

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14 of Schedule 1 of the Act

BETWEEN **BAY OF ISLANDS MARITIME PARK
INCORPORATED**
ENV-2019-AKL-000117

**ROYAL FOREST AND BIRD PROTECTION SOCIETY
OF NEW ZEALAND INCORPORATED**
ENV-2019-AKL-000127

Appellants

AND **NORTHLAND REGIONAL COUNCIL**

Respondent

**JULIANE KATHRYN CHETHAM
EVIDENCE IN CHIEF
KAITIAKITANGA AND CUSTOMARY FISHERIES MANAGEMENT**

**TOPIC 14: MARINE PROTECTED AREAS
14 MAY 2021**


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INTRODUCTION, QUALIFICATIONS AND EXPERIENCE

Ko Manaia te Maunga

Ko Whangarei Terenga Paraoa te Moana

Ko Pukekauri te Awa

Ko Takahiwai te Whenua

Ko Takahiwai te Marae

Ko Patuharakeke te hapū

Ko Ngapuhi me Ngātiwai ōku iwi

Ko Juliane Chetham tōku ingoa

1. My name is Juliane Kathryn Chetham. I am a descendant of Patuharakeke and was raised at Rauiri (Blacksmiths Creek) on the shores of the Whangārei Harbour.
2. For the past 10 years I have been a Trustee on Patuharakeke Te Iwi Trust Board (“the Trust”), holding the resource management and customary fisheries portfolios.
3. I provided evidence to the Waitangi Tribunal – Te Paparahi o Te Raki (Northland) Inquiry (WAI 1040, WAI 745, WAI 1308) on behalf of the Trust in October 2013 and February 2016. The focus of my evidence was on Patuharakeke’s natural resources and environment, including Whangarei Terenga Paraoa - the harbour, waterways, ancestral lands and other sites of significance to Patuharakeke; and the hapū’s participation in local and central government processes. One of the topics in my evidence was customary fisheries.
4. I hold a Bachelor of Science degree majoring in Geography and Marine Biology and a Master of Science degree (with First Class Honours) specialising in Coastal Management, both from Auckland University. My Masters thesis addressed Kaitiakitanga and the Resource Management Act, utilising a case study of the consent for the establishment of the Northland Port Corporation Timber Port (now known as Northport) in the Whangarei Harbour.
5. I have worked both in the field of environmental consultancy and in resource consent processing at the district council level. I spent several years as the Manager of the

Environmental Arm of an Iwi Settlement Authority and for the last decade I have been running my own consultancy, Chetham Consulting Limited, specialising in Maori resource management matters and contracting to various iwi, hapū and central and local government agencies.

6. In my professional and trustee roles my experience has included preparation of cultural impact assessments and advice on tangata whenua engagement, preparation of cultural authority agreements and triggers documents, preparation of evidence for the Waitangi Tribunal, preparation of reports on cultural landscapes and sites of significance to tangata whenua, preparation of submissions and evidence on district and regional plan and policy development and resource consents, presentation of evidence at district and regional council hearings, development of cultural and mātauranga Māori monitoring frameworks, development of hapū/iwi management plans, customary fisheries policy, shellfish, freshwater and biosecurity monitoring programmes. Details of my experience are included in **Appendix A**.
7. I am an accredited Hearings Commissioner. I have been a member of Auckland Council's independent hearing commissioner pool since December 2015, and have sat on hearing panels for Auckland Council, Queenstown Lakes District Council's District Council, and the Environmental Protection Authority.
8. I have formerly held advisory roles on the following regional and national groups:
 - Maori Advisor to Whangarei District Council Planning Committee (2016)
9. I hold current advisory roles on the following regional and national groups:
 - Kauri Dieback National Programme's Tangata Whenua Roopu Executive Committee (2009-present)
 - Te Tira Whakamataki Māori Biosecurity Network
 - Biosecurity 2025 Maori Focus Group

- Te Tai Tokerau Māori and Council (**TTMAC**) Working Party (Northland Regional Council)
- Te Huinga/ Te Karearea Hapū of Whangarei Advisory Committee to WDC
- Whangarei Harbour Catchment Advisory Group (2013-present)
- EPA Member Maori National Network (Te Herenga)
- NZ Biological Heritage National Science Challenge Stage 1: Myrtle Rust and Kauri Dieback - Rapid Implementation Group & Scoping Group
- NZ Biological Heritage National Science – Nga Rakau Taketake Research Programme - Māori co-lead

Code of conduct

10. I have read and agree to comply with the Code of Conduct for expert witnesses as set out in the Environment Court Consolidated Practice Note 2014. I confirm that the evidence that I present is based on my qualifications and experience, and within my area of expertise. I am not aware of any material facts which might alter or detract from the opinions I express. If I rely on the evidence or opinions of another, my evidence will acknowledge that.
11. I have not participated in any formal expert conferencing or caucusing with respect to this evidence.
12. I confirm that I am authorised by the Trust to present this evidence.

The Trust's interest in the proceedings

13. The Trust is a 274 party in support of the Forest & Bird appeal.
14. The Trust's interest in the proceedings is to support the exercise of hapū rangatiratanga in the protection and restoration of taonga species (including kaimoana, customary fisheries) and their habitat. This is applied holistically through a

Te Ao Māori and Tikanga based approach which seeks to (in a contemporary sense) utilise the tools available under the RMA as part of the practical expression of kaitiakitanga.

15. There appear to be a perception amongst some parties that the Fisheries Act is better equipped to deal with the type of outcomes the Appellants are seeking to achieve through Regional Plan provisions.
16. While I could describe at length the Treaty and fisheries management issues I believe are relevant and render the application of the Fisheries Act unfavourable to hapū trying to practice habitat or ecosystem management, I acknowledge that many of those issues are outside the scope of this hearing. However, I do consider that my experience of customary fisheries management under the Fisheries Act is relevant to consideration of RMA section 32 costs and benefits.
17. The Trust does not currently seek Marine Protected Areas (“MPA”) in the Proposed Regional Plan for Northland (“Proposed Plan”) in its own rohe. However, the Trust may in the future wish to explore the option of an holistic MPA approach.

Scope of evidence

18. My evidence is in five parts.
 - a. Patuharakeke’s rohe and role in customary fisheries management.
 - b. Recognition of Patuharakeke’s customary fisheries as Sites of Significance to Tangata Whenua in the Proposed Plan.
 - c. Te Ao Maori / ki uta ki tai.
 - d. My experience of customary fisheries management under the Fisheries Act.
 - e. Support for Marine Protected Area provisions in the Proposed Plan.

PART ONE**Patuharakeke's rohe**

19. Patuharakeke acknowledge that in various areas we share mana whenua with other hapū, however below is a summarized version of our wider rohe, which includes:

"...all the lands beginning at Otaika then west to Tangihua ranges. This includes Ruarangi. Then south through Waikiekie and on to Taipuha and then across to Wakatarariki (Bream Tail)... onwards to the northern point of Mangawhai harbour, then 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). This shared mana whenua and mana moana to these islands is acknowledged through Oneho the daughter of Te Taotahi, son of Motatau, and their ancient Ngati Manaia whakapapa. At the Northeastern side of the entrance to Whangarei Harbour, at Home Point, sits the pa of Hikurangi, then at Whangarei Heads (Te Whara) the pa of Te Whakaariki and at Tamaterau the small sentinel pa of Te Pirihi is situated. The boundary runs across the harbour to the south side up through Toetoe to Otaika (the point of commencement) and back down the harbour to take in Kopuwaiwaha, Mangapai, Totara, Springfield, Mata, Mangawhati, Ngatiti, Takahiwai, One Tree Point, Poupouwhenua, Ruakaka, Waipu and Langs Beach to Wakatarariki (Bream Tail)"¹.

20. A visual depiction of Patuharakeke's current mainland rohe for the purposes of contemporary management is provided in **Appendix C**. All the lands and waters, including swamps, lakes and ranges encompassed in this territory have traditionally been the domain of Patuharakeke with occasional seasonal rights such as Patunga Kuaka (traditional Godwit harvesting site), Parera (ducks), Kopua Mango (shark pools), Manu Oi (shearwaters/muttonbirds) shared in common with other related hapū.

¹ As described in Brief of Evidence of Paraire Pirihi, Te Paparahi o Te Raki Waitangi Tribunal Hearings October 2013

Patuharakeke's role in customary fisheries management

21. The Trust has been in existence since 1990. The Trust Deed sets out a number of objects and purposes including such matters as:

- Seeking opportunities for and encouraging training, work experience and creation of employment for Patuharakeke people;
- Promoting and make provision for educational and economic advancement including the promotion and maintenance of the health, education and spiritual wellbeing of Patuharakeke people;
- To protect and utilise all land, water and sea based resources of Patuharakeke Te Iwi.

22. Patuharakeke have a long history of engaging in environmental issues. The Trust has established a number of sub committees that deal with the various matters as set out above, such as the Rohe Moana Sub Committee and the Taiao/Resource Management Unit. The Rohe Moana Sub Committee is mandated to act on the Trust's behalf on all matters pertaining to customary fisheries.

23. The Trust's kaitiaki are gazetted under the Fisheries (Kaimoana Customary Fishing) Regulations 1998² and a map of Patuharakeke's rohe moana is provided in **Appendix B**.³

24. The Trust and the Taiao unit utilise the Patuharakeke Hapu Environmental Management plan ("Patuharakeke HEMP")⁴ to:

² <http://www.legislation.govt.nz/regulation/public/1998/0434/latest/DLM267987.html>

³ sourced from

<https://maps.mpi.govt.nz/templates/MPIViewer/?appid=96f54e1918554ebbf17f965f0d961e1>

⁴ <https://patuharakeke.maori.nz/wp-content/uploads/2015/02/Patuharakeke-Hapu-Environmental-Management-Plan-December-2014.pdf>

- guide appropriate engagement and participation of Patuharakeke in the planning and decision-making processes of councils, agencies, and developers with respect to our rohe;
- assert our tino rangatiratanga and kaitiakitanga over our natural environment and all ancestral taonga;
- achieve the intent of empowering legislative provisions such as RMA s6(e);
- clearly identify the environmental management kaupapa of Patuharakeke.

25. Patuharakeke HEMP is lodged with Northland Regional Council, Whangarei District Council, Heritage New Zealand / Pouhere Taonga, and the Department of Conservation.

26. The Trust is listed on the Te Kahui Mangai register as an “other iwi authority” for the purposes of the Resource Management Act 1991.⁵

27. The Trust made Waitangi Tribunal claims in 1998 (land and waters), and Marine and Coastal Area Act applications for customary marine title and protected customary rights in 2017.

PART TWO

Proposed Plan - Patuharakeke sites of significance

28. Patuharakeke sites of significance were identified in 2015 in conjunction with a Whangarei District Council project for the purpose of informing historic heritage and cultural protection in the Whangarei District Plan. A sites of significance overlay was created and is included at **Appendix D**.

