

Waikato Header Sheet



11203

Box Name: EKMT-00023

Subject: 54/44/643 - W Watts, AE Rutherford - Marine Farming - Kawhia Harbour
(1982-1986)

Work Sheet - MARINE FARMING

MOT Reference: 54/44/643 MAF Reference:

Applicant: A.E. RUTHERFORD, A.J. RUTHERFORD, W. WATTS

Area: 2.5 ha, Kawhia Harbour

Concurrence previously declined but new application much reduced in size.

Map Reference: _____ Planned Area: Yes/No

Application Received: 29/7/83 - revised Available: Yes/No

Advertised: / /

Comments From:

<u>Comments From:</u>		Requested	Received	Comments
MOT Region:	AK	29-8-83	18-4-84	Recommended
Local Authority:				
Harbour Board:				
G of C Authority:				
Other: (Specify)				

Ministers Concurrence sought by MAF 29/7/83

Objections: _____

Nautical Comments: No objections re safety of Navigation

Amendment N 80 H.S. 84

Decision: Concur/~~Decline to Concur~~

Submission: To typing / /
Despatched 7/9/84
Returned / /

MAF Advised / /

Licence/Lease Issued / /

178 Approval / /

Ministry of Agriculture and Fisheries
Private Bag
Hamilton, New Zealand
Telephone (071) 81-949

7/6/30

June 19 1986

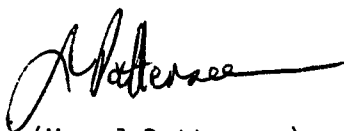
The Secretary for Transport
Ministry of Transport
Private Bag
WELLINGTON

ATTENTION: Harbours Section
Marine Division

MARINE FARM APPLICATION : KAWHIA HARBOUR : A E & A J RUTHERFORD & W WATTS

Further to previous correspondence regarding the above application. This is to advise that the Minister has declined the application on the grounds of economic viability of marine farming in the Kawhia area.

This action was taken pursuant to Section 8 (3) of the Marine Farming Act 1971.

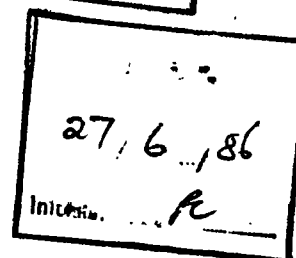
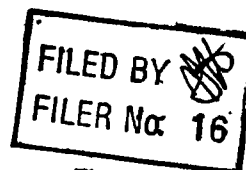


(Mrs J Patterson)
for Regional Executive Officer

HA 1-

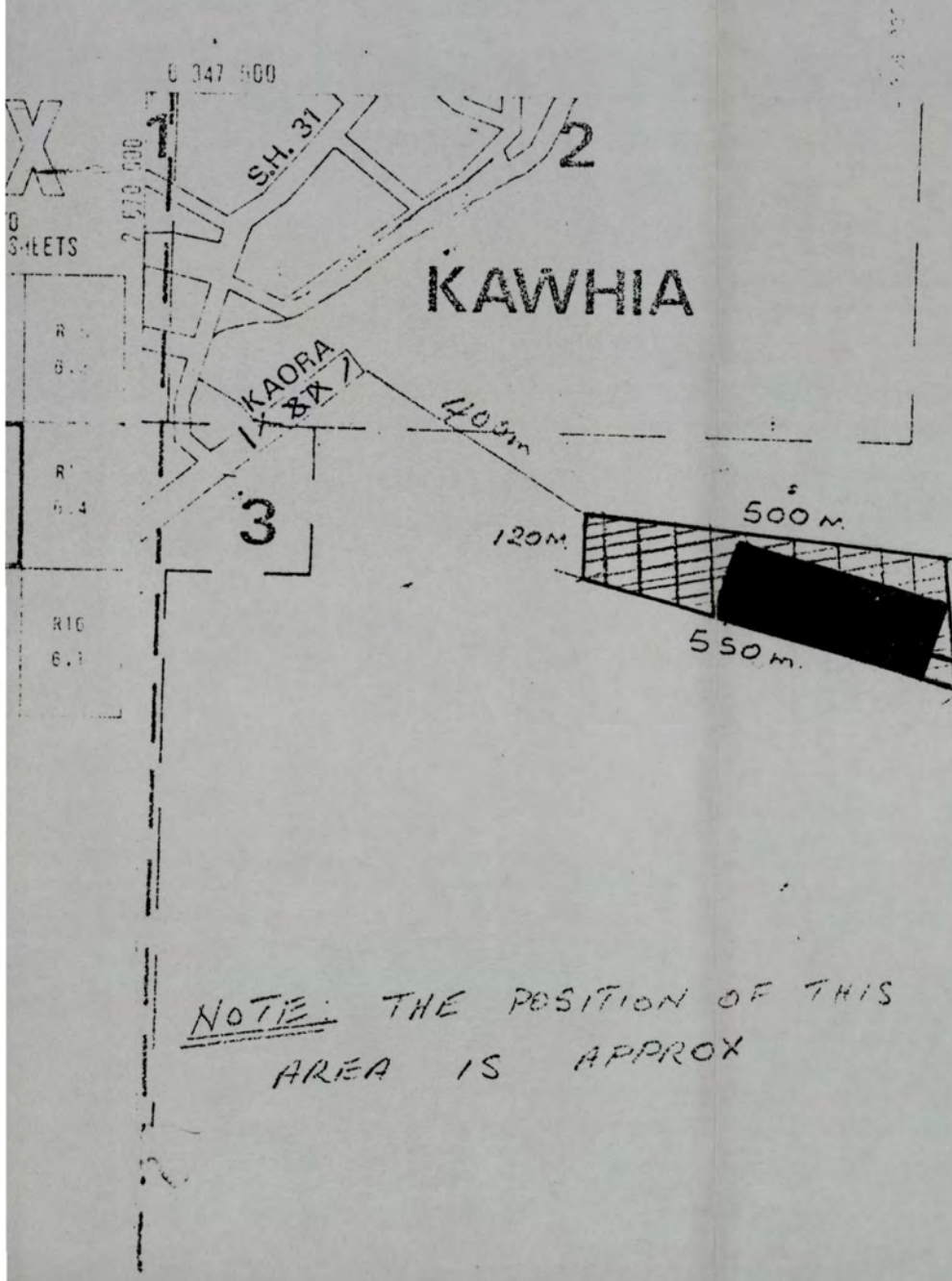
AW:PGB

54/44/643



R15/5A

KAWHIA BLOCK
 Main Title Search Ref No
 6021979 p222b SO 15562
 Pt 04 28 ROAD
 4340 SO 14124
 Maitakaitia ML 6096
 Point



Pt BEARINS
 520m AT 1700m

NOTE: THE POSITION OF THIS
 AREA IS APPROX

The S.E corner
 Bears 353° True for
 5115m.
 From Trig 1933 Whakaongaonga

Our Reference: 54/44/643
Your Reference: 7/6/30.

17 September 1984

The Regional Executive
Officer
Ministry of Agriculture and
Fisheries
Private Bag
HAMILTON

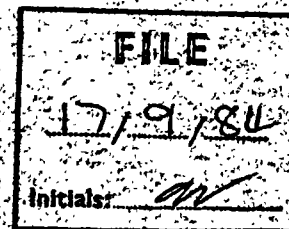
Attention : C. Paterson

MARINE FARMING APPLICATION : MESSRS RUTHERFORD AND WATTS
KAWHIA

I am pleased to advise that the Minister of Transport has
concurred with the granting of a marine farming licence to
A.E. and A.J. Rutherford and W. Watts. Concurrence is
... attached.

A. Vitali, Miss
for Secretary for Transport

Encl.





Out Min. 73

MINISTRY of TRANSPORT

PRIVATE BAG, WELLINGTON 1
TELEPHONE: 721 253
TELEGRAMS: TRANSPORT

AURORA HOUSE
THE TERRACE
WELLINGTON 1

54/44/643

4 September 1984

The Minister of Transport

MARINE FARMING APPLICATION : A.R. RUTHERFORD, A.J. RUTHERFORD AND
W. WATTS : KAWHIA HARBOUR

1. On 3 December 1982 this Ministry, under delegation, declined to concur with the granting of a marine farming licence to Alan Earnest Rutherford, Alan James Rutherford, and William Watts for an area of ten hectares of seabed in Kawhia Harbour.
2. Concurrence was declined because the proposed farm was unduly large and would have placed too many restrictions on other water users.
3. A revised application has now been received from messrs Rutherford, Rutherford, and Watts for an area of 2.5 hectares of seabed in the same location.
4. As all previous objections to this application related to it's large size it is now considered they should no longer apply.
5. This Ministry's Nautical Adviser has commented that the reduced area applied for will not seriously affect navigation.
6. This Ministry has no objection to the proposed Marine farm site.

RECOMMENDATION

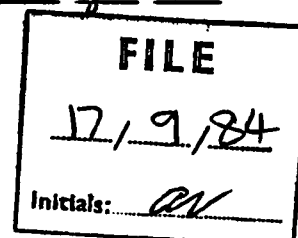
7. I recommend that you sign the attached form concurring with the granting of a marine farming licence pursuant to section 3(5) of the Marine Farming Act 1971.

Secretary for Transport

Approved
Richard W. Prebble
Minister of Transport

Date: 11/9/84

ID02551



CONCURRENCE TO THE GRANTING OF A MARINE FARMING LICENCE

I, RICHARD WILLIAM PREBBLE, Minister of Transport pursuant to section 3(5) of the Marine Farming Act 1971, hereby concur with the granting of a marine farming licence to ALAN ERNEST RUTHERFORD, ALAN JAMES RUTHERFORD AND WILLIAM WATTS in respect of an area of 2.5 hectares of seabed in Kawhia Harbour, 1000 metres north-east of Kawhia Wharf on the south-east side of the main channel, in Block X, Kawhia North Survey District.

Dated at Wellington this 11 day of Sept 1984



R.W. Prebble

Minister of Transport

(M.O.T. 54/44/643)

MA22/ID02561

FILE
<u>17/ 9/84</u>
Initials: <u>AK</u>

Ministry of Agriculture and Fisheries
Private Bag
Hamilton, New Zealand
Telephone (071) 81-949

CEO(A)

54/44/643

File Ref: 7/6/30

FILE HELD BY

GO MAF
7-9-84

7 September 1984

Secretary for Transport
Ministry of Transport
Private Bag
WELLINGTON



ATTENTION: J. ROBERTSON

MARINE FARMING : MESSRS RUTHERFORD AND WATTS, KAWHIA

Further to your memo of June 27 1984 and my subsequent reply of August 1 1984.

Would you please advise the present situation with this application.

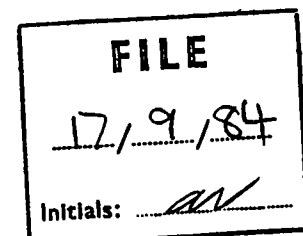
Paterson

C Paterson
for Regional Executive Officer

SEO(u+c)

for action please

CEO(A)
10/9



MINISTRY of TRANSPORT



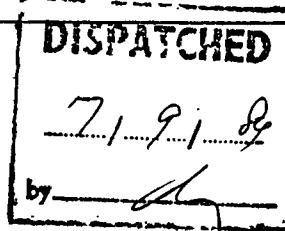
PRIVATE BAG, WELLINGTON 1
TELEPHONE: 721 253
TELEGRAMS: TRANSPORT

AURORA HOUSE
THE TERRACE
WELLINGTON 1

54/44/643

4 September 1984

The Minister of Transport



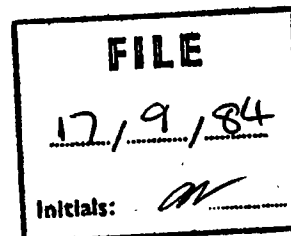
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W. WATTS : KAWHIA HARBOUR

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5. This Ministry's Nautical Adviser has commented that the reduced area applied for will not seriously affect navigation.
6. This Ministry has no objection to the proposed Marine farm site.

RECOMMENDATION

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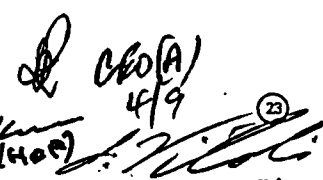

Secretary for Transport



Approved
Richard W. Prebble
Minister of Transport

Date: ___/___/___

ID02551


M. Bole
Secy
4/9
4-9-84

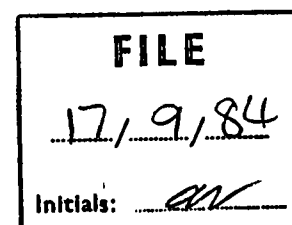
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Dated at Wellington this day of 1984

R.W. Prebble
Minister of Transport
(M.O.T. 54/44/643)

MA22/ID02561





MINISTRY of TRANSPORT

PRIVATE BAG, WELLINGTON 1
TELEPHONE: 721 253
TELEGRAMS: TRANSPORT

AURORA HOUSE
THE TERRACE
WELLINGTON 1

54/44/643

4 September 1984

The Minister of Transport

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W. WATTS : KAWHIA HARBOUR

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Secretary for Transport

Approved _____
Richard W. Prebble
Minister of Transport

Date: ____/____/____

ID02551

FILE
<u>17/9/84</u>
Initials: <u>an</u>

MINUTE SHEET

Department:

Subject:

Section:

File No. 56/44/1643

Date: 28/8/84

To-

MAF believe that the application should not be readvertised.

CEO(A)

could I please have your guidance on the action to be taken

28/8/84

ED(M.F.)

FILE
17/9/84
Initials: <u>AM</u>

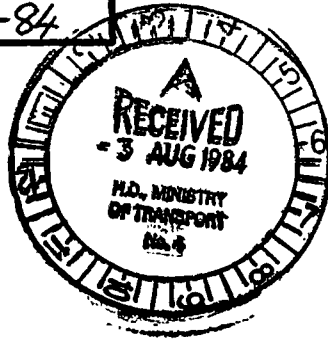


Ministry of
Agriculture
& Fisheries

FILE HELD BY

H8F

1-8-84



Hxg

54/44/643.

IN REPLY PLEASE QUOTE

Private Bag,

Hamilton, New Zealand.

Telephone: 81 949

1 August 1984

Secretary for Transport
Ministry of Transport
Private Bag
WELLINGTON

ATTENTION: J B Robertson

MARINE FARMING : MESSRS RUTHERFORD AND WATTS ; KAWHIA

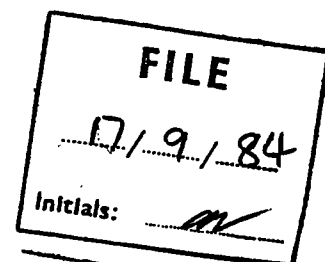
Further to your memo of June 27 1984.

The application has merely been revised by a reduction in size. The application is still contained within the area previously advertised and therefore in our view the applicant has met the requirements of the Marine Farming Act. Any objections lodged previously still stand.

The applicant has taken heed of the comments in your memo of February 9 1983 and reduced the area accordingly. Copies of the submissions which were forwarded to you previously are attached. The Tainui people were granted an extension of time by our Minister to allow them to comment on the original proposal. They have submitted a lengthy paper which states their views quite plainly. We see no requirement nor advantage to be gained by readvertising the proposed farm.

I again request the concurrence of the Minister of Transport to this application.

C E Paterson (Mrs)
for Regional Executive Officer



54/44/643

27 June 1984

Regional Executive Officer
Ministry of Agriculture and Fisheries
Private Bag
HAMILTON

MARINE FARMING APPLICATION, A.E. & A.J. ROTHERFORD
AND W. WATTS - KAWHIA HARBOUR

The original application made in December 1981, forwarded to this Ministry on 22 February 1982 was for an area of 10 hectares in Kawhia Harbour.

After looking at the application, considering the objections and obtaining further reports the Minister of Transport declined to give his consent on 3 December 1982. One of the factors taken into account in making this decision was the representations made to the Minister of Transport and the Minister of Maori Affairs by the Tainui Maori Trust Board representing the Maori Communities of the Kawhia area.

The application has now been considerably revised and this Ministry requests that in view of the previous representations by the Tainui Maori Trust Board, the application be readvertised in terms of the Marine Farming Act 1971.

Would you please arrange accordingly.


Secretary ROBERTSON
Chief Officer (Administration)

DISPATCHED

29 JUN 1984

by RECORDS

FILE

17 9/84

BRING UP

20 5/84

Initials: 

25/6 8/84

54/44/643

27 June 1984

Regional Executive Officer
Ministry of Agriculture and Fisheries
Private Bag
HAMILTON


MARINE FARMING APPLICATION: A.E. & A.J. RUTHERFORD
AND W. WATTS : KAWHIA HARBOUR

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The application has now been considerably revised and this Ministry requests that in view of the previous representations by the Tainui Maori Trust Board, the application be readvertised in terms of the Marine Farming Act 1971.

Would you please arrange accordingly.


Secretary for Transport
Chief Executive Officer (Administration)

DISPATCHED
29 JUN 1984
by RECORDS

FILE

17/9/84

Initials: 



MINISTRY OF TRANSPORT



Our Ref: 54/49 VOL.4 F.3

Your Ref:

To S.E.O. (HBS) Regional Office, AUCKLAND

HEAD OFFICE

Date: 18 April 1984

Subject: REVISED MARINE FARM APPLICATION.: RUTHERFORD, RUTHERFORD & WATTS.: KAWHIA HARBOUR

Further to your memo of 29 August 1983, reference 54/44/643, on the above.

NAUTICAL COMMENT:

I regret the lengthy delay in replying. We have had to await a suitable opportunity to visit the Kawhia region.

Captain Wright has inspected the location and reports that the reduced area applied for will not seriously affect navigation.

He comments that there is little traffic in the channel at that point or indeed within the harbour to the east of it.

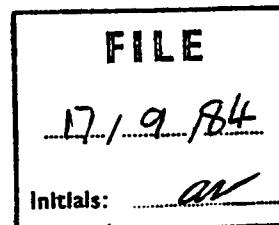
At least 2/3rds of the navigable width remains, sufficient for the light traffic which may use the channel.

Provided that the usual requirement as to marking etc are complied with, we see no reason to withhold recommendation for approval.

HARBOURS AND FORESHORES COMMENT:

As this revised area allows room for adequate navigation in the channel, this office recommends that consent be given.

J. M. Dean (Miss)
for Regional Secretary



54/44/643

17 April 1984

Regional Executive Officer
Ministry of Agriculture
and Fisheries
Private Bag
HAMILTON

Attention: Mrs C.E. Paterson

MARINE FARMING APPLICATION : A.E. AND A.J. RUTHERFORD AND
W. WATTS : KAHIA HARBOUR

I refer to your memorandum of 12 April 1984 and would
advise that investigations into the application are still
being made.

You will be advised in due course.

A. Vitali, Miss
for Secretary for Transport

cc Regional Secretary
AUCKLAND

Attention: P.D. Spackman

Copy for your information, your ref 54/49 Vol.4F3, please
advise when area will be inspected.

A. Vitali
for Secretary for Transport

DISPATCHED

19 APR 1984

by RECORDS

FILE

17/9/84

Initials: *AK*

✓ blubelow
for 13-6-84



Ministry of
Agriculture
& Fisheries



HxF

54/44/643

IN REPLY PLEASE QUOTE _____

Private Bag,

Hamilton, New Zealand.

Telephone: 81 949

12 April 1984

Secretary for Transport
Ministry of Transport
Private Bag
WELLINGTON

A E & A J RUTHERFORD & W WATTS, KAWHIA

Further to your memorandum of 9 September 1984.

In this memorandum you advised you were waiting on a report from your Auckland office with regard to this application.

Would you please advise when I can expect to receive advice of the grounds for this file.

Mrs C E Paterson
for Regional Executive Officer

FILE
<u>17/9/84</u>
Initials: <u>av</u>

54/44/643

54/49 Vol. 4 P.3

Regional Secretary

Head Office

AUCKLAND

29 February 1984

**REVISED MARINE FARM APPLICATION : RUTHERFORD, RUTHERFORD AND
WATTS : KAWHIA HARBOUR**

Further to our memo of 29 August 1983 with which we forwarded
a revised application for the above.

Would you please advise when you expect to visit the area and
report to this office on the effects the proposed marine farm
would have on navigation and recreation in the Harbour.

AV
**Arian Vitali
for Secretary for Transport**

DISPATCHED

**- 1 MAR 1984
by RECORDS**

FILE

17/9/84

Initials: *AV*

BRING-UP

13/6/84

Initials: *AV*

Our Ref: 54/44/643
Your Ref: 7/6/30

9 September 1983

Regional Executive Officer
Ministry of Agriculture
and Fisheries
Private Bag
HAMILTON

Attention: Mrs C.E. Paterson

MARINE FARMING APPLICATION : A.E. & A.J. RUTHERFORD AND W. WATTS,
KAHIA

I refer to your memoranda of 29 July, 19 August, and 5 September
1983 concerning the above revised marine farm application.

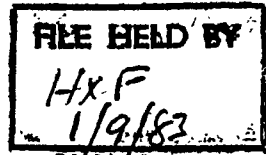
This Ministry's Auckland office has been asked to send a represent-
ative to visit the Kahia Harbour and report back on the likely
effects the above proposal would have on navigation and recreat-
ional activities. A decision as to concurrence will be made as
soon as possible after this report has been received.

KRH
K.R. Houlston, Mrs
for Secretary for Transport

DISPATCHED 14 SEP 1983 by RECORDS	FILE 17/9/84 Initials: <i>av</i>
	BRING-UP 17/1/84 Initials: <i>KRH</i>



Ministry of
Agriculture
& Fisheries



AAO(Hx F)

54/44/643

IN REPLY PLEASE QUOTE

Private Bag,
Hamilton, New Zealand.
Telephone: 81 949



September 5 1983

Secretary for Transport
Ministry of Transport
Private Bag
WELLINGTON

ATTENTION: Mrs K R Houliston

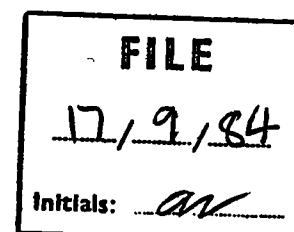
MARINE FARMING : AE & AJ RUTHERFORD AND W WATTS, KAWHIA

Further to my previous correspondence for this file.

Would you please advise when I may expect concurrence for this revised application.

C Paterson

C E Paterson (Mrs)
for Regional Executive Officer



54/44/643

54/49 Vol.4 Folio 3

Regional Secretary

K.R. Houlston, Head Office

AUCKLAND

29 August 1983

REVISED MARINE FARM APPLICATION : RUTHERFORD, RUTHERFORD, & WATTS -
KAWHIA HARBOUR

Attention: Mr P.D. Spackman

Thank you for your office's comments of 1 November 1982 on the application by Messrs Rutherford, Rutherford, and Watts for a marine farm in the Kawhia Harbour. Concurrence in respect of the application was declined on 3 December 1982.

The applicants have now submitted a revised proposal. A plan of the altered area, together with copies of relevant correspondence forwarded by the Hamilton office of the Ministry of Agriculture and Fisheries, are attached for your consideration. Our Nautical Section has looked at this application, and Captain Boyes has suggested that someone from your office visit the area and report back on the likely effects the proposed marine farm would have on navigation and recreation in the harbour.

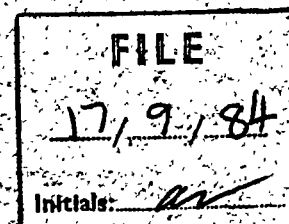
I hope that such a visit can be arranged in the near future, and look forward to receiving your report.

KRH
K.R. Houlston, Mrs
for Secretary for Transport

Encl



✓ B/U 1/11/83
H/F





Ministry of
Agriculture
& Fisheries



Secretary for Transport
Ministry of Transport
Private Bag
WELLINGTON

ATTENTION: Mrs Houliston

AE & AJ RUTHERFORD AND W WATTS, KAWHIA

Further to my previous correspondence on the above mussel farm application in the Kawhia Harbour.

Would you please advise the current situation with this revised application.

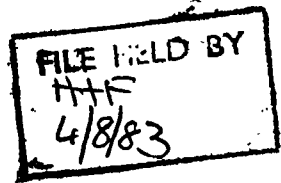
C E Paterson (Mrs)
for Regional Executive Officer

4x5

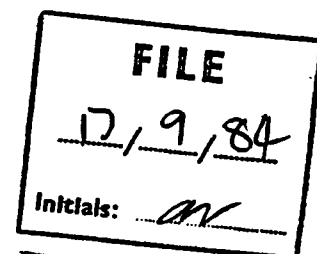
54/44/643

IN REPLY PLEASE QUOTE

Private Bag,
Hamilton, New Zealand.
Telephone: 81 949



August 19 1983



MINUTE SHEET

Department:

Subject:

Rutherford & Watts - Kawhia
Harbour

Section:

H + F

File No.

54/44/413

Date:

4-8-83

90863H-35,000 11/82 MK

To-

Capt
Mooney
NAO

Messrs Rutherford & Watts have
now revised their marine farm
application for Kawhia Harbour
(Concurrence was decided on original
application on 3.12.82.)

Could I please have your
comments on this revised
application?

Thank you

FILE
17/9/84
Initials: m

A.R. Boulton
AO (H+F)

Capt Boyer suggested

Auckland visit the area once the new
application is hand - We should invite their
report unknown NAO 12.8.83

54/44/643

IN REPLY PLEASE QUOTE 7/6/30

MINISTRY OF AGRICULTURE AND FISHERIES
Private Bag, Hamilton, New Zealand

Telephone 81 949

July 29 1983



Secretary
Ministry of Transport
Private Bag
WELLINGTON

ATTENTION : Mrs K R Houliston

MARINE FARMING : KAWHIA - RUTHERFORD & WATTS

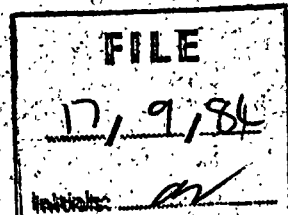
✓... Please find attached for consideration, a revised application and correspondence concerning the Rutherford and Watt's mussel farm application for Kawhia Harbour.

Would you please advise if the revised application is acceptable in terms of navigation.

C E Paterson (Mrs)
for Regional Executive Officer

Encl :

Ag. - G. 121



7/6/30.
MARGARET MARINE LTD.

TELEPHONE 87648
89289

69 MANGOREI RD
NEW PLYMOUTH

9th May, 1983.

The Nautical Advisor,
Marine Dept. Ministry of Transport,
Private Bag,
Auckland.

Dear Sir,

We, the applicants, Messrs. A. E. and A. J. Rutherford and W. Watts, have revised our application for a marine farm in the area Block X Kawhia North Survey district, due to a decline to concur from the Ministry on our original application dated 3/12/82.

We therefore wish to submit the following revised application:

That the area of seabed applied for is 100 metres x 250 metres within the original site on the Southeast side of the main channel in Block X Kawhia North Survey district, and is shown on the attached survey sheet as such. (See Page 1.)

By altering the method of laying out the mussel lines, we have substantially reduced the size of the area required. It should be noted that the area is now only 40% of the original application and therefore is much less of a restriction on other possible water users.

It is also considerably narrower than the original area, and will improve navigation past it at low tide. It also takes up only one quarter of the width of the channel at m.l.w.s.

Reducing the downstream length takes it further away from the wharf and wharf traffic, and will in no way affect said traffic in and around the wharf.

Water skiers are unlikely to be affected, as Otorohanga County Council have put ski lane poles in below Maketu Pa as shown on the attached sheet.(No.2) This ski lane is approximately one and a half miles away from the proposed site.

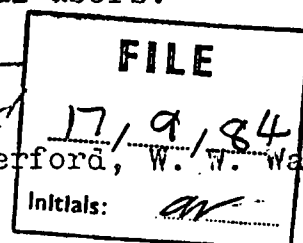
The main reason for choosing this site is the depth of water at low tide. For this reason a more remote area for mussel farming would be unsuitable. Any other site would be too shallow, or unduly affect safe navigation from the wharf to the harbour entrance.

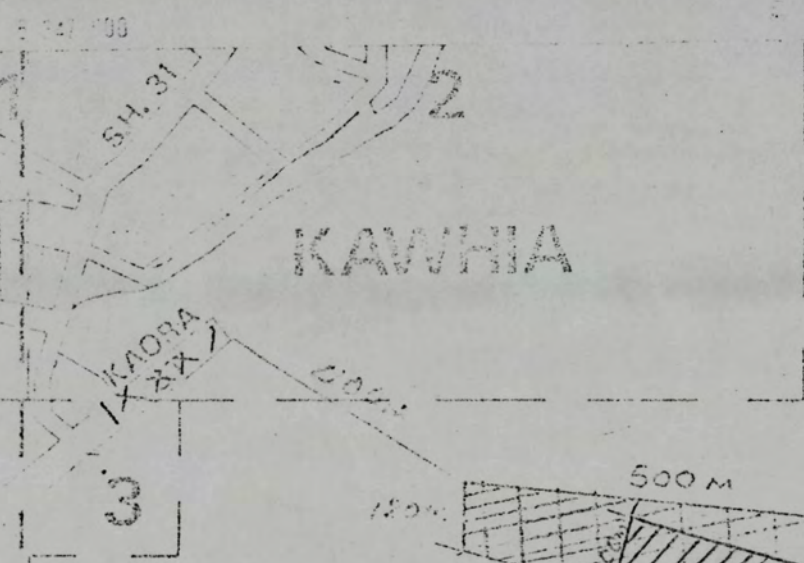
We are convinced that our revised application will not affect the commercial or recreational use of the harbour, and have enclosed some letters of support from commercial and recreational users.

Yours faithfully,

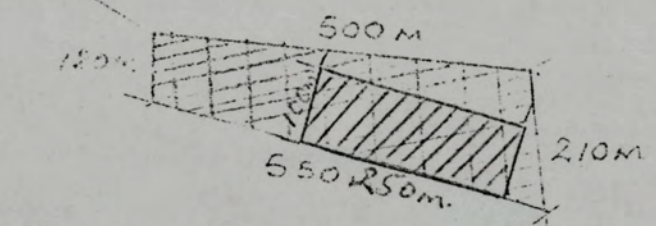
A. E. Rutherford.


p.p. A. J. Rutherford, W. W. Watts.





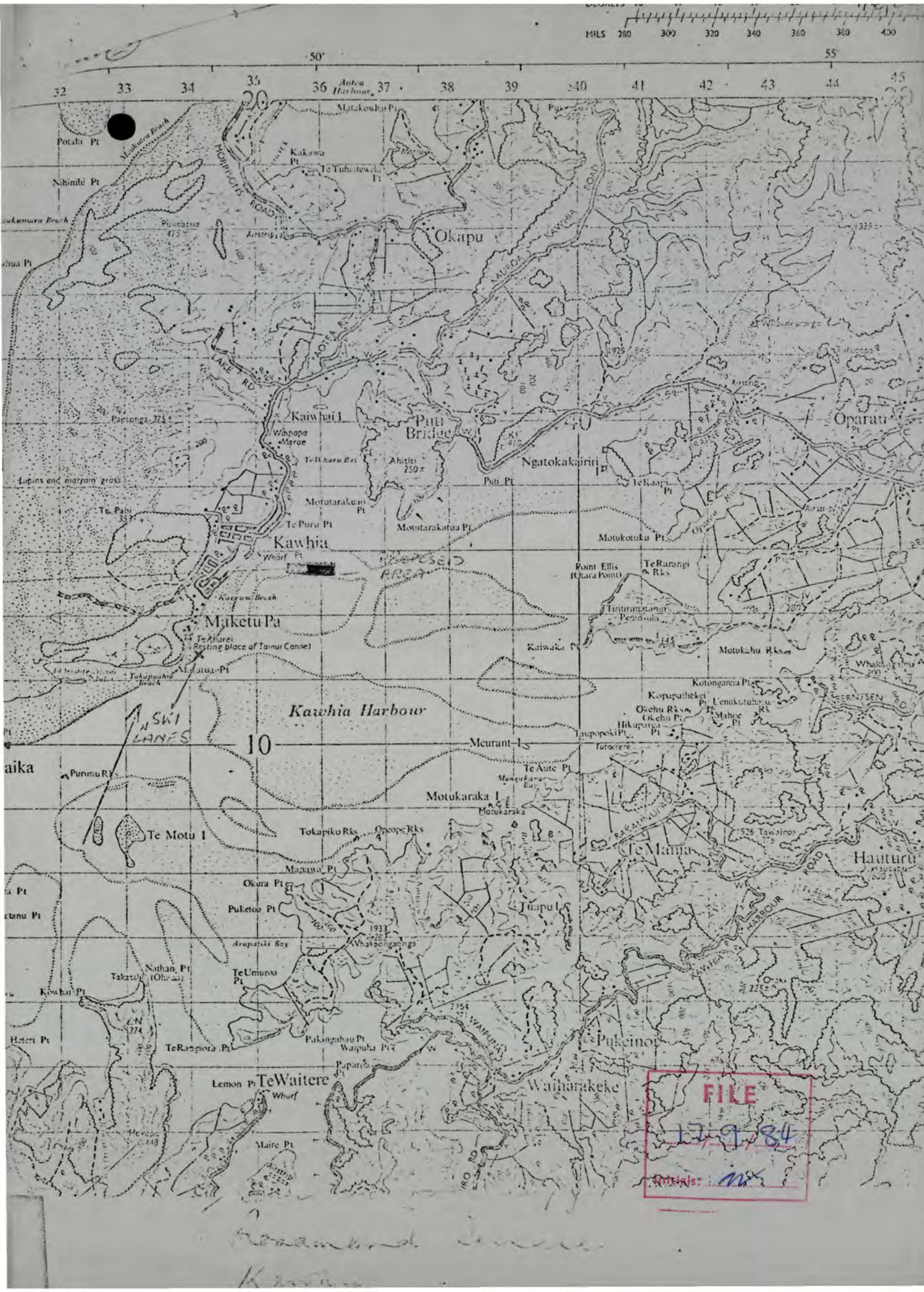
PT BERRING 52⁵⁰ M PT 1700



 - REVISED AREA - AGAIN APPROXIMATE

NOTE: THE POSITION OF THIS AREA IS APPROX

FILE
17/9/84
Initials: <i>an</i>



MILES 280 300 320 340 360 380 400

50°

55°

32 33 34 35 36 37 38 39 40 41 42 43 44 45

FILE

17-9-84

Initials: m

Road and river

Kawhia

Kawhia Boating & Angling Club Inc

Clubrooms: KAORA STREET, KAWHIA



P.O. BOX 108
KAWHIA
via Te Awamutu
Telephone 703

14th July 1983

The Director General,
Ministry of Agriculture Fisheries,
Private Bag,
HAMILTON.

