



This Cultural Vales Assessment (CVA) and Cultural Impact Assessment (CIA) has been prepared for Tripartite Group and undertaken by Te Roroa Commercial Development Ltd on behalf of Te Roroa Whatu Ora and Manawhenua Trusts (TRWO&MWT) for an application made by Tripartite Group (TTG) in support of a Private Plan Change Request to rezone a 47ha site at Awakino Point, Dargaville. The Plan Change seeks to rezone the site from the current rural zone under the Operative Kaipara District Plan, to a development area that provides for a mix of Residential, Neighbourhood Centre, Open Space and Light Industrial.

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PEPEHA

Ko Tokatoka te Maunga
Ko Kaihu te Awa
Ko Mahuhukiterangi te Waka
Ko Te Kuihi te Hapu
Ko Te Roroa te Iwi



Photo: Tokatoka

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Report Structure

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Section 5: Legislative Framework

Section 6: Cultural Values Assessment for Tripartite Group Limited

Section 7: Relationships to Tripartite Group Limited

Section 8-9: Cultural Impact Assessment and Recommendations

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TE ROROA WHATU ORA & MANAWHENUA TRUST BOARD

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2. Activity Details

Applicant	Tripartite Group (TTG)
Agent	Tripartite Group Vanessa Anich

Ph: 021 439 839

Activity

Private Plan Change application is being sought from Tripartite Group Limited to develop a large scale subdivision on the current Dargaville Racing Club site.
The following rules are pertinent to this application in the Kaipara District Plan.

Relevant Rule	Activity Description	Activity Status
Kaipara District Plan		
Chapter 3 – Land Use and Development Strategy		
3.4 Objectives	3.4.4 To ensure emissions, discharges and effects of residential and business development are managed so that adverse effects on the surrounding environment, including existing settlement areas, are comprehensively addressed.	Also noted in Landform Consulting CIA
	3.4.6 To provide clear direction on the information, planning and management requirements considered to be required to enable future changes in land use within the identified development areas.	Also noted in Landform Consulting CIA
3.5 Policies	3.5.5 By ensuring infrastructure and servicing (e.g. transport, stormwater and sewerage reticulation and treatment systems and networks) for new development areas are designed and provided for at the outset of development, so that any adverse effects on the environment or existing systems are adequately avoided, remedied or mitigated.	Also noted in Landform Consulting CIA
	3.5.6 By requiring new residential and business development to comprehensively consider (on a catchment wide basis) potential: <ul style="list-style-type: none"> a. Adverse effects on the natural character of the coastal environment, lakes, rivers, wetlands or their margins; b. Adverse effects on areas of significant indigenous vegetation or significant habitats of indigenous fauna; c. Adverse effects on outstanding natural features, landscapes and heritage resources; d. Adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; e. Conflicts with areas where natural hazards could adversely affect the physical resources of residential and business development or pose risks to people's health and safety; f. Conflicts with finite resources which can reasonably be expected to be valuable for future generations (including highly productive and versatile soils and aggregate resources). (For example, where residential and business development could adversely affect the availability of finite resources); and g. to identify mechanisms to avoid, remedy or mitigate such impacts. 	Also noted in Landform Consulting CIA

	Chapter 5 – Tangata Whenua		
	5.5 Objectives	5.5.1 To involve Tangata Whenua as partners in policy development and implementation and decision making under the District Plan.	Also noted in Landform Consulting CIA
		5.5.2 To recognise the importance of providing for the relationship of Maori, including their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga.	Also noted in Landform Consulting CIA
	5.6 Tangata Whenua Policies	5.6.1 Recognising the partnership with Tangata Whenua by: <ol style="list-style-type: none"> 1. Consultation is undertaken with Te Uri o Hau and Te Roroa on those matters that may affect their taonga, or their use, development and protection of the natural and physical environment (recognising Kaitiaki); and 2. Ensuring that active consideration is given to the impacts of development on taonga. This includes Tangata Whenua involvement in consent processing / hearings. 	Also noted in Landform Consulting CIA
		5.6.2 By recognising and protecting the values of Areas of Significance to Maori	Also noted in Landform Consulting CIA
Location	The site is located at:		
Legal Description	Address	Legal Description	Status
	SH14 Awakino Point, Dargaville	NA689/300	Owner - DRC
	SH14 Awakino Point, Dargaville	NA692/361	Owner DRC
Zoning	Rural		
Relevant Legislative and Te Roroa Associated Interests	1840 Treaty of Waitangi (Tiriti o Waitangi) Te Roroa Claims Settlement Act 2008 Heritage NZ Pouhere Taonga Act 2014 <ul style="list-style-type: none"> • Area of recorded and potentially unrecorded wahi tapu and wahi taonga sites and features • Archaeological Assessment of Effects report completed by Michael Taylor Resource Management Act 1991 Sections 6(e),6(f) and 6(g), Sections 7(a) & Mana Whenua consultation involving: <ul style="list-style-type: none"> • Te Roroa, Te Houhanga Marae Kaipara District Council Operative Plan 2013 – Relevant Chapters		
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3. Introduction

The Tripartite Group (TTTG) is a collaboration of Dargaville Racing Club (DRC), Dargaville Community Development Board DCDB) and Te Runanga o Ngāti Whatua Runanga (TroNW). TTTG have made application to Kaipara District Council (KDC) for a private plan change. The intent of the private plan change would see the Awakino Point site re-zoned to enable a mix of residential zones, visitor accommodation, commercial activities, industrial zone, neighbourhood centre zone and open space zone.

For the purposes of this assessment, the area of Dargaville township and surrounding areas including Awakino Point, Te Wharau and Ounuwahao is recognised by TRWO&MWT as Te Roroa Cultural Lands. For clarity, Te Roroa Iwi and Hapu are recognised collectively as Mana Whenua and Tangata Whenua.

Due to the location of the proposed Awakino Point development in Te Roroa rohe, Te Roroa Commercial Development Ltd (TRCDL) on behalf of TRWO&MWT has ensured that Te Roroa will complete a cultural values and impact assessment for the required application.

3.1 Mana Enhancing Agreement

On November 5th 2020, TRWO&MWT and KDC Elected Members signed a Mana Enhancement Agreement (“MEA”). The MEA sets out the relationship objectives and guiding principles between Te Roroa and KDC. The intent of the MEA is to enable KDC and Mana Whenua to engage in a meaningful relationship that clarifies each other’s roles and responsibilities and provide KDC with a clear understanding of Te Roroatanga in the Kaipara District.

3.2 Cultural and Intellectual Property Rights Statement

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3.3 Site Assessment

Figure 1 shows the private plan change application area at Awakino Point.

