

Jane Harris

From: Milton Ross <miltross8@gmail.com>
Sent: Saturday, 1 June 2024 9:27 am
To: Liz Searle
Cc: Callie Corrigan; Deliah Balle; Hikitia Hita; Indianna Ross; Kristin Ross; Robert Gabel; Rose Greaves
Subject: Re: Resource consent application lodged by Arawai Ltd - RC2240463-RMALUC, 4554 State Highway 10, Karikari Peninsula

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Mōrena Liz,

Kia ora mō tāu imera mai nāku.

Thanks for your email. I am still very interested in any developments at Aurere on our land and would ask for you to consider and support my request for the new resource consent to be fully notified.

There are a number of reasons for this in my opinion.

The first being that following the decision to decline the previous consent the hapū of Ngāti Tara had a number of hui at the marae to consider our own engagement with Arawai Ltd. An invite was given to Arawai to come to the marae and meet members of the hapū kanohi ki te kanohi. This did not happen as Arawai eventually declined. There has been ongoing correspondence but no progress has been made until this week. Probably prompted by the process associated with the new consent.

I am a member of Te Tahuna roa, a small group of hapū members given a mandate by the hapū to advise them on matters associated with the development at Aurere. We have seen since the previous decision, work being carried out that I feel was beyond the scope of anything they were allowed to do. So much so that the Council had to ask them to stop the works. This is indicative of Arawai Ltd's attitude, they carry on despite statutory blocks to their goals.

I see that the new consent has a CIA attached but unfortunately Arawai Ltd failed to involve Ngāti Tara so this in my opinion is another breach of their duty to consult with local hapū.

If they are unwilling to engage with representatives of the hapū then what level of engagement is actually happening at the whānau level at the very least?

In addition, there is a fear among some of us that the telling of kōrero Māori on our land should have significant input by the mana whenua and kaitiaki of that land ie Ngāti Tara. We'd like to know what is being planned in terms of sharing our stories and if our stories are not being shared, why not? on our land and in our space.

These are some of the reasons I feel that this resource consent needs to be notified in order for our hapū members to voice clearly their feelings and to truly reflect the cultural concerns which stopped the last consent from proceeding.

I also want to say that most members of the hapū I engage with are not opposed to development on our land but that any development needs a tuturu contribution from us in order for it to progress without rancour or mamae.

Ngā mihi nui ki a koe

Nāku nā

Milton Ross
Ph: 021521450

On Fri, 31 May 2024 at 12:01 PM, Liz Searle <Liz.Searle@fndc.govt.nz> wrote:

Kia ora koutou

RE: Resource Consent Application RC2240463-RMALUC

The above application has been submitted following Council declining consent for a similar application on 7 March 2022, being RC2300463. The current application states “*RC2300463 considered a range of resource management matters but was ultimately declined due to cultural issues. This aspect has been acknowledged and this application now contains a Cultural Effects Assessment which has been prepared for the activity and this proposal*”.

Staff are currently reviewing the proposal which seeks resource consent for Whare Whetū – a new building which will be used to host a virtual reality experience on navigation and waka sailing, as well as a classroom/meeting room. This application also seeks to regularise the built development/activities within RC2130047 which approved the establishment and operation of the Whare Wānanga. Please see the following link for a copy of the resource consent application received by Far North District Council - [2240463-RMALUC](#)

The application has been allocated to me to process and I can be contacted by the details below.

As a submitter to RC2300463 you may have an interest in the current proposal and wish to provide comment. Please note that under the Resource Management Act 1991, the Council is obligated to decide, within 20 working days of receiving an application, whether the application should be notified. Input from interested parties is often vital in informing this decision. To ensure the application is processed within the required statutory timeframes, we respectfully request that you please provide any feedback within 5 working days or contact me at your earliest convenience to discuss an alternative timeframe. Where statutory timeframes allow, we will endeavour to provide additional time for commenting.

Nga mihi



Liz Searle

Senior Resource Planner - Resource Consents Team 1
M 64272457555 | P 6494070357 | Liz.Searle@fndc.govt.nz

Te Kaunihera o Te Hiku o te Ika | Far North District Council

Jane Harris

From: Erica Poa <wadeseth@hotmail.com>
Sent: Monday, 3 June 2024 9:56 pm
To: Liz Searle
Subject: Re: Resource consent application lodged by Arawai Ltd - RC2240463-RMALUC, 4554 State Highway 10, Karikari Peninsula
Attachments: Okokori Submission.docx

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Hiz

I have attached my feedback.

Regards

Erica Poa

From: Liz Searle <Liz.Searle@fndc.govt.nz>
Sent: Friday, 31 May 2024 12:01 pm
Cc: 'mahue.g@gmail.com' <mahue.g@gmail.com>; wadeseth@hotmail.com <wadeseth@hotmail.com>; Deliah Balle <Balle.deliah@gmail.com>; _emhau47@gmail.com <_emhau47@gmail.com>; miltross8@gmail.com <miltross8@gmail.com>; rachelburnett16@gmail.com <rachelburnett16@gmail.com>
Subject: Resource consent application lodged by Arawai Ltd - RC2240463-RMALUC, 4554 State Highway 10, Karikari Peninsula
Kia ora koutou

RE: Resource Consent Application RC2240463-RMALUC

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Staff are currently reviewing the proposal which seeks resource consent for Whare Whetū – a new building which will be used to host a virtual reality experience on navigation and waka sailing, as well as a classroom/meeting room. This application also seeks to regularise the built development/activities within RC2130047 which approved the establishment and operation of the Whare Wānanga. Please see the following link for a copy of the resource consent application received by Far North District Council - [2240463-RMALUC](#)

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convenience to discuss an alternative timeframe. Where statutory timeframes allow, we will endeavour to provide additional time for commenting.

Nga mihi



Liz Searle

Senior Resource
Planner - Resource
Consents Team 1

M 64272457555 | **P**

6494070357 |

Liz.Searle@fndc.govt.nz

Te Kaunihera o Te Hiku o te Ika |
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Name of submitter: Hinemoa Poa whanau Trust.

In reference to Arawai Ltd **Application RC2130047**

This application is highlighting a proposed road that will **trespass across** [Okokori A](#) **block to Tokerau beach**

The Poa family opposes Arawai Ltd's last application - RC 2300463-454 SH10 Aurere. And we are still in the same position of opposing their Application **RC2130047**

Given this application this would allow Arawai Ltd access entry from there side of the fence an illegal gate of which the Busby family uses access to the beach causing them to trespass on to our land OKokori A.

Attached: Nothing has changed from our last application.

Arawai Ltd still have not come to discuss their plans with Ngati Tara and yet still deny us access from Okokorii B via Okokori A which was our own land then stolen from Heck's wife who worked in Maori land court.

This submission is from the Hinemoa (Greaves) Poa whanau trust and we support the letter that was sent to the Far North District Council from our Parapara marae trustees dated: 10 May 2021 which outlines our whanau and hapu concerns and objections concisely.

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Submission on Application

This is a submission for a proposed development from Arawai Limited for resource consent at 4554 SH10 Aurere on a block known as Okokori B Referred to in correspondence received as application: RC 2300463-454 SH10 Aurere.

We are directly affected by an effect of the subject matter of the submission that this will affect the environment; the waterway, the adjoining sea, the land and significant tapu of our ancestors that live on that whenua

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

The application is proposing to erect 3 buildings on site

- ❖ Whare Whetu – largest building of 132m² virtual reality experience on navigation and waka sailing, and a meeting room'
- ❖ Taupaepae- 35m² Structure Groups to assemble
- ❖ Putanga-101m² building Gift shop and main office

The application is proposing to stand these buildings on the border of Okokori A and Okokori B blocks.

The application is requesting to erect a wharepaku structure.

The application is requesting a large earthworks construction schedule to make a road and a car park area.

This application is highlighting a proposed road that will **trespass across** Okokori A block to Tokerau beach.

This submission is vehemently **opposing the** application as it directly impacts on the awa, the whenua, with dire environmental impacts detrimental on the ongoing life force and mauri of the land.

- Tohu Consulting Limited- Did not consult shareholders of Okokori A who are mana whenua and kaitiaki of the area.
- Tohu Consulting Limited Making additional plans that are not a part of the current proposal.
- Guided Tours, Meeting, conferences, schools visit, leadership programmes, noho marae, and navigation courses.
- Amount of people on the whenua

The effects on the marine and wild life environment

- We are experiencing changes in the weather causing land erosion
- Declining of wildlife and Kai moana,

Hector Busby Denied Access to whanau. - Okokori A- Aurere

Members of the Hinemoa Poa whanau Trust met with Hector to ask if we could drive through his block Okokori A to access our block Okokori B His remark was No you can use the beach to access your block which we did.

Hinemoa Poa whanau Trust Denies Access through our land -Okokori A- Aurere

Hector Busby Acquired Okokori B illegally dealing with associates he knew in the Maori land court therefore they should not be allowed to build any structures at all.

The Busbys can now access the beach via Ramp road - using public access the same way we access the beach.

Note: The Busbys continue to trespass accessing their gate then illegally driving their vehicles on our block Okokori A

We have significant interest in any development being proposed and have a history of occupation spanning over two centuries

We Ngati Tara a hapu of Ngati Kahu iwi hold mana whenua over the whenua Aurere Okokori A, B.

I am Mokopuna of Heta and Erina Kiriwi, Okokori-Aurere has been a very special place for me as a child as to all my whanau before me I Erica Poa wish for the consent to be **denied** as the applicants Arawai limited have not come to talk to us about their application as to Sir Hek Busby had done before.

My Grandfather, Grandmother and Mother, fought to ensure the land remains intact for all whanau of Ngati Tara. A stance set in place through Maori land courts papers from his grandfather before him.

I seek the following decision from the consent authority.

Hinemoa Poa whanau trust ask for this application to be denied

Consent: RC 2300463-4554 SH.10 Aurere

New Consent; RCRC2130047

I want to be heard in support of my submission. If others make a similar submission, I will consider presenting a joint case with them at the hearing.

Trustees- Hinemoa (Greaves) Poa Whanau Trust:

Hinemoa (Greaves) Poa (deceased)

Rita Avis Greaves

Josephine Erica Poa

Tunis Teaatau Marama Poa

Boaza Poa

Teina Poa (deceased)

Date: 03 June 2024

Telephone: 021-0726706

Postal address: 14 Mcleod Road Weymouth

Contact person: Erica Poa (Trustee) Daughter

Jane Harris

From: Milton Ross <miltross8@gmail.com>
Sent: Wednesday, 19 June 2024 11:24 am
To: Peter Phillips
Cc: Deliah Balle; Kristin Ross; Indianna Ross; Stevie-Raye Ross; Hikitia Hita; Robert Gabel; Liz Searle; Mahue Greaves; Callie Corrigan; Mike Corrigan; Tina-Lee Bassett
Subject: Re: Sir Hek Busby Kupe Waka centre
Attachments: NGĀTI TARA ARE MANA WHENUA pamphlet 8.12.22.pdf

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.

Tēnā koe Peter,

Attached please find a pamphlet that was used to publicise Arawai Ltd's approach towards Ngāti Tara and your ongoing development of the Busby waka centre. You need to review this document carefully to get an understanding of the issues we as a hapū wish to bring to your attention. Nothing in this pamphlet is factually incorrect.

I have had feedback from those present at the recent hui between Arawai and the Marae trustees. There was a huge amount of misinformation presented by Arawai and their supporters as well as a real lack understanding and/or co-ordination among members of the Arawai board and their supporters. The feedback also showed a distinct lack of understanding on Arawai's part regarding proper tikanga, kawa and respect for members of the hapū present there.

I'm not interested in talking to you without all members of Te Tāhuna Roa and the full marae komiti and trustees being present.

Nā

Milton Ross

On Wed, Jun 12, 2024 at 12:25 PM Peter Phillips <peter@arawai.co.nz> wrote:

Tēna Koe Milton

My apologies for not calling yesterday as I intended - had a wnanau issue that needed to be dealt with.

Is there a suitable time when I can call to discuss the project and follow up on the meeting we had at the Marae on Saturday?

If you prefer kanohi ki kanohi, our Chair, Sarah Petersen is based in Kerikeri and would be delighted to meet.

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

Registered Charity No. 34114

www.arawai.co.nz

**NGĀTI TARA
IS MANA
WHENUA AT
AURERE**

**THE PURPOSE OF OUR
PEACEFUL PRESENCE
TODAY IS TO INFORM
ALL VISITORS TO OUR
WHENUA OF THE LACK
OF CONSULTATION
AND DISREGARD WE
HAVE BEEN SHOWN BY
ARAWAI LTD**

**ARAWAI,
ARO MAI**



This communication has been written by Te Tāhuna Roa - the mandated working group approved by Ngāti Tara to speak on the development proposed by Arawai Ltd at Ōkokori B

Email: tetaahunaroa@gmail.com

**MANA
WHENUA OF
THE LAND
YOU STAND
ON WERE
NOT
CONSULTED
ABOUT
WAKA
CENTRE**

Ngāti Tara wants you to know:

- Ngāti Tara as a hapū and mana whenua of this whenua have been ignored by Arawai Ltd
- Ngāti Tara feel upset that we have been disregarded and disrespected during this development that has happened on our own land - land that is a taonga and was our ancestors' home for many generations
- Ngāti Tara holds steadfast to supporting the waka kaupapa of traditional navigation and wayfinding and any whānau who work in this space, however, we do not support Arawai Ltd's blatant lack of engagement and respect for Ngāti Tara as mana whenua.

Ngāti Tara would like ALL visitors today to be aware of the current situation between Ngāti Tara and Arawai Ltd.



Ngāti Tara have owned and occupied the land on which you are standing for many generations and **our mana has been disrespected by Arawai Ltd**

**ARAWAI,
ARO MAI**

Summary:

1. Arawai Ltd applied for resource consent to develop the Waka Centre without consulting mana whenua.
2. Ngāti Tara opposed the consent due to a lack of consultation, fears of negative environmental impacts and more.
3. The resource consent was refused by the Far North District Council on the grounds that they had not taken the appropriate steps to engage with Ngāti Tara as mana whenua.
4. Arawai Ltd and their representatives were invited to Parapara Marae to a hui to lay out their connections to Ngāti Tara but refused to attend 2 days before.

Jane Harris

From: Peter Phillips <peter@arawai.co.nz>
Sent: Wednesday, 19 June 2024 1:47 pm
To: Milton Ross
Cc: Deliah Balle; Kristin Ross; Indianna Ross; Stevie-Raye Ross; Hikitia Hita; Robert Gabel; Liz Searle; Mahue Greaves; Callie Corrigan; Mike Corrigan; Tina-Lee Bassett
Subject: Re: Sir Hek Busby Kupe Waka centre

You don't often get email from peter@arawai.co.nz. [Learn why this is important](#)

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Tēna Koe Milton

Thanks for this pamphlet.

I note the conditions under which you are prepared to talk. We await feedback from Deliah on when we are able to meet again.

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

Registered Charity No. 34114

www.arawai.co.nz

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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

Registered Charity No. 34114

www.arawai.co.nz

Jane Harris

From: Liz Searle
Sent: Monday, 6 January 2025 8:42 am
To: 'Deliah Balle'
Cc: 'tetaahunaroa@gmail.com'
Subject: RE: Resource consent application lodged by Arawai Ltd - RC2240463-RMALUC, 4554 State Highway 10, Karikari Peninsula

Kia ora Deliah,

I trust that you enjoyed a good break with family and friends.

As per below, could you please advise if Ngāti Tara wish to provide an offer of service for the peer review referred to below.

I look forward to hearing from you.

Nga mihi



Liz Searle

Senior Resource Planner - Resource Consents Team 1

M 64272457555 | P 6494070357 | Liz.Searle@fndc.govt.nz

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Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

fndc.govt.nz



From: Liz Searle
Sent: Thursday, November 28, 2024 9:06 PM
To: 'Deliah Balle'
Cc: 'tetaahunaroa@gmail.com'
Subject: FW: Resource consent application lodged by Arawai Ltd - RC2240463-RMALUC, 4554 State Highway 10, Karikari Peninsula

Kia ora Deliah,

The applicant has asked Council to approach Ngāti Tara to request, that as iwi/hapū who hold manawhenua in the area, Ngāti Tara undertake a peer review of the '*Sir Hek Busby Kupe Waka Centre Cultural Effects Assessment*' prepared by Tina Latimer, dated January 2023, lodged in support of land use consent RC2240463. I have attached a copy of the assessment for your information. Please let me know if you require anything else.

Can I ask that you please circulate and discuss this request with representatives of Ngāti Tara, to confirm if Ngāti Tara would agree to undertake a peer review. The aim of the review would be to provide advice to Council as to whether the assessment adequately addresses Māori cultural values, interests, and associations with the locality, and includes sufficient information to enable Council to determine the scale and significance of the effects of the proposed activity upon tangata whenua. If you wish to undertake the review, could you please provide a costing and estimated timeframe for Council to forward to the applicant for their prior agreement for Council commission the review.

Please don't hesitate to contact the applicant's agent Steve Sanson if you would like to discuss this request before responding. I look forward to hearing from you

Nga mihi



Liz Searle

Senior Resource Planner - Resource Consents Team 1

M 64272457555 | P 6494070357 | Liz.Searle@fndc.govt.nz

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fndc.govt.nz



From: Deliah Balle <balle.deliah@gmail.com>

Sent: Friday, 18 October 2024 10:15 am

To: Liz Searle <Liz.Searle@fndc.govt.nz>

Subject: Re: Resource consent application lodged by Arawai Ltd - RC2240463-RMALUC, 4554 State Highway 10, Karikari Peninsula

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Appreciate the update thanks Liz.

On Fri, 18 Oct 2024 at 9:25 AM, Liz Searle <Liz.Searle@fndc.govt.nz> wrote:

Kia ora Deliah,

I trust that you are well. I wanted to confirm, the application remains on hold at the applicant's request.

Nga mihi



Liz Searle

Senior Resource Planner - Resource Consents Team 1

M 64272457555 | P 6494070357 | Liz.Searle@fndc.govt.nz

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TE PAE O UTA
Te Ao Māori Framework

Click to find out more



TE KŌWHIRI



TE WHANAKE



TE KŌKIRI

From: Deliah Balle <balle.deliah@gmail.com>

Sent: Friday, September 6, 2024 11:55 AM

To: Liz Searle <Liz.Searle@fndc.govt.nz>

Subject: Re: Resource consent application lodged by Arawai Ltd - RC2240463-RMALUC, [4554 State Highway 10, Karikari Peninsula](#)

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Kia ora Liz

Im just checking for an update and apologies in advance if I have inadvertently missed any comms. However can you please confirm 1) whether the council decided to notify the consent, if no why also 2) where council are at in approving or declining consent?

Nga mihi

Deliah

On Fri, May 31, 2024 at 12:01 PM Liz Searle <Liz.Searle@fndc.govt.nz> wrote:

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Liz Searle

Senior Resource Planner - Resource Consents Team 1

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Jane Harris

From: Milton Ross <miltross8@gmail.com>
Sent: Wednesday, 31 July 2024 8:05 pm
To: Liz Searle
Cc: Deliah Balle; Indianna Ross; Kristin Ross; Stevie-Ray Ross; Jessica Hita
Subject: Re: Resource consent application lodged by Arawai Ltd - RC2240463-RMALUC, 4554 State Highway 10, Karikari Peninsula

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Kia ora anō Liz,

We were able to have a zoom hui on Monday 29 July with most members of Te Tāhuna Roa in attendance.

Three main points came out of the meeting which the group wanted me to communicate to Council.

1. The position of our group, Te Tāhuna Roa has not changed and we are still opposed to the granting of the resource consent. The primary reason for this is that Arawai Ltd has not had any formal engagement with Ngāti Tara. This was requested by the Commissioner when the previous resource consent was declined. The Commissioner at that time asked that any engagement be led by Ngāti Tara. A new CIA has been completed by Tina Latimer who is clearly not a member of Ngāti Tara (her whānau is linked to Te Paatu - a different hapū close to Kaitaia). In addition she has not engaged / contacted or spoken with any member of the hapū acting in any capacity as representing the hapū. Te Tahuna Roa is the mandated group asked by the hapū to provide advice and guidance on this matter.

2. We have a member of Te Tahuna Roa who lives right next to the development and they have seen a number of things happening there that are clearly works that have happened in retrospect without a resource consent eg the digging up of a midden without any supervision or oversight by council. This clearly shows that Arawai Ltd are prepared to act without the proper consents. This is a real cause of concern for Ngāti Tara.

3. Large numbers of the hapū / whānau of Ngāti Tara are still unaware of the details in the new resource consent. We are assuming only a small number of hapū members would have been copied in to your communication regarding the new consent. You cannot assume that this document will have been circulated widely.

In addition to the above points, I still find Arawai's use of paid consultants and planners who continue to denigrate and cast aspersions on members of our group and the hapū as more of the same type of old school colonialist attitude that should have petered out decades ago. For their consultant to say that we only act in order to delay and slow down processes is patently untrue. Arawai Ltd were given an invite to the marae and their own action in declining to attend only a few days before shows their own wish to make sure they control any agenda or action with regard to their resource consent. My opinion is that Arawai were unable to accept that they were not in control of the hui on the marae and that the hapū had control of the agenda and the tikanga associated with it.

Arawai Ltd will always be at an advantage in any resource consent process. This is because they have the financial backing (of the PGF), access to planning professionals, ability to use regulated timelines to their advantage and the ability to only speak for themselves.

The hapū is a diverse and disparate group of individuals who struggle to make themselves available when pressured by statutory deadlines, members are unpaid but motivated by the need to protect the small area we have some semblance of control over. In order for us to get a coherent and united response, it takes time and a huge amount of goodwill.

I know that there is now a sense of urgency from Arawai Ltd to get the resource consent granted. This was made clear by Peter Philips when he visited the marae in June. This sense of urgency has come about because Arawai Ltd are in danger of losing their funding if the resource consent is not granted. This was the impression given to hapū members by Peter.

Arawai Ltd always have and continue to have an antagonistic approach to our hapū. There was an opportunity for them to make a significant change when the previous consent was declined. Unfortunately this opportunity has passed and the support of the hapū for this new resource consent may be lacking as we move forward.

For these reasons, I still think it is important for the resource consent to be fully notified in order to honour the intent of the previous planning Commissioner who declined the previous resource consent.

Another member of our group (Deliah Balle) will contact you regarding the next hui-a-hapu which currently is due to happen on 10 August but may be deferred as Arawai Ltd and others are unable to attend.

Thanks and regards

Milton Ross
For Te Tāhuna Roa

On Thu, Jul 25, 2024 at 8:55 AM Liz Searle <Liz.Searle@fndc.govt.nz> wrote:

Kia ora Milton,

Council has extended the timeframe for processing the consent however much of this time has already passed so to take your final comments into consideration we will need them as soon as possible please. If you could please provide your response by the end of next week as indicated below.

Thank you for seeking an invite for me to attend your pending hui. Unfortunately, I won't be available to attend.

Nga mihi



Liz Searle

Senior Resource Planner - Resource Consents Team 1

M 64272457555 | P 6494070357 | Liz.Searle@fndc.govt.nz

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From: Milton Ross <miltross8@gmail.com>

Sent: Wednesday, July 24, 2024 12:08 PM

To: Deliah Balle <balle.deliah@gmail.com>; Indianna Ross <indiannaross1@gmail.com>; Jessica Hita <Jessicahita53@gmail.com>; Kristin Ross <kristin@punarau.co.nz>; Liz Searle <Liz.Searle@fndc.govt.nz>; Stevie-Ray Ross <stevieross96@gmail.com>

Subject: Re: Resource consent application lodged by Arawai Ltd - RC2240463-RMALUC, 4554 State Highway 10, Karikari Peninsula

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Kia ora anō Liz,

We are trying to organise a zoom hui. We have two members of our group overseas at the moment and we need to sort the best time to meet.

I'm hoping we can have a response from Te Tahuna Roa by end of next week. There is a scheduled hui a hapū on 10th August at the marae to address Arawai's continued development at Aurere. Out of that hui I'm hoping we have a United hapū response, particularly in respect of the new resource consent.

I will check with my whānaunga and see if we could extend an invite to you or a representative from the council to come along to observe.

Nāku nā

Milton

On Tue, 23 Jul 2024 at 8:36 PM, Liz Searle <Liz.Searle@fndc.govt.nz> wrote:

Kia ora Milton,

Appendices 1 and 2 as referred to in the correspondence were at the end of the information provided. I have attached these.

I appreciate your comment below regarding the commitments of members of Te Tahuna Roa. It would be helpful for me if you could please provide some indication of when you may be able to provide further comment.

Nga mihi

Liz Searle

Senior Resource Planner - Resource Consents Team 1



From: Milton Ross <miltross8@gmail.com>

Sent: Tuesday, July 23, 2024 4:57 AM

To: Liz Searle <Liz.Searle@fndc.govt.nz>

Cc: Deliah Balle <balle.deliah@gmail.com>; Indianna Ross <indiannaross1@gmail.com>; Jessica Hita <Jessicahita53@gmail.com>; Kristin Ross <kristin@punarau.co.nz>; Stevie-Ray Ross <stevieross96@gmail.com>

Subject: Re: Resource consent application lodged by Arawai Ltd - RC2240463-RMALUC, [4554 State Highway 10, Karikari Peninsula](#)

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Kia ora Liz,

Thank you for your email.

The responder refers to a couple of appendices in his letter. Could I get a copy of them?

Clearly there are a number of statements (of his opinion) that I don't agree with and I'd like to consult with members of Te Tahuna Roa in order to prepare my own response.

Just to clarify, we are an unpaid group who live and work all around Aotearoa and struggle to return home at the same time.

Thanks

Milton

On Mon, 22 Jul 2024 at 9:52 AM, Liz Searle <Liz.Searle@fndc.govt.nz> wrote:

Kia ora Milton,

Thank you for your comment below, which was circulated to the applicant. The applicant has provided feedback to your comment, as per the attached response.

At this stage, Council is still assessing the application and attached information.

Nga mihi



Liz Searle

Senior Resource Planner - Resource Consents Team 1

M 64272457555 | P 6494070357 | Liz.Searle@fndc.govt.nz

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fndc.govt.nz



From: Milton Ross <miltross8@gmail.com>

Sent: Saturday, June 1, 2024 9:27 AM

To: Liz Searle <Liz.Searle@fndc.govt.nz>

Cc: Callie Corrigan <callie.corrigan@gmail.com>; Deliah Balle <balle.deliah@gmail.com>; Hikitia Hita <hixtar1972@gmail.com>; Indianna Ross <indiannaross1@gmail.com>; Kristin Ross <kristin@punarau.co.nz>; Robert Gabel <robert.gabel@xtra.co.nz>; Rose Greaves <kindkiriwi@gmail.com>

Subject: Re: Resource consent application lodged by Arawai Ltd - RC2240463-RMALUC, [4554 State Highway 10, Karikari Peninsula](#)

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Mōrena Liz,

Kia ora mō tāu imera mai nāku.

Thanks for your email. I am still very interested in any developments at Aurere on our land and would ask for you to consider and support my request for the new resource consent to be fully notified.

There are a number of reasons for this in my opinion.

The first being that following the decision to decline the previous consent the hapū of Ngāti Tara had a number of hui at the marae to consider our own engagement with Arawai Ltd. An invite was given to Arawai to come to the marae and meet members of the hapū kanohi ki te kanohi. This did not happen as Arawai eventually declined. There has been ongoing correspondence but no progress has been made until this week. Probably prompted by the process associated with the new consent.

I am a member of Te Tahuna roa, a small group of hapū members given a mandate by the hapū to advise them on matters associated with the development at Aurere. We have seen since the previous decision, work being carried out that I feel was beyond the scope of anything they were

allowed to do. So much so that the Council had to ask them to stop the works. This is indicative of Arawai Ltd's attitude, they carry on despite statutory blocks to their goals.

I see that the new consent has a CIA attached but unfortunately Arawai Ltd failed to involve Ngāti Tara so this in my opinion is another breach of their duty to consult with local hapū.

If they are unwilling to engage with representatives of the hapū then what level of engagement is actually happening at the whānau level at the very least?

In addition, there is a fear among some of us that the telling of kōrero Māori on our land should have significant input by the mana whenua and kaitiaki of that land ie Ngāti Tara. We'd like to know what is being planned in terms of sharing our stories and if our stories are not being shared, why not? on our land and in our space.

These are some of the reasons I feel that this resource consent needs to be notified in order for our hapū members to voice clearly their feelings and to truly reflect the cultural concerns which stopped the last consent from proceeding.

I also want to say that most members of the hapū I engage with are not opposed to development on our land but that any development needs a tuturu contribution from us in order for it to progress without rancour or mamae.

Ngā mihi nui ki a koe

Nāku nā

Milton Ross

Ph: 021521450

On Fri, 31 May 2024 at 12:01 PM, Liz Searle <Liz.Searle@fndc.govt.nz> wrote:

Kia ora koutou

RE: Resource Consent Application RC2240463-RMALUC

The above application has been submitted following Council declining consent for a similar application on 7 March 2022, being RC2300463. The current application states "*RC2300463 considered a range of resource management matters but was ultimately declined due to cultural issues. This aspect has been acknowledged and this application now contains a Cultural Effects Assessment which has been prepared for the activity and this proposal*".

Staff are currently reviewing the proposal which seeks resource consent for Whare Whetū – a new building which will be used to host a virtual reality experience on navigation and waka sailing, as well as a classroom/meeting room. This application also seeks to regularise the built development/activities within RC2130047 which approved the establishment and operation of the Whare Wānanga. Please see the following link for a copy of the resource consent application received by Far North District Council - [2240463-RMALUC](#)

The application has been allocated to me to process and I can be contacted by the details below.

As a submitter to RC2300463 you may have an interest in the current proposal and wish to provide comment. Please note that under the Resource Management Act 1991, the Council is obligated to decide, within 20 working days of receiving an application, whether the application should be notified. Input from interested parties is often vital in informing this decision. To ensure the application is processed within the required statutory timeframes, we respectfully request that you please provide any feedback within 5 working days or contact me at your earliest convenience to discuss an alternative timeframe. Where statutory timeframes allow, we will endeavour to provide additional time for commenting.

Nga mihi



Liz Searle

Senior Resource Planner - Resource Consents Team 1

M 64272457555 | P 6494070357 | Liz.Searle@fndc.govt.nz

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From: Steven Sanson <steve@sansons.co.nz>
Sent: Wednesday, 9 April 2025 3:51 pm
To: Milton Ross
Cc: kenanateranginuimaraetrust@gmail.com; Tiger Tukariri; Secretary Parapara Marae; waiaua@xtra.co.nz; witchery52@hotmail.com; brenda smith; Karepori Marae; Ariana Williams; reneepikaahu@hotmail.co.nz; Nicole Lie; hixtar1972@gmail.com; honebassett5@gmail.com; office@ngatikahu.iwi.nz; Deliah Balle; Kristin Ross; Stevie-Ray Ross; Indianna Ross; Esta Bassett; Callie Corrigan; Duty Planner; Heta Greaves
Subject: Re: Waka Centre Resource Consent - and reference e-mail from Steve Sanson below
Attachments: 16.1 Appendix N - Record of attempts to consult with the Ngāti Tara hapū.pdf; 7. Appendix E - Assessment of Okokori Site of Significance to Maori.pdf; 5. Appendix C - Cultural Effects Assessment .pdf; 6. Appendix D - Maori Land Court Documents.pdf

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Kia ora,

Please see a response to each bullet point raised.

1. The consultation record is attached to this email for consideration. This includes the attempts made when the CIA was being drafted. The applicant, through the FNDC, also sought Ngati Tara to review the CIA and provide their feedback. This opportunity was not taken up. Before, during and after Ngati Tara have had opportunities to be involved.
2. This is for the council to consider, but at a certain point the applicant had to make a call to lodge an application after the long and drawn out attempts to meet.
3. It is understood that a hui with Arawai, Te Taitokerau Tarai Waka Inc, and Hekenukumai Nga Iwi Trust was set for 22nd February 2025, however this did not happen.
4. Arawai adapted to the original refusal of consent by installing temporary shelters for the waka and the depot and downsizing buildings below 30m2. Works have continued as Arawai have contractual obligations to Kanoa. These have been explained to the Committee. The allegations around earthworks are false. This relates to fencing done by the Hekenukumai Nga Iwi Trust on land that is far removed from the waka centre. There was no destruction of a midden.
5. The statements about mislabelling come from an FNDC review and a Judge Ambler judgement in the Maori Land Court [attached]. Conversely, if this is not mislabelled as is suggested then the logic is that owners of Okokori B must be consulted and their approvals provided for any building, excavating, filling or planting of trees or clearance of vegetation undertaken within Okokori A as the labelling links the two parcels together.
6. Please see Appendix C and E attached.
7. In his decision on the 2021 application the hearing commissioner Alan Watson stated *"I do say that I find the proposal to be commendable for a number of reasons, as set out in the application and in evidence for the applicant, some recorded in the above decision."* However, there are matters that are required by the RMA to be addressed to a greater degree than has been done in this application. In particular, the commissioner considered Arawai had placed undue reliance on a previous approval for a 2012 consent which had been supported by the Marae Committee and did not properly address the effects on

cultural and spiritual matters and on the relationship of iwi with their ancestral lands. The remedy identified by the Commissioner was the preparation of a Cultural Impact Assessment. It would both help resolving different opinions and provide an opportunity for engagement. Arawai sought to engage with the Committee in 2021 and 2023 on this matter but to no avail. Ultimately to meet its contractual obligations to Kānoa, Arawai commissioned Tina Latimer to prepare a Cultural Effects Assessment. Tina has over ten years practical experience in Māori resource and environmental management and is of Te Paatu, Ngāti Kahu, Ngaitakoto, Ngāti Kuri, Ngāpuhi, Ngāti Wai, Te Aupouri, Te Rarawa, Te Uri o Hau and Te Whakatohea descent. Tina holds a Master of Philosophy (Science) Māori Resource & Environmental Management, Bachelor of Iwi Environmental Management, Diploma in Iwi Environmental Management and Trusteeship. Tina Latimer's conclusions were that *"the effects of the development and operation of the Sir Hek Busby Kupe Waka Centre on cultural and spiritual matters and on the relationship of iwi with their ancestral lands is less than minor, and that the Waka centre creates a number of benefits of national, regional, and local significance."*

On Tue, 8 Apr 2025 at 21:13, Milton Ross <miltross8@gmail.com> wrote:

Tēnā koutou katoa,

This email is written in reply to the email sent to Te Runanga o Ngāti Kahu and forwarded on by them to marae representatives.

Te Tahuna Roa is an elected and authorised group of Ngāti Tara hapū members who have been asked to respond to Arawai Ltd and their most recent application for a Resource Consent at Okokori.

- Ngāti Tara were asked as mana whenua by Council to review the CIA referred to (as appendix c) in the email below from Steve Sanson (Arawai Planner). At a recent hui a hapū this was discussed and two members advised that the CIA had positive aspects but there was general disappointment among whānau present that an active member of the hapū was not asked to be involved in the creation of the CIA or that any members of the whanau or members present had even been interviewed or invited to take part in the CIA.
- Te Tahuna Roa are extremely disappointed that Council had lodged the new consent without the knowledge of the hapū and because of this we respectfully ask that the resource consent be notified.
- Ngāti Tara have had two hui a hapū with representatives of Arawai Ltd and associated trusts at Parapara Marae, we made it clear that we wanted to engage more widely with the associated groups connected with Arawai Ltd but have been unable to as yet.
- We are also aware of works carried out at Okokori by Arawai Ltd (in 2022 and 2023), and that this was in defiance of a previously denied resource consent. These included earthworks and the destruction of middens which once Council became aware of this they ordered Arawai Ltd to stop.
- We also strongly disagree with Steve Sanson's statement (referring to appendix e) that the area of the development has erroneously been labeled as a site of significance. The Cultural and historical significance of this site is well established through kōrero tuku iho as well as by numerous members of the Ngāti Tara hapū. This information is well documented in the previous resource consent application in 2021 through our own statements and the recognition of Ngāti Tara mana whenua status since then by the Council.
- We currently are unable to access either appendix c or appendix e referred to in Steve Sanson's email and so are unable to review the information in order to form a firm opinion.
- Finally, as mana whenua our interest is greater than the general public, we maintain that we will be adversely affected by the proposal to the extent these effects will be more than

minor, including works undertaken in retrospect of consent being granted and therefore request that this application be limit notified and a copy of the application be sent to us immediately.

Nāku nā

Milton Ross on behalf of Te Tahuna Roa
Parapara Marae Trustee

From: Steven Sanson <steve@sansons.co.nz>
Sent: Wednesday, 2 April 2025 7:55 am
To: Ngāti Kahu Office <office@ngatikahu.iwi.nz>
Subject: Waka Centre Resource Consent

Kia ora,

We are assisting Arawai Limited in their pursuit of resource consent at Aurere. The consent is for the well known Waka Centre.

The resource consent application link is provided below with all details.

<https://boiplanning.sharepoint.com/:f:/s/BOIPlanning/Egetpc3raiFOrPANRZkLCSYBzBbStpwS6iz-ufew9XgyMQ?email=office%40ngatikahu.iwi.nz&e=uJEEU>

The Commissioner originally declined this application because it did not have a Cultural Impact Assessment. This application now has one and is attached as Appendix C.

We are trying to get this application approved non-notified and Council has asked for your input as to whether you believe you are an affected party in relation to the Site of Significance MS05-38 - Awapoko Reserve.

You will see that in Appendix E, there is substantial evidence that the site has been erroneously labelled within the District Plan as it relates to the site.