Dear Sir,

MARINE FARMING KAWHIA HARBOUR

We supported Mr. A. Rutherford's original application for approval to farm green lipped mussels in Kawhia Harbour and wrote to this effect in April 1982.

We understand that Mr. Rutherford is making a further application to farm mussels in a much reduced area of water in the same location of the Harbour.

Our support for their revised application remains and our members feel that the proposed site does not constitute any navigational hazard to small craft. This includes commercial, and pleasure fishermen, water skiers and other water users who tend to use other areas within the Harbour for their activities.

Any marine enterprise, providing jobs and a commercial interest in this area would, in our opinion, be most welcome.

Yours faithfully,

Robert Brown
R. BROWN.

SEC/TREASURER

some letters

James

John

Robert

Robert

Kawhia

FILE
<u>17/9/84</u>
Initials: <u>av</u>

Mr. D. Taylor,
Post Office,
KAWHIA.

Nautical Division,
Marine Division,
Ministry of Transport,
AUCKLAND.

15th May 1983.

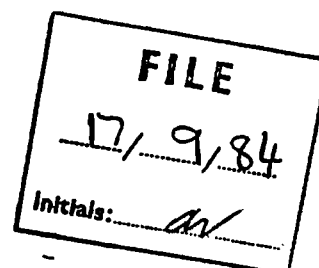
Dear Sir,

I am a commercial Fisherman in Kawhia Harbour and would like to support the application for a marine farm being made by Mr. Rutherford and Mr. Watts.

The area in question does not make it difficult for me to Navigate safely past it, even at low tide and I can see no reason why it should not go ahead.

Yours faithfully,
D. TAYLOR.

[Handwritten signature]



Kos and Senae
Kawhia

June 29th 1983
June 29th 1983

To whom it may concern
To Whom It May Concern

I note with interest the revised plan
I note with interest the revised plan
for a mussel farm proposed by Messrs
for a mussel farm proposed by Messrs
J Rutherford & Watts to be set up in the
J Rutherford & Watts to be set up in the
Kawhia Harbour.
Kawhia Harbour.

The reduction in area would appear to
The reduction in area would appear to
remove any navigational hazard and
remove any navigational hazard and
therefore any objection on the grounds of hazard
therefore any objection on the grounds of hazard
to small boats and pleasure craft would
to small boats and pleasure craft would
no longer apply.
no longer apply.

I make this comment without prejudice
I make this comment without prejudice
to the wider question of licensing marine
to the wider question of licensing marine
farming on the Kawhia Harbour.
farming on the Kawhia Harbour.

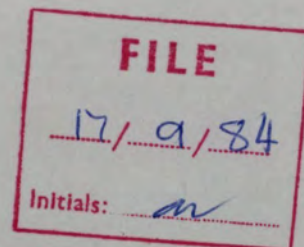
Yours faithfully

Edith M. D — y J.P.

Edith M. D — y J.P.

Rosamond Terrace

Kawhia
Kawhia



Mr. G. Taylor,

Kaora Street,

KAWHIA

27th May 1983.

Nautical Division,
Marine Division,
Ministry Of Transport,
AUCKLAND

Dear Sir,

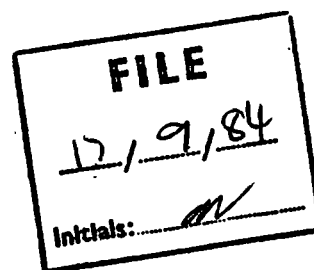
I am writing this letter in support of Mr. Rutherford's Application for a Mussell Farm in Kawhia Harbour.

I have been a Commercial Fisherman here for some years and feel that the area is not too large for what is proposed and does not affect or hinder vessels navigating past it.

Yours faithfully,

G. Taylor.

G. TAYLOR.



MINUTE SHEET

Department:

Subject: *Maui Farming - Hawaiian
Horticulture - Rutherford & Watts.*

Section:

File No. *54144/643*

Date:

49918A-1F pads/7/80 MK

To-

*Capt Stalling
Ex. H-9 is
AUCKLAND*

*Miss Rogers
has info*

1. *Yours note of 8/7/83 acknowledged.*
2. *I have discussed the application with Mr. Rutherford senior. He considers our refusal unjustified and that the reasons given are not supported by fact.*
3. *Mr Rutherford stated that he will re-apply for a smaller area and will include evidence relating to the activities carried on in the area.*
4. *The area should be revisited when the new application is being considered.*

FILED BY *JS*
FILE No. *13*

File

15/7/83

MINUTE SHEET

Department:

Subject:

Section:

File No.

49918A-150 eds/7/80 MK

Date:8...7...83

To—

Capt Bayes

Re your query Kaulin Harrison Marine Farm application
Rutherford & Watts.

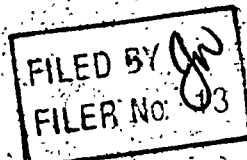
One from this office visited the location. The comments
made were based on a very expensive location plan
plus observations made for us on request by the
H & F. Clerk who visited the area. She also took
some photographs which are included on the Auckland
file. Please let me know if you want them or
whether you wish someone to visit the area & report.

F.A. Shillington

File



Item 504



MINUTE SHEET

Department:

Subject:

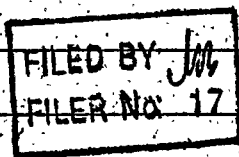
File No.

Date:

To:

Miss Rangel
J

Talked with Mr. Rutherford. Was not
very happy that the application was
turned down as he considers that
the reasons given cannot be justified.
However he has said that he will
reapply with a reduced area and
will include evidence to refute and
counter objections.

J. Jones
8/2/83

File

Our Ref: 54/44/643
Your Ref: 7/6/30

9 February 1983

Regional Executive Officer
Ministry of Agriculture
& Fisheries
Private Bag
HAMILTON

ATTENTION: Mrs C.E. Paterson

MARINE FARMING APPLICATION :
A.E. & A.J. RUTHERFORD & W. WATTS

I write in reply to your memorandum of 12 January 1983, in which you ask for advice as to why the Minister of Transport would not concur with the granting of a marine farming licence to the above applicants.

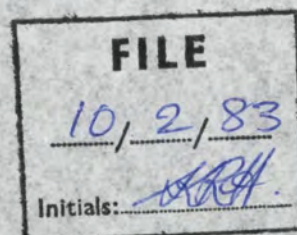
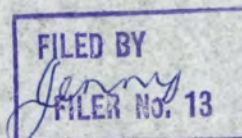
Concurrence was declined because the proposed farm was unduly large and would have placed too many restrictions on other water users. The area applied for was inspected, and it was reported to be located in an area which could be much used by small pleasure boats in the summer. The area, being upstream from the wharf and away from wharf traffic, also seemed likely to be used by waterskiers.

The narrowness of the navigational channel at low water and the closeness of the wharf and the centre of town to the proposed farm were also taken into account.

An area more remote from the wharf could be considered.

(sgd)
K.R. Houliston

K. R. Houliston, Mrs
for Secretary for Transport





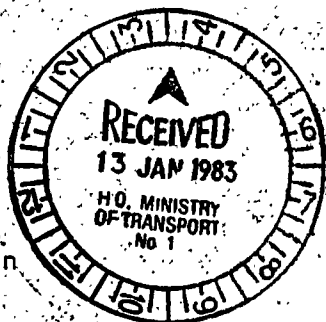
IN REPLY PLEASE QUOTE 7/6/30

MINISTRY OF AGRICULTURE AND FISHERIES
Private Bag, Hamilton, New Zealand

Telephone 81 949

January 12 1983

Secretary for Transport
Ministry of Transport
Private Bag
WELLINGTON



Attention : Mrs K R Houliston

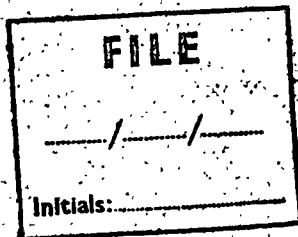
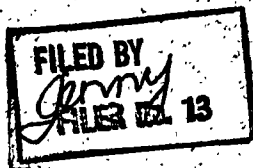
MARINE FARM APPLICATION

Further to your letter declining to concur with the Marine Farm application for Messrs Rutherford and Watts of Kawhia.

Would you please advise the reasons why the Minister of Transport will not concur in terms of navigational safety and maritime public interest.

Paterson

C. E. Paterson (Mrs)
for Regional Executive Officer





Ministry of
Agriculture
& Fisheries

Hx F.

54/44/643



IN REPLY PLEASE QUOTE

Private Bag,

Hamilton, New Zealand.

Telephone: 81 949



December 20 1982

Secretary for Transport
Ministry of Transport
Private Bag
WELLINGTON

ATTENTION: Mrs K R Houliston

MARINE FARM APPLICATIONS

Further to your letter declining to concur with the marine farm application for Messrs Rutherford and Watts of Kawhia.

Would you please advise the reasons why the Minister of Transport will not concur in terms of navigational safety and maritime public safety.

C Paterson

C E Paterson (Mrs)
for Regional Executive Officer

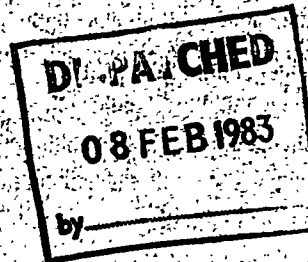


FILE
____/____/____
Initials: _____

AKE:KS

CMA

1.2.83



The Secretary
Tainui Maori Trust Board
11 Knights Lodge Road
HAMILTON

Dear Mr Forbes

I have received and read with interest your letter of 15 December 1982 in which you seek on behalf of the Tainui Maori Trust Board a Grant of Control over the west coast harbours of Kawhia, Aotea, and Whaingaroa, revocation of a grant made in 1979, that Grant of Control procedures for Kawhia Harbour be stopped, and that the interests of the Tainui people be more carefully considered. Your detailed arguments advanced in support of your proposals have been very carefully considered.

The first point which I must make is that under the present laws of New Zealand I cannot accept that foreshores and harbour beds are other than Crown Land. Accordingly the Harbours Act 1950 applies in respect of these areas and therefore the provisions of that act must be applied fully in respect of all Grants of Control which, of course, are granted by the Governor-General on my advice rather than by myself.

Basically you are arguing that the Grant of Control should be vested in a body representing the Maori tribe who are the majority of the people living on land they own which is adjacent or near to the harbours. Your proposals mean no direct representation by others living in the area.

As you will appreciate harbours serve not only coastal dwellers but also the inland population. It is on this basis that section 165 of the Harbours Act defines a "public body" for the purposes of a Grant of Control. Part of the definition refers to "any persons acting as trustees for the inhabitants of any locality". In line with the democracy of New Zealand both majority and minority groups must be represented. However your Trust Board represents only Tainui tribal members and under your proposal the pakeha population and any non-Tainui Maori would not be represented.



File
Reale
4/2
adbury

Accordingly in terms of the Harbours Act the Tainui Maori Trust Board cannot be accepted as a public body to which a Grant of Control can be made. In this connection I am in no way implying that the Board would not or could not take into account the views of all community interests and users of the harbours. It is simply a legal situation where I am advised that the Board cannot be regarded as a public body for the purposes of the Act.

On the other hand the grant of control over Whaingaroa Harbour is made to a public body where there are elected members acting as the trustees for all the inhabitants of the locality. I have noted your comments about Maori involvement in maritime development to date and your views about response to all local conditions. Here I think it is a matter of your Board ensuring that all issues of concern are brought to the attention of the Raglan Harbour Board for consideration and involvement of the Maori people.

Similarly the District Councils of Waitomo and Otorohanga are public bodies to which a Grant of Control can be given and my comments in the previous paragraph about securing Maori involvement also apply.

Another point I think that I should cover is that a Grant of Control is a delegation of powers to manage the waters of an area, and/or the foreshore and seabed. A Grant of Control authority exercises its powers through bylaws. Such bylaws must be submitted to me for approval through the Ministry of Transport, and have no force until such approval is given. A Grant of Control is not a total ceding of powers for the authority to do as it pleases, but is a delegation of powers which continue to be supervised by the Ministry of Transport. Accordingly with the requirements for approval of bylaws and the continuing supervision by the Ministry of Transport the effect of a Grant of Control is limited.

In conclusion your proposals are not being lightly dismissed but in the overall circumstances I cannot agree to any of your requests. As I stated in my previous letter when appropriate proposals are finalised for a Grant of Control they will be advertised and interested parties will have the opportunity to forward their written comments and objections for my consideration. In this way other Government Departments can make their concerns and interests known. Naturally in appropriate cases I confer with my colleagues the Minister of Fisheries and the Minister of Maori Affairs to decide issues before making a recommendation to the Governor-General.

Yours sincerely

16gd) GEORGE F. GAIR

George F. Gair
Minister of Transport

File

FILED BY
FILER No 13

MINUTE SHEET

Subject

Tarnar Trust Board.

Department:

NOT

Section:

Legal

File No.

Material

Date:

5/1/83

To—

CMA

1. The answer to the contention that the harbours in question are not in Crown control is to be found in s. 150 Harbours Act 1950. That provision creates three exceptions to Crown control of foreshores and seabeds viz (a) where the Harbours Act provides otherwise, and (b) where any Act or Ordinance authorised otherwise (prior to the Harbours Act taking effect) and (c) where a special Act authorises otherwise (after the Harbours Act took effect).

The Trust Board's challenge to Crown control seems to be based on the provisions of the Treaty of Waitangi only. The first Article is to the effect that the signatories' sovereignty over their territories is ceded "absolutely and without reservation" to the Crown. The second Article (which is the one referred to in the Board's objection to the marine farming applications) refers only to "possession" — a completely different thing from ownership/sovereignty.

The legal status of the Treaty is a matter of considerable debate. Whatever that status may be, it has not been considered such as to override express statutory provisions such as s. 150 Harbours Act. Unless and until the Treaty's proponents establish its paramount effect, it can be safely assumed that the Crown has full control as envisaged by s. 150.

(file)

FILED BY AU
FILER No. 13

MINUTE SHEET

Subject:

Department:

Section:

File No:

Date:

To:-

2. It is not clear what the Trust Board means in its reference to "riparian rights to the foreshore and harbours". Riparian rights are those which are enjoyed by a landowner whose land abuts on and is part of the bank of a river or stream, be it tidal or non-tidal. The rights themselves include such things as the right to take water, and the right to receive water from higher lands unimpeded and unaltered in volume or ~~quantity~~ quality.

Riparian rights of this nature existed in New Zealand as part of the common law up until the passing of the Water & Soil Conservation Act 1967. That Act vests virtually all riparian rights in the Crown, which now controls the taking and use of natural water.

As can be seen from the foregoing, it is doubtful that the Trust Board has got its terminology correct. It is possibly referring to access rights and rights to take shellfish.

3. S. 165 Harbours Act subsection (12) defines "public body" for the purposes of grants of control. The Trust Board represents only Tainui tribal members. I consider this would be too restrictive for the Board to bring itself within the part of the definition which refers to "any persons acting as trustees for the inhabitants of any locality". Pakeha and non-Tainui Maoris

File

FILED BY *gjm*
FILER NO. 13

MINUTE SHEET

Subject

Department:

Section:

File No.

Date:

To:-

would be unrepresented. A declaration under subsection (10)(c) is possible, but it is likely that the powers of trust boards pursuant to the Maori Trust Boards Act 1955 are too narrow to enable such a board to function legally and effectively pursuant to a grant of control. Accordingly, I consider that the Tainui Trust Board would not be an appropriate body to be granted control under s. 165.

If you have any further queries, I'd be happy to assist.


Solicitor

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FILER NO. *13*

file

MINUTE SHEET

Subject

Tairāwhiti Trust Board

Department:

Section:

File No.

Date: 22.12.82

To-

Legal.

Could you comment please on the statement in para 2 that the Maoris have not accepted that the foreshore and beds of the harbours are in Crown control, and that they contest the authority of the Minister

In para 5 reference is made to Reformation rights, do such rights exist in N.Z.

In the Tairāwhiti Trust Board a body that could be granted a Grant of Control should it be thought desirable

Comments on any other aspect of the paper would be appreciated

Allowing
C.M.

File

FILED BY gw
FILER No 13

MINUTE SHEET

Subject

Department:

Section:

File No.

Date:

Chair
To - X =

Leave -

Legislative
requirements

Basically
arguing
that the
Council
should
be vested
in the
Maori
population
who are
physically
living
near
adjacent
or near
to the
harbours
with
no
representative
by others
living
in the
area.

This would
not be
representative
or desirable
in any
demonstration
Harbours
serve not
only coastal
districts
but also the
inland population.

Does not accept that the fisheries and beds of the
these harbours are Crown land.
Accordingly contest Minister's authority to approve
transfer of control. (G.F. actually grants 3/4 shares)
Considers that in granting control responsibilities
of other Ministers in respect of their legislation
needs to be taken into account (Fisheries & Maori Affairs)
He states his concern about the fragmented nature
of control, which involves 3 different statutory bodies
Kawhia (OTORONGA and CHATONO)
Aotea (MOT)
RAGLAN/Whaingaroa.
Points out that 80% or more of the land adjoining Aotea
& Kawhia Harbours is Maori owned, ^{50%} adjoining
Whaingaroa is Maori land or general land owned
by Maoris.
Accepts policy in respect might bear consideration
in respect of ^{Crown} Maori lands but there is little
Crown land.
Does not accept that OTORONGA and CHATONO
Districts Councils are suitable representative
bodies to grant control of these harbours (which ones)
Argues that 10% only of total population live on
adjoining the harbours - Hence 90% who live
inland and far from harbours have effective control.
Over a major resource with which they have little or
no community interest.
Hence effectively this gives control to one section
of the community at the expense of the Maori.

Item 503

83615D-75,900pds/8/82MK

File

FILED BY
FILED NO.

MINUTE SHEET

Department:

Section:

File No.

Date:

Subject

To-

Similar situation in respect of the Maori

Whangaroa Harbours.

Overall does not consider that all sectors of the community are well served under the present arrangements.

Does not think that Maori involvement in Maori development planning to date has been significant.

No Maori plan for these harbours (This could come after grant of control).

Not convinced that the bodies granted control to date can respond to all local conditions.

Surprised that Minister should imply that the Tairāwhiti Board would not or could not take into account the views of all community interests and other users of these harbours.

Consider alternative development plan viable and should not be lightly dismissed.

Proposals are a different cultural response to the management, conservation and development of natural resources.

Requests - No grant control over Hawke's Harbours.

- Grant of control over Whangaroa Harbours.

- Interests of Tairāwhiti people be more carefully considered by Minister in consultation with Fish & Wildlife

Board has lodged formal application over these Harbours (Can it be recognised as a body for a grant of control).

File

In effect the proposal is racial

Did not imply this what was said in that on face the control must be vested in some body which by membership represents all the population on the area.

Not lightly dismissed carefully considered

Career area etc.

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FILER NO. 13



Tainui Maori Trust Board ^{MIN}

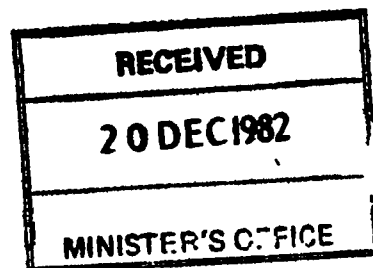
G. H. FORBES, Secretary

11 Knightsbridge Place,
HAMILTON, N.Z.

4095

December 15, 1982

The Hon George Gair,
Minister of Transport,
Parliament Buildings,
Wellington 1.



The West Coast Harbours -
Kawhia, Aotea and Whaingaroa.

Dear Mr Gair,

Tena koe.

1/ Thank you for your response of November 25, 1982 to our earlier letter in which we outlined our concern at the confused state of control of the West Coast Harbours. In it we presented an alternative proposal which would return these harbours to communal control under the Tainui Maori Trust Board, as the officially recognised, elected representatives of the Tainui people.

2/ The Tainui tribes have not accepted as a fait accompli, that the foreshore and beds of these three harbours are crown land. Indeed, as you will note from our objections to the granting of marine farming leases and licenses, we contest the authority of the Minister of Fisheries in this matter. Likewise if, as we believe, these harbours are still the unalienated domain of the Tainui people, then we contest your authority to approve grants of control under the relevant sections of the Harbours Act 1950. ①

3/ The Tainui Maori Trust Board, recognises as you do, that not all activities on foreshores and coastal waters are covered by provisions of the Harbours Act. At the same time, the Board recognises that one ministry granting control over the West Coast harbours in respect of certain legislation for which it is responsible, ought not to do so without taking into account the responsibilities of other ministries in respect of their legislation. Both the Minister of Fisheries and the Minister of Maori Affairs have direct responsibilities for the care and ordered development of these harbours; the first under the Fisheries Act 1908, and the Marine Farming Act 1971, and the second under the Maori Trust Boards Act 1955 and the Maori Affairs Act 1953. ①

4/ The Board wishes to reiterate its concern about the fragmented nature of control. The present situation gives some measure of control to three different statutory authorities viz. the Raglan County Council, The Otorohanga District Council and the Marine Transport Division of your own Ministry. Should the grant of control sought jointly by Otorohanga and Waitomo District Councils for Kawhia be acceded to, the situation in respect of these harbours and the nearby open coast will be no better. While Kawhia Harbour could be under joint control, Aotea Harbour which is partly in Otorohanga District and partly in Raglan County, will likely remain under the Ministry of Transport's control, although provision could

FILED BY *gw*
FILER No. 13

File

be made for it to be jointly controlled by the Otorohanga and Raglan Councils, or conceivably it could be placed under the full control of the Raglan County Council if its jurisdiction were extended to include Aotea Harbour. Besides all this there is the Taharoa Harbour Board with control over the open coast immediately south of the Kawhia harbour.

5/ We wish to point out to you that eighty percent or more of the land adjoining the Aotea and Kawhia Harbours is Maori owned and approximately fifty percent of the land adjoining Whaingaroa is Maori land or general land owned by Maori. Almost all of these landowners still have intact their traditional riparian rights to the foreshore and harbours. (We accept that the policy stated in your recent letter might bear consideration in respect of crown land, but there is very little such land involved. We have sent a map of these harbours to you under separate cover which will illustrate this.

6/ We differ from you in your belief that the Otorohanga and Waitomo District Councils are suitable representative bodies in which to grant control of these harbours. In respect of both of these districts, less than ten percent of their total populations live in ridings adjacent to the harbours, yet a grant of control to them will mean that the ninety percent or more who live inland and far from the harbours, have effective control over a marine resource with which they have little or no community of interest, and to which they have neither historical nor special spiritual entitlement. Effectively this gives control to one section of the community at the expense of the majority of Maori who have such important and long standing interest in and concern for these harbours. The situation is hardly better for Whaingaroa. Between fifteen and twenty percent of the county's population live near the harbour, the greater part being inland, near the coalfields and the Waikato river.

7/ This Board does not consider that all sections of the community are well served under the present arrangements, neither will they be better served under the joint control that is proposed. With respect, we do not think that Maori involvement in maritime development planning to date has been significant. What Maori participation that has occurred so far has been that Maori interests are notified of what the controlling authority intends to do. Until recently, Maori cultural values were not required to be taken into account in the formulation of district and regional schemes, but even under the present Town Planning Act, few district or regional authorities actively use Maori expertise in the preparation of their scheme reviews. Not only is there no maritime plan for these harbours, but neither your Ministry nor the local authorities have taken account of the Tainui people's 600 year stewardship of these harbours.

8/ The Harbours Act does give the Minister of Transport authority to delegate management of foreshore and control of waters to a representative (local or regional body). This Board is not convinced that the bodies that have been granted control to date can respond to all local conditions. The Board is surprised that you should imply that the Tainui Trust Board would not or could not take into account the views of all community interests and the other users of these harbours. We suggest that such an implication is unfounded and prejudicial to us when we have not been given the opportunity to prove otherwise. During the nineteenth and early part of the twentieth century, the Tainui people at Kawhia successfully managed the port and harbour there, transshipping cargoes to and from Australia and beyond, this was for the benefit of all harbour users, not just the Tainui people.

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We firmly believe that our alternative development plan for these harbours is viable, and should not be lightly dismissed by your ministry merely because it proposes arrangements that are different from those which your officers are familiar with and used to. Neither do we see our proposals as being highly innovative either, but rather as a different cultural response to the management, conservation and development of our natural resources, compared to the usual Anglo-Celtic response, with which you and your officers are more familiar. As New Zealanders with a minority culture, we value cultural diversity very highly, and we value the expression of this diversity in alternative ways of solving problems, attaining goals and managing resources.

The Board respectfully requests

- * that you do not proceed to grant control jointly over Kawhia Harbour to the District Councils of Waitomo and Otorohanga.
- * In respect of the grant of control over Whaingaroa which was gazetted in November 1979, we would like that to be revoked.
- * As well, we request that the interests of the Tainui people in all three of these harbours be more carefully considered by you in consultation with your cabinet colleagues, the Minister of Fisheries and the Minister of Maori Affairs.
- * the Board has lodged a formal application for grant of control over these three harbours, and does so without prejudice to its view that the harbour foreshores and beds are unalienated maori lands over which the rights of the Tainui people have never been extinguished.

10 We believe most firmly that the interests of the country as a whole would be better served if control over all three harbours were to be vested in the Tainui Maori Trust Board, as the duly constituted Harbour authority, not just for the benefit of the Tainui people but for everyone else in the wider community.

Kia ora,

Gordon H. Forbes

Gordon H. Forbes,
Secretary

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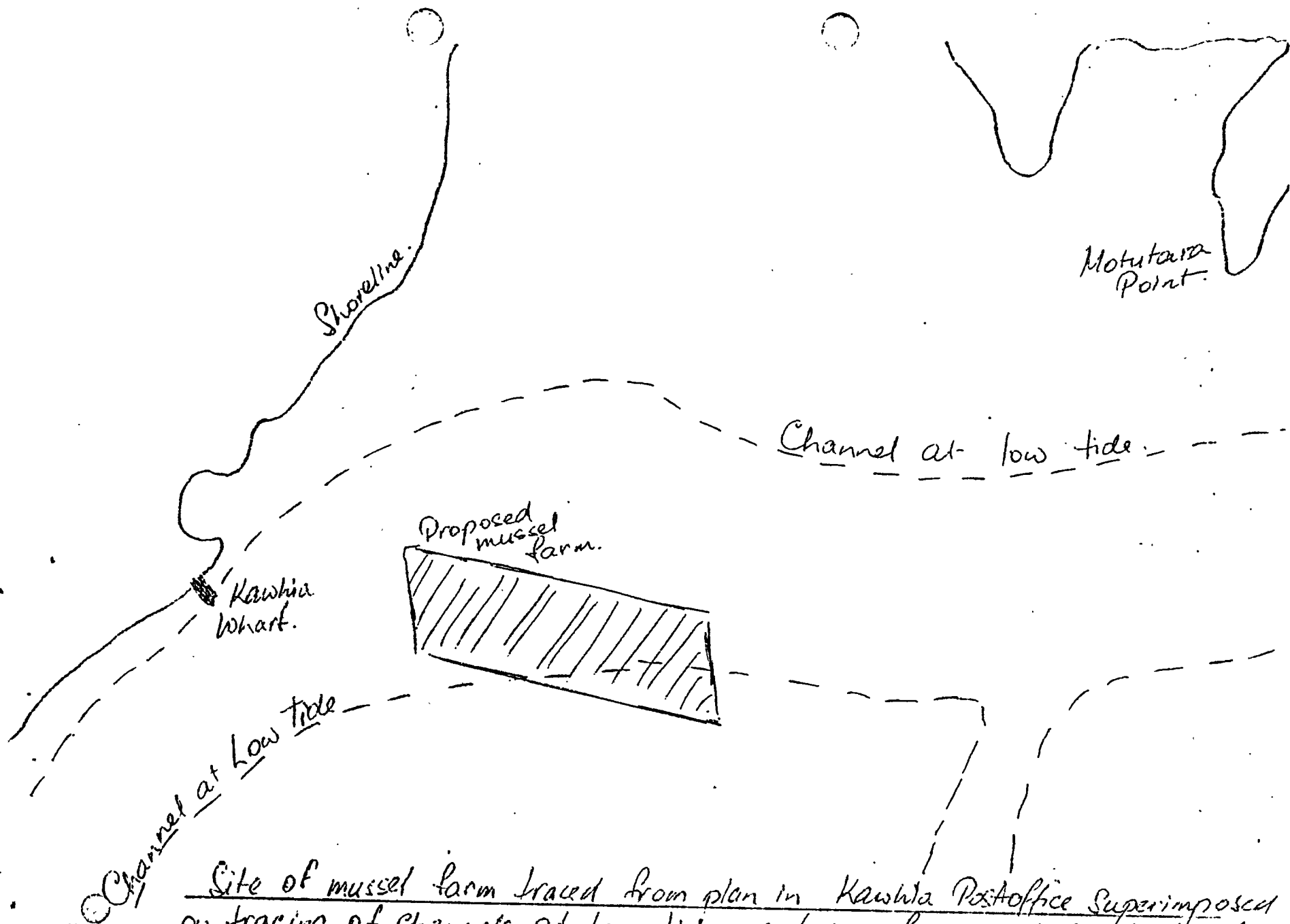
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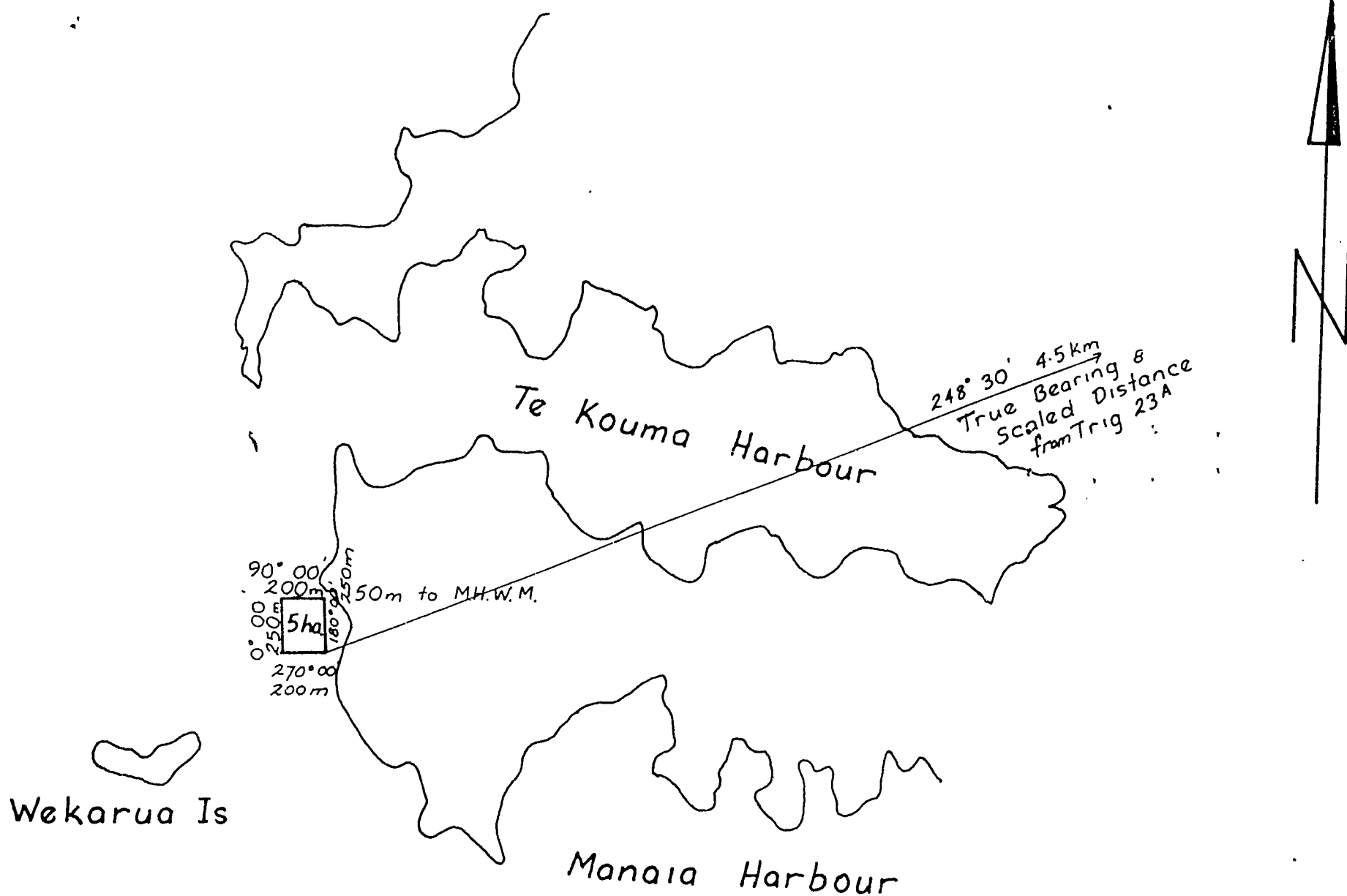
The numbers listed below are also on the wide format image(s) that belong here

5644



Site of mussel farm traced from plan in Kawhia Post Office Superimposed on tracing of channels at low tide as taken from aerial photo of.

NZ Aerial Mapping Co, Survey no 3930, Run no. D/2, Date 1/5/74.



