



# TE POHA O TOHU RAUMATI

Te Rūnanga o Kaikōura Environmental Management Plan  
Te Mahere Whakahaere Taiao o Te Rūnanga o Kaikōura



Te Rūnanga o Kaikōura Inc

2009

# MIHI



Tēnā koutou katoa

E ngā karangatanga e maha he hari anā tēnei mihi atu ki a koutou i runga tonu nei i ngā ahuatanga o te tika me te pono o tēnei kaupapa manāki taonga ā whenua, ā wai māori, ā wai tai.

He kaupapa nui whakaharahara te mahi ngātahi tēnei iwi me ngā iwi katoa e nohonoho nei ki tō matou takiwā.

Heoi anō i runga i te peha o tōku tupuna Nōku te kori, kia kori mai hoki koe ka whakatau te kaupapa.

Ko Tapuae-o-Uenuku kei runga hei tititreia mō te iwi

Ko Waiau toa kei raro i hono ai ki tōna hoa ki te hauraro ko Waiau Uha

Ko Te Tai o Marokura te moana i ū mai ai a Tūteurutira kia tau mai ki tō Hineroko whenua i raro i Te Whata Kai a Rokohouia

Ko tōna utanga he tāngata, arā ko ngā Tātare o Tānemoehau

Ā, heke tātai mai ki tēnei ao

Mā tātou anō ngā awa me ngā awaawa, me ngā hiwi, me ngā toropuke, me ngā maunga, me ngā awanunui kei runga i a Kaikōura whenua e tiaki, e atawhai.

Ko Takahanga te marae

Ko Maru Kaitātea te whare tipuna

Ko Ngāti Kuri te hapū

Ko Ngāi Tahu te iwi

Tēnā koutou katoa

To all peoples it is with pleasure we greet you with the best of intentions regarding this important issue of caring for our land, our inland and coastal waterways.

It is equally important that our people work with all others that share our tribal territory.

Therefore we acknowledge the saying that was uttered by our ancestor, if I move then so should you and lay down this document for your consideration.

Tapuae-o-Uenuku is above as a chiefly comb for the people

Waiau toa is below also joining with his partner further south Waiau Uha

Te Tai o Marokura is the ocean crossed by Tūteurutira where he landed upon the shore of the land of Hineroko beneath the lofty food gathering cliffs of Rokohouia

His cargo was people the brave warriors of Tānemoehau

The descendants have remained to this time.

It is now up to us to protect and care for the rivers, valleys, hillocks, ridges, mountains and broad, braided rivers upon the lands of Kaikōura.

Takahanga is the marae

Maru Kaitātea is the ancestral house

Ngāti Kuri is the hapū

Ngāi Tahu is the iwi

# WAIATA



Mā te Raupō  
Whirinaki o Tapuae o Uenuku  
E tu wānanga  
Kakahuia te wehi  
Putea te wāhi katoa  
Mairo Mairo  
Tupato Kakahuia  
Aue Aue  
Nāna te Roimata  
Nei ana he Waiautoa  
Neke atu waiora  
Te Tai o Ngāti Kuri  
Hapai te Whenua  
O Tuturu Māori

*The many bonds that  
strengthen Tapuae o Uenuku  
give credence to creation  
within its abundant bounty.*



This plan is an Iwi Environmental Management Plan. It is a statement of Ngāti Kuri values and policies in regard to natural resource and environmental management in the Te Rūnanga o Kaikōura takiwā. The plan is a means for tangata whenua to carry out their role as kaitiaki and rangatira over their ancestral lands and taonga.

Te Rūnanga o Kaikōura is the administrative council of Ngāti Kuri. Te Rūnanga o Ngāi Tahu is the tribal representative body of Ngāi Tahu Whānui and a recognised iwi authority. This plan is recognised by Te Rūnanga o Ngāi Tahu, as the Te Rūnanga o Kaikōura Environmental Management Plan 2005 and as an iwi planning document.

The Resource Management Act (RMA) 1991 sections 61, 66, and 74 make specific reference to iwi planning documents recognised by an iwi authority. As such, this document is applicable to the planning processes undertaken by district and regional councils.

The plan is not intended as a substitute for consultation with Te Rūnanga o Kaikōura. Rather it is a document that provides a basis for understanding Rūnanga values and policy related to natural resource and environmental management.

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**Te Rūnanga o Kaikōura Inc**

This plan may be referenced as:  
**Te Rūnanga o Kaikōura 2009**  
**Te Poha o Tohu Raumati**  
**Te Rūnanga o Kaikōura**  
**Environmental Management Plan**  
**Te Rūnanga o Kaikōura, Takahanga Marae**  
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To our tamariki thank you for providing the incentive to do all this in the first place.

*Kia mau koe ki nga kupu o ou tupuna – Hold fast to the words of our ancestors.*

*Toku toa, he toa rangatira – My bravery is inherited from the chiefs who were my forebears.*

*Mā te tuakana ka totika te teina, mā te teina ka tōtika te tuakana – A younger sibling is kept in check by an older sibling and vice versa.*

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*Waiho I te toipoto, Kaua I te toiroa – Let us keep together not far apart.*

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*He iti te toki e rite ana kit e tangata.  
A little adze can do as much work as a man.*

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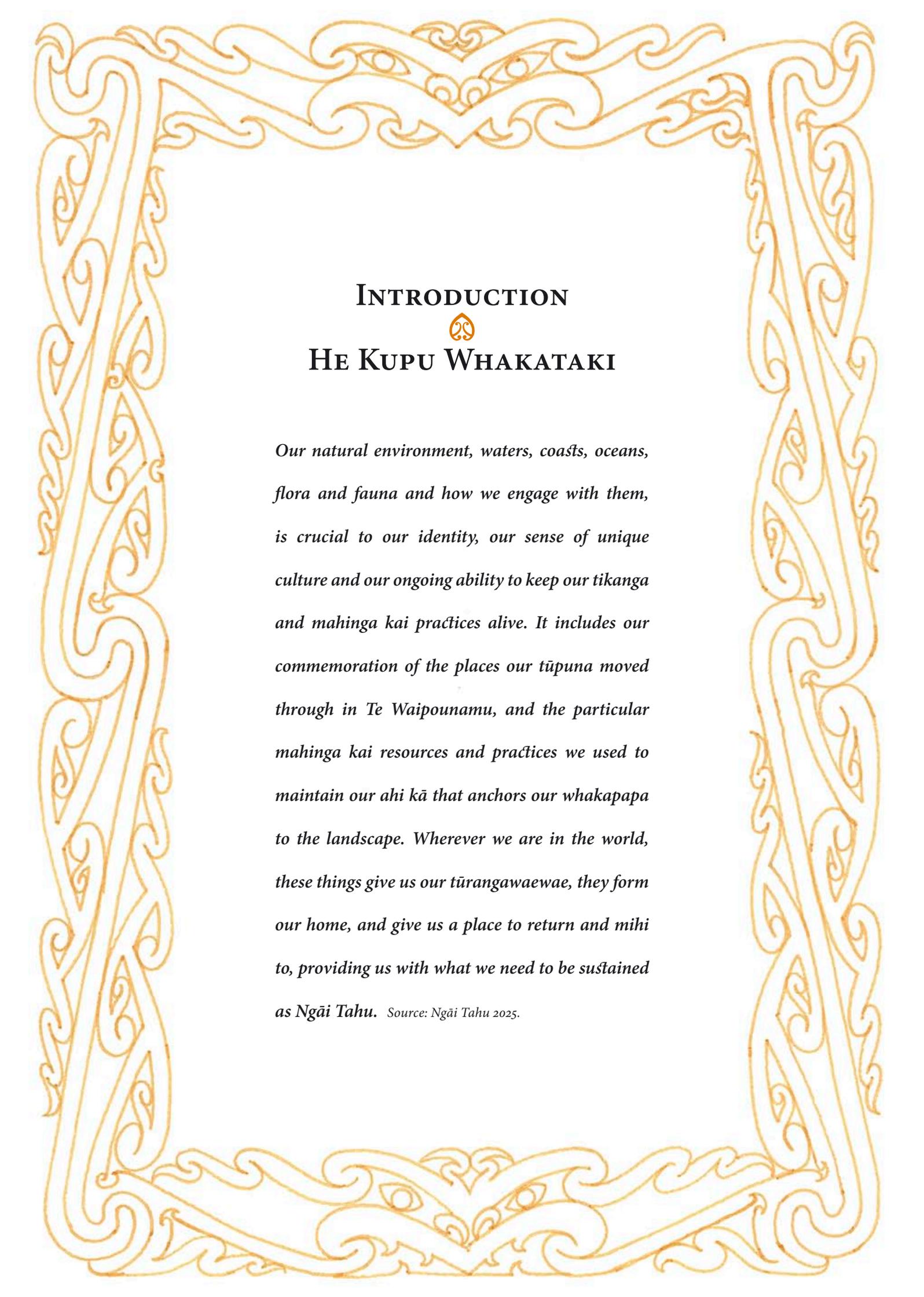
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## INTRODUCTION



### HE KUPU WHAKATAKI

*Our natural environment, waters, coasts, oceans, flora and fauna and how we engage with them, is crucial to our identity, our sense of unique culture and our ongoing ability to keep our tikanga and mahinga kai practices alive. It includes our commemoration of the places our tūpuna moved through in Te Waipounamu, and the particular mahinga kai resources and practices we used to maintain our ahi kā that anchors our whakapapa to the landscape. Wherever we are in the world, these things give us our tūrangawaewae, they form our home, and give us a place to return and mihi to, providing us with what we need to be sustained as Ngāi Tahu. Source: Ngāi Tahu 2025.*

# Part 1: INTRODUCTION HE KUPU WHAKATAKI



## 1.1 INTRODUCTION *HE KUPU WHAKATAKI*

Natural resources are ngā taonga tuku iho – treasures of the people handed down by our ancestors. The air, mountains, forests, lakes, rivers, coast, sea, and indigenous biodiversity have been left by our ancestors to sustain life for the generations that follow. It is the responsibility of the present generation, the kaitiaki, to ensure that such resources are protected, *mō tātou, ā, mō kā uri ā muri ake nei*, for us and our children after us.

