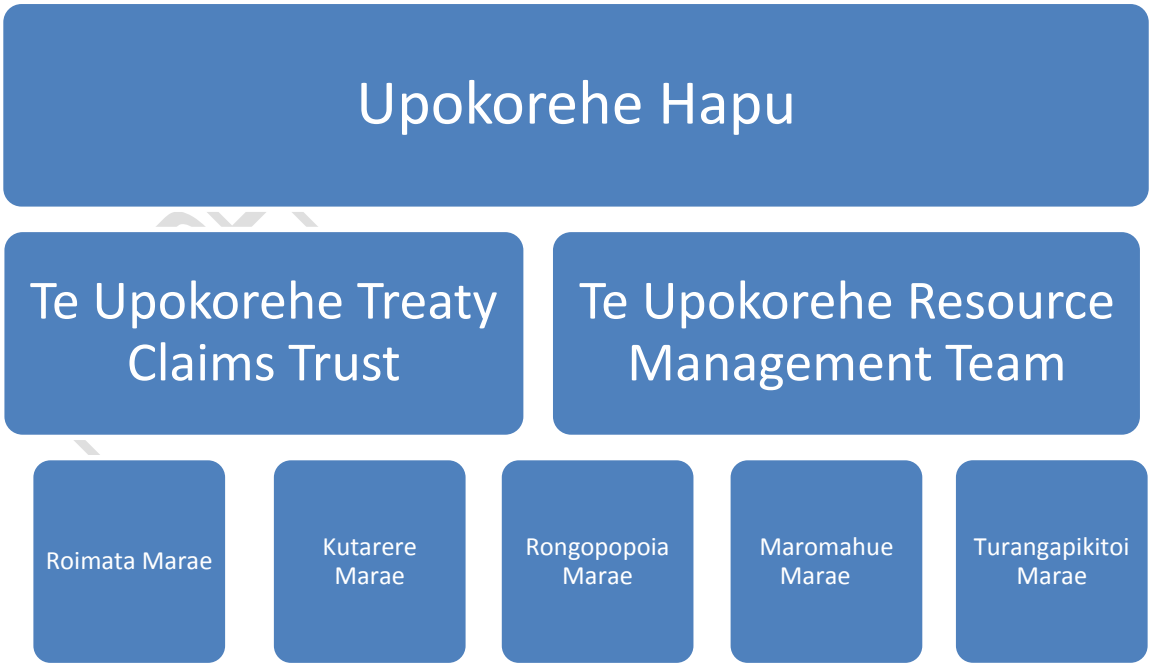
For generations it has been passed on and understood that it is of the utmost importance we preserve this significant Taonga. We are born natural conservationists and to this day we have maintained management, preserved, and replenished the kaimoana and its environment the best we can.

Upokorehe reserve all rights customary and legally to the Ohiwa Harbour and its inhabitants as it is and always will be our birthrights as legal kaitiakitanga to this resource.

It is the only part of our heritage we have left. It is the only taonga the Government did not confiscate. It is our identity, waahi tapu, future existence.

Written by Joseph (JJ) Kereopa Jnr.

ORGANISATIONAL STRUCTURE



TE UPOKOREHE HAPU

Upokorehe Hapu – is the governance entity that makes all decisions within the rohe of Upokorehe. The mana of nga uri o te upokorehe is exercised through this traditional forum, underpinned by the tikanga o Te Upokorehe.

Te Upokorehe Treaty Claims Trust – a legal entity established in 2010 and mandated by nga uri o Te Upokorehe to progress all treaty claims within te rohe o Te Upokorehe. This entity is accountable to Te Upokorehe Hapu and as such reports back to the hapu on a monthly basis.

Te Upokorehe Resource Management Team – established for more than 30 years, has been endorsed by Upokorehe Hapu to progress and manage all resource matters on behalf of Te Upokorehe Hapu within the rohe o Te Upokorehe. The Upokorehe Resource Management Team is made up of representatives from the hapu and is accountable to Upokorehe Hapu. The Resource Management Team reports to Upokorehe Hapu on a monthly basis and holds regular meetings to address resource matters as and when they arise. This is a voluntary role and hapu members are driven by their passion and commitment to retain and sustain all resources within the rohe o Te Upokorehe for future generations, so they can continue to practise their traditional food gathering and cultural practises

Nga Marae – all marae within the rohe o Te Upokorehe are united through their Upokorehetanga, and attend monthly hapu hui to exercise their Upokorehetanga.

VISION

Ki te whakapumautia nga taonga tuku iho o te Upokorehe

LIVING DOCUMENT

This Iwi management plan is a living document and as such is subject to change. This document also will be reviewed annually and an updated version of this document will be available 31 January each year.

PURPOSE

We anticipate that this Iwi Management Plan will be used for reference by Bay of Plenty Regional Council, Environment Bay of Plenty, Opotiki District Council and Whakatane District Council. We wish to build on the good relationships we already have and to promote an ongoing relationship with the Councils. We trust that this document will be helpful to Council staff when considering matters relating to our Whenua, Moana, and other taonga in and around our rohe (Te Upokorehe rohe).

WHAT THIS IWI MANAGEMENT PLAN COVERS

Te Upokorehe Iwi Management Plan outlines our legal rights, key topics that effect Te Upokorehe Hapu and how we intend to deal with those issues.

WHAT THIS IWI MANAGEMENT PLAN DOES NOT COVER

This document is not a detailed list of our resources. We do not go into the history of our land or our people. We do not address grievances, or Treaty claims.

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WHO SHOULD READ THIS PLAN?

We have compiled this document for those working within central and local government – those who make decisions affecting our people and land. This document is also for anyone conducting any activities within our rohe that could affect our people, environment, culture or resources. We ask decision makers to read relevant sections of this document before deciding on anything that may affect us.

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CHAPTER TWO

OUR RELATIONSHIP WITH THE ENVIRONMENT

Maori ideology and Maori identify come from the natural environment. When a Maori introduces him or herself in a situation where they are not familiar they will generally introduce themselves in relation to their tribal boundaries, their turangawaewae with reference to their maunga, to their tribe and down to their hapu and marae, and thence out to their moana, the sea, into which their awa (rivers) flow. In the tribal consciousness the markers of the natural environment provide the identity.

The Maori ethic in relation to the environment grew from the creation of the world of light from the void. Life stemmed after the void, from Io-Matuua-Kore, the parentless one, who created the primeval parents, Ranginui (male sky) and Papatuanuku (female earth) and from their union sprang some seventy atua or gods. These atua became the first Kaitiaki of the domains of the world of light, te ao marama, and presided over domains in the natural world.

Principle gods were	
Tane mahuta	atua of the forests and all living things within them
Tangaroa	atua of the fish in the sea and sea life
Tu-matauenga	atua of war and guardian of the marae atea
Tawhirimatea	atua of the winds and storm
Ruamoko	atua of earthquakes and volcanoes
Haumiatiketike	atua of fern roots and other wild foods
Rongomatane	atua of the sweet potato and of cultivated foods
Tutewehiwehi	The grandson of Tangaroa and the atua of amphibians and the inland water creatures

THE ATUA AND THE MAORI ENVIRONMENTAL MANAGEMENTT SYSTEM

The atua provide linkages across resources giving a more holistic approach to environmental management. These linkages provide the basis for the Maori Environmental Resource Management System, which was fully developed and operational throughout Aotearoa at the arrival of the European.

Recognition of atua by Maori was achieved through the practice of karakia (prayer), kawa (protocol) and Tikanga (practices). This regime of social controls maintained the integrity of Maori society and led to a sensitive environmental management system. Key to this was the concept of mauri.

