

6. Use Management and Land Administration

6.1 INTRODUCTION

This section covers the offering, processing, monitoring and enforcement of non-tourism or recreation concessions for use of land, and land transactions pertaining to land administered by the Department not covered elsewhere.

Part IIIB of the Conservation Act 1987 provides for the issue of concessions over land administered by the Department, whether it is held under the Conservation Act, the Reserves Act 1977, The National Parks Act 1980 or the Wildlife Act 1953. A concession or concession document means a lease, licence, permit or easement, for the activity authorised by the document. A concessionaire is a person who is a lessee, licensee, or permit holder or grantee of an easement.

A lease is a grant of an exclusive interest in land. It gives exclusive possession of the land and makes provision for any activity on the land that the lessee is permitted to carry out.

A licence is either a profit a prendre, (the right to take produce from land (e.g. a grazing right), a grant that gives non-exclusive interest in land, or a grant that makes provision for any activity on the land that the licensee is permitted to carry out. Leases or licences may be granted for periods of up to 30 years including renewals. In exceptional circumstances they can be granted for 60 years.

A permit is a grant of rights to undertake an activity that does not require an interest in land. A permit may be granted for up to five years without any right of renewal.

An easement is a grant of an interest in land which gives the grantee the right to some benefit from the land, such as right of way. An easement may be granted for up to 30 years. In exceptional circumstances it may be for up to 60 years or even longer if it provides a right of way to landlocked land. If the easement is for public works, then the term of the easement can be for the duration of the public work.

An application for a concession must describe certain matters. These include a description of the activity, where it is proposed to be carried out and its potential effects. An application for a lease or licence must be publicly notified. An application for a permit or easement need only be notified if the Minister of Conservation considers it appropriate to do so.

In considering an application the Minister must take into account a number of statutory criteria. These include the effects of the activity, mitigation measures and public submissions. In addition, a concession cannot be granted if the proposed activity is

contrary to the provisions of the Act governing the land or the purpose for which the land is held.

Where the activity relates to a structure or facility, a concession cannot be granted if the Minister considers the activity could reasonably be undertaken in another location, including other land administered by the Department where the effects would be significantly less.

Within the Northland Conservancy, the Department administers a number of leases, licences, easements, and permits for the use of areas managed by the Department under the Conservation Act and the Reserves Act. The most common applications are for grazing, beehives, telecommunication sites and buildings. The use of materials for traditional Maori cultural purposes is provided for under Section 30(2) of the Conservation Act.

In considering applications for the use of resources on areas administered by the Department, the aim is to ensure that the use is compatible with the protection of natural and historic resources and, where appropriate, with recreational use. The granting of these 'third party rights' is carried out in consultation with tangata whenua where appropriate, and with public interest groups where required by legislation.

6.2 GRAZING

About 5000 hectares are currently grazed under 34 licences. Because grazing severely affects the flora and has other site impacts, it is only allowed on land which has already been modified. Usually, small areas are grazed where there are management benefits from reducing fire risk, suppressing weed growth or protecting archaeological sites from becoming overgrown or disturbed by roots.

The major licences within the Conservancy are for Te Paki Farm Park, Trounson Farm Park, Mimiwhangata Farm Park, and Paponga Block. Draft policy issued by the Department in 1991 forms the basis for administering grazing licences.

The view of iwi is that grazing is an accepted activity but that greater control is required to limit damage to archaeological sites and wahi tapu. RONAN (Runanga o Ngati Kuri & Ngai Takoto) in particular have expressed a desire to retain the right to graze traditional lands in the Far North irrespective of the natural and historic values of the area.

Objective

To grant concessions for grazing by sheep and/or cattle on reserves and conservation areas where it is required for recreation, fire and weed control or archaeological management purposes, and is consistent with the protection of natural, historic and other values for which the areas are managed.

Implementation

1. Review existing grazing licences when they expire to determine if they are required for management purposes.
2. Retire land from grazing when it is no longer required for conservation management, or where, in the view of tangata whenua, damage to or impact on wahi tapu is unacceptable.
3. Exchange land suitable for grazing with private land of greater natural and historic value.
4. Allow grazing only where there are adequate natural barriers, fencing or other safeguards to protect natural and historic values, especially where access to the foreshore and riparian areas is readily available.
5. Issue concessions for pastoral areas, of the type commonly known as farm parks that will ensure the maintenance of natural and historic values and enhance opportunities for public recreation.
6. Issue concessions that can be up to 30 years including renewals, but normally will be for shorter terms, that provide for public access. At times public access may be temporarily restricted for purposes such as stock management.
7. Raise public awareness of issues and the role of grazing.
8. Make unauthorised stock grazing subject to compliance and law enforcement actions where it is having an adverse effect on natural and historic resources.

6.3 BEEKEEPING

The use of land administered by the Department for honey production is generally compatible with conservation management. Currently there are three operators using 20 sites throughout the Conservancy. An apiarist must be licensed by the Ministry of Agriculture and Forestry and hold a permit from the Department in recognition of the commercial use of public land.

