

**TO** : **HEARINGS COMMISSIONER(S)**

**FROM** : **NICK EAGLE, REPORTING PLANNER**

**APPROVED FOR RELEASE BY** : **NICOLA COWLEY PRINCIPAL PLANNER – RESOURCE CONSENTS**

**SUBJECT** : To establish a new activity within the Sir Hek Busby Kupe Waka Centre (Waka Centre), by relocating a 106 m<sup>21</sup> building onsite for use as a Whare Whetū (planetarium) hosting virtual reality experiences on navigation and waka sailing, and a classroom/meeting room.

Retrospective consent is also sought for development and activities relating to the establishment and operation of:

- a 210 m<sup>2</sup> building to be used as a Whare Wānanga (including an education/training centre and cultural tourism destination based around kaupapa waka) previously approved under land use consent RC2130047<sup>2</sup>;
- a 30 m<sup>2</sup> taupaepae (entrance/assembly point for visitors) and a 30 m<sup>2</sup> putanga (reception/office and local merchandise shop)<sup>3</sup>;
- a 7 m<sup>2</sup> wharepaku (toilet block for visitors);
- a 96 m<sup>2</sup> kohanga (nursery);
- a 152 m<sup>2</sup> taupuni (depot); and
- an extension to the Whare Waka to include an attached 180 m<sup>2</sup> waka shelter and associated storage/working area<sup>4</sup>.

Retrospective consent is sought for a cut volume of 1,250 m<sup>3</sup> and a fill volume of 1,100 m<sup>3</sup> earthworks.

**REFERENCE** : **2240463-RMALUC**

<sup>1</sup> The application refers to the Whare Whetū and classroom/meeting room as being 106 m<sup>2</sup> whereas the plans show 132.2 m<sup>2</sup> (floor area 115 m<sup>2</sup> and 17.2 m<sup>2</sup> covered deck). 132.2 m<sup>2</sup> is consistent with the details considered through RC2300463 that previously sought consent for a similar activity but was declined on the basis of cultural effects. In further information submitted on 27 November 2024 the applicant confirmed the area as 106 m<sup>2</sup>. Revised plans will be required.

<sup>2</sup> Council and the applicant's agent are both of the opinion that RC2130047 lapsed before effect was given to the consent, requiring retrospective consent.

<sup>3</sup> No plans provided. The application refers to a 29 m<sup>2</sup> taupaepae and 29 m<sup>2</sup> putanga. The ground report prepared by FNR Consulting Ltd refers to areas of 35 m<sup>2</sup> and 77 m<sup>2</sup> for the taupaepae and putanga. The later is consistent with the details considered through RC2300463 for the taupaepae. RC2300463 sought consent for a 110 m<sup>2</sup> putanga. In further information submitted on 27 November 2024 the applicant confirmed the areas as 30 m<sup>2</sup>, with the reduced size negating the need for building consent. Resource consent is still required for buildings in an Outstanding Natural Landscape and for visual amenity. It is assumed that any buildings on site will be modified accordingly.

<sup>4</sup> No plans provided and no building consents have issued. RC2300463 indicated a larger increase in the size of the building area - from 144 m<sup>2</sup> to 466 m<sup>2</sup>

***Note: This report sets out the advice of the reporting planner. This report has yet to be considered by the Hearings Commissioner(s) delegated by the Council to determine this application. The recommendation is not the decision on this application. A decision will only be made after the Hearings Commissioner(s) have considered the application and heard the applicant and any submitters.***

HAVING CONSIDERED THE PROPOSAL AGAINST THE RELEVANT STATUTORY CRITERIA IT IS RECOMMENDED BY THE REPORTING PLANNER THAT THE APPLICATION BE GRANTED SUBJECT TO CONDITIONS. THE REASONS FOR THIS RECOMMENDATION ARE SET OUT IN THIS REPORT.

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Report prepared by: Nick Eagle, Senior Planner

Approved for release:



Nicola Cowley  
**Principal Planner**

Date : 1<sup>st</sup> October 2025

## REPORTING AUTHOR

This report has been prepared by Mr Nick Eagle, Senior Resource Consents Planner of the Far North District Council. I hold a Bachelor of Arts in Geography and Sociology from Victoria University and a Masters with Commendation in Planning from Kingston University. I am a full member of the Royal Town Planning Institute, and associate member of the New Zealand Planning Institute. I have 20 years of professional experience as a resource management planner.

I have read and complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 in preparing this report. I agree to comply with it in presenting this report and any evidence at the hearing. The opinions and assessment in this report are within my areas of expertise, except where I have stated my reliance on other identified evidence.

## EXECUTIVE SUMMARY

Resource Consent 2240463-RMALUC seeks to establish a new activity within the Sir Hek Busby Kupe Waka Centre (Waka Centre), by relocating a 106 m<sup>2</sup> building onsite for use as a Whare Whetū (planetarium) hosting virtual reality experiences on navigation and waka sailing, and a classroom/meeting room. Retrospective consent is also sought for development and activities where previous consent was refused or lapsed on site. This includes the existing 210m<sup>2</sup> building to be used as a Whare Wānanga (including an education/training centre and cultural tourism destination based around kaupapa waka). A 30 m<sup>2</sup> taupaepae (entrance/assembly point for visitors) and a 30 m<sup>2</sup> putanga (reception/office and local merchandise shop), a 7 m<sup>2</sup> wharepaku (toilet block for visitors), a 96 m<sup>2</sup> kohanga (nursery), a 152 m<sup>2</sup> taupuni (depot); and an extension to the Whare Waka to include an attached 180 m<sup>2</sup> waka shelter and associated storage/working area. Retrospective consent is also sought for a cut volume of 1,250 m<sup>3</sup> and a fill volume of 1,100 m<sup>3</sup> earthworks.

The proposal does not comply with a number of rules within the Far North District Council Operative Plan as outlined in Section 5 of this report. The s95 notification report dated 16 July 2005 concluded that the application did not adequately addresses Māori cultural values, interests and associations with the locality. Also, it did not include sufficient information to enable the Far North District Council (Council) to determine the scale and significance of the effects of the proposed activity upon tangata whenua.

As such, the application was limited notified to Ngāti Kahu, Ngāti Tara, Parapara Marae, Submitters to RC2300463 [being Trustees of Paddy Whangu Greaves Whanau Trust (Maaki Greaves, Mahue Greaves, June Waenga and Heta Kiriwi-Greaves); Hinemoa (Greaves) Poa Whanau Trust (Hinemoa (T Greaves) Poa Rita Avis Greaves Josephine Erica Poa Tunis Teatau Marama Poa Boaza Poa Teina Poa (Deceased); Rachel Mar; Hoana Takutai Moana Trust (Edith Hau); Kiriwi Whānau o Okokori; and Milton Ross], Heritage New Zealand Pouhere Taonga and neighbouring properties Okokori A Block, Pt CL SO 18870 and Lot 2 DP 145849 and Lot 2 DP 164422.

One submission was received from Milton Gregory Ross on behalf of Te Tāhuna Roa duly authorised representative of Ngāti Tara. There were two main concerns raised in the submission, firstly disturbance of a Cultural site / Middens and secondly Cultural Effects/ Impact Assessment where Ngāti Tara have not been included in the production of the Cultural Assessment.

A review of the effects of the proposal was undertaken and with the majority of effects found to be less than minor and therefore acceptable. However, it is noted the Cultural Effects Assessment has not been prepared on behalf of or with the mandate of Ngāti Tara who have mana whenua over the site and immediate area. Ngāti Tara have expressed strong concern in this regard. It is noted that the applicant has provided significant evidence demonstrating they had tried to consult with Ngāti Tara.

Given the above I can not determine whether the current application:

- adequately addresses Māori cultural values, interests and associations with the locality, or
- includes sufficient information to enable the Far North District Council (Council) to determine the scale and significance of the effects of the proposed activity upon tangata whenua.

It is acknowledged that the proposal has many positive effects in the establishment of the Kupe Waka Centre with most of the building already established on site. It is considered that in this instance, given the lack of Ngāti Tara involvement in the Cultural Effects Assessment process (acknowledging the applicant has gone to some lengths to involve Ngāti Tara), on balance I cannot determine the level of effects on Māori cultural values and the tangata whenua. As such, to address this gap as outlined above I suggest the following pre-commencement condition:

- Pursuant to section 116 of the Resource Management Act 1991, this consent shall not commence until an updated Cultural Effects Assessment involving Ngāti Tara is presented, reviewed and accepted as suitable by the FNDC Resource Consent Manager or delegate. The Cultural Effects Assessment must be provided to FNDC Resource Consent Manager within 6 months from the date of the decision notice. Alternatively, the Consent Holder can provide a detailed list of all correspondence inviting representatives of Ngāti Tara to undertake a Cultural Effects Assessment. If a Cultural Effects Assessment has not been completed by Ngāti Tara during this 6 months, and provided the correspondence outlining attempts to commission such a Cultural Effects Assessment are considered comprehensive by the Resource Consent Manager or delegate, then this condition will lapse.

A review of the relevant objectives and policies shows that while the proposal upholds most of the objectives and policies of the relevant policy statements and the District Plan, there is currently some gaps around the relationship of tangata whenua with their ancestral lands and to bring mātauranga māori into decision making. It is suggested that a pre-commencement condition can address the provisions of the plan which expect development to engage effectively with Māori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.

It is recommended that the application is granted subject to conditions.



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## 1. Application and Property Details

SITE ADDRESS:	4554 State Highway 10, Karikari Peninsula 0483
APPLICANT:	<b>Arawai Limited</b>
LEGAL DESCRIPTIONS:	Okororo B Blk IX Rangaunu SD
SITE AREA:	115.8ha
DISTRICT PLAN ZONING:	General Coastal
ACTIVITY STATUS:	Non- Complying
OTHER RELEVANT CONSENTS:	Refer to Planning History Section
CONSENT NOTICES/TITLE RESTRICTIONS:	Notice under s94C of the Transit New Zealand Act 1989 on title noting that access is from a Limited Access Road

## 2. Background

### S95 Decision

2.1 This application was Limited Notified for the following reasons:

2.2 It can't be determine whether the current application:

- adequately addresses Māori cultural values, interests and associations with the locality, or
- includes sufficient information to enable the Far North District Council (Council) to determine the scale and significance of the effects of the proposed activity upon tangata whenua.

2.3 Page 7 of the Assessment of Environmental Effects prepared by Sanson and Associates prepared for RC2240463 states *“As these cultural matters were the only matters in contention which are now addressed by the application, it is contended that the proposal can proceed on a non-notified basis”*. The requirements of Rule 12.5.6.2.2 are however clear in that the requesting party and the relevant iwi authority and the New Zealand Historic Places Trust should be regarded as an affected party to RC2240463.

2.4 In summary, with respect to the effects of RC2240463 upon Māori cultural values, interests and associations with the locality, for the reasons above and as per the requirements of the ODP and PDP the application be recommend limited notification to:

- Ngāti Kahu
- Ngāti Tara

- Parapara Marae
- Submitters to RC2300463 - being Trustees of Paddy Whangu Greaves Whanau Trust (Maaki Greaves, Mahue Greaves, June Waenga and Heta Kiriwi-Greaves); Hinemoa (Greaves) Poa Whanau Trust (Hinemoa (T Greaves) Poa Rita Avis Greaves Josephine Erica Poa Tunis Teatau Marama Poa Boaza Poa Teina Poa (Deceased); Rachel Mar; Hoana Takutai Moana Trust (Edith Hau); Kiriwi Whānau o Okokori; and Milton Ross
- Heritage New Zealand Pouhere Taonga

#### *Adjacent landowners*

- 2.5 The current application RC2240463 is not supported by the written approval of any adjacent landowners. RC2300463 was however supported by the written approval of two adjacent landowners, being:

Pt CL SO 18870	Crown land administered by the Department of Conservation abutting the northwestern boundary of the site
Lot 2 DP 145849 and Lot 2 DP 164422	Lot 2 DP 164422 includes the right of way servicing the site, this is owned by Larry and Fiona Mathews

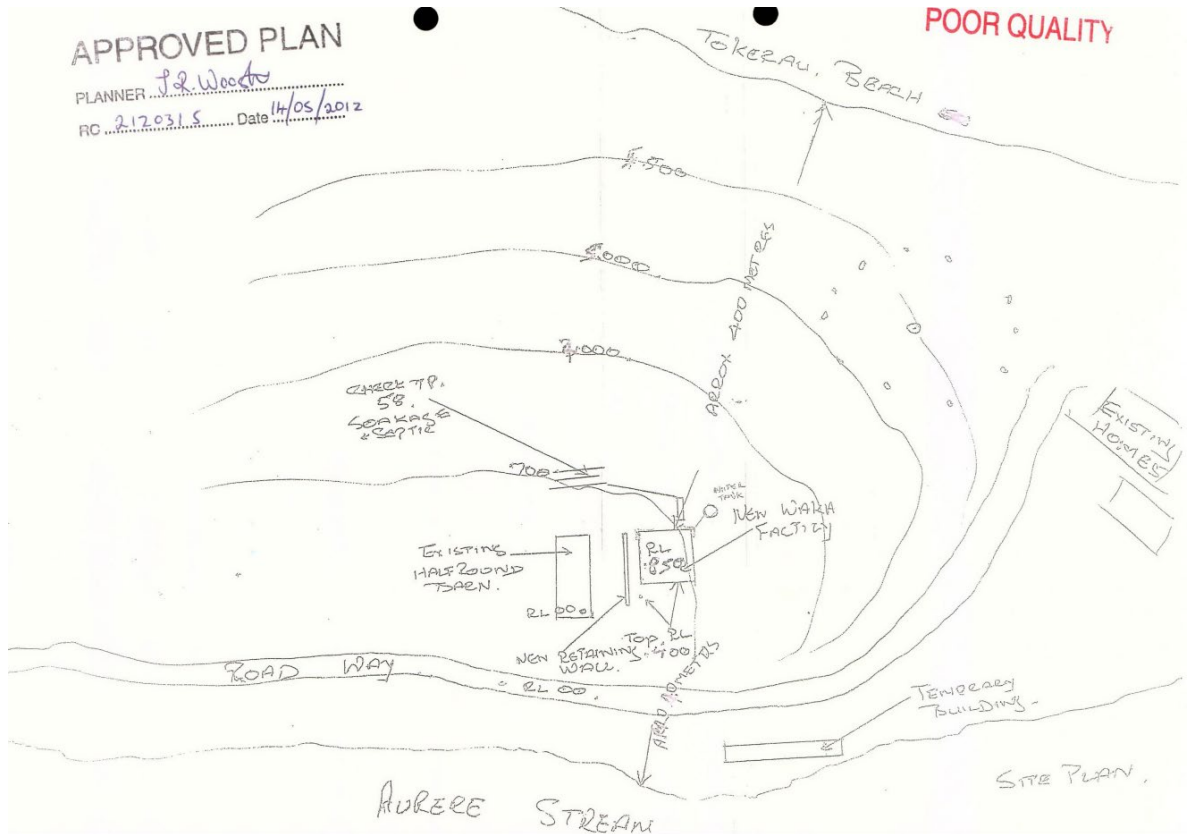
- 2.6 As RC2240463 has now lapsed, the continuing support and written approvals of the adjacent landowners can no longer be assumed, i.e. Council cannot rely on the previous written approvals to waive affected party status. It was therefore recommended that a copy of the current application be limited notified to the owners and long-term occupants of the properties previously identified as potentially affected parties. These are as follows:

Legal Description	Address
Okokori A Block	<b>Māori freehold land</b> held in 109 shares separates the site from Doubtless Bay/Tokerau Beach
Pt CL SO 18870	Crown land administered by the <b>Department of Conservation</b> abutting the northwestern boundary of the site
Lot 2 DP 145849 and Lot 2 DP 164422	Lot 2 DP 164422 includes the right of way servicing the site, this is owned by <b>Larry and Fiona Mathews</b>

#### **Relevant Planning History**

- 2.7 2120315-RMALUC granted on 14 May 2012 and given effect to. Consent to establish and operate a te wananga a kupe mai tawhiti, learning institution for up to four people (including student and tutor, excluding people living on site) dedicated to kaupapa waka in the Pacific (waka building and carving/non-instrument navigation and sailing). The

approved building is 144 m<sup>2</sup> with a maximum height of 4.2 metres. It is referred to as the Whare Waka.



- 2.8 RC2130047-RMALUC granted consent on 12 December 2012 to establish and operate a Wananga Waka (education/training centre and cultural tourism destination based around Kaupapa Waka). The building is 210 m<sup>2</sup> with a maximum height of 8.7 metres, located 19.5 metres from the coastal marine area of Awapoko River. The approved activity was assessed to have a traffic intensity factor of 168. Council and the applicant's agent were both of the opinion that RC2130047 lapsed before effect was given to the consent, requiring retrospective consent.



- 3.2 Visitors to the Waka Centre will be by prior bookings, with the number of visitors on site at one point in time limited to 92, including staff not residing on site.

*Consent sought for new activity includes:*

- 3.3 To establish a new activity within the Sir Hek Busby Waka Centre, by relocating a 106 m<sup>2</sup> building onsite for use as a Whare Whetū (planetarium) hosting virtual reality experiences on navigation and waka sailing, and a classroom/meeting room. The Whare Whetū and classroom/meeting room has a maximum height of 4.498 metres and is as per the following plans included in the application. The elevations also show that the adjacent 7 m<sup>2</sup> wharepaku will have a maximum height of 2.902 metres.
- 'Whare Whetū floor plan' prepared by Elevate Architectural Transportables, sheet L01, dated 14 April 2020
  - 'Whare Whetū elevations' prepared by Elevate Architectural Transportables, sheet L02, dated 14 April 2020

*Retrospective consent is sought for the following which have been established onsite (includes detail obtained from Council files)-*

- 3.4 Reapproval of the activities previously consented through land use consent RC2130047 which lapsed. Section 3 of the application prepared by Sanson & Associates Ltd, dated May 2024, relies upon Council's decision for RC2130047 to summarise the retrospective consent sought for built development and activities relating to the establishment and operation of the Whare Wānanga (including an education/training centre and cultural tourism destination based around kaupapa waka). The 210 m<sup>2</sup> building has a maximum height of 8.7 metres.
- 3.5 Detail supporting RC2130047 anticipated that the activities would include education/training (one-week and three-week navigation courses); cultural tourism (corporate marae stays; school visits, tour bus visits and casual tourist groups) and full capacity hui. The building was designed with a maximum capacity of 84 people. The facility is not proposed to be open to the general public but will be visited by small groups by prior arrangement.







3.6 The approved plans for the whare wānanga are as follows:

- 'Proposed site plan' prepared by design TRIBE Architects Ltd, sheet A-01, dated 31 July 2012 - this site plan has been superseded by the above topographical survey.
- 'Proposed floor plan' prepared by design TRIBE Architects Ltd, sheet A-10, dated 31 July 2012
- 'Proposed elevations' prepared by design TRIBE Architects Ltd, sheet A-30, dated 31 July 2012

3.7 The applicant anticipates that the conditions of RC2130047 will attach to any new consent issuing. These conditions are as follows:

1. *The consent holder shall, within one month of the occupation of the building or prior to the issue of a Code Compliance Certificate for the building (whichever comes first), implement the roofing, cladding and colour scheme specified, which shall be utilised and maintained for the duration of the consent. The approved roofing, cladding material and colour scheme is as follows:*
  - Roof - Coloursteel - Karaka
  - Cladding - Cedar weatherboards & Stackbond concrete blocks*Any alteration to the approved cladding and colour scheme shall require written consent from the Council.*
2. *The consent holder shall provide, in conjunction with the Building Consent application, a calculation from a suitable qualified engineer that the floor level of 105.25m, which is an arbitrary datum, provides at least 500mm freeboard above the 1 in 100 year ARI flood level, as required by Council's Engineering Standards.*

3. *The consent holder shall, prior to the opening of the facility to the public, carry out the following conditions relating to the entrance and access upgrading:*
- Provide evidence that the upgrade to the property entrance which includes vegetation removal and earthworks to improve the sight distance to the west of the site have been completed and NZTA have provided written confirmation that its requirements have been complied with.*
- 3.8 A 180 m<sup>2</sup> waka cover container attached to te wananga a kupe mai tawhit (the learning institution established through land use consent RC2120315). There are no plans provided.





- 3.9 A 30 m<sup>2</sup> taupaepae (reception building) and 30 m<sup>2</sup> putanga (entrance). No scaled plans have been provided, although a ground report prepared by FNR Consulting Ltd includes sections of plans.



Taupaepae and putanga, with the taupuni to the far right outside of the Māori Reservation area



Putanga

- 3.10 The 96 m<sup>2</sup> kohanga (nursery) and 152 m<sup>2</sup> taupuni (depot). No plans have been provided for these buildings which are outside of the Māori Reservation area.



## Kohanga



## Taupuni

- 3.11 There is an array of solar panels adjacent to the Taupaepae. It is understood that no building consent is required.



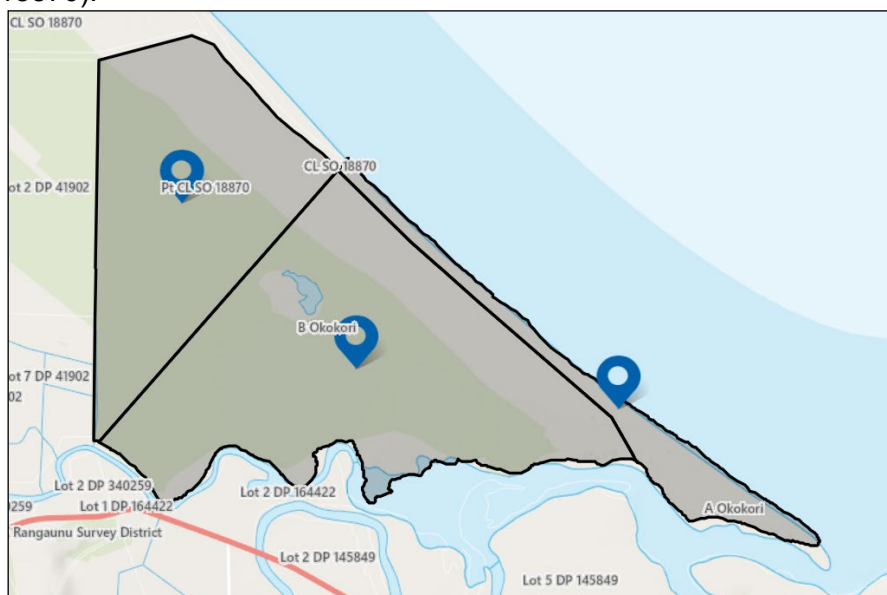
- 3.12 The State Highway 10 CP95 crossing within adjacent Lot 2 DP 145849 has been upgraded, including sealing, and vegetation cleared to enhance sightline visibility. Site access has been resurfaced and widened in places, including passing bays, to accommodate coaches. The application indicates a sealed parking area will be established adjacent to the entrance of the Māori reservation.

## 4. Site and Surrounding Locality Description

- 4.1 The triangular site is legally described as Okokori B Block, held in CFR NA46C/958, with an area of 115.80 hectares. Hector Busby is recorded as the owner.
- 4.2 The majority of the proposed activity will occupy a 2.1-hectare area located at the eastern point of the site, where the land has vested as a Māori Reservation for the purpose of Whare Wānanga for kaupapa waka, commonly referred to as Te Awapoko Waka Whānanga Reserve. The primary access, parking area, kōhanga (nursery), and

taupuni (depot) associated with the activity are located outside of the reserve area, within the wider Okokori B Block.

- 4.3 The applicant is developing the Waka Centre on the Reserve under a management agreement with the Hekenukumai Ngā Iwi Trust, signed in 2019. Under this agreement the applicant leases the Reserve and another 2.9 hectares for operational purposes; including the carpark, depot and nursery.
- 4.4 A narrow strip of Māori freehold land held in 109 shares separates the site from Doubtless Bay/Tokerau Beach to the northeast (being 20.139 hectares and legally described as Okokori A Block).
- 4.5 The northwestern boundary of the site abuts Crown land administered by the Department of Conservation (being 74.9769 hectares and legally described as Pt CL SO 18870).



- 4.6 The site shares a common boundary with Awapoko River to the south.
- 4.7 Land on the southern side of Awapoko River opposite the development area is held in a 41.2 hectare title area (Lot 5 and Lot 17 Deposited Plan 145849). An aerial photograph sourced from Council's LocalMaps indicates the closest built development on this title (an accessory farm building) to be approximately 600 metres from the proposed Whare Wānanga.





- 4.8 Access to the site is obtained from the northern side of State Highway 10 via a short right of way (including a single lane bridge) over Lot 2 DP 164422, with a long access strip within the site providing access to the Māori Reservation.
- 4.9 The application prepared by Sanson & Associates Ltd, dated May 2024, includes a topographical survey showing 'Te Awapoko Waka Wananga Reserve' and an operational area immediately northwest, prepared by RL Hooper Survey Services Land Surveying, drawing 090-03, dated 17 October 2011 and revised 30 June 2023, as per below.
- 4.10 This plan indicates the location of existing site development and the proposed Whare Whetū. The four residential units on site are not part of the application or the activity that is referred to as the 'Waka Centre'.



- 4.11 The site includes two buildings to the west of the taupuni which are not identified on the above plan. One is not part of the current application (left photograph below) and the agent has indicated the other may be temporary storage of the Whare Wānanga building (right photograph below).



- 4.12 Council's records indicate a number of 'Waka Centre' buildings do not have building consent. It is assumed that these will be obtained after any resource consent is issued. An advice note attaching to any decision can highlight the responsibility of the applicant to obtain all necessary consents.
- 4.13 The development area affected by the proposal is generally in pasture, including buildings, landscaping, paths and two manmade ponds. The larger title area includes four residential units, the primary site access, manuka/kanuka shrubland, wetland areas, pohutukawa and mangroves. Animal and weed pests are being removed from the site through ongoing restoration and revegetation.

- 4.14 Section s95 notification report outlines the various overlays and notations of relevance to the site, including mapped detail to demonstrate where the development area is affected.
- 4.15 The surrounding locality is characterised by rural activities, with limited views of the development area.



## 5. Reasons for the Application

- 5.1 Resource consent is required for the following reasons:

### ***Operative Far North District Plan (ODP)***

*Table 1: Reasons for consent - Section 9(3) – Land use*

General Coastal zone rule	Non-compliance
<b>10.6.5.1.1 VISUAL AMENITY</b> Permitted activity for new building(s) not for human habitation – <ul style="list-style-type: none"> <li>gross floor area up to 50 m<sup>2</sup></li> <li>exterior is to be coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less, or the building is constructed of natural</li> </ul>	The building areas do not comply Whare Wānanga – 210 m <sup>2</sup> Whare Whakairo – 144 m <sup>2</sup> Whare Whetū – 106 m <sup>2</sup> Putanga – 30 m <sup>2</sup> Taupaepae – 30 m <sup>2</sup> Wharepaku – 7 m <sup>2</sup> Kohanga (farm building propagation area) – 96 m <sup>2</sup> Taupuni – 152 m <sup>2</sup>

<p>materials falling within this range</p> <p><b>10.6.5.2.2 VISUAL AMENITY</b></p> <p>Controlled activity for new building(s) - where the building is located entirely within a building envelope that has been approved under a resource consent.</p>	<p>Waka Cover – 180 m<sup>2</sup></p> <p>Non-complying under <b>10.6.5.4 DISCRETIONARY ACTIVITIES</b> (as per subsection (b))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be restricted discretionary.</p> <p>(Building areas is applied as combined building areas, therefore including the putanga, taupaepae and wharepaku)</p>
<p><b>10.6.5.1.4 BUILDING HEIGHT</b></p> <p>The maximum height of any building shall be 8 metres as a permitted activity</p>	<p>The existing Whare Wānanga has a maximum building height of 8.7 metres.</p> <p>Non-complying under <b>10.6.5.4 DISCRETIONARY ACTIVITIES</b> (as per subsection (b))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be restricted discretionary.</p>
<b>Landscape and Natural Features</b>	<b>Non-compliance</b>
<p><b>12.1.6.1.4 EXCAVATION AND/OR FILLING WITHIN AN OUTSTANDING LANDSCAPE</b></p> <p>Excavation and/or filling is permitted within an Outstanding Landscape, provided that:</p> <p>(a) it does not exceed 300 m<sup>3</sup> in any 12 month period per site; and</p> <p>(b) it does not involve a cut or filled face exceeding 1.5 metres in height i.e. the maximum permitted cut and fill height may be 3 metres, and</p> <p>(c) any cut or fill areas that will be visible from a viewing point on a public road, public reserve, coastal marine area or the foreshore shall be stabilised using mulch, hydroseeding, or other rapid effective stabilisation technique. All other cut and fill areas will be revegetated as soon as practicable in the spring or autumn</p>	<p>The applicant is proposing a cut volume of 1,250 m<sup>3</sup> and a fill volume of 1,100 m<sup>3</sup>. Therefore, earthworks are a non-complying activity.</p>



<p>immediately following construction.</p> <p>Up to 2,000 m<sup>3</sup> is provided for as a restricted discretionary activity.</p>	
<p><b>12.1.6.1.5 BUILDINGS WITHIN OUTSTANDING LANDSCAPE</b></p> <p>Permitted activity for new building(s) in the General Coastal zone not for human habitation –</p> <ul style="list-style-type: none"> <li>gross floor area up to 25 m<sup>2</sup> where the building is visible from the coastal marine area or the foreshore is within 500 metres, exterior is to be coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less, or the building is constructed of natural materials falling within this range</li> </ul>	<p>The building areas do not comply</p> <p>Whare Wānanga – 210 m<sup>2</sup></p> <p>Whare Whakairo – 144 m<sup>2</sup></p> <p>Whare Whetū – 106 m<sup>2</sup></p> <p>Putanga – 30 m<sup>2</sup></p> <p>Taupaeapae – 30 m<sup>2</sup></p> <p>Wharepaku – 7 m<sup>2</sup></p> <p>Kohanga (farm building propagation area) – 96 m<sup>2</sup></p> <p>Taupuni – 152 m<sup>2</sup></p> <p>Waka Cover – 180 m<sup>2</sup></p> <p>Non-complying under <b>12.1.6.3 DISCRETIONARY ACTIVITIES</b> (as per subsections (c) and (d))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be restricted discretionary.</p>
<b>Soils and Minerals</b>	<b>Non-compliance</b>
<p><b>12.3.6.1.2 EXCAVATION AND/OR FILLING, INCLUDING OBTAINING ROADING MATERIAL BUT EXCLUDING MINING AND QUARRYING, IN THE ... GENERAL COASTAL .... ZONES</b></p> <p>Excavation and/or filling is permitted, provided that:</p> <p>(a) it does not exceed 300 m<sup>3</sup> in any 12 month period per site; and</p> <p>(b) it does not involve a cut or filled face exceeding 1.5 metres in height i.e. the maximum permitted cut and fill height may be 3 metres.</p> <p>Up to 2,000 m<sup>3</sup> is provided for as a restricted discretionary activity.</p>	<p>The applicant is proposing a cut volume of 1,250 m<sup>3</sup> and a fill volume of 1,100 m<sup>3</sup>. Therefore, earthworks are a non-complying activity.</p>
<b>Natural Hazards</b>	<b>Non-compliance</b>
<p><b>12.4.6.2.1 NEW BUILDINGS &amp; ADDITIONS TO EXISTING BUILDINGS IN COASTAL HAZARD 2 AREAS</b> regards new</p>	<p>The Whare Wānanga is located within a Coastal Hazard 2 and no current engineering report has been provided.</p> <p>Non-complying under <b>12.4.6.3 DISCRETIONARY ACTIVITIES</b> (as per subsections (c) and (d))</p>



buildings on land identified on the Coastal Hazard maps as lying within a Coastal Hazard 2 Area as controlled where a report from a person suitably qualified in coastal processes is lodged with the Council in respect of the proposed development	Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be discretionary.
<b>Heritage</b>	<b>Non-compliance</b>
<p><b>12.5.6.2.2 ACTIVITIES WHICH COULD AFFECT SITES OF CULTURAL SIGNIFICANCE TO MĀORI</b></p> <p>Building within any Site of Cultural Significance to Māori is a restricted discretionary activity unless the activity is proposed by the requesting party, in which case this rule does not apply.</p>	<p>The site is included within Site of Cultural Significance MS05-38 which is described as Okokori/Kaimaua Recreation Reserve &amp; Waahi Tapu with the requesting party identified as 'Māori Owners'. The activity is not proposed by the requesting party. Non-complying under <b>15.5.6.3 DISCRETIONARY ACTIVITIES</b> (as per subsections (c) and (d))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be restricted discretionary.</p>
<b>Lakes, Rivers, Wetlands and the Coastline</b>	<b>Non-compliance</b>
<p><b>12.7.6.1.1 SETBACK FROM LAKES, RIVERS AND THE COASTAL MARINE AREA</b></p> <p>As a permitted activity, any building and any impermeable surface must be set back 30 metres from the boundary of the boundary of the coastal marine area.</p>	<p>The Whare Wānanga and Whare Waka buildings encroach into the 30 metre setback requirement. The approved plan for RC2130047 indicates a setback of 19.5 metres for the Whare Wānanga.</p> <p>Non-complying under <b>12.7.6.3 DISCRETIONARY ACTIVITIES</b> (as per subsections (c) and (d))</p>
<p><b>12.7.6.1.4 LAND USE ACTIVITIES INVOLVING DISCHARGES OF HUMAN SEWAGE EFFLUENT</b> provides that land use activities which produce human sewage effluent are permitted where effluent is treated and disposed of on-site such that each site has its own treatment and disposal system, no part of which shall be located closer than 30 metres from the boundary of the coastal marine area.</p>	<p>The wastewater treatment plant is located between the Whare Wānanga and the coastal marine area. The Whare Wānanga is approximately 19.5 metres from the coastal marine area.</p> <p>Non-complying under <b>12.7.6.3 DISCRETIONARY ACTIVITIES</b> (as per subsections (c) and (d))</p>
<b>Transportation</b>	<b>Non-compliance</b>

<p><b>15.1.6A.2.1 TRAFFIC INTENSITY</b></p> <p>30 daily one way daily vehicle movements are permitted in the General Coastal zone (excluding the first residential unit on site)</p>	<p>The site includes four residential units, with the District Plan applying a traffic intensity factor of 30 for three of the residential units.</p> <p>The District Plan applies a traffic intensity factor of two for every person the facilities are designed for - Places of Entertainment/Places of Assembly/Other Buildings used for Social, Cultural or Recreational purposes.</p> <p>Te wananga a kupe mai tawhiti provides for up to four persons. Existing activities therefore have a traffic intensity factor of 38.</p> <p>The application states that the Whare Wānanga and Whare Whakairo have been designed with maximum capacity of 88 persons. The application states that the Whare Whetū and classroom/meeting room will not increase the number of people on site. This equates to a traffic intensity factor of 176.</p> <p>There is no comment in the application on the kohanga/plant propagation area and it is assumed that these activities engage people/children living on site.</p> <p>Based upon above site activity has a combined traffic intensity factor of 214.</p> <p>Non-complying<sup>5</sup> under <b>15.1.6A.5 DISCRETIONARY ACTIVITIES</b> (as per subsections (c) and (d))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be restricted discretionary.</p>
<p><b>15.1.6C.1.1 PRIVATE ACCESSWAY IN ALL ZONES</b></p> <p>The construction of the private accessway is to be undertaken in accordance with Appendix 3B-1.</p> <p>A private accessway may serve a maximum of 8 household equivalents.</p> <p>Access is not permitted onto a State highway</p>	<p>A household equivalent is represented by ten vehicle movements.</p> <p>The proposal increases the number of household equivalents on the private accessway. Permitted consented development includes four residential units (as advised by the applicant) and te wananga a kupe mai tawhiti.</p> <p>The proposal represents an additional 176 movements or 18 household equivalents.</p> <p>APPENDIX 3B-1: STANDARDS FOR PRIVATE ACCESS makes provision for up to eight household equivalents, assuming that anything above this would have vested as road. Eight household equivalents requires a five metre carriageway and stormwater drainage. The accessway, including upgrades, does not comply with this or the standard for road.</p>

<sup>5</sup> This does not take into account the right of way over Lot 2 DP 164422 and it is reasonable to assume that this would also require consent. The application has not commented on this.

	<p>Non-complying under <b>15.1.6C.2 DISCRETIONARY ACTIVITIES</b> (as per subsections (b) and (c))<sup>6</sup></p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be discretionary.</p>
<p><b>15.1.6C.1.3 PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES</b></p> <p>Passing bays on private accessways shall be 15 metres long and provide a minimum usable access width of 5.5 metres. These are required to be located every 100 metres.</p> <p>All accesses serving 2 or more sites shall provide passing bays and vehicle queuing space at the vehicle crossing to the legal road.</p>	<p>The proposed upgrades indicate passing bays will be provided for every 125 metres approximately and will be 12 metres long, providing an additional width of 2.5 metres.</p> <p>Non-complying under <b>15.1.6C.2 DISCRETIONARY ACTIVITIES</b> (as per subsections (b) and (c))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be discretionary.</p>
<p><b>15.1.6C.1.5(c) VEHICLE CROSSING STANDARDS IN COASTAL ZONES</b></p> <p>Where a vehicle crossing serves two or more properties the private accessway is to be 6 metres wide and is to extend for a minimum distance of 6 metres from the edge of the carriageway.</p>	<p>The conditions proposed by NZTA for the vehicle crossing off the State Highway do not meet this minimum requirement.</p> <p>Non-complying under <b>15.1.6C.2 DISCRETIONARY ACTIVITIES</b> (as per subsection (b) and (c))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be discretionary.</p>

5.2 Summary: Given the cascade of rules in the ODP, each breach to the permitted activity rules is a non-complying activity (as per 10.6.5.4). The following assessments do however place emphasis upon the matters of discretion outlined above for individual breaches.

5.3 Note: General Coastal zone – scale of activities

The application states:

*“Okokori B Block has a total site area of 115.8ha, allowing for a maximum of 115 persons that can be engaged on site at any one time.*

*As determined in RC2130047, the maximum capacity of the existing Whare Wānanga is 84 persons. However, very seldom will the number of people engaged on site exceed this number.*

*The main activities on site include educational workshops and cultural tourism activities where no more than 30 people plus staff will participate at any one time.*

*It is anticipated that few large events will be held on site, including Matariki, where a maximum of 100 attendees are anticipated.*

<sup>6</sup> This does not take into account the right of way over Lot 2 DP 164422 and it is reasonable to assume that this would also require consent.

*The KWC will not be open to the general public, and visits to the site will be prior arrangement only.”*

- 5.4 As per above, the current application does not seek consent for any more than 115 person on the area of Okokori B Block at any one point in time. This excludes people normally residing on site.

### ***Proposed Far North District Plan (PDP)***

- 5.5 A summary of submissions and further submissions to the PDP as originally notified has been released and is available on Council's website.
- 5.6 Proposed Plan Variation 1 (Minor Corrections and Other Matters) to the PDP was notified on 26 November 2024, with the submission period closing on 10 December 2024. These provisions replace the corresponding provisions in the PDP as originally notified.
- 5.7 Due to the breadth of submissions received, the District Plan team has advised that no rules can currently be considered operative under section 86F of the Resource Management Act 1991 (the Act).
- 5.8 Rules in the PDP that have immediate legal effect remain relevant to the assessment of proposals. Although not operative, these rules must be considered, as they carry legal effect. In the PDP, such rules are identified by an orange 'gavel' symbol. Rules without immediate legal effect (i.e. no gavel symbol) do not apply. (Section 86B of the Act outlines when rules in a proposed plan have legal effect.)
- 5.9 The applicant lodged a submission (S581.001) to the PDP seeking the deletion of MS05-38 (Site of Significance to Māori) from the site (Okokori B), on the basis that it had been applied in error. There were no further submissions to S581.001. Council's policy planner assessed the submission in a section 42A report to the District Plan Hearings Panel, recommending that it be rejected as the evidence provided was regarded as insufficient to justify the deletion of MS05-38 and there was no evidence of consultation with the requesting party.
- 5.10 Council's policy planner considered the applicant's evidence presented to the District Plan Hearings Panel on 27 May 2025. In the planner's right of reply they commented as follows:
38. *In respect to the issue raised by Arawai Ltd which relates to the site identified in Schedule 3 – Schedule of Sites and Areas of Significance to Māori as MS05-08. Based on the evidence provided the following is determined:*
39. *A Māori Land Court partition order dated 11 March 1954 created Okokori A and Okokori B Blocks. Okokori A Block was formally identified as Pt Okokori Block...*
40. *The Mangonui County Operative District Scheme Appendix F references the Site of Significance to Māori as M23 and identifies the site as Pt Okokori Block...*
41. *It should be noted that the reference on the planning maps M23 is identified as Pt Okokori Block which became Okokori A Block when titled was issued in 2010...*
42. *The Far North Operative District Plan (2009) Appendix 1F Schedule of Sites of Cultural Significance to Māori, references the Site of Significance as MS05-38 and the legal description is Pt Okokori Block or Okokori A Block...*

- a) *It should be noted that in the Far North Operative District Plan (2009) the planning maps show the extent of the map as being beyond Pt Okokori Block or Okokori A Block and into Okokori B Block.*
- b) *Evidence provided assesses that the extent of the mapping of MS05-38 may have been applied incorrectly to Okokori B Block.*
43. *I concur with this assessment and recommend that the request to remove the extent of the mapping of MS05-38, as it has been applied to the property legally described as Okokori B, be accepted.*
- 5.11 As hearings are progressing, no decisions have been released. Council decisions will have regard to the final recommendations of the Hearings' Panel and are anticipated by mid-2026. Therefore, for the purposes of assessing the proposal, the provisions relating to MS05-38 remain relevant despite the above recommendation of Council's policy planner to delete MS05-38 from the site.
- 5.12 An assessment of the proposal against the PDP rules with immediate legal effect has been undertaken. The only rules relating to the proposal and having effect relate to earthworks<sup>7</sup> and Sites and Areas of Significance to Māori as follows.

<b>EW-R12</b>	<b>Earthworks and the discovery of suspected sensitive material</b>	
All zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The <a href="#">earthworks</a> complies with standard EW-S3 - Accidental Discovery Protocol.</p>	Activity status where compliance not achieved: Discretionary
<b>EW-R13</b>	<b>Earthworks and erosion and sediment control</b>	
All zones	<p>Activity status: Permitted</p> <p>Where:</p> <p>PER-1 The <a href="#">earthworks</a> complies with standard EW-S5 Erosion and sediment control.</p>	<p>Activity status where compliance not achieved with PER-1: Restricted discretionary</p> <p>Matters of discretion are restricted to:</p> <p>a. the matters of discretion of any infringed standard.</p>
<b>EW-S3</b>	<b>Accidental discovery protocol</b>	
All zones	<p>On discovery of any suspected <a href="#">sensitive material</a>, the person must take the following steps:</p> <ol style="list-style-type: none"> <li>Cease all works within 20m of any part of the discovery immediately and secure the area, including: <ol style="list-style-type: none"> <li>shutting down all earth disturbing machinery and stopping all earth moving activities; and</li> <li>establish a sufficient buffer area to ensure that all material remains undisturbed.</li> </ol> </li> <li>Within 24 hours of the discovery the owner of the <a href="#">site</a>, tenant or the contractor must: <ol style="list-style-type: none"> <li>inform the following parties of the discovery: <ol style="list-style-type: none"> <li>The <a href="#">New Zealand Police</a> if the discovery is of human remains or kōiwi;</li> <li>The <a href="#">Council</a> in all cases;</li> <li><a href="#">Heritage New Zealand Pouhere Taonga</a> if the discovery is an archaeological <a href="#">site</a>, Māori cultural artefact, human remains or kōiwi; and</li> <li><a href="#">Tangata Whenua</a> if the discovery is an archaeological <a href="#">site</a>, Māori cultural artefact, or kōiwi.</li> </ol> </li> </ol> </li> <li>No works shall recommence until the discovery area is inspected by the relevant authority or agency, this shall include: <ol style="list-style-type: none"> <li>If the discovery is human remains or kōiwi the <a href="#">New Zealand Police</a> are required to investigate the human remains to determine whether they are those of a missing person or a crime scene. The remainder of this process will not apply until the <a href="#">New Zealand Police</a> confirm that they have no further interest in the discovery; or</li> <li>If the discovery is of archaeological material, other than evidence of <a href="#">contaminants</a>, a site inspection for the purpose of initial assessment and response will be arranged by the <a href="#">Council</a> in consultation with <a href="#">Heritage New Zealand Pouhere Taonga</a> and appropriate <a href="#">Tangata Whenua</a> representatives.</li> </ol> </li> <li>Recommencement of work: <ol style="list-style-type: none"> <li><a href="#">Heritage New Zealand</a> has confirmed that an archaeological authority has been approved for the work or that none is required;</li> <li>Any required notification under the <a href="#">Protected Objects Act 1975</a> has been made to the <a href="#">Ministry for Culture and Heritage</a>; and</li> <li>Resource consent has been granted to any alteration or amendment to the <a href="#">earthworks</a> or <a href="#">land disturbance</a> that may be necessary to avoid the <a href="#">sensitive materials</a> that is not otherwise permitted under the plan or allowed by any existing resource consent.</li> </ol> </li> </ol>	Where the standard is not met, matters of discretion are restricted to: Not applicable

<sup>7</sup> The definition of earthworks in the PDP does not exclude the disturbance of land for building platforms

EW-S5 Erosion and sediment control	
All zones	<p><b>Earthworks</b></p> <p>1. must for their duration be controlled in accordance with the <a href="#">Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016</a> (Auckland Council Guideline Document GD2016/005); and</p> <p>2. shall be implemented to prevent silt or sediment from entering <a href="#">water bodies</a>, coastal marine area, any <a href="#">stormwater system</a>, <a href="#">overland flow paths</a>, or <a href="#">roads</a>.</p> <p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <p>a. the location, scale and volume;  b. depth and height of cut and fill;  c. the nature of filling material and whether it is compacted;  d. the extent of exposed surfaces or stockpiling of fill;  e. erosion, dust and sediment controls;  f. the risks of natural hazards, particularly flood events;  g. stormwater controls;  h. flood storage, overland flow paths and drainage patterns;  i. impacts on natural coastal processes;  j. the stability of land, buildings and infrastructure;  k. natural character, landscape, historic heritage, spiritual and cultural values;  l. the life-supporting capacity of soils;  m. the extent of indigenous vegetation clearance and its effect on biodiversity;  n. outstanding natural character, outstanding natural landscapes and outstanding natural features;  o. riparian margins;  p. the location and use of infrastructure;  q. temporary or permanent nature of any adverse effect;  r. traffic and noise effects;  s. time of year earthworks will be carried out and duration of the activity; and  t. impact on visual and amenity values.</p>

5.13 Advice notes can be applied to any consent issuing to ensure compliance with EW-R12 Earthworks and the discovery of suspected sensitive material and EW-R13 Earthworks and erosion and sediment control.

