New Zealand Historic Places Trust Pouhere Taonga
Sustainable Management of Historic Heritage Guidance Series

Iwi Management Plans

A guide for Māori working in resource management and planning
1 October 2012
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Heritage guidance for iwi management plans

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Status: New guide

This document is a new guide for inclusion within the Sustainable Management of Historic Heritage Guidance Series (the guidance series) published by the New Zealand Historic Places Trust Pouhere Taonga (NZHPT). The series aims to assist local authorities, owners of heritage places, iwi and hapū and other stakeholders in the protection and conservation of historic heritage under the Resource Management Act 1991 (RMA) and other related resource management and planning legislation.

Comments and feedback can be provided to the New Zealand Historic Places Trust Pouhere Taonga about this guideline. Please send comments to:

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ISSN 1178-2919 (online)
ISSN 1178-2900 (print)
ISBN 978-1-877563-09-6 (online)
ISBN 978-1-877563-10-2 (print)
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Cover photos left to right:
Tane Mahuta, Waipoua Forest, Hokianga. Photo, NZHPT
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Designed by Richard Roberts, Touch Design Ltd, Wellington
1. Introduction

Māori heritage\(^1\) is a taonga and is a distinctive and unique dimension within Aotearoa New Zealand heritage overall –

Māori heritage is the backbone of New Zealand’s unique identity. Its origins are found in Polynesia, in our homelands in Hawaiki, centred on Raiatea and the surrounding islands. It is New Zealand’s oldest heritage. The ‘footprint’ of iwi and hapū life.\(^2\)

The Treaty of Waitangi is relevant to the protection of Māori heritage as taonga and iwi management plans are an important instrument adopted by iwi to assert their tino rangatiratanga and kaitiakitanga.\(^3\)

Iwi management plans can be described as ‘quasi official planning documents’ meaning that whilst they serve an important function in achieving the purpose of the RMA, their application is limited by the extent to which decision makers ‘have regard to’ their purpose. Notwithstanding this, iwi management plans remain the primary planning instrument that set baseline standards for the management of Māori heritage. Iwi management plans are considered beneficial in providing the framework for streamlining environmental management processes and in codifying Māori values.

In 2011, the Waitangi Tribunal highlighted the importance of iwi management plan as part of its Wai 262 report. The Tribunal stated that iwi management plans provide the only ‘mechanism whereby iwi can influence resource management decisions by setting out their own issues and priorities, without any consulting council or applicant filter.’\(^4\) The Tribunal recommended that enhanced iwi management plans (IRMPs) should be provided for under the RMA:

IRMPs would be prepared by iwi in consultation with local authorities. The plans would name the areas over which Māori control, partnership arrangements, or influence is sought – that is, places and resources of particular importance to kaitiaki. Specific section 33 control and section 36B partnership opportunities would be identified for formal negotiation with councils. The plans would also identify section 188 HPA opportunities in respect of iconic areas for the iwi. They would set out the iwi’s general resource management priorities in respect of taonga and resources within their rohe. Once an iwi had finalised its IRMP, a formal statutory negotiation process between iwi and local authority representatives would be convened to confirm it. During this phase, there may be compromise. Once agreement was reached, the IRMP would bind local government just like any other district or regional plan or policy statement, as the case may be.\(^5\)

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1. Māori Heritage is adopted in this document to be inclusive of heritage places and areas of significance to Māori, including historic heritage and cultural heritage of significance to Māori.
3. For the purpose of this guide, the term ‘iwi’ is used to be inclusive of the diversity of tangata whenua & mana whenua groupings including hapū and whānau.
5. ibid, p 281.
The NZHPT encourages the preparation and implementation of iwi management plans to assist in the identification and protection of Māori heritage. This guide is intended to assist in the preparation of iwi management plans for Māori heritage. There are a range and diversity of iwi management plans that apply to a variety of different resources and topics.

This guide has been prepared for the purposes of informing heritage-related iwi management plans. In particular:

- Iwi management plans prepared for a rohe.
- Māori heritage inventories.
- Iwi management plans prepared for a specific resource or issue.
- Management plans and conservation plans.

**Section 1** – provides an introduction to Māori heritage.

**Section 2** – discusses the role of iwi management plans and cultural and historic heritage.

**Section 3** – provides guidance for heritage-related provisions in iwi management plans that apply to a rohe. This guidance recommends the inclusion of specific principles, objectives, policies, methods and monitoring measures for Māori heritage.

**Section 4** – provides guidance for the preparation of Māori heritage inventories.

**Section 5** – discusses the use of iwi management plans for different groups or types of heritage such as urupā, Māori built heritage and wāhi tapu (i.e. thematic iwi management plans).

**Section 6** – promotes the preparation and adoption of a conservation plan for the management of places. Appendix 2 provides a wetland as an example that could inform the preparation of a reserve management plan for a place of significance to iwi.

**Section 7** – provides guidance for monitoring of Māori heritage.

The appendices provide a summary of legislative frameworks for Māori heritage, an iwi management plan for a wetland as a case study and a monitoring sheet for Māori heritage.

This guide is focused narrowly on Māori heritage issues. It is not a general iwi management plan guide and does not attempt to transverse the range of matters that could be covered in an iwi management plan.

This guide may also be relevant for the preparation of planning documents under the *Marine and Coastal Area (Takutai Moana) Act* 2011. This Act provides the right to prepare planning documents to holders of a customary marine title order or an agreement.

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6 In this document, the term wāhi tapu is used unless as a quotation from the Historic Places Act 1993 which uses the term ‘wahi tapu’.

### 2. Nga wāhi taonga tuku iho Māori – Māori heritage

While the earth is the realm of Papatuanuku and Ranganui and of significance to Māori, there are particular places that are special. They can be places with physical evidence of past occupation and use such as an archaeological site, or they may be the location of a significant event or landmark and have intangible values linked to stories and histories of the past. They may be intangible and tangible, natural and cultural or a combination of values.

Special places, nga wāhi taonga, are associated with the past to be preserved as treasures for present and future generations.

In *Tapuwae, A Vision for Places of Māori Heritage*, the NZHPT Māori Heritage Council describes the importance of heritage to Māori communities in the following way:

> The experiences of human life were played out in very distinctive ways at Māori heritage places. Here distinctive examples of people encountering the ubiquitous experiences of birth, marriage, conflict, community, joy, loneliness, love and death may be found. Hence, the Māori Heritage Council encourages New Zealanders to see Māori heritage as human heritage. It can contribute to an understanding of human life in New Zealand, yesterday, today and tomorrow.

Each Māori community has its own approach for defining, identifying and classifying its heritage. The ability to define, identify, name and classify is integral to the exercise of kaitaikitanga which is fundamental to the caring of special places.

> It is only from an understanding of tangata whenua, mana whenua and ahi kaa, that we can begin to appreciate the position of Kaitiaki. The Kaitiaki is the tribal custodian or guardian who can be spiritual (the tribal taniwha...can be the kaitiaki or water ways or of specific areas within certain tribal lands) or physical whose role is to protect all tribal taonga.

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Legislation and policy has different ways of attempting to define and manage Māori heritage. There are a range of terms including historic heritage, cultural heritage, wāhi tapu and sites of significance which are discussed below. A legislative overview is set out in Appendix 1.

**Māori heritage – some common terms**

**Archaeological sites.** Archaeological sites are defined in the *Historic Places Act* 1993 as any place in New Zealand that either was associated with human activity that occurred before 1900 or is a site of wreck that occurred before 1900 and is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

**Recorded archaeological sites.** Over 62,000 archaeological sites have been recorded by the New Zealand Archaeological Association. Many of these sites relate to historic Māori occupation and use. Some are related to post-1900 human activity and are, therefore, not covered by the definition in the *Historic Places Act* 1993. Information about recorded archaeological sites is available from the New Zealand Archaeological Association’s website Arch Site: http://www.archsite.org.nz

Because recorded archaeological sites include a great range and diversity of sites (including sites such as timber milling and gold mining sites), all recorded archaeological sites in a rohe may not be of significance to tangata whenua. While some recorded archaeological sites may be considered ‘wahi tāpu’, the great majority of archaeological sites may be not be considered ‘tapu’ or have lesser cultural significance.

Iwi or hapū should contact the New Zealand Archaeological Association in relation to the use of archaeological data in iwi management plans.

**Cultural and heritage landscapes.** Māori have long advocated for recognition of the Māori environment. Rather than being limited to particular ‘dots on the map’ or ‘sites’, Māori heritage is not bounded by ‘place’ and encompasses both the spiritual and physical realms.

Cultural and heritage landscape approaches aim towards greater recognition of the wider Māori environment. They highlight large areas encompassing multiple layers of heritage values, tangible and intangible. The Te Aranga Strategy is a national strategy to promote the recognition of cultural landscapes. It aims to promote the connections between people and place, whakapapa, tikanga, kaitiaki in the manifestation of the Māori cultural landscape – Te puawaitanga o te taiao.

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Historic Heritage is defined in the RMA as those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities: archaeological; architectural; cultural; historic; scientific; and technological. It includes historic sites, structures, places, and areas; archaeological sites; and sites of significance to Māori, including wāhi tapu; and surroundings associated with the natural and physical resources. Historic heritage is often termed cultural heritage which emphasises the cultural values of heritage.