Objective

To permit apiary sites on land administered by the Department where the adverse effects on public use and natural values are not significant.

Implementation

1. Require apiarists applying for a licence to carry fire extinguishers, a current fire insurance and be registered with the Ministry of Agriculture and Forestry.
2. Liaise with prospective apiarists in the identification of suitable sites. Where demand for sites exceeds the number available, they will be offered by tender.
3. Monitor sites and revoke permits if public use or natural values are significantly affected.

6.4 COMMERCIAL STRUCTURES AND PUBLIC WORKS

There are presently ten sites on land administered by the Department with telecommunication and radiocommunication facilities licensed to Telecom, Broadcasting Corporation Limited, New Zealand Police, and Top Energy. These sites include ancillary support structures. Some of these sites, such as Maunganui Bluff and Maungataniwha, are of spiritual, traditional, and cultural significance to tangata whenua.

Other significant public works are major road realignments carried out by Transit New Zealand such as the upgrading of State Highway 12 through Waipoua forest. Although such works usually occur within the designated road reserve, there may be a need for land exchanges or alienation of adjacent land administered by the Department. Work carried out on SH12 is being closely monitored by the Department to ensure natural and historic values are retained and rehabilitation of cuts is carried out effectively.

Major new roadworks and railway alignments may also be required for the transport of expected large increases in forest produce. Barging terminals for forest products are likely to be constructed in the Parengarenga Harbour, near Kaimaumu, and in the vicinity of Whangaroa Harbour. These works may impinge on lands administered by the Department. If not, they will be dealt with by advocacy through the processes of the Resource Management Act 1991. [Refer also to Section 9.0 Statutory Planning.]

Objective

To allow the erection of sensitively designed new structures for commercial use, public works and public utilities on land administered by the Department where there is no suitable site on private land, options for co-siting do not exist and provided there will be no significant adverse effects on natural, historic or Maori cultural values.

Implementation

1. Restrict commercial structures wherever possible to the periphery of lands administered by the Department and to modified areas where natural and historic values will not be adversely affected.
2. Confine applications for telecommunication and radiocommunication sites to those sites already in use where appropriate, and require the sharing of facilities wherever possible.
3. Fulfil the Department's obligations under the Public Works Act 1981 and liaise closely with roading authorities where any road realignment, construction or maintenance works may have an impact on adjacent land administered by the Department.
4. Review existing agreements when they expire with a view to requiring site rehabilitation and the removal of structures which are inappropriately sited, or have an adverse effect on natural and historic resources.
5. Raise public awareness of issues and the role of the Department.
6. Consider any proposal for a major structure in terms of the purpose for which the land is held and other legislative requirements, and publicly notify.

6.5 OCCUPATION BY BUILDINGS

The Conservancy currently licenses occupation of land it administers to allow the use of buildings for a variety of purposes. These include scout halls, Rewa's Village Visitor Centre, an education/recreation centre in Tangihua Forest, a cottage museum, and accommodation facilities on Urupukapuka Island.

There are also several cottages, a weigh pit hut and a building used in an oyster farm operation. The terms of these licences range up to 30 years but most are for a period of five to ten years.

On the Tauroa Point foreshore at Ahipara, there are a number of huts and shanties sited on land administered by the Department. These sites have been continuously occupied for several centuries by tangata whenua.

Objective

To allow limited exclusive use of public land by buildings used for private or commercial purposes, in keeping with the legislation, where natural and historic values will not be adversely affected and if there is no suitable site on private land.

Implementation

1. Allow the existing use of land for buildings providing a community benefit to continue, so long as natural and historic values are not affected and the use is consistent with the purposes for which the land is held.
2. Phase out the existing use of land administered by the Department for private cottages and baches.
3. Do not permit any new privately-owned baches or cottages on land administered by the Department.
4. Locate any approved commercial building in an essentially modified area, where natural and historic values are not adversely affected.
5. When considering any application for commercial buildings involving exclusive use of land (other than mining and telecommunications), require consultation with the public and Conservation Board.
6. Raise public awareness of the issues and policies.

6.6 EASEMENTS

The most common forms of easement the Department deals with relate to access, and the right to convey water, gas, sewage, telephones or transmission lines over land managed by the Department. Examples include easements through coastal reserves at Ruakaka for three pipelines carrying gas and petroleum products to the Marsden Point oil refinery and Marsden power station, and a grant to the Far North District Council for a sewage pipeline across a reserve at Coopers Beach.

The Department may grant easements where:

- the right sought cannot be located on private land;
- natural and historic values are not adversely affected; and
- public use is not significantly restricted.

Costs of survey to the required District Land Registrar standards must be met by the applicant. Compensation in favour of the Crown by lump sum payment or other means must reflect the market value of rights granted.

Processing an easement often involves public advertising, but this may be unnecessary where public use and natural and historic values will not be significantly affected.

Objective

To allow easements where they will not adversely affect natural and historic values or public use and their purposes cannot be achieved by other means on private lands.

