

Te Awanui Tauranga Harbour Iwi Management Plan 2008



Te Awanui, Tauranga Harbour, is regarded as one of the significant areas of traditional history and identity for the three Tauranga Moana iwi. This is reflected in the following Tauparapara 'Tü Mokemoke' which refers to the various points on and around the Tauranga Harbour with links to the tupuna, hapü and cultural sites such as marae within Tauranga Moana.

*Tu mokemoke ana au I runga Mauao
Ka hoki mahara kia rätou ma
Ko enei ra ngä nohonga tupuna
O Ngäi Te Rangi, o Ngäti Ranginui
Timata ra taku haere I Otäwhiwhi
Kei reira ra tu mai koe Tamaoho
Hoki whakaroto au ki Katikati
Rereatukahia ko Tamawhariua
Haere tika tonu au ki te Pirirakau
Kei Omokoroa ko Tawhitinui
Kei Te Puna ko Paparua ko Tutereinga
Ko Poututerangi
Heke tonu atu au ke tatahi
Tiro whakawaho au ki Motuhoa
Tiro whakamuri au ki Raropua
Kupapa atu au ki raro Oikemoke
Piki tonu atu au ke Pukewhanake
Whakawhiti atu au te awa Wairoa
Ko Ngäti Kahu, ko Ngäti Pango
Peke atu au ke Peterehema
Kei reira ra ko Ngäti Hangarau
Kei Otumoetai kua ngaro rätou
Hoki whakaroto atu ano taku haere
NgäiTamarawaho kei Huria
Rere tika tonu au ki Hairini
Tu mai koe ko Ranginui
Ko Ngäi Te Ahi, ko Ngäti He
Tiro muri whenua ki Waimapu
Tiro runga maunga ki Taumata
Rere tika tonu au ki Maungatapu
Rauna atu taku haere ki roto Waitao
Ko Tähuhakatiki, ko Te Whetu
Tu mai koe Ngäti Pükenga
Kei Maungatawa, ko Tamapahore
Ngä päpaka enei o Rangataua
Rere tika tonu atu taku haere
Ki Hungahungatoroa ki Whareroa
Te iwi kaunei ko Tukairangi
Peke atu au ki Waikari
Kei reira ko Tapukino
Kau atu te Moana ki Matakana
Ko Te Rangihouhiri
Kei Öpureora ko koe ra
Ko Tuwhiwhia
Kei Te Kutaroa ko Tauaiti
Kei Rangiwaea Te Haka a Te Tupere
Kei Opounui Romainohorangi
Moe mai ra koro Tupaea
I raro I te marumarua o Te Maunga
Tiro whakawaho ki aku moutere
Ki Motiti, Ki Tühua tu mai koutou
NgäiTauwhao
Hoki, piki ano ki runga Mauao
Hei whakamutunga mo enei haerenga
I roto Te Moana o Tauranga*

E tau nei e, Hi!

Mihi

Karanga te muri hau i tütü ai ngā ngaru o te moana.
I whakairia ngā kapua o Tū ki runga ki a Mauao.
I hikuhiku ai te uira ki runga i a Te Awanui.
I papa ai te whatitiri ki runga ki Te Moana me ngā Tahuna o Tauranga.
Ki tai wiwi, ki tai wawa, ki te whai ao, te mārāma.
Tihei mauri ora.

Tēnei rā ka mihi ake rā ki ngā pari karangarangatanga
o Ngāi Te Rangi, Ngāti Ranginui me Ngāti Pūkenga.
I whāNgāiaia ngā kōrero ki te kai tuhi i tēnei hōtaka
mō ō kōutou whakaaro mō te whakahaeretanga,
me ngā āhua katoa e pā ana ki te moana o Tauranga
mai I ngā Kuri a Whārei ki ngā Pāpaka o Rangataua.

Tēnā kōutou, tēnā kōutou, tēnā kōutou katoa.

Te Awanui

Tauranga Harbour

Iwi Management Plan



Ngäi Te Rangi



**NGÄTI PÜKENGA
KI TAURANGA**

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P.O. Box 4369
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Project Manager
Kiamaia Ellis

Steering Committee
Kihī Ngätai
Tu Piahana
Brian Dickson
Hauata Palmer
Rehua Smallman

Technical Advisory (Working Group)
Pia Bennett
Nessie Kuka
Antoine Coffin
Hinenui Cooper
Des Heke Kaiawha

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Ngā mihi maioha, ngā mihi nui, ngā manaakitanga.



Executive Summary

The Te Awanui, Tauranga Harbour, Iwi Management Plan was commissioned by the Tauranga Moana iwi, being a statement of Ngäi Te Rangi, Ngäti Ranginui and Ngäti Pükenga values and perspectives with regard to harbour management. This document is prescribed as an indigenous tool created by tangata whenua to carry out their function as kaitiaki and rangatira over their ancestral waters, Te Awanui (Tauranga Harbour)

Te Rünanga o Ngaiterangi Iwi Trust is the tribal iwi authority for the hapü of Ngäi Te Rangi. Te Rünanga o Ngäti Ranginui is the tribal iwi authority for the hapü of Ngäti Ranginui and Ngäti Pükenga ki Tauranga Trust is the tribal iwi authority for the hapü of Ngäti Pükenga. This plan has been produced by members of the three iwi in conjunction with the whänau, hapü and iwi of Tauranga Moana as an Iwi Management Plan for Te Awanui.

Te Awanui is a traditional name for the Tauranga Harbour, given by the whänau, hapü and iwi of Ngäi Te Rangi, Ngäti Ranginui and Ngäti Pükenga for the Tauranga Harbour. Hence, the revival of the name, Te Awanui is given in title for this document.

This is the beginning of a series of kōrero, meetings with other stakeholders to implement the objectives, policies and actions within. The Tauranga Moana Iwi reserve the right to re-submit an annual review of this document as required.

Part 1: Introduction

The introductory section of the document outlines objectives, purpose and scope. Geographic description and the importance of Te Awanui to tangata whenua through coastal marae are also outlined within this section.

Part 2: Methodology

The methodology demonstrates what processes were undertaken to fulfil the outcomes within this document, it also brings to light the traditional Māori worldview on the environment, in terms of influencing the thinking and analysis of the information gathered. The observations are demonstrated by applying environment planning and management theory, western science and contemporary legislative provisions. Tikanga and kawa observed and referred to during the formulation of this document give further guidance providing the foundation to a Māori worldview.

Part 3: Recognition of Indigenous Rights

This section articulates how the plan has been inspired by the recognition of indigenous rights. It also highlights the basis of tangata whenua on the various natural resource issues, which ultimately has given rise to a tangata whenua approach to address issues with regard to the management of Te Awanui from an iwi perspective.

Part 4: Legislative Provisions Pertaining to the Sustainable Management of Te Awanui

This is a review of how key legislation relevant to environmental management and planning deals with Crown obligations under the Treaty of Waitangi (the Treaty). These provisions have a legal context which is significant on how Te Awanui is managed taking into account tangata whenua issues; suffice to say that these relevant legislative acknowledgments also provide substantive obligations and procedural safeguards concerning tangata whenua interests.

The Te Awanui, Tauranga Harbour, Iwi Management Plan is designed to inform councils and resource users on values of tangata whenua that pertain to Te Awanui. This section provides those legislative requirements that support the values of tangata whenua and gives effect to the implementation of this Iwi Management Plan.

Part 5: Policies for Te Awanui, Tauranga Harbour

This section highlights the perspectives of tangata whenua on the various issues, which ultimately have given rise to a tangata whenua approach to address issues with regard to the management of Te Awanui from an iwi perspective. Issues, objectives, policies and actions were developed after a series of workshops with the hapū of Tauranga Moana to discuss issues relating to:

- (i) the depletion of kaimoana, water quality, sewerage discharge, stormwater discharge, erosion, sedimentation, reclamations, economic / urban / industrial development, recreation and marina's;
- (ii) customary fisheries and management practices;
- (iii) future aspirations and plans that hapū may have that relate to the harbour.

Conclusion

The Te Awanui, Tauranga Harbour, Iwi Management Plan is a document that addresses broad issues throughout the harbour. Land management issues have been identified to address any adverse impacts on Te Awanui from the entire Tauranga Moana catchment area.

This document supports the need for tangata whenua to develop Hapū Management Plans that would address specific hapū issues pertaining to the environment and Te Awanui. This document will facilitate better representation of tangata whenua interests and caters for the need to promote better consultation processes for councils to adopt.

The Iwi Management Plan is not an alternative to consultation, however; it will assist councils and resource users in following the correct consultation channels as determined by iwi and hapū. The iwi or Rūnanga of Tauranga Moana are not the 'be all and end all' for consultation. The hapū of Tauranga Moana would still require to be consulted, where applicable.

The intention is that this document be implemented by tangata whenua and local management authorities to provide guidance and direction for management and planning decisions for Te Awanui, Tauranga Harbour.

The action tables within this document provide guidance on how tangata whenua intend to keep the plan alive, including ways in which other agencies and the wider community can contribute to the sustainability of Te Awanui.

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PART 1. INTRODUCTION



Artwork by Anaia Palmer Age: 8

*Ko te moana ehara rawa i te wai kau
No Tangaroa kei tēnei marae
He maha ona hua i ora ai ngā manu o te rangi
Te iwi ki te whenua*

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

1.1 What is the Iwi Management Plan?

An iwi management plan is any planning document that is recognised by an iwi authority. This plan in particular is a formal planning document, developed by whānau, hapū and iwi of Tauranga Moana. It provides a statement on the position of tangata whenua on a range of issues so that these can be heard and considered by councils and other stakeholders. The perceived benefits of the document are outlined in sub Section 1.3.

1.2 Why an Iwi Management Plan?

The need for an Iwi Management Plan for Te Awanui was determined due to the lack of understanding around tangata whenua values and perspectives within current harbour planning documents. The seed was grown and flourished with support from the Tauranga Moana Iwi Customary Fisheries Committee to produce a comprehensive document that clearly portrays the issues and expectations of tangata whenua in relation to the management of Te Awanui.

The harbour catchment is a receiving environment for urban, residential, commercial, industrial, horticultural and agricultural activities. The physical environment and marine ecology of Te Awanui has been significantly altered and modified over the last century. Increased development around the harbour margins and clearing of significant areas has resulted in greater quantities of siltation and pollution washing into the harbour, posing a methodical threat to shellfish gathering and the well-being of affected whānau, hapū and iwi. Blooms of toxic algae have placed authorities in an obligatory position to close popular shellfish beds.

The effects of siltation are apparent in sheltered sub-estuaries where there has been a significant loss of seagrass, directly impinging on the diversity of marine life. Within Te Awanui, the area of mangroves is increasing, mainly because the plants trap silt from land development (Environment Bay of Plenty, 2006).

This document will provide leadership and guidance by tangata whenua, in maintaining the cultural integrity of Te Awanui. Tangata whenua see this document as an opportunity to participate in managing Te Awanui, by providing a coordinated approach when dealing with complex and complicated issues. The current resource management environment is both time-consuming and challenging. The impact of urban growth and development in Tauranga has caused conflict between commercial, recreational and customary practices, which has escalated over the last 15 years. This is due in most part to the increased desire for recreational and commercial activities to occur adjacent to tangata whenua communities.

1.3 What is the plan's purpose?

The purpose of the Iwi Management Plan for Te Awanui is to:

- Avoid reactive responses to resource consent applications or issues and policies (including resource management plans) that affect iwi and hapū,
- Clearly state iwi and hapū direction on environmental issues,
- Enable iwi and hapū to exercise tino rangatiratanga and kaitiakitanga over their ancestral taonga and resources within Te Awanui,
- State how iwi and hapū intend to participate in resource management processes,
- Directly influence how regional and district councils develop policy on matters of significance to iwi and hapū,
- Clearly state expectations about how organisations should exercise their functions and responsibilities under the RMA,
- Set out the ground rules for consultation with iwi and hapū,
- Identify iwi and hapū kaupapa on environmental matters relating to Te Awanui,
- Utilise the Plan as a tool to influence how regional and local council's develop policies and strategies on matters concerning Te Awanui for the benefit of tangata whenua and the wider community (Bell, 2000).

1.4 What is the plan's scope?

The scope of the Iwi Management Plan is based on the geographical boundaries, resource sets and defined activities (Appendix 6). It seeks to address environmental and cultural issues that relate to the management of Te Awanui. It is envisaged that there will be positive social, cultural and environmental benefits as a result of the Plan for both tangata whenua and the wider community.

The geographic area of the Iwi Management Plan is defined by the traditional interests of the three iwi of Tauranga Moana "Mai i Ngā Kurī a Whārei ki Wairākei - the tribal rohe of Ngāi Te Rangī, Ngāti Ranginui and Ngāti Pūkenga which encompasses the entire Tauranga Moana catchment area. This area has been applied to the Iwi Management Plan for the purpose of addressing impacts from the upper and lower catchment areas that have the potential to adversely affect the harbour (MAP 1). The Iwi Management Plan acknowledges the overlapping resource interests of each iwi and their associated hapū. The applied geographic area is not to minimise or diminish traditional iwi interests but aim to give affect to their cultural, environmental, social and economic relationships.

This is a generic over-arching document to provide tangata whenua with the opportunity to develop Hapū Management Plans. The Iwi Management Plan is envisaged to facilitate better representation of hapū interests and caters for the need to promote better consultation processes for councils to adopt.

This document is a 25 year plan that looks into the sustainable management of Te Awanui. To ensure that goals are being achieved, Ngāi Te Rangī, Ngāti Ranginui and Ngāti Pūkenga will conduct a review of the plan every 3 years. Implementation of the intended actions will align with the review of council plans and policies that relate to Te Awanui.

A broad set of actions and identified authorities have been listed with timeframes within the policy section five. These are the perceived expectations from tangata whenua of how organisation's should exercise their functions and responsibilities under the RMA.

1.5 Te Awanui

Te Awanui is a large tidal estuarine environment that covers an area of 210km². Matakana Island, which stretches from the Mauao entrance to the Katikati entrance at Otāwhiwhi, forms a protective barrier to the Pacific Ocean, Te Moana-nui-a-Kiwa. Te Awanui starts in the eastern estuarine areas of Rangataua Bay and extends over 30km to Otāwhiwhi in the west. Many of the areas rivers and streams flow from the wider catchment into Te Awanui, including the Waitao, Waimapu, Kopurererua, Wairoa, Waipapa, Wainui, Aongatete, Rereātükāhia, Uretara and Tuapiro.

There are two main entrances to Te Awanui at each end of Matakana Island where the tide flows strongly through both channels. This tidal flow generates currents of up to 4 knots at the Tauranga entrance and up to 7 knots at the Katikati entrance. Te Awanui waters are mostly shallow and at low tide more than 60% of the harbour bed is exposed (Environment Bay of Plenty, 2006).

Tauranga's attractive climate, abundant kai moana, kai awa, edible ferns, berries and plants, plus a rich store of manu (birds) provided early Māori with all their nutritional needs. As a Coastal Nation, tangata whenua have enjoyed the pristine beauty and exclusive treasures of Te Awanui in an unimpeded fashion for generations. This is reflected by the locations of ngā marae and the accessibility to Te Awanui (MAP 2). As an outcome of this privileged state came an inherent responsibility to protect and preserve the health and well being of Te Awanui.

Te Awanui is recognised as an outstanding wildlife habitat and an area of exceptional botanical conservation values (Environment Bay of Plenty, 1999). It is home to a variety of nationally vulnerable species of coastal birds including the tūturiwhatu (New Zealand Dotterel), the kōtuku (white heron) and the kakī (black stilt) which are occasionally seen feeding within the harbour.

A diverse range of marine plants and animals thrive in the estuarine environment. The beds of *Zostera* or seagrass are an essential biological characteristic that supplies natural organic food for a selection of invertebrates and an important food source for fish and birds. There are also sizeable areas of salt marsh and manawa (mangrove) marsh. They play a significant function in the overall harbour ecosystem. The marsh environments provide natural feeding grounds for a range of invertebrates.

Te Awanui is known to be visited by maki (killer whales), kekeno (seals), hoiho (little blue penguins, aihe (dolphin) and tohorā (whales) that all have long associations with local whānau, hapū and iwi. Te Awanui is an important traditional resource supplying the nutritional needs of whānau that live close to the waters edge. Traditionally, the waters teemed with tāmure (snapper), araara (trevally), kanae (mullet), pātiki (flounder), tarakihi, kahawai, haku (kingi), pioke (shark), kuparu (john dory) and inanga (whitebait). Pipi, kokota, kukuroroa (horse mussel), tuangi (cockle), pupu (catseye), tio (oyster), tītiko (mudsnail), tuatua, kahitua, kina, pāua, koura (crayfish) and kuku (mussel) which are still available, however, the stocks are not as abundant as they once were. Te Awanui is also the traditional pathway for migratory fish like inanga, kōkopu, tuna and the internationally rare piharau (lamprey).

The Te Awanui, Tauranga Harbour, Iwi Management Plan applies to the entire Tauranga Moana catchment area. This extends from Wairākei in Papamoa across the coastline to Ngā Kuri a Whareī at Otāwhiwhi, "Mai i Ngā Kuri a Whārei ki Wairākei". This encompasses the Tauranga Moana Tribal Rohe of Ngāi Te Rangī, Ngāti Ranginui and Ngāti Pūkenga. This boundary has been applied to the Iwi Management Plan for the purpose of addressing impacts from the upper and lower catchment areas that have the potential to adversely affect the harbour.

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PART 2. METHODOLOGY



Artwork by Tauhe Tipene Kaweroa Age: 9

The approach taken in the development of this document draws on a combination of traditional Māori knowledge, environment planning and management theory, western science and contemporary legislative provisions. Mason Durie (2004) refers to this approach as 'research at the interface'. A combination of approaches draws the benefits from both traditional and contemporary methodologies to provide improved outcomes for tangata whenua and the community of Tauranga Moana. Research is based on kaupapa Māori methodologies with western planning processes to enhance positive planning outcomes.

2.1 Kaupapa Māori Research

Many Māori researchers have adopted a philosophical framework that supports a Mātauranga Māori approach to indigenous research. Kaupapa Māori research has emerged as a response to the negative impact of conventional western research on Māori. Kaupapa Māori research is an attempt to reclaim confidence in the research fraternity, and is also about the promotion of Māori realities.

Te Awakōtuku sets out some ethical guiding principles for researchers when conducting research with Māori (New Zealand Ministry of Māori Affairs & Te Awakōtuku, N. 1991).

Guiding Research Principles

(New Zealand. Ministry of Māori Affairs & Te Awakōtuku, 1991)

Māori Term	English Term
Aroha ki te tangata	Respect for people
Kanohi kitea	The seen face, that is present yourself to people face to face
Titiro, whakarongo, kōrero	Look, listen, speak
Manaaki ki te tangata	Share and host people, be generous
Kia tūpato	Be cautious
Kaua e takahia te mana o te tangata	Do not trample over the mana of people
Kaua e māhaki	Do not flaunt your knowledge

2.2 Plan Process

The following flow chart outlines the steps that were undertaken to complete this document.

Flow Chart of Plan Process

See appendix 6 for a detailed description of each stage of planning.



2.3 Analysis of Information – Integration of Mātauranga Māori

This document has developed its own cultural framework and built that into the process methodology as highlighted above. The thinking and analysis behind the methodological approach can be referred to by the following Māori environmental theory and ideology.

This document is a cultural planning tool that addresses cultural issues that are acknowledged by the Agenda 21 Protocol, with regards to the Quadruple Bottom Lines; being Economic, Social, Environmental and Cultural. This Plan can be viewed as a cultural tool that aligns with the four pillars of Local Government New Zealand sustainable management principles and the Ministry for the Environment’s guidelines for sustainable development. It is with global and national policy and legislation that has promoted the cultural factor into the environmental planning and management arena. The recognition of the Cultural Bottom Line gives opportunity and scope for this document to incorporate and implement both contemporary western planning techniques and theory with a set of customs, practices and protocols that are a part of tangata whenua of Tauranga Moana. Therefore, the traditional Māori Worldview and Mātauranga Māori becomes a necessity in how this document has been researched, collated, analysed and implemented.

2.4 Mātauranga Māori: Traditional Resource Management

The Plan has incorporated a holistic worldview approach founded by traditional value and belief systems of Māori. The foundation of a traditional Māori worldview acknowledges tangata whenua principles that guide the approach taken in articulating this document. Refer to Appendix 1 for an extended explanation of the Māori Worldview – First Principles and Mythology.

2.5 Kaitiakitanga

Ngāi Te Rangi, Ngāti Ranginui and Ngāti Pūkenga continue to recognise the role of cultural and spiritual kaitiakitanga. This commitment is framed by a customary, traditional and historical relationship with Te Awanui (Fisher *et al*, 1997);

Kaitiakitanga acknowledges the importance of tangata whenua in managing Te Awanui sustainably for current and future generations. The practice is derived from an inherited relationship with the environment. Kaitiakitanga is a cultural principle that originates from ‘o nehe ra’ or ancient times. It is a broad principle that is applied in many situations where whānau, hapū and iwi employ traditional safeguard mechanisms to sustain resources for current and future generations. The principle of kaitiakitanga includes notions of:

- guardianship;
- responsibility;
- sustainability;
- wise management;
- knowledge for continuity.

Kaitiakitanga represents person/s that have a genealogical link to Te Awanui, and is active in applying and implementing traditional resource management tools. Kaitiakitanga takes place in the natural world, and is practised through the observance and maintenance of:

- wāhi tapu, wāhi tupuna and other sites of significance;
- mahinga mātaītai – the management of fishing and kaimoana collection grounds;
- maramataka – observing the lunar calendar for sowing and harvesting;
- Mātauranga Māori – environmental management;
- environmental protection through formal and informal processes.

Tangata whenua recognise that their existence is highly dependant on their relationship with the natural environment and the sustainable use of biodiversity. Therefore, the decisions made by kaitiaki are based upon intricate knowledge of natural resources. Kaitiaki monitor and observe changing environmental conditions and employ traditional management mechanisms such as rāhui, to replenish depleting resources.