This labelling is causing difficulty in getting the consent approved without a hearing.

Our client seeks your positive feedback and approval of the waka centre venture which has widespread positive effects for the community. This will greatly assist in moving this through the process.

--

Steven Sanson (BPlan Hons)

M: 021-160-6035 | steve@sansons.co.nz

Managing Director | Consultant Planner

www.sansons.co.nz

Hi Shane,

Thank you for your email. I'm sorry it has taken me a little bit of time to come back to you, but I have been undertaking a significant amount of research into the background of Okokori B Block and Okokori A Block.

Application RC 2300463-RMALUC is currently in dispute as the owners/trustees of Okokori B Block wish to undertake development and the trustees of A Block are opposed.

Background

The site labelled "B" in Figure 1 below is a small south eastern portion of Okokori B Block while the site labelled "A" is Okokori A Block. The red outline indicates that both A and part of B, are scheduled in the Far North District Plan as a Site of Significance to Maori referenced MS05-38.



Figure 1: Sites of Significance to Maori (Okokori A and B)

Under Rule 12.5.6.2.2 of the District Plan any activity within a Site of Significance to Maori requires resource consent unless the activity is proposed by the requesting party in which case the rule does not apply. The rule further states that when an application is made under this rule that the requesting party, the relevant iwi authority and HNZPT shall be considered an affected party.

In this case the Requesting Party for MS05-38 Awapoko Reserve are the "Maori Owners" of Pt Okokori Block (Awapoko Reserve). The Processing Planner's preliminary recommendation is to limited notify to the Maori owners of Okokori A Block as half of the requesting party to the Site of Significance (MS05-38) that is recorded in the District Plan maps to include both Blocks A and partial B Block.

The Site of Significance to Maori MS05-38 was included into the operative District Plan through a legislative process under Schedule 1 of the Resource Management Act 1991. Historically MS05-38 has been first identified in the 1988 Mangonui County Operative District Scheme where it appears as reference M23 and in Appendix F under the Town and Country Planning Act 1977. The site was carried over into the Operative District Plan from the earlier district scheme.

History

A Partition Order was issued by the Court on 11 March 1954 under Court reference 81 N 292 which created Okokori A and B Blocks. Okokori B Block was defined by the Maori Land Court in a Consolidation Order on 1 June 1954. Title did not issue for Okokori A until 26 February 2010 and B Block on 29 July 1980 under NA46C/958.

I note that on the Title Diagram referenced 200682839 dated Mar-April 1978 that Okokori Block B is referred to as "Okokori B" while the adjacent site now referred to as Okokori A Block is labelled "Pt Okokori Block". This is relevant in that in the Mangonui County Operative District Scheme Maps showing reference M23, also clearly references Okokori B and Pt Okokori (not Okokori A Block). This is shown in Figure 2 below. I further note that Appendix F of the Mangonui County Operative District Scheme states only that Pt Okokori Blk is included in the Scheduling as a Site of Significance to Maori and does not include Okokori Block B (see Figure 3).

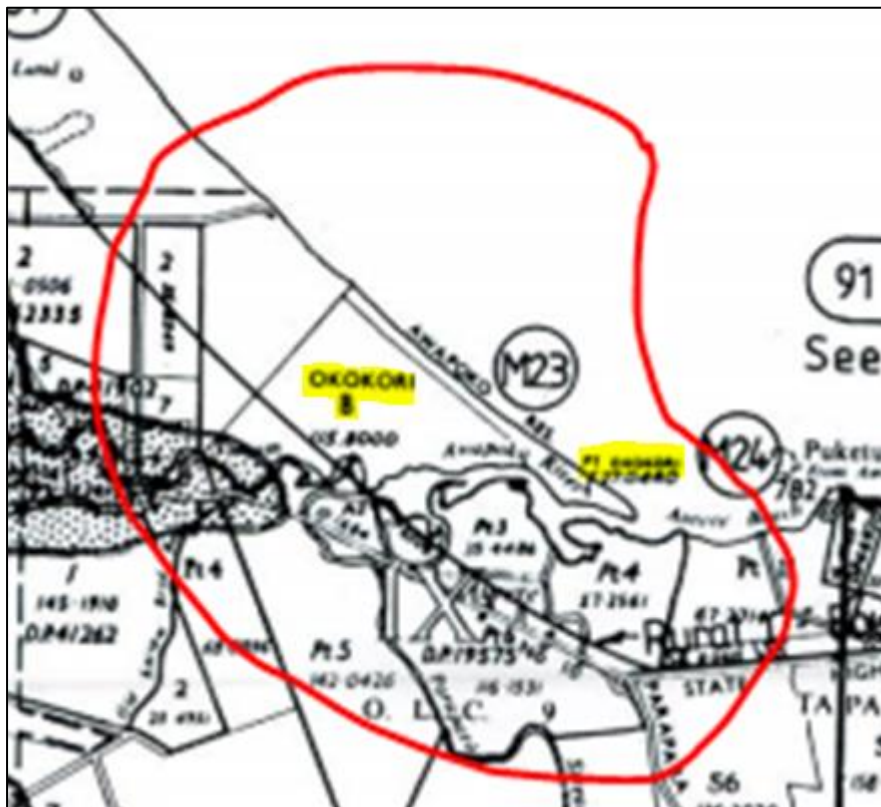


Figure 1: Sites of Significance to Maori (Okokori A and B)

Reference on Planning Maps	Name of Reserve	Purpose	Identification	Administ-ering Body
M23	Okokori/Kaimaua	Recreation Reserve and Wahi Tapu	Pt Okokori Blk 27.04 ha (Awapoko Reserve)	Maori owners

Figure 3: Excerpt Mangonui County Operative District Scheme Appendix F

In Busby MLC (50TTK 9) [2012], Ambler J comments that when the Court dealt with the partition of Okokori into A and B in the 1950s that there was express reference to “tapu” being on Okokori A. In the minute of the meeting Prichard J referred to the proposed reservation to be partitioned (that would become Okokori A) as being for a camping and fishing reserve and to include the tapu. It is noted in the excerpt Mangonui County Operative District Scheme Appendix F that Pt Okokori Block is also called Awapoko Reserve (see Figure 3). The minutes by Prichard J (11 March 1954) confirm that Okokori A is Awapoko Reserve. The Title Order from 1954 further confirms this.

In light of the above, it seems reasonable to conclude that the Site of Significance to Maori Scheduling may have been applied in error by Council to Okokori B Block within the District Plan during the transition from the Town and Country Planning Act 1977 planning environment to the Resource Management Act 1991.

I have been unable to locate any documentation relating to the scheduling from with the District Plan Team or Council’s Legal Team. I do note that the owners of Okokori B Block have not challenged the scheduling of the site in the past. However, this may be due to oversight or the scheduling having not been important in the past.

It is therefore my assessment that:

1. It appears that MS05-38 Awapoko Reserve may have been incorrectly applied to Okokori B Block. I recommend that the owners of Okokori B Block make contact with the District Plan Team to discuss the future scheduling of MS05-38 in the Draft District Plan.
2. Rule 12.5.6.2.2 of the District Plan applies to RC 2300463-RMALUC as the scheduling is in the District Plan and cannot be disregarded even though it may be the scheduling is an error. The rule breach should be included in the assessment of environmental effects for RC 2300463-RMALUC as a technical breach; however, the breach should not be a reason to limited notify the owners of Okokori Block A as a requesting party.

Note

1. The above recommendations do not limit the assessment of the Processing Planner on any other potential effects of the proposal on the trustees/owners of Okokori Block A.
2. The Resource Consent Team’s position does not pre-determine the outcome of any investigation undertaken by the District Plan Team with regards to the scheduling of MS05-38 within the District Plan.

I hope that this clarifies the Resource Consent Teams position.

Should you wish to discuss further please don’t hesitate to get in contact.

Kind regards

A handwritten signature in black ink, appearing to read 'A Powell', enclosed within a hand-drawn oval.

Esther Powell

Team Leader – Resource Consents

Sir Hek Busby Kupe Waka Centre

Cultural Effects Assessment



Arawai Ltd
January 2023

He Pepeha

Ko Māmaru te waka
Ko Parata te tangata
Ko Kahutianui te Wahine
Ko Ngāti Kahu te iwi

Māmaru was the canoe
Parata was the man
Kahutianui was the woman
And Ngāti Kahu began

He Whakataukī

“You have shown that it was done, and it was done by our ancestors. To me, this is a most important occasion. I smile and I shall laugh, and I shall smile again tomorrow, with all the critics who said it was never done. You have proven today it was done, and you have done it.”

Ta Hemi Henare – November 1985
For Hawaiian Waka Hokule’a – arrival Bay of Islands; Voyage of Rediscovery

Preface

Tina Latimer has a Master of Philosophy (Science) Māori Resource & Environmental Management, Bachelor of Iwi Environmental Management, Diploma in Iwi Environmental Management and Trusteeship. Tina has 10 years practical experience in Māori resource and environmental management and is of Te Paatu, Ngāti Kahu, Ngaitakoto, Ngāti Kuri, Ngāpuhi, Ngāti Wai, Te Aupouri, Te Rarawa, Te Uri o Hau and Te Whakatohea descent.

Prepared for: Arawai Ltd
By Tina Latimer MPhil (Sc) Māori Resource & Environmental Management
7200 State Highway 1
Kaitia 0481
tplatimer295@gmail.com
(027) 367 3155
30 January 2024

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1. Introduction

1.1 Cultural Effects Assessment

The key purpose of this cultural effect's assessment is defined as:

A process of identifying, predicting, evaluation and communicating the probable effects of a current proposed development policy or action on the cultural life, institutions, and resources of communities, then integrating the findings and conclusions into the planning and decision-making process, with a view to mitigating adverse impacts and enhancing positive outcomes.¹

This cultural effect assessment is a tool to facilitate meaningful and effective collaboration by defining hapū values and should be regarded as technical advice and guidance. It is the mechanism by which hapū can facilitate meaningful dialogue to provide additional knowledge in any project development. These values also include people (communities) and future generations.

The resource consenting process is governed by the Resource Management Act 1991; however, Councils must take into consideration other relevant legislation and policies, that are not limited to:

- (a) Treaty of Waitangi 1840 / Te Tiriti o Waitangi.
- (b) The Principles of the Treaty of Waitangi 1840 / Te Tiriti o Waitangi.
- (c) Resource Management Act 1991.
- (d) Marine and Coastal Area (Takutai Moana) Act 2011.
- (e) Heritage New Zealand Pouhere Taonga Act 2014.
- (f) Protected Objects Act 1975.
- (g) Burial and Cremations Act 1964.
- (h) Coroners Act 2006.
- (i) Far North District Council in Operative Plan 2009.
- (j) Northland Regional Council Regional Plan 2017.
- (k) National Policy Statement for Freshwater Management 2014.
- (l) New Zealand Coastal Policy Statement 2010.
- (m) Northland Regional Policy Statement 2016.
- (n) Reserves Act 1977.
- (o) Conservation Act 1987.
- (p) Proposed Regional Soil & Water Plan Updated 2016.
- (q) National Policy Statement for Indigenous Biodiversity 2023.

1.2 Cultural Effects Assessment Scope

This cultural effect's assessment has been commissioned by Arawai who lease approximately 5 hectares from Hekenukumai Nga Iwi Charitable Trust. Section 92 of the Resource Management Act 1991 allows councils to request further information from an applicant and/or commission a report, at any reasonable time before the hearing of an application or before the decision to refuse or grant a consent if there is no hearing. This cultural effects assessment documents Māori cultural values, interests and associations with an area or a resource, and effects in respect of Arawai Ltd resource consent application. The cultural effect's assessment aims to identify:

¹ Sagnia, B.K. (2004). Framework for Cultural Impact Assessment. International Network for Cultural Diversity. Cultural Impact Assessment Project. Retrieved December 24, 2023, from: <http://www.dmeforpeace.org>.

The scope and nature of the services is to undertake the research, investigations and consultation as required to prepare a cultural effects assessment of the latest stage of the development of the Sir Hek Busby Kupe Waka Centre (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.
- (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:

- (a) the project.
- (b) the assessment processes.
- (c) the parties including Iwi tradition and occupation of Doubtless Bay.
- (d) land sales with specific reference to the Ōkokori Block and in particular Ōkokori B.
- (e) Māori cultural landscapes.
- (f) the ecological district.
- (g) relevant legislation and policy.
- (h) recommendations.

An 'Agreement for Engagement' was signed between Peter Phillips Managing Director Arawai Ltd and Project Manager of the Sir Hek Busby Kupe Waka Centre and the writer on the 8 December 2023. The writer undertook a briefing on Tuesday the 12 December 2023 via Zoom with Peter Phillips. All relevant documents were provided to the writer to support informing the cultural effects assessment. A site visit was undertaken at 455 State Highway 10, Lake Ohia, RD 3, Kaitaia 0453 John Panoho, Site Manager Rikki-lee Kamahiera, and Josie Busby of Sir Hek Busby Kupe Waka Centre on Tuesday 9 January 2023.

1.3 Project Issues

1.3.1 Project Background

The applicant is Arawai Ltd and the site address is 4554 State Highway 10, Karikari Peninsula 0483, legal description being Ōkokori B Blk IX Rangaunu SD in the General Coastal zone. The activity status is Non-Complying. Previous consents and notices/title restrictions include:

- (a) 2120315-RMALUC consented the establishment of Te Wānanga a Kupe Mai Tawhiti including the construction of the existing whare whakairo (carving house) on the site.
- (b) 2130047-RMALUC (Lapsed) consented the construction of a building to establish and operate a Wānanga Waka (education/training centre and cultural tourism destination based around Kaupapa Waka). The consent included the construction of the Whare Wānanga on the site.
- (c) Consent has been granted by Northland Regional Council under AUT.043025.02-AUT.043025.05 for land disturbance and associated works within or in close proximity to

- (h) The surfacing of a carpark area for at least 21 vehicles including two designated mobility spaces.
- (i) The construction of a depot for equipment and stores as a temporary structure using shipping containers and an arched PVC roof.
- (j) The construction of a propagation shelter in a nursery for the restoration of the local environment with eco-source native plants.

The main activities at the Sir Hek Kupe Waka Centre include:

- (a) Wānanga for education and training in Kaupapa Waka
- (b) Guided tours for cultural tourists.
- (c) Small meetings and conferences.
- (d) School visits.
- (e) Leadership programme.
- (f) Noho marae (overnight stays).

1.3.2 Key Project Issues

Key issues and environmental concerns raised under the Resource Management Act 1991 in respect of this proposal as raised by the Council Planner in the S42A report:

Table 1: Hearing Commissioner S42A Report.

Clause	S42A Report
10.11.7	The submissions received identify the following adverse effects: <ul style="list-style-type: none"> a) The construction of buildings on a significant site. b) The inviting of strangers onto the land while not administered by mana whenua. c) The dissemination of information about the land by people who do not whakapapa back to Ngāti Tara. d) The potential for adverse effects on the adjacent waterway through discharges of wastewater and stormwater from the site affecting the integrity and mauri of the system.
10.11.8	The submitters refuted claims from the applicant that the proposal being Kaupapa Māori in the form of disseminating information about traditional navigation and Kaupapa Waka addresses potential effects on Māori.
10.11.9	Points b) and c) relate to mandate matters with regard to who has the right to invite people onto the land and disseminate information about it. This is somewhat intangible effect, and it is difficult to determine the extent of these effects and other potential intangible effects without effective consultation with Iwi on these matters.
10.11.10	It is noted that the Whare Wānanga was active on this site for some time and Sir Hek intended for this to continue on the land. The land has been set aside in Māori reservation for this purpose and it is considered that this effect is of little relevance. The purpose of the Wānanga is to disseminate information regarding traditional seafaring and does not purport to disseminate information on the history of the land except as it relates to its function as an institution of learning.
10.11.12	The submissions have identified key issues of concern to Māori Landowners of Okokori A, and it is considered that these effects are limited in scope to those identified above.
10.11.13	Based on the information provided and without further evidence of additional significant features on the site it is my assessment that the activities have the potential to have cultural effects, but these are limited by the scale, location and purpose of the activity and will not be significant maybe more than minor.

Figure 3: Restored Wetlands.



1.4 Sir Hekenukumai Ngā Iwi Puhipi Busby

The late Sir Hek Busby was a traditional navigator from Northland renowned throughout the Pacific and indeed around the world as an authority on kaupapa waka traditions of this time. He was introduced to traditional wayfinding by Nainoa Thompson, the navigator of the Hōkūle‘a a replica of a traditional Hawaiian canoe which voyaged to Aotearoa in 1985. He was trained by the late Master navigator Pius (Mau) Pialug of Satawal in Micronesia.

In 1991-1992 Sir Hek bult the waka hourua (double hulled canoe) Te Aurere. Te Aurere has sailed over 30,000 nautical miles, visiting Hawaii, French Polynesia, the Cook Islands, New Caledonia and Norfolk Island as well as making four circumnavigations of the North Island and countless coastal sailings. For his services to Māori, Sir Hek received the New Zealand Commemoration Medal in 1990, an MBE in 1994, was made an Honorary Fellow NorthTec-Tai Tokerau Wānanga in 2007, was awarded Pwo Navigator in 2008, was made a Member of the New Zealand Order of Merit in 2014, was awarded a Doctorate in Māori Development (*Hon. Causa*) by Te Whare Wānanga o Awanuiarangi, in 2017, and was made Knight Companion in 2018.

Sir Hek has completed more than 30 waka for iwi, groups, and overseas institutions, including a second waka hourua, Ngahiraka Mai Tawhiti, named after his late wife with a view to ‘closing the Polynesian Triangle’ by sailing to Rapanui (Easter Island). The Polynesian triangle is marked by Hawaii in the north, Rapanui in the East, and Aotearoa to the south.

While Hector is inarguably the most significant waka builder and navigator in the Pacific, a number of issues face the perpetuation of his efforts in terms of the on-going survival and development of kaupapa waka traditions. These included an absence of formal learning and knowledge transmission

models, and a raft of issues concerned principally with financial sustainability which the development of the Waka Centre has sought to address.

Figure 4: Te Aurere.



Sir Hek (2012) in the Waitangi Tribunal in the matter of the Treaty of Waitangi Act 1975 and an application for remedies on behalf of Te Runanga a Iwi Ngāti Kahu in his brief of evidence on behalf of Te Runanga o Te Rarawa stated:

My name is Hekenukumai Ngā Iwi, Hector Busby. I am eighty years of age and I reside in the Far North as a servant of my people. I was born at Pukepoto and grew up there among my elders. I was able to travel with them to places around the region to which we had an affiliation or association. We had connections to Mangamuka, the Hokianga and through to Ahipara, which was actually one of our homes. We also frequently visited Parapara and Te Aurere which we belonged to as Ngāti Tara.

I hold the position of Senior Kaumatua for the Iwi of Te Rarawa ("Te Rarawa") and the Iwi of Ngāti Kahu and have represented these two iwi in a number of fora. I have inherited and own whenua in both Iwi rohe and I have been living at Te Aurere for many years with my wife Ngahiraka (who has since died) and my children who also have homes there.

I am a Tohunga of a number of schools of knowledge, mainly in the arts. This includes Karakia Tawhito, whakairo Haka/Mau Rakau, Kapa Haka, Hoe Waka, Tarai Waka, and I have personally built thirty-one waka over the past thirty years. Some of these are overseas but most are held in Aotearoa by Iwi who have had a renaissance in the ancient Wānanga of waka travel and celestial navigation. I was recently inducted as a member of the ancient Polynesian School of Navigators, and this was a great honour for me. Our Waka, Te Aurere has now done over forty thousand miles of sea travel fulfilling a dream held by Sir James Henare, Niki Conrad, and others of the time, to revive the skills and knowledge of our tupuna as seafarers. Now leaders like Ariki Sir Tumu Te Heuheu are leading the motu in supporting tarai waka and the latest initiative is the departure of two Waka Hourua from Aotearoa last week (17th August)

which has been called the Waka Tapu voyage back to Rapanui (Easter Island) completing the Polynesian triangle and providing a new focus for the people of the Pacific.

I have had a career in engineering and for many years owned and operated my own business building bridges all over the North. Over the years, I have held many positions as Trustee of Marae, Cemeteries and Reservations and I still hold some today that focuses upon Waka building and Navigation knowledge and practices ...

1.5 Organisation

1.5.1 Hekenukumai Nga Iwi Charitable Trust

The Hekenukumai Nga Iwi Trust (CC46358) (9429043068395) is incorporated under the Charitable Trust Act on the 28 November 2000. The current officers are registered as Alexander Busby, Charles Wilson, Stanley Conrad, Ana Hickey, Racheal Te Hira, Thomas Busby. Past officers included the late

Georgina Harding and Sir Hekenukumai Busby and Robert Gabel.³ The trust is established to manage the waka that were retained at Aurere, and other assets owned/created by Sir Hek and Tarai Waka Inc. The Trust is the beneficiary of the Māori reservation for Kaupapa Waka known as Te Awapoko Waka Wānanga Reserve comprising of 2.1 ha, and the successor to almost all of Ōkokori B in Sir Hek's will. Hekenukumai Nga Iwi Charitable Trust is a shareholder in Arawai Limited (100 Shares (50:00%)).

Ōkokori B comprises 115.8 hectares. It borders the Aurere stream and the Awapoko River, and the Ōkokori A Block which fronts Tokarau Beach. 2.1 hectares of Ōkokori B has been granted Māori Reservation status under section 388 of the Te Ture Whenua Māori Act. The purpose of the Māori Reservation is a whare wānanga for Kaupapa Waka known as Te Awapoko Waka Wānanga Reserve. The reserve status is a Māori Reservation.

The objectives and purpose of the trust are to:

- (a) To promote the building and maintenance of waka in order to preserve the rich heritage of waka in general.
- (b) To facilitate education in respect of waka and kaupapa waka.
- (c) To act as guardians of waka and kaupapa waka.
- (d) To do all such other things as are incidental or conducive to the attainment of the exclusively charitable objects.

1.5.2 Te Tai Tokerau Tarai Waka Incorporated

Te Tai Tokerau Tarai Waka Incorporated (583275) (NZBN: 9429042841975) is a society incorporated under the Societies Act 1908 on the 14 June 1993.⁴ The membership consists of members interested in Kaupapa Waka. Membership is available to individual and corporate bodies alike who shall be admitted upon their written application for membership being accepted by the Executive Committee. Members are identified under the society rules as being affiliated with at least one of the Waka in Te Tai Tokerau. Te Tai Tokerau Waka Incorporated is also a shareholder in Arawai Limited (100 Shares (50:00)). The society goals are:

³ Charities Services. (2023). Hekenukumai Nga Iwi Charitable Trust. Retrieved December 29, 2023 from: [Charities Services | Home](#).

⁴ New Zealand Companies Office. (2023). Companies Register. Te Tai Tokerau Tarai Waka Incorporated (583275) (NZBN: 9429042841975) [Incorporated Society] Registered. Retrieved December 29, 2023 from: [View Details \(businessregisters.govt.nz\)](#).

- (a) The overall goal of Te Tai Tokerau Tarai Waka Incorporated is to maintain, promote and enhance the continued development of all aspects of kaupapa waka in a manner which ensures that the sanctity, integrity, and mana of Kaupapa Waka are observed at all times.
- (b) Te Tai Tokerau Tarai Waka Incorporated purposes are:
- I. Waka building and maintenance.
 - II. Aspects of kaupapa waka including the sailing and paddling of waka, traditional navigation by the use of natural elements, ancient ritual, and the use of Te Reo Māori including karakia and haka.
 - III. Collection, collation, and storage of information on all aspects of kaupapa waka.
 - IV. Participation in the waka whanau both in Aotearoa-New Zealand and across the Pacific; and
 - V. Promotion of Kaupapa Waka as an integral component of the culture of Aotearoa/Rekohu which unites the tribal iwi, provides focus for restoring mana (pride/prestige) to young people, and enhances biculturalism through the interaction of tangata whenua and Pakeha.
- (c) Te Tai Tokerau Tarai Waka Incorporated purposes are:
- I. The objectives for which Te Tai Tokerau Tarai Waka is established are continued to be within the territorial boundaries of Aotearoa/Rekohu.
 - II. To maintain, promote and enhance the continued development of all aspects of kaupapa waka.
 - III. To unite the tribal iwi of Aotearoa/Rekohu through a commitment to the aims, aspiration and singleness of purpose that is the essence of kaupapa waka.
 - IV. To encourage the promotion of kaupapa waka as a focus for restoring mana (pride/prestige) to young people through education and involvement with kaupapa waka.
 - V. To strengthen and enhance biculturalism in Aotearoa/New Zealand through the interaction of tangata whenua and Pakeha through Kaupapa Waka.
 - VI. To foster the concept of Kaupapa Waka an integral component of the culture of Aotearoa/Rekohu.
 - VII. To promote, maintain and preserve the religions and ancient rituals and karakia associated with Kaupapa Waka.
 - VIII. To build on the goodwill and enthusiasm generated at Waitangi 1990 for kaupapa waka as a foundation for achieving lasting benefits for all New Zealanders.
 - IX. To purpose all avenues of funding of Kaupapa Waka at all levels, receiving funds from government departments, local bodies, legislative institutions, incorporated or unincorporated bodies, charitable bodies, or any person which may assist in the advancement of these objectives or any of them.
 - X. To encourage the establishment of training courses and employment opportunities in the conception, design, construction, and utilization of Waka.
 - XI. To set up efficient communications systems for the distribution of information to the Members.
 - XII. To collect, collate and store information for the distribution of information to the Members.
 - XIII. To conduct regular hui (meetings) with iwi on a regional/national level to update, assess and evolve the aims and objectives of the Society.
 - XIV. To promote the market Kaupapa Waka in the best interests of the Members whether at a commercial cultural level and to ensure that the sanctity, integrity, and mana of Kaupapa Waka are observed at all times.
 - XV. To provide direction and advice for planning and carrying into effect regional and national initiatives relating to Kaupapa Waka.

- XVI. To respond to assist wherever possible in planning of overseas Waka Expeditions.
- XVII. To become a receptacle for all information of Kaupapa Waka and to be responsive to the needs and reasonable requests of the various Waka.
- XVIII. To promote the use of Te Reo Māori among the waka whanau and the wider community.⁵

1.5.3 Arawai Ltd

Arawai Limited (CC31044) is a registered New Zealand Limited Company incorporated on the 26 January 2001 under the Companies Act to engage in commercial activities in Kaupapa Waka for tourism. The current directors are Stanly Conrad, John Panoho, Sarah Petersen, Peter Phillips, Charles Wilson, and David Wilson. The total number of shares held by Arawai Limited is 200 held equally by Te Tai Tokerau Tarai Waka Incorporated and Hekenukumai Nga Iwi Charitable Trust.⁶ Arawai Limited is set up to provide a source of income for the two shareholding charitable organisations to assist to promote Kaupapa Waka and Tarai Waka.

The charitable purposes for which the company was established are as follows:

- (a) to maintain, promote and enhance the continued development in respect of Kaupapa waka in order to preserve the rich heritage of waka in general.
- (b) to encourage the promotion of kaupapa waka as a focus for restoring mana to young people through education and involvement with waka.
- (c) to foster the concept of kaupapa waka as an integral component of Aotearoa/Rekohu.
- (d) to strengthen and enhance biculturalism in Aotearoa/New Zealand through the interaction of tangata whenua and pakeha with kaupapa waka.
- (e) to provide funding for the advancement of these objectives.
- (f) to respond to and assist wherever possible in planning of New Zealand based waka expeditions.

Arawai Limited values are: Arawai is committed to a path of sustainable development. The companies' values are based on key tenets of Māori culture:

- (a) Manaakitanga: nurturing relationships, looking after people and being careful about how others are treated is a key component of Māori culture. The principles and values attached to it underpin all tikanga Māori. Manaakitanga focuses on positive human behaviour, the nurturing of relationships and respecting the mana of other people no matter what their standing in society may be. Being hospitable and looking after visitors is given a high priority.
- (b) Kaitiakitanga: (interpreted in the modern sense as) guardianship, protection of the environment based in alignment with the natural world.
- (c) Kotahitanga: being united in a common purpose.

Arawai Limited policies and practices have been influenced by, and have been developed to be consistent with:

- (a) The World Tourism Organisations Global Code of Ethics for Tourism.
- (b) The principles of the International Cultural Tourism Charter established by the International Council on Monuments and Sites (ICOMOS).
- (c) The New Zealand Tourism Strategy.

⁵ Charities Services. (2023). Te Tai Tokerau Tarai Waka Incorporated. Retrieved December 29, 2023 from: [Charities Services | Home](#).

⁶ New Zealand Companies Office. (2023). Companies Register. Arawai Ltd (1113573) Registered. Retrieved December 29, 2023 from: [View All Details \(companiesoffice.govt.nz\)](#).

(d) The Code of Ethics of the Tourism Industry Association of New Zealand.

Arawai Limited supports “Geotourism” embodied in the Geotourism Charter developed by the National Geographic Center for sustainable destinations. Geotourism is defined as “tourism that sustains or enhances the geographical character of a place – its environment, culture aesthetics, heritage, and wellbeing of its residents. Key elements of Arawai Limited path towards sustainable operations included (but are not limited to):

- (a) Employing local staff and offering tourism work-experience to students.
- (b) Developing joint products with other local operations and promoting local attractions.
- (c) Choice of right-sized, fuel efficient, four stroke motor for maneuvering the waka.
- (d) Managing and minimizing wastewater discharges through encouragement of passengers to use shore-based toilets; installation of marine toilet with holding tank on the waka, and observation of proper disposal procedures.
- (e) Encouragement of passengers and crew to ensure no debris/litter goes overboard.
- (f) Separation of waste and use of the recycling system at our berth.

2. Raramata, Parapara, Te Mata, Ōkokori

2.1 Parapara Block Turtons Private Purchases Deed 54

Parapara Block, Centre of Doubtless Bay, Mangonui District, Kaitaia November 14, 1839:

Whakarongo E nga tangata katoa ki tenei pukapuka kua tuhituhia e matou E Nopera Pānakareao ma ki tetahi taha ko te Matiu ki tetahi taha, kua oti tenei pukapuka te tuhituhi i te tekau ma wa o nga ra o Nowema i te tau o to tataou Ariki a Ihu Karait kotahi mano e waru rau e toru tekau ma iwa. Kua tuhituhia tenei pukapuka e matou are a Nopera Pānakareao ma i tetahi taha ko te Matiu ki tetahi taha hei tino tohu ki a tatou katoa ki nga tangata katoa ano hoki, kua oti te tuku e matou e Nopera Pānakareao ma ki a te Matiu tetahi wahi wenua oti tonu atu me nga rakau katoa me nga aha katoa me nga aha noa katoa e tupu ana i runga i taua wenua me nga mea katoa o raro o taua wenua. Ko te nuinga o taua wenua kotahi mano ekara nui ake ranei nohinohi iho ranei. Ko nga ingoa nui o taua wenua Ko Raramata Ko Parapara Ko Tapuirau Ko te Mata. Ko te kaha o taua wenua ki te Ita ka timata i te Moana pu ki te tikauga o Haetureroa ka kake ki Pukewau a Pukenui a ka heke a te Pua kahikatoa ka haere atu a te io a ka marere a te wai a te Kauri, a ka wawati i reira ka marere i te Papa ka haere tonu i roto i te wai o Parapara te awa e tika atu ana ki Tapuirau (te ngaherehere kauri). Ko te kaha ki te Hauta ua tata ki Tapuirau ka mahue te wai ka kake ki Maui ka haere atu i te io wakawaho o Tapuirau ki puta ki Owakatete. Ko te kaha ki te Weta ka heke ki Waipuna ka marere ki te awa o te Wakatakere ka puta ki te Upoko Ngawa ka haere ka witi ki Owia. Ko te kaha ki te Nota kei Waikotio ka haere ka marere ki te Pikinga ki te Tiki a Pae ki te Moana nui o Tokirau o ka hoatu te kaha i reira i te tahataha o te moana a tae noa ki Raramata ka witi i te awa i reira ra te tahataha tonu o te moana tae Receipt.noa ki Haetureroa ano te timatanga o te kaha. Ko nga utu enei mo taua wenua Kotahi kaho Tupeka E rua tekau Paraikete &c. E rima tekau topu Tara, ara e ono tekau ma ono Pauna moni te ritenga o nga utu katoa. Mo te Matiu te wenua ake ake ake ratou ko ona tamariki. A mo nga tangata Māori o Parapara te nuinga o Raramata ake ake ake kia kotahi tekau ekara mo te Matiu kei te Awamutu.

Kai tuku—

- | | |
|----------------------|------------------|
| ▪ Nopera Pānakareao. | ▪ Morenga. |
| ▪ Watene Wera. | ▪ Paratene Hamu. |
| ▪ Ihaka Huapuku. | ▪ Karu wero. |
| ▪ Kingi Kohuru. | ▪ Wetekia. |
| ▪ Raniera Patuware. | ▪ Takamoana. |
| ▪ Riki. | ▪ Wiremu Kapu. |
| ▪ Wiremu Pikahu. | ▪ Huhu. |
| ▪ Hira Kuri | ▪ Waitaha. |

Kai Titiro—

- | | |
|--------------------|-----------------|
| ▪ Wm. G. Puckey. | ▪ Kepa Waha. |
| ▪ Aperahama More. | ▪ Tamati Pawau. |
| ▪ Rapata Wakanotu. | ▪ Taha. |
| ▪ Reihana Morenui. | ▪ Puia. |
| ▪ Puru.Karu. | ▪ Hahakai. |

True Copy.

H. TACY KEMP.

Translation Kaitaia, November 14, 1839, Mangonui District:

Know all men by this Book. Written by us Nopera Pānakareao and Mr. Matthews written on the fourteenth day of November one thousand eight hundred and thirty-nine, selling a piece of land to Mr. Matthews known by the names of Raramata, Parapara, Tapuirau, Mata. Bounded on the East by the sea at Haetureroa, ascending to Pukewau, to Pukenui, descending to Pua Kahikatoa going to the Ridge descending to the [800 acres.] Wai o te Kauri, diverging and descending at the papa following the water of the Parapara, the river that runs straight to Tapuirau. The kauri forest on the South near to Tapuirau leaving the water ascending to Maui, going from the outer ridge of Tapuirau, emerging at Owakatete. On the West descending to Waipuna down to the water of Wakatakere emerging at the Upoko Ngawa, continuing, and crossing to Owia. On the North at Wai Kotio continuing and descending to the Pikinga to the Tiki a Pae to the East Coast; following the seacoast, from thence to Raramata, crossing the river, then following the coast to Haetureroa, the beginning of the boundary. Payment, One Cask Tobacco, Twenty Blankets, One hundred Dollars, Ten acres of Raramata for Mr. Matthews, the remainder for the Natives.

[Witnesses.]

True Translation. H. Tacy Kemp. No. 163A. O.L.C.A True Transcript of Certified Copy of Original Deed and Translation. Wellington, 28th November 1878. H Hason Turton. [Signatures.]⁷

Figure 5: Haetureroa.



The Waitangi Tribunal (1988 p. 24) in the Mangonui Sewerage Report confirmed that:

The lands still held by Ngāti Kahu are certainly not large. They are roughly divided into the eastern, central, and northern portions described. On the eastern headland of the Bay are smallish but significant residues of the Waimahana, Taemaro and Waiaua reserves, while to

⁷ New Zealand Electrotonic Text Collection. Te Puhikotuhi o Aotearoa (2023). Māori Deeds of Old Private Land Purchases in New Zealand, From the Year 1815 to 1840, with Pre-Emptive and Other Claims. Parapara Block, Centre of Doubtless Bay, Mangonui District. Retrieved December 14, 2023 from: [Parapara Block, Centre of Doubtless Bay, Mangonui District | NZETC \(victoria.ac.nz\)](https://www.nzetc.victoria.ac.nz/parapara-block-centre-of-doubtless-bay-mangonui-district/).

the south of the Mangonui harbour are the Kohumaru – Kenana lands, some 950 ha in numerous blocks, with 190 ha in pasture and the balance in rough scrub.

At the centre, a short distance from Taipa, the Ōkokori block stands over Aurere beach. Three kilometres up the Parapara valley behind it are the Parapara and Te Ahua lands. Until recently they supported substantial Māori settlements, but through fragmentation and land sales, only some 600 ha remains. Most is multiply owned fragmented titles under grazing arrangements. The important Ōruru valley that adjoins has not been Māori owned since the 1850s, but in the fertile Peria valley behind it, 410 hectares remain.⁸

In a Memorandum of Counsel by Tamaki Legal (2020, March 31) responding to the Waitangi Tribunal Memorandum of Directions in the matter of the Renewed Muriwhenua Land Inquiry (Wai 45) regarding the Raramata, Parapara and Te Mata – Ngāti Tara land blocks they stated:

... We refer in particular to claims concerning the Raramata, Parapara and Te Mata blocks. These lands are well within Ngāti Tara's traditional boundary. Parapara, of course, is where Ngāti Tara's principal marae is situated and indeed it is referred to as Parapara marae. With regard to the Raramata block, Mr. Bassett gave evidence before the Ngāti Kahu Remedies Tribunal about legal proceedings brought by Reihana Kiriwi over a native reserve said by Reihana to have been created on Raramata...⁹

The Tribunal refers to Reverend Joseph Matthews' Raramata claim at pages 230-234 of the Muriwhenua Land Report stating that the *"Matthew's transaction covered three adjoining Māori blocks, Raramata, Parapara and Te Mata, for 7317 acres (2961 ha) in all, but the deed was clear that all but 10 acres of the first-named block, Raramata was for Māori."*¹⁰

The Muriwhenua Land Tribunal discussed the evidence of Matthews and Pānakareao before Godfrey's inquiry that Raramata had not been sold – "it belongs to the natives still" – according to Pānakareao.¹¹ Then before Commissioner Bell a decade later, with Pānakareao now dead, Matthews, Reihana Kiriwi and certain other Māori placed a survey plan of the Raramata block before the Commissioner. The land was defined as *"the whole of the land north of the Aurere Stream as 2967 acres (1201 ha)"*¹² and extending to Te Pikinga. In a sworn statement, Matthews stated that the intention was *"to make a sufficient reserve for the natives for their canoes, nets and other purposes."*¹³ Bell declined to accede to Matthew's request but agreed *"to make them a reserve of 300 acres (212 ha) at Raramata."*¹⁴

Bell's Commission was not the last judicial body to field evidence concerning Ngāti Tara's interests in Raramata. 40 years later in 1897, Timoti Puhipi restated Reihana Kiriwi's case to the Native Land Court:¹⁵ *"Reihana [Kiriwi] alone appeared in the Court before Commissioner Bell, he was asking for the whole surplus to be returned to him. But the Commissioner cut of this reserve – 340 acres only."*

⁸ Waitangi Tribunal. (1988). Mangonui Sewerage Report. NZ Government Printers: Wellington, New Zealand.

