

Maunganui Property, Aranga Coast Rd

Introduction

Tena koutou my name is Sonny Nesbit/Taoho Tane. By descent I am a member of the Te Roroa tribe which holds mana whenua over the coastal strip from Arai te Uru, South Head Hokianga Harbour to Tokatoka, Northern Wairoa River and across to Tikitiki, south of Mahuta, Ripiroa Beach. Te Roroa's Rohe adjoins two district councils, Far North District Council (FNDC) and Kaipara District Council (KDC).

This account is in response to KDC's decision to sell Lot 1 DP28751 BLK XII Waipoua SD, situated on Manuwhetai, Aranga Coast Rd Maunganui Bluff. This report provides context to council on the property and encompasses:

- a) Te Roroa traditional history on Maunganui and Manuwhetai;
- b) Te Roroa treaty claims on Maunganui and Manuwhetai;
- c) Resource Management Act 1991 - Sections 6, 7 and 8;
- d) KDC District Plan – Sections 5, 17, 18.

Te Roroa Pre-European Historical Account of Maunganui and Manuwhetai

Our eponymous ancestor Tohe lived in Kapowairua, Muriwhenua and was Manumanu's tupuna. He is credited with the naming of many place names not only in Te Roroa territory, but also in Tai Tokerau. Te Roroa traditions say that Tohe, an old man, pined to see his daughter Raninikura who lived in Ounuwhao on the banks of the Wairoa River. He was determined to make the journey to the Northern Wairoa to see her before his death.

Along with his slave Ariki, Tohe recited a karakia and they turned into spirit forms so that they could undertake their journey more quickly. As stated previously he named many places in Tai Tokerau such as;

- Te Oneroa o Tohe (Ninety Mile Beach)
- Ahipara
- Whangape
- Herekino
- Omapere
- Waimamaku
- Kawerua

Tohe also named Maunganui and the other four peaks of this extinct volcano. They are Kowhiotu, Hauroto, Kaimanu and Maringinoa.

Descending from Maunganui Bluff, Tohe and Ariki entered the Waihoupai Valley, Aranga where they proceeded to camp on a small hill. Here Ariki unwrapped the warm food intended for the completion of their journey and offered the kai to Tohe. That sacrilegious act destroyed the tapu of their spirit forms and killed them both. The hill has subsequently been known as Whangai-a-Ariki (the Offering of Ariki).

In consequence of the non-appearance of Tohe, Raninikura and her husband sent out a search party which eventually found Tohe's remains just south of Maunganui Bluff. His eyes had been pecked out by seagulls. Thus, that place, where his remains still rest, was called Manuwhetai. Reflecting the mana and tapu with which they are so heavily imbued, Manuwhetai and Whangai-a-Ariki remain treasured places throughout Tai Tokerau which Tohe's Uri Te Roroa are honoured to protect. For those sites honour not just the memory of Tohe and his prodigious naming activities but the memory of all his descendants.



Te Roroa Land Alienation

By the early 1870s, Te Roroa still held most of their lands in customary tenure. At this time the Crown sought to purchase lands between the South Hokianga Harbour and the Waipoua district to meet the demands of new settlers for farmland. From this time, the Native Land Court started to make title determinations within the rohe of Te Roroa. In 1872, Crown land purchase agents began to negotiate with Te Roroa to purchase land near Waipoua, Maunganui and Kai Iwi Lakes. Te Roroa agreed to sell some of the land but surveyors failed to reserve areas within Maunganui Bluff, Waihoupai and Kai Iwi Lakes from sale thus alienating Te Roroa from their ancestral land.

Te Roroa remained on lands on the Maunganui block at Whangaiariki and Manuwetai after 1876 and began to protest in 1899 when land development started to impact on traditional use of these places. Manuwetai and Whangaiariki continued to be described as reserves by Te Roroa. Some Lands and Survey maps depicted the land as retained in Maori ownership.

Between 1903 and 1912, Te Roroa approached Maori Members of Parliament and local politician, Joseph Coates on their grievances. Those Te Roroa who lived on the disputed land were not aware that the Crown had sold this whenua in 1914 and protested when in 1928 and 1930 the landowner attempted to remove them from their homes. In 1931, 1934, and 1936, Te Roroa made applications to the Native Land Court to have title to Manuwetai and Whangaiariki reserves determined. The applications were dismissed because they related to private land.