5.14 The consenting requirement under the rules relating to Sites and Areas of Significance to Māori is as follows:

Sites and Areas of Significance to Māori	Non-compliance
<p><b>SASM-R1 New building or structure, extensions to an existing building or structure, earthworks or indigenous vegetation clearance</b></p> <p>An activity is permitted activity where it is undertaken by the requesting party listed in Schedule 3</p>	<p>The site includes MS05-38 Awapoko Reserve. The activity is not proposed by the requesting party.</p> <p>Restricted discretionary.</p> <p>Matters of discretion are restricted to:</p> <p>a. whether the requesting party listed in Schedule 3, the relevant iwi authority, or Heritage New Zealand Pouhere Taonga, have been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation;</p> <p>b. whether a cultural impact assessment has been undertaken and the extent to which the proposal responds to or incorporates the recommendation in that assessment;</p> <p>c. the extent to which the activity may adversely affect cultural and spiritual values;</p> <p>d. whether the activity will have an adverse effect on the site and area of significance to Māori; and</p> <p>e. the means by which any adverse effects on cultural, spiritual and heritage values can be avoided, remedied or mitigated.</p>

## Overall Activity Status

5.15 Overall, the proposal is a non-complying activity under the ODP and a restricted discretionary activity under the PDP.

5.16 With respect to the rules, weighting between the ODP and PDP has not been regarded as an issue in this instance as the rules relating to the Sites and Areas of Significance to Māori are consistent in terms of the activity, activity status and the limits of discretion are the same with respect to points c, d, and e of SASM-R1. In terms of point a of SASM-R1, Rule 12.5.6.2.2 of the ODP goes further to state “Where an application is made in terms of this rule, the requesting party and the relevant iwi authority and the New Zealand Historic Places Trust shall be considered an affected party”. The applicant identified Ngāti Kahu as the relevant iwi authority (Te Rūnanga Iwi). The whanau and hapu of Ngāti Tara, Parapara and Tūpuna have strong ties to the land.

5.17 Overall, the application is a Non-Complying Activity.

## 6. Notification and Submissions

6.1 The application went through a Limited Notification process with the following parties notified:

- Ngāti Kahu
- Ngāti Tara
- Parapara Marae
- Submitters to RC2300463 - being Trustees of Paddy Whangu Greaves Whanau Trust (Maaki Greaves, Mahue Greaves, June Waenga and Heta Kiriwi-Greaves); Hinemoa (Greaves) Poa Whanau Trust (Hinemoa (T Greaves) Poa Rita Avis Greaves Josephine Erica Poa Tunis Teatau Marama Poa Boaza Poa Teina Poa (Deceased); Rachel Mar; Hoana Takutai Moana Trust (Edith Hau); Kiriwi Whānau o Okokori; and Milton Ross
- Heritage New Zealand Pouhere Taonga

6.2 Also, the following properties were notified:

Legal Description	Address
Okokori A Block	<b>Māori freehold land</b> held in 109 shares separates the site from Doubtless Bay/Tokerau Beach
Pt CL SO 18870	Crown land administered by the <b>Department of Conservation</b> abutting the northwestern boundary of the site
Lot 2 DP 145849 and Lot 2 DP 164422	Lot 2 DP 164422 includes the right of way servicing the site, this is owned by <b>Larry and Fiona Mathews</b>

6.3 Submissions closed on 13th of August 2025.

6.4 At the close of submission period, one submission had been received and is summarised below.

6.5 Submitter: Milton Gregory Ross on behalf of Te Tāhuna Roa duly authorised representative of Ngāti Tara. Wishes to be heard.

6.6 Main Concerns:

6.7 DISTURBANCE OF CULTURAL SITE/MIDDEN

- Deeply concerned that the applicant undertook earthworks and other activities without prior resource consent and without engaging either the Council or Ngāti Tara. It stops proper assessment of the cultural and environmental impacts before damage happens with a taonga site has already been harmed. This also raises serious questions about whether enforcement action should be taken.
- New Zealand Archaeological Association database is not exhaustive, and the site mapping (nearest site O04/932) is outdated. This underscores the critical need to engage mana whenua from the outset. Mātauranga, tikanga, and deep knowledge of the whenua are essential to properly identify, protect, and manage the cultural sites.

6.8 CULTURAL EFFECTS/IMPACT ASSESSMENT

- Serious concerns about an outside contractor being brought in to do this work. Ngāti Tara have prior experience in being commissioned to undertake CIAs previously– for example, the Council’s consent to discharge sewage into our waterways – best placed to ensure our cultural values, histories, and mātauranga are told the right way.
- Te Tāhuna Roa, the group chosen by Ngāti Tara to lead their response, were asked by Council and the author to review the CIA. This was appreciated, however is not the same as leading the work. A CIA is Ngāti Tara’s voice. Reviewing someone else’s words, loses the chance to set the kōrero from one’s own worldview, to follow tikanga and ways of working, and to protect the truth of stories and protecting sites of significance.
- The current way of working risks leaving out important knowledge, getting things wrong, or weakening what matters to Ngāti Tara. The way this review was done was inappropriate. To be asked to review a CIA casually, without formal commissioning, resourcing, or a clear mandate, is disrespectful to Ngāti Tara’s role as mana whenua and undermines Ngāti Tara’s authority and expertise.

6.9 The submitter seeks the application be declined and seeks the following from Council:

- Site Restoration and Remediation –
  - a) Where damage has occurred, appropriate restoration of the affected whenua and taonga must be undertaken in partnership with Ngāti Tara.
- Withdraw the Independent CIA and Commission Mana Whenua –
  - a) Withdraw the externally prepared CIA and commission Te Tahuna Roa / Ngāti Tara to undertake a full CIA.
  - b) Provide adequate funding, timeframes, and site access to ensure the CIA is thorough, accurate, and culturally robust.
  - c) The new CIA guide all further works and consent conditions and in partnership with Ngati Tara.

Or



- Reframe the Current CIA as Background Only
  - a) Treat the existing CIA as background only.
  - b) Ngāti Tara take the lead and be resourced to do so, in reviewing, re-writing, or replacing sections so that the final report is issued under mana whenua authority.
  - c) The independent contractor's role is reduced to supplying technical or environmental data only, not cultural interpretation.
  - d) This CIA guide all further works and consent conditions and in partnership with Ngati Tara.
- Establish a CIA Protocol
  - a) FNDC and applicants adopt a formal agreement that all CIAs within Ngāti Tara rohe are to be led by mana whenua or their mandated entity.
  - b) Include early engagement triggers, budget expectations, and decision-making pathways.
  - c) Ngati Tara review councils cultural heritage register to ensure correct historical information is recorded on sites within our rohe.
- Establish a Cultural Redress for Retrospective Applications
  - a) Fund ongoing cultural monitoring during works
  - b) Support cultural and environmental restoration projects to sites
  - c) Record an apology and process commitment in decision documentation.
- Cultural Monitoring
  - a) For future works Ngāti Tara-appointed cultural monitors must be on-site during all earthworks and disturbance activities to ensure protection of cultural sites going forward.

6.10 I would comment on the submission received as follows:

#### 6.11 DISTURBANCE OF CULTURAL SITE/MIDDEN

6.12 The proposal involves 1,250 m<sup>3</sup> of cut and 1,100 m<sup>3</sup> of fill earthworks for safety upgrades to the existing internal access road and the construction of a new parking area. Northland Regional Council has granted consent for earthworks and the associated diversion and discharge of stormwater required to upgrade the 1.8 kilometre long private accessway, the construction of the new carpark and the upgrade of an existing drainage culvert at 4554 State Highway 10 at Aurere. Rather than duplicating the assessment of earthworks, the district council has chosen to rely upon the regional council's technical expertise in determining the effects of the earthworks as less than minor.

6.13 ASL Archaeological Solutions Ltd undertook an archaeological assessment of the site, as summarised in a report dated 27 March 2021. The report advises no archaeological sites were found within the extent of the proposed development area. There were three grouped middens found 170 metres from the high tide mark in the dunes. The report indicates that while there were no features or deposits recorded or encountered during the survey, it does not rule out the potential presence of subsurface shell middens

and/or/hearths, with the highest risk area of encountering unrecorded sites being close to the beach side and the lowest risk by the ramp and waka shed area.

- 6.14 The report recommends that all works be subject Heritage New Zealand's Accidental Discovery Protocol, thereby ensuring appropriate management if subsurface material is uncovered in future activities. With respect to RC2300463, Heritage New Zealand Pouhere Taonga accepted the report and its recommendations. Any effects of the proposal upon heritage and archaeology are therefore considered to be less than minor and therefore acceptable.

6.15 CULTURAL EFFECTS/IMPACT ASSESSMENT

- 6.16 The cultural effects are assessed in detail at paragraphs 10.63 – 10.80 of this report, please refer to that section for comment. It is noted that the submitter made a number of requests in the determining of this application which have been taken onboard in the assessment of this application.

## 7. Written Approvals

- 7.1 No written approvals provided.

## 8. Pre-Hearing Meeting

- 8.1 No pre-hearing meeting was held.

## 9. Reports from Other Officers/Departments

### 9.1 Resource Consents Engineer

- 9.2 The reporting engineering officer for this application is John Papesch Haigh Workman Limited his engineering memo with suggested conditions is attached in appendix C. His comments are summarised as follows:

- 9.3 Whare Wananga:

- 9.4 It was contended in the site suitability report by Richard Catterall in 2012 that the Whare Wananga is not prone to coastal erosion and other natural hazards. Based upon Council's maps the building position is considered susceptible to coastal erosion within the next 50 years. It was noted the potential need to remove the building should the mapped hazards arise in the future.

- 9.5 Traffic Engineering:

- 9.6 State Highway entrance:

- 9.7 Access to the site is via a vehicle crossing on State Highway 10. A traffic report by Richard Catterall, dated 24 April 2012 and supplementary report dated 18 June 2012, was submitted with the original application. Correspondence from NZTA dated 24

September and 29 October 2012 was provided in response to a s92 request for further information dated 4 September 2012. The 29 October 2012 letter included approval in principal, subject to conditions. Those conditions include (but not limited to) upgrading the entrance to NZTA's diagram D standards, vegetation clearance to the north, and traffic from the Site not to exceed 100 car movements per day.

- 9.8 Internal access:  
Internal access is via a single lane gravel road. RC2130047 provided for the internal access to be upgraded to a 6 m wide carriageway, which is considered a reasonable level of treatment. A structural assessment of the bridge by Richard Catterall dated 24 September 2012 where it is concluded that the bridge is suitable for standard class 1 loadings.
- 9.9 Traffic Intensity:
- 9.10 The actual traffic generated will be far less than the TIF threshold calculated under the District Plan.
- 9.11 The traffic report by Richard Catterall, dated 24 April 2012, concluded that *"the average daily traffic for the Kupe Waka Centre, when full developed in accordance with this proposal, will be 56 vehicles per day...The maximum daily traffic level (being 168 vpd) will occur approximately 6 times a year..."*
- 9.12 Traffic summary
- 9.13 A copy of this engineers memo and RFI dated 11 June 2024 was provided to Tim Elliott to question whether a NZTA's prior position was still relevant, or if a traffic impact assessment was required. NZTA seemed satisfied with their prior position on the state highway entrance, therefore the request for a traffic impact assessment was withdrawn.
- 9.14 Wastewater
- 9.15 The applicant responded for inclusion for breach of rule 12.7.6.1.4 with this consent, however no information has been provided in relation to the installed septic tank and pump chamber to allow for it to be assessed. As a result, standard compliance information is to be provided as conditions of consent.

## 10. Statutory Assessment

- 10.1 Matters to be considered by the Council when assessing an application for resource consent under s104 of the Act include, subject to Part 2, any actual and potential effects on the environment, any relevant objectives, policies, rules or other provisions of a Plan or Proposed Plan and any other matters considered necessary (i.e. under s104(1)(c)).
- 10.2 Before I undertake my assessment of effects under section 104(1)(a), it is first necessary to address the permitted baseline and existing environment as these are the starting point against which the effects must be considered.
- 10.3 **Permitted Baseline**
- 10.4 Pursuant to section 95D(b) of the Act, Council has the discretion to disregard the effects of an activity if a rule or national environmental standard permits an activity

with that effect. This is known as the permitted baseline. The table in section 6 above outlines the permitted baseline rules.

- 10.5 In terms of the retrospective consent sought, I consider it would be unreasonable to place significant emphasis upon the permitted baseline in this instance as the land has vested as a Māori Reservation for the purpose of Whare Wānanga for kaupapa waka, commonly referred to as Te Awapoko Waka Whānanga Reserve. Further to this, the Whare Wānanga building was enclosed prior to RC2130047 lapsing.
- 10.6 In terms of visual amenity and buildings within an outstanding landscape, the restrictions upon gross floor area are not intended to reflect a realistic scale of development but rather provide a trigger enabling Council to consider the visual effects of the development. Therefore, the permitted baseline relating to visual amenity and buildings within an outstanding landscape is disregarded in the following assessment. This breach to the permitted activity thresholds will be considered on the basis of the mitigation measures volunteered by the applicant addressing visual amenity, with Council considering the actual and potential effects of the built development thresholds proposed.
- 10.7 The following assessment does have regard to the permitted baseline involving discharges of human sewage effluent, earthworks, traffic intensity, private access and vehicle crossings.
- 10.8 **Receiving Environment**
- 10.9 The receiving environment is the environment within which the adverse effects of the application must be assessed.
- 10.10 The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consents) and any unimplemented resource consents that are likely to be implemented. The effects any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of the reasonably foreseeable receiving environment.
- 10.11 Given the activity proposed, the size of the site and the location of the proposed activity, for the purposes of this assessment the receiving environment has been regarded as including rural properties surrounding the site and the State Highway.
- 10.12 Section 2 Relevant Planning History above summarises the consents applying the site.
- 10.13 The proposed development is not regarded as being out of context with the existing environment, particularly given the vesting of 2.1 hectares of the 115.8 hectare title area as Māori Reservation for the purpose of Whare Wānanga for kaupapa waka.
- 10.14 **Section 104(1)(a) Actual and potential effects on the environment**
- 10.15 **Matters not in contention:**
- 10.16 A number of effects were assessed in the application and were not contended in the submissions received. These are:

- visual amenity
  - building height
  - buildings within outstanding landscapes
  - new buildings in a Coastal Hazard 2 area
  - water setback
  - wastewater
  - stormwater
  - traffic intensity
- private access and vehicle crossings

#### 10.17 **Actual and potential effects**

- 10.18 Once a non-complying activity consent requirement is triggered, I can take account of any relevant matter when assessing the environmental effects of a proposal.

#### Natural character, visual amenity and outstanding landscape

- 10.19 The ODP Outstanding Landscape overlay includes the development area. It is identified in the Far North District Landscape Assessment Worksheets (1995) as Landscape Unit C31, which is described as expansive exposed beaches, with the following ratings<sup>8</sup> - aesthetic 6, heritage 6, rarity 6, vulnerability to change 6 (7 indicating extremely low visual absorption capability), exposure/visibility 5, overall sensitivity class 6 (high sensitivity).
- 10.20 This landscape unit was assessed as being outstanding due to the sense of expansive spaciousness, a limited extent of built development, a largely natural sequence of dune field/wetland vegetation, and the strong association between the sweeping beach and the field dunes found extending inland as a backdrop.
- 10.21 RC2130047 was supported by an architect's assessment of visual impact by design TRIBE Architects, dated September 2012. The assessment stated:
- The design and location of the complex is an innovative response to the major planning issue posed by the site - the need to protect the landscape values of the coast of Tokerau Beach/Doubtless Bay. While any construction on the upper dune would interrupt these important views, the main complex is located on the flat terrace below the level of the main dune, maintaining the integrity of the un-built star compass upper dune area.*
- 10.22 The development occupies a flat terraced area which is highly modified; including numerous buildings on site; notably the approved 210 m<sup>2</sup> Whare Wānanga (including an education/training centre and cultural tourism destination based around kaupapa waka), the 144 m<sup>2</sup> Whare Waka, residential units, areas of landscaping and the Māori star compass. In terms of the retrospective consent sought, it also includes the 30 m<sup>2</sup> taupaepae (entrance/assembly point for visitors), the 30 m<sup>2</sup> putanga (reception/office and local merchandise shop), the 7 m<sup>2</sup> wharepaku (toilet block for visitors), the 96 m<sup>2</sup> kohanga (nursery), the 152 m<sup>2</sup> taupuni (depot); and the 180 m<sup>2</sup> waka shelter and associated storage/working area.

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<sup>8</sup> Ratings are 1-7, with 7 indicated as being extremely high value

- 10.23 Where the structures are subject to retrospective consent, the actual effects on natural character and visual amenity can be observed on site. Section 3 above includes photographs of the development. In the context of the existing site development, the 106 m<sup>2</sup> Whare Whetū (planetarium) that is yet to be established on site will be relatively discrete, by virtue of its size and location.
- 10.24 The majority of the land affected by the development was vested as a Māori Reservation for the purpose of Whare Wānanga for kaupapa waka, with the buildings and their use regarded as generally consistent with development expectations for the site; establishing a cultural and educational facility supporting kaupapa waka, celestial navigation education, and wānanga.
- 10.25 Based upon its purpose and use, I consider the activity has a functional need to be located adjacent to the coastal marine area; enabling waka launching, celestial navigation training, and practical learning.
- 10.26 The site is screened by existing riparian vegetation along the Awapoko River and the sand dunes along Tokerau Beach. The site is also set back approximately 850 metres from State Highway 10, ensuring significant separation from public roads and reducing visibility from public viewpoints.
- 10.27 Previous resource consent RC2130047 assessed the Whare Wānanga, which is the building located closest to the coastal marine area, at approximately 19.5 metres from the Awapoko River. It was determined that the visual effects of this building were less than minor due to its careful design, including a split-level roof to reflect the shape of a waka under sail, the use of natural materials, and recessive colours. The building's position behind existing riparian vegetation further reduced its visual impact. The waka shelter maintains a similar setback from the coastal marine area, and its effects are mitigated by the relative openness of the structure and the riparian vegetation.
- 10.28 The proposal uses natural materials and colours with low reflectance values to integrate the buildings. The colour of the existing Whare Whakairo will be adjusted to reduce its reflectivity, ensuring consistency across the site. The proposed Whare Whetū and associated structures will use the same materials and colour palette as the existing Whare Wānanga.
- 10.29 Other buildings that will be located further from the coastal marine area than the Whare Wānanga and waka shelter, are significantly smaller and lower in elevation. This, combined with the site layout, retention of existing vegetation for screening purposes, and site landscaping, will minimise the visibility of the proposed structures when viewed from outside the site.
- 10.30 Given the scale of the proposal relative to the overall 115.8-hectare site, the existing built environment, the use of recessive colours and natural materials, and the effective screening provided by existing vegetation, I consider that overall, the proposal will result in less than minor adverse effects on natural character, visual amenity and outstanding landscape. The proposal will enhance the overall visual coherence of the site by standardising colours and materials across the Waka Centre while supporting the cultural and educational kaupapa of the site. It will maintain and reinforce the existing character of the site as a hub for waka kaupapa and Māori

education while ensuring that the built development remains sympathetic to the coastal landscape.

- 10.31 The kohanga (nursery) on site supports a programme of recovery and restoration of the native flora on site, this has included the reinstatement/enhancement of wetland areas<sup>9</sup> and various landscaping. There is also an active predator control programme. Based upon the evidence of this on site, it is not considered necessary in this instance to require a formal a landscape enhancement and maintenance plan for the development.
- 10.32 The proposal involves 1,250 m<sup>3</sup> of cut and 1,100 m<sup>3</sup> of fill earthworks for safety upgrades to the existing internal access road and the construction of a new parking area, all of which require relatively minor works. In terms of visual effects, I have assessed these earthworks as acceptable.
- 10.33 If the application is to be approved, I have recommended conditions of consent requiring certification of final plans of all built development (including colour palettes), to be consistent with the final details summarised in this s42A report, with all development to proceed in accordance.
- 10.34 Given the above, I consider that any actual or potential adverse effects on natural character, visual amenity and outstanding landscape are considered acceptable.

#### Wastewater treatment

- 10.35 The wastewater treatment plant for the Whare Wānanga is located within the 30 metre setback from the coastal marine area, between the Whare Wānanga and the coastal marine area. The Whare Wānanga is approximately 19.5 metres from the coastal marine area.
- 10.36 Council's Resource Consent Engineer has reviewed the wastewater aspect of the application and supports it subject to condition. The condition can attach to any consent issuing, requiring evidence of the required building and regional council consents<sup>10</sup> for the septic system established on site is in accordance with FNDC Engineering Standards. Given the above, I consider that any effects related to wastewater are less than minor and therefore acceptable.

#### Natural hazards

- 10.37 The application states:

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<sup>9</sup> The Lake Ohia Wetland complex encompasses approximately 80% of Okokiri Block B. The wetland area is comprised of freshwater wetlands on interdune flats ponded between a belt of consolidated foredunes. The site contains outstanding habitat which forms a continuous ecological sequence from the Eastern shoreline of Rangaunu Harbour through to Tokerau Beach (Saltmarsh – Dune fields – shrubland – gum land – swamp dune fields). This is the only remaining example of such a sequence in Northland.

<sup>10</sup> It is understood that the regional consent is for up to 2,190 litres per day of wastewater to be primary treated and discharged to land via standard trenches. The system has been designed to accommodate a flow of 73 litres per person per day during peak visiting periods where on average, 30 persons will be visiting the site per day. A reserve area of 100 percent of the disposal area has been allowed for. The number of people visiting the centre varies throughout the year, with some visitors staying overnight and some visiting the centre for a few hours. A condition has been included in consent to ensure discharge to land is not exceeding the 2,190 litres per day authorised by the regional consent.

*The Whare Wānanga is within the CH2 area but is considered to be exempt from this rule as the building is already existing and was approved under RC2130047.*

*The FNDC Compliance Team have confirmed that the Whare Wānanga has been constructed in accordance with the approved building plans (see correspondence in Appendix N). The external dimensions of this building will remain unchanged.*

*Far North Maps show a portion of the half-round barn to be located within the CH2 area. However, this barn has been demolished to make way for the waka cover.*

*The final Whare Waka building, and all other new buildings will be located entirely outside of the current CH2, and indicative future hazards areas.*

10.38 Resource Consent Engineer commented on the proposal as follows:

*A site plan included with the application shows the Whare Wananga is approximately 19.5 m from the coastal waters of Awapoko River. A site suitability report by Richard Catterall, dated 9 August 2012, was submitted with the original application. Whare Wānanga is now built, in what appears to be the position shown in RC2130047.*

*It was contended by Richard Catterall in 2012 that the Whare Wānanga is not prone to coastal erosion and other natural hazards. Based upon Council's maps the building position is considered susceptible to coastal erosion within the next 50 years.*

*If this were a new building, a site-specific assessment should be provided by a suitably experienced and qualified engineer or coastal scientist. However, as the building is now built, it is considered more appropriate to recognize the potential for those hazards, and the potential need to remove the building should the mapped hazards arise through appropriate conditions of consent. As the information provided with RC2130047 is outdated, the applicant should provide a new coastal hazard assessment and recommendations.*

10.39 Council granted land use consent RC2130047 for the Whare Wānanga on 12 December 2012. Building consent was lodged in 2013 and issued in 2014. On 26 November 2014, the building was fully enclosed and passed its cladding inspection. The building was established on site prior to RC2130047 lapsing.

10.40 The applicant has sought consent "to regularise the built development/activities within RC2130047 which approved the establishment and operation of the Whare Wānanga" but considers that this should not include Rule 12.4.6.2.1.

10.41 Richard Catterall's Site Suitability Report dated 9 August 2012 stated:

*The banks of the stream are shown in the District Plan maps as being within the CHZ2 zone for possible erosion within a 100 year time zone. There is no direct wave action onto the banks and storm tide events will only cause high water levels in the stream. Any erosion if (sic) therefore likely to be caused by slow action due to stream flows. This will only cause slow, shallow retreat of the bank and hence remedial action can be taken should this occur." Council's resource consents engineer concluded "The area is shown as being above the flood plain with the flood waters from the river being spread over lower land to the south of the site. With respect to riverbank erosion the site abuts a straight section of the river at the lower end of the river near its outfall. Erosion is more likely to occur at the river bend immediately to the east of the site where the flow is directed at the bank. I accept the Engineer's (R.I.P Catterall) assessment*



*that stream bank erosion would be a slow shallow retreat of the bank and remedial action can be undertaken should this occur.*

- 10.42 Contrary to the prior assessments, mapping carried out since 2012 identifies that the building works are likely to be subject to a natural hazard (coastal erosion). To address any uncertainty as to whether partial completion of RC2130047 can stand alone, the District Plan breaches outlined above in relation to RC220463 include Rule 12.4.6.2.1.
- 10.43 Adopting a practical approach Council has not sought a further report on coastal hazards affecting the building as this was considered when RC2130047 was processed and the building constructed. The building consent required a minimum floor level to provide at least 500mm freeboard above the 1 in 100 year ARI flood level, with the building to be constructed accordingly.
- 10.44 It is however considered appropriate to advise the applicant of the potential for these hazards and the need for managed retreat if these hazards arise in the future. An advice note can be attached to any decision to RC220463 to record and inform the applicant of the coastal erosion hazard, suggesting they obtain independent advice. Future mitigation could include coastal protection structures. Given the above, I consider that the effects relating to natural hazards will be less than minor and therefore acceptable.

*Parking, property access and vehicle movements*

- 10.45 Although no formal plans have been provided, the applicant proposes parking and manoeuvrability for 21 vehicles and a tour bus/coach at the eastern extent of the accessway and northwest of the Māori reservation. The circular carpark will be approximately 1,300 m<sup>2</sup> in area over a relatively level, irregular shaped grassed paddock. To minimise dust nuisance, the car parking area is proposed to be concreted.
- 10.46 At the time of lodging the application, the ODP required one park per four people. For the 92 people associated with the overall activity this required 23 carparks including two accessible carparks connecting to an accessible route at the closest building entrance. The application did not seek dispensation from the required parking spaces and given the land area available it was considered that a condition attaching to any consent granting approval could ensure compliance.
- 10.47 In June 2025, Council adopted the Spatial Plan for Kerikeri–Waipapa, which established Kerikeri as an ‘urban environment’ as defined by the National Policy Statement for Urban Development (NPS-UD) 2020. Council has therefore become a ‘Tier 3’ local authority. Local authorities that have all or part of an urban environment within their district or region are subject to the requirements of the NPS-UD. This includes the removal of minimum parking requirements. As no plans have been provided, an advice note attaching to any consent issuing can highlight that the parking requirements no longer apply.

- 10.48 A traffic report by Richard Catterall, dated 24 April 2012 and supplementary report dated 18 June 2012, was submitted with the original application. Correspondence from the New Zealand Transport Agency (NZTA) dated 24 September and 29 October 2012 was provided in response to a request for further information dated 4 September 2012. The 29 October 2012 letter included approval in principle, subject to conditions. Those conditions include upgrading the entrance to NZTA's diagram D standards, vegetation clearance to the north, and traffic from the site shall not to exceed 100 car movements per day.
- 10.49 Internal access is via a single lane gravel road. RC2130047 provided for the internal access to be upgraded to a 6.0 metre wide carriageway, which Council's Resource Consent Engineer considers a reasonable level of treatment.
- 10.50 There is a one lane bridge which also provides access to the site. Correspondence from a request for further information dated 4 September 2012 includes a structural assessment of the bridge by Richard Catterall dated 24 September 2012 where it is concluded that the bridge is suitable for standard class 1 loadings.
- 10.51 Supplementary information by way of a traffic intensity calculation is included in the application, which has been calculated at 240-276 one-way daily traffic movements. It is however contended that the traffic intensity factor would remain at 168 movements as previously provided for in RC2130047, and that actual traffic generated will be far less than the threshold calculated under the ODP.
- 10.52 NZTA provided comment/approval in an email dated 30 July 2024 as follows:  
*There is a history to this one as this was a PGF funded project – my recollection was that there was no value in the applicant undertaken a TIA due to several factors:*  
*The applicant acknowledged that the existing access needed to be upgraded.*  
*The applicant agreed to upgrade the access as much as practically possible due to the existing environmental factors the main one being the proximity of the stream reducing the ability to widen the shoulder on SH10 to the north of the access without significant retaining/scour protection.*  
*The applicant acknowledged that the existing sight lines to the north of the access need to be improved.*  
*The applicant agreed to undertake work to remove vegetation to the north to maximise the achievable sight lines.*  
*The applicant provided supporting traffic movement data and clarity around the proposed operating model for the Centre – my recollection was that it would operate by appointment only, no general admission and a reliance on buses to bring visitors to and from the centre.*  
*I acknowledge this was all sometime ago now so if the current information available has changed especially around any revised traffic movements due to a new operating model, then I'd be supportive of the applicant providing an ITA, obviously if the applicant is still intended to operate the centre as per their original application then I don't see any value in them providing an update ITA.*

- 10.53 Whilst a recent comment from NZTA has been provided as above, this is not a written approval. As there are no changes to vehicle movements and NZTA has not raised any concerns, I consider that any effects of the vehicle movements will be less than minor. It is recommended that the following condition from RC2130047 apply to the current proposal –

*The consent holder shall, prior to the opening of the facility to the public, carry out the following condition relating to the entrance and access upgrading:*

*(i) Provide evidence that the upgrade to the property entrance which includes vegetation removal and earthworks to improve the sight distance to the west of the site have been completed and NZTA have provided written confirmation that its requirements have been complied with.*

- 10.54 The proposal involves 1,250 m<sup>3</sup> of cut and 1,100 m<sup>3</sup> of fill earthworks for safety upgrades to the existing internal access road and the construction of a new parking area. Northland Regional Council has granted consent for earthworks and the associated diversion and discharge of stormwater required to upgrade the 1.8 kilometre long private accessway, the construction of the new carpark and the upgrade of an existing drainage culvert at 4554 State Highway 10 at Aurere. Rather than duplicating the assessment of earthworks, I have chosen to rely upon the regional council's technical expertise in determining the effects of the earthworks as less than minor.

- 10.55 On the basis of the above, I consider that any effects relating to parking, property access and vehicle movements are regarded less than minor and therefore acceptable.

#### Heritage and Archaeology

- 10.56 ASL Archaeological Solutions Ltd undertook an archaeological assessment of the site, as summarised in a report dated 27 March 2021. The report advises no archaeological sites were found within the extent of the proposed development area. There were three grouped middens found 170 metres from the high tide mark in the dunes. The report indicates that while there were no features or deposits recorded or encountered during the survey, it does not rule out the potential presence of subsurface shell middens and/or/hearths, with the highest risk area of encountering unrecorded sites being close to the beach side and the lowest risk by the ramp and waka shed area.

- 10.57 The report recommends that all works be subject Heritage New Zealand's Accidental Discovery Protocol, thereby ensuring appropriate management if subsurface material is uncovered in future activities. With respect to RC2300463, Heritage New Zealand Pouhere Taonga accepted the report and its recommendations. As a result, I consider any effects of the proposal upon heritage and archaeology are therefore considered to be less than minor and therefore acceptable.

#### Stormwater management

- 10.58 Northland Regional Council has considered and granted consent for the discharge and diversion of stormwater to land during land disturbance activities.
- 10.59 Stormwater management has been addressed previously through RC2130047. A site suitability report prepared by Richard Catterall, dated 9 August 2012, indicated the site has good soakage, with a general slope to the stream to the northwest providing a wide swale to discharge excess stormwater. Roof collection of stormwater from the rooves and other impermeable surfaces will be directed to a series of tanks with overflow piped directly to the stream, including above ground tanks for the Whare Whakairo and an underground tank for the Whare Wananga. The underground tank for the Whare Wananga will discharge overflow directly into Awapoko River, while the overflow from the Whare Whakairo discharges to the stream/swale towards the northwest. The stream then discharges into the river by way of an existing culvert under the entrance roadway immediately to the west of the boat ramp.
- 10.60 Council's Resource Consent Engineer assessing RC2130047 advised that usually a stormwater pipe discharging directly into a river would be of concern, however in this case as the pipe is assumed to be the overflow from the underground tank, the discharge would be clean and therefore the adverse effects of the discharge into the river would be less than minor.
- 10.61 The current development will include three new tanks at the Whare Waka, a half buried tank for the Taupaepae and Putanga, and a new inground concrete tank for the Whare Whetu. It is estimated that 187,500 litres of water will be collected through the existing stormwater collection and the proposed new tanks. This will support the water supply required for potable water and firefighting supply.
- 10.62 Given the above, I consider that any adverse effects from stormwater management on the site, the surrounding environment or the coastal marine area will be considered to be less than minor and therefore acceptable.

*Manawhenua cultural values and Sites of Cultural Significance MS05-38 Okokori/Kaimaua Recreation Reserve and waahi tapu, Awapoko Reserve/Awapoko Reserve*

- 10.63 The site is mapped in the ODP as including a site of cultural significance to Māori, being MS05-38 described as Okokori/Kaimaua Recreation Reserve and waahi tapu (requesting party recorded as 'Māori owners').
- 10.64 ODP Rule 12.5.6.2.2 '*Activities Which Could Affect Site of Cultural Significance to Māori*' provides that building, excavating, filling, planting of trees or clearance of

vegetation within any site of cultural significance to Māori is a restricted discretionary activity, unless the requesting party proposes the activity<sup>11</sup>.

*RC2300463 application*

10.65 Where an application is made in terms of this rule, the ODP states that the requesting party and the relevant iwi authority and the New Zealand Historic Places Trust shall be considered affected parties. To address Rule 12.5.6.2.2 ACTIVITIES WHICH COULD AFFECT SITES OF CULTURAL SIGNIFICANCE TO Māori Arawai Ltd was requested to provide a cultural impact assessment for RC2300463, addressing the concerns of adjacent landowners and local hapu. Arawai declined to provide this report, instead requesting limited notification.

10.66 On 13 October 2021, RC2300463 was limited notified to Ngāti Tara, Parapara Marae and the owners of Okokori A block (adjacent to the subject site) on the basis of the breach to Rule 12.5.6.2.2.

10.67 On 7 March 2022 Council refused consent to land use consent RC2300463. The reasons for refusing consent included:

- a) *The effects on cultural and spiritual matters have not been sufficiently addressed in the application because the applicant has not clearly identified these matters to then be able to assess the effects of the proposal upon them. The applicant is depending too much on what has happened in the past and not sufficiently recognised that currently, the consideration of such effects is afforded a high priority in the RMA and consideration of resource consent applications. The applicant has chosen to rely on that former approach and not to provide sufficient current information or assessment of the effects of the proposal on cultural and spiritual matters.*
- b) *The same can be said regarding the assessment of the effects of the proposal on the relationship of iwi with their ancestral lands. This is simply not addressed to the degree sufficient to make a decision that acknowledges it. That is to say, this information is not provided, the applicant again depending on what has earlier been granted resource consent and assuming the same will continue without producing a sufficient assessment of the current proposal.*
- c) *These considerations mean that the matters of national importance in the RMA, those including at s6, and among the other matters in s7, recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are not met. That extends to s8 RMA and insufficiently taking account of the principles of the Treaty of Waitangi, with consultation being seen to be a principle of the Treaty.*

*RC2240463 application*

10.68 On 27 July 2024, Arawai Ltd submitted the current application, RC2240463, effectively seeking consent for the activity previously declined (RC2300463) as well as seeking further land use resource consent for the Whare Whetū.

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<sup>11</sup> The current application only has regard to the activity as outlined by the applicant. Matters such as planting of trees or clearance have not been considered.

- 10.69 Whilst most of the information supporting RC2240463 is extracted from RC2300463, RC2240463 also includes the *‘Sir Hek Busby Kupe Waka Centre Cultural Effects Assessment’* (CEA) prepared by Tina Latimer, dated January 2023; prepared to address the primary reasons for Council declining RC2300463.
- 10.70 A copy of the application for RC2240463, including the CEA, was circulated to Ngāti Kahu, Haititaimarangai Marae, Karikari Marae, Parapara Marae and submitters to RC2300463 (as previously listed) for their information and comment. Responses highlight dissension between the applicant, Ngāti Tara and former submitters as to whether the CEA satisfies the matters identified as outstanding in the decision to RC2300463.
- 10.71 Pages 42 to 44 of the application for RC2240463 prepared by Sanson and Associates address *‘Effects on Suite of Cultural Significance to Māori & Archaeology’*. The application states that the CEA provided in support of RC2240463 *“fills the information gaps of relevance which ultimately led to the previous application being declined”*.
- 10.72 Notwithstanding concerns highlighted by the *‘submitters’* relating to consultation, a primary matter of concern raised is the absence of input from Ngāti Tara into the CEA, particularly as *“telling of kōrero Māori on our land should have significant input by the mana whenua and kaitiaki of that land”*.
- 10.73 The submission from Milton Ross to RC2300463 referred to the mana whenua of the land, Ngāti Tara; highlighting Ōkokori A and B<sup>12</sup> as holding a special and significant cultural and spiritual place in the hearts and minds of the whānau and hapū of Ngāti Tara. Milton Ross requested the completion of a cultural impact assessment (CIA) by someone appointed by the hapū, Ngāti Tara, to take into consideration the cultural and spiritual effects of the proposal for Ngāti Tara as mana whenua and owner of the adjacent land.
- 10.74 The current submission by Milton Ross on behalf of Te Tāhuna Roa duly authorised representative of Ngāti Tara also notes serious concerns about an outside contractor being brought in to do the CEA, with Ngāti Tara best placed to ensure cultural values, histories, and mātauranga are told the right way.
- 10.75 Mr Ross noted the current process risks leaving out important knowledge, getting things wrong, or weakening what matters to Ngāti Tara and that the way the review was done was inappropriate. To be asked to review a CEA casually, without formal commissioning, resourcing, or a clear mandate, is disrespectful to Ngāti Tara’s role as mana whenua and undermines Ngāti Tara’s authority and expertise.
- 10.76 The CEA states that the report writer Tina Latimer is of Te Paatu, Ngāti Kahu, Ngaitakoto, Ngāti Kuri, Ngāti Wai, Te Aupouri, Te Rarawa, Te Uri o Hau and Te

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<sup>12</sup> The subject site is Ōkokori B. Ōkokori A which is adjacent to the site, is owned by Ngāti Tara.

Whakatohea descent. The application confirms that Tina Latimer is of Ngāti Tara descent. Ms Latimer has an MPhil (Sc) Māori Resource and Environmental Management.

- 10.77 The CEA recognises the strong ties of Ngāti Tara to Ōkokori A and B. Whilst Ms Latimer is of Ngāti Tara descent, it appears that Ms Latimer does not have the mandate to represent Ngāti Tara, as the submission in this application notes the CEA has been undertaken by an “outside contractor”. On this basis, Ngāti Tara have not had any formal input into the CEA. The CEA confirms Arawai Ltd.’s advice *“that they sought to engage on the content and personnel to undertake a CIA but were not able to develop anything. Finally, Arawai Ltd commissioned the current study which has been undertaken by an experienced practitioner of Ngāti Kahu and Te Paatu descent”*.
- 10.78 Whilst consultation between the parties remains a contentious issue and there have been difficulties in this respect, the comprehensive CEA indicates that Ms Latimer has an understanding of the Māori cultural values and interests in the area. However, the CEA has not been prepared on behalf of or with the mandate of Ngāti Tara who have mana whenua over the site and immediate area. Ngāti Tara have expressed strong concern in this regard. It is noted that the applicant has provided significant evidence demonstrating they had tried to consult with Ngāti Tara. This is detailed in Appendix F within the document Record of attempts to consult the Ngāti Tara hapu. The record notes as follows: *“Since November 2020 Arawai has sought to consult with the local hapū, Ngāti Tara, who in the 2012 acted for the multiple shareholders in Ōkokori A. Notwithstanding significant efforts, a face-to-face meeting between the Arawai Board and representatives of the hapū has yet to take place”*.
- 10.79 Given the above I can not determine whether the current application:
- adequately addresses Māori cultural values, interests and associations with the locality, or
  - includes sufficient information to enable the Far North District Council (Council) to determine the scale and significance of the effects of the proposed activity upon tangata whenua.

It is acknowledged that the proposal has many positive effects in the establishment of the Kupe Waka Centre with most of the building already established on site. It is considered that in this instance given the lack of Ngāti Tara involvement in the Cultural Effects Assessment process (although the applicant has provided significant evidence demonstrating they had tried to consult with Ngāti Tara) on balance I cannot determine the level of effects on Māori cultural values and the tangata whenua.

- 10.80 As such, to address the issue outlined above I suggest the following pre-commencement condition:
- Pursuant to section 116 of the Resource Management Act 1991, this consent shall not commence until an updated Cultural Effects Assessment involving Ngāti Tara is presented, reviewed and accepted as suitable by the FNDC Resource Consent Manager or delegate. The Cultural Effects Assessment must be provided to FNDC Resource Consent Manager within 6 months from the date of the decision notice. Alternatively, the Consent Holder can provide a detailed list of all correspondence inviting representatives of Ngāti Tara to undertake a Cultural Effects Assessment. If a Cultural Effects Assessment has not been completed by Ngāti Tara during this 6



months, and provided the correspondence outlining attempts to commission such a Cultural Effects Assessment are considered comprehensive by the Resource Consent Manager or delegate, then this condition will lapse.

**10.81 Positive effects**

10.82 Promoting social and economic development in Tai Tokerau through employment and education.

10.83 Engaging the community both local and further afield in Kaupapa Waka.

10.84 Safeguarding the future of Kaupapa Waka through education in traditional methods of navigation, waka building and sailing.

10.85 Enabling the Hekenukumai Nga Iwi Trust to fulfil its aspirations for the Awapoko Waka Whananga Reserve. The Trust was established to administer the Reserve area.

10.86 The completion of the centre to realise the vision of a centre of excellence where Kaupapa Waka thrives, and in doing so supports economic and social development and environmental restoration in a manner which ensures the sanctity, integrity and mana of the site are respected at all times.

**10.87 Actual and Potential Effects Conclusion (s104B)**

10.88 In conclusion, based on the information available, the volunteered mitigation measures, and the engineering review carried out on behalf of Council, the effects of the breaches relating to visual amenity, building height, buildings within outstanding landscapes, earthworks, new buildings in a Coastal Hazard area, water setback, land use activities involving discharges of human sewage effluent, traffic intensity, private access and vehicle crossings are considered to be less than minor.

10.89 It is acknowledged that the proposal has many positive effects in the establishment of the Kupe Waka Centre with most of the building already established on site. It is considered that in this instance, given the lack of Ngāti Tara involvement in the Cultural Effects Assessment process (although the applicant has provided significant evidence demonstrating they had tried to consult with Ngāti Tara), on balance I cannot determine the level of effects on Māori cultural values and the tangata whenua.

10.90 As such, to address this issue as outlined above I suggest a pre-commencement condition to require the commissioning of a Cultural Effects Assessment by Ngāti Tara.

## **11. Statutory Documents (Section 104(1)(b))**

11.1 Section 104(1)(b)(i) and (ii) relevant provisions of national environmental standards or other regulations

- 11.2 The National Environmental Standard for Freshwater is relevant to this proposal and has been addressed through the provision of resource consents AUT.043025.02-AUT.043025.05 from Northland Regional Council for land disturbance and associated works within or in close proximity to a significant natural wetland.
- 11.3 There are no District Council functions impacted by this Environmental Standard.
- 11.4 **Section 104(1)(b)(iii) relevant provisions of National Policy Statements**
- 11.5 The National Policy Statement for Freshwater Management (NPSFM) is relevant to this application as it relates to discharge of water on the site which is adjacent to a waterbody. The management measures required by the NPSFM are to be largely implemented on a regional scale by regional councils. While the activity is covered the proposal meets the expectations of the regional planning documents for the area (see stormwater section above) and does not create notable adverse effects on the waterbody.
- 11.6 **Section 104(1)(b)(iv) relevant provisions of the New Zealand Coastal Policy Statement**
- 11.7 The activity is within the coastal environment and as such is subject to the New Zealand Coastal Policy Statement. The relevant provisions are assessed in table below. This assessment should be read in conjunction with the Policy Statement.

Provision	Assessment
<b>Objective 2 – preservation of the natural character of the coastal environment and protection of natural features and landscape values.</b>	The proposed activity has been shown in the effects assessment above to have limited adverse effects on the coastal environment. The natural character will not be degraded through this activity.
<b>Objective 3 – Treaty of Waitangi</b>	It is acknowledged that Ngāti Tara has not endorsed the CEA produced. However, I have suggested that this can be addressed by way of a pre-commencement condition to ensure effects on Māori cultural values and the tangata whenua are acceptable.
<b>Objective 5 – Coastal Hazard Risk</b>	The development is located in an area which is subject to coastal inundation. All built development is proposed to be outside of the flood hazard areas and as such is considered to be consistent with this objective.
<b>Objective 6 – Enabling people and communities</b>	The proposed development has a specific need to be located in the coastal environment to provide access to water bodies for the purpose of education in Kaupapa Waka. The development is sensitive to adverse effects on the coastal environment which may be created by it and as such is considered appropriate to be located in this space. The proposal enables people to provide for their wellbeing through the positive effects listed above.

<b>Policy 2: The Treaty of Waitangi, tangata whenua and Māori</b>	<p>This policy contains a range of provisions which relate to all levels of the planning process. Relevant to this application are points a, c and d which require recognition of cultural relationships with areas in the coastal environment and the provision for these areas through recognition of mātauranga Māori (Maori knowledge) and providing opportunities for Māori involvement in decision making. As outlined above I suggest these matters can be addressed by way of a pre-commencement condition.</p>
<b>Policy 6: Activities in the coastal environment</b>	<p>This policy also covers a broad range of matters. It is considered that points 1h) and i) are of relevance. The remaining provisions are directed at plan development and activities in the coastal marine area more so than land use developments in the coastal environment.</p> <p>Point 1 i) requires development be setback from the coastal environment where practicable for the purpose of access to and along the coastal marine area and for the preservation of amenity values. It has already been discussed above that the amenity values of the area will not be degraded by the proposal. Public access is not a concern.</p>
<b>Policy 13: Preservation of natural character</b>	<p>The proposed development is not within an area of outstanding natural character, with the regional policy statement identifying the area as having high natural character. As such this policy requires the avoidance of significant adverse effects and that the management hierarchy be applied to other effects. The assessment provided shows that the proposal will not create significant adverse effects on natural character and the effects that are being created are being mitigated.</p>
<b>Policy 15: Natural features and natural landscapes</b>	<p>The proposed development is not within an area of outstanding landscape but is adjacent to one. It is noted that the District Plan shows the area as within an outstanding landscape but the more recent regional policy statement identifying the area as being outside of the outstanding landscape. As such this policy requires the avoidance of adverse effects on the landscape. The assessment provided shows that the proposal will not degrade the outstanding landscape.</p>

11.8 Overall, I consider the proposal upholds the objectives and policies of the statement, the expectation that development will be sensitive to and provide for the relationship of tangata whenua with their ancestral lands and to bring mātauranga māori into decision making can be addressed by way of a pre-commencement condition requiring a CEA with Ngāti Tara involvement.