Registered historic places, historic areas, wāhi tapu and wāhi tapu areas. Under the Historic Places Act 1993, historic places, historic areas, wāhi tapu and wāhi tapu areas can be registered as part of the national Register. The purpose of registration under the Historic Places Act 1993 is to promote the values of the place and to assist in protection under the RMA. Some recorded archaeological sites are also registered as historic places under the Historic Places Act 1993. See the Register website: http://www.historic.org.nz/en/TheRegister.aspx

Tāpuwae The Māori Heritage Council Statement on Māori Heritage provides guidance for the NZHPT Register in relation to identifying Māori Heritage and provides examples of wāhi tapu and historic places and historic areas of interest to Māori.11

Sites of significance. The term ‘sites of significance’ has been used since the late 1980s to denote places that hold special significance for Māori. As part of the ‘Sites of Significance Process’, managed by Te Puni Kōkiri, the term means ‘places which hold special historical, spiritual or cultural associations for Māori.’12 While the term ‘sites of significance’ has wide use, especially in RMA processes, the focus on ‘sites’ may not provide for the recognition of areas and landscapes. This issue was highlighted in the Environment Court with regard to the Sites of Significance to Māori listed in the Whangarei District Plan.13 For this reason, term ‘areas of significance’ is becoming more common in heritage schedules.

Māori built heritage include not only wharenui (meeting house), but also wharekai (dining hall), pātaka (storehouse) and pouhaki (flagpole). Wharenui and wharekai are often located in a marae setting. Marae may also be associated with wharekarakia (church), urupā (burial grounds) and papakāinga (residential village).

Wāhi tapu. The term wāhi tapu was promoted during the Resource Management Law Reform in the late 1980s by the Department of Māori Affairs (Manatu Māori).14 The term was generally used to mean ‘sacred sites’. Wāhi tapu is included in the

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12 Te Puni Kōkiri, Sites of Significance Process, A step by step guide to protecting sites of cultural, spiritual and historical significance to Māori, 1996.
13 JB Harrison, Ngatiwai Trust Board v Whangarei District Council, Environment Court, W34/05.
RMA and is defined in the Historic Places Act 1993 as meaning ‘a place sacred to Māori in the traditional, spiritual, religious, ritual or mythological sense.’ Wāhi tapu are also sometimes referred to as ngā wāhi o ngā taonga (wāhi taonga).

Historic places and areas of interest to Māori are places where the heritage values recognised focus on history and stories and qualities such as artistic, architectural or archaeological significance. Tāpuwae The Māori Heritage Council Statement, provides examples such as churches, Māori school houses, buildings and structures, landscape features, kainga, mahinga kai, stone quarries, rock art sites and archaeological sites. Sometimes these places are also referred to as wāhi tupuna (ngā wāhi o ngā tupuna) or simply ‘significant cultural sites’.

Additional legislative Māori heritage terms are included in Appendix 1 of this Guide.

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3. Iwi management plans for Māori heritage

3.1. Iwi management plans and the RMA

Under the Resource Management Act 1991 (RMA), an iwi authority can adopt any relevant planning document and lodge this document with the local authority. Following adoption by the iwi authority and lodgement with the local authority, these planning documents acquire the status of an iwi management plan.

The concept of iwi management plans was introduced into legislation under the RMA. During the Resource Management Law Reform Process (RMLR) in the 1980s, iwi management plans (then known as Māori tribal plans) were suggested as a method whereby iwi authorities could manage iwi resources, such as those on Māori owned land. It was considered that iwi management plans should be taken into account by local authorities in the implementation and the planning of land in districts and regions.

Legal recognition of iwi management plans was realised with the introduction of the RMA in 1991. Under sections 61, 66 and 74, local authorities were required to have regard to any ‘relevant planning document recognised by an iwi authority’ in relation to:

- The preparation or change of a regional policy statement (section 61(2)(a)(ii)).
- The preparation and change of regional plans (section 66(2)(c)(ii)).
- The preparation and change of a district plan (section 74(2)(b)(ii)).

The RMA was revised in 2003 and the reference to iwi management plans was strengthened 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.’ The change from ‘have regard to’ to ‘take into account’ elevated the importance of iwi management plans under the RMA and means local authorities have a duty to take iwi management plans into account.

New Zealand law has a range of provisions that can help identify and protect Māori heritage. A summary of this legislation is outlined in Appendix 1.

Despite the many laws, Māori heritage continues to be lost. For example, many RMA district plans continue to have inadequate schedules for Māori heritage and lack necessary objectives, policies and rules. Essentially, if a place is not listed and is not an archaeological site, it remains unprotected from activities such as subdivision and earthworks.

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3.2. Iwi management plans and district plan provisions

Iwi management plans can provide direction to regional and district plan provisions. In addition to providing a schedule of Māori heritage, they can help inform issues from the perspective of the iwi and hapū and outline the required policy and regulatory responses to ensure survival for present and future generations. It is often not enough to just say a place is important, but it is also important to state what activities are not be appropriate, such as the consumption of food, and why they damage Māori heritage values.

3.3. Iwi management plans and significant values

Iwi management plans can also dispel the myth that Māori heritage is only concerned with spiritual values or wāhi tapu. This myth has influenced a narrow view of Māori heritage and forced many Māori into a position to produce ‘spiritual’-related evidence or risk destruction of special places.

Iwi management plans can provide information about the wide range of values associated with Māori heritage. They can illustrate that place may be valued for different reasons often relating to activities, such as, the journeys of early explorers, historic settlement, warfare, and continued occupation and use. A mountain, for example, may be important as a rohe boundary marker and as part of the identity of a hapū/iwi. Historic pā or urupā may be located on the mountain slopes and particular views of the mountain may be significant from certain locations. Iwi or hapū might be seeking to develop tourism or recreational opportunities on the mountain. All these reasons, or values, should be captured and explained in an iwi management plan.

3.4. Iwi management plans and statutory acknowledgments

Iwi management plans can also fill a perceived gap between claim settlement legislation and on-the-ground management and use. Many recent claim settlement laws have provisions for Māori heritage applying to statutory acknowledgements. These statutory acknowledgements generally require local authorities and agencies, such as the NZHPT, to have regard to the statutory acknowledgement in RMA policy, resource consents and other processes. Most statutory acknowledgements are, however, limited to a description of values, for example, saying a certain wetland is important because of traditional, spiritual, or other reasons.

Iwi management plans, provide an opportunity for an iwi or hapū to clearly outline the importance of statutory acknowledgements and to outline the perceived threats and risks, and to set out policies or methods for implementation.
3.5. **Iwi management plans as a repository of information**

Iwi management plans can be adopted to capture valuable information generated during the Waitangi Tribunal’s inquiry process or during direct negotiations with the Crown. For example, one inquiry district may have three or four research reports relating to the history of a certain place. Further, additional research might examine some of the critical contemporary issues relating to the place such as land alienation or waste disposal. This history and associated issues may never be fully reported or explained in a final Waitangi Tribunal report. The research generated by a Tribunal inquiry is important and should not be archived to ‘gather dust’.

Iwi management plans may utilise the available research reports to gain information about significant places and make this information relevant for RMA processes. In other words, an iwi management plan can bridge the gap between the claims settlement process and contemporary resource management.

An iwi management plan can also provide clarification in relation to complex heritage issues. As outlined in this guide, the management of an archaeological site or a wetland can involve many different issues and different government agencies. The iwi management plan can capture this complexity and ensure policies and methods are directed towards the most appropriate agency for a response.
4. Iwi management plans for the environment – te rohe-a-iwi

One of the first iwi management plans was prepared by Ngāi Tahu for the Canterbury Region – *Te Whakatau Kaupapa Ngāi Tahu: Resource Management Strategy for the Canterbury Region*. The objectives and policy statements of this plan included the Treaty of Waitangi, mining, marae, land use, water and, mahinga kai, wāhi tapu, urupā and rock art sites. The plan contained extensive information relating to heritage including a schedule of Māori reserve land with case studies, silent file maps based on the NZHPT’s inventory sites, and NZHPT registered historic places, areas, wāhi tapu and wāhi tapu areas. Ngāi Tahu has continued to develop a number of iwi management planning documents relevant to historic heritage and a full list can be obtained from the Ngāi Tahu website.

Another early example was the iwi management plan prepared by Awaroa ki Manuka for Ngāti Te Ata in 1991. This iwi management plan covered a wide-range of health, environmental, justice and business issues relating to the iwi and its rohe. For the environment, the sections included: land, water, air, parks and reserves, mining, commercial fishing, taonga, wāhi tapu (urupā), property development, archaeological investigation and nuclear energy.

Many iwi management plans have adopted a similar format to the 1990 Ngāi Tahu and 1991 Ngāti Te Ata plans. These plans provide a holistic overview of iwi interests in relation to the environment. They deal with a range of issues such as land management, freshwater, fisheries, maunga and awa in an entire rohe or district.

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archaeological site that fulfils the criteria of the Historic Places Act 1993, whether recorded or not (it just has to be suspected), is protected under the Act. This refers to unexpected sites that may be uncovered during development, even after approval of the overall project has been consented by tangata whenua.21

The appendix of the plan includes an extensive list of archaeological sites recorded by the New Zealand Archaeological Association. In relation to the list it is stated that:

It is important that rūnanga and iwi are acknowledged as not only key stakeholders but also kaitiaki/guardians in the management and protection of sites. This obligation requires resource management authorities, practitioners – including heritage and conservation agencies to consult and actively participate with iwi in planning matters affecting archaeological and Māori heritage sites.22

4.1. Iwi management plan structure

Iwi management plans can provide guidance for the management of Māori heritage in a rohe or region. The iwi management plan may include a heritage section which contains:

- Principles
- Issues
- Policies and methods
- Monitoring and feedback
- Terms and explanations.