The resources of Te Awanui were once governed by traditional and customary lore which followed adherence to tikanga and kawa, for maintaining the spiritual and cultural nature of Te Marae o Tangaroa. Ngāi Te Rangi, Ngāti Ranginui and Ngāti Pūkenga have an obligation to continue to recognise the role of cultural and spiritual guardianship handed down to them as the kin of Tangaroa. This obligation also assumes iwi and hapū continue to have kaitiakitanga rights over, and control and management of, the harbour (Fisher *et al*, 1997).

Te Awanui has always been an important tribal resource to the people of Tauranga Moana, as a source of tribal identity. Traditionally all of the hapū knew where the kaimoana beds and fishing grounds were. Rules were in place governing the sharing and distribution of these resources. Taiaho Hori Ngātai told John Balance this at Whareroa Marae in 1885 when he said:

“Now, with regard to the land below high water mark immediately in front of where I live, I consider that as part and parcel of my own land, ... part of my own garden. From time immemorial I have had this land, and had authority over all the food in the sea... Those grounds have been handed down to us by our ancestors. This Māori custom of ours is well established, and none of the inland tribes would dare to go and fish on those places without obtaining the consent of the owners. I am not making this complaint out of any selfish desire to keep all the fishing-grounds for myself; I am only striving to retain the authority of which I inherited from my ancestors”.

What has become obvious is that much of the values and knowledge of the traditional Māori world still maintain their intensity, their meaning, and their relevance. As a result tikanga has preserved much of its mana, its tapu and its mauri. The overriding principle of traditional planning and management is the sense of seeing the natural world in its entirety.

PART 3: RECOGNITION OF INDIGENOUS RIGHTS

*Toitū te marae o Tāne.
Toitū te marae o Tangaroa,
Toitū te iwi.*

*If the domain of Tāne survives to give
sustenance,
and the domain of Tangaroa likewise remains,
so too will the people*



Artwork by Rāwiri Nicholls-Ellis Age: 10

3.1 Te Tiriti o Waitangi

The Māori version of the Treaty of Waitangi – Te Tiriti o Waitangi has three articles.

- Article I, Māori people agree to a central administrative government that will govern the country (but do not cede their sovereignty).
- Article II, the Crown guarantees to protect "the rights and privileges" of the Māori chiefs over the "full exclusive and undisturbed possession" of their natural, cultural and intellectual treasures.
- Article III guarantees the treatment of Māori people as equal to British citizens.

3.2 The Mātaatua Declaration

The nine tribes of Mātaatua in the Bay of Plenty region of Aotearoa, New Zealand are signatories to the Mātaatua Declaration on Cultural and Intellectual Property Rights of Indigenous Peoples. The Mātaatua Declaration recognises the traditional relationships that indigenous peoples have with the environment and calls on governments, among other things, to ensure that current scientific environmental research and management is strengthened by increasing the involvement of indigenous communities and of customary environmental knowledge in environmental research and management.

From the Mātaatua Declaration, in the development of policies and practices, five recommendations to States, National and International Agencies were made. National and International Agencies must:

- recognise that indigenous peoples are the guardians of their customary knowledge and have the right to protect and control dissemination of that knowledge;
- recognise that indigenous peoples also have the right to create new knowledge based on cultural traditions;
- note that existing protection mechanisms are insufficient for the protection of indigenous peoples cultural and intellectual property rights;
- accept that the cultural and intellectual property rights of indigenous peoples are vested with those who created them; and
- develop in full co-operation with indigenous peoples an additional cultural and intellectual property rights regime.

The Mātaatua Declaration concludes that the United Nations, International and National Agencies and States must provide additional funding to indigenous communities in order to meet these recommendations.

It must also be noted in relation to this document, that the Mātaatua Declaration will primarily relate to the iwi of Ngāi Te Rangī and Ngāti Pūkenga¹. However the acknowledgements provided within this Declaration give weight to support further tangata whenua aspirations with regard to managing Te Awanui.

3.3 The United Nations Declaration of Indigenous Peoples Rights

The following key points are taken from the United Nations Declaration of Indigenous Peoples Rights:

- recognising the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources;
- recognising the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States;
- the control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs;
- recognises that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment;
- encourages States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned;
- emphasizes that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples;
- recognises that the situation of indigenous peoples varies from region to region and country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration.

¹ Ngāti Ranginui iwi is not one of the signatories to the Mātaatua declaration due to the iwi not having affiliation to Mātaatua waka.

PART 4. LEGISLATIVE PROVISIONS PERTAINING TO THE SUSTAINABLE MANAGEMENT OF TE AWANUI



Artwork by Solomon Tukaki Age: 12

This is a review of how key legislation relevant to environmental management and planning deals with Crown obligations under the Treaty of Waitangi (the Treaty). These provisions have a legal context which is significant on how Te Awanui is managed, taking into account tangata whenua issues. Suffice to say that these relevant legislative acknowledgments also provide substantive obligations and procedural safeguards concerning tangata whenua interests.

Te Awanui, Tauranga Harbour, Iwi Management Plan is designed to

inform councils and resource users on tangata whenua values that pertain to Te Awanui. The following section provides those legislative requirements that support the values of tangata whenua and gives effect to the implementation of this Iwi Management Plan.

4.1 *The Treaty of Waitangi*

The Treaty created a partnership between the Crown and Māori and imposes a number of obligations on both parties. As with all treaties, the Treaty is only directly relevant to New Zealand law to the extent that it is incorporated into statute. The Treaty is part of New Zealand constitutional law although its exact status has never been clearly defined, leading to much debate over past years. Please see appendix 2 for more detailed information regarding the Treaty.

The Crown has not always recognised Māori interests or customary values in relation to natural resources, nor has it always protected these in laws and policies. Māori have been deprived of traditionally used natural resources and places of spiritual and cultural value. These historical events form the basis of the grievances of Māori that are being heard and addressed through the Waitangi Tribunal and negotiations processes. Individual settlement deeds, settle the historical grievances relating to breaches of their rights under the Treaty of Waitangi.

A number of statutes refer to the principles of the Treaty; however, there is much discussion and debate as to what these principles mean. The Treaty of Waitangi Act 1975 was the first statute to refer to the Treaty principles.

The principles identified by the Court of Appeal includes:

- sovereignty in exchange for protection of Māori interests;
- partnership and the duty to act reasonably, honourably and in good faith;
- duty on the Crown to remedy past grievances;
- active protection of Māori interests by the Crown;
- freedom of the Crown to govern;
- Māori retain tino rangatiratanga over their resources and taonga and have all the rights and privileges of citizenship;
- duty to consult (New Zealand. Waitangi Tribunal & Ward, A, 1997).

4.2 Resource Management Act 1991

Part II of the Resource Management Act 1991 (RMA) establishes the purpose and principles of the RMA, the purpose being to promote the sustainable management of natural and physical resources. Section 6 of the RMA identifies matters of national importance for those exercising functions and powers under the RMA, section 6(e) specifically identifies “the relationship of Māori and their culture and traditions with ancestral lands, water, sites, wāhi tapu and other taonga” as nationally significant. Section 7 features other matters in achieving the purpose of the RMA, in particular section 7(a) refers to kaitiakitanga. Section 8 refers to those exercising functions and powers under the RMA “shall take into account the principles of the Treaty of Waitangi”. Refer to Appendix 3 for a detailed account of part II of the RMA.

Sections 61, 66 and 74 make specific reference to iwi planning documents recognised by an iwi authority;

- Section 61, 2(a) when preparing or changing a regional policy statement, the regional council shall have regard to – Any (ii) Relevant planning document recognised by an iwi authority affected by the regional policy statement.
- Section 66, 2(c) when preparing or changing any regional plan, the regional council shall have regard to – Any (ii) relevant planning document recognised by an iwi authority affected by the regional plan.
- Section 74, 2(b) Matters to be considered by territorial authority – when preparing or changing a district plan, a territorial authority shall have regard to - Any (ii) Relevant planning document recognised by an iwi authority affected by the district plan.
- There are other provisions such as section 104(1)(c) Subject to Part II, when considering an application for a resource consent and any submissions received, the consent authority shall have regard to - Any (i) other matter the consent authority considers relevant and reasonably necessary to determine the application.

4.3 Local Government Act 2002

There are a number of provisions in the Local Government Act 2002 (LGA) that relate specifically to Māori; in particular the key provision is in section 4. Note: Māori provisions in the LGA 2002 are further outlined in Appendix 4 of this document.

In order to recognise and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi, and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for councils that are intended to facilitate participation by Māori in Councils decision-making processes.

Whilst section 4 clearly acknowledges responsibility for the Treaty obligations lie with the Crown, Parts 2 and 6 of this Act are intended to facilitate participation of Māori in Council’s. The Council’s are charged with the responsibility to promote opportunities for Māori and tauwi (other members of the public) to contribute to its decision-making processes.

The LGA recognises and respects the Crown's obligations under the Treaty of Waitangi by placing some specific obligations on councils.

The LGA requires all councils to:

- Establish and maintain opportunities for Māori to contribute to decision-making processes.
- Ensure processes are in place for consulting with Māori.
- Consider ways to foster Māori contribution to decision-making processes.
- Provide relevant information to Māori.

When a council is making an important decision involving land or a body of water, it must take into account the relationship of Māori and their culture and traditions with their ancestral land, water,

sites, wāhi tapu, valued flora and fauna, and other taonga (this is similar to existing requirements on councils when taking decisions under the Resource Management Act 1991).

These provisions apply to all Māori in the city, district, or region, acknowledging Māori other than the tangata whenua that are resident in the area. This may mean that Māori not necessarily traditionally from Tauranga Moana can be involved in consultation processes with the three Councils within the Western Bay of Plenty region. This provision will have the means to require Council that Māori who have moved into the area will be consulted under this part of the LGA. This may also mean a basis for Māori to create wards or constituencies for representation on Council.

These requirements under the LGA apply to the general activities and decisions of councils; they do not over ride the requirements on councils specified under other statutes. The Resource Management Act 1991, the Historic Places Act 1993 and the Biosecurity Act 1993, for example, each have their own requirements with regards to Council consultation with Māori.

Also, Councils must also state in each annual report what they have done to involve Māori in council processes and provide how they will consult with Māori in each councils “Statement of Governance”.

4.4 New Zealand Coastal Policy Statement 1994

This is a Resource Management Act National Policy Statement that contains a wide range of provisions relating to the interests and values of Māori in the coastal environment. The New Zealand Coastal Policy Statement includes a general principle that “tangata whenua are the kaitiaki of the coastal environment” and also states that it is a national priority to protect characteristics of the coastal environment “of special spiritual, historical or cultural significance to Māori identified in accordance with tikanga Māori”.

4.5 Conservation Act 1987

The Conservation Act (CA) establishes the Department of Conservation (DOC), which administers the CA to promote the conservation of New Zealand’s natural and historic resources. Section 4 states “This Act shall be so interpreted and administered as to give effect to the principles of the Treaty of Waitangi.” The First Schedule of the Act lists some 26 other Acts that DOC administers including: Marine Mammals Protection Act 1978; Marine Reserves Act 1971; National Parks Act 1980; Reserves Act 1977; and Wildlife Act 1953. The Court of Appeal has found that Acts administered by DOC are linked to the CA and therefore have an “indirect incorporation” of the Conservation Act Treaty clause, so far as their provisions are clearly not inconsistent with the principles of the Treaty

4.6 Hazardous Substances and New Organisms Act 1996

Hazardous Substances and New Organisms Act 1996 (HSNO) is to prevent or manage the adverse effects of hazardous substances and new organisms, and establishes the Environmental Risk Management Authority (ERMA) to administer the Act.

Section 6(d) provides that persons exercising powers shall “...take into account...the relationship of Māori and their culture and traditions with their ancestral lands, waters, sites, wāhi tapu, valued flora and fauna, and other taonga...” This provision, recognising kaupapa Māori, is similar to the stronger formula in section 6(e) of the RMA (although that section does not include “valued flora and fauna”).

Section 8 provides that “all persons exercising powers and functions under this Act shall take into account the principles of the Treaty of Waitangi...” This is the same formula for recognising Treaty principles as used in the RMA. The Authority has a special Māori advisory committee, Ngā Kaihautū Tikanga Taiao, to help fulfil this Treaty responsibility.

A recent High Court decision made it very clear that sections 6(d) and 8 HSNO are to be given weight as part of the balancing exercise, but do not give a right of veto in themselves.

4.7 Treaty of Waitangi (Fisheries Claims) Settlement Act 1992

The Treaty of Waitangi (Fisheries Claims) Settlement Act came into force in December 1992 to give effect to the agreements expressed in the Deed of Settlement. Section 10(c) of the Settlement Act and Section 186 of the Fisheries Act provide for the making of regulations to recognise and provide for customary food gathering by Māori and the special relationship between tangata whenua and those places of customary food gathering importance, to the extent that such food gathering is neither commercial in any way nor for pecuniary gain or trade.

4.8 Fisheries Act 1996

The purpose of the Fisheries Act is to provide for the utilisation of fisheries resources while ensuring sustainability. Section 5(b) of the Act provides that the “Act shall be interpreted ... in a manner consistent with the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992”. The Fisheries Act also requires that prior to the Minister setting any sustainability measure, or altering a quota management area, the Minister must undertake consultation with interested tangata whenua, and have particular regard to kaitiakitanga.

4.9 Historic Places Act 1993

Due to historic linkages between legislation, section 4 of the Conservation Act applies to the Historic Places Act (HPA) under section 115(2). Section 4 of the HPA provides that the purpose of the Act is to “promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand”. Section 4(2)(c) requires that “...all persons exercising functions and powers under it shall *recognise*...the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga”.

Section 42 requires that at least three of the eleven trustees of the New Zealand Historic Places Board must be Māori. There is a particular focus throughout the Act on historic areas and on wāhi tapu and wāhi tapu areas. For Māori concerned about the protection of wāhi tapu, there are opportunities to register the site or area using the provisions of this Act. The mechanisms for protection under the HPA are closely linked with the RMA heritage provisions.

4.10 Biosecurity Act 1993

The Biosecurity Act has a dual focus of protecting New Zealand biosecurity through controlling imports and the management of pests. The Biosecurity Act has a close relationship with the Resource Management Act 1991 but does not have a Treaty clause. However, section 73(1)(a) requires a regional council to consult with tangata whenua in the preparation of a proposed regional pest management strategy.

4.11 Crown Minerals Act 1991

The Crown Minerals Act governs the management and administration of Crown owned minerals and mining generally. Section 4 of this Act provides that “All persons exercising functions and powers under this Act shall have regard to the principles of the Treaty of Waitangi”.

4.12 Alignment to Council Policies and Plans

Te Awanui, Tauranga Harbour, Iwi Management Plan will provide guidance to cultural issues with other council plans or policies that relate to Te Awanui.

This document gives guidance to all regional and local planning and policy development that relates directly or indirectly to the Te Awanui harbour environment of Tauranga Moana, including land development issues that impact upon the harbour.

4.13 Harbour Management Authorities

Management of Te Awanui currently falls under the obligation of the following group of regulatory authorities.

Management Authority	Obligations
Environment Bay of Plenty, Regional Council	New Zealand Coastal Policy Statement, Regional Policy Statement, Regional Coastal Environment Plan, Regional Plans, Long Term Council Community Plan.
Tauranga City Council	Resource Management Act, Local Government Act, District Plan, Long Term Council Community Plan,
Western Bay of Plenty District Council	Resource Management Act, Local Government Act, District Plan, Long Term Council Community Plan,
Ministry of Fisheries	Fisheries Regulations, sustainable fisheries
Department of Conservation	Crown Reserves, wildlife protection
Maritime New Zealand	Maritime safety. Most functions at regional level carried out by ENVBOP

4.14 Implementation of the Plan

The proposed implementation provides some guidance for how tangata whenua intend for the document to be used, including ways in which harbour authorities, council, other stakeholders or the wider community should take this documents content into account.

This document is not an alternative to consultation; however, it will assist councils and resource users with understanding cultural values as determined by iwi and hapū.

When dealing with consultation issues with tangata whenua, it is important to express that an iwi or Rūnanga of Tauranga Moana are not the 'be all and end all' for consultation, the hapū of Tauranga Moana still require to be consulted, where applicable.

The three iwi would support a method through a Geographic Information System (GIS) within council processes to flag Iwi Management Plans with regard to resource management and consent application processes. This would provide councils with instant recognition of Iwi Management Plans, which area's they relate to and where they are located, rather than have them sitting on a shelf somewhere with minimal reference to them. It would also assist regional council with planning and policy relating to tangata whenua perspectives on significant cultural issues within the region.

PART 5. POLICIES FOR TE AWANUI, TAURANGA HARBOUR

This section of the document was developed after a series of workshops with the hapū of Tauranga Moana to identify the following;

- Future aspirations relating to the Te Awanui;
- Customary fisheries and management practices;
- Issues relating to Te Awanui, such as; the depletion of kaimoana, water quality, sewerage discharge, stormwater discharge, erosion, sedimentation, reclamations, economic / urban / industrial development, recreation and marina's.

The format of this section is provided by broad issues that are categorised into relevant sections. Objectives, policies and actions give guidance to those issues. The following groups or organisations that are outlined within this section are referred to as;

Iwi	Te Rūnanga o Ngāi Te Rangi, Ngāti Ranginui and Ngāti Pūkenga, responsible to iwi, hapū and whānau. Iwi will work on the behalf of hapū on resource management issues only where required.
Hapū	The affiliated hapū of Ngāi Te Rangi, Ngāti Ranginui and Ngāti Pūkenga
ENVBOP	Environment Bay of Plenty Regional Council
TCC	Tauranga City Council
WBOPDC	Western Bay of Plenty District Council
MFish	Ministry of Fisheries
DOC	Department of Conservation
HPT	Historic Places Trust
Maritime NZ	Maritime New Zealand
NIWA	NIWA Science
ERMA	Environmental Risk Management Authority
Port	Port of Tauranga
Care Groups	Care groups that have a role in the management of Te Awanui

It is intended that this Iwi Management Plan is implemented by tangata whenua and local and regional councils to provide guidance and direction for management and planning decisions for Te Awanui. Tangata whenua are forming meaningful partnerships with management authorities to ensure that all decisions relating to the harbour and any development that has the potential to adversely impact upon Te Awanui, recognise and give effect to the cultural, spiritual and historical association of the three Tauranga Moana iwi.

Some of the actions within this section require resourcing to enable those objectives to be progressed. The Tauranga Moana iwi aim to obtain resourcing tools to provide support for the hapū on resource management issues, by building good relationships with key stakeholders, funding providers, local and regional councils and other iwi.

Generic Action Table

The following action table outlines some generic and ongoing requirements that will provide a framework for Māori research and development and form a guide for capacity building of tangata whenua to participate in resource management of Te Awanui. This also provides the initial foundations for iwi and hapū to participate in harbour management issues of Te Awanui.

Intended Action	Identified Authority	Timeframe
Te Awanui – Tauranga Harbour – Iwi Management Plan recognised and implemented within local and regional council consent and planning processes.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	Ongoing
Iwi to work with regional and local councils to develop an agreement that includes standardised protocols for how tangata whenua wish to participate in resource management issues.	Iwi / Hapū / TCC / WBOPDC / ENVBOP	2009
The above protocols need to address the issue of reimbursement for costs/expenses/contracted work of tangata whenua during this process.	Iwi / Hapū / TCC / WBOPDC / ENVBOP	2009
To identify current and historic significant cultural areas, including mahinga kai sites of Te Awanui and build into a GIS programme, enhancing data to draw on for environmental research, management and planning purposes. For consideration of these sites to be shared with respective council for incorporation into their plans.	Iwi / Hapū / ENVBOP / TCC / WBOPDC	2010
To review funding options for tangata whenua to develop a database for cultural layers within GIS programming to identify, register and protect significant cultural areas within Te Awanui.	Iwi / Hapū / ENVBOP / TCC / WBOPDC / HPT	2010
To proceed with the practice of kaitiakitanga over Te Awanui and work towards building the capabilities for tangata whenua to undertake the management of Te Awanui as a partnership with the harbour authorities.	Iwi / Hapū	Ongoing
Each iwi to source funding to implement a research management unit that supports their hapū with resource management and planning issues. This unit would also support hapū with identifying funding opportunities to assist with specific issues or projects.	Iwi / Hapū	Ongoing
Undertake a feasibility study for Tauranga Moana iwi development of a Cultural Research Centre for cultural information, data collation and scientific analysis, and seek funding to implement this.	Iwi / Hapū	2013 – Ongoing
Iwi and hapū to work and develop positive working relationships with Community Care Groups and other community organisations that have a role in the management of Te Awanui.	Iwi / Hapū / Care Groups	Ongoing

A broad set of intended actions and identified authorities have been listed with timeframes within this section. These are the perceived expectations from tangata whenua of how organisation's should exercise their functions and responsibilities under the RMA.

5.1 SIGNIFICANT CULTURAL ISSUES



Artwork by Kristal Tihi Age: 10

The Significant Cultural Issues chapter applies to the Iwi Management Plan to provide some understanding around the traditional sense of customary practices pertaining to Te Awanui. Urban growth and development has inadvertently disconnected tangata whenua from much cultural practice that once prevailed in the Tauranga Moana region. The cultural value of our region has diminished to allow economic and social principles to prevail in Tauranga.

5.1.1 Pressures on Significant Cultural Sites

Significant cultural sites form an integral part of Māori life. These areas can include kai gathering areas, mahinga mātaitai, wāhi tapu, wāhi taonga and wāhi tupuna. They give Māori reference points for direction and growth and ensure stable cultural development. Removal or destruction of these sites are a major issue for whānau, hapū and iwi and threatens the integrity of our tribal identity and growth (Love *et al*,1993). Increased development in the Tauranga region has placed significant cultural sites at risk and potentially degrades the cultural integrity of those places. The importance of these areas to tangata whenua needs to be recognised and provided for by authorising agencies².

