

NGATI UMUTAHI WHENUA MANAGEMENT PLAN



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PREFACE

The development of an Iwi Whenua Management Plan has been an ongoing objective of Ngāti Umutahi Iwi within Te Rohe Tūwharetoa i Te Aupouri since the advent of the Resource Management Act 1991.

In 1993 Environment BOP [with the encouragement of local Mataatua iwi], commissioned the drafting of two documents. They were created to assist in the development of Iwi Resource Management Plans as well as disclose to the regional council a generic Maori Environmental Management Strategy for inclusion in the Bay of Plenty Regional Policy Statement.

In July 1997 Beverley Hughes was contracted by Environment BOP to prepare a draft document for consultation with iwi organisations in the Eastern Bay of Plenty which would assist in the preparation of their Iwi Resource Management Plans. A hui was held at which Beverley Hughes and Tikitū Tutua-Nathan introduced proposed facilitation methods iwi may choose to use in developing the iwi management plan. It was disclosed that these facilitation methods and the plans would remain the sole property of the iwi.

Iwi representatives duly mandated by their iwi/hapū to participate in the development of their plan were called to come forward. Iwi were encouraged to put forward as many people as they considered necessary in order to draft their Iwi management plan. Once drafted the document would need to be submitted exclusively to the iwi for any changes, amendments or modifications. While Ngāti Umutahi were not part of this initial participation process, the Iwi have none the less desired to complete a process that reflects their kawa and tikanga.

PRE-PLANNING PROCESS

In June 2003 Ngāti Umutahi Marae Trustees agreed with Environment BOP to complete their own Iwi Resource Management Plan. The Trustees of Ngāti Umutahi Marae at Matata agreed to mandate their own Resource Management Planner to proceed with drafting a Resource Management framework for consideration by the regional council. A series of three Trustee meetings were held to discuss possible outcomes for the plan, as well as Trustees being given a presentation by their Whenua Management Advisor, Anthony Olsen, on possible frameworks for the effective implementation of the Plan.

Anthony Olsen has a BA in Geography from the University of Auckland, and has presented a thesis towards an MA in Geography from the same University in Coastal Geomorphology. Anthony has developed a strong relationship EBOP especially in the Coastal Policy area, and the Trustees felt confident that this will assist in the Plans facilitation. Anthony's father Tony Olsen had been a kaumātua of Ngāti Umutahi, Ngāti Tūwharetoa and had also been a claimant for Tūwharetoa te Atuareretahi ki Kawerau Waitangi claim - Wai 62.

This Whenua Resource Management Plan [WRMP] was subjected to scrutiny by Ngāti Umutahi Iwi, and care was taken to ensure that, where possible, the structure the IRMP was completed in such a way so that it is dealt with and is treated as a living document, and therefore subject to change.

In this context Ngāti Umutahi Marae Trustees considered that it was only at their sole discretion, and in consultation with Ngāti Umutahi Kaumātua, that the document could be amended, altered or modified. However in order to give users of the document some certainty in its use, where possible changes will be made in conjunction with EBOP plan reviews.

**Putauaki te maunga
Tarawera te awa
Te Aotahi te tangata.
Ngāti Umutahi te Iwi,
Ngāti Tūwharetoa te potae**

THE ROHE OF NGATI UMUTAHI IWI - TAKIWA

Umutahi, and his brothers Te Kahuiwaho and Turangitukua inherited their rohe from their tipuna Tūwharetoa through their father Tunono. Tūwharetoa was the son of Māwake Taupō and his wife Haahuru. Māwake Taupō was a direct descendant of the great navigator Ngatoroirangi. Haahuru was the daughter of Waitaha Ariki-kore and his wife Hine Te Ariki. Hine Te Ariki came from Ōtamarākau.

Shortly after the death of Tunono, Turangitukua with the help of Tutewero, his son Waikari and others. battled with Ngāti Hotu at Taupō. Turangitukua was successful and as a consequence of the victory, both Turangitukua and his followers chose to remain at Taupō and in so doing gave up their lands in the Bay of Plenty.

TOI

RAURU PUHAORANGI = TE KURAIMONOA

TAHATITI AHOMAIRANGI

TATAUARANGI = MUTURANGI

TAUNGA

MAWAKE

URUIKA

RANGITAPU

ATUAMATUA

RAKAURI

NGATOROIRANGI = KEAROA

TANGIHIA

TANGIMOANA

KAHUKURA

RANGITAKUMU

MAWAKENUI

MAWAKEROA

HINETEARIKI = **WAITAHAARIKIKORE**

MAWAKETAUPO = HAAHURU

TUWHARETOA

RONGOMAITENGANANA

TUTEPIRAO

RONGOTEAHU

PIRI

TUNONO

UMUTAHI TURANGITUKUA TE KAHUIWAHO

It must be noted that the Crown wrongfully confiscated the majority of the ancestral lands traditionally identified as lying within the Ngāti Umutahi Iwi rohe from Ngāti Umutahi Iwi in 1866. Some of this land was later restored to Ngāti Umutahi Iwi some of which remains in their possession today. This region described below is the ancestral land of Ngāti Umutahi Iwi.

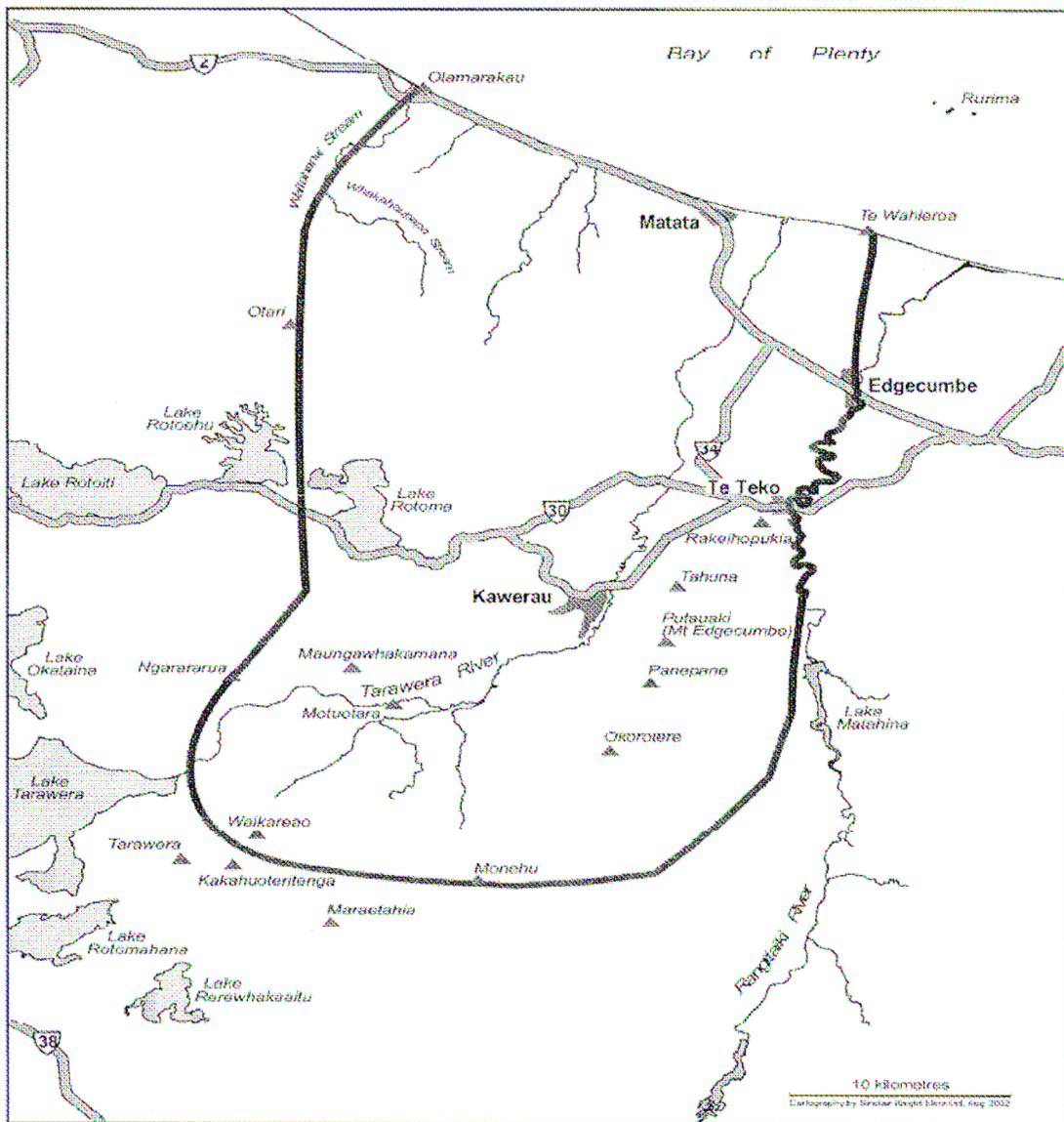
After confiscation of Ngāti Umutahi/Te Tāwera ancestral lands by the Crown in 1866, many Ngāti Umutahi chiefs appealed to the Crown for the return of their land. As a consequence the Crown restored certain blocks of land through the Maori Land Court.