11.9 **Section 104(1)(b)(v) relevant provisions of a regional policy statement or proposed policy statement**

11.10 The regional policy statement for northland contains a range of relevant objectives and policies which should be taken into account in assessing this application. The application documents, on pages 63-65 of the Assessment of Effects document, contain an adequate assessment, with the following the relevant policies:

Objectives:

- 3.5 Enabling economic wellbeing.
- 3.6 Economic activities – reverse sensitivity and sterilisation
- 3.11 Regional form.
- 3.14 Natural character, outstanding natural features, outstanding natural landscapes and historic heritage.

Policies:

- 5.1.11 – Planned and Co-ordinated development
- 4.6.1 – Managing Effects on the Characteristics and quantities of Natural Character, Natural Features and Landscapes
- 7.1.1 Policy – General risk management approach
- 7.1.2 Policy – New subdivision and land use within 10-year and 100- year flood hazard areas
- 7.1.3 Policy – New subdivision, use and development within areas potentially affected by coastal hazards (including high risk coastal hazard areas).

11.11 This policy requires development to use minimise risk of natural hazards by using the best available information among other, less relevant provisions. The proposed development has taken into account the latest flood mapping from the Regional Council and sited buildings outside of these areas.

11.12 The development is appropriate for the site with the majority of the activity being constructed outside of the 10-year and 100 year flood zones, although some access routes may be inundated. It is considered there is no additional risk of harm created by the proposal.

11.13 Overall, I consider that the development meets the expectations of the regional policy statement for Northland.

11.14 **Section 104(1)(b)(vi) relevant provisions of a plan or proposed plan**

11.15 The Operative Far North District Plan 2009 and the Proposed Far North District Plan 2022 are relevant to the application for consent. The following assessment addresses each of these in turn.

11.16 **The Operative Far North District Plan 2009**

11.17 The following Operative Far North District Plan objectives and policies relevant to this proposal have been assessed within the Assessment of Environmental Effects:

- The Objectives and Policies of the Coastal Environment
- The Objectives and Policies of the General Coastal Zone
- The Objectives and Policies relating to Landscapes and Natural Features
- The Objectives and Policies relating to Natural Hazards
- The Objectives and Policies relating to Heritage
- The Objectives and Policies relating to Lakes, Rivers, wetlands and the coastline.

11.18 It is considered that this assessment is largely sound and I adopt the assessment of the objectives and policies as set out in the Assessment of Environmental Effects, with the exception of the following articles where I make further assessment:

### Coastal Environment Chapter

11.19 The coastal environment RPROZ-P7 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

<p>10.3.3 – To engage effectively with Māori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.</p>	<p>The proposal did not formally actively involve Ngāti Tara in the CIA produced. Although there was significant effort in involve Ngāti Tara. However, I suggest this can be addressed through condition with an updated Cultural Effects Assessment involving Ngāti Tara. As such it is considered the proposal can engage effectively with Māori to ensure that their relationship with their culture and traditions and taonga is identified, recognised, and provided for.</p>
<p>10.4.1 – That the Council only allows appropriate subdivision, use and development in the coastal environment. Appropriate subdivision, use and development is that where the activity generally:</p> <p>(a) recognises and provides for those features and elements that contribute to the natural character of an area that may require preservation, restoration or enhancement; and</p> <p>(b) is in a location and of a scale and design that minimises adverse effects on the natural character of the coastal environment; and</p> <p>(c) has adequate services provided in a manner that minimises adverse effects on the coastal environment and does not</p>	<p>Points (a), (b), (c) and (e) are addressed appropriately within the application. The development has been shown to be appropriately located for its purpose and to not notably impact the natural character of the environment. Infrastructure has been adequately provisioned and the proposed solutions will protect the surrounding environment for adverse effects. Point (e), and (g) are not relevant to the proposal.</p> <p>Points (d) and (f) refer to avoiding, as far as practicable, adverse effects on cultural heritage features and the recognition of and provision for the relationship of Māori and their culture and traditions with their ancestral lands. It is considered that this</p>

<p>adversely affect the safety and efficiency of the roading network; and</p> <p>(d) avoids, as far as is practicable, adverse effects which are more than minor on heritage features, outstanding landscapes, cultural values, significant indigenous vegetation and significant habitats of indigenous fauna, amenity values of public land and waters and the natural functions and systems of the coastal environment; and</p> <p>(e) promotes the protection, and where appropriate restoration and enhancement, of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and</p> <p>(f) recognises and provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga; and</p> <p>(g) where appropriate, provides for and, where possible, enhances public access to and along the coastal marine area; and</p> <p>(h) gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement for Northland.</p>	<p>can be addressed through condition as outlined above</p> <p>(h) requires that the proposal give effect to the Northland Regional Policy Statement and New Zealand Coastal Policy Statement. The above assessments show that the proposal is consistent with the RPS, but is contrary to some objectives and policies of the NZCPS.</p>
<p>10.4.5 That access by tangata whenua to ancestral lands, sites of significance to Māori, maahinga mataitai, taiapure and kaimoana areas in the coastal marine area be provided for in the development and ongoing management of subdivision and land use proposals and in the development and administration of the rules of the Plan and by non-regulatory methods. Refer Chapter 2, and in particular Section 2.5, and Council's "Tangata Whenua Values and Perspectives (2004)".</p>	<p>This policy relates to access to ancestral lands. There is no expectation under the RMA that access to private lands will be provided for in developments. It is noted that access to the coastal areas and the river is provided via state highway 10 and the beach area and this is adequate under the circumstances.</p>
<p>10.4.8 That development avoids, remedies or mitigates adverse effects on the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.</p>	<p>It is considered the proposal can adequately avoided, remedy or mitigated adverse effects on the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga through consent condition requiring an updated Cultural Effects Assessment involving Ngāti Tara.</p>

### General Coastal Zone

- 11.20 Policy 10.6.4.5 notes Māori are significant land owners in the General Coastal Zone and therefore activities in the zone should recognise and provide for the relationship of Māori

and their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga and shall take into account the principles of the Treaty of Waitangi. As noted above it is considered that this can be adequately addressed by the recommended conditions.

### **Heritage**

- 11.21 As noted in the coastal environment assessment above, the proposal has addressed some of the impacts on heritage matters. An archaeological report has recommended that it is unlikely that archaeological features will be present in the development area and recommended an ADP to address these. The proposal falls short on recognition of cultural matters and the protection of sites of spiritual and cultural significance.
- 11.22 The provisions of the objectives and policies in this chapter have a strong emphasis on the protection of these features including that the values of these sites shall not be adversely affected by land use activities (12.5.4.2, 12.5.4.8) and that land use activities in the vicinity of sites of cultural significance to Māori shall not compromise their spiritual, cultural or historical values (12.5.4.4). It is considered that through a pre-commencement condition e proposal has not adequately taken these matters into account, has not adequately provided for the protection of these features and is therefore contrary to these provisions.

### **The Proposed Far North District Plan 2022**

- 11.23 The following are the most relevant objectives and policies of the Proposed Far North which are relevant to this proposal in that they encapsulate the Cultural aspects which are in contention are part of this application:
- 11.24 RPROZ-P7 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application: ( j) Any historical, spiritual, or cultural association held by tangata whenua.
- 11.25 SASM-O3 - Sites and areas of significance to Māori are protected from inappropriate subdivision, use and development.
- 11.26 SASM-P2 Protect sites and areas of significance to Māori by:
- a. ensuring that tangata whenua can actively participate in resource management processes which involve sites and areas of significance to Māori including those identified in Schedule 3 - Sites and areas of significance to Māori;
  - b. requiring cultural impact assessments for activities likely to result in adverse effects on scheduled sites and areas of significance to Māori;
  - c. recognition of the holistic nature of the Māori worldview and the exercise of kaitiakitanga;
  - d. acknowledging matauranga Māori;
- 11.27 SASM-P3 Recognise the relationship that tangata whenua have with sites and areas of significance to Māori, as the party that requested scheduling.



11.28 SASM-P4 Consider the following when assessing applications for land use and subdivision that may result in adverse effects on the relationship of tangata whenua with sites and areas of significance to Māori:

- a. the outcomes of consultation undertaken with iwi, hapū or marae that has an association to the site or area;
- b. whether a cultural impact assessment has been undertaken by a suitably qualified person who is acknowledged/endorsed by the iwi, hapū or relevant marae, and any recommended conditions and/or monitoring to achieve desired outcomes;
- c. any iwi/hapū environmental management plans lodged with Council;
- d. that tangata whenua are specialists in the tikanga of their hapū or iwi, including when preparing or undertaking a cultural impact assessment; and
- e. any protection, preservation or enhancement proposed

11.29 SASM-P5 Support land owners to manage, maintain and preserve sites and areas of significance to Māori by: a. increasing awareness, understanding and appreciation within the community of the presence and importance of sites and areas of significance to Māori;

- b. encouraging land owners to engage with marae, whanau, hapū and iwi to develop positive working relationships in regard to the on-going management and/or protection of sites and areas of significance to Māori;

11.30 SASM-P8 Manage land use and subdivision involving sites and areas of significance to Māori to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- a. The particular cultural, spiritual and/or historical values, interests or associations of importance to tangata whenua that are associated with the site which may be affected;
- b. the extent to which the activity may compromise the relationship tangata whenua have with their ancestral lands, water, sites, wāhi tapu and other taonga, and/or the ability to protect, maintain or enhance sites and areas of significance to tangata whenua;
- c. the responsibility of tangata whenua as kaitiaki;
- d. opportunities for the relationship of tangata whenua with the site or area to be maintained or strengthened on an ongoing or long term basis, including practical mechanisms to access, use and maintain the identified site;
- e. the outcomes of any consultation with and/or cultural advice provided by tangata whenua, in particular with respect to mitigation measures and/or the incorporation of mātauranga Māori principles into the design, development and/or operation of activities that may affect the site.

11.31 It is considered that in this instance the proposal meets the above objectives and policies. While it is acknowledged that Ngāti Tara has not endorsed the CEA produced, the applicant has gone to significant lengths to involve them. Further, I have suggested that the cultural aspects can be addressed by way of a pre-commencement condition requiring Ngāti Tara involvement in the CEA to ensure effects on Māori cultural values and the tangata whenua are acceptable.

11.32 **Section 104(1)(c) any other matter**

11.33 No other matters are considered relevant to this assessment.

11.34 **Section 104(3)(a)**

11.35 There are no trade competition matters to be addressed.

11.36 **Section 104D assessment**

11.37 Pursuant to s104D of the Resource Management Act 1991 if a proposal is a non-complying activity then it must pass at least one of the gateway tests of either s104D(1)(a) or s104D(1)(b) before an application can be assessed to make a decision under s104B of the Act. If the application does not pass either test of s104D then the application must be declined.

11.38 In regard to section 104D of the Act the activity meets both tests as any adverse effects arising from this proposed activity will not be more than minor, and the activity will not be contrary to the objectives and policies of the Operative District Plan. Therefore, the proposal has passed the gateway tests and consent can be granted for this non-complying activity.

## **12. Part 2 Assessment**

12.1 The purpose of the Act is to promote the sustainable management of natural and physical resources. In this instance, the proposal provides for the use and development of land and addresses a wide range of the effects of the activity on the environment. The proposal falls short when it comes to addressing effects on the cultural environment.

12.2 The following 'Matters of National Importance under section 6 are relevant to this application.

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

(h) the management of significant risks from natural hazards.

12.3 The following 'Other Matters' under section 7 are relevant to this application.

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(f) maintenance and enhancement of the quality of the environment:

(i) the effects of climate change:

(j)the benefits to be derived from the use and development of renewable energy.

- 12.4 Section 8 Treaty of Waitangi is considered to be relevant to this application.
- 11.39 The preceding assessment has shown that the proposal has been designed to be sympathetic to these matters, with the development addressing the physical impacts of the activity on the significant features in the surrounding environment. Further, while it is acknowledged that Ngāti Tara has not endorsed the CEA produced, the applicant has gone to significant lengths to involve them. Further, I have suggested that the cultural aspects can be addressed by way of a pre-commencement condition requiring Ngāti Tara involvement in the CEA to ensure effects on Māori cultural values and the tangata whenua are acceptable.
- 12.5 Given the information to hand, it is considered that the activity does meet the sustainable management framework of the Act.

## **13. Conclusion and Recommendation**

- 13.1 That, pursuant to Section 104 and 104B of the Resource Management Act 1991, I consider the Limited Notified application for a non-complying land use consent by Arawai Limited for development as described in this report of the Sir Hek Busby Kupe Waka Centre at 4554 SH10, Aurere is granted subject to conditions.

### **13.2 Reasons for the Recommendation**

- 13.3 Pursuant to Section 113 of the Resource Management Act 1991, the reasons for this decision are as follows:
- 13.4 The proposal has many positive effects in the establishment of the Kupe Waka Centre with most of the building already established on site. The completion of the centre to realise the vision of a centre of excellence where Kaupapa Waka thrives, and in doing so supports economic and social development and environmental restoration in a manner which ensures the sanctity, integrity and mana of the site. The centre will engage the community both local and further afield in Kaupapa Waka and will safeguarding the future of Kaupapa Waka through education in traditional methods of navigation, waka building and sailing.
- 13.5 Any lack of Ngāti Tara involvement in the Cultural Effects Assessment process (acknowledging the applicant has gone to some lengths to involve Ngāti Tara) can be addressed by of a pre-commencement condition. Whereby effects on Māori cultural values and the tangata whenua are considered acceptable.
- 13.6 With regard to earthworks, I have chosen to rely upon the regional council's technical expertise in determining the effects of the earthworks as less than minor.
- 6.17 No archaeological sites were found within the extent of the proposed development area with all works be subject Heritage New Zealand's Accidental Discovery Protocol, with effects of the proposal upon heritage and archaeology are therefore considered to be acceptable.

- 6.18 The application has been reviewed by Council Resource Consent Engineer who has raised no objection to infrastructure or transport aspects subject to condition. The application is also supported by NZTA subject to condition.

# **Appendix A – Draft Conditions**

**Draft condition set for 2240463-RMALUC – Sir Hek Busby Kupe Waka Centre**

Should the commissioner determine to grant consent, the following conditions are recommended:

1. Pursuant to section 116 of the Resource Management Act 1991, this consent shall not commence until an updated Cultural Effects Assessment involving Ngāti Tara is presented, reviewed and accepted as suitable by the FNDC Resource Consent Manager or delegate. The Cultural Effects Assessment must be provided to FNDC Resource Consent Manager within 6 months from the date of this decision notice. Alternatively, the Consent Holder can provide a detailed list of all correspondence inviting representatives of Ngāti Tara to undertake a Cultural Effects Assessment. If a Cultural Effects Assessment has not been completed by Ngāti Tara during this 6 months, and provided the correspondence outlining attempts to commission such a Cultural Effects Assessment are considered comprehensive by the Resource Consent Manager or delegate, then this condition will lapse.

*Advice note: Pursuant to section 125 of the Act, this resource consent will lapse 5 years from the date of approval of condition 1 by the Resource Consent Manager, or delegate.*

2. The activity shall be carried out in general accordance with the following approved plans which have been attached to this consent with the council's "approved plan" stamp affixed:

Author	Title	Sheets	Date
Design TRIBE	Proposed Site Plan, Proposed Floor Plan, Proposed Elevations	A-01, A-10, A-30	31/07/12
R.L.Hooper	Topographic survey of Okokori B Block ML 15115 Aurere	090-03	October 2011
Elevate Architechural Transportables	Floor Plan, Elevations, Roof Plan, Finishes Plan	L01, L02, L07, L09	14/04/2020

3. Prior to submitting an application for Building Consent, final plans of all built development (including colour palettes) hereby consented as part of this development not listed in condition 2, shall be submitted to the Resource Consent Team Leader, or delegate for approval in writing, prior (email [planning\\_technicians@fndc.govt.nz](mailto:planning_technicians@fndc.govt.nz)).
4. The consent holder shall, within one month of the occupation of the Whare Whakairo and Whare Whetū buildings or prior to the issue of a Code Compliance Certificate for the building (whichever comes first), implement the roofing, cladding and colour scheme specified, which shall be utilised and maintained for the duration of the consent. The approved roofing, cladding material and colour scheme is as follows:
  - Roof - Coloursteel - Karaka
  - Cladding - Cedar weatherboards & Stackbond concrete blocksAny alteration to the approved cladding and colour scheme shall require approval from the Team Leader Resource Consents, or delegate.
5. The consent holder shall provide, in conjunction with the Building Consent application, a calculation from a suitable qualified engineer to demonstrate that the

floor level of 105.25m, which is an arbitrary datum, provides at least 500mm freeboard above the 1 in 100 year ARI flood level, as required by Council's Engineering Standards.

### **Construction Management Plan**

6. At least two weeks prior to commencing any physical site works or earthworks, a construction management plan shall be submitted to and approved by the Resource Consent Engineer ([planning\\_technicians@fndc.govt.nz](mailto:planning_technicians@fndc.govt.nz)). The plan shall contain information on, and site management procedures, for the following:
  - (i) The timing of building demolition and construction works, including hours of work, key project and site management personnel.
  - (ii) The transportation of demolition and construction materials from and to the site and associated controls on vehicles through sign-posted site entrance/exits and the loading and unloading of materials.
  - (iii) The excavation works, including retaining structures and any necessary dewatering facilities, prepared by a suitably qualified geotechnical engineer.
  - (iv) Control of dust and noise on-site and any necessary avoidance or remedial measures.
  - (v) Prevention of earth and other material being deposited on surrounding roads from vehicles and remedial actions should it occur.
  - (vi) Publicity measures and safety measures, including signage, to inform adjacent landowners and occupiers, pedestrians and other road users.
  - (vii) Erosion and sediment control measures to be in place for the duration of the works.
  - (viii) Construction management provisions required to comply with conditions of consent from Northland Regional Council.
7. All construction works on the site are to be undertaken in accordance with the approved construction management plan in condition 6.

### **Traffic, Parking and Access:**

8. The consent holder shall, prior to the opening of the facility to the public, carry out the following improvements relating to the entrance and access upgrading. Evidence shall be provided to the Resource Consent Engineer ([planning\\_technicians@fndc.govt.nz](mailto:planning_technicians@fndc.govt.nz)) for approval in writing by a Chartered Professional Engineer.
  - I. Provide certification from a Chartered Professional Engineer that the upgrade to the property entrance to NZTA's diagram D standard which includes vegetation removal and earthworks to improve the sight distance to the west of the site have been completed and NZTA have provided written confirmation that its requirements have been complied with.
  - II. Provide certification from a Chartered Professional Engineer that the existing carriageway has been upgraded between the property entrance and the one lane bridge on Right of Way easement A and on the northern side of the bridge to provide a metalled formation with a 6m carriageway width to accommodate waiting and passing traffic.
  - III. Provide certification from a Chartered Professional Engineer that the balance of the access to the Waka Centre has been upgraded to provide passing bays on the carriageway which comply with rule 15.1.6.1.2 of the District Plan such that in addition to widening on corners, passing bays are provided at intervals



not exceeding 100m. The formation of the passing bays shall consist of a minimum of 200mm of compacted hard fill plus a Gap 40 running course.

- IV. Provide certification from a Chartered Professional Engineer that a handrail, constructed in accordance with section F4 of the Building Code, has been installed on the bridge over the Awapoko River.

#### **Water services:**

9. Provide certification from a Chartered Professional Engineer that the existing wastewater system located within 30 m of the CMA has appropriate pumps, alarms and emergency storage in accordance with FNDC Engineering Standards.

#### **Monitoring:**

10. The consent holder must pay the Council's compliance monitoring charges to cover the actual and reasonable costs incurred in monitoring compliance with the conditions of this consent, in accordance with section 36(1)(c) of the Resource Management Act.

#### *Advice Note:*

*Compliance monitoring charges cover the costs associated with site inspections (where required), and the review of plans, reports, and other documentation to ensure compliance with the resource consent. These charges will be calculated based on the applicable hourly rate at the time and included in a final invoice once monitoring is complete. A letter confirming compliance will be issued by the Council, upon request, only after all consent conditions have been met.*

#### **Advice Notes:**

1. Archaeological sites are protected pursuant to the Historic Places Act 1993. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the trust. It is recommended that works proceed on the basis of the New Zealand Historic Places Trust's Accidental Discovery Protocol (ADP) which is attached to this consent for the consent holder's information.
2. The consent holder is advised that any outstanding Building Act or Resource Management Act matters in respect of the existing residential dwellings on the subject site, should be addressed.
3. The building works are mapped to be in an area prone to coastal erosion. In the event coastal erosion poses a safety risk to the building works, the consent holder is advised that structures may need to be removed.

## **Appendix B – Proposed Plans**

APPROVED PLAN  
PLANNER.....*Blumhardt*  
RC.....*2130047*.....DATE.....*07/11/11*

PLANNER.....Hunhardt

RC. 2130047 DATE 07/14/12



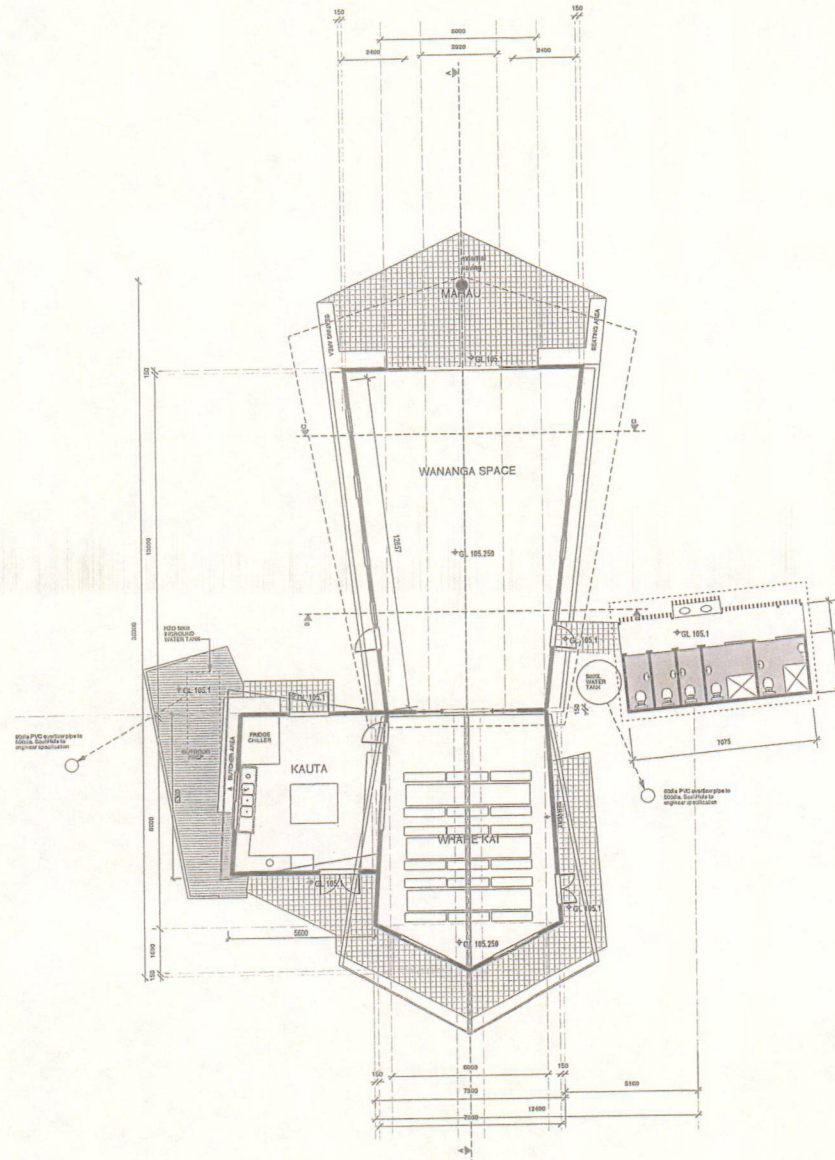
SITE PLAN  
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RC 2130047 DATE 07/12/12

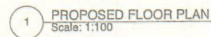






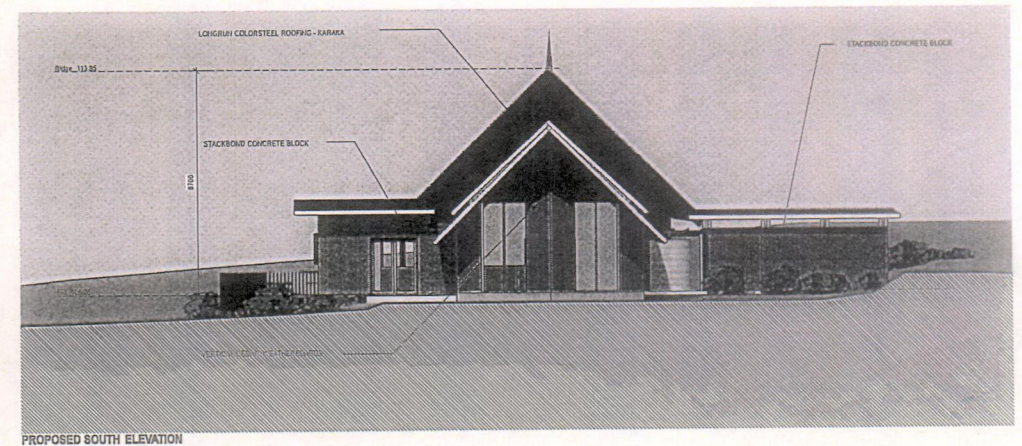
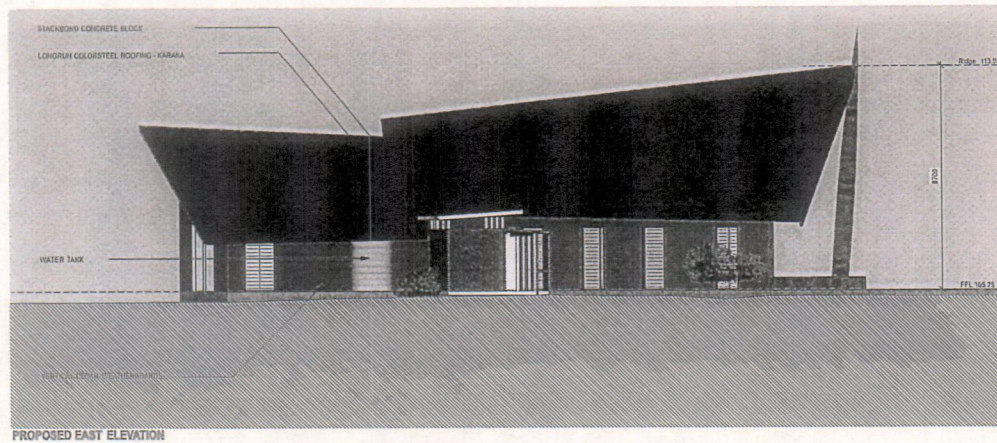
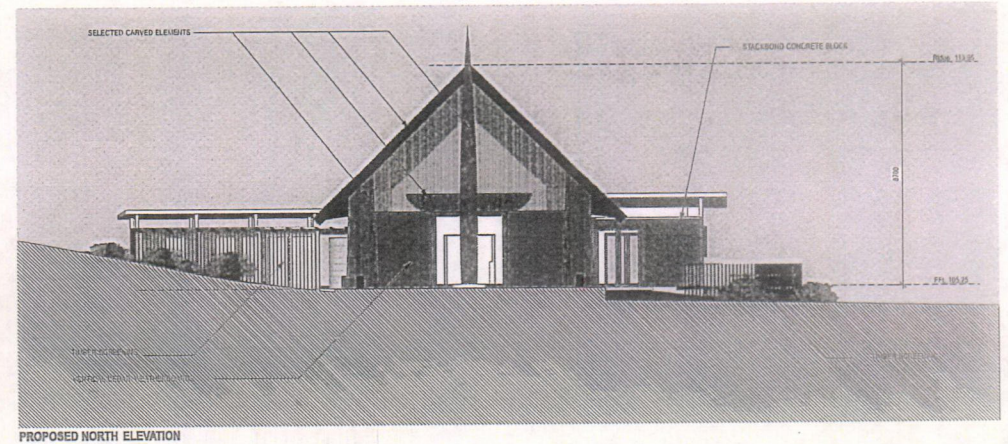
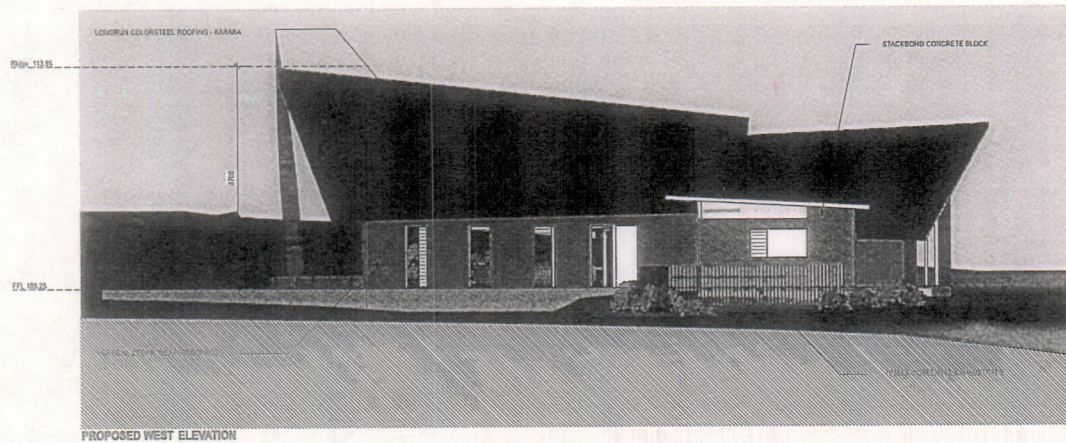
1 PROPOSED FLOOR PLAN  
Scale: 1:100

APPROVED PLAN  
PLANNER... *Ngurah*  
RC. 2130047... DATE 07/12/12



designTRIBE





**APPROVED PLAN**  
 PLANNER... *[Signature]*  
 RC... *2130047* ...DATE... *07/12/12*



SHEET		SHEET NO.		SHEET DATE	
DATE	REV	DATE	REV	DATE	REV
07/12/12	1	07/12/12	1	07/12/12	1
Project		Client		Scale	
Te Aurere - Kupe Waka Centre		Tarai Waka Ltd		1:100	
Proposed Elevations		Drawing No.		A-30	
Design TRIBE Architects LTD		303 Richmond Road, Grey Lynn, Auckland 1021		T: 09 220 2222 F: 09 220 2222 E: info@designtribe.co.nz	





designTRIBE

A		110132		Upgraded Elevators	
STATUS	DATE		REVISION		PROJECT #
PROJECT	Ta Auerer - Kupe Waka Centre				
CLIENT	Taral Waka Ltd		DATE #	10/01/12	DATE #
DRK	Proposed Elevations		SCALE @ K1	1:100	A-3
			REVISED	0/1	
			ENVD	0/1	
design THRE Architects LTD			563 Richmond Road, Grey Lynn, Auckland 1021 PO Box 47311, Parnell, Auckland, NEW ZEALAND TEL 09 30100175 F. 09 30126808 E. <a href="mailto:info@threarchitects.co.nz">info@threarchitects.co.nz</a>		



# Sir Hek Busby Kupe Waka Centre

Te Awapoko Waka Wānanga Reserve and Operational Area



**TOPOGRAPHIC LEGEND**

○ ● ●	SURVEY MARK
8.00	SPOT HEIGHT
—	LOT BOUNDARY
—	ADJOINING BOUNDARY
—	FENCE
—	MINOR CONTOUR
—	MAJOR CONTOUR

**COMPRISED IN:**

PARCELS	AREA	CT REFERENCE
OKOKORI B BLOCK	115.8000 HA	NA 46C/958

0	Original Drawing	RLH	17/10
REVISION		INITIAL	DATE
		CHECKED	

**R.L.HOOPER**

**SURVEY SERVICES**

**LAND SURVEYING**

12 BRACKEN AVENUE  
TAKAPUNA 0622  
NORTH SHORE CITY

PHONE: 09-489 5770  
FAX: 09-489 5770  
EMAIL: [survserv@vodafone.co.nz](mailto:survserv@vodafone.co.nz)

TITLE

**TOPOGRAPHIC SURVEY OF OKOKORI B BLOCK ML 15115 AURERE**

LAND DISTRICT: North Auckland  
LOCAL AUTHORITY: Far North District Council

CLIENT

**Te Tai Tokerau Tarai Waka**

SCALE: 1:500 (A1)

DATE: OCTOBER 2011

REVISION: 0

DRAWN: RLH

DRAWING No: 090-03

Site plan based on survey plan prepared by RL Hooper, Revised 30 June 2023

**Fencing**

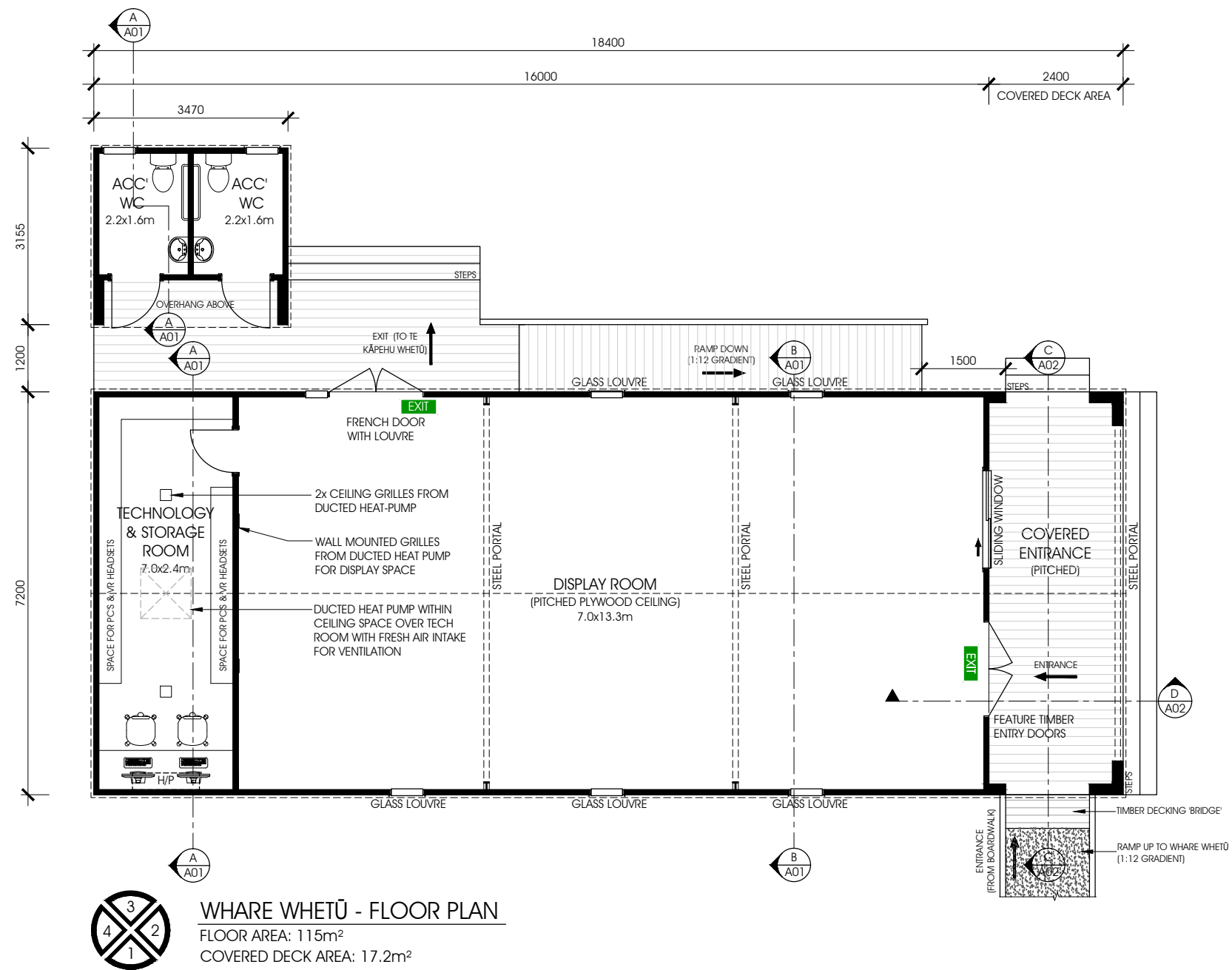
Indicative Water overflow pipe

New planting

Existing vegetation

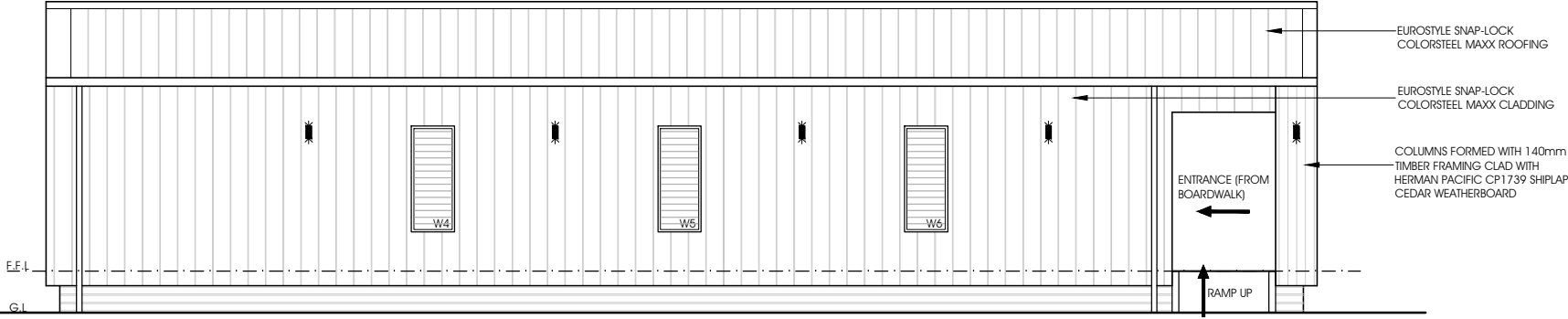
Water tank # Path #



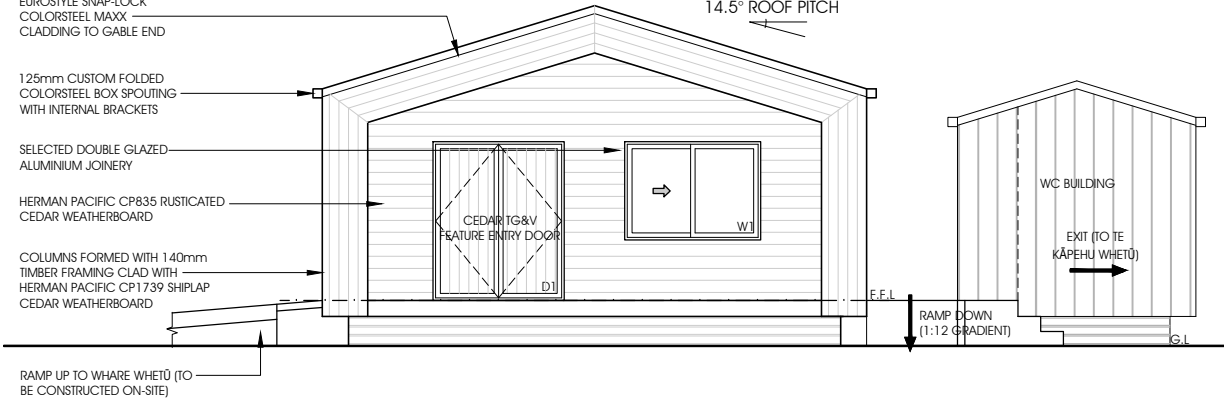


D5	06/08/20	ISSUED FOR PRICING
D4	06/07/20	ISSUED FOR FIRE DESIGN PRICE
D3	25/05/20	CHANGES AS PER EMAIL DISCUSSIONS
D2	06/05/20	CHANGES FROM CLIENT COMMENTS
D1	14/04/20	ISSUED TO CLIENT FOR COMMENT
REV	DATE	REVISION
Drawn By: CW		Sheet:  L01
Checked By: LT		
Scale: 1:100 @ A3		
Date: 14-04-2020		

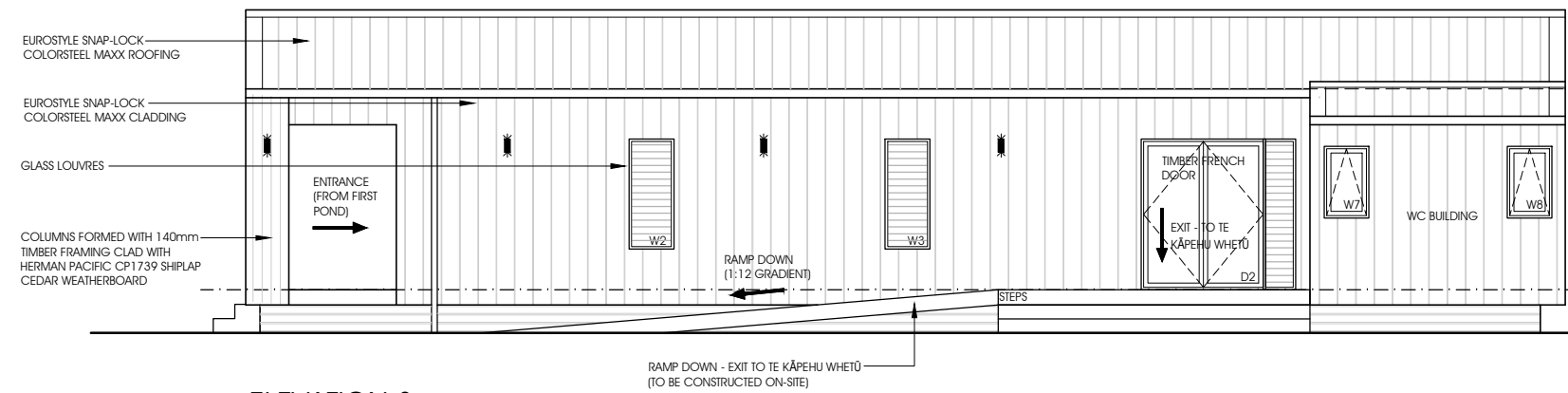
THIS DRAWING AND DESIGN ARE THE COPYRIGHT OF TURNER ROAD ARCHITECTURE.  
ANY UNAUTHORISED REPRODUCTION OR USE WILL END IN PROSECUTION.