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MAURI

Through the creation process, divine forces descended into the domains of the atua, giving them a life force principle or Mauri This life essence contained in resources both animated and inanimate, is important to Maori for two reasons; firstly it holds an eminent binding force that is able to inter-relate one resource to every other element in the natural order (including people), while also binding it to the spirituality of the gods. Despite the diversity of the universal "procession", it is unified through mauri. Secondly it provided Maori a series of formal relationships, which when recognised in practice and prayer ensured physical and spiritual integrity of the environment for future generations.

Practices or tikanga were developed and observed to maintain the mauri of parts of the natural world. Observing these tikanga evolved into the ethic and exercise of kaitiakitanga.

The complex set of tikanga, developed in relation to specific resources in the domain of atua, recognised the combination of fundamental primary dimensions:

Taha Tinana	Physical and economic significance
Taha Hinengaro	Intellectual significance
Taha Wairua	Spiritual significance
Taha Whanaunga	Social and cultural significance

The major objective of the holistic Maori resource management system was to sustain the mauri in all and specific resources and their inter-relationships. Mauri can be sustained provided there is an acknowledgement that the tikanga or practices that were developed over a long period of time, form the basis of what could be called the Maori Environmental Resource Management System.

Commonly recognised parts of the Maori Environmental Resource Management System are the practices associated with Tapu, Rahui and Whakanoa and a whole range of Tikanga specific to particular resources such as harakeke (flax), tuna (eels). Ika (fish), Waimaori (water) and Whenua (land).

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CHAPTER THREE

TE TIRITI O WAITANGI

The Treaty of Waitangi in common with many constitutional documents from other countries is a pithy document of only one page, comprising of a short preamble, followed by three short Articles and a short conclusion section.

It was written and signed in two versions, one in English which contained some 50 Maori signatures and a Maori version that was copied and taken around Aotearoa and Te Wai Pounamu and signed by approximately a further 500 chiefs. Te Upokorehe tupuna Wi Ake Ake was a signatory of this document in Opotiki on or about 28 May 1840.

To examine the Treaty in more detail it is necessary to look at the five main parts. The first part, the preamble, contained the stated objectives which were: to protect Maori interests, to provide for British settlement; and to establish a settled form of civil government to maintain peace and order. The wording in the Maori text gives a slightly different emphasis. It suggests that the Queen's main promise to Maori was to preserve the chiefs and tribes in their proper rank and status.

THE ARTICLES OF THE TREATY

The first article has somewhat neglected until recently by policy makers and the like. In the English text the Maori ceded sovereignty, while in the Maori text what was given was the right to governance. There are questions as to whether Maori were a sovereign nation and whether the Treaty was a recognition of that sovereignty. Starke's International Law considers sovereignty to be a term of art rather than a legal expression capable of being precise definition. He sites a situation where, in the interests of the international community sovereign states accept restrictions on the liberty of action such as are proposed by the United Nations and the International Labour Organisation.

Article II has been the most neglected but is now the most contentious part of the Treaty. In the English text the Queen guaranteed to Maori the undisturbed possession of their properties so long as they wished to keep them. In the Maori text the Queen promised to uphold the authority the tribes had always had regarding their lands, the places and things that were important to them. The key difference centred on "full and exclusive possession', "te tino rangatiratanga" and "taonga".

Embodied is a wholly different approach to things which are inherent in both language and traditions. The English text stresses property rights and ownership. The Maori text stresses status and authority. These different emphases show the traditions from which each comes and the language associated with those traditions. In Maori tradition one did not own the land but rather the land belonged to the past and the future. The Tangata Whenua belonged to the land.

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The Maori text talks of "taonga" or "all those things that are important" to them which has been shown to include not just lands forests and fisheries but metaphysical things such as Te Reo Maori (Maori language).

The last part of the second article is often forgotten but remains an important provision. That is the exclusive right of pre-emption of land by the Crown. With regard to Lord Normanby's instructions to Hobson prior to the drafting of the Treaty it has been concluded that this provision was not only to regulate settlement, but to ensure each tribe retained sufficient land for its purposes and needs.

INTERPRETATION OF THE TREATY

The Treaty can be said to contain three main principles derived from the three articles:

1. The principle of governance covers kawana-tanga (Maori version) and sovereignty (English version). This article gave the Crown the right to make the laws and contained the obligation to govern, qualifies by the promise to recognise and protect Maori interests or rangatiratanga.
2. The rangatiratanga principle is an agreement to protect the exercise of chieftainship over lands, villages and all taonga (treasures). This protection is active and related to both resources and taonga (lands, estates, forests, fisheries and other properties collectively or individually possessed). This Article included the exclusive right of pre-emption by the Crown in the alienation of Maori land. With this right came the duty to ensure Maori were left with sufficient reserves to endure their future wellbeing.
3. The oritetanga principle or equality gives Maori full rights and privileges as New Zealand citizens. This contains the assurance that equal social rights should be enjoyed by Maori. This principle includes the notion that where there are serious imbalances between groups (eg Maori and Pakeha) then good governance would see the redress of those imbalances.

The Treaty is now generally accepted as the founding document of New Zealand and has a significant position in the domestic law of this country.

The Treaty is a living document, in a legal parlance it is a document that is "always speaking". This means that its interpretation is eternally modern and should not be interpreted or applied by either party to the Treaty as relating purely to 1840 methods or knowledge.

THE RIGHT OF SELF REGULATION

This concept was developed by the Waitangi Tribunal in its Muriwhenua Fishing Report 1988:

> *"In any event on reading the Maori text in the light of contemporary statements we are satisfied that sovereignty was ceded [under Article 1]. Tino rangatiratanga therefore refers not to a separate sovereignty but the tribal self management on lines similar to what we understand by local government."*

PROPERTY OF UPOKOREHE HAPU

The cession of sovereignty or kawangatanga enables the Crown to make laws for conservation control and resource protection. This must be done in the interest of everyone, but that right needs to be exercised in the light of article 2 obligations.

THE PRINCIPLE OF PARTNERSHIP AND CO-OPERATION

The principles developed by the Courts centred on the concept of partnership between the Crown and Maori. This partnership imposed a mutual obligation on each to act reasonable and with good faith. However this has meant different things to each party. For the Crown the duty to actively protect Maori interests through the redress for past grievances and informed decision making regarding the impact of policies on Treaty rights. It is the latter duty that is transferred to Councils along with their delegated authority.

The principle of partnership is well known and was proposed by all five members of the Court of Appeal in the New Zealand Maori Council case. Sir Robin Cooke characterised the duty as being no light one.

> *"It is infinitely more than a formality. If a breach of the duty is demonstrated at any time, the duty of the Court will be to insist that it be honoured." [1987] NZLR 867*

PRINCIPLES OF THE TREATY OF WAITANGI

The Treaty principles described following is the basis for Regional Policies and plans:

The Essential Bargain

The Treaty has been likened to an exchange of interests. The Court of Appeal described it thus:

> *"The cession by Maori of sovereignty to the Crown was in exchange for protection by the Crown of Maori rangatiratanga."*

The Waitangi Tribunal stated it:

> *"The right of the Crown to make laws was exchanged for the obligation to protect Maori interests."*

The powers and functions of local government are exercises of kawanatanga. The right to make laws includes the duty to implement them, within the essential bargain of the Treaty of Waitangi. The essential bargain is in nature of an exchange and recognition of respective rights. The operation of this principle would include the requirement for interactions to be on a "rangatira to rangatira" basis.