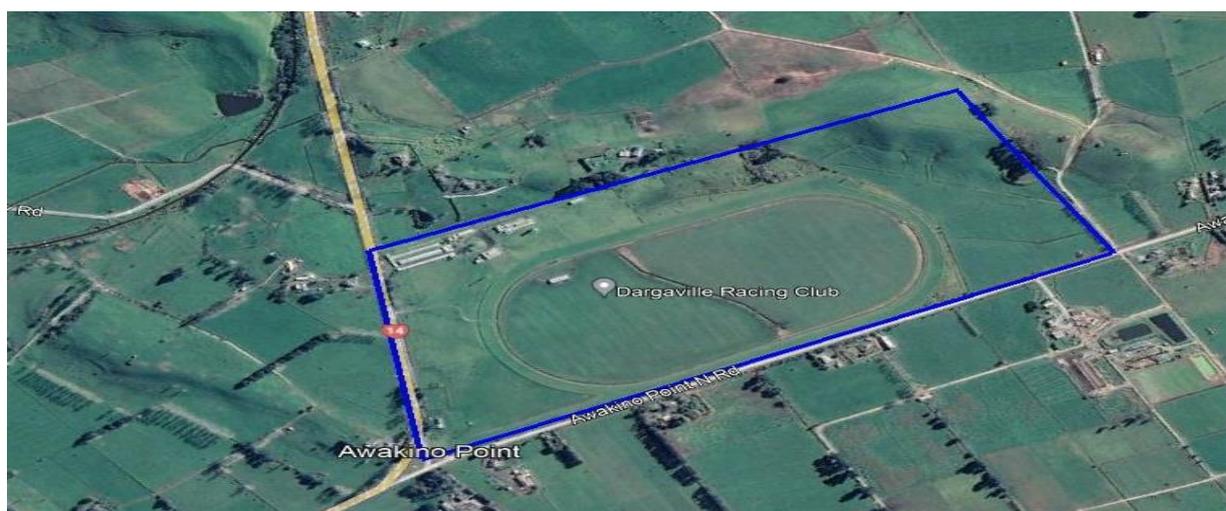


Figure 1. Google Maps Image of Awakino Point Site

3.4 Purpose and Scope of Values Assessment

To provide a “Cultural Values Assessment” (section 4 & 5) to assist the applicant to meet its obligations through relevant legislative safeguards for Māori, which are underpinned by the principles of Te Tiriti o Waitangi 1840.

The scope includes:

- Expressing what Te Roroa cultural and traditional values are for TTG;
- Articulate cultural well-being in terms of any modifications on our cultural landscape and rights of access¹ and management of the cultural areas;
- Proposed planning recommendations to avoid, remedy and/or mitigate, offset or compensate any residual adverse effects that cannot be otherwise avoided, remediated, or mitigated.

3.5 Through the RMA Process

1. Identify the relationships that Te Roroa has within the area affected by the proposed TTG.
2. Identify the potential effects (biophysical, cultural, economic and social) and assess the significance of such effects of the proposal on Te Roroa and their well-being.
3. Develop recommendations regarding what TTG should do in order to adequately avoid, remedy, mitigate and/or offset any adverse effects and enhance the positive effects and opportunities of mana whenua involvement.
4. Includes statutory obligations to Māori through various legislative frameworks.

3.6 Methodology

The methodology undertaken includes:

- Review of relevant documents provided by the applicant (Table 1);
- Literature Review;
- Consultation with key whanau and marae within the proposed development area, in particular, Te Houhanga Marae (Te Roroa);
- Reviews on applicants reports;

A ‘Kaupapa Māori” methodology approach has been adopted to support the assessment of mana whenua values. This approach enables mana whenua to formulate meaningful recommendations and introduce Māori planning concepts that will further enhance the outcomes of the proposed project.

Indigenous narratives enable Māori to return to ancient knowledge in ways of understanding the world. Smith (2000) asserts, that kaupapa Māori is:

“a way of thinking, a way of learning, a way of storing knowledge, and a way of debating knowledge. This process is engraved in every aspect of our worldview.”

Therefore, a ‘Kaupapa Māori’ research approach is the most appropriate framework to articulate a Māori world view. This methodology acknowledges the importance of applying tikanga and mātauranga māori which is introspective of Māori ways of knowing and doing.

Table 1

Sources	Reference	Rationale
Research		
Dargaville Racecourse Private Plan Change Request	Statutory Assessment Report	

¹ “access” in this context is socio economic access and cultural connectivity

Arch sites (Heritage New Zealand Pouhere Taonga) online	http://www.archsite.org.nz/	To identify wāhi tapu sites for interpretation of cultural occupation layers
Consultation		
Te Roroa Development Group, Te Roroa Marae,	Meeting with TRDG representatives Meeting with Te Houhanga Marae Representatives	Te Roroa Offices, Waipoua KDC Office, Dargaville Meet with Te Houhanga whanau
Literature Reviews		
Te Roroa Ecological and Archaeological team	Te Roroa Environmental Management Plan 2019	Provides the policies and strategies of National and Regional government.
Desktop Analysis	To assist with the data collection to analysis.	To validate the research process.
Document Review		
	When	Consultant
Statutory Assessment Report	May 2022	Lands and Survey Whangarei Ltd
Email Response to Michael Day	April 2022	Lands and Survey Whangarei Ltd

4. Manawhenua

4.1 Te Roroa

Te Roroa people are descendants of two brothers, Manumanu I and his teina Rangitauwawaro, who are the founding tūpuna of the Te Roroa people.

Te Roroa Claims Settlement Act 2008, Part 1, Section 11 defines Te Roroa as –

- (1) In this Act, **Te Roroa**—
- (a) means the collective group composed of—
 - (i) individuals descended from 1 or more Te Roroa tūpuna; and
 - (ii) individuals who are members of the groups referred to in paragraph (c)(i);
and
 - (b) means every individual referred to in paragraph (a); and
 - (c) includes the following groups:
 - (i) Te Roroa, Ngati Kawa, Ngati Whiu, and Te Kuihi; and
 - (ii) any whanau, hapu, or group of individuals composed of individuals referred to in paragraph (a).
- (2) In this section and [section 12](#), **Te Roroa tūpuna** means an individual who—
- (a) exercised customary rights by virtue of being descended from—
 - (i) Manumanu I or Rangitauwawaro; or
 - (ii) a recognised ancestor of any of the groups referred to in subsection (1)(c)(i); and
 - (b) exercised the customary rights predominantly in relation to the Te Roroa area of interest at any time after 6 February 1840.
- (3) In subsection (2), **customary rights** means rights according to tikanga Māori (Māori customary values and practices), including—
- (a) rights to occupy land; and
 - (b) rights in relation to the use of land or other natural or physical resources.

Te Roroa have six marae; Te Whakamaharatanga (Waimamaku), Pananawe (Waipoua), Matatina (Waipoua), Waikarā (Aranga), Waikaraka (Kaihu Valley) and Te Houhanga (Dargaville), that are located

along the west coast stemming from the Hokianga Harbour to Tokatoka on the eastern side of the Wairoa River, then across to the Te Kopuru blocks and the west coast (see Figure 2).

The Te Roroa Deed of Settlement 2008 saw the establishment of the Post Settlement Governance Entity, Te Roroa Whatu Ora and Manawhenua Trusts (TRWO&MWT). Te Roroa Manawhenua Trust (TRMWT) is the recognized authority for sites of significance within Te Roroa Rohe. Contained within Section 69.1 (a, b, c) of the Act is an acknowledgement by the Crown of Te Roroa statutory areas.



