

APPENDIX ONE

MECHANISMS FOR LEGAL PROTECTION OF NATURAL RESOURCES

The Conservancy can bid for money from a variety of funding sources to protect significant areas of habitat. Funding allows land to be protected in a number of ways, from outright purchase to acquiring an interest in private land through mechanisms such as conservation agreements with landowners.

The main sources of funding to protect land come from:

1. Nature Heritage Fund;
2. Nga Whenua Rahui (for Maori owned natural areas); and
3. The Department's internal Land Acquisition Fund.

In Northland, non-government agencies such as the New Zealand Native Forest Restoration Trust have been active in acquiring native forest areas for protection and restoration purposes. The local Whangarei Native Forest and Bird Protection Society and the Royal Forest and Bird Protection Society have both made contributions towards land acquisitions or have helped to jointly fund some management operations. The Northland Fish and Game Council is active in promoting the management and enhancement of waterfowl and gamebird habitat. This agency provides funding to landowners for construction of wetlands.

Gifts

Occasionally landowners wish to gift land to the Crown to ensure its long term viability. In such cases the Department of Conservation and the landowner will conclude an agreement which states the conditions under which the gift is to be made and the purpose the land will be held for. While the land may be actually gifted, the Department will almost certainly incur costs towards a subdivisional survey, fencing, legal and conveyance. These costs can actually exceed the value of the land. Where this may occur, and together with any limitations imposed on the Department's use and management under the terms of gifting, consideration must be given to the actual value of what is to be protected as gifting may not always be the best protection option. Section 25 of the Reserves Act imposes limitations on any subsequent disposal and it could well be that the existence of such restrictions encourages some donors.

Rates Relief

The introduction of the Rating Amendment Act 1992 is an incentive to private landowners who are willing to enter into voluntary agreements to protect their lands which have natural, historic or cultural values. This legislation includes provision which allows for the remission or postponement of rates by local authorities where landowners have voluntarily given up use and protected habitats under the Conservation Act, Reserves

Act, QE II National Trust Act, Historic Places Act and Te Ture Whenua Maori (Maori Land) Act 1993. The powers of revaluation under the Valuation of Land Act also apply.

Management Agreements (Section 29 Conservation Act 1987 and Section 38 Reserves Act 1977)

A management agreement is a legal contract or agreement between a landowner and the Department of Conservation to manage an area according to agreed conservation objectives. The agreement is not usually registered on the title and a new agreement needs to be negotiated when the land changes ownership. The agreement will spell out the management responsibilities required on the land. In Northland management agreements are another option for private land owners, trusts, or agencies that do not have the resources or conservation expertise to actively manage that particular habitat. In this sense it is a useful means of providing technical advice or management assistance to the landowner.

A management agreement can be utilised as a temporary mechanism while a greater rapport or more permanent protection can be considered at a later date. While an agreement lacks permanence, it can be attractive to landowners who want to keep their options open.

Open Space Covenant (Queen Elizabeth II National Trust Act 1977)

This Act sets up the Queen Elizabeth II National Trust. The objective of the Trust is to encourage the protection, preservation and enhancement of open space on private land. Much of the work of the Trust involves co-operation with rural landowners to protect important landscapes, scientific, cultural and recreational areas, and scenic and social values. Wetlands, streams, lakes, forest remnants, archaeological and geological features, coastline and rural landscapes can all be protected by the National Trust.

The main difference between the QE II National Trust Act 1977 and the options under the Reserves Act 1977 is that the National Trust is an independent organisation established to protect private land. Some private landowners do not like dealing with a government department. The QE II National Trust Act 1977 was designed and introduced as an option available to private landowners for the protection of open space. The Trust is independent from government and has a wide representation of people on its board of directors.

A QE II National Trust open space covenant is a legal agreement between the Trust and a landowner or lease holder to protect privately owned landscape features forever and is registered against the title. The landowner still owns the land but the Trust helps with management advice and may contribute to fencing or help negotiate rate relief.

In Northland, the QEII National Trust and the Department work very closely together. The Conservancy gives equal opportunity to landowners when advocating covenant options and assists the trust in the preparation of some applications.

Conservation Covenant (Reserves Act 1977 and Conservation Act 1987)

A conservation covenant is a mutual and binding agreement which may be negotiated between a landowner and the Department of Conservation or a local authority where private land or Crown land under lease contains natural values which the owner wishes to protect. Those values can be varied and include in the broad sense particular features of the landscape, history, flora and fauna, or natural ecosystems (i.e. wetlands, native forests and shrublands).

A conservation covenant is designed to protect the natural values on private or Crown lease land, without the Department of Conservation or local authority having to acquire the actual land. The protected area agreed upon remains in ownership of the landowner and is registered against the title of the land. This covenant suits situations where reserve objectives can be achieved without the owner needing to give up all uses of the land, or total management responsibility. The agreement between the private landowner and the Department of Conservation or local authority can then provide for measures to protect and enhance that natural feature e.g. bush remnant, whilst allowing some limited use of the land i.e. access to water, or to maintain a particular pastoral regime or to implement a desired landscape design while enabling use of a property for a range of purposes. Public access may be provided if it is appropriate and compatible with the owner.

Such a covenant may also be appropriate where a development right (e.g. subdivision) is foregone so that an existing land use such as farming is maintained. A covenant is binding on all future owners and may only be revoked by agreement of the two parties. The Department may pay for survey and legal costs, and may also contribute towards fencing costs and lobby on behalf of the landowner for rate relief from the local body.

Conservation Covenant (Section 27 Conservation Act 1987)

This option is very similar to the Reserves Act 1977 covenant option where agreements can be made between the Department of Conservation and a landowner.

Protected Private Land (Section 76 Reserves Act 1977)

The landowner may enter into a mutual agreement with the Department of Conservation (but not a local authority) to have a natural feature managed as protected private land if it contains values that would normally justify a reserve status if the land was in public ownership. A proposed protected private land area may contain a natural quality of scientific, scenic, historic, cultural, archaeological, or ecosystem (native forest, shrubland or wetland) or other interest that desirably should be protected.

A protected private land agreement is more suited to private conservation initiatives where the owner does not wish to sell outright but voluntarily gives up all uses incompatible with the agreed reserve classification of the land. (A conservation covenant, in comparison, suits situations where reserve objectives can be achieved without the

owner needing to give up all uses of the land or total management responsibility.) The agreement is notified in the Gazette and may be registered on the title. The agreement is binding on future owners unless the Minister of Conservation and new owner agree to revoke it.

Heritage Covenants

The New Zealand Historic Places Trust administer heritage covenants under sections 6-8 of the Historic Places Act 1993. The covenant provides for the protection, preservation and maintenance of the historic place, subject to terms agreed by the Trust and landowners. The term may be in perpetuity or for a fixed time. Provision for public access may be made, if appropriate.

The Trust also has a Heritage Conservation Fund, which provides grants and loans to private landowners towards the cost of conservation work on historic buildings and sites.

Lease

The Department may seek to lease land of high natural and historic value for protection purposes where other protection mechanisms and purchase are not options. Northland contains a number of nationally important habitats in this category. A lease may also appeal to the more traditional or conservative landowners. Terms of leases can be budgeted for but they may also lack a right of renewal and would probably not be in perpetuity. They are the least favoured protection mechanism for the Department.

A capitalised lease is another option where the rent may be capitalised and paid as a lump sum thereby giving the Department of Conservation greater budgetary certainty.

Exchange

This option is very limited in Northland and would only be appropriate where both parties hold suitable land of interest to the other. Section 40 of the Public Works Act 1981 would apply as do other considerations, and public involvement would be necessary under Section 15 of the Reserves Act. Equality of exchange may be payable by one party.