In 1939, the Chief Judge of the Native Land Court directed Judge Acheson to inquire into the provision of reserves in the Maunganui block. Judge Acheson strongly recommended the return to Te Roroa of those areas surveyed out of the original block that were alienated to the Crown in the 1876 deed. Unfortunately for Te Roroa, the Chief Judge did not support the inquiry findings when he referred it to the Minister but suggested that it might be possible to conclude an arrangement where any burial place might be reserved and perhaps permit Maori to exhume and re-inter any human remains.

During the 1940s, Te Roroa protested at the creation of the beach settlement within Manuwetai and there was a further unsuccessful attempt to seek a Native Land Court determination of Maori freehold title to Manuwetai and Whangaiariki. A kaitiaki (guardian) group for Manuwetai and Whangaiariki was established in 1954 to maintain the protest. Intensified protest in the 1970s coincided with the wider Maori cultural revival when Te Roroa kaumatua made a call for the issues surrounding the failure to provide reserves to be reopened. In 1978, a Maunganui Reserves Trust Committee was established to progress these claims. This committee sought and gained the support of prominent Maori and repeatedly approached the Crown. Finally, after extensive unsuccessful petitioning and lobbying in the mid-1980s, Te Roroa laid a claim for the reserves before the Waitangi Tribunal in 1988 thus initiating what would become Wai 38, Te Roroa land claims.

Resource Management Act 1991

Section 6 – Matters of National Importance

The RMA determines that in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance.

6(e) - The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.



Section 7 - Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to;

7(a) - Kaitiakitanga

Section 8 - Treaty of Waitangi

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).

Kaipara District Council District Plan

5. Tangata Whenua Strategy

KDC acknowledges the Resource Management Act and the recognition to Te Roroa Deed of Settlement. KDC also recognizes that the Resource Management Act 1991 makes provisions for Maori perspectives to be considered in planning and decision-making processes of local authorities. Sections 6, 7 and 8 of the Resource Management Act 1991 require specific duties of Council with respect to sustainable management.

Section 6 of the Resource Management Act 1991 requires Council to recognise and provide for matters of national importance. In accordance with Section 6(e) of the Resource Management Act 1991, Council must take into account the relationship of Tangata Whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.

The Kaipara District already recognises Maori Land that is held in Maori title (Te Ture Whenua Maori Act 1993) as its own unique Zone. The Maori Purposes Zone of the Kaipara District Plan 1997 is identified in this Plan as "Maori Purposes: Maori Land Zone". In addition to this Zone, the Deed of Settlement between the Crown and Te Roroa provide an agreed historical account of the relationship of Te Roroa with the Kaipara District.

The Plan recognises this through the identification of 'Areas of Significance to Maori' acknowledging the special relationship iwi have with a particular area (as identified in the Treaty Settlements), and the new Maori Purposes Zone called 'Maori Purposes: Treaty Settlement Land Zone'.

Section 7 of the Resource Management Act 1991 requires Council to have regard to specified 'other matters' when exercising its functions and powers under the Act, including regard for kaitiakitanga (in accordance with Section 7(a)). The Deeds of Settlement identify areas in which Te Roroa exercise kaitiakitanga and should be consulted.

This ethic of stewardship extends to activities that affect natural and physical resources such as air and fresh or coastal waters, or heritage and archaeology. Kaitiakitanga is recognised throughout the District Plan and is provided for through 'Areas of Significance to Maori', which includes areas of Te Tarehu, Statutory Acknowledgements, Special Protocols between government agencies and iwi, or Deeds of Recognition that have been registered on the titles of Crown owned land as a result of the Treaty Settlement process.

Consultation with Maori and recognition of their role as Kaitiaki in the Resource Consent process where "Areas of Significance to Maori" are affected is important. Section 8 of the Resource Management Act 1991 requires all persons acting under the Act (including applicants, Councils and Tangata Whenua) to take into account the principles of the Treaty of Waitangi. The principles reflect



the underlying importance of the Treaty of Waitangi as being the guiding document in the relationship between Maori and the Crown.

5.2.1 Treaty of Waitangi

The Council endorses the following principles relevant to the sustainable management of natural and physical resources as being a current reflection of the purpose and intent of the Treaty of Waitangi (as interpreted by the Courts)

- The principle of Kaitiakitanga
- The Principle of Partnership
- The Principle of Te Tino Rangatiratanga
- The Principle of Active Protection and Consultation
- The Principle of Hapu/Iwi Resource Development

5.2.2 Recognising the Treaty of Waitangi in the District Plan Development

Kaipara District Council recognises the importance of the principles of partnership, te tino rangatiratanga and hapu/iwi resource development in the preparation of the District Plan.