Figure 2. Te Roroa Rohe (Te Arawhiti Maps)

5. Legislative Framework

Legislation is the political and legal expression of how those who govern a society conceptualise an issue. Such conceptualisations are subject to change based on historical, social and cultural context, meaning that legislation can provide a temporal snapshot into how issues are understood in current contexts.

5.1 Te Tiriti o Waitangi 1840 – Treaty of Waitangi Principles

Te Tiriti o Waitangi (The Treaty of Waitangi) is Aotearoa's (New Zealand's) founding document. Over 500 Māori Chiefs, including approximately more than five women, signed the Treaty in 1840. It is an

agreement drawn up between representatives of the British Crown and representatives of Māori, Iwi and Hapū.

While Article 1 of the Treaty enables the Crown to govern and make laws, Article 2 provides for Māori rangatiratanga over their lands and taonga (things of value). Māori values, associations and interests with their taonga applies regardless of property titles or other constructs, and the Treaty requires that the Crown actively protect these associations and interests (including through but not limited to statutes).

Like all treaties it is an exchange of promises: the promises that were exchanged in 1840 were the basis on which the British Crown acquired New Zealand. Te Tiriti o Waitangi agreed the terms by which Aotearoa would become a British Colony.

The Treaty is in two languages, Māori and English. The Treaty was intended by Great Britain to be an exchange of sovereignty to be in return for a guarantee of the authority of the chiefs and the protection of Māori land and resource rights. The Treaty also extended to Māori the same rights and privileges of British citizens.

The principles of the Te Tiriti o Waitangi being Partnership, Participation and Protection underpin the relationship between the Government and Māori. These principles are fundamental to developing relationships with government agencies, including involvement and participation in statutory policies and plans regarding the management of natural resources within the Trail area.

5.2 Te Roroa Settlement Act 2008

The Te Roroa Deed of Settlement 2008 saw the establishment of the Post Settlement Governance Entity, Te Roroa Whatu Ora and Manawhenua Trusts (TRWO&MWT). Te Roroa Manawhenua Trust (TRMWT) is the recognized authority for sites of significance within Te Roroa Rohe.

Contained within Section 69.1 (a, b, c) of the Act is an acknowledgement by the Crown of Te Roroa Statutory Areas.

The purpose of this Act is -

- a) to record the acknowledgements and the apology offered by the Crown to Te Roroa in the Deed of Settlement dated 17 December 2005 and signed by—
 - (i) the Minister in Charge of Treaty of Waitangi Negotiations, the Honourable Mark Burton, for the Crown; and
 - (ii) members of Te Roroa for Te Roroa; and
- b) to give effect to certain provisions of the Deed of Settlement, which is a deed that settles the Te Roroa historical claims and provides cultural and commercial redress to Te Roroa.

Section 73 - Recording of statutory acknowledgements on statutory plans

- (1) On and from the effective date, a relevant consent authority must attach information recording a statutory acknowledgement to all statutory plans that wholly or partly cover the statutory area.
- (2) The attachment of information under subsection (1) to a statutory plan—
 - (a) must include the relevant provisions of this subpart in full, the description of the statutory area, and the statement of association that relates to the statutory area; and
 - (b) is for the purpose of public information only, and the information is not—
 - (i) part of the statutory plan (unless adopted by the relevant consent authority);
 - or
 - (ii) subject to the provisions of [Schedule 1](#) of the Resource Management Act 1991.
- (3) In this section, **statutory plan**—

(a) means a district plan, proposed plan, regional coastal plan, regional plan, or regional policy statement as defined in [section 2\(1\)](#) of the Resource Management Act 1991; and

(b) includes a proposed policy statement provided for in [Schedule 1](#) of the Resource Management Act 1991.

Section 74: Distribution of resource consent applications to trustees of Manawhenua Trust

(1) A relevant consent authority must, for a period of 20 years from the effective date, forward to the trustees of the Manawhenua Trust a summary of resource consent applications received by that consent authority for activities within, adjacent to, or impacting directly on a statutory area.

(2) The information provided under subsection (1) must be—

(a) the same as would be given under [section 93](#) of the Resource Management Act 1991 to persons likely to be adversely affected, or as may be agreed between the trustees of the Manawhenua Trust and the relevant consent authority; and

(b) provided as soon as is reasonably practicable after the application is received, and before a determination is made in accordance with [sections 93 to 94C](#) of the Resource Management Act 1991.

(3) The trustees of the Te Roroa Manawhenua Trust may, by notice in writing to a relevant consent authority,—

(a) waive their rights to be notified under this section; and

(b) state the scope of that waiver and the period it applies for.

The Cultural Redress Relationships, Memorandums of Understanding and interaction with its Local Government representatives will be entered into between each Council and Te Roroa Manawhenua Trust.

5.3 Resource Management Act

With consideration of the section 5 of the RMA , in terms of sustainable management; the applicant must have regard for indigenous planning concepts which will give effect to sections 6(e), 7(a) and s8. This is supported by Jolly (2020) who states:

“CIA reflects the aspirations of the tāngata whenua side of a treaty partnership. In this sense, CIA has the potential to contribute to a treaty-compliant resource management regime: defined by the Waitangi Tribunal (2011) as one that enables iwi/hapū to express tino rangatiratanga in their traditional territories and is capable of delivering effective influence and appropriate priority to kaitiaki interests”²

The relationship to Te Wharau and Awakino Point for Mana Whenua needs to be recognised as having legal standing within sections of the RMA; that being the relationships with our culture and traditions associated with sites and wahi tapu, tributaries systems and other taonga of that vicinity; coupled with our status as kaitiaki and practitioners of kaitiakitanga.

- **s6(e):** As a ‘matter of national importance’, recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga
- **s7(a):** Have particular regard for kaitiakitanga practises; and
- **s8:** Take into account the principles of the Treaty of Waitangi

Mana Whenua have a range of relationships within Kaihu Valley and the TTG footprint, including kaitiakitanga, mahinga kai, ahikā, environmentalists, ecologists, educators and members of the wider community.

² Dyanna Jolly is from Whitebear First Nations in Canada. She has worked with iwi and hapu in Aotearoa since 2003 to prepare IMP's and CIAs. She is currently a PhD candidate with Te Whare Wananga o Otago.

5.4 Kaipara District Plan – November 2013 (the “District Plan”)³

The District Plan recognises that Te Roroa have traditional, historical, spiritual, and cultural associations with place and sites within the Kaipara District. The District Plan has been developed to recognise Māori issues in the northern Kaipara. Tāngata Whenua cultural values are also referenced in the following chapters of the District Plan;

- Chapter 2: District Wide Resource Management Issues
- Chapter 3: Land Use and Development Strategy
- Chapter 4: Overlays (Kaipara and Mangawhai Harbour)
- Chapter 5: Tāngata Whenua Strategy
- Chapter 6: Ecological Areas
- Chapter 12: Rural
- Chapter 13: Residential
- Chapter 15(a): Māori Purposes - Māori land
- Chapter 15(b): Māori Purposes - Treaty Settlement Land
- Chapter 17: Historic Heritage
- Chapter 18: Landscapes

5.5 Heritage NZ Pouhere Taonga Act 2016

Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify, or destroy or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority from Heritage New Zealand.