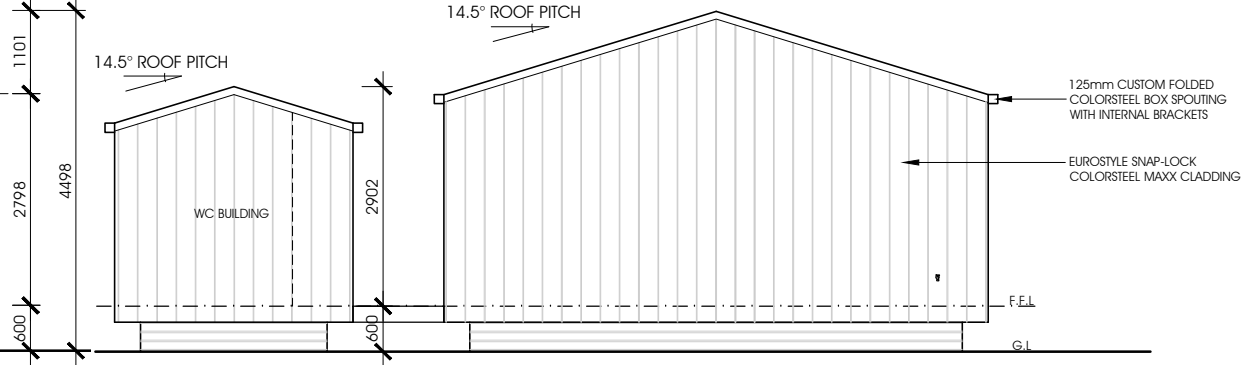
ELEVATION 1  
WHARE WHETŪ  
SCALE: 1:100



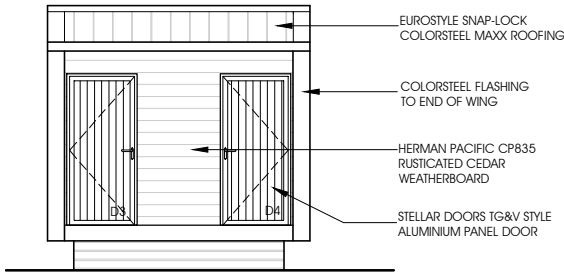
ELEVATION 2  
WHARE WHETŪ  
SCALE: 1:100



ELEVATION 3  
WHARE WHETŪ  
SCALE: 1:100



ELEVATION 4  
WHARE WHETŪ  
SCALE: 1:100



ELEVATION 1  
WHARE PAKU  
SCALE: 1:100

D5	06/08/20	ISSUED FOR PRICING
D4	06/07/20	ISSUED FOR FIRE DESIGN PRICE
D3	25/05/20	CHANGES AS PER EMAIL DISCUSSIONS
D2	06/05/20	CHANGES FROM CLIENT COMMENTS
D1	14/04/20	ISSUED TO CLIENT FOR COMMENT
REV	DATE	REVISION

**elevate**  
architectural transportables

ELEVATE ARCHITECTURAL TRANSPORTABLES  
221 HANNON ROAD, CAMBRIDGE  
Ph: 07 827 0433 Mob :021399406

Client:  
Kupe Waka Center

Site:  
4554 State Highway 10, Taipa

Drawing:  
Whare Whetu - Elevations

Drawn By: CW  
Checked By: LT  
Scale: 1:100 @ A3  
Date: 14-04-2020

Sheet:  
L02

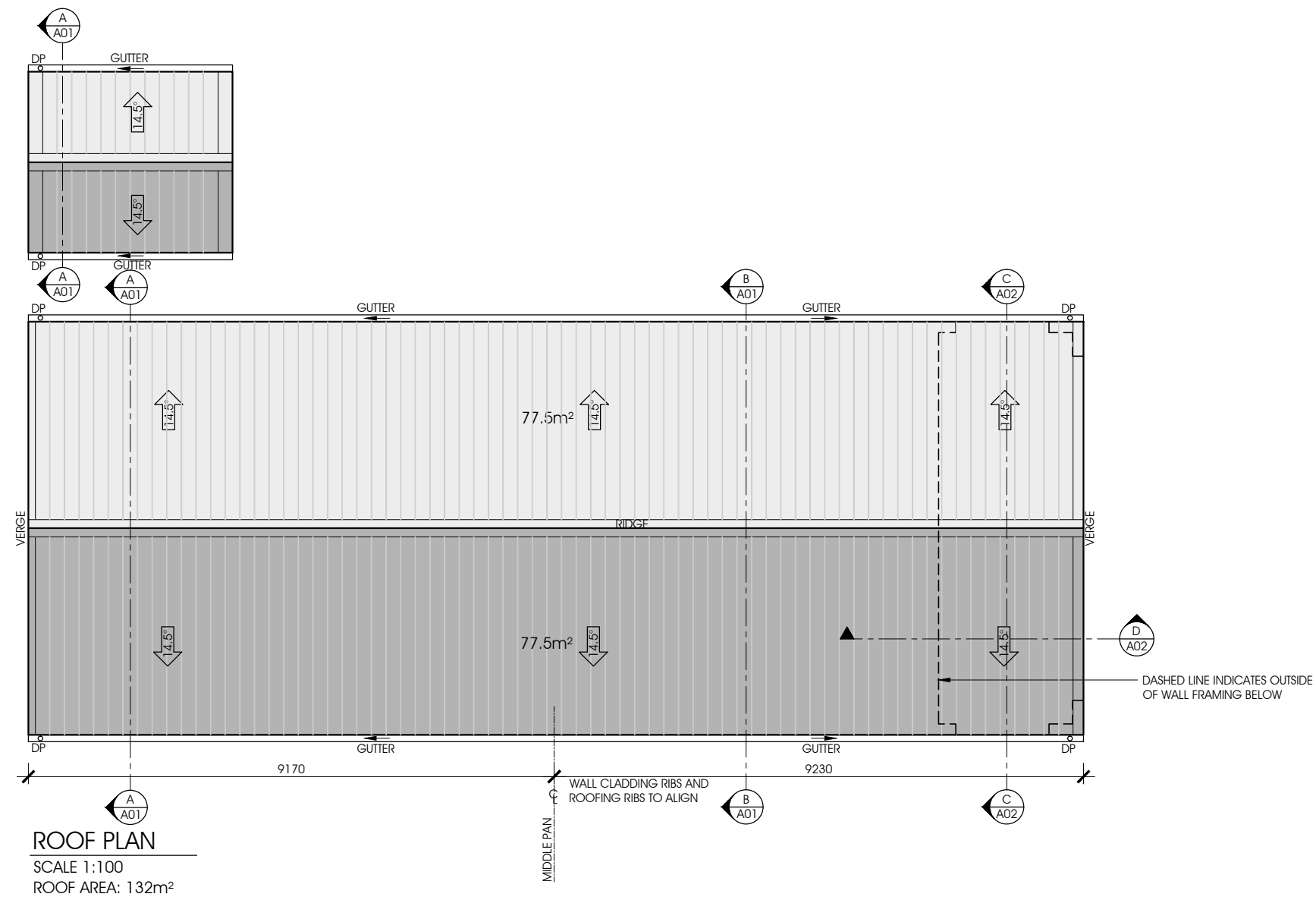
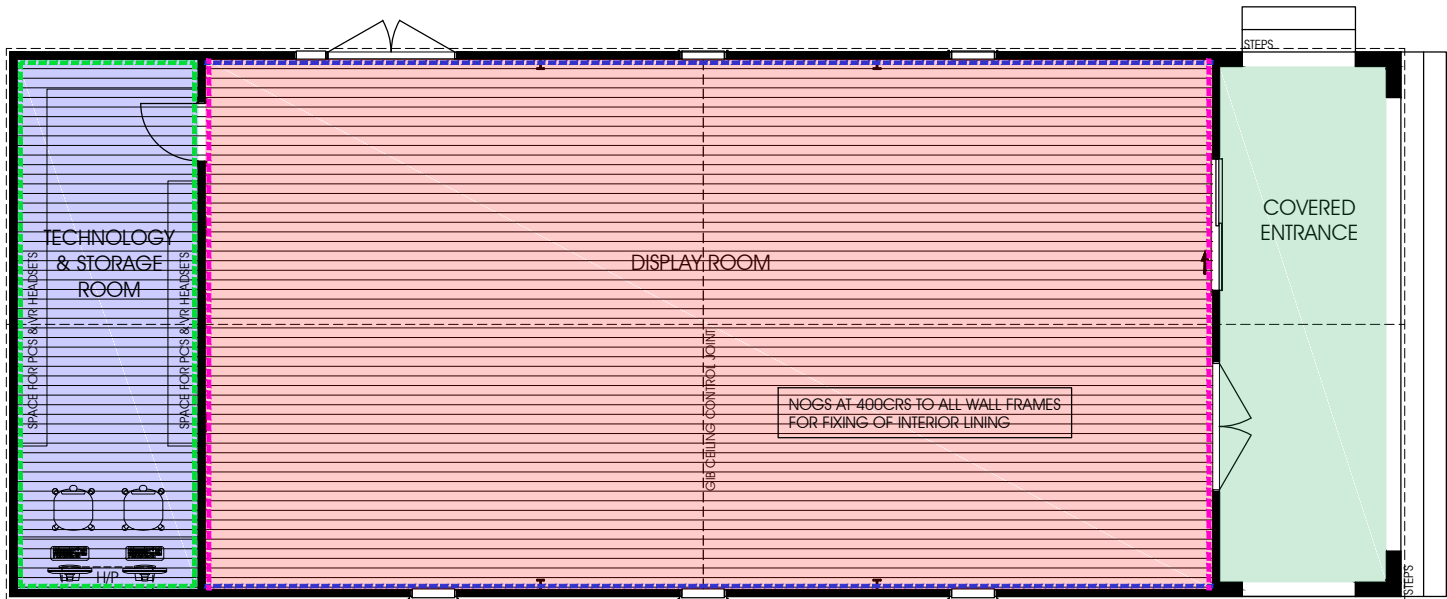
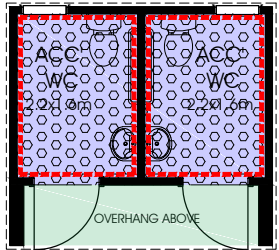


Diagram illustrating the components of a roof finish key:

- ROOFING INDUSTRIES
- EUROSTYLE SNAP-LOCK
- COLORSTEEL MAXX
- ROOFING

D5	06/08/20	ISSUED FOR PRICING	
REV	DATE	REVISION	
Drawn By: CW			Sheet:  L07
Checked By: LT			
Scale: 1:100 @ A3			
Date: 14-04-2020			



FINISHES PLAN  
SCALE: 1:100

FLOOR FINISHES KEY



SELECTED CARPET TILE  
(UNUSED)



NON-SLIP VINYL FLOORING  
- COVED (TOTAL 7.4m²)



QUICKSTEP IMPRESSIVE  
FLOORING (TOTAL 111m²)



13mm GIB ULTRALINE  
PLASTERBOARD-RAKING CEILING  
DIAPHRAGM (ALL JOINTS TO BE TAPED  
AND STOPPED) INSTALL 10mm PLYTECH  
CLICWALL OVER GIB CEILING. ENSURE  
CEILING BATTENS ARE AT 400CRS FOR  
PLYTECH FIXING



SELECTED 9mm HERMPAC CEDAR  
T&G SOFFITS ON 70x35 H1.2 SG8  
TIMBER STRAPPING AT 600CRS



13mm GIB ULTRALINE PLASTERBOARD  
WITH THREE COATS PAINT (SEMI-GLOSS  
FINISH - GROUP 2S FIRE RATED PAINT)



10mm PLYTECH CLICWALL  
MELAMINE FIRE RETARDANT MDF  
BOARD (COLOR TO BE SELECTED)



10mm PLYTECH CLICWALL  
MELAMINE FIRE RETARDANT MDF  
BOARD (ALTERNATE FEATURE  
COLOR TO BE SELECTED)



10mm GIB STANDARD PLASTERBOARD  
WITH THREE COATS PAINT (SEMI-GLOSS  
FINISH - GROUP 2S FIRE RATED PAINT)



4.5mm SERATONE CLASSIC  
WITH PVC JOINTERS

FINISHES:

DISPLAY ROOM:

- FLOOR - QUICKSTEP IMPRESSIVE FLOORING (WITH HYDROSEAL)
- WALLS 10mm PLYTECH CLICWALL MELAMINED FIRE RETARDANT MDF BOARD FIXED OVER 45x10 STRAPPING FIXED ALONG NOG LINES AT 400CRS-
- CEILING - 13mm GIB ULTRALINE PLASTERBOARD FOR RAKING CEILING DIAPHRAGM & FLAT CEILING OVER COUNTER (ALL JOINTS TO BE TAPED AND STOPPED) INSTALL 10mm PLYTECH CLICWALL MELAMINED FIRE RETARDANT MDF BOARD FIXED OVER 45x10 STRAPPING FIXED ALONG CEILING BATTEN LINES AT 400CRS

TECH ROOM:

- FLOOR - QUICKSTEP IMPRESSIVE FLOORING (WITH HYDROSEAL)
- WALLS - 10mm GIB STANDARD PLASTERBOARD WITH THREE COATS PAINT (SEMI-GLOSS FINISH - GROUP 2S FIRE RATED PAINT)
- CEILING 13mm GIB ULTRALINE PLASTERBOARD WITH THREE COATS PAINT (SEMI-GLOSS FINISH - GROUP 2S FIRE RATED PAINT)

ACC WC:

- FLOOR - SELECTED NON-SLIP VINYL FLOORING
- WALLS - 4.5mm SERATONE CLASSIC WITH PVC JOINTERS
- CEILING - 13mm GIB ULTRALINE PLASTERBOARD WITH THREE COATS PAINT (SEMI-GLOSS FINISH)

D5	06/08/20	ISSUED FOR PRICING
REV	DATE	REVISION

Drawn By: CW	Sheet: L09
Checked By: LT	
Scale: 1:100 @ A3	
Date: 14-04-2020	

## **Appendix C – Engineering Memo**

## **FAR NORTH DISTRICT COUNCIL**

### **FAR NORTH OPERATIVE DISTRICT PLAN ENGINEERS REPORT ON RESOURCE CONSENT APPLICATION (LANDUSE)**

**Reporting Engineering Officer – John Papesch, Haigh Workman Limited**

**Preamble to Planner -**

**Resource Consent Number: 2240463-RMALUC**

**Applicant: Arawai Limited**

**Site Address: 4554 State Highway 10, Lake Ohia**

**Legal Description: Okokori B Block**

**Certificate of Title reference: NZ46C/958**

#### **The activity to which this decision relates:**

The proposal seeks consent for the built development and activities contained within RC2130047 which provided for the establishment and operation of the Whare Wananga, as well as obtain consent for a Whare Whetu – a new building which provides a virtual reality experience on navigation and waka sailing, as well as classroom/meeting room.

RC2130047 was ultimately declined due to cultural issues. This application includes a copy of RC2130047 and supporting documentation provided at that time.

#### **Relevant standard**

All engineering works forming part of this consent will be assessed under and are to comply with Far North District Council's Engineering Standards 2023 unless conditions specify otherwise.

#### **Relevant District Plan Rules (Engineering)**

##### Operative District Plan:

Resource consent is required in relation to a breach of the following rules:

- 12.7.6.1.1 SETBACKS FROM LAKES, RIVERS AND THE COASTAL MARINE AREA
- 15.1.6A.2.1 TRAFFIC INTENSITY

##### Proposed District Plan:

The following rules under the Proposed District Plan have immediate legal effect and are required to be complied with:

- EW-R12 Earthworks and the discovery of suspected sensitive material
- EW-R13 Earthworks and Erosion and Sediment Control

#### **Hazards**

- The site has coastal erosion hazard risk identified on Council's Geographic Information System maps within the footprint of the Whare Wananga (see Figure 1)



- The site has flood hazards identified on NRC's Geographic Information System maps which impact the internal access road (see Figure 2)
- The geology of the site is recent soils comprising Kariotahi Group esturine, swamp, alluvial deposits (Q1a) and consolidated sand dunes (eQdf). These soils can be prone to acid sulphate soils, liquefaction vulnerability and settlement risk (see figure 3)

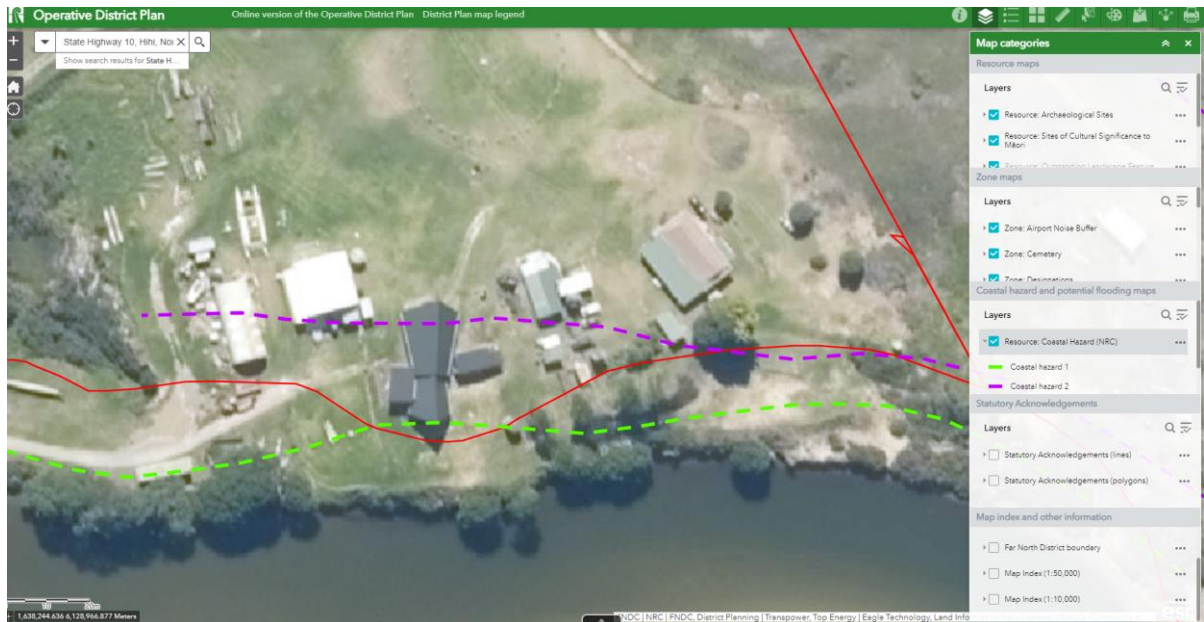


Figure 1: Coastal Erosion Hazard Risk (Source: FNDC GIS)



Figure 2: Coastal Flooding risk (Source: NRC GIS)



Figure 3: Site geology (Source: GNS science)

### Comments on the Application:

#### Whare Wananga:

A site plan included with the application shows the Whare Wananga is approximately 19.5 m from the coastal waters of Awapoko River. A site suitability report by Richard Catterall, dated 9 August 2012, was submitted with the original application. Whare Wananga is now built, in what appears to be the position shown in RC2130047.

It was contended by Richard Catterall in 2012 that the Whare Wananga is not prone to coastal erosion and other natural hazards. Based upon Council's maps the building position is considered susceptible to coastal erosion within the next 50 years.

If this were a new building, a site specific assessment should be provided by a suitably experienced and qualified engineer or coastal scientist. However, as the building is now built, it is considered more appropriate to recognize the potential for those hazards, and the potential need to remove the building should the mapped hazards arise through appropriate conditions of consent.

#### Traffic Engineering:

##### State Highway entrance:

Access to the site is via a vehicle crossing on State Highway 10. A traffic report by Richard Catterall, dated 24 April 2012 and supplementary report dated 18 June 2012, was submitted with the original application. Correspondence from NZTA dated 24 September and 29 October 2012 was provided in response to a s92 request for further information dated 4 September 2012. The 29 October 2012 letter included approval in principal, subject to conditions. Those conditions include (but not limited to) upgrading the entrance to NZTA's

diagram D standards, vegetation clearance to the north, and traffic from the Site not to exceed 100 car movements per day.

A recent letter from NZTA is not included in the application, however evidence is provided of email correspondence with Tim Elliot on 18 December 2020, confirming that Waka Kotahi are *“in support of this project and have agreed in principle to the access way improvements that are proposed.”*

To achieve the site distances of the NZTA's approval in principle, vegetation clearance to the north requires vegetation clearance and earthworks on Lot 1 DP 41634 which is a former quarry site owned by FNDC. Correspondence from Marius Garbriel, FNDC's former area engineer indicates agreement in principle for the applicant to undertake those works (email dated 18 October 2012).

The applicant has advised that those works have been completed, therefore permission to do those works is no longer sought with this consent and the request for approval from IAM's is withdrawn.

**Internal access:**

Internal access is via a single lane gravel road. RC2130047 provided for the internal access to be upgraded to a 6 m wide carriageway, which is considered a reasonable level of treatment.

There is a one lane bridge which also provides access to the site. Correspondence from s92 request for further information dated 4 September 2012 includes a structural assessment of the bridge by Richard Catterall dated 24 September 2012 where it is concluded that the bridge is suitable for standard class 1 loadings.

**Traffic Intensity:**

Supplementary information by way of a TIF calculation is included in the planners' report which has been calculated at 240-276 one-way daily traffic movements. It is however contended that the TIF would remain at 168 movements as previously provided for in RC2130047, and that actual traffic generated will be far less than the TIF threshold calculated under the District Plan.

The traffic report by Richard Catterall, dated 24 April 2012, concluded that *“the average daily traffic for the Kupe Waka Centre, when full developed in accordance with this proposal, will be 56 vehicles per day...The maximum daily traffic level (being 168 vpd) will occur approximately 6 times a year...”*

**Traffic summary**

The number of traffic movements provided for in the NZTA letter dated 29 October 2012 differs from the traffic movements provided for in RC2130047. The traffic assessment dated 24 April 2012 is outdated and may not reflect the total traffic movements projected from the site.

A copy of this engineers memo and RFI dated 11 June 2024 was provided to Tim Elliott to question whether a NZTA's prior position was still relevant, or if a traffic impact assessment was required. NZTA seemed satisfied with their prior position on the state highway entrance, therefore the request for a traffic impact assessment was withdrawn.

**Site visit details**

Date: 6 June 2024

The Whare Wananga appears to be built in the position as generally outlined in RC2130047. The Whare Whetu is located on an elevated piece of land suitably set back from the mapped coastal erosion hazard. Parking is available on site via formed gravel car parks, and overflow parking is available on gently sloping lawn areas for peak events.

It was noted that the wastewater treatment plant for Whare Wananga is located within 30 m of the CMA, however the application does not include for breach of rule 12.7.6.1.4 (b) *“the effluent is treated and disposed of on-site such that each site has its own treatment and disposal system no part of which shall be located closer than 30m from the boundary of any river, lake, wetland or the boundary of the coastal marine area”*

Construction work was underway on the internal access road at the time of the site visit. The work appears to comprise widening of the carriageway to provide for a dual carriageway. No upgrade works appear to have been carried out to the State Highway entrance. It is noted that the internal access road services not just the proposed development, but several other dwellings and buildings.

## Wastewater

The applicant responded for inclusion for breach of rule 12.7.6.1.4 with this consent, however no information has been provided in relation to the installed septic tank and pump chamber to allow for it to be assessed. As a result, standard compliance information is to be provided as conditions of consent

## Recommended Conditions of Consent (Engineering)

The following conditions mimic the prior conditions of consent, with changes depicted in red

	Conditions of Consent	Notes
1	The activity shall be carried out in accordance with the approved plans prepared by design TRIBE, referenced Te Aurere - Kupe Waka Centre'- Proposed Site Plan (Dwg# A-01); Proposed Floor Plan (Dwg# A-10); Proposed Elevations (Dwg# A-30), dated 31.07.12, and attached to this consent with the Council's "Approved Stamp" affixed to them	no engineering comments
2	The consent holder shall, within one month of the occupation of the building or prior to the issue of a Code Compliance Certificate for the building (whichever comes first), implement the roofing, cladding and colour scheme specified, which shall be utilised and maintained for the duration of the consent. The approved roofing, cladding material and colour scheme is as follows: <ul style="list-style-type: none"><li>• Roof - Coloursteel - Karaka</li><li>• Cladding - Cedar weatherboards &amp; Stackbond concrete blocks Any alteration to the approved cladding and colour scheme shall require from the Council.</li></ul>	no engineering comments
3	The consent holder shall provide, in conjunction with the Building Consent application, a calculation from a suitable qualified engineer that the floor level of 105.25m, which is an arbitrary datum, provides at least 500mm freeboard above the 1 in 100 year ARI flood level, as required by Council's Engineering Standards.	no engineering comments
4	<b>Provide certification from a Chartered Professional Engineer that the existing wastewater system located within 30 m of the CMA has appropriate pumps, alarms and emergency storage in accordance with FNDC Engineering Standards</b>	New condition relating to the wastewater system
5	The consent holder shall, prior to the opening of the facility to the public, carry out the following conditions relating to the entrance and access upgrading:	



(i)	Provide certification from a Chartered Professional Engineer that the upgrade to the property entrance to NZTA's diagram D standard which includes vegetation removal and earthworks to improve the sight distance to the west of the site have been completed and NZTA have provided written confirmation that its requirements have been complied with.	change 'evidence' to 'certification by a Chartered Professional Engineer', and include reference to the entrance standard required by NZTA
(ii)	Provide certification from a Chartered Professional Engineer that the existing carriageway has been upgraded between the property entrance and the one lane bridge on Right of Way easement A and on the northern side of the bridge to provide a metalled formation with a 6m carriageway width to accommodate waiting and passing traffic.	Include 'provide certification from a Chartered Professional Engineer' into the condition, so as to provide a pathway to compliance
(iii)	Provide certification from a Chartered Professional Engineer that the balance of the access to the Waka Centre has been upgraded to provide passing bays on the carriageway which comply with rule 15.1.6.1.2 of the District Plan such that in addition to widening on corners, passing bays are provided at intervals not exceeding 100m. The formation of the passing bays shall consist of a minimum of 200mm of compacted hard fill plus a Gap 40 running course	Include 'provide certification from a Chartered Professional Engineer' into the condition, so as to provide a pathway to compliance
(iv)	Provide certification from a Chartered Professional Engineer that a handrail, constructed in accordance with section F4 of the Building Code, has been installed on the bridge over the Awapoko River.	change 'evidence' to 'certification by a Chartered Professional Engineer',
<b>Advice Notes</b>		
1	Archaeological sites are protected pursuant to the Historic Places Act 1993. It is an offence, pursuant to the Act, to modify, damage or destroy an archaeological site without an archaeological authority obtained from the trust. It is recommended that works proceed on the basis of the New Zealand Historic Places Trust's Accidental Discovery Protocol (ADP) which is attached to this consent for the consent holder's information.	
2	The consent holder is advised that any outstanding Building Act or Resource Management Act matters in respect of the existing residential dwellings on the subject site, should be addressed.	
3	The building works are mapped to be in an area prone to coastal erosion. In the event coastal erosion poses a safety risk to the building works, the building works may need to be removed	New advice note relating to the mapped coastal hazards

# **Appendix D – s95 Report**

## 1. Application Details

**Council Reference:** 2240463-RMALUC

**Applicant:** Arawai Limited

**Registered owner:** Hector Busby

**Property Address:** 4554 State Highway 10, Aurere

**Legal Description:** Okokori B Block (NA46C/958)

**Description of Application:** To establish a new activity within the Sir Hek Busby Kupe Waka Centre (Waka Centre), by relocating a 106 m<sup>21</sup> building onsite for use as a Whare Whetū (planetarium) hosting virtual reality experiences on navigation and waka sailing, and a classroom/meeting room.

Retrospective consent is also sought for development and activities relating to the establishment and operation of:

- a 210 m<sup>2</sup> building to be used as a Whare Wānanga (including an education/training centre and cultural tourism destination based around kaupapa waka) previously approved under land use consent RC2130047<sup>2</sup>;
- a 30 m<sup>2</sup> taupaepae (entrance/assembly point for visitors) and a 30 m<sup>2</sup> putanga (reception/office and local merchandise shop)<sup>3</sup>;
- a 7 m<sup>2</sup> wharepaku (toilet block for visitors);
- a 96 m<sup>2</sup> kohanga (nursery);
- a 152 m<sup>2</sup> taupuni (depot); and
- an extension to the Whare Waka to include an attached 180 m<sup>2</sup> waka shelter and associated storage/working area<sup>4</sup>.

<sup>1</sup> The application refers to the Whare Whetū and classroom/meeting room as being 106 m<sup>2</sup> whereas the plans show 132.2 m<sup>2</sup> (floor area 115 m<sup>2</sup> and 17.2 m<sup>2</sup> covered deck). 132.2 m<sup>2</sup> is consistent with the details considered through RC2300463 that previously sought consent for a similar activity but was declined on the basis of cultural effects. In further information submitted on 27 November 2024 the applicant confirmed the area as 106 m<sup>2</sup>. Revised plans will be required.

<sup>2</sup> Council and the applicant's agent are both of the opinion that RC2130047 lapsed before effect was given to the consent, requiring retrospective consent.

<sup>3</sup> No plans provided. The application refers to a 29 m<sup>2</sup> taupaepae and 29 m<sup>2</sup> putanga. The ground report prepared by FNR Consulting Ltd refers to areas of 35 m<sup>2</sup> and 77 m<sup>2</sup> for the taupaepae and putanga. The later is consistent with the details considered through RC2300463 for the taupaepae. RC2300463 sought consent for a 110 m<sup>2</sup> putanga. In further information submitted on 27 November 2024 the applicant confirmed the areas as 30 m<sup>2</sup>, with the reduced size negating the need for building consent. Resource consent is still required for buildings in an Outstanding Natural Landscape and for visual amenity. It is assumed that any buildings on site will be modified accordingly.

<sup>4</sup> No plans provided and no building consents have issued. RC2300463 indicated a larger increase in the size of the building area - from 144 m<sup>2</sup> to 466 m<sup>2</sup>

Retrospective consent is sought for a cut volume of 1,250 m<sup>3</sup> and a fill volume of 1,100 m<sup>3</sup> earthworks.

#### *Operative Far North District Plan*

Overall, the application seeks resource consent as a non-complying activity for breaches to the permitted activity rules:

- in the General Coastal zone relating to visual amenity, building height, and earthworks, and
- the District wide rules relating to buildings within Outstanding Landscapes, earthworks within an Outstanding Landscape, new buildings in a Coastal Hazard 2 area, activities which could affect 'Sites of Cultural Significance to Māori', water setback, land use activities involving discharges of human sewage effluent, traffic intensity, private access and vehicle crossings.

#### *Proposed Far North District Plan*

The rules relating to Sites and Areas of significance to Māori have legal effect. '*Rule SASM-R1 New buildings or structures, extension or alterations to existing buildings or structures, earthworks or indigenous vegetation clearance*' requires resource consent as a restricted discretionary activity.

#### **Amendments:**

27 November 2024 – additional consent sought for earthworks, the waka cover, and land use activities involving discharges of human sewage effluent. The applicant confirmed the size of various buildings and this assessment reflects various changes.

#### **Related applications:**

Far North District Council

Resource consents (approved)

- 2120315-RMALUC granted on 14 May 2012 and given effect to. Consent to establish and operate a te wananga a kupe mai tawhiti, learning institution for up to four people (including student and tutor, excluding people living on site) dedicated to kaupapa waka in the Pacific (waka building and carving/non-instrument navigation and sailing). The approved building is 144 m<sup>2</sup> with a maximum height of 4.2 metres. It is referred to as the Whare Waka.

The activity did not comply with permitted activity rules 10.6.5.1 Visual Amenity; 10.6.5.1.8 Traffic Intensity; 12.1.6.1.5 Buildings in Outstanding Landscapes; and 12.5.6.2.2 Activities which could affect Sites of Cultural Significance. It was assessed as a discretionary activity.

The staff planning assessment stated:

*Rule 12.5.6.2.2 requires that any proposal is put forward by the Requesting Party of the Site of Cultural Significance to Māori. In this instance the applicant is not the Requesting Party (the Māori owner(s)), but Mr Hec Busby, who is the owner of the site is in 'partnership' with the applicant in regard to this initiative and has indicated (in writing) his*



*support. The applicant also advises that local tribes have been kept informed and abreast of the proposed development either through direct consultation and information sharing or through respective Te Taitokerau Tarai Waka representatives. It is considered that the proposal has only positive effects in regard to the Site of Cultural Significance to Māori.*

Condition 3 of consent required –

*Within 1 month of the building being constructed the aforesaid building shall be finished in the following colour scheme:*

*Roof and cladding to be Titania*

*Trusses in Sandstone Grey*

*Consistent with the colour palette provided with the application and attached to this consent with the Council's "Approved Stamp*



The building is established and the building colour is karaka. It is not known if the building colour changed at the time of construction or was repainted. The condition does not prevent the consent holder from changing the colour after complying with condition 3.

- RC2130047-RMALUC granted consent on 12 December 2012 to establish and operate a Wananga Waka (education/training centre and cultural tourism destination based around Kaupapa Waka).

As per the approved plans, the building is 210 m<sup>2</sup> with a maximum height of 8.7 metres, located 19.5 metres from the coastal marine area of Awapoko River. The approved activity was assessed to have a traffic intensity factor of 168.

The activity did not comply with permitted activity rules 10.6.5.1 Visual Amenity; 10.6.5.1.4 Height; 10.6.5.1.8 Traffic Intensity; 12.1.6.1.5 Buildings in Outstanding Landscapes; 12.4.6.1.1 Coastal Hazard 2 Areas; 12.5.6.2.2 Activities which could affect Sites of Cultural Significance; and 12.7.6.1.1 Setback from Coastal Marine Area. It was assessed as a discretionary activity.

Rule 12.5.6.2.2 ACTIVITIES WHICH COULD AFFECT SITES OF CULTURAL SIGNIFICANCE TO MAORI requires that any building within the Site of Cultural Significance to Māori (SCSM) is a restricted discretionary activity unless the activity is proposed by the requesting party. The requesting party is listed as the Māori Owners. The applicants were Te Tai Tokerau Tarai Waka Incorporated and Hekenukumai (Hector) Busby is both the Māori owner of the subject site and was a trustee of the society. As such the proposal was assessed as consistent with the rule.

RC2130047 was supported by an architect's assessment of visual impact by design TRIBE Architects, dated September 2012.

The New Zealand Transport Agency provided approval in principle to the proposal, subject to conditions agreed to and volunteered by the applicant.

The New Zealand Historic Places Trust provided its approval to the proposal, recommending that the proposal proceed subject to its accidental discovery protocol.

The Department of Conservation did not have any concerns

The consent holder satisfied three of the four conditions applying through RC2130047. Consent lapsed as the crossing and access were not formed to meet the consent requirements. The building shell was established prior to consent lapsing.

#### Building consent

- BC-2012-576/0 - Steel building for waka facility
- BC-2014-437/0 - New learning centre with dining hall, commercial kitchen, semi-detached toilet and extended effluent disposal field<sup>5</sup>

#### Northland Regional Council

On 20 September 2021, the regional council granted consent for –

- AUT.043025.01.01 Disturbance and removal of vegetation within a significant wetland for the purpose of maintaining an existing accessway.
- AUT.043025.02.01 Deposit material within the bed of a significant wetland for the purpose of maintaining an existing accessway.
- AUT.043025.03.01 Earthworks for site development including within 10 metres of a significant wetland.

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<sup>5</sup> The effluent disposal field on site has not been installed in accordance with the approved building consent. This matter has been raised with the applicant's agent through a request for further information. It is also noted that the system approved by Northland Regional Council differs in location from that shown on the building consent. Should the district council grant land use resource consent to RC2240463, it will be the consent holder's responsibility to resolve these inconsistencies to ensure alignment between all relevant approvals.

- AUT.043025.04.01 Discharge stormwater to land during land disturbance activities.
- AUT.043025.05.01 Divert stormwater during land disturbance activities.
- AUT.043025.06.01 Discharge primary treated wastewater to land.
- AUT.043025.07.01 Earthworks within a natural wetland for the purposing of maintaining infrastructure.
- AUT.043025.08.01 Earthworks within 10 metres of a natural wetland for the purpose of constructing a carpark.
- AUT.043025.09.01 Divert stormwater within 100 metres of a natural wetland.
- AUT.043025.10.01 Discharge stormwater to water within 100 metres of a natural wetland.

**Reporting Planner:**

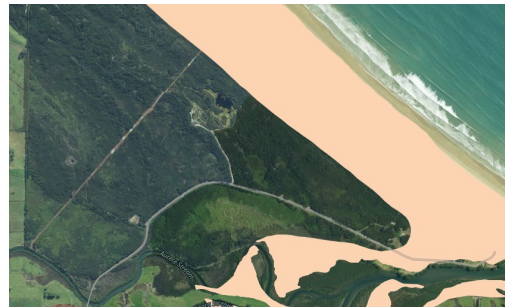
Liz Searle

**Operative District Plan Zoning:**

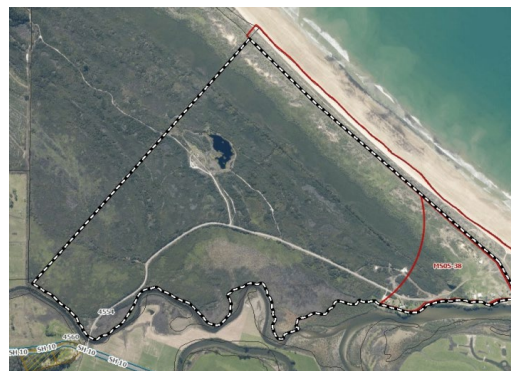
General Coastal

**Operative District Plan Notations:**

Outstanding Landscape



Site of Cultural Significance MS05-38 Okokori/Kaimaua Recreation Reserve and waahi tapu, Awapoko Reserve





Coastal Hazards 1 and 2 – green and purple lines respectively



**Proposed District Plan Zoning:**

Rural Production

**Proposed District Plan Overlays:**

Coastal Environment which includes the development area<sup>6</sup>

Outstanding Natural Landscape which excludes the development area – Tokerau Rangaunu wetland (16)<sup>7</sup>



<sup>6</sup> Rules and standards have no effect at this point in time

<sup>7</sup> Rules and standards have no effect at this point in time

High Natural Character which includes part of the development area - long beach unit (145), relict and backdunes with kanuka-manuka shrubland and possibly some low forest (155 and 160), small sandy estuary with sandy intertidal flats and some mud (164)<sup>8</sup>



Outstanding Natural Character which excludes the development area - major dune swale between frontal/relict dunes and paleodunes (inland of the defined coastal environment) (55)<sup>9</sup>



Sites and Areas of Significance to Māori - MS05-38 Awapoko Reserve, requesting party Māori owners<sup>10</sup>



<sup>8</sup> Rules and standards have no effect at this point in time

<sup>9</sup> Rules and standards have no effect at this point in time

<sup>10</sup> Rules and standards have effect



Variation 1 – Coastal Flood (Zone 2: 100 Year Scenario)<sup>11</sup>



Coastal Flood (Zone 1: 50 Year Scenario, Zone 3: 100 Year + Rapid Sea Level Rise Scenario)<sup>12</sup>



River Flood Hazard Zone (10 and 100 Year ARI Events)<sup>13</sup>



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<sup>11</sup> Rules and standards have no effect at this point in time

<sup>12</sup> Rules and standards have no effect at this point in time

<sup>13</sup> Rules and standards have no effect at this point in time

**Other:**

Northland Regional Council Coastal Flood Hazard zones 0 (current extent), 1 (50 year extent), 2 (100 year extent) and 3 (100 year rapid SLR)



Protected Natural Areas of Northland 2016 – Tokerau Beach Duneland O04/232 along site boundaries, Lake Ohia shrubland O04/227, adjoins Awapoko Estuary O04/231

Tokerau Beach is identified in the Far North District Landscape Assessment Worksheets (1995) as Landscape Unit C31

Land Use Capability classifications over development area 4w6, 6w3, 8e1

Iwi areas of interest - Ngāti Kahu

Archaeological site O04/932 midden/oven (there are other sites in proximity)



## 2. Procedural Details

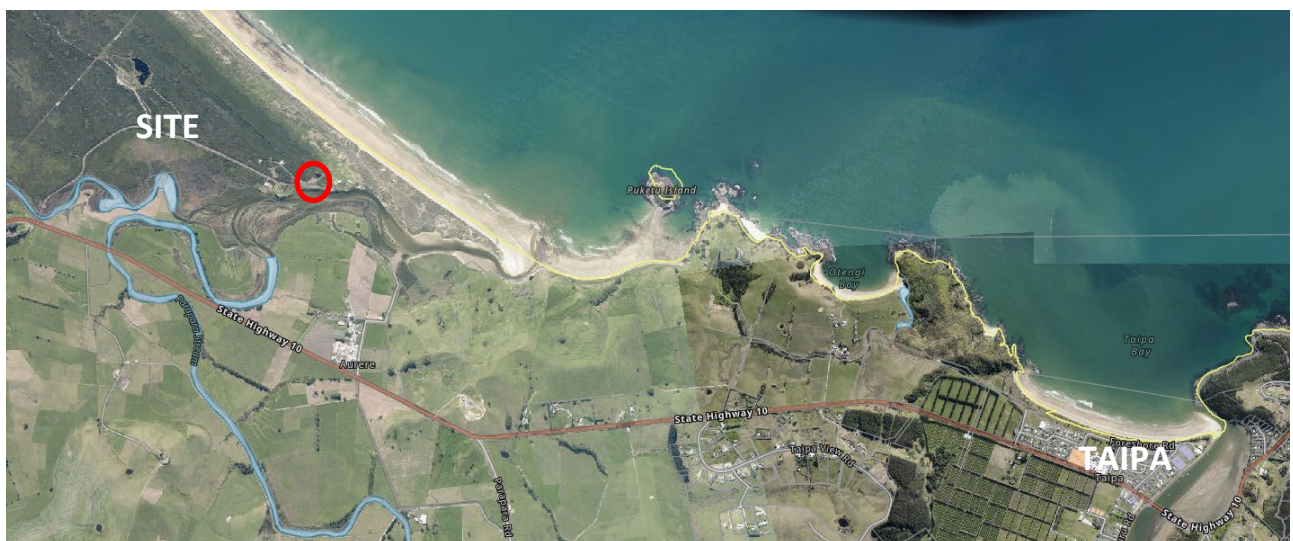
**Date Received:** 20 May 2024

**Date of Site Visit:** 6 June 2024 Consultant engineer

24 July 2024 Planner

<b>Further Information Requested:</b>	1 July 2024	Request for traffic impact assessment, clarification of sightline improvements, and amendment seeking consent for the wastewater treatment plant to be located within 30 metres of the coastal marine area breaching rule 12.7.6.1.4.
		Various informal requests throughout process seeking clarification of detail
<b>Further Information Received:</b>	18 and 30 July, and 27 November 2024	
<b>Suspended under section 88E:</b>	1 July 2024	Unconditional approval of Larry and Fiona Matthews New Zealand Transport Agency  Council's duly delegated officer for any works falling within Lot 1 DP 41634
<b>Extension Pursuant to section 37:</b>	<p>Yes, more than doubling with the agreement of applicant, delays have been due to revisions to the application to address Council queries and the applicant's request for additional time to undertake consultation.</p> <p>On 3 April 2025 the applicant sought the written approval of Ngāti Kahu as tangata whenua. This was not forthcoming and on 6 May 2025 the applicant confirmed the application could proceed to limited notification.</p>	
<b>Pre-application Meeting Held:</b>	No	
<b>Pre-lodgement Consultation by Applicant:</b>	Tangata whenua	

## Locality Plans







### 3. Description of Site

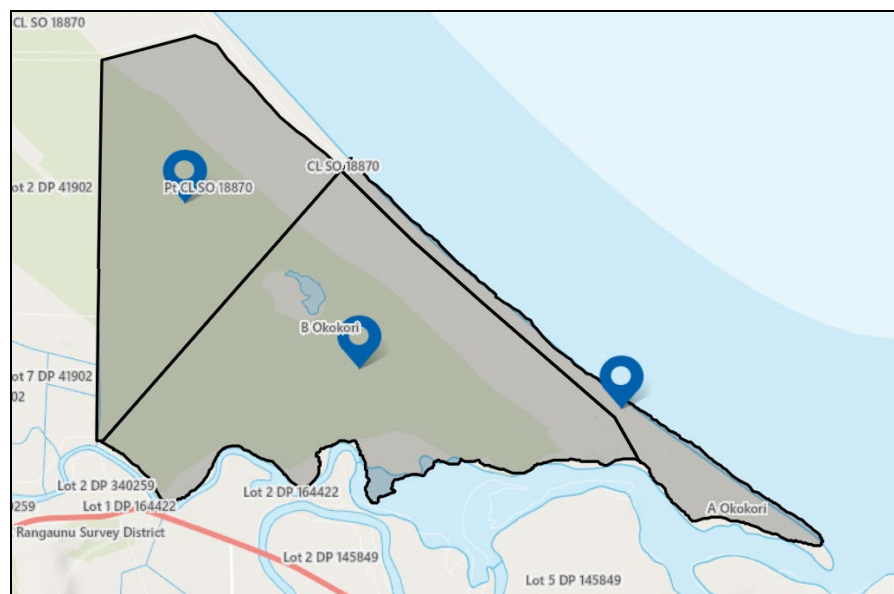
The triangular site is legally described as Okokori B Block, held in CFR NA46C/958, with an area of 115.80 hectares. Hector Busby is recorded as the owner.

The majority of the proposed activity will occupy a 2.1-hectare area located at the eastern point of the site, where the land has vested as a Māori Reservation for the purpose of Whare Wānanga for kaupapa waka, commonly referred to as Te Awapoko Waka Whānanga Reserve. The primary access, parking area, kōhanga (nursery), and taupuni (depot) associated with the activity are located outside of the reserve area, within the wider Okokori B Block.

The applicant is developing the Waka Centre on the Reserve under a management agreement with the Hekenukumai Ngā Iwi Trust, signed in 2019. Under this agreement the applicant leases the Reserve and another 2.9 hectares for operational purposes; including the carpark, depot and nursery.

A narrow strip of Māori freehold land held in 109 shares separates the site from Doubtless Bay/Tokerau Beach to the northeast (being 20.139 hectares and legally described as Okokori A Block).

The northwestern boundary of the site abuts Crown land administered by the Department of Conservation (being 74.9769 hectares and legally described as Pt CL SO 18870).



The site shares a common boundary with Awapoko River to the south.

Land on the southern side of Awapoko River opposite the development area is held in a 41.2 hectare title area (Lot 5 and Lot 17 Deposited Plan 145849). An aerial photograph sourced from Council's LocalMaps indicates the closest built development on this title (an accessory farm building) to be approximately 600 metres from the proposed Whare Wānanga.



Access to the site is obtained from the northern side of State Highway 10 via a short right of way (including a single lane bridge) over Lot 2 DP 164422, with a long access strip within the site providing access to the Māori Reservation.

The application prepared by Sanson & Associates Ltd, dated May 2024, includes a topographical survey showing '*Te Awapoko Waka Wananga Reserve*' and an operational area immediately northwest, prepared by RL Hooper Survey Services Land Surveying, drawing 090-03, dated 17 October 2011 and revised 30 June 2023, as per below.

This plan indicates the location of existing site development and the proposed Whare Whetū. The four<sup>14</sup> residential units on site are not part of the application or the activity that is referred to as the 'Waka Centre'.

<sup>14</sup> The details for RC2300463 that was declined indicate six residential units on site, with one to be removed to ensure compliance with the rule relating to residential density. The current application states there are four on site.





The site includes two buildings to the west of the taupuni which are not identified on the above plan. One is not part of the current application (left photograph below) and the agent has indicated the other may be temporary storage of the Whare Wānanga building (right photograph below).



Council's records indicate a number of 'Waka Centre' buildings do not have building consent. It is assumed that these will be obtained after any resource consent is issued. An advice note attaching to any decision can highlight the responsibility of the applicant to obtain all necessary consents.

The development area affected by the proposal is generally in pasture, including buildings, landscaping, paths and two manmade ponds. The larger title area includes four residential units, the primary site access, manuka/kanuka shrubland, wetland areas, pohutukawa and mangroves. Animal and weed pests are being removed from the site through ongoing restoration and revegetation.

Section 1 of this assessment outlines the various overlays and notations of relevance to the site, including mapped detail to demonstrate where the development area is affected.

The surrounding locality is characterised by rural activities, with limited views of the development area.



## **Record of Title**

The record of title has the following interests influencing the proposed development:

- *A Status Order determining land to be Māori Freehold Land*
- *A Trustee Order/Gazette Notice vesting 2.1 hectares of the 115.8 hectare title area as Māori Reservation for the purpose of Whare Wananga for kaupapa waka, to be known as Te Awapoko Waka Wananga Reserve for the benefit of the trustees for the time being of the Hekenukumai Nga Iwi Trust*
- *A notice declaring the adjoining State Highway 10 to be a limited access road and a right of way providing access to the title area from State Highway 10*

With the exception of the parking, kohanga (nursery) and taupuni (depot); the proposed activity will be contained within the Māori Reservation. All associated activity relies upon the right of way for access to the State highway.

## **4. Description of Proposed Activity**

The proposal has been described in section 1 previously. As indicated, there are some inconsistencies in the information provided. Further to this, building plans have not been provided for all buildings. Whilst not regarded as good practice, I don't believe that this undermines the following assessment as there is sufficient information to determine the effects of the proposal; in particular the missing plans relate to existing buildings where the effects are evident on site (for this reason photographs are provided below).

Visitors to the Waka Centre will be by prior bookings, with the number of visitors on site at one point in time limited to 92, including staff not residing on site.

Note: To assist potential submitters Council can request a full set of current plans to include in a notification pack. Alternatively, any non-notified decision granting approval can include a condition requiring final plans. I consider the latter is acceptable.

*Consent sought for new activity includes:*

- To establish a new activity within the Sir Hek Busby Waka Centre, by relocating a 106 m<sup>2</sup> building onsite for use as a Whare Whetū (planetarium) hosting virtual reality experiences on navigation and waka sailing, and a classroom/meeting room. The Whare Whetū and classroom/meeting room has a maximum height of 4.498 metres and is as per the following plans included in the application. The elevations also show that the adjacent 7 m<sup>2</sup> wharepaku will have a maximum height of 2.902 metres.
  - 'Whare Whetū floor plan' prepared by Elevate Architectural Transportables, sheet L01, dated 14 April 2020
  - 'Whare Whetū elevations' prepared by Elevate Architectural Transportables, sheet L02, dated 14 April 2020

*Retrospective consent is sought for the following which have been established onsite (includes detail obtained from Council files)-*

- Reapproval of the activities previously consented through land use consent RC2130047 which lapsed. Section 3 of the application prepared by Sanson & Associates Ltd, dated May 2024, relies upon Council's decision for RC2130047 to summarise the retrospective consent sought for built development and activities relating to the establishment and operation of the Whare Wānanga (including an education/training centre and cultural tourism destination based around kaupapa waka). The 210 m<sup>2</sup> building has a maximum height of 8.7 metres.

Detail supporting RC2130047 anticipated that the activities would include education/training (one week and three week navigation courses); cultural tourism (corporate marae stays; school visits, tour bus visits and casual tourist groups) and full capacity hui. The building was designed with a maximum capacity of 84 people. The facility is not proposed to be open to the general public but will be visited by small groups by prior arrangement.







