



Mana Whakahono ā Rohe

Statutory agreement between Northland Regional Council and hapū of Te Taitokerau

Document versions

Updates and new parties to the Mana Whakahono ā Rohe statutory agreement between Northland Regional Council and hapū of Te Taitokerau will be recorded below.

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Date	Change
5 December 2020	Te Patuharakeke Iwi Trust Board and Northland Regional council sign the agreement at Takahiwai Marae.
10 December 2020	Te Rūnanga o Ngāti Rēhia and Northland Regional Council at Whetu Marama Marae, Takou Bay

Hapū Mana Whakahono ā Rohe

Definitions:

“The hapū” – means an individual hapū signatory

1. Karakia

Ko Rangi e tū iho nei,
Ko Papa e whakaahuarangi nei,
Ka puta ko ngā atua Māori,
Ko Tuu,
Ko Rongo,
Ko Tāne,
Ko Haumietiketike,
Ko Tangaroa,
Ko Tāwhiri,
Ka puta te ira tangata ki te whei ao ki te ao mārama,
Ka tuhi ki runga, ka rarapa ki raro,
Whakairia ake rā e Rongo ki runga kia tina, tina!
Whano, whano haramai te toki,
Haumi ē, hui ē
Tāiki ē!

2. Whakatauaki

Kei te whānau te mana whenua,
Kei te hapū te kaitiakitanga,
Kei te iwi te whakaae,

3. Mihi

Ka whati te tii,
Ka wana te tii,
Ka rito te tii,

He mihi mōteatea ki ngā hunga wairua,
Kua tānikohia e rātou te kahu tapu, e ngā mate haere, haere, whakaoti atu rā,
Āpiti hono tātai hono, te hunga wairua ki te whenua,
Āpiti hono tātai hono, ko te whenua ki te hunga ora.

Ngā reo korokī me te reo korohī,
E ngā mana,
E ngā reo,
E ngā rau rangatira mā,
Mauri tū, mauri tau, mauri ora.

4. Te tuāpapa o te whakaaetanga | Agreement foundations

4.1 Te Tiriti o Waitangi

Te Taitokerau hapū are extremely passionate about their heritage and give regard to Te Tiriti o Waitangi as the founding document of this country. It recognises a partnership between Māori and the Crown, and for Māori, further cements the intent of He Whakaputanga o Te Rangatiratanga o Nū Tīreni (1835 Declaration of Independence).

He Whakaputanga o Te Rangatiratanga o Nū Tīreni (Declaration of Independence) and Te Tiriti o Waitangi provide the foundation doctrines of authority and partnership that are being sought by hapū in Government, including Local Government.

4.2 Te Pae Tawhiti | Vision

“He waka hourua, eke noa” - “A double hulled canoe embarking on a voyage of unity”

This whakatauki is a metaphor that represents:

- Partnership.
- A challenging journey requiring determination and collaboration.
- The application of Te Ao Māori in our journey e.g. the wairua dimension.
- Understanding, caring for and adapting to our natural environment.
- Self-reliance and a sustainable economy.

4.3 Kaupapa | Context

Te Mana Whakahono ā Rohe is a binding statutory arrangement that provides for a structured relationship under the Resource Management Act 1991 (RMA) between tangata whenua and councils.

The intent of Te Mana Whakahono ā Rohe is to improve working relationships between Tangata Whenua and Councils, and to enhance Māori participation in RMA decision-making processes, acknowledging that statutorily RMA decision making resides with councils.

Te Mana Whakahono ā Rohe does not replace the legal requirements for Te Mana Whakahono ā Rohe between the Northland Regional Council and Iwi authorities.

Te Mana Whakahono ā Rohe cannot limit any statutory requirements set out in Māori settlement legislation or any other legislation that provides a role for Māori in processes under the RMA (e.g., particular rights recognised under the Marine and Coastal Area Act 2011).

4.4 Ngā Roopū | Parties

Te Mana Whakahono ā Rohe is between the Northland Regional Council and the hapū of Te Taitokerau listed in Schedule One.

4.5 Te tauākī whanaungatanga o Te Kaunihera ā rohe o Te Taitokerau | Relationship statement – Northland Regional Council

The Northland Regional Council is committed to fostering healthy relationships and connections with hapū, leading to better quality outcomes including:

Supporting hapū mātauranga, expectations and aspirations.

- A greater understanding of one another's expectations and aspirations.
- Providing more clarity about priority areas of concern for hapū
- Increased opportunities to support hapū led projects and to establish shared projects/joint ventures
- Improved processes based on an understanding of one another's priorities, expectations and available resources.
- More efficient use of Council and hapū resources.

Healthy relationships are based on positive experiences, improving trust and confidence. The Northland Regional Council sees Te Mana Whakahono ā Rohe as a significant step in the development of these hapū-council relationships.

4.6 Ngā tikanga o te whanaungatanga | Relationship principles

These are the principles that have guided the development of Te Mana Whakahono ā Rohe and will continue to guide the relationship between the Northland Regional Council and the signatories:

- working together in good faith and in a spirit of co-operation
- communicating with each other in an open, transparent, and honest manner
- recognising and acknowledging the benefit of working together by sharing each other's respective vision, aspirations and expertise
- the Treaty of Waitangi Principles¹

¹ Refer Waitangi Tribunal principle of the Treaty - <https://www.waitangitribunal.govt.nz/treaty-of-waitangi/principles-of-the-treaty/>

5. He Whakaaetanga | Agreement

The Northland Regional Council and the hapū agree:

- to meet all the obligations and commitments made in Te Mana Whakahono ā Rohe.
- cover their own costs to meet the obligations and commitments (unless otherwise stated).

Any obligation or commitment in a particular circumstance may be varied with the agreement of the Northland Regional Council and the relevant hapū.

6. Te mahere tauākī ā rohe | Regional plan and regional policy statement - processes and participation

Regional plans and regional policy statements are the primary regulatory tools in the Northland Regional Council's tool box for managing the use of natural and physical resources in Northland

Regional policy statements provide an overview of the significant resource management issues of the region and objectives, policies and methods to achieve integrated management of the natural and physical resources of the region. It includes direction on tangata whenua participation in decision making plan development, consents and monitoring.

The Regional Plan includes objectives, policies and rules for the following matters:

- Soil conservation
- Water quality and quantity
- Aquatic ecosystems
- Biodiversity
- Natural hazards
- Discharge of contaminants
- Allocation of natural resources
- Assessing impact on tangata whenua values.

6.1 Te mahere tiakina taiao ā hapū | Hapū Environmental Management Plans (HEMPs)

6.1.1 Ngā mahi o mua | Background

Hapū Environmental Management Plans (HEMPs) may include:

- Whakapapa (genealogy) and rohe (area of interest)
- environmental, cultural, economic and spiritual aspirations and values
- areas of cultural and historical significance
- outline how the hapū expects to be involved in the management, development and protection of resources
- expectations for engagement and participation in RMA processes.