As part of this kaitiaki responsibility, Te Rūnanga o Kaikōura has developed the Te Rūnanga o Kaikōura Environmental Management Plan 2005. The plan provides a framework for the Rūnanga to effectively apply tangata whenua values and polices to natural resource and environmental management in the takiwā (largely within Resource Management Act 1991 and Conservation Act 1987 processes).

This name of this plan is *Te Poha o Tohu Raumati*, after a sacred kelp bag that once contained the first fruits and the choicest foods from the lands and the sea at Kaikōura. The *poha* was emblematic of the knowledge and mana of the people of Kaikōura, and the wealth of the region's food supplies. Whoever held the sacred poha held authority over Kaikōura.

At a great ceremony, our ancestor Maru Kaitātea stepped forward from the others to hold the poha. He ate a small amount of its contents, thus overcoming the tapu of the bag and demonstrating his mana over the Kaikōura area.

By naming our plan *Te Poha o Tohu Raumati*, we are acknowledging the knowledge and the mana of Ngāti Kuri today. We see this plan as a symbol of our shared commitment to protecting and restoring the health of the land, water, mahinga kai and biodiversity of the takiwā. Just as Maru stepped forward to demonstrate his mana, we are stepping forward as kaitiaki, to ensure that our environmental mahi today honours the past, and ensures the future.

---

*We not only inherit the land and sea from our ancestors;  
we borrow them from our children.*

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## 1.2 MANAWHENUA

Ngāti Kuri are the tangata whenua who have manawhenua and manamoana in the area covered by this plan. Manawhenua and manamoana are determined by whakapapa, and confer customary authority. The manawhenua and manamoana status of Ngāti Kuri comes from continuous land use and occupation of the Kaikōura area.

Takahanga Marae is the standing place for Ngāti Kuri. The marae is located on the original site of the ancient Takahanga Pā overlooking the Kaikōura township. It was developed in the 1980's and the Whareniui (meeting house) officially opened in January 1992. The Marae has traditionally been, and continues to be, the place where Ngāti Kuri, as tangata whenua, gather to kōrero and dialogue with others.

Te Rūnanga o Kaikōura is the modern day representative of the hapū Ngāti Kuri. Te Rūnanga o Kaikōura are a Papatipu Rūnanga of Ngāi Tahu Whānui, recognised in the First Schedule of the Te Rūnanga o Ngāi Tahu Act 1996. Te Rūnanga o Ngāi Tahu represents the tribal collective of Ngāi Tahu Whānui, and was established by the Te Rūnanga o Ngāi Tahu Act 1996 to give legal identity to the tribe.

In this role, Te Rūnanga o Kaikōura has a responsibility to protect the natural resources, mahinga kai, and other values of the takiwā for the benefit of those people of Ngāi Tahu descent who have customary interests in the takiwā. The takiwā of Te Rūnanga o Kaikōura centres on Takahanga Marae and extends from Te Parinui o Whiti to the Hurunui River and inland to the Main Divide.

All matters relating to natural resource and environmental management in the takiwā are to be directed to Te Rūnanga o Kaikōura, as the representative body of Ngāti Kuri, the tangata whenua who have manawhenua in the takiwā.



Photo: **Takahanga Marae:**  
Our Whareniui carries the name  
Maru Kaitātea.

### 1.3 PURPOSE OF THE PLAN *NGĀ TAKE O TE MAHERE*

This Environmental Management Plan is a written statement that consolidates Ngāti Kuri values, knowledge and perspectives on natural resource and environmental management issues. It is an expression of kaitiakitanga.

While the plan is first and foremost a planning document to assist Te Rūnanga o Kaikōura in carrying out kaitiaki roles and responsibilities, it also recognises the role of communities in achieving good environmental outcomes and healthy environments, and thus is designed to assist others in understanding tangata whenua values and policy.

The purpose of the plan is to:

- (a) Describe the values underpinning the relationship between Ngāti Kuri and the natural environment;
- (b) Identify the primary issues associated with natural resource and environmental management in the takiwā, from the perspective of Ngāti Kuri;
- (c) Articulate Te Rūnanga o Kaikōura policies and management guidelines for natural resource and environmental management, consistent with Ngāti Kuri values;
- (d) Provide continuity between the past (those that came before us), the present (our natural resource mahi today), and the future (those that will come after us).

Further, this plan provides a tool to:

- (e) Enable Te Rūnanga o Kaikōura to effectively and proactively apply Ngāti Kuri values to the management of natural resources, wāhi tapu and wāhi taonga.
- (f) Assist local, territorial and national authorities to understand Ngāti Kuri values and perspectives, and fulfil their statutory obligations under the Resource Management Act 1991, Conservation Act 1987 and other environmental legislation.

### 1.4 KAUPAPA OF THE PLAN *KAUPAPA O TE MAHERE*

The kaupapa of the plan is *Ki Uta Ki Tai* – from the Mountains to the Sea. The philosophy of *ki uta ki tai* is used by Ngāi Tahu Whānui to describe an overall approach to natural resource and environmental management. It is about an indigenous understanding of the environment that can be used to help address the wide range of issues Rūnanga face with regards to environmental management. *Ki uta ki tai* is based on the idea that if the realms of Tāwhirimātea, Tāne, Papatūānuku and Tangaroa are sustained, then the people will be sustained. The kaupapa reflects the knowledge that resources are connected, from the mountains to the sea, and must be managed as such.

## 1.5 METHODOLOGY *NGĀ TIKANGA WHAKAHAERE*

The process of developing this Plan was as important to us as the outcome we achieved. Developing the plan gave us a forum to discuss our values and philosophies, and how we could translate those values and philosophies into policies for positive environmental outcomes. It gave us an opportunity to work together on an kaupapa that unites us all.

The development of the Te Rūnanga o Kaikōura Environmental Management Plan 2005 began in February 2004, and occurred in five stages:

### Stage 1: Planning

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The overall purpose, organization and content of the Plan was decided at a planning hui held at Takahanga Marae in February 2004. This was an open hui, with a high level of participation from Rūnanga members. Brainstorming workshops identified key issues, places, sites of significance and kaupapa associated with the major catchments and landscape areas in the takiwā.

### Stage 2: Consolidating Ngāti Kuri knowledge and perspectives

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The process of bringing together Ngāti Kuri knowledge and perspectives involved both a review of existing Rūnanga policy and planning documents, and a consultative process with tangata whenua.

- (a) Review of existing information: All natural resource and environment related information in the Marae office was reviewed to identify and compile Rūnanga policies. This included Rūnanga responses to consent and concession applications, submissions to regional and district planning processes, correspondence, hui minutes, hearing and submission files, specific project information, Cultural Impact Assessment reports, Tangata Whenua Values reports, and other technical reports prepared by the Rūnanga.
- (b) Consultative process: Interviews and hui were conducted with Rūnanga members about resources and values of significance in the takiwā, and about issues of concern relating to management of resources.

### Stage 3: Reviewing draft plan

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A first draft of the plan was completed in May 2004, and sent to Rūnanga members for review. In the months that followed, meetings were held to discuss, review and revise each section of the Plan. The review process enabled the identification of information gaps, and ensured that the plan was materialising in a way that captured tangata whenua perspectives and aspirations. Following the review, further research and information gathering was undertaken, including interviews and site visits. New policies were developed where necessary.

### Stage 4: Finalising the plan

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In November 2004 a second draft of the plan was completed and sent out to Rūnanga members for review. An invitation was also extended to Kaupapa Taiao, Te Rūnanga o Ngāi Tahu, to review the document. Work continued to revise and enhance the plan.

## Stage 5: Formalising the plan

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In April 2005 Te Rūnanga o Kaikōura approved moving into the final stages of formalising *Te Poha o Tohu Raumati*. The plan was sent to Te Ngāi Tūāhuriri Rūnanga and Te Rūnaka o Kāti Waewae, as neighboring rūnanga, for endorsement of those parts of the plan relevant to areas of shared interest. In June 2005 the plan was officially endorsed by Te Rūnanga o Kaikōura, and in August 2005 it was endorsed as an iwi planning document by Te Rūnanga o Ngāi Tahu, the iwi authority.

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*The process we followed to develop our plan provided numerous benefits. In producing the plan, we had an opportunity for our Rūnanga to understand policy development and process. We had a forum to discuss values and philosophies; one that gave us the confidence to have rigorous debate and make hard decisions. Lastly, but probably most importantly, producing our plan provided an opportunity for us to focus on a kaupapa that in turn united us – hence, a true and robust mandate has been achieved.*

*Raewyn Solomon, Te Rūnanga o Kaikōura*

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### 1.6 INTELLECTUAL PROPERTY *MANA WHAKAIRO HINENGARO*

All knowledge of Ngāti Kuri and Te Rūnanga o Kaikōura is the intellectual property of Ngāti Kuri and Te Rūnanga o Kaikōura. Te Rūnanga o Kaikōura reserves the right to use and make public parts of this knowledge, as deemed appropriate. Only certain kinds of information are included in this plan; additional customary knowledge is withheld, recognising that this is a public document. Use of the information in this plan by any party other than Te Rūnanga o Kaikōura does not infer comprehensive understanding of the knowledge, nor does it infer implicit support for activities or projects in which this knowledge is used.