The Mutually Beneficial Relationship

This principle includes the duties to act reasonably and in good faith. This principle provides a duty to both iwi/hapu and the Council to interact in the best possible way with reason and respect. This principle replaces or extends and clarifies the principle of partnership. This principle underpins the relationship of the Council and Te Upokorehe Hapu.

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- **Active Protection**
  It has been identified by the Courts to ensure that Maori interest in resource management is not simply a passive one but is in all sense active. Active protection implies adequate resourcing for tangata whenua in resource management activities.
- **Tribal Self Regulation Principle**
  This provides recognition that Maori could retain responsibility and control of the management and allocation of resources that they (Maori) wish to retain control of. Application of this principle takes the various levels of government towards recognition of the exercise of tino rangatiratanga by tribal groups.
- **Consultation**
  This is seen now more as a duty, rather than a principle as such. Consultation should be seen in this context as not simply informing tangata whenua of impending actions, but implies duties associated with previous principles. The duty is an active one requiring Council to consult early and in good faith, as is implied in the principle of a mutually beneficial relationship. Judge McGecharo (1992) considered that consultation involves:
  - A genuine invitation to give advice and a genuine consideration of advice given.
  - The provision of sufficient information and time for the consulted party to be adequately informed and make useful responses.
  - The party obliged to consult, keeping its mind open, being ready to change and seek consensus.
- **Shared Decision Making**
  This is a principle implied in the requirement to balance the kawanatanga role of Article I of the Treaty and the rangatiratanga role of Article II of the Treaty. This requires Council to allow tangata whenua to be a full party in the decision making processes.
- **The Developmental Right**
  The Waitangi Tribunal in both the Muriwhenua Fishing Report and the Ngai Tahu Fisheries Report point out the Crown acceptance of the right to employ new techniques, knowledge and equipment for commercial purposes. The principle here is that Maori are not bound in the exercise of rangatiratanga and kaitiakitanga to just the methods and technologies available at the signing of the Treaty of Waitangi but have the right to take advantage of new technology.

APPLICATION OF THE PRINCIPLES OF THE TREATY OF WAITANGI

The exchange of interests embodied in the Treaty of Waitangi, with a set of guaranteed Treaty rights, residing with the Maori Treaty partner need to be balanced alongside the rights delegated to the Councils from Central Government by statute. Along with the rights delegated from Central Government are a set of duties that are primarily derived from the Treaty of Waitangi and its principles.

The first application of the principles is the establishment and recognition that the Treaty involves a relationship between Councils (decision makers) and Te Upokorehe Hapu (decision

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makers) which is pre-eminent over all other relationships as it existed even before the existence of Councils and will continue in a variety of forms after Councils have disappeared.

Partnership needs to be maintained throughout all the functions and activities of the Council. Tangata Whenua are not merely an interest group in this instance, but are the Council's partner. In the preparation of policies and plans, consideration should be given to the tangata Whenua being resources and assisted to be a full party in the plan and policy preparation processes.

Active protection would extend not only to matters relating to the recognition and protection of waahi tapu, urupa and sites of significance to tangata whenua, but also to proactive policies related to the maintenance and survival of tangata whenua culture and identity. Active protection would extend to management practice and Tikanga associated with resources.

Rangatiratanga would be recognised and provided for in such things as the management and control of selected costal resources, such as the Ohiwa Harbour. The particular resources and type of control would be identified by tangata whenua in consultation with Council. These matters would include the management and control of waahi tapu, waahi tupuna (ancestral sites) and an appropriate form of management and planning for adjacent areas.

Consultation will be guided from the Iwi Resource Management plan refer to Consultation page .

RESOURCE MANAGEMENT ACT 1991

Decision makers who exercise their rights in our rohe to make decisions under the RMA such as the Opotiki District Council, Whakatane District Council and the Bay of Plenty Regional Council, must follow the purpose and the principles of the Act.

The purpose of the Act is defined in section 5 which is to promote sustainable management of the natural and physical resources. Sustainable management means using resources in a way that considers the social, economic and cultural well being of the community while making sure that:

- resources are not overused or badly affected for future generations
- irreversible damage does not occur to the environment
- our activities have as little effect as possible on the environment.

The Act also contains principles which direct decision makers to consider Maori values practices and interests. Decision makers must:

- recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (Section 6e)
- have particular regard to kaitiakitanga (Section 7a)
- take into account the principles of the Treaty of Waitangi (Section 8).

PROPERTY OF TE UPOKOREHE HAPU

RECOGNISE AND PROVIDE FOR THE RELATIONSIPS OF MAORI AND THIER CULTURE AND TRADITIONS WITH THEIR ANCESTRAL LANDS, WATER, SITES, WAAHI TAPU AND OTHER TAONGA.

Section 6 reads as follows:

> *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*
>
> *(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*

Te Upokorehe hapu has a historical relationship with our ancestral lands, water, sites, Waahi tapu and other taonga within our rohe. Therefore when decision makers exercise their functions and powers under this Act the decision makers must recognise and provide for our ancestral lands, water, sites, Waahi tapu and other taonga.

HAVE PARTICULAR REGARD TO KAITIAKITANGA.

Section 7 of the RMA reads as follows:

> *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*
>
> *(a) kaitiakitanga*

Therefore all decision makers exercising their functions under this Act must have particular regard to Kaitiakitanga, Kaitiakitanga is defined in the Act as "the exercise of guardianship by the tangata Whenua of an area in accordance with Tikanga Maori in relation to natural and physical resources; including the ethic of stewardship."

For centuries Upokorehe have been the tangata Whenua of the area defined in this document. Upokorehe have been the guardian and cared for all lands, waterways, wai and tipuna wai, puna wai, forests, fisheries and other taonga within the Upokorehe rohe. Therefore Upokorehe has and will always exercise Kaitiakitanga over the natural and physical resources within our rohe. Upokorehe does not recognise any other hapu or iwi to have kaitiakitanga rights within the rohe of Upokorehe hapu. As resident tangata whenua and Kaitiaki since time immemorial Upokorehe has mana whenua and mana moana within the rohe o Te Upokorehe. ***(Please refer to appendix re: Upokorehe Map of Boundaries – Upokorehe Rohe)***

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TAKE INTO ACCOUNT THE PRINCIPLE OF THE TREATY OF WAITANGI

Section 8 states as follows:

> *In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

The principles of the Treaty of Waitangi defined above.

OTHER SECTIONS OF THE RMA RELEVANT TO MAORI.

Several other sections of the Act provide for mandatory requirements for local authorities to listen to Maori

Section 62(1)(b) directs that a regional policy statement must state the resource management issues of significance to iwi (tribal) authorities in the region.

All local authorities must keep and maintain hapu within its region or district, a record of:

(a) the contact details of each iwi authority within the region or district and any groups within the region or district that represent hapu for the purposes of this Act; and
(b) the planning documents that are recognised by each iwi authority and lodged with the local authority; and
(c) any area of the region or district over which 1 or more iwi or hapu exercise kaitiakitanga.

The contact details of our Resource Management Team are included in Appendix 3. It is also required that this document be lodged with Opotiki District Council, Whakatane District Council, Bay of Plenty Regional Council and Environment Bay of Plenty. It is important to also state that we are the only hapu who exercises Kaitiakitanga over our rohe and no other iwi/hapu exercise Kaitiakitanga in our rohe.

The Act also allows for the local authority to transfer any one or more of its functions, powers of duties to Upokorehe. The Act also enables the local authority to make a joint management agreement with Upokorehe.