OBJECTIVES

1. To ensure that significant cultural sites are protected, preserved and enhanced.
2. To increase the ability of tangata whenua to actively participate in the management of significant cultural sites.

POLICIES

1. That no development takes place where the values of any significant cultural site is adversely affected. Any activity that has the potential to adversely affect any significant cultural site must be communicated to tangata whenua of that area to resolve any potential issues.
2. Iwi will work with other stakeholders to ensure that significant cultural sites are actively protected, preserved and enhanced in a way, which is meaningful to iwi and hapū.
3. Crematory ashes must not be dispersed into Te Awanui. This type of activity degrades the mauri of the water and is offensive to tangata whenua.
4. Iwi and hapū will seek rights of veto to oppose any application that has the potential to adversely impact on significant cultural sites.

² Within the Regional Policy Statement (RPS) regarding Heritage Criteria which will soon be part of the Operative RPS, it states that; “only Māori people that have a relationship with the affected area can assert their relationship, and the relationship of their culture and traditions, with their ancestral lands, water, sites, wāhi tapu and other taonga”. Therefore in preparing Assessment of Environmental Effects (AEE) or in developing plans, consultation with Māori that have a relationship with the affected area is critical.

SPECIFIC POLICIES

1. There are many areas throughout the coastline of Tauranga Moana that are recognised by tangata whenua as wāhi tapu. These may be areas where our ancestors have died in battle or kōiwi have been placed as a final resting place. These areas must be protected from the future development of Harbour Reserve Walkways.
2. The proposed Harbour Reserve Walkways by Tauranga City Council must not be located on or near culturally sensitive areas that are identified by tangata whenua as inappropriate places for the public to be accessing.

Pressures on Significant Cultural Sites		
Intended Action	Identified Authority	Timeframe
Iwi to work with regional and local councils to secure resourcing to allow iwi and hapū participation in assessing resource consents that potentially impact upon significant cultural sites.	Iwi / Hapū / TCC / WBOPDC / ENVBOP	2009
Tauranga Moana iwi to work together to establish an inventory of significant cultural sites to be utilised in the assessment of planning and resource applications.	Iwi / Hapū	2009
Identify culturally significant sites that require maintenance, protection or enhancement. Develop a system within GIS to record those sites along with the kōrero associated to them.	Iwi / Hapū	2010
To schedule those significant cultural sites requiring further protection and/or enhancement within the District Plan and/or the Regional Coastal Environment Plan where appropriate. Any sensitive information pertaining to those significant cultural sites remain the property of hapū and iwi from whom those sites derive, and that no development takes place that will negatively impact on them.	Iwi / Hapū	2009 - 2010
Work towards the active protection, preservation and enhancement of significant cultural sites identified by tangata whenua.	ENVBOP / TCC / WBOPDC / HPT / Iwi / Hapū	Ongoing

5.1.2 Impacts of Dredging

There has been a dramatic reduction in the fish and shellfish that had been abundant within the lifetimes of elders still alive today. The result of the economic development of the port has diminished whānau, hapū and iwi relationships with the harbour. This development has been at the expense of our people's traditional food gathering and traditional cleansing sites (Tauranga Moana Iwi Customary Fisheries Committee, 2006).

The Port of Tauranga currently holds consent to dredge up to 800,000m³ to extend the existing channel and up to 360,000 cubic metres per year to maintain the depth of the other main channels within the vicinity of the port. Further expansion of the port is inevitable, therefore, effective management protection and enhancement of the marine biodiversity of Te Awanui is of high importance.

Dredging activity relating to mooring, jetties and marina development is also of concern to tangata whenua, this activity is required to have an appropriate consultation process with regard to speaking to members of local hapū and iwi whom have the endorsement or mandate of their people to do so. Issues that need to be identified during this process include; traditional relationships in the area, disturbance to kaimoana and potential re-establishment of kaimoana.

The need to balance economic and urban growth with cultural and environmental sustainability is increasingly apparent. The impacts of dredging that have caused and continue to cause detriment to the relationship that tangata whenua have with Te Awanui need to be taken into account and provided for.

OBJECTIVES

1. To protect and enhance the kaimoana, ecology and habitats of the harbour, from the adverse effects of dredging.
2. To provide mitigation for the erosive impacts contributed by harbour dredging in culturally significant areas of land within the harbour margins.

POLICIES

1. All dredging activity within the harbour must not adversely affect mahinga kai sites of Te Awanui.
2. As a condition of resource consent, monitoring of the effects of dredging is that of the consent holder. Monitoring reports must be made available to iwi and hapū.
3. Identified mahinga kai areas must be afforded legal protection from dredging activity within Te Awanui³.
4. Tangata whenua must have input into the decision-making process through appropriate mandated representatives with regard to all dredging activities carried out within Te Awanui.
5. Any proposed dredging of the seabed of Te Awanui must be endorsed by tangata whenua. Any opposition to dredging by iwi will be made within reasonable grounds.
6. Dredged materials should be made available for the restoration and maintenance to areas susceptible to erosion as a mitigation measure, especially in those areas of high significance to tangata whenua⁴.

SPECIFIC POLICIES

1. The pipi bed known by tangata whenua as Te Paritaha o Te Awanui, has been a food basket to tangata whenua pre-European settlement until now. Any proposed dredging activity in this area must avoid, remedy or mitigate any potential adverse affects as determined by tangata whenua.
2. The sandbank area on Matakana Island known as Panepane has longstanding historical and traditional importance to tangata whenua. Any proposed dredging activity in this area must avoid, remedy or mitigate any potential adverse affects as determined by tangata whenua.

³ Pipi beds along the main shipping channel of Te Awanui, near Sulphur Point has been identified as high risk to dredging activity.

⁴ Ōpureora Marae on Matakana Island is an example of one such area that is at high risk to erosion.

Dredging		
Intended Action	Identified Authority	Timeframe
Initiate a relationship with the regulatory authority, ENVBOP and the Port of Tauranga with the following outcomes in mind. <ol style="list-style-type: none"> To form an agreement between the Port of Tauranga and iwi that ensures the protection of mahinga kai areas from dredging activity. To consider opportunities for tangata whenua to utilise the dredged material for restoration of eroded foreshore lands significant to tangata whenua. This should be applied as mitigation for the erosive effects of dredging in the harbour. Capacity building for tangata whenua to undertake customary research with regards to kaimoana in the dredged areas. 	Iwi / Hapū / ENVBOP / Port	2008 – 2009
Identify and record all cultural sites in need of protection from dredging activities. These sites may be shared and lodged with Regional Council for legal protection to be implemented.	Iwi / Hapū / ENVBOP	2009
For all cultural sites lodged with Council to be afforded protection from any adverse effects of dredging.	ENVBOP / HPT	2010

5.1.3 Impact of Reclamation of the Foreshore and Seabed

The Sulphur Point reclamation has contributed to one of the most substantial losses of traditional mahinga kai gathering sites of Te Awanui. This area was once the habitat for particularly large tuangi and pipi, tupa and kukuroroa. The sand here was once pitted with tāmure - snapper holes which indicated an important feeding ground for the tāmure. Small pātiki – flounder were also abundant here and were used by kuia as a rongoā for treating minor ailments. Previous to the reclamation, this was the only wading bird roost in the southern end of Te Awanui.

Reclamations and the (associated) erection of structures and draining activities in the harbour are adversely affecting the freshwater wetland, saltmarsh and mangrove communities around the margin of the harbour (Environment Bay of Plenty, 1999).

Reclamations and wharf extensions continue to threaten the ecology of Te Awanui. Tangata whenua require more inclusion within the decision-making process regarding the reclamation of any part of the seabed of Te Awanui to ensure that traditional roles of kaitiakitanga are better recognised and provided for.

OBJECTIVES

1. To protect and enhance the kaimoana, ecology and habitats of Te Awanui from inappropriate reclamation of the foreshore and seabed.

POLICIES

1. Consenting authorities must recognise that the coastal foreshore of Te Awanui must be retained, protected and restored in order to maintain this extensive area of significant conservation and cultural value. This means the prevention of any further reclamation of the foreshore and seabed.
2. Tangata whenua must have input into the decision-making process with regard to any reclamation of the seabed.
3. Any proposed reclamation of seabed must be endorsed by Tauranga iwi through meaningful consultation processes.

- Any proposed reclamation of seabed must not cause adverse effect to significant cultural sites, including mahinga kai areas.

Reclamation of Foreshore and Seabed		
Intended Action	Identified Authority	Timeframe
To initiate a relationship with the regulatory authority and the Port of Tauranga with the following outcomes in mind. <ol style="list-style-type: none"> To discourage further reclamation of foreshore and seabed of Te Awanui. To ensure communication regarding any proposed reclamation of foreshore and seabed is open for discussion between the tangata whenua and the Port of Tauranga. 	Iwi / Hapū / ENVBOP / Port	2008 - 2009
Identify and record all significant cultural sites including mahinga kai areas in need of protection from any potential reclamation of foreshore and seabed. For those sites to be registered with local and regional councils.	Iwi / Hapū	2010

5.1.4 Traditional Place Names

Traditional waiata, tauparapara, whakataukī, pātere, raupatu hearings and whakapapa, are a record of traditional place names and areas of significant importance to tangata whenua. Tangata whenua aspire to have traditional Māori place names restored. Showing respect to the cultural history of Tauranga Moana enhances the knowledge of our community and ensures that important parts of our history are retained.

OBJECTIVE

- To identify and restore all traditional Māori place names around Te Awanui.

POLICIES

- For the cultural history of Te Awanui to be recognised, acknowledged and provided for.
- All traditional Māori place names are identified where applicable within all local and regional mapping programmes.

Traditional Place Names		
Intended Action	Identified Authority	Timeframe
Identify and record those traditional Māori place names which are appropriate to be registered with local and regional councils.	Iwi / Hapū	2009
To support the history of Tauranga by recognising original Māori place names, provided for by indicating those place names on all mapping programmes.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	2009 – 2010
Ensure that all traditional Māori place names that have been lodged by iwi and hapū; be recognised and included in all District and Regional Planning maps. Where appropriate	ENVBOP / TCC / WBOPDC / Iwi / Hapū	2009 – 2010

5.2 TANGATA WHENUA PARTICIPATION IN STATUTORY PROCESS



Artwork by Te Rohe Ngātai Age: 11

5.2.1 Resource Consents

Tangata whenua are concerned with the inundation of resource consent applications for the development of the Tauranga area. Tangata whenua are required to respond to resource consent applications in order to protect and preserve our taonga. There is an obligation for local and regional councils and the applicant to consult with tangata whenua over consents, policies and plans, yet there are no provisions for tangata whenua to be resourced to play a part in this role required of local and regional council.

Due to a lack of resourcing for tangata whenua to adequately participate in this process the result is a lack of consultation, recognition and acknowledgement of the traditional relationships that tangata whenua have with Te Awanui during the resource consent process and when required, subsequent appeal processes. The correct consultation channels are often overlooked when pressure from economic development on, in and around the harbour is applied.

Iwi and hapū are required to have input into the planning and decision-making process of resource consent applications to ensure that the taonga, resources of tangata whenua are sustainably managed for future generations.

OBJECTIVE

1. For iwi and hapū to work in partnership in the decision-making process of resource consents to ensure that cultural values and taonga are protected.
2. For iwi or hapū to determine when a Cultural Impact Assessment is required.

POLICIES

1. That the tribal authority that iwi and hapū have over their own resources be recognised.
2. That correct consultation channels with iwi and hapū are applied by regional and local councils.
3. That iwi and hapū input is provided for in the decision-making process of resource consent applications.
4. To build the capacity for tangata whenua to respond to harbour development issues.
5. Consultation where tangata whenua are required to attend meetings or advise council/resource consent applicants on cultural issues must have consideration for reimbursements and expenses during the resource consent process.
6. All cultural impact assessment reports must be completed and endorsed by mandated iwi/hapū representatives and must be factored into the project budget for any project requiring this service.

Resource Consents		
Intended Action	Identified Authority	Timeframe
Identify and implement appropriate mutual agreements and protocols with iwi and hapū to assist with relevant resource consent applications.	ENVBOP / TCC / WBOPDC / Iwi / Hapū.	2009
Identify correct consultation process that is developed and accepted in partnership with iwi and hapū. For local and regional councils to follow the same standardised process to avoid confusion.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	2009
To identify and confirm localised mana whenua for representation on local harbour issues during consultation process for resource consent.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	2009
Assess funding options for iwi and hapū representatives to engage with local and regional council in resource consent process where applicable.	TCC / WBOPDC / ENVBOP / Iwi / Hapū	2009
Identify funding options to provide capacity building workshops for tangata whenua to participate in resource consent issues including; the submissions process and developing cultural impact assessments.	TCC / WBOPDC / ENVBOP / Iwi / Hapū	2009

5.3 REPO - WETLANDS



Artwork by Sahara Jack-Kino Age: 8

Wetlands are an integral part of Te Awanui and are recognised as special ecological areas, home to a diverse range of fish, shellfish, and bird, species considered taonga to tangata whenua. In most cases, wetlands indicate that there is not only a river mouth but also freshwater and ‘paru’ (traditional dye) nearby. Due to the early drainage schemes, most, if not all paru sites are gone or their whereabouts no longer known.

The ecology of wetlands provide habitat for juvenile growth of a diverse range of marine life. In most cases it is also the breeding ground to native and often rare bird species.

Estuarine ecosystems (including marshbird habitat, saltmarsh, wader habitat, shellfish beds, other intertidal and subtidal habitat in Te Awanui are considered highly significant for protection according to a report prepared for Smartgrowth in 2003 (Wildland Consultants, 2003).

Many wetland areas around Te Awanui conceal sacred burial sites that are considered wāhi tapu by tangata whenua⁵. These areas are afforded the utmost protection by tangata whenua as the resting place of our tupuna. It is important that wetlands are provided the necessary means to appropriate management.

⁵ See also Section 5. Significant Cultural Sites regarding wāhi tapu.

The loss of riparian margins through residential development on the harbour's coastal margins, and the reduction of riparian growth within rural farmland areas have contributed to increased contaminants reaching the waterways of Te Awanui. The need for the diversity of native vegetation in these areas is increasingly important. The presence of riparian growth provides a natural filtration system that reduces the amount of silt and contaminants entering Te Awanui (Fisher *et al*, 1997).

OBJECTIVES

1. To ensure the wetland resource and habitat is sustained for future generations.
2. To maintain and enhance the quality of mahinga kai within wetland areas.

POLICIES

1. Protect and enhance the integrity of wetland species and habitat of Te Awanui.
2. To avoid, remedy or mitigate the adverse effects of reclamation or drainage of wetland areas.
3. To promote and implement protection, enhancement and restoration of wetland areas.
4. Recommend integrated catchment management to reduce upper catchment impacts on wetlands⁶.

Repo – Wetlands		
Intended Action	Identified Authority	Timeframe
Develop ongoing, effective communication tools for iwi, hapū and the community to promote the protection of wetland resources.	Iwi / Hapū	2009 – Ongoing
Develop and maintain relationships with relevant research based service providers and funding agencies to assist with the planning and management of wetland resources.	Iwi / Hapū	2009 – Ongoing
Formulate good working relationships with iwi, hapū, local and regional councils, the community and care groups to develop restoration projects.	Iwi / Hapū / TCC / WBOPDC / Care Groups	2009 – Ongoing
Participate in wetland restoration projects, possible funding through the ENVBOP Environmental Enhancement Fund.	Iwi / Hapū	2009 - Ongoing
Apply a strategy to protect wetland areas, including boundary fencing to prevent access of stock.	TCC / WBOPDC / ENVBOP / Iwi / Hapū	2009
Identify mahinga kai, paru, manu and habitat with the goal to evaluate, monitor and restore the state of the wetland resources.	Iwi / Hapū	2009 – 2010
To participate in research into the impacts of sedimentation and mangroves, <i>Gambusia</i> (mosquito fish), faecal and entericocci contamination.	Iwi / Hapū	2009 – 2012
Investigate <i>Gambusia</i> eradication in the Rangataua area.	Iwi / Hapū	2009 - 2012
Investigate funding options to identify and establish training programs for tangata whenua to ensure capacity building of tangata whenua in water resource management issues.	Iwi / Hapū	2009 – 2012
To apply integrated catchment management to improve the environmental quality of repo – wetland areas.	ENVBOP / Iwi / Hapū / Land Owners / Community	2012

⁶ Landcare Research - Integrated Catchment Management is a research programme in partnership with researchers, policy makers, resource users, community members and iwi. This method addresses the entire catchment in an integrated way to minimise downstream impacts.

5.4 WATER QUALITY

To protect the mauri of Te Awanui is an important obligation that tangata whenua aspire to uphold. Tangata whenua regard Te Awanui as a sacred entity in that it has its own mauri or life essence that plays an important role in its purity and life supporting qualities. Degradation of this taonga through drainage and pollution is a major resource management issue in Tauranga and is culturally unacceptable.

Traditionally all waste is returned to Papatūānuku and passed through the land, as an act of purification. The water is the resource that provides us with food and spiritual resources. Therefore, ensuring that the mauri of the harbour and its tributaries are intact is paramount to the health of our physical and cultural well-being.

The dilution of pollution, before discharge to waterways, continues to be an inappropriate solution from the perspective of tangata whenua. The mixing of the life giving properties of water with that of waste 'waikino ki wai māori' is offensive by the standards of tangata whenua.

Tangata whenua have identified that the following issues degrade the health and wellbeing, and adversely impact upon the mauri of the receiving environment or water quality of Te Awanui.

- a. the mixing of geothermal water with waste/storm water and then discharged
- b. discharge activities such as; stormwater, agricultural, horticultural, industrial, and sewerage.
- c. Leachate from development and ponds resulting in soil and groundwater contamination.



Artwork by Mikaere Sydney Age: 11

It is clear that effective waste management controls are required to improve water quality of Te Awanui.

Tangata whenua are consistent in advocating discharge to land, allowing Papatūānuku (through wetlands and riparian areas) the opportunity to filter and clean any impurities⁷. However, the use of discharge to land must be accordingly managed with regard to the carrying capacity of the land to ensure that land and water are not at risk to contamination

5.4.1 Wastewater/Sewage

To protect the mauri of Te Awanui, wastewater disposal systems must be managed sustainably. Residential and industrial development needs to be regulated appropriately to ensure that the effects of direct and indirect discharge of contaminants are reduced.

Wastewater incorporates all water that is discharged from toilets, kitchens, bathrooms and laundries and includes those facilities from commercial operations. The Ministry for the Environment has recorded wastewater as the biggest volume waste in New Zealand at 1.5 billion litres of wastewater discharged into the environment daily (Ministry for the Environment, n.d.).

The use of septic tanks in the Tauranga Moana region is known to become highly pollutant due to leaching of the systems into the harbour area. Alternatives to old systems, such as the implementation of improved technology for septic tank systems need to be applied. The alleviation

⁷ See also Section 5.3 Repo: Wetlands.

of the sewage issues for Tauranga Moana also includes limiting or regulating urban growth to ensure that a precautionary approach is applied.

Pressure for better sewage systems has resulted from the high urban growth rate in Tauranga Moana. Current septic tank systems are no longer sustainably used in some parts of the region. The Omokoroa community has an upgraded pipeline system that will now run to the Chapel St treatment plant. The southern pipeline that has been proposed will service the Tauriko/Greerton communities, cross the Matapihi railway bridge, cut through the Matapihi community to reach the Te Maunga wastewater treatment plant. Tangata whenua believe that sewage pipelines are a high risk to the quality of the harbour. Pipelines and the pump stations that maintain them are known to regularly have problems that result in the discharge of waste into Te Awanui.

Waikino (dirty water) to waiora (healthy water) is considered detrimental to the health and wellbeing of all people and alters the mauri of the entire ecosystem. Tangata whenua of Tauranga Moana have and always will be consistent in their stance to object to waste to water.

OBJECTIVES

1. To preserve, maintain and restore the mauri of Te Awanui through the practice of kaitiakitanga.
2. To ensure that the quality of all discharge is at the highest level at all times.

POLICIES

1. First and foremost, all discharge of waste to water will be opposed by iwi and hapū of Tauranga Moana. However, waste to water is still a threat to the sustainability of the harbour and must be addressed. Wetland enhancement is required as a consent condition for any proposed wastewater schemes to enhance and increase the availability of wetland area in any discharge zones for tertiary treatment.
2. To promote and implement the restoration, enhancement and protection of the receiving environment.
3. Cultural and environmental values take precedence over social and economic benefits.
4. To promote alternative environmentally sound options for waste treatment and disposal systems.
5. The duration of sewage disposal consents must not exceed the lifetime of the disposal or treatment system. All consents must be considered in terms of cumulative and long-term impacts.
6. To monitor and regulate the growth of residential development and implement a precautionary approach to wastewater disposal.

Wastewater/Sewage		
Intended Action	Identified Authority	Timeframe
Raise the water quality standard of all discharges of waste to water, using effective research data.	TCC/ WBOPDC / ENVBOP/ Iwi / Hapū	2010
To raise the standard of water quality for Te Awanui, determine a Māori water classification strategy that is consistent with the RMA 1991 (Love <i>et al</i> , 1993). Review the use of the Cultural Health Index for tangata whenua participation in research and monitoring.	TCC / WBOPDC / ENVBOP / Iwi / Hapū.	2010
Provide research into the feasibility of land-based discharge upon the establishment of enhanced wetland areas.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	Ongoing
Investigate alternative methods based on new technology, to provide sustainable waste disposal options.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	Ongoing
Promote alternative options to the community to reduce volumes of wastewater to septic tanks e.g. water recycling systems, self composting toilets.	TCC / WBOPDC / ENVBOP / Hapū	Ongoing
Continue to monitor the effectiveness of the Onsite Effluent Treatment Plan.	Iwi / Hapū	Ongoing
Ensure adequate consultation with tangata whenua on new and existing Stock Truck Effluent Disposal Sites provided by Transit NZ.	ENVBOP / Transit NZ / Iwi / Hapū	Ongoing

5.4.2 Stormwater discharges

Stormwater is the water that is channelled into drains to collect all surface water run-off from impermeable surfaces such as; roads, roofing and carparks. The need for stormwater management has resulted from the clearance of natural vegetation for urban development. This form of waste is no longer passed through the land before being discharged to the harbour.