A copy of the decision for RC2130047 and the approved plans for the whare wānanga are attached to the application. These plans include:

- 'Proposed site plan' prepared by design TRIBE Architects Ltd, sheet A-01, dated 31 July 2012 - this site plan has been superseded by the above topographical survey.
- 'Proposed floor plan' prepared by design TRIBE Architects Ltd, sheet A-10, dated 31 July 2012
- 'Proposed elevations' prepared by design TRIBE Architects Ltd, sheet A-30, dated 31 July 2012

The applicant anticipates that the conditions of RC2130047 will attach to any new consent issuing. These conditions are as follows:

1. *The consent holder shall, within one month of the occupation of the building or prior to the issue of a Code Compliance Certificate for the building (whichever comes first), implement the roofing, cladding and colour scheme specified, which shall be utilised and maintained for the duration of the consent. The approved roofing, cladding material and colour scheme is as follows:*
  - *Roof - Coloursteel - Karaka*
  - *Cladding - Cedar weatherboards & Stackbond concrete blocks*

*Any alteration to the approved cladding and colour scheme shall require written consent from the Council.*
2. *The consent holder shall provide, in conjunction with the Building Consent application, a calculation from a suitable qualified engineer that the floor level of 105.25m, which is an arbitrary datum, provides at least 500mm freeboard above the 1 in 100 year ARI flood level, as required by Council's Engineering Standards.*



3. *The consent holder shall, prior to the opening of the facility to the public, carry out the following conditions relating to the entrance and access upgrading:*
- *Provide evidence that the upgrade to the property entrance which includes vegetation removal and earthworks to improve the sight distance to the west of the site have been completed and NZTA have provided written confirmation that its requirements have been complied with.*
  - A 180 m<sup>2</sup> waka cover container attached to te wananga a kupe mai tawhit (the learning institution established through land use consent RC2120315). There are no plans provided.



- A 30 m<sup>2</sup> taupaepae (reception building) and 30 m<sup>2</sup> putanga (entrance). No scaled plans have been provided, although a ground report prepared by FNR Consulting Ltd includes sections of plans.



**Taupaepae and putanga, with the taupuni to the far right outside of the Māori Reservation area**



**Putanga**

- The 96 m<sup>2</sup> kohanga (nursery) and 152 m<sup>2</sup> taupuni (depot). No plans have been provided for these buildings which are outside of the Māori Reservation area.



**Kohanga**





**Taupuni**

There is an array of solar panels adjacent to the Taupaepae. It is understood that no building consent is required.



The State Highway 10 CP95 crossing within adjacent Lot 2 DP 145849 has been upgraded, including sealing, and vegetation cleared to enhance sightline visibility. Site access has been resurfaced and widened in places, including passing bays, to accommodate coaches. The application indicates a sealed parking area will be established adjacent to the entrance of the Māori reservation.

## 5. Distribution and Correspondence

### *Internal Specialists*

The proposal has been reviewed and assessed by the following Council specialists and the matters within the scope of this application have been considered in the assessment below.

Internal Specialist	Date Sent	Date Received
Consultant Engineer	28 May 2024	11 June 2024 requesting information, 27 August 2024 - report

Internal Specialist	Date Sent	Date Received
Reserves and Parks Planner	28 May 2024	29 May 2024 confirming no concerns
Northland Transport Agency	28 May 2024	No comment
Te Hiku Community Board	28 May 2024	No comment
Councillor Foy	28 May 2024	No comment
Te Hono	28 May 2024	No comment

### ***External Party***

The proposal was circulated to the following external parties for comment. Where matters have been raised within the scope of the application, these have been considered in the following assessment.

External Party	Date Sent	Date Received
Iwi – Ngāti Kahu, Haititaimarangai Marae, Karikari Marae, Parapara Marae	28 May 2024	17 July 2024 – Te Uri Taniwha TTM-RMU have no comment
Department of Conservation	28 May 2024	None
Heritage New Zealand Pouhere Taonga	28 May 2024	None
Northland Regional Council	28 May 2024	None
Submitters to RC2300463 <sup>15</sup> – Trustees of Paddy Whangu Greaves Whanau Trust (Maaki Greaves, Mahue Greaves, June Waenga and Heta Kiriwi-Greaves) Hinemoa (Greaves) Poa Whanau Trust (Hinemoa (T Greaves) Poa Rita Avis Greaves Josephine Erica Poa Tunis Teatau Marama Poa Boaza Poa Teina Poa (Deceased) <sup>16</sup> Rachel Mar Hoana Takutai Moana Trust (Edith Hau) Kiriwi Whānau o Okokori Milton Ross	31 May 2024	None  3 June 2024  None None  Verbal communications 1 and 19 June, and 31 July 2024

<sup>15</sup> Council considered that submitters to RC2300463 could have an interest in RC2240463, details from the Council planner's hearings report

<sup>16</sup> Email was undeliverable and no alternative contact detail available, third party informed the Trust

## 6. Reasons for the Application

### *District Plan rule assessment*

The proposal requires resource consent for the following reasons:

#### *Operative Far North District Plan (ODP)*

#### **Section 9(3) of the Act – Restrictions on use of land**

General Coastal zone rule	Non-compliance
<p><b>10.6.5.1.1 VISUAL AMENITY</b></p> <p>Permitted activity for new building(s) not for human habitation –</p> <ul style="list-style-type: none"> <li>gross floor area up to 50 m<sup>2</sup></li> <li>exterior is to be coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less, or the building is constructed of natural materials falling within this range</li> </ul> <p><b>10.6.5.2.2 VISUAL AMENITY</b></p> <p>Controlled activity for new building(s) - where the building is located entirely within a building envelope that has been approved under a resource consent.</p>	<p>The building areas<sup>17</sup> do not comply</p> <p>Whare Wānanga – 210 m<sup>2</sup></p> <p>Whare Whakairo – 144 m<sup>2</sup></p> <p>Whare Whetū – 106 m<sup>2</sup></p> <p>Putanga – 30 m<sup>2</sup></p> <p>Taupaeapae – 30 m<sup>2</sup></p> <p>Wharepaku – 7 m<sup>2</sup></p> <p>Kohanga (farm building propagation area) – 96 m<sup>2</sup></p> <p>Taupuni – 152 m<sup>2</sup></p> <p>Waka Cover – 180 m<sup>2</sup></p> <p>Non-complying under <b>10.6.5.4 DISCRETIONARY ACTIVITIES</b> (as per subsection (b))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be restricted discretionary.</p>
<p><b>10.6.5.1.4 BUILDING HEIGHT</b></p> <p>The maximum height of any building shall be 8 metres as a permitted activity</p>	<p>The existing Whare Wānanga has a maximum building height of 8.7 metres.</p> <p>Non-complying under <b>10.6.5.4 DISCRETIONARY ACTIVITIES</b> (as per subsection (b))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be restricted discretionary.</p>

<sup>17</sup> Building areas is applied as combined building areas, therefore including the putanga, taupaeapae and wharepaku

Landscape and Natural Features	Non-compliance
<p><b>12.1.6.1.4 EXCAVATION AND/OR FILLING WITHIN AN OUTSTANDING LANDSCAPE</b></p> <p>Excavation and/or filling is permitted within an Outstanding Landscape, provided that:</p> <p>(a) it does not exceed 300 m<sup>3</sup> in any 12 month period per site; and</p> <p>(b) it does not involve a cut or filled face exceeding 1.5 metres in height i.e. the maximum permitted cut and fill height may be 3 metres, and</p> <p>(c) any cut or fill areas that will be visible from a viewing point on a public road, public reserve, coastal marine area or the foreshore shall be stabilised using mulch, hydroseeding, or other rapid effective stabilisation technique. All other cut and fill areas will be revegetated as soon as practicable in the spring or autumn immediately following construction.</p> <p>Up to 2,000 m<sup>3</sup> is provided for as a restricted discretionary activity.</p>	<p>The applicant is proposing a cut volume of 1,250 m<sup>3</sup> and a fill volume of 1,100 m<sup>3</sup>. Therefore, earthworks are a non-complying activity.</p>
<p><b>12.1.6.1.5 BUILDINGS WITHIN OUTSTANDING LANDSCAPE</b></p> <p>Permitted activity for new building(s) in the General Coastal zone not for human habitation –</p> <ul style="list-style-type: none"> <li>gross floor area up to 25 m<sup>2</sup></li> </ul> <p>where the building is visible from the coastal marine area or the foreshore is within 500 metres, exterior is to be coloured within the BS5252 standard colour palette range with a reflectance value of 30% or less, or the building is constructed of natural materials falling within this range</p>	<p>The building areas do not comply</p> <p>Whare Wānanga – 210 m<sup>2</sup></p> <p>Whare Whakairo – 144 m<sup>2</sup></p> <p>Whare Whetū – 106 m<sup>2</sup></p> <p>Putanga – 30 m<sup>2</sup></p> <p>Taupaeapae – 30 m<sup>2</sup></p> <p>Wharepaku – 7 m<sup>2</sup></p> <p>Kohanga (farm building propagation area) – 96 m<sup>2</sup></p> <p>Taupuni – 152 m<sup>2</sup></p> <p>Waka Cover – 180 m<sup>2</sup></p> <p>Non-complying under <b>12.1.6.3 DISCRETIONARY ACTIVITIES</b> (as per subsections (c) and (d))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be restricted discretionary.</p>



Soils and Minerals	Non-compliance
<p><b>12.3.6.1.2 EXCAVATION AND/OR FILLING, INCLUDING OBTAINING ROADING MATERIAL BUT EXCLUDING MINING AND QUARRYING, IN THE ... GENERAL COASTAL .... ZONES</b></p> <p>Excavation and/or filling is permitted, provided that:</p> <p>(a) it does not exceed 300 m<sup>3</sup> in any 12 month period per site; and</p> <p>(b) it does not involve a cut or filled face exceeding 1.5 metres in height i.e. the maximum permitted cut and fill height may be 3 metres.</p> <p>Up to 2,000 m<sup>3</sup> is provided for as a restricted discretionary activity.</p>	<p>The applicant is proposing a cut volume of 1,250 m<sup>3</sup> and a fill volume of 1,100 m<sup>3</sup>. Therefore, earthworks are a non-complying activity.</p>
Natural Hazards	Non-compliance
<p><b>12.4.6.2.1 NEW BUILDINGS &amp; ADDITIONS TO EXISTING BUILDINGS IN COASTAL HAZARD 2 AREAS</b> regards new buildings on land identified on the Coastal Hazard maps as lying within a Coastal Hazard 2 Area as controlled where a report from a person suitably qualified in coastal processes is lodged with the Council in respect of the proposed development</p>	<p>The Whare Wānanga is located within a Coastal Hazard 2 and no current engineering report has been provided.</p> <p>Non-complying under <b>12.4.6.3 DISCRETIONARY ACTIVITIES</b> (as per subsections (c) and (d))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be discretionary.</p>
Heritage	Non-compliance
<p><b>12.5.6.2.2 ACTIVITIES WHICH COULD AFFECT SITES OF CULTURAL SIGNIFICANCE TO MĀORI</b></p> <p>Building within any Site of Cultural Significance to Māori is a restricted discretionary activity unless the activity is proposed by the requesting party, in which case this rule does not apply.</p>	<p>The site is included within Site of Cultural Significance MS05-38 which is described as Okokori/Kaimaua Recreation Reserve &amp; Waahi Tapu with the requesting party identified as 'Māori Owners'. The activity is not proposed by the requesting party.</p> <p>Non-complying under <b>15.5.6.3 DISCRETIONARY ACTIVITIES</b> (as per subsections (c) and (d))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be restricted discretionary.</p>

Lakes, Rivers, Wetlands and the Coastline	Non-compliance
<p><b>12.7.6.1.1 SETBACK FROM LAKES, RIVERS AND THE COASTAL MARINE AREA</b></p> <p>As a permitted activity, any building and any impermeable surface must be set back 30 metres from the boundary of the boundary of the coastal marine area.</p>	<p>The Whare Wānanga and Whare Waka buildings encroach into the 30 metre setback requirement. The approved plan for RC2130047 indicates a setback of 19.5 metres for the Whare Wānanga.<sup>18</sup></p> <p>Non-complying under <b>12.7.6.3 DISCRETIONARY ACTIVITIES</b> (as per subsections (c) and (d))</p>
<p><b>12.7.6.1.4 LAND USE ACTIVITIES INVOLVING DISCHARGES OF HUMAN SEWAGE EFFLUENT</b> provides that land use activities which produce human sewage effluent are permitted where effluent is treated and disposed of on-site such that each site has its own treatment and disposal system, no part of which shall be located closer than 30 metres from the boundary of the coastal marine area.</p>	<p>The wastewater treatment plant is located between the Whare Wānanga and the coastal marine area. The Whare Wānanga is approximately 19.5 metres from the coastal marine area.</p> <p>Non-complying under <b>12.7.6.3 DISCRETIONARY ACTIVITIES</b> (as per subsections (c) and (d))</p>
Transportation	Non-compliance
<p><b>15.1.6A.2.1 TRAFFIC INTENSITY</b></p> <p>30 daily one way daily vehicle movements are permitted in the General Coastal zone (excluding the first residential unit on site)</p>	<p>The site includes four residential units, with the District Plan applying a traffic intensity factor of 30 for three of the residential units.</p> <p>The District Plan applies a traffic intensity factor of two for every person the facilities are designed for - Places of Entertainment/Places of Assembly/Other Buildings used for Social, Cultural or Recreational purposes.</p> <p>Te wananga a kupe mai tawhiti provides for up to four persons.</p> <p>Existing activities therefore have a traffic intensity factor of 38.</p> <p>The application states that the Whare Wānanga and Whare Whakairo have been designed with maximum capacity of 88 persons. The application states that the Whare Whetū and classroom/meeting room will not increase the number of people on site. This equates to a traffic intensity factor of 176.</p>

<sup>18</sup> Condition 1 of RC2130047 required the development to be in accordance with the approved plans – the footprint of the approved building consent plans indicate some changes creating a slightly larger building, but the design and outward appearance remains consistent with the approved plans. In terms of the consent, impermeable surface coverage was not at issue and the building consent plans confirm the approved water setback.

	<p>There is no comment in the application on the kohanga/plant propagation area and it is assumed that these activities engage people/children living on site.</p> <p>Based upon above site activity has a combined traffic intensity factor of 214.</p> <p>Non-complying<sup>19</sup> under <b>15.1.6A.5 DISCRETIONARY ACTIVITIES</b> (as per subsections (c) and (d))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be restricted discretionary.</p>
<p><b>15.1.6C.1.1 PRIVATE ACCESSWAY IN ALL ZONES</b></p> <p>The construction of the private accessway is to be undertaken in accordance with Appendix 3B-1.</p> <p>A private accessway may serve a maximum of 8 household equivalents.</p> <p>Access is not permitted onto a State highway</p>	<p>A household equivalent is represented by ten vehicle movements.</p> <p>The proposal increases the number of household equivalents on the private accessway. Permitted consented development includes four residential units (as advised by the applicant) and te wananga a kupe mai tawhiti.</p> <p>The proposal represents an additional 176 movements or 18 household equivalents.</p> <p>APPENDIX 3B-1: STANDARDS FOR PRIVATE ACCESS makes provision for up to eight household equivalents, assuming that anything above this would have vested as road. Eight household equivalents requires a five metre carriageway and stormwater drainage. The accessway, including upgrades, does not comply with this or the standard for road.</p> <p>Non-complying under <b>15.1.6C.2 DISCRETIONARY ACTIVITIES</b> (as per subsections (b) and (c))<sup>20</sup></p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be discretionary.</p>
<p><b>15.1.6C.1.3 PASSING BAYS ON PRIVATE ACCESSWAYS IN ALL ZONES</b></p> <p>Passing bays on private accessways shall be 15 metres long and provide a minimum usable access width of 5.5 metres. These are required to be located every 100 metres.</p> <p>All accesses serving 2 or more sites shall provide passing bays and vehicle queuing space at the vehicle crossing to the legal road.</p>	<p>The proposed upgrades indicate passing bays will be provided for every 125 metres approximately and will be 12 metres long, providing an additional width of 2.5 metres.</p> <p>Non-complying under <b>15.1.6C.2 DISCRETIONARY ACTIVITIES</b> (as per subsections (b) and (c))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be discretionary.</p>

<sup>19</sup> This does not take into account the right of way over Lot 2 DP 164422 and it is reasonable to assume that this would also require consent. The application has not commented on this.

<sup>20</sup> This does not take into account the right of way over Lot 2 DP 164422 and it is reasonable to assume that this would also require consent.

<p><b>15.1.6C.1.5(c) VEHICLE CROSSING STANDARDS IN COASTAL ZONES</b></p> <p>Where a vehicle crossing serves two or more properties the private accessway is to be 6 metres wide and is to extend for a minimum distance of 6 metres from the edge of the carriageway.</p>	<p>The conditions proposed by NZTA for the vehicle crossing off the State Highway do not meet this minimum requirement.</p> <p>Non-complying under <b>15.1.6C.2 DISCRETIONARY ACTIVITIES</b> (as per subsection (b) and (c))</p> <p>Note: If the cascade of rules in the ODP determining activity status did not apply, the activity would be discretionary.</p>
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Summary: Given the cascade of rules in the ODP, each breach to the permitted activity rules is a non-complying activity (as per 10.6.5.4). The following assessments do however place emphasis upon the matters of discretion outlined above for individual breaches.

Note: General Coastal zone – scale of activities

The application states:

*“Okokori B Block has a total site area of 115.8ha, allowing for a maximum of 115 persons that can be engaged on site at any one time.*

*As determined in RC2130047, the maximum capacity of the existing Whare Wānanga is 84 persons. However, very seldom will the number of people engaged on site exceed this number.*

*The main activities on site include educational workshops and cultural tourism activities where no more than 30 people plus staff will participate at any one time.*

*It is anticipated that few large events will be held on site, including Matariki, where a maximum of 100 attendees are anticipated.*

*The KWC will not be open to the general public, and visits to the site will be prior arrangement only.”*

As per above, the current application does not seek consent for any more than 115 person on the area of Okokori B Block at any one point in time. This excludes people normally residing on site.

## ***Proposed Far North District Plan (PDP)***

A summary of submissions and further submissions to the PDP as originally notified has been released and is available on Council’s website.

Proposed Plan Variation 1 (Minor Corrections and Other Matters) to the PDP was notified on 26 November 2024, with the submission period closing on 10 December 2024. These provisions replace the corresponding provisions in the PDP as originally notified.

Due to the breadth of submissions received, the District Plan team has advised that no rules can currently be considered operative under section 86F of the Resource Management Act 1991 (the Act).

Rules in the PDP that have immediate legal effect remain relevant to the assessment of proposals. Although not operative, these rules must be considered, as they carry legal effect. In the PDP, such rules are identified by an orange 'gavel' symbol. Rules without immediate legal effect (i.e. no gavel symbol) do not apply. (Section 86B of the Act outlines when rules in a proposed plan have legal effect.)

The applicant lodged a submission (S581.001) to the PDP seeking the deletion of MS05-38 (Site of Significance to Māori) from the site (Okokori B), on the basis that it had been applied in error. There were no further submissions to S581.001. Council's policy planner assessed the submission in a section 42A report to the District Plan Hearings Panel, recommending that it be rejected as the evidence provided was regarded as insufficient to justify the deletion of MS05-38 and there was no evidence of consultation with the requesting party.

Council's policy planner considered the applicant's evidence presented to the District Plan Hearings Panel on 27 May 2025. In the planner's right of reply they commented as follows:

38. *In respect to the issue raised by Arawai Ltd which relates to the site identified in Schedule 3 – Schedule of Sites and Areas of Significance to Māori as MS05-08. Based on the evidence provided the following is determined:*
39. *A Māori Land Court partition order dated 11 March 1954 created Okokori A and Okokori B Blocks. Okokori A Block was formally identified as Pt Okokori Block...*
40. *The Mangonui County Operative District Scheme Appendix F references the Site of Significance to Māori as M23 and identifies the site as Pt Okokori Block...*
41. *It should be noted that the reference on the planning maps M23 is identified as Pt Okokori Block which became Okokori A Block when titled was issued in 2010...*
42. *The Far North Operative District Plan (2009) Appendix 1F Schedule of Sites of Cultural Significance to Māori, references the Site of Significance as MS05-38 and the legal description is Pt Okokori Block or Okokori A Block...*
  - a) *It should be noted that in the Far North Operative District Plan (2009) the planning maps show the extent of the map as being beyond Pt Okokori Block or Okokori A Block and into Okokori B Block.*
  - b) *Evidence provided assesses that the extent of the mapping of MS05-38 may have been applied incorrectly to Okokori B Block.*
43. *I concur with this assessment and recommend that the request to remove the extent of the mapping of MS05-38, as it has been applied to the property legally described as Okokori B, be accepted.*

As hearings are progressing, no decisions have been released. Council decisions will have regard to the final recommendations of the Hearings' Panel and are anticipated by mid-2026. Therefore, for the purposes of assessing the proposal, the provisions relating to MS05-38 remain relevant despite the above recommendation of Council's policy planner to delete MS05-38 from the site.

An assessment of the proposal against the PDP rules with immediate legal effect has been undertaken. The only rules relating to the proposal and having effect relate to earthworks<sup>21</sup> and Sites and Areas of Significance to Māori as follows.

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<sup>21</sup> The definition of earthworks in the PDP does not exclude the disturbance of land for building platforms

<b>EW-R12</b>	<b>Earthworks and the discovery of suspected sensitive material</b>	
All zones	<p><b>Activity status:</b> Permitted</p> <p><b>Where:</b></p> <p><b>PER-1</b> The earthworks complies with standard EW-S3 - Accidental Discovery Protocol.</p>	<p><b>Activity status where compliance not achieved:</b> Discretionary</p>
<b>EW-R13</b>	<b>Earthworks and erosion and sediment control</b>	
All zones	<p><b>Activity status:</b> Permitted</p> <p><b>Where:</b></p> <p><b>PER-1</b> The earthworks complies with standard EW-S5 Erosion and sediment control.</p>	<p><b>Activity status where compliance not achieved with PER-1:</b> Restricted discretionary</p> <p><b>Matters of discretion are restricted to:</b></p> <p>a. the matters of discretion of any infringed standard.</p>
<b>EW-S3</b>	<b>Accidental discovery protocol</b>	
All zones	<p>On discovery of any suspected sensitive material, the person must take the following steps:</p> <ol style="list-style-type: none"> <li>Cease all works within 20m of any part of the discovery immediately and secure the area, including: <ol style="list-style-type: none"> <li>shutting down all earth disturbing machinery and stopping all earth moving activities; and</li> <li>establish a sufficient buffer area to ensure that all material remains undisturbed.</li> </ol> </li> <li>Within 24 hours of the discovery the owner of the site, tenant or the contractor must: <ol style="list-style-type: none"> <li>inform the following parties of the discovery: <ol style="list-style-type: none"> <li>The <a href="#">New Zealand Police</a> if the discovery is of human remains or kōiwi;</li> <li>The <a href="#">Council</a> in all cases;</li> <li><a href="#">Heritage New Zealand Pouhere Taonga</a> if the discovery is an archaeological site, Māori cultural artefact, human remains or kōiwi; and</li> <li><a href="#">Tangata Whenua</a> if the discovery is an archaeological site, Māori cultural artefact, or kōiwi.</li> </ol> </li> </ol> </li> <li>No works shall recommence until the discovery area is inspected by the relevant authority or agency, this shall include: <ol style="list-style-type: none"> <li>If the discovery is human remains or kōiwi the <a href="#">New Zealand Police</a> are required to investigate the human remains to determine whether they are those of a missing person or a crime scene. The remainder of this process will not apply until the <a href="#">New Zealand Police</a> confirm that they have no further interest in the discovery; or</li> <li>If the discovery is of archaeological material, other than evidence of contaminants, a site inspection for the purpose of initial assessment and response will be arranged by the <a href="#">Council</a> in consultation with <a href="#">Heritage New Zealand Pouhere Taonga</a> and appropriate <a href="#">Tangata Whenua</a> representatives.</li> </ol> </li> <li>Recommencement of work: <ol style="list-style-type: none"> <li><a href="#">Heritage New Zealand</a> has confirmed that an archaeological authority has been approved for the work or that none is required;</li> <li>Any required notification under the <a href="#">Protected Objects Act 1975</a> has been made to the <a href="#">Ministry for Culture and Heritage</a>; and</li> <li>Resource consent has been granted to any alteration or amendment to the earthworks or land disturbance that may be necessary to avoid the sensitive materials that is not otherwise permitted under the plan or allowed by any existing resource consent.</li> </ol> </li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b></p>
<b>EW-S5</b>	<b>Erosion and sediment control</b>	
All zones	<p><b>Earthworks</b></p> <ol style="list-style-type: none"> <li>must for their duration be controlled in accordance with the <a href="#">Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016</a> (Auckland Council Guideline Document GD2016/005); and</li> <li>shall be implemented to prevent silt or sediment from entering <a href="#">water bodies</a>, coastal marine area, any <a href="#">stormwater</a> system, <a href="#">overland flow paths</a>, or <a href="#">roads</a>.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to:</b></p> <ol style="list-style-type: none"> <li>the location, scale and volume;</li> <li>depth and height of cut and fill;</li> <li>the nature of filling material and whether it is compacted;</li> <li>the extent of exposed surfaces or stockpiling of fill;</li> <li>erosion, dust and sediment controls;</li> <li>the risks of <a href="#">natural hazards</a>, particularly flood events;</li> <li><a href="#">stormwater</a> controls;</li> <li>flood storage, <a href="#">overland flow paths</a> and drainage patterns;</li> <li>Impacts on natural coastal processes;</li> <li>the stability of <a href="#">land</a>, <a href="#">buildings</a> and <a href="#">infrastructure</a>;</li> <li>natural character, landscape, <a href="#">historic heritage</a>, spiritual and cultural values;</li> <li>the life-supporting capacity of soils;</li> <li>the extent of indigenous vegetation clearance and its effect on biodiversity;</li> <li>outstanding natural character, outstanding natural landscapes and outstanding natural features;</li> <li>riparian margins;</li> <li>the location and use of <a href="#">infrastructure</a>;</li> <li>temporary or permanent nature of any adverse effect;</li> <li>traffic and <a href="#">noise effects</a>;</li> <li>time of year earthworks will be carried out and duration of the activity; and</li> <li>Impact on visual and <a href="#">amenity values</a>.</li> </ol>

Advice notes can be applied to any consent issuing to ensure compliance with EW-R12 Earthworks and the discovery of suspected sensitive material and EW-R13 Earthworks and erosion and sediment control.



The consenting requirement under the rules relating to Sites and Areas of Significance to Māori is as follows:

Sites and Areas of Significance to Māori	Non-compliance
<p><b>SASM-R1 New building or structure, extensions to an existing building or structure, earthworks or indigenous vegetation clearance</b></p> <p>An activity is permitted activity where it is undertaken by the requesting party listed in Schedule 3</p>	<p>The site includes MS05-38 Awapoko Reserve. The activity is not proposed by the requesting party.</p> <p>Restricted discretionary.</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> <li>a. whether the requesting party listed in Schedule 3, the relevant iwi authority, or Heritage New Zealand Pouhere Taonga, have been consulted, the outcome of that consultation, and the extent to which the proposal responds to, or incorporates the outcomes of that consultation;</li> <li>b. whether a cultural impact assessment has been undertaken and the extent to which the proposal responds to or incorporates the recommendation in that assessment;</li> <li>c. the extent to which the activity may adversely affect cultural and spiritual values;</li> <li>d. whether the activity will have an adverse effect on the site and area of significance to Māori; and</li> <li>e. the means by which any adverse effects on cultural, spiritual and heritage values can be avoided, remedied or mitigated.</li> </ul>

## Overall Activity Status

Overall, the proposal is a non-complying activity under the ODP and a restricted discretionary activity under the PDP.

With respect to the rules, weighting between the ODP and PDP has not been regarded as an issue in this instance as the rules relating to the Sites and Areas of Significance to Māori are consistent in terms of the activity, activity status and the limits of discretion are the same with respect to points c, d, and e of SASM-R1. In terms of point a of SASM-R1, Rule 12.5.6.2.2 of the ODP goes further to state “*Where an application is made in terms of this rule, the requesting party and the relevant iwi authority and the New Zealand Historic Places Trust shall be considered an affected party*”. The applicant identified Ngāti Kahu as the relevant iwi authority (Te Rūnanga Iwi). The whanau and hapu of Ngāti Tara, Parapara and Tūpuna have strong ties to the land.

## National Environmental Standard for Freshwater Regulations 2020

As indicated in section 1 previously, the applicant has obtained the consents required under the ‘National Environmental Standard for Freshwater Regulations 2020’ from Northland Regional Council.

## 7. Notification Assessment

### ***Section 95A – Public Notification Assessment***

Section 95A of the Act requires a decision on whether to publicly notify an application and sets out a step-by-step process by which to make this decision.

#### **Step 1: Mandatory public notification in certain circumstances**

s95A(3)(a)	Has the applicant requested that the application be publicly notified?	No
s95A(3)(b)	Is public notification required under section 95C?	No
s95A(3)(c)	Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977?	No

#### **Step 2: If not required by step 1, public notification in certain circumstances**

s95A(5)(a)	Is the application for a resource consent for one or more activities and each activity is subject to a rule or national environmental standard that precludes public notification?	No
s95A(5)(b)	Is the application for a resource consent for one or more of the following, but no other, activities; (i) a controlled activity; (iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity?	No

#### **Step 3: If not precluded by step 2, public notification required in certain circumstances**

s95A(8)(a)	Is the application for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification?	No
s95A(8)(b)	In accordance with section 95D, will the activity have, or is it likely to have, adverse effects on the environment that are more than minor? The assessment below addresses this matter.	No

### ***Assessment of Environmental Effects***

To determine whether the activity will have or will be likely to have adverse effects on the environment that are more than minor, an assessment of environmental effects carried out in accordance with section 95D of the Act is required.

#### **Effects that must be Disregarded**

##### ***Adjacent Land***

Pursuant to section 95D(a) of the Act, Council must disregard any effects on the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land.

The land adjacent to the subject site is identified in Table 1 and Figure 1 below.

For the purposes of this assessment; those properties sharing a common boundary with the site and providing legal access have been regarded as adjacent.

Land on the southern side of Awapoko River opposite the development area has not been regarded as adjacent given the width of the river and location of built development on that property.

Legal Description	Address
Okokori A Block	Māori freehold land held in 109 shares separates the site from Doubtless Bay/Tokerau Beach
Pt CL SO 18870	Crown land administered by the Department of Conservation abutting the northwestern boundary of the site
Lot 2 DP 145849 and Lot 2 DP 164422	Lot 2 DP 164422 includes the right of way servicing the site, this is owned by Larry and Fiona Mathews



I have also regarded Heritage New Zealand Pouhere Taonga (HNZPT), the Department of Conservation and tangata whenua as ‘adjacent’ by virtue of their interests in the immediate locality.

### ***Restricted discretionary activity***

Pursuant to section 95D(c) in the case of a restricted discretionary activity, Council must disregard an adverse effect of an activity that does not relate to a matter for which a rule or national environmental standard restricts discretion. Whilst the proposal is a restricted discretionary activity under the PDP, it is non-complying under the corresponding ODP rule. Therefore, Council can consider any relevant matter when assessing the environmental effects.

### ***Trade Competition***

Pursuant to section 95D(d) of the Act Council must disregard trade competition and its effects. Trade competition is not an issue in this instance.

### **Written Approvals**

Pursuant to section 95D(e) of the Act Council must disregard any effect on a person who has given written approval. The following have provided their 'written approval':

Legal Description	Property	Name	Owner or Occupier
Lot 2 DP 164422	Lot 2 DP 164422	Larry and Fiona Mathews	Owners and occupiers

In correspondence dated 1 July 2024, Council advised the applicant as follows:

- The application is supported by the conditional approval of Larry and Fiona Matthews, dated 18 December 2020. As it is conditional, Council is unable to regard this as a 'written approval' in assessing the application.

Response: 18 July 2024 –

*With respect to the written approvals of Larry and Fiona Matthews, these can be resought if required [i.e if you believe they are affected].*

*... If I am to reconsider those parties, given the large separation distances, existing development already constructed and the rural nature of those allotments my assessment is that they would not be affected by the proposed development.*

Council noted that the approval was dated 18 December 2020 and did not fully relate to the current proposal, in particular breaches identified by Council relating to the vehicle crossing and private access, as well as the scope of activities.

- The written approval of Council's duly delegated officer is required for any works falling within Lot 1 DP 41634 as it appeared that earthworks and vegetation clearance would be required on Lot 1 DP 41634 (owned by Council) to maintain the necessary sight lines from the vehicle crossing.

Response: No comment and there is no detail indicating how clearance outside of the site will be maintained to achieve NZTA's required sightline distances.

## **Effects that may be Disregarded**

### **Permitted Baseline**

Pursuant to section 95D(b) of the Act, Council has the discretion to disregard the effects of an activity if a rule or national environmental standard permits an activity with that effect. This is known as the permitted baseline. The table in section 6 above outlines the permitted baseline rules.

In terms of the retrospective consent sought, I consider it would be unreasonable to place significant emphasis upon the permitted baseline in this instance as the land has vested as a Māori Reservation for the purpose of Whare Wānanga for kaupapa waka, commonly referred to as Te Awapoko Waka Whānanga Reserve. Further to this, the Whare Wanānanga building was enclosed prior to RC2130047 lapsing.

In terms of visual amenity and buildings within an outstanding landscape, the restrictions upon gross floor area are not intended to reflect a realistic scale of development but rather provide a trigger enabling Council to consider the visual effects of the development. Therefore, the permitted baseline relating to visual amenity and buildings within an outstanding landscape is disregarded in the following assessment. This breach to the permitted activity thresholds will be considered on the basis of the mitigation measures volunteered by the applicant addressing visual amenity, with Council considering the actual and potential effects of the built development thresholds proposed.

The following assessment does have regard to the permitted baseline involving discharges of human sewage effluent, earthworks, traffic intensity, private access and vehicle crossings.

## **Assessment**

### ***Receiving Environment***

The receiving environment is the environment within which the adverse effects of the application must be assessed.

Given the activity proposed, the size of the site and the location of the proposed activity, for the purposes of this assessment the receiving environment has been regarded as including rural properties surrounding the site and the State highway.

Section 1 above summarises the consents applying the site.

The proposed development is not regarded as being out of context with the existing environment, particularly given the vesting of 2.1 hectares of the 115.8 hectare title area as Māori Reservation for the purpose of Whare Wananga for kaupapa waka.

### ***Adverse Effects Assessment***

Once a non-complying activity consent requirement is triggered, Council can take account of any relevant matter when assessing the environmental effects of a proposal.

In considering whether the land use activity will have, or is likely to have, adverse effects on the environment that are more than minor the following assessment addresses natural character, visual amenity and outstanding landscape; wastewater treatment; natural hazards; parking, property access and vehicle movements; heritage and archaeology; and stormwater management.

The effects upon manawhenua cultural values and MS05-38 are considered in the following assessment relating to limited notification.

#### **Natural character, visual amenity and outstanding landscape**

The ODP Outstanding Landscape overlay includes the development area. It is identified in the Far North District Landscape Assessment Worksheets (1995) as Landscape Unit C31, which is described as expansive exposed beaches, with the following ratings<sup>22</sup> - aesthetic 6, heritage 6, rarity 6, vulnerability to change 6 (7 indicating extremely low visual absorption capability), exposure/visibility 5, overall sensitivity class 6 (high sensitivity).

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<sup>22</sup> Ratings are 1-7, with 7 indicated as being extremely high value



This landscape unit was assessed as being outstanding due to the sense of expansive spaciousness, a limited extent of built development, a largely natural sequence of dune field/wetland vegetation, and the strong association between the sweeping beach and the field dunes found extending inland as a backdrop.

RC2130047 was supported by an architect's assessment of visual impact by design TRIBE Architects, dated September 2012. The assessment stated:

*The design and location of the complex is an innovative response to the major planning issue posed by the site - the need to protect the landscape values of the coast of Tokerau Beach/Doubtless Bay. While any construction on the upper dune would interrupt these important views, the main complex is located on the flat terrace below the level of the main dune, maintaining the integrity of the un-built star compass upper dune area.*

The development occupies a flat terraced area which is highly modified; including numerous buildings on site; notably the approved 210 m<sup>2</sup> Whare Wānanga (including an education/training centre and cultural tourism destination based around kaupapa waka), the 144 m<sup>2</sup> Whare Waka, residential units, areas of landscaping and the Māori star compass. In terms of the retrospective consent sought, it also includes the 30 m<sup>2</sup> taupaepae (entrance/assembly point for visitors), the 30 m<sup>2</sup> putanga (reception/office and local merchandise shop), the 7 m<sup>2</sup> wharepaku (toilet block for visitors), the 96 m<sup>2</sup> kohanga (nursery), the 152 m<sup>2</sup> taupuni (depot); and the 180 m<sup>2</sup> waka shelter and associated storage/working area.

Where the structures are subject to retrospective consent, the actual effects on natural character and visual amenity can be observed on site. Section 4 above includes photographs of the development. In the context of the existing site development, the 106 m<sup>2</sup> Whare Whetū (planetarium) that is yet to be established on site will be relatively discrete, by virtue of its size and location.

The majority of the land affected by the development was vested as a Māori Reservation for the purpose of Whare Wānanga for kaupapa waka, with the buildings and their use regarded as generally consistent with development expectations for the site; establishing a cultural and educational facility supporting kaupapa waka, celestial navigation education, and wānanga.

Based upon its purpose and use, the activity has a functional need to be located adjacent to the coastal marine area; enabling waka launching, celestial navigation training, and practical learning.

The site is screened by existing riparian vegetation along the Awapoko River and the sand dunes along Tokerau Beach. The site is also set back approximately 850 metres from State Highway 10, ensuring significant separation from public roads and reducing visibility from public viewpoints.

Previous resource consent RC2130047 assessed the Whare Wānanga, which is the building located closest to the coastal marine area, at approximately 19.5 metres from the Awapoko River. It was determined that the visual effects of this building were less than minor due to its careful design, including a split-level roof to reflect the shape of a waka under sail, the use of natural materials, and recessive colours. The building's position behind existing riparian vegetation further reduced its visual impact. The waka shelter maintains a similar setback from the coastal marine area, and its effects are mitigated by the relative openness of the structure and the riparian vegetation.

The proposal uses natural materials and colours with low reflectance values to integrate the buildings. The colour of the existing Whare Whakairo will be adjusted to reduce its reflectivity, ensuring consistency across the site. The proposed Whare Whetū and associated structures will use the same materials and colour palette as the existing Whare Wānanga.

Other buildings that will be located further from the coastal marine area than the Whare Wānanga and waka shelter, are significantly smaller and lower in elevation. This, combined with the site layout, retention of existing vegetation for screening purposes, and site landscaping, will minimise the visibility of the proposed structures when viewed from outside the site.

Given the scale of the proposal relative to the overall 115.8-hectare site, the existing built environment, the use of recessive colours and natural materials, and the effective screening provided by existing vegetation, it is considered that overall, the proposal will result in no more than minor adverse effects on natural character, visual amenity and outstanding landscape. The proposal will enhance the overall visual coherence of the site by standardising colours and materials across the Waka Centre while supporting the cultural and educational kaupapa of the site. It will maintain and reinforce the existing character of the site as a hub for waka kaupapa and Māori education while ensuring that the built development remains sympathetic to the coastal landscape.

The kohanga (nursery) on site supports a programme of recovery and restoration of the native flora on site, this has included the reinstatement/enhancement of wetland areas<sup>23</sup> and various landscaping. There is also an active predator control programme. Based upon the evidence of this on site, it is not considered necessary in this instance to require a formal a landscape enhancement and maintenance plan for the development. Council could consider applying a review clause to address this.

The proposal involves 1,250 m<sup>3</sup> of cut and 1,100 m<sup>3</sup> of fill earthworks for safety upgrades to the existing internal access road and the construction of a new parking area, all of which require relatively minor works. In terms of visual effects, these earthworks have been assessed as no more than minor.

Conditions of consent are recommended requiring certification of final plans of all built development (including colour palettes), to be consistent with the final details summarised in this report, with all development to proceed in accordance. Whilst not addressed through prior consents, formal protection and ongoing maintenance of the riparian vegetation is also recommended.

### Wastewater treatment

The wastewater treatment plant for the Whare Wānanga is located within the 30 metre setback from the coastal marine area, between the Whare Wānanga and the coastal marine area. The Whare Wānanga is approximately 19.5 metres from the coastal marine area.

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<sup>23</sup> The Lake Ohia Wetland complex encompasses approximately 80% of Okokiri Block B. The wetland area is comprised of freshwater wetlands on interdune flats ponded between a belt of consolidated foredunes. The site contains outstanding habitat which forms a continuous ecological sequence from the Eastern shoreline of Rangaunu Harbour through to Tokerau Beach (Saltmarsh – Dune fields – shrubland – gum land – swamp dune fields). This is the only remaining example of such a sequence in Northland.

Council requested that the application be amended to seek consent under Rule 12.7.6.1.4 LAND USE ACTIVITIES INVOLVING DISCHARGES OF HUMAN SEWAGE EFFLUENT. In further information received 22 July 2024, the applicant responded:

*“..I confirm the breach for that system [on the basis that this refers to the septic tank, but not the main facility – please refer to the As-Built attached at Appendix B]. I confirm the breach for that system but note that there have been no known operational issues resulting from its location. It has been in place for some time with no known issues”.*

Council noted the additional consent sought, however noted that no details were provided, requesting an engineer’s assessment of the existing wastewater system, describing the system including pumps, alarms and emergency storage and confirming compliance with the requirements of Council’s engineering standards and AS/NZS1547.

In a response dated 24 July 2024, the applicant advised:

*“My understanding of things is that the system is all signed off, has NRC and FNDC consent [noting that this aspect wasn’t one of the things that wasn’t completed under the previous consent]. Therefore in my mind, whilst FNDC position is that the previous last consent lapsed, this component was ‘given effect to”.*

The ‘approved’ drawing shows the septic system to be installed to the north end of the Whare Wānanga, however it has been installed to the south end which was not provided for previously. From observation the system comprises a septic system and a pump.

In information provided 1 August the applicant commented further:

*“Has John<sup>24</sup> seen the NRC consent and does this not cover the requirements? PRP requires an assessment of the relevant standards. NRC have confirmed its appropriateness already included the location within the as-builts which are part of the approved set”.*

The plans attached to the regional council’s consent shows the septic system to be installed to the north end of the Whare Wānanga, not as currently established.

In the absence of the information requested, Council’s consultant engineer has agreed that the required information can be conditioned. A condition can attach to any consent issuing, requiring evidence of the required building and regional council consents<sup>25</sup> for the septic system established on site, to be provided within one month of Council’s decision.

### Natural hazards

Rule 12.4.6.2.1 NEW BUILDINGS & ADDITIONS TO EXISTING BUILDINGS IN COASTAL HAZARD 2 AREAS regards new buildings on land within a Coastal Hazard 2 Area as a controlled activity where a report is provided from a person suitably qualified in coastal processes.

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<sup>24</sup> Council’s consultant engineer, John Papesch from Haigh Workman

<sup>25</sup> It is understood that the regional consent is for up to 2,190 litres per day of wastewater to be primary treated and discharged to land via standard trenches. The system has been designed to accommodate a flow of 73 litres per person per day during peak visiting periods where on average, 30 persons will be visiting the site per day. A reserve area of 100 percent of the disposal area has been allowed for. The number of people visiting the centre varies throughout the year, with some visitors staying overnight and some visiting the centre for a few hours. A condition has been included in consent to ensure discharge to land is not exceeding the 2,190 litres per day authorised by the regional consent.

The application states:

*The Whare Wānanga is within the CH2 area but is considered to be exempt from this rule as the building is already existing and was approved under RC2130047.*

*The FNDC Compliance Team have confirmed that the Whare Wānanga has been constructed in accordance with the approved building plans (see correspondence in Appendix N). The external dimensions of this building will remain unchanged.*

*Far North Maps show a portion of the half-round barn to be located within the CH2 area. However, this barn has been demolished to make way for the waka cover.*

*The final Whare Waka building, and all other new buildings will be located entirely outside of the current CH2, and indicative future hazards areas.*

Council's consultant engineer commented on the proposal as follows:

*A site plan included with the application shows the Whare Wananga is approximately 19.5 m from the coastal waters of Awapoko River. A site suitability report by Richard Catterall, dated 9 August 2012, was submitted with the original application. Whare Wānanga is now built, in what appears to be the position shown in RC2130047.*

*It was contended by Richard Catterall in 2012 that the Whare Wānanga is not prone to coastal erosion and other natural hazards. Based upon Council's maps the building position is considered susceptible to coastal erosion within the next 50 years.*

*If this were a new building, a site-specific assessment should be provided by a suitably experienced and qualified engineer or coastal scientist. However, as the building is now built, it is considered more appropriate to recognize the potential for those hazards, and the potential need to remove the building should the mapped hazards arise through appropriate conditions of consent. As the information provided with RC2130047 is outdated, the applicant should provide a new coastal hazard assessment and recommendations.*

Council granted land use consent RC2130047 for the Whare Wānanga on 12 December 2012. Building consent was lodged in 2013 and issued in 2014. On 26 November 2014, the building was fully enclosed and passed its cladding inspection. The building was established on site prior to RC2130047 lapsing.

The applicant has sought consent "to regularise the built development/activities within RC2130047 which approved the establishment and operation of the Whare Wānanga" but considers that this should not include 12.4.6.2.1.

Richard Catterall's report dated 9 August 2012 stated:

*The banks of the stream are shown in the District Plan maps as being within the CHZ2 zone for possible erosion within a 100 year time zone. There is no direct wave action onto the banks and storm tide events will only cause high water levels in the stream. Any erosion if (sic) therefore likely to be caused by slow action due to stream flows. This will only cause slow, shallow retreat of the bank and hence remedial action can be taken should this occur." Council's resource consents engineer concluded "The area is shown as being above the flood plain with the flood waters from the river being spread over lower land to the south of the site. With respect to riverbank erosion the site abuts a straight section of the river at the lower end of the river near its outfall. Erosion is more likely to occur at the river bend immediately to the east of the site where the flow is directed at the bank. I accept the Engineer's (R.I.P Catterall) assessment that stream bank erosion would be a slow shallow retreat of the bank and remedial action can be undertaken should this occur.*

Contrary to the prior assessments, mapping carried out since 2012 identifies that the building works are likely to be subject to a natural hazard (coastal erosion). To address any uncertainty as to whether partial completion of RC2130047 can stand alone, the District Plan breaches outlined above in relation to RC220463 include Rule 12.4.6.2.1.

Adopting a practical approach Council has not sought a further report on coastal hazards affecting the building as this was considered when RC2130047 was processed and the building constructed. The building consent required a minimum floor level to provide at least 500mm freeboard above the 1 in 100 year ARI flood level, with the building to be constructed accordingly.