The RMA requires HEMPs to be taken into account when preparing or changing regional policy statements and regional and district plans - provided they have been recognised by an iwi authority and lodged with the council. They can also provide important guidance in the assessment of resource consent applications and other council functions.

6.1.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Provide a contestable fund of at least \$20,000 per year as a fund to assist Tangata Whenua to develop or review their environmental management plans 2.
- Set criteria for applications to the fund.
- If the hapū has lodged a HEMP with the Northland Regional Council:
 - When preparing a plan change³, the Northland Regional Council will provide the hapū with a written assessment of how the HEMP was taken into account in a draft plan change, and will provide at least 20 working days for the hapū to provide written comment back to the Northland Regional Council on the assessment and the draft plan change.
 - Record in the Section 32 report for all plan changes how relevant HEMPs have been taken into account when preparing or changing a policy statement or plan (as required by sections 61 and 66, RMA), and will report on any comments made by the hapū on the draft plan change in relation to the HEMP.
 - The Northland Regional Council will, in all resource consent decision documents for activities within the rohe of the hapū, record the HEMP and will provide a summary of how the HEMP was considered.

The hapū will:

- If applying to the contestable fund, demonstrate how the application meets the criteria.
- Provide the Northland Regional Council with a copy of any draft HEMP the hapū develops (and intends to lodge with the Northland Regional Council) and allow the Northland Regional Council at least 20 working days to provide comment.
- Provide the Northland Regional Council with an electronic copy of any HEMP they produce and want to be taken into account in resource management decisions.
- Provide evidence of endorsement from the hapū of any HEMP they provide to the Northland Regional Council.
- Agree to the Northland Regional Council recording on its website an electronic copy of any HEMP provided to the Northland Regional Council and a map showing the geographic extent of the HEMP.

6.2 Te mana i te whenua | Identifying sites or areas of significance (SOS)

6.2.1 Ngā mahi o mua | Background

The Regional Plan includes:

- a) a set of rules and policies for the protection of SOS.
- b) criteria a SOS must meet to be considered and/or included in the Regional Plan.
- c) maps of SOS.

The Regional Plan can only include SOS in freshwater or the coastal marine area. SOS on land are covered in district plans.

² The funding is not limited to signatory hapū. It is a contestable fund open to tangata whenua of Taitokerau.

³ “Plan change” includes variations, changes to the regional plan or regional policy statement, and a new regional plan or regional policy statement.

There are currently only a few SOS recorded in the Regional Plan. Hapū may want to add additional SOS to the Regional Plan to get the benefit of protection from the rules and policies.

The only way a SOS can be added to the Regional Plan is by a plan change. A plan change is a process set out in the RMA which requires notification, ability for people to make submissions and hearings.

6.2.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Provide the hapū with advice on the preparation of the processes and documentation required to meet the SOS criteria in the Regional Plan.
- Provide GIS assistance to the hapū to map their SOS (noting that staff resources may be limited at times through availability).
- Include any SOS provided by the hapū to the Northland Regional Council, which meets the Regional Plan criteria (as determined by the Northland Regional Council) and has the necessary supporting documentation, in the next relevant plan change to the Regional Plan as determined by the Northland Regional Council.

The hapū will:

- Give at least 40 working days' notice of any request by the hapū for GIS assistance to map SOS. This will allow time for the Northland Regional Council to plan the work around other commitments.
- Ensure that any SOS provided to the council for inclusion in the Regional Plan includes:
 - Documentation to demonstrate how the SOS meets the criteria in the Regional Plan (Policy D.1.5)
 - A map of the SOS
 - A worksheet for the SOS consistent with the worksheet used for existing SOS in the Regional Plan.
- Provide the Northland Regional Council a minimum of 20 working days for the opportunity to comment on the draft documentation supporting a SOS before it is formally lodged with the Northland Regional Council.
- When submitting a proposed SOS to be included in the Regional Plan, provide at least one contact who will be available to talk with people who may be impacted by the SOS.
- Put forward an expert on the SOS who will be available to provide advice (at no cost to the Northland Regional Council) on the SOS e.g. at a hearing or preparing evidence for the Environment Court.

6.3 Te tauākī kaupapa here matua | Policy statement and plan-change prioritisation

6.3.1 Ngā mahi o mua | Background

The Northland Regional Council prioritises the preparation or change of a policy statement or plan based on many factors including environmental risks, national requirements, available resourcing and the priorities expressed by the community and tangata whenua.

6.3.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Provide an opportunity to hapū to share their views with the Northland Regional Council on their priorities for changes to the Regional Plan or Regional Policy Statement. This opportunity will be provided every three years prior to the notification of the draft Long Term Plan for submissions.

(The Long Term Plan sets out the Northland Regional Councils services, activities and finances. It is updated every three years).

- Upon request of the hapū, provide a written statement summarising how changes to the Regional Plan or Regional Policy Statement set out in the Long Term Plan were determined.

The hapū will:

- If providing the Northland Regional Council with their views on priorities for changes to the Regional Plan or Regional Policy Statement, set out:
 - An explanation of why the hapū consider the changes are a priority.
 - Provide suggested wording changes to the Regional Plan or Regional Policy Statement (even if just in general terms) that are consistent with the form and structure of the Regional Plan or Regional Policy Statement.

6.4 Te mātanga o ngā mahere tauākī me te kaupapa here | Consultation when preparing or change of a proposed policy statement or plan

6.4.1 Ngā mahi o mua | Background

There are many benefits to consultation with Tangata Whenua including:

- identifying resource management issues of relevance
- identifying ways to achieve Tangata Whenua objectives in RMA plans
- providing for their relationship with their culture and traditions with ancestral lands, water, sites, wāhi tapu, and other taonga as set out in s6(e) of the RMA
- ensuring all actual and potential environmental effects are identified
- providing Tangata Whenua with active involvement in the exercise of kaitiakitanga

The Treaty of Waitangi provides for the exercise of Kawanatanga, while actively protecting Tino Rangatiratanga of Tangata Whenua in respect of their natural, physical and spiritual resources. When acting under the RMA councils and Tangata Whenua must take into account the principles of the Treaty of Waitangi (s8). Similar obligations are imposed on councils under the Local Government Act 2002 (LGA).

Statutory obligations and case law developed under the RMA have helped to translate how the obligations under the Treaty of Waitangi are to be given effect to in practice. Consultation, or the need to consult, arises from the principle of partnership in the Treaty of Waitangi - this requires the partners to act reasonably and to make informed decisions.

6.4.2 Te Whakaaetanga | The agreement

For every regional plan or regional policy statement change or preparation, the Northland Regional Council will:

- Ask hapū for their views on how consultation with Tangata Whenua should be carried out. This will occur prior to the first time the Northland Regional Council carries out any public consultation (e.g. release of an issues and options paper or draft plan change) and ideally during the project planning for the change or preparation.
- Prepare a Tangata Whenua consultation plan which sets out how the Northland Regional Council will consult with tangata whenua (either stand alone or part of a wider consultation or engagement plan).
- Provide a copy of the draft Tangata Whenua consultation plan to hapū and provide 20 working days for the hapū to make any comments.