Discharges of stormwater into Te Awanui increases sediment loads and stormwater is often contaminated by metals⁸ and oils from roading, rubbish and street litter, chemical fertilisers, car wash detergents and accidental spills or dumping into stormwater drains.

The receiving environment for stormwater discharges in the Tauranga region is the coastal foreshores of the harbour.

OBJECTIVES

1. To ensure that stormwater discharges do not compromise the mauri of the harbour and its tributaries.
2. To achieve high environmental standards regarding the discharges of stormwater into the harbour and its tributaries.

POLICIES

1. That contamination of the harbour and its tributaries as a result of stormwater discharges is avoided, remedied or mitigated.
2. For the values of tangata whenua to protect the mauri of the harbour and its tributaries to be accounted for within legislative processes.

⁸ Stormwater sediments around Tauranga has shown high levels of copper, lead and zinc and have potential to cause high levels in settlement areas of the harbour (McIntosh & Deely, 2001)

3. That consenting authorities in the production of conditions of consent, aim for the highest level of stormwater treatment and apply sound water-sensitive urban design to maintain the lowest level practicable of stormwater input and contaminant loads entering the harbour.
4. That consenting authorities ensure the highest level of monitoring and follow up of non-compliant activities.
5. To require robust monitoring of stormwater discharges related to resource consents, to detect non-compliance with consent conditions and best practice. Non-compliance must result in appropriate enforcement action to discourage further non-compliance.
6. Develop alternative environmentally sound options for stormwater treatment and discharge systems.
7. To implement integrated catchment management to address stormwater discharge issues⁹.
8. To promote the development of new technologies to provide better outcomes for the quality of the harbour and its tributaries.
9. To promote stormwater management schemes that separate greywater (e.g. washing, showers, sinks) and stormwater from blackwater (human waste), and that the reuse / recycling of greywater and stormwater for non-hygienic purposes such as garden use irrigation is incorporated.
10. To promote and educate safe environmental practices for domestic and industrial stormwater users.

Stormwater Discharges		
Intended Action	Identified Authority	Timeframe
Continue to conduct research into the effects on the harbour and its tributaries caused by stormwater discharges. For results of this to be available to iwi and hapū.	ENVBOP / Iwi / Hapū	2009 – Ongoing
Regional and local councils to work together to improve the environmental standard of all stormwater discharges to the harbour or its tributaries.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	2010
Identify acceptable examples of stormwater management to improve conditions of consent relative to discharges into the harbour or its tributaries.	ENVBOP / Iwi / Hapū	2010
To apply integrated catchment management to reduce sedimentation issues in Te Awanui.	ENVBOP / Iwi / Hapū / Land Owners / Community	2012

5.4.3 Oxidation Ponds

Oxidation ponds are established as the secondary treatment process of sewage. This process involves the settling of solids and the break down of organic matter in sewage. They are approximately 5 feet deep and are a haven for many birds that visit the marsh. Tangata whenua are concerned that birds visiting these areas are at risk to bacterial infections. This was evident by mass bird death in the oxidation ponds at Rangataua.

The oxidation pond facility located in Rangataua Bay was established in a predominantly Māori settlement area of Ngā Potiki hapū. The intertidal estuarine area in Rangataua was reclaimed for the sewage ponds. Although the placement of this facility was consistently opposed by tangata whenua, development of the ponds went ahead without consideration for cultural values and customary food gathering in Ngā Pāpaka o Rangataua, the Rangataua estuary. Tangata whenua require assurance that further lack of respect for cultural values in any further oxidation pond developments in Tauranga Moana will discontinue.

⁹ Landcare Research - Integrated Catchment Management is a research programme in partnership with researchers, policy makers, resource users, community members and iwi. This method addresses the entire catchment in an integrated way to minimise downstream impacts.

Tangata whenua will continue to advocate their obligation to kaitiakitanga, to maintain, restore and enhance the waiora, waters of life that sustain us through the presence of kaimoana within our tahuna, estuaries. The potential for the contamination of kaimoana in the vicinity of oxidation ponds is a serious health risk that needs to be addressed.

OBJECTIVES

1. To protect and preserve the mauri of Te Awanui from the adverse effects of oxidation ponds.
2. To protect and enhance the quality of kaimoana within the harbour and its tributaries.
3. To ensure that the outfall from oxidation ponds have minimal adverse effects on marine life.

POLICIES

1. The highest environmental standards to be applied to the development and use of oxidation ponds.
2. The duration of sewage disposal consents must not exceed the lifetime of the disposal or treatment system. All consents must be considered in terms of cumulative and long-term impacts.
3. Treatment and purification systems must be applied before discharge to land, and close monitoring of the carrying capacity of soils, must be part of any discharge to land activity.
4. Consideration must be given to soil structure, permeability and carrying capacity at the discharge point, potential adverse effects on soil and ground water must be considered.
5. To promote alternative environmentally sound options for waste treatment and disposal systems.

SPECIFIC POLICIES

1. That research into the bacterial risk to birdlife, shellfish, flora and fauna in the Rangataua harbour is conducted to ensure the health of birdlife and humans alike is taken into consideration.
2. That the closure of the Te Maunga Oxidation Ponds is honoured, as per resource consent No. 62881
3. Artificial wetlands at Te Maunga requires investigation, this area may be known as a wetland habitat pond and therefore requires clarification to determine its cultural impacts.

Oxidation Ponds		
Intended Action	Identified Authority	Timeframe
Raise the environmental quality benchmark to resource consents that relate to oxidation ponds, to prevent potentially adverse effects on the harbour.	ENVBOP / Iwi / Hapū	2009 – Ongoing
Conduct research into any adverse effects, bacterial or otherwise, on birdlife/shellfish/flora and fauna in the vicinity of any oxidation ponds.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	2009 – 2010
Ensure that research is provided as per the carrying capacity of any receiving wetland and the potential effects on soil and ground water. For this information to be accessible to tangata whenua.	ENVBOP / Iwi / Hapū	2010
Provide mitigation for any adverse effects on the harbour environment from oxidation ponds in conjunction with tangata whenua.	Consent holder / Iwi / Hapū	2009 - Ongoing
Investigate up to date technology regarding alternative methods to oxidation ponds that are more sustainable for Te Awanui.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	2010
For the Te Maunga oxidation ponds to be converted back to wetlands, as per resource consent condition No.62878	ENVBOP / TCC / Iwi / Hapū	2013

5.4.4 Agricultural and Horticultural Run-off

For farming to remain viable, the land on which it is based needs to be sustained in a healthy condition, farming is dependant on the sustenance of Papatūānuku, the land. Natural resources such as water, soil and biodiversity and the processes that those resources provide need to retain the carrying capacity to sustain such practices.

The application of chemical sprays and fertilisers are known to impact on waterways and the receiving environment of the harbour. The increased nutrient content promotes algal growth, causing an accumulation of sea lettuce in the harbour (Bioreserchers, 1989). The nitrification process blocks up waterways and impedes access to fisheries resources, problems of smell and visual impacts increase.

Degradation of water quality due to the discharge of agricultural and horticultural wastes through the land and into the harbour and its tributaries must be addressed. The carrying capacity of the soil to which wastes are discharged must be considered and provided for.

Due to the immense accumulation of adverse effects on Te Awanui, tangata whenua determined the drainage of wetland areas for farming and land management purposes is unacceptable.

OBJECTIVES

1. To maintain, enhance and restore the mauri of the harbour and its tributaries.
2. To reduce the discharge of waste from agricultural and horticultural run-off.

POLICIES

1. To recommend, where appropriate, that wetland restoration be a component of any sewage discharge to land scheme, in order to utilise the natural capacity of those ecosystems to filter contaminants.
2. To avoid the drainage of any existing wetland area for agricultural or horticultural purposes.
3. To encourage those applying to discharge contaminants to land to adopt principles of waste reduction and cleaner production.
4. To encourage the development of environmentally sustainable farming systems to address such issues as the following;
 - a. Improving nutrient (nitrogen fertilisers) management
 - b. Reducing faecal contamination of waterways
 - c. Development of appropriate cultural indicators to monitor impacts.
5. To encourage the adoption of environmentally sound farming methods as part of developing environmental sustainability and economic sustainability of land use.
6. To prohibit the establishment or continuance of any activity that has the potential to cause contamination of land or water unless effective precautions have been taken to avoid adverse effects on Te Awanui.
7. To apply appropriate fencing to control stock access to waterways, drains, wetlands, and waipuna in Tauranga Moana, and for this to be phased into council regulations.
8. To enhance all riparian zones to assist and manage the effects of farming activities including stock access and cultivation.
9. Depending on the nature, scale and location of the activity, to require that suitable buffer zones, including natural vegetation be compulsory for any discharge to land activity (e.g. spray irrigation of effluent, application of fertiliser) in the vicinity of any waterway, bore or waipuna.
10. To ensure that the relationship between terrestrial and aquatic ecosystems is recognised and provided for in all decision making relating to any land-use that potentially causes any adverse effects to the Te Awanui.
11. To require that the relationship between land use activities in upper catchments and the health of coastal ecosystems is recognised and provided for in all decision making processes to prevent any adverse effects on Te Awanui.
12. Iwi will oppose any further drainage of wetland areas for agricultural and horticultural use.

13. Iwi will support and participate in integrated catchment management and the use of cultural health indicators to alleviate issues relating to agricultural and horticultural run-off

Agricultural and Horticultural Run-off		
Intended Action	Identified Authority	Timeframe
Continue to promote and provide educational information on environmentally sound farming and horticultural practices.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	Ongoing
For iwi and hapū to investigate capacity building options to become skilled in monitoring and water resource management issues.	Iwi / Hapū	Ongoing
Ensure that suitable riparian buffer zones are applied to all areas at risk to contamination of waterways, relating to agricultural and horticultural activities in the vicinity of all harbour tributaries and the coastal foreshores of the harbour.	ENVBOP / Iwi / Hapū	2009 – Ongoing
Review the conditions of consent process relating to development and maintenance of agricultural and horticultural activities to ensure that the harbour is not at risk to contamination, including those activities in the upper catchment area.	ENVBOP / Iwi / Hapū	2009
Identify areas that are at high risk to agricultural and horticultural contamination, and to provide assistance to property owners to ensure that the water quality of those areas is enhanced.	ENVBOP / TCC, WBOPDC / Iwi / Hapū / Community	2009 - 2010
Recommend appropriate fencing to control stock access to waterways, drains, wetlands and waipuna, and to phase this into Council regulations.	ENVBOP / Iwi / Hapū	2010

5.4.5 Sedimentation

Sedimentation of Te Awanui has had the most damaging effect on mahinga kai, biodiversity and ecological habitat e.g. eel grass beds, juvenile fish areas and shellfish beds (Environment Bay of Plenty, n.d.). The proliferation of mangroves is becoming increasingly widespread due to sedimentation issues. Tangata whenua have mixed views regarding mangroves as this is a naturally occurring product of sedimentation. Manawa (mangroves) are also recorded in the tribal history of some of the Tauranga hapū and are classed as a juvenile marine life nursery¹⁰.

The accumulation of sediment and contamination is more apparent in sheltered areas where tidal flow is unable to flush the environment of the problem. A wide range of compounds or metals can accumulate within sediment dependant on land-use. Nutrients, pesticides and herbicides are common in areas of agricultural use, and metals (zinc, lead and copper) and hydrocarbons created through the combustion process are common in urban areas (Park, 2003).

The depth of waterways and estuaries has dramatically reduced due to the build up of sediments within Te Awanui. Tauranga kaumātua still recall the day when large launches could come into Rangataua and sail right up into the Waitao River. In the past the sedimentation effects of quarry activity in the Tauranga region was conducted without restraint. This caused major outflows of sedimentation through the Waitao and into the receiving environment, Ngā Pāpaka o Rangataua.

Clearance of catchment lands and inappropriate rural land management practices creates siltation and run-off problems into the harbour and its tributaries. Sediment smothers fish and shellfish habitat, which in turn destroys the food resource. The silt builds up in small drains and streams creating more likelihood of flooding. Flooding creates restricted access to mahinga kai and other culturally significant areas, and also impacts on farming and residential areas (Love *et al*, 1993).

¹⁰ Kōrero from Otāwhiwhi Marae Workshop. (personal communication, Reon Tuanau.16/08/07)

Tangata whenua are concerned about the type and extent of land clearance associated with subdivisions, industrial development, horticulture, agriculture, pastoral farming etc. and the accumulation of effects these activities are having on Te Awanui in the form of erosion and sedimentation. The impacts of these activities are diminishing the cultural relationships that tangata whenua hold with Te Awanui through a lack of recognition and provision for the following Māori connections with the harbour; mahinga mātaitai, traditional food gathering areas, wāhi tapu, sacred sites and natural habitats and ecosystems.

OBJECTIVE

1. To reduce the impacts of sediment on Te Awanui.

POLICIES

1. Robust sediment, stormwater retention methodologies must be applied by developers and consent holders.
2. Recommend Integrated Catchment Management to reduce sediment and nutrient loads entering the harbour¹¹.
3. To promote ecological restoration and enhancement of high risk areas.
4. To participate in active restoration and enhancement of wetlands and upper catchment areas including enhancement of native riparian growth at waterway margins and rubbish removal.
5. To use a preventative approach to mangrove management (removal), that occurs in conjunction with active management of the preceding waterways.
6. Depending on the nature, scale and location of the activity, to require that a suitable buffer zone, including natural vegetation be compulsory for any land clearance or quarry site operating in the vicinity of any waterway, bore or waipuna.

Sedimentation		
Intended Action	Identified Authority	Timeframe
Continue to apply effective sediment and contaminant control measures that apply to land clearance eg; subdivision, earthworks. Regular compliance monitoring of these activities is required	ENVBOP	Ongoing
Continue to identify and review research on Te Awanui regarding sedimentation studies undertaken by other stakeholders.	ENVBOP / Iwi / Hapū	Ongoing
Apply an appropriate buffer zone dependant on the nature, scale and location of any land clearance or quarry site in the vicinity of any waterway, bore or waipuna.	ENVBOP	Ongoing
Identify catchment areas and other stakeholders and projects, already in operation around each catchment and ensuring tangata whenua are involved.	ENVBOP / Iwi / Hapū	2010
Assist hapū and whānau to implement individual catchment management plans, including restoration and to assist hapū to obtain ongoing funding for this purpose.	ENVBOP / Iwi / Hapū	2010
Encourage iwi hapū and whānau to have active involvement in mangrove management and for any mangrove management, including the removal of mangroves to be carried out in conjunction with or following the restoration of the upper catchment areas.	Iwi / Hapū / ENVBOP / WBOPDC / TCC	Ongoing

¹¹ Landcare Research - Integrated Catchment Management is a research programme in partnership with researchers, policy makers, resource users, community members and iwi. This method addresses the entire catchment in an integrated way to minimise downstream impacts.

5.4.6 Urban Growth

Tauranga is promoted as an ideal place for prime land acquisitions of coastal properties and urban development. Those areas of Māori land on the fringes of urban land development are under immense pressure due to increased rates. Therefore, a major priority for Tauranga Māori is to retain their lands in Māori ownership (Stokes, 1980). These pressures are demoralising the traditional relationships tangata whenua have with their ancestral land. The practice of customary food gathering now faces ongoing access issues to the harbour which is slowly diminishing those traditional relationships that tangata whenua hold with the harbour as an ancestral taonga.

The rate of urban growth has caused great concern for tangata whenua as the natural cleansing processes are no longer capable of keeping up with the rate of land clearance and urban sprawl. The constant land clearing for residential development is continuously contributing to the sediment loads that rivers and streams carry into the inner harbour causing accumulations of silt and mud. Other adverse effects on the harbour include issues caused by sedimentation, stormwater and sewage disposal¹².

Although there has been improvement in the legislative process through the Resource Management Act 1991, tangata whenua still feel that meaningful consultation regarding cultural values is lacking. The destruction of wāhi tapu during large earthworks projects continues.

OBJECTIVE

1. To protect and enhance the cultural, environmental wellbeing of Te Awanui with regard to inappropriate subdivision, land use and development practices.

POLICIES

1. For the values of tangata whenua to be recognised and provided for within the resource consent process in partnership, regarding residential development, urban growth.
2. To ensure early consultation with tangata whenua prior to the resource consent application process for subdivision where the subdivision will have a direct or indirect impact on the harbour and/or its tributaries.
3. To deter inappropriate subdivision in areas of cultural significance.
4. Environmental Impact Assessments that include cumulative effects assessments to be part of the application for consent concerning subdivision, residential development.
5. All applications for subdivision in the Tauranga Moana area to include provisions for site visits, cultural impact assessments and pre resource consent archaeological assessments.
6. Cultural earthworks protocols, including appropriate monitoring (by tangata whenua) during the excavation of any major earthworks activity must be applied. This is required to prevent the desecration of any kōiwi and other historic taonga.
7. The protection of significant cultural values to have precedence over any building, subdivision or other development activity.
8. To encourage appropriate subdivision activities that protect and even enhance the natural, ecological and cultural values associated with the area.
9. To raise the standard benchmark to a level that achieves sustainable outcomes for urban growth.
10. All urban growth development must provide for natural vegetation buffer zones of riparian margins for all waterways or coastal development, this is required to be provided for as a condition of resource consent.

¹² See also policy sections on: Wastewater/Sewage, Storm Water Discharges and Sedimentation.

Urban Growth		
Intended Action	Identified Authority	Timeframe
Develop standardised pre-application protocols and process between iwi/hapū/councils, to ensure developers and consent applicants are aware of the cultural value of potential development areas. This allows tangata whenua to have input and discussion around any potential concerns in a proactive way and ensures that one process is followed by all.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	2009
To review funding options for tangata whenua to participate in the consent process through the development of consultation protocols within the resource consent process as part of the obligation to recognising the principles of the Treaty.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	2008 – 2009
Ensure that meaningful consultation with tangata whenua is provided for within the resource consent process, including site visits and cultural impact assessments where required.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	Ongoing
Continue to carry out research and monitoring regarding the effects of urban growth on the harbour in conjunction with tangata whenua.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	2008 – Ongoing
Identify and register areas of cultural significance with appropriate agencies such as (Historic Places Trust, Environment Bay of Plenty, Tauranga City Council, Western BOP District Council) to be protected from the effects of urban growth.	Iwi / Hapū	2008 – 2009
Those identified areas of cultural significance to be legally protected from all impacts of residential development and have precedence over any building, subdivision or other development activity. Dependant on the nature of the area.	ENVBOP / TCC / WBOPDC	2009 – 2010

5.4.7 Industrial Development

Industrial development in the Tauranga region is generally a matter of location with easy access to the port for import and export purposes as well as the growth of associated businesses in the region. Tangata whenua are concerned with the effects of discharge into disposal systems from industrial activities. There are concerns that compliance monitoring of industrial businesses are only occurring when a complaint has been made.

Contaminants and sediments entering the harbour and its tributaries contribute to the decline in abundance and health of kaimoana in the harbour. Reduced abundance, diminished mature size, and reduced quality of kaimoana is of great concern to tangata whenua.

OBJECTIVES

1. To ensure that Te Awanui is protected from the adverse effects of industrial activities.
2. To ensure that the values of tangata whenua concerning Te Awanui are recognised and provided for.

POLICIES

1. To require that all industrial businesses have contaminant control protocols in place, to prevent chemicals from entering Te Awanui.
2. To require that all industrial businesses have sediment control protocols in place, to reduce sediments that potentially enter Te Awanui.
3. To require that all industrial businesses have regular compliance monitoring, regardless of whether or not complaints have been made.

4. To require that all industrial businesses use environmentally safe cleaning products where this option reduces any impacts upon Te Awanui.
5. For contaminant and sediment reduction protocols to be enforced by consenting authority.
6. Develop appropriate enforcement policies in the event of non-compliance.

Industrial Development		
Intended Action	Identified Authority	Timeframe
To initiate a formal relationship with consenting authority to implement appropriate consultation for tangata whenua during any industrial development in any culturally significant areas on or near Te Awanui.	Iwi / Hapū	2009
Continue to ensure that all industrial businesses have contaminant and sediment control plans in place and that effective disposal systems are described within (e.g. cleaning products, paints, heavy metals, oil)	TCC / WBOPDC	Ongoing
Improve environmental regulations regarding industrial development and to implement regular compliance monitoring of industrial businesses.	ENVBOP / TCC / WBOPDC	2009

5.4.8 Toxic Waste

Tangata whenua are concerned by how chemicals are managed within fumigation practices and want assurance that safety to humans and the surrounding environment is provided.

The Port of Tauranga must ensure that all import and export processes are managed in an appropriately safe way to prevent any adverse effects on Te Awanui, the community, the industry and as a national priority. The use of chemicals for cleaning and fumigation practices needs to be addressed to ensure that these components are not compromised in any way.

In particular, the use of methyl bromide for fumigation of products such as export logging needs to be addressed as a matter of urgency. This chemical has been identified as a contributor to ozone depletion and is highly toxic to humans and animals. If exposed to methyl bromide through inhalation or absorbed through the skin, the likely effects of acute exposure can cause; severe chemical burns to the skin, eyes and airways, delayed chemical pneumonia which produces water on the lungs, severe kidney damage and devastating effects on the central nervous system. The effects of methyl bromide poisoning is permanent and irreversible (Workers Health Centre, n.d.).

Disposal of solid waste has improved in the Tauranga area. However, the potential for adverse effects to Te Awanui needs to be addressed. Solid wastes are defined as all forms of waste that are destined for landfill disposal including; common household waste such as paper, plastic, glass, metals, garden waste, and a range of industrial and commercial waste. When solid wastes that contain potentially hazardous constituents are disposed of at landfill sites, possible leachate effects on the harbour is of concern.