Nature Heritage Fund

The Nature Heritage Fund was born out of the Indigenous Forest Policy and its role subsequently widened to include other than native forests. Its role now is to assist the protection and management of all types of natural ecosystems including forests, wetlands, riparian areas, tussock lands and coastal ecosystems on private land. The Nature Heritage Fund is a contestable, criteria-based pool with annual funding from the Crown. It is used for protection and restoration of natural areas on private land through covenants, agreements, exchanges and land purchase. The Nature Heritage Fund is controlled by

the Minister of Conservation who has an independent advisory committee to assist him. The fund is available to private landowners, local authorities, professional and community organisations and other agencies and enterprises whose objectives are compatible with that of the Nature Heritage Fund.

The Conservancy has cases awaiting consideration for funding from the Nature Heritage Fund. The Nature Heritage Fund has received a lot of attention from Northland landowners and has to date been the main contributor towards the protection of several nationally important indigenous forest sites since its implementation in 1990.

Nga Whenua Rahui

This is a fund controlled by the Minister of Conservation who has an independent advisory committee to assist him. The purpose of the fund is to enable Maori owners to retain native forests, wetlands, riparian areas, tussock lands, and coastal ecosystems, and other important spiritual and cultural features with a kawenata (covenant agreement) under Section 27A(1)(a) under the Conservation Act 1987 (new section) or Section 77A(1)(a) (new section) of the Reserves Act 1977. The kawenata differs from that of a normal covenant as a 25 year review clause can be written into the agreement. As with the Nature Heritage Fund, a lot of interest has been shown in Nga Whenua Rahui by Taitokerau Maori and the Department is presently assisting several owners and trusts to protect their ngahere and natural areas with this option.

The fund is a contestable, criteria-based pool with annual funding from the Crown. It can be used to meet the costs of survey, fencing, weed and wild animal control, and payment of rates, and on some occasions to acquire by purchase, natural areas which have significant cultural and spiritual values. Sections 338-340 of Te Ture Whenua (Maori Land) Act 1993 can also be associated with Nga Whenua Rahui for reservation of Maori land, and this Act may in the future be preferred by Maori rather than the Reserves or Conservation Acts.

Land Purchase

Land purchase is generally a last option as other more cost effective protection alternatives are favoured. The Department of Conservation can purchase land with the co-operation of other interested groups i.e. local bodies, public subscription and conservation groups, to protect an area. For protection of native forest the Conservancy bids for funding from the Nature Heritage Fund and Nga Whenua Rahui agencies, while internal funding is sought for other non forested conservation areas. As funding is limited, not all areas can be considered for legal protection and each case is vigorously scrutinised and prioritised in conservation terms before it is recommended for purchase.

A purchase generally carries other associated costs such as contribution towards survey and fencing, valuation, legal costs, access, conveyance and possible arrears in rates and negotiation fees. Once an area has been acquired by purchase its protection is generally guaranteed.

Tradeable Development Rights

Development rights are effectively tradeable where normal conditions on land uses can be waived by local authorities in lieu of a more desirable outcome. The Conservancy assists local authorities in recommending which natural habitats are worthy of protection, which landowners are willing to voluntarily protect with a covenant when seeking subdivision of their land. In lieu of the protected area, Council may then give consent to property landowners to subdivide rural residential or lifestyle lots.

District Plans and Controls

The three Northland district councils have power to make provisions in district plans to protect conservation values on private land. In this respect the Conservancy's SSBI database in the form of schedules and registers can be a flagship to identify ecosystems and habitats on the plans. This information will not only be important in identifying and ranking natural areas in the plans, but it will also greatly assist landowners and developers with information they would normally have to provide themselves at their cost when giving consideration to various planning issues. Any potential effects or impacts will have to be considered for SSBI when addressing special zonings and land use controls, subdivision controls, land clearances and ground disturbance sites.

Regional Plans and Controls

The Northland Regional Council is presently preparing policy statements and coastal plans which will address the control and use of land for the purposes of soil conservation, maintenance and enhancement of water in water bodies and coastal water, and the avoidance or mitigation of natural habitats. The Council's policy statements and plans will be important contributors towards the protection of natural areas throughout the Northland region. The Regional Council, in conjunction with the Minister of Conservation, may undertake certain controls and activities within any lands or waters of the coastal marine area.

Resource Management Act 1991

The Department has a specific function with the process of public advocacy and awareness by being involved in regional and district planning under the Resource Management Act. The Department encourages local authorities, through the planning mechanisms of the Resource Management Act, to use relevant provisions to protect habitats from adverse effects on private land within the conservancy. The SSBI database is a major contributor to identifying and promoting the protection of significant habitats within the regional or district plans.

The clearance of native vegetation and drainage of wetlands for agricultural, afforestation and firewood purposes, the draining and taking of water from streams and dune lakes for agricultural irrigation purposes, subdivision and development of coastal sites and

offshore islands and numerous other activities which impact on or affect the integrity of habitats and ecosystems in Northland can all be addressed under the Resource Management Act. It is one of the Conservancy's aims to have all SSBI listed in all of the district council's district plans, together with some form of control or constraint on any activities which may impact on or affect the well-being of the most significant sites.

Forests Amendment Act 1993

The Forests Amendment Act 1993 was introduced to promote the long term sustainability of indigenous forests by requesting their management for the production of timber and the maintenance of their natural and amenity values on private and most Maori lands. However this legislation does not control clearfelling of forests and shrublands for agricultural, reforestation or firewood activities.

Heritage Orders (Sections 187-198 Resource Management Act 1991)

A heritage order provides protection for any specified landscape feature and places of national or local significance. It is similar to a designation except that its purpose is to protect features and places of national and local importance or which are significant to tangata whenua. The process followed is essentially the same as for designations and it has effect through the provisions of the district plan.

An important feature of the heritage order is the interim protection offered by issuing a requirement for this provision. Once the requirement is issued no person can do anything within the heritage order area that would nullify the effect of the order.

A heritage protection authority can be any Minister of the Crown, local authority, iwi, NZ Historic Places Trust, or any other body or person approved by the Minister for the Environment. In Northland the Royal Forest and Bird Protection Society has recently been approved as an authority to seek a heritage order over the Kaimaumau gumland pakihi-wetland area which lies outside of land administered by the Department.

As with a designation, compensation may be paid to the landowner or the land acquired under the Public Works Act 1981. This compulsory protection option would only be used where all other options have failed to protect a significant area.

Water Conservation Orders (Section 204 Resource Management Act 1991)

Water conservation orders can provide protection to water bodies including rivers, streams, lakes and wetlands of outstanding natural amenity or intrinsic value. They may contain restrictions or prohibitions relating to flow levels, allocation, contaminant loading or temperature. Northland does not have any waters which are protected under this mechanism but there are some ecosystems which are worthy of a water conservation order in the Conservancy.

There is a need for the Conservancy to identify the most significant waters in Northland to give consideration to the implementation of water conservation orders. Northland is at present faced with a sudden demand for huge volumes of water for irrigation. Many of Northland's rivers and streams are free of exotic fish, have forested (native) catchments and flow into relatively unmodified coasts or estuaries, while many lakes are free of both exotic fish and aquatic weeds. For these reasons, several of these ecosystems are a priority for investigation toward water conservation orders.

Designations (Section 176 and 178 Resource Management Act 1991)

A designation is a provision made in a district plan to provide for public works and certain types of network activities. This mechanism can be used to prevent activities which may adversely affect the special values of a significant habitat or ecosystem. This mechanism would only be used in extraordinary circumstances where all other options have failed to satisfactorily protect an area. Land can only be designated by requiring authorities, e.g. the Minister of Conservation, who would then issue a requirement to the territorial authority. The requirement is notifiable, and if confirmed it becomes a designation and is shown on the district plan and operates like a rule. This rule would prevent or hinder the public work within the designated habitat area. The affected landowner can apply to the Planning Tribunal for an order making the authority, e.g. the Department of Conservation, acquire the land or an interest in it if the designation means that they are unable to sell their land at market rate.