Relevant sections included, but not limited to are:

- (a) Section 3: the purpose of the Act is to promote the identification, protection, preservation, and conservation of historical cultural heritage of New Zealand.
- (b) Section 4: Key Principles of the Act include:
 - (i) the principle that historic places have lasting value in their own right and provide evidence of the origins of New Zealand’s distinct society; and
 - (ii) the principle that the identification, protection, preservation, and conservation of New Zealand’s historical and cultural heritage should;
 - a. take account of all relevant cultural values, knowledge, and disciplines; and
 - b. take account of material of cultural heritage value and involve the least possible alteration or loss of it; and
 - c. safeguard the options of present and future generations; and
 - d. be fully researched, documented, and recorded, where culturally appropriate.

³ Kaipara District Council (2013), Kaipara District Operative Plan November 2013.
<http://www.kaipara.govt.nz/Service++Info/District+Plan.html>.

Section 4 of the Heritage New Zealand Pouhere Taonga Act 2004 recognises the relationship of Māori with and cultural traditions to, their ancestral lands, water, Wāhi Tapu, and Wāhi Taonga.

Section 10-20 of the Act ensures that any person undertaking work that may damage, modify or destroy an archaeological site (both known and unknown) must obtain an archaeological authority to undertake such work and prior to any work commencing.

6. Cultural Values to Mana Whenua

6.1 Te Ao Māori

To provide a context for assessing mana whenua values, it is useful to briefly explain the principles of the Māori world view.

Barlow (1991), explains, that to understand a Māori world view you need to understand that there are spiritual elements found in multiple places and time. This concept is intertwined with the Māori philosophical notion of mauri. According to Barlow (1991)

'Everything has a mauri, including people, fish, animals, birds, forests, land, seas, and rivers: the mauri is the power which permits these living things to exist within their own realm and sphere. No one can control their own mauri of life existence'⁴

This was supported by Te Roroa Kaumatua, the late Māori Marsden who expanded on this concept and explained that "the water and the forests which are sustained by biodiversity have a mauri which is enveloped by natural phenomena such as wind, rocks, rain, and mist"⁵.

6.2 Mauri

The concept of mauri is highly relevant to Te Wharau and Awakino Point whenua. The interconnectedness of all things means that the wellbeing of any part of the environment will directly impact on the wellbeing of the people.

The interconnectedness of mauri is transactional, transformative and must be managed through traditional practices of kaitiakitanga. Mauri has been loosely and inadequately translated as "life force" or "life Group".

To assist with the concept of mauri, Mana Whenua supports the description provided earlier by Barlow (1991)

'Everything has a mauri, including people, fish, animals, birds, forests, land, seas, and rivers: the mauri is the power which permits these living things to exist within their own realm and sphere. No one can control their own mauri of life existence'

As previously stated, this was supported by Te Roroa Kaumatua, Māori Marsden (1992) who expanded on this concept and explained that "the water and the forests which are sustained by biodiversity have a mauri which is enveloped by natural phenomena such as wind, rocks, rain, and mist."

A deeper thought process is the spiritual connectiveness. Mauri is intimate and inclusive of the physical and spiritual wellbeing of the natural environmental which all living beings are sustained from.

Mana Whenua are the kaitiaki of mauri – we have a cultural and spiritual responsibility to ensure it is maintained, protected, and enhanced. Therefore, meeting the needs and aspirations of the hapū, marae and haukainga is to protection the mauri of Te Wharau and Awakino Point.

⁴ Barlow, C. (1991). Tikanga whakaaro: key concepts in Māori culture.

⁵ Maori Marsden - Woven Universe (2003)

6.3 Manaakitanga

Manaakitanga is a core value of Te Ao Māori - providing sustenance and benefit to those that are in need. Te Roroa strategic plan 2018 defines manaakitanga as "Reciprocity of kindness, respect and shared abundance.

Traditionally Te Wharau and Awakino Point area was a key strategic area where Te Roroa hapu resided, collected food and grew crops. Te Roroa were known for their indigenous planning concepts and industrious nature that provided sustainable use of the resources.

Mahinga kai through water systems within this area and associated coastline was considered central to the establishment of identity for Mana Whenua; a sustaining life force that connected not only people to people but people to their resources. Serving delicacies locally for manuhiri was a key identity marker of Mana Whenua.

Use of the products, made available from the wise stewardship of the resource, allowed for maintenance of manaakitanga and whānaungatanga practices of reciprocity that governed inter-whānau, hapū and iwi relationships. Waterways and Maunga were commonly used as boundaries or reference points between whānau and hapū groupings.

Within the historic record of Mana Whenua, it is purported that upon the arrival of settlers to the Kaipara, Mana Whenua provided manaaki and protection to the various waves of emigrants, traders, and settlers. It is evident that even at the time of degradation of ngahere, kauri, tohorā, toheroa and other prized resources, the practices of manaakitanga was still maintained even as the resources of the area were stripped out and shipped away for economic gain.

Economic benefit was marginalised for Māori in industries that strip resources that sustain the various iwi, hapū, marae and whānau. Manaakitanga is a form of economic well-being. A wealthy hapū can successfully undertake manaakitanga.

6.4 Mana

Of all the attributes of Te Ao Māori, Mana is arguably the most highly prized and most jealously guarded. The report of the Waitangi Tribunal in 1992 on the Mohaka River discussed the right to the river through the definition of Mana.

'The control of the river has been our Mana from way back. It came from our ancestors and down through the generations. Even though these things have been taken, we stand firm (in our belief...Our ancestors discovered the Mana. They found the Mana in the hills, in the rivers, and that is why we battle for their return. Tino Rangatiratanga can be understood as meaning 'full authority, status, and prestige with regard to their possession and interest'. Mana is the personalisation of that authority.'

Mead (2016) enforces this concept of Mana in relation to belonging to the whenua through our identity which is imbedded in our hapū (pregnancy), whenua (placenta), the pito (umbilical cord) and iwi (bones). Furthermore, Durie (1987:78) further highlights the tikanga of what this relationship to the whenua looks like

'In the beginning land was not something that could be owned or traded. Māori did not seek to own or possess anything, but to belong. One belonged to a family, that belonged to a hapu, that belonged to a tribe. One did not own land. One belonged to the land.'

Mana is inter-generational. If this generation of decision-makers allow a decision to be made that proves detrimental to the options available to future generations will their Mana be degraded over time? If the decision made causes a long-term adverse effect on the ecosystem of Te Wharau and Awakino Point it is inevitable that this will lead to adverse consequences for the Mana of this generation of kaumatua and kuia. While the potential for such effect may be considered minimal or minuscule by the applicant, it is not them that will bear a cultural cost.

7. Relationship to Te Wharau and Awakino Point

The relationship to Te Wharau and Awakino Point for Mana Whenua needs to be recognised as having legal standing within sections of the RMA; that being the relationships with our culture and traditions associated with sites and wahi tapu, tributaries systems and other taonga of that vicinity; coupled with our status as kaitiaki and practitioners of kaitiakitanga.