Principles

Most iwi management plans provide principles as statements of kaitiakitanga as applied by the iwi or hapū. These principles can include aspects relating to Māori heritage. For example, as part of *He Mahere Taiao The Maniapoto Iwi Environmental Management Plan*, the objective of preserving sites of significance and/or wāhi tapu is included within a framework of four principles: kaitiakitanga, rangatiratanga, kōtahitanga and Tūmanako. In this plan, kaitiakitanga is defined as ‘the principle of responsible guardianship to maintain and enhance a safe and healthy environment for the present and for generations to come.’23

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21 ibid, p 130.
22 ibid, p 239.
Issues

Important issues confronting cultural and historic heritage can be identified and summarised in iwi management plans. These issues usually involve the threats, risks, activities, processes or events that may damage or destroy the values associated with Māori heritage.

Issues may be natural events or associated with human activity. Natural events (including events triggered by climate change) may include storms, floods, slips, erosion, earthquakes, fire, and volcanic eruption.

Issues arising from human activity could include:
- Discovery of koiwi and related artefacts.
- Noxious weeds on urupā.
- Disturbance of wāhi tapu from tree planting.
- Public access and restrictions to tangata whenua access.
- Food consumption on wāhi tapu.
- Graffiti and vandalism.
- Fencing and ploughing of archaeological sites.
- Subdivision.
- Signs and advertising.
- Alterations, additions, relocation, demolition of buildings of significance to the iwi.
- Construction of new buildings and structures on or near Māori heritage.
- Earthworks (including tunnelling, roading, tracking reclamation, and disposal) on wāhi tapu.
- Water pollution (point and non-point source discharges).

There may also be a number of issues relating to the management of Māori heritage under the legislation outlined in Appendix 1 of this guide. For example:
- Protection of historic heritage under the RMA.
- Protection of wāhi tapu and wāhi tapu areas registered under the Historic Places Act 1993.
- Consents issued under the Overseas Investment Act 2005.
Objectives, policies and methods

Iwi management plans normally include a range of objectives, policies and appropriate actions. The selection of the most appropriate objectives, policies and actions can be carried out as an evaluative process that considers the following:

- Will the policy and method address the issue or risk?
- What are the benefits and costs of the selected policy and methods?
- Are there resources available to carry out the method?
- Who will carry out or implement the method?
- How will the success of the policies and methods be measured?

A wide range of methods for protecting Māori heritage should be considered. These may include:

- Agreements and memoranda.
- Legislation and government policy.
- RMA: national policy statements and national environmental standards.
- Regional policy statements, regional plans, district plan provisions.
- Resource consents.
- Covenants (i.e. Historic Places Act 1993, QEII National Trust Act).
- Private agreements.
- Esplanade reserves, financial contributions.
- Heritage orders (RMA).
- Waitangi Tribunal claim.
- Purchase by local authority or community.
- Incentives, i.e. Heritage fund.
- Conservation plans and reserve management plans.
- Advocacy (i.e. media campaign, protest).
- Community restoration projects (i.e. Taskforce Green).
- Signs and interpretation.

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The following objective, policy and method from the *Te Awanui Tauranga Harbour Iwi Management Plan* illustrates the resource management process:

**Objective**

To ensure that significant cultural sites are protected, preserved and enhanced.

**Policy**

That no development takes place where the values of any significant cultural site is adversely affected. Any activity that has the potential to adversely affect any significant cultural site must be communicated to tangata whenua of that area to resolve any potential issues.

**Method**

Identify culturally significant sites that require maintenance, protection or enhancement. Develop a system within GIS to record those sites along with the kōrero associated to them.25

**Monitoring and feedback**

Iwi management plans require continual updating and review to remain relevant. Places and threats change on a regular basis. Further, iwi need to check on a regular basis about what progress is being made towards the implementation of the policies and methods outlined in the iwi management plan.

Monitoring and feedback often takes place on an informal basis. For example, a member of the tangata whenua or public may report that vandalism has occurred at a historic place that has never occurred before. This new issue may require recording and incorporation into the iwi management plan.

To capture this feedback, a simple monitoring sheet can be developed which records information such as date of visit, who visited, what was observed, condition of the place, etc (see Section 7 and Appendix 3 of this guide). There are further ideas for the development of monitoring or feedback sheets for cultural and historic heritage in the NZHPT’s Sustainable Management of Historic Heritage Guidance Series, No. 5, State of the Environment Reporting and Monitoring, September 2007.

As well as the monitoring of Māori heritage, the implementation of policies and methods also need monitoring. Progress or lack of progress requires tracking and any obstacles need to be identified. Essentially, tangata whenua need to know if the iwi management plan is really being ‘taken into account’ by local authorities and the RMA planning process.

To track the implementation of the iwi management plan, a brief monitoring report can be prepared on an annual basis that shows if progress is being made in relation to

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each policy and method. Additional information on the condition and integrity of Māori heritage places can be incorporated into the monitoring report which should include recommendations for the review of the iwi management plan.

The example below illustrates how the issue of access might be approached in an iwi management plan.

### Iwi Access to Wāhi Tapu

Iwi are often restricted from visiting wāhi tapu on private land, especially urupā. This issue arises when urupā are on private land or have been ‘landlocked’ and access is not achievable from the public domain (roads and reserves). Some land owners continue to refuse permission for iwi to enter on to their land.

**Policy**

Policy 1 - Tangata whenua must retain unrestricted access to wāhi tapu, especially urupā.

**Methods**

*Method 1:* Iwi will identify wāhi tapu on private land using Geospatial data, including those sites that are ‘landlocked’.

*Method 2:* The issue of iwi access on private land will form part of the direct negotiations with the Crown with regard to claims under the Treaty of Waitangi Act 1975.

*Method 3:* Iwi will attempt to arrange private agreements with owners to provide for access to wāhi tapu.

*Method 4:* Iwi will approach the Queen Elizabeth II National Trust to assist in the protection of wāhi tapu, especially urupā, as part of an open space covenant and access to urupa.

**Indicators**

Number of wāhi tapu with no access provisions for iwi (privately owned and landlocked).

Number of private agreements with owners to provide for access to wāhi tapu.

No. of Queen Elizabeth II National Trust covenants that provide for access to wāhi tapu, especially urupā.
5. Māori heritage inventories

Māori heritage inventories can be incorporated into an iwi management plan. A Māori heritage inventory may contain information in a list or schedule of places of significance to the iwi or hapū.

Māori heritage inventories can be prepared in a report format, list or other methods using geospatial data, such as Geographical Information Systems (GIS). They can include a wide range of places including:

- Wāhi tapu, including urupā.
- Maunga and awa.
- Tauranga waka.
- Marae and papakāinga.
- Statutory acknowledgements.

The preparation of a Māori heritage inventory normally involves research involving iwi and hapū oral histories and using sources such as the Waitangi Tribunal and the Māori Land Court records.

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Te Rūnanga o Toa Rangatira, Me Huri Whakamuri ka Titiro Whakamua, 1996

In 1996, Te Rūnanga o Toa Rangatira prepared a Māori heritage inventory for the Porirua district: *Me Huri Whakamuri ka Titiro Whakamua.* The inventory classified Māori heritage into three categories:

1. Unmodified wāhi tapu
2. Modified wāhi tapu
3. Wāhi tūpuna

These terms were defined as:

**Wāhi tapu** – *A place which is dedicated and set aside from profane use because it is deemed to be sacred. The sacredness of the place requires the restriction of certain activities in accordance with tikanga. Essentially wāhi tapu is an expression of the fundamental value of respect for the whole environment.*

**Unmodified wāhi tapu** – *Are places usually located in rural areas. They have not been built on or disturbed to any significant degree and the sub-surface profile generally remains intact.*

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26 Te Rūnanga o Toa Rangatira, Me Huri Whakamuri KaTitiro Whakamua, A Framework for the Management of Sites and Places of Significance to Māori within the Porirua District, 1996.
**Modified wāhi tapu** – Are places usually located in urban areas and have been built on with both the surface and sub-surface areas being significantly altered by housing, roading, earthworks, railway, etc.

**Wāhi tūpuna** – Includes a diverse assortment of sites that are valued by Māori including places associated with tūpuna (archaeological remains) and places of the tūpuna that remain in contemporary use (marae).

The wāhi tapu included urupā, battlegrounds, tauranga waka, pā and kainga and composite sites include a range of places. The wāhi tūpuna included archaeological sites, mahinga kai, marae and wāhi whakamahara.

For each category of place, the inventory provided an objective and policies, including different types of unacceptable effects and activities. For example for all urupā, contamination from leachate, water pollution, food consumption, disposal of human waste and the disposal of solid waste was listed as an unacceptable effect and activity.

The inventory was formerly adopted by the Te Rūnanga o Toa Rangatira as an iwi management plan prior to lodgement with Council.

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### 5.1. Tips for researching and documenting Māori heritage

Identification is a process of selecting special places and areas of importance to iwi and/or hapū. Identifying places and areas can be a complex project and can involve a variety of different resources, complex legislation and a large number of community groups and organisations, including land owners.