During the 1925 Maori Land Court hearings for the Kawerau block, Ngāti Umutahi Rangatira were recorded as describing the rohe of Ngāti Umutahi Iwi.

Ngāti Umutahi Iwi ancestral lands in accordance with tikanga Maori.

From Wahieroa, a waahi tapu located in sand dunes to the east of the ocean end of Walker Road; inland from this point along a line perpendicular to the coast bisecting Wahieroa to a point where this line intersects the original bed of the Rangitaikī River; then following the bed of the river to past Matahina dam to the rivers confluence with the Waikowhewhe stream ; then following the bed of the Waikowhewhe stream to its source; then along a line from Te Monehu peak to Okahu peak then to Waikakareao peak, at the north end of Tarawera Maunga; then to Tapahora [Tarawera Falls]; then from this point along a line drawn from Tapahora to Ōtamarākau to a point where this line intersects Waitahanui stream; then following the bed of the Waitahanui stream until it reaches its mouth at Ōtamarākau.

This map shows the rohe of Ngāti Umutahi Iwi prior to confiscation, as stated previously.



Citation

This Iwi Whenua Management Plan may be cited as the Ngāti Umutahi Iwi Whenua Management Plan. However any reference to the Ngāti Umutahi Iwi Whenua Management Plan shall be read as a reference to the Ngati Umutahi Marae Trustees, mandated to exclusively represent the people of Ngati Umutahi Iwi and its hapū.

1. Recognition

This Ngāti Umutahi Whenua Management Plan is a relevant planning document recognised by the Ngati Umutahi Iwi and affected by the both National Policy Statements such as the New Zealand Coastal Policy Statement and the EBOP Regional Policy Statement.¹

2. Purpose and Scope

The purpose of this plan is to enable Ngati Umutahi Iwi to promote the sustainable management of natural, physical and metaphysical resources, in a way, and at a rate, which enables Ngati Umutahi Iwi to provide for their cultural, spiritual, social and economic well-being and for their health and safety while; - sustaining the potential of resources to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity [mauri] of air, water, soil and ecosystems.

Ngāti Umutahi Iwi sustainably manage their resources according to tikanga and kawa of Ngati Umutahi Iwi and s5 of the Resource Management Act 1991. Ngāti Umutahi Iwi has a responsibility to ensure that activities that may cause adverse effects on resources in their rohe [region] are avoided, remedied or mitigated.

This plan asserts that Ngati Umutahi Iwi is affected by any activity that occurs in their region. Therefore, in terms of any application for resource consent, planning or consultation requirements, Ngati Umutahi Iwi asserts that they are an effected party.

This plan therefore serves as a guide to applicants, individuals, groups, clubs, local and national authorities and organisations or any other persons, who propose to make application for consent to modify, change, damage, develop, destroy or otherwise physically, spiritually, legally or otherwise, alter the existing resources within the rohe of Ngāti Umutahi Iwi.

This plan is the property of the Ngati Umutahi Iwi people and may be reviewed, altered, modified or changed exclusively by Ngati Umutahi Iwi through submissions to, or review by, the Ngati Umutahi Marae Trustees.

¹ S61[2][a][ii] Resource Management Act 1991

Ngāti Umutahi Iwi also reserve the right to make additions to their 'Whenua Resource Management Plan', including but not limited to the development of specific management plans for specific resources. It serves as a document that will assist Ngati Umutahi Iwi, who are equal Treaty partners with the Crown, to develop a full and positive relationship with local, national and international authorities in terms of the sustainable management of the resources of Ngati Umutahi Iwi.

3. Relationships with Other Documents

This plan asserts how Ngati Umutahi Iwi shall be consulted on matters relating to resources that lay in their region. The mana [authority] of Ngati Umutahi Iwi is confirmed in Te Tiriti o Waitangi and the Resource Management Act 1991 and other relevant Acts.

Ngati Umutahi Iwi may also develop specific resource plans for specific resources or specific resource management issues such as heritage, kaitiakitanga, resource management practices etc.

Those additional plans will become equivalent in status to this Iwi Management Plan but will refer to policy, objectives, and methods of implementation and rules developed within this plan.

4. Confirmation of Status under Te Tiriti o Waitangi

Sovereignty, customary rights, responsibilities, kaitiakitanga and the intimate relationship of Ngati Umutahi Iwi with its taonga and resources have been developed over several centuries. These were confirmed and guaranteed by the Crown under the Maori version of Te Tiriti o Waitangi signed in 1840. Laws including the Resource Management Act 1991 further support these rights. While Ngāti Umutahi Iwi have never ceded sovereignty to the Crown they have been loyal partners. When the Treaty of Waitangi was signed, the Crown recognised that Ngati Umutahi Iwi retained their rights to tino rangatiratanga, and would continue to enjoy full, exclusive and undisturbed possession of their ancestral lands as they did before the Treaty recognised, confirmed and guaranteed their rights under Article Two of the Treaty of Waitangi.

Ko te Tuatahi

Ko nga rangatira o te whakaminenga me nga rangatira katoa hoki hai ki i uru ki taua whakaminenga ka tuku rawa atu ki te Kuini o Ingarangi ake tonu atu te kawanatanga o o ratou whenua.

Article the First

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

Ko te Tuarua

Ko te Kuini o Ingarangi ka whakarite ka whakaae ko nga Rangatira ko nga hapū o nga tangata katoa o Niu Tireni te tino rangatiratanga o o ratou whenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te whakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini to hokonga o era wahi whenua e pai ai te tangata nona te whenua - ki te ritenga o te utu e whakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei hoko mona.

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 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.

Ko te Tuatoru

Hei whakaritenga mai hoki tenei mo te whakaaetanga ki te Kawanatanga o te Kuini - Ka tiakina e te Kuini o Ingarangi nga tangata Maori katoa o Niu Tireni ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarangi.

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.

Tuawha

Na ko matou ko nga Rangatira o te whakaminenga o nga hapū o Niu Tireni ka huihui nei ko Waitangi ko matou hoki ko nga Rangatira o Niu Tireni ka kite nei I te ritenga o enei kupu. Ka tangohia ka whakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Article the Fourth

Now, therefore, We the Chiefs of the Confederation of the United Tribes of New Zealand, being assembled in Congress at Victoria in Waitangi, and We the separate and independent Chiefs of New Zealand, claiming authority over the tribes and territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

These rights, guaranteed under the Treaty, show the equal partnership agreement between the people of Ngati Umutahi Iwi and the Crown. Local Government including regional and territorial authorities know that Ngati Umutahi Iwi is equal Treaty partners with the Crown. Regional and territorial authorities are also aware that they have obligations under the Resource Management Act 1991 to take into account the principles of the Treaty of Waitangi² and a duty to consult.³ The duty to consult is also supported by Case Law.⁴

In accordance with the principles of the Treaty of Waitangi, Ngati Umutahi Iwi will continue to develop positive and constructive relations with the Crown and its agents including regional and territorial authorities. Ngati Umutahi Iwi will do this in a spirit of goodwill and mutual respect.

² S8 Resource Management Act 1991

³ Principles for Crown Action on the Treaty of Waitangi, The Prime Minister of New Zealand, July 1989

⁴ NZ Maori Council vs Attorney General [Forests Case] [1989] 2 NZLR 142, 152 [CA] Ivor Richardson: and Te Runanga o Wharekauri Rekohu Inc vs Attorney General [1993] 2 NZLR 301 and Ngai Tahu Report Vol 2. 1991, p245 and: Te Heuheu vs Attorney General CP44/96 High Court, Rotorua. Robertson J 15 May 1998

Ngāti Umutahi Iwi have an active interest in resource management within their region. They manage, use, develop and protect the natural, physical and metaphysical resources within their region. Ngati Umutahi Iwi retain responsibility and control of the management and allocation of their resources.

5. Status under the Resource Management Act 1991

Ngati Umutahi Iwi have held mana whenua over their rohe for many centuries.

The Crown then devolved certain powers and responsibilities to local authorities via the Resource Management Act 1991. However, local authorities have various duties under the Resource Management Act 1991, including a duty to take into account the principles of the Treaty of Waitangi.

The Principles of the Treaty of Waitangi relationship between Ngāti Umutahi Iwi and Local Authorities

Ngati Umutahi Iwi understands local authorities are not their treaty partner, however local authorities are obliged to take into account the principles of the Treaty of Waitangi. The principles of the Treaty do however describe the nature of the relationship between Ngati Umutahi Iwi and regional and territorial authorities. It has been recognised that this is a developing area of understanding and new principles will be deduced as further understanding of the meaning and intent of the Treaty is developed. What follows is a list of principles that are of primary significance for regional policies and plans.

- The Mutually Beneficial Relationship principle; includes those duties to act reasonably and in good faith. This principle provides a duty on both Ngāti Umutahi Iwi and council to interact in the best possible way with reason and respect.
- Active Protection means; that Maori interest in resource management is not simply passive but is in all senses active. Active protection implies adequate resourcing for tangata whenua in resource management activities.
- Tribal Self-Regulation principle provides; recognition that Maori have the exclusive right to decide what responsibility and control of the management and allocation of resources they wish to retain. Application of this principle takes the various levels of government towards a recognition of the exercise of rangatiratanga by tribal groups.
- Consultation is a duty rather than a principle. Consultation should be seen in this context as not simply informing tangata whenua of impending actions, but implies duties associated with the previous principles. Ngāti Umutahi Iwi has included in this paper, a description of the consultation

processes that should be undertaken by any persons wishing to consult with Ngāti Umutahi Iwi.