Proposed Marine Farm North Wekarua Is. Coromandel

South Auckland Land District
Blk. XIII^a Coromandel S.D.
Thames - Coromandel District Council

Prepared for : P McLean

Scale : 1 in 25000

Date May 1983

Prepared by **Jellie & Keucke**
Land & Engineering Surveyors
Hamilton & Coromandel

DISPATCHED
- 9 DEC 1982
by _____

9 12 82

The Minister of Maori Affairs
Parliament Buildings
WELLINGTON

TAINUI TRUST BOARD : RAGLAN, KAWHIA AND AOTEA HARBOURS

Thank you for your memorandum of 11 November 1982 enclosing the submission from the Tainui Trust Board regarding control of the Harbours on the West Coast of the North Island. I had already received a copy of this submission and to keep you fully informed I am attaching a copy of my reply.

In so far as a proposed Grant of Control is concerned the procedure is that a notice of intention to make a grant to a specific representative body is advertised in local newspapers with an invitation to interested individuals or parties to supply comments to the Ministry of Transport for consideration before the final decision.

Accordingly a procedure exists for the Tainui Trust Board, as the representative of the Tainui Maori people, to make full representations on any proposed Grant of Control. The Board's views would be conveyed to me for consideration and decision before seeking the Governor-General's approval for the Grant of Control.

Whilst I appreciate your view that it would be highly desirable for the trust board to be accorded membership of the body or bodies granted the control of the three harbours, this is not possible in terms of the Harbours Act. In the circumstances I think that the Board should directly pursue arrangements being made for the Board to be consulted by the controlling body in respect of any substantial decision affecting the harbours.

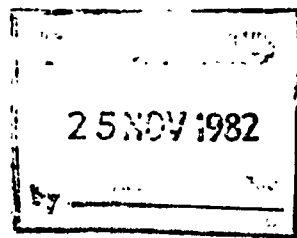
(Sgd) **GEORGE F. GAIR**

George F. Gair
Minister of Transport

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[Handwritten signatures and initials]
6/12

*Copy of this reply
sent to Regional
Secretary
Wellington*



Mr Gordon H. Forbes
Secretary
Tainui Maori Trust Board
11 Knightsbridge Place
HAMILTON

Dear Mr Forbes

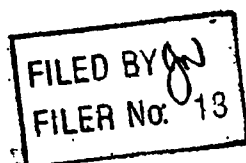
Thank you for your letter and enclosures of 14 October 1982 regarding the control of the West Coast Harbours of Kawhia, Aotea and Whaingaroa (Raglan).

I have carefully considered your proposals that these three harbours be placed under Maori communal control with your Board being the duly constituted and recognised authority, and having the role to manage, conserve and develop the fish, shellfish and other marine resources of these harbours on a tribal basis, rather than on an individual basis.

In this connection I note that you are aware that not all activities on foreshores and coastal waters are covered by the provisions of the Harbours Act 1950. For example the management of the fish and seafood resources is the responsibility of my colleague the Minister of Agriculture and Fisheries under the Fisheries Act 1908.

I appreciate the reasons for your proposals. However the current policy is based on the approach that in crown ownership, all foreshores and coastal waters, including as appropriate harbours, should be preserved and developed for the benefit and enjoyment of all New Zealanders and, therefore, the management of foreshore and coastal waters should be undertaken by a representative local or regional body which can respond to all local conditions. This includes the local or regional body taking into account the views of all community interests and the users of the particular area. Overall the system of a grant of control to a local or regional body for the management of foreshores and coastal waters has proved to be successful with all sectors of the community involved in developmental proposals.

On this basis I prefer to continue the present policy for management of foreshores and coastal waters rather than change to give effect to your proposals which would mean control by one section of the community.



PL

P. Deady
18/11

In so far as the Kawhia Harbour is concerned my Ministry is at present processing an application from the Waitomo District Council for a grant of control of foreshore, riverbeds and waters within and adjacent to the District. The Kawhia Harbour is excluded from this proposed grant of control, but I understand that discussions are at present being held between the Waitomo District Council and the Otorohanga District Council with a view to a joint application being made under the Harbours Act 1950 for control of all the waters, foreshore and seabed of Kawhia Harbour. While the Otorohanga District Council already has a grant of control over some areas of foreshore in Kawhia Harbour, a joint application for the whole of the harbour would remove the confusion over who controls particular areas.

In the event of appropriate proposals being finalised they will be advertised and interested parties will have the opportunity to forward their written comments and objections for my consideration.

In connection with the Whaingaroa Harbour (Raglan Harbour), the situation is that on 19 November 1979 the Raglan Harbour Board was granted control of all the Harbour's foreshore pursuant to section 165 of the Harbours Act 1950. The Order-in-Council granting control for a period of 21 years was published in the New Zealand Gazette of 29 November 1979 page 3700.

In conclusion I am enclosing booklets published by the Ministry relating to the control of the intertidal zone. If you require further information please write to the Regional Secretary, Ministry of Transport, Auckland.

(In the case of Whaingaroa - 90 years);

Yours sincerely, I am Trust Board to exercise its authority over the waters as the duly constituted and recognised authority,

GEORGE F. GAIR
 Minister of Transport

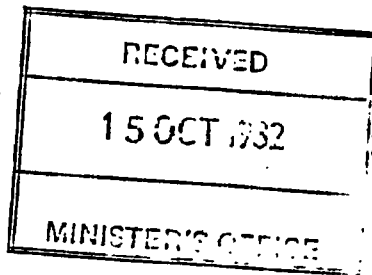
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Tainui Maori Trust Board ^{Mm} 3261

G. H. FORBES, Secretary

11 Knightsbridge Place,
HAMILTON, N.Z.



50/44/543
54/44/546

October 14, 1982.

The Hon. George Gair,
Minister of Transport,
Parliament Buildings,
Wellington 1.

The West Coast Harbours Kawhia, Aotea and Whaingaroa (Raglan).

Dear Mr Gair,

Tena koe.

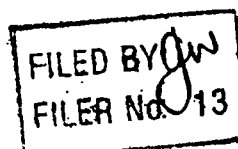
Last month, a delegation from the Tainui Maori Trust Board waited upon your colleague the Hon. Duncan MacIntyre, Minister of Fisheries, to express the Board's deepest concern at proposals to establish marine farms on these harbours. In preparing our case against the granting of the proposed licenses and leases, we sought the opinions of all the Maori owners of lands adjacent to these harbours, and because of the historical and spiritual importance of the West Coast harbours to the Tainui people as a whole, the Board sought the views of all the Tainui tribes. As a result, when our delegation met the Minister of Fisheries, it was able to speak for all of the Tainui federation of tribes.

In its submissions, the Board requested that the Minister of Fisheries exercise his authority to -

1. not allow the applications for marine licenses and leases;
2. allow the Kawhia, Aotea and Whaingaroa (Raglan) harbours to revert to Maori communal control as they have been for all but 50 of the past 600 years (in the case of Whaingaroa - 90 years);
3. allow the Tainui Maori Trust Board to exercise its authority over these waters as the duly constituted and recognised authority;
4. encourage the Tainui Maori Trust Board to manage, conserve and develop the fish, shellfish and other marine resources of these harbours on a tribal basis, rather than on an individual basis.

The Board's written submissions to the Minister are enclosed. A summary of our views is contained in the green document numbered 1 amongst these enclosures.

Part of our written submissions to Mr MacIntyre relate to the status of the harbours in terms of harbour authorities. These are contained in the yellow documents numbered 5 amongst the enclosures. As you will see, the Board argues that the present legal arrangements are unsatisfactory, fragmented and confused. We are convinced that they do not represent the community interest as they should.



Although the Board's initial objective was to stop the granting of the licenses and leases which were being considered by the Minister, we also knew from the beginning that we must set down an alternative strategy for these harbours. We, the present generations of Tainui people inherited these harbours from our ancestors and they came to us as a communal resource. Accordingly, we do not wish that these harbours be individualized and allowed to slip from community control. We believe very strongly that they are too important to the well-being, mana and security of the Tainui people for that to happen. We believe that the integrity of our claim to these harbours rests on the continued recognition of our community of ownership and community of interest - as a tribe.

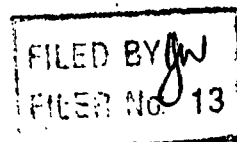
As the summary will show, the Board's action is not a negative one. Indeed, the Board wants to conserve and develop the marine resources of these harbours on a tribal basis, to provide food and income for the Tainui people at large, to serve as a model of cooperative endeavour for our young people, and thus to benefit all New Zealanders.

Recently the Waitomo District Council and the Otorohanga District Council stated that they intend to make a joint application to you under the Harbours Act 1950, for a Grant of Control for Kawhia harbour. A newspaper report of the joint approach is enclosed. The Tainui Maori Trust Board considers that such a Grant of Control would be inappropriate for Kawhia. We wish to place our alternative, community development proposals before you for your consideration and for discussion with your colleagues in government.

Kia ora,

G. H. Forbes

Gordon H. Forbes,
Secretary of the Board.



File



CENTRE FOR MAORI STUDIES & RESEARCH.
University of Waikato

HAMILTON : NEW ZEALAND : TELEPHONE 67-119

17 September, 1982.

The Hon. Duncan MacIntyre.
Minister of Fisheries,
Parliament Buildings.

Dear Mr MacIntyre,

The West Coast Harbours - Kawhia, Aotea, Whaingaroa (Raglan)

On behalf of the Tainui Maori Trust Board I present to you the boards concern about proposed marine farming in the Kawhia Harbour to which the Board has already lodged objections.

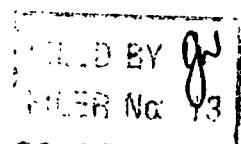
As you will know the Board's sense of responsibility for Kawhia and other West Coast harbours extends far beyond an objection to marine farming, being based as it is on the Tainui people's trusteeship and management of marine resources for more than six hundred years.

Yours faithfully,

E.M.K. Douglas.
Research Fellow.

G. H. Innes

for G. Te R. Rawiri.
Chairman, and
G.H.T. Forbes, Secretary,
TAINUI MAORI TRUST BOARD.

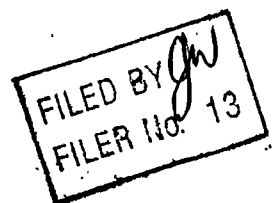


THE TAINUI MAORI TRUST BOARD

West Coast Harbours

Kawhia, Aotea and Whaingaroa (Raglan)

1. Tainui Trust Board's proposal for community control.
2. Objection to Ussher's application for marine lease on Kawhia Harbour.
3. Objection to Rutherford's application for marine licence on Kawhia Harbour.
4. Correspondence from Ministry of Agriculture and Fisheries and from the applicants Ms Rutherford and Watts.
5. Status of the West Coast Harbours in terms of Harbour Authorities.
6. Tainui Trust Board submissions to Waikato United Council.
7. Chronology.
8. Map of the West Coast Harbours, showing Maori interests.



THE TAINUI MAORI TRUST BOARD

Submissions to Hon. Duncan MacIntyre, Minister of Fisheries; on the West Coast Harbours, Kawhia, Aotea and Whaingaroa (Raglan)

September 1982

The Tainui Maori Trust Board, in waiting upon the Minister of Fisheries, wishes to express its deepest concern at the commercialisation of these harbours which they have always viewed as the Tainui tribes' main sources of kaimoana (seafoods). The Board respectfully requests that the Minister -

- (a) not allow the applications for marine farming licences and leases by Messrs Rutherford and Watts and Mr and Mrs Ussher;
- (b) allow the Kawhia, Aotea and, if possible, Whaingaroa harbours to revert to Maori communal control as they have been for all but 50 years of the past 600 years (in the case of Whaingaroa - 90 years);
- (c) allow the Tainui Maori Trust Board to exercise its authority over these waters as the duly constituted and recognised authority;
- (d) to encourage the Tainui Maori Trust Board to manage, conserve and develop the fish, shellfish and other marine resources of these harbours on a tribal basis, rather than on an individual basis.

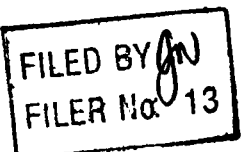
In support of these requests, the Board wishes to point out that -

1. The majority of the foreshore of Kawhia, Aotea and Whaingaroa harbours are in Maori lands, both in Maori title or European title. At Aotea this represents 80% of the foreshore; likewise at Kawhia this represents more than 80% of the foreshore. At Whaingaroa, Maori lands represent almost half of all the foreshore, but together with Crown land in reserves and harbour board leases, this comprises over half of the foreshore.
2. There are innumerable historic and sacred sites on and around the harbours whose protection has not been secured under present legislative arrangements. Examples include Muriwhenua at the entrance to Kawhia harbour, Raōraokauere on the western shore of Aotea, and the lair of the taniwha Te Atai-o-rongo where sewerage ponds were built in the mid-1970s for Raglan township.
3. In the Turton deeds of sale and other documents transferring land to the Crown or to Europeans, land below high water mark was specifically excluded. It is argued that the beds of the harbours still belong to the descendants of the aboriginal inhabitants of Waikato, never having been alienated.



file all papers.

4. The Tainui Maori Trust Board is actively seeking ways of maintaining the integrity of the tribes' resources, including their land and sea resources. The Board is anxious to ensure that future generations of Tainui people will be provided for and that the relentless individualisation of land titles and their alienation be halted. It is the Board's view that tangible and viable alternatives to individualisation need to be offered to their beneficiaries in order to stop further alienations. The Board believes that communal control and development of communal resources, including the west coast harbours, is a major component in their tribal development programme.
5. The Tainui Maori Trust Board does not consider that present legal arrangements for the control, management and protection of the harbour environments is adequate or efficient. Neither do these arrangements take sufficient cognisance of Maori interests in and around the harbours. Indeed, in respect of the Kawhia and Aotea harbours, the present Harbour Authority is unrepresentative of the community at large. This is also true, but to a lesser degree, for Whaingaroa. Authority under the Harbours Act, vested in the Otorohanga District Council, expires in 1984 in respect of Kawhia harbour. The Tainui Maori Trust Board respectfully urges the Minister to reconsider this authority and vest it in themselves as the representatives of the Tainui people at large.



July 23

2.

Centre of Maori Studies and Research,
University of Waikato,
Private Bag,
Hamilton.

The Minister,
Ministry of Agriculture and Fisheries,
Charles Heaphy Building,
Anglesea Street,
Hamilton.

Dear Sir,

RE N.B. S.A. USSHER

-APPLICATION FOR A LEASE OR LICENCE FOR MARINE FARM
-MARINE FARMING ACT 1971
-EASTERN SIDE OF MOTUTARAKATUA POINT-KAWHIA HARBOUR.

I am forwarding notice of objection to the above application in respect of the following objectors:

--GEORGE RAWIRI,
CHAIRMAN OF THE TAINUI TRUST BOARD,
representing;
THE KAWHIA MAORI COMMITTEE and
THE TAINUI PEOPLE GENERALLY.

Kia Ora,

P. Harris,
E.M.K. Douglas,
on behalf
of the above named objectors.

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THE GROUNDS ON WHICH THIS OBJECTION IS BASED ARE AS FOLLOWS;

(1)

THAT the Minister of Fisheries has no jurisdiction to grant Marine Farming Applications in Kawhia Harbour.

Or Alternatively:

(1)

THAT in terms of Section 7 of the Marine Farming Act 1971, the granting of this application would:

- (a) Interfere unduly with an existing usage for recreational purposes of the foreshore and sea.
- (b) Adversely affect unduly the use by the proprietor thereof of any land adjoining or in the vicinity of the area.
- (c) Be contrary to the public interest.

(2)

THAT there has been a failure to comply with the notification requirements in terms of Section 6 (3)(b) of the Marine Farming Act 1971.

THE SUBJECT MATTER OF THE OBJECTION IS AS FOLLOWS:

(1) THAT THE MINISTER OF FISHERIES HAS NO JURISDICTION TO GRANT MARINE FARMING APPLICATIONS IN KAWHIA HARBOUR.

This objection is based on the wording of Article 2 of the English Version of the Treaty of Waitangi which was signed at the Waikato Heads and the Manakau by the ancestors of some of the tribes still resident in Kawhia Harbour.

Article Two as signed by those Chiefs is as follows:

"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...."

The application for a marine farming lease in respect of this objection will affect the traditional Maori Fishing resources on Kawhia Harbour in the Following ways:

The site of the proposed lease is in the middle of a traditional flounder netting and spearing ground which today is still the major supplier of flounder in the Kawhia Harbour.

The site of the proposed lease is close to beds of mussels, pupu, pipi, crayfish and kina. These beds are still used today to supply these traditional food sources.

Refer to Schedule 1 for a detailed map of the proposed farm in relation to existing traditional shellfish reserves.

For the Minister to accept jurisdiction to entertain and decide on applications in respect of such an area is to dishonour and ignore the provisions embodied in Article Two of the Treaty.

It is therefore submitted that this application should be denied on the grounds that the Minister has no jurisdiction to grant such an application.

OR ALTERNATIVELY:

(1) THAT IN TERMS OF SECTION 7 OF THE MARINE FARMING ACT 1971 THE GRANTING OF THIS APPLICATION WOULD:

(a) Interfere unduly with an existing usage for recreational purposes of the foreshore and the sea.

The site of the proposed farm coincides with an area which currently and traditionally has been used for recreation in terms of the gathering of shellfish both by Pakeha and Maori.

The seafood which exists in this area are:

- Kina
- Pupu
- Mussels
- Pipi
- Crayfish
- Flounder

N.B.(Refer to Schedule 1)

The existing usage of these recreational resources will be affected in the following ways;

In the case of flounder, the area in which they can be caught will be reduced by the size of the farm i.e. 3 hectares. This will represent a substantial reduction in the availability of and access to flounder. The fact that this application is in respect of a lease will considerably exacerbate this problem. In addition to effects in terms of the area available and access to the flounder, pacific oysters which drop off the racks and seed in the mud will make netting no longer a viable method of catching flounder. The nets will suffer extensive damage, as well as making the environment unsuitable for the continued presence of flounder.

In support of the proposition that pacific oysters will grow in the mud refer to SHELLFISHERIES NEWSLETTER- A quarterly supplement to Catch '81 on Page 20 where there are photographs of the Pacific Oyster emerging from the mud in Kaipara Harbour. There are also oysters growing in the mud in Kawhia Harbour where the pacific oyster is abundant.

In respect of the other shellfish listed above:

As the pacific oyster is a dominant and prolific species, it will have effects both in terms of competition for food and competition for the available sites. The pacific oyster is capable of growing on mussels and it is feared that this will result in the reduction of that shellfish. In respect of the pipi, mussel and pupu it is also feared that the pacific oyster, in competing for the same food supply, will have detrimental effects on those shellfish.

It is therefore submitted that the usage of the above recreational resources

will be unduly interfered with by the granting of this application.

(b) Adversely affect unduly the use by the proprietor thereof of any land adjoining or in the vicinity of the area.

Approximately 80% of the foreshore of Kawhia Harbour is either Maori land or general land held by Maoris. The use of the Harbour by this substantial proportion of the foreshore land-owners is extensive both in terms of those who actually occupy the land and also the Tainui Tribe as a whole as descendants from the Tainui Canoe. Shellfish traditionally and today is vitally important to these people in terms of;

- provision of seafood associated with the Tainui people.
- Hui, Hospitality and Mana;
- Learning opportunities for the young in their ancestral water environment, e.g. conservation, values and attitudes.

The use of Kawhia Harbour becomes all the more important when it is considered that it is the major seafood supply of the whole of the Tainui people.

Given this extensive and historically important use of the Harbour by these people, as well as the effects described above in (a), it is submitted that such use will be adversely affected unduly by the granting of this application.

(c) Be contrary to Public Interest.

Kawhia is not only the resting place of the Tainui canoe, one of the several great ancestral canoes of the Maori, but it is also the birthplace of the Tainui Tribes which reckon their descent from Hoturoa and other crew members of this canoe.

Many aspects of the Kawhia harbour and its immediately surrounding area are held sacred by the Maori people who live there today. There are a myriad of historical sites, which recall births, alliances, battles, deaths and other events in the long history of the Tainui people. Yet it is not only the local residents who hold these places as sacred, because over the centuries since the beaching of the Canoe, the Tainui people increased and expanded from Kawhia to occupy the land bounded in the North by Auckland and Coromandel, in the Southeast by Tokoroa and Mangakino, and in the West by Mokau. Kawhia has a special historical and spiritual significance for all these tribes, and indeed even for Ngatitoa who migrated from Kawhia to Horowhenua and Raukawa-moana last century.

In addition, the economic importance of Kawhia as the seafood basket of Tainui cannot be minimized. As in the Tribal saying:

"Kawhia moana, Kawhia kai, Kawhia tangata"
"Kawhia is the sea, Kawhia is the food source,
Kawhia is the essence of the people."

Under Tainui tribal lore, the ancestral rights entrusted to the Tainui people as a whole, carries with it specific obligations, expectations and responsibilities towards the Kawhia harbour as the birthplace and food basket of thier peoplehood. Such obligations and responsibilities can best be expressed through the Tainui peoples own tribal institutions.

Therefore it is submitted that:

(i) the Tainui people have had more than 600 years of continuous occupation and management of the Kawhia harbour, its food supplies and the surrounding lands, and ;

(ii) as the vast majority of the Harbour foreshore still remains in the hands of the Tainui Maori people, it is not in the public interest that this occupation and management be eroded by the granting of this lease (licence), and ;

(iii) it is in the Public interest that the future management of the Kawhia Harbou's seafood resources be through the tribal and subtribal institutions maintained by the Tainui People as a whole.

(2) That there has been a failure to comply with the notification requirements in terms of Section 6 (3)(b) of the Marine Farming Act 1971.

The properties directly adjacent to this proposed marine farm are:

- (a) Land owned by Ussher.
- (b) Land owned by Charles Turnbull and Leased by the Mangaora Incorporation.
- (c) Land owned by the Dept. of Lands and Survey-(a scenic reserve.)
- (d) Land owned by the Mangaora Incorporation.

(These properties and their relation to the proposed site are shown in Schedule 1)

It is in respect of the land owned by Charles Turnbull, CT 6B/165, and the land owned by the Mangaora Incorporation that the mandatory notification requirements have not been satisfied.

Neither Charles Turnbull's Estate, nor the Mangaora Incorporation have been sent a copy of the notice by registered post before the date of publication of the notice.

It is submitted therefore that in view of this omission to comply with the mandatory notification provisions in section 6 (3)(b) that the application should be declined.

THEREFORE

In considering this application to develop a pacific oyster farm,

GEORGE RAWIRIR,

CHAIRMAN OF THE TAINUI TRUST BOARD,

representing;

THE KAWHIA MAORI COMMITTEE

and

THE TAINUI PEOPLE AS A WHOLE

Respectfully request the Minister to decline this application for a Marine Lease under the Marine Farming Act 1971 in view of the submissions above and the long established relationship of Maori with land and water that is owned and or used by the descendants and which continues to meet their traditional, cultural and spiritual well-being.

Dated at Hamilton, this 23 day of July, 1982.

P.Harris,
E.M.K. Douglas,
Centre for Maori Studies and Research.

July 23

3.

Centre for Maori Studies and Research,
Waikato University,
Private Bag,
Hamilton.

Ministry of Agriculture and Fisheries,
Charles Heaphy Building,
Anglesea Street,
Hamilton.

Dear Sir,

RE A.E. A.J. RUTHERFORD and WILLIAM WATTS:
MUSSEL FARMING
APPLICATION FOR A MARINE FARMING LICENCE
MARINE FARMING ACT
KAWHIA HARBOUR.

I forward notice of objection to the above application in respect of the following objectors:

-- GEORGE RAWIRI,
CHAIRMAN OF THE TAINUI TRUST BOARD,
representing;
THE KAWHIA MAORI COMMITTEE
and,
THE TAINUI PEOPLE GENERALLY.

Kia ora,

Philip Harris
E.K. Douglas
on behalf of the above objectors.

THE GROUNDS ON WHICH THIS OBJECTION IS BASED ARE AS FOLLOWS:

(1)

THAT the minister of Fisheries has no jurisdiction to grant Marine Farming Applications in Kawhia Harbour.

Or Alternatively;

(1)

THAT in terms of Section 7 of the Marine Farming Act 1971, the granting of the application would:

- (a) Interfere unduly with an existing right of navigation
- (b) Interfere unduly with an existing usage for recreational purposes of the foreshore and sea.
- (c) Adversely affect unduly the use by the proprietor thereof or any land adjoining or in the vicinity of the area.
- (d) Be contrary to the Public Interest

(2)

THAT there has been a failure to comply with the notification requirements in terms of section 6 (3) (b) of the Marine Farming Act 1971.

THE SUBJECT MATTER OF THE OBJECTIONS ARE AS FOLLOWS:

(1) THAT THE MINISTER OF FISHERIES HAS NO JURISDICTION TO GRANT MARINE FARMING APPLICATIONS IN KAWHIA HARBOUR.

This objection is based on the wording of Article Two of the English version of the Treaty of Waitangi which was signed at the Waikato Heads and the Manakau by the ancestors of some of the Tribes still resident in Kawhia Harbour.

Article Two as signed by those Chiefs is as follows:

"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..."

The application for a Marine Farming Application will affect the traditional Maori Fishing resources in Kawhia Harbour in the following ways:

The site of the proposed mussel farm is adjacent to a traditional Pipi Bed and will affect this bed both in terms of access to the bed and also in terms of competition for the same food supply. (Refer to Schedule 1 for a detailed map of the proposed farm in relation to existing traditional shellfish reserves.)

For the Minister to accept jurisdiction to entertain and decide on applications in respect of such an area is to dishonour and ignore the provisions embodied in Article Two of the Treaty Of Waitangi.

It is therefore submitted that the application should be denied on the grounds that the Minister has no jurisdiction to grant such an application.

OR ALTERNATIVELY:

(1) THAT IN TERMS OF SECTION 7 OF THE MARINE FARMING ACT 1971 THE GRANTING OF THIS APPLICATION WOULD:

(a) Interfere unduly with an existing right of navigation.

The proposed site of the Mussel Farm is adjacent to a Traditional Pipi Bed which has been depleted over past years, due mainly to the effects of 245T spraying on surrounding farms. However, this bed has begun to return recently and it is hoped that it will once again become the main pipi bed. Traditionally, access to this bed has been from Maketu marae to the west of the proposed farm and from Waipapa marae to the east of the proposed farm. If this application was granted, access from Waipapa marae would be directly affected and the traditional and current route to this pipi bed would be obstructed. Given that the proposed application is in respect of an area of around 10 hectares then this would seriously interfere with this access.

(b) Interfere unduly with an existing usage for recreational purposes of the foreshore and sea.

The site of the proposed farm coincides with an area which currently and traditionally has been used for recreation in terms of the gathering of Pipi. As has been explained above, this pipi bed is now returning. The proposed mussel farm will be adjacent to this bed which is the cause of considerable concern, as it is feared that in competing for the same food supply, the struggle of the pipi to return will be seriously affected.

Also in terms of access to this bed, which has been explained above, the recreational use of this bed will be unduly interfered with.

In addition to these effects on the recreational use of the foreshore and sea, this application would also affect the annual whaleboat regatta on Kawhia Harbour. This regatta has been in existence for around 70 years and is unique to Kawhia. The boats used were built for the chasing of whales and are the only ones of their kind in New Zealand.

The course varies according to tidal movements but generally the regatta is held on a high tide and starts from the wharf in Kawhia harbour, proceeds to Motutarakatua point and then returns to the wharf. The cox'n is well versed with the harbour and steers a course to take advantage of this knowledge. These courses are shown in Schedule 1.

The proposed mussel farm will obstruct this regatta course and it is therefore submitted that for the above reasons existing use of the foreshore and sea will be unduly affected by the granting of this application.

(c) Adversely affect unduly the use by the proprietor thereof of any land adjoining or in the vicinity of the area.

Approximately 80% of the foreshore of Kawhia Harbour is either Maori land or general land held by Maoris. The use of the Harbour by this substantial proportion of the foreshore land-owners is extensive both in terms of those who actually occupy the land and also the Tainui Tribe as a whole as descendants.

Shellfish traditionally and today is vitally important to these people in terms of;

- provision of seafood associated with the Tainui people;
- Hui, Hospitality and Mana;
- Learning opportunities for the young in their ancestral water environment, e.g. conservation, values and attitudes.

The use of Kawhia Harbour becomes all the more important when it is considered that it is the major seafood supply of the whole of the Tainui people.

Given this extensive and historically important use of the Harbour by these people, as well as the effects described above in (a) and (b), it is submitted that such use will be unduly affected by the granting of this application.

(d) Be contrary to the Public Interest.

Kawhia is not only the resting place of the Tainui canoe, one of the several great ancestral canoes of the Maori, but it is also the birthplace of the Tainui Tribes which reckon their descent from Hoturoa and other crew members of this canoe.

Many aspects of the Kawhia harbour and its immediately surrounding area are held sacred by the Maori people who live there today. There are a myriad of historical sites, which recall births, alliances, battles, deaths and other events in the long history of the Tainui people. Yet it is not only the local residents who hold these places as sacred, because over the centuries since the beaching of the Canoe, the Tainui people increased and expanded from Kawhia to occupy the land bounded in the North by Auckland and Coromandel, in the Southeast by Tokoroa and Mangakino, and in the West by Mokau. Kawhia has a special historical and spiritual significance for all these tribes, and indeed even for Ngatitoa who migrated from Kawhia to Horowhenua and Raukawa-moana last century.

In addition, the economic importance of Kawhia as the seafood basket of Tainui cannot be minimized. As in the Tribal saying:

"Kawhia moana, Kawhia kai, Kawhia tangata"

"Kawhia is the sea, Kawhia is the food source,
Kawhia is the essence of the people."

Under Tainui tribal lore, the ancestral rights entrusted to the Tainui people as a whole, carries with it specific obligations, expectations and responsibilities towards the Kawhia harbour as the birthplace and food basket of thier peoplehood. Such obligations and responsibilities can best be expressed through the Tainui peoples own tribal institutions.

Therefore it is submitted that:

- (i) the Tainui people have had more than 600 years of continuous occupation and management of the Kawhia harbour, its food supplies and the surrounding lands, and ;
- (ii) as the vast majority of the Harbour foreshore still remains in the hands of the Tainui Maori people, it is not in the public interest that this occupation and management be eroded by the granting of this licence. and ;
- (iii) it is in the Public interest that the future management of the Kawhia

Harbours seafood resources be through the tribal and subtribal institutions maintained by the Tainui People as a whole.

(2) That there has been a failure to comply with the notification requirements in terms of Section 6 (3)(b) of the Marine Farming Act 1971.

Adjoining property owners in terms of the above section are not defined in the Act. We believe that, given the seriousness of the effects which a marine farm may have on foreshore property owners and the community as a whole, as many people in the vicinity as possible should be notified. This seriousness is heightened when the historical significance to the local Maori people and the Tainui tribe as a whole is considered.

In the case of this application the Marae trustees of both Maketu and Waipapa maraes were not notified nor were their views obtained. As can be seen from the map in Schedule 1, the proposed site forms a very conscious presence on both Maketu and Waipapa maraes.

It is therefore submitted that Waipapa and Maketu marae are adjoining property owners and that there has been a failure to comply with the mandatory notification requirements in section 6 (3)(b).

THEREFORE In considering this application to develop a mussel farm, GEORGE RAWIRI, CHAIRMAN OF THE TAINUI TRUST BOARD, representing; THE KAWHIA MAORI COMMITTEE and THE TAINUI PEOPLE AS A WHOLE

Respectfully request the Minister to decline this application for a Marine licence under the Marine Farming Act 1971 in view of the submissions above and the long established relationship of Maori with land and water that is owned and or used by the descendants and which continues to meet their traditional, cultural and spiritual well-being.

Dated at Hamilton, this 23 day of July, 1982.

P.Harris,
E.M.K. Douglas,
Centre for Maori Studies and Research.



Ministry of
Agriculture
& Fisheries

4.

IN REPLY PLEASE QUOTE

Private Bag,
Hamilton, New Zealand.
Telephone: 81 949

August 25 1982

The Chairman
Tainui Trust Board
Centre for Maori Studies and Research
Waikato University
Private Bag
HAMILTON

Dear Sir

MARINE FARM APPLICATION : MESSRS RUTHERFORD AND WATTS

With reference to your letter of July 23 objecting to the above application.
I advise that your objection has been received outside the statutory time allowed
for the receipt of such objections.

Under Section 6(5) of the Marine Farming Act 1971, objections to any application
must be made within two months after the date of the first publication of the
notice advertising the application.

In this case the application was first advertised on February 13 1982, the closing
date for the receipt of objections being April 13 1982.

We will therefore treat your objection as a submission to the application and
record and relevant points when writing the report.

Yours faithfully

C E Paterson (Mrs)
for Executive Officer

7/6/30
MARGARET J. MARINE LTD.

COPY TO MINISTRY OF AGRICULTURE & FISHERIES, HAMILTON.

TELEPHONE 87649

MUTUKA STREET,
KAWHIA.

69 MANGOREI RD
NEW PLYMOUTH

5th August, 1962.

Mr. I. Harris, Mr. T. Douglas,
Centre for Maori Studies & Research,
Hamilton.

Dear Sirs,

Re objections to an application for a mussel farming licence
in Kawhia Harbour by A. E. & A. J. Rutherford and S. A. Little
dated 23rd July, 1962.