Advice and assistance can be sought from the NZHPT at an early stage in the project. The NZHPT has prepared a research report and guidance that covers a variety of issues relating to identification.  

Other sources of guidance and assistance for researching Māori heritage include:

- Te Kete Matauranga: http://maaori.com/research/
- National Library of New Zealand Te Puna Matauranga o Māori: http://www.natlib.govt.nz/services/get-advice/Māori-research-advice
- University of Auckland Library: http://www.library.auckland.ac.nz/subjects/Māori-guides/Māori_land.htm

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27 Robert McClean, ‘Identification of historic heritage, draft guidance’, July 2010 (contact the NZHPT for a copy of this guidance).
Generally, heritage identification projects will require the following matters to be considered:

**Identification strategy** – Early in the process, a strategy is required so all relevant matters can be planned for in a systematic manner.

**Decide on the project scope** – Establish the scope of the project at an early stage. Should the project cover, for example, the entire rohe, or just a part of it? Should it focus on some types of cultural and historic heritage, for example, historic Marae or archaeological sites?

**Establish a multi-disciplinary team** – A range of experts and disciplines will be required to identify the values associated with places and areas of significance. Generally the best way to progress a heritage inventory is to form a multi-disciplinary team that will include persons experienced in archaeology, iwi historian (familiar and experienced in the claims settlement research and process), environmental planner, and GIS specialist. In relation to Māori built heritage, a specialist Māori buildings conservator should be engaged. The team could include a member who will liaise with the wider iwi and hapū, for example, arrange and coordinate kaumatua interviews.

**Iwi and hapū involvement** – The involvement of iwi and hapū is part of the heritage inventory process. Consider arranging a tour for the iwi and/or hapū for everyone to visit some of the more accessible places of significance. A newsletter can be circulated with regular updates of progress.

**Landowners involvement** – Landowners can be informed at the earliest opportunity so progress can be achieved by cooperative action. Permission may be required to take photographs to ensure compliance with the Privacy Act 1993 with regard to management of personal information.

**New Zealand Archaeological Association (NZAA) involvement** – Many places and areas of significance will also be recorded archaeological sites. The NZAA may hold substantial and relevant information collected over a large number of years. Working with the NZAA should greatly assist the heritage inventory project.

**Sensitive information** – Heritage inventories are normally designed for the RMA process and are generally public documents. Inclusion of sensitive or personal information should be avoided.

**Geographical Information Systems (GIS)** – GIS and the use of Geographic Positioning Systems (GPS) is a vital tool for any heritage inventory. GIS has the ability to record, store and map a large quality of information.

**Desk-top review of existing information** – The process can be assisted with a search of the available research and information. It is likely that there will be existing reports and/or databases identifying places of significance in the rohe. These records may include:

- Registered historic places, historic areas, wāhi tapu and wāhi tapu areas by the NZHPT.

– Recorded archaeological sites by the NZAA.
– Lists of scheduled places and areas in regional and district plans by local authorities.
– Inventories prepared by local authorities.
– Other relevant heritage inventories and lists.

**Research** – All available research, especially research commissioned by the Waitangi Tribunal or the Crown Forestry Rental Trust, should be considered as a source of information for the heritage inventory. Existing records may also include historical maps, photographs and plans, including:
– Māori Land Court plans.
– Land purchase deeds and plans.
– Survey plans.
– Topographical maps.
– Historical photos held by the iwi and organisations such as the National Library of New Zealand and National Archives.

The following table provides a summary of some sources where information can be found about Māori heritage.

**Examples of Heritage Information Sources**

| Registered historic places, historic areas, wāhi tapu, or wāhi tapu area | NZHPT |
| Listed heritage items, regional and district plans | Local authorities |
| Recorded archaeological sites | NZ Archaeological Association (NZAA) |
| Actively managed historic places and other historic resources, Conservation Act 1987 | Department of Conservation |
| Historic reserves and gardens Reserves Act 1977, Local Government Act 2002 | Local authorities |
| Māori reservations, traditional Māori buildings | Māori Land Court Te Puni Kōkiri NZHPT |
| Historic cemeteries and memorials | Ministry for Culture and Heritage Local authorities |
| Heritage properties | Ministry for Culture and Heritage NZHPT Local authorities |
| Heritage orders and covenants | Ministry for the Environment NZHPT |
5.1.1 Assessment criteria and categorisation

Identification of heritage projects often use assessment criteria as guidance. Assessment criteria help provide a basis on which a judgement is made. For example, a pā site may be valued because it was the site of a significant historical event, it provides archaeological evidence of past occupation or the site is an important place of tribal education. The pā may also have an association with intangible values and activities. The pā, therefore, has important historical, archaeological, cultural and educational values. These values are recognised within the framework of the assessment criteria.

Determining assessment criteria is an important part of identification. Generally, there will be three main types of values:

- **Historical values**: the story or narrative about a place.
- **Physical values**: physical evidence or fabric of a place.
- **Cultural values**: the people associated with a place.

Each place may have a number of different and overlapping qualities that contribute towards its significance. For large projects, grouping of similar types of places is a convenient method of managing substantial amounts of information. For example, the term ‘pā’ may be used to describe a number of pā with similar features and values.

For each group of places, a values statement may be helpful. This statement provides a general explanation about the places and the reasons why they are valued by the iwi. For example, a general values statement about pā may state:

Pā are defensive positions built by tūpuna. They are diverse fortifications which generally occur on ridge top positions near the coast. The pā normally has a series of ditches and terraces and most have been surveyed by the New Zealand Archaeological Association. Most pā also have pit sites, urupā, midden and garden sites. Pā are associated with battles over a long period of time and often considered tapu. Iwi consider the pā sites to have a wide range of values including archaeological, technological, scientific, associations with people and events, identity, community esteem, commemorative, educational, recreational, and context or group values.28

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28 Te Rūnanga o Toa Rangatira, Me Huri Whakamuri Ka Titiro Whakamua, A Framework for the Management of Sites and Places of Significance to Māori within the Porirua District, 1996.
5.1.2 The preparation of individual heritage assessments

Each place within the heritage inventory may have an individual heritage assessment. The heritage assessment contains all the relevant information about a place. The heritage assessment should include basic information such as:

- Name
- Location
- Photographs
- Ownership and certificate of title
- Protective status (i.e. listing in district plan)
- Extent or boundaries

In addition, the heritage assessment should provide a summary of the history and heritage significance of the place. For further information about the preparation of individual heritage assessments can be obtained from the NZHPT.

5.1.3 Finalisation of the heritage assessments and the inventory

The inventory should contain all the individual heritage assessments and be provided on GIS format. Copies of the final inventory should be provided to iwi and hapū members, landowners and be made available for viewing at Rūnanga offices.

The final inventory should be formally adopted by the Rūnanga as an iwi management plan and lodged with the relevant local authorities.
6. Thematic iwi management plans

Iwi management plans can be prepared for groups or types of historic heritage, especially:

- Māori built heritage, including historic marae.
- Urupā (burial grounds).
- Archaeological sites.
- Rock art sites.
- Coastal heritage sites.
- Mahinga kai (gardens and cultivations).

For these types of heritage places, a thematic iwi management plan is a planning tool – it can provide a clear statement of significance and outcomes, in particular those activities considered to be unacceptable for any given site or number of sites. As an example, an iwi management plan could be prepared for all urupā within a given rohe. This iwi management plan could address common issues facing urupā such as the need for continual maintenance, access, water supply, landscaping, oral history and aim to assist in the regulation of activities such as waste disposal and consumption of food.

A thematic iwi management plan is a valuable and efficient approach for the management of Māori built heritage. Many rohe include a large number of historic buildings and structures that experience similar issues and risks. Māori built heritage include not only wharenui (meeting house), but also wharekai (dining hall), pātaka (storehouse) and pouhaki (flagpole). Wharenui and wharekai are often located in a marae setting. Marae may also be associated with wharekarakia (church), urupā and papakāinga (residential village).

The management of Māori built heritage needs a consultative approach to ensure assistance is provided to marae communities, the protection of buildings from the loss of culturally significant materials, and to ensure regulation (especially the New Zealand Building Code) provides for Māori built heritage according to their cultural status.29 An iwi management plan for a number of Māori built heritage would include the following information:

- The types of Māori built heritage: marae, whare, pou, memorials.
- The significance of Māori built heritage within the rohe (including a list of the buildings).
- The issues confronting the maintenance, use and conservation of Māori built heritage:
  - Materials for repair, skills and workmanship.
  - Fire risk.
  - Building code requirements.
  - Earthquake safety.
  - Flooding.

– Funding.
– Management and ownership.
– Services such as water supply and waste disposal

Principles, policies and methods for the management of Māori built heritage.

7. Conservation plans and reserve management plans

An iwi authority can adopt any relevant planning document and lodge these documents with Council. Following adoption by the iwi authority and lodgement with the Council, these planning documents acquire the status of an iwi management plan.

A reserve management plan is a statutory document prepared under the Reserves Act 1977. It contains objectives, policies and rules that guide the management of a specific reserve under the Act. The reserve management plan is prepared by the governing body or the owners of the reserve.

Guidance about preparing a reserve management plan is available from the Department of Conservation and Local Government New Zealand. Appendix 2 provides a case study that provides guidance on the type of information that may be included in a reserve management plan for a place of significance to Māori.