OBJECTIVE

1. To ensure that toxic chemicals are managed appropriately to prevent adverse effects on Te Awanui.
2. To eliminate the effects of toxic waste on Te Awanui, including people's health, safety and cultural values.

POLICIES

1. To ensure that toxic waste is managed appropriately to prevent any adverse impacts on Te Awanui.

2. Iwi will support the implementation of permanent hazardous goods drop off facilities to reduce illegal dumping of toxic waste.
3. That all landfill sites are stringently monitored for potential leachate impacts on Te Awanui.
4. For the health of the environment, the community and the staff involved in fumigation processes, to prohibit the use of methyl bromide.
5. In the event that methyl bromide is used at the Port of Tauranga, this must be managed in such a way that harmful chemicals are at no time released into the air or the harbour and must have an approved handler.
6. That an Emergency Procedures Plan and a Safe Practice Plan is required and followed for any use of methyl bromide.
7. Stringent monitoring of the use of methyl bromide must be applied to prevent any occurrences of harmful chemical releases into Te Awanui.
8. For industrial and commercial premises to have environmentally sound waste management protocols regarding the disposal of chemical waste.

Toxic Waste		
Intended Action	Identified Authority	Timeframe
Continue to monitor all landfill sites to ensure that all sites have effective management protocols that prevent leachate from entering Te Awanui.	ENVBOP	Ongoing
Apply stringent monitoring systems to all landfill sites regarding potential leachate impacts.	ENVBOP	Ongoing
Implement permanent drop off facilities for hazardous wastes to assist with the prevention of illegal dumping.	TCC / WBOPDC	2010
Conduct a review of the use of methyl bromide to determine the risk involved in its use. Consultation with tangata whenua is required during this process.	ERMA / Iwi / Hapū	2008 – 2009
In the event that methyl bromide is used at the Port of Tauranga that safe methods of control are used to prevent any release of this toxic substance into the air or water. A Safe Practice Plan and an Emergency Procedures Plan is required for any use of this substance. An approved handler must be applied during any use of methyl bromide.	ENVBOP / ERMA	2008 - 2009
Regular compliance monitoring of industrial toxic use and waste disposal to ensure safe practices are being adhered to.	ENVBOP	Ongoing
Complete phase out of methyl bromide.	ENVBOP / ERMA / Port of Tauranga	2010

5.5 BIOSECURITY



Artwork by Teiara Taikato Age: 10

5.5.1 Ballast Water

The discharge of ballast water is a major threat to the cultural values placed on Te Awanui. Without effective controls on the discharge of ballast water in New Zealand waters, the rate of foreign introductions (termed exotic), will accelerate as the shipping trade in Tauranga increases¹³.

Ballast is used to weight or balance an object. Ballast water is the water, including its associated constituents (biological or otherwise), including associated sediments, placed in a ship to regulate stability at the required safe

operating conditions. In the past, ships carried solid ballast, in the form of rocks¹⁴, sand or metal. Water has been used since the 1880's.

Most introductions of invasive exotic marine species thrive within the sheltered bays, harbours and estuarine environments. Within these environments, marine organisms can quickly establish and cause serious harm to marine biodiversity in Te Awanui by altering marine habitats and displacing native plants and animals. This problem can cause a wide range of threats to cultural, environmental, social and economic values that we place on the marine environment of Te Awanui. This illustrates the importance of providing better control measures to prevent the introduction of marine organisms to the harbour.

New Zealand's current ballast water discharge regulations have afforded some protection against introductions of exotic organisms, however, they have limitations¹⁵. The implementation of international regulations can address those limitations¹⁶. An international response to the issue was Agenda 21, adopted by the United Nations Conference on Environment and Development (UNCED)¹⁷

¹³ Some examples of exotic species that have been identified in Te Awanui are; the Asian date mussel (*Musculista senhousia*) and Asian kelp (*Undaria pinnatifida*) (Oemeke, 1999).

¹⁴ The rock named Ratahi off Opuhi on Matakana was the ballast of the Tainui waka captained by Hoturoa. When the waka began approaching shallow waters, some of the ballast was unloaded to ensure safe passage through the estuarine areas of the western harbour. The ballast unloaded by the Tainui waka still remains today.

¹⁵ Mandatory controls on ballast water discharges introduced by NZ in May 1998, in the form of Import Health Standard for Ships Ballast Water from all Countries, pursuant to Section 22 of the Biosecurity Act 1993).

¹⁶ The International Convention for the Control and Management of Ship Ballast Water and Sediments was adopted by Diplomatic Conference in February 2004. When it comes into force, it will provide a binding set of international regulations to control discharges of ballast water by shipping. This includes the phased introduction of stringent performance standard for ballast water discharges, requiring installation and use of on-board treatment systems; and a framework for Parties to the Convention to take enforcement action in response to violations of the regulations – MAF Biosecurity Discussion Paper 2007.

¹⁷ In response to Agenda 21 adopted by UNCED, the International Maritime Organisation, the United Nations agency responsible for the international regulation of ship safety and the prevention of marine pollution, adopted revised guidelines for managing and controlling ships' ballast water discharges in 1993. It also initiated work to develop internationally applicable, legally-binding regulations for ballast water management - MAF Biosecurity Discussion Paper 2007.

Exotic marine pest species have become a problem in Te Awanui¹⁸, therefore, more stringent regulations are required not only for international shipping but for those ships moving within our national ports also.

Tangata whenua require that practicable measures are implemented to prevent the spread of marine organisms through the discharge of ballast water in or near Te Awanui. The monitoring and degree of cultural input within current regulations is lacking. Tangata whenua consider this issue of high priority to be reviewed and addressed by those authorities responsible.

OBJECTIVE

1. To protect and enhance the marine biodiversity of Te Awanui from the adverse effects of ballast water discharge from ships.

POLICIES

1. All ships (national and international) will be required to respect the wider environmental context of the Tauranga Harbour.
2. For these options for the international arrival of ships into the Tauranga Harbour to be implemented;
 - a. to exchange ballast water en route, beyond the Exclusive Economic Zone (EEZ), in an area at least 200 nautical miles from shore and in waters greater than 200 meters in depth, before entering New Zealand's territorial waters; or
 - b. to retain ballast water on board the vessel; or
 - c. to use freshwater in ballast holding tanks; or
 - d. to use environmentally sound ballast water treatment methods before entering NZ territorial waters; or
 - e. to seek alternative methods to the discharge of ballast water.
3. For the above policies to be applied until such time as more stringent performance standards for ballast water discharges are applied, including the installation and use of on-board treatment systems.
4. All discharge of ballast must be inspected and pre-approved using appropriate methods of monitoring.
5. For ships arriving from other Ports within NZ waters, the discharge of ballast water must be discharged outside an appropriate distance from shore of all coastline and outlying islands including Motiti, Tūhua¹⁹ and Karewa.

¹⁸ Asian Date Mussel is confirmed to have settled in the harbour, one area has been reported up to 3 ha. They have been listed as an unwanted organism under the Biosecurity Act (Environment Bay of Plenty, 2006).

¹⁹ Tūhua - otherwise known as Mayor Island.

Biosecurity – Ballast Water		
Intended Action	Identified Authority	Timeframe
Tangata whenua to initiate an on-going relationship with Biosecurity NZ to ensure cultural values are recognised and provided for within regulatory frameworks.	Iwi / Hapū / Biosecurity NZ	2009
Apply stringent monitoring regulations for the discharge of ballast water in conjunction with tangata whenua.	Biosecurity NZ / ENVBOP / Port / Iwi / Hapū	2009 - 2010
Tangata whenua to initiate an on-going relationship with the port authority with the following out-comes in mind; <ul style="list-style-type: none"> a. To monitor all active consents currently held by the Port of Tauranga. b. To review all monitoring reports currently held by the biosecurity agencies. c. To investigate all organisms considered to be foreign by tangata whenua. 	Iwi / Hapū / Port	2008 – 2009
To protect the ecology of the harbour from the introduction of invasive marine organisms, investigate appropriate discharge zones to apply regulations based on research into the distribution capabilities of micro-marine organisms.	Biosecurity NZ / ENVBOP / Port of Tauranga.	2010

5.6 RECREATIONAL ACTIVITIES

Recreational activities in and around the Tauranga Harbour although acknowledged as being beneficial to the economic and social aspirations of our communities, is also detrimental both environmentally and culturally to tangata whenua. Managing the impacts of recreation in Te Awanui is a pre-requisite for catering to the cultural values of tangata whenua and to alleviate further confusion and conflict.

5.6.1 Ski/Jet Ski Lanes

The 24 marae of Tauranga Moana play an integral role in supporting the cultural traditions of tangata whenua within the rohe. The marae are the focal point for the preservation and enhancement of the traditions of tangata whenua. The importance of keeping these traditions alive is paramount to the survival of our local culture.

The marae area in the front of the marae is known as the ātea, it is an integral part of Mātauranga Māori, and manifests the cultural paradigms inherent for karanga, whaikōrero, tauparapara, pātere, waiata. The Māori community of the marae is the focal point for the preservation and enhancement of the traditions of tangata whenua, the importance of keeping these traditions alive is paramount to the survival of our local culture.

With the advent of exponential development within the coastal margins of Te Awanui, over a twenty year period, use of ski and jet ski lanes has increased. There are nine ski lanes and two jet ski lanes. Many of these lanes are located directly adjacent to Māori land causing much concern for tangata whenua.

The location of boat ramps near marae and the impact of noise created by these activities impinge on marae processes during hui and tangihanga. The location of most ski and jet/ski lanes in Tauranga conflicts with access to mahinga kai sites and cultural areas. Often this activity is located in areas that are susceptible to the risk of erosion, in which the wake of boats and jet-ski's only serve to amplify. Ski and jet ski lanes also cause a concern for the safety of children who could previously go swimming or collecting mahinga kai freely near the marae.

OBJECTIVES

1. To maintain the integrity of tikanga practices on the marae of Te Awanui
2. To ensure that the natural environment is not unnecessarily altered in such a way that would produce negative effects upon the foreshore adjacent to any Marae, Pā Site or Wāhi Tapu area.
3. To ensure the safety of the marae community in recreational areas.

POLICIES

1. Ski lanes must not impact on traditional and culturally significant sites.
2. Ski lanes must not interfere with access to traditional fishing grounds, Pā sites, Wāhi Tapu.
3. Ski lanes must not be located in areas that will increase the otherwise natural impacts of erosion of any Marae, Pā Site or Wāhi Tapu area.
4. During the placement of ski/jet ski lanes the safety of the marae community must be seriously considered.

SPECIFIC POLICY

1. During the development of this document the following areas were identified as current ski or jet ski lane designated areas, that must be recognised as inappropriate locations for ski/jet ski lanes;

Maungatapu:	Opoopoti Te Ngaio Ahipouto
Matapihi:	Taruawahine Pā and Temataoteao Pā
Matakana	Panepane Waikoura Paretata
Rangiwaera:	Otapu (Hunters Creek)
Motuhua:	Entire island area
Tuapiro:	Ongare Tuapiro

Ski / Jet Ski Lanes		
Intended Action	Identified Authority	Timeframe
To have current spatial allocation of ski/jet ski lanes reviewed by management authorities in conjunction with tangata whenua.	Maritime NZ / ENVBOP / Iwi / Hapū	2009
Relocate current ski/jet ski lanes that impinge on marae practices to alternative sites in conjunction with tangata whenua.	Maritime NZ / ENVBOP / Iwi / Hapū	2009
Identify and relocate current ski/jet ski lanes that interfere with access to any traditional fishing ground, pā site or wāhi tapu area in conjunction with tangata whenua.	Maritime NZ / ENVBOP / Iwi / Hapū	2009
Relocate current ski/jet ski lanes that are increasing the erosion of land at any marae, pā site or wāhi tapu area in conjunction with tangata whenua.	Maritime NZ / ENVBOP / Iwi / Hapū	2009
Identify and relocate current ski/jet ski lanes that cause any safety concern for the marae community in conjunction with tangata whenua	Maritime NZ / ENVBOP / Iwi / Hapū	2009

5.6.2 Commercial Tourism

Tangata whenua would like to be assured that any indigenous knowledge that is used by commercial entities is endorsed by iwi and hapū. The intellectual property right of any cultural information relating to Tauranga Moana belongs to tangata whenua and must be endorsed by tangata whenua.

Concerns have been raised about commercial tourism ventures that conduct tours throughout Te Awanui on boats and hovercraft vehicles. Tangata whenua and some of the community are concerned about the areas that these vehicles are accessing. Estuarine environments are known to be the nursery for a diverse range of fish and shellfish species, therefore disturbance to these areas is considered inappropriate to tangata whenua.

OBJECTIVE

1. To ensure that commercial tourism does not affect the cultural and environmental integrity of Te Awanui.

POLICIES

1. All commercial tourism venture operators must consult with tangata whenua when applying for consent to operate within Te Awanui. Any issues raised by tangata whenua during consultation must be avoided, remedied or mitigated by the applicant.
2. For tangata whenua to hold the intellectual property rights to the use of cultural knowledge by commercial tourism ventures that use Te Awanui for commercial purposes. Any use of cultural information by commercial tourism entities must be agreed upon during the consultation.
3. All commercial tourism entities must not enter any private land domain without the express permission from the owner.
4. The cultural and environmental impacts of any boat or hovercraft must be considered during the consent application process.
5. All commercial tourism operators to be prohibited from culturally sensitive areas, as determined by iwi and hapū.

Commercial Tourism		
Intended Action	Identified Authority	Timeframe
Review the consent conditions for commercial tourism operators within Te Awanui to include meaningful consultation with tangata whenua.	DOC / ENVBOP / Iwi / Hapū	2009
Identify skilled environmental planners within iwi that have the capacity to furnish cultural/environmental impact reports. All reports and related costs to be agreed upon with the applicant during consultation (as above) if required.	Iwi / Hapū	Ongoing
Identify areas that are culturally and/or environmentally inappropriate for tourism operators to visit, launch from or launch on to.	Iwi / Hapū / ENVBOP / DOC / HPT	2010

5.6.3 Stock Access to Foreshore and Seabed

To minimise the impact of stock; grazing animals that include horses, sheep and cattle on the foreshore and seabed of Te Awanui. Tangata whenua require that consenting authorities recognise the cultural values associated with food gathering areas (mahinga kai) and ecology of Te Awanui.

A summary of the effects of stock access to the foreshore and seabed of Te Awanui include; faecal contamination on mahinga kai sites, trampling of mahinga kai and benthic fish-life and disturbance of breeding, nesting and feeding grounds of wetland birds.

OBJECTIVES

1. To maintain and enhance the quality of mahinga kai sites and the estuarine ecosystem.
2. To protect and enhance breeding and nesting grounds of wetland birdlife species.

POLICIES

1. To prohibit the access of stock onto the foreshore and seabed of Te Awanui.
2. For the diverse ecology of estuarine areas of Te Awanui to be adequately protected.
3. To prohibit the access of stock onto areas of the beach which are known as breeding, nesting or feeding grounds of wetland birdlife.
4. For appropriate consultation with tangata whenua to be conducted before the approval of any consent allowing stock onto the foreshore and seabed of Te Awanui.

SPECIFIC POLICIES

1. To prohibit the access of stock from the foreshore and seabed of Waipu estuary.
2. Waipu is an area that has been identified by Ngāi Tukairangi as culturally inappropriate for the access of stock, due to potentially adverse effects on a diverse range of fish, shellfish and birdlife.

Stock Access to Foreshore and Seabed		
Intended Action	Identified Authority	Timeframe
Consult with tangata whenua regarding any possible impacts on mahinga kai sites, fisheries and breeding, nesting or feeding grounds of wetland birdlife, before permitting any approval of stock onto any beaches or estuarine areas of the harbour.	TCC / WBOPDC / ENVBOP / Iwi / Hapū	Ongoing
Identify and record all areas that are culturally unsuitable beach zones for stock to have access to and have these incorporated into the Beaches Bylaws.	Iwi / Hapū / TCC	2008 - 2009
Prohibit the access of stock to those wetland areas identified by tangata whenua and to enforce those regulations.	TCC / WBOPDC / Iwi / Hapū	2008 – 2009
To identify resourcing for tangata whenua to conduct research that identifies culturally significant birdlife areas and to meet the needs and requirements of those areas for breeding and nesting grounds of wetland bird species.	Iwi / Hapū	2010

5.7 SPATIAL ALLOCATION

The spatial allocation of activities in the coastal marine area include the establishment of coastal structures such as marinas, aquaculture structures, slipways, wharves, piers, boat ramps, jetties, moorings, or any other structure used to facilitate access to the coastal marine environment. Such activities may have adverse effects on the foreshore, seabed, coastal waters, and the coastal environment in general.



Artwork by James Christensen Age: 9

Te Awanui is inundated with a range of commercial and recreational activities which need to be managed appropriately. The traditions of our tupuna that relate to Te Awanui including; kaitiakitanga, manaakitanga and whanaungatanga are principles that need to be protected, restored and enhanced in order for our traditions and cultural integrity to remain intact.

5.7.1 Spatial Allocation Consent

The use of Te Awanui through industry, recreation, commercial and passive tourism has increased as a result of growth in the Tauranga Moana region. These activities are managed by a range of different agencies including; Environment Bay of Plenty, Tauranga City Council, Western Bay of Plenty District Council, Department of Conservation, Maritime NZ, Ministry of Fisheries and the Harbour Master.

OBJECTIVE

1. To ensure that spatial allocation managers of Te Awanui take into account, recognise and provide for the traditional values of tangata whenua.

POLICIES

1. An arrangement which recognises the symbiotic relationship between tangata whenua and the environment, and Councils, which allows input from tangata whenua into the decisions made on consent applications, to ensure that their values and taonga are protected (Love *et al*, 1993).
2. To avoid compromising the natural, cultural and ecological values of Te Awanui as a result of inappropriate spatial allocation.
3. To require that all decisions relating to Te Awanui, recognise and give effect to the cultural, spiritual and historical association of tangata whenua.
4. To avoid the placement of structures in the coastal marine area that will have significant adverse effects on the foreshore and seabed, water quality, mahinga kai, the coastal environment of lands adjacent (Māori Land and Marae) and cultural values generally.
5. To encourage appropriate spatial allocation in the harbour and to provide for robust tangata whenua input and participation in this decision making process.
6. To ensure when allocating space for commercial and recreational activities within the harbour, customary values and perspectives are taken into account within the decision making process.

7. For tangata whenua to be provided with concession fees or levies for the marine space that has been occupied by various entities such as; the port, marina's, tourism ventures, in on and above the harbour. The purpose of this fund to be used for research, restoration, and monitoring of the effects of such activities using kaupapa Māori research methodologies by tangata whenua.
8. That all areas of public use do not compromise the integrity of culturally sensitive sites i.e wāhi tapu.
9. Spatial allocation of any aquaculture ventures within the harbour must be endorsed by the iwi and hapū of the proposed area.
10. To recognise that tangata whenua maintain full and exclusive rights on the harbour and that those commercial entities utilising the harbour or intellectual property of tangata whenua, must respect the wishes of tangata whenua in the use of those resources.

Spatial Allocation Consent		
Intended Action	Identified Authority	Timeframe
Continue to encourage meaningful consultation with tangata whenua during any spatial allocation consent process pertaining to the use of the foreshore and seabed, to ensure that the values of tangata whenua are considered.	ENVBOP / TCC / WBOPDC / MFish / Maritime NZ / DOC / HPT / Iwi / Hapū	Ongoing
Identify and record significant cultural sites and mahinga kai areas within the harbour.	Iwi / Hapū	2009 – 2010
Provide legal protection to those sites identified by tangata whenua as culturally significant and prevent the spatial allocation of inappropriate activities in those areas.	ENVBOP / HPT / Iwi / Hapū	2010
Progress the possibility of cultural redress for the utilisation of foreshore and seabed.	Iwi / Hapū	2010 – 2012

5.7.2 Moorings, Jetties and Marina Development

As the population explosion in Tauranga continues to rise, the demand for future expansion of further jetties, moorings and marina development continues. Tangata whenua acknowledge that Te Awanui is the cornerstone for many recreational boating activities. However, the relationship of tangata whenua with traditional resources within Te Awanui and their obligations to kaitiakitanga should not be compromised.

Significant cultural areas of Te Awanui are being pressured by a community driven demand for councils to provide for more jetties, mooring and marina space. Unfortunately the current proposed areas for marina development are focussed on highly significant cultural sites. The desecration by excavation or reclamation of traditional areas for marina development is not accepted by tangata whenua.

OBJECTIVES

1. To restrict further mooring and marina development in Te Awanui.
2. For meaningful consultation to occur with tangata whenua with regard to any proposed mooring or marina development in Te Awanui.

POLICIES

1. To discourage the proliferation of structures in Te Awanui and promote the efficient use of existing structures, facilities and network utility corridors.
2. To avoid, remedy or mitigate any adverse effects of activities associated with structures in Te Awanui.
3. For any activity relating to the development of jetties, moorings or marinas in Te Awanui to have no adverse effects on culturally significant areas.

4. For any proposed activity relating to the development of marina or mooring space within the Te Awanui to have had meaningful consultation with the relative hapū representatives before meeting any consent application.
5. All current and proposed marinas must have provisions in place for anti-fouling agents and catchment to be provided to prevent contaminants entering Te Awanui.
6. To pursue the possibility of cultural redress for the utilisation of foreshore and seabed in Te Awanui.