### 1.7 RELATIONSHIP WITH OTHER PLANS AND POLICY *TE HONONGA KI ĒRĀ ATU MAHERE ME NGĀ KAUPAPA ATU ANŌ*

The Te Rūnanga o Kaikōura Environmental Management Plan 2005 will function as part of a larger network of tribal, district and territorial planning documents.

The plan is intended for use alongside Te Rūnanga o Ngāi Tahu tribal policy, including the Te Rūnanga o Ngāi Tahu Freshwater Policy (1999) and other Ki Uta Ki Tai tribal policy development. For all matters within the takiwā of Te Rūnanga o Kaikōura, this plan takes precedent over previous Rūnanga policy and Te Whakatau Kaupapa (1990), in the case of any inconsistency.

Sections 61 (2A), 66 (2A) and 74 (2A) of the Resource Management Act direct regional councils and territorial authorities to take into account any relevant planning documents recognised by an iwi authority when preparing or changing policy statements, and regional and district plans respectively.

## 1.8 HOW TO READ THIS PLAN *ME PĒHEA TE PĀNUI TIKA I TE MAHERE NEI*

The Plan is divided into four parts:

### **Wāhi Tuatahi | Part One**

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*He Kupu Whakataki*: Introduces the purpose, scope and organization of the plan, and identifies desired outcomes.

### **Wāhi Tuarua | Part Two**

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*Kaitiakitanga*: Provides the context for the plan: the history and identity of Ngāti Kuri and Te Rūnanga o Kaikōura, and the key concepts and values related to natural resource and environmental management.

### **Wāhi Tuatoru | Part Three**

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*Ngā Kaupapa*: Sets out ngā take (issues) and ngā kaupapa (policies) associated with natural resource and environmental management.

Part 3 of the plan, *Ngā Kaupapa*, is divided into seven sections. Policy sections 3.2 to 3.6 are organised around geographical, environmental or general landscape area boundaries (see Table 1 and Map 1), while section 3.7 addresses the protection and management of wāhi tapu and wāhi taonga across all policy sections.

### **Wāhi Tuawhā | Part Four**

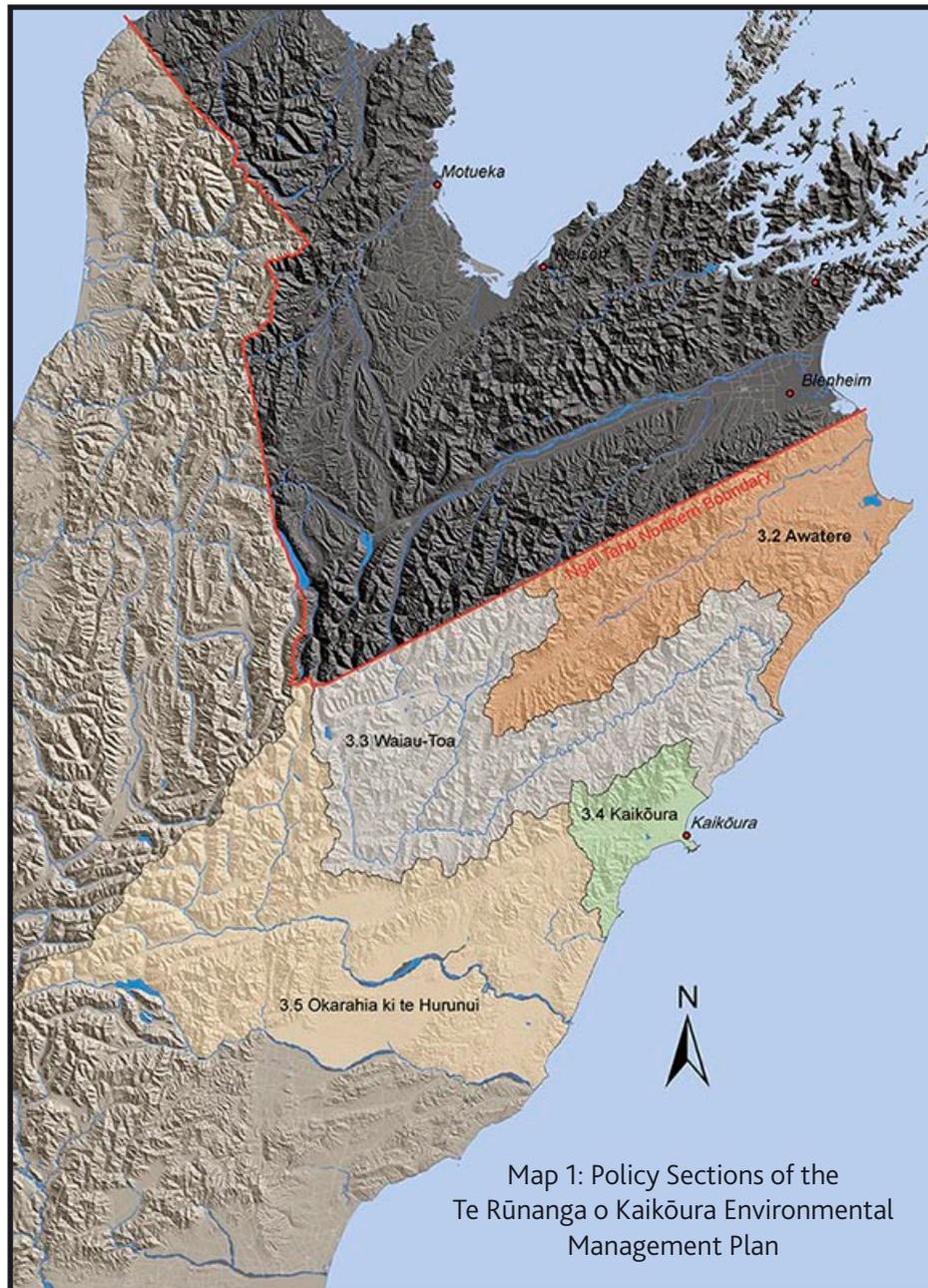
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*Te Whakatinanatanga*: Outlines the procedures and processes associated with implementing the plan.

Table 1: Policy sections of Part 3

Section	Title	Geographical (or other) area included
3.1	O Te Hau	Includes the atmosphere and air: the realm of Ranganui (Sky Father) and Tāwhirimātea (god of the wind and weather).
3.2	Awatere catchment area	Includes the general area of the Awatere River catchment, from the northernmost Ngāi Tahu tribal boundary and Te Parinui o Whiti south to the Waiau toa catchment, and inland to the river source in the mountains at Molesworth.
3.3	Waiau toa catchment area	Includes the general area of the Waiau toa catchment, from the Waiau toa south to the Hapūku River catchment and Mangamaunu. Inland, this section covers areas of Rangitahi and the mountain source of the Waiau toa.
3.4	Te Ahi Kaikōura a Tama ki te Rangi	Includes the town of Kaikōura and surrounding area, from the Hapūku River down to the Tūtāe Putaputa catchment, and from the alpine ranges of Te Whatakai o Rakihouia to the lowland floodplains and coastal beaches.
3.5	Okarahia ki te Hurunui	Includes the area from Tūtāe Putaputa to the Hurunui River, including the natural landscape of the Hundalees, and inland to the main divide. The area includes the river catchments of Tūtāe Putaputa, Waiau and Hurunui.
3.6	Te Tai o Marokura	Includes the entire eastern coastline of the takiwā, from Te Parinui o Whiti to the Hurunui River, and out to the open sea.
3.7	Wāhi Tapu me te Wāhi Taonga	Includes management issues and general management guidelines associated with wāhi tapu and wāhi taonga.

Map 1: Policy Areas of the Plan



#### *Using Geographical and landscape boundaries*

Geographical (e.g. catchment) or general landscape boundaries are considered the most appropriate management units to ensure the sustainable management of natural resources.

In defining these boundaries, Te Rūnanga o Kaikōura recognises the many areas of shared interest that exist where the takiwā of Te Rūnanga o Kaikōura meets the takiwā of other Rūnanga: Te Rūnanga o Kāti Waewae to the west along the Main Divide, and Te Ngāi Tūāhuriri Rūnanga to the south along the Hurunui River, as per the Te Rūnanga o Ngāi Tahu (TRoNT) Act 1996.

## 1.9 HOW TO USE THIS PLAN *ME PĒHEA TE WHAKAMAHI I TE MAHERE NEI*

The content and structure of this plan reflects its primary purpose: to provide a living, working document that can assist the Rūnanga to effectively participate in environmental policy and planning.

The information in this plan also provides a resource for local and regional authorities. The plan may be used to:

- » Ensure that Ngāti Kuri values, issues and policies are clearly visible in local and regional planning documents;
- » Determine the nature and extent of consultation that may be required with regards to particular activities or places of importance; and
- » Determine the kinds of information the Rūnanga may require to make informed decisions.

This plan also provides a resource document for applicants who wish to consult with tangata whenua as part of lodging consent or other applications, or any persons, groups or organisations interested in Ngāti Kuri values, perspectives and policies related to environmental management generally.