- (1) In invoking Article 2. of the English version of the Treaty of Waitangi signed at the Waikato Heads and the Manakau as an objection to our proposed marine farm, we the applicants, feel that we have just as much right to utilise the natural resources of Kawhia Harbour as any other New Zealand citizen.
- (1a) The existing right of navigation from Waipapa Marae to the pipi bed is not valid, as the route so marked on the map supplied would require an high tide to successfully navigate there and back. It should be pointed out that at that stage of the tide, the beds are covered with water. When the pipi bed is exposed, access by water from Waipapa Marae is impossible, as most of the navigable way becomes a mudflat.
- b. We do not feel that "competition for food" is a valid objection, as the food source is replenished every twelve hours from the sea when the tide floods and ebbs.
During the eleven years we have operated in Kawhia, we have noticed phenomenal growth patterns in mussels, indicating an abundance of food available, and feel that the mussels we may farm will not unduly reduce the vast food source entering the harbour twice a day.
With regard to the annual whale-boat race, a straight line drawn from the wharf to Motutarakatua Point shows that our proposed farm is well clear, and would be in no way restrictive to the safe navigation of the said whale-boats.
- c. The proposed farm being totally water-orientated and restricted to a channel, is at all times surrounded by water, and will in no way affect the foreshore of the harbour or the use thereof.
- d. If our proposed farm proves viable (i.e. economic) we are hopeful that in the future it will create job opportunities in an industry new to the area. It would therefore be in the public interest, and would in some small way contribute to the future progress of Kawhia.
- (2) In filing our application, we carried out the instructions of the Ministry re notification requirements exactly as indicated, and in our opinion have not failed to comply with the regulations.
I would like to point out that A. J. Rutherford attended a meeting of the Maiketu Marae Elders before the application was lodged, and informed those present of exactly what was proposed by the applicants. He has since attended another meeting at the same Marae to attempt to relieve some of the concerns of the local Maoris.
We have always been quite open about our application, and have always endeavoured to meet all requirements as laid down by the Ministry of Agriculture & Fisheries.

Yours faithfully,

J.S.

A. J. Rutherford.

THE WEST COAST HARBOURS: KAWHIA, AOTEA, WHAINGAROA.
Status in Terms of Harbour Authorities.

1.0

KAWHIA HARBOUR

Kawhia Harbour is within the boundaries of two local authorities; Otorohanga District Council and Waitomo District Council and falls under the general area controlled by the Foreshore and Harbours Division of the Ministry of Transport in Auckland.

The Foreshores and Harbours Division of the Ministry of Transport in Auckland has delegated some of its powers in terms of the Harbours Act 1950 to the Otorohanga District Council and that is vested to them by an Order in Council dated 21 February 1963. (New Zealand Gazette no.13, p.234.) This Order only concerns a very limited portion of the foreshore of the Harbour and as such is a long way removed from a Harbour Authority.

The area is outlined in the First Schedule:

That portion of the foreshore of the Kawhia Harbour in the South Auckland Land District, Otorohanga County, as shown on N.Z.M.S., Sheet N.73, commencing at Tauratahi in Block IX, Kawhia North Survey District, and Reference 310107, and extending north-easterly to a point on the said foreshore in Block X, Kawhia Survey District, grid reference 355140. As the same is more particularly delineated on the plan marked M.D. 11456, deposited in the Marine Department at Wellington, and thereon bordered red.

"Foreshore" is defined as meaning;

"such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the forward ebb of the tide at ordinary spring tides."

This grant, made in respect of the foreshore from the north head of the harbour to the vicinity of the Kawhia town wharf, was made for only 21 years and is to expire on 14th February, 1984. (under Schedule II, 10.)

It would not be an exaggeration to say that there exists confusion amongst the respective local authorities over who controls the Harbour and the extent of that control. It became apparent from our communications with Otorohanga District Council that they had only recently found out that their authority was as limited as the Order in Council states and their assumption that the Waitomo District Council exercised some control over the Harbour proved incorrect.

The Trust Board does not consider this arrangement to be in the best interests of the community. Authority over the harbour is divided between a distant department in Auckland and a local authority which appears confused about its responsibilities and authority over that part of Kawhia harbour which has been vested in them. It is submitted that such a system of control falls far short of the requirements of the Kawhia community which comprises the owners and residents who are predominantly Maori, especially given the importance of the area to the Tainui people as a whole.

2.0

AOTEA HARBOUR

Aotea Harbour falls within the jurisdiction of the Foreshores and Harbours Division of the Ministry of Transport in Auckland and none of its powers have been delegated to a Local Authority or any other body under the Harbours Act 1950.

Maori ownership of the surrounding land is even more pronounced in respect of Aotea Harbour and it is felt that like Kawhia Harbour, the special needs of the local people and the Tainui people as a whole would be better served and protected if the proposals of this Board were put into effect.

3.0

WHAINGAROA (RAGLAN) HARBOUR

Raglan Harbour is within the boundary of the Raglan County Council also within the Foreshores and Harbours Division of the Ministry of Transport in Auckland these powers have been delegated to Raglan County Council under an Order in Council dated 27th January, 1894. The extent and power of this Harbour Board under that Order in Council are set out below.

Whereas it is amongst other things provided by section 242 of "The Counties Act, 1866", that, in any place where there is no Harbour Board, the Governor, on the request of the Council of any County bordering on any estuary or arm of the sea, may, by Order in Council duly gazetted, declare that such Council shall, from a date to be fixed in such Order, exercise all the powers of a Harbour Board within such limits of such estuary or arm aforesaid as the Governor may define for that purpose.

And whereas the Council of the County of Raglan, which borders on the estuary or arm of the sea known as Whaingaroa Harbour, in the Provincial District of Auckland, has requested that it may be declared that it shall exercise all the powers of a Harbour Board within that estuary or arm of the sea:

And whereas it is desirable that such request should be acceded to, and that the limits of such estuary or arm of the sea should be defined as hereinafter appears:

Now, therefore, His Excellency the Governor of the Colony of New Zealand, in pursuance and exercise of the hereinbefore-recited power and authority, and by and with the advice and consent of the Executive Council of the said colony, doth hereby declare that, from and after the first day of March, one thousand eight hundred and ninety four, the said Council shall exercise all the powers of a Harbour Board within the limits of the estuary or arm of the sea hereinafter set forth, and which said estuary or arm of the sea is called Whaingaroa Harbour.

The Order in Council then goes on to recite the area of the Harbour which includes the whole of the Raglan Harbour.

The great difficulty that has surrounded our objections and the preparation of these submissions highlight the Tainui Maori Trust Board's case for reviewing and rationalising the control of their West Coast Harbours which the Board considers to be unsatisfactory, and not representative of the real interests of the Maori community which the represent here today. The Board respectfully requests that the Minister of Fisheries unify control of these harbours under its authority.

August 30, 1982

Centre for Maori Studies and
Research,

University of Waikato,

Private Bag, Hamilton.

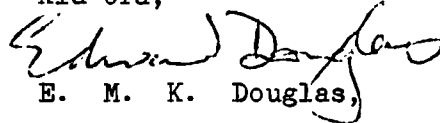
The Principal Officer,
Waikato United Council,
P.O. Box 937, Hamilton.

Dear sir,

RE PRELIMINARY DISCUSSION DOCUMENT-WAIKATO REGION.

We have enclosed comments and suggestions about the place of Maori interests within planning for the Waikato Region. They are generated as our response to the planning objectives outlined in the above-named document. Further, they were encouraged by the provisions outlined in the document itself which aim to meet the needs of all people in the region, as a part of multicultural New Zealand society. We consider that they should be incorporated into the regional planning scheme to ensure the promotion and protection of the interests of the Tainui Maori people in particular, but also of all Maori people living in the Waikato.

Kia Ora,


E. M. K. Douglas,

Research Fellow.

On behalf of George Te R. Rawiri,
Chairman,

Gordon. H. Forbes, Secretary,

Tainui Maori Trust Board, 11
Knightsbridge Place, Hamilton

1.0

C.E. - CULTURAL AND ETHNIC ATTRIBUTES

1.1

THE WAIKATO RIVER SYSTEM

We most strongly recommend that the Waikato River, in terms of the cultural, traditional and spiritual importance to the Waikato Maori as a whole be expressly recognised and provided for in the Regional Plan.

The significance of the river to the Waikato people has been concisely and accurately expressed by Dr. Michael King in his biography of Te Puea. The following is an extract from that book:

"More than any others in New Zealand, the tribes of the Waikato Valley are a people. Five centuries of continuous occupation of its banks have embedded the river deep into the group and individual consciousness.

"Initially, it drew Tainui canoe descendants in from the West Coast and hill country for purely practical reasons. It made the process of survival less arduous. There was food in the river and its swamps and tributaries - eel, freshwater crayfish, whitebait, mullet, shellfish, water fowl, and wild vegetables. The waterways provided irrigation for kumara, taro and hue. They offered a network for travel and communication.

"The river was an inexhaustible source of cleansing, refreshment and recreation. Its curving course and proximity to low hills created easily fortifiable positions, some of which proved impregnable. With use, the river acquired easy familiarity for the inhabitants; but never contempt. The power of its sluggish flow was awesome - tameable by craft, but unstoppable when winter and spring floods disgorged over banks and inundated homes and gardens.

"The river's associations grew and ripened with the history of the inhabitants until memories of heroes and villains, of battles, significant journeys and natural disasters, of settlements erected and destroyed - all became part of the river's story, all were commemorated in names and features along its banks. The life of the river became inseparable from the life of the people, and each took the name of the other.

"The water also assumed religious significance. The Waikato was addressed in prayer and oratory as a thing with a life and aura of its own; the spirits of the dead were believed to mingle and move with its currents; the people and their characteristics were described in proverb in terms of the river's features; and its stretches and bends were populated with guardians called taniwha who showed themselves and intervened in human affairs when signposts of a supernatural order were needed. The river became a source of spiritual as well as physical cleansing. Whenever Waikato people were sick, uncertain, or about to undertake a journey or new venture, the advice of their priests was always the same: "Haere ki te wai", 'go to the water'. And at the water they would pat the surface, invoke the ancestors there, and turn in the direction of the rising sun and sprinkle themselves.

"More than any other gesture, living alongside the river was an affirmation for Waikato people of who they were and what they were. The river's associations would be reinforced daily by visible characteristics that suggested a pattern of life and activity independent of its course to the sea. Eddies and currents whirled on the surface, sometimes running back on themselves and causing the water to flow upstream along the banks. Branches of waterlogged trees broke the surface and trembled and vibrated. And, in particularly in winter, fogs rolled off the water and blanketed the whole valley for days at a time, often during a period of mourning. When these coincided with frosts, it was as if a new ice age had risen out of the earth - grass and thistles stood stiffly, trapped in white crystals that seemed like a death shroud in the dull light, but which danced when the sun finally broke through to the warm earth."

In terms of section 3 (1)(g) of the Town and Country Planning Act 1977, this relationship is surely one accredited with the status of national importance.

Given the nature and importance of the Waikato River to the Tainui people, it is felt that these people through their representatives should be involved with planning decisions affecting the total river system. To some extent this has been endeavoured to have been undertaken in past years but in a negative way in terms of objecting and appealing against Town Planning decisions.

What is needed is a more positive involvement in the future management of the river by consultation and the hearing of submissions from the Tainui people before projects with planning significance on the river are undertaken.

Inherent in this proposal would be the following, which we recommend to you :

1. Representation on the Waikato Valley Authority by a representative of the Waikato tribes.
2. Express recognition of the significance of the river to the Tainui people and protection of it in the proposed regional plan.
3. Notification to a recognised representative of the Tainui people where any proposed work of planning significance is to be undertaken on the Waikato river.
4. Direct representation of the Tainui Maori Trust Board on the Waikato United Council in the same way that the various territorial local authorities are directly represented.

1.2

THE WEST COAST HARBOURS

That Kawhia Harbour as the birthplace of the Tainui people and the major seafood supply for the descendants of the Tainui canoe, plus Aotea and Raglan harbours as integral parts of the identity of the Tainui people be expressly recognised as such and protected in terms of future planning for those areas.

To emphasise this importance a short explanation of those areas will be outlined:

1.2.1 KAWHIA HARBOUR

Kawhia is not only the resting place of the Tainui Canoe, one of the several great ancestral canoes of the Maori, but it is also the birthplace of the Tainui tribes which reckon their descent from Hoturoa and other crew members of this canoe.

Many aspects of the Kawhia Harbour and its immediately surrounding area are held sacred by the Maori people who live their today. There are a myriad of historical sites, which recall births, alliances, battles, deaths and other events in the long

history of the Tainui people. Yet it is not only the local residents who hold these places as sacred, because over the centuries since the beaching of the canoe, the Tainui people increased and expanded from Kawhia to occupy the land bounded in the North by Auckland and Coromandel, in the southeast by Tokoroa and Mangakino, and in the west by Mokau. Kawhia has a special historical and spiritual significance for all these tribes, and indeed even for Ngatitōa who migrated from Kawhia to Horowhenua and Raukawa-moana last century.

In addition, the economic importance of Kawhia as the seafood basket of Tainui cannot be minimized. As in the tribal saying:

"Kawhia moana, Kawhia kai, Kawhia tangata" ;

"Kawhia the sea, Kawhia the food, Kawhia the people".

Under Tainui tribal lore, the ancestral rights entrusted to the Tainui people as a whole, carry specific obligations, expectations and responsibilities towards the Kawhia Harbour as the birthplace and food basket of their peoplehood.

1.2.2 AOTEA HARBOUR

Like Kawhia, the majority of land around Aotea is still in Maori hands and the harbour and the surrounding lands have been used, in conjunction with neighbouring Kawhia, as a food source for the wider Tainui community. According to Tainui tradition, the seed kumara brought on their canoe were first planted at Aotea and from there were dispersed throughout the tribal area and beyond. At Kawhia and Aotea, the rival suitors Turongo and Whatihua built beautiful carved houses to court the Ngati Ruanui virgin Ruaputahanga. Both harbours and their immediately surrounding lands are accordingly enshrined in the tribe's oral history as historical places of great significance.

1.2.3 WHAINGAROA (RAGLAN HARBOUR)

Raglan Harbour like the two others immediately to the south of it, has always been an important food source, supplying Maori gatherings in areas far beyond its immediate vicinity as well as sustaining a local population with its daily seafood needs. In terms of its other historical significance, it should be remembered that Raglan was the site of the first proclamation of territorial rights by the Tainui people, a site of historical significance at least as important as the Early Settlers Monument on the Petone foreshore of the Wellington Harbour. When the Tainui canoe explored the west coast for the first time, one of the outriggers was sent ashore for fresh water at Te Whaanga (now called Whale

Bay) and from the summit of nearby Karioi mountain, the tohunga Rakataura made first claim of the Waikato valley for the Tainui people.

We therefore recommend as follows :

1. A management policy for all three harbours. This is lacking at the moment. This would be best achieved by using the tribe's own institutions, (such as the Tainui Trust Board,) Except for the last 60 years, the tribe has been responsible for such management over the last six centuries.
2. In terms of section 3(1)(g) of the Town and Country Planning Act 1977, the express recognition of the above relationships in the regional plan and further the protection of this relationship.
3. Consultation with appropriate representatives of the Tainui people over all matters with planning significance over these three harbours.
4. Recognition of the Tainui Trust Board as an organisation which should be contacted in regard to any works that may affect lands of spiritual and ancestral significance to the Maori of Waikato, the King Country and Hauraki.

2.0

C.F. - COMMUNITY FACILITIES.

2.1

MARAE AND PAKAINGA

Marae are mentioned in paragraph 1 of the community facilities section as being included in the wide range of institutions which constitute community facilities. Yet it is stated that only some of these facilities are the direct responsibility of regional or local government.

Located within the Waikato, there are two marae of national significance viz. Turangawaewae at Ngaruawahia and Waahi Pa at Huntly, which together operate as headquarters for the Kingitanga. This is not meant to detract from the importance of regional or local marae, which all together form a region-wide network of

community facilities which has significance far beyond the borders of the United Council's domain. It is submitted that marae are the direct responsibility of local or regional government, not in terms of management or financial obligations, but in terms of recognition of their importance to the educational, recreational and cultural aspects of a multicultural community. Further there is a direct responsibility to recognise and provide for this in the objectives of the Waikato Region. Town Planning is also concerned with Public Works and matters of general public benefit and it is in this area that the relationship of the Maori people, their culture and traditions to their ancestral land, is of the utmost significance.

Kaumatua housing adjacent to marae is a successful policy which must be continued. The elderly should not be divorced from the community however, and we would support the extension of kaumatua housing to other Maori group housing. We consider it important that in some circumstances the units provide sufficient room for grandchildren to stay with their grandparents during vacations.

We propose therefore

1. that the objectives of the community facilities section should be amended to provide for recognition of their importance to the educational, recreational and cultural aspects of a multicultural society and to ensure the continuance of marae networks throughout the Waikato.
2. that the national importance of both Turangawaewae and Waahi be appropriately provided for in the regional plan's provisions.
3. that "Ancestral Land" would be defined as meaning Maori land and any other land of special significance to the Maori people.
4. Where a question of the relationship of the Maori people to their ancestral land arises on any town planning appeal, the Appellate tribunal shall sit with a Judge of the Maori Land Court.
5. It should be made clear that local authority consent is not required for the setting apart of land as Maori reservations.
6. Maori reservations should be shown as such on district schemes.
7. The Maori Land Court may define the powers of the trustees of a Maori reservation in a trust order and may include therein provisions for the erection and control of improvements.

8. The local authority may be heard on any provisions in the nature of ordinances and the controls or restrictions necessary in the interest of health and safety, and an appeal on that aspect shall lie to the Planning Tribunal.
9. The Maori Land Court may permit of the mortgaging and the long term leasing of Maori reservations (other than marae) where that is necessary to support the completion of improvements consistent with the reservation, or where the reservation is a rahui the income from which is used to sustain marae or other general tribal projects, and a long term lease is necessary.
10. that kaumatua housing on or adjacent to marae be a regional policy objective and that all local authorities and the United Council be enjoined to carry this policy through.

3.0

S.R. - SETTLEMENT IN RURAL AREAS

It is anomalous that matters of Public interest and Maori interest should be weighed in the balance by those with little knowledge of the latter, particularly as there are some areas where we consider that the Maori interest should prevail as of right where Maori land is involved.

The concept of ahi ka has been known to the Maori Land Court since the first investigations of Maori titles were undertaken over a century ago. The Maori Land Court has an intimate knowledge of the complexities of Maori titles and owner groupings. It is anomalous that the Maori Land Court's jurisdiction is subject to the prior scrutiny of local authorities and planning tribunals with no specialist knowledge in these areas.

In 1967, the Maori Land Court lost the power it had had for some 100 years to partition land for the housing and settlement of our people. The control of our traditional rights of occupation and shared use become vested in local authorities. More recently, the Town and Country Planning Act 1977, declared that the relationship of Maori people and their culture and traditions with their ancestral lands was of national imp in planning matters. We applaud the spirit of the 1977 legislation but we deplore the reality that it has not resulted in any significant relief to Maori owners seeking to build on their land. To belong to the land, but to be unable to live on it, makes nonsense of our traditional conception of iwi and whenua. To be seeking a home in some distant town while knowing that one's own land is neither saleable nor available for building upon makes nonsense of our conception of the land as an asset of any sort. To be compelled to

a life within city walls is to compound social problems that are already apparent, especially when one would otherwise seek to make a living on the land. To create a situation where only the affluent can return to rural surrounds is to harvest the seeds of discontent already sown amongst those whose forbears suffered the loss of the land by confiscation, by compulsory seizure or by other means.

Town Planning has been with us for thirty years. It has inhibited the development of rural settlement on Maori lands, and continues to do this. This may be because town plans do not adequately cater for Maori circumstances. It may also be that the cost of planning consents and appeals, serves only in the interests of those who can afford to speculate on the outcome of them. But in the case of Maori land it is also because Maori land laws themselves do not adequately cater for our needs.

We propose a less expensive and simpler procedure for Maori land through the Maori Land Court to overcome many of the present barriers to rural resettlement under existing town planning, local authority and Maori land laws. In doing so we recognise that town planning can be an effective instrument in the establishment of better models for Maori housing development and that there are areas of planning in which the Maori Land Court has no expertise.

3.1

BUILDING HOMES ON RURAL MAORI LAND

We propose: That Maori owners be given the right to build on their land subject to the restrictions below.

1. Where an owner seeks an unrestricted title for his shares in the land, he will be subject to the same laws affecting all people. He will be unable to partition his shares through the Maori Land Court without the prior approval of the local authority. Should he get that, and should the owners and the Maori Land Court approve the partition, he will be free to obtain the usual certificate of title. This of course, is the present law.
2. In any other case however, the Maori Land Court may issue an occupational licence for any area of land. For the purposes of loans however, the licence will in all respects be a freehold certificate of title for that part, as described below.
3. More particularly, the Maori Land Court may, and with or without planning consent or local body approval and subject only to a hearing at which all owners and the local authority

may object, delineate a house site and surrounding area sufficient for that person's needs, and issue a title for that part in the name of the owner subject to a restriction upon alienation that the land may not be sold (except upon a mortgagee sale), leased, occupied or willed to other than a member of the owners whanau or the iwi associated with the land as approved by any trustees appointed by the Maori Land Court for the parent title or, the Tainui Trust Board. However, the District Land Registrar shall issue a title for that part subject only to the restriction on alienation as provided for in the Act, and in which it would be clear that the restriction does not affect any mortgage or other charge.

4. It shall not be necessary that the area so defined should adjoin a legal road provided the Maori Land Court is able to define rights of ingress and egress over the parent title or other lands and provided that in the event of a mortgagee's sale or a sale of the parent title the Maori Land Court shall be obliged to lay off a right of way in registrable form to secure access.
5. Any authority may be heard on the necessities for controls or conditions affecting housing densities, road surfacing, drainage, water reticulation, access to public roads, the suitability of the ground for housing or other matters relating to health and safety. They may be heard as well on any desirable controls to provide some uniformity in house designs. The Maori Land Court may impose conditions relative to any of these matters. An appeal would lie to the planning tribunal limited to matters on which the authority may be heard.
6. We propose that building permits may not be denied to the owners of existing Maori Land Court partitions save upon the grounds that the proposed building on the particular land would be contrary to health and safety standards.
7. Subject to the hearing of objections from owners and provided there is a reasonable degree of consent, where an individual's shares are insufficient for the allotment sought, the Maori Land Court may direct payment of a cash sum or a ground rent to any trustees for the land. In the event of a default in payment of rent, the Maori Land Court may limit occupancy rights for any specified period not less than the term of any mortgage and order that the land shall then vest in the trustees to hold for the owners as a whole.
8. Where an individual has insufficient shares and others of his whanau are prepared to gift their shares to make up the deficiency the Maori Land Court may declare that while the Land

Transfer Office shall record the name of one person as owner, he shall hold the same in trust for himself and the owners for their shares. If the owners so require, the Maori Land Court may direct the payment of a ground rent for distribution or for payment to a fund to assist with family tangi and hui. In default of the payment of rent, the Maori Land Court may limit the occupancy rights for any specified period not less than the term of any mortgage and thereafter establish a family trust in respect of the land.

9. Subject to proper notices to owners and the hearing of any objections, where existing partitions for housing sites are already multiply owned and it is impracticable for any one owner to acquire sole title, but there is already an owner on the land or an owner ready, willing and able to build, the Maori Land Court may declare that the Land Transfer Office shall record the name of one person as owner, but at the same time provide for a trust along the lines of the last clause above.
10. In the case of existing Maori Land Court "subdivisions" as well as proposed new residential development areas on Maori land, the Maori Land Court will be encouraged to appoint over-all trustees to assist it in determining occupancy rights, ground rent matters, over-all design, the person to whom sections may be transferred and the like. The Maori Land Court may set out a trust order delegating to the trustees the decisions to be made provided however, that in the event of a dispute no person shall be denied final access to the Maori Land Court as a matter of last recourse.
11. In the case of urban subdivisions on general lands, the various owners may agree to voluntarily place restrictions on the alienation and in that event the Maori Land Court may appoint over-all trustees and define their powers in accordance with any agreements that may have been reached. The Department of Maori Affairs may establish group housing schemes on general land on the basis that those taking up sections will do so within the framework of any trust order approved by the Maori Land Court. The land may be made Maori land.
12. In the case of existing Maori villages of special significance, the Maori Land Court may upon application appoint over-all trustees for their general control and the control of building designs, alienations and other matters already referred to, notwithstanding the objections of some owners but provided there is a degree of consent, and may direct that the matter of inalienability of sections (other than by mortgagees sale) be recorded on any titles.

3.2

HOUSING ON PASTORAL AND FORESTRY LEASES

It is regrettable that many long term leases of Maori land for both pastoral and forestry farming purposes, were entered into at a time when the prospect of Maori owners living on the land seemed somewhat remote. We consider that even forestry schemes should not inhibit the development of small housing clusters. Where land is subject to existing leases, and the Maori Land Court is satisfied that it is practicable for houses to be erected on parts of the land without unduly prejudicing the operations of the leasee, and that an abatement of rental or other allowance to the leasee is practicable, we believe that the Maori Land Court should be empowered to exclude land from the lease for any of the purposes above. we consider that for all future leases, adequate provision must be made for occupation of parts of the land on a permanent or temporary basis by any Maori owners, and that the regional plan be ammended to make provision for this type of housing development.

With the cooperation of the various local authorities and the Waikato United Council, we would encourage the Department of Maori Affairs, Maori Incorporations and Maori Trusts handling major farming stations on Maori land to actively promote the settlement of retired and other owners upon the land. We envisage that individual cases could be provided within the proposals outlined here but we would encourage them to go further. We are of the view that such Maori land incorporations and trusts may themselves build homes upon the land for the use of their shareholders, charge any shareholders dividends, and the dividends of other of their whanau prepared to gift their shares to assist one of their number, to meet the payment of rent. We recommend that the cost of erecting such homes, be tax deductible, upon the basis that it is in the nature of a social service. We also consider that in this instance, town planning consent would be required, and that in the event of an appeal a judge of the Maori Land Court should sit with the appellate authority. We recognise that for many owners their only opportunity to return to the land is during vacation periods. We propose therefore:

1. that the Maori Land Court may delineate areas as camp sites and provide also for the erection of cabins and communal facilities. Except where local authority approval has been given to the use of any area as a camping ground, such areas shall be limited as to user to whanau of those related to the land. The Maori Land Court may appoint trustees for any such area and if the owners agree, may provide for any part of the income from the parent block, to be applied to the maintenance and support of the camping ground area. The Maori Land Court shall have regard to any recommendations of any authority affecting health and safety and provide for the same in any trust order. The areas so delineated may be set apart as Maori reservations.

2. In the event of any mortgagees sale of any house site area, the nett proceeds shall be paid into the Maori Land Court and that court shall give directions as to the disposal of the funds having regard to any underlying trusts.
3. In all matters of doubt the Maori Land Court shall determine occupancy and other rights.
4. that with the consent of the committee of management in any particular case, any of the above provisions may be made applicable to incorporations as though the owner shares were shares in the land.
5. The above provisions are directed primarily to the settlement of individuals on the land at their request. Where trustees or others administering Maori land propose major subdivisions or close settlement arrangements, local authority consent shall be required as at present.

4.0

AQUISITION OF MAORI LAND FOR PUBLIC WORKS

Again we take as our starting point the principle contained in section 3 (1) (g) of the Town and Country Planning Act 1977, that the relationship of the Maori people, and their culture and traditions to their ancestral lands, is a matter of national importance. We consider that to be so and in our view it requires that public works should not result in a loss of the freehold by Maori owners, nor should it result in the quantum of Maori land being further diminished.

We recognise that public works are also of national importance and accordingly we are prepared to seek some middle point of solution. We consider that the concept of a negotiated lease is a preferred alternative to the compulsory acquisition of the freehold in the case of Maori land.

We do not consider a lease, licence or easement arrangement as impracticable. We understand that the Crown is willing to entertain long term leases for reserves. We understand that in other countries no native lands can be absolutely taken and even major thorough highways are secured by easements with annual rental provisions and reviews.

At Te Ohaki on the Waikato river the New Zealand government has negotiated a long-term lease with the Ngati Tahu for the purpose of building a geothermal power station. By mutual agreement, both parties preferred a lease to compulsory purchase. Not only overseas therefore, but here in New Zealand too, the precedent has been set, and we believe that this is far more

equable than having the land taken permanently for whatever reasons. It also accords with our peoples belief that the present generation are merely trustees of the tribe's resources which have been handed to them by our antecedents and which are held for future generations of Tainui descendants.

At present, the usual course is that the Court appoints selected owners as agents to represent the owners as a whole. Some modifications are desirable.
We propose:

1. In all cases, and for all Maori lands other than Maori reservations, the taking authority must apply to the Maori Land Court for an assessment of whether or not it is necessary or desirable to appoint agents or trustees to represent the owners, or whether it is necessary to extend the powers of any existing trustees.
2. Where the Maori Land Court considers the matter warrants consideration by the owners before any decisions are made it shall direct notices to owners of a special sitting and direct that the taking authority be represented to outline its proposals.
3. Before making any determination as to the appointment of agents or trustees the Court shall be satisfied, that except where in all the circumstances the taking is of a minor nature, there is a reasonable proposal for a lease exchange arrangement or that the proposed work is to be dealt with by way of lease, licence or easement arrangement.
4. Where the Court is satisfied as to the above, it shall determine whether the appointment of agents or trustees is necessary or desirable. If so it shall make appointments and define the agents or trustees powers or extend the powers of any existing trustees.
5. The Court may appoint any Maori trust board, runanga (council) or other authority as trustee.
6. In defining the agents or trustees powers the Court may make provision for the disposal of any lump sum or rent compensation.
7. In the case of Maori land, any time limits in the Public Works Act or in these provisions shall be deemed to run from the date on which the Court determines the appointment of agents or trustees.

8. Public Works in respect of Maori land shall be effected only through orders of the Maori Land Court. The Court shall be empowered to make orders

To vest land in any taking authority where in its opinion the taking is of a relatively minor nature.

To prescribe the terms of any exchange leases.

To prescribe the terms of any lease, licence or easement (any restrictions on leasing contained in the Maori Affairs Act having no application to this part).

9. The Maori Land Court shall make any of the above orders to effect, any agreements with the agents, trustees or owners unless it appears to the Court that the settlement is unreasonable, and may complete any parts of any agreements that are incomplete.
10. Where the works are essential works and an agreement has not been reached within 6 months or such further time as the Court may allow, and if the taking authority shall then require, the court shall hear the matter and unless it is satisfied that other land is not reasonably available and that the amount of land sought is reasonable for the proposed use, it shall make one or more of the above orders, and, as the case may require, determine the quantum of compensation, the terms of the exchange leases, or the terms of any lease, licence or easement arrangement.
11. Where it is impracticable so to do, the Court may make orders, or partial orders, or declare an intention to make orders, and defer any matters of compensation or detail to a subsequent hearing so that the works may, in the meantime, proceed. An appeal shall lie direct to the High Court on any determination in the above matters.

We consider that there is room for improving the basis on which compensation is assessed. We favour the comments in the report of the Royal Commission on Rangatira B and C, (p.27) in respect certain proposed reserves on Maori Land adjoining Lake Taupo:

"A 'willing seller, willing buyer' approach may not be a proper compensation in view of the national and local importance of the area, of which importance there was abundant evidence before the commission. The Maori owners should not be asked to make an undue contribution to the national and local amenity provided by the preservation of Lake Taupo and its environs."

It is recommended that if compensation cannot be agreed on in the event of the said land becoming (or substantially becoming) a reserve, then a special

Tribunal be set up consisting of a Judge of the High Court (or other suitable person of present or past judicial standing) as Chairman and two members one to be appointed by the Crown and the other by the owners. Such a body should not be trammelled by such concepts as "willing seller, willing buyer"; but should fix a fair and just compensation for what is a very important national and natural asset retained for the preservation of a highly desirable feature of a unique part of New Zealand."

Many Maori lands are of historic and traditional significance, and contain special natural resources that Maori people have enjoyed, and these factors too should be brought into account in assessing compensation or lease details, and in assessing their continued contribution to the national and regional environment for the future of us all, Maori or not.

5.0

IN CONCLUSION

The area covered by the Waikato United Council covers a substantial proportion of the Tainui tribal lands, but these later extend beyond the council's boundaries in the north, east and south. Within this area there lives a substantial proportion of Maori people - approximately one in ten of all Maori. While they comprise twelve percent of the area's population at present, because of higher Maori growth rates, by the beginning of the next century the Maori population of the united council's area is expected to be more than twenty percent.

Despite the often stated belief that our identity as a nation rests in the Treaty of Waitangi signed first of all in the Bay of Islands in February 1840, it is our belief that the practical nature of our learning to live together as two people in one nation has been put to its greatest test here in the Waikato where relationships between our two peoples have often been bitter and from the Tainui people's perspective have not yet been satisfactorily resolved. Our future as a harmonious nation we believe rests on our willingness to accommodate the views and needs of each other as they are interpreted by our different cultural heritages. As we learn to live together harmoniously, we trust that all New Zealanders will appreciate that this harmony need not be reached by the inevitability of the subjugation of Maori interests to those of Non-Maoris. With this as the major goal for our region's future well-being, we do not consider that the preliminary discussion document goes far enough in meeting this objective, despite there being a statutory requirement under section 3 (1) (g) of the Town and Country Planning Act.

for and on behalf of :

The Tainui Maori Trust Board,
11 Knightsbridge Place,
Hamilton, N.Z.

The West Coast Harbours

Kawhia, Aotea, Whaingaroa (Raglan)

C H R O N O L O G Y

1982

- February 13 Application for marine farming license published by Rutherford and Watts.
 - May 26 Application for marine farming lease published by Mr and Mrs Ussher.
 - Early June Tainui elders discuss marine farming applications at various Waikato hui.
 - June 21 Elders seek assistance from the Centre for Maori Studies and Research.
 - July 1 Mr H. Tuwhangai publicises issue at the Waikato - Maniapoto Planning Conference at Tokonganuiانوho, Te Kuiti.
 - 8 Tainui Maori Trust Board agrees to lodge objections on behalf of the Tainui federation of tribes, Centre for Maori Studies and Research agrees to assist the board in its efforts.
 - 10 Hui at Māketu marae Kawhia to gather information from Tainui people about their concerns with the harbours. Messrs Aveyard, Bartram, Weir and MacAnniny for Ministry of Agriculture and Fisheries present.
 - 17 Hui at Maketu marae to discuss objection procedures with some four officers of the ministry and to agree on tribal strategy.
 - 23 Objective lodged at Hamilton office of Ministry of Agriculture and Fisheries.
 - August 10 Response from Ms Rutherford and Watts received.
 - 25 Letter from Hamilton executive officer, Minister of Agriculture and Fisheries informing the Trust Board that their objection was too late to be received, but would be taken into account by ministry officers when writing their report.
 - September 17 Outline of case sent to Hon. Duncan MacIntyre Ministry of Fisheries.
 - 24 Tainui Maori Trust Board meets with Hon. Mr MacIntyre.
-

54/44/643

17 April 1984

Regional Executive Officer
Ministry of Agriculture
and Fisheries
Private Bag
HAMILTON

Attention: Mrs C.E. Paterson

MARINE FARMING APPLICATION : A.E. AND A.J. RUTHERFORD AND
W. WATTS : KAWHIA HARBOUR

I refer to your memorandum of 12 April 1984 and would
advise that investigations into the application are still
being made.