Designations will be reviewable more frequently and they will lapse after five years unless progress is made towards giving effect to the designations.

International Conventions

Northland contains several natural areas which are of international significance. None of these areas are formally listed under any of the recognised international conventions yet they quite clearly meet the criteria. The Conservancy is presently investigating at least one area for international recognition. All potential Northland sites would be on Crown land.

Wetlands of International Importance - RAMSAR Convention (administered by the Department of Conservation in New Zealand)

This status came into force in December 1975. It is concerned with preserving wetlands that are internationally important, for reasons that include their habitat value, for rare or migratory birds for research purposes. Parties to the convention (of which New Zealand is one) are to take steps to create reserves and otherwise protect such areas whether or not they are listed. Northland Conservancy is presently investigating the main northern harbours and associated wetlands, all of which are in Crown ownership, for RAMSAR status. Such a status would not prohibit ongoing activities, e.g. marine farms and fishing.

Other wetlands which meet the international criteria are also being considered in Northland, all of which are under Crown ownership, e.g. West coast dune lakes.

World Heritage Site (UNESCO)

The convention concerning the protection of world cultural and natural heritage adopted by the UNESCO general conference in Paris in 1972 recognised the obligations of all nations to protect unique natural and cultural areas of such international value that they are part of the heritage of all mankind. Only a few areas in New Zealand would be considered internationally important as natural world heritage areas and the Waipoua Forest Sanctuary and Poor Knights Islands are examples of possible candidates for this status.

Conservation of Nature in South Pacific (Apia 1976)

This convention, drawn up in Apia in 1976, imposes general obligations on member parties to safeguard representative samples of natural ecosystems and geological systems by setting up national parks and reserves. This convention and status has not yet come to fruition as it lacks the required number of signatories. However, this could be considered as a potential future status should it be ratified.

Biosphere Reserves (UNESCO)

This programme is an international network of biological reserves to conserve representative samples of ecosystems worldwide. The value of biosphere reserves still requires recognition but it does reinforce the efforts of various countries to promote conservation linked to development.

APPENDIX TWO
ICOMOS NEW ZEALAND
CHARTER FOR THE
CONSERVATION OF PLACES
OF CULTURAL HERITAGE
VALUE

.PREAMBLE

New Zealand retains a unique assemblage of places of cultural heritage value relating to its indigenous and its more recent peoples. These areas, landscapes and features, buildings, structures and gardens, archaeological and traditional sites, and sacred places and monuments are treasures of distinctive value.

New Zealand shares a general responsibility with the rest of humanity to safeguard its cultural heritage for present and future generations. More specifically, New Zealand peoples have particular ways of perceiving conserving and relating to their cultural heritage.

Following the spirit of the International Charter for the Conservation and Restoration of Monuments and Sites (the Venice Charter 1966), this charter sets out principles to guide the conservation of places of cultural heritage value in New Zealand. It is intended as a frame of reference for all those who, as owners, territorial authorities, tradespeople or professionals, are involved in the different aspects of such work. It aims to provide guidelines for community leaders, organisations and individuals concerned with conservation issues. It is a statement of professional practice for members of ICOMOS New Zealand.

Each section of the charter should be read in the light of all the others.

Definitions of terms used are provided in section 22.

Accordingly this charter has been adopted by the New Zealand National Committee of the International Council on Monuments and Sites at its meeting on 7 March 1993.

1 The Purpose of Conservation

The purpose of conservation is to care for places of cultural heritage value, their structures, materials and cultural meaning. In general, such places:

- (i) have lasting values and can be appreciated in their own right;
- (ii) teach us about the past and the culture of those who came before us;
- (iii) provide the context for community identity whereby people relate to the land and to those who have gone before;
- (iv) provide variety and contrast in the modern world and a measure against which we can compare the achievements of today; and
- (v) provide visible evidence of the continuity between past, present and future.

2 Indigenous Cultural Heritage

The indigenous heritage of Maori and Moriori relates to family, hapu and tribal groups and associations. It is inseparable from identity and well-being and has particular cultural meanings.

The Treaty of Waitangi is the founding document of our nation and is the basis

for indigenous guardianship. It recognises the indigenous people as exercising responsibility for their treasures, monuments and sacred places. This interest extends beyond current legal ownership wherever such heritage exists. Particular knowledge of heritage values is entrusted to chosen guardians. The conservation of places of indigenous cultural heritage value therefore is conditional on decisions made in the indigenous community, and should proceed only in this context. Indigenous conservation precepts are fluid and take account of the continuity of life and the needs of the present as well as the responsibilities of guardianship and association with those who have gone before. In particular, protocols of access, authority and ritual are handled at a local level. General principles of ethics and social respect affirm that such protocols should be observed.

3 Conservation Practice

Appropriate conservation professionals should be involved in all aspects of conservation work. Indigenous methodologies should be applied as appropriate and may vary from place to place. Conservation results should be in keeping with their cultural content. All necessary consents and permits should be obtained.

Conservation projects should include the following:

- (i) definition of the cultural heritage value of the place, which requires prior researching of any documentary and oral history, a detailed examination of the place, and the recording of its physical condition;

- (ii) community consultation, continuing throughout a project as appropriate;

- (iii) preparation of a plan which meets the conservation principles of this charter;

- (iv) the implementation of any planned work; and

- (v) the documentation of any research, recording and conservation work, as it proceeds.

GENERAL PRINCIPLES

4 Conservation Method

Conservation should:

- (i) make use of all relevant conservation values, knowledge, disciplines, arts and crafts;

- (ii) show the greatest respect for, and involve the least possible loss of, material of cultural heritage value;

- (iii) involve the least degree of intervention consistent with long term care and the principles of this Charter;

- (iv) take into account the needs, abilities and resources of the particular communities; and

- (v) be fully documented and recorded.

5 Respect for Existing Evidence

The evidence of time and the contributions of all periods should be respected in conservation. The material of a particular period may be obscured or

removed if assessment shows that this would not diminish the cultural heritage value of the place. In these circumstances such material should be documented before it is obscured or removed.

6 Setting

The historical setting of a place should be conserved with the place itself. If the historical setting no longer exists, construction of a setting based on physical and documentary evidence should be the aim. The extent of the appropriate setting may be affected by constraints other than heritage value.

7 Risk Mitigation

All places of cultural heritage value should be assessed as to their potential risk from any natural process or event. Where a significant risk is determined, appropriate action to minimise the risk should be undertaken. Where appropriate, a risk mitigation plan should be prepared.

8 Relocation

The site of an historic structure is usually an integral part of its cultural heritage value. Relocation, however, can be a legitimate part of the conservation process where assessment shows that:

- (i) the site is not of associated value (an exceptional circumstance); or
- (ii) relocation is the only means of saving the structure; or
- (iii) relocation provides continuity of cultural heritage value.

A new site should provide a setting compatible with cultural heritage value.

9 Invasive Investigation

Invasive investigation of a place can provide knowledge that is not likely to be gained from any other source. Archaeological or structural investigation can be justified where such evidence is about to be lost, or where knowledge may be significantly extended, or where it is necessary to establish the existence of material of cultural heritage value, or where it is necessary for conservation work. The examination should be carried out according to accepted scientific standards. Such investigation should leave the maximum amount of material undisturbed for study by future generations.

10 Contents

Where the contents of a place contribute to its cultural heritage value, they should be regarded as an integral part of the place and be conserved with it.

11 Works of Art and Special Fabric

Carving, painting, weaving, stained glass and other arts associated with a place should be considered integral with a place. Where it is necessary to carry out maintenance and repair of any such material, specialist conservation advice appropriate to the material should be sought.