It is however considered appropriate to advise the applicant of the potential for these hazards and the need for managed retreat if these hazards arise in the future. An advice note can be attached to any decision to RC220463 to record and inform the applicant of the coastal erosion hazard, suggesting they obtain independent advice. Future mitigation could include coastal protection structures.

#### Parking, property access and vehicle movements

Although no formal plans have been provided, the applicant proposes parking and manoeuvrability for 21 vehicles and a tour bus/coach at the eastern extent of the accessway and northwest of the Māori reservation. The circular carpark will be approximately 1,300 m<sup>2</sup> in area over a relatively level, irregular shaped grassed paddock. To minimise dust nuisance, the car parking area is proposed to be concreted.

At the time of lodging the application, the ODP required one park per four people. For the 92 people associated with the overall activity this required 23 carparks including two accessible carparks connecting to an accessible route at the closest building entrance. The application did not seek dispensation from the required parking spaces and given the land area available it was considered that a condition attaching to any consent granting approval could ensure compliance.

In June 2025, Council adopted the Spatial Plan for Kerikeri–Waipapa, which established Kerikeri as an ‘urban environment’ as defined by the National Policy Statement for Urban Development (NPS-UD) 2020. Council has therefore become a ‘Tier 3’ local authority. Local authorities that have all or part of an urban environment within their district or region are subject to the requirements of the NPS-UD. This includes the removal of minimum parking requirements. As no plans have been provided, an advice note attaching to any consent issuing can highlight that the parking requirements no longer apply.

Rule 15.1.6C.3 AFFECTED PERSONS of the ODP relating to traffic, parking and access states “Where an application is required because of non-compliance with a rule within this Chapter and the access is off a State Highway or nearby (up to 90m of an intersection with a State Highway) the New Zealand Transport Agency may be considered an affected party for notification purposes”.

Access to the site is via State Highway 10 Crossing CP95. Upgrading of the crossing includes sealing of the access, widening to provide space for two coaches on entry and exit from the site and vegetation clearance to improve sightlines at the entrance. The access strip to the site will be upgraded, including rehabilitating the existing surfaced area and the installation of passing bays at 125 metres intervals.



A traffic report by Richard Catterall, dated 24 April 2012 and supplementary report dated 18 June 2012, was submitted with the original application. Correspondence from the New Zealand Transport Agency (NZTA) dated 24 September and 29 October 2012 was provided in response to a request for further information dated 4 September 2012. The 29 October 2012 letter included approval in principle, subject to conditions. Those conditions include upgrading the entrance to NZTA's diagram D standards, vegetation clearance to the north, and traffic from the site shall not to exceed 100 car movements per day.

To achieve the site distances of NZTA's approval in principle, vegetation clearance to the north requires vegetation clearance and earthworks on Lot 1 DP 41634 which is a former quarry site owned by Council. Correspondence from Marius Garbriel, Council's former area engineer indicates agreement in principle for the applicant to undertake those works (email dated 18 October 2012). The applicant has indicated that these works have been completed, and a condition can require ongoing maintenance to achieve the required site distances.

Internal access is via a single lane gravel road. RC2130047 provided for the internal access to be upgraded to a 6.0 metre wide carriageway, which Council's consultant engineer considers a reasonable level of treatment.

There is a one lane bridge which also provides access to the site. Correspondence from a request for further information dated 4 September 2012 includes a structural assessment of the bridge by Richard Catterall dated 24 September 2012 where it is concluded that the bridge is suitable for standard class 1 loadings.

Supplementary information by way of a traffic intensity calculation is included in the application, which has been calculated at 240-276 one-way daily traffic movements. It is however contended that the traffic intensity factor would remain at 168 movements as previously provided for in RC2130047, and that actual traffic generated will be far less than the threshold calculated under the ODP.

As per above, the current application is supported by dated technical assessments and support. The application states "*NZTA have provided written approval and have not required a traffic impact assessment to be undertaken on the basis that access will be upgraded to a standard which can accommodate actual traffic movements*". Council requested comment/approval from NZTA given the 2012 date of NZTA's correspondence, with the number of traffic movements differing from the current application.

Response: 18 July 2024 –

*The previous consent [RC2300463] contained NZTA approval for the activity that is proposed within this application [as well as additional buildings].*

*It is only sought to consent the Whare Whetu and promote a technical acceptance of the previous decision which has been considered as lapsed.*

*The traffic movements letter from 2012 is superseded by the more recent written approval found within RC 2300463 from Tim Elliot - NZTA. The snip of this is below:*

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From: Tim Elliott <[Tim.Elliott@nzta.govt.nz](mailto:Tim.Elliott@nzta.govt.nz)>  
Sent: Wednesday, 18 December 2019 11:31 AM  
To: Bruce Hawkins <[Bruce.Hawkins2@nzta.govt.nz](mailto:Bruce.Hawkins2@nzta.govt.nz)>  
Subject: RE: Traffic assessment

Hi Bruce

From my perspective and based on the previous e-mail this brief is enough for me – they have provided the expected traffic volumes and are looking to either go with a diagram D or E, the only missing part is how we deal with the limited sight lines. I'm happy to work with them on this so we can reach a suitable solution so they don't need to pay for a TIA.

How does that sound?

Regards

Tim

*As I understand this matter was not in contention in the previous resource consent application. The figures from this application have been taken from the last one.*

*There are less components in this consent, so their approval remains relevant. No traffic assessment is/ was required.*

*All works associated with the NZTA requirements on Ōkokori B have been completed. This includes the works regarding sightlines located on Lot 1 DP 41634.*

*... If I am to reconsider those parties, given the large separation distances, existing development already constructed and the rural nature of those allotments my assessment is that they would not be affected by the proposed development.*

In the absence of the applicant providing more recent NZTA comment/approval, Council contacted NZTA directly. In an email dated 30 July 2024, NZTA commented as follows:

*There is a history to this one as this was a PGF funded project – my recollection was that there was no value in the applicant undertaken a TIA due to several factors:*

*The applicant acknowledged that the existing access needed to be upgraded.*

*The applicant agreed to upgrade the access as much as practically possible due to the existing environmental factors the main one being the proximity of the stream reducing the ability to widen the shoulder on SH10 to the north of the access without significant retaining/scour protection.*

*The applicant acknowledged that the existing sight lines to the north of the access need to be improved.*

*The applicant agreed to undertake work to remove vegetation to the north to maximise the achievable sight lines.*

*The applicant provided supporting traffic movement data and clarity around the proposed operating model for the Centre – my recollection was that it would operate by appointment only, no general admission and a reliance on buses to bring visitors to and from the centre.*

*I acknowledge this was all sometime ago now so if the current information available has changed especially around any revised traffic movements due to a new operating model, then I'd be supportive of the applicant providing an ITA, obviously if the applicant is still intended to operate the centre as per their original application then I don't see any value in them providing an update ITA.*

Whilst Council has obtained recent comment from NZTA, this is not a written approval. As there are no changes to vehicle movements and NZTA has not raised any concerns, it is however considered that any effects of the vehicle movements will be no more than minor. It is recommended that the following condition from RC2130047 apply to the current proposal –

*The consent holder shall, prior to the opening of the facility to the public, carry out the following condition relating to the entrance and access upgrading:*

- (i) *Provide evidence that the upgrade to the property entrance which includes vegetation removal and earthworks to improve the sight distance to the west of the site have been completed and NZTA have provided written confirmation that its requirements have been complied with.*

The proposal involves 1,250 m<sup>3</sup> of cut and 1,100 m<sup>3</sup> of fill earthworks for safety upgrades to the existing internal access road and the construction of a new parking area. Northland Regional Council has granted consent for earthworks and the associated diversion and discharge of stormwater required to upgrade the 1.8 kilometre long private accessway, the construction of the new carpark and the upgrade of an existing drainage culvert at 4554 State Highway 10 at Aurere. Rather than duplicating the assessment of earthworks, the district council has chosen to rely upon the regional council's technical expertise in determining the effects of the earthworks as no more than minor.

On the basis of the above, any effects relating to parking, property access and vehicle movements are regarded as no more than minor.

#### Heritage and Archaeology

ASL Archaeological Solutions Ltd undertook an archaeological assessment of the site, as summarised in a report dated 27 March 2021. The report advises no archaeological sites were found within the extent of the proposed development area. There were three grouped middens found 170 metres from the high tide mark in the dunes. The report indicates that while there were no features or deposits recorded or encountered during the survey, it does not rule out the potential presence of subsurface shell middens and/or hearths, with the highest risk area of encountering unrecorded sites being close to the beach side and the lowest risk by the ramp and waka shed area.

The report recommends that all works be subject Heritage New Zealand's Accidental Discovery Protocol, thereby ensuring appropriate management if subsurface material is uncovered in future activities. With respect to RC2300463, Heritage New Zealand Pouhere Taonga accepted the report and its recommendations. Any effects of the proposal upon heritage and archaeology are therefore considered to be no more than minor.

#### Stormwater management

Northland Regional Council has considered and granted consent for the discharge and diversion of stormwater to land during land disturbance activities.

Stormwater management has been addressed previously through RC2130047. A site suitability report prepared by Richard Catterall, dated 9 August 2012, indicated the site has good soakage, with a general slope to the stream to the northwest providing a wide swale to discharge excess stormwater. Roof collection of stormwater from the rooves and other impermeable surfaces will be directed to a series of tanks with overflow piped directly to the stream, including above ground tanks for the Whare Whakairo and an underground tank for the Whare Wananga. The underground tank for the Whare Wananga will discharge overflow directly into Awapoko River, while the overflow from the Whare Whakairo discharges to the stream/swale towards the northwest. The stream then discharges into the river by way of an existing culvert under the entrance roadway immediately to the west of the boat ramp.

Council's engineer assessing RC2130047 advised that usually a stormwater pipe discharging directly into a river would be of concern, however in this case as the pipe is assumed to be the overflow from the underground tank, the discharge would be clean and therefore the adverse effects of the discharge into the river would be less than minor.

The current development will include three new tanks at the Whare Waka, a half buried tank for the Taupaepae and Putanga, and a new inground concrete tank for the Whare Whetu. It is estimated that 187,500 litres of water will be collected through the existing stormwater collection and the proposed new tanks. This will support the water supply required for potable water and firefighting supply.

The adverse effects from stormwater management on the site, the surrounding environment and the coastal marine area are considered no more than minor.

### Summary

Based on the information available, the volunteered mitigation measures, and the engineering review carried out on behalf of Council, the effects of the breaches relating to visual amenity, building height, buildings within outstanding landscapes, earthworks, new buildings in a Coastal Hazard 2 area, water setback, land use activities involving discharges of human sewage effluent, traffic intensity, private access and vehicle crossings are considered to be no more than minor.

### ***Adverse Effects Conclusion***

In conclusion, I consider that the proposal will not have and is not likely to have more than minor adverse effects on the wider environment.

### **Step 4: Public notification in special circumstances**

s95A (9)	Do special circumstances exist in relation to the application that warrant the application being publicly notified?	No
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Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary;
- outside of the common run of applications of this nature, or;
- circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this instance there is nothing exceptional or unusual about the application, particularly given that the majority of the land affected by the development has vested as a Māori Reservation for the purpose of Whare Wānanga for kaupapa waka, with the buildings and their use regarded as generally consistent with the development expectations for the site; establishing a cultural and educational facility supporting kaupapa waka, celestial navigation education, and wānanga. The proposal has nothing out of the ordinary to suggest that public notification should occur.

## **Section 95B – Limited Notification Assessment**

Where an application is not publicly notified under section 95A of the Act, section 95B requires a decision on whether there are any affected persons (under section 95E) and sets out a step-by-step process by which to make this decision.

### **Step 1: Certain affected groups and affected persons must be notified**

s95B(2)(a)	Are there any affected protected customary rights groups?	<i>No</i>
s95B(2)(b)	Are there any affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity)?	<i>No</i>
s95B(3)(a)	Is the proposed activity on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11?	<i>No</i>
s95B(3)(b)	Is the person to whom the statutory acknowledgement is made is an affected person under section 95E?	<i>N/A</i>

### **Step 2: If not required by step 1, limited notification precluded in certain circumstances**

s95B(6)(a)	The application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification.	<i>No</i>
s95B(6)(b)	The application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).	<i>No</i>

### **Step 3: If not precluded by step 2, certain other affected persons must be notified**

s95B(7)	In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.	<i>No</i>
s95B(8)	In the case of any other activity, determine whether a person is an affected person in accordance with section 95E. The assessment below addresses this matter.	<i>Yes</i>

## **Affected Persons Assessment**

The following assessment addresses whether there are any affected persons that the application is required to be limited notified pursuant to section 95B(7) or (8), in accordance with section 95E. A person is affected if the activity's adverse effects upon them are minor or more than minor (but not less than minor).

Pursuant to section 95E(2)(c) Council must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.



## Effects that must be Disregarded

### ***Controlled or Restricted Discretionary Activities***

The application is not for a restricted discretionary activity; it is non-complying and therefore Council can consider any relevant matter when assessing the environmental effects of the proposal.

### ***Written Approvals***

Pursuant to section 95E(3)(a) of the Act a person is not an affected person if they have given written approval to the application (and not withdrawn it).

No written approvals have been provided for the current proposal.

### ***Permitted Baseline***

Pursuant to section 95D(b) the permitted baseline may be considered, and the Council has the discretion to disregard those effects.

The permitted baseline has been addressed previously.

## Assessment

### ***Manawhenua cultural values and Sites of Cultural Significance MS05-38 Okokori/Kaimaua Recreation Reserve and waahi tapu, Awapoko Reserve/Awapoko Reserve***

The site is mapped in the ODP as including a site of cultural significance to Māori, being MS05-38 described as Okokori/Kaimaua Recreation Reserve and waahi tapu (requesting party recorded as 'Māori owners').

ODP Rule 12.5.6.2.2 '*Activities Which Could Affect Site of Cultural Significance to Māori*' provides that building, excavating, filling, planting of trees or clearance of vegetation within any site of cultural significance to Māori is a restricted discretionary activity, unless the requesting party proposes the activity<sup>26</sup>.

Where an application is made in terms of this rule, the ODP states that the requesting party and the relevant iwi authority and the New Zealand Historic Places Trust shall be considered affected parties. To address Rule 12.5.6.2.2 ACTIVITIES WHICH COULD AFFECT SITES OF CULTURAL SIGNIFICANCE TO MĀORI Arawai Ltd was requested to provide a cultural impact assessment for RC2300463, addressing the concerns of adjacent landowners and local hapu. Arawai declined to provide this report, instead requesting limited notification.

On 13 October 2021, RC2300463 was limited notified to Ngāti Tara, Parapara Marae and the owners of Okokori A block (adjacent to the subject site) on the basis of the breach to Rule 12.5.6.2.2.

On 7 March 2022 Council refused consent to land use consent RC2300463. The reasons for refusing consent included:

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<sup>26</sup> The current application only has regard to the activity as outlined by the applicant. Matters such as planting of trees or clearance have not been considered.

- a) *The effects on cultural and spiritual matters have not been sufficiently addressed in the application because the applicant has not clearly identified these matters to then be able to assess the effects of the proposal upon them. The applicant is depending too much on what has happened in the past and not sufficiently recognised that currently, the consideration of such effects is afforded a high priority in the RMA and consideration of resource consent applications. The applicant has chosen to rely on that former approach and not to provide sufficient current information or assessment of the effects of the proposal on cultural and spiritual matters.*
- b) *The same can be said regarding the assessment of the effects of the proposal on the relationship of iwi with their ancestral lands. This is simply not addressed to the degree sufficient to make a decision that acknowledges it. That is to say, this information is not provided, the applicant again depending on what has earlier been granted resource consent and assuming the same will continue without producing a sufficient assessment of the current proposal.*
- c) *These considerations mean that the matters of national importance in the RMA, those including at s6, and among the other matters in s7, recognising and providing for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga are not met. That extends to s8 RMA and insufficiently taking account of the principles of the Treaty of Waitangi, with consultation being seen to be a principle of the Treaty.*

On 27 July 2024, Arawai Ltd submitted the current application, RC2240463, effectively seeking consent for the activity previously declined (RC2300463) as well as seeking further land use resource consent for the Whare Whetū.

Whilst most of the information supporting RC2240463 is extracted from RC2300463, RC2240463 also includes the ‘*Sir Hek Busby Kupe Waka Centre Cultural Effects Assessment*’ (CEA) prepared by Tina Latimer, dated January 2023; prepared to address the primary reasons for Council declining RC2300463 (refer to Attachment 3 for the CEA).

A copy of the application for RC2240463, including the CEA, was circulated to Ngāti Kahu, Hāitaitamarangai Marae, Karikari Marae, Parapara Marae and submitters to RC2300463 (as previously listed) for their information and comment. Responses highlight dissension between the applicant, Ngāti Tara and former submitters as to whether the CEA satisfies the matters identified as outstanding in the decision to RC2300463.

Pages 42 to 44 of the application for RC2240463 prepared by Sanson and Associates address ‘*Effects on Suite of Cultural Significance to Māori & Archaeology*’. The application states that the CEA provided in support of RC2240463 “*fills the information gaps of relevance which ultimately led to the previous application being declined*”.

Notwithstanding concerns highlighted by the ‘submitters’ relating to consultation, a primary matter of concern raised is the absence of input from Ngāti Tara into the CEA, particularly as “*telling of kōrero Māori on our land should have significant input by the mana whenua and kaitiaki of that land*”.

The submission from Milton Ross to RC2300463 referred to the mana whenua of the land, Ngāti Tara; highlighting Ōkokori A and B<sup>27</sup> as holding a special and significant cultural and spiritual place in the hearts and minds of the whānau and hapū of Ngāti Tara. Milton Ross requested the completion of a cultural impact assessment (CIA) by someone appointed by the hapū, Ngāti Tara, to take into consideration the cultural and spiritual effects of the proposal for Ngāti Tara as mana whenua and owner of the adjacent land.

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<sup>27</sup> The subject site is Ōkokori B. Ōkokori A which is adjacent to the site, is owned by Ngāti Tara.

The submission from Hinemoa (Greaves) Poa Whanau Trust to RC2300463 raised concern similar to Milton Ross, that the applicant did not consult shareholders of Ōkokori A who are mana whenua and kaitiaki of the area.

The CEA states that the report writer Tina Latimer is of Te Paatu, Ngāti Kahu, Ngaitakoto, Ngāti Kuri, Ngāti Wai, Te Aupouri, Te Rarawa, Te Uri o Hau and Te Whakatohea descent. The application confirms that Tina Latimer is of Ngāti Tara descent. Ms Latimer has an MPhil (Sc) Māori Resource and Environmental Management.

The CEA recognises the strong ties of Ngāti Tara to Ōkokori A and B and Milton Ross's request outlined above. Whilst Ms Latimer is of Ngāti Tara descent, it appears that Ms Latimer does not have the mandate to represent Ngāti Tara. On this basis, Ngāti Tara have not had any formal input into the CEA. The CEA confirms Arawai Ltd.'s advice *"that they sought to engage on the content and personnel to undertake a CIA but were not able to develop anything. Finally, Arawai Ltd commissioned the current study which has been undertaken by an experienced practitioner of Ngāti Kahu and Te Paatu descent"*.

Whilst evidence indicates that consultation between the parties remains a contentious issue and there have been difficulties in this respect, the comprehensive CEA indicates that Ms Latimer has an understanding of the Māori cultural values and interests in the area. However, the CEA has not been prepared on behalf of or with the mandate of Ngāti Tara who have mana whenua over the site and immediate area. Ngāti Tara have expressed strong concern in this regard.

Having regard to above, I can't determine whether the current application:

- adequately addresses Māori cultural values, interests and associations with the locality, or
- includes sufficient information to enable the Far North District Council (Council) to determine the scale and significance of the effects of the proposed activity upon tangata whenua.

Page 7 of the application prepared for RC2240463 states *"As these cultural matters were the only matters in contention which are now addressed by the application, it is contended that the proposal can proceed on a non-notified basis"*. The requirements of Rule 12.5.6.2.2 are however clear in that the requesting party and the relevant iwi authority and the New Zealand Historic Places Trust should be regarded as an affected party to RC2240463.

In summary, with respect to the effects of RC2240463 upon Māori cultural values, interests and associations with the locality, for the reasons above and as per the requirements of the ODP and PDP I recommend limited notification to:

- Ngāti Kahu
- Ngāti Tara
- Parapara Marae
- Submitters to RC2300463 - being Trustees of Paddy Whangu Greaves Whanau Trust (Maaki Greaves, Mahue Greaves, June Waenga and Heta Kiriwi-Greaves); Hinemoa (Greaves) Poa Whanau Trust (Hinemoa (T Greaves) Poa Rita Avis Greaves Josephine Erica Poa Tunis Teatau Marama Poa Boaza Poa Teina Poa (Deceased); Rachel Mar; Hoana Takutai Moana Trust (Edith Hau); Kiriwi Whānau o Okokori; and Milton Ross
- Heritage New Zealand Pouhere Taonga

### *Adjacent landowners*

The current application RC2240463 is not supported by the written approval of any adjacent landowners. RC2300463 was however supported by the written approval of two adjacent landowners, being:

Pt CL SO 18870	Crown land administered by the Department of Conservation abutting the northwestern boundary of the site
Lot 2 DP 145849 and Lot 2 DP 164422	Lot 2 DP 164422 includes the right of way servicing the site, this is owned by Larry and Fiona Mathews

As RC2240463 has now lapsed, the continuing support and written approvals of the adjacent landowners can no longer be assumed, i.e. Council cannot rely on the previous written approvals to waive affected party status. It is therefore recommended that a copy of the current application be limited notified to the owners and long-term occupants of the properties previously identified as potentially affected parties. These are as follows:

Legal Description	Address
Okokori A Block	<b>Māori freehold land</b> held in 109 shares separates the site from Doubtless Bay/Tokerau Beach
Pt CL SO 18870	Crown land administered by the <b>Department of Conservation</b> abutting the northwestern boundary of the site
Lot 2 DP 145849 and Lot 2 DP 164422	Lot 2 DP 164422 includes the right of way servicing the site, this is owned by <b>Larry and Fiona Mathews</b>

These properties may experience **potential adverse effects** from the proposed activity, including:

- **Vehicle Movements:** Increased vehicle movements associated with activities at the Sir Hek Busby Waka Centre may affect the use and enjoyment of nearby properties, particularly if access routes traverse or are proximate to these lands.
- **Visual Amenity:** The continued use and potential future development of structures on the site may have visual impacts, particularly in relation to the openness of the coastal environment and the expectations of amenity held by neighbouring landowners.
- **Protection of Indigenous Biodiversity:** The site and surrounding lands contain indigenous vegetation and ecosystems, and there may be concerns regarding potential disturbance, edge effects, or indirect impacts from human activity and vehicle movements.
- **Spiritual and Cultural Associations with Mana Whenua:** The site and the wider area hold significance to mana whenua. The proposed activities, and their scale and nature, may impact upon spiritual and cultural values held by mana whenua.

#### Step 4: Further notification in special circumstances

s95B(10)	Do special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons)?	No
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In the absence of a consent from Northland Regional Council for the location of the wastewater treatment plant to within 30 metres of the coastal marine area, it is recommended that a copy of the application be served upon them.

### Notification Recommendation

Based on the assessment above under section 95A of the Act, this application may be processed without public notification. As per the above assessments under the Act requirements, it is however recommended that the application by Arawai Ltd, RC2240463, be processed with limited notification.



Liz Searle

Team Leader Resource Consents

Date: 11 July 2025

### Notification Determination

Acting under delegated authority, I have determined that the resource consent application shall be processed on a limited notified basis, as per the assessments undertaken pursuant to sections 95A to 95F of the Resource Management Act 1991 relating to public and limited notification. Those assessments and a recommendation that the application be processed on a limited notified basis are discussed in the above assessment.

I concur with the recommendation made by Ms Searle and hence the limited notification determination above to serve a copy of the application on those parties listed below

**Adjacent landowners and long term occupiers, as per the following table and highlighted on the aerial photograph as sharing common boundaries with the site**

Legal Description	Address
Okokori A Block	<b>Māori freehold land</b> held in 109 shares separates the site from Doubtless Bay/Tokerau Beach
Pt CL SO 18870	Crown land administered by the <b>Department of Conservation</b> abutting the northwestern boundary of the site
Lot 2 DP 145849 and Lot 2 DP 164422	Lot 2 DP 164422 includes the right of way servicing the site, this is owned by <b>Larry and Fiona Mathews</b>





### **Further parties**

- Ngāti Kahu
- Ngāti Tara
- Parapara Marae
- Submitters to RC2300463 - being Trustees of Paddy Whangu Greaves Whanau Trust (Maaki Greaves, Mahue Greaves, June Waenga and Heta Kiriwi-Greaves); Hinemoa (Greaves) Poa Whanau Trust (Hinemoa (T Greaves) Poa Rita Avis Greaves Josephine Erica Poa Tunis Teatau Marama Poa Boaza Poa Teina Poa (Deceased); Rachel Mar; Hoana Takutai Moana Trust (Edith Hau); Kiriwi Whānau o Okokori; and Milton Ross
- Heritage New Zealand Pouhere Taonga
- Northland Regional Council
- 

*Alan Watson*  
*Commissioner acting under the delegation*  
*of Far North District Council*

Date: 11 July 2025

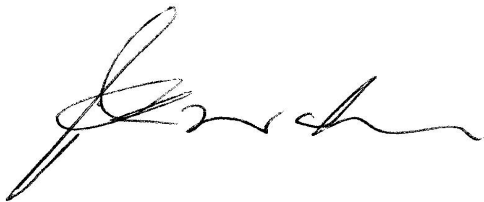
## ADDITIONAL COMMENTARY BY THE APPOINTED COMMISSIONER

The Council has, under section 34A of the Resource Management Act 1991 (RMA), delegated to me as an Independent Commissioner its functions and powers to make the determination on notification or otherwise of this resource consent application.

I have perused relevant information and the Council planner's report on notification and had the opportunity to discuss details with that planner. I have visited the site at an earlier time and am familiar with the locality from planning and commissioner work in the locality and district.

I find agreement with the recommendation made in the above Council's report that the application be the subject of **limited notification** to the parties listed above in the planning officer's report being *Notification Determination under Sections 95A to 95G of the Resource Management Act 1991*.

The reasons for the determination are included in the above Council's report.



Alan R Watson  
BSc DipTP FNZPI

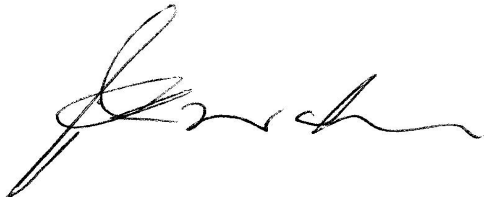
Independent RMA Commissioner

11 July 2025

### **Addendum**

The Waka Centre operates under a management agreement, leasing Te Awapoko Waka Whānanga Reserve and another 2.9 hectares of Okokori B Block for operational purposes; including the carpark, depot and nursery. In the absence of written approval supporting the proposed activity, the owner of Okokori B Block is also regarded as an affected party.

**I have therefore determined that a copy of the application shall be served upon the owner of Okokori B Block.**



Alan R Watson  
BSc DipTP FNZPI  
Independent RMA Commissioner

16 July 2025

# **Appendix E – Submission**

16<sup>th</sup> July 2025

Dear Sir/Madam,

**NOTICE OF LIMITED NOTIFICATION OF APPLICATION FOR RESOURCE CONSENT  
UNDER SECTION 95(B) OF THE RESOURCE MANAGEMENT ACT 1991**

The Far North District Council has received the following application for resource consent: Applicant: **Arawai Limited**

Proposal: ***To establish a new activity within the Sir Hek Busby Kupe Waka Centre (Waka Centre), by relocating a 106 m<sup>2</sup> building onsite for use as a Whare Whetū (planetarium) hosting virtual reality experiences on navigation and waka sailing, and a classroom/meeting room.***

***Retrospective consent is also sought for development and activities relating to the establishment and operation of:***

- ***a 210 m<sup>2</sup> building to be used as a Whare Wānanga (including an education/training centre and cultural tourism destination based around kaupapa waka) previously approved under land use consent RC2130047;***
- ***a 30 m<sup>2</sup> taupaepae (entrance/assembly point for visitors) and a 30 m<sup>2</sup> putanga (reception/office and local merchandise shop);***
- ***a 7 m<sup>2</sup> wharepaku (toilet block for visitors);***
- ***a 96 m<sup>2</sup> kohanga (nursery);***
- ***a 152 m<sup>2</sup> taupuni (depot); and***
- ***an extension to the Whare Waka to include an attached 180 m<sup>2</sup> waka shelter and associated storage/working area***

***Retrospective consent is sought for a cut volume of 1,250 m<sup>3</sup> and a fill volume of 1,100 m<sup>3</sup> earthworks.***

- *in the General Coastal zone relating to visual amenity, building height, and earthworks, and*
- *the District wide rules relating to buildings within Outstanding Landscapes, earthworks within an Outstanding Landscape, new buildings in a Coastal Hazard 2 area, activities which could affect 'Sites of Cultural Significance to Māori', water setback, land use activities involving discharges of human sewage effluent, traffic intensity, private access and vehicle crossings.*

**Proposed Far North District Plan**

*The rules relating to Sites and Areas of significance to Māori have legal effect. 'Rule SASM-R1 New buildings or structures, extension or alterations to existing buildings or structures, earthworks or indigenous vegetation clearance' requires resource consent as a restricted discretionary activity.*

Application Number:

**Operative Far North District Plan**

***Overall, the application seeks resource consent as a non-complying activity for breaches to the permitted activity rules:*** 2240463-RMALUC

Location: **4554 State Highway 10, Aurere, being legally described as Okokori B Block (NA46C/958)**

Address for service: **Paihia 0247**  
**Sanson & Associates Ltd** Attn: Steve Sanson,  
**PO Box 318** [steve@sansons.co.nz](mailto:steve@sansons.co.nz)

Ward: **Te Hiku**

Reporting **Liz Searle**  
 Planner:

This application relates to the provisions of the Operative Far North District Plan (2009) and Proposed Far North District Plan (2022). Far North District Council has determined that the application requires limited notification.

The Council is required to serve notice of a limited notified application on everyone it considers may be adversely affected by a proposal and who has not given their written approval to the application. These are the only people who can make a submission on a limited notified application.

You have been identified as an affected party regarding this application. This means you have an opportunity to make a submission on the application. The application can be viewed by the following link: [RC 2240463-RMALUC | Far North District Council](#)

*Please note: This notice is for all current owners, and anyone who has agreed in writing, either conditionally or unconditionally, to purchase or lease your property. If there is an agreement of this type in place, please provide the person(s) with a copy of this letter immediately.*

If you wish to make a submission on the application you may do so by sending a written

submission to Far North District Council, Private Bag 752, Kaikohe, or via email to [Planning.Support@fndc.govt.nz](mailto:Planning.Support@fndc.govt.nz) no later than **Wednesday 13<sup>th</sup> August 2025**.

**Please note:** Under section 97 of the Act, on the day on which it has received from all affected persons a submission, written approval for the application, or written notice that the person will not make a submission; Council has the ability to adopt an earlier closing date.

A copy of the submission form is enclosed. The submission must be dated, signed by you, (a signature is not required if you make your submission by electronic means) and include the following information:

- 1. Your name, postal address and telephone number*
- 2. Details of the application in respect of which you are making a submission, including location.*
- 3. Whether you support or oppose the application.*
- 4. Your submission, with reasons.*
- 5. The decision you wish Council to make.*
- 6. Whether you wish to be heard in support of your submission.*

A copy of your submission must be served as soon as reasonably practicable on the applicant via their agent, whose address is mentioned above.

If you have any questions about the application, please contact Liz Searle, via email at [liz.searle@fndc.govt.nz](mailto:liz.searle@fndc.govt.nz) or by 0800 920 029 (from landline) or 09 401 5200 (from cell phone or outside of free calling area).

Under Delegated Authority



Liz Searle

**TEAM LEADER – RESOURCE CONSENTS  
DELIVERY AND OPERATIONS**



## SUBMISSION TO RESOURCE CONSENT

### SUBMISSION PURSUANT TO SECTION 96 OF THE RESOURCE MANAGEMENT ACT

TO: Far North District Council  
Private Bag 752  
KAIKOHE 0400  
Attention:

**Name of Submitter**

(Full Name): **Milton Gregory Ross on behalf of Te Tāhuna Roa duly authorised representative of Ngāti Tara**

This is a submission on an application by Arawai Limited, 2240463-RMALUC, to undertake the following:

*To establish a new activity within the Sir Hek Busby Kupe Waka Centre (Waka Centre), by relocating a 106 m<sup>2</sup> building onsite for use as a Whare Whetū (planetarium) hosting virtual reality experiences on navigation and waka sailing, and a classroom/meeting room.*

*Retrospective consent is also sought for development and activities relating to the establishment and operation of:*

- a 210 m<sup>2</sup> building to be used as a Whare Wānanga (including an education/training centre and cultural tourism destination based around kaupapa waka) previously approved under land use consent RC2130047 ;*
- a 30 m<sup>2</sup> taupaepae (entrance/assembly point for visitors) and a 30 m<sup>2</sup> putanga (reception/office and local merchandise shop) ;*
- a 7 m<sup>2</sup> wharepaku (toilet block for visitors);*
- a 96 m<sup>2</sup> kohanga (nursery);*
- a 152 m<sup>2</sup> taupuni (depot); and*
- an extension to the Whare Waka to include an attached 180 m<sup>2</sup> waka shelter and associated storage/working area .*

*Retrospective consent is sought for a cut volume of 1,250 m<sup>3</sup> and a fill volume of 1,100 m<sup>3</sup> earthworks.*

***The specific parts of the application that my submission relates to are***

All aspects and parts detailed above

Our submission is :

#### A. DISTURBANCE OF CULTURAL SITE/MIDDEN

Ngāti Tara is deeply concerned that the applicant undertook earthworks and other activities without prior resource consent and without engaging either the Council or Ngāti Tara.

Despite raising these concerns with both Councils in December 2022 and providing photographic evidence of works underway and the disturbance of a known midden site, the applicant proceeded without proper process. This shows disregard for the Resource Management Act, Council protocols, and our role as mana whenua and tangata tiaki. Undertaking work like this after the fact is not acceptable. It stops us from properly assessing the cultural and environmental impacts before damage happens. Unfortunately, a taonga site has already been harmed. This also raises serious questions about whether enforcement action should be taken. The applicant's archaeological report acknowledges:

“Despite the fact that no archaeological features or deposits were previously recorded or encountered during the current survey, the general location and the density of previously recorded sites, does not rule out the presence of subsurface unrecorded shell midden and/or hearths.”

This is significant evidently in 2022 unrecorded cultural material within the site area yet no steps taken by the applicant including the recommendation of adopting an accidental discovery protocol. This admission, combined with the fact that the New Zealand Archaeological Association database is not exhaustive and the site mapping (nearest site O04/932) relied upon is outdated, underscores the critical need to engage mana whenua from the outset. Our mātauranga, tikanga, and deep knowledge of the whenua are essential to properly identify, protect, and manage these cultural sites.

#### B. CULTURAL EFFECTS/IMPACT ASSESSMENT

As we have previously advised Council and the applicant, we have serious concerns about an outside contractor being brought in to do this work. Ngāti Tara have prior experience in being commissioned to undertake CIAs previously– for example, the

Council's consent to discharge sewage into our waterways – and we are the ones best placed to ensure our cultural values, histories, and mātauranga are told the right way.

Te Tāhuna Roa, the group chosen by Ngāti Tara to lead this response, were asked by Council and the author to review this CIA. While we appreciate the invitation, this is not the same as leading the work ourselves. A CIA is our voice. If we are only reviewing someone else's words, we lose the chance to set the kōrero from our own worldview, to follow our tikanga and ways of working, and to protect the truth of our stories and as raised above, protecting our sites of significance.

This way of working risks leaving out important knowledge, getting things wrong, or weakening what matters most to us. We also value our contribution alongside other experts, the way this review was sought was inappropriate. To be asked to review a CIA casually, without formal commissioning, resourcing, or a clear mandate, is disrespectful to our role as mana whenua and undermines our authority and expertise.

### ***We seek the following decision from the Council***

Based on these two critical issues, we therefore seek that the resource consent application for retrospective works and to establish new activity be declined and seek the following decisions from Council:

#### **1) Site Restoration and Remediation**

a. Where damage has occurred, appropriate restoration of the affected whenua and taonga must be undertaken in partnership with Ngāti Tara.

#### **2) Withdraw the Independent CIA and Commission Mana Whenua**

- a. Withdraw the externally prepared CIA and commission Te Tahuna Roa / Ngāti Tara to undertake a full CIA.
- b. Provide adequate funding, timeframes, and site access to ensure the CIA is thorough, accurate, and culturally robust.
- c. This CIA guide all further works and consent conditions and in partnership with Ngati Tara OR

#### **2A) Reframe the Current CIA as Background Only**

- d. Treat the existing CIA as background only.
- e. Ngāti Tara take the lead and be resourced to do so, in reviewing, re-writing, or replacing sections so that the final report is issued under mana whenua authority.
- f. The independent contractor's role is reduced to supplying technical or environmental data only, not cultural interpretation.
- g. This CIA guide all further works and consent conditions and in partnership with Ngati Tara.

### **3) Establish a CIA Protocol**

- a. FNDC and applicants adopt a formal agreement that all CIAs within Ngāti Tara rohe are to be led by mana whenua or their mandated entity.
- b. Include early engagement triggers, budget expectations, and decision-making pathways
- c. Ngati Tara review councils cultural heritage register to ensure correct historical information is recorded on sites within our rohe.

### **4) Establish a Cultural Redress for Retrospective Applications**

- a. Fund ongoing cultural monitoring during works
- b. Support cultural and environmental restoration projects to sites
- c. Record an apology and process commitment in decision documentation.

### **5) Cultural Monitoring**

- a. For future works Ngāti Tara-appointed cultural monitors must be on-site during all earthworks and disturbance activities to ensure protection of cultural sites going forward.

Ngāti Tara remain committed to protecting our cultural heritage and working constructively with Council and applicants. However, this must be on the basis of respect, partnership, and following proper tikanga and process.

I wish to be heard in support of our submission

If others make a similar submission, I will consider presenting a joint case with them at a hearing



**Signed**

**Date 12 / 08 / 2025**

**Address for Service of submitter**

**241 Hokianga Harbour Drive, Omāpere, Kaikohe 0473**

**Telephone: 021 521 450**

**Email: [miltross8@gmail.com](mailto:miltross8@gmail.com) Contact person: Milton Ross**

**Note to Submitter:**

You must serve a copy of your submission on the applicant as soon as reasonably practicable after you have served your submission on the Far North District Council.



# **Appendix F – Consultation record with Ngāti Tara**





## Record of attempts to consult with the Ngāti Tara hapū

Since November 2020 Arawai has sought to consult with the local hapū, Ngāti Tara, who in the 2012 acted for the multiple shareholders in Ōkokori A. Notwithstanding significant efforts, a face-to-face meeting between the Arawai Board and representatives of the hapū has yet to take place.

The background to the consultation has included an on-going grievance expressed by some whānau among Ngāti Tara about the acquisition of the Ōkokori B block by Sir Hekenukumai. This has been evidenced in a number of settings including the application by Sir Hek to establish the Te Awapoko Waka Wānanga Reserve on 2.1 ha of Ōkokori B he donated for the purpose. Judge Ambler dismissed this as not relevant to his decision on the Reserve (which he granted), just as it is not an RMA issue.<sup>1</sup>

The consultation was initiated by Arawai's then planning consultant, Nina Pivac, who emailed the Marae Committee (p1) and attempted, to no avail, to make contact by phone. Advice was provided by Chappy Harrison at this time that the chair of the marae committee, Robert Gabelm was not supportive citing perceptions about Sir Hek's acquisition of Ōkokori B (p2).

A response was eventually made by the hapū through Deliah Balle who phoned Nina Pivac following making contact through FNDC (p3). Both Nina and Peter Phillips responded to the request for a meeting (p4) and (p5) with the suggestion of holding it at the Waka Centre on 15<sup>th</sup> May. This would enable a presentation to be made of the proposals followed by a site visit. It was indicated (p6) that the hapū was organising a hui and would respond to the invitation.

While Arawai was seeking a meeting (7) and (8) it emerged that Ngāti Tara has lodged an objection to the proposal without waiting to discuss the project with Arawai. Arawai's response (p9) noted a number of aspects of the development which addressed their concerns.

The same day the secretary of the Marae Committee, Carol Hudson, wrote that *"Our Trustees have arranged a hapū hui at Parapara Marae on Saturday 29 March 2021 (sic) at 10am to discuss your proposal, we feel it is imperative that we give our hapū and whānau the opportunity to listen to and discuss your proposal first, for this reason we feel that it is premature to attend your hui on 15 May 2021. You and your directors are welcome to be present at our hui where we are willing to engage with you afterwards."* (p10)

There were three emails to the Marae Committee (p11-13) before an email was received (p14) disinviting Arawai to the hui which stated *"we will contact you when we might meet following our hui"*. In consultation and social impact assessments dating back over 30 years for a diverse range of projects (including a wide range of infrastructure (motorways, water supply, electricity transmission, sewage treatment, airports, power stations, air discharges, quarries, etc.) through

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<sup>1</sup> Ambler notes [7] *"First, Mr Burgoyne challenged Mr Busby's ownership of Ōkokori B and questioned the circumstances in which he acquired the land. Mr Piripi similarly disputed Mr Busby's ownership of the land and claimed that it should be returned to the "rightful owners", that is, Ngati Tara. Ms Yates touched on the history of Ōkokori A and B and indicated that her mother had objected to the splitting of the land and subsequent sale of Ōkokori B to Mr Busby. Mrs Sykes spoke in similar terms of the unresolved nawe that had remained over Mr Busby's ownership of Ōkokori B. She had raised these concerns at the hui at Parapara Marae on 26 March 2012.*

*[8] As I explained to the parties at both hearings, I cannot look behind Mr Busby's ownership of Ōkokori B. Some members of Ngati Tara may well have unresolved grievances over the manner in which Mr Busby acquired the land in 1966 but that does not negate Mr Busby's title to the land and is not a factor that I can take into account in the present application."* (50 TTK9) 50 Taitokerau MB 9 A20070011627



health policy, housing, possum control, water fluoridation, and district plans, to concerts at Eden Park) this disinvasion was an entirely new experience for Peter Phillips.

Contact was made with Carol Hudson by email and in person to see if any assistance could be provided to ensure the meeting was properly informed about the development following the exclusion of the Arawai directors (p15-17) from the hui.

As it turned out, no invitation was forthcoming and the next step was the receipt from FNDC of notification of objections raised by Ngāti Tara (p18). This included the claim that *"The Applicant has not sought (nor the Council deemed necessary at this stage) engagement with Ngāti Tara hapū and whānau pre and post lodging of the resource consent application."* This assertion is clearly contradicted by the approaches made by Arawai and neglects the role of the hapū in:

- disinventing Arawai to the meeting on 29 May 2021 and
- never following up as they wrote that they would.

The second stage of the (attempts at) consultation began after the Hearing Commissioner refused Arawai's application for a resource consent on that cultural matters were not, in his opinion, properly addressed.

Arawai rapidly moved to follow up on the Hearing Commissioner's suggestion that the preparation of a cultural impact assessment would be a good way to remedy the perceived deficiencies in Arawai's evidence and build the relationship with the hapū (continuing to ignore the fact that Sir Hek that a relationship already exists because Hek, his whānau and other members of the waka whānau are of Ngāti Tara descent).

Consistent with best practice in consultation Arawai made a proposal for the development of the CIA which was to finally be decided upon as a way of opening the discussion with the hapū (p23-4).

The response (p26-9) essentially asserted and rejected the Arawai proposal and asserted among other things that *"any CIA developed that includes the tupuna whenua within the Ngāti Tara rohe will be led by members of the Ngāti Tara hapū."*

Arawai welcomed the collaborative approach enunciated by the hapū (p31-3) although there were a number of issues arising from the hapū response. Most notable among these was the insistence that engagement with Arawai be preceded by a hui restricted to people holding mana whenua among those involved with the Waka Centre. In terms of the practice of consultation this constitutes a "demand", which is well-established to be inappropriate.<sup>2</sup> This is notwithstanding the intent of promoting whanaungatanga. A central issue is this failed to recognise that some members of the waka whānau at Aurere had severe reservations about dealings with particular whānau who have consistently opposed Sir Hek (as exemplified by the opposition to the declaration of the Te Awapoko Waka Wānanga Reserve).<sup>3</sup>

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<sup>2</sup> Land Air Water Association v Waikato Regional Council A11 0/01, Environment Court, 2001, "p453 (viii) Neither party is entitled to make demands".

<sup>3</sup> There were seven grounds of opposition addressed by Judge Ambler including the issue of land ownership (as noted above) all of which the Judge rejected. On the unsubstantiated claim that the whole of Ōkokori A and B was an urupa, Judge Ambler concluded that *"I have reviewed the Court records for Ōkokori A and B and have not found any express reference to there being urupa or wahi tapu on Ōkokori B. However, I do note that when the Court dealt with the partition of Ōkokori into Ōkokori A and B in the 1950s, there was express reference to a "tapu" being on Ōkokori A. In the minute of the meeting and site inspection that Judge Prichard conducted on the land with various owners on 19 November 1952, it refers to the proposed reservation to be partitioned (that would become Ōkokori A) as being for "... a camping and fishing reserve and to include the tapu". Judge Ambler also address the issue of access over Ōkokori B to Ōkokori A raised*



The Ngāti Tara Working group Te Tāhuna Roa responded on 27 May 2022 (p37-8) including a restatement of the restriction of the hui planned for 5 May 2022 to those who could whakapapa to Ngāti Tara on. The grounds that *"It is paramount our whānau are given the opportunity to speak in a safe, secure environment amongst their whanaunga nō Ngāti Tara."* The response also cautioned that the process could not be rushed. It concluded with the commitment that *"Following on from the hui to be held on 5 June 2022, Te Tāhuna Roa will be in touch regarding next steps moving forward."*

After careful deliberation the members of the waka whānau of Ngāti Tara descent decided that they would not attend the hui on 5 May (p40-1) on three grounds:

- (1) *the demand that they will share their connection to Ngāti Tara is insulting and unnecessary as their word is sufficient to establish their status as mana whenua. They might well choose to identify their whānau in a hui but do not accept this as an expectation/precondition of the meeting;*
- (2) *they have no desire to revisit the long and, at times, fraught history of interactions between Sir Hekenukumai and other members of the waka whanau on Ōkokori B with a small number of the shareholders on Ōkokori A. These include, but are not limited to, objections to the establishment of the Waka Wānanga Reserve which were appropriately dismissed by Judge Ambler, and persistent trespassing on Ōkokori B; and*
- (3) *Ōkokori B was bequeathed by Sir Hekenukumai to the Hekenukumai Ngā Iwi Trust who are the kaitiaki of the land. Just as Arawai is the only organisation that can speak to the development of the Waka Centre, only the Trust, not individual members of Ngāti Tara, has the legal authority to discuss the management of Ōkokori B.*

The response also indicated that *"Notwithstanding the decision by the members of the waka whanau of Ngati Tara descent not to attend the hui on 5th June, Arawai looks forward to meeting with the Working Group to advance working relations with a view to establishing a mutually acceptable process and timetable for the CIA."*

No response was then forthcoming from Ngāti Tara following Arawai's email of 5 May or to a subsequent follow-up emails (p42). The next step was, in practice, prompted by a phone call from Chappy Harrison offering to broker a meeting starting by meeting with Ngāti Tara (p43-4). There were also no responses to follow-up emails (p45-6).