Marinas are considered inappropriate by tangata whenua in the following locations

Place name	Location	Reasons
Otapu	Matakana Island	Wāhi tapu
Purakau	Matakana Island	Wāhi tapu
Te Kauri	Katikati	Pā site
Ongare	Katikati	Pā site
Tuapiro	Katikati	Pā site
Tahataharoa	Wairoa river mouth	Wāhi tapu
Omokoroa	Omokoroa	Wāhi tapu
Otamataha	Trinity Wharf	Pā site / Wāhi tapu

Mooring, Jetties and Marina Development		
Intended Action	Identified Authority	Timeframe
Restrict any further moorings, jetties and marina development in, on or around Te Awanui.	ENVBOP / TCC / WBOPDC	Ongoing
In the advent of any further mooring, jetties or marina development, that appropriate mitigation measures are provided to tangata whenua with regard to restoring and protecting culturally significant areas and mahinga kai sites.	ENVBOP / TCC / WBOPDC / Iwi / Hapū	Ongoing

5.7.3 Infrastructure

The rising population of Tauranga has dramatically increased the need for the development of better infrastructure of roads, railways, bridges, and causeways. This has certainly enhanced the economic, political and social participation of the region's residents by providing better transport routes for businesses and local residents alike.

The tangible impacts of infrastructure include altered fisheries due to the change in current and tidal flow caused by altering the coastline with causeways and the disappearance of kaimoana in areas that infrastructure has been placed (Tauranga Moana Iwi Customary Fisheries Committee, 2006). The Tauranga Harbour is criss-crossed by a myriad of bridges and causeways to cater for the rising population and to enable the communities of Tauranga to travel throughout the area with ease.

Infrastructural development in Tauranga has certainly contributed to the destruction of culturally significant sites and added to the contamination of estuaries and waterways of Te Awanui. Historically, the cultural and environmental impacts on Te Awanui have been overlooked²⁰.

²⁰ Whareroa Marae Committee staunchly objected to the location of the Tauranga Harbour Bridge which has had major effects on mātaītai beds (tuangi, pipi, kukuroroa). This area was once renowned for its abundance of kaimoana. The hapū of Rangataua, Waimapu, and Waipu tahuna also believe the Harbour Bridge has

Tangata whenua require more input into decision making processes prior to any resource consent being granted, regarding any infrastructural development in, on or around Te Awanui.

Tangata whenua require that any further development of such infrastructure should not impede on the traditional relationships with Te Awanui and that the decision-making process regarding these developments includes meaningful consultation with tangata whenua.

OBJECTIVE

1. To reduce the impacts on cultural values resulting from infrastructural development in, on or near Te Awanui.

POLICIES

1. To restrict the placement of structures in, on or near Te Awanui, and to promote the efficient use of existing structures around Te Awanui.
2. To avoid any reduction of wetland area within Te Awanui for the purposes of infrastructural development.
3. For formal mutual agreements to be made or reviewed (for those that already exist) between iwi, hapū and Transit NZ regarding any proposed road activities or proposals.
4. To avoid any alteration or reclamation of any wetland or harbour space of Te Awanui during all roading or road related works near the harbour.
5. For road service providers to take into account the effects of coastal erosion and the impacts on wāhi tapu when creating or widening roads.
6. To provide preventative measures in the form of restoration and enhancement to avoid any effects of coastal erosion resulting from infrastructural activity near Te Awanui and/or its tributaries.
7. Any earthworks or roadworks near Te Awanui or its tributaries, must have appropriate measures in place to avoid contaminants entering the water, including; dust, sediment run off from stockpiles or any hazardous substances, that may cause contamination, discolouration, or siltation to such waterways.
8. To avoid adverse effects on culturally important areas, including waterways and culturally important landscape features as a result of works, including the storage and or disposal of spoil as a product of works.
9. To identify, record and lodge with councils, those areas that are culturally significant and require protection from any infrastructural development.
10. Iwi object to the development of power pylons in Te Awanui, appropriate alternative routes need to be investigated in conjunction with tangata whenua.

SPECIFIC POLICIES

The proposed widening of Maungatapu Bridge (on the marae side), in the Rangataua Harbour is of major concern to Ngāti He due to the adverse affects on customary events held at the Marae. Maungatapu marae has had to tolerate the location of a major highway that causes noise impacts on traditional marae processes. Widening of the bridge may bring traffic closer to the marae itself. Tangata whenua would like to be assured that any impact is avoided, remedied or mitigated.

1. The proposed widening of the Maungatapu Bridge must not eventuate on the marae side of the bridge.
2. The widening of Maungatapu Bridge must not impinge on the premises of the marae.
3. Ngāti He have and will continue to voice their opposition to this proposal and it is imperative that councils ensure their voice is heard in the decision making process.
4. Iwi and hapū to meet with key agencies (Transit NZ, TCC, WBOPDC) to establish memoranda of understanding on how consultation and any cultural mitigation will take place with regard to any bridge extensions in Tauranga.

changed the flow and channel characteristics, thus accelerating the depletion and disappearance of mahinga kai.

SPECIFIC POLICY

1. That pylons be removed from Te Arika Park and Opoopoti (Maungatapu) and rerouted along the main Maungatapu road and bridge, in conjunction with tangata whenua.

Infrastructure		
Intended Action	Identified Authority	Timeframe
Initiate deeds of agreement with relevant service providers of infrastructure to ensure that tangata whenua values are recognised and provided for from the outset of any infrastructural development in Tauranga. Includes specific policy in relation to pylons at Te Arika Park and Opoopoti.	Transit NZ / Iwi / Hapū	2008 - 2009
Infrastructural service providers must follow earthworks protocols that account for the values of tangata whenua where required.	Transit NZ / Iwi / Hapū	Ongoing
Identity, record and lodge with councils, those areas that are culturally significant and require protection from any infrastructural development.	Iwi / Hapū	2008 - 2009

5.8 GEOTHERMAL

Geothermal resources are an intrinsic taonga to tangata whenua. Many of the geothermal sites in Tauranga Moana were used by our tupuna for rituals, healing and cleansing purposes. Those geothermal taonga within Tauranga Moana are undervalued and lack the protection to sustain the unique and valuable qualities of the resource.



Artwork by Whakawa Kakau Age: 8

Tangata whenua are also concerned about the effects on kaimoana with regard to heated geothermal discharge into the harbour²¹.

Tangata whenua will support sustainable and appropriate use of geothermal resources in Tauranga where cultural values have been taken into consideration.

The protection of outstanding geothermal features from inappropriate use and development is a matter of national importance (Section 6(b), RMA, 1991). The significance of the region's

There is generally a lack of knowledge in terms of the effects of extraction and discharge into waterways of geothermal resources, the potential for the destruction of geothermal resources from misuse is uncertain. Failure to reinject extracted fluid, gases and condensate can deplete the geothermal 'fields' potential (Environment Bay of Plenty, 1999). Within the consent process for geothermal use the values of tangata whenua are lacking consideration.

Tangata whenua oppose the mixing of geothermal water with that of waste or storm water, to treat a cultural taonga in this manner is offensive.

²¹ Tauranga City Council – Mount Maunganui Hot Pools are currently extracting geothermal water from Mauao for the purpose of heating the water in the pools. Concerns have been raised by iwi and hapū regarding the effects of the discharge into Waikorire – Pilot Bay.

geothermal resource to tangata whenua must also be recognised, respected and provided for in relevant plans developed under the Act.

OBJECTIVES

1. To preserve, enhance and protect the mauri of geothermal resources
2. To prevent the adverse effects of human activity on geothermal resources when any discharge comes within Te Awanui.
3. To ensure that activities within Te Awanui sustain the spiritual and cultural aspects of geothermal resources
4. To give appropriate recognition to te tino rangatiratanga of iwi and hapū with respect to geothermal resources which are recognised as “taonga resources” (Love *et al*, 1993).

POLICIES

1. That the natural character of geothermal resources is protected from inappropriate use and development with activities that arise within or near Te Awanui.
2. To adopt sustainable management practices that minimise impacts upon geothermal resources and ensures the perpetuity of the resource.
3. To avoid any use or activity within or near Te Awanui that has the potential to result in significant soil, erosion or sedimentation of geothermal resources.
4. To develop a model for singular management of “taonga geothermal resources” with appropriate iwi authorities, in conjunction with Regional Council (Love *et al*, 1993).
5. To develop management practices that involve the exercise of kaitiakitanga with respect to those resources with identified kaitiaki who wish to continue that role (Love *et al*, 1993)
6. To develop policies and processes associated with the use of economic instruments such as royalties or management levies in partnership with appropriate iwi and hapū (Love *et al*, 1993).

Geothermal		
Intended Action	Identified Authority	Timeframe
Identify and record all geothermal taonga that have cultural significance in Tauranga Moana with the intention to have those sites accorded appropriate protection by Environment Bay of Plenty.	Iwi / Hapū / ENVBOP	2010
Ensure the sustainability of; the sites of geothermal features and adapted ecologies, with particular regard to cultural, spiritual, intrinsic and ecological values.	ENVBOP / Iwi / Hapū	Ongoing
Proceed with the exercise of kaitiakitanga over geothermal resources, especially where geothermal taonga have been traditionally used by tangata whenua. Iwi need to establish viable measures to undertake management of geothermal taonga around Te Awanui.	Iwi / Hapū	2009 - 2010

5.9 MANAGEMENT OF FISHERIES RESOURCES

Fisheries Management

Fisheries management cannot be effective if it is not considered legitimate by Tangata whenua and stakeholders. This is especially true when institutions are weak and implementation relies on voluntary compliance. At the same time fisheries management must address a wider range of objectives such as those identified by the World Summit on Sustainable Development 2002. These objectives imply an extended knowledge base for management including ecosystem considerations and re-building of the resource base for fisheries. Meeting the need for knowledge which is both legitimate and relate to the extended considerations in fisheries management is a challenge which requires novel approaches to management institutions (Wilson et al, 2006).



Artwork by Teiden Christensen Age: 11

also the spiritual, social and cultural dimensions. Early explorers and settlers expressed amazement at Tangata whenua fishing standards and the industry and ingenuity displayed. They knew the proper seasons, the best places and the best manner in which to take them.

As a national industry in fishing grew, the need for regulation became plain. But by the 1920s at least, and especially where trawlers were in operation, measures to combat over-fishing were required. From 1937 to 1963, restricted licensing applied. In 1963 when the restrictions on licensing were removed, serious over-fishing in the inshore fishery occurred.

By 1980, the over-fishing of the inshore fish stocks was abundantly clear. Drastic action seemed necessary to reduce the fishing effort and the small and part-time fishermen were the first to be removed. Tangata whenua lost not only 'their' fish to outside fishermen, as the grounds they had nurtured for centuries were largely fished out, but their fishing livelihoods too, and their ancient association with the seas virtually ended.

The Treaty guaranteed to Tangata whenua full protection for their fishing activities, including unrestricted rights to develop them along either or both customary or modern lines. It is all too clear that over the years, numerous and serious breaches of the Treaty have occurred. The effects have been enormous. A long struggle for the recognition of Treaty fishing rights has involved the claimant tribes in protracted and expensive proceedings and negotiations involving the bureaucracy, parliament and the courts.

Tauranga Māori made use of the once rich resources by migrating between the coast in winter and inland areas in the summer, a pattern that continued well into the twentieth century. A number of witnesses throughout the claims process told the Tribunal how, despite the loss and fragmentation of their lands, their families continued this traditional pattern of seasonal resource use when they were growing up.

Historical Overview

There is a property of a sort in the right to take fish, as modern commercial fishermen well know. 'Fisheries' may refer to the place of fishing, the types of fish caught, the right to catch them or even the methods used but all four dictionaries we referred to give the activity or business of fishing as the first meaning, and in the Treaty, that meaning cannot be denied. Fish were important to tangata whenua, not just for survival but for the economy that went with inter-tribal trade.

Māori involvement with fish and fishing is as ancient as the creation and Māori fishing embraces not only the physical but

Arapera Nuku submitted evidence of her mother's generation of Ngāti Hangarau attempting to maintain their traditional patterns of seasonal movement between the inland bush, where pigs, kererū, and tuna were caught, and the coast, where fish were dried and pipi gathered²².

Morehu Rahipere presented similar evidence of Ngäi Tamarawaho's seasonal movements, inland to gather berries and catch kererū and then to the coast to fish and tend to crops²³.

A great deal of evidence from all claimant groups about the continuing importance to them of harbour and coastal resources was expressed. They told how, until pollution began to degrade the marine environment and urban development restricted access, Tauranga Moana and the nearby coastline provided them with bountiful supplies of kaimoana.

Tai Taikato of Ngāti He told the Tribunal that every year when he was a young man his whānau spent a month at Mauao diving for kina. However, Mr Taikato stated that, as the settlement of neighbouring lands progressed, Ngāti He lost access to the coastal environment and became confined to land at Maungatapu.

Rangiwhakaehu Walker of Ngäi Te Ahi recalled collecting pipi, tuangi, and tītiko in the Waimapu and Waikareao Estuaries but stated that because of pollution there was now no kaimoana that could be taken from these places²⁴.

Traditional Customary Fisheries Management

Tikanga and kawa in relation to rights and responsibilities in the use and management of the harbour resources allowed hapū the right to take kai from their rohemoana and the right to restrict access to others when over-harvest occurred. The right to restrict or deny access to a resource was usually an expression of territorial right, based on occupation, and control of an area. This right is referred to as tino rangatiratanga in the context of control over an area (Fisher *et al*, 1997). These rights were balanced with the responsibility to conserve and sustain the resource, and a responsibility or obligation of manaakitanga ki te tangata.

As a form of management control, certain species were gathered at particular times of the year, for example, kina was harvested in summer months when the pöhutukawa was in bloom and kütai (mussel) also in the summer months when the köwhai was in bloom, only enough kaimoana to feed the whānau was taken. The first catch is given to Tangaroa as a sign of respect to the sea and karakia, another form of respect with a selfless attitude, to conserve, rather than encourage greed.

Maramataka - the traditional Māori lunar calendar forms the principles of how tangata whenua lived on a day to day basis, it speaks of seasons and cycles that preside over the natural world. They tell us we are all subject to the cycles, the seasons of life, death and rebirth. Maramataka guided tangata whenua in choosing the best times to harvest kai and replant crops (Best, 1986).

²² Tauranga Moana Raupatu Report : Document f17, pp2-3; doc d13, paras 5-6

²³ Tauranga Moana Raupatu Report : Document f17, pp2-3; doc d13, paras 5-6

²⁴ Tauranga Moana Raupatu Report : Document j28, pp3, 6

Customary Fishing

The traditions of tangata whenua in Tauranga and their lifestyles are primarily based around our water resources. The fish and kaimoana species are extremely precious. The mātauranga, traditions and institutions of tikanga and kawa, tapu, noa and mauri associated with collecting, preparing and eating kaimoana (including fish) are just as important. Collectively they shape a person's identity and their relationship with their environment in which they interact.

Traditional fishing techniques have been forced to stop due to legislation. With the introduction of European legislative regulations, tangata whenua assert fish stocks have depleted significantly.

Tradition applies more to beliefs than to methods. Tangata whenua believe that resources must be protected for future generations. But Tangata whenua tradition does not prevent tangata whenua from developing either their personal potential, or resources, for traditionally tangata whenua were developers.

It is the inherent right of all people to develop their potential. There is nothing in tradition to constrain the use of new gear save that directed to resource maintenance. There is nothing in tradition to say that those practices handed down must be passed on without improvement²⁵.

An opinion that Tangata whenua cannot have it both ways, the advantages of new technologies as well as privileges in traditional fishing, does not come from the Treaty for that is precisely what Tangata whenua bargained for. In return for ceding sovereignty and accepting a British settlement, they gained full rights of citizenship in article the third and the guarantee of their own authority and resources in the second.

The Treaty guaranteed to tangata whenua full protection for their fishing activities, including unrestricted rights to develop them along either or both customary or modern lines.

Management of Customary Fisheries - Tauranga Moana

The Tauranga Moana Iwi Customary Fisheries Committee (TMICFC) was formed in 1999 as a joint initiative of the three iwi of Tauranga Moana (Ngāi Te Rangi, Ngāti Ranginui, and Ngāti Pūkenga) to oversee the application of the Kaimoana Fisheries Regulations (1998) as they pertain to Tauranga Moana.

The first task of the committee has been completed. This was to have the Rohemoana declared and gazetted and facilitate the appointment of Tangata Kaitiaki. These Tangata Kaitiaki are managing customary fishing activity effectively and customary catch landings are increasing every year as more and more whānau utilise this management framework.

The Committee comprises representatives appointed by each of the iwi as well as representatives of the Ministry of Fisheries. The Committee's prime purpose is the sustainable development of the traditional fisheries within the coastal area known as "Mai i Ngā Kurī a Whārei ki Wairākei" and from Tūhua to the top of the Kaimai Ranges. It provides practical support to the iwi in promoting and protecting their customary rights under Article III of Te Tiriti o Waitangi.

The TMICFC have applied to the Minister of Fisheries for a Mātaitai Reserve at an area around Mauao including the offshore islands Motuotau and Moturiki. Other Tauranga hapū have signalled interest in establishing their own mātaitai reserves with a view to long-term sustainable management of customary kaimoana areas.

Once the mātaitai reserve is declared the Tangata Tiaki/Kaitiaki or the Mātaitai Management Committee will develop a management strategy plan for the mātaitai reserve. The plan will state the management objectives for the mātaitai reserve (consistent with the aims of management stated in the application). The plan may also outline draft strategies for obtaining information,

²⁵ WAI 22 Report of the Waitangi Tribunal (1998) on the Muriwhenua Fishing Claim

compliance and decision-making regarding the recommendations of bylaws (and regulations for commercial fishing).

Several other initiatives the committee on behalf of hapū are progressing include:

- The application of a Section 186A Temporary Closure prohibiting the taking of kukuroroa/ureroa or horse mussels (*Atrina zealandica*) from certain areas within the harbour. This is in response to the decline in size and availability of this species of kaimoana.
- The application of Section 186A Method Restriction on the use of Scallop dredges within the Temporary Closed area (above). This initiative is in response to the detrimental effects scallop dredges have on the benthic marine habitats and the species they support, namely kukuroroa/ureroa and tuangi.
- The development of a long-term management strategy for the harbour. This among other measures may include the option of a specific regulation prohibiting recreational scallop dredging activities and commercial drag netting throughout the entire harbour. This initiative is in response to the adverse effects scallop dredges and drag nets have on the benthic marine habitat and the species it supports, namely kukuroroa, tuangi and pipi.
- Other long-term management measure investigations include identifying significant customary fisheries areas within the Tauranga harbour and beyond. The identification of a list of key areas that must be protected using customary management or protection tools and then compile, lodge and support applications for the establishment of these mechanisms.
- The development and deployment of the Customary Fishing Database is another trailblazing initiative of the Committee. The web-based tool is a database that captures all Customary Authorisation information when a Tangata Kaitiaki issues an authorisation to take kaimoana for customary purpose. The database also captures information required by the Ministry of Fisheries for quarterly reporting.
- The development of a Rohemoana Management Plan
- In partnership with the Department of Conservation, the development of a Protocol for the management of whale strandings in the Tauranga area.

Tangata whenua prefer an eco-system based approach to managing their fisheries. It is believed one cannot purport to manage fish and/or kaimoana in isolation from managing the environment fish and kaimoana live in. Factors such as sedimentation and siltation, pollution and run-off, to name but a few needs to be considered when managing a fishery.

Wilson et al (2006)²⁶ assert that local ecological knowledge in regards to observations of size and species compositions were more reliable types of information than catch rates.

Tangata whenua want to see the integration of local ecological knowledge in fisheries management. Research shows that allocation and knowledge issues are closely interlinked and must be addressed in concert, and that the negotiation of shared understandings between multiple sources of knowledge must be a continuous process within an adaptive framework rather than a question of identifying a fixed set of indicators²⁷

²⁷ ibid

Recreational Fishing

A direct and logical consequence of the ever-increasing human population in coastal areas is the intensification of the physical and ecological degradation of marine habitats as pollution and over-exploitation of resources increase. Given the importance of marine resources to humans, the consequences of disturbing marine ecosystems go well beyond the biological and ecological realm. Without a doubt, each factor affecting marine ecosystems also affects the social and economic dimensions of societies.

It is the opinion of some tangata whenua, that as well as being customary fishers and commercial fishers, that they are also recreational fishers. Others assert to being customary fishers only which includes the right to take fish on a 'recreational' basis. Either way, tangata whenua hold a definite position and/or interest in the recreational fishing sector.

The recreational daily fishing system is one that allows set amounts of fish to be taken. Tangata whenua would like to see stricter management of the recreational daily take. This is especially true when institutions are weak and implementation relies heavily on voluntary compliance as the recreational (amateur) fishing regulations do. Tangata whenua would like to see a stronger fisheries officer presence throughout the rohe.

Tangata whenua are also concerned about the current limits afforded to certain kaimoana species in the Bay of Plenty. Tangata whenua believe many of the recreational daily limits are set too high and believe this is part of the reason why particular species such as kuku (mussels) and pāua are depleted in and around the harbour and are in need of emergency management measures. For this reason, tangata whenua require early input and participation in sustainability rounds where limits to key kaimoana species are being reviewed and Total Allowable Catch (TAC) limits allocated to the 3 main fishing sectors, customary, recreational and commercial.

Other concerns noted are based around the method of fishing. Of particular concern is the scallop dredging fishing method and the effects on key ecological and taonga species such as the kukuroroa (horse mussel). This concern is supported by research that suggests that due to their provision of more complex 3D structure, kukuroroa are as important as the small tāmure (snapper), and in some instances araara (trevally) also nurseries - and for large tāmure in general (Morrison & Cryer, 1997).

Tangata whenua wish to take actions to prohibit the use of scallop dredges in the harbour as part of the long term sustainable management vision for the harbour.

Tangata whenua would also like the organisers of fishing competitions to promote NOT the biggest or heaviest fish but rather sustainable utilisation principles and values that are more consistent with tikanga Māori sustainability principles.

Commercial Fishing

Tangata whenua report over the years a noticeable decline in many of their taonga species including kukuroroa, tupa, pāpaka, tuangi, pātiki, shark, pipi, tītiko and wetfish including araara, tāmure, haku, kanae and others. Although tangata whenua do not attribute the decline of these species directly to commercial fishing, they do believe there is a correlation between the two. Tangata whenua assert that all kaimoana species and populations remaining in the rohe of Tauranga moana are to be afforded the status of taonga species. This assertion is based on the rationale that they are now even more precious because of the declining trends over the past 20 years.