Implementation

1. Permit easements where adverse effects on natural and historic resources arising from the activity are adequately avoided, remedied, or mitigated.
2. Ensure that easement conditions reflect natural and historic values and public use of the area.
3. Require that easement fees generally reflect fair market values but may take into account any public benefit relating to education, health or science.
4. Require that all costs associated with the establishing and processing of an easement are borne by the applicant.
5. Raise public awareness of issues when necessary.

6.7 EXOTIC FORESTS

Some stands of exotic forest exist on lands administered by the Department. These include large areas of pines in Omahuta and Puketi forests and at Te Paki. There are pines at Waipoua forest village, at Uretiti camping area and at Te Paki, a mixture of species on Motuarohia Island and eucalyptus in Raetea forest. There are also scattered areas of self-seeded pines in a number of places.

Most of these larger areas of exotic forest are mature or close to reaching maturity and are suitable for logging. Once the trees are removed from a site, invading weeds such as gorse and pampas may be a further problem. Part of any logging programme must include follow-up management to ensure that natural values are enhanced.

Some exotic plantings contribute to the appeal of the area and require more sensitive management.

It is the view of Te Roroa that exotic forest may be felled provided that areas of conversion are not subject to Treaty of Waitangi claims, or do not represent historic values. The Department has agreed to consult Te Roroa before deciding to harvest exotic forests at Waipoua.

Objective

To convert all major areas of exotic forest woodlots on land administered by the Department to indigenous vegetation where it is practical to do so.

Implementation

1. Systematically harvest areas of exotic forest woodlots on land administered by the Department in a manner which minimises the impact on natural and historic resources.
2. Allow harvested areas to regenerate naturally, and if necessary carry out plant pest control and supplementary planting of appropriate native species.
3. Cull self-seeded exotic trees to retain the natural character of the area.
4. Raise public awareness of conversion programmes.
5. Consider replanting in exotic species if it is impractical to allow natural regeneration.

6.8 EELING

Eels are native fish and part of the natural ecosystem. Eels also provide the basis for the only commercial freshwater fishery in Northland. The commercial and non-commercial eel fishery is administered by the Ministry of Fisheries. The Department focuses on the protection of eel habitat. Under section 17(1)(f) of the Conservation Act 1987, authorisation is required for permission to undertake a trade, occupation or business (including commercial eel fishing) on conservation areas administered by the Department. Commercial fishing is not permitted in areas protected under the Reserves Act 1977, unless it was a condition of establishment of the reserve. Approval is unlikely to be given to undertake commercial eel fishing in the areas specified below, which include areas set aside under the Wildlife Act 1953, the Reserves Act and some land administered under the Conservation Act. [Refer also to Section 6.10 Customary Use.]

Objective

To allow access for commercial harvest of eels only where the principal purpose for which the land is administered does not include the preservation or protection of indigenous fauna, and where eeling is not detrimental to the natural and historic resources of the area.

Implementation

1. Consider authorisation for access under section 17(1)(f) of the Conservation Act for commercial eeling on conservation areas for those holding a permit from the Ministry of Fisheries.
2. Work with iwi, regional and district councils, the Ministry of Fisheries and the fishing industry to define areas of high natural value to be excluded from commercial eeling.
3. Recognise that the taking of eels for commercial purposes in any areas in the Conservancy protected under the Reserves Act 1977 is illegal. [Refer to Volume Two].
4. Consider the taking of eels for commercial purposes to be inappropriate in the following specific lake and wetland areas managed by the Department identified as having high natural values. [Refer also to Volume Two.]

N03_004 Salt Lake	CAST
N03_005 Bulrush Lake	CAST
N03_006 Te Ramanuka	CAST
N03_013 East Beach	CAST
N04_007 Sweetwater Dune Lakes	CAST
N04_008 Lake Tangone	CAST
O04_002 Tokerau Beach	CAST
O04_004 Lake Ohia	CAST
O04_030 Lake Waikaramu	CAST
O04_035 Lake Waiporohita	CAST
O06_017 Waipoua Forest	CAEA
O06_026 Waipoua River	CAST
P05_036 Waitangi Wetland	CAST
P09_001 Pouto North	CAST
P09_002 Rototuna Lake	CAST
P09_004 Rotopouua Lake	CAST
P09_005 Pouto	CAST
Q05_046 Waikino Forest	CAST
Q05_050 Russell Forest	CACP
Q06_011 Kaikanui Forest	CAST
Q06_019 Whakapara	CAST
Q06_025 Otakairangi Wildlife Refuge	RAGP
Q06_026 Wairua River Government Purpose Wildlife Management Reserve	RAGP
Q06_027 Wairua River Addition	RAGP
Q07_030 Manganui River Wildlife Management Reserve	RAGP

5. Advocate for reductions in, or phasing out of, commercial eel fishing in all other areas administered by the Department with high natural values or where customary use is important.
6. Raise public awareness of issues and areas closed to commercial eeling.

