

APPENDIX A

RELEVANT TREATY SETTLEMENT OBLIGATIONS

Tauranga Moana Iwi Collective Deed 21 January 2015

a. Clause 2.8

Recognition of their mana, rangatiratanga and kaitiakitanga over the moana is fundamentally important to Tauranga Moana iwi and hapu who aspire to achieve, among other things:

2.8.1 the restoration, protection and maintenance of the health and wellbeing of Tauranga Moana and the health and wellbeing of the people around the moana; and

2.8.2 direct involvement in policy development and decision-making affecting Tauranga Moana; and

2.8.3 use of the full range of tools available under existing and newly developed regulatory frameworks; and

2.8.4 consistent good-faith engagement on relevant issues.

b. Clause 2.9

For the Crown, arrangements in respect of Tauranga Moana should -

2.9.1 meet Treaty of Waitangi obligations and be informed by the reports of the Waitangi Tribunal concerning the Tauranga Moana claims; and

2.9.2 be consistent with the principle of public access within marine and coastal area as reflected in sections 26 and 27 of the Marine and Coastal Area (Takutai Moana) Act 2011; and

2.9.3 preserve democratic local decision-making and action by and on behalf of communities, including preserving the role of, and final decision-making by, local authorities as provided in relevant legislation; and

2.9.4 provide an effective role for iwi and hapu in natural resource management; and

2.9.5 promote sustainable management of natural and physical resources; and

2.9.6 improve and protect the health of the moana and the connected health of whanau, hapu and iwi; and

2.9.7 provide for customary interests and accommodate cultural diversity and more than one world-view; and

2.9.8 be characterised by arrangements that are fit for purpose; and

2.9.9 be characterised by arrangements that are durable and will endure.

c. Clause 2.10

The Crown acknowledges that the Tauranga Moana iwi are the Crown's Treaty partners.

d. Tauranga Moana Framework

Clause 2.11

For the purpose of recognising and addressing the foregoing matters the Crown and Tauranga Moana iwi agree -

2.11.1 that the collective legislation will, on the terms provided by part 3 of the legislative matters schedule -

(a) establish a statutory committee called the Tauranga Moana Governance Group; and

(b) provide for the preparation, review, amendment and adoption of a Tauranga Moana framework document - Nga Tai ki Mauao; and

2.11.2 to the other provisions in this part 2;

e. Shared Principles

Clause 2.23

2.23 Tauranga Moana iwi and the Crown have negotiated the arrangements for Tauranga Moana set out in this part (including part 3 of the legislative matters schedule) in good faith based on their respective commitments to each other.

2.24 The arrangements are intended by Tauranga Moana iwi and the Crown to -

2.24.1 operate in accordance with their relationship under the Treaty of Waitangi; and

2.24.2 provide for Tauranga Moana iwi and hapu to participate meaningfully in decision-making and the framing of policy related to Tauranga Moana; and

2.24.3 promote holistic and integrated management of Tauranga Moana; and

2.24.4 provide for iwi and hapu values and mātāuranga Māori in the management of Tauranga Moana; and

2.24.5 not derogate from -

(a) existing arrangements between Tauranga Moana iwi and hapu and the Crown or local authorities; or

(b) specific redress obtained by Tauranga Moana iwi under their respective Treaty of Waitangi settlements; and

2.24.6 operate within and through existing statutory frameworks; and

2.24.7 enable Tauranga Moana iwi and hapu, and local authorities and agencies with responsibilities related to Tauranga Moana to establish and maintain positive, co-operative and enduring relationships based on -

(a) respecting the autonomy of the parties and their individual mandates, roles and responsibilities;

(b) actively working together to -

(i) share knowledge and expertise; and

(ii) maintain an effective role for -

(I) Tauranga Moana iwi to participate in the governance of Tauranga Moana; and

(II) Tauranga Moana iwi and hapu to participate in co-management arrangements for Tauranga Moana; and

(iii) achieve effective and integrated management of Tauranga Moana for the good of all; and

(c) co-operating in partnership with a spirit of good faith, integrity, honesty, transparency and accountability; and

(d) engaging early on issues of known interest to either of the parties; and

(e) understanding that the parties' relationship is evolving.

2.25 If issues arise in the application of the principles referred to in clause 2.24 the parties will work together to endeavour to resolve those issues.

2.26 The collective legislation will provide that the part of the collective legislation that gives effect to part 3 of the legislative matters schedule will be interpreted in a manner that best furthers the matters set out in clauses 2.23 and 2.24.

Meaning of Tauranga Moana

2.29 In this part and in part 3 of the legislative matters schedule, "**Tauranga Moana**" and "**moana**"-

2.29.1 mean:

(a) the waters (including internal waters and tidal lagoons) and other natural resources and the geographic features (including Tauranga Harbour) comprising the coastal marine area marked as "A" on the Tauranga Moana framework plan in the attachments; and

(b) the waters and other natural resources and the geographic features comprising the rivers, streams, creeks and natural watercourses within the catchment that flow into -

(i) Tauranga Harbour; or

(ii) the sea at any point within the area marked as "A" on the Tauranga Moana Framework plan in the attachments;

(c) the waters and other natural resources and the geographic features comprising wetlands, swamps and lagoons within the catchment; and

(d) the beds and aquatic margins of the water bodies referred to in clauses (a) to (c); and

(e) the ecosystems associated with the waters and natural features referred to in clauses (a) to (d); but

2.29.2 do not include-

(a) the waters and other natural resources situated on offshore islands for which the Minister of Local Government is the territorial authority pursuant to section 22 of the Local Government Act 2002, including Tuhua (current recorded name "Mayor Island (Tuhua)") and Motītī Island (current recorded name "Motiti Island"); or

(b) the waters and other natural resources and the geographic features comprising the rivers, streams, creeks and natural watercourses within the catchment that do not flow into:

(i) Tauranga Harbour; or

(ii) the sea at any point within the area marked as "A" on the Tauranga Moana framework plan in the attachments.