Contacts were renewed with a Zoom meeting between Deliah Balle and Peter Phillips on 2nd October 2023. The follow-up email of 11 October (p48) sought to pin down a date for a meeting proposed as a result of the discussion.

A further inquiry about scheduling was made on 21 November 2023 to which Deliah Balle responded *"Arohamai have been flat tack. Will touch base with Marae to check their next board hui availability."*

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by Mr Burgoyne stating: *"His submission on this point waived and contradicted itself during the hearing; he variously suggested that there existed a right of access over Ōkokori B to Ōkokori A; or that there should be a right of access over Ōkokori B to Ōkokori A; or that there might be problems with access over Ōkokori B to the Maori reservation created on Ōkokori B".* Judge Ambler went on to state that *"Once again, I have reviewed the Court records in relation to Ōkokori A and B. The minutes of the meeting of 19 November 1952 and the hearing on 11 March 1954 confirm that the main part of Ōkokori A was the 32 acres in the south eastern corner of the block. The three chain wide extension of the block along the foreshore to the north western boundary of the block was intended to provide Ōkokori A with access to the Crown road reserve on the neighbouring OLC9 block."* . .



No meeting date was subsequently forthcoming and the Arawai Board resolved to seek a suitably qualified person with local connections to undertake the CIA. Arawai's current planning consultant, Steve Sansom, identified Tina Latimer who is both of Ngāti Tara descent and has significant cultural effects assessment experience (CEA). Tina was commissioned to undertake the CEA. The terms of reference for the work was very closely based on that used by Tina for her assessment of effects of the Carl Maria Quarry Works at Oruru (which is just 15km from the Waka Centre).

Ngāti Tara were advised of the ToR and outputs in an email of 21 January 2024. One of the key requirements was *“(d) provide hap and iwi with comprehensive information and improved understanding of the development activity with a view to avoiding objections on cultural grounds.”*

Tina experienced some difficulties in arranging a meeting to discuss the report (p52) but eventually a process was suggested (P53). The engagement of an expert to review the report on behalf of the hapū was an excellent idea but an alternative to the proposed sequencing was suggested so that this work could be undertaken before a meeting was held between the hapū and Arawai

This suggestion was not accepted (p54) and the meeting eventually scheduled for 8<sup>th</sup> June (p55) (eight months after it was discussed at the 2 October 2023 Zoom meeting). In requesting an agenda the opportunity was again taken to emphasise that Arawai has no responsibilities for or influence over matters relating to land ownership or access over Ōkokori B that are the domain of the Hekenukumai Ngā Iwi Trust (p56).

Dr Peter Phillips, NZPI

14 May 2024



## Consultation record

NP

Nina Pivac

Query regarding Sir Hek Busby Kupe Waka Centre - Aurere

To: paraparamarae@hotmail.com

19 November 2020 at 13:05

Kia ora,

I write to you as the planning consultant coordinating the resource consent application process for the Kupe Waka Centre (KWC) located on Te Awapoko Waka Wananga Reserve (Okokori B Block), on behalf of Arawai Limited.

As you may be aware, the Whare Wananga has already been constructed as consented by RC 2130047, an application for which the Parapara Marae Committee provided a letter of approval in 2012 (see attached) after being consulted with by Sir Hek before his passing.

Thanks to PGF funding, Arawai Limited are able to progress to the next stages of development which involves the addition of three new buildings to the site (Taupaepae, Putanga, and Whare Whetu) and the extension of the existing Whare Whakairo/Whare Waka. This stage of development will require resource consent from FND.

Also, while not part of this particular resource consent application, there are also plans to reinstate the existing ramp leading from the Whare Waka down to the Awapoko River in the near future. I have attached a summary of the long-term development plan to provide some context. Please note that this development plan may be subject to minor changes as the design phase progresses.

We recognise that the site and surrounding area is of high cultural significance, and would like to provide the Parapara Marae Committee the opportunity to express whether you have any concerns with the next stages of development. We understand that you may have further questions regarding the proposal, and are happy to discuss this further should you wish. Feel free to contact me on 0210614725 at any time. Alternatively, if you have no concerns with the proposal, it would be very much appreciated if you could please provide an updated letter of approval.

Thank you and look forward to hearing from you soon.

..

Ngā Mihi,

Nina Pivac | BAppSc | PGDip Planning | Assoc NZPI | Director

M: 021 061 4725

E: [nina@tohuconsulting.nz](mailto:nina@tohuconsulting.nz)W: <http://tohuconsulting.nz/>

39A Commerce Street, Kaitia 0410 (meeting by appointment only)

KWC - Development  
Plan Summary.pdf

KAU KAU TE KOUROU MAU TE KOUROU KA KI TE KETE

## PARAPARA MARAE

Parapara - Teotia Road  
R.D.3 Parapara  
KAITIA 0410  
Phones 99 - 406 0094 [Only when Marae in Use]

3c Puckey Avenue,  
P O Box 494,  
Kaitia 0441

Kia ora Gregg

The Parapara Marae Committee has consented to the Whare Wananga at Aurere on the property of Heke - nuku - mai Busby.

The Hapu o Ngatitara and the Parapara Marae would like point out that consent to this venture will be with the proviso that there will be no affect to the adjacent river Te Awapoko by way of pollution and discharge that may impact on the well-being of the Awa.

If you have any queries relating to this document please contact me on 0210613760.

Regards

Chappy Harrison  
Hemana (Chairman)  
Parapara Marae Committee

Mailing Postal Address:  
c/- 7527 State Highway One, RD 2 Pongakua, KAITIA 0500

Email: [amptorinarae@hotmail.com](mailto:amptorinarae@hotmail.com)  
Phone Numbers: 081 0307

KAU KAU TE KOUROU MAU TE KOUROU KA KI TE KETE



Found in Inbox - peter@arawai.co.nz Mailbox



**Chappy Harrison**

17 December 2020 at 12:16

Re: Parapara Marae

To: Peter Phillips, peter.phillips

Kia ora Peter

The chair for the marae now is Robert Gable. For some time now before the old man passed Rob has not been supportive of the Waka Facility. His words to me were 'if i had it my way that building will be another hapu marae of Ngatitara' Hecta was well aware of this.

Ngati tara people mostly Robs family have with a vegence not supported Hecta and the Waka facility.

They believe Hecta obtained the land by ways of sculldugery. Its a funny one becuae it was Rob that stopped the court action on Hecta to evict him ( so he tells me).

My suggestion is to get Stan to approach Rob and ask him for the supporting letter Stan has the respect and mana of the waka cummunity Rob is likely to liesten to him after all they are on the hekenuku trust together.

Chappy

# Hui with Parapara Marae Committee?

External

Inbox x



**Nina Pivac** <nina@tohuconsulting.nz>

Mon, 3 May 2021, 11:13



to me ▾

Morena Peter,

Just received a phone call from Delia Balle from the Parapara Marae Committee. She would like to discuss the proposal with Arawai Limited and has requested a hui. Overall, she didn't seem opposed to the proposal but would like to discuss certain matters including wastewater disposal, long-term protection of the awa, and plans to enhance and revegetate the area. I acknowledge that this may result in further delays in the consenting process but I think a hui would be beneficial for both Arawai Limited and Parapara Marae Committee as this may be the difference between the application being notified or not. She will liaise with the committee and send through suggested hui dates shortly. Keen to hear your thoughts on the matter.

--

Ngā Mihi,

Nina Pivac | BAppSc | PGDip Planning | Assoc NZPI | Director

M: 021 061 4725

E: [nina@tohuconsulting.nz](mailto:nina@tohuconsulting.nz)

W: <http://tohuconsulting.nz/>

**127 Commerce Street, Kaitia 0410 (meeting by appointment only)**

NP  
Nina Pivac  
Sir Hek Busby Kupe Waka Centre  
To: balle.deliah@gmail.com

3 May 2021 at 11:21

Morena Deliah,

Appreciate your phone call this morning.

As discussed, I have recommended to Arawai Limited (applicants) that we hold a hui to discuss the proposed development on the Okokori B Block. Please could you send through potential dates and indicate whether you would like to hold the hui on site or at Parapara Marae. I think it may be beneficial that we at least visit the site as it is always easier to visualise the project this way. Look forward to hearing from you soon.

--

Ngā Mihi,

Nina Pivac | BAppSc | PGDip Planning | Assoc NZPI | Director

M: 021 061 4725

E: [nina@tohuconsulting.nz](mailto:nina@tohuconsulting.nz)

W: <http://tohuconsulting.nz/>

**127 Commerce Street, Kaitia 0410 (meeting by appointment only)**



Please note I work flexible hours. I am sending this email now as it suits my schedule. However, I do not expect you to respond outside of normal working hours.





**Peter Phillips** <peter@arawai.co.nz>

Mon, 3 May 2021, 19:43

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to balle.deliah, Nina, bcc: Charlie, bcc: David, bcc: John, bcc: Sarah, bcc: Stanley ▾

Tena koe **Deliah**

On behalf of the Board of Arawai Ltd I would like to invite you and members of the marae committee to a hui at Aurere to discuss the development plan for the site, which is the subject of our application for a resource consent.

We are keen to progress this at your earliest convenience so that we can meet the schedule in our contract with the Provincial Growth Fund.

I have the agreement of the Board to suggest that we hold the hui on Saturday 15th May. If that works for you maybe we could meet at 11am. We could make a short presentation about the Development Plan before lunch and then look round the site and answer any questions you might have.

Ngā mihi

Pete

Dr Peter Phillips MNZPI  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Doubtless Bay  
Aotearoa-New Zealand  
Mob: 021 906 737

Registered Charity No. 34114

[www.arawai.co.nz](http://www.arawai.co.nz)



**Deliah Balle** <balle.deliah@gmail.com>

Tue, 4 May 2021, 21:40

☆

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⋮


to Carol, me, Nina ▾

Kia ora Peter

Thank you for the invitation to share the project plan. I have cc'd in Carol, Secretary and trustee of our Marae in Parapara who will get in touch with you regarding your hui on the 15th.

Ngā mihi maioha  
**Deliah** Balle

027 471 1051



**Peter Phillips** <peter@arawai.co.nz>

Tue, 4 May 2021, 23:41

☆

↶

⋮

to Deliah, Nina, Carol, bcc: david.wilson, bcc: sc, bcc: charlie\_w, bcc: john, bcc: sarah ▾

Kia Ora **Deliah**

Thanks for this. I will look forward to hearing from Carol.

Nga mihi

Peter

Dr Peter Phillips  
Director  
Arawai Ltd  
PO Box 51 Mangonui  
Aotearoa-New Zealand  
Ph: +64 21 906 737  
[www.arawai.co.nz](http://www.arawai.co.nz)  
Skype: peterphillipsnz

On 4/05/2021, at 9:40 PM, **Deliah** Balle <[balle.deliah@gmail.com](mailto:balle.deliah@gmail.com)> wrote:

...



**Carol Hudson** <carolh@taipa.school.nz>

Wed, 5 May 2021, 09:26



to me, Deliah, Nina ▾

Morena Peter,

The Parapara Marae Trustees are in the process of organising a Hapu hui and will notify at a later date if they are able to attend. Thank you for your speedy response.

nga mihi nui

Carol



--

Carol Hudson

Taipa Area School

Librarian

Phone: 09 4060 159 ext: 220

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**Peter Phillips** <peter@arawai.co.nz>

Wed, 5 May 2021, 09:40



to Carol, Deliah, Nina, bcc: Charlie, bcc: David, bcc: John, bcc: Sarah, bcc: Stanley ▾

Kia Ora Carol

Will be great if you can make the 15th and it would be really good to show you what we are doing, and plan to do.

We have been fortunate to have Kevin Matthews of Bushlands Trust advising us on the ecology of the site and restoration work we want to undertake. We have made a bit of a start with cleaning up the accumulated debris and noxious weeds and are looking forward to doing some planting of native species appropriate to the site.

Ngā mihi

Peter



--



Found in Sent - peter@arawai.co.nz Mailbox



**Peter Phillips**

5 May 2021 at 09:40

Re: Sir Hek Busby Kupe Kaka Centre

To: Carol Hudson, Cc: Deliah Balle, Nina Pivac, Bcc: Charlie Wilson, David Wilson, John Panoho, Sarah Petersen, Stan Conrad

[Details](#)

Kia Ora Carol

Will be great if you can make the 15th and it would be really good to show you what we are doing, and plan to do.

We have been fortunate to have Kevin Matthews of Bushlands Trust advising us on the ecology of the site and restoration work we want to undertake. We have made a bit of a start with cleaning up the accumulated debris and noxious weeds and are looking forward to doing some planting of native species appropriate to the site.

Ngā mihi

Peter

[See More from Carol Hudson](#)

--

Ngā mihi

Pete

Dr Peter Phillips MNZPI  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Doubtless Bay  
Aotearoa-New Zealand  
Mob: 021 906 737

Registered Charity No. 34114

[www.arawai.co.nz](http://www.arawai.co.nz)





**Peter Phillips** <peter@arawai.co.nz>

10 May 2021, 12:08



to Carol, Deliah, Nina, bcc: Charlie, bcc: David, bcc: John, bcc: Sarah, bcc: Stanley ▼

Kia Ora Carol

Just a quick follow up on my email of 5th May. Will you and other members of the Marae Committee be able to come to the Waka Centre on Saturday? While the current proposal is not different from the previously consented Whare Wānanga in terms of adverse effects which was supported by the Marae Committee, it would be useful be able to discuss the details with you, particularly the measures for environmental protection and enhancement

Ngā mihi

Peter







**Peter Phillips** <peter@arawai.co.nz>

11 May 2021, 13:54



to Carol, Deliah, Nina, bcc: Charlie, bcc: David, bcc: John, bcc: Sarah, bcc: Stanley ▼

Kia Ora Carol

We have now received your objection from FNDC. I realise now that it would have been appropriate to meet earlier because we could have clarified a number of matters which you have raised in your objection.

I think that the concerns which underpin your objection reinforce the value of meeting on Saturday, so I sincerely hope that this hui will go ahead.

On reflection I need to put my hand up and say that I probably relied too much on the fact that:

- Parapara Marae Committee previously gave approval for the resource consent for the Whare Wananga; and
- The cumulative adverse effects of the new development are no more than minor and even these will be mitigated.

In practice, the development will have no additional impact on visual domination, visual amenity, traffic, outstanding landscape and setback from the CMA, which were all considered in the consent for the Whare Wānanga.

In terms of the objections you have raised, rather than placing pressure on what you see as *"the already impaired ecosystem of the Awapoko river"*, we intend to do the reverse. The existing wastewater treatment on the site was designed by a professional engineer (Eric Wagener). This involves septic tank treatment and discharge to land via a soakage field. The existing system was put in with the consented construction of the Whare Wananga. Eric's design to cater for the new development adds further septic tank treatment and extends the soakage field.

It is worth noting that the resource consent was based on a maximum capacity of the Whare Wananga of 84 people. This number, in practice, will only be reached with the occasional event on the site. Otherwise there will be far fewer people on site - less than 20 when there is a standard guided tour present (which is designed for only 12 people).

The clearance of debris and noxious weeds, new plantings, and the silt trap before the stream exits the property will, if anything have a positive effect on water quality. The pest control programme we have in our *Development Plan* will also assist the local ecology. We are also putting in place both pest and bird monitoring to measure the effects of the pest control. We can share this Plan with you on Saturday, if you wish.

Furthermore, we are currently developing a nursery and planning to ensure that the two ponds on the site have water all year round and are properly planted with appropriate native species. Kevin Matthews of Bushlands Trust which has a number of restoration projects around lakes in the Kaitaia area (including planting around Lake Ngatu and Lake Heather) is advising on this. We would, naturally, welcome any input from people at the marae with local knowledge.

I can appreciate that you would not want visitors from Okokori B crossing Okokori A to get to the beach. I can reassure you that the site will not be open to the "general public" just to drop in when it suits them or to wander around the site. Quite the reverse - our whole approach is based on protecting the mana of the site which means that

- we will typically be only having small groups visiting the site,
- these groups will be guided at all times,
- there will only be one group on the site at a time;
- these groups will be pre-booked;
- visitors will enter and exit the site via the access road to SH10;
- none of Arawai's visitors will be free to enter/cross Okokori A; and
- Site security (including locked gates and surveillance cameras) means that no-one can transit Okokori B to get to Okokori A.

This is only one part of the picture which also includes jobs to be created and community engagement. So, there is a lot to share with you on Saturday. I would be grateful if the hui can go ahead. I have arranged for the full Board of directors to be available to meet you.

Ngā mihi

Peter





http://www.arawai.co.nz/



**Carol Hudson**

Okokiri B

To: Peter Phillips

12 May 2021 at 11:50



**Siri Found a Phone Number**

Carol Hudson

09 406 0159;220

Update



Kia ora Peter,

Our Trustees have arranged a Hapu hui at Parapara Marae on Saturday: 29 March 2021 at 10am to discuss your proposal, we feel that it is imperative that we give our Hapu and whanau the opportunity to listen to and discuss your proposal first, for this reason we felt that it was premature to attend your hui on 15 May 2021.

You and your directors are welcome to be present at our hui where we are willing to engage with you afterwards.

Nga mihi nui

Carol

—

Carol Hudson

Taipa Area School

Librarian

Phone: 09 4060 159 ext: 220

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Found in Sent - peter@arawai.co.nz Mailbox



**Peter Phillips**

Re: Okokiri B

To: Carol Hudson, Nina Pivac, Deliah Balle

12 May 2021 at 13:16

Kia Ora Carol

Has been pointed out to me that I just copied your text saying 29th March. Just to confirm we are talking 29th May

Nga mihi

peter

[See More](#) from Peter Phillips

--

Nga mihi

Pete

Dr Peter Phillips MNZPI  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Doubtless Bay  
Aotearoa-New Zealand  
Mob: 021 906 737

Registered Charity No. 34114

[www.arawai.co.nz](http://www.arawai.co.nz)



**Peter Phillips**

Re: Okokiri B

To: Carol Hudson, Nina Pivac, Deliah Balle, Bcc: Charlie Wilson, David Wilson, John Panoho, Sarah Petersen, Stan Conrad

12 May 2021 at 13:02

[Details](#)

Kia Ora Carol

Thanks for this and we appreciate that you have your own processes to follow. Clearly we would be delighted to take up your offer to come to the marae on the 29th March.

Our intent in inviting the Marae Committee to the site was to provide an opportunity to stand on the whenua and see what is planned in context, rather than in the abstract on a plan or in a report.

With that in mind the Board has decided that it will still be onsite on Saturday and be happy to discuss the proposal on an informal basis with you or anyone from the marae who may wish to visit.

In the interim, however, I would like to extend the invitation to you and anyone else from the marae who may wish to come to the Waka Centre on Saturday 15th, any time from 11am onwards. In the same vein, we have always had a good relationship with Taipa School so if there are any of your colleagues who may wish to visit then they would be most welcome.

The gate at SH10 will be unlocked so just come down the (1.8km) access road to the Reserve. There will be signage to where you can park.

Hoping to see you on Saturday.

Ngā mihi

Peter

[See More from Carol Hudson](#)

--

Ngā mihi

Pete

Dr Peter Phillips MNZPI  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Doubtless Bay  
Aotearoa-New Zealand  
Mob: 021 906 737

Registered Charity No. 34114

[www.arawai.co.nz](http://www.arawai.co.nz)



**Peter Phillips**

Re: Okokiri B

26 May 2021 at 15:50

To: Carol Hudson, Bcc: Charlie Wilson, David Wilson, John Panoho, Sarah Petersen, Stan Conrad, Nina Pivac, Deliah Balle

[Details](#)



Kia Ora Carol

Just to confirm that one of my directors and I will come to the marae on Saturday to discuss the proposed further development of the Sir Hek Busby Kupe Waka Centre.

I would be grateful if you could tell me at what time it would be appropriate to arrive and the format for the meeting.

If we will be talking to a larger group I can bring a projector and a presentation so people can see what we are talking about. If it is only a couple of people then I could use my iPad or just bring a handout. Happy to fit in with whatever suits you best.

I look forward to meeting you then.

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
Accredited RMA Hearing Commissioner  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Doubtless Bay  
Aotearoa-New Zealand  
Mob: 021 906 737  
Registered Charity No. 34114

[See More from Carol Hudson](#)

--

Ngā mihi

Pete

Dr Peter Phillips MNZPI  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Doubtless Bay  
Aotearoa-New Zealand  
Mob: 021 906 737

Registered Charity No. 34114

[www.arawai.co.nz](http://www.arawai.co.nz)





**Carol Hudson**

Re: Okokiri B

To: Peter Phillips, Robert Gabel

27 May 2021 at 11:33



**Siri Found a Phone Number:**

Carol Hudson

09 406 0159;220

Update



Hi Peter,

Just letting you know that Marae Trustees have decided that the Hapu a Hui this Saturday will be solely for ourselves, we will contact you when we might meet following our hui.

Nga mihi

Carol

[See More](#) from Peter Phillips

--

Carol Hudson

Taipa Area School

Librarian

Phone: 09 4060 159 ext: 220

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Found in Sent - peter@arawai.co.nz Mailbox



**Peter Phillips**

Re: Okokiri B

27 May 2021 at 19:26

To: Carol Hudson, Bcc: Sarah Petersen, John Panoho, David Wilson, Charlie Wilson, Stan Conrad

[Details](#)

Kia Ora Carol

I will call you in the morning at school as I would very much like to catch up with you before returning to Auckland from Aurere now the invitation has been withdrawn.

Nga mihi

Peter

Dr Peter Phillips MNZPI  
Managing Director  
Dialogue Consultants Ltd  
RMA Hearing Commissioner  
Ph: 021 906 737  
[www.dialogue.co.nz](http://www.dialogue.co.nz)  
[www.mahitaapoi.co.nz](http://www.mahitaapoi.co.nz)  
[www.arawai.co.nz](http://www.arawai.co.nz)

[See More](#) from Carol Hudson

Carol hudson



Notes x



Fri, 28 May 2021, 10:56



**Peter Phillips** <peter@arawai.co.nz>

to ▼

Carol hudson

Rang 10:55



**Peter Phillips**

Re: Okokiri B

To: Carol Hudson, Cc: Nina Pivac, Deliah Balle, Bcc: Charlie Wilson, David Wilson, John Panoho, Sarah Petersen, Stan Conrad

28 May 2021 at 17:38

[Details](#)

Kia Ora Carol

Thanks for talking to me today. Herewith the Approval and the Resource Consent we discussed.

The consent decision is very helpful in that it identifies the key issues and the policies and plans which were considered before coming to a decision to grant the application. The Council's analysis prepared by Theresa Burkhardt concluded that *"It is considered that it has been demonstrated that the proposal's effect will be minor on the environment. In addition, it is considered that the proposal is consistent with the policies and objectives of the relevant plan provisions, and therefore passes the threshold test of S104D."*

With the new application the activity/use is the same as before with the same or fewer people on-site. The new buildings are further away from the CMA with the wastewater treatment an extension of the Whare Wananga scheme as previously approved, again prepared by Eric Wagener.

In my professional assessment the cumulative effects of the new buildings will be less than minor. They will, however, allow us to do more in terms of education and training including the use of VR headsets for celestial navigation and waka sailing "experiences" - especially important for our school visits. The extended programme for environmental restoration and new nursery and organic gardens will also provide opportunities for community engagement, in which it would be great if people from the marae could be involved.

As mentioned, I am also attaching Judge Ambler's decision on the declaration of the Te Awapoko Waka Wānanga Reserve which was gazetted on 23 May 2013. The judge found that a number of objections had no bearing on the establishment of the Reserve. They are similarly not matters related to sustainable management.

I trust you will have a productive hui and look forward to hearing the results, with a timetable for the next steps.

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
Accredited RMA Hearing Commissioner  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Doubtless Bay  
Aotearoa-New Zealand  
Mob: 021 906 737  
Registered Charity No. 34114  
[www.arawai.co.nz](http://www.arawai.co.nz)

[See More](#) from Carol Hudson



121212 Resource  
Consent.pdf



Ambler Decision MLC-  
MB-9-Okokori-B.pdf



~\*~ NARU TE ROHURU NAU TE ROHURU KA KI TE KETE ~\*~

**PARAPARA MARAE**  
Parapara - Taatara Road  
R.D.3 Parapara  
KAITIAIA 0500  
Phone: 09 - 406 0094 [Only when Marae in Use]

3c Puckey Avenue,  
P O Box 494,  
Kaitiaia 0441

Kia ora Gregg

The Parapara Marae Committee has consented to the Whare Wananga at Aureru on the property of Heke - nuku - mai Busby.

The Hapu o Ngatitara and the Parapara Marae would like point out that consent to this venture will be with the proviso that there will be no affect to the adjacent river Te Awapoko by way of pollution and discharge that may impact on the well-being of the Awa.

If you have any queries relating to this document please contact me on 0210513780.

Regards

  
Chappy Harrison  
Hemana (Chairman)  
Parapara Marae Committee

Marae Postal Address:  
c/- 7027 State Highway One, RD 2 Pimpeparua, KAITIAIA 0500

Email: [paraparamarae@iinet.co.nz](mailto:paraparamarae@iinet.co.nz)  
Phone Queries: 028 0007

~\*~ WITH YOUR BASKET AND MY BASKET THE KETE WILL BE FULL ~\*~



**From:** Deliah Balle <balle.deliah@gmail.com>  
**Sent:** Monday, 14 June 2021 12:35 pm  
**To:** Minnie Fox <minnie.fox@fndc.govt.nz>  
**Subject:** Resource Consent Application 2300463 - Te Arawai Limited, Land Use Consent, Okokori B

**CAUTION:** This email originated from outside Far North District Council.  
Do not click links or open attachments unless you recognise the sender and know the content is safe.

Kia ora Minnie

Thank you for your time on Friday to discuss the abovenamed resource consent application which we now understand is currently on hold pending further information. Appreciate the time and effort you have provided our hapu and whanau to understand the process and to provide feedback.

**Firstly it is with urgency that I wish to inform you, if you havent already been advised, that whanau visited Okokori on the weekend gone and noticed that earth moving and excavation work had begun on Okokori B. It was quite upsetting to hear this given there has been no engagement with us as whanau or Ngati Tara to consider the location and or effects. Our understanding is that this is work is consented therefore work should cease immediately and an abatement notice issued to stop work. I have had to encourage whanau not to call the police as some wanted to do. We have footage and photos if you need, in the meantime can you please confirm? Your soonest reply would be appreciated.**

Below is the feedback I wish to provide at this stage of the application, should the consent be reviewed or notified it would be good to have the opportunity to provide further feedback. I have also provided recommendations for your consideration in determining whether to notify the consent.

So that you are aware I have also provided my feedback as a template to whanau to encourage them to provide their own feedback.

I provide this feedback as Ngāti Tara whanau and hapu who has mana whenua of the land on which the development is proposed. I am also mana whenua and landowner of the neighbouring land block, namely Ōkokori A. It is my duty as mana whenua and kaitiaki to protect the mana and mauri of our whenua, wai, moana and taonga species.I have reviewed the resource consent application RC2300463 and I wish to raise the following concerns as feedback for your consideration in deciding to notify the resource consent application. Notifying the consent will enable our wider whānau and hapū to voice their concerns and be properly recognised and heard.

1.	<b>No Consultation Undertaken or Sought with Tangata Whenua</b>
<p>The Applicant has not sought (nor the Council deemed necessary at this stage) engagement with Ngāti Tara hapū and whānau pre and post the lodging of the resource consent application. Ngāti Tara are mana whenua of the area and are also landowners of the neighbouring property. We are disappointed that engagement and approval was sought from a number of other parties, including property owners within the vicinity, but not mana whenua.</p> <p>Based on the location and scale of the proposed development of this resource consent application and the many sites of significance to Ngāti Tara located in and around this whenua, we stand to be adversely affected by this proposal. Consultation with mana whenua is absolutely necessary. I am only one of many landowners on Ōkokori B who I believe must equally be engaged so that they may have the equal opportunity to provide input and feedback.</p>	

2.	<b>Inadequate Cultural Assessment Undertaken</b>
<p>The entire area of Ōkokori (both A &amp; B) is considered wāhi tapu of Ngāti Tara and accordingly is an area that contains several sites of cultural significance to our people. This area is also acknowledged in the FNDC Operating Plan as a Site of Cultural Significance (MS05-38).</p> <p>It should also be noted that whilst some cultural sites are identified by Councils and NZ Archaeological Association (NZAA), there are sites whereby their locations have not been disclosed due to their sensitivity and identification may undermine their integrity. Thus consultation with tangata whenua is required to ensure use and activities do not impact these sites.</p> <p>The Applicant considers that the proposed activity associated with the development i.e. ‘promoting kaupapa waka’ would “seem to address any adverse cultural or spiritual effects arising from the proposed development” [pg. 26]. Clearly this assessment is a poor effort and falls short of meeting the requirements of this provision, whereby effects on cultural values can only be determined by mana whenua. <b>Therefore only Ngāti Tara can determine and define cultural effects.</b></p>	

3.	<b>Thoroughfare from Ōkokori B through Ōkokori A</b>
<p>Whānau have been observing and experiencing non tangata whenua using Ōkokori A as a thoroughfare from Ōkokori B to access the beach. The application does not address this particular issue however it is my view that the proposed development and associated activity will ‘not discourage’ passage through our whenua rather, due to the proposed increase of activity i.e. cultural tourism, in addition to the waka school, the trespassing may increase. For the reasons stated in point 2 (cultural sites and sensitivity) this cannot continue.</p>	

4.	<b>Impact of the Proposed Development on the Mauri of our Wai, Moana and Whenua</b>
<p>The fundamental concept of Te Mana o Te Wai is articulated in the National Policy Statement on Freshwater Management 2020 (NPS-FM 2020). This includes the exercise of the Mana Whakahaere principle of Te Mana o te Wai and the direction to actively involve tangata whenua in freshwater management and decision making. The NPS-FM 2020 is a matter local authorities must have regard to in determining this application under s 104 (1) (b) of the Resource Management Act 1991 (RMA).</p> <p>The misuse and mismanagement of our wai by local authorities has seen the decline of the mauri of our wai. This is so for our river Awapoko whereby the discharge of wastewater into our wai has <b>prohibited tangata whenua from continuing our cultural and traditional practices.</b> This includes the impact on taonga species, harvesting of taonga species and the ability for our tamariki to safely swim in its waters.</p> <p>The application refers to management of sewerage and stormwater (noting the current system is within the 30m setback from CMA thus non-compliant) which notes Awapoko as the receiving environment. As mana whenua and kaitiaki of Ōkokori, I want to see the mauri of our wai improve so that my children and mokopuna can continue our traditional practices. <b>I therefore will not support any activity or use that continues to diminish the mauri of our awa.</b></p>	

Recommendations

1.	<b>That the FNDC at this stage decline the resource consent application based on the issues raised above.</b>
2.	<b>Should the FNDC continue with reviewing the resource consent application that it require the Applicant to consult with all mana whenua and landowners of Ōkokori B.</b>
3.	<b>Request that a Cultural Impact Assessment be undertaken to consider the impacts of the proposed development on the cultural overlay of Ōkokori as a whole i.e. Ōkokori A &amp; B and that this be undertaken by mana whenua i.e. Ngāti Tara, nominated also by Parapara Marae Trustees.</b>

I am available for further comment or questions you may have on the feedback I have provided and can be contacted also by mobile on 027 471 1051.

Nga mihi maioha

Deliah Balle





**Peter Phillips** <peter@arawai.co.nz>

Mon, 14 Jun 2021, 21:20



to Chappy, bcc: Charlie, bcc: David, bcc: John, bcc: Sarah, bcc: Stanley ▼

Kia Ora **Chappy**

Herewith the presentation.

I would be most happy go through this with you on Zoom as I don't have as site visit planned in the next week or so. We could also include anyone else who is interested to go through this. Just let me know a suitable time.

Ngā mihi

Pete

Dr Peter Phillips MNZPI  
Accredited RMA Hearing Commissioner  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Doubtless Bay  
Aotearoa-New Zealand  
Mob: 021 906 737

Registered Charity No. 34114

[www.arawai.co.nz](http://www.arawai.co.nz)

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**Peter Phillips** <peter@arawai.co.nz>

to Chapman ▾

16 Jun 2021, 12:06



Kia Ora **Chappy**

Ngati Tara through Deliah Balle and others are already submitting objections (see attached) so it would be really good if you could put in your submission sooner rather than later.

Because Council has issued a S92 there is technically no closing date yet but it would be fantastic for them to see that there are other views from members of Parapara Marae!

Nga mihi

Pete



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**Nina Pivac** <nina@tohuconsulting.nz>

to me ▼

14 Dec 2021, 14:18



Kia ora Pete,

Sounds good.

I received a phone call from Simeon today, he wants to know if there is any appetite for mediation with the submitter's pre-hearing. He says he has spoken with Deliah Balle (submitter) who is open to the idea. In my opinion, I believe it would be more efficient if we just proceed with the hearing as mediation could cause further delays AND they have left it too late in the year to even arrange anything this side of Christmas. As you are aware, we have attempted to consult on numerous occasions with no success so best to let the commissioner deal with it. Let me know your thoughts on this so I can respond to Simeon on the matter.

--

Ngā Mihi,

Nina Pivac | BAppSc | PGDip Planning | Assoc NZPI | Director



**Nina Pivac** <nina@tohuconsulting.nz>

Wed, 9 Feb 2022, 14:18



to me, Buddy, Sarah, David, Charlie, John, Stanley ▼

Kia ora koutou,

Whilst Arawai Limited may not have consulted prior to the application being lodged with FNDC in March 2021 (as asserted by the submitters), it seems to have been forgotten that I, as your acting planning agent, had sent an email to the Parapara Marae email address ([paraparamarae@hotmail.com](mailto:paraparamarae@hotmail.com)) in November 2020 in an attempt to engage tangata whenua. See attached. I used contact details that are publicly available on the Ngati Kahu website and the Parapara Marae facebook page. Consultation through Parapara Marae was deemed the most appropriate approach given this was the approach adopted in RC 2130047.

I also recall attempting to phone Parapara Marae's main contact (as per their facebook page) but was unable to connect. Unfortunately, I do not have any record of this.

I gave them almost 3 months to respond prior to lodging the application, and yet no response had been received until May 2021 after the application was circulated by FNDC.

If our original email did not reach the relevant parties, that is not our fault. Whilst I am (now) not comfortable with the opening sentence of the final paragraph, the attached email serves as evidence that we, as a collective, acted in good faith and did attempt to facilitate early engagement. Will be sure to point this out tomorrow.

--

Ngā Mihi,

Nina Pivac | BAppSc | PGDip Planning | Assoc NZPI | Director



**Peter Phillips** <peter@arawai.co.nz>

31 Mar 2022, 15:27



to Planning, Deliah, Kristin, Carol, bcc: Sarah, bcc: David, bcc: Charlie, bcc: John, bcc: Stanley ▾

Kia Ora **Deliah**

Arawai has now formally resolved to adopt the recommendations of the Hearing Commission that a CIA be undertaken.

We have developed a draft consultation strategy for the process of defining the brief and identifying potential consultants, which I attach.

The strategy seeks to avoid any suggestion that Arawai is not following best practice in engaging widely with hapū members and their representatives.

We would be interested in the your thoughts and that of your team on the strategy.

Ngā mihi

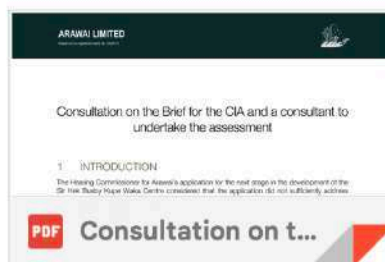
Peter



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**One attachment** • Scanned by Gmail ⓘ





**Peter Phillips** <peter@arawai.co.nz>

22 Apr 2022, 06:13



to Planning, Deliah, Carol, bcc: sarah, bcc: david.wilson, bcc: sc, bcc: john, bcc: charlie\_w

Kia Ora **Deliah**

Following up on my email of 31 March 2022 and subsequent emails, Arawai invites you and your working group to:

1. Nominate a suitably qualified person or persons to be considered to undertake the Cultural Impact Assessment (CIA) recommended by the Hearing Commissioner;
2. Identify any person or organisation among Ngati Tara, outside your working group and the Marae Committee (via Carol Hudson), who you consider should also be consulted on the Brief for the CIA and/or the selection of a suitable person(s) to prepare the CIA (email addresses would be best); and
3. Provide any input you might care to make into the development of the Brief for the CIA.

Arawai has been working on points 1 and 2 above and will shortly begin consultation with other members of Ngati Tara on points 1-3.

We look forward to hearing from you.

Nga mihi

Peter

Dr Peter Phillips  
Managing Director  
Arawai Ltd  
PO Box 51 Mangonui  
Aotearoa-New Zealand  
Ph: +64 21 906 737  
[www.arawai.co.nz](http://www.arawai.co.nz)

On 31/03/2022, at 3:27 PM, Peter Phillips <[peter@arawai.co.nz](mailto:peter@arawai.co.nz)> wrote:

...

One attachment • Scanned by Gmail







**Deliah Balle** <miss.dballe@gmail.com>

to me, Carol, Planning ▼

27 Apr 2022, 12:25



Kia ora Peter

The working group met with Ngāti Tara over the Easter Weekend and are in the process of now finalising a response and proposed way forward.

We anticipate this will be with you by the end of the week.

Ngā mihi

Deliah



28 April 2022

Peter Phillips  
PO Box 51  
Mangonui 0442

By email: [peter@arawai.co.nz](mailto:peter@arawai.co.nz)

Tēnā koe Peter,

## CONSULTATION ON THE BRIEF FOR THE CIA AND A CONSULTANT TO UNDERTAKE THE ASSESSMENT

1. We refer to your communications stated above, received by email on 31st March 2022. Please find below response from the Ngāti Tara Working Group on behalf of Ngāti Tara (the “**Working Group**”) namely Te Tāhuna Roa.
2. Thank you for your response and making the first move to engage with Ngāti Tara hapū, our overall wish following on from the hearing is to heal from the mamae this process has caused our hapū, to rebuild relationships and move forward to achieve a collective aspiration.
3. This letter addresses the next steps Ngāti Tara would like to take moving forward and how we intend to do this.

### *Background*

4. By way of background, Ngāti Tara as a hapū held a hui at Parapara Marae on 2 April 2022 to discuss the outcome of the hearing, the consultation proposal sent through from Arawai Limited and the direction the hapū are wanting to move towards. Zoom facilities were also made available for hapū members who were not able to be present in person.
5. The feedback was positive from the whānau in response to the decision of the Hearing Commissioner where the whānau felt, although the decision was favorable to Ngāti Tara, there is a lot of work that is still yet to be done.
6. As a result of this hui, a Ngāti Tara Working Group (the “**Working Group**”) was formed, tasked with leading the strategic consultation and acting on behalf of Ngāti Tara. The Working Group has met twice since this hui to work towards drafting this response and deciphering what the next phase of this Kaupapa will look like.
7. Ngāti Tara held another hapū hui during Easter weekend (15 April – 17 April 2022) to discuss, amongst other things, this response letter, aspirations and expectations around engagement and consultation moving forward. In addition we held working bees at Aurere and Parapara Marae in exercising our role as kaitiakitanga of the whenua.
8. Due to the nature of the isolated rural setting Ngāti Tara is situated in and with a number of hapū members being involved in the urban drift now living outside of the rohe, in the past it has proven difficult to meet and hold hui with a healthy turnout of hapū members, however, since the conception of this Kaupapa, Ngāti Tara have been involved and present in numbers, something we have not seen for years. This highlights the importance and significance of this Kaupapa to Ngāti Tara as a

hapū, therefore, it is paramount, engagement throughout the entirety of this process is done so in the right manner.

#### *Next steps*

9. We appreciate the consultation strategy developed by Arawai Ltd, however, we believe there are more significant steps that need to be completed prior to engaging in the development of the CIA and rolling out a communications plan as outlined in the consultation strategy.
10. First and foremost, it is the expectation of Ngāti Tara that prior to engaging in any consultation and engagement, that any strategy, plan or outcome involving Ngāti Tara is co-designed, co-developed and mutually agreed to between **both** Arawai Ltd and Ngāti Tara. The Working Group must be involved from the conception of any strategy or plan and cannot be expected to engage in something they have not been involved in developing.
11. We understand and support the desire to reach as many Ngāti Tara hapū members as possible to be involved in this process and understand the importance of an in-depth communication plan and strategy to achieve that. As mentioned previously, there has been healthy involvement from Ngāti Tara hapū members attending hapū hui at Parapara Marae. Ngāti Tara are fortunate to have a number of hapū members with a wide range of expertise and skills, including communications. Therefore, Ngāti Tara have the capability and capacity to build our own communications strategy and plan as we understand how to communicate and reach our people due to the unique nature of our hapū.
12. In saying this, in accordance with the tikanga and kawa of Ngāti Tara, Ngāti Tara believe it is appropriate and necessary to hold a hui at Parapara Marae and invite the Ngāti Tara descendants referred to in your letter, this being, the immediate whānau of the late Sir Hekenukumai Ngāiwi Puhipi Busby, Stan Conrad and others, who have been involved in waka building, ocean voyaging and traditional wayfinding at Aurere since the early 1980s.
13. The purpose of this hui is to whakawhanaungatanga with the Ngāti Tara descendants involved in this Kaupapa, to re-build relationships that have been present for many generations based on whakapapa and to have an open and honest discussion regarding the direction moving forward. The hope is, by holding this hui, it will be the catalyst for many and to reach a mutual agreement and understanding amongst all of Ngāti Tara on how to engage with one another.
14. Whanaungatanga will provide the opportunity to build positive and collaborative relationships to explore what is of utmost importance to all involved, to co-develop mutual aspirations for the whenua at Aurere and is essential to achieve mutual benefits of the owners of Okokori A, Okokori B and Ngāti Tara as a whole.
15. An agenda would be mutually agreed to by the Working Group and those who are of Ngāti Tara descent referred to in your letter. This would be a closed hapū hui where those only of Ngāti Tara decent attend, an overview and outcome of the hui may be shared at a later date with Arawai Ltd if agreed to by those in attendance. As a recommendation to keep the momentum moving, the Working Group have scheduled the first of these hui (the “**Mana Whenua hui**”) to occur on **Sunday 5<sup>th</sup>**

**June at Parapara Marae.** As mentioned previously, this date is a starting point to keep momentum rolling, thereafter the Working Group propose to hold regular hui as and when required.

### *Cultural Impact Assessment Report*

16. As outlined in your letter, the Hearing Commissioner suggested in his decision that an effective way of moving forward is to work to preparing a Cultural Impact Assessment Report ("CIA"). The Hearing Commissioner suggested the CIA considers, amongst other things, identify the impact of the proposal culturally, spiritually and environmentally whilst also suggesting to review the cultural significance of the site and wāhi tapu sites within Okokori.
17. A suggested timeframe or deadline was not provided in terms of when the CIA should be finalised, however, as you may be aware, the timing to complete a CIA is dependent on the terms of reference agreed to, the resourcing made available and the nature of the proposed activity. Based on the above, this could take up to six months to a year, minimum.
18. Although we appreciate your efforts to draft a consultation strategy as well as a communication plan to move forward, as mentioned previously it is extremely inappropriate to agree to and engage in a process that Ngāti Tara have not been involved in developing. Who is engaged with in the development of the CIA and timeframes in terms of communications will be negotiated with and mutually agreed to by Ngāti Tara.
19. As Ngāti Tara have previously engaged in the process of developing a CIA for another Kaupapa, the Working Group are aware of the process and understand CIA's are most effective when the terms of reference and the CIA process is co-designed and co-constructed between the commissioning party and mana whenua.
20. CIA's are generally prepared by mana whenua who hold a deep understanding of the hītori, tikanga, cultural values and interests in the area affected by the proposal. Due to the nature of what is included in a CIA, it is inappropriate that this process is led by a 'consultant' as referred to in your letter and any CIA developed that includes the tupuna whenua within the Ngāti Tara rohe will be led by members of the Ngāti Tara hapū.
21. The Working Group are committed to working in genuine partnership with the various stakeholders that are involved. Accordingly the Working Group propose a subsequent hui with Arawai Limited, following the Mana Whenua hui whereby an agreed process will be jointly considered and designed to consider the CIA, communication and engagement processes.
22. It is important to remember any development that may potentially happen on the whenua at Aurere will surpass those involved now and will remain for generations, therefore, it is of utmost importance that balance is restored and whanaungatanga is at the forefront of any consultation and engagement.
23. It is paramount that all levels of stakeholders involved are on the same page with mana whenua that being first and foremost, the Busby whānau and the landowners

of Okokori B, the trustees of the Māori reservation Okokori B, the Ngāti Tara descendants involved in the waka academy and lastly, the Arawai Ltd Directors and project leads.

Ngā mihi, nā

Te Tāhuna Roa  
Ngāti Tara Working Group





**Peter Phillips** <peter@arawai.co.nz>

9 May 2022, 12:24



to Deliah, Deliah, Carol, Planning, bcc: Sarah, bcc: David, bcc: Charlie, bcc: John, bcc: Stanley ▼

Kia Ora **Deliah**

Thanks for this. It is on the Agenda for our Board meeting this week.

We will be in touch in due course.

Ngā mihi

Peter



↩ Reply to all

↩ Reply

➦ Forward



12 May 2022

Ngāti Tara Working Group Te Tahuna Roa

Atten: Ms Deliah Balle

Tēnā koe Deliah

## CONSULTATION ON THE BRIEF FOR THE CIA AND A CONSULTANT TO UNDERTAKE THE ASSESSMENT

Thank you for your email of 7 May 2022 and the Working Group's paper of 28 April 2022. These were tabled at Arawai's Board meeting yesterday with careful consideration given to the points made.

The steps taken as set out in the "*Background*" are noted. The working bee has had a positive impact on the whenua at Okokori "A".