6.9 PROSPECTING, EXPLORATION AND MINING

Northland was the centre of the country's first substantial mineral extraction industry, based around kauri gum. Today, the region is a relatively minor mineral producer with most activity related to rock aggregate, china clay, limestone and silica sand extraction. No metallic minerals such as copper, gold or silver are currently mined.

The region's greywacke and volcanic rocks serve as sources of aggregate for local use as well as for use by the Auckland metropolitan area. Annual production is around 2.3 million tonnes. Sand is extracted from several coastal locations including the mouth of the Parengarenga harbour. Limestone is mined at Portland, at the largest cement works in the country. High quality clay is extracted for ceramics and other manufacturing near Matauri Bay.

Copper has been mined in the Pakotai-Parakao area and bog iron in the Kamo and Okaihau areas. All three operations ceased in the 1960s. Historically, mercury has been mined at Ngawha and Puhipuhi and silver and gold at the northern end of the Puhipuhi plateau. Coal was also mined in several areas including Kamo, Hikurangi and Kawakawa until 1955. In the mid-1980s, a kauri gum extraction and processing plant was established in the Kaimaumu area. It subsequently went into receivership and was sold. A more recent proposal to mine mercury in the Kaeo area has not been proceeded with.

However prospecting and exploration interest continues in the region. There are 26 mining privileges or minerals permits, or applications for the same, under the Mining Act 1971 or the Crown Minerals Act 1991, within the Conservancy as at April 4 1995. Most of the interest is in mining for aggregate. The total area covered by these licences/permits is 36,140ha. Under the Crown Minerals Act the activities for which permits are allocated are prospecting, exploration and mining.

There is currently only one access arrangement for prospecting (which allows low impact, generally hand held activities only) covering 27,500ha on land administered by the Department in the Conservancy. Four access arrangements for exploration activities are held, which, together with the two equivalent Mining Act privileges (prospecting licences) cover 6,265 ha. Mining is almost totally restricted to quarrying for aggregate. Eighteen mining licences/permits under both the Crown Minerals Act and the Mining Act have been issued or are at the application stage. These total 515ha.

The Crown Minerals Act requires that mineral permits be obtained from the Ministry of Commerce for the prospecting, exploration, or mining of any Crown-owned minerals.

Access for mining on land administered by the Department requires an access arrangement between the Minister of Conservation and the holder of a mining permit. Where a mineral is not Crown-owned, the application is usually treated in the same way, with a view to signing an access arrangement with the landowner without reference to the Crown Minerals Act.

Access arrangement applications involving lands administered by the Department are considered by the Minister of Conservation under Section 61 of the Crown Minerals Act, which states that the Minister shall have regard to:

- the objectives of the relevant legislation under which the land is held;
- the purpose of the land's status;
- any management strategies or plans;
- safeguards against potential adverse effects of the proposed mining activity; and
- such other matters as the Minister considers relevant.

Section 59 of the Crown Minerals Act sets out the information the Minister is entitled to obtain from an applicant before considering whether or not to grant an access arrangement. Every application for an access arrangement will be investigated and a full report prepared to provide the Department and the Minister of Conservation with information on:

- natural and historic values present in the area;
- how the proposed work programme would effect those values, including an assessment of the potential for adverse environmental effects;
- what steps would be taken to avoid, remedy or mitigate adverse effects including details on the proposed restoration programme; and
- what compensation is to be offered.

The effects of mining activities are controlled by regional councils under the Resource Management Act 1991. Resource consents under the Resource Management Act are likely to be required for mining operations. The effects created by mining operations may be incompatible with the protection of specific natural and historic values. Prospecting and exploration and some mining operations may be allowed however, if impacts can be avoided, remedied or mitigated to within acceptable environmental limits.

The view of iwi is that there must be no encroachment of wahi tapu without the consent of tangata whenua and that early consultation and discussion are required before any development takes place. Te Aupouri are particularly concerned about the impacts of sand mining on the ecology of Parengarenga harbour.

Te Roroa maintain that prospecting, exploration and mining of wahi tapu not only results in a cultural violence to the integrity of wahi tapu but a trampling upon the mana of the tangata whenua and an affront to the principles of the Treaty of Waitangi. Given the belief that any alteration to the ahua (appearance) of wahi tapu results in the destruction of its mauri, rehabilitation of wahi tapu is simply not possible in cultural terms. They assert that access for mining-related activity affecting wahi tapu on conservation land be should be declined and that formal prohibition of access be sought pursuant to Section 62 of the Crown Minerals Act.

Te Runanga O Ngati Whatua state that they will endeavour to ensure that Ngati Whatua values and concerns for their traditional and ancestral land are recognised and protected and that control mechanisms include provision for the social and economic needs of iwi.

Objectives

To ensure that any prospecting, exploration or mining operation has minimal adverse impact on the natural, historic, and recreational values of areas managed by the Department.

To ensure that any proposed prospecting, exploration or mining activity is properly assessed to enable any potential adverse impacts to be avoided, remedied or mitigated and to ensure there is no net loss of natural, historic or recreational values.