A conservation plan is a non-statutory document prepared for the management and conservation of a specific historic place. A conservation plan sets out a general strategy for the long term management of a heritage place. It should guide day to day maintenance, longer term development proposals and specific initiatives to adequately protect the item's heritage fabric. It is a document containing all the reasonably accessible information that can be found about a heritage place.

Individual heritage places, including buildings, areas and sites, should be managed under the guidance of a conservation plan.

A conservation plan would normally include (where appropriate) title information about the land; maps, sketches and plans; recent photographs; historical photographs, and information about the people connected to the place. From this information basis, the conservation plan outlines the significance of the place and outlines policies for the preservation of the essential qualities of the place, and for the future development that define the limits of acceptable change, can then be established. Conservation plans can also make provision for aspects of 'intangible heritage' such as recording of traditional

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30 DOC, Guide for Reserve Administering Bodies
Local Government NZ, Reserves Act 1977 Guide
http://library.lgnz.co.nz/cgi-bin/koha/opac-detail.pl?bib=17.
waiata, stories, pepeha (proverbs), whakapapa and the development of new methods of interpretation.

As a summary, the contents of a conservation plan will typically include:

- A history of the heritage place and people associated with it.
- Description of the place.
- Assessment of significance, both of the place as a whole and in its various components, features or spaces.
- Matters that should be taken into account in the conservation policy, including such things as the district plan, Building Act 2004, and Historic Places Act 1993 requirements.
- Conservation policy. By taking into account a) the heritage significance of the place, b) all other factors affecting the fabric, contents and setting of the place, and c) options for use, conservation policies should be developed which state how the conservation of place will best be achieved, both in the long and short term.
- Recommendations for conservation and future use.
- A schedule of works required for attention and implementation and a repair specification (unless deemed unnecessary).

While many conservation plans have been prepared for Māori built heritage, such as historic marae, few of these plans are treated as ‘iwi management plans’ for the purposes of the RMA.

One of the few conservation plans for an archaeological and cultural landscape is the **Papamoa Hills Regional Park Conservation Plan** (see text box below).

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Te Rae o Papamoa conservation plan

Te Rae o Papamoa (Papamoa Hills Regional Park) was opened to the public in July 2004. It is the Bay of Plenty’s first regional park. Consisting of 134 hectares of coastal hill country, the park contains numerous archaeological features including a number of pā sites. The conservation plan was prepared in December 2006 by Insitu Heritage Ltd.\textsuperscript{32} The conservation plan provides a description of the historic heritage values of the park and outlines heritage significance, policies and work recommendations, including remedial work and maintenance specifications. Issues for management include management of stock, visitor management, interpretation and mitigation of erosion. The plan promotes a partnership approach between the regional council and tangata whenua.

In addition to the management of the archaeological features within the park boundary, the conservation plan highlights archaeological sites outside the park which also form part of the Papamoa Hills cultural and archaeological landscape. Further, the conservation plan promotes the protection of significant viewing lines, especially the connection to the Papamoa dune plain, the Kaituna River and other pā such as Wharo, Tamapahore and Mauao.

\textsuperscript{32} Insitu Heritage Ltd, \textit{Papamoa Hills Regional Park, Conservation Plan}, Environment Bay of Plenty, 31 December 2006.
8. Monitoring

An iwi management plan can be an ongoing project involving a monitoring programme that ensures that Māori heritage outcomes and the wider environment is continually examined and checked.

An indicator is a unit of measure that signals changes in the environment. The changes may involve a statement about how the environment is under pressure, or the state of the environment or what our response has been to these changes.

Māori heritage is complex with a wide range of tangible and intangible dimensions. Indicators can’t capture the entirety of this heritage. Instead, Māori heritage indicators can aim to produce simple information about the most important matters. This is carried out by selecting ‘measurements’ to give some sort of representation of what is happening in the Māori heritage environment. These measurements are used to illustrate trends and allow comparisons.

The following indicators are examples that can be adopted within iwi management plans in relation to Māori heritage:

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Potential Information sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number and distribution of identified places and areas</td>
<td>Iwi and hapū heritage inventories. NZAA Recorded Archaeological Sites of significance to Māori. NZHPT registered historic places and areas of significance to Māori; NZHPT registered wāhi tapu and wāhi tapu areas. Māori heritage listed by regional and territorial authorities in regional and district plans under the RMA.</td>
</tr>
<tr>
<td>Number of places and areas destroyed or whose values have been severely diminished</td>
<td>Resource consents issued by local authorities to destroy or damage Māori heritage. Archaeological authorities issued by NZHPT to destroy or damage archaeological sites of significance to Māori. Other places destroyed or damaged as recorded by the iwi and hapū.</td>
</tr>
<tr>
<td>Proportion of places and areas in good, fair or poor condition</td>
<td>Regular site survey of a select number of places and areas and the recording of the condition of these places and areas.</td>
</tr>
</tbody>
</table>

National Environmental Information Forum
MFE and Statistics NZ host a regular National Environmental Information Forum. The forum has included a number of presentations and workshops relating to cultural indicators and monitoring by iwi, hapū and whānau.
| Number of statutory mechanisms actively used to protect Māori heritage | Heritage covenants issued by the NZHPT relating to Māori heritage. |
| Local authority reserves established to protect Māori heritage. |
| Māori reservations established by the Māori Land Court. |
| Claim settlement mechanisms, i.e. statutory acknowledgements. |

| Number of places and areas actively protected by formal statutory instruments or conservation plans | Conservation plans and reserve management plans prepared to protect Māori heritage. |

| Funds provided and allocated for conservation of Māori heritage: | Funding granted by the NZ Lotteries Board to protect Māori heritage. |
| Funding granted by other agencies to protect Māori heritage (e.g. local authorities, NZHPT, community trusts). |

The indicators suggest undertaking regular site visits and surveys of a sample of places and areas is an important part of monitoring. The primary purpose of the survey is to record the ‘state’ of the place or area in terms of its condition and any relevant issues that may be a threat to the values of the place.

Appendix 3 provides a template for a monitoring sheet that can be used and adapted by the iwi or hapū for a heritage survey.

The selection process should ensure a representative sample of places and areas is covered by the survey and, that the survey is achievable and affordable.

The NZHPT published guidelines for the monitoring of the historic environment as part of the Sustainable Management of Historic Heritage Guidance Series. These guidelines can be adapted for monitoring of Māori heritage as part of an iwi management plan.

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Appendix 1: legislative frameworks for Māori heritage

Historic Places Act 1993 – registration

The purpose of the Historic Places Act 1993 is to promote the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand. The New Zealand Historic Places Trust (NZHPT) Board and Māori Heritage Council are separately constituted under the Historic Places Act 1993 and have separate and distinct functions. The Historic Places Act 1993 defines wahi tapu as ‘a place sacred to Māori in the traditional, spiritual, religious, ritual or mythological sense.’ A wahi tapu area means an ‘area of land that contains one or more wahi tapu.’

The Historic Places Act 1993 provides for the establishment and maintenance of a Register of historic places, historic areas, wahi tapu and wahi tapu areas. The purpose of the Register is:

1. To inform members of the public about historic places, historic areas, wahi tapu, and wahi tapu areas
2. To notify owners of historic places, historic areas, wahi tapu and wahi tapu areas where necessary for the purposes of this Act
3. To assist historic places, historic areas, wahi tapu, and wahi tapu areas to be protected under the Resource Management Act 1991.

The Register is maintained by the NZHPT and is made available to the public from the regional and area offices of the NZHPT. The Register comprises of a large variety of heritage places including historic buildings, historic roads, gardens, gold mining sites, whaling stations, pā sites, and recorded archaeological sites.

Registration is a public procedure that involves the public notification of proposed registrations and the opportunity for public submissions. Notice in writing of proposed registrations is provided to the landowners, every person having a registered interest in the place and the relevant local authority. In the case of wāhi tapu, the appropriate iwi is also notified in writing.

Section 33 of the Historic Places Act 1993 provides a process of informing the local authority of proposals affecting registered wāhi tapu areas and recommendations. Section 33 states where the NZHPT:

- Is advised by a local authority that the authority has received an application for a resource consent in respect of any wahi tapu area; or

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36 Information about the Register is available from the NZHPT website: www.historic.org.nz.
Historic Places Act 1993 – archaeological authority process

The Historic Places Act 1993 defines an archaeological site is defined as any place in New Zealand that either – was associated with human activity that occurred before 1900; or is the site of the wreck of any vessel where that wreck occurred before 1900; and – is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand. Under section 9(2) of the Historic Places Act 1993, the NZHPT may declare any post-1900 site to be covered by the archaeological site definition, in section 2, by notice in the Gazette.

Section 10 of the Historic Places Act 1993 directs that an archaeological authority is required from the New Zealand Historic Places Trust if there is ‘reasonable cause’ to suspect an archaeological site (recorded or unrecorded), may be modified, damaged or destroyed in the course of any activity. An archaeological authority is required for such work whether or not the land on which an archaeological site may be present is designated, or a resource or building consent has been granted.