- s6(e): As a 'matter of national importance', recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
- s7(a): Have particular regard for kaitiakitanga;
- s8: Take into account the principles of the Treaty of Waitangi.

The status of Te Roroa as Mana Whenua has not been disputed by other iwi and was recognised by the crown in Te Roroa Treaty Settlement 2008.

With consideration of the s5 of the RMA in terms of sustainable management; the applicant must have regard for indigenous planning concepts which will give effect to sections 6(e), 7(a) and s8. This is supported by Jolly (2020) who states:

“...CIA reflects the aspirations of the tāngata whenua side of a treaty partnership. In this sense, CIA has the potential to contribute to a treaty-compliant resource management regime: defined by the Waitangi Tribunal (2011) as one that enables iwi/hapū to express tino rangatiratanga in their traditional territories and is capable of delivering effective influence and appropriate priority to kaitiaki interests” Mana whenua have a range of relationships in their rohe, including kaitiakitanga, mahinga kai, ahikā, Māori land ownership, foresters, fishers, educators, employees/employers and members of the wider community.”⁶

7.1 Traditional Relationship

Te Roroa interests in this area is by virtue of whakapapa, take tupuna (inherited rights) and ahikāroa (long occupation). Te Roroa tikanga does not recognise that “affiliations over time” provide any basis for confirming the customary interests of Te Roroa.

There is a misconception that Te Roroa have common ancestry with Ngati Whatua. Iwi members acknowledge that individuals have whakapapa connections to Ngati Whatua and Ngapuhi throughout Taitokerau but these connections do not give those individuals their customary rights and interests in the Te Wharau and Awakino Point area. The connections with Ngati Whatua is to Mahuhu-ki-te-rangi Waka.

As complex and intricate as whakapapa can be, it is the foundation of Mana Whenua, Mana Wai, and Mana Moana rights and access to resources. Te Roroa claim their rights in this area through whakapapa. The TTG proposed development is within the recognised statutory rohe of Te Roroa.

Mana Whenua acknowledge traditional relationships derived from either whakapapa, marriage, conquest, gift, muru, social enterprise and seasonal resourcing. These traditional relationships can be described as methods of Māori 'land tenure'. But unlike Crown land tenure, Mana Whenua traditional relationships with the natural environment is intimate, transactional and transformative under the 'lore' of tikanga and kawa.

Te Kuihi hapu descend from the Te Roroa paramount chief Toa whose grandson Taramainuku adopted the hapū name Te Kuihi. Te Kuihi are tangata whenua of the Te Wharau and Awakino Point area and have a long history of settlement in the area for over 200 years. Oral histories have been recorded in Waitangi Tribunal findings that purport occupation pre European settlement up to 1840. In the years up to 1870, it is widely understood that increasing European settlement by missionaries, gum diggers, flax and timber traders, and service people such as storekeepers placed enormous pressure on Mana

⁶ Dyanna Jolly is from Whitebear First Nations in Canada. She has worked with iwi and hapu in Aotearoa since 2003 to prepare IMP's and CIAs. She is currently a PhD candidate with Te Whare Wananga o Otago.

Whenua and Tangata Whenua in the Kaipara area. Māori enterprise and trade was vibrant and common practice pre European settlement.

7.2 Wai

Mana Whenua believe that water is the very life force of our people, a basic and core element providing for our own existence. The labyrinth waters flowing together from of the many rivers are elaborated in the whaikōrero of our tūpuna.

Within Te Roroa oral histories, Te Roroa tupuna, Tuputupuwhenua was metaphorically described as a 'spring gushing from the earth' from which all the life giving waters of the land were sourced. Further, numerous whakataukī, pūrākau, taniwha and mahinga kai have been recorded through the naming of water systems and land features which establishes the depth and closeness to the land, water and resources to mana whenua.

7.3 Cultural Relationships

Mana Whenua hold a historic and contemporary cultural relationship with the Te Wharau and Awakino Point area that continues unabated today. This relationship is affirmed through mana whenua, mana wai, and mana tāngata. Historical connection and whakapapa ahikaroa for generations with Te Wharau and Awakino Point. Cultural relationships are ongoing and vibrant in history and in living memory and cumulative. Garth Harmsworth (2002b) asserts Māori culture and its associated values and knowledge will only be realised if:

“...an indigenous renaissance that takes traditional concepts and values and set them equally in a contemporary context next to Western concepts and values, as a basis for living”⁷

Culture is not adequately defined in the RMA, it is recognised as having separate, distinct, and integral role in sustainable development and is gradually emerging out of the realm of social and economic sustainability and well-being. Through this assessment cultural well-being is pivotal in measuring impacts.

Cultural landscapes or cultural sites of significance. Ensuring the protection and preservation of the landscapes for future generations is paramount to the hapū and to the wider community. These sites hold great mana therefore, the greater the mana the higher the tapu that surrounds the area which means the superior the value of these sites are for mana whenua.

7.4 Community Relationships

In addition to Mana Whenua cultural and traditional relationship, Mana Whenua has articulated that they also value their relationship as locals (residents), employers, landowners and members of the wider community within the Te Wharau and Awakino Point area. Amongst the concerns raised were the potential socio-economic opportunities for other residents whose land can achieve benefits from the proposed development. Those being non-Māori residents.

7.5 Kaitiakitanga Relationships

To have 'particular regard for kaitiakitanga' under section 8 of the Resource Management Act 1991 in relation to the Te Wharau and Awakino Point area, is to understand the application of kaitiakitanga.

⁷ Garth Harmsworth is a senior environmental scientist based in Palmerston North and has worked for Manaaki Whenua-Landcare Research since 1992. His professional career spans over 37 years in resource management, land resource assessment, national environmental databases, GIS applications, and indigenous research.

Mana Whenua advocate that the proposed TTG must have provision for the application of kaitiakitanga.

Kaitiakitanga is the application of indigenous planning and resource management. Unfortunately, the practise of kaitiakitanga has been suppressed, degraded, and removed from the landscape through colonised planning practices, land loss and degradation of mauri.

In particular, a major Crown mechanism was legislation that marginalised and destroy the use of Mātauranga Māori. The Tohunga Suppression Act 1907 had an enormous impact on the transference of matauranga kaitiakitanga.

Kaitiakitanga was transmitted through pūrakau, waiata, karakia, and whakatauki, to name but a few known methods. In addition, the access of use of resource through mahinga kai and creative methods, to name a few, have held vital planning discourse or ‘best practice’ methodology that sustained the natural environmental. However, for centuries our enculturation of resource management has been removed, diminished and ‘particular regard’ for kaitiakitanga and its practice has been ‘pigeon-holed’ to one section of the Resource Management Act.

Currently, the ability to practice kaitiakitanga for whanau, hapu, and haukainga is somewhat undermined through systematic misunderstandings of what matauranga means and its benefits to the environment. Pigeonhole to fit in a Pakeha scientific model which requires repeated justification.