Implementation

1. Consider all applications for access to carry out mineral related activities on land administered by the Department on their merits on a case by case basis and provide advice to the Minister.
2. Consider proposed prospecting, exploration, or mining applications to be inappropriate where their effects would be likely to cause:
 - significant loss in natural and historic resources on the land;
 - significant degradation of water bodies or significant damage to freshwater ecosystems;
 - unacceptable impact on existing recreation use
 - unacceptable modification of historic places; or
 - unacceptable modification of sites of high cultural significance to tangata whenua.
3. Do not allow the construction of new roads or tracks, and the use of off-road vehicles for prospecting or low-impact exploration activities.
4. Require applicants for access arrangements to supply the Department with information according to the appropriate requirements of Section 59 of the Crown Minerals Act. The following matters are relevant to, but do not limit, the consideration of an application:
 - whether the restoration proposed is adequate and can be achieved;
 - whether there is adequate financial protection by way of an insurance or bond to ensure compliance with conditions and remedial action; and
 - how any compensation offered will ensure that there is not a significant net loss of natural and historic values.

5. Advocate the protection from mining or quarrying of sites outside areas managed by the Department where the effects on natural, historic, landscape or recreation values would be unacceptable. This will be done through the Resource Management Act consents process.
7. Endeavour to ensure that appropriate performance standards for mining and quarrying are incorporated into policy statements and plans developed by local authorities, and monitor resource consent applications involving mineral activity in the region generally.
8. Raise public awareness of proposed prospecting, exploration and mining activity.

6.10 CUSTOMARY USE

Overview

As tangata whenua, iwi have traditionally used indigenous natural resources - plant, animal and inanimate - for many centuries. These resources are intrinsic to Maori culture. The connection of iwi with particular species, materials, and the environment is reflected in all aspects of their traditional culture. That connection continues to exist but in some situations is constrained by present day legislation.

The Acts administered by the Department - the Conservation Act 1987, National Parks Act 1980, Reserves Act 1977, and Wildlife Act 1953 - are directed towards the protection of New Zealand's natural and historic resources. This legislation makes provision for the taking of plants and animals under certain circumstances and subject to specific conditions.

The Conservation Act provides for the taking of plants from conservation areas under Section 30(2), which states:

" The Director-General may authorise any person to take on or from a conservation area any plant intended to be used for traditional Maori purposes."

The Wildlife Act allows the Director General to authorise the taking of absolutely or partially protected wildlife; and the National Parks Act and Reserves Act allow the taking of flora and fauna for scientific or educational purposes.

In recognition of the guarantees under the Treaty of Waitangi, the Department must consider all requests by tangata whenua to take and use traditional materials. The degree to which this can proceed depends on the balance between the need for protection and the importance of the species to traditional practices of tangata whenua. Taking will generally not be permitted where it involves protected species or their habitats. Where species are abundant, and their use by tangata whenua is important, taking may be considered within the constraints of the governing legislation. Wherever possible, taking plant material from unprotected lands is suggested in preference to areas administered by the Department.

Legislation charges the Department with the responsibility to protect natural and historic resources and declares that it is an offence to remove materials without the authority of the Director-General. The Department is required to enforce the offence provisions where materials are taken without that authority. This is to ensure that the taking of materials for traditional Maori purposes does not cause damage and degradation of natural values.

Cultural Materials Committee

Prior to the 1990 commemorations of the signing of the Treaty of Waitangi, the Department received numerous requests from iwi for kauri to be used to construct waka. In Northland, this led to the formation in 1989 of a cultural materials committee (Te Pataka O Te Taitokerau). The committee comprises iwi representatives who have particular expertise in a wide range of traditional cultural practices.

The primary role of the committee is to advise the Northland Conservator on matters of protocol for all resources for traditional Maori purposes within the Northland (Taitokerau) Conservancy. In particular it considers applications for cultural materials from lands administered by the Department in the Conservancy and recommends to the Conservator how and to whom they should be allocated. Tangata whenua will continue to be consulted on allocation of resources derived from their rohe.

The criteria used by the committee when recommending the allocation of materials are:

- no commercial gain is to be sought or received from articles created from allocated materials;
- the support of the appropriate hapu, Runanga, Maori Committee, Maori Trust Board, Taitokerau District Maori Council or marae committee is required; and
- the completed article/s must be made available for inspection by members of the committee.

Issues

The view of most iwi is that where iwi request a traditional take of a species, the Department should investigate and research the possibility of extinction of the species, and where it is not endangered, support a change in legislation that will allow iwi to take their traditional kai.

Feathers and pelts of native birds such as kiwi and New Zealand pigeon/kukupu are highly valued for cloaks (korowai). Dead birds and feathers come from accidents, kills by dogs or from confiscations following illegal shooting. In strict legal terms, such feathers remain the property of the Crown, but feathers of fully protected birds can be placed on long term loan to tangata whenua.

Ngapuhi assert that the harvest of kukupu should be banned, but that allocation of bodies and feathers that come into the possession of the Department should be done by kuia and kaumatua.