- The whole Resource Management Act 1991, but particularly those specific sections of the Act that refer to Maori, and matters of particular interest to Maori provide additional status to Maori and their plans and strategies. Those sections of the Act, which include but are not limited to all of Part II, make up the recognised rights afforded to Ngāti Umutahi Iwi by the Crown.

Ngāti Umutahi Iwi through its Marae Trustees asserts that it has a right to be consulted on each and every activity within the Ngati Umutahi Iwi rohe because Ngati Umutahi Iwi is an effected party.

Ngati Umutahi Iwi shall give effect to sections 6[e], 7[a] and 8, including the Treaty principle of active protection of the Ngati Umutahi Iwi people in the use of their lands, air and water.⁵

Ngati Umutahi Iwi asserts that councils adopt a holistic application of section 6[e], 7[a] and 8. All these sections, including the Treaty principles of active protection and partnership, as well as consultation, need to be taken into account when making decisions.

Active protection of Ngati Umutahi Iwi interests requires positive action. It also requires access to sufficient information of an adequate quality to be in a position to fully consider the effects on those interests.

The principle of partnership is a basis for the practice of consulting Ngati Umutahi Iwi whose relationship with their ancestral lands, waters, waahi tapu and other taonga will be affected by any proposal within their rohe.

Sections 6, 7 and 8 should not be read in isolation. They are integral to achieving sustainable management, and not a counterbalance to that end. Further, they are not an objective in themselves.

Decision-makers must balance the conflicting values of Ngati Umutahi Iwi and non-Maori to take into account the principles of the Treaty.

⁵ Mason-Riseborough vs Matamata-Piako District Council A143/97

In assessing Ngati Umutahi Iwi values it must be understood that certain intangibles, such as, the spiritual and metaphysical values of the Iwi are important.

Consultation is to be approached in a holistic manner. It is not just a means to an end, but a means to take into account the relevant Treaty principles and the requirements in sections 6[e], and 7[a] in the decision-making process.

Ngati Umutahi Iwi asserts that as an effected party they have a right to deal with any application for consent within their rohe and may give evidence at a hearing in support of their assertions because they have an interest in proceedings greater than the public generally.⁶

Transfer of Powers: s33 of the Resource Management Act 1991

There will be opportunities to transfer and delegate resource management functions. This transfer between regional and territorial councils is possible, where necessary, to allow for more efficient decision-making. The Ngāti Umutahi Iwi is an appropriate "community of interest" roopu [group] capable of exercising or performing functions duties and powers within their rohe.

Ngati Umutahi Iwi supports the assertion made in the Ministry for the Environments December 1988 Discussion Paper, 'People, Environment and Decision-making: The Governments Proposal for Resource Management Law Reform', in which it was noted that: 'it should be the duty of the government, at whatever level, to demonstrate that it has thought about the various options for management, including the option of not intervening', and 'the government has proposed that the new law [RMA 1991] should provide more flexibility for decisions to be delegated either upwards or downwards, with more emphasis on integration of consent processes.'

⁶ s274 of the Resource Management Act 1991,

Therefore, Ngati Umutahi Iwi asserts that opportunities exist within the rohe of Ngati Umutahi Iwi, for transfers of powers to be made by regional and territorial authorities and that Ngati Umutahi Iwi shall pursue such transfer of powers, when it considers it appropriate or necessary.

6. Consultation

Numerous Crown agencies, local authorities, private organisations and individuals have a statutory and moral responsibility to consult directly with Ngati Umutahi Iwi over a wide range of matters. Under the Resource Management Act 1991 for example, local authorities must consult with Ngati Umutahi Iwi during the preparation, change and review of policy statements and plans.

According to the 'scale of significance' of activities, resource consent applicants through their Environmental Impact Assessment Consultants are required to consult with Ngati Umutahi Iwi in the assessment of socio-economic, historical, cultural and spiritual effects of actual or proposed activities.⁷

In the case: *Otaraua Hapū of Te Atiawa v Taranaki Regional Council and Petrocorp Exploration Ltd* [Environment Court W129/96, 20 September 1996] Treadwell J, PA Catchpole, JD Rowan held that there are four processes involving consultation:

- Preparation of district or regional plans. Consultation is mandatory for Councils;
- Public notification of plans and submissions on them, Councils become quasi-judicial bodies. No unilateral consultations with particular parties are permitted;
- Decisions whether to notify a resource consent application;
- Notified applications where the council is to hear the applications as a quasi-judicial body.

Greensill & Others v Waikato Regional Council W17/96 summarised the current position with consultation, i.e.: 'councils must consult local Maori in preparation of plans or policy statements; may delegate a decision whether to publicly notify an application for a resource consent to a council officer, who must, where local Maori might be affected by the decision, consult local Maori, and that consultation may be unilateral; may consult where appropriate with Maori where resource consent applications have been publicly notified, but must do through a council officer or commissioned report and may not unilaterally consult.'

'Each case depends on its own facts. At times the duty to consult obliges the council officer reporting to the council to engage in consultation with Ngati Umutahi Iwi. At other times, depending on the circumstances, the applicant's consultation may be sufficient.

Further comments from the Ministry for the Environment report on consultation that is relevant to Ngati Umutahi Iwi include:

- Consultation is the statement of a proposal not yet fully decided upon
- Consultation includes listening to what others have to say and considering responses
- Sufficient time must be allowed and a genuine effort must be made
- There must be enough information made available to the party obliged to consult, to enable the consultee to be adequately informed so as to be able to make intelligent and useful responses
- The party obliged to consult must remain open minded and be ready to change and even start afresh. However, the party consulting is entitled to have a working plan already in mind
- Consultation is an intermediate situation involving meaningful discussion
- The party obliged to consult holds meetings provides relevant information and further information on request, and waits until those being consulted have had a say before making a decision.

Consultation is not:

- Merely telling or presenting or
- Intended to be a charade or
- The same as negotiation, although a result of consultation could be an agreement to negotiate

Ngāti Umutahi Iwi will be consulted on each and every activity within their region and may respond in terms of any relevant section of; the Resource Management Act, national, regional and/or territorial plans, strategies and policy statements, the Ngati Umutahi Iwi Management Plan or other relevant Ngati Umutahi Iwi planning documents, strategies and policies, and any other New Zealand statute deemed relevant or appropriate by Ngati Umutahi Iwi.

All consulting parties, including Ngati Umutahi Iwi, will enter into consultation in a spirit of goodwill, good faith and with mutual respect.

7. Fundamental Consultation Principles of Ngati Umutahi Iwi

The Role of the Ngati Umutahi Marae Trustees

The Ngāti Umutahi Marae Trustees will facilitate all consultation with Ngati Umutahi Iwi within the Ngati Umutahi Iwi rohe. All consultation Hui will follow the protocols, kawa and tikanga of Ngati Umutahi Iwi. A Trustee will be appointed to facilitate consultation. That person shall be responsible for all matters relating to the application to consult. The protocols and tikanga shall act as a protection mechanism for the RM Planner in charge of facilitating consultation.

Sufficient Information

Sufficient information and advice when requested to all parties, to allow intelligent and informed decisions to be made. This includes consulting parties supplying sufficient information regarding their statutory responsibilities to Ngati Umutahi Iwi. Making informed decisions also requires information to be presented in a manner that can be easily understood by those being consulted.

Ngati Umutahi Iwi shall receive current, accurate information from the consulting party which enables Ngati Umutahi Iwi to participate in well informed, intelligent consultation. The consulting party will provide explanations of statutory and technical matters. The cost of providing that information shall be borne by the consulting party. Ngati Umutahi Iwi has a right to receive all information relevant to the consulting party's application or proposal.

Consultation will have clear objectives and a focus on tangible issues however intangible issues may arise depending on the nature of the cultural values cited during the consultation process.

Sufficient Time

Consulting parties will consult Ngati Umutahi Iwi as early as possible in the process and the consultation shall be ongoing. Sufficient time for the effective participation of Ngati Umutahi Iwi and genuine consideration of the advice or concerns must be given. The need for Ngati Umutahi Iwi to hold Hui to facilitate consultation and to develop an understanding and consensus must be recognised and provided for.

Ngāti Umutahi Iwi shall be consulted at least two full months before any application for resource or land use consent has been made to local authorities or the Crown. Ngāti Umutahi Iwi reserve the right to determine the methods of facilitating consultation by calling either, hui-a-iwi, inter-tribal Hui, hui-a-hapū, hapū Hui, whānau Hui or other.

The cost of Hui shall be borne by the consulting party. Ngāti Umutahi Iwi also reserves the right to expect the consulting party to utilise appropriate community engagement processes, including the use of computer software programmes, such as JuratRE (Activ Community Engagement. www.activ.com), to ensure that the facilitation is comprehensive and contextual in nature.