### *Using Part 3 of this plan:*

Part 3 of this plan addresses *ngā take and ngā kaupapa* associated with natural resource and environmental related activities and topics of importance to Ngāti Kuri.

In this plan, *Ngā Take* are issues of concern to Te Rūnanga o Kaikōura; activities, management approaches or processes that adversely impact on tangata whenua values.

In this plan, *Ngā Kaupapa* are policies. They are compiled lists of Rūnanga perspectives and guidelines on such things as specific activities, species, ecosystems, landscapes or places. Ngā kaupapa may include process, implementation or objective related information. They are intended to provide management guidance, according to Ngāti Kuri values and knowledge, in resolving significant environmental management issues and promoting the sustainable management of natural resources in the takiwā.

Ngā Kaupapa may include:

- » Statements asserting the view of the Rūnanga on a particular issue.
- » Statements that identify a desired action in order to protect Ngāti Kuri values or address a specific issue.
- » Statements that address how to avoid, remedy or mitigate adverse or undesirable effects of specific activities.
- » Process statements, describing how things should occur in a given situation, or how the Rūnanga will address or approach an issue or problem.
- » Statements of intent, identifying specific objectives or goals that the Rūnanga intends to implement or work towards.

In order to minimise repetition and facilitate ease of use, the plan is organised whereby specific policy areas are addressed in the geographical or general landscape area where they are seen as most relevant, as per Table 2 (e.g. vineyards in the Awatere region; tourism in Kaikōura, farming in Okarahia ki te Hurunui). However, the plan must be used as a whole; policies in each section are applicable to all other sections.

**Cross-referencing** is provided to facilitate working with the different sections of the plan.

**Information sources** are references to obtain further information on a particular issue or topic.

**Table 2: Topics covered in each section of Part Three of the IMP**

Section	Topics
3.1 <b>Atmosphere and Air</b>	<ul style="list-style-type: none"> <li>» Discharges to air</li> <li>» Global atmosphere issues</li> <li>» Amenity values</li> </ul>
3.2 <b>Awatere</b>	<ul style="list-style-type: none"> <li>» Maunga – Tapuae o Uenuku</li> <li>» Forestry</li> <li>» Vineyards</li> <li>» Diversions and storage dams</li> <li>» Water abstractions – General Discharge to water</li> <li>» Vegetation control – Waterways</li> <li>» Mineral (salt) extraction</li> <li>» Biodiversity</li> <li>» Parenga</li> <li>» Hazardous substances and new organisms</li> </ul>
3.3 <b>Waiau toa</b>	<ul style="list-style-type: none"> <li>» Maunga</li> <li>» High country – Tenure Review</li> <li>» High country – Pastoral Farming</li> <li>» High country – Access</li> <li>» High country – National Parks</li> <li>» Earthworks</li> <li>» Transport</li> <li>» Waiau toa</li> <li>» Ngā roto waimāori</li> <li>» Mahinga kai – Freshwater fisheries</li> <li>» Biosecurity, weed, pest control</li> </ul>
3.4 <b>Te Ahi Kaikōura a Tama ki te Rangi</b>	<ul style="list-style-type: none"> <li>» Subdivision</li> <li>» Land use and building permits</li> <li>» Business growth and development</li> <li>» Tourism</li> <li>» Concessions</li> <li>» Te Taumanu o Te Waka a Maui</li> <li>» Farming</li> <li>» Sewage disposal</li> <li>» Solid waste management</li> <li>» Tribal properties</li> <li>» Water quality</li> <li>» Gravel extraction</li> <li>» Ngā roto waimāori</li> <li>» Rivers, creeks and streams</li> <li>» Research and collection</li> <li>» Rongoā</li> <li>» Cultural landscapes</li> </ul>

Section	Topics
3.5 <b>Okarahia ki te Hurunui</b>	<ul style="list-style-type: none"> <li>» Forestry</li> <li>» Papatūānuku – Soil conservation</li> <li>» Vegetation clearance</li> <li>» Discharge to land</li> <li>» Mining – Limestone</li> <li>» Hanmer</li> <li>» Water abstractions – Ground</li> <li>» Water abstractions – Surface</li> </ul>
	<ul style="list-style-type: none"> <li>» Flow management</li> <li>» Minimum flows</li> <li>» Water quality</li> <li>» Tūtae Putaputa</li> <li>» Waiau River</li> <li>» Hurunui River</li> <li>» Activities in beds and margins</li> <li>» Repo raupō</li> <li>» Mahinga kai – Customary use</li> </ul>
3.6 <b>Te Tai o Marokura</b>	<ul style="list-style-type: none"> <li>» Coastal land use and development</li> <li>» Land use and building permits</li> <li>» Activities in coastal marine areas</li> <li>» Coastal protection works</li> <li>» Access</li> <li>» Concessions</li> <li>» Farming in coastal areas</li> <li>» Mineral extraction</li> <li>» Petroleum exploration</li> <li>» Coastal water quality</li> </ul>
	<ul style="list-style-type: none"> <li>» Customary fisheries</li> <li>» Commercial fisheries</li> <li>» Recreational fisheries</li> <li>» Area management tools</li> <li>» Aquaculture and marine farms</li> <li>» Coastal dune environments</li> <li>» Marine mammals</li> <li>» Beached marine mammals</li> <li>» Karengo and rimurapa</li> <li>» Bioinvasion</li> <li>» Manu – marine birds</li> </ul>
3.7 <b>Wāhi Tapu</b>	<ul style="list-style-type: none"> <li>» Management Objectives</li> <li>» Management Issues</li> </ul>
	<ul style="list-style-type: none"> <li>» Management Guidelines</li> <li>» Key Relationships</li> </ul>

A working example of how to use this plan is provided below:

A resource consent application is for discharge to land (spray irrigation of effluent) in a rural area outside of Kaikōura. The land is adjacent to a waterway. There are some riparian areas along the waterway, which the Rūnanga has identified as at risk due to stock damage.

In this case, Section 3.4 (Te Ahi Kaikōura a Tama ki te Rangi) does not contain a discharge to land policy section. However, Section 3.5 (Okarahia ki te Hurunui) focuses largely on farming related activities, and has policies for *Discharge to land* (3.5.4).

Because there is a waterway adjacent to the proposed activity, general policies in the Kaikōura section related to *Rivers, streams and creeks* (3.4.14) would be applicable, as would those associated with *Water quality* (3.4.11) and *Parenga* (3.2.10). *Section 3.5.11 Water quality* (Okarahia ki te Hurunui) may also be useful, as it addresses water quality issues specifically related to agriculture and farming.

## 1.10 OUTCOMES *NGĀ HUA*

In this plan, *Ngā Hua* are outcomes: what Te Rūnanga o Kaikōura wants to achieve through the development and implementation of the plan.

Broadly, the desired outcomes of this plan are:

### **Kaitiakitanga and Treaty-related outcomes**

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- » That Te Rūnanga o Kaikōura is able to effectively and proactively manage natural resources, wāhi taonga, and wāhi tapu, in a manner that upholds the philosophy of ki uta ki tai.
- » The empowerment Ngāti Kuri as tangata whenua and kaitiaki.
- » That mahinga kai and all other taonga, and the rights of Ngāti Kuri to access these, are protected, maintained, utilised, and where necessary enhanced.
- » That local, regional and central government authorities, and the wider public community, are provided with baseline information about the position of Te Rūnanga o Kaikōura on important issues and appropriate management strategies for resources over which they hold kaitiakitanga.
- » To provide a basis for Te Rūnanga o Kaikōura contributions to other initiatives, such as long term community strategies for Kaikōura, Marlborough and Hurunui.
- » That Ngāti Kuri values and policies are embedded in all other planning documents, and present in the everyday management practices of all agencies working in natural resources and environment planning and policy.
- » To facilitate consistency in Rūnanga response with regards to natural resources and environmental management policy.
- » That policies used by Te Rūnanga o Kaikōura to assess consent and other applications are a true and accurate mandate of the Rūnanga.
- » Protection and enhancement of all cultural heritage and significant sites and places, including wāhi tapu.
- » To strengthen local, community based planning and policy, in order to provide a foundation for regional planning and policy.

### **Environmental outcomes**

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- » Protection, restoration and enhancement of the productivity and life supporting quality capacity of mahinga kai, indigenous biodiversity, water, land, air, natural habitats and ecosystems, and all other natural resources valued by Ngāti Kuri.
- » Protection of mahinga kai, indigenous biodiversity, water, land, air, natural habitats and ecosystems and all other natural resources valued by Ngāti Kuri from inappropriate use or development.
- » That the realm of Tangaroa is flourishing and the mahinga kai of Tangaroa is readily available to tangata whenua and their local communities.

- » That we increase understandings in the wider community of *ki uta ki tai*, and thus catchment based planning, in order to achieve better environmental outcomes.
- » That Integrated Management is encouraged and supported, including the establishment of good working relationships with and between key management agencies, to allow collaborative efforts towards common goals.
- » To have a basis for developing a State of the Takiwā reporting and monitoring programme.
- » That Te Rūnanga o Kaikōura is able to spend less time on administrative processing and more time on environmental monitoring.