However, the view of Te Rarawa is that, consistent with article two of the Treaty of Waitangi (tino rangatiratanga), they retain the right to a controlled cultural take of kukupa in line with traditional rituals, with criteria set by iwi. In exercising this right, they do, however, recognise the endangered status of the kukupa and submit that Te Rarawa should participate in and monitor an investigation by the Department to properly assess the numbers and the status of kukupa in Taitokerau, with the objective of enhancing the environment of kukupa food sources and reducing predation by introduced animals, so that kukupa numbers may increase and their long-term survival be secured.

Te Rarawa also state that the matter of any cultural take be in the same category as all other issues relating to the harvest and allocation of other protected species ie. a matter for a proposed joint management structure within the framework of existing legislation, taking into account the traditional values of Te Rarawa.

The view of Ngati Kuri and Te Aupouri is that they intend to pursue a traditional seasonal hunt of kuaka/godwit and that the legislation must be changed to allow this.

There are ten introduced species of gamebirds, including black swan, mallard duck, pheasant and quail, which may be hunted according to conditions set out in the Wildlife Act and plans of the Fish and Game Council. Indigenous species of gamebird which may be hunted are parera/grey duck, kuruwengi/shoveller duck, putangitangi/paradise shelduck, and pukeko. The flesh and feathers of these birds may be of value to Maori to assist, by substitution, with the conservation of protected native species.

Plant materials are sought for carving (kauri and totara), weaving (flax, kiekie, pingao) and medicinal purposes. Requests for large sound logs for canoe construction have in the past been supplied from a previously logged area in Herekino forest within the rohe, with the consent of Te Rarawa. This area no longer contains standing dead trees suitable for this purpose. Alternative sources of canoe logs from areas in Warawara, Puketi, Omahuta or Waipoua forest need to be investigated in consultation with appropriate tangata whenua. Ngapuhi say that the harvest of green and standing kauri trees is allowable but only for cultural purposes.

Requests for small dimension timber for carving could be met from several forests. Several hundred cubic metres of logging waste as kauri headlogs, stumps, windblown trees and standing dead trees has been identified in Warawara and Herekino forests. However, the demand for this kind of material is small and alternative sources are usually available. There are numerous sources of timber on private land, from demolition timbers and from exotic timbers and composite wood products.

Requests for pingao, flax, kiekie and other plants are occasionally received for weaving purposes. However, the general view of iwi is that the Department must recognise that only the tangata whenua can be kaitiaki of their taonga, and that no other persons have any claim to that status without knowledge of their whakapapa to that taonga. Te Aupouri and Ngati Kuri in particular assert that tangata whenua will have control of the taking of flora including pingao, harakeke and kuta, and strongly object to having to get permission from the Department to pick these materials.

Traditionally, a wide range of freshwater fish was harvested by Maori but of these only whitebait and eels are now sought after. Any freshwater fish can be taken for human consumption, but there are restrictions on the harvest of whitebait and eels. Whitebait are governed by the Whitebait Fishing Regulations 1994 administered by the Department and eels are covered by the Fisheries (Amateur Fishing) Regulations 1983 administered by the Ministry of Fisheries. These regulations provide for taking of fish for tangi or hui. Section 26H of the Conservation Act provides for Maori customary use as an exemption to the whitebait regulations, subject to such rights being exercised in accordance with tikanga, the case law and conservation ethics. [Refer also Section 6.8 Eeling.]

Under the Marine Mammals Protection Act 1978, whalebone (paraoa or wheua tohora), whale teeth (niho tohora) and whale flesh may be made available for use with the permission of the Minister or an authorised person. The teeth and jaw bones of sperm whales are particularly sought after for carving. The bones and teeth of other whales which commonly strand, eg. pilot whales, are too porous and not suitable for carving. The general view of iwi is that stranded whales belong to the tangata whenua on whose beach they land. They assert the right to allocate and utilise all whale products as they wish.

In respect of many of the materials which Maori need to access for cultural and traditional purposes there is scope for restoration and enhancement of the resource. This may be by planting, tending, habitat protection, and control of plant, animal and of other human threats. Alternative sources and substitutes are available in many cases. Survey and research is required to determine the extent of remaining resources, and the level of sustainable harvest. Illegal poaching of threatened species must be halted if they are to remain for all to appreciate. Sharing of traditional knowledge held by iwi, and scientific data held by the Department and other agencies, is necessary.

Objective

To allow, subject to the Department's legislative obligations, the legal take of cultural materials according to the endorsement of tangata whenua where impacts on the population of the species being taken or other natural values are minimal.

Implementation

1. Establish a database of cultural material availability to identify those resources and areas where a cultural take may be allowed with minimal impacts on conservation values.
2. Service a fully representative tangata whenua committee, whose role is to assess applications received by the Department and recommend to the Northland Conservator the allocation of cultural materials to users for legitimate purposes.
3. Consider giving support to those tangata whenua groups who wish to continue legal take of cultural materials, according to closely monitored and regulated traditional tikanga, methods, practices and timing, and at demonstrated sustainable levels of harvest.