Among a range of information requirements, an application for an archaeological authority to destroy, damage or modify an archaeological site requires an assessment of any archaeological, Māori, or other relevant values and the effect of the proposal on those values. The application must also include a statement as to whether consultation with tangata whenua and any other person likely to be affected has taken place.37

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37 Section 11, Historic Places Act 1993. Information about archaeological authorities can be obtained from the NZHPT: www.historic.org.nz.
Resource Management Act 1991 (RMA)

The Resource Management Act 1991 (RMA) is the primary law that governs land use, air, water, rivers, lakes and the coastal environment. The RMA promotes the sustainable management of natural and physical resources. Under section 6 of the RMA, matters of national importance include:

- The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (section 6(e)).
- The protection of cultural and historic heritage from inappropriate subdivision, use and development (section 6(f)).
- The protection of recognised customary activities (section 6(g)).

Under section 2 of the RMA, historic heritage is defined as:

Those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from any of the following qualities:

Archaeological, architectural, cultural, historic, scientific, technological and includes –

- historic sites, structures, places, and areas; and
- archaeological sites; and
- sites of significance to Māori, including wahi tapu; and
- surroundings associated with the natural and physical resources.

Section 7 includes other matters to have regard to kaitiakitanga and the ethic of stewardship. Section 8 states:

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

Regional policy statements, regional plans, and district plans prepared by local authorities, are the primary method of identification and protection of cultural and historic heritage under the RMA. Regional and district plans, in particular, include rules that can regulate land use and activities such as earthworks, discharges and water take. These rules mean that some land uses and activities are ‘permitted’ and others require a resource consent.

If a historic place is not listed in a regional or district plan, then inappropriate activities may be ‘permitted’ and not subject to regulation under the RMA.
Many historic places are listed in regional and district plans for protection. Some regional and district plans also list places and areas of significance to Māori.

The NZHPT national assessment of district plan provisions contains information about the nature and extent of protection for Māori heritage in district plans.\(^{38}\)

The RMA also includes provisions for heritage orders for the purpose of ‘protecting any place of special interest, character, intrinsic or amenity value or visual appeal, or of special significance to the tangata whenua for spiritual, cultural, or historical reasons.’\(^{39}\) The heritage order can include an area of land surrounding a place as is reasonably necessary for the purpose of ensuring the protection and reasonable enjoyment of a place.

### Treaty of Waitangi claim settlements and special legislation

A range of Treaty settlement legislation has helped to recognise and provide for Māori heritage. Since 1998, new settlement legislation has generally followed the *Ngāi Tahu Claims Settlement Act 1998* model with the provision of statutory acknowledgements.

Statutory acknowledgements are provisions in legislation which require particular decision-makers to have regard to the association iwi have with their taonga. They are places or statutory areas with particular cultural, spiritual, historical and traditional associations. Statutory areas may be land, lakes, rivers, wetlands, landscapes and coastal marine areas.

Seventy statutory acknowledgement areas are listed in Schedules 14 to 77 of the *Ngāi Tahu Claims Settlement Act 1998*. Examples of statutory acknowledgement areas include Okarito Lagoon, Lake Hauroko, Kaikoura coastal marine area, and the Otago coastal marine area. Section 208 of the Act requires that consent authorities must have regard to the statutory acknowledgement in forming an opinion on ‘whether Te Rūnanga o Ngāi Tahu is a person who will be adversely affected by the granting of a resource consent’ under the RMA.\(^{40}\) In addition to statutory acknowledgements, the Ngāi Tahu Settlement legislation introduced the concept of designating particular areas as topuni. Topuni are areas of conservation land that have particular cultural, spiritual, historic or traditional associations. Fourteen topuni are listed in the schedule of the *Ngāi Tahu Settlement Act 1998* including Aoraki/Mount Cook, Takitimu Range, Tāpuae o Uenuku, and Te Koroka.

The statutory acknowledgements and topuni provided under Treaty settlement legislation is an important method to recognise and provide for Māori heritage. While there is a requirement to have regard to these areas in the resource consent process under the RMA, the NZHPT considers that the Treaty settlement legislation provides an opportunity for enhanced landscape planning. This could be achieved, for example, in the preparation of an iwi management plan for each statutory acknowledgement area. This planning

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\(^{39}\) Section 189(1)(a), RMA 1991.

\(^{40}\) Section 209, Ngāi Tahu Claims Settlement Act 1998.
instrument would provide for greater guidance for land and water use decision-making as provided for in regional and district plans.

Other legislation has a role in the management of historic heritage, including Māori heritage. Much of this legislation relates to specific historic reserves or public facilities. For example, the National War Memorial Act 1992 provides for preservation and maintenance of the National War Memorial in Buckle Street, Wellington, as a national monument to those who gave their lives in service of their country.

Large areas have also been recognised by special legislation. The Hauraki Gulf Marine Park Act 2002 recognises the national significance of the Hauraki Gulf for its ecological, historic, traditional, and cultural importance. The Act requires the policy and planning tools under the RMA to ensure the national significance of the Hauraki Gulf is recognised and provided for. In addition, to facilitate the management of the Hauraki Gulf, the Act establishes the Hauraki Forum to ‘integrate the management and, where appropriate, to promote the conservation and management in a sustainable manner, of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, for the benefit and enjoyment of the people and communities of the Gulf and New Zealand.’

Marine and Coastal Area (Takutai Moana) Act 2011

The Marine and Coastal Area (Takutai Moana) Act 2011 provides for the management of the marine and coastal area of New Zealand. In order to take account of the Treaty of Waitangi, the Act recognises, and promotes the exercise of, the customary interests of iwi, hapū, and whānau in the common marine and coastal area of New Zealand.

The Act confers a number of rights to holders of a customary marine title order or an agreement. These rights include a right to protect wāhi tapu and wāhi tapu areas (sections 78 to 81) and the right to create a planning document (sections 85 to 93).

A wāhi tapu protection right may be recognised ‘if there is evidence to establish— (a) the connection of the group with the wāhi tapu or wāhi tapu area in accordance with tikanga; and (b) that the group requires the proposed prohibitions or restrictions on access to protect the wāhi tapu or wāhi tapu area.’

Under section 85, a customary marine title group has a right to prepare a planning document in accordance with its tikanga. The purposes of the planning document are—

- To identify issues relevant to the regulation and management of the customary marine title area of the group.
- To set out the regulatory and management objectives of the group for its customary marine title area.
- To set out policies for achieving those objectives.

41 Section 15, Hauraki Gulf Marine Park Act 2002.
42 Section 78, Marine and Coastal Area (Takutai Moana) Act 2011.
A planning document may include any matter that can be regulated under the Conservation Act 1987 (or the Acts listed in Schedule 1 of that Act), Historic Places Act 1993, Local Government Act 2002, and the RMA, including matters that are relevant to—

a) Promoting the sustainable management of the natural and physical resources of the customary marine title area.

b) The protection of the cultural identity and historic heritage of the group.43

A planning document is of no effect until it is lodged with the regional council with jurisdiction in the region to which the planning instrument relates; and any of the relevant agencies whose jurisdiction is relevant to the contents of the planning document.44

Overseas Investment Act 2005

In 2002, Te Kuri a Paoa/Young Nick’s Head Station, Poverty Bay, was sold to overseas interests. The sale was opposed by local tangata whenua, Ngai Tamanuhiri, and others who advocated that places of national significance should remain in the ownership of New Zealanders. As a consequence of this issue and other overseas investment related issues, the overseas investment rules and process were reviewed leading to the Overseas Investment Act 2005.

The purpose of the Overseas Investment Act 2005 is to acknowledge that it is a privilege for overseas persons to own or control sensitive New Zealand assets. This is achieved by requiring consent for overseas persons to make an overseas investment in sensitive land and imposing conditions on overseas investments.

Under section 25 of the Overseas Investment Act 2005, the Minister may grant consent subject to conditions. As outlined in section 17 of the Act, these consent conditions may relate to the conservation (including maintenance and restoration) of cultural and historic heritage and provisions for access.

There are a wide range of conditions that may relate to conservation of and access to historic heritage. The conditions should be designed for the particular consent on a case-by-case basis. Examples of possible consent conditions for cultural and historic heritage include:

- Preparation of a conservation plan and for works to proceed according to that conservation plan.
- Preparation of specialist reports, such as an archaeological assessment or cultural impact assessment.
- Repair, maintenance and restoration works.
- Provision of heritage covenants.
- Provision of a monitoring programme.
- Provision of public access strips.

43 Section 85, ibid.
For archaeological sites, conditions of consent to overseas ownership could include restoration works such as fencing, tree planting, site stabilisation, and vegetation management.

**Conservation Act 1987 and Reserves Act 1977**

The Conservation Act 1987 and the Reserves Act 1977 are the primary pieces of legislation concerning protected areas. Both laws can provide for the protection of large areas of land and sea, and also specific places. Other relevant laws include the *Land Act 1948, Forests Act 1949, National Parks Act 1980* and the *Marine Reserves Act 1971*. The tools under the legislation include general policies, conservation management strategies, reserve management plans, covenants, concessions, and historic reserves.

Historic reserves are established under the Reserves Act 1977, ‘for the purpose of protecting and preserving in perpetuity places, objects and natural features that are of historic, archaeological, cultural, educational or other special interest.’ Examples of historic reserves include Government Buildings Historic Reserve, Wellington; Kawau Island Historic Reserve, Hauraki Gulf; North Head Historic Reserve, Auckland; Cook Landing Site National Historic Reserve, Gisborne; and Bendigo Historic Reserve, Otago.