Mana Whenua are committed to ensuring that today’s kaitiaki will play a significant future role in the management, monitoring and protection of their environment. In the last 3 years, Mana Whenua and government agencies have been making a concerted effort and provision towards inclusive decision making which incorporates matauranga Māori.

7.6 Treaty Relationships

Mana Whenua have a further relationship as a Treaty partner to the Crown. Settlement for both Mana Whenua gave provision for mechanism designed to give effect to their status as a Treaty partners, part of which includes various Statutory Acknowledgement and Memorandum of Understanding/Mana Enhancement Agreements with local government bodies.

The current proposal is also a direct result of the applicant giving effect to Mana Whenua relationship to the Crown.

While the RMA fails to adequately devolve the Crown’s Tiriti responsibilities to Māori, Mana Whenua still expect their status and position as Tiriti partners to be acknowledged an upheld through all resource consent application in their respective rohe.

7.7 Cultural Sites

For Te Roroa, the entire rohe is a cultural landscape that is entrenched with identity and significance. The character of the rohe particularly in the project area is made up of the integral parts such as Tunatahi, Parore, Waihue, Kaihu Awa, Te Wharau, Awakino Point and Northern Wairoa Awa. The land on which the Tripartite Group proposed development is significant due to its place within this landscape, as well as the proximity to the aforementioned areas.

Below is a list of specific sites and areas of cultural significance in the Tunatahi area. (Table 2)

Table 2

Name	Description	Cultural Activity	Cultural Values	Cultural Value
Te Wharau	Te Wharau is a significant place where our tupuna resided and utilised as a mahinga kai.	Kainga, Mahinga Kai	Matauranga Maori, Muri, Tikanga/Kawa	High
Awakino	Awakino is a significant place where our tūpuna passed through, gathered kai or resided.	Kainga, Mahinga Kai	Matauranga Maori, Muri, Tikanga/Kawa	High

Tunatahi	Tunatahi (Dargaville) is a significant place where our tupuna resided and utilised as a mahinga kai and meeting place where waka would arrive or depart from.	Kainga, Mahinga Kai, Wahi Tapu	Matauranga Māori, Mauri, Tikanga/Kawa	High
Parore	Parore (named after Chief Parore Te Awha) is a significant place where our tupuna resided and utilised as a mahinga kai and meeting place where waka would arrive or depart from.	Kainga, Mahinga Kai, Wahi Tapu	Matauranga Māori, Mauri, Tikanga/Kawa	High
Waihue	Waihue is a significant place where our tupuna resided and utilised as a mahinga kai and meeting place where waka would arrive or depart from.	Kainga, Mahinga Kai, Wahi Tapu	Matauranga Māori, Mauri, Tikanga/Kawa	High
Kaihu River	The Kaihu River is a living entity with its own mauri, wairua and mana. It sustains flora, fauna and human spiritual and physical wellbeing within the area.	Mahinga Kai, Wahi Tapu, Wahi Tohu, Wai Māori	Matauranga Māori, Mauri, Tikanga/Kawa,	High
Northern Wairoa River	The Northern Wairoa River is a living entity with its own mauri, wairua and mana. It sustains flora, fauna and human spiritual and physical wellbeing within the area.	Mahinga Kai, Wahi Tapu, Wahi Tohu, Wai Māori	Matauranga Māori, Mauri, Tikanga/Kawa,	High

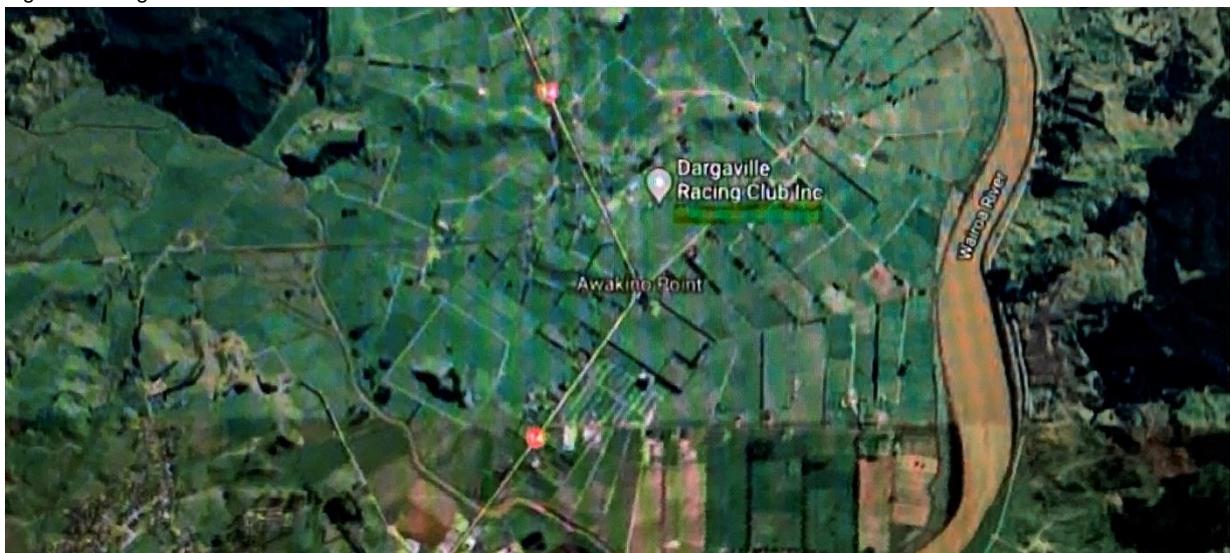
8. Cultural Impact Assessment

8.1 Assessment Site

The following impact assessment is to identify the potential effects of the proposed development on Mana Whenua.

The proposed development footprint is approximately 47ha and currently privately owned land. Te Roroa Marae, Te Houhanga Marae is situated in the Tunatahi area and is the closest Marae to the development site.