Genuine Consideration of Advice

Genuine consideration of advice communicated by Ngati Umutahi Iwi is expected, including an open mind and a willingness to change. If the consulting party disagrees and decides not to act upon advice, clear reasons in writing must be given to Ngati Umutahi Iwi at least 10 working days prior to the commencement of any hearing. All consulting parties, including Ngati Umutahi Iwi, will enter into consultation in a spirit of goodwill, good faith and with mutual respect and active pursuit of understanding of each other's values.

Interpretation of Information

To avoid misinterpretation and avoid errors, no information provided by Ngati Umutahi Iwi will be amended from the original, or summarised in reports without the explicit written approval of the appropriate Ngati Umutahi Iwi representatives that were consulted. The Ngāti Umutahi Iwi meeting participants before being placed on record shall ratify minutes of all meetings. Responsibility for recording minutes or notes taken at a Hui or meeting will rest with Ngati Umutahi Iwi, however the cost of recording these minutes or notes will be borne by the applicant. Consulting parties may take their own notes however they will not be accepted as an accurate record of any meeting held with members of Ngati Umutahi Iwi unless they have been approved by those Ngati Umutahi Iwi members present at that meeting or Hui.

Use of Confidential Information

Confidential information must be protected. Ngāti Umutahi Iwi will determine what information is confidential and what other information is available for use. Information such as the location and nature of waahi tapu will not be available for use by any applicant without the express written approval of the Chairman of the Ngati Umutahi Marae. Applicants will be required to describe waahi tapu as places of special significance to Ngati Umutahi Iwi and all other information relating to that special place or taonga will be provided at the discretion of the Ngati Umutahi Marae Trustees. Prohibitive mechanisms that protect the use and dissemination of such intellectual property may be applied at the discretion of the Ngati Umutahi Marae Trustees.

Direct Consultation - Kanohi ki te kanohi

The Ngati Umutahi Marae Trustees will deal with all resource management issues that affect Ngati Umutahi Iwi through their mandates Resource Management Planner. The Ngāti Umutahi Marae Trustees will determine who will be consulted, how they will be consulted and what type of consultation process will be employed. The Ngāti Umutahi Marae Trustees will determine formal accountability methods that guide and protect the RM Planner in charge of facilitating consultation on behalf of Ngati Umutahi Iwi.

Where matters affect a particular hapū or whānau, direct consultation with those people will be essential however initial contact must first be made with the Ngati Umutahi Whenua Resource Management Advisor at Matata who will facilitate consultation between the appropriate parties. All consultation will be kanohi ki te kanohi or face to face.

Consultation Processes

The following is a brief guide that is designed to assist and protect the RM Planner in charge of facilitating consultation on behalf of Ngati Umutahi Iwi.

Each consultation exercise will be dealt with on a case by case basis and the Trustee or RM Planner in charge of facilitating consultation will be instructed by the Ngati Umutahi Marae Trustees as to what process to adopt.

The RM Planner in charge of facilitating consultation will be required to seek clarification from the Ngati Umutahi Iwi Marae Trustees as to the process to be adopted.

The Ngati Umutahi Iwi RM Planner in charge of facilitation of consultation will:

- Receive all mail and correspondence from the applicant or consulting party at least 30 days prior to the first meeting or hui
- Open a file on the matter to be consulted upon ensuring that all material kept in the file is copied at least once, dated and read by the RM Planner
- Receive an agreed number of copies of the consulting party's proposal, including maps of the proposed site and distribute copies of this

material to the appropriate parties to be consulted ensuring that at least two copies of the material remain on file

- Seek guidance and instructions from the Ngāti Umutahi Marae Trustees as to who should be invited to participate in the consultation process
- Where possible the RM Planner will provide to the party seeking consultation, an estimate of costs that will be incurred in facilitating the consultation process. These costs will include all of the work that will be undertaken by the RM Planner in charge of facilitating consultation. The RM Planner will then draft a description of the activities that will be necessary throughout the consultation process. This description will be a useful guide to the consulting party but it will be emphasised that the process may be influenced by factors that may be unknown at the beginning of the consultation process. The RM Planner may then secure from the applicants or consulting party an agreement to cover the cost of consultation prior to entering into consultation
- The RM Planner will be required to advise the consulting party that all information resulting from consultation with Ngāti Umutahi Iwi is the intellectual property of Ngāti Umutahi Iwi. The RM Planner will ensure that the consulting party is fully aware and accepts that all information that forms a cultural evaluation of the proposal on the natural and physical resources within the boundaries of the Ngāti Umutahi Iwi rohe is irrefutable. The RM Planner will advise the consulting party that any archaeological evaluation of resources is not a cultural evaluation of the resource. Only Ngāti Umutahi Iwi are qualified to determine the cultural significance of places and taonga within the Ngāti Umutahi Iwi rohe and no other person or group is qualified to give a cultural evaluation of resources within the Ngāti Umutahi Iwi region, without prior consultation with Ngāti Umutahi Iwi.

- The RM Planner will arrange for meetings to take place ensuring that a venue, [usually the Ngāti Umutahi Marae at Matata], time, date and agenda is distributed by way of a written notice [pānuī] sent to all those who should be consulted. Where possible the agenda for the meeting will be set by the Ngāti Umutahi Iwi RM Planner in charge of facilitating consultation in consultation with the applicant or consulting party.
- The RM Planner will ensure that where necessary and appropriate, members of other iwi are informed of the consultation process being undertaken with Ngāti Umutahi Iwi. This may occur at times when a proposal has the potential to, or will affect the rohe of a neighbouring iwi. The Ngāti Umutahi Marae Trustees in situations such as these will guide the RM Planner.
- The Ngāti Umutahi Iwi RM Planner in charge of facilitating consultation will research all relevant material including; the Ngāti Umutahi Iwi Management Plan and other relevant planning documents recognised by Ngāti Umutahi Iwi, national, regional and territorial authorities plans, rules, policies and strategies. This shall be done in preparation for the meeting and any subsequent meetings held to discuss the issue brought forward by the consulting party.
- The RM Planner will also ensure that a person capable of chairing the meeting is available to do so and is prepared in advance by being fully briefed about the matters to be discussed.
- The RM Planner will ensure that an accurate and full record of proceedings is taken at the meeting and circulated to all participants including the consulting party. These notes or minutes will be recorded on a 'without prejudice' basis.

- The RM Planner will ensure that all resources that may be used throughout the meeting are available. Display charts and sheets of paper will be used to record various parts of discussion. These charts are preferable to the use of a white board and markers unless the white board is capable of providing hard copies of the material displayed during consultation. An overhead projector may also be used during consultation as a means of recording or displaying information to the participants, however all material that has been displayed on the overhead projector must be copied and held on the appropriate file for future reference. Any other material displayed by the consulting party during consultation will be made available to Ngāti Umutahi Iwi, at least one copy of which will remain on the appropriate file.
- The RM Planner will be responsible for drafting responses on behalf of and to the satisfaction of Ngāti Umutahi Iwi. In doing so the RM Planner will ensure that all information is accurate and reasonable. The RM Planner will ensure that reasons for recommendations are to avoid, mitigate and remedy the adverse effects of the application, and these will be stated clearly in the response. The RM Planner will ensure that the draft response is approved by the appropriate parties including those members of Ngāti Umutahi Iwi that will be affected by the application or plan prior to sending the response to the consulting party and or regional or territorial authority.
- Where a hearing is necessary or likely, the RM Planner will prepare the Ngāti Umutahi Iwi submission in consultation with the appropriate Ngāti Umutahi Iwi hapū and whānau.
- The RM Planner will also act as a conduit of communication between Ngāti Umutahi Iwi, the consulting parties and the decision-making organisation. The Iwi RM Planner may telephone, fax, email, or write to the decision-making organisation on behalf of Ngāti Umutahi Iwi however all communications will be recorded and filed for future reference

- The Iwi RM Planner will be responsible for drafting the consultation invoice and will ensure that the consultation costs are paid to the Ngāti Umutahi Iwi Authority. A high level of accountability will be required and therefore all invoices will be submitted to the Ngāti Umutahi Marae Trustees for confirmation, prior to delivery to the consulting party. All invoices will be specific. All costs will be disclosed to the consulting party and the Ngāti Umutahi Iwi Authority.

Hearings

- Where a hearing is necessary or likely, the RM Planner will request that at least one Maori Hearing Commissioner is appointed to the Hearing Committee:
- Where a hearing is necessary or likely the RM Planner will ensure that the submitters appearing for Ngāti Umutahi Iwi are fully briefed and prepared for the hearing. This may include facilitating strategic planning meetings at which the RM Planner will assist Ngāti Umutahi Iwi submitters and advocate on their behalf
- The RM Planner will attend hearings on behalf of Ngāti Umutahi Iwi and will be responsible for seeking clarification of evidence from witnesses on behalf of Ngāti Umutahi Iwi.
- The RM Planner will assist in co-ordinating the delivery of submissions made at the hearing by the Ngāti Umutahi Iwi submitters. This may include copying and circulating submissions prepared for delivery at a hearing. Copies of all submissions made at the hearing, including Ngāti Umutahi Iwi and other submissions will be placed on the appropriate Ngāti Umutahi Iwi file for future reference
- The RM Planner will be responsible for ensuring that decisions made at hearings are circulated to the appropriate participants and that a copy of the decision will be kept on the appropriate file

Referrals to the Environment Court

The following is a brief guide that is designed to assist and protect the RM Planner in charge of facilitating a referral to the Environment Court on behalf of Ngati Umutahi Iwi.