29. The Trust took key coastal sites of significance - mahinga mātaītai areas (customary seafood gathering sites) - from this overlay through the Regional Plan review process

⁵ <http://www.tkm.govt.nz/rmagroups/te-tai-tokerau/>

which have since been mapped and scheduled as Sites of Significance to Tangata Whenua (“SSTW”) in the Proposed Plan.⁶

30. Five SSTW are mapped in the Proposed Plan. Four of those were sought by the Trust.

Those are:

- Ruakaka Estuary Mahinga Mataitai;
- Te Poupouwhenua (Mair and Marsden Bank) Mahinga Mataitai;
- Takahiwai Mahinga Mataitai; and
- Mangawhati Mahinga Mataitai.

31. The scheduling worksheets for these SSTW areas are attached as **Appendix E**.

32. The process to add these SSTW to the Proposed Plan involved internal hapū hui to confirm the SSTW, which matched against earlier exercises the Trust and rohe moana committee had already undertaken in mapping sites and areas of significance, aided by work that had been done through the Treaty claims and MACA research processes and development of the HEMP. There was some collective work with Northland Regional Council’s GIS mapping staff and collating of narrative for the sites into Council’s worksheets. Given that Northland Regional Council’s proposed criteria were met for the Patuharakeke Mātaitai SSTW, the maps were accepted by Council to be included in the Proposed Plan.

33. There are no appeals on the mapped SSTW (but there are outstanding appeal points relevant to activity status in SSTW, for example Topic 15 Mangroves).

34. Multiple other significant values are identified and mapped in Patuharakeke’s SSTW, including Significant Ecological Areas (SEA), Significant Bird Areas (SBA), Outstanding Natural Character (ONC) and High Natural Character (HNC). Extracts from the NRC mapping, overlaying the SSTW with high values mapping, are included in **Appendix F**.

⁶<https://nrcgis.maps.arcgis.com/apps/webappviewer/index.html?id=a8e411843cc749d3af8eab5a7b26f196>

PART THREE**Te Ao Maori / ki uta ki tai**

35. The layered values mapping of Patuharakeke's SSTW in the Proposed Plan accords with Patuharakeke's kaitiakitanga perspective, recognising the multiple cultural and customary values of these Mahinga Mātaitai, eg. as cultural landscapes/seascapes, as habitat for a variety of taonga species, and as kaimoana harvesting sites. In Te Ao Māori such an overlap of multiple values warrants a precautionary kaitiaki approach.
36. The cumulative environmental effects of seemingly minor activities (such as mangrove removal for example) contribute to an overall effect on the mauri of mātaitai areas and flow onto other cultural concepts such as kaitiakitanga, manaakitanga and mana.
37. Our harbour and estuary waters once teemed with kaimoana. However, post colonisation, more than a century of poor environmental management practices has seen an immense decline in marine species as a result of degraded water quality, habitat loss and harvest pressure. The decline of kaimoana species is accompanied by a corresponding decline in traditional knowledge/mātauranga in regard to those species, their uses and relevant management practices. This impacts on the duty of tangata whenua as Kaitiaki and displaces an important role and function for our tamariki and mokopuna.
38. This has flow on impacts to our mana. Mana is inter-generational. Decisions that were made during the time of previous generations of kaumatua (whether they were able to participate in their making or not) have caused long-term adverse effects on the ecosystem of the Whangarei Harbour, and inevitably this has led to adverse consequences for the mana of this generation of kaumatua. Constraints to our

participation today will affect the next generation and continue to transfer onwards to our future tamariki and mokopuna and so on.

39. Our mana is further diminished by our inability to practise manaakitanga to gather kaimoana for the table both for our whanau, and manuhiri visiting the marae (something we were formerly renowned for). Not only does this impact on the cultural wellbeing of mana whenua, but it has economic or subsistence consequences, as it restricts the ability of whanau to put kaimoana on the dinner table, a practice that has always supplemented lower incomes.
40. To separate species (under the Fisheries Act) from their habitat and whakapapa connections - connections which extend to all the children of Tangaroa and indeed to human beings - is "reductionist" and does not align with kaitiakitanga and a Te Ao Maori "ki uta ki tai" (mountains to sea) holistic approach.

PART FOUR

Fisheries Act tools for managing customary fisheries

41. The Fisheries Act provides for tools such as s186A closures, mātaimai and taiāpure for customary fisheries management. In my experience these tools have not been appropriate to fully discharge our kaitiakitanga obligations in the marine environment.
42. Patuharakeke's rohe moana and tangata kaitiaki were gazetted in May 2009 under the Kaimoana Fisheries Regulations 1998. Patuharakeke therefore now has over a decade of experience in attempting to utilise Fisheries Act tools to manage the hapū's customary fisheries.
43. The issues I raised in my evidence to the Waitangi Tribunal Te Paparahi o Te Raki (Northland) Inquiry in 2013 and in 2016 remain unchanged. I still consider that New Zealand's Fisheries Management regime has not protected or sustained our mahinga

kai and taonga species, and customary harvest is now virtually untenable in Patuharakeke's rohe.

44. Kaimoana is in such short supply that between 2011-2013 the Trust's Rohe Moana Committee only granted a handful of permits for customary take, and since that time the Rohe Moana Committee has withdrawn its permit books indefinitely.
45. Entities such as Te Runanga o Ngāti Whatua, Ngātiwai Trust Board and Te Runanga a Iwi o Ngapuhi are the Mandated Iwi Organisations⁷ for receiving fisheries settlement assets off our coastline. The purported benefits of the settlement have rarely "trickled down" to Patuharakeke and to my knowledge the extent of Patuharakeke participation in commercial fisheries in the last 150 years has been limited to seasonal "pipi picking" jobs for one or two whanau members.
46. Therefore Patuharakeke's participation both in terms of feeding our whanau and acting as kaitiaki in this regard is limited to recreational take and customary management. Recreational fishing is primarily utilised to put kai on the table. The reviews over the last decade of the sustainability and other management controls for snapper and other species have shown bias in the Crown's protection of commercial interests over those of hapū and whanau and many uncertainties around the amount of quota utilised and reported across commercial, recreational and customary quotas.⁸ According to Fisheries NZ snapper biomass is down to around 20% of its original state and Tarakihi at approximately 15%.
47. Low income whanau tend to rely on kaimoana to supplement their larders and this situation is affecting the recreational sector and therefore compromises their ability to do so.

⁷ <https://teohu.maori.nz/iwidecisionregister/>

⁸ See <https://www.mpi.govt.nz/fishing-aquaculture/sustainable-fisheries/snapper-1-management-plan/>

48. Moreover, the fragmented nature of current management does not reflect the Te Ao Maori holistic view of coastal ecosystems. At present, the disconnection between managing the fish and the habitat is a major issue. Even if Patuharakeke had the best fisheries management tools in place this would be pointless if the habitats that support the fishery (including adjacent land and waterways) are degraded. Further, when you do have mechanisms such as mātaimai in place, there is no guarantee that this strengthens your position as kaitiaki. This was illustrated in *Ngati Ruahine v Bay of Plenty Regional Council* [2012] NZRMA 523 (HC) where the relationship between customary fishing rights recognised under the Fisheries Act and decisions made under the RMA was explored. Ngati Ruahine appealed against the Environment Court upholding a decision of the Bay of Plenty Regional Council to grant consent for port dredging works. The iwi argued, unsuccessfully, that the Council and the Court failed to have particular regard to a mātaimai reserve as expression of the Crown's continuing obligations to Ngati Ruahine under the Treaty in their decision-making.⁹
49. As mentioned, the kaitiaki management opportunities for Maori that have arisen from fisheries settlement in regard to customary management practices and harvesting are Taiapure and Mātaimai reserves. In my evidence to the Waitangi Tribunal in 2013 I noted that over the previous decade and a half, only 9 Mātaimai had been established in the north island. Since I gave that evidence in 2013 only 3 more have been established.¹⁰
50. Based on my experience I consider that this is a reflection of the onerous process and information requirements, serious time delays, and lack of access to technical support. Hapū or iwi are required to demonstrate how they have engaged with the

⁹ <http://maorilawreview.co.nz/2013/06/maori-in-the-seafood-sector-fisheries-and-aquaculture-the-year-in-review/>

¹⁰ <https://www.mpi.govt.nz/fishing-aquaculture/maori-customary-fishing/customary-fisheries-management-areas/>

community, commercial and recreational sector, how they aim to address any issues raised by these groups, and meet tests to ensure they do not prevent existing quota holders from getting their entitlement. However, after all of that, it is the Minister that makes the final decision on whether to grant a Taiapure or Mātaitai.

51. Despite Patuharakeke's rohe moana and tangata kaitiaki being gazetted in May 2009, limited capacity and resources have not allowed the hapū to pursue our goal of creating a Mātaitai reserve for parts of our customary fishery. However, the Trust been active in monitoring our kaimoana, firstly through a Ministry for the Environment funded research project using cultural health indicators, and more recently through joint biomass surveys with NIWA in 2010 and 2012 and a 5 year project funded by the Whangārei Harbour Health Improvement Fund and administered by Northland Regional Council.
52. The commercial pipi fishery at Mair Bank (Marsden Point) has been affected by a "die-off" of pipi and the quota holders "walked away" in 2012. When the Trust were alerted to the die off in 2012 we struggled for at least 18 months to get MPI to undertake research in to what could be causing this issue. By the time samples were collected it was too late to ascertain the cause. The Trust enlisted the support of Northland Regional Council, Northport and the Refinery to assist us in lobbying for action but made very little progress with MPI (now Fisheries NZ).
53. The Trust's concern over depletion of pipi stocks at neighbouring Marsden Bank led us to petition the Minister of Fisheries in February 2011 for a rahui (s186A closure) under the Fisheries Act to allow stocks to recover. The Trust's 2012 survey signalled that stocks had not increased during the closure period, rather they had declined even further. Although this mahinga kai has been subject to intense harvesting pressure because of the loss of inner harbour sites to development and pollution, I consider that the decline during a two year closure suggests that further reduction of biomass

cannot be solely a result of overharvesting. NIWA found that bank morphology appears to have changed and consider that new research is required to understand factors affecting pipi at Marsden Bank and Mair Bank.¹¹

54. The Trust progressed applications to MPI in 2011, and a renewal in 2013, to close Marsden Bank to the harvest of pipi under section 186A of the Fisheries Act 1996. These closures can support customary rahui, and fisheries officers are able to prosecute offences should people breach the rules. However, they only run for a two year period and must be reapplied if the issue with the kaimoana stock has not resolved over that time.

55. In my experience two years is not long in ecological terms, and in our case the populations had not shown sufficient recovery to warrant reopening recreational or customary take after 24 months. Subsequently the Trust worked with MPI, Northland Regional Council and other stakeholders to jointly seek an indefinite closure of Mair and Marsden Bank for pipi collection under s11 of the Fisheries Act 1996. This was set down in October 2014.