You will be advised in due course.

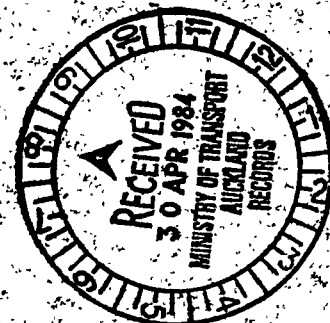
A. Vitali, Miss
for Secretary for Transport

cc Regional Secretary
AUCKLAND

Attention: P.D. Spackman

Copy for your information, your ref 54/49 Vol.4F3, please
advise when area will be inspected.

A. Vitali
A. Vitali
for Secretary for Transport



S.E.O. (HERS)

Regional Office, AUCKLAND

HEAD OFFICE

18 April 1984

REVISED MARINE FARM APPLICATION : RUTHERFORD, RUTHERFORD & WATTS : KAHIA HARBOUR

Further to your memo of 29 August 1983, reference 54/44/643, on the above.

NAUTICAL COMMENT:

I regret the lengthy delay in replying. We have had to await a suitable opportunity to visit the Kahia region.

Captain Wright has inspected the location and reports that the reduced area applied for will not seriously affect navigation.

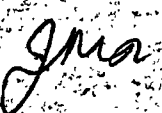
He comments that there is little traffic in the channel at that point or indeed within the harbour to the east of it.

At least 2/3rds of the navigable width remains, sufficient for the light traffic which may use the channel.

Provided that the usual requirement as to marking etc are complied with, we see no reason to withhold recommendation for approval.

HARBOURS AND FORESHORES COMMENT:

As this revised area allows room for adequate navigation in the channel, this office recommends that consent be given.



J. M. Dean (Miss)
for Regional Secretary

MINUTE SHEET

Department: MOT - AK.

Subject: MARINE FARM APPLICATION

Section: H & F

File No. 54/49 Vol 4 F3

KAWHIA HARBOUR.

Date: 13/3/84

49918A-150 pads/7/80 MK

To-

① Capt. ~~Storberger~~

Would you be having anyone
visit the above area in the near
future?

MR Rish AAO.

Mark.

We will attend this meeting - say
within a fortnight

② H & F

FAS 14/3.

BRING-UP

4/4/84

Initials: MRS.



MINISTRY OF TRANSPORT



MOT 5

Our Ref: 54/44/643

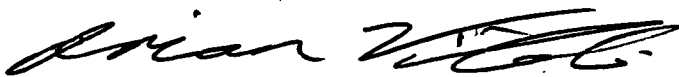
Your Ref: 54/49 Vol. 4 E. 3

INTERNAL MEMORANDUM

To Regional Secretary From Head Office
..... AUCKLAND Date: 29 February 1984
Subject: REVISED MARINE FARM APPLICATION : RUTHERFORD, RUTHERFORD AND
WATTS : KAWHIA HARBOUR

Further to our memo of 29 August 1983 with which we forwarded a revised application for the above.

Would you please advise when you expect to visit the area and report to this office on the effects the proposed marine farm would have on navigation and recreation in the Harbour.


Arian Vitali
for Secretary for Transport

MINUTE SHEET

Department:

Subject:

Section: 54/49

File No.

49918A-150 pads/7/80 MK

Narrow Farm Kaunua Harbor (Rutherford) Date: 11-4-54.

To-

H&F
Section

I regret the lengthy delay in replying to your memo of 12-9-53. We have had to await a suitable opportunity to visit the Kaunua region.

Capt Wright has inspected the location and reports that the reduced area applied for will not seriously affect navigation.

He comments that there is little traffic in the channel at that point or indeed within the harbor to the east of it.

At least 2/3rds of the navigable width remains - sufficient for the light traffic which may use the channel.

Provided that the usual requirements as to marking etc are complied with, we see no reason to withhold recommendation for approval.

FAS:stg

MINUTE SHEET

Department: not AICSubject: Manne Farm Application
Kawhia HarbourSection: H&FFile No. 54/49 Vol 4 C 3Date: 13-9-83

49918A-1500 7/80 MK

To-

Capt Stolberger

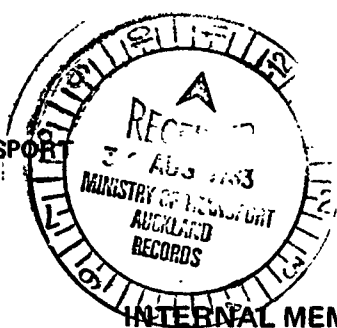
A revised application has been received from Messrs Rutherford, Rutherford & Watts for a marine farm in Kawhia Harbour. Nautical Section H.O. has requested that the area be inspected. As the previous inspection was carried out by Capt Davies, could you please arrange for a further inspection in respect of this revised application. Relevant information is enclosed.

If you are unable to arrange this could you please advise

Jeanne Dean
Clerk (H&F)



MINISTRY OF TRANSPORT



MOT 5

Our Ref: 54/44/643

Your Ref: 54/49 Vol.4 Folio 3

INTERNAL MEMORANDUM

To Regional Secretary From K.R. Houliston, Head Office
AUCKLAND Date: 29 August 1983
Subject: REVISED MARINE FARM APPLICATION : RUTHERFORD, RUTHERFORD, & WATTS -
KAWHIA HARBOUR

Attention: Mr P.D. Spackman

Thank you for your office's comments of 1 November 1982 on the application by Messrs Rutherford, Rutherford, and Watts for a marine farm in the Kawhia Harbour. Concurrence in respect of the application was declined on 3 December 1982.

The applicants have now submitted a revised proposal. A plan of the altered area, together with copies of relevant correspondence forwarded by the Hamilton office of the Ministry of Agriculture and ... Fisheries, are attached for your consideration. Our Nautical Section has looked at this application, and Captain Boyes has suggested that someone from your office visit the area and report back on the likely effects the proposed marine farm would have on navigation and recreation in the harbour.

I hope that such a visit can be arranged in the near future, and look forward to receiving your report.

K.R. Houliston

K.R. Houliston, Mrs
for Secretary for Transport

Encl

MARGARET J. MARINE LTD.

TELEPHONE 87648
89289

69 MANGOREI RD
NEW PLYMOUTH

9th May, 1983.

The Nautical Advisor,
Marine Dept. Ministry of Transport,
Private Bag,
Auckland.

Dear Sir,

We, the applicants, Messrs. A. E. and A. J. Rutherford and W. Watts, have revised our application for a marine farm in the area Block X Kawhia North Survey district, due to a decline to concur from the Ministry on our original application dated 3/12/82.

We therefore wish to submit the following revised application:

That the area of seabed applied for is 100 metres x 250 metres within the original site on the Southeast side of the main channel in Block X Kawhia North Survey district, and is shown on the attached survey sheet as such. (See Page 1.)

By altering the method of laying out the mussel lines, we have substantially reduced the size of the area required. It should be noted that the area is now only 40% of the original application and therefore is much less of a restriction on other possible water users.

It is also considerably narrower than the original area, and will improve navigation past it at low tide. It also takes up only one quarter of the width of the channel at m.l.w.s.

Reducing the downstream length takes it further away from the wharf and wharf traffic, and will in no way affect said traffic in and around the wharf.

Water skiers are unlikely to be affected, as Otorohanga County Council have put ski lane poles in below Maketu Pa as shown on the attached sheet. (No. 2) This ski lane is approximately one and a half miles away from the proposed site.

The main reason for choosing this site is the depth of water at low tide. For this reason a more remote area for mussel farming would be unsuitable. Any other site would be too shallow, or unduly affect safe navigation from the wharf to the harbour entrance.

We are convinced that our revised application will not affect the commercial or recreational use of the harbour, and have enclosed some letters of support from commercial and recreational users.

Yours faithfully,

A. E. Rutherford.

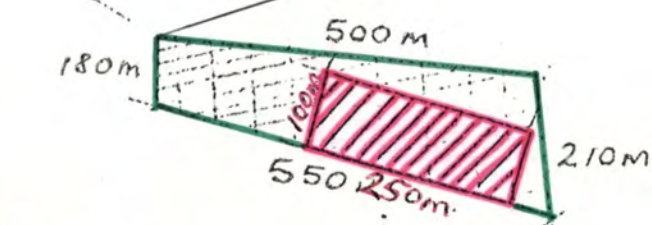
p.p. A. J. Rutherford, W. W. Watts.


KAWHIA

KAORA
XXX

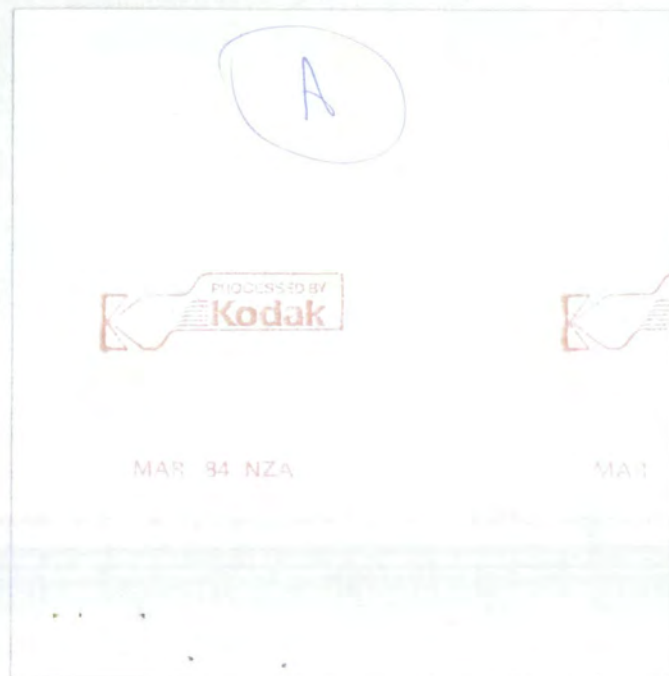
3

PT BEARING
52° AT 1700m
(to Motutarakua
Pt.)



 - REVISED AREA - AGAIN APPROXIMATE

NOTE: THE POSITION OF THIS
AREA IS APPROX







14th July 1983

The Director General,
Ministry of Agriculture Fisheries,
Private Bag,
RAMILAU.

Dear Sir,

MARINE FARMING KAWHIA HARBOUR

We supported Mr. A. Rutherford's original application for approval to farm green lipped mussels in Kawhia Harbour and wrote to this effect in April 1982.

We understand that Mr. Rutherford is making a further application to farm mussels in a much reduced area of water in the same location of the Harbour.

Our support for their revised application remains and our members feel that the proposed site does not constitute any navigational hazard to small craft. This includes commercial, and pleasure fishermen, water skiers and other water users who tend to use other areas within the Harbour for their activities.

Any marine enterprise, providing jobs and a commercial interest in this area would, in our opinion, be most welcome.

Yours faithfully,


R. BROWN.

SEC/TREASURER

me letters

John
John
John
John

Mr. D. Taylor,
Post Office,
KOHATA.

Nautical Division,
Marine Division,
Ministry of Transport,
AUCKLAND.

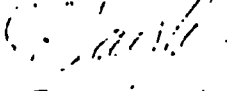
15th May 1933.

Dear Sir,

I am a commercial Fisherman in Kawhia Harbour and would like to support the application for a marine farm being made by Mr. Rutherford and Mr. Watts.

The area in question does not make it difficult for me to Navigate safely past it, even at low tide and I can see no reason why it should not go ahead.

Yours faithfully,
D. TAYLOR.



Kawhia Harbour
Kawhia

June 29th 1983
June 29th 1983

To whom it may concern
To Whom It May Concern

I note with interest the revised plan
/ note with interest the revised plan
for a mussel farm proposed by Messrs
Rutherford & Watts to be set up in the
Kawhia Harbour.
Kawhia Harbour

The reduction in area would appear to
remove any navigational hazard and
therefore any objection on the grounds of hazard
to small boats, and pleasure craft would
no longer apply.
no longer apply.

I make this comment without prejudice
to the wider question of licensing marine
farming on the Kawhia Harbour.
farming on the Kawhia Harbour

Yours faithfully

Edith M. D—y J.P.
Rosamond Terrace
Kawhia
Kawhia

Mr. G. Taylor,

Kaora Street,

KAWHIA

27th May 1983.

Nautical Division,

Marine Division,

Ministry Of Transport,

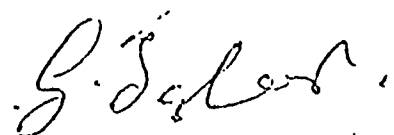
AUCKLAND

Dear Sir,

I am writing this letter in support of Mr. Rutherford's Application for a Mussell Farm in Kawhia Harbour.

I have been a Commercial Fisherman here for some years and feel that the area is not too large for what is proposed and does not affect or hinder vessels navigating past it.

Yours faithfully,



G. TAYLOR.

HEAD OFFICE

S.E.O. HBRS

Attn:

T. Law

Regional Office, AUCKLAND

1 November 1982

MARINE FARM APPLICATION : MESSRS RUTHERFORD, RUTHERFORD, & WATTS : KAWHIA HARBOUR

With reference to your Memorandum of 12 July 1982.

The area applied for has now been inspected and our previous comments still apply.

Further, the area seems unduly large and is in an area which could be much used by small pleasure boats in the summer.

This area upstream from the wharf also seems likely to be used by waterskiers as they would be away from wharf traffic.

The proposal cannot be recommended as it conflicts with other users. An area more remote from the wharf could be considered.

C. M. Emerson

Candy Emerson (Miss)
for Regional Secretary for Transport



MINISTRY OF TRANSPORT

MOT 5

Our Ref: 54/44/643.....

Your Ref: 54/49 Vol 4E.3.....

INTERNAL MEMORANDUM

To Regional Secretary
..... AUCKLAND From HEAD OFFICE
..... Attention : Miss J. M. Dean Date: 23 September 1982
Subject: MARINE FARM APPLICATION : RUTHERFORD, RUTHERFORD & WATTS : KAWHIA
..... HARBOUR

My minute of 12 July 1982 refers.

Would you please advise when I may expect to receive your further comments on the above application.

T.E. Law
T.E. Law
for Secretary for Transport



MINUTE SHEET

Department: _____

Subject: *Marino Farm Application*

File No. _____

Hawlin Rutherford & Watts

Date: *27/10/82*

To: _____

Colt. Hallberg
27/10
H & Forester

Previous comments still apply.

The area seems unduly large and is in an area which could be much used by small pleasure boats in the summer.

This area upstream from the wharf also seems likely to be used by water skiers as they would be away from wharf traffic.

The proposal cannot be recommended as it conflicts with other uses. An area more remote from the wharf could be considered.

D. G. G. G.

MINUTE SHEET

Department: MOT AK

Subject: RUTHERFORD, RUTHERFORD & WATTS :
KAWHIA HARBOUR. FOLIO (3)

Section: H F

File No. 54149 Vol 4

Date: 20-10-80

77886 HK 2/82 MK

To-

Attached are some photographs taken of the area applied for. The area was not marked when inspected. According to the plan supplied and by looking at the area it does appear that over half the navigable channel will be covered. All photographs were taken at nearly low tide.

There were approx 6-10 pleasure boats moored to the left of the Kawhia wharf and while I was taking photographs 2 fishing boats came and went from the wharf.

Do you have any further comments to make on this proposal? They would be appreciated - Thankyou.

Candy Emerson

MINUTE SHEET

54/49 Vol. 4

Department: TRANSPORT NO

Subject:

Marine Farm Application

Section:

HAF

File No.

54/49/643

Date:

12/7/82

49918A-16 pads/7/80 MK

To:

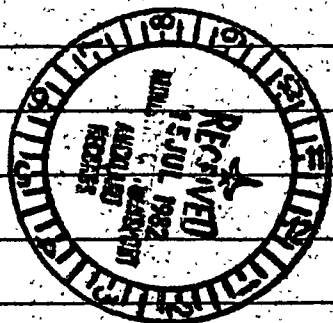
Regional Secretary
Auckland

Attention:

P.D. Jackson

I refer to your memorandum dated
30 June 1982 regarding the above.

It would be appreciated if your office
could investigate the matter further and
thus provide answers to the questions
raised by Captain Stollwerger.



J. H. M. Gidger
AAO (NMF)

for Secretary for Transport.



MINISTRY OF TRANSPORT

MOT 5

Our Ref: 54/44/643

Your Ref: 54/49 Vol. 4 F.3

INTERNAL MEMORANDUM

To Regional Secretary From HEAD OFFICE
AUCKLAND Date: 28 June 1982
Attention: J.M. Dean

MARINE FARM APPLICATION : RUTHERFORD, RUTHERFORD AND
WATTS KAWHIA HARBOUR

Your minute of 31 May 1982 refers.

Would you please advise when I may expect to receive your
comments on the above application.

T.E. Law

T.E. Law
for Secretary for Transport



BRING-UP
2 / 10 / 82
Initials: CANDY

Head Office

Regional Office, AUCKLAND

Attention: Miss Ranger

30 June 1982

MARINE FARM APPLICATION : RUTHERFORD, RUTHERFORD & WATTS : KAHIA HARBOUR

The following are the regional comments on the above application:-

NAUTICAL COMMENT:

The applicant admits the area applied for covers half the navigable channel. This cannot be confirmed either way from the plan supplied and a proper location plan should be checked before any approval.

I have no knowledge of what traffic might use this channel at present or in the future. The comments made regarding an application for Hokianga (Your Ref: 54/44/582) also apply here, but I presume the likelihood of anything like barge traffic is remote.

I consider that when an application is received for a mussel farm in a new area a plan and policy for marine farming in the area should be developed. At present when one farm is approved and successful, a rush of applications could be received that would be hard to refuse yet in total interfere with freedom of navigation in a way that only one or two farms would not.

HARBOURS & FORESHORES COMMENTS:

We agree with the above comments, especially in regard to the location plan. It would seem appropriate that in future a higher standard of location plan should be required.

Because we cannot obtain comment on navigation due to poor location plan, the narrowness of the channel at low water, and the closeness of the wharf and the centre of town, we cannot recommend the approval of this marine farm application.

Jme
J. M. Dean (Miss)
For Regional Secretary for Transport

MINUTE SHEET

Department:

Subject

Marine Farm Application -
Kauai
A J Kullbert & Others.

Section:

File No. 54/49

Date: 10/6/82

To-

Copy
S. J. Kullbert
A. J. Kullbert

Honorable
Foreman

The applicant admits the area offshore covers half the navigable channel.

This cannot be confirmed either way from the ~~set~~ plan supplied and H & F have asked for a proper location plan which should be checked before approval.

I have no knowledge of what traffic might use this channel at present or in the future. The comments made regarding an application for Hokenge also apply here but I presume the likelihood of anything like large traffic is remote.

I consider that when an application is received for a mooring farm in a new area a plan and policy for mooring farming in the area should be developed. At present when one farm is approved and successful, a host of applications could be received that would be hard to refuse yet in total interfere with freedom of navigation in a way that only one or two farms would not.

These applications for Kauai & Hokenge harbours are to the point.

A. J. Kullbert

File Ref: 54/49. Vol. 4 f. 3.

Ministry of Transport,
Northern Regional Office,
Private Bag,
AUCKLAND

1. Captain *Stallberger*.....

~~2. Deputy Nautical Adviser~~

.. Would you please examine the attached proposal (folios)
and if possible issue your approval and/or conditions to the work.

Encl.

Harbours and Foreshores Section

MINUTE SHEET

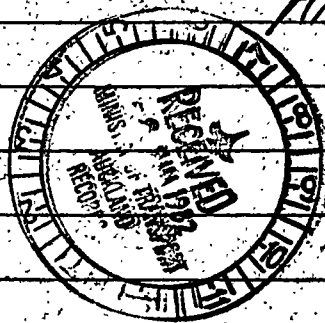
Department: *TEMPERATURE* H.O.

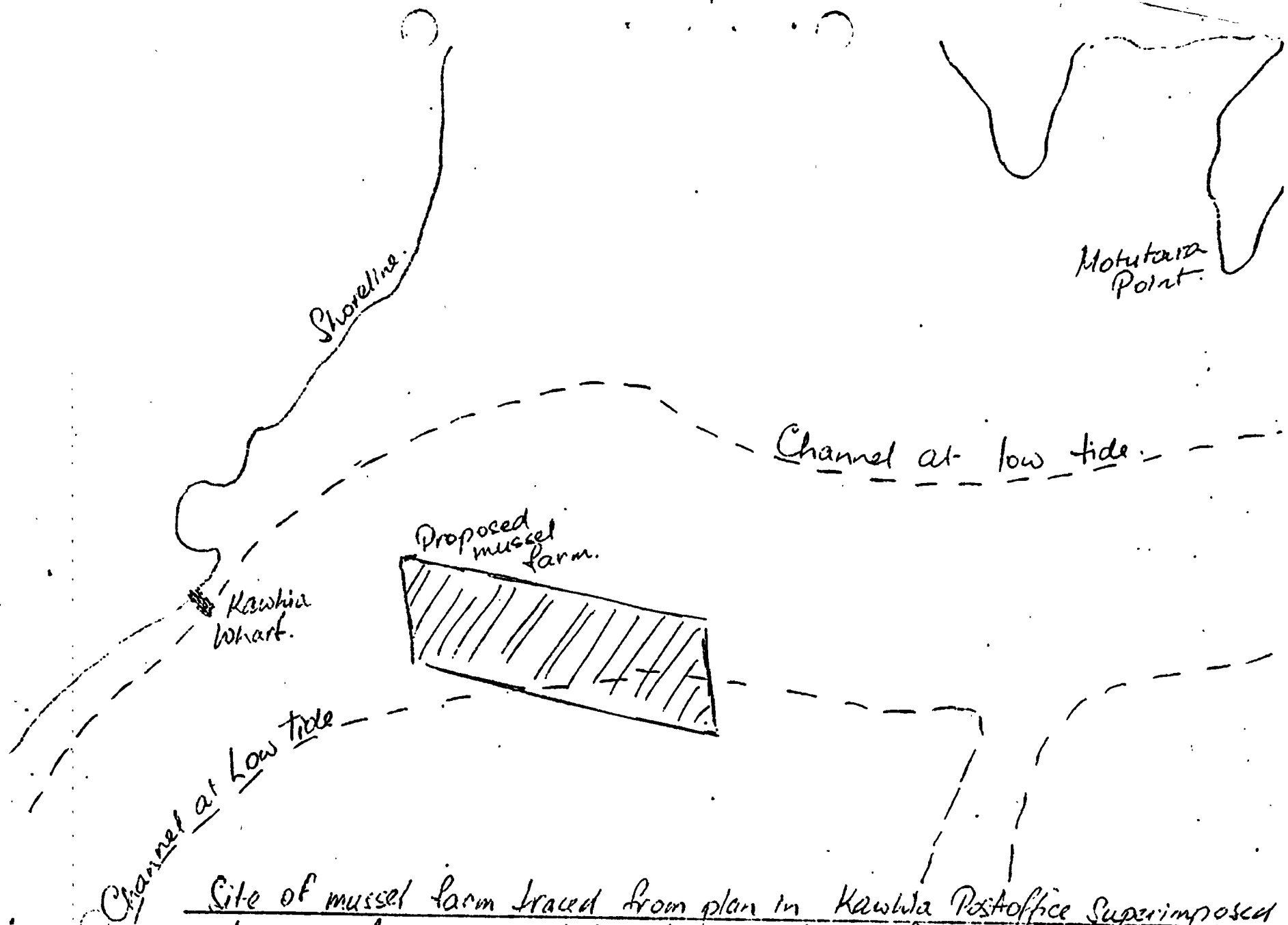
Subject:

*Marie Ferraro Application
Rutherford, Rutherford + Watts*Section: *W.F.*File No. *54/44/103*Date: *3/6/82*

49918A-1500 pads/7/80 MK

To:

*Regional Secretary
Auckland**Attention:
P.D. Spackman**Attached is the copy of the
plan as per telephone conversation
2/6/82.**John McIndoe
AAO (W.F.)*



Site of mussel farm traced from plan in Kawhia Postoffice Superimposed
on tracing of channels at low tide as taken from aerial photo of.
NZ Aerial Mapping Co, Survey no 3730, Run no. D/2, Date 1/5/74.

MINUTE SHEET

Department: **N.O.T. AK H&F**

Subject:

MARINE FARM APPLICATION :

File No. **54/49 Vol.4 P.3**

MESSRS RUTHERFORD, RUTHERFORD & WATTS

Date: **31 May 1982**

To—

Further to your memo of the 25 May 1982.

**Head Office
S.E.O. (Hhrs)**

In the application of Messrs Rutherford, Rutherford and Watts at

**Attention:
I.H.R. McFadyen**

**Kachia Harbour (Your Ref: 54/44/643) is there a location plan or
just the description in the application.**

If there is a location plan could we please have a copy.

J. M. Dean

for Regional Secretary for Transport



MINISTRY OF TRANSPORT

54/49 Vol. 4
MOT 5

54/44/582 and
Our Ref: 54/44/643

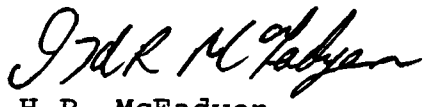
Your Ref:

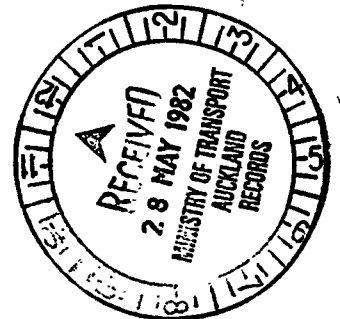
INTERNAL MEMORANDUM

To Regional Secretary From HEAD OFFICE
AUCKLAND Date: 25 May 1982
Attention: P.D. Spackman

MARINE FARMING APPLICATIONS

Your comments on the attached marine farm applications
would be appreciated.

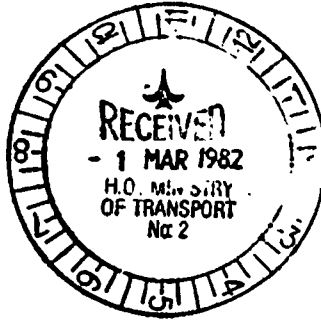

I.H.R. McFadyen
for Secretary for Transport





Ministry of
Agriculture
& Fisheries

N/F



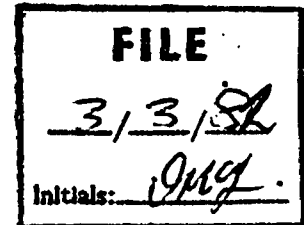
Telephone : 81 949

Private Bag
HAMILTON

February 22 1982

The Secretary for Transport
Ministry of Transport
Private Bag
WELLINGTON

ATTENTION: Harbours Section
Marine Division



MARINE FARM APPLICATION

An application for a marine farm has been received from
Messrs A E Rutherford, A J Rutherford and W Watts of P.O. Box 61, Kawhia
in respect of an area situated in Kawhia Harbour.

✓
... In accordance with Section 5 (2)(a) of the Marine Farming Act 1971,
enclosed is a copy of the application and plan submitted.

C Paterson

C E Paterson (Mrs)
for Regional Executive Officer

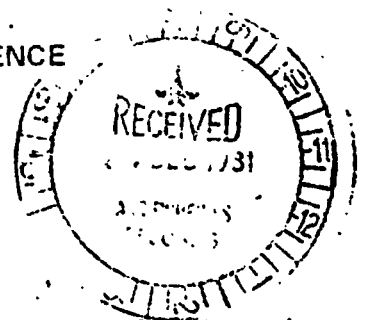
Encs

File No. 7/6/30

MARINE FARMING ACT 1971

APPLICATION FOR A MARINE FARMING LEASE OR LICENCE

To: Director-General,
Ministry of Agriculture and Fisheries,
Fisheries Management Division,
P.O. Box 2298,
WELLINGTON.



Full name, address, and occupation of applicant.

I/We Alan Ernest Rutherford, Huturoa St. Kawhia, engineer
Alan James Rutherford, Davies Lane, Kawhia, marine technician.
William Watts, Retmeyer St. Kawhia, marine technician.
(All three are New Zealanders)

Delete which is not applicable.

as Joint Tenants/~~Tenants in Common~~

Describe area so it can be readily identified

apply for the lease/licence of an area of 10 hectares
situated in Kawhia Harbour -- area approx. 1,000 metres
N.E. of the Kawhia wharf on the S.E. side of the main
channel, taking up half the width of the channel at
mean low water springs.

Maximum term is 14 years.

For a term of 14 years.

Name fish, shellfish, etc.,

To farm Mussels

Name newspaper in which notice will appear.

Notice of the application is to be advertised in: Waikato Times

Address where notices, correspondence, etc., are to be sent.

My/Our address for service is. c/o A.J. Rutherford,
Davies Lane, Kawhia. P.O. Box 61,
Kawhia.

Accompanying this application are:

- ☒ 1 copy of a map or plan showing the location of the area, plus four copies of a Block plan of the area showing the position of the boundaries.
☒ 1 copy of the proposed newspaper notice.
☒ Application Fee of \$100

Amount: \$100-00
Receipt No. 577108/1
Date: 24-12-81
Receiver: Rn

Dated this 22nd day of December 1981

Signature of Applicant/s:

A.J. Rutherford
W. Watts

Describe method of seeding or laying young spawn, and cultivation. Indicate the number and size of rafts, enclosures, cages, racks or other structures used, and the material to be used in building them.*

The method of farming and structures intended to be used is as follows:
Long lines..

We have purchased one hundred and seventy five feet of floatation hose from New Zealand Steel Mining, which we intend to use as an experimental line for the first twelve months.

Dropper lines will be suspended from the hose at intervals and the young spawn will be cultivated on these lines.

Describe briefly the development to be achieved each year, the anticipated annual investment, how it is to be financed, harvesting and marketing arrangements.*

Development of the farm over the first 5 years will be in the following stages:

First year. Investment approx. \$5,000

If the results in the first year are favourable, we anticipate starting two lines of 250 metres each in the second year. Investment approx. \$14,000

Third, fourth and fifth years continuing as above, giving a total investment of \$61,000.

If the enterprise is successful, the harvesting and marketing arrangements will be made by the three partners whose signatures appear below.

(Separate financial evidence is enclosed with this application.)

Attach evidence from bank, accountant or solicitor that specified sum is available.

Funds available to be invested in the venture: \$60,000

Signature of Applicant/s:

G. J. H. Thompson
W. C. W. W. W.
W. C. W. W. W.

*Continue on separate sheet if necessary.

I Alan Ernest Rutherford of Huturoa Street Kawhia hereby give notice that I have applied for a licence under the Marine Farming Act 1971 for the purpose of farming mussels in an area of ten hectares situated in Kawhia Harbour, 1000 metres N.E. of Kawhia Wharf on the S.E. side of the main channel. The area measures approximately two hundred metres by five hundred metres, co-ordinates Pt.C4 2B being Motutarakatua P. bearing fifty two degrees at seventeen hundred metres and Trig. Station Whakaongaonga bearing one hundred and fifty four degrees at five thousand one hundred metres. The method of farming will be long lines. The area will be marked with yellow buoys at the four corners, and at intervals of one hundred metres on the boundaries. A plan of the area may be seen at the office of the Ministry of Agriculture and Fisheries Hamilton, and at the Kawhia Post Office. Any person desiring to object to this application should do so stating fully the grounds on which the objections are made within two months after the date of the first application of this notice to the Director-General, Ministry of Agriculture and Fisheries, Private Bag, Hamilton and serve a copy on the said applicants at the above address, This is the first publication of this notice dated 13th February 1982.

Signed

A E Rutherford

Our ref: 54/44/643
Your ref: 7/6/30

6 December 1982

Regional Executive Officer
Ministry of Agriculture and
Fisheries
Private Bag
HAMILTON

Attention: Mrs C.E. Paterson

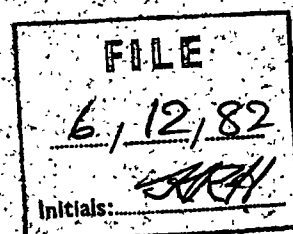
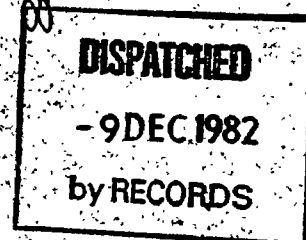
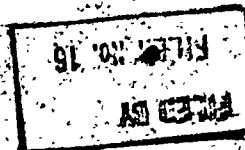
MARINE FARMING APPLICATION : A.E. RUTHERFORD,
A.J. RUTHERFORD, W. WATTS

I wish to advise that the Senior Executive Officer (Harbours and Foreshores), acting under a delegation from the Minister of Transport, has declined to concur with the granting of a marine farming licence to the above applicants in respect of an area situated in Kawhia Harbour.

... The document declining concurrence is attached.

K.R.H.
K.R. Houliston (Mrs)
for Secretary for Transport

Encl



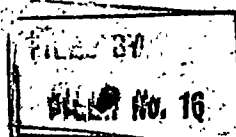
**DECLINING TO CONCUR WITH THE GRANTING OF A MARINE FARMING
LICENCE**

I, BERYL ANN RANGER, Senior Executive Officer (Harbours and Foreshores), pursuant to section 3(5) of the Marine Farming Act 1971, in exercise of powers delegated to me pursuant to sections 8 and 9 of the Ministry of Transport Act 1968, hereby decline to concur with the granting of a marine farming licence to Alan Ernest Rutherford, Alan James Rutherford, and William Watts, in respect of an area of ten hectares of seabed in Kawhia Harbour, 1000 metres north-east of Kawhia Wharf on the south-east side of the main channel, in Block X, Kawhia North Survey District.