**Land Transfer Act 1952 and covenants**

Covenants are a restriction on the use of land and are registered pursuant to the *Land Transfer Act 1952*. Covenants can be an excellent method of protecting a site for future generations. Their success depends to a large extent on the good will and understanding of the current and future landowners. Different types of covenants include:

- Heritage Covenants (sec 6 Historic Places Act 1993)
- Open Space Covenants (sec 22 *Queen Elizabeth the Second National Trust Act 1977*)
- Protective Covenants (sec 18 *Crown Forest Assets Act 1989*)
- Conservation Covenants (sec 77 Reserves Act 1977/sec 27 Conservation Act 1987)
- Protected Private Land Agreements (sec 76 Reserves Act 1977)

Heritage covenants, under the Historic Places Act 1993, are designed to provide for the protection, conservation and maintenance of any historic place, historic area, wāhi tapu and wāhi tapu area. Heritage covenants are prepared to meet the needs of particular properties and owners. They are a voluntary legal agreement between the NZHPT and the landowner which binds all subsequent owners of the land. All proposals to enter into a heritage covenant require the approval of the NZHPT Board.

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45 Section 18, Reserves Act 1977.
46 Information about the Conservation Act 1987 and the Reserves Act 1977 is available from the Department of Conservation website (include website) and inquiries about historic reserves are administered by the Department of Conservation.
Heritage covenants provide for the long-term protection of a heritage place by regulating activities such as repair and maintenance, alterations, demolition and earthworks. Normally these activities involving a heritage place would require the prior approval of the NZHPT under the provisions of a heritage covenant. Heritage covenants can also provide for chattel management and public access.47

Other types of covenants can provide significant protection to cultural and historic heritage. The Queen Elizabeth the Second National Trust Act 1977 established the QEII National Trust to encourage and promote the provision, protection and enhancement of open space for the benefit and enjoyment of the people of New Zealand. Open space means ‘any area of land or body of water that serves to preserve or facilitate the preservation of any landscape of aesthetic, cultural, recreational, scenic, scientific, or social interest or value.’48 The QEII National Trust Board has a range of functions under section 20 of the Act to encourage and promote the provision, protection, preservation and enhancement of open space, including undertaking a continuing review of adequacy and accessibility of all forms of public space.49

With regards to rural heritage landscapes, QEII National Trust open space covenants are an important method of protecting landscapes. Open space covenants are designed to preserve or facilitate the preservation of landscapes of aesthetic, cultural, recreational, scenic or social interest or value.50

**Heritage orders**

Heritage orders are provisions made in district plans to give effect to a requirement by a heritage protection authority made under the RMA. The purpose of a heritage order is to protect a place of heritage significance. When land is subject to a heritage order, the prior written consent of the relevant heritage protection authority is required to do anything that would wholly or partly nullify the effect of a heritage order including –

- Undertaking any use of land.
- Subdividing any land.
- Changing the character, intensity, or scale of any use of any land.51

A heritage protection authority includes any Minister of the Crown, local authorities and the NZHPT. It includes the Minister of Māori Affairs acting either on his or her own or on the recommendation of an iwi authority.

Any body corporate may apply to the Minister for the Environment52 to become a heritage protection authority under section 188 of the RMA. This may include iwi authorities if the iwi authority is a body corporate.

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47 To obtain further information about heritage covenants, contact the Legal Team at the NZHPT.
48 Section 2, Queen Elizabeth the Second National Trust Act 1977.
49 Section 20(2)(c) Queen Elizabeth the Second National Trust Act 1977.
50 For further information on open space covenants, contact QE II National Trust: http://www.qe2.org.nz/.
51 Section 193, RMA 1991.
Section 5 of the Historic Places Act 1993 empowers the NZHPT to give notice of a requirement for a heritage order in accordance with the RMA to protect:

- The whole or part of any historic place, historic area, wāhi tapu or wāhi tapu area; and
- Such area of land (if any) surrounding that historic place, historic area, wāhi tapu, or wāhi tapu area is reasonably necessary for the purpose of ensuring the protection and reasonable enjoyment of it.

Also, the NZHPT maintains a list of heritage orders issued under the Historic Places Act 1993 as part of its Register. The heritage order procedures are very closely related to designations.53

Māori reservations

Māori reservations are established under Part 17 of the Te Ture Whenua Māori Act 1993. They may be issued for a range of purposes, including for cultural, historical or scenic interests. They may also provide for a wāhi tapu, being a place of special significance according to tikanga Māori. Māori reservations are established by the Chief Executive of Te Puni Kokiri on the recommendation of the Māori Land Court/Te Kooti Whenua Māori.54

Protected Objects Act 1975

The Protected Objects Act 1975 regulates the recording and ownership of protected objects, including ngā taonga tūturu. Taonga tūturu is an object that relates to Māori culture, history or society and, was or appears to have been, manufactured or modified in New Zealand by Māori or brought into New Zealand by Māori or used by Māori and is more than 50 years old.55 The Act also regulates the sale and export of ngā taonga tūturu.

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54 Information about Māori reservations can be obtained from the Māori Land Court: http://www.justice.govt.nz/Maorilandcourt/reservations.htm. General information about Māori land is also available from Te Puni Kokiri: www.tpk.govt.nz.
Appendix 2: Case study – an iwi management plan for Wairepo

This section provides a case study showing how an iwi management plan can apply to a specific area. While the example is fictitious, it is based on a wetland-related statutory acknowledgement in claim settlement legislation.

This is an iwi management plan for the purposes of the RMA. The tangata whenua adopted this plan on [add date].

Wairepo Wetland (Wairepo) is a statutory acknowledgement in the Claim Settlement Act. This iwi management plan aims to assist in the long term management and protection of Wairepo under the Resource Management Act 1991, Historic Places Act 1993 and related legislation.

Tangata whenua

Ngati __ are the tangata whenua of Wairepo. The iwi is represented by the Ngati__ Iwi Authority. The traditional hapū of the wetland area is Ngati__ cantered at Wairepo Marae.

Land ownership

The greater part of Wairepo is owned by the Crown and managed by the Department of Conservation as a conservation estate.

The northern area of Wairepo is under private ownership by the Maclean family. The Macleans have farmed the area surrounding the wetland for about 50 years. The farm includes cattle and sheep grazing. The family has a private jetty and sometimes use the wetland for boating and canoeing.

Adjoining the conservation estate are three main land ownership blocks:
1. Land owned by the Kupe whanau trust. This is private Māori land and leased by the Maclean family.
2. Land owned by the Wheeler family. This is pastoral farmland which also contains some remnants of wetland.
3. Land owned by the local authority as an access strip to the wetland.
Interested parties

User groups

The local duck shooting club has used Wairepo for approximately 30 years for seasonal duck shooting. The club has erected a number of maimai close to the shore of the wetland and some shooters carry out weed spraying on occasions to ensure firing sight lines are free from obstacles such as flax.

Regulators

The Department of Conservation manages the conservation estate.

The Regional Council regulates the water quality, water take and water use under the RMA.

The Territorial Authority regulates surface water activities, surrounding land uses, and access.

The NZHPT regulates archaeological sites.

The Ministry of Fisheries regulates fisheries.

Other Interests

The New Zealand Archaeological Association has recorded a number of archaeological sites at Wairepo.

Extent of the Wairepo

The boundaries of Wairepo has been disputed for many years. Local land owners continue to assert the wetland boundaries are those that exist in mid-summer when the water is at its minimum extent.

Tangata whenua assert the wetland contains all the land that is occupied by flax and water as indicated in the plan below.

This iwi management plan also includes the wider setting of Wairepo. The waters of Wairepo are fed from an underground aquifer that is just below the surface of the Wairepo Plains. The Regional Council has been monitoring the aquifer since the 1970s.

The significance of Wairepo wetland

Historical overview

Tangata whenua have occupied Wairepo for generations. The earliest tribal occupation occurred some three centuries ago. In 1846, Wairepo was set aside as a reserve for tangata whenua arising from the Crown purchase of the wider area.
In 1888, Wairepo was part of a block that appeared before the Native Land Court. The block was subdivided into four main sections. Block 1A contained most of the wetland. This block was sold to local Pakeha farmers in 1889 by individual Māori in order to pay Court fees and survey liens. The entire Wairepo block was alienated from Māori by about 1895.

Despite land alienation, Māori continued to visit and harvest flax at Wairepo. Māori established a commercial flax mill in the area in 1920 on land leased from the Wheeler family and continued to catch eel at the wetland. The flax mill closed in 1931.

In 1965, the local authority advocated for the Crown purchase of Wairepo for recreational and duck shooting purposes. The purchase was concluded in 1967 which transferred 52 hectares of wetland to the Crown. This land was administered by the Department of Lands and Survey until management was transferred to the Department of Conservation in 1988.

In 1995, the tangata whenua lodged a claim under the Treaty of Waitangi Act 1975 in relation to the Wairepo. The claim alleged the Crown had breached the principles of the Treaty of Waitangi in relation to the alienation and management of Wairepo. Specific claim issues included alienation via the Native Land Court process, damage to sites of cultural or historic significance, pollution, and inappropriate activities such as weed spraying.