- Provide a copy of the final tangata whenua consultation plan to hapū.

The hapū will:

- Provide any comments on the draft Tangata Whenua consultation plan to the Northland Regional Council no later than 20 working days after receipt.



6.5 Te tira mahere tauākī me te kaupapa here | Regional plan and policy statement hearing panel

6.5.1 Ngā mahi o mua | Background

The role of the hearing panel is to make recommendations to council on what changes should be made to the proposed wording of a change to a regional plan or regional policy statement.

In most instances, the hearing panel will include hearings commissioners, who are people with specialist expertise (e.g. water quality, planning and /or Te Ao Māori and Tikanga Māori).

6.5.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Maintain a set of criteria to be used when appointing an independent Māori commissioner (e.g. a commissioner with an understanding of Te Ao Māori/ Māori concepts and values associated with natural and physical resources, knowledge of tikanga Māori and a process for identifying conflict of interests).
- When preparing or reviewing the criteria to be used when appointing a Māori commissioner, invite the hapū to provide their views on the criteria.
- If the Northland Regional Council chooses to appoint a Māori commissioner:
 - The hapū will be invited to nominate one candidate.
 - The Northland Regional Council will assess all the candidates (including those nominated by the hapū) against the criteria.
 - The Northland Regional Council will inform the hapū of the selection of the successful candidate.
- If the Northland Regional Council intends to not appoint a Māori commissioner, then the Northland Regional Council will communicate this to the hapū including the reasons.

The hapū will:

- If nominating a candidate for a Māori values commissioner, include an assessment of the candidate against the criteria.

6.6 Te tira mahere tauākī me kaupapa here - Regional plan and policy statement hearings

6.6.1 Ngā mahi o mua | Background

The RMA provides a lot of flexibility for the running of hearings for regional plans and regional policy statements. This includes where hearings are held and the process for running the hearing.

The RMA requires that when a hearing is held, tikanga Māori must be recognised where appropriate, and evidence can be written or spoken in Māori⁴.

It is common practice for councils to hold some of the hearings on a marae.

6.6.2 Te Whakaaetanga | The agreement

The Northland Regional Council will, for any regional plan or regional policy statement hearing:

- Ask the hapū whether the hearings (or part of) should be held on a marae, and if so, which marae.

⁴ Section 39.

- Consider the advice from hapū when making a decision as to when and if part or all of a hearing will be heard on a marae and which marae.

The hapū will, if proposing a particular marae for a hearing:

- Outline the reasons why all or part of a hearing should be heard on the marae.
- Take into account the submitters (e.g. the number of submitters likely to attend if part of the hearing is on the marae, the geographic spread of the submitters and the costs to submitters of attending the hearing).
- Set out any particular tikanga that should be observed (e.g. because of the subject matter, people involved, or location).

7. Aronga angitū | Monitoring opportunities

7.1 Te mauri ā taiao me te aronga o ngā Mātauranga Māori | State of the environment and Mātauranga Māori monitoring

7.1.1 Ngā mahi o mua | Background

The Northland Regional Council monitors the state of Northland's environment. Northland Regional Council does not currently have a Mātauranga Māori-based environmental monitoring programme in place.

The use of Mātauranga Māori is a key opportunity for greater recognition of the role of hapū in the management of natural and physical resources. Opportunities for hapū to operationalise Mātauranga Māori in contemporary environmental monitoring allows them to realise a number of aspirations including fulfilling their obligations as kaitiaki and providing for the retention and transfer of traditional knowledge to successive generations. When hapū are leading these discussions they can ensure that Mātauranga Māori is protected from misuse and misappropriation.

7.1.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Upon request of the hapū, meet with the hapū to discuss:
 - The state of the environment monitoring (current and planned) in their rohe
 - Any aspirations the hapū has to undertake state of the environment monitoring on council's behalf
 - The potential to accompany council officers when they undertake state of the environment monitoring
 - Any aspirations the hapū has for council support of mātauranga Māori based environmental monitoring, including:
 - Financial support
 - Input into the design of any council supported regional Mātauranga Māori based environmental monitoring framework
 - Providing information and advice to assist hapū with their mātauranga Māori based environmental monitoring
 - Providing training to hapū
 - Incorporating the results and recommendations of hapū monitoring in council's monitoring reports.

- Ensure the Northland Regional Council's Group Manager responsible for state of the environment monitoring attends the meeting.
- Provide a written response to the matters discussed at the meeting, no later than 30 working days after the meeting.

Note: To be clear - the Northland Regional Council is not committing to deliver on any of the monitoring matters the hapū wishes to discuss.

- Should the Northland Regional Council decide to support a regional Mātauranga Māori-based environmental monitoring framework, it will ensure the hapū have opportunities to have input into its development and implementation.

7.2 Te aronga o ngā whakaaetanga rawa taiao | Resource consent monitoring

7.2.1 Ngā mahi o mua | Background

The Northland Regional Council must monitor compliance with resource consent conditions and their impact on the environment. There is the ability to involve hapū in resource consent monitoring including (for example) undertaking monitoring on council's behalf or accompanying council officers to monitor compliance. However, for this to happen there are issues that would need to be worked through, including capacity, health and safety requirements and legal issues of delegating authority to undertake council's monitoring functions.

7.2.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Upon request of the hapū, meet with the hapū to discuss the potential for people nominated by the hapū to be involved in monitoring compliance with resource consent conditions. This could include undertaking monitoring on council's behalf or accompanying council officers to monitor compliance.
- Ensure the Northland Regional Council's Group Manager responsible for resource consent monitoring attends the meeting.
- Provide a written response to the request no later than 30 working days after the meeting.

The hapū will:

- provide a report to the Northland Regional Council at least 10 working days prior to the meeting with the Northland Regional Council, which outlines:
 - The proposal.
 - The reasons for the proposal.
 - If the proposal includes undertaking resource consent compliance monitoring on council's behalf, it must include an outline of capability and capacity to undertake the monitoring and what the benefits would be for undertaking the monitoring (instead of council staff).

7.3 Arotake o te mahere tauākī, kauapapa here | Review of the regional plan and regional policy statement

7.3.1 Ngā mahi o mua | Background

The Northland Regional Council is required by the RMA to review the Regional Plan and the Regional Policy Statement every five years (section 35). The review assesses whether the provisions are fit for purpose and whether any changes should be made. One of the matters considered when undertaking a review are Hapū Environmental Management Plans (HEMPs).