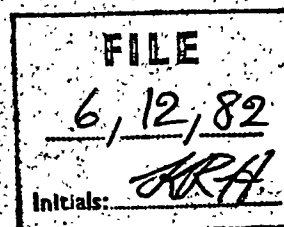
Dated at Wellington this 3rd day of December 1982

(sgd) B.A. Ranger

B.A. Ranger
SEO (H&F)



(M.O.T. 54/44/643)



Work Sheet: Harbours Act 1950

Purpose for which foreshore
water etc required: Marine FarmPlan No. M.D. N/A
Sets of _____ sheetsNZMS 261 sheet R.15 checked ARH
30-11-82Part 1

- (a) Name of Applicant: A.E. & A.J. Rutherford & W. Watts
- (b) Location: Crown/~~Endowment~~/S165: Kawhia Harbour - 10 ha.
- (c) Environmental Assessment: N/A

Part 2

- (a) Report from Marine Engineer is unnecessary/~~OK~~: see _____
- (b) Report from Nautical Adviser is ^{unfavourable} unnecessary/~~OK~~: see 23.11.82
- (c) Approvals from Harbour Board/Local Body received/
~~unnecessary~~: see 15.4.82
- (d) Report from Road Transport to unnecessary/~~OK~~ : see _____
- (e) Other (as appropriate) Auckland Region, MOT : see 30.8.82, 1.11.82
: see _____
: see _____

Part 3 - Recommendation

I recommend that you sign the attached document declining concurrence with the granting of a marine farming licence to the above applicants.

A.R. Houlston 29.11.82
Signature Date

Part 4 - Approvals
Section 178 - Plan MD

Approved Date

FILED BY
FILE No. 16

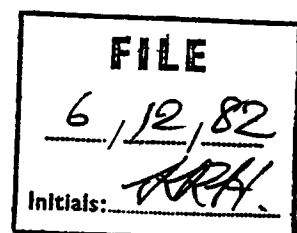
OtherMarine Farming Act 1971B.A. Ranger 3/12/82Part 5

Harbours Section Action

1. Plan - letter despatched _____
2. Nautical require completion
date _____
3. Bring up _____

Initials _____

Date _____



MINUTE SHEET

Department: MOT
 Section: H+F Rm 1209
 File No. 511/44/643
 Date: 19-11-82

Subject: Marine Farming Application:
 Hawhia Harbour

77886HY 0peds/2/82MK

To-

Capt. Mooney
 NAO
 Under

Below are comments of the
 Auckland Regional Office on
 the application of Rutherford,
 Rutherford, & Watts for a marine
 farming licence.

Should concurrence be declined
 on this application?

We must be guided by

FILED BY

FILE NO. 16

Laren Houlston

Auck. Region who have

AAO(H+F) Rm 1209

inspected the area and cannot ext 7.7.9
 recommend proceeding.

Am Mooney NAO 23.11.82

FEE

Initials: _____

DISPATCHED

- 9 DEC 1982

by _____

9-12-82

**The Minister of Maori Affairs
Parliament Buildings
WELLINGTON**

TAINUI TRUST BOARD : RAGLAN, KAWHIA AND AOTEA HARBOURS

Thank you for your memorandum of 11 November 1982 enclosing the submission from the Tainui Trust Board regarding control of the Harbours on the West Coast of the North Island. I had already received a copy of this submission and to keep you fully informed I am attaching a copy of my reply.

In so far as a proposed Grant of Control is concerned the procedure is that a notice of intention to make a grant to a specific representative body is advertised in local newspapers with an invitation to interested individuals or parties to supply comments to the Ministry of Transport for consideration before the final decision.

Accordingly a procedure exists for the Tainui Trust Board, as the representative of the Tainui Maori people, to make full representations on any proposed Grant of Control. The Board's views would be conveyed to me for consideration and decision before seeking the Governor-General's approval for the Grant of Control.

Whilst I appreciate your view that it would be highly desirable for the trust board to be accorded membership of the body or bodies granted the control of the three harbours, this is not possible in terms of the Harbours Act. In the circumstances I think that the Board should directly pursue arrangements being made for the Board to be consulted by the controlling body in respect of any substantial decision affecting the harbours.

(Sgd) GEORGE F. GAIR

**George F. Gair
Minister of Transport**

[Handwritten signatures and initials]
6/12

Mr Gordon H. Forbes
Secretary
Tainui Maori Trust Board
11 Knightsbridge Place
HAMILTON

25.11.82

Dear Mr Forbes

Thank you for your letter and enclosures of 14 October 1982 regarding the control of the West Coast Harbours of Kawhia, Aotea and Whaingaroa (Raglan).

I have carefully considered your proposals that these three harbours be placed under Maori communal control with your Board being the duly constituted and recognised authority, and having the role to manage, conserve and develop the fish, shellfish and other marine resources of these harbours on a tribal basis, rather than on an individual basis.

In this connection I note that you are aware that not all activities on foreshores and coastal waters are covered by the provisions of the Harbours Act 1950. For example the management of the fish and seafood resources is the responsibility of my colleague the Minister of Agriculture and Fisheries under the Fisheries Act 1908.

I appreciate the reasons for your proposals. However the current policy is based on the approach that in crown ownership, all foreshores and coastal waters, including as appropriate harbours, should be preserved and developed for the benefit and enjoyment of all New Zealanders and, therefore, the management of foreshore and coastal waters should be undertaken by a representative local or regional body which can respond to all local conditions. This includes the local or regional body taking into account the views of all community interests and the users of the particular area. Overall the system of a grant of control to a local or regional body for the management of foreshores and coastal waters has proved to be successful with all sectors of the community involved in developmental proposals.

On this basis I prefer to continue the present policy for management of foreshores and coastal waters rather than change to give effect to your proposals which would mean control by one section of the community.

In so far as the Kawhia Harbour is concerned my Ministry is at present processing an application from the Waitomo District Council for a grant of control of foreshore, riverbeds and waters within and adjacent to the District. The Kawhia Harbour is excluded from this proposed grant of control, but I understand that discussions are at present being held between the Waitomo District Council and the Otorohanga District Council with a view to a joint application being made under the Harbours Act 1950 for control of all the waters, foreshore and seabed of Kawhia Harbour. While the Otorohanga District Council already has a grant of control over some areas of foreshore in Kawhia Harbour, a joint application for the whole of the harbour would remove the confusion over who controls particular areas.

In the event of appropriate proposals being finalised they will be advertised and interested parties will have the opportunity to forward their written comments and objections for my consideration.

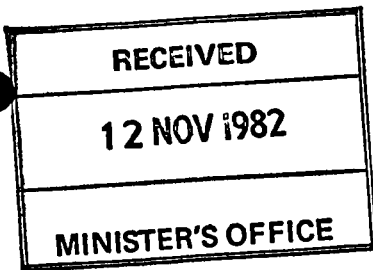
In connection with the Whaingaroa Harbour (Raglan Harbour), the situation is that on 19 November 1979 the Raglan Harbour Board was granted control of all the Harbour's foreshore pursuant to section 165 of the Harbours Act 1950. The Order-in-Council granting control for a period of 21 years was published in the New Zealand Gazette of 29 November 1979 page 3700.

In conclusion I am enclosing booklets published by the Ministry relating to the control of the intertidal zone. If you require further information please write to the Regional Secretary, Ministry of Transport, Auckland.

Yours sincerely

(Sgd) GEORGE F. GAIR

George F. Gair
Minister of Transport

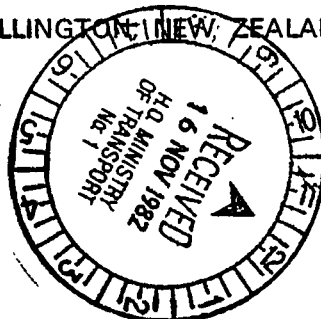


11 November 1982

Minister of Transport
PARLIAMENT BUILDINGS



CMA
54/44/643
54/44/696
MIN 3630
OFFICE OF THE MINISTER OF MAORI AFFAIRS,
PARLIAMENT HOUSE,
WELLINGTON, NEW ZEALAND



TAINUI TRUST BOARD : RAGLAN, KAWHIA & AOTEA HARBOURS

I have received submissions from the Tainui Trust Board who are concerned that these harbours which have been a traditional source of food for the Tainui people are being controlled in a way which pays little regard to the claims of the Maori people.

I am attaching copies of submissions from the trust board and while I do not agree that the Maori people should exercise sole control over these harbours, I would very much like to see the Tainui Trust Board as the representative of the Tainui Maori people being consulted in any future substantial decisions concerning these waters. It would be highly desirable in fact that the trust board was accorded membership of bodies charged with administering these harbours. I would be grateful if you would consider the submissions from the trust board when making decisions on the future administration of these waters.

Jon Lawrence

Minister of Maori Affairs

SECRETARY FOR TRANSPORT

For draft reply.
~~For reply by direction.~~
~~For comments.~~
Referred.

STG/ln
15-12-82



CENTRE FOR MAORI STUDIES & RESEARCH.
University of Waikato

HAMILTON : NEW ZEALAND : TELEPHONE 87-119

17 September, 1982..

The Hon. Duncan MacIntyre.
Minister of Fisheries,
Parliament Buildings.

Dear Mr MacIntyre,

The West Coast Harbours - Kawhia, Aotea, Whaingaroa (Raglan)

On behalf of the Tainui Maori Trust Board I present to you the boards concern about proposed marine farming in the Kawhia Harbour to which the Board has already lodged objections.

As you will know the Board's sense of responsibility for Kawhia and other West Coast harbours extends far beyond an objection to marine farming, being based as it is on the Tainui people's trusteeship and management of marine resources for more than six hundred years.

Yours faithfully,

E.M.K. Douglas.
Research Fellow.

for G. Te R. Rawiri.
Chairman, and
G.H.T. Forbes, Secretary,
TAINUI MAORI TRUST BOARD.

THE TAINUI MAORI TRUST BOARD

West Coast Harbours

Kawhia, Aotea and Whaingaroa (Raglan)

1. Tainui Trust Board's proposal for community control.
2. Objection to Ussher's application for marine lease on Kawhia Harbour.
3. Objection to Rutherford's application for marine licence on Kawhia Harbour.
4. Correspondence from Ministry of Agriculture and Fisheries and from the applicants Ms Rutherford and Watts.
5. Status of the West Coast Harbours in terms of Harbour Authorities.
6. Tainui Trust Board submissions to Waikato United Council.
7. Chronology.
8. Map of the West Coast Harbours, showing Maori interests.

THE TAINUI MAORI TRUST BOARD

Submissions to Hon. Duncan MacIntyre, Minister of Fisheries; on the West Coast Harbours, Kawhia, Aotea and Whaingaroa (Raglan)

September 1982

The Tainui Maori Trust Board, in waiting upon the Minister of Fisheries, wishes to express its deepest concern at the commercialisation of these harbours which they have always viewed as the Tainui tribes' main sources of kaimoana (seafoods). The Board respectfully requests that the Minister -

- (a) not allow the applications for marine farming licences and leases by Messrs Rutherford and Watts and Mr and Mrs Ussher;
- (b) allow the Kawhia, Aotea and, if possible, Whaingaroa harbours to revert to Maori communal control as they have been for all but 50 years of the past 600 years (in the case of Whaingaroa - 90 years);
- (c) allow the Tainui Maori Trust Board to exercise its authority over these waters as the duly constituted and recognised authority;
- (d) to encourage the Tainui Maori Trust Board to manage, conserve and develop the fish, shellfish and other marine resources of these harbours on a tribal basis, rather than on an individual basis.

In support of these requests, the Board wishes to point out that -

1. The majority of the foreshore of Kawhia, Aotea and Whaingaroa harbours are in Maori lands, both in Maori title or European title. At Aotea this represents 80% of the foreshore; likewise at Kawhia this represents more than 80% of the foreshore. At Whaingaroa, Maori lands represent almost half of all the foreshore, but together with Crown land in reserves and harbour board leases, this comprises over half of the foreshore.
2. There are innumerable historic and sacred sites on and around the harbours whose protection has not been secured under present legislative arrangements. Examples include Muriwhenua at the entrance to Kawhia harbour, Raōraokauere on the western shore of Aotea, and the lair of the taniwha Te Atai-o-rongo where sewerage ponds were built in the mid-1970s for Raglan township.
3. In the Turton deeds of sale and other documents transferring land to the Crown or to Europeans, land below high water mark was specifically excluded. It is argued that the beds of the harbours still belong to the descendants of the aboriginal inhabitants of Waikato, never having been alienated.

4. The Tainui Maori Trust Board is actively seeking ways of maintaining the integrity of the tribes' resources, including their land and sea resources. The Board is anxious to ensure that future generations of Tainui people will be provided for and that the relentless individualisation of land titles and their alienation be halted. It is the Board's view that tangible and viable alternatives to individualisation need to be offered to their beneficiaries in order to stop further alienations. The Board believes that communal control and development of communal resources, including the west coast harbours, is a major component in their tribal development programme.
5. The Tainui Maori Trust Board does not consider that present legal arrangements for the control, management and protection of the harbour environments is adequate or efficient. Neither do these arrangements take sufficient cognisance of Maori interests in and around the harbours. Indeed, in respect of the Kawhia and Aotea harbours, the present Harbour Authority is unrepresentative of the community at large. This is also true, but to a lesser degree, for Whaingaroa. Authority under the Harbours Act, vested in the Otorohanga District Council, expires in 1984 in respect of Kawhia harbour. The Tainui Maori Trust Board respectfully urges the Minister to reconsider this authority and vest it in themselves as the representatives of the Tainui people at large.

July 23

2.

Centre of Maori Studies and Research,
University of Waikato,
Private Bag,
Hamilton.

The Minister,
Ministry of Agriculture and Fisheries,
Charles Heaphy Building,
Anglesea Street,
Hamilton.

Dear Sir,

RE N.B. S.A. USSHER

-APPLICATION FOR A LEASE OR LICENCE FOR MARINE FARM
-MARINE FARMING ACT 1971
-EASTERN SIDE OF MOTUTARAKATUA POINT-KAWHIA HARBOUR.

I am forwarding notice of objection to the above application in respect of the following objectors:

--GEORGE RAWIRI,
CHAIRMAN OF THE TAINUI TRUST BOARD,
representing;
THE KAWHIA MAORI COMMITTEE and
THE TAINUI PEOPLE GENERALLY.

Kia Ora,

P. Harris,
E.M.K. Douglas,
on behalf
of the above named objectors.

THE GROUNDS ON WHICH THIS OBJECTION IS BASED ARE AS FOLLOWS;

(1)

THAT the Minister of Fisheries has no jurisdiction to grant Marine Farming Applications in Kawhia Harbour.

Or Alternatively:

(1)

THAT in terms of Section 7 of the Marine Farming Act 1971, the granting of this application would:

- (a) Interfere unduly with an existing usage for recreational purposes of the foreshore and sea.
- (b) Adversely affect unduly the use by the proprietor thereof of any land adjoining or in the vicinity of the area.
- (c) Be contrary to the public interest.

(2)

THAT there has been a failure to comply with the notification requirements in terms of Section 6 (3)(b) of the Marine Farming Act 1971.

THE SUBJECT MATTER OF THE OBJECTION IS AS FOLLOWS:

(1) THAT THE MINISTER OF FISHERIES HAS NO JURISDICTION TO GRANT MARINE FARMING APPLICATIONS IN KAWHIA HARBOUR.

This objection is based on the wording of Article 2 of the English Version of the Treaty of Waitangi which was signed at the Waikato Heads and the Manakau by the ancestors of some of the tribes still resident in Kawhia Harbour.

Article Two as signed by those Chiefs is as follows:

"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...."

The application for a marine farming lease in respect of this objection will affect the traditional Maori Fishing resources on Kawhia Harbour in the Following ways:

The site of the proposed lease is in the middle of a traditional flounder netting and spearing ground which today is still the major supplier of flounder in the Kawhia Harbour.

The site of the proposed lease is close to beds of mussels, pupu, pipi, crayfish and kina. These beds are still used today to supply these traditional food sources.

Refer to Schedule 1 for a detailed map of the proposed farm in relation to existing traditional shellfish reserves.

For the Minister to accept jurisdiction to entertain and decide on applications in respect of such an area is to dishonour and ignore the provisions embodied in Article Two of the Treaty.

It is therefore submitted that this application should be denied on the grounds that the Minister has no jurisdiction to grant such an application.

OR ALTERNATIVELY:

(1) THAT IN TERMS OF SECTION 7 OF THE MARINE FARMING ACT 1971 THE GRANTING OF THIS APPLICATION WOULD:

(a) Interfere unduly with an existing usage for recreational purposes of the foreshore and the sea.

The site of the proposed farm coincides with an area which currently and traditionally has been used for recreation in terms of the gathering of shellfish both by Pakeha and Maori.

The seafood which exists in this area are:

- Kina
- Pupu
- Mussels
- Pipi
- Crayfish
- Flounder

N.B.(Refer to Schedule 1)

The existing usage of these recreational resources will be affected in the following ways;

In the case of flounder, the area in which they can be caught will be reduced by the size of the farm i.e. 3 hectares. This will represent a substantial reduction in the availability of and access to flounder. The fact that this application is in respect of a lease will considerably exacerbate this problem. In addition to effects in terms of the area available and access to the flounder, pacific oysters which drop off the racks and seed in the mud will make netting no longer a viable method of catching flounder. The nets will suffer extensive damage, as well as making the environment unsuitable for the continued presence of flounder.

In support of the proposition that pacific oysters will grow in the mud refer to SHELLFISHERIES NEWSLETTER- A quarterly supplement to Catch '81 on Page 20 where there are photographs of the Pacific Oyster emerging from the mud in Kaipara Harbour. There are also oysters growing in the mud in Kawhia Harbour where the pacific oyster is abundant.

In respect of the other shellfish listed above:

As the pacific oyster is a dominant and prolific species, it will have effects both in terms of competition for food and competition for the available sites. The pacific oyster is capable of growing on mussels and it is feared that this will result in the reduction of that shellfish. In respect of the pipi, mussel and pupu it is also feared that the pacific oyster, in competing for the same food supply, will have detrimental effects on those shellfish.

It is therefore submitted that the usage of the above recreational resources

will be unduly interfered with by the granting of this application.

(b) Adversely affect unduly the use by the proprietor thereof of any land adjoining or in the vicinity of the area.

Approximately 80% of the foreshore of Kawhia Harbour is either Maori land or general land held by Maoris. The use of the Harbour by this substantial proportion of the foreshore land-owners is extensive both in terms of those who actually occupy the land and also the Tainui Tribe as a whole as descendants from the Tainui Canoe. Shellfish traditionally and today is vitally important to these people in terms of;

- provision of seafood associated with the Tainui people.
- Hui, Hospitality and Mana;
- Learning opportunities for the young in their ancestral water environment, e.g. conservation, values and attitudes.

The use of Kawhia Harbour becomes all the more important when it is considered that it is the major seafood supply of the whole of the Tainui people.

Given this extensive and historically important use of the Harbour by these people, as well as the effects described above in (a), it is submitted that such use will be adversely affected unduly by the granting of this application.

(c) Be contrary to Public Interest.

Kawhia is not only the resting place of the Tainui canoe, one of the several great ancestral canoes of the Maori, but it is also the birthplace of the Tainui Tribes which reckon their descent from Hoturoa and other crew members of this canoe.

Many aspects of the Kawhia harbour and its immediately surrounding area are held sacred by the Maori people who live there today. There are a myriad of historical sites, which recall births, alliances, battles, deaths and other events in the long history of the Tainui people. Yet it is not only the local residents who hold these places as sacred, because over the centuries since the beaching of the Canoe, the Tainui people increased and expanded from Kawhia to occupy the land bounded in the North by Auckland and Coromandel, in the Southeast by Tokoroa and Mangakino, and in the West by Mokau. Kawhia has a special historical and spiritual significance for all these tribes, and indeed even for Ngatittoa who migrated from Kawhia to Horowhenua and Raukawa-moana last century.

In addition, the economic importance of Kawhia as the seafood basket of Tainui cannot be minimized. As in the Tribal saying:

"Kawhia moana, Kawhia kai, Kawhia tangata"

"Kawhia is the sea, Kawhia is the food source,
Kawhia is the essence of the people."

Under Tainui tribal lore, the ancestral rights entrusted to the Tainui people as a whole, carries with it specific obligations, expectations and responsibilities towards the Kawhia harbour as the birthplace and food basket of thier peoplehood. Such obligations and responsibilities can best be expressed through the Tainui peoples own tribal institutions.

Therefore it is submitted that:

(i) the Tainui people have had more than 600 years of continuous occupation and management of the Kawhia harbour, its food supplies and the surrounding lands, and ;

(ii) as the vast majority of the Harbour foreshore still remains in the hands of the Tainui Maori people, it is not in the public interest that this occupation and management be eroded by the granting of this lease (licence), and ;

(iii) it is in the Public interest that the future management of the Kawhia Harbou's seafood resources be through the tribal and subtribal institutions maintained by the Tainui People as a whole.

(2) That there has been a failure to comply with the notification requirements in terms of Section 6 (3)(b) of the Marine Farming Act 1971.

The properties directly adjacent to this proposed marine farm are:

- (a) Land owned by Ussher.
- (b) Land owned by Charles Turnbull and Leased by the Mangaora Incorporation.
- (c) Land owned by the Dept. of Lands and Survey-(a scenic reserve.)
- (d) Land owned by the Mangaora Incorporation.

(These properties and their relation to the proposed site are shown in Schedule 1)

It is in respect of the land owned by Charles Turnbull, CT 6B/165, and the land owned by the Mangaora Incorporation that the mandatory notification requirements have not been satisfied.

Neither Charles Turnbull's Estate, nor the Mangaora Incorporation have been sent a copy of the notice by registered post before the date of publication of the notice.

It is submitted therefore that in view of this ommission to comply with the mandatory notification provisions in section 6 (3)(b) that the application should be declined.

THEREFORE

In considering this application to develop a pacific oyster farm,

GEORGE RAWIRIR,

CHAIRMAN OF THE TAINUI TRUST BOARD,

representing;

THE KAWHIA MAORI COMMITTEE

and

THE TAINUI PEOPLE AS A WHOLE

Respectfully request the Minister to decline this application for a Marine Lease under the Marine Farming Act 1971 in view of the submissions above and the long established relationship of Maori with land and water that is owned and or used by the descendants and which continues to meet their traditional, cultural and spiritual well-being.

Dated at Hamilton, this 23 day of July, 1982.

P.Harris,
E.M.K. Douglas,
Centre for Maori Studies and Research.



Ministry of
Agriculture
& Fisheries

4.

IN REPLY PLEASE QUOTE

Private Bag,
Hamilton, New Zealand.
Telephone: 81 949

August 25 1982

The Chairman
Tainui Trust Board
Centre for Maori Studies and Research
Waikato University
Private Bag
HAMILTON

Dear Sir

MARINE FARM APPLICATION : MESSRS RUTHERFORD AND WATTS

With reference to your letter of July 23 objecting to the above application. I advise that your objection has been received outside the statutory time allowed for the receipt of such objections.

Under Section 6(5) of the Marine Farming Act 1971, objections to any application must be made within two months after the date of the first publication of the notice advertising the application.

In this case the application was first advertised on February 13 1982, the closing date for the receipt of objections being April 13 1982.

We will therefore treat your objection as a submission to the application and record and relevant points when writing the report.

Yours faithfully

C E Paterson (Mrs)
for Executive Officer

7/6/30

MARGARET J. MARINE LTD.

COPY TO MINISTRY OF AGRICULTURE & FISHERIES, HAMILTON.

TELEPHONE 87649

MURFORD STREET,
KAWHIA.

69 MANGOREI RD
NEW PLYMOUTH

5th August, 1982.

Mr. I. Harris, Mr. T. Douglas,
Centre for Maori Studies & Research,
Hamilton.

Dear Sirs,

We object to an application for a mussel farming licence
in Kawhia Harbour by A. E. & A. J. Rutherford and A. J. Rutherford
dated 23rd July, 1982.

- (1) In invoking Article 2. of the English version of the Treaty of Waitangi signed at the Waikato Heads and the Manakau as an objection to our proposed marine farm, we the applicants, feel that we have just as much right to utilise the natural resources of Kawhia Harbour as any other New Zealand citizen.
- (1a) The existing right of navigation from Waipapa Marae to the piri bed is not valid, as the route so marked on the map supplied would require an high tide to successfully navigate there and back. It should be pointed out that at that stage of the tide, the beds are covered with water. When the pipi bed is exposed, access by water from Waipapa Marae is impossible, as most of the navigable way becomes a mudflat.
- b. We do not feel that "competition for food" is a valid objection, as the food source is replenished every twelve hours from the sea when the tide floods and ebbs.
During the eleven years we have operated in Kawhia, we have noticed phenomenal growth patterns in mussels, indicating an abundance of food available, and feel that the mussels we may farm will not unduly reduce the vast food source entering the harbour twice a day.
With regard to the annual whale-boat race, a straight line drawn from the wharf to Motutarakatua Point shows that our proposed farm is well clear, and would be in no way restrictive to the safe navigation of the said whale-boats.
- c. The proposed farm being totally water-orientated and restricted to a channel, is at all times surrounded by water, and will in no way affect the foreshore of the harbour or the use thereof.
- d. If our proposed farm proves viable (i.e. economic) we are hopeful that in the future it will create job opportunities in an industry new to the area. It would therefore be in the public interest, and would in some small way contribute to the future progress of Kawhia.
- (2) In filing our application, we carried out the instructions of the Ministry re notification requirements exactly as indicated, and in our opinion have not failed to comply with the regulations.
I would like to point out that A. J. Rutherford attended a meeting of the Maketu Marae Elders before the application was lodged, and informed those present of exactly what was proposed by the applicants. He has since attended another meeting at the same Marae to attempt to relieve some of the concerns of the local Maoris.
We have always been quite open about our application, and have always endeavoured to meet all requirements as laid down by the Ministry of Agriculture & Fisheries.

Yours faithfully,

A. J. Rutherford.

THE WEST COAST HARBOURS: KAWHIA, AOTEA, WHAINGAROA.
Status in Terms of Harbour Authorities.

1.0.

KAWHIA HARBOUR

Kawhia Harbour is within the boundaries of two local authorities; Otorohanga District Council and Waitomo District Council and falls under the general area controlled by the Foreshore and Harbours Division of the Ministry of Transport in Auckland.

The Foreshores and Harbours Division of the Ministry of Transport in Auckland has delegated some of its powers in terms of the Harbours Act 1950 to the Otorohanga District Council and that is vested to them by an Order in Council dated 21 February 1963. (New Zealand Gazette no.13, p.234.) This Order only concerns a very limited portion of the foreshore of the Harbour and as such is a long way removed from a Harbour Authority.

The area is outlined in the First Schedule:

That portion of the foreshore of the Kawhia Harbour in the South Auckland Land District, Otorohanga County, as shown on N.Z.M.S., Sheet N.73, commencing at Tauratahi in Block IX, Kawhia North Survey District, and Reference 310107, and extending north-easterly to a point on the said foreshore in Block X, Kawhia Survey District, grid reference 355140. As the same is more particularly delineated on the plan marked M.D. 11456, deposited in the Marine Department at Wellington, and thereon bordered red.

"Foreshore" is defined as meaning;

"such parts of the bed, shore, or banks of a tidal water as are covered and uncovered by the forward ebb of the tide at ordinary spring tides."

This grant, made in respect of the foreshore from the north head of the harbour to the vicinity of the Kawhia town wharf, was made for only 21 years and is to expire on 14th February, 1984. (under Schedule II, 10.)

It would not be an exaggeration to say that there exists confusion amongst the respective local authorities over who controls the Harbour and the extent of that control. It became apparent from our communications with Otorohanga District Council that they had only recently found out that their authority was as limited as the Order in Council states and their assumption that the Waitomo District Council exercised some control over the Harbour proved incorrect.

The Trust Board does not consider this arrangement to be in the best interests of the community. Authority over the harbour is divided between a distant department in Auckland and a local authority which appears confused about its responsibilities and authority over that part of Kawhia harbour which has been vested in them. It is submitted that such a system of control falls far short of the requirements of the Kawhia community which comprises the owners and residents who are predominantly Maori, especially given the importance of the area to the Tainui people as a whole.

2.0

AOTEA HARBOUR

Aotea Harbour falls within the jurisdiction of the Foreshores and Harbours Division of the Ministry of Transport in Auckland and none of its powers have been delegated to a Local Authority or any other body under the Harbours Act 1950.

Maori ownership of the surrounding land is even more pronounced in respect of Aotea Harbour and it is felt that like Kawhia Harbour, the special needs of the local people and the Tainui people as a whole would be better served and protected if the proposals of this Board were put into effect.

3.0

WHAINGAROA (RAGLAN) HARBOUR

Raglan Harbour is within the boundary of the Raglan County Council also within the Foreshores and Harbours Division of the Ministry of Transport in Auckland these powers have been delegated to Raglan County Council under an Order in Council dated 27th January, 1894. The extent and power of this Harbour Board under that Order in Council are set out below.

Whereas it is amongst other things provided by section 242 of "The Counties Act, 1866", that, in any place where there is no Harbour Board, the Governor, on the request of the Council of any County bordering on any estuary or arm of the sea, may, by Order in Council duly gazetted, declare that such Council shall, from a date to be fixed in such Order, exercise all the powers of a Harbour Board within such limits of such estuary or arm aforesaid as the Governor may define for that purpose.

Page 2

And whereas the Council of the County of Raglan, which borders on the estuary or arm of the sea known as Whaingaroa Harbour, in the Provincial District of Auckland, has requested that it may be declared that it shall exercise all the powers of a Harbour Board within that estuary or arm of the sea:

And whereas it is desirable that such request should be acceded to, and that the limits of such estuary or arm of the sea should be defined as hereinafter appears:

Now, therefore, His Excellency the Governor of the Colony of New Zealand, in pursuance and exercise of the hereinbefore-recited power and authority, and by and with the advice and consent of the Executive Council of the said colony, doth hereby declare that, from and after the first day of March, one thousand eight hundred and ninety four, the said Council shall exercise all the powers of a Harbour Board within the limits of the estuary or arm of the sea hereinafter set forth, and which said estuary or arm of the sea is called Whaingaroa Harbour.

The Order in Council then goes on to recite the area of the Harbour which includes the whole of the Raglan Harbour.

The great difficulty that has surrounded our objections and the preparation of these submissions highlight the Tainui Maori Trust Board's case for reviewing and rationalising the control of their West Coast Harbours which the Board considers to be unsatisfactory, and not representative of the real interests of the Maori community which the represent here today. The Board respectfully requests that the Minister of Fisheries unify control of these harbours under its authority.

6.

August 30, 1982

Centre for Maori Studies and
Research,

University of Waikato,

Private Bag, Hamilton.

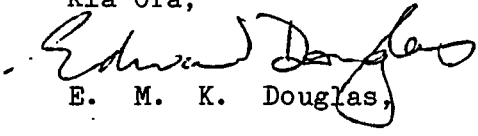
The Principal Officer,
Waikato United Council,
P.O. Box 937, Hamilton.

Dear sir,

RE PRELIMINARY DISCUSSION DOCUMENT-WAIKATO REGION.

We have enclosed comments and suggestions about the place of Maori interests within planning for the Waikato Region. They are generated as our response to the planning objectives outlined in the above-named document. Further, they were encouraged by the provisions outlined in the document itself which aim to meet the needs of all people in the region, as a part of multicultural New Zealand society. We consider that they should be incorporated into the regional planning scheme to ensure the promotion and protection of the interests of the Tainui Maori people in particular, but also of all Maori people living in the Waikato.

Kia Ora,


E. M. K. Douglas,

Research Fellow.

On behalf of George Te R. Rawiri,
Chairman,

Gordon. H. Forbes, Secretary,

Tainui Maori Trust Board, 11
Knightsbridge Place, Hamilton

1.0

C.E. - CULTURAL AND ETHNIC ATTRIBUTES

1.1

THE WAIKATO RIVER SYSTEM

We most strongly recommend that the Waikato River, in terms of the cultural, traditional and spiritual importance to the Waikato Maori as a whole be expressly recognised and provided for in the Regional Plan.

The significance of the river to the Waikato people has been concisely and accurately expressed by Dr. Michael King in his biography of Te Puea. The following is an extract from that book:

"More than any others in New Zealand, the tribes of the Waikato Valley are a people. Five centuries of continuous occupation of its banks have embedded the river deep into the group and individual consciousness.

"Initially, it drew Tainui canoe descendants in from the West Coast and hill country for purely practical reasons. It made the process of survival less arduous. There was food in the river and its swamps and tributaries - eel, freshwater crayfish, whitebait, mullet, shellfish, water fowl, and wild vegetables. The waterways provided irrigation for kumara, taro and hue. They offered a network for travel and communication.

"The river was an inexhaustible source of cleansing, refreshment and recreation. Its curving course and proximity to low hills created easily fortifiable positions, some of which proved impregnable. With use, the river acquired easy familiarity for the inhabitants; but never contempt. The power of its sluggish flow was awesome - tameable by craft, but unstoppable when winter and spring floods disgorged over banks and inundated homes and gardens.

"The river's associations grew and ripened with the history of the inhabitants until memories of heroes and villains, of battles, significant journeys and natural disasters, of settlements erected and destroyed - all became part of the river's story, all were commemorated in names and features along its banks. The life of the river became inseparable from the life of the people, and each took the name of the other.

"The water also assumed religious significance. The Waikato was addressed in prayer and oratory as a thing with a life and aura of its own; the spirits of the dead were believed to mingle and move with its currents; the people and their characteristics were described in proverb in terms of the river's features; and its stretches and bends were populated with guardians called taniwha who showed themselves and intervened in human affairs when signposts of a supernatural order were needed. The river became a source of spiritual as well as physical cleansing. Whenever Waikato people were sick, uncertain, or about to undertake a journey or new venture, the advice of their priests was always the same: "Haere ki te wai", 'go to the water'. And at the water they would pat the surface, invoke the ancestors there, and turn in the direction of the rising sun and sprinkle themselves.