12 Records

Records of the research and conservation of places of cultural heritage value should be placed in an appropriate archive and made available to all affected people. Some knowledge of places of indigenous heritage value is not a matter of public

record, but is entrusted to guardians within the indigenous community.

CONSERVATION PROCESSES

13 Degrees of intervention

Conservation may involve, in increasing extent of intervention: non-intervention, maintenance, stabilisation, repair, restoration, reconstruction or adaptation.

Where appropriate, conservation processes may be applied to parts or components of a structure or site.

Re-creation, meaning the conjectural reconstruction of a place, and replication, meaning to make a copy of an existing place, are outside the scope of this Charter.

14 Non-intervention

In some circumstances, assessment may show that any intervention is undesirable. In particular, undisturbed constancy of spiritual association may be more important than the physical aspects of some places of indigenous heritage value.

15 Maintenance

A place of cultural heritage value should be maintained regularly and according to a plan, except in circumstances where it is appropriate for places to remain without intervention.

16 Stabilisation

Places of cultural heritage value should be protected from processes of decay, except where decay is appropriate to their value. Although deterioration cannot be totally prevented, it should be slowed by providing stabilisation or support.

17 Repair

Repair of material or of a site should be with original or similar materials. Repair of a technically higher standard than the original workmanship or materials may be justified where the life expectancy of the site or material is increased, the new material is compatible with the old and the cultural heritage value is not diminished. New material should be identifiable.

18 Restoration

Restoration should be based on respect for existing material and on the logical interpretation of all available evidence, so that the place is consistent with its earlier form and meaning. It should only be carried out if the cultural heritage value of the place is recovered or revealed by the process.

The restoration process typically involves reassembly and reinstatement and may involve the removal of accretions.

19 Reconstruction

Reconstruction is distinguished from restoration by the introduction of additional materials where loss has occurred. Reconstruction may be appropriate if it is essential to the function or understanding of a place, if sufficient physical and documentary evidence exists to minimise conjecture, and if surviving heritage values are preserved. Reconstruction should not normally constitute the majority of a place. Generalised representations of typical features or structures should be avoided.

20 Adaptation

The conservation of a place of cultural heritage value is usually facilitated by it serving a socially, culturally or

economically useful purpose. In some cases, alterations and additions may be acceptable where they are essential to continued use, or where they are culturally desirable, or where the conservation of the place cannot otherwise be achieved. Any change, however, should be the minimum necessary and should not detract from the cultural heritage value of the place. Any additions and alterations should be compatible with original fabric but should be sufficiently distinct that they can be read as new work.

21 Interpretation

Interpretation of a place may be appropriate if enhancement of public understanding is required. Relevant protocol should be complied with. Any interpretation should not compromise the values, appearance, structure or materials of a place, or intrude upon the experience of the place.

22 Definitions

For the purposes of this Charter:

adaptation means modifying a place to suit it to a compatible use, involving the least possible loss of cultural heritage value.

conservation means the processes of caring for a place so as to safeguard its cultural heritage value.

cultural heritage value means possessing historical, archaeological, architectural, technological, aesthetic, scientific, spiritual, social, traditional or other special cultural significance, associated with human activity.

maintenance means the protective care of a place.

material means physical matter which is the product of human activity or has been modified by human activity.

place means any land, including land covered by water, and the airspace forming the spatial context to such land, including any landscape, traditional site or sacred place, and anything fixed to the land including any archaeological site, garden, building or structure, and any body of water, whether fresh or seawater, that forms part of the historical and cultural heritage of New Zealand.

preservation means maintaining a place with as little change as possible.

reassembly (anastylosis) means putting existing but dismembered parts back together.

reconstruction means to build again in the original form using old or new material.

reinstatement means putting components of earlier material back in position.

repair means making good decayed or damaged material.

restoration means returning a place as nearly as possible to a known earlier state by reassembly, reinstatement and/or the removal of extraneous additions.

stabilisation means the arrest of the processes of decay.

structure means any building equipment, device or other facility made by people and which is fixed to the land.

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- THE NEW ZEALAND
NATIONAL COMMITTEE OF THE
INTERNATIONAL COUNCIL ON
MONUMENTS AND SITES

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APPENDIX THREE

PRIORITIES FOR VISITOR AND RECREATION SITE MANAGEMENT

TE PAKI RESERVES

Management Approach

Emphasise Te Paki as a multi-use recreational reserve so long as this is in keeping with its special natural and cultural values.

Develop Cape Reinga as a unique cultural/spiritual experience for visitors by interpreting these values and focus on quality, accessible visitor services.

Disperse visitor use throughout Te Paki Reserves.

Manage Te Paki Reserves complex in a manner which retains its remote and wild character and which provides for local needs.

Top Priority Actions

Enrich visitors' experiences at Cape Reinga by interpreting the spiritual, historic and natural values and sensitively increase capacity of core facilities without damaging the natural and cultural values (see attached for further detail).

Enhance visitors' experience at Te Paki Stream through adequate facilities, interpretation and signs.

Improve signposting.

Control the use of motorised bikes and vehicles, especially on dunes areas, Mokaikai and North Cape Reserves.

Future maintenance standards of tracks will be addressed in the track strategy.

Longer Term Actions

Improve opportunities for short walks and increase public awareness of opportunities available.

Further investigate alternative management of Kapowairua campsite.

Develop a staged plan for enhancement of Tapotupotu Bay (service area, signage, plantings).

Discuss management options for Lake Ngakeketa with tangata whenua.

CAPE REINGA - TE RERENGA WAIRUA

Cape Reinga is one of New Zealand's major natural visitor attractions. It is a site of many things to many different people:

- a spiritually important site for New Zealand Maori;
- the end of New Zealand - a scenically stunning location where the two oceans meet;
- and

- a site surrounded by a rich and interesting European, Maori and natural history.

Visitor growth over the next ten years will have a marked impact on the existing site. Facilities cannot currently cope with existing volumes of use during the peak summer period. Upgrading of facilities is long overdue. The reasons for this are twofold:

- the transfer of the lighthouse area from Ministry of Transport to the Department of Conservation has been delayed; and
- the Waitangi Tribunal claim over all Te Pahi lands by Muriwhenua.

In addition, there is conflict over what should be provided for visitors to Cape Reinga. Ngati Kuri hold the position that all buildings (including toilets) should be removed from Cape Reinga and that it be returned to its natural state. Iwi do not want to make any decision regarding developments in Muriwhenua until the land claims are settled. The Department's priorities at Cape Reinga are:

- enhancing visitor experiences; and
- providing facilities that will adequately service visitors.

The Department believes visitors' experiences should be enriched by interpreting the historic, natural, cultural and spiritual values. The significance of the site to tangata whenua is of uppermost importance. In the Department's view provision of core visitor facilities at Cape Reinga should focus on carparking, toilets, shelter, information and walking tracks. These core facilities must be sensitively designed to fit in with the environment.

Visitor demand for food and drink to be available at Cape Reinga is high. A sensitively designed food, souvenir and information outlet of adequate capacity should be accommodated somewhere in the vicinity of Cape Reinga. Several of the main Cape Reinga tourist operators put forward a development proposal in 1993. They favour removal of all buildings at Cape Reinga and construction of a purpose built, sensitively designed building at the Cape itself.

It is clear there are many different views which need to be integrated. Overriding all of these issues and views is the need to improve the existing facilities to protect the site from the projected increases in visitors and to enhance visitor experience. This is the highest, most urgent priority.

AROUND KAITAIA

Management Approach

Provide for low key activity at service areas consistent with conservation values and monitor visitors to determine needs and reduce impacts.

Develop Lake Ohia as a focal point for interpreting historic and cultural values.