- The RM Planner will seek approval from the Ngāti Umutahi Iwi Authority for a referral to the Environment Court
- The RM Planner will, with the approval of the Ngāti Umutahi Marae Trustees, prepare a referral to the Environment Court on behalf of Ngāti Umutahi Iwi
- The RM Planner, with the written approval of the Ngāti Umutahi Marae Trustees, will seek the assistance of a solicitor or other appropriate professional person when referring to the Environment Court
- The RM Planner will work alongside the professional person or solicitor when preparing to refer and be heard at the Environment Court
- The RM Planner will assist the professional person or solicitor to co-ordinate the evidence and submitters appearing at the Environment Court

Ngati Umutahi Whenua Resource Management Statement

Ngati Umutahi Iwi is the kaitiaki of its region. Customary rights, responsibilities as kaitiaki and the intimate relationships that have developed between Ngati Umutahi Iwi and its taonga have been developed over several centuries. These rights, responsibilities and relationships have been confirmed and guaranteed under the Treaty of Waitangi signed in 1840.

The natural, physical, cultural and spiritual boundaries of Ngati Umutahi Iwi are described within this document. They encompass the rohe or domain of Ngati Umutahi Iwi. All that lies within the Ngati Umutahi Iwi rohe is of paramount concern to Ngati Umutahi Iwi. Ngāti Umutahi Iwi must be consulted on any and all proposed development within their rohe regardless of whether the application for the development is notifiable or not, or is or is not a permitted activity under a District Scheme or Regional Plan.

Any approach made to national, regional or local authorities by persons proposing to made applications for Resource or Land Use consents for development, modification, changes, damage, maintenance or destruction of natural and physical resources within the Ngati Umutahi Iwi rohe must be communicated to Ngati Umutahi Iwi through the Ngati Umutahi Marae Trustees, so that full and frank consultation, entered into with mutual respect and in a spirit of openness and goodwill may take place, in accordance with the processes described within this Ngati Umutahi Iwi Management Plan.

Ngati Umutahi Iwi have the right to make submissions to national, regional and local authorities on any application, plan, scheme or proposal effecting the Ngati Umutahi Iwi rohe, whether or not the application, plan etc is notifiable or is permitted or not.

Maori Environmental Management Systems of Ngati Umutahi Iwi

Kaitiakitanga

Ngati Umutahi Iwi endorses the Maori Environmental Management statement in the 'Bay of Plenty Regional Policy Statement'.

Practices or tikanga were developed and observed to maintain the mauri of the different parts of the natural world. Observing these tikanga evolved into the ethic and exercise of kaitiakitanga. Ngāti Umutahi Iwi has responsibilities as kaitiaki of their rohe. These responsibilities include but are not limited to the principles contained within Article II of the Treaty of Waitangi.

Only Ngati Umutahi Iwi can accurately describe their role and responsibilities as kaitiaki of their region for present and future generations of Ngati Umutahi Iwi people. The role and responsibilities of kaitiaki are wide and varied, are tangible and intangible and are based in the Ngati Umutahi Iwi consciousness of the Tikanga and kawa [lore] relevant to Ngati Umutahi Iwi and its people. The kaitiaki role and responsibilities of Ngati Umutahi Iwi cannot be described by any persons other than Ngati Umutahi Iwi through the Ngati Umutahi Iwi Authority.

Because of the intangible aspects of some of the values that affect the role and responsibility of the kaitiaki, it is difficult for Ngati Umutahi Iwi to describe the extent of its kaitiaki role and responsibilities in this Ngati Umutahi Iwi Management Plan. It is therefore more practical for Ngati Umutahi Iwi to determine the kaitiaki role it will pursue and describe the responsibilities it will hold on a case by case basis.

It will be helpful for persons that are not familiar with the concept of kaitiakitanga to refer to 'Kaitiakitanga and Local Government: Tangata Whenua Participation in Environmental Management' produced by the Parliamentary Commissioner for the Environment in June 1998. This book broadly outlines the concept of kaitiakitanga in an understandable way however it does not conclusively describe the role and responsibilities associated with Ngati Umutahi Iwi kaitiakitanga as Ngati Umutahi Iwi are the only persons capable of determining their kaitiaki role and responsibilities. The mana of Ngati Umutahi Iwi provides the power or authority to put into action the practices needed to sustain the mauri in relation to resources within the rohe of Ngati Umutahi Iwi rests with Ngati Umutahi Iwi alone.

Ngati Umutahi Iwi has the mana as kaitiaki of their region to sustain the mana and the mauri of nga taonga tuku iho o Ngati Umutahi Iwi. Broadly speaking kaitiakitanga involves a wide set of practices based on a world and regional environmental view. The root word is *tiaki* that includes the ideas and principles of:

- Guardianship
- Care
- Wise management
- Resource indicators, where resources themselves indicate the state of their own mauri
- Maintenance of spiritual and cultural aspects of the natural and physical resources
- Protection of mauri
- Enhancement of mauri
- Restoration of mauri
- Appropriate development of resources where necessary

Kaitiakitanga of natural and physical resources is not confined to the mere protection of those resources from damage, destruction, modification and development. Ngāti Umutahi Iwi assert that within their rohe it is Ngati Umutahi Iwi who are empowered with the responsibility of ensuring that the spiritual and cultural aspects linked with each natural and physical resource are taken into account. Further, Ngāti Umutahi Iwi are responsible for ensuring that the spiritual and cultural aspects of the natural and physical resources within their region are maintained for the future, for the benefit of the descendants of Ngati Umutahi Iwi and the rest of New Zealand. The relationship of Ngati Umutahi Iwi and their culture and traditions with their ancestral lands, waters, sites, waahi tapu and other taonga is a matter of national importance. Observing tikanga is a part of the ethic and exercise of kaitiakitanga. Accordingly kaitiakitanga recognises that physical damage to a resource also results in spiritual damage, not only to that place or resource but also to the people who are charged with the responsibility of being kaitiaki for that resource.

The rohe of Ngati Umutahi Iwi contains many places of great significance to Ngati Umutahi Iwi in terms of Ngati Umutahi Iwi history and development. Ngati Umutahi Iwi are the kaitiaki of their rohe and as such must be fully consulted on Ngati Umutahi Iwi terms, by whomever proposes to effect their rohe and therefore the relationship that exists between Ngati Umutahi Iwi and their culture and traditions associated with their ancestral lands, waters, sites, waahi tapu and other taonga.

Kaitiakitanga has a variety of applications including, but not limited to:

- The protection and maintenance of waahi tapu and other tribal areas of significance
- The placing of rāhui to allow replenishment of traditional kaimoana, mahinga mātaaitai, or for use at times of disasters, drowning and pollution of kai
- Directing development in ways that are in keeping with the environment and which so not negatively compromise the mauri of the resource
- Observing tikanga associated with traditional activities
- Active opposition to developments with actual or potential adverse effects on resources and taonga
- Consultation
- Monitoring resource indicators, where resources indicate the state of the mauri
- Physical restoration and enhancement of resources to rejuvenate and improve the mauri of the resource
- Lodging claims against Crown actions that have adversely affected the mana of Ngāti Umutahi Iwi

Mauri

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

Mauri is the life force present in all animate and inanimate objects. The mauri binds one resource to every other element in a natural order, both physical and spiritual. It provides Maori a series of formal relationships, which, when recognised in practise and prayer ensures physical and spiritual integrity of the environment for future generations.

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

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

Taha tinana - physical and economic significance

Taha hinengaro - intellectual significance

Taha wairua - spiritual significance

Taha whanaunga - social and cultural significance

The major objective of the holistic Maori resource management system is sustaining the mauri in relation to resources. Mauri can be sustained provided there is an acknowledgement of the tikanga and practices that have been developed over a period of time.

Commonly recognised parts of the Maori resource management system are the practices associated with tapu, rāhui, whakanoa, whakawaatea and a whole range of tikanga specific to particular resources including but not limited to, harakeke [flax], tuna [eel], ika [fish], waimaori [fresh water], waitai [salt water] and whenua [land] including sand, stones, rocks, soil, minerals, metals, geothermal resources and any other physical and or natural resource, including air, within the rohe of Ngati Umutahi Iwi.

There are various environmental indicators present on land and in water and air. These indicators are sometimes called kaitiaki as they show the capacity of the resource to sustain life and mauri. An example of an environmental indicator is the presence of the Torrent fish and trout in fresh water. Torrent fish are known to be present in highly oxygenated water therefore if they are present in waters it is most likely that the water is highly oxygenated and capable of sustaining life. This also gives evidence that the mauri of the water in which the Torrent fish are located is healthy. If the Torrent fish are no longer present in their longstanding natural habitat then questions must be asked as to what recent change to the habitat may have caused the loss of the fish. The lack of fish in that habitat also provides evidence that the mauri of the habitat is no longer as healthy as it once was.