"More than any other gesture, living alongside the river was an affirmation for Waikato people of who they were and what they were. The river's associations would be reinforced daily by visible characteristics that suggested a pattern of life and activity independent of its course to the sea. Eddies and currents whirled on the surface, sometimes running back on themselves and causing the water to flow upstream along the banks. Branches of waterlogged trees broke the surface and trembled and vibrated. And, in particularly in winter, fogs rolled off the water and blanketed the whole valley for days at a time, often during a period of mourning. When these coincided with frosts, it was as if a new ice age had risen out of the earth - grass and thistles stood stiffly, trapped in white crystals that seemed like a death shroud in the dull light, but which danced when the sun finally broke through to the warm earth."

In terms of section 3 (1)(g) of the Town and Country Planning Act 1977, this relationship is surely one accredited with the status of national importance.

Given the nature and importance of the Waikato River to the Tainui people, it is felt that these people through their representatives should be involved with planning decisions affecting the total river system. To some extent this has been endeavoured to have been undertaken in past years but in a negative way in terms of objecting and appealing against Town Planning decisions.

What is needed is a more positive involvement in the future management of the river by consultation and the hearing of submissions from the Tainui people before projects with planning significance on the river are undertaken.

Inherent in this proposal would be the following, which we recommend to you :

1. Representation on the Waikato Valley Authority by a representative of the Waikato tribes.
2. Express recognition of the significance of the river to the Tainui people and protection of it in the proposed regional plan.
3. Notification to a recognised representative of the Tainui people where any proposed work of planning significance is to be undertaken on the Waikato river.
4. Direct representation of the Tainui Maori Trust Board on the Waikato United Council in the same way that the various territorial local authorities are directly represented.

1.2

THE WEST COAST HARBOURS

That Kawhia Harbour as the birthplace of the Tainui people and the major seafood supply for the descendants of the Tainui canoe, plus Aotea and Raglan harbours as integral parts of the identity of the Tainui people be expressly recognised as such and protected in terms of future planning for those areas.

To emphasise this importance a short explanation of those areas will be outlined:

1.2.1 KAWHIA HARBOUR

Kawhia is not only the resting place of the Tainui Canoe, one of the several great ancestral canoes of the Maori, but it is also the birthplace of the Tainui tribes which reckon their descent from Hoturoa and other crew members of this canoe.

Many aspects of the Kawhia Harbour and its immediately surrounding area are held sacred by the Maori people who live their today. There are a myriad of historical sites, which recall births, alliances, battles, deaths and other events in the long

history of the Tainui people. Yet it is not only the local residents who hold these places as sacred, because over the centuries since the beaching of the canoe, the Tainui people increased and expanded from Kawhia to occupy the land bounded in the North by Auckland and Coromandel, in the southeast by Tokoroa and Mangakino, and in the west by Mokau. Kawhia has a special historical and spiritual significance for all these tribes, and indeed even for Ngatitoa who migrated from Kawhia to Horowhenua and Raukawa-moana last century.

In addition, the economic importance of Kawhia as the seafood basket of Tainui cannot be minimized. As in the tribal saying:

"Kawhia moana, Kawhia kai, Kawhia tangata" ;

"Kawhia the sea, Kawhia the food, Kawhia the people".

Under Tainui tribal lore, the ancestral rights entrusted to the Tainui people as a whole, carry specific obligations, expectations and responsibilities towards the Kawhia Harbour as the birthplace and food basket of their peoplehood.

1.2.2 AOTEA HARBOUR

Like Kawhia, the majority of land around Aotea is still in Maori hands and the harbour and the surrounding lands have been used, in conjunction with neighbouring Kawhia, as a food source for the wider Tainui community. According to Tainui tradition, the seed kumara brought on their canoe were first planted at Aotea and from there were dispersed throughout the tribal area and beyond. At Kawhia and Aotea, the rival suitors Turongo and Whatihua built beautiful carved houses to court the Ngati Ruanui virgin Ruaputahanga. Both harbours and their immediately surrounding lands are accordingly enshrined in the tribe's oral history as historical places of great significance.

1.2.3 WHAINGAROA (RAGLAN HARBOUR)

Raglan Harbour like the two others immediately to the south of it, has always been an important food source, supplying Maori gatherings in areas far beyond its immediate vicinity as well as sustaining a local population with its daily seafood needs. In terms of its other historical significance, it should be remembered that Raglan was the site of the first proclamation of territorial rights by the Tainui people, a site of historical significance at least as important as the Early Settlers Monument on the Petone foreshore of the Wellington Harbour. When the Tainui canoe explored the west coast for the first time, one of the outriggers was sent ashore for fresh water at Te Whaanga (now called Whale

Bay) and from the summit of nearby Karioi mountain, the tohunga Rakataura made first claim of the Waikato valley for the Tainui people.

We therefore recommend as follows :

1. A management policy for all three harbours. This is lacking at the moment. This would be best achieved by using the tribe's own institutions, (such as the Tainui Trust Board,) Except for the last 60 years, the tribe has been responsible for such management over the last six centuries.
2. In terms of section 3(1)(g) of the Town and Country Planning Act 1977, the express recognition of the above relationships in the regional plan and further the protection of this relationship.
3. Consultation with appropriate representatives of the Tainui people over all matters with planning significance over these three harbours.
4. Recognition of the Tainui Trust Board as an organisation which should be contacted in regard to any works that may affect lands of spiritual and ancestral significance to the Maori of Waikato, the King Country and Hauraki.

2.0

C.F. - COMMUNITY FACILITIES.

2.1

MARAE AND PAPA KAINGA

Marae are mentioned in paragraph 1 of the community facilities section as being included in the wide range of institutions which constitute community facilities. Yet it is stated that only some of these facilities are the direct responsibility of regional or local government.

Located within the Waikato, there are two marae of national significance viz. Turangawaewae at Ngaruawahia and Waahi Pa at Huntly, which together operate as headquarters for the Kingitanga. This is not meant to detract from the importance of regional or local marae, which all together form a region-wide network of

community facilities which has significance far beyond the borders of the United Council's domain. It is submitted that marae are the direct responsibility of local or regional government, not in terms of management or financial obligations, but in terms of recognition of their importance to the educational, recreational and cultural aspects of a multicultural community. Further there is a direct responsibility to recognise and provide for this in the objectives of the Waikato Region. Town Planning is also concerned with Public Works and matters of general public benefit and it is in this area that the relationship of the Maori people, their culture and traditions to their ancestral land, is of the utmost significance.

Kaumatua housing adjacent to marae is a successful policy which must be continued. The elderly should not be divorced from the community however, and we would support the extension of kaumatua housing to other Maori group housing. We consider it important that in some circumstances the units provide sufficient room for grandchildren to stay with their grandparents during vacations.

We propose therefore

1. that the objectives of the community facilities section should be amended to provide for recognition of their importance to the educational, recreational and cultural aspects of a multicultural society and to ensure the continuance of marae networks throughout the Waikato.
2. that the national importance of both Turangawaewae and Waahi be appropriately provided for in the regional plan's provisions.
3. that "Ancestral Land" would be defined as meaning Maori land and any other land of special significance to the Maori people.
4. Where a question of the relationship of the Maori people to their ancestral land arises on any town planning appeal, the Appellate tribunal shall sit with a Judge of the Maori Land Court.
5. It should be made clear that local authority consent is not required for the setting apart of land as Maori reservations.
6. Maori reservations should be shown as such on district schemes.
7. The Maori Land Court may define the powers of the trustees of a Maori reservation in a trust order and may include therein provisions for the erection and control of improvements.

8. The local authority may be heard on any provisions in the nature of ordinances and the controls or restrictions necessary in the interest of health and safety, and an appeal on that aspect shall lie to the Planning Tribunal.
9. The Maori Land Court may permit of the mortgaging and the long term leasing of Maori reservations (other than marae) where that is necessary to support the completion of improvements consistent with the reservation, or where the reservation is a rahui the income from which is used to sustain marae or other general tribal projects, and a long term lease is necessary.
10. that kaumatua housing on or adjacent to marae be a regional policy objective and that all local authorities and the United Council be enjoined to carry this policy through.

3.0

S.R. - SETTLEMENT IN RURAL AREAS

It is anomalous that matters of Public interest and Maori interest should be weighed in the balance by those with little knowledge of the latter, particularly as there are some areas where we consider that the Maori interest should prevail as of right where Maori land is involved.

The concept of ahi ka has been known to the Maori Land Court since the first investigations of Maori titles were undertaken over a century ago. The Maori Land Court has an intimate knowledge of the complexities of Maori titles and owner groupings. It is anomalous that the Maori Land Court's jurisdiction is subject to the prior scrutiny of local authorities and planning tribunals with no specialist knowledge in these areas.

In 1967, the Maori Land Court lost the power it had had for some 100 years to partition land for the housing and settlement of our people. The control of our traditional rights of occupation and shared use become vested in local authorities. More recently, the Town and Country Planning Act 1977, declared that the relationship of Maori people and their culture and traditions with their ancestral lands was of national importance in planning matters. We applaud the spirit of the 1977 legislation but we deplore the reality that it has not resulted in any significant relief to Maori owners seeking to build on their land. To belong to the land, but to be unable to live on it, makes nonsense of our traditional conception of iwi and whenua. To be seeking a home in some distant town while knowing that one's own land is neither saleable nor available for building upon makes nonsense of our conception of the land as an asset of any sort. To be compelled to

a life within city walls is to compound social problems that are already apparent, especially when one would otherwise seek to make a living on the land. To create a situation where only the affluent can return to rural surrounds is to harvest the seeds of discontent already sown amongst those whose forbears suffered the loss of the land by confiscation, by compulsory seizure or by other means.

Town Planning has been with us for thirty years. It has inhibited the development of rural settlement on Maori lands, and continues to do this. This may be because town plans do not adequately cater for Maori circumstances. It may also be that the cost of planning consents and appeals, serves only in the interests of those who can afford to speculate on the outcome of them. But in the case of Maori land it is also because Maori land laws themselves do not adequately cater for our needs.

We propose a less expensive and simpler procedure for Maori land through the Maori Land Court to overcome many of the present barriers to rural resettlement under existing town planning, local authority and Maori land laws. In doing so we recognise that town planning can be an effective instrument in the establishment of better models for Maori housing development and that there are areas of planning in which the Maori Land Court has no expertise.

3.1.

BUILDING HOMES ON RURAL MAORI LAND

We propose: That Maori owners be given the right to build on their land subject to the restrictions below.

1. Where an owner seeks an unrestricted title for his shares in the land, he will be subject to the same laws affecting all people. He will be unable to partition his shares through the Maori Land Court without the prior approval of the local authority. Should he get that, and should the owners and the Maori Land Court approve the partition, he will be free to obtain the usual certificate of title. This of course, is the present law.
2. In any other case however, the Maori Land Court may issue an occupational licence for any area of land. For the purposes of loans however, the licence will in all respects be a freehold certificate of title for that part, as described below.
3. More particularly, the Maori Land Court may, and with or without planning consent or local body approval and subject only to a hearing at which all owners and the local authority

may object, delineate a house site and surrounding area sufficient for that person's needs, and issue a title for that part in the name of the owner subject to a restriction upon alienation that the land may not be sold (except upon a mortgagee sale), leased, occupied or willed to other than a member of the owners whanau or the iwi associated with the land as approved by any trustees appointed by the Maori Land Court for the parent title or, the Tainui Trust Board. However, the District Land Registrar shall issue a title for that part subject only to the restriction on alienation as provided for in the Act, and in which it would be clear that the restriction does not affect any mortgage or other charge.

4. It shall not be necessary that the area so defined should adjoin a legal road provided the Maori Land Court is able to define rights of ingress and egress over the parent title or other lands and provided that in the event of a mortgagee's sale or a sale of the parent title the Maori Land Court shall be obliged to lay off a right of way in registrable form to secure access.
5. Any authority may be heard on the necessities for controls or conditions affecting housing densities, road surfacing, drainage, water reticulation, access to public roads, the suitability of the ground for housing or other matters relating to health and safety. They may be heard as well on any desirable controls to provide some uniformity in house designs. The Maori Land Court may impose conditions relative to any of these matters. An appeal would lie to the planning tribunal limited to matters on which the authority may be heard.
6. We propose that building permits may not be denied to the owners of existing Maori Land Court partitions save upon the grounds that the proposed building on the particular land would be contrary to health and safety standards.
7. Subject to the hearing of objections from owners and provided there is a reasonable degree of consent, where an individual's shares are insufficient for the allotment sought, the Maori Land Court may direct payment of a cash sum or a ground rent to any trustees for the land. In the event of a default in payment of rent, the Maori Land Court may limit occupancy rights for any specified period not less than the term of any mortgage and order that the land shall then vest in the trustees to hold for the owners as a whole.
8. Where an individual has insufficient shares and others of his whanau are prepared to gift their shares to make up the deficiency the Maori Land Court may declare that while the Land

Transfer Office shall record the name of one person as owner, he shall hold the same in trust for himself and the owners for their shares. If the owners so require, the Maori Land Court may direct the payment of a ground rent for distribution or for payment to a fund to assist with family tangi and hui. In default of the payment of rent, the Maori Land Court may limit the occupancy rights for any specified period not less than the term of any mortgage and thereafter establish a family trust in respect of the land.

9. Subject to proper notices to owners and the hearing of any objections, where existing partitions for housing sites are already multiply owned and it is impracticable for any one owner to acquire sole title, but there is already an owner on the land or an owner ready, willing and able to build, the Maori Land Court may declare that the Land Transfer Office shall record the name of one person as owner, but at the same time provide for a trust along the lines of the last clause above.
10. In the case of existing Maori Land Court "subdivisions" as well as proposed new residential development areas on Maori land, the Maori Land Court will be encouraged to appoint over-all trustees to assist it in determining occupancy rights, ground rent matters, over-all design, the person to whom sections may be transferred and the like. The Maori Land Court may set out a trust order delegating to the trustees the decisions to be made provided however, that in the event of a dispute no person shall be denied final access to the Maori Land Court as a matter of last recourse.
11. In the case of urban subdivisions on general lands, the various owners may agree to voluntarily place restrictions on the alienation and in that event the Maori Land Court may appoint over-all trustees and define their powers in accordance with any agreements that may have been reached. The Department of Maori Affairs may establish group housing schemes on general land on the basis that those taking up sections will do so within the framework of any trust order approved by the Maori Land Court. The land may be made Maori land.
12. In the case of existing Maori villages of special significance, the Maori Land Court may upon application appoint over-all trustees for their general control and the control of building designs, alienations and other matters already referred to, notwithstanding the objections of some owners but provided there is a degree of consent, and may direct that the matter of inalienability of sections (other than by mortgagees sale) be recorded on any titles.

3.2

HOUSING ON PASTORAL AND FORESTRY LEASES

It is regrettable that many long term leases of Maori land for both pastoral and forestry farming purposes, were entered into at a time when the prospect of Maori owners living on the land seemed somewhat remote. We consider that even forestry schemes should not inhibit the development of small housing clusters. Where land is subject to existing leases, and the Maori Land Court is satisfied that it is practicable for houses to be erected on parts of the land without unduly prejudicing the operations of the leasee, and that an abatement of rental or other allowance to the leasee is practicable, we believe that the Maori Land Court should be empowered to exclude land from the lease for any of the purposes above. we consider that for all future leases, adequate provision must be made for occupation of parts of the land on a permanent or temporary basis by any Maori owners, and that the regional plan be ammended to make provision for this type of housing development.

With the cooperation of the various local authorities and the Waikato United Council, we would encourage the Department of Maori Affairs, Maori Incorporations and Maori Trusts handling major farming stations on Maori land to actively promote the settlement of retired and other owners upon the land. We envisage that individual cases could be provided within the proposals outlined here but we would encourage them to go further. We are of the view that such Maori land incorporations and trusts may themselves build homes upon the land for the use of their shareholders, charge any shareholders dividends, and the dividends of other of their whanau prepared to gift their shares to assist one of their number, to meet the payment of rent. We recommend that the cost of erecting such homes, be tax deductible, upon the basis that it is in the nature of a social service. We also consider that in this instance, town planning consent would be required, and that in the event of an appeal a judge of the Maori Land Court should sit with the appellate authority. We recognise that for many owners their only opportunity to return to the land is during vacation periods. We propose therefore:

1. that the Maori Land Court may delineate areas as camp sites and provide also for the erection of cabins and communal facilities. Except where local authority approval has been given to the use of any area as a camping ground, such areas shall be limited as to user to whanau of those related to the land. The Maori Land Court may appoint trustees for any such area and if the owners agree, may provide for any part of the income from the parent block, to be applied to the maintenance and support of the camping ground area. The Maori Land Court shall have regard to any recommendations of any authority affecting health and safety and provide for the same in any trust order. The areas so delineated may be set apart as Maori reservations.

2. In the event of any mortgagees sale of any house site area, the nett proceeds shall be paid into the Maori Land Court and that court shall give directions as to the disposal of the funds having regard to any underlying trusts.
3. In all matters of doubt the Maori Land Court shall determine occupancy and other rights.
4. that with the consent of the committee of management in any particular case, any of the above provisions may be made applicable to incorporations as though the owner shares were shares in the land.
5. The above provisions are directed primarily to the settlement of individuals on the land at their request. Where trustees or others administering Maori land propose major subdivisions or close settlement arrangements, local authority consent shall be required as at present.

4.0

AQUISITION OF MAORI LAND FOR PUBLIC WORKS

Again we take as our starting point the principle contained in section 3 (1) (g) of the Town and Country Planning Act 1977, that the relationship of the Maori people, and their culture and traditions to their ancestral lands, is a matter of national importance. We consider that to be so and in our view it requires that public works should not result in a loss of the freehold by Maori owners, nor should it result in the quantum of Maori land being further diminished.

We recognise that public works are also of national importance and accordingly we are prepared to seek some middle point of solution. We consider that the concept of a negotiated lease is a preferred alternative to the compulsory acquisition of the freehold in the case of Maori land.

We do not consider a lease, licence or easement arrangement as impracticable. We understand that the Crown is willing to entertain long term leases for reserves. We understand that in other countries no native lands can be absolutely taken and even major through highways are secured by easements with annual rental provisions and reviews.

At Te Ohaki on the Waikato river the New Zealand government has negotiated a long-term lease with the Ngati Tahu for the purpose of building a geothermal power station. By mutual agreement, both parties preferred a lease to compulsory purchase. Not only overseas therefore, but here in New Zealand too, the precedent has been set, and we believe that this is far more

equable than having the land taken permanently for whatever reasons. It also accords with our peoples belief that the present generation are merely trustees of the tribe's resources which have been handed to them by our antecedents and which are held for future generations of Tainui descendants.

At present, the usual course is that the Court appoints selected owners as agents to represent the owners as a whole. Some modifications are desirable.

We propose:

1. In all cases, and for all Maori lands other than Maori reservations, the taking authority must apply to the Maori Land Court for an assessment of whether or not it is necessary or desirable to appoint agents or trustees to represent the owners, or whether it is necessary to extend the powers of any existing trustees.
2. Where the Maori Land Court considers the matter warrants consideration by the owners before any decisions are made it shall direct notices to owners of a special sitting and direct that the taking authority be represented to outline its proposals.
3. Before making any determination as to the appointment of agents or trustees the Court shall be satisfied, that except where in all the circumstances the taking is of a minor nature, there is a reasonable proposal for a lease exchange arrangement or that the proposed work is to be dealt with by way of lease, licence or easement arrangement.
4. Where the Court is satisfied as to the above, it shall determine whether the appointment of agents or trustees is necessary or desirable. If so it shall make appointments and define the agents or trustees powers or extend the powers of any existing trustees.
5. The Court may appoint any Maori trust board, runanga (council) or other authority as trustee.
6. In defining the agents or trustees powers the Court may make provision for the disposal of any lump sum or rent compensation.
7. In the case of Maori land, any time limits in the Public Works Act or in these provisions shall be deemed to run from the date on which the Court determines the appointment of agents or trustees.

8. Public Works in respect of Maori land shall be effected only through orders of the Maori Land Court. The Court shall be empowered to make orders
 - To vest land in any taking authority where in its opinion the taking is of a relatively minor nature.
 - To prescribe the terms of any exchange leases.
 - To prescribe the terms of any lease, licence or easement (any restrictions on leasing contained in the Maori Affairs Act having no application to this part).
9. The Maori Land Court shall make any of the above orders to effect, any agreements with the agents, trustees or owners unless it appears to the Court that the settlement is unreasonable, and may complete any parts of any agreements that are incomplete.
10. Where the works are essential works and an agreement has not been reached within 6 months or such further time as the Court may allow, and if the taking authority shall then require, the court shall hear the matter and unless it is satisfied that other land is not reasonably available and that the amount of land sought is reasonable for the proposed use, it shall make one or more of the above orders, and, as the case may require, determine the quantum of compensation, the terms of the exchange leases, or the terms of any lease, licence or easement arrangement.
11. Where it is impracticable so to do, the Court may make orders, or partial orders, or declare an intention to make orders, and defer any matters of compensation or detail to a subsequent hearing so that the works may, in the meantime, proceed. An appeal shall lie direct to the High Court on any determination in the above matters.

We consider that there is room for improving the basis on which compensation is assessed. We favour the comments in the report of the Royal Commission on Rangatira B and C, (p.27) in respect certain proposed reserves on Maori Land adjoining Lake Taupo:

"A 'willing seller, willing buyer' approach may not be a proper compensation in view of the national and local importance of the area, of which importance there was abundant evidence before the commission. The Maori owners should not be asked to make an undue contribution to the national and local amenity provided by the preservation of Lake Taupo and its environs."

It is recommended that if compensation cannot be agreed on in the event of the said land becoming (or substantially becoming) a reserve, then a special

Tribunal be set up consisting of a Judge of the High Court (or other suitable person of present or past judicial standing) as Chairman and two members one to be appointed by the Crown and the other by the owners. Such a body should not be trammelled by such concepts as "willing seller, willing buyer"; but should fix a fair and just compensation for what is a very important national and natural asset retained for the preservation of a highly desirable feature of a unique part of New Zealand."

Many Maori lands are of historic and traditional significance, and contain special natural resources that Maori people have enjoyed, and these factors too should be brought into account in assessing compensation or lease details, and in assessing their continued contribution to the national and regional environment for the future of us all, Maori or not.

5.0

IN CONCLUSION

The area covered by the Waikato United Council covers a substantial proportion of the Tainui tribal lands, but these later extend beyond the council's boundaries in the north, east and south. Within this area there lives a substantial proportion of Maori people - approximately one in ten of all Maori. While they comprise twelve percent of the area's population at present, because of higher Maori growth rates, by the beginning of the next century the Maori population of the united council's area is expected to be more than twenty percent.

Despite the often stated belief that our identity as a nation rests in the Treaty of Waitangi signed first of all in the Bay of Islands in February 1840, it is our belief that the practical nature of our learning to live together as two people in one nation has been put to its greatest test here in the Waikato where relationships between our two peoples have often been bitter and from the Tainui people's perspective have not yet been satisfactorily resolved. Our future as a harmonious nation we believe rests on our willingness to accommodate the views and needs of each other as they are interpreted by our different cultural heritages. As we learn to live together harmoniously, we trust that all New Zealanders will appreciate that this harmony need not be reached by the inevitability of the subjugation of Maori interests to those of Non-Maoris. With this as the major goal for our region's future well-being, we do not consider that the preliminary discussion document goes far enough in meeting this objective, despite there being a statutory requirement under section 3 (1) (g) of the Town and Country Planning Act.

for and on behalf of :

The Tainui Maori Trust Board,
11 Knightsbridge Place,
Hamilton, N.Z.

The West Coast Harbours

Kawhia, Aotea, Whaingaroa (Raglan)

C H R O N O L O G Y .

1982

- February 13 Application for marine farming license published by Rutherford and Watts.
- May 26 Application for marine farming lease published by Mr and Mrs Ussher.
- Early June Tainui elders discuss marine farming applications at various Waikato hui.
- June 21 Elders seek assistance from the Centre for Maori Studies and Research.
- July 1 Mr H. Tuwhangai publicises issue at the Waikato - Maniapoto Planning Conference at Tokonganuiānoho, Te Kuiti.
- 8 Tainui Maori Trust Board agrees to lodge objections on behalf of the Tainui federation of tribes, Centre for Maori Studies and Research agrees to assist the board in its efforts.
- 10 Hui at Māketu marae Kawhia to gather information from Tainui people about their concerns with the harbours. Messrs Aveyard, Bartram, Weir and MacAnniny for Ministry of Agriculture and Fisheries present.
- 17 Hui at Maketu marae to discuss objection procedures with some four officers of the ministry and to agree on tribal strategy.
- 23 Objective lodged at Hamilton office of Ministry of Agriculture and Fisheries.
- August 10 Response from Ms Rutherford and Watts received.
- 25 Letter from Hamilton executive officer, Minister of Agriculture and Fisheries informing the Trust Board that their objection was too late to be received, but would be taken into account by ministry officers when writing their report.
- September 17 Outline of case sent to Hon. Duncan MacIntyre Ministry of Fisheries.
- 24 Tainui Maori Trust Board meets with Hon. Mr MacIntyre.
-

11 NOV 1982

Minister of Transport
PARLIAMENT BUILDINGS

TAINUI TRUST BOARD : RAGLAN, KAWHIA & AOTEA HARBOURS

I have received submissions from the Tainui Trust Board who are concerned that these harbours which have been a traditional source of food for the Tainui people are being controlled in a way which pays little regard to the claims of the Maori people.

I am attaching copies of submissions from the trust board and while I do not agree that the Maori people should exercise sole control over these harbours, I would very much like to see the Tainui Trust Board as the representative of the Tainui Maori people being consulted in any future substantial decisions concerning these waters. It would be highly desirable in fact that the trust board was accorded membership of bodies charged with administering these harbours. I would be grateful if you would consider the submissions from the trust board when making decisions on the future administration of these waters.

Jim Leach

Minister of Maori Affairs

cc. Minister of Fisheries.

FILED BY *gw*
FILE No. 13

11 NOV 1982

Mr G H Forbes
Secretary, Tainui Maori Trust Board
11 Knightsbridge Place
HAMILTON

Dear Mr Forbes

Thank you for your letters of 12 and 26 October which explain the Tainui Maori Trust Board's submission to the Rt Hon. Duncan MacIntyre on the control of the fisheries in the Kawhia, Aotea, and Whaingaroa Harbours.

I am aware that officials from my department have been involved in the discussions, and that the Minister for Fisheries is considering the further action he will take. I am firmly of the opinion that the Tainui Trust Board as representative of the Tainui people should be consulted and involved in the planning of the future use of these harbours and you can be assured of my support in this matter.

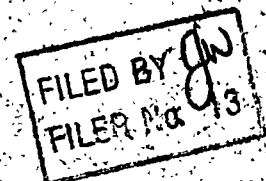
I have written to the Minister of Transport asking that your submissions be taken into account but there are of course many other issues and the rights of other users of the harbour must be considered. Even so, I believe that the claim of the Tainui people is a strong one and you can be assured that I will continue to support it.

Yours sincerely



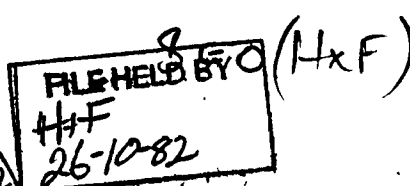
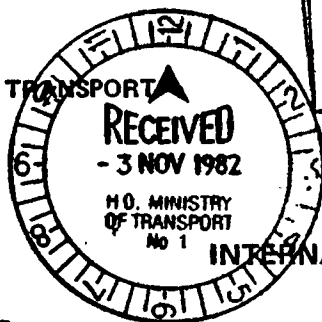
Minister of Maori Affairs

cc. Minister of Fisheries.





MINISTRY OF TRANSPORT



54/44/643
MOT 5

Our Ref: 54/49 Vol.4 Folio 3

Your Ref: 54/44/643

INTERNAL MEMORANDUM

To HEAD OFFICE
S.E.O. HBRS
Attn: T. Law
From Regional Office, AUCKLAND
Date: 1 November 1982
Subject: MARINE FARM APPLICATION : MESSRS RUTHERFORD, RUTHERFORD, & WATTS : KAWHIA HARBOUR

With reference to your Memorandum of 12 July 1982.

The area applied for has now been inspected and our previous comments still apply.

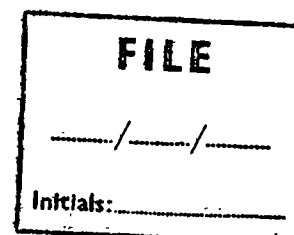
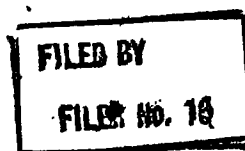
Further, the area seems unduly large and is in an area which could be much used by small pleasure boats in the summer.

This area upstream from the wharf also seems likely to be used by waterskiers as they would be away from wharf traffic.

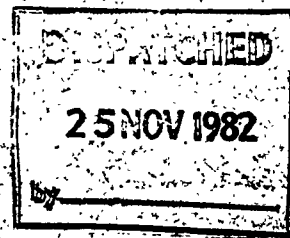
The proposal cannot be recommended as it conflicts with other users. An area more remote from the wharf could be considered.

Candy Emerson

Candy Emerson (Miss)
for Regional Secretary for Transport



*Copy of this reply
sent to Regional
Secretary*



Auckland

[Signature]
26/11

Mr Gordon H. Forbes
Secretary
Tainui Maori Trust Board
11 Knightsbridge Place
HAMILTON

Dear Mr Forbes

25-11-82

Thank you for your letter and enclosures of 14 October 1982 regarding the control of the West Coast Harbours of Kawhia, Aotea and Whaingaroa (Raglan).

I have carefully considered your proposals that these three harbours be placed under Maori communal control with your Board being the duly constituted and recognised authority, and having the role to manage, conserve and develop the fish, shellfish and other marine resources of these harbours on a tribal basis, rather than on an individual basis.

In this connection I note that you are aware that not all activities on foreshores and coastal waters are covered by the provisions of the Harbours Act 1950. For example the management of the fish and seafood resources is the responsibility of my colleague the Minister of Agriculture and Fisheries under the Fisheries Act 1908.

I appreciate the reasons for your proposals. However the current policy is based on the approach that in crown ownership, all foreshores and coastal waters, including as appropriate harbours, should be preserved and developed for the benefit and enjoyment of all New Zealanders and, therefore, the management of foreshore and coastal waters should be undertaken by a representative local or regional body which can respond to all local conditions. This includes the local or regional body taking into account the views of all community interests and the users of the particular area. Overall the system of a grant of control to a local or regional body for the management of foreshores and coastal waters has proved to be successful with all sectors of the community involved in developmental proposals.

On this basis I prefer to continue the present policy for management of foreshores and coastal waters rather than change to give effect to your proposals which would mean control by one section of the community.

[Signature]
18/11

[Signature]
10/11

In so far as the Kawhia Harbour is concerned my Ministry is at present processing an application from the Waitomo District Council for a grant of control of foreshore, riverbeds and waters within and adjacent to the District. The Kawhia Harbour is excluded from this proposed grant of control, but I understand that discussions are at present being held between the Waitomo District Council and the Otorohanga District Council with a view to a joint application being made under the Harbours Act 1950 for control of all the waters, foreshore and seabed of Kawhia Harbour. While the Otorohanga District Council already has a grant of control over some areas of foreshore in Kawhia Harbour, a joint application for the whole of the harbour would remove the confusion over who controls particular areas.

In the event of appropriate proposals being finalised they will be advertised and interested parties will have the opportunity to forward their written comments and objections for my consideration.

In connection with the Whaingaroa Harbour (Raglan Harbour), the situation is that on 19 November 1979 the Raglan Harbour Board was granted control of all the Harbour's foreshore pursuant to section 165 of the Harbours Act 1950. The Order-in-Council granting control for a period of 21 years was published in the New Zealand Gazette of 29 November 1979 page 3700.

In conclusion I am enclosing booklets published by the Ministry relating to the control of the intertidal zone. If you require further information please write to the Regional Secretary, Ministry of Transport, Auckland.

Yours sincerely

(Sgd) GEORGE F. GAIR

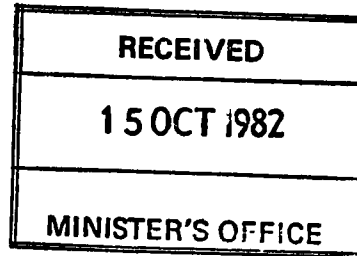
George F. Gair
Minister of Transport



Tainui Maori Trust Board ^{Min} 3261

G. H. FORBES, Secretary

11 Knightsbridge Place,
HAMILTON, N.Z.



54/44/643

54/44/696

October 14, 1982.

The Hon. George Gair,
Minister of Transport,
Parliament Buildings,
Wellington 1.

The West Coast Harbours
Kawhia, Aotea and Whaingaroa (Raglan).

Dear Mr Gair,

Tena koe.

Last month, a delegation from the Tainui Maori Trust Board waited upon your colleague the Hon. Duncan MacIntyre, Minister of Fisheries, to express the Board's deepest concern at proposals to establish marine farms on these harbours. In preparing our case against the granting of the proposed licenses and leases, we sought the opinions of all the Maori owners of lands adjacent to these harbours, and because of the historical and spiritual importance of the West Coast harbours to the Tainui people as a whole, the Board sought the views of all the Tainui tribes. As a result, when our delegation met the Minister of Fisheries, it was able to speak for all of the Tainui federation of tribes.

In its submissions, the Board requested that the Minister of Fisheries exercise his authority to -

1. not allow the applications for marine licenses and leases;
2. allow the Kawhia, Aotea and Whaingaroa (Raglan) harbours to revert to Maori communal control as they have been for all but 50 of the past 600 years (in the case of Whaingaroa - 90 years);
3. allow the Tainui Maori Trust Board to exercise its authority over these waters as the duly constituted and recognised authority;
4. encourage the Tainui Maori Trust Board to manage, conserve and develop the fish, shellfish and other marine resources of these harbours on a tribal basis, rather than on an individual basis.