56. At about the same time the indefinite closure was approved, the Trust was encouraged by the fact that after many decades juvenile mussels had begun to recolonize the nearby channel between Mair and Marsden Banks. By November 2015 a healthy adult population of kutai was in this area. However, they were extremely accessible (the closure only applied to pipi) and subject to such significant harvest pressure that the majority of the bed disappeared within 12 months. The Trust put forward another proposal in 2016/17 to the Minister seeking a closure of both Marsden and Mair Bank to all shellfish harvest.

¹¹ Williams, J.R.; Hume, T.M. (June 2014). *Investigation into the decline of pipi at Mair Bank, Whangarei Harbour*. NIWA. Unpublished report.

57. Each application or renewal process involves extensive hui with the hapū, community and stakeholders to ensure that the Trust has adequate data and support, as well as significant discussion and correspondence with MPI/Fisheries staff. None of this work is resourced and involves many hours and hapū funds provided by the Trust – a charitable trust run by volunteers.
58. All of the s186A closures are required to be publicly notified. For the proposal to close to all shellfish harvesting, one submission in opposition was received from Fisheries Inshore NZ Ltd (FINZ) and the Paua Industry Council and Kina Industry Council. The grounds of opposition as set out in the FINZ submission were:
- a. A closure to the take of all shellfish is not legal;
 - b. The applicant has not provided information appropriate to assessing the proposal;
 - c. Section 186A closures are not a legal option to reserve space while other regulatory measures such as mātaimai are considered; and
 - d. The Minister is unable on the basis of the information supplied to be satisfied that the application is warranted.
59. The Trust then had to seek legal advice to respond to these arguments. The banks in question do not and have not ever supported populations of kina or paua. They are sandbanks. The Trust was therefore extremely disappointed that the Paua and Kina Industry Councils had seen fit to undermine our kaitiakitanga. Ultimately the Trust was successful and the closure was gazetted in mid 2018. The Trust had to scramble again in 2020 during the Covid lockdown to renew it once again.¹²
60. All of these closure proposals were advanced on the basis that the Trust would hopefully soon be in a position to apply for a longer-term management solution - a mahinga mātaimai reserve - to avoid having to constantly reapply for closures (a

¹² <https://gazette.govt.nz/notice/id/2020-go2341>

relatively blunt tool) and eventually get bylaws in place to better manage kaimoana species.

61. Twelve years after Patuharakeke's rohe moana and tangata kaitiaki were gazetted, management of customary fisheries within our gazetted rohe moana has proved extremely challenging and the Trust continue to be frustrated by the apparent lack of resource and capacity within MPI for dealing with customary fisheries matters. While the Trust's Rohe Moana Committee has been active in advocating for the protection of kaimoana resources and in monitoring their health, the end goal of establishing Mātaitai reserves has been hampered by the onerous application process.
62. Since commercial fishing is excluded when a Mātaitai is established, an important aspect of the application is an "undue adverse effects or prevention" test to ensure that persons with a commercial interest in a species are still able to take their quota entitlement or annual catch entitlement within the quota management area.
63. MPI's Mātaitai application guidelines encourage applicants to discuss their application with commercial fishers operating in the area of the proposed reserve, and to explain in their applications how any issues raised by local commercial fishers have been addressed. The Ministry's preference is that applicants get as much information as they can about the commercial operations in the area of the proposed Mātaitai reserve before submitting an application.
64. However when the Trust attempted to be proactive and seek contact details of commercial operators within our rohe moana and an audit of their catch records, we were advised by MPI's inshore fisheries team staff that we would be required to submit an Official Information Act request to get this information. This matter unfolded over about 18 months without producing the information sought so Patuharakeke's Rohe Moana Committee advised me to "park" the conversation with commercial fishers about our aspirations for a Mātaitai reserve for the time being.

65. It is incomprehensible to me that Patuharakeke have a gazetted rohe moana and are supposed to be responsible (both in our own right as mana moana and kaitiaki, but also under the fisheries legislation) for managing customary fisheries, yet the Trust can't even access the information required to allow us to get a picture of what is happening in our rohe.
66. Nonetheless the Trust still seek to advance a Mātaitai application, and now that we have 5 years of data the Trust intend to submit our application before the end of the year. All of the mahi for this has been done by the Trust's volunteers or with help from Northland Regional Council, NIWA and other local stakeholders the Trust has relationships with, not MPI/Fisheries NZ.
67. The two-year timeframe associated with a 186A closure would in theory allow for further investigation of the closure area through targeted research. This is the approach the Trust has tried, however getting funding for the research is another matter. Hapū do not hold commercial fisheries assets and, like the Trust, are mostly run by volunteers.
68. During the last decade the Trust has tried several times to apply for the MPI Customary Fisheries Fund.¹³ The application form is extremely complex and time consuming and this fund is consistently oversubscribed. The Trust has never been successful. There are no other funds for this type of research that I am aware of, so hapū have to develop relationships with institutes or industry or seek other avenues for funding or support.
69. In my experience it is extremely hard to get any traction with MPI, particularly as over the past decade they have been subject to almost constant restructuring within Ministry of Fisheries , then Ministry of Primary Industries, now Fisheries NZ meaning

¹³ <https://www.mpi.govt.nz/fishing-aquaculture/maori-customary-fishing/customary-fisheries-research-fund/>

that staff and policy/process and advice seem to constantly change. It has become increasingly difficult to get support and information and the Trust has certainly seen Ministry capacity diverted away from customary fisheries.

70. After a number of years with no dedicated iwi liaison staff in MPI's Fisheries team, in 2016 an iwi liaison person was employed for Northland. To my knowledge he was one of only 2 or 3 employed by MPI to deal with Māori fisheries issues across the entire country.
71. Prior to 2009, when I worked for Te Uri O Hau Settlement Trust there were iwi fisheries forums being set up. During restructuring processes these seemed to fall away. At the end of 2018 the Trust was invited to discuss the initiation of a Mid-Northland Fisheries Forum Collective. The collective kicked off properly in 2019 and now meets fairly regularly. The Forum is funded and organised by Fisheries NZ (although I note that kaitiaki are not resourced to attend) and is primarily attended by hapū representatives of gazetted rohe moana rather than Mandated Iwi Organisations.
72. In my experience however, Kaitiaki attending have found that rather than it being a forum to build capacity and advance our own customary fisheries aspirations, the hui are generally where Ministry officials come to consult and get feedback on multiple Ministerial reviews and processes. These have included a range of documents such as the Seabird review, the Dolphin Threat Management Plan and various Sustainability Rounds, Management of patiki, Seafood sector support network, National Plan of Action for Sharks and Deepwater Fishery-Specific Plans for example.
73. At the beginning of 2021 members of the forum lobbied the Fisheries NZ team to enable kaitiaki to progress their own wānanga and ongoing hui in conjunction with the regular Mid-north fisheries forum hui. These kaitiaki-led hui are focused on supporting hapū in implementing the Kaimoana Regulations within their rohe,

implementation of tikanga and supporting the use of customary management tools (rāhui, mātaiatai and taiāpure).

74. In summary, in my experience customary fisheries management under the Fisheries Act is a fraught process, and the low numbers of Mātaiatai and Taiāpure that have been established nationwide illustrates that getting these mechanisms in place is not a simple matter. For Patuharakeke s186A closures are a time consuming process that the Trust has had to constantly repeat, and has required recurring consultation and research. Ultimately these applications are open to opposition by any member of the public let alone commercial interests. I consider that Mātaiatai are even more onerous to get in place. The Trust has been working on ours for more than a decade and we expect it will get opposed when lodged.

PART FIVE

Support for Marine Protected Area provisions in the Proposed Plan

75. The Trust will continue to seek to implement opportunities under the Fisheries Act. However, the Trust supports the Appellants in seeking MPA provisions in the Proposed Plan for a collective and holistic approach more aligned to a Te Ao Māori world view and a Te Tiriti based approach, to recognise and provide for the relationship of hapū and our culture and traditions with our ancestral lands, water, sites, waahi tapu, and other taonga in accordance with section 6(e) of the RMA.

76. In comparison to the seemingly perpetual rounds of consulting, researching and preparing proposals to the Minister of Fisheries required to utilize tools under the Fisheries Act, the process for the Trust to get additional protection for biodiversity and cultural values into the Regional Plan by having our Mātaiatai areas mapped as SSTW was far simpler. Fortunately Patuharakeke SSTW's were not appealed so it has

been a relatively straightforward and less costly process for the Trust that now offers these areas a layer of protection that we will not have to return to for at least a decade.

77. In my experience therefore, in RMA section 32 terms the Fisheries Act customary management tools (rāhui, mātaimai and taiāpure) are significantly more costly and less efficient than Regional Plan provisions for the exercise of hapū kaitiakitanga in the protection and restoration of taonga species (including kaimoana, customary fisheries) and their habitat, particularly as the costs are almost entirely carried by hapū volunteers.



Juliane Chetham

14th May 2021

Appendix A: Professional experience

CULTURAL MONITORING FRAMEWORKS

- Development of cultural monitoring frameworks based on Te Maramataka and/or other Te Ao Māori concepts.
- Kauri Ngahere Cultural Health Indicator Framework for National Kauri Dieback Programme (Tangata Whenua Roopu)
- Coastal Cultural Health Index - Tai Tokerau

HAPŪ/IWI MANAGEMENT PLANS

Assisting in project management, preparation and writing of hapū/iwi planning documents.

- Patuharakeke Hapū Environmental Management Plan
- Whatitiri Resource Management Unit Environmental Management Plan
- Te Whakapiko Hapū Environmental Management Plan
- Patuharakeke Rohe Moana Management Plan

POLICY ADVICE

Provision of advice on policy regarding Māori/Cultural matters in a district, city or regional planning document.

- Northland Regional Council Regional Policy Statement
- Whangarei District Council Blue Green Strategy
- EPA (Te Herenga) Cultural Impact Assessment Framework
- NRC Māori Technical Advisory Group – advice on Mana Whakahono a Rohe Template, Draft Freshwater Strategy, and proposed approach for engagement on upcoming water quality plan change.
- Author Tane Whakapiripiri Report for Te Puni Kokiri - assessing the current capacity of ngā hapū o Whangarei in regard to environmental protection and management.
-

CULTURAL IMPACT ASSESEMENTS

Provision of support to iwi/mana whenua in the preparation Cultural Impact Assessments or Cultural Values Assessments and/or assisting applicants with completing the cultural component of an Assessment of Environmental Effects for Resource Consent Applications.

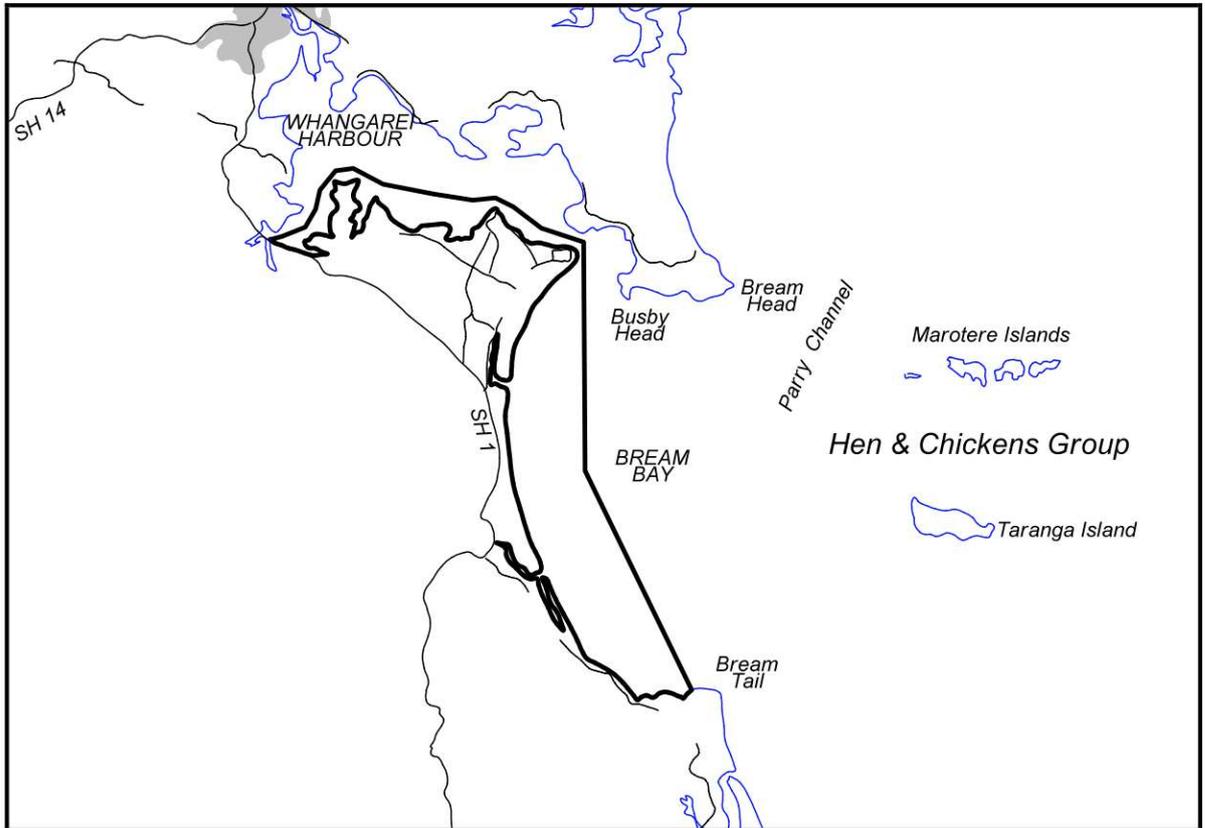
- Nelson City Council- multiple infrastructure consents (eg. Global Streamworks Consent, Stormwater Upgrades, Water Takes)
- Fulton Hogan Gravel Extraction Motueka
- Waste Management Ltd – Tirohia Landfill Phase C
- Auckland International Airport Ltd - Second Runway Notice of Requirement - Cultural Effects Assessment.
- Refining NZ Crude Freight Proposal– Tangata Whenua o Whangārei Te Rerenga Paraoa - Cultural Effects Assessment
- Refining NZ Reconsenting Operations - Cultural Effects Assessment
- Northport Vision for Growth Expansion Proposal - Cultural Effects Assessment
- Marsden Maritime Holdings – Marina consent renewal
- Mahaanui Kura Taiao CIA template and Christchurch City Council "Triggers" process

- Tai Tokerau Iwi Technicians Forum CIA Best Practice Guideline

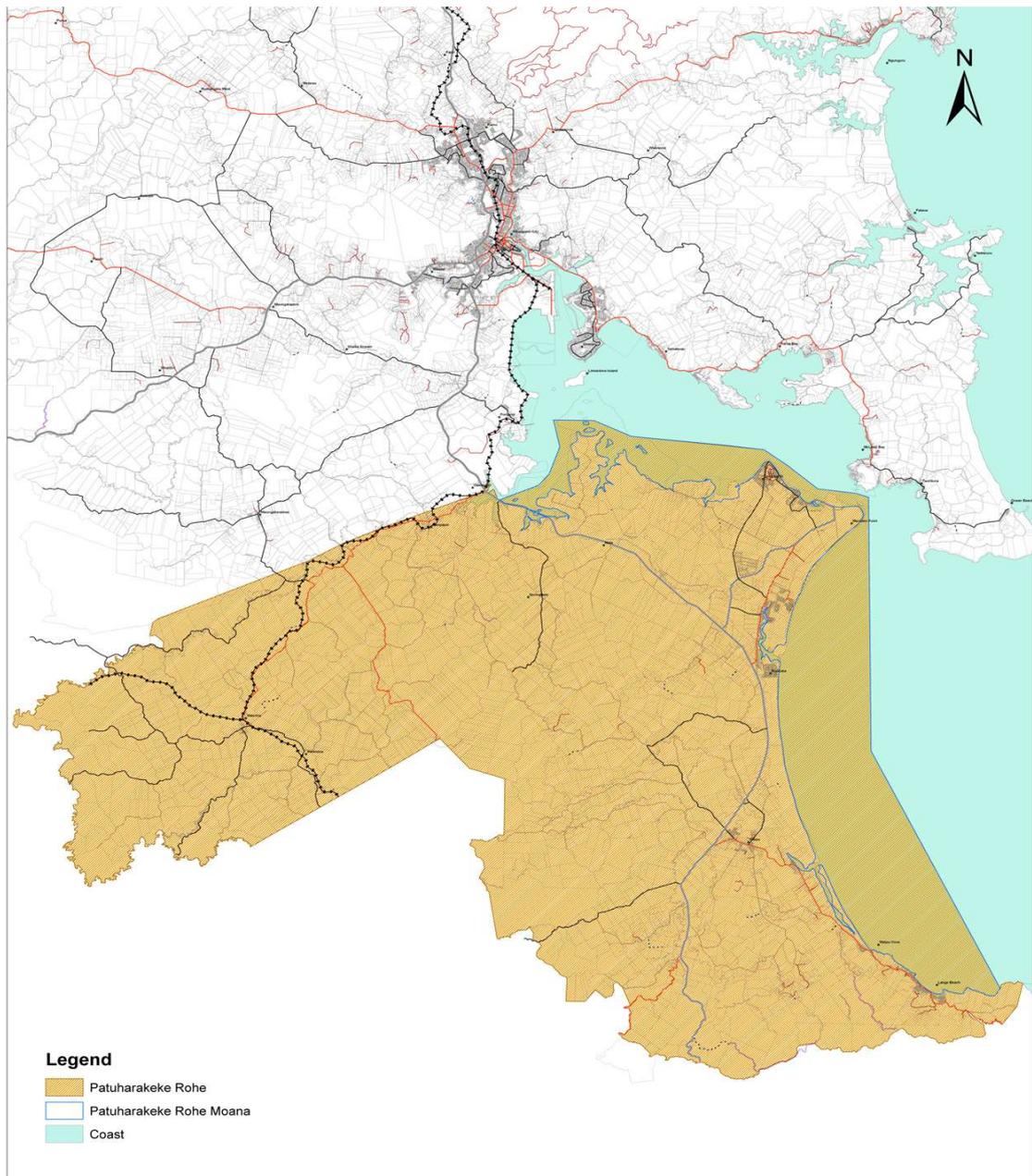
Mana Whenua Monitoring Programmes

- Patuharakeke Community Pipi Monitoring Programme (design and delivery) 2016-2020 (Whangarei Harbour Health Improvement Fund)
- He Aha Te Mauri o Ngā Awa o Patuharakeke – Freshwater Monitoring Programme 2019- 2020
- Kauri Cultural Health Indicators (National Kauri Dieback Programme) 2013

Appendix B: Patuharakeke Gazetted Rohe Moana



Appendix C: Patuharakeke Mainland Rohe for Contemporary Management Purposes



Appendix E: Scheduling worksheets for SSTW

All worksheets taken from NRC Proposed Plan online

Appendix E1: Ruakaka Estuary SSTW worksheet

Appendix E2: Te Poupouwhenua (Mair and Marsden Bank) SSTW worksheet

Appendix E2: Takahiwai SSTW worksheet

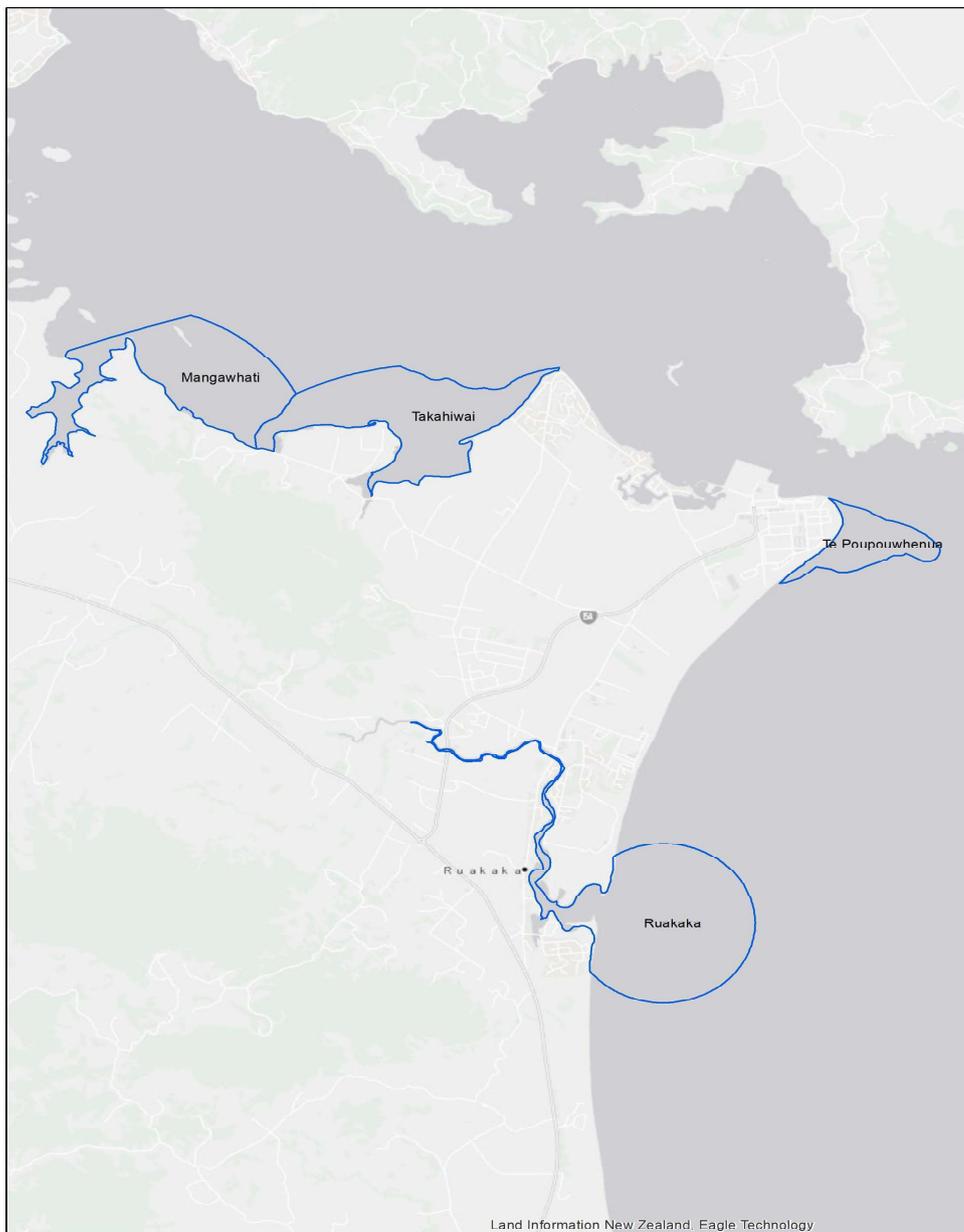
Appendix E3: Mangawhati SSTW worksheet

Site, area, or landscape of significance to tangata whenua work sheet

Tangata whenua group: Patuharakeke Te Iwi Trust Board

Site, area, or landscape name: Ruakaka Estuary Mahinga Mataitai

Map of Patuharakeke Mahinga Mataitai Areas:



What are the values that should be protected?

- Traditional and contemporary Mahinga Mataitai values and other historical uses and events outlined in the evidence to follow, including:
 - Traditional harvest and customary management of kaimoana and other taonga species
 - Source of rongoa (medicinal plants)
 - Source of weaving materials
 - Source of mātauranga
- Ecological values; biodiversity, shellfish beds, mangrove nurseries for juvenile fish, taonga species and habitats that Patuharakeke have obligations toward in respect of kaitiakitanga.

Why is the site, area or landscape significant?

Traditional significance:

Resource use:

- The salt marsh areas in the southern arm of the estuary were harvest sites for harakeke, muka and other plants used for weaving and rongoa (healing and medicinal purposes).
- Manu harvest areas, including Kuaka (Godwit) customary harvesting in and around the intertidal area.
- Hangi stones were collected at river outlets.

Travel and communication linkages:

- The Ruakaka River historically provided important transportation routes. These trade and transport networks served a major social and political function in maintaining the linkages from one hapū to the next. For Patuharakeke, acting as kaitiaki (guardian of the resources and taonga) and kaimanaaki (host), this helped entrench its recognition as a means of maintaining its viability as a hapū holding mana over its rohe.

Area of mana moana for fisheries and other rights:

- Significant kaimoana (and other taonga species) harvesting and management area used historically and to this day by Patuharakeke as mana moana.

Implementation of traditional management measures:

- Rāhui are still practiced in contemporary times when drownings occur at Ruakaka.

Cultural significance:

Implementation of concepts such as kaitiakitanga and manākitanga:

- Patuharakeke consider the waters of Ruakaka Estuary to be a taonga gifted by tupuna that they as kaitiaki have a duty to conserve and protect for future generations. Patuharakeke continue to carry out duties as kaitiaki of these Mahinga Mataitai.
- Patuharakeke tupuna harvested kai moana as a common act of kaitiakitanga and manākitanga. The Rohe Moana Management Plan sets out intentions to recover depleted stocks and ensure future capacity to provide taonga kai moana to manaaki manuhiri at hui and tangihanga on the marae and on the tables of whanau homes.
- Patuharakeke have consistently carried a kaitiaki role as; beach ambassadors, kaitiaki customary Permit Issuers, Honorary Fisheries Officers, Monitors and surveyors, and managers of areas of concern.
- Patuharakeke are active in monitoring mahinga kai, including via a 5-year Community Pipi and Cultural Health Monitoring Programme currently underway at Ruakaka Estuary. This programme is funded through the Whangarei Harbour Health Improvement Fund. The monitoring employs cultural health indicators alongside joint surveys with research organisations such as NIWA. These activities serve as a clear expression of kaitiakitanga.

Spiritual significance

- Baptisms formerly have taken place at Ruakaka River/Estuary.

What is the evidence of endorsement by the relevant tangata whenua community?

Ruakaka Estuary Mahinga Mataitai has been described, mapped and approved for identification by Patuharakeke Te Iwi Trust Board and wider hapū through numerous ratification hui and Tribunal hearing, and is enshrined in the following hapū endorsed documents:

- The Patuharakeke Sites of Significance to Māori Final Cultural landscape Report 2015
- Patuharakeke Rohe Moana Management Plan 2018
- Patuharakeke Statement of Claim before the Waitangi Tribunal (Te Paparahi o Te Raki, Northland Inquiry 2011)
- Patuharakeke Hapū Environmental Management Plan 2014

The Patuharakeke Hapū Environmental Management Plan 2014 provides further written evidence of the significance of this area. It also sets out a key objective in relation to this area, namely that all mahinga kai sites in the rohe are managed, monitored and enhanced by Patuharakeke.

That this is supported by the relevant tangata whenua community is evidenced by the process of the plan development, namely:

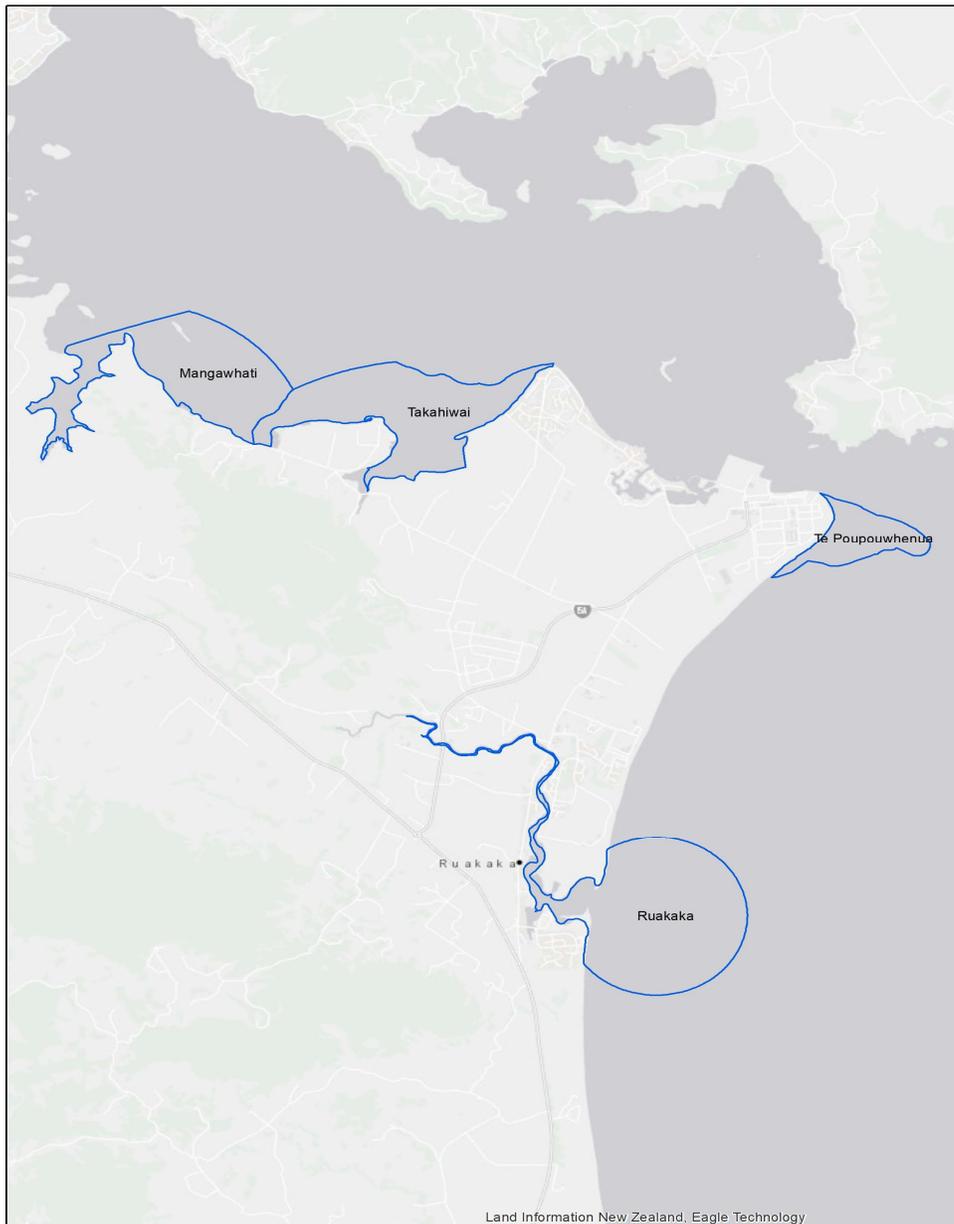
- Formulation of a hapū “working party” to lead the review and update of the HEMP;
- A Desktop review of existing plan, other HEMP’S and identification of gaps;
- An initial workshop to form the working party and allocate tasks;
- One initial hui-a-hapū at the start of the work programme to seek hapu input on the vision and clarification/ identify “resource” issues of significance to Patuharakeke;
- Four wananga/workshops with working party and other key hapū members to discuss draft provisions (issues, objectives, policies and methods) for the HEMP;
- A “report back” hui-a-hapū seeking ratification of draft plan with presentation of the issues of significance, policy direction and draft provisions to the wider hapū through hui for comment and endorsement;
- Presentation and circulation of the full draft for feedback and editorial review;
- Presentation of the completed HEMP to Local Authorities and Agencies.

Site, area, or landscape of significance to tangata whenua work sheet

Tangata whenua group: Patuharakeke Te Iwi Trust Board

Site, area, or landscape name: Te Poupouwhenua (Mair and Marsden Bank) Mahinga
Mataitai

Map of Patuharakeke Mahinga Mataitai Areas:



What are the values that should be protected?

- Traditional and contemporary Mahinga Mataitai values and other historical uses and events outlined in the evidence to follow, including:
 - Traditional harvest and customary management of kaimoana and other taonga species
 - Source of mātauranga
- Ecological values; biodiversity, taonga species and habitats that Patuharakeke have obligations toward in respect of kaitiakitanga.

Why is the site, area or landscape significant?**Historical significance:***Site of conflict:*

- Poupouwhenua was an extremely important tauranga waka and was occupied frequently by various war parties stopping there to prepare for battles further south. Preparations included training and discussions of tactical warfare. The number of war parties varied between small groups of 20 to 50 to some numbering in the thousands.
- It is one of the key strategic areas of Patuharakeke for linking to iwi and hapū around Whangarei Te Rerenga Paraoa during times of tribal war.

Traditional significance:*Resource use:*

- Much of the area along the foreshore and dunes between the Marsden Point Wharf and Refinery Jetty was used regularly as a nohoanga (camping site for harvesting kai at adjacent mahinga mataitai) by Patuharakeke up until the development of the site began to restrict this practice in the 1960's. Species gathered included tamure, mango, pipi, kokota, tuangi/cockle, tuatua, kutai/mussels and tipa/scallops.

Area of mana moana for fisheries and other rights:

- Immensely significant kaimoana (and other taonga species) harvesting and management area used historically and to this day by Patuharakeke as mana moana.

Implementation of traditional management measures:

- Patuharakeke petitioned the Minister of Fisheries in 2011 and 2013 for a rāhui over customary harvest areas at Marsden and then Mair Bank under section 186A of the Fisheries Act 1996 in order to allow stocks to recover and regenerate. PTB's Mana Moana Committee has been active in monitoring mahinga kai and has advocated for

the health and protection of these resources through local and central government for many years. Scientific survey and cultural health monitoring sites pointing to the decline in stocks culminated in these applications. The closures sit alongside the customary management practices of rāhui.

Cultural significance:

Implementation of concepts such as kaitiakitanga and manākitanga:

- Patuharakeke consider this mataitai to be a taonga gifted by tupuna that they as kaitiaki have a duty to conserve and protect for mokopuna yet to be born. Patuharakeke continue to carry out duties as kaitiaki of these Mahinga Mataitai.
- This was formerly a rich, abundant customary harvesting area for seasonal and regular collecting of resources for kai, materials for tools and equipment, and for collecting specific items for rongoa (medicine) and cultural practices.
- Species that were abundant were finfish (ihe/piper, herring, mullet, kahawai, parore, trevally, tamure, yellow belly sand flounder), shell fish (pupu, karahu, kokata, tuangi, kutai, tio, tipa). Species that were also a “taonga kai” (treasured food) were tuna/eel, parera, inanga and Manu Kuaka.
- Patuharakeke tupuna harvested kai moana as a common act of kaitiakitanga and manākitanga. The Rohe Moana Management Plan sets out their intentions to recover depleted stocks and ensure future capacity to provide taonga kai moana to manaaki manuhiri at hui and tangihanga on the marae and on the tables of whanau homes.
- Patuharakeke have consistently carried a kaitiaki role as; beach ambassadors, kaitiaki customary Permit Issuers, Honorary Fisheries Officers, Monitors and surveyors, and managers of areas of concern.
- Patuharakeke are active in monitoring mahinga kai, including via a 5-year Community Pipi and Cultural Health Monitoring Programme currently underway at Mair and Marsden Banks. This programme is funded through the Whangarei Harbour Health Improvement Fund. The monitoring employs cultural health indicators alongside joint surveys with research organisations such as NIWA. These activities - alongside placement of rāhui to try protect and restore this mahinga mataitai – serve as a clear expression of kaitiakitanga.

What is the evidence of endorsement by the relevant tangata whenua community?

Te Poupouwhenua (Mair and Marsden Bank) Mahinga Mataitai has been described, mapped and approved for identification by Patuharakeke Te Iwi Trust Board and wider hapū through numerous ratification hui and Tribunal hearings, and is enshrined in the following hapū endorsed documents:

- The Patuharakeke Sites of Significance to Māori Final Cultural landscape Report 2015
- Patuharakeke Rohe Moana Management Plan 2018
- Patuharakeke Statement of Claim before the Waitangi Tribunal (Te Paparahi o Te Raki, Northland Inquiry 2011)
- Patuharakeke Hapū Environmental Management Plan 2014.

The Patuharakeke Hapū Environmental Management Plan provides further written evidence of the significance of this area. It also sets out a key objective in relation to this area, namely that all mahinga kai sites in the rohe are managed, monitored and enhanced by Patuharakeke.

That this is supported by the relevant tangata whenua community is evidenced by the process of the plan development, namely:

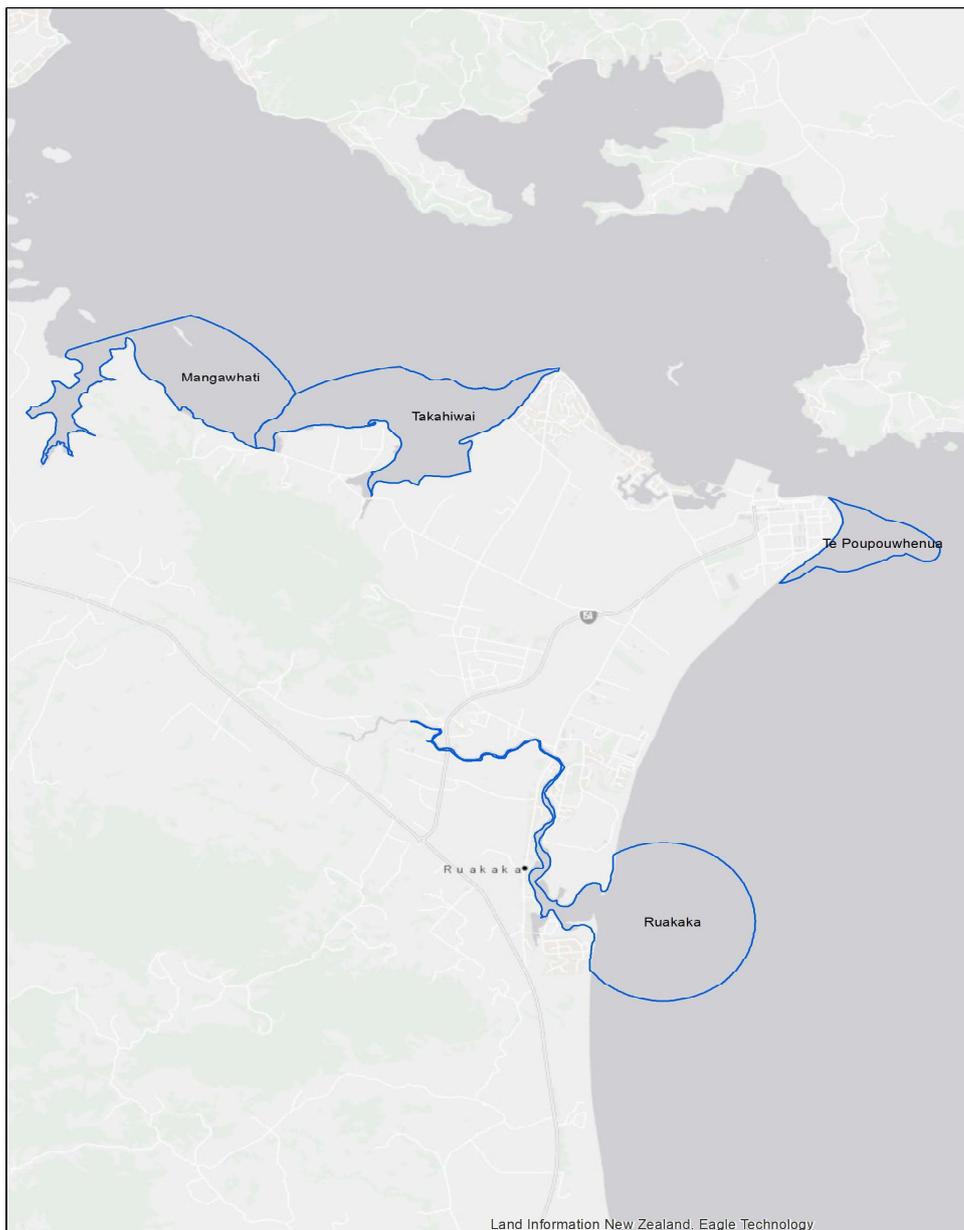
- Formulation of a hapū “working party” to lead the review and update of the HEMP;
- A desktop review of existing plan, other HEMP’S and identification of gaps;
- An initial workshop to form the working party and allocate tasks;
- One initial hui-a-hapū at the start of the work programme to seek hapū input on the vision and clarification/ identify “resource” issues of significance to Patuharakeke;
- Four wananga/workshops with working party and other key hapū members to discuss draft provisions (issues, objectives, policies and methods) for the HEMP;
- A “report back” hui-a-hapū seeking ratification of draft plan with presentation of the issues of significance, policy direction and draft provisions to the wider hapū through hui for comment and endorsement;
- Presentation and circulation of the full draft for feedback and editorial review;
- Presentation of the completed HEMP to Local Authorities and Agencies.

Site, area, or landscape of significance to tangata whenua work sheet

Tangata whenua group: Patuharakeke Te Iwi Trust Board

Site, area, or landscape name: Takahiwai Mahinga Mataitai

Map of Patuharakeke Mahinga Mataitai Areas:



What are the values that should be protected?

- Traditional and contemporary Mahinga Mataitai values and other historical uses and events outlined in the evidence to follow, including:
 - Traditional harvest and customary management of kaimoana and other taonga species
 - Source of rongoa (medicinal plants)
 - Source of weaving materials
 - Source of mātauranga
- Ecological values; biodiversity, shellfish beds, taonga species and habitats that Patuharakeke have obligations toward in respect of kaitiakitanga.

Why is the site, area or landscape significant?

Traditional significance:

Resource use:

- Motupapa Takahiwai - traditional “oyster/tio garden” mataitai deliberately cultivated through placement of rocks.
- Gathering of pupu and karehu took place at Takahiwai Creek/estuary.

Area of mana moana for fisheries and other rights:

- Immensely significant kaimoana (and other taonga species) harvesting and management area used historically and to this day by Patuharakeke as mana moana.

Cultural significance:

Implementation of concepts such as kaitiakitanga and manākitanga:

- The waters of Whangarei Terenga Paraoa and Takahiwai River are considered a taonga gifted by tupuna. Patuharakeke as kaitiaki have a duty to conserve and protect this taonga for future generations. Patuharakeke continue to carry out their duties as kaitiaki of these Mahinga Mataitai and manu harvest areas, including former Kuaka (Godwit) customary harvesting areas in and around the intertidal area. This was a rich, abundant customary harvesting area for seasonal and regular collecting of resources for kai, materials for tools and equipment, and for collecting specific items for rongoa (medicine) and cultural practices.
- A vast range of marine species were harvested dependent on the season and abundance such as fin fish (ihe/piper, herring, mullet, kahawai, parore, trevally, tamure, yellow belly sand flounder), and shell fish (pupu, karehu, kokata, tuangi, kutai, tio, tipa).

- Patuharakeke tupuna harvested kai moana as a common act of kaitiakitanga and manākitanga. The Rohe Moana Management Plan sets out intentions to recover depleted stocks and ensure future capacity to provide taonga kai moana to manaaki manuhiri at hui and tangihanga on the marae and on the tables of whanau homes.
- Patuharakeke have consistently carried a kaitiaki role as; beach ambassadors, kaitiaki customary Permit Issuers, Honorary Fisheries Officers, Monitors and surveyors, and managers of areas of concern.
- Patuharakeke have also collaborated with NIWA on a cockle-reseeding project at Takahiwai.

Spiritual significance:

- Baptisms took place at Takahiwai River.
- Waahi tapu, including places where bathing and healing rituals were enacted, and where bodies were washed and bones prepared for final internment, were known to fall within Mahinga Mataitai locations. Specific locations are not given for sensitivity reasons.

What is the evidence of endorsement by the relevant tangata whenua community?

Takahiwai Mahinga Mataitai has been described, mapped and approved for identification by Patuharakeke Te Iwi Trust Board and wider hapū through numerous ratification hui, Tribunal hearings, and enshrined in the following hapū endorsed documents:

- The Patuharakeke Sites of Significance to Māori Final Cultural Landscape Report 2015
- Patuharakeke Rohe Moana Management Plan 2018
- Patuharakeke Statement of Claim before the Waitangi Tribunal (Te Paparahi o Te Raki, Northland Inquiry 2011)
- Patuharakeke Hapū Environmental Management Plan 2014

The Patuharakeke Hapū Environmental Management Plan 2014 provides further written evidence of the significance. It sets out a key objective in relation to this area, namely that all mahinga kai sites in the rohe are managed, monitored and enhanced by Patuharakeke.

That this is supported by the relevant tangata whenua community is evidenced by the process of the plan development, namely:

- Formulation of a hapū “working party” to lead the review and update of the HEMP;
- A Desktop review of existing plan, other HEMP’S and identification of gaps;
- An initial workshop to form the working party and allocate tasks;
- One initial hui-a-hapū at the start of the work programme to seek hapū input on the vision and clarification/ identify “resource” issues of significance to Patuharakeke;

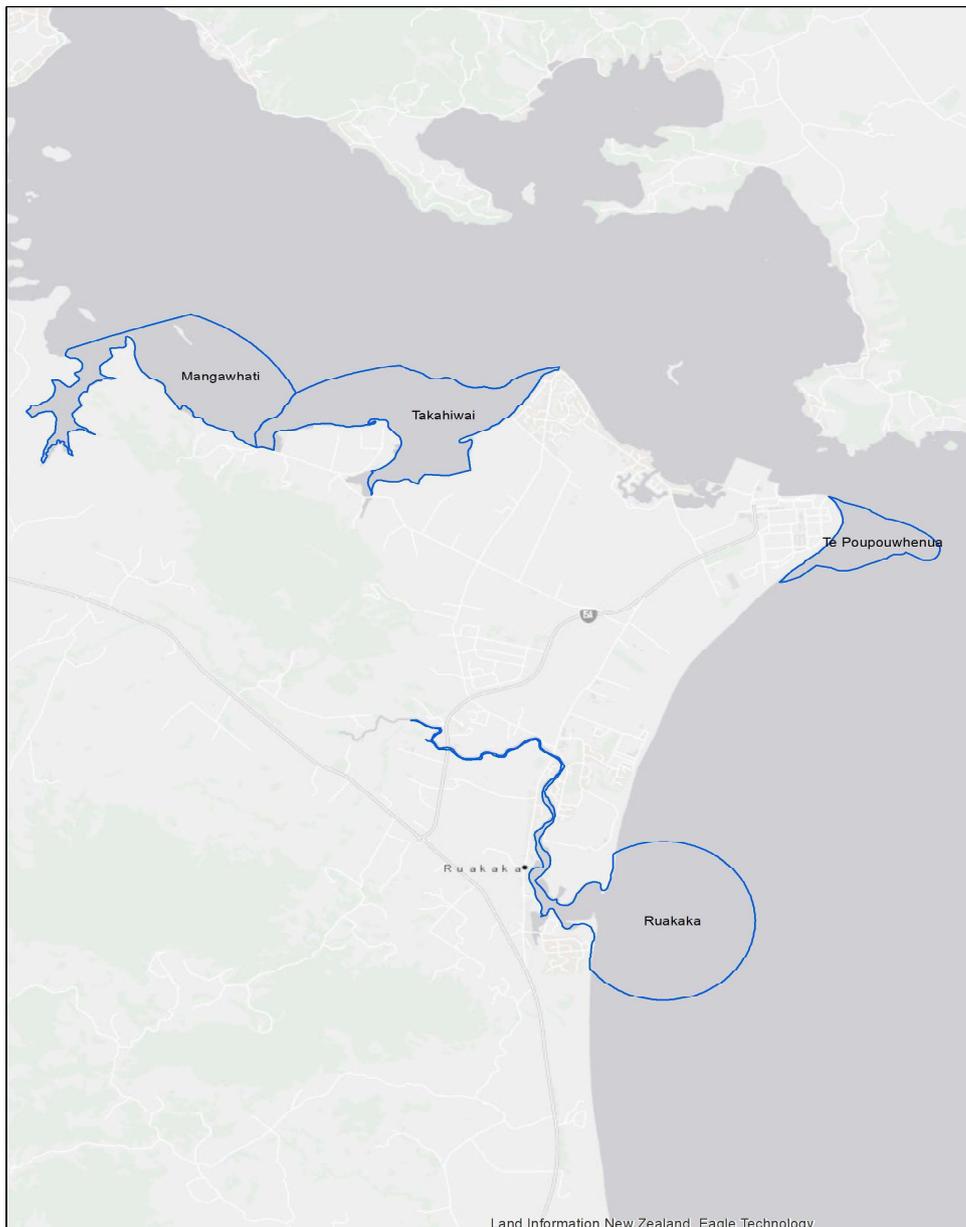
- Four wananga/workshops with working party and other key hapū members to discuss draft provisions (issues, objectives, policies and methods) for the HEMP;
- A “report back” hui-a-hapū seeking ratification of draft plan with presentation of the issues of significance, policy direction and draft provisions to the wider hapū through hui for comment and endorsement;
- Presentation and circulation of the full draft for feedback and editorial review;
- Presentation of the completed HEMP to Local Authorities and Agencies.

Site, area, or landscape of significance to tangata whenua work sheet

Tangata whenua group: Patuharakeke Te Iwi Trust Board

Site, area, or landscape name: Mangawhati Mahinga Mataitai

Map of Patuharakeke Mahinga Mataitai Areas:



What are the values that should be protected?

- Traditional and contemporary Mahinga Mataitai values and other historical uses and events outlined in the evidence to follow, including:
 - Traditional harvest and customary management of kaimoana and other taonga species
 - Source of rongoa (medicinal plants)
 - Source of weaving materials
 - Source of mātauranga
- Ecological values; biodiversity, taonga species and habitats that Patuharakeke have obligations toward in respect of kaitiakitanga.

Why is the site, area or landscape significant?**Historical significance:***Site of conflict:*

- Mangawhati Peninsula Mahinga Mataitai (also known as Skull Creek) is the site of significant historical battles, in particular the Ngati Maru/Te Taou battle during the early 1800's.
- It is one of the key strategic areas of Patuharakeke for linking iwi and hapū around Te Rerenga Paraoa during times of tribal war.

Traditional significance:*Resource use:*

- Hangi stones were collected at river outlets.

Travel and communication linkages:

- The rivers and harbour (including Skull Creek) provided important transportation routes. These trade and transport networks served a major social and political function in maintaining the linkages from one hapū to the next. For Patuharakeke, in acting as kaitiaki (guardian of the resources and taonga) and kaimanaaki (host), this served to entrench its recognition as a means of maintaining its viability as a hapū holding mana over its rohe.

Area of mana moana for fisheries and other rights:

- Immensely significant kaimoana (and other taonga species) harvesting and management area used historically and to this day by Patuharakeke as mana moana.

Cultural significance:

Implementation of concepts such as kaitiakitanga and manākitanga:

- The waters of Whangarei Terenga Paraoa and Skull Creek are considered a taonga gifted by tupuna. Patuharakeke as kaitiaki have a duty to conserve and protect this taonga for future generations. Patuharakeke continue to carry out their duties as kaitiaki of these Mahinga Mataitai and manu harvest areas, including former Kuaka (Godwit) customary harvesting areas in and around the intertidal area. This was a rich, abundant customary harvesting area for seasonal and regular collecting of resources for kai, materials for tools and equipment, and for collecting specific items for rongoa (medicine) and cultural practices.
- A vast range of marine species were harvested dependent on the season and abundance such as finfish (ihe/piper, herring, mullet, kahawai, parore, trevally, tamure, yellow belly sand flounder) and shell fish (pupu, karahu, kokata, tuangi, kutai, tio, tipa).
- Patuharakeke tupuna harvested kai moana as a common act of kaitiakitanga and manākitanga. The Rohe Moana Management Plan sets out intentions to recover depleted stocks and ensure future capacity to provide taonga kai moana to manaaki manuhiri at hui and tangihanga on the marae and on the tables of whanau homes.
- Patuharakeke have consistently carried a kaitiaki role as; kaitiaki customary Permit Issuers, Honorary Fisheries Officers, Monitors and surveyors, and managers of areas of concern.

Spiritual significance:

- Waahi tapu, including places where bathing and healing rituals were enacted, and where bodies were washed, and bones prepared for final internment, were known to fall within Mahinga Mataitai locations. Specific locations are not given because of sensitivity.

What is the evidence of endorsement by the relevant tangata whenua community?

Mangawhati Mahinga Mataitai has been described, mapped and approved for identification by Patuharakeke Te Iwi Trust Board and wider hapū through numerous ratification hui and Tribunal hearings, and is enshrined in the following hapū endorsed documents:

- The Patuharakeke Sites of Significance to Māori Final Cultural Landscape Report 2015
- Patuharakeke Rohe Moana Management Plan 2018
- Patuharakeke Statement of Claim before the Waitangi Tribunal (Te Paparahi o Te Raki, Northland Inquiry 2011)
- Patuharakeke Hapū Environmental Management Plan 2014

The Patuharakeke Hapū Environmental Management Plan 2014 provides further written evidence of the significance of this area. This document identifies Mangawhati as a focal waterway. It also sets out a key objective in relation to this area, namely that all mahinga kai sites the rohe are managed, monitored and enhanced by Patuharakeke.

That this is supported by the relevant tangata whenua community is evidenced by the process of the plan development, namely:

- Formulation of a hapū “working party” to lead the review and update of the HEMP;
- A desktop review of existing plan, other HEMP’S and identification of gaps;
- An initial workshop to form the working party and allocate tasks;
- One initial hui-a-hapū at the start of the work programme to seek hapū input on the vision and clarify/identify “resource” issues of significance to Patuharakeke.
- Four wananga/workshops with working party and other key hapū members to discuss draft provisions (issues, objectives, policies and methods) for the HEMP;
- A “report back” hui-a-hapū seeking ratification of draft plan with presentation of the issues of significance, policy direction and draft provisions to the wider hapū through hui for comment and endorsement;
- Presentation and circulation of the full draft for feedback and editorial review;
- Presentation of the completed HEMP to Local Authorities and Agencies.

Appendix F: SSTW mapping overlaid on high value areas

All maps derived from NRC GIS

Appendix F1: Ruakaka Estuary:

SSTW + SEA + SBA

SSTW + ONC + HNC

Appendix F2: Te Poupouwhenua (Mair and Marsden Bank):

SSTW + SEA + SBA

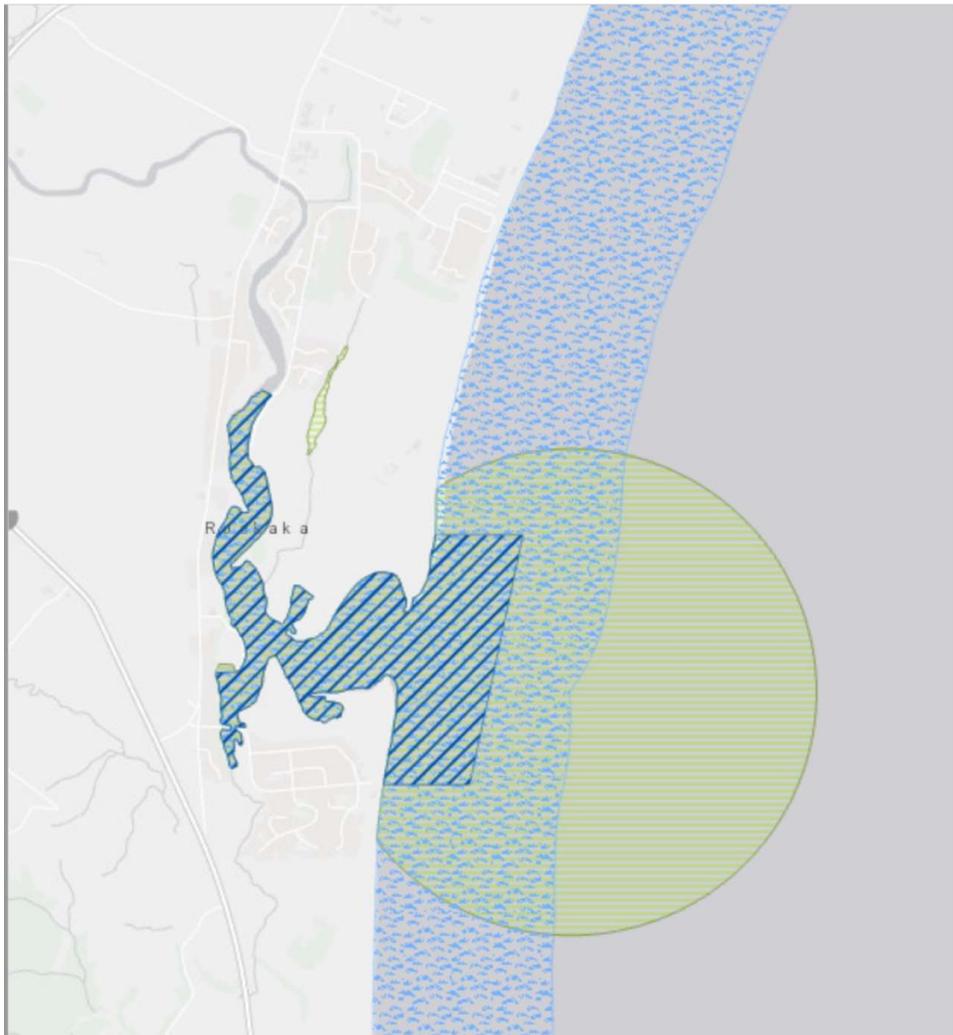
SSTW + ONC + HNC

Appendix F3: Takahiwai & Mangawhati:

SSTW + SEA + SBA

SSTW + ONC + HNC

Ruakaka



▼ Sites and Areas of Significance to Tangata Whenua (Subject to Appeal)



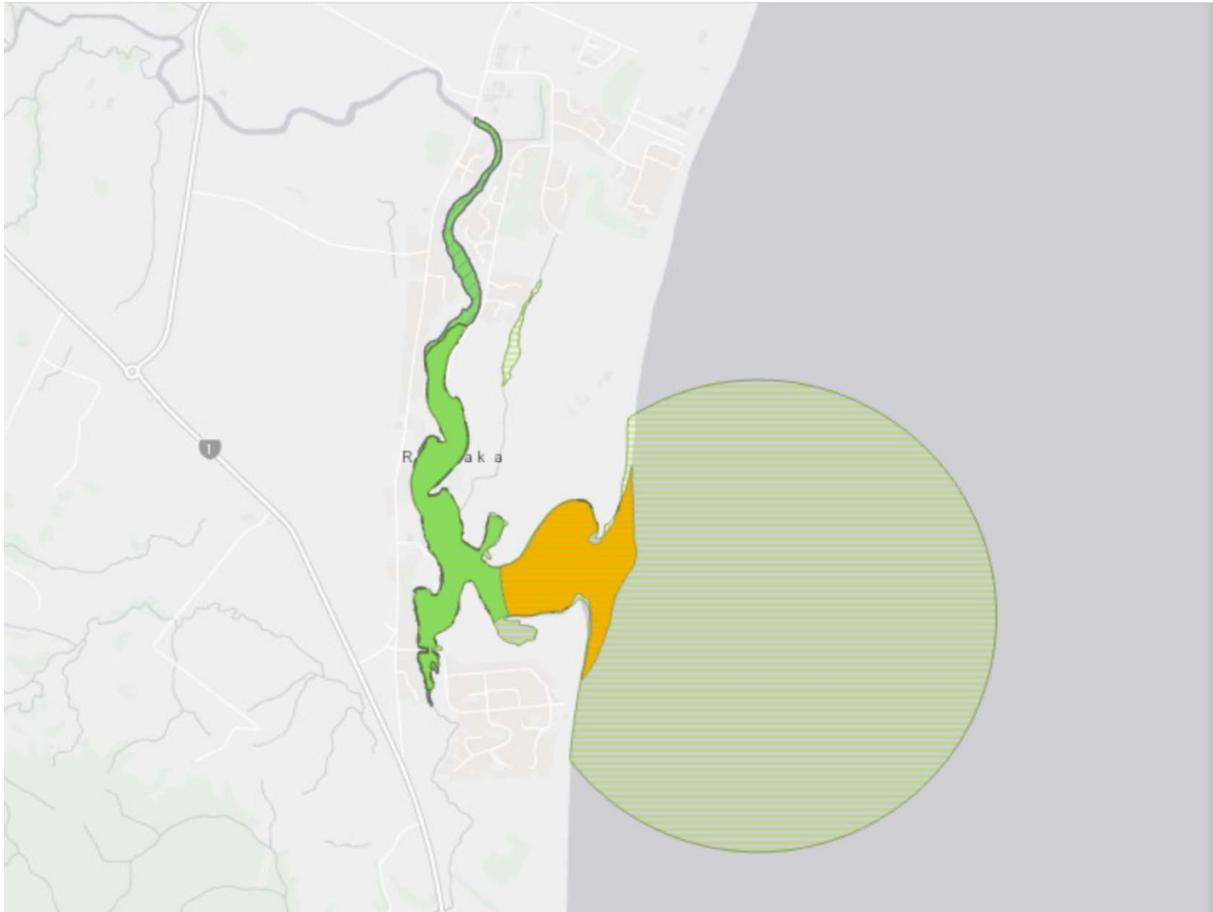
▼ Significant Ecological Areas



▼ Significant Bird Areas



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- ▼ Sites and Areas of Significance to Tangata Whenua (Subject to Appeal)



- ▶ Outstanding Natural Features

- ▼ Natural Character

- ▼ Outstanding (Subject to Appeal)

Within CMA

Unit spans CMA

- ▼ High (Subject to Appeal)

Within CMA

Unit spans CMA

Poupouwhenua



▼ Sites and Areas of Significance to Tangata Whenua (Subject to Appeal)



▼ Significant Ecological Areas



▼ Significant Bird Areas



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▾ Sites and Areas of Significance to Tangata Whenua (Subject to Appeal)



▸ Outstanding Natural Features

▾ Natural Character

▾ Outstanding (Subject to Appeal)

Within CMA

Unit spans CMA

▾ High (Subject to Appeal)

Within CMA

Unit spans CMA

Takahiwai & Mangawhati



Sites and Areas of Significance to Tangata Whenua (Subject to Appeal)



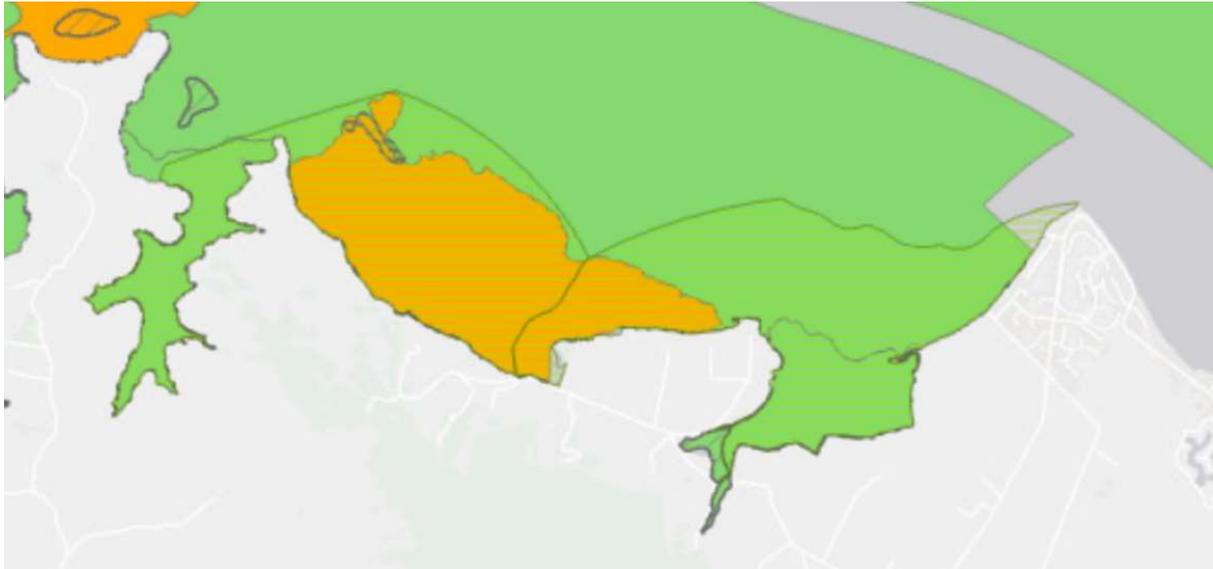
Significant Ecological Areas



Significant Bird Areas



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▾ Sites and Areas of Significance to Tangata Whenua (Subject to Appeal)



▸ Outstanding Natural Features

▾ Natural Character

▾ Outstanding (Subject to Appeal)

Within CMA

Unit spans CMA

▾ High (Subject to Appeal)

Within CMA

Unit spans CMA