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### Social, economic, health and well-being outcomes

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- » The protection and enhancement of the relationship between te tangata (the people), and the land, water, and air, and the traditional values, practices and knowledge that sustain that relationship.
- » Enhancement of the vision of the Rūnanga with regards to natural resources and the environment, as well as the governing policies.
- » That a basis is established for succession planning. That is, to provide a resource for those that come after us to understand the decisions we make and policies we use.
- » To assist the Rūnanga to establish a financially self-supporting Natural Resource Consultancy Service, as part of ongoing capacity and capability building to develop economically.
- » To streamline the workload associated with processing resources consents.

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*Te Rūnanga o Kaikōura supports local level management and decision making. We will not be effective regionally unless we are effective at home. Policy and planning is most important at home, at the community level.*

*Raewyn Solomon, Te Rūnanga o Kaikōura*

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## KAITIAKITANGA



*For tangata whenua, resource management is inherent; it isn't something you have to go to university to learn. We are born and raised with it. When we go to the beach to get a feed, or dig a garden, or gather watercress; we know we want the water to be clean and in good supply, the kai in abundant quantities and uncontaminated, the soil nourished to feed the plants, the fauna and flora there so that the ecological cycle will continue, we want the air to be clean, so we and everything in it can breathe easily, and basically this is where our policies come from, there is no mystery to it, it's absolute common sense.*

## Part 2: KAITIAKITANGA



### 2.1 INTRODUCTION *HE KUPU WHAKATAKI*

Part 2 of the Te Rūnanga o Kaikōura Environmental Management Plan 2005 provides the context, or background, to the plan, including:

- » The history and identity of Ngāti Kuri and Te Rūnanga o Kaikōura, including how changes to the Te Waipounamu landscape in the last 160 years have impacted the relationship between tangata whenua and the natural environment.
- » The legislative framework that facilitates tangata whenua participation in natural resource management.
- » The values and principles that underpin Ngāti Kuri perspectives and policies.

### 2.2 NGĀTI KURI AS KAITIAKI

Māori occupied the Kaikōura district for over 800 years before the arrival of the first Europeans. Rapuwai, Waitaha, and Ngāti Mamoe, all came before Ngāi Tahu, with each iwi overwhelming and intermarrying with the former. Most Māori settlements were concentrated along the coastline, which was rich in marine resources. However, mahinga kai (resource areas) extended inland as well, along major rivers and into the high country.

Ngāti Kuri established manawhenua and manamoana in the takiwā from the successive waves of migration south, from the North Island to the Marlborough Sounds, and the Wairau Valley, to Waipapa, and on to Kaikōura. This history of the migration is told in the panels that adorn the walls of our Whareniui at Takahanga Marae.

There are two operational marae in the Ngāti Kuri takiwā, Takahanga Marae and Mangamaunu Marae (Hohepa). Administration for Te Rūnanga o Kaikōura occurs from Takahanga Marae.

Takahanga Marae is the standing place for Ngāti Kuri. It is located on the original site of the ancient Takahanga Pā. The Marae buildings and grounds are wāhi tapu, and have Mana that has to be respected by everybody who enters the Marae grounds.

The current Marae was built in the mid-1980's and the Whareniui (meeting house) officially opened in January 1992. Beautifully carved, it was built in honour of our tupuna Maru Kaitātea, son of the rangatira Purahonui who led Ngāti Kuri south in a migration from the Wairarapa. Purahonui was killed during the migration, and Maru Kaitātea took his father's place as Chief. Maru Kaitātea eventually settled in the Kaikōura area, claiming mana whenua after being challenged to eat from a sacred poha (kelp bag) which contained the first fruits of the season. These fruits were tapu and meant for high ranking chiefs only. Whoever ate from the sacred poha and survived could claim manawhenua. Maru Kaitātea was the Chief who ate from the poha, and thus claimed the Kaikōura area. The poha was called Te Poha o Tohu Raumati which is the name now carried by our Wharekai (dining room).

Hohepa is a Marae and a church reserve, located at Mangamaunu. Land where Mangamaunu Marae stands was gifted by the elders of Kaikōura for a church Reserve in 1890, and the St. Francis Church was opened. The whare Hohepa was opened in 1915, and named after a Māori acolyte (Hohepa) who brought Catholicism to the Kaikōura Māori. The Mangamaunu area is extremely significant to Ngāti Kuri. It was once known as Kaiwhare, or "food bowl", as it was an area known for its bountiful supply of kai from both the land and the sea.



Photo: Kaikōura kaumātua, and the opening of Hohepa Marae at Mangamaunu, 1915.

### 2.2.1 Te Tiriti o Waitangi

Te Tiriti o Waitangi (the Treaty of Waitangi) was signed by Ngāi Tahu rangatiratanga in 1840, marking the beginning of what Ngāi Tahu saw as a partnership between the iwi and the Crown. The Treaty gave the right to govern to the Crown, but guaranteed to iwi the full exclusive and undisturbed possession of their lands, forests, fisheries and other properties (Article 1 and 2 respectively).

#### Article the Second:

Māori Text: *“Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira, ki nga Hapu, ki nga tangata katoa o Nu Tirani, te tino rangatiratanga o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua, ki te ritenga o te utu e wakarite ai e ratou ko te kai hoko e meatia nei i te Kuini hei kai hoko mona”.*

English Text: *“Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand 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...”.*

### 2.2.2 The Kaikōura Purchase

By 1859, the demand for land by European settlers resulted in a government purchase of the Kaikōura District. Mackay Jr. was sent to secure both the West Coast and the Kaikōura blocks from Ngāi Tahu. Mackay wrote to Kaikōura Whakatau at Mikonui, inviting him to discuss the purchase of the land.

*“...Mackay found that under the seasoned and capable Kaikōura Whakatau they [Ngāti Kuri] were far from passive towards European encroachment on their lands. Maintaining their rights in their rugged country, with its towering mountains, fertile coastlands and rich sea fisheries and shellfish beds, was a matter of mana – a combination of duty and pride.”<sup>1</sup>*

Most of the land that Ngāti Kuri claimed customary title over (from Te Parinui o Whiti to the Hurunui) had already been sold or leased to settlers by the Nelson Land Office. For example, Ngāti Kuri had requested a large pastoral reserve between the rivers Kahutara and Tūtaeputaputa (Conway), which was refused – because the land in question had already been leased to three run holders.<sup>2</sup>

<sup>1</sup> Evison, H.C. 1987, pp. 263

<sup>2</sup> Ibid

Early resistance by Ngāi Tahu to the sale of their lands was met with steady pressure until an agreement was finally signed between Ngāi Tahu and Commissioner MacKay. Mackay finally got Kaikōura Whakatau and others to sign the Kaikōura Deed at Fyffe's house on 29 March 1859. The deed conveyed the Māori title in the million-hectare block to the Crown, in return for a payment of 300 pounds and the provision of some coastal reserves.

The largest reserve, at Waipapa and Mangamaunu, was a long coastal strip of about 4,795 acres that Ngāti Kuri wanted to maintain access to seafood and fishing grounds, and because of the karaka groves there.<sup>3</sup>

### 2.2.3 Changing landscapes

The dispossession of land that followed the signing of the Treaty of Waitangi and the Kaikōura Purchase had a profound effect on the spiritual, cultural and mahinga kai relationship between Ngāti Kuri and the environment. With settlement and agriculture came land clearance, habitat loss, drainage and diversions of natural waterways, and the introduction of exotic species. As the physical landscape changed, so did the ability of Ngāti Kuri to access manage resources upon which they depended.

Customary management practices, based on the principle of kaitiakitanga, once allowed tangata whenua to sustainably harvest and conserve natural resources. Over time, external management structures marginalised tangata whenua from decision-making processes pertaining the lands and waters of Te Waipounamu.

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*Despite the changes in land ownership, and the ability of Ngāi Tahu to express traditional relationships and exercise kaitiaki responsibilities, the history and identity of Ngāti Kuri remains on the landscape. Wāhi ingoa (place names) and other culturally important landscape features are tangible reminders of the extent of customary land use and occupancy, and to the degree to which tangata whenua understood and interacted with the landscape. The knowledge and stories that have been passed on through generations keep ancestral connections with significant places strong.*

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### 2.2.4 Kaitiakitanga today

While the loss of land and marginalisation from decision making processes have had a profound effect on tangata whenua, legislative provisions in the last two decades are restoring the ability of tangata whenua to participate in natural resource management as kaitiaki.

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<sup>3</sup> Evison, H. 1997, pp. 264

The 1997 Deed of Settlement between Ngāi Tahu and the Crown addressed Ngāi Tahu's long standing Treaty Claim, and reinforced the contemporary importance of land, water and mahinga kai in terms of kaitiakitanga, culture and identity. The Conservation Act 1987 and Resource Management Act 1991, as key environment legislation in New Zealand, recognise and provide for Treaty rights and the kaitiaki relationship between tangata whenua and their ancestral lands, waters, sites, wāhi tapu and other taonga.

Section 2 of the Resource Management Act 1991 defines kaitiakitanga as:

*...the exercise of guardianship by the Tangata Whenua of an area in accordance with tikanga Māori in relation to natural and physical resources; and includes the ethic of stewardship.*

All persons exercising functions and powers under the Act in relation to the use, development and protection of natural and physical resources shall have particular regard to Kaitiakitanga, as per section 7 (a).

For Te Rūnanga o Kaikōura, kaitiakitanga today means communities and people staying strong and keeping the environment healthy. It is about the core values and tikanga that are the foundation of everyday decision making. It is also about relationships: relationships between tangata whenua and the environment, and relationships between tangata whenua and other groups in the community that have an interest in the protection, enhancement and sustainable use of resources.