Summary of significance of Wairepo wetland

Tangata whenua consider Wairepo is of high significance. Despite the destruction of adjoining indigenous forests in the 19th Century, Wairepo is a unique wetland in the surrounding countryside. The wetland has high integrity as it has not suffered from substantial damage or destructive activities. Wairepo is unique within the rohe of the tangata whenua. Its association with tupuna and the war of 1805 makes the place rare in the history of the iwi. The historic pou at the wetland is the only one of its kind within the rohe and possibly in the lower North Island.

The wetland is the only major source of flax for the iwi. The wetland, both inside and outside the conservation estate, is particularly vulnerable to damage from land use activities.

[Note, the iwi management plan should also include any other aspects of significance, such as ecological and geological values].

Principles and objectives

This iwi management plan has been prepared by tangata whenua as an expression of rangatiratanga and to assist in the exercise of kaitiakitanga in relation to Wairepo. In particular, we aim to achieve the following objectives:

- To ensure that the management of Wairepo is in accordance with the traditions, customs and laws of the tangata ahenua
- To ensure the management of Wairepo expresses the rangatiratanga of iwi and takes place in a co-management framework
To work with the Department of Conservation, adjoining landowners, and other interested groups to protect and manage Wairepo.

To ensure that the heritage and cultural values important to iwi are preserved. All uses, and adjoining uses, must be compatible with the values of Wairepo.

To ensure the wider catchment is managed in a way compatible with the values of Wairepo, especially in relation to subdivision and water take from the aquifer.

To retain access for commercial and non-commercial/customary harvest of eels and other wildlife.

To ensure any duck shooting activities and the building of structures such as maimai do not impact on the heritage and cultural values of Wairepo.

Issues, Policies and Methods

Co-Management

Historical management of Wairepo has taken place in a manner that has excluded tangata whenua. While the claims settlement legislation acknowledged the special relationship tangata whenua has with Wairepo, management and administration of Wairepo has continued with the status quo and the management regime remains dominated by the Crown and local government agencies.

Policy

Tangata whenua are seeking greater involvement to manage and protect Wairepo.

Methods

A co-management structure should be established involving representatives of the tangata whenua, the Crown, and the main regulators.

To ensure the protection of heritage and cultural values at Wairepo, tangata whenua are seeking the appointment of a part-time ranger who is a representative of the tangata whenua.

Access for tangata whenua and continuity of use

Historically tangata whenua have enjoyed full access to Wairepo via private farms or public roads. Recently, however, one particular land owner has refused to grant consent for iwi to access the wetland. This refusal has impacted on the ability of iwi to harvest flax and eels.

Policy

Tangata whenua must retain full access to the Wairepo and the right to take materials and wildlife (including eels and flax) for traditional, cultural and commercial purposes. Full access must be retained to both the protected and unprotected areas of the Wairepo. Any restriction to tangata whenua access will be opposed.
Methods

Tangata whenua should be enabled and assisted to gain any required concessions or permits to ensure continuity of use.

To ensure access, tangata whenua are seeking a Memorandum of Understanding with the Department of Conservation over the conservation estate.

Tangata whenua also advocate for a QEII National Trust covenant to cover the unprotected parts of Wairepo. The covenant should guarantee tangata whenua continued access to the wetland.

Public access

For many years, the Wairepo was isolated and was not accessible by the public. Following the construction of the access road by the local authority during the 1970s, Wairepo is now visited by the public mainly for duck shooting or recreational purposes.

Some archaeological sites have been damaged by the public especially as a result of off-roading by vehicles near the margins of the wetland, and through the discovery/fossicking of artefacts. Some years ago, the Department of Conservation erected bollards at the road-end as a result of iwi concerns. Some of these bollards have been destroyed or damaged by graffiti.

In recent years, some public groups have gained access to the island near the centre of the lake and have used the island for BBQ’s and picnics. This activity is highly damaging to the spiritual (tapu) values of the island. Public access requires regulation to ensure the values associated with the Wairepo are not compromised.

Policy

Public access and the consumption of food should not be permitted on the island in the centre of the lake.

Vehicular access by off-roading should not be permitted near the margins of the wetland.

Methods

Signs must be erected to inform the public of the cultural and heritage values of Wairepo and to inform the public that no public access and food consumption is permitted on the island.

New bollards are erected at the road-end to stop vehicular access.
The pou (old post)

The pou is threatened by rot and weathering and urgent intervention is necessary to save the pou from disintegration.

Policy

The pou is to be preserved for present and future generations.

Methods

*Iwi will seek advice from a specialist traditional Māori built heritage conservator (and NZHPT) and will consider lodging an application to the New Zealand Lotteries Board to acquire funds for the conservation of the pou.*

Duck shooting

Tangata whenua generally have a good relationship with many duck shooters who do not harm the cultural and heritage values of Wairepo. However, some hunters have constructed maimai in inappropriate locations and have damaged midden material. Furthermore, some hunters have continued to use weed spray in front of the maimai to create clear firing sight lines. This activity occurs both within and outside the wetland area.

Policy

The construction of new maimai should not be permitted. Spraying of indigenous vegetation, especially, flax should not be permitted at Wairepo.

Methods

*Appropriate rules in the DOC, Conservation Management Strategy. Appropriate rules in the Regional Water Plan. Information provided to duck shooters concerning protection of historic and archaeological values at Wairepo*

Stock access

Stock access continues to occur around the edges of some parts of the wetland and which results in trampling of vegetation and water pollution. Stock is generally excluded from the conservation estate part of Wairepo by fencing, but some continue to gain access from private farm land.

Policy

Stock must be prohibited from Wairepo.

Methods

*The entire margins of the Wairepo requires fencing to restrict stock access. All existing fences must be maintained to restrict stock access.*
Water-taken from aquifer

Water taken from the Wairepo aquifer has continued to increase, particularly during the summer months, for irrigation purposes. Scientific evidence collected by the Regional Council suggests that the collective result of water-take increase will result in the drying out of Wairepo.

Policy

The Wairepo aquifer must be protected from unsustainable water-take.

Methods

*Tangata whenua are seeking a moratorium on the issuing of all new water permits for bores within the aquifer and catchment of Wairepo.*

*Tangata whenua request the Regional Council to undertake an extensive monitoring project in partnership with tangata whenua and prepare a report on the adverse cumulative effects of water take on Wairepo.*

Inappropriate subdivision and development

Subdivision of private land is a distinct possibility at Wairepo and tangata whenua are aware of a number of subdivision proposals on land adjoining Wairepo. Any subdivision (or the erection of any structures such as transmission lines) may damage the existing view from Wairepo to Wairepo Marae.

Policy

The setting of Wairepo requires protection from inappropriate subdivision and use.

Methods

*Subdivision in the setting of Wairepo should be restricted by appropriate rules in the District Plan. The view from Wairepo Marae to Wairepo must be protected in the District Plan by a viewing corridor.*

Protection of historic and archaeological sites

Historic and archaeological sites have been damaged by earthworks associated with roading, tracking, off-roading and the construction of maimai. The island at the centre of the wetland is at risk from picnicking, camp fires and the consumption of food.

Policy

All historic and archaeological sites are to be protected from inappropriate activities, including earthworks.
Methods

Archaeological sites are protected under the Historic Places Act 1993. Information needs to be provided to the public about the law protecting archaeological sites.

Wairepo should be listed in the District Plan to protect both historic and cultural values.

Signs must be erected to inform the public of the cultural and heritage values of Wairepo and to inform that no food consumption is allowed and the access to the island and off-roading is not allowed.

Water pollution

Wairepo has suffered from water pollution over the past 50 years. The source of the water pollution is unknown, as there are no visible discharges flowing into the wetland. Recent Regional Council research has found that poor water quality at Wairepo is connected to non-point discharges from sources such as poorly functioning septic tanks in the Wairepo catchment.

Policy

Wairepo must be protected from both point-source and non-point source water pollution.

Methods

Water quality provisions should be provided for in the Regional Water Plan. All poorly functioning septic tanks in the Wairepo catchment to be remedied and subject to regular monitoring.
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<tr>
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<th>Agencies responsible for implementation</th>
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<td>Regional council</td>
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## Monitoring Report

*(to be completed on an annual basis following the adoption of the iwi management plan)*

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<th>Summary of issues &amp; policies for Wairepo</th>
<th>Changes to threats since 2007</th>
<th>Methods</th>
<th>Agencies responsible for implementation</th>
<th>Progress report on implementation methods</th>
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Appendix 3: Monitoring sheet for Māori heritage

**Place name** (or other names the place is known as)

**Location description** (include street no. if applicable)

**GPS location data** (Note type of device used and error margin)

**Site type**
(for example, recorded archaeological site, registered wāhi tapu, listed site of significance)

1. **Does the place still exist?**  
   - Yes [ ]  
   - No [ ]  
   - Not Found/Not Accessible [ ]  
   Add any aids to relocation if required (i.e. nearest road, walking distance, access notes):

2. **What is the apparent condition of the place?**

3. **What is the apparent integrity of the heritage values of the place?**
4. What is the use of the place? (Describe former and current land use)


5. Is the place privately or publicly owned?


6. Photographs taken during visit?  Yes ☐  No ☐

Permission of owner obtained to take photographs?  Yes ☐  No ☐

Photographic reference information


7. Brief comments (if necessary, e.g. any perceived threats to the place)


8. Recommended follow up actions


9. Site conditions of visit (i.e. weather and visibility)


10. Owner’s/manager’s contact details


Name of the person completing this form .................................................................

Date of visit .................................................................
Notes