Concerns noted include the amount of by-catch being wasted by commercial fishers. Large fish, mainly trevally, are often discarded by commercial fishers in the harbour as these sized fish are not easily sold for top dollar, quite the opposite. It is reported these fish are sold and used as cat food.

Other concerning reports are in relation to the method of fishing, in particular, drag netting. Tangata whenua claim that drag netting has the same adverse effects as scallop dredging has on benthic habitats and key species such as kukuroroa.

Tangata Whenua have expressed their desire for ALL methods of Commercial fishing to be prohibited within the harbour to allow for the replenishment of kaimoana (including wetfish) within the harbour and any other area outside of the harbour that fringes on customary mahinga kai areas or tangata whenua owned land.

OBJECTIVES

1. To ensure the sustainability of customary mahinga kai areas is maintained and enhanced.
2. To ensure that the capacity for tangata whenua to effectively participate in fisheries management is provided for.

POLICIES

1. To support, encourage and promote the use of customary fisheries management tools in Te Awanui that applies a localised approach to sustainability of a given area.
2. To implement customary research projects that support and assist a review of all recreational, commercial and customary catch regulations with tangata whenua input.
3. To provide traditional regulatory frameworks within fisheries management regimes.
4. To build the capacity for tangata whenua to actively participate in fisheries management issues and development customary fisheries management tools.
5. To actively protect and manage all customary mahinga kai areas within Te Awanui through the implementation of an iwi lead sustainable fisheries management process;
 - a. where mātauranga Māori knowledge is highly integrated into the management process.
 - b. where the process is consistent with the Fisheries Deed of Settlement Act 1992 and the Deed of Settlement legislative and operational obligations and tangata whenua established standards.
6. For the process to adopt customary fisheries management tools to be conducted in an efficient and timely fashion, and for those applications to be handled as a priority. Any failings to achieve this must be communicated to the applicant with respect.
7. For tangata whenua to be provided with adequate assistance from the Ministry of Fisheries in order to achieve the objectives in implementing customary fisheries management tools.
8. For iwi to initiate and govern the monitoring of the mahinga kai resources within Tauranga Moana in conjunction with hapū.
9. To seek financial support for mandated iwi fisheries management groups to participate in fisheries management issues under the obligations to the Treaty of Waitangi.
10. To seek secondment to iwi from Ministry of Fisheries staff and for that role to be first and foremost, responsible to tangata whenua.
11. To seek resourcing for the services provided by the tangata kaitiaki/tiaki.

(See Appendix 5: Māori Provisions in the Ministry of Fisheries Legislation)

Fisheries Management		
Intended Action	Identified Authority	Timeframe
Application of S186A Temporary Closure prohibiting the taking of kukuroroa/ureroa horse mussels from at risk areas in the harbour.	Iwi / Hapū / MFish	2009
Application of S186A Method Restriction prohibiting scallop dredging within the Temporary Closed Area (above).	Iwi / Hapū / MFish	2009
Establishment of the Customary Fishing Database to capture all Customary Authorisation information relating to authorisation (permit) forms issued by tangata kaitiaki.	Iwi / Hapū / MFish	2009
Develop a long term management strategy for the harbour, including measures to prohibit recreational scallop dredging and commercial drag netting throughout the harbour.	Iwi / Hapū / MFish	2011
Identify significant customary fisheries areas within the harbour (and beyond). To apply customary management or protection tools to these areas.	Iwi / Hapū / MFish	2011
Develop a Rohemoana Management Plan	Iwi / Hapū / MFish	2011
Liaise and establish a memorandum of understanding between the Port of Tauranga and iwi regarding the management of the Mauao Mahinga Mātaitai Reserve.	Iwi / Port of Tauranga	2008 - 2009
Develop a protocol for the management of whale strandings in the Tauranga area.	Iwi / Hapū / DOC	2010
Continue to evaluate current regulations of the QMS, TAC and RCL to produce sustainable outcomes for the Tauranga Moana fishery in conjunction with tangata whenua.	MFish / Iwi / Hapū	Ongoing
Continue to review the process to initiate customary tools to allow the implementation of those tools to be granted within a more reasonable timeframe.	MFish / Iwi / Hapū	Ongoing

Appendix 1: Māori Worldview - First Principles and Mythology

Māori communities view the world through a different set of lenses than non-Māori and have a varied perception of the world in which they live. A worldview is a coherent collection of concepts and theorems that allow us to construct and create images, theories, symbols and models of the world. They help us to form, interpret, understand and make sense of the world around us. All cultures have varied perceptions and opinions of the world in which we live. While each culture's perception and view may differ, they are all essentially valid perspectives. These cultural experiences and knowledge are an important element of cultural life today. It is from this position that research methods and techniques must be designed in a way that captures information and data, but also analysed and interpreted in a manner that best reflects Māori understanding.

Knowledge is derived from multiple overlapping sources, including traditional teaching, empirical observation and through revelation. Traditional teaching is that which is taught and handed down from one generation to the next. This knowledge includes creation narratives and cosmology, and migration stories; tribal lore; and social structures and civil society. Empirical knowledge is gained through observation and includes: seasonal variations; hunting, fishing and cultivation techniques; and medicinal knowledge. The knowledge gained existed through continuous observation and monitoring of particular (environmental, social, cultural) conditions. Revelation occurs through the interpretation of events, dreams, visions, symbols and environmental signs.

The capture and analysis of knowledge and data supplied by whānau, hapū and iwi participants reflects a combination of traditional teaching, empirical observation and revelation.

Cosmology

The Māori genesis is one of cosmology, interrelated into an intricate continuum of whakapapa; the kinship links to the natural environments are philosophically acute and presents an absolute description of identity for Māori. The systems of societal order and traditional lore are based upon key principles rather than rules.

Life stemmed after the void from Io-matua-kore, the parentless one, who created the primeval parents, Ranginui (father sky) and Papatūānuku (mother earth), from their union sprang many atua or gods that become guardians, kaitiaki for keeping order in the natural worlds.

One of the key principles that assist in explaining the symbiotic relationship of Māori and the natural world is whakapapa. This stems from the relative connection and influence that the atua from the spiritual world as tuakana (elder within family), have upon the teina (youngest within the family) of the natural environs and subsequently upon the mokopuna (children) of today.

The Māori worldview has principles based on tribal doctrine, founded on notions of obligatory reciprocity. Together with karakia (prayer), kawa (protocol) tikanga (traditional practices) and interspersed with the principle of mauri or life force, it provides Māori with unified formal frameworks with others of the universe. Conclusively, the mauri of the environment is paramount, having the future generations in mind.

This narrative ultimately supports a Māori perspective as the basis for an overall hypothesis with appropriate links to the physical and spiritual realms identified. This illustration is consistent with other indigenous creation stories and for the purposes of this Plan it aligns with scientific tenets of biodiversity, and recognises the inter-relatedness of all parts of the biological world. All the components of the land, sea and air form an intricate living, inter-connected system. What happens in one part of nature will surely have an affect on the other parts (New Zealand Ministry of Māori Development, 1994).

Appendix 2: Treaty of Waitangi

An English translation of the Māori text of Te Tiriti o Waitangi

Victoria the Queen of England in her thoughtfulness to the Chiefs and the Hapū of New Zealand and her desire to preserve to them their chieftainship and their land, and that peace and quietness may be kept with them because a great number of the people of her tribe have settled in this country and more will come; has thought it right to send a Chief as one who will make a statement to the Māori people of New Zealand. Let the Māori people accept the governorship of the Queen over all parts of this country and the islands. Now, the Queen desires to arrange the governorship lest evils should come to the Māori people and the Europeans who are living here without law. Now the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy to be Governor for all places of New Zealand which are now given up or which shall be given up to the Queen. And she says to the Chiefs of the Confederation of the Hapūs of New Zealand and the Chiefs, these are the laws spoken of:

Article the first

The Chiefs of the Confederation and all those independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which they possess.

Article the second

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

Article the third

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

Background to the Treaty of Waitangi

The Treaty of Waitangi was signed on the 6th February 1840 and is recognised as the legitimate source of Constitutional Government in Aotearoa. It provided the British Crown with a tenuous agreement on New Zealand soil, which was characterised as ‘nominal sovereignty, compared with substantive sovereignty. Māori outnumbered Pākehā, who purported to govern them, by thirty-to-one; however, it was clear from a Māori understanding of the Treaty that they had not conceded substantive sovereignty (Walker, 2004).

The Treaty according to the 1993 document *Ngā Tikanga i Te Taiao* is only one page, consisting of a short preamble, three short Articles and a short concluding section. It was written and signed in two versions, one in English containing 50 Māori signatures, and a Māori version that was copied and taken around Aotearoa and signed by a further 500 chiefs. Although many areas did not sign, it is accepted today that the Treaty is inclusive of all Māori (Love *et al*, 1993).

There were major differences in the way Māori and Pākehā interpreted the Treaty. Table below illustrates the critical Treaty concepts from English into Māori. The Māori version prepared by Henry Williams is the least accurate. The first major issue is equating the word Kāwanatanga with the word sovereignty. Kāwanatanga is taken from a biblical translation of Kāwana for Governor and is less than sovereignty and denotes an administrative arrangement rather than a transfer of absolute authority. The term mana may have been more appropriate. The next issue is the phrase ‘full exclusive and undisturbed possession’ which was translated as ‘tino rangatiratanga’ in the Māori version. The Waitangi Tribunal regards rangatiratanga as authority and tino rangatiratanga as full authority. Mana would have been a more correct word. Taonga is used in the Māori version but has a wider application to just physical properties. The word yield was translated as tuku; however, tuku does not mean absolute transfer.

Te Treaty of Waitangi, Critical Concepts

English Version 1840	Māori Version 1840
Cede	Tuku rawa (gives)
Sovereignty	Kāwanatanga katoa (governorship)
Confirms and guarantees	Ka wakarite ka whakaae (arranges and agrees)
Full exclusive and undisturbed possession	Te tino rangatiratanga (unqualified exercise of chieftainship)
And other properties	O rātou taonga katoa (their treasures)
Exclusive right of pre-emption	Te hokonga (sale and purchase)
Protection	Tiakina (protected)
Rights and privileges	Ngā tikanga katoa (rights and duties)

For environmental and resource management planning, the Treaty is of vital importance. It not only anticipates those who are likely to have responsibilities in environmental and resource management planning, but also the nature of those responsibilities. As the Treaty creates kāwanatanga, it also recognises the right of iwi, hapū and whānau to the management of their environment generally, and forests, fisheries, lands and estates and other properties specifically. In the Māori language text, the Treaty provides for whenua (land), kainga (estates) and anything valued by them – taonga (Ministry of Māori Development, 1993).

Treaty of Waitangi Claimant and Settlement Process - Raupatu o Tauranga Moana

The Tauranga Moana region is subject to raupatu (confiscation) by the Crown. In 1864, as a result of the battle of Te Ranga and Pukehinahina, the Tauranga lands were proclaimed as a district under the New Zealand Settlements Act on 18 May 1865. That district was later extended to the southeast by the Tauranga District Lands Act 1868 (Tauranga Moana Raupatu Report, 2004). The claimants alleged that the whole of this district of some 290,000 acres was confiscated. Included in that confiscation area was:

- the 'confiscated block', which comprises of 50,000 acres of land centred on the Te Papa Peninsula and retained by the Crown as confiscated land;
- the two 'Church Missionary Society blocks', which total approximately 1300 acres of land on the Te Papa Peninsula that were, originally purchased by the Church Missionary Society in 1838 and 1839 but are located within the confiscated block;
- the 'Te Puna–Katikati blocks', which cover some 93,000 acres of land were purchased by the Crown between the Te Puna Stream and the western edge of the inquiry district;
- the 'remainder lands, which comprise the remainder of the confiscation district, including the islands, that was returned to some of its customary owners (Tauranga Moana Raupatu Report, 2004).

Interwoven into those areas are the surrounding harbours and waterways. As such, Tauranga Moana people see that their mana whenua continues to extend to the foreshore regions as well as the waterways and harbour adjacent to their immediate whenua rohe. That said, it is envisaged that as a result of the claims put forward to the Waitangi Tribunal, regarding the unjust impact of confiscation and further post-confiscation land takings (including the harbour), there are likely to be future policies and acts of law that take into consideration the impact of the breaches of the Treaty of Waitangi upon Tauranga Moana people.

The awareness of the Raupatu is essential to understanding the cultural mitigation that Crown and other local government agencies may be progressing regarding the management and use of Te Awanui. This management will no doubt recognise and provide for the customary relationship tangata whenua have with ancestral lands, sites and extend to traditional activities relating to Te Awanui.

Appendix 3: Māori Provisions in the Resource Management Act 1991

Section 5. Purpose

(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.

(2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—

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

Section 6. Matters of National Importance – 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 natural importance:

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

Section 7. Other matters - 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;
- (b) The efficient use and development of natural and physical resources;
- (c) The maintenance and enhancement of amenity values;
- (d) Intrinsic values of ecosystems;
- (e) Recognition and protection of the heritage values of sites, buildings, places, or areas;
- (f) Maintenance and enhancement of the quality of the environment;
- (g) The protection of the habitat of trout and salmon.

Section 8. The Treaty Principles-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).

Example of Specific requirements to address the management of water, land and air, in relation to the Resource Management Act 1991 within Te Awanui

Sections 6, 7 and 8 of the RMA 1991 are considered important to the implementation of the Iwi Management Plan from an Iwi perspective. The issues and perspectives provided within the Iwi Management Plan will assist Council with improved policy and decision-making processes with regard to tangata whenua values and aspirations.

Section 6(e) of the Act requires councils to recognise and provide for the relationship of Māori with their ancestral lands, waters, sites, wāhi tapu and other taonga. These can include places, sites, areas or objects that have special value or significance to Māori. They may also include well-defined areas from which food is obtained (mahinga mātaitai), and natural resources valued for other reasons, such as plants used in weaving *taonga raranga*. It is important that these places, values and resources are identified and protected in accordance with tikanga Māori (Environment Bay of Plenty, 2003).

Particular areas of importance to tangata whenua such as mahinga mātaitai will be identified and mapped within the Iwi Harbour Management Plan. There is an expectation that these sites will be recognised and provided for.

In addition to section 6(e), section 7(a) of the Act further requires regional councils to – Have particular regard to ... Kaitiakitanga.

In addition, section 8 of the Act makes specific reference to the Treaty of Waitangi, requiring all person exercising powers and functions under the RMA to – *Take into account the principles of the Treaty of Waitangi*. Tangata whenua expect to play a bigger role in the decision-making processes of development around the harbour maintaining tino rangatiratanga and kaitiakitanga. The three Tauranga Iwi of Ngāi Te Rangi, Ngāti Ranginui and Ngāti Pūkenga are kaitiaki of harbour resources. As such they have assumed the responsibility to ensure that the mauri – life essence of the harbour resources are safeguarded.

Water in particular has high spiritual, social and cultural value to Māori. In the spiritual sense it is viewed as life giving, as a living entity to be respected and nurtured. In social terms it is used extensively for mahinga mātaitai and recreation, and in cultural terms there are specific areas of the harbour area, which have their own mana, taniwha and wāhi tapu, which need to be protected. As kaitiaki for this water tangata whenua have concern for the discharge of human sewage into the harbour, rural discharges, industrial and urban run-off, leachate from land disposal sites and disposal of dredging spoil (Environment Bay of Plenty, 2003).

Within the Regional Coastal Environment Plan, in some cases, particular areas or values of importance have been identified at the request of *tangata whenua*. These are identified in maps to facilitate their protection. However there are many other areas of significance to *tangata whenua* that are not at present identified in the Plan. The Iwi Management Plan will assist in providing further areas of significance that will be expected to update the Regional Coastal Environment Plan.

Further provision for addressing Māori concerns could include recognition of the role of tangata whenua as kaitiaki for particular areas of the harbour environment, and consideration of providing for some form of joint management or transfer of powers.

Similarly matters listed in section 7 are considered as part of the balancing exercise but have less weight than matters of national importance. In most cases the provisions in sections 6(e), 7(a) and 8 are considered together as they often overlap.

These sections are relevant for plan and policy considerations, Iwi Management Plans and wāhi tapu. Section 33 of the RMA is also important as it allows authorities to transfer functions to iwi authorities, although to date no such transfer has occurred.

Appendix 4: Māori Provisions in the Local Government Act 2002

Section 4: Treaty of Waitangi

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.

Section 5: Development of Māori capacity to contribute to decision-making processes

A long-term council community plan must set out any steps that the local authority intends to take, having considered ways in which it might foster the development of Māori capacity to contribute to the decision-making processes of the local authority, over the period covered by that plan.

Section 6: Funding and financial policies

A long-term council community plan must include the funding and financial policies of the local authority adopted under section 102.

Section 14: Principles relating to local authorities

(1) In performing its role, a local authority must act in accordance with the following principles:

- (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes:

This is the key requirement for the implementation of the Treaty provisions that must be taken into account when considering tangata whenua interest within participating in decision-making process regarding Te Awanui.

Section 40: Local governance statements

(1) A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on—

- (d) representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them;
- (h) consultation policies;
- (i) policies for liaising with, and memoranda or agreement with, Māori.

Section 75: Planning, decision-making, and accountability

This Part—

- (b) states the obligations of local authorities in relation to the involvement of Māori in decision-making processes: This section is the further development of section 4.

Section 77: Requirements in relation to decisions

(1) A local authority must, in the course of the decision-making process,—

- (c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.

Section 81: Contributions to decision-making processes by Māori

(1) A local authority must—

- (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority;
- (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority;
- (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).

- (2) A local authority, in exercising its responsibility to make judgments on the manner in which subsection (1) is to be complied with, must have regard to-
- (a) the role of the local authority, as set out in section 11;
 - (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

Section 82: Principles of consultation

(2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).

While this section relates to all consultation section 82(2) places a responsibility on local government to ensure it meets its responsibility to Māori on consultation.

Schedule 10 Council plans and reports

Part 1 Information to be included in long-term council community plans

Community outcomes

A long-term council community plan must, to the extent determined appropriate by the local

Schedule 11 Matters relating to rates relief on Māori freehold land Māori Representation

Section 19 Local Electoral Bill

Schedule 1A Local Electoral Bill

Rating Act

Consequential Amendments relating to section 102.

Appendix 5: Māori Provisions in Ministry of Fisheries Legislation

Customary Fisheries Management- legislative provisions

Provision for management of customary areas was first recognised by the Māori Fisheries Act (1989), and then re-affirmed by the 1996 Fisheries Act. Protection of customary fishing rights by means of the establishment of reserves has long been a feature of New Zealand law. There are now two main categories of reserve, taiāpure-local fisheries and mātaitai reserves.

Taiāpure-local fisheries began life with the Māori Fisheries Act 1989. Such reserves can only be made in littoral coastal waters or estuarine waters and are established by means of a very cumbersome procedure involving a public inquiry conducted by a judge of the Māori Land Court.

The 1992 Settlement Act, however, made provision for Mātaitai reserves, which are much easier to establish, and which can be made in both coastal and internal waters. Mātaitai reserves recognise the special relationship between Tangata Whenua and places of traditional importance for customary food gathering. Mātaitai Reserves are managed through the Tangata Tiaki/Kaitiaki of a mātaitai reserve making bylaws that affect fishing within that mātaitai reserve. They authorise customary and/or commercial fishing within their mātaitai, but are under no obligation to do so if the proposal is inconsistent with the tikanga of that area. The Kaitiaki has the responsibility of reporting customary catch information to MFish quarterly and commercial catches within 5 days. This information includes: species harvested, quantities authorised and actually harvested and the location of harvesting, and is used to help predict future catch levels²⁸.

Customary catch refers to the traditional Māori right to harvest and gather seafood²⁹. Customary fishing regulations, introduced in the Fisheries Act 1996 (s186), govern non-commercial customary fishing only and the harvest cannot be traded³⁰. Traditional customary fishing areas are those of special significance to iwi or hapū as a source of food or for spiritual or cultural reasons.

Tangata Kaitiaki/tiaki

The gazetted tangata kaitiaki/tiaki nominated by marae and appointed by the Minister of Fisheries, are given the responsibility to tangata whenua in providing legal authorisation to take kaimoana for customary use. The issues that have been raised in terms of the kaitiaki delivering their obligations to the Ministry of Fisheries include; no resourcing provided to the kaitiaki and lack of authoritative power to deal with issues as they arise.

Customary Fisheries Management

Tangata whenua of Tauranga Moana currently have, and make use of, a number of options available for exercising or influencing fisheries management in their rohe.

Ngāi Te Rangi, Ngāti Ranginui and Ngāti Pūkenga under the umbrella of the Tauranga Moana Iwi Customary Fisheries Management Committee (TMICFC) initiated the Rāhui 186A Temporary Closure at Mount Maunganui to allow the replenishment of the green-lipped mussel beds. This was formally recognised by the Ministry of Fisheries by the placement of a section 186A Temporary Closure under the Fisheries Act 1996. The Te Maunga o Mauao Mātaitai Reserve application was also initiated under the umbrella of the TMICFC. Tangata whenua will continue to pursue the use of customary fisheries values and practices to protect the sustainability of kaimoana for current and future generations.

²⁸ Ministry of Fisheries. (2002b). Customary Fishing. <http://www.fish.govt.nz/customary/index.html>

²⁹ See Treaty of Waitangi Act (1975) and Treaty of Waitangi (Fisheries Claims) Settlement Act (1992)

³⁰ Ministry of Fisheries. (1999). *Kaimoana Customary Fishing Regulations*. Ministry of Fisheries, Wellington.

Issues with the process to adopt customary fisheries management tools include; the untimely processing of applications, lack of priority to implement them and a lack of communication with tangata whenua regarding changes or misunderstandings in the application process.