7.3.2 Te whakaaetanga | The agreement

The Northland Regional Council will:

- Fund an independent planner with expertise in Māori perspectives to undertake a review of the Regional Plan and Regional Policy Statement when required by the RMA. The scope of the
- independent planner's review will be to assess the efficiency and effectiveness of the document being reviewed to implement Tangata Whenua aspirations.
- Invite the hapū to nominate one candidate for the independent planner's role.
- Assess all the candidates (there may a range of candidates e.g. nominated by other hapū or iwi organisations).
- Appoint the independent planner.
- Inform the hapū of the selection of the successful candidate and the reasons for that decision.
- Invite the hapū to a hui to discuss the document being reviewed. The outcomes from the hui will be recorded as part of the independent planner's review.
- Ask the hapū to provide any written comments they may have on the document being reviewed. The hapū will have up to 30 working days to provide written comments from the date of the invitation for written comments.
- The independent planners review will include an assessment of the hui outcomes, HEMPs, and any other relevant information that may inform tangata whenua perspectives of the document being reviewed (e.g. settlement legislation).
- The draft report from the independent planner will be circulated to hapū who will have 20 working days to provide comments. The independent planner will consider the comments in finalising the report.



8. Te whakataunga me ōna hua | Decision making and other opportunities

8.1 Te tuku mana - Delegation of functions, powers or duties

8.1.1 Ngā mahi o mua | Background

Section 34A of the RMA enables the Northland Regional Council to delegate any of its RMA functions, powers or duties (with some exceptions).

8.1.2 Te Whakaaetanga | The agreement

Northland Regional Council will:

- Upon request, meet with the hapū to discuss the delegation of any of the Northland Regional Council's RMA functions, powers or duties to the hapū (in accordance with section 34A of the RMA). The meeting will include the Northland Regional Council's chief executive officer and chair.
- Provide a written response to the delegation request no later than 30 working days after the meeting.

The hapū will:

- Prior to the meeting with the Northland Regional Council, provide a report which outlines:
 - The proposed function, power or duty to be delegated and any conditions of the delegation
 - The costs and benefits of exercising the proposed delegation compared to the Northland Regional Council exercising the functions, powers or duty
 - The capability and capacity of the hapū to exercise the delegation

8.2 Te tira whakaaetanga rawa taiao me te kaupapa here - Resource consent hearing panels

8.2.1 Ngā mahi o mua | Background

The Northland Regional Council regularly delegates decision making on notified resource consent applications to a hearing panel. In most instances, the hearing panel will include hearings commissioners, who are people with specialist expertise (e.g. water quality, planning and /or tikanga Māori).

8.2.2 Te Whakaaetanga | The agreement

The Northland Regional Council will:

- Maintain a list of preferred independent Māori commissioners⁵.
- Consider a nomination from the hapū to be added to the list of preferred independent Māori commissioners.
- Provide a written decision on whether the nominee will be added to the list of preferred independent Māori commissioners within 40 working days of receiving the nomination. If the decision is to decline the nomination, the written decision will outline the reasons why.
- Decide whether a Māori commissioner is appointed to the hearing panel for notified resource consent application. If a Māori commissioner is to be appointed, it will be from the list, unless there is good reason not to (e.g. due to unavailability or potential conflict of interest).

⁵Commissioners with an understanding of Te Ao Māori/ Māori concepts and values associated with natural and physical resources, knowledge of tikanga Māori and a process for identifying conflict of interests

- If requested by the hapū, provide a written response within 20 working days of receiving the request outlining the reasons for its decision, for a notified resource consent application, to:
 - Include a Māori commissioner on the hearing panel.
 - Select a particular Māori commissioner.

The hapū will:

- If it wishes, nominate a Māori commissioner to be appointed to the list. The person nominated must, as a minimum, have a current Ministry for the Environment hearing commissioner's accreditation.
- As part of the nomination, provide a written report outlining why the person is nominated and what skills and/or expertise they have.

8.3 Te huarahi whakaaetanga rawa taiao - Resource consent application processing

8.3.1 Ngā mahi o mua | Background

The Northland Regional Council has the responsibility to process and make decisions on resource consent applications. Hapū can be involved in various ways including engagement with applicants prior to applications being lodged, receiving copies of resource consent applications within their rohe, or being an 'affected party' and making submissions on notified consents.

8.3.2 Te Whakaaetanga | The agreement

Circulation of resource consent applications

The Northland Regional Council will:

- Encourage resource consent applicants to talk with hapū if the application is within the rohe of the hapū.
- Provide a copy of all resource consent applications within the rohe of the hapū after the application has been formally received.
- Provide hapū 12 working days to respond to the Northland Regional Council from the date the Northland Regional Council sent the copy of the resource consent application.
- If the hapū responds, the Northland Regional Council will talk with the hapū representative (phone or meeting, followed by email) to get a better understanding of the hapū concerns or to let the hapū know what the Northland Regional Council's response is to the concerns raised (with an explanation). This is to occur prior to a formal request for further information from the resource consent applicant, or before the decision on the resource consent application if no formal request for further information is made.

The hapū will include in any response to the Northland Regional Council circulation of a resource consent application:

- A brief description of the cultural values of concern and the effects of the proposal on them.
- A hapū representative and their contact details with whom the Northland Regional Council can discuss the resource consent application with.

Fund for assisting hapū with their participation in significant resource consent applications

The Northland Regional Council will:

- Maintain a fund of \$20,000 per year⁶ to assist hapū with funding their participation in significant resource consent applications (e.g. notified applications)⁷.
- Set the criteria for the fund, including that it can only be used for providing evidence of cultural impacts and it cannot be used to support an appeal against a council resource consent decision.
- Make the decision on whether to fund a hapū application.

The hapū will:

- When applying to the fund, demonstrate how the application meets the criteria.

8.4 Akoranga - Training

8.4.1 Ngā mahi o mua | Background

An important way to increase the capability of hapū to participate in resource management is to provide training. The number of Māori RMA technicians that have had any formal training is limited, and they are often expected to provide expert advice on a variety of complex planning and technical issues across a range of specialist areas.

The aim of the hearing commissioner's accreditation course is to provide participants with the skills and knowledge to guide them through the ethical, legal and practical requirements of decision making under RMA. Participants may not necessarily aspire to be hearing commissioners – the course provides a good overview of the RMA and how decisions are made.

8.4.2 Te Whakaaetanga | The agreement

Resource Management Act Training

The Northland Regional Council will:

- Host a minimum of two and a maximum of four hui or wananga a year to provide training to hapū about the RMA and RMA processes.
- Provide up to \$500 to support hosting each hui or wananga and make available staff to give presentations.
- Ask the hapū their views on venue, dates and the details of the hui or wananga.

Hearing Commissioner Accreditation

The Northland Regional Council will:

- Maintain a contestable fund to cover the course costs⁸ of three (3) Tangata Whenua per year to attend a Ministry for the Environment's "Making Good Decisions" course (the courses to achieve certification to be a commissioner under the RMA)⁹.
- Set criteria for the fund which will include eligibility and accountability criteria (e.g. must attend the full course and demonstrate capability to pass the course).

⁶ This is in addition to the fund supporting the review and preparation of HEMPs

⁷ The funding is not limited to signatory hapū. It is a contestable fund open to tangata whenua of Taitokerau.

⁸ \$2,148 excl gst per person as at January 2019.

⁹ The funding is not limited to signatory hapū. It is a contestable fund open to tangata whenua of Taitokerau.