This Environmental Management Plan is an expression of kaitiakitanga. It is a statement of Te Rūnanga o Kaikōura policies for the sustainable management of natural resources, consistent with Ngāti Kuri values, which will assist the Rūnanga in fulfilling its kaitiaki responsibilities in the takiwā.

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*Kaitiakitanga in the resource management context means maintaining and enhancing the integrity of life – sustaining the resources we all depend upon to survive. Our philosophies are simple and rigorously imposed. We want clean water – because we eat the fish that comes from it. We want plenty of water, so that we can drink it. We want nourishing soils so we can grow our gardens to eat and our trees and birds and insects can survive. We want clean air so we can breathe easy. We need to work together because we are all part of a finely balanced ecosystem. We want all this because our kids are going to inherit this place and when you have kids you automatically become a futurist, and their future means everything to us. Kaitiakitanga means ensuring our children have all that, and that is what we are guarding.*

*Raewyn Solomon, Te Rūnanga o Kaikōura*

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## 2.3 LEGISLATIVE FRAMEWORK *NGĀ ARATOHU NŌ TE TURE*

The Treaty of Waitangi confirmed and guaranteed the customary rights of Māori, and established a process whereby the Crown would give effect to those rights. Subsequent environmental and natural resource management related legislation has further articulated the responsibility of the Crown and local authorities with regards to protecting the relationship between Māori and the environment, natural resources and cultural heritage. This legislative framework establishes varying degrees of recognition of the principles of Treaty of Waitangi, or of other kaupapa Māori such as kaitiakitanga.

In this section, the most pertinent legislation with regards to Te Rūnanga o Kaikōura participation in natural resource and environmental management is referenced. A summary of other legislation that involves matters relevant to tangata whenua (e.g. Hazardous Substances and New Organisms Act 1996; Crown Pastoral Land Act 1998; Environment Act 1986) is included in Appendix 1.

### Treaty principles

While there is no exhaustive or conclusive list of Treaty principles, some of the key principles established by the Waitangi Tribunal and case law include: Active protection of Māori interests

- » Partnership and reasonable cooperation
- » Utmost good faith in dealing with other Treaty Partner
- » Courtesy of early consultation
- » Options – the principle of choice

Te Rūnanga o Ngāi Tahu has developed a series of principles guiding approaches to honouring the Treaty of Waitangi and the Treaty relationship Ngāi Tahu and the Crown (Appendix 2).

### 2.3.1 Resource Management Act 1991 (RMA)

The purpose of the RMA is to promote the sustainable management of natural and physical resources (**Section 5**). Sustainable management, in the context of s.5, 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 welling, and for their health and safety while –

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

The RMA recognises the special relationship of Māori with the environment. Sections 6, 7, and 8 establish Māori interests in resource management as greater than the general public.

**Section 6** matters of national importance that must be recognised and provided for in managing the use, development, and protection of natural resources, including:

- (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;
- (f) The protection of historic heritage<sup>4</sup> from inappropriate subdivision, use and development;
- (g) The protection of recognised customary activities.<sup>5</sup>

**Section 7 Other matters** states that in achieving the purpose of the 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
  - (aa) The ethic of stewardship
- (b) The efficient use and development of natural and physical resources
  - (ba) The efficiency of the end use of energy
- (c) The maintenance and enhancement of amenity values
- (d) Intrinsic values of ecosystems
- (f) Maintenance and enhancement of amenity values
- (g) Any finite characteristics of natural and physical resources
- (h) The protection of habitat of trout and salmon
- (i) The effects of climate change
- (j) The benefits to be derived from the use and development of renewable energy

<sup>4</sup> Historic heritage includes sites of significance to Māori, including wāhi tapu.

<sup>5</sup> As per the RMA (Foreshore and Seabed Amendment Act) 2004. A "recognised customary activity" is an activity, use, or practice carried on, exercised, or followed under a customary rights order. A "customary rights order" has the same meaning as in section 5 of the Foreshore and Seabed Act 2004, meaning a public foreshore and seabed customary rights order made by – (a) the Maori Land Court under section 50; or (b) the High Court under section 74.

**Section 8 Treaty of Waitangi** states that all persons exercising functions and powers under the RMA in relation to managing the use, development, and protection of natural and physical resources, shall take into account the Treaty of Waitangi (Te Tiriti o Waitangi).

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*The provisions of sections 6, 7, and 8 of the Act are not independent of section 5. Rather, these sections promote the essential purpose of sustainable management. Neither are specific provisions relating to Māori independent of other provisions within a specific section. For example, all subsections of section 6 are important to Ngāti Kuri, as are those subsections of section 7.*

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Te Rūnanga o Kaikōura believe that Ngāti Kuri are in the best position to assess matters under Part II, including how activities and resource management planning and policy impact on our cultural values and associations with the environment.

Other sections of the Act that relate to Māori participation in resource management include:

**Section 33 Transfer of powers** states that a local authority that has functions, powers, or duties under the Act may transfer any one or more of those functions, powers, or duties to another public authority (in accordance with s. 33). S. 33 (2) states that for the purposes of this section, “public authority” includes any iwi authority.

**Section 35A Duty to keep records about iwi and hapu** was inserted by the Resource Management Amendment Act 2005 and requires local authorities to keep and maintain a record, for the purposes of the Act, of:

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

**Section 36A no duty to consult under this Act about resource consents applications and notices of requirement** was inserted by the Resource Management Amendment Act 2005 and clarifies current case law that there is no duty under the Act for local authorities and resource consent applicants to consult to consult any person about resource consent applications and notices of requirement. However, each must comply with a duty under any other enactment to consult any person about the application (e.g. NTCSA 1998).

The amendment does not preclude consultation with Te Rūnanga o Kaikōura or Te Rūnanga o Ngāi Tahu as iwi authority, and consultation at the early stage of the consent process will remain good practice and facilitate the progress of an application.

**Sections 36B – E Power to make joint management agreements** were inserted by the Resource Management Amendment Act 2005 and provide a framework for public authorities and iwi authorities and groups that represent hapū for RMA purposes to enter into joint management agreements about natural or physical resources.

**Sections 61(2A), 66(2A) and 74(2A)** state that regional councils and territorial authorities are required to take into account any relevant planning document recognised by an iwi authority, and lodged with the council, to the extent that its content has a bearing on resource management issues of the region, when preparing or changing a regional policy statement, or regional or district plan.

Part 6 of the Act addresses Resource Consents.

**Section 88** requires resource consent applicants to include an assessment of effects on the environment (including cultural effects) as part of their application, including the identification of those persons interested in or affected by the proposal.

**Sections 93 and 94** address where a notice of an application should be sent once the consent authority is satisfied it has received adequate information. This includes Section 94 provisions that allow for the limited notification of resource consent applications. In essence, limited notification provisions avoid the requirement for full public notification in instances where the applicant is unable to secure the written approval of all affected parties.

**Under Section 104**, when considering an application for resource consent and any submissions received, the consent authority must, subject to Part II of the Act, have regard to “any other matter the consent authority considers relevant and reasonably necessary to determine the application”. Te Rūnanga o Kaikōura considers this section as enabling the use of Iwi Management Plans in the consideration of consent applications.

**Clause 3A and 3B of the First Schedule** as amended by the Resource Management Amendment Act 2005 set out a procedure for appropriate consultation with iwi authorities by councils during the preparation of a proposed policy statement or plan. Under the clause, a local authority is to be treated as having consulted with iwi authorities if the local authority:

- (a) Considers ways in which it may foster the development of their capacity to respond to an invitation to consult; and
- (b) Establishes and maintains processes to provide opportunities for those iwi authorities to consult it; and
- (c) Consults with those iwi authorities; and

- (d) Enables those iwi authorities to identify resource management issues of concern to them; and
- (e) Indicates how those issues have been or are to be addressed.

### 2.3.2 Te Rūnanga o Ngāi Tahu Act 1996 (TRoNT)

The TRoNT Act identifies Te Rūnanga o Ngāi Tahu as the legal representative of Ngāi Tahu Whānui, and iwi authority for all resource management matters requiring consultation under the RMA. The Act also gives recognition to the status of Papatipu Rūnanga as kaitiaki and manawhenua of the natural resources within their takiwā boundaries.

**Section 15 (1)** states that Te Rūnanga o Ngāi Tahu shall be recognised for all purposes as representative of Ngāi Tahu Whānui.

**Section 15 (2)** states that where any enactment requires consultation with any iwi or with any iwi authority, that consultation shall, with respect to matters affecting Ngāi Tahu Whānui, be held with Te Rūnanga o Ngāi Tahu.

It is the acknowledged practice of Te Rūnanga o Ngāi Tahu that initial consultation is through the Papatipu Rūnanga.

**Section 15 (3)** states that Te Rūnanga o Ngāi Tahu in carrying out consultation under subsection 2 of this section, –

- (a) shall seek the views of such Papatipu Rūnanga of Ngāi Tahu Whānui and such hapū as in the opinion of Te Rūnanga o Ngāi Tahu may have views that they wish to express in relation to the matter about which Te Rūnanga o Ngāi Tahu is being consulted; and
- (b) shall have regards, among other things, to any views obtained by Te Rūnanga o Ngāi Tahu under paragraph (a) of this subsection; and
- (c) Shall not act or agree to act in a manner that prejudices or discriminates against, any Papatipu Rūnanga of Ngāi Tahu or any hapū unless Te Rūnanga o Ngāi Tahu believes on reasonable grounds that the best interests of Ngāi Tahu Whānui as a whole require Te Rūnanga o Ngāi Tahu to act in that manner.