⁹ Bassett, R. (2012, August 22). Brief of Evidence of Raniera Bassett. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal, #R38, at [71-74].

¹⁰ Muriwhenua Land Report, Wai 45, Waitangi Tribunal Report 1997, chapter 7, at [7.2.6].

¹¹ Ibid, p. 232.

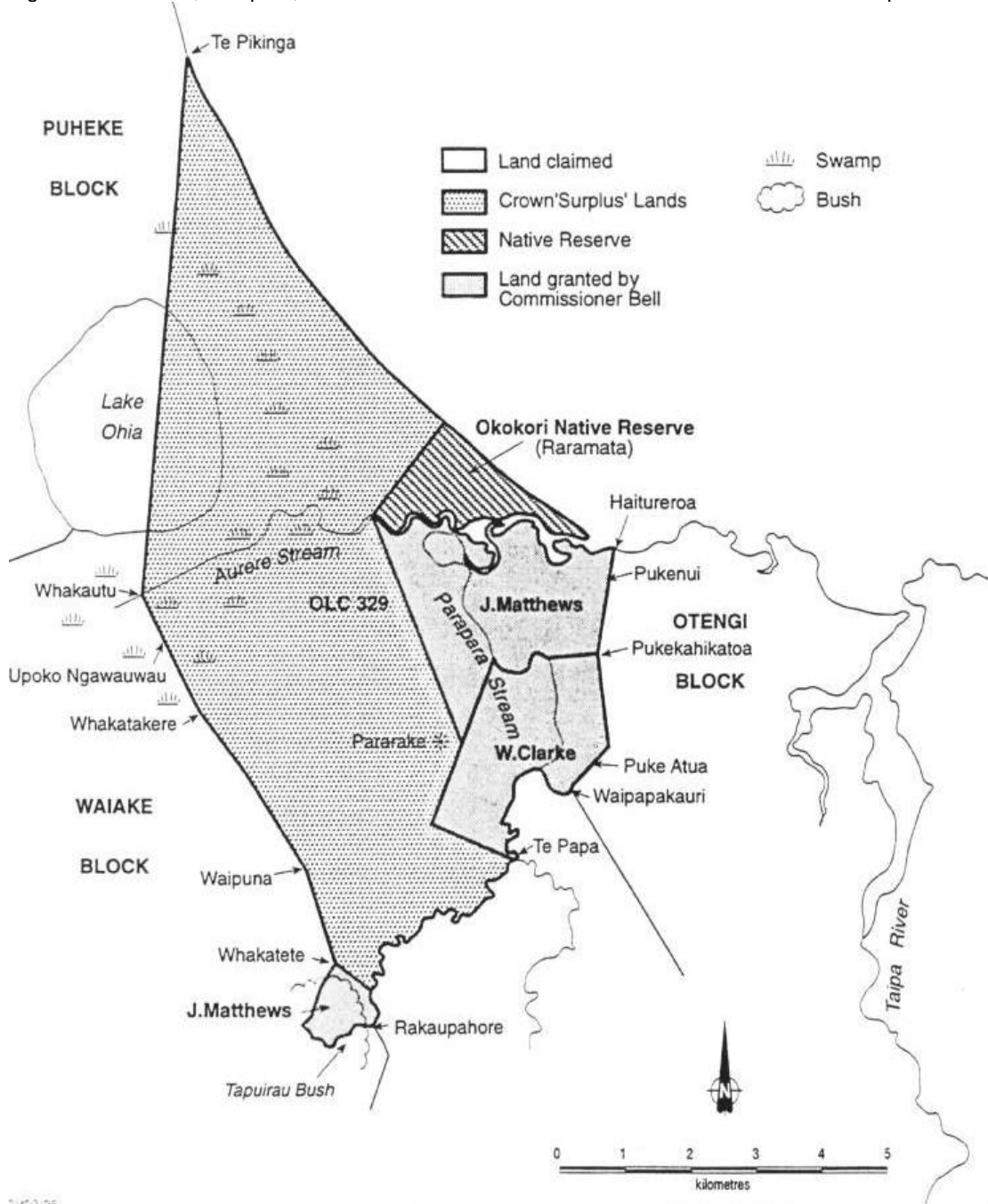
¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Ibid, p. 234.

Figure 6: Raramata, Parapara, Te Mata: award to Matthews and Clarke and Government Surplus.



In 1948 a Report of Royal Commission to enquiry into and report on claims preferred by members of the Māori Race touching certain lands know as surplus lands of the Crown. Petition No. 2 of 1923, of Heta Kiriwi and others, concerning the Aurere Block (File N.D. 1924/439). The Royal Commission reported that the petitioners in respect of the Aurere Block prayed for relief upon the alleged ground that no arrangement had ever been made for sale of the land to European or the Crown, and that the land had been "confiscated". The Royal Commission stated that:

Reverting now to the Aurere petition, plainly any suggestion of confiscation is out of the question, and even if the question involved were merely one of a promise by Mr. Mathews to return the land, clearly the land came within the category of "surplus lands". And in law, as Judge McCormick rightly says, the promise could not be effective. That, however, still leaves

open the question which was expressly reserved by both Judge McCormick and Mr. Justice Sim's Commission and is now before us for consideration – that is to say, the question, there being surplus land in these cases, whether the Māori vendors would have had a right in equity and good conscience to return of the surplus areas, and we have considered this petition on that basis. What we have said in regard to Aurere and Tangonge is said merely by way of explanation, though we doubt whether such explanation was really necessary, because Mr. Cooney expressly and correctly admitted that the grounds upon which the petitions were based could not be supported, and that the only question that arose consideration in respect to the petitions was the question of surplus lands.¹⁶

Maurice Alemann (N/D pg. 24) in his evidence '*Muriwhenua Land Claim Mangonui, Native Reserves and Opouturi reported that the Ōkokori or Awapoko*' that only three reserves in the Mangonui Block amounting to 3% of the total land area was "reserved" for Māori. He noted that Ōkokori which was on the sea was a barren strip of sand without agricultural potential. On the 14 November 1839 a private purchase (Turton's Deed 54) was entered into with Nopera Pānakareao for a block called Parapara. The Deed stated, "*A mo nga tangata Māori o Parapara te nuinga o Raramata ake ake ake kia kotahi tekau ekara mo te Matiu kei te Awamutu*", this is translated as "*Ten Acres of Raramata for Mr. Matthews, the remainder for the Natives.*" In 1943 Matthes brought the claim before Godfrey on the basis of the price he had paid and was awarded 306.5 acres of the land in Parapara, this was subsequently amended by Governor Fitzroy who awarded a further 493.5 acres. Alemann noted that:

In 1857 Matthews brought his claim before the Land Commissioner FD Bell and he stated in Court on 5 October 1857 (reconstructed SLC File of OLC 326, page 13) that "*the river goes by the name of Raramata, and the intention was to make a sufficient reserve for the Natives for their canoes, huts, and other purposes. When the survey was made it was carried along the beach from the entrance of the river to the stump of a tree at Te Pikinga, and I am desirous in performance of my promises to the Natives, the whole of the land between Raramata (or Anopoka) river and Te Pikinga should be give up as a Reserve for their use.*"

The total area surveyed for Parapara was 7317 acres (OLC Map 9), and on it is marked a Native Reserve of 240 acres. This is a considerable reduction on some 3000 acres which should have been reserved, but FD Bell did not accept Matthews' argument that he had promised this land to the "Natives". He decided to award only 340 acres (138 ha) ...¹⁷ cut out as Ōkokori native reserve and gave no grounds for doing so.

On 5 October 1897 this land now called Ōkokori or Te Awapoko was brought before the Native Land Court (NMB No. 17, page 379), a survey Plan ML 6783 was produced in 1900. The Judge awarded this land to 6 Māori "as Trustees for those in Mawena Kiriwi's list" on the 5 October 1897 50 acres.

In 1954 this block came again before the Māori Land Court (NMB 81 p. 291) and was portioned into two portions, A of 50 acres and B of 351 acres. This block of 351 acres was sold, and only 50 acres remained as Māori Land.¹⁸

¹⁶ National Library. Papers Past. Parliamentary Papers. Appendix to the Journals of the House of Representatives. 1948 Session I. Report of Royal Commission to Inquire into and Report on Claims Preferred by Members of the Māori Race Touching Certain Lands Known as Surplus Land of the Crown. New Zealand. Retrieved December 29, 2023 from: [Papers Past | Parliamentary Papers | Appendix to the Journals of the House of Representatives | 1948 Session I | REPORT OF ROYAL COMMISSION TO INQUIRE INTO AND...](https://paperspast.parliamentary.nz/Document/1/1948SessionI/REPORT%20OF%20ROYAL%20COMMISSION%20TO%20INQUIRE%20INTO%20AND...) (natlib.govt.nz).

¹⁷ It is further telling that, when the reserve was finally given, at 340 acres (138 ha) at the mouth of the Aurere or Raramata River, it was called Ōkokori, not Raramata, for Raramata was a larger area and a kokori describes just a small inlet on a coast. Waitangi Tribunal. (1987). *Muriwhenua Land Report*, p. 234).

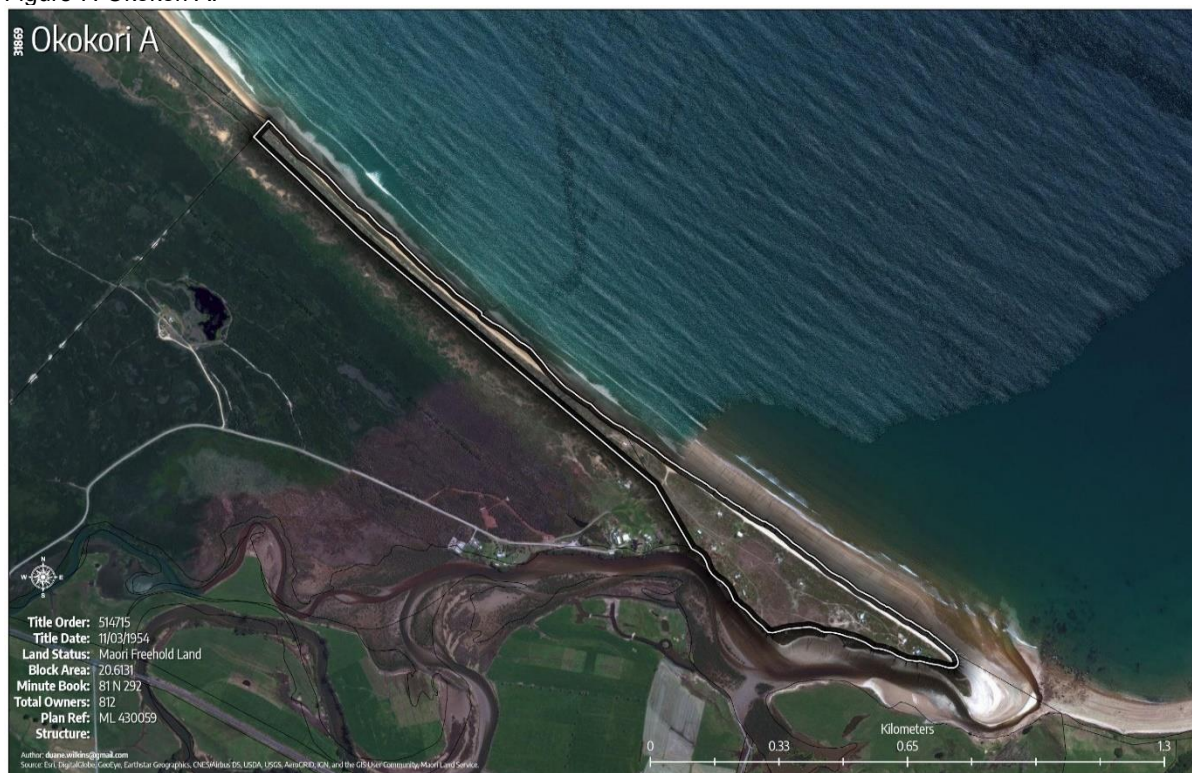
¹⁸ Maurice Alemann (N/D pg. 24). *Muriwhenua Land Claim Mangonui, Native Reserves and Opouturi reported that the Ōkokori or Awapoko*.

Robert Gabel (2012) in his brief of evidence before the Waitangi Tribunal stated: *“I was told that the Ōkokori block was managed by and belonged to my Grandfather Henare Piripi and Wiremu Piripi. They had 351 acres of farmland but gave 50 acres back to Ngāti Tara. It is now a reserve known as Ōkokori. The remaining lands were taken by the local council for unpaid rates. This was Ōkokori B and is now occupied by Hector Busby. My mother was an owner in the Ōkokori B block before it was purchased by Hector Busby.”*¹⁹

2.2 Awapoko Reserve – Ōkokori A

The Awapoko Reserve was also known as Whakautu and Ōkokori.²⁰ Awapoko River is an estuary almost 2 km (1.2 miles) long, where the Aurere and Parapara Streams merge before entering the Doubtless Bay.²¹ Awapoko Reserve is adjacent to the coastal marine area of Tokerau Moana (Doubtless Bay) east coast, and is registered in the Māori Land Court, Tai Tokerau as Māori Freehold Land (ML 430059). The area of land is 20.6131 hectares, and a total of 907 owners, 109 shares and no registered land administrators.

Figure 7: Ōkokori A.



Under S338(1) of the Te Ture Whenua Māori Act 1993, Māori reservations for communal purposes the Māori Land Court may make an order to set apart as Māori reservation any Māori freehold land or any General land:

- (a) For the purposes of a village site, marae, meeting place, recreation ground, sports ground, bathing place, church site, building site, burial ground, land place, fishing ground, spring,

¹⁹Robert Gabel. (August 22, 2012). Brief of Evidence. An application by Ngāti Tara for an Order of the Waitangi Tribunal pursuant to Section 8A(2)(a)(ii) of the Treaty of Waitangi Act 1975.

²⁰ New Zealand Government. (1908). Native Lands and Native-Land Tenure: Interim Report of Native Land Commission, on Native Lands in the Counties of Whangarei, Hokianga, Bay of Islands, Whangaroa and Mangonui. Appendix to the Journals of the House of Representatives, 1908 Session I, G-01J.

²¹Wikipedia. (2021). Awapoko River. Retrieved 2023, December 29 from: [Awapoko River - Wikipedia](https://en.wikipedia.org/wiki/Awapoko_River).

- well, timber reserve, catchment area or other source of water supply, or place of cultural, historical, or scenic interest, or for any other specific purposes or
- (b) that is a wahi tapu being a place of special significance according tikanga Māori.

The Māori Land Court record sheet shows that a subdivision order was made on 11 March 1954 for Ōkokori A (Ōkokori or Awapoko Reserve) containing 20.2342 ha (50 acres). Keene, F. (1963) wrote:

Aurere is situated at the mouth of the Awapoko River, a few miles north of Taipa. It was great tragedy that gave this beautiful place its name and this was related by an old kaumatua, Ngakuku, He Ngakuku, He began the story by saying: *“Ko te tini o Toi, ko te mano o Toi, I mate I te Rautahio atua,”* many thousands of Toi's people perished under a sweeping thrust of the gods. This was a terrible epidemic that carried off so many that there were not enough able-bodied men left to bury the dead. For many days and nights all that could be heard were the heart broken wailings of the dying and those who had escaped death. So, from this tragic happening the picturesque spot was given the name Te Aurere Tanga, which means the universal groanings and wailings of the dead. Later, Te Aurere Tanga was shortened to Aurere. Ngakuku also known as Nopera Pānakareao.²²

2.3 Sites of Significance to Māori – M23

Powell, E. (N/D) Team Leader of the Resource Consents for the Far North District Council regarding the southeastern portion of Ōkokori A & B Block are scheduled in the Far North District Plan as a Site of Significance to Maor referenced as MS05-38. The site was originally scheduled as reference in Appendix F under the Town and Country Planning Act 1977 and was carried over into the operative District Plan under Schedule 1 of the Resource Management Act 1991. Appendix F refers to Ōkokori / Kaimaua reserve and its purpose is as a recreation reserve and wahi tapu (Pt Ōkokori Blk 27.04 ha (Awapoko Reserve) administered by the Māori owners.

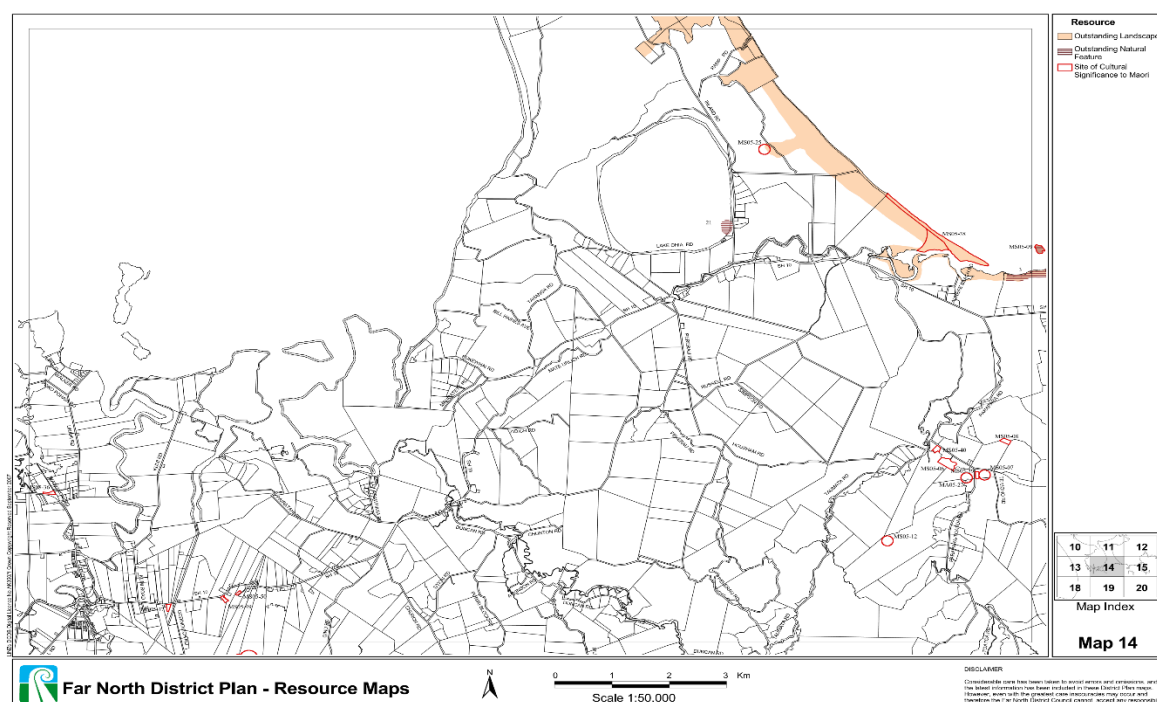
The name of the wahi tapu is Kaimaua and is located on the Ōkokori A (Ōkokori or Awapoko Reserve). As described by Keene (1963) this occurred through the early epidemics which decimated hapu in the 1800's not only at Aurere but also in the Ōruru Valley. Powell noted that:

In Busby MLC (50TTK 9) [2012], Ambler J comments that when the Court dealt with the partition of Ōkokori into A and B in the 1950s that there was express reference to “tapu” being on Ōkokori A. In the minute of the meeting Prichard J referred 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. It is noted in the excerpt Mangonui County Operative District Scheme Appendix F that Pt Ōkokori Block is also called Awapoko Reserve (see Figure 3). The minutes by Prichard J (11 March 1954) confirm that Ōkokori A is Awapoko Reserve. The Title Order from 1954 further confirms this.

In light of the above, it seems reasonable to conclude that the Site of Significance to Māori Scheduling may have been applied in error by Council to Ōkokori B Block within the District Plan during the transition from the Town and Country Planning Act 1977 planning environment to the Resource Management Act 1991.

²² Keene, Florence. (1963). Tai Tokerau. The Naming of Aurere, p. 24 - 25. Anne and John Keene, PO Box 833, Whakatane.

Figure 8: Far North District Council Resource Maps. Site of Cultural Significance to Māori.



Source: Far North District Council Resource Maps.

2.4 Ōkokori B Block

The land in question borders the Aurere stream and the Awapoko River, and the Ōkokori A Block which fronts Tokarau Beach.²³ The Māori Land Court record sheet shows that a subdivision order was on the 1 June 1954 containing 115.8000 ha (ML15115). In March 1966 the owners of Ōkokori B (Māori freehold land) resolved to sell the land to Mr. Busby (3 Kaitiā MB340 (3 KT 340)). The land was superseded by Hector Busby, and it was noted that it was now European Land (TK7637) on the 22 April 1966 (85/772).

Ōkokori B comprises 115.8 hectares. The site was purchased by Sir Hector Busby in 1966 as a freehold title. However, Alemann, M. notes that *“In 1954 this block came again before the Māori Land Court (NMB 81 p. 291) and was portioned into two portions, A of 50 acres and B of 351 acres. This block of 351 acres was sold, and only 50 acres remain as Māori Land.”* The sale was given effect by the Māori Trustee on 22 April 1966, pursuant to section 2(2)(f) of the Māori Trustee Act 1953²⁴, the status of the land changed to general land upon the transfer being registered.²⁵ The current Māori Land Court record shows Ōkokori B as Māori Freehold Land (ML 515115) containing 115.8000 ha (286 acres) and Hector Busby as having 10 shares absolute.

²³ Reserved Judgement of Judge DJ Ambler. (October 26, 2012). In the Māori Land Court of New Zealand Tai Tokarau District. Under Section 338, Te Ture Whenua Māori Act 1993 in the matter of Ōkokori B between Hector Busby, Applicant.

²⁴ The powers conferred on the Māori Trustee by this Act are in addition to the powers conferred on him by the Māori Affairs Act 1953, and nothing in either of the said Acts shall be construed to limit the provisions of the other Act.

²⁵ McLean, S. (2022, January 18). Senior Planner, Planning Hearings Report S42A. Far North District Council.

Figure 9: Ōkokori B.



Source: Arawai Ltd. Sir Hek Busby Waka Centre: Land Issues.

2.5.1 Ōkokori B Block – Te Awapoko Waka Wānanga Reserve

On the 17 January 2013 in the Māori Land Court, the Court made an order recommending that part of Ōkokori B in (NA46C/958), North Auckland Land Registry to be set aside as a Māori reservation for the purpose of a whare Wānanga for kaupapa waka, to be known as Te Awapoko Waka Wānanga Reserve for the benefit of the trustees for the time being of the Hekenukumai Nga Iwi Trust.

On the 23 May 2013, the land was set apart as Māori Freehold Land as a Māori Reservation was in the New Zealand Gazette pursuant to section 338(1) of Te Ture Whenua Māori Act 1993, on the recommendation of the Māori Land Court, the Māori freehold land described in the Schedule hereto, as delineated on the hand-written plan submitted with the application held by the Māori Land Court, is set apart as a Māori reservation for the purpose of Whare Wānanga for kaupapa waka, to be known as Te Awapoko Wānanga Reserve for the benefit of the trustees for the time being of Hekenukumai Nga Iwi Trust. North Auckland Land District Schedule – Part of the general land contained in Computer Freehold Register NA46C/958 North Auckland Land Registry and described as follows: 2.1000 hectares, Part Ōkokori B.²⁶

Judge DJ Ambler (2 July 2013) in the Māori Land Court at Whangarei on Ōkokori B – Recommendation for a Māori Reservation (Te Awapoko Māori Reserve) under section 338, Te Ture Whenua Māori Act 1993 confirmed:

C Rawhiti, for Registrar: At 52 Tai Tokerau MB 133-134 dated 17 January 2013 the Court made an order recommending that part of Ōkokori B being the land described in NA46C/958, North Auckland Land Registry be set aside as a Māori reservation for the purpose of a whare Wānanga for kaupapa waka, to be known as Te Awapoko Waka Wānanga Reserve for the benefit of the trustees for the time being of the Hekenukumai Nga Iwi Trust.

²⁶ NZ Gazette. (2023). New Zealand Gazette. Land Notices. Setting apart Māori freehold land as a reservation. Notice number 2013-In3089, pg. 3089, Issue Number 64. NZ Government. Wellington.

The Court further directed that upon the Māori Reservation being gazette, the application be referred to the Chambers to appoint trustees to hold and administer the Māori reservation. That part of the said land has been Gazetted as a Māori Reservation for the said purpose and the said class of persons by gazette notice number 64, page 3089 issued on 23 May 2013.

The file is referred to the Court to appoint Hekenukumai Busby, Charles Peter Wilson, Robert Gabel, Stanley Sedman Conrad as responsible trustees of Te Awapoko Waka Māori Reserve and vest the reserve land in them in their capacity as responsible trustees.

The Courts attention is also drawn to an issue that was raised by Court staff who are responsible for registering orders.

It would appear that LINZ has flagged the said land (NA46C/958) as potentially Māori freehold land.

There are several Court minutes with respect to this application that purport that the said land is General land.

There are other documents with respect to this land that support this land being General land, i.e. the alienation notice transferring the land to Mr. Busby recorded by the Court at R5/779 or TK 7637 dated 21 April 1966 notes on the face of the alienation notice that the land is declared/deemed to be general title. Further, the transfer instrument transferring the land to Mr. Busby was transmitted to the Land Transfer Office and registered on 29 July 1980.

Regardless of documentation supporting the land is General land, due to the absence of a Court order either determining status or changing status or changing status LINZ has flagged the land as potentially Māori freehold land.

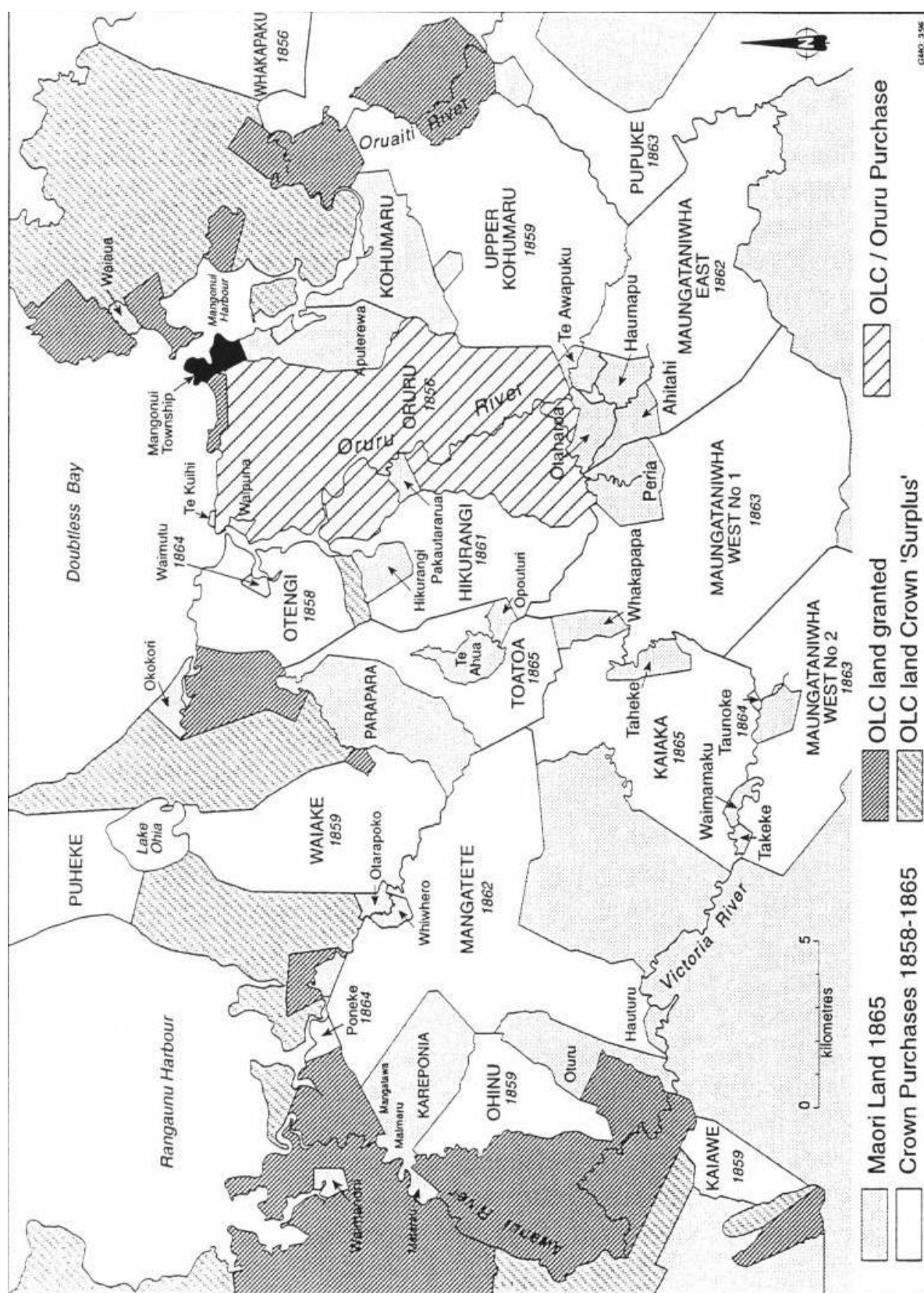
To tidy things, the Court is asked to make an order determining that all that land known as Ōkokori B and described in NA46C/985, North Auckland Land Register is General Land.

The Court makes orders pursuant to section 338(7) of Te Ture Whenua Māori Act 1993 (a) appointing Hekenukumai Busby, Charles Peter Wilson, Robert Gabel, and Stanley Sedman Conrad as responsible trustees of that party of Ōkokori B set aside as a Māori reservation gazette notice number 64 page 3089 issue on 23 May 2013 to administer the same for the benefit of those named in the said notice; and (b) Sections 37(3) and 131 determining that Ōkokori B being all that land described in NA46C/985, North Auckland Registry is General land.

Pursuant to rule 7.5(2)(b) of the Māori Land Court Rules 2011, these orders are to issue immediately.²⁷

²⁷ Te Kooti Whenua Māori. (2023). Pataka Whenua. Ōkokori B. Minutes of DJ Ambler, Judge, Tai Tokerau Māori Land Court, 2 July 2013, 61 Tai Tokerau MB 29. Retrieved December 12, 2023 from: [End User Portal \(maorilandcourt.govt.nz\)](https://maorilandcourt.govt.nz).

Figure 10: Government transactions, central Muriwhenua, 1850-65.²⁸



²⁸ Waitangi Tribunal. (1997). Muriwhenua Land Report. Transactions: Central and Eastern Districts, p. 227. Government Print: New Zealand, Wellington.

3. Ngāti Kahu

3.1 Treaties

He Wakaputanga o te Rangatiratanga o Niu Tirenī 1835 and Te Tiriti o Waitangi (Treaty of Waitangi 1840) are important documents as is the Declaration on the Rights of Indigenous Peoples. Te Matenga Paerata, Rangatira signed He Wakaputanga o te Rangatiratanga o Niu Tirenī on the 28th of October 1835 in Paihia, for the tribe of Te Rarawa and people (iwi) of Te Patu Koraha. Ururoa, also known as Paora signed the He Wakaputanga on behalf of Ngāpuhi, Ngāti Kahu and Te Tahawai. Nopera Pānakareao signed He Wakaputanga on behalf of Te Rarawa and Te Paatu.

Te Matenga Paerata also signed the Treaty as did Nopera Pānakareao on the 28 April 1840 at Kaitia. Other northern chiefs that signed Te Tiriti o Waitangi (Treaty of Waitangi 1840) included Hare Matenga Kawa who signed Te Tiriti o Waitangi on the 28 April 1840 in Kaitia for the tribe of Te Rarawa and iwi (people) of Te Patu Koraha. Hare Popata Waha signed Te Tiriti o Waitangi on behalf of Te Rarawa, Ngāti Kahu, Kaiote, Te Patu Koraha and Ngai Taranga. Tana Te Wheinga Taua signed Te Tiriti o Waitangi on behalf of Te Rarawa and Te Paatu. Tamati Pawhau also signed Te Tiriti o Waitangi at Kaitia on 28 April 1840 and is also Te Paatu. Matiu Tauhara signed the Treaty of Waitangi on the 28 April 1840 on behalf of Ngāti Kahu and Te Roroa at Kaitia as a young man. Rawiri Awarau also signed Te Tiriti o Waitangi as Te Rarawa and Patu Koraha as did Karaka Kawau as Te Rarawa and Te Paatu at Kaitia on 28 April 1840.

He Whakaputanga o Rangatiratanga o Niu Tirenī 1835 establishes this authority, and the Te Tiriti o Waitangi (Treaty of Waitangi 1840) supports this. The Waitangi Tribunal in the Muriwhenua Fishing Report 1988 recognised that:

Since 1835 (the signing of the Declaration of Independence), Britain had recognized the independent authority of Māori as a right of sovereignty and New Zealand as an independent state. The Crown cannot argue now against that recognition. (Waitangi Tribunal, 1988:291 (i)).

Article 2 of the Treaty of Waitangi 1840 provides for the principle of self-management or the Rangatiratanga principle. Article 2 guarantees to Māori the control and enjoyment of those resources and taonga which it is their wish to retain. In the *New Zealand Māori Council v Attorney General* (1987) 1 NZLR 641, 644 the Court of Appeal observed that:

... the duty of the Crown is not merely passive but extends to active protection of Māori people in the use of their lands and waters to the fullest extent practicable.

The Report on Stage 1 of the Paparahi o Te Raki Inquiry – He Whakaputanga me te Tiriti the Declaration and the Treaty the Waitangi Tribunal (2014, p. 529) concluded:

- (a) The Rangatira who signed te Tiriti o Waitangi in February 1840 did not cede their sovereignty to Britain. That is, they did not cede authority to make and enforce law over their people or their territories.
- (b) The Rangatira agreed to share power and authority with Britain. They agreed to the Governor having authority to control British subjects in New Zealand, and thereby keep peace and protect Māori interests.
- (c) The Rangatira consented to the treaty on the basis that they and the Governor were to be equals, though they were to have different roles and different spheres of influence. The detail of how this relationship would work in practice, especially where the Māori and European populations intermingled, remained to be negotiated over time on a case-by-case basis.

- (d) The Rangatira agreed to enter into land transactions with the Crown, and the Crown promised to investigate pre-treaty land transactions and return any land that had not been properly acquired from Māori.
- (e) The Rangatira appear to have agreed that the Crown would protect them from foreign threats and represent them in international affairs, where that was necessary.

The Waitangi Tribunal (2014, p. 529) explain “*that the Rangatira in essence agreed to the power to control British subjects and thereby to protect Māori.*”

As endorsed by the New Zealand Government Article 26 of the United Nations Declaration on the Rights of Indigenous Peoples:

Confirms indigenous peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired. Indigenous peoples have the right to own, use, develop and control lands, territories, and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. States shall give legal recognition and protection of these lands, territories, and resources. Such recognition shall be conducted with due respect to customs, traditions and land tenure systems of the indigenous peoples concerned.

3.2 Ngāti Kahu Tribe

Taipā features in the earliest records of a human presence in Aotearoa New Zealand.²⁹ Kahutianui is the tupuna that gives her name to the Ngāti Kahu tribe. Kahutianui is the daughter of Tūmoana and Kahukura-ariki. Tūmoana was the Rangatira of the Tinana waka. His mokopuna (nephew) Te Parata, is reputed to have refashioned the Tinana at Rangiātea [Ra’iātea] after Tūmoana had returned there from Tauroa, Aotearoa. After the refashioning, the Tinana was renamed Māmaru which guided by Te Parata back to Aotearoa. It is said Parata had returned with tohunga, including Tangauru³⁰ whose Pa is located on the Taipa Headland. Bassett, R (2012, August 22) explains:

Tangauru, the tohunga on the Māmaru, built their first pa and named it Otangauru. Whilst there was a plentiful supply of kaimoana, the Māmaru people found that the land was not very fertile and so they went inland a short distance and made large gardens at Parapara and elsewhere nearby.

According to our kaumātua, Mamangi and her people also lived on Te Paraua adjacent to Otangauru and both Kahutianui and Mamangi died here and were buried nearby at Otengi. It was at Otengi that the Māmaru people had one of their Wānanga and it was on Kohatutapu that many sacred ceremonies were performed.