Te Whenua - Land

**'Toitu te whenua Whatungarongaro te tangata'.
'The land persists even when the people have
disappeared.'**

'Land is the basis of much Maori ideology. The land is a source of life and sustenance to Maori. To use land in ways which actually or potentially reduces or negates its capacity to support life, or which greatly reduces the mauri of the land, is contrary to the Maori ideology of land and land use.

To intentionally use land in ways which irreversibly damages or destroys the capacity of the land to support life is repugnant to Ngati Umutahi Iwi. The clearance of forests with little regard to subsequent erosion, and the deposition of toxic substances in the soil are examples of the types of action that would damage the mauri of the land. Ngāti Umutahi Iwi know that the land is capable of recovering from misuse, however the wilful and intentional damaging of land, without every effort, regardless of cost, being made to restore the life supporting qualities to the land, remains repugnant to Ngati Umutahi Iwi.

Ngati Umutahi Iwi asserts that land can be developed in appropriate ways. The appropriate development and use of land does not cause damage to mauri nor lessen the capacity of the land to sustain life. The appropriate development of land causes an increase in the capacity of the land to sustain life, creates a healthy relationship between land 'owner' and the land, and strengthens the mauri of the land by increasing the lands capacity to sustain not only itself but other creatures, including man. Appropriate development of land guarantees the sustainable management of land as a natural and physical resource but also preserves, protects, recognises and strengthens the cultural and spiritual aspects of the land as well.'⁸

Ngati Umutahi Iwi have the right and a responsibility to provide for the collective social, economic and cultural wellbeing of Ngati Umutahi Iwi by pursuing appropriate development of their lands and or other natural and physical resources.

⁸ 'Ngaa Tikanga Tiaki I te Taiao', 1993

This includes the right to abide by their own customs and to use techniques, knowledge and equipment as Ngati Umutahi Iwi deem necessary or appropriate.

The indigenous forests within the rohe of Ngati Umutahi Iwi are of great significance to Ngati Umutahi Iwi. Ngāti Umutahi Iwi concerns with forestry are based upon the removal of native vegetation [deforestation] and rongoa, the loss of species types, the loss of land for tribal usage, the impact of pinus radiata forests upon water quality, quantity and mauri, the impact of exotic forests on native flora and fauna.

The habitats and natural medicines [rongoa] provided by indigenous plant species must be protected, restored and enhanced within the Ngati Umutahi Iwi rohe. Forestry and other activities must not adversely effect such taonga. Ngāti Umutahi Iwi will be consulted about all forest management and development plans that occur within their rohe. New and existing forestry regimes will not unduly reduce Ngati Umutahi Iwi use of their traditional lands.

Ngati Umutahi Iwi will protect, promote and enhance the concepts of Rongoa, indigenous forests, flora and fauna.

Ngati Umutahi Iwi will ensure that the natural environment is not unnecessarily altered in such a way that would produce negative effects upon Ngati Umutahi Iwi ability to sustain itself culturally, spiritually, economically or the Ngati Umutahi Iwi identity. The Matata Scenic reserve has had 10ha set aside as a reserve under the proposed Ngāti Tūwharetoa [Bay of Plenty] Settlement Act. This area has many stands of indigenous vegetation which were traditionally preserved for customary use by Ngāti Umutahi Iwi. Ngāti Umutahi Iwi may now choose to use the vegetation in the same way as Ngati Umutahi Iwi used it many generations ago.

All land clearance will be undertaken with due regard for the Ngati Umutahi Iwi concept of mauri of that place and the sum effects are to be calculated and reconciled with Ngati Umutahi Iwi from the area. There must be no indiscriminate clear felling in the Ngati Umutahi Iwi rohe.

Ngāti Umutahi Iwi choose to have input into any decision that concerns land clearance in their takiwā [rohe].

Moana - The Sea

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

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

The moana for Ngati Umutahi Iwi, be it large bodies of fresh water [lakes] or Te Moana nui a Kiwa, the open sea, derives its mana atua from Tangaroa who holds dominion over the sea. While the sea has an inherent quality of its own there are also utilitarian aspects which form the basis or the relationship between the sea and those that derive benefit from and, in turn, care for it. The sea is the food basket of the iwi / hapū. As such, practices and elements that would defile the mauri and mana of the sea are seen as abhorrent. The discharge of pollutants into the sea is an obvious example.'⁹

Waitai - Salt Water

The sea is the place to which all water flows. Water, flowing from lakes and mountain tops along rivers, streams, creeks and drains flows into tributaries and out to the sea where it becomes salty. From the sea, water is lifted up to the heavens and is purified again to fall back to the earth as waiora or waimaori. Fishing in lagoons, tributaries, river mouths, in estuaries and at sea formed an essential part of the Ngati Umutahi Iwi economy prior to the Treaty of Waitangi, as did the taking of shellfish, mutton birds and other marine birds and marine flora.

⁹ Ngaa tikanga Tiaki i te Taiao: Maori Environmental Management in the Bay of Plenty May 1993

The mauri or life supporting ability and the vitality of the coastal and marine resource has been compromised through a variety of means. Unnatural detritus, flotsam and jetsam from boats and other craft find its way into the sea. Aluminium cans, plastics, lengths of timber and other rubbish pollutes the sea. Oil and other hydrocarbons find their way into the coastal and marine environment as a result of accidental spills and stormwater discharges

Ngati Umutahi Iwi knows that contaminants on the land effect the water that flows upon or through it. Contaminants enter the water that flows to the sea and the water passing over the land and the sea are contaminated. These contaminants that find their way to the sea adversely effects the sea and all of the creatures that live there. This is a major concern for Ngati Umutahi Iwi who are sustained by the sea. Ngāti Umutahi Iwi rely upon the sea for food, cultural and spiritual strength, and mana associated with their role as kaitiaki for their coastline from Ōtamarākau to Wahieroa.

It is important that contaminants do not enter water. Once contaminated, water that follows its natural cycle will contaminate all of the water it meets throughout the cycle. Of particular concern is the contamination of water by human sewage and toxic substances. In the case of human sewage Ngati Umutahi Iwi assert that no discharge of human sewage to the sea or any other waterway is acceptable.

All discharges of human sewage or waste to water are prohibited in the Ngati Umutahi Iwi region. Likewise discharges of animal waste including dairy effluent must not enter waterways that flow to the sea. It is preferable that discharges of effluent, whether animal or human, should be made to land provided the area in which discharges are made will not effect waterways or any other catchment that eventually finds its way to the sea.

Waiora a Tane

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

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

Mauri in relation to water means life and the living. It has the capacity to generate, regenerate and uphold creation. Because of this, all living things in the water and its environs [which include people] are dependent on its mauri for their wellbeing and sustenance. Hence, each water type is seen as a taonga [highly prized possession] and is sacred due to the potential prosperity it can give to Maori associated with it. The mauri of each waterway is a separate entity and cannot be mixed with the mauri of another.¹⁰ There are clearly impacts of this within water pollution, agricultural spray, runoff including nutrients, chemical residues, sediment, pathogens, by-products and organic material that enter surface water or leach into groundwater. The cumulative effects of diffuse discharges in a catchment can cause adverse environmental effects that damage the mauri of the land, water and therefore natural, physical and metaphysical resources within the Ngati Umutahi Iwi takiwā.

¹⁰ Nga tikanga Tiaki i te Taiao: Maori Environmental Management in the Bay of Plenty May 1993

Ngāti Umutahi Iwi assert kaitiakitanga over all waterways within the rohe of Ngati Umutahi Iwi including beds, banks and the water in all lakes, rivers, tributaries, springs, groundwater, aquifers, steam and geothermal resources. As the owners and kaitiaki of all these resources Ngati Umutahi Iwi reaffirm their role as managers and decision-makers in terms of these resources. All consents and consultation effecting the water resources of Ngati Umutahi Iwi will be made through the Ngati Umutahi Marae Trustees.

Pollution and Water Quality

Issues

- Degradation in water quality due to discharge of human / industrial / dairy farm / horticultural waste
- Effects on both physical and spiritual resources of Maori regarding taiapure, kaimoana, waahi tapu and other taonga

Water provides Maori with food and spiritual resources. These resources are directly impacted on when subject to various degrees of pollution especially with regard to the mauri of those resources. Any impact on the above resources seriously restricts Maori use of them, e.g: food [polluted] cannot be used for Hui with respect to manaaki ki nga manuhiri, forcing tangata whenua to buy food for the marae, thus placing an economic burden on tangata whenua to purchase food. As well as this the people of Ngati Umutahi Iwi are renowned for the provision of fresh seafood's. If they are prevented from providing seafood to guests at their marae, the mana of the Ngati Umutahi Iwi people is potentially diminished. Ngāti Umutahi Iwi would not continue to provide seafood to their guests if they suspect that the water from which the seafood was gathered was contaminated. To do so would, in the opinion of Ngati Umutahi Iwi, be both unhealthy and unsafe.