### 2.3.3 The Ngāi Tahu Claims Settlement Act 1998 (NTCSA)

In 1998 the NTCSA was passed to achieve full and final settlement of historical Ngāi Tahu claims (grievances) against the Crown. The Act records the apology given by the Crown to Ngāi Tahu, for injustices suffered by the Crown's actions in purchasing Ngāi Tahu land, and gives effect to the provisions of the Deed of Settlement 1997 entered into between Ngāi Tahu and the Crown.

While the Ngāi Tahu Settlement is full and final, the concept of manawhenua secures an ongoing relationship between tangata whenua and local, regional and central government authorities in terms of natural resource management.

The provisions of the Settlement are aimed at recognising the mana of Ngāi Tahu on the landscape and restoring the ability of Ngāi Tahu to give practical effect to kaitiaki responsibilities.

Such provisions include:

**Ownership and control** of various resources and areas of land of importance to Ngāi Tahu. In the takiwā of Te Rūnanga o Kaikōura, there are nine such sites (see Appendix 3):

- » Ōaro
- » Ōmihi / Goose Bay
- » Tuku Tuku Iwi
- » Kahutara
- » South Bay
- » The Point
- » Kaikōura Peninsula
- » Waipapa Point
- » Te Parinui o Whiti

**Statutory Acknowledgements** as recorded statements of the association of Ngāi Tahu with a particular area. The SA is intended to improve the effectiveness of Ngāi Tahu participation in RMA processes. Five such areas exist in the takiwā of Te Rūnanga o Kaikōura, with Hoka Kura and the Hurunui River in areas of shared responsibility with Te Ngāi Tūāhuriri Rūnanga (see Appendix 4):

- » Hoka Kura (Lake Sumner)
- » Hurunui River
- » Tūtae Putaputa (Conway River)
- » Lake Rotorua
- » Uerau (Mt. Uerau)

**Deeds of Recognition** apply to the same areas as Statutory Acknowledgements, and complement them by providing for Ngāi Tahu participation in the decision making processes of Crown agencies responsible for the management or administration of the lands within a statutory area (e.g. DoC, LINZ).

**Tōpuni** as public symbols of Ngāi Tahu mana and rangatiratanga over specific areas of land managed by the Department of Conservation, through providing an overlay or 'cloak' of Ngāi Tahu values, and thus ensuring those values are recognised and provided for. There is one Tōpuni site in the takiwā of Te Rūnanga o Kaikōura (see Appendix 5).

- » Tapuae o Uenuku

**Dual place names** established in a variety of areas serve as tangible reminders of Ngāi Tahu history on the landscape. The Settlement provided for 88 place names to be changed. Two places in the Te Rūnanga o Kaikōura takiwā have traditional place names re-established as dual place names (see Appendix 6).

- » Lake Grassmere / Kapara Te Hau
- » White Bluffs / Te Parinui o Whiti

**Nohoanga** or temporary campsites, established adjacent to lakes and rivers to facilitate customary fishing and the gathering of other natural resources. Six nohoanga sites exist in the takiwā of Te Rūnanga o Kaikōura, with Hoka Kura and the Hurunui River in areas of shared responsibility with Te Ngāi Tūāhuriri Rūnanga (see Appendix 7):

- » Waima (Ure) River
- » Hapūku River
- » Kōwhai River
- » Waiau Ua River
- » Hurunui River
- » Hoka Kura (Lake Sumner)

**Customary fisheries provisions** to enable Ngāi Tahu greater access to customary fisheries of importance and improved input into fisheries management.

**Taonga species management provisions** that recognise the cultural, spiritual, historic and traditional relationship between Ngāi Tahu and a number of species, and provide Ngāi Tahu with membership in groups involved with species management, including species recovery groups managed by the Department of Conservation (see Appendix 8 for a list of taonga species as per the NTCSA).<sup>6</sup>

**Dedicated Memberships** on Conservation Boards and the New Zealand Conservation Authority.

**Fish and Game provisions** that provide for Te Rūnanga o Ngāi Tahu to be an advisor to Fish and Game councils in relation to the management of four native game birds (see below). Fish and Game councils also co-opt a person nominated by Ngāi Tahu onto regional boards.

Maunu / Pārera	Grey duck	<i>Anas superciliosa</i>
Pākura / Pūkeko	Pūkeko	<i>Porphyrio porphyrio</i>
Pūtakitaki	Paradise shelduck	<i>Tadorna variegata</i>
Tētē	Shoveller	<i>Anas rhynochotis</i>

**Coastal space provisions** to ensure that Ngāi Tahu will have access to future Crown allocations of coastal space.

**General management input mechanisms** to facilitate input into management processes in addition to site and species-specific management roles provided for by other mechanisms. One such mechanism is the Department of Conservation Protocols, which are intended to guide the relationship between the Department and Ngāi Tahu with regards to specific issues of significance to Ngāi Tahu. The protocols cover cultural materials, historic resources, freshwater fisheries, culling of species, visitor and public information and Resource Management advocacy.

<sup>6</sup> The list of taonga species in the NTCSA is not a comprehensive list. Many other species not included in the Act are also considered taonga species. All indigenous biodiversity is considered taonga by Ngāti Kuri.

#### 2.3.4 Conservation Act 1987

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

The Act is considered to be one of the strongest legislative statements of Treaty Responsibility.

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

Te Rūnanga o Kaikōura works with two Conservancies, Nelson-Marlborough and Canterbury.

#### 2.3.5 Historic Places Act 1993 (HPA)

The primary purpose of the HPA is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand (s.4 (1) of the Act).

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

Any person wishing to undertake work that may damage, modify or destroy an archaeological site (as defined by the Act), or to investigate a site by excavation, must first obtain an authority from the New Zealand Historic Places Trust for that work (ss.10-20 of the Act).

#### 2.3.6 Local Government Act 2002 (LGA)

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

**Section 4** requires respect for the Crown’s responsibility under the Treaty of Waitangi and improvement of opportunities for Maori to contribute to local government decision-making.

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

### 2.3.7 Treaty of Waitangi (Fisheries Claims) Settlement Act 1992

The Treaty of Waitangi guaranteed Tangata Whenua rangatiratanga over their fisheries. However, fisheries management, including the Quota Management System (QMS) 1983, has historically not recognised iwi or hapū fishing rights.<sup>7</sup>

Substantial evidence on the nature and extent of Ngāi Tahu fishing rights was presented to the Waitangi Tribunal as part of the Ngāi Tahu Claim (WAI 27). The resulting report, the Ngāi Tahu Sea Fisheries Report 1992, recognised those fishing rights as existing as far as 200 nautical miles out to sea. The report was part of the impetus for the 1992 Fisheries Settlement Deed, and the resultant Treaty of Waitangi (Fisheries Claims) Settlement Act 1992.

The Treaty of Waitangi (Fisheries Claims) Settlement Act signified an agreement between the Crown and Māori on settlement of outstanding claims by Māori in relation to commercial fishing rights. The Settlement involved the transfer of assets and commercial fishing rights to Māori, including shares in a number of fisheries companies.

In addition to settling claims to commercial fishing, the Act clarified Māori rights to customary fishing. This included the development of regulations to provide for the customary fishing rights of tangata whenua, the ability of tangata whenua to exercise rangatiratanga over traditional fisheries, and the relationship between tangata whenua and those places used for customary food gathering. The Fisheries (South Island Customary Fishing) Regulations 1999 now governs customary food gathering and the management of customary fishing.

### 2.3.8 Foreshore and Seabed Act 2004

The Foreshore and Seabed Act addresses ownership, access and customary rights in the coastal marine area. The Act is the Government's response to a June 2003 New Zealand Court of Appeal ruling, that the Māori Land Court had jurisdiction to hear the 1997 Te Tau Ihu application to declare the foreshore and seabed of the Marlborough Sounds as Māori customary land.

The objective of the Act is: to preserve the public foreshore and seabed in perpetuity as the common heritage of all New Zealanders in a way that enables the protection by the Crown of the public foreshore and seabed on behalf of all the people of New Zealand, including the protection of the association of whānau, hapū, and iwi with areas of the public foreshore and seabed.

The purposes of the Act are to give effect to the objective by:

- (a) Vesting the full legal and beneficial ownership of the public foreshore and seabed in the Crown; and

<sup>7</sup> This section is adapted from information on Fisheries Allocation, Te Rūnanga o Ngāi Tahu ([www.ngaitahu.iwi.nz](http://www.ngaitahu.iwi.nz)), 2004.

- (b) Providing for the recognition and protection of ongoing customary rights to undertake or engage in activities, uses, or practices in areas of the public foreshore and seabed; and
- (c) Enabling applications to be made to the High Court to investigate the full extent of the rights that may have been held at common law, and, if those rights are not able to be fully expressed as a result of this Act, enabling a successful applicant group –
  - i. to participate in the administration of a foreshore and seabed reserve; or
  - ii. to enter into formal discussions on redress; and
- (d) Providing for general rights of public access and recreation in, on, over, and across the public foreshore and seabed and general rights of navigation within the foreshore and seabed.

The Act has important implications about the legal recognition of customary rights, the nature and extent of customary rights to the coastal marine area, and the participation of iwi in coastal marine management. This includes issues such as aquaculture and marine farming, marine reserves, recreational fishing, oceans policy, and general Resource Management Act and Local Government Act provisions.