The name refers to the ‘Taiapa’ that surrounded the kāinga known today as the Taipa Point. On the arrival of the Māmaru, Te Parata married Tūmoana’s daughter Kahutianui. The descendants and people of the Māmaru spread out through the Ōruru valley right to the base of Maunga Taniwha and along the coast to Tākou and headed west to Whangapē. For various reasons, these people moved mainly south and unlike other iwi and tūpuna they were not a static and inbreeding community. Bassett, R. (2012, August 22) in his evidence before the Waitangi Tribunal describes the land of the Māmaru waka as follows:

²⁹ The Waitangi Tribunal’s Mangonui Sewerage Report – Wai 17 summarises the oral evidence given by Ngāti Kahu Kaumatua.

³⁰ Bassett, R. (2012, August 22). Brief of Evidence of Raniera Bassett. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal.

According to our traditions, the Māmaru landed at Ikatiritiri near Taipa. But long before it did, Kupe, his wife Kura-marō-tini and members of their crew made landfall at Taipa in their waka Matawhaorua. It was late in the day when they paddled past Karikari and headed towards the southern end of Tokarau beach. Kupe looked for an area that would provide a safe landing. He spied some water that the setting sun had turned a golden colour and so he decided to land nearby. He named the place Waitohu.

Due to the bountiful supply of fish and shellfish. Kupe and his people stayed there for some time. They planted gardens which they named Ngātiti and built ngā whare for themselves. Skids were used to beach Matawhaorua. Following this, they were planted on a nearby headland where some still grow today. They are named Tawapou and carry a strong tapu. After a while, it was decided that Kura-marō-tini and some of the others would stay behind while Kupe continued his voyage of exploration. Some say that when he returned to Waitohu, he left Matawhaorua here and travelled overland via the Paranui valley to Mangamuka. There he prepared for the return to Hawaiki.³¹

The Waitangi Tribunal reported on the Ngāti Kahu – Mangonui Sewerage Claim (WAI 17) in August (1988 p.1-3). The Waitangi Tribunal summarised the early inhabitants of the Taipa area:

Tokerau or Doubtless Bay, in New Zealand's Far North, has been the Ngāti Kahu homeland since time began. That at least is a tribal perspective for the tribe was founded some seven hundred years ago when Parata arrived at Taipa from distant Hawaiki to meet and dwell with Kahutianui, the ancestress for whom Ngāti Kahu (the descendants of Ngāti Kahu) are named. They made their home on the Otengi headland beside the Taipa beach, and at Taipa a tribe was born.

The children of Kahu spread across the whole of the Doubtless Bay lands adopting a variety of hapū or clan names. In broad terms, their settlements were in their divisions, at Karikari, the northern sentinel of the Bay, at central Taipa, the gateway to the villages of Ōruru, Peria and Parapara in the hinterland, and in the eastern Taemaro ranges, where Waiaua, Taemaro and Waimahana nestled into the coastal folds.

Those broad settlement divisions still prevailed but unity was based upon central Taipa. Though distanced by circumference of the Bay, signal fires on the hilltops of Karikari, Otengi and Taemaro were a reminder that they were kindled from common hearth.

The valley behind Taipa was the choicest part, the Taipa-Ōruru river serving a line of villages strung along 22 kilometres of watery highway. Eighteenth century explorers were warned of a fighting force there 2,000 strong, suggesting a total population of 8,000 or more, so densely encamped that messages were said to pass in moments by call from pa to pa. It was possibly one of the heaviest concentrations of Māori in the country.

The evidence today of the former Māori presence in the Ōruru valley is some 57 pa sites, but little else remains. The first European visitors brought diseases unknown to Māori to whom even the common cold could mean death. The devastation was worst in thickly settled places and the Ōruru population is thought to have been reduced by well over a half in less than two decades.

³¹ Bassett, R. (2012, August 22). Brief of Evidence of Raniera Bassett. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal.

Population losses exposed Ngāti Kahu to attack from related tribes on their western and southern flanks. When settlers and the Crown arrived, there were two rival conquerors neither of whom had scored a conclusive victory over the other; but nor had Ngāti Kahu been removed. The conquerors were also their close kin. The two rival chiefs of the adjoining tribes purported to prove their rights to the Ngāti Kahu lands by selling them. They did so although they in fact lived elsewhere in their own tribal areas.

The Native Land Court that was established much later, put far more weight on actual occupation to determine ownership, but at that time, when 'might was right', and although the Treaty proposed a safer rule of law, it was politic for the settlers and the Crown to treat with the mighty. Some blocks sold were so large that no small-scale map could encompass them.

Taipa-Ōruru was most at risk for it was the best land. Needless to say, the main tribal wars were fought there. In fact, the last battle in the district was a part of the Ōruru war fought in 1843 on the Taipa foreshore to settle the very question of who had the selling rights. Forty-six died on the beach.

The result, a draw for the two rival chiefs, was a victory for the Crown. Though both chiefs sought land reserves for themselves, the Crown paid off each to remove the belligerent Māori entirely from the Taipa-Ōruru scene, and to keep it clear for the settlers.

Thus did Ngāti Kahu lose the Taipa-Ōruru lands, eventually without so much as a reserve for their own needs. The most they could do, in the exigencies of the time, was to concur politely in the hope of being paid or to protest mildly and have nothing. Ngāti Kahu regrouped on the lands that remained but through much intermarriage with the neighbouring rival tribes it was not until several decades later that the common tribal name was restored. The central base was sold, and the focus was on the small areas retained. Those lands were held as before in the three districts described but the holdings were so reduced in size that the traditional economies could not be maintained. The remnants of those lands are still there, and in planning for Māori needs, any planner should know where they are. They are at Karikari in the north, at Peria and Parapara in the central hinterland with Ōkokori on the coast, and at Waiaua, Taemaro and Waimahana in the east with holdings at Kohumaru-Kenana nearer Mangonui.

Though it was inherent in the Treaty that each tribe would retain a sufficient area for its needs, in fact the reserves were grossly inadequate, and people had to leave. Through subsequent successions and title fragmentation, some areas now support no more than one or two families. Small though the lands may be for the maintenance of a tribe, they are still the spiritual base for many who have moved away. Their cultural value has intensified through the other losses sustained.

The Waitangi Tribunal Mangonui Sewerage Report (1988 p.13 – 15) describes how Taipa was centre of the Ngāti Kahu lands. The Mangonui Sewerage Report summarises the history of Taipa as follows:

When the Māori settlers arrived on Māmaru canoe, possibly 700 years ago, they settled at Taipā, and the original dwelling place at Otengi headland is sacred to this day. The people's main pā was built there. The main shellfish beds were nearby too.

According to local history, it was at Taipa that Kupe first landed. He is credited with discovering the country, but it is not certain that he did so. Recent archaeological evidence indicates that Māori were clearing the Northland forests as early as 500 AD.

He called the Taipa River Ikatiritiri (to apportion fish) because of the abundant fish life to be found. At the adjoining Otengi headland, he made a place for his daughter to stay while he

explored the country. It was from Taipa that Kupe returned to Hawaiki, according to Ngāti Kahu history.

In Hawaiki Kupe gave instructions on how to reach here and on the places to be found. Those descriptions, it seems, were passed down over some generations as Kupe's descendants set sail.

Whatever navigational aids were used they appear to have been accurate for Tūmoana was to bring his canoe, Tinana, to the very places that Kupe had described. His people, including his daughter Kahutianui, were to dwell at Tauroa near Ahipara, but Tūmoana journeyed back to Hawaiki, promising to send his nephew Parata, as a husband for Kahutianui, and prophesying that certain signs would announce Parata's arrival at Taipa.

At Hawaiki, the Tinana canoe, re-adzed and enlarged, was relaunched under the new name of Māmaru, under Parata's command. Landfall was made at the Otengi headland at Taipa, amidst a gathering storm. The lightning, we were told, alerted Kahutianui who knew the time had come to journey to the Bay. She was a woman of great lineage, courage and leadership and it is from her that Ngāti Kahu take their name.

The coast was explored by Māmaru and at Karikari peninsula, or Rangiawhia as they called it, the first pa was erected to stand sentinel over the bay. Eventually, however the canoe was beached at Otengi, where Kupe's daughter had stayed, and it was there that Parata and Kahutianui made their home. It was to be the birthplace of Ngāti Kahu. Thus was the tribal pepeha raised:

**Ko Māmaru te waka
Ko Parata te tangata
Ko Kahutianui te wahine
Ko Ngāti Kahu te iwi**

**Māmaru was the canoe
Parata was the man
Kahutianui was the woman
And Ngāti Kahu began**

Two logs or skids, carried from the homeland to beach the canoe, were then planted there. Two tawapou trees are there to this day. From cuttings, others have been established on the lands of related tribes.

At Taipa an abundance of fish was found, and shellfish of great variety—toheroa, tipa (scallops), kokota (pipi), huai (cockles), karahu (periwinkles), kutai (mussels), tio (oysters), kina, pupu and koramarama (rock periwinkles), paua, patiotio (limpets), ngakihikihi (small mussels) and kotoremoana (shell-less paua). The kokota beds at the Taipa river mouth exceed five acres; there are large huai beds a little upstream and karahu are found on the nearby mangrove mudflats.

Fresh water was available by digging holes in the Taipa sands, a practice that continued to modern times.³²

At Otengi headland a defensive Pa was built, called Mamangi, after the daughter of Parata and Kahutianui. Parata and Kahutianui lived alternately at three important headlands of the Bay, at Karikari to the north, Otengi at the centre and at Taemaro on the east. But Otengi at Taipa was the main base, where there were direct lines of sight to the other headlands and to promontories inland. As the descendants settled the whole of the Doubtless Bay lands, signal fires were used to maintain contact between them.

³² Waitangi Tribunal. (1988) Mangonui Sewerage Report WAI 17. See documents A2 and B26. Wellington: NZ Government.

In the course of time the people multiplied and grew, supplemented from marriages with other Māori from the many other canoes that came. Originally there were three hapū or clans on the Māmaru canoe, Te Rorohuri, Patu Koraha and Te Whanau Moana. Those names have always been maintained but in later years numerous sub-tribal groups adopted additional tribal names that came to apply to different localities. For convenience, we refer to the sub-tribes collectively as Ngāti Kahu, although the name was not revived until the 1920's, and although for the greater period of the time described, different groups of the same people preferred their separate hapū names.

By the eighteenth century the main settlements were broadly in three areas, at the eastern peninsula leading to Mangonui Harbour and in the surrounding valley and hills; in the central area inland from Taipa and nearby coastal places; and at the Karikari peninsula on the northern extremity of the Bay. In all these places, pa was built, but villages were everywhere.

It is likely that for every coastal headland there was a pa, and many were built inland, on well drained hills, at strategic spots on communication lines, and at places with ready access to the resources of the dense forests and the open seas. On carefully chosen sites, extensive gardens were established.

Taipa, and the Ōruru valley behind it, remained the most popular of the places, though few Māori live there today. Hikurangi became the main Ngāti Kahu pa and was located at Taipa on what became the Adamson's farm. Most of the people however, had spread up the Ōruru Valley, where the river provided an easy pathway to the sea, extending as far as the fertile Peria valley, where Kauhanga pa was maintained. Dr Susan Bulmer, regional archaeologist for the New Zealand Historic Places Trust, provided this description:³³

The Ōruru was an extraordinary valley, one of the longest in Northland (22km) and it had excellent garden land. It possibly supported one of the densest concentrations of population in the country; a late 18th century map recorded a fighting force of 2,000 men, suggesting there may have been around 8,000 people in the Ōruru Valley at that time. This population was gone by the early 19th century and Leigh Johnson concluded from his studies that this was likely to have been a consequence of a devastating epidemic of disease about 1794. There were 57 pa along the ridges of Ōruru valley, and each had many associated pit and terrace sites of undefended settlement. Altogether this adds up to one of the most spectacular archaeological landscapes in the country.

We were advised that the area was so densely settled that news and messages could be shouted from Taipa to Kauhanga, from one pa to the next.

Bassett, R. (2012) in his brief of evidence before the Waitangi Tribunal also acknowledged Ngāti Kahu tradition has it that Kupe first made landfall at Taipā on his arrival from Hawaiiki on the Matawhaorua waka accompanied by this wife Kura-marō-tini and members of the crew. He named the river mouth Ika-tiri-tiri. Assured of a plentiful food supply, he left his daughter on Otengi Point while he explored the coastline. On his return to Hawaiiki, Kupe gave detailed directions for the return journey.³⁴

Kawiti Tomars before the Waitangi Tribunal (August 1988) in the Mangonui Sewerage Claim evidenced that:

³³ Waitangi Tribunal. (1988) Mangonui Sewerage Report WAI 17. See document A14. Wellington: NZ Government.

³⁴ Bassett, R. (2012, August 22). Brief of Evidence, 35. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal.

Kupe visited many places on this canoe, including the Chatham Islands. On his return to Hawaiki, he handed the Canoe to Te Parata and Tūmoana. During the Great Migration the Canoe, Māmaru was anointed to migrate to Aotearoa (New Zealand). The High-Ranking Chiefs and Tohunga of the Ngāti Kahu Tribe who landed at the entrance into the Taipa River, known as Ikatiritiri (Ika-tiri-tiri). Here they lived and thrived on shellfish, fish, and an abundance of other sea food. They moved inland to Ōruru where they made many fortified pā. Their parent Pā being Hikurangi which stands on the land of Mr. G. Adamson, on the western side of Taipa Bay.

Today a monument marks the spot where Te Māmaru landed at Te Ikatiritiri, now called Taipa, at the mouth of the river there.³⁵

Florence Keene (1975 p. 23) wrote:

Māmaru was of special interest for tradition says that before it left its homelands, a tohunga chanted many incantations making it sacred for the conveyance of chiefs of high rank only and asking the mighty atua to guard it from danger as it raveled the ocean.

The people of Ngāti Kahu claim that this canoe was unique as it was the only one in the Great Migration to possess such a privilege. They also claim that this was the second trip for Māmaru and that many years before it had been one of the first canoes to disturb the waters of the great Moananui-ā-Kiwa.

The area was so densely settled that news and messages could be shouted from Taipa to Kauhanga, from one pa to the next. In the course of time the people multiplied and grew, supplemented from marriages with other Māori from the many other canoes that came. Originally there were three hapū or clans on the Māmaru canoe, Te Rorohuri, Patu Koraha and Te Whānau Moana.

One of the great ocean-going voyaging canoes in the migrations that settled Aotearoa New Zealand³⁶ the Waipapa waka was captained by Kaiwhetu and Wairere³⁷, the tohunga of the Waipapa waka was Kahukura who was an important ancestor of the Ngāti Tara people. The Waipapa waka made its first landing at Karikari Peninsula,³⁸ at Rangiaowhia.³⁹ Bassett, R. (2012, August 22) stated "*At a later stage, the waka sailed across Doubtless Bay and paddled up the Kohumaru River. The crew went past our whanau at Kenana and buried Waipapa further up that river.*"⁴⁰

The Takitimu waka was captained by Tamatea and landed at Awanui in the Rangaunu Harbour. In the Muriwhenua Land Report the Waitangi Tribunal (1997) reported that the Takitimu waka landed at Karikari captained by Tamatea-ariki-nui.⁴¹ An important connection, Ngāti Kahu were sometimes known

³⁵ Keene, F. (1974). Tai Tokerau. Sixth Printing, August 2005. Keene Family.

³⁶ Wikipedia. (2021). Waipapa (canoe). Retrieved 14 December 2023, from: [https://en.wikipedia.org/w/index.php?title=Waipapa_\(canoe\)&action=history](https://en.wikipedia.org/w/index.php?title=Waipapa_(canoe)&action=history)

³⁷ Rāwiri Taonui, 'Muriwhenua tribes - Ngāti Kurī, Ngāi Takoto, Te Pātu and Ngāti Kahu', Te Ara - the Encyclopedia of New Zealand, <http://www.TeAra.govt.nz/en/muriwhenua-tribes/page-2> (accessed 14 December 2023).

³⁸ Bassett, R. (2012, August 22). Brief of Evidence of Raniera Bassett. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal.

³⁹ Keene, Florence. (1963). Tai Tokerau. The Waipapa Canoe, p. 24. Anne and John Keene, PO Box 833, Whakatane.

⁴⁰ Bassett, R. (2012, August 22). Brief of Evidence, 35. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal.

⁴¹ Waitangi Tribunal. (1997). Muriwhenua Land Report. The People of the Land, p. 17. Wellington: GP Publications.

as Ngai Tamatea.⁴² It is said that the name of Ngāti Kahu prior to the naming of Te Paatu was Ngai Tamatea. This hapū derives its name from Tamatea-iti, the brother of Kahutianui. Ngāi Tamatea fell at the hands of Ngāti Tama at Kohukohu, however the Ngāi Tamatea line still exists today through Waipuarangi's marriage to Moroki from the Kahutianui line.⁴³

Rigby, B. (1991) in a Historical Report commissioned by the Waitangi Tribunal 4 February 1991 wrote: *"Rima Edwards has explained how Pānakareao's ancestral links extended beyond Te Rarawa to the other four Muriwhenua iwi, and even to Ngāpuhi. Rev. Māori Marsden confirms this with evidence of Pānakareao's descent from Ngai Tamatea, a group which joined forces with Ngāti Kahu before the arrival of Pakeha ..."*⁴⁴

Rigby, B. (1991) further explained that a letter to London Matthews stated: *"... These Te Patu (Paatu) people, like Ngai Tamatea, appear to have joined forces with Ngāti Kahu before 1830. In March 1839, Matthews reported Te Patu, a "once wicked" people "called 'the bush tribe'," had begun to accept the CMS..."*⁴⁵

The Rukakamea waka was captained by the chief Moehuri and his son Tukiata(o)⁴⁶ was guided by a large shark into the Mangonui Harbour.⁴⁷ Another version says Te Uriparaoa and Te Papawi were the captains.⁴⁸ Keene, F. (1963)⁴⁹ wrote that the Ruakamea canoe arrived about 1450 A.D. and after some time it turned into a long, flat, canoe-shaped rock and lies under the sea at the mouth of the harbour where it can still be seen. Moehuri built his principal pa at Mangonui and named the pa after his wife Rangikapiti and Tukiato established his pa at Otanenui.

The Riukakara waka also landed at Mangonui captained by Paoa.⁵⁰

⁴² Rāwiri Taonui, 'Muriwhenua tribes - Ngāti Kuri, Ngāi Takoto, Te Pātu and Ngāti Kahu', Te Ara - the Encyclopedia of New Zealand, <http://www.TeAra.govt.nz/en/muriwhenua-tribes/page-2> (accessed 14 December 2023).

⁴³ Reverend Māori Marsden. (ND).

⁴⁴ Rigby, B. (1991, February 4). The Oruru Area and the Muriwhenua Claim (Wai-45). A Historical Report commissioned by the Waitangi Tribunal. Wellington: New Zealand.

⁴⁵ Rigby, B. (1991, February 4). The Oruru Area and the Muriwhenua Claim (Wai-45). A Historical Report commissioned by the Waitangi Tribunal. Wellington: New Zealand.

⁴⁶ Bassett, R (2012, August 22). Brief of Evidence of Raniera Bassett. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal.

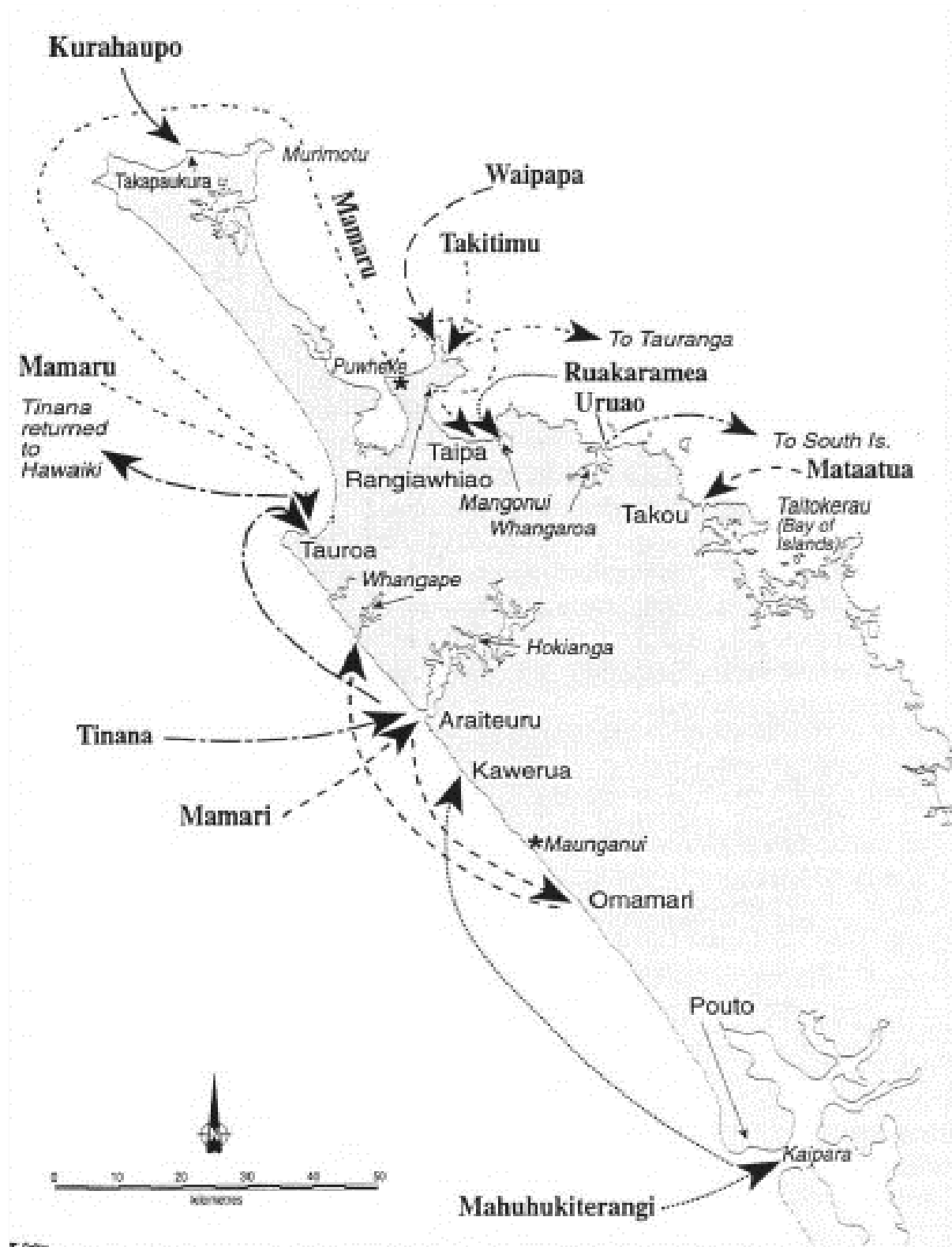
⁴⁷ Goddard, Melina. (2011). Rangikapiti Pā Historic Reserve. Heritage Assessment, p. 5. Kaitiaki: Department of Conservation. Cited in Rangikapiti pā file DOC 1955.

⁴⁸ Rāwiri Taonui, 'Muriwhenua tribes - Ngāti Kuri, Ngāi Takoto, Te Pātu and Ngāti Kahu', Te Ara - the Encyclopedia of New Zealand, <http://www.TeAra.govt.nz/en/muriwhenua-tribes/page-2> (accessed 14 December 2023).

⁴⁹ Keene, Florence. (1963). Tai Tokerau. Ruakamea Canoe p. 24. Anne and John Keene, PO Box 833, Whakatane.

⁵⁰ Rāwiri Taonui, 'Muriwhenua tribes - Ngāti Kuri, Ngāi Takoto, Te Pātu and Ngāti Kahu', Te Ara - the Encyclopedia of New Zealand, <http://www.TeAra.govt.nz/en/muriwhenua-tribes/page-2> (accessed 14 December 2023).

Figure 11: Waka Landing Tai Tokerau.⁵¹



⁵¹ Waitangi Tribunal. (1997). Muriwhenua Land Report. Waitangi Tribunal Report 1997, p. XXI. GP Publications, Wellington: New Zealand.

3.3 Te Paatu

Mōroki was the primary ancestor of Te Paatu. He was the rangatira of Kauhanga, it was at Kauhanga pā that Mōroki cleverly outwitted the great force of Ngāpuhi, and it was here that he retained the mana of Ngāti Kahu. Te Paatu whakapāpā also incorporates Whānau Moana. While there is whakapāpā that is not included. There is also a hapū named after Mōroki including Ngāti Mōroki which is presently situated in Ahipāra.

Atihana Moana Johns a kaumatua from Whānau Moana and Te Paatu states that Mōroki is in fact the older brother of Koropeke and Kakaitawhiti whose father had already passed on before the tribe Te Paatu came about. As stated earlier, after the attack of Ngāpuhi at the Kauhanga pā approximately around the 1870's. The hapū name for Te Paatu was derived from their sharp-witted intelligence that drove the Ngāpuhi away. Therein lies the close hapū affiliation between Te Paatu and Ngāti Kahu.

The name of the hapū Te Paatu derived from an historical event that occurred in the Ōruru Valley, around 1780 – 1800. Mōroki was the son of Kakaitawhiti. Pereniki Tauhara (2012) provided evidence in his submission to the Waitangi Tribunal which was told by the elders is as follows:

Mōroki built a strongly fortified pā which did withstand the attacks by all invaders, while on the flats surrounding it, they established flourishing plantations. For a while, life flowed smoothly along, until one day a scout brought word that a strong taua of Ngāpuhi from the middle north was advancing along the Valley towards their stronghold, burning and destroying the many small Pā in their wake. There is a whakatauki 'Ōruru Karanga Pā Tahataha' one pā that calls to one another; this was the warning device that was used to warn against invasion of enemies.

Mōroki prepared for an onslaught, but before this was completed the enemies attacked. With war cries that echoed along the Valley, both sides danced savage haka that would put fear into the hearts of the bravest warrior. Then the grim battle began, fighting desperately, Mōroki and their warriors withstood attack after attack. At last, the Ngāpuhi temporarily repulsed, and retired to the foot of the pā for a conference. Strategy always played an important part in Māori Warfare, and that night the people in the pā watched anxiously as the Ngāpuhi set up camps surrounding their stronghold, which was soon dimly silhouetted by the glow of the enemy fires.

Mōroki soon discovered that they were to be victims of a siege. Down on the flats the Ngāpuhi feasted on the fruits of the gardens, and the fat eels from the river. They were in no hurry, for here was the food in plenty. Mōroki called his tohunga to him and said, *"Our Gourds are fast emptying of lifegiving water. Seek, O Te Au and Te Aratapu, seek out a spring on this hill or we die of thirst. To emphasize these words he added, "He huahua te kai? He wai te kai." Are preserved birds the best food? No, water is."* So, the two Tohunga searched every crevice and gully until they found a spring of crystal-clear water bubbling up into a rocky pool. Mōroki was very grateful, and Mōroki said, *"It is good. The mighty Atua looked with favor upon us. Our people will not die of thirst."*

Day after day dragged by, the Ngāpuhi continued to feast and grow fat on the plantations below, but the besieged people on the pā had almost eaten all their food supply, and day by day they grew thinner and hungrier. Mōroki called together his two Tohunga and said, *"He wai te kai? Aue, he huahua hoki te kai." Is water the best food? Alas, preserved birds are also."* Having uttered those wise words of his ancestors, he went on to say, *"The desire of the Ngāpuhi is to starve us out, and our food is almost gone. Come, O Teau and Te Aratapu, find a way to outwit Ngāpuhi or we will surely die."* To be captured was more feared by warriors than death, for then they could surely be killed or made slaves, something too humiliating to be contemplated. Fully

aware of their responsibilities to avert this catastrophe, the two Tohunga retired to their whare to plead with the Atua to save them all from such dreadful fate.

Their voices rose and found that they chanted karakia after karakia to their Gods. Meanwhile, the gaunt face people on the pā waited anxiously. Would they be saved? The strength was fast ebbing away for the want of food. After about an hour, Te Au and Aratapu emerged from the dim light of their whare saying, *“Come near, oh Mōroki, listen to our words. The mighty Atua have looked on us with favor and have told us of a clever strategy to deceive the Ngāpuhi. Call all the women together and tell them to work through the night and make hundreds of flax kits. Then order your men to hang one on every pole of the palisades so that the Ngāpuhi will think we have an abundance of food. Go. We have spoken.”* So, the women worked throughout the night and as they made kit after kit, the men hung them round the palisades. The next morning, when the Ngāpuhi saw hundreds of kits that apparently were full of Kumara and other delicacies, they muttered among themselves, *“we have wasted our time. It will take too long to starve out these people for they still have an abundance of food. Let us find easier prey”*. So, saying this, they marched off feeling furious at the wasted days. As soon as the Ngāpuhi had left the Valley, Mōroki ordered their men to tear down the whare that they had built at the foot of the pā, which they did with great enthusiasm, chanting and singing as they did so. The first parts to be pulled down were the Paatu, or side walls, and from this victorious action, the tribe was given the name, Paatu. Not long after the Paatu tribe had withstood the siege of the Ngāpuhi, Mōroki took a taua to Ngāpuhi territory to seek utu for the loss of all their produce of their gardens. They raided the Ngāpuhi plantations and destroyed what they could not carry home. Overwhelmed by their success and feeling that their mana had increased; they travelled back to their pā at Ōruru.⁵²

Keene, F. (1963) writes: ⁵³

Not long after the Paatu tribe had withstood the siege of Ngāpuhi, the chiefs Koropeke and Mōroki took a tauā to Ngāpuhi territory to seek utu for the loss of all their produce of their gardens. They raided the Ngāpuhi plantations and destroyed what they could not carry home. Elated at their success and feeling that their mana had been increased they travelled back to their pā at Ōruru... When Koropeke and Mōroki died, the mana of the Paatu tribe was given to the great chief Poroa of Rarawa and when Poroa died, this mana was passed on to Nopera Pānakareao who was chief of both Rarawa and Paatu during the wars of the early 1800s. A gentle man with a commanding presence, Pānakareao became the protector of the Kaitaia Mission Station until his death in 1856.

3.4 Ngāti Tara

Ngāti Tara originally resided in the Ōruru Valley in the pā known as Taharoa (Otaharoa). This pā was situated in close proximity to Te Kauhanga pā, Wereweretehe pā, Te Reinga and Ngaupiu. Directly below Taukamo which was the main lookout in the Ōruru Valley. From this lookout, it had a clear view to the east, west, north, and south. During the siege of Ngāpuhi, Te Rarawa, Mahurehure in the Ōruru valley, the Otaharoa pā was defeated to Ngāpuhi hence Ngāti Tara fled from the area. Ngāti Tara also resided at Taipa and in Parapara to which they reside today.⁵⁴

⁵² Kuia Waitonga Kaitoa, Florence Keene Tai Tokerau.

⁵³ Keene, Florence. (1963). Tai Tokerau. The Mana of The Paatu Tribe, p. 3. Anne and John Keene, PO Box 833, Whakatane.

⁵⁴ Brief of Evidence of Pereniki Tauhara (August 20, 2012). Pereniki Tauhara on behalf of himself and on behalf of the descendants of Matiu Tauhara, Te Rina Kingi Waiaua, Pene Te Kaitoa. In the Matter of the Treaty of Waitangi Act and an Application for Remedies on behalf of Te Runanga-a-Iwi o Ngāti Kahu.

Gabel, R. (2012) confirms that Ngāti Tara has been a prominent hapū for centuries. The records show that Te Paatu was very prominent during the 19th Century and accords Te Paatu iwi status and Ngāti Tara is a hapū of Te Paatu. Gabel, R. (2012) provided further evidence before the Waitangi Tribunal:

The heart of Ngāti Tara is Parapara. The principal Ngāti Tara marae is Parapara Marae which sits under the sacred mountains of Hikurangi, Maungataniwha, Te Ahuponga and Taratara. Although Parapara is the heart of Ngāti Tara, Ngāti Tara has mana whenua beyond Parapara...

Ngāti Tara occupied land at Parapara, Lake Ohia, Aurere, Werowero, and further up to Puheke. Ngāti Tara also spent much of their time along the coastline fishing and gathering shellfish. Tokarau Beach was one of the major sources of kaimoana and we ranged all over it for this purpose. We didn't stop at Tokarau Beach either. If we wanted to, we would often go fishing and gathering shellfish on the Rangaunu side of the peninsula...

There is a land block named at Aurere named Ōkokori and Ngāti Tara have strong ties to this land. The Ōkokori block is located north of the Awapoko River and runs along the coastline of the Tokerau Beach. Adjacent to the Ōkokori block is a block of land which is currently administered by the Department of Conservation (DOC). The land block is now part of the Lake Ohia Reserve...

The old people would move to the coast when the fish were fat. This was a seasonal thing, and they could only fish at certain times of the year. There were grave consequences if the fished out of season as this would affect the number of mullet, snapper or kahawai that were available for the rest of the hapu...

Ngāti Tara descends from the tupuna Mania who father was Te Rurunga, he explained that there are also accounts of her father being Kahukura and confirms Te Parata and Waitonga are also eponymous tupuna of Ngāti Tara.⁵⁵

Atihana Moana Johns in his evidence before the Waitangi Tribunal (2012) explains the relationships to the whenua as:

Parapara is considered as a Ngāti Tara kainga. Those residing at Parapara and were present at the Native Land Court hearing claimed that they had mana whenua interests in this area, as indicated by their korero found in Northern Minute No. 37 (1877, March 5).

- Henare Kepa: I belong to Ngāti Te Rurunga and reside at Parapara. He claimed from Mania who is a Whanau Moana tupuna and child of Kahukura like Hinetewai.
- Wiremu Pikaahu: I belong to Ngāti Te Rurunga. He claimed from Houmeaiti Mania's brother. He claimed that he was also Te Paatu.
- Timoti Popata: I belong to Ngāti Te Rurunga but reside at Kareponia.
- Tere Te Hau: I belong to Ngāti Tara, a hapu of Te Paatu. My mother was born at Parapara, but I was born at Hokianga.
- Winiata Tomairangi Papahia. I belong to Ngāti Te Rurunga and live at Te Wairoa.

... There were other papakainga on the Tokerau side from Aurere to Parakarake. Among these were Te Pikinga which was a place where tuatua and toheroa were harvested, roasted, shelled, and strung on flax for easy transport. The beach from Ōkokori to Te Pikinga had toheroa beds. Ngāti Tara and Te Rurunga had a fishing ground called Kouranui off Te Pikinga.

⁵⁵ Gabel, R. (August 22, 2012). Brief of Evidence. An application by Ngāti Tara for an Order of the Waitangi Tribunal pursuant to Section 8A(2)(a)(ii) of the Treaty of Waitangi Act 1975.

This was not a permanent settlement, but a seasonal one. Ngāti Tara were among the hapu involved. Middens testify to this activity. Waiotaraire and Te Kopua O Rangiriri were others...

Hapu still continued fishing and harvesting kai moana and kuaka after gum digging began. This was often part of that industry and their subsistent economy. Settlements were usually seasonal and during the fishing season, sharks and other species were sun dried and smoked, and tuangi gathered. This harvest was taken back to more permanent settlements of the hapu. Kina and paua were harvested between Kohanga, Motutara and Puheke.

4. Sites of Significance

4.1 Ko Maunga Taniwha te Maunga

Olwyn Ramsey (2001) in her book “In the Shadow of Maungataniwha” describes Maunga Taniwha as:

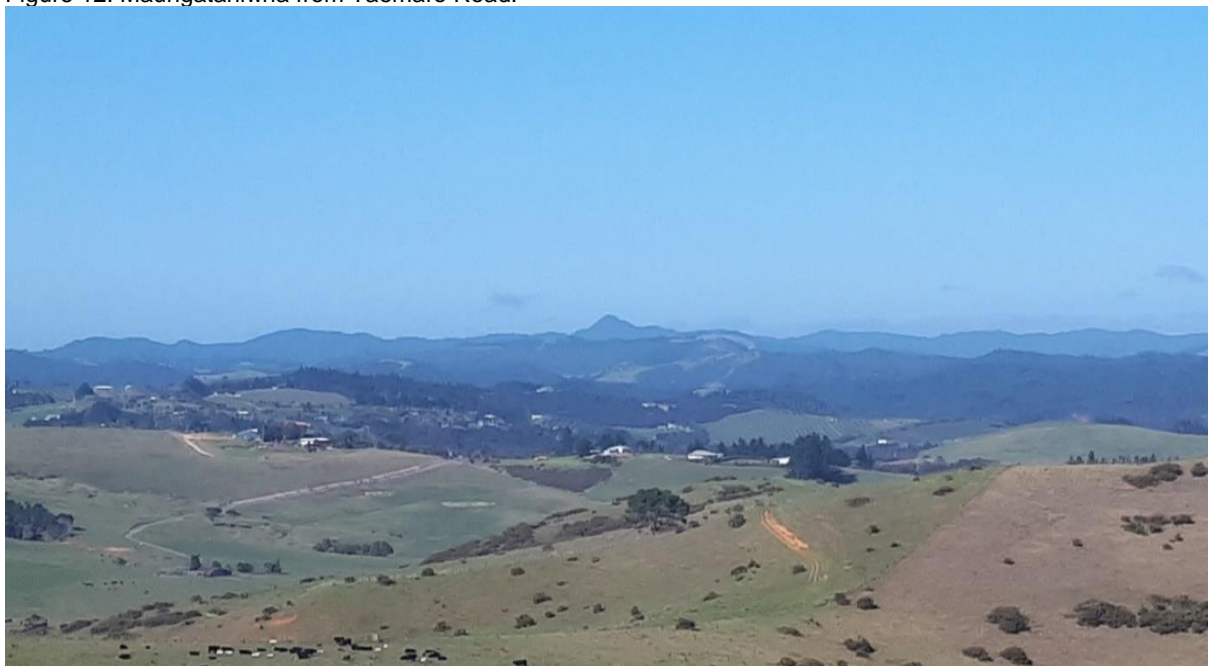
Maungataniwha dominates the last mountain range of the northern peninsula. Such a prominent landmark could not fail to impress the old time Māori, and Maungataniwha figured in their legends and myths handed down through the generations.