Rationalise remote tramping track opportunities in the Far/Mid North area and better manage short accessible walk opportunities.

Investigate upgrading the first portion of the Kaitaia Walkway to walking track standard.

Maintain Maitai Bay and Rarawa campsites to high standards consistent with conservation values and to national standards.

Top Priority Actions

Determine future developments and management at Lake Ngatu through a site management plan.

Reduce mowing wherever possible.

Monitor use of the Mangamuka Walkway and assess management of tracks in the track strategy.

Maintain visitor management at Maitai Bay to reduce conflicts with tangata whenua values.

Assess option for lease of Rarawa campsite.

Longer Term Actions

Seek to control vehicle use over conservation lands at Ahipara.

Investigate development of a short interpretative walk near Lake Ohia.

Rationalise and improve quality of facilities at Raetea and promote.

Investigate short bush walk opportunities at State Highway 1 (start of Mangamuka Walkway).

Improve aesthetics at Maitai Bay (impact of cottage, day visitor carparking, signage).

Improve maintenance standard of Maitai Bay walks and improve signposting.

PAWARENGA

Management Approach

Rationalise tramping opportunities in the Far/Mid North area, but provide for remote, challenging tramping.

Top Priority Actions

Assess management of tramping and walking in the track strategy.

MANGONUI

Management Approach

Develop Mangonui Courthouse and Rangikapiti Pa as focal points for interpreting historic and cultural values.

Top Priority Actions

Sensitively protect Rangikapiti Pa from visitor impact.

Longer Term Actions

Interpret historic values of Mangonui Courthouse.

Improve short walk opportunities in the Mangonui area (Rangikapiti Reserve).

OMAHUTA FOREST and SANCTUARY

Management Approach

Manage as a low key, kauri forest experience offering historic interpretation.

Rationalise and cluster visitor facilities rather than manage as existing scattered sites.

Top Priority Actions

Monitor visitor use and ascertain visitor needs.

Continue road maintenance and address track network in track strategy.

Longer Term Actions

Implement rationalisation programme.

Orientate visitors, provide information and historic kauri interpretation.

MOTUKAWANUI

Management Approach

Develop as a community based revegetation project to create an open wildlife sanctuary reserve with emphasis on low impact land and marine based opportunities including basic overnight accommodation.

Top Priority Actions

Monitor visitor needs and address track network in track strategy.

Longer Term Actions

Replace or reconstruct hut and provide information on and interpret the island's special values.

WHANGAROA

Management Approach

Provide for low-key activity consistent with conservation and local needs.

Top Priority Actions

Address track network in track strategy.

Improve carparking at St Pauls Rock.

Longer Term Actions

Assess further opportunities for short walks and assess demand for camping at Wairakau Stream and St Pauls Rock point.

Better promote the opportunities available.

PUKETI FOREST

Management Approach

Manage Puketi to provide a wide range of recreation opportunities consistent with its high ecological values.

Concentrate efforts on several key tracks and manage short accessible walks to high standards, especially where they can offer floristic or historic interpretation. This will include rationalising the 58 km of track in the Waipapa River Basin.

Maintain Mokau and Pirau Ridge Roads only for management purposes.

Manage Puketi recreation area as low key camping and trampers' hut accommodation offering visitors a base from which to explore the forest.

Manage Forest Pools primarily as a day use picnic site and secondly as an informal camping site.

Top Priority Actions

Develop Manginangina as a high quality, easily accessible kauri forest experience.

Better promote visitor opportunities available at Puketi, especially from the Bay of Islands.

Address track network in more detail in track strategy, investigating improving the standard of the following core tracks:

- Waipapa River Track
- Takapau and Waihoanga Tracks
- Walnut Track
- The Nature Trail.

Reduce mowing wherever possible.

Longer Term Actions

Upgrade visitor information/orientation to promote opportunities available.

AROUND KAIKOHE

Management Approach

Develop the Ngawha Lakes consistent with local needs, offering a low key visitor attraction at Northland's unique thermal site.

Longer Term Actions

Consider provision of interpretation and facilities to protect the natural resource then promote the opportunities available.

AROUND KERIKERI

Management Approach

Manage facilities and services in Kerikeri Basin to high standards and enhance visitor experience through interpreting the historic and natural attractions.

Develop Rainbow Falls as a high standard wheelchair-accessible attraction with accompanying picnic facilities.

Develop Kerikeri River Wildlife Ponds as a community project where visitors can view wetland wildlife.

Provide for low impact, passive experiences at Waitangi Wetlands and also allow seasonal gamebird hunting.

Enhance visitor experience through provision of interpretative material at Marsden Cross and Akeake.

Discontinue maintenance responsibilities on the Kerikeri Walkway.

Top Priority Actions

Determine future directions and management of the Kerikeri Basin with other parties. Develop a management site plan.

Promote a co-ordinated and co-operative approach with other shareholders in the management of Kerikeri Basin.

Ensure all core facilities in the Kerikeri Basin and at Rainbow Falls are of a high standard and provide a centralised information/orientation point.

Ensure visitor impacts are reduced behind the waterfall.

Assess management of tracks in the track strategy.

Investigate alternative management for the Kerikeri Walkway.

Longer Term Actions

Assess future demand for additional short walk opportunities in the Basin / Kerikeri area.

Improve promotion of opportunities available around Kerikeri.

AROUND PAIHIA AND RUSSELL

Management Approach

Develop Flagstaff Hill as an accessible, high quality site interpreting cultural and scenic values.

Enhance visitor experience and the quality of short walks adjacent to focal sites.

Top Priority Actions

Improve carparking, access (to wheelchair standard) at Flagstaff Hill and protect the pa site from visitor impact.

Upgrade displays at the Bay of Islands Historic and Maritime Park visitor centre.

Maintain short accessible walks to high standards (track strategy will guide management of tracks).

Monitor use on Opua Forest walks and address deficiencies that arise.

Longer Term Actions

Extend underwater nature trail and promote more widely.

Assess further short walk opportunities at Stockyard Point and near Waitata/Flagstaff Hill.

THE ISLANDS

Management Approach

Emphasise Urupukapuka as the multi-use conservation island where low impact opportunities are suitable. Develop the island to enhance its historic, scenic, recreational and ecological values.

Provide facilities and services on the other park islands that are in keeping with their conservation aims and that enhance the visitors experience by interpreting historic and cultural values.

Manage the rubbish barge jointly with other partners.

Top Priority Actions

Provide visitor interpretation at Otehei Bay.

Maintain visitor facilities to high standards and upgrade the interpretation on the archaeological walk.

Assess the provision of sensitively designed toilets on the islands at the highest use, problem areas.

Improve the Department's presence in the Park by providing visitor orientation on Motuarohia.

Seek to further progress the Bay of Islands marine protected area proposal.

Longer Term Actions

Create public awareness of the ecological values of Moturua.

Investigate a more effective means of extracting payment from boat users of the rubbish barge in conjunction with other partners.

CAPE BRETT-WHANGAMUMU

Management Approach

Develop Cape Brett and Whangamumu in a manner which provides for local needs and offers visitors a remote experience. Review the actions identified in the Cape Brett feasibility study.

Manage Whangamumu and Deepwater Cove as historic/scenic attractions where low impact camping is permitted.

Top Priority Actions

Discuss options for further development with tangata whenua and address in the track strategy.

Longer Term Actions

Alleviate eroded section of Whangamumu track and upgrade visitors experience at the whaling station.

Create a visitor friendly site at Whangamumu and Deepwater Cove through provision of on-site information and signposting.

PUNARUKU-RUSSELL FOREST

Management Approach

Rationalise track network, better manage the remaining core tracks, and allow low impact, informal camping and picnicking.