Under the Act, hapū or iwi can apply to the Māori Land Court for a customary rights order to recognise a particular customary activity, use or practice carried out on an area of the foreshore and seabed. In areas where a customary rights order is granted, all decision makers must recognise and provide for recognised customary activities as a matter of national importance, as per the Resource Management (Foreshore and Seabed) Amendment Act 2004.

Despite the Foreshore and Seabed Act, Te Rūnanga o Kaikōura maintains that Ngāti Kuri continue to hold customary rights, over and above the ‘fishing’ rights that have already been recognised, and that such rights must be recognised, protected and provided for with regards to any activity in the coastal marine area.

#### 2.4 KAITIAKITANGA: VALUES AND PRINCIPLES *NGĀ UARA ME NGĀ MĀTĀPONO*

Tangata whenua perspectives on natural resource and environmental management are based on a series of cultural values. Such values are the foundation of everyday management and decision making for Te Rūnanga o Kaikōura. They relate to recognising and protecting the mauri, or life supporting capacity, of air, land and water, and to ensuring that the relationship between people and the environment is characterised by respect and reciprocity.

There are several core values identified by Te Rūnanga o Kaikōura that encompass all other values. Natural resource and environment related policy development occurs through the interpretation of these values, and their application to resource management issues. These core values are:

- » Kaitiakitanga and the Future of our Children and the Environment
- » Rangatiratanga and Independence
- » Whakapapa and Tūrangawaewae
- » Mana of the Tipuna
- » Well-being of Ngāti Kuri

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*These are the values we stand on. They set the boundaries for our decisions. It is our values that should create the parameters of how we interact with resources, not an Act.*

*Aunty Miriama Kahu, Te Rūnanga o Kaikōura*

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#### 2.4.1 Kaitiakitanga and the future of our children and the environment

As kaitiaki, Te Rūnanga o Kaikōura has a responsibility for the sustainable use and management of natural resources and the environment – *mō tātou, ā, mō kā uri ā muri ake nei* (for us and our children after us).

Papatūānuku (Earth Mother) sustains the people, and the people must in turn ensure that their actions do not compromise the life supporting capacity of the environment. The survival of people and communities is dependant on healthy air, land and water.

Thinking ahead for future generations is central to managing natural resources. Policies must reflect values that consider the future, as our tamariki and mokopuna are our greatest resource. It is about asking the question, “what will the impact of this activity be on those that come after us?”

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*The environment sustains and nurtures us as a people, like a parental role. Our kaitiaki responsibility is to care for our parent.*

*Lorraine Hawke, Te Rūnanga o Kaikōura*

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### 2.4.2 Rangatiratanga and independence

Kaitiakitanga is inextricably linked to rangatiratanga and independence. Rangatiratanga and independence, as core values, are about the ability of tangata whenua to exercise customary authority over things Māori: over mahinga kai, wāhi tapu and other taonga tuku iho. Effective rangatiratanga and independence enable manaakitanga (hospitality, taking care of visitors), by ensuring that Ngāti Kuri has access to local resources that are healthy and abundant.

Legislative changes, statutory obligations, and relationship building with local and territorial authorities will increase the participation of tangata whenua in natural resource management. However, rangatiratanga and independence is also about the empowerment of tangata whenua. Reclaiming the knowledge of tika (what is right or just), tikanga (how to do things, customs and meanings), and kawa (protocol) is part of empowering ourselves to make good decisions. Ngāti Kuri are the only ones who can define the role and function of kaitiaki in our takiwā.

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*We need to be our own leaders. We can take advice from others, but only use what we can make our own.*

*Aunty Miriama Kahu, Te Rūnanga o Kaikōura*

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### 2.4.3 Whakapapa and tūrangawaewae

You cannot know where you are going without knowing where you come from. Whakapapa and tūrangawaewae are core values that establish our history and cultural identity. Whakapapa relates to indigenous manawhenua perspectives about the relationship between people and the natural environment. It establishes the origins and creation of all things, connecting the people to their ancestors, the land and natural resources. Tūrangawaewae is derived from whakapapa; it establishes a sense of place, a sense of where you belong: your ancestral land, or 'home ground'.

The relationship between tangata whenua and the natural environment, defined by whakapapa, is given practical expression through values such as kaitiakitanga, whakapaparanga, wairua and mauri. Whakapaparanga is about how the different parts of the natural world speak to each other, and about communication between humans and the natural world. For example, when the karaka is blooming, you know the kina is calling, and then the people know to dive.<sup>8</sup>

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<sup>8</sup> Aunty Miriama Kahu, Te Rūnanga o Kaikōura

All things are considered to have the qualities of wairua (spiritual dimension) and mauri (life force or life supporting capacity), to be living, and to have a genealogical relationship with each other. Wairua and mauri are important indicators in assessing environmental health at a physical and spiritual level, and are used to assess the condition of a resource or place, from a Ngāti Kuri perspective, based on mātauranga Māori.

Whakawhānaungatanga (relationship building), whānautanga (family togetherness; basic family values and principles), and manaakitanga (hospitality) embrace the connections and relationships between people, and are important to recognising the link between healthy families and communities, and healthy environments. These values enhance the mana of the people, the natural world, and the atua.

The relationship between Ngāti Kuri and the natural environment is crucial to cultural identity, historically and in contemporary times. This relationship includes the particular mahinga kai resources and practices used to maintain our ahi kā that anchors our whakapapa to the landscape.<sup>9</sup> Mahinga kai is the heart of Ngāi Tahu culture<sup>10</sup>, as one of the cornerstones of spiritual, historical, cultural, social, and economic well-being. Access and continuity of customary use ensure that mahinga kai traditions are protected and enhanced.

#### 2.4.4 Mana of the tūpuna

An important kaupapa for Te Rūnanga o Kaikōura is ensuring that the knowledge and mana of the tūpuna, the ancestors, is respected and reflected in natural resource management mahi today. Upholding the mana of the tūpuna is about honouring the traditions and tikanga of those that came before, both human and the atua.

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*Our values all link back to history. If you don't understand the history, it is hard to understand the values. For example, compassion came from Maru. On several occasions, Maru showed compassion to his enemies.*

*Maurice Manawatu, Te Rūnanga o Kaikōura*

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The protection of wāhi tapu (sacred places) and wāhi taonga (treasures) is a principle that underpins many decisions related to natural resources. Such taonga were left by the tūpuna to maintain the presence of Ngāti Kuri on the landscape. They include wāhi ingoa (place names), pūrākau (stories), ara tawhito (ancestral trails), pā sites, urupā, and all other places and things of significance.

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<sup>9</sup> Te Rūnanga o Ngāi Tahu 2001

<sup>10</sup> Te Rūnanga o Ngāi Tahu 1999

Our Mātauranga Taiao, knowledge of the environment, is a taonga passed on by the tūpuna to the current generations. The use of the land, water and natural resources required specialised knowledge, customs, practices and protocols (tikanga) to ensure sustainably. Ngā ture Māori such as rāhui, mātaimai and taiāpure are examples of customary management practices, developed and used by the tūpuna, that are still used today.

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*When we were kids and our parents would take us to the beach to collect cockles, they would tell us not to scream and shout and run about on the beach, because doing those things was like calling to the sea to become rough. We were taught to respect the sea.*

*Aunty Hariata Manawatu, Te Rūnanga o Kaikōura*

*You need to have respect for everything. That is how to take care of the land and the water. Karakia played such an important role in life, and our relationship to natural resources. Kawa is about common sense. It is the way we do things. It comes from our stories.*

*Aunty Darcia Solomon and Aunty Ripeka Clayton, Te Rūnanga o Kaikōura*

*We are measured by what we leave behind; by what we contribute.*

*Thomas Kahu, Te Rūnanga o Kaikōura*

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#### 2.4.5 Well being of Ngāti Kuri

The health and well being of Ngāti Kuri is core value that underpins management and decision-making for Te Rūnanga o Kaikōura. Health and well being is about taha wairua (spirituality health and well being), taha whanaunga (family/ wider group health and well being), taha hinengaro (mental health and well being) and taha tinana (physical health and well being). Policy development and implementation in all services, including natural resource management, must ensure the well being of today's Ngāti Kuri.

An aspect of promoting the health and well-being of Ngāti Kuri is the task of keeping tangata whenua values alive and in use, thus ensuring that their lessons and rewards are able to sustain us today. Values associated with whakapapa, kaitiakitanga, rangatiratanga and the mana of our tūpuna must continue to be used to improve and sustain the mental, physical and spiritual health of our people.

We must ensure that the knowledge of our tūpuna is handed down to our tamariki and mokopuna. We must find ways to apply intergenerational knowledge to contemporary contexts. We must also value the new knowledge gained from our ever changing environments and communities, and protect it for those Ngāti Kuri to follow.

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*Nothing is gained by the old stories, other than entertainment, if the lessons and knowledge is not used today.*

*Norm Kerei Keepa, Te Rūnanga o Kaikōura*

*Kaore nawe ngā taonga tuku iho, Ka mau iui tea o wairua, engari tea o tangata.*

*Don't scar the treasures of our ancestors, the spiritual world will become ill, therefore so will the world of man.*

*Brett Cowan, Te Rūnanga o Kaikōura*

*He moe moa*

*He moe roa*

*Kua ngaro te pouakai*

*The moa was our main food source; a taonga, and now it is gone. We must look after our environment and our taonga, so that we, like the moa, do not disappear. If the land and water suffers, we will suffer too.*

*Jim King, Te Rūnanga o Kaikōura*

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