Long, long ago they believed the taniwha that came up the tributaries of the Hokianga were “something very powerful”. They lived in the rivers, valleys and mountains and were aggressive, frequently attacking one another. According to this legend Maungataniwha is inhabited by evil taniwha, hence the name Maunga (mountain) taniwha. (A television mast was erected on Maungataniwha in 1966. An invasion of the sacred landform, at the time this insensitive action was resented).

Mythology has it that Maungataniwha was the chief mountain without rival, was proud of it and ruled far and wide, but the hill towards Whangaroa, called Maunga Taratara, began to grow conceited and put on airs and started to build himself up taller so that he would be the chief mountain. This came to the ears of Maungataniwha, so he decided to go to see for himself. One evening he strolled quietly over towards Whangaroa only to find that all that he had been told was true. So great was the range? towards the mountain that he rushed at him giving him a good kick, then went home to his place.

The effect of that kick can still be seen to this day. When you look at Maunga Taratara you see the ragged rock now split and the great pieces scattered about. The pinnacle is where he was raising himself up before Maungataniwha finished him off. Maungataniwha now stands majestically in his place, and Maunga Taratara has never again presumed to usurp his position as the dominant peak in the north.

Figure 12: Maungataniwha from Taemaro Road.



4.2 Puketū Island Māori Reservation

Figure 13: Puketū Pā, Te Aurere.



Puketū Island Māori Reservation is currently registered plan reference (ML 396735) as Māori Freehold Land approximately an area of 2 hectares and is located adjacent to the Awapoko River. There are 18 registered owners in the Māori Land Court as:⁵⁶ Puketū pā or Puketū Island was registered in the New Zealand Gazette in 1982 (p. 3717) as a Māori Reservation for the purposes of preservation of a place of historical importance.

- | | |
|------------------|-----------------------|
| ▪ Ahuahu | ▪ Te Matiu |
| ▪ Henare Kopa | ▪ Te Puhipi |
| ▪ Ihaka | ▪ Te Waka Rangaunu |
| ▪ Kaio | ▪ Te Wiremu Hakakai |
| ▪ Matiu | ▪ Tipene Haha |
| ▪ Matiu Tuhara | ▪ Wakangi |
| ▪ Pene Kohe | ▪ Watene Patonga |
| ▪ Reihana Kiriwi | ▪ Wiremu Kingi |
| ▪ Te Hira | ▪ Wiremu Kingi Nganga |

Keene, F. (1963) describes how Porirua escaped death:

A few years before 1800 there was an old tohunga living alone on top of Puketū, a beautifully-shaped islet of Waitapu Beach at Aurere. Although surrounded by water most of the time, at low tide it was quite easily accessible on foot.

⁵⁶Te Kooti Whenua Māori. Māori Land Court. (2023). Pataka Whenua. Puketū Island. Retrieved January 12, 2023 from: [End User Portal \(maorilandcourt.govt.nz\)](https://maorilandcourt.govt.nz/).

4.3 Tai-ipa/Taipa

Taipa was also known to be the landing place of other waka, such as Ruakamea, Waipapa, Ngā Tokimatawhaorua, Mataatua, Kurahaupō and Takitimu. There is a monument that is erected there in remembrance of the wakas landing at Taipa. The first monument that was erected was a Pou Whenua surrounded by ngā poupou representing ngā waka (Mangonui Māori Council Henare Kingi Waiaua, Hone Wi Kaitaia, Timoti Hetaraka, Pereiha Matiu Tauhara, Pereene Tukariri and others). This monument rotted and was taken down and a new one was erected that is there today. The old pou were given to the Rangiahia Kura and some are in Peria (Tauhara, P. 2012).⁵⁷

New Zealand History Nga Korero a Ipurangi o Aotearoa (Ministry for Culture & Heritage, Mantu Taonga) 2017 provide the meaning of the origin of the name Taipa advising that “... *a dispute between two chiefs arose over possession of shellfish beds. They arrived at a compromise whereby a fence was erected between the pā, each iwi to keep to its allotted area. The place was then called Taiapa (dividing fence or boundary), eventually shortened to Taipa.*”

Florence Keene (1963) provides four versions of the dividing fence or boundary regarding Taipa/Tai-ipa as follows:

Version 1: It is said that there were two chiefs who had been very good friends until they disregarded violently about the shellfish beds in Taipa River. One of these chiefs was Kauri, and enterprising but impatient man. The chiefs and their followers fought many pitched battles, but neither could beat the other. After this state of warfare had lasted for a long time the two tribes agreed on a compromise. They erected a dividing fence between two given points. The warriors of each tribe were to keep on their own side of the barrister. If any man violated this agreement he would be killed instantly. For this reason, the place was called Taiapa (dividing fence or boundary). Later, through lazy usage, Taiapa became Taipa.

Version 2: The chief Kauri envied the tribes living on the flats near Taipa River and beach because the fish and shellfish were so plentiful there that one had only to put a hand in the water to touch some kind of seafood. For that reason, Kauri called the place he coveted Taipa (tai, seawater; pā, touch).

Version 3: It is said that the name Taipa originally applied to a large boulder that can still be seen on the riverbank just below the bridge and that it was given this name for the following reason: Some men from the neighboring sub-tribe were paddling their canoes down the Taipa River to rob the pipi beds. To prevent this, the tribe in occupation put great boulders across the river. When this ruse halted the marauders, a fierce battle took place, and they were driven back. Thus, this rock, probably because it was the largest one used, was called Taipa (tai, seawater; pā; obstruct). In that time the settlement took its name from the rock.

Version 4: The fourth version of the story says that many years ago a great tidal wave washed right over the pā on the seashore, temporarily submerging it. After the excitement of this catastrophe had died down, the survivors called the place Taipa (tai, seawater; pa, village).

4.4 Ikatiritiri

The Waitangi Tribunal (1988) reported:⁵⁸

⁵⁷ Tauhara, P. (2012). Brief of Evidence of Pereniki Tauhara, WAI 1842, p. 46? In the Waitangi Tribunal WAI 45. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal.

⁵⁸ Waitangi Tribunal (1988). Mangonui Sewerage Report, p. 13-15. Wellington. New Zealand. Government Print.

He (Kupe) called the Taipa River Ikatiritiri (to apportion fish) because of the abundant fish life to be found. At the adjoining Otengi headland, he made a place for his daughter to stay while he explored the country. It was from Taipa that Kupe returned to Hawaiki, according to Ngāti Kahu history.

Figure 14: Entrance of Ikatiritiri facing Otangauru Pā.⁵⁹



Tuki Tahua in his map drawn on Norfolk Island in about 1793 before Lieutenant-Governor King of the Penal Colony there drew a building on Ikatiritiri and said it was a place where wānanga were held (Johns, A. N/D). Our Heritage (2017) further elaborates as follows:

In May 1793, Tuki Tahua and Ngahuruhuru, two Northland Māori chiefs were kidnapped and taken on board the ship *Daedalus*. These young chiefs were kidnapped for the purpose of teaching convicts on Norfolk Island the techniques for manufacturing flax. Tuki Tahua and Ngahuruhuru stayed on Norfolk Island from May to November in 1793. By all accounts they were treated as guests by Lieutenant-Governor King, lived in Government House, ate at the Governor's table, and were excused from manual labour.

Unfortunately, relatively little information about working with flax was passed on. This was due to the poor quality of Norfolk Island flax and the fact that flax manufacturing within Māori society was a skill, which women traditionally mastered.

However, the most remarkable achievement of the kidnapping was the production of Tuki Tahua's map; a unique record of Māori thinking. The map was originally drawn in chalk on the floor in Government House. Other maps were produced in this early contact period, but Tuki

⁵⁹ Source: Adapted. Alexander Turnbull Library. Manuscripts & Pictorial. Taipa, on the west bank at the mouth of the Ōruru River at Doubtless Bay. A scow is at anchor in the distance. Photograph taken ca 1910 by Arthur Northwood. Retrieved December 29, 2023, from: <http://mp.natlib.govt.nz/detail/?id=73679&recordNum=1&t=items&q=Taipa&f=collection%24Heritage+Images&l=en&tc=0&numResults=20>.

Tahua's is unique because it includes social, mythical, and political information written at his dictation."⁶⁰

Popata, L. (2012) in his brief of evidence before the Waitangi Tribunal submitted:⁶¹

According to Ngāti Kahu custom, Ikateretere was the land place of the Matawhaorua waka, captained by Kupe. From Te Moananui-ā-Kiwa, Kuramarotini, the wife of Kupe was said to exclaim when she saw land; *'he ao, he ao, he Aotearoa - land of the land white cloud.'* From here Kupe explored the region and named several sites from his experiences. He take taunaha. Waipuiārangi is a rock formation that depicts Kupe's daughter. This is at Waiari on the Karikari Peninsula. Te Kupenga a Kupe are rocks on Tokerau Beach, depicting the petrified remains of Kupe's net. Kupe is also famed as naming the Ikateretere river due to the abundance of fish swimming swiftly therein.

Ikateretere is the mouth of the river with an abundance of food that sustained the hapū over many generations and unto this day.

At the entrance of the Taipa mouth is a place known as the 'food basket' of our people – Te Ika Tiritiri. Even today this place is plentiful with mataitai (seafood), pipi and kutai (mussels) and the fish entering are abundant and still assist in feeding our people (Tauhara, P. 2012).

4.5 Ōruru

The Pēria River, Waikainga, Te Awapuka Streams and numerous smaller streams all drain from the steep hill country of Maunga Taniwha, converge just downstream towards Pēria to become the Ōruru River. The Ōruru River originates from the Otangaroa Forest and flows northwards for another seven to eight kilometers before reaching the tide, joining with the Paranui River, and becoming the Taipā River (Northland Regional Council, 2013).⁶²

An important historical feature of the Ōruru valley is our hapū awa - the Ōruru River. The Ōruru river was once a waterway used by our ancestors to travel and transport trade produce up and down the Ōruru valley. In the early 1800's the Ōruru River was used to transport kauri trees from the Ōruru valley. In those days there was significant scope for trading based on the large population of the area and the vast source of produce available. People were coming and going on a regular basis.⁶³

The Ōruru river is also the main water source within the Ōruru valley and hapū and whānau. The flow of the Ōruru River begins from Maunga Taniwha and moves eastward to *'te wahapū o Taipā'* and further to *'Tokerau moana'*. It is the mauri of our whenua, the life essence for our tribe, fish, tuna, trees, gardens, birds, animals, and insects.⁶⁴ At the end of Taipa beach towards Otengi it is said that the waka Māmaru was buried, but there are other versions. Taipa was also known to be the landing place of other waka, such as Ruakamea, Waipapa, Ngā Tokimatawhaorua, Mataatua, Kurahaupō and Takitimu.⁶⁵

⁶⁰ Tuki Tahua and Ngahuruhuru, "Reproduced Map of New Zealand originally drawn in chalk on the floor by two Māori Chiefs, Tuki Tahua and Ngahuruhuru, at Norfolk Island.," *ourheritage.ac.nz | OUR Heritage*, accessed December 22, 2023, <http://otago.ourheritage.ac.nz/items/show/6302>.

⁶¹ Popata, Lloyd (June 29, 2012). Brief of Evidence in the Waitangi Tribunal, WAI 45 #R15 pg. 26. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal.

⁶² Northland Regional Council. (2013). Draft Catchment Description Doubtless Bay, pg. 3 Northland.

⁶³ Brief of Evidence of Pereniki Tauhara (August 20, 2012). Pereniki Tauhara on behalf of himself and on behalf of the descendants of Matiu Tauhara, Te Rina Kingi Waiaua, Pene Te Kaitoa. In the Matter of the Treaty of Waitangi Act and an Application for Remedies on behalf of Te Runanga-a-Iwi o Ngati Kahu.

⁶⁴ Ibid.

⁶⁵ Brief of Evidence of Pereniki Tauhara (August 20, 2012). Pereniki Tauhara on behalf of himself and on behalf of the descendants of Matiu Tauhara, Te Rina Kingi Waiaua, Pene Te Kaitoa. In the Matter of the Treaty of Waitangi Act and an Application for Remedies on behalf of Te Runanga-a-Iwi o Ngati Kahu.

The catchment is prone to erosion due to the fine textured clay sediment which reduces water quality. Livestock access to the rivers, and sediment associated with runoff is causing land erosion and decline in water quality. *E. coli* bacterium is also an indicator of human or animal fecal contamination affecting ecosystems and human consumption in which fresh water is extracted from the lower reaches of the Peria River for household consumption within the Doubtless Bay catchment area. There are 9 known species within the Doubtless Bay catchment area including longfin eel, shortfin eel, inanga, giant bully, common bully, smelt, torrent fish, redfin bully and banded kokopu.⁶⁶

Figure 15: Taipa West Bank at the Mouth of the Ōruru River.⁶⁷



4.6 Te Paraua (Otengi Bay)

According to our kaumātua, Mamangi and her people also lived on Te Paraua adjacent to Otanguru and both Kahutianui and Mamangi died here and were buried nearby at Otengi. It was at Otengi that the Māmaru people had one of their wānanga and it was on Kohatutapu that many sacred ceremonies were performed (Bassett, R. 2012).⁶⁸ Keene, F. (1963) wrote:⁶⁹

When the first Māori arrived in the North, some of them landed in the tiny but very picturesque bay known as Otengi, about two miles north of Taipa. They carried skids, by means of which

⁶⁶ Northland Regional Council. (N/D).

⁶⁷ Source: Adapted. Alexander Turnbull Library. Manuscripts & Pictorial. Taipa, on the west bank at the mouth of the Ōruru River at Doubtless Bay. A scow is at anchor in the distance. Photograph taken ca 1910 by Arthur Northwood. Retrieved December 29, 2023, from: <http://mp.natlib.govt.nz/detail/?id=73679&recordNum=1&t=items&q=Taipa&f=collection%24Heritage+Images&l=en&tc=0&numResults=20>.

⁶⁸ Bassett, R. (2012, August 22). Brief of Evidence. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal.

⁶⁹ Keene, Florence. (1963). *O Te Raki. Māori Legends of the North*, p. 87. Paul's Book Arcade. Auckland and Hamilton.

they could pull their heavy canoes up the beach, just as Pākehā use rollers for small craft. When they had hauled their canoes above the high-water mark, they stuck the skids, which were of green orewa wood, into the ground and left them there. They grew and can be seen at Otengi Bay today.

The orewa resembles the native karaka, its leaves being similar in shape to the karaka but of a slightly reddish tinge. It is found in both America and New Zealand. There are a few orewa trees at Mount Camel near Houhora in the Far North also. These probably took root there under similar circumstances to those in Otengi Bay, but the Māori claim that the orewa trees at Otengi were the first to be grown in New Zealand.

Figure 16: Otengi Headland, Ngāti Kahu Historical Site of Significance.



4.7 Otengi Headland

The sale of Taipa particularly rankled for it was the birthplace of the tribe at the centre of the bay. It was extremely significant therefore when G P Adamson gifted back a part of the Otengi headland in 1974, and in 1986 when the tribe acquired the main farm. For many its symbolized hopes for a tribal rebirth, especially as in the colonization process, the reserves had been broken up and individualized and none but that now regained at Taipa tribally owned.⁷⁰

⁷⁰ Waitangi Tribunal. (1988). Mangonui Sewerage Report. Report of the Waitangi Tribunal on the Mangonui Sewerage Claim (Wai-17). Part 1 – Outline. 1 Overview and Summary Report p. 3. Wellington, New Zealand: Government Printing Office.

4.8 Otako

Popata L. Rev. (2012) in his brief of evidence before the Waitangi Tribunal submitted:

Te Parata navigated the Māmaru waka to Aotearoa and eventually make landfall at Otako. This is the Tauranga waka Ngāti Kahu acknowledges where their founding tupuna arrived from Hawaiiki.

Prior to the Māmaru waka, Ngāti Kahu trace their descent from Tūmoana, who captained the Tinana waka from Rangiātea to Hokianga. Tūmoana established his people on the western coast between Hokianga and Ahipara. His daughter Kahutianui and son Tamahotu inherited the mana of their father over the lands and people. Kahutianui resided at Te Tauroa and was born at Te Kohanga in Ahipara. Te Kohanga is known as the birthplace of Ngāti Kahu.⁷¹

4.9 Otangauru

The pā of Otangauru is named after the Tohunga of the Māmaru waka. The pā is situated on the highest point of the Taipa headland, 56.5m above sea level and extends Eastwards along the ridge to the coast. The main part of the pā measures 80 x 52m and contains 11 terraces, 1 platform, 2 pits and is defended by an L-shaped ditch and steep natural scarps. The terracing is well fined, however some of the areas have been cut by stock tracks and further erosion. The eastern point area is less well preserved, containing an 8-metre-wide cut through the bank, while the platform has eroded edges. The terraces and scarps below are the most disturbed with a large number of stock tracks crisscrossing the slopes and ascending the ridge. The site is also reputed from which the chief Kauri departed his journey back to Hawaiiki (Robinson, D. 1963, April 10).

It said that Parata had returned with tohunga, including Tangauru⁷² (Otangauru) whose pā is located on the Taipa Headland. Bassett, R (2012, August 22) explains: Tangauru, the tohunga on Māmaru, built their first pā and named it Otangauru. While there was a plentiful supply of kaimoana, the Māmaru people found that the land was not very fertile and so they went inland a short distance and made large gardens at Parapara and elsewhere nearby.⁷³

The site is also reputed from which the chief Kauri departed his journey back to Hawaiiki (Robinson, D. 1963, April 10).⁷⁴ Bassett, R. (2012) also describes Kauri as being responsible for building key Ngāti Tara defensive pā. One was built to the east and named after his mokopuna Tirepa, while another pā was also built by Kauri to the west of Parapara.⁷⁵

⁷¹ Popata, L. Rev. (June 29, 2012). Brief of Evidence of Rev. Lloyd Popata in the Waitangi Tribunal, WAI 45 #R15 pg. 26. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal.

⁷² Bassett, R. (2012, August 22). Brief of Evidence of Raniera Bassett. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal.

⁷³ Ibid.

⁷⁴ Robinson, D. (1963, April 10).

⁷⁵ Bassett, R. (2012, August 22). Brief of Evidence of Raniera Bassett. Application for remedies on behalf of Te Runanga ā Iwi o Ngāti Kahu to Waitangi Tribunal.

Figure 17: Otangauru Pā.⁷⁶



It is said that the last battle was fought at Otangauru pā, using muskets, as part of the Ōruru war, and 46 died on the sands. On the eastern sentinel at the other end of the beach stood the Te Huiki (Kuihi) and Pekehorohoro pā. The Waitangi Tribunal (1988) reported in the Mangonui Sewerage Report:⁷⁷

Further down the headland, overlooking the Taiapa beach, is the site of Otangauru pā. There the last battle was fought, using muskets, as part of the Ōruru war, and 46 died on the sands. On the eastern sentinel at the other end of the beach stood the Te Huiki (Kuihi) and Pekehorohoro pā.

4.10 Te Kuihi

Hensley, V.H. (2000, February) in an Archaeological Assessment of Te Kuihi Block reported that:

James Berghan alleges in 1839 he bought 40 acres from the chief “Ewarri” a section of land at Typa (Taipa) for various articles of merchandise to the value of seventeen pounds sterling on 9 November 1839. On 12 May 1847 the sale was disputed in the Court of Claims by commissioner Godfrey who awards the Claimant 438 acres elsewhere than Mangonui. Governor Fitzroy ignores the report and makes an award of one thousand one hundred and forty-six pounds which was never paid.

The Court of Claims later in 1859 again considers the Berghan claim and makes a grant of 1862 acres 3R8P part of which is in Doubtless Bay. We note a reference to O.L.C. 259f 40 acres being the original section known as Typa (Taipa) becomes the property of James Berghan, the original trade being 1 piece of print 28 yards, 1 piece of calico 28 yards, 4 regatta shirts, 1 Guernsey frock, 1 case or 128lbs of tobacco.

⁷⁶ Tanguru was known as the Tohunga of the Māmaru which was captained by Te Parata.

⁷⁷ Waitangi Tribunal. (1988). Mangonui Sewerage Report. Report of the Waitangi Tribunal on the Mangonui Sewerage Claim (Wai-17). Part III Conclusions, 6.8 Ancestral Associations p. 55. Wellington, New Zealand: Government Printing Office.

In 1899 Te Kuihi which was described as a Crown Grant (Toby's) and then owned by Mr. Henry Littleproud was sold on the 2 October to Mr. Charles Harris.

Located at Trig 1605, an area which has been modified to form a terrace 14 metres x 18 meters. The site is located on a slightly elevated ridge which descends in a NW direction and has a steep drop off on the southern side. The late Mr. Viv Gregory, kaumatua Te Rarawa, explained to Mr. Laurent, a resident adjacent to the site that this was inf act a "Lookout" known as Te Kuihi. The site has also been recorded as N7/9 D. W Robinson, described as a pā, Ikatiritiri, destroyed. I do not think this was the case though the hill could have this unconfirmed name. 004/896 Grid Reference E541 N8975 Terrace-Possible lookout tower site.

Figure 18: Te Kuihi Recreation Reserve & Esplanade Reserve.



4.11 Wahakaionepe

Wahakaionepe is translated as 'mouth full of mud'. The first casualty of the Pororua Nopera War of 1843, fell somewhere opposite the quarry before the Taipa Bridge. When his body was retrieved his mouth was full of mud. That became the name for this war. Thirty-four warriors were killed by the end of it (Johns, A. March 2017).

Pororua and Hone Heke had a pa in the proximity of the quarry as Nopera Pānakareao's taua came down from Ōruru on their way to Kaitaia via Taipa and Aurere. He deliberately chose that route in order to confront Pororua when he could have gone via Mangataiore (Johns, A. March 2017).

The battle was fought with muskets and hand to hand and took place from the bridge down to the point and onto the beach in front of the Resort. The sand was red with blood. Nopera and what was left of his taua were chased to Aurere. He was about to reorganise their war party and go back for another go when a Missionary caught up to him and urged him not to. Pororua had also agreed not to continue (Johns, A. March 2017).

The cause of the battle was because Governor Hobson had secretly bought Ōruru off Nopera and when Pororua a claimant of Ōruru found out he threatened to occupy Ōruru. Hone Heke's involvement was

utu for Nopera Pānakareao's role in defeating him at Te Ahuahu. Nopera Pānakareao sided with Wakanene (Johns, A. March 2017).

Figure 19: Tane Purapura Pā, Taipa River.



4.12 Taipa Monument

The first Taipa monument was principally erected to honor Kupe, which is thought to be the first landing place in Aotearoa New Zealand, and the ancestors of the Ngāti Kahu iwi (people). The monument includes a memorial commemorating 30 local servicemen who were killed in the Second World War. These men were from the wider district of the Far North, all of almost who served in the 28th Māori Battalion (Ministry of Culture and Heritage, 2013).

The first monument that was erected was a Pou Whenua surrounded by nga Poupou representing nga waka (Mangonui Māori Council) included Henare Kingi Waiaua, Hone Wi Kaitaia, Timoti Hetaraka, Pereiha Matiu Tauhara, Perene Tukariri and others. This monument rotted and was taken down and a new one was erected that is there today. The old pou were given to the Rangiahia Kura and some are in Peria.⁷⁸

Kaumatua Atihana Moana Johns explains in (March 2017) explains:

Henare Kingi Waiaua was the chief initiator of the monument and provided the kaupapa. The marae there is a war memorial whare (house / marae) called Karipori or Gallipoli after the World War 1 battle involving New Zealand and the Māori Pioneer Battalion. It is also an acknowledgement of the waka arrival from Hawaiki to Aotearoa. Many did arrive on the east coast including Taipa and made their way south. Taipa was well populated before the arrival of Captain Cook who did not enter Tokerau Moana (Doubtless Bay).

⁷⁸ Tauhara, P. (August 20, 2012). Pereniki Tauhara on behalf of himself and on behalf of the descendants of Matiu Tauhara, Te Rina Kingi Waiaua, Pene Te Kaitoa. In the Matter of the Treaty of Waitangi Act and an Application for Remedies on behalf of Te Runanga-a-Iwi o Ngati Kahu.

In 1996 the Northern News headlined that a “*Kaumātua Questions European Slant on History – Taipa Monument Has Wrong Waka*”. Northern News reported that “*the monument bears an inscription that tells of the war waka Māmaru being one used by the great navigator to cross the ocean from Hawaiki.*” It was further reported that Kaumatua John Marsden said:

Figure 20: Taipa Monument Pou, Second World War Memorial 28th Māori Battalion.⁷⁹



Kupe's waka was called Matahau, and when he went back to Hawaiki, he gave it to his grandson Nuku Tawhiti who, after sea trials, asked if he could readze the cumbersome vessel. The waka was then called Ngatoki Matawhau Rua (adzed for the second time).

The eastern side of the monument reads:

Me tonu whakamaharatanga tenei mote waka Taua o “Ngāti Kahu” kia Māmaru I hoea mai ai Te Moana nui a Kiwa e kupe I Hawaiki I Tuteitia ai e ne moutere ia mua atu I etahi atu waka katoa I u mai nei ki Wharetawa (Wharekauri) takiwa ano o Taipa a I taiawhiotia ai enei moutere katoa ai hoiki ano e Kupe ki Hawaiki a kariro mai ano a Māmaru I a Tumoana raua ko Te Parata ka u ano ki Ikatitiri Wahapū o Taipa ko te waka raNgātira, lo te waka mana, ko te waka tapu, ko te waka toa tenei O nga hoea mai I Hawaiki ki enei moutere.

Etahi atu o nga waka o Ngāti Kahu, Ruakamea, Waipapa, Kurahapū, Matatua, Ngatokimatawhaorua.

On the western side of the monument reads:

This monument is erected to commemorate and proclaim to all peoples, that the war canoe 'Māmaru of the Ngāti Kahu' was the canoe in which Kupe, that great Polynesian navigator and explorer, used in his voyage from Hawaiki, across the Pacific Ocean and discovered New Zealand. According to Māori tradition, and Polynesian legend, the voyage was made thirty-four

⁷⁹ Source: Te Ahu Archives and Museum, Kaitiaki.

generations before the great migration and is claimed to be the first vessel to disturb the waters of the Pacific Ocean, land here at Ikatiritiri, at the mouth of the Taipa river, hence the erection of this monument here. From here he made numerous voyages round New Zealand and visited the Chatham Islands. When Kupe returned to Hawaiiki, the canoe Māmaru was taken over by Te Parata and Tūmoana who came to New Zealand during the great migrations, bringing with them, the ancestors of the Ngāti Kahu tribe.

Māmaru was anointed at Hawaiiki, only for the conveyance of elders of high rank, authority, and sacredness, and is claimed to be the only canoe in the great migration to possess such privileges. Other canoes of the Ngāti Kahu are Rukakamea, Waipapa, Kurahaupo, Matatua and Ngatokimatawharua.

5. Māori Cultural Landscapes

The importance of archaeological sites as part of hapū or iwi cultural heritage is recognised by relevant sections of the Resource Management Act 1991, Heritage New Zealand Pouhere Taonga Act 2014 and regional and national policy statements and plans. Interpretation of archaeological sites within the context of traditional Māori history can provide clear evidence of traditional use of the land over many generations by a hapū or iwi. Oral history explains the deeper meanings of the marks on the land, in terms of people and events associated with them. Archaeological evidence gives substance to the stories, precise locations, specific activities, and the detail of daily activities not recorded among the stories of ancestors, wars, and other notable events (Clough:1996).⁸⁰

This overview examines the cultural landscape within this area by researching archaeological reports and archaeological surveys, and a review of all relevant research reports. The outcomes of the overview are to identify areas surrounding that by the density and distribution of archaeological sites, can clearly be shown to be of traditional and historical importance to hapū and iwi thereby illustrating the cultural values intrinsic in all these aspects.

5.1 Tokerau Beach Archaeology

Figure 21: Archaeology Sites at the southern end of Tokerau Beach.

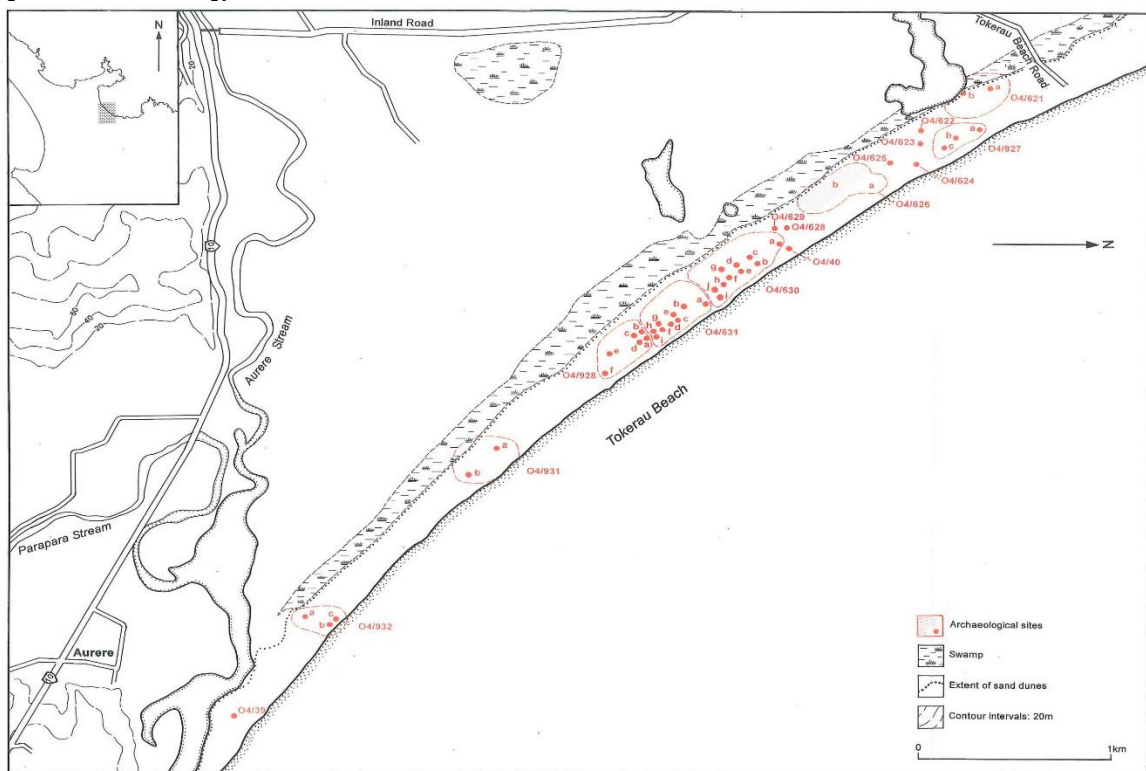


Figure 4. Archaeological sites at the southern end of Tokerau Beach

Source: Slocombe, A. (N/D). *An Archaeological Survey of the Sand Dunes at Tokerau Beach*. Department of Conservation: Whangarei.

Slocombe A. (N/D) archaeologist for the Department of Conservation conducted an archaeological survey of the sand dunes at Tokerau Beach, and several volunteers over a seven-day period between April and June 1997. The area surveyed was largely administered by the Department of Conservation, except for a Far North District Council Recreation Reserve hallway along the beach and a portion in Māori ownership at the southern end. John Coster and Caroline Phillips conducted previous surveys

⁸⁰ Clough R, (1996). *An Archaeological Assessment of the Northern Kaipara*, Clough and Associates, p. 4,6,7,8.

and were examined during the survey to determine the extent of deterioration over the intervening years.

Tokerau Beach extends 15 kms along the eastern margin of a tombolo that joins a number of ancient volcanic islands at Puwheke, Rangiawhia and Rangiputa to the mainland. Slocombe, A. wrote regarding the sand dunes:

The core of the tombolo, known as Karikari Peninsula, comprises a parabolic dune field of land Pleistocene age in the west and arcuate foredunes of the last interglacial age to the east (Brook 1999:338). To the east of this again are younger Holocene foredunes which form the present coastal dune belt. It is within this area that this survey was conducted.

The Holocene foredunes which began to form about 6,500 years ago are approximately 500m wide and composed of quartzose sands with mafic minerals derived from the volcanic rocks at the head of the Karikari Peninsula. They consist largely of sub-parallel lines of hummocks separated by meandering interdune hollows many of which contain deposits of Loisel's pumice (a dense, hard, grey pumice) (Millener 1981:199, Brook 1999:340).

The oldest sands of the present coastal dune belt are the semi consolidated, generally structureless, yellow to brown sands which form the basis of upstanding hummocks and are often exposed by deflation in the interdune hollows. It was from whin these older sands that Millener recorded an extensive and varied faunal assemblage which included the sub-fossil remains of land birds (including moa bone and moa eggshell), seabirds, reptiles, and land snails (Millener 1981:220-221).

This faunal evidence, combined with that from remnant paleosols, indicates that there was extensive forest cover on the Holocene dunes until approximately 1000 years ago (Millener 1981:294).

Figure 22: Archaeology Sites at the northern end of Tokerau Beach.



Figure 3. Archaeological sites at the northern end of Tokerau Beach

Source: Slocombe, A. (N/D). *An Archaeological Survey of the Sand Dunes at Tokerau Beach*. Department of Conservation: Whangarei.

Figure 23: Land Tenure at Tokerau Beach.



Figure 2. Land tenure at Tokerau Beach

Source: Slocombe, A. (N/D). *An Archaeological Survey of the Sand Dunes at Tokerau Beach*. Department of Conservation: Whangarei.

Two new site groupings were recorded, and eleven previous recorded sites were resurveyed by Slocombe and volunteers. Slocombe, A. writes

Most of these sites consisted of deflated and eroded midden and scattered hangi stones often including smaller deposits of 'in situ' midden material. The contents were largely shell, bone and cooking debris and in stark contrast to the sand dunes of the Far North there was almost no evidence of stone impact fragments, the by-product of tool manufacture...

Middens, both deflated and partially 'in situ,' constitute the most numerous sites found on the sand dunes at Tokerau Beach and most appear to have been associated with seasonal campsites where food was prepared and consumed. Noticeably absent was evidence of fishhook, ornament and tool manufacture that is generally associated with more permanent occupation.

Shellfish were a major food item, and some would have been transported 4 or 5 kilometers from the closest source at Rangaunu Harbour. Birds, sea mammals and fish were also exploited for food.

There are still a large number of sites with intermittent patches of 'in situ' midden and it is probable that these contain the last vestiges of information about settlement of the area. Radiocarbon dates have been obtained by Millener from midden in the vicinity of site 004/909 and 004/910 indicating occupation at these locations between the late 15th and late 17th centuries (Millener 1981:1848) ...⁸¹

5.2 Ōkokori B Block Archaeological Assessment

ASL Archaeology Solutions Ltd (20221) was contacted in early January 2021 to undertake a field assessment of the land in question. ASL noted that Melina Goodard undertook a filed survey in February 2021. It was noted that no archaeological sites were recorded previously on the extent of the proposed development and no new archaeological sites were recorded during that survey. Dr. Hans-Dieter Bader (2021, 27 March) in correspondence to Tohu Consulting of Kaitaia writes:

The site O04/932, a shell midden, is the closest recorded site to the proposed development. It is in fact 3 middens that have been grouped as one site. One of them is 22x7m. They are 170m inland from the high tide mark in the dunes and not part of the upgrade area. Attached is an archaeological survey map which shows that other midden runs right up the beach. This was a well-used area in the past.

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. The highest risk to encounter such unrecorded sites is close to the beach (the planting area) or along the river side where the ramp and waka shed are to be built, #4 on the map. The risk will be lower at #7, #8, and the car park. ⁸²

Table 1: NZAA O04/932.

Object ID	34967
NZAA ID	O04/932
Status	Approved
Update Type	Field Visit
Site Summary	Middens
NZTM E	1638104

⁸¹ Slocombe, A. (N/D). An Archaeological Survey of the Sand Dunes at Tokerau Beach. Department of Conservation: Whangarei.

⁸² Dr. Hans-Dieter Bader. (27 March 2021). Communications. Tohu Consulting, Kaitaia. Project: Okokori B Block Archaeological Assessment. ASL Archaeology Solutions Ltd.

NZTM N	6129238
Site Type	Midden/Oven
Date Last Checked	29/07/2007, 12:00 pm
Update Date	01/01/1997, 1.00 pm

Figure 24: Tokerau Beach South Archaeology Overview.