- Refuse to fund any nominee if they do not adequately meet the criteria as determined by the Northland Regional Council.
- Upon request, discuss how the Northland Regional Council may be able to provide successful candidates assistance or support in their preparation for the course.

The hapū will:

- Include the reasons why the person wants to do the course and demonstrate that they have the capability to pass the course in a nomination to receive funding from the contestable fund.

9. Ngā raru huna | Conflicts of interest

Te Mana Whakahono ā Rohe must include a process for identifying and managing conflicts of interest (s.58R, RMA).

A conflict of interest is where a person's position could be used to unfairly gain benefit for another interest.

Any council staff making a decision relating to the implementation of Te Mana Whakahono ā Rohe will abide by council policies for managing conflicts of interest.

Any councillor making a decision relating to the implementation of Te Mana Whakahono ā Rohe will abide by the council's Code of Conduct.

The risk of conflicts of interest arising for the hapū implementing Te Mana Whakahono ā Rohe is considered very low. The Northland Regional Council is the decision maker for actions where there may otherwise be such a risk (such as allocation of funding). However, if the Northland Regional Council is of the view that there is an undue risk of a person representing the hapū or a person receiving any benefit arising from the implementation of Te Mana Whakahono ā Rohe having a conflict of interest, the Northland Regional Council may ask for evidence of endorsement from the hapū of the person. The Northland Regional Council may withhold from implementing the relevant action until the Northland Regional Council is satisfied with the evidence of the endorsement.

A conflict of interest does not arise for a person representing the hapū or receiving any benefit arising from the implementation of Te Mana Whakahono ā Rohe merely because they are a member of the hapū.

10. Ka tau te raru | Dispute resolution

Should a dispute arise about the implementation of Te Mana Whakahono ā Rohe, the hapū and the Northland Regional Council undertake to work together in good faith to resolve the dispute.

If the dispute cannot be resolved, the following steps will be taken:

- Any dispute may be referred to mediation in which an independent mediator will facilitate a negotiation between the hapū and the Northland Regional Council between the Parties. Mediation may be initiated by either party by notice in writing to the other party and must identify the dispute which is proposed for mediation.
- Upon receiving notice of the mediation, the other party will set out their position in relation to the dispute or disagreement in writing no later than 20 working days after receiving the notice.
- A suitable representative from the hapū and the Northland Regional Council with authority to resolve the dispute must attend the mediation.
- The mediation is to occur between 40 and 60 working days after the notice of mediation is received.

- e) The parties will agree on a suitable person to act as a mediator, or alternatively will request the Arbitrators and Mediators Institute of New Zealand Inc to appoint a mediator.
- f) If the dispute is not resolved by mediation, then it shall remain unresolved, and neither party is obliged to carry out any action relating to the dispute.
- g) Each party to pay for their own costs for the mediation, except the Northland Regional Council will pay for the mediator.

11. Arotake | Review

Regular reviews of Te Mana Whakahono ā Rohe will ensure it works effectively and remains fit for purpose. The RMA requires a review every six years from the signing of Te Mana Whakahono ā Rohe as a default (section 58T).

11.1.1 Agreed review process

- a) The first review will start no later than three months following the five year anniversary of the first hapū signing Te Mana Whakahono ā Rohe (hereon referred to as the review start date).
- b) The Northland Regional Council will undertake a review which will include (but is not limited to)
 - An analysis of the extent the obligations and commitments of have been met.
 - An assessment of whether the obligations and commitments are still effective and remain fit for purpose.
 - A recommendation on what changes (if any) should be made to Te Mana Whakahono ā Rohe. This may include the termination of Te Mana Whakahono ā Rohe either in its entirety or with individual hapū.
- c) The Northland Regional Council will provide a written copy of its review to the hapū. This must be provided to the hapū no later than 60 working days after the review start date.
- d) The hapū will undertake their own review and provide a written copy of it no later than 100 working days after the review start date.
- e) The Northland Regional Council will organise a hui at a geographically central marae to discuss the reviews:
 - i. The hui will be held between no later than 140 working days after the review start date. The hui will be facilitated by an independent facilitator¹⁰.
 - ii. The hui will be with all the hapū.
 - iii. The Northland Regional Council will appoint the facilitator and will aim to appoint someone with experience in tikanga, Māori perspectives and the RMA.
 - iv. The Northland Regional Council will cover the costs of hosting the hui (but not the costs of the hapū attendance) and the independent facilitator.
 - v. The chief executive officer and the chair of the Northland Regional Council will attend the hui.
 - vi. The equivalent of the chief executive officer and/or chair of each hapū will attend the hui.

¹⁰ The facilitator is a dispute resolution practitioner who helps the parties reach their own resolution in mediation, but does not decide the outcome. The facilitator must be impartial and independent, fairly and objectively listen to the areas of disagreement and help the parties to identify common ground and areas where agreement can be reached.

- vii. A key objective of the hui will be to get a clear understanding of the respective views of the parties, including matters of agreement and disagreement.
- viii. At the end of the hui, the outcomes will be recorded and each party will confirm that it is an accurate record.
- f) The record of the outcomes will be reported to the Northland Regional Council at a full council meeting and the governance body for the hapū. Direction from council will also be sought on the next steps, with the objective of reaching agreement between the Northland Regional Council and the hapū - but recognising that this may not be possible.

12. Ngā tīnihanga | Amendments

Te Mana Whakahono ā Rohe may be amended at any time with the agreement (in writing) of the hapū and the Northland Regional Council.

13. Whakamutua | Termination

Te Mana Whakahono ā Rohe shall conclude six years from the date of signing, unless otherwise agreed by the hapū and the Northland Regional Council.



Schedules

To the Mana Whakahono ā Rohe statutory agreement between
Northland Regional Council and hapū of Te Taitokerau

Schedule 1 – Execution

This Mana Whakahono ā Rohe statutory agreement is signed by Northland Regional Council and hapū of Te Taitokerau

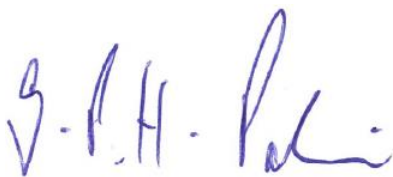


Penny Smart

Chair, Northland Regional Council



Dated: 5/12/2020



Gilbert Paki

Chair, Te Patuharakeke Iwi Trust

**Refer to Schedule 2 for the statement by
Te Patuharakeke.**



Dated: 5/12/2020

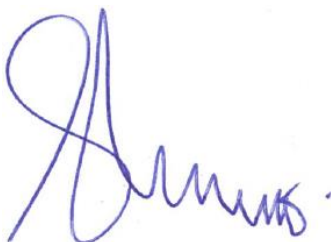


Penny Smart

Chair, Northland Regional Council



Dated: 10 Dec 2020



William Skipper (Kipa) Munro

Chair, Te Rūnanga o Ngāti Rēhia

**Refer to Schedule 2 for the statement by
Te Rūnanga o Ngāti Rēhia.**



Dated: 10 DEC 2020

Schedule 2 – Hapū Statements

Hapū statements to this Mana Whakahono ā Rohe statutory agreement with Northland Regional Council.