LOCAL GOVERNMENT ACT 2002

The Local Government Act 2002 (LGA) requires local authorities to promote the social, economic, environmental and cultural wellbeing of communities, and to do so in a way that is sustainable now and for the future.

Section 4 requires respect for the Crown's responsibilities under the Treaty of Waitangi and improvement of opportunities for Maori to contribute to local government decision making.

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Under LGA, a local authority must provide opportunities for Maori to contribute to the decision making process of local authority, consider ways in which it may foster the development of Maori capacity to contribute to the decision making processes of the local authority, and provide relevant information to Maori for purposes of enabling Maori to contribute to decision making (s.81). A local authority can address this be ensuring processes are in place for consultation with Maori.

HISTORIC PLACES ACT 1993

The primary purpose of the HPA is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand.

Section 4 states that in achieving the purpose of this Act, all persons exercising functions and powers under it are to recognise the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

Any persons wishing to undertake work that may damage, modify or destroy an archaeological site (as defined in the Act), or to investigate a site by excavation must first obtain authority from the New Zealand Historic Places Trust.

CONSERVATION ACT 1987

The Conservation Act promotes the conservation of natural and historic resources. The Act established the Department of Conservation Authority and seventeen regional conservation boards.

Section 4 provides that: "This Act shall be interpreted and administered as to give effect to the principles of the Treaty of Waitangi."

WAI 262

In 1988, kaumātua representing Ngāti Kurī, Te Rarawa, Ngāti Wai, Ngāti Porou, Te Whānau a Rua and Ngāti Kahungunu (Ngāti Koata were to join later) met to discuss how to protect mātauranga Māori and fulfill their role as kaitiaki when plants and animals were being lost and whole ecosystems destroyed (Solomon, 2000). In 1991, they filed the 262nd claim to the Waitangi Tribunal, based on breaches of Article 2 of the Treaty of Waitangi which guaranteed Māori "full, exclusive and undisturbed possession of their lands and estates, forests, fisheries and other properties which they may collectively or individually possess" (Treaty of Waitangi, Article 2), or in Te Tiriti o Waitangi "te tino rangatiratanga o o ratou whenua o ratou kainga me o ratou taonga katoa" (Te Tiriti o Waitangi, Ko te tuarua).

The Claim can be seen as having four parts:

1. Defines the rights and responsibilities of te tino rangatiratanga guaranteed in Te Tiriti, including the rights to make decisions and benefit from those decisions over all aspects of indigenous flora and fauna (including kumara and kiore), and including the rights and responsibilities of manaakitanga, kaitiakitanga and tapu.

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2. Defines Crown obligations under the Treaty, which imposes "a continuing obligation on the Crown to take active and positive steps to assist in the preservation of te tino rangatiratanga o te Iwi Māori in respect of their taonga", and to obtain "consent from Maori on issues of tino rangatiratanga... of indigenous flora and fauna and cultural taonga" (WAI 262 Claim, pp 4, 5). The claim states that "any exercise of kawanatanga by the Crown... [is] in denial of te tino rangatiratanga o te Iwi Maori and… in breach of the Treaty of Waitangi" (WAI 262 Claim, p 5)

3. Outlines breaches of the Treaty and Te Tiriti by the Crown. These can be summarised as: failure to protect Māori tino rangatiratanga and kaitiakitanga over indigenous flora and fauna and other taonga, and over mātauranga Māori; having denied Māori the ability to protect these taonga, failure to protect the taonga itself; usurption of tino rangatiratanga and kaitiakitanga; and signing of international agreements affecting indigenous flora and fauna, intellectual property rights, and rights to other taonga (Ministry of Economic Development, p 1).

4. Provides a list of remedies that include an apology, compensation, and recognition of te tino rangatiratanga o te iwi Māori in domestic law and international responsibilities.

MATATUA DECLARATION

Information about the Human Genome Biodiversity Project has deepened fears of indigenous peoples about the exploitation of their knowledge and cultural practice. Already 'bio prospecting' from the medical knowledge of indigenous peoples accounts for more than 75 % of plant-derived prescription drugs (Knudtson and Suzuki, cited in New Zealand Conservation Authority, p 22). The First International Conference on the Cultural and Intellectual Property Rights of Indigenous Peoples was held over 6 days in 1993 (the United Nations International Year for the World's Indigenous Peoples), hosted by the nine tribes of Mataatua. The discussions lead to the passing of the Mataatua Declaration on the final day.

The body of the Declaration consists of four parts.

1. A list of statements. These include the right to self-determination, the common experience of indigenous peoples to exploitation of their cultural and intellectual property, the benefits of this knowledge to all humanity and their willingness to share this if their rights are protected, and a declaration that all forms of discrimination and exploitation of indigenous peoples must stop.

2. Recommendations to indigenous peoples. These are focused on regaining control over their intellectual and cultural property, they include defining that property and developing a code of ethics in regards to use, prioritising education in traditional knowledge, reacquiring lands, maintaining traditional practices, and working with other indigenous peoples.

3. Recommendations to states, national and international agencies, and their responsibilities in recognising the rights and expectations of indigenous people, and to biodiversity and customary environmental management.

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4. Recommendations to the United Nations, including the responsibility for participation and representation of indigenous peoples, monitoring and action against states who damage the rights of indigenous people, adoption of the Mataatua Declaration, and an end to the Human Genome Diversity Project.

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CHAPTER FOUR

CONSULTATION PROCESS

Our aim is not to provide an exhaustive list covering every matter we need or do not need to be consulted on. Rather, we encourage people to follow established consultation principles and policies. As a rule, we expect people from 3 sectors to consult with us.

Consultation principles and policies for those representing government departments

If you represent a government department, then you are bound by consultation processes your department has developed. As a matter of principle, we require that you follow your organisation's written policies about consulting with Maori.

Consultation principles and policies for those representing a local government authority

If you represent a local authority, section 81 of the Local Government Act (LGA) provides the framework for your organisation to consider ways to foster the development of Maori capacity. This enables Maori to contribute to decision making processes. Section 82 sets out the principles of consultation. We expect council staff to follow best practice.

Likewise, the Resource Management Act 1991, the Historic Places Act 1993 and the Bio security Act 1993 require Councils to consult with Maori. And Councils must state in their annual report what they are doing to consult and involve Maori in their decisions.

Consultation policies for those representing businesses or private interests

If you represent a business of private interest, check this plan to see if your type of activity is mentioned. If your type of activity is mentioned please phone or email us. We will arrange for a representative from Te Upokorehe to discuss the topic with you as soon as possible. Please refer to our contact details in Appendix Two of this document.

Consultation process

On Appendix One of this document we present an overview of our consultation process. At all times the intent of consultation is to reach consensus. To reach consensus, we require all agencies to recognise the principles of consultation embodied in the legislation and documents listed above.