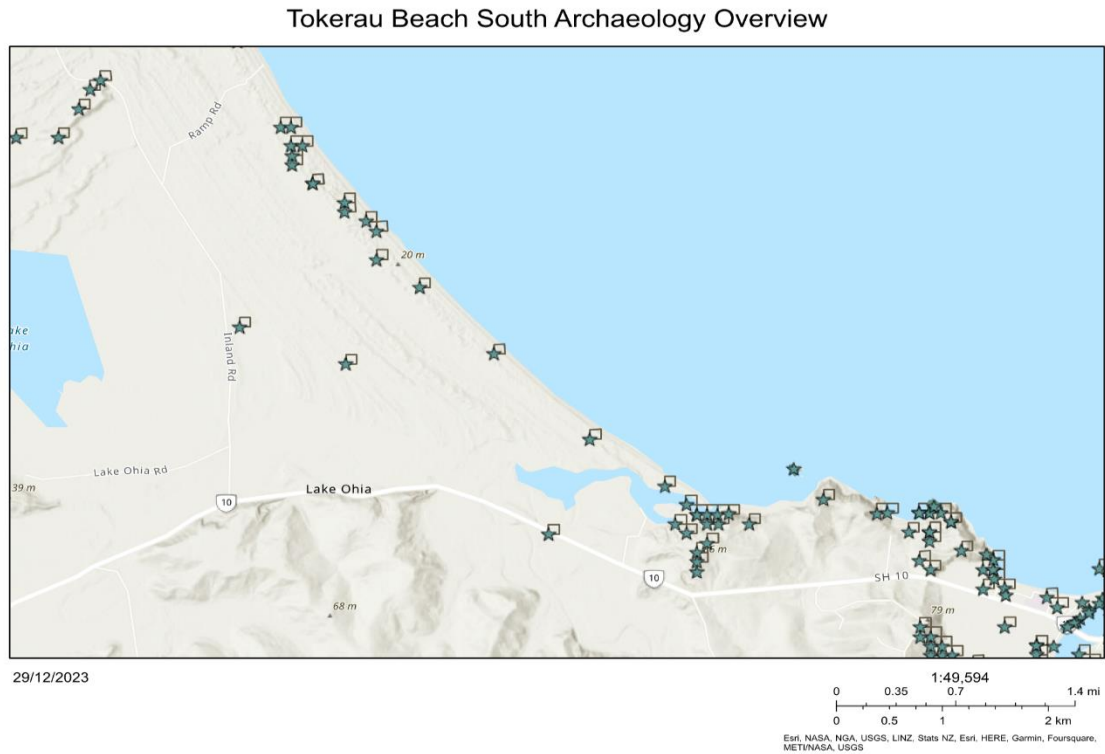
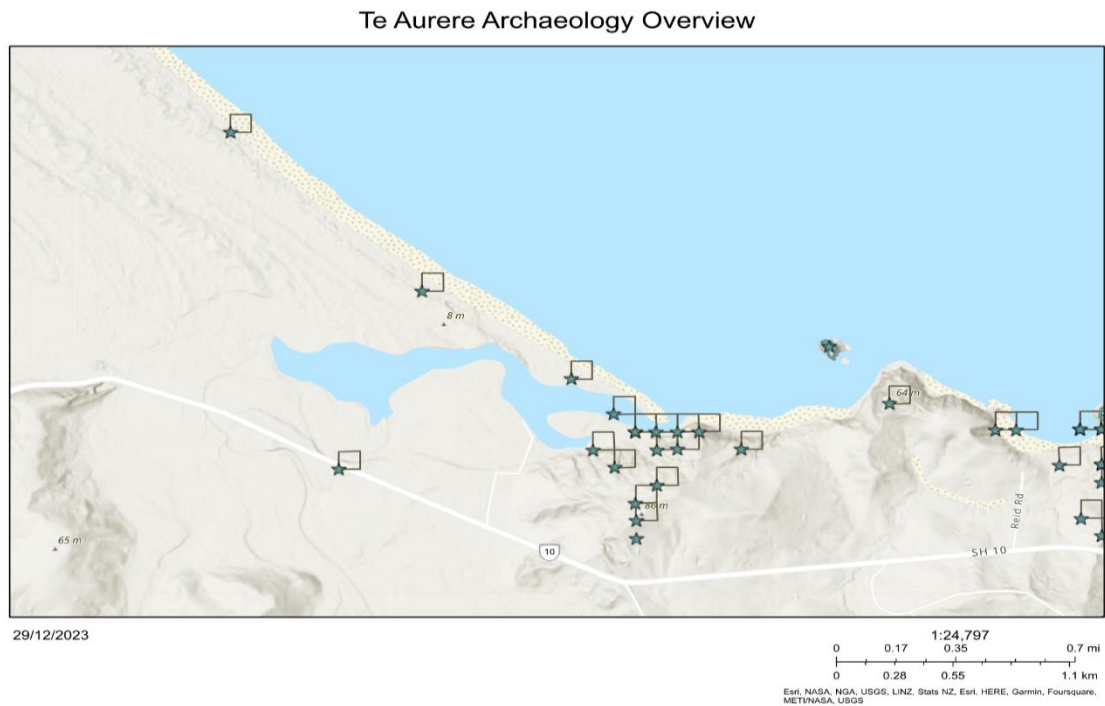


Figure 25: Te Aurere Archaeology Overview.



5.3 Ōruru Valley

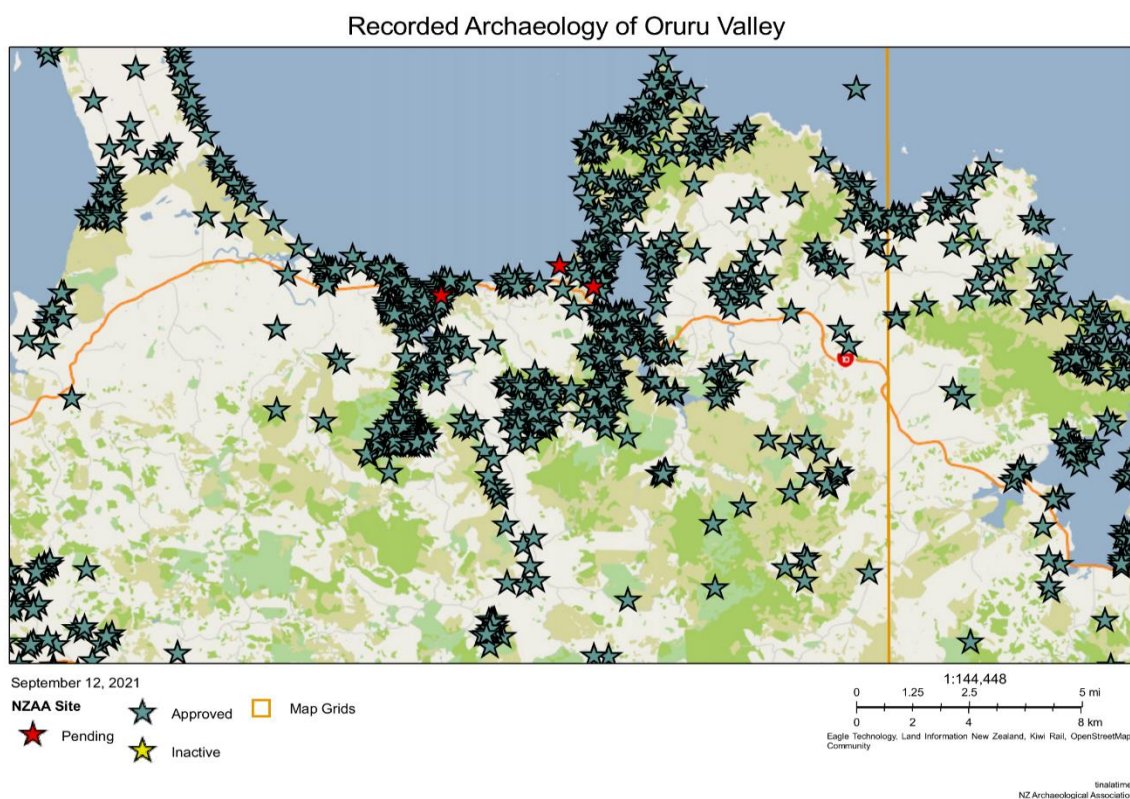
The traditional and archaeological evidence is that the valley was heavily populated due to fertile alluvial soils on the valley floor. Heavy periodic flooding would replenish the valley floor with fertile silt. These soils were gardened and because of good soils, water and warmth crops and people flourished. The ngahere on the surrounding hills provided timber, thatching and birds, the awa eels and ducks and kaimoana on the coast.

Because of these ideal conditions the valley was contested and fought over for generations for its rich resources. The valley is a complex archaeological landscape with pa sites, terraces, and pits clearly visible on both sides of the valley. There are also wahi tapu and named places of significance to hapū along the valley. When the Pākehā arrived at the valley they undertook pastoral farming which means that the pa and other archaeological sites are visible with moderate damage.

The recorded archaeological sites have been recorded in clusters associated with coastal development and forestry operations. There are 10 archaeological authorities recorded at coastal Taipa while only one authority for the Ōruru Valley and this is reflected in the New Zealand Archaeological Association site recording scheme map.

In 1986 a thesis was published by Leigh Johnson *Aspects of the prehistory of the Far Northern Valley Systems*. In the thesis which had a large component of field work Johnson examined wetland and dryland horticultural field systems by using an environmental model of looking at resources and how these influenced settlement patterns.

Figure 26: Recorded Archaeology of the Ōruru Valley.⁸³



⁸³ Source: New Zealand Archaeology Association (NZAA) site recording scheme December 2023.

Dr Joan Maingy provides a brief excerpt of archaeology, which resulted from a regional assessment of archaeology in Northland for the New Zealand Historic Places Trust (now Heritage New Zealand Pouhere Taonga) during 1985-86. The excerpt was made available to the Waitangi Tribunal at its sitting at Ahipara during the week of 1 March 1987 (Historic Places Trust, 1986 p.18). Dr Joan Maingy reports that:

Pā, pits, and terraces are concentrated on the slopes and hills surrounding Ōruru, Victoria and Takahue Valleys – approximately 1,000 sites were recently recorded in the Ōruru Valley alone (Johnson pers. Comm.). The Victoria Valley forms part of Maungataniwha and has been partially surveyed on the southern side and was recorded in 1979. A Project on the north side of the valley was not completed. Recorded sites should be rechecked, the remainder need to be surveyed and a full report made of the valley system (Historic Places Trust, 1986 p. 18, 35).

Figure 27: Taipa West Bank at the Mouth of Ōruru River.⁸⁴



The Taipa land areas have a long area of human occupation extending back at least six centuries. Tangata whenua of this land are Ngāti Kahu and their associated hapū. There are several archaeological sites in close vicinity to the Taipa Bridge as reported by Harris J, when undertaking an archaeological report for the construction of Storm water, just south of the Taipa Bridge having been commissioned in by the Far North District Council in 2009 (Plate 6.3 and 6.4). While there has been little archaeological excavation of the Taipa area, the excavation and investigation of the midden (Q04/1022) provided a base line of pre-European Māori occupation of the area through radiocarbon results suggesting that the occupation period was between the mid-15th and 17th centuries and providing an important part of the wider landscape (Harris, J., 2010, April 9).

The outcomes of the overview are to identify areas surrounding that by the density and distribution of archaeological sites, can clearly be shown to be of traditional/historic importance to Ngāti Kahu thereby

⁸⁴ Source: Adapted. Alexander Turnbull Library. Manuscripts & Pictorial. Taipa, on the west bank at the mouth of the Oruru River at Doubtless Bay. A scow is at anchor in the distance. Photograph taken ca 1910 by Arthur Northwood. Retrieved December 29, 2023, from: <http://mp.natlib.govt.nz/detail/?id=73679&recordNum=1&t=items&q=Taipa&f=collection%24Heritage+Images&l=en&tc=0&numResults=20>.

illustrating the cultural values intrinsic in all these aspects.

5.4 Relevant Legislation

The key legislation in respect of archaeology in New Zealand includes the Coroners Act 2006, Heritage New Zealand Pouhere Taonga Act 2014, and the Protected Object Act 1974.

5.4.1 Coroners Act 2006

Under the Coroners Act 2014 S13(1)⁸⁵ *“a person who finds a body in New Zealand must report the finding to a Police employee as soon as practicable unless the person believes that the finding is already known to the New Zealand Police...”* Under the Act the discovery of all human remains must be notified to the New Zealand Police.

5.4.2 Heritage New Zealand Pouhere Taonga Act 2014

The purpose of the Heritage New Zealand Pouhere Taonga Act 2014 (Act)⁸⁶ is to *“promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.”*

The purpose and principal of the Act at s4 is to recognise:

- (a) The principles that historic places have lasting value and provide evidence of origin of a distinct society.
- (b) The principle that the identification, protection, preservation, and conservation of New Zealand's historical and cultural heritage should:
 - i. take account of all relevant cultural values, knowledge, and disciplines; and
 - ii. take account of material of cultural heritage value and involve the least possible alteration or loss of it.
 - iii. safeguard options of present and future generations; and
 - iv. be fully researched, documented, and recorded, where culturally appropriate; and
- (c) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga.

Section 6 (Interpretation) defines an archaeological site as:

- (a) Any place in New Zealand, including any building or structure (part of a building or structure) that:
 - i. was associated with human activity that occurred before 1900 or is the site of a wreck of any vessel where the wreck occurred before 1900: and
 - ii. provides or may provide, through investigation through archaeological methods; evidence relating to the history of New Zealand; and
- (b) includes a site of which a declaration is made under s43(1).

Section 7 provides for the Treaty of Waitangi (Te Tiriti o Waitangi) in order for the Crown's responsibility to give effect to the Treaty of Waitangi (Te Tiriti o Waitangi) ss (a-i) in consultation with the Minister of Māori Affairs provide for the appointment of at least 3 Māori members to the Board of Heritage New Zealand Pouhere Taonga, and provides for the powers and functions to be a heritage protection

⁸⁵ Coroners Act 2006. Retrieved December 14, 2023, from: <http://www.legislation.govt.nz/act/public/2006/0038/latest/whole.html>.

⁸⁶ Heritage New Zealand Pouhere Taonga Act 2014. Retrieved December 14, 2023, from: <http://www.legislation.govt.nz/act/public/2014/0026/latest/DLM4005421.html>.

authority under Part 8 of the Resource Management Act 1991; and to make recommendation to relevant local authorities to be entered on the New Zealand Heritage List/Rārangī Kōrero.

Key functions and powers under s13 of the Act include:

- (a) to identify, record, investigate, assess, list, protect, and conserve historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas or enter such places and areas on the New Zealand Heritage List/Rārangī Kōrero, or to assist in doing those things, keeping permanent records of that work, and providing support for persons with a legal or equitable interest in such places and areas.
- (b) to continue and maintain the New Zealand Heritage List/Rārangī Kōrero.
- (c) to advocate the conservation and protection of historic places, historic areas, wāhi tūpuna, wāhi tapu, and wāhi tapu areas.
- (d) to foster public interest and involvement in historic places and historic areas and in identifying, recording, investigating, assessing, protecting, and conserving them, maintaining the New Zealand Heritage List/Rārangī Kōrero, and entering such places on that list.
- (e) to issue authorities in accordance with this Act.
- (f) to establish and maintain a list of places of outstanding national heritage value, to be called the National Historic Landmarks/Ngā Mana whenua o Aotearoa me ōna Kōrero Tūturu.
- (g) to act as a heritage protection authority under Part 8 of the Resource Management Act 1991 for the purposes of protecting—
 - i. the whole or part of a historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area.
 - ii. land surrounding the historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area that is reasonably necessary to ensure the protection and reasonable enjoyment of the historic place, historic area, wāhi tūpuna, wāhi tapu, or wāhi tapu area.

Section 22 of the Act the Trust shall establish and maintain a register of historic places, historic areas, wāhi tūpuna, wāhi tapu and wāhi tapu areas for the purpose of:

- (a) informing members of the public.
- (b) notifying owners, where necessary for purpose.
- (c) to assist in the protection of the Resource Management Act 1991.

The register shall consist of the following parts:

- (a) Category: 1: places of special outstanding historical or cultural heritage significance or value.
- (b) Category 2: places of historical or cultural heritage significance or value.
- (c) Historic areas.
- (d) Wāhi tapu.
- (e) Wāhi tapu areas.

The Māori Heritage Council (2009) identifies key heritage areas and examples in Table 6.1 below.

Table 2: Māori Heritage Council Heritage Areas and Examples.⁸⁷

Identifying Key Heritage Areas	Heritage Examples
Wāhi tapu Wāhi tapu areas	Pā, ko nga kainga, ko etahi o te pā, tuwatawata – villages, raised and fortified. Urupa – burial grounds Unga waka – canoe landing sites

⁸⁷ Source: Adapted Māori Heritage Council, Tapuwae (2009). December 14, 2023 from: http://www.historic.org.nz/en/Publications/~/_media/Corporate/Files/Publications/Tapuwae%20English.ashx.

	Puna – springs Kohatu – rocks Ana – caves Toka-tu-moana – rocks standing in waterways. Maunga – mountains Wahi horoi tupapaku – places where corpses were cleaned. Rakau tapu – sacred trees
Historic places and areas of Māori interest	Churches Māori schoolhouses Buildings and structures Kainga and fishing villages Landscape features Mahinga kai – places where food is collected or prepared Stone quarries Rock art sites Archaeological sites

Under s42 Archaeological sites not to be modified or destroyed unless an authority is granted under s48, ss56(1)(b), or s62 in respect of an archaeological site, no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site.

An application for approval of a person to carry out activity under s45 of the Act. Prior to activity being carried out under an authority, the authority holder must apply to Heritage New Zealand Pouhere Taonga for approval of any person to undertake the activity. Heritage New Zealand Pouhere Taonga must be satisfied that the nominated person:

- (a) has sufficient skill and competency, is fully capable of ensuring that the proposed activity is carried out to the satisfaction of Heritage New Zealand Pouhere Taonga, and has access to appropriate institutional and professional support and resources; and
- (b) in the case of a site of interest to Māori has the requisite competencies for recognizing and respecting Māori values; and has access to appropriate cultural support.

Section 56 (1) (a) enable exploratory investigation and (b) and may authorise in writing those who apply to carry out an exploratory investigation. In considering the application under Section 56(1) (b) Heritage New Zealand Pouhere Taonga must under Section 56(3)(a) refer to the Māori Heritage Council any application that relates to a site of interest to Māori for recommendation that the Council thinks appropriate. Section 56(3)(b) Heritage New Zealand Pouhere Taonga must take into account:

- (a) The nature and purpose of exploratory investigation.
- (b) Whether the person has adequate skills to carry out that investigation; and
- (c) Whether the person has access to institutional and professional support including resources.

That under Section 65 of the Heritage New Zealand Pouhere Taonga Act historic places, historic areas, wahi tupuna, wahi tapu and wahi tapu areas be entered on the register of the New Zealand Heritage List / Raranga Korero as historic places under:

- (a) Section 65(4)(a)(i) Category 1: places of special or outstanding historical or cultural heritage significance or value.
- (b) Section 65(4)(a)(ii) places of historical or cultural heritage significance; and
- (c) Section 65(4)(b) separately identifies historic areas, wahi tupuna, wahi tapu, and wahi tapu areas.

Under the Regional Plan (2017) Policy D.1.6 Places of Significance to Tangata Whenua for protecting:

- (a) a historic heritage resource.
- (b) ancestral land, water, site, wahi tapu, or other taonga; and
- (c) within a protected customary rights area.

5.4.3 Protected Objects Act 1975

The purpose of the Protected Objects Act 1975⁸⁸ (Act) under ss1A(f-g) is to ensure the establishing and recording of the ownership of ngā taonga tūturu and controlling the sale of ngā taonga tūturu in New Zealand. The legal key definitions of taonga tūturu means an object that:

- (a) Relates to Māori culture, history, or society; and
- (b) Was, or appears to have been, -
 - (i) manufactured or modified in New Zealand by Māori; or
 - (ii) bought into New Zealand by Māori; or
 - (iii) used by Māori; and
- (c) Is more than 50 years old.

In the interpretation at S2 of the Act 'Found' means in relation to any taonga tūturu, discovered or obtained in circumstances which do not indicate with reasonable certainty the lawful ownership of the taonga tūturu and which suggest that the taonga tūturu was last in the lawful possession of a person who at the time of finding is no longer living.

Under S11 of the Act, all newly found taonga tūturu are in the first deemed to be prima facie the property of the Crown, until ownership has been established by the Crown. All taonga tūturu shall be notified within 28 days of finding the taonga tūturu and notify the chief executive of the Ministry of Arts Culture and Heritage or the nearest public museum of the finding of taonga tūturu.

5.5 Archaeology Protocol

- (1) Contractors and sub-contractors involved in project works are to be familiar with the archaeological management plan prior to the commencement of works.
- (2) Ensure that conditions and protocols outlined in an authority and archaeological management plan are observed by contractors and sub-contractors.
- (3) Archaeological authority and management plan to be kept on site.
- (4) Archaeologist and representative to be on site prior to the start of works for a briefing on archaeological requirements.
- (5) Kaumatua and kuia to provide cultural induction and karakia prior to commencement of operations for all sub-contractors and contractors should this be required.

5.5.1 Cultural Monitors

Where earthworks are required in areas of site or place of significance, cultural monitoring will be required to ensure sites are managed under a tikanga Māori process, preserved, and protected. Engagement of a cultural monitor for a consent application is prompted when one or more of the following applies:

- (a) by recommendation of a cultural effect's assessment.
- (b) all archaeological investigations.

⁸⁸ Protected Objects Act 1975. New Zealand Legislation. Retrieved December 14, 2023, from: <http://www.legislation.govt.nz/act/public/1975/0041/latest/DLM432116.html#DLM432125>.

- (c) as part of a consent condition, e.g., if there are known sites of significance.
- (d) where there are earthworks within 50 metres of a registered archaeological site or site of significance.
- (e) upon recommendation of a qualified archaeologist undertaking the project archaeology.
- (f) upon justifiable recommendation from or as prescribed by a iwi or hapū environmental management plan; and
- (g) in the course of the project, accidental discovery which identifies that cultural monitoring needs to be undertaken.

A cultural monitor will have an understanding of tikanga and have the authority of Arawai Ltd to act in the capacity as a cultural monitor. Cultural monitors will have:

- (a) an understanding of consenting processes.
- (b) an understanding of planning documents.
- (c) an understanding of relevant legislation, policies, and the implementation thereof.
- (d) will have the relevant qualifications and/or skills including construct safe and/or site safe.
- (e) will hold a current first aid certificate.
- (f) be responsible of the management of their health and safety.
- (g) wear the correct personal protective equipment (PPE) including wet weather to undertake cultural monitoring.
- (h) undertake a site, health, and safety induction.
- (i) attend all site meetings.
- (j) comply with timeframes and schedules.
- (k) will throughout the project monitoring assess any environmental effects occurring, and report the same to Council and Arawai Ltd.
- (l) keep accurate daily and/or weekly reports.

5.5.2 Discovery of Koiwi

Under sections 51-55 of the Burial and Cremation Act 1964 it is an offence to *“remove any body or the remains of any-body buried in any cemetery, Māori burial ground, or other burial ground or place of burial without licence under the hand of the Minister.”* Should tangata koiwi be discovered:

- (a) earthworks should cease immediately.
- (b) the area should be cornered off to ensure no further destruction or modification of the site.
- (c) notify the chair or nominated person of the Trust.
- (d) notify the NZ Police Iwi Liaison to determine that the site in which any koiwi (human remains) which are discovered is not a crime scene.⁸⁹
- (e) notify HNZPT to confirm with NZ Police Iwi Liaison to confirm tangata koiwi discovery.
- (f) notify the project archaeologist to record archaeological information in accordance with HNZPT.
- (g) notify the District Health Board.

In accordance with tikanga, kaumātua will undertake a formal ceremony, blessings or whakanoa (removing of tapu) of a site or impose a rahui over the area until such time and agreed protocol has been put in place for tangata koiwi within 24 hours.

The kaumātua may request an exploratory investigation of any site or locality. The application that relates to a site of interest to Arawai Ltd must be referred to the Māori Heritage Council (MHC). The

⁸⁹ Required by Section 14(1) of the Coroners Act.

MHC may within in 10 working days after receipt of an application may decline or approve the application. Any investigation must have the consent of landowner.⁹⁰

In collaboration with Arawai Ltd, the kaumātua will agree to a protection mechanism for tangata koiwi. Should the kaumātua agree to the reburial of koiwi, HNZPT will at the wishes of the kaumātua record the site. Records will be held in accordance with the wishes of a kaumātua. Should tangata koiwi be required to be removed from a worksite, a kaumātua will determine the appropriate reburial site within 48 hours.

5.5.3 Discovery of Taonga Tūturu

The Trust is a registered collector (4407) under section 14 of the Protected Objects Act 1975 (PO's).⁹¹ Protected objects include taonga tūturu as defined by in the PO's any artefact removed from an archaeological site which:

- (a) relates to Māori culture, history, or society and
- (b) was, or appears to have been –
 - a. manufactured or modified in New Zealand by Māori; or
 - b. brought into New Zealand by Māori; or
 - c. used by Māori; and
 - d. is more than 50 years old.

Should taonga tūturu be discovered during any project works the following person should be immediately contacted:

- (a) contractor for the project.
- (b) the archaeologist appointed to the project.
- (c) Arawai Ltd; and
- (d) Heritage New Zealand Pouhere Taonga.

5.5.4 Statutory Protection Mechanisms

HNZPT may enter into a heritage covenant with the owner of a historic place, historic area, wahi tupuna, wahi tapu to provide for the protection, conservation, and maintenance. A heritage covenant may:

- (a) include the terms as parties agree including public access.
- (b) provide for perpetuity or specified term.
- (c) be varied or cancelled by agreement between the parties; and
- (d) binds all subsequent owner of the land.

HNZPT will acquire consent from the owner of the land or any other person having an interest in the land prior to a heritage covenant being entered into. A heritage covenant is registered under the Land Transfer Act 2017 and is binding on all subsequent owners.⁹²

Any person may apply to the Māori Heritage Council to enter a wahi tapu, wahi tupuna or wahi tapu on the Rārangī Korero/New Zealand Heritage List. An application must:

- (a) provide a legal description of the area.

⁹⁰ Heritage New Zealand Pouhere Taonga Act 2014. Part 3 Exploratory Investigations, Section 56. New Zealand Government. Wellington.

⁹² Heritage New Zealand Pouhere Taonga Act 2014. Part 3 Protection of places and areas of historical and cultural values, Section 39-41. New Zealand Government. Wellington.

- (b) include the general nature of area.
- (c) be a publicly notified application giving notice to the owner of the land; and
 - (a) be publicly notified to the person who has an interest in the land, including occupants Works in the area of the discovery shall not recommence until authorised in writing by the archaeologist in consultation with any identified affected parties or Heritage New Zealand Pouhere Taonga.

6. Maunga Taniwha Ecological District

6.1 Conservation

The Department of Conservation is committed to working with hapū, whanau, and iwi within their rohe for effective management of conservation. The Department of Conservation will engage with hapū, whanau, and iwi to ensure that we understand their perspective and views regarding management of Public Conservation Land for all New Zealanders. The relationship is governed by section 4 of the Conservation Act 1987, which states *“this Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.”*

The principles that apply generally in the Department of Conservations work include:

- (a) Partnership – mutual good faith and reasonableness: The Crown and Māori must act towards each other reasonably and in good faith. These mutual duties of reasonableness and good faith describe the nature of the relationship between the Crown and Māori. They are the core of what has been described as the Treaty partnership. This principle is about how the Crown should behave to Māori and Māori to the Crown.
- (b) Informed decision-making: Both the Crown and Māori need to be well informed of the other's interests and views. When exercising the right to govern, Crown decision makers need to be fully informed. For Māori, full information needs to be provided to contribute to the decision-making process. This is connected closely to the principles of good faith and active protection. Consultation is a means to achieve informed decision-making.
- (c) Active protection: The Crown must actively protect Māori interests retained under the Treaty as part of the promises made in the Treaty for the right to govern. This includes the promise to protect tino rangatiratanga and taonga. Active protection requires informed decision-making and judgement as to what is reasonable in the circumstances.
- (d) Redress and reconciliation: The Treaty relationship should include processes to address differences of view between the Crown and Māori. The Crown must preserve its capacity to provide redress for proven grievances from not upholding the promises made in the Treaty. Māori and the Crown should demonstrate reconciliation as grievances are addressed.

6.2 Conservation Act 1987

Under Part 5, Section 25 of the Conservation Act 1987 every stewardship area shall be managed to ensure that its natural and historic resources are protected. Part 4A was inserted by Section 15 of the Conservation Law Reform Act 1990. Part 4A refers to Marginal Strips under Section 24 of the Conservation Act 1987 which states *“there shall be deemed to be reserved from the sale or other disposition of any land by the Crown a strip of land 20 metres wide extending along and abutting the landward margin of any foreshore... the bed of any river or any stream... being a bed that has an average width of 3 metres or more...”*

6.3 Reserves Act 1977

The Reserves Act 1977 shall be administered by the Department of Conservation:

- (a) providing, for the preservation and management for the benefit and enjoyment of the public, areas of New Zealand possessing:
 - (i) recreational use or potential, whether active or passive; or
 - (ii) wildlife; or
 - (iii) indigenous flora or fauna; or
 - (iv) environmental and landscape amenity or interest; or
 - (v) natural, scenic, historic, cultural, archaeological, biological, geological, scientific, educational, community, or other special features or value.
- (b) ensuring, as far as possible, the survival of all indigenous species of flora and fauna, both rare and common place, in their natural communities and habitats, and the preservation of representative samples of all classes of natural ecosystems and landscape which in the aggregate originally gave New Zealand its own recognisable character.
- (c.) ensuring, as far as possible, the preservation of access for the public to and along the seacoast, its bays and inlets and offshore islands, lakeshores, and riverbanks, and fostering and promoting the preservation of the natural character of the coastal environment and of the margins of lakes and rivers and the protection of them from unnecessary subdivision and development.

6.4 Protected Natural Areas

Protected Natural Areas Programme (PNAP) commenced in 1981 as a means of evaluating areas worthy of protection. A series of ecological districts were created as part of the PNAP, and by 2001, 83 of the approximate 270 districts had been surveyed. The Reserves Act 1977 was the legislative basis for the PNAP (Bellingham, P: 1993)⁹³.

Protected Natural Areas and the evolving relationship between the Department of Conservation, Councils, landowners and hapū are important to the protection and conservation of Ngāti Kahu heritage and indigenous biodiversity within the Maunga Taniwha Ecological District. The Maunga Taniwha Ecological District is summarized as follows:

Maunga Taniwha Ecological District is a large area east of Kaitaia characterized by mosaics of forest and regenerating shrublands on dissected hill country, often with extensive linkages between habitats. However, considerable fragmentation of habitats has occurred, particularly in the west, where there are numerous small broadleaf remnants, and the district is distinctive for the presence of NI brown kiwi in many, quite fragmented, sites. Wetlands are diminished in extent and coastal ecosystems are degraded. Natural areas of ecological significance were identified from a reconnaissance survey undertaken in 1994/95 together with information from existing databases... Natural areas identified totaled 204. Of these, 152 were considered to contain natural values of regional or national significance, although in many cases the values of the remaining areas were not able to be fully assessed due to the inability to survey all identified areas in detail. Priority areas for protection in the district include wetlands, coastal habitats, podocarp and kauri forests, riparian vegetation, shrublands, habitats on limestone and

⁹³ Bellingham, Peter (2001). Evaluating methods for the Protected Natural Areas Programme. Wellington, New Zealand: Department of Conservation.

podzolized sand, and recovery sites for NI brown kiwi and NZ pigeon (Maunga Taniwha Ecological District for the Protected Natural Areas Programme, 2002).

Ngāti Kahu hapū considers that the Protected Natural Areas Programme (PNAP) and the evolving relationship between the Department of Conservation and Māori is important to the protection and conservation of Ngāti Kahu heritage and indigenous biodiversity. The areas assessed within the vicinity of the Taipa area are identified within the Maungataniwha Ecological District Protected Natural Area Plan.

For the purpose of this cultural effects assessment there are no known protected natural areas within the extent of the Maungataniwha Ecological District.

6.5 Department of Conservation

The Department of Lands and Survey in (1980) undertook a coastal reserves investigation of Tokerau Beach. The area surveyed at that time being a total area of 491.7960 hectares. The survey was undertaken at the eastern edge of Karikari Peninsula's isthmus fronting Doubtless Bay. The purpose of the investigation was for a Recreation Reserve with provision of areas for nature conservation. The blocks surveyed included:⁹⁴

Legal Description	Owner	Area
Crown Land Blk III Rangaunu S.D.	Crown	143.23 ha
Pt Sec 9 Blk V Rangaunu S.D.	Crown	5.90 ha
Pt Sec 12 Blk V Rangaunu S.D.	Crown	39.16 ha
Pt Sec 12 Blk V Rangaunu S.D.	Crown	7.2160 ha
Crown land Blk V Rangaunu S.D.	Crown	199.06 ha
Crown land Blk V Rangaunu S.D.	Crown	97.23 ha

The Department of Lands and Survey in (1980) described the area as:

Tokerau Beach consists of a gently sweeping expanse of sand 14 kilometres in length. At its northern end the beach finishes abruptly against the base of the hillsides below Whatuwhiwhi settlement. The mouth of the Awapoko River is formed at its southern end. Throughout much of its length the land behind the beach undulating, consisting of the remnants of ancient sand dunes now covered with manuka scrub, gorse, and scattered groves of pine trees. There are also extensive swampy areas and a number of small shallow lakes.

The extent of the beach combined with natural condition of lengthy sections of its landward margin offers a considerable range of opportunities for outdoor recreation, scenery preservation, nature conservation and related purposes. For instance, visitor pressure at present experienced along Taipa-Coopers Beach shoreline would be relieved by the opening up and improvement of amenities at selected places on Tokerau Beach for coastal recreation.

The presentation situation is safeguarded in that a 10-kilometre section of Tokerau Beach backs onto wide area of Crown-owned open country. In these circumstances there are additional possibilities for using parts of the area within the proposal for land exchange purposes. Overall, the range of land use options applicable in the Tokerau Beach situation is such that a land use report of the area is required.⁹⁵

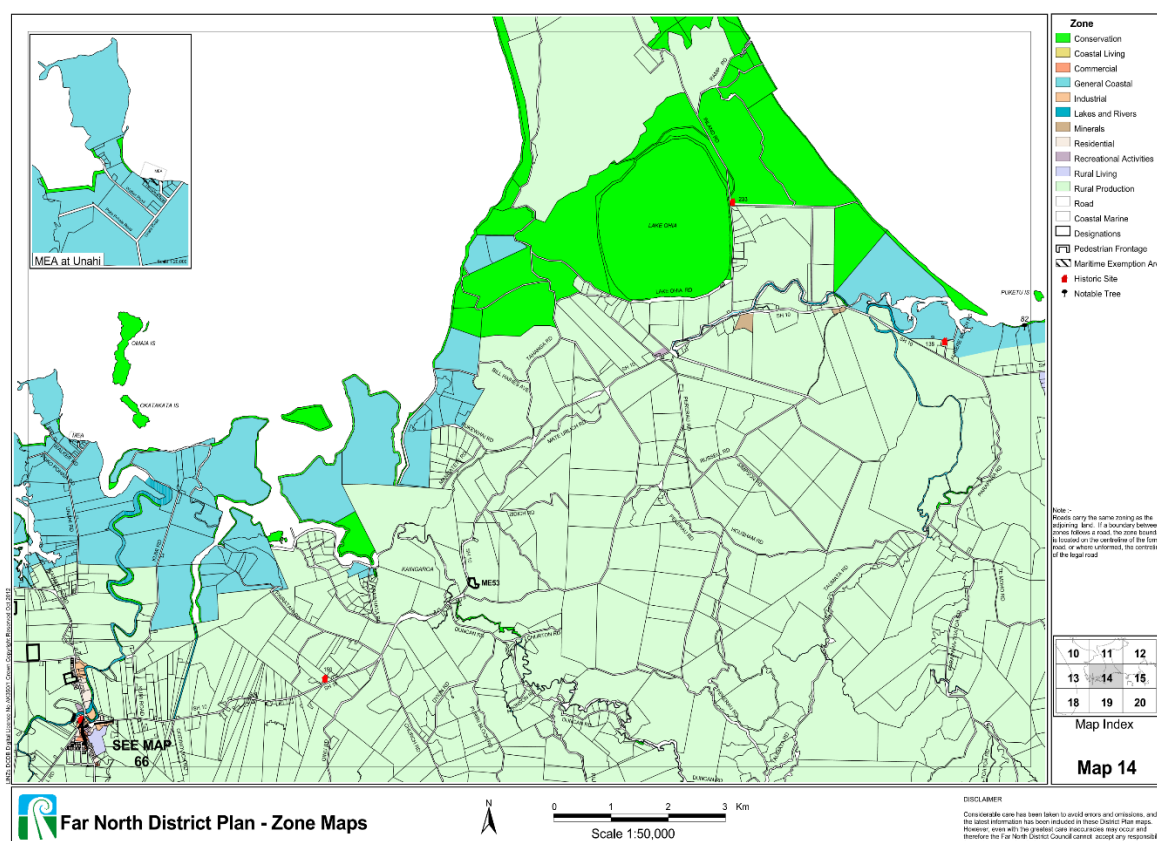
⁹⁴ Department of Lands and Survey. (1980). North Auckland Land District. Coastal Reserves Investigation. Report on Mangonui County p. 85. Department of Lands & Survey. Wellington: NZ Government.

⁹⁵ Ibid.

Lake Ohia is a 500-ha site of charred stumps and gum land scrub in a former lake bed that is dry over the summer, wet in winter. The site of a drowned forest, with a maze of 30,000-year-old kauri tree stumps exposed when the lake was drained earlier this century for gum-digging. Important habitat for rare ferns, mosses, and orchids. The surrounding swamps and shrubland contain threatened fish and bird species.⁹⁶

Lake Rotopokaka is a dune lake adjacent to Tokerau Beach on the east coast of the Karikari Peninsula. Lake Rotopokaka is also known as 'Coca Cola' lake' as the peat and tannis in the water give the lake a distinct 'cola' colour. The lake has no inflows or outflows. The surrounding catchment is a mixture of manuka scrub, pohutukawa, cabbage tree and flax. Common bullies (*Gobiomorphus cotidianus*), inanga (*Galaxias maculatus*), longfin eels (*Anguilla dieffenbachii*) and the nationally threatened black mudfish (*Neochanna diversus*) were recorded from this lake in 1993 (DoC SSBI).⁹⁷

Figure 28: Far North District Council Zone 14.