4. Where take of cultural materials is permitted, make as a condition that traditional methods of tangata whenua are fully and closely adhered to subject to the advice of appropriate kaumatua.
5. Encourage the taking of plant materials from land not held by the Department wherever possible in preference to protected areas.
6. Encourage the use of alternative or substitute materials.
7. Give practical advice and support in the establishment of plants providing traditional materials at marae or in other suitable localities.
8. Undertake research into the population dynamics and ecology of species which tangata whenua wish to take on a joint co-operative basis.
9. Carry out public awareness and educational activities both with iwi and the public which seek to explain the background to customary use, the rationale for allocation of materials, the need for protection of species, and any other issues which may arise.

6.11 LAND CLASSIFICATION

About 12% of the land in Northland is directly administered by the Department. This land is protected under a variety of statutes and includes reserves and conservation areas. The lands administered by the Department consist of 557 land units covering 159,943.8 hectares. In addition there are 52 areas of private protected land covering 1680.0 hectares. In summary it is classified as described in Table Eleven.

**Table Eleven: Land Administered by the Department
and Protected Private Land**

Reserves Act 1977	Units	Area (hectares)
Historic Reserve	23	422.7
Scenic Reserve	163	18446.3
Nature Reserve	7	1848.3
Scientific Reserve	4	1688.2
Government Purpose Wildlife Management	21	1970.9
Recreation	53	25193.6
Other	36	1138.3
Total Reserves Act	307	50708.3
Conservation Act 1987		
Conservation Parks	1(24)	77628.0
Ecological Areas	7	7975.8
Sanctuaries	3	9806.8
Stewardship Areas	211	29584.4
Section 7	4	133.1
Total Conservation Act	249	107345.5

Marine Reserves Act 1971	1	1890.0
Total Administered by Department	557	159943.8
Conservation Covenants	43	1593.9
Private Protected Land	9	86.1
Total Protected Private Land	52	1680.0

The Reserves, Conservation, and Wildlife Acts contain provisions for the classification of lands with different objectives of management. Objectives can range from strict preservation of ecosystems or species, to extensive human modification for recreation or other specific purposes. The categories identify the general purpose for which specific areas are to be managed.

Classification or status change generally requires public advertisement and gazettal but the process varies under each Act. Advertisements may be placed locally or nationally with minimum time periods for the public to comment.

National Parks Act 1980

The Northland Kauri National Park investigation is an exercise which may result in up to 100,000 hectares of land held under the Conservation Act and Reserves Act being reclassified under the National Parks Act 1980. An investigation under Section 8 of the National Parks Act has been carried out by the Department for the New Zealand Conservation Authority (NZCA). The NZCA in its assessment of the proposal has concluded that in terms of criteria under Section 4(1) of the National Parks Act, and under Section 7.1 of the General Policy for National Parks, the ecological, natural and scenic importance of the forests and features of the Hokianga region and western Northland (the Hokianga Model) justifies their collective consideration for national park status. The NZCA also concluded that the stated views of northern iwi and their concerns regarding the national park proposal must be recognised and that until the Waitangi Tribunal claims affecting areas in the Hokianga Model are resolved, it cannot make any effective progress on a recommendation to the Minister on this proposal.

Objective

To achieve the most appropriate statutory and administrative framework for the protection of natural and historic values on land administered by the Department, recognising those values expressed by tangata whenua.

Implementation

1. Carry out classification of new areas as part of the process of acquisition, but recognise that there can be situations where private land can only be purchased if the Crown agrees in advance to the vendors request that the land be given a

particular status. In other cases the Nature Heritage Fund or other funds providers may stipulate that finance is only available on the basis of a particular reserve classification being adopted. In yet other cases, time may not permit prior consultation but if it does, then carry out consultations with tangata whenua and the public as appropriate.

2. Develop a programme for progressively reviewing the classification of lands administered by the Department in consultation with tangata whenua. This may take place as part of the resolution of claims before the Waitangi Tribunal.
3. Carry out reclassification of areas to ensure more appropriate management only in consultation with tangata whenua and the public and according to defined legislative processes.
4. Raise public awareness of the possible need to reclassify areas.

6.12 MANAGEMENT BY OTHER BODIES

Many circumstances exist where land with few natural or historic values is used primarily for open space recreation or social, educational or community purposes. It is often managed by organisations including local authorities, voluntary groups, boards, or trustees through the control and management (C&M) provisions or vesting under the Reserves Act 1977. The Department retains some controls on the management of vested and C&M lands through management plans prepared by the administering authority. The Minister also has a consenting role in the granting of leases and licences.

There are many such areas, mainly in urban areas but also in small rural communities. Within the Whangarei District there are a number of areas which would normally be administered by the Whangarei District Council, but remain under the control of the Department.

Where a strong local community interest or involvement in managing an area exists, it may be in the Department's interest to delegate day to day control and management of the area to a local authority, community group or iwi. Vesting may also be appropriate where the community of interest in a reserve is particularly strong.