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CHAPTER FIVE

Glossary	
WORD	**DEFINITION**
KAITIAKITANGA	**Upokorehe hapu –***who have mana whenua and mana moana within te rohe o Te Upokorehe.* ***Note:*** *Upokorehe do not support or recognise any other iwi, hapu, organisation, entity, business or individual exercising their authority within te rohe o Te Upokorehe*
TANGATA WHENUA	**Upokorehe hapu –***who have mana whenua and mana moana within te rohe o Te Upokorehe.* ***Note:*** *Upokorehe do not support or recognise any other iwi, hapu, organisation, entity, business or individual exercising their authority within te rohe o Te Upokorehe*
TINO RANGATIRATANGA	**Sole Autonomy within te rohe o Te Upokorehe**
UPOKOREHETANGA	**Upokorehe Tikanga (Practises), Mana Whenua, Mana Moana, Mana Tangata, Mauri, Tinorangatiratanga (Autonomy)**
MOKOPUNA	**The future generations of Te Upokorehe**
TAONGA	**All natural, physical, cultural, historical, ancestral resources within Te Rohe o Upokorehe.**
WAAHI TAPU	**Historical and Cultural sites of significance within Te Rohe o te Upokorehe.**
WAAHI TUPUNA	**Historical and Cultural sites of significance within Te Rohe o te Upokorehe.**

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CHAPTER SIX

TREATY OF WAITANGI

CONCERNS

- Lack of recognition by Councils to Upokorehe's right as signatories of the Treaty of Waitangi to have Rangatiratanga over our ancestral lands, waters, taonga (lands, estates, forests, fisheries and other properties collectively or individually possessed.)
- Councils have not recognised the Treaty consultation principle.
- Councils not giving genuine consideration to advice given by Hapu
- Hapu feel overpowered by Council in decision making processes
- Councils have not recognised the shared decision making principle from the Treaty of Waitangi
- Partnership is not maintained throughout all functions and activities of the Council
- Te Upokorehe only recognised as a interest group not as a partner

POLICY

- To form a MOU with Councils and ensure they recognise that Te Upokorehe's right to exercise Rangatiratanga over taonga.
- Ensure in MOU that Councils consult with us early and in good faith.
- Ensure that Councils are aware of their duty of genuine consideration of advice given.
- Ensure that Council allow Te Upokorehe to be a full party to decision making
- To ensure Council is aware and affirm in MOU that Te Upokorehe and Council are partners and Te Upokorehe is not merely an interest group.
- To ensure that the Council and Te Upokorehe work together in all activities and functions within our rohe.
- To manage and control Ohiwa Harbour all Waahi tapu, and Waahi tupuna and sites of significance ofr Te Upokorehe Hapu.

KAITIAKITANGA

Kaitiakitanga is inextricably linked to tino rangatiratanga and is a diverse set of practices which result in the sustainable management of a resource.

Kaitiakitanga involves a broad set of practices based on the world and regional environmental view. The root word *tiaki* which includes ideas and principles of:

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- Guardianship
- Care
- Wise management
- Resource indicators, where resources themselves indicate the state of their own mauri

The prefix *kai* denotes the agent by which *tiaki* is performed. Kaitiaki stands for a person(s) and/or agents who performs the tasks of guardianship. Finally the addition of the suffix *tanga* creates *kaitiakitanga*, or the practice of guardianship, with the provison that guardianship is used in the Maori sense and so is exercised by those who are genealogically linked to the resource.

Kaitiakitanga is practices through:

- The maintenance of Waahi tapu, Waahi tupuna and other sites of importance
- The management and control of fishing grounds
- Good resource management
- Environmental protection through formal and informal processes such as the Waitangi Tribunal or protesting the dumping of raw sewage adjacent to Waahi tapu and so on.

The Kaitiaki in our rohe is the hapu, and Te Upokorehe Hapu as Kaitiaki can help those with authority Te Upokorehe Hapu who for generations have exercised kaitiakitanga over the natural and physical resources within our rohe.

CONCERNS

- Lack of recognition that Te Upokorehe are the traditional kaitiaki within our rohe
- Other hapu/iwi being recognised as Kaitiaki within our rohe

POLICY

- To form a MOU with Councils to ensure they recognise Te Upokorehe as **the only** kaitiaki over our resources
- Register with government organisations as kaitiaki on their databases.
- To create understanding that there are different levels of kaitiaki, however Te Upokorehe are the ultimate kaitiaki within our rohe.

TANGATA WHENUA & IWI RESOURCES

CONCERNS

- Recognition that the tanagata Whenua, for the purpose of the Resource Management Act 1991 is Te Upokorehe Hapu
- Recognition that the iwi/hapu authority for the purpose of the Resource Management Act 1991is Te Upokorehe Hapu

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POLICY

- To have a definite map of the hapu boundary
- To be recognised through the MOU with all Council and other entities exercising under the RMA as Tangata Whenua within our rohe
- To be re recognised through the MOU with all Council and other entities exercising under the RMA as iwi/hapu authority within our rohe
- To register with all government organisations as the iwi/hapu authority

CONSENT APPLICATIONS

CONCERNS

- Te Upokorehe wish to have input into the planning process and decision making of consent applications to ensure that our taonga and resources are sustainably managed for future generations
- Te Upokorehe need to be part of the process
- Other hapu/iwi are signatories of consent applications within our rohe

POLICY

- To ensure that the Councils recognise the legitimate authority of Te Upokorehe Hapu have over our resources as provided for in the Treaty of Waitangi and Resource Management Act 1991
- To ensure that Te Upokorehe have effective input into consent application decisions, to ensure that their values are protected
- The only consent signatory for approval within our rohe is Te Upokorehe hapu and no other hapu/iwi authority
- To be part of the consent process from the begining

INTERLLECTUAL PROPERTY RIGHTS

CONCERNS

- That the intellectual property of Te Upokorehe is misused
- That others use Te Upokorehe's intellectual property and pass it off as their own

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POLICY

- To declare all Knowledge of Te Upokorehe Hapu is intellectual property of Te Upokorehe Hapu, and as holders of this knowledge, only Upokorehe hapu have the right to withhold knowledge or to release it into the public domain.

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TE HAU

Air is a taonga, valued for its life supporting capacity for all things. As with other taonga, the life supporting capacity must be maintained and enhanced, used with respect and passed on to the our mokopuna in a healthy state.

The sky father Ranginui, is surrounded by the stars and the moon and is associated with life and light. After the separation of Ranginui and Papatuanuku, their child Tawhirimatea fled with his father to the sky. In the sky he presides over the elements such as the rain and the wind.

DISCHARGE TO THE AIR

From activities such as: industrial, rural, and domestic based and including top dressing of agrochemicals, vehicle emission, vegetation burning, and aerial spraying and other aerial discharge e.g. 1080.

CONCERNS

- Airborne contaminants have adverse impacts on waterways, mahinga kai and indigenous biodiversity
- Impacts on human health from poor air quality
- Discharge to air from spraying of fertiliser or effluent in farming operations
- Impact on air quality as a result of increased vehicle emissions
- Lack of monitoring of cumulative effects of discharge of air activities
- Cultural impact of airborne diseases
- Difficulty of measuring, assessing and communicating value of clean air
- Protection of waahi tapu from contaminants in air (contaminants can be corrosive)
- Wind dispersal of contaminants in air (contaminants can be corrosive)
- Air pollution and air quality guidelines
- Financial impact of air emissions in charging of Marae and Kura for air emissions

POLICY

- To prevent the discharge of any contaminants that may threaten the life supporting capacity of air
- To avoid adverse effects on plants, animals and other materials, including water and soil, as a result of discharge to the air activities

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- To require that any activities resulting in the discharge of contaminants to air evaluate and propose measures to prevent adverse impacts on human health.
- To require consent authorities and applicants to assess proposed discharge activities in terms of cumulative effects and indicators for air quality and the potential risk of human health.
- The setting of national and regional air quality guidelines must recognise and provide for the Treaty of Waitangi and sections 6,7 & 8 of the Resource Management Act.
- Consultation and communication regarding discharge to air applications should be in plain language, in addition to technical reports to enable Hapu to make good decisions.
- Best practice must be used in all top dressing or ground based application of agrochemicals to minimise spray drift. Considerations must be given to wind direction, best possible application rate and proximity of waterways
- Best practice must be used with regard to spraying effluent, to minimise spray drift. Considerations must be given to wind direction, best possible application rate, and proximity of waterways.
- Depending on the scale and location of discharge, a buffer distance of at least 2m, from the area determined to be riparian, must be observed when discharging chemicals or fertiliser near waterways. This distance may need to be increased if there are insufficient natural riparian buffer zones.
- To require robust monitoring of discharge to air permits, to detect non-compliance with consent conditions and best practice. Non-compliance must result in appropriate enforcement action to discourage further non-compliance.