Source: Far North District Council Zone 14.

⁹⁶ Northland Regional Council. (2023). Wetlands you can visit in the Northland Region. Retrieved January, 14 2024 from: [Microsoft Word - Northland wetlands to visit new format2_4 .doc \(wetlandtrust.org.nz\)](#).

⁹⁷ Northland Regional Council. (2023). Karikari Peninsula, central and east. Lake Rotopokaka. Retrieved January, 12 2024 from: [Search - Northland Regional Council \(nrc.govt.nz\)](#).

7. Legislation & Policy

7.1 Local Government Act 2002

The key purpose of the Local Government Act 2002 (Act) is to provide for democratic and effective local governance that recognises the diversity of New Zealand communities. Section 4 of the Local Government Act 2002 requires a regional or territorial authority to take appropriate account of the principles of Te Tiriti o Waitangi 1840 (Treaty of Waitangi).

Parts 2 and 6 of the Act provides for principles and requirements of regional, territorial, and unitary authorities to facilitate greater participation by Māori in local authority decision making processes. Section 14 and 81 of the Act provide an opportunity for Māori to participate in the management of their estates and territory.

Section 75(b) of the Act defines the obligation of local authorities to consider Māori involvement in the decision-making processes. Section 77(1)(c) of the Local Government Act 2002 requires local government to take appropriate account of the relationship of Māori to their estates and territory in the course of the decision-making process, and s79 which provides for compliance procedures allowing local government to use their own discretion or judgement.

7.2 Resource Management Act 1991

The Resource Management Act 1991 (Act) requires the Crown and their representative agencies to 'take into account' the principles of the Te Tiriti o Waitangi 1840 (Treaty of Waitangi). Key principles include the:

- (a) Principle of essential bargain (Kawanatanga principle).
- (b) Principle of self-management (Rangatiratanga principle).
- (c) Principle of equality; principle of co-operation.
- (d) Principle of redress; principle of good faith and the principle of active protection.

These principles also extend to the need for compromise by Māori and the wider community.

- (a) The Crown cannot divest itself of its obligations.
- (b) The right to development.
- (c) The Crown's right of pre-emptive and its reciprocal duties.
- (d) The principle of options (Hayward, 2008, p. 477, Waitangi Tribunal).

Kaitiakitanga includes the right to participate in the decision-making process affecting natural resource management under Article 2 of Te Tiriti o Waitangi 1840 (Treaty of Waitangi). The principles of Te Tiriti o Waitangi 1840 are fundamental to developing any relationship, policies and plans regarding the management of natural resources.

Under Section 2 of the Resource Management Act 1991 'mana whenua' is described as those who have:

Customary authority exercised by an iwi or hapū in an identified area, and '*kaitiakitanga*' to mean the 'exercise of guardianship' by the tangata whenua of an area in accordance with tikanga Māori in relation to natural and physical resources and includes the ethic of stewardship.

The Resource Management Act Section 4 the Act is to bind the Crown with the exception of Section 9(3) does not apply to any work or activity of the Crown within the boundaries of any area of land held or managed under the Conservation Act 1987. The activity must be consistent with a conservation management strategy, conservation management plan, or management plan established under the Conservation Act 1987.

Under section 5 (1-2) of the Resource Management Act 1991 the purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management means:

... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 6 of the Resource Management Act 1991 must ensure:

The preservation, protection, maintenance, enhancement, and the relationship of Māori to the cultural and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga.

Under section 6 (a) and (e) of the Resource Management Act 1991 activities must maintain the character of the coastal marine area including rivers, wetlands and margins and provide for the protection of amenity values and public access to natural and physical resources and the protection of outstanding natural features and landscapes from inappropriate development and use.

In achieving the purpose of the Resource Management Act 1991 section 8:

All persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 12 of the Resource Management Act 1991 provides for the restriction on certain activities of the coastal marine area, beds of lakes, rivers, and discharges to water, including disturbance, coastal reclamation and draining of a riverbed, and creating adverse effects through the destruction or modification to the foreshore and seabed, disturbing freshwater fisheries habitats and aquatic life in the terrestrial area.

Under section 15 (1) (a) and (b) no person shall discharge contaminants to land or water unless enabled by a national environmental standard, regulation, rule in regional plan or proposed regional plan or a resource consent.

Under section 16 (1) of the Resource Management Act 1991 a consent applicant carrying out an activity in the coastal marine area shall adopt best practice methods to ensure the emission of noise from land and coastal marine activities do not exceed a reasonable level.

Functions of Regional Councils under Section 30 of the Resource Management Act 1991 is to control the use of the land for the purpose of soil conservation, maintenance, and enhancement of the quality of water in water bodies and coastal water.

Under Section 32(1) (c) of the Resource Management Act 1991 an evaluation report containing:

a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

Under Section 229 of the Resource Management Act 1991 a contribution to the protection and on conservation values must be made to esplanade reserves and esplanade strips by maintain or enhancing the natural functioning of the adjacent sea, river, or lake by enhancing water quality, aquatic habitats and protecting the natural values associated, enable public access to or along any sea, river, or lake, or to enable public recreational use.

7.2.1 Cultural Wellbeing Effects

Cultural wellbeing is identified under s5(2) of the Act as sustainable management which means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations.
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems.
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Cultural wellbeing is also supported through customs and practices as follows:

- (a) Mana (Authority): The exercise of mana (authority) over an area, which embraces the exercise of customary authority, as well as kaitiakitanga or guardianship responsibilities, which often contributed to the sustainable management of a resource.
- (b) Practice, customs, and traditions (tikanga): Practices, customs, and traditions (tikanga) integral to a distinctive Māori culture and way of living (for example, the practice of fishing, gathering, and hunting for food and other resource uses).
- (c) Sites of Significance: Specific activities that are connected to a particular place, for example, the custom of visiting and protecting places of cultural and spiritual importance due to the location of taonga (treasures), urupa (burial grounds) or wahi tapu (sites of significance), nohoanga (temporary camping and traditional food gathering places).⁹⁸

7.3 Resource Management Amendment Act 2017

The purpose of Mana Whakahono a Rohe agreements is to provide a mechanism for councils and iwi to come to agreement on ways tangata whenua may participate in the Resource Management Act 1991 (Act) decision-making, and to assist councils with their statutory obligations to tangata whenua the Resource Management Act 1991.

Schedule 1 of the Act has been amended to insert clause 4A which requires Councils to:

- (a) provide a copy of any draft policy statement or plan, once prepared but before it is notified, to any iwi authorities that were previously consulted under clause 3 of Schedule (1).
- (b) allow adequate time and opportunity for those iwi authorities to consider the draft and provide advice back to council.
- (c) have particular regard to any advice received from those iwi authorities before notifying the plan.

⁹⁸ Marine and Coastal Area (Takutai Moana) Act 2011.

Under s3A enables councils to appoint commissioners for hearings on proposed plans and policy statements under Schedule 1 of the RMA (among other things). S34A (1A) has been amended to require councils, when appointing commissioners for plan or policy statement hearings to:

- (a) consult with iwi authorities about whether it is appropriate to appoint a commissioner who understands tikanga Māori and the perspectives of local iwi and hapū.
- (b) if council considers it appropriate, appoint at least one commissioner who understands these matters, in consultation with the relevant authority.

7.4 Marine and Coastal Takutai Moana Act 2014

The purpose of the Marine and Coastal Area (Takutai Moana) Act 2011 is to:

Recognise the mana tuku iho exercised in the marine and coastal area by iwi, hapū, and whānau as tangata whenua; and provide for the exercise of customary interests in the common marine and coastal area; and acknowledge the Treaty of Waitangi (te Tiriti o Waitangi).

Under the Marine and Coastal Area (Takutai Moana) Act 2011 developers have duties to customary marine title applicant groups to notify and seek the views of any group that has applied for recognition of customary marine title in the area.⁹⁹

The Marine and Coastal (Takutai Moana Act) 2011 came into force on 1 April 2011 and repeals Foreshore and Seabed Act 2004, the Act restores customary interests extinguished by former. The purpose of the Act is to:

- (a) establish a durable scheme to ensure the protection of the legitimate interests of all New Zealanders in the marine and coastal area of New Zealand.
- (b) recognise the mana tuku iho (inherited right or authority derived in accordance with tikanga) exercised in the marine and coastal area by iwi, hapū, and whānau as tangata whenua.
- (c) provide for the exercise of customary interests in the common marine and coastal area (CMCA).
- (d) acknowledge the Treaty of Waitangi (te Tiriti o Waitangi).

In order to take account of the Treaty of Waitangi (te Tiriti o Waitangi), the Act recognises, and promotes the exercise of customary interests of Māori in the common marine and coastal area by providing:

- (a) For the participation of affected iwi, hapū, and whānau in the specified conservation processes relating to the common marine and coastal area.
- (b) For customary rights to be recognised and protected.
- (c) For customary marine title to be recognised and exercised.

The Act applies to the area formerly known as the foreshore and seabed, which is now known as the marine and coastal area and creates a common space in the marine and coastal area (the CMCA) that cannot be owned by anyone and therefore cannot be sold. The Act also provides legal recognition and protection of customary interests in the CMCA, through protected customary rights (PCRs) and customary marine title (CMT).

Local authorities are prohibited from granting a resource consent for an activity that will, or is likely to, have more than minor adverse effects on the exercise of a PCR (with some exceptions) unless the PCR

⁹⁹ Ministry of Justice (2017). Māori land & Treaty. Marine & Coastal Area – Takutaimoana Act. Information for developers. Retrieved December 2023 from: <https://justice.govt.nz/Māori-land-treaty/marine-and-coastal-area/information-for-developers/>.

group gives its approval. Rights conferred by Customary Marine Title include the right to give or decline permission for activities being carried out under a resource consent in a CMT area (with some exceptions) and the right of CMT groups to create a planning document, and that the exercise of rights associated with CMT, and PCR cannot limit or affect:

- (a) resource consents in place at the commencement of the Act.
- (b) any activities that can be lawfully undertaken without resource consent or other authorization (except in a wāhi tapu area – see below).
- (c) resource consents for emergency activities.
- (d) future coastal permits to allow existing aquaculture activities to continue on the same site.
- (e) in the case of CMT, activities in the national and regional interest such as certain future infrastructure and regional council research and monitoring.

The Act creates two pathways for establishing legal recognition of PCR and CMT: in the High Court or via a recognition agreement directly with the Crown and requires that where a recognition agreement recognises CMT then that part of the agreement must be given effect through legislation. The Act also provides for public rights of free access, fishing, and navigation to coexist with CMT, except in wāhi tapu areas (defined areas of significance to CMT holders, such as burial grounds).

7.4.1 Where does the Act apply?

Relevant provisions in the Act that apply to local authorities include:

On commencement of the Act, the Crown and every local authority were divested of land in the CMCA to the extent this land had not already been divested by the 2004 Act. Local authorities can seek redress from the Minister of Conservation for any such land acquired after commencement of the 2004 Act, provided this was by purchase and the claim is accepted by the Minister.

The Crown is deemed to be the owner of any ‘abandoned’ structures in the CMCA. A structure is considered abandoned if it has no current resource consent and if, after following a specified process of inquiry, the relevant council is unable to determine the identity or whereabouts of the owner.

The ownership of roads remains with the current owner and formed roads are not part of the CMCA. Unformed roads are excluded from the CMCA for a temporary period allowing local authorities to promote or initiate formation of roads they wish to be permanently excluded from the CMCA.

The reclamation provisions provide greater certainty than under the 2004 Act. Changes include provision for an interest in land to be determined before a reclamation is completed (vesting happens after completion), and the ability for developers (including local authorities) to obtain fee simple title. Applicants seeking an interest in reclaimed land must apply to Land Information New Zealand (LINZ). Fees payable to LINZ to cover the cost of processing applications are set out in the Marine and Coastal Area (Takutai Moana) Reclamation Fees Regulations 2012.

7.4.2 Protected Customary Rights (PCR)

There is no requirement on a PCR holder to obtain any resource consent for the customary activity, use or practice that would otherwise be required.

A requirement on local authorities to monitor the exercise of PCR, and provision to apply to the Minister of Conservation for controls to be imposed on such rights.

The ability for local authorities to carry out an assessment of environmental effects of a PCR at their own initiative, or when requested to do so by the Minister of Conservation (as a prerequisite to the Minister making a decision on whether to impose controls on the exercise of the relevant right).

7.4.3 Applications for Customary Marine Title (CMT)

A requirement on those intending to make a resource consent application to notify and seek the views of any group which has applied for CMT in the area to which the resource consent application applies.

7.4.4 Planning Documents

A requirement on local authorities to initiate a process to determine whether to alter their regional policy statements and regional coastal plans, and if so to what extent, to 'recognise and provide for' matters in a planning document applying within a CMT area. Decisions on alterations must follow the process set out in Schedule 1 of the Resource Management Act 1991 and meet the requirements of Part 5 of the Resource Management Act 1991.

7.4.5 Wāhi tapu within Customary Marine Title Areas

A requirement on local authorities to take appropriate action to encourage public compliance with conditions applying to a wāhi tapu area.

7.4.6 Cultural Wellbeing Effects

Cultural wellbeing is identified under Section 5 (2) of the Resource Management Act 1991 as sustainable management which means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations.
- (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems.
- (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Cultural wellbeing is also supported through customs and practices under the Marine & Coastal (Takutai Moana) Act 2014 as follows:

- (a) Mana (Authority): The exercise of mana (authority) over an area, which embraces the exercise of customary authority, as well as kaitiakitanga or guardianship responsibilities, which often contributed to the sustainable management of a resource.
- (b) Practice, customs, and traditions (Tikanga): Practices, customs, and traditions (tikanga) integral to a distinctive Māori culture and way of living (for example, the practice of fishing, gathering, and hunting for food and other resource uses). The customary practice of the use of waka on the Taipa and Ōruru Rivers.
- (c) Sites of Significance: Specific activities that are connected to a particular place, for example, the custom of visiting and protecting places of cultural and spiritual importance due to the location of taonga (treasures), urupa (burial grounds) or wahi tapu (sites of significance), nohoanga (temporary camping and traditional food gathering places).¹⁰⁰

¹⁰⁰ Marine and Coastal Area (Takutai Moana) Act 2011.

7.5 The New Zealand Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement 2010 is a national policy statement under the Resource Management Act 1991 written to promote the sustainable management of the coastal environment and its characteristics and qualities, where the following objectives apply:

- (a) *Objective 1*: to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes, and land.
- (b) *Objective 2*: to preserve the natural character of the coastal environment and protect natural features and landscape values.
- (c) *Objective 3*: to take into account the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in the management of the coastal environment by:
 - (ii) Recognizing the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources.
 - (iii) Promoting meaningful relationships and interaction between tangata whenua and persons exercising functions and powers under the Act.
 - (iv) Incorporating Mātauranga Māori in sustainable management practices; and
 - (v) Recognizing and protecting characteristics of the coastal environment, that is of special value to tangata whenua.
- (d) *Objective 6*: to enable people and communities to provide for their social, economic, and cultural wellbeing and health and their safety, through subdivision, use and development; and
- (e) *Objective 7*: to ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.

Relevant policies regarding the New Zealand Coastal Policy Statement 2010 are outlined in Table 4:

Table 3: New Zealand Coastal Policy Statement 2010.¹⁰¹

Policy #	Policies
Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage: In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment.	<ul style="list-style-type: none"> a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations. b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori. c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate Mātauranga Māori in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes. d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural

¹⁰¹ Source: New Zealand Coastal Policy Statement (2010). Ministry for Environment. New Zealand: Wellington.

	<p>localities or issues of cultural significance, and Māori experts, including pukenga, may have knowledge not otherwise available.</p> <p>e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and</p> <ul style="list-style-type: none"> (i) where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and (ii) consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans. <p>f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:</p> <ul style="list-style-type: none"> (i) bringing cultural understanding to monitoring of natural resources. (ii) providing appropriate methods for the management, maintenance, and protection of the taonga of tangata whenua. (iii) having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiapure, mahinga mataitai or other non- commercial Māori customary fishing; and <p>g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural, or spiritual significance or special value:</p> <ul style="list-style-type: none"> (i) recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape, and cultural impact assessments; and (ii) provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pa or fishing villages.
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<p>Policy 11 Indigenous biological diversity (biodiversity) to protect indigenous biological diversity in the coastal environment:</p>	<p>a) avoid adverse effects of activities on:</p> <ul style="list-style-type: none"> (i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists. (ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened. (iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment or are naturally rare. (iv) habitats of indigenous species where the species are at the limit of their natural range or are naturally rare. (v) areas containing nationally significant examples of indigenous community types; and (vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation. <p>b) avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on:</p> <ul style="list-style-type: none"> (i) areas of predominantly indigenous vegetation in the coastal environment. (ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species. (iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dune lands, intertidal zones, rocky reef systems, eelgrass, and saltmarsh. (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional, or cultural purposes. (v) habitats, including areas and routes, important to migratory species. (vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.
<p>Policy 17 Historic heritage identification and protection – Protect historic heritage in the coastal environment from</p>	<ul style="list-style-type: none"> a) identification, assessment and recording of historic heritage, including archaeological sites. b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi

<p>inappropriate subdivision, use, and development by:</p>	<p>authorities and kaitiaki.</p> <ul style="list-style-type: none"> c) initiating assessment and management of historic heritage in the context of historic landscapes. d) recognizing that heritage to be protected may need conservation. e) facilitating and integrating management of historic heritage that spans the line of mean high-water springs. f) including policies, rules, and other methods relation to (a) to (e) above in regional policy statements and plans. g) imposing or reviewing conditions on resource consents and designations, including the continuation of activities. h) requiring, where practicable, conservation conditions; and i) considering provision for methods that would enhance owners' opportunities of listed heritage structures, such as relief grants of rates relief.
<p>Policy 21 Enhancement of water quality - Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by:</p>	<ul style="list-style-type: none"> a) identifying such areas of coastal water and water bodies and including them in plans. b) including provisions in plans to address improving water quality in the areas identified above. c) where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats. d) requiring that stock is excluded from the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment, within a prescribed time frame; and e) engaging with tangata whenua to identify areas of coastal waters where they have particular interest, for example in cultural sites, wāhi tapu, other taonga, and values such as mauri, and remedying, or, where remediation is not practicable, mitigating adverse effects on these areas and values.
<p>Policy 22 Sedimentation</p>	<ul style="list-style-type: none"> a) Assess and monitor sedimentation levels and impacts on the coastal environment. b) Require that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water. c) Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry. d) Reduce sediment loadings in runoff and in storm water systems through controls on land use activities.

Policy 23 Discharge of contaminants	<p>(1) In managing discharges to water in the coastal environment, have particular regard to:</p> <ul style="list-style-type: none"> a) the sensitivity of the receiving environment. b) the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and the capacity of the receiving environment to assimilate the contaminants; and: c) avoid significant adverse effects on ecosystems and habitats after reasonable mixing. d) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and e) minimize adverse effects on the life-supporting capacity of water within a mixing zone. <p>(4) In managing discharges of storm water take steps to avoid adverse effects of storm water discharge to water in the coastal environment, on a catchment-by-catchment basis, by:</p> <ul style="list-style-type: none"> a) avoiding where practicable and otherwise remedying cross contamination of sewage and storm water systems. b) reducing contaminant and sediment loadings in storm water at source, through contaminant treatment and by controls on land use activities. c) promoting integrated management of catchments and storm water networks; and d) promoting design options that reduce flows to storm water reticulation systems at source.
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7.6 Northland Regional Policy Statement 2016

The Regional Policy Statement for Northland was adopted by way of resolution of the Northland Regional Council on the 19 April 2016, and further became operative on the 9 May 2016. The Regional Policy for Northland was updated in May 2018. The role of the Regional Policy Statement is to:

... promote sustainable management of Northland's natural and physical resources by: Providing an overview of the region's resource management issues; and setting out policies and methods to achieve integrated management of Northland's natural and physical resources.¹⁰²

Regional Policy Statement guiding principles include the recognition of the partnership principles in the Treaty of Waitangi 1840 / Te Tiriti o Waitangi 1840, and the benefits of working partnership, tangata whenua have a key role in resource management.

¹⁰² Northland Regional Council. (2016, May). Regional Policy Statement for Northland, p. 3. Updated May 2018. Retrieved December 27, 2023, from: <https://www.nrc.govt.nz/media/clxj0ndy/regionalpolicystatementfornorthlandmay2016updatedmay2018.pdf>.

Table 4: Regional Policy Statement Policies and Methods, Tangata Whenua.¹⁰³

Policy	Method	Explanation
8.1 / 3.12 The objectives relevant to policies and method package are:	Tangata whenua role in decision-making.	Hapū and whanau participation in the decision-making process.
8.1.1 Policy – Tangata whenua participation	The regional and district councils shall provide opportunities for tangata whenua to participate in the review, development, implementation, and monitoring of plans and resource consent processes under the Resource Management Act 1991 (RMA).	The policy supports the relationship of tangata whenua with the natural and physical environment by providing opportunities for their input into resource management processes.
8.1.2 Policy – The regional and district council statutory responsibilities	<p>The regional and district councils shall when developing plans and processing resource consents under the Resource Management Act 1991 (RMA):</p> <p>(a) Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral land, water, sites wāhi tapu, and other taonga.</p> <p>(b) Have particular regard to kaitiakitanga; and</p> <p>(c) Take into account the principles of the Treaty of Waitangi including partnership.</p>	Under the Resource Management Act 1991 (RMA), the regional and district councils have responsibilities to provide for tangata whenua involvement in resource management, particularly where it affects their taonga.
8.1.3 Policy – Use of Mātauranga Māori	The regional and district councils shall provide opportunities for the use and incorporation of Mātauranga Māori into decision-making, management, implementation, and monitoring of natural and physical resources under the RMA.	This policy recognises that Mātauranga Māori has a role to play in resource management, and therefore councils should make an active effort to provide opportunities for its inclusion in resource management processes.
8.1.4 Policy – Māori concepts, values, and practices	Relevant Māori concepts, values and practices will be clarified through consultation with tangata whenua to develop common understandings of their meaning	A common understating of Māori concepts, values, and practices between tangata whenua and councils will assist in integrating kaitiakitanga into RMA processes.

¹⁰³ Source: Northland Regional Council. (2016, May). Regional Policy Statement for Northland, p. 133 - 138. Updated May 2018. Retrieved December 28, 2023, from: <https://www.nrc.govt.nz/media/clxj0ndy/regionalpolicystatementfornorthlandmay2016updatedmay2018.pdf>.

	and to develop methodologies for their implementation.	
8.1.5 Method – Statutory plans and strategies	<p>The regional and district councils shall:</p> <p>(a) Engage with iwi authorities at the earliest possible stage of any review and / or change to plans developed under the RMA to agree appropriate mechanisms for tangata whenua participation and consultation; and</p> <p>(b) Include an analysis of the effects of any resource consent application on tangata whenua and their taonga, including details of any proposed measures to avoid, remedy, or mitigate effects and consultation undertaken, in all regional and district council reports on resource consent applications.</p>	<p>The RMA requires the regional and district councils to undertake pre-notification consultation with tangata whenua, through iwi authorities, on any new planning document or plan change (Schedule 1, Clause 3 of the RMA). Identification of agreed mechanisms for tangata whenua participations and consultation, on a case-by-case basis, will ensure that both parties clearly understand what level of participation and consultation will occur and that it is fit for purpose. Ultimately a region-wide approach could be agreed for different processes.</p> <p>Transparently recording the analysis of potential effects and measures to avoid, remedy or mitigate effects of any resource consent application on tangata whenua and their taonga represents best practice and is one way of acknowledging the kaitiaki role of tangata whenua.</p>
8.1.6 Method – Non-statutory plans and strategies	<p>Within two years of the Regional Policy Statement for Northland becoming operative, the regional council will initiate the development of a protocol with iwi authorities to:</p> <p>(a) Determine when the regional council will:</p> <p>(i) require an assessment of cultural effects (under Schedule 4 of the RMA and what it should include, and how councils will use and take into account any cultural impact assessment.</p> <p>(ii) appoint and use independent Māori hearing commissioners for resource consent applications and plans under the RMA.</p> <p>(iii) hold hearings on marae and provide translation services.</p> <p>(iv) notify tangata whenua of resource consent applications</p>	<p>The development of a protocol between the regional council and iwi authorities will ensure both parties have a shared understanding of when and how the matters identified in this method will be implemented. The protocol is likely to be implemented in a variety of ways including council publications, plan changes and guidance notes for processing resource consent applications.</p>

	<p>and confer affected party status to tangata whenua; and</p> <p>(b) Determine common meanings and methodologies for key Māori concepts, values and practices, and the process for updating them.</p>	
8.1.7 Method – Advocacy and education	<p>The regional and district councils shall:</p> <p>(a) Actively encourage resource consent applicants to consult with tangata whenua as early in the process as possible prior to lodging consent applications for proposals that are likely to impact on tangata whenua and their taonga; and</p> <p>(b) Refer resource consent applicants to any relevant iwi or hapū planning document lodged with the respective council that has been authorised by the iwi or hapū for public availability.</p>	<p>While the RMA does not require resource consent applicants to consult with tangata whenua prior to lodging a consent application, this is considered best practice, especially for proposed activities that could have a significant impact on tangata whenua and their taonga. Pre-lodgment consultation with tangata whenua and early identification of potential adverse effects and mitigation measures can reduce potential submissions and appeals and enable the applicant to receive a decision faster. While iwi and hapū management plans are not a substitute for consultation, they are a useful tool for understanding the concerns of tangata whenua.</p>
8.1.8 Method – Funding and assistance	<p>The regional council will support tangata whenua if they choose to develop and implement a regional Mātauranga Māori-based environmental monitoring framework by:</p> <p>(a) Providing information and advice during the development of the monitoring framework.</p> <p>(b) Providing training to assist tangata whenua to promote and implement the monitoring framework on an ongoing basis; and</p> <p>(c) Incorporating the results and recommendations of tangata whenua monitoring in council's monitoring reports.</p>	<p>Tangata whenua consider greater use of Mātauranga Māori as a key opportunity for greater recognition of tangata whenua's role in the management of natural and physical resources. The development of a regional Mātauranga Māori-based environmental monitoring framework is one way to enable tangata whenua to actively contribute, as kaitiaki, to the management of natural and physical resources in Te Tai Tokerau.</p>

7.7 Regional Water and Soil Plan Updated 2016

The Regional Water and Soil Plan (2016) make a range of commitments to include iwi and/or tangata whenua in resource management processes including water and land management.¹⁰⁴ In the recognition of and provision for Māori and their culture and traditions, the objective is:

The management of the natural and physical resources within the Northland region in a manner that recognises and provides for the traditional cultural relationships of tangata whenua with the land and water.

6.5.1 of the plan encourages applicants for resource consents for activities that may have an adverse effect on the taonga of tangata whenua to consult with the tangata whenua prior to the application being processed...

Through method 6.5.4 and in consultation with tangata whenua, Council will:

- (a) Assess the most efficient and effective means of monitoring any adverse effects of resource use and developments, involving tangata whenua; and
- (b) Subject to Section 33 of the Resource Management Act 1991, consider transfer of power where iwi represents the appropriate community of interests¹⁰⁵.

Advice and information sharing where Council will:

- (a) Method 6.5.5: Provide appropriate land and water resource information held by the Council.
- (b) Method 6.5.6: Tangata whenua may be asked to provide information on the cultural effects of certain activities by applicants for resource consents. Develop guidelines for when or how resource consent applicants should ask tangata whenua about the cultural effects from certain activities.
- (c) Section 12.7: Facilitate a land management working group, to include iwi, who will review best land management practices; and
- (d) Section 13.5.6: Liaise with community agencies and groups, including iwi, and hold public meetings to collect and disseminate information about the results of monitoring within catchments.

7.8 Proposed Regional Plan for Northland October 2023

The proposed Regional Plan for Northland (October 2023) D.1.4 Managing effects on places of significance to tangata whenua confers that a resource consent for an activity may generally be granted if the adverse effects from the activity on the values of Places of Significance to tangata whenua in the coastal marine area and water bodies are avoided, remedied, or mitigated so they are no more than minor.

Rule D.1.5 Places of significance to tangata whenua for the purposes of the proposed Regional Plan:¹⁰⁶

¹⁰⁴ These are mainly dealt with in Section 6: Recognition of and provision for Māori and their cultural and traditions.

¹⁰⁵ Method 6.5.4(b).

¹⁰⁶ Northland Regional Council. Proposed Regional Plan for Northland October 2023. Retrieved December 29, 2023, from: [proposed-regional-plan-october-2023.pdf \(nrc.govt.nz\)](https://www.nrc.govt.nz/proposed-regional-plan-october-2023.pdf)

Table 5: Rule D.1.5 Places of Significance to Tangata Whenua.

Rule D.1.5 Places of significance to tangata whenua¹⁰⁷	
is in the coastal marine area, or in a water body, where the values which may be impacted are related to any of the following:	<p>(a) soil conservation, or</p> <p>(b) quality and quantity of water, or</p> <p>(c) aquatic ecosystems and indigenous biodiversity, and</p>
is:	<p>(a) a historic heritage resource, or</p> <p>(b) ancestral land, water, site, wahi tapu, or other taonga, and</p>
is either:	<p>(a) a Site or Area of Significance to Tangata Whenua, which is a single resource or set of resources identified, described, and contained in a mapped location, or</p> <p>(b) a landscape of significance to tangata whenua, which is a collection of related resources identified and described within a mapped area, with the relationship between those component resources identified,¹⁰⁸ and</p>
has one or more of the following attributes:	<p>(a) historic association, which include but are not limited to:</p> <ul style="list-style-type: none"> i. stories of initial migration, arrival, and settlement, or ii. patterns of occupation, including permanent, temporary, or seasonal occupation, or iii. kinship and alliances built between areas of iwi or hapū, often in terms of significant events, or iv. alliances to defend against external threats, or v. recognition of notable tupuna, and sites associated with them, or <p>(b) traditional associations, which include but are not limited to:</p> <ul style="list-style-type: none"> i. resource use, including trading and trading routes between groups (for instance – with minerals such as mata/obsidian), or ii. traditional travel and communication linkages, both on land and sea, or iii. areas of mana moana for fisheries and other rights, or iv. use of landmarks for navigation and location of fisheries grounds, or

¹⁰⁷ This policy sets out how a place of significance to tāngata whenua is to be identified and described. In order to be included in the mapped Sites and Areas of Significance to Tāngata Whenua in this Plan, a plan change will be required. Places which have been identified and described in the manner required by the policy but have not been subject to a plan change and hence are not included in this Plan, can still be given weight in consent application decisions.

¹⁰⁸ A landscape of significance to tāngata whenua may include Sites and/or Areas of Significance to Tāngata Whenua.

	<p>v. implementation of traditional management measures, such as rahui or tohatoa (distribution), or</p> <p>(c) cultural associations, which include but are not limited to:</p> <p>i. the web of whanaungatanga¹⁰⁹ connecting across locations and generations, or</p> <p>ii. the implementation of concepts such as kaitiakitanga and manaakitanga, with specific details for each whanau, hapū and iwi, or</p> <p>(a) spiritual associations which pervade all environmental and social realities, and include but are not limited to:</p> <p>i. the role of the atua Ranginui and Papatuanuku,¹¹⁰ and their offspring such as Tangaroa and Tane, or</p> <p>ii. the recognition of places with connection to the wairua of those with us and those who have passed away, or</p> <p>iii. the need to maintain the mauri of all living things and their environment, and</p>
must:	<p>(a) be based on traditions and tikanga, and</p> <p>(b) be endorsed for evidential purposes by the relevant tangata whenua community, and</p> <p>(c) record the values of the place for which protection is required, and</p> <p>(d) record the relationship between the individual sites or resources (landscapes only), and</p> <p>(e) record the tangata whenua groups determining and endorsing the assessment, and</p> <p>(f) geographically define the areas where values can be adversely affected.</p>

Rule D.2.20 requires decision makers to adopt a precautionary approach where the adverse effects of the proposed activities are uncertain, unknown, or little understood, on:

Table 6: Rule D.2.20.

indigenous biodiversity, including significant ecological areas, significant bird areas and other areas that areas assessed as significant under the criteria in Appendix 5 of the Regional Policy Statement and the coastal environment where the adverse effects are potentially significantly adverse, particularly in relation to coastal resources vulnerable to the effect of climate change.

¹⁰⁹ Whanaungatanga, as in 3) c) i), is not limited to genealogical connections between people, living and dead, but includes connections with the deities Ranginui and Papatūānuku and their progeny, as in 3) d) i). Those children are personifications of and proxy for natural resources, such as Tāne Mahuta for the forests. Further, as elder or tuakana, those atua and their associated natural resources command respect from people, as junior or teina.

¹¹⁰ Ibid.

Rule D.4.27 when assessing an application for a resource consent for an earthwork, vegetation clearance or land preparation activity and any associated discharge of a contaminant, ensure that the activity:

Table 7: Rule D.4.27.

- (a) will be done in accordance with established good management practices, and
- (b) avoids significant adverse effects, and avoids, remedies, or mitigates other adverse effects on:
 - i. areas of high recreational use, and
 - ii. aquatic ecosystem health, indigenous biodiversity in water bodies and coastal water and receiving environments that are sensitive to sediment or phosphorus accumulation.

7.9 Far North District Plan

The Far North District Council in Operative Plan (2009)¹¹¹ endorses five key principles as interpreted by the Courts which are relevant to tangata whenua and relevant policies as follows:

- (a) The principle of Kawanatanga.
- (b) The principle of Rangatiratanga.
- (c) The principle of Partnership.
- (d) The principle of Active Protection; and
- (e) The principle of hapū / iwi Resource Development.

Policy 2.3 Tangata Whenua o ia Takiwa: Ko te tangata whenua o ia takiwa nga tangata whai mana ki te whenua e nohohia e ratou me nga iwi, hapū, whanau, ahi kaa ranei i roto i nga whakapapa e hono atu ana ki taua whenua me ona taonga katoa.

The tangata whenua of the district are those people who have mana whenua over the land, based on the continuous occupation of an area by the relevant whanau/hapū/iwi (including ahi-kaa) and their genealogical ties to land and all-natural resources.

Policy 2.4 Matters of Significance to Tangata Whenua:

- (a) Recognition of the significant Māori presence in the district.
- (b) Recognition of, and provision for, customary authority and rights guaranteed by Te Tiriti o Waitangi (Treaty of Waitangi).
- (c) Input into monitoring, enforcement, and compliance procedures of the Council
- (d) Account taken of Māori cultural and traditional values including concepts of mauri, tapu, mana, wehi and karakia.
- (e) Recognition of the Māori social fabric of whanau/hapū/iwi.
- (f) Preservation and protection of the mauri of natural and physical resources.
- (g) Recognition of, and provision for, traditional Māori knowledge in the management of the district's natural and physical resources.
- (h) Recognition and acknowledgement of whanau/hapū/iwi resource management plans, of taiapure plans and of mahinga mataitai plans.

¹¹¹ Far North District Plan. Chapter 2. Tangata Whenua. Retrieved January 12, 2024 from: [Draft Rules \(fndc.govt.nz\)](https://fndc.govt.nz).

- (i) Protection of, and access to, those features, places, and characteristics of the environment of special value to Māori, including wahi tapu, tauranga waka, mahinga kai, mahinga mataitai, mahinga waimoana and taonga raranga; and
- (j) Maintenance and enhancement of consultative processes between the Council and whanau/hapū/iwi.

Policy 2.5 Issues: the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga can be adversely affected by development that does not recognise this relationship. The exercise of rangatiratanga and the practice of kaitiakitanga, as provided for by the principles of the Treaty of Waitangi and the Resource Management Act and involving the use of tikanga and other aspects of the Māori environmental management system, are able to contribute to the wellbeing of people and communities in the district but are not always recognised and provided for. Subdivision, use and development of resources can adversely affect wahi tapu and other taonga. Development of the natural and physical resources of the district that leads to a loss or degradation of the mauri of these resources.

Policy 2.6 Environmental Outcomes Expected: To the extent possible, the rights guaranteed to Māori by Te Tiriti O Waitangi (Treaty of Waitangi) are given effect in the Plan. Subdivision, use and development in the district occurs in a way that recognises and provides for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wahi tapu and other taonga. Development on ancestral land occurs in a way that achieves sustainable management of natural and physical resources and protects Sites of Cultural Significance to Māori and other taonga.

Policy 2.7 Objectives: Through the provisions of the Resource Management Act, to give effect to the rights guaranteed to Māori by Te Tiriti O Waitangi (Treaty of Waitangi). To enable Māori to develop and manage their land in a manner which is consistent with sustainable management of the natural and physical resources of the district as a whole. To recognise and provide for the protection of wahi tapu and other ancestral sites and the mauri (life force) of natural and physical resources.

Policy 2.8 Other Matters: Education, including facilitation of consultation between tangata whenua and landowners, is a continuing responsibility for which the Council may provide resources in the Annual Plan.