The view of iwi is that lands under Treaty of Waitangi claim must be returned to iwi, which would enable the tangata whenua to improve, control, manage and develop those lands according to tikanga Maori conservation values and standards. They ask for the immediate return of all pa, maunga, wahi tapu, awa, mahinga kai, historical sites and other taonga without the required claim through the Waitangi Tribunal.

Objective

To facilitate the transfer of management of reserve land to appropriate groups where the group has the ability and resources to manage the area effectively for the purposes for which it is set aside and where there is general public support for this option.

Implementation

1. Review the management requirements of land administered by the Department to determine whether some areas could be better managed or controlled by other groups.
2. Where areas are identified as suitable for transfer of control or management functions, encourage such appointments.
3. Consider recommending that conservation areas be formally established as reserves to allow administration by other bodies under C&M provisions or vesting.

4. Raise public awareness of the issues surrounding management by other bodies and notify and consult the public about any proposals .
5. Monitor groups managing areas to ensure that the areas are managed for the purpose for which they have been set aside.

6.13 EXCHANGE AND DISPOSAL OF LAND

Departmental land disposal guidelines and procedures set out the rationale for and steps to identify surplus land, and the procedures to be followed for its disposal. Because of claims to the Waitangi Tribunal, disposal of many areas of land is only possible if iwi claims to the land are not compromised. Recently introduced Government mechanisms managed by Land Information New Zealand and the Department of Justice formally protect iwi interests.

The exchange of land may also provide a useful way of rationalising the boundaries of areas for which the Department is responsible, or the acquisition of areas with natural and historic value. Both the Reserves Act 1977 and the Conservation Act 1987 contain specific provisions to deal with such cases. It is proper that the Department should dispose of areas that are no longer required, either by exchange or sale. In some instances however, the process may be lengthy and costly, actually outweighing the benefits of the disposal, unless the additional costs can be recovered. The requirements of Section 40 of the Public Works Act 1981 also apply.

Areas may no longer be suitable for retention if:

- they have lost their value for conservation as a result of the destruction of natural or historic features;
- they do not materially enhance the natural and historic values of an adjacent area;
- they are no longer used or required for the purpose for which they are held; or
- they can be managed by other bodies subject to suitable covenant or agreement.

The view of iwi is that all lands under claim should be returned to iwi. Te Roroa state that the Department should be embarking on a rationalisation programme of the existing estate through disposing of lands of low ecological or historic value or which are already over represented in the Conservancy.

Objective

To exchange or dispose of areas that are surplus and no longer possess natural and historic values, subject to current Government guidelines, and in such a way that maximises the conservation benefit.

Implementation

1. Consider exchanges or disposals if they result in a net gain for conservation.
2. Assess areas that no longer have natural and historic value for exchange, for disposal, or for return to tangata whenua.
3. Assess areas from time to time for their natural and historic value to determine if they should be exchanged or disposed of.
4. Dispose of areas that are readily marketable subject to Implementations 1, 2 and 3.
5. Use public awareness activities to seek to explain the reasons for changes in the areas of land administered by the Department, and inform the public of any proposed disposals or exchanges.
6. Recognise that any new land that comes under the administration of the Department after the approval of this CMS, will be subject to its provisions.

6.14 MILITARY USE

The size and remoteness of some lands administered by the Department makes them attractive for defence training. The Department receives a number of requests for the use of areas it administers in Raetia, Herekino and Ahipara. Exercises have been carried out in these areas for many years.

Under the Military Manoeuvres Act 1915 the Governor-General may proclaim lands (including lands administered by the Department) to be available for military manoeuvres. Any other intended defence activity, however, requires the approval of the Department.

The Department and New Zealand Defence Force are parties to a Defence Training Agreement (signed 8/3/90) which provides for military training to be carried out on State Areas as defined in the Forest and Rural Fires Act 1977, provided certain conditions are met. Departmental approval to carry out military exercises is issued subject to conditions to protect natural and historic resources and visitors.

In return the New Zealand Defence Force may make available fire fighting assistance to the Department. Further assistance for various projects including track construction and maintenance and transportation of Departmental personnel to remote areas by road, air and sea, is also often provided.

Military training within the Conservancy may also involve Royal New Zealand Air Force aircraft participating in low-level flying in airspace above the Conservancy. Low-level flying is undertaken in accordance with the Civil Aviation New Zealand Aeronautical Information Publications which recognise notified wildlife sanctuaries and nature reserves. Prior consent must be obtained from the controlling authority if flying is proposed within restricted airspace.

Objective

To allow military use of lands administered by the Department in accordance with the 1990 Defence Training Agreement.

Implementation

1. Work co-operatively with the New Zealand Defence Force to manage the effects of military exercises.
2. Consider requests for military use of areas administered by the Department on their merits in accordance with the criteria in the agreement.
3. Apply conditions to reduce impacts on natural and historic resources and on visitors.
4. Where areas administered by the Department are subject to a proclamation under the Military Manoeuvres Act 1915, liaise with the New Zealand Defence Force Headquarters to seek protection of natural and historic resources.