The Board's written submissions to the Minister are enclosed. A summary of our view is contained in the green document numbered 1 amongst these enclosures.

Part of our written submissions to Mr MacIntyre relate to the status of the harbours in terms of harbour authorities. These are contained in the yellow documents numbered 5 amongst the enclosures. As you will see, the Board argues that the present legal arrangements are unsatisfactory, fragmented and confused. We are convinced that they do not represent the community interest as they should.

Although the Board's initial objective was to stop the granting of the licenses and leases which were being considered by the Minister, we also knew from the beginning that we must set down an alternative strategy for these harbours. We, the present generations of Tainui people inherited these harbours from our ancestors and they came to us as a communal resource. Accordingly, we do not wish that these harbours be individualized and allowed to slip from community control. We believe very strongly that they are too important to the well-being, mana and security of the Tainui people for that to happen. We believe that the integrity of our claim to these harbours rests on the continued recognition of our community of ownership and community of interest - as a tribe.

As the summary will show, the Board's action is not a negative one. Indeed, the Board wants to conserve and develop the marine resources of these harbours on a tribal basis, to provide food and income for the Tainui people at large, to serve as a model of cooperative endeavour for our young people, and thus to benefit all New Zealanders.

Recently the Waitomo District Council and the Otorohanga District Council stated that they intend to make a joint application to you under the Harbours Act 1950, for a Grant of Control for Kawhia harbour. A newspaper report of the joint approach is enclosed. The Tainui Maori Trust Board considers that such a Grant of Control would be inappropriate for Kawhia. We wish to place our alternative, community development proposals before you for your consideration and for discussion with your colleagues in government.

Kia ora,

G. H. Forbes

Gordon H. Forbes,
Secretary of the Board.



CENTRE FOR MAORI STUDIES & RESEARCH.
University of Waikato

HAMILTON : NEW ZEALAND : TELEPHONE 67.119

17 September, 1982.

The Hon. Duncan MacIntyre.
Minister of Fisheries,
Parliament Buildings.

Dear Mr MacIntyre,

The West Coast Harbours - Kawhia, Aotea, Whaingaroa (Raglan)

On behalf of the Tainui Maori Trust Board I present to you the boards concern about proposed marine farming in the Kawhia Harbour to which the Board has already lodged objections.

As you will know the Board's sense of responsibility for Kawhia and other West Coast harbours extends far beyond an objection to marine farming, being based as it is on the Tainui people's trusteeship and management of marine resources for more than six hundred years.

Yours faithfully,

E.M.K. Douglas.
Research Fellow.

for G. Te R. Rawiri.
Chairman, and
G.H.T. Forbes, Secretary,
TAINUI MAORI TRUST BOARD.

54/44/643

54/49 Vol 4F.3

Regional Secretary
AUCKLAND

HEAD OFFICE

Attention : Miss J M Dean

23 September 1982

MARINE FARM APPLICATION : RUTHERFORD, RUTHERFORD & WATTS : KAWHIA
HARBOUR

My minute of 12 July 1982 refers.

Would you please advise when I may expect to receive your further
comments on the above application.

T.E. Law
for Secretary for Transport

B/u 23/11/82

ser

FILE

____/____/____

Initials: _____

FILED BY
FILE NO. 16

DISPATCHED
24 SEP 1982
BY RECORDS

MINUTE SHEET

Department: *TRANSPORT NO.*

Subject: *Navie Fern Application*

Section: *NAF*

A.E. & A.J. Rutherford & W. Watts - Howick Harbour

File No. *5464/623*

49918A-15 pads/7/80 MK

Date: *12/7/82*

To—

*Regional Secretary
Auckland*

Attention:
P.D. Jackson

*I refer to your memorandum dated
30 June 1982 regarding the above.*

*It would be appreciated if your office
could investigate the matter further and
thus provide answers to the questions
raised by Captain Stollwer.*

FILE

Initials: _____

DISPATCHED

14 JUL 1982

by RECORDS

BRING-UP

30, 7, 82

INITIALS JNF

*JMR McHugh
AAO (NAF)*

for Secretary for Transport.

6/11/82 ✓ JNF

MARINE FARMING APPLICATION

1. File - 54/44/693

M.A.F. - 7/6/30

Name - AE & RJ Rutherford & Watts

Description of Area - Kawhia Harbour east
of Kawhia wharf.

2. Map No - NZMS 261 R.15

Area Available - Yes/No

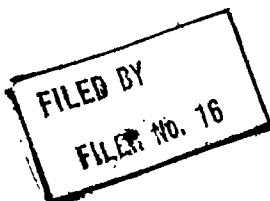
Advertisement Feb 82

Comments

agree with Auckland comments
re plans for the area. I can not
comment ~~on~~ on safety of nav. as there
is no chart for the area in question

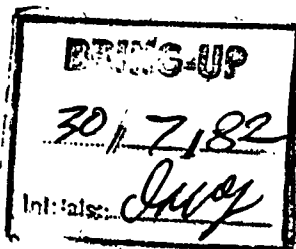
3. Interim decision

Auckland should be asked to NAO 8-7-82
investigate more fully and provide answers
to their questions
8/7/82

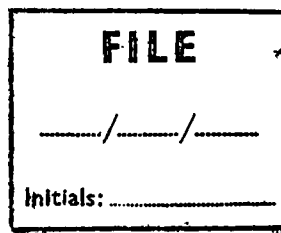


4. Nautical

P.S. Does this offet plan I recently
offered?



B/C
1/9/82
LMG





MINISTRY OF TRANSPORT



54/44/643

MOT 5

Our Ref.: 54/49/VOL.4F.3

Your Ref.:

INTERNAL MEMORANDUM

To: Head Office From: Regional Office, AUCKLAND
Attention: Miss Ranger Date: 30 June 1982
Subject: MARINE FARM APPLICATION : RUTHERFORD, RUTHERFORD & WATTS : KAWHIA HARBOUR

The following are the regional comments on the above application:-

NAUTICAL COMMENT:

The applicant admits the area applied for covers half the navigable channel. This cannot be confirmed either way from the plan supplied and a proper location plan should be checked before any approval.

I have no knowledge of what traffic might use this channel at present or in the future. The comments made regarding an application for Hokianga (Your Ref: 54/44/582) also apply here, but I presume the likelihood of anything like barge traffic is remote.

I consider that when an application is received for a mussel farm in a new area a plan and policy for marine farming in the area should be developed. At present when one farm is approved and successful, a rush of applications could be received that would be hard to refuse yet in total interfere with freedom of navigation in a way that only one or two farms would not.

HARBOURS & FORESHORES COMMENTS:

We agree with the above comments, especially in regard to the location plan. It would seem appropriate that in future a higher standard of location plan should be required.

Because we cannot obtain comment on navigation due to poor location plan; the narrowness of the channel at low water, and the closeness of the wharf and the centre of town, we cannot recommend the approval of this marine farm application.

J. M. Dean (Miss)
for Regional Secretary for Transport

FILED BY

FILE NO. 16

BRING-UP

30/7/82

Initials: J.M.D.

FILE

Initials: _____

~~54/44/582 and~~
⇒ 54/44/643

Regional Secretary

AUCKLAND

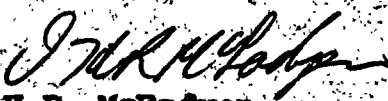
Attention: P.D. Spackman

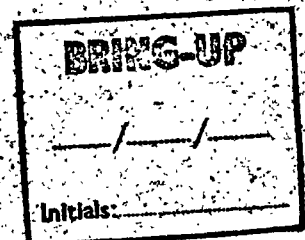
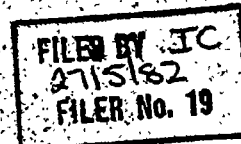
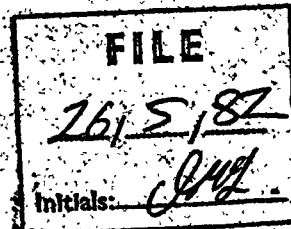
HEAD OFFICE

25 May 1982

MARINE FARMING APPLICATIONS

Your comments on the attached marine farm applications
would be appreciated.


I.H.R. McFadyen
for Secretary for Transport



54/44/643

54/49 Vol. 4 P. 3

Regional Secretary

HEAD OFFICE

AUCKLAND

28 June 1982

Attention: J.M. Dean

MARINE FARM APPLICATION : RUTHERFORD, RUTHERFORD AND
WATTS KAWHIA HARBOUR

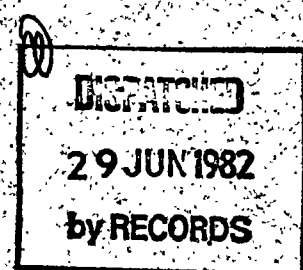
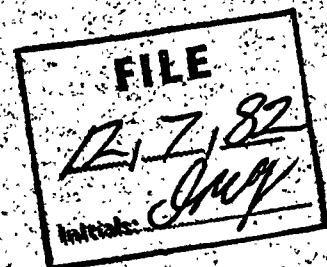
Your minute of 31 May 1982 refers.

Would you please advise when I may expect to receive your
comments on the above application.

99C
T.E. Law
for Secretary for Transport

B/L 29/8/82

59C



MINUTE SHEET

Department: M.O.T. AK H&F

Subject:

MARINE FARM APPLICATION :

File No. 54/49 Vol.4 P.3

MESSRS RUTHERFORD, RUTHERFORD & WATTS

Date: 31 May 1982

To—

Head Office
S.E.O. (Hhrs)

Attention:
I.H.R. McFadyen

Further to your memo of the 25 May 1982.

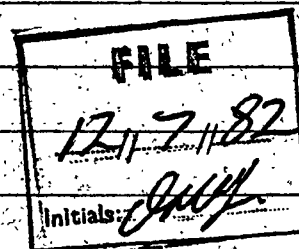
In the application of Messrs Rutherford, Rutherford and Watts at
Kawhia Harbour (Your Ref: 54/44/643) is there a location plan or
just the description in the application.

If there is a location plan could we please have a copy.

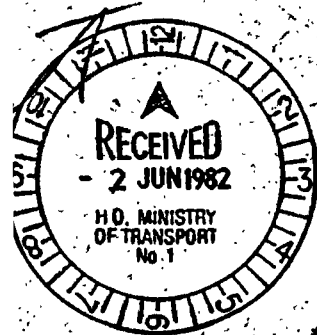
J. M. Dean

J. M. Dean

for Regional Secretary for Transport



Plan sent 3/6/82 J.M.D.

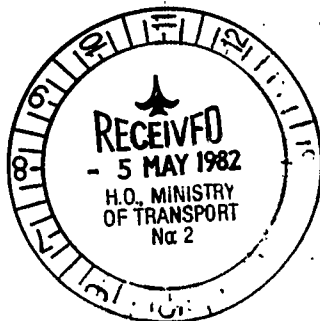


H/F

54/44/643



Ministry of
Agriculture
& Fisheries



Telephone : 81 949

Private Bag
HAMILTON

May 4 1982

The Secretary for Transport
Ministry of Transport
Private Bag
WELLINGTON

ATTENTION: Harbours Section
Marine Division

MARINE FARM APPLICATION : A E RUTHERFORD, A J RUTHERFORD, W WATTS

I refer to my letter of February 22 1982 advising, pursuant to Section 5 (2)(a) of the Marine Farming Act 1971, that the above application had been made.

The application has now been advertised in accordance with the Act, and three objections received.

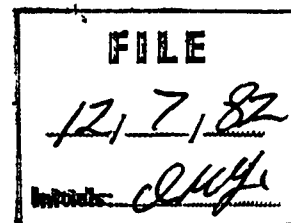
.../ Copies of the objections, together with the applicant(s) replies, are enclosed.

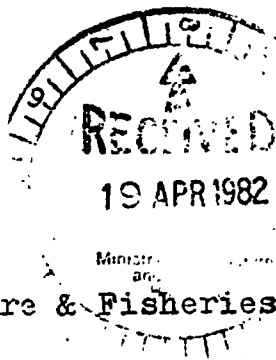
In accordance with Section 3 (5)(a) of the Act, the Minister of Transport's concurrence is now requested.

Paterson

C E Paterson (Mrs)
for Regional Executive Officer

Encls





7/6/30

P.O. Box 61,
Kawhia.

15th April 1982.

Mrs. C. E. Paterson,
Ministry of Agriculture & Fisheries,
Private Bag,
Hamilton.

Ref. 7/6/30

Dear Madam,

In answer to the objections received, we wish to state the following;

Great care was taken when sounding the depth of the area to ensure that only half the navigable channel at mean low water springs is within our proposed farming area.

This will mean safe passage of vessels and pleasure craft past the area at mean low water springs.

Please note that navigation is only confined to the channels at low tide, as all areas of the harbour are navigable to small boats at high water.

Most of the harbour traffic is confined to below the wharf, and only a few shallow draughted pleasure boats use the upper harbour.

With regard to the question of approaching the wharf on a flood tide with a westerly wind, the vessels on permanent moorings in close proximity to the wharf - (the nearest one being within fifty metres) - constitute a far greater hazard for berthing than our proposed farming area, which is over five hundred metres away.

As for the siting of the proposed farm, we feel it is the only position in the harbour where both the depth of water and the current combine to make it a viable proposition. This obviously indicates why the site cannot be in an isolated area of the harbour, as the deeper water is restricted to the channels.

In the course of our operations on behalf of New Zealand Steel Mining, we have been navigating the Kawhia Harbour waterways for the past eleven years, and no-one could be more conscious of the necessity for safe navigation in the harbour than ourselves.

Yours faithfully,

A. E. Rutherford
A. E. Rutherford.

p.p. A. J. Rutherford
W. Watts.

19/4

Kawhia Boating & Angling Club Inc

Clubrooms: KAORA STREET, KAWHIA

7/6/80 P.O. BOX 108
KAWHIA
via Te Awamutu
Telephone 703



The District Clerk,
Otorohanga District Council,
Otorohanga.

Dear Sir,

April. 5th. 1982

Application for a Licence to Farm Mussels.

By A. E. Rutherford, Huturoa Street, Kawhia.

I have been instructed by the Clubs' Executive Committee to inform you of this organisations whole hearted support for this application by Mr. Rutherford.

We are of the opinion that the intended site for the long lines in the harbour are well away from the regular lanes used by small craft and the area will not be a navigational hazard.

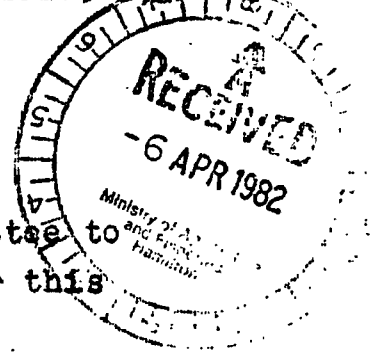
We wish Mr. Rutherford well in this venture and trust that it may provide employment for some local people seeking regular jobs in these difficult times.

Yours faithfully,

Richard Brown.

Sec/Treas.

Copy to:- The Director General, ✓
Ministry of Agriculture & Fisheries,
Private Bag,
Hamilton.



6/4

7/6/30

R.D.2 Oparau.

26th March 1982

Director General,
Ministry Agriculture & Fisheries
Private Bag,
Hamilton.
Dear Sir.

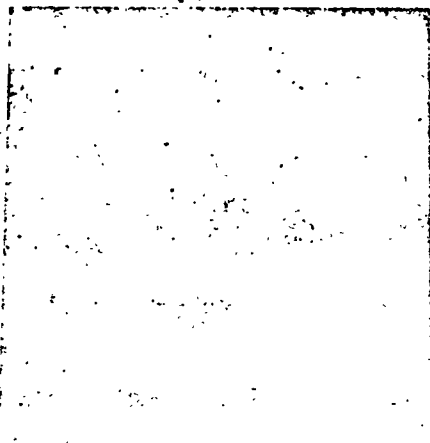


Re proposed mussel farm licence to
A.F. Rutherford for site north east of Hawke's wharf.

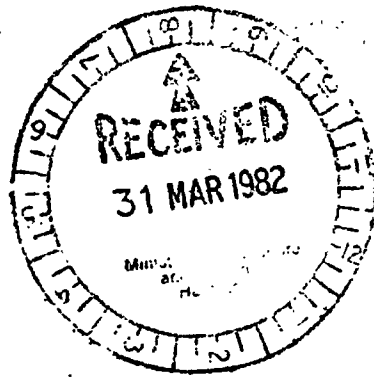
We wish to object to this proposal on the grounds that the channel at that site would not be wide enough to allow for free passage of boats past a mussel farm of that size. This channel takes all the fishing & pleasure crafts to the upper reaches of the northern side of the Hawke's Harbour and the Oparau River. In rough weather most of this channel is needed for slower boats and yachts for safety.

Enclosed is a plan of the area as it would be affected, the channel and the mussel farm being drawn on the same scale.

Yours
A.E. Ar



7/6/30



J.M. Gow,
35 Tomin Road,
Glenview,
Hamilton.
18th March 82.

Director - General,
Ministry of Agriculture & Fisheries,
Private Bag,
Hamilton.

Kawhia Mussel Farm Application
-A.E. Rutherford.

Dear Sir,

I object to the application for the following reasons;
Boating; This area is used by the public, especially during the holiday season. (ie; The 1982 New Years Yacht Race course included this area.)

The applicant does not state a channel of useable depth would remain at low water.

Safety; With an incoming tide and prevailing afternoon westerly winds, yachts have difficulty tacking back to the wharf from up the harbour. This difficulty could become hazadous for boats carried into the area.

Conclusion; Commercial Shellfish farming must be restricted to isolated areas. This should be practical with vast areas of isolated tidal and mudflats, and the appearance of oysters growing near Puti Bridge, Okura P.t and the area to the north of the Oparau river.

The fisheries Dept should prepare an overall scheme before considering any application.

Yours Faithfully;

J.M. Gow
John Gow.

sent to A.E. Rutherford.

Otorohanga District Council

111apoto Street, Otorohanga.

RECEIVED

27 APR 1982

Date: 15 April 1982

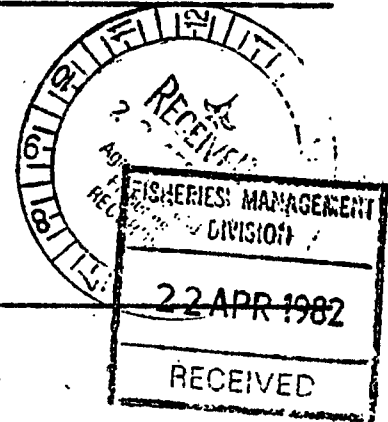
P.O. Box 11.

Telephone: 8199.

Inquiries to: Miss Rolfe

Our Ref: 10/1/1

Director General of Agriculture & Fisheries,
P.O. Box 2293,
WELLINGTON.



Your Ref:

Dear Sir,

RE: MARINE FARM LICENCE FOR MUSSEL FARMING AT KAWHIA - A.E. RUTHERFORD


On the 8th day of April 1982 a Proforma Objection was sent to you with regard to the above.

On the 13th day of April 1982 Council resolved the following:-

"That Council have no formal objection to the application made by A.E. Rutherford for a licence to farm mussels under the Marine Farming Act 1971 situated in Kawhia Harbour, 1000 metres North East of Kawhia Wharf on the South East side of the main channel, but forward the following submissions:-

- i) The proposed site could interfere with the recreational use of the surrounding area. The population of Kawhia rises to approx. 3000 people during the peak holiday period and the use of small boats and windsurfs could be restrictive in and around the proposed site.
- ii) It is knowledge that Kawhia Harbour is used for the recreation of gathering shellfish and perhaps this has been traditional with the Maori People, therefore the proposed site could interfere with the existing activity of gathering shellfish. It is not known to Council whether the proposed site is within the area used for such purposes and it is requested that this matter be clarified at the time of considering the application.
- iii) That the Council would like to be notified and have the right to object if the applicant wishes to process the mussels within the Kawhia Harbour."

Yours faithfully,


M.W.M. CORNWALL
CHIEF ENGINEER

Otorohanga District Council

Manapoto Street, Otorohanga.

P.O. Box 11.

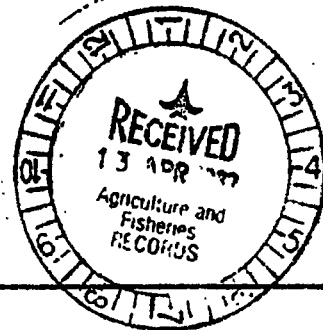
Telephone: 8199.

Our Ref: 10/1/1

Date: 8 April 1982

Inquiries to: Miss Rolfe

Director General of Agriculture and Fisheries,
P.O. Box 2293,
WELLINGTON.



Your Ref:

Dear Sir,

RE: MARINE FARM LICENCE FOR MUSSEL FARMING AT KAWHIA
- A. E. RUTHERFORD -

On the 13th day of April 1982, Council will consider the above application at its meeting. As this date coincides with the closing date to forward any objections, below is a Proforma Objection which is the same as has been recommended to Council for its adoption.

As you may be aware Council may not resolve to forward that stated below, therefore immediately after Council's meeting on the 13th April 1982, notice shall be sent of Council's resolution.

The following has been recommended to Council for its approval.

"That Council have no formal objection to the application made by A.E. Rutherford for a licence to farm mussels under the Marine Farming Act 1971, situated in Kawhia Harbour, 1000 metres North East of Kawhia Wharf on the South East side of the main channel, but forward the following submissions:-

- i) The proposed site could interfere with the recreational use of the surrounding area. The population of Kawhia rises to approx. 3000 people during the peak holiday period and the use of small boats and windsurfs could be restrictive in and around the proposed site.
- ii) It is known that Kawhia Harbour is used for the recreation of gathering shellfish and perhaps this has been traditional with the Maori People, therefore the proposed site could interfere with the existing recreational activity of gathering shellfish. It is not known to Council whether the proposed site is within the area used for such purposes and it is requested that this matter be clarified at the time of considering the application.

That the Council would like to be notified and have the right to object if the applicant wishes to process the mussels within the Kawhia Harbour.

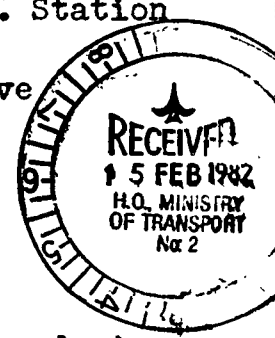
Yours faithfully,


M.W.M. CORNWALL
CHIEF ENGINEER

HxF

54/643

I ~~Alfred~~ Ernest Rutherford of Huturoa Street Kawhia hereby give notice that I have applied for a licence under the Marine Farming Act 1971 for the purpose of farming mussels in an area of ten hectares situated in Kawhia Harbour, 1000 metres N .E. of Kawhia Wharf on the S.E. side of the main channel. The area measures approximately two hundred metres by five hundred metres, co-ordinates Pt.C4 2B being Motutarakatua Pt. bearing fifty two degrees at seventeen hundred metres and Trig. Station Whakaongaonga bearing one hundred and fifty four degrees at five thousand one hundred metres.



The method of farming will be long lines.

The area will be marked with yellow buoys at the four corners, and at intervals of one hundred metres on the boundaries.

A plan of the area may be seen at the office of the Ministry of Agriculture & Fisheries Hamilton, and at the Kawhia Post Office.

Any person desiring to object to this application should do so stating fully the grounds on which the objections are made within two months after the date of the first publication of this notice to the Director-General, Ministry of Agriculture & Fisheries, Private Bag, Hamilton, and serve a copy on the said applicants at the above address.

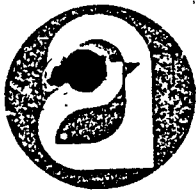
This is the first publication of this notice dated. 13/9/82.....

This is the second publication of this notice the first being on

Signed *A. E. Rutherford*
A. E. Rutherford.

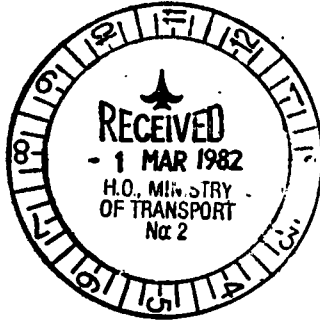
FILED BY
FILED No. 6
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13/3/82
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Ministry of
Agriculture
& Fisheries

N/F



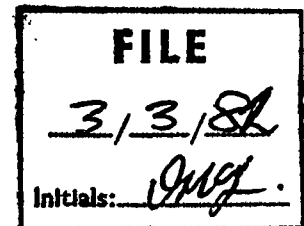
Telephone : 81 949

Private Bag
HAMILTON

February 22 1982

The Secretary for Transport
Ministry of Transport
Private Bag
WELLINGTON

ATTENTION: Harbours Section
Marine Division



MARINE FARM APPLICATION

An application for a marine farm has been received from
Messrs A E Rutherford, A J Rutherford and W Watts of P.O Box 61, Kawhia
in respect of an area situated in Kawhia Harbour.

✓

In accordance with Section 5 (2)(a) of the Marine Farming Act 1971,
enclosed is a copy of the application and plan submitted.

C Paterson

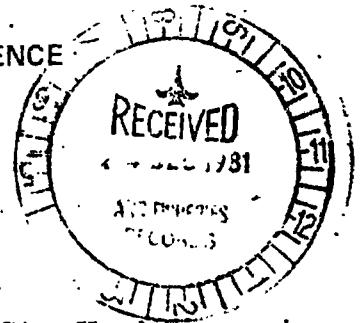
C E Paterson (Mrs)
for Regional Executive Officer

Encs

File No. 7/6/30

MARINE FARMING ACT 1971

APPLICATION FOR A MARINE FARMING LEASE OR LICENCE



To: Director-General,
Ministry of Agriculture and Fisheries,
Fisheries Management Division,
P.O. Box 2298,
WELLINGTON.

Full name, address, and occupation of applicant.

I/We Alan Ernest Rutherford, Huturoa St. Kawhia, engineer
Alan James Rutherford, Davies Lane, Kawhia, marine technician.
William Watts, Retmeyer St. Kawhia, marine technician.
(All three are New Zealanders)

Delete which is not applicable.

as Joint Tenants/Tenants in Common

Describe area so it can be readily identified

apply for the lease/licence of an area of 10 hectares
situated in Kawhia Harbour -- area approx. 1,000 metres
N.E. of the Kawhia wharf on the S.E. side of the main
channel, taking up half the width of the channel at
mean low water springs.

Maximum term is 14 years.

For a term of 14 years.

Name fish, shellfish, etc.,

To farm Mussels

Name newspaper in which notice will appear.

Notice of the application is to be advertised in: Waikato Times

Address where notices, correspondence, etc., are to be sent.

My/Our address for service is. c/o A.J. Rutherford,
Davies Lane, Kawhia. P.O. Box 61,
Kawhia.

Amount: \$100-00

Accompanying this application are:

Receipt No. 577108/1

☒ 1 copy of a map or plan showing the location of the area, plus four copies of a Block plan of the area showing the position of the boundaries.

Date: 24-12-81

☒ 1 copy of the proposed newspaper notice.

Receiver: Pn

☒ Application Fee of \$100

Dated this 22nd day of December 1981

Signature of Applicant/s:

[Handwritten signatures: A.J. Rutherford, W. Watts, and another signature]

Describe method of seeding or laying young spawn, and cultivation. Indicate the number and size of rafts, enclosures, cages, racks or other structures to be used, and the material to be used in building them.*

The method of farming and structures intended to be used is as follows:
Long lines.

We have purchased one hundred and seventy five feet of floatation hose from New Zealand Steel Mining, which we intend to use as an experimental line for the first twelve months.

Dropper lines will be suspended from the hose at intervals and the young spawn will be cultivated on these lines.

Describe briefly the development to be achieved each year, the anticipated annual investment, how it is to be financed, harvesting and marketing arrangements.*

Development of the farm over the first 5 years will be in the following stages:

First year. Investment approx. \$5,000

If the results in the first year are favourable, we anticipate starting two lines of 250 metres each in the second year. Investment approx. \$14,000

Third, fourth and fifth years continuing as above, giving a total investment of \$61,000.

If the enterprise is successful, the harvesting and marketing arrangements will be made by the three partners whose signatures appear below.

(Separate financial evidence is enclosed with this application)

Attach evidence from bank, accountant or solicitor that specified sum is available.

Funds available to be invested in the venture \$60,000

Signature of Applicant/s:

G. J. H. Thompson
W. C. W. W. W.

I Alan Ernest Rutherford of Huturoa Street Kawhia hereby give notice that I have applied for a licence under the Marine Farming Act 1971 for the purpose of farming mussels in an area of ten hectares situated in Kawhia Harbour, 1000 metres N.E. of Kawhia Wharf on the S.E. side of the main channel. The area measures approximately two hundred metres by five hundred metres, co-ordinates Pt.C4 2B being Motutarakatua P. bearing fifty two degrees at seventeen hundred metres and Trig. Station Whakaongaonga bearing one hundred and fifty four degrees at five thousand one hundred metres. The method of farming will be long lines. The area will be marked with yellow buoys at the four corners, and at intervals of one hundred metres on the boundaries. A plan of the area may be seen at the office of the Ministry of Agriculture and Fisheries Hamilton, and at the Kawhia Post Office. Any person desiring to object to this application should do so stating fully the grounds on which the objections are made within two months after the date of the first application of this notice to the Director-General, Ministry of Agriculture and Fisheries, Private Bag, Hamilton and serve a copy on the said applicants at the above address, This is the first publication of this notice dated 13th February 1982.

Signed

A E Rutherford

KEY

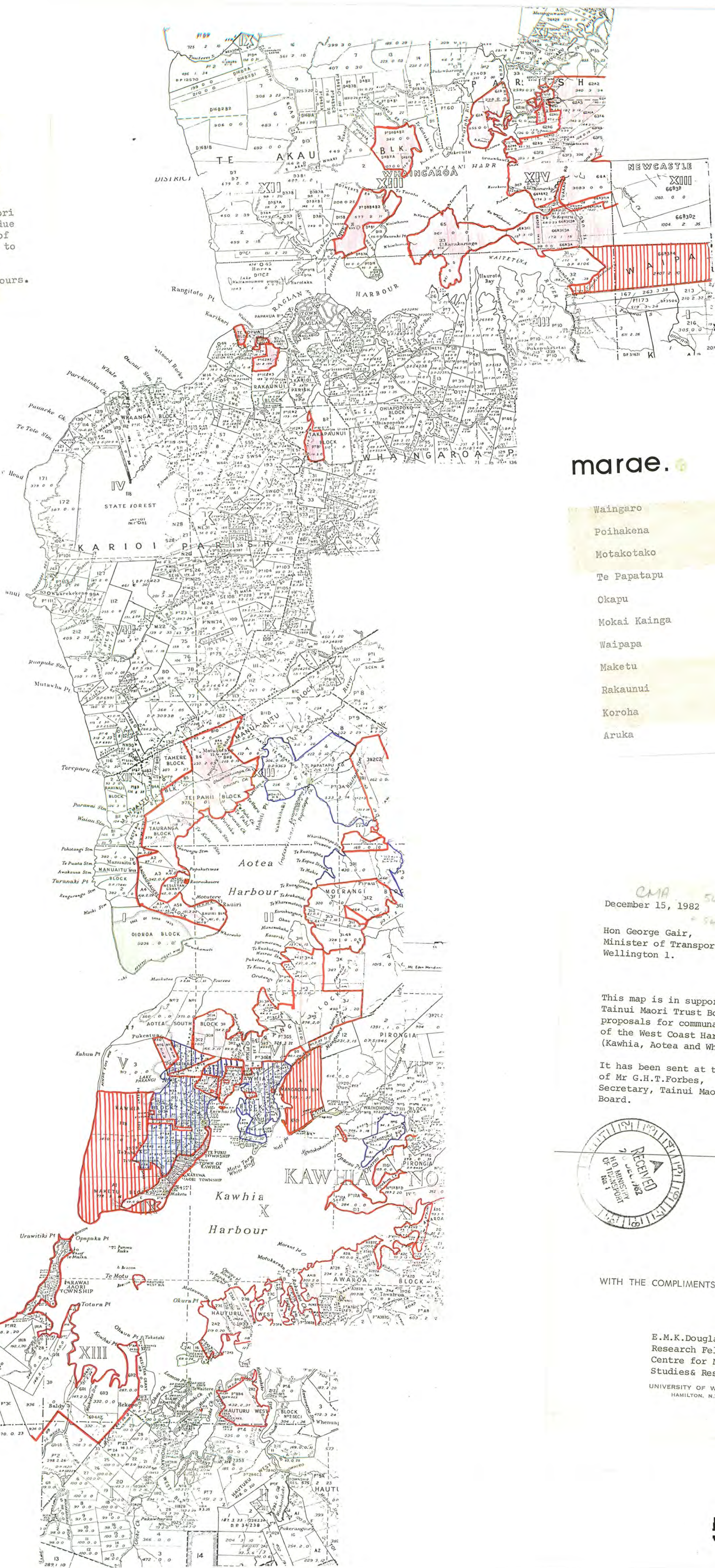
Maori Land under Maori Title.

Maori Land under General Title.

Maori Incorporations.

Land which is predominantly Maori owned under General Title but due to the number of Certificates of Title it has not been possible to search all of them.

Crown Reserves around the Harbours.



marae.

Waingaro

Poihakena

Motakotako

Te Papatapu

Okapu

Mokai Kainga

Waipapa

Maketu

Rakaunui

Koroha

Aruka

December 15, 1982

Hon George Gair,
Minister of Transport,
Wellington 1.

This map is in support of the
Tainui Maori Trust Board's
proposals for communal control
of the West Coast Harbours,
(Kawhia, Aotea and Whaingaroa).

It has been sent at the request
of Mr G.H.T. Forbes,
Secretary, Tainui Maori Trust
Board.



WITH THE COMPLIMENTS

E.M.K. Douglas,
Research Fellow,
Centre for Maori
Studies & Research.
UNIVERSITY OF WAIKATO
HAMILTON, N.Z.

5644