Top Priority Actions

Monitor visitor use and visitor needs and then assess and implement rationalisation of facilities (according to track strategy).

Carefully consider future road maintenance in Punaruku Valley.

Longer Term Actions

Promote opportunities available.

WHANGARURU NORTH HEAD

Management Approach

Investigate alternative management options for the reserve and Puriri Bay campsite.

Longer Term Actions

Assess future management of campsite in light of the Field Centre review.

Continue management of walking tracks and provision of visitor information.

MIMIWHANGATA

Management Approach

More strongly emphasise the multi-use opportunities at Mimiwhangata: accommodation, outdoor education, tourism, recreation, ecological and cultural values.

Top Priority Actions

Determine future development and management of Mimiwhangata through development of a site management plan.

Longer Term Actions

Promote accommodation and existing opportunities widely.

RUAPEKAPEKA PA

Management Approach

Develop in close consultation with tangata whenua to enhance the visitors experience and awareness of the site.

Longer Term Actions

After site development, progress effective marketing and promotion.

CLOSE TO WHANGAREI CITY

Management Approach

Manage recreation facilities for visitors near Whangarei City in closer liaison with the Whangarei District Council.

Investigate the provision of low-impact visitor information at Waro Limestone Reserve to interpret the geological and cultural values.

Manage easily accessible tracks to high standards.

Discontinue maintenance and promotion of the Maungatapere Walkway.

Top Priority Actions

Address management of NZ Walkways and tracks in the track strategy.

Look for alternative management for the Maungatapere Walkway.

Hand over management of domain board reserves to local authority.

Longer Term Actions

Discuss management of Waro Limestone Reserve with tangata whenua.

Integrate views of all partners and visitors in the recreational management of Pukenui and assess upgrading of the Pukenui Walkway to family short walk standard.

Investigate improving the gradient and route of the Otaika Valley walkway.

BREAM HEAD

Management Approach

Assess management of Mt Manaia with the intention to upgrade to safer standards to enable continued access while protecting the natural and cultural values present.

Manage Smugglers Cove as a multi-use, passive recreation site where historic and cultural appreciation and water based activities can be experienced.

Top Priority Actions

Assess management of Mt Manaia with iwi and develop a plan to manage existing impacts.

Keep tracks, signs and visitor information/orientation to high standards.

Longer Term Actions

Monitor visitor use at Bream Head.

TUTUKAKA/WHANANAKI

Management Approach

Promote Tutukaka as a day use site where the community and visitors can obtain access to the coast.

Provide low key, back to nature style camping and assess options for alternative management of Otamure Bay campsite.

Top Priority Actions

Assess opportunities for alternative management of Otamure Bay campsite.

Longer Term Actions

Improve access at Tutukaka through construction of a formed track on the steep eroded sections to the coast.

Promote other opportunities available.

TANGIHUA FOREST

Management Approach

Develop as a multi-use recreational forest resource offering accommodation (lodge, hut and camping), tramping, short walks, outdoor education, hunting and picnicking.

Top Priority Actions

Resolve road access to the Tangihua Outdoor Education Lodge and foot access to the opportunities available on the southern side of the forest.

Improve access to the forest from the north side of the forest.

Longer Term Actions

Rename the track network and promote opportunities available.

BREAM BAY

Management Approach

Continue to provide low impact, back to nature camping at Uretiti and assess options for alternative management.

Top Priority Actions

Manage high impact activities, focus on educating visitors on the importance of the wildlife refuges and assess options for alternative management of the Uretiti campsite.

WHANGAREI AREA NZ WALKWAYS

Management Approach

Manage NZ Walkways in the Whangarei area to standards consistent with their use, purpose and values present.

Top Priority Actions

Address management of NZ Walkways in the track strategy and seek to secure access and protect adjoining landowners' rights.

Focus on educating visitors as to their responsibilities while on or near private land.

Longer Term Actions

Promote opportunities available.

POOR KNIGHTS ISLANDS MARINE RESERVE

Management Approach

Improve patrolling of the marine reserve in partnership with others.

Top Priority Actions

Continue advocacy of the reserve at key locations and in brochures.

Longer Term Actions

Monitor visitors and ascertain their needs.

OPONONI AREA

Management Approach

Develop Arai-te-Uru to enhance its natural, cultural and historic values and to protect from visitor impact.

Manage Waima Forest in a manner that provides some remote, challenging tramping experiences.

Top Priority Actions

Upgrade visitor facilities at Arai-te-Uru and alleviate eroded track.

Rationalise Waima tramping tracks in track strategy placing emphasis on improving the standard of accessible walks and promotion of the track standards and conditions in Waima.

Longer Term Actions

Monitor use of the North Hokianga Head and assess visitor needs.

WAIPOUA FOREST and SANCTUARY

Management Approach

Maintain the key attractions to high quality standards and ensure visitors' basic needs are met: access, carparking, toilets, information and quality short walks.

Innovatively educate visitors on the "kauri" experience.

Until the Treaty claim over the Waipoua Headquarters and Kawerua is settled, provide low-key development and management.

The accommodation complex has potential to become a conference/outdoor education centre with accompanying facilities. Evaluate concession options.

Direct public access to big trees to Tane Mahuta, Te Matua Ngahere, the Four Sisters and the Yakas Kauri.

Top Priority Actions

Develop a concept plan for visitor management at Waipoua and promote opportunities and accommodation.

Address additional and existing opportunities for tramping in the track strategy.

Work closely with tangata whenua to address concerns on the Waipoua Coastal Walkway. Assess options for an aerial walkway and a time scale walk.

Longer Term Actions

Assess opportunities for improving access from Waipoua to the coast.

Assist with the investigation and development of a "Great Walk".

A visitor management development plan is needed at Waipoua. Existing management of facilities such as the visitor information centre do not maximise visitor experiences due to the centre's poor location and dated displays.

Address the main requirements, which are:

- capacity of facilities for carparking, toilets;
- access for disabled to Tane Mahuta and adjoining services;
- linking the main trees via a high quality loop walking track;
- environmentally sound waste disposal;
- information and interpretation; and
- alleviating visitor impacts around the attractions.

MATARAUA FOREST

Management Approach

Manage the Waoku Coach Road as an historic accessway allowing low-impact opportunities and rationalise maintenance of the Mataraua-Waima track network.

Top Priority Actions

Address in track strategy.

Longer Term Actions

Seek control of the Waoku Coach Road sections through conservation lands and protect historic and recreational values.

Consider improving surface and water runoff on the Waoku Coach Road Walkway.

TROUNSON KAURI PARK

Management Approach

Assess alternative management for Trounson campsite accommodation and reserve and maintain facilities to high standards.

Top Priority Actions

Investigate concession option for Trounson campsite.

Longer Term Actions

Improve quality of visitor facilities at Trounson (signposting, picnic areas, interpretation).

DARGAVILLE AREA

Management Approach

Improve visitor monitoring at sites such as Kauri Bushmens walk and Tokatoka Volcanic Peak walk to ascertain visitor needs.

Top Priority Actions

Monitor visitor use and assess management of tracks in track strategy.

Longer Term Actions

Consider upgrading Tokatoka Walkway and investigate alternative maintenance for the Hukatere and Montgomery Bush walks.

POUTO

Management Approach

Develop the historic reserve as a day use historic attraction.

Align management of the historic reserve with Historic Places Trust management and control visitor use while enhancing the experience of visitors through historic interpretation.

Top Priority Actions

Improve the Department's presence and management of visitor impacts at Pouto.