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Patuharakeke Te Iwi Trust Board – Hapū Statement

Date: 30 September, 2020

Author: Juliane Chetham, Patuharakeke Te Iwi Trust Board

Pepeha

Ko Manaia te Maunga

Ko Whangārei Terenga Paraoa te Moana

Ko Takahiwai te Marae

Ko Rangiora te Whare Hui

Ko Te Patuharakeke te Hapū

Tihei mauri ora!

Te Patuharakeke Mana Whenua Mana Moana

As outlined in the pepeha above, the whakapapa we give begins with Manaia as our maunga, Whangārei Terenga Paraoa as our moana, Rangiora as our whare tupuna, Takahiwai as our place to stand and we the people are Patuharakeke. Te Patuharakeke is derived from several Whangārei hapū that have origins in Ngai Tahu and Ngāti Manaia. Due to our composite hapū structure we have links to a number of contemporary iwi groups in the north, including Ngāti Wai, Ngapuhi nui tonu, and Ngāti Whatua. As such we acknowledge that in various areas mana whenua is shared with our neighbouring whānau hapū and iwi.

The Patuharakeke Rohe is located on the south side of the Whāngarei harbour and includes Takahiwai marae at Takahiwai. The rohe of Patuharakeke stretches on the seaward side, including the foreshore and seabed, from a point at the north of Mangawhai Heads to the entrance of the Mangapai River just south of Whāngarei. It includes the offshore islands out to Te Hauturu o Toi to Aotea and up through the Mokohinau's to Tawhitirahi and Aorangi (the Poor Knights) and encompassing Marotiri, Ngatuturu and Taranga (the Hen and Chickens). The boundary extends inland to include the Brynderwyn and Kukumui Ranges. The attached map provides a visual depiction of our current mainland and coastal rohe for the purposes of contemporary management. Patuharakeke hapū is represented by the Patuharakeke Te Iwi Trust Board (PTB)¹¹ and its various committees including the Taiao/Environmental Unit. PTB has held the mandate to *inter alia* pursue educational, economic, cultural advancement and the protection of all land, water and sea based resources since its establishment in 1990.

Kupu Whakataki

Over the last several decades Patuharakeke hapū have been faced with increasing pressure to respond and have input into a variety of issues including the increased industrialisation in our rohe, progression and redress of treaty claims, resource management planning and customary fisheries issues. **Some key issues for Patuharakeke in the environmental space include:**

¹¹ <https://www.patuharakeke.maori.nz/patuharakeke-trust-board>

- Fresh and coastal water quality impacts from sedimentation and pollution, and
- Dredging and reclamation of Whangārei Terenga Paraoa, and
- Loss of biodiversity throughout the rohe, and
- Biosecurity risks to taonga species and their habitats, and
- Climate Change and its effects on our kainga, marae, wāhi tapu and other taonga; and
- Our ability to ensure ahikāroa, and kaitiakitanga can be maintained and enhanced.

Patuharakeke Te Iwi Trust Board has long played a strong advocacy role as mana whenua, ahi kā and kaitiaki in the environmental management space, including through consistent participation in council planning processes such as the development of the Northland Regional Policy Statement.

In recognition of the need to engage strategically in these matters Patuharakeke produced a Hapū Environmental Management Plan ('HEMP')¹² in 2014 which was lodged with NRC and the Whangārei District Council. Since 2016 PTB have also been represented on Te Taitokerau Māori and Council Working Party ('TTMAC') and its associated Māori Technical Advisory Group ('MTAG') and actively engages with NRC staff and Councillors through that forum on a wide range of issues of interest. PTB is also represented on a number of other NRC led committees such as the Whangārei Harbour Catchment Group and Ruakaka River Liaison Working Group. In addition, our Taiao/Environmental Unit maintains a number of operational relationships with various NRC teams and staff in relation to resource consent issues and processing, biodiversity and biosecurity matters, and monitoring of fresh and coastal waters.

Ngā Whāinga o te Mana Whakahono a Rohe

Through these existing relationships PTB have been able to successfully influence the shape of the Northland Proposed Regional Plan as it pertains to our rohe, eg. through the inclusion of several mapped Site of Significance to Tangata Whenua in the plan maps. We see this ongoing involvement as a contemporary expression of Rangatiratanga and kaitiakitanga. This Mana Whakahono a Rohe Agreement ('MWAR') presents another, more formal layer to the relationship that further supports the HEMP provisions, the existing representation on Te Taitokerau Māori and Council working party (TTMAC) and current collaboration on operational activities. It will provide a consistent and encompassing approach that brings many of these activities and aspirations together in a holistic fashion and secures an enduring relationship enshrined in the RMA in the event that internal NRC and PTB Governance, Operations and policies change over time. We anticipate the MWAR will enable a sustained focus between the parties on a number of areas that will support Patuharakeke mana whenua and kaitiaki objectives in regional planning such as: promoting use of Māori commissioners and marae as venue for hearings; opportunities for utilisation of Mātauranga Māori informed monitoring; improved participation in resource consent processes and compliance monitoring; and opportunities for capacity building and increased involvement in policy development.