DISCHARGE TO THE AIR – GLOBAL SCALE

Discharges to air at a global scale and the depletion of the ozone layer are issues of concern for Te Upokorehe Hapu. Such issues can manifest in global changes to temperature, sea level and the frequency, intensity of weather events such as storms.

CONCERN

- Cumulative impacts of farming practices on global air quality
- Cumulative impacts of deforestation on carbon dioxide levels
- Cumulative impacts of vehicle emissions from increased population and development
- Health effects of solar radiation
- Sea level rise on coastal areas
- Changing climate – extreme weather

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POLICY

- To support and encourage efforts to reduce emissions of greenhouse gases
- To contribute our views on a national scale climate change policies and processes
- Any government climate change legislation must recognise and provide for the Treaty of Waitangi
- To support and encourage the use of indigenous species and restoration projects to address global atmosphere

AIRWAVES

Airwaves from increased amounts of cell phone towers

CONCERN

- Health effects due to increased electromagnetic radiation and visual impact of cellphone towers.

POLICY

- To require robust monitoring of the amount and location of cell phone towers within our rohe
- That cell phone towers are in a safe zone away from residential buildings
- To limit the amount of cell phone towers within our rohe

PYLONS

High voltage pylons carry with them increased health risks

CONCERN

- Health effects from exposure from pylons has been linked to illnesses such as: depression, suicide, insomnia and effects the immune system.

POLICY

- To limit the amount of pylons within our rohe
- To require consents for pylons
- Have a no pylon policy within our rohe

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TE WHENUA – PAPATUANUKU

PAPATUANUKU

'Whatu ngarongaro te tangata toitu te whenua'
People will perish but the land is permanent

Land is the basis of much of Maori ideology. Land has particular properties which should be considered from the Maori viewpoint when making decisions on the use of land. This is especially so where that use may cause the land to erode or otherwise be used in ways that render its capability to support life to be reduced or even negated. The clearance without regard to subsequent erosion and the deposition of toxic substance in the soil are examples of the types of action that would damage the Mauri or life essence of the land.

Papatuanuku on the other hand does have the capacity to regenerate water, either polluted or made tapu by human waste.

FORESTRY

CONCERNS

- Preparation and harvesting trees resulting in silting of rivers and streams & broken trees, pine needles
- Control of noxious plants and poisons
- Control of pests and rodents via 1080 drop
- Leaches from forestry activities – such as washing down heavy machinery
- Detrimental impacts of forest management upon water quality; quantity; the risk to in-stream indigenous aquatic life and mauri of the streams that flow through forests
- Possible damage to waahi tapi
- Chemical run off when chemical spraying is being carried out
- New weeds being introduced by logging and roading machinery used in the establishment & harvesting of pine trees
- Pollen dispersal
- Impact on local roads from logging trucks
- Turpentine dispersals

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POLICY

- Develop a forestry plan to mitigate and minimise risk to waterways and Ohiwa Harbour i.e location
- To have no forest areas within our rohe
- To limit the size of the harvests
- To be consulted when preparation and harvesting of trees occurs.
- To be involved in monitoring the effects of the preparation and harvesting of the trees
- To impose consent conditions to mitigate impacts during wet seasons, and in areas located near rivers, run-offs, waahi tapu and any other significant sites which Upokorehe identify
- To participate in planning and designing forestry practices to lessen the impacts
- To participate in discussion on ways to mitigate the impact of poisons used to control noxious plants
- To monitor the use of poisons
- We have a no 1080 policy within our rohe
- To work with DOC to find other options to manage possums and pests more effectively
- To be consulted and involved in discussions on how to manage waste effectively
- Manage size of harvest area
- Ensure that better silt trapping dams are used.

FARMING AND HORTICULTURE

CONCERN

- Discharge into rivers and streams from regular farming activities
- Contaminants, such as; nitrates, effluent and septic waste, warm dairy processing wastes
- Drainage of wetlands
- Soil erosion

POLICY

- For consent conditions to be followed
- To be involved in monitoring the effects of discharge

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- To be involved in discussion with farmers and regulatory bodies
- To encourage and challenge farmers to improve their systems and mange farm waste more effectively
- To advocate the effects of the farming practices have on traditional food gathering sources and mauri of the waterways
- To advocate the effects of drainage of wetlands and the effect on native fauna
- To encourage consents for drainage of wetlands
- Introduce land use consents granted by Te Upokorehe

RESIDENTIAL DEVELOPMENT - SUBDIVISIONS

Subdivision is a process of dividing land into one or more parcels, or changing an existing boundary location.

CONCERNS

- Future land use activities, and consent applications, associated with sub division proposals
- Water abstraction associated with subdivisions; increased demands from subdivisions
- Protection of unrecorded and unknown significant sites in our rohe from adverse effects as a result of subdivision
- Protection of the integrity of waterways in subdivided areas
- Riparian margins and riparian management
- Protection of wetlands
- Sedimentation from land clearing, and impacts on waterways
- How is disposal of sewage and storm water going to occur?
- Removal of flora and fauna

POLICY

- To require that consent applications for subdivisions within our rohe require consultation with Te Upokorehe Hapu
- To encourage early consultation, prior to lodging resource consent applications for subdivisions
- To assess subdivision application in terms of the current subdivision activity, and in terms of future uses of the land, included associated building, storm water, sewage, and watersupply consent applications.

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- Cumulative effects assessment must be part of subdivision decisions.
- To encourage appropriate subdivision activities, that protect and even enhance natural, ecological and cultural values.
- To avoid adverse effects on natural environment as a consequence of increased demands placed upon land, water and community infrastructure resulting from the granting of new subdivision consents for residential development
- Subdivision proposals to convert rural or farmland to residential allotments may be requested to develop a landscape plan to protect the integrity of existing waterways, riparian areas, and wetlands.
- Subdivision activities along waterways of cultural importance to Upokorehe should not impede Upokorehe access to and along those waterways
- The protection of significant cultural values will have precedence over any building, subdivision or development activity.

LAND USE CONSENTS AND BUILDING PERMITS

CONCERNS

- Buildings that do not require consent (permitted activities) and potential impact on waahi tapu and other culturally significant sites
- Appropriate processes for protecting significant sites with regards to permitted activities
- Earthworks associated with building permits
- Protection of landscape and amenity values

POLICY

- To require applicants applying for a land use consent to allow for Te Upokorehe to conduct cultural monitoring to monitor any ground disturbance activities
- To require that all building consent and permit applications ensure that appropriate sewage and strorm water systems are in place
- To promote the use of buffer zones and covenants placed on titles, to ensure preservation of indigenous vegetation and other culturally important features and places
- Applicants may require to enter into Accidental Discovery Protocol and monitoring with Te Upokorehe

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EARTHWORKS

Earthworks (ground disturbance) includes a range of activities such as subdivisions, building, drainage works, the construction of farm tracks, tree removals, roadworks and the laying of underground cables.