Figure 3. Google Earth



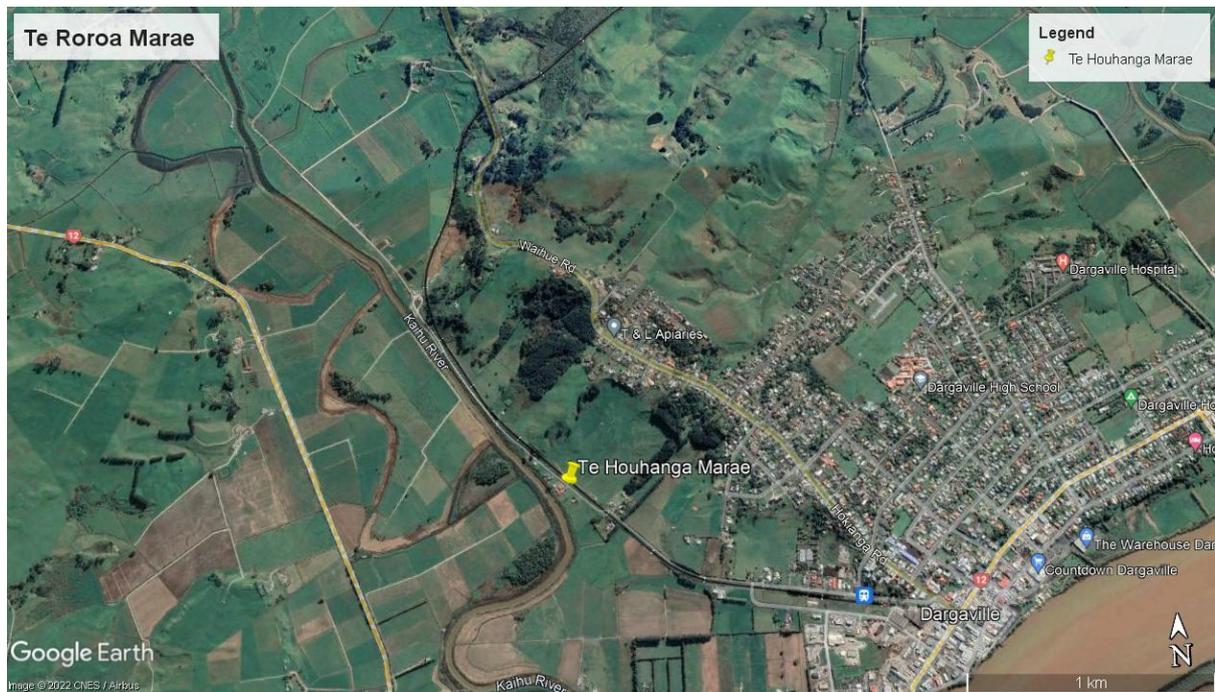


Figure 4. Te Roroa Marae in the area.

8.2 Purpose of Cultural Impact Assessment

The purpose of the CIA is to assess the level of effects adverse or otherwise of the proposal on Mana Whenua cultural, traditional, spiritual and heritage values, and to provide appropriate recommendations to avoid, remedy or mitigate potential or actual effects on those values. Mana Whenua key values have been expressed in section 3 with the following associated values:

- Cultural heritage sites, landmarks, landscapes and significant features (i.e. Archaeological Sites);
- Effective and efficient land use planning with positive environmental management and outcomes;
- Ecosystem health and sustainable development;
- Integrated catchment management;
- Wetland and estuary restoration;
- Sustainability of water and water quality;
- Protection of indigenous flora, fauna and indigenous vegetated areas;
- Protection of native species and ecological habitats;
- The practise of ethnobotany⁸ ; and
- The preservation of the Māori language, stories, culture and cultural practices, as some examples.

Note: This CIA is an assessment based on cultural values. It is not intended for use as an archaeological assessment. Such assessments can only be provided by a professional and suitably qualified Archaeologist.

⁸ The study of how people of a particular culture and region make use of indigenous (native) plants.

8.2.1 Effects on Mana Whenua Wellbeing

The identification of effects on Mana Whenua is framed on the definition of ‘environment’ (section 2 of the RMA) and ‘effect’ (section 3 of the RMA). Taken together these two definitions provide some general context to articulate what the effects are to Mana Whenua:

‘Environment’, under the RMA, includes:

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) all natural and physical resources; and
- (c) amenity values; and
- (d) the social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) or which are affected by those matters

‘Effects’ include:

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

This section addresses the requirement by the applicant to complete an ‘Assessment of Environmental Effects’ of the proposal. While there are well recognised tools and processes for assessing effect on most bio-physical matters as well as economic and social values, there are few recognised tools for undertaking assessment on the cultural effects.

Therefore, the assessment framework is taken from an integrated approach formulated by the Ministry of Culture and Heritage in conjunction with Local Government to explore how regional councils are approaching their obligations to cultural well-being. The extract below, taken from the report, articulates four well-beings which are fundamental concepts liken to interconnectedness of Te Ao Māori. The effects addressed below are hierarchal. The categories include; biophysical, cultural, economic and social effects.

8.3 Bio Physical Effects

8.3.1 Land Stability

Land use within the project area is primarily pastoral farming. The Te Wharau and Awakino Point area was broadly vegetated in “kauri/taraire-kohekohe-tawa forest” and “wetlands”. (Leathwick et al., 2004). The predominant landcover in the Te Wharau and Awakino Point area is grazed exotic pasture.

8.3.2 Climate Change

Climate change needs particular regard under section 7(i) of the RMA. It is important to Mana Whenua and considerations must be recognised given the direct affects to the natural environment. Climate change will influence the socio-ecological practices of mahinga kai and matauranga held by Te Roroa elders.

8.3.3 Waterways, Sedimentation and Biodiversity

The Te Wharau and Awakino Point area is a significant cultural area. The extent of earthworks in the project area is on a large scale with an estimated 23,375m³. This activity may require Erosion Control Management Plan to adhere to Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region 2016 (GD05) and should ensure that sedimentation is managed as much as possible with works on this scale.

The health of the waterways in the project area is highly significant to Mana Whenua. Any degradation through poor sediment controls are of high concern.

8.3.4 Biodiversity – flora and fauna

Manuka and Kanuka and other divaricating species hold whakapapa to the area, enhance the mauri of the area, provide habitat and are significant cultural resources.

Care will need to be taken to make sure that bird species are not put at risk during the construction stage especially if birds may be nesting.

Planning Considerations:

- Suggested that replanting plan incorporate Matauranga to mitigate land instability with expert advice and input from Mana Whenua;
- Erosion Controls shared with Mana Whenua during the construction stage for better cultural monitoring requirements;
- Revegetation plants should be sourced from Mana Whenua owned and operated nurseries;
- To assist fulfilling plant orders, Mana Whenua should be informed as early as possible the required species needed for revegetation planting.

8.4 Cultural Effects – Wahi Tapu, Sites and Taonga

As discussed earlier the Te Wharau and Awakino Point area has a history of pre- European Māori settlement. There are multiple sites of significance, wahi tapu and other taonga known and not known throughout the landscape. While some of these sites are on public record (including council databases and the Archaeological Association), many are not.

It is accepted by Mana Whenua that Te Wharau and Awakino Point is an area where koiwi (human remains) are likely to be unearthed. The footprint of the proposed development area is likely to see high volumes of earthworks.

There has been occasions in the area where known landscapes were used to hide taonga by Māori due to its preservation properties.

Planning Considerations

- The applicant must take a proactive approach by consulting with Mana Whenua prior to work commencing.
- That a blessing takes place before the breaking of the whenua is undertaken at the direction of Mana Whenua.
- All relevant contractors involved in the construction undergo a 'cultural induction' to ensure the significance of koiwi and other taonga are understood and the associated protocols are followed should a deposit be discovered.
- Mana Whenua Kaitiaki appointed by Te Roroa Whatu Ora and Manawhenua Trust, with the guidance of Te Houhanga kaumatua and kuia, are present at all earthworks to ensure the appropriate identification of sites of significance are undertaken.

- If remains are uncovered, work is to stop immediately, the site is to be protected and Te Roroa Whatu Ora and Manawhenua Trusts are contacted.
- In the event that a taonga or artefact is discovered in the course of this project the ownership of such artefacts or taonga will be returned to Te Roroa Manawhenua Trust. All decisions pertaining to these taonga will remain with Te Roroa Governance.
- All obligations and responsibilities of the applicant (consent holder) with regard to the above will be passed on to any contractor completing the work on their behalf.