8. Recommendations

The recommendations in this report are based on the principles of Whānaungatanga (family), Manaakitanga (looking after our people), and Kaitiakitanga (stewardship) of the natural and physical resources in Te Aurere.

This section deals in turn with the various issues that have been raised.

8.1 Archaeology

The archaeological assessment undertaken by Archaeological Solutions Ltd¹¹² did not discover any previously unrecorded sites on the site of the Waka Centre and identified that the nearest midden was some distance away in the dune area (Figure 26).¹¹³

The report identified that the highest risk of encountering unrecorded sites is close to the beach (the planting area) or along the river side where the ramp and waka shed are to be built, #4 on the map. The risk will be lower at #7, #8, and the carpark.

Arawai Ltd has advised that:

- Arawai Ltd has adopted the Accidental Discovery protocol developed by Heritage New Zealand Pouhere Taonga and that to date no unrecorded sites have been identified.
- The tree planting adjacent to Te Hāroto Tuarua is an optional development which will be foregone rather than disturb the ground in this area which is currently in grass.
- The proposal for a new ramp has been dropped as the existing ramp will meet requirements with minor regrading of the existing roadway.
- The waka cover is located on the site of the previous half-round barn, so the area has previously been disturbed. The cover uses containers on one side requiring no excavation. Soil testing in the area where the poles support the roof found only sand.
- Arawai Ltd has an outline Archaeological Management Plan for the project.

It is recommended that:

- 1) A precautionary authority to modify as yet unrecorded archaeological sites could be applied for with Heritage New Zealand Pouhere Taonga and this should be considered. It is not legally required, as no archaeological sites have been found on the proposed development area so far. But it could be part of the overall risk management of the development in order to prevent possible construction delays.¹¹⁴
- 2) The outline Archaeological Management Plan be finalised.
- 3) An experienced hapū cultural monitor be engaged to monitor the planting area (if required) and any earth works associated with the project.
- 4) Stop all project works and the hapū notified if an archaeological site or taonga tūturu are discovered.

¹¹² Dr. Hans-Dieter Bader. (27 March 2021). Communications. Tohu Consulting, Kaitaia. Project: Okokori B Block Archaeological Assessment. ASL Archaeology Solutions Ltd.

¹¹³ The midden (OA/932) is about 315m from the boundary of the Reserve.

8.2 Environmental

The main issues raised in submissions related to the effects of wastewater and stormwater on the receiving environment. The submitters noted S95 report the Councils consideration of the effects on the receiving environment, whenua and wai, are considered less than minor.

Nonetheless the submitters remained of the view that the application fell short of providing sufficient evidence (i.e. best practice waste and stormwater systems and modelling) in order to *“guarantee that our whenua and wai will not be impacted.”*¹¹⁴ The submitters also expressed concern about potential for adverse effects on the adjacent waterway through discharges of wastewater and stormwater from the site affecting the integrity and mauri of the system. The issue was also raised concerns about the potential effects on water quality of earthworks within the coastal marine area.

In assessing these assertions, it should be noted that:

- 1) The existing wastewater field is legally established and disposes of the wastewater to land after septic tank treatment. There is no risk of discharge to water. The wastewater system operates appropriately it is unlikely that the activity will contribute to further decline of the waterways.¹¹⁵
- 2) Even though the numbers on the site will typically be modest, there is an increase in the disposal field from 56m² to 109m² and the maximum volume of wastewater to be disposed is capped at 2190L/day.
- 3) On the advice of the resource consents engineer for the Far North District Council, the Hearings Planner concluded that the proposed wastewater system will not adversely affect the waterway.
- 4) The project has been granted resource consent by the Northland Regional Council for all earthworks and the stormwater and sewage disposal.¹¹⁶ The resource consent process included consultation with iwi.
- 5) In a move to promote water resilience given the drought risk in the Far North, the site includes 350,000 litres of water storage to minimise the discharge of stormwater.
- 6) Arawai Ltd has implemented sediment controls while working on the Access Road consistent with its Resource Consent from the Northland Regional Council and suspended work during adverse weather conditions.¹¹⁷

Arawai Ltd has taken appropriate steps to protect local watercourses and principally the Awapoko River from potential adverse effects of stormwater and wastewater disposal. It is recommended that Arawai takes this the next step further by supporting and participating in the Doubtless Bay Rivers working with iwi, hapū and communities to restore the biodiversity of the Awapoko, Ōruru and Oruaiti Rivers and their tributaries as part of the Nga Awa Rivers Programme.

¹¹⁴ Balle, Deliah. Kiriwi Whanau o Ōkokori. (2021, November 10). Submission to Resource Consent. Submission Pursuant to Section 96 of the Resource Management Act 1991

¹¹⁵ Ibid, pg. 16.

¹¹⁶ FILE: 43025 (01 to 10). The Consent covers: 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; 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; and AUT.043025.10.01 Discharge stormwater to water within 100 metres of a natural wetland.

¹¹⁷ FNDC approved the rehabilitation work on the access road under the 2012 land use consent

The submissions also raised the issue of restoration of ecological corridors, linkages and buffers and the coastal areas. It was noted that it is understood the applicant sought approval from external ministerial entities including the Department of Conservation and the Ministry of Culture Heritage. It was stated that *“Only mana whenua can speak to the cultural, conservation and heritage values associated to Ōkokori and surrounding areas including whenua may be administered by others i.e. Parcel ID 6851421.”*¹¹⁸

Arawai Ltd has indicated that engagement with the Department of Conservation was not relating to seeking approval but rather that:

- 1) The Department of Conservation has supported the predator control programme for rats, stoats, rabbits, and possums that Arawai have implemented across Ōkokori B.
- 2) Arawai Ltd and Department of Conservation are currently planning a joint predator control programme on the conservation estate next to the north-western boundary of Ōkokori B which is part of the Rangaunu Conservation Area.

This predator control programme across Ōkokori B and the native plant nursery the Arawai Ltd has built for restoration of Ōkokori B are both run by an Arawai Ltd employee of Ngati Tara descent.

8.3 Cultural and Spiritual

The primary site of cultural and spiritual significance across the total Ōkokori Block (A and B) is the Ōkokori / Kaimaua reserve which is coincident with Ōkokori A.

In Busby MLC (50TTK 9) [2012], Ambler J comments that when the Court dealt with the partition of Ōkokori into A and B in the 1950s that there was express reference to “tapu” being on Ōkokori A. In the minute of the meeting Prichard J referred 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. It is noted in the excerpt Mangonui County Operative District Scheme Appendix F that Pt Ōkokori Block is also called Awapoko Reserve (see Figure 3).

The minutes by Prichard J (11 March 1954) confirm that Ōkokori A is Awapoko Reserve. The Title Order from 1954 further confirms this.

According to FNDC planner Esther Powell¹¹⁹ *“In light of the above, it seems reasonable to conclude that the scheduling of a portion of Ōkokori B Site of Significance to Māori Scheduling may have been applied in error by Council to Ōkokori B Block within the District Plan during the transition from the Town and Country Planning Act 1977 planning environment to the Resource Management Act 1991.”*

Arawai Ltd has advised that it made a (late) submission to Council on the draft District Plan seeking the removal of this erroneous scheduling. It is recommended that the owners of Ōkokori B Block make contact with the District Plan Team to discuss the scheduling of MS05-38 in the Draft District Plan.

8.4 Economic

It was asserted in a submission that *“We believe the proposed activity (commercial tourism business) does not comply with the current land status under the Te Ture Whenua Act (TTWA) i.e. where*

¹¹⁸ Balle, D. Kiriwi Whanau o Ōkokori. (2021, November 10). Submission to Resource Consent. Submission Pursuant to Section 96 of the Resource Management Act 1991.

¹¹⁹ Powell, E., Team Leader Resource Consents, Far North District Council. (N/D). Communications to Shane Wratt on MS05-38 Awapoko Reserve.

*wananga for kaupapa waka. Whilst outside of the scope of the consent in part, we consider it pertinent the views and approvals are sought from the Māori Land Court. Whether council can therefore deem the consent site Ōkokori as a whole or have the mandate to consider RMA matters on this site being Māori Reservation under the TTWA may also warrant reconsideration.”*¹²⁰ This objection is different to the seven other matters raised before and rejected by Judge Ambler in designating the Te Awapoko Waka Wānanga Reserve.

The submitter is correct that such a consideration is outside the purview of proceedings under the RMA 1991. It may be prudent that the Hekenukumai Ngā Iwi Trust to whom Sir Hek bequeathed the vast majority of Ōkokori B seek legal advice and consult with the Māori Land Court. In practice, however, the powers under Para 8 (b) the trustees can issue permits for any activity on a Reserve seem to address this with the Trust being 50% shareholders in Arawai Limited and their having adopted the Sir Hek Busby Kupe Waka Centre Development Plan.

In terms of economic effects, the main activities at the Sir Hek Kupe Waka Centre include:

- (a) Wānanga for education and training in kaupapa waka.
- (b) Waka building and repair.
- (c) Guided tours with parties of up to 12 persons.
- (d) Small meetings and conferences.
- (e) School visits.
- (f) Leadership programme.
- (g) Noho marae (overnight stays).

These activities will create a number of on-site jobs and related purchases. Even during the development phase, the Waka Centre is having a positive effect on the regional economy. Some 87% of goods and service purchased during the construction phase have been sourced from Northland with 73% from the Far North District and 14% from elsewhere in Northland.

8.5 Communications

A submission noted that “A CIA in our view would be a positive step forward to addressing the many concerns raised by whānau. It would also enable Council and applicant to meet their obligations under the RMA.”¹²¹ This Cultural Effects Assessment addresses this point.

The submission further states that “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.” According to Arawai Ltd this assertion is incorrect and there is a record of pre-lodgment and post-lodgment attempts to engage which are on-going.

The submission went on to 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 & B and that this be undertaken by mana whenua i.e. Ngāti Tara, nominated also by Parapara Marae Trustees. Arawai Ltd advise 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 Ngati Kahu and Te Paatu descent.

¹²⁰ Balle, D. Kiriwi Whanau o Okokori. (2021, November 10). Submission to Resource Consent. Submission. Pursuant to Section 96 of the Resource Management Act 1991.

¹²¹ Edith Hau, Hoana Takutaimoana Trust. (10 November 2021).

9. Summary and Conclusions

9.1 Background

The late Sir Hek Busby began Kaupapa Waka-related activities on Ōkokori B in 1983 when he hosted the renowned navigator Nainoa Thompson when Nainoa was planning the leg to Aotearoa of the Voyage of Rediscovery which arrived at Waitangi in December 1985. Sir Hek took up the challenge issued by Sir James Henare that one day a waka from Aotearoa would go back to central Polynesia from whence Māori came. The waka was *Te Aurere* which sailed to the South Pacific Arts Festival in Rarotonga in October 1992. Since then, the waka has done over 30,000 NM of blue water sailing reconnecting Aotearoa with Rapanui and Hawai'i and Sir Hek built over 30 waka, many at Aurere. Over this time literally hundreds of people have been trained in waka building, waka maintenance, waka paddling, and traditional navigation and many other people have visited the site.

The main building in the first phase of development was a half-round barn. This was followed in 2012 by a carving shed. The operation did not appear to have any discernible adverse cultural effects as Judge Ambler noted in the decision on the Te Awapoko Waka Wānanga Reserve *“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”*.¹²²

When resource consent was sought for the construction of the Whare Wānanga in 2012 the planning analysis concluded that *“There would not seem to adverse cultural or spiritual effects from a building which has as its main purpose the celebration of the integral value to Māori culture of its ancestral and on-going tie to te moana. The links to and integration with the sea, in terms of Māori culture, is so strong as to be bound to the spiritual as well as the cultural values. The building as the architect advises in his visual assessment is designed to evoke the shape and ‘feel’ of an ocean-going waka under full sail; so, its proximity to water enhances this cultural tie-in. As such, it is considered that adverse effects of the proposed building and activity, on cultural and spiritual values, will be nil.”*¹²³ The planned activities for which the resource consent was granted were “education/training centre and cultural tourism destination based around Kaupapa Waka”.¹²⁴

The decision to reject the Resource Consent application in 2021, however, concluded that:

- 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.*

¹²² Ambler J, (2012) 50 TTK9) MLC, 50 Taitokerau MB 9 A20070011627.

¹²³ FNDC (2012). 2130047-RMALUC - Internal Assessment – 341197 p. 9

¹²⁴ FNDC (2012), op.cit. p. 1

This cultural effects assessment has been prepared to fill this information gap.

9.2 Conclusions

9.2.1 Sites of Significance

The closest site of significance to Māori to the Waka Centre is the adjoining Ōkokori A Block with the wāhi tapu Kaimaua (p. 23). While the Whare Wānanga is relatively close to the wāhi tapu there are dwellings on Ōkokori A which are closer to the wāhi tapu. There is an extensive catalogue of sites of significance (p. 44 *et seq.*) beyond Ōkokori. None of these relate to the land occupied by the Waka Centre or its environment. Similarly, the Waka Centre has no effect on the Māori reservation at Puketū Island, the nearest Māori land beyond Ōkokori A (p. 28).

Conclusion: the Waka Centre has no effect on recognised sites of significance to Māori.

The assessment supports the conclusion of Esther Powell that error made in scheduling a portion of Ōkokori B which was never part of the Awapoko Reserve. It would clarify matters if this scheduling was removed.

9.2.2 Archaeological Record

The southern end of Tokerau Beach was a significant resource for Ngāti Tara for kaimoana and subject to seasonal occupation reflected in various quotations: “*The old people would move to the coast when the fish were fat. This was a seasonal thing, and they could only fish at certain times of the year.*” (p. 40); and “*Middens, both deflated and partially ‘in situ,’ constitute the most numerous sites found on the sand dunes at Tokerau Beach and most appear to have been associated with seasonal campsites where food was prepared and consumed. Noticeably absent was evidence of fishhook, ornament and tool manufacture that is generally associated with more permanent occupation* (p. 57).

Also, Northern Minute Book (p. 43 “*The beach from Ōkokori to Te Pikinga had toheroa beds. Ngāti Tara/Te Rurunga had a fishing ground called Kouranui of Te Pikinga. This was not a permanent settlement, but a seasonal one. Ngāti Tara were among the hapu involved*).

This pattern occupation is reflected in the archaeological record (Fig. 22) with a focus on the dunes in the middle and northern end of Tokerau Beach.

The archaeological assessment (p. 57) noted that no archaeological sites were recorded previously on the extent of the proposed development and no new archaeological sites were recorded during that survey. On fact there have been no unrecognised archaeological sites or taonga tūturu discovered in the 50 years since Sir Hek bought the land.

Conclusion: There is no evidence of occupancy or use of the area or wāhi tapu or oral traditions relating to the site of the Waka Centre that would stand in the way of the development.

The archaeological report (p. 57) stated that “*The highest risk to encounter such unrecorded sites is close to the beach (the planting area) or along the river side where the ramp and waka shed are to be built, #4 on the map.*” In response to these concerns:

- 1) Since this assessment was done it has been decided that the existing ramp will meet Arawai Ltd needs so no new ramp is required.
- 2) The new waka shed (referring to the waka shelter) is on the land previously occupied by the round barn so no new area will be disturbed by the installation of the waka shelter.

- 3) The Accidental Discovery protocol applies to all works in the Reserve and Operational Area and will cover the planting of the area next to Pond 2 if this proceeds.

Conclusion: Changes in the development plan eliminate the risk posed by the ramp and could also avoid the planting programme which was of concern. The waka shelter is on previously disturbed land. Any potential issues are addressed by the Accidental Discovery Protocol.¹²⁵

9.2.3 Overall assessment

Based on the information provided in this assessment it is concluded that the effects of the development and operation of the Sir Hek Busby Kupe Waka Centre on cultural and spiritual matters and on the relationship of iwi with their ancestral lands is less than minor, and that the Waka centre creates a number of benefits of national, regional, and local significance.

¹²⁵ <https://www.fndc.govt.nz/files/assets/public/v/1/objectivedocuments/property-information-pro/ratepayer-property-information/pakaraka/heritage-new-zealand-northland-adp-2016.pdf>

**IN THE MĀORI LAND COURT OF NEW ZEALAND
TAITOKERAU DISTRICT**

**(50 TTK 9)
50 Taitokerau MB 9
A20070011627**

UNDER Section 338, Te Ture Whenua Māori Act
1993

IN THE MATTER OF Okokori B

BETWEEN HEC BUSBY
Applicant

Hearing: 8 May 2008
17 September 2012
(Heard at Kaitaia)

Judgment: 26 October 2012

RESERVED JUDGMENT OF JUDGE D J AMBLER

Introduction

[1] Hekenukumai Busby (more commonly known as Hec Busby) is a recognised tohunga in the construction of traditional ocean-going waka and in the traditional navigation of those waka. Since the 1980s he has convened whare wānanga concerning all aspects of traditional waka on his land, Okokori B, at Aurere, Tokerau Beach. In 2008 he applied to the Court to set aside part of the land as a Māori reservation for the purpose of whare wānanga for kaupapa waka and encountered opposition from some of his whanāunga of Ngāti Tara. After an initial hearing, I adjourned the application for Mr Busby to consult further with Ngāti Tara. A second hearing has now taken place where members of Ngāti Tara continue to oppose the application. In this decision I address the grounds of opposition and the scope of the proposed Māori reservation in terms of s 338 of Te Ture Whenua Māori Act 1993 (“the Act”).

Background

[2] Okokori B comprises 115.8 hectares. It borders the Aurere stream and Awapoko river, and the Okokori A block which fronts Tokerau Beach. Until 1966 Okokori B was Māori freehold land. Mr Busby’s whānau had interests in the land – he says substantial interests – and he himself may well have owned interests. In any event, in March 1966 the owners of Okokori B resolved to sell the land to Mr Busby.¹ The sale was effected by the Māori Trustee on 22 April 1966. Pursuant to s 2(2)(f) of the Māori Affairs Act 1953, the status of the land changed to general land upon the transfer being registered. Mr Busby remains the sole owner of the land, where his home is situated as well as the whare wānanga mentioned earlier.

[3] In 2008 Mr Busby applied to the Court to set aside 2.5 hectares of the land as a Māori reservation. The area was defined on a plan he had drawn up. The application was supported by Chappy Harrison, the chairperson of Parapara Marae – which is the marae most closely associated with the land. It was also supported by a letter from Lady Emily Latimer as secretary of the Taitokerau District Māori Council

¹ 3 Kaitaia MB 340 (3 KT 340).

and Taitokerau Māori Trust Board. As per minutes of a meeting held at Mr Busby's home on 14 July 2007, Mr Busby, Robert Gabel, Rawiri Henare, Alex Busby, Brian Wiki and Michael Harding agreed to be trustees of the Māori reservation.

[4] Mr Busby attended the first hearing on 8 May 2008. After clarifying aspects of the application with him I heard from Reece Burgoyne and Tina Lee Yates who opposed the application. Mr Busby was somewhat taken aback by their opposition to what he sees as a longstanding kaupapa for the benefit of present and future generations. In fact, he was so taken aback that he contemplated withdrawing the application on the spot. Nevertheless, after a little persuasion from me, I adjourned the application for Mr Busby to clarify two aspects of the proposal and to convene a hui with the people of Parapara Marae, Ngāti Tara, to discuss the proposal. If Mr Busby no longer wished to pursue the proposal, he could simply file a letter and the application would be dismissed.

[5] In May 2010 Mr Busby wrote to the Court to advise that he was still pursuing the proposal. A hui eventually took place at Parapara Marae on 26 March 2012. Five people attended of whom four supported Mr Busby's application and one opposed. The application came back to Court on 17 September 2012. At the hearing Mr Burgoyne, Kelvin Piripi and Lavinia Sykes spoke in opposition to the application.

Grounds of opposition

[6] Mr Burgoyne, Ms Yates, Mr Piripi and Mrs Sykes raised several grounds of opposition to the proposed Māori reservation.

[7] First, Mr Burgoyne challenged Mr Busby's ownership of Okokori 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, Ngāti Tara. Ms Yates touched on the history of Okokori A and B and indicated that her mother had objected to the splitting of the land and subsequent sale of Okokori B to Mr Busby. Mrs Sykes spoke in similar

terms of the unresolved *nawe* that had remained over Mr Busby's ownership of Okokori 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 Okokori B. Some members of Ngāti 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.

[9] Second, at the hearing on 8 May 2008 Mr Burgoyne suggested that the whole of the Okokori area was an urupa. When I questioned Mr Burgoyne on his evidence for there being urupa on the area proposed for the Māori reservation, he said that he could produce the evidence. He did not subsequently do so. Mr Busby denied that his land contains urupa and said that there had previously been a chain by chain urupa on the Okokori block but that the bodies had been uplifted and taken to Parapara Marae in about 1896. No other objectors suggested that there was an urupā on Okokori B.

[10] I have reviewed the Court records for Okokori A and B and have not found any express reference to there being urupā or wāhi tapu on Okokori B. However, I do note that when the Court dealt with the partition of Okokori into Okokori A and B in the 1950s, there was express reference to a "tapu" being on Okokori 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 Okokori A) as being for "...a camping and fishing reserve and to include the tapu".² Further, in the minutes of the sitting on 11 March 1954³ when Okokori was partitioned into Okokori A and B, it was noted that Okokori A was intended as a reserve, "(Purpose of Reserve – beach camping, fishing and historical: also includes a tapu)".

[11] Therefore, I reject Mr Burgoyne's assertion that Okokori B contains urupā.

² 80 Northern MB 361A (80 N 361A)

³ 81 Northern MB 291 (81 N 291)

[12] Third, Mr Burgoyne quoted and relied on ss 231 and 232 of the Resource Management Act 1991. In fact, the sections Mr Burgoyne quoted were repealed and substituted by s 124 of the Resource Management Amendment Act 1993. In any event, Mr Burgoyne's point in referring to these sections appeared to be that he asserted some form of right to an esplanade reserve over Okokori B. This apparently relates to the access issue (which I address next). There is no basis to this ground of opposition. The creation of a Māori reservation over part of a block of land is not caught by the subdivision provisions of Part 10 of the Resource Management Act 1991 and does not trigger the esplanade reserve requirements under that Act. Even if it did trigger those provisions, I cannot see how the prospect of an esplanade reserve affects the creation of a Māori reservation or can properly be a concern for Mr Burgoyne. If anyone should have a concern, it is Mr Busby.

[13] Fourth, Mr Burgoyne raised the issue of access over Okokori B. His submission on this point waivered and contradicted itself during the hearing: he variously suggested that there *existed* a right of access over Okokori B to Okokori A; or that there *should be* a right of access over Okokori B to Okokori A; or that there might be problems with access over Okokori B to the Māori reservation created on Okokori B.

[14] Once again, I have reviewed the Court records in relation to Okokori 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 Okokori 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 Okokori A with access to the Crown road reserve on the neighbouring OLC9 block. Furthermore, in recent years the Court appointed agents for the owners of Okokori A to investigate access issues. The question of access was discussed when the Court appointed agents on 24 August 1999 and at a hearing on 5 October 2001, following which the agents were updated on 27 November 2001.⁴ It is unclear whether the agents resolved the access issues.

⁴ 21 Kaitaia MB113 (21 KT 113); 22 Kaitaia MB 86 (22 KT 86); 93 Whangarei MB 54 (93 WH 54)

[15] Accordingly, the Court records confirm that it was first intended that access to Okokori A be along the three chain wide foreshore strip to the Crown road reserve. In more recent years the owners of Okokori A or their agents investigated alternative access. Mr Busby appeared at the hearing on 5 October 2001 and stated that informal access to Okokori A along the north western boundary of Okokori B had already been agreed upon. The short point is that the proposed Māori reservation, which is at the southern eastern end of Okokori B, does not interfere with these historical access routes. If the owners of Okokori A wish to formalise an alternative access over Okokori B, they will need to engage with Mr Busby as owner of Okokori B. But the possibility of the owners of Okokori A pursuing such access is not a valid ground to deny the Māori reservation.

[16] Fifth, Mr Burgoyne noted that it was unusual for a Māori reservation to be granted over general land. I agree, but that is not a reason to not create a Māori reservation. Section 338 is clear that a Māori reservation can be granted over general land.

[17] Sixth, Mr Burgoyne was concerned that the Māori reservation would exclude Ngāti Tara and weaken Ngāti Tara's ability to apply for funding for Parapara Marae. But the proposal does not seek to exclude Ngāti Tara. Furthermore, there is no evidence that the granting of the Māori reservation will adversely affect Parapara Marae's ability to apply for funding. Indeed, Mr Busby is not applying to set aside the land as a traditional marae in competition with Parapara Marae but as a *whare wānanga*, for which it has been used for almost three decades. I reject this ground of opposition.

[18] Seventh, Mr Piripi and Mrs Sykes raised concerns over the nature of consultation with Ngāti Tara. Mr Piripi said that the meeting on 26 March 2012 was a meeting of the marae committee only and not the marae trustees, and that it should have been the marae trustees who gave permission to Mr Busby to go ahead with the Māori reservation. He pointed out that only one of the people at that hui was a trustee, namely, Susan Peters, and that Chappy Harrison is the chairman of the marae committee only and not a trustee. Mrs Sykes also felt that the *take* had not been

discussed, that they needed a significant discussion and that issues still need to be tidied away.

[19] The issue for the Court is simply whether there has been a sufficient opportunity for Ngāti Tara and the people of Parapara Marae to express a view on the proposed Māori reservation. I am satisfied that there has been. The proposal was discussed and endorsed at a meeting on 14 July 2007 where many of those in attendance were of Ngāti Tara. The chairperson of the marae committee, Chappy Harrison, provided a letter in support of the proposal following a meeting with Mr Busby on 5 May 2008. Ms Yates attended Court on 8 May 2008 with a watching brief from the trustees of Parapara Marae to take information back to the marae, which, no doubt, she did. I then directed Mr Busby to convene a hui with the people of the Parapara Marae to discuss the proposal. I did not specify that it had to be a meeting of trustees or of the marae committee, but simply a meeting of the people of the Parapara Marae. According to the minutes of the Parapara Marae committee of 26 March 2012, Mr Busby's proposal was discussed. The minutes record:

Tarawaka: Chappy:

Hector Busby is building a Whare Wānanga & carving school down at Aurere and is prepared to gift it back to Ngāti Tara as a *Reserve*.

This contentious item was debated, in the end the following was put to the floor & voted on.

MOVED: Chappy:

We support Hector Busby's proposal for a Māori Reserve on the whenua.

Seconded: Susan: **Split Decision:** 4 voted for the motion:

Against: 1 (in absence) (sic)

[20] I note that Mr Busby disputes that he ever suggested that the land was to be gifted back to Ngāti Tara as a reserve. Nevertheless, the significance of the minute is that the Māori reservation proposal was acknowledged as contentious, was debated and those who attended the hui voted four to one to support the proposal. Mrs Sykes expressed her grounds of objection at the hui and was the only person to oppose the Māori reservation.

[21] Mr Busby has carried out my directions to my satisfaction. Although the hui may have been of the marae committee, and the overall turnout was small, I am left in no doubt that Ngāti Tara has had sufficient notice of the proposal and a sufficient opportunity to discuss it. Those who oppose Mr Busby have attended two Court hearings to express their views. It is clear to me that there is a division within Ngāti Tara over whether or not to support the proposal. This seems to stem largely from individuals' attitudes to Mr Busby's ownership of Okokori B. As I have indicated, I do not consider that this sense of grievance over ownership of Okokori B is a valid reason to deny the Māori reservation.

[22] In any event, the support of Ngāti Tara and Parapara Marae is not a prerequisite to the Court recommending the creation of a Māori reservation. Certainly, where a Māori reservation is proposed for the purpose of a marae or urupā, the Court will require an applicant to consult fully with the local hapū to ascertain whether the hapū endorse the new marae or urupā, and the extent to which it might conflict with any existing traditional institutions. But even in those situations, the Court must weigh up the level of support or opposition, the grounds of opposition and the purpose of the Māori reservation. Here, there is both support for and opposition to the Māori reservation. The critical issue is therefore, the merit of the opposition.

[23] At the second hearing I attempted to summarise the underlying basis for the objectors' opposition as being that they felt the whare wānanga should be under the *mana* of Ngāti Tara. Notwithstanding my attempt to frame the objectors' concerns in such cultural terms, Mr Piripi simply insisted that the whare wānanga "should belong to Ngāti Tara hapū" and Mr Burgoyne agreed. As I have already said, the claim to ownership of Mr Busby's land is not a basis to deny a Māori reservation. Certainly, the objectors cannot use this application to gain some sort of foothold into ownership of Okokori B.

[24] Nevertheless, even assuming that the substantive concern is that the Māori reservation might somehow undermine or contravene Ngāti Tara's *mana*, I do not accept that that is a valid basis to disallow the Māori reservation. First, based on the evidence before the Court, the majority of those of Ngāti Tara who have expressed a view support Mr Busby's proposal. Those in opposition are a minority. Second, Mr

Busby gave uncontradicted evidence that Ngāti Tara has not objected to the whare wānanga 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 wānanga but ownership and control of the land. Third, Mr Busby's rationale for the Māori reservation has unquestionable merit. He wants the whare wānanga to continue following his death and sees the creation of a Māori reservation as the most appropriate way to ensure that occurs. In particular, he wants to ensure that those of his family who inherit Okokori B do not subsequently interfere with that kaupapa. Mr Busby's desire fits entirely with the kaupapa of Māori reservations, that is, to facilitate and preserve Māori institutions. Fourth, the Māori reservation cannot be said to contravene Ngāti Tara's mana as the whare wānanga has always been open to all people and the Māori reservation does not purport to assert the interests of any other hapū over the interests of Ngāti Tara. As Mr Busby says, he is also of Ngāti Tara.

[25] Accordingly, having considered the grounds of objection individually and collectively, I do not consider that there is any valid objection to the granting of the Māori reservation.

The scope of the Māori reservation

[26] Under s 338 the Court may recommend that the Chief Executive set apart land as a Māori reservation. The purpose of this Māori reservation is as a whare wānanga for kaupapa waka and is to be known as Te Awapoko Waka Wānanga Reserve. The proposed trustees are Mr Busby, Robert Gabel, Rawiri Henare, Alexander Busby, Brian Wiki, Michael Harding and James Watkinson (who was added since the hui on 14 July 2007).

[27] At the second hearing Mr Busby sought to vary the area of the Māori reservation to include his home as he wished to "secure" rights of occupation in favour of his step-daughter and her husband. As I explained in Court, I do not believe it would be appropriate to extend the Māori reservation in that way as it will likely complicate and confuse the kaupapa of the Māori reservation, and will not necessarily secure the protection Mr Busby seeks.

[28] The one matter that remains to be finalised is the beneficiaries of the Māori reservation.

[29] Section 338(3) provides:

- (3) Except as provided in section 340 of this Act, every Maori reservation under this section shall be held for the common use or benefit of the owners or of Maori of the class or classes specified in the notice.

[30] Section 340 in turn provides:

340 Maori reservation may be held for common use and benefit of people of New Zealand

- (1) The notice constituting a Maori reservation [(that is not a wahi tapu)] under section 338 of this Act may, upon the express recommendation of the Court, specify that the reservation [(that is not a wahi tapu)] shall be held for the common use and benefit of the people of New Zealand, and the reservation [(that is not a wahi tapu)] shall accordingly be held in that fashion.
- (2) Before issuing a recommendation that a Maori reservation [(that is not a wahi tapu)] be held for the common use and benefit of the people of New Zealand, the Court shall be satisfied that this course is in accordance with the views of the owners, and that the local authority consents to it.
- (3) In appointing trustees for any Maori reservation [that is not a wahi tapu] that is held for the common use and benefit of the people of New Zealand, the Court may, on the nomination of the local authority, appoint a person or persons to represent the local authority.

[31] The application originally proposed that the Māori reservation be set aside for the use and benefit of the “Taitokerau Tarai Waka Charitable Trust”. This is apparently an incorporated society known as Te Taitokerau Tarai Waka Incorporated. At the first hearing I explained to Mr Busby that the Māori reservation could not be set aside for the benefit of an incorporated society and that it needed to be set aside for Māori or a group of Māori or the people of New Zealand. He said that it was not for Māori exclusively as Pakeha and Pacific people attend the whare wānanga from time to time. I adjourned the application for Mr Busby to, among other things, clarify for whose benefit the Māori reservation would be set aside.

[32] In a subsequent letter of 12 May 2010 Mr Busby said that the land should be set aside for the people of New Zealand as the tauira come from far and wide and he does not wish to be restrictive. Under s 340(2), the local authority, being the Far North District Council, must consent to a Māori reservation being set aside for the people of New Zealand and, under s 340(3), the Council may be entitled to nominate a person to be appointed as trustee. Mr Busby has not sought the Council's consent and gave no indication that he agreed that the Council could have the right to nominate a trustee.

[33] Accordingly, at the second hearing Mr Busby confirmed that he was not in fact wanting the Māori reservation to be set aside for the people of New Zealand and proposed instead that it be set aside for the benefit of the trustees of the Hekenukumai Trust. The Trust is apparently the guardian of the whare wānanga. I have not been provided with a copy of the Trust's deed of trust and do not understand how it relates, if at all, to the incorporated society mentioned in the application. Before I can make a final decision I need to review a copy of the Trust's deed of trust.

Outcome

[34] The outcome of the application is that I conclude that there are not any valid objections to the Māori reservation but that Mr Busby has yet to finally satisfy me who should be the beneficiaries of the Māori reservation. I direct Mr Busby to file a copy of the deed of trust for the Hekenukumai Trust by 30 November 2012 so I can assess whether it satisfies s 338(3).

D J Ambler
JUDGE



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.¹

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 15th 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

¹ 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.² 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).³

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

³ 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."*

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 8th 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.nzW: <http://tohuconsulting.nz/>

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

KWC - Development
Plan Summary.pdf

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 0210613780.

Regards

Chappy Harrison
Hemana (Chairman)
Parapara Marae Committee

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

Email: paraparamarae@hotmail.com
Phone Numbers: 081 0307

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

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

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



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
Skype: peterphillipsnz

On 4/05/2021, at 9:40 PM, **Deliah** Balle <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



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



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



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



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
www.mahitaapoi.co.nz
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

[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 - Taioia 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 Aures 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 Pimparua, KAITIAIA 0500

Email: paraparamarae@hobmail.com
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.	No Consultation Undertaken or Sought with Tangata Whenua
<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.	Inadequate Cultural Assessment Undertaken
<p>The entire area of Ōkokori (both A & 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. Therefore only Ngāti Tara can determine and define cultural effects.</p>	
3.	Thoroughfare from Ōkokori B through Ōkokori A
<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.	Impact of the Proposed Development on the Mauri of our Wai, Moana and Whenua
<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 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.</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. I therefore will not support any activity or use that continues to diminish the mauri of our awa.</p>	

Recommendations

1.	That the FNDC at this stage decline the resource consent application based on the issues raised above.
2.	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.
3.	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 & B and that this be undertaken by mana whenua i.e. Ngāti Tara, nominated also by Parapara Marae Trustees.

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

One attachment • Scanned by Gmail ⓘ





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



One attachment • Scanned by Gmail ⓘ





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) 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

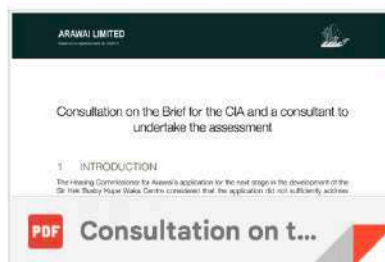
Peter



--



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

On 31/03/2022, at 3:27 PM, Peter Phillips <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

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 5th**

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.¹

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.*"² 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

¹ Simeon McLean (18 January 2022) *Planners Hearing Report, Application No: 2300463-RMALUC*, para 7.3, 14/37

² *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 5th 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.³ 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 2013.⁴

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

³ 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

⁴ 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

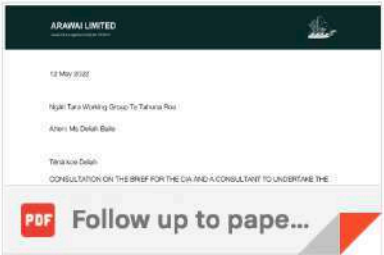
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One attachment • Scanned by Gmail





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

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

...

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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

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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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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
Mob: 021 906 737

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
Lake Ohia, Doubtless Bay
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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

Lake Ohia, Doubtless Bay

Aotearoa-New Zealand

Mob: 021 906 737

Registered Charity No. 34114

www.arawai.co.nz



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

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

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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

Aotearoa-New Zealand

Mob: 021 906 737



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

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>
to Deliah, Tina, bcc: John, bcc: Sarah, bcc: David, bcc: Charlie, bcc: Stan ▾

Wed, 31 Jan, 15:44

☆

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⋮

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
Lake Ohia, Doubtless Bay
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Registered Charity No. 34114

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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
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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
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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
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



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 m² 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."*¹

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.

¹ 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 1st 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 & 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 not 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"> 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.
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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">• 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;• the Māori landowners, who are tāngata whenua, have not identified Okokori B as a place of significance to tāngata whenua. <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">• wāhi tapu: 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;• tauranga waka: 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;• mahinga kai: 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;• mahinga mataitai: nothing in the development restricts access via the river for fishing or collecting kaimoana;• taonga raranga: 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. <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

<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>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">• the overall numbers of cultural tourists visiting the site in a year will be capped;• there will typically be only small groups visiting the site;• only one group will be on the site at any one time• these groups will be guided at all times,• 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• none of Arawai's visitors will be free to enter/cross Okokori A.
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Impact of the Proposed Development on the Mauri of our Wai, Moana and Whenua

Comment	Response
<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>	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><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 29th 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 & 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>