Special Management Areas:

Tangata whenua can ask for special management areas – ‘mātaitai reserves’ and ‘taiāpure-local fisheries’ – to cover some of their traditional fishing grounds.

- **Mātaitai Reserves:** Tangata whenua may apply to the Minister of Fisheries to establish a mātaitai reserve on a traditional fishing ground for the purpose of recognising and providing for customary management practices and food gathering. Commercial fishers may not fish in a mātaitai reserve, however recreational fishers can.
- **Taiāpure:** A taiāpure is a local management tool established in an area that has customarily been of special significance to an iwi or hapū as a source of food or for spiritual or cultural reasons. All fishing (including commercial fishing) can continue in a taiāpure. This tool offers a way for tangata whenua to become involved in the management of both commercial and non-commercial fishing in their area.
- **Section 186 A & B Temporary Closures and Method Restrictions:** Section 186A of the Fisheries Act 1996 allows the Minister of Fisheries or the Chief Executive of the Ministry of Fisheries to temporarily close an area to fishing. The specific purpose is to provide for the use and management practices of tangata whenua in the exercise of their customary rights.

Effective Use of Customary Fisheries Management Tools

Customary fisheries management tools recognised and regulated by the Ministry of Fisheries have been taken up by tangata whenua of Tauranga Moana. However there are a number of limitations related to the use of these tools in delivering wider fisheries resource management benefits to tangata whenua (and other stakeholders):

1. In essence they largely address the symptoms rather than the causes and as a result have limited value in ensuring the longer term sustainability of the fishery stock they seek to manage and/or influence.
2. The cumulative effect of a number of locally focused interventions (developed independently of one another and often to deliver different objectives) within the larger fishery could actually prove to be counterproductive.
3. Tangata whenua have limited capacity to engage with wider fisheries management processes.

There are significant costs (in resources, time and money) to tangata whenua in developing and maintaining the tools. It is important that tangata whenua have at their disposal the best available means of maximising the limited resources they have to deliver their objectives.

Provisions for Iwi Management Plans

There are provisions for Iwi Management Plans within the Customary Fishing Regulations and the Resource Management Act 1991.

Regulation 16 of the Customary Fishing Regulations provide for an Iwi Planning Document (IPD). An IPD is described in the Customary Fishing Regulations as a management plan or strategy that has been prepared by tangata kaitiaki/tiaki for the area, rohe moana³¹ they have authority that has been authorised by the tangata whenua of the area, rohe moana. The plan:

- a. may be treated as a planning document recognised by an iwi authority for the purposes of the Resource Management Act 1991, if it meets the requirements of the Act; and
- b. must be taken into account by the Minister for the purposes of section 10(b) of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

³¹ Definition is determined by tangata whenua and defined in relevant Gazette notices.

Section 10(b) of the Settlement Act states that the Minister acting in accordance with the principles of the Treaty of Waitangi, shall:

- (i) *consult with tangata whenua about; and*
- (ii) *develop policies to help recognise- use and management practices of Māori in the exercise of non-commercial fishing rights.*

Iwi Lead Fish Plans

Fisheries plans outline the objectives for managing fisheries resources. Fisheries plans provide the potential for improved effectiveness and efficiency through an integrated approach to fisheries management services. Tangata whenua choose to lead the development of iwi fisheries plans.

In facilitating the development of objectives, encouragement is given to set objectives consistent with overall sustainable fisheries management outcomes. Fisheries plans will specify what tangata whenua want to achieve for specific fisheries, and associated implementation strategies (including research, management interventions, and compliance) to achieve those objectives. In facilitating the development of objectives, the Ministry will encourage objectives consistent with overall fisheries outcomes.

The fisheries plan approach to management offers a number of important benefits. Some of these benefits include but are not limited to: enabling tangata whenua participation, clear linkages between objectives and outcomes, integrating fisheries management and increasing tangata whenua certainty.

Appendix 6: Resource Inventory and Scope

Resource Set		Activity
Coasts	Water River-mouths Estuaries Lagoons Wetlands Foreshore Seabed	Land management Catchment management Erosion control Siltation control Riparian management Environmental restoration Conservation management Access management Discharge control Recreation management Commercial activities
Cultural	Kaimoana Taiāpure Mātaitai Kaimoana Wāhi taonga Wāhi tapu Taonga raranga	Land management Catchment management Erosion control Siltation control Riparian management Environmental restoration Conservation management Access management Discharge control Recreation management Commercial activities

Ngā ika: Fish

Māori Name	Common Name	Description
Inanga	Whitebait	Inanga are the juvenile of kōkopu and are a seasonal delicacy to tangata whenua as they enter rivers from the sea in early spring.
Kōkopu	Native trout	The kōkopu is a freshwater fish that is secretive and seldom seen. Highly valued by tangata whenua.
Kahawai	Kahawai	Kahawai were once seen in massive shoals entering Te Awanui. Trolling hooks were made from pāua shell to attract kahawai with no need to use bait.
Kanae	Mullet	Kanae often found at river mouths. Common in estuaries and found in large schools at river mouth feeding on algae and small animals.
Kuparu	John dory	Good eating fish usually caught using live bait. Come into Te Awanui to feed on small bait fish.
Haku	Kingfish	Prize catch for fishermen. Haku is a fast and aggressive predator of smaller fish and crustaceans and often enters Te Awanui to feed on the incoming tide.
Pātiki	Flounder	Small pātiki are recognised as a form of rongoā by kuia of Tauranga Moana. The whiter underside distinguishes this flounder from the yellow belly – pātiki totara.
Pātiki totara	Yellow belly flounder	Found in Te Awanui estuaries throughout the year, feeding on mud crabs. Are known to hide in the mud with the mouth agape, resembling a crabs hole. With a flick of the fins, the nearby crab will scurry into its mouth.
Pioke	Rig shark	Dried pioke was common in the diet of Tauranga Māori and often used as rongoā or flu remedy. Found in broad shallow bays during spring and summer feeding on crabs, worms and other invertebrates.
Tāmure	Snapper	Kaumātua and kuia of Tauranga Moana remember seeing the tails of large tāmure flashing in the sunlight as they fed from large pipi and tuangi beds. Tāmure now move through Te Awanui with stealth. Is treasured for its versatility to produce a variety of dishes.
Tuna	Eel	Represents Tangaroa ki uta (representation of Tangaroa in the freshwater environment) and a staple diet of tangata whenua. Due to high use of hydro electricity within the region, tuna are hard pressed to reach spawning grounds and elvers to return to waterways. The reduced numbers in tuna are evident.
Whai	Stingray	Enjoys the open sandy bottom of Te Awanui, feeding on small molluscs and invertebrates. Whai are often personified as a kaitiaki of Tauranga Moana.

Mätaitai: Shellfish

Māori Name	Common Name	Description
Kina	Sea urchin	Found in the rocky reef around Mauao feeding on kelp or seaweed. Kina are considered a delicacy eaten raw.
Koura	Crayfish	Adult koura are seldom found within Te Awanui. Juveniles are often found in reef habitat around Mauao and beneath wharf pylons.
Kuku / Kutae	green lipped mussel	Kuku were once abundant in both entrances to Te Awanui. An old method of preserving mussels in puha and onion known as 'toroi' was a recipe that kuia of Tauranga often used.
Pāpaka	Crab	Found throughout the estuarine areas with burrowed homes in the sediment. An iconic species of Rangataua, many Māori living on the shores of Rangataua were likened to the many pāpaka "ngā pāpaka o Rangataua, he paruparu te kai, he taniwha ngā tangata".
Pāua	Abalone	Pāua are also rarely found within Te Awanui, the only suitable boulder habitat is at the base of Mauao. Another delicacy of the sea, commonly served as creamed pāua, raw or fried.
Pipi	Pipi	Pipi are an important food source to tangata whenua that were once plentiful in Te Awanui. This is indicated by large area of midden sites around Mauao. Due to a variety of impacts such as sedimentation and alteration to the harbour seafloor they are no longer in great abundance.
Pupu	Cats eye	Found on the rocky shore zone of Te Awanui. Preferably boiled and eaten by prising the flesh out with a sharp pin.
Kukuroroa / Ureroa	Horse mussel	Large shellfish that is found in estuarine sand flats and sandy bays of Te Awanui. The current threat to kukuroroa is the practice of scallop dredging, scraping the seafloor with these contraptions ruins the breeding stocks of kukuroroa.
Tio	Oyster	Tio are found in rocky intertidal areas and around mangrove plants throughout Te Awanui.
Titiko	mud snail	Titiko is an iconic species, often referred to as 'ngā kai o ngā rangatira' food of the chiefs. The health of titiko beds within Te Awanui provides an indication to tangata whenua of the health of the tahuna.
Tuangi	Cockle	Diminished in size and abundance within Te Awanui. One of the main tuangi beds was destroyed for port development at Sulphur Point. A special tuangi was once traditionally gathered here as rongoā for hapū women.
Tupa	Scallop	Populations of tupa, currently appear to be on the decline and the usual beds often move elsewhere.
Waikoura	Freshwater crayfish	Food of the mighty tuna, and an indicator for health of fresh waterways.

Ngā Manu: Birds³²*“Hütia te rito o te harakeke, kei hea te kōmako e kō”**“If you pluck the growing tip of the flax bush, then how can the kōmako sing?”*

Up to 8,000 birds live on Te Awanui, the Department of Conservation have surveyed an average of 5,310 birds living on the harbour during November which was expected to increase when other migratory birds returned from breeding grounds in the following months of the year (Owen et al, 2006).

Māori Name	Common Name	Description
Kaki	Black stilt	Each winter the harbour hosts 2 or 3 birds which is about 4 – 6% of the national population. Endemic. Classification 1: Nationally critical.
Kāruhiruhi	Pied shag	Most common shag in the harbour, the large black and white shag is most easily seen drying its wings after a period of fishing. They are noisy in their nests which are usually in large pōhutukawa, gums or pines. Native.
Kawau	Black shag	The largest shag in the harbour and often uses the estuaries as feeding grounds. Not as common as the Pied Shag in the Tauranga Harbour. Native. Classification 7: Sparse.
Kawaupaka	Little black shag	Highly mobile, all-black shags move around in gangs herding schools of fish into their mouths. The birds use the harbour occasionally. Classification 6: Native.
Kawaupaka	Little shag	Most widespread shag in Tauranga's waterways, this small black and white shag feeds almost constantly, and roosts at night on large trees surrounding the harbour. Native.
Kōtare	New Zealand Kingfisher	Feeds on small animals in the estuaries and on farms and orchards surrounding the harbour. They use the harbour more in winter months. The only kingfisher native to New Zealand. Native.
Kōtuku	White heron	The kōtuku symbolizes everything rare and beautiful. It was said that kōtuku was an inhabitant of the nether world, the spirit land – Rēinga. Found near shallow waters along river margins, swamps and coastal estuaries. Kōtuku feed on small fish, eels and insects. Native. Classification 1: National critical.
Kōtuku Ngutupapa	Royal spoonbill	Large bird of the heron family, often seen in small groups feeding on the exposed mud flats, sweeping its large spatula shaped bill from side to side, filtering small fish and crustaceans out of the mud. One of the largest birds in Tauranga's estuaries. Native.
Kuaka	Bar-tailed godwit	Every year, thousands of kuaka spend the summer in New Zealand, mostly coming from Alaska in one long trip. The Kuaka gather in the Tauranga Harbour most often during high tides. Migrant Native.

³² Source: Birds of Te Puna Estuary and Tauranga Harbour [Booklet] Environment Bay of Plenty, Distribution and Conservation of Shorebirds in the Bay of Plenty, New Zealand, 1984 – 2003. Department of Conservation.

Mätätä	North Island fernbird	An important bird of the Bay of Plenty. This small, secretive marsh bird makes its home in large patches of low-lying bush such as <i>muehlenbeckia</i> and <i>mänuka</i> . The name derives from its fern-like tail. Endemic. Classification 7: Sparse.
Matuku moana	Reef heron	Is uncommon and often mistaken for <i>matuku</i> the white-faced heron. An all-grey heron, slightly darker than the common white-faced heron. Native. Classification 3: Vulnerable.
Matuku	Australasian bittern	Member of the heron family, slightly larger than the white faced heron. Classification 2: Nationally endangered.
Matuku	White-faced heron	Common in the Tauranga Harbour, with a growling call and slow, lazy style of flying. Feeds on both marine and rural insects, as well as small animals and birds. Native.
Moho perehü	Banded rail	An important bird species of Tauranga Harbour and a member of the same family as <i>pūkeko</i> . The same size as city pigeons and are secretive. Often give sharp metallic calls, betraying their presence in the undergrowth of the estuary. Native. Classification 7: Sparse.
Pärerera	Grey duck	Looks like a female mallard but with a prominent eye-stripe, brown legs and a green wing patch. Frequents Tauranga Harbour's many estuaries in low numbers. Native. Classification 2: Nationally endangered.
Pūkeko	Pūkeko	Has increased in numbers since early settlement and increased farm and pastures in the Bay of Plenty. An opportunist, feeding in vegetable gardens and orchards as well as the harbour. Native.
Pūweto	Spotless crane	Secretive native marsh bird from the same family as rails <i>pūkeko</i> . About the same size as a small thrush, lives in <i>raupo</i> patches and sedge around Tauranga Harbour. Classification 7: Sparse
Tara	White-fronted tern	Small white tern with a black cap that seems to have struggled to find pest-free nesting areas in the Tauranga Harbour. They make good use of the estuaries, diving for small fish, while they nest on sand and shellbanks, but will use wharf and bridge pilings. Native. Classification 5: Gradual decline.
Taranui	Caspian tern	The largest of the terns, with bright red bills and black caps. They nest on shellbanks and beaches with the young accompanying the parent, often giving a whistling whiney call. Native. Classification 3: Nationally vulnerable.
Tōrea	Pied oystercatcher	Breeds in the South Island and migrates to the North Island harbours in large numbers in winter. Feeds on shellfish and crustaceans by probing the mud with its bright orange bill. Endemic.
Tōrea pango	Variable oystercatcher	An important nesting bird of the Tauranga Harbour, the black oystercatcher nests mainly on Matakana Island, giving a loud shrill piping call. Uses the same habitat as <i>Tūturiwhatu</i> . Endemic.
Titi	Sooty shearwater	Titi and Oi are both mutton bird species, more

Oi	Grey-faced petrel	frequently seen at Karewa and Motuotau islands, once had inland flight paths through Te Awanui hence the name Titirua of one of the Kaitimako pā sites.
Tui	Tui	An endemic bird of New Zealand. Feeds mainly on nectar from flowers and native plants. Most often appear where there are harakeke (flax) or kōwhai trees in flower. Reknown for its beautiful singing and friendly nature. In Ngāi Te Rangi history a chief once owned a talking tui and was forced into exile after a battle over the ownership of this bird.
Tüturiwhatu	Northern New Zealand dotterel	Among the most important shorebirds nesting in the estuaries and nearby beaches. Is vulnerable to nest disturbance by pests, pets, people and vehicles. Avoid sand spits in the spring and summer. Endemic. Classification 3: Nationally vulnerable.
Tüturiwhatu	Banded dotterel	Historically their breeding grounds were on Sulphur Point reclamation and Matakana. Roosting once occurred at ...Pio Shores. Many of these birds visiting Tauranga Harbour come from the South Island. Endemic. Classification 5, Gradual decline.
Weka	Woodhen	This large brown flightless bird is reknown for its feisty and curious personality. Was once a traditional food source for Māori. The usual habitat includes, grassland, sand dunes and rocky shores. Weka are now absent from Te Awanui.
Weweia	New Zealand dabchick	Uncommon in the Tauranga Harbour area, with small numbers near Te Maunga and Katikati. Strong flier at nigh, it scoots across the water when disturbed during the day. Endemic. Classification 7: Sparse.

Appendix 7: Plan Process

Stage 1: Scoping Plan and Literature Review

The formation of the preliminary scoping plan essentially created a feasibility study for the formation of an Iwi Management Plan for the Tauranga Harbour. It outlined; purpose, outcomes, components and objectives, methodological approaches, method rationale and identified issues. In essence, stage one was a review of the options for how the project would be delivered.

Stage 2: Marae Workshops

Hui-ä-Hapū Workshops were conducted on; Ōpureora, Wairoa, Hungahungatoroa, Ōtäwhiwhi and Tähuwhakatiki marae from 13th July 2007 to 26th August 2007. Workshops took on average 4 hours to complete. Participants were invited to the workshops by post. All marae and gazetted kaitiaki were informed by post. Panui and other notices were circulated through the local newspapers, iwi website and email.

The approach to the development of this document revolved around tikanga Mäori, observing local custom on information collation and analysis, inclusive of marae and hapū, *kanohi ki te kanohi*, meeting tangata whenua on their terms. Marae workshop hui was an effective method, providing a comfortable approach and venue to practice custom and share knowledge.

Objectives of marae workshop hui were to discuss:

- specific issues within that rohe;
- aspirations and outcomes that tangata whenua wish to see achieved for the future;
- significant areas of importance to tangata whenua; significant harbour resources such as, wähi tapu and wähi taonga, wähi tupuna, mahinga kai, coastal resources, freshwater (river mouths), fisheries, flora and fauna;
- feedback mechanisms for the drafting of the Iwi Harbour Management Plan;

During marae workshop hui it was decided that a generic approach for the Plan be adopted. Hapū that wish to produce their own management plans would be able to align with the generic over-arching policies contained in the Plan. Individual hapū have the freedom to adopt their own methods to complete their plans.

Stage 3: Collation and Analysis

Data and information from each of the workshops were collated and analysed to assess common issues and themes. Participants were asked what the issues were in their rohe (where they lived) in relation to Te Awanui, it was discussed how they thought those issues should be addressed.

Stage 4: Draft Plan

The Draft document was formed for the Te Awanui, Tauranga Harbour, Iwi Management Plan to be worked on as a discussion document.

The core section of the document was based on issues and aspirations that were raised during the marae workshops. The issues that were raised by tangata whenua are addressed within the policy section of the plan.

Stage 5: Plan Released for Public Consultation

The final draft plan was approved by the Steering Committee before release for public consultation. The release of the draft plan was accessible online at www.ngaiterangi.org.nz. This document was open to public discussion on four marae across the rohe. During the release of the draft plan on marae, cultural mapping was discussed with hapū to determine what would be appropriate to publish in the final document.

Stage 6: Review of Submissions

Submissions closed Tuesday 25 March 2008. Those submissions received were reviewed, taken into consideration and responded to by letter. Some amendments were made after consideration of the submissions that supported and strengthened the kaupapa of this document.

Stage 7: Final Review

A final review of the document was conducted to make necessary changes and adjustments.

Stage 8: Operative Te Awanui, Tauranga Harbour, Iwi Management Plan

The three Tauranga Iwi expect that the document will align to local and regional council planning documents that pertain to Te Awanui. This will recognise and give effect to tangata whenua values and perspectives with regard to the management of Te Awanui.

APPENDIX 8: Glossary

Ahi ka	Burning fires of occupation, title to land through occupation by a group , generally over a long period of time. The group is able, through whakapapa to trace back to primary ancestors of the land.
Ara	Pathway
Hapū	Subtribe of the larger tribe. To be pregnant.
Iwi	Large tribe inclusive of whānau and hapū.
Kaimoana	Seafood. The delicacies of Tangaroa.
Kaitiakitanga	The practice of guardianship, including the nurturing, enhancement and protection of the harbour.
Kaumātua	Respected elderly person.
Kuia	Elderly lady.
Mahinga kai	The food collected from a shellfish gathering OR depending on the context can also mean the actual shellfish gathering site. The food and other resources and the areas they are sourced from.
Mahinga mātaitai	A place where food is gathered.
Mana	Prestige, authority, control, power, influence, status or spiritual power.
Manaakitanga	The act of hospitality and kindness.
Manuhiri	Guests, visitors.
Mātauranga Māori	Traditional Māori knowledge
Mauao	The iconic mountain of Tauranga otherwise known as Maunganui
Mauri	The essential life force of the harbour and its resources.
Papatūānuku	Earth Mother
Rāhui	Traditionally, rāhui was used as a conservation measure to restore and replenish kaimoana resources or to prohibit the use of a resource for a period of time after someone had drowned (pollution by tapu). Under the Ministry of Fisheries regulations this is an area management tool that allows kaitiaki to place restrictions or controls on an area to manage a resource in an area. The rāhui is marked by a pou rāhui – post and is initiated by someone of rank, placed and lifted with appropriate karakia by a tohunga.
Ranginui	Sky Father
Repo	Wetlands
Rohe	Tribal areas
Rohemoana	Tribal territory in the sea or harbour.
Rongoā	Traditional Māori medicine.
Rūnanga	Tribal authority.
Taiāpure	Area management tool for managing areas that have customarily been of special significance to an iwi or hapū as a source of food or for spiritual or cultural reasons
Tangaroa	God of the sea.

Tangata whenua	Local Māori people of a particular area, whānau, hapū or iwi.
Taonga	Treasures, sacred places, natural resources.
Tauiwi	Foreign race
Tauranga Moana	The rohe of the three iwi Ngāi Te Rangi, Ngāti Ranginui and Ngāti Pūkenga
Taunga waka	Traditional mooring areas for the waka of tangata whenua.
Te Awanui	The Tauranga Harbour
Te Tiriti o Waitangi	The Treaty of Waitangi
Tikanga	Customary rule, plan or method. The right way of doing things.
Tino rangatiratanga	High chieftanship.
Tupuna	Ancestor
Wāhi Taonga	Special place of importance to tangata whenua.
Wāhi Tapu	Sacred site.
Wāhi Tupuna	Ancestral place.
Whakapapa	Genealogical lineage or descent.
Whānau	Family

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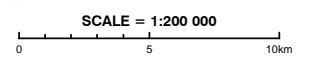
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Tauranga Harbour Catchment Area

Te Awanui, Tauranga Harbour, Iwi Management Plan



Map 1 of 2





Marae Locations