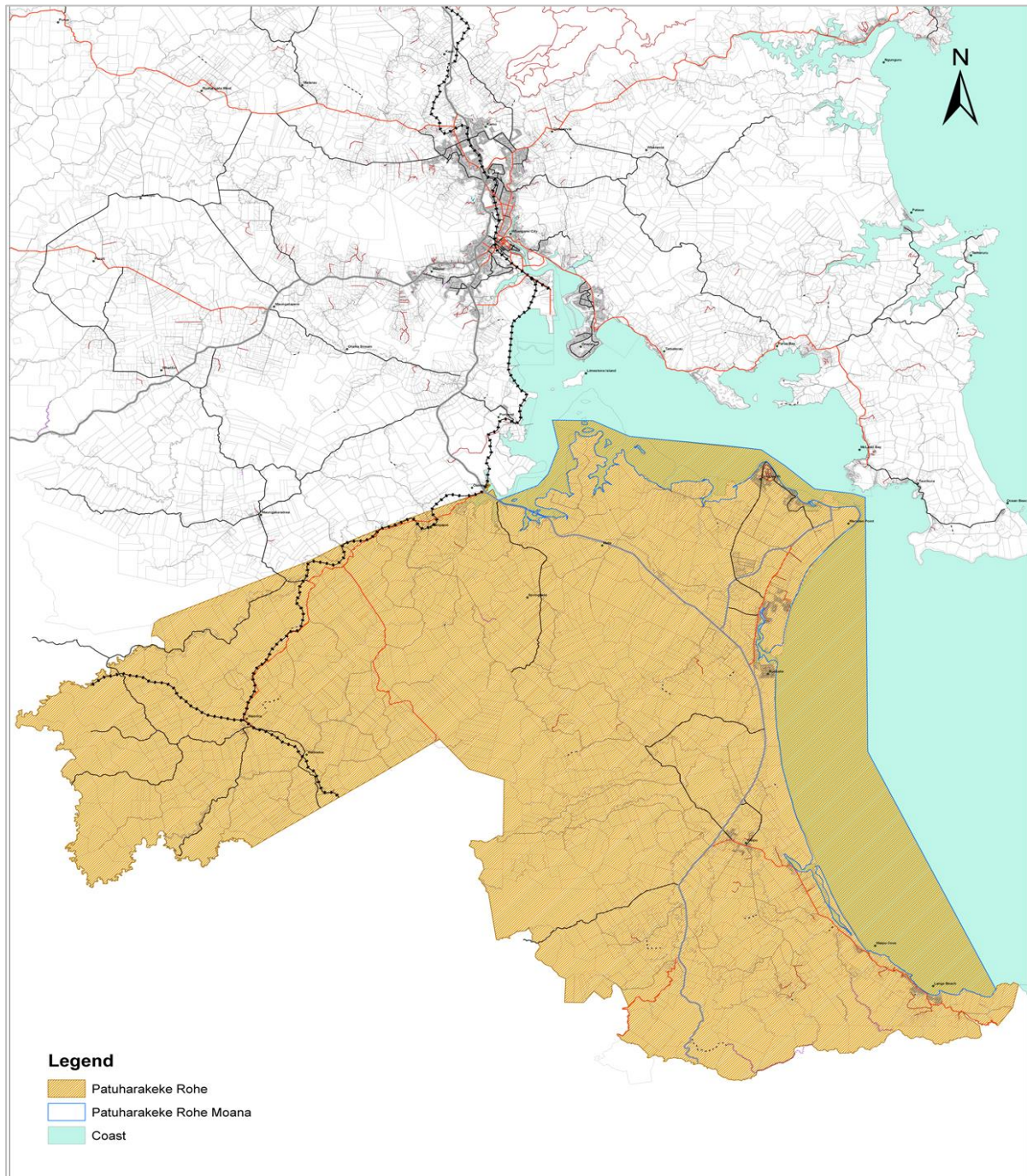
Kupu Whakatepe

We envisage Te Mana Whakahono a Rohe will provide for a more equitable partnership between Patuharakeke and NRC in resource management planning and decision-making. We look forward to

¹² <https://www.patuharakeke.maori.nz/hapu-environ-management>

this journey together and contributing to improved and shared understandings and outcomes for our rohe.

Patuharakeke Rohe Map



Te Rūnanga o Ngāti Rēhia – Hapū Statement

Date: 10 December, 2020

Author: Te Rūnanga o Ngāti Rēhia on behalf of the hapū, Ngāti Rēhia

Pepeha

Ko Matakā te tūtei ki te taha hauraro o te pūaha
Ko Rākaumangamanga ki te Rāwhiti.
E rere atū nei te Kerei Manqonui, te Awa o ngā Ranqatira
Titiro whakararo ki Orongo, ki Tākou awa
Te wāhi i mataaraaratia ai e Puhi
Te waka tūpuna o Mataatua e moe mai rā
Whiti whakateuru ki te nqāherehere nui o te Puketi
Pohutu noa atu ki te moana o Omapere
Awhiowhio te rangi kei runga Whakataha Maunga
Kei raro ko te awa o Waitangi
Ka hirere ki Pokākā
Tōtika te whatumanawa o Īpipiri
Ko Ngāti Rēhia te hapū
Ko Ngāpuhi nui tonu te iwi
Ko Whitiara, ko Hiruharama Hou, ko Whetu Mārama ōnā marae
Tihewa mauri ora ki te wheiao, ki te ao Mārama

Matakā is the sentinel mountain that stands at the northern aspect of the harbour mouth
Rākaumangamanga stands in the East
Both Kerei Mangonui and The River of Chiefs flow there-ward Gazing Northward to Mount Orongo,
and the River of Takou
The territory cautiously guarded by our ancestor Puhi
The ancestral canoe Mataatua there gently sleeps
Before crossing westward to join Puketi Forest Sweep past
And onward to plunge into Lake Ōmāpere
We turn rising skyward to Whakataha Mountain
The fountain head of Waitangi River below
Gushing eastward to Mount Pokākā
Inexorably to the heart of the Bay of Islands
Ngāti Rēhia the tribe
Ngāpuhi the nation
Whose Marae are Whitiara; Hiruharama Hou and Whetu Mārama
This breath drawn life animates the emergent world into broad day light

As set out in this pepeha, today, Ngāti Rēhia describe ourselves as a key hapū of Ngāpuhi covering a geographic area from Oromahoe, Lake Omapere and Waitangi in the south to Puketi, Te Tii and Takou Bay in the North, including the Bay of Islands and all the mountains, rivers, and forests in the general area depicted on the map attached. In the contemporary management system of today, Ngāti Rēhia are the recognised Tangata Whenua, Ahi Kā and Kaitiaki of our rohe moana and whenua.

Whakatauki o Ngāti Rēhia

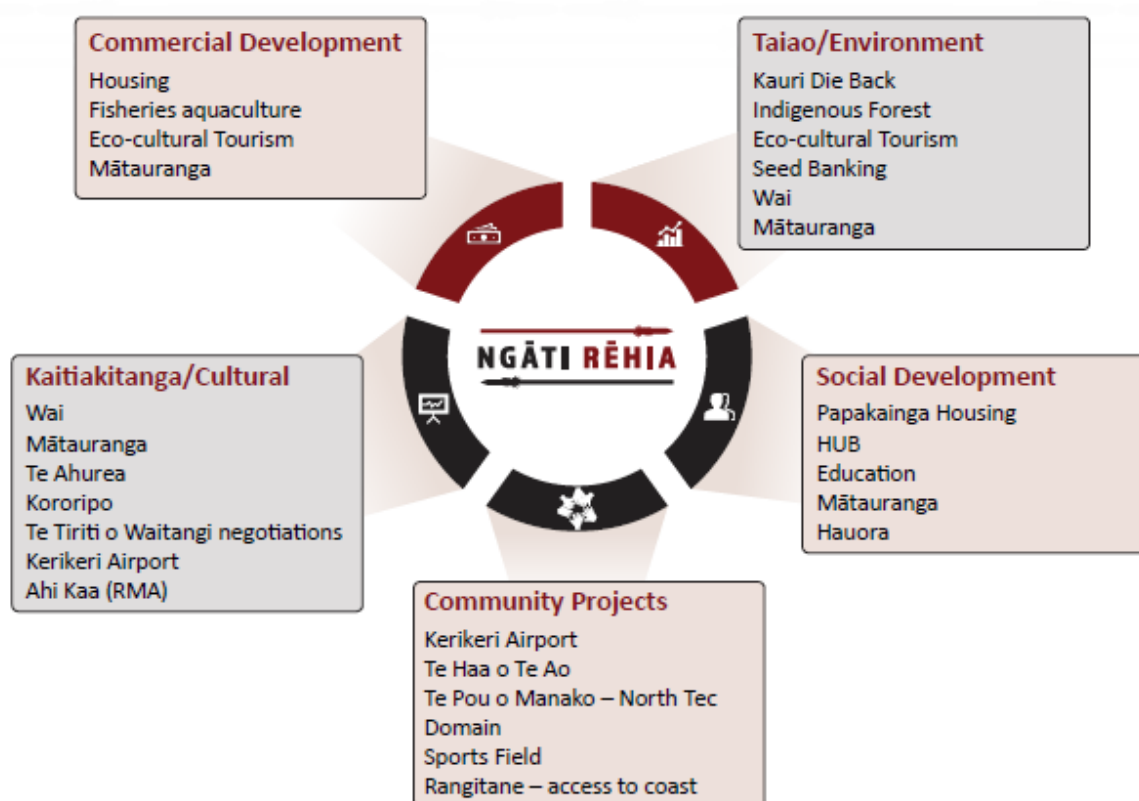
Ngāti Rēhia matamomoe
Ngāti Rēhia matakaka