Any spiritual impact on the mauri of the water has an impact on waahi tapu; areas used for healing and cleansing, tohi and purification rites. Ngati Umutahi Iwi wants the degradation of tribal waters to stop.

Waste to Waterways

Ngati Umutahi Iwi promote and support the use and development of land based treatment systems as an alternative to discharge into tribal waters provided such systems do not adversely and cumulatively effect groundwater, and other catchment waterways.

In both traditional and contemporary Maori society all wastes were returned to Papatuanuku, who was the agent of purification. Ngāti Umutahi Iwi does not accept that their waterways should continue to be used to transport or treat contaminant waste. Where appropriate, waste should undergo a form of land-based

treatment that would remove the need to discharge into natural waterways.

A review and/or audit of current consents to discharge contaminants into water should be made to determine if land-based options can be appropriately used as an alternative.

Air

Air is an essential resource that by its very nature provides a medium for climactic elements as well as life-giving components. Its creation is recognised in Ngāti Umutahi Iwi tradition.

Ngāti Umutahi Iwi will protect sites of significance to Ngāti Umutahi Iwi from noise, odour and visual pollutants. Ngāti Umutahi Iwi want active involvement of the Iwi in the management and protection of the air resource.

Natural and unnatural substances or gases that will adversely affect the health and wellbeing of all living things, including people can contaminate the air.

Ngāti Umutahi Iwi will promote the development and use of safe air practices including preparation of disaster plans in the event of a natural disaster caused by gas emissions from Whakaari, [White Island].

Waahi Tapu and Heritage

Waahi tapu are places and associated values that provide physical and emotional links to ancestors. They signify ahi kaa, indicators of identity, sovereignty and occupation, confirmed and protected by the application of tapu. In their rohe, only Ngāti Umutahi Iwi can determine the existence and significance of these waahi tapu, and in so determining be considered kaitiaki of them.

- Only Ngati Umutahi Iwi are best qualified to determine the cultural and historical significance or value of sites to Ngati Umutahi Iwi.
- No other person or organisation is qualified to determine the significance or value of sites to Ngati Umutahi Iwi.
- Ngāti Umutahi Iwi will design appropriate processes that will strengthen their ability to protect heritage places of significance to them.
- Ngāti Umutahi Iwi will develop appropriate relationships that will strengthen their ability to protect heritage places of significance to them.
- Ngāti Umutahi Iwi will nominate those people, who have the knowledge and mana to make decisions about how significant sites are to them, to act on behalf of Ngāti Umutahi Iwi.

Many Maori across the Region consistently interpret sites of cultural heritage significance as being any place or feature that has special significance to whānau, hapū or iwi. They might be known by or be of special importance to a particular hapū, whānau or iwi, or indeed many whānau, hapū and iwi, through the historical and or emotional links that such places provide.

Ngāti Umutahi Iwi have chosen to develop a set of guidelines that will assist them to determine the significance of places to them so that they may promote better protection of their heritage sites. Some of the reasons for developing these guidelines are outlined below:

- While there are many ecological criteria, few criteria have been developed to assess the Maori cultural values of heritage sites. This means that the importance of a site for Maori culture and traditions may be overlooked.
- There are no guidelines within council to assess the value of cultural heritage sites in a consistent way, so sometimes councils and tangata whenua can have different interpretations about how significant a site is.
- In the Bay of Plenty Region there are 7 district councils that need to assess the significance of heritage resources. Ngāti Umutahi Iwi takes this opportunity to assert that they are the only qualified persons able to assess and determine the significance of places to them.
- For a range of reasons, the significance of cultural heritage sites is not always identified, and consequently their values are not always understood or appreciated, and sites can be destroyed.
- If we don't know how important a site is, it is hard to determine how significant an adverse effect to that site is, and whether or not an activity should be permitted;
- Guidelines can help us identify the reasons why a site is important, and therefore the best way to protect it;
- Including reasons for the significance of places and taonga in responses to resource consent applications, places a responsibility on agencies,

- such as councils to promote protection of significant sites;
- Development and use of heritage guidelines and reasons for heritage significance can help to educate people about the reasons that heritage sites are valuable, and can help raise awareness.

These guidelines are therefore a strong tool to help tangata whenua and councils identify what makes sites significant and worthy of protection. Stating the reasons for significance, in response to councils needs, as well as within planning documents relating to waahi tapu and sites of significance, affords an opportunity to identify sites and provide the sites with a legal standing, that councils must have regard to.

Guidelines

The significance of cultural heritage resources and places of cultural significance in the Ngati Umutahi Iwi region, and the identification of the qualities and values which give rise to their significance, may be partially determined using the guidelines below. These guidelines have been developed for use alongside broad principles. The guidelines themselves must not be relied upon as the only means of determining the cultural significance of any place within the region.

Ngāti Umutahi Iwi cultural experts or Nga Pukenga, retain the right to finally determine the cultural value of sites.

Before any conclusive decision as to the identification of the qualities and values which give rise to the significance of the sites can be reached, the broad principles, and Ngaa Pukenga evaluations in matters of Maori cultural heritage, must first be consulted and taken into account.

Guidelines can help explain the intent of criteria and provide working examples. For example, the list of uses outlined in Table 1 could be used, at least in part, as guidelines. The guidelines could also give an indication about the importance of events, places or persons, where that was possible. Guidelines are probably the most important part of this framework - they will guide how criteria are interpreted. They will help people form a picture in their mind about

places, and help provide a "trigger" about why sites should be protected.

- The extent to which the place reflects important or representative aspects of the Bay of Plenty region's or New Zealand's history.
- The association of the place or a place name or an event, with the events, persons, or ideas of importance in the Bay of Plenty Region's or New Zealand's history.
- The potential of the place to provide traditional knowledge of the Bay of Plenty Region's or New Zealand's history.
- The community association with, or public esteem for, the place.
- The potential for the place to be used for public education.
- The technical accomplishment or value, or design of the place.
- The symbolic, commemorative, spiritual, historical, emotional, genealogical, ritual, educational, cultural, tapu, mana, maana, mauri, kaitiakitanga and amenity value of the place.
- The importance of historic places which date from periods of early pre-European settlement in the Bay of Plenty Region.
- Rare types of historic place.
- The extent to which the place forms part of a wider historical and cultural complex or historical, spiritual, emotional, educational and cultural landscape.
- The integrity and state of preservation of the place.
- An outstanding example of a landscape which illustrates significant stages in human history.
- An outstanding example of traditional human settlement or land use which is representative of a culture.
- The state of preservation and integrity of biodiversity of the place.
- The state of preservation and integrity of ecosystems and their impact on the health of wildlife including flora and fauna, and all other species.
- The use of the place for the gathering of food, water, art resources, medicines and healing resources, cooking stones and any other traditional

resource required for the observance of Tikanga Maori.

- The use of the place as a venue for healing, prayer, recreational activities, marae, village site, meeting place, bathing place, church site, building site, burial ground, landing place, fishing ground, spring, well, catchment area or other source of water supply, timber reserve, or place of cultural, historical or scenic interest, or for any other specified purpose.
- The mana, maana and mauri of a place are minimally affected by human contact or have been left unaffected by human contact or human, industrial and agricultural waste.
- The place is of historical, spiritual, cultural, genealogical, emotional, symbolic or other significance to more than one whānau, hapū and/or iwi.
- The place is an example of an undamaged or minimally damaged pa site or contains outstanding examples of the remnants of a particular feature of a pa, village site, burial place or other land use feature.
- The place is a lake, stream, puna wai, river, the sea, harbour, inlet, bay, fishing ground, aquifer, hot pool, bathing place, weaving resource, mountain, promontory, escarpment, hilltop, land feature, cave, hole, sand dune, island, tree, stone, rock, or any other natural thing that is held in high esteem by tangata whenua.
- The place is a tuahu or altar, an area set-aside for the burial of the whenua or afterbirth of newborn babies.
- The place is the traditional habitat of taniwha.
- The place is mentioned in claim documents laid before the Waitangi Tribunal by whānau, hapū and iwi.
- The place is a battleground, either at sea or on land.
- The place has been used by tohunga as a dwelling, for the deposit of koha, for other rituals and traditional activities like ta moko.
- The place has been or is being used for hair cutting and combing rituals, tohi rites, the site of houses of higher learning [whare wānanga] marriage ceremonies and other ritual practices.

- The place is the site where an ancestor was commemorated by the giving of his/her name to that place, or by deeds undertaken there.
- An urupā or burial ground, burial waters burial cave or gully, promontory, mountain and any other place of interment.
- The place is or was a marae site.
- The place has lasting values that can be appreciated in their own right.
- The place can teach us about the past and the culture of those who came before us.
- The place can provide the context for community identity whereby people relate to the land and to those who have gone before.
- The place can provide variety and contrast in the modern world and a measure against which we can compare our achievements of today.
- The place can provide visible evidence of the continuity between past, present and future.

Key Principles

Principles have been drafted to provide additional information relevant to the guidelines listed above. These principles will give further information and explanations of guidelines. They cannot be used to conclusively determine the significance value of sites but will be useful to gauge their potential significance. Only Nga Pukenga o Ngati Umutahi Iwi will give conclusive determinations on the cultural and historical significance value of sites.