CONCERNS

- Protection of waahi tapu and archaeological values from disturbance as a result of earthworks
- Impact on cultural landscape values, including indigenous vegetation, as a result of earthworks.
- Appropriate processes of accidental discovery of cultural materials
- Uncertainty on the part of contractors with regard to what an archaeological or cultural site looks like.
- Situations where the impacts on cultural values are unknown
- Differing interpretations of when an activity is considered earthworks.

POLICY

- Any earthworks within our rohe may require a site visit and/ or Cultural Impact Assessment and / or archaeological assessment, at the cost of the applicant, to ensure the protection of waahi tapu and other sites of cultural significance.
- To include, where needed an Accidental Discovery Protocol as a standard consideration with applications for earthworks activities.
- When cultural monitoring is required Upokorehe must be engaged at the start of the planning process.
- Upokorehe hapu requires adequate notification notification prior to any earthworks activity
- Any understanding or agreements between applicants and Te Upokorehe hapu must also be reflected in the contractors who worked on the ground
- Applications containing an Accidental Discovery Protocol agreement and result in no accidental discoveries during the activity, may be required to submit a letter to Upokorehe post activity, with a map of the area excavated, indicating that no cultural materials were uncovered.
- To avoid, in all situations, any damage to waahi tapu, archaeological or other significant sites or materials, as opposed to remedy or mitigate.

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- To oppose any earthworks activity application whereby the adverse effects on cultural values are considered too significant
- Where practical, indigenous vegetation that is removed or damaged as a result of earthworks activity should be replaced at the cost of the applicant.
- Any earthworks near rivers must have appropriate measures in place to avoid contaminants (including dust, sediment run-off from stockpiles or any hazardous substance) from entering waterways that may cause contamination, discolouration, or siltation in such waterways.

TRANSPORT

CONCERNS

- Roadwork's – upgrades, passing lanes, etc and impact on cultural and archaeological values
- Spills of hazardous substances from transport vehicles
- Earthworks, ground disturbance and likelihood of accidental discoveries of cultural materials
- Stock/ human effluent disposal facilities and stock effluent spillage
- Removal of indigenous vegetation during roadwork's
- Balancing road safety with protection of cultural heritage

POLICY

- To advocate for mechanisms to minimise the risk associated with transporting hazardous substances, including speed control and restrictions on bulk cartage in coastal and mountainous areas, and improved containerisation of hazardous substances.
- Any earthworks or road works near rivers must have appropriate measures in place to avoid contaminants (including dust, sediment run off from stockpiles or any hazardous substance) from entering waterways that may cause contamination, discolouration, or siltation such waterways.
- To avoid any roading or road related works entering or altering wetlands or waipuna areas and Ohiwa Harbour and its surrounding area
- To avoid adverse effects on culturally important areas, including waterways, and culturally important landscape features as a result of road works, including the storage and/or disposal of spoil as a product of road works.
- To require that any spoil, as a result of road works, found to contain cultural material is made available to Te Upokorehe Hapu

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WAI MAORI

Water is a very significant resource to Maori, and plays a central role in both the spiritual and secular worlds.

The origins of water from a Maori viewpoint are central to Maori culture. In order to understand how water is an agent of bondage between the physical and spiritual worlds of the Maori, we need to understand the origins of water. Maori mythology gives voice to this. The creation myth tells Maori of the lineage of his or her unique relationship with the environment, and how the environment is perceived as the living, breathing, delicate source of life. Maori mythology also explains the connection that Maori have with the divine forces present in the environment, such as mauri.

Mauri in relation to water means life and the living. It has the capacity to generate, regenerate and uphold creation. Because of this, all living things in the water and its environs (which include people), are dependent on its mauri for their well-being and sustenance. Hence, each water type is seen as a taonga (a highly prized possession) and is sacred due to the potential prosperity it can give Maori associated with it. The mauri of each water-way is a separate entity and cannot be mixed with the mauri of another. There are clearly impacts of this within water pollution, agricultural spray, fertilizer run off and effluent discharge.

Ko te moana ehara rawa i te wai kau.
No Tangaroa kei tenei marae.
He mana ona hua i ora ai nga manu o te rangi
Te iwi ki te Whenua.

The sea is not only water,
It is the marae of Tangaroa.
It yields the life for many things, the birds in the sky,
The people on the land

The moana for Maori, be it fresh water, or the sea, derives its mana atua (divine authority) from Tangaroa who holds the dominion over the sea. While the sea has an inherent quality of its own there are also utilitarian aspects which form the basis or the relationship between the sea and those that derive benefit from, and in turn care for it. The sea is the food basket of Upokorehe, and is also known as Te kete kai o Tairongo (the food oven/basket of Tairongo) as the people of Upokorehe are also known as the people of Tairongo. As such, practices and elements that would defile the mauri and the mana of the sea are seen as abhorrent. The discharge of pollutants into the sea is an obvious example.

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WATER

CONCERNS

- Water quality
- Discharges into the water
- Lack of water testing and monitoring
- Pollutants directly entering waterways
- Discharges to land entering waterways via leaching
- Poor practices used in deforestation
- Discharge from humans
- Flooding
- Gravel Extraction
- Fish habitats being destroyed

POLICY

- Establish water testing and monitoring regime to provide Te Upokorehe with a clear picture of the health of the water
- Reaffirm role as Kaitiaki though MOU
- Habitat restoration and enhancement
- Fencing off and planting riparian margins
- The restoration or creation of wetland areas
- The removal of exotic species and re-establishment of native flora sites within the wider catchment
- Te Upokorehe Hapu must give consent for gravel extraction from rivers within our rohe.
- Hapu to conduct own water testing

COASTAL MANAGEMENT

CONCERNS

- Lack of opportunity for Te Upokorehe participation and influence in the decision making process over our rohe and resources within it
- The continued use of the Coastal Marine area of dumping of human and industrial waste is of concern to Te Upokorehe

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POLICY

- To ensure Te Upokorehe makes decisions over coastal resources within our rohe.
- To advocate against the dumping of coastal marine area
- To be involved in all issues relating to the Ohiwa Harbour
- Councils must provide adequate waste management system provided for rate payers within our rohe.

COMMERCIAL FISHING

CONCERNS

- Due to extensive commercial fishing both in Ohiwa Harbour and out to sea has caused a large depletion of fish stocks in the Ohiwa Harbour. The Ohiwa Harbour was once filled with many different types of fish and shell fish and has seen a dramatic change in the variety and quantity of fish and shellfish in the Ohiwa Harbour.

POLICY

- Monitor the fish stocks within our rohe
- Advocate for the protection of existing stocks
- No commercial fishing in and around Ohiwa Harbour
- To monitor any commercial fishing in and around Ohiwa Harbour
- To remove all commercial licences within Ohiwa Harbour

FISHERIES

CONCERNS

- Concerns for loss customary fishing sites and practices
- Concerns for the effects aquaculture will have on the current fisheries

POLICY

- Monitor the current fish stocks
- Require that the Ministry of Fisheries consult with Te Upokorehe when granting consents within our rohe
- Educate our people on customary fishing practices
- Hapu mahinga mataitai (customary fishing grounds) and rohe moana are acknowledged by the Ministry of Fisheries and Councils.

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- Create a MOU with Ministry of Fisheries
- Allocate a boat land, for larger fishing vessels

RECREATIONAL ACTIVITIES

CONCERNS

- Trampling over shellfish beds by horses and vehicles has caused extensive damage to the shellfish
- Customary permits being issued by other iwi.