APPENDIX FOUR
COMMON AND SCIENTIFIC NAMES FOR PLANT PESTS AND
THREATENED PLANTS

PLANT PESTS

[Refer to Table Six in Section 5.5 Plant Pest Control]

African club moss	<i>Selaginella kraussiana</i>
African feather grass	<i>Pennisetum macrourum</i>
Alligator weed	<i>Alternanthera philoxeroides</i>
Aristea	<i>Aristea ecklonii</i>
Australian sedge	<i>Carex longebrachiata</i>
Banana passionfruit	<i>Passiflora mixta, Passiflora mollissima</i>
Bartlettina	<i>Bartlettina sordida</i>
Bathurst burr	<i>Xanthium spinosum</i>
Bottle brush	<i>Callistemon spp.</i>
Boxthorn	<i>Lycium ferocissimum</i>
Broom	<i>Cystisus scoparius</i>
Cape honey flower	<i>Melianthus major</i>
Chinese privet	<i>Ligustrum sinense</i>
Climbing asparagus	<i>Asparagus scandens</i>
Cotoneaster	<i>Cotoneaster glaucophyllus</i>
Downy hakea	<i>Hakea sericea</i>
Evergreen buckthorn	<i>Rhamnus alaternus</i>
Gorse	<i>Ulex europaeus</i>
Hemlock	<i>Conium maculatum</i>
Himalayan honeysuckle	<i>Leycesteria formosa</i>
Ivy	<i>Hedera helix</i>
Kahili ginger	<i>Hedychium gardnerianum</i>
Kangaroo acacia	<i>Racosperma paradoxum</i>
Lantana	<i>Lantana camara var. aculeata</i>
Loquat	<i>Eriobotrya japonica</i>
Manchurian rice grass	<i>Zizania latifolia</i>
Mexican daisy	<i>Erigeron karvinskianus</i>
Mexican devilweed	<i>Ageratina adenophora</i>
Mist flower	<i>Ageratina riparia</i>
Monkey apple	<i>Acmena smithii</i>
Montebretia	<i>Crocasmia x crocosmiflora</i>

Moth plant	<i>Araujia sericifera</i>
Nassella tussock	<i>Stipa trichotoma</i>
Nodding thistle	<i>Carduus nutans</i>
Olive	<i>Olea europeae</i>
Orange cestrum	<i>Cestrum auranticum</i>
Oxylobium	<i>Callistachys lancrolata</i>
Pampas	<i>Cortaderia sellona, Cortaderia jubata</i>
Prickly hakea	<i>Hakea sericea</i>
Ragwort	<i>Senecio jacobaea</i>
Sharp rush	<i>Juncus acutus</i>
Spartina	<i>Spartina alternifolia, Spartina angelica</i>
Sweet pea shrub	<i>Polygala myrtifolia</i>
Sydney golden wattle	<i>Racosperma longifolium</i>
Tutsan	<i>Hypercium androsaemum</i>
Variegated thistle	<i>Silybum marianum</i>
Wandering jew	<i>Tradescantia fluminensis</i>
Water net	<i>Hydrodictyon reticulatum</i>
Water poppy	<i>Hydrocleys nymphoides</i>
White edged nightshade	<i>Solanum marginatum</i>
Wilding pines	<i>Pinus spp.</i>
Willow leaved hakea	<i>Hakea salicifolia</i>
Woolly nightshade	<i>Solanum mauritianum</i>
Yellow ginger	<i>Hedychium flavescens</i>

THREATENED PLANTS

[Refer to Table Eight in Section 5.11 Protected Species.]

<i>Asplenium pauperequitum</i>	Poor Knights asplenium
<i>Celmisia adamsii</i> var. <i>rugosula</i>	Mountain daisy
<i>Charmichaelia williamsii</i>	New Zealand broom
<i>Clianthus puniceus</i>	Kaka beak
<i>Dactylanthus taylorii</i>	Dactylanthus
<i>Doodia aspersa</i>	Prickly rasp fern
<i>Euphorbia glauca</i>	Shore spurge
<i>Hebe speciosa</i>	Titirangi, purple hebe
<i>Lepidium oleraceum</i>	Cook's scurvy grass
<i>Macropiper melichoir</i>	Three King's kawakawa
<i>Metrosideros bartletii</i>	Bartletts rata
<i>Ophioglossum petiolatum</i>	Stalked adder's tongue
<i>Peraxilla tetrapetala</i>	Red mistletoe
<i>Pittosporum obchordatum</i>	Heart-leaved kohuhu

<i>Sicyos australis</i>	Native cucumber
<i>Thelypteris confluens</i>	Swamp fern
<i>Tupeia antarctica</i>	White mistletoe
<i>Utricularia delicatula</i>	Green mistletoe

APPENDIX FIVE

LEGISLATIVE REQUIREMENTS AND THE TREATY OF WAITANGI/TE TIRITI O WAITANGI

The Conservation Act 1987

The Conservation Act established and sets out the functions of the Department of Conservation. The Department is required to administer the Act, and Acts named in the First Schedule. Specific functions of the Department under section 6 of that Act are listed in that Act as follows:

- (a) To manage for conservation purposes, all land, and all other natural and historic resources, for the time being held under this Act, and all other land and natural historic resources whose owner agrees with the Minister that they should be managed by the Department:
- (ab) To preserve so far as is practicable all indigenous freshwater fisheries, and protect recreational freshwater fisheries and freshwater fish habitats:
- (b) To advocate the conservation of natural and historic resources generally;
- (c) To promote the benefits to present and future generations of -
 - (i) The conservation of natural and historic resources generally and the natural and historic resources of New Zealand in particular; and
 - (ii) The conservation of natural and historic resources of New Zealand's sub-Antarctic islands and, consistently with all relevant international agreements, of Ross Dependency and Antarctica generally; and
 - (iii) International co-operation on matters relating to conservation:
- (d) To prepare, provide and disseminate, promote, and publicise educational and promotional material relating to conservation;
- (e) To the extent that the use of any natural and historic resource for recreation or tourism is not inconsistent with its conservation, to foster the use of natural and historic resources for recreation, and to allow their use for tourism:
- (f) To advise the Minister on matters relating to any of those functions or to conservation generally;
- (g) Every other function conferred on it by any other enactment.

Section 4 of the Conservation Act requires the Act to be interpreted and administered so as to give effect to the principles of the Treaty of Waitangi.

Acts in the First Schedule (with regulations) of the Conservation Act 1987 and Acts the Department administers

The Historic Places Act 1993

The Historic Places Trust has functions and powers under this Act and reports to the Minister of Conservation.

The Marine Mammals Protection Act 1978

The Department administers this Act, which provides for the protection, conservation, and management of marine mammals in the area covered by the waters of the New Zealand fisheries.

The Marine Reserves Act 1971 (and Marine Reserves Regulations 1991)

The Department administers this Act, which provides for the establishment and management of areas of sea and foreshore as marine reserves for scientific study purposes. The regulations regulate the conduct of persons within marine reserves and provide for scientific studies in reserves.

The Native Plants Protection Act 1934

The Department administers this Act, which provides protection for native plants, on Crown Land, public reserves, and private land.

The New Zealand Walkways Act 1990

The Department administers this Act, which establishes and maintains public walking tracks over public and private lands in New Zealand.

The Queen Elizabeth II National Trust Act 1977

This Act establishes this trust which encourages and promotes the provision, protection, and enhancement of open space.

The Reserves Act 1977

The Department is responsible for administering the Reserves Act, the purpose of which is to:

- (a) Provide, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing:
 - (i) recreational use or potential, whether active or passive; or
 - (ii) wildlife; or
 - (iii) indigenous flora or fauna; or
 - (iv) environmental and landscape amenity or interest; or

- (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value;
- (b) Ensure as far as possible, the survival of all indigenous species of flora and fauna, both rare and commonplace, in their natural communities and habitats, and the preservation of representative samples of all classes of natural ecosystems and landscape which in the aggregate originally gave New Zealand its own recognisable character; and
- (c) Ensure, as far as possible, the preservation of access for the public to and along the sea coast, its bays and inlets and offshore islands, lake shores, and riverbanks, and fostering and promoting the preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development. (*s3 Reserves Act*).