Broad Principles have been sorted into a number of strands. The strands include:

- Nga Pukenga
- Traditional Uses and Activities which make Sites Significant
- Threat to Spiritual Values
- Threat to role and responsibilities of Kaitiaki
- Restoration or Enhancement of Spiritual Values
- Waahi Tapu

Some of these strands, such as Nga Pukenga, refer to principles that should be followed in the use of criteria and in determining significance. Other strands, such as threat to Spiritual values refer more to general concepts that can be considered by councils and tangata whenua when making decisions on management of sites. Each of the strands is discussed more fully below.

Nga Pukenga

Nga Pukenga are identified as being "people that have the knowledge to assess criteria". These people are the key to identifying values and we therefore need to know whom to contact and where the sources of local knowledge are."

Final determination of the Maori cultural value of sites will be made by tangata whenua who have the necessary mana, training, knowledge and discipline to serve at the interface between the spiritual dimensions and ordinary resource users. Further information relating to the duties and responsibilities of Nga Pukenga will be provided in future versions of this Plan. Nga Pukenga o Ngati Umutahi Iwi may be contacted through the Ngati Umutahi Marae, Matata.

Traditional uses and activities which make sites significant

Finding out as much about what activities or uses make a place significant, is considered helpful in developing guidelines that would assist Ngāti Umutahi Iwi with cultural heritage issues.

Although extensive, the list is not complete. Table 1 lists uses and activities, and cultural assets separately.

The decision as to whether these types of uses should be developed into methodology for identifying the value of sites has not yet been reached. Ngāti Umutahi Iwi have been asked to examine whether that type of methodology would be appropriate. The uses could however be used in guidelines, to provide examples of sites that would be considered significant. Certainly, sites found to have been used for any one of the purposes mentioned above are culturally and historically significant to Ngati Umutahi Iwi.

Table 1: Cultural uses and assets

Uses and Activities	Cultural Assets
<p>Quarries and workshops; Manufacturing areas; Stone source areas; Fireplaces, hearths and ovens; Mahinga kai moana; Maataitai; Mahinga kai whenua; Mahinga wai; Puna, wai tohi; Tohu, kowai, and toka; Battlefields; Fishing grounds Places of prayer, areas set aside for higher forms of learning, [nga whare wānanga]; Places set aside for ritual practices; Places where ancestors walked, hunted, married, discussed tribal and inter tribal matters; Hair cutting and combing sites; Carving and other art creation sites; Areas set aside to bury the afterbirths of new born babies; Meeting places [where cars wait to move in convoy to hui or tangihanga]</p>	<p>Rock shelters; Caves and art, rock engravings; Specialised workshop floors; Burial sites for human remains or partial human remains; Burial waters; Cleft or rock burial places; Shell midden - freshwater; Shell midden - salt water; Pits - raised rim, no raised rim, bell type, cave type, stone lined; Pa - terraced, ditches and banks defences, ring ditches, and palisade pa; Stone structures, retaining walls, stone faced scarps, stone alignments; Maunga; Ara moana, ara whenua, kainga mahue; Urupā; Tauranga waka; Wetlands, beds of lagoons, rivers, streams, waahi tapu, springs, motu, forests, lakes, land features; Tūahu; Taniwha; Tipua Places where ariki, rangatira and other tipuna lived, died, cultivated their food, carried out historic or culturally significant activities</p>

Threat to Spiritual Values

It is likely that all applications to change a site identified as being significant will pose a threat to the mauri or spiritual values of the area. Therefore it is necessary for Ngati Umutahi Iwi to identify how to avoid damaging the spiritual values of a site. This task can only be done by Nga Pukenga o Ngati Umutahi Iwi.

However, Ngāti Umutahi Iwi may consider that a proposed development or change to a site is not unlike the activities that occurred there in pre-European times and therefore permitted.

Threat to the role and responsibilities of Kaitiaki

Tangata whenua reported that there is yet only relatively superficial understanding amongst councils and the general public of kaitiaki responsibilities and what they mean for iwi and hapū. Mauri is described as the wellspring of life itself, the elemental energy which permeates the whole of created reality. When mauri is absent there is no life. Kaitiakitanga, as the process by which mauri is protected, has deep spiritual and elemental significance. Ngāti Umutahi Iwi traditional practices and scientific knowledge are based on centuries of experience, and invoked by those who have the necessary mana, training and discipline to serve at the interface between the spiritual dimensions and ordinary resource users.

Ngati Umutahi Iwi considers that the profound responsibilities of kaitiaki, to the ancestors and to future generations, are not widely understood by decision-makers, council staff, developers and the general public. It was noted that the significance of kaitiakitanga in terms of identity and spiritual wellbeing of whānau, hapū and iwi is often not appreciated. There is some understanding from non-Maori that tangata whenua may require ritual or ceremonial processes, but often little valuing or comprehension of what might be at stake. Kaumātua involvement in imposing a rāhui, or the work of lifting tapu when a rural landscape is subdivided, for example,

may not receive recognition or compensation from landowners or councils.¹¹

Only Ngati Umutahi Iwi can judge whether their role and responsibilities as kaitiaki are threatened, and only they can prescribe the methods that will nullify the threat. An example of the type of activity that many kaitiaki undertake at times when applications for resource consent are being made is to visit sites with the applicants to determine the location, extent and potential impact of the proposed change upon mauri, the site and its surroundings. In some instances archaeologists have been present to offer their expertise. What is important in these situations is that Ngati Umutahi Iwi maintains the right to determine the significance of the sites to them and that no other group or individual, including archaeologists, are qualified to do it for them.

¹¹ Kaitiakitanga and Local Government: Tangata Whenua Participation in Environmental Management. Office of the Parliamentary Commissioner for the Environment, June 1998

Restoration or enhancement of Spiritual Values

This issue raises the question of whether the sole purpose of developing heritage policy is to protect places of heritage value. Ngāti Umutahi Iwi believe that in some cases the mauri of a place may be restored, rejuvenated or enhanced depending on the practices and rituals observed by those qualified to carry out such tasks.

Ngāti Umutahi Iwi considers that the place of significance can be prepared for the gradual restoration, rejuvenation or enhancement of mauri that already exists at that place.

Waahi Tapu

"Waahi tapu has been deliberately left undefined in the Resource Management Act 1991. This is because it should be left up to iwi/hapū to both define and disclose to resource management agencies the existence and extent of waahi tapu in their areas".¹² Waahi tapu, as defined in the Historic Places Act "means a place sacred to Maori in the traditional, spiritual, religious, ritual, or mythological sense."

Guidelines and key principles provide some assistance with the issue of waahi tapu, however both may be limited by their inability to provide relevant information for individual sites. Such information is only available from Nga Pukenga o Ngati Umutahi Iwi who may consider it inappropriate to disclose all information relating to waahi tapu.

¹² Ngaa tikanga tiaki i te Taiao: Maori Environmental Management in the Bay of Plenty Regional Policy Statement, 7 May 1993

Resource Management Planning Maps

To aid councils, applicants and Nga Pukenga alike Ngāti Umutahi Iwi will produce a series of Planning Maps in association with this Whenua Resource Management Plan. It was decided that the use of protection mechanisms, such as silent files, did not adequately provide for the confidentiality of significant sites including waahi tapu. In the opinion of the Iwi, the planning maps that attach to this Plan will provide the protection they seek.. For ease of use, the planning maps are split into eight planning zones. Each zone in turn has progressively more stringent conditions imposed on the consent application:

Zone 1 Will relate to areas where regional and district planning processes are adequate measures of protection. The only requisite is that Ngāti Umutahi are advised of the consent sought prior to the application being consented to.

Zone 2 This zone relates to consents that fall under the category of a Controlled Activity. Ngāti Umutahi must be notified of the application and can in conjunction with EBOP impose conditions on the consents approval

Zone 3 Relates to that commonly referred to as a Discretionary Activity. Once again Ngāti Umutahi needs to be notified of the application, however subject to discussion with EBOP conditions may be imposed that may negate the application.

Will require a substantive AEE (Assessment of Environmental Effects) to be completed that also details an assessment of the actual or potential cultural effects that may impact on the Iwi, and the ways in which any possible adverse effects may be mitigated.

This zone takes the form of a Restricted Discretionary Activity, where specific matters will need to assessed in conjunction with the Ngāti Umutahi Nga Pukenga and Whenua Resource Management Advisor, prior to council involvement, and will require a Hui a Iwi consultation process.

This zone is in effect a Non-complying activity zone. However certain pre-determined rules will be defined with EBOP senior planners for land within this zone. "Gateway" tests will be required, and applications must not contravene any of the rules. This allows for objectivity in the planning process, as well as possible monitoring or consent reviews, where it is agreed that the consent is of regional importance.

This zone relates specifically to the regional coastal plan, and includes all Foreshore and seabed activities, including aquaculture. All activities within this zone must be treated as Non-complying, subject to specific Iwi consultation with EBOP senior coastal planners. It also relates to all dune systems that may fall within the appropriate District Plans.

Relates to all prohibited activities, and where the iwi recognises areas of significant cultural history, such as waahi tapu.

Ngāti Umutahi Whenua Resource Management Planning Maps.

See attached