Ngāti Rēhia the sleeping giant
Ngāti Rēhia when awakens faces all challenges

Embedded within our whakapapa, stories, memories, and landscapes are the pathways for the expression and practice of our values and tikanga. It is through this whakapapa that we are inextricably linked to our world. Our social, cultural, environmental, and economic well-being is dependent on that continued connection and knowledge. The whakatauki above describes well the last two decades of history for Ngāti Rēhia. Despite the numerous pressures and challenges faced by Ngāti Rēhia over the years as a result of colonisation, Ngāti Rēhia have consistently taken advantage of opportunities provided to us to ensure our connection to our world, our culture and our mātauranga tuku iho is not lost.

It is from this lens that Ngāti Rēhia established Te Rūnanga o Ngāti Rēhia (TRONR) in 2002, to provide the platform for the political and operational leadership for our hapū within our rohe moana and whenua. The main objective of TRONR is to develop a sustainable economic, social, and cultural base for the continued growth of our hapū and to become actively involved in a range of issues associated with our role as tangata whenua and kaitiaki.

SUSTAINABLE ECONOMIC DEVELOPMENT



Since 2002, the Rūnanga has recorded our position as follows:

- Te Rūnanga o Ngāti Rēhia (TRONR) is the hapū authority of Ngāti Rēhia. Ngāti Rēhia hold Mana i te whenua and Mana i te moana over the traditional rohe of the hapū. TRONR acknowledges that such mana is not necessarily held exclusively. TRONR considers that overlaps in traditional authority between ngā hapū o Ngāpuhi are areas of “shared interest” rather than areas of conflict
- Te Rūnanga o Ngāti Rēhia, on behalf of Ngāti Rēhia claim Ahi-kā and tangata whenua status over this rohe
- Ngāti Rēhia are proudly Ngāpuhi and acknowledge the guardianship of times past and the mana in which resources were shared with other Ngāpuhi hapū, whose lives, stories, and whakapapa are also interwoven into the landscape. We acknowledge those common interests and kaitiakitanga of our neighbouring whanaunga hapū
- As of 2004, Ngāti Rēhia hapū were estimated to constitute a population of approximately 3,700, including those living at Takou and Te Tii as well as many residing around Kerikeri and the Bay of Islands.

Whakataunga horopaki

Our history and whakapapa, the pā on the ridgelines and the very names our ancestors bestowed on all parts of the landscape are testimony of a time before resource management, biodiversity, global warming, fee simple land title, council rates and carbon sinks. A time when our kaitiakitanga was the preferred management system and the tools of rāhui, tapu, manaaki and karakia were used in place of reserves, regulation, and policy.

In those times, the failure to live sustainably and in harmony with the environment and the seasons had severe and drastic consequences for our people. Successful management was entirely reliant on the strength of the whānau and hapū to work together for the collective good. It was reliant on the relationships forged by whanaungatanga and kotahitanga.

Since the advent of colonisation and the introduction of new cultures, species, values and processes, the management of our rohe and our resources has taken on many new characteristics. For the sustainability of the resources and rohe for which we are kaitiaki to be achieved, relationships today are far more complex. Not only are there all the traditional relationships to honour, nurture and reinforce with whānau, hapū and iwi but there are our relationships with all the new communities that have arrived, and continue to arrive, not to mention all the various agencies of government – at local, regional and central levels. We welcome these relationships.

Over the past decade or more, Ngāti Rēhia has witnessed an explosion of development in our rohe moana and whenua. This has led to an increase pressure on our hapū to provide advice and input into a variety of challenging and complex environmental, resource management, and treaty redress issues. These issues are compounded by the increasing desire for coastal lifestyles, the expansion of the Kerikeri-Waipapa urban area, and the growth in tourism.

Some key issues for Ngāti Rēhia in the environmental space are (including but not limited to):

- Degradation of the freshwater and coastal water bodies from development pressure, poor land use practices, sedimentation, and pollution.
- Loss of biodiversity throughout the rohe moana and whenua.
- Biosecurity risks to taonga species and habitats.

- Aquaculture and water allocation policies.
- Western Science not recognising Kaitiakitanga methodologies.
- Alienation of land and loss of access to traditional freshwater and coastal kai gathering areas.

The need to prepare an environmental management plan was identified by TRONR many years ago. The current Ngāti Rēhia Hapū Environmental Management Plan (Third edition, 2018) sets out our vision, values and responsibilities as Tangata Whenua and Kaitiaki of our rohe. TRONR believe that strong partnerships and relationships are fundamental to the successful application and implementation of our Hapū Environmental Management Plan and the aspirations of our hapū.

Ngāti Rēhia have and will continue to actively participate in the decision-making processes with the regional council, where those decisions affect the hapū, our values or taonga.

Mana Whakahono ā-Rohe

As set out above, Te Rūnanga o Ngāti Rēhia (TRONR) represents the Hapū of Ngāti Rēhia within its rohe moana and rohe whenua. Ngāti Rēhia is the recognised Tangata Whenua, Ahi-Kā and Kaitiaki of this area. Ngāti Rēhia see the whenua and moana as taonga. We have existed together with these taonga mai rānō, and our relationship with the land and sea is built on respect and the understanding that we are the Tangata Whenua, Ahi-Kā and Kaitiaki.

Ngāti Rēhia believe in and promote the agreements and promises made in both He Whakaputanga o Te Rangatiratanga o Niu Tirenī and Te Tiriti ō Waitangi and are of the view that they are the founding documents of Aotearoa. The Waitangi Tribunal Te Paparahi o Te Raki 2016 Stage 1 Report found that Ngāpuhi never ceded sovereignty. It is on this basis that Ngāti Rēhia seek to meaningfully engage with the Northland Regional Council (NRC) on a regular basis. Additionally, the introduction of the Local Government Act 2002 and the amendments to the Resource Management Act 1991 have underscored the need for agencies to provide for the participation of tangata whenua in their decision-making and forward planning processes. Ngāti Rēhia welcomes these statutory directives and looks forward to working directly at this level with NRC under this formal agreement.

Ngāti Rēhia rohe map