POLICY

- To enforce no vehicle/ horse use over shellfish bed
- To be involved in monitoring the effects on shellfish beds
- To have signage
- To develop an agreement with MAF surrounding permits

OIL EXPLORATION/SPILLS

CONCERNS

- The current oil exploration in the Raukumara basin is also of great concern for the hapu as the basin is an area of high seismic activity and in the probable event that an earthquake was to occur there could be possible damage to wells and pipes etc, this could result in a large oil spill similar to that that occurred in the Gulf of Mexico, and since New Zealand currently has little resources to deal with a major spill it is likely to effect the marine life and water quality in our rohe.
- The effect of oil on our natural and physical environment
- The effects of oil on our kai moana
- The effect oil has one future use of the coastal environment.
- Exclusive Economic Zone Bill weights towards economic development over the environment
- Disturbance to the seabed

POLICY

- Advocate a no oil exploration policy in and around out rohe

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- Advocate for and ensure that the New Zealand government to better prepare for a oil spill
- To hold the New Zealand government accountable for any effects in our rohe due to oil spills
- Oppose the Exclusive Economic Zone Bill

INDIGENOUS BIODIVERSITY

FAUNA

CONCERNS

- Lack of consultation with Te Upokorehe in the introduction of birds and animals within our rohe
- Lack of consultation with Te Upokorehe in the taking of native birds from our rohe
- The effect of animal disease within our rohe on other animals, humans and economic stability
- Protection of intellectual and cultural property rights over fauna
- Concerns for the effect of introduced animals on native birds
- Waahi Tapu being grazed

POLICY

- To create a MOU with DOC
- To monitor and prevent the diseases entering our rohe
- To include in MOU that a Hapu member be considered for the next job at DOC Opotiki
- To include in MOU that Hapu members have first right of refusal for jobs within the Rohe within our rohe with ODC, WDC, BOPRC, MAF, DOC and any other agencies dealing with the resources within Te rohe of Upokorehe
- Upokorehe Hapu to manage waahi tapu in partnership with Councils

FLORA

CONCERNS

- Lack of consultation with Te Upokorehe when introducing plant species
- Not being heard when consultation occurs

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- Introduced plants taking over ancestral lands
- Protection of intellectual and cultural property rights over flora

POLICY

- To require that Te Upokorehe be consulted when plant species are being introduced
- WDC, ODC and BOPRC to provide supply of native trees to Hapu for restoration planting within te rohe Upokorehe
- Upokorehe to create an internal restoration process for the Hapu to complete i.e take a tree plant two trees

BIO-PROSPECTING

CONCERNS

- The Wai 262 claim which is currently before the Waitangi Tribunal is a concern as all rights relating to indigenous flora and fauna, and the genetic makeup of the resources belong to Maori.

POLICY

- To make the stance of Te Upokorehe Hapu known that all bio-prospecting activities must be permitted by Te Upokorehe.
- Any benefits derived from bio-prospecting from biological resources of Te Upokorehe must be returned to Te Upokorehe Hapu.
- Bio-prospecting must not have an impact of maara kai practices and heritage trees within our rohe

RAHUI

CONCERNS

- Lack of understanding of who imposes Rahui
- Lack of understanding of who removes Rahui

POLICY

- For Te Upokorehe Hapu to impose and remove all Rahui within the Te Upokorehe rohe including the Ohiwa Harbour.
- The decision as to when a Rahui is appropriate lies with Te Upokorehe Hapu only.
- All other Rahui imposed by any other authority/body will not be recognised.
- Upokorehe is to communicate their stance on Rahui within our rohe to all neighbouring iwi or entity

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WHALES

CONCERNS

- No protocol to deal with Whale deaths within our rohe

POLICY

- For all Whale carcasses to be given back to Te Upokorehe Hapu.
- That Te Upokorehe Hapu can dispose of the carcasses as they wish

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Appendix 1

Upokorehe Management Plan Consultation Guidelines for organisations and Individuals

	Level of Consultation	Example of Consultation	Timeframes
1.	**Initial Consultation** Initial consultation preference is by telephone or email. Once information has been provided to Upokorehe we will advise whether or not any further consultation is required	Minor resource consents Minor plan changes (not including changes to water takes or discharges to water or land) Unlikely to charge fees for this level of consultation.	This level of consultation will require: • A phone call to advise us of your intentions (applicant) • A map of the area affected (applicant) • A letter from Upokorehe for resource consent applicants to use as part of their Assessment of Environmental Effects. **Up to 10 working days required to complete this process**
2.	**Secondary Consultation** Secondary consultation will only be necessary if the works or information required is more in-depth than can be worked through on initial consultation. A fee may apply to this level of consultation.	More in-depth resource consents where a Cultural Impact Report/Statement may be required. Any resource consents relating to water take from Ohiwa harbour and its catchment catchments and other rivers within the rohe Regional or District Plan changes relating to water	This level of consultation will require: • A phone call to advise us of your intentions (applicant) • A map to identify area affected (applicant) • Likely to need a meeting between applicant and Upokorehe to discuss application in full and identify adverse affects. (applicant/Upokorehe) • A Cultural Impact Report/Statement from Upokorehe for resource consent applicants to use as part of their Assessment of Environmental Effects. **Up to 20 working days required to complete this process**

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3.	**Full Consultation** Fees to cover the costs of meetings and in-depth time required to prepare a Cultural Impact Report/Statement will be charged.	Full consultation would be required on major resource consents, major developments or any changes to water takes including irrigation schemes. Full consultation may mean calling a meeting of the trustees of Upokorehe.	This level of consultation will require: • A phone call to advise us of your intentions (applicant) • A map to identify area affected (applicant) • A meeting between applicant and Upokorehe to discuss application in full and identify adverse effects. (applicant/Upokorehe) • Trustee meeting feedback (Upokorehe) • A site visit may be required (applicant/Upokorehe) • A Cultural Impact Report/Statement from Runanga for resource consent applicant to use as part of their Assessment of Environmental Effects. (Upokorehe) **Up to 30 working days required to complete this process**

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Appendix Two

Resource Management Team Contact Details

Name	Role	Phone Number	Email
Tawhai Te Rupe	Resource Management Team Chairperson	Contact number 07 3154990	
Lance Reha	Resource Management Team Secretary Upokorehe Hapu Chairperson	07 3154049 4A Wharf Road, Kutarere, OPOTIKI	l.reha@xtra.co.nz
Trevor Ransfield	Resource Management Team Treasurer	07 3154990 418 SH2, RD2, Kutarere, OPOTIKI	trevor_ransfield@hotmail.com
Wallace Aramoana	Resource Management Team Upokorehe Hapu Kaumatua	07 3157110 72 Stewart Street, OPOTIKI	
Maui Manuel	Resource Management Team	07 3154733	
Wayne Aramoana	Resource Management Team Upokorehe Hapu Vice Chairperson	07 3154870 91 Looney Road Waiotahe, OPOTIKI	

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References

Aotearoa Independent Media Centre (2009) *The WAI 262 flora and fauna claim, and the Mataatua Declaration, legal statements of tino rangatiratang.* Retrieved from http://www.indymedia.org.nz/article/76680/wai-262-flora-and-fauna-claim-and-mataat

Ministry for the environment (2012) *Ki Te U O Te Hiahia* Retrieved from *http://www.mfe.govt.nz/publications/rma/ki-teuo-te-hiahia/html/page1.html*

Ngaa Tikanga Tiaki I Te Taiao (1993) *Maori Environmental Management in the Bay of Plenty.* Consultation Report on Maori Environmental Management and issues of significant to Maori for inclusion in the Regional Policy Statement.

Statutes

Conservation Act 1987

Historic Places Act 1993

Local Government Act 2002

Resource Management Act 1991

Waitangi Tribunal Claim

Wai 262

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