8.5 Effects on Kaitiakitanga

As kaitiaki, we are responsible for both the knowledge (matauranga) and the practice (tikanga) of kaitiakitanga in relation to the resource. Mana whenua reflect that this responsibility is not a right, but a duty bound by tikanga.

Kaitiakitanga requires the recognition and empowerment of kaitiaki as the implementers. The role of kaitiaki would traditionally belong with a particular whanau or person or where tribal processes nominate kaitiaki in relation to a particular resource. The taiapure system is one where the equivalent of a kaitiaki group is appointed to carry out management functions.

Education, training and employment are components that play an integral part of their social, cultural and economic well-being.

Cultural monitoring is necessary to track the effectiveness of incorporating Māori values, tikanga, and mātauranga Māori values for the consent application. It enables Mana Whenua to carry out its Kaitiakitanga responsibilities, integral to maintaining and effectively managing its resources and economic benefits for its people into the future.

Planning Considerations

- Any future consent conditions are consistent with Mana Whenua Kaitiaki monitoring protocols;
- That the contractor incorporates tikanga Māori values in their Health and Safety Plan;
- Mana Whenua Kaitiaki monitors adequately resourced to undertake training to;
 - Ensure that there are sufficient numbers of kaitiaki to monitor;
 - Meet the Health and Safety requirements of the contractors;
- Kaitiaki are compensated accordingly for continued kaitiakitanga monitoring after the construction;
 - That ongoing Kaitiakitanga post construction;
 - Maintenance of the replanted vegetation;

8.6 Social and Economic Effects

A key focus for Mana Whenua has been the proposed development and economic benefits for Te Roroa Marae and whanau. Whilst this is a key focus for Te Roroa social and economic development, the protection of our significant cultural and environmental sites supersedes those aims.

8.7 Other Effects

A key consideration for Mana Whenua, Tangata Whenua and Te Roroa is the land status for the proposed development area. To this matter, Te Roroa supports Te Kuihi in their pursuit to establish that their ancestor gifted this whenua for the Dargaville community. Whilst this land has since been passed over to other owners in the ensuing years it has been well documented that Maori land had been taken by various means including alienation and public works. It is critical that the land status of

the area being proposed for development, the current Dargaville Racing Club site, is resolved for Te Kuihi **prior to any action taken on the land.**

9. Recommendations

9.1 Request for meeting between Te Roroa, Te Kuihi and the Tripartite Group to discuss the following;

- i. Land Status
- ii. Clear process and transparency for determining land status
- iii. Historical land status accounts
- iv. Mana Whenua

9.2 Request for Private Plan Change conditions

- i. Te Roroa requests a copy of the final Private Plan Change conditions.

9.3 Construction

- i. No construction to be undertaken until land status has been resolved.
- ii. Mana Whenua requests that any proposed development is constructed away from wetlands or with bunding measures and collection of contaminated water for treatment, disposal at an approved location or re-use facility;
- iii. Commitment to stormwater control on the proposed development area that restricts impact to waterways and wetlands;
- iv. Ensure measures that nesting birds aren't put at risk by the proposed construction and users;

9.4 Kaitiakitanga: Construction and Cultural Monitoring

- i. That the applicant engages with Mana Whenua at least 1 month prior to any works commencing with a program of works.
- ii. At least twenty (20) working days' notice, the Consent Holder (TTG) shall engage, at their full expense, Mana Whenua Kaitiaki to undertake the following:
 - a. A blessing from a Kaumatua is undertaken to ensure the 'state' of hau ora (holistic health) is maintained;
 - b. Mana Whenua Kaitiaki attend an onsite pre-works meeting with the Contractors/Consent Holder;
 - c. Cultural monitoring to be undertaken for the topsoil stripping and removal of earth to create the TTG;
 - d. Mana Whenua will provide a formal letter to Council confirming that upon completion, cultural monitoring has been provided for to the satisfaction of Mana Whenua.

9.5 Northern Wairoa Awa Monitoring

- i. Any future works shall ensure that mitigation measures are robust to prevent impacts of increased runoff from entering the Northern Wairoa Awa;

- ii. An electronic copy of the Erosion and Sediment Control Plan is provided to Mana Whenua once the plan has been completed;

9.6 Whenua. Accidental Discovery Protocols (ADP) – Archaeological Sites

- i. If archaeological remains or buried cultural deposits are encountered at any time and Mana Whenua Kaitiaki are not present or layers of shell midden, charcoal rich or burned soils, oven stones, artefacts and an archaeologist and Mana Whenua Kaitiaki are not present, the consent holder should cease work in the immediate vicinity and Te Roroa Whatu Ora & Manawhenua Trusts and Heritage New Zealand are contacted for advice on how to proceed.

9.6.1 In cases other than suspected human remains:

- i. The contractor must shut down all machinery, immediately, secure the area and advise the Consent Holder or proponent and Kaipara District Council of the occurrence. The Consent Holder or proponent must then notify Heritage New Zealand Pouhere Taonga office so that the appropriate Consent procedure can be initiated.
- ii. The Consent Holder or proponent must consult with an iwi representative (Mana Whenua will provide contact details) to determine what further actions are appropriate to safe guard the site.

9.6.2 Where human remains are suspected:

- i. The contractor must take steps immediately to secure the area in a way that ensures human remains are not further disturbed. The contractor shall advise the Consent Holder or proponent of the steps taken.
- ii. The contractor shall notify the Police, Heritage New Zealand, Te Roroa/Te Kuihi (who will in turn, notify their nominated kaumatua) and Te Roroa/Te Kuihi Kaitiaki (if not present for cultural monitoring) within 12 hours of the suspected human remains being disturbed, or otherwise as soon as practically possible.
- iii. Excavation of the site shall not resume until the Police, Heritage New Zealand and Te Roroa representatives have each given the necessary approvals for excavations to proceed.

9.7 Future Consent Applications / Additional Works

- i. In the event future resource/building consent applications are applied for additional engagement and a Cultural Assessment Addendum will be required.

9.8 Advice Note

- i. That any future consent holder engage Mana Whenua on the following recommendations;
 - 1. Building Capability and Capacity**
 - a. Mana Whenua should be considered for employment during the construction phase.
 - b. Mana Whenua should receive employment or contract for service opportunities for any maintenance contracts on the proposed development area.
 - c. The data collected from monitoring the proposed development area should be collated into an education format that can be delivered to local schools and marae to educate future kaitiaki about the benefits and risks associated to a large scale development.
 - 2. Supporting Mana Whenua Enterprise**
 - a. Revegetation, riparian and buffer planting - plants should be sourced from Mana Whenua-owned and operated nurseries.

- b. To assist fulfilling plant orders, Mana Whenua should be informed as early as possible the required species needed for revegetation planting.
- c. That Mana Whenua are instrumental in the plant selection and source of plants.

3. Future Impact Assessment

- a. Mana Whenua need a distinct process of expressing their voice regarding the ongoing social impacts that will result from this project.

10. References

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