5.4 Significant Issues for Tangata Whenua

5.4.1 The Council has a responsibility to take into account the principles of the Treaty of Waitangi in managing the use, development and protection of natural and physical resources.

The overriding principle of the Treaty of Waitangi is the establishment of a partnership between Treaty parties. Recognising and understanding Maori social, spiritual and cultural values and needs is therefore an important resource management issue for the Council. The Council considers that structures and processes around partnerships with Tangata Whenua are an important outcome of the planning process and in promoting sustainable management of natural and physical resources.

5.4.2 There are a number of areas of significance to Tangata Whenua in Kaipara. Council has the responsibility to provide for the protection of these areas.

The District's Tangata Whenua has a special relationship to the land and environment. The District Plan needs to address this relationship by managing the effects of land uses on these sites. Treaty Settlement Land includes land that is subject to conservation covenant to protect natural and historic features and to preserve public access.

5.5 Tangata Whenua Objectives

5.5.1 To involve Tangata Whenua as partners in policy development and implementation and decision making under the District Plan.

5.5.2 To recognise the importance of providing for the relationship of Maori, including their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga.

5.5.3 To recognise the different types of Maori Purpose Land that exist within the Kaipara District.

5.6 Tangata Whenua Policies

5.6.1 Recognising the partnership with Tangata Whenua by;

- Consultation is undertaken with Te Roroa on those matters that may affect their taonga, or their use, development and protection of the natural and physical environment (recognising Kaitiaki);
- Ensuring that active consideration is given to the impacts of development on taonga. This includes Tangata Whenua involvement in consent processing / hearings.



5.6.2 By recognising and protecting the values of Areas of Significance to Maori

17. Historic Heritage

17.1.3 The relationship of Maori and their culture and traditions to their ancestral lands, sites, waterways, waahi tapu, wai tapu, and other taonga is of national importance under the Resource Management Act 1991. The District Plan must therefore recognise and provide for this relationship. At the time of notification of the District Plan, few Maori heritage sites and areas were included in the Plan because the provision of information regarding the location and values of sites had not yet been fully considered by iwi. However, areas of significance to Maori, identified in relevant Treaty Settlements, have been included.

In consultation with tangata whenua, a change to the district plan may in time be introduced to identify, protect, and recognise additional areas of significance to Maori in accordance with Part 2 of the Resource Management Act 1991 and the principles of Te Tiriti o Waitangi. The custody of privileged information about Maori heritage sites may be retained and managed by Council. It will be held in a form that is not at risk of disclosure (unless this has been specifically authorised by iwi on a case by case basis).

18. Natural Landscapes

18.2 Resource Management Act Requirements Under the Resource Management Act 1991 the Council has a responsibility to manage landscapes and natural features and the contribution of landscapes to environmental quality as defined below: Section 6 of the Resource Management Act provides for "Matters of National Importance" which outlines that all persons exercising functions and powers under the Resource Management Act shall recognise and provide for matters of national importance. Of relevance to this Chapter are: The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes, and rivers and their margins, and the protection of them from inappropriate subdivision, use and development. The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development. The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, c) waahi tapu, and other taonga.

Summary

In KDC District Plan consultation with iwi is encouraged and provided for in various sections. Unfortunately, due consideration for consultation with Te Roroa was not provided for in the decision-making process for the disposal of this property. Due to its location and the significance of this place, any future development would not be supported by Te Roroa in seeking a resource consent.

Te Roroa would like the council to reconsider its decision to sell this property and to contemplate the idea of the property becoming a reserve that will enhance the cultural, environmental and historical values of Manuwhetai.



Section 110(1)(a): amended, on 17 December 1997, by section 26 of the Resource Management Amendment Act 1997 (1997 No 104).

Section 110(1)(a): amended, on 7 July 1993, by section 59 of the Resource Management Amendment Act 1993 (1993 No 65).

111 Use of financial contributions

Where a consent authority has received a cash contribution under section 108(2)(a), the authority shall deal with that money in reasonable accordance with the purposes for which the money was received.

Section 111: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 111: amended, on 17 December 1997, by section 27 of the Resource Management Amendment Act 1997 (1997 No 104).

Section 111: amended, on 7 July 1993, by section 60 of the Resource Management Amendment Act 1993 (1993 No 65).