We appreciate that the Working Group wishes to hold a hui at Parapara Marae and invite the immediate whanau of the late Sir Hekenukumai Ngaiwi Puhipi Busby, Stan Conrad and others, who have been involved in waka building, ocean voyaging and traditional wayfinding at Aurere since the early 1980s before meeting with Arawai. This will be useful as both Stan Conrad and Alex Busby are trustees of the Hekenukumai Ngā Iwi Trust to whom Okokori B was bequeathed by Sir Hekenukumai. For clarity, we note that it is this Trust which administers Okokori B and is responsible for matters of access and land ownership. Furthermore, these matters are outside the ambit of the application for a Resource Consent, as noted in the Section 42A Report on Arawai's application.<sup>1</sup>

In terms of the draft consultation strategy for the development of the Brief for the CIA and selection of the person to undertake the work, this was a follow-up on the statement of the Hearing Commissioner that the preparation of a Cultural Impact Assessment would "*provide for a greater degree of consultation with the submitters to this application.*"<sup>2</sup> Arawai welcomes the opportunity for a collaborative approach to developing an engagement strategy whilst recognising that the company has responsibilities as the applicant and also contractual responsibilities to Kānoa who has provided funding for the development work.

In this respect it is worth noting that there is no budget provision for funding a CIA in the contract with Kānoa and accordingly Arawai will need to seek their approval for any work. Our contract with Kānoa requires us to meet Government and social procurement processes for any expenditure given it is public monies, and therefore we note that selection of the person to

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<sup>1</sup> Simeon McLean (18 January 2022) *Planners Hearing Report, Application No: 2300463-RMALUC*, para 7.3, 14/37

<sup>2</sup> *Decision following the hearing of an application for resource consent under the Resource Management Act 1991, Application number: 2300463-RMALUC*, 7 March 2022, para 62 i)



undertake the preparation of the CIA may also be influenced by these requirements. Please let us know if you would like us to provide further information on our implementation of these Government procurement processes.

In terms of the proposed hui on Sunday 5<sup>th</sup> June at Parapara Marae we note the intention that this be restricted to mana whenua. We would appreciate it if the Working Group would consider whether our chairperson, Sarah Petersen, might attend as an observer only and with no speaking rights to further our collective understanding of the perspectives and help build momentum for collaboration with Arawai. With Stan and Alex in attendance you will already have two people from Arawai at the meeting which renders a nullity the notion of *“sharing an overview and outcome of the hui at a later date with Arawai Ltd if agreed to by those in attendance”*.

We consider the statement in para 19 that Ngati Tara have previously engaged in the process of developing a CIA for another Kaupapa, and that the Working Group are aware of the process, to be positive. This will help focus the Brief and ensure that matters of concern identified as *“effects on the site”* in the Hearing decision are properly resolved.<sup>3</sup> Arawai is happy to work with the Working Group to co-design the terms of reference and the CIA process.

We note the comment in your para 17 that preparation of the CIA *“could take up to six months to a year, minimum.”* Thank you for your openness in sharing this advice, and we acknowledge that some time is required to work through this process appropriately. We do, however, also need to address our funding commitments and deliverables. We would welcome the opportunity to share these with the Working Group at an appropriate time in the spirit of openness and understanding of our respective timeframes. We are also more than happy to work with you to expedite the process of finalizing the terms of reference and the selection of a person to undertake the work. In this respect, we have already identified a number of candidates who might be considered which we are happy to share at the appropriate time.

Looking at para 17 we would be grateful if you could elaborate on the term *“nature of the proposed activity”* as a factor which could influence the timing of the CIA, as we do not understand this fully. Our application did not contain any activities that were not previously approved in the 2012 Consent for the Whare Wānanga, so there are no new proposed activities. As always, we remain open to meeting together and sharing Arawai’s plans to improve our shared understanding of the activities that have developed over the years of operating at Okokori B under the leadership and stewardship of the late Sir Hekenukumai.

Looking at your para 22, it is worth noting that Okokori B is held in freehold title and that the only portion that is Māori reservation is the Te Awapoko Waka Wānanga Reserve. This represents the 2.1ha of the 115.8ha which was specifically established for the Waka Centre by the Māori Land Court in 2013.<sup>4</sup>

In closing, Arawai looks forward to working collaboratively with the Working Group to bring the CIA forward expeditiously and to build on existing links to Ngāti Tara. We are mindful of the profound contribution of Sir Hekenukumai to Aotearoa~New Zealand and the peoples of Te

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<sup>3</sup> Decision following the hearing of an application for resource consent under the Resource Management Act 1991, Application number: 2300463-RMALUC, 7 March 2022, para 50, page 12

<sup>4</sup> Setting Apart Maori Freehold Land as a Maori Reservation, Te Awapoko Waka Wānanga Reserve, New Zealand Gazette, Notice Number, 2013-In3089, Page Number: 3089, Issue Number: 64. This followed the Reserve Judgement of Judge DJ Ambler issued on 12 October 2012 which concluded that there were no valid objections to the Māori reservation, (50 TTK 9) 50 Taitokerau MB 9 A20070011627



Moana Nui a Kiwa, and fully committed to seeing his vision for the Waka Centre realised to acknowledge his legacy.

Ngā mihi

On behalf of the Board of Arawai Ltd

Dr Peter Phillips  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Lake Ohia, Doubtless Bay  
Aotearoa-New Zealand



**Te Tāhuna Roa** <tetaahunaroa@gmail.com>

to me, balle.deliah ▾

Mon, 16 May 2022, 18:10



Kia ora Peter

The purpose of this email is to firstly inform you that this is the new email address for **Te Tahuna Roa** (working group) and accordingly to where all communications are to be forwarded (and received) going forward,

Secondly and further to my email of 7th May, we are seeking the names and contact details of Ngati Tara uri who are involved in the Arawai Limited resource consent (as mentioned in your briefing) so that we may send them an invite to attend the mana Whenua Hui **on** 5th June. Accordingly can you please provide their names and contact details (email addresses).

Nga mihi maioha

Deliah Balle

**on** behalf of **Te Tahuna Roa**





**Peter Phillips** <peter@arawai.co.nz>

Tue, 17 May 2022, 14:20



to Te, balle.deliah, bcc: Sarah, bcc: David, bcc: Charlie, bcc: John, bcc: Stanley, bcc: Shane

Kia Ora **Deliah**

Please find attached Arawa's response to the Working Group's paper of 28 April.

I will be in touch about possible attendees to the meeting on 5th June - to date, Stan has confirmed.

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
Accredited RMA Hearing Commissioner  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Lake Ohia, Doubtless Bay  
Aotearoa-New Zealand  
Mob: 021 906 737

Registered Charity No. 34114

[www.arawai.co.nz](http://www.arawai.co.nz)



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One attachment • Scanned by Gmail





**Te Tāhuna Roa** <tetaahunaroa@gmail.com>

to me ▼

Fri, 27 May 2022, 15:00



Tēnā koe Peter,

Please find **attached** a response letter from Te Tāhuna Roa dated 27 May 2022. If you have any questions regarding the content of this letter, please feel free to contact us.

Ngā mihi uruhau,

Te Tāhuna Roa

One attachment • Scanned by Gmail ⓘ



27 May 2022

Peter Phillips  
PO Box 51  
**Mangonui 0442**

**By email: [info@arawai.co.nz](mailto:info@arawai.co.nz)**

Tēnā koe Peter,

**LETTER DATED 12 MAY 2022**

1. We refer to your communications in relation to the above matter, please find below a response to your letter dated 12 May 2022 from Te Tāhuna Roa on behalf of Ngāti Tara.
2. Thank you for responding to our letter in a timely manner and for taking the time to table the letter from Te Tāhuna Roa at the Arawai Board meeting. All in all, it is encouraging to see Arawai Limited is interested in working with Ngāti Tara and Te Tāhuna Roa.
3. This letter provides information regarding the hui to be held at Parapara Marae on 5 June 2022 and outlines some matters relating to the Cultural Impact Assessment ("CIA").

*Ngāti Tara hapū hui 5 June 2022*

4. As noted previously, the intention and purpose of this hui is for Ngāti Tara to whakawhanaungatanga with the Ngāti Tara descendants involved in the Waka Kaupapa. The objective of having a hui as such is to start a dialogue, establish relationships with those Ngāti Tara uri involved in the Waka Kaupapa and ensure all Ngāti Tara uri are on the same page.
5. The Ngāti Tara whānau are still very hurt from how this consenting process has unfolded and from the disregard for our mana whenua within our tribal area, therefore it is important our whānau are given the opportunity to share their hurt and voice their concerns of the past, present and future.
6. There will be an expectation that the Ngāti Tara uri involved within the Waka Kaupapa will share their connection to Ngāti Tara and their experiences with Ngāti Tara whenua.
7. As mentioned previously and as acknowledged in your letter, this hui is for Ngāti Tara uri only. Therefore, we respectfully decline the Chairperson Sarah Petersen to attend the hui.
8. We would also ask you to relay this message to those of whom the invitation has been extended to, that those who whakapapa to Ngāti Tara are only to attend this hui. It is paramount our whānau are given the opportunity to speak in a safe, secure

environment amongst their whanaunga nō Ngāti Tara. If people are in attendance who do not whakapapa to Ngāti Tara, they will respectfully be asked to leave.

### *Cultural Impact Assessment*

9. Te Tāhuna Roa acknowledges the pressures Arawai Limited is faced with in terms of contractual obligations and responsibilities to Kānoa. As a reminder, we are in this position as a result of the process Arawai Ltd undertook to seek approval for a resource consent that failed to consult and engage Ngāti Tara. Now that we have arrived here, it is crucial we ensure the foundations are set properly.
10. In response to your comment around timeframes to complete the CIA, it is important to note, processes like these cannot be rushed despite contractual responsibilities. Whilst Arawai Ltd have obligations, Te Tāhuna Roa have hapū obligations to Ngāti Tara that we must follow within our own processes. In rushing a process of this magnitude, we will only find ourselves back at square one. In saying this, the priority for Ngāti Tara is to establish relationships with our own whanaunga within the Waka Kaupapa.
11. If it may be of some assistance, Te Tāhuna Roa is open to writing to Kānoa to provide an overview of the process that is to be undertaken and the estimated timeframes to complete this mahi.
12. It is extremely important that we do not rush this process and Arawai commit to consulting and engaging with Ngāti Tara respectfully and effectively. It is also important to Te Tāhuna Roa that our hapū is brought along on this journey. As mentioned previously, Ngāti Tara are open to working with Arawai Limited, to develop an appropriate engagement strategy and a CIA that truly reflects our mana whenua status in our rohe as well as the unified thoughts of our hapū.

### *Next steps*

13. Following on from the hui to be held on 5 June 2022, Te Tāhuna Roa will be in touch regarding next steps moving forward.

Ngā mihi, nā

Te Tāhuna Roa



**Peter Phillips** <peter@arawai.co.nz>

3 Jun 2022, 20:16



to Te, info, bcc: Sarah, bcc: David, bcc: Charlie, bcc: John, bcc: Stanley, bcc: Suzi ▼

Kia Ora Jessica

Further to my email earlier today, please find attached the response to the invitation to attend the hui on 5th June from the members of the waka whanau who are of Ngāti Tara descent.

Arawai, for its part, looks forward to meeting within the Working Group when this is convenient.

Ngā mihi

Peter

...

--

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
Accredited RMA Hearing Commissioner  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Lake Ohia, Doubtless Bay  
Aotearoa-New Zealand  
Mob: 021 906 737

Registered Charity No. 34114

[www.arawai.co.nz](http://www.arawai.co.nz)

One attachment • Scanned by Gmail ⓘ







03 June 2022

The Working Group

Te Tahuna Roa

Kia Ora

Thank you for your email on 27th May and the attached letter dated 12 May 2022.

### **Hui on 5th June 2022**

I have discussed your email and the attached letter with members of the waka whanau who are of Ngāti Tara descent. They have indicated that they do not intend to take up the invitation to the hapū hui on the 5th June on the grounds that:

- (1) the demand that they will share their connection to Ngāti Tara is insulting and unnecessary as their word is sufficient to establish their status as mana whenua. They might well choose to identify their whānau in a hui but do not accept this as an expectation/precondition of the meeting;
- (2) they have no desire to revisit the long and, at times, fraught history of interactions between Sir Hekenukumai and other members of the waka whanau on Okokori B with a small number of the shareholders on Okokori A. These include, but are not limited to, objections to the establishment of the Waka Wānanga Reserve which were appropriately dismissed by Judge Ambler, and persistent trespassing on Okokori B; and
- (3) Okokori B was bequeathed by Sir Hekenukumai to the Hekenukumai Ngā Iwi Trust who are the kaitiaki of the land. Just as Arawai is the only organisation that can speak to the development of the Waka Centre, only the Trust, not individual members of Ngāti Tara, has the legal authority to discuss the management of Okokori B.

### **Contact with Kānoa**

On behalf of Arawai I would like to thank you for the offer to contact Kānoa but that will not be necessary. They are kept fully apprised of our communications with the Working Group and the position you have articulated. They are also fully aware of the efforts Arawai made to consult on the application through Nina and myself and the outcomes. They remain very supportive.

### **Arawai meeting with the Working Group**

Notwithstanding the decision by the members of the waka whanau of Ngati Tara descent not to attend the hui on 5th June, Arawai looks forward to meeting with the Working Group to advance working relations with a view to establishing a mutually acceptable process and timetable for the CIA.



Nga mihi

Dr Peter Phillips

Managing Director  
Arawai Ltd  
PO Box 51 Mangonui  
Aotearoa-New Zealand



**Peter Phillips** <peter@arawai.co.nz>

to Te, balle.deliah

Mon, 1 Aug 2022, 09:15



Kia Ora Deliah

Just a quick email to follow up to see if it is possible to arrange a meeting to finalise the brief for the Cultural Impact Assessment. Arawai has not heard from Te Tāhuna Roa since the proposed meeting on 5th May did not proceed for the reasons set out in the attachment to my email of 03 June 2022.

Notwithstanding the unwillingness of the members of the waka whanau to respond to the demand that they attend a meeting at the marae as a precursor to further discussions with Arawai, the Board of Arawai remains keen to progress the Cultural Impact Assessment and to identify any specific issues which the hapū might identify which would need to be addressed in planning the completion of the development of the Sir Hek Busby Kupe Waka Centre.

I look forward to hearing from you

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Lake Ohia, Doubtless Bay  
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Mob: 021 906 737

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**Peter Phillips** <peter@arawai.co.nz>

Wed, 7 Dec 2022, 20:54



to Sarah, Stan, Charlie, John, David, David, Sarah, Stan, Charlie, John ▼

Kia Ora

Just had a call from **Chappy** Harrison who has heard some rumblings and is keen to broker a meeting between Arawai and the hapu, specifically naming Deliah and Kristen. I said we have always been open to a meeting but there was a roadblock of requiring Ngati Tara among the waka whanau (like Alex, Greg, Stan) to meet with them before they talked to Arawai which was unreasonable.

I agree to meet if he could broker a meeting so he is going to come back to me

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Lake Ohia, Doubtless Bay  
Aotearoa-New Zealand  
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Registered Charity No. 34114

# Meeting >



**Peter Phillips** <peter@arawai.co.nz>

Thu, 8 Dec 2022, 10:38



to Deliah, Deliah, Chappy, bcc: Stan, bcc: Charlie, bcc: David, bcc: John, bcc: Sarah ▼

Tēnā Koe Deliah

I have just got off the phone with Chappie and I confirmed to him that Arawai would be delighted to meet at your earliest convenience.

I will be travelling up to Aurere today and staying through till Monday. I would make time for a preliminary meeting tomorrow or Sunday if that would be helpful in sorting logistics and agendas.

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
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**Peter Phillips** <peter@arawai.co.nz>

to Te, balle.deliah

Mon, 1 Feb 2023, 14:22



Kia Ora Deliah

Following up on my email of 8th December about the possible meeting between Chappy Harrison. I think it would be useful if Chappy is involved given his previous role with the hapū and his knowledge of Kaupapa Waka.

Has the meeting eventuated or is one still in prospect?

I look forward to hearing from you

Ngā mihi

Peter

Dr Peter Phillips MNZPI

Managing Director, Arawai Ltd

Project Manager, Sir Hek Busby Kupe Waka Centre

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**Peter Phillips** <peter@arawai.co.nz>

to Te, balle.deliah

Thu, 1 Jul 2023, 10:38



Kia Ora Deliah

I was hoping that the intervention of Chappy Harrison might have provided a new way forward for the consultation on the Cultural Impact Assessment but that has come to nought.

Notwithstanding that, the Board of Arawai remains keen to meet Te Tāhuna Roa at your earliest convenience.

I look forward to hearing from you as time marches on and we have obligations to Kānoa to complete.

Ngā mihi

Peter

Dr Peter Phillips MNZPI

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**Peter Phillips** <peter@arawai.co.nz>

Mon, 9 Oct 2023, 16:50



to Deliah ▾

Kia Ora **Deliah**

I sent a Zoom meeting invite for today on the off-chance that you would be available the same time as last week but to no avail

I am really keen to follow up on our conversation last week and sort out a date for when I can make that update presentation and when we can look at progressing the CIA/CVA.

On the topic of CVA, I would be most interested to read the CVA on the Taipa plant. Over the years I have been involved in the planning of sewerage in various locations including Auckland and Wellington.

I have had a look at the discussion of options. 30 years ago in the Auckland Area Sewerage Study we looked at land disposal in the Woodhill Forest but recreation took precedence and the financial costs were against it (there being no surrogate for pricing cultural or environmental effects at the time).

Ngā mihi

Peter

Dr Peter Phillips MNZPI

Managing Director, Arawai Ltd

Project Manager, Sir Hek Busby Kupe Waka Centre

Lake Ohia, Doubtless Bay

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**Peter Phillips** <peter@arawai.co.nz>

Wed, 11 Oct 2023, 11:49



to Deliah, bcc: Steve, bcc: Charlie, bcc: Sarah, bcc: John, bcc: Stan, bcc: David ▾

Kia Ora **Deliah**

Just following up again on our meeting on Monday 2nd October. Have you been able to progress scheduling a meeting so I can share with you the current state of the development project at the Waka Centre and get conversations underway about the CIA/CVA, as we discussed?

I appreciated the explanation you gave at the meeting that it was internal processes which caused the withdrawal of the invitation to meeting with the hapu on 29th March 2021. I had thought that those internal matters had been resolved when Carol Hudson explained that the hapu needed to have its own internal meeting so would not be attending a meeting we had proposed for 15th March 2021 and issued the invitation to the meeting on the 29th March. It was just unfortunate that no subsequent meeting could be arranged.

We look forward to meeting with the Working Group or a wider group of hapu members and remain happy to meet virtually (given that some people do not live in the rohe), at the marae, at the Waka Centre or some other venue. We remain committed to ensuring that the hapū has adequate information on our proposals for the Waka Centre and that the hapū is given every opportunity to state their views.

In practice, much of this has already been shared when we supplied the *Development Plan* at the time of the Hearing. The economic, social, cultural and environmental outcomes articulated in the Plan remain the same even if there have been some changes in the detailed implementation of some of the development projects.

Some of the proposed benefits are already being delivered. For example, 87% of the development costs to date have been spent in Te Taitokerau-Northland (85% of which has been spent in the Far North District). We have also employed a significant number of local contractors including some of Ngāti Tara descent.

I look forward to hearing from you.

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Lake Ohia, Doubtless Bay  
Aotearoa-New Zealand  
Mob: 021 906 737



## Meeting

External



Inbox x



**Peter Phillips** <peter@arawai.co.nz>

Tue, 21 Nov 2023, 11:03



to Deliah ▾

Kia Ora **Deliah**

Just wondering how you are getting on with a date for a meeting. We remain keen to meet either kanohi ki kanohi or virtually

Nga mihi

Peter

Dr Peter Phillips

Director

Arawai Ltd

PO Box 51 Mangonui

Aotearoa-New Zealand

Ph: +64 21 906 737

[www.arawai.co.nz](http://www.arawai.co.nz)

Skype: peterphillipsnz



**Deliah Balle** <balle.deliah@gmail.com>

Tue, 21 Nov 2023, 11:42



to me ▾

Kia ora Peter

Arohamai have been flat tack. Will touch base with Marae to check their next board hui availability.

Aku mihi

**Deliah**



**Peter Phillips** <peter@arawai.co.nz>

Tue, 21 Nov 2023, 16:28



to Deliah ▾

Kia Ora. **Deliah**

Thanks, much appreciated





**Steven Sanson** <steve@sansons.co.nz>

to me ▼

Wed, 6 Dec 2023, 09:39



Morning Peter

This document suggests that this party have interests in the site (see image in Page 4) for the area and they have a contact who can write a CIA within (last page) - Tina Latimer.

Something to discuss further.

Steve



One attachment • Scanned by Gmail ⓘ







**Peter Phillips** <peter@arawai.co.nz>

Wed, 31 Jan, 15:44

☆ ⏪ ⋮

to Deliah, Tina, bcc: John, bcc: Sarah, bcc: David, bcc: Charlie, bcc: Stan ▾

Kia Ora **Deliah** raua ko Tina

Thanks, **Deliah**, for responding to Tina who has now completed her cultural effects assessment.

Arawai commissioned this work so that we had an assessment, by an experienced and well-qualified practitioner, of the cultural matters which we unfortunately did not address to the satisfaction of the Hearing Commissioner in our previous resort consent application.

The terms of reference for the work was very closely based on that used by Tina for her assessment of effects of the Carl Maria Quarry Works at Ōruru:

To undertake the research, investigations and consultation as required to prepare a cultural effects assessment of the latest stage of the development of the SHBKWC (where kaupapa waka-related activities have been an existing use since 1988) which will:

- (a) assess the effects of a proposed current developments on the site (with particular reference to the Whare Whetū) on tangata whenua cultural associations with the environment;
- (b) provide advice of methods to avoid, remedy, or mitigate adverse effects on cultural values and associations;
- (c) recommend what conditions of consent could be applied if the consent is granted;
- (d) provide hapū and iwi with comprehensive information and improved understanding of the development activity with a view to avoiding objections on cultural grounds; and
- (e) assess the short and long-term cultural, social, economic, and environmental effects and benefits of the Waka Centre.

and then prepare a report including but not limited to:

- the project;
- the assessment process;
- the parties including Iwi tradition and occupation of Doubtless Bay;
- land sales with specific reference to the Okokori Block and in particular Okokori B
- Māori cultural landscapes;
- the ecological district;
- relevant legislation and policy; and
- recommendations

I have seen a lot of CIAs over many years of working on infrastructure projects and consider this to be one of the bestt allowing the investigator to tune the coverage of the work and outputs to the particular circumstances of the project.

As a Board, Arawai was particularly impressed with the inclusion of step (d). We are hopeful that the independent assessment, by someone who is not only well-qualified and experienced but also well familiar with the locality and parties, will provide a basis for advancing the discussion with you, the Working Group, and the hapū.

We will need to make a new application for a resource consent (we decided that an appeal was not appropriate). But at least this time we will have some confidence that the Hearing Commissioner previously accepted evidence on all matters except the cultural effects.

In terms of environmental effects, and specifically in relation to the Awapoko River, we have progressed under a ten-part Resource Consent issued by the Northland Regional Council. This covers a range of issues including consent to: disturb and remove of vegetation within a significant wetland, discharge of primary treated wastewater to land; and discharge stormwater to water within 100 metres of a natural wetland. Permission to proceed with the access road from the FNDC has also been regulated under these consents.

I have been discussing next steps with Tina in terms of a meeting to discuss her report and look forward to whatever is decided.

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
Accredited RMA Hearing Commissioner  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Lake Ohia, Doubtless Bay  
Aotearoa-New Zealand  
Mobile: 021 626 737



Ngāti Tara

External



Inbox x



**Peter Phillips** <peter@arawai.co.nz>

to Tina ▾

Tue, 13 Feb, 11:10



Kia Ora Tina

Just wondering if you have been able to make any progress on a meeting with Ngāti Tara to discuss your report??

I would also be really grateful if you could send me a copy of Slocombe

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
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**Tina Latimer** <tplatimer295@gmail.com>

to me ▾

Tue, 13 Feb, 12:34



Kia ora Peter

I will follow up again with Deliah this afternoon, but I have not received a response from her yet.

Attached is the archaeology report.

Nga mihi

Tina

...



**Tina Latimer** <tplatimer295@gmail.com>

to me ▾

Mon, 18 Mar, 11:32 ☆ ↶ ⋮

Kia ora Peter

The process was agreeable to with Deliah is below, are you agreeable to this process?

- (a) Undertake a site visit with Ngati Tara of the Sir Hek Kupe Waka Centre.
- (b) Arrange a meeting to meet with Directors of Arawai Ltd.
- (c) Review the CEA with Callie Corrigan for input on behalf of Ngati Tara.

Tina



**Peter Phillips** <peter@arawai.co.nz>

to Tina, bcc: Sarah, bcc: John, bcc: Charlie, bcc: David, bcc: Stan ▾

Mon, 18 Mar, 11:52 ☆ ↶ ⋮

Kia Ora Tina

The content of the proposed programme is fine with some minor tweaking on sequencing

- (a) Tina to review the CEA with Callie Corrigan for input on behalf of Ngāti Tara by 14 April 2024.
- (b) Site visit by Ngāti Tara to the Sir Hek Kupe Waka Centre - 28th April 2024.
- (c) Ngāti Tara Meeting with Directors of Arawai Ltd at SHBKWC - 28th April 2024.

This way will get the remaining task of the SFA briefing Ngati Tara completed, and everyone will be on the same page in terms of the CEA when Ngāti Tara visit the site on 28th April.

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Lake Ohia, Doubtless Bay  
Aotearoa-New Zealand  
Mob: 021 906 737

## Meeting with Callie Corrigan

External



Inbox x



**Peter Phillips** <peter@arawai.co.nz>

to Tina ▾

Fri, 19 Apr, 08:21



Kia Ora Tina

Have you been able to meet yet with Callie Corrigan? It is now getting urgent as we are proposing to meet with Ngāti Tara on Sunday 28th. I would really appreciate it if this could be closed off asap.

Thanks

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
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**Tina Latimer**

to me ▾

Fri, 19 Apr, 09:37



Kia ora Peter, no I have not but will follow up. I have been in discussions with Tina Lee Yates. As I understand, the consensus is for Te Arawai Ltd, to meet with hapu and whanau and at Parapara Marae. A date will be fixed at their AGM this weekend. Whanau still has contentious issues on how the land was acquired by Hector.

I have advised Tina Lee that I undertook the CIA for Arawai Ltd as my name was raised at their marae meeting this week. I think, at this stage it should be left until after the AGM, and the outcome from the hui.

Nga mihi



# Ngāti Tara -Arawai proposed meeting

External

Inbox x



**Peter Phillips** <peter@arawai.co.nz>

Tue, 9 Apr, 13:57



to indiannaross1, Deliah, Tina ▾

Tena Koe Indi

I am just following up on the conversation between Tina and Deliah and wondering if the proposed meeting date of 28th April 2024 at Aurere is suitable.

We could combine the meeting with the directors of Arawai with a site visit so that you can see what has been happening at the Waka Centre.

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
Managing Director, Arawai Ltd  
Project Manager, Sir Hek Busby Kupe Waka Centre  
Lake Ohia, Doubtless Bay  
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**Deliah Balle**

Mon, 22 Apr, 10:55



to me, indiannaross1, Tina ▾

Kia ora Peter

At the AGM on Saturday the trustees confirmed a date to meet with Arawai unfortunately the 28th April does not suit. If the directors and others who may need to attend, could please make themselves available on Saturday 8th June to meet at Parapara Marae.

Look forward to your confirmation.

Ngā mihi

Deliah



# Proposed meeting with Arawai Board at Parapara Marae

External

Inbox x



**Peter Phillips** <peter@arawai.co.nz>

1 May 2024, 17:55 (13 days ago)



to Deliah, indiannaross1, Tina, bcc: Sarah, bcc: Charlie, bcc: Stan, bcc: John, bcc: David, bcc: Rikki-Lee ▼

Kia Ora Deliah

Thank you for the invitation to the marae on Saturday 8th June.

The Board is pleased to accept and I will confirm the number in our party closer to the date.

We would be happy to receive an agenda of matters to be explored. For our part, our particular interest is to build on the strong individual relationships we already have with some hapū members with a view to extending these, through the Marae Trustees, to the hapū as a whole.

In terms of matters that might be canvassed it should be noted that Arawai was set up in 2000 to undertake commercial activities associated with Kaupapa Waka at Aurere. The specific role of the Board is to develop and operate the Waka Centre. It is doing this under a management agreement with the Hekenukumai Ngā Iwi Trust.

For clarity, Arawai has no responsibility for, or influence over, matters relating to land ownership or access over Okokori B which are the domain of the Hekenukumai Ngā Iwi Trust.

Ngā mihi

Peter

Dr Peter Phillips MNZPI  
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Project Manager, Sir Hek Busby Kupe Waka Centre  
Lake Ohia, Doubtless Bay  
Aotearoa-New Zealand  
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**Deliah Balle**

to Indiana, Tina, me ▾

Wed, 1 May, 23:39 (13 days ago)



Kia ora Peter

Appreciate you clarifying those matters thank you.

We will forward an agenda in due course upon confirmation from the Trustees in the meantime we look forward to meeting the Board of Directors on Sunday the 8th of June and receiving the names of those who will be in attendance.

Aku mihi

Deliah Balle

For Te Tahuna Roa



# ATTACHMENT



## Commentary on email from Deliah Balle, Ngāti Tara to Minnie Fox, FNDC, Monday, 14 June 2021

### No Consultation Undertaken or Sought with Tangata Whenua

*The Applicant has not sought (nor the Council deemed necessary at this stage) engagement with Ngāti Tara hapū and whānau pre and post the lodging of the resource consent application. Ngāti Tara are mana whenua of the area and are also landowners of the neighbouring property.*

The current application follows on from the previously issued consent for the Whare Wānanga (2130047-RMALUC). This development was approved by the Parapara Marae Committee representing the owners of Okokori A (letter signed by the then Marae Committee chair, Chappy Harrison, refer to page 133 of the Application). Mr Harrison has recently indicated that he intends to make a submission in support of the application

The cumulative effects of the current proposal are less than minor above those already considered for the Whare Wānanga. There is a small increased footprint in terms of buildings but otherwise no additional or novel effects. The increase in the site coverage for the new development is a nett 445 m<sup>2</sup> after the removal of the half-round barn. This is 2.1% of the area of the Reserve and 0.0% of the area of Okokori B.

The lack of additional adverse effects on the environment and no effects on Okokori A were factors in not consulting with Parapara Marae as representatives of Okokori A pre-lodgement. The Development Plan is entirely consistent with the existing permitted activity and reflects the history of use of the site over nearly four decades. As Judge Ambler noted in 2012 *"First, based on the evidence before the Court, the majority of those of Ngati Tara who have expressed a view support Mr Busby's proposal. Those in opposition are a minority. Second, Mr Busby gave uncontradicted evidence that Ngati Tara has not objected to the whare wananga he has held on the land for almost 30 years. This fact further suggests that the real concern of the objectors is not the whare wananga but ownership and control of the land."*<sup>1</sup>

Following communications with FNDC, contact was made with Carol Hudson the secretary of the Parapara Marae Committee and Ms Balle. Arawai sought to engage in post-lodgement with a meeting on-site where the nature and extent of the proposed development could be seen in context.

<sup>1</sup> Judge DJ Ambler (2012), In The Māori Land Court Of New Zealand Taitokerau District, Under Section 338, Te Ture Whenua Māori Act 1993, In the matter of Okokori B, Heard at Kaitiaia, 8 May 2008, and 17 September 2012, Judgment: 26 October 2012, (50 TTK 9), 50 Taitokerau MB 9 A20070011627





	<p>In an email dated 4 May 2021 Ms Balle stated: <i>"Thank you for the invitation to share the project plan. I have cc'd in Carol, Secretary and trustee of our Marae in Parapara who will get in touch with you regarding your hui on the 15th.</i></p> <p>Subsequently Ms Hudson wrote on 12 May 2021:</p> <p><i>Our Trustees have arranged a Hapu hui at Parapara Marae on Saturday: 29 March 2021 at 10am to discuss your proposal, we feel that it is imperative that we give our Hapu and whanau the opportunity to listen to and discuss your proposal first, for this reason we felt that it was premature to attend your hui on 15 May 2021.</i></p> <p><i>You and your directors are welcome to be present at our hui where we are willing to engage with you afterwards.</i></p> <p>Arawai's response on 12 May was:</p> <p><i>Thanks for this and we appreciate that you have your own processes to follow. Clearly we would be delighted to take up your offer to come to the marae on the 29th March.</i></p> <p><i>Our intent in inviting the Marae Committee to the site was to provide an opportunity to stand on the whenua and see what is planned in context, rather than in the abstract on a plan or in a report.</i></p> <p><i>With that in mind the Board has decided that it will still be onsite on Saturday and be happy to discuss the proposal on an informal basis with you or anyone from the marae who may wish to visit.</i></p> <p><i>In the interim, however, I would like to extend the invitation to you and anyone else from the marae who may wish to come to the Waka Centre on Saturday 15th, any time from 11am onwards. In the same vein, we have always had a good relationship with Taipa School so if there are any of your colleagues who may wish to visit then they would be most welcome."</i></p> <p>The drop-in meeting was held at the Waka Centre on 15th May with Council and community attendees, but no one from the marae.</p> <p>This was followed up by an email sent on 26 May to Ms Hudson:</p> <p><i>Just to confirm that one of my directors and I will come to the marae on Saturday to discuss the proposed further development of the Sir Hek Busby Kupe Waka Centre.</i></p> <p><i>I would be grateful if you could tell me at what time it would be appropriate to arrive and the format for the meeting.</i></p> <p><i>I look forward to meeting you then.</i></p>
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	<p>This was followed by an email from Ms Hudson which stated:</p> <p><i>Just letting you know that Marae Trustees have decided that the Hapu a Hui this Saturday will be solely for ourselves, we will contact you when we might meet following our hui.</i></p> <p>A phone call was made to Ms Hudson on the afternoon of Tuesday 1<sup>st</sup> June when no contact was made by Ms Hudson after the Marae meeting. No opportunities for engagement were offered by Ms Hudson.</p> <p>It is entirely the prerogative of Parapara Marae not to engage with Arawai in the post-lodgement period even if in my experience of over 30 years on consultation projects withdrawing an invitation to a meeting is absolutely unprecedented. This has meant, however, that the Marae Committee has frustrated attempts to satisfy the principles of consultation articulated in <i>Land Air Water Association &amp; Others v Waikato Regional Council, Environment Court, A110/01, 23/10/2001</i>. This relates in particular to the information the Committee had available to them in preparing their objection on matters relating to sustainable management.</p> <p>This record of contacts, however, demonstrates that the assertion may by Ms Balle that <i>“The Applicant has not sought (nor the Council deemed necessary at this stage) engagement with Ngāti Tara hapū and whānau pre and post the lodging of the resource consent”</i> is factually incorrect in terms of post-lodgement.</p>
<i>I am only one of many landowners on Ōkokori B</i>	<p>Ms Balle is definitely <b>not</b> an owner of Ōkokori B (although this Freudian slip may be highly revealing given the past assertions by members of Ngāti Tara about the ownership of the block – the agenda does not appear to have changed). Sir Hekenukumai bequeathed the vast majority of Ōkokori B to the Hekenukumai Ngā Iwi Trust with small parcels to whānau members making up the balance.</p>

### Inadequate Cultural Assessment Undertaken

<i>cultural values can only be determined by mana whenua. Therefore only Ngāti Tara can determine and define cultural effects.</i>	<p>It is a truism that <i>“cultural values can only be determined by mana whenua”</i> although there are sometimes issues of who speaks for mana whenua and multiple parties expressing different viewpoints. The notion that <i>“only Ngāti Tara can determine and define cultural effects”</i>, however, is open to question.</p> <p>The Regional Plan includes in Section D.1.5 a comprehensive definition of a <i>“place of significance to tangata whenua”</i> as the basis for considering effects. In terms of this definition it is considered that:</p> <ul style="list-style-type: none"> <li>the proposal will not have an adverse effect on values related to soil conservation; quality and quantity of water; or aquatic ecosystems and indigenous biodiversity in the coastal marine area, or in a water body.</li> </ul>
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	<p>Indeed the development includes a programme of environmental restoration guided by a local ecological expert;</p> <ul style="list-style-type: none"><li>• Okokori B is not identified as a historic heritage resource or a site which is a single resource or set of resources identified, described and contained in a mapped location;</li><li>• the Māori landowners, who are tāngata whenua, have not identified Okokori B as a place of significance to tāngata whenua.</li></ul> <p>The District Plan identifies a range of matters of significance to tangata whenua which again can be used to consider effects. These include waahi tapu, tauranga waka, mahinga kai, mahinga mataitai, mahinga waimoana and taonga raranga. Considering the potential effects of the application on these factors:</p> <ul style="list-style-type: none"><li>• <b>wāhi tapu:</b> there is one registered midden on the whole of Okokori B some distance from the Reserve; an independent archaeological assessment of the site was prepared for the application, and an accidental discovery protocol will be put in place;</li><li>• <b>tauranga waka:</b> the occasional mooring of waka hourua in the river is a feature of the use of the site by Tārai Waka Inc. The three metre bank along the river next to the Waka Centre is unsuitable for mooring waka tangata and waka taua which are typically taken out of the water, and there are a large number of other better potential mooring places;</li><li>• <b>mahinga kai:</b> there are no known traditional gardens on Okokori B. Rather, gardens will be formed in the development to engage the local community and to teach aspects of Maramataka and organic gardening;</li><li>• <b>mahinga mataitai:</b> nothing in the development restricts access via the river for fishing or collecting kaimoana;</li><li>• <b>taonga raranga:</b> the Centre will engage with local weavers and, as it develops, employ a weaver on the site as well as hosting weaving workshops. There is no public access to harakeke on the site as it is private property but muka from the site will be made available to weavers who engage with the Centre.</li></ul> <p>The decision on the Resource Consent Application for the Whare Wānanga considered the issue of cultural impact. In discussing the Whare Wānanga it concluded that <i>"Given that the main purpose of the building is described in the application as the celebration of the integral value to Maori culture of its ancestral and on-going tie to te moana, it is considered that adverse effects of the proposed building and activity, on cultural and spiritual values will be nil."</i> This is on record as the considered opinion of the Council in granting the Consent for the Whare Wānanga based on a professional objective opinion.</p>
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## Thoroughfare from Ōkokori B through Ōkokori A

<p><i>Whānau have been observing and experiencing non tangata whenua using Ōkokori A as a thoroughfare from Ōkokori B to access the beach. The application does not address this particular issue however it is my view that the proposed development and associated activity will 'not discourage' passage through our whenua rather due to the proposed increase of activity i.e. cultural tourism, in addition to the waka school, the trespassing may increase. For the reasons stated in point 2 (cultural sites and sensitivity) this cannot continue</i></p>	<p>It is impossible to interpret the statement about unspecified “non-tangata whenua” crossing Okokori A without any details. Further, the matter is not an issue of sustainable management <i>per se</i>, and would not be expected to necessarily be addressed in an application to a resource consent.</p> <p>Ms Balle’s statement referring to the “<i>increase of activity i.e. cultural tourism</i>” is factually incorrect. The consent for the Whare Wānanga clearly stated: “<i>This application is for the construction of a building to establish and operate a Wananga Waka (education/training centre and cultural tourism destination based around Kaupapa Waka) on a portion of the subject site at Aurere.</i>” The current application does not represent a change in activity beyond that previously consented.</p> <p>Ms Balle has also not sought any information about cultural tourism activities at the Waka Centre which might have allayed her concerns. In practice, the guiding principle of the development of the Waka Centre is the protection of the mana of the site which is a centre for Kaupapa Waka of international renown as the base for the revival of ocean voyaging, traditional wayfinding and waka building in Aotearoa~New Zealand . In terms of cultural tourism which means that:</p> <ul style="list-style-type: none"> <li>• the overall numbers of cultural tourists visiting the site in a year will be capped;</li> <li>• there will typically be only small groups visiting the site;</li> <li>• only one group will be on the site at any one time</li> <li>• these groups will be guided at all times,</li> <li>• visitors will exit the site via the access road when their tour is completed with the final stop at the Putanga giving direct access to the carpark; and</li> <li>• none of Arawai's visitors will be free to enter/cross Okokori A.</li> </ul>
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## Impact of the Proposed Development on the Mauri of our Wai, Moana and Whenua

Comment	Response
<p><i>The fundamental concept of Te Mana o Te Wai is articulated in the National Policy Statement on Freshwater Management 2020 (NPS-FM 2020).</i></p>	<p>The National Policy Statement for Freshwater Management 2020, requires under Section 3.4 that <i>Every regional council must engage with communities and tangata whenua to determine how Te Mana o te Wai applies to water bodies and freshwater ecosystems in the region.</i> It is unclear what the point is here in</p>



<p><i>This includes the exercise of the Mana Whakahaere principle of Te Mana o te Wai and the direction to actively involve tangata whenua in freshwater management and decision making.</i></p>	<p>terms of the specific application but this is a matter on which NRC and FNDC will be well aware of their respective responsibilities.</p>
<p><i>The misuse and mismanagement of our wai by local authorities has seen the decline of the mauri of our wai. This is so for our river Awapoko whereby the discharge of wastewater into our wai has prohibited tangata whenua from continuing our cultural and traditional practices. This includes the impact on taonga species, harvesting of taonga species and the ability for our tamariki to safely swim in its waters....As mana whenua and kaitiaki of Ōkokori, I want to see the mauri of our wai improve so that my children and mokopuna can continue our traditional practices. I therefore will not support any activity or use that continues to diminish the mauri of our awa</i></p>	<p>The discharge treated municipal wastewater from the Taipa Wastewater Treatment plant to an unnamed tributary of the Parapara Stream (at or about location coordinates 1640435E 6126160N) which feeds into the Awapoko River is a factor in the water quality of the river but one over which Arawai as the applicant has no influence.</p> <p>Concern for potential damage to the river underpinned the inclusion of a proviso in the approval of the Whare Wānanga by Parapara Marae Committee that the development should have of no effect on the Awapoko River “by way of pollution and discharge”.</p> <p>This was met by an approved wastewater treatment system designed by Eric Wagener, Certifying Registered Drainlayer 05877. Eric’s design included a range of design mitigation measures. He noted that <i>The splitting of the effluent discharge areas within the proposed soak trench structure provides low hydraulic loading rate over the existing potential absorption area and the separation distance of waste water distribution from potential groundwater aquifers which were not found at 2.2m minimises the opportunity for any contamination.</i>” Eric also stated that “An in-depth study of the immediate areas of impact indicates that this proposal will have no more impact on the surrounding land users or occupiers than that currently existing. The fact that this system provides total containment means that the chance of accidental breakout is highly unlikely”. Eric concluded that <i>The summary of factors taken into consideration "Appendix A" leads to the conclusion that there are no environmental effects which have not been taken into consideration with this design proposal.</i>”</p> <p>Eric has done the design for upgrading the system to cater for five new accessible toilets to provide convenient access around the site. NB the original system was designed on the basis of a capacity of 84 in the Whare Wānanga. The current proposal will very rarely have more than 30 people on the site at any one time (this being when there are school visits). Otherwise over nine months of the year the Centre will be open for cultural tourism it will typically cater for guided tours of up to 12 persons (with a peak of less</p>





	than two tours per day) and occasional wānanga and training courses. There will initially be five staff on site (one of whom already lives on the Block with a separate sewerage system at their dwelling).
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## General

Comment	Response
It is my duty as mana whenua and kaitiaki	The kaitiaki of Okokori B are the Hekenukumai Ngā Iwi Trust. The Waka Centre is located on the Te Awapoko Waka Wānanga Reserve which has its own set of trustees (two of who are also on the Hekenukumai Ngā Iwi Trust). While Ngāti Tara have a general responsibility for care of the land in their rohe, they might well seek to exercise this first over Okokori A where the bach development is in clear contradiction of S6 in Part 2 of the RMA and is in an area with identified archaeological sites in among the baches and an area defined as outstanding landscape. The area could furthermore be seriously affected by a tsunami and parts are forecast to be in the coastal flood hazard zone identified by NRC.
it is with urgency that I wish to inform you, if you haven't already been advised, that whanau visited Okokori on the weekend gone and noticed that earth moving and excavation work had begun on Okokori B.	<p>The works undertaken on the Reserve have focussed on cleaning up accumulated debris and the removal of noxious weeds. The amount of material which was required to be removed meant that a small, low-lying area where there has previously be some standing water at times could be formed into a pond. This will be planted with advice from Kevin Matthews of Bushlands Trust who has extensive experience in restoration and who undertook an ecological assessment of the site in 2020. The clean-up will therefore generate a net benefit in environmental terms. A silt trap was formed at the downstream end to prevent any sediment flow into the river.</p> <p>It is slightly ironic that Ms Balle should complain about unspecified persons she refers to as "<i>non tangata whenua</i>" trespassing on Okokori A when the "whānau" who visited Okokori B were on private land uninvited and therefore not entitled to be there, irrespective of ethnicity.</p>



## Recommendations

Comment	Response
<i>That the FNDC at this stage decline the resource consent application based on the issues raised</i>	The perceived “issues” arise in the main from a lack of information about the proposal and from an agenda, that includes issues of ownership which are outside the ambit of sustainable management.
<i>Should the FNDC continue with reviewing the resource consent application that it require the Applicant to consult with all mana whenua and landowners of Ōkokori B</i>	<p>Arawai has sought to undertake post-lodgement consultation with the Parapara Marae Committee as representatives of Ngāti Tara and of the owners of Okokori A. The Committee declined an invitation to a meeting at the Waka Centre, withdrew an invitation to a meeting at the Marae; and has not engaged in any follow-up to their meeting on the 29<sup>th</sup> May 2021. Arawai has sought to engage in meaningful discussions on the application to no avail.</p> <p>The recommendation to consult with all landowners of Okokori B is a nullity. Arawai includes two members of the Hekenukumai Ngā Iwi Trust on its Board of Directors; has a management agreement with the Hekenukumai Ngā Iwi Trust for the development and operation of the Waka Centre; and has a lease of the Reserve with the Te Awapoko Waka Wānanga Reserve Trust. Arawai conducted a formal consultation with its shareholders on the Development Plan once the Provincial Growth Fund grant was confirmed, and partners continuously with the landowners of Okokori B through its monthly Board meetings and weekly Operations Committee meetings. Under the management agreement the Hekenukumai Ngā Iwi Trust effectively has a veto on all development proposals (which to date it has not exercised).</p>
<i>Request that a Cultural Impact Assessment be undertaken to consider the impacts of the proposed development on the cultural overlay of Ōkokori as a whole i.e. Ōkokori A &amp; B and that this be undertaken by mana whenua i.e. Ngāti Tara, nominated also by Parapara Marae Trustees</i>	<p>Ngāti Tara are at liberty at any stage to undertake, at their own expense, a cultural assessment of development on Okokori A with particular consideration of the impact of at least 14 (and maybe more) unconsented dwellings on an area designated as a reserve which includes the registered archaeological sites 04/932 (b), 04/932 (c) and 04/39.</p> <p>The cultural impacts of developments on Okokori B were considered during the application for the Whare Wānanga and there is no material difference in impacts from the current application. The Hekenukumai Ngā Iwi Trust has no development proposals for the balance of the block where an income is currently derived from honey. A Cultural Impact Assessment for Okokori B is therefore unnecessary</p>