The National Parks Act 1980

This Act provides for the protection of areas of New Zealand that contain scenery of such distinctive quality, ecological systems, or natural features so beautiful, unique or scientifically important, that their preservation is in the national interest.

The Wild Animal Control Act 1977 (and Noxious Animals in Captivity Regulations, 1969)

- (1) This Act shall apply to all land, having regard to the provisions of any Act applying to the land, and shall be for the purposes of controlling wild animals generally, and of eradicating wild animals locally where necessary and practicable, as dictated by proper land use.
- (2) This Act shall be administered, having regard to the general purposes specified in subsection (1) of this section so as to:
 - (a) ensure concerted action against the damaging effects of wild animals on vegetation, soils, waters, and wildlife; and
 - (b) achieve co-ordination of hunting measures; and
 - (c) provide for the regulation of recreational hunting, commercial hunting, wild animal recovery, and the training and employment of staff.

(*s4 Wild Animal Control Act*)

The Wildlife Act 1953 and Wildlife Regulations 1955

This Act and its regulations provide for protection or management of most indigenous terrestrial mammals, most native (indigenous) birds, reptiles, amphibians, and some terrestrial invertebrates.

Other Acts and Regulations Administered by the Department

The Freshwater Fisheries Regulations 1983

The Department administers these regulations made under the Conservation Act. The Department's role is to manage and conserve freshwater fisheries and fishery resources in New Zealand and maintain free passage for freshwater fish.

The Trade in Endangered Species Act 1989 and Regulations

The Department administers this Act which regulates the trade in endangered species or any product from those species.

This Act states that its object "is to enable New Zealand to fulfil its obligations under the Convention"..."and to promote the management, conservation and protection of endangered, threatened and exploited species to further enhance the survival of those species".

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (hereafter called CITES), of which New Zealand is a party, regulates the trade (i.e. the import, export, and re-export) of living or dead specimens of animal and plant species and their parts and their derivatives which are listed in the appendices to the Convention. The appendices list species which are threatened with extinction by international trade.

The Whitebait Regulations 1991

The Department administers and enforces these regulations. The regulations specify the season length, type and number of nets, hours of fishing, and allow, by permit, the taking of whitebait for hui or tangi outside the season.

Other Acts that the Department has significant responsibilities under or involvement in

Biosecurity Act 1993

This Act is administered by the Ministry of Agriculture and Forestry and locally by regional councils. *The transitional provisions bind the Department until 1998, after which pest management strategies will set any "obligations" (or earlier if a noxious plant is covered by an approved pest management strategy).* The Minister of Conservation is able to propose national pest management strategies, and the Department can request or require regional councils to prepare regional pest management strategies. The Minister can also undertake small scale management of unwanted organisms. This Act does not affect or derogate from provisions in Acts administered by the Department, including the Wildlife Act and Wild Animal Control Act amongst others.

The Crown Minerals Act 1991

The Ministry of Commerce administers this Act. Access for mining purposes to land administered by the Department or land vested in other bodies under the Reserves Act, is controlled under this Act.

The Forest and Rural Fires Act 1977 and Regulations

The Minister of Conservation is a Rural Fire Authority and his powers and responsibilities are covered by this Act. The Minister must prepare fire plans, issue fire permits, control fires and liaise with various fire authorities. The Minister also manages a one kilometre fire safety margin surrounding every area of Crown Land.

Maori Purposes Act 1931

This Act provides for the administration of Maori lands gifted to the Crown for preservation, and managed as Scenic Reserves under the Reserves Act 1977.

Treaty of Waitangi Act 1981

This Act provides for the observance, and confirmation, of the principles of the Treaty of Waitangi by establishing a Tribunal (the Waitangi Tribunal) to make recommendations on claims relating to the practical application of the Treaty and to determine whether certain matters are inconsistent with the principles of the Treaty. Most of the land administered by the Department is subject to claims under this Act.

Marine Pollution Act 1974

The Ministry of Transport administers this Act which deals with the prevention and cleaning of oil pollution of the sea. The Department assists with regional planning and protection of marine mammals and wildlife.

Marine Farming Act 1971

The Ministry of Fisheries administers this Act which provides a framework for the leasing, licensing and provisions of marine farming. The Department's powers are laid out in accordance with the Department's Marine Farming Policy, and there is joint consent for marine farming licences, spat-catching areas, prohibited anchorages, and mining interests.

Public Works Act 1981

The Department can grant consents to setting apart conservation areas and reserves and declaring Crown/reserve land as road.

The Resource Management Act 1991

The Department uses processes under the Resource Management Act to advocate for the conservation of natural and historic resources. The basis for this activity comes from Section 6 of the Conservation Act. For example, the Department uses provisions of the Act to endeavour to provide some protection for wildlife and fisheries habitat on land not administered by the Department.

The key processes that the Department will participate in are preparation of policy statements and plans, resource consent applications, and heritage orders.

There is a formal hierarchy of planning documents. Each one is not to be inconsistent with the ones above it. They are:

- national policy statements (including New Zealand Coastal Policy);
- regional policy statements;
- regional plans; and
- district plans.

When preparing regional policy statements, regional or district plans, councils shall have regard to any:

management plans and strategies prepared under other Acts (*s. 61 (2)(a)(i)*, *s. 66 (2)(c)(i)*, *s. 74 (2)* and *s. 104 (2) Resource Management Act*).

This CMS is one of these strategies.

As a separate matter, the Minister of Conservation is responsible for preparing the New Zealand Coastal Policy (NZCP) for the "coastal environment" (*s.28, Resource Management Act*). Regional policy statements, regional plans, and district plans are not to be inconsistent with NZCP or any other national policy statement. Applications for specified coastal activities with major impacts are dealt with as Restricted Coastal Activities and require the consent of the Minister of Conservation. The Department services the Minister in the performance of these functions and has the responsibility to monitor the effect and implementation of national coastal policy statements and coastal permits issued by the Minister.

Day-to-day responsibility for coastal administration and management in the Coastal Marine Area (below the mean high water springtide line) is the responsibility of regional councils. Each regional council is to propose a regional coastal plan or plans by 1 July 1994. Regional coastal plans must eventually be approved by the Minister of Conservation.

Te Tiriti o Waitangi

Ko Wikitoria, te Kuini o Ingarani, i tana mahara atawai ki nga Rangatira me nga Hapu o No Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatirantanga, me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira hei kai wakariti ki nga Tangata maori o Nu Tirani-kia wakaaetia e nga Rangatira maori te Tawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu-na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kaua ai nga kino e puta mai ki te tangata Maori ki te Pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa a Nu Tirani e tukua aiane, amua ki te Kuini e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

Ko te Tuatahi

Ko nga Rangatira o te Wakaminenga me nga Rangatire katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu-te Kawanatanga katoa o o ratou wenua.

Ko te Tuarua

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu-ki tangata katoa o Nu Tirani te tino rangatiratanga o o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te Wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nono te Wenua-ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

Ko te Tuatoru

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini-Ka tiakina e te Kuini o Ingarani nga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

(Signed) WILLIAM HOBSON
Consul and Lieutenant-Governor.

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pipueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

Ko nga Rangatira o te wakaminenga.

The Treaty of Waitangi

HER MAJESTY VICTORIA Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands - Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorise me William Hobson a Captain in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and conditions.

ARTICLE THE FIRST

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

ARTICLE THE SECOND

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the chiefs of the United Tribes and the Individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

ARTICLE THE THIRD

In consideration thereof Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this Sixth day of February in the year of Our Lord One thousand eight hundred and forty.

[Here follow signatures, dates, etc.]

